

SECTION 106 PROGRAMMATIC AGREEMENT ANNUAL REPORT

JULY 1, 2017 - JUNE 30, 2018



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

September 2018

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, 2017, through June 30, 2018, 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 1305 federal-aid highway projects during the reporting period. Of these, 78 projects required external review by the State Historic Preservation Officer (SHPO) (30 for concurrence on determinations of eligibility only). Eight projects resulted in a finding of adverse effect, and will require preparation of agreement documents 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 were three 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 situations, consult with interested parties to consider effects to the resources, and mitigate potential adverse effects. A discussion of these incidents begins on page 10.

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 2018 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 14-15.

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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Attachment 1

PA ACTIVITIES 2005-2018

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 by delegating Federal Highway Administration’s responsibility for carrying out the routine aspects of the Section 106 process to the California Department of Transportation. 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. The Chief of the Cultural Studies Office in the Division of Environmental Analysis (DEA) is responsible for certifying the qualifications of all PQS. Caltrans PQS are responsible for ensuring that 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, 2017, and June 30, 2018. 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 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, as well as assumptions of eligibility for the purposes of an undertaking when special circumstances preclude their complete evaluation. Less than six 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 1305 Federal-Aid Highway projects during the state fiscal year 2017-18. The majority of these projects, 1039 (80 percent), were exempted from further Section 106 review after appropriate review, or “screening,” by PQS.¹ An additional 181 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 37 Historic Property Survey Reports (HPSR) that included a No Adverse Effect with Standard Conditions (2.8 percent), requiring no consultation with SHPO. Caltrans Districts and CSO submitted 78 projects (6 percent) of the 1305 to SHPO for consultation between July 1, 2017, and June 30, 2018. Thirty of these SHPO submittals were for concurrence with determinations of eligibility only (accompanied by a notification of No Historic Properties Affected), while the other 48 submittals were for concurrence on Findings of Effect (either with or without accompanying determinations of eligibility). Of the 48 effect findings submitted to the SHPO, eight 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.

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 4, 5, 6, and 10 as the exceptions); likewise SHPO reviewed more State Highway System projects than Local Assistance projects.

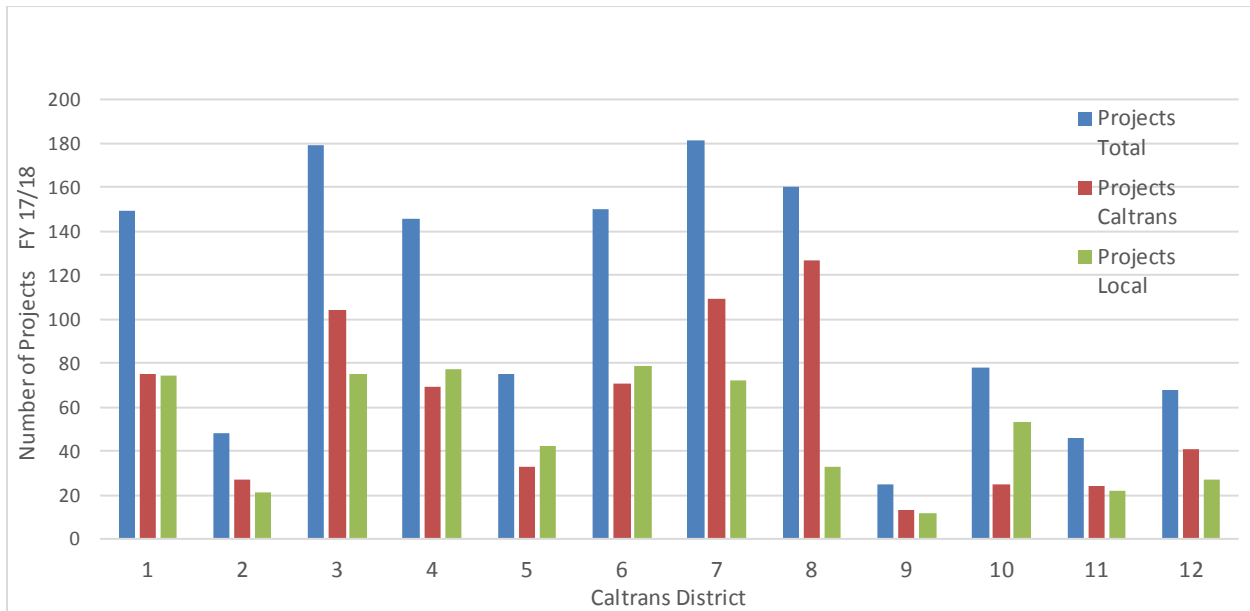
¹Under the 2014 PA, Stipulation VII specifies classes of undertakings identified in PA Attachment 2 as “screened undertakings” that will require no further review under the PA when the steps set forth in Attachment 2 are satisfactorily completed. Caltrans PQS are responsible for “screening” individual 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.

Table 1: Total Activities Completed - Fiscal Year 2017-2018

Projects Completed = 1305	
State Highway System Projects	718
Local Streets and Roads Projects	587
Number of Projects Screened = 1039 (80%)	
State Highway System Projects	565
Local Streets and Roads Projects	474
Number of Projects to File = 181 (14%)	
State Highway System Projects	97
Local Streets and Roads Projects	84
HPSRs to CSO = 37 (2.8%)	
State Highway System Projects	25
Local Streets and Roads Projects	12
Number of Projects to SHPO = 78 (6%)	
State Highway System Projects	31
Local Streets and Roads Projects	17
State Highway System Projects – Determinations of Eligibility only	9
Local Streets and Roads Projects – Determinations of Eligibility only	21

Figure 1: Federal-Aid Highway Projects - Fiscal Year 2017-18



PROJECT COMPLIANCE ACTIVITIES

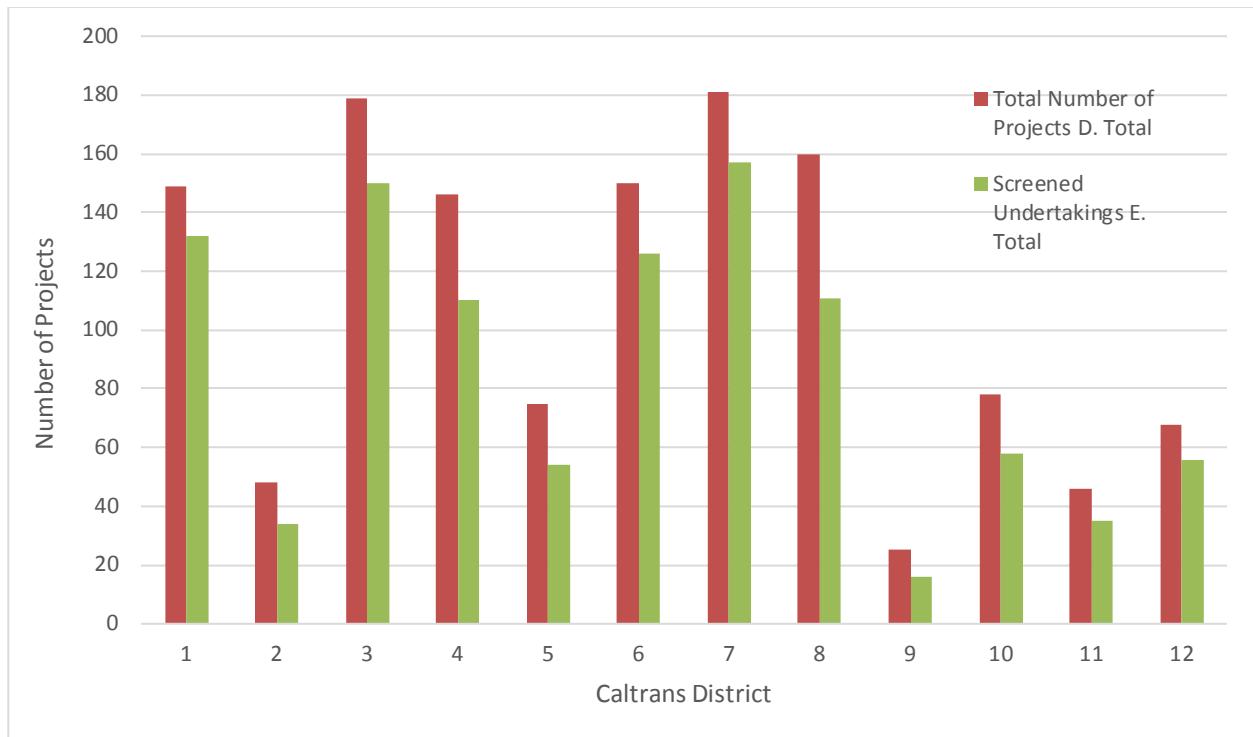
Projects Exempt from SHPO Review

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, 1039 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 2017-2018



Projects Requiring SHPO Review

Identification and Evaluation Activities – Fiscal Year 2017-2018

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. Of the 1305 Federal-Aid Highway projects processed during the state fiscal year 2017-18, 58 (4.4 percent) required eligibility evaluations, which were sent directly to the SHPO by District PQS for concurrence on eligibility determinations. Thirty of these were for concurrence with determinations of eligibility only, accompanied by a notification of No Historic Properties Affected. The remaining 28 were accompanied by a Finding of Effect, either to CSO with standard conditions or to SHPO.

Stipulation VIII.C.4 allows for the assumption of eligibility, subject to CSO approval, for the purposes of an undertaking when special circumstances preclude their complete evaluation, such as restricted access, large property size, or limited potential to effect. The use of this stipulation allows District PQS to move on to analysis of effects when evaluation is not possible or feasible. Of the 1305 Federal-Aid Highway projects processed during the state fiscal year 2017-18, 37 (2.8 percent), received CSO approval to assume eligibility for the purposes of the undertaking. These above findings are represented in Table 3.

Table 2: Property Evaluation Activities

TYPE OF EVALUATIONS	FY TOTAL*
Determinations of Eligibility that received concurrence	58
Assumptions of Eligibility	37

*Number of projects, not number of individual properties.

Effect Findings - Fiscal Year 2017-18

Of the 1305 projects, 181 projects resulted in a Finding of No Historic Properties Affected (Table 3).. 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 37 NAE-SC findings. During the reporting period, CSO objected to none of the Findings of NAE-SC once comments had been addressed through revisions.

Forty projects resulted in Findings of No Adverse Effect *without* Standard Conditions and

eight 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 78 projects that resulted in effect findings requiring consultation with CSO and the SHPO represent only 6.0 percent of the 1305 Federal-Aid Highway projects processed during this reporting period. These above findings are represented in Table 3.

Table 3: Effect Findings

TYPE OF EFFECT FINDINGS	FY TOTAL
No Historic Properties Affected	181
No Adverse Effect with Standard Conditions	37
No Adverse Effect	40
Adverse Effect	8

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 4, 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 4: 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 1305 federal-aid highway projects Caltrans processed, only 78 were submitted to the SHPO. Of the 78 projects, SHPO provided concurrence on findings presented for 60 projects within the 30-day review period.

Time Savings for Effect Findings

Table 5 below compares the timeframes for review of effect findings under the 2014 PA to those of 36 CFR Part 800.

Table 5: 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 as part of the Determination of Eligibility submittal, 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.

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.

POST-REVIEW DISCOVERIES, UNANTICIPATED EFFECTS, 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 4 NAP SON Var Wildfires – Emergency procedures

Beginning on October 8, 2017, large portions of California were devastated by several wildfires. The Governor declared a State of Emergency for Napa, Sonoma, and Yuba counties in response to the Tubbs, Atlas, and Cascade Fires (October 9, 2017), and Butte, Lake, Mendocino, Nevada, and Orange counties in response to the Cherokee, LaPorte, Sulphur, Cascade, Redwood Valley, Lobo, and Canyon Fires (October 9, 2017).

Caltrans initiated consultation with the SHPO on November 6, 2017, per Stipulation XVI.B of the Section 106 PA, with a request for a 30-day extension of the period of applicability to use the Emergency stipulations for areas affected by the October 2017 wildfires. The SHPO approved a 30-day extension until December 8, 2017, and then subsequently approved a second 30-day extension of the period of applicability for the emergency on December 9, 2017, extending it to January 7, 2017.

Two Undertakings utilized Stipulation XVI: EA 04-0Q910 LNU Complex Emergency Repairs in Napa, Sonoma, and Lake Counties; and EA 04-0Q900 LNU Complex Emergency Repairs in Napa, Sonoma, and Lake Counties. Both emergency repair efforts had anticipated Findings of No Adverse Effect with Standard Conditions — Environmental Sensitive Areas (ESA) and SHPO was notified.

District 5 SB 192 Montecito Bridges – Emergency procedures

On January 9, 2018 mudslides occurred in Montecito as a result of heavy rainfall in areas burned by the Thomas Fire in December 2017. On December 7, 2017, Governor Brown issued an emergency proclamation for Santa Barbara County, and a Presidential Major Disaster Declaration was approved on January 2, 2018. On January 11, 2018, after the mudslides occurred, Governor Brown announced that FEMA had expanded the major disaster declaration to include damages from the January 9th mudslides.

Five bridges were damaged in the mudslides, including the Arroyo Parida/Paredon Bridge (#51C-043). Because of extreme damage to the bridge caused by the mudslide, the structure no longer appeared eligible for the NRHP due to a loss of integrity of design, materials, workmanship, association and feeling resulting from the loss of many of the character defining features of the bridge. The County prepared a Historic Resources Evaluation Report and updated the existing DPR 523 forms, reevaluating the bridge as not eligible for the NRHP. SHPO concurred on April 12, 2018.

District 2 SHA 5 Antlers Bridge Replacement – Inadvertent Effect

On October 11, 2017 a known National Register Eligible Property was affected in an unanticipated manner during the demolition activities associated with removal of trestle piles surrounding Pier 4. The discovery consisted of approximately 0.2 cubic meter of charcoal

bearing sandy loam with a single flaked stone item that was recovered from sediments within a plugged trestle pile. No other cultural materials were observed. The charcoal bearing sediments were separated from the sterile material and were transported to be stored and secured. The discovery was assumed eligible and addressed per the Discovery Plan for the project, and the district developed a Modified Plan in order to compensate for the nature and extent of the new discovery. District 2 consulted with the Shasta Trinity National Forest -United States Forest Service, Winnemem Wintu Tribe, and SHPO.

District 8 SBD 138 Realignment Crowder Canyon – Post-Review Discoveries and Inadvertent Effects

On August 8, 2017 and February 16, 2018 resolution of adverse effects to inadvertent discoveries at site CA-SBR-114 were coordinated with CSO, SHPO, United States Forest Service, and San Manuel Band of Mission Indians. The effects were resolved following a Treatment Plan agreed to by all consulting parties.

On March 12, 2018 unanticipated impacts to known site CA-SBR-113/H were resolved in coordination with CSO, SHPO, and San Manuel Band of Mission Indians. The effects were resolved following a Treatment Plan agreed to by all consulting parties.

On April 26, 2018 reburial of an inadvertent discovery in order to resolve adverse effects to site CA-SBR-3328-3 was coordinated with CSO, SHPO, and San Manuel Band of Mission Indians. The effects were resolved following a Treatment Plan agreed to by all consulting parties.

District 10 CAL 49 Angels Camp – Inadvertent Effect

On August 29, 2017 Caltrans notified SHPO of inadvertent effects to a potential historic-era resource as the result of construction activities. During a maintenance overlay project, a rock retaining wall holding up the roadway failed during the paving activities. The rock retaining wall was not previously identified in surveys or record searches due to its location beneath the roadbed and limited visual access. It was unknown if the rock wall or its associated parcel were historic properties, so the properties were evaluated for National Register eligibility. On November 7, 2017 SHPO concurred that the properties were not eligible and no further construction impacts reporting was necessary.

District 1 MEN 101 Laytonville – ESA Violation

On August 25, 2017 Caltrans notified SHPO of a potential ESA breach on the Laytonville Emergency Project. Several ESAs have been established for this project and the ESA in question was established to protect CA-MEN-497, and included orange road cones, ESA markings, and the condition that an archaeological monitor had to be present during all construction activities in the vicinity of the ESA. The archaeological monitor set up the cones and marked ESA on the shoulder in preparation for the start of work. The archaeological monitor contacted the construction contractor to remind them to provide him notification to be in the field. The contractor responded that he was under the impression that monitoring was no longer necessary, and work had already begun. The monitor went to the site following the conversation, and found that the cones had been removed, the ESA markings paved over, and the archaeological site appeared to have been used as an equipment staging area. The resident engineer admitted his mistake and was very apologetic. There did not appear to be any damage to the site. The construction contractor re-established the ESA using orange construction fencing mounted on floating posts (no ground disturbance), and a monitor was present for all

activities.

STATUS OF AGREEMENT DOCUMENTS AND ONGOING CONSULTATION

During fiscal year 2017-18, Caltrans and its partners executed or amended the following 10 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.

- D7 Arroyo Seco Safety Project MOA 07/27/2017
- D4 Huichica Creek Bridge Replacement MOA 09/13/2017
- D7 Glendale-Hyperion MOA amendment 12/22/2017
- D10 Miner Ave Complete Streets Project-PA 12/22/2017
- D7 Schuyler Heim Bridge MOA amendment 01/30/2017
- D3 Martis Valley Bike Trail MOA 02/05/2018
- D8 Mount Vernon Ave Bridge MOA amendment 03/09/2018
- D3 Camino Safety Project Project-PA 03/21/2018
- D2 Cassel Fall River Bridge Project-PA 03/23/2018
- D7 110 Flyover MOA 04/05/2018

The above listed agreement documents are available upon request. During fiscal year 2017-18, Caltrans terminated or closed out eight agreement documents from previous years.

- D7 La Loma Bridge MOA 12/22/2017
- D1 Somes Bar Emergency MOA 10/26/2017
- D2 Bowman Road Bridge MOA 01/10/2018
- D7 Santa Monica Cal Incline MOA 01/16/2018
- D5 Cabrillo Blvd. Bridge MOA 03/05/2018
- D7 405 HOV Lane Widening MOA 04/02/2018
- D9 Dehy Park MOA 06/06/2018
- D10 Navy Dive MOA 06/06/2018

PQS reported additional projects with existing executed agreement documents were in place for projects in various stages of the project development process. Seventeen 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 the Cultural Resources Functional Workshop for statewide cultural staff in Los Angeles in October 2017. The weeklong workshop brought together cultural staff statewide for training; to share work experiences, approaches/methods, and findings; and work in focused task groups addressing common statewide issues and problems. Over 80 cultural staff attended the workshop, along with guest speakers from DEA, SHPO, and FHWA.
- CSO delivered one PA training session for PQS in Sacramento in January 2018. 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.
- Caltrans provided a one-hour Cultural Resources module at the two sessions of the Caltrans Environmental Academy in September 2017 and April 2018, which is mandatory training for all newly hired environmental planners.
- CSO delivered one session of a new class entitled Advanced Cultural Resource Procedures: Mitigation and Agreement Documents in May 2018. This advanced seminar focused on negotiating and writing MOAs and Project Specific Programmatic Agreements, determining effects for complex projects, and resolving adverse effects through creative mitigation. Due to high staff interest, a second session of the class is scheduled for February 2019.
- CSO revised the Historic Property Survey Report (HPSR) form, the summary document Caltrans uses in consultation and decision-making, in October 2017 to be shorter and more streamlined in hopes of eliminating confusion for both district staff and consultants.
- CSO maintains the Caltrans Cultural Resources Database, which includes storage of cultural compliance documents to assist District staff in recordation and recordkeeping.
- CSO and OHP Project Review staff meet monthly to discuss district submittals and issues that may arise relating to Caltrans compliance with Section 106.
- CSO, and OHP Project Review staff hold quarterly statewide video teleconferences to discuss policy, procedures, and workload issues with District Staff.

- CSO maintains the bi-monthly Cultural Call Bulletin, which discusses implementation and interpretation of policy and dissemination of information relevant to all of Caltrans staff.
- 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 continues to visit the remaining districts during the current 18-19 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.

CONCLUSION

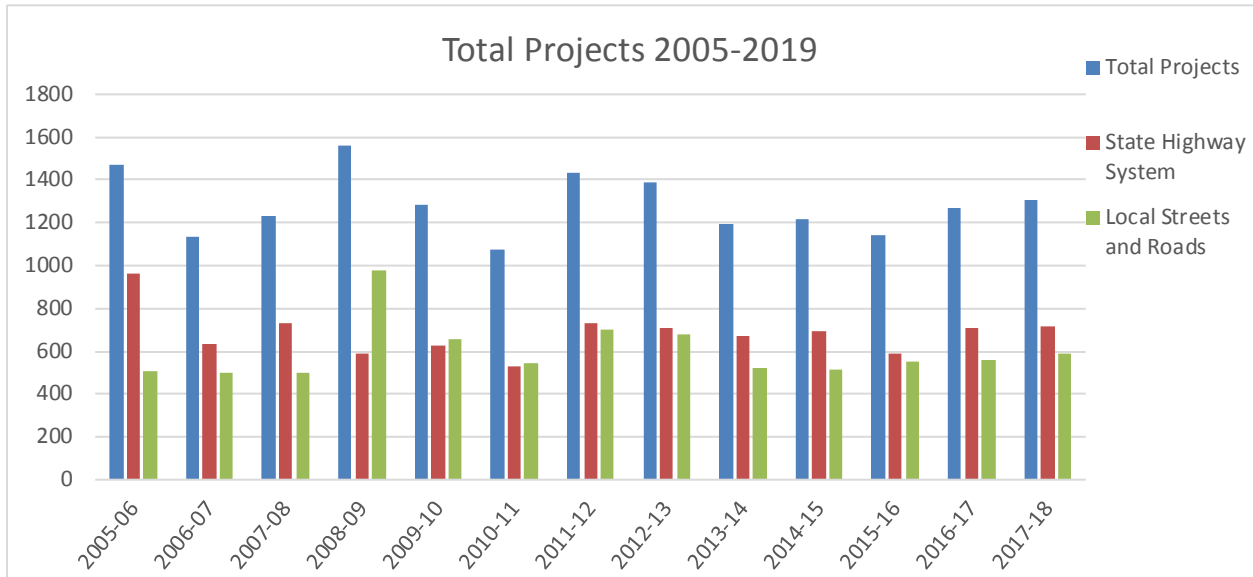
The information contained in this report demonstrates a steady and consistent program of compliance with the terms of the PA. During fiscal year 2017-2018, Caltrans District and CSO PQS processed 1305 Federal-Aid Highway projects. Of those, 1039 projects qualified as Screened Undertakings and were exempted from further Section 106 review. There were 181 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-seven projects were reviewed by CSO in accordance with Stipulation X.B.1. Forty-eight were submitted to SHPO for review, and eight of these projects resulted in a Finding of Adverse Effect, which will require additional consultation to resolve effects. Fifty-eight projects were submitted to SHPO for concurrence on determinations of eligibility, 30 of which were for eligibility determinations only.

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 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 2014 PA, and the best practices in the field of historic preservation.

Attachment 1 – PA ACTIVITIES Fiscal Years 2005-06 to 2018

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 16,698 projects. Of the 16,698 projects, 8,889 projects were on the State Highway System, (Caltrans) and the remaining 7,810 projects were on local streets and roads (Local Assistance) throughout the state.



The majority of the projects, 13,782 (or 83.88%) completed between fiscal years 2005-06 to 2017-2018 were classed as Screened Undertakings and only 909 of the projects (5.98% were submitted to SHPO for review. The remaining 2,313 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.

