SECTION 106
PROGRAMMATIC AGREEMENT
ANNUAL REPORT

JULY 1, 2020 - JUNE 30, 2021

CULTURAL STUDIES OFFICE
DIVISION OF ENVIRONMENTAL ANALYSIS
CALIFORNIA DEPARTMENT OF TRANSPORTATION
SACRAMENTO, CALIFORNIA
September 2021
EXECUTIVE SUMMARY

This report documents the effectiveness of and summarizes actions carried out under the January 1, 2014, First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal Aid Highway Program In California (Section 106 PA). The Section 106 PA was executed on January 1, 2014 and will expire on December 31, 2023. The reporting period is from July 1, 2020, through June 30, 2021, and is provided in accordance with stipulations XX.G.2 and XX.G.4 of the Section 106 PA. The California Department of Transportation (Caltrans) has employed the use of a Programmatic Agreement as an alternative measure to comply with Section 106 of the National Historic Preservation Act of 1966 (NHPA) since 2004.

The Section 106 PA incorporates Caltrans’ role as National Environmental Policy Act (NEPA) Lead Agency. The Federal Highway Administration (FHWA) first assigned this responsibility to Caltrans in 2007 as a pilot program under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA-LU) (Public Law 109-59). In July 2012, SAFETEA-LU legislation was replaced with the Moving Ahead for Progress in the 21st Century Act (MAP-21) (P.L. 112-141). Section 1313 of MAP-21 23 amended U.S.C. 327 to establish a permanent Surface Transportation Project Delivery Program, which allows any state to participate and allows states to renew their participation in the program. Caltrans was the first state to participate in this program. Through the Project Delivery Program Memorandum of Understanding (327 MOU), Caltrans maintains its assignment of FHWA’s (hereafter NEPA Assignment) responsibilities under NEPA and Section 106 of the National Historic Preservation Act (Section 106). Permanent assignment as NEPA Lead Agency became effective October 1, 2012. Due to its continued success in managing its NEPA responsibilities, Caltrans renewed the 327 MOU with FHWA in 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.
The results of this Annual Report reveal that Caltrans processed 1071 federal-aid highway projects under the Section 106 PA during the reporting period. Of these, 992 required no SHPO review and were treated in accordance with various stipulations governing internal review of identification, evaluation, and assessment of effects. A total of 79 projects required external review by the State Historic Preservation Officer (SHPO). Ten of these required only concurrence on determinations of eligibility due to resulting No Historic Properties Affected findings. Forty-two of the SHPO-reviewed projects resulted in findings of No Adverse Effect. Seven projects resulted in a finding of Adverse Effect, which will require preparation of agreement documents to address mitigation strategies for effects to historic properties. Fifteen projects were conducted under emergency procedures. The remaining five projects required project-specific programmatic agreements (PA) and will require further consultation on a final finding of effect. A summary of results of the actions completed in accordance with the Section 106 PA begins on page 2.

Caltrans districts reported one violation of an established Environmentally Sensitive Area (ESA) and no new instances of Inadvertent Effects during the current reporting period. A discussion of these incidents begins on page 12. There was one public objection to a Caltrans project during the current reporting period, discussed further on Page 20.

Quality assurance measures for this reporting period included on-going PQS review of Caltrans District reports by CSO staff and delivery of a virtual PA training for statewide PQS in February 2020. Other training presented by CSO and the District PQS was tailored to the needs of the individual districts and regions to improve the knowledge, skills, and abilities of internal Caltrans staff as well as external agency partners, consultants and Native American Tribes. These and other quality assurance measures are presented on page 21.

Through its mission, vision, and goals, Caltrans strives for innovation, quality and commitment to its stewardship of important public resources. The Section 106 PA is a valuable tool and its use is directly related to several of the Department’s goals: Cultivate Excellence; Strengthen stewardship and drive efficiency; and Advance equity and livability in all communities. Caltrans PQS meet these goals by promoting stewardship, partnering, and efficiency to meet the challenges of the current fiscal climate and provide balance with the project delivery process. Working with internal and external partners, Caltrans Section 106 practitioners take their role within Caltrans seriously, and through the Section 106 PA they
continue to seek innovative measures to comply with cultural resources laws and regulations while maintaining federal standards and ensuring that effects to cultural resources are taken into account during project planning. It is Caltrans’ judgment that the use of the alternative measures to comply with Section 106 provided by the Section 106 PA exceed the standards set by the Caltrans Mission, Vision, and Goals and continues to be an effective program alternative to standard compliance within the NHPA and its implementing regulations.
# TABLE OF CONTENTS

**EXECUTIVE SUMMARY** ....................................................................................................... ii  
**INTRODUCTION** ............................................................................................................... 1  
**SUMMARY OF SECTION 106 PA ACTIONS** ..................................................................... 3  
**2020-2021 PROJECT COMPLIANCE ACTIVITIES** ............................................................... 4  

- Projects Exempt from SHPO Review ........................................................................ 4  
- Projects Requiring SHPO Review .............................................................................. 6  
  
  - Identification and Evaluation Activities – Fiscal Year 2020-2021 ....................... 6  
  - Effect Findings - Fiscal Year 2020-21 ..................................................................... 7  

**EFFECTIVENESS OF THE PA** .................................................................................................. 8  

- FHWA Reviews and Approvals ................................................................................. 8  
- Estimated Time Savings ............................................................................................. 9  
  
  - Projects Not Requiring SHPO Review .................................................................. 9  
  - Evaluations Not Requiring SHPO Review ............................................................. 10  
- Projects Requiring SHPO Review ............................................................................ 11  
  
  - Time Savings for Effect Findings ......................................................................... 11  

**POST-REVIEW DISCOVERIES, UNANTICIPATED EFFECTS, ESA VIOLATIONS, AND EMERGENCIES** ............................................................................................................. 12  

- Emergency Procedures ............................................................................................... 13  
  
  - District 1. Slater Fire (FHWA_2020_0909_001) ..................................................... 13  
  - District 2. August Complex Fire (FHWA_2020_0909_001) .................................. 14  
  - District 2. Loyalton and Claremont Fires (FHWA_2020_0909_001) ................... 14  
  - District 2. Slater Fire (FHWA_2020_0909_001) ..................................................... 16  
  - District 3. North Complex Fire (FHWA_2020_0909_001) .................................. 16  
  - District 3. LNU Fire (FHWA_2020_0909_001) ....................................................... 17  
  - District 4. LNU Fire (FHWA_2020_0909_001) ....................................................... 17  
  - District 4. Meyers Fire (FHWA_2020_0909_001) ................................................... 18  
  - District 4. CZU Fire (FHWA_2020_0909_001) ....................................................... 18
PA Annual Report July 1, 2020– June 30, 2021

District 4. Glass Fire (FHWA_2020_0909_001) ............................................................... 19
District 6. SFQ Complex Fire (FHWA_2020_0909_001) ............................................... 19
District 6. Creek Fire (FHWA_2020_0909_001) ............................................................. 20
Post-Review Discoveries ............................................................................................... 20
ESA Violations and Inadvertent Effects ....................................................................... 21
  District 4. Gleason Beach Roadway Realignment ESA Violation (FHWA120803B) ................................................................. 21
PUBLIC OBJECTIONS ..................................................................................................... 21
  District 3. Del Rio Trail Project ................................................................................. 21
STATUS OF AGREEMENT DOCUMENTS AND ONGOING CONSULTATION ........... 22
QUALITY ASSURANCE MEASURES .............................................................................. 23
CONCLUSION ............................................................................................................... 24

TABLES
Table 1 Total Activities Completed - Fiscal Year 2020-2021 ............................................ 2
Table 2: Property Evaluation Activities ......................................................................... 7
Table 3: Effect Findings ................................................................................................. 8
Table 4: Section 106 Review Timeframes .................................................................... 9
Table 5: Review Timeframes for Effect Findings ......................................................... 11

FIGURES
Figure 1: Federal-Aid Highway Projects - Fiscal Year 2020-2021 ................................. 4
Figure 2: Screened Undertakings - Fiscal Year 2020-2021 ........................................... 6

Attachment 1
PA ACTIVITIES 2005-2021
INTRODUCTION

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

In accordance with Stipulations XX.G.1 and XX.G.2, this report documents the effectiveness of, and summarizes activities carried out under, the Section 106 PA. It covers actions for which Section 106 consultation concluded between July 1, 2020, and June 30, 2021. In addition to annual reporting and in accordance with Stipulation XX.G.3, Caltrans is required to provide the SHPO quarterly reports on findings made relevant to Stipulation X.B.1. A summary of those findings is included herein as well.

In addition to streamlining the Section 106 process for Caltrans, the Section 106 PA reduces the workload for the State Historic Preservation Officer though internal PQS review of routine projects. This includes district-processed Screened Undertakings, or those projects that do not involve any cultural resources, and CSO approved Findings of No Adverse Effects with Standard Conditions (NAE-SC), as well as assumptions of eligibility for the purposes of an undertaking when special circumstances preclude their complete evaluation. Less than 7.4% of
projects done under the Section 106 PA required SHPO review this reporting period. Caltrans staff ensures that all project documentation for undertakings that are not subject to SHPO review remain on file in the appropriate Caltrans District. In addition, when appropriate, Caltrans PQS provide documentation to consulting parties and the public in accordance with applicable confidentiality requirements. Delegation to PQS of the authority to perform many of the functions of the SHPO has enabled SHPO staff to concentrate efforts on the more complex projects that involve the formal evaluation of cultural resources and/or have potential for adverse effects to historic properties, as defined by 36 CFR 800.

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

**Table 1: Total Activities Completed - Fiscal Year 2020-2021**

<table>
<thead>
<tr>
<th>Projects Completed</th>
<th>1071</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Highway System Projects</td>
<td>693</td>
</tr>
<tr>
<td>Local Streets and Roads Projects</td>
<td>378</td>
</tr>
<tr>
<td><strong>Number of Projects Screened</strong></td>
<td>820</td>
</tr>
<tr>
<td>State Highway System Projects</td>
<td>547</td>
</tr>
<tr>
<td>Local Streets and Roads Projects</td>
<td>273</td>
</tr>
<tr>
<td><strong>Number of Findings of NHPA</strong></td>
<td>161</td>
</tr>
<tr>
<td>State Highway System Projects</td>
<td>83</td>
</tr>
<tr>
<td>Local Streets and Roads Projects</td>
<td>78</td>
</tr>
<tr>
<td><strong>Number of Findings of NAE-SC</strong></td>
<td>21</td>
</tr>
<tr>
<td>State Highway System Projects</td>
<td>15</td>
</tr>
<tr>
<td>Local Streets and Roads Projects</td>
<td>6</td>
</tr>
<tr>
<td><strong>Number of Completed Projects to SHPO</strong></td>
<td>79</td>
</tr>
<tr>
<td>State Highway System Projects</td>
<td>56</td>
</tr>
<tr>
<td>Local Streets and Roads Projects</td>
<td>23</td>
</tr>
<tr>
<td><strong>Number of Completed Determinations of Eligibility</strong></td>
<td>49</td>
</tr>
<tr>
<td>State Highway System Projects</td>
<td>28</td>
</tr>
<tr>
<td>Local Streets and Roads Projects</td>
<td>21</td>
</tr>
</tbody>
</table>
SUMMARY OF SECTION 106 PA ACTIONS

According to data provided by the District PQS, enumerated in Table 1, Caltrans processed 1071 Federal-Aid Highway projects during the state fiscal year 2020-21. Of those, 820 (76.5 percent), were exempted from further Section 106 review after appropriate review, or “screened,” by PQS.¹ An additional 151 projects (14.1 percent) that did not qualify as screened undertakings were completed with no outside review as findings of No Historic Properties Affected, since no consultation with the SHPO or CSO was required under the terms of the Section 106 PA.² CSO reviewed 21 projects that included an NAE-SC finding (2 percent), requiring no consultation with SHPO.

Caltrans Districts and CSO completed 79 projects (7.4 percent) that required SHPO consultation between July 1, 2020, and June 30, 2021. Ten of these SHPO submittals were for concurrence with determinations of eligibility (DOE) only (accompanied by a notification of No Historic Properties Affected). Forty-nine submittals (4.6%) were for concurrence on Findings of Effect (either with or without accompanying determinations of eligibility). Of the 49 effect findings submitted to the SHPO, seven were determined to have a Finding of Adverse Effect (AE) and will require additional consultation to resolve effects. Caltrans completed five programmatic agreements that will require further consultation on a finding of effect. Finally, Caltrans districts consulted with the SHPO on 15 emergency projects during the current reporting period. Fiscal year activities are depicted in Table 1 above and Figure 1 below; project-screening activities are delineated by Caltrans District in Figure 2.

Compared to previous reporting periods, the total number of Federal-Aid Highway projects increased. Staff experienced a significant increase in workload compared to the previous fiscal year due to a higher number of

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

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 determined eligible but will not be affected are located within the project limits.
screened undertakings, emergency projects and projects requiring agreement documents. Figure 1 is a graphical representation of the projects completed by each District and differentiated between Caltrans and Local Assistance projects. As with the preceding fiscal year, the current report findings show that Caltrans’ PQS 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.

**Figure 1: Federal-Aid Highway Projects - Fiscal Year 2020-2021**

2020-2021 PROJECT COMPLIANCE ACTIVITIES

**Projects Exempt from SHPO Review**

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

For the reporting period, 820 projects (76.5 percent) qualified as “screened undertakings” and were exempt from further review. The projects that were screened moved through the Section 106 compliance process promptly without the need for review by outside staff. Without the Section 106 PA, all the projects would have required review by SHPO and FHWA staff, causing a costly and time-consuming backlog of projects for the same period.

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

Identification and Evaluation Activities – Fiscal Year 2020-2021

In accordance with Stipulation VIII.C.6, District PQS consult directly with the SHPO when a property is formally evaluated for its potential eligibility for inclusion in the NRHP. The SHPO processed a total of 49 DOEs during the current reporting period, which were sent directly to the SHPO by District PQS for concurrence. Twenty-seven of the 49 DOEs were for projects that are not yet complete. Of the 1071 Federal-Aid Highway projects completed during the state fiscal year 2020-21, 22 (2 percent) required eligibility evaluations. Ten of these projects required only SHPO concurrence with DOEs, which were accompanied by a notification of No Historic Properties Affected. Eleven were accompanied by a Finding of Effect, either to CSO with standard conditions or to SHPO. One DOE led to a project-specific PA.

Stipulation VIII.C.4 allows for the assumption of eligibility, subject to CSO approval, for the purposes of an undertaking when special circumstances preclude their complete evaluation, such as restricted access, large property size, or limited potential to effect. The use of this stipulation allows District PQS to move on to analysis of effects when evaluation is not possible or feasible.
Caltrans CSO approved eligibility assumptions for a total of 42 undertakings during the current reporting period. The above findings are represented in Table 2.

**Table 2: Property Evaluation Activities**

<table>
<thead>
<tr>
<th>TYPE OF EVALUATIONS</th>
<th>FY TOTAL*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Determinations of Eligibility</td>
<td>49</td>
</tr>
<tr>
<td>DOEs with incomplete projects</td>
<td>27</td>
</tr>
<tr>
<td>DOEs with Finding of No Historic Properties Affected</td>
<td>10</td>
</tr>
<tr>
<td>DOEs with Finding of NAE-SC</td>
<td>1</td>
</tr>
<tr>
<td>DOEs with Finding of NAE</td>
<td>8</td>
</tr>
<tr>
<td>DOEs with Finding of AE</td>
<td>2</td>
</tr>
<tr>
<td>DOEs with Project Specific PA</td>
<td>1</td>
</tr>
<tr>
<td>Assumptions of Eligibility</td>
<td>42</td>
</tr>
</tbody>
</table>

*Number of projects, not number of individual properties.

**Effect Findings - Fiscal Year 2020-21**

Of the 1071 projects in the reporting period, 231 resulted in findings of effect. A total of 161 of these resulted in a Finding of No Historic Properties Affected. Documentation of a Finding of No Historic Properties Affected does not require SHPO consultation under the Section 106 PA. Ten of the 161 projects with a Finding of No Historic Properties Affected required SHPO consultation on DOEs prior to documenting this finding.

In accordance with the Section 106 PA, CSO reviews and approves Findings of NAE-SC, which may include establishment of Environmentally Sensitive Areas (ESA) or use of the Secretary of Interior Standard for Rehabilitation (SOIS). This finding requires that District PQS provide adequate documentation for CSO review. If CSO does not object to the finding within 15 days, the District may proceed with the undertaking. Caltrans is not required to seek the SHPO’s concurrence on an NAE-SC; however, CSO approval of the NAE-SC is contingent upon any comments received by SHPO on project documents reviewed in accordance with Stipulation VIII.C.6 or in compliance with California Public Resources Code Section 5024. CSO approved 21 NAE-SC findings (2 percent) in the current reporting period. Caltrans CSO objected to none of the Findings of NAE-SC once comments had been addressed through revisions.

Under the Section 106 PA, Caltrans consults with the SHPO on Findings of No Adverse Effect without Standard Conditions (NAE) and AE findings. These
findings require that the Districts submit all supporting documentation to CSO for quality control reviews. Caltrans CSO then consults directly with the SHPO on behalf of the Districts. Caltrans consulted on a total of 49 project findings with the SHPO during the current reporting period. Forty-two projects resulted NAE findings and seven resulted in AE findings. Twenty-one of these also required consultation with Caltrans Districts on DOEs. Table 3 includes a summary of the projects with findings of effect for the 2020-21 reporting period.

Caltrans CSO consulted with the Districts on a total of 75 (7 percent) projects during the current reporting period. Twenty-one of these projects included NAE-SC findings, which required no SHPO consultation. The remaining 54 projects included consultation with the SHPO on findings of NAE and AE or on the development of project-specific PAs.

Table 3: Effect Findings

<table>
<thead>
<tr>
<th>TYPE OF EFFECT FINDINGS</th>
<th>FY TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Historic Properties Affected</td>
<td>161</td>
</tr>
<tr>
<td>No Adverse Effect with Standard Conditions (NAE-SC)</td>
<td>21</td>
</tr>
<tr>
<td>No Adverse Effect</td>
<td>42</td>
</tr>
<tr>
<td>Adverse Effect</td>
<td>7</td>
</tr>
</tbody>
</table>

EFFECTIVENESS OF THE PA

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

FHWA Reviews and Approvals

Prior to Caltrans’ NEPA Assignment, documentation of AE and NAE findings were subject to FHWA review in addition to SHPO review. With delegation to CSO provided by the Section 106 PA, Caltrans has realized a savings of up to 60 days per project. In addition, the previous delegation of approval of APE maps and determinations of eligibility from FHWA to Caltrans PQS saves an additional 30 to 90 days. Caltrans continues to realize these time savings on the FHWA projects that are exempt because of NEPA Assignment, as well.
Pursuant to the 327 MOU for NEPA Assignment, FHWA and Caltrans may agree that a project would be retained by FHWA. In these limited cases, FHWA relies on Caltrans staff to continue working on projects on their behalf due to the staffing and limited resources of FHWA. The Section 106 PA remains applicable for projects where FHWA is NEPA Lead Agency.

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

**Estimated Time Savings**

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

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

**Projects Not Requiring SHPO Review**

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

**Evaluations Not Requiring SHPO Review**

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

Stipulation VIII.C.1 and Attachment 4 of the Section 106 PA require a reasonable level of effort to identify and evaluate historic properties. However, the Section 106 PA recognizes that not all properties possess potential for historical significance. PQS and qualified consultants are entrusted with the responsibility of determining whether cultural resources property types meet the terms of PA Attachment 4 and may, therefore, be exempt from Section 106 evaluation. It is difficult to measure the time savings of this Section 106 PA provision, but by roughly estimating the amount of time PQS or qualified consultants would have had to spend evaluating the properties, Caltrans saves from 20 to 60 hours per resource. CSO review is not required for exemptions of properties under this stipulation. CSO does provide guidance and review when requested. CSO and SHPO reserve the right to provide feedback to District PQS on the application of this Stipulation.

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

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

In addition to the time savings benefit, this provision of the Section 106 PA advances Caltrans’ environmental stewardship of archaeological sites by providing PQS the ability to avoid or reduce the need for destructive excavations whenever possible. Foregoing archaeological excavations, where possible, has saved time and needless expenditures of public funds, or unwarranted damage to heritage resources. CSO and SHPO reserve the right to provide feedback to District PQS on the application of this Stipulation.
**Stipulation VIII.C.4: Assumption of Eligibility.**

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

**Projects Requiring SHPO Review**

Pursuant to 36 CFR Part 800, a typical undertaking includes separate consultation with the SHPO regarding the establishment of the area of potential effects, identification efforts, and evaluation of cultural resources, which could take up to 90 days. With the alternative streamlining measures provided by the Section 106 PA, this review time has been reduced to 30 days, resulting in a potential time savings of at least 60 days per project. For the reporting period, of the 1071 federal-aid highway projects Caltrans processed, only 79 were submitted to the SHPO.

**Time Savings for Effect Findings**

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

<table>
<thead>
<tr>
<th>Action</th>
<th>36 CFR Part 800 Process</th>
<th>PA Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finding of No Historic Properties Affected</td>
<td>30-day review by SHPO</td>
<td>0</td>
</tr>
<tr>
<td>Finding of No Adverse Effect with Standard Conditions (NAE-SC)</td>
<td>NA – unique to Section 106 PA</td>
<td>15-day review by CSO*</td>
</tr>
<tr>
<td>Finding of No Adverse Effect without Standard Conditions</td>
<td>NA – no time limit</td>
<td>30-day review by SHPO</td>
</tr>
<tr>
<td>Adverse Effect</td>
<td>30-day review by SHPO</td>
<td>30-day review by SHPO</td>
</tr>
</tbody>
</table>
Under the Section 106 PA, projects that Caltrans PQS determine result in a Finding of No Historic Properties Affected are documented to Caltrans files (if no historic properties requiring evaluation are present and/or no historic properties will be affected) or are sent to the SHPO for notification purposes only as part of the Determination of Eligibility submittal, resulting in a time savings of 30 days per project.

Pursuant to 36 CFR 800, an NAE finding requires a 30-day review by the SHPO. In accordance with the Section 106 PA, there are two levels of NAE findings: findings of NAE-SC (those with “Standard Conditions3”), and those without. Prior to the Section 106 PA, NAE-SC findings were provided to the SHPO for notification only with no direct review by CSO. The SHPO did not concur in the finding; thus, there was no “review” period. However, the SHPO does reserve its right to comment on any aspect of a consultation if it chooses to do so. These provisions of the Section 106 PA continue to result in an additional time savings of 30 days per project.

In accordance with the Section 106 PA, CSO reviews for approval all NAE-SC findings. District PQS will notify SHPO regarding Findings of NAE-SC if there is consultation under Stipulation VII.C.6 or for state requirements. The CSO review time is not more than 15 days. If CSO does not respond within 15 days, the district can move forward. During the reporting period, PQS submitted 21 projects with findings of NAE-SC to CSO for review.

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

**POST-REVIEW DISCOVERIES, UNANTICIPATED EFFECTS, ESA 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 post-review discoveries to the extent feasible.

---

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.
Caltrans actively works to avoid such events through ongoing training of PQS and working with our partners in the Section 106 process.

The 2020-2021 reporting period included the largest and most destructive period of catastrophic wildfires in state history. The intensity and size of these disasters broke the previous year’s records, and this trend will likely continue as climate change continues to exacerbate extreme weather events. As a result of the volume and evolving nature of fire-related emergencies affecting Caltrans’ and local agency roads throughout California, and in response to the Governor’s August 18, 2020 emergency declaration due to extreme fire condition across the state, Caltrans submitted a blanket notification of the use of emergency procedures and a request for a 90-day extension to the SHPO on September 9, 2020. The emergency procedures as outlined in PA Stipulation XVI allowed Caltrans staff to respond quickly and efficiently assess potential effects to historic properties while prioritizing safety and recovery of life and property. Note that some emergency situations arose during the current reporting period, but consultation remains ongoing; such projects will be reported in the next Annual Report following conclusion of consultation.

**Emergency Procedures**

**District 1. Slater Fire (FHWA_2020_0909_001)**

The Slater Fire in Mendocino County was declared an emergency by the President on September 9, 2020, and the Governor on September 10, 2020. The fire required an emergency response in order ensure the safety of the traveling public on SR 199 from postmile 27.5 to 36.4 near the Oregon border (see Figure 2 above). On September 9, 2020, CSO notified the SHPO on behalf of District 1 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Repair activities on SR 199 included repair/replacement of guardrail and drainage systems, vegetation barriers, downdrains, overside drains, pavement repair, erosion control, hazard tree removal, sign repair, communications systems repair, and traffic control.

The project post miles included two recorded sections of the old Route 199. One section was entirely unaffected by the fire, while the other is still in use as a roadway and was near to a staging area that was burned over. District 1 cultural resources staff confirmed that no project activities would affect the
second recorded section. The nearest recorded prehistoric resource was located more than 1 mile south of the project area. The District 1 project archaeologist sent emergency notification emails to CSO and all the affected Tribes of the area as well as those recommended by the DNAC and followed up with phone calls and letters. None of the contacted tribes expressed concerns. Field visits were conducted by the project archaeologist in September and December 2020. Though hazard tree removal efforts afforded increased access and heightened ground visibility, the project archaeologist did not locate anything other than modern refuse within the Caltrans ROW. Caltrans concluded that the emergency project did not result in any impacts to historic properties.

**District 2. August Complex Fire (FHWA_2020_0909_001)**

The Governor declared a State of Emergency for the North Complex fire on August 18, 2020. The fire impacted portions of SR 36 in Trinity County from postmile 0 to 25.0. On September 9, 2020, CSO notified the SHPO on behalf of District 3 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Repair activities SR 36 included repair/replacement of guardrail and drainage systems and hazard tree removal. On May 25, 2021, District 3 provided a 6-month narrative report on the emergency work related to the August Complex Fire in Trinity County, as required under the PRC 5024 MOU. To date no historic properties have been affected as a result of the emergency repair activities; however, construction activities are on-going, and District 3 will continue to provide updates until project work is complete.

**District 2. Loyalton and Claremont Fires (FHWA_2020_0909_001)**

The Governor declared a State of Emergency for the Loyalton and Claremont Fires on August 18, 2020. The Loyalton Fire began on August 14, 2020, in Sierra County. The fire damaged areas of I-395 in Lassen County from PM 0.1 to 4.3 and SR 70 from PM 0.1 to 3.8. The Claremont Fire began on August 17, 2020, in Plumas County. Claremont merged with numerous other fires into what was later called the Bear/North Fire Complex. Within District 02 about 1.5 miles of SR 70 was been burned in Plumas County between PM 49.7 and 51.2. On September 9, 2020, CSO notified the SHPO on behalf of District 2 of the intention to use
emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions.

Emergency activities included replacing signs, damaged sections of guardrail, fencing and erosion control. Fencing repair activities included replacing the existing Right of Way or four strand livestock fence and wooden posts, that are now gone or damaged, with an eight-foot deer fence. This required putting in new steel posts and stretching a mesh-wire deer fence across the posts and metal zip tying the fence to the posts. The deer fence alignment is on the same alignment as the previous Right of Way fence with new deer escape jump-outs spaced approximately every third of a mile. Caltrans consultants conducted survey of emergency repair locations prior to the initiation of work in the area and monitored all work near cultural resources.

As part of the initial efforts for each area, Caltrans contacted the local tribes to solicit information of known cultural resources, and comments or concerns with work within or adjacent to the APE. The tribal list consisted of groups and individuals that expressed an interest in the project areas based on past USFS and Caltrans’ projects. None of the tribal contacts expressed concerns with the emergency project. Because these fires spanned multiple counties and multiple districts, as part of consultation efforts District 2 made numerous and frequent contacts to Caltrans District 3 Archaeologists, USFS Plumas Forest Archaeologists, and a BLM Archaeologist. In addition, Caltrans consultant monitors worked closely with the Plumas NF archaeologists seeking their input for various project activities.

A total of 23 assumed-eligible historic properties (nine previously-recorded and 14 newly-recorded) were documented within the project area. Seven were subject to only minor effects from tree removal, vegetation removal, or fence repair. The remaining 16 were protected in their entirety through the establishment of ESAs. One of the 23 sites within the project area, CA-PLU-5893/H, was impacted by fire suppression activities which were not part of Caltrans’ emergency repairs. A bulldozer line cuts through the large historic and prehistoric scatter, bisecting the site.

All construction and monitoring for the repair has been completed. Caltrans submitted a 6-month narrative report on the emergency work on July 1, 2021. Caltrans will submit final reports documenting the full scope of the effort.
District 2. Slater Fire (FHWA_2020_0909_001)

The Slater Fire in Siskiyou County was declared an emergency by the President on September 9, 2020, and the Governor on September 10, 2020. The fire caused damage along SR 96 from postmile 57.0 to 32.0. On September 9, 2020, CSO notified the SHPO on behalf of District 2 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Work on SR 96 included removal of hazard trees and making drainage improvements for eminent winter flooding. The Construction Contractor brought on an archaeological consultant as cultural resource monitors to prevent and minimize damage to cultural resources during emergency re-opening activities. Additionally, the Karuk Tribe was contacted by Caltrans for any tribal monitoring needs. Known resources were flagged for complete avoidance and all construction activity was monitored to prevent and minimize impact to previously unknown cultural resources. On June 25, 2021, District 2 provided a 6-month narrative report on the emergency work related to the Slater Fire in Siskiyou County, as required under the PRC 5024 MOU. All construction and survey work has been completed, and no historic properties were affected as a result of the emergency opening/repair activities.

District 3. North Complex Fire (FHWA_2020_0909_001)

The Governor declared a State of Emergency for the North Complex fire on August 18, 2020. The fire, which burned over 314,949 acres of land and destroyed over 2,342 structures, impacted portions of SR 162 in Butte County from postmile 25 to 31.07. On September 9, 2020, CSO notified the SHPO on behalf of District 3 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Repair and reopening work included repairing/replacing guardrail, pavement markers, signs, fences, and culverts. In addition, about 70 acres of burn scar along the route was identified as an erosion risk due to fire damage and denuded landscape. Efforts to avoid adverse effects to historic properties resulting from emergency activities were conducted by Caltrans consultants in cooperation with the Mooretown Rancheria, the Berry Creek Rancheria, and the KonKow
Valley Band of Maidu. On May 20, 2021, District 3 provided a 6-month narrative report on the emergency work related to the North Complex Fire in Butte County, as required under the PRC 5024 MOU. All construction and survey work has been completed, and no historic properties were affected as a result of the emergency opening/repair activities.

**District 3. LNU Fire (FHWA_2020_0909_001)**

The Governor declared a State of Emergency for the LNU Fire on August 18, 2020. The fire impacted portions of SR 16 in Colusa County from postmiles 4.5 to 7.2 and in Yolo County from postmiles 0.0 to 5.5; and SR 128 in Yolo County from postmiles 0.0 to 3.5. On September 9, 2020, CSO notified the SHPO on behalf of District 3 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Efforts to avoid adverse effects to historic properties resulting from emergency re-opening activities were conducted by Caltrans consultants in consultation with the Yocha Dehe Wintun Nation. On May 20, 2021, District 3 provided a 6-month narrative report on the emergency work related to the LNU Fire in Butte County, as required under the PRC 5024 MOU. All construction and survey work has been completed, and all known resources were flagged and avoided. No adverse effects to historic properties resulted from emergency opening/repair activities.

**District 4. LNU Fire (FHWA_2020_0909_001)**

The Governor declared a State of Emergency for the LNU Fire on August 18, 2020. The fire impacted portions of SR 128 in Napa County from postmiles 7.52 to 34.52 and in Solano County from postmiles 0.0 to 0.72; SR 121 in Napa County from postmiles 16.1 to 22.1; and SR 80 from postmiles 20.92 to 25.3. On September 9, 2020, CSO notified the SHPO on behalf of District 4 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Emergency work included repair of culverts, metal beam guardrails and fences; erosion control activities; and hazard tree removal. Post miles 20.0/25.0 are considered part of a culturally sensitive area by the Yocha Dehe Tribe. Twelve archaeological resources on SR 121 in Napa County, 11 resources on SR 128 in Napa County, and one resource...
on SR 80 in Sonoma County, were within the project area of the emergency repairs. All but three historic properties were protected in their entirety through ESAs. The three affected sites were subject to only negligible impacts from access for tree removal, in which tree stumps were left in place. Analysis of these projects are still ongoing. Caltrans will submit final reporting detailing the impacts from this emergency effort.

**District 4. Meyers Fire (FHWA_2020_0909_001)**

The Governor declared a State of Emergency for the Meyers Fire on August 18, 2020. The fire impacted portions of SR 1 in Sonoma County from postmiles 27.0 to 31.5. On September 9, 2020, CSO notified the SHPO on behalf of District 4 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Emergency work included repair/replacement of four retaining walls, hazard tree removal, and erosion control activities. The project included areas of high value related to the Kashaya Pomo Cultural Landscape, though no archaeological elements of these areas were within the repair locations for this project. No historic properties were affected as a result of this emergency repair effort.

**District 4. CZU Fire (FHWA_2020_0909_001)**

The Governor declared a State of Emergency for the CZU Fire on August 18, 2020. The fire caused damage on SR 130 in Santa Clara County from postmiles 15.0 to 21.5 and SR 1 in San Mateo County from postmiles 0.0 to 13.54. On September 9, 2020, CSO notified the SHPO on behalf of District 4 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Emergency work included repair of culverts, metal beam guardrails and fences, erosion control activities, and hazard tree removal. Three cultural resources were within the project area for the emergency repairs and assumed eligible for listing on the NRHP for the purposes of the project. Effects to all historic properties were avoided through establishment of ESAs. Caltrans will submit final reporting detailing the work conducted for this emergency effort.
District 4. Glass Fire (FHWA_2020_0909_001)

The Governor declared a State of Emergency for the Glass Fire on August 18, 2020. The fire caused damage to SR 29 in Napa County from postmiles 33.5 to 48.5 and SR 12 in Sonoma County from postmiles 19.3 to 25.8. On September 9, 2020, CSO notified the SHPO on behalf of District 4 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Emergency work included repairing/replacing metal beam guardrails, culverts, signs, fences, electrical facilities, and asphalt pavement, erosion control activities, and hazard tree removal. Nine cultural resources on SR 12 in Sonoma County and 22 cultural resources on SR 29 in Napa County were within or adjacent to the project area for these emergency repairs. Caltrans designated these sites as ESAs and facilitated archaeological and Native American monitoring by the Federated Indians of Graton Rancheria, the Middletown Rancheria, and the Mishewal Wappo for all work near resources in their respective areas of interest. Effects to historic properties were avoided through establishment of ESAs. Caltrans will submit final reporting detailing the work conducted for this emergency effort.

District 6. SFQ Complex Fire (FHWA_2020_0909_001)

The Governor declared a State of Emergency for the SFQ Fire on August 18, 2020. The fire caused damage to SR 190 in Tulare County from postmiles 49.0 to 51.1. On September 9, 2020, CSO notified the SHPO on behalf of District 6 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Emergency work on SR 190 included removing approximately 2600 hazard trees, slope stabilization and culvert replacement. District 6 cultural resources staff conducted background research and field visits in October 2020 and consulted representatives of the Tule River Indian Tribe, Santa Rosa Indian Community of Santa Rosa Rancheria, Tejon Indian Tribe, Kitanemuk & Yowlumne Tejon Indians, Tübatulabal of Kern Valley, Kern Valley Indian Council and the Wuksache Indian Tribe/Eshom Valley Band about the project. One previously undocumented cultural resource, (prehistoric milling features and biface) and one previously documented site (a
prehistoric lithic scatter) were identified within the area where tree removal would occur. Upon further consultation with the Tule River Indian Tribe, Caltrans concluded that archaeological monitoring was appropriate. Both cultural resources were avoided by the tree cutting crew. On August 17, 2021, District 6 provided a 6-month narrative report on the emergency work related to the SFQ Complex Fire in Tulare County, as required under the PRC 5024 MOU. All operations to date have avoided damaging or otherwise disturbing historic properties; however, tree cutting activities are ongoing. District 6 will continue to provide updates until project work is complete.

**District 6. Creek Fire (FHWA_2020_0909_001)**

The Governor declared a State of Emergency for the Creek Fire on August 18, 2020. The fire caused damage to SR 186 in Tulare County from postmiles 33.0 to 65.9. On September 9, 2020, CSO notified the SHPO on behalf of District 6 of the intention to use emergency procedures in response to State of Emergency Declarations for statewide wildfires resulting from extreme heat and weather events across California, and requested a 90-day extension for use of the emergency provisions due to the ongoing fire conditions. Emergency work on SR 186 included repairing/replacing fire-damaged culverts, hazard tree removal, applying erosion control measures, clearing inlets and ditches of debris, repairing spot locations of damaged pavement and embankment for guardrail work. In October through December 2020, and June through July 2021, District 6 cultural resources staff conducted background research and field visits, and consulted representatives of the North Fork Mono Rancheria, the North Fork Mono Tribe, and the Picayune Rancheria. One prehistoric Native American archaeological site consisting of milling stations with bed rock mortars, midden, and lithic scatter were located within the project area. No site features or surface artifacts were found within a 100-foot boundary of work. No soil excavation occurred within the archaeological site boundary. On August 11, 2021, District 6 provided a 6-month narrative report on the emergency work related to the Creek Fire in Tulare County, as required under the PRC 5024 MOU. No historic properties were affected.

**Post-Review Discoveries**

Caltrans reported no new post-review discoveries subject to the provisions of the Section 106 PA during the 2020-21 fiscal year.
ESA Violations and Inadvertent Effects

District 4. Gleason Beach Roadway Realignment ESA Violation (FHWA120803B)

On April 6, 2021, District 4 notified SHPO of an ESA breach related to PG&E work occurring within the Undertaking’s APE. One pickup truck drove through the protective buffer established outside of the site boundary in which no site elements are present. The breach occurred because a cow knocked over an ESA boundary marker, causing the appearance of the ESA boundary to shift. As a result of the breach Caltrans followed the procedures required by the 2016 treatment plan that was developed as part of an MOA for the Project. Caltrans also immediately implemented several additional protection measures including renewed discussions with construction staff, re-staking of the ESA boundary, inspection and photography by an archaeologist of the ESA boundary markers on a daily basis, and facilitation of an additional archaeological monitor onsite.

The SHPO responded to Caltrans’ notification on April 14, 2021 and recommended the installation of temporary plastic fencing instead of staking and that Caltrans directly notify the interested tribes of the breach rather than the Native American Monitors. The SHPO also advised the they were in receipt of a communication from one of the consulting tribes and recommended that Caltrans hold a meeting with the consulting tribes to discuss their concerns and the potential amendment of the 2016 treatment plan.

Caltrans conducted extensive consultation, including weekly meetings beginning April 13, 2021, with the consulting tribes to discuss their concerns, further efforts to protect cultural resources within the APE, and revision of the existing treatment plan. Caltrans submitted a revised treatment plan to the SHPO and consulting parties on July 6, 2021. Caltrans received a response from the SHPO on August 3, 2021, indicating that they found the revisions to address their concerns. Consultation with all interested parties is still ongoing and will continue throughout the life of the project.

PUBLIC OBJECTIONS

District 3. Del Rio Trail Project

The City of Sacramento proposes to utilize a federal Active Transportation Program grant to construct approximately 4.8 miles of Class 1 multi-use trail along the abandoned railway corridor west of Freeport Boulevard from south of Meadowview Road/Pocket Road to the Sacramento River Parkway. As part of
construction of the trail, portions of the abandoned historic Walnut Grove Branch Line, which is eligible for listing on the National Register under Criteria and C. Caltrans CSO approved a finding of No Adverse Effect with Standard Condition- SOIS for the project in 2018. Caltrans developed an SOIS Action Plan to ensure that the undertaking would comply with the SOIS.

On March 12, 2021, the ACHP notified Caltrans that they had received a public dispute notification regarding the determination that the project meets the SOIS, Caltrans’ consultation efforts for the Undertaking, and the Finding of NAE-SC-SOIS. On March 29, 2021 Caltrans notified the ACHP and the SHPO of the public objection and requested comments, pursuant to Stipulation XX.B of the Section 106 PA. Caltrans provided the documentation that was prepared in support of the Undertaking.

On April 27, 2021, the ACHP provided comments and indicated that the objection regarding the SOIS was premature as the 60% design plans had not been completed or shared with Caltrans. The ACHP also indicated that, based on the administrative record, Caltrans had met the requirements of the Section 106 PA had conducted sufficient consultation, including outreach with the individuals making the objection.

Consultation for this project is ongoing. Caltrans will continue to follow the SOIS Action Plan and consult with interested parties regarding the 60% design review.

**STATUS OF AGREEMENT DOCUMENTS AND ONGOING CONSULTATION**

During fiscal year 2020-21, Caltrans and its partners executed or amended the following 11 agreement documents. 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.

<table>
<thead>
<tr>
<th>D1</th>
<th>Calpella Bridges PA</th>
<th>7/13/2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>D3</td>
<td>Binney Junction Roadway Rehabilitation and Complete Streets</td>
<td>11/19/2020</td>
</tr>
<tr>
<td>D4</td>
<td>Better Market Street PA</td>
<td>9/11/2021</td>
</tr>
<tr>
<td>D4</td>
<td>Storm Water Mitigation Ritchie Creek MOA</td>
<td>9/11/2020</td>
</tr>
<tr>
<td>D5</td>
<td>Alamo Pintado Creek Pedestrian Bridge Replacements MOA</td>
<td>1/14/2021</td>
</tr>
<tr>
<td>D5</td>
<td>Garrapata Creek Bridge Rail Replacement</td>
<td>3/23/2021</td>
</tr>
<tr>
<td>D7</td>
<td>High Desert Corridor PA Amendment 1</td>
<td>3/30/2021</td>
</tr>
<tr>
<td>D7</td>
<td>Interstate 105 Express Lanes PA</td>
<td>4/16/2021</td>
</tr>
</tbody>
</table>
QUALITY ASSURANCE MEASURES

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

- CSO maintains and regularly updates the Caltrans Cultural Resources Manual in Volume II of the Caltrans Standard Environmental Reference (SER), and revised Chapters have been posted in 2020 and 2021. The SER is located online at http://www.dot.ca.gov/ser/vol2/vol2.htm.
- CSO provides peer reviews of cultural resource studies as requested by the Districts. CSO PQS staff assist districts that lack expertise in Historical Archaeology and Architectural History.
- CSO routinely reviews documents submitted directly to SHPO in accordance with Stipulation VIII.C.6. CSO works with OHP, District PQS and managers as needed to correct deficiencies when encountered.
- CSO reviews and approves request for Assumption of Eligibility pursuant to Stipulation VIII.C.4
- CSO, pursuant to Stipulation X, reviews and approves all No Adverse Effects, Adverse Effect reports, Memoranda of Agreements, and MOA attachments prior to transmittal to SHPO.
- CSO maintains the Caltrans Cultural Resources Database, which includes storage of cultural compliance documents to assist District staff in recordation and recordkeeping.
- CSO and OHP Project Review staff meet monthly to discuss district submittals and issues that may arise relating to Caltrans compliance with Section 106.
CSO and OHP Project Review staff hold quarterly statewide video teleconferences to discuss policy, procedures, and workload issues with District Staff. CSO conducted mini-trainings regarding emergency projects, Finding of Effect Documents, and Findings of No Adverse Effect with Standard Conditions during the 20-21 fiscal year video teleconferences. Caltrans also hosted the National Park Service for a presentation and training regarding consultation and effects to National Historic Trails in California.

CSO maintains the bi-monthly Cultural Call Bulletin, which discusses implementation and interpretation of policy and dissemination of information relevant to all of Caltrans staff.

Staff from the Advisory Council on Historic Preservation and the Office of Historic Preservation are invited to attend District site visits when appropriate, and other meetings to provide early coordination regarding issues that occur during survey and document preparation.

CSO delivered one virtual PA training session for PQS in February 2021. This is an annual presentation primarily aimed at new staff; other Caltrans PQS often attend this class as a refresher course. The course is also open to staff from the Federal Highway Administration and the Office of Historic Preservation. In addition, the class is offered to non-PQS Caltrans staff from various divisions as space allows.

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

**CONCLUSION**

The information contained in this report demonstrates a steady and consistent program of compliance with the terms of the PA. During fiscal year 2020-2021, Caltrans processed 1071 Federal-Aid Highway projects. A total of 22 required SHPO concurrence on DOEs, 10 of which led to findings of No Historic Properties Effects. The remaining 12 DOEs were related to findings of NAE, NAE-SC, AE, or project-specific programmatic agreements. Of the 1071 total projects, 820 qualified as Screened Undertakings and were exempted from further Section 106 review. There were 161 projects that resulted in findings of No Historic
Properties Affected. CSO approved 21 projects with findings of NAE-SC in accordance with Stipulation X.B.1, which needed no review by the SHPO. A total of 79 projects were submitted to SHPO for concurrence on findings of effect, emergency procedures, or development of project-specific PAs. Forty-two projects required consultation on NAE findings. Seven projects resulted in AE findings, which will require additional consultation to resolve effects. Caltrans consulted on a total of 15 emergency project during the current reporting period. Finally, Caltrans executed five project-specific programmatic agreements that will require further consultation on a final finding of effect.

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

Caltrans’ mission is to “Provide a safe and reliable transportation network that serves all people and respects the environment.” The Caltrans Mission, Vision, and Goals are defined in the 2020-2024 Caltrans Strategic Plan. The Section 106 PA meets or exceeds the standards provided in the Strategic Plan by providing timesaving and streamlining measures, while at the same time meeting state and federal laws and regulations regarding cultural resources. Since 2004, Caltrans’ use of alternative measures to comply with Section 106 through a programmatic approach has been widely recognized as a model for other agencies nationwide. Through its innovative features, the Section 106 PA continues to save Caltrans and its partners limited valuable taxpayer resources. Caltrans believes the Section 106 PA keeps pace with the changing perceptions of resource values and maintains consultation standards, while streamlining processes for undertakings with little or no potential for affecting historic properties. Caltrans is committed to maintaining its high standards of compliance, resource consideration, and stewardship through retention and continued training of highly qualified staff, clear communication with our partners, quality documentation of compliance with the terms of the Section 106 PA, and the best practices in the field of historic preservation.
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 20,161 projects. Of those, 11,039 projects were on the State Highway System (Caltrans), and the remaining 9,123 projects were on local streets and roads (Local Assistance) throughout the state.

The majority of the projects, 16,541 (82.04%) completed between fiscal years 2005-06 and 2020-2021 were classed as Screened Undertakings, and only 1,143 of the projects (5.67%) were submitted to SHPO for review. The remaining 2,447 projects were kept in Caltrans files because they were projects not classed as Screened Undertakings but found to have no effect on historic properties. The use of the Screened Undertaking process continues to be a primary and important time saving tool. The table below illustrates these totals.