

SECTION 106 PROGRAMMATIC AGREEMENT ANNUAL REPORT

JULY 1, 2018 - JUNE 30, 2019



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

September 2019

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, 2018, through June 30, 2019, and is provided in accordance with stipulation 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 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 and have assumed a greater role as previously assigned to Caltrans under NEPA Assignment.

The results of this Annual Report reveal that Caltrans processed 1394 federal-aid highway projects during the reporting period. Of these, 73 projects required external review by the State Historic Preservation Officer (SHPO) (24 for concurrence on determinations of eligibility only due to a No Historic Properties Affecting finding). Ten 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 Section 106 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 eight declared emergencies triggered project use of the Emergency Procedures. Additionally, there was one public objection. 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 13.

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 2019 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 page 23.

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 Section 106 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 Section 106 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 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.

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INTRODUCTION

The *First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as It Pertains to the Administration of the Federal-Aid Highway Program in California* (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 delegating Federal Highway Administration's responsibility for carrying out the routine aspects of the Section 106 process to the California Department of Transportation. 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 resources 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 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 Section 106 PA. It covers actions for which Section 106 consultation concluded between July 1, 2018, and June 30, 2019. 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 are 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 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 6% 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 SECTION 106 PA ACTIONS

According to data provided by the District PQS, enumerated in Table 1, Caltrans processed 1394 Federal-Aid Highway projects during the state fiscal year 2018-19. The majority of these projects, 1163 (83 percent), were exempted from further Section 106 review after appropriate review, or “screening,” by PQS.¹ An additional 149 projects (11 percent) that did not qualify as screened undertakings were kept on file at Caltrans 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 33 Historic Property Survey Reports

¹ Under 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.

² These 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.

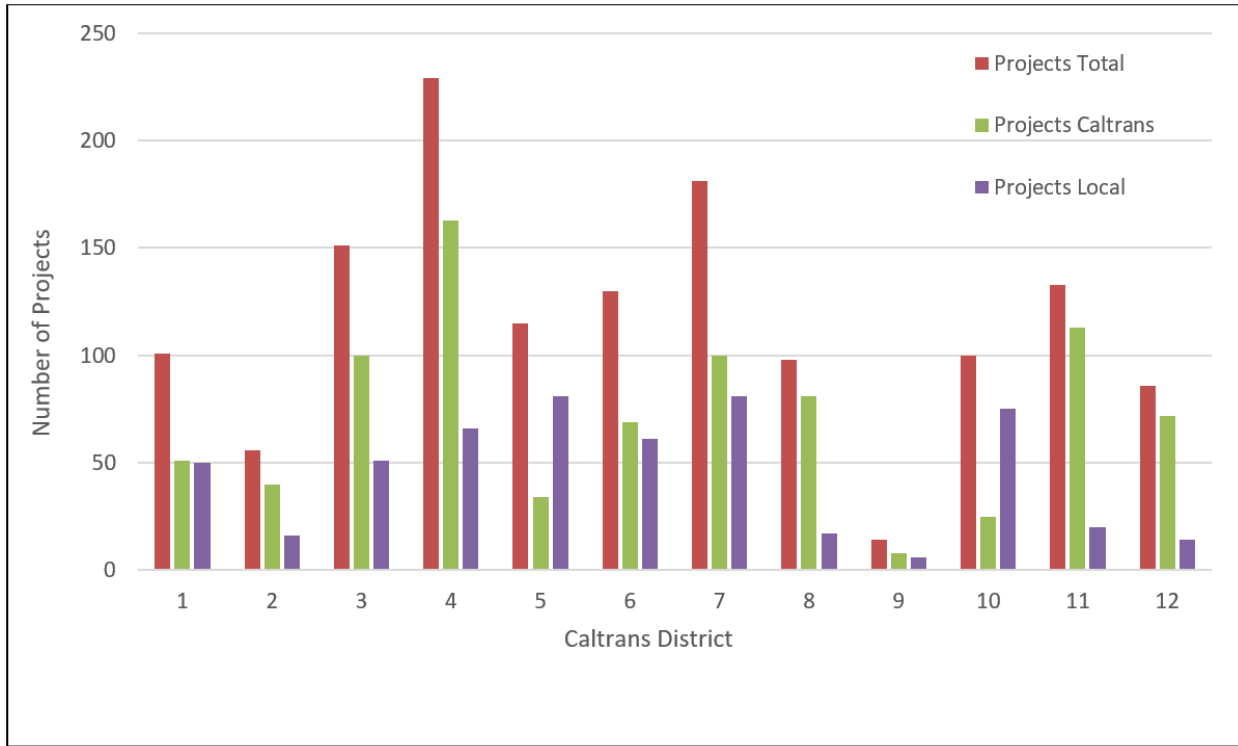
(HPSR) that included a No Adverse Effect with Standard Conditions (2.4 percent), requiring no consultation with SHPO. Caltrans Districts and CSO submitted 73 projects (5.2 percent) of the 1394 to SHPO for consultation between July 1, 2018, and June 30, 2019. Twenty-four of these SHPO submittals were for concurrence with determinations of eligibility only (accompanied by a notification of No Historic Properties Affected), while the other 49 submittals were for concurrence on Findings of Effect (either with or without accompanying determinations of eligibility). Of the 49 effect findings submitted to the SHPO, ten were determined to have a Finding of Adverse Effect and will require additional consultation to resolve effects. Fiscal year activities are depicted in Table 1 and Figure 1; project-screening activities are represented by Caltrans District in Figure 2.

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, mostly within screened undertakings and NHPA findings. This is likely due to the recent fiscal increase in expenditures under State Bill 1 for minor and repair infrastructure projects. Figure 1, below is a graphical representation of the projects completed by each District and differentiated between Caltrans and Local Assistance projects. As with the preceding fiscal year, the current report findings show that Caltrans' PQS generally processed more Federal-Aid Highway projects than did their local agency partners (with Districts 5 and 10 as the exceptions); likewise SHPO reviewed more State Highway System projects than Local Assistance projects.

Table 1: Total Activities Completed - Fiscal Year 2018-2019

PA Action	State Highway System	Local Streets and Roads	Total	Percentage
Projects Completed	856	538	1394	n/a
Projects Screened	701	462	1163	83%
Findings of NHPA	92	57	149	11%
Findings of NAE-SC	27	6	33	2.4%
Projects to SHPO	36	13	49	3.5%
DOE-only to SHPO	15	9	24	1.7%

Figure 1: Federal-Aid Highway Projects - Fiscal Year 2018-19



2018-2019 PROJECT COMPLIANCE ACTIVITIES

Projects Exempt from SHPO Review

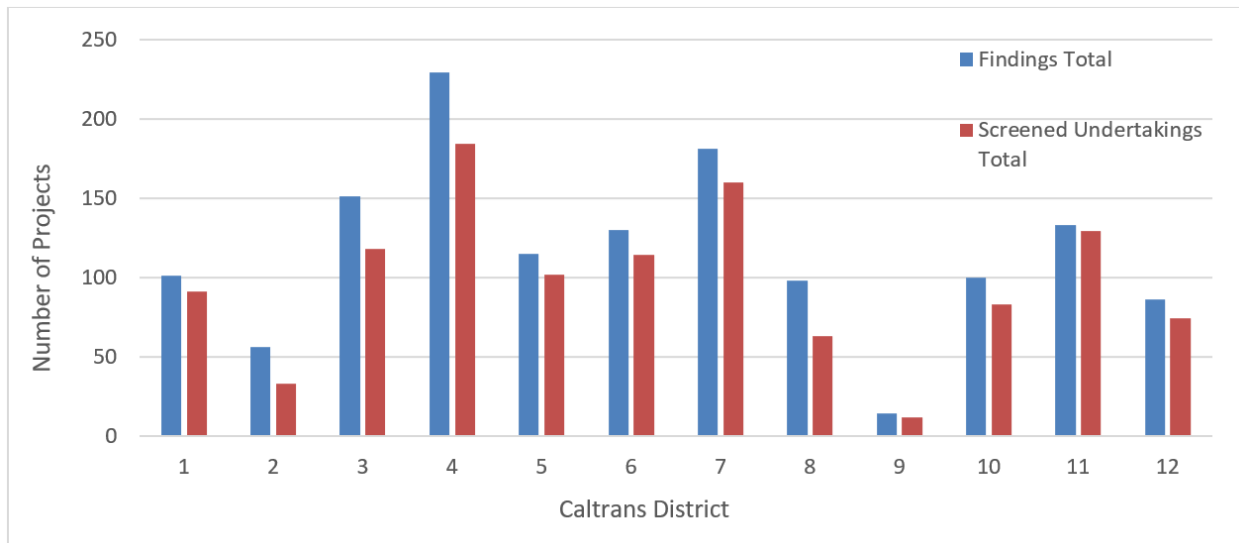
The primary streamlining tool provided by the Section 106 PA is the application of Stipulation VII - Screened Undertakings. Screened Undertakings, defined in Attachment 2 of the Section 106 PA, are projects that have no potential to affect properties listed on or eligible for inclusion in the National 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, 1163 projects (83 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 Section 106 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 2018-2019



Projects Requiring SHPO Review

Identification and Evaluation Activities – Fiscal Year 2018-2019

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 1394 Federal-Aid Highway projects processed during the state fiscal year 2018-19, 57 (4.1 percent) required eligibility evaluations, which were sent directly to the SHPO by District PQS for concurrence on eligibility determinations. Twenty-four of these were for concurrence with determinations of eligibility only, accompanied by a notification of No Historic Properties Affected. The remaining 33 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 1394 Federal-Aid Highway projects processed during the state fiscal year 2018-19, 34 (2.4 percent), received CSO approval to assume eligibility for the purposes of the undertaking. These above findings are represented in Table 2.

Table 2: Property Evaluation Activities

TYPE OF EVALUATIONS	FY TOTAL*
Determinations of Eligibility that received concurrence	57
Assumptions of Eligibility	34

*Number of projects, not number of individual properties.

Effect Findings - Fiscal Year 2018-19

Of the 1394 projects, 149 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 conclusion is that no cultural resources requiring evaluation were present.

In accordance with the Section 106 PA, CSO reviews and approves Findings of No Adverse Effect with Standard Conditions (NAE-SC), which may include establishment of Environmentally Sensitive Areas (ESA) or use of the Secretary of Interior Standard for Rehabilitation (SOIS). This finding requires that District PQS provide adequate documentation for CSO review. If CSO does not object to the finding within 15 days, the District may proceed with the undertaking. The SHPO is not required to concur in NAE-SC findings and there is no review or “waiting” period involved. However, CSO “approval” of the NAE-SC is contingent upon any comments received by SHPO in the event a HPSR has been forwarded for their review in accordance with Stipulation VIII.C.6 or in compliance with California Public Resources Code Section 5024. In the current reporting period, CSO approved 33 NAE-SC findings (2.3 percent). During the reporting period, CSO objected to none of the Findings of NAE-SC once comments had been addressed through revisions.

Thirty-nine projects resulted in Findings of No Adverse Effect *without* Standard Conditions and ten projects resulted in an Adverse Effect, and therefore required that the Districts consult with CSO and, subsequently, that CSO consult with the SHPO. In total, the 82 projects that resulted in effect findings requiring consultation with CSO and the SHPO represent only 5.8 percent of

the 1394 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
No Historic Properties Affected	149
No Adverse Effect with Standard	33
No Adverse Effect	39
Adverse Effect	10

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 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 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 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 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 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 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 1394 federal-aid highway projects Caltrans processed, only 73 were submitted to the SHPO.

Time Savings for Effect Findings

Table 5 below compares the timeframes for review of effect findings under the Section 106 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 – unique to Section 106 PA	15-day review by CSO*
Finding of No Adverse Effect without Standard Conditions	NA – no time limit	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 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, a Finding of No Adverse Effect requires a 30-day review by the SHPO. In accordance with the Section 106 PA, there are two levels of No Adverse Effect: those findings with “Standard Conditions”³ and those without. Prior to the Section 106 PA, Findings No Adverse Effects with Standard Conditions (NAE-SC) 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 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 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 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 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.

2018-2019 was a reporting period of extraordinary wildfire and flood disasters. The catastrophic loss of life and property was unprecedented in California history. 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.

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.

District 1 LAK MEN Mendocino Complex Wildfires – Emergency procedures

The Mendocino Complex Wildfires began on July 27, 2018, in Lake and Mendocino counties in the State of California. This complex fire was declared a state emergency by the California Governor on July 28, 2018, and a national emergency by the United States President on August 17, 2018.

Caltrans initiated consultation with the SHPO on August 24, 2018, per Stipulation XVI.B of the Section 106 PA. Damages due to the Mendocino Complex Fire included blocked roadways due to burned vegetation, as well as crushed or burned highway, traffic safety infrastructure that was burned/melted, and loosened/eroded material.

Prior to infrastructure repairs, the entire area of concern, all Caltrans ROW within the burn perimeter, was surveyed by the Anthropological Studies Center (ASC) as well as surveyors from the Native American groups within the affected area on August 22 and 23, 2018. It was determined that only one site (CA-LAK-827) would be subject to adverse effects as a result of Caltrans repairs in the aftermath of the Mendocino Complex Fire as it was bisected by a downdrain pipe and culvert at postmile 5.3 that had extensive burn damage. Originally recorded by Branscomb in 1975, CA-LAK-827 was recorded as having faunal remains, fish remains, obsidian and chert.

The site was monitored by Archaeological Monitors and Tribal Monitors during vegetation and sediment removal on September 17 and 18, 2018. An Extended Phase I survey, associated with a Caltrans Safety Project in the same area, assisted in delineating the boundaries of the site and the Environmentally Sensitive Area (ESA) was enlarged accordingly. Construction activity for the repair and replacement of the damaged downdrain and headwall took place between January 22 and January 25, 2019. Site protection measures, by way of a work corridor (established with stakes and paint to four feet of either side of the damaged downdrain), were placed by Caltrans to limit impacts to the site.

ASC recorded the flakes that were exposed. To help prevent further erosion on the face of the slope, and potentially serve to keep artifacts and the site itself in place, a bark mulch mix was used to cover the entirety of the slope (work corridor and archaeological site). In addition to erosion prevention on the site itself, additional mitigation measures were determined through consultation with the Native American groups. They had expressed an interest in faunal

bone identification during the initial survey activities on August 22 and 23, 2018. Caltrans funded a bone identification workshop for tribal monitors which occurred on January 28, 2019. The workshop was led by Mike Stoyka of ASC. The workshop was attended by 30 tribal members from various Lake County Pomo groups. This workshop fulfilled a need in the Native American community and was quite successful.

District 2 SHA TRI 299 Carr Fire – Emergency procedures

The Carr Fire in northern California began on July 23, 2018, in Shasta County along State Route 299. In total, 229,651 acres were burned and roughly 1,881 structures were destroyed, including many Caltrans facilities along SR 299 in both Shasta and Trinity counties. Pacific Legacy Historic Preservation was contracted by Tullis Inc. to monitor and advise emergency crews, minimizing impacts to cultural resources. Cultural resource monitors arrived on August 6, 2018, to ongoing emergency activities.

Caltrans initiated consultation with the SHPO on August 2, 2018, per Stipulation XVI.B of the Section 106 PA. Caltrans provided weekly updates to the SHPO's office, as well as other agencies, including information on emergency activities taking place within or adjacent to cultural resources. In coordination with CSO and SHPO, no cultural resources were affected by the fire or the repair efforts.

District 2 SHA SIS 5 SHA 89 Delta Fire – Emergency procedures

The Delta Fire in northern California began on September 5, 2018 in Shasta County along Interstate 5. Once the Delta Fire merged with the Hirz Fire on September 10, 2018, Caltrans facilities were severely damaged, and I-5 was closed for approximately five (5) days to prevent further damage to life and property. On September 19, 2018 the Delta Fire was declared an emergency by Caltrans District 2 Director's Order. Governor Brown subsequently declared a State of Emergency for the Delta Fire on November 30, 2018. The Delta Fire was declared controlled on November 28, 2018. Caltrans began emergency repairs quickly, under a Force Account with Steve Manning Construction.

Caltrans initiated consultation with the SHPO on October 2, 2018, per Stipulation XVI.B of the Section 106 PA. Pacific Legacy, Inc was contracted by Manning, Inc. as cultural resource monitors to prevent and minimize further damage to cultural resources during emergency re-opening activities. Pacific Legacy coordinated with emergency crews for directionally felling, lifting debris rather

than dragging, and utilizing strategic staging areas as methods for preventing and minimizing damage to cultural resources. Resources were monitored when activity was being conducted in their vicinity; some resources were also flagged for complete avoidance.

Weekly reports from Pacific Legacy identifying preventative methods were forwarded to Caltrans. These detailed reports were summarized weekly for SHPO and CSO review. Reports were also provided to the Shasta-Trinity National Forest and the Winnemem Tribe when emergency activities occurred near or within cultural resources on their land. Weekly updates included which previously identified sites were visited and how they were protected. Newly identified cultural resources were briefly recorded, recorded with remote sensing, and were subject to the same protective measures during activity. No adverse impacts were recorded during the emergency activities. Where feasible, all cultural resources were further protected with a thick layer of wood chips or hydroseed.

District 2 SIS 5 Klamathon Fire – Emergency procedures

The Klamathon Fire started July 5, 2018 and burned for 15 days in Northern California and Southern Oregon; an emergency proclamation was made by Governor Brown the same day the fire started. Approximately nine miles of Caltrans facilities along Interstate 5 in Siskiyou County were damaged during the fire and fire suppression activities, and I-5 was closed for several days to prevent further damage to life and property. Between July 20, 2018 and November 2018, Caltrans used an emergency contract to: replace burned signs and guard rail, remove hundreds of dead trees, replace burned fencing, and place erosion control (hydroseeding and mulch).

Caltrans initiated consultation with the SHPO on August 2, 2018, per Stipulation XVI.B of the Section 106 PA. An extension was then requested on September 4, 2018 and granted by OHP on September 6, 2018. The entire right of way (ROW) had previously undergone a thorough survey and 28 sites had been recorded; therefore, survey was not necessary for this project. Prior to the Caltrans PQS staff's first visit to the project location on September 17, 2018, the burned signs and guard rail had already been replaced and approximately 85% of the tree removal had been completed. This work resulted in several sites being run over by tracked excavators used to cut, remove, or macerate the burned trees.

The first effort by Caltrans' PQS staff was to work with the Caltrans Resident Engineer (RE) to identify and avoid any recorded sites in the areas where tree removal had not yet been completed. This resulted in the protection of two sites from any impacts by the emergency repairs. Simultaneously, Caltrans' PQS staff were communicating with Shasta Nation Tribal Representative Mary Carpelan. Through email and a meeting in the field, Caltrans provided Ms. Carpelan with details about the project and the sites.

The next effort by Caltrans' PQS staff was to determine which historic properties had the potential to be affected by the fence replacement work. Five of the 28 recorded sites were exempted under Attachment 4 of the Section 106 PA, leaving 23 potential historic properties to consider. Of those 23 sites, eight were within the fence replacement work area and were avoided using exclusionary methods (wooden stakes and spray paint markings). Once avoidance measures were in place, Caltrans' PQS staff returned to the areas impacted by tree removal to assess whether any damage was done to the 23 potential historic properties. Of these 23 sites, 13 were not burned at all or were burned but did not suffer any damage from the tree removal work. The remaining 10 sites (see Table 3) all suffered burning and impacts from tree removal; however, Caltrans' PQS staff determined that there was no alteration to the characteristics that would qualify the properties for the NRHP/CRHR, and therefore the effects were not adverse. After studies concluded, the construction contractor applied erosion control to all exposed slopes by spraying hydroseed mulch and/or straw. All work was done from the roadway and did not impact the sites in any way.

District 3 BUT 32 70 99 149 191 Camp Fire – Emergency Procedures

The Camp Fire in northern California began on November 8, 2018 in Butte County. The fire burned a total of 153,335 acres (about 240 square miles). Acting Governor Gavin Newsom proclaimed a state of emergency in Butte County on November 8, 2018 and President Trump approved California's Major disaster Declaration on Monday November 12, 2018. On November 11, 2018 the Camp Fire was declared an emergency by Caltrans Deputy Director of Maintenance and Operations, Steve Takigawa. The fire was fully contained on November 25, 2018.

Caltrans initiated consultation with the SHPO on December 5, 2018, per Stipulation XVI.B of the Section 106 PA. Pacific Legacy, Inc. was contracted by

Knife River Construction as cultural resource monitors to prevent and minimize damage to cultural resources during emergency re-opening activities. Known resources were flagged for complete avoidance, and all construction activity was monitored to prevent and minimize impact to previously unknown cultural resources.

Daily monitoring logs and weekly summary reports from Pacific Legacy that summarized construction activity, identified preventative methods, and noted new cultural resources were provided directly to Caltrans. Newly identified cultural resources were noted and updated during a pedestrian survey of the fire impacted areas during May 2019. All previously recorded sites are being formally updated to document their new conditions as a result of construction activities and the wildfire. Eight known cultural resources were identified within the project APE: one prehistoric, two multicomponent, and five historic. As stated above, all sites identified were flagged for avoidance and monitored during construction activities. No adverse effects to historic properties were identified during the emergency activities.

Summaries of construction and monitoring activities were also provided for the State Historic Preservation Officer (SHPO), Caltrans Cultural Studies Office (CSO), and Plumas National Forest to review. Consultation was also ongoing with Berry Creek Rancheria of Maidu Indians, Estom Yumeka Maidu Tribe of the Enterprise Rancheria, Greenville Rancheria of Maidu Indians, Konkow Valley Band of Maidu Indians, Mechoopda Indian Tribe, Mooretown Rancheria of Maidu Indians, Strawberry Valley Rancheria, and the Tsi Akim Maidu. Consultation included emails, phone calls, site visits, and in-person meetings.

District 7 LA VEN VAR Woolsey Fire and Winter Storms – Emergency Procedures/Inadvertent Effect

On January 5, 2019, Caltrans District 7 authorized an emergency project in response to heavy rain that loosened hillsides scarred by the November 2018 Woolsey Fire and caused mudslides, debris flows, flooding, erosion, and compromised drainage systems, undermining the roadway on State Route 1 (SR-1, Pacific Coast Highway/PCH) and State Route 23 (SR-23, Decker Canyon Road) in the City of Malibu in Los Angeles County, and unincorporated areas of Los Angeles and Ventura Counties.

Some of damages resulting from this storm event included: Debris flow from the gullies and ravines deposited at various detention basins on Pacific Coast Highway and resulted in buried standpipes; mudslide from the eroded slope overflowed the roadway at various locations; mud flow overwhelmed the roadway and flooded the adjacent properties at various locations; overabundant erosion caused washouts at various locations; drainage systems were plugged due to excessive mud flow at various locations.

Caltrans District 7 began emergency repairs for damages from the winter storms immediately, with consultant contracted cultural resource monitors during construction. Patrick Tumamait of the Barbareno/Ventureno Band of Mission Indians was also contracted to provide Native American cultural resource monitoring. Consultation with California State Parks Angeles District continued for the 2019 Winter Storms following consultation and in conjunction with Woolsey Fire reconstruction activities. Caltrans District 7 worked with emergency construction crews to avoid adverse effects to historic properties, and all locations potentially sensitive for cultural resources were monitored by Rincon Consultants, Inc. Monitors were scheduled to be on site while construction crews replaced guardrail, reconstructed damaged and destroyed culverts, and cleared debris from facilities.

One post-construction impact was reported to CSO and SHPO on July 23, 2019 following unauthorized entry by the construction contractor into the Willow Creek drainage at Leo Carrillo State Park on SR-1 and subsequently entering the recorded boundaries of cultural site CA-LAN-52. Caltrans archaeologist, State Parks archaeologist, and consultant archaeologists conducted a field review of the area. This review concluded that two sections of guardrail had been removed (approximately the width of a bulldozer), fill material had been placed on the shoulder of southbound SR-1, and the bulldozer had entered the area and proceeded on a steep grade in a straight line to the bottom of the slope. Based on the height of the fill placed at the shoulder, personnel stated the bulldozer had avoided direct effects to the archaeological site where the slope meets the road fill at the Willow Creek drainage. No impacts to intact features of CA-LAN-52 were observed by Caltrans, State Parks, or consultant staff. A construction impact report prepared concluded that no adverse effect to CA-LAN-52 resulted from the unauthorized construction.

District 8 RIV 74 243 Cranston Fire – Emergency Procedures

A wildland fire was started by an arsonist on July 25, 2018, and burned over 13,300 acres in the Idyllwild, Lake Hemet and surrounding communities. The fire destroyed signs, guardrail, landscaping, and damaged pavement and culverts along SR 74 and 243. The Governor declared the Cranston Fire in Riverside County to be an emergency on July 26, 2018. Subsequently District 8 split the project into multiple phases to separate the Emergency Opening (EO) work, where emergency procedures were used, from the Permanent Restoration (PR) work, where Caltrans consulted under the consultation process outlined in the Section 106 PA and PRC 5024 MOU. Phase I of the project included removal of debris from roadways, removal of trees that pose a threat to the travelling public, and replacement of existing guardrails from both SR-74 and SR-243.

Caltrans initiated consultation with the SHPO on August 1, 2018, per Stipulation XVI.B of the Section 106 PA. Caltrans identified that the fire burned adjacent to the Pines to Palms Highway (SR-74), a property eligible for the National Register of Historic Places. Based on several field visits by District 8 PQS, there appear to have been no damage to known archaeological sites and to contributing features of the Pines to Palms Highway as a result of emergency repairs. All cultural resources that were not exemptible per the Section 106 PA, Attachment 4, or previously determined eligible, were assumed to be eligible for the National Register of Historic Places (NRHP). The Cultural Studies Office approved the assumption pursuant to Stipulation VIII.C.4.

District 8 RIV 74 243 Valentine’s Day Storm Event – Emergency Procedures

On February 14 and 15, 2019, historically heavy rains inundated the San Bernardino Mountains and San Bernardino National Forest in Riverside County. The storm overwhelmed drainage systems, causing extensive flooding, erosion, and road washouts. Governor Gavin Newsom issued a declaration of emergency on February 21, 2019. Caltrans Cultural Studies Office (CSO) sent an additional letter on February 26 to SHPO stating the intent to utilize emergency procedures (PA and 5024) encompassing multiple counties throughout the State. The SHPO responded on February 27, 2019, acknowledging use of the emergency procedures throughout the state.

Route 74 and Route 243 were closed late on February 14th by the California Highway Patrol (CHP) to protect public safety. Work to repair damage caused

by the Valentine's Day event consisted of road repair and reconstruction, slope stabilization, culvert repair and replacement, basin/inlet cleanouts, vertical hill removal, rock scaling, shoulder and dike repair, pavement repair and replacement, and replacement of damaged guardrail and road signs.

Due to Cultural Studies engagement with the Emergency Team, there has been no direct impact to any archaeological sites within the Area of Potential Effects. On the Pines to Palms Highway (Route 74), which is NRHP eligible, all contributing masonry culvert, bridges, and inlets were able to be avoided and protected; however, work including shoulder repairs, road reconstruction, and horizontal hill removal did have an adverse effect on this historic resource. For the Banning-Idyllwild Highway (Route 243), which is assumed eligible, all contributing features including masonry culverts were able to be avoided and protected, with the exception of Bay Tree Springs (FS Site 5-12-55-394) which was initially heavily impacted in the Valentine's Day storm. However, due to the severity of the roadway washouts and the removal of portions of Bay Tree Springs, this project did have an adverse effect on the historic property.

District 3 SAC 50 Bridge Repainting – Inadvertent Effect/Post-Review Discovery

A post-review discovery occurred around March 1, 2019 during a SAC-50 bridge repainting project performed by Maintenance. An historic-era archaeological site, remains of the Sacramento City Garbage Crematory, was identified during the survey for a different SAC-5 Bridge Replacement Project; this survey occurred after any potential environmental clearance was performed for the SAC-50 bridge repaint project. Because the repaint project was treated as a standard Maintenance activity, it did not go through the typical project delivery process that would have included cultural review and clearance.

After the survey for the bridge replacement project, a D3 archaeologist noticed the repaint crew in that area. D3 archaeologists met with Maintenance in the field to discuss the possible effect on the site. The repaint crew did not appear to have disturbed any area beyond what previous projects had already disturbed due to its location in an interchange. Various methods were then discussed and implemented to avoid future damage to the site. The site is currently being evaluated for the bridge replacement project, so there is an existing course of action to determine if the site is a historic property and if it would require further protection or mitigation. SHPO concurred with this

approach on March 22, 2019. A Phase II excavation of the site has occurred under bridge replacement project, but the lab analyses and results of the evaluation have not been finalized.

District 8 SBD 15 Valley Wells SRRA – Inadvertent Effect

In December 2017, the well and water pump at the Valley Wells Safety Roadside Rest Area (SRRA), located on Interstate 15, failed. In February 2018, Caltrans proposed installing a new well at the Valley Wells SRRA. Staff PQS prepared a HPSR, FOE, and Environmentally Sensitive Area (ESA) / Archaeological Monitoring Area (AMA) Monitoring and Discovery Plan.

The Valley Wells SRRA was built over CA-SBR-4054/H, presumed eligible for the NRHP under Criterion D (only) for the purposes of the undertaking. The ESA/AMA Monitoring and discovery Plan required that ESA limits be established along the existing right-of-way fence line. All areas outside of the right-of-way fence were identified as ESAs for which no entry was allowed. AMAs were established in the areas accessible to the general public where ground-disturbing activities were planned for new utility lines. Tribal monitoring was authorized, and archaeological monitoring was required in the work areas during all ground-disturbing activities in the AMAs.

On August 9, 2018, Caltrans District 8 Cultural Studies learned that construction had commenced at Valley Wells SRRA without notification to the Environmental Division, without the completion of an Environmental Commitments document to inform the Resident Engineer (RE) of the cultural sensitivity of the project location, and before a Task Order had been issued to enable archaeological and tribal monitors to deploy to the site. At the immediate request of the District 8 Cultural Studies Environmental Branch Chief (DEBC), the Resident Engineer issued a “Halt-Work” order to the construction crew. Unfortunately, this order was apparently not delivered to the night shift. Construction had been started on a 24-hour schedule. The night shift re-commenced construction, excavating a catch basin for excess runoff water through the original ground surface, and surrounding it with a berm of fill dirt. This was discovered when the DEBC and Caltrans Professionally Qualified Staff (PQS) arrived on the site on the morning of August 10, 2018.

After learning of the mistake, the RE re-issued the “Halt Work” order on the morning of August 10, 2018. Caltrans PQS inspected the damaged area on

August 10, 2018. However, no evidence of cultural deposits such as artifacts or features were observed in the damaged area around the muddy edges of the pond. District 8 also notified the Twenty-Nine Palms Band of Mission Indians (Tribe) and the Bureau of Land Management (BLM) on August 14, and provided updated details regarding corrections to be implemented. The Tribe and the BLM both asked to be kept informed as plans continue to develop, and requested copies of pertinent documentation as soon as they become available for review.

District 9 MNO 395 Sheep Ranch Shoulders – ESA Violation

An ESA violation occurred on July 30, 2018 to CA-MNO-2476/H. The contractor of the Sheep Ranch project in D9 was allowed to stage equipment within the site boundaries of CA-MNO-2476/H. Although staging occurred on private land, this area is within a clearly defined, fenced and signed ESA. The Resident Engineer was instructed to have the equipment removed by the Caltrans Environmental Construction Liaison (ECL) and his supervisor. There were issues with the landowner allowing Caltrans onto the property, but D9 made a cursory assessment on August 2 and attempted to perform a more formal survey of the affected area but was not granted access to the property until August 29, 2019. CSO was notified on July 31, 2018 and SHPO was notified August 2, 2018. The Humboldt-Toiyabe National Forest, Bridgeport District Archaeologist and associated tribal groups/individuals were notified August 3, 2018 with follow-up correspondence.

A Construction Incident Report was prepared and submitted by the D9 DEBC to Headquarters Division of Construction and to the CSO Chief on October 8, 2018. The report provides a legal status and description of resource; summarizes the violation, its causation and its effects; provides the status of the environmental commitments; and lists methods to prevent future violations. Based on the results of the post-impact consultation and investigation, District 9 has determined no significant impact/no effect occurred to CA-MNO-2476/H as a result of this cultural ESA violation.

District 3 SAC 0 Del Rio Road – Public Objection

There is a public objection to the Finding of No Adverse Effect – SC (SOIS) for Del Rio Trail project that is along unused rail corridor near Freeport Blvd from Sutterville Road to south of Meadowview/Pocket Road (4.5 miles). The

individual involved believes that the rails to trails project will result in an Adverse Effect to the Walnut Grove Branch Line of the Southern Pacific Railroad, which was previously determined eligible. The individual and their representation have filed a CEQA lawsuit against the City of Sacramento; therefore, Caltrans has put NEPA compliance on hold until the lawsuit is resolved. Depending on the resolution, Caltrans might have to revisit Section 106 consultation.

STATUS OF AGREEMENT DOCUMENTS AND ONGOING CONSULTATION

During fiscal year 2018-19, Caltrans and its partners executed or amended the following 18 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.

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|--|------------|
| • D1 Camp 20 MOA | 8/14/2018 |
| • D8 Mt Vernon Ave. Bridge MOA 2nd amendment | 9/5/2018 |
| • D4 Marin Sonoma Narrows MOA Amendment | 9/5/2018 |
| • D10 Rawhide Road Bridge MOA | 9/11/2018 |
| • D7 SR-710 North Project-MOA | 10/9/2018 |
| • D10 7th St Bridge MOA | 11/29/2018 |
| • D1 Honeydew bridge MOA | 12/27/2018 |
| • D7 Schuyler Heim Bridge-MOA | 1/31/2019 |
| • D4 Golden Gate Suicide Barrier MOA Amendment | 2/15/2019 |
| • D9 Towne Pass Curve Correction MOA amendment | 2/22/2019 |
| • D3 I Street Bridge PA | 3/22/2019 |
| • D3 PLA-49 Safety Improvements PA | 5/2/2019 |
| • D5 San Antonio Creek Bridge Scour MOA | 5/10/2019 |
| • D4 YBI Ramps MOA amendment | 5/23/2019 |
| • D7 I-710 South Corridor PA | 6/6/2019 |
| • D1 Humboldt Bay Area Mitigation MOA | 6/12/2019 |
| • D4 Saratoga Creek Bridge MOA | 6/20/2019 |
| • D4 Watmaugh Road Bridge | 6/26/19 |

The above listed agreement documents are available upon request. During fiscal year 2018-19, Caltrans terminated or closed out eight agreement documents from previous years.

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|---|-----------|
| • D7 1st over Glendale-MOA | 7/16/2018 |
| • D7 Riverside Dr. Bridge-MOA | 7/16/2018 |
| • D4 Soscol Interchange Improvement Project | 8/21/2018 |
| • D4 State Route 116 Improvement Project | 8/21/2018 |

- D2 Collier SRRA 4/10/2019
- D8 Hinkley 4/11/2019
- D3 Smartsville MOA 4/17/2019
- D6 Fulton Mall MOA 5/21/2019

PQS reported additional projects with existing executed agreement documents were in place for projects in various stages of the project development process. Seven agreement documents are currently in development, department-wide. Information related to these projects is available upon request.

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). 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 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 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 19-10 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.
- CSO delivered one PA training session for PQS in Sacramento in January 2019. 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 three sessions of the Caltrans Environmental Academy in August 2018, November 2018, and January 2019, 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 February

2019. 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.

- CSO delivered three sessions of the Introduction to Historic Site Survey, Preliminary Evaluation, and Artifact Identification course in September 2018, October 2018, and March 2019. This advanced course focused on accurately and correctly describing historic artifacts, date artifacts, and place the artifact within the context of the overall archaeological site, improving one's ability to evaluate archaeological sites for their National Register eligibility.
- CSO is offering three sessions of the Principles of Geoarchaeology for Transportation Projects course. The class covers the principles of geomorphology, sedimentation, and stratigraphy as they relate to the identification and evaluation of archaeological sites. Sessions will be offered in September 2019, October 2019, and March 2020.
- CSO is creating a new course for the 19/20 fiscal year called Section 4(f) Compliance for Historic Sites. This new 8-hour course will focus on when 4(f) of the Department of Transportation Act (DOT Act) applies to cultural resources, what is considered a "historic site" under 4(f), the differences between 4(f) and Section 106 of the National Historic Preservation Act, and the various 4(f) Programmatic Agreements that apply to historic sites. Two sessions of this course will be offered in February and April 2020.

Stipulation XX.C

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 2018-2019,

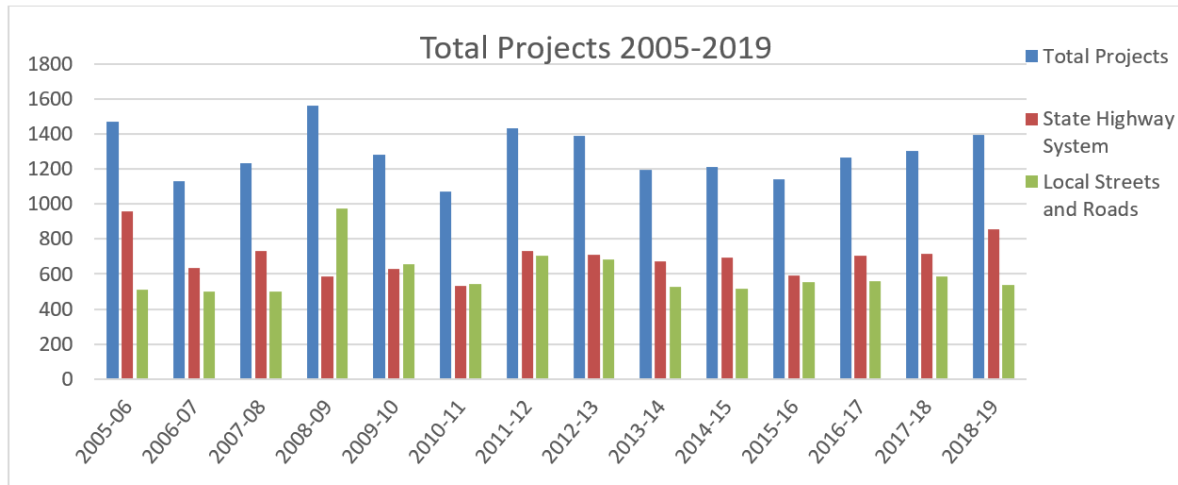
Caltrans District and CSO PQS processed 1394 Federal-Aid Highway projects. Of those, 1163 projects qualified as Screened Undertakings and were exempted from further Section 106 review. There were 149 projects that did not qualify as screened undertakings and were kept on file at Caltrans as findings of No Historic Properties Affected, as no consultation with the SHPO was required under the terms of the Section 106 PA. Thirty-three projects were reviewed by CSO in accordance with Stipulation X.B.1. Forty-nine were submitted to SHPO for review, and ten of these projects resulted in a Finding of Adverse Effect, which will require additional consultation to resolve effects. Fifty-seven projects were submitted to SHPO for concurrence on determinations of eligibility, 24 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 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 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.

Attachment 1: PA ACTIVITIES Fiscal Years 2005-06 to 2019

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 18,092 projects. Of the 18,092 projects, 8,171 projects were on the State Highway System, (Caltrans) and the remaining 7,223 projects were on local streets and roads (Local Assistance) throughout the state.



The majority of the projects, 14,945 (or 82.66%) completed between fiscal years 2005-06 to 2018-2019 were classed as Screened Undertakings and only 927 of the projects (5.12%) were submitted to SHPO for review. The remaining 2,462 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.

