

BIENNIAL REPORT
IMPLEMENTATION OF THE
SECTION 106 PROGRAMMATIC AGREEMENT
JULY 1, 2011 - JUNE 30, 2013

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

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EXECUTIVE SUMMARY

This report documents the effectiveness of, and summarizes actions carried out under, the *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* (PA) during the two-year period from July 1, 2011 through June 30, 2013, in accordance with stipulation XVII.D.1 and XVII.D.2 of the PA. The California Department of Transportation (Caltrans), having satisfactorily completed annual reporting for the first five years, is now reporting biennially per the PA.

The results reveal that Caltrans handled 2,539 Federal-Aid Highway projects. Of these, 195 required external review by the State Historic Preservation Officer (SHPO). A total of 11 projects resulted in a finding of adverse effect, and subsequently required a Memorandum of Agreement. Page 2 contains the summary results of PA actions.

During this two-year period, there were six late discoveries, two unanticipated effects to historic properties, and one ESA violation reported. Caltrans cultural resources staff took the appropriate actions to halt construction, assess the situation, consult with interested parties to consider effects to the resource and mitigate any adverse effects. These incidents are described on pages 7 – 12.

Quality assurance measures for this reporting period included ongoing Professionally Qualified Staff (PQS) review of Caltrans District reports by Cultural Studies Office (CSO) staff, delivery of PA training for statewide cultural resources staff, held in Sacramento in May 2012, and May 2013, and a number of other trainings designed to improve the knowledge, skills and abilities of Caltrans cultural resources staff. These and other quality assurance measures are discussed on page 12.

In July of 2012, President Obama signed the Moving Ahead for Progress in the 21st Century Act (MAP-21) (P.L. 112-141) into law. Section 1313 of MAP-21 amends 23 U.S.C. 327 to establish a permanent Surface Transportation Project Delivery Program, allows any State to participate, and allows for a State to renew its participation in the program. Through the Project Delivery Program Memorandum of Understanding (MOU), Caltrans maintains its assignment of FHWA's responsibilities under the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (Section 106). The MOU became effective October 1, 2012. The Division of Environmental Analysis, Cultural Studies Office continues to perform FHWA's role and take on their responsibilities for compliance with the steps of the Section 106 process that were not previously delegated to Caltrans under the PA. Resource agencies have indicated that Caltrans is handling its assumption of FHWA's responsibilities capably, and in some cases, communication between agencies has effectively improved.

The current PA is set to expire on December 31, 2013. Consistent with Stipulation XVII.F, the signatory parties met on April 16, 2012 to determine if the PA should be allowed to expire or whether it should be extended for an additional term, with or without amendments. The parties unanimously agreed to revise the PA and amend for an additional 10 years. Proposed revisions included clarification of Caltrans CSO, Caltrans Districts and FHWA roles and responsibilities under NEPA assignment, the inclusion of the Army Corps of Engineers as an Invited Signatory, and strengthening references to Native American Tribes involvement in the process.

Despite continued State budget deficits and State worker furloughs, workload during this reporting period increased over the previous two-year reporting period. Not only did Caltrans

cultural resources staff handle more total projects, there was a marked increase in the complexity of the completed projects. This is reflected by a decrease in the percentage of Screened Undertakings and a corresponding increase in the number of projects sent to the SHPO for review.

It is Caltrans' judgment that the PA continues to be an effective program alternative to the standard Section 106 process by streamlining project review procedures while maintaining federal standards and ensuring that effects to cultural resources are taken into account during project planning.

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INTRODUCTION

The *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* (PA) went into effect on January 1, 2004. It streamlined Section 106 of the National Historic Preservation Act (Section 106) by delegating much of the Federal Highway Administration's (FHWA) responsibility for carrying out the more routine aspects of the Section 106 process to the California Department of Transportation (Caltrans). All cultural resources studies completed under the auspices of the PA must be carried out by or under the direct supervision of individuals who meet the Secretary of the Interior's Professional Qualifications Standards for the relevant field of study. The standards are designed to ensure program quality and satisfy federal mandates associated with compliance with Section 106 of the National Historic Preservation Act. Caltrans meets these standards by certifying its cultural resources staff as Professionally Qualified Staff (PQS). The Chief of the Cultural Studies Office (CSO) in the Division of Environmental Analysis is responsible for certifying the qualifications of all PQS. PQS are charged with ensuring that effects to cultural resources are taken into account and that there is no loss in quality of work or consideration for resources.

In addition to streamlining the Section 106 process for Caltrans, the PA also reduces the workload for the State Historic Preservation Officer (SHPO) in that Caltrans PQS internally review routine projects, or those that do not involve any cultural resources. Less than eight percent of projects required SHPO review this reporting period. Caltrans ensures that all project documentation for undertakings that are not subject to SHPO review under the PA is kept on file at Caltrans and made available to consulting parties and the public in accordance with the PA, consistent with applicable confidentiality requirements. Delegating PQS 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 historic properties or have potential for adverse effects.

This report documents the effectiveness of, and summarizes activities carried out under, the PA. It covers actions for which Section 106 consultation was concluded between July 1, 2011 and June 30, 2013 in accordance with PA stipulations XVII.D.1 and XVII.D.2. Caltrans, having satisfactorily completed annual reporting for the last five years, is now reporting biennially per the PA. PA actions or projects that were "in progress" with determinations or findings pending as of June 30, 2013 are not reflected in this report. This is the last full reporting period under the terms of the current PA.

In accordance with PA stipulation XVII.D.3, 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, and that the public may provide comment to the PA signatory parties on the report. This report is being submitted to the FHWA, the State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP), and the Caltrans Director and District Directors.

SUMMARY OF PA ACTIONS

According to data provided by the Districts, enumerated in Tables 1 and 2, Caltrans processed 2,539 Federal-Aid Highway projects during this reporting period. The majority of these, 2,035 (80.1 percent), were exempted from further Section 106 review after appropriate review, or “screening,” by PQS.¹ An additional 309 projects (12.2 percent) that did not qualify as screened undertakings were kept on file at Caltrans, as no consultation with the SHPO was required under the PA terms.² Overall, 195 projects (7.7 percent) of the 2,539 that were processed between June 30, 2011 and July 1, 2013 required consultation with the SHPO. Note that the reporting period of this Biennial Report is for two fiscal years (July 1, 2011 – June 30, 2013) so the numbers reflect cumulative totals and average percentages. For comparing annual results of all PA reporting periods, yearly totals are depicted in Figures 1 and 2.

Table 1: Activities Under the PA

Projects Completed – Total	2539
Caltrans Projects	1338
Local Assistance Projects	1201
Number of Projects Screened – Total	2035
Caltrans Projects	1112
Local Projects	923
Projects to SHPO – Total	195
Caltrans Projects	84
Local Projects	111

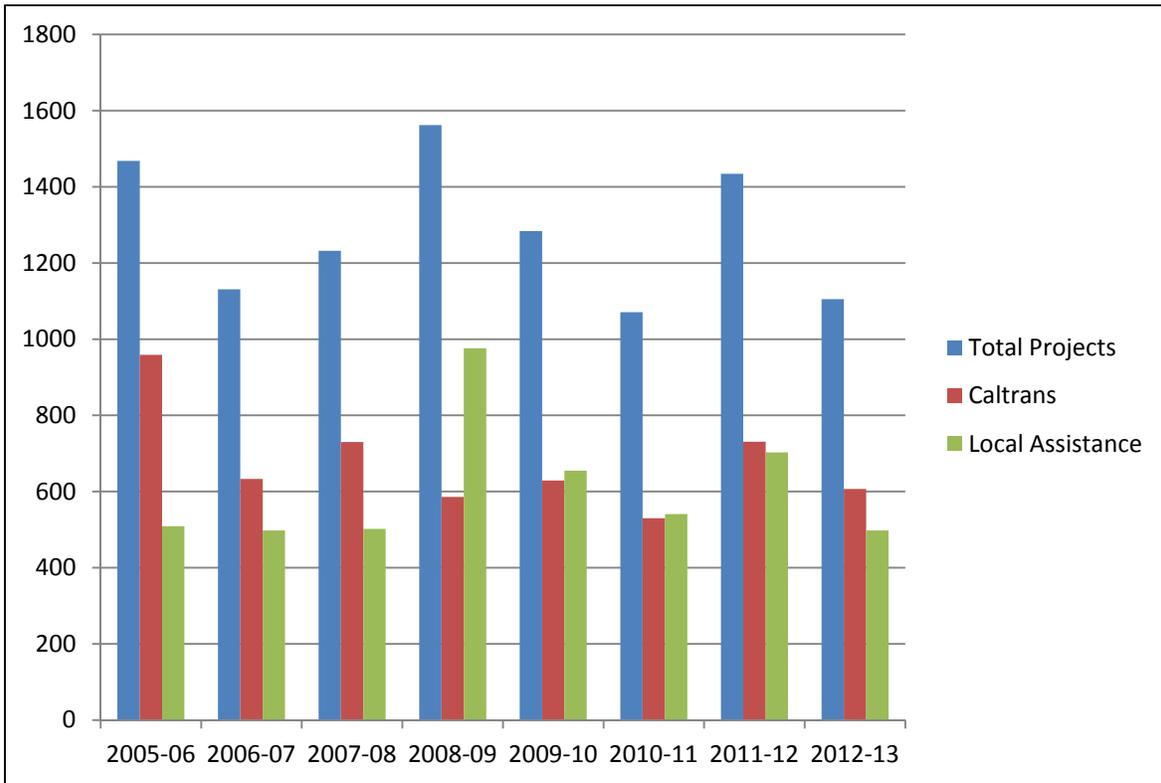
Table 2: Historic Property Survey Reports (HPSRs) to File

HPSRs to File – Total	309
HPSRs to File – Caltrans Projects	136
HPSRs to File – Local Projects	173

¹ PA Stipulation VII specifies that the classes of undertakings identified in PA Attachment 2 as “screened undertakings” will require no further review under the PA when the steps set forth in Attachment 2 have been 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. Undertakings cannot be exempted if conditions must be imposed to ensure that potential historic properties would not be affected.

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 within the project limits.

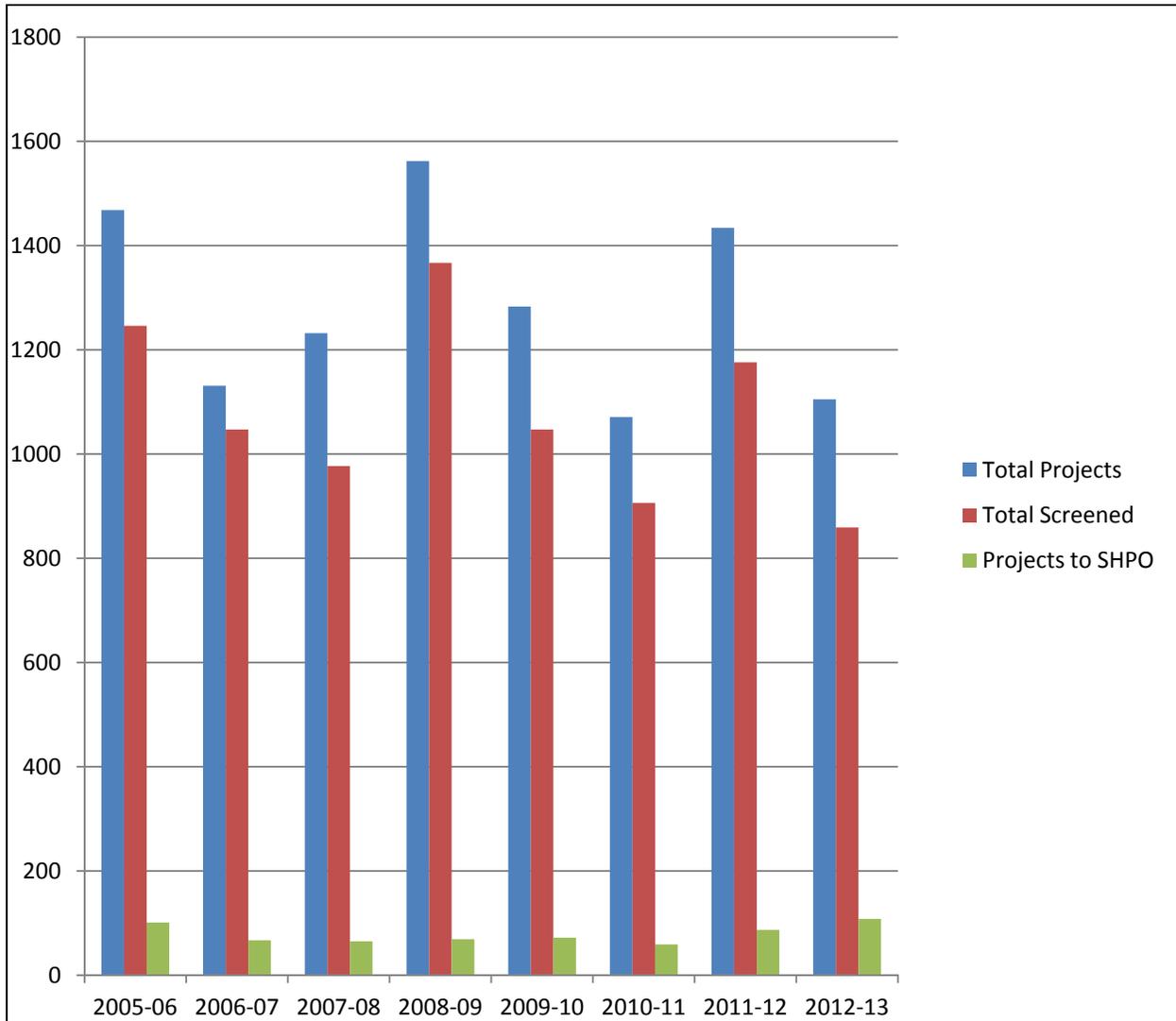
**Figure 1: Federal-Aid Highway Projects
2005-06 to 2012-13**



District workload for processing Federal-Aid Highway projects remains steady. Workload has increased over the last two-year reporting period and the 2011-12 fiscal year reflects the third highest number of projects completed since the inception of the PA. Reversing a trend that began in 2008 with the high number of American Recovery and Reinvestment Act projects being undertaken by the local agencies, Caltrans has completed more projects than their local agency partners over the last two years.

The percentage of projects that qualify as screened undertakings now averages 84% over the life of the PA, but it has fluctuated from a low of 78% in 2012-13 to a high of 93% in 2006-07. While difficult to discern from Figure 2, the two years in the current reporting cycle show a decline in the percentage of projects being screened. This trend is supported by an increase in the percentage of projects sent to the SHPO for review. In the 2012-13 year, Caltrans submitted a record 9.77% of projects for SHPO review versus an average of 5.67% for the preceding years (range 4.42%-6.88%). This represents a marked increase in the complexity of projects handled by Caltrans cultural resources staff.

**Figure 2: Screened Projects and Projects Sent to SHPO
2005-06 to 2012-13**



Effect Findings

Of the 508 projects that were not exempted, 405 resulted in a “No Historic Properties Affected” finding. Under the PA, this finding requires notification to the SHPO when Caltrans has been in consultation regarding determinations of National Register eligibility, or is kept in Caltrans’ files when the HPSR concluded that no cultural resources requiring evaluation were present. Another 54 projects met the criteria for “No Adverse Effect with Standard Conditions.”³ This finding

³ The Standard Conditions, described in PA stipulation X.B.2, are as follows: (i) Historic properties will be rehabilitated in accordance with the Secretary of the Interior’s Standards for Treatment of Historic Properties (36 CFR Part 68); or (ii) Properties will be protected by designation of ESAs, as described in Attachment 5 to this Agreement. Note an ESA designation is not considered “standard” when applied to a non-archaeological site.

requires only that Caltrans provide adequate documentation for the SHPO’s notification; the SHPO does not concur in such findings and there is no review, or “waiting” period involved.

The remaining 49 projects resulted in “No Adverse Effect *without* Standard Conditions” or “Adverse Effect” findings, and therefore required that the Districts consult with CSO and, subsequently, that CSO consult with the SHPO: 38 were “No Adverse Effect” while 11 had a finding of “Adverse Effect” (see Table 3). In all, projects that resulted in effect findings requiring consultation with CSO and the SHPO represent less than 2 percent of the 2,539 Federal-Aid Highway projects processed during this biennial reporting period.

Table 3: Effect Findings

Total Effect Findings	508
No Historic Properties Affected	405
No Adverse Effect with Standard Conditions	54
No Adverse Effect	38
Adverse Effect	11

EFFECTIVENESS OF THE PA

Estimated Time Savings

1. Projects exempt from SHPO review

The PA delegated most of the steps involved in the Section 106 process to Caltrans. PQS staff archaeologists and historians determine whether undertakings have potential to affect historic properties through a process the PA calls “screening.” Projects that PQS determine to not have the potential to affect historic properties may be exempted from further Section 106 review. The findings typically are documented in a memo along with any supporting documentation, such as project plans, records search results, or consultation documentation. Prior to the PA, all Federal-Aid Highway projects were subject to Section 106 consultation between FHWA and the SHPO. PQS measure the time savings of this PA provision by estimating the amount of time that would otherwise have been spent conducting Section 106 studies.

Some Districts tracked the estimated hours saved by screening projects and provided the information to CSO for this biennial report. The estimated savings is based on an average of approximately 43 hours saved per project.

Despite the estimated time savings, project workload remains high. For the 2011-2013 biennial reporting period 2035 projects (80.1 percent) qualified as exempt from further review. Hence, the time savings might best be 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 PA. The projects that were screened moved through the Section 106 compliance process promptly (in some cases with a one-day turnaround), whereas without the PA there would have been a backlog of projects for the same time period.

2. Projects that require SHPO review

Table 4 below compares the agency review timeframes under the PA to those of 36 CFR Part 800, the regulations implementing Section 106. Since January 1, 2004, Caltrans has used the PA instead of 36 CFR Part 800 for most Federal-Aid Highway projects.⁴ For a typical undertaking, consultation with the SHPO for the area of potential effects, identification efforts, and evaluation of cultural resources could require up to 90 days. Under the PA, the review time has been reduced to 30 days, resulting in a time savings of up to 60 days per project. For the 2011-2013 biennial reporting period only 195 Federal-Aid Highway projects out of 2,539 went to the SHPO for a 30-day review.

Table 4: Section 106 Review Timeframes

Action	PA Process	36 CFR Part 800 Process
Setting Area of Potential Effects (APE)	0	30 day review by SHPO
Adequacy of Identification/Survey effort	0	30 day review by SHPO
Evaluation of cultural resources (if any present)	30 day review by SHPO	30 day review by SHPO

Table 5: Review Timeframes for Effect Findings

Action	PA Process	36 CFR Part 800 Process
Finding of No Historic Properties Affected	0	30 day review by SHPO
Finding of No Adverse Effect with Standard Conditions	0	30 day review by SHPO
Finding of No Adverse Effect without Standard Conditions	30 day review by SHPO	30 day review by SHPO
Adverse Effect	30 day review by SHPO	30 day review by SHPO

3. Time savings for effect findings

Section 106 requires that a federal agency take into account the effect of its undertakings on historic properties (archaeological sites, buildings, structures, or objects that are listed in or determined eligible for the National Register of Historic Places). Table 5 above compares the Section 106 timeframes for review of effect findings under the PA to those of 36 CFR Part 800. Under the 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 no historic properties will be affected) or are sent to the SHPO for notification

⁴ The PA does not apply to projects that are located on or affecting tribal land; for projects on or affecting tribal land, Caltrans uses 36 CFR Part 800. Caltrans also has a programmatic agreement for seismic retrofit projects.

purposes only, resulting in a time savings of 30 days per project. Similarly, “No Adverse Effect with Standard Conditions” findings are provided for the SHPO’s notification only; the SHPO does not concur in the finding, thus there is no “review” period. These provisions of the PA result in an additional time savings of 30 days per project. In the 2011-2013 biennial reporting period 363 projects with effect findings either did not have to be sent to SHPO for review or were sent to the SHPO for notification only, resulting in a savings of 30 days per project.

4. Properties that do not require evaluation

A. Properties exempt from evaluation under Stipulation VIII.C.1 and Attachment 4 of the PA. Section 106 requires a reasonable level of effort to identify and evaluate historic properties. However, the 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 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.

B. Special Consideration for Certain Archaeological Properties. PA Stipulation VIII.C.3 allows archaeological sites to be considered eligible for the National Register 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 106 PA, *all* sites within an APE had to be evaluated 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 PA advances Caltrans’ environmental stewardship of archaeological sites by providing incentives to avoid rather than excavate them whenever possible; reducing excavations and protecting sites from construction protects the full range of their potential values as scientific data and as cultural heritage. Foregoing archaeological excavations where sites are considered eligible in accordance with the terms of the PA and protected by an ESA designation, has saved time, public funds, and heritage resources.

5. FHWA reviews and approvals

Prior to Caltrans’ NEPA assignment, all Section 106 documents were subject to FHWA review in addition to SHPO review. The PA saved 30 to 60 days per project by delegating approval of APE maps from FHWA engineers to Caltrans PQS, and a minimum of 30 to 90 days by eliminating FHWA review of certain Section 106 reports. While Caltrans realizes even more time savings with NEPA assignment, Caltrans continues to realize these time savings on the FHWA projects that are exempt from the NEPA assignment, as the PA remains applicable.

POST REVIEW DISCOVERIES AND UNANTICIPATED EFFECTS

Spanish Creek Bridge, District 2

District 2 had a post-review unanticipated effect related to the Spanish Creek Bridge Replacement Project in Plumas County during the reporting period. During construction, a cut-

slope failed resulting in additional impacts to known historic properties. Caltrans had previously entered into a Memorandum of Agreement (MOA) to resolve adverse effects to the Spanish Creek Bridge and other properties as the Bridge was eligible individually and also a contributor to the Feather River Highway Historic District.

On October 13, 2011, under the terms of the MOA and in accordance with Stipulation XV.B.1 of the PA, Caltrans District staff reported to the SHPO and CSO that a cut-slope had failed and an earthen slide had cut off power to a community and impacted the Utah Construction Road, a property previously identified within the undertakings Area of Potential Effects (APE) and considered eligible for the National Register. Unable to physically inspect the location due to the unstable slope, the District staff requested the Resident Engineer protect as much of the resource as possible. The slope failure and Utah Construction Road are located on lands of the Plumas National Forest.

After it was determined to be safe, Caltrans cultural resources staff assessed the damage and consulted the Plumas National Forest and Caltrans engineers on options for minimizing the damage to the Utah Construction Road. Caltrans had previously committed to impacting only a 100 foot portion of the road, but in order to safely restore the slope they would have to impact an additional 100-150 feet of the road.

On November 2, 2011 Caltrans transmitted this assessment to the SHPO and included a proposal to mitigate for the loss of the additional road sections by conducting in-depth recording of up to 200 additional feet of the Utah Construction Road. The recordation would include Global Positioning System (GPS) mapping, photography, measured drawings and map research compiled as updates to the original site record. The Plumas National Forest agreed with this proposal. The SHPO did not respond and Caltrans completed the proposed measures thus resolving the unanticipated affect to the Utah Construction Road.

State Route 79 Widening, District 8

On April 17, 2012, Caltrans notified the SHPO of a post-review discovery and unanticipated effects situation during construction of the State Route 79 Widening Project in Riverside County. The project was designed and being constructed by the Riverside County Transportation Department (RCTD) with Caltrans oversight.

Upon notification of archaeological material being uncovered in the construction zone of the project, Caltrans cultural resources staff investigated, confirmed the finds, and promptly halted construction until further assessment could be completed. Further investigation revealed that the material was part of a previously identified archaeological site recorded outside the APE. Construction activities had extended beyond the delineated APE for the undertaking at this location. As it appeared the extent of construction activities in other areas of the undertaking may also have exceeded the APE limits, construction was halted on the entire undertaking. Cultural resources consultants resurveyed the entire APE and placed a 50 foot protective buffer around all archaeological sites in the immediate vicinity of the undertaking.

Caltrans presented SHPO with a Plan of Action for Unanticipated Discoveries during Construction for the State Route 79 Widening Project (Plan) on June 18, 2012. Six archaeological sites were identified in the vicinity of the undertaking, four of which could be protected from proposed construction activities by fencing and designation as Environmentally Sensitive Areas (ESAs), two of which had already been slightly impacted and for which

additional impacts could not be avoided. Five of the sites consisted of single or multiple bedrock milling features with little or no identified associated artifactual material, and the sixth represented as the potential historical archaeological remains of a former farmstead.

The Plan included proposed treatment for the two impacted sites that were assumed eligible for the National Register. The historical archaeological site was to be systematically tested to identify any significant deposits and recover the information value using a historical context that had already been developed for the evaluation of the site for an adjacent undertaking. In consultation with three interested Tribes, it was agreed to carefully remove and relocate the bedrock milling features that comprised the other site to a location one mile south of the project area. The SHPO provided comments on the Plan, which were incorporated, and the Plan was implemented on June 22, 2012.

In the evening of June 21, 2012, Caltrans cultural resources staff was notified of soil disposal activity occurring on private property, outside the construction limits, but in the area of one of the archaeological sites described in the Plan as an ESA. Caltrans cultural resources staff investigated on June 22, 2012 and, upon confirmation of activities within the ESA, halted construction within 50 feet of the site. In a meeting between Caltrans and RCTD on June 25, 2012, it was agreed that a more detailed Communications Plan needed to be developed to ensure all contractors and sub-contractors were aware of the environmental restrictions and commitments. On June 26, 2012, Caltrans cultural resources staff learned that a private party had removed the single bedrock milling feature that constituted the site within the ESA.

The issue of the contractors and private parties' rights to enter into agreements regarding ancillary construction activities on private property and whether those activities are to be considered part of the undertaking was considered and debated. Caltrans cultural resources staff continues to work towards clarification of this issue.

The Communications Plan was subsequently implemented, the bedrock milling features that were to be impacted were successfully relocated with the participation of members of the Tribes, the historical archaeological site was excavated with little of significance being recovered, and no additional resources within the APE of the undertaking have been identified. The SHPO was provided a status report on August 14, 2012 conveying this information.

Hollister Avenue Overcrossing, District 5

On May 31, 2012, Caltrans District 5 cultural resources staff notified the SHPO of a potential post-review discovery during construction of the Hollister Avenue Overcrossing Replacement Project in Santa Barbara County.

Caltrans had made a thorough good faith effort to identify historic properties through archival and records searches and consultation with interested Tribes. The project area had been subject to previous surveys, and excavation and construction monitoring of portions of nearby archaeological site SBA-70, that had been identified as early as 1929 to the north of the project area.

After construction had been underway for some time Caltrans cultural resources staff were made aware of a report that had previously been unavailable in the regional State Information Center. In addition to the long plotted and known location of SBA-70 on the north side of Highway 101, this report identified a small portion of SBA-70 on the south side of Highway 101 within the undertakings APE.

Investigation of the location revealed a sparse scatter of estuarine shell and mussel shell that might be indicative of an archaeological deposit in the area. The area had not yet been impacted and it was marked as an ESA to avoid any impacts until the deposit could be investigated. The deposit was presumed eligible and a Treatment Plan prepared in consultation with the SHPO and the Tribe. As the overcrossing was already constructed and only landscaping activities remained to be completed, the Treatment Plan, designed to recover any significant information that may be contained in the deposit through systematic archaeological investigation, was finalized in July 2012 and implemented soon after. The excavations revealed that the deposit did not contain any significant information value.

Lawson Valley Bridge, District 11

On June 20, 2012 Caltrans District 11 cultural resources staff notified the SHPO of a late discovery situation during construction of the Lawson Valley East Bridge Replacement Project in rural San Diego County. The undertaking was designed and being constructed by the County of San Diego with Caltrans oversight.

One archaeological site had been previously identified within the APE for this undertaking. The site had been evaluated through test excavation and determined to be eligible for the National Register under Criterion D. It was determined that impacts to the site could be avoided by designation as an ESA and monitoring by archaeologists and Native American representatives.

During excavation for the west abutment of the bridge, the monitors identified midden soils and artifacts beneath four feet of decomposed granite fill material. Construction was halted in the area and Caltrans notified of the find. Investigation revealed that the deposit was likely part of the previously identified archaeological site. This portion of the site had not been detected due to the four feet plus of fill material that had been placed in the area by historic construction activities related to the original road construction.

As construction activity was pressing and could not be resumed in other areas, Caltrans submitted a proposal for archaeological data recovery of the deposits along with its June 20, 2012 notification and requested comments from the SHPO within 72 hours as provided for in Stipulation XV.B of the PA. The SHPO responded within this timeframe and Caltrans took their comments into account. As a Tribal monitor was already on site, the Tribe was able to participate in and approve the proposed data recovery plan within the 72 hour timeframe. Caltrans proceeded to implement the data recovery plan on June 26, 2012 and construction resumed by July 3, 2012. A report documenting the successful data recovery effort was distributed to the SHPO and the Tribe on November 5, 2012.

Middle of Buckhorn, District 2

On March 13, 2012, Caltrans District 2 cultural resources staff notified SHPO of an unanticipated affect to a known historic property during construction of the Middle of Buckhorn Roadway Rehabilitation Project along State Route 299 in Shasta County.

Archaeological site SHA-4169/H consists of a prehistoric midden site and the remains of a historic era work camp. It was identified and determined eligible for the National Register as part of the Buckhorn Grade Improvement Project. Caltrans found that SHA-4169/H would be unavoidably affected as part of that undertaking and executed a MOA with the SHPO that resolved the adverse effects to the site through a program of data recovery.

The Buckhorn Grade Improvement Project was subsequently split into a number of smaller segments that could be constructed in phases. The Middle of Buckhorn portion of the project was limited to a two mile stretch of the roadway well away from SHA-4169/H. Construction of this portion was allowed to proceed prior to any data recovery efforts and without ESA protections for the site due to the considerable distance from the project area.

On March 12, 2013, Caltrans cultural resources staff learned that the construction contractor had made an agreement with a private landowner to use his property to access water from a creek. The contractor did some grading, and set up a generator and water pumping system that resulted in impacts to SHA-4169/H. Caltrans cultural resources staff halted the water pumping activities and prohibited further access to the location. The generator and pumping equipment were subsequently removed. Caltrans, in consultation with the SHPO and interested Indian Tribes, is in the process of finalizing a plan to mitigate the impacts from the construction activities.

Jackson Valley Road, District 10

On June 12, 2013, Caltrans District 10 staff notified the SHPO of a post-review discovery situation during construction of the Jackson Valley Road Rehabilitation Project along State Route 88 in Amador County.

Caltrans had entered into an MOA with the SHPO to resolve the undertakings adverse effects to eligible archaeological site AMA-56. As part of the resolution of adverse effects, a Treatment Plan was included with provisions for handling unanticipated discoveries during construction.

The initial discovery consisted of two small bones found by an on-site Native American monitor. Concerned that the bones might be human, construction was halted in the area and the County coroner's office contacted in accordance with California law and the MOA. The coroner's office took possession of the remains and Caltrans cultural resources consultants investigated the location. The coroner's office determined the remains were not human, but a small amount of archaeological material was later identified in the same location, leading to the notification to the SHPO.

Caltrans provided additional documentation on the location and nature of the identified deposits to the SHPO on June 18, 2012. ESA protective measures to exclude construction activities were installed for the area of concern.

A brief work plan detailing specific methods proposed to recover any significant information from the small sparse deposit, using the research context from the existing Treatment Plan, was submitted to the SHPO on August 1, 2013. The SHPO had no comments and the proposed work plan was implemented.

Willits Bypass, District 1

On June 21, 2013, Caltrans District staff notified the SHPO of a post-review discovery during construction of the Willits Bypass Project in Mendocino County.

Archaeological and Tribal monitors identified a number of concentrations of lithic artifacts in a location where a scraper had recently removed the topsoil. Construction in the area was halted until Caltrans could determine the extent of construction activities planned for the area and propose a resolution. Caltrans also notified the Sherwood Valley Tribe of the discovery. The archaeological site had not been previously identified and Caltrans committed to providing additional monitors for the large construction project.

On June 27, 2013, Caltrans submitted to the SHPO and the Sherwood Valley Tribe a proposal for resolving effects to the archaeological site that was assumed eligible under Criterion D. The proposal outlined the construction activities that needed to be completed in the area, efforts that would be employed to minimize impacts, and provisions for monitoring, documentation, and recovery of any identified artifacts and features.

The June 27, 2013 submittal also included notification of a second post-review discovery in another area of the construction project. Again lithic artifacts were identified following a surface scrape. Construction was halted in the area and a 60-foot exclusion buffer placed around the finds.

Caltrans continues consultation with the SHPO and the Sherwood Valley Tribe regarding resolution of these post-review discoveries.

There were no other reported post review discoveries or ESA failures associated with PA actions during the two-year reporting period, nor were there any foreclosures. Caltrans responded to these events appropriately and continues to develop improved processes for establishing and enforcing ESAs, taking historic properties into consideration, and responding to post-review discoveries. From Caltrans' perspective, it is important to note that the outcome of the above events would likely have been no different without the PA. Caltrans is concerned about the number of post-review discoveries reported in this two-year period. Caltrans has always emphasized thorough identification efforts be employed during the Section 106 process to avoid these kinds of post-review discoveries. Caltrans is attempting to improve its record through revisions to the PA and additional training of cultural resources staff.

QUALITY ASSURANCE MEASURES

Under the 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. As the results of this report indicate, this responsibility is being handled competently. To ensure that this level of quality continues, the following quality assurance measures occurred:

- CSO delivered webinar training, *To Exempt or Not: Mid-20th Century Architecture and Evaluating Post-1950 Buildings and Structures*, November 8-9, 2011.
- *Decision to Monitor* training was presented by the CSO in San Diego in March 2012.
- CSO delivered two PA training sessions for Caltrans staff in Sacramento, including a 12-hour class in May 2012 and a 16-hour class in May 2013.
- NAGPRA/ARPA training was presented in northern California in January 2013 and southern California in January-February 2013.
- Two seminars, *The Principals of Geoarchaeology for Transportation Projects*, were presented to staff in northern and southern California in March 2013.
- On-the-job training for district staff in geophysical methods continued with CSO archaeologist, Billy Silva.
- To insure quality and consistency in evaluations of historic properties, a context for historic archaeological properties focusing on work camp properties was completed in 2013.

- For staff requesting additional training, access to courses on Section 106, agreement documentation, traditional cultural places, osteology, and lithic analysis, as well as other classes, is available.

Quality assurance measures also included:

- Quarterly meetings with the Districts, CSO and SHPO to discuss workload and cultural resource issues of statewide concern.
- District PA consistency reviews were conducted in D-5, D-7, D-8, D-11 and D-12.
- Caltrans Section 106 Coordinator held monthly meetings with OHP project review staff to facilitate consultation on implementation of the PA and discuss project specific 106 issues.
- Bulletins and other guidance were posted on the CSO website.
- CSO review and approval of all “No Adverse Effect without Standard Conditions” and “Adverse Effect” reports, MOAs and MOA attachments.
- Peer reviews by CSO staff, as requested by Districts.

In preparation for making revisions to the PA, in June of 2012 Caltrans and FHWA sent out hundreds of letters to Indian Tribes, tribal groups and individuals, other federal agency offices in California, Certified Local Governments, historic preservation groups, and professional and avocational societies soliciting comments on the effectiveness of the PA. The received feedback was not only considered for revisions to the PA, but was informative for how Caltrans was currently implementing the PA. Many of the comments received related to the consultation process have already been put into practice.

CONCLUSION

The information contained in this report demonstrates a steady and consistent program of compliance with the terms of the PA. It is apparent that transportation undertakings, while perhaps decreasing in numbers, have become more and more complex. The consultation process has become more rigorous and concerns about identification of, and impacts to, diminishing resources have heightened.

This represents the last reporting period under the current PA. This PA was widely recognized as a model for an alternative program for transportation projects and has served FHWA, Caltrans, the California SHPO, consulting parties and the taxpayers well. A revised amended PA is scheduled to be in place on January 1, 2014. Caltrans has drafted revisions in the amended PA that will hopefully keep pace with the changing perceptions of resource values and maintain consultation standards, while streamlining bureaucratic processes for undertakings with little or no potential for affecting historic properties.

Caltrans is committed to maintaining its high standards of compliance, resource consideration, and stewardship through retention and continued training of highly qualified staff, clear communication with our partners, quality documentation of compliance with the terms of the PA, and the best practices in the field of historic preservation.