Notes from the Caltrans Statewide PA Teleconference 3-3-05

Opening remarks

Participants from Headquarters (HQ) included: Margaret Buss, Dorene Clement, Anmarie Medin, Jill Hupp, Tina Biorn, Glenn Gmoser, Gloria Scott, Greg King, Germaine Belanger, and (by phone) Bob Pavlik.

Jill welcomed everyone, noting that Greg was called to another meeting but may be joining us later. She then mentioned that a number of requests to check status of reports at SHPO have come in to HQ recently. We hadn't had any in quite a while because of the fast turnaround under the PA. Now, we're aware of a few projects that have been at SHPO 2-3 months, so folks are concerned that turnaround is slowing down a bit. One reason might be the staffing situation in the Project Review unit. They have an interim supervisor, Mike McGuirt, who is also reviewing projects; one historian working 3/5 time; and one new archaeology reviewer who came on board last December. The only other reviewers are Caltrans staff on rotation – Kelly Hobbs from D6; Blossom Hamusek of D2, who is leaving soon; and John Sharp and Julia Huddleson of HQ.

The Deputy SHPO Steve Mikesell and Mike McGuirt have expressed that they want to retain the existing SHPO contact protocols (see the January 2005 Section 106 Bulletin). So, the procedure is the same as before: if you have an emergency, or a critical deadline approaching that is in danger of being missed, and the district is willing to consider the project to be its top priority, I can contact the Project Review supervisor (not the staff reviewer) and try to find out when we might expect a response. Since the first thing I'm likely to be asked is, "what are the critical due dates?" it would be helpful for me to have that information from you. Most of the projects I was asked to check on recently either didn't have critical due dates, or the person asking didn't know what they are. If a Project Manager or someone is pressuring you to call HQ to have me check on a project, maybe you could ask that person to provide the dates – just tell them HQ has to have that information. SHPO is responsive and has usually been able to accommodate our requests when we have a real time crunch. But we can't contact them all the time, and we don't want to use up all our "help!" cards on projects that aren't an emergency or up against a deadline.

That being said, while we are sympathetic to their staffing issues, project delivery is still a concern to us. The SHPO told us when the PA was first implemented that they would abide by the terms of the PA, meaning they would respond in 30 days unless Caltrans had agreed to extend the time – otherwise they would not issue a letter after 30 days (see notes to the 2/26/04 PA teleconference). Until recently it wasn't an issue because they were responding in far less than 30 days, and still are for most projects. But if you have a submittal that's been there 2-3 months, the district might decide that they are going to move forward without waiting for a SHPO response. Caltrans has that option under the PA.

Jeanne Binning (D6): But FHWA won't let us move forward for NEPA unless we have a letter.

Jill: Margaret met with Joan Bollman and Stephanie Stoermer of FHWA and they agreed that there are only 5 situations in which they would require us to have a letter from SHPO for NEPA compliance. If those situations don't apply, the PA says we can move forward. Maybe the Area

Engineer you're working with isn't aware of the draft guidance, so you might want to contact Stephanie or me if you are continuing to have a problem with this. NEPA requires compliance with 106, not necessarily a letter from SHPO; under the PA there are a number of ways that we comply with 106, such as a no findings HPSR that goes to our files only, and some findings that are notification only and no response from the SHPO is required or expected.

HPSR Short Form – Revised

Gloria noted that the new and improved form allows us to delete findings that do not apply and can add statements. The headers and instructions cannot be deleted. The headings are in a table format, which allows us to tab through them. In response to questions from various districts asking why there is no checkbox for a No Adverse Effect without Standard Conditions (NAE w/o SC) finding, Jill explained that this is because the HPSR doesn't need to address effects in this case. It's reporting our ID and evaluation efforts only. Nor do we want to add a checkbox, because there is no advantage to Caltrans (timesavings etc.) in sending an HPSR to FHWA with a NAE w/o SC report attached as one package, and actually it would be a misuse of the PA to do this. We don't consult FHWA on our eligibility determinations no matter what the effect finding is; the determination is between Caltrans and SHPO. But FHWA, not Caltrans, must consults with SHPO on a NAE w/o SC finding. The effect findings that do have checkboxes on the HPSR form are there because they are ones in which Caltrans can consult directly with SHPO, and are for notification only (i.e., we are not asking for concurrence).

In situations where the HPSR does not need to go to SHPO because the only properties identified were already listed or determined eligible for the National Register, but the finding is No Adverse Effect (without Standard Conditions, or no conditions at all) Caltrans would initiate consultation with FHWA on effects. The HPSR short form would simply be an attachment to the FOE, documenting how we got (in the 106/PA process) from ID and evaluation to effects.

Barbara Tejada (D8) pointed out that when a project description is too long, it bumps the list of consulting parties down to its own page. Others noted that Section 4 does this also. Gloria said it might be an extra page break and will look into it.

Working with Local Agencies

Dorene said that some districts are having trouble getting adequate documents on local agency projects or getting into adversarial situations with locals or their consultants. It's to our advantage to realize that we are partners with the locals and try for cooperation. One way to improve relations might be to focus on just the most critical concerns and letting minor issues go. To help with reviewing reports prepared for local agency projects, Headquarters is revising the Peer Review Guidelines (Exhibit 2.14 in the Environmental Handbook) so that they're more useful to us. They will be posted on the intranet shortly. Everyone is encouraged to take a look and give us your feedback.

Discussion followed whereby it was generally agreed that if a local agency or consultant has contacted HQ to complain about a district, that district would like to be contacted and have the

opportunity to give its perspective. Likewise, Dorene noted that HQ would not jump in and review a document without the district asking us to.

Also discussed were the issues of getting local agencies to write good Task Orders, and involving cultural early in the process so they can help guide the consultants before a document is produced. Suggestions included training, reviewing the local agency's scope of work, sitting in on consultant interview panels, making changes to the document for them.

On the issue of whether providing sample Task Order language would help, Marty Rosen (D11) doubted it would be useful if you can't sit down with the local agency and discuss the project. Kelda Wilson (D5) noted that she has provided sample language on occasion, but cautioned that the locals will hold you to this language – so if you leave something out they will balk at adding it later. They also stop going to the manual and are relying solely on the wording you've given them. Referring them to the Environmental Handbook seems to be a better alternative.

Germaine suggested stapling applicable content and format guidelines to the PES form and letting the local agency know they are responsible for ensuring that this information is included. She noted that early coordination meetings are a requirement but don't seem to be happening routinely. She gave a reminder that we should only be charging to the EA 965100 when we are on a local road. Also, the District Local Assistance Engineers have been tasked with finding out how much staff time is being spent working on local agency documents, so if we have workload issues we should document our time spent and let Germaine or your DLAE know.

Bob Pavlik encouraged early coordination, meeting with the locals, and any "informal" training we can deliver. When looking to HQ for training, unfortunately our resources are limited and we're looking for others to give training at the lowest level of spending.

Topical Discussion: APEs

Q. When considering an APE through an existing historic district, to what extent is the APE extended to account for the district boundaries beyond standard one row of parcels on either side of the project work? This is more of a question regarding effects than inventory.

A. (Jill): First, remember that we no longer have a "standard one row of parcels." That's an old rule of thumb that we no longer use. As far as setting the APE in this situation, it depends. That's true, you would need to think about effects a little bit at this stage to assess the <u>potential</u> for effect to the district as a whole. What is the project? If it were something that would have a visual effect to a few buildings on the outskirts of a district, its not likely there would be an effect to the entire district. If it's a very large district and the effect to the whole is minimal, it's not reasonable to include the entire district in the APE. You might treat it as we do a long, linear feature – where it's not practical to include the entire Transcontinental Railroad in the APE, for example. Also, Lissa McKee in D4 has used an approach for dealing with huge districts – she included the district in the APE but had a "focused APE" concentrating studies only on those buildings actually subject to effects as the result of the project. There are a lot of circumstances that determine the APE in this situation – it's almost case-by-case. I'd be happy to help with setting the APE if you have projects come up involving historic districts.

Q. When a project proposes to remove an historic median landscape feature but stay completely within the curbline, should the buildings fronting the street be included in the APE?

A. (Margaret): This one also depends. Whether or not it is within the curbline isn't really relevant. It says "historic" median landscaping so I assume we're not talking about oleanders – but maybe something like the trees on Delores St. in San Francisco. You would need to do some research to find out enough information about the feature. Was it put in after the period of significance of the buildings? If yes, you most likely would not include the buildings in the APE. But if the landscaping was done as part of the area and is contemporary with the buildings, then you would include it. We're supposed to be resource blind when it comes to setting the APE, but it's often helpful to be "resource nearsighted."

Q. I have a widening project that involves a "sliver take" from a large rural property - a ranch that was determined eligible for the National Register. The ag field at the front of the parcel (adjacent to the right of way) retains its historical use and was identified as a contributing element of the property. HQ said at the PA training that if we have a sliver take from a large rural property, we don't have to include the whole property in the APE. So, would I need to include the whole property in the APE or just the part that's in the new right of way?

A. (Dorene): This one does <u>not</u> depend – it's pretty clear that you would include the whole property in this case because the ag land being affected is part of the historic property. At the PA training we said that it is typically not necessary to include an entire large rural parcel in the APE when the potential for effect to the whole is minor and there's nothing in the proposed right of way that the historian would identify as part of a property requiring identification for Section 106 purposes. But if there <u>were</u> something in the right of way that has the potential to be part of a larger property - such as stone entrance pillars or gates - then the APE would include that property. It still might not include the entire "parcel" because the modern "parcel" designation and the "historic property" boundary might not be identical – it's up to the historian to identify and define the "historic property."

Annual Report:

Margaret asked the hypothetical question - would any districts be able to pull together the data needed for the Annual Report in the next couple of weeks? (Silence). She noted that Gina Moran has posted the final PA tracking system (known as "it"). We now have one interface that accomplishes the old SHPO workload list function and PA tracking. If anyone is having problems using it, please contact Gina. She is willing to do tutorials over the phone or in person.

Headquarters Action Items

Check on extra page break in new HPSR short form (Gloria)
Review revised Peer Review Guidelines (CCSO Seniors)
Have revised Peer Review Guidelines posted to Caltrans intranet (Dorene)