California Dreamin’

The California P. A. —

What We Wanted & What We Got
Previous Process

- All undertakings subject to Section 106*

- All Section 106 documents & consultations with SHPO go from Caltrans to FHWA for review & transmittal & back again

- **Transmittal times dependent on FHWA workload**
  - Short-staffed
  - Increased workload
  - Poor quality documents require more review

- Each project may have one to four transmittals (more if SHPO has comments)

- All archaeological sites in APE tested*

- All buildings evaluated*
Congruence of Events
1999-2000

- California transportation program doubled
- FHWA staff almost halved
- FHWA emphasis on streamlining
- ACHP revised 36 CFR 800
  - Old agreements between SHPO & FHWA voided: Minimal APE, Post-45 MOU, ESAs
  - New emphasis on use of programmatic agreements
- Caltrans’ experienced staff asked for responsibility commensurate with experience
What We Wanted
What We Got – the ingredients
Applicability

• Applies to all FHWA Federal-Aid programs, state, local, & TEA, except on lands held in trust by Indian tribes, where 36 CFR 800 applies

• Restores and enhances previous delegations to exempt certain projects and properties from Section 106
Delegations

Caltrans Professionally Qualified Staff (PQS) are delegated by FHWA and SHPO:

• APE delineation
• Direct consultation with SHPO on eligibility
• No Historic Properties Affected
• No Adverse Effect with Standard Conditions

  – Archaeological sites can be protected from undertaking’s effects with Environmentally Sensitive Area designation: *ESA to be developed per Attachment 5*
  – Undertaking’s effects are limited to rehab of building, structure, object, or landscape: *Rehab to be done per Secretary of Interior Standards*

• Adverse Effect where site eligible for data only & can be mitigated with data recovery plan
Delegations

Caltrans Professionally Qualified Staff may:

• Screen from Section 106 consideration 29 minor project types if no potential for historic resources (Attachment 2)

• Exempt from evaluation certain property types (Attachment 4)
What We Didn’t Get

FHWA retains:

• Consultation with SHPO on all other No Adverse Effect and Adverse Effect Findings

• Responsibility for government to government relations with tribes
BECAUSE

- FHWA also has 4(f) and NEPA responsibilities
- 4(f) could be involved even if there is No Adverse Effect *
- FHWA must ensure all measures to avoid & minimize harm
- FHWA must ensure mitigation commitments are reasonable in type, scope and costs
California is big
• Third largest state in geographic area
• First largest state in population
• Biggest transportation program in $$$
• Caltrans has
  – 12 autonomous districts,
  – about 100 cultural resource staff
  – several million $$ in cultural resource contracts
CONSISTENCY & QUALITY CONTROL
Meaningful quality control of documents and process

- HQ review for first six months
- Internal peer review process
- Spot checks in annual district visits
Training and Guidance

• Intensive 2-day training for all 100 staff
• Annual refresher training
• Mini-courses for local agencies and consultants
• Monthly teleconferences on PA topics
• “Section 106 Bulletin”
• Checklists and other aids
• Handbook for use by staff and consultants
Annual audit and reporting

• Created a tracking database – not consistently used
• “Audit teams” visit districts for periodic reviews
• First report to SHPO, ACHP, FHWA September 2005
Adequate staff resources for project and document review

- Some districts need to add staff to handle review of local assistance projects
- Audit & training uses considerable HQ resources
Out of 1,454 total projects

• 80% were are screened
  – Caltrans projects = 85%
  – Local Assistance = 72%

• 91% were either screened or NHPA, so no SHPO involvement
  – Caltrans projects = 93.5%
  – Local Assistance = 88%

• Approximately 40,000 hours saved (!)
Next steps

- Annual report to SHPO, ACHP, FHWA
- Propose minor changes to attachments
- Propose delegation of all NAE
- Refine the numbers
- Continuous training & quality control
http://www.dot.ca.gov/hq/env/cultural/index.htm