



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

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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)

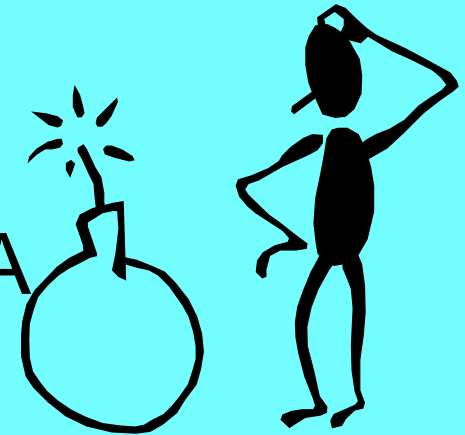
What We Didn't Get

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

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- 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](http://www.dot.ca.gov/hq/env/cultural/index.htm)

