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October 7, 2010 In Reply Refer To: COE071001A

Jane M. Hicks
Chief, Regulatory Branch
Department of the Army
San Francisco District
U.S. Army Corps of Engineers
1455 Market Street
San Francisco, California 94103-1398

Re: Continued Consultation Regarding the Proposed Lower Crystal Springs Dam Improvements (LCSDI) Project, San Mateo County, California.

Dear Ms. Hicks:

Thank you for continuing consultation with our office regarding the proposed Lower Crystal Springs Dam Improvements (LCSDI) Project. The U.S. Army Corps of Engineers (COE), San Francisco District, is requesting my consultation regarding the subject undertaking, pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA). The COE is proposing to issue a Nationwide Permit pursuant to Section 404 of the Clean Water Act to the San Francisco Public Utilities Commission (SFPUC) to construct this project and has identified this permitting action as an undertaking subject to review under the NHPA Section 106 regulations.

Previously in this consultation (SHPO letter of October 12, 2007) I concurred that your determination of an Area of Potential Effects (APE) was appropriate pursuant to 36 CFR Parts 800.4(a)(1) and 800.16(a)(d). Subsequently, in reply to your letter of December 12, 2008, I requested that you provide both additional information and documentation regarding your efforts to identify and evaluate historic properties in the APE of this undertaking and your determination of a finding of effect in accordance with the Section 106 regulations (SHPO letter of January 5, 2009). You have now responded with your letter of April 28, 2010, and with the following supporting documentation:

● *Final: Historic Context, Architectural and Archaeological Survey Report for the Proposed Lower Crystal Springs Dam Improvement Project, San Mateo County, California* (ENTRIX, Inc. / MSE Joint Venture: October 2009).

Lower Crystal Springs Dam forms the northernmost of the two connecting SFPUC reservoirs (along with Upper Crystal Springs Dam and Reservoir) in San Mateo County, 12 miles south of the City of San Francisco. The project is designed to construct measures that will allow the use of the full capacity of the reservoir by addressing the deficiencies that led to restrictions on capacity being enacted by the Department of Water Resources, Division of Dam Safety, in 1983.

The proposed project components will include raising the parapet wall along the top of the dam by nine feet, widening the spillway from 88 to 208 feet, reshaping the dam crest, replacing the stilling basin at the base of the dam, placing rip-rap along the San Mateo Creek banks downstream of the stilling basin, and raising the existing water quality sampling station to the proposed higher reservoir pool level.

Historic property identification efforts by the COE concluded that there are seven built-environment historic sites and one prehistoric archaeological site (CA-SMA-126) in the project APE. The Lower Crystal Springs Dam has been previously determined eligible for the National Register of Historic Places (NRHP) under criteria A and C by Section 106 consensus (1989). The COE has determined that South Crystal Springs Cottage is eligible for the NRHP under criterion A and that the five additional architectural properties—the Upper Crystal Springs Dam, Pulgas Discharge Channel, segment within APE of San Mateo to Crystal Springs Road, two segments within the APE of the San Mateo to Half Moon Bay Toll Road, and the single-gate concrete culvert beneath San Mateo to Half Moon Bay Toll Road—are not eligible for the NRHP under any criteria. In conclusion, the COE has determined that the actions proposed at Lower Crystal Springs Dam constitute an adverse effect to this NRHP eligible historic property.

After reviewing your letter of April 28, 2010, and supporting documentation, I have the following comments:

1) I concur that your efforts to identify and evaluate historic properties comprise a reasonable and good faith effort pursuant to 36 CFR Part 800.4(b)(1).

2) I further concur that the South Crystal Springs Cottage is eligible for the NRHP under criterion A.

3) I further concur that the following architectural properties are *not* eligible for the NRHP under any criteria:

- ♦ Upper Crystal Springs Dam
- ♦ Pulgas Discharge Channel
- ♦ Segment within APE of San Mateo to Crystal Springs Road
- ♦ Two segments within the APE of the San Mateo to Half Moon Bay Toll Road
- ♦ Single-gate concrete culvert beneath San Mateo to Half Moon Bay Toll Road

Although you have not clearly stated your NRHP eligibility determinations for all of these built-environmental properties in regards to each of the four NRHP criteria, in the interests of advancing this consultation, I have extracted that information from the relevant sections of the Entrix, Inc./MSE (2009) report. In the future, please state all of your NRHP eligibility determinations in reference to all four criteria in your consultation letter.

4) I cannot concur with your determination that archaeological site CA-SMA-126 is not eligible for the NHRP. The conclusion in the consultant report (Entrix, Inc./MSE: 2009: 43) is that this site could not be identified within the project APE. I believe that the possibility remains that the recorded location may have been incorrectly plotted and

that this site may exist at a location outside of the APE. Therefore, based on the fairly extensive efforts made by Entrix, Inc./MSE to locate this site, I agree with the conclusion that CA-SMA-126 is not located within the APE of this undertaking.

5) I concur that the project as designed will have an adverse effect to the NRHP eligible Lower Crystal Springs Dam, and that your finding of Adverse Effect for this undertaking is appropriate pursuant to 36 CFR Part 800.5(d)(2).

6) I concur that the actions proposed by the COE as resolution of adverse effects are appropriate; those actions being the execution of a Memorandum of Agreement (MOA) pursuant to 36 CFR Part 800.6, and the preparation of an Historic Properties Treatment Plan (HPTP) detailing the proposed resolution of adverse effect, which will be attached to, and implemented by, the MOA.

7) In making a determination of adverse effect for this undertaking, the COE must notify the Advisory Council on Historic Preservation (ACHP) of this finding pursuant to 36 CFR Part 800.6(a)(1), provide them with all necessary documentation in accordance with 36 CFR Part 800.11(e), and request their response regarding their participation in this consultation and agreement document.

I will be available to continue this consultation following my receipt of a draft MOA and HPTP prepared by the COE as resolution of adverse effects. Thank you for seeking my comments and for considering historic properties in planning your project. If you require further information, please contact William Soule, Associate State Archeologist, at phone 916-445-7022 or email wsoule@parks.ca.gov and Tristan Tozer, State Historian, at phone 916-445-7027 or email ttozer@parks.ca.gov.

Sincerely,

Jenan Saunders
(for) Milford Wayne Donaldson, FAIA
State Historic Preservation Officer