STATE OF CALIFORNIA – THE RESOURCES AGENCY

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April 28, 2009

In Reply Refer To: COE090417A

Mitch Marken, Ph.D.
Practice Leader
Cultural Resources Director
ESA, Inc.
225 Bush Street, Suite 1700
San Francisco, California 94104

Re: San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program, BDPL Pipeline Nos. 3 and 4 at Hayward Fault Seismic Upgrade Project, Fremont, Alameda County, California.

Dear Mr. Marken:

Thank you for seeking my consultation regarding this undertaking. The U.S. Army Corps of Engineers (COE), San Francisco District, is requesting comments regarding their efforts to comply with 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act. The proposed undertaking, the BDPL Pipeline Nos. 3 and 4 at Hayward Fault Seismic Upgrade Project, will affect waters under the jurisdiction of the United States and requires authorization by the COE pursuant to Section 404 of the Clean Water Act and additionally requires a permit pursuant to Section 10 of the Rivers and Harbors Act. The COE has identified these actions as an undertaking pursuant to Section 106 of the NHPA and has authorized ESA+Orion to act on their behalf regarding this consultation. In addition to your letter of April 6, 2009, and attachments, you have submitted the following report as documentation of your efforts to identify and evaluate historic properties in the project Area of Potential Effects (APE):

- *Seismic Upgrade of Bay Division Pipeline Nos. 3 and 4 at Hayward Fault Project, Fremont, Alameda County, California: Historic Context and Archaeological Survey Report* (ESA+Orion: April 2009).

The project will involve the installation of approximately 2,360 linear feet of 72-78 inch diameter welded-steel pipe in an alignment directly adjacent to the existing 78-inch diameter BDPL No. 3. The project location is between the North and South Shutoff Stations in the 80-foot wide SFPUC right-of-way (ROW) near the intersection of Interstate 680 and Mission Boulevard in the City of Fremont. This section of the SFPUC ROW crosses two traces of the Hayward Fault. The APE includes the ROW along the entire 2,360-foot project length as well as four staging locations. The vertical extension of the APE (depth) will range from 15-35 feet. Project construction will largely consist of

open-trench cut-and-fill, with jack-and-bore techniques employed to cross under roadways (I-680 and off ramps) and Agua Fria Creek. Several existing buried utilities in the project APE will also be relocated and minor upgrades will be installed to the existing BDPL No. 4 to seismically strengthen the pipeline where it crosses the two Hayward Fault areas.

Historic property identification efforts indicated that one previously recorded archaeological site, CA-ALA-576, was located within the project APE. The COE has determined that, based on previous archaeological studies completed on portions of CA-ALA-576, it is eligible for the National Register of Historic Places (NRHP) under criterion D for the significance of its data potential. After reviewing our files and database, I find that CA-ALA-576 was determined eligible for the NRHP by SHPO consensus in 1999 (SHPO letter of December 27, 1999: File FHWA991123A).

The COE has determined that the undertaking as proposed will have an adverse effect to CA-ALA-576 and that avoidance through project redesign is not feasible due to the constraints of the APE, which is restricted to the SFPUC ROW corridor. Based on my review of your letter and supporting documentation, I concur that a finding of Adverse Effect is appropriate pursuant to 36 CFR Part 800.5(d)(2). I will be available to continue this consultation following the receipt of a Memorandum of Agreement (MOA), pursuant to 36 CFR Part 800.6(c), and an Historic Properties Treatment Plan (HPTP) that will be carried out in accordance with the MOA to resolve the adverse effect of this undertaking to CA-ALA-576.

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 916-654-4614 or email wsoule@parks.ca.gov.

Sincerely,

Susan K Stratton for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

cc:

Kathleen Ungvarsky
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