SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Section 106 Review and Comment

Hearing Date:	February 2, 2011
Filing Date:	January 24, 2011
Case No.:	**2006.1388F**
Project Name:	**Bay Division Pipeline Nos. 3 and 4 Seismic Upgrade Project**
Project Location:	Hayward Fault in the City of Frement, Alameda County, California
Project Sponsor:	San Francisco Public Utilities Commission Bureau of Environmental Management 1145 Market Street, Suite 500 San Francisco, CA 94103
Staff Contact:	Tina Tam – (415) 558-6325 tina.tam@sfgov.org

PROPERTY DESCRIPTION

Bay Division Pipeline (BDPL) Nos. 3 and 4 is located within the City of Fremont. The pipelines are part of the Hetch Hetchy Regional Water System, and the proposed project is a component of the San Francisco Public Utility Commission's Water System Improvement Program. BDPL Nos. 3 and 4 carry water from the Irvington Tunnel in Fremont to customers in the East Bay, South Bay, and Peninsula through turnouts along the pipelines. These pipelines cross the Hayward fault in Fremont. The sections of the pipeline to be upgraded are located within the 80-foot San Francisco Public Utility Commission's (SFPUC's) right-of-way (ROW) between the existing South and North Shutoff Stations near the intersection of Interstate 680 (I-680) and Mission Boulevard, Agua Caliente Creek (contained within a concrete culvert), and Agua Fria Creek. The SFPUC right-of-way traverses residential areas on both the north and south ends.

REQUESTED ACTION

The United States Army Corps of Engineer (COE) has asked the Planning Department to participate in reviewing the proposed BDPL Nos. 3 and 4 Seismic Upgrade project under Section 106 of the National Historic Preservation Act. Specifically, COE has requested review and comment on the documents that has been prepared for the Section 106 review, including:

- Letter from COE to Planning Department initiating Section 106 review dated January 21, 2011;
- Draft Memorandum of Agreement, dated March 24, 2010;
- Archaeological Research Design and Treatment Plan / Historic Property Treatment Plan for Site CA-ALA-576, dated October 2010, which includes:
    - Project Description/Undertaking
    - Area of Potential Effect,
    - Determination of Eligibility,
    - Determination of Adverse Effects,
    - Treatment Plan;

- Letter from Susan K. Stratton for Milford Wayne Donaldson, State Historic Preservation Officer (SHPO) to Mitch Marken of ESA, Inc, dated April 28, 2009; and
- Final Historic Context and Archaeological Survey Report from ESA + Orion Joint Venture, dated August 2009.

The Historic Preservation Commission (HPC) will hold a public hearing on February 2, 2011 to review and comment on the above-mentioned documents. A letter containing the comments of the HPC may be prepared. If so, the letter should conclude with the HPC's views on the effect this undertaking could have upon historic properties, if any, within the Area of Potential Effect (APE). The Director of the Planning Department will then forward the letter containing comments of the HPC as well as the comments of the Department to the Lead Agency (COE) and project sponsor (SFPUC), and send copies to the California Office of Historic Preservation and any other interested parties.

PROJECT DESCRIPTION / UNDERTAKING

The Project is to install 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 construction will largely consist of open-trench cut-and-fill, with jack-and-bone 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.

ENVIRONMENTAL REVIEW STATUS

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Bay Division Pipeline Nos. 3 and 4 Seismic Upgrade Environmental Impact Report (hereinafter "BDPL EIR"). The BDPL EIR was prepared, circulated for public review and comment, and, by Motion No. 18257 certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA").

STAFF ANAYLSIS

<u>Area of Potential Effect</u>
The Area of Potential Effect (APE) includes the area, surface and subsurface, that could experience ground disturbance as a result of proposed Project activities including locations of pipeline installation as well as any ancillary areas to be used for construction materials and equipment staging. The horizontal archaeological APE includes the entire 80-foot-wide and 2,360-foot-long SFPUC right-of-way and staging areas. The vertical APE varies in depth from the ground surface, in areas where superficial activities including vehicle traffic and staging activities will occur, to a depth of 35 feet below surface level, in areas where ground disturbance anticipated in connection with pipeline installation and upgrades.

<u>Determination of Eligibility</u>
Archaeological site, CA-ALA-576, located within the project APE has been previously determined eligible for the National Register of Historic Places (NRHP) under Criterion D for the significance of its data potential by the State Historic Preservation Officer in 1999.

Determination of Adverse Effect
The proposed undertaking will have an adverse effect to the NRHP eligible archaeological site CA-ALA-576 because construction and upgrading of the BDPL Nos. 3 and 4 will impact the site. COE has also determined that avoidance through project redesign is not feasible due to the constraints of the APE, which is restricted to the SFPUC ROW corridor. SHPO has concurred with both of these determinations.

Memorandum of Agreement and Treatment Plan
To resolve the adverse effect to archaeological site CA-ALA-576, COE proposes the execution of a Memorandum of Agreement (MOA) and a Historic Properties Treatment Plan (HPTP) containing the following elements: (1) a detailed data recovery program, laboratory analysis, curation, and reporting requirements, (2) requirements for monitoring during construction, (3) continued coordination with Native American groups, (4) a plan for any unexpected discoveries during construction, and (5) a process to treat unexpected and inadvertent discoveries of human remains. These measures are consistent with the Secretary of the Interior Standards and Guidelines for Archaeology and Historic Preservation. SHPO has determined these actions to be an appropriate resolution.

At this time, Staff concurs with the following elements of the Section 106 review:

- Project Description/Undertaking: Staff concurs with definition of the Project Description / Undertaking provided by the Project Sponsor.
- Area of Potential Effects: Staff concurs with the findings of the Historic Context and Archaeological Survey Report and the APE as defined in the report.
- Eligibility: Staff concurs with the determination that archaeological site CA-ALA-576 is eligible for the National Register of Historic Places (NRHP) under Criterion D.
- Effects: Staff concurs with the finding that the project will have an adverse effect on historic properties and that the execution of a MOA and Archaeological Research Design and Treatment Plan is appropriate to reduce the severity of the adverse effect to archaeological site CA-ALA-576.

ATTACHMENTS

Letter from COE initiating Section 106 review, dated January 21, 2011
Draft Memorandum of Agreement, dated March 24, 2010
Archaeological Research Design and Treatment Plan, dated October 2010
Letter from SHPO to ESA dated April 28, 2010
Final Historic Context and Archaeological Survey Report, dated August 2009

G:\TBT\historic\Bay Division Pipeline Nos. 3 and 4 HPC Cases Report.doc