

Attachment G

Reclamation's Section 106 Determination and State
Historic Preservation Officer Concurrence

CULTURAL RESOURCE COMPLIANCE
Mid-Pacific Region
Division of Environmental Affairs
Cultural Resources Branch

MP-153 Tracking Number: 14-SCAO-082

Project Name: North Valley Regional Recycled Water Program (NVRWP)

MP 153 Cultural Resources Reviewer: Mark Carper

NEPA Doc: EIS

NEPA Contact: Rain Emerson

Determination: No Adverse Effect

This proposed undertaking by Reclamation to provide funding for the proposed construction of a pipeline to convey recycled water from the Del Puerto Water District (DPWD) to the Delta Mendota Canal (DMC). In addition, Reclamation proposes to authorize DPWD to construct, operate, and maintain the structure connecting the pipeline to the DMC, which is on Federal land. Reclamation determined that the action to provide funding through Reclamation's Water Reclamation and Reuse (Title XVI) Program and to authorize construction activities on Federal land constitutes an undertaking as defined in 36 CFR § 800.16(y) and involves the type of activity that has the potential to cause effects on historic properties under 36 CFR § 800.3(a).

The proposed project, which consists of two alternatives, is located within San Joaquin, Stanislaus, and Merced counties. The NVRWP project proposes two pipeline alternatives, of which only one will be chosen for implementation. The two alternatives differ in how recycled water would be conveyed from the existing Turlock and Modesto water treatment facilities to the DMC. Both alternatives would avoid requirements for additional treatment upgrades at each city's treatment facilities, convey all the anticipated recycled water production at build-out, use the Central Valley Project (CVP) facilities to provide seasonal storage and allow for delivery to the entire DPWD service area.

In an effort to identify historic properties, Basin Research Associates (Basin) was contracted to conduct the cultural resources study encapsulating the project area. The study included a records search and literature review, a Native American Heritage Commission (NAHC) Sacred Lands File search, and communication with organizations and individuals listed by the NAHC as appropriate Native American contacts. Briefly, two resources are recorded within the NVRWP alignment. These are P-50-000001/CA-STA-

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350H (Southern Pacific Railroad/Tracy Branch) and P-50-001904, the Delta-Mendota Canal, a component of the CVP.

Although displayed on maps as situated within the project alignment, the project will bore underneath the Southern Pacific Railroad thus eliminating it from the APE. Reclamation drafted the CVP National Register Multiple Property Listing (NRMPL) in 2006 (edited in 2009) in which the DMC is considered an eligible property. At this time, no consensus eligibility determination for the CVP or DMC has been reached between Reclamation and your office. For the purposes of the current undertaking, Reclamation is treating the CVP and the DMC as eligible for the National Register of Historic Places (National Register) under Criterion A, as outlined in the draft NRMPL documentation and the current DMC nomination form. Specifically, the DMC is considered significant under the theme of development, construction, and operation of the CVP, with a period of significance of 1946-1971. Under this theme and within this period, the DMC as a water conveyance component of the CVP contributed to California's economic and agricultural development and growth.

Pursuant to the regulations at 36 CFR § 800.3(f)(2), Reclamation identified the Tuolumne Band of Me-Wuk Indians and the Tule River Indian Tribe as Indian tribes who might attach religious and cultural significance to historic properties within the APE. Reclamation sent letters to these tribes on April 22, 2015, to invite their participation in the Section 106 process and request their assistance in the identification of sites of religious and cultural significance or historic properties that may be affected by the proposed undertaking pursuant to 36 CFR § 800.4(a)(4). In addition, Basin contacted the NAHC to search the Sacred Lands Inventory for the proposed project. No sacred lands were identified. The NAHC also identified six Native American individuals/groups that may have an interest or information regarding the project area. Letters and follow-up phone calls were made to the groups/individuals. No additional information was received.

Reclamation applied the criteria of adverse effect (36 CFR § 800.5(a)) for the current undertaking and found that the proposed activities would result in no significant alterations to the historic characteristics that make the DMC eligible for the National Register. The proposed action of installing the pipeline through the DMC berm and installing a water discharge structure to transfer water into the DMC will not significantly alter any physical characteristics of the canal or its berm. Both the pipeline installation and water discharge structure are consistent with other similar existing pipelines that discharge into the DMC. No other changes will be made to the DMC or larger CVP from this

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undertaking. Since the pipelines will be constructed and buried in an urban setting, indirect visual effects posed by the project are considered to be temporary and minimal. Since there will be no changes to the DMC, Reclamation finds no adverse effect for this undertaking, pursuant to 36 CFR § 800.5(b).

Reclamation initiated consultation with the California State Preservation Office (SHPO) by letter dated May 27, 2015 requesting concurrence with a finding of no adverse effects to historic properties affected for the project. SHPO concurred with the determination in a letter dated July, 2, 2015.

After reviewing the EIS for the proposed program Reclamation finds that this action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places.

This memorandum is intended to convey the completion of the NHPA Section 106 process for this undertaking. Please retain a copy in the administrative record for this action. Should changes be made to this project, additional NHPA Section 106 review, possibly including consultation with the State Historic Preservation Officer, may be necessary. Thank you for providing the opportunity to comment.

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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July 2, 2015

In reply refer to: BUR_2015_0601_001

Ms. Anastasia T. Leigh
Regional Environmental Officer
Bureau of Reclamation
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

Re: National Historic Preservation Act (NHPA) Section 106 Consultation for the North Valley Regional Recycled Water Program (NVRWP), San Joaquin, Stanislaus, and Merced Counties, California (14-SCAO-082)

Dear Ms. Leigh:

Thank you for your letter dated May 26, 2015, requesting my review and comment with regard to the proposed the North Valley Regional Recycled Water Program (NVRWP) in San Joaquin, Stanislaus, and Merced Counties, County, California. The Bureau of Reclamation (Reclamation) is consulting with me pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations found at 36 CFR Part 800 (as amended 8-05-04), for the proposed construction of a pipeline to convey recycled water from the Del Puerto Water (DPWD) to the Delta Mendota Canal (DMC). Along with your consultation letter, you also provided the following document:

- *Historic Property Survey Report North Valley Regional Recycled Water Program (NVRWP) Vicinity of Patterson, Stanislaus County* (Basin Research Associates, November 2014).

Reclamation proposes to provide funding through Reclamation's Water Reclamation and Reuse Program, and is intending to authorize DPWD to construct, operate, and maintain the structure connecting the pipeline to the DMC, which is on Federal land. The NVRWP project proposes two pipeline alternatives, of which only one will be chosen for implementation. The two alternatives differ in how recycled water would be conveyed from the existing Turlock and Modesto water treatment facilities to the DMC. Both alternatives would avoid requirements for additional treatment upgrades at each city's treatment facilities, convey all the anticipated recycled water production at build-out, use the Central Valley Project (CVP) facilities to provide seasonal storage and allow for delivery to the entire DPWD service area.

Reclamation has determined that the area of potential effects (APE) for this undertaking includes all ground-disturbing activities associated with project implementation. These include open trenches as well as trenchless applications in various proposed locations as depicted in

the cultural resources technical document provided. Three trenchless methods are expected to be employed across the project, they include: Horizontal Direction Drilling (HDD); Jack and Bore Construction (JBC); and Microtunneling Construction (MTC). The APE width along the project corridors is 45 feet wide to accommodate construction equipment and work areas, including construction staging and laydown areas, and to allow for flexibility in designating the appropriate locations and specific trenchless applications across the project. The vertical APE varies depending upon construction activity and the presence or absence of existing utilities. In areas where open trenching will be employed, the vertical APE will extend to a maximum depth of 10 feet. In areas where trenchless applications will be utilized, the extent of the vertical APE is expected to vary by approach and location; however, depths below waterways such as the San Joaquin River are expected to be 30 to 50 feet below the riverbed and 10 to 15 feet below highways, railroads, and canals.

The cultural resources identification effort included a records search, cultural resources survey, and Native American coordination performed by Basin Research Associates (Consultant), and Native American consultation initiated by Reclamation. A records search completed on May, 8, 2014 identified two previously recorded cultural resources along the alignment of the project: P-50-000001/CA-STA-350H (Southern Pacific railroad/Tracy Branch) and P-50-001904 (the Delta-Mendota Canal, a component of the CVP). A cultural resource pedestrian survey conducted in June 2014 did not result in the identification of any previously unidentified cultural resources in the APE. Reclamation has indicated that the project will bore underneath the Southern Pacific Railroad thus eliminating this resource from the APE. For the purposes of the current undertaking, Reclamation is proposing to treat the CVP and the DMC as eligible for the National Register of Historic Places (NRHP) under Criterion A, as outlined in the draft National Register Multiple Property Listing documentation and the current DMC nomination form.

The Native American Heritage Commission (NAHC) was contacted by the consultant on May 7, 2014 to request a search of the Sacred Lands File for known sacred sites in the project area and to request a list of Native American organizations and individuals who may have knowledge of cultural resources within the APE. NAHC records indicated that no previously identified sacred lands or areas of cultural importance are located within the APE. Likewise, Native American consultation initiated by Reclamation on April 22, 2015 has not resulted in the identification of potential historic properties within the APE.

Reclamation applied the criteria of adverse effect to the current undertaking and found that the proposed activities would result in no significant alterations to the historic characteristics that make the DMC eligible for the National Register. Reclamation found that the proposed actions of installing the pipeline through the DMC berm and installing a water discharge structure to transfer water into the DMC will not significantly alter any physical characteristics of the canal or its berm. Furthermore, Reclamation has found that because there will be no changes to the DMC, no adverse effects will result from this undertaking.

Reclamation is requesting my review and comment on the delineation of the APE and their efforts to identify historic properties. Additionally, Reclamation is requesting my concurrence

with their finding of no adverse effect to historic properties. After reviewing your submission I have the following comments:

- Pursuant to 36 CFR 800.4(a)(1), I have no objections to the APE as defined.
- Reclamation has proposed to presume, for the purpose of this undertaking only, that the CVP and the DMC are eligible for the National Register of Historic Places (NRHP) under Criterion A. I concur.
- Pursuant to 36 CFR 800.4(b), I find that Reclamation has made a reasonable and good faith effort to identify historic properties within the area of potential effects.
- Pursuant to 36 CFR 800.5(c)(1), **I concur with your finding of “no adverse effect to historic properties” for this undertaking.**

Thank you for seeking my comments and considering historic properties as part of your project planning. Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, Reclamation may have additional future responsibilities for this undertaking under 36 CFR Part 800. If you have any questions, please contact Patrick Riordan of my staff at (916) 445-7017 or Patrick.Riordan@parks.ca.gov or Kathleen Forrest at (916) 445-7022 or Kathleen.Forrest@parks.ca.gov.

Sincerely,



Jenan Saunders

Deputy State Historic Preservation Officer