

RECLAMATION

Managing Water in the West

Finding of No Significant Impact

San José Recycled Water Access Points

Recommended by: Douglas H. Smith date: 12/20/10
Environmental Specialist

Concurrence by: Dan T. White date: 01/12/11
Program Manager, Title XVI Program

Approved by: [Signature] date: 1/25/11
Chief, Division of Planning

FONSI No. 11-02-MP



U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Sacramento, CA

December 2010

Background

The City of San José (City) has planned and implemented the San José Nonpotable Reclamation Project, now known as the South Bay Water Recycling Program (Program), to provide recycled water from the San José/Santa Clara Water Pollution Control Plant for industrial and a variety of irrigation uses, including agriculture and landscaping in institutional, commercial, and residential areas. The Program includes installing pipelines, pump stations, storage tanks, and appurtenant facilities. The Bureau of Reclamation (Reclamation), pursuant to funding provided through Title XVI of Public Law 102-575, the Reclamation Wastewater and Groundwater Study and Facilities Act of 1992, has been providing up to 25 percent of the total cost to the City to help fund the Program. Funding is also being provided through the American Recovery and Reinvestment Act (ARRA or P.L. 111-5).

The City certified a final Environmental Impact Report (EIR) for the Program in November 1992. Reclamation released a final Environmental Impact Statement (EIS) for the Program in May 1996 and issued a Record of Decision in July 1996. The EIR and EIS included both project-level analysis for those facilities and users that had been identified at that time, and programmatic-level analysis for the remainder of the Program.

The City has continued to design additional pipelines and associated facilities within the Program area. For these additional projects, the City has adopted addenda to the Program EIR, as required by the California Environmental Quality Act. Reclamation has continued to provide funding for these projects under Title XVI or ARRA, and has prepared environmental assessments (EAs) and categorical exclusion checklists as appropriate, tiering off of the original EIS, as required by the National Environmental Policy Act (NEPA).

Project Description

The Proposed Action for the San José Recycled Water Access Points (RWAP) project is to install ten fill station connections to existing Program pipelines within the public right-of-way to allow truck access to recycled water for construction uses. Two RWAPs have already been constructed.

The RWAPs are 4-inch recycled water hydrant-like stand pipes that allow for construction water trucks (500 to 3000 gallons) filling with recycled water. This water will be used for dust control and construction purposes, as the use of potable water for these purposes is prohibited by the City of San José Municipal Code.

Findings

Reclamation prepared an environmental assessment on the impacts of the Proposed Action in December 2010. Based on the EA, the Planning Officer of the Mid-Pacific Region of Reclamation has found that the Proposed Action is not a major Federal action that will significantly affect the quality of the human environment. Therefore, an environmental impact statement is not required for carrying out the Proposed Action. The EA complies with the

Council of Environmental Quality's NEPA Regulations and other requirements such as the Endangered Species Act, the National Historic Preservation Act, and local and State requirements. It meets Reclamation's public involvement requirements.

The following are the reasons why the impacts of the Proposed Action are not significant:

1. The Proposed Action will have no significant impact on land use. Developed land uses occur along the RWAP locations. The installation of RWAPs will have no long-term impacts on existing land uses; construction impacts will be temporary and not significant.
2. The Proposed Action will have no significant impact on air quality. Under the Proposed Action, there may be temporary small increases in fugitive dust emissions from construction activities. These dust emissions will be short-term and temporary.
3. The Proposed Action will not affect threatened or endangered species. All locations are on previously-disturbed land, both roads and curbs/gutters/sidewalks, or disturbed non-native grassland/ruderal landscape.
4. The Proposed Action will not significantly affect noise levels. Land uses at the RWAP sites include residential and institutional. These uses could be affected by short-term construction-related noise that will temporarily increase noise levels above the background noise in areas around the project site. The overall impact will be reduced by the short duration of the impact and the implementation of noise controls and restricted hours of construction. There will be no operational noise impacts associated with the RWAPs.
5. The Proposed Action will have no significant impact on historic and archeological resources. Based on archival investigations at the eight new locations, Reclamation concluded that the project will result in no historic properties affected. Reclamation entered into consultation with the California State Historic Preservation Officer (SHPO) on this finding on October 29, 2010. SHPO concurred with Reclamation on November 2, 2010 and Reclamation received the letter on November 5, 2010.

For the two RWAPs already constructed, the action is limited to partially reimbursing costs under ARRA/Title XVI for facilities previously constructed, and the funding will not be used for any new construction. Any future project elements (not yet built) will require consultation between Reclamation and the SHPO for the purposes of Section 106 compliance.

6. The Proposed Action will not affect Indian Trust Assets.
7. The Proposed Action will not disproportionately affect any minority or low-income populations.
8. The Proposed Action is short term in duration and will have no cumulative effects.
9. There is no potential for the effects to be considered highly controversial.

RECLAMATION

Managing Water in the West

Environmental Assessment

San José Recycled Water Access Points



U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Sacramento, CA

December 2010

Purpose and Need

Background

The City of San José (City) has planned and implemented the San José Nonpotable Reclamation Project, now known as the South Bay Water Recycling Program (Program), to provide recycled water from the San José/Santa Clara Water Pollution Control Plant for industrial and a variety of irrigation uses, including agriculture and landscaping in institutional, commercial, and residential areas. The Program includes installing pipelines, pump stations, storage tanks, and appurtenant facilities. The Bureau of Reclamation (Reclamation), pursuant to funding provided through Title XVI of Public Law 102-575, the Reclamation Wastewater and Groundwater Study and Facilities Act of 1992, has been providing up to 25 percent of the total cost to the City to help fund the Program. Funding is also being provided through the American Recovery and Reinvestment Act (ARRA or P.L. 111-5).

The City certified a final Environmental Impact Report (EIR) for the Program in November 1992. Reclamation released a final Environmental Impact Statement (EIS) for the Program in May 1996 and issued a Record of Decision in July 1996. The EIR and EIS included both project-level analysis for those facilities and users that had been identified at that time, and programmatic-level analysis for the remainder of the Program.

Since then, the City has expanded the service area and slightly revised the distribution facilities. Reclamation prepared an Environmental Assessment (EA) and signed a Finding of No Significant Impact (FONSI) on December 3, 1996 for these changes. The City prepared an Initial Study/Negative Declaration in 2000.

The City has continued to design additional pipelines and associated facilities within the Program area. For these additional projects, the City has adopted addenda to the Program EIR, as required by the California Environmental Quality Act. Reclamation has continued to provide funding for these projects under Title XVI or ARRA, and has prepared EAs and categorical exclusion checklists as appropriate, tiering off of the original EIS

The latest project proposed for the Program involves the installation of eight new truck fill stations called Recycled Water Access Points (RWAPs) as well as funding two fill stations already constructed.

Purpose and Need

The purpose of the San José RWAP project is to install ten fill station connections to existing Program pipelines within the public right-of-way to allow truck access to recycled water for construction uses. This would increase the availability of recycled water for nonpotable uses. This water would be used for dust control and construction purposes, as the use of potable water for these purposes is prohibited by the City of San José Municipal Code §15.10.260 *Building and Construction*. The Code indicates, "No person shall use, permit or allow the use of potable water

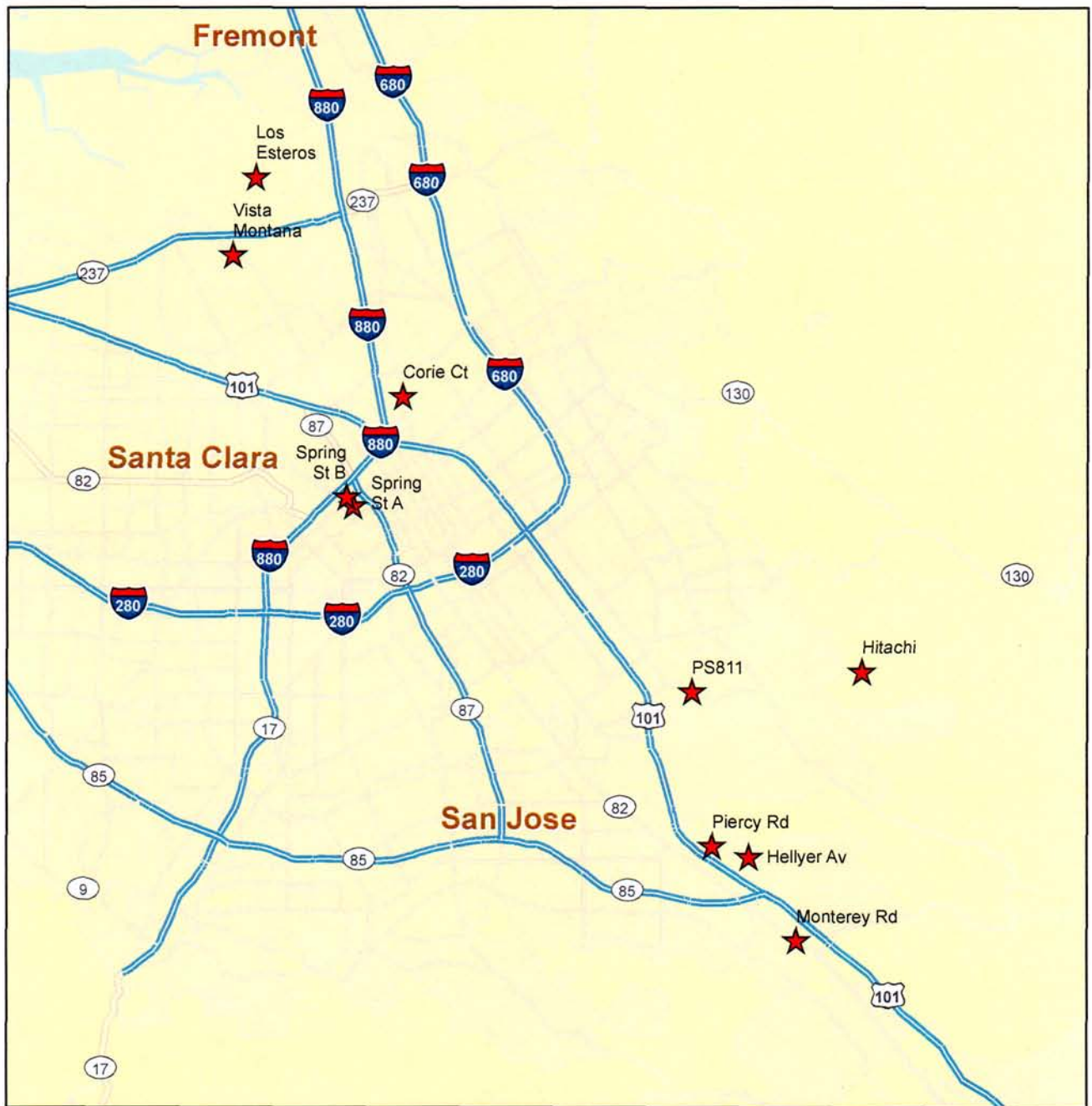
for building or construction purposes, such as consolidation of backfill or dust control, without a prior approved written exception from the city". Additionally, the California Water Code §13550 "declares that the use of potable domestic water for nonpotable uses...is a waste or an unreasonable use of the water".

Proposed Action and Alternatives

Proposed Improvements

The RWAPs are 4-inch recycled water hydrants (also known as wharf hydrants) that would allow construction water trucks (500 to 3000 gallon capacity) to fill with recycled water. This water would be used for dust control and construction purposes in conformance with Title 22 standards for recycled water use. The RWAPs would be located in areas with existing recycled water pipeline to tap in at the sites as described below (Figure 1).

- **Hellyer Avenue.** Hellyer Ave, south of Piercy Road between Road G and Tennant Ave. There is an existing 4-inch service connection on the recycled water pipeline. The area is adjacent to a four lane paved roadway with a bike lane and a center median. Approximately 30 feet of new 4-inch pipeline would be required. The hydrant would be located adjacent to the sidewalk in an unpaved area.
- **Piercy Road.** Piercy Road, between Silver Creek Valley Road and Optical Court. The area is adjacent to a 2 lane paved roadway with sidewalk. There is an existing lateral and service box adjacent to the sidewalk in an unimproved location (vacant lot). The project would include a trench approximately 25 feet long. Construction includes extension of the 8-inch main, new tee with thrust block, new 4-inch service line and a new 4-inch gate valve, as well as the standpipe and guard posts.
- **Hitachi.** Yerba Buena Road, between Verona Road and Old Yerba Buena Road. This site is next to the Hitachi commercial facility with an existing 4-inch service line and an existing vault. There is a four lane paved roadway including a center median, bike lane, curb, and gutter. The existing vault is in a dirt path adjacent to the curb. Construction would include installation of the standpipe, guard posts, and approximately 10 feet of 4-inch pipeline.
- **Corie Court.** Corie Court would connect to the existing effluent pipeline on Oakland Road and include approximately 150 feet of lateral trench and 4-inch pipeline to connect to the proposed hydrant. The trench would cross a vacant lot and terminate adjacent to the curb on Corie Court, a two lane paved roadway with curb and gutter. The hydrant would be located in a vacant area adjacent to the curb.
- **Monterey Road.** Monterey Road at Forsum Road is a replacement of the existing valve that would be retrofitted to a hydrant. The pipeline connecting this access point and the access box previously existed as a pipe flushing point. The construction of this access point included installation of the standpipe. The retrofit has already occurred.
- **Spring Street (A).** Spring Street, north of Emory Street, south of Hedding Street. There is an existing stubout located on Spring Street between Emory Street and Hedding Street where a



VICINITY MAP

LEGEND

★ Recycled Water Access Points (RWAP)



FIGURE 1
Recycled Water Access Points
Location Map

South Bay Water Recycling Program, California



new hydrant has been installed. Spring Street is a two lane paved roadway. The hydrant is located on vacant land adjacent to the street.

- Spring Street (B). Spring Street, north of McKendrie Street is located within the Laterals and Gardens project area as addressed in Addendum #19 – San José Laterals and Gardens Pipeline Extension (December 2009). The project would require an approximately a 10-foot trench from the recycled water pipeline to the new hydrant. Spring Street is a two lane paved roadway. The hydrant would be located on vacant land adjacent to the street.
- Vista Montana. Vista Montana between North First Street and Renaissance Drive in a developed office park (Oakmead San Jose) within the Rincon De Los Esteros Redevelopment Area of the City of San Jose. Includes connecting to an existing recycled water pipeline that runs along the north side of Vista Montana, installing a new 4-inch pipeline across Vista Montana (approximately 50 feet in length), and installing a new hydrant on the south side of Vista Montana
- Pump Station 8/11. Yerba Buena Road, south of Homepark Court includes connecting to an existing valve on the recycled water pipeline. There would be approximately 50 feet of lateral trench and 4-inch pipeline to connect to the proposed hydrant. The trench would cross a vacant lot and terminate on a vacant lot adjacent to Homepark Court.
- Los Esteros. Los Esteros Road, north of the Water Pollution Control Plant in a vacant area used for public utility purposes. Includes connecting to an existing recycled water pipeline extending northward from the Water Pollution Control Plant, installing a new 4-inch pipeline for approximately 125 feet within the vacant utility area, and installing a new hydrant

Construction Methods and Materials

Each RWAP would be installed approximately 8 feet from the edge of the pavement, curb, or sidewalk, occupying a total area ranging from 50 square feet to 75 square feet taking into account the hydrant (typically 4-inch diameter) and safety barriers (also known as bollards). The RWAPs would each be approximately 2 feet-6 inches high, and painted purple to identify them as Title 22 reclaimed water.

Construction of each RWAP involves excavation to access the existing recycled water pipeline, which is typically 3 to 4 feet deep. The trench is expected to be approximately 2 - 4 feet wide. Excavation to connect the hydrant to the effluent pipeline would occur in a new lateral trench or if a direct vertical connection can be made to the existing pipeline, an area of about 4 feet by 4 feet to tap into the existing pipeline. A few of the sites can be tied into the pipeline within an existing vault. Most of the disturbed area would be existing municipal roads and curb/gutter/sidewalk and all locations have been previously disturbed. Following construction, the existing streetscape would be returned to its prior condition or better.

Construction staging, including laydown of materials (e.g., pipe lengths) and storage of excavated materials be minor and located adjacent to the project location.

No Action

Under no action, Reclamation would not fund the ten RWAPs. The two existing ones would still be used. The new ones would be constructed using non-Federal funds.

Affected Environment and Environmental Consequences

All locations are on previously-disturbed land, both roads and curbs/gutters/sidewalks, or disturbed non-native grassland/ruderal landscape.

Developed land uses occur along the RWAP sites. The installation of the RWAPs would have no long-term impacts on existing land uses; construction impacts would be temporary and not significant.

Under the Proposed Action, there may be temporary small increases in fugitive dust emissions from construction activities. These dust emissions would be short-term and temporary.

Because of the urban nature (e.g., highly developed/disturbed) of the RWAP sites, construction would not have significant impacts on biological resources. The project would not affect threatened or endangered species.

Land uses at the WRAP sites include residential and institutional. These uses could be affected by short-term construction-related noise that would temporarily increase noise levels above the background noise in areas around the project sites. The overall impact would be reduced by the short duration of the impact and the implementation of noise controls and restricted hours of construction. This construction noise impact was fully addressed in the 1992 EIR and in the 2000 Negative Declaration. There would be no operational noise impacts associated with the RWAPs.

The consultant working for the Program conducted archival investigations at the eight new locations and recommended that the project would result in no historic properties affected. Using the information supplied by the consultant, Reclamation entered into consultation with the California State Historic Preservation Officer (SHPO) on this finding on October 29, 2010 (attached). SHPO concurred with Reclamation on November 2, 2010 and Reclamation received the letter on November 5, 2010 (also attached).

For the two RWAPs already constructed, the action is limited to partially reimbursing costs under ARRA/Title XVI for facilities previously constructed and the funding would not be used for any new construction. Any future project elements (not yet built) would require consultation between Reclamation and the SHPO for the purposes of Section 106 compliance.

Indian Trust Assets (ITAs) are legal interests in property or rights held in trust by the United States for Indian Tribes or individual Indians. Indian reservations, Rancherias, and Public Domain Allotments are common ITAs in California. The proposed project was reviewed by Reclamation's Mid-Pacific Regional Office, Indian Trust Assets Coordinator, Patricia Rivera and

a “no impacts to Indian Tribal Trust Assets” concurrence was received on November 17, 2010. The nearest ITA is Lytton Rancheria approximately 42 miles NW of the project location.

Implementation of the Proposed Action would not disproportionately affect any minority or low-income populations.

Consultation and Coordination

Endangered Species Act

Section 7 of this Act requires Federal agencies to ensure that all federally associated activities within the United States do not jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of the critical habitat of these species. Action agencies must consult with the U.S. Fish and Wildlife Service, which maintains current lists of species that have been designated as threatened or endangered, to determine the potential impacts a project may have on protected species.

Reclamation determined that the Proposed Action would have no effect on federally proposed or listed threatened and endangered species or their proposed or designated critical habitat. No further consultation is required under Section 7 of the Endangered Species Act.

National Historic Preservation Act

Section 106 of the National Historic Preservation Act requires federal agencies to evaluate the effects of federal undertakings on historical, archaeological and cultural resources. As described above, SHPO concurred that the project would result in no historic properties affected. Therefore, there would be no impacts to any historical, archaeological or cultural resources and no further compliance actions are required.

Executive Order 12898 (Environmental Justice)

Executive Order 12898, Section 2-2, requires all Federal agencies to conduct programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons the benefits of, or subjecting persons to discrimination because of their race, color or national origin. Section 1-101 requires Federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of programs on minority and low-income populations. Implementation of the project would not disproportionately affect any minority or low-income populations.

From: Overly, Stephen A
Sent: Friday, November 05, 2010 2:50 PM
To: Kleinsmith, Douglas H; White, David T
Cc: Perry, Laureen (Laurie) M; Leigh, Anastasia T; Goodsell, Joanne E; Bruce, Brandee E; Barnes, Amy J; Nickels, Adam M; Dunay, Amy L; Fogerty, John A
Subject: Section 106 Complete for Title XVI ARRA San Jose Phase 1C RWAP Project
Attachments: 09-SCAO-092.12 _CASHPO.pdf; 09-SCAO-092.12_CASHPO_Concurrence.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

09-SCAO-092.12

Doug/David,

The latest Phase 1C Project proposed by South Bay Water Recycling Program (SBWRP) involves the installation of eight new truck fill stations called "Recycled Water Access Points (RWAPs). The RWAPs are 4-inch recycled water hydrants to be located along existing pipeline routes. These will be used by construction water trucks (500 to 3000 gallon capacity) to fill with recycled water for use in dust control and construction purposes. Reclamation proposes to subsidize the project using Title XVI/ARRA funds. This ARRA Project comprises one of the original elements of the SBWRP ARRA grant application but it was inadvertently omitted from previous information supplied for compliance to Reclamation. When the material was submitted for compliance, it was determined to be the type of activity that has potential to cause effects on historic properties pursuant to Section 106 of the National Historic Preservation Act, as detailed in the regulations at 36 CFR Part 800.

Therefore, consultant's working for the SBWRP conducted archival investigations at the eight locations and recommended that the project would result in no historic properties affected. Using the information supplied by the consultant, Reclamation entered into consultation with the California State Historic Preservation Officer (SHPO) on this finding on October 29, 2010 (attached). SHPO concurred with Reclamation on November 2, 2010 and the letter was received in our office on November 5, 2010 (also attached).

This completes the Section 106 process for this action. Please retain a copy of this e-mail and the letters for your files. If project activities or the footprint changes, then additional Section 106 review, including additional consultation with SHPO, may be necessary.

Thank you for considering cultural resources during project planning.

Tony

Stephen (Tony) Overly, M.A. Archaeologist
 U.S. Bureau of Reclamation, Mid-Pacific Region
 2800 Cottage Way, MP-153
 Sacramento, CA 95825
 916-978-5552





United States Department of the Interior

BUREAU OF RECLAMATION

Mid-Pacific Regional Office

2800 Cottage Way

Sacramento, California 95825-1898

IN REPLY

REFER TO:

MP-153

ENV-3.00

SPECIAL DELIVERY - HAND DELIVERED

Mr. Milford Wayne Donaldson
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, California 95816

Subject: National Historic Preservation Act Section 106 Consultation for the Proposed South Bay Water Recycling Program (SBWRP) Phase 1C Project (Recycled Water Access Points), Santa Clara County, California (Project #09-SCAO-092.12)

Dear Mr. Donaldson:

The Bureau of Reclamation is initiating the National Historic Preservation Act (NHPA) Section 106 consultation process and seeking your concurrence with our finding of no historic properties affected for a recycled water pipeline project in Santa Clara County, California (Figure 1 in enclosed memo report). The project is proposed by South Bay Water Recycling Program (SBWRP) and would be partially subsidized by Reclamation via Title XVI funds and American Recovery and Reinvestment Act (ARRA) funds. This ARRA Project comprises one of the original elements of the SBWRP ARRA grant application but it was inadvertently omitted from previous information supplied for compliance to Reclamation resulting in this late consultation with your office on a stimulus project. The expenditure of Federal funds constitutes an undertaking, as defined by Section 301(7) of the NHPA (16 U.S.C. 470) and Reclamation is consulting with your office pursuant to the 36 CFR Part 800 regulations that implement Section 106 of the NHPA.

The SBWRP is a consortium of three cities and eight special districts in the Santa Clara Valley formed to provide and deliver reclaimed water for various uses. Most of the SBWRP system was previously constructed, but several new installations, collectively called the Phase 1C Projects, are planned. This Phase 1C action is called Recycled Water Access Points (RWAP) and involves installation of eight truck fill stations, known as RWAPs. The RWAPs are 4-inch recycled water hydrants (also known as wharf hydrants) located along existing pipeline routes that will allow construction water trucks (500 to 3000 gallon capacity) to fill with recycled water. This water will be used for dust control and construction purposes in conformance with Title 22 standards for recycled water use. The RWAPs will be placed in areas with existing recycled water pipelines to tap into the existing facilities at the locations described below (Figures 2-9 in enclosed memo report).

- Hellyer Avenue south of Piercy Road between Road G and Tennant Avenue at Universal Transverse Mercator (UTM) 608603m East and 4123670m North (Figure 2)

- Piercy Road between Silver Creek Valley Road and Optical Court at UTM 607521m East and 4123921m North (Figure 3)
- Yerba Buena Road between Verona Road and Old Yerba Buena Road (Hitachi) at UTM 610355m East and 4129354m North (Figure 4)
- Corie Court at Oakland Road at UTM 597831m East and 4137264m North (Figure 5)
- Spring Street (B) north of McKendrie Street at UTM 596187m East and 4134141m North (Figure 6)
- Vista Montana between N 1st Street and Renaissance Drive at UTM 592529m East and 4141344m North (Figure 7)
- Yerba Buena Road south of Homepark Court (PS811) at UTM 606794m East and 4128545m North (Figure 8)
- Los Esteros Road north of the Water Pollution Control Plant at UTM 592691m East and 4143408m North (Figure 9)

Reclamation has determined the discontinuous area of potential effects (APE) for the project includes a total of 0.4 acres at the 8 separate locations, providing areas sufficient for excavation and installation of the facilities.

Basin Research Associates (2010) produced a memo report in October 2010 that covers the entire APE (enclosed). Through analysis of past archaeological investigations and levels of disturbance, and local sensitivity mapping, the consultant determined that the APE has no cultural resources and has little potential to harbor previously undisclosed buried cultural resources within the APE. Based in part on these findings described in the memo report, Reclamation has made a finding of no historic properties affected pursuant to 36 CFR Part 800.4(d)(1).

Reclamation also determined that this project is in the traditional territory of the Ohlone. Since there are no federally recognized tribes affiliated with the Ohlone, individuals and groups were contacted in an effort to identify potential historic properties pursuant to 36 CFR Part 800.4(a)(3). Letters were sent by Reclamation on October 28, 2010 to Mr. Andrew A. Galvan of the Ohlone Indian Tribe, Mr. Valentin Lopez and Ms. Irene Zwierlein of the Amah Mutsun Tribal Band, and Ms. Ann Marie Sayers of the Indian Canyon Mutsun Band of Costanoan Indians. Reclamation will work to address concerns if any resources of concern to these groups are subsequently identified.

Reclamation invites your comments on our delineation of the APE and the appropriateness of our historic property identification efforts. Reclamation also requests your consensus with our finding of no historic properties affected pursuant to 36 CFR Part 800.4(d)(1). Please contact Mr. Tony Overly at 916-978-5552, or soverly@usbr.gov, if you have any questions about this project.

Sincerely,

Michael A. Chotkowski
Regional Environmental Officer

Enclosure

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

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



November 2, 2010

In Reply Refer To: BUR101029A

Michael A. Chotkowski
Regional Environmental Officer
United States Department of the Interior
Bureau of Reclamation
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED		
NOV 04 '10		
CODE	ACTION	DATE
150		11/16/2010

Re: South Bay Water Recycling Program (SBWRP) Phase 1C Projects (Recycled Water Access Points) Santa Clara County, California (Project No. 09-SCAO-092.12).

Dear Mr. Chotkowski:

Thank you for seeking consultation with me regarding the above noted undertaking. Pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA), the Bureau of Reclamation (BUR) is the lead federal agency for this undertaking and is seeking my comments on the effects that the proposed project will have on historic properties. The project will be implemented with Title XVI funds and American Recovery and Reinvestment Act (ARRA) funds. The BUR has identified this use of federal expenditures as an undertaking subject to compliance with Section 106 regulations. The proposed project is an extension of the existing SBWRP system that services three cities and eight special districts in the Santa Clara Valley.

This aspect of the SBWRP involves the construction of eight truck fill sites, designated as Recycled Water Access Points (RWAP). The RWAPs will consist of 4-inch diameter hydrants located along existing pipeline routes that will allow construction trucks to fill with recycled water. The eight locations are along existing urban roadways in industrial and commercial areas of the City of San Jose. The BUR has determined that the areas to be affected at the eight discontinuous project locations totals approximately 0.4 acre. This is the project Area of Potential Effects (APE). In addition to your letter of October 29, 2010, you have submitted the following report as documentation of your efforts to identify and evaluate historic properties in the project APE:

- *Cultural Resources Review of Eight (8) Recycled Water Access Points (RWAP), City of San Jose, Santa Clara County* (Basin Research Associates: August 20, 2010; Revised October 20, 2010).

After reviewing your letter and supporting documentation, I have no objection to your finding of No Historic Properties Affected. Be advised that under certain circumstances such as unanticipated discovery or a change in project description, the BUR may have

Consultation	23
Control No.	0081747
Folder I.D.	114652
Date Input & Initials	11-1-2010 JN

additional future responsibilities for this undertaking under 36 CFR Part 800. 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.

Sincerely,

Susan H. Stratton for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer