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## State Water Resources Control Board

CERTIFIED MAIL NO.: 7018 – 0680 – 0000 – 9828 – 3994

JAN 02 2020

Ms. Julianne Polanco  
California State Historic Preservation Officer  
Office of Historic Preservation  
1725 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

NATIONAL HISTORIC PRESERVATION ACT (NHPA), SECTION 106 CONSULTATION FOR THE PROPOSED WATER SYSTEM IMPROVEMENTS PROJECT (UNDERTAKING), GROVELAND COMMUNITY SERVICES DISTRICT (APPLICANT), TUOLUMNE COUNTY, CALIFORNIA; DRINKING WATER STATE REVOLVING FUND (DWSRF) NO. 5510009-002C

Dear Ms. Polanco:

The Applicant is seeking funds from the DWSRF Program to assist in financing the Undertaking. The State Water Resources Control Board (State Water Board) is initiating consultation under Title 54 United States Code Section 306108, commonly known as Section 106 of the NHPA (Section 106), and its implementing regulations found at 36 Code of Federal Regulations (CFR) Part 800, for the Undertaking.

The United States Environmental Protection Agency (USEPA) has delegated the administration of the DWSRF Program to states, including California. The State Water Board, Division of Financial Assistance, administers the DWSRF Program pursuant to 40 CFR Part 35. Issuance of DWSRF funds by the State Water Board is considered equivalent to a federal action, thereby necessitating compliance with Section 106. The USEPA, Region 9 has delegated lead agency responsibility to the State Water Board for carrying out the requirements of Section 106 in a letter dated September 3, 2015 pursuant to 36 CFR Section 800.2 (c)(4).

The Undertaking is a type of activity that has the potential to cause effects to historic properties under 36 CFR Section 800.3(a). The State Water Board is entering into consultation with you on this Undertaking and requesting your concurrence on a finding of "no historic properties affected" pursuant to 36 CFR Section 800.4(d)(1).

Enclosed is a copy of *A Cultural Resources Assessment for the Proposed Groveland Community Services District Water System Distribution Improvements Project*, (Roper 2018) prepared by Sierra Valley Cultural Planning (SVCP) for the proposed Undertaking (Enclosure 1).

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E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

**Undertaking Purpose and Location**

The Applicant is proposing to improve water supply reliability, meet drinking water standards, and fire flow requirements by replacing portions of the aging and deteriorating water distribution system. The Undertaking is located in the communities of Groveland, Big Oak Flat, and White Gulch within Tuolumne County, California and is shown on Figure 1, Enclosure 1.

**Area of Potential Effects (APE)**

The APE for the proposed Undertaking is comprised of three discontinuous locations: Groveland, Big Oak Flat, and White Gulch where approximately five miles of pipeline will be installed within the public rights-of-way (Figures 3a-c, Enclosure 1). In Groveland, the APE includes the replacement of 7,610 linear feet of water distribution main and installation of 6,265 linear feet of new water distribution main. In Oak Flat, the APE includes the replacement of 6,080 feet of pipes and installation of 1,200 feet of new pipes. In White Gulch, the APE consists of replacement of 6,370 linear feet of water main. Construction also includes the installation of gate valves, pressure reducing valves, and hydrants. Open trenching and horizontal directional drilling methods will be employed. Trenching for pipeline installation will be approximately three feet wide and will not exceed four feet in depth. The pipelines that are being replaced will be abandoned in place.

**Cultural Resources Inventory**

To comply with 36 CFR Section 800.4(b), the Applicant contracted SVCP to complete a cultural study. The study includes a records search of files at the Central California Information Center (CCIC), a Sacred Lands File (SLF) search at the Native American Heritage Commission (NAHC), Native American outreach, and field inspection. An archaeological literature and records search was conducted at the CCIC, of the California Historical Resources Information System housed at the California State University, Stanislaus on July 26, 2018 with a half-mile buffer around the APE. The results of this search indicated that over 13 cultural resource studies were completed within portions the APE. Two cultural resources were noted in close proximity to the APE; these include the "Old Cemetery (1849-1852), also known as the Chinese Cemetery," and the historic Groveland Jail constructed in 1895. Both resources are outside of the APE. A portion of the historic alignment of the Big Oak Flat Road falls within the Undertaking APE (P-55-004140). (Appendix A, Enclosure 1).

On June 4, 2018, SVCP archaeologist, Douglas McIntosh conducted a pedestrian survey of the APE. Windshield and pedestrian survey methods were employed. The results of the survey noted that ground surface visibility was generally poor. Built environment, paved asphalt surfaces, imported gravels, and crushed rock road base limited the inspection of native ground surfaces. The survey did not identify cultural resources or evidence of intact anthropogenic soils.

**Tribal Consultation**

SVCP requested a SLF search and Native American Contact List from the NAHC. The NAHC responded on June 18, 2018 stating that the SLF search returned negative results and provided list of tribes and individuals to contact. Notification letters were sent to all three tribes and individuals on the NAHC contact list on August 11, 2018, including Chicken Ranch Rancheria of Me-Wuk Indians, Tuolumne Band of Me-Wuk Indians, and Washoe Tribe of Nevada and California. Follow up calls were made on September 4, 2018. Additional follow-up calls were made by the State Water Board's cultural resources staff on January 2, 2020.

No tribes requested consultation or identified historic properties in the APE. Documentation of tribal correspondence is included in the enclosed report (Appendix B, Enclosure 1).



**Description of Findings**

A portion of the historic alignment of the Big Oak Flat Road (P-55-004140) falls within the Undertaking APE. The Big Oak Flat Road (P-55-004140) was nominated for listing on the National Register in 1989. However, the National Register nomination includes only those portions of the historic Big Oak Flat Road within Bureau of Land Management and National Forest lands, privately held parcels, and within Yosemite National Park, all outside of the project APE. The historic roadway within the APE has been completely obliterated by modern State Route 120. The portion of the historic roadway within the APE is not a contributing element to the resource's National Register significance. Furthermore, the roadway will be returned to its current condition once the pipelines have been installed. No historic properties were identified in the APE.

**State Water Board Finding of Effect**

The State Water Board has found that historic properties will not be affected by the Undertaking. Therefore, the State Water Board is seeking your concurrence on a finding of "no historic properties affected" pursuant to 36 CFR Section 800.4(d)(1).

The State Water Board is respectfully requesting your response within 30 days of receiving this consultation request. Please contact Johanna Marty at 916-449-5603 or [Johanna.Marty@waterboards.ca.gov](mailto:Johanna.Marty@waterboards.ca.gov) if you have any questions or concerns about the Undertaking. You may also contact me directly at 916-449-5178 or at [Wendy.Pierce@waterboards.ca.gov](mailto:Wendy.Pierce@waterboards.ca.gov).

Sincerely,



Wendy Pierce  
Senior Environmental Scientist  
Division of Financial Assistance

Enclosures (1)

1. *A Cultural Resources Assessment for the Proposed Groveland Community Services District Water System Distribution Improvements Project, (Roper 2018)*

cc: See next page

Ms. Polanco

- 4 -

cc: without enclosures:

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