Appendix A: Draft SEIR Comments

From:	[redacted]@DOC
To:	RBD
Cc:	[redacted]@DOC; OPR State Clearinghouse; [redacted]@DOC
Subject:	Ravenswood Business District/4 Corners Specific Plan Update SEIR
Date:	Friday, August 30, 2024 11:37:46 AM
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SCH Number
2022040352
Lead Agency
City of East Palo Alto
Document Title
Ravenswood Business District/Four Corners Specific Plan Update
Document Type
SBE - Subsequent EIR
Received
7/26/2024

Hello, Alvin—

Thank you for providing the City's Notice of Availability (NOA) of a draft Subsequent Environmental Impact Report (SEIR) for our review. This email conveys the following comments/recommendations from CGS concerning geologic and seismic hazard issues within the proposed project:

1. Tsunami Hazards
   - The SEIR provides a discussion of tsunami inundation hazards and a map depicting Tsunami Hazard Areas within the Specific Plan boundary. The SEIR should also discuss CGS Tsunami Hazard Areas (THAs), which are mapped along the entire California coast. The purpose of a THA is to assist public agencies in identifying their exposure to tsunami hazards. It is intended for local jurisdictional, coastal evacuation planning uses only. Additional information and map files can be found at the links below:
     https://www.conservation.ca.gov/cgs/tsunami
     https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps
     https://www.conservation.ca.gov/cgs/Documents/Publications/Tsunami-Maps/Tsunami_Hazard_Area_Map_San_Mateo_County_a11y.pdf

A.1

   - The City should also check to see if the Specific Plan boundary includes any Tsunami Design Zone established by the California Building Code (CBC). The CBC requires certain design standards for essential/critical or larger structures within these zones. The following website provides additional information regarding Tsunami Design Zones: https://asce7tsunami.online/.

A.2

Brian Olson, CEG
Senior Engineering Geologist

@CAgeosurvey
FOLLOW US!

Seismic Hazards Program

15 Years of Public Service

California Geological Survey
320 W. 4th Street, Suite 850, Los Angeles, CA 90013
M: [redacted]

"A team is not a group of people who work together.
A team is a group of people who trust each other." – Simon Sinek

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Department of Toxic Substances Control

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Yana Garcia
Secretary for
Environmental Protection

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

August 29, 2024

Alvin Jen
Associate Planner
City of East Palo Alto
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ajen@cityofepa.org

RE: SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE RAVENSWOOD BUSINESS DISTRICT/FOUR CORNERS SPECIFIC PLAN UPDATE DATED JULY 26, 2024, STATE CLEARINGHOUSE NUMBER 2022040352

Dear Alvin,

The Department of Toxic Substances Control (DTSC) received a Subsequent Environmental Impact Report (SEIR) for the Ravenswood Business District/Four Corners Specific Plan Update (project). The City adopted the existing Ravenswood Specific Plan in 2013. An update to the Specific Plan (Specific Plan Update) is proposed and would increase the total amount of development allowed within the Specific Plan area. The proposed Specific Plan Update would be implemented as one of two development scenarios, both of which are evaluated in the SEIR: Scenario 1 would consist of an additional 2.8 million square feet of office and research and development (R&D) space, 250,000 square feet of industrial space, 129,700 square feet of civic space, 112,400 square feet of retail space, 43,870 square feet of tenant amenity space, and 1,350 residential units.

B.1

Scenario 2 would consist of an additional 3.3 million square feet of office and R&D space, 300,000 square feet of industrial space, 129,700 square feet of civic space, 112,400 square feet of retail space, 53,500 square feet of tenant amenity space, and 1,600 residential units After reviewing the project, DTSC recommends and requests consideration of the following comments:

1. As listed in Table 3.9-1 Summary of Reported On-Site Spill Incidents of the SEIR, Romic Environmental Technologies Corp (Site) remains an open case. The United States Environmental Protection Agency (USEPA) is the lead agency regulatory agency overseeing the Site's corrective action implementation, while the DTSC is the lead regulatory agency responsible for overseeing the final closure and redevelopment. The San Francisco Regional Water Quality Control Board is providing further regulatory oversight as they are responsible for maintaining groundwater quality in the San Francisco Bay region. Per Table 3.9-1 of the SEIR, the Romic facility was historically used as a hazardous waste management facility. During facility operations, soil, soil vapor, and groundwater were contaminated with chlorinated and aromatic volatile organic compounds. Based on Figures 3.16-4 and 3.16-5, it appears that bike paths and pedestrian improvements will intersect the Site. The Site has a Land Use Covenant and Agreement (Covenant) that restricts uses of the Site to protect human health, safety and the environment. Additionally, remedial activities at the Site are ongoing for an indefinite period. In order to protect the health of project workers and future workers at the Site, the USEPA and DTSC should be consulted before moving forward with any project activities on or adjacent to the Site boundary B.1
2. In addition to the Site mentioned in Number 1, the proposed Project encompasses multiple active and nonactive mitigation and clean-up sites where DTSC has conducted oversight that may be impacted as a result of this project. This may restrict what construction activities are permissible in the proposed project areas in order to avoid any impacts to human health and the environment. B.2

3. Due to the broad scope of the project, DTSC is unable to determine the locations of the proposed sites, whether they are listed as having documented contamination, land use restrictions, or whether there is the potential for the sites to be included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, DTSC recommends providing further information on the proposed project and areas that may fall under DTSC's oversight within future environmental documents. Once received, DTSC may provide additional comments on future environmental documents as further information becomes available. Please review the project area in EnviroStor, DTSC's public-facing database. B.3
4. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in DTSC's Preliminary Endangerment Assessment (PEA) Guidance Manual. Additionally, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting DTSC's Human and Ecological Risk Office (HERO) webpage. B.4
5. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's PEA Guidance Manual. B.5

6. When agricultural crops and/or land uses are proposed or rezoned for residential use, a number of contaminants of concern (COCs) can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs requiring further analysis are dichloro-diphenyl-trichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet HHRA NOTE NUMBER 3, DTSC-SLs approved thresholds. If they are not, remedial action must take place to mitigate them below those thresholds. B.6
7. Additional COCs may be found in mixing/loading/storage areas, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons and/or Total Petroleum Hydrocarbons may be required. B.7

DTSC believes the City of East Palo Alto must address these comments to determine if any significant impacts under the California Environmental Quality Act (CEQA) will occur and, if necessary, avoid significant impacts under CEQA. DTSC recommends the department connect with our unit if any hazardous waste projects managed or overseen by DTSC are discovered. Please refer to the City of East Palo Alto EnviroStor Map for additional information about the areas of potential contamination. If further concerns or impacts surface in light of the any forthcoming environmental documents, DTSC reserves the right to provide applicable comments at that time. B.8

DTSC appreciates the opportunity to comment on the SIER for the Ravenswood Business District/Four Corners Specific Plan Update. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via email for additional guidance.

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
[redacted]

cc: (via email)

Governor's Office of Planning and
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California Department of Transportation

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September 10, 2024

SCH #: 2022040352
GTS #: 04-SM-2022-00603
GTS ID: 26271
Co/Rt/Pm: SM/109/1.121

Alvin Jen, Associate Planner
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303

Re: Ravenswood Business District/4 Corners Specific Plan Update – Draft Subsequent Environmental Impact Report (SEIR)

Dear Alvin Jen:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Ravenswood Business District/4 Corners Specific Plan Update. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the July 2024 Draft SEIR.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

C.1

Project Understanding

The proposed project is to update the Ravenswood Business District/4 Corners Specific Plan, which serves as a guide for development and redevelopment within the approximately 350-acre Specific Plan area. The proposed update to the Specific Plan would increase the total amount of development allowed within the plan area by increasing the maximum square footages for office, research and development/life science, light industrial, civic/community, tenant amenity, and the total number of residential units allowed to be developed. The plan area is within a mile of three freeways: U.S. Route 101 (U.S. 101), State Route 84 (SR 84), and State Route 109 (SR 109). A small portion of the plan area is directly adjacent to a segment of SR 109 that is within Caltrans right-of-way (ROW).

Travel Demand Analysis
The project Vehicle Miles Traveled (VMT) analysis and significance determination are undertaken in a manner consistent with the City's adopted VMT policy. Per the SEIR, this project is found to have a less than significant VMT impact and proposes a number of Transportation Demand Management measures to encourage multimodal options, which is in support of meeting state policy goals on VMT reductions. C.2

Future projects under this Specific Plan Update would make fair share contributions towards the identified improvements listed in the SEIR. Please note that some proposed improvements may require coordination with and approval by Caltrans.

Multimodal Transportation Planning
Please review and include the reference to the *Caltrans District 4 Pedestrian Plan* (2021) and the *Caltrans District 4 Bike Plan* (2018) in the SEIR. These two plans studied existing conditions for walking and biking along and across the State Transportation Network (STN) in the nine-county Bay Area and developed a list of location-based and prioritized needs.

The *Caltrans District 4 Bike Plan* considers SR 109 from SR 84 to Donohoe Street/East Bayshore Road as a top priority for Corridor Improvement. The *Caltrans District 4 Pedestrian Plan* identifies the segment of SR 109 from SR 84 to Notre Dame Avenue a top priority for Highway Segment Improvements for pedestrians. Within the project limits, please consider incorporating higher visibility striping for any planned pedestrian crosswalks, installing "YIELD TO PEDS" signs as needed, and incorporating curb ramps on the crosswalks that are compliant with American Disability Act (ADA) standards. C.3

Please note that any Complete Streets reference should be updated to reflect Caltrans Director's Policy 37 (*link*) that highlights the importance of addressing the needs of non-motorists and prioritizing space-efficient forms of mobility, while also facilitating goods movement in a manner with the least environmental and social impacts. This supersedes Deputy Directive 64-R1, and further builds upon its goals of focusing on the movement of people and goods.

Hydrology
Please ensure that any increase in storm water runoff to State Drainage Systems or Facilities be treated, contained on project site, and metered to preconstruction levels. Any floodplain impacts must be documented and mitigated.

It is recommended to mention in Section 3.18.2.1, Project Impacts, Stormwater Drainage, 2013 Specific Plan Policy UTIL-3.1 that the latest storm water model analysis included in Appendix G - Utility Impact Study has been prepared with consideration of Sea Level Rise (SLR) and other current and proposed flood resiliency projects (primarily C.4

C.4

levees) being constructed or proposed along the San Francisco Bay, in the direct vicinity of the proposed storm drain outfall locations.

Please note that Section 3.10.1.2, Flood Hazards references discussion of SLR effects in "Section 3.10.3 Non-CEQA Effects"; however, the SEIR does not have a section 3.10.3 and it appears that the intention was to reference "Section 3.11.3 Non-CEQA Effects".

Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits (*link*).

C.5

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the STN.

Lead Agency

As the Lead Agency, the City is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

C.6

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet ADA Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

We will achieve equity when everyone has access to what they need to thrive no matter their race, socioeconomic status, identity, where they live, or how they travel. Caltrans is committed to advancing equity and livability in all communities. We look forward to collaborating with the City to prioritize projects that are equitable and provide meaningful benefits to historically underserved communities.

C.7

Caltrans encourages the City to foster meaningful, equitable and ongoing public engagement in the Specific Plan development process to ensure future transportation decisions and investments reflect community interests and values. The public engagement process should include community-sensitive and equity-focused approaches seeking out the needs of individuals from underserved, Tribal, and low-income communities, the elderly, and individuals with disabilities.

Encroachment Permit
Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement.

The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits (*link*). Please note that the checklist TR-0416 is used to determine the appropriate Caltrans review process for encroachment projects. Your application package may be emailed to D4Permits@dot.ca.gov. C.8

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Luana Chen, Transportation Planner, via LDR-D4@dot.ca.gov.

For future early coordination opportunities or project referrals, please visit Caltrans LDR website (*link*) or contact LDR-D4@dot.ca.gov.

Sincerely,

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

California Department of Transportation

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September 9, 2024

Alvin Jen
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Electronically Sent <ajen@cityofepa.org>

Re: SCH # 2022040352 - Ravenswood Business District/Four Corners Specific Plan Update

Dear Mr. Jen:

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), has reviewed the Subsequent Environmental Impact Report (SBE) for the Ravenswood Business District/Four Corners Specific Plan Update (Project). The Division of Aeronautics collaborates with cities, counties, and Airport Land Use Commissions (ALUC) to ensure compliance with the State Aeronautics Act (California Public Utilities Code Section 21001 et seq.). We appreciate the opportunity to participate in the SBE review process.

The City of East Palo Alto is proposing to update the Ravenswood Specific Plan of 2013 and would increase the total amount of development allowed within the Specific Plan area by increasing the maximum square footages for office, R&D/life science, light industrial, civic/community, and tenant amenity, and the total number of residential units allowed under the Specific Plan. The Project would be implemented as one of two development scenarios. The Palo Alto Airport is located approximately 0.58 miles southeast of the Specific Plan area.

D.1

Compliance with Airport Land Use Compatibility Plan (ALUCP)

Pursuant to the State Aeronautics Act, California Public Utilities Code Section 21676(b) mandates that local agencies refer proposed amendments to general or specific plans within airport land use commission boundaries to the commission for review. If the commission deems the proposed action inconsistent with its plan, the referring agency will be notified. Any development within safety zones or airport influence areas must comply with the safety criteria and restrictions outlined in the Airport Land Use Compatibility Plan(s).

A portion of the Project site lies within Safety Zone 6 (Traffic Pattern Zone) and in the Airport Influence Area (AIA) of the Palo Alto Airport. Therefore, it must adhere to the safety criteria and restrictions outlined in the 2020 Palo Alto Airport Comprehensive Land Use Plan (ALUCP), adopted by the ALUC pursuant to the PUC, Section 21674. The ALUCP is crucial for minimizing noise nuisance and safety hazards around airports while promoting orderly development. The ALUC is responsible for assessing potential risks to aircraft, airspace users, and people on the ground near the airport. D.1

Noise Compatibility

A portion of the plan area falls within the 60-65 decibel (dB) Community Noise Equivalent Level (CNEL) contours for the Palo Alto Airport as shown in the ALUCP. Development within this area must adhere to the noise criteria and use restrictions outlined in the plan, particularly related to Section 4.3.2.1. of the ALUCP. Due to its proximity to the airport, the Project site may be subject to aircraft overflights and subsequent aircraft-related noise impacts.

Specifically, related to the plan development scenarios please see the below noise policies of the ALUCP: D.2

N-4 No residential construction shall be permitted within the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas associated with the residential project. All property owners within the 65 dB CNEL contour boundary who rent or lease their property for residential use shall include in their rental/lease agreement with the tenant, a statement advising that they (the tenants) are living within a high noise area and the exterior noise level is predicted to be greater than 65 dB CNEL.

N-5 Residential construction will not be permitted in the area between the 60 dB CNEL contour boundary and the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound level will be no greater than 45 dB CNEL.

N-6 Noise level compatibility standards for other types of land uses shall be applied in the same manner as the above residential noise level.

Noise Sensitive Land Uses and Considerations

The project may encompass noise-sensitive land uses as defined by the Public Utilities Code Section 21669.5(3). This includes residential developments such as single-family and multi-family dwellings. Additionally, Section 21669.5(4) defines a "noise-sensitive project" as new construction or reconstruction for planned noise-sensitive land use within an airport's Community Noise Equivalent Level (CNEL) of 65 decibels (dB) or higher. D.3

While California Code of Regulations (CCR: Title 21 CCR, §5006) defines 65 dB CNEL as the "acceptable level" for residents near airports, the Caltrans Aeronautics California Land Use Planning Handbook (Handbook) advises against using this standard for new noise-sensitive development. To mitigate the impact of aircraft noise, any new residential development within the airport's 65 dB CNEL contour should be designed and constructed to ensure that interior noise levels in all habitable rooms do not exceed 45 dB CNEL. To prevent this project from expanding the airport's Noise Impact Area (NIA), each residential unit should grant the airport proprietor an avigation easement, permitting aircraft noise over the property. However, while these construction measures and the easement address interior noise, they will not reduce exterior aircraft noise levels, and future residents may still experience annoyance from aircraft noise in the surrounding area. D.3

By implementing these recommendations as mitigation measures, the project can minimize noise impacts on future residents and ensure responsible development near the airport.

Other Airport Hazards

California Public Utilities Code Section 21659 prohibits structural hazards near airports. Structures should not be at a height that will result in penetration of the airport imaginary surfaces. In accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace" a Notice of Proposed Construction or Alteration (Form 7460-1) may be required by the Federal Aviation Administration (FAA). For further information or a copy of Form 7460-1, please refer to the FAA website https://oeaaa.faa.gov/oeaaa/external/portal.jsp.

We recommend further review of potential compatibility concerns related to airport obstructions and hazards to flight, such as: D.4

- **Wildlife attractants:** Project elements (e.g., open waste disposal areas) that could attract wildlife, posing a hazard to aircraft.
- **Lighting:** Improper lighting design or excessive light intensity could interfere with night-time airport operations and can cause safety hazards to pilots.
- **Glare:** Reflective surfaces (e.g., extensive use of solar panels) could create glare that disrupts pilots' visibility.

The Division encourages collaboration among the Lead Agency, the Airport Land Use Commission, and Palo Alto Airport representatives to prioritize the safety and well-being of current and future residents in the Ravenswood Business District/Four Corners Specific Plan area.

Thank you for the opportunity to review and comment. If you have any questions, please contact me by email at [redacted].

Sincerely,

[redacted]

[redacted]
Associate Transportation Planner
Division of Aeronautics

c: State Clearing House <state.clearinghouse@opr.ca.gov>,
Matthew Friedman, Chief Office of Aviation Planning, [redacted]>,
Nirupama Stalin, Senior Transportation Planner <[redacted]>

U.S. Department of Transportation
Federal Aviation Administration

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San Francisco Airports District Office

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September 10, 2024

Alvin Jen, Associate Planner
City of East Palo Alto
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VIA EMAIL: rbd@cityofepa.org

Subject: City of East Palo Alto, Ravenswood Business District/4 Corners Specific Plan Update - Subsequent Environmental Impact Report

Dear Mr. Jen:

On July 26, 2024, the Federal Aviation Administration (FAA) received the City of East Palo Alto's Notice of Availability of the Subsequent Environmental Impact Report (SEIR) for the Ravenswood Business District/4 Corners Specific Plan (Plan) update. The notice indicated that the SEIR is for an update to the Specific Plan adopted in 2013 that guides development of up to 1,444,410 square feet of office and research and development (R&D) uses, 175,910 square feet of industrial uses, 112,400 square feet of retail uses, 61,000 square feet of civic and community uses, and 835 housing units located in the northeast area of East Palo Alto (City). The Plan update would increase the developable area under two scenarios. The first scenario would increase office and R&D uses to 2,824,000 square feet and increase residential to 1,350 units. The second scenario would increase office and R&D uses to 3,335,000 square feet and increase residential to 1,600 units. The Plan also includes utility, infrastructure, transportation, and sea level rise improvements. E.1

The Plan Area is located approximately 0.6 miles southeast of the end of Runway 13 at Palo Alto Airport (PAO), Palo Alto, CA. PAO is an active General Aviation airport within the National Plan of Integrated Airport System that is owned and operated by the City of Palo Alto.

The FAA offers the following comments on the SEIR:

Noise: Due to the proximity of the Plan area to PAO, the City should anticipate that airport and aircraft noise will continue to be experienced in the Plan Area. It is advisable to incorporate an early notification process to inform future occupants and users of the Plan Area about the presence of the airport and the potential to hear noise from airport and aircraft operations. If any of the proposed developments would have noise sensitive uses, there should be coordination with the Airport Director at PAO. In accordance with *FAA Final Policy on Part 150 Approval of Noise Mitigation Measures: Effect on the Use of Federal Grants for Noise Mitigation Projects* (63 FR 16409), structures and new non-compatible development built after October 1, 1998, are not eligible for approval of remedial noise mitigation measures under Part 150 or Airport Improvement Plan (AIP) funding. The FAA recommends that the City consider the Yearly Day-Night Average Sound Levels (DNL) guidance provided in Advisory Circular (AC) 150/5020-1, *Noise Control and Compatibility Planning for Airports*, to ensure land use compatibility with aircraft noise levels. E.2

Navigable Airspace: The FAA notes that the Plan includes development of numerous multi-storied buildings. Projects that have the potential to affect navigable airspace as defined in 14 Code of Federal Regulations Part 77.9 must file a Notice of Proposed Construction or Alteration, Form 7460-1 with the FAA. The 7460-1 should be filed at least 45 days prior to the start of construction. Information about the Obstruction Evaluation/ Airport Airspace Analysis and Form 7460-1 are available at https://oeaaa.faa.gov/oeaaa/external/portal.jsp. E.3

Wildlife Attractants: The FAA also recommends that the City utilize the guidance provided in AC 150/5200-33C, *Hazardous Wildlife Attractants On or Near Airports*, to ensure that the Plan elements do not introduce wildlife hazards to the aviation operations in the area. As explained in the AC, certain land use practices have the potential to attract wildlife that can be a threat to aviation safety. The land uses that individually, or in combination with each other, have the potential to attract hazardous wildlife include waste disposal operations, water management facilities, wetlands, and certain landscape features. E.4

Funding: Should Federal funding be sought, all proposed projects must comply with the National Environmental Policy Act (NEPA), 42 U.S.C. §4321 et seq. E.5

The FAA advises that the City coordinate its Plan with the PAO Airport Manager, Mr. Andrew Swanson, to ensure the protection of aviation operations. Mr. Swanson can be reached at (650) 329-2688 and andrew.swanson@cityofpaloalto.org. E.6

Your attention to these comments is appreciated. If you have any questions, I am available via cell phone at [redacted]

Sincerely,

Nani Jacobson
Environmental Protection Specialist

Enclosures:
Advisory Circular 150/5020-1
Advisory Circular 150/5200-33C

cc:
Amy Choi, SFO ADO Manager, FAA
Andrew Swanson, Airport Manager, City of Palo Alto

PLANNING & DEVELOPMENT SERVICES
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September 10, 2024

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RE: Notice of Availability of an SEIR for the Ravenswood Business District/4 Corners Specific Plan Update

Thank you for including the City of Palo Alto in the environmental review process for the above-referenced project.

Project Understanding
The City of East Palo Alto adopted the existing Ravenswood Specific Plan in 2013 (2013 Specific Plan), which provided the policy and regulatory framework for reviewing development projects and public improvements in the Specific Plan area. The 2013 Specific Plan allows for development of up to 1.3 million square feet of office/R&D uses, 175,820 square feet of industrial uses, 112,400 square feet of retail uses, 36,000 square feet of civic/community uses, and 835 housing units (comprised of 816 multifamily and 19 single-family units). The 2013 Specific Plan assumed there would be a loop road with a multi-use path that would be located along the perimeter of the northern portion of University Village (immediately to the west of the Specific Plan area) and extend from the existing terminus of Demeter Street to connect with University Avenue. The loop road would provide a direct route between the Specific Plan area and University Avenue, avoiding the need to use Bay Road.

The proposed project is an update to the Specific Plan (Specific Plan Update) that would increase the total amount of development allowed within the Specific Plan area by increasing the maximum square footages for office, R&D/life science, light industrial, civic/community, and tenant amenity, and the total number of residential units allowed under the Specific Plan.

F.1

Hazards and Land Use

- In reviewing Figures 2.3.1 (proposed land uses) and 2.3.2 (existing land uses) of the Draft EIR, the project proposes to increase residential uses/density within the 60 and 65 CNEL contours of the Palo Alto Airport Influence Area. The Draft EIR does not properly disclose, and therefore does not identify appropriate mitigation, to address impacts related to the development of residential uses within the AIA and specifically within these contours, consistent with the policies set forth in the Palo Alto Airport Comprehensive Land Use Plan (CLUP). Please refer to the attached CLUP Figure 5 for the airports' Aircraft Noise Contours.

- Specifically, Criterion e in Section 3.9 of the Draft SEIR, asks "If located within an airport land use plan…would the project result in a safety hazard or excessive noise for people residing or working in the project area?" The analysis concludes that impacts would be less than significant without the need for mitigation because the project would comply with policies set forth in the land use plan. However, the listed policies do not disclose the full language of the policy; omitting some of the requirements for residential development to ensure compliance with the plan. The underlined portion of N-4 (below) was omitted from the SEIR.

F.2

- *N-4: No residential construction shall be permitted within the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas associated with the residential project. All property owners within the 65 dB CNEL contour boundary who rent or lease their property for residential use shall include in their rental/lease agreement with the tenant, a statement advising that they (the tenants) are living within a high noise area and the exterior noise level is predicted to be greater than 65 dB CNEL.*

F.2

Further, no evidence has been provided to support the conclusion that the required interior noise levels could be met for future development, consistent with Policy N-5 (below) of the CLUP. Mitigation is warranted to ensure that future residential development within the identified noise contours complies with the CLUP.

- *N-5 Residential construction will not be permitted in the area between the 60 dB CNEL contour boundary and the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound level will be no greater than 45 dB CNEL*.

F.3

Due to the proximity of the Plan area to the Palo Alto Airport, the SEIR should anticipate that future residents will experience aircraft noise in the area. To prevent this project from expanding the airport's noise impact area, each residential unit shall grant the airport an avigation easement, permitting aircraft noise over the property.

- As a modification to a specific plan within an Airport Influence Area, the County of Santa Clara Airport Land Use Commission may require a consistency analysis to determine whether the proposed modifications to land use are consistent with the Palo Alto Airport CLUP. Please reach out to Carl Hilbrants (Carl.Hilbrants@PLN.SCCGOV.ORG) to confirm whether a hearing before the commission is required to evaluate consistency.

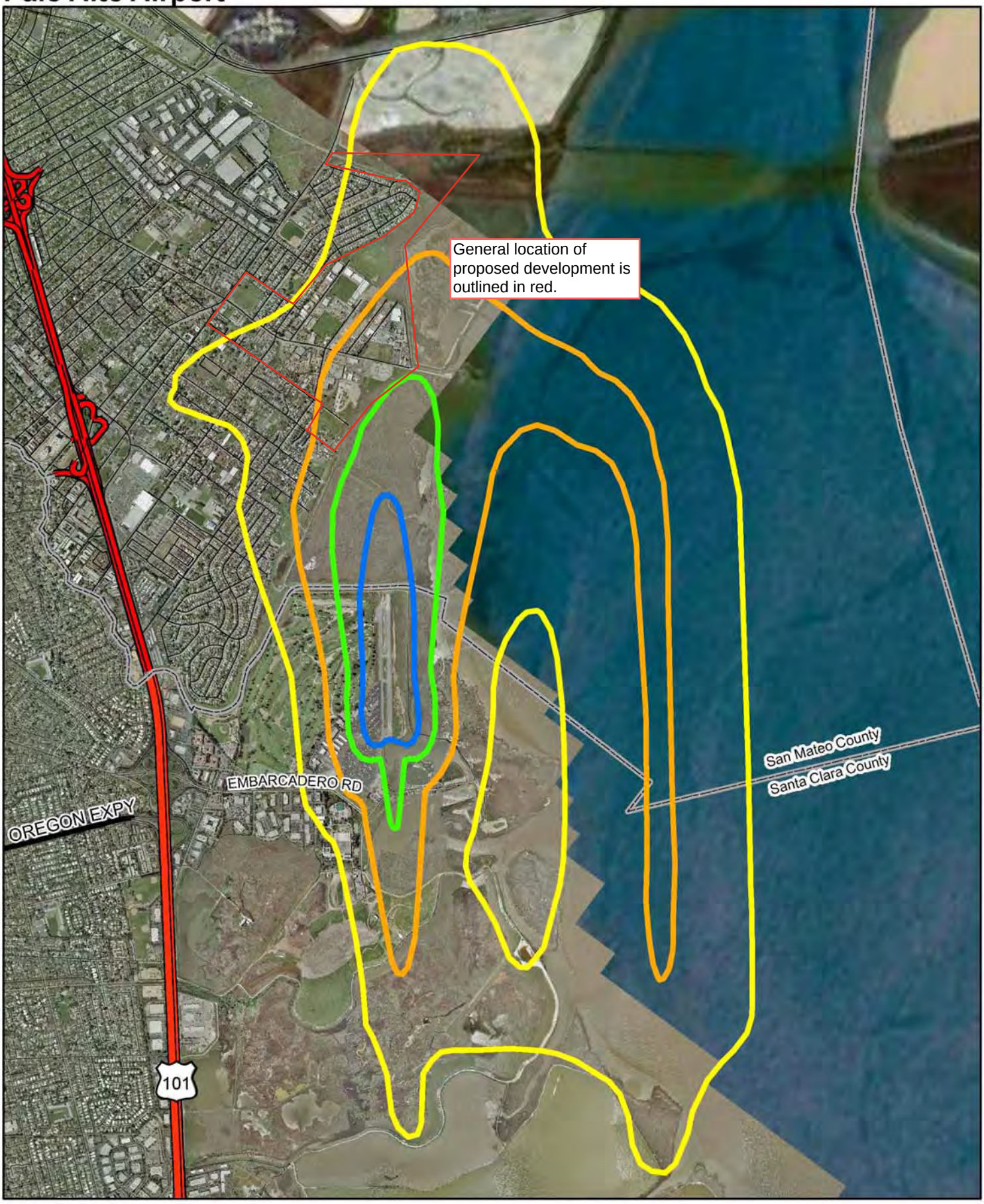
F.4

Should you have any questions regarding this letter and the City's comment, please contact me at Claire.Raybould@cityofpaloalto.org or (650) 329-2116.

Sincerely,

Claire Raybould, AICP
Principal Planner, Planning and Development Services Division

Palo Alto Airport



Noise Contours (CNEL)

55 60 65 70

2022 Aircraft Noise Contours
Figure 5

0 1,000 2,000 4,000 Feet

This map created by Santa Clara County Planning Office. The GIS data was compiled from various sources. While deemed reliable, the Planning Office assumes no liability
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September 10, 2024

City of East Palo Alto, Planning Division
Attn: Alvin Jen, Planner
1960 Tate Street
East Palo Alto, CA 94303

Submitted via email: rbd@cityofepa.org

Re: Draft Subsequent Environmental Impact Report (SEIR) for Ravenswood/4 Corners Transit-Oriented Development Specific Plan Update (Ravenswood Specific Plan Update)

SCH#: 2022040352

Dear Alvin Jen,

On behalf of the Midpeninsula Regional Open Space District (Midpen), we respectfully submit the following comments regarding the Draft SEIR for the Ravenswood Specific Plan Update. Midpen appreciates attending the May 9, 2022 public scoping meeting and the City's review and consideration of the May 13, 2022 comments we submitted for the Notice of Preparation (NOP) for this SEIR.

Midpen commends the City of East Palo Alto in this significant planning and environmental review effort to deliver a comprehensive policy and regulatory framework for addressing development projects and public improvements in the Ravenswood Specific Plan area. The City has implemented robust and inclusive public and stakeholder engagement where Midpen's comments were received in focused meetings with environmental organizations and community meetings/open houses. G.1

As an adjacent public land management agency on the eastern boundary of the 207-acre Ravenswood Specific Plan area, Midpen is responsible for protecting open space, natural ecosystems, sensitive habitat and wetland areas and providing public recreational trails and community benefits to city residents, employers and workers at Ravenswood Open Space Preserve and a portion of San Francisco Bay Trail within the preserve. Our comments are focused on the following environmental resource areas: Aesthetics, Biological Resources, Hydrology and Water Quality, and Recreation.

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3.2 AESTHETICS

Midpen recognizes the City's Vista 2035 East Palo Alto General Plan policies for Land Use and Urban Design provide guidance on scenic views and viewsheds toward adjacent natural resources which would include the San Francisco Bay, adjacent shoreline areas and Ravenswood Open Space Preserve, viewshed analysis requirement and protection of the east-west view corridor through Ravenswood north of Bay Road.

> ***Policy 13.8 - Viewsheds.*** *Encourage developers to design projects that capitalize on views of adjacent natural resources. Require viewshed analysis as part of any potential development application. New development shall allow for the proposed east-west view corridor through Ravenswood north of Bay Road (see Specific Plan for details)*

G.2

However, the SEIR does not provide any viewshed analysis of the proposed buildings' heights and bulk along the waterfront-levee edge transition zone, which will be closest to Ravenswood Preserve. Photos 1 through 16 from pages 38-45 show existing conditions but not the development scenarios. For example, viewshed analyses should be conducted and provided for public review for these two transition zones to evaluate the visual impacts along the Ravenswood Bay Trail corridor north of Bay Road:

- 100' to 150' from BCDC Shoreline Band: maximum 64' (four stories)
- 150' to 200' from BCDC Shoreline Band: maximum of 96' (six stories)

3.4 BIOLOGICAL RESOURCES

Shadow Impacts on Sensitive Habitat Areas

As shown in Figure 2.3-2 Maximum Building Heights, the Specific Plan Update allows for maximum building heights ranging from approximately 30 feet to 122 feet above the ground surface and the tallest buildings (seven to eight stories, between 104 to 122 feet above the ground surface) proposed to occur along the eastern end of the Specific Plan area, which will greatly impact the sensitive marsh habitat areas north and south of Bay Road by the shadows cast by these tall buildings, even with setback and stepback standards applied.

> ***3.4.2 Impact Discussion – 2)*** *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?*
>
> *Shading from future developments along the eastern portions of the Specific Plan area could affect vegetation in salt marshes. Future developments along the eastern portion of the Plan area have some potential to cast shadows over tidal marsh habitats to the east during the late afternoon and evening, when the sun is in the west. However, as depicted on Figure 2.3-2 (Maximum Building Heights), future buildings along the eastern portions of the Plan area, adjacent to the sensitive salt marshes, are limited to lower heights (35 to 60 feet above grade), compared to building heights (up to 120 feet above grade) in other portions of the Plan area. All new buildings would be constructed outside the 100-foot BCDC setback, therefore, limiting the amount of shade that would reach the tidal salt marsh habitat throughout the day. These marshes are also expected to remain open to the sky to the north, south, and east, and are expected to receive enough light that shading from the buildings would not result in substantial adverse effects on marsh vegetation."*

G.3

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Midpen conducted a preliminary analysis to understand the potential for shading on the adjacent marshland. The analysis casts shadows based on 30-minute increments from sunrise to sunset at three different times of the year based on the Specific Plan Update's allowed building heights (summer, fall and winter). The preliminary analysis projects the shade that would result from the building heights for an entire building zone based on maximum building height including stepbacks, but does not account for setbacks, and is therefore a conservative estimate. The videos provide a number of scenarios (e.g. baseline conditions without proposed project, anticipated development with full building heights, varying shade coverage for the different seasons) to illustrate the amount of shading that may occur in the marshlands. The videos indicate that new, significant shading of the Ravenswood and Faber-Laumeister marshlands is possible due the proposed development associated with the Specific Plan Update, particularly in the winter months. G.3

Based on Midpen's preliminary analysis and the finding that there is a potential for new significant shading of sensitive marshland, Midpen requests that the City conduct a formal shade study and impacts analysis. Currently the SEIR does not adequately analyze and address the potential for shade impacts associated with the proposed development to the adjacent marshland which support critical habitats for the aquatic species.

Biological Resources Mitigation Measures

Midpen understands that MM BIO-1.1 in the 2013 Specific Plan EIR will be replaced by MM Bio 1.1 – 1.3 in the Specific Plan Update SEIR.

> ***MM BIO- 1.2: Special-Status Plant Avoidance Buffers***
>
> *If complete avoidance is not feasible and more than 10 percent of a population (by occupied area or individuals) would be impacted as determined by a qualified plant ecologist, MM BIO1.3 shall be implemented.* G.4

Midpen appreciated the intent of MM Bio-1.2 to avoid all impacts to special status species to the extent feasible. When complete avoidance is not feasible, all impacts to special status plants should be mitigated for, not only when more than 10 percent of a population is impacted. The replaced MMBIO-1.1 in the 2013 Specific Plan EIR was more protective calling for development of a compensatory mitigation plan and coordination with regulatory agencies. Midpen supports mitigation for impacts to all species status species in coordination with appropriate resource agencies.

> ***MM BIO-1.3: Preserve and Manage Mitigation Populations of Special-Status Plants***
>
> *If avoidance of special-status plants is not feasible and more than 10 percent of the population would be impacted, compensatory mitigation shall be provided via the preservation, enhancement, and management of occupied habitat for the species, or the creation and management of a new population.* G.5

When complete avoidance is not feasible, all impacts to special status plants should be mitigated for, not only when more than 10 percent of a population is impacted. The replaced MMBIO-1.1 in the 2013 Specific Plan EIR was more protective calling for development of a

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compensatory mitigation plan and coordination with regulatory agencies. Midpen supports mitigation for impacts to all species status plants in coordination with appropriate resource agencies, not only when more than 10 percent of a population is impacted.

> ***MM BIO-1.3**: Continued.*
>
> *A habitat mitigation and monitoring plan (HMMP) shall be developed by a qualified biologist or restoration ecologist and implemented for the mitigation lands on a project-by-project basis. Approval of the HMMP by the City shall be required before project impacts occur to the species.*

G.5

Additionally, MM BIO-1.3 should document that for any HMMP, approval of not just the City, but by appropriate resource agencies, is required before a project is approved and initiated.

> ***MM BIO-1.3**: Continued.*
>
> *A description of measures to transplant individual plants or seeds from the impact area to the mitigation site, if appropriate (which will be determined by a qualified plant or restoration ecologist).*

To avoid the potential to introduce or spread weeds and pathogens when salvaging or transplanting plants, Midpen recommends including the following best management practices as part of the City's measures for transplanting plants.

BMPs for minimizing the spread of *Phytophthora* pathogens:
https://www.suddenoakdeath.org/welcome-to-calphytos-org-phytophthoras-in-native-habitats/resources/

> ***MM BIO-2.3: Prohibit Rodenticides***
>
> *The use of rodenticides shall not be allowed within 100 feet of any salt marsh habitat.*

G.6

The use of rodenticides in the community poses a significant threat to the wildlife in the neighboring areas, especially predators and scavengers. To avoid impacts, Midpen recommends that the City promote alternative pest control methods, and prohibit or limit rodenticides to areas adjacent to wetlands. When rodenticides are necessary, Midpen recommends that the City only allow rodenticides with the least impacts, and conduct outreach and education efforts about the effects of commonly available pesticides on wildlife.

Rodenticides | Midpeninsula Regional Open Space District

> ***MM BIO-2.4: Restrict Pesticide Use in and near Salt Marsh Habitats***
>
> *All pesticides used within 100 feet of salt marsh habitats must be utilized in accordance with the manufacturer's directions. No pesticides shall be applied within tidal marsh habitats as part of Specific Plan Update activities. Any pesticides used in areas where they could be washed, or could drift via wind, into tidal marsh habitat must be approved by the City of East Palo Alto for use in aquatic habitats.*

G.7

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To avoid impacts to salt marsh habitats, alternative Integrated Pest Management strategies should be encouraged prior to use of pesticides to minimize risks to people and the environment. Additionally, the pesticide application buffer of salt marsh habitats should be increased beyond 100 feet, especially for pesticides not approved for aquatic application. All storage, loading and mixing of pesticides should be set back at least 300 feet from any aquatic feature or special-status species or their habitat or sensitive natural communities. Pesticides should not be applied in areas or manners where they could be washed or drift via wind into tidal marsh habitats

G.7

MM BIO-2.5: Raptor Perch Deterrents

Within 300 feet of any salt marsh habitats within or adjacent to the Specific Plan area, raptor perch deterrents will be placed on any edges of building roofs, terraces, or other structures (e.g., light poles or electrical towers) that are high enough to overlook the marsh and that have an unobstructed view to the marsh. The specific type of perch deterrent(s) used shall be approved by a qualified biologist and the City.

G.8

To avoid unanticipated impacts to other native wildlife, Midpen recommends that MM Bio-2.5 includes specific language to prohibit features like flagging, and flashing or lighting that result in negative impacts to other wildlife.

MM BIO-2.7: Restrictions on Outdoor Cat Feeding Stations and Off-Leash Dogs

Future developments shall prohibit outdoor cat feeding stations within 300 feet of salt marsh habitats. Future developments shall also prohibit off-leash dogs within 100 feet of salt marsh habitats unless within fenced areas.

East Palo Alto's Parks, Recreation, and Open Space Master Plan includes guidelines to protect the salt marsh harvest mouse, a species protected under the Endangered Species Act. The plan states "Discourage feral cats, feeding stations, and improper trash storage. Prohibit or limit dog access near sensitive habitats and wetland areas." These design guidelines were intended to apply to the RBD Shoreline Parks Area, and not only 100-300 feet of salt marsh habitat. To align with the City's Park Master Plan and to avoid impacts to wildlife, Midpen supports the prohibition of all outdoor cat feeding stations, not just those within 300 feet of salt marsh habitats. Midpen also supports an overall increase in the off-leash dog buffer to greater than within 100 feet of salt marsh habitat, with specific buffer distance determined by the ease of access to the salt marsh habitat. Midpen also strongly supports a prohibition of dogs on bayfront perimeter trail, consistent with Midpen's Ravenswood Preserve management practices. Midpen recommends that MM BIO-2.7 be updated as follows:

G.9

MM BIO-2.7: *Future developments shall prohibit outdoor cat feeding ~~stations within 300 feet of salt marsh habitats~~. Future developments shall also prohibit off-leash dogs within areas that would provide direct access to sensitive salt marsh habitat and at a minimum of 100 feet of salt marsh habitats unless within fenced off-leash dog areas and that these areas do not drain into salt marsh habitat without treatment.*

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MM BIO-2.8: Food Waste Management

The following measures shall be implemented by future developments within 100 feet of salt marsh habitats to reduce impacts on salt marsh harvest mice and salt marsh wandering shrews due to the attraction of nuisance predators.

Midpen supports the specific measures association with MM BIO-2.8 to prevent impacts to salt marsh harvest mice and salt marsh wandering shrews. G.10

In accordance with EPA's Parks Master Plan, and to prevent impacts to salt marsh harvest mice, the following additional measure should be added:

- *Any observations of over flowing or non-functioning (not tightly sealed) trash bin or community/illegal feeding stations should result in action to dismantled the feeding station and the installation of educational signage about the negative impacts of outdoor cat feeding station on native and special-status species.*

MM BIO-3.1 Seasonal Avoidance or Protocol-level Surveys and Buffers around Calling Centers

To avoid causing the abandonment of an active California Ridgway's rail or California black rail nest, independent project activities within 700 feet of salt marsh habitats within or adjacent to the Specific Plan area will be avoided during the rail breeding season (from February 1 through August 31) unless 1) a qualified biologist determines that a reduced buffer (but no less than 200 feet) is appropriate due to intervening development or obstructions, the level of disturbance by the activity (in terms of noise and equipment), or other factors that would reduce the potential for the activity to disturb nesting rails, or 2) protocol-level surveys are conducted by a qualified biologist to determine rail locations and territories during the year in which construction is initiated. Protocol-level surveys are typically initiated in late January, so proactive planning is necessary to ensure that such surveys are conducted according to the protocol during the year in which construction occurs. If breeding rails are determined to be present, construction activities shall not occur within 700 feet of an identified California Ridgway's rail calling center or within 300 feet of a California black rail calling center during the breeding season. G.11

To avoid impacts to California Ridgway's rail and California black rail or abandonment of their nests, MMBIO-3.1 should be updated to include coordination with USFWS and CDFW. Midpen requests the following:

To avoid causing the abandonment of an active California Ridgway's rail or California black rail nest, independent project activities within 700 feet of salt marsh habitats within or adjacent to the Specific Plan area will be avoided during the rail breeding season (from February 1 through August 31) unless 1) a qualified biologist <u>in coordination with USFWS and CDFW</u> determines that a reduced buffer (but no less than 200 feet) is appropriate due to intervening development or obstructions, the level of disturbance by the activity (in terms of noise and equipment), or other factors that would reduce the potential for the activity to disturb nesting rails, or 2) protocol-level surveys are conducted by a qualified biologist to determine rail locations and territories during the year in which construction is initiated. Protocol-level surveys are typically initiated in late

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January, so proactive planning is necessary to ensure that such surveys are conducted according to the protocol during the year in which construction occurs. If breeding rails are determined to be present, a qualified biologist should consult with USFWS and CDFW regarding appropriate buffers and protective measures. Encroachment of construction activities within a designated buffer zone around occupied nests may occur only after consultation with and concurrence by USFWS and CDFW and with nest monitoring and restrictions on the type of operations. ~~construction activities shall not occur within 700 feet of an identified California Ridgway's rail calling center or within 300 feet of a California black rail calling center during the breeding season.~~

G.11

***MM BIO-7.1 Nesting Birds** - Buffers. If an active nest is found within areas that would be disturbed by project activities, the qualified biologist shall determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species, though buffers may be reduced by the biologist based on intervening structures or vegetation, the magnitude of disturbance produced by the activity, and the level of human activity to which the birds are already habituated), to ensure that no active nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation.*

G.12

To avoid impacts to nesting birds, required buffers of 250 feet for passerines, 500 feet for small raptors (accipiters), and 1,000 feet for larger raptors (buteos and eagles) should be applied. If special-status birds or their nests, are present, the project proponent shall consult with the USFWS and CDFW regarding the implementation of appropriate protective measures. Measures shall generally include establishing a "no-work" buffer zone in the vicinity of active occupied nests, with the size of the buffer to be determined by the ornithologist in consultation with USFWS and CDFW. All buffer zones shall be designated on construction drawings and delineated in the field by orange construction fencing or a similar visual barrier to equipment operators and personnel. The buffer zone barrier shall be monitored and maintained until the end of the breeding season and as approved by a qualified biologist. Additional protections may be required for Bald and Golden Eagles due to Bald and Golden Eagle Protection Act.

Additionally, when corvid nests (e.g. common ravens) are identified, removal should be encouraged whenever acceptable to wildlife agencies.

***MM BIO-9.1:** Implement Invasive Weed Best Management Practices (BMPs). The invasion and/or spread of noxious weeds will be avoided by the use of the following invasive weed BMPs:*

- *Prohibit the use of moderate or highly invasive and/or noxious weed (as defined by California Department of Food and Agriculture) for landscaping.*
- *During project construction, all seeds and straw materials used in the Specific Plan area shall be weed-free rice (or similar material acceptable to the City) straw, and all gravel and fill material will be certified weed-free to the satisfaction of the City. Any deviation from this will be approved by the City.*
- *During project construction within, or within 100 feet of, tidal salt marsh, open water, or tidal slough habitats, vehicles and all equipment shall be washed (including wheels,*

G.13

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undercarriages, and bumpers) before and after entering the proposed project footprint. Vehicles will be cleaned at existing construction yards or car washes.

- *Following construction of project, a standard erosion control seed mix (acceptable to the City) from a local source, and free of invasive species, will be planted within the temporary impact zones on any disturbed ground that will not be under hardscape, landscaped, or maintained. This will minimize the potential for the germination of the majority of seeds from nonnative, invasive plant species.*

To prevent the invasion and/or spread of noxious weeds, also prohibit use of California Invasive Plant Council's rated weeds (https://www.cal-ipc.org/). If seed is installed adjacent to sensitive salt marsh and tidal slough habitat, seed mix should be a specialized mix with locally collected seed from coastal salt marsh plant species that occur in the habitat. Ornamental species not native to the area, but that are drought tolerant may pose threats to neighboring sensitive habitats. G.13

Also, straw should be certified weed free and wattles should be 100% biodegradable to prevent wildlife entrapment and washing into storm drains.

In addition to requiring vehicle washing before and after entering the project footprint, all equipment should be inspected upon arrival to the construction site and any equipment with soil, vegetative material and weeds should be turned away. Only clean and sanitized equipment, especially when working adjacent to sensitive habitat, should be allowed entry.

Additional information and BMPs for minimizing the spread of pathogens and weeds can be found here:
http://phytosphere.com/publications/Phytosphere_GGNPC_Soil_Phytophthora_BMPs_Jan2018.pdf

***MM BIO10-1**: Jurisdictional Waters Avoidance and Minimization Measures. The following measures will be implemented to avoid and minimize impacts to jurisdictional waters to less than significant levels.*

- *During or prior to project design, a wetland delineation of the project area shall be conducted to determine precise boundaries of jurisdictional wetlands and other waters. Impacts to any jurisdictional habitats shall be avoided to the extent practicable. If wetlands or other waters under state or federal jurisdiction occur in the construction areas and involve the placement of fill or dredged materials or other alteration, the necessary and appropriate permits and approvals from responsible resource agencies shall be secured. As appropriate for the type of permit to be considered, options that avoid, minimize, or mitigate potential impacts on jurisdictional wetlands shall be evaluated. Conditions of approval attached to the permits shall be followed.* G.14

- *Sensitive habitat areas including wetlands adjacent to, but outside of, the construction area shall be demarcated with orange construction fencing to exclude workers, vehicles, and equipment.*

- *The locations of habitats to be avoided shall be identified in the contract documents (plans and specifications) as "Sensitive Biological Resources – Do Not Disturb."*

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• Jack-and-bore or other trenchless methods shall be used as feasible to reduce the need for surface construction within identified sensitive habitats and exclusion zones, and construction activities and vehicles shall be restricted to a specified right-of-way.

• Temporarily impacted wetlands and other waters shall be restored in place based on a restoration plan prepared by a qualified biologist and approved by the City.

• Where possible, trenches shall be worked from only one side to minimize impacts on adjacent habitat.

• Watering of exposed earth shall be conducted consistent with construction BMPs to minimize dust production.

• Trench lines shall be reseeded with native vegetation appropriate for the affected habitat type, and/or a doubletrenching technique shall be used through sensitive habitats to help preserve the existing seedbank

G.14

To avoid impacts to jurisdictional waters and salt marsh habitat, and prevent the spread of pathogens and weeds, any imported fill should be clean with no pathogens or weed seeds. When seed mixes are applied, only specialized mixes with locally collected seed from coastal salt marsh plant species that occur in the habitat should be utilized.

Proposed Specific Plan Update Bird Safe Standard 6.8.4: *The Specific Plan Update includes bird-safe design standards that would reduce avian collisions (refer to Appendix C). The following Specific Plan Update standards would be implemented to enhance and modify the standards to ensure buildout of the Specific Plan Update results in less than significant impacts to migratory birds.*

• 6. Bird-safe glazing treatments may include any of the following: o Fritting o Netting o Permanent stencils o Frosted glass o Exterior screens o Physical grids placed on the exterior of glazing o Ultraviolet (UV) patterns visible to birds

G.15

To avoid impacts to migratory birds due to entrapment hazards, remove "netting" from list of bird-safe glazing treatments, or clarify that "netting" refers to a net-like design applied to windows, rather than netting material applied to windows and facades.

3.10 HYDROLOGY AND WATER QUALITY

The SEIR states that, "In addition, future development projects and the multi-use path and loop road would comply with the following Specific Plan Update standards to reduce impacts to the City's drainage system." The Proposed Specific Plan Update Storm Drainage Standards (pages 243-44) states:

• Avoid adjacent flooding. New developments shall ensure that proposed site topography and connection to the City's storm drain system does not cause new or additional flooding to City streets and other properties. The City Engineer shall have final determination over the direction/flow of drainage. See Figure 9-5 for Mass Grading Plan.

G.16

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• Design storm condition. The City Engineer shall have final determination of the design storm condition required to be used by applicants. At time of adoption, the standard is a 10-year storm condition.

Furthermore, Midpen recognizes the City's Vista 2035 East Palo Alto General Plan policies for hydrology and water quality and the Specific Plan Updates standards and guidelines for stormwater and low impact development.

Vista 2035 East Palo Alto General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts resulting from planned development within the City, including the following:

1.2 On-site stormwater management. Encourage development projects to manage stormwater on-site to reduce burdens on the City's stormwater system. Whenever possible, stormwater should be infiltrated, evaporated, reused or treated on-site in other ways to improve stormwater quality and reduce flows into the storm drain system.

RBD Specific Plan Update

6.8.2 Stormwater & Low Impact Development

STANDARDS

1. Permit Requirements. Projects shall meet the Municipal Regional Permit Requirements per NPDES Permit Number C A5612008.

2. C-3 Standards. The most restrictive C-3 requirements shall be used for the design of stormwater management systems for projects. This also includes employing Best Management Practices (BMPs) pre-, during, and postconstruction.

GUIDELINES

1. Stormwater Reuse. Cisterns and other design features should be used to capture, store, and reuse stormwater.

2. Paved Parking. The amount of paved parking area should be minimized, and pervious parking materials should be considered where feasible.

3. Detention Features. Stormwater detention features should be used to minimize runoff into streets and parking lots. Stormwater detention features include drainage swales and detention basins.

4. Roof Runoff Diversion. Stormwater runoff from roofs should be diverted to vegetated swales or detention areas rather than storm drains.

G.16

To avoid impacts to water quality of sensitive salt marsh habitats, Midpen requests that specific measures be prescribed through a mitigation measure containing the following requirements:

- New development shall incorporate water/stormwater detention features to manage stormwater on-site.

G.17

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G.17

- Detention basins should be planted with native plants when feasible.
- All untreated runoff should be directed away from salt marsh habitat.

3.15 RECREATION

Under Section 3.15.1.2, the SEIR should mention the anticipated use of the nearby Ravenswood Bay Trail and Ravenswood Open Space Preserve due to their proximity to the proposed development. While the project increase may not result in a significant impact, there would still be a future increase in the use of the existing regional open space and Bay Trail.

While the SEIR's Recreation section references the State Government Code Section 66477 (Quimby Act) and the City's Vista 2035 East Palo Alto General Plan under the Regulatory Framework, Midpen recommends that SEIR also reference the City's Parks, Recreation, and Open Space Master Plan.

G.18

The City's Parks Master Plan contains important design guidelines about recreation near sensitive habitat that should apply to development of recreational facilities adjacent to marsh areas that could impact sensitive habitats, special status plant and animal species. Specific reference to design guidelines for development of recreation facilities near sensitive habitats include:

- appropriate low-impact recreational uses,
- use of native plants in landscaping,
- reduced night lighting and alignment with International Dark-Sky Association guidelines, and
- prohibitions and limitations to dog access near sensitive habitat areas.

Midpen appreciates the opportunity to review and submit comments on the SEIR. We recognize the significance of the City's Specific Plan Update and adoption of this planning framework to implement the vision and strategies that would promote greater community benefits and environmental sustainability of the area.

Please follow-up with Jane Mark, Planning Manager, with any questions related to Midpen's comments. Jane can be reached at jmark@openspace.org or at (650) 625-6563. Thank you for the opportunity to submit comments on the SEIR for the Ravenswood Specific Plan Update.

Sincerely,

Signed by:
Brian Malone
384E691D79DA431...

Brian Malone

Assistant General Manager

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cc: Midpeninsula Regional Open Space District Board of Directors
Melvin Gaines, City Manager, City of East Palo Alto
Amy Chen, Community & Economic Development Director, City of East Palo Alto
Elena Lee, Planning Manager, City of East Palo Alto
Margaret Bruce, Executive Director, San Francisquito Creek Joint Powers Authority
Lee Huo, MTC/ABAG San Francisco Bay Trail Project
Deanna Chow, Community Development Director, City of Menlo Park
Jonathan Lait, Planning Director, City of Palo Al

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

September 10, 2024

Ravenswood Business District/4 Corners Specific Plan Update SEIR
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303
Via Email: <RBD@cityofepa.org>

SUBJECT: BCDC Comments for the Ravenswood Business District/4 Corners Specific Plan Update SEIR

To Whom it May Concern:

Thank you for the opportunity to comment on the Ravenswood Business District/4 Corners Specific Plan Update SEIR (SEIR), released for comment on July 24, 2024.

Although the San Francisco Bay Conservation and Development Commission (BCDC) itself has not reviewed the SEIR, BCDC staff comments discussed below are based on BCDC's law, the *McAteer-Petris Act*, BCDC's *San Francisco Bay Plan* (Bay Plan), BCDC's federally-approved management plan for the San Francisco Bay, and the federal Coastal Zone Management Act (CZMA). H.1

The San Francisco Bay Conservation and Development Commission is a State of California government agency located in the City of San Francisco with regulatory and planning responsibilities over San Francisco Bay, the Suisun Marsh, and along the Bay Area's nine-county shoreline. BCDC is guided in its actions by two particular state laws under its charge, the McAteer-Petris Act and the Suisun Marsh Preservation Act, as well as the policies which further implement these laws, respectively, the San Francisco Bay Plan (including certain special plans which are part of the Bay Plan such as the Richardson Bay Special Area Plan) and the Suisun Marsh Protection Plan (and the locally-adopted Suisun Marsh Local Protection Program).

Jurisdiction and Authority

As a state permitting authority along the San Francisco Bay shoreline, BCDC is responsible for granting or denying permits for any proposed fill (earth or any other substance or material, including pilings or structures placed on pilings, and floating structures moored for extended periods), extraction of materials or change in use of any water, land, or structure within the Commission's jurisdiction. Generally, BCDC's jurisdiction over San Francisco Bay extends over Bay tidal areas up to the mean high tide level, including all sloughs, and in marshlands up to five feet above mean sea level; a shoreline band consisting of territory located between the shoreline of the Bay and 100 feet landward and parallel to the shoreline; salt ponds; managed wetlands (areas diked from the Bay and managed as duck clubs); and certain waterways tributary to the Bay, specifically as mentioned in the San Francisco Bay Plan. Any fill, extraction H.2

of material, or substantial change in use of land or water within BCDC's jurisdiction requires a permit, and BCDC applies all relevant laws, policies, and documents mentioned above to evaluate the project. The McAteer-Petris Act provides for fill in the Bay for water-oriented uses where there is no alternative upland location and requires that any fill that is placed in the Bay is the minimum that is necessary for the project. The McAteer-Petris Act also requires that proposed projects include the maximum feasible public access consistent with the project to the Bay and its shoreline. H.2

BCDC staff determined Commission jurisdiction is relevant along the entire eastern span of the project location, and along the northern span from the Ravenswood Preserve to University Avenue. The northern sections of the project, and particularly where the proposed loop road would be located within the Commission's Bay jurisdiction, because portions of the project may be within tidal marsh up to five feet above mean sea level.

The description of BCDC jurisdiction in the SEIR and the Ravenswood Business District Specific Plan Update does not seem accurate. For example, the Specific Plan Update states: "*The shoreline infrastructure will be primarily constructed approximately along the alignment indicated in Figure 9.5, most of which is within the BCDC shoreline jurisdictional area which stretches 100 feet landward of the Mean High Water Line (MHWL); in marshlands this jurisdiction extends five feet inland*,(sic)" and refers to a "100' BCDC building setback". Both of these are incorrect descriptions of BCDC's jurisdiction. BCDC Bay jurisdiction in marshlands is not measured "inland", but rather anywhere tidal marsh is present up to five-feet above mean sea level. BCDC will not have Bay jurisdiction above that elevation where marsh is present. Where there is no marsh present BCDC's Bay jurisdiction is located bayward of the mean high tide. BCDC's 100-foot shoreline band is a jurisdiction, and not a setback. Pursuant to the requirements of the McAteer-Petris Act, any fill, extraction of material, or change in use of land or water within BCDC's jurisdiction (such as the 100-foot shoreline band) triggers the requirement to obtain a permit from BCDC for that activity. However, there is no general prohibition or requirement to avoid development within the 100-foot shoreline band, as would be the case for more setbacks. If project proponents choose to move buildings beyond the 100-foot shoreline band, they may, but they are not prohibited from doing so. BCDC requests that these inaccuracies are corrected in the documents. H.3

As a result, a BCDC permit would be required for any work within BCDC's jurisdiction. BCDC notes that the SAFER Bay project, located along the northern section of the project area, is a separate project which is also in the process of obtaining a permit by BCDC and other agencies as part of the BRITT program. BCDC asks that you make sure to coordinate closely with the SAFER Bay project. To minimize disturbance to habitat, it would likely be beneficial to build the loop road/multi-use path concurrently with the levee, though it may be difficult due to project timelines.

Public Access

Section 66602 of the McAteer-Petris Act states, in part, that "existing public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided." And " ... maximum feasible H.4

public access to and along the waterfront and on any permitted fills should be provided in and through every new development on the Bay or on the shoreline, whether it be for housing, industry, port, airport, public facility, wildlife area or other use, ... " Furthermore, the McAteer-Petris Act authorizes the placement of fill in the Bay only for water-oriented uses or minor fill for improving shoreline appearance or public access. H.4

The SEIR reflects BCDC's policies on Public Access, as seen by the opening project objectives, such as:

> Project Objective 5: Improve circulation and mobility in the Plan area by increasing the interconnectedness of the network and increasing opportunities to access the Bay/waterfront. Promote walkability through wide sidewalks covered with tree canopy, buffered bicycle facilities on key public streets, and a welcoming network of open space.

The Specific Plan Update would add over 30 acres of public access in open spaces, parks, and trails, much of this found along the shoreline, and within BCDC jurisdiction.

Sea Level Rise

BCDC's San Francisco Bay Plan includes policies related to sea level rise and flooding. In addition, BCDC has developed tools and guidance documents to support development plans in the Bay and along the shoreline. Among other things, these policies require applicants of larger shoreline projects to prepare risk assessments for rising sea level based on the 100-year flood elevation, and projects in BCDC's jurisdiction are required be designed to be resilient to a mid-century sea level rise projection, with adaptive management plans in place for projects anticipated to remain longer than mid-century. For a more detailed resource that describes how BCDC applies these Climate Change policies, we recommend reviewing BCDC's Climate Change Policy Guidance. Wherever feasible and appropriate, effective, innovative sea level rise adaptation approaches should be encouraged. H.5

BCDC considers the best estimates of future sea level rise to be those provided in the Ocean Protection Council's State of California Sea Level Rise Guidance. OPC recently adopted the 2024 Sea Level Rise Guidance

Thank you again for the opportunity to review and comment on the Ravenswood Business District/4 Corners Specific Plan Update SEIR. If you have any questions, please contact me directly at (415) 279-5338.

Sincerely,

CODY AICHELE-ROTHMAN
Coastal Planner

From:	Wu, Elton H
To:	RBD
Cc:	Read, Emily; Feng, Stacie; Leung, Tracy; RES; Wilson, Joanne
Subject:	Ravenswood Business District/4 Corners Specific Plan Update SEIR- SFPUC Public Notice Response
Date:	Monday, July 29, 2024 1:52:14 PM
Attachments:	SFPUC_Comments_Via_Email_JWilson_5-16-2022.msg

Hello,

Thank you for sending SFPUC a public notification regarding the SEIR for the Ravenswood Business District/ 4 Corners Specific Plan Update. SFPUC previously submitted comments regarding this SEIR on May 16, 2022. I have attached these comments for your information and as part of the public record for this SEIR. We would appreciate your responses to these comments in the final SEIR. I.1

Thank you,

Elton Wu

Pronouns: He/ Him

Environmental Compliance and Land Planner

SFPUC Water Enterprise

Natural Resources and Lands Management Division

525 Golden Gate Avenue, 10th Floor

San Francisco, CA 94102

[redacted]

[redacted]

CAUTION: This e-mail originated from outside of the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

From:	Wilson, Joanne
To:	rbd@cityofepa.org
Cc:	Natesan, Ellen; Wayne, Lisa B; Russell, Rosanna S ([redacted]); Rando, Casey; Read, Emily; Herman, Jane; Feng, Stacie
Subject:	SEIR for Ravenswood Business District/4 Corners TOD Specific Plan Update
Date:	Monday, May 16, 2022 1:37:00 PM
Attachments:	image001.png Scanned_FINAL_EPA_General_Plan_Update_DEIR-SFPUC_Comments_6-14-16-SR_Sig.pdf Table_2-EPA_General_Plan_DEIR-SFPUC_Comments.pdf Table_1-EPA_General_Plan-SFPUC_Comments.pdf FINAL Interim Water Pipeline Right of Way Policy.pdf FINAL-Amended Right of Way Integrated Vegetation Management Policy.pdf

To: City of East Palo Alto
Planning Division
1960 Tate Street
Attn: RBD Project
East Palo Alto, CA 94303
VIA Email: **rbd@cityofepa.org**

Thank you for this opportunity to provide comments on the Supplemental EIR (SEIR) for the above-referenced project on behalf of the San Francisco Public Utilities Commission (SFPUC). I am providing the attached SFPUC comments on the draft EIR for the proposed 2035 East Palo Alto General Plan submitted on June 14, 2016. The 2035 East Palo Alto General Plan included the 4 Corners (University Village) neighborhood where the SFPUC owns a right-of-way (ROW) in fee for its Bay Division Pipeline Nos. 1, 2 and 5. Similar to the 2035 East Palo Alto General Plan, the current RBD/4 Corners TOD Specific Plan Update identifies the SFPUC ROW for future use as a linear park and trail (Hetch Hetchy ROW Park, Hetch Hetchy ROW Trail). Please consider the attached comments as the SFPUC's current comments on the proposed project SEIR, in addition to the following comments. I.1

The SFPUC ROWs are primarily used for utility purposes and are vital to the reliable operation of a regional water system. The SFPUC has policies that limit third-party uses and improvements on San Francisco property due to the presence of high-pressure, subsurface water transmission lines and appurtenances and other infrastructure located above-grade. Please see the attached Interim Water Pipeline ROW Use Policy and Integrated Vegetation Management Policy for more information about restrictions on the ROW.
Certain secondary uses by third parties on SFPUC property are allowed under a fee-based lease or license agreement requiring payment of fair market value to the SFPUC. Such a secondary use may occur only if the SFPUC determines that the secondary use does not in any way interfere with, endanger, or damage existing or future SFPUC operations, security, or facilities.

The SFPUC prohibits any use on its ROW property that:
1. Cannot be removed promptly, to allow SFPUC construction, maintenance, or emergency repairs of its facilities.

2. Would conflict with SFPUC legal obligations to adjoining property owners or tenants. Some SFPUC parcels could be subject to easements or other agreements held by adjoining landowners or third parties which may present conflicts with the proposed park and trail. Further research by the I.2

SFPUC's Real Estate Services is needed, but it is possible that certain SFPUC parcels may not be available for trail use.

3. Would conflict with the resolution of unauthorized third-party encroachments that currently exist on some SFPUC ROW parcels.

I.2

4. Would create an unreasonable burden for the SFPUC (or its ratepayers) in the use of its property for utility purposes. The SFPUC reasonably anticipates that its property in the City of East Palo Alto will be available for future utility infrastructure and capital projects. Revocable licenses and leases issued by the SFPUC contain standard language requiring any lessee or licensee of SFPUC lands to mitigate the effects for the disruption of its recreational use on SFPUC lands, even if the SFPUC is causing the disruption of
the recreational use. This includes required mitigation under the California Environmental Quality Act (CEQA).

5. Is otherwise inconsistent with SFPUC plans and policies.

This list is not exhaustive. The SFPUC retains the right to disallow any use that, at the SFPUC's sole discretion, may interfere with, endanger or damage existing or future SFPUC operations, security, or facilities.

I.3

If you have any questions or require more information, please contact me.

Sincerely,

Joanne Wilson

Joanne Wilson
Senior Land and Resources Planner
Natural Resources and Lands Management Division
Water Enterprise
1657 Rollilns Road
Burlingame, CA 94010

Please consider the environment before printing this email.

Hetch Hetchy Regional Water System
Operated by San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission

San Francisco
Water Power Sewer
Operator of the Hetch Hetchy Regional Water System

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June 14, 2016

Mr. Guido F. Persicone, Senior Planner
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303

Re: East Palo Alto General Plan and Draft Environmental Impact Report (DEIR)

Dear Mr. Persicone:

Thank you for the notice of availability and for this opportunity to comment on the East Palo Alto General Plan (Plan) and on the related Draft Environmental Impact Report (DEIR). On behalf of the San Francisco Public Utilities Commission (SFPUC), we provide the following general comments below and specific comments in the attached table to be addressed in the final Plan and EIR.

Background

The San Francisco Public Utilities Commission (SFPUC) manages 63,000 acres of watershed land and 210 miles of pipeline right-of-way (ROW) in three Bay Area counties that are part of the Hetch Hetchy Regional Water System providing water to approximately 2.6 million people. The SFPUC monitors and protects its lands by reviewing proposed projects and activities (that may affect SFPUC lands and infrastructure) for consistency with SFPUC policies and plans.

The City and County of San Francisco (San Francisco), through the SFPUC, owns approximately 13 acres of real property **in fee** in East Palo Alto (San Francisco Property) that crosses the Plan area as an 80-foot wide ROW and a service road connecting University Avenue to the SFPUC's Ravenswood Facility. The San Francisco Property's primary purpose is to serve as a utility corridor which is improved by three large subsurface water transmission lines and other appurtenances, linking the Hetch Hetchy and local reservoirs to the Bay Area via the Hetch Hetchy Regional Water System.

Edwin M. Lee
Mayor

Francesca Vietor
President

Anson Moran
Vice President

Ann Moller Caen
Commissioner

Vince Courtney
Commissioner

Ike Kwon
Commissioner

Harlan L. Kelly, Jr.
General Manager

General Plan Comments

In several sections of the proposed Plan, the San Francisco Property is referred to as "unused" or "vacant." These lands are not unused; they serve an important purpose and are vital to the operation of a regional water system. We request that the Plan identify the San Francisco Property as a utility ROW that is primarily used for utility purposes. The SFPUC has policies that limit third-party uses and improvements on San Francisco Property. Please see the attached Interim Water Pipeline ROW Use Policy and Integrated Vegetation Management Policy for more information about restrictions on the ROW. The SFPUC would like to underscore that the San Francisco Property may not be used to "*...fulfill a development's open space, setback, emergency access or other requirements...*"[i] This prohibition also includes parking or third-party development requirements. In addition, any proposed use or improvement on the SFPUC ROW must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process (see below for more information); and 3.) be formally authorized by the SFPUC.

Several figures in the proposed General Plan (pages 6-3 to 6-13) show the following proposed uses on the SFPUC's fee-owned property, including the conversion of an existing SFPUC service road to an East Palo Alto public street:

- Truck Route (Proposed)
- Planned Off-Street Bike Path (Class I)
- Planned Pathways
- Connector Street

As described above, the SFPUC's fee-owned service road provides access to the SFPUC's Ravenswood Facility. This facility is an important element of the SFPUC's regional water system and critical to water utility operations. The proposed General Plan should include policies that address the importance of regional water utility infrastructure within, and adjacent to, the General Plan area. In particular, the proposed General Plan should include policies that promote collaborative efforts with the owners of properties identified in the General Plan for conversion to new public land uses (such as the proposed public street on the SFPUC's existing, fee-owned service road and the proposed linear park/trail on SFPUC fee-owned ROW) to ensure a workable, fair and equitable outcome. In addition, the proposed General Plan should acknowledge that the SFPUC's approval and authorization would be required to convert its fee-owned property to a public street.

Please see the attached table for specific SFPUC comments about the General Plan.

Draft Environmental Impact Report (DEIR) Comments

The SFPUC previously sent a letter on October 17, 2014 providing comments as requested in the Notice of Preparation for the proposed project. That letter included a general description of SFPUC land ownership for utility operations in the Plan area. Within the DEIR, Section 4.10 (Land Use and Planning) should be amended to include a description of SFPUC policies regarding its ROW lands (see attachments). In addition, Section 4.10.2 (Environmental Setting – Existing Uses) should include a description of the San Francisco property as being actively in use for ongoing water utility operations.

Please see the attached table for specific SFPUC comments about the DEIR.

SFPUC Project Review Process

Proposed projects and other activities on any San Francisco Property must undergo the Project Review Process if the project will include: construction; digging or earth moving; clearing; installation; the use of hazardous materials; other disturbance to watershed and ROW resources; or the issuance of new or revised leases, licenses and permits. This review is done by the SFPUC's Project Review Committee (Committee).

The Project Review Committee is a multidisciplinary team with expertise in natural resources management, environmental regulatory compliance, engineering, water quality and real estate. Projects and activities are reviewed by the Committee for:

1. Conformity with the Alameda and Peninsula Watershed Management Plans;
2. Consistency with our Environmental Stewardship Policy, Real Estate Guidelines, Interim ROW Use Policy and other policies and best management practices; and
3. Compliance with the California Environmental Quality Act (CEQA) and environmental regulations including mitigation, monitoring and reporting plans.

In reviewing a proposed project, the Project Review Committee may conclude that modifications or avoidance and minimization measures are necessary. Large and/or complex projects may require several project review sessions to review the project at significant planning and design stages.

Please notify all property owners and/or developers that, to the extent their proposals will involve the development or use of the San Francisco Property, such proposals are first subject to the SFPUC's Project Review Process. The proposal must first be vetted in Project Review, and then the project sponsor must receive authorization from the SFPUC pursuant to a final executed lease or revocable license before they can use or make any changes to the SFPUC ROW. To initiate the Project Review process, a project sponsor must download and fill out a Project Review application at http://www.sfwater.org/ProjectReview and return the completed application to Jonathan S. Mendoza at [redacted]

If you have any questions or need further information, please contact Jonathan S. Mendoza, Land and Resources Planner, in the SFPUC's Natural Resources and Lands Management Division at jsmendoza@sfwater.org.

Sincerely,

Steven R. Ritchie
Assistant General Manager, Water

Attachments: 1.) Table 1. East Palo Alto General Plan - SFPUC Comments
2.) Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments
3.) SFPUC Interim Water Pipeline ROW Use Policy
4.) ROW Integrated Vegetation Management Policy

[1] SFPUC Guidelines for the Real Estate Services Division, Section 2.0.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
1	14	Chapter 1: Vision and Guiding Principles - Major Strategies	16. Secure stable water resources for new development. Adding new housing and jobs in the City is constrained by a lack of water to support development. A critical step to strengthen the economy and achieve fiscal stability is to address the water shortage in the City, which may include: securing additional water from SFPUC...	N/A	No comment.
2	52	Chapter 4: Land Use and Urban Design	N/A	Figure 4-2: General Plan Land Use Designations	The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 in the "University Park" area of the Plan area; and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility.
3	79	Chapter 4: Land Use and Urban Design - University Village	N/A	Figure 4-14: University Village Neighborhood Land Use Designations	The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 in the "University Park" area of the Plan area; and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
4	80	Chapter 4: Land Use and Urban Design - Goal LU-17. Preserve the single family…	17.8 Hetch Hetchy linear park. Pursue the creation of a public park atop the San Francisco Public Utilities Commission's (SFPUC's) Hetch Hetchy right-of-way…	N/A	The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5. Any proposed use on the SFPUC ROW must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
5	93	Chapter 6: Transportation	N/A	Figure 6-1: Truck Routes	The Plan shows "Truck Route (Proposed)" on an existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use on SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
6	94	Chapter 6: Transportation	Finally, as regional through traffic contributes to localized congestion within East Palo Alto, a plan for truck traffic is an important tool to protect neighborhood streets from noise and traffic impacts. Figure 6-1 maps existing and proposed truck routes within city limits.	N/A	The Plan shows "Truck Route (Proposed)" on an existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use on SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
7	98	Chapter 6: Transportation	N/A	Figure 6-5: Existing and Proposed Bicycle Network	The Plan shows "Planned Off-Street Bike Path (Class I)" on the SFPUC ROW and existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
8	99	Chapter 6: Transportation	N/A	Figure 6-6: Existing and Proposed Pedestrian Network	The Plan shows "Planned Pathways" on the SFPUC ROW and existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
9	99	Chapter 6: Transportation	N/A	Figure 6-7: Traffic Calming Priority Corridors	The Plan shows "Planned Bicycle Facilities" on the SFPUC ROW and existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
10	103	Chapter 6: Transportation	N/A	Figure 6-8: Street Network	The Plan shows a "Connector" street and a "Bicycle/Pedestrian Path" on the SFPUC ROW and existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
11	110	Chapter 6: Transportation - Goal T-3. Create a complete, safe, and comfortable pedestrian network …	3.2 Loop road. Pursue the new multimodal Loop Road, including the Bay Trail connection, as described in the Ravenswood/4 Corners TOD Specific Plan to alleviate congestion and neighborhood traffic	N/A	The SFPUC owns in fee the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
12	110	Chapter 6: Transportation - Goal T-3. Create a complete, safe, and comfortable pedestrian network …	3.3 Pedestrian network. Create a safe, comfortable, and convenient pedestrian network that focuses on a) safe travel; b) improving connections between neighborhoods and commercial areas, and across existing barriers; c) providing places to sit or gather, pedestrian-scaled street lighting, and buffers from moving vehicle traffic; and d) includes amenities that attract people of all ages and abilities.	N/A	Lights and structures are prohibited on the SFPUC ROW. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
13	110	Chapter 6: Transportation - Goal T-3. Create a complete, safe, and comfortable pedestrian network …	4.8 San Francisco Bay Trail. Support the completion of the San Francisco Bay Trail, including relevant portions within East Palo Alto.	N/A	Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
14	128	Chapter 8: Parks, Open Space and Conservation - Park Facilities and Character	The City also has several planned or potential expansions to its inventory of existing open space, the most significant of which is the approximately 30 acres of new parks included in the Ravenswood TOD Specific Plan. New parks would be located at the termini of Demeter Street and Purdue Avenue, and at the entry to Cooley Landing. Another major opportunity site is the vacant Right of Way owned by the SFPUC adjacent to Costaño Elementary School.	N/A	This statement is incorrect. The SFPUC owns this improved ROW parcel in fee and the parcel is not "vacant." It is improved with three major pipelines: BDPLs No. 1, 2 and 5. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
15	137	Chapter 8: Parks, Open Space and Conservation - Goal POC-1. Create new parks and open spaces throughout the City.	1.12 Opportunistic conversions. Work to convert unused utility rights-of-way (including the Hetch Hetchy ROW), railroad rights-of-way (including the UP Spur) and alleys into attractive open space corridors.	N/A	This statement is incorrect. The SFPUC owns this improved ROW parcel in fee and the parcel is not "unused." It is improved with three major pipelines: BDPLs No. 1, 2 and 5. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
16	137	Chapter 8: Parks, Open Space and Conservation - Goal POC-1. Create new parks and open spaces throughout the City.	N/A	N/A	This goal should include a policy for interagency coordination with the SFPUC if the City of East Palo Alto proposes using SFPUC parcels for any recreational use.
17	138	General Comment	N/A	Figure 8-7: Existing and Proposed Open Space Network	The Plan shows future parks and trails on the SFPUC ROW and existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
18	139	Chapter 8: Parks, Open Space and Conservation - Goal POC-2. Improve and enhance existing parks and trails.	2.7 Baylands use. Encourage public recreational use and access to the Baylands, South Bay Salt Pond, and other nearby open space…	N/A	Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
19	139	Chapter 8: Parks, Open Space and Conservation - Goal POC-3. Expand funding for park improvements and maintenance.	3.4 Baylands PCA. Leverage the Priority Conservation Area (PCA) designation for the Ravenswood Open Space Preserve and Don Edwards San Francisco Bay National Wildlife Refuge areas to obtain new revenue streams and grant funding from regional authorities.	N/A	Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
20	146	Chapter 9: Infrastructure, Services, and Facilities - Potable Water Quality and Supply	The majority of the City's water supply is supplied by the San Francisco Public Utilities Commission (SFPUC) Bay Division Pipelines 1 and 2, as well as two small independent systems: the Palo Alto Park Mutual Water Company and the O'Connor Tract Co-Op Water Company.	N/A	Add Bay Division Pipeline (BDPL) No. 5.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
21	146	Chapter 9: Infrastructure, Services, and Facilities - Potable Water Quality and Supply	According to the existing infrastructure analysis performed by Schaaf & Wheeler for this General Plan Update, East Palo Alto has a significant water supply challenge.	N/A	Description relating to SFPUC supply is accurate. No comment.
22	152	Chapter 9: Infrastructure, Services, and Facilities - Goal ISF-2. Ensure a sustainable, clean, long-term water supply.	2.3 New water sources. Actively seek to secure additional water supply from SFPUC, groundwater sources, neighboring cities, or other available resources. Securing additional water supply and adding water storage facilities should be a City priority.	N/A	No comment.
23	218	Chapter 12: Implementations - Table 12-10: Parks, Open Space, and Conservation Physical Improvements	Right-of-Way Conversion. Convert the following into public linear parks: Hetch Hetchy right-of-way between Rutgers St and Purdue Ave (Hetch Hetchy Aqueduct Linear Park)	Table 12-10: Parks, Open Space, and Conservation Physical Improvements	The SFPUC owns this ROW parcel in fee. It is improved with three major pipelines: BDPLs No. 1, 2 and 5. Any proposed use of the SFPUC ROW must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
1	N/A	General Comment	N/A	N/A	Include a discussion and analysis of impacts from "Land Use Goal 17 - Policy 17.8 Hetch Hetchy linear park" on SFPUC property in this DEIR. This proposal potentially conflicts with SFPUC land use policies and should be analyzed in the DEIR with relation to the SFPUC's existing policies.
2	N/A	General Comment	N/A	N/A	Include a discussion and analysis of impacts from "Transportation Goal 3 - Policy 3.2 Loop road" on SFPUC property in this DEIR. This proposal potentially conflicts with SFPUC land use policies and should be analyzed in the DEIR with relation to the SFPUC's existing policies.
3	N/A	General Comment	N/A	N/A	Include a discussion and analysis of impacts from "Transportation Goal 3 - Policy 3.3 Pedestrian network" on SFPUC property in this DEIR. This proposal potentially conflicts with SFPUC land use policies and should be analyzed in the DEIR with relation to the SFPUC's existing policies.

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
4	N/A	General Comment	N/A	N/A	Include a discussion and analysis of impacts from "Parks, Open Space and Conservation Goal 1 - Policy 1.12 Opportunistic conversions" on SFPUC property in this DEIR. This proposal potentially conflicts with SFPUC land use policies and should be analyzed in the DEIR with relation to the SFPUC's existing policies.
5	52	3.0 Project Description - Implementation Strategy	16. Secure stable water resources for new development. Adding new housing and jobs in the City is constrained by a lack of water to support development. A critical step to strengthen the economy and achieve fiscal stability is to address the water shortage in the City, which may include: securing additional water from SFPUC...	N/A	No comment.

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
6	53	3.0 Project Description - Implementation Strategy	N/A	Figure 3-3 General Plan Update Major Strategies Map	Image quality is poor. The Plan shows either a "New Trail or Pathway" and/or "Pedestrian/Bicycle Connection" on the SFPUC ROW and existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
7	61	3.0 Project Description	N/A	Figure 3-4 General Plan Update Land Use Map	The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
8	80	4.1 Aesthetics - 4.1.4 Environmental Impacts - a) Have a substantial adverse effect on a scenic vista (less-than-significant impact).	Parks, Open Space, and Conservation Element Goal POC-1. Create new parks and open spaces throughout the City. Policy 1.12, Opportunistic conversions. Work to convert unused utility rights-of way (including the Hetch Hetchy ROW), railroad rights-of-way (including the UP Spur), and alleys into attractive open space corridors.	N/A	This statement is incorrect. The SFPUC owns this ROW parcel in fee and the parcel is not "unused." It is improved with three major pipelines: BDPLs No. 1, 2 and 5. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
9	252	4.9 Hydrology and Water Quality - 4.9.4 Environmental Impacts - Infrastructure, Services, and Facilities Goal ISF-2.	Policy 2.3, New water sources. Actively seek to secure additional water supply from SFPUC, groundwater sources, neighboring cities, or other available sources. Securing additional water supply and adding water storage facilities should be a City priority.	N/A	No comment.

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
10	255	4.9 Hydrology and Water Quality - 4.9.4 Environmental Impacts b) Substantially deplete groundwater recharge or substantially interfere	The City obtains potable water primarily through the San Francisco Public Utilities Commission (SFPUC) supplemented by two small local water suppliers. No pumping of local groundwater currently occurs, although the City has historically operated a groundwater pump that could be reactivated in the future. The SFPUC relies on meltwater from Sierra Nevada snowpack as a primary source of water.	N/A	No comment.
11	261-264	4.10 Land Use and Planning - Local Plans and Regulations	N/A	N/A	Add SFPUC "Interim Water Pipeline ROW Use Policy" and "Integrated Vegetation Management Policy" to this section.
12	268	4.10 Land Use and Planning - Public and Institutional Uses	There are a variety of public and institutional uses distributed throughout the City. These uses account for approximately 10 percent of the land area (133 acres) and most of this area is used for several schools including Cesar Chavez Elementary School, Costaño Elementary School, and Brentwood Elementary School.	N/A	This section should include a description of the SFPUC's right of way (ROW) as part of the existing land uses and development under the "Public and Institutional Uses" section.

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
13	275-276	4.10.4 Environmental Impacts - b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction of the project adopted for the purpose of avoiding or mitigating an environmental effect (no impact).	N/A	N/A	Lack of discussion of potential impacts to the SFPUC ROW. This section should include an analysis of potential impacts to the SFPUC ROW. The Plan proposals potentially conflicts with SFPUC land use policies and should be analyzed in the EIR with relation to the SFPUC's existing ROW policies. A project proposal may not use the SFPUC ROW to fulfill a development's open space, setback, emergency access or other requirements, [including parking, third-party development requirements, or use of San Francisco Property as a mitigation site].
14	418	4.15 Utilities and Service Systems	East Palo Alto Municipal Code - Chapter 13.24, Article VI of the East Palo Alto Municipal Code outlines the City's water conservation plan. The code identifies three phases of conservation pending a 20, 40, or 60 percent reduction of the City's water supply from the Hetch Hetchy watershed.	N/A	Suggest editing as follows: "The code identifies three phases of conservation pending a 20, 40, or 60 percent reduction of the City's water supply from the Hetch Hetchy ~~watershed~~ Regional Water System."

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
15	426	4.15 Utilities and Service Systems - 4.15.4 Environmental Setting - Water	Three water companies supply water to the City of East Palo Alto: City of East Palo Alto/American Water Enterprises, Palo Alto Park Mutual Water Company (PAPMWC), and O'Connor Tract Co-Operative Water Company. All water supplied to the City by American Water Enterprises (approximately 80 percent of the City's water) comes from the San Francisco Public Utilities Commission (SFPUC) supply...	N/A	Description of SFPUC supply and system is accurate except for capacity of Harry Tracy Water Treatment Plan. Due to the upgrade completed in 2015, peak capacity increased from 140 to 180 mgd, and sustainable capacity increased from 120 to 140 mgd.
16	427	4.15 Utilities and Service Systems - 4.15.4 Environmental Setting - Water	Tuolumne River watershed in the Sierra Nevada, and is stored in three major reservoirs: Hetch Hetchy Reservoir, Lake Lloyd, and Lake Eleanor. Water is delivered to the Bay Area via a system of aqueducts. The remaining 15 percent of the water supply comes from Bay Area reservoirs in the Alameda and Peninsula watersheds. East Palo Alto has an individual supply guarantee from SFPUC for 1.963 MGD (approximately 2,199 acre-feet per year [AFY]).	N/A	No comment.

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
17	428	4.15 Utilities and Service Systems - 4.15.4 Environmental Setting - Existing Water Demand	American Water Enterprises serves 4,183 accounts in the City of East Palo Alto, of which 3,923 are residential accounts. In FY 2014/15, residential, commercial, and municipal accounts in East Palo Alto used 1,755 acre-feet per year (AFY) of water. Water use was 444 AF below the individual supply guarantee, a reduction in demand that is primarily attributed to conservation measures during the ongoing drought and demand elasticity due to higher water prices charged by the SFPUC. Table 4.15-1 shows historical water use in East Palo Alto.	N/A	FY 2014-15 water use is consistent with SFPUC FY 2014-15 sales data. No comment.
18	436	4.15 Utilities and Service Systems - 4.15.4 Environmental Impacts	As part of the adoption of its Water System Improvement Program in October 2008, SFPUC is limiting its sales of water to each customer through 2018. It has established an interim supply allocation of 2,199 AFY (1.96 MGD) for East Palo Alto. In times of drought, SFPUC would provide less than the assurance.	N/A	Suggest editing as follows: "In times of drought, SFPUC ~~would~~ may provide less than the assurance depending on the severity of the water shortage in accordance with the Water Shortage Allocation Plan adopted by SFPUC and its wholesale customers."

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
19	438-439	4.15 Utilities and Service Systems - 4.15.4 Environmental Impacts	The SFPUC Agreement allows for the transfer or exchange of water among parties, both inside and outside of the RWS. Within the SFPUC system, it is possible to transfer individual supply guarantee and/or unused portions of water allocations among contracting agencies. The Water Shortage Allocation Plan (WSAP) adopted by SFPUC and its wholesale customers provides for voluntary transfers of water among wholesale customers during periods when mandatory rationing is in effect within the RWS.	N/A	This section references the "RWS" multiple times, but this acronym is not defined in the document. Suggest writing out as "Hetch Hetchy Regional Water System."

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
20	439	4.15 Utilities and Service Systems - 4.15.4 Environmental Impacts	Both the SFPUC Agreement and state law also allow purchase and transfer of water from outside the SFPUC service area. As permitted by the SFPUC Agreement and state law, water may be purchased from outside of the RWS and conveyed to SFPUC and/or East Palo Alto through third-party transmission systems. Additional water could be secured either by SFPUC or East Palo Alto to augment its water supply. Such an arrangement would require both a contract with the third-party water supplier and an agreement between East Palo Alto and the SFPUC on the water quality, price, and operational terms.	N/A	No comment.
21	439	4.15 Utilities and Service Systems - 4.15.4 Environmental Impacts	In additional to acquiring transferred water individually, BAWSCA has statutory authority to assist the wholesale customers of the Hetch Hetchy regional water system to plan for and acquire supplemental water supplies.	N/A	No comment.

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
22	439	4.15 Utilities and Service Systems - 4.15.4 Environmental Impacts - Infrastructure, Services, and Facilities Element Goal ISF-2.	Policy 2.3, New water sources. Actively seek to secure additional water supply from SFPUC, groundwater sources, neighboring cities, or other available sources. Securing additional water supply and adding water storage facilities should be a City priority.	N/A	No comment.
23	456	5.0 Cumulative Impacts - 5.2.15 Utilities and Service Systems - Water	The cumulative setting for water supply includes the City of East Palo Alto and all other cities that receive water from the San Francisco Public Utilities Commission's (SFPUC's) Hetch Hetchy reservoir. East Palo Alto receives the majority of its water supply from SFPUC through American Water. As discussed in Section 4.15, Utilities and Service Systems, East Palo Alto has an individual supply guarantee from SFPUC for approximately 2,199 acre-feet per year (AFY) in normal water years and 2,033 AFY in dry years.	N/A	No comment.

Hetch Hetchy
Regional Water System
Services of the San Francisco Public Utilities Commission

SFPUC Interim Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties

Approved January 13, 2015

by

SFPUC Resolution No. 15-0014

as an amendment to the SFPUC Real Estate Guidelines

SFPUC Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties

As part of its utility system, the San Francisco Public Utilities Commission (SFPUC) operates and maintains hundreds of miles of water pipelines. The SFPUC provides for public use on its water pipeline property or right of way (ROW) throughout Alameda, Santa Clara, and San Mateo counties consistent with our existing plans and policies. The following controls will help inform how and in which instances the ROW can serve the needs of third parties—including public agencies, private parties, nonprofit organizations, and developers—seeking to provide recreational and other use opportunities to local communities.

Primarily, SFPUC land is used to deliver high quality, efficient and reliable water, power, and sewer services in a manner that is inclusive of environmental and community interests, and that sustains the resources entrusted to our care. The SFPUC's utmost priority is maintaining the safety and security of the pipelines that run underneath the ROW.

Through our formal Project Review and Land Use Application and Project Review process, we may permit a secondary use on the ROW if it benefits the SFPUC, is consistent with our mission and policies, and does not in any way interfere with, endanger, or damage the SFPUC's current or future operations, security or facilities.[1] No secondary use of SFPUC land is permitted without the SFPUC's consent.

These controls rely on and reference several existing SFPUC policies, which should be read when noted in the document. Being mindful of these policies while planning a proposed use and submitting an application will ease the process for both the applicant and the SFPUC. These controls are subject to change over time and additional requirements and restrictions may apply depending on the project.

The SFPUC typically issues five-year revocable licenses for use of our property, with a form of rent and insurance required upon signing.[2]

Note: The project proponent is referred to as the "Applicant" until the license agreement is signed, at which point the project proponent is referred to as the "Licensee."

[1] SFPUC Guidelines for the Real Estate Services Division, Section 2.0.
[2] SFPUC Guidelines for the Real Estate Services Division, Section 3.3.

I. *Land Use, Structures, and Compliance with Law*

The following tenets govern the specifics of land use, structures, and accessibility for a project. Each proposal will still be subject to SFPUC approval on a case-by-case basis.

A. SFPUC Policies. The Applicant's proposed use must conform to policies approved by the SFPUC's Commission, such as the SFPUC's Land Use Framework (http://sfwater.org/index.aspx?page=586).

B. Americans with Disabilities Act Compliance. The Applicant must demonstrate that a Certified Access Specialist (CASp) has reviewed and approved its design and plans to confirm that they meet all applicable accessibility requirements.

C. Environmental Regulations. The SFPUC's issuance of a revocable license for use of the ROW is subject to compliance with the California Environmental Quality Act (CEQA). The Applicant is responsible for assessing the potential environmental impacts under CEQA of its proposed use of the ROW. The SFPUC must be named as a Responsible Agency on any CEQA document prepared for the License Area. In addition, the Applicant shall provide to SFPUC a copy of the approved CEQA document prepared by the Applicant, the certification date, and documentation of the formal approval and adoption of CEQA findings by the CEQA lead agency. The SFPUC will not issue a license for the use of the ROW until CEQA review and approval is complete.

D. Crossover and Other Reserved Rights. For a ROW parcel that bisects a third party's land, the Applicant's proposed use must not inhibit that party's ability to cross the ROW. The Applicant must demonstrate any adjoining owner with crossover or other reserved rights approves of the proposed recreational use and that the use does not impinge on any reserved rights.

E. Width. The License Area must span the entire width of the ROW.
   - *For example, the SFPUC will not allow a 10-foot wide trail license on a ROW parcel that is 60 feet wide.*

F. Structures. Structures on the ROW are generally prohibited. The Licensee shall not construct or place any structure or improvement in, on, under or about the entire License Area that requires excavation, bored footings or concrete pads that are greater than six inches deep.

   i. Structures such as benches and picnic tables that require shallow (four to six inches deep) cement pads or footings are generally permitted on the ROW. No such structure may be placed directly on top of a pipeline or within 20 feet of the edge of a pipeline.

   ii. The SFPUC will determine the permitted weight of structures on a case-by-case basis.

- *When the SFPUC performs maintenance on its pipelines, structures of significant weight and/or those that require footings deeper than six inches are very difficult and time-consuming to move and can pose a safety hazard to the pipelines. The longer it takes the SFPUC to reach the pipeline in an emergency, the more damage that can occur.*

G. Paving Materials. Permitted trails or walkways should be paved with materials that both reduce erosion and stormwater runoff (e.g., permeable pavers).

H. License Area Boundary Marking. The License Area's boundaries should be clearly marked by landscaping or fencing, with the aim to prevent encroachments.

I. Fences and Gates. Any fence along the ROW boundary must be of chain-link or wooden construction with viewing access to the ROW. The fence must include a gate that allows SFPUC access to the ROW.[3] Any gate must be of chain-link construction and at least 12 feet wide with a minimum 6-foot vertical clearance.

II. *Types of Recreational Use*

Based on our past experience and research, the SFPUC will allow simple parks without play structures, community gardens and limited trails.

A. Fulfilling an Open Space Requirement. An applicant may not use the ROW to fulfill a development's open space, setback, emergency access or other requirements.[4] In cases where a public agency has received consideration for use of SFPUC land from a third party, such as a developer, the SFPUC may allow such recreational use if the public agency applicant pays full Fair Market Rent.

B. Trail Segments. At this time, the SFPUC will consider trail proposals when a multi-jurisdictional entity presents a plan to incorporate specific ROW parcels into a fully connected trail. Licensed trail segments next to unlicensed parcels may create a trail corridor that poses liability to the SFPUC. The SFPUC will only consider trail proposals where the trail would not continue onto, or encourage entry onto, another ROW parcel without a trail and the trail otherwise meet all SFPUC license requirements.

III. *Utilities*

A. Costs. The Licensee is responsible for all costs associated with use of utilities on the License Area.

[3] SFPUC Right of Way Requirements.
[4] SFPUC Guidelines for the Real Estate Services Division, Section 2.0.

B. Placement. No utilities may be installed on the ROW running parallel to the SFPUC's pipelines, above or below grade.[5] With SFPUC approval, utilities may run perpendicular to the pipelines.

C. Lights. The Licensee shall not install any light fixtures on the ROW that require electrical conduits running parallel to the pipelines. With SFPUC approval, conduits may run perpendicular to and/or across the pipelines.

- Any lighting shall have shielding to prevent spill over onto adjacent properties.

D. Electricity. Licensees shall purchase all electricity from the SFPUC at the SFPUC's prevailing rates for comparable types of electrical load, so long as such electricity is reasonably available for the Licensee's needs.

IV. *Vegetation*

A. The Applicant shall refer to the SFPUC Integrated Vegetation Management Policy for the *minimum* requirements concerning types of vegetation and planting. (http://www.sfwater.org/index.aspx?page=431.) The Licensee is responsible for all vegetation maintenance and removal.

B. The Applicant shall submit a Planting Plan as part of its application.

(Community garden applicants should refer to Section VII.C for separate instructions.)

i. The Planting Plan should include a layout of vegetation placement (grouped by hydrozone) and sources of irrigation, as well as a list of intended types of vegetation. The SFPUC will provide an area drawing including pipelines and facilities upon request.

ii. The Applicant shall also identify the nursery(ies) supplying plant stock and provide evidence that each nursery supplier uses techniques to reduce the risk of plant pathogens, such as Phytophthora ramorum.

V. *Measures to Promote Water Efficiency*[6]

A. The Licensee shall maintain landscaping to ensure water use efficiency.

B. The Licensee shall choose and arrange plants in a manner best suited to the site's climate, soil, sun exposure, wildfire susceptibility and other factors. Plants with similar water needs must be grouped within an area controlled by a single irrigation valve

[5] SFPUC Land Engineering Requirements.
[6] SFPUC Rules and Regulations Governing Water Service to Customers, Section F.

C. Turf is not allowed on slopes greater than 25 percent.

D. The SFPUC encourages the use of local native plant species in order to reduce water use and promote wildlife habitat.

E. Recycled Water. Irrigation systems shall use recycled water if recycled water meeting all public health codes and standards is available and will be available for the foreseeable future.

F. Irrigation Water Runoff Prevention. For landscaped areas of any size, water runoff leaving the landscaped area due to low head drainage, overspray, broken irrigation hardware, or other similar conditions where water flows onto adjacent property, walks, roadways, parking lots, structures, or non-irrigated areas, is prohibited.

VI. *Other Requirements*

A. Financial Stability. The SFPUC requires municipalities or other established organizations with a stable fiscal history as Licensees.

   i. Applicants must also demonstrate sufficient financial backing to pay rent, maintain the License Area, and fulfill other license obligations over the license term.

B. Smaller, community-based organizations without 501(c)(3) classifications must partner with a 501(c)(3) classified organization or any other entity through which it can secure funding for the License Area over the license term. Maintenance. The Licensee must maintain the License Area in a clean and sightly condition at its sole cost.[7] Maintenance includes, but is not limited to, regular weed abatement, mowing, and removing graffiti, dumping, and trash.

C. Mitigation and Restoration. The Licensee will be responsible, at its sole cost, for removing and replacing any recreational improvements in order to accommodate planned or emergency maintenance, repairs, replacements, or projects done by or on behalf of the SFPUC. If the Licensee refuses to remove its improvements, SFPUC will remove the improvements I at the Licensee's sole expense without any obligation to replace them.

D. Encroachments. The Licensee will be solely responsible for removing any encroachments on the License Area. An encroachment is any improvement on SFPUC property not approved by the SFPUC. Please read the SFPUC ROW Encroachment Policy for specific requirements. If the Licensee fails to remove encroachments, the SFPUC will remove them at Licensee's sole expense. The Licensee must regularly patrol the License Area to spot encroachments and remove them at an early stage.

[7] SFPUC Framework for Land Management and Use.

E. Point of Contact. The Licensee will identify a point of contact (name, position title, phone number, and address) to serve as the liaison between the Licensee, the local community, and the SFPUC regarding the License Agreement and the License Area. In the event that the point of contact changes, the Licensee shall immediately provide the SFPUC with the new contact information. Once the License Term commences, the point of contact shall inform local community members to direct any maintenance requests to him or her. In the event that local community members contact the SFPUC with such requests, the SFPUC will redirect any requests or complaints to the point of contact.

F. Community Outreach.

i. Following an initial intake conversation with the SFPUC, the Applicant shall provide a Community Outreach Plan for SFPUC approval. This Plan shall include the following information:

1. Identification of key stakeholders to whom the Applicant will contact and/or ask for input, along with their contact information;

2. A description of the Applicant's outreach strategy, tactics, and materials

3. A timeline of outreach (emails/letters mailing date, meetings, etc.); and

4. A description of how the Applicant will incorporate feedback into its proposal.

ii. The Applicant shall conduct outreach for the project at its sole cost and shall keep the SFPUC apprised of any issues arising during outreach.

iii. During outreach, the Applicant shall indicate that it in no way represents the SFPUC.

G. Signage. The SFPUC will provide, at Licensee's cost, a small sign featuring the SFPUC logo and text indicating SFPUC ownership of the License Area at each entrance. In addition, the Licensee will install, at its sole cost, an accompanying sign at each entrance to the License Area notifying visitors to contact the organization's point of contact and provide a current telephone number in case the visitors have any issues. The SFPUC must approve the design and placement of the Licensee's sign.

VII. *Community Gardens*

The following requirements also apply to community garden sites. As with all projects, the details of the operation of a particular community garden are approved on a case-by-case basis.

A. The Applicant must demonstrate stable funding. The Applicant must provide information about grants received, pending grants, and any ongoing foundational support.

B. The Applicant must have an established history and experience in managing urban agriculture or community gardening projects. Alternatively, the Applicant may demonstrate a formal partnership with an organization or agency with an established history and experience in managing urban agriculture or community gardening projects

C. During the Project Review process, the Applicant shall submit a Community Garden Planting Plan that depicts the proposed License Area with individual plot and planter box placements, landscaping, and a general list of crops that may be grown in the garden.

D. The Applicant shall designate a Garden Manager to oversee day-to-day needs and serve as a liaison between the SFPUC and garden plot holders. The Garden Manager may be distinct from the point of contact, see Section VI.E.

E. The Licensee must ensure that the Garden Manager informs plot holders about the potential for and responsibilities related to SFPUC repairs or emergency maintenance on the License Area. In such circumstances, the SFPUC is not liable for the removal and replacement of any features on the License Area or the costs associated with such removal and replacement.

F. The Licensee must conduct all gardening within planter boxes with attached bottoms that allow for easy removal without damaging the crops.

Hetch Hetchy
Regional Water System
Services of the San Francisco Public Utilities Commission

AMENDMENT TO THE

RIGHT OF WAY INTEGRATED VEGETATION MANAGEMENT POLICY

Approved January 13, 2015

by

SFPUC Resolution No. 15-0014

12.000 RIGHT OF WAY INTEGRATED VEGETATION MANAGEMENT POLICY

12.001 General

The San Francisco Public Utilities Commission ("SFPUC") is responsible for the delivery of potable water and the collection and treatment of wastewater for some 800,000 customers within the City of San Francisco; it is also responsible for the delivery of potable water to 26 other water retailers with a customer base of 1.8 million. **The following policy is established to manage vegetation on the transmission, distribution and collection systems within the SFPUC Right of Way ("ROW") so that it does not pose a threat or hazard to the system's integrity and infrastructure or impede utility maintenance and operations.**

The existence of large woody vegetation[1], hereinafter referred to as vegetation, and water transmission lines within the ROW are not compatible and, in fact, are mutually exclusive uses of the same space. Roots can impact transmission pipelines by causing corrosion. The existence of trees and other vegetation directly adjacent to pipelines makes emergency and annual maintenance very difficult, hazardous, and expensive, and increases concerns for public safety. The risk of fire within the ROW is always a concern and the reduction of fire ladder fuels within these corridors is another reason to modify the vegetation mosaic. In addition to managing vegetation in a timely manner to prevent any disruption in utility service, the SFPUC also manages vegetation on its ROW to comply with local fire ordinances enacted to protect public safety.

One of the other objectives of this policy is to reduce and eliminate as much as practicable the use of herbicides on vegetation within the ROW and to implement integrated pest management (IPM).

12.002 Woody Vegetation Management

1.0 Vegetation of any size or species will not be allowed to grow within certain critical portions of the ROW, pumping stations or other facilities as determined by a SFPUC qualified professional, and generally in accordance with the following guidelines.

1.1 Emergency Removal

SFPUC Management reserves the right to remove any vegetation without prior public notification that has been assessed by a SFPUC qualified professional as an immediate threat to transmission lines or other utility infrastructure, human life and property due to acts of God, insects, disease, or natural mortality.

1.2 Priority Removal

Vegetation that is within 15 feet of the edge of any pipe will be removed and the vegetative debris will be cut into short lengths and chipped whenever possible. Chips will be spread upon the site where the vegetation was removed. Material that cannot be chipped will be hauled away to a proper disposal site.

[1] Woody vegetation is defined as all brush, tree and ornamental shrub species planted in (or naturally occurring in) the native soil having a woody stem that at maturity exceeds 3 inches in diameter.

If vegetation along the ROW is grouped in contiguous stands[2], or populations, a systematic and staggered removal of that vegetation will be undertaken to replicate a natural appearance. Initial removal[3] will be vegetation immediately above or within 15 feet of the pipeline edges; secondary vegetation[4] within 15 to 25 feet from pipelines will then be removed.

1.3 Standard Removal

Vegetation that is more than 25 feet from the edge of a pipeline and up to the boundary of the ROW will be assessed by a SFPUC qualified professional for its age and condition, fire risk, and potential impact to the pipelines. Based on this assessment, the vegetation will be removed or retained.

1.4 Removal Standards

Each Operating Division will develop its own set of guidelines or follow established requirements in accordance with local needs.

2.0 All stems of vegetation will be cut flush with the ground and where deemed necessary or appropriate, roots will be removed. All trees identified for removal will be clearly marked with paint and/or a numbered aluminum tag.

3.0 Sprouting species of vegetation will be treated with herbicides where practicable, adhering to provisions of Chapter 3 of the San Francisco Environment Code.

4.0 Erosion control measures, where needed, will be completed before the work crew or contractors leave the work site or before October 15 of the calendar year.

5.0 Department personnel will remove in a timely manner any and all material that has been cut for maintenance purposes within any stream channel.

6.0 All vegetation removal work and consultation on vegetation retention will be reviewed and supervised by a SFPUC qualified professional. All vegetation removal work and/or treatment will be made on a case-by-case basis by a SFPUC qualified professional.

7.0 Notification process for areas of significant resource impact that are beyond regular and ongoing maintenance:

7.1 County/City Notification – The individual Operating Division will have sent to the affected county/city a map showing the sections of the ROW which will be worked, a written description of the work to be done, the appropriate removal time for the work crews, and a contact person for more information. This should be done approximately 10 days prior to start of work. Each Operating Division will develop its own set of guidelines in accordance with local need.

---

[2] A stand is defined as a community of trees possessing sufficient uniformity in composition, structure, age, arrangement, or condition to be distinguishable from adjacent forest communities to form a management unit.
[3] Initial removal is defined as the vegetation removed during the base year or first year of cutting.
[4] Secondary vegetation is defined as the vegetative growth during the second year following the base year for cutting.

7.2 Public Notification – The Operating Division will have notices posted at areas where the vegetation is to be removed with the same information as above also approximately 10 days prior to removal. Notices will also be sent to all property owners within 300 feet of the removal site. Posted notices will be 11- by 17-inches in size on colored paper and will be put up at each end of the project area and at crossover points through the ROW. Questions and complaints from the public will be handled through a designated contact person. Each Operating Division will develop its own set of guidelines in accordance with local needs.

12.003 Annual Grass and Weed Management

Annual grasses and weeds will be mowed, disked, sprayed or mulched along the ROW as appropriate to reduce vegetation and potential fire danger annually. This treatment should be completed before July 30 of each year. This date is targeted to allow the grasses, forbs and weeds to reach maturity and facilitate control for the season.

12.004 Segments of ROW that are covered by Agricultural deed rights

The only vegetation that may be planted within the ROW on those segments where an adjacent owner has Deeded Agricultural Rights will be: non-woody herbaceous plants such as grasses, flowers, bulbs, or vegetables.

12.005 Segments of ROW that are managed and maintained under a Lease or License

Special allowance may be made for these types of areas, as the vegetation will be maintained by the licensed user as per agreement with the City, and not allowed to grow unchecked. Only shallow rooted plants may be planted directly above the pipelines.

Within the above segments, the cost of vegetation maintenance and removal will be borne by the tenant or licensee exclusively. In a like fashion, when new vegetative encroachments are discovered they will be assessed by a SFPUC qualified professional on a case-by-case basis and either be permitted or proposed for removal.

The following is a guideline for the size at maturity of plants (small trees, shrubs, and groundcover) that may be permitted to be used as landscape materials. Note: All distance measurements are for mature trees and plants measured from the edge of the drip-line to the edge of the pipeline.

- Plants that may be permitted to be planted directly above existing and future pipelines: shallow rooted plants such as ground cover, grasses, flowers, and very low growing plants that grow to a maximum of one foot in height at maturity.
- Plants that may be permitted to be planted 15–25 feet from the edge of existing and future pipelines: shrubs and plants that grow to a maximum of five feet in height at maturity.
- Plants that may be permitted to be planted 25 feet or more from the edge of existing and future pipelines: small trees or shrubs that grow to a maximum of twenty feet in height and fifteen feet in canopy width.

Trees and plants that exceed the maximum height and size limit (described above) may be permitted within a leased or licensed area provided they are in containers and are above ground. Container load and placement location(s) are subject to review and approval by the SFPUC.

Low water use plant species are encouraged and invasive plant species are not allowed.

All appurtenances, vaults, and facility infrastructure must remain visible and accessible at all times. All determinations of species acceptability will be made by a SFPUC qualified professional.

The above policy is for general application and for internal administration purposes only and may not be relied upon by any third party for any reason whatsoever. The SFPUC reserves the right at its sole discretion, to establish stricter policies in any particular situation and to revise and update the above policy at any time.

The Amah Mutsun Tribal Band of San Juan Bautista
&
A.M.T.B. Inc.

Letter of Response

To whom it may concern:

It is our pride and privilege to be of service for any Native American Cultural Resource Monitoring, Consulting and/ or Sensitivity Training you may need or require. We take our Heritage and History seriously and are diligent about preserving as much of it as we can. Construction is a constant in the Bay Area and with that new discoveries are bound to happen. If you choose our services, we will gladly guide all personnel through proper procedures to safely protect and preserve: Culture, Heritage, and History.

It is highly recommended, if not previously done, to search through Sacred Lands Files (SLF) and California Historical Resource Information Systems (CHRIS) as well as reaching out to the Native American Heritage Commission (NAHC) In order to determine whether you are working in a Cultural and/ or Historic sensitivity.

J.1

If you have received any positive cultural or historic sensitivity within 1 mile of the project area here are A.M.T.B Inc's and Amah Mutsun Tribal Band of San Juan Bautista's recommendations:

- All Crews, Individuals and Personnel who will be moving any earth be Cultural Sensitivity Trained.
- A Qualified California Trained Archaeological Monitor is present during any earth movement.
- A Qualified Native American Monitor is present during any earth movement.

If further Consultation, Monitoring or Sensitivity Training is needed please feel free to contact A.M.T.B. Inc. or Myself Directly. [redacted]

Irenne Zwierlein

Irenne Zwierlein

[redacted]

Coblentz
Patch Duffy
& Bass LLP

One Montgomery Street, Suite 3000
San Francisco, CA 94104-5500
T 415 391 4800
coblentzlaw.com

Miles Imwalle
[redacted]

September 10, 2024

VIA E-MAIL

Mr. Alvin Jen
Associate Planner
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303

Re: Comments on Ravenswood Business District/4 Corners Specific Plan Update Draft Subsequent Environmental Impact Report

Dear Mr. Jen:

Coblentz, Patch Duffy & Bass, LLP is legal counsel for Sycamore Real Estate Investment LLC, which owns property located within the Ravenswood Business District/4 Corners Specific Plan area. On behalf of Sycamore Real Estate Investment, we thank you for the opportunity to provide the following comments on the Ravenswood Business District/4 Corners Specific Plan Public Review Draft Subsequent Environmental Impact Report (SEIR), dated July 2024. Sycamore Real Estate Investment is committed to working with the City of East Palo Alto and the City's consultant team to propose an EPA Waterfront Project that will truly benefit the City and community. As such, we provide the following comments on the SEIR intended to ensure clear, efficient tiering from the SEIR and maximum utility for projects proposed within the Specific Plan Update area. K.1

Global Comments

- Throughout the SEIR, each impact statement could be more clearly delineated and consistently labeled, which will allow subsequent projects tiering from the SEIR to more clearly restate the SEIR's conclusions to better support analysis of whether a future project is within the envelope of impacts studied in the SEIR. K.2
- Throughout the SEIR, it is not clear if the 2013 EIR Mitigations still apply or if they are being replaced by the 2024 SEIR. For example, the Biological Resources chapter clearly replaces 2013 measures, the Geology chapter often states the 2013 measures still apply, but the Air Quality chapter (see pages 79–81) includes mitigation measures from the 2013 EIR and new mitigation measures, but does not state whether the 2013 measures still apply or are replaced. K.3
- Further, not every impact chapter lists the applicable policies. For example, Cultural Resource-related Specific Plan policies are listed, even though the impacts are "not significant" (as Table ES-1 requires), but other sections of the SEIR do not list the K.4

applicable policies. Consistently including the applicable policies would make it considerably easier for future applicants to understand their mitigation obligations. K.4

Executive Summary

- For clarity and ease of tiering, the Executive Summary could be revised to clearly identify the level of significance of each impact. For example, the Executive Summary table currently does not include all less than significant with mitigation (LTSM) impacts, and the table does not provide impact numbers for less than significant (LTS) or No impact (NI) topics. Specifically, Transportation Impact (a) requires implementation of mitigation measures and polices (see page 388–389) but is shown as less than significant and not included in the table as LTSM. Thorough and consistent numbering and identification of impacts would assist with later tiering. K.5
- Similarly, it would be helpful for the table to also include the level of significance for each impact following implementation of any mitigation measures. K.6
- Overall, the summary table would be more informative if it includes all impacts (consistently labeled/numbered), applicable mitigation measures (either from the old Specific Plan or the Specific Plan Update), the level of impact before mitigation, and the level of impact after mitigation.

Air Quality

- MM AIR 1.1 states that idling should be limited to 2 minutes but should be revised to 5 minutes, as indicated in our comments to Appendix B below. K.7
- MM AIR 1.1 is inconsistent with MM AIR 4.1 and with the discussion on page 81–82 of the SEIR and Appendix B page 7. MM AIR 1.1 requires Tier 4 for all construction equipment larger than 25 horsepower and should be revised to 50 horsepower to be consistent with MM AIR 4.1 and Appendix B.
- For clarity to future developers within the Specific Plan Update area and to maintain consistency with the methodology used for the SEIR, it would be helpful to clarify MM AIR 4.1 to specifically indicate that any project specific health risk analysis should be prepared pursuant to the 2017 BAAQMD Guidelines. K.8
- There are two references to MM AIR 3.3, but that mitigation measure does not exist (see pages 82 and 83). Should that reference MM AIR-4.1? K.9

Biological Resources

- The compensatory mitigation requirement of MM BIO-2.2 is above and beyond what is typically required for the Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew. We recommend that the mitigation measure be clarified to require compensatory mitigation for tidal marsh habitat suitable for these species instead of the broader language currently in the measure, which states: “Compensatory mitigation shall be provided for any potentially suitable habitat for these species that is permanently lost to development or that is present within 50 feet of any new or higher-intensity lighting installed by Specific Plan activities.” K.10

We recommend the measure be revised to: "Compensatory mitigation shall be provided for any potentially suitable tidal marsh habitat for these species that is permanently lost to development or that is present within 50 feet of any new or higher-intensity lighting installed by Specific Plan activities." K.10

- We recommend that the following items be corrected or clarified to ensure clarity of the analysis and efficient tiering: K.11
    - For impact (a), operation of buffer zones should be clarified for species not located within a specific project's area to clarify that the buffer zone extends only to the extent of each individual developer's property.
    - On page 142, the analysis states that "implementation of mitigation measure MM BIO-1.4 and MM BIO-1.20 would mitigate the impacts of the loop road wildlife movement to less than significant levels." Therefore we believe this impact conclusion should be revised to less than significant with mitigation, and the impact should be added to Table ES-1. K.12

- For additional clarity, the following revisions should be made to the mitigation measure references and discussions in the Biological Resources chapter: K.13
    - Also on page 136, the discussion states that MM BIO-1.22 would apply, but that mitigation measure does not appear to exist. Should this discussion reference MM BIO-9.1?
    - On page 138, the discussion for impact BIO-10 references MM BIO-1.14 and MM BIO-15. These mitigation measures do not appear to exist and so the correct measures should instead be identified. K.14
    - Page 140 reads "With implementation of mitigation measures MM BIO-1.22 through MM BIO-1.24, buildout of the proposed Specific Plan update would result in a less than significant impact to jurisdictional wetlands." As noted, above, MM BIO-1.22 does not appear in the SEIR and so this reference should be corrected. K.15
    - On page 141, the last sentence refences MM BIO-1.22 through 1.24, but these mitigation measures do not appear in the SEIR and so the references should be corrected. K.16
    - On page 142, please correct the references to MM BIO-1.4 and MM BIO-1.20. These measures are not listed in the SEIR. K.17
- To ensure clear implementation of mitigation measures, we also request that the following revisions: K.18
    - Revise MM BIO-2.1 to clarify that a qualified biologist will be on-call during construction to inspect vehicles and equipment:
      "During construction, a qualified biologist will be on-call to check underneath vehicles and equipment for salt marsh harvest mice and salt marsh wandering shrews before such equipment is moved, unless the equipment is surrounded by harvest mouse exclusion fencing."

Hazards and Hazardous Materials

- The Regulatory Authority section should reference the San Francisco Regional Water Quality Control Board's authority to issue investigation and cleanup orders, and to conduct environmental oversight of redevelopment activities to ensure protection of human health and the environment. We recommend adding the following:
"San Francisco Regional Water Quality Control Board (Water Board) has authority under Division 7 of the California Water Code (and other authority) to regulate the investigation, cleanup, and redevelopment of environmentally impacted sites. In addition to the authority to issue orders, the Water Board reviews and approves environmental risk management plans for redevelopment activities of properties known to be environmentally impacted. The Water Board will oversee the implementation of the environmental and construction measures and protocols required under the risk management plan to ensure the protection of future site users, the public and the environment." K.19
- Table 3.9-1 regarding Historical Uses and Reported Spills sites should be clarified to identify that several of the listed sites have been fully assessed and remain "open" only due to land use covenants directing the measures required to the development of the property. We recommend that Figure 3.9-1 be revised to depict properties that have been fully assessed, have recorded a land use covenant, and an approved risk management plan. Further, Section 3.9.1.2, Ravenswood Industrial Area, p. 215, should be updated to include the following information, which we recommend adding to paragraph 2, following sentence 2:

  To address these conditions and facilitate community revitalization in 1992 the San Francisco Bay Regional Water Quality Control Board (Water Board) required, under two orders, the owner of each property within the Ravenswood Industrial Area to submit site use histories, develop workplans to identify the extent of soil and groundwater impacts, report results of these investigations, and propose further characterization as needed. K.20

  The Water Board concluded that property owners had met the requirements for all the properties. Therefore, on Mach 19, 2024, the Water Board rescinded the orders, finding:

  Environmental Assessments (Phase I and Phase 2) had been conducted, identifying the nature and extent of environmental impacts; Site Remediation was conducted at several of the properties; and Risk Management of Residual Contamination at some of the properties has either been addressed by land use covenants, risk management plans, other orders, or continued oversight by the Water Board.

While many of the sites remain "open/long-term monitoring", this designation is based on the presence of land use covenants (agreements between the property owner and the Water Board that specify the uses of the property and the environmental measures and protocols to be followed during site revitalization). These sites have undergone extensive environmental review and will be redeveloped under the jurisdiction of the Regional Water Quality Control Board to ensure protection of future site users, the public, and the environment. These sites are designated with an "*" in the below Table 3.1-1, including Sites 1-7. K.20

- On page 219, it seems that this needs its own impact number and summary of the policy referenced, consistent with criteria (b), Impact HAZ-1. In addition, we recommend the following text changes to clarify that properties that have an LUC, and risk management plan would manage the issues addressed by Specific Plan Policy LU-7.1 through their prior and ongoing Water Board compliance: K.21

  Sentence 2 of the first paragraph on page 219:

  "However, implementation of Specific Plan Policy LU-7.1, or ongoing compliance with Water Board land use covenants and risk management plans under the Water Board's jurisdiction, would ensure that future projects would prepare Phase I Environmental Assessment (ESA), as necessary."

  Sentences one and two of the second paragraph:

  "As discussed in the proposed Specific Plan Update Policies LU-5.1 through LU-5.6, future projects would be required to prepare a site-specific Phase I Environmental Site Assessment (Phase I ESA) prior to development/redevelopment, to the extent such properties are not already subject to ongoing compliance with Water Board land use covenants and risk management plans under the Water Board's jurisdiction. If the above-mentioned chemicals/substances are identified as contaminants of concern, these contaminants would be subject to screening levels published by the California Department of Toxic Substances Control (DTSC), San Francisco Bay Regional Water Quality Control Board (RWQCB) and/or U.S. Environmental Protection Agency (U.S. EPA), or as directed by the Water Board pursuant to recorded site-specific land use covenants and risk management plans. Future development projects would comply with the following proposed Specific Plan Update Policies to reduce impacts related to groundwater, soil, and soil vapor, unless otherwise directed by the Water Board pursuant to existing site-specific land use covenants and risk management plans." K.22

- Related to the above comment, the discussion of the Specific Plan Policies applicable to Impact HAZ-1 could be revised to account for Phase 1 and Phase 2 environmental site assessments performed under Water Board oversight, development and recordation of K.23

protective land use covenants and risk management plans, and ongoing Water Board oversight during site development. We recommend the following revisions on page 220 and as indicated:

> "Specific Plan Policies LU-5.1 through LU-5.6, have been included to reduce the groundwater contamination related impacts of future developments to less than significant levels. For properties with Phase 1 and Phase 2 environmental site assessments performed under Water Board oversight, recorded, protective land use covenants and risk management plans, and ongoing Water Board oversight during site development, compliance with Water Board direction and existing obligations will ensure that impacts will be less than significant."

K.23

We also recommend the following new sentence following the introductory sentence:

> "Properties covered by recorded land use covenants and approved risk management plans, and ongoing Water Board oversight during site development would reduce this impact to a less than significant level through compliance with Water Board direction and existing obligations."

Additionally, we recommend that the final paragraph on page 223 be modified as follows:

> "In the Specific Plan area, one facility (see Table 3.9-1, #10) is listed as an open LUST case, two facilities (Table 3.9-1, #15 and #20) are listed as closed LUST cases, and four facilities (Table 3.9-1, #14, #16, #24, and #25) are listed as closed LUST cases (with residual contamination), and seven facilities (Table 3.9-1, #s 1-7) have Water Board approved recorded land use covenants and risk management plans on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5."

K.24

Transportation

- On page 376, Table 3.16-6, regarding Intersection #42, the Draft SEIR proposes that a single-lane roundabout be constructed to improve the affected intersection, which "would require adjacent properties to dedicate right-of-way." Our traffic consultant conducted a traffic analysis for the cumulative plus projects conditions and found that an all-way stop would result in the intersection operating at LOS C or better and may not require an additional dedicated right-of-way. Analysis results are attached ("Transportation comment page 3.16_analysis regarding intersection 42"). Given this conclusion, a roundabout that requires greater dedication should not be required.

K.25

Alternatives

- Also in Table 7.3.1, as indicated in Footnote f to the Table, "25,000 square foot EPA Center (civic use) was constructed and in operation in 2022 under the 2013 Specific Plan." As such, please confirm whether this existing development (and other existing

K.26

development) should be included in the No Project/No New Development Alternative. Clarify whether the No Project/No Development Alternative means no existing development and, assuming not, consider revising to include existing development in the assumptions or otherwise clarify why the table reflects 0, consistent with narrative on following page. K.26

- Similarly, please clarify whether the No Project/2013 Specific Plan Alternative is the total development analyzed in the 2013 EIR and included in the 2013 Specific Plan, or that proposed total development minus projects constructed pursuant to the Specific Plan (total buildout net actual development). K.27

Appendix C, Biological Resources Analysis

- The report should be updated to correct the municipal code citations and descriptions to conform to City's code. See H. T. Harvey Report, pp. 20-21 and SEIR, pp. 90-91, 144. Tree protection references and requirements in the SEIR are not consistent with the description in the H. T. Harvey report. For example, the H. T. Harvey report references Section 6420 of the City's Municipal Code and states that permit is required for removal of trees with a "main stem or trunk that measures 40 inches in circumference." (H. T. Harvey report, p. 20). The SEIR cites to Municipal Code Chapter 18, Section 18.28.040 and requires a permit for trees with a main stem 24 inches or greater. (pp. 90-91). K.28
- The report's General Plan discussion should be updated to conform with the Vista 2035 East Palo Alto General Plan's Parks, Open Space, and Conservation Element. See H. T. Harvey Report, pp. 22-23. For example, the H. T. Harvey report describes Policy 2.1 of the General Plan's Conservation and Open Space Element. (H. T. Harvey report, p. 22). The SEIR describes the Vista 2035 East Palo Alto General Plan Parks, Open Space, and Conservation Element's policies 4.2, 4.7, 4.8, 4.9 and 6.2. K.29
- Page 97, Table 3.4-1 of the SEIR lists the American peregrine falcon, but the report does not include a listing for the American peregrine falcon. Please resolve this inconsistency. K.30
- The maximum height should be corrected from 120 feet above ground surface to 122 feet, consistent with the SEIR. Please also ensure that jobs and population figures in the report are updated to reflect the SEIR figures. K.31

Appendix D, Screening Level Environmental Site Assessment

- Table 1, page 2 regarding Sycamore Real Estate Investment (multiple properties) requires updating as follows: K.32

> Sycamore Real Estate Investment is listed as a muti-property CPS case (~~open~~ Open Case – Long Term Management (due to land use covenant) ID T10000019768) consisting of the following seven separate CPS cases.
>
> An "Area-Wide Risk Management Plan" (Ninyo & Moore, 2021), including Phase 1 and Phase 2 environmental site assessments prepared for each property, that

is applicable to each of these properties has been prepared and approved by the Water Board. Additionally, a Land Use Covenant was recorded in 2022 that, among other provisions, restricts certain uses and activities at the properties unless approved by the Water Board, and the environmental protocols and measures to be taken during redevelopment under the Water Board's oversight. Separate Land Use Covenants also were previously recorded for some of the individual properties (151 Tara Road, 264 Tara Road, and 2555/2565 Pulgas Avenue) and are concurrently applicable. On December, 7, 2023, the Water Board terminated the previously recorded land use covenants on these properties, including those covering 151 Tara Road, 264 Tara Road, and 2555/2565 Pulgas Avenue. K.32

- Pages 4–5, section 2.1: We recommend deleting this section because (1) the subject orders have been rescinded; (2) the orders were issued to promote redevelopment by placing the properties within the Ravenswood Industrial Area to establish one environmental oversight agency (the Water Board) and disclose environmental conditions; and (3) the rescission was based on the completion of property specific evaluation by the property owners and implementation of appropriate controls. K.33
- Page 6, section 3.1 should be revised to account for rescission of Water Board Orders 92-037 and 92-086. We recommend that paragraph 2 be revised as follows:

  "At parcels with open LUST or CPS cases,~~, and those within the RIA that are subject to Water Board Orders 92-037 and 92-086,~~ any planned redevelopment activities should be coordinated with the overseeing regulatory agencies." K.34

- Related to the above, because these Orders have been rescinded, they could be removed as an appendix, or the rescission could also be included. K.35
- Page 7, section 3.2 at the conclusion to the recommended "Property-Specific Studies and Plans" could be modified to include an exception for sites subject to (1) existing land use covenants, (2) risk management plans, and (3) ongoing Water Board jurisdiction, as follows:

  "Sites with site assessments approved by the Regional Water Quality Control Board, recorded land use covenants, approved risk management or similar plans, and which remain under the jurisdiction of the Regional Water Quality Control Board, should be redeveloped under agency oversight and consistent with applicable agency directives." K.36

Appendix F, Transportation Analysis

- Page 334 of the Update SEIR states that there is 1,267,500 square feet of R&D for Scenario #2, while Table 11 of Appendix F assume 1,167,250 square feet of R&D. These figures should be revised to be consistent. K.37

Once again, Sycamore Real Estate Investment LLC appreciates the opportunity to provide the above comments to the SEIR, and looks forward to continuing to work with the City on its EPA Waterfront Project.

Regards,

Miles Imwalle

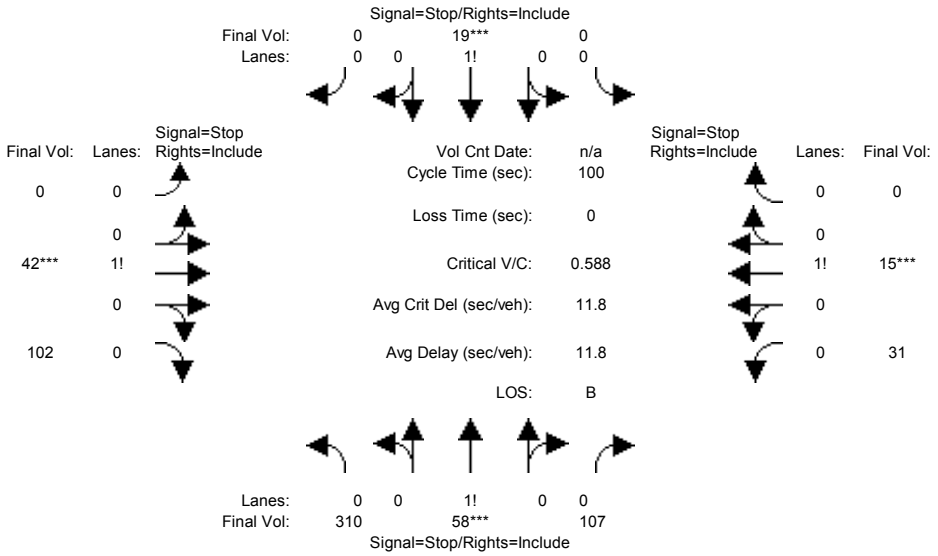
Attachments

ATTACHMENT

Transportation comment page 3.16_analysis regarding intersection 42

Level Of Service Computation Report
2000 HCM 4-Way Stop (Future Volume Alternative)
AWSC (Cumulative)

Intersection #1: Pulgas Street / Emerson Street [2.8M No Loop AM]



Street Name:	Pulgas Street						Emerson Street					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Volume Module:												
Base Vol:	310	58	107	0	19	0	0	42	102	31	15	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	310	58	107	0	19	0	0	42	102	31	15	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	310	58	107	0	19	0	0	42	102	31	15	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	310	58	107	0	19	0	0	42	102	31	15	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	310	58	107	0	19	0	0	42	102	31	15	0
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	310	58	107	0	19	0	0	42	102	31	15	0
Saturation Flow Module:												
Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.65	0.12	0.23	0.00	1.00	0.00	0.00	0.29	0.71	0.67	0.33	0.00
Final Sat.:	527	99	182	0	696	0	0	208	505	417	202	0
Capacity Analysis Module:												
Vol/Sat:	0.59	0.59	0.59	xxxx	0.03	xxxx	xxxx	0.20	0.20	0.07	0.07	xxxx
Crit Moves:		****			****			****			****	
Delay/Veh:	13.2	13.2	13.2	0.0	8.0	0.0	0.0	8.7	8.7	8.7	8.7	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	13.2	13.2	13.2	0.0	8.0	0.0	0.0	8.7	8.7	8.7	8.7	0.0
LOS by Move:	B	B	B	*	A	*	*	A	A	A	A	*
ApproachDel:		13.2			8.0			8.7			8.7	
Delay Adj:		1.00			1.00			1.00			1.00	
ApprAdjDel:		13.2			8.0			8.7			8.7	
LOS by Appr:		B			A			A			A	
AllWayAvgQ:	1.3	1.3	1.3	0.0	0.0	0.0	0.2	0.2	0.2	0.1	0.1	0.1

Note: Queue reported is the number of cars per lane.

Peak Hour Volume Signal Warrant Report [Urban]

****

Intersection #1 Pulgas Street / Emerson Street

****

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Future Volume Alternative: Peak Hour Warrant NOT Met

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Lanes:	0 0 1!		0 0	0 0	1 0	0	0 0	0 1	0	0 1	0 0	0
Initial Vol:	310	58	107	0	19	0	0	42	102	31	15	0

Major Street Volume: 494
Minor Approach Volume: 144
Minor Approach Volume Threshold: 407

SIGNAL WARRANT DISCLAIMER

This peak hour signal warrant analysis should be considered solely as an "indicator" of the likelihood of an unsignalized intersection warranting a traffic signal in the future. Intersections that exceed this warrant are probably more likely to meet one or more of the other volume based signal warrant (such as the 4-hour or 8-hour warrants).

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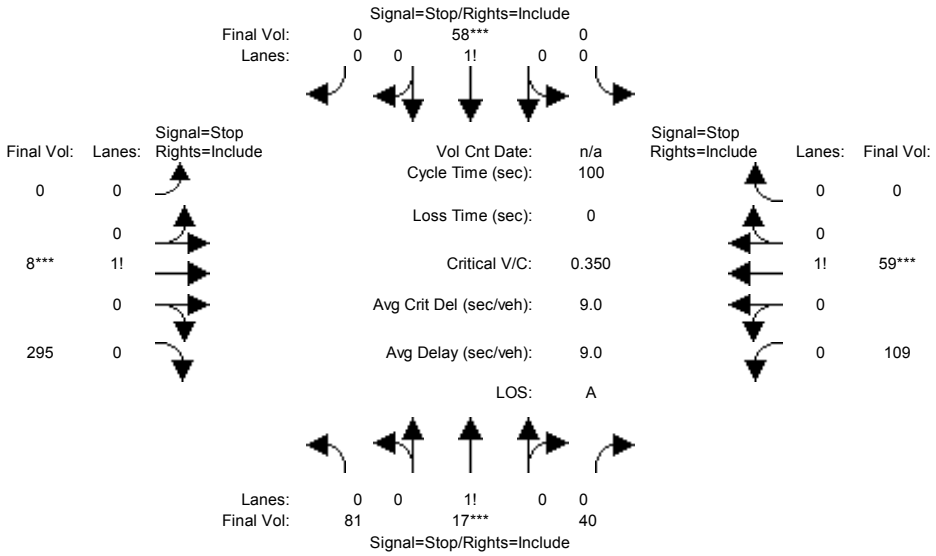
Level Of Service Computation Report
2000 HCM 4-Way Stop (Future Volume Alternative)
AWSC (Cumulative)

Intersection #2: Pulgas Street / Emerson Street [2.8M No Loop PM]



Street Name:	Pulgas Street						Emerson Street					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Volume Module:												
Base Vol:	81	17	40	0	58	0	0	8	295	109	59	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	81	17	40	0	58	0	0	8	295	109	59	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	81	17	40	0	58	0	0	8	295	109	59	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	81	17	40	0	58	0	0	8	295	109	59	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	81	17	40	0	58	0	0	8	295	109	59	0
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	81	17	40	0	58	0	0	8	295	109	59	0
Saturation Flow Module:												
Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.59	0.12	0.29	0.00	1.00	0.00	0.00	0.03	0.97	0.65	0.35	0.00
Final Sat.:	398	84	197	0	646	0	0	23	843	464	251	0
Capacity Analysis Module:												
Vol/Sat:	0.20	0.20	0.20	xxxx	0.09	xxxx	xxxx	0.35	0.35	0.23	0.23	xxxx
Crit Moves:		****			****			****			****	
Delay/Veh:	9.0	9.0	9.0	0.0	8.5	0.0	0.0	9.0	9.0	9.2	9.2	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	9.0	9.0	9.0	0.0	8.5	0.0	0.0	9.0	9.0	9.2	9.2	0.0
LOS by Move:	A	A	A	*	A	*	*	A	A	A	A	*
ApproachDel:		9.0			8.5			9.0			9.2	
Delay Adj:		1.00			1.00			1.00			1.00	
ApprAdjDel:		9.0			8.5			9.0			9.2	
LOS by Appr:		A			A			A			A	
AllWayAvgQ:	0.2	0.2	0.2	0.1	0.1	0.1	0.5	0.5	0.5	0.3	0.3	0.3

Note: Queue reported is the number of cars per lane.

Peak Hour Volume Signal Warrant Report [Urban]

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Intersection #2 Pulgas Street / Emerson Street

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****

Future Volume Alternative: Peak Hour Warrant NOT Met

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Lanes:	0 0 1!	0	0	0 0 1	0	0	0 0 0	1	0	0 1 0	0	0
Initial Vol:	81	17	40	0	58	0	0	8	295	109	59	0

Major Street Volume: 471
Minor Approach Volume: 138
Minor Approach Volume Threshold: 420

SIGNAL WARRANT DISCLAIMER

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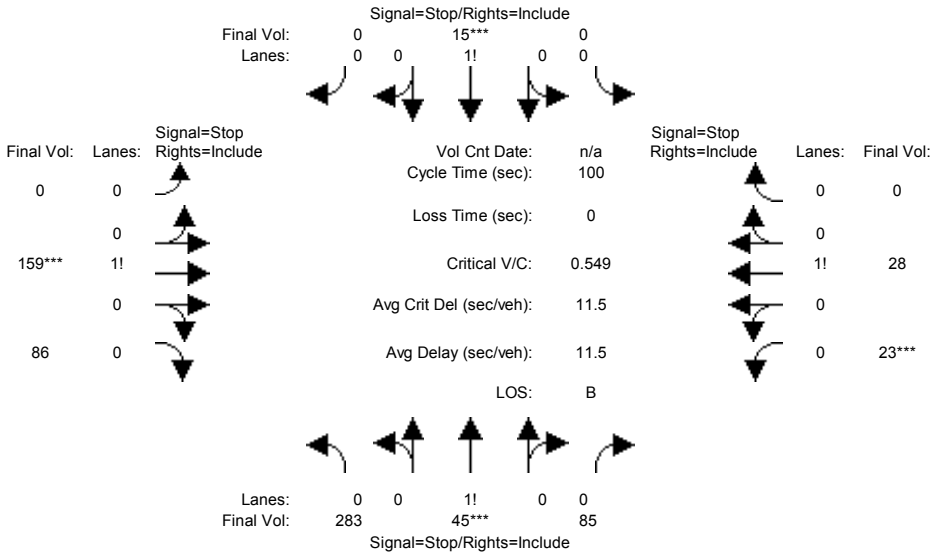
Level Of Service Computation Report
2000 HCM 4-Way Stop (Future Volume Alternative)
AWSC (Cumulative)

Intersection #3: Pulgas Street / Emerson Street [2.8M with Loop AM]



Street Name:	Pulgas Street						Emerson Street					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Volume Module:												
Base Vol:	283	45	85	0	15	0	0	159	86	23	28	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	283	45	85	0	15	0	0	159	86	23	28	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	283	45	85	0	15	0	0	159	86	23	28	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	283	45	85	0	15	0	0	159	86	23	28	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	283	45	85	0	15	0	0	159	86	23	28	0
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	283	45	85	0	15	0	0	159	86	23	28	0
Saturation Flow Module:												
Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.68	0.11	0.21	0.00	1.00	0.00	0.00	0.65	0.35	0.45	0.55	0.00
Final Sat.:	515	82	155	0	649	0	0	461	249	280	341	0
Capacity Analysis Module:												
Vol/Sat:	0.55	0.55	0.55	xxxx	0.02	xxxx	xxxx	0.34	0.34	0.08	0.08	xxxx
Crit Moves:		****			****			****		****		
Delay/Veh:	12.9	12.9	12.9	0.0	8.2	0.0	0.0	10.1	10.1	8.8	8.8	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	12.9	12.9	12.9	0.0	8.2	0.0	0.0	10.1	10.1	8.8	8.8	0.0
LOS by Move:	B	B	B	*	A	*	*	B	B	A	A	*
ApproachDel:	12.9			8.2			10.1			8.8		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	12.9			8.2			10.1			8.8		
LOS by Appr:	B			A			B			A		
AllWayAvgQ:	1.1	1.1	1.1	0.0	0.0	0.0	0.5	0.5	0.5	0.1	0.1	0.1

Note: Queue reported is the number of cars per lane.

Peak Hour Volume Signal Warrant Report [Urban]

****

Intersection #3 Pulgas Street / Emerson Street

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****

Future Volume Alternative: Peak Hour Warrant NOT Met

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Lanes:	0 0 1!	0	0	0 0 1	0	0	0 0 0	1	0	0 1 0	0	0
Initial Vol:	283	45	85	0	15	0	0	159	86	23	28	0

Major Street Volume: 428
Minor Approach Volume: 245
Minor Approach Volume Threshold: 446

SIGNAL WARRANT DISCLAIMER

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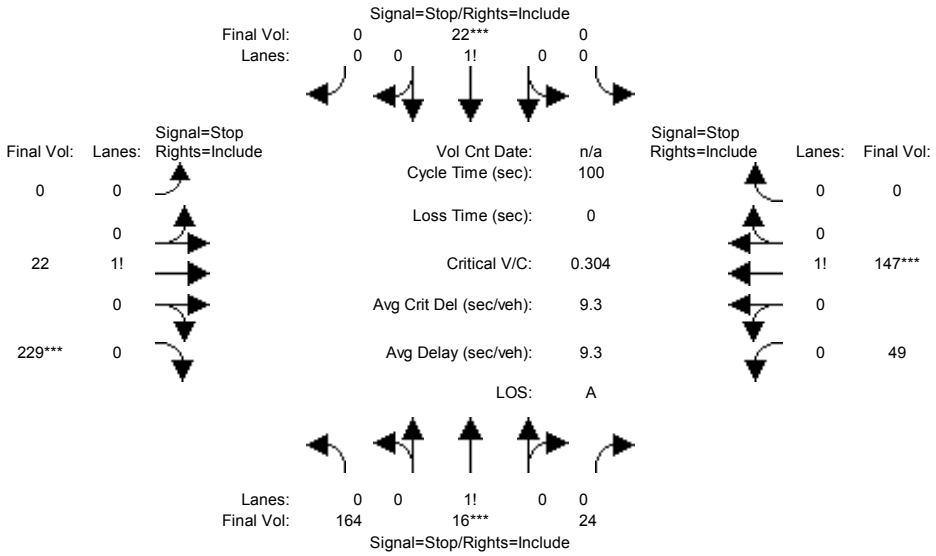
Level Of Service Computation Report
2000 HCM 4-Way Stop (Future Volume Alternative)
AWSC (Cumulative)

Intersection #4: Pulgas Street / Emerson Street [2.8M with Loop PM]



Street Name:	Pulgas Street						Emerson Street					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Volume Module:												
Base Vol:	164	16	24	0	22	0	0	22	229	49	147	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	164	16	24	0	22	0	0	22	229	49	147	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	164	16	24	0	22	0	0	22	229	49	147	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	164	16	24	0	22	0	0	22	229	49	147	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	164	16	24	0	22	0	0	22	229	49	147	0
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	164	16	24	0	22	0	0	22	229	49	147	0
Saturation Flow Module:												
Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.80	0.08	0.12	0.00	1.00	0.00	0.00	0.09	0.91	0.25	0.75	0.00
Final Sat.:	546	53	80	0	631	0	0	72	755	180	540	0
Capacity Analysis Module:												
Vol/Sat:	0.30	0.30	0.30	xxxx	0.03	xxxx	xxxx	0.30	0.30	0.27	0.27	xxxx
Crit Moves:		****			****				****		****	
Delay/Veh:	9.9	9.9	9.9	0.0	8.3	0.0	0.0	8.9	8.9	9.5	9.5	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	9.9	9.9	9.9	0.0	8.3	0.0	0.0	8.9	8.9	9.5	9.5	0.0
LOS by Move:	A	A	A	*	A	*	*	A	A	A	A	*
ApproachDel:		9.9			8.3			8.9			9.5	
Delay Adj:		1.00			1.00			1.00			1.00	
ApprAdjDel:		9.9			8.3			8.9			9.5	
LOS by Appr:		A			A			A			A	
AllWayAvgQ:	0.4	0.4	0.4	0.0	0.0	0.0	0.4	0.4	0.4	0.3	0.3	0.3

Note: Queue reported is the number of cars per lane.

Peak Hour Volume Signal Warrant Report [Urban]

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Intersection #4 Pulgas Street / Emerson Street

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****

Future Volume Alternative: Peak Hour Warrant NOT Met

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Lanes:	0 0 1!	0	0	0 0 1	0	0	0 0 0	1	0	0 1 0	0	0
Initial Vol:	164	16	24	0	22	0	0	22	229	49	147	0

Major Street Volume: 447
Minor Approach Volume: 204
Minor Approach Volume Threshold: 434

SIGNAL WARRANT DISCLAIMER

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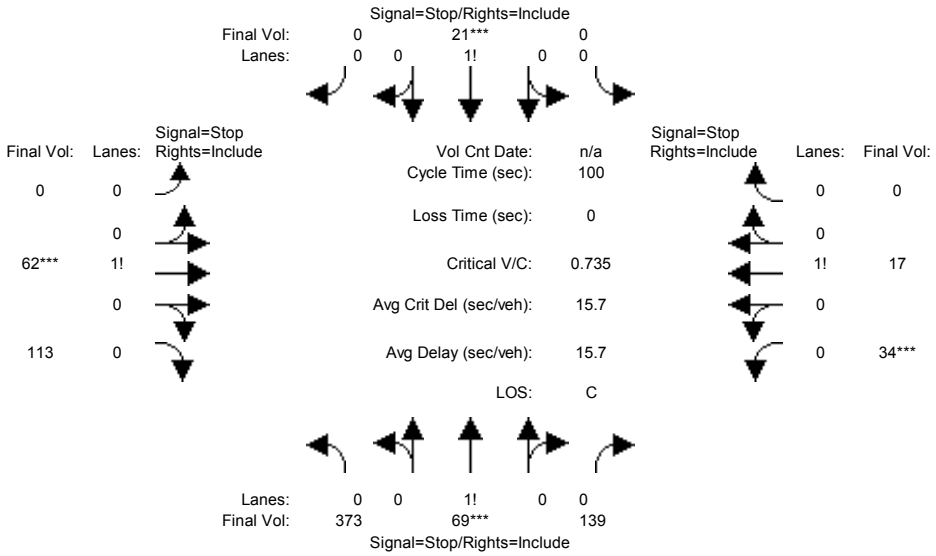
Level Of Service Computation Report
2000 HCM 4-Way Stop (Future Volume Alternative)
AWSC (Cumulative)

Intersection #5: Pulgas Street / Emerson Street [3.35M No Loop AM]



Street Name:	Pulgas Street						Emerson Street					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Volume Module:												
Base Vol:	373	69	139	0	21	0	0	62	113	34	17	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	373	69	139	0	21	0	0	62	113	34	17	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	373	69	139	0	21	0	0	62	113	34	17	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	373	69	139	0	21	0	0	62	113	34	17	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	373	69	139	0	21	0	0	62	113	34	17	0
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	373	69	139	0	21	0	0	62	113	34	17	0
Saturation Flow Module:												
Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.64	0.12	0.24	0.00	1.00	0.00	0.00	0.35	0.65	0.67	0.33	0.00
Final Sat.:	508	94	189	0	651	0	0	235	428	382	191	0
Capacity Analysis Module:												
Vol/Sat:	0.73	0.73	0.73	xxxx	0.03	xxxx	xxxx	0.26	0.26	0.09	0.09	xxxx
Crit Moves:		****			****			****		****		
Delay/Veh:	18.4	18.4	18.4	0.0	8.3	0.0	0.0	9.6	9.6	9.2	9.2	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	18.4	18.4	18.4	0.0	8.3	0.0	0.0	9.6	9.6	9.2	9.2	0.0
LOS by Move:	C	C	C	*	A	*	*	A	A	A	A	*
ApproachDel:	18.4			8.3			9.6			9.2		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	18.4			8.3			9.6			9.2		
LOS by Appr:	C			A			A			A		
AllWayAvgQ:	2.4	2.4	2.4	0.0	0.0	0.0	0.3	0.3	0.3	0.1	0.1	0.1

Note: Queue reported is the number of cars per lane.

Peak Hour Volume Signal Warrant Report [Urban]

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Intersection #5 Pulgas Street / Emerson Street

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****

Future Volume Alternative: Peak Hour Warrant NOT Met

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Lanes:	0 0 1!	0 0		0 0 1	0 0		0 0 0 1	0		0 1	0 0	0
Initial Vol:	373	69	139	0	21	0	0	62	113	34	17	0

Major Street Volume: 602
Minor Approach Volume: 175
Minor Approach Volume Threshold: 355

SIGNAL WARRANT DISCLAIMER

This peak hour signal warrant analysis should be considered solely as an "indicator" of the likelihood of an unsignalized intersection warranting a traffic signal in the future. Intersections that exceed this warrant are probably more likely to meet one or more of the other volume based signal warrant (such as the 4-hour or 8-hour warrants).

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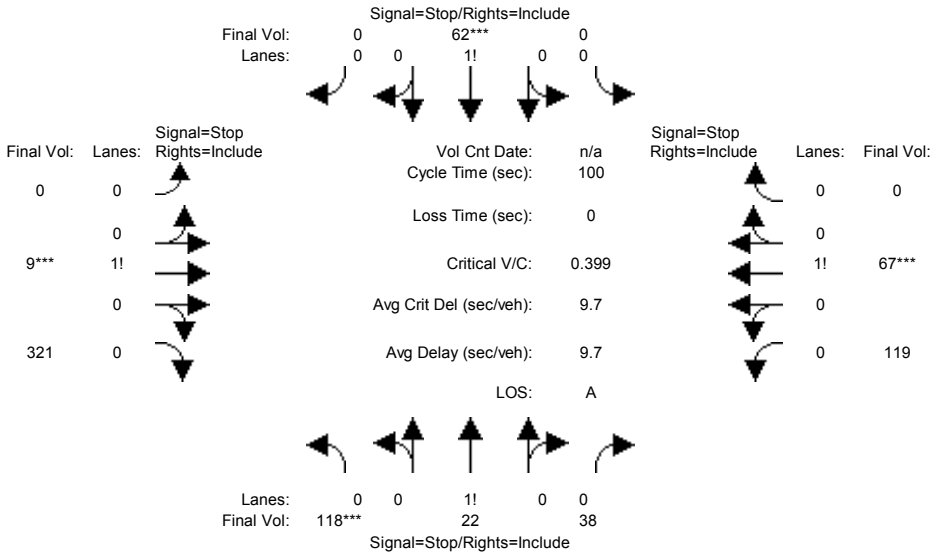
Level Of Service Computation Report
2000 HCM 4-Way Stop (Future Volume Alternative)
AWSC (Cumulative)

Intersection #6: Pulgas Street / Emerson Street [3.35M No Loop PM]



Street Name:	Pulgas Street						Emerson Street					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Volume Module:												
Base Vol:	118	22	38	0	62	0	0	9	321	119	67	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	118	22	38	0	62	0	0	9	321	119	67	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	118	22	38	0	62	0	0	9	321	119	67	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	118	22	38	0	62	0	0	9	321	119	67	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	118	22	38	0	62	0	0	9	321	119	67	0
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	118	22	38	0	62	0	0	9	321	119	67	0
Saturation Flow Module:												
Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.67	0.12	0.21	0.00	1.00	0.00	0.00	0.03	0.97	0.64	0.36	0.00
Final Sat.:	433	81	139	0	614	0	0	23	805	439	247	0
Capacity Analysis Module:												
Vol/Sat:	0.27	0.27	0.27	xxxx	0.10	xxxx	xxxx	0.40	0.40	0.27	0.27	xxxx
Crit Moves:	****				****			****			****	
Delay/Veh:	9.8	9.8	9.8	0.0	8.8	0.0	0.0	9.7	9.7	9.7	9.7	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	9.8	9.8	9.8	0.0	8.8	0.0	0.0	9.7	9.7	9.7	9.7	0.0
LOS by Move:	A	A	A	*	A	*	*	A	A	A	A	*
ApproachDel:	9.8			8.8			9.7			9.7		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	9.8			8.8			9.7			9.7		
LOS by Appr:	A			A			A			A		
AllWayAvgQ:	0.3	0.3	0.3	0.1	0.1	0.1	0.6	0.6	0.6	0.3	0.3	0.3

Note: Queue reported is the number of cars per lane.

Peak Hour Volume Signal Warrant Report [Urban]

****

Intersection #6 Pulgas Street / Emerson Street

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****

Future Volume Alternative: Peak Hour Warrant NOT Met

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Lanes:	0 0 1!	0	0	0 0 1	0	0	0 0 0 1	0		0 1	0	0 0
Initial Vol:	118	22	38	0	62	0	0	9	321	119	67	0

Major Street Volume: 516
Minor Approach Volume: 178
Minor Approach Volume Threshold: 396

SIGNAL WARRANT DISCLAIMER

This peak hour signal warrant analysis should be considered solely as an "indicator" of the likelihood of an unsignalized intersection warranting a traffic signal in the future. Intersections that exceed this warrant are probably more likely to meet one or more of the other volume based signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace a rigorous and complete traffic signal warrant analysis by the responsible jurisdiction. Consideration of the other signal warrants, which is beyond the scope of this software, may yield different results.

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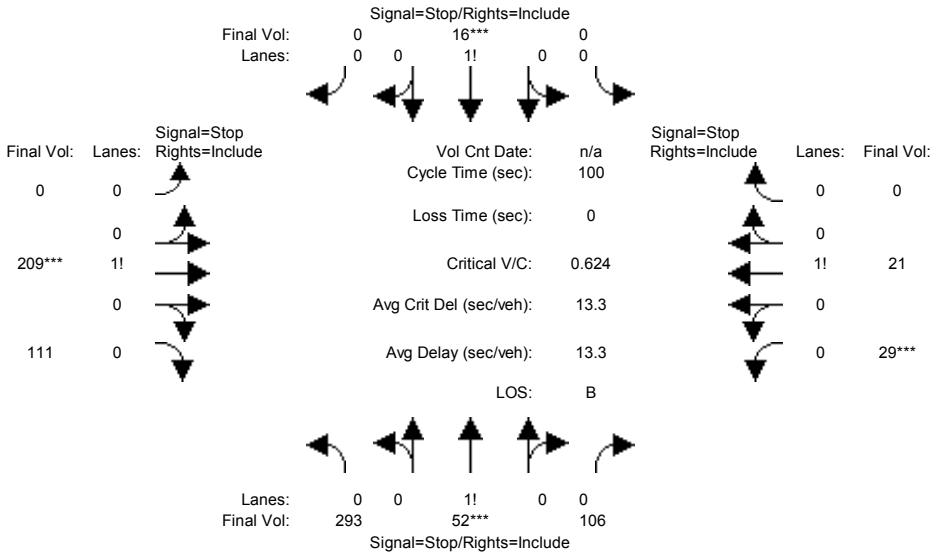
Level Of Service Computation Report
2000 HCM 4-Way Stop (Future Volume Alternative)
AWSC (Cumulative)

Intersection #7: Pulgas Street / Emerson Street [3.35M with Loop AM]



Street Name:	Pulgas Street						Emerson Street					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Volume Module:												
Base Vol:	293	52	106	0	16	0	0	209	111	29	21	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	293	52	106	0	16	0	0	209	111	29	21	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	293	52	106	0	16	0	0	209	111	29	21	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	293	52	106	0	16	0	0	209	111	29	21	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	293	52	106	0	16	0	0	209	111	29	21	0
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	293	52	106	0	16	0	0	209	111	29	21	0
Saturation Flow Module:												
Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.65	0.12	0.23	0.00	1.00	0.00	0.00	0.65	0.35	0.58	0.42	0.00
Final Sat.:	470	83	170	0	603	0	0	453	241	339	246	0
Capacity Analysis Module:												
Vol/Sat:	0.62	0.62	0.62	xxxx	0.03	xxxx	xxxx	0.46	0.46	0.09	0.09	xxxx
Crit Moves:		****			****			****		****		
Delay/Veh:	15.0	15.0	15.0	0.0	8.6	0.0	0.0	11.7	11.7	9.1	9.1	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	15.0	15.0	15.0	0.0	8.6	0.0	0.0	11.7	11.7	9.1	9.1	0.0
LOS by Move:	C	C	C	*	A	*	*	B	B	A	A	*
ApproachDel:	15.0			8.6			11.7			9.1		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	15.0			8.6			11.7			9.1		
LOS by Appr:	C			A			B			A		
AllWayAvgQ:	1.4	1.4	1.4	0.0	0.0	0.0	0.7	0.7	0.7	0.1	0.1	0.1

Note: Queue reported is the number of cars per lane.

Peak Hour Volume Signal Warrant Report [Urban]

****

Intersection #7 Pulgas Street / Emerson Street

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****

Future Volume Alternative: Peak Hour Warrant NOT Met

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Lanes:	0 0 1!	0 0		0 0 1	0 0		0 0 0 1	0		0 1	0 0	0
Initial Vol:	293	52	106	0	16	0	0	209	111	29	21	0

Major Street Volume: 467
Minor Approach Volume: 320
Minor Approach Volume Threshold: 422

SIGNAL WARRANT DISCLAIMER

This peak hour signal warrant analysis should be considered solely as an "indicator" of the likelihood of an unsignalized intersection warranting a traffic signal in the future. Intersections that exceed this warrant are probably more likely to meet one or more of the other volume based signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace a rigorous and complete traffic signal warrant analysis by the responsible jurisdiction. Consideration of the other signal warrants, which is beyond the scope of this software, may yield different results.

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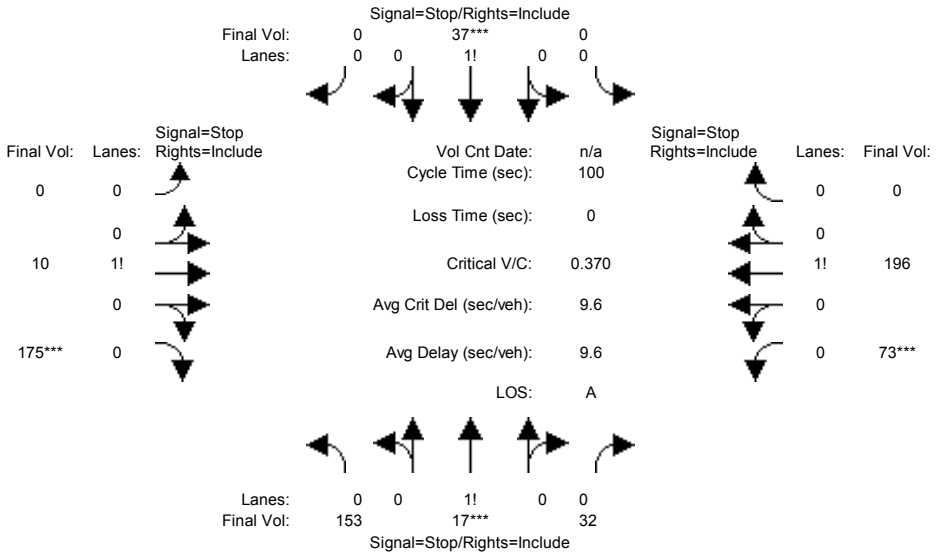
Level Of Service Computation Report
2000 HCM 4-Way Stop (Future Volume Alternative)
AWSC (Cumulative)

Intersection #8: Pulgas Street / Emerson Street [3.35M with Loop PM]



Street Name:	Pulgas Street						Emerson Street					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Volume Module:												
Base Vol:	153	17	32	0	37	0	0	10	175	73	196	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	153	17	32	0	37	0	0	10	175	73	196	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	153	17	32	0	37	0	0	10	175	73	196	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	153	17	32	0	37	0	0	10	175	73	196	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	153	17	32	0	37	0	0	10	175	73	196	0
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	153	17	32	0	37	0	0	10	175	73	196	0
Saturation Flow Module:												
Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.76	0.08	0.16	0.00	1.00	0.00	0.00	0.05	0.95	0.27	0.73	0.00
Final Sat.:	511	57	107	0	627	0	0	43	756	197	530	0
Capacity Analysis Module:												
Vol/Sat:	0.30	0.30	0.30	xxxx	0.06	xxxx	xxxx	0.23	0.23	0.37	0.37	xxxx
Crit Moves:		****			****				****	****		
Delay/Veh:	10.0	10.0	10.0	0.0	8.5	0.0	0.0	8.5	8.5	10.4	10.4	0.0
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	10.0	10.0	10.0	0.0	8.5	0.0	0.0	8.5	8.5	10.4	10.4	0.0
LOS by Move:	A	A	A	*	A	*	*	A	A	B	B	*
ApproachDel:	10.0			8.5			8.5			10.4		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	10.0			8.5			8.5			10.4		
LOS by Appr:	A			A			A			B		
AllWayAvgQ:	0.4	0.4	0.4	0.1	0.1	0.1	0.3	0.3	0.3	0.5	0.5	0.5

Note: Queue reported is the number of cars per lane.

Peak Hour Volume Signal Warrant Report [Urban]

****

Intersection #8 Pulgas Street / Emerson Street

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****

Future Volume Alternative: Peak Hour Warrant NOT Met

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Lanes:	0 0 1!	0	0	0 0 1	0	0	0 0 0	1	0	0 1 0	0	0
Initial Vol:	153	17	32	0	37	0	0	10	175	73	196	0

Major Street Volume: 454
Minor Approach Volume: 202
Minor Approach Volume Threshold: 430

SIGNAL WARRANT DISCLAIMER

This peak hour signal warrant analysis should be considered solely as an "indicator" of the likelihood of an unsignalized intersection warranting a traffic signal in the future. Intersections that exceed this warrant are probably more likely to meet one or more of the other volume based signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace a rigorous and complete traffic signal warrant analysis by the responsible jurisdiction. Consideration of the other signal warrants, which is beyond the scope of this software, may yield different results.

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From: RBD
To: Amber Sharpe
Subject: FW: RBD
Date: Tuesday, September 10, 2024 3:29:00 PM

From: Mark Dinan <[redacted]>
Sent: Tuesday, September 10, 2024 3:07 PM
To: RBD <rbd@cityofepa.org>
Subject: RBD

Hi,

I recommend that the Bay and University land, currently owned by Sand Hill, be removed entirely from the RBD. It has none of the environmental or ingress/egress issues, and is located on two major streets with public transportation available. This development should be considered on its own, and not be lumped in with sites that are directly on the Bay. L.1

--
Mark Dinan
[redacted]

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HARVEST
PROPERTIES

September 10, 2024

Mr. Alvin Jen
Associate Planner
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303

RE: City of East Palo Alto
Ravenswood Business District/4 Corners Specific Plan Update SEIR

Dear Mr. Jen,

We appreciate the opportunity to provide our comments on the Ravenswood Business District/4 Corners Specific Plan ("2024 Draft Specific Plan") Subsequent Environmental Impact Report ("2024 Draft SEIR") for the City of East Palo Alto. We look forward to continued collaboration with the community and City of East Palo Alto as this process continues to move forward.

Below please find our comments on the 2024 Draft SEIR:

- *Executive Summary Table (ES-1) and the Mitigation Monitoring and Reporting Program (MMRP):* Please note that the Executive Summary Table and the Mitigation Monitoring and Reporting Program would benefit from the following recommended changes: M.1
    - Clearer description of all impacts, in terms of being consistently labeled and numbered;
    - Consistency in the identification of impact determinations (i.e., including all less-than-significant-with-mitigation (LTSM) impacts);
    - Clearer identification of all applicable mitigation measures, and whether the mitigation measures from the previous 2013 Specific Plan EIR still apply or if they are universally replaced by the 2024 Draft SEIR. This concern is also applicable to the Ravenswood Business District Specific Plan (2013 Specific Plan or 2024 Draft Specific Plan) references to policies. Furthermore, policies are inconsistently listed. Please ensure that these issues are resolved in the Final SEIR.
    - Identification of the level of impact before mitigation, and the level of impact after mitigation.
- *Transportation:*
    - *Trip Generation:* Please note that on page 334 of the 2024 Draft SEIR, it states that there is 1,267,500 square feet of R&D for Scenario #2, while Table 11 of the TA report assumes 1,167,250 square feet of R&D. If the TA analysis was performed with a lower square footage value for R&D, this may result in an underrepresentation of the number of trips generated for Scenario #2. Please clarify this discrepancy. M.2

- *Freeway Segment Improvements:* Please note that on page 388 of 2024 Draft SEIR, it states that projects shall make a fair share contribution towards VTA and C/CAG freeway projects related to HOV/express lanes and other freeway related improvements. As we have previously stated in our comments related to the 2024 Draft Specific Plan as well as the City's draft Nexus Study, any infrastructure and traffic-related improvements and their associated costs should be reviewed and considered holistically when considering the financial impact and burden on future development projects. This should be included in the Impact Fees. M.2
- *Intersection and Corridor Improvements*: Please note that the Executive Summary of the TA describes the funding responsibilities for the recommended improvements with the City of East Palo Alto, with developers' responsibilities ranging from full responsibility to a fair share contribution. Similar to the Freeway Segment improvements comment above, any infrastructure and traffic-related improvements and their associated costs should be reviewed and considered holistically when considering the financial impact and burden on future development projects, particularly as they relate to the Nexus Study that the City is in the process of preparing. Developers should only be responsible for their fair share and this contribution should be included in the Impact Fees.
- *Intersection at Tara Road and Bay Road*: Please note that on page 376, Table 3.16-6 Intersection #45 (Tara Road and Bay Road), the 2024 Draft SEIR proposes that a single-lane roundabout be constructed to improve the affected intersection, which "would require the adjacent industrial properties to dedicate right-of-way a part of redevelopment." Configuring a roundabout at this intersection may be difficult due to existing buildings and impacting the parking lot for the EPACENTER. In our previous comments on the 2024 Draft Specific Plan, we have pointed out that there is an inconsistency in the 2024 Draft Specific Plan document regarding the need for this Roundabout. Please clarify whether this Roundabout, as described in the 2024 Draft Specific Plan, is needed. M.3

- *Air Quality:*

  Shuttle Program
  - The Air Quality section (page 72) of the 2024 Draft SEIR references the Shuttle Program specifically, using the following language:
    - *"Shuttle Program: The TMA shall fund and operate a shuttle program that connects employees and residents with nearby commercial, transit, and employment centers and provides long haul service to housing and employment centers in other communities."* M.4
  - In the 2024 Draft Specific Plan, Transportation Demand Management (TDM), Section 8.5.4: Shuttle Program Standards (page 268), the Shuttle system is not described as mandatory: *"If the TMA is required (or otherwise decides on its own) to fund and operate a shuttle program for the purposes of reducing trips in the Plan Area, the following standards shall apply.."*
  - Given that the Shuttle is not a mandatory requirement, but rather one of several TDM options described in the 2024 Draft Specific Plan, please revise Section 2.3.6 (Transit Improvements) of the Project Description (2024 Draft SEIR) and Section 8.3.4 (Transit Network) of the 2024 Draft Specific Plan (page 228) to clarify and ensure that there is consistency between the 2024 Draft SEIR and the 2024 Draft Specific Plan, in describing the Shuttle as not a mandatory requirement, but one of several TDM options available in the future to the TMA.

Construction Criteria Pollutant Emissions

- MM AIR-1.1 (page 68) describes a measure related to requiring the provision of line power to a development project site, which may not be commercially available and practicable to proceed and complete construction. A similar mitigation measure was described in MM AIR-4.1 that we would recommend be utilized in lieu of the language from MM AIR-1.1. M.5

- The language of MM AIR-1.1 reads:

  "Construction criteria pollutant and TAC quantification shall be required for individual projects developed under the Specific Plan Update once construction equipment and phasing details are available through modeling to identify impacts and, if necessary, include measures to reduce emissions below the applicable BAAQMD construction thresholds. Reductions in emissions can be accomplished through, not limited to, the following:

  - *(3rd bullet) Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment."*

- We recommend replacing the above language, with the language from MM AIR-4.1 (page 81), which is more reflective of construction conditions in the field.

  "Measures to avoid significant construction health risks impacts that could be included in projects, depending on the results of the project-specific HRAs could include:

  - *(6th bullet) Use portable electrical equipment where commercially available and practicable to complete construction. Construction contractors shall utilize electrical grid power instead of diesel generators when (1) grid power is available at the construction site; (2) when construction of temporary power lines are not necessary in order to provide power to portions of the site distant from existing utility lines; (3) when use of portable extension lines is practicable given construction safety and operational limitations; and (4) when use of electrical grid power does not compromise construction schedules.*

M.5

- *Noise: Traffic Noise*
  - Traffic Noise (page 280, 2024 Draft SEIR): To reduce noise levels on two Bay Road segments, which have sensitive residential receptors along the roadway, certain measures are required which involve installing quieter pavement and reducing average traffic speeds. MMNOI-2.1 states that *"Future development projects under the Specific Plan Update shall pay a fair share contribution toward the City's installation of quieter pavement types..",* and "*Future development projects shall install or pay a fair share contribution toward the City's installation of traffic calming measures along Bay Road (between University Avenue and Pulgas Avenue)..."*
  - Similar to the comment made above regarding traffic improvements, any infrastructure and traffic-related improvements and their associated costs should be reviewed and considered holistically when considering the financial impact and burden on future development projects, particularly as they relate to the Nexus Study that the City is in the process of preparing. Developers should only be responsible for their fair share and this contribution should be included in the Impact Fees.

M.6

We appreciate the opportunity to share our comments on the Draft 2024 SEIR. If you should have any questions regarding the above comments, please do not hesitate to let us know.

Sincerely,

Kim Diamond
Harvest Properties

From: KKLLC Admin
To: RBD
Subject: Ravenswood Business District/4 Corners Specific Plan Update, City of East Palo Alto
Date: Saturday, July 27, 2024 4:00:13 PM

---

miSmin Tuuhis [Good Day]

Kan rakat Kanyon Sayers-Roods. I am writing this on behalf of the Indian Canyon Band of Costanoan Ohlone People as requested, responding to your letter

As this project's Area of Potential Effect (APE) overlaps or is near the management boundary of a potentially eligible cultural site, I am interested in consulting and voicing our concerns. With some instances like this, usually we recommend that a Native American Monitor and an Archaeologist be present on-site at all times during any/all ground disturbing activities. The presence of a Native monitor and archaeologist will help the project minimize potential effects on the cultural site and mitigate inadvertent issues. N.1

Kanyon Konsulting, LLC has numerous Native Monitors available for projects such as this, if applicable, we recommend a Cultural Sensitivity Training at the beginning of each project. This service is offered to aid those involved in the project to become more familiar with the indigenous history of the peoples of this land that is being worked on.

Kanyon Konsulting is a strong proponent of honoring truth in history, when it comes to impacting Cultural Resources and potential ancestral remains, we need to recognise the history of the territory we are impacting. We have seen that projects like these tend to come into an area to consult/mitigate and move on shortly after - barely acknowledging the Cultural Representatives of the territory they steward and are responsible for. Because of these possibilities, we highly recommend that you receive a specialized consultation provided by our company as the project commences, bringing in considerations about the Indigenous peoples and environment of this territory that you work, have settled upon and benefit from. N.2

As previously stated, our goal is to Honor Truth in History. And as such we want to ensure that there is an effort from the project organizer to take strategic steps in ways that #HonorTruthinHistory. This will make all involved aware of the history of the Indigenous communities whom we acknowledge as the first stewards and land managers of these territories. N.3

Potential Approaches to Indigenous Cultural Awareness/History:

Signs or messages to the audience or community of the territory being developed. (ex. A commemorable plaque, page on the website, mural, display, or an Educational/Cultural Center with information about the history/ecology/resources of the land)

N.3

Commitment to consultation with the Native Peoples of the territory in regards to presenting and messaging about the Indigenous history/community of the land (Land Acknowledgement on website, written material about the space/org/building/business/etc, Cultural display of cultural resources/botanical knowledge or Culture sharing of Traditional Ecological Knowledge - Indigenous Science and Technology)
Advocation of supporting indigenous lead movements and efforts. (informing one's audience and/or community about local present Indigenous community)

We look forward to working with you.
Tumsan-ak kannis [Thank You]
Kanyon Sayers-Roods
Consultant / Tribal Monitor [ICMBCO]
Kanyon Konsulting, LLC

--
Kind Regards

Nichole Rhodes
Executive Administrator Kanyon Konsulting LLC
Email: [redacted]

CAUTION: This e-mail originated from outside of the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

From:	Ruby Phillips
To:	Alvin Jen
Subject:	FW: Notice of Availability SEIR - Ravenswood Business District/4 Corners Specific Plan Update, CIty of East Palo Alto
Date:	Friday, July 26, 2024 1:14:25 PM
Attachments:	image001.png Outlook-hempmyby.png

From: Richard Massiatt <[redacted]>
Sent: Friday, July 26, 2024 11:26 AM
To: Ruby Phillips <rphillips@cityofepa.org>
Subject: Re: Notice of Availability SEIR - Ravenswood Business District/4 Corners Specific Plan Update, CIty of East Palo Alto

Hello Ruby,

Thank you for reaching out to Muwekma Ohlone Tribe, Inc., we are interested in your project and would like to have further discussions in assisting you with our services. Please allow this letter serve as an introduction to our tribal administration with regards to future Tribal Consultations as defined under Section 106, CEQA, Assembly Bill (AB) 52, Senate Bill (SB) 18 Consultation, and California Public Resources Code § 21080.3.1. O.1

Should your agency and/or project developers choose to work with our Tribe for monitoring and, if necessary, burial recovery services after reviewing documents our Senior Tribal Archeologist and Ethnohistorian Alan Levanthal will have further discussions with you.

At your request we can email you our services and our Muwekma Rate sheet for your review. Any other future concerns please contact us.

Best regards,

Richard Massiatt
Executive Director
Muwekma Ohlone Tribe of the San Francisco Bay Area
[redacted]

MUWEKMA OHLONE INDIAN TRIBE

OF THE SAN FRANCISCO BAY AREA REGION

'Innu Huššištak Makiš Mak-Muwekma *"The Road To The Future For Our People"*

TRIBAL CHAIRPERSON

CHARLENE NIJMEH

EXECUTIVE DIRECTOR OF CULTURAL RESOURCES/MLD

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TRIBAL COUNCIL

JOANN BROSE
FRANK RUANO
SHEILA SCHMIDT
CAROL SULLIVAN

TRIBAL ARCHAEOLOGIST AND ETHNOHISTORIAN

ALAN LEVENTHAL

August 5, 2024

Alvin Jen, Associate Planner
Ruby Phillips, Secretary II
Community and Economic Development Department
City of East Palo Alto
1960 Tate St., East Palo Alto, CA 94303
Email: ajen@cityofepa.org
Email rphillips@cityofepa.org

Dear Mr. Jen and Ms. Phillips,

Thank you for contacting the Muwekma Ohlone Tribal administration with regards to the preparation of "a Subsequent Environmental Impact Report (SEIR) in accordance with the California Environmental Act (CEQA) for the Ravenswood Business District/4 Corners Specific Plan Update."

In the letter dated July 26, 2024, it states that: "The current Ravenswood Business District /4 Corners Specific Plan, adopted in 2013, serves as a guide for development and redevelopment, including a policy and regulatory framework. The Adopted Plan allows for development of up to 1.268 million square feet of office uses, 351,820 square feet of industrial or research and development uses, 112,400 square feet of retail uses, 61,000 square feet of civic/community uses, and 835 housing units (816 multifamily, 19 single-family)." P.1

This letter further states that: "this SEIR is seeking to analyze the potential environmental impacts of a cumulative amount of development that is greater than the existing Specific Plan. The future exact allocation of that development will be determined by project-specific applications and approvals but will not exceed the total analyzed in this SEIR. The Specific Plan update (under both Project scenarios) also includes comprehensive utility, infrastructure, transportation, and sea level rise improvements."

Based up this information, we gather that it is too premature for either the City or Cultural Resource Management subcontractors to have conducted a archival literature search at the California Historical Resources Information System (CHRIS)/Northwest Information Center at Sonoma State University. Obviously, this should be conducted and included in the EIR in order to see if any of our ancestral heritage sites were previously recorded within the subject property or located within a .25 miles radius of the project area. If one has previously been conducted, then please share those results of that search with our administration.

The subject study area falls with the ethnohistory territories/boundary between the Lamchin and the Puichon Ohlone-speaking tribal groups, which is included in our Tribe's aboriginal territory of the greater San Francisco Bay Area.

Our principal response is that the Muwekma Ohlone Tribal leadership respectfully requests to continually be included in this process by establishing tribal consultation meetings with the administration of the City of East Palo Alto as proscribed under the provisions of the Section 106 of the National Historic Preservation Act (NHPA), National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), California Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014, SB 18, and AB 52 relative to the mitigation of potential adverse impacts to any of our recorded and unrecorded tribal ancestral heritage sites that may exist within any current and/or proposed construction projects located within the greater city limits of the City of East Palo Alto. P.2

As you may already know, our Tribe has been engaged in CRM work since the mid-1980s, and since the 1990s have worked on our ancestral heritage sites including site **CA-SMA-267** located adjacent to **1416 Bay Road** in East Palo Alto where in June 1986 we recovered the remains of an adult male ancestor. Site CA-SMA-267 was named by our Muwekma Ohlone Language Committee ***Loškowiš 'Awweš Táareštak* [White Salt Man Site]** due to the fact that our ancestral remains were covered with a caliche (calcium carbonate) deposit. Furthermore, we named our ancestor ***Loškowiš 'Awweš Táareš*** which literally translates as "**White Salt Man**" aka "**Caliche Man**." Please note that the City of East Palo Alto would **not** provide either funding for analysis of our ancestral remains or a place to rebury him (see attached report). P.3

Our Tribe has also worked on several Stanford University-related projects such as at **CA-SCL-287/CA-SMA-623** site complex which was named by our Tribe ***Yuki Kutsuimi Šaatoš Inū***x [**Sand Hill Road**] Sites, and the **Ronald McDonald House** site **CA-SCL-609** which was named ***Horše 'Iššèete Ruwwatka*** meaning **Place of the Good Health House Site,** as well as several other sites. More recently, we have been involved in the recovery of ancestral remains in the **City of San Mateo** at site **CA-SMA-309** (***Wirak Tayyi Trépam Táareš-tak*** which translates as **Man with the Bird Bone Tubes Site**).

Over these past decades we have co-authored in many published archaeological reports pertaining to our ancestral heritage sites and human remains, including recent burial recovery field work at several sites in the Sunol region under the jurisdiction of the **San Francisco Public Utilities Commission**: **CA-ALA-565** which our Tribe named ***Síi Túupentak*** meaning **Place of the Water Roundhouse Site** and at **CA-ALA-704** ***Rummey Ta Kuccuwiš Tiprectak* (Place of the Stream of the Lagoon Site)**, and with **Caltrans** at **CA-ALA-677** ***'Ayttakiš 'Éete Hiramwiš Trépam-tak* (Place of Woman Sleeping Under the Pipe).** Furthermore, we have also co-authored many journal articles about our ancestral remains, ceremonial grave regalia, AMS dating, Stable Isotope, and modern and aDNA studies (see attached).

Based upon the review of our site sensitivity maps we have not identified any specific ancestral heritage sites within or immediately adjacent to the subject property. However, we are concerned that this very large project area is located near the historic Bayshore where our ancestors established settlements and large cemeteries in the form of what archaeologists have called "Shellmounds." These so-called Shellmounds are in fact territorial markers that also served as large ancestral cemeteries. As a result, we are concerned that previous construction projects within the Ravenswood Business District /4 Corners Specific Plan area was developed prior to CEQA or, if any of our ancestral remains were encountered were never recorded or reported upon, therefore any subsurface excavations should be considered as potentially sensitive and monitored by qualified archaeologists and Muwekma Ohlone monitors. P.4

Brief Background Information:
Muwekma Tribe's Formal Determination of Previous Unambiguous Federal Recognition

Our enrolled Muwekma members are **directly descended** from the aboriginal tribal groups who were missionized into Missions San Francisco, Santa Clara, and San Jose, and our tribal member's genealogy and descendancy was independently verified by the Bureau of Indian Affairs' Office of Federal Acknowledgement in 2002 as part of our petitioning efforts to regain our Tribe's previous federally acknowledged status (under 25 C.F.R. Part 83.8). Furthermore, as the only BIA documented previously Federally Recognized Ohlone Tribe, we, along with our over 600+ BIA documented tribal members claim the greater San Francisco Bay region and surrounding counties, as part of our ancestral and historic homeland. Although, through various marginalizing mechanisms enacted by the Spanish, Mexican and American dominant societies, our ancestors nonetheless, found safe havens on several of our rancherias that were established in the East Bay, where it was one of the few regions where our people were able to work and live mostly unharmed by the newly arrived American colonists.

In 1989 our Tribe sent a letter to the Branch of Acknowledgement and Research in order to have our Acknowledged status restored. After eight years in the petitioning process, and after the submittal of several hundred pages of historic and legal documentation, on May 24, 1996 the Bureau of Indian Affairs' Branch of Acknowledgment and Research (BAR) made a positive determination that: P.5

> Based upon the documentation provided, and the BIA's background study on Federal acknowledgment in California between 1887 and 1933, we have concluded on a preliminary basis that the **Pleasanton** or **Verona Band of Alameda County** was previous acknowledged between 1914 and 1927. The band was among the groups, identified as bands, under the jurisdiction of the Indian agency at Sacramento, California. The agency dealt with the Verona Band as a group and identified it as a distinct social and political entity.

On December 8, 1999, the Muwekma Tribal Council and its legal consultants filed a law suit against the Interior Department/BIA – naming DOI Secretary Bruce Babbitt and AS-IA Kevin Gover over the fact the Muwekma as a previously Federally recognized tribe should not have to wait 24 or more years to complete our reaffirmation process.

In 2000 – D.C. District Court Justice Ricardo Urbina wrote in his **Introduction of his Memorandum Opinion Granting the Plaintiff's Motion to Amend the Court's Order** (July 28, 2000) and **Memorandum Order Denying the Defendants' to Alter or Amend the Court's Orders** (June 11, 2002) that:

> The Muwekma Tribe is a tribe of Ohlone Indians indigenous to the present-day San Francisco Bay area. In the early part of the Twentieth Century, the Department of the Interior ("DOI") recognized the Muwekma tribe as an Indian tribe under the jurisdiction of the United States." (Civil Case No. 99-3261 RMU D.D.C.)

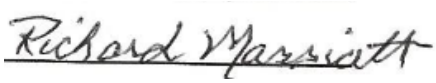
Our families were identified and listed on the two 1900 Federal Indian Censuses for Pleasanton and Niles; Special Indian Agent Charles E. Kelsey's Census of 1905-1906; 1910 Federal Indian Census of Indian Town; the 1910 and 1913 Indian Rancheria maps prepared by Kelsey for the Department of Interior and Congress; 1914, 1923 and 1927 Superintendent reports; 1928-1932 BIA enrollment under the 1928 California Indian Jurisdictional Act; attendance at Indian Boarding Schools in the 1930s and 1940s; enrollment with the 2nd BIA enrollment period (1950-1957); enrollment with the 3rd BIA enrollment period (1968-1971); as Ohlone members and contacts for protecting our Ohlone Indian Cemetery associated with Mission San Jose (1962-1971); and other historic documents and newspapers.

In conclusion, we are formally requesting tribal consultation under Senate Bill 18 (Government Codes §65352.3 and §65352.4) and Assembly Bill 52 (Public Resources Codes §21080.3.1 & §21080.3.2). Muwekma Tribal Councilman and Executive Director for Tribal Cultural Resources will be you main contact person for Tribal Consultation along with Tribal Chairwoman Charlene Nijmeh and Alan Leventhal, Tribal Archaeologist. Furthermore, should the City and/or your Cultural Resource Management contractors choose to work with our Tribe for monitoring and, if necessary, burial recovery services we will make ourselves available for this project. P.6

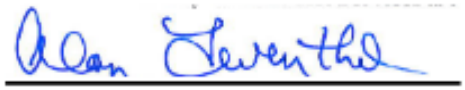
We are attaching related historic and legal documents and examples of our previous ancestral heritage recovery work for your review and consideration. and look forward in working closely with you and your team on this (if necessary) and any future related projects within our ethnohistoric homeland within the City of East Palo Alto.

Sincerely,

Charlene Nijmeh, Chairwoman, Muwekma Ohlone Tribe



Richard Massiatt, Executive Director CRM and MLD Muwekma Ohlone Tribe



Alan Leventhal, Muwekma Ohlone Tribal Archaeologist

Cc: Muwekma Tribal Council
Cultural Resources File:
City of East Palo Alto Ravenswood Business Specific Plan Project
Attachments

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Sacramento Area Office
2800 Cottage Way
Sacramento, California 95825

IN REPLY REFER TO:

TAKE PRIDE IN AMERICA

Ms. Dena Magdaleno
Post Office Box 56
Burnt Ranch, CA 95527

JAN 2 3 1998

Dear Ms. Magdeleno:

This is to acknowledge receipt of your letter dated December 16, 1997 and received in this office on December 22, 1997. Please accept our apologies for the delay in responding.

At your request, I am writing a letter of support for the Tsnungwe Council and the Muwekma Ohlone Tribe in their bid for Federal recognition. First let me state that the Bureau of Indian Affairs, Sacramento Area Office, is painfully conscious of the fact that California Indian tribes and their individual members have suffered numerous atrocities and inequities from the dominant culture through the hands of the United States Government and the State of California. To this day, those tribes who are fortunate to have Federal recognition status continue to suffer inequities in their share of Federal funds compared to funds received by similar tribes in other states. To that end, this office fully supports efforts by Indian groups such as the Tsnungwe Council and the Muwekma Ohlone Tribe in their bids for Federal recognition status.

Along with your request regarding the Tsnungwe Council, you provided a letter signed by the Acting Director, Office of Tribal Services, which acknowledged that you had established evidence that your ancestors were considered as parties to the 1864 Treaty. We concur with the Central Office of this finding and will support your bid for Federal recognition. I believe the Assistant Secretary - Indian Affairs has the administrative authority to reaffirm Federal status to your tribe.

Although the Central Office has noted that the 1851 Treaty did not provide conclusive evidence that the treaty did not establish clear evidence of Federal recognition of your ancestors, I am fully supportive of your efforts to establish "unambiguous" Federal recognition of your ancestoral group as a tribal entity.

The Bureau of Indian Affairs, Sacramento Area Office, is ready to assist the Tsnungwe Council and the Muwekma Ohlone Tribe in seeking administrative Federal recognition on the basis your tribes were never terminated.

Sincerely,

Acting Area Director

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MUWEKMA OHLONE TRIBE, Plaintiff, v. DIRK KEMPTHORNE,[1] Secretary of the Interior, et al., Defendants.	)	Civil Action No. 03-1231(RBW)

MEMORANDUM OPINION

The Muwekma Ohlone Tribe ("Muwekma," "the Tribe," or "the plaintiff")[2] brings this action under the United States Constitution and the Administrative Procedure Act ("APA"), 5 U.S.C. §§ 554, 701-706 (2000), seeking review of the "Final Determination Against Federal Acknowledgment of the Muwekma Ohlone Tribe" ("Final Determination"), 67 Fed. Reg. 58,631 (2002), issued by the Department of the Interior ("DOI" or "the Department"),[3] which declined to

[1] Pursuant to Federal Rule of Civil Procedure 25(d)(1), the Court has substituted the Secretary of the Interior, Dirk Kempthorne, for the former Secretary, Gale Norton, as a defendant in this action.

[2] As a matter of convenience, and in accordance with both parties' pleadings, the Court will at times throughout this Opinion refer to the plaintiff as "the Tribe." See Complaint ¶ 1; Answer at 2 n.2. The Court notes, however, that the plaintiff's status as a Native American tribe within the meaning of the federal acknowledgment criteria is the primary point of contention in this litigation. See Morton v. Mancari, 417 U.S. 535, 553 & n.24 (1974) (stating that for the purposes of federal recognition tribal status is a political rather than racial classification). Accordingly, the Court's reference to the plaintiff as "the Tribe" is not intended to suggest that the plaintiff is, or should be, entitled to federal tribal recognition.

[3] The named defendants are (1) Gale Norton, in her official capacity as the Secretary of the Interior ("Secretary"); (2) Aurene Martin, in her capacity as the Acting Assistant Secretary for Indian Affairs; and (3) the Department of the Interior (collectively "the defendants"). As noted supra, Dirk Kempthorne has been substituted for Gale Norton pursuant to Rule 25(d)(1). In addition, Aurene Martin is no longer the Acting Assistant Secretary for Indian Affairs, and the position is currently vacant.

grant federal recognition to Muwekma as a Native American tribe pursuant to the acknowledgment criteria of 25 C.F.R. § 83 (2006) ("Part 83"). Complaint ("Compl:") ¶ 1. Specifically, Muwekma contends, inter alia, that the Department violated the Equal Protection Clause and the APA by requiring it to undergo the Part 83 acknowledgment procedures while allowing similarly situated tribal petitioners to bypass these procedures altogether. Compl. ¶¶ 37-39; Points and Authorities in Support of Plaintiff's Motion for Summary Judgment ("Pl.'s Mem.") at 22-30. Currently before the Court are the parties' cross-motions for summary judgment.[4] For the reasons set forth below, the Court denies both parties' motions without prejudice and directs the Department to supplement the administrative record.

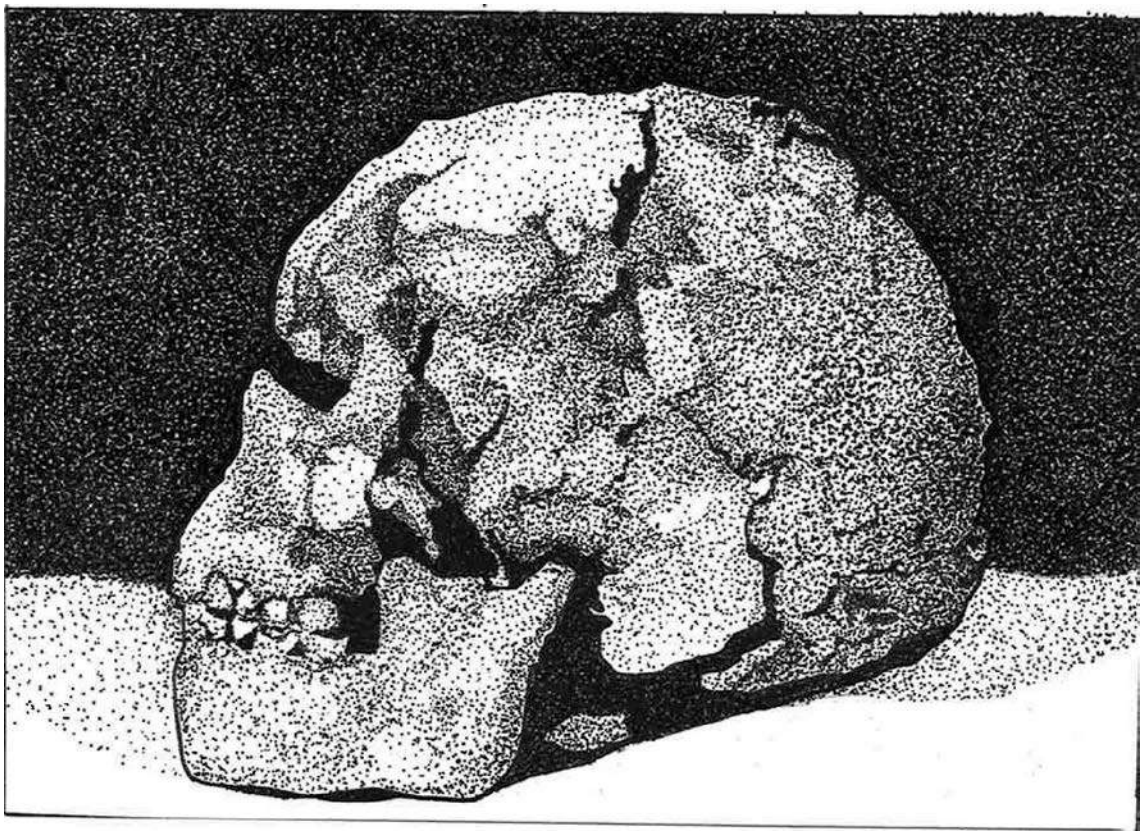
I. Background

The following facts are not in dispute. Muwekma is a group of American Indians indigenous to the San Francisco Bay area, the members of which are direct descendants of the historical Mission San Jose Tribe, also known as the Pleasanton or Verona Band of Alameda County ("the Verona Band"). Pl.'s Mem. at 4; Defs.' Mem. at 5; Answer at 6. From 1914 to 1927, the Verona Band was recognized by the federal government as an Indian tribe. Pl.'s Mem. at 4-5; Defs.' Mem. at 5; Answer at 12-13. Neither Congress nor any executive agency ever formally withdrew federal recognition of the Verona Band. Pl.'s Mem. at 5; Answer at 14.

---

[4] The following papers have been submitted in connection with these motions: (1) Points and Authorities in Support of Plaintiff's Motion for Summary Judgment ("Pl.'s Mem."); (2) Memorandum in Support of Defendants' Cross-Motion for Summary Judgment and Response in Opposition to Plaintiffs' Motion for Summary Judgment ("Defs.' Mem."); (3) Reply Brief in Support of Plaintiff's Motion for Summary Judgment and Opposing Defendants' Motion for Summary Judgment ("Pl.'s Opp."); (4) Reply Memorandum in Support of Defendants' Cross-Motion for Summary Judgment ("Defs.' Reply"); (5) Plaintiff's Notice of Supplemental Authority ("Pl.'s Not."); (6) Defendants' Response to Plaintiff's Filing of Supplemental Authority ("Defs.' Resp."); (7) Plaintiff's Second Notice of Supplemental Authority ("Pl.'s Second Not."); (8) Defendants' Response to Plaintiff's Second Notice of Supplemental Authority ("Defs.' Second Resp."); and (9) Plaintiff's Reply in Support of Second Notice of Supplemental Authority ("Pl.'s Reply to Second Resp.").

Final Report on the Burial and Archaeological Data Recovery Program Conducted on a Portion of an Early Bay Period Ohlone Indian Cemetery, Loškowiš ’Awweš Táareštak [White Salt Man Site] (CA-SMA-267) Located at 1416 Bay Road, East Palo Alto, San Mateo County, California



Report Prepared for
Sanitation District, City of East Palo Alto

Prepared by:
Alan Leventhal, **Emily McDaniel, Diane DiGiuseppe**, **Melynda Atwood**, **David Grant**, **Colin Jaramillo**
Rosemary Cambra, Monica V. Arellano, **Sheila Guzman-Schmidt**, **Gloria E. Gomez**, and **Norma Sanchez,**

Muwekma Ohlone Tribe of the San Francisco Bay Area
Ohlone Families Consulting Services

With Contributions by
Dr. Eric Bartelink, Department of Anthropology, California State University, Chico
Orhan Kaya, Archaeological Illustrator

September 2014

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The team who conducted the analysis of the **Loškowiš 'Awweš Táareš [White Salt Man] Burial** and associated grave artifacts were Rosemary Cambra, Emily McDaniel, Diane DiGiuseppe, Dave Grant, Melynda Atwood, Colin Jaramillo and Alan Leventhal. Dr. Eric Bartelink, Department of Anthropology, California State University at Chico conducted the study on the Paleodietary Analysis based on the results from the Stable Isotope study. The NSF-Arizona AMS Facility at the University of Arizona, Tucson, conducted the AMS dating of the burial. Archaeological illustrator, Orhan Kaya, drew the sketch of the **Loškowiš 'Awweš Táareš [White Salt Man] Burial** that appears on the cover of this report.

Alan Leventhal and Rosemary Cambra report on the results of AMS dating of the burial. The Muwekma Tribal Council and Language Committee members Monica V. Arellano, Rosemary Cambra, Sheila Guzman Schmidt and Gloria Arellano Gomez along with Alan Leventhal wrote the Ethnohistory section.

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Because funding from the East Palo Alto Sanitation District was restricted to only the burial recovery program, the skeletal analysis, Stable Isotope analysis and report writing, was conducted by OFCS staff and colleagues as a volunteer effort to produce this Final Archaeological Report.

We also want to offer acknowledgement to the enrolled members and elders of the Muwekma Ohlone Tribe for their support on this as well as other projects addressing their ancestral heritage sites.

We also want to dedicate this report to the memory of those Muwekma who had survived into the 20th Century and became the **Federally Recognized Verona Band of Alameda County**. Without them we would not have life today and continue the struggle to obtain justice for our people.

It is our hope that this report provides scientific, historical, cultural and educational information about our Tribe's history and heritage and dispels many of the myths about our people.

Aho

A **Reburial Honoring Ceremony** could not be conducted due to the fact that to date no area has been provided for reburial within the City of East Palo Alto. Should a suitable area be identified close to the original cemetery, then a Reburial Honoring Ceremony will be held by the Muwekma Ohlone tribal leadership.

DEDICATION OF THIS REPORT

In Loving Memory
Of Muwekma Tribal Elder
Jenny A. Mora Galvan
February 8, 1936 – February 26, 2014

Figure TOC-1: Jenny A. Mora Galvan

It is with great sadness that we announce the passing of Jenny A. Mora Galvan, Muwekma Ohlone Tribal Elder - *Muwékma Miččiš*. Jenny Galvan passed away peacefully on February 26, 2014 at the age of 78.

Born in Oakland on February 8, 1936, Jenny was a middle daughter of Muwekma Elder Mary Muñoz and Jose Mora. Her older and younger brothers and sisters include Joseph Mora, Lupe Mora Massiatt, Margaret Mora, Alice Mora, Frances Mora Smith, Virginia Mora Massiet, Louis E. Medina, Edward Medina and Jesse Ramos. Jenny had married Muwekma Elder Benjamin Michael F. Galvan (Ben) in the early 1950s and they lived in the Oakland area. Her five children are Theresa A. Laudani, Katherine J. Galvan, Ramona Robins, Michael F. Galvan Jr., and Albert B. Galvan.

When Jenny was growing up in the 1940s, she remembered visiting many of her Ohlone relations, including spending time with Madrina Maggie Piños Juarez in Newark. She also remembered going to Niles along Alameda Creek and playing in the water with other family and tribal members.

During the early 1960s, the Ohlone families gathered and worked under the principal efforts of their great-aunt Dolores Marine Alvarez Piscopo Galvan and Ben's sister, Dottie Galvan Lameira, in order to protect the tribe's Ohlone Indian Cemetery in Fremont from destruction. Jenny, her mom Mary Muñoz, and her extended family attended various meetings and barbecues that were held near Mission San Jose. She also worked cleaning up and weeding the cemetery. Jenny was also listed as a Member of the "Ohlone Chapter" of the "American Indian Historical Society" at both San Francisco and Mission San Jose.

By 1984, the Muwekma Ohlone Tribal leadership formed a formal Tribal government in order to articulate with Federal, State and local agencies about legal and cultural issues confronting the disenfranchised Muwekma Ohlone Tribal community. A few years later, Jenny's son, Albert Galvan joined the Muwekma Tribal Council. As the Tribal Council developed policies and political strategies to deal with legal issues, Jenny and her family had been introduced to the effort by the Tribe to obtain Federal Recognition from the U.S. Government. Jenny's niece JoAnn Brose and nephew Richard Massiatt are presently serving as Tribal Council members, while her older sister Lupe Mora Massiatt was on the Elders Council.

By the time the Tribe sent in its Letter of Intent to petition the Federal Government for Acknowledgement in 1989, Jenny's family got involved with both archaeological issues and the Tribe's efforts to attain Federal Recognition. Jenny participated as a Tribal Elder at Tribal Council meetings; Tribal sponsored events and educational workshops. During the Tribe's response to the BIA's negative proposed finding, Jenny's mother along with several of Jenny's siblings provided critical oral histories that helped reverse some of the negative findings and disprove some of the negative assumptions that the BIA had previously determined about the continuous existence of the Muwekma Ohlone Tribe.

Jenny Galvan, following in the footsteps of her mother Mary Muñoz Mora, continued to serve as a cultural bridge between two worlds – the post-transitional world of the neglected Federally Recognized Verona Band of Alameda County – to the incipient Ohlone Indian Tribe, Incorporated to which her husband Benjamin Galvan became the president of in 1971 – and the revitalized and organized Muwekma Ohlone Tribe to which she was indeed a Tribal Elder of distinction. Soft spoken, loving and caring mother, grandmother and great-grandmother she fully knew and understood her Ohlone Indian identity.

Jenny lived to see a potentially bright future for all of the Muwekma Ohlone families. She also saw history being made when the title of the Ohlone Indian Cemetery in Fremont passed from the Catholic Church to the American Indian Historical Society and then to her husband's family whom made up the Board of Directors of Ohlone Indian Tribe, Inc. Jenny lived to see the Muwekma obtain a formal determination by the BIA of previous unambiguous Federal Recognition, a successful lawsuit against the Department of the Interior, and a positive determination that 100% of the enrolled membership is directly descended from members of the previously recognized Verona Band, which was also determined to be a historic tribe. Jenny also lived to see U.S. District Judge, Ricardo Urbina state:

> "The Muwekma Tribe is a tribe of Ohlone Indians indigenous to the present-day San Francisco Bay area. In the early part of the Twentieth Century, the

> Department of the Interior ("DOI") recognized the Muwekma tribe as an Indian tribe under the jurisdiction of the United States."

Jenny represented the sixth generation of a line of Ohlone Indian women whose lives were disrupted by the expanding Hispanic Empire and the American Conquest of California. All of Jenny's maternal Ohlone ancestors were missionized into the Mission San Jose. Jenny's lineage is descended from her great-great-great-grandmother Efrena Quennatole who was born in 1797 and was of the Karkin Ohlone/Napian Tribe of the North Bay and her great-great-great-grandfather, Liberato Culpecse who was born in 1787 and baptized at Mission Dolores and who was of the Jalquin/Saclan Tribes of the East Bay. She was further descended from Liberato's parents Faustino Poylemja who was born around 1764 from the Saclan Tribe (Walnut Creek/Concord/Lafayette area) and Obdulia Jobocme who was born around 1766 from the Jalquin Tribe from the greater San Lorenzo/San Leandro/Hayward region.

Efrena and Liberato's daughter was Maria Efrena Yakilamne. She was born in 1832 and was baptized at Mission San Jose and buried at the Ohlone Cemetery. Maria Efrena married Panfilo Yakilamne (Ilamne Tribe) and their daughter was Avelina Cornates. Avelina was born in 1863. Avelina was baptized in 1864 at Mission San Jose and she died in 1904 and was buried at the Ohlone Cemetery. Avelina had married Rafael Marine and one of their daughters was Victoria Marine who was born on May 9, 1897 on the Pleasanton (Alisal) Rancheria and was baptized at Mission San Jose and also buried at the Ohlone Cemetery in 1922 at the young age of 25. Victoria had married John Muñoz and they had two surviving children, Mary who was born in 1910 and Flora who was born in 1917.

Following in the footsteps of her mother Mary Muñoz, grandmother Victoria Marine, great-grandmother Avelina Cornates, great-great grandmother Maria Efrena, great-great-great grandmother Efrena Quennatole and her female Ohlone ancestors, Jenny carried herself with a quiet dignity and an upbeat and loving personality.

She is survived by her children, grandchildren, and great-grandchildren, and by her relations of the Marine lineage and Tribal members of the other lineages enrolled in the Muwekma Ohlone Tribe.

Jenny's Ohlone Tribal ancestors and families have been waiting since 1906 for their rights to be recognized and honored by the United States Government. Jenny had been waiting her entire 78-year life span for full Federal rights to be accorded to her Tribe. In her own quiet way, Jenny had made major contributions towards the reaffirmation of the Muwekma Ohlone Tribe and she leaves that legacy for the future generations of the Tribe.

Jenny passed away within her Tribal ancestral territory. Go with peace and join your sisters, brothers, cousins, aunts, uncles, relations and ancestors and know that you made this world a better place for your Tribe.

'Útaspu Méene Jenny - *Mak 'Aččo, Mak Suyya, Mak Miččiš. Hemmen Heyešmin Meene Hišmet.*
Good Bye Jenny - Our Friend, Our Relation, Our Elder. May The Great Creator Bless You.
Aho!

Jenny Galvan's Family Tree
Mission San Jose and Mission Dolores Records

California Indians
Ohlone Indian (East Bay)
Plains Miwok (Sacramento Delta)

Figure TOC-2: Jenny Mora Galvan's Ohlone Indian Genealogy

The authors would also like to dedicate this report to all of the Ohlone men, women and children who had perished as a result of the impacts of the European and American colonial systems the majority of whom have remained faceless and nameless. No monument yet stands to honor these aboriginal peoples who have resided in this area of California over the past 10,000 years. Aho!

Figure TOC-3: Ohlone Dancer (artist unknown)

Figure TOC-4: Indian Dancers at Mission Dolores in 1816 (Louis Choris artist)

Final Report on the Burial and Archaeological Data Recovery Program Conducted Within a Portion of an Early Bay Period Site: Loškowiš 'Awweš Táareštak [White Salt Man Site] (CA-SMA-267)

Chapter 1:
Alan Leventhal, Diane DiGiuseppe, Rosemary Cambra, and Norma Sanchez

INTRODUCTION: PROJECT OVERVIEW

This report presents the results of the burial and archaeological data recovery program conducted within a portion of an **Early Bay Period Site** located on Bay Road, City of East Palo Alto, San Mateo County, California (**Maps 1-1** and **1-2**). The burial locus is approximately 140 feet west of the intersection of Bay Road and Glen Avenue in front of the 1416 Bay Road residence (**Figure 1-1**). The owner of the residence at the time of the discovery was Ms. Mildred Simon.

The recovered burial was inadvertently discovered on June 12, 1986 during backhoe trenching operations conducted by the Sanitation District. A repair backhoe trench was excavated in front of the 1416 Bay Road residence driveway in order to locate a break and leak in the sewer line. Earlier in the year the street had been under construction where a crew excavated a trench in nearly the same location in order to lay down underground utility telephone lines.

The recent sewer line trench that was excavated by the Sanitation District had exposed some underground cables and portions of an ancestral Muwekma Ohlone primary inhumation. The East Palo Alto Police department was notified and they in turn contacted the San Mateo County Coroner's Office. Assessing that the bones were of Native American origin and older than 100 years, a physical anthropologist Mr. Chuck Cecil was called in to verify their antiquity. As a result, the San Mateo County Coroner's Office then contacted the State of California's Native American Heritage Commission (NAHC) in Sacramento who then notified the Most Likely Descendant tribal group as prescribed under SB 297 and Public Resources Code 5097.98.

On June 13, 1986, the NAHC contact Mrs. Rosemary Cambra, Chairwoman of the Muwekma Ohlone Tribe of the San Francisco Bay Area to serve as the Most Likely Descendant (MLD) and the legal representative for the Most Likely Descendant tribal group. Chairwoman Cambra went out to inspect the discovery site and met with Mr. Wobogo who was then the Manager of the East Palo Alto Sanitary District. After some deliberations it became clear that the trenching needed to be completed in order to address the break and stop the leak in the sewer line. Chairwoman Cambra then formally recommended to the Sanitation District that a several phased mitigation Burial and Archaeological Data recovery program be implemented through the Muwekma Ohlone Tribe's Cultural Resources Management (CRM) firm Ohlone Families Consulting Services (OFCS). As a result the Sanitation Agency then entered into a contractual agreement with OFCS for purposes of mitigating the adverse impacts to the Tribe's ancestral human remains. The site was formally recorded on June 16, 1986 and the East Palo Alto Sanitary District (EPASD) Board of Directors held a meeting on June 19, 1986 to consider payment to OFCS for the field recovery program, analysis and final report (**Appendix A**).. The EPASD voted only to pay for the burial recovery and decided not to fund any analysis or report writing under CEQA. The EPASD also would not provide any alternative reburial location.

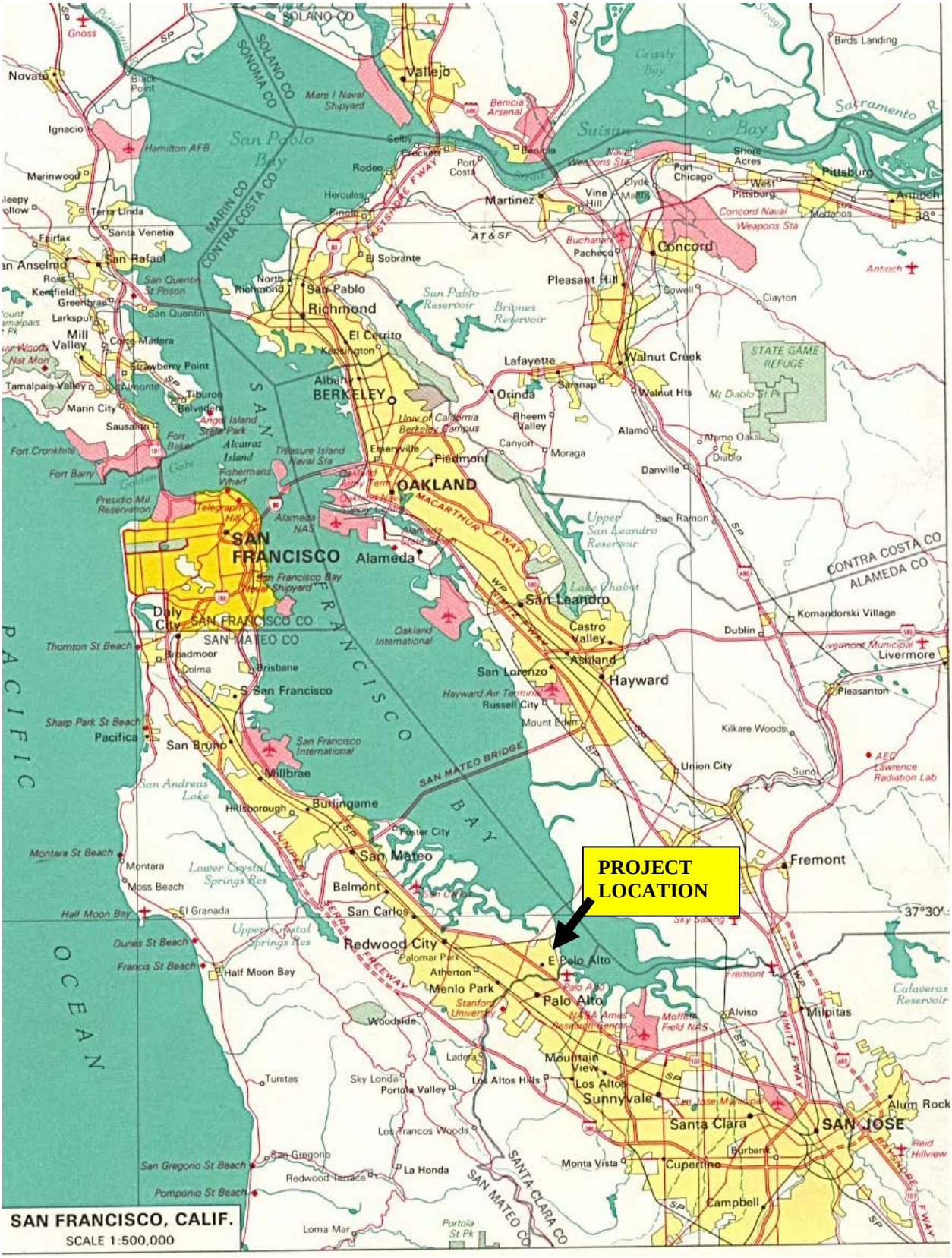
PROJECT LOCATION

CA-SMA-267 is located within T. 5S, R. 3W, within the unsectioned lands of the northeast portion of the Palo Alto 7.5' Quadrangle (PR 1968), UTM Zone 10S, 575,715.40 mE/ 4,147,483.07 mN (based on Google Earth Map) at 23' Above Mean Sea Level. The present closest fresh water drainage of San Francisquito Creek is located ¾ of a mile south of the site. Three major ancestral Ohlone cemetery sites are also located nearby. CA-SMA-77 (University Village) is located approximately 0.5 miles to the northeast of the site. The Hiller Mound (CA-SMA-160) is located approximately 0.6 miles north/northwest of CA-SMA-267. The Stanford Man I and Stanford Man II localities (CA-SCL-33) are located approximately 2.6 miles to the southwest beside the San Francisquito Creek drainage along with a cluster of other sites: CA-SCL-265, CA-SCL-269, CA-SCL-464, CA-SCL-609, CA-SCL-613, and CA-SCL-623 which are all located 2.5 to 3.0 miles to the southwest of CA-SCL-267. Additionally, CA-SCL-287 and CA-SMA-263 which is actually a single site is located approximately 3.8 miles to the southwest. (**Map 1-2)**.

OVERVIEW OF THE BURIAL AND ARCHAEOLOGICAL DATA RECOVERY MITIGATION PROGRAM

As stated above, the Burial and Archaeological Data Recovery Program was conducted by the Muwekma Ohlone Tribe's CRM firm, Ohlone Families Consulting Services (OFCS) on behalf of the Sanitation District, City of East Palo Alto. A several-phased excavation and recovery program was initiated by the OFCS field crew on June 14 and June 15, 1986 which included:

1) Review and assess the human remains discovered by Sanitation District construction crew on June 12, 1986 in order to assess the minimum number of individuals present and any remaining skeletal elements left in the trench at the 1416 Bay Road residence;
2) Conduct a hand excavation, burial recovery, that included documentation, and photography of the remaining *in-situ* skeletal elements from within the sewer line trench;
3) Conduct a screening recovery program of the excavation backdirt soils from the sewer line trench and recover any dislocated skeletal elements, faunal remains and artifacts;
4) Document, describe and draw soil profiles within the excavation unit and trench;
5) Conduct a complete skeletal inventory of the human skeletal remains, including age and sex of the individual, and identify any pathologies;
6) Catalog all associated artifacts and identify all faunal and shell fish remains;
7) Conduct radiocarbon dating on either suitable charcoal or if necessary, with permission from the Muwekma Tribal leadership on the human remains;
8) At a later date and with permission from the Muwekma Tribal leadership, sample and report upon the results of stable isotope and ancient DNA studies;
9) Write a final archaeological report on analysis of human remains and associated artifacts and ecofacts from CA-SMA-267;
10) Conduct an archival literature search and record the site with the Archaeological Northwest Information Center at Sonoma State University



Map 1-1: San Francisco Bay Area and Project Location

Map 1-2: Location of Site CA-SMA-267 and Other Nearby Sites [Palo Alto 7.5' Quad PR 1968]

Figure 1-1: Google Earth Location of Site CA-SMA-267 at 1416 Bay Road, East Palo Alto

ENVIRONMENTAL INFORMATION

During the implementation of the Burial and Archaeological Data Recovery Program, a member of the East Palo Alto Water Board provided the OFCS field crew with a copy of an **1857 U.S. Coast Survey San Francisco Bay Map** (see **Maps 1-3** [upper] and **1-4** [lower] below). This particular map provides an environmental "snapshot" of the sloughs, marshlands, wetlands and partially developed roads and settlements in the area where the City of East Palo Alto now stands. The approximate locations of sites CA-SMA-267 and CA-SMA-77 (University Village) were plotted onto this map and it appears that they were located within the lands that comprised the historic town of **Ravenswood** (see below).

In 2007 R. Scott Baxter, Rebecca Allen and Mark G. Hylkema prepared a cultural resources management inventory and assessment report for Kleinfelder, Inc. who in turn was conducting an Environmental Impact Report (EIR) for the City of East Palo Alto's proposed **Cooley Landing Park** which is located approximately 1 mile to the east of site CA-SMA-267. In that report Mark Hylkema wrote an excellent background discussion on the "Native Landscape" and environmental information reflecting late 18th century European contact period:

"The Native Landscape

The diverse ecological characteristics of the south Bay and northern Santa Clara Valley region supported large populations of people who established their residential communities among three principal environmental zones. These zones included tidal marshland, grassland prairie, and oak woodland habitats. Riparian corridors meandered through the various ecological communities and enhanced what was an exceptionally productive environment.

Tidal Marshlands

The protected waters of the San Francisco Bay estuary provided habitat for a variety of fish, birds and sea mammals that the ancestral Ohlone procured through the use of tule balsa boats (Santa Maria [1775] 1971; Vancouver 1798:Vol. 2:23; Harrington 1942; Heizer and Massey 1953:285-312). An extensive network of sloughs and tidal mudflats characterized the southern San Francisco Bay where it intruded into the northern Santa Clara Valley. Freshwater from a multitude of rivers, streams, and rivulets met with saltwater creating what was formerly a vast, brackish tidal marshland. The marshland provided resources such as salt, waterfowl, eggs, meats, and tule reeds. Elk waded among the vast thickets of reeds that ringed the marshlands and interior fresh water marshes, while the reeds themselves were used for building structures, boats, rope, duck decoys, basketry, clothing, and matting (Harrington 1942). Pollen and roots from tule reeds were converted into food (Bocek 1984:240-245). The Ohlone instructed the priests at Mission San Jose how to gather salt from the south Bay marshlands (Sandoval 1988:4-5).

Shore birds including gulls, pelicans, cormorants, rails, egrets, great blue herons, and many others populated the Bay marshlands along with great numbers of migratory ducks and geese (Schoenherr 1992). Waterfowl were obtained through the use of decoys and nets (Crespi in Brown 1974:15).

"At low tide, the mud flats were teaming with shorebirds dining on snails, crabs, and other invertebrates. Within the sloughs, leopard sharks (*Triakis semifasciata*), Pacific herring (*Clupea harengus*), Pacific sardine (*Sardinops sagax*), sturgeon (*Acipenser sp.*) bat rays (*Myliobatus californica*), and a host of other estuarine fish formed a productive biological zone. Sea otters, sea lions, and harbor seals subsisted on the abundant fish and in turn became prey to the ancestral Ohlone. One historic account in 1877 recalled that the bay shore down to the Guadalupe River "seemed covered with black sheets" because of the dense numbers of sea otters (Brown 2005:12).

The California horn snail (*Cerithidea californica*) was particularly abundant and its presence along with bay mussel (*Mytilus edulis*), oyster (*Ostrea lurida*), and clams (*Macoma nasuta* and *Tivela stultorum*) at local prehistoric sites attests to the importance of this habitat for food (Gerow and Force 1968; Cartier et al. 1993:168-171).

Numerous archaeological sites cluster along the south Bay tidal marsh. Residential use over time has resulted in great accumulations of soil and dietary shell, which created topographic high points, or mounds. One of the earlier dated south bay tidal marsh sites, located in close proximity to the project location, was [CA-] SMA-77 (also known as the University Village site). … .

Valley Grassland and Oak Woodlands

Grassland prairie formerly surrounded the perimeter of the Bay marshland. A range of plant species within this zone provided food for the local inhabitants and browse for the game that they hunted. Large earthen mounds, both natural and anthropogenic (Leventhal 1993; Lightfoot 1997:129-141), provided dry ground during the winter when high tides, stream overflow, and ground saturation created a network of mires and vernal pools (Bolton 1933:353). Dense thickets of willows grew along the margin between the tidal marsh and grasslands where fresh water streams became lost in a maze of sloughs (Mayfield 1978:32; Brown 1974:35). Spanish explorers frequently commented on the seasonal wetlands of Santa Clara Valley and the difficulty they had crossing them (Bolton 1926:3:263; Bolton 1933:353-355; Stanger and Brown 1969:106).

The soil was black in color, and grasses were burned in late summer to increase seed productivity (Fages 1937; Mayfield 1978:84-94). Lewis (1973) has noted that aboriginal landscape management techniques utilizing fire enhanced grass seed harvests and improved the browse available for elk, deer, and pronghorn. Large herds of elk and pronghorn once existed on the Santa Clara Valley plains (Fages 1937) and wolves and coyotes were also present (Mayfield 1978:66).

The elevation of the grassland prairie zone rises progressively at greater distances from the Bay and vegetation communities graded into a wooded savanna setting that consisted of widely spaced, tall broad-leafed deciduous oak, laurel, and madrone trees, with an understory of bunch grasses, forbes and shrubs (Kuchler 1977). This community gave way to an extensive thicket of mixed hardwood, greasewood, toyon, chemise, and coyote brush that formed a belt along the lower foothills of Santa Clara Valley (Bolton 1926:3:263; 1930:1:410).

The valley oak woodland zone was particularly suitable for the development of an acorn dependent economy and the majority of sites recorded in the south Bay region occur here. The use of acorns as a dietary staple and various archaeological implications has been extensively described in the ethnographic literature (Gifford in Heizer and Whipple, 1971:301-305; Basgall 1987:21-52). The valley oak savanna was burned annually after the acorn harvest to prevent the accumulation of excessive wood fuel that would

otherwise burn too hot and destroy the acorn producing oaks. Burning had the added benefit of removing the lower shoots from the oaks thereby encouraging the tree to produce more acorns (Lewis 1973:19). European visitors commented on the "park like" appearance of the Santa Clara Valley and the presence of many extraordinarily large oak trees (Bolton 1926:423; Vancouver in Mayfield 1978:132).'

Riparian Corridors

In the south Bay, numerous creeks and rivers cross through various ecological zones and have developed distinctive corridors of riparian habitat. Silt deposits from episodic stream overflow along the banks of the meandering streams of Santa Clara Valley created topographic high points that were attractive to prehistoric settlement. Schoenherr (1992:153) has summarized the biological qualities of riparian corridors and noted that they create an ecotonal edge effect in which the density and diversity of species are greater than in any other community in California. The characteristics of a given ecotonal edge changed as drainages cut across various environmental zones.

Larger creeks and rivers supported populations of Pacific pond turtles (*Clemmys marmorata*), brackish water crabs (*Rhithropanopeus harrisi*), fresh water clams and mussels (*Anodonta nuttalliana* and *Margaritifera margaritifera*) and, during the first seasonal rains, spawning runs of anadromous steelhead, or rainbow trout (*Salmo gairdeneri*) (Bolton 1933:355; Baumhoff 1978). The remains of steelhead and other freshwater fish such as Sacramento sucker (*Catostomus occidentalis*), splittail, hitch, thicktail chub and other carps and minnows (*Cyprinidae*) have been identified in archaeological contexts, along with marine fishes from the saltwater estuaries at the Bay Shore end of riparian corridors (Gobalet 1992:72-84). … .

While the value of hard seeds and acorns at sites in the Bay shore/valley setting has been discussed, a variety of other plant resources has been identified from archaeological contexts and should be mentioned. Bulbs like soaproot (*Chlorogalum pomeridianum*) were dietary staples requiring roasting in an earth oven for over thirty-six hours to render them edible (Bolton 1926:423; Heizer 1941:43-44; Harrington 1942). Such ovens used large numbers of fist-sized cobbles to distribute heat within them. Extensive layers of burned rocks have been reported for many Bay area sites, including SCL-178, SCL-690 and SCL-732, and are often in close proximity to cemeteries (Hall et al. 1988:45-47). As late as 1839, one large soaproot roasting oven in Mountain View, not far from the project site was used as a landmark (Brown in Bean 1994:37). It was called *horno de los Toroquis* (the oven of Soapweed- Toroquis was the native name for the plant).

Dietary shell

… Gifford (1916:24) studied the relationship of shell species in Bay Shore mounds and identified the horn snail, oyster, and bay mussel as the principal dietary shellfish found at south Bay sites of Santa Clara County. Sites along the west Bay shore of San Mateo County and east Bay shore of Alameda County record a greater emphasis on bay mussels, oyster and mud clams (*Macoma nasuta, Tivela stultorum).* …

East Bay sites with stratified components ranging from the Middle period to Middle/Late transitional period typically contain a deeper deposit of oysters that are overlain by layers of clams. In contrast, Early and Middle period sites along the west Bay Shore contain deeper deposits with oysters which are replaced in upper levels dating from the Middle/Late transition to Late period by horn snails (*Cerithidea californica*). Greengo noted that within three shell mounds along the east Bay (ALA-307 West Berkeley, CCO-295 Ellis Landing, and ALA-309 Emeryville) variations of the molluscan fauna "seem to reflect a shift from gravel-bottom species to a mud clam during the accumulation of refuse." He attributed this to progressive silting of the Bay Shore margin.

… Horn snails do not exhibit the same distribution pattern as mussels. They are not present at sites farther south than the Santa Teresa Hills but have been reported in upland sites of the easterly Diablo Range. On the other hand, horn snails are not present at upland sites of the Santa Cruz Mountains, where ocean mussels points to an affinity with open coastal shellfish assemblages throughout the Middle and Late periods. Variation in horn snail distributions within Santa Clara Valley may be related to seasonal factors that affected shellfish availability (Schoenherr 1992:678). Horn snails are at their optimum availability during summer months when mussels are not safe to eat.

Hunting

Simons (1992:73-103) has demonstrated that during the Early and Middle periods, faunal assemblages from San Francisco Bay shore sites contain a high frequency of canid family bones (dog, wolf and coyote), elk and deer, mixed with lesser numbers of marine mammal remains (principally harbor seal and sea otter). Conversely, during the Late period, there is a substantial decline in canid and elk bones at Bay shore sites, which were replaced by a major increase in sea otter bones. The contribution of deer relative to elk is high during the Early period, declining during the Middle period and rising again during the Late period. This suggested to Simons (1992:88) that shifting of target species was likely caused by "interannual unpredictability due to short-term climatic events, and resource depression was resulting from over hunting of other marine (i.e. pinnipeds) and terrestrial (i.e. artiodactyls) mammal game species." He further proposed that increased human population pressure during the Late period may account for a greater focus on estuarine habitats around the Bay that necessitated a co-harvesting strategy emphasizing predation of sea otters and deer along with waterfowl and fish. Simons concluded that deer served as a secondary "backup" alternative to sea otters when the latter species became less available during brief episodes of depletion. However, examinations of the faunal assemblage from Late period site SCL-38 show that elk and deer continued to dominate the assemblage. Perhaps the Bay Shore communities succumbed to population pressure and suppression of *artiodactyl* availability, which accords with Simon's conclusions, while residents of Santa Clara Valley did not. (Hylkema 2007:16-18)

BACKGROUND HISTORY OF THE RAVENSWOOD AREA

The 2007 Cooley Landing Cultural Resource Inventory and Assessment report by Scott Baxter, Rebecca Allen and Mark G. Hylkema also provides detailed information about the history of Ravenswood and Cooley Landing which is excerpted below:

"1848-1867: Ravenswood

The current project area was once adjacent to the Pulgas Rancho. As a marsh, though, the area likely saw little use during the Mexican era. In 1848, Adams & Co., a San Francisco Bank, acquired 3673.76 acres of the rancho in trade for an unpaid loan. Isaiah Woods, one of the partners at the bank, convinced his partners to invest further in the land. The Pacific & Atlantic Railroad Company had laid out a proposed route directly through their new land, and Woods had visions of building a "new San Francisco" there.

In 1849, they built an elaborate wharf at the end of **Bay Road** that extended 75 feet out into 18 foot deep water. The partners had surveyed five subdivisions on either side of Bay Road and named their new community **Ravenswood.** Woods built himself a home here that he called "Woodside Mansion." The Pacific & Atlantic line was never built and Woods' partners soured on the endeavor. Two years later the Central Pacific Railroad began considering the same route.

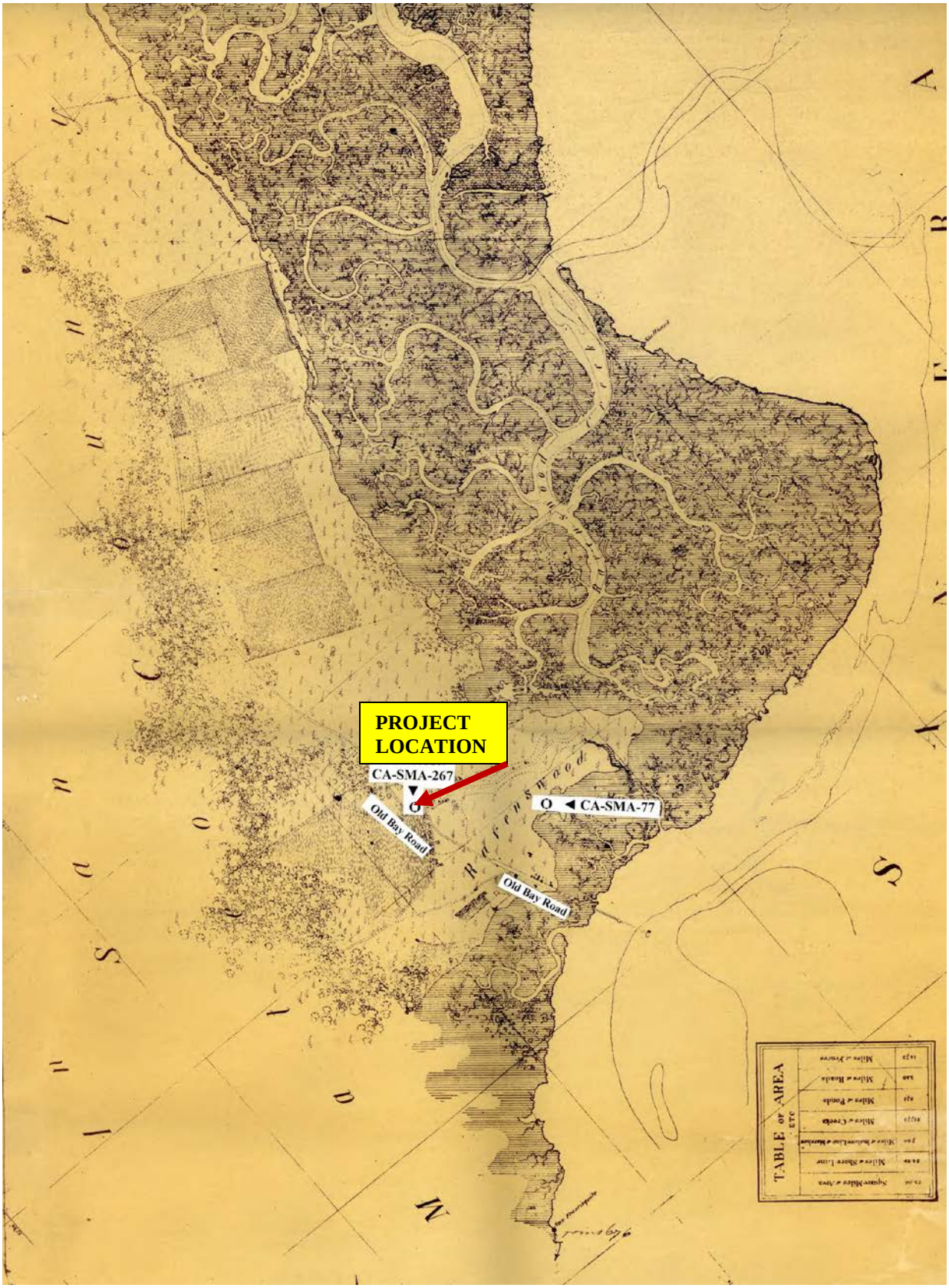
Interest renewed and soon houses, hotels, saloons, and a store were erected on the subdivision. The Central Pacific plan never became reality and Adams & Co. lost heavily. In 1853, only an average of two ships a week visited Ravenswood Landing (Foss 1942:5, 69). In 1854, financial panic struck San Francisco, when the well respected banking institution Page Bacon suddenly closed its doors. … .

1867-1930: Cooley Landing

Lester Phillip Cooley came to California in 1859. … In 1867, he decided to move his operation, and his family, down the peninsula. He sold his share in [a] dairy farm and purchased the 402.72 acre ranch (Ravenswood) from Joshua Leavitt for $32,273.60. This purchase included one-half of the rights to the old Ravenswood landing, which was located at the ranch. Cooley remodeled the house, built new barns, drilled a well, and made many improvements to the land. With his acquisition the landing became known as **Cooley Landing**. Leavitt had been overtaxed by the duties of the farm and had let the landing fall into a state of disrepair. Cooley rebuilt it in a V-shape to provide more shelter to vessels from the Bay's rip tides, and better allow year round shipments of his farm's products. In 1874, Cooley purchased the remaining interest in the landing and the franchise from John Doyle and John Hackett for $150, making Cooley the sole owner.

… In 1874, [Cooley] was elected Mayor of Menlo Park, a post he held until the town was unincorporated. … Cooley rebuilt the landing at that time, while Hunter and Schakleford temporarily used their own smaller landing to ship their products. Cooley had experienced several bouts of cancer, and he finally succumbed to the disease in 1882." (Scott Baxter, Rebecca Allen and Mark G. Hylkema 2007:30-32)

MAP 1-3: 1857 U.S. Coast Survey Map Immediately North of Study Area (upper portion)



MAP 1-4: 1857 U.S. Coast Survey Map Approximate Location of Site (lower portion)

STRUCTURE AND CONTENTS OF THE FINAL REPORT ON CA-SMA-267

This final report presents the following studies and chapters:

- **Chapter 2** by Alan Leventhal, Diane DiGiuseppe, Rosemary Cambra and Norma Sanchez presents information on the **Project Background: Site Context, Discovery and Recovery of the Loškowiš 'Awweš Táareš [White Salt Man] Burial at CA-SMA-267**,
- **Chapter 3** by Emily McDaniel, Diane DiGiuseppe, David Grant, Melynda Atwood, Colin Jaramillo and Alan Leventhal presents the **Burial Description and Skeletal Biology: Inventory and Analysis of the Loškowiš 'Awweš Táareš Burial**;
- **Chapter 4 - Stable Isotope Analysis and Paleodiet of an Ancestral Ohlone Human Burial from CA-SMA-267,** by Dr. Eric Bartelink (Department of Anthropology, California State University at Chico);
- **Chapter 5 - Analysis of Stone Artifacts, Fauna and Shellfish Remains Associated with the Loškowiš 'Awweš Táareš Burial** by Alan Leventhal, Rosemary Cambra and Diane DiGiuseppe;
- **Chapter 6** discusses the results from the **AMS Dating and Chronological Placement of the Loškowiš 'Awweš Táareštak Burial** by Alan Leventhal and Rosemary Cambra**,**
- **Chapter 7** presents **An Ethnohistory of Santa Clara Valley and Adjacent Regions; Historic Ties of The Muwekma Ohlone Tribe of the San Francisco Bay Area and Tribal Involvement with the Loškowiš 'Awweš Táareštak [White Salt Man] Site Burial Recovery Program** by Rosemary Cambra, Alan Leventhal, Monica V. Arellano, Shelia Guzman Schmidt, and Gloria Arellano Gomez.

Funding for the **Burial and Archaeological Data Recovery Program [Field Work Phase I**] was provided by the City of East Palo Alto Sanitation District, however both the Sanitation District and the City of East Palo Alto decided **against** any funding for laboratory analyses, skeletal inventory and analysis, Accelerator Mass Spectrometry (AMS/C14) dating, other specialized studies, final report writing, and reburial even though OFCS explained CEQA to them.

Years later, with a desire to complete a final report on the **Loškowiš 'Awweš Táareštak [White Salt Man] Site** (CA-SMA-267), a San Jose State University College of Social Sciences Research Foundation grant written by Alan Leventhal provided funding for the AMS dating of the burial at University of Arizona's NSF - Accelerator Mass Spectrometry Laboratory at Tucson (see **Chapter 6** for results)

As a result, this report was mostly written through the volunteer efforts of the Muwekma Ohlone Tribal members, and San Jose State University's Department of Anthropology faculty, research associates and students enrolled in Leventhal's Anthropology 195 class.

With permission from the Muwekma Tribal leadership and MLD (Chairwoman Rosemary Cambra) the various laboratory analysis phases of work included the following studies: 1) the skeletal biology analysis and inventory, 2) Accelerator Mass Spectrometry (AMS) dating, 3) description of ecofactual (faunal and shell fish) remains recovered in association with the burial, 4) Stable Isotope analysis, 5) rib fragments set aside for future Ancient DNA analysis, and 6) Final Report writing.

The Muwekma Ohlone Tribe has over the past 34 years been extremely active and interested in learning as much as possible about their ancestral heritage sites and fully supported the various studies presented in this Final Archaeological Report. The tribal leadership has also advocated for advanced bio-archaeological studies and requested of Dr. Brian Kemp and Dr. Cara Monroe from Washington State University at Pullman and Dr. Eric Bartelink from California State University at Chico to secure suitable samples from the Tribe's ancestral burial in order to conduct studies on the ancient DNA (which will be published at a later date) and dietary implications (see Chapter 4) from the **Loškowiš 'Awweš Táareš [White Salt Man] Burial**.

RESEARCH QUESTIONS:

Given the fact that there was only one burial locus that was partially hand excavated under less-than-ideal conditions, the Burial and Archaeological Data Recovery program conducted by Ohlone Families Consulting Services (OFCS) allowed for only a narrow-scope of interpretation of those data derived from these analyses. As a result, only a limited set of bio-archaeological, subsistence, chronological-related questions along with resultant interpretations can be considered and presented in this final report.

Furthermore, given the limitations placed on the scope of this work, the following research questions were initially formulated and specialized analyses were proposed in order to provide pathway answers to these questions.

Research Question # 1: **What is the age and sex of the individual recovered from this site?**

Analysis: - The proposed analysis that was employed to address this question included:
1) Cleaning and sorting the skeletal elements and identifying the minimum number of individuals represented within this recovered population;
2) Conducting a complete skeletal inventory of the recovered skeletal elements;
3) Taking and recording osteometric measurements on selected complete skeletal elements;
4) Scoring the detention for dental wear and identifying any pathologies and/or trauma; and,
5) Employing other criteria (e.g., pubis, articular surface, rib ends and etc.) in order to age and sex the individual(s).

We address this research question in **Chapter 3: Burial Description and Skeletal Biology: Inventory and Analysis of the Loškowiš 'Awweš Táareš [White Salt Man] Burial**.

Research Question # 2: Based upon current trends in the field of Stable Isotope studies how does the dietary signature of this burial compare with other populations from other sites within the greater the San Francisco Bay region and Central California?

Analysis: Analysis will focus on the paleodietary implications derived from the Stable Isotope analyses discussed in **Chapter 4 - Stable Isotope Analysis and Paleodiet of an Ancestral Ohlone Human Burial from CA-SMA-267, San Mateo County, California** by Dr. Eric Bartelink.

Research Question # 3: How long ago did the Loškowiš 'Awweš T̲áareš person live? What temporal period can this burial and site be assigned to?

In **Chapter 6: Dating and Chronological Placement of the Loškowiš 'Awweš T̲áareštak Burial Site** will address the results of the AMS dating of the burial and its temporal placement.

Research Question # 4: Was this person biologically related to other ancestral Muwekma Ohlone people whose ancient DNA has been mapped?

Analysis: Submitting a bone/tooth sample from this burial to Drs. Brian Kemp and Cara Monroe from Washington State University in order to conduct Ancient Mitochondrial DNA studies will possibly address this question. It will be perhaps over a year before there are any results, therefore, a supplemental report will be written when the results are completed and will be published in the future.

THE NAMING OF SITE CA-SMA-267 BY THE MUWEKMA OHLONE TRIBAL LEADERSHIP AND LANGUAGE COMMITTEE TO THE LOŠKOWIŠ 'AWWEŠ T̲ÁAREŠTAK [WHITE SALT MAN] SITE IN THE CHOCHEÑO/TAMIEN OHLONE LANGUAGE

The Muwekma Ohlone Tribal leadership and Language Committee (which includes Monica V. Arellano, Sheila Guzman-Schmidt, Gloria E. Arellano-Gomez and Rosemary Cambra) decided to honor their deceased ancestors by naming the **Loškowiš 'Awweš T̲áareš [White Salt Man] Burial** in the Tribe's aboriginal **Ohlone Chocheño/Tamien** language. This follows the Tribal tradition and decision to rename their ancestral sites has occurred at other pre-contact ancestral heritage sites including:

1) **CA-SCL-732** which was renamed **Kaphan Umux (Three Wolves)** Site [corrected to **Kaphan Húunikma**] (Cambra et al. 1996);
2) **CA-SCL-38** was named **Yukisma ("at the Oaks") Site** (Bellifemine 1997, Gardner 2013, Monroe 2014,);
3) **CA-SCL-867** was named **Ríipin Waréeptak "(in the) Willows Area**" **Site** (Leventhal et al 2007)**;**
4) **CA-SCL-869** was named **Katwáš Ketneyma Waréeptak (The Four Matriarchs Site** (Leventhal et al. 2009);
5) **CA-SCL-287/CA-SMA-263** was named **Yuki Kutsuimi Šaatoš Inūx^{w}** [**Sand Hill Road] Sites** by the Tribe (Leventhal et al. 2010);
6) **CA-SCL-30/H** was named **Clareño Muwékma Ya Túnneště Nómmo [Where the Clareño Indians are Buried] Site (**Leventhal et al. 2011);
7) **CA-SCL-895 [Blauer Ranch]** was renamed **Kiriṭ-smin 'ayye Sokőte Tápporikmatka [Place of Yerba Buena and Laurel Trees Site]** (McDaniel et al 2012); and
8) **CA-SCL-894** located in downtown San Jose was named by the Language Committee as **Tupiun T̲áareštak** [**Place of the Fox Man Site]** (Leventhal et al. 2012)**.**

As a result of this present study site **CA-SMA-267** was named and will at times be referred to as the **Loškowiš 'Awweš T̲áareštak [White Salt Man] Site** in this report**.**

Due to linguistic considerations and difficulties of translating words and concepts from English such as **caliche** (a calcium carbonate precipitate or a "salt") into the Chocheño/Tamien Ohlone language, the name **Loškowiš 'Awweš T̲áareš** which literally translates as "**White Salt Man"** will be used interchangeably with "**Caliche Man**" and Burial 1 in this report.

By doing so, the Muwekma Ohlone Tribal leadership and Language Committee sought honor their ancestor by naming him **Loškowiš 'Awweš T̲áareš** [**White Salt Man]** in their aboriginal Ohlone language as part of their reclamation of their ancestral heritage site through this renaming process (Field et al 2013, Field et al 2014**).**

CEQA REGULATORY GUIDELINES AND COMPLIANCE

This burial and archaeological recovery program conforms to the cultural resources requirements of the California Environmental Quality Act (CEQA) and County of San Mateo procedures and regulations. Under the cultural resources guidelines presented in Appendices G and K of CEQA, the permit granting lead agency is responsible for determining whether or not a particular project would have an adverse impact on significant cultural resources. When the burial was encountered the City of East Palo Alto Sanitation Agency retained the services of Ohlone Families Consulting Services in order to implement the CEQA compliance process through a controlled archaeological testing and burial recovery mitigation treatment plan.

CEQA (Appendix G) lists "significant effects" criteria that are also applicable to the proposed project. A significant effect on cultural resources was defined if the project would:

A. Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group, or a paleontological site except as part of a scientific study; or

B. Conflict with established recreational, educational, religious, or scientific uses of the area.

Therefore, under CEQA, Native American Tribes are considered an ethnic and social group under Criterion A. Contemporary Native Americans (specifically in this case the documented and previously federally recognized **Muwekma Ohlone Tribe of the San Francisco Bay Area**) consider that disturbances and destruction to both of their prehistoric and historic sites adversely impact their traditional cultural and heritage values and beliefs. Although all sites are indeed important, village and cemetery sites are generally considered the most sensitive heritage resources to Native peoples.

Chapter 2:
Project Background: Site Context, Discovery and Archaeological Data and Burial Recovery Mitigation Program for the Loškowiš 'Awweš Táareš [White Salt Man] Burial
by
Alan Leventhal, Rosemary Cambra and Norma Sanchez

SITE CONTEXT: DISCOVERY OF THE LOŠKOWIŠ 'AWWEŠ TÁAREŠ BURIAL

The remains of a single primary inhumation of an ancestral Muwekma Ohlone Indian adult male was discovered on June 12, 1986 when a construction crew from the East Palo Alto Sanitary District was excavating a two foot-wide repair trench. The repair trench measured 2 meters long by 64 cm wide (6.5 feet by 2.1 feet) and was required in order to fix a broken or leaky sewer line below the street. The location of this grave was discovered on the southern edge of the street in front of the 1416 Bay Road residence in the City of East Palo Alto. [**Figures 2-1 – 2-2**]

Figure 2-1: Sewer Line Repair Trench (Trowel Points to Location of *In Situ* Remains

The ancestral Ohlone remains were encountered at a depth of **85 – 103** cm (approximately 3 feet) below [street] surface (BS). The original grave was situated within what appeared to be undisturbed native soils.

Figure 2-2: Close Up of *In Situ* Remains of <u>Loškowiš ’Awweš Táareš [White Salt Man]</u>

As mention in Chapter 1 after a preliminary assessment was made by the County Coroner’s Office, the Native American Heritage Commission’s (NAHC) identified Muwekma Chairwoman Rosemary Cambra as the Most Likely Descendant (MLD) for this project. Chairwoman Cambra issued specific recommendations that included a decision to implement a several-phased Archaeological Data and Burial Recovery mitigation program in order to address the impacts to this individual within the exposed portion of the site.

ARCHAEOLOGICAL DATA AND BURIAL RECOVERY PROGRAM

The Archaeological Data and Burial Recovery Program field work consisted of a two-phased approach:

Phase I – Focused on the screening of the back dirt from the backhoe trench and the recovery of all skeletal remains, faunal remains, shell fish remains (ecofacts), and artifacts. All backhoe excavated back dirt soils were passed through either ¼" or ⅛" mesh screens. All recovered bones, artifacts (cobbles, pebbles and burnt clays), and ecofacts (faunal and shellfish) were placed in labeled brown paper bags.

Phase II – Entailed the establishment of an adjacent Recovery Excavation Unit in order to come down onto the remaining burial, then expose, document, and remove the remaining skeletal elements left *in-situ* in the sidewall of the trench. The Sanitation Agency construction crew removed the blacktop asphalt with a jackhammer and also helped excavate out the roadbed gravel layer [**Stratum I**]. OFCS archaeologists and tribal field crew then established a 1 meter x 75 cm excavation recovery unit (designated **Recovery Excavation Unit I**) over the location of the remaining *in-situ* skeletal elements (see **Figure 2-2** above). A datum point (at Street Level) was established at the southeast corner of Recovery Excavation Unit I. All hand excavated soils were passed through ¼" mesh screens and the soils surrounding the burial were passed through ⅛" mesh screens **[Figures 2-3 – 2-6].**

Figure 2-3: Muwekma Tribal Members and OFCS Field Crew Screening Backdirt Pile

Figure 2-4: Muwekma Tribal Members and OFCS Field Crew Screening Backdirt Pile

Figure 2-5: Muwekma Tribal Members Screening Soils From Burial Locus

Figure 2-6: Muwekma Tribal Member Mary Louise Cline Screening Backdirt Pile

STRATIGRAPHIC PROFILES

Soil samples from each stratum were taken and described using a Munsell Color Chart and Profile Description (Soil Survey Manual, Supplement to Agriculture Handbook No. 18, 1969). A total of six strata were defined within the **East and South Wall Profiles** of the **Recovery Excavation Unit 1** (see **Figures 2-7** and **2-8 – Stratigraphic Profiles** below).

1. **Stratum I** (**Catalog Reference # 2**) – This stratum comprised the uppermost elevation consisting of street/black asphalt pavement [**Historic Roadbed and Gravel**] ranging in depth from **0 to 17 cm BS/BD**. This stratum consisted of the historic tar road, roadbed, and gravel. No prehistoric or historic cultural materials were recovered from this level.

2. **Stratum II (Catalog Reference # 3) -** This stratum consisted of a **Sub-Roadbed and Gravel** layer of mixed disturbed soils ranging in depth from **17-32 cm BS/BD**. Rounded to sub-rounded pebble and cobble fragments of sandstone were encountered at 26 – 30 cm BS/BD. Other than the pebble and cobble fragments, no prehistoric or historic cultural materials were recovered from this level. This disturbed level was determined to be a Silty Loam and identified as **10YR 2/2, Very Dark Brown (moist and dry)** on the Munsell Color Chart.

3. **Stratum III (Catalog Reference #4)** – This stratum comprised a **Transitional Zone** that was immediately below Stratum II. This stratum had a depth ranging approximately from **32 – 44 cm BS/BD** with transitional Munsell readings that went from **10YR 2/2 Very**

Dark Brown (moist and dry) to **10YR 5/3 Brown (moist)**. The soil matrix was a Loamy Silt. Recovered prehistoric materials included burnt clay fragments, a few sandstone cobble and pebble fragments, and *Cerithidea, Ostrea,* and *Penitella* (boring clam) shellfish remains.

4. **Stratum IV (Catalog Reference #5)** – was considered to contain **Undisturbed Native Soil** and the top of the grave. This stratum was located above and around the upper area of the skull and ranged in a depth from approximately **45 – 85 cm. BS/BD**. The Munsell reading was determined to be **10YR 5/3 Brown** (moist) and the soil matrix was determined to be a Loamy Silt. Recovered prehistoric materials included: vitrified clay fragments, a few sandstone cobble and pebble fragments, California horn snail (*Cerithidea californica),* bay oyster *(Ostrea lurida)* and bay mussel *(Mytilus edulis*) shellfish remains mostly concentrated immediately above and surrounding the **Loškowiš 'Awweš Táareš [White Salt Man]** *in-situ* cranium and scapula.

5. **Stratum V (Loškowiš 'Awweš Táareš Burial) [Catalog References #1 and #6 combined]** – located from the top of the skull to well below the burial locus. Stratum V transitioned into the soils comprising the grave [**Burial Zone**] of the **Loškowiš 'Awweš Táareš [White Salt Man]** burial. The skeletal remains of the burial ranged from **85 - 103 cm BS/BD** and the subsoil below the burial continued from a depth of **103 - 135 cm BS/BD.** Stratum V soil transitioned from a Munsell Chart reading of **10YR 5/3 Brown** (moist) to **10YR 3/2 Very Dark Grayish Brown** (moist) and the soil matrix was determined to be Clayish Loam. Recovered prehistoric materials included a utilized flake of Red Franciscan chert, vitrified and baked clay fragments, many sandstone cobble and pebble fragments, faunal bone (rodent), California horn snail (*Cerithidea californica), bay oyster (Ostrea lurida),* and bay mussel *(Mytilus edulis*) shellfish remains, and a crab claw.

6. **Stratum VI (Catalog Reference # 7)** – Transitioned from **Sub-Burial into Sterile** soil at approximately **135 – 160 cm BS/BD** to the bottom of the adjacent backhoe trench excavations, with a Munsell value of **10Y/R 3/2 Very Dark Grayish Brown** (moist). Based upon the plasticity of the soil this stratum was considered "very plastic" and structure (size) was determined to be "very fine" with the soil matrix clay to clay loam.

Only one Red Franciscan chert utilized flake was found in direct association with the **Loškowiš 'Awweš Táareš [White Salt Man]** burial along with faunal and shell fish remains. Although some large pieces of charcoal were noted and recovered from within and around the cranium, there was no clear evidence of pre-internment pit fire or burnt offerings.

The other skeletal elements associated with the **Loškowiš 'Awweš Táareš [White Salt Man]** burial that were recovered from the backdirt trench soil pile were combined with the recovered *in-situ* remains and these along with the associated faunal and shell fish remains were issued **Reference #1** for the final catalog. **Reference #8** was issued to the cultural materials recovered from within the lower strata of the adjacent backhoe trench **[see Figures 2-9 - 2-18].**

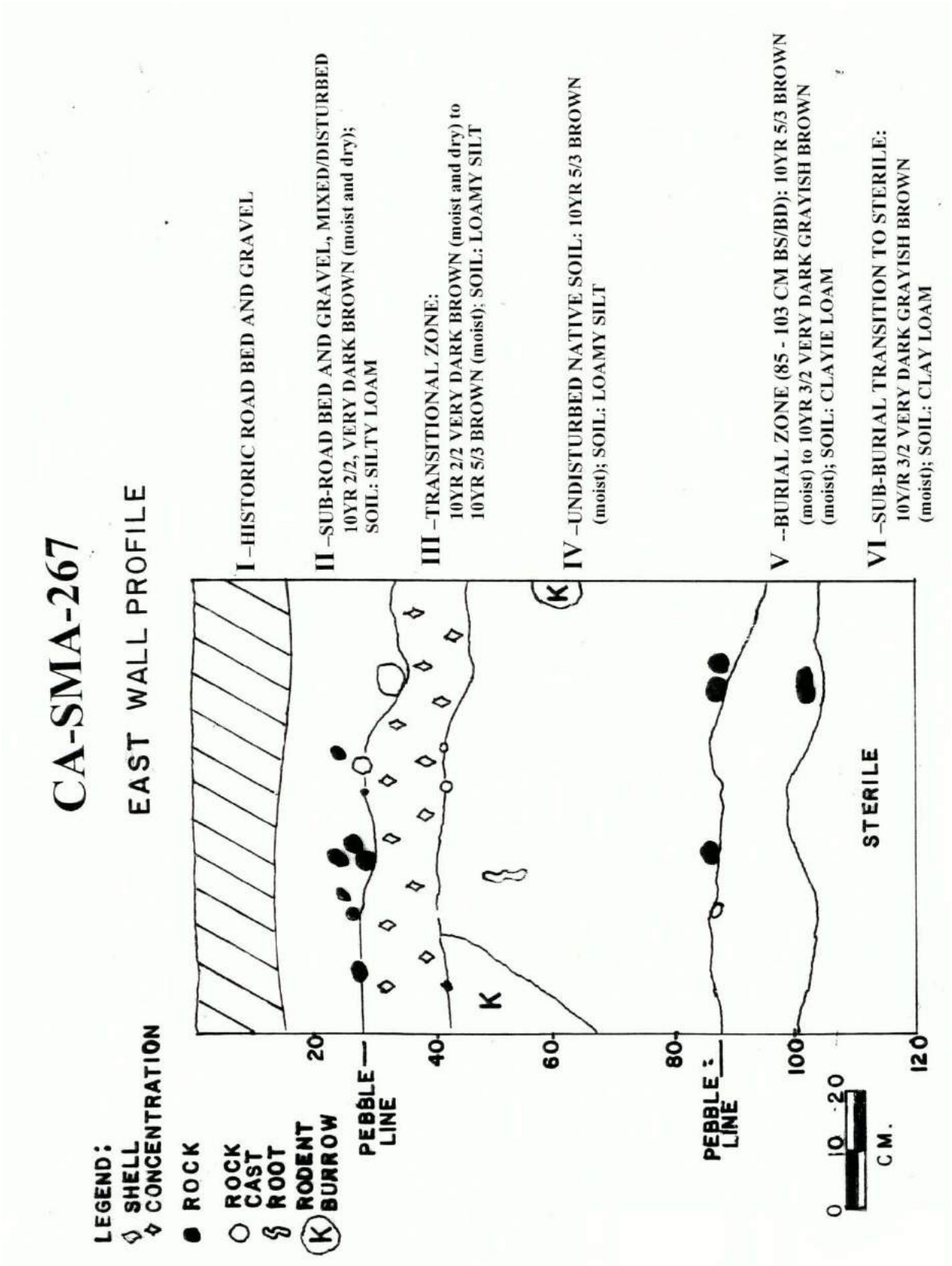


Figure 2-7: Stratigraphic Profile of East Wall of Excavation Unit 1

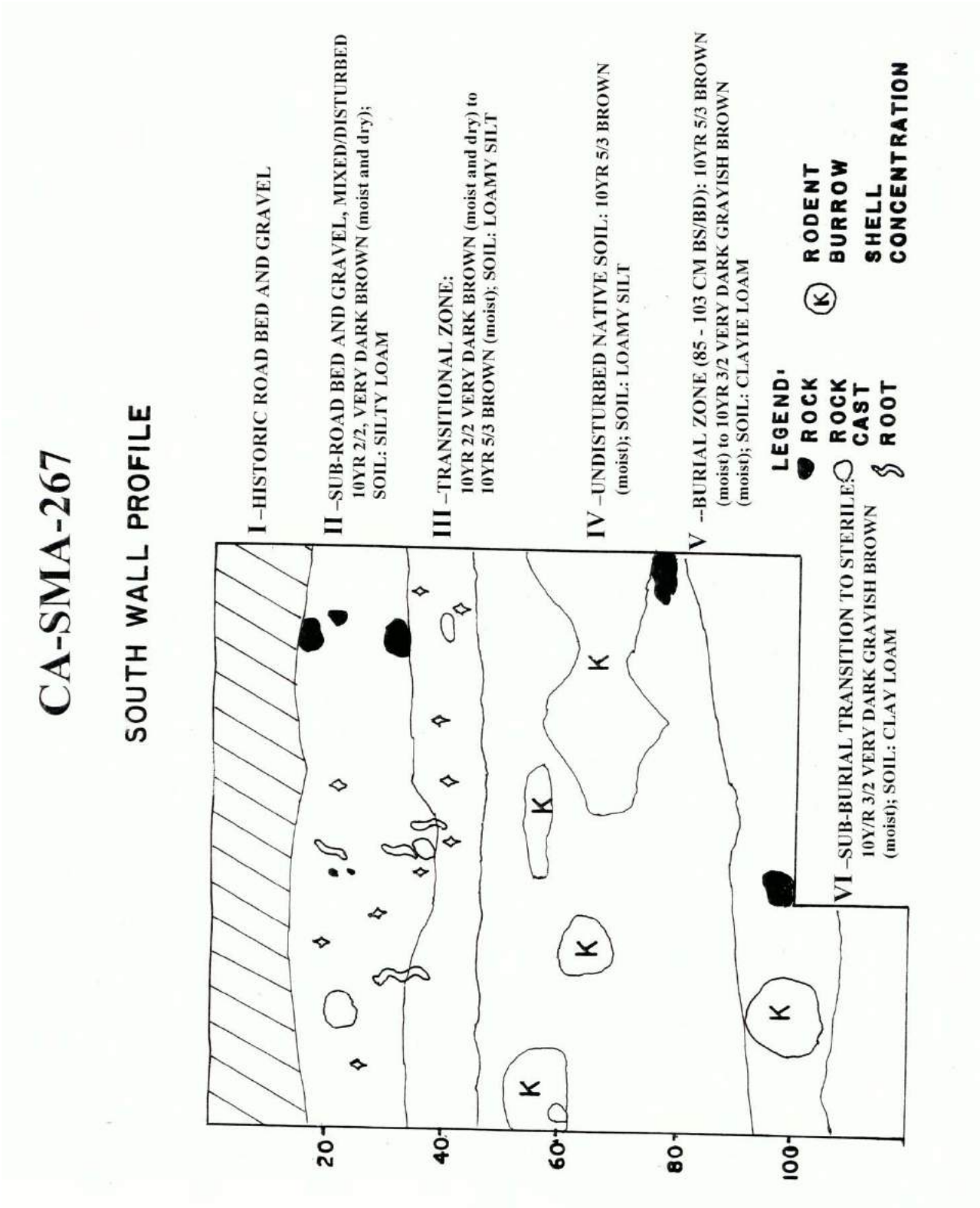


Figure 2-8: Stratigraphic Profile of South Wall of Excavation Unit 1

Figure 2-9: East Wall Profile/Bottom of Stratum III - Backhoe Trench to the Left of Unit

Figure 2-10: East Wall Profile/Beginning of Stratum IV – Level of Burial

Figure 2-11: East Wall Profile/Bottom of Stratum IV – Level of Burial

Figure 2-12: Exposure of Cranium, Scapula and Upper Limb Elements @ 103 cm. BS

Figure 2-13: Close-up of Cranium, Scapula and Upper Limb Elements @ 103 cm BS

Figure 2-14: East Wall Profile/Below Burial 1 - Backhoe Trench to the Left of Unit

Figure 2-15: Below Burial 1 – Stratum V Trench and Sewer Pipe (View Looking West)

Figure 2-16: Excavating Stratum VI into Sterile Soils

Figure 2-17: Archaeologist Nancy Olsen Tagging the East Wall for Stratigraphic Profile

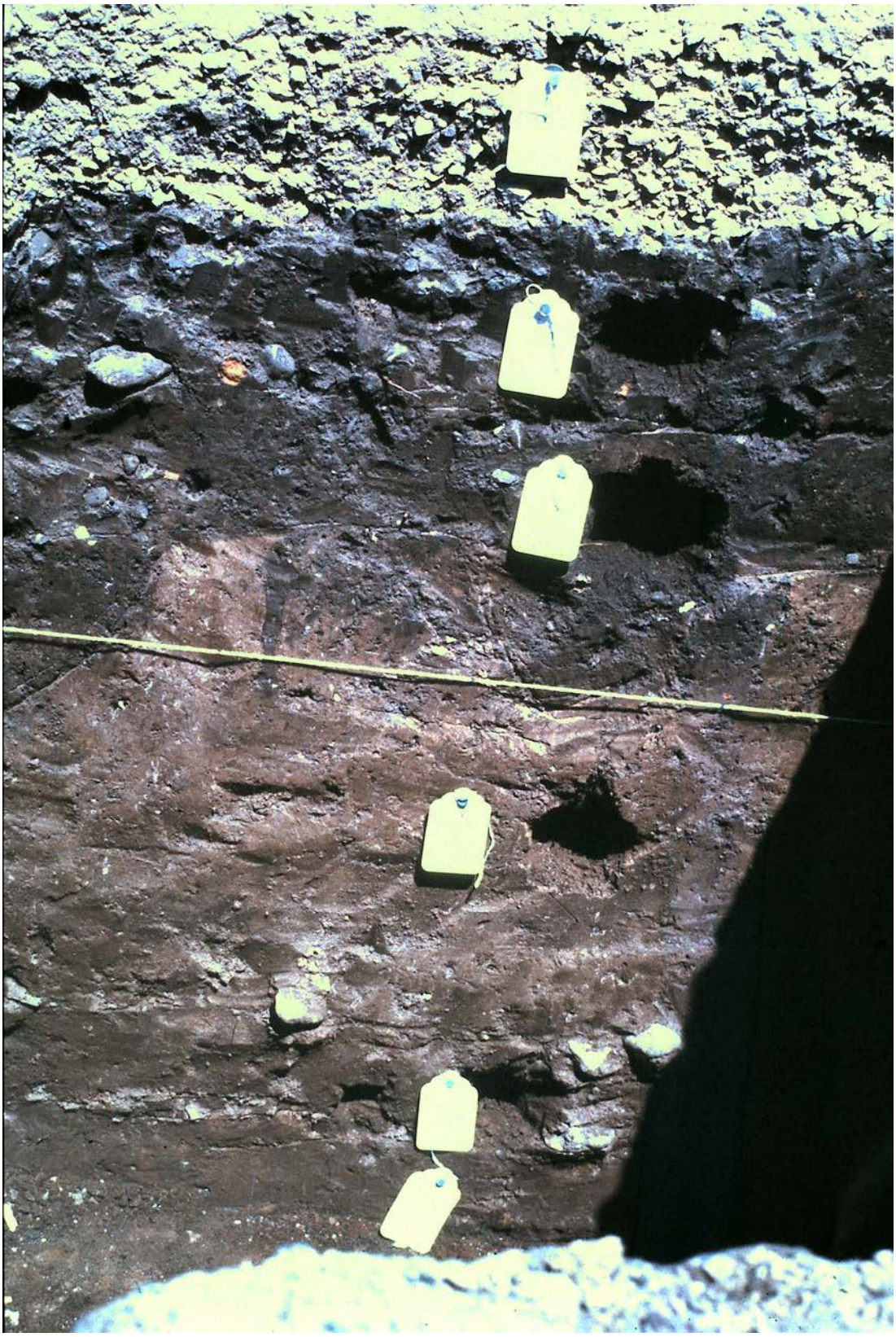


Figure 2-18: Close-up of East Wall Profile and Bottom of Stratum VI

CONCLUDING REMARKS AND RECOMMENDATIONS

It is not known if additional burials exist in the surrounding area within the street, even though construction of homes and utility lines has impacted this locality over the years. However, if human remains were indeed encountered in the past, they were never reported and/or formally recorded. Based upon pre-contact Ohlone Indian burial practices, cemeteries usually contain multiple burials therefore there is a high probability of encountering additional intact and/or preciously impacted human remains within the CA-SMA-267 site location. Should future subsurface construction activities and utility trenching occur, it is recommended that these projects be monitored by a qualified archaeologist and/or a BIA documented Ohlone monitor.

Chapter 3:
Burial Description and Skeletal Biology: Inventory and Analysis of the Loškowiš 'Awweš Táareš [White Salt Man] Burial

by

Emily McDaniel, Diane DiGiuseppe, David Grant, Melinda Atwood, Colin Jaramillo, and Alan Leventhal

LABORATORY METHODOLOGY

Curation and Inventory

Skeletal analysis of the **Loškowiš 'Awweš Táareš [White Salt Man] Burial** was conducted by Emily McDaniel, Diane DiGiuseppe, David Grant, Melinda Atwood, Colin Jaramillo, and Alan Leventhal. The skeletal elements were removed from the unit level bags and then cleaned with tap water and some of the adhering caliche was also removed with wooden skewers. Where necessary, skeletal elements were reconstructed using Elmer's Glue, a water soluble adhesive, in case removal is necessary in the future.

The burial was then laid out in anatomical position, photographed, inventoried using the Ohlone Families Consulting Services (OFCS) skeletal inventory forms, analyzed for indicators of sex, age, stature, and pathology, and measured according to the *Standards for Data Collection from Human Skeletal Remains*, published by Buikstra and Ubelaker (1994). Measurements were taken using electronic sliding calipers, an osteometric board, and a goniometer. Photography was completed by Diane DiGiuseppe, David Grant, and Alan Leventhal. A second inventory form, drafted by the lead author, is also provided in **Appendix B**. While this secondary form covers roughly the same information as the OFCS inventory forms, it is provided to assess the benefits of a new inventory format, including form clarity, speed of inventory, and detailed literature referencing. Following the completion of inventory and analysis, the skeletal elements of the burial were separated according to anatomical location and placed into new plastic Ziploc bags labeled by element, with the site information, and the individual's burial number.

Sex Determination

The biological sex of this individual was determined through the macroscopic examination of the sexually dimorphic features of the pelvis and robusticity of the cranium, as well as the metric assessment of various post-cranial elements. Where possible, a total of six pelvic indicators of biological sex were assessed, including three features of the pubis (Phenice, 1969), width of the sciatic notch (Walker, 2005), presence or absence of the pre-auricular sulcus (Buikstra and Ubelaker, 1994), and incidence of dorsal pitting of the pubis (Suchey et al., 1979). Level of robusticity was assessed in a total of five cranial features, defined by Buikstra and Ubelaker (1994), including the nuchal crest, mastoid process, supraorbital margin, supraorbital ridge/glabella, and mental eminence of the mandible.

Metric assessment of the femur, humerus, and glenoid fossa were used to determine sex from the post-cranial skeleton and include the maximum diameter of the femoral head, femoral bicondylar width, vertical diameter of the humeral head, humeral bicondylar width, and the height of the glenoid fossa (Dittrick and Suchey, 1986). These measurements were taken for their accuracy in assessing the sex of prehistoric Central Californian populations (**Table 3-1**). Perseveration permitting, the determination of biological sex is based upon multiple traits throughout the skeleton to provide the most accurate sex determine.

Table 3-1: Femoral and Humeral Metrics from the Late and Middle Periods (Dittrick and Suchey 1986)

Measurement	Female Mean	S.D.	Sectioning	Male Mean	S.D.	Accuracy
Maximum Diameter of the Femoral Head	41.9 mm	1.8 mm	44.285 mm	46.7 mm	2.3 mm	90.6%
Femoral Bicondylar Width	72.9 mm	3.0 mm	77.023 mm	81.4 mm	3.8 mm	89.0%
Vertical Diameter of the Humeral Head	41.4 mm	2.1 mm	43.928 mm	46.8 mm	2.3 mm	90.3%
Humeral Bicondylar Width	56.2 mm	3.4 mm	59.04 mm	62.1 mm	3.5 mm	85.3%

Age Estimation

Age-at-death is estimated in adult osteological remains through the macroscopic examination of the fusion stage exhibited in the late fusing ossification centers, dental eruption, and stage of osteological degeneration of select post-cranial features. Where possible, a total of eight indicators of age at death are assessed, most commonly including the state of fusion of the ectocrania (Buikstra and Ubelaker, 1994), medial clavicle, iliac crest, and S1/S2 of the sacrum (Schaefer, Black and Scheuer, 2009); eruption of the third molar (Ubelaker, 1989); and the assessment of degeneration in the pubic symphysis (Suchey and Brooks, 1990), auricular surface (Lovejoy, 1985), and sternal rib ends (Iscan and Loth, 1984a, b). As with biological sex determination, a multi-trait approach was utilized to provide the most accurate age estimation for each individual. Sub-adult aging will not be discussed, as no sub-adults were recovered from CA-SMA-267.

Stature

Living stature is estimated in this study using two different methods. The OFCS forms utilize Genoves' (1967:73) criteria, while the forms employed by the lead author utilize the criteria delineated by Auerbach and Ruff (2010). Genoves' method utilizes the application of maximum long bone length to regression formulas based upon Mestizo Mesoamerican skeletal assemblages (skeletal populations of mixed indigenous Central American and European ancestry). Alternatively, Auerbach and Ruff's (2010) method utilizes the application of femoral bicondylar width and the maximum length of the tibia to regression formulas that are specific to indigenous populations residing in the "Temperate" regions of North America, which includes California. The sample studied by Auerbach and Ruff (2010) includes 11 Californian assemblages, with the majority recovered from sites in Central California and the Bay Area. This is an important distinction, as skeletal populations from around the world and even within North American alone, are highly variable in stature and body proportion and consequently require different stature equations. The regression equations delineated by Auerbach and Ruff (2010) produce the most accurate and precise stature estimations currently available for New World indigenous populations. In the presence of fragmentation, skeletal elements were reconstructed to facilitate stature estimation. Generally, individuals of indeterminate sex and immature age are excluded from stature estimations, as those exhibiting mechanical or pathological deformity.

BURIAL DESCRIPTION AND ANALYSIS

CA-SMA-267: Burial 1	**Sex: Male**	**Age: 18-22**	**[Figures: 3-1 – 3-10]**

Overview

Burial #1 was the sole individual recovered from site CA-SMA-267 and was recovered from Recovery Unit 1 at a depth ranging from **85 - 103 cm BS/BD**. Based upon the remaining *in-situ* skeletal element as well as the size of the grave, it appears that the **Loškowiš 'Awweš Táareš [White Salt Man] Burial** was buried in a flexed position, with the top of the cranium pointed to the south [**Figure 3-1**]. This person was determined to be a male, age 18-22 year old at the time of death whose estimated height was approximately 163 cm (5'4"). Skeletal pathologies observed on **Loškowiš 'Awweš Táareš Burial** was mainly relegated to normal variation resulting from strenuous activity, including asymmetry of the lower thoracic bodies (T10 and T11) and the development of laminal spurs in T7-T11. Dental pathologies included occlusal attrition and the congenital absence of all 3rd molars.

Figure 3-1: Loškowiš ’Awweš Táareš Burial (In Situ) with Cranium oriented to the South

Completeness and Preservation

The **Loškowiš ’Awweš Táareš Burial** is represented by 60% of its original elements, mainly missing the wrist, hand, ankle, and foot bones and the pelvic girdle [**Figures 3-2 – 3-3**]. Preservation of this individual is fair, with moderate erosion of the cortical bone and limited survival of cancellous bone and epiphyses. Damage to the cortical surface largely resulted from impacts from heavy excavation equipment and the deposition of caliche, a calcium precipitate/ deposit that acts as a natural cement. Removal of the hardened caliche during the analysis phase had at times lifted portions of the cortical surface from the bone. To avoid destruction, areas of the most hardened caliche were not removed. Some elements remain cemented together with caliche and cannot be separated without bone destruction. This burial is highly fragmented, containing no intact long bones. As a result, reconstruction was performed on selected elements. Bone volume appears good but is indeterminate due to the presence of caliche deposits.

Figure 3-2: Loškowiš ’Awweš Táareš Burial in Anatomical Position

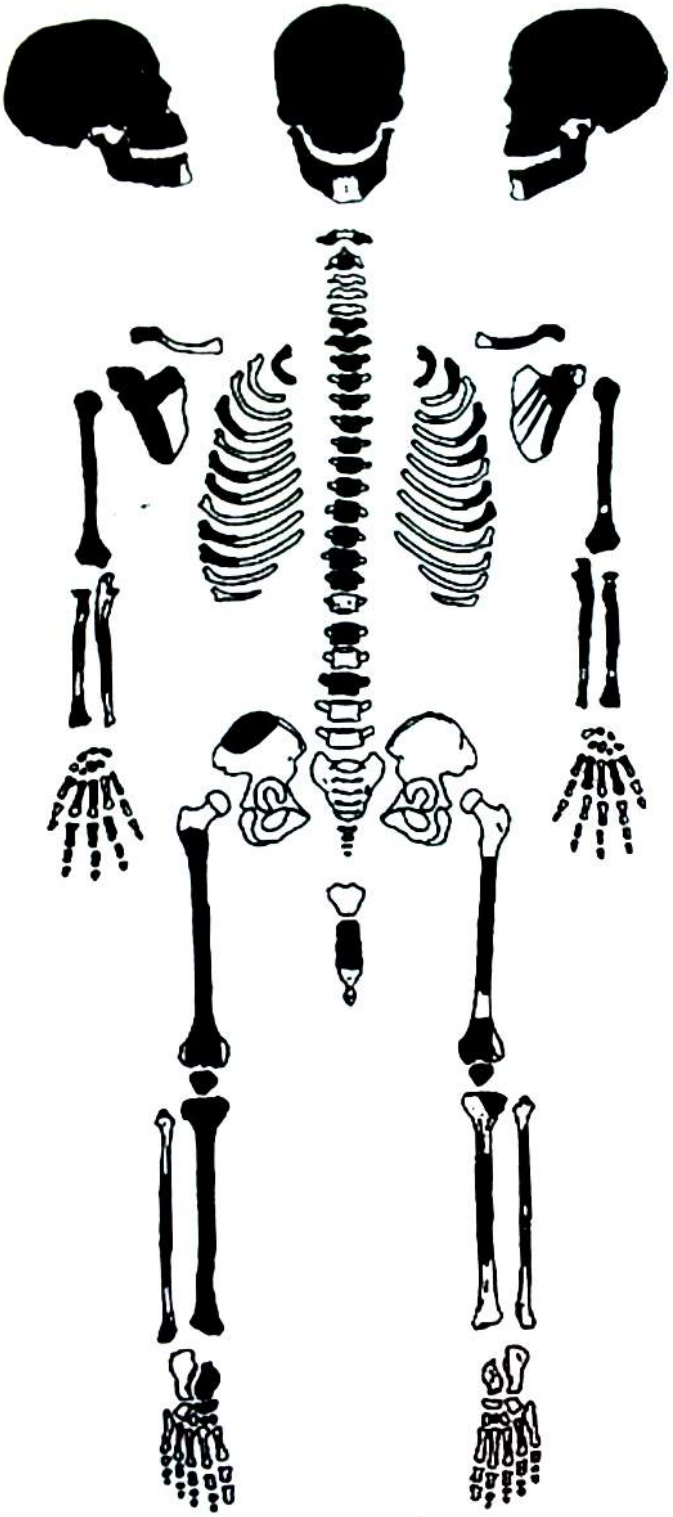


Figure 3-3: Skeletal Schematic Form Showing Recovered Elements from Burial #1

Skull and Dentition

The cranium of **Loškowiš 'Awweš Táareš** is complete but fragmented, and is missing a small portion of the occipital and sphenoid. Previous researchers have reconstructed the skull [**Figures 3-3 and 3-4**]. The mandible is also complete but fragmented in two at the mental eminence. A total of 14 maxillary teeth and 11 mandibular teeth are present, with 24 of these present *in-situ*. A total of three teeth are missing postmortem, including the right maxillary first molar, third premolar, and central incisor. All third molars are congenitally absent from **Loškowiš 'Awweš Táareš'** dentition [**Figure 3-5**]. Radiographs were taken which proves their absence from the crypts of the mandible and maxilla. Dental pathology will be discussed in the following section.

Figure 3-4: Frontal View of Reconstructed Skull of Loškowiš 'Awweš Táareš
(Deformation due to Depositional Pressure)

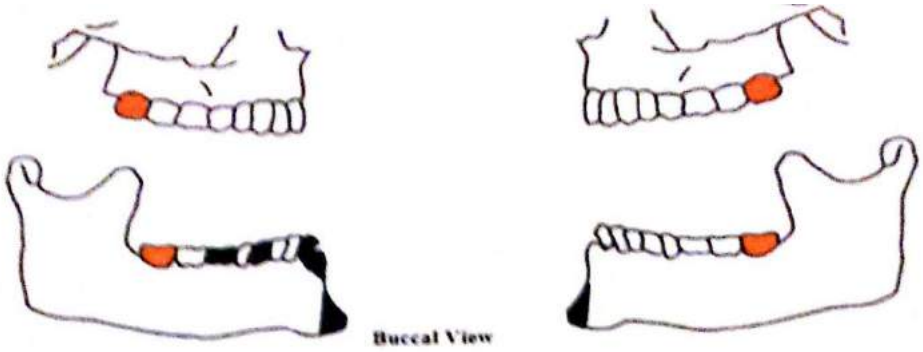


Figure 3-5: Dental Inventory:
Black Showing Postmortem Loss and Orange Showing Congenital Absence

Axial Skeleton

The axial skeleton is composed of the pectoral girdle, thorax, vertebrae, and pelvic girdle (*os coxae*). The pectoral girdle is represented by an incomplete, fragmented right clavicle; a complete, fragmented left clavicle; complete, fragmented right scapula; and an incomplete, fragmented left scapula. The thorax is represented by a highly fragmented rib cage and a complete, fragmented sternum body. The rib cage is composed 100+ fragments and only six identifiable rib heads on both sides, including two first ribs, one left second rib, five right ribs (3-10), and four left ribs (3-10). Four cervical vertebrae are present, including a fragmented C1, incomplete C2, and complete C6 and C7. All thoracic vertebrae are present except for T12. All present thoracic vertebrae are present but vary in level of fragmentation. T1 is cemented to the right scapula with caliche. Of the lumbar spine, only two body fragments are present, possibly those of L1 and L3. All elements of the pelvic girdle are absent, except for two incomplete fragments of the right ilium.

Appendicular Skeleton

The appendicular skeleton is composed of the upper and lower limbs and hands and feet. All long bones of the appendicular skeleton are fragmented. The upper extremity is represented by two complete humeri, two complete radii, an incomplete right ulna, and complete left ulna. The right hand and wrist is composed of incomplete metacarpals 1-3, a scaphoid, lunate, trapezium, and capitate. The scaphoid and lunate have been cemented together by caliche. The left hand and wrist is composed of an incomplete MC1, a complete MC2, and trapezium. Three proximal and one medial hand phalanges are present. The lower extremity is represented by two complete, reconstructed femora, missing their proximal ends; two patellae; one complete, reconstructed right tibia; one incomplete left tibia; and two incomplete fibulae. The right foot and ankle is represented by a complete MT3, fragmentary MT4, and complete talus and navicular. The left foot and ankle is absent. Three proximal, one medial, and one distal foot phalanges are present.

Sex

Due to the absence of the *os coxae* from **Loškowiš 'Awweš Táareš**, biological sex was determined through the examination of the robusticity of the cranial features and the metric assessment of the postcranial skeleton. **Loškowiš 'Awweš Táareš** exhibited robust muscle markings on the nuchal crest (score of 4), large mastoid processes (score of 4), intermediate sharpness of the supraorbital margin (score of 3) (Buikstra and Ubelaker, 1994), and a flexed, vertical ascending ramus (Loth and Henneberg, 1996), all but one being definitively male traits. Scoring of the glabella and mental eminence was not possible due to the presence of caliche and postmortem damage, respectively. Metric assessment was possible for the glenoid fossa height (38.0 mm) and the vertical diameter of the humeral head (46.9 mm). Both of these measurements fall within the male ranges and are extremely close to the male means (Bass, 1995; Dittrick & Suchey, 1986). Based upon these criteria, **Loškowiš 'Awweš Táareš** was determined to be a male.

Age

Due to the post mortem absence of the auricular surface, pubis, identifiable fourth sternal rib end, and congenital absence of the third molar, age-at-death was estimated through the assessment of the late fusing ossification centers. Burial #1 was determined to be an adult, greater than 18 years of age due to the completion of the epiphyses of the long bones (Scheuer and Black, 2000). Although fusion is ossification of the long bones is complete, fusion lines are still visible on the tibia, indicating that long bone ossification was recently completed. Ossification of the ectocranial sutures scored a minimum score of 0, aging the individual below the age of 30. This is somewhat problematic however, as site #3, located along the sagittal suture, is obscured by caliche deposits. The upper limit for age estimation was assigned according to the partial fusion exhibited in the vertebral rib ends. According to Schaefer et al. (2009) partial fusion is exhibited in individuals ranging from the age of 17 to 22. Using these three age indicators, **Loškowiš 'Awweš Táareš** is estimated to have been between the ages of 18 and 22 at the time of death.

Stature

Only two elements were present for stature estimation. These include reconstructed right tibia and humerus. These elements measured 370 mm and 323 mm, respectively. Living stature of **Loškowiš 'Awweš Táareš** was estimated to have been approximately 164 cm (5'4") [160cm – 165 cm, 5'3 – 5'5" including standard deviation], according to Genoves (1967) and Auerbach and Ruff (2010). While the two stature estimations agree well with one another, it is best practice to use those pertaining to a relevant skeletal population. In the case that preservation does not provide the metrics required by Auerbach and Ruff (2010) it is likely acceptable to use those presented by Genoves (1967), but comparison of the equations with a larger, more intact sample is necessary to confirm this speculation. The **Loškowiš 'Awweš Táareš** burial fits perfectly within the mean stature of 163.9 cm for males recovered from other prehistoric Californian sites (Auerbach and Ruff, 2010).

Skeletal Pathology

The observation of skeletal pathology was limited by the fragmentation of skeletal elements of this individual, as well as the adherence of caliche and the resulting damage to the cortical bone. Pathology exhibited in this individual was mainly related to activity. Two thoracic bodies (T10 and T11) exhibit a lateral sloping to the left of the anterior body, while the rest of the vertebral bodies exhibit roughly equal rounding on both sides (**Figure 3-6**). This difference is noted but is likely the result of normal variation in the skeleton, resulting from strenuous activity. Furthermore, development of slight spicules along the neural arches of T7-T11 was observed, with the most pronounced development observed in T8 (**Figure 3-7**). The development of these spicules, known as laminal spurs, is a normal variant of the spine, associated with increasing age or strenuous activity and is most readily found in the thoracic vertebrae (Mann and Hunt, 2005). Due to the young age of this individual, (18-22 years of age), the presence of laminal spurs is a possible indicator of strenuous activity during this individual's lifetime. No signs of stress, infection, or trauma indicative of cause of death at such a young age were observed in this individual. This may be due to poor preservation of the skeletal elements or the result of an acute infection.

Figure 3-6: Thoracic Vertebrae: T9-T11 (Left to Right)
[T9 Exhibits Roughly Equal Roundedness of the Vertebral Body,
T10 and T11 Display Anterior Diagonal Sloping on the Left Side of the Body (arrows)]

Figure 3-7: Development of Laminal Spurs on T8

Dental Pathologies and other Observations

The **Loškowiš 'Awweš Táareš** burial was impacted by a covering of caliche which obscured parts of the dentition, making certain observations difficult. Both arches are present with 14 teeth in the maxilla and 12 of 14 in the mandible (**Figures 3-8 and 3-9**). The **Loškowiš 'Awweš Táareš** burial exhibits congenital absence of all third molars, maxillary and mandibular. This was confirmed by radiograph, showing the absence of unerupted third molars in the crypts of the maxilla and mandible. There is minimal wear present on the maxilla with the heaviest wear on the two central incisors (5's) and the first molars (6 and 7) with minimal wear present on the rest of the dentition. All wear scores were determined based on using Smith's (1984) attrition scale. Winging is present on the central incisors as well as being shovel shaped. There is the hint of a palatine torus obscured by caliche. No caries, abscesses, linear enamel hypoplasias, or antemortem tooth loss was observed in this individual. The lack of caries is not surprising in this population, as attrition of enamel surfaces restricts the formation of carious lesions (Jurmain, 1990).

Figure 3-8: Maxilla Showing Attrition and Absent 3rd Molar

The mandible has 12 teeth present with two lost post mortem (RI_1 and RPM_2) and the right first molar is damaged (RM_1) having been broken in half, most likely during excavation. Wear is similar on the mandible with 5's on the incisors and 6's on the molars with minimal wear on the premolars and canines. This mandible has been broken at the mental eminence and reconstructed with Klean® Clay. The bicondylar breadth is exceptionally wide, possibly because of plastic deformation of from excessive usage. The side views below show an exceptionally steep gonial angle (~ 100 degrees), wide ramus breadth, both minimum and maximum and height of the mandibular body (**Figure 3-10**).

Figure 3-9: Mandible Showing Attrition and Absent 3rd Molar

Figure 3-10: Loškowiš 'Awweš Táareš Mandible - Side Views

There is the slightest hint of a groove beginning to form on the left central incisor (Grade 2), which is not supported by the opposing occlusion which is dead flat (**Figure 3-11**). This suggests that this individual may have been processing plant materials for cordage and/or nets, which were in universal usage among this group (Grant 2010; Anderson 2005).

Figure 3-11: Loškowiš 'Awweš Táareš Maxillary Central Incisors (close-up)

Dental Summary

This is a very young individual aged about 25 years old. It is important to note what is not here. There is minimal wear, no evidence of caries, no evidence of periodontitis, or abscesses. There are no linear enamel hypoplasias present suggesting that this individual had a stress free childhood, free from famine, nutritional stress and serious illnesses. The maxilla and mandible are both very robust and strong.

Concluding Remarks

Based on the skeletal analysis of the **Loškowiš ’Awweš Táareš** burial the pathologies associated with this individual, a specific cause of death could not be discerned from the remains. Therefore, it is not possible to speculate what contributed to the death of this young ancestral Ohlone man.

Furthermore, although his passing, no doubt, represented a tragedy in the lives of this ancestral Ohlone Indian community, it appears that this man lived only to young adulthood, 18-22 years old. The overall good condition of the skeletal remains and lack of clearly identifiable pathologies on the elements suggests that this young man led a fairly normal lifestyle during his time period until his unfortunate passing and ultimate burial at the CA-SMA-267 location, approximately 4,084 years ago (2084 BC).

Chapter 4:
Stable Isotope Analysis and Paleodiet of an Ancestral Ohlone Human Burial from CA-SMA-267, San Mateo County, California

by

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INTRODUCTION

Stable isotope analysis has been used by archaeologists since the 1970s to examine the diets of prehistoric humans. The old adage "you are what you eat" is the foundation for using stable isotopes for dietary reconstruction and refers to the relationship between the isotopic composition of an animal's tissues and its diet (DeNiro and Epstein 1978; Fry 2006). Controlled feeding experiments on animals have clearly indicated that stable isotope ratios of bone record the isotopic composition of foods consumed during life, providing an average for the last 10-15 years of diet in human cortical bone. Studies generally focus on stable carbon ($^{13}C/^{12}C$) and nitrogen ($^{15}N/^{14}N$) isotopes.

In this chapter, I briefly review the theoretical basis of stable isotope analysis and provide parameters for human diets using isotopic values of flora and fauna from central California. Next, I provide a dietary reconstruction of an ancestral Ohlone burial (Burial 1) from CA-SMA-267, located at 1416 Bay Road, City of East Palo Alto, San Mateo County, California. Accelerator mass spectrometry (AMS) was conducted on human bone collagen by the National Science Foundation AMS Laboratory, University of Arizona, Tucson, and yielded a corrected date of 2115 ± 73 B.C. (2191 B.C. Calib 5.0). Burial 1, referred to as "Caliche Man" or **Loškowiš 'Awweš Táareš** in the Muwekma Tribe's native language dates close in time with other Early Period burials from the west side of San Francisco Bay, such as Stanford Man II (2400 B.C. and 2450 B.C.), Sunnyvale Skeleton (2440 B.C. and 2520 B.C.), and CA-SCL-287 (Burial 04-14 2232 B.C.) from Stanford Campus (Leventhal et al. 2010, Buonasera, personal communication). These sites also date at least 500 years older than burials from the University Village site (CA-SMA-77) (Leventhal, personal communication; see Gerow and Force 1968).

STABLE ISOTOPES

Stable isotopes are atoms of the same element with the same number of protons and a different number of neutrons. Because stable isotopes do not undergo radioactive decay, they provide a record of *in vivo* chemical signatures of an organism. Although chemically similar, isotopes of the same element react at slightly different rates in chemical reactions due to slight differences in atomic mass. This results in the disproportionate enrichment of one isotope over another, a process known as isotopic fractionation (Fry 2006). Stable isotope values are expressed as the ratio of the "rare" (heavy) isotope to the "abundant" (light) isotope (e.g., $^{13}C/^{12}C$) compared to a known standard, expressed in permil (‰) or parts per thousand relative to the standard (Schoeller 1999). International laboratory standards are provided by the National Bureau of Standards and the International Atomic Energy Agency in Vienna. The delta notation symbol (δ) is used to express the isotopic ratio of a sample relative to the standard. Isotopic composition is calculated as follows:

$$\delta = (R_{sample} - R_{standard}) / R_{(standard)} \times 1000$$

Where R is equal to the ratio of the rare to the abundant isotope in the sample compared with that of the standard.

Stable carbon isotopes are expressed relative to PDB (Pee Dee belemnite), a Cretaceous fossil (*Belemnitella americana*) from the Pee Dee formation in South Carolina. PDB is assigned a value of 0‰ by definition and is enriched in ^{13}C relative to organic carbon and most terrestrial carbonate materials. Thus, $\delta^{13}C$ values for most living things are negative relative to the standard. Stable isotopes of nitrogen are expressed by the ratio of $^{15}N/^{14}N$ relative to the standard of atmospheric N_2 (AIR), also set at 0‰. Because air is more depleted in ^{15}N than most living things, $\delta^{15}N$ values in organisms are usually positive relative to the standard. Substances that have higher delta (δ) values are more enriched in the "heavy" isotope (Fry 2006).

STABLE CARBON AND NITROGEN ISOTOPE ANALYSIS

Carbon isotopes ($^{13}C/^{12}C$) in bone reflect the consumption of C_3, C_4, and CAM plants and the animal consumers of these resources. During photosynthesis each type of plant utilizes a different carbon molecule to incorporate carbon into its tissues. C_3 plants use a 3-carbon molecule, referred to as Calvin-Benson photosynthesis, which discriminates more against the isotopically heavier ^{13}C when incorporating atmospheric CO_2. These plants include trees, shrubs, legumes, and tubers typical of temperate regions. C_4 plants instead use a 4-carbon molecule (Hatch-Slack photosynthesis) that discriminates less against the isotopically heavier ^{13}C compared to C_3 plants when incorporating atmospheric CO_2. C_4 plants include tropical grasses such as maize, millet, sorghum, and sugarcane that are typical of hot and arid climates. Due to these differences, C_4 plants average –12.5‰, while C_3 plants average –26.5‰ (Schwarcz and Schoeninger 1991). CAM plants include succulents and cacti and fall between the range of C_3 and C_4 plants depending on the degree of daytime photosynthesis. In marine environments, carbon is derived from dissolved bicarbonate, marine plants, and photosynthesizing phytoplankton. This typically results in carbon isotope values in organisms that are similar to C_4 plants, thus permitting discrimination of marine versus terrestrial diets in a consumer's tissues in regions where C_4 plants are not consumed (Schoeninger et al. 1983; Schwarcz and Schoeninger 1991).

Nitrogen has two stable isotopes, ^{15}N and ^{14}N, which are incorporated into plants from N_2 in the atmosphere and ocean water. Marine plants typically have more positive isotope values than terrestrial plants and these differences are reflected in animal consumers. Nitrogen isotopes differ from carbon in that there is a trophic level effect, with the tissues of its consumers enriched ~3‰ over food values at each level in the food web (Schwarcz and Schoeninger 1991). Nitrogen isotope values are typically higher in marine ecosystems than in terrestrial ecosystems due to longer food chains.

DIETARY RECONSTRUCTION IN CENTRAL CALIFORNIA

In the San Francisco Bay area, zooarchaeological studies have demonstrated a greater emphasis on large terrestrial fauna (e.g., elk, deer) and marine mammals early in time, followed by a shift toward smaller terrestrial fauna and shellfish later in time (Broughton 1999; Simons 1992).

Stable carbon and nitrogen isotope data of bone collagen indicate that Early Period (4950 to 2450 Before Present (BP) groups from the upper eastern bayshore derived most of their dietary protein from high trophic level marine resources, whereas Middle and Late Period (2450 to ca. 200 B.P.) groups from the lower eastern bayshore and south Bay Area consumed a wider variety of marine and terrestrial resources (Bartelink 2006, 2009a, b, 2010; Bartelink and Wright n.d.; Beasley 2008; Beasley et al. 2013). Compared with the Sacramento-San Joaquin Valley and Delta, prehistoric diets in the Bay Area showed a greater focus on marine resource consumption (Bartelink 2006; Bartelink and Wright n.d.; Bartelink et al. 2010). Stable carbon isotope analyses of bone apatite further indicate an increased emphasis on vegetal foods through time in the Bay Area (Bartelink 2006; 2009b).

MATERIALS AND METHODS

Sample preparation was conducted in the Stable Isotope Preparation Laboratory at California State University, Chico. Approximately 2-3 g of bone was sampled for stable isotope analysis. The "collagen" fraction was extracted using the hydrochloric acid chunk procedure and involved treating the sample with a 0.25 M hydrochloric acid solution until demineralized (Ambrose 1993; Schwarcz and Schoeninger 1991). The collagen pseudomorph was soaked for 24 hours in a 0.125 M sodium hydroxide solution to remove humic contaminants. The sample was then solubilized in pH≈3 water and then freeze-dried in a glass scintillation vial. Collagen $\delta^{13}C$ and $\delta^{15}N$ was measured by continuous-flow mass spectrometry (PDZ Europa ANCA-GSL elemental analyzer interfaced to a PDZ Europa 20-20 isotope ratio mass spectrometer) at the Stable Isotope Facility, under the direction of Dr. Joy Matthews, in the Department of Plant Sciences at the University of California at Davis. The percent collagen yield and atomic C/N ratio fell within the range of well-preserved collagen (DeNiro 1985; van Klinken 1999).

The bone apatite sample was ground into a powder using a steel mortar and pestle, and then sieved through fine mesh screen (200 μm). The organic "collagen" was removed with a 48 hour treatment of 1.5 percent sodium hypochlorite solution, replaced once at 24 hours using a 0.04 ml solution/mg sample ratio (Koch et al. 1997). The powdered apatite sample was then treated with a 1.0 M acetate-buffered (pH≈4.5) acetic acid solution for 24 hours (replaced once at 12 hours) to remove soluble contaminants (using a 0.04 ml solution/mg sample ratio). The $\delta^{13}C$ value was measured at the Stable Isotope Laboratory using a GVI Optima Stable Isotope Ratio Mass Spectrometer, under the direction of Dr. Howard Spero, Department of Geology, U.C., Davis.

RESULTS AND INTERPRETATION

General Comparisons: Stable Carbon and Nitrogen Isotopes of Bone Collagen

Table 4-1 presents the stable carbon and nitrogen isotope values for "**White Salt Man**" (Burial #1) from CA-SMA-267. The $\delta^{13}C$ value was -18.8‰ and the $\delta^{15}N$ value was 8.8‰, which overlaps with diets composed mainly of C_3 terrestrial proteins and freshwater fish. The $\delta^{13}C$ value of -13.8‰ and $\Delta^{13}C_{apat\text{-}coll}$ value of 5.0 indicates that the source of the dietary protein was more depleted in ^{13}C than the whole diet, consistent with consumption of C_3 terrestrial protein sources from plants and animals, and also freshwater fish. Marine foods appear have been a smaller component of the diet relative to terrestrial foods.

Table 4-1: Stable Isotope Values from CA-SMA-267

Burial No.	Sex	Age-at-Death	$\delta^{13}C_{apat}$ (‰)	$\Delta^{13}C_{apat\text{-}coll\ spacing}$ (‰)	$\delta^{13}C_{coll}$ (‰)	$\delta^{15}N_{coll}$ (‰)	C/N ratio	Coll Yield (%)
1	Male	Adult	-13.8	5.0	-18.8	8.8	3.29	2.0

Figure 4-1 plots stable isotope values for a number of economically important plant and animal resources from central California. The data for animals represent adjusted "meat values", and account for published diet-to-tissue fractionation offsets between meat and bone collagen. The individual boxes represent minimum and maximum values for different food resources from central California based on archaeofaunal and modern faunal and floral data reported in Bartelink (2006). Because freshwater fish are poorly characterized for California, the box model represents variation identified from a number of regions. The modern plant and animal carbon isotope values are corrected by +1.5‰ for the "Suess Effect" (i.e., the depletion of atmospheric $\delta^{13}C$ due to fossil fuel burning) to bring values in line with the prehistoric food web. The plot shows clear differences between marine and terrestrial resources and also demonstrates the stepwise increase in nitrogen isotope values along the food web. This model should be considered an approximation of the isotopic composition of available food resources due to limited sample representation of some key food resources.

For stable carbon isotopes, human collagen $\delta^{13}C$ values should be ~5‰ higher than the source of dietary protein due to the fractionation offset between diet and bone collagen (**Figure 4-1**). This assumes that the $\delta^{13}C$ of dietary protein is equal to that of the whole diet; thus, marine food consumers will have diet to collagen offsets higher than 5‰, slightly expanding the range of possible resources consumed. Adding 5‰ to the human collagen value, Burial 1 overlaps primarily with terrestrial herbivores, freshwater fish, and C_3 plants. For $\delta^{15}N$, human collagen values should be ~3‰ higher than the source of dietary protein due to the trophic level effect. Subtracting 3‰, Burial 1 again overlaps with terrestrial herbivores and freshwater fish (**Figure 4-1**). Resources, such as ducks and geese, may overlap with both terrestrial and marine foods, and may also have been important dietary resources.

Regional Comparison

Figure 4-2 plots the stable carbon and nitrogen isotope value for the CA-SMA-267 "Caliche Man" burial with data from several late Holocene sites from the Santa Clara Valley, the eastern shore of San Francisco Bay, and the Sacramento-San Joaquin Delta of the Central Valley (Bartelink 2006, 2009a, b, 2010; Bartelink and Wright n.d.). The linear correlation of $\delta^{13}C$ and $\delta^{15}N$ values for San Francisco Bay Area sites indicates a high level of dietary variation in marine versus terrestrial resource consumption in the region, with dietary input coming from both ecosystems. The individuals in the upper right quadrant of the plot consumed diets focused mainly on marine protein, while those from other Bay Area sites consumed greater amounts of terrestrial protein.

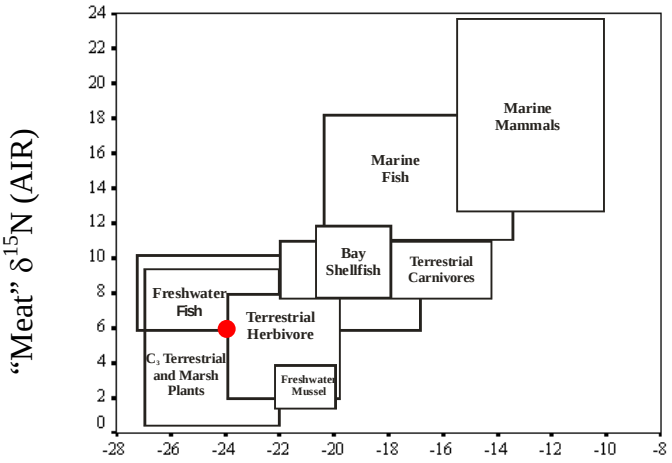


Figure 4-1: Reconstructed Stable Carbon and Nitrogen Isotope Values for Dietary Resources in Central California (from Bartelink 2006, 2009b)

[Note: The red dot represents the adjusted diet-to-tissue range of $\delta^{13}C$ and $\delta^{15}N$ values for human bone collagen]

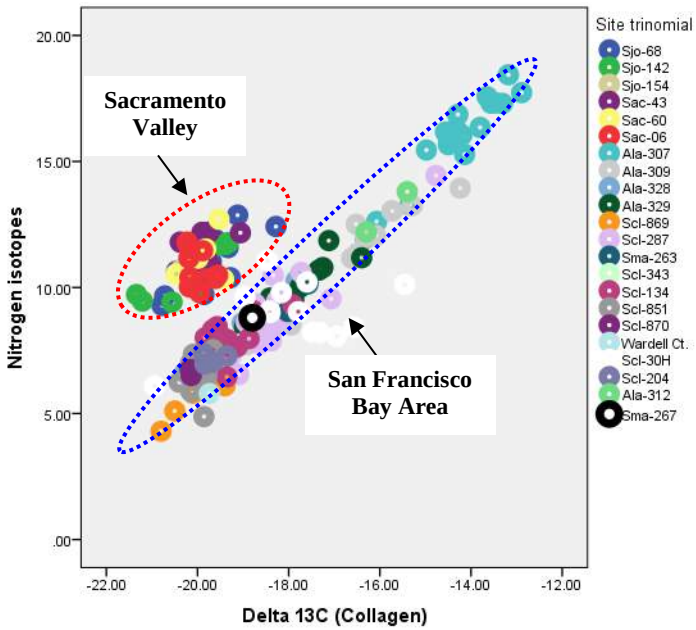


Figure 4-2: Stable Carbon and Nitrogen Isotope Values for the CA-SMA-267 Burial (large black circle) Compared with Other Late Holocene Humans from Central California
[see Bartelink 2006, 2009a, b]

The **Loškowiš 'Awweš Táareš [White Salt Man]** burial from CA-SMA-267 plots along the marine-terrestrial San Francisco Bay Area line, and overlaps with Middle to Late Period burials from sites along the lower eastern bayshore (CA-ALA-328: Patterson Mound, CA-ALA-329: Ryan Mound) [**Figure 4-3]**. The $\delta^{13}C$ and $\delta^{15}N$ values are substantially lower than Early Period and Middle/Late Period burials from upper east bay sites, such as CA-ALA-307 (West Berkeley Mound) and CA-ALA-309 (Emeryville Shellmound), where high trophic level marine proteins were consumed in much greater quantities (Bartelink 2006b, 2009). Similar to other sites from the San Francisco Bay Area, the isotope values do not overlap with the more terrestrially-focused diets found in the Sacramento-San Joaquin Delta. The fact that the CA-SCL-267 values plot on the marine-terrestrial line with other Bay Area sites suggests that some marine protein sources were consumed, consistent with low trophic resources such as shellfish, or small amounts of marine fish, and/or freshwater fish. This interpretation is based on the fact that the consumption of different combinations of isotopically distinct food resources can result in identical isotope values.

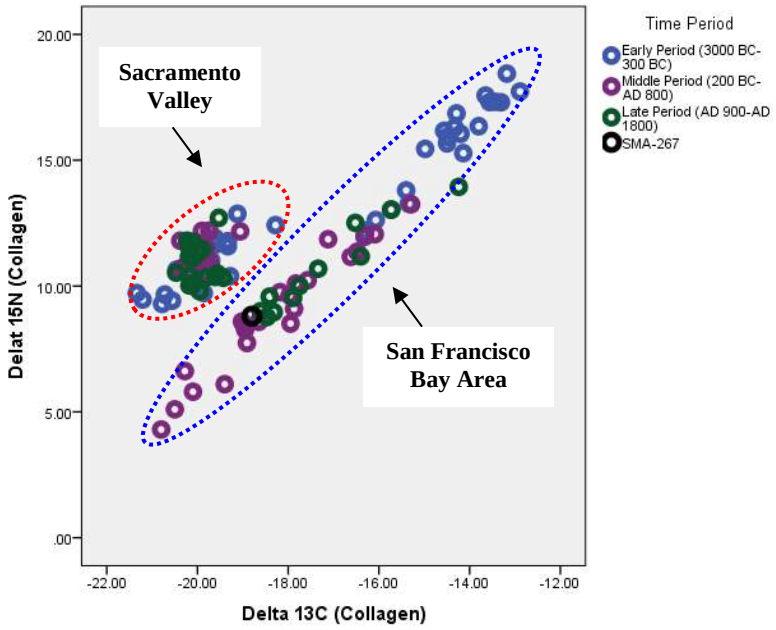


Figure 4-3: Temporal Comparison of Stable Carbon and Nitrogen Isotope Values for the CA-SMA-267 Burial Compared with Other Late Holocene Humans from Central California
[see Bartelink 2006, 2009a, b]

A more recent dietary model proposed by Kellner and Schoeninger (2007) plots separate regression lines for the correlation between collagen and apatite $\delta^{13}C$ for C_3, C_4, and marine-based diets. This model is based on modern fauna and the regression lines are not adjusted for the Suess Effect; thus, 1.5‰ was subtracted from the archaeological carbon isotope values to adjust to modern atmospheric conditions. An updated version of this model combines the C_4 and marine lines due to overlap in these diets (see Froehle et al. 2010).

Figure 4-4 plots the stable carbon isotope values of apatite and collagen for the **Loškowiš 'Awweš Táareš** burial with data from several late Holocene sites from the Sacramento-San Joaquin Delta of the Central Valley and the eastern shoreline of San Francisco Bay. Comparison of the apatite and collagen $\delta^{13}C$ values with the two regression lines (C_3 protein and C_4/marine) provides a more complete reconstruction of the diet. Humans that fall along the C_3 line obtained their dietary protein from terrestrial animal resources and/or freshwater fish, while those who are shifted toward the marine line consumed significant amounts of marine protein. The stable carbon isotope values of collagen and apatite provide support for the consumption of a mixed diet of marine and terrestrial proteins, with terrestrial C_3 plants comprising a large component of the diet (Note: The **Loškowiš 'Awweš Táareš** burial falls closest to the C_3 terrestrial line). This indicates that the CA-SMA-267 burial is very distinctive from other Early Period burials from the upper east Bay Area (e.g., CA-ALA-307: West Berkeley Mound), but similar in diet with most of the burials from neighboring CA-SCL-287/CA-SMA-263 [Bartelink in Leventhal et al. 2010].

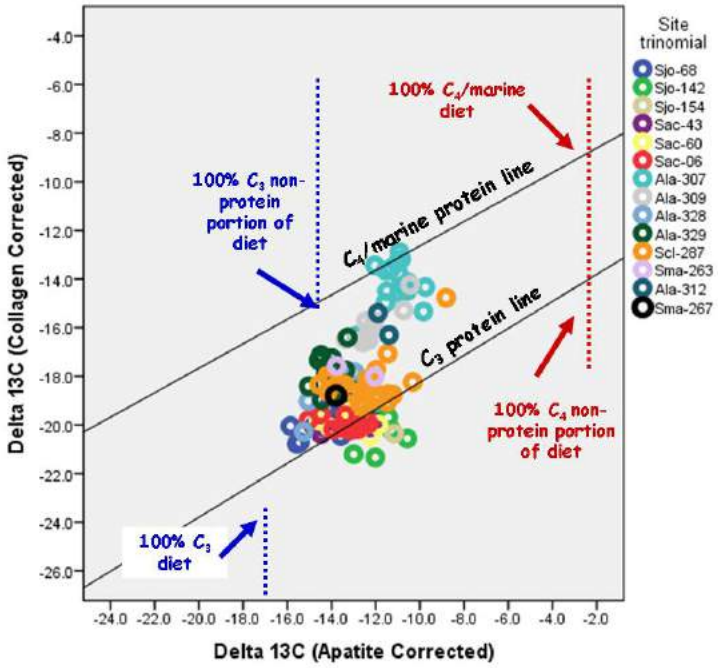


Figure 4-4: Plot of the Apatite and Collagen Stable Carbon Isotope Values for the CA-SMA-267 Burial Compared with Other Late Holocene Humans from Central California

SUMMARY

The stable isotope analysis of the **Loškowiš 'Awweš Táareš** burial from CA-SMA-267 indicates a diet composed of both terrestrial and marine protein sources. These values overlap with Middle and Late Period prehistoric humans from sites along the lower eastern shore of San Francisco Bay and the Santa Clara Valley, but are distinct from burials analyzed from the upper eastern shore of the bay and from the Sacramento-San Joaquin Valley. Stable carbon and nitrogen isotope data of bone collagen indicates that the individual mainly consumed terrestrial (e.g., herbivores, C_3 plants) and/or freshwater fish resources, with some contribution of marine protein (e.g., shellfish such as Bay Oyster, California Horn Snail, Bay Mussel and marine fish).

ACKNOWLEDGEMENTS

I would like to acknowledge Rosemary Cambra, Chairwoman of the Muwekma Ohlone Indian Tribe of the San Francisco Bay Area and President of Ohlone Families Consulting Services and the Muwekma Ohlone Tribal Council for their permission to conduct this study. This important research could not have been conducted without their blessing and support. Special thanks are owed to Alan Leventhal of SJSU for his dedication and support of this research, as well as his valuable insights on California prehistory.

Chapter 5:
Analysis of Stone Artifacts, Faunal and Shellfish from CA-SMA-267

by

Alan Leventhal, Rosemary Cambra and Diane DiGiuseppe

INTRODUCTION

The recovery excavation at prehistoric site CA-SMA-267 yielded only a small assemblage of artifacts, vertebrate faunal, and shell fish remains. As a result of this limited recovered sample it is not suitable for any meaningful statistical analysis. However, the site did provide some species of significance in determining aspects of the local paleoenvironment. The faunal/shellfish remains were derived from four different contexts: 1) controlled excavation test units, 2) burial/grave locus, 3) monitoring of backhoe trench excavations, and 4) isolates (isolated finds from disturbed context). See **Appendix C** for Artifact Catalog.

ARTIFACTS: LITHICS, UNMODIFIED COBBLES AND BAKED CLAY

Flaked Stone

For purposes of this analysis, all flaked stone materials were individually reviewed under a Bausch and Lomb 10.5x - 45x variable stereoscopic microscope and a 150 watt incandescent lamp for any evidence of use/wear patterns and retouch modification. All materials were then weighed on an Ohaus triple-beam balance scale and measured with a Mitutoyo Digimatic metric caliper. All damaged and pristine edge angles were determined by using a Ward's Contact Goniometer.

Only one flaked stone artifact was recovered from the site and it was recovered just below the **Loškowiš 'Awweš Táareš** burial at a depth of 109 cm Below Surface (BS). **Specimen 6-14** is a utilized flake made in a flake of red Franciscan chert. This utilized flake exhibits two distinct Edge Units (EU's). Edge Unit 1 (EU1) is straight to slightly concave that exhibits unifacial crushing and stepped-fractures located on the left lateral edge (ventral view). The Pristine Edge Angle (PEA) measured with a goniometer ranged from 34° to 39°. The Damaged Edge Angle (DEA) ranges from 67° to 78°. EU1 length measures 10.8 mm.

Edge Unit 2 (EU2) is straight and is located on the left lateral edge (dorsal view). EU2 exhibits unifacial retouch and slight nibbling and measures 10.2 mm. The PEA measures 37° to 42° and the DEA ranges from 84° to 85°. The bulbar length of utilized flake tool measures 20.1 x 25.0 x 4.2 mm and it weighs 2.2 grams.

Based upon the type of were patterns (unifacial crushing and stepped-fractures) EU1 was probably employed in a scraper-like fashion of somewhat resistant material such as wood, shell or even bone. EU2 was also probably employed in scraper-like fashion perhaps used in processing fibrous materials (**Figure 5-1**).

Figure 5-1: Utilized Flake Red Franciscan Chert

Unmodified Cobbles (Manuports)

Unmodified cobbles and cobble fragments were encountered within several of the strata. In **Stratum II Sub-Road Bed (17-32 cm BS)**, a total of nineteen (19) pebbles and cobble fragments were encountered from 26-30 cm BS. These pebbles and cobble fragments were of sandstone, rounded to sub rounded, with some split perpendicular to the longer axis (**Figure 5-2**). Some exhibited slight blackening from possible exposure to fire however they were not classified as fire cracked rocks. All were carefully reviewed and with the exception of two specimens (**Specimens 3-1**), they were discarded after analysis.

Figure 5-2: Two Unmodified Sandstone Cobble Fragments from Stratum II

In **Stratum IV (44-85 cm BS)** a total of four (4) unmodified sandstone cobble frags were recovered. None appeared to be either modified or affected by fire.

Within **Stratum V (85 -103 cm BS)** which we identify as the "**Burial Zone"** at least seventeen (17) rounded to sub-rounded sandstone cobbles and cobble fragments and pebbles as well as and one (1) red Franciscan chert cobble were recovered (**Specimens 1-7**). These were reviewed and six were retained as burial associated. Although non-exhibited any deliberate modification, several did exhibit fire blackening (**Figure 5-3**).

Figure 5-3: Sandstone and Chert (lower right) **Cobbles Associated with Burial**

Below the **Loškowiš 'Awweš Táareš** burial **Stratum V** continued to a depth of 135 cm BS. A total of twenty (20) unmodified sandstone cobble fragments and pebbles were recovered weighing 1732.6 grams and fifteen (15) retained (Specimens 6-8). None of these cobble fragments exhibited any evidence of modification or exposure to fire.

From the backhoe backdirt pile 137 cobbles, cobble fragments and pebbles were recovered weighing in excess of 2.5 kg (**Specimens 8-2**). Of these approximately 98% were of fine grained sandstone with only a small percentage exhibiting exposure to fire. 1.5% were of Franciscan chert and .5% quartzite. After carefully review in the lab all were de-accessioned.

Baked and Vitrified Clay

Baked and vitrified clay fragments were recovered from **Stratum III (32-44 cm BS) [Specimens 4-1]**, **Stratum V 85-103 cm BS** (associated with the **Loškowiš 'Awweš Táareš** burial) [**Specimens 1-6**] and below the burial, also from **Stratum V (103-135 cm BS**) [**Specimens 5-4, 5-5, 5-6, 5-7** and **5-13**). Five (5) additional pieces of baked clay were also recovered from the backhoe backdirt pile (**Specimens 8-1**) [see **Figures 5-4 – 5-6**].

Figure 5-4: (Specimens 4-1) Baked Clay from Stratum III (32-44 cm BS)

Figure 5-5: Specimens 1-6 Baked Clay Associated with the Burial

Figure 5-6: Specimen 6-5 Vitrified Clay from Stratum V below Burial (103-135 cm)

From the backhoe backdirt pile 5 large pieces of baked clay were recovered weighing 58.8 grams (**Specimens 8-2**).

FAUNAL AND SHELL FISH ANALYSIS

Methods

Faunal and shell fish remains were recovered using ¼ inch and at times ⅛" mesh screens. The remains were carefully bagged by location and level in the field and later washed, sorted and placed in labeled baggies at the San Jose State University Anthropology Lab. Each recovered element from each unit, level, trench and other discrete context, was issued a catalog reference and specimen number (e.g. Burial 1 Reference #1-1, 1-2, 1-3 and etc.).

Only two vertebrate faunal remains were recovered from all four contexts. **Specimens 1-4** comprising two long bone fragments from a *Thomomys botta*, (Botta pocket gopher), *Sciurus griseus* (western grey squirrel), and *Sciurus niger* (fox squirrel) were recovered from within the Burial Zone (**Figure 5-7**). No further identification to either genus or species was attempted. Neither of these two specimens exhibited any signs of cut marks or exposure to fire.

Figure 5-7: Long Bone Fragments from *Rodenta*

Shellfish Species Identification [see Appendix C for counts and weights]

Shellfish was the most abundant ecofactual material recovered from this burial locus. Shellfish remains were encountered in the following Strata:

Stratum III (32-44 cm BS) yielded 340 + *Ostrea lurida* (Bay Oyster), 51 *Cerithidea californica* (California Horn Snail), and 1 *Penitella pineta* (Boring Clam) shells (**Figures 5-8 - 5-10)**

Figure 5-8: Sample of *Ostrea lurida* from Stratum III

Figure 5-9: Sample of *Cerithidea californica* from Stratum III

Figure 5-10: Sample of *Penitella pineta* from Stratum III

Stratum IV (44-85 cm BS) yielded 71 *Ostrea lurida* (Bay Oyster), 7 *Cerithidea californica* (California Horn Snail), 7 *Mytilus edulis* (Bay Mussel) and 1 *Penitella pineta* (Boring Clam) shells (**Figures 5-11 - 5-14**).

Figure 5-11: Sample of *Ostrea lurida* from Stratum IV

Figure 5-12: Sample of *Cerithidea californica* from Stratum IV

Figure 5-13: Sample of *Mytilus edulis* from Stratum IV

Figure 5-14: Sample of *Penitella pineta* from Stratum IV

Stratum V (Burial Zone 85 – 103 cm BS) yielded 81 *Ostrea lurida* (Bay Oyster), 15 *Cerithidea californica* (California Horn Snail), and 4 *Mytilus edulis* (Bay Mussel) shells (**Figures 5-15 - 5-17**).

Figure 5-15: Sample of *Ostrea lurida* Associated with Burial

Figure 5-16: Sample of *Cerithidea californica* Associated with Burial

Figure 5-17: Sample of *Mytilus edulis* Associated with Burial

The lower portion of **Stratum V (103-135 cm BS)** immediately below the burial yielded twenty-nine (29) *Ostrea lurida,* four (4) *Cerithidea californica,* and one (1) crab claw (*Cancer sp*?) [Figure 6-18].

Figure 5-18: Crab Claw from Stratum V Below the Burial

A total of ten (10) uniformly sized very small clam shells were recovered from the backhoe backdirt pile (Specimens 8-4), but these appear to be of recent deposition.

Conclusion

Shellfish Remains: Bay and Ocean Marine Shellfish Species from CA-SMA-267

The remains from several species of Bay shellfish were identified and recovered from the several archaeological recovery contexts at CA-SMA-267. All of the following species are considered as a food resource (non-ornamental shell) in order of prevalence: 1) *Ostrea lurida* (Bay Oyster), 2) *Cerithidea californica* (California Horn Snail), 3) *Mytilus edulis* (Bay Mussel), 4) *Penitella pineta* (Piddock/Boring Clam) and 5) *Cancer sp?* (Crab claw).

Of these recovered shellfish species four of these 1) *Ostrea lurida* (Bay Oyster), 2) *Cerithidea californica* (California Horn Snail), 3) *Mytilus edulis* (Bay Mussel), and the crab (*Cancer sp?)* were harvested from the San Francisco Bay waters and surrounding wetlands.

The *Penitella pineta* (Piddock/Boring Clam) was most likely harvested along the Pacific coastal waters.

The preserved shellfish remains indicates that shellfish comprised an important contribution to the **Loškowiš 'Awweš Táareš [White Salt Man's]** diet during his life span over 4000 years ago when the San Francisco Bay had matured sufficiently to support a diversity of marine shellfish life.

Chapter 6:
AMS Dating and Chronological Placement of the Loškowiš 'Awweš Táareštak Burial
by
Alan Leventhal and Rosemary Cambra

INTRODUCTION

After the Burial and Archaeological Data Recovery Program was completed it was determined that no temporally diagnostic artifacts were recovered from the **Loškowiš 'Awweš Táareštak [White Salt Man] Site**, nor was there a sufficient amount of non-suspicious (possibly intrusive charcoal) available to submit for a radiometric assay. A decision was made by the Muwekma Ohlone Tribal leadership to select and submit a small amount of bone fragments for Accelerator Mass Spectrometry (AMS) dating in order to obtain information about approximately how long ago **Loškowiš 'Awweš Táareš** died, and therefore, date the age of his burial and the site.

On March 19, 2007, a small sample of bone was packaged up and sent to the University of Arizona's NSF - Accelerator Mass Spectrometry Laboratory at Tucson for AMS dating. An uncorrected radiometric assay (AA7479) of **3713 ± 51** years BP (Before Present) was obtained on October 9, 2007 (**Appendix D**).

OFCS Staff Archaeologist Alan Leventhal entered the uncorrected date into the Calib 6.0.1 Radiocarbon Calibration dating correction program. As a result, the temporal placement, at the two Sigma level with a 95% probability, spans from **2212 BC to 1955 BC**. The midpoint within this time range is calculated to **2084 BC**.

Independently, Leventhal ran the online Cologne Radiocarbon Calibration and Paleoclimate Research Package (CalPal) which yield a corrected date of **2115 ± 73 BC** (**Calendric Age cal BP: 4065 ± 73**) which places it very close to the midpoint of the time span result obtained through the Calib 6.0.1 program.

If we accept the Calib 6.0.1 corrected midpoint date of **2084 BC** and we place this date within the Bennyhoff and Hughes (1987) **Temporal Scheme B1**, then this person died during the upper **Windmiller A Phase** within the **Early Period**. If we consider the **2212 BC to 1955 BC** time span under **Scheme B1**, then this individual's death occurred between the **upper Windmiller A Phase** within the **Early Period** and (lower) **Windmiller B1 Phase** within the **Early Period (Figure 6-1).**

If we place the **2084 BC** date within the **Temporal Scheme D** proposed by Groza (2002) and Hughes and Milliken (2007), then **Loškowiš 'Awweš Táareš** died most likely during the proposed **L2 Bead Horizon Period** (**see Dating Schemes B1 and D below**).

Regardless of which Temporal Scheme we employ, it is clear that **Loškowiš 'Awweš Táareš [White Salt Man]** died towards the upper part of the **Windmiller A Phase** within the **Early Period**, around **2084 BC**.

TEMPORAL PLACEMENT WITHIN GEROW'S PROPOSED EARLY BAY COMPLEX/CULTURE

Perhaps more accurately due to its location on the West Bay, the **Loškowiš 'Awweš Táareš** burial from **CA-SMA-267** dates to what Gerow with Force (1968) identified as the **Early Bay Complex/Culture** (also see Moratto 1984). Gerow analyzed the skeletal remains and over 3000 artifacts associated with 35 of the graves from the University Village Site (**CA-SMA-77**) located approximately 6/10 of a mile to the northeast from CA-SMA-267. Gerow obtained a suite of uncorrected dates on charcoal and human bone that ranged from **3400 ± 300** to **2630 ± 150** Before Present (BP). Entering these dates into the Calib 6.0.1 program the resultant corrected dates span from **1744 BC to 763 BC**.

Based upon his skeletal analysis and radiocarbon dates Gerow questioned the then current use of the **Central California Taxonomic System (CCTS)** that was developed from sites located in the Sacramento and San Joaquin Delta region and then that system was projected onto the San Francisco Bay Area. Gerow noted in his study that the University Village burial population was older than the "**Middle Horizon**" sites identified in the Delta, and the older dates from CA-SMA-77 were contemporary with some of the "**Early Horizon**" sites defined under the CCTS. Furthermore, he argued that the University Village population were also physiological different from those burials derived from the Early Horizon Windmiller sites of the Delta. As a result of interpreting his comparative biological data Gerow proposed a regional temporal alternative to the CCTS that accommodated the distinctions between the Bay and the Delta regions. He argued that the University Village Complex belonged to a contemporaneous "**Tradition**" which he termed **Early Bay Culture**.

Furthermore, Gerow also forwarded his proposed model of biological and cultural "**Convergence**" between the Sacramento Delta and the San Francisco Bay regions. Gerow's Convergence Model was formulated from his archaeological findings at University Village Complex (CA-SMA-77), along the San Francisquito Creek in San Mateo County (also see Gerow 1974). In his study Gerow argued that:

> … analysis of the data . . . led to the conclusion that the cultural assemblage at University Village was demonstrably earlier than any well-knit complex described in print for the Bay region. Equally important, these new data failed to harmonize in a number of fundamental points with current ideas of culture change, population change, and temporal relationships in Central California archaeology [Gerow with Force 1968:8].

In developing his Convergence Model Gerow suggested that:

> Since 1948 or earlier the San Francisco Bay has been viewed as a local marginal and impoverished manifestation of cultural succession or development in the Sacramento-San Joaquin Delta region, with differences explainable in terms of local ecologic adjustments over a period of three to four thousand years [Heizer 1964]. The Central California Taxonomic System and its supporting typological criteria have gathered strength from this assumption.

> The University Village complex is not explainable in terms of this assumption. Cultural and populational differences between the Bay and Delta regions were greater around 1500-1000 B.C. than later. Some of these differences extend beyond Central California and their interpretation requires a broader perspective than that provided by the stratified Windmiller site in the Delta region [Gerow with Force 1968:10].
>
> Previous interpretations of culture and population change within Central California have employed a unilinear model of succession or development through time, with contemporaneous regional differences explainable in terms of local ecologic adjustments. We feel that a model of convergence is more compatible with the archaeological record.
>
> In order to shed light on behavior patterns and cultural dynamics (stability and change), we have not hesitated to utilize the conclusions of ethnology, physical anthropology and linguistics. However, these are at a much higher level of abstraction and are not stressed in the present study . . . our central thesis [is] of two cultural traditions and populations in Central California at a relatively early date. The principal contrasts which we are able to define at the present time are between a generalized food collecting, fishing and hunting tradition associated with a metrically smaller, lower vaulted population, and a specialized hunting tradition associated with a metrically larger, higher vaulted population. We believe that the former is older in California, and may reflect early Hokan speakers in contrast to the latter, who may have been Penutian speakers [Gerow with Force 1968:13].

In a somewhat alternate perspective Moratto in his California Archaeology he suggested that:

> The position taken here is that the University Village Complex is an expression of the Sur Pattern [Pacific Coast/Monterey Bay Region] strongly influenced by the Berkeley Pattern. Thus, SMA-77 is seen as a relict Hokan settlement in contact with early Costanoan populations. The Berkeley Pattern then represents Utian [Miwok-Costanoan] cultural developments and geographic spread throughout the Bay and northern Central Coast regions (Moratto 1984:279).

Hylkema (2007) in the **Cooley Landing EIR** cultural resources study he summarized some distinctive aspects of these Early Bay Culture sites located in the South and West Bay region. The Cooley Landing project is located approximately 1.3 miles east of CA-SMA-267. Hylkema wrote:

> Along the Bay Shore in close proximity to the project area [Cooley Landing], three finds stand out as intriguing clues to Middle Holocene times. The first find, from the City of Sunnyvale, consisted of the skeletal remains of a woman dated to 4460 + 95 BP (Bickel 1978). The second and third finds consist of two burials from the banks of San Francisquito Creek in the City of Palo Alto (SCL-33; Garaventa et al. 1983). These burials are popularly known as Stanford Man II and I. The Stanford Man II burial, dated to 4400 + 270 and 4350 + 125 BP (Gerow 1974a: 241), had in association three large side-notched points with distinctive apiculate tips and diamond-shaped bases; all were made from coastal Monterey chert. These point forms probably represent an earlier, as yet undefined cultural tradition [Hylkema 2007:12].

> … Gerow (1968) observed conflicting patterns between Windmiller assemblages and what he came to call the "Early Bay" culture, which was coined on the basis of his findings at SMA-77, the University Village site on the southern San Francisco Bay Shore. This site contained a mortuary complex with grave associated artifacts that were contemporary with Heizer's Early horizon (Windmiller) of the Central Valley, but the burials were flexed instead of extended. …
>
> Comparative anthropometric studies lead Gerow to conclude that the people who occupied the Bay area had different physical characteristics and a different cultural tradition than people from the Delta-Central Valley. He proposed the recognition of an Early Bay pattern within the broadly defined "Early horizon." Further, he observed that his Early Bay pattern was similar to the early cultures of the southern California coast. Gerow (1974b) argued that the two opposing cultural traditions co-existed but became more similar later in time, and eventually converged. In retrospect, Gerow's conclusions about an Early Bay coastal affinity appear to have been correct, although the affinity was not as geographically distant as he had envisioned. Certainly the contracting-stemmed points from SMA-77, made from Monterey chert, are the archetype for Año Nuevo Long-stemmed points the dominant form at Middle Period coastal sites of San Mateo and Santa Cruz Counties (Hylkema 1991) [Hylkema 2007:20-21].

OTHER DATED EARLY BAY CULTURE SITES

Also located nearby the **Loškowiš ’Awweš Táareštak [White Salt Man Site]** (**CA-SMA-267**) are several other dated **Early Bay Culture** sites. These include as discussed above the **Stanford Man I** and **Stanford Man II (CA-SCL-33**) burial sites which yielded an uncorrected date of **5130 ± 70** BP (see **Map 6-1**). The Stanford Man I and II sites are located along San Francisquito Creek approximately 2.7 miles to the southwest of **Loškowiš ’Awweš Táareštak (CA-SMA-267)**.

Another site that recently yielded an early date on a burial is **Yuki Kutsuimi Šaatoš Inūx^{w}** [**Sand Hill Road] Sites CA-SCL-287 and CA-SMA-263** (Leventhal et al. 2010). Actually comprising a single site that crosses the Santa Clara/San Mateo County boundary, this complex is also located adjacent to San Francisquito Creek within the Stanford Golf Course area parallel to Sand Hill Road. The **Yuki Kutsuimi Šaatoš Inūx^{w}** site is located approximately 3.7 miles to the southwest of **Loškowiš ’Awweš Táareštak [White Salt Man Site]** (see **Map 6-1** below).

A recent collagen date obtained by Buonasera (2011) on Burial 04-14 yielded an uncorrected collagen date of **3787 ± 53** BP. Employing the Calib 6.0.1 calibration program the corrected date at the 2 Sigma, ranges from 2351 BC – 2113 BC giving a midpoint date of **2232 BC** (also see Leventhal et al 2010 on the AMS dating of the site).

CA-SCL-623 is a deeply buried cemetery (up to 11+ feet BS) was uncovered on Stanford Campus. Located between Stanford Man I and Stanford Man II sites along the south side of San Francisquito Creek, recent AMS dating on collagen date these burials from **1959 BC** to **3172 BC**.

MAP 6-1: Location of Some Early Bay Dated Sites Along the San Francisquito Creek

CA-SCL-354 located in Los Altos Hills was salvaged by Foothill College in the early 1970s. Located nine miles southwest of CA-SMA-267 along Adobe Creek and adjacent to O'Keefe Lane, Harry Nelson submitted a sample of human remains to UC Riverside for C14 dating. The resultant corrected date yielded a midpoint date of **1543 BC.** More recently in August 2007 the Santa Clara County Water District conducting a clean-up the Adobe Creek drainage discovered a human femur in the side wall. A sample of bone was sent by OFCS to Arizona State University's NSF Radiocarbon lab which yielded an uncorrected date of **3741±56 BP**. This date was subjected to the Calib 5.0.1 correction program and it yielded a mid-point date of **2141 BC.**

The **Sunnyvale Red Burial (CA-SCL-832)** located in downtown Sunnyvale is located at a distance of 9.7 miles to the southeast of **CA-SMA-267.** A date on charcoal below the burial yielded an AMS date of **4830 ± 40** BP. Cartier (2002) suggests that this date is "calibrated to **3670 – 3620 BC** (5620-5570 cal BP), Early Period and Archaic, respectively" (Cartier 2002:51).

Another unrecorded **Sunnyvale** burial site was excavated and dated by Gerow (1981). The two uncorrected dates obtained on human collagen and charcoal was **2440 BC** and **2510 BC**.

CA-SMA-273 is a cemetery site located 12 feet below the present level of the bay. In 1987 the remains of a ten year-old child was dredged up from the Coyote Point Marina located approximately 13 miles to the northwest of CA-SMA-267. The Muwekma Tribe funded the C14 dating of this child and the mid-point of the corrected date dates to **2306 BC** (Leventhal et al. 1987)

Based upon a review of available C14 dates from other sites within the west San Francisco Bay region, **Loškowiš 'Awweš Táareš [White Salt Man]** was probably living around the time when these other sites were either "occupied" as villages or served as cemeteries:

TABLE 6-1
Comparative Dates from Other Early West Bay Sites

Site Number	Calendrical Date	Material Dated	Lab	Source
CA-SCL-33 (Sta. Man II)	2400 BC (uncorrected)	Collagen (Burial)	UCLA	Gerow 1974
CA-SCL-33 (Sta. Man II)	2450 BC (uncorrected)	Collagen (Burial)	UCLA	Gerow 1974
CA-SMA-263 (Burial 24)	3777±58 (corrected)	Collagen (Burial)	NSF Arizona	Buonasera 2012
CA-SCL-623 (Burial 4)	1959 BC (corrected)	Collagen (Burial)	Beta	Leventhal 2013
CA-SCL-623 (Burial 9)	2739 BC (corrected)	Collagen (Burial)	Eckert & Ziegler	Eerkens 2013
CA-SCL-623 (Burial 12b)	2635 BC (corrected)	Collagen (Burial)	Beta	Leventhal 2013
CA-SCL-623 (Burial 15)	2762 BC (corrected)	Collagen (Burial)	Eckert & Ziegler	Eerkens 2013
CA-SCL-623 (Burial 16)	2288 BC (corrected)	Collagen (Burial)	Eckert & Ziegler	Eerkens 2013
CA-SCL-623 (Burial 19)	3172 BC (corrected)	Collagen (Burial)	Eckert & Ziegler	Eerkens 2013
CA-SCL-354	1543 BC (corrected)	Collagen (Burial)	UC Riverside	Nelson 1976
CA-SCL-354	2141 BC (corrected)	Collagen (Burial)	NSF Arizona	Leventhal 2008
CA-SCL-832 (Burial 1)	3645 BC	Charcoal	Beta	Cartier 2002
Sunnyvale (no Site #)	2440BC	Collagen (Burial)	UC Riverside	Gerow nd
Sunnyvale (no Site #)	2510BC	Charcoal	I-6977	Gerow 1981
CA-SMA-273 (Burial 1)	2306 BC (corrected)	Collagen (Burial)	Washington State	Leventhal 1987

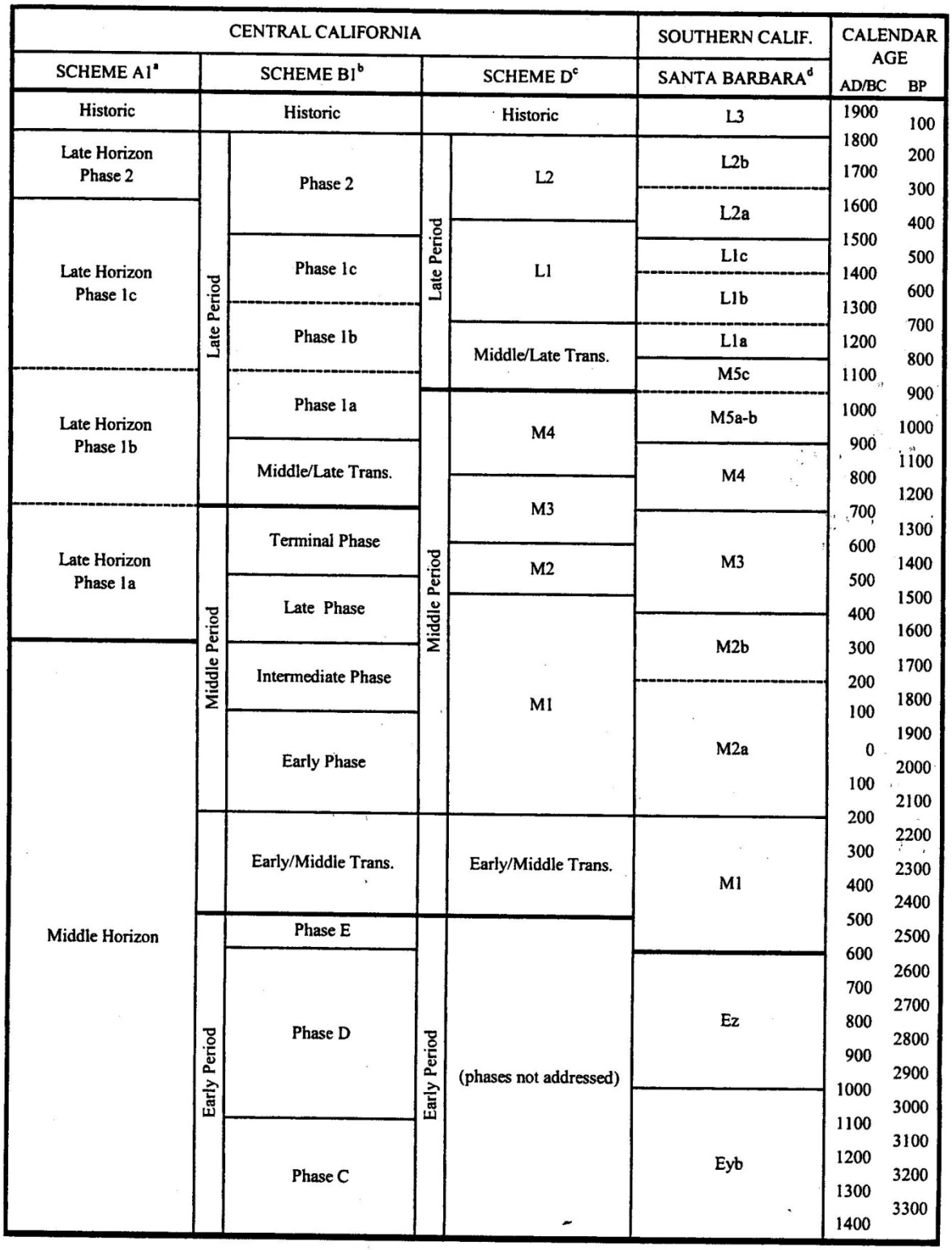


Figure 6-1: Bennyhoff and Hughes (1987) Dating Scheme B1 and Scheme D [after Groza (2002) and Hughes and Milliken (2009)]

Chapter 7:

An Ethnohistory of Santa Clara Valley and Adjacent Regions; Historic Ties of the Muwekma Ohlone Tribe of the San Francisco Bay Area and Tribal Oversight of the Loškowiš 'Awweš Táareštak [White Salt Man Site] (CA-SMA-267) Burial Recovery Mitigation Program

by

Rosemary Cambra, Alan Leventhal, Monica V. Arellano, Shelia Guzman Schmidt, and Gloria E. Arellano Gomez

INTRODUCTION

As presented elsewhere in this report Ohlone Families Consulting Services (OFCS), the Cultural Resource Management arm of the Muwekma Ohlone Tribe of the San Francisco Bay Area had oversight on the burial recovery/mitigation program conducted at **Loškowiš 'Awweš Táareštak [White Salt Man Site] (CA-SMA-267)** in 1986. The Muwekma Ohlone Tribe has over the past 34 years continuously exercised its stewardship over the Tribe's ancestral heritage sites and human remains discovered within their aboriginal territory. The Tribe's leadership and members were involved in the recovery program, analysis and final report on this ancestral cemetery/heritage site discovered at 1416 Bay Road in East Palo Alto, which the Tribe has renamed the **Loškowiš 'Awweš Táareštak [White Salt Man Site]**.

The Renaming of Site CA-SMA-267 by the Muwekma Ohlone Tribe in Their Native Chocheño/San Francisco Bay Ohlone Language

As a result of the completion of field work in 1986 of the archaeological and burial recovery program conducted at the **Loškowiš 'Awweš Táareštak Site**, it became apparent that the most significant aspect of the site was the recovery of an almost complete primary inhumation of a young adult ancestral Ohlone man. More recently, as the skeletal analysis ensued a decision was made by the Muwekma Ohlone Tribal leadership and the Tribe's Language Committee (Monica V. Arellano, Sheila Guzman-Schmidt and Gloria E. Arellano-Gomez) to honor their deceased ancestor by renaming the site with an alternative name in the Tribe's aboriginal Ohlone Chocheño/San Francisco Bay Costanoan language.

This practice follows Tribal tradition which has over the past decades renamed some of their ancestral village and cemetery heritage sites from the South and West Bay regions. Some of these sites include:
1) **CA-SCL-732** located along Coyote Creek was renamed in 1995 as **Kaphan Umux (Three Wolves) Site** [and recently corrected to **Kaphan Húunikma**] (see Cambra et al. 1996);
2) **CA-SCL-38** located in Milpitas at the Elmwood Correctional Facility which comprised a very large mortuary mound that was renamed by the Tribe in 1996 as the **Yukisma ("at the Oaks") Site** (see Bellifemine 1997; Morley 1997);
3) **CA-SCL-867** which is located in the Willow Glen area of San Jose was renamed in 2006 as the **Ríipin Waréeptak Site** which means **"(in the) Willows Area**" **Site** (Leventhal, et. al 2007);
4) **CA-SCL-869** located in south San Jose which was renamed **Katwáš Ketneyma Waréeptak (The Four Matriarchs Site)** in 2008 (Leventhal et. al 2009);

5) **CA-SCL-287/CA-SMA-263** located on Stanford University lands was named **Yuki Kutsuimi Šaatoš Inūx^{w}** [**Sand Hill Road] Sites** by the Tribe (see Leventhal et al. 2010);
6) the historic 3rd Mission Santa Clara Neophyte Cemetery **CA-SCL-30/H** was renamed the **Clareño Muwékma Ya Túnneste Nómmo [Where the Clareño Indians are Buried] Site** (Leventhal et al. 2011)**;**
7) the Muwekma language committee renamed a site excavated by San Jose State University in 1964 as part of a recently finalized archaeological report on site **CA-SCL-895/Blauer Ranch (**McDaniel et al. 2012), the language committee decided to rename this site after the original Mexican land grant **Yerba Buena y Socayre** which translates into the Muwekma language as **Kiriṭ-smin 'ayye Sokőte Tápporikmatka [Place of Yerba Buena and Laurel Trees Site]**;
8) **CA-SCL-894** was recently renamed **Tupiun Táareštak** meaning **Place of the Fox Man Site** located in downtown San Jose (Leventhal et al. 2012);
9) **CA-SCR-12** was renamed **Satos Rini Rumaytak** (**Place of the Hill Above the River Site**) located in downtown Santa Cruz. The site was excavated by SJSU in 1986 and was analyzed by Jerry Starek as his Master's Degree Project (Starek 2013) [also see Field, Leventhal and Cambra 2013 article Mapping Erasure: The Power of Nominative Cartography in the Past and Present pf the Muwekma Ohlones of the San Francisco Bay Area; and Field et al. 2014 for further discussions on Muwekma tribal reclamation of their ancestral heritage sites].

As mentioned above, as a result of the discovery of this **Early Bay Period** burial the Muwekma Tribal Language Committee decided upon the name **Loškowiš 'Awweš Táareštak** which literally means **"White = Loškowiš**; **Salt = 'Awweš**; **Man = Táareš, Site = -tak** after a consonant meaning **'at the'**" as the alternative Tribal name for this ancestral cemetery site. Therefore, **CA-SMA-267** will at times be referred interchangeably as the **Loškowiš 'Awweš Táareštak Site** in this report**.**

In this ethnographic section, the authors provide an ethnohistoric overview of the **Santa Clara Valley, San Mateo Peninsula** and surrounding geographic regions. This section also explores the complex historic interrelationships between the aboriginal Ohlone tribal groups from the greater San Francisco Bay region at the time of contact and the ensuing impacts resulting from the advent of the expanding late 18th century Hispanic Empire; the establishment of the Catholic Church and the effects of Missionization; the mid-19th century American conquest of California; the Gold Rush and theft of California Indian lands; the effects of the emergent State of California; and the Federal Recognition of California Indian Tribes and specifically the historic Verona Band of Alameda County. These topics are introduced and explored though discussions involving contact-period regional and ethnohistorical tribal ties to the present-day Muwekma Ohlone Tribe and by presenting aspects of the survival strategies and continual cultural identity of this aboriginal and historic tribe.

ETHNOGRAPHIC AND ETHNOGEOGRAPHIC SETTING

The discovery of the **Loškowiš 'Awweš Táareštak Site** represents the location of a pre-contact ancestral Muwekma Ohlone heritage cemetery. Formally designated by the State's trinomial system as CA-SMA-267, this site is located within the contact-period ethno-geographic territory of the **Puichon Ohlone**-speaking Tribe from the southwestern side of the San Francisco Bay. **Loškowiš 'Awweš Táareštak** is also located near the reconstructed boundary of the neighboring

Lamchin Ohlone-speaking Tribal group to the north whose territory covered the greater Redwood City, San Carlos and Belmont regions and adjacent interior valleys of the peninsula (Milliken 1995:246-247). Randall Milliken described the Puichon Ohlone in his ethnographic study of the San Francisco Bay Ohlone tribal groups as follows:

> The Puichon were the largest local tribe on the west shore of San Francisco Bay. Their lands were along lower San Francisquito Creek [right through the heart of these sites] and lower Stevens Creek, now the areas of Palo Alto, [East Palo Alto] Los Altos, and Mountain View. Their San Francisquito Creek village of Ssipùtca was mentioned six times in the Mission Dolores baptismal records. At Santa Clara they were lumped into the "San Bernardino" district with other people from the west of Mission Santa Clara. Some of them were identified more specifically as being from the rancheria of San Francisquito…Puichon people went to mission Dolores between 1781 and 1794 and to Mission Santa Clara between 1781 and 1805 (Milliken 2007).

To the south/southeast of the Puichon Ohlone were the **Tamien Ohlone**-speaking tribal groups whose village settlements were situated in an area surrounding the newly established Mission Santa Clara. These tribal groups, village communities and districts included: **San Jose Cupertino, San Francisco Solano, Our Patron San Francisco, Our Mother Santa Clara, San Juan Bautista and San Carlos** or **Matalan Tribal Group/Districts**.

The Tamien Ohlone-speaking tribal groups/villages/districts were named after Catholic saints by the Mission Santa Clara priests (see C. King 1994, Milliken 1991, 1995, 2004; Hylkema 2007 [CA-SCL-690 Tamien Station]). The **San Juan Bautista** Tribal District, not to be confused with the **Mission San Juan Bautista** established about 20 years later in 1797 (located further south within **Mutsun** Costanoan-speaking territory in San Benito County), was identified by the priests from Mission Santa Clara as being located to the south of the mission that included a portion of the Coyote Creek Corridor.

To the east of the Puichon Ohlones directly across on the eastern side of the bayshore were the Chocheño-speaking or East Bay Ohlone-speaking **Alson** and **Tuibun** Ohlone tribal groups.

Previous Ethnohistoric Studies

Meaningful ethnohistoric studies focusing on the demography and geopolitical distribution of the different Ohlone/Costanoan tribal groups at the time of contact who were principally baptized at Mission Santa Clara beginning in 1777 were conducted by Chester King in the 1970s (1974, 1977, 1978a, 1978b, and 1994) and continued by Milliken (1983, 1991, 1995, 2004 and 2007 [in Hylkema 2004, 2007]). These studies helped lay the foundation for reconstructing the geopolitical and linguistic boundaries of those tribal groups and districts that were brought into each mission, as well as providing information about the transformation and the cultural and political adaptation and responses of those surviving Ohlone/Costanoan tribal groups adjusting to the disruption caused by the expanding Hispanic colonial empire, the impacts of missionization and ensuing spread of diseases and malnutrition.

The Santa Clara Valley and adjacent areas supported fairly large populations of Native peoples for thousands of years. This is evidenced by the prevalence of large pre-contact cemeteries within the San Francisco Bay region [see reports on Emeryville (CA-ALA-309); Ellis Landing (CA-CCO-295); Ryan Mound (CA-ALA-329) [Leventhal 1993]; CA-SCL-732, Three Wolves Site (Cambra et. al 1996); CA-SCL-38 (Bellifemine 1997); CA-SCL-690 Tamien Station (Hylkema 2007); CA-SCL-674 Rubino Site (Grady et al. 2001) and others].

Furthermore, based upon the analysis of grave-associated wealth and regalia data derived from central California cemetery sites, it can be postulated that the greater San Jose area appears to be located within the southwestern-most region of a Late Period religious complex, ceremonial, economic interaction sphere that employed the use of "**Big Head**" (or **"N series"**) abalone shell effigy pendants that began sometime around the Phase I-Late Period (circa 1100 A.D.), and which presumably was part of the larger geographically-area-widespread **Kuksu** religion that was practiced by a multitude of North–Central California Indian tribal groups. These Kuksu practicing tribal groups ranged from the Hokan-speaking Salinans to the south (southern Monterey County); to the San Francisco Bay Penutian-speaking Ohlone and interior Bay Miwok tribal groups, to the Penutian-speaking Coast Miwok and Patwin (Marin, Napa, Yolo, and Colusa Counties); to the Penutian-speaking Plains Miwoks and Konkow-Nisenan (Maidu-speaking groups) in the Sacramento and Central Valley foothills of the Sierra Nevadas; to the Hokan-speaking Pomoan tribal groups (Sonoma, Lake and Mendocino Counties), Yukian-speaking Yukian tribal groups (northern Mendocino) and the Athabascan-speaking Cahto tribe located to the north of Fort Bragg. (see Loeb 1932, 1933; Du Bois 1939; Gifford 1947:20; Bennyhoff 1977:50; Winter 1977, 1978; Bean and Vane 1978; Leventhal 1993:230-236; Hylkema 2007).

The preliminary data derived from similar and comparative mortuary patterning and associated grave assemblages identified from Late Period cemetery sites taken in conjunction with the similarities of tribal personal name-endings derived from the mission records as in the cases of "tole" and "mayen" (or a variant thereof) for females and "cse" (or a variant thereof) for males found amongst the different linguistic groups within the same macro-geographical area as the **Big Head/Kuksu** pendants, suggests that the South and East Bay regions had strong cultural ties, via trade, intermarriage, ceremonial interaction and shared religious belief systems as well as other cultural influences with the Central Valley interior, including the Sacramento and San Joaquin Delta (Stockton) regions (Lillard, Heizer and Fenenga 1939; Heizer and Fenenga 1939; Gifford 1947; Bennyhoff 1977; Leventhal 1993, Milliken 1995.

The evidence of a far-flung ceremonial and economic interaction sphere further suggests that the Tamien Ohlone-speaking tribal groups, including the **Puichon Ohlone** and their neighbors, were significantly involved within this larger religious and ceremonial interaction network that partially was influenced through mechanisms of trade, economic, military and marriage alliances with those tribal groups located to the east and north of the South Bay region – a region that at the time of Spanish contact had already cross-cut several major linguistic boundaries (San Francisco Bay Ohlone, North Valley Yokuts, Patwin, Coast, Bay and Plains Miwok) as well.

Limited detailed ethnohistoric information about the aboriginal lifeways of the different San Francisco Bay Ohlonean-speaking tribal groups who resided within this mega-sphere of socio-cultural interaction, tends to be restricted to the various accounts written by early Spanish

explorers, missionaries, and visiting European travelers. Other historical records written after the cataclysmic impact caused by missionization and the ensuing American conquest through the 20th century include the research by more formally trained ethnographers, ethnohistorians, linguists as well as by other visitors to the greater Bay Area.

Early Spanish Expeditions in the San Francisco Bay Region

According to ethnohistoric research conducted by Milliken and others, an expedition led by Gaspar de Portola and Father Juan Crespi had traveled north along the California coast north of Monterey and on October 23, 1769 had encountered the Quiroste Ohlone village of Mitenne near Punta de Año Nuevo (New Year's Point). The Quiroste were located on the Pacific coast between Bean Hollow Creek and Año Nuevo and approximately 25 miles to the southwest of the Puichon. Milliken citing Crespi [1769] noted that:

> The friendly Quirostes showered the Spaniards with foods and gifts.
>
> > They brought two or three bags of the (wild) tobacco they use, and our people took all they wanted of it. One (old) heathen man came up smoking upon a very large (and well carven) Indian pipe made of hard stone. The Indians almost all carry tall red-colored staffs, some with many feathers; they presented four of these to Sergeant Don Francisco Ortega (Milliken 2004:87)

Sometime around mid-November the Portola expedition traveling south along the east side of the San Francisco peninsula eventually entered the territories of the **Ssalsons**, **Lamchins** and **Puichons**. The Lamchin Ohlone-speaking tribal group was the immediate northern neighbor of the **Puichon** and their territory spanned from Belmont to Redwood City. The **Ssalson** Tribal group was located to the north of the Lamchin. Milliken indicated that the expedition "camped in the Palo Alto area" (2004:88)

In 1770 Captain Commander Pedro Fages, was perhaps, the first Spanish exploration to travel through the northern part of the **San Juan Bautista** and **San Carlos/Matalan** tribal districts (Tamien Ohlone-speaking territory) within the Santa Clara Valley. The San Juan Bautista and San Carlos groups occupied the areas of south San Jose to perhaps Morgan Hill. Milliken commented on and noted in his doctoral study on the San Francisco Bay tribal groups at the time of contact the following historical account derived from Captain Fages' diary:

> The **Matalans** and **Thamiens** of Santa Clara Valley watched a small Spanish party pass north through their lands in November of 1770. The party, under Pedro Fages, continued north along the east shore of San Francisco Bay (until) (sic) it reached a plain opposite the Golden Gate (presently North Oakland). ... Fages wrote of only one encounter:
>
> > 'Up close to the lake we saw many friendly good-humored heathens, to whom we made a present of some strings of beads, and they responded with feathers and geese stuffed with grass, which they avail themselves of to take countless numbers of these birds [Fages 1770 in Bolton 1911].'

> The goose hunters were **Tuibuns** or **Alsons** at a lake on the Fremont Plain just south of Alameda Creek (Milliken 1991:78).

Captain Commander Fages apparently at a later date again passed through the Tamien-speaking region in 1772 and explored the interior of the East Bay (see Crespi in Bolton 1926:336, also see Hylkema 1995).

However, it was not until 1774 that the first intensive exploration of the Santa Clara Valley region occurred, which was led by Captain Fernando Rivera y Moncada who was then accompanied by Fray (Father) Francisco Palou. Writing of this expedition, Milliken made note of one of Rivera y Moncada's accounts:

> The next Spanish expedition into the Bay Area, in the late fall of 1774, came for the purpose of scouting locations for a possible mission and military base on the San Francisco Peninsula. ... Near the town of Coyote (south San Jose), in **Matalan** territory, a group of local people were startled, but not terrorized.
>
> > 'We passed a patch of willows and cottonwoods, and now found running water in the creek. Here all at once there were heathens standing with their weapons in hand [though] they made no show of them. In people such as these, who have no knowledge of others and live like wild beasts at bay, it is a second nature to snatch them up (Rivera y Moncada [1774] quoted in Milliken 1991:80-81).

Milliken commenting on the Fernando Rivera y Moncada expedition going through the Puichon Ohlone territory noted that:

> The new Spanish party intended to document the nature of San Francisco Bay and scout a location for a Spanish presidio and mission near its mouth. Passing through the Santa Clara Valley, the party arrived among the **Puichons** on San Francisquito Creek on November 28, 1774, where it was warmly received. Here Father Palou commented about similarities between the local language and that of the natives at Mission Carmel (Milliken 2004:89)

Three years later, Mission Santa Clara was established on January 12, 1777. Collectively, with the establishment of Mission Dolores in 1776, Mission Santa Clara in 1777, and later Mission San Jose in 1797, located east of the Fremont Plain, the various Ohlone tribal groups within the San Francisco Bay region began to experience the cataclysmic disintegration from this newly imposed colonial system of indenture and peonage. Milliken in one of his studies offered the following explanation of the circumstances under which the Ohlone tribal people agreed to enter into these missions:

> Through the ritual of baptism some young people from the **Yelamu** tribe began to exchange their independence for a subservient role of "neophytes" at Mission San Francisco in the spring of 1777. During the summer and fall local **Alson** and **Thamien**

teenagers joined the Mission Santa Clara community. Francisco Palou wrote that the first converts came to the missions out of interest in cloth, trinkets, and Spanish foods.

> ‘They can be conquered first only by their interest in being fed and clothed, and afterwards they gradually acquire knowledge of what is spiritually good and evil. If the missionaries had nothing to give them, they could not be won over [Palou 1786].

Most scholars have agreed with Palou's assessment that a material impulse brought the first Indian converts to be baptized. Sherburne Cook [1943:73] wrote that "ceremony, music, processions" and "inducements of clothing, shelter, and food" attracted large numbers of converts over the first twenty years. Malcolm Margolin [1989:28] pointed out "the dazzle of Spanish goods" (Milliken 1991:109-110).

While these somewhat limited interpretive perspectives provide a “normative dominant society" explanation, which suggests at its foundation that “lesser complex indigenous cultures” were unilaterally influenced by the “more complex European colonizing cultures,” as an alternative perspective we need to explore possible alternative explanations, especially when viewing these dynamics through the social rules and mechanisms of Native California world view rather than through the colonial lens. Such alternative explanations should consider those pre-existing and established Native protocols and socio-cultural-political rules of social conduct, interaction and integration accorded to strangers, visitors, and guests as practiced by central California tribal groups.

For example, in cases when elites and notable families from neighboring tribal groups would make arrangements to visit, or those who were invited to ceremonies, funerals, and/or economic exchange functions (e.g., Mourning Anniversaries, ceremonial dances, weddings, trade feasts, and etc.), there were specific rules that these groups would follow as social protocols. The same social principals and rules that were in place between tribal groups and elite families would have no doubt been in effect when the Spanish expeditions made their presence known. Once a period of contact had been established between the Indian communities and the settled Spanish, no doubt, those established elites and their families would desire to have their children associated (to some degree) with these newly established powerful and (relatively) wealthy Spanish entities.

The aboriginal social rules and protocols probably included:

1) Marriage arrangements of eligible "teenagers" for purposes of establishing and/or strengthening inter-tribal and/or intra-tribal alliances especially between and amongst powerful elite families;

2) The attempt by these powerful elites and/or families of specialists to establish formal ties with these newly emergent Spanish power brokers through “apprenticeships” -- by having their children enter into the missions through the ritual of baptism-- and by doing so, creating and thus perpetuating, an extant belief system that this “apprenticed relationship” would continue to maintain their own power brokerage and provide them additional prestige within this new order.

By acting in conformance with these older socio-political-economic rules for establishing and maintaining military alliances, trade networks, and marriage alignments with neighboring tribal groups, villages and the newly established Spanish colonial presence, these elites were probably under the belief that by exercising this formal process, partially through the ceremony of baptizing themselves and/or their children, was done as a continuation of their aboriginal power brokerage (see Bean 1978). For example there was already a reciprocal ceremonial practice of purifying persons of the opposite moiety (deer vs. bear or land vs. water) with water amongst central California tribal groups especially during and after the handling of the dead and the personal property. Therefore, the use of water in baptism has some pre-existing analogous practice and meaning in aboriginal purifications ceremonies (Gifford 1955).

Initially, the "official policy" of the Spanish Empire was to develop the missions into self-supporting agricultural centers whereby Indians would be "civilized" and become peon laborers for the civilian pueblos and presidios. Ultimately it was expected that the Indians would themselves become citizens of the crown and help further colonize the region for Spain (see Rawls 1986, Hurtado 1988 and Monroy 1990). Nonetheless, the colonial experience resulted in the decimation of the California Indian tribes who were exposed to European diseases, unsanitary living conditions, and malnutrition while residing at and around the missions (Cook 1976). Although the Native population was severely depleted after the first 40 years, by the time of the secularization of the missions during the mid-1830s, the surviving missionized Ohlone/ Costanoan Indians continued to live and work in several areas within the Santa Clara Valley as well as on the various rancherias and Californio ranchos surrounding each of the other greater Bay Area missions.

Distribution of Ohlone Tribal Groups of Santa Clara Valley and Adjacent West and East Bay Regions

At the time of European contact in 1769, the Spanish explorers called the Indians living along the Monterey coast "Costeños," or people of the coast. After the missions were established, the Indians and the Spanish priests referred to the Mission Santa Clara Indian people as "Clareños" (Harrington 1921-1934) During the mid-19th century, scholars anglicized the term Costeños into "Costanoan"[1] to encompass all those tribal groups whose aboriginal territories spanned from greater Monterey Bay, Soledad, Santa Cruz, Santa Clara, San Francisco, East Bay and the Carquinez Straits, and who spoke distinctive, but related languages (Heizer 1974; Levy 1978; Milliken et al 2007).

[1] More recently, various authors have suggested that the present-day descendants prefer to be called "Ohlone"; however, there are three surviving historic BIA-documented tribal groups with ancestral ties to 1) Missions San Jose, Dolores, Santa Clara, 2) Missions San Juan Bautista and Santa Cruz, and 3) Missions San Carlos (Carmel) and Soledad, who have formally organized (in accordance with the 1934 Indian Reorganization Act). These three historic tribal communities whose ancestors spoke their respective Costanoan/Ohlone languages as late as the 1930s, have since revitalized and organized themselves as tribal governments and communities. All three are presently listed with the BIA's Office of Federal Acknowledgment (OFA) as: Muwekma Ohlone Tribe of the San Francisco Bay Region, Amah-Mutsun Ohlone Tribal Band, and Ohlone/Costanoan-Esselen Nation respectively. The tribal name ***Muwekma*** is actually the aboriginal term referring to "la Gente" meaning "the People" in the Tamien and Chocheño languages spoken in the South and East Bay (Kroeber 1910; Harrington 1921-1934; Milliken et al. 2007).

Very little information about the aboriginal Tamien Ohlone-speaking tribal groups who once occupied the lower Guadalupe River, Coyote Creek and Alameda Creek drainages was recorded by the Contact Period Spanish missionaries who first established Mission Santa Clara. Apparently some of these missionaries did not record the names of the many Tamien tribal rancherias and villages, as was practiced at the neighboring Costanoan area missions (e.g., Missions San Jose, Dolores, San Juan Bautista and others). Instead, the mission Fathers had assigned either directional or names of Saints to the various "districts" surrounding Mission Santa Clara, rather than documenting the specific tribal villages when newly recruited Indians from the surrounding villages and localities came to be baptized at the mission (see C. King 1994).

Milliken (1983, 1991, 1995, and 2007) and C. King (1978, 1994) have to date, conducted the most comprehensive geopolitical reconstructive ethnohistoric studies using the available Santa Clara Mission records (also see Winter 1978a and 1978b). Their studies clearly demonstrate that both the Tamien-speaking Ohlone tribal groups of Santa Clara Valley and the neighboring East Bay Chocheño-speaking Ohlone tribal groups (e.g., **Santa Agueda** or **Alson**) of the Fremont Plain were brought under the sphere of influence of Mission Santa Clara and many of these Indians were baptized, married and had died there. Chester King in his 1994 study entitled "Central Ohlone Ethnohistory" noted:

> The area between San Jose and San Juan Bautista [mission] and extending from Santa Cruz to the San Joaquin Valley has proven to be difficult map by village or tribe. At Santa Clara Mission only the closest villages were given separate names. The more distant were grouped by region.
>
> The closest villages to the mission were given the names "**our mother Santa Clara**" (north San Jose), "**our father San Francisco**" (downtown San Jose), **San Juan Bautista** (San Jose south of Hillsdale), **San Jose Cupertino** (Cupertino), **Santa Ysabel** (east San Jose), and **San Francisco Solano** (Milpitas-Alviso).
>
> The next four groups recognized in the Santa Clara Mission registers are very large and include people from villages located in particular directions from the mission. The four groups were **Santa Agueda** (villages north of Milpitas), **San Bernardino** (villages west [and north] of Cupertino), **San Carlos** (villages south of San Jose), and **San Antonio** (villages east of San Jose), northeast of San Antonio were the **Luechas** and southeast of San Antonio were **Tayssen.** (King 1977, Milliken 1991) (Cited in King 1994:203).

Milliken, in his study A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area 1769-1810, provides a more detailed location for the neighboring Matalan or San Carlos group:

> The Matalan tribe held the Santa Clara Valley corridor from the present town of Coyote south to the present town of Morgan Hill (1995:248).

In the Tamien Station Site CA-SCL-690 report Milliken also provides reconstructed information regarding the geographical distribution and inter-relationships between the Tamien speaking tribal groups within the region surrounding Mission Santa Clara:

> … Four of the seven towns near Mission Santa Clara supplied enough converts to suggest that they originally contained more than 100 inhabitants:
>
> **San Bernardino,** probably located on lower Stevens Creek, at what is now Mountain View (44 adult married converts 1778-1800).
>
> **San Francisco Solano,** probably situated on the lower Guadalupe River at or near present Alviso (44 adult married converts 1778-1800).
>
> **Santa Ysabel**, probably established on the lower Coyote River or Penitencia Creek, now in north San Jose (40 adult married converts 1794-1802).
>
> **San Jose Cupertino**, probably found on Calabazas Creek or upper Stevens Creek, now part of Cupertino (50 adult married converts between 1780 -1797).
>
> The other three smaller villages were:
>
> **Our Mother Santa Clara**, which was probably west of the Guadalupe River within a few yards of one of the Mission Santa Clara sites … .
>
> **Our Patron San Francisco**, probably placed on the Guadalupe River near Our Mother Santa Clara and Santa Ysabel, east of present-day downtown Santa Clara … .
>
> **San Juan Bautista**, probably located on the Guadalupe River in the Willow Glen area south of present-day downtown San Jose … . (Milliken 2004:58-59; 2007:51-52).

In the same study, Milliken also noted that:

> The **Santa Agueda** district was the source of 90 percent of the Native people who went to Mission San Jose. Thus the Santa Agueda district actually must have been located on the Fremont Plain (2004:61; 2007:54).
> (**Map 7-1 and Map 7-2**)

In an earlier study, Milliken (1983) determined that:

> The East Bay people at Santa Clara Mission were listed under the district name "**Santa Agueda**". ... The earliest were the "**Estero**," "**Alameda**," "**Palos Colorados**," and "**Este**." Many "Alameda" and "Estero" adults at Mission San Jose had children that had been baptized at Santa Clara under the "Santa Agueda" designation. ... Most of the Santa Clara converts who later married at Mission San Jose were also "Santa Agueda"..., although some were from "San Bernardino"...

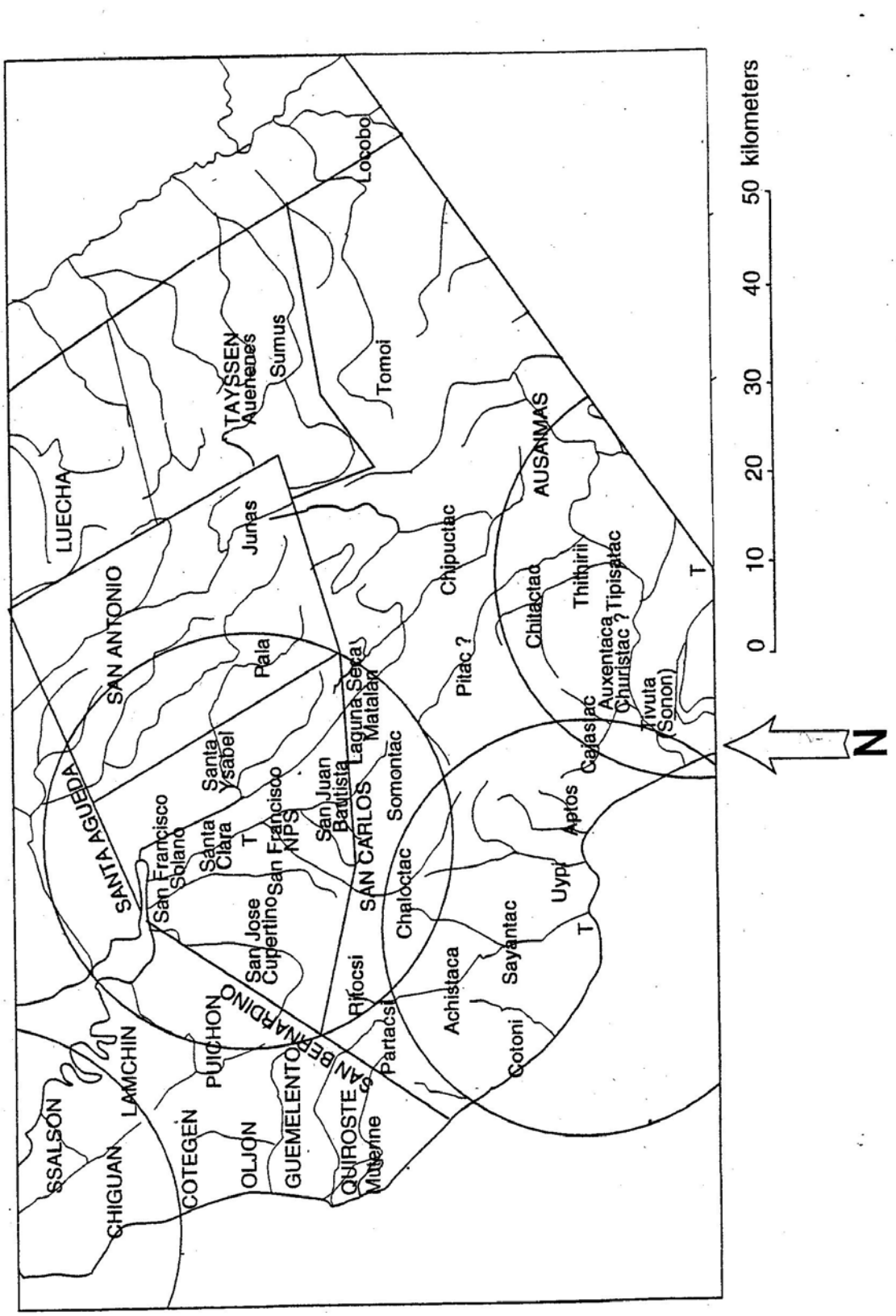
> ... The Mission San Jose priests provided more detailed genealogical information for each person than did those at Mission San Francisco. ... The cross references indicates that people from the "Estero" and the "Alameda" districts came from the **Yrgin** and **Tuibun** tribelets (Milliken 1983:99).

In his 1991 dissertation, Milliken, presented information about the “Santa Clara Valley Conversions, 1780-1784” stating that:

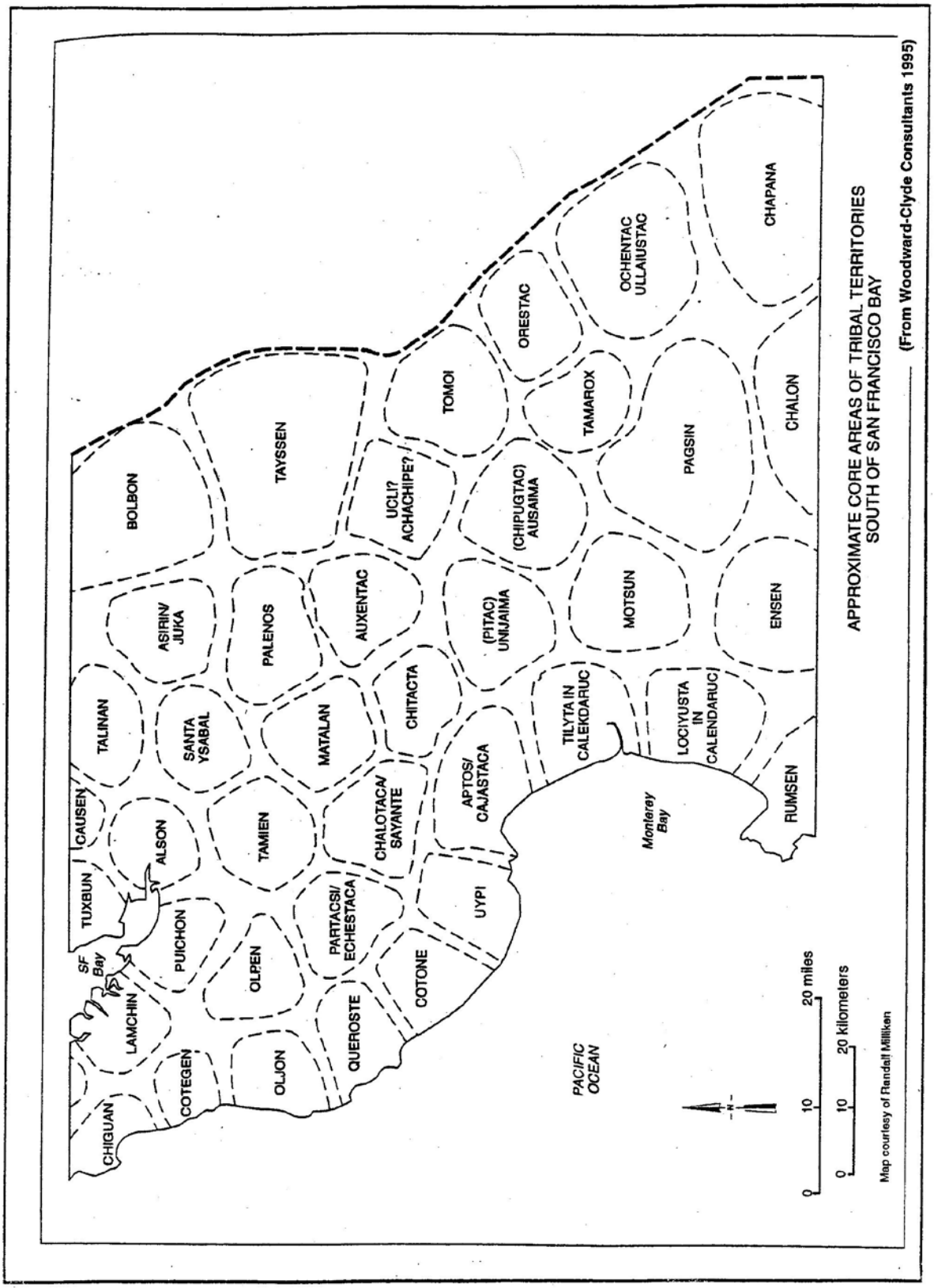
> At the start of 1780 the core group of adult Christians at Mission Santa Clara were from the **Alson** village of San Francisco Solano, rather than the nearer tiny **Thamien** villages of Our Mother Santa Clara and Our Patron San Francisco. (1991:139)

Within the Santa Clara Valley and adjacent regions, during the first twenty years since the establishment of Mission Santa Clara, Milliken suggested that "(c)onversion of adult married couples in April (1795) had been concentrated among people from the southern East Bay, **Alson**, **Tuibun**, and perhaps **Jalquin/Yrgin**" tribal groups (1991:224).

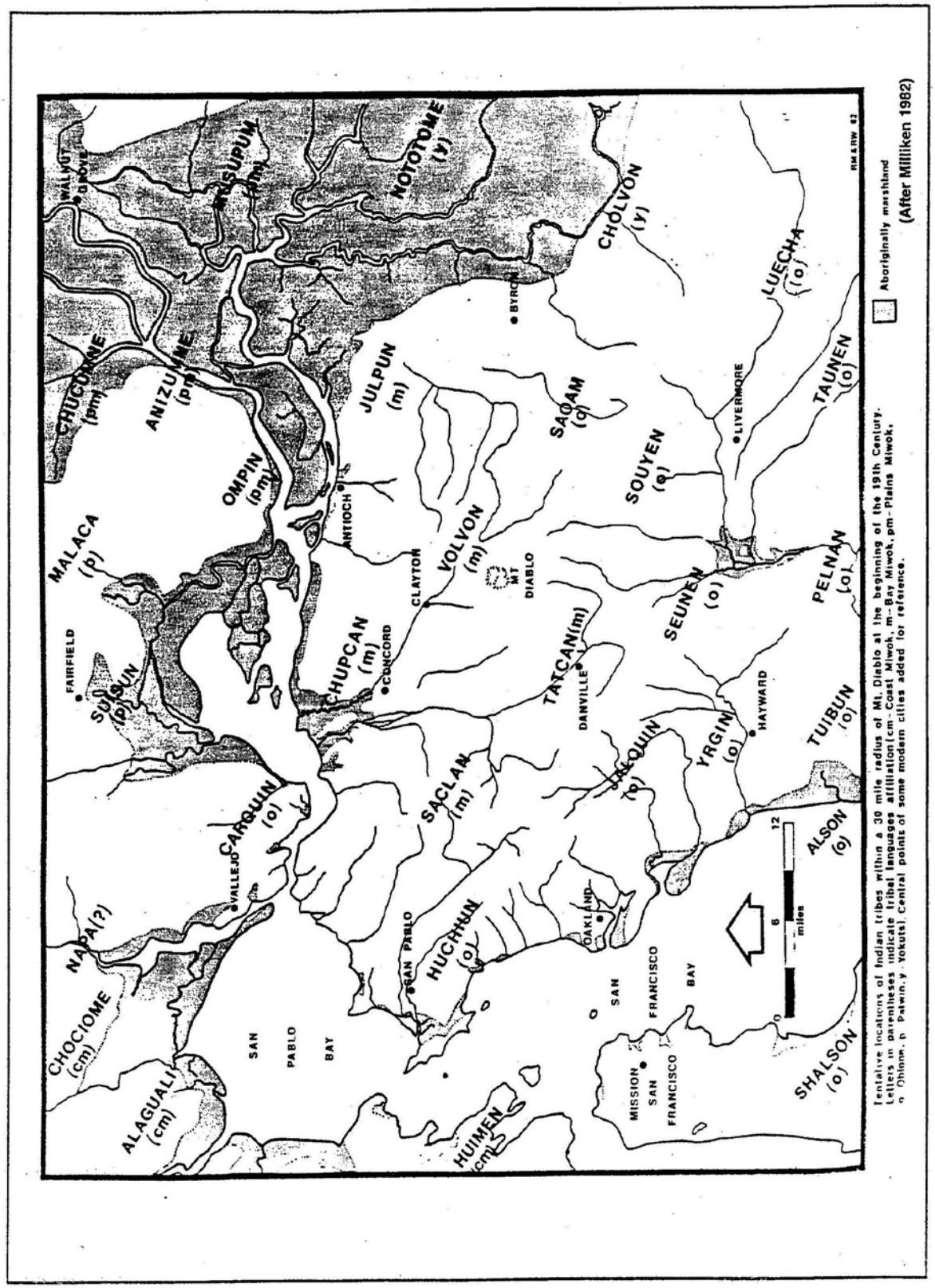
Milliken's research also demonstrated that after the Mission San Jose was established in 1797, that "(i)n January of 1801 twenty-one couples became Christians, ... (t)hey were **Alsons** and **Tuibuns** from the local villages of the Fremont Plain" (1991.:265). These East Bay Chocheño (and possibly Tamien)-speaking tribal couples were relations to the families from those same tribal groups who were baptized years earlier at Mission Santa Clara. Furthermore, it is interesting to note that Milliken also found that "(i)n January and February (1802) twenty-one **Jalquin/Yrgin** families moved to Mission San Francisco" and that "(t)hey were intermarried with **Suenens** and **Tatcans** (1991.:266); (see **Map 7-3** and **Figure 7-1 - Costanoan Indians at Mission Dolores** by Louis Choris)



Map 7-1: Distribution of Ohlone Tribal Groups and Tribal Districts in the Santa Clara Valley [From C. King 1994]



Map 7-2: Distribution of Ohlone Tribal Groups Surrounding the Tamien Region
[From Milliken 1994]



Map 7-3: Distribution of Tribal Groups in the East Bay
[From Milliken 1991]

Figure 7-1: Indians at Mission Dolores in 1816 Drawn by Louis Choris

The complex process that brought together East Bay and Santa Clara Valley Costanoan/Ohlone tribal groups into the mission system, though cataclysmic, this newly emergent community had nonetheless maintained vestiges of their languages and culture that survived into the early 20th century. Thus two of the East Bay Chocheño-speaking linguistic consultants, Maria de los Angeles Colos who was born in 1840 and Jose Guzman who was born about 1853, had provided linguist John P. Harrington (from the Smithsonian's Bureau of American Ethnology) with the interrelationship and linguistic observation that "the Clareños were very much intermarried with the Chocheños, the dialects were similar," and also he recorded the Chocheño linguistic term – "*mu*^{w}*e'kma*, la gente" [the people] (Harrington 1929 field notes [1921-1934]).

Milliken (1991) based upon mission records conducted ethnogeographic reconstructions of tribal, village and district locations surrounding Mission Santa Clara for inclusion in his doctoral dissertation and had noted that:

> The Santa Clara Mission settlement lay at the northeastern edge of the **Thamien** tribal district, very near to the lands of three other tribes. ...

> The missionaries at Mission Santa Clara gave each of them a Spanish designation; San Francisco Solano village of the **Alson** tribe a mile or two downstream at the mouth of the Guadalupe River, Santa Ysabel village of a different, unnamed tribe east of San Francisco Solano on the lower Coyote River, and San Joseph Cupertino village of the **Thamien** tribe in the oak grove about three miles to the southwest of the mission site (1991:117).

Distribution of Costanoan/Ohlone Languages

Ohlone/Costanoan-related languages were spoken over a considerable geographic area, stretching from the San Francisco peninsula, Angel Island and the Carquinez Strait to the north, to a less well defined southern boundary near or inland around Soledad and just south of Monterey Bay on the coast bordering Esselen and Esselen-Costanoan (e.g., Sargentaruc) speaking tribal groups. The interpretive linguistic literature, which includes Kroeber (1910, 1925), Beeler (1961), Levy (1976; 1978), and Milliken (1991) diverges concerning the extent to which the variation between what language was spoken from place to place should be differentiated as either **dialects** of one idiom or as completely separate languages. Levy (1976; 1978) identified eight distinct Ohlone idioms: Ramaytush (San Francisco Peninsula), Awaswas (Santa Cruz area), Rumsen (Monterey Bay and Carmel Valley), Mutsun (San Juan Bautista), Chalon (Soledad), Tamien (Santa Clara Valley), Chocheño (East Bay), and Karkin (southern and northern shores of Carquinez Strait and possibly up to lower the Napa Valley).

Perhaps the most weighty first-hand study in this regard was initiated by Father Felipe Arroyo de la Cuesta, who was perhaps the first literary person to describe the regional variation and interrelatedness of Costanoan/Ohlone languages. In his May 1, 1814 reply to the Interrogatory of 1812 regarding the languages spoken around Mission San Juan Bautista, Father de la Cuesta stated the following about the Costanoan/Ohlone languages:

> Though they appear to speak distinct languages this is only accidentally true; that is, some of the words are different only because of the manner of pronunciation, in some cases rough, in others agreeable, sweet, and strong. Hence it is that the Indians living in a circumference of thirty or forty leagues* understand one another (Arroyo de la Cuesta [1814] in Geiger and Meighan 1976: 20-21).
> [*__Note__: a league equals about 2⅔ miles or 4.3 kilometers]

Aided by the linguistic records written by Father Arroyo de la Cuesta, Milliken (1991) concluded that people who lived in neighboring villages and regions likely would have spoken mutually comprehensible dialects, but that those who lived at the farthest extremes of the Costanoan/ Ohlone area probably would not have been able to understand one another. If, in fact, language variation occurred as smooth clines in this way, then the southern Santa Clara Valley was one of the regions of transition from one dialect to another. The Mission San Juan Bautista Mutsun-speaking dialect, bordered on the south of the centrally located Santa Clara Valley dialect Tamien-speaking language area, likely making the Coyote Creek corridor a place where dialectic differences merged or overlapped [see Forbes 1969:184 for the *Muwekma* (northern) and *Mutsun-Rumsen* (southern) divisions of Ohlonean languages; Levy 1976; 1978].

Ortiz (1994a) in her study entitled Chocheño and Rumsen Narratives: A Comparison points to this difference by employing Costanoan personal names generated by Milliken from the mission records centering around the terms ***Kaknu*** (prairie falcon) from the Santa Clara Valley area to the North Bay and ***Ka-kun*** (chicken hawk) which was used in Costanoan speaking tribal territories to the south of Santa Clara Valley (Mutsun/Rumsen –speaking areas within the greater Monterey Bay region):

> Kaknu's use disappears in the personal names of those individuals baptized at Mission San Carlos Borromeo, Mission Santa Cruz, and San Juan Bautista. The similar "cancun," however, occurs in the names of four persons baptized at Mission Santa Clara. Two such names belong to individuals from the Fremont area, one from the San Antonio Valley, and only one outside that area. (Ortiz 1994a:107).

The existence of the ***Mutsun*** and ***Tamien*** linguistic boundary was also noted by 19th century historian Frederic Hall in his 1871 publication The History of San Jose and Surroundings:

> … The tribe of Indians which roamed over this great valley, from San Francisco to near San Juan Bautista Mission, (known a century ago as the valley of San Bernardino,) were the Olhones (sic) or (Costanes.) Their language slightly resembled that spoken by the Mutsuns, at the Mission of San Juan Bautista, although it was by no means the same. (1871:40)

Although Levy strongly implied that language areas were coterminous with areas of ethnic identity, e.g., that those people who spoke the Chocheño dialect self-identified as the Chocheño people, there is no evidence to support such a view. To the contrary, regional cultural identities in native California clearly overlapped language boundaries. Moreover, based upon pre-contact inter-marriages, especially among elites, natives (especially women due to village exogamy and patrilocal residential patterns) were more than likely multi-lingual speakers (see Blackburn 1976; Milliken 1983:70; 1991), which again in the case of the Coyote Creek corridor seems particularly likely amongst the Tamien-speaking San Carlos/Matalan tribal group due to their strategic location bordering north of the Mutsun speaking tribal groups.

Evidence of Social Stratification and Hereditary Leadership in the S.F. Bay Region

Clearly, the basic political unit for native Californians, including those ancestral Puichon Ohlone of the San Francisquito Creek drainage, was the **residential village** (one of many within the larger political tribal territory). Pre-contact and contact-period central California tribal geopolitical boundaries, social structures, subsistence-settlement patterns and ceremonial and economic institutions were very complex and social interactions and ritual obligations between lineages went beyond the residential village community (see Goldschmidt 1951; Blackburn 1976; Bean 1978; Bean and Vane 1978; T. King 1970, 1974; Wiberg 1984; Luby 1991 and Leventhal 1993).

Because of the seasonality of subsistence-related activities covering a wide range of the micro-ecosystems (e.g. fresh water creeks and streams, inland lagoons and marshes, bay shore wetlands, coastal, and estuarine resources, hardwood and mixed chaparral forests, grasslands,

etc.) that were all possibly located within a single tribal territory, Native families and small multi-family groups may have moved about during the course of a year from one harvesting locality to another all within a half day's trek from villages or resource-base camps.

These temporary resource-based sites, possibly composed of several temporary house-shelters, contrasted with the larger, permanent (or semi-permanent) strategically situated principal ceremonial village. Thus each tribal group actually occupied a territory dotted with seasonal resource-related occupational and specialized task sites, lesser villages as well as semi-permanent and permanent villages. The Coyote Creek corridor, with its mostly year-round water supply and mixture of seasonally variable riparian, marsh, hilly and valley habitats, fits this description well. Father Palou, in 1774, described his encounter with this habitat:

> [We] came to a large bed of a river [Coyote Creek], well grown with cottonwoods, alders, and willows, but without water. We followed this bed along its bank, which was very high and steep, and we made out across the river on a hill to the north of a village of heathen.
>
> We followed the bed of the river and came to a thick wood of several kinds of trees and blackberry bramble which it was necessary to cross, and in it we found some little houses of the heathen, who at the noise we made, left their things and concealed themselves in the thick woods. We crossed, near a village, a good brook of running water, which we soon saw no more, and we judged that it sank into the sand (in Bolton 1926: 260).

Encompassing the territorial areas of each tribal group and its resource harvest (catchment) zone were larger regions composed of several villages and their outliers (ceremonial shrines, cemeteries and specialized task sites). The Spanish explorers called these territorial units *rancherias*. Anthropologists have described these larger regions variably. Kroeber (1939, 1962) used the term "tribelet" to denominate rather small multi-village regions that he asserted composed the largest political units in native California. C. King's (1977) description of pre-contact conditions in the southern Santa Clara Valley offers an early assessment of the political geography of what he calls the **Matalan** tribelet, who inhabited the Coyote Creek corridor and environs just south of the Santa Teresa Hills study area. Perhaps unsurprisingly, King conflated language boundaries with the political borders of Kroeberian defined tribelets. There is also some confusion between the extent to which villages and multi-village regions composed units of kinship, such as clans, moieties, lineages, or residence groups, which are not equivalent.
Milliken (1991) recognized that villages were residential units composed of several non-related kin groups in the Costanoan/Ohlone areas generally and the Santa Clara Valley specifically (Milliken 2004; 2007). He also described the larger multi-village regions as political groups that defended large territories. Bean (1976) has shown that intermarriage between village elites constructed regional elites, also described by King (1977) specifically for the Tamien-speaking Matalan territory. Through trade fairs and feasts, marriages and funerals, and other important ceremonial events were part of widespread ritual complexes such as the **Kuksu** religion, such elites were able to intermarry across considerable distances, effectively integrating even larger zones of complex interaction.

As far as these elites and the social hierarchy are concerned, many early explorers made clear that institutions of authoritarian leadership existed among native Californians in the San Francisco Bay area. While Father Arroyo de la Cuesta erroneously wrote "they neither had nor recognized any captain or superior," (Arroyo de la Cuesta [1814] 1976:115), he nonetheless described charismatic individuals who were instrumental in organizing both warfare and peacemaking with neighboring groups.

Milliken (2004) quoting Father Narciso Duran from Mission San Jose:

> They recognize neither distinction nor superiority at all. Only in war do they obey the most valiant or the luckiest, and in acts of superstition they obey the sorcerers and witch-doctors. Outside of these they do not recognize any subordination, either civil or political (Duran quoted in McCarthy 1958: 274).

C. King, by contrast, quoting Father Amoros' description of the natives near Mission San Carlos (Monterey) noted:

> The prominent Indians are the captains or kings. There is one for each tribe. They command obedience and respect during their lifetime. This office is hereditary, or, in default of an heir by direct descent, it goes to the closest relative. This chief alone among the pagans could retain or desert a number of unmarried women; but if he had children by one of them, she was held in higher esteem and he lived permanently with her (King 1977 quoting Heizer 1974: 41).

Bean (1976) concurs that chiefs (often referred to as *capitanes* (captains) by the Spaniards) utilized their kin-ties with neighboring elites to facilitate trade relations that acted as insurance against periods of relative resource deprivations, as well as possessing the power to collect and redistribute food surpluses in their own territories. The power of chiefs and the elite families that controlled chiefly positions were symbolized by the possession of treasure goods which passed down through families over considerable lengths of time. King's ethnohistory of the Matalan (San Carlos Tamien-speaking tribal group) describes leadership and social stratification that accords with Bean's framework.

Milliken's view (1983, 1991), while tending more toward a strictly charismatic rather than stratified view of chiefs, also makes clear the importance of leadership among the pre-contact Costanoan/Ohlone peoples. He (Milliken 1983: 55-56) cites Father Vicente de Santa Maria who wrote:

> We noticed an unusual thing about the young men: none of them ventured to speak and only their elders replied to us. They were so obedient that, notwithstanding we pressed them to do so, they dared not stir unless one of the old men told them to; ... [Santa Maria in Galvin 1971 [1775]: 31].

Leventhal (1993a:155-157) in his archaeo-mortuary study entitled A Reinterpretation of Some Bay Area Shellmound Sites: A View from the Mortuary Complex at CA-ALA-329, the Ryan Mound also considered the first-hand ethnohistoric observations made by Father Santa Maria in

1775 concerning political authority and military capability recorded among the Carquin (Karkin) Ohlone tribal group residing on the southern side of the Carquinez Straits in the vicinity of Martinez. Father Santa Maria noted:

> On the 15th of August the longboat set out on a reconnaissance of the northern arm [of the bay] with provisions for eight days. On returning from this expedition, which went to have a look at the rivers, José Cañizares said that in the entranceway by which the arm connects with them [Carquinez Strait] there showed themselves fifty-seven Indians of fine stature who as soon as they saw the longboat began making signs for it to come to the shore, offering with friendly gestures assurances of good will and safety. There was in authority over all these Indians one whose kingly presence marked his eminence above the rest. Our men made a landing, and when they had done so the Indian chief addressed a long speech to them ... .
>
> ... After the feast, and while they were having a pleasant time with the Indians, our men saw a large number of heathen approaching, all armed with bows and arrows.
>
> ... This fear obliged the sailing master to make known by signs to the Indian chieftain the misgivings they had in the presence of so many armed tribesmen. The *themi* (chief) (sic), understanding what was meant, at once directed the Indians to loosen their bows and put up all their arrows, and they were prompt to obey. The number of Indians who had gathered together was itself alarming enough. There were more than four hundred of them, and all, or most of them, were of good height and well-built [Santa Maria translated in Galvin 1971:51-53].

Captain Commander Fages (governor of Alta California, Monterey) in 1775 also contributed first-hand descriptive accounts about aspects of aboriginal contact-period political authority, social structure, and redistributive economy among the Costanoan-Esselen groups in the Monterey Bay region:

> Besides their chiefs of villages, they have in every district another one who commands four or five villages together, the village chiefs being his subordinates.
>
> Each of them collects every day in his village the tributes which the Indians pay him in seeds, fruits, game, and fish. ...
>
> The subordinate captain is under obligation to give his commander notice of every item of news or occurrence, and to send him all offenders under proper restraint, that he may reprimand them and hold them responsible for their crimes. ... Everything that is collected as the daily contribution of the villages is turned over to the commanding captain of the district, who goes forth every week or two to visit his territory. The villages receive him ceremoniously, make gifts to him of the best and most valuable things they have, and they assign certain ones to be his followers and accompany him to the place where he resides (Priestley1937:73-74).

Material Culture and Subsistence

The Spanish explorers encountered in central coastal California modes of living which were alien to their sensibilities. While the soils were clearly fertile, with the exception of tobacco, the native peoples did not cultivate. The numbers and diversity of wildlife astounded such early writers as Pedro Fages and Fray Juan Crespi, yet through their eyes such faunal abundance connoted untrammeled wilderness; everywhere they traveled they encountered villages and substantial populations of Native peoples. It is only recently that anthropologists have been able to pierce the incomprehension that the Spaniards and other European evinced about native Californian peoples before the latter's ways of life were destroyed by the activities of the former.

The material culture -- in other words the technologies for producing goods and products [technomic, sociotechnic and ideotechnic products (after Binford 1962, 1971)] -- that native Californians created are clearly derived from their adaptation to the landscapes they inhabited and the resources they utilized. Native Californians were sedentary-to-semi-sedentary gathering, hunting and fishing peoples living in an extraordinarily rich biotic habitat who, by their subsistence activities, tended to increase rather than deplete the resources upon which they depended. Lewis (1973), Bean and Lawton (1976) and Blackburn (1976) were among the first to demonstrate that natives' use of controlled burns augmented the growth of wild grains eaten both by humans and herds of herbivores who congregated around areas humans altered in this way. These practices have been referred to as "quasi-agriculture" and "incipient game management." Burns also helped to create concentrations of oak trees in specific areas from which harvests of acorns played an important seasonal role in native diets (Lewis 1973; Bean and Lawton 1976; Weigel 1993; Anderson 2006).

Tools manufactured by natives were thus utilized to process the foods obtained from native resource management. Hunters, mostly male (women did engage in rabbit and possibly antelope drives and fishing; (see E. Wallace 1978), flaked ultra-sharp chert and obsidian arrow points, dart points, knives, chopping tools, scrapers, etc., found at the sites of their hunting camps and village sites. Such tools could also be used by women to process and cook meat, fish, and shellfish. Both sexes likely contributed to the weaving of string, cordage, rope, fishing nets and the construction of basketry traps for fish and small animals. But women clearly excelled in fiber manufactures: California is renowned as the locus of the finest and most diverse basketry in the world, and the Costanoan/Ohlone area was no exception in this regard. Women utilized porous baskets to leach acorn meal in order to remove toxic tannic acid, and water-tight baskets to cook a variety of meals from different plants, animals and fish. Baskets were used in fishing, for hauling abalone and other mussels from the waterside, and for winnowing wild grain. Very large woven baskets on stilts acted as granaries and very small baskets were used to store jewelry and other commodities (Elsasser 1978b; Shanks and Shanks 2006).

Both genders may have worked *Haliotis* (abalone), *Olivella* shell, and colorful feathers were integrated into elaborate necklaces, ear, nose and hair ornaments, and beads woven into dance skirts, headdresses and other regalia (Bates 1982). While men and children commonly virtually wore no clothing during the warmer summer months, women used plant fibers and deer skin to fashion skirts. Ritual regalia and the finery of the social elite were also manufactured from the

pelts of rabbits, deer, elk, antelope, bear and wild cat or, in coastal areas, from sea otter and sea lion fur.

Residential shelters were basically round grass or tule and bulrush thatched structures built on willow pole frames, while the larger, excavated semi-subterranean ceremonial buildings utilized for assembly or dance houses and sweatlodges, probably used boughs of hardwood or redwood trees (especially on the West Bay) as center posts for structural support. The sweat lodges and dance houses (**tupentak** in the Chocheño dialect, but more commonly referred to in the literature by the Mexican term "temescal") may also have been earth covered as elsewhere in California.

Ritual Practices and Ceremonial Sites

Of all aspects of pre-contact native Californian culture, religion and ritual evoked the most hostility from Spanish colonial invaders whose observations accordingly are difficult to assess for accuracy. It is clear that performances which in Western discourse are referred to as dancing were central aspects of religious ritual, not only in the sense of worship, but also as activities which could themselves positively affect the balance of forces in the world and universe (Bean and Vane 1978).

From the reports of Fages, Font, Palou, Crespi, Arroyo de la Cuesta, and others it is also apparent that each region's rituals may have varied in details of procedure, regalia, and song. However, given the view that these rituals were perhaps practiced within a larger framework or interaction sphere among neighboring tribal groups, Milliken's caution (2004) that one ought not to draw excessively direct conclusions about the nature of ritual in the Santa Clara Valley from what is known about dance ceremonies conducted by East Bay Ohlones or the peoples of the Monterey region may be useful, but not necessarily conclusive. Notwithstanding that proviso, Santa Clara Valley Costanoan/Ohlone tribal groups likely danced world renewal ceremonies and paid a great deal of attention to funerary and mourning rituals as can be ascertained by Late Period mortuary sites (e.g., CA-SCL-128 Holiday Inn Site, CA-SCL-38 Yukisma Site and CA-ALA-329 Ryan Mound).

Dance enabled participants to open and travel through doors between the conscious world and an ongoing supernatural world where the beings who had initiated the creation of the world and of human beings continued to enact mythic dramas. Dancers' regalia were imbued with the power of these rituals, and certain natural locations, such as springs, rock formations, trees, etc. marked nodal points and served as shrines where ritual performance became particularly effective (see Bean 1975; Bean and Vane 1978, Davis 1992).

Humans could also hallow sacred places through the burial of their ancestors in locations that even the Spanish identified as cemeteries (see Leventhal 1993, Font in Bolton 1933 below). This is of especial note for the purposes of this study since the **Loškowiš 'Awweš Táareštak [White Salt Man Site] (CA-SMA-267)** contains a burial and therefore does indeed represent the presence of an ancient cemetery of unknown size.

Pedro Font traveling through different parts of the Santa Clara Valley made several observations about the nature of Ohlone cemeteries. Near modern-day Gilroy, Font noted:

> On passing near the village I mentioned on the road we saw on the edge of it something like a cemetery. It was made of several small poles, although it was not like the cemeteries which we saw on the Channel [between Santa Barbara and the Channel Islands]. On the poles were hung some things like snails and some tule skirts which the women wear. Some arrows were stuck in the ground, and there were some feathers which perhaps were treasures of the persons buried there (in Bolton 1933: 322).

Approximately 27 miles south/southeast of **Loškowiš 'Awweš Táareštak (CA-SMA-267)**, Font described the following scene within the Coyote Creek corridor located in the area of the Three Wolves Site CA-SCL-732 (Cambra et al. 1996) in south San Jose. From his description, it can be understood that the use of feathers and other regalia hung from poles and related structures may not have been exclusive to cemeteries but were established as a kind of shrine:

> At this place we found still standing the poles of the little bower erected in the journey which in September of last year was made by the ship captain Don Bruno de Hezeta and Father Palou . . . We found that the Indians had made a fence of little poles around them, and in the middle had set up a thick post about three spans long, decorated with many feathers tied in something like a net, as if dressed, and with an arrow stuck through them. On one pole many arrows were tied and from another were hung three or four balls of grass like tamales, filled with pinole made of their seeds and of acorns, or of others of their foods which we did not recognize. In the middle of a long stake there was hung a tuft of several goose feathers, but we were unable to understand what mystery this decoration concealed (Font 1930 [1776]: 321-322).

These above ethnohistoric observations potentially provide some of the parameters of ceremonial activity and ritual performance that were practiced at **Loškowiš 'Awweš Táareštak (CA-SMA-267)** locality (within the ethnohistoric **Puichon** Tamien Ohlone-speaking tribal territory) approximately 4,095 years ago (**2084 BC**) when this ancestral Ohlone person died and was buried at what was to be named **Loškowiš 'Awweš Táareštak** by the historic Ohlones Indians comprising the present-day Muwekma Ohlone Tribe of the San Francisco Bay Area.

The Transformation of Costanoan/Ohlone Societies: The Impact of the Spanish Empire's Expansion in Alta California (1769-1836)

Based upon the research of many Californian anthropological scholars (e.g., Kroeber 1932, 1939, Goldschmidt 1951; Gifford 1955; T, King 1970, 1974; Fredrickson 1973; Bennyhoff 1977; Chartkoff and Chartkoff 1984; Moratto 1984; Bean and King, eds. 1974; Bean and Blackburn, eds. 1976; and others), prior to the time of contact with the expanding Spanish empire, central California Indian societies had already developed complex social, political, economic and ceremonial institutions that interconnected neighboring tribal groups and regions. This is evidenced by the wide distribution of artifact assemblages, traits and burial patterns found in central California mortuary mounds (sometimes referred to as Shellmounds in the S.F. Bay Area) especially during Phases 1 and 2 of the Late Period (Bennyhoff and Hughes 1987), and also demonstrated by the even-wider distribution of the Kuksu religion which geographically ranged from the Salinan tribal groups to the south in Monterey County to the Cahto and Yuki to the

north in Mendocino County; (see Mason 1918; Loeb 1932, 1933; Bennyhoff 1977; Bean and Vane 1978; Leventhal 1993).

These inter-regional linkages were principally integrated through mechanisms of trade, kinship (especially through marriage alliances of elites), the performance of shared rituals and ceremonial obligations (e.g., Kuksu ceremonies, trade feasts, funerals and mourning anniversaries [see Blackburn 1976]).

Among village elites, for example, the political world clearly did not stop at the boundaries of their own territory. Elites from villages throughout the territory of Costanoan/Ohlone-speaking peoples (and neighboring linguistic groups) married their children into other elite families from important neighboring villages, villages in which Costanoan/Ohlone-related languages may or may not have been spoken (see Milliken 1993). Intermarriage gave rise to extended kinship networks of multi-lingual elite families and communities, whose wealth and status represented the accumulation of economic surpluses from territories much larger than the village community itself (Bean 1978; Milliken 1990, 1991; Brown 1994). Through elite intermarriage, larger regions were integrated which overlapped and crossed linguistic boundaries (Bean and Lawton 1976; Bean 1992).

Elite intermarriage patterns also facilitated and underscored other regional integrating forces such as trade and ritual obligation (see Blackburn 1976). People from different villages, often distantly related, struck up personal trading relationships, called "special friendships," which often lasted whole lifetimes (Bean 1976). Through networks of "special friends" different foods, tools, and treasure goods were traded from village to village over long distances.

Networks of ritual and ceremonial obligation called together large numbers of diverse peoples for particular occasions, such as the funerals of significant inter-village elite personages (Blackburn 1976). On such occasions, trade fairs also occurred where elites likely arranged the future marriages of their children. Taken all together, the trading of subsistence and treasure goods, the exchanges of marriage partners, and the cycles of ritual and ceremony tied together constellations of kin-based village communities into integrated political, economic and cultural fields led by a small inter-village elite strata (see Fages 1775; Bean 1992). These elite-ruled realms might be described as quasi-chiefdoms or ranked chiefdoms (Service 1962, 1975; Fried 1967; for an archaeological perspective on evidence of social ranking within the San Francisco Bay see T. King 1970, 1974; Wiberg 1984; Luby 1991; and Leventhal 1993).

The paradox of a bountiful environment, large populations, and lack of recognizable cultivation confounded the Spaniards, the first Europeans determined to control what is now the state of California. Elsewhere in Latin America, particularly in the Andes and Meso-America (see Salomon 1981, Rappaport 1990, Smith 1990, many others), indigenous structures of governance and processes for manufacturing commodities were more familiar to European eyes. Therefore, at least for a time following the initial conquest of indigenous civilizations, the Spaniards harnessed indigenous political and economic organization for their own purposes. Because the Spaniards could not cognitively apprehend a civilization whose productive base, economic surplus, and sources of wealth were fundamentally alien, their domination of Californian natives

hinged upon completely re-molding their cultures and societies into forms that were comprehensible to European sensibilities.

The Franciscan missions, the method the Spanish Empire used to lay claim to California, may be seen as the process of implanting European political and economic systems. This process required that Native American religions and cultural practices be restricted and eventually forbidden, and later, the destruction of the economic and environmental foundations of native life (Cook 1976b; Castillo 1978). The missionized peoples of the Bay Area and elsewhere in coastal California became a labor force for an emergent agricultural and pastoral economy which obliged natives to leave aside most indigenous ritual and ceremonial practices, as well as the manufacture of many aspects of aboriginal material culture. As agricultural laborers, missionized Indians were largely separated from the seasonal rhythms of their own food production practices, while the growth of mission farms and rangeland for cattle initiated an environmental transformation of the Bay Area and the entire coast that destroyed much of the resource base of the indigenous economy.

Demographic collapse of the Costanoan/Ohlone populations held captive at Mission Dolores at the tip of the San Francisco peninsula, Missions Santa Clara and San Jose in the South and East Bay respectively, Mission San Juan Bautista farther to the south (San Benito County), and the Esselens at Mission San Carlos on the Monterey peninsula occurred because of the horrendous effects of European-introduced diseases, exacerbated by the unhealthy diet and over-crowded living conditions at the missions. Birth rates plummeted from a psychological phenomenon now recognized as post-traumatic stress (Cook 1976a; Rawls 1986; Hurtado 1988; Jackson 1992).

As the populations of Costanoan/Ohlones both inside and surrounding the missions contracted diseases, survivors tended to congregate around the missions, seeking solutions to their seemingly unsolvable problems from the missionaries and colonists who were causing those same problems. Under the circumstance of socio-cultural "holocaust" which took approximately forty years (1769-1810) to unfold, many Bay Area Ohlones may have identified with their oppressors, who seemed to have overthrown and taken control of all of the old systems of spiritual and earthly power, although others may have fled and sought protection with the interior tribes to the east (see Milliken 1991, 1995 and 2008 for a different interpretation that partly exonerates the missions).

In response to the diminution of their labor-force, the Franciscan fathers and civil authorities directed Spanish soldiers to bring in new converts from outlying tribal areas. The Coast Miwok, Bay and Plains Miwok, Yokut, Patwin, and Esselen speaking peoples from villages located east, north and south of the Bay Area missions became the new cohort of neophytes as laborers, and they intermarried with the surviving Ohlone-speaking peoples (Harrington 1921-1939; Milliken 1978, 1982, 1983, 1990, 1991, 1995, 2007, and 2008). Such intermarriage patterns was, as emphasized above, already established between neighboring North Valley Yokuts, Coast, Bay and Plains Miwok, Patwin and Costanoan/Ohlone-speaking elites during the late pre-contact and contact periods. Milliken (1991) discussing common female name suffixes amongst the **Huchiun-Aguastos** Costanoan/Ohlone speaking tribal group of the southeast shore of the San Pablo Bay region noted:

> The Huchiun-Aguastos spoke a Costanoan dialect most similar to their Huchiun neighbors, and also very similar to the Carquins, if female personal names suffix clusters are good reflections of language. "Maen/main" was the most common female name suffix at thirty-one percent, higher than any other Bay Area group. … Huchiun-Aguastos, Huchiun, and Carquin personal names contains numerous root and suffix syllable clusters common to Coast Miwok, and Bay Miwok names, such as "eyum," "joboc," "ottaca," "saquen," and "tole", suggesting extensive culture sharing in the San Pablo Bay area across language boundaries. (Milliken 1991:427)

At the missions, intermarriage apparently continued to subtly reinforce sociopolitical hierarchies and older surviving elite families. Even under the triple assault of religious conversion, ecological and economic transformation, and demographic collapse, indigenous political leadership and resistance did not disappear.

The missions struggled against frequent desertions by neophytes, and armed rebellions occurred at Missions Dolores, San Jose and Santa Clara (Milliken 1983, 1991). Led by Pomponio at Mission Dolores (early 1820s), by the famous Estanislao at Mission San Jose, and by Cipriano at Mission Santa Clara, indigenous guerrilla armies combined the forces of both runaway neophytes and natives from villages the Spanish had not yet dominated (Holterman 1970; Brown 1975; Rawls 1986). Yet the Spaniards mostly succeeded in destroying the ecological basis for the indigenous economy, and in transforming the Bay Area peoples and their close neighbors into an exploited, impoverished soon-to-be landless working class. It was as indebted peons that the ancestors of the Muwekma, the Ohlone people of the San Francisco Bay Area and elsewhere in Hispanic California confronted the next two stages of European domination, with the secularization of the missions and the ensuing conquest of California by the United States.

West Bay Ohlone Tribal Groups and the Last of the Lamchin/Puichon Descended Indians - The Evencio Family of San Mateo County

Randall Milliken (2007) recently conducted a comprehensive ethnohistoric study for the Golden Gate National Park on the Indians of the San Francisco Bay Area, wrote the following historic account on the Evencio family. Descended from the **Lamchin/Puichon Ohlone**-speaking tribal groups of the West Bay around San Francisquito Creek area and the Saclan Bay Miwok speaking tribal group of the East Bay, Pedro Evencio and his children were the last of Doloreño Indians. The Evencio lineage appears to be the last documented family who had aboriginal descent from these West Bay tribal groups. Milliken wrote:

> A four year old boy named Yaculo, who was to found the only San Mateo county Indian extended family documented into the twentieth century, was baptized at Mission Dolores on October 31, 1790. He was brought to the mission by his father Gesmon ("The Sun" [also spelled Exmon]) and his mother Ssipiem, San Francisco Bay Costanoan speakers from either the **Lamchin** or **Puichon** local tribe, and he was christened Evencio. Four years later, Evencio's future parents-in-law were baptized. They were Sacalinchi and his wife Uimusmaen, who led the first group of adult **Saclan Bay Miwoks** through the baptismal ceremony at the mission in December of 1794; after fleeing in 1795 they returned with a son who was christened Juan Diego in 1798. Their mission-born daughter Geronima, Evencio's future wife, was baptized in June of 1800. Geronima and Evencio were married in

about 1826 and had at least eight children between that year and 1844. Their oldest son, **Pedro Evencio**, was the man whose testimony in federal court in 1869 about the eviction of the Indians from Rancho San Mateo, … .

… Pedro Evencio's paternal grandparents, Rosendo Exmon and Osana Ssapiem, were baptized at Mission Dolores in 1793 (SFR-B 1231, 1248), three years later than their son Evencio Yaculo. Evencio Yaculo grew up in the Mission Dolores community and married Salaverba, a Huchiun San Francisco Bay Costanoan, in 1804 (SFR-M 953, SFR-B 2747). Evencio and Salaverba had five children before she died in 1820 … . Evencio Yaculo then married Geronima some time during the mid-1820s, although no record of the wedding has been found. The seven children of Evencio and Geronima who appear in the Mission Dolores baptismal record were baptized between 1828 and 1844. Since none of them was named Pedro, we presume that he was born in 1826 and that Evencio Yaculo and Geronima were also married that year.

Evencio Yaculo and Geronima raised their children during the Rancho Era at the mission outstation of Rancho San Mateo. Pedro Evencio stated in 1869 court testimony that his father had been the leader of the San Mateo Indian community when Pedro was young. …

Pedro Evencio married Pastora at Mission Dolores in December of 1846. She was a Churuptoy **Patwin** from the present Woodland, Yolo county area by way of Mission San Francisco Solano (SFS-B 1166). The marriage entry lists Pedro as 20 years old and the bride as 18 (SFR-M 2162). Pedro Evencio and Pastora had four children who were baptized at Mission Dolores between 1852 and 1862. Those children were typical mixed-ancestry Dolorenos, having as they did a Puichon San Francisco Bay Costanoan/Saclan Bay Miwok father and a Churuptoy Patwin mother.

The Evencio family did not appear as individuals in the 1860 census. In the 1870 census of San Mateo County, however, the "Abensio" family was listed as follows:

- Abensio, Padro, 45, male, Farm laborer
- " Pastora, 38, female, Keeping home
- " Maria, 17, female
- " Casusa, 8, male
- " (no name listed) 4, female
- Diago, John, 68, male (U.S. Census Bureau 1870a)

Later evidence indicates that the Evencio family also had a son Joseph, about 10 years old in 1870, whom the census taker apparently missed. …

… John Diego, the 68-year-old man living with Pedro Evencio and Pastora in 1870, has an interesting story of his own. In the 1869 Rancho San Mateo court case Pedro Evencio had stated that "John Diego" was his uncle and that the two of them were the only original San Mateo County Indians still alive (Land Case 178 ND). Mission register evidence shows that Juan Diego was the brother of Pedro Evencio's mother Geronima; he was the child that Sacalinchi and Uimusmaen had brought for baptism when they returned to Mission Dolores in 1798 after the Saclan flight of 1795. … (Milliken 2008).

Pedro Evencio and his family were also listed on the **1880 Census for San Mateo County**, Township 1. He was identified as **Pedro Abencio**, age 58, (b. ca. 1822), Indian, Farm Laborer; Mary, wife, age 58, Indian; Mary, daughter, age 25, Indian; Refuga, daughter, age 16, Indian; Paul Jose (Joseph), son, age 22, Indian is crossed out [he was residing elsewhere]; Thomas, son, age 5, Indian. All were born in California. The family was living next to a farmer named Louis Doff and family who were from France.

Living nearby in the **Millbrae Township** in San Mateo County was Pedro's son, **Jose Abencio**. He was listed as Jose Abencio, age 22, [b. ca. 1858], Indian, and working as a stableman for Peter Leyton, who was a hotel proprietor originally from Holland.

In 1894, Mary Sheldon Barnes a faculty member at Stanford University interviewed Pedro Evencio [**Figure 7-2]** and she published a portion of that interview in **The Sequoia** magazine. Barnes wrote:

> There lives in San Mateo, an old Indian, Pedro Evancio by name, the last of all the... Indians born and bred at the Mission Dolores. Don Pablo Vasquez of Spanish town put us on his track one day when we were asking if there were still any living descendants of the old inhabitants of the valley. "His father was my father's man," he said. "When my father was vaquero of the Mission Dolores, just before the Americans came in."
>
> When we went to see Pedro, we found him in a little white-washed house, neat within and without, the garden full of pinks and stocks, and all sweet, bright flowers, with a dog haunting about it. His wife, a dark Spanish woman, showed us into a neat living room; in one corner of it stood the bed; various ornaments adorned the walls, and on the table stood a great bunch of flowers.
>
> "Could we see Mr. Pedro Evancio?" "Si, si," and there appeared in the kitchen-door Pedro Evancio; a well-built, well-proportioned man, dignified though shy, with a dark beard, an observant eye, dressed in workman's clothes.
>
> We advanced with ardor; but he met our advance with a grave and questioning reserve... Spanish was his native tongue, and our first interview consisted mostly of surprise, friendliness, and a little embarrassment. But in a later interview through his son, an intelligent young workman, we were able to carry on a second-hand conversation, and to obtain photographs of Pedro Evancio. He could not say to what tribe he belonged,—he knew himself only as a Mission Indian; but the old Indian trails, especially that trail by which the Mission Indians used to drag redwood to the Mission Dolores, were all fresh in his mind, and his son Joseph could make us a clear map of the whole Santa Clara Valley with all its old trails.
>
> Pedro's general appearance, and especially his rather full beard, made us doubt the purity of his Indian descent. But in Palou's diary of 1774, full descriptions of our Santa Clara valley Indians are given; "well-formed and tall many of the bearded like a Spaniard..." (Barnes 1894:277).

Figure 7-2 Pedro Evencio (Photo taken by Barnes in 1894)

Pedro Evencio died on either January 19 or 20, 1896 and he was buried at St. John's Cemetery in San Mateo.

Pedro's eldest son, Joseph Evencio was identified on the 1900 Census living in the City of San Mateo. He was identified as Joe Evencio, age 40, born March 1860, Black, laborer and single. Joe was listed as a "roomer" residing house of C. C. Moore, and engineer from New York and his family.

Milliken's research on the Evencio family brought to light the death of one of Pedro's sons named Joseph Evencio in 1907:

> Joseph Evencio, son of Pedro Evencio, was himself killed by an electric railroad car near Millbrae in early November, 1907. The newspaper report called him "Indian Joe," said that he was full blooded, and stated that he had earned his living doing odd jobs. This was the article that noted that his father had also been killed by a railroad train about ten years earlier (San Mateo Leader November 6, 1907:4).
>
> … The burial of Joseph Evencio, who was 47 or 49 years old when he died in 1907, is not the end of the Evencio family story. In 1963 historian Frank M. Stanger stated in his

book South From San Francisco that one "Indian Joe" was living in a "crude shelter" at Coyote Point during the late 1930s, adding that "... his real name, it seems, was Joseph (Jose) Evencio" (Stanger 1963:32). Alan Brown (1973b: 16) reproduced a photograph of him, supposedly taken in the early 1920s at Coyote Point [**Figure 7-3]**. The man seemed to be about 40 years old in the photograph. Perhaps he was a son or nephew of the Joseph Evencio who died in 1907. With the disappearance of the younger Joe Evencio, "the San Mateo County Indians have vanished from among us as completely as any people could," wrote Brown (1973b:23).

Figure 7-3: Joseph Evencio "Indian Joe" at Coyote Point circa. 1920s

Unfortunately, with the passing of the Evencio family, there are no other known living descendants from either the Puichon Ohlone or other West Bay Ohlonean tribal groups that survived into the late 20th century. There are however enrolled members of the Muwekma Ohlone Tribe, who are descendants of Doloreños, Ohlone Indians who were brought into Mission Dolores, during the early part of the 19th century from the East Bay. Mission records attest that there was intermarriage between elites from the Yelamu Ohlone of San Francisco and the Jalquin East Bay Ohlones during the early Contact Period (Milliken 1991:111; 1995:62).

1834-1846 Secularization of the Missions and its Aftermath

In the last decades of Mission San Jose's existence, between 1800 and the 1830s under Franciscan administration, the population of Ohlone peoples from the East, South and West Bay had endured such steep demographic declines that, as mentioned above, the mission's fathers were obliged to seek further a field for native people for conversion and to provide the labor to maintain the mission's farmlands, ranches and extensive herds. As discussed above, many Indians from the Coast Miwok, Bay and Plains Miwok, to the north and east of the missions, and from the North Valley Yokut and Patwin tribal groups as well, were converted at Missions Dolores, San Jose and Santa Clara (Cook 1957, 1960; McCarthy 1958; Bennyhoff 1977; Milliken 1982, 1991, 1995, 2008; Milliken, Leventhal and Cambra 1987). Also as noted previously, marriage exchanges between these tribal peoples followed extremely old and established kinship traditions in central California; intermarriage and strong relations of kinship continued within the setting of the mission, albeit under circumstances Indian peoples found alien, harsh and objectionable.

Notwithstanding the enormously destructive changes missionization wreaked upon indigenous culture and society, the missions themselves were vulnerable to the winds of political change. Situated at the very northern edge of the Spanish empire, central California's history was really a part of a larger Latin American history until the late 1840s. The Spanish crown had decided to secularize the missions as early as 1813, but the struggle for Mexican independence intervened. Between 1834 and 1836, the Mexican Republic enacted legislation that terminated the missions and proposed to divide mission properties among the missionized indigenous peoples. Yet this division of land and resources did not fully occur in the San Francisco Bay region. Instead, the local families of Spanish-Mexican descent, known as **Californios**, proceeded to make formal claims upon most of the property owned by missions Santa Clara and San Jose. Large cattle ranchos were created and the Californios established themselves as neo-feudal lords (Phillips 1981; Milliken 2008; Milliken, Leventhal and Cambra 1987).

Milliken, conducting research with the Muwekma Tribe for the Interpretive Recommendations and Background Report for the East Bay Regional Park District, noted:

> Under Spanish law, Mission lands were to be held in trust for the Indians until the government felt that they had become enough like Europeans to be considered "people of reason". The Mexican government came under strong pressure during the 1820's to ignore the Indian land rights and open up mission lands to settlement by the families of ex-soldiers and by new settlers from Mexico. The government of Mexico finally gave in to these pressures with a series of secularization acts between 1834 and 1836. On paper these acts protected the Indian land rights. Administrators were to divide mission properties among the Indians, with the left over lands to be allocated to Mexican immigrants through petition.
>
> A veritable landrush began among local Mexican families from San Jose when Jose Jesus Vallejo became administrator of Mission San Jose in 1836. Within a two year period an instant feudal aristocracy was formed, complete with a population of Indian serfs.

> Families such as the Vallejos, Pachecos, Alvisos, Castros, and Bernals gained control of the mission lands and herds. These new land owners continued to live in San Jose, while former Mission San Jose Indians did all the labor on various ranchos (Milliken, Leventhal and Cambra 1987:11).

Thus the ancestors of the Muwekma Ohlone experienced a second abrupt and catastrophic shift in their lives when the Mexican government secularized the Franciscan Missions. Although, as stated above, Mexican law decreed that half of all the mission held lands were to be given to the patriated neophytes, no such lands were formally granted with the exception of three or four individual land grants to several Ohlone Indian families (see below). Most Indians left the missions to become manual laborers, domestics and vaqueros on neighboring Californio-owned ranchos.

Mexican Land Grants Issued to Secularized Clareño Indians

Around the area of Mission Santa Clara, however, several (Clareño) Ohlone families were fortunate to be granted land grants by the Mexican government. In 1845, Governor Pio Pico granted the **Ulistac** land grant near Alviso in Santa Clara to **Marcello** (SCL-B #1360; baptized June 15, 1789 at age 4), whose father Alexandro Seunes (SCL-B # 4577; baptized July 21, 1804 at age 44 and died August 5, 1812) and whose mother Pacanagua (not baptized) were from the **San Bernardino** (district) Costanoan/Ohlone Tamien-speaking tribal group located to the west of Mission Santa Clara. The Ulistac land grant was also issued to two other Mission Santa Clara Indian men named **Pio Guatus** (SCL-B # 4805; baptized June 21, 1805 at age 12 and died November 21, 1846) and **Cristobal** (SCL-B # 6157; baptized November 7, 1813 at age 3 days) and whose father Audito Lataig (SCL-B # 4737; baptized June 20, 1805 at age 20) and whose mother Audita Petsilate (SCL-B # 4838; baptized June 21, 1805 at age 20, and died February 1, 1825) were from the **Tayssen** Ohlone-speaking tribal group**.**

As mentioned above, the **San Bernardino** tribal group/district was located in the Stevens Creek, Saratoga and Pescadero Creek water shed region to the west/southwest of Mission Santa Clara and also included the Puichon Ohlone as well (Milliken 1995:252). **Pio Guatus** and **Cristobal** were traced through the Mission Santa Clara Baptismal records to the **Tayssenes** Ohlone-speaking tribal group whose territory included the upland valleys to the east of San Jose towards the Orestimba Creek drainage.

Rancho **Ulistac** measured half a league (2270 acres) and included the bay shore of the present-day cities of Santa Clara and Alviso (Brown 1994).

Earlier, on February 15, 1844, another Clareño Ohlone Indian named **Lope Yñigo** was issued title to 1695.9 acres (2.64 square miles) around present-day Moffett Field near Mountain View by Governor Micheltorena (Brown 1994). This land grant was called **Rancho Posolmi y Pozitas de las Animas (Little Wells of Souls).** Apparently, Yñigo was recognized as a chief or *capitane* of the "San Bernardino" Ohlone-speaking people who originally occupied this region. He was baptized at Mission Santa Clara in 1789 (SCL-B # 1501; baptized December 26, 1789 at age 8 years old). Yñigo's father **Celedonio Samis** (SCL-B # 3106; baptized April 5, 1795 at age

4 and died November 8, 1820) and mother **Temnen** (died before being baptized) were also from the **San Bernardino** tribal district. (Huntington Library On-Line Mission Database)

The Posolmi land grant was also referred to as **Yñigo's grant**, **Yñigo Reservation** (Thompson and West 1876 Historical Atlas Map of Santa Clara County) and **Pozitas de las Animas**, or **Little Wells of the Souls**. Although reduced to approximately 400 acres, Yñigo's claim came under review in the U.S. Land Commission of 1852 (Walkinshaw vs. the U.S. Government, Posolmi, 125, Land Case 410) and he retained this small portion of his land until his death on March 2, 1864. Yñigo was buried somewhere on his land which is now occupied by Moffett Field and Lockheed Corporation. After Yñigo's death, it appears that his descendants may have afterwards moved to the Alviso Rancho [(see U.S. Land Commission Index to land Grants 1852, U.S. General Land Office, Posolmi, 125, Land case 410); Bancroft 1886; Harrington 1921-1934; Arbuckle 1968; see: Thompson and West 1876 Map identifies Yñigo Reservation (Moffett Field); Yñigo Rancho by Pat Joyce; Obituary of Yñigo in **San Jose Patriot**)].

In 1844, Governor Manuel Micheltorena formally granted **Rancho de los Coches** (**the Pigs**), totaling 2219.4 acres, to a Mission Santa Clara Clareño (Ohlone) Indian named **Roberto Antonio Balermino**. Since 1836 Roberto had occupied this land west/southwest of the confluence point where the Guadalupe River and Los Gatos Creek meet in downtown San Jose.

Roberto was baptized **Roberto Antonio** on September 26, 1785 at the age of 3 years old (SCL-B # 0791). He was identified as being from the **San Juan Bautista (district)** Costanoan/Ohlone-speaking tribal group. Roberto's father was **Juan Jose**, who was baptized on December 4, 1802 at the age of 40 years (SCL-B. # 4384). He also was identified as being from the San Juan Bautista (district) Costanoan/Ohlone tribal group. Juan Jose's Indian name was **Guascai** and he died on February 7, 1825 (MSC death register #5808). Roberto's mother's name was identified as **Sulum** but there was no additional baptism information.

Rancho de los Coches was adjacent to the aboriginal territory of Roberto's tribal homeland that included the district that the Spanish Priest called **San Juan Bautista** (again not to be confused with Mission San Juan Bautista located south near Hollister). At the age of nineteen (around 1801) Roberto had married his first wife Maria Estefana (this date is based upon the birth of one of their children). Roberto's marriage to Maria Estefana connected him to the **San Francisco Solano** district located to the north of Mission Santa Clara (Milpitas/Alviso), and also connected him to the **Santa Ysabel** district to the east hills above San Jose (Brown 1994; C. King 1994).

Maria Estefana was baptized on August 8, 1785 (5 days old) and she was identified as coming from the **Santa Ysabel** (district) Costanoan/Ohlone-speaking tribal group (SCL-B. # 0773). Maria Estefana's mother was **Micaelina Antonia** who was baptized at Mission Santa Clara on June 18, 1780 at the age of 18 years. She was identified as belonging to the **San Francisco Solano** (district) Costanoan/Ohlone tribal group (SCL-B # 0181). Maria Estefana's father was named **Francisco Gil** by the Spanish priests and was baptized on April 21, 1782 at the age of 20 years (SCL-B # 0347). His Indian name was Gilan. Francisco Gil was identified as coming from the **Santa Ysabel** (district) Costanoan/Ohlone tribal group. Roberto had died on October 26, 1847 (MSC death register #8053). Recently the Muwekma Tribe has honored Roberto Antonio Balermino by naming a new park after him on Almaden Road (City of San Jose).

On the West Bay, a land grant was issued to another Clareño Ohlone Indian man named **Jose Gorgonio** and his family. **Jose Gorgonio** and his son, **Jose Ramon**, were granted **Rancho La Purisima Concepcion** by Governor Juan B. Alvarado on June 30, 1840. This rancho comprised 4,440 acres or 1 square league around the present day Palo Alto/Los Altos Hills area (Brown 1994). **Jose Gorgonio** was probably baptized as **Gorgonio** (SCL-B # 1721; baptized July 15, 1790 at age 1.5 years). His father's Indian name was **Lulquecse** and his mother's name was **Seguem.** Lulquecse was identified as **Chrisostomo Lulquesi** (SCL-B # 2672; baptized November 27, 1794 at age 42 and had died November 5, 1801). He was listed as being from the **San Bernardino** district located to the west of Mission Santa Clara. Gorgonio was also identified as being from the San Bernardino tribal district.

During the post-secularization period (after 1836), there were at least six Indian rancheria settlements established areas surrounding **Pueblo de San Jose**. One major rancheria was located on the **Santa Teresa Rancho** (Bernal's property) south of the Pueblo San Jose near the Santa Teresa Hills. Another was located in the valley east of San Jose called **Pala Rancho**, while a third was established along the Guadalupe River above Agnew on the **Rinca de los Esteros Rancho** (City of Santa Clara)**.** In the present-day City of Cupertino was the **Quito Rancho**. In **Pueblo de San Jose**, there was a settlement of "free Indians" on the east side of Market Street, and the sixth community was located further west along the banks of the Guadalupe River near Santa Clara Street (King 1978; Winter 1978a).

Establishment of the East Bay Rancherias

After secularization of the missions, many of the Mission Santa Clara (Clareño) Ohlones, including the **Luecha**, **Santos** and other families, found refuge with their familial cousins residing in the East Bay on rancho lands owned by Californios, especially near the present-day towns of **Pleasanton**, **San Lorenzo**, **Livermore**, **Sunol**, **Niles** and **Alviso** (Harrington 1921-1934).

During the years 1841-1842 some of the surviving Bay Area Ohlones left the missions and found work on many of these neighboring ranchos as domestics, field laborers, farm hands and vaqueros (cowboys). During this period of time there appears to have been a free and independent Indian community working (and possibly owning) land between the San Leandro and San Lorenzo Creeks located within the aboriginal **Jalquin/Yrgin Ohlone**-speaking tribal territory near the present-day City of Hayward (see Nicholas Gray Survey Map of 1855; also see Harrington 1921-1934 interviews with Susanna Nichols, Jose Guzman and Maria de los Angeles Colos). This rancheria was known as "the Springs" and was located where they built the Fairmont Hospital in San Leandro (Sandoval, nd:41).

Based upon Mission San Jose record studies, the Muwekma Ohlone Tribe has documented that **Efrena Quennatole** [who was the great-grandmother of Dario, Dolores, Isabelle, Ramona, Mercedes, Victoria, Lucas and Trina Marine, grandmother of **Avelina Cornates Marine** and **Francisca Nonessi Guzman**, and the mother of **Liberato Nonessi**] was recalled by Verona Band/Muwekma Ohlone consultants **Jose Guzman** and **Maria de los Angeles Colos** during one of their interviews with Harrington (see below). Mission record's suggest that Efrena Quennatole and her third husband **Ybon Uacu-uga**, were living at "**de Rancho de San Lorenzo**" at the time

of the birth and baptism of their son Ybon in 1838 (Mission San Jose baptism dated March 31, 1838). Years later, Ybon (Jr.) went through life by the name of Miguel Santos Pastor and as a young man he had married Celsa Santos[2]. The following is Ybon's Mission San Jose 1838 baptismal record.

1838 Mar 31, **Ybon**, "de Rancho de San Lorenzo"
Born: Mar 16, 1838 (15 days old)
Father: Ybon
Mother: Efrena

Based upon his research, Milliken also discovered that during this period of time:

> One group of Indians established an independent community somewhere along the road north from Mission San Jose toward Alameda Creek during the 1840's. The head of the community was Buenaventura, one of the few survivors of the original villages from the local "Estero" area, or bayshore. Buenaventura had been baptized as a two year old at Mission San Jose in 1798 (JOB 161). Father Miguel Muro granted a license to Buenaventura, six other adult males and their families on 2 November 1844. His wife Desideria was of a family that had moved to the mission from the Jalalon area, now eastern Contra Costa county.
>
> Buenaventura died in 1847, Desideria sold the group's license to an American in 1849. The U.S. Land Commission of the 1850's did not recognize the license as a valid land title, however [Land Case 290 n.d.:11] (Milliken, Leventhal and Cambra 1987).

The "**Estero**" area along the bayshore included the possibly **Chocheño/Tamien Ohlone**-speaking (bilingual) **Alson** tribal group located along the lower Guadalupe River and the **Tuibun** tribal group of the Fremont Plain. As discussed above both of these groups were first missionized at Mission Santa Clara (Milliken 1983, 1991, 2007, 2008).

1846 - 1870s American Invasion and Post-Conquest Period

Many of the missionized Indians, who had previously labored in the mission's fields and cared for the livestock, were hired on as vaqueros by the new Californio estate-owners, who continued the tradition of controlling indigenous peoples on and near the old mission lands. Yet, many of the formerly missionized Indians who worked on these ranchos opted in some cases to move to the most remote areas of the back-country within their old homelands. At least a thousand former mission Indians lived in the vicinity of Mission San Jose in the early 1840s, and it is likely that more Indians came to the area from the Mission Santa Clara region (History of Washington Township 1904). During this historic period, the part of the East Bay extending north of Mission San Jose up to San Leandro became a region of refuge (especially after the

[2] On the **1880 Census, Miguel Santos** (age 40); Maria (Celsa), wife, age 35; Hosa S. (Jose Santiago), son, age 15; Maria (Antonia), daughter, age 7; Vincent (Jose Antonio), son, age 5; and Pappoose, son, age 5/12, (born January 1880), were residing in Brooklyn Township, north of the San Leandro Creek near the old San Lorenzo Rancheria, possibly near the old town of Fitchburg (now Oakland).

American invasion and conquest of California), to which the missionized Indian peoples of the East and South Bay migrated and in which communities of mission survivors coalesced.

During this period, invasion of the tribal territories throughout California accelerated dramatically. Losses of land due to the Bear Flag Revolt of 1846-47 (American Conquest), Gold Rush of 1848-49, and indifferent enforcement of the Treaty of Guadalupe Hidalgo of 1848 cut off any traditional means of subsistence, and forced the ancestors of the Muwekma Ohlones residing on the East Bay rancherias and surrounding ranchos into even greater dependence on the non-Indian economy.

Peter Hardeman Burnett (November 15, 1807 – May 17, 1895) was an American politician and the first state Governor of California, serving from December 20, 1849 to January 9, 1851. He was also the first California governor to resign from office. Burnett previously served briefly during December 1849 as the territorial civilian governor of California (**Figure 7-4).**

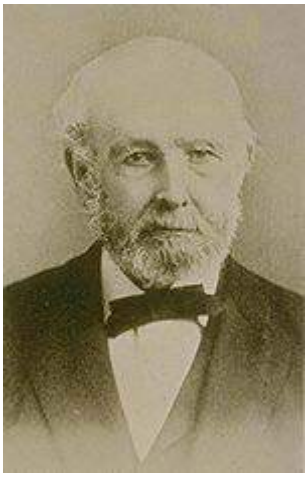


Figure 7-4: Governor Peter Hardeman Burnett (1849-1851)

In 1851, the California Governor Peter Burnett stated "A war of extermination will continue to be waged between the two races until the Indian race become extinct." Burnett's comments reflected the overall sentiment towards California Indians.

After California statehood, in 1850, President Millard Fillmore and United States Congress appointed three commissioners to enter into treaty agreements with the Indians of California for the purpose of ceding and quit claiming all lands identified within the eighteen treaties which were negotiated between 1851-1852 **(Figure 7-5).** In return for quit claiming their aboriginal title to California, the tribes of California were to receive as a set-aside, reservation lands totaling approximately 8.5 million acres along with food, supplies and services. Although reaching Washington D.C., these eighteen treaties were never ratified by the United States Senate (Heizer 1972; Hoopes 1975). Under the terms of these treaties, the ancestors of the Muwekma Ohlone Tribe were to be the intended beneficiaries of two of the treaties:

E. Treaty of Dent's and Ventine's Crossing, May 28, 1851
M. Treaty of Camp Fremont, March 19, 1851

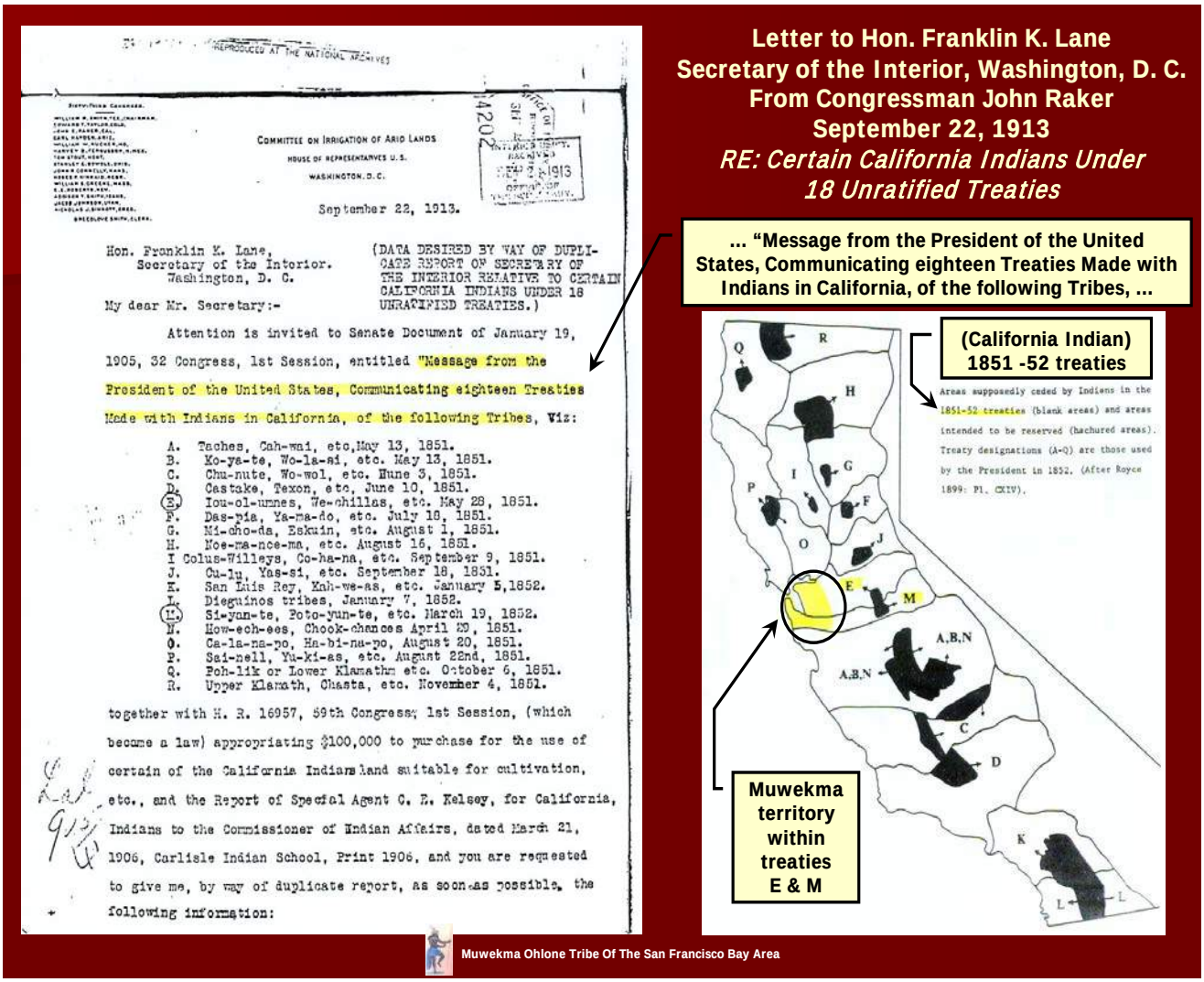


Figure 7-5: Eighteen Unratified Treaties of California

During this transformative American Conquest period between the late 1840s and 1860s, the small steps that the Indian rancherias of the San Francisco Bay, the ancestors of the contemporary Muwekma Ohlone, had taken to revitalize their communities and culture suffered a series of severe blows. The military invasion of California by the United States in 1846 and the subsequent Gold Rush (1849), followed by statehood in 1850, ushered in a new period of genocide against indigenous Californians.

A war of involuntary servitude and extermination was launched against indigenous peoples by the first legislators of the state (Hoopes 1975; Rawls 1986). Laws barred Indians from voting, from giving testimony in court, or from bringing lawsuits (Rawls 1986; Hurtado 1988). At the same time, American laws in most cases refused to recognize the validity of the land titles for the Californios' ranchos (1853 land cases). Coupled with a crippling drought afflicting central California during the 1860s, most of the Californios were could not afford to maintain their land bases and were driven off their South and East Bay estates (Wood 1883). New American owners most likely expelled the Indian vaqueros and their families from the land (Milliken 2008; Milliken, Leventhal and Cambra 1987).

Between the decades spanning 1840 and the early 1860s, for reasons that are still not completely clear, many if not most of the remaining Indian people from Mission San Jose, perhaps many from Mission Santa Clara and elsewhere, gathered at several refuges which included the Alisal (the Alders) Rancheria, located just southwest of the city of Pleasanton on Rancho El Valle de San Jose which was granted to Antonio Maria Pico, Antonio Suñol and Augustin and Juan Bernal on April 10, 1839.

One historic account about the establishment of some of the East Bay rancherias has recently come to light via the oral recollections of Mary Ann Harlan Smith which was recorded by her daughter Emma Smith. Mary Ann Harlan was the daughter of George Harlan who was a wagon master on the Donner Party expedition and who led his group successfully into California in 1846/47. Mary Ann Harlan had married Henry C. Smith in 1847 and was living at Mission San Jose at the time of the removal of the Indians to Alisal located between Sunol and Pleasanton. Emma Smith recorded the following account from her mother:

> My husband was appointed the first Alcalde or justice of the peace by Gov. Riley, Military Governor of California. He could speak Spanish very fluently and the Spaniards came to him with their difficulties. My husband and his brother remained in partnership for a couple of years, then his brother sold his interest to E. L. Beard and moved to Martinez. Beard and my husband continued in business for a short time. My husband purchased tract of land two and a half miles from the Mission, and also 800 acres on the Arroyo De Alameda, where he afterwards laid out and named the town of Alvarado. My second daughter, Emma was born in Mission San Jose. … .
>
> I grew very tired of living there, so we built a house on the rancho, near the Mission and moved there. We engaged in farming and stock raising. In the summer of 1850, my father who was living in Mission San Jose died from typhoid fever the age of forty-eight.
>
> … **The Mission Indians had a rancheria on our rancho and we often watched them performing their religious ceremonies.** They had a large room dug in the ground and covered with brush and earth, with one door to enter. This place was called a sweat house. The Indians decorated themselves with feathers and all sorts of ridiculous costumes. A fire was built in the center of the room and the Indians danced around it. When one made a trip in those days from Oakland to San Jose, one would see millions of cattle and quite a lot of wheat which was raised by the Indians.
>
> **Cholera broke out among the Indians, and a number of them died.** Their crying and howling and moaning were almost unbearable. My brother Joel, was obliged to take his family and go away where they could not hear the dreadful noise. When I found out that he was going, I had our men take me and my family along. I was very much afraid of the disease. My husband was away at the time. **When he returned and found us gone, he immediately had all the Indians moved to the Alisal, located where Pleasanton now is.** (Emma Smith, 1923). [Emphasis added]

The Alisal Rancheria appears to have been established in the vicinity of a large pre-contact ancestral Muwekma Ohlone village, now underneath or near the Castlewood Country Club (Gifford 1947). The Bernals, who, unlike many of their Californio neighbors, were able to hold onto their rancho lands, continued to maintain their economy with the help of Indian labor. The Bernals also had a long history of sponsoring Indian children as godparents and apparently had children with some of the ancestors of the Muwekma Ohlone.

Furthermore, **Maria de los Angeles Colos** (Angela), one of J. P. Harrington's principal East Bay Ohlone Chocheño speaking and cultural consultants, stated that she was born in the 1840s on the Bernal rancho located at the Santa Teresa Hills (near prehistoric site CA-SCL-125) in south San Jose (Harrington 1921-1934; Ortiz 1994a). From the Santa Clara and San Jose Mission records research conducted by the Muwekma Ohlone Tribe, it was discovered that Maria de los Angeles' parents were Zenon and Joaquina Pico whom were married at Mission Santa Clara in 1838.

Other examples of interrelationships with the Bernal and Sunol families are found in the mission records, censuses and historic documents. In the Alisal Rancheria community there was a Clareño Ohlone man named Raymundo Bernal, who was also identified in San Jose Mission records as Raymond Sunol. The Mission Santa Clara baptismal records identifies a child by the name of Jose Raymundo (Bernal) who was baptized on April 10, 1842 (MSC Baptism # 10219). He was identified as the son of Domingo Bernal and Maria Tacia Sunol who were both listed as "neofitos" (baptized Indians). His godparents were **Antonio Bernal** and Eusebia Valencia.

Raymundo Bernal (Sunol) was married to a Mission San Jose woman named Angela Cornelia (possibly Angela Colos) and they had a child named Joaquino Guadalupe Sunol who was baptized at Mission San Jose on May 15, 1872.

1872 May 15, #1046, Page 211, **Joaquino Guadalupe Sunol** (Indiei) [Indians]

Born:	Jul 7, 1872 (probably 1871)
Father:	Raimundi Sunol (Bernal)
Mother:	Angela Cornelia (Colos?)
Godparents:	Franciscus Garcia & Jesus M. Refugio

A year later, on May 30, 1873, Maria de los Angeles and Raymundo Bernal (Sunol) joined with other Indian couples of the Muwekma community to renew their marriage vows at Mission San Jose. Interestingly, this was done during the height of the 1870 Ghost Dance religious movement.

1873 May 30, #212, Page 62, Jose cum Refugia - This entry holds three marriages.
"Die 30, May 1873, coram Maria Selio et Raimundo consentium renovavares J.o Jose cum Rafaela; 2. **Reimendums Bernal (Sunol) et Maria de los Angeles** 3. Maria con Selso.

In 1875, Raymundo Sunol (Bernal) and Maria had their third son, Eduardo Sunol who was baptized at Mission San Jose on December 19, 1875:

1875 Dec 19, #1378, Page 262, **Eduardo Sunol**
Born: Oct 13, 1875
Father: Raymundo Sunol
Mother: Maria (de los Angeles)
Godparents: Philippo & Maria Catharina Gonzales*
[*Note: Philippo and Maria Catherina Gonzales were also Indians from this community]

On the1880 Census for **Murray Township**, Alameda County (District 26), **Angela Colos** was identified as **Sincion, Anchaline**, (Asuncion, Angeline) Indian, age 30. She was listed as a **widow** and living with her daughters, **Francisca** (Luecha), Indian, age 14 (born ca. 1866), Juana, Indian, age 11 (born ca. 1869), Louisa (Aloisia?), Indian, age 6, Rita (Aloisia?), Indian, age 2. Angela Colos and her family were living eight houses away from **Antonio Bernal, Jr**.

Also on the 1880 Census for **Murray Township**, Alameda County (District 26), a **Ramon Sinol** (Sunol), estimated age 22 (born ca. 1858) was listed as a farm hand in the household of John Kottenger. He was also living not too far from Angela Colos and her daughters. Ramon was most likely Angela and Raymundo's son Joseph who was born in 1862. Raymundo Sunol (Bernal) and his half sister, Francesca Luecha appeared as godparents for another Indian couple in 1882.

Raymundo Bernal was remembered by Muwekma Ohlone Elder Dario Marine in 1965, when he was interviewed by members of his sister's family during the time when the Tribe was involved in saving the Ohlone Indian Cemetery from destruction. Dario was born in 1888 and in that 1965 interview he identified the Ohlones who were members of the Muwekma/Verona Band/Mission San Jose Indian community. Dario remembered Raymundo and Guadalupe Bernal stating:

> Raymundo Vernal was Great grandfather people, so were Lupe Vernal and Jose Vinoco an uncle" (Avelina Family History, Dario Marine Interview 1965).

In 1894, *Californio* Antonio Bernal (most likely Jr.?) and Muwekma Ohlone ancestor, Magdalena Armija Marshall Thompson (b. 1878 – d. 1931) had a daughter named Rosa Bernal who was baptized at Mission San Jose on January 26, 1895:

1895 Jan 26, **Rosa Bernal** (Indian)
Born: Nov 20, 1894
Father: Antonio Bernal
Mother: Magdalena Armina (Armija)
Godparents: Manetta Cosmo* & Petra Igo (Phoebe Inigo)
(*Note: Rosa's Godfather was either Daniel Cosmos or Manuel Santos)

Perhaps, as a consequence of these factors and familial interrelationships between the Bernals and Sunols and the ancestors of the Muwekma Ohlone, the Bernal family was willing to allot a portion of their rancho lands to the Muwekma Indian community which became the Alisal Rancheria.

In other areas throughout the East Bay, small groups of formerly missionized Indians also settled at lesser known rancherias in nearby Livermore (**Arroyo del Mocho**), Niles (**El Molino**) and Sunol (Harrington 1921-1934). All of these rancherias maintained close ties with their Plains, Bay, and Coast Miwok and North Valley Yokut neighbors and Ohlone blood-relations as well (Kroeber 1904; Gifford 1926, 1927; Kelly 1932).

The Alisal Rancheria was unquestionably one of the most prominent and important communities of Ohlone Indians from the 1860s onward into the early twentieth century, and constituted the first known post-American conquest Indian revitalization center within the Bay Area. The people of Alisal and surrounding rancherias revived many dance ceremonies during the early 1870s, which strongly implies that other traditional arts and kinds of cultural knowledge, about ceremonial regalia, songs, sacred language, and crafts also experienced a resurgence. But more than revival took place at Alisal and the other rancherias.

The available evidence depicts a constant ebb and flow of people, of surviving Indians from all over the Bay Area (including Clareño Ohlones from the Mission Santa Clara area) and central California moving into and out of Alisal, Niles, San Lorenzo and Livermore rancherias (Gifford 1926, 1927; Gayton 1936; Kelly 1978; Harrington 1921-1934). Thus, many surviving fragments of knowledge and ritual were brought together in this one place, from the many Ohlone peoples, each with their own varying customs and ways of thinking, as well as from the intermarried and neighboring Miwok, Yokut, and other more distant tribal peoples brought under the sphere of influence of the missions. Inevitably, a blending of older forms took place, a fusion of traditions and religious beliefs that together generated a new cultural vitality (Gifford 1926, 1927; DuBois 1939).

1870 Religious Revitalization Movement: The Ghost Dance at Pleasanton Rancheria

During the 1870s, a religious messianic-oriented revitalization movement referred to as "**the Ghost Dance**" spread throughout central California. This first Ghost Dance originated in Nevada beginning around 1869, involved a Paiute prophet named Wodziwob who taught that by dancing certain dream inspired dances, Indian people could end the domination of their land and destruction of their lives by the whites, and usher in a new golden age for all Indian peoples (Du Bois 1939).

At Alisal, the ancestors of the contemporary Muwekma Ohlone combined elements and doctrine from the imported Ghost Dance with the ancient **Kuksu** Religion, regalia and compliment of dances, the World Renewal Ceremonies as well as other rites practiced throughout central and northern California (Gifford 1926; Loeb 1932, 1933; DuBois 1939; Bean and Vane 1978). So potent was the syncretic combination derived by the people of Alisal (and the surrounding rancherias) that non-Christian Native American missionaries were sent out from there to preach the new religious doctrine to other indigenous peoples to the east, south, and north of the Pleasanton Rancheria (Gifford 1926, 1927, 1955; Kelly 1932, 1991; Gayton 1936; Field et al. 1992).

Gifford visited the Livermore and Pleasanton region in 1914 and the Alisal Rancheria in particular. Still later, as a result of field work conducted in the interior amongst neighboring central California tribes, Gifford reported in his Miwok Cults (1926) and Southern Maidu Religious Ceremonies (1927) that his principal cultural consultants recollected that the songs, dances and regalia were brought to them by three non-Christian missionaries from the Pleasanton region. These three teachers included: **Sigelizu**, who taught the following dances to the Central Miwok: *Tula*, *Oletcu*, *Kuksuyu*, *Lole*, *Sunwedi*, *Sukina*, *Kilaki*, *Mamasu*, and *Heweyi*. Another man named **Yoktco**, from Pleasanton, introduced similar dances to Southern Maidu, while a third, named **Tciplitcu** taught these dances to Miwoks and North Valley Yokuts at Knight's Ferry.

Interestingly, all three teachers had non-Hispanic or non-Anglo names, thus perhaps representing through a revitalized religious doctrine a rejection of colonial (alien) order. Knight's Ferry is on the Stanislaus River, in Lakisamne North Valley Yokuts tribal territory (see information relating to Estanislao), showing continuous ties to the area throughout the 1870s. The Lakisamne tribal region is also where Muwekma Elder Jose Guzman's maternal grandmother, Nimfadora, originally came from (Milliken, Leventhal and Cambra 1987; Milliken 1991; see Mission San Jose baptismal record # 4276, September 26, 1820)

Ethnographic information from the Coast Miwok region on the Marin Peninsula recorded by Kelly 1931-1932 (1932, 1978, and 1991) provided other accounts about how important the Pleasanton/San Jose Mission [**Verona Band**] region was to the Coast Miwok and demonstrates the ebb and flow of contact between Marin and Pleasanton areas during this period of time. Tom Smith and Maria Copa were two of Kelly's principal linguistic and cultural consultants. Kelly inquired from them "Did they dance Kuksui at San Jose?" Maria Copa's response was:

> I should say so. My grandmother said that the people here had to buy Kuksui Dance from the San Jose people. All of those songs are in the San Jose language (Kelly 1991:354).

There were also specific references to Mrs. Martha Guzman (herself a Coast Miwok and Costanoan descendant) from Marin regarding the *kawai-yoyolomko* (horse eaters) [Costanoans]

> This is what the people around Redwood City were called. Mrs. Guzman's father belonged to those people. I saw Mrs. Guzman last night. Her father came from Santa Clara, although once before she said Redwood City (Kelly 1991:355).

Jose Guzman (born around 1853) was one of the last knowledgeable singers from the Muwekma community until his death in 1934 (Harrington recorded 27 songs at Niles in 1930). He recollected songs that he and his father were introduced to while visiting other Indian communities to the south at Missions San Juan Bautista and San Antonio (and possibly San Carlos/Carmel) during the time the 1870 Ghost Dance was in its full height.

Although not mentioned by name, Cora Du Bois attempted to interview Jose Guzman in 1934as part of her 1870 Ghost Dance Study:

> In the central portion of California which lies to the north and south of the Sacramento delta there occurred during the 1870's an interchange of dances and ceremonies. Gifford described a portion of these movements when he presented data concerning the Pleasanton revival. One man from Pleasanton, called Yoktco, took the Kuksui and other dances to the Nisenan of Ione; while Sigelizu, also of Pleasanton, imported a series of dances to the Central Miwok of Knights Ferry. Gifford is inclined to attribute the Pleasanton "revival" and the spread of dances from there to the 1870 Ghost Dance.
> …
> Unfortunately the last survivor of the Pleasanton period is unable to throw light on the tentative suggestions of Gifford and Gayton. Repeated attempts to elicit information were useless because his physical disabilities and senility. (1939:114)

Furthermore, cultural ties to the interior tribes continued to be maintained during the 1940s and later years, especially by Dario Marine and his son Lawrence Domingo Marine who had married Pansy Potts (daughter of Marie Potts) who was from one of the Maidu tribal groups. Dances that were exported from Pleasanton continued to be danced by members of the Miwok, Nisenan and Maidu tribal communities into the present day (see Gifford 1926, 1927; Du Bois 1939). The children of Lawrence Domingo Marine (Lawrence, Jr. and Marvin Marine) were taught tribal dances and continued the tradition of dancing with these interior tribal communities to present day and some of these dances have been recently reintroduced back to the Costanoan/Ohlone area (News from Native California, Vol. 7 No. 3, 1993).

U. C. Berkeley ethnographer Edward Gifford during the early twentieth century interviewed various Maidu and Miwok elders who remembered aspects of the 1870 Ghost Dance religious revitalization when they were young. These interior Miwok elders recollected that "there appeared... teachers of dances who came from the west" (Gifford 1926:400). As mentioned above, based upon Gifford's interviews with both Miwok and Maidu elders they identified the names of three such missionaries: **Yoktco**, who preached among the Southern Maidu; **Sigelizu**, himself a Plains Miwok, who came to the Central Sierra Miwok; and **Tciplitcu**, a Costanoan/Ohlone man who taught the dances to the Plains Miwok were known to have come from the Pleasanton area (ibid).

Also as mentioned above, all of these men's names are in their respective indigenous language, whereas after missionization, Costanoan/Ohlones, Miwoks, Yokuts, and their descendants were given either Hispanic or Anglo Christian names when baptized. A more generalized revival of indigenous names may have also taken place at Alisal as well as on the other rancherias in order to "reject" the older imposed colonial system. Although the Ghost Dance did not achieve its full objectives, its fluorescence at Alisal and at the other rancherias demonstrates the depth and conviction of indigenous identity and culture in the East Bay during the late nineteenth and early twentieth centuries.

A number of published and unpublished documents also record the lifeways and linguistic complexity of the Alisal Indian community or as it also came to be known after the construction by Western Pacific of the Verona Railroad Station nearby, the "**Verona Band of Alameda County.**" In 1880, French linguist Alphonse Pinart recorded a detailed North Valley Yokuts vocabulary at Alisal (Kroeber 1908; Merriam 1955). Other languages were also spoken,

particularly the Plains Miwok **Ki'k** (meaning "water") language, as well as the Chocheño and Tamien Ohlone dialects as well as other Costanoan idioms (Curtin 1884, Kroeber 1910; Gifford 1914; Mason 1916; Harrington 1921-1934; Milliken, Leventhal and Cambra 1987).

Late 19th Century: East Bay

Sometime during the mid-1880s, **George** and **Phoebe Apperson Hearst** purchased a large parcel of land from the Bernals that included the Alisal Rancheria, and they allowed the Indians to maintain their community and some worked for the Hearsts and Appersons. A slow decline in the Verona Band community during the late 19th century, however, is apparent in light of later events. Pressures of assimilation, an increasingly large number of white Americans settling in surrounding towns and farmlands and taking over the old Californio ranchos, the precarious economics of seasonal ranch work, and some out-migration, as well as death due to infectious diseases all contributed to the waning of the indigenous revival at Alisal (Olsen, Leventhal and Cambra 1985; Milliken 1994 in Davis et al. 1994).

According to several historic documents, the last Kuksu dances were held at Alisal in 1897 (Womens' Research Committee of Washington Township 1904; Marine Family History 1965; Galvan 1968). Writing in 1904, the authors of the History of Washington Township wrote about such ceremonial events:

> The dance in September was a very serious, ceremonial dance, lasting several days. Their dresses, worn for the dance, were very elaborate and well made, of feathers. Upon one day, the Coyote dance, a rude sort of play, was given, one of the favorite characters being Cooksuy--a clown.
> There must have been some meaning of a memorable character to this dance, because when asked why they danced, they always replied: "**Because our fathers are dead**" (1904:52).

Earlier that year, on January 6, 1897, the last recognized *Capitan* of the Alisal Rancheria, José Antonio, died. Noted in Book of Funerals at Mission San Jose 1859-1908 (p. 147)

> **Josephus Antonius, Indian** DOD: 6 Jan 1897, Age: about 70 [60]. Buried: Indian Cemetery, Mission San Jose, D.A. Rapora, Astt. Mission San Jose

In 1904, the **Northern Association for California Indians**, a philanthropic group of concerned citizens who advocated on behalf of the dying and landless Indians submitted a "**Memorial of the Northern California Indian Association, Praying that Lands be Allotted to the Landless Indians of the Northern Part of the State of California**" to President Theodore Roosevelt. The Memorial was signed by Mrs. T. C. Edwards, President, and **Charles E. Kelsey**, Secretary for the Association. Attached to the **Memorial** was a "Schedule" identifying the landless Indian bands/communities and their estimated population which were scattered throughout northern California (meaning north of Los Angeles County).

In Alameda County, the Schedule identified the Indians living at **Pleasanton** (Verona Band) as having a population of 70, at **Niles,** there was a community of 8, and in Contra Costa County in the towns of Danville and Byron having a population of 5 and 20 people, respectively. All four communities were identified as "Costanoan." (Sen. Doc. No. 131, 58th Cong., 2d Sess., 1904, 1-16 (reprinted in Robert Heizer's Federal Concern about Conditions of California Indians 1853 to 1913: Eight Documents 1979) [**Figure 7-6]**.

In the History of Washington Township published in 1904, the authors provided the following commentary about the Mission San Jose/Verona Band/Muwekma Indians residing at the nearby rancherias:

> The only remaining Indian villages today in this part of the state are in this township. They are in the native tongue, El Molino, the mill near Niles, and Alisal near Pleasanton, with perhaps half a hundred persons in each village. In the former, the last full-blooded Indian chief died some three years ago. In Alisal, the wife of the chief still lives, and six others of full blood. ... Alisal is on Mrs. Phoebe Hearst's property, and that lady has always a kindly hand ready to help them when necessary. ...
>
> All of the information appearing in these papers concerning the old Indian history and customs has been gleaned from these seven full-blooded Indians, one being the widow [Jacoba] of the last chief, whose name was **Jose Antonio** (History of Washington Township, 1904:53).

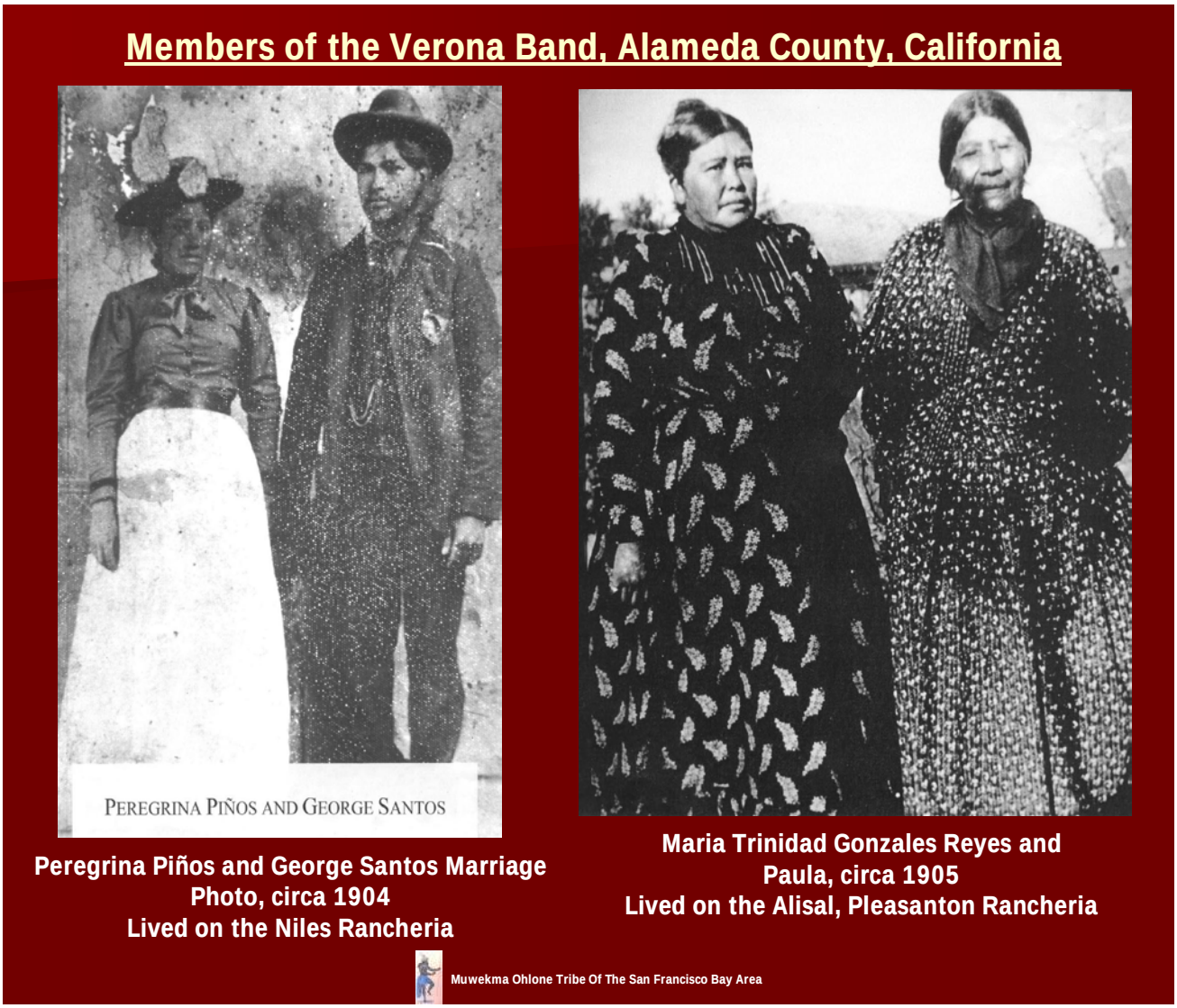


Figure 7-6: Muwekma Indians at the Niles and Pleasanton Rancherias

From the interviews conducted between 1925-1930 with Muwekma Elders Jose Guzman and Maria de los Angeles Colos, Bureau of American Ethnology linguist John Peabody Harrington, was able to learn that *Capitan* Jose Antonio's Indian name was **Hu'ská** (Harrington Field Notes 1921-1934). Jose Antonio was a great-great-grand relation to the some current generation of the Muwekma Elders and ex-council members such as Lawrence Marine, Jr. and his younger brother Marvin Lee Marine are directly descended from him and Jose Guzman. Jose Guzman had married Jose Antonio's daughter Augusta.

After his death in 1897, Jose Antonio's wife Jacoba, who was a *mayen* (meaning the wife of a captain or a female chief), directed that the ceremonial sweat-lodge (or ***tupentak*** in Chocheño) be torn down, in keeping with tradition (Galvan 1968). A new ***tupentak*** was not constructed, as it would have been in previous times, because the community did not formally select a new captain. Apparently, the political power was inherited by Jacoba through marriage as well as her descendency from her parents *Capitan* Taurino and Joaquina.

According to Muwekma oral tradition, it was Raphael Marine, husband of Avelina Cornates Marine who was tasked to take down the old ceremonial ***Tupentak*** roundhouse. Interestingly, just two years prior to his death, *Capitan* Jose Antonio and his wife Jacoba served as godparent to Raphael and Avelina's fourth daughter, **Mercedes Marine** (co-authors Monica V. Arellano and Gloria Gomez's great-grandmother) who after the death of her mother, in 1904, was raised on the Alisal rancheria by Jacoba. (1910 Federal Indian Population Census, "Indian Town," Pleasanton Township, Alameda County.)

Also raised by Jacoba was **Catherine Peralta** who was identified on the **1900 Federal Indian Census** (Washington Township); **Kelsey's 1905-1906 Special Indian Census;** (Heizer 1971); and on the **1910 Federal Indian Population Census** (Pleasanton Township) as an "Indian" resident of the Alisal Rancheria in Alameda County **(see Figure 7-7).**

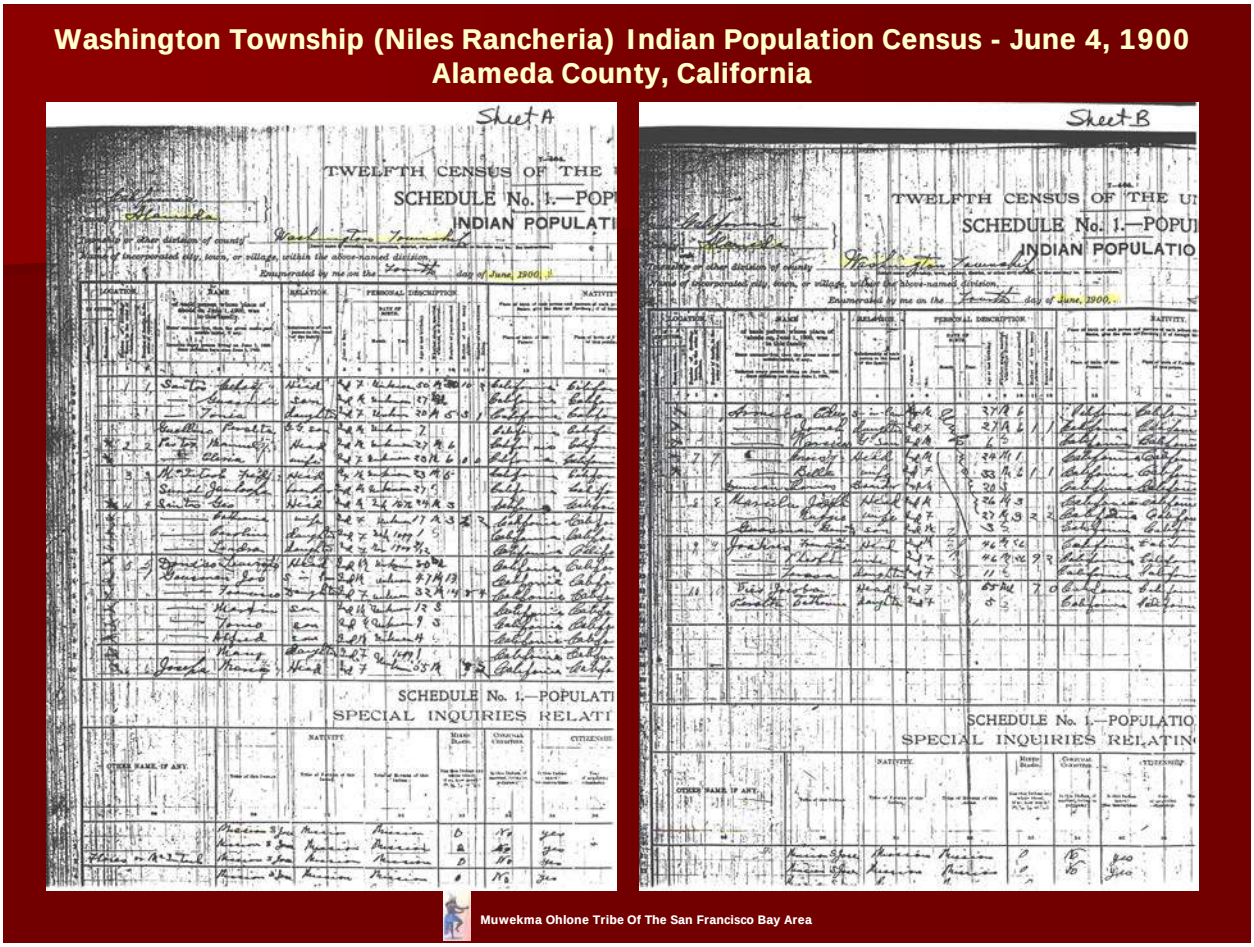


Figure 7-7: 1900 Indian Population Census, Niles, Washington Township, Alameda County

Just before the turn of the 20th century (1897) there were still at least eleven casitas (houses) and the *Tupentak* (temescal) still standing on or near the Alisal Rancheria. During this critical period of time, the Guzman, Armija, Santos, Pinos, Marine, Nichols, Inigo (Alaniz), and other interrelated Muwekma **(Verona Band)** families remained in Pleasanton or near the original Alisal Rancheria until fire destroyed the remaining houses due to work along the Western Pacific Railroad tracks sometime around 1916.

The house of **Catherine Peralta** (granddaughter of Jose Guzman) and **Dario Marine** (eldest son of Avelina Cornates Marine) which was originally owned by Jacoba and Jose Antonio had burned down as a result of that fire. Prior to the fire, Catherine and Dario had raised their first four children, Beatrice (born 1909), Josephine (b. 1911), Evelyn (b. 1914) and Filbert Marine (b. 1915) on the rancheria. By the time their fifth child, Lawrence Domingo Marine was born in 1919, they had moved to 544 Alvarado-Centerville Road in Centerville now part of the City of Fremont (see 1900 and 1910 Indian Censuses and 1920 Census, Washington Township; Harrington field notes; Olsen, Leventhal and Cambra 1985; 1928-1933 California Enrollment Applications # 10298 and 10675; 1910, 1920 and 1930 Federal Censuses).

After the Alisal Rancheria was abandoned, the various surviving Muwekma families continued to work locally in the East Bay, residing on ranches, vineyards, hopyards and renting homes in Niles (e.g., Shinn property), Newark, Centerville, Fremont, Milpitas, Pleasanton, Sunol, Livermore, Alameda and elsewhere. The Muwekmas continued to live peaceably near the Alisal Rancheria as long as they could and had continued to visit and use the locality as best they could. Avelina Marine's children [Dario, Dolores, Elizabeth (Belle), Ramona, Mercedes, Victoria, Lucas and Trina] along with the Nichols, Guzman, Binoco, Pinos, Santos, Inigo, Juarez, Armija and other Muwekma families, had to readapt and relocate to other nearby residences in order to work and maintain their families. Some of the men worked for Southern Pacific Railroad, Spring Valley Water Company, Leslie Salt, and on the local orchards, ranches, and farms.

During the 20th century Muwekma families continued to marry and baptize their children at Mission San Jose, St. Augustine's Church in Pleasanton, Corpus Christi in Niles, and St. Edwards in Newark. Photographic and other records showing life around the Alisal Rancheria and neighboring areas from the early 1900s, WW I, the depression, and WW II survive.

Kelsey Special Indian Census 1905-1906, the Congressional Homeless California Indian Act of 1906, and the Federal Recognition of the Muwekma/Verona Band of Alameda County

In 1905, as a result of the discovery of the **18 unratified California Indian Treaties** (which were negotiated between 1851-1852) from the U. S. Senate Archives, **Mr. Charles E. Kelsey** of San Jose, who was affiliated as the Secretary of the **Northern Association for California Indians** was appointed **Special Indian Agent to California** by the Commissioner of Indian Affairs (**Indian Service Bureau/Bureau of Indian Affairs)** in Washington, D.C. In 1905, Agent Kelsey was charged by the Bureau to conduct a Special Indian Census, and identify all of the landless and homeless California tribes and bands residing from north of Los Angeles to the Oregon border.

Based upon the results of Kelsey's Special Indian Census, and the discovery of the 18 unratified California Indian treaties from the secret Senate archives, Congress passed multiple Appropriation Acts beginning in 1906 on through 1937, for the purpose of purchasing "home sites" for the many surviving California Indian tribes and bands.

One of the bands officially identified by Special Indian Agent Kelsey was the **Verona Band of Alameda County** residing between Pleasanton, Sunol and Niles (as well as other areas and ranches surrounding Mission San Jose). The direct ancestors of the present-day Muwekma Tribe who comprised the Verona Band became **Federally Acknowledged** by the U.S. Government through the **Appropriation Acts of Congress** beginning in 1906. Between the years 1906 and 1927, the Verona Band fell under the direct jurisdiction of the Indian Service Bureau in Washington, D.C., and by 1914, the Tribe's jurisdiction was transferred to the **Reno Agency,** and later again, transferred over to the **Sacramento Agency** (sometime after 1923). During this time, U. S. Government Indian Service Bureau agents attempted to purchase land for many of the Federally Recognized, but still landless, California Indian tribes and bands.

To this effort, both the Indian Service Bureau agents and the Indian bands were faced with two major problems:

1) Many Californian landowners did not want Indians living next to or near them, so they would not sell suitable parcels of land
2) Others who were willing to sell parcels to the government wanted greatly inflated prices, usually at prices much higher than what was either allocated to purchase lands, or above the actual value of the land.

After the Congressional Appropriation Acts of 1906, 1908 and ensuing years (as late as 1937) many Indians in California obtained trust lands as members of tribes which had not abandoned their respective tribal areas, and these homesites became known as Indian "**rancherias**." [see the Indian Homestead Act of March 3, 1875 (18 Stat. L. 420), 25 U. S. C. 334, 336, Feb.. 8, 1887, Ch.. 119, Sec. 4, and other statutes, (34 Stat. 325, June 24, 1906 and 35 Stat. 70, April 30, 1908), and using an added set aside of $10,000 under the Joint Resolution of March 4, 1915 (CR 6122, March 4, 1915)].

The evidence of previous **Federal Recognition** of virtually all the present-day unacknowledged tribal groups in California and especially in this case, the **Verona Band of Alameda County**, is found in the Federal records at the National Archives (Record Group 75. California Consolidated Files, Cal. Special, file # 12026113-032, filed with 114202-13-032; Map, accompanying Letter of October 41 1913, Special Indian Agent for California C. E. Kelsey to Commissioner in response to request for information from 2nd Dist. Congressman John Raker, 9/22/1913. See file # 114202) (**Figure 7-8 – Special Indian Agent Kelsey's Map of Indian Rancherias – Verona Band**).

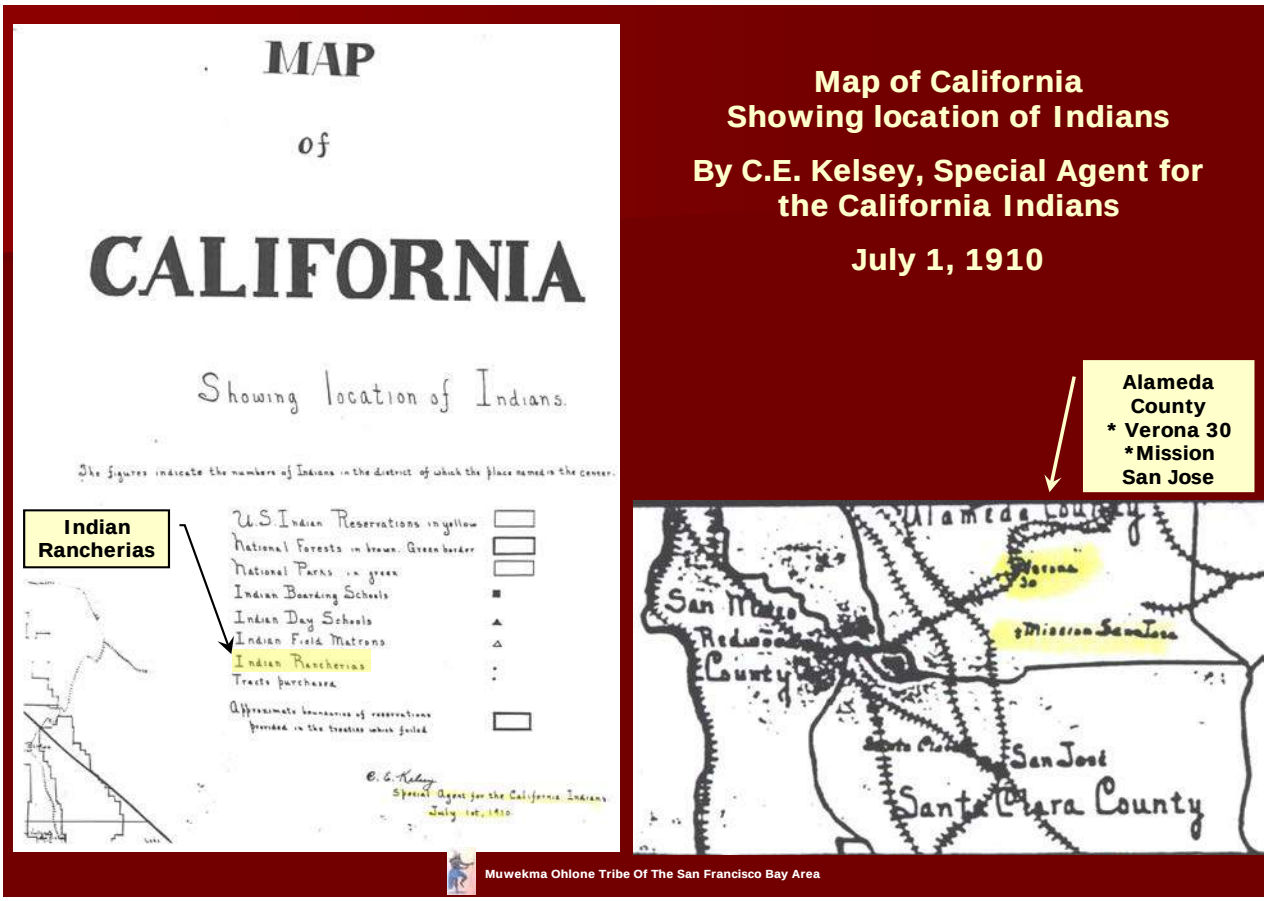


Figure 7-8: Indian Agent Kelsey's 1910 Map of Indian Rancherias – Verona Band

By 1913, being exhausted and personally in debt over $18,000, Special Indian Agent C. E. Kelsey tendered his formal resignation. It was not until a year later that a new agent was selected to replace Kelsey.

Writing to the Commissioner of Indian Affairs on Dec. 7, 1914, from the Reno, Nevada Indian Agency, **Charles H. Asbury,** already named Special Indian Agent for California, reported progress in his investigation of the character, location and need of landless California Indians. It is noteworthy that he called on his predecessor C. E. Kelsey for help in locating **30 individuals at Verona**, and then proceeded to suggest that they receive assistance in a land purchase in his report to the Commissioner. However, a thorough investigation of the Indians of California not provided with land would have required a great deal of time and expense.

Being understaffed and located in Reno, Special Agent Asbury was not able to accomplish anything on behalf of the landless California Indian bands and he was reassigned to the Indian Agency in the Southwest sometime in 1915. John Terrell was then selected as a replacement as Special Indian Agent for most of northern and central California by May 1915 and he continued to conduct on-site inspections and make censuses of many the bands that were under his jurisdiction. However, during Terrell's tenure between 1915 and 1919, his efforts were oriented towards "needy" tribes and bands that were located in northern California counties (e.g., Mendocino and north) as well as the Sacramento Valley and the Sierra. Those tribes that were

located within the northern "**mission area**" including the Muwekma (Verona Band of Alameda County), Amah Mutsun (San Juan Bautista Band), Esselen Nation (Monterey Band of Monterey County), the Salinan tribal communities (Pleyto, Milpitas and Jolon) centering around Missions San Miguel and San Antonio, as well as the Coast Miwok located at the towns of Bodega Bay, Marshall, and Fishman were all but ignored and neglected.

After Terrell left the Indian Service, the jurisdiction fell to James Jenkins, Superintendent of the Reno Agency. Writing his Annual Report to the Commissioner of Indian Affairs in 1923, Superintendent Jenkins commented:

> The jurisdiction of Reno Agency comprises the following named reservations and colonies, villages, camps, etc., in addition to all scattered bands of Indians in Nevada and California not under the jurisdiction of any other superintendency; also Indians whose allotments, homesteads, etc., are carried at the land offices located at Stockton, Sacramento, Visalia, San Francisco, Los Angeles, and Independence and Marysville, California, and Carson City and Elko, Nevada. …
>
> … Other Indians in California under this jurisdiction but not occupying government lands are found in the localities named below:
>
> | **County** | **Communities** | **Estimated** |
> |---|---|---|
> | **…** | | |
> | **Alameda** | **Verona** | **30** |
>
> (1923 Reno Agency Annual Report: 3-5)

Sometime after 1923, the jurisdiction of the landless Indians of northern central California had shifted to the Sacramento Agency under the aegis Colonel Lafayette A. Dorrington, who was a prison warden in the Philippines during the American occupation. Dorrington, who was probably a political appointee to the Sacramento Superintendency and was probably rewarded for his military service as a prison warden.

In January 1927, **Sacramento Superintendent Col. Lafayette A. Dorrington** (1918-1930) received a detailed office directive from **Assistant Commissioner E. B. Merritt** for him to list by county all of the tribes and bands under his jurisdiction that had yet to obtain a land base for their "home sites." This directive was issued so that Congress could plan its allocation budget for fiscal year 1929. Dorrington, who was not an advocate for California Indians, was chronically derelict in his duties and he decided not to respond to this directive. He also decided not to respond to many of the other requests issued by the Washington, D. C. Office. By May 1927, under threat of investigation, Dorrington yet again received another strongly worded directive from the Assistant Commissioner E. B. Merritt.

To this second directive, Dorrington reluctantly responded on June 23, 1927 by generating a report, which in effect, illegally, unilaterally and administratively "**terminated**" the existence and needs of approximately 135 tribes and bands throughout northern California from their **Federally Acknowledged** status. He did this by completely dismissing the needs of these identified homeless and landless tribal groups.

The very first casualty on Dorrington's "**hit list"** was the **Verona Band of Alameda County**. Without any benefit of any on-site visitation or needs assessment, which he was charged to conduct by the Assistant Commissioner, Dorrington opined:

> There is one band in Alameda County commonly known as the Verona Band, … located near the town of Verona; these Indians were formerly those that resided in close proximity of the Mission San Jose. It **does not appear** at the present time that there is need for the purchase of land for the establishment of their homes. (Report dated June 23, 1927)

The fact that Dorrington makes mention that the Verona Band resided "near the town of Verona" makes it clear that he never visited the Muwekma Tribal community. There is no town of Verona in Alameda County. Thus with the stroke of a pen and without benefit of any due process or direct communication with the tribe, the Muwekma/Verona Band along with the other 134 tribes and bands of California, apparently **lost their formal status as Federally Recognized Tribes** by Dorrington's neglect and personal belief about not purchasing additional lands for landless California Indian tribes. These tribes were essentially knocked off the "radar screen" of the Bureau of Indian Affairs and as a landless tribe were considered **ineligible** to organize as tribes under the 1934 Indian Reorganization Act.

During the 20th Century, no other state within the United States had experienced the massive **illegal termination** of so many Federally Recognized tribal groups. This massive dismissal and removal was deliberate and due as a result of the callous actions and dereliction of duty by an incompetent **Bureau of Indian Affairs** agent.

Three years later, Dorrington, still being prodded by BIA officials in Washington, D.C. about the needs of the landless and homeless Indians in California under his jurisdiction, offered insight to his actions and his personal beliefs in a letter he wrote to **Commissioner Rhoads**. In that letter dated April 23, 1930, Dorrington wrote:

> …Kindly be respectfully advised that the matter of land purchase for homeless Indians has really been given constant and diligent attention throughout the current fiscal year to date and an earnest effort has been made to fully meet the needs of the Indians to the fullest extent without unnecessary or unjustified expenditure of funds, believing that to be the spirit of the law and your wishes in the premises. …
>
> **It has been my opinion, and therefore my belief**, for several years that the best interests of the Indians will be served through an arrangement whereby those concerned may be settled on the already acquired land **instead of procuring additional which cannot be turned to beneficial use and occupancy by the Indians** in mind because of their inability financially to establish themselves thereon.
>
> …In its final analysis, Mr. Commissioner, kindly understand and know that **additional land for homeless Indians of California is not required and therefore further demands on the appropriation for the fiscal year 1930 are not warranted or justified** (Dorrington Letter to Commissioner Rhoads April 20, 1930). [Emphasis added]

By July 1931, **Dorrington** had either quit the Indian Service or was transferred or was fired and he was replaced by **Oscar H. Lipps** as Superintendent of the Sacramento Agency. **Lipps,** responding to an inquiry written by Assistant Commissioner J. Henry Scattergood offered specific concerns about the **conditions of the homeless California Indians** for whom land was purchased:

> Receipt is acknowledged of your letter, dated June 30, 1931, relating to the matter of purchasing land for homeless Indians of California. …I am addressing this letter to you personally and calling the subject matter thereof to your special attention for the reason that there **appears to be a grave lack of understanding in the Office regarding this whole matter of providing homes for homeless California Indians**. ……
>
> I think it is all the more important that this matter be brought to your personal attention at this time in view of your recent visit to California with the Senate Committee and your familiarity with the sentiment and feeling in this State with respect to the past administration of the affairs of the California Indians.
>
> The conditions on some of these rancherias are simply deplorable. No one can view many of them and observe the conditions under which the Indians are trying to exist without the feeling that some one is guilty of **gross neglect** or **inefficiency** and that a **cruel injustice** has been meted out to a helpless people under the name of beneficent kindness… And yet there are those who say that I will never do to let the local authorities have charge of the affairs of the Indians lest the Indians be neglected and abuse.
>
> …**I have not yet seen a single instance where the federal government has done anything like so much for the improvement of the homes and living conditions of the Indians under this jurisdiction** as has been done by Sonoma County for the Indians residing on the Stewart's Point Rancheria.
>
> Now it seems to me that the thing for us to do is to look at the facts in the face and admit that in the past the Government has been woefully negligent and inefficient, and then start out with the determination, as far as possible, to rectify our past mistakes. It is difficult to locate the blame, but somewhere along the line there appears to have been **gross negligence** or **crass indifference**. If Congress has been honestly and fully advised of conditions and has refused or failed to give relief asked for, then the Indian Bureau is not responsible for the neglect of the Indians. **On the other hand, if Congress believed and intended by appropriating funds for the purchase of lands for homeless Indians and improvements thereon that good and suitable lands would be purchased and houses constructed and improvements made, then we have neglected to do our duty**. [Emphasis added]

Although left completely landless, and in some instances completely homeless, between 1929 and 1932 **all of the surviving Verona Band/Muwekma lineages enrolled with the BIA under the 1928 California Indian Jurisdictional Act** which were approved by the Secretary of Interior in the pending claims settlement. Concurrently, during the first part of the 20th century (between 1884 and 1934), renowned anthropologists and linguists such as Jeremiah Curtin,

Alfred Kroeber, E. W. Gifford, James Alden Mason, C. Hart Merriam and John Peabody Harrington interviewed the last fluent speakers of the "Costanoan" and other Indian languages spoken at the East Bay rancherias. It was during this time period that **Verona Band Elders** still employed the linguistic term **"Muwekma"** which means **"la Gente" (the People)** in Chocheño and Tamien Ohlone language spoken in the East and South San Francisco Bay region.

A CALL TO WAR: MUWEKMA MEN ENLIST IN THE US ARMED FORCES DURING THE GREAT WAR --WORLD WAR I

Even before California Indians legally became citizens in 1924, prior to and at America's entrance into World War I**,** at least six Muwekma men served in the United States Armed Forces in the Army, Navy, and Marine Corps. These Muwekma men enlisted through the San Francisco Presidio and Mare Island and four of them are buried at the Golden Gate National Cemetery (**Figures 7-9 – 7-10**):

Antonio (Toney) Guzman, U.S. Army, Private, **Battery F., 347th Field Artillery, 91st Division**. Toney Guzman was born on March 27, 1890 either in Centerville or on the Niles Rancheria. He was the son of Muwekma Indians Francisca Nonessa and Jose Guzman. Toney enlisted in the U.S. Army and he fought in the **Meuse-Argonne** (September 26 to October 8, 1918), **Ypres-Lys**, and **Lorraine** campaigns in France. Toney served in the Army from April 29, 1918 and was honorably discharged at the **San Francisco Presidio** on April 26, 1919.

The **91st Division** was known as the "**Wild West Division.**" The Division's shoulder patch was a green fir tree referring to its origin at Camp Lewis in the Pacific Northwest. The Division was deployed to France in August, 1918 and fought with great distinction. In the **Ypres-Lys** campaign, the Division served in the **Flanders Army Group**, under the command of the **King of Belgium**. The Division was headquartered adjacent to Flanders Field. Five members of the Division earned the **Congressional Medal of Honor**. The **347th Field Artillery Regiment** was assigned 4.7" inch guns, and the 91st Division received the following **Victory Medal Clasps**: **Ypres-Lys**, **St. Mihiel**, **Meuse-Argonne** and **Defensive Sector**. In October 1931, Toney Guzman and his brothers, enrolled with the **Bureau of Indian Affairs** under their mother's **BIA Application #10293**. On his WW II Registration Card dated April 27, 1942, Toney was identified as "**Indian"**. Toney passed away on **October 8, 1948** and was buried on October 12, 1948 at the **Golden Gate National Cemetery** (Section J, Grave 254).

Alfred (Fred) Guzman, U.S. Army, Private, **Company "C," 110th Infantry**, **28th Division** under Brigadier General T. W. Darrah. Alfred Guzman was born on the Pleasanton Rancheria on June 27, 1896 to Francisca and Jose Guzman. Prior to the declaration of War, Fred Guzman had served in the **National Guard** at **Fort Mason in San Francisco** in **1917**. Afterwards he enlisted in the U.S. Army, and served in the **28th Division**, **55th Brigade Infantry, 110th Infantry, Company "C"** and fought in the major battles at **Ourcq-Vesle** (July 28, 1918), **Second Battle of the Marne** (July 15-August 5, 1918), **Meuse-Argonne Offensive** (September 26 to October 8, 1918), and **Havrincourt** (October 8 – November 11, 1918) in France. The 28th Division fought in the following campaigns: **Champagne-Marne**, **Aisne-Marne**, **Oise-Aisne**, **Meuse-Argonne**, **Champagne** (1918), **Lorraine** (1918).

The cost in lives of these six campaigns was 4,183 casualties including 760 dead. The six fleurs-de-lis on the regimental insignia commemorates their World War I service. The **28th Infantry Division** was a unit of the United States Army formed in 1917 at the outbreak of World War I. It was nicknamed the "Keystone Division", as it was formed from units of the Pennsylvania Army National Guard; Pennsylvania is known as the "**Keystone State**". It was also nicknamed the "Bloody Bucket" division by German forces in WWII, after its red insignia. Fred Guzman served from **July 28, 1917** and was honorably discharged at **San Francisco Presidio** on May 31, 1919. On his WW II Registration Card dated April 25, 1942, Fred is identified as **Indian**. Fred Guzman died on **November 3, 1961** and was buried at the **Golden Gate National Cemetery** (Section Y, Grave 1059).

Henry Abraham Lincoln Nichols, U.S. Navy, Fireman 1st Class**, Battleships *USS Arizona* and *USS Oklahoma*.** Henry Nichols was born in Niles on February 12, 1895 to Charles Nichols and Muwekma Ohlone Susanna Flores Nichols. Henry enlisted on May 23, 1917 and first served on the **USS *Albatross.*** By December 31, 1917 he was transferred to the Battleship **USS *Arizona***, and later on March 26, 1918 he was transferred again to the Battleship **USS *Oklahoma.*** During World War I Henry Nichols served in the North Atlantic and was on escort duty in December 1918 when the *Oklahoma* was serving as escort during President Woodrow Wilson's arrival in France at the end of the war (November 11, 1918). The *Oklahoma* returned to Brest, France on June 15, 1919 to escort home President Wilson who was transported on the *USS George Washington* from his second visit to France. Henry Nichols was honorably discharged at Mare Island on August 14, 1919 and was issued the **World War I Victory Medal**. On Henry Nichols Draft Registration Card dated April 27, 1942 he is identified as **Indian**. Henry Nichols passed away on January 5, 1956 and was buried at the **Golden Gate National Cemetery** (Section L-5, Grave 7455) [**Figure 7-9]**.

John Michael Nichols was the older brother of Henry Nichols and he served in the U.S. Army from 1914 to1920. John enlisted on **October 27, 1914** at Fort McDowell on Angel Island. He fought in France serving with the **59th Coast Artillery Corps**. The 59th was engaged in the **St. Mihiel** offensive and the **Meuse-Argonne** offensive. John was discharged at Fort Winfield Scott at the SF Presidio on June 4, 1920. John M. Nichols was listed as an **Indian** on the 1930 Federal Census along with his son Alfred in Santa Cruz County. On John Nichols's Draft Registration Card dated April 27, 1942 he was identified as residing at the Veteran's Home in Napa (Yountville), California and he had resided there from 1941 to 1953. John Nichols died in April 1968 while living in Stockton, California (**Figure 7-9**).

Figure 7-9: Muwekma Indians Henry Nichols (left) and John Nichols (right) WW I

Joseph Aleas, U.S. Army, Sergeant, **Company D, 21st MG BN, 7th Division**. Joseph Aleas was born on the Alisal (Pleasanton) Rancheria on May 11, 1893 and was the son of Margaret Armija. He enlisted in the US Army on **June 30, 1916**. According to Armija-Thompson family recollections, he was a good horseman and wanted to fight against Pancho Villa had led approximately 1,500 Mexican raiders in a cross-border attack against Columbus, New Mexico, in response to the U.S. government's official recognition of the Carranza regime. Villa's troops attacked a detachment of the 13th U.S. Cavalry, seized 100 horses and mules, burned the town, killed 10 soldiers and eight of its residents, and made off with ammunition and weapons. President Woodrow Wilson responded by sending 6,000 troops under General John J. Pershing to Mexico to pursue Pancho Villa and his troops. This military mobilization was called the Punitive or Pancho Villa Expedition.

Later, Joseph Aleas served in France in the **21st Machine Gun Battalion, 7th Division** (its Hourglass insignia dates back to 1918). Organized originally to serve in the American Expeditionary Forces (AEF) during World War I, the U.S. Army's 7th Infantry Division was created at Camp Wheeler, Georgia on December 6, 1917 and it fought in Alsace-Lorraine, France during the war. The division also served as an occupation force in the post-war period. On October 10-11, 1918 the 7th was shelled for the first time and later it encountered gas attacks in the **Saint-Mihiel** woods.

Defensive occupation of this sector continued from October 10th to November 9th during which the infantry regiments of the 7th Division probed up toward **Prény** near the Moselle River, captured Hills 323 and 310, and drove the Germans out of the **Bois-du Trou-de-la-Haie** salient. After 33 days in the line of fire the 7th Division had suffered 1,988 casualties, of which three were prisoners of war. Thirty Distinguished Service Crosses were awarded members of the 7th Division.

Joseph Aleas was honorably discharged at **Camp Funston**, Riley, Kansas on July 9, 1920 and was awarded the **World War I Victory Medal** and the **Bronze Victory Button**. Joseph Aleas enrolled with the **Bureau of Indian Affairs** in October 1931 (**BIA Application # 10299**). On May 24, 1955 Joseph enrolled during the second enrollment period with the **Bureau of Indian Affairs**. Joseph Francis Aleas passed away **July 13, 1964** and was buried at the **Gold Gate National Cemetery** Plot Z, grave 2597 **(**see **Figure 7-10)**.

Franklin P. Guzman (Service # 87843) Sergeant, **U.S. Second Marine Corps Division, Fourth Marine Infantry Brigade, Sixth Machine Gun Battalion, 81st "D" Company.** Franklin was born on the Alisal Rancheria on January 15, 1898 and was the son of Pleasanton Indians Teresa Davis and Ben Guzman (who later died in 1907). He was also the nephew of Toney and Fred Guzman. Franklin was listed on the **1910 Federal Indian Population Census** for "**Indian Town**", Pleasanton Township. He enlisted on October 20, 1916 while working near Sacramento, reported for duty on October 25, 1916 and was assigned to **Company "B" Marine Barracks, Navy Yard, Mare Island**. On May 28, 1917 Franklin was promoted to the rank of Corporal. By March 31, 1918, he earned an **Expert Rifleman Badge** and a **Marksman Badge** and by April he was assigned to the **111th Company, 8th Regiment**. In May, Franklin was transferred to the **150th Company 1st Machine Gun Replacement Battalion** at Quantico, Virginia and he was promoted to Sergeant on May 22, 1918.

The 1st Machine Gun Replacement Battalion sailed on May 26, 1918 on the *USS Henderson* and disembarked in France on June 8, 1918. The 1st Machine Gun Battalion was later renamed the 6th Machine Gun Battalion in France. From September 12 to 16, 1918 the brigade was engaged in the **St. Mihiel offensive** in the vicinity of **Remenauville**, **Thiaucourt**, **Xammes**, and **Jaulny**. On September 16, 1918, he was wounded in the left thigh and from September through December he was placed in various Field and Base Hospitals in France, and finally transferred back to the States on December 16, 1918. Franklin remained in recovery at the US Navy Hospital at Norfolk, Virginia until he was honorably discharged from service as a Sergeant on June 27, 1919.

Franklin's Battalion participated in the **Chateau-Thierry** sector (capture of Hill 142, Bouresches, Belleau Wood) from June to July 1918; **Aisne-Marne** offensive from July 18 to July 19, 1918; **Marbache** sector, near Pont-a-Mousson on the Moselle River from August 9 to August 16, 1918; **St. Mihiel** from September 12 to September 16, 1918; and later the **Meuse-Argonne** offensive (October 1 to 10, 1918, and November 1 to 10, 1918). Franklin passed away on May 30, 1979 and was buried in the **Riverside National Cemetery** (Section 8, Grave 2826).

During WWI lands associated with Stanford University served as a major west coast military support site identified as Camp Fremont from 1917 to 1919 (Jones personal communication). It

was the original intention of the War Department to mobilize and train the 41st Division, a National Guard division, at this camp, and some organizations within the division were mustered into the service there, however shortly afterwards they were transferred to points east. On December 17, 1917, the 8th Division, Regular Army, was organized at Camp Fremont. In August, 1918, 5,000 men of this division were transferred to the American Expeditionary Forces in Siberia. Then the division was recruited to full strength, and on October 30, 1918, began to embark for France.

Figure 7-10: Military Graves of Joseph Aleas, Fred Guzman and Toney J. Guzman

After serving overseas during World War I, the over 17,000 Native American servicemen were offered a path to citizenship if they wanted to apply. On November 6, 1919, the United States Congress granted citizenship to the honorably discharged Indian veterans of World War I who were not yet citizens.

> BE IT ENACTED . . . that every American Indian who served in the Military or Naval Establishments of the United States during the war against the Imperial German Government, and who has received or who shall hereafter receive an honorable discharge, if not now a citizen and if he so desires, shall, on proof of such discharge and after proper identification before a court of competent jurisdiction, and without other examination except as prescribed by said court, be granted full citizenship with all the privileges pertaining thereto, without in any manner impairing or otherwise affecting the property rights, individuals or tribal, of any such Indian or his interest in tribal or other Indian property.

The 1919 American Indian Citizenship Act did not grant automatic citizenship to American Indian veterans who received an honorable discharge. The Act merely authorized those American Indian veterans who wanted to become American citizens to apply for and be granted citizenship. Few Indians actually followed through on the process, but it was another step towards citizenship.

It was during the Coolidge Administration that the United States Congress finally granted citizenship to Native American servicemen and their respective tribes on June 2, 1924, (**Figure 9-9**). However, the Native American tribes of Arizona and New Mexico would have to wait another 24 years before full citizenship and voting rights were granted in 1948 after their service in the Armed Forces during World War II.

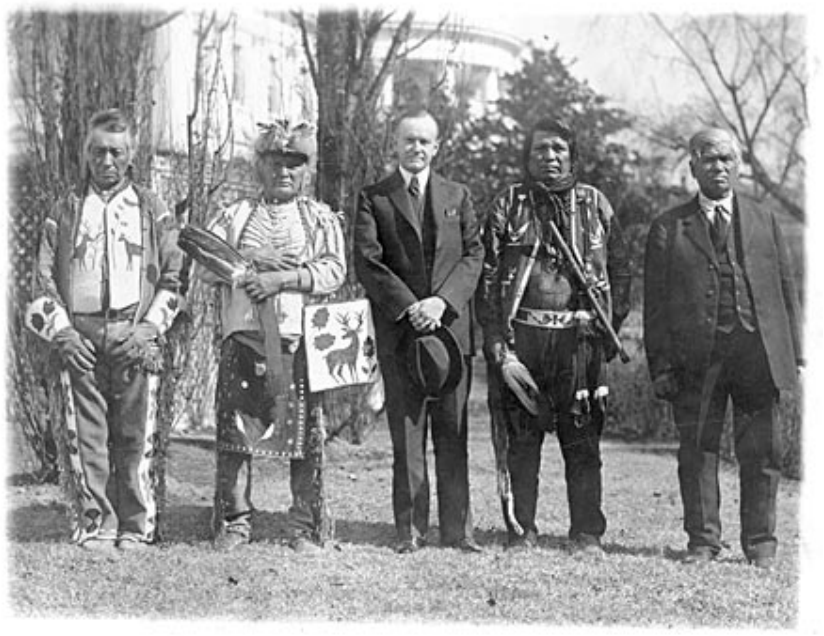


Figure 7-11: President Calvin Coolidge with Four Osage Indian Leaders

MUWEKMA ENROLLMENT WITH THE BUREAU OF INDIAN AFFAIRS (1928-1932): THE CALIFORNIA INDIAN JURISDICTIONAL ACT OF 1928

As a result of the passage of the Indian Citizenship Act of 1924, also known as the Snyder Act, California Indians and Allied Indian Associations started to advocate looking into claims against the federal government for lands illegally taken under the 18 unratified treaties of California. Under the 1924 Act indigenous people did not have to apply for citizenship, nor did they have to give up their tribal citizenship to become a U.S. citizen. Most tribes had communal property and in order to have a right to the land, Indians must belong to the tribe.

In 1928, the United States Congress passed the **California Indian Jurisdictional Act**, which created a special Indian census enrolling of all eligible California Indians who could prove that their ancestors resided in California at the time when the 18 unratified treaties were negotiated between1851-1852. Over 17,000 California Indian applications petitioned by surviving individuals and families were approved by the Secretary of Interior, Bureau of Indian Affairs and the Federal Courts.

Between the years 1928 and 1932 almost all of the Muwekmas enrolled as "**Ohlones**" and/or "**Mission San Jose Tribe**" under this act and their applications were approved by the Secretary of Interior, the BIA and Federal Court (see **Figures 7-11 – 7-15:** for a sample of some of the **Muwekma Ohlone Indian BIA 1928-1932 Applications**).

e--ok

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Application Number 10298

Application for enrollment
with the Indians of the State of California under
the Act of May 18, 1928 (45 Stat. L. 602)

The Secretary of the Interior,

Washington, D. C.

Sir:

I hereby make application for the enrollment of myself (and minor children living on May 18, 1928) as Indians of the State of California in accordance with the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602). The evidence of identity is herewith subjoined.

1. State the full names, ages, sex, and dates of birth of yourself and your minor children living on May 18, 1928.

English Names	Relationship in Family	Ages in 1928	Sex	Dates of Birth Month Day Year	Degree of Indian Blood
Marine, Lucas	Head	38	M	10-18-1900	1/2
" , Ernest	Son	2	M	1-26-1926	3/4

Note:* See application of Katie Marine, wife, Centerville, Alameda County, California. App. No. 10675

2. Residence on May 18, 1928 Centerville, Alameda County, California.

3. Post Office Box 6, Centerville (Town or City, Box Number or Rural Route Number.) Alameda (County) California. (State)

Note:* Does not live on Trust Lands.

4. Place of birth of yourself and each of your minor children Near Sunol, Alameda County, California. My child was born in Alameda County, California.

Name Marine, Lucas Application Number 10298 Action taken Approved. FAB

Figure 7-12: Lucas Marine BIA Application # 10298

5. Where have you and your children resided since birth?

In Alameda and Mendocino Counties, California.

6. Are you married? Yes.

7. If a married woman, give your name before you were married.

---

8. Name and exact date of birth (Month, Day, and Year) of your wife (or husband).

Katie Marine, nee Peralta-- Age about 35 years.

9. Is he (or she) of Indian blood? If so, state the name of the Tribe or Band, and degree of Indian blood.

Yes 4/4 Ohlones, (Tribal name unknown)

Alameda County, California.

10. What is your degree of Indian blood and to what Tribe or Band of Indians of the State of California do you belong?

1/2 — Degree of Indian Blood

Ohlones (?) Tribal name Unknown, Alameda County, California. — Name of Tribe or Band

11. To what Treaty or Treaties were you or your ancestors a party, and where did you (or they) reside on June 1, 1852? Where and when were said Treaties negotiated?

I do not know.

12. Give the names of your California Indian ancestors living on June 1, 1852, through whom you claim, who were parties to any Treaty or Treaties with the United States. If you claim through more than one ancestor living on that date, set forth each claim separately. State your descent from said ancestor or ancestors setting forth your relationship to them.

Names	Tribe or Band	Relationship by Blood
Evalina Marine	Ohlones, Tribal name unknown, Alameda County, California.	Mother.

(See Nos 15 and 26)

Figure 7-13: Lucas Marine BIA Application Identifying His Tribe "Ohlones"

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Application Number 10293

Application for enrollment
with the Indians of the State of California under
the Act of May 18, 1928 (45 Stat. L. 602)

The Secretary of the Interior,

Washington, D. C.

Sir:

I hereby make application for the enrollment of myself (and minor children living on May 18, 1928) as Indians of the State of California in accordance with the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602). The evidence of identity is herewith subjoined.

1. State the full names, ages, sex, and dates of birth of yourself and your minor children living on May 18, 1928.

English Names	Relationship in Family	Ages in 1928	Sex	Dates of Birth Month Day Year	Degree of Indian Blood
Guzman, Francisca	Head (Separated)	65	F	10-11-1863	4/4
" , Tony J.	Son	37	M	10-11-1891	4/4
" , Jack	Son	25	M	2-6-1903	4/4
Hernandez, Paul	Son	21	M	1-14-1907	1/2

2. Residence on May 18, 1928 Niles, Alameda County, California.

3. Post Office Box 101, Niles (Town or City, Box Number or Rural Route Number.) Alameda (County) California. (State)

Note:* Does not live on Trust Lands.

4. Place of birth of yourself and each of your minor children Alameda County, California.

Application Number 10293 Action taken Approved. FAB

Name Guzman, Francisca

Figure 7-14: Francisca Guzman and Family BIA Application # 10293

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Application Number 10301

Application for enrollment
with the Indians of the State of California under
the Act of May 18, 1928 (45 Stat. L. 602)

The Secretary of the Interior,

Washington, D. C.

Sir:

I hereby make application for the enrollment of myself (and minor children living on May 18, 1928) as Indians of the State of California in accordance with the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602). The evidence of identity is herewith subjoined.

1. State the full names, ages, sex, and dates of birth of yourself and your minor children living on May 18, 1928.

English Names	Relationship in Family	Ages in 1928	Sex	Dates of Birth Month Day Year	Degree of Indian Blood
Alaniz, Phoebe	Head	51	F	8-1-1877	4/4
Garcia, Thomas	Adopted Son	11	M	1-1-1917	4/4
Gonzales, Trinidad *	Mother	72	F	11-28-1856	4/4

* (Died October 28, 1928)

Note:- The husband of the applicant was a Mexican.

2. Residence on May 18, 1928 Livermore, Alameda County, California.

3. Post Office General Delivery, Livermore, (Town or City, Box Number or Rural Route Number.) Alameda (County) California (State)

Note:* Does not live on Trust Lands.

4. Place of birth of yourself and each of your minor children

Between Sunol and Pleasanton, Alameda County, California.

Adopted son born near Sacramento, California.

Application Number 10301 Name Alaniz, Phoebe Action taken Approved. FAB

Figure 7-15: Phoebe Alaniz BIA Application # 10301

91ck.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Application Number 10296

Application for enrollment
with the Indians of the State of California under
the Act of May 18, 1928 (45 Stat. L. 602)

Name Thompson, Magdalena Application Number 10296 Action taken Approved. FAB

The Secretary of the Interior,

Washington, D. C.

Sir:

I hereby make application for the enrollment of myself (and minor children living on May 18, 1928) as Indians of the State of California in accordance with the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602). The evidence of identity is herewith subjoined.

1. State the full names, ages, sex, and dates of birth of yourself and your minor children living on May 18, 1928.

English Names	Relationship in Family	Ages in 1928	Sex	Dates of Birth Month Day Year	Degree of Indian Blood
Thompson, Magdalena	Head	51	F	5-27-1877	4/4
Thompson, ~~Amelia~~ (Emily)	Dau	18	F	10-31-1910	1/2
" , Ernest	Son	16	M	4-21-1912	1/2
" , Eduardo (Edward)	Son	14	M	7-21-1914	1/2
" , Lorenzo (Lawrence)	Son	10	M	9-9-1918	1/2

Note:* The husband of the applicant is not of Indian blood.

2. Residence on May 18, 1928 Alameda County, California.

3. Post Office P.O. Box 3, Newark Alameda California.
Town or City, Box Number or Rural Route Number. County State

Note:* Does not live on Trust Lands.

4. Place of birth of yourself and each of your minor children Alameda County, California.

Figure 7-16: Magdalena Armija Thompson BIA Application # 10296

MUWEKMA CHILDREN AND INDIAN BOARDING SCHOOLS (1930s -1940s)

During the Great Depression years (1930s through the beginning of World War II), the Muwekmas continued to adjust to the economic hardships facing the families. Although at times moving around as farm hands, fruit pickers and laborers, the family heads still maintained important social kinship networks, religious, economic and political ties with each other.

Just prior to the outbreak of World War II, the youngest son of Dario Marine (BIA Application # 10677) and Catherine Peralta Marine (BIA Application # 10675), Lawrence Domingo Marine was sent to the Bureau of Indian Affair's Indian boarding school at **Sherman Institute**, Riverside County in southern California and there he met his future wife, Pansy Lizzette Potts (daughter of Marie Potts Mason, Maidu Tribe). Lawrence and Pansy's first three children Lawrence Mason Marine, Marvin Lee Marine and Suzie Marine were born and raised in Quincy, California (Maidu territory) and later they lived in Sacramento. Both Lawrence and Marvin Lee became traditional California Indian dancers with the help of their grandmother Marie Potts and Nisenan/Miwuk tribal elder, Bill Franklin (see Bibby article in News for Native California Vol. 7, No. 3, Summer 1993:21-36).

The children of Jack Guzman and Flora (Marine) Munoz, John Guzman, Jr. and his sister Rena Guzman were sent to the BIA boarding school at **Chemawa**, in Salem, Oregon during the early 1940s. At this time, leadership was still in the hands of Muwekma adults and elders: Phoebe Alaniz (Petra Inigo) [died 1947], Margarita Pinos Juarez, Francisca Nonessi Guzman (died 1942), Dolores Marine Galvan, Dario Marine, Lucas Marine, and Trina Marine.

JOHN PEABODY HARRINGTON'S ETHNOGRAPHIC AND LINGUISTIC FIELD WORK: INTERVIEWS WITH THE MUWEKMA TRIBAL COMMUNITY

During the late 1920s and early 1930s, anthropological linguist John Peabody Harrington from the Bureau of American Ethnology conducted interviews with members of the Muwekma tribal community (e.g., Susanna Nichols, Jose Guzman, Francisca Nonessi, Maria de los Angeles Colos, Catherine Peralta and others) who were still residing in the Niles, Centerville, Newark, Pleasanton and Livermore areas.

Harrington's principal linguistic and cultural consultants are direct biological ancestors of the Muwekma Ohlone families many of whom are presently living in the Oakland/ Livermore/Hayward/Castro Valley/Fremont/Newark/Niles/San Jose/Tracy areas. Also during this period of time sound recordings made by Harrington of twenty-seven songs sung by Jose Guzman in 1930 and later in 1934 photos were taken by C. Hart Merriam of Jose Guzman and his family members which attest to the Tribe's presence within their historic homeland (See **Figure 7-17: John P. Harrington, Muwekma Elders Jose Guzman and Maria de los Angeles "Angela" Colos).**

J. P. Harrington's field notes (dated October 12, 1929, October, 1934) provides information about the culture, history and languages spoken by the **Verona Band/**Mission San Jose Indians. Jose Guzman and Angela Colos shared the following information with him:

- The San Jose Indians were of many tribes gathered at the mission. They are called Chocheños.
- I asked inf. how to say Abajeños, but inf. never heard the term. But inf. knows how to say arribenos.... when I asked if these were the Indians of Oakland, Inf. said no, that they were from [Martinez].
- Inf. does know one tribe, Halkin. It is the name of a tribe up San Rafael way. Liberato here was a Halkin, or was said to be one. [inf.] told him he was a Halkin, and Liberato got mad, denied it.... He [Jose Guzman] made a map, showing the location of "Hacienda Station" for Mrs. Hearst's place.
- From Sunol, … he drew a line, indicating the former location of "Barona" [Verona] Station north of the San Jose Mission. Then, he noted under Roundhouse/Dancehouse:
- Was a big temescal just up the road from here. Until recently could see the place. Door inside and a big hole & also a smaller hole in the roof. Tu'pentak, temescal. Used to have fiestas here.
- The Clareños were much intermarried with the Chocheños. The dialects were similar. **Muwekma = la Gente** (Harrington Notes 1925-1934) [also see Field and Leventhal 2003 **"What Must It Have Been Like!": Critical Considerations of Precontact Ohlone Cosmology as Interpreted through Central California Ethnohistory**].

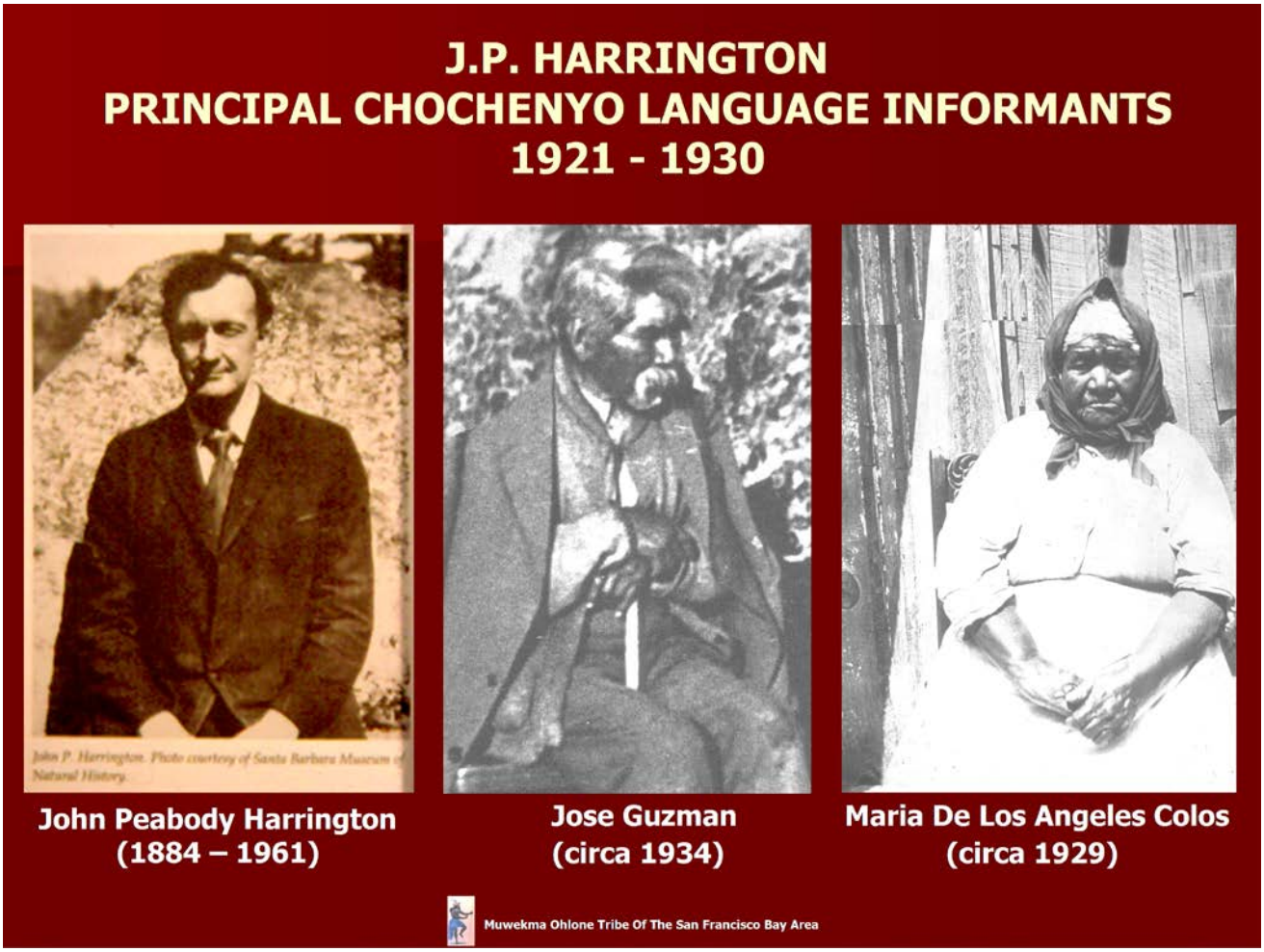


Figure 7-17: J. P. Harrington, Muwekma Elders Jose Guzman and Angela Colos

THE OUTBREAK OF WORLD WAR II: MUWEKMA MEN AGAIN ANSWER THE CALL TO WAR

During **World War II**, almost all of the Muwekma men served in the United States Armed Forces both in the Pacific and European theaters and stateside.

Hank A. Alvarez, Pfc. U.S. **Army, 101st Airborne Division landed Utah Beach Normandy.** Hank was born on February 27, 1922 in San Jose. He spent his childhood in Santa Cruz, Alvarado and Brentwood. While living in Brentwood, on March 18, 1932, his mother Dolores Marine enrolled herself and her children with the **Bureau of Indian Affairs** (BIA Application # 10681).

Hank enlisted at the San Francisco Presidio and served from December 28, 1942 to December 15, 1945 in the 101st Airborne Division. He returned home from Europe with the 82nd Medical Battalion, 12th Armored Division. While serving in the **101st Airborne Division** he landed at Utah Beach in Normandy, he was later reassigned to the **106th Infantry Division, 423rd Infantry Regiment, Company B** and continued to fight in France, Belgium, Luxembourg and Germany. He regiment saw action at Saint Laurent sur Mer and Saint Nazaire, France, and near Malmedy, Belgium. Later, Hank was reassigned to the **326th Engineer Battalion** during the **Battle of the Bulge** at **Bastogne** and at the **Ramagen Bridge** crossing the Rhine River in Germany. After landing in Europe Hank's units fought in the following campaigns with the 101st Airborne Division: **Ardennes, Rhineland (GO 40 WD 45)**, and **Northern France (GO 33 WD 45).** Hank was issued the following medals and badges: **Sharpshooter M1**, **WWII Victory Medal**, and **European African Middle East Campaign Medal**. The 101st Airborne Division and the 106th Infantry Division earned **Presidential Unit Citations**. Hank was honorably discharged at Camp Beale, California on December 15, 1945. Hark enrolled himself and his family with the **BIA** on April 26, 1950 during the second enrollment period. During the early 1960s Hank served in a leadership position along with his brothers and sister to save the Tribe's **Ohlone Indian Cemetery** from destruction. Hank has served on the Muwekma Tribal Council since 1992 and is presently the oldest surviving member of the Verona Band of Alameda County and oldest veteran in the Tribe.

John (Johnnie) Abraham Alvarez was the older brother of Hank Alvarez. John Alvarez was born on May 24, 1914 in San Jose and spent most of his life living in Santa Cruz. He was enrolled with his siblings with the **BIA** in March 1932. John enlisted in **U.S. Army** on October 22, 1941 just prior to America's Declaration of War against Japan, Germany and Italy and he served as a Pfc. in the **U.S. Army Air Corps** in the **Pacific Theater**. He was honorably discharged on November 20, 1945 and received the **American Defense Service Medal, American Campaign Medal, WWII Victory Medal,** and **Honorable Service Lapel Button WWII**. John Alvarez died on March 6, 2002.

Francis Salvador "Sal" Samuel Dominic Piscopo, Technical Sergeant U.S. Army, European Theater. Salvador was born in San Jose on October 1, 1923 and was a younger brother of Hank Alvarez. He went by the name of Samuel Dominic by the time he enlisted in the US Army.

He was enrolled on March 18, 1932 with the **Bureau of Indian Affairs** with his siblings under his mother Dolores Marine's **BIA Application # 10681**. Sal spent his younger years living in San Jose and Brentwood.

Sal enlisted in the **U.S. Army** on January 25, 1943. He attained the rank of **Technical Sergeant** and served in the **14th Mechanized Cavalry Group (18th Cavalry Reconnaissance Squadron**). After landing in France the **18th Cavalry Reconnaissance Squadron** became attached to the following divisions:

2nd Infantry Div.

7th Armored Div.

XVIII Airborne Corps

Patton's Tank 3rd Army

On 28 August 1944, the **14th Cavalry Group** sailed for Europe, where it landed on **Omaha Beach** on 30 September and pressed east. On 18 October, the unit was split into the **18th Cavalry Reconnaissance Squadron**, attached to the **2nd Infantry Division** and the 32nd Squadron was attached to the 83rd Infantry Division.

The unit regained its autonomy on 12 December 1944 and began guarding the Losheim Gap in Belgium. On 16 December, the 14th Cavalry Group received the full brunt of the German winter counteroffensive in the **Battle of the Bulge**. After two days of savage fighting, the unit reassembled at Vielsam, Belgium and was attached to the **7th Armored Division**.

> At 0630 on 16 December 1944, Von Rundstedt launched the final German bid for victory - the now famous ' Ardennes Offensive ' or better known as the 'Battle of the Bulge '. After a terrific artillery and rocket barrage designed to destroy communications and disrupt our organization, the German attack was launched. The full weight of this drive was felt early that morning when more than half of the **18th Cavalry Squadron became surrounded, and were captured** or killed by 10 00 hrs.

The **18th Cavalry Reconnaissance Squadron** was briefly "chopped" to the **106th Infantry Division** still in sector. Later, the 18th Squadron also returned to the **14th Cavalry Group** control but continued its screening mission in the Ardennes region of Belgium.

On 23 December, the unit secured the southern flank of the perimeter, which allowed friendly troops to withdraw to safety. On 25 December, the unit was reequipped, attached to the **XVIII Airborne Corps** and moved back into the Bulge to push back the German Army. After the bloody and brutal fight in the Ardennes, the regiment was assigned to the **3rd US Army**.

During December 1944, Salvador's Mechanized Squadron turned north to relieve the surrounded and besieged **101st Airborne Division** at **Bastogne** in the Ardennes during the **Battle of the Bulge**. By February 1945 the Third Army moved into the Saar Basin in Germany and later crossed the Rhine River at Oppenheim on March 22, 1945.

On Salvador Piscopo's uniform at the time when his photograph was taken he had four **service bars** representing **two years of overseas service** and also one **three year reenlistment service stripe**. Sal was wounded when his tank was hit by German anti-tank fire. He carried shrapnel in his chest all of his life. He also was captured by the Germans and was later liberated. He was issued **European - Africa - Middle Eastern Campaign Medal** (ETO) three **Service Stars, Good Conduct Medal** and **World War II Victory Medal**. He was hospitalized after being liberated and after he was discharged. His brother Hank Alvarez said that Sal's nickname was "**Fade Away**" meaning that "no one can find him, one day he's around and then he would be gone for weeks and then show up again". Sal was discharged at Camp Beale in 1945. Salvador died on September 21, 1968 and was buried in the Disabled Veterans section of **Oak Hill Cemetery** in San Jose, California.

Philip Galvan Pvt. US Army, Fort Benning, Georgia. Philip was born in September 1926 in Alvarado, Alameda County and was the younger brother of Sal Piscopo. He was enrolled along with his siblings with the **Bureau of Indian Affairs** on his mother Dolores Marine's BIA Application # 10681. Philip enlisted in the **U.S. Army** on April 13, 1944 and was sent to the Monterey Presidio and afterwards he was stationed at Fort Benning, Georgia. Fort Benning was the home of the 2nd Armored Division called "Hell on Wheels". Ft. Benning The core units of the 2nd Armored Division were the 41st Armored Infantry Regiment, the 66th Armored Regiment, the 67th Armored Regiment, the 17th Armored Engineer Battalion, the 82nd Armored Reconnaissance Battalion, and the 142nd Armored Signal Company. The 2nd Armored had three artillery battalions (the 14th, 78th, and 92nd). The Division also had support units, including the 2nd Ordnance Maintenance Battalion, a Supply Battalion, the 48th Armored Medical Battalion, and a Military Police Platoon. Some of the units were attached to the 41st Infantry Division in Europe Philip was honorably discharge at Camp Beale in 1946. During the 1960s Philip and his siblings were responsible for protecting the Tribe's Ohlone Indian Cemetery from destruction. Later, Philip joined the editorial board of the American Indian Historical Society's Indian Historian publication journal. Philip also served as the Secretary for the Ohlone Indian Tribe from 1965 t0 1971. Philip Galvan is still living and is presently the caretaker of the Tribe's Ohlone Indian Cemetery, located near Mission San Jose.

"Ben" Michael Benjamin Galvan, Merchant Marines, **U.S. Navy – (USS *Enterprise),* U.S. Army and Army Air Corps**. Ben was born on June 23, 1927 in Alvarado and was the last "formal" member of the Federally Recognized Verona Band of Alameda County.

In March 1932, he was enrolled with the Bureau of Indian Affairs under his mother Dolores Marine Alvarez Piscopo Galvan's BIA Application 10681. After serving in the Merchant Marines because he was under aged, he served in the Navy on board the *USS Enterprise*. The *USS Enterprise* participated in nearly every major engagement of the war against Japan, including the Battle of Midway, the Battle of the Eastern Solomons, the Battle of the Santa Cruz Islands, various other air-sea actions during the Battle of Guadalcanal, the Battle of the Philippine Sea, and the Battle of Leyte Gulf, as well as participating in the "Doolittle Raid" on Tokyo. USS *Enterprise* has the distinction of earning 20 battle stars, the most for any U.S. warship in World War II. After being injured during combat on the *USS Enterprise*, Ben requested to be transferred to the U.S. Army/Army Air Corps. At the end of his service, he reenlisted in the service on January 15, 1946 at Camp Beale, Marysville, California. On

December 4, 1951 Ben enrolled himself and his family during the second BIA enrollment period. During the early 1960s he was involved is saving the Ohlone Indian Cemetery from destruction and in 1965 Ban became the first chairman of the Ohlone Tribe. Ben served as the chairman of the Ohlone Tribe for thirteen years from 1965 to 1978. He was issued another BIA number in 1968 as part of the California Indian Claims Judgment. Ben Galvan passed away on April 13, 1987.

Thomas Joseph Garcia, Pfc. U.S. Army, **Co. F. 358th Engineers GS Regiment**. Joseph Garcia was born on December 12, 1912 on the Alisal Rancheria near Pleasanton. Both his mother Mercedes Marine and his father Joseph Armijo Garcia were Muwekma Ohlone Indians. His father was the grandson of J. P. Harrington's Muwekma linguistic consultant Maria de los Angeles Colos. After the death of his mother in 1914, Joseph was adopted by his godmother Phoebe Inigo Alaniz who was also a member of the Verona Band Indian Community. He enrolled with the **Bureau of Indian Affairs** with his step-mother **Phoebe Alaniz** on October 7, 1930 (Application # 10301) and spent most of his life in Livermore near the old **del Mocho Rancheria**.

Thomas Garcia enlisted on July 30, 1942 at the **San Francisco Presidio** and he served until November 27, 1945. On January 10, 1943 the **358th Engineers Regiment** was activated at Camp Claiborne, Louisiana and they departed the U.S. for Europe on July 1, 1943. The Regiment landed in France on August 24, 1944 and crossed into Belgium November 27, 1944 and participated in the **Normandy**, **Northern France**, **Rhineland**, and **Central Europe Campaigns**. He was honorably discharge on November 27, 1945. On April 22, 1953, he enrolled during the second **BIA** enrollment period. Thomas Garcia passed away on February 9, 1956 and was buried **Golden Gate National Cemetery** (Section Q, Grave 59).

Ben L. (Angel) Guzman, Pfc. U.S. Army. Bennie Guzman was born on October 2, 1922 in Niles. His father was Fred Guzman who had served in the 28th Infantry Division during WW I. Bennie enlisted on November 5, 1942 at **San Francisco Presidio**. He first went to Camp Niles, California and then onto Camp White, Oregon, and fought in the **Asiatic Pacific Theater of Operations**. His enlistment record identifies as an "**American Indian, Citizen"**. Ben attained the rank of Private and was discharged on January 9, 1946 at Camp Beale, California. He was issued the **World War II Victory Medal**, **WW II Lapel Button**, **Asiatic-Pacific Campaign Medal**, **Bronze Star**, and **Combat Infantry Badge**. Ben Guzman died on March 11, 1995 and he is buried in the **San Joaquin National Cemetery**, in Gustin, Ca. (Plot C-3 0 517).

Frank Harry Guzman, Pfc. U.S. Army. Frank was the younger brother of Bennie Guzman and he was born on April 2, 1926 in Pleasanton. Muwekma Ohlone Indians Dario Marine and Cecelia Armija were his godparents. Frank and his brother Bennie were photographed with their uncle Toney Guzman by anthropologist C. Hart Merriam in September 1934.

Frank's enlistment record identifies him as an "**American Indian, citizen"** and that he enlisted at the **San Francisco Presidio**. Frank served from July 21, 1944 to June 1946 as a Light Machine Gunner in the unattached **345th Infantry Regiment, 87th Infantry Division** that was during the war assigned to the **3rd Corps**, **8th Corps**, **12th Corps of General Patton's 3rd Army** (25 Nov 1944), **15th Corps of the 7th Army**, **8th Corps of the 1st Army** and the **8th Corps of**

the 9th Army during the European Theater of Operations (October 1944 - May 1945). Frank was also briefly assigned to the **82nd Airborne Division** and received his Parachute Badge.

On December 15, 1944, the **345th Infantry** Regiment was in the vicinity of Rimling, France and by December 17rt the regiment took the town of Medelsheim, Germany. By December 26th the Germans had broken through the American defenses along the German-Belgian border between Malmedy, Belgium and Echternach, Luxembourg and create a fifty-five mile salient through the Ardennes Forest. The 345th was sent to the Cathedral city of Rheims to prevent a German breakthrough there and by December 28th the regiment was reassigned to General Patton's Third Army. On 29 December 29th the 345th Infantry Regiment was again on the road bound for an assembly area in the Luchie Woods 19 kilometers southwest of Moircy, Belgium.

The **Battle of the Bulge** which lasted from December 16, 1944 to January 28, 1945 was the largest land battle of World War II in which the United States participated. More than a million men fought in this battle including some 600,000 Germans, 500,000 Americans, and 55,000 British. At the conclusion of the battle the casualties were as follows: 81,000 U.S. with 19,000 killed, 1,400 British with 200 killed, and 100,000 Germans killed, wounded or captured

Frank was engaged in the Rhineland and Central Europe campaigns. He received the Army Presidential Unit Citation Ribbon, Combat Infantry Badge, European Africa and Middle Eastern Campaign Medal (Three Bronze Stars for Campaigns), Good Conduct Medal, American Campaign Medal, World War II Victory Medal, Army of Occupation Medal (Berlin), Parachute Badge, Marksman Badge for Machine Gun and Rifle. Frank was honorably discharged at Camp Beale, California on June 27, 1946. Frank Guzman was a member of the V.F.W. Post No. 1537 of Tracy, California; he died on March 17, 1982.

Ernest Marine, Pfc. U.S. Army, 58th Field Artillery Battalion, 76th Division. Ernest Marine was the son of Muwekma Ohlone Indians Lucas Marine and Catherine Peralta. He was born on January 26, 1926 in Centerville. He was enrolled with his father with the Bureau of Indian Affairs on January 11, 1930 (**BIA Application # 10299**) and his mother had filled out a separate BIA enrollment (**Application # 10675**). His father had identified his mother and Ernest's mother as "**Ohlones**" on his BIA Application.

Ernest Marine enlisted on April 13, 1944 at the Monterey Presidio and he served in Europe in the **58th Field Artillery Battalion** and Tank Battalion in the **76th Division** and fought in the **Rhineland** (September 15, 1944 – March 21, 1945), **Ardennes-Alsace** (**Battle of the Bulge, Bastogne, Belgium**, December 16, 1944 – January 25, 1945) and **Central Europe Campaigns** (March 22, 1945 – May 11, 1945). Ernest enrolled with his father Lucas Marine during the second **BIA** enrollment period on December 23, 1950. Ernest Marine was honorably discharged at Camp Beale on June 15, 1946. After the war he spent most of his life living with his aunt Trina Thompson Ruano in Newark and he passed away on October 20, 1977 in Sacramento.

Filbert S. Marine, U.S. Army, Pacific Theater. Filbert was the last child born on the Alisal Rancheria on December 31, 1915. Both of his parents Dario Marine and Catherine Peralta were **Muwekma Ohlone Indians**. His godparents were also Muwekma Ohlone Indians Franklin Guzman (who served in the Marine Corps during WWI) and Francisca Guzman. Filbert and his

siblings were enrolled with the Bureau of Indian Affairs on their father's BIA **Application # 10677** on March 11, 1932.

Filbert enlisted in the Army on February 18, 1942 at the Presidio of Monterey. His enlistment record identifies him as "**American Indian**, citizen." He fought in the Pacific Theater and was assigned to the **226th Field Artillery Battalion, Battery B**. His unit was assigned to **XXIV Corps** during the **Battle of Leyte** in the Philippines. The Marines that took part in the Leyte landings were elements of the VAC Artillery, which had been attached to the XXIV Corps earlier in 1944, while still at Hawaii. The Marine complement consisted of the 5th 155mm Howitzer Battalion; the 11th 155mm Gun Battalion, and Headquarters Battery. Army field artillery battalions in the XXIV Corps were the 198th Field Artillery Battalion (155mm Howitzer), the **226th Field Artillery Battalion (155mm Gun),** and the 287th Field Artillery Battalion (Observation).

The Marine artillery elements assigned to the XXIV Corps, as well as the **226th Field Artillery Battalion** had been formed from former seacoast artillery units; though familiar with heavy artillery, the men had received only rudimentary field artillery training. Prior to the departure of these units from Hawaii, the Marine artillery had undergone intensive field artillery training. Embarkation of personnel from Hawaii was accomplished between 6 and 14 September 1944.

The island of Leyte, lying in the Visayas Group of the Central Philippines, is 115 miles in length and varies in width from 15 to 40 miles. The main mountain range runs the entire length of the island from north to south, leaving a wide coastal plain along the east coast. The Sixth Army troops for Operation KING II, code name for the invasion of Leyte, were composed of the X and **XXIV Corps** and the 6th Ranger Battalion. The X Corps included the 1st Cavalry Division and the 24th Infantry Division; the XXIV Corps consisted of the 7th and 96th Infantry Divisions. After the Leyte (20 Oct 1944) Philippine Champagne ended, the **226th Field Artillery Battalion** continued on and participated in the **Okinawa Champagne** (14 June 1945). Filbert's unit may have gone from Camp Forrest, Tennessee to Fort Oglethorpe Georgia to Fort Sill, Oklahoma to Camp Stoneman, California to Maui to Oahu to Molokai to Eniwetok to Manus to Leyte to Samar and ended up on (Ryukyus) Okinawa in 1945.

Filbert was issued the **Asiatic-Pacific Campaign Medal**, **Good Conduct Medal**, **Philippines Liberation Medal**, **World War II Victory Medal, and Philippine Liberation Medal** and was honorable discharged on November 24, 1945 with the rank of Tech. 5. He died in Sacramento on March 31, 1953 and was buried in the military section (Veteran's Plot) of the City of Sacramento Cemetery.

Lawrence Domingo Marine, Staff Sergeant, U.S. Marine Corps (Serial # 299599)**.** Domingo was the younger brother of Filbert Marine and he was born on May 4, 1919 in Centerville. He was one of the last Muwekma Ohlone Indians to be baptized at Mission San Jose. He was enrolled with the Bureau of Indian Affairs on his father's BIA **Application # 10677** on March 11, 1932. He was also sent to **Indian Boarding School** at **Sherman Institute**, Riverside, California in 1931 and graduated from there in 1939. He also met his future wife Pansy Potts from the Maidu Tribe while attending Sherman Institute.

After leaving Sherman Institute, Domingo returned to the Bay Area and enlisted in the U.S. Marine Corps in January 1940 in San Francisco. He was later assigned to the 2nd Marine Brigade and on August 2, 1942, Lawrence was promoted to a Line Sergeant. According to his son, Lawrence Marine, Jr., he was in the **1st Marine Division** as a "**Para-Marine**" or **Marine paratrooper**. Although his military records are not clear he was possibly assigned to the **1st Marine Parachute Regiment**, **3rd Marine Parachute Battalion** which was formed in early 1941 near San Diego). Although the Para-Marines were never dropped by parachute into combat, they were utilized during beach raids in the Pacific Theater, including on August 7, 1942 on **Guadalcanal** and by amphibious landing craft on the island of Gavutu 20 miles to the north.

Domingo was later assigned to anti-aircraft batteries and was engaged in the following major battles, engagements, and ports from January 2, 1942 – November 8, 1945: **Hawaiian Islands Area**, **American Samoan Islands**, **Wellington, New Zealand, Guadalcanal, B.S.I** (**British Solomon Islands, New Georgia**), **Eniwetok, Marshall Islands, Ulithi, Caroline Islands, Okinawa,** and **Ryukyu** (southern Japanese Islands). The **Battle of Eniwetok** was a battle of the Pacific campaign of World War II, fought February 17, 1944 - February 23, 1944 on Eniwetok Atoll in the Marshall Islands. The invasion of Eniwetok followed the American success in the battle of Kwajalein to the southeast. Capture of Eniwetok would provide an airfield and harbor to support attacks on the Mariana Islands to the northwest. **Battle of Okinawa** was the largest amphibious invasion of the Pacific campaign and the last major campaign of the Pacific War. More ships were used, more troops put ashore, more supplies transported, more bombs dropped, more naval guns fired against shore targets than any other operation in the Pacific. The fleet had lost 763 aircraft. Casualties totaled more than 38,000 Americans wounded and 12,000 [including nearly 5,000 Navy dead and almost 8,000 Marine and Army dead killed or missing], more than 107,000 Japanese and Okinawan conscripts killed, and perhaps 100,000 Okinawan civilians who perished in the battle.

Lawrence Marine was honorable discharged at **Treasure Island** on November 20, 1946 after having an extended two year reenlistment. He received the **Presidential Unit Citation**, **Good Conduct Medal**, and **Good Conduct Medal Bar No. (1), Honorable Discharge Button, Honorable Service Button.** Lawrence Domingo Marine enrolled during the second **BIA** enrollment period on October 12, 1950. Domingo died on May 21, 1988 and was buried in Woodland, California.

Henry Vernon Marshall, Sergeant, U.S. Marine Corps was born in Newark on June 27, 1925. He was the son of Muwekma Ohlone Indian Henry Marshall, Sr. who was the son of Magdalena Armija Marshall Thompson. Henry Marshall, Jr. was a member of the Verona band of Alameda County. His grandmother, Magdalena enrolled her children with the Bureau of Indian Affairs on October 7, 1930 (BIA Application # 10296). Henry Marshall, Jr. enlisted in the United States Marine Corps and was assigned to the **1st Marine Division** (Guadalcanal). He fought in the Pacific Theater of Operations and was issued the Navy **Presidential Unit Citation** with one **Bronze Star**, **American Campaign Medal**, **Asiatic Pacific Campaign Medal, Rifle Sharpshooter Badge,** and a three tiered **Weapons**(?) qualifying badge. His father enrolled the family during the third **BIA** enrollment period on May 7, 1969 as part of the California Indian Claims Judgment. Henry passed away on September 24, 1986.

Arthur M. Pena, Sergeant, U.S. Army, Company A, 155th Engineers Combat Battalion, Pacific Theater. Arthur was born in Crockett, California on September 4, 1924. His mother was Erolinda Santos (Juarez/Saunders) Pena Corral who was a member of the **Muwekma Ohlone Verona Band Indian Community**. Arthur was enrolled along with his mother and siblings with the **Bureau of Indian Affairs** on his great-aunt Maggie Pinos Juarez's **BIA Application # 10676** on March 18, 1932.

Arthur Pena enlisted on April 13, 1943 at the **San Francisco Presidio** and served in the unattached **155th Engineering Combat Battalion** in the Pacific Theater. He served in the **Southern Philippines** and **Western Pacific Campaigns** (**Leyte** October 17, 1944 – July 1, 1945 and **Western Pacific** June 15, 1944 – September 2, 1945) and his battalion was sent to **Guadalcanal** (August 12 – August 24, 1944). From Guadalcanal, the battalion went on to **Palau, Ulithi, New Caledonia** (February 20, 1945)**, Southern Philippines** (May 16, 1945) and **Japan** (September 8, 1944 – September 25, 1945). Arthur Pena was honorably discharged at Camp Beale, Marysville, California on February 2, 1946 and he was issued the **Philippines Liberation Ribbon**, **Asiatic Pacific Campaign Medal**, **American Campaign Medal**, **Good Conduct Medal** and **World War II Victory Medal**. He reenlisted on August 7, 1946 and served in Germany in Company C 793rd Military Police Battalion and he also went through the European Command Intelligence School. He was honorably discharged on March 25, 1955 and then reenlisted again on March 26, 1955. After serving another two years, Arthur was discharged at Fort Leonard Wood, Missouri on December 9, 1957.
Arthur was also issued the **UN Service Meda**l, **National Defense Service Medal**, and **Army of Occupation Germany Medal**. On December 27, 1957, he enrolled his family with the Bureau of Indian Affairs during the second enrollment period.

Robert P. Corral, U.S. Army, Pfc. Infantry, Head Quarters Regiment, Ft. Benning, GA. Robert was born in Crockett, California on June 1, 1926 and was the younger brother of Arthur Pena. His mother was Erolinda Santos (Juarez/Saunders) Pena Corral who was a member of the Muwekma Ohlone Verona Band Indian Community. Robert was enrolled along with his mother and siblings with the **Bureau of Indian Affairs** on his great-aunt Maggie Pinos Juarez's **BIA Application # 10676** on March 18, 1932.

Robert enlisted at the **San Francisco Presidio** on December 18, 1944 and was honorably discharged on November 13, 1946. At Fort Benning, Georgia Robert completed six parachute jumps and was awarded a **Parachutist Badge, World War II Victory Medal, Good Conduct Medal, and American Campaign Medal.** On May 16, 1955 Robert enrolled himself and his family during the second BIA enrollment period. During the third BIA enrollment period on April 30, 1969, Robert enrolled his family as "**Ohlone Indians**" with the BIA as part of the California Indian Claims Judgment (Application # 21123). During the 1990s Robert P. Corral served as a **Muwekma Ohlone Tribal Elder** and he passed away on June 28, 1996 in Stockton.

Enos Marine Sanchez, Pfc. U.S. Army, 89th Division, 1st Battalion, Co. M, 354th Infantry Regiment, (39 390 899). Enos Sanchez was born on February 1, 1910 near the Alisal Rancheria in Sunol and his birth certificate identified him as "**California Indian**". Enos and his younger siblings were enrolled with the **Bureau of Indian Affairs** on March 18, 1932 (**BIA Application**

 # 10680). His mother was Ramona Marine who was a member of the **Verona Band of Alameda County**.

Enos enlisted on June 29, 1942 in Sacramento and was shipped to Camp Carson, Colorado Springs and later that year served in Greenland and Iceland. The 89th Division was called the "**Rolling W**" standing for MW (Middle West). After landing at LeHarve, France, the 89th received orders to move into Mersch, Luxembourg (March 8, 1945). The 89th was assigned to the **XII Corps** of **General Patton's Third Army**. Crossing into Germany the 89th met the German 2nd Panzer Division and seven Volksgrenadier Divisions and by March 26, 1945, the 89th crossed the Rhine River. Enos' MOS was a Heavy Machine Gunner (605). On April 4, 1945, the 89th was involved in the liberation of the **Ohrdruf Death Camp,** which was part of the Buchenwald concentration camp network. Enos' unit fought in the **Rhineland** and **Central Europe** (GO WO WD 45) **Campaigns** and he was awarded the **Combat Infantry Badge (31), Good Conduct Medal, American Campaign Medal, European, African, Middle Eastern Campaign Medal, World War II Victory Medal** (TWX WD 23 Oct 45), and **Marksman M1 Rifle** Sep 42 (55). Enos was honorable discharged on November 15, 1945 and separated from Camp Beale, California. In 1965 Enos was identified along with his family and fellow Tribal members by the American Indian Historical Society on a list of "**Ohlone Contacts and Ohlone Members**". He died on July 19, 1995 at the age of 85 and was buried at the **Calvary Cemetery** in San Jose California.

Robert R. Sanchez, U.S. Army, Technician Fourth Grade, 7th Co. 508th Prcht. Infantry, 82nd Airborne Division. Robert Sanchez was the younger brother of Enos Sanchez and he was born in Sunol near the Alisal Rancheria on March 26, 1917. Robert and his siblings were enrolled with the **Bureau of Indian Affairs** on March 18, 1932 (**BIA Application # 10680**).
Robert enlisted in October 1942 and he volunteered to join the 82nd Airborne Division, 508th Parachute Infantry Regiment. On June 5-6, 1944, the paratroopers of the 82nd's three parachute infantry regiments and reinforced glider infantry regiment boarded hundreds of transport planes and gliders and, began the largest airborne assault in history. They were among the first soldiers to fight in Normandy, France. The Division air-assaulted behind **Utah Beach, Normandy, France**, between Saint Mere Eglise and Carentan on June 6, 1944, being reinforced by the **325th Glider Regiment** the next day. The 82nd Airborne Division was reinforced by both the attached 507th PIR and the **508th PIR**.

The **508th Parachute Infantry Regiment (a.k.a. the Red Devils)** whose battle cry was "**Diablo!**" was originally an organic part of the **2nd (Battalion) Airborne Infantry Brigade** that was attached to the **82nd Airborne Division** through most of its time in combat. Campaigns include **Normandy** (D-Day June 6, 1944), **Rhineland**, **Ardennes-Alsace** (France), and **Central Europe** (Nijmegen-Arnhem Holland, and Belgium). By July 1945, the 82nd Airborne was moved to Berlin to occupy the American Sector. The 508th which had fought along side the 82nd since Normandy, was sent to occupy Frankfort, Germany. For his service in the 508th PIR, **Robert Sanchez** was issued the **Distinguished (Presidential) Unit Citation**, **Combat Infantry Badge, Parachute Badge, European Africa and Middle Eastern Campaign Medal, World War II Victory Medal, Army of Occupation Medal (Berlin), Belgian Citation (Lanyard) and French Citation (Lanyard).**

The **82nd Airborne Division** and the **508th Parachute Infantry Regiment** were issued the **Distinguished (Presidential) Unit Citations** for actions during the **Normandy** Campaign. "The 508th Parachute Infantry is cited for outstanding performance of duty in action against the enemy between 6 and 9 of June 1944, during the invasion of France. … The courage and devotion to duty shown by members of the 508th Parachute Infantry are worthy of emulation and reflect the highest traditions of the Army of the United States. The **Netherlands Citation** was issued by the Dutch Government to the 82nd Airborne and its attached divisions (508th PIR) on October 8, 1945 for airborne operations and combat actions in the central part of the Netherlands (**Nijmegen**) during the period from September 17, 1944 to October 4, 1944. The 82nd Airborne Division became the first non-Dutch military unit to be awarded the ***Militarie Willems Orde***, Degree of Knight Fourth Class to wear the Orange Lanyard of the Royal Netherlands Army.

The **Belgian Citation** (Lanyard) was issued by the Belgian Government to the 82nd Airborne Division with the 508th Parachute Infantry attached "has distinguished itself particularly in the Battle of the Ardennes" from December 17, 1944 – December 31, 1944. The **French Citation** (Lanyard) was issued to the 508th Parachute Infantry by the Government of France. "The President of the Provisional Government of the French Republic Cites to the Order of the Army: 508th Parachute Infantry Regiment: A magnificent unit, reputed for the heroism and spirit of sacrifice of its combatants and which made proof of the greatest military qualities during the battle of Normandy" (June 6, 1944 – June 20, 1944). This citation includes the award of the ***Croix de Guerre with Palm.***

O. B. Hill from the 508th P.I.R. Association, 82nd Airborne Division wrote: "2,056 men of the 508th Parachute Infantry Regiment (attached to the 82nd Airborne) jumped into Normandy on D-Day, and on July 15, 1,918 returned. The rest had been killed, captured or wounded". Robert was honorably discharged on February 2, 1948 and spent most his life in the greater Bay Area. Robert Sanchez was one of the early prime movers and active Elders in the Muwekma Ohlone Tribe. He passed away on April 26, 1999.

Daniel G. Santos (Juarez), Technical Sergeant, **U.S. Army**, **41st Division** – 1941-1945. Daniel Santos (Saunders/Juarez) was born in Sunol near the Alisal Rancheria on January 21, 1917. Both his parents Joseph Saunders and Erolinda Santos were members of the **Verona Band of Alameda County**. Daniel was enrolled with the **Bureau of Indian Affairs** along with his mother and siblings under his great-aunts' **BIA Application (# 10676)** on March 18, 1932.
Daniel Juarez (Santos) received a draft notice dated **March 14, 1941**, from Local Board No. 36 located in Manteca, California. It was addressed to Mr. Dan George Juarez, Route, Box 29A, Tracy, California. The letter stated:

> We received a call for 70 men to be inducted from this area on March 27th 1941. It is probable that you will be included in the group, and we are therefore taking this opportunity of notifying you, before (?) official order is issued, so that you may make your plans accordingly.

Daniel enlisted on March 27, 1941 at Sacramento before the war was declared. The **Jungleer or Sunset Division** was Federalized on September 16, 1940. By December 7, 1941, the 41st Division was ready. It continued the series of "firsts" by being the first United States Division to

deploy to the South Pacific. It became the first American Division sent overseas after Pearl Harbor, the first American Division trained in Jungle Warfare. It spent 45 months overseas (longer than any other Division), and earned the title of "**Jungleers**". The 41st Division left for Australia in March of 1942. Elements of the division landed January 23, 1943 in **Dobodura, New Guinea.** On the **Island of Biak** (May 27, 1944) the American Forces fought the first tank battle of the war against the Japanese destroying seven without loss. The division also fought in the Philippines (January 9, 1945) and fought on **Palawan** and **Sulu Archipelago** (March 10, 1945) and arrived in **Japan** on October 6, 1945. They participated in 3 campaigns (**New Guinea, Luzon, and Southern Philippines**) and suffered 4,260 casualties.

Former Secretary of Defense Caspar W. Weinberger also served in the 41st Division as an officer. The 41st Division earned three **Distinguished (Presidential) Unit Citations**. Daniel Santos was honorably discharged in 1945. Daniel enrolled with the Bureau of Indian Affairs during the second BIA enrollment period on May 23, 1955. He worked at Leslie Salt Company in Newark and spent his life working on and racing cars. Daniel passed away on April 28, 1980.

Lawrence Thompson, Sr., Tech. Fifth Grade U.S. Army, 640th Tank Destroyer Battalion. Lorenzo Thompson, Sr. was born in Newark September 9, 1918. His mother Magdalena Armija Thompson was a member of the **Verona Band of Alameda County**. Lawrence and his siblings enrolled with their mother with the Bureau of Indian Affairs on October 7, 1930.

The **640th Tank Destroyer Battalion** was formed at Camp San Luis Obispo on December 19, 1941 as an element of the **40th Infantry Division**, and served in the Pacific Theater of Operation. The 640th was activated on March 3, 1941 from National Guard Divisions from California and Utah and was sent overseas on August 23, 1942. The 640th Campaigns included: **Bismarck Archipelago, Southern Philippines,** and Luzon and were issued 3 **Distinguished Unit Citations**; Awards: MH-1; DSC-12; DSM-1; SS-245; LM-21; SM-30; BSM-1,036; AM-57.

Lawrence Thompson enlisted at the age of 23 on September 10, 1941 at the **San Francisco Presidio**. At that time he was living at 2370 Pine St. in San Francisco**.** His MOS was Cannons S45 and he fought in the following campaigns: **Aleutian Islands [Attu and Kiska Island** with the **7th Infantry Division], Luzon** and **Southern Philippines** and **Eastern Mandates [Marshall Islands, Kwajalein, Eniwetok]**. Initially deployed to Hawaii in September 1942, the **640th Tank Destroyer Battalion** participated in combat landings at **Guadalcanal** (February 5, 1944), **Cape Glouster, New Britain** (May 3, 1944), **Lingayen Gulf, Luzon, Commonwealth of the Philippines** (January 9, 1945), and **Los Negros Islands** (March 29, 1945). The **640th Tank Destroyer Campaign Honors** include: **Bismarck Archipelago** [**islands of New Guinea**] (December 15, 1943 – November 27, 1944)**,** and **Luzon and Southern Philippines [GO 33 WD 45]** (December 15, 1944 – July 4, 1945). "**Seek, Strike, and Destroy"** was the motto of the Tank Destroyers.

Lawrence Thompson was honorably discharged on October 2, 1945 at Camp Beale, Marysville, California and was issued the **American Defense Service Medal**, **Asiatic Pacific Campaign Medal** and **Philippine Liberation Ribbon with Bronze Star**.

After the war Lawrence Thompson, Sr. and his son Lawrence Thompson, Jr. enrolled with the Bureau of Indian Affairs during the third BIA enrollment period on June 24, 1969. Later during the early 1990s Lawrence, Sr. served on the Muwekma Tribal Council. He passed away in November 1999. **(Figures 7-18 - 7-20)**

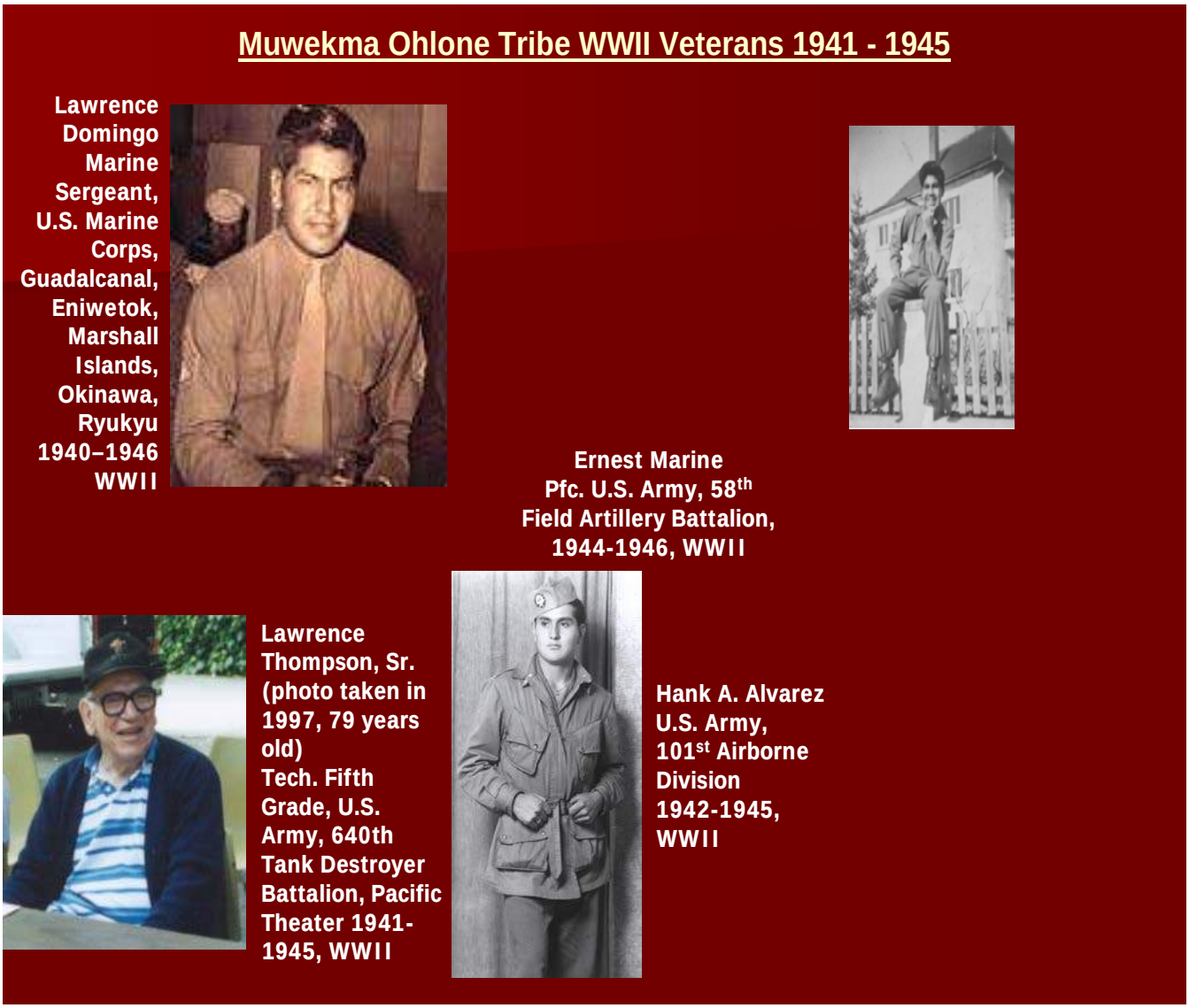


Figure 7-18: Muwekma Men Who Served During World War II

Figure 7-19: Muwekma Men Who Served During World War II

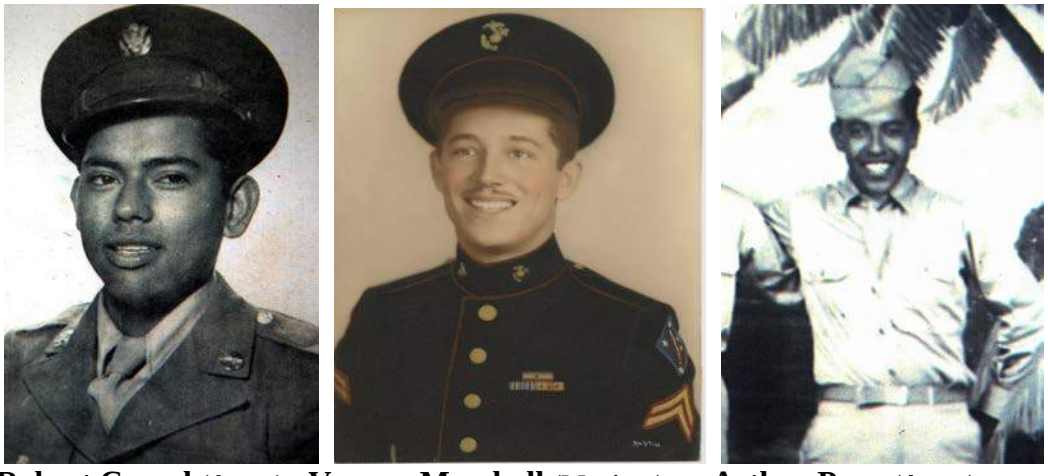


Figure 7-20: Robert Corral (Army), Vernon Marshall (Marines), Arthur Pena (Army)

POST-WORLD WAR II TO THE 1960s

At the end of the war, the returning Muwekma men had to readjust to the peacetime economy and search for employment throughout the central California region. Work was difficult to find at times, but families helped each other and maintained tribal relations through religious and social mechanisms (e.g., compadrazo/godparenting and witnessing) that have long been established within the Muwekma families.

After Word War II, in May 1947, **Ernest Thompson, Jr.** the son of Magdalena Armija Thompson, became a member of the Bay Area California Indian Council which represented the contractual interests for over one thousand California Indians residing in the Bay Area as a result of the 1928, 1944 and 1946 Indian Claims Acts and ensuing legal decisions by the Justice Department.

After 1950, those surviving Muwekma and other California Indians were issued checks for the sum of **$150.00** per person as compensation for the value (with interest going back to 1852) for the 8.5 million acres of land and promised services that they never received. Deducted from the final lump sum was the cost of every military operation, Indian services and bullets spent so that the settlement would not be a burden to the American taxpayer.

Community and tribal related activities fell under the leadership of Muwekma Elder, **Margarita (Maggie) Pinos Juarez**, and **Dolores Marine Galvan** and her brothers **Dario Marine** and **Lucas Marine** and her younger sister, **Trina Marine Thompson Ruano** (Ernest Thompson, Sr., had married Trina after the death of his first wife, Magdalena Armija Thompson)**.** These tribal activities and revitalization were also spurred by communications with the BIA Sacramento Agency, which notified the Muwekma lineages of the expanded enrollment opportunities under the California Indian Jurisdictional Act for children born after May 28, 1928. Families contacted and helped each other go to Sacramento to enroll their children, nieces and nephews. After the California Indian Roll was approved on November 23, 1951, the Sacramento Area Office published a list of enrollees that identified **forty** Muwekmas as "**Tribe Mission San Jose**" (BIA list 1951).

Also, during this period of time (from 1930s and 1950s), some of the families moved about seeking new employment opportunities and residential stability. The residence of Lucas Marine and Catherine Peralta (before her passing in 1934) on the **Shinn Ranch** in Niles became an important gathering place for the families and relations (see Harrington notes 1921-1934 regarding events between Liberato and Pedro Confessor prior to the turn of the century). Other important households were the residences of Dolores Marine Galvan in Brentwood and San Jose, Dario Marine in Centerville and later Woodland, and Margarita Pinos Juarez and Trina Marine Thompson Ruano in Newark where the families would gather for various occasions.

CONTINUOUS CONNECTIONS TO THE TRIBE'S SACRED SITES:
THE PROTECTION OF THE OHLONE INDIAN CEMETERY, MISSION SAN JOSE, FREMONT, CALIFORNIA

The **Ohlone Indian Cemetery** located on Washington Boulevard, one mile west of Mission San Jose in Fremont, was used for burial by members of the Guzman, Santos, Pinos, Marine, Armija (Thompson) and Nichols families until 1926, while the original Ohlone burial ground was located under the northern wing of the mission church. Martin Guzman (died October 4, 1925), Victorian Marine Munoz (died November 27, 1922) and her son Jose Salvador Munoz (died 1921) were some of the last Muwekma Ohlone Indians to be buried there. On Jose Salvador Munoz's death certificate it identifies his place of burial as "**Ohlone Cem**[etery]".

During the 1960's Muwekma families under the leadership of **Dolores Marine Galvan**, participated in securing the legal title to the Historic Ohlone Cemetery located on Washington Boulevard in the City of Fremont. In 1971, a board of directors for the Ohlone Indian Tribe, Inc. was established by Dolores Marine Galvan and her children Philip Galvan, Benjamin Michael Galvan and Dolores Galvan Lameira in order to secure title to the tribe's ancestral cemetery.

During this period of time when the **American Indian Historical Society** obtained legal title of the Ohlone Cemetery on behalf of the Muwekma Ohlone community, invitations went out to various families, including the children of Magdalena Armija and Ernest Thompson and the other Marine-related families, to help clean up the run-down cemetery (**Figure 7-21 – Ohlone Cemetery**). As mentioned above, the Guzman, Marine, Armija-Thompson and Nichols families had loved ones (e.g., Avelina Cornates Marine, Elizabeth (Belle) Marine Nichols, Ramona Marine Sanchez, Victoria Marine Munoz, Dario's son Gilbert Marine, Rosa Nichols and Mary Nichols, Salvador Munoz, Charles Thompson and Martin Guzman) buried there during the first three decades of this century (Marine Family History 1965; Leventhal, Escobar, Alvarez, Lameira, Sanchez, Sanchez, Sanchez and Thompson 1995).

Figure 7-21: Lillian Massiatt, Ramona and Michael Galvan at Ohlone Cemetery (1966)

Benjamin Michael Galvan was born on June 23, 1927 and was the last formal member of the historic Verona Band of Alameda County to be born into the Federally Recognized tribe. Ben was born the same day that BIA Superintendent Lafayette A. Dorrington decided in his report that the landless Verona Band tribe did not need any land. Ben served as the **first chairman** of the Ohlone Indian Tribe between 1965 and 1978.

Since World War II, Dolores Marine's children have married and raised families and presently Henry Alvarez and Dolores "Dotty" Galvan Lameira are Muwekma Tribal Elders and have served as elected council members. Dotty Lameira's son Arnold Sanchez had served as an elected tribal councilman. The family of Benjamin and Jenny Galvan are also enrolled in the Tribe and their son, Albert Galvan, had also served as a tribal council member. The same is the case for the children and grandchildren of Victoria Marine (**1928 BIA Application # 10678**) and Ramona Marine's children (**1928 BIA Application # 10680**). Magdalena Armija had married Ernest Thompson, Sr. and their sons Edward Thompson and Lawrence Thompson, Sr. were elders, and Lawrence was a former elected tribal councilman of the tribe (**1928 BIA Application # 10296**).

The children of Ernest Thompson, Jr. are also enrolled tribal members. As discussed earlier, Francisca Nonessi (**1928 BIA Application 10293**) was married to Jose Guzman, their son Jack Guzman (Sr.) had married Flora Freda Munoz (Victoria Marine's daughter), and their son John Guzman, Jr. (now deceased) and daughter, Rena Guzman Cerda and their respective children are Muwekma tribal members.

In the late 1890s, George Santos (grandson of Hipolito Santos and Refugia Simon who were one of the founding families of the Niles rancheria) had married Peregrina Pinos (who was the daughter of Benedicta Guerrera and Manuel Pinos). Their eldest daughter, Erolinda Pinos Corral, enrolled with the BIA with her children along with her Aunt, Maggie Pinos Juarez, in 1932 (**1928 BIA Application 10676**). The children and grandchildren Alfonso Juarez, who was the eldest son of Erolinda Santos Juarez Pena Corral are enrolled members of the Muwekma Ohlone Tribe. Presently Carol Juarez Sullivan is a Muwekma tribal councilwoman (**Figure 7-22)**.

Figure 7-22: Muwekma Elders Maggie Juarez and Erolinda Santos Juarez Corral

MUWEKMA FAMILIES ENROLL WITH THE BIA DURING THE SECOND ENROLLMENT PERIOD (1948-1957)

Under the Act of 1948, the many of the Muwekma Ohlone "heads of household" enrolled with their families once again with during the **second BIA Enrollment** between 1950 and 1957. These Muwekma include:

Dolores Marine Galvan, October 6, 1950**; Domingo Lawrence Marine**, October 12, 1950, **Dario Marine**, November 1, 1950, **Flora Munoz Carranza**, December 12, 1950, **Lucas Marine**, December 23, 1950, **Henry Alvarez**, April 7 & 26, 1951, **Trina Marine Thompson Ruano**, May 21, 1951 **Maggie Pinos Juarez**, July 19, 1951, **Benjamin Galvan**, December 4, 1951, **Belle Stokes Olivares Nichols** February 25, 1952, **Ernest Thompson**, April 16, 1952,

T**homas Garcia**, April 22, 1953, **Flora Emma Martel Thompson**, February 4, 1954, **Erolinda Santos Juarez Pena Corral**, May 16, 1955, **Robert Corral**, May 16, 1955, **Edward Thompson,** May 21, 1955, **Daniel Santos**, May 23, 1955, **Joseph Francis Aleas**, May 24, 1955, **Albert Arellano**, June 18, 1955, **Dolores "Dottie" Galvan Lameira**, October 3, 1955, and **Arthur Pena Corral**, December 27, 1957.

THIRD BIA ENROLLMENT 1968-1971

Following the Act of 1964, between 1969 and 1971, the following Muwekma "heads of households" and their families once again enroll during the third BIA Enrollment period with most of the applicants identifying themselves as "**Ohlone**" on Question # 6 "Name the California Tribe, Band or Group of Indians with which your ancestors were affiliated on June 1, 1852":

Mary Munoz Mora Ramos Archuleta, January 10, 1969, "**Ohlone, Mission**."
Mary Marine Galvan, January 27, 1969, "**Ohlone**."
Ernest George Thompson,. February 20, 1969, "**Ohlone Tribe, Mission San Jose**."
Patricia Ferne Thompson Brooks, March 27, 1969, "Mission Indians."
Madeline Cynthia Thompson Perez, March 27, 1969, "Mission Indians."
Karl Thompson, March 27, 1969, "Mission Indians."
Robert P. Corral,. April 30, 1969, "**Ohlone Indian**."
Henry Marshall, May 7, 1969, "**Ohlones**."
Glenn Thompson, June 11, 1969, "Mission Indian."
Lorenzo Thompson, June 24, 1969,. "Costanoan."
Lawrence Thompson, Jr., June 24, 1969, "Costanoan."
Rosemary Juarez Ferreira, July 15, 1969, "**Ohlone Indians**."
Peter D. Juarez, July 23, 1969, "**Ohlone Indians**."
Dolores Sanchez Martinez, August 11, 1969, "**Ohlone**."
Margaret Martinez, August 21, 1969, "**Ohlone Mission Indian**."
Joan Guzman, August 26, 1969, "**Ohlone Indian.**"
Belle Nichols, September 4, 1969, "Mission."
John Paul Guzman, September 12, 1969, "**Ohlone Mission Indian**."
Beatrice Marine, January 5, 1971, "Costanoan."

MUWEKMA SERVICE IN THE ARMED FORCES 1950S, KOREA, VIET NAM TO IRAQ

During the 1950s, 1960s and 1970s Muwekma men served in Korea, Viet-Nam and elsewhere.

Ruben Cota Arellano, Sr. Corporal, U.S. Army, Medical Corps, **SP4 E4 HQ Battery 1st TGT ACQ Battalion, 25th Artillery, APO 2,** July 5, 1960 – July 4, 1966**, Korea.**

Candelario T. Martinez, United States Marine Corps, Korea **(Figure 23)**

Figure 7-23: Candelario T. Martinez, United States Marine Corps, Korea (1950s)

Lawrence Mason Marine served in the United States Marine Corps from 1959-1965 and was a Staff Sergeant serving in Viet-Nam**, 3rd Marine Division, 3rd Tank Battalion,** and **3rd Force Reconnaissance, Charlie Company (Viet-Nam) from 1960-1961.** Lawrence also served on the Muwekma Tribal Council.

Marvin Lee Marine (younger brother of Lawrence Mason Marine) also served in the Viet-Nam War in the U.S. Army's **173rd Airborne Division**. Muwekma Elder Lawrence Mason Marine and his family are enrolled members of the Muwekma Tribe.

Karl Thompson, SP5, U.S. Army, **43rd Engineer Bn. 931st Eng. Gp. Armed Forces Expeditionary Medal (Korea),** May 8, 1968 – May 7, 1971.

Tom M. Alvarez, Sr., U.S. Army, Medical Corps, 1965 – 1967, Vietnam, recipient of **Soldier's Medal**.

Frank Y. Ruano, Sr., E4, U.S. Army, **56th Artillery**, 1965 – July 25, 1971, **Vietnam.**

Robert C. Martinez, Sr., Sergeant, **Air Cavalry, 14th Cavalry Regiment U.S. Army, European, 7th Army Command**, May 22, 1968 – May 14, 1970.

Rick Martinez, Vietnam

John A. Massiatt, Airman, **U.S. Air Force** January 1, 1968 - October 1, 1969.

Thomas Joseph Marshall (**U.S. Army Vietnam Era**) [deceased]

Richard A. Juarez, SP 4 – **E-4, U.S. Army, 589th Transportation Co., Co. B 4H BN 2D BCT BDE, 1st Army**, Fort Eustis, Virginia., January 25, 1971 – October 30, 1973.

JayP Massiet, Staff Sergeant **U.S. Air Force Van Nuys Air National Guard**, June 1975 – January 1988

Michael F. Galvan, Jr., Sergeant, **U.S. Air Force, 95th Recon Squadron,** 1977 – 1997 (**Desert Storm Campaign**)

Tracie Massiet Lents, **U.S. Air Force,** 1979 – 1983

Paul Guzman (Service Records n/a)

John J. Cambra, Jr., Pfc. **U.S. Army Company C 4th Battalion 30th Infantry and Company B 2nd Battalion 159th Infantry**, 1991 – 1994

David J. Splan, Lance Corporal, **U.S. Marine Corps**, 1993 – 2001

Cory Massiet, Airman 1st Class, **U.S. Air Force,** 1994 – 1997

In the 1990s, Michael Galvan, son of Benjamin and Jenny Galvan, and Thomas Alvarez, Jr. both served in **Desert Storm**.

In recent years, **Jesse Calles**, the grandson of Muwekma Elder Faye Thompson Frei served in the U.S. Army in Iraq since December 2005 in the **Headquarters and Headquarters Battery Fires Brigade 41D Division (Mechanized), Awarded the Army Commendation Medal 2006.** Enlisted in 2004.

Angela Galvan, the granddaughter of Muwekma Elder Jenny Galvan had recently served in Iraq in the **U.S. Marine Corps, Corporal/E-4, 1st Marine Logistics Group, 7th Engineer Support Battalion, Support Company Motor Transportation Platoon, May 27, 2003 -** Presently serving in Iraq (twice deployed). **Campaigns and Citations: OIF 2 Fallujah Campaign** in Feb 2004 - Sept 2004 and **OIF 3-6** Sept 2005 - Mar 2006, **Combat Action Ribbon** for operations on Michigan ASR (Alternative Supply Route) and an impact **Navy Marine Corps Achievement Medal for operations in Haditha (December 2005);** also involved during **OIF 3-6.**

Jay P Massiet, Jr. U.S. Army, had a Second Tour in **Iraq;** issued a **Purple Heart.**

MUWEKMA TRIBAL STEWARDSHIP OVER THEIR ANCESTRAL HERITAGE AND CULTURAL SITES

Since 1980 to the present, the Muwekma families have worked independently to establish the "Most Likely Descendant" (MLD) status of members of the Muwekma Tribe in their area with the Native American Heritage Commission of the State of California. Also in 1984 the Muwekma developed their own Cultural Resource Management firm, Ohlone Families Consulting Services (OFCS), which has been recognized since 1986 by the Department of the Interior as a Native American business under the Buy Indian Act.

Since the establishment of OFCS many of the Muwekmas, as well as Amah-Mutsun and Esselen Nation tribal members, and Pomo, Sioux, Yokuts, Miwok, Wiyot and other tribal people have gone through archaeological training and obtained employment as field crew on various archaeological projects. OFCS has sought alternatives for indigenous people who are concerned about their ancestral past. Under these circumstances, the aboriginal tribal people of the San Francisco Bay Area have taken greater responsibility for their ancestral heritage by becoming fully engaged in the environmental and ensuing scientific processes that affect their ancestral sites as in the case of the burial recovery project conducted at the **Loškowiš 'Awweš Táareštak [White Salt Man Site] (CA-SMA-267)**.

MUWEKMA OHLONE TRIBE AND ITS STRUGGLE FOR REAFFIRMATION AS A FEDERALLY RECOGNIZED TRIBE

In 1989 the Muwekma Ohlone Tribe began the arduous process of petitioning the U.S. Government regarding its status clarification as a Federally Recognized tribe under 25 C.F.R. Part 83. Over the years, interfacing with the BIA's Office of Federal Acknowledgment has been a very difficult and acrimonious process. However, in face of the "extinction" sentence issued by Alfred L. Kroeber in his 1925 California Handbook, and adversity by the BIA, the Muwekma Ohlone Tribe has nonetheless made great strides forward. In 1996, the Tribe shattered the myth that it was never Federally Recognized.

On **May 24, 1996**, the United States Department of the Interior, Deborah Maddox, Director of the Office of Tribal Services for the Bureau of Indian Affairs, formally concluded in a letter sent to the Muwekma Ohlone Tribe that:

> Based on the documentation provided, and the BIA's background study on Federal acknowledgment in California between 1887 and 1933, we have concluded ... that the Pleasanton or Verona Band of Alameda County was previously acknowledged between 1914 and 1927. The band was among the groups, identified as bands, under the jurisdiction of the Indian agency at Sacramento, California. The agency dealt with the Verona Band as a group and identified it as a distinct social and political entity (letter in response to the Muwekma Petition, Branch of Acknowledgment and Research, Bureau of Indian Affairs, Washington, D.C.).

In 2000 – U.S. District Court Justice Ricardo Urbina wrote in his **Introduction of his Memorandum Opinion Granting the Plaintiff's Motion to Amend the Court's Order** (July 28, 2000) and **Memorandum Order Denying the Defendants' to Alter or Amend the Court's Orders** (June 11, 2002) that:

> The Muwekma Tribe is a tribe of Ohlone Indians indigenous to the present-day San Francisco Bay area. In the early part of the Twentieth Century, the Department of the Interior ("DOI") recognized the Muwekma tribe as an Indian tribe under the jurisdiction of the United States.
> (Civil Case No. 99-3261 RMU D.D.C.)

On October 30, 2000, the BIA's Office of Federal Acknowledgment and Tribal Services Division responded to Justice Urbina's Court Order regarding the Muwekma Ohlone Tribal enrollment and their descendency from the **Verona Band of Alameda County**:

> … . When combined with the members who have both types of ancestors), **100% of the membership is represented**. Thus, analysis shows that the petition's membership can trace (and, based on a sampling, can document) its various lineages back to individuals *or to one or more siblings of individuals* appearing on the 1900, "Kelsey", and 1910 census enumerations described above.

On June 30, 2005, Congressman Richard Pombo, Chair of the House Resources Committee wrote to Secretary of Interior Gail Norton supporting a settlement of the Muwekma lawsuit against Interior:

> Dear Secretary Norton:
>
> As part of my Committee's oversight of the procedures for federal recognition of Indian Tribes, I have heard testimony in a hearing earlier this year of the protracted litigation concerning the recognition of the Muwekma Ohlone Tribe. The Tribe informs me that the Department of the Interior has determined that Muwekma is a previously recognized tribe, federally recognized until **1927,** also that no formal action by the Department and no Act of Congress removed it from recognition and that **99%** of the members of the current tribe are direct descendants of the members of the recognized tribe.
>
> The Muwekma Tribe raises the issue that, in a very similar situation, the Department reaffirmed the federally-recognized status of the Lower Lake Koi Tribe and the Ione Band of Miwok in California by a letter signed by the then Assistant Secretary of the Interior restoring them to recognized **status** without making them go through.forma1 recognition procedures.
>
> I understand that in December of **2003** the Tribe explored with the Department a possible settlement, including a rehearing that might lead to reaffirmation of the Tribe, or, according to the Tribe, at the suggestion of a Department attorney, the organization of the half-blood members of the Tribe as a new Tribe under the Indian Reorganization Act.

> Despite numerous calls and letters from the Tribe, I understand these efforts at settlement have been largely ignored. I urge you to bring to resolution this dispute with the Muwekma Ohlone Tribe if possible. My concerns stem from the fact that in continuing this litigation, only unnecessary time and expense will result and some settlement along the lines your Department has already considered may be the best result.
>
> Therefore, I would suggest, if possible, that the Department meet with the Tribe to pursue settlement opportunities. …

After the Office of Federal Acknowledgement "declined" to extend, and therefore reaffirm the Tribe's Federally Acknowledged status on September 6, 2002, the Muwekma Tribe had to pursue its second lawsuit against the Department of the Interior (see Field with the Muwekma Tribe 2003 **Unacknowledged Tribes, Dangerous Knowledge: The Muwekma Ohlone and How Indian Identities are "Known."**

Muwekma Tribe's Current Litigation Against the Department of Interior

On September 21, 2006, U.S. District Court Justice, Reginald B. Walton in **Muwekma Ohlone Tribe v. Dirk Kempthorne, Secretary of the Interior, et al.**, Civil Action No. 03-1231 (RBW) issued a favorable Court Opinion on the side of the Muwekma Tribe stating:

> The following facts are not in dispute. Muwekma is a group of American Indians indigenous to the San Francisco Bay area, the members of which are direct descendants of the historical Mission San Jose Tribe, also known as the Pleasanton or Verona Band of Alameda County ("the Verona Band"). … From 1914 to 1927, the Verona Band was recognized by the federal government as an Indian tribe. … Neither Congress nor any executive agency ever formally withdrew federal recognition of the Verona Band. … Nevertheless, after 1927, the federal government no longer acknowledged the Verona Band, or any past or present-day incarnation of the plaintiff, as a federally recognized tribal entity entitled to a government-to-government relationship with the United States … (alleging that "sometime after 1927 the Department began to simply ignore the Tribe for many purposes and substantially reduced the benefits and services provided to the Tribe") … (pages 2-3) …
>
> **The Present Litigation**
>
> Muwekma brought this action on June 6, 2003, seeking reversal of the Final Determination, placement on the Department's list of federally recognized tribes, and other injunctive relief. ... On July 13, 2005, Muwekma moved for summary judgment, alleging, inter alia, that the Department violated the APA and the Equal Protection Clause when it required Muwekma to petition for acknowledgment of its tribal status pursuant to the "lengthy and thorough" regulatory procedures of Part 83, …, despite administratively reaffirming the status of similarly situated tribes without requiring those tribes to undertake the Part 83 process and without sufficient explanation for the disparate treatment.

... Specifically, Muwekma contends that "[t]he Department returned Lower Lake and Ione to the list of recognized tribes outside of the [Part 83] procedures [while] requir[ing] Muwekma to complete the Part 83 process and then, applying a greater evidentiary burden, denied Muwekma recognition despite [its] significantly stronger case for recognition." … (pages 10-11) …

If the Department were compelled to require tribes seeking federal recognition to complete petitions under Part 83—that is, if it had no discretion to exempt certain tribes from the Part 83 procedures—then its argument that "federal acknowledgment regulations specifically take into account demonstrations of previous acknowledgment," … Here, however, the Secretary of the Interior is **expressly** empowered to "waive or make exceptions to [the Department's regulations] in all cases where permitted by law," if the Secretary makes a finding that "**such waiver or exception is in the best interest of the Indians**." 25 C.F.R. § 1.2; ... Thus, if the Department is "permitted by law" to waive or except the Part 83 tribal acknowledgment procedures when it is "in the best interest of the Indians," 25 C.F.R. § 1.2, and if it appears that it has waived the acknowledgment procedures in other, ostensibly similar instances, then it is incumbent upon the Department to explain to Muwekma "why it has exercised its discretion in a given manner" in this instance, State Farm, 463 U.S. at 48-49. ... **This it has not done**. (pages 18-20) …

In addition, the Department's representation to Muwekma that it lacked the authority to confer federal recognition on the tribe outside of the Part 83 acknowledgment process, see Answer at 23 (admitting that "[n]otwithstanding the Department actions to the contrary with respect to the Ione Band and Lower Lake, [Department] staff repeatedly advised [Muwekma] that the Assistant Secretary [of Indian Affairs] lacked authority to administratively reaffirm tribal status"), appears from the Department's own admission to be **patently false**, ... (footnote 12, page 21) …

Upon remand, the Department must provide a detailed explanation of the reasons for its refusal to waive the Part 83 procedures when evaluating Muwekma's request for federal tribal recognition, particularly in light of its willingness to "clarif[y] the status of [Ione] . . . [and] reaffirm[] the status of [Lower Lake] without requiring [them] to submit . . . petition[s] under . . . Part 83." … At issue for the purpose of this remand is not whether the Department correctly evaluated Muwekma's completed petition under the Part 83 criteria, but whether it had a sufficient basis to require Muwekma to proceed under the heightened evidentiary burden of the Part 83 procedures in the first place, given Muwekma's alleged similarity to Ione and Lower Lake. In addition, the Department **shall** express its position regarding whether it is permitted, under 25 C.F.R. § 1.2 or otherwise, to waive or make exceptions to the Part 83 acknowledgment procedures, and whether this waiver or exception imposes a lesser evidentiary burden on petitioning tribes than the completion of a Part 83 petition. (pages 31-32) …

IV. Conclusion

> When an agency provides a statement of reasons insufficient to permit a court to discern its rationale, or states no reasons at all, the usual remedy is a 'remand to the agency for additional investigation and explanation.'" ... Here, the Court is unable to discern the Department's rationale for requiring Muwekma to proceed through the Part 83 tribal acknowledgment procedures while allowing other tribes that appear to be similarly situated to bypass the procedures altogether, an issue which is dispositive of Muwekma's Equal Protection Act and APA claims. Accordingly, it will remand this matter to the Department for the limited purpose of supplementing the administrative record in a manner consistent with this Opinion. During this time, the case shall be administratively closed. The Court shall retain jurisdiction over this matter and shall require the Department to complete its evaluation and submit a supplement to the administrative record by November 27, 2006. In light of the Department's past delays, and given the narrow purpose for which this matter is being remanded, the Court will look extremely skeptically on motions for extensions of time. …. (page 32)

On September 30, 2008 the US District Court in Washington, D.C. handed the Muwekma Tribe another **victory**. Judge Reginald B. Walton opined:

> These arguments, and the explanation from the Department giving rise to them, seemingly cannot be reconciled with the Court's September 21, 2006, memorandum opinion. In that opinion, the Court noted that the defendants opposed the plaintiff's initial motion for summary judgment on three grounds, two of which concerned whether the plaintiff was similarly situated to Ione and Lower Lake for purposes of the plaintiff's constitutional and APA arguments. Specifically, "the defendants argue[d] that the Department ha[d] not treated like cases differently because by their very nature, federal acknowledgment decisions require highly fact-specific determinations," and "claim[ed] that [the plaintiff] was not treated differently than similarly situated petitioners because groups demonstrating or alleging characteristics similar to [the plaintiff] are regularly required to proceed through the federal acknowledgment process.
>
> **The Court rejected both of these arguments**. It dismissed the defendants' "hand-waving reference to 'highly fact-specific determinations,'" which, in the Court's estimation, "[did] not free the defendants" of their obligation to justify the decision to treat the plaintiff differently from Ione and Lower Lake based on the administrative record for the plaintiff's petition. Further, the Court found the argument "that groups such as [the plaintiff] have been regularly and repeatedly required to submit Part 83 petitions" **insufficient** "to refute [the plaintiff's] claim that the Department has treated it differently from similarly situated tribal petitioners without sufficient justification.
>
> The Court further noted in a footnote that the defendants "obliquely" provided a "basis for distinguishing [the plaintiff] and Lower Lake in their reply to [the plaintiff's] opposition to their cross-motion for summary judgment," but also found this argument wanting. Specifically, the Court explained that:
>
> First, and most obviously, [the defendants' argument] pertain[ed] only to a difference between [the plaintiff] and one of the tribes with whom it [was] claiming to be similarly

situated. **The defendants [did] not assert any** "**highly fact-specific determination**[]" that would explain why [the plaintiff] is not similarly situated to Ione in such a way as to require a reasoned explanation of the Department's disparate actions. Second, the Department [did] not contend, here or in the administrative record, that it required [the plaintiff] and not Lower Lake to undergo the Part 83 procedure because the latter, unlike the former, had received land in trust and had participated in an election.

Having rejected all of the defendants' arguments on the issue of similarity of circumstances, the Court proceeded to find that "**the Department . . . ha[d] never provided a clear and coherent explanation for its disparate treatment** of [the plaintiff] when compared with Ione and Lower Lake," nor had it ever "articulated the standards that guided its decision to require [the plaintiff] to submit a petition and documentation under Part 83 while allowing other tribes to bypass the formal tribal recognition procedure altogether." Because there was "virtually nothing" in the administrative record that would "allow the Court to determine whether [the Department's] judgment . . . reflect[ed] reasoned decision making," the Court concluded that it was "necessary to remand [the] case to allow the Department to supplement the administrative record in this regard.

In other words, the Court determined in its prior memorandum opinion that the defendants' arguments to the effect that the plaintiff was not similarly situated to Ione and Lower Lake were without merit, and remanded the case to the Department so that the Department could explain why it treated the plaintiff differently than other, similarly situated tribes. The necessary implication of both conclusions is that the Court found the plaintiff to be similarly situated to Ione and Lower Lake.

… Here, the Department's explanation and the defendants' arguments in defense of that explanation and in support of summary judgment in their favor would appear to run afoul of the law of the case established in this Court's prior memorandum opinion. The Court concluded, implicitly if not explicitly, that the plaintiff is similarly situated to Ione and Lower Lake, and remanded the case to the Department for the sole purpose of ascertaining a reason as to why the plaintiff was treated differently. Yet, the defendants do not even acknowledge that their arguments are inconsistent with the law-of-the-case, let alone provide a "compelling reason to depart" from it.

The defendants' insouciance regarding the law-of-the-case is particularly troubling because they appear to rely at least in part on administrative records for Ione and Lower Lake that were not considered when the Department initially considered the plaintiff's petition for recognition. This tactic harkens back to the defendants' reply memorandum in support of their initial cross-motion for summary judgment, where they argued "that because the full body of administrative records regarding Ione and Lower Lake [was] not before the Court, [the plaintiff] [could not] establish a violation of the Equal Protection Clause or the APA simply by alleging that it ha[d] been treated differently than those tribes.

> **The Court rejected that argument**, explaining that "[w]hat matter[ed] . . . [was] whether the Department sufficiently justified in the administrative record for [the plaintiff's] tribal petition its decision to treat [the plaintiff] differently from Ione and Lower Lake.
>
> The Court remanded this case to the Department so it could explain why it treated similarly situated tribes differently, **not so that it could construct post-hoc arguments** as to whether the tribes were similarly situated in the first place. **It certainly did not remand the case so that the Department could re-open the record**, **weigh facts that it had never previously considered, and arrive at a conclusion** vis-à-vis the similarity of the plaintiff's situation to those of Ione and Lower Lake that it had never reached before. **The Court would therefore be well within its discretion to reject the defendants' arguments outright, grant the plaintiff summary judgment with respect to its equal protection claim, and bring this case to a close. [**Emphasis added]

Based upon the failure of the BIA and Justice Department to respond to the Judge Walton's Court Order, the Tribe was hopeful for the Court to remand a final order back to the Department of Interior to have Muwekma restored and placed back onto the list of Federally Recognized Tribes once again. Unfortunately, after a three and a year wait, the Court completely and mysteriously reversed itself and ruled against the Tribe.

Now under the proposed revised 2014 regulations (under the Obama administration) the Tribe will have the opportunity to resubmit its evidence for full consideration and this time have the chartered evidence weighed as part of a completely objective review. Hopefully, when this is accomplished this year, it will be 108 years after the Tribe obtained its Federally Recognized status and will once again be eligible for funding, services as well as a land base that will help the ensuing generations of Muwekma children to maintain their rich Indian identity and heritage, as well as establishing equal standing with the other Acknowledged tribes in the United States.

MUWEKMA OHLONE TRIBE AND THEIR RELATIONSHIP WITH STANFORD UNIVERSITY

The Muwekma Ohlone Tribe has had a very fruitful relationship with Stanford University since the mid-1980s. In 1988, Mr. Colin C. Hampson (Winnebago Tribe) who was completing his law degree at Stanford requested of the Muwekma Tribal leadership a name for the Native American residence/theme house in the Tribe's aboriginal Chocheño language. The final name that was chosen was Muwekma-Tah-Ruk meaning "House of the People" (**Figure 7-24**).

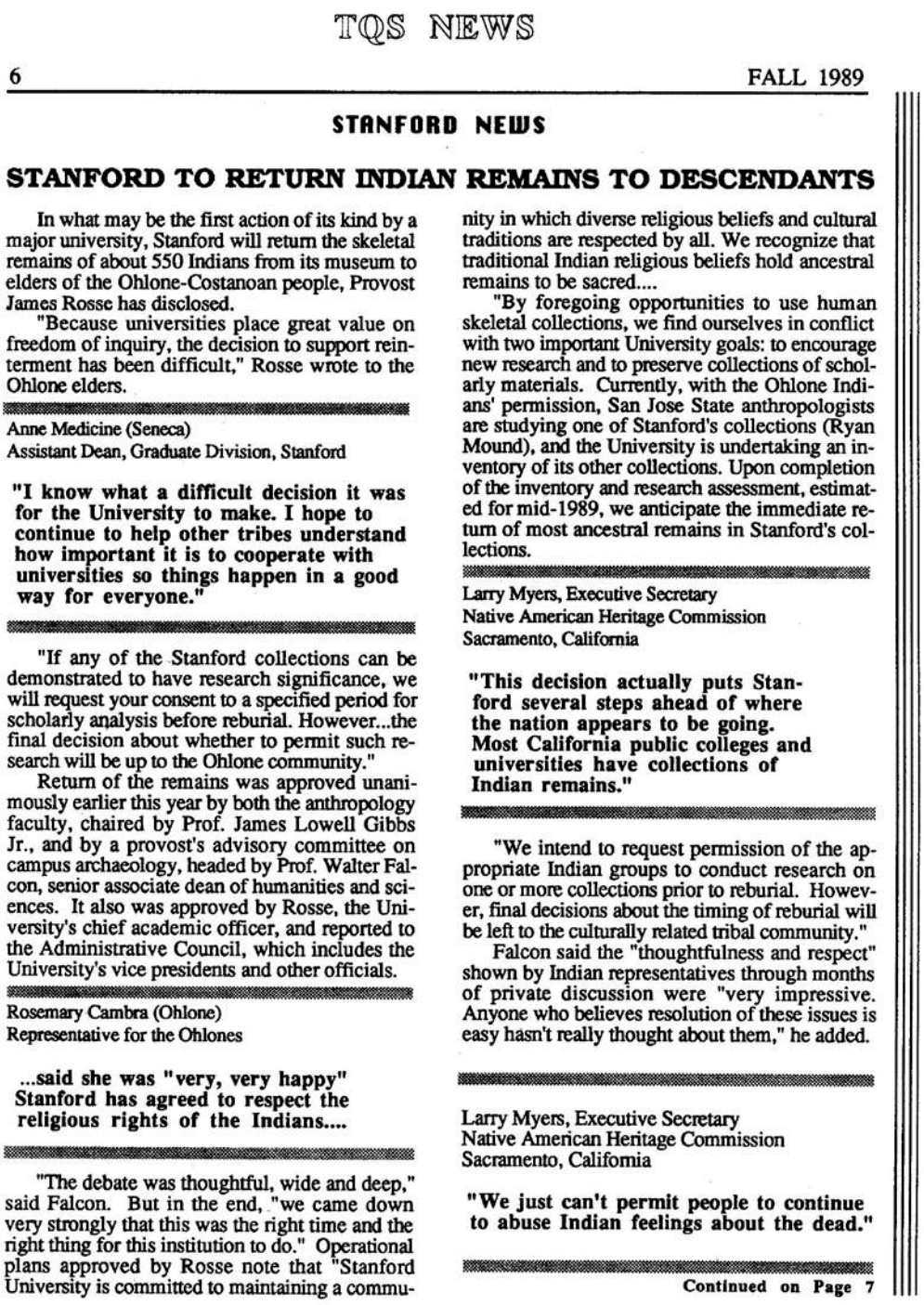
Figure 7-24: Rosemary Cambra and Colin Hampson at Muwekma-Tah-Ruk

Also during this time period in 1988 the Muwekma Tribe requested the repatriation of 550 burials held at the Stanford Museum. Due to the 1989 earthquake damage to the building and the retirement of Archaeology Professor, Bert Gerow, the Muwekma Tribal leadership with support from the larger Costanoan community and the Native American Heritage Commission sought the return of these ancestral burials. Between 1989 and 1991 Stanford agreed to return those 550 ancestral burials back to the Muwekma Ohlone Tribe for repatriation.

The decision made by Stanford University's administration rippled around the world in and that decision lent support to the passage of the Native American Graves Protection and Repatriation Act (PL 101-601) in 1990.

The Muwekma Ohlone Tribe sought proposals from the scientific community for further research prior to reburial. Only San Jose State University responded and submitted in a request to conduct additional research. Dr. Robert Jurmain, Physical Anthropologist, Department of Anthropology and his graduate students worked for a period over one year conducting complete

skeletal inventories and assessing pathologies that affected the Stanford side of site CA-ALA-329. In 1991 these ancestral remains were all reburied in the East Bay at Coyote Hills (**Figures 7-25 – 7-26**)



TQS NEWS

6 FALL 1989

STANFORD NEWS

STANFORD TO RETURN INDIAN REMAINS TO DESCENDANTS

In what may be the first action of its kind by a major university, Stanford will return the skeletal remains of about 550 Indians from its museum to elders of the Ohlone-Costanoan people, Provost James Rosse has disclosed.

"Because universities place great value on freedom of inquiry, the decision to support reinterment has been difficult," Rosse wrote to the Ohlone elders.

Anne Medicine (Seneca)
Assistant Dean, Graduate Division, Stanford

"I know what a difficult decision it was for the University to make. I hope to continue to help other tribes understand how important it is to cooperate with universities so things happen in a good way for everyone."

"If any of the Stanford collections can be demonstrated to have research significance, we will request your consent to a specified period for scholarly analysis before reburial. However...the final decision about whether to permit such research will be up to the Ohlone community."

Return of the remains was approved unanimously earlier this year by both the anthropology faculty, chaired by Prof. James Lowell Gibbs Jr., and by a provost's advisory committee on campus archaeology, headed by Prof. Walter Falcon, senior associate dean of humanities and sciences. It also was approved by Rosse, the University's chief academic officer, and reported to the Administrative Council, which includes the University's vice presidents and other officials.

Rosemary Cambra (Ohlone)
Representative for the Ohlones

...said she was "very, very happy" Stanford has agreed to respect the religious rights of the Indians....

"The debate was thoughtful, wide and deep," said Falcon. But in the end, "we came down very strongly that this was the right time and the right thing for this institution to do." Operational plans approved by Rosse note that "Stanford University is committed to maintaining a community in which diverse religious beliefs and cultural traditions are respected by all. We recognize that traditional Indian religious beliefs hold ancestral remains to be sacred....

"By foregoing opportunities to use human skeletal collections, we find ourselves in conflict with two important University goals: to encourage new research and to preserve collections of scholarly materials. Currently, with the Ohlone Indians' permission, San Jose State anthropologists are studying one of Stanford's collections (Ryan Mound), and the University is undertaking an inventory of its other collections. Upon completion of the inventory and research assessment, estimated for mid-1989, we anticipate the immediate return of most ancestral remains in Stanford's collections.

Larry Myers, Executive Secretary
Native American Heritage Commission
Sacramento, California

"This decision actually puts Stanford several steps ahead of where the nation appears to be going. Most California public colleges and universities have collections of Indian remains."

"We intend to request permission of the appropriate Indian groups to conduct research on one or more collections prior to reburial. However, final decisions about the timing of reburial will be left to the culturally related tribal community."

Falcon said the "thoughtfulness and respect" shown by Indian representatives through months of private discussion were "very impressive. Anyone who believes resolution of these issues is easy hasn't really thought about them," he added.

Larry Myers, Executive Secretary
Native American Heritage Commission
Sacramento, California

"We just can't permit people to continue to abuse Indian feelings about the dead."

Continued on Page 7

Figure 7-25: Stanford University Repatriates 550 Burials to Muwekma Tribe

Figure 7-26: Reburial of Muwekma Ancestral Ohlone Human Remains at Coyote Hills

In 1995 as the Muwekma Ohlone Tribe was seeking reaffirmation as a Federally Recognized Tribe, then Provost of Stanford University, Condoleezza Rice, wrote a letter to Holly Reckord, Chief, Branch of Acknowledgment and Research, Bureau of Indians Affairs, welcoming her to the campus for a workshop on Federal Recognition and informing the Bureau about the relationship between the Muwekma Ohlone Tribe and Stanford University (**Figure 7-27**).

STANFORD UNIVERSITY
STANFORD, CALIFORNIA 94305-2061

OFFICE OF THE PROVOST

(415) 723-4988
FAX (415) 725-6847

April 28, 1995

Holly Reckord, Chief
Branch of Acknowledgment and Research
Bureau of Indian Affairs
Washington, D.C. 20245

Dear Ms. Reckord:

It is our great pleasure to welcome you to Stanford University for this important event celebrating the friendship between the University community and the Muwekma people.

The University deeply appreciates the contributions Muwekma has made to our academic and cultural programs over the past decade. Their guidance is integral to our management of the more than fifty prehistoric archaeological sites on lands of the University. Muwekma and Stanford University have built a strong relationship of mutual trust and respect of which we are very proud.

We also want to take this opportunity to commend the Muwekma Tribe of Ohlone Indians for their efforts to preserve their cultural heritage and community. Their efforts have assisted us in better understanding the history and cultural traditions of California and its people.

Sincerely,

Condoleezza Rice

Condoleezza Rice
Provost

Figure 7-27: Letter to Holly Reckord from Condoleezza Rice, Stanford Provost

WILLOW OAKS ELEMENTARY SCHOOL IN MENLO PARK HONORS THE MUWEKMA OHLONE TRIBE WITH A MURAL IN 2002

On November 25, 2002 the Willow Oaks Elementary School within the Ravenswood City School District located on 620 Willow Road in the City of Menlo Park, honored the Muwekma Ohlone Tribe by including in its 35 by 15-foot mural on the northern wall of the school images of the Tribe's ancestral remains and their reburial. Willow Oaks Elementary School is located approximately 1.1 miles to the southwest of the **Loškowiš 'Awweš Táareštak [White Salt Man Site] (CA-SMA-267)** locality.

The mural was the ninth one produced by the **East Palo Alto Mural Arts Project**, a nonprofit that hired school kids for eight weeks and taught them how to conduct research and create a mural under the supervision of Omar Ramirez, a noted muralist.

The mural was called "**Underneath It All**" **(Figures 7-28 – 7-29)** and it:

> … depicts Silicon Valley as a maze of buildings and freeways. The concrete and asphalt have been split apart by a deep fissure, and in the crevasse are the ancestral bones of the Muwekma Ohlone Indians.
>
> The bones were found in the 1950s when a portion of East Palo Alto was excavated for development. They went to Stanford, where they were categorized and stored. In 1990, the Muwekmas persuaded Stanford to return the bones, which were reburied in Coyote Hills Regional Park.
>
> The mural shows a girl reassembling the bones. Bright flowers rise from the cracks. Hovering above are the spirits of the Muwekma people, depicted as clouds formed lightly into skull shapes.
>
> … As some teenagers painted the Willow Oaks mural a few days before its unveiling, two others worked on the wording of a plaque that would tell the story of the Muwekma bones (www.sfgate.com/cgibin/article.cgi?f=/c/a/2002/11/26/MURAL.TMP&nl=tp; SFGate/San Francisco Chronicle article by Mark Simon, November 26, 2002, **Walls Open Doors Murals Teach Teens Art, Responsibility).**

The Muwekma Tribal members and leadership participated in the unveiling ceremony on the evening of November 25, 2002.

Figure 7-28: Mural Honoring the Muwekma Ohlone Tribe at the Willow Oaks Schools

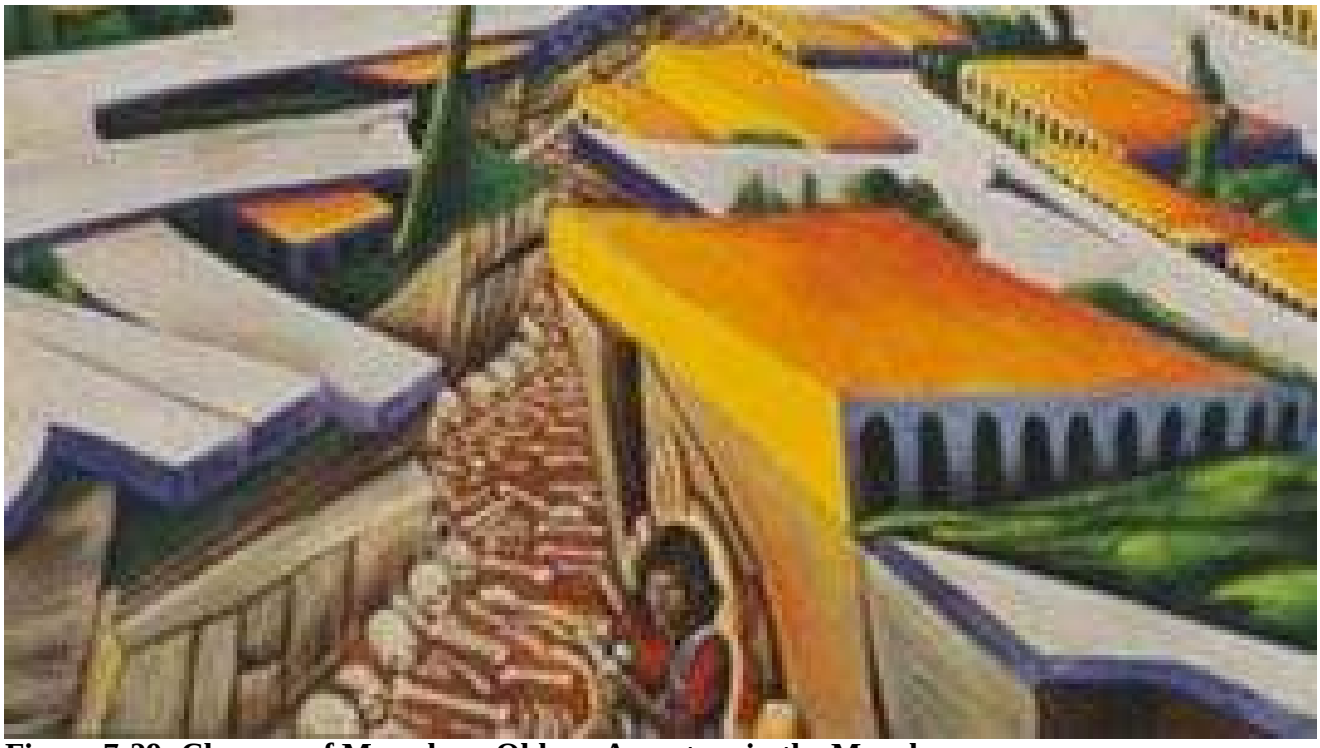


Figure 7-29: Close up of Muwekma Ohlone Ancestors in the Mural

CONCLUDING REMARKS

The Muwekma Ohlone Tribe of the San Francisco Bay Area has moved both its legal history and efforts seeking reaffirmation as Federally Recognized tribe almost to full circle, thus completing its century-long journey since the Tribe first became Federally Acknowledged through the Congressional Homeless Indian Acts beginning in 1906.

The Loškowiš 'Awweš Táareštak [White Salt Man Site] (CA-SMA-267) project as well as the many other archaeological projects that the Tribe has worked on have also served as important "bridges" to the Tribe's long historical and pre-contact ancestral past. This archaeological work has been exceedingly important and meaningful to the Tribal membership by providing a forum -- in the form of the present study and its evolving ethnohistorical ties to the Tribe's larger territory -- thus allowing the Muwekma Tribe to finally have a voice in telling part of its story after being completely disenfranchised for so many decades by public agencies and policy makers.

This present ethnohistory study has provided ethnographic, ethnohistoric and legal background information about the ancestral Muwekma Ohlone Indians – the aboriginal and historic tribal people of the greater circum-San Francisco Bay region -- in both a historic and contemporary context. Furthermore, this chapter was structured using contemporary anthropological and historical frameworks with two major research goals in mind:

1) to present herein, ethnohistoric and historic information that addresses the biological and cultural continuation of the aboriginal Muwekma Ohlone Tribal people from the San Francisco Bay region and thus identifying and discussing those "vital" cultural linkages between the living people and their ancestors and ancestral sites, and;

2) to bring forward an interpretive understanding about the lifeways of the ancestral Ohlone person who was buried at the **Loškowiš 'Awweš Táareštak [White Salt Man Site] (CA-SMA-267)**, and bring closure to this project with the future reburial honoring ceremony of this person by placing them back into the earth, hopefully close to the original cemetery site from which he was laid to rest by his people around 4,000 years ago.

At some future date **Loškowiš 'Awweš Táareš [White Salt Man**] will be respectfully re-interred by the Tribe back into the ***warep*** (the earth) where hopefully he will never again be disturbed by future development [**Figure 7-30**].

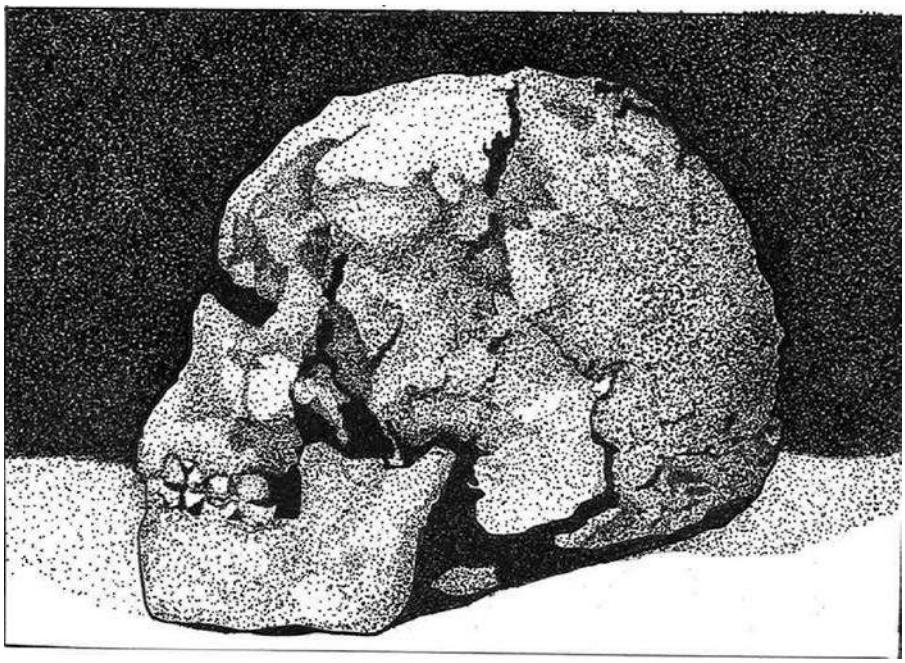


Figure 7-30: Loškowiš ’Awweš Táareš [White Salt Man]

The following photos presents Tribal celebrations and cultural activities over the past decade **(Figures 7-31 – 7-42)**:

Figure 7-31: Muwekma Ohlone Tribe Christmas Party and Gathering at Stanford 1999

Figure 7-32: Muwekma Ohlone Tribe Campout at Camp Muwekma 2000

Figure 7-33: Muwekma Ohlone Tribe Campout and Big Feast 2001

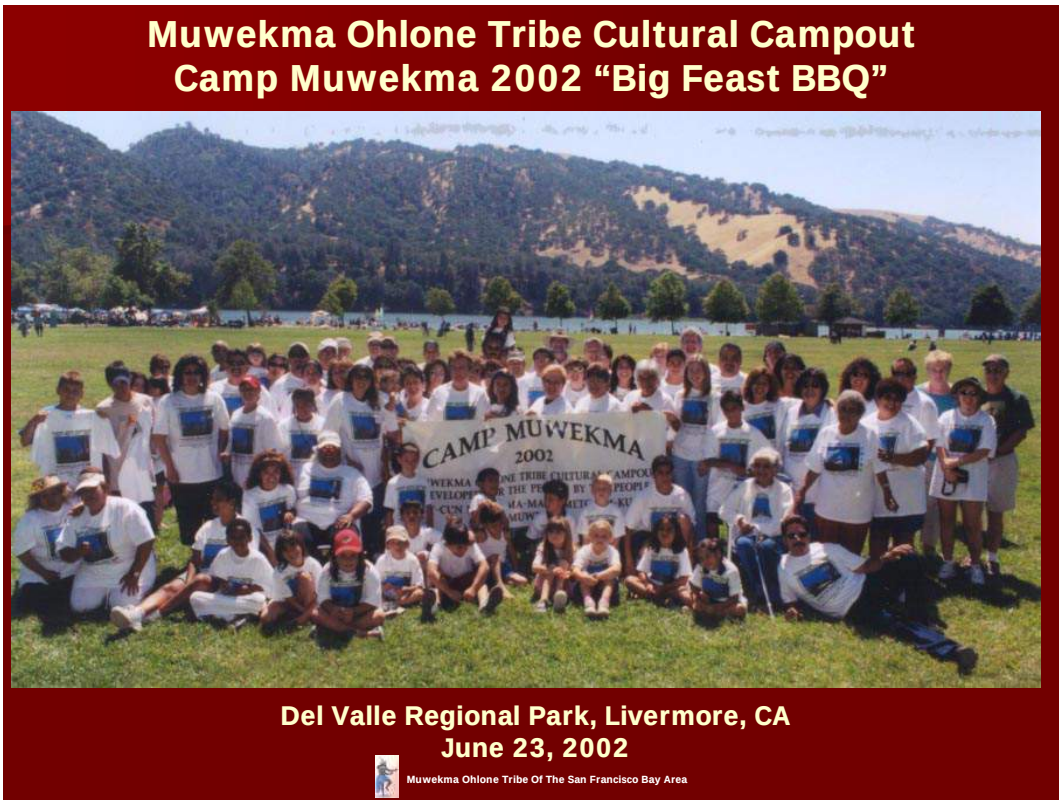


Figure 7-34: Muwekma Ohlone Tribe Campout and Big Feast 2002

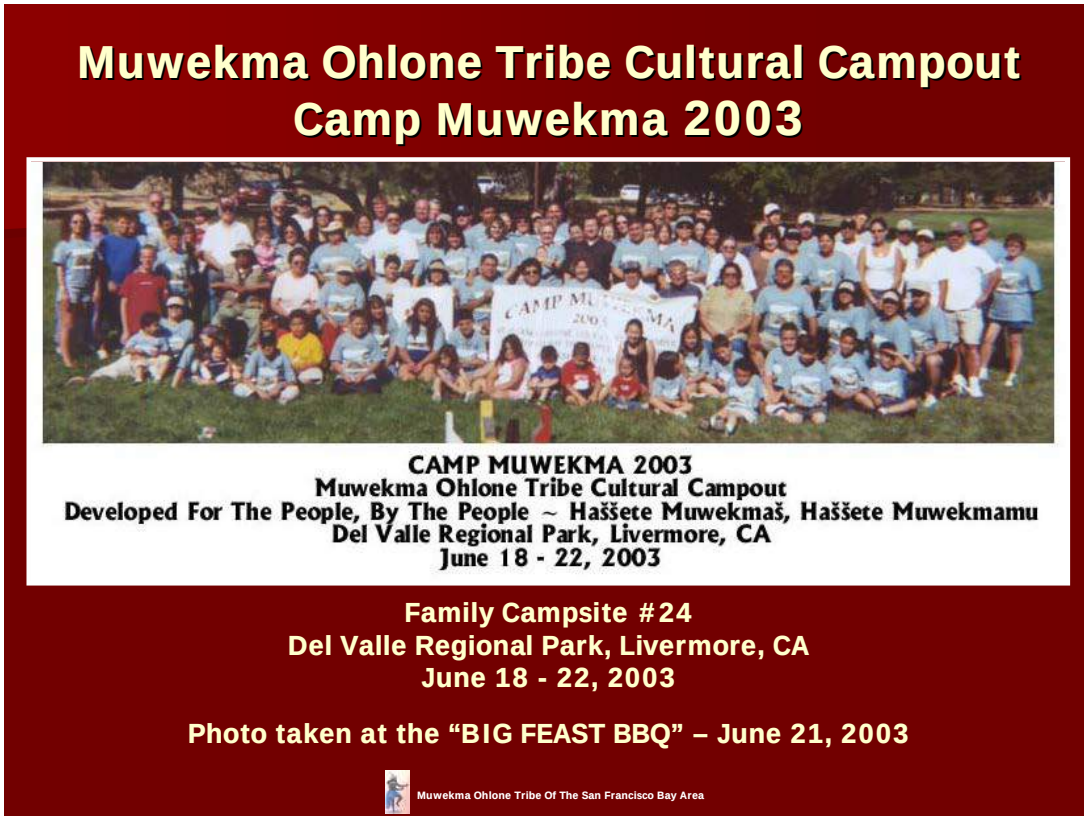


Figure 7-35: Muwekma Ohlone Tribe Campout 2003

Figure 7-36: Muwekma Ohlone Tribe Chocheño Language Workshop 2004

Figure 7-37: Muwekma Christmas Choir in Front of Mission San Jose

Figure 7-38: Muwekma Christmas Gathering at Stanford University 2005

Figure 7-39: Muwekma Tribal Gathering and Campout 2008

Figure7-40: 20th Anniversary of Muwekma-Tah-Ruk Stanford 2009

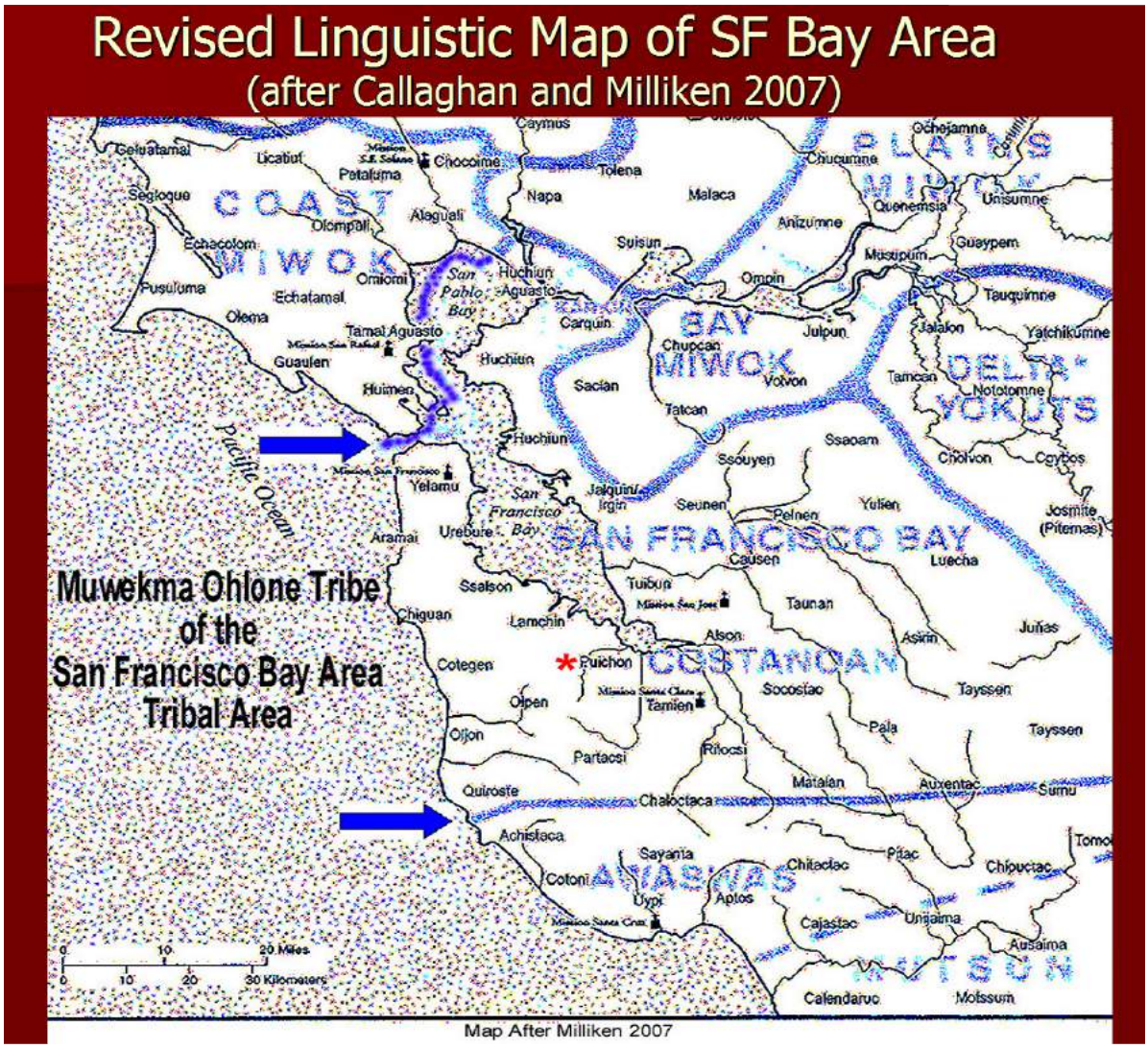


Figure 7-41: Revised Linguistic Map of San Francisco Bay Area

Figure 7-43: Muwekma Ohlone Tribe

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APPENDIX A

CA-SMA-267
ARCHAEOLOGICAL SITE
SURVEY FORM

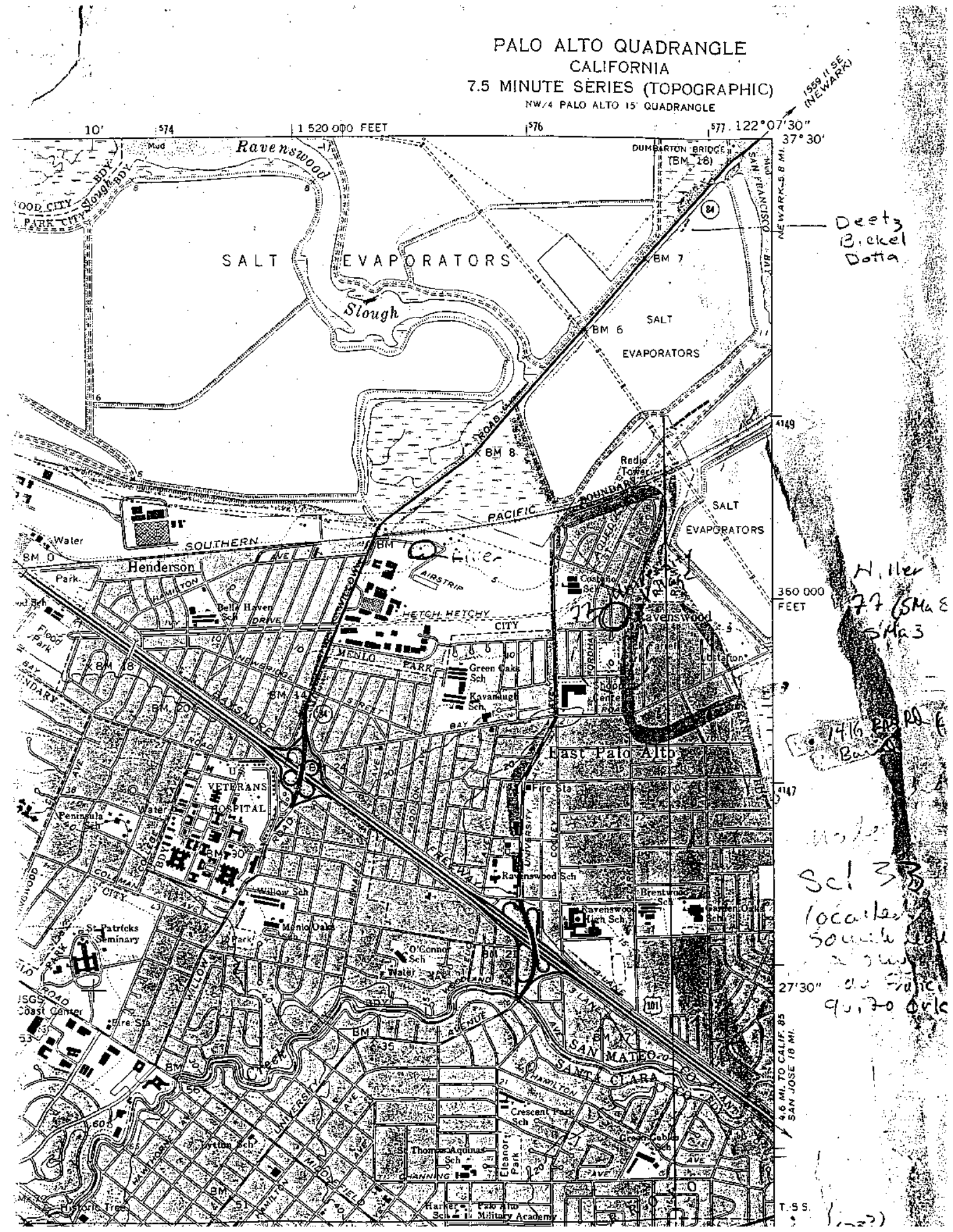
re: SMA-267

SJSU FILES (Copies)

UNIVERSITY OF CALIFORNIA — ARCHEOLOGICAL RESEARCH FACILITY

ARCHEOLOGICAL SITE SURVEY RECORD

1. Site 1416 Bay Road 2. Map Palo Alto Quad 7.5' UTM: 575,820E/4,147,270N 3. County San Mateo
4. Twp. 5S Range 3W 1/4 of N/A 1/4 of Sec. N/A
5. Location Approx. 140' west of intersection of Bay Road & Glen Ave in front of 1416 Bay Road residence, East Palo Alto 6. Contour elevation 22'
7. Previous designations for site None
8. Owner City of East Palo Alto 9. Address
10. Previous owners, dates Unknown
11. Present tenant Mildred Simon, owner of 1416 Bay Road, East Palo Alto
12. Attitude toward excavation Very favorable
13. Description of site Single burial disturbed by trenching for sewer line; cerithidea, ostrea, & mytilus in midden
14. Area 1 m x 75 cm 15. Depth 120 cm 16. Height N/A
17. Vegetation Oak/grassland environment 18. Nearest water San Francisquito Creek drainage approx. 4800' south
19. Soil of site Silty clay, dark brown 20. Surrounding soil Silty clay
21. Previous excavation None
22. Cultivation None 23. Erosion None
24. Buildings, roads, etc. Bay Road
25. Possibility of destruction Already disturbed
26. House pits None
27. Other features None
28. Burials One: only cranium, right scapula, ribs, & several vertebrae in situ
29. Artifacts Red Franciscan chert or jasper flakes
30. Remarks Burial covered with calcium carbonate (caliche); disturbed remains recovered from coroner and backdirt screening process.
31. Published references None
32. UCLMA Accession No. 33. Sketch map
34. Date 6-16-86 35. Recorded by A. Leventhal, R. Cambra, G. Seitz 36. Photos on map


PALO ALTO QUADRANGLE
CALIFORNIA
7.5 MINUTE SERIES (TOPOGRAPHIC)
NW/4 PALO ALTO 15' QUADRANGLE
1559 ft SE (NEWARK)
10'
574
1 520 000 FEET
576
577
122°07'30"
37°30'
DUMBARTON BRIDGE
(BM 16)
Ravenswood
Mud
SALT EVAPORATORS
Slough
BM 7
SALT EVAPORATORS
BM 6
BM 8
Radio Tower
PACIFIC
SOUTHERN
Water
BM 0
Henderson
Park
AIRSTRIP
HETCH HETCHY
CITY
MENLO PARK
Green Oaks Sch
Kavanaugh Sch
BM 14
BM 18
BM 20
BAYSHORE
Flood Park
VETERANS HOSPITAL
Peninsula Sch
Willow Sch
Menlo Oaks Park
St Patricks Seminary
O'Connor Sch
BM 21
SGS Coast Center
Fire Sta
BM 35
Creek
SAN MATEO-SANTA CLARA CO. LINE
Crescent Park Sch
Green Gables Sch
St Thomas Aquinas Sch
Eleanor Park
Ivy Hall Sch
Historic Tree
Harker Sch
Palo Alto Military Academy
Ravenswood
Substation
East Palo Alto
Fire Sta
Ravenswood Sch
Ravenswood High Sch
Brentwood Sch
Garden Oaks Sch
4149
4147
360 000 FEET
27'30"
4.6 MI. TO CALIF. 85
SAN JOSE 18 MI.
T. 5 S.
NEWARK 5.8 MI.
SAN FRANCISCO BAY

San Jose State University
Department of Anthropology

BURIAL EXCAVATION RECORD

Date 6-15-86 Site No. 1416 Bay Road Burial No. 1

Provenience Trench Depth 120 cm BS from datum (specify) _____

Recorded by A. Leventhal Exposed by A. Leventhal

Sex Male? Age 16-21 (see page 2 for details)

BURIAL TYPE:

Primary inhumation X
Redeposited inhumation ____
Primary cremation ____
Redeposited cremation ____
Other ____

POSITION OF SKELETON

Extended ____
Tightly flexed ____
Semi-flexed X
Sitting ____
Left side X
Right side ____

FACE: Up ____ Down ____ Side X
North ____ South ____ East ____ West X

ORIENTATION Head pointed south

PRESERVATION OF BONE

Poor ____ Fair X Good ____

Bone surfaces Covered with caliche

Bone content ____

ON SITE OSTEOLOGICAL INVENTORY (abbreviated) C=Complete; P=partial; X=absent

Cranium X
Mandible ____
Hyoid ____
Scapulae L ____ R X
Clavicles L ____ R ____
Sternum ____
Innominates L ____ R ____
Sacrum ____
Ribs #comp. ____ #part. X

Hand L ____

Hand R ____

Hand(indet.) ____

Femora L ____ R ____
Tibiae L ____ R ____
Fibulae L ____ R ____
Patellae L ____ R X
Humeri L ____ R ____
Ulnae L ____ R ____
Radii L ____ R ____

Foot L ____

Foot R ____

Foot (indet.) ____

Vertebrae ____
(complete)
Centra ____
Neural ____
arches
Vertebrae frags. X

INDETERMINATE X
FRAGS.

REMARKS Most of the skeletal elements disturbed by backhoe. These were collected and sent to the coroner's office for later collection by the Indians.

SIZE OF GRAVE Length 1 m Width 75 cm Depth of pit 120 cm BS

ASSOCIATIONS: OTHER BURIALS, FEATURES None

ASSOCIATIONS: ARTIFACTS (Itemize) One Franciscan chert utilized flake

Citeria for Sex Determination Robusticity of remains?

Criteria for Age Determination Third molars not yet erupted.

OSTEOMETRICS Cranium: Length____ Breadth____ Up.Fac Ht.____ Other ____

Long Bone Lengths (specify) ____

Photographs taken By A. Leventhal Roll# 1 Exposure(s)# 1-36

DISPOSITION OF BURIAL __ Disinterred(date) 6-15-86 Packed by A. Leventhal & R. Cambra
Shipped to SJSU On(date) 6-15-86 Descibe shipping box Archival

____ Left in situ and reinterred(date)____

____ Elements Disinterred on site and reburied(date)____

1.5m

SJSU Department of Anthropology

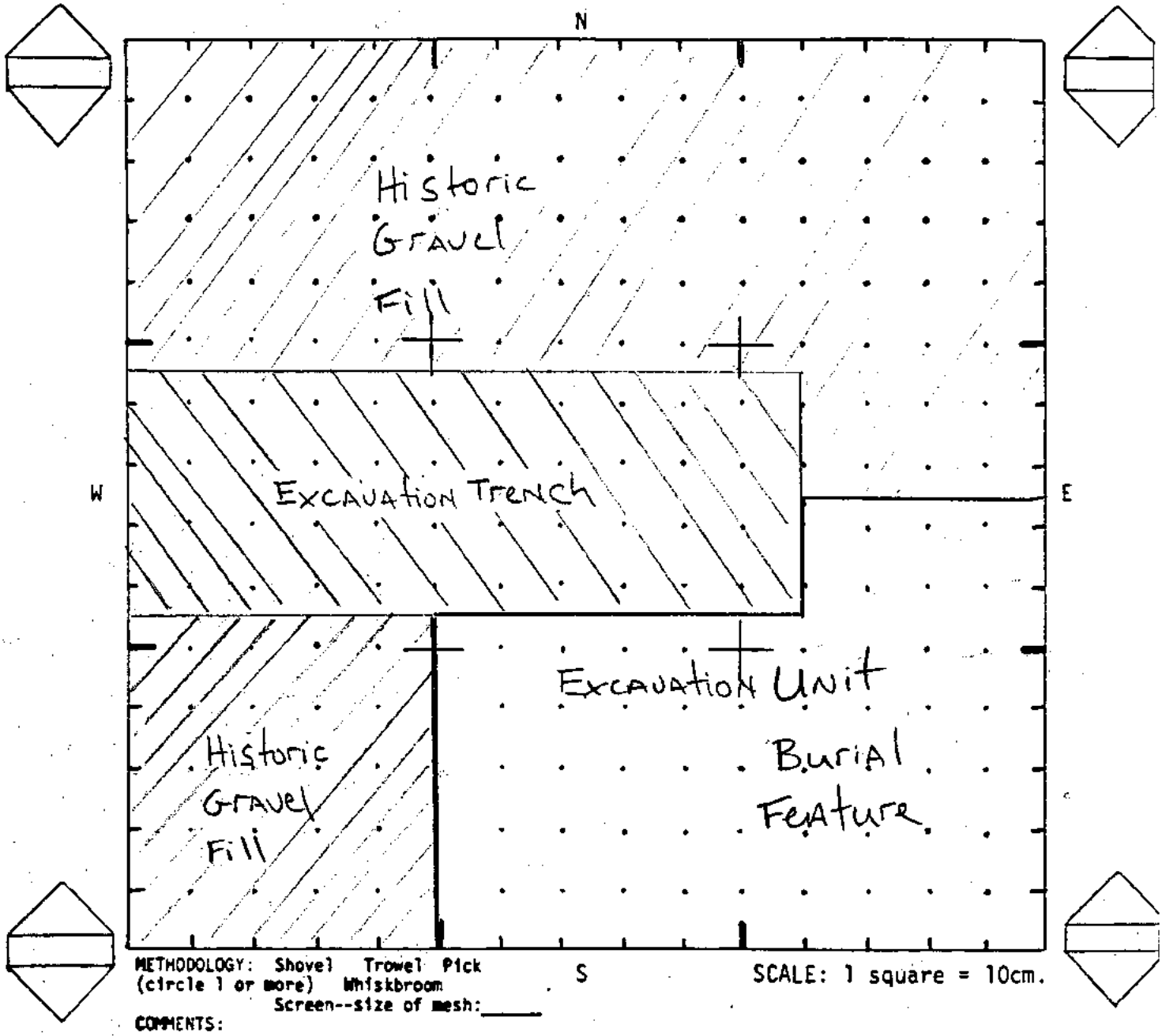
OK BY:

CREW: Cembra, Olsen, Cruz, Sanchez SITE: 1416 - Bay Rd

RECORDER Leventhal UNIT: 1

DATE: 6-14-86 LEVEL:

UNIT DATUM: SE Corner REFERENCE NUMBER:



METHODOLOGY: Shovel Trowel Pick
(circle 1 or more) Whiskbroom
Screen--size of mesh:_____

SCALE: 1 square = 10cm.

COMMENTS:

PHOTOS: Color_____ Black & White_____

NUMBER OF ARTIFACTS_____

Pieces of chert _____
Franciscan_____
Monterey _____
Pieces of obsidian_____
Pieces of bone _____
Quantity of shell _____
Other _____

BEDROCK GREATER THAN 10cm. _____
BEACH COBBLES:

5 - 10 cm. _____

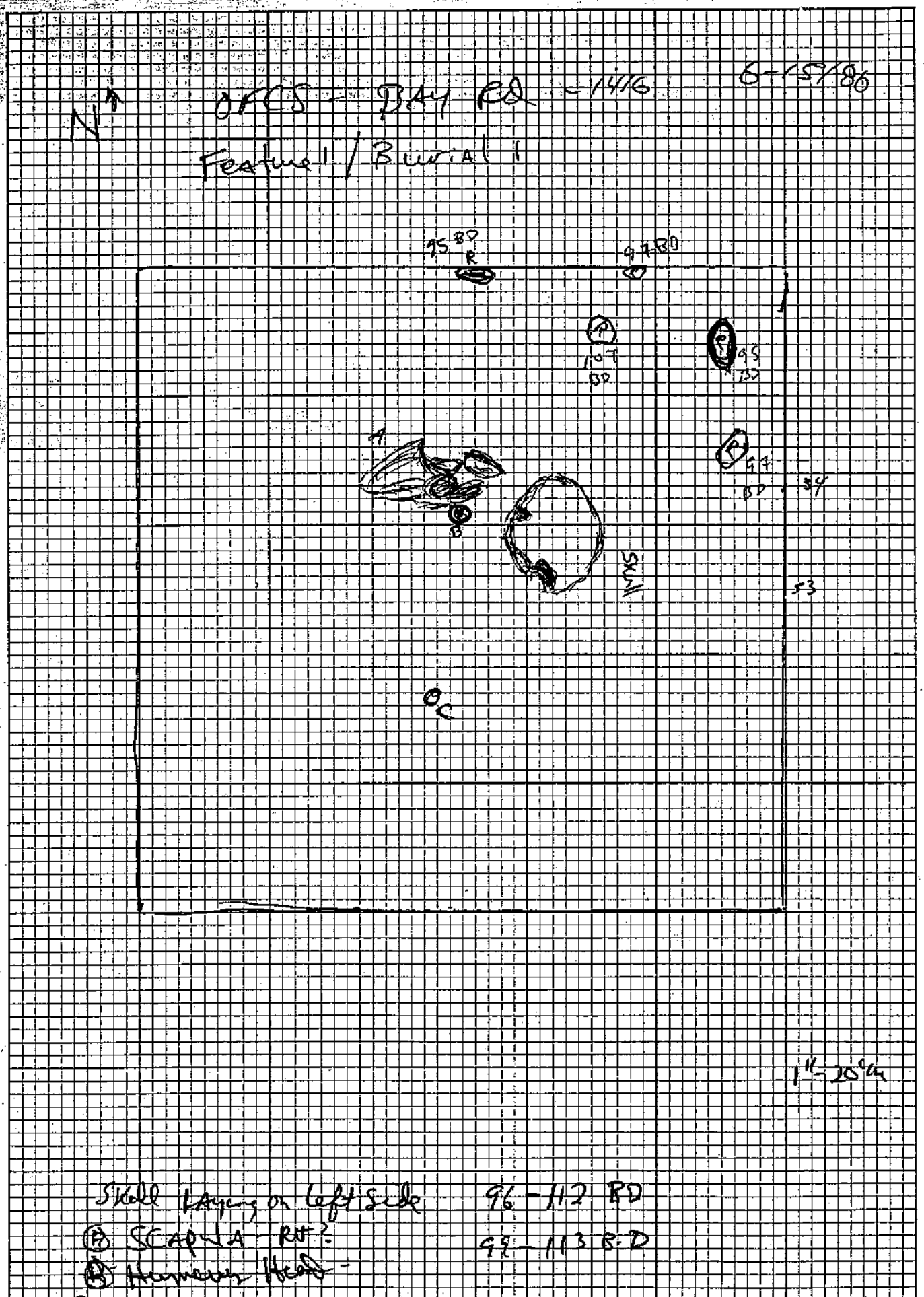
11- 20 cm. _____

Greater than 21 cm. _____

CODE

ARTIFACTS: (1) (2) etc.
KROTOVINA: (K)
ROOT: ●
FEATURES: (F1) (F2) etc.
BEDROCK:
BEACH COBBLES: (C)
SHELL: ✓✓✓✓
Haliotis: (H1) (H2) etc.

*****PLEASE PRINT OR WRITE LEGIBLY!!!*****



Skull laying on left side 96-112 BD

(A) Scapula - Rt? 92-113 B.D

(B) Humerus Head -

(C) Patella - 109 B.D

10 X 10 TO THE INCH Z-2280

EPASD

EAST PALO ALTO SANITARY DISTRICT

DENNIS SCHEFFLER — PRESIDENT
JAMES D. [illegible] — SECRETARY
DOUGLAS B. SMITH — DIRECTOR
ROOSEVELT COLEMAN — DIRECTOR
CHARLOTTE A. BECKS — DIRECTOR

P O BOX 51680
EAST PALO ALTO CA 94303
(415) 325 9021

VUYISILELA J. WOBOGO — MANAGER

TENTATIVE AGENDA

EAST PALO ALTO SANITARY DISTRICT
BOARD OF DIRECTORS

JUNE 19, 1986

The Adjourned Meeting of the East Palo Alto Sanitary District Board of Directors will be held on **June 19, 1986** at **7:30 p.m.** in the **Council Chambers** at the Municipal Building, located at 2415 University Ave., East Palo Alto, California, 3rd floor, Room 3A.

1. Call to Order
2. Roll Call
3. Amendments to Agenda
4. Action Items
   a. Repair of irregular lateral configuration on Bay Road
   b. Payment for excavation of Ohlone burial site to Ohlone Family Consulting Service
5. Manager's Report
   a. Response to Management Comments in FY 1984-85 Audit from Jean Pierre & Co.
   b. Budget and Staffing Recommendations
6. Written Communications
7. Oral Communications
8. Adjournment

APPENDIX B

CA-SMA-267
SKELETAL INVENTORY

OHLONE FAMILIES CONSULTING SERVICES
APPENDIX A HUMAN SKELETAL INVENTORY

Site CA-SMA-267 Burial No. 1 Date 3-1-11 Recorder DiGiuseppe

Metrics rt. humeral head vertical = 46.1 mm; lf. humerus bicondylar width = 59.1 mm; rt. glenoid fossa height = 38.0 mm

Sex (criteria used) Male = see sex determination sheet

Age (criteria used) 18-22 years = see age determination sheet

Condition of Skeleton all elements are in fragmented condition with reconstruction done for most long bones. Caliche covers most of the skeleton so condition of skeleton is fair, volume indeterminate due to caliche

Cranium C(15) = cranium reconstructed (5) incudes: frontal C(1); both temporal C(1) each, both parietals and occipital C(1), maxilla C(1) including lf. orbit and zygomatic (arch missing from both sides); rt orbit F(1) lf condyle; sphenoid F(2); zygo arch F(1); indeter F(5) Cribra Orbitalia: (L) X (R) X

Mandible C(2)

Teeth Permanent-Loose 1 In-situ 24

Deciduous-Loose In-situ

Hyoid X Sternum I(3) = body only

Vertebrae:

Cervical C(4), I(1) = C2-C(2); 2 of either C2-7-C(1); C1-I(2); 1 of either C2-C7-C(3)

Thoracic C(12) = T1-C(1); T2-C(1); T3-C(2); T4--C(2), T5-C(2), T6-C(2), T7-C(3), T8-C(1), T9-C(1) T10-C(1), T11-C(1), F(5) spinous processes; F(1) indeterminate

Lumbar C(1) of either L3, L4; I(1) body; F(2) bodies; F(1) superior apophyseal facet

Sacrum X

Indeterminate F(9)

Os Coxae:		LEFT	RIGHT	INDT
Mature		X	F(2) - ilium	X
Immature:	Pubis	X	X	X
	Ilium	X	X	X
	Ischium	X	X	X

OHLONE FAMILIES CONSULTING SERVICES

Site: CA-SMA-267
Burial: 1

Ribs: No. Complete (L) 6 inc. 1st rib (R) 6 inc. 1st rib No. Incomplete F(102 + 8 vert ends + 3 stern ends)

	LEFT	RIGHT	INDT		LEFT	RIGHT	INDT
Clavicle	C(2)	F(2)	X	Scapula	C(8)	I(2)	F(12)
Humerus	C(4)	C(3)R	X	Femur	C(5)R	C(4)R	X
Radius	C(3)	C(3)	X	Patella	C(1)	C(1)	X
Ulna	C(2)	C(3)	X	Tibia	C(6)R	C(3)R	X
				Fibula	I(2)	C(4)R	X

Carpals:				Tarsals:			
Navicular	X	C(1)	X	Calcaneus	X	X	X
Lunate	X	C(1)	X	Talus	X	C(1)	X
Triquetral	X	X	X	Cuboid	X	X	X
Pisiform	X	X	X	Navicular	X	C(1)	X
Grt. Mult.	C(1)	X	X	1st Cuneiform	X	X	X
Lsr. Mult.	X	I(1)	X	2nd Cuneiform	X	X	X
Capitate	X	C(1)	X	3rd Cuneiform	X	X	X
Hamate	X	X	X				

Metacarpals:				Metatarsals:			
MC 1	F(1)	I(1)	X	MT 1	X	X	X
MC 2	C(1)	I(1)	X	MT 2	X	X	X
MC 3	X	I(1)	X	MT 3	X	C(2)	X
MC 4	X	X	X	MT 4	X	F(1)	X
MC 5	X	X	X	MT 5	X	X	X

Phalanges: Hand C(4): 3 prox, 1 mid; F(3) Foot C(5): 3 prox, 1 mid, 1 distal

Indeterminate F(2) = distal MT; I(2) of long bones, diaphysis only; F(1) of MC diaphysis; F(3) phalanx prox, MC/MT distal head, hand or foot diaphysis; one bag of indeterminate fragments = 262.1 grams

Additional Notes extra individual present – represented by F(3) of the ulna

KEY:

C (1) = complete (2/3 of element with articulating surfaces)
I (1) = incomplete (less than 2/3 of element but more than 1/3 with articulating surface)
F (1) = fragmentary (less than 1/3 of element or shafts only)
X = absent
Ribs = complete indicates that the vertebral end is present as well as completely present.
If element is complete but in pieces, indicate thus: C (3) for number of pieces
If epiphyses present on subadult's long bone indicate thus: Femur C (1) p d

OHLONE FAMILIES CONSULTING SERVICES

Site: CA-SMA-267
Burial: 1

SEXING DETERMINATION*

Pelvis:		**Male**	**Female**	**Indet.**
Sub-pubic Angle	V or U shaped	X	X	X
Shape of Pubis	triangular or squarish	X	X	X
Ventral Arc	absent or present	X	X	X
Doral Pits	absent or present	X	X	X
Acetabulum	large or small	X	X	X
Greater Sciatic Notch	narrow or wide (Score 1-5)	X	X	X
Prearicular Sulcus	absent or present	X	X	X
Skull:				
Nuchal Crest	robust, muscle markings (Score 1-5)	4	X	X
Mastoid Process	size (large or small) (Score 1-5)	4	X	X
Supraorbital Margin	rounded or sharp margin (Score 1-5)	X	X	3
Supraorbital Ridge	glabella none or prominent (Score 1-5)	X	X	X
Mental Eminence	none to massive projection (Score 1-5)	X	X	X
Ascending Ramus	short/slanted or long/vertical (Score 1-5)	4	X	X
Other: (see Bass 1994)				
Glenoid Fossa (rt)	<34 (F) > 37 (M)	38.0	X	X
Vert. dia. of Humeral Head (rt)	<43 (F) > 47 (M)	46.9	X	X
Max. width of Humeral Epicondyle (lf)	<56.8 (F) > 63.9 (M)	X	X	X**
Max. dia. of Femoral Head	<43.5 (F) > 46.5 (M)	X	X	X

Comments individual's cranium is covered in caliche making determination of sex difficult at best; only a few criteria suggests possible male

**the max. width of the humeral epicondyle on the left side measures 59.1 mm, with a portion of the lateral side missing. If we use the distance from the edge of the capitulum to the end of the lateral epicondyle from the right humerus of 7.16 mm and add it to the 59.1 mm from the left side, the total width = 66.26 mm indicating this is a male individual. Though again, both elements are covered in thick caliche.

***See 1994 Standards by Buikstra and Ubelaker for Scoring Criteria, see pages 16-32**

OHLONE FAMILIES CONSULTING SERVICES

Site: CA-SMA-267
Burial: 1

AGEING DETERMINATION*

	Yes	No	Phase	Age-Range
Dental (all erupted)	X	X	X	X*
Long bone fusion	Yes	X	X	>18
Pubic symphysis	X	X	X	X
Auricular Surface	X	X	X	X
Osteoarthritis	X	No	X	X
Rib – sternal end	X	X	X	X

Comments

*Third molars are absent and not present in the crypt – x-rays taken support this diagnosis. Cannot be used for aging

Vertebral rib ends only partially fused – 17 – 22 years of age (Scheuer and Black, 2000)

Complete long bone fusion - >18 years (Scheuer and Black, 2000)

Overall estimate – 18-22 years of age

***See 1994 Standards by Buikstra and Ubelaker for Scoring Criteria, see pages 16-32**

OHLONE FAMILIES CONSULTING SERVICES

Site: CA-SMA-267
Burial: 1

DENTAL PATHOLOGIES

TOOTH WEAR

	wear	other pathologies		wear	other pathologies
Upper:			**Lower:**		
RM^3	X	Congenital Absence	RM_3	X	Congenital Absence
RM^2	3	CAL (s)	RM_2	3	
RM^1	6	CAL (s)	RM_1	X	
RP^2	3	CAL (m)	RP_2	3	
RP^1	2		RP_1	X	
$RC^{\bullet}$	2		$RC_{\bullet}$	2	
RI^2	2		RI_2	2	
RI^1	4		RI_1	X	W
LI^1	4		LI_1	3	W
LI^2	2		LI_2	2	
$LC^{\bullet}$	2		$LC_{\bullet}$	2	
LP^1	2		LP_1	2	
LP^2	3		LP_2	3	
LM^1	6	CAL (s)	LM_1	5	
LM^2	4	CAL (s)	LM_2	5	
LM^3	X	Congenital Absence	LM_3	X	Congenital Absence

Periodontal Disease: area obscured by caliche, none evident

NOTE: no apparent hypoplasia, no abscesses, slight palatine torous (1)

KEY:

X	= absent	CAL	= calculi
XU	= absent/unerupter	SS	= shovel shaped (single or double)
A/U	= ante-mortem tooth loss	HY	= hypoplasis
F	= fragmentary (non-diagnostic)	DM	= dental modification
C	= caries	CAR	= carabelli's cusp
A	= abscesses	W	= winging
PSI	= peg shaped incisors	SSS	= single shovel-shaped
		DSS	= double shovel-shaped

DENTAL/PERIODONTAL PATHOLOGIES – ADDITIONAL NOTES

OHLONE FAMILIES CONSULTING SERVICES

Site: CA-SMA-267
Burial: 1

PATHOLOGIES

Element Involved	Description of Lesion	Differential Diagnosis
T10, T11	bodies of these two thoracic have unusual shape with a diagonal slope to the left side as opposed to being rounded, is less pronounced on T9	unknown, probably only variation in skeleton, though the upper thoracic do not have this slant
T8	ridge development with slight spicules along neural arch, also beginning to show on the T7, T9, T10, T11	possible beginning of laminal spurs – stress/activity indicator
occipital	slightly robust/promenient "highest nuchal line" where the galea aponeurotica is attached	robust muscle marker

Notes

PATHOLOGIES – ADDITIONAL NOTES:

OHLONE FAMILIES CONSULTING SERVICES

Site: CA-SMA-267
Burial: 1

INFECTIOUS DISEASE

Element Involved	Description of Lesion	Differential Diagnosis

Notes

INFECTIOUS DISEASE – ADDITIONAL NOTES

OHLONE FAMILIES CONSULTING SERVICES

Site: CA-SMA-267
Burial: 1

DEGENERATIVE JOINT DISEASE – UPPER PERIPHERAL SKELETON

	Left	Notes	Right	Notes
TEMPORO-MANDIBULAR JOINT				
Glenoid Fossa	X	obscured/present	X	obscured/present
Mand. Condyle	X	p/m damage	0	
Total Joint Score	**X**		**0**	

Notes:

SHOULDER

Scapula (Glenoid)	0		0	
Proximal Humerus	0		0	
Total Joint Score	**0**		**0**	

Notes: covered in caliche

ELBOW

Distal Humerus	0		0	
Proximal Ulna	0		X	
Proximal Radius	0		0	
Total Joint Score	**0**		**0**	

Notes:

WRIST

Distal Ulna	0		X	
Distal Radius	0		X	
Carpals	X	p/m damage	0	caliche
Total Joint Score	**0**		**0**	

Notes: all epiphyses covered in caliche

HAND

Proximal Metacarpals	X		0	
Distal Metacarpals	X		X	
Phalanges	0		0	
Total Joint Score	**0**		**0**	

Notes: covered in caliche or damaged p/m, thus all determinations of degenerative disease is speculative

OHLONE FAMILIES CONSULTING SERVICES

Site: CA-SMA-267
Burial: 1

DEGENERATIVE JOINT DISEASE – LOWER PERIPHERAL SKELETON

HIP	**Left**	**Notes**	**Right**	**Notes**
Acetabulum	X		X	
Proximal Femur	X		X	
Total Joint Score	X		X	

Notes:

KNEE

Distal Femur	0		0	
Proximal Tibia	0		0	
Proximal Fibula	X		X	
Total Joint Score	**0**		**0**	

Notes:

ANKLE

Distal Tibia	X		0	
Distal Fibula	X		0	
Tarsals	X		0	
Total Joint Score	**X**		**0**	

Notes:

FOOT

Proximal Metatarpals	X		0	
Distal Metatarpals	X		0	
Phalanges	X		0	
Total Joint Score	**X**		**0**	

Notes: covered in caliche or damaged p/m, thus all determinations of degenerative disease is speculative

OHLONE FAMILIES CONSULTING SERVICES

Site: CA-SMA-267
Burial: 1

DEGENERATIVE SPINAL DISEASE

	BODY			INTERVERTEBRAL JOINTS				
	SUPERIOR	INFERIOR	NOTES	SUPERIOR L	SUPERIOR R	INFERIOR L	INFERIOR R	NOTES
C1 dens facet		X		0	0	0	0	
C2 dens	X	0		0	0	X*	X*	caliche covered
C3	X	X		X	X	X	X	
C4	X	X		X	X	X	X	
C5	X	X		X	X	X	X	
C indet.	0	0		X	0	X	0	
C7	0	0		X*	X*	0	0	caliche covered
C indet.	0	0		0	0	0	0	
T1	0	0		0	0	0	0	fused to scapula
T2	0	0		0	0	0	0	
T3	0	0		0	0	0	0	
T4	0	0		0	X	1	1	
T5	0	0		0	X	1*	0	*in center
T6	X	0		0	X	0	X	
T7	0	0		0	0	0	X	
T8	0	0		0	0	X	2	
T9	0	0		0	X	0	0	
T10	0	0		0	0	X	0	
T11	0	0		X	0	0	X	
T12	0	0		X	0	0	X	
T indet.								
L1	X	X		X	X	X	X	
L2	X	X		X	X	X	X	
L3	X	X		X	X	X	X	
L4	X	X		X	X	X	X	
Lindet.	0	0		X	X	X	X	
L indet.	**0**	**0**		**0**	**0**	**X**	X	

Sacrum: X

Notes: All of the vertebrae are covered in caliche. The scores are speculative for all due to the level of caliche covering the elements

OHLONE FAMILIES CONSULTING SERVICES

Site: CA-SMA-267
Burial: 1

CRANIAL MEASUREMENT RECORDING FORM: ADULT REMAINS

CRANIAL MEASUREMENTS, mm:

Maximum cranial length	210*
Maximum cranial breadth	129
Bizygomatic diameter	~123
Crania base length	X
Basion-prosthion length	X
Basion-bregma height	X
Biauricular breadth	~106.4
Maxillo-alveolar breadth	68.5
Maxillo-alveolar length	59.5
Upper facial height	X
Minimum frontal breadth	96.0
Upper facial breadth	X
Nasal breadth	~21.8
Biorbital breadth	X
Interorbital breadth	X
Orbital breadth	X
Orbital height	X
Frontal chord	117
Paietal chord	~118
Foramen magnum max length	~109
Foramen magnum max brdth	X
Mastoid Length	33.1
Chin height	X
Height of the mandibular body	37.7
Breadth of the mandibular body	X
Bigonial width	X
Bicondylar breadth	X
Minimum ramus breadth	38.1
Maximum ramus breadth	48.7
Maximum ramus height	74.8
Mandibular length	X
Mandibular angle	112°

*estimated due to reconstruction of cranium

CRANIAL AND POSTCRANIAL MEASUREMENT RECORDING FORM: ADULT REMAINS

POSTCRANIAL MEASUREMENTS, mm:

Clavicle: maximum length	X
Clavicle: anterior-posterior diameter at midshaft (lf)	12.3
Clavicle: medial-lateral diameter at midshaft (lf)	13.2
Humerus: maximum length (rt)	~323
Humerus: epicondylar breadth (lf)	59.4
Humerus: vertical diameter of head (rt)	46.1
Humerus: anterior-posterior diameter at midshaft (rt)	20.4
Humerus: medial-lateral diameter at midshaft (rt	23.3
Radius: maximum length	X
Radius: anterior-posterior diameter at midshaft (lf)	14.9 (caliche thick
Radius: medial-lateral diameter at midshaft (lf)	18.6 (caliche thick)
Ulna: maximum length	X
Ulna: anterior-posterior diameter at midshaft (lf)	17.5 (caliche thick)
Ulna: medial-lateral diameter at midshaft (lf)	17.5 (caliche thick)
Os Coxae: iliac breadth	X
Os Coxae: pubis length	X
Os Coxae: Ischium length	X
Femur: maximum head diameter	X
Femur: epicondylar breadth	X
Femur: maximum length	X
Femur: anterior-posterior diameter at midshaft (rt)	25.3
Femur: medial-lateral diameter at midshaft (rt)	26.8
Tibia: maximum length (rt)	370
Tibia: maximum proximal epiphyseal breadth (rt)	73.3
Tibia: maximum distal epiphyseal breadth (rt)	47.3
Tibia: anterior-posterior diameter at the nutrient foramen (rt)	39.3
Tibia: medial-lateral diameter at the nutrient foramen	24.3
Fibula: maximum length	X
Fibula: maximum diameter at midshaft (rt)	17.9
Calcaneus: maximum length	X
Calcaneus: middle breadth	X

The equations used for determining stature from Genoves' research are:

Males:

All bones:	Stature = 2.52(Rad) – 0.07(Ulna) + 0.44(Hum) + 2.98(Fib) – 0.49(Tib) + 0.68(Fem) + 95.113 ± 2.614
Femur:	Stature = 2.26(Femur) + 66.379 ± 3.417
Tibia:	Stature = 1.96(Tibia) + 93.752 ± 2.812

Females:

All bones:	Stature = 8.66(Rad) – 7.37(Ulna) + 1.25(Tib) – 0.93(Fem) + 96.674 ± 2.812
Femur:	Stature = 2.59(Femur) + 49.742 ± 3.816
Tibia:	Stature = 2.72(Tibia) + 63.781 ± 3.513

Use Tables 12 and 13, Genoves (1967) for individual elements: femus, tibia, fibula, humerus, ulna, and radius

Element	**Measurement, mm**	**Stature, cm**	**Height, in.**
*tibia, rt.	370	164.42	64.7
*humerus, rt.	323	164.50	64.8

*elements have been reconstructed

Stature (estimation): 5'4" to 5'5"

The equations used for determining stature from Auerbach's research are:

Males:

Femur:	Stature = 0.254 x FBL + 52.85 (FBL = femoral bicondylar length, mm)
Tibia:	Stature = 0.302 x TML + 51.66 (TML = tibial maximum length, mm)

Females:

Femur:	Stature = 0.267 x FBL + 44.80 (FBL = femoral bicondylar length, mm)
Tibia:	Stature = 0.296 x TML + 52.30 (TML = tibial maximum length, mm)

Element	**Measurement, mm**	**Stature, cm**	**Height, in.**
*tibia, rt.	370	163.4	64.3

Stature (estimation): 5'4"

ADDITIONAL NOTES

rt. tibia	caliche thickly covers the upper portion of the element, on the posterior side the caliche has either been removed manually or fallen off on its own. Where the caliche is missing, the cortex appears weathered, dry, with cracking on the distal posterior diaphysis. Additional cracking is present on the proximal diaphysis lateral side, though this may be more to soil pressures cracking the bone. There is several indications of post-mortem damage due to excavation along the anterior crest. Longitudal cracking is an indication of? (check Simms)
rt. humerus	similar to the right tibia, where the caliche is missing the bone cortex looks weathered with evidence of longitudal cracking on the diaphysis, both anterior and posterior.
rt. femur	recent scratch damage is present on the anterior diaphysis determined by the level of polishing and the striations that are not indicative of stone tool marks, possibly caused by the removal of caliche from the diaphysis. Additionally, there are some rodent gnawing in the same vicinity. Cracking is present in several locations along the diaphysis. Bone under caliche appears weathered.
lf. femur	p/m damage on the anterior surface due to excavation impacting the bone
rt. scapula and T1	these two elements fused together by caliche. No evidence of any pathology on either of these elements, though the caliche is very thick on the posterior side under the spine and inferior to the acromium process
rt. ulna and radius	both of these two elements were fused together by caliche. No evidence of trauma is present on either element.
rt. lunate and triquetrall	both of these two elements were fused together by caliche

Except for the large muscle marker on the back of the cranium, the caliche obscures the muscle markers on the long bones.

It appears that when the caliche has been removed manually, that the cortex may have been damaged giving it the weathered appearance.

ADDITIONAL NOTES

Craniometric determination for cranial shape and biometric traits:

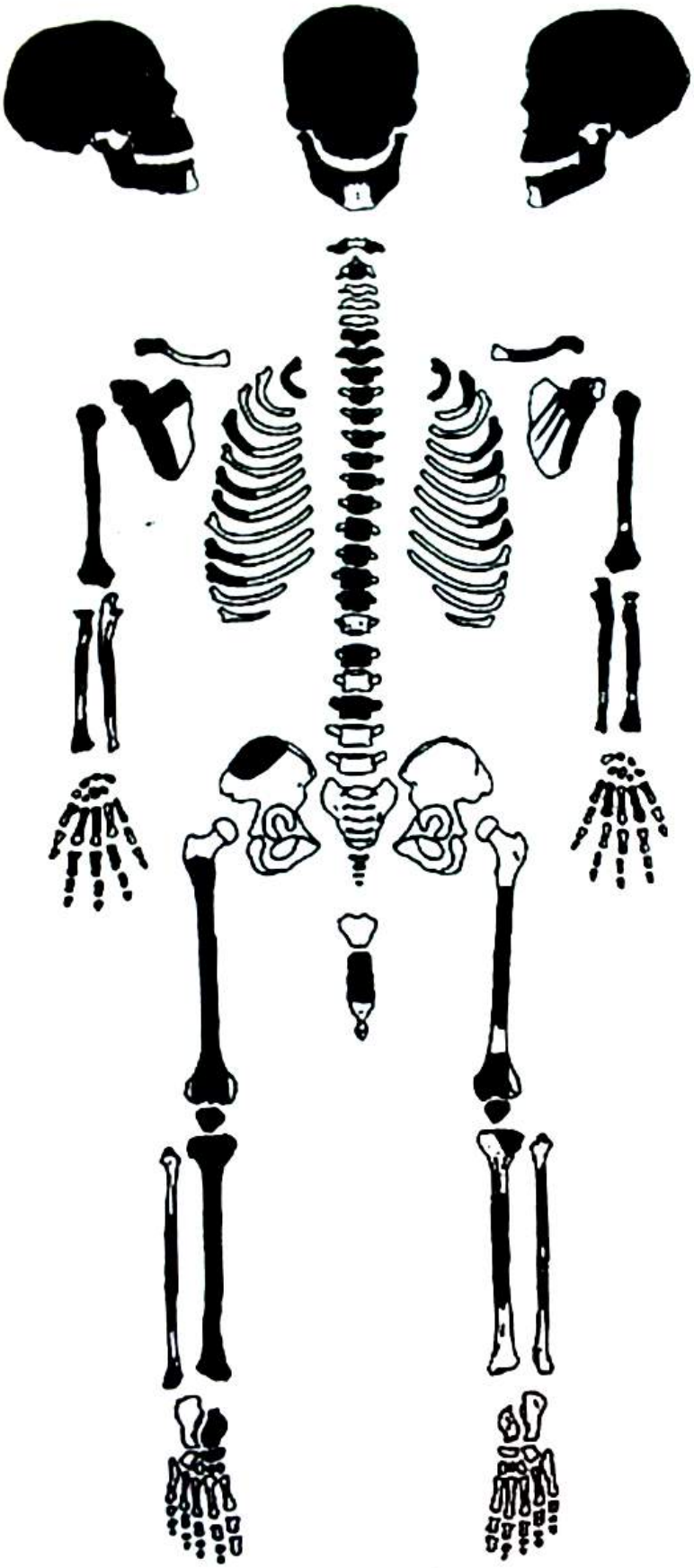
Cranial length = 21.0 cm

Cranial breadth = 12.9 cm

21.0 / 12.9 x 100 = 61.4 index

Based on these numbers, this individual's cranial shape is considered dolichocrany

Site: CA-SMA-267
Burial: 1



Notes

Sex Male Age 18-22

APPENDIX C

CA-SMA-267
ARTIFACT AND FAUNAL CATALOG

APPENDIX C

ARTIFACT AND FAUNA RECORD CATALOG

Site No.: **CA-SMA-267** Date: 3/21/2011

Level/Stratum: **Burial 1 (Associated Materials)** Recorder: Leventhal/DiGiuseppe

Coordinates: **Unit 1/Stratum V/85-103 cm BS** Reference No.: #1

Catalogue No.	Artifact Type	Remarks
1-1	Shell	15 *Cerithidea californica*; wt. 5.6 grams
1-2	Shell	81 *Ostrea lurida*; wt. 27.6 grams
1-3	Shell	4 *Mytilus edulis*; wt. 0.8 grams
1-4	Faunal	2 faunal bones – rodent; 0.3 grams
1-5	Cobbles and pebbles	11 sandstone – reviewed and de-accessioned
1-6	Baked clay	8 pieces of baked clay; wt. 147.6 grams
1-7	Cobble fragments	6 cobble, cobble fragments and pebbles as samples from the burial matrix, Wt. 763.5 gr.

ARTIFACT AND FAUNA RECORD CATALOG

Site No.: CA-SMA-267 Date: 3/21/2011

Level/Stratum: **Unit 1 - Stratum I** Recorder: Leventhal/DiGiuseppe

Coordinates: 0-17 cm BS (Road Bed/Asphalt) Reference No.: #2

Catalogue No.	Artifact Type	Remarks
2	Nothing Recovered,	No cultural materials

ARTIFACT AND FAUNA RECORD CATALOG

Site No.: CA-SMA-267 Date: 3/21/2011

Level/Stratum: **Unit 1 – Stratum II** Recorder: Leventhal/DiGiuseppe

Coordinates: 17-32 cm BS (Sub-Bed/Gravel) Reference No.: #3

Catalogue No.	Artifact Type	Remarks
3-1	Sandstone cobbles	19 – Pebbles and cobble frags. Noted at 26-30 cm BS; sandstone rounded to subrounded, some were split – 2 specimens saved as samples Wt. 318.3 gr.

ARTIFACT AND FAUNA RECORD CATALOG

Site No.: CA-SMA-267 Date: 3/21/2011

Level/Stratum: **Unit 1 – Stratum III** Recorder: Leventhal/DiGiuseppe

Coordinates: 32-44 cm BS Reference No.: #4

Catalogue No.	Artifact Type	Remarks
4-1	Baked clay	21 pieces of baked clay ; wt. 143.9 grams
4-2	Shell	51 *Cerithidea californica*; wt. 22.0 grams
4-3	Shell	340+ *Ostrea lurida*; wt. 168.4 grams
4-4	Shell	1 *Penitella pineta* (boring clam); wt. 0.6 grams
4-5	Soil sample	Above Burial

ARTIFACT AND FAUNA RECORD CATALOG

Site No.: CA-SMA-267 Date: 3/21/2011

Level/Stratum: **Unit 1 – Stratum IV** Recorder: Leventhal/DiGiuseppe

Coordinates: 44-85 cm BS Reference No.: #5

Catalogue No.	Artifact Type	Remarks
5-1	Shell	7 *Cerithidea*; wt. 4.2 grams
5-2	Shell	71 *Ostrea lurida*; wt. 36.8 grams
5-3	Shell	7 *Mytilus edulis*; wt. 2.7 grams
5-4	Shell	1 *Penitella pineta* ; wt. 0.5 grams
5-5	Cobbles	4 cobble fragments of sandstone

ARTIFACT AND FAUNA RECORD CATALOG

Site No.: CA-SMA-267 (**Burial Zone**) Date: 3/21/2011

Level/Stratum: **Unit 1 – Stratum V** Recorder: Leventhal/DiGiuseppe

Coordinates: 85-103/103-135 cm BS Reference No.: #6

Catalogue No.	Artifact Type	Remarks
6-1	Shell	4 *Cerithidea californica*; wt. 1.8 grams
6-2	Shell	*29 Ostrea lurida*; wt. 6.1 grams
6-3	Crab claw	1 *Cancer* sp? claw; wt. 0.1 grams
6-4	Vitrified clay	1 piece – de-accessioned
6-5	Baked clay	1 piece baked clay; wt. 26.3 grams
6-6	Vitrified clay	1 Vitrified clay; wt. 36.6 grams
6-7	Vitrified clay	1 Vitrified clay; wt. 18.9 grams
6-8	Cobbles	15 cobble fragments and pebbles, sandstone
6-9	Soil sample	Below Burial 1
6-10	Soil sample	From under skull

ARTIFACT AND FAUNA RECORD CATALOG

Site No.: CA-SMA-267 (Burial1) Date: 3/21/2011

Level/Stratum: **Unit 1 – Stratum V** Recorder: Leventhal/DiGiuseppe

Coordinates: 85-103/103-135 cm BS Reference No.: #6 (continued)

Catalogue No.	Artifact Type	Remarks
6-11	Soil sample	From below Burial 1
6-12	Soil sample	From below Burial 1
6-13	Vitrified clay	1 piece – de-accessioned
6-14	Lithic – utilized flake found in association with Burial	1 red Franciscan chert; wt. 2.2 grams; bulbar length 20.1 mm x 25.0 mm x 4.2 mm; Edge Unit 1 (EU1) length is 10.8 mm straight to slightly concaved, PEA 34-39°, DEA 67-78°, unifacial crushing and stepped fractures located on the left lateral edge ventral view; EU2 length is 10.2 mm straight, PEA 37-42°, DEA 84-85°, unifacial retouch and slight nibbling located on the lower left lateral edge, dorsal view

ARTIFACT AND FAUNA RECORD CATALOG

Site No.: CA-SMA-267 Date: 3/21/2011

Level/Stratum: **Unit 1 – Stratum VI** Recorder: Leventhal/DiGiuseppe

Coordinates: 135-160 cm BS (Sterile) Reference No.: #7

Catalogue No.	Artifact Type	Remarks
7	Nothing recovered	No cultural materials

ARTIFACT AND FAUNA RECORD CATALOG

Site No.: CA-SMA-267 Date: 3/21/2011

Level/Stratum: **Backhoe Trench** Recorder: Leventhal/DiGiuseppe

Coordinates: Backdirt Screen Recovery Reference No.: #8

Catalogue No.	Artifact Type	Remarks
8-1	Baked clay	5 pieces baked clay; wt. 66.3 grams
8-2	Cobbles	Cobbles, cobble fragments and pebbles – 137 – 98% fine grained sandstone, small percentage burnt, de-accessioned
8-3	Screened soil sample	From Backhoe Trench
8-4	Clam shells	10 small clams shells, Historic?

APPENDIX D

AMS C^{14} DATING RESULTS
CA-SCL-267

APPENDIX D
RESULTS OF THE AMS DATING OF THE LOŠKOWIŠ 'AWWEŠ T̲ÁAREŠ BURIAL

Tuesday, October 09, 2007 NSF-Arizona AMS Laboratory Page 1 of 1

Contact: Leventhal, A.

AA #	Sample ID	Suite	Material	d13C	F	14C age BP
AA74798	CA-SMA-267 B-1	1 of 3	bone	-19.9	0.629 +- 0.0040	3,713 +- 51

Corrected Dates:	Site #	CalPal Date	Calib 6.0.1Date	Temporal Placement
Burial 1	**CA-SMA-267**	**2115 ± 73 BC**	**2084 BC**	**Archaic/Early Bay/Stanford Man II**

Notes:

Burial 1 (Loškowiš 'Awweš T̲áareš [White Salt Man] Burial) from CA-SMA-267 turned out to be far older than what we had predicted which was expected to date between 300 BC to 300 AD. This burial is no doubt closely related to the burials that Gerow dated from the Stanford Man II site CA-SCL-33 (dating 2400 BC and 2450 BC) and Sunnyvale site (dating 2440 BC and 2520 BC). The Loškowiš 'Awweš T̲áareš [White Salt Man] Burial is also over 500 years older than the oldest date that Gerow obtained from the University Village cemetery (CA-SMA-77)

CRUZ M. BUSTAMANTE
Lieutenant Governor
State of California

August 29, 2002

The Honorable Neal McCaleb
Assistant Secretary-Indian Affairs
United States Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary McCaleb:

I write to urge you to support Petition #111 by the Muwekma Ohlone Tribe for reaffirmation of Federal Acknowledgement.

The Muwekma Ohlone Tribe meets all of the criteria for reaffirmation set by the court as well as the Bureau of Indian Affairs' acknowledgement criteria. The tribe is a previously recognized tribe. It has demonstrated that it has had a trust relationship with the United States from 1906 to the present and Congress has never terminated their relationship.

The tribe's members descend from an historical Indian tribe and they are not members of any other Federally-recognized tribe.

After compiling data and completing extensive research, the Muwekmas have presented a compelling case for the tribe's Federal Acknowledgement. I respectfully urge you and the Bureau of Indian Affairs to carefully review their Petition.

Sincerely,

Cruz M. Bustamante

CRUZ M. BUSTAMANTE
Lieutenant Governor

cc: The Honorable Aurene Martin, Deputy Assistant Secretary-Indian Affairs

CMB:BM/mb082902

State Capitol, Room 1114, Sacramento, CA 95814 • Phone (916) 445-8994 • Fax (916) 323-4998

H.L.C.
[DRAFT]

April 13, 2000
106th CONGRESS
2nd Session
H. R. ___

IN THE HOUSE OF REPRESENTATIVES

Mr. George Miller of California introduced the following bill; which was referred to the Committee on _____

A BILL

To restore Federal recognition to certain California Indian tribes, address the special land needs of the California Indians, establish equitable treatment of California Indians in the programs and services of the Bureau of Indian Affairs, develop adequate California tribal justice systems, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.--This Act may be cited as the "California Indian Act of 2000".
(b) Table of Contents.--The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Policy.
Sec. 4. Definitions.

TITLE I--RESTORATION OF TERMINATED CALIFORNIA INDIAN TRIBES

Sec. 101. Definitions.
Sec. 102. Restoration of Federal recognition, rights, and privileges of the Tribes.
Sec. 103. Economic development.
Sec. 104. Transfer of land to be held in trust.
Sec. 105. Membership rolls.
Sec. 106. Interim government.
Sec. 107. Tribal constitution.

TITLE VII--MISCELLANEOUS PROVISIONS

Sec. 701. Contract authority.
Sec. 702. Certain land and facilities held in trust for the California Indians.
Sec. 703. Savings provisions.

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.--Congress finds that--

(1) the Advisory Council on California Indian Policy, pursuant to the Advisory Council on California Indian Policy Act of 1992 (Public Law 10209416; 25 U.S.C. 651 note), submitted its proposals and recommendations regarding remedial measures to address the special status of California's terminated and unacknowledged Indian tribes and the needs of California Indians relating to economic self-sufficiency, health, and education;
(2) in the Advisory Council on California Indian Policy Extension Act of 1998 (Public Law 10509294), the Congress directed the Council to work with the Congress, the Secretaries of the Interior and Health and Human Services, and the California Indian tribes to implement the Council's proposals and recommendations contained in its report to Congress, including presenting draft legislation to Congress for implementation of the recommendations requiring legislative changes.
(3) California Indian tribes cannot effectively exercise sovereignty or self-determination without a land base large enough to develop economically and provide for the basic needs of tribal members, including adequate housing, employment, and social welfare services;
(4) as a result of their uniquely tragic history, California Indian tribes do not have a land base that is adequate to meet their immediate and essential needs for housing, economic development, and cultural and natural resource protection and preservation;
(5) although a large number of California Indian tribes negotiated 18 treaties with the United States in the early 1850's that would have set aside approximately 8,500,000 acres as their tribal homelands, the United States Senate failed to ratify these treaties;
(6) the Senate's failure to ratify the California Indian treaties, in conjunction with Congress' passage of the 1851 Land Claims Act which required those claiming interests in California lands to file their claim within 2 years or forever forfeit such claim, denied California Indians any legally cognizable claim to their ancestral lands;
(7) most California Indians were rendered homeless by these Federal actions, a situation that remained unremedied for many years until the United States

and early 1860's by military and volunteer patrols that resulted either in their death, removal to the Hoopa Valley Reservation or hiding in the hills. However, a few years later the Tsnungwe returned to their aboriginal lands where they have remained ever since.

(4) The Muwekma are the aboriginal inhabitants of the southern, eastern, and western regions of the San Francisco Bay Area, including all of what is now San Francisco, San Mateo, Alameda, and Contra Costa Counties, much of what is now Santa Clara County, and parts of Santa Cruz, San Joaquin, Napa, and Solano Counties. The Muwekma Indians are from the following aboriginal tribes: Passasimi/Yatikumne, Tamcan, Josemite, Lacquisemne, Julpun, Napian/Karkin, Jalquin/Yrgin, Alson/Tamien, Suenen, Chupcan, Choquoime, and Nototomne. Spanish missionaries forced the ancestors of the Muwekma Tribe into the Missions Dolores, San Jose, and Santa Clara in the late 18th and early 19th centuries. In the 1830's the Mexican Government secularized the missions and distributed their lands. Many Muwekma left the missions and resettled in other parts of the Bay Area, including on20a number of rancherias in Alameda County, including the Alisal Rancheria near Pleasanton, the Del Mocho Rancheria in Livermore, the El Molino Rancheria in Niles, as well as on rancherias in Sunol and San Leandro/San Lorenzo until the early part of the 20th century. The Muwekma people continue to reside in their aboriginal territory in the San Francisco Bay Area.

(5) The Tolowa are the aboriginal inhabitants of the present day county of Del Norte, located in the northwestern corner of California. In this area, their villages were scattered along the coastline, at the Lakes Earl and Tolowa, and along the larger tributaries of the Smith and Winchuck Rivers. The Tolowa signed a treaty with the United States on August 17, 1857, and were removed to the Klamath Reservation that same year. They were subsequently moved to the Smith River Reserve until it was discontinued on May 3, 1862, and thereafter moved several more times, including to the Siletz Indian Reservation in Oregon and to the Round Valley, Hoopa, and Klamath Reservations in California. Documents of the Bureau of Indian Affairs from 1915 through 1916 show that 100 acres of land was to be purchased for the Lake Earl (Tolowa) Indians and the Lipps-Michaels Survey of Landless Nonreservation Indians of California, 1919091920, confirms such a purchase of 100 acres of undivided land near Crescent City, Del Norte County, for these Indians.

(6) The Southern Sierra Miwuk Nation is composed of several bands or groups of Indians of the Yosemite/Mariposa area. These bands or groups are mentioned in countless official letters and journals of the United States Commissioners who were charged by Congress to negotiate treaties with the California Indian tribes during the period 1851091852. The first treaty camp was Camp Fremont, just northwest of Mariposa, California. The second treaty camp was Camp Barbour, south of Mariposa in the Millerton Lake area. Some of the Southern Sierra Miwuk bands or groups that signed the treaties or were mentioned in the

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Sacramento Area Office
2800 Cottage Way
Sacramento, California 95825

IN REPLY REFER TO:

TAKE PRIDE IN AMERICA

Ms. Dena Magdaleno
Post Office Box 56
Burnt Ranch, CA 95527

JAN 2 3 1998

Dear Ms. Magdeleno:

This is to acknowledge receipt of your letter dated December 16, 1997 and received in this office on December 22, 1997. Please accept our apologies for the delay in responding.

At your request, I am writing a letter of support for the Tsnungwe Council and the Muwekma Ohlone Tribe in their bid for Federal recognition. First let me state that the Bureau of Indian Affairs, Sacramento Area Office, is painfully conscious of the fact that California Indian tribes and their individual members have suffered numerous atrocities and inequities from the dominant culture through the hands of the United States Government and the State of California. To this day, those tribes who are fortunate to have Federal recognition status continue to suffer inequities in their share of Federal funds compared to funds received by similar tribes in other states. To that end, this office fully supports efforts by Indian groups such as the Tsnungwe Council and the Muwekma Ohlone Tribe in their bids for Federal recognition status.

Along with your request regarding the Tsnungwe Council, you provided a letter signed by the Acting Director, Office of Tribal Services, which acknowledged that you had established evidence that your ancestors were considered as parties to the 1864 Treaty. We concur with the Central Office of this finding and will support your bid for Federal recognition. I believe the Assistant Secretary - Indian Affairs has the administrative authority to reaffirm Federal status to your tribe.

Although the Central Office has noted that the 1851 Treaty did not provide conclusive evidence that the treaty did not establish clear evidence of Federal recognition of your ancestors, I am fully supportive of your efforts to establish "unambiguous" Federal recognition of your ancestoral group as a tribal entity.

The Bureau of Indian Affairs, Sacramento Area Office, is ready to assist the Tsnungwe Council and the Muwekma Ohlone Tribe in seeking administrative Federal recognition on the basis your tribes were never terminated.

Sincerely,

Acting Area Director

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MUWEKMA TRIBE,

Plaintiff,

v.

BRUCE BABBITT,,
Secretary of the United States Department of the Interior, and

KEVIN GOVER,
Assistant Secretary for Indian Affairs,
United States Department of the Interior,

Defendants.

Civil Action No.: 99-3261 (RMU)

Document Nos.: 27, 28

MEMORANDUM OPINION

Granting the Plaintiff's Motion to Amend the Court's Order

I. INTRODUCTION

The Muwekma Tribe is a tribe of Ohlone Indians indigenous to the present-day San Francisco Bay area. In the early part of the Twentieth Century, the Department of the Interior ("DOI") recognized the Muwekma Tribe as an Indian tribe under the jurisdiction of the United States. In more recent times, however, and despite its steadfast efforts, the Muwekma Tribe has been unable to obtain federal recognition, a status vital for the Tribe and its members. Without federal recognition, the Tribe cannot receive the benefits of health care, housing, economic development, and self-governance that the United States provides to federally recognized tribes. *See* Pl.'s Mot. for Summ. J. at 2; 25 C.F.R. § 83.2.

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:
Tribal Government Services - AR
4641-MIB

MAY 24 1996

Ms. Rosemary Cambra
226 Airport Parkway, Suite 630
San Jose, California 95110

Dear Ms. Cambra:

The Branch of Acknowledgment and Research has reviewed documentation submitted by the Muwekma to demonstrate previous acknowledgment. The purpose of this research is to determine whether the Muwekma can utilize section 83.8 of the acknowledgment regulations by demonstrating previous Federal acknowledgment in the 20th century.

If a petitioner can demonstrate past acknowledgment, the requirements to be acknowledged are reduced, in accord with section 83.8(d). A previously acknowledged petitioner need only demonstrate tribal existence from the point of last Federal acknowledgment. Further, the demonstration of tribal existence between last acknowledgment and the present-day community requires only a demonstration of criterion 83.7(c), using a reduced burden of evidence. The petitioner must still show that modern-day group meets the full requirements of criteria 83.7(b) and (c). Tribal ancestry under criterion 83.7(e) must still be shown, tracing from the group at the point of last Federal acknowledgment or earlier.

A determination of previous acknowledgment has two general elements. One is to show a past Federal action which constitutes unambiguous Federal acknowledgment. The second is to establish on a preliminary basis that the present group is the same as or has evolved from the group as it existed at the point of last acknowledgment.

Based on the documentation provided, and the BIA's background study on Federal acknowledgment in California between 1887 and 1933, we have concluded on a preliminary basis that the Pleasanton or Verona Band of Alameda County was previously acknowledged between 1914 and 1927. The band was among the groups, identified as bands, under the jurisdiction of the Indian agency at Sacramento, California. The agency dealt with the Verona Band as a group and identified it as a distinct social and political entity. The band was among the bands proposed by a Special California Indian agent in 1914 for homesite land under the appropriations for homeless California Indians which began in 1906. In 1928, the band was again

identified under the land purchase program, but this review was that a homesite was not required.

The Muwekma have also established, on a preliminary basis, that it is the same group as the band identified between 1914 and 1927. Consequently, the Muwekma may complete their petition documentation based on section 83.8 of the regulations, tracing the group's existence from 1927 to the present.

This letter is a determination of eligibility to be evaluated under section 83.8, not a determination that the Muwekma meet the requirements of the acknowledgment regulations, section 83.7, as modified for previously acknowledged groups by section 83.8. That determination will be made during the active consideration of the Muwekma petition.

While we have endeavored to make this determination as conclusive as possible, you should be aware that a determination of the point of last Federal acknowledgment under 83.8 is subject to review during the preparation of the proposed finding, as well as to challenge and review in the final determination comment process and any reconsideration, in the same manner as any other question bearing on a determination concerning acknowledgment.

This letter constitutes only a portion of the results of the technical assistance review of the documented Muwekma petition. The technical assistance review will be conducted based on the this determination of previous acknowledgment. We expect to provide the balance of the review within a short time.

Sincerely,

/SGD/ DEBORAH J. MADDOX

Director, Office of Tribal Services

cc: Al Logan Slagle
Dena Magdaleno

Surname; 440B; 440 Chron; 400; Hold; Roth:gr; x3592; 5/6/96; muwekprv.ltr; transmit 7; ret:jac 05-10-96

From: Claudia Nava
To: Alvin Jen
Subject: Nuestra Casa - Questions in Regards to RBD SEIR Feedback
Date: Tuesday, August 13, 2024 4:28:58 PM

Hello Alvin,

My name is Claudia and I am the Housing Program Coordinator at Nuestra Casa. We have been following the Ravenswood Business District Draft Specific Plan and disseminating information to community members at a more accessible level.

We have been sharing information about the SEIR to community members and directing them to where they can find more info and provide feedback. We wanted to know if there will be any specific form community members can fill out to give that feedback? Many may not have access to an email to provide feedback in that manner, so we wanted to know if there's any additional ways for them to provide feedback. Q.1

If not, is there any plan to have forms to gather additional community feedback later in the process?

Thanks in advance! Hope you can provide some insight.

Best,

--

Claudia Nava (she/her), Housing Program Coordinator

Nuestra Casa de East Palo Alto | cnava@nuestracasa.org

2396 University Avenue, East Palo Alto, CA 94303 |

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CAUTION: This e-mail originated from outside of the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

From:	RBD
To:	Amber Sharpe
Subject:	FW: Ravenswood Business District/4 Corners Specific Plan Update SEIR
Date:	Wednesday, September 11, 2024 8:59:00 AM

From: Osvaldo Macias <[redacted]>
Sent: Tuesday, September 10, 2024 5:00 PM
To: RBD <rbd@cityofepa.org>
Subject: Ravenswood Business District/4 Corners Specific Plan Update SEIR

Hello,

On the last day of public comments, this is what I noticed. The 45 days is too short because of the technical breakdown that needs to happen. The SEIR was only in English although 60% of residents are Latinx. This is a major oversight and effectively already removes more than half of the people in providing feedback. The comment submission format is also a barrier, it would be better to have a form like in the specific plan. More work and collaboration needs to happen with community-based organizations to get the community's input. Pertaining to the EIR, how will new development plans ensure that building on contaminated sites does not affect the mobilization of contaminations due to groundwater rise? What are the health impacts to the contamination present in the RBD area? R.1 R.2

--

Osvaldo Macias, Environmental Justice Fellow (He/Him/El)
Nuestra Casa de East Palo Alto | [redacted]@nuestracasa.org
2396 University Avenue, East Palo Alto, CA 94303

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CAUTION: This e-mail originated from outside of the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

From:	Ruby Phillips
To:	RBD
Subject:	FW: Notice of Availability SEIR - Ravenswood Business District/4 Corners Specific Plan Update, CIty of East Palo Alto
Date:	Friday, August 2, 2024 4:05:56 PM
Attachments:	image002.png image003.png Initial_Response_Letter_7-29-2024.pdf

---

From: PGE Plan Review <PGEPlanReview@pge.com>
Sent: Monday, July 29, 2024 7:04 AM
To: Ruby Phillips <rphillips@cityofepa.org>
Subject: RE: Notice of Availability SEIR - Ravenswood Business District/4 Corners Specific Plan Update, CIty of East Palo Alto

Classification: Internal

Dear Ruby Phillips,

Thank you for submitting the Ravenswood Business District plans. The PG&E Plan Review Team is currently reviewing the information provided. Should this project have the potential to interfere with PG&E's facilities, we intend to respond to you with project specific comments. Attached is some general information when working near PG&E facilities that must be adhered to when working near PG&E's facilities and land rights. S.1

This email and attachment does not constitute PG&E's consent to use any portion of PG&E's land rights for any purpose not previously conveyed. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Thank you,

Pacific Gas and Electric Company
Plan Review Team
Email: pgeplanreview@pge.com

From: Ruby Phillips <rphillips@cityofepa.org>
Sent: Friday, July 26, 2024 9:53 AM
Cc: Alvin Jen <ajen@cityofepa.org>; Elena Lee <elee@cityofepa.org>; Ruby Phillips <rphillips@cityofepa.org>
Subject: Notice of Availability SEIR - Ravenswood Business District/4 Corners Specific Plan Update,

Pacific Gas and Electric Company

Plan Review Team
Land Management

PGEPlanReview@pge.com

July 29, 2024

Ruby Phillips
City of East Palo Alto
1960 Tate St
East Palo Alto, CA 94303

Ref: Gas and Electric Transmission and Distribution

Dear Ruby Phillips,

Thank you for submitting the Ravenswood Business District plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en/account/service-requests/building-and-renovation.html.

2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.

3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

S.2

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management

Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf S.3

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work. S.4

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch S.5

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [24/2 + 24 + 36/2 = 54] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations. S.5

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict. S.6

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

S.7

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "**RESTRICTED USE AREA – NO BUILDING."**

2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.

3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.

4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.

6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (https://www.dir.ca.gov/Title8/sb5g2.html), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

Pacific Gas and Electric Company

Plan Review Team
Land Management

PGEPlanReview@pge.com

August 30, 2024

Ruby Phillips
City of East Palo Alto
1960 Tate St.
East Palo Alto, CA 94303

Re: Ravenswood Business District

Dear Ruby Phillips,

Thank you for giving us the opportunity to review the subject plans. The proposed Ravenswood Business District project is within the same vicinity of PG&E's existing facilities that impact this property.

PG&E has easements for its facilities within proximity to this project. The easements have expressed building restrictions which do not allow for construction, drilling, structures or any other obstruction from being within the easement area. Portions of this project appear to be within PG&E's facility easement areas which is the reason for this letter. T.1

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact me at [redacted]

Sincerely,

Matthieu McNair
Land Management
[redacted]

RAVENSWOOD SHORES BUSINESS DISTRICT, LLC (RSBD)

[redacted]
Jeff Poetsch, President -
[redacted]

To: Alvin Jen / City of East Palo Alto
Troy Reinhalter / Rami & Associates

From : Jeff Poetsch, President, Ravenswood Shores Business District

Date: August 9, 2024

CC: Members of the Ravenswood Shores Business District

RE: SEIR for the Ravenswood / 4 Corners Specific Plan Update - Revised

Hi Alvin and Troy - Attached are some comments to the draft SEIR for the Ravenswood / 4 Corners Specific Plan update. Thanks for your consideration.

General Comments

1. Reference to the 2013 Specific Plan / EIR - throughout the SEIR document, when refencing the square footages of office, industrial etc. studied in the 2013 EIR, the SEIR states these are the "allowable" square footages of new development. I believe the 2013 Specific Plan and EIR do not state these are the maximum allowable development square footages, rather these are the studied new development square footages. I would think it is appropriate to correct this reference. U.1
2. TDM - Shuttle Services - In several sections of the SEIR, (i.e. AIR 8.4-3) the report identifies a "shuttle program" as a requirement of the TDM. My recollection from our recent discussion on this topic in our Ravenswood Developer Meeting, we noted that a "shuttle program" was exceptionally expensive and the objective of a TDM program would be to achieve the 40% reduction in ADT an avoid a "shuttle program" if possible. The refence if included should be conditioned on something like, "If needed to achieve a 40% reduction in ADT, …". I would suggest that there be a maximum of flexibility in the tools necessary to achieve the 40% ADT reduction. U.2
3. Mitigation Measures for Biological Resources - The Mitigation Measures for Biological Resources have a significant impact and influence on the several of the proposed new development projects because of these projects' proximity to the wetlands and critical habit in the Ravenswood Open Space Preserve and the Bayland Nature Preserve. While these mitigation measures may be "standard practice" some of the requirements such as specified study area boundaries and limited construction window seem onerous. I've addressed a couple specific areas of concern below. U.3
4. Loop Road - There are numerous references to the "Loop Road" which I believe can be removed from the SEIR as the City Council has given direction to eliminate the Loop Road from consideration and implementation at this time. Ideally, all references to the Loop Road could be removed but short of that would suggest that you add a clarify statement in the Summary of the Project that states the Loop Road is no longer part of the Specific Plan. U.4

Specific Comments

1. Table - ES-1 Mitigation Measures – Air Quality - TDM Requirements - As noted above a requirement that a TMA fund and operate a shuttle program should be condition on the need for such a program to be undertaken to meet the 40% reduction in Average Daily Trips. As noted in our August RBD Developer meeting, implementing a "shuttle program" will be horrendously expensive and will put East Palo Alto at a competitive disadvantage in attracting tenants. U.5

2. Table - ES-1 Mitigation Measures – Air Quality MM AIR 3.1 / MM AIR 3.2. - It sure seems that some of these mitigation measures are redundant and at times contradictory. (exposed surfaces watered 2 a day (even if it is raining?) - exposed surfaces to maintain a 12 % soil moisture). Is it possible to make this consistent? U.6

3. Table – ES-1. Mitigation Measures - Biological Resources MM BIO-2.1. Salt Marsh Harvest Mouse & Salt Marsh Wandering Shrew Mitigation Measures – Mitigation Measures in this section reference the requirement to erect "exclusion fencing" and then the follow mitigation measure specifies the need to engage a qualifies biologist to check under vehicles & equipment for mouse or shrew presence unless the equipment is surrounded by exclusion fencing. These mitigation measures seem redundant. Can the second measure be clarified to say something like " to the degree that exclusion fencing is not erected between the construction areas and harvest mouse / shrew habitat a qualified biologist …". U.7

4. Table - ES-1 Mitigation Measures – BIO-2 - MM BIO-2.5. I would suggest that Raptor Perch Deterrents need to be conditioned on a caveat such as "to the extent feasible" or "to the degree that Raptor Perch Deterrent locations are in the control of the project. Lots of these "Raptor Perch Deterrents" would be required to be placed on power poles owned by PG&E where I'm guessing PG&E will determine what deterrent (if any) is permitted. U.8

5. Figure 2.3-1 Specific Plan Update Land Use Map - (page 11) - This diagram identifies the site at the end of Tara as part of the Ravenswood Employment Zone when this wants to be Waterfront Office. Not sure what the rational is to now include the east side of Demeter Street as Industrial Transition. West side of Demeter makes sense, but the east side doesn't. U.9

6. Figure 2.3-6 Multi Use Path Cross Sections - (page 22) - The PUE easement as proposed by the SFCJPA as diagramed in the lower drawing is 22 feet - not 10 feet. U.10

7. Figure 3.10-2 (page 238). Tsunami Hazard Zone - I'm not clear how this map was established but it seems arbitrary and maybe not inaccurate. U.11

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September 10, 2024

Alvin Jen
Associate Planner
City of East Palo Alto
2415 University Ave.
East Palo Alto, CA 94303

Via Electronic Mail

RE: Ravenswood Business District/4 Corners Specific Plan Update DSEIR

Dear Alvin:

We write today with comments on the Ravenswood Business District/4 Corners Specific Plan Update DSEIR. Thank you for circulating the environmental document. We have been anxiously waiting for this milestone as the processing of our project-level DEIR for our Four Corners mixed-use project is behind the City's Specific Plan. The City's delayed Specific Plan and associated DSEIR for several years have long delayed our project application review.

We have actively participated in the Specific Plan Update process since it began in 2020. We have respectfully asked the City to maintain a narrow scope, consistent with City Council's original direction. We have also advocated for the update to facilitate our proposed development at the Four Corners site. To date, the City has pursued a broad scope for the Specific Plan Update, significantly changing the development standards and criteria and proposing policies that make development and community desired benefits infeasible. V.1

We continue to request that you revise the Specific Plan—and its associated documents, including the DSEIR, Nexus Study and Financial Feasibility Analysis—to promote much-needed development within the RBD. I have attached a memorandum from our attorney with comments on the DSEIR. Please take these into account as you take the next incremental steps toward adoption of a Specific Plan update.

We look forward to the revised draft Specific Plan and the associated changes being made to the DSEIR.

Sincerely,

Michael Kramer

Corinne I. Calfee

[redacted]

MEMORANDUM

TO: Mike Kramer, Sand Hill Property Co.

FROM: Corie Calfee

DATE: September 10, 2024

RE: Comments on the Ravenswood Business District Draft Supplemental Environmental Impact Report ("DSEIR")

You have requested an analysis of the DSEIR for the Ravenswood Business District Specific Plan Update. We have reviewed the DSEIR and have the following comments.

Public Hearing

The City scheduled a public hearing on the SDEIR for September 9, 2024. We repeatedly attempted to join the meeting. The electronic screen indicated to re-join at 7:45. Later, the screen indicated to arrive at 8:00. After 8:00, there was simply no meeting to join. It does not appear that the public hearing occurred. The City prioritizes public hearing and community engagement. It is important that a public hearing be held on the DSEIR, in accordance with the notices that have been sent and the principles of good governance that the City upholds. V.2

Project Description

CEQA Guideline 15124 requires an accurate project description, but there are a number of problems with the draft project description in the DSEIR, as explained below.

Table 2.2-1 "Existing and Remaining Development Capacity within 2013 Specific Plan Area" is inaccurate, creating an uncertain baseline for CEQA analysis. The baseline should be, under CEQA Guideline 15125(a)(1), "the physical conditions that exist in the area affected by the project at the time the EIR process begins." Under "Existing Conditions 2022," the table lists zero housing units, but there are hundreds of existing housing units in the 2013 Specific Plan Area, including all of University Village, and apartments along Bay Road. *See* p. 8. Similarly, there are existing light industrial uses within the Specific Plan Area, but the table indicates zero square feet associated with this use. This table should be updated with accurate information about the Existing Conditions in 2022. V.3

Section 2.3.1 Land Use Zones is also inaccurate:

- It indicates at page 9 that in the Four Corners zone, the maximum residential density is 60 dwelling units per acre. In fact, the 2016 General Plan updated this land use designation to Mixed Use High, which allows up to 86 dwelling units per acre. See 2016 General Plan p. 4-8. The 2016 designation upwardly revised the permissible number of overall dwelling units in the Specific Plan area, thereby increasing any residential development cap within the Specific Plan area above the 835 units described in the DSEIR. V.4

- There is an internal inconsistency between "Urban Residential" as described in the text versus how it is described on Figure 2.3-1. The text lists a maximum density of "40 dwelling units per acre" whereas the figure indicates "43 du/a." V.5

Table 2.3-1: Development under Scenarios #1 and #2 on page 12 is inconsistent with Table 2.2-1. The "Existing Conditions 2022" is different from the same line in Table 2.2-1. For example, Table 2.2-1 shows zero existing housing units whereas Table 2.3-1 shows 350 existing housing units. It is not clear why they are different. This inconsistency creates a problem with the environmental baseline for the DSEIR. CEQA Guideline 15125(a) provides that "the lead agency should describe the physical environmental conditions as they exist at the time environmental analysis is commenced…" Without accurate or complete information about the physical environmental conditions, there is no clear baseline against which to analyze environmental effects. V.6

A second problem with Table 2.3-1 is that there is no reference or explanation as to what "Existing Developments to be Redeveloped" means or includes. What 100 housing units will be redeveloped? Would those count as existing units or new units? Which office, light industrial/flex, and retail space is slated for redevelopment? How will that re-development be considered under the new Specific Plan? What does "Reallocation" mean? There is no explanation. There is a reference to footnote "bb," but no such footnote exists. V.7

Figure 2.3-3 (p. 17) indicates an exact location for a publicly accessible plaza on the Four Corners site, but the property owner has not agreed to that location. Sand Hill's comments on the Specific Plan requested that this issue be resolved. There should not be small, precise rectangles indicating open space at Four Corners.

Section 2.3.5.1 describes the public roadway network and loop road. It references "an internal street at Four Corners (see Figure 2.3-4), between University Ave and Bay Rd." See p. 18. Similarly, Figure 2.3-4 Roadway Network and Improvements shows "Access Street with Ped/Bike Facility (Privately owned with public access easement)." Sand Hill's comments on the Specific Plan requested that any requirement to dedicate a public access easement across private property at Four Corners be removed. Converting privately owned land to public use without just compensation would create a taking. (Similar changes are required to the Transportation Analysis.) V.8

Together, these flaws with the Project Description fall short of what is required by CEQA. The Project Description must be updated in accordance with these comments, and the resulting environmental analysis should consider the updated Project Description.

Project Objectives

CEQA requires a "clearly written" list of project objectives so that decision-makers can evaluate whether any alternatives may be environmentally superior ways of achieving the objectives. CEQA Guidelines 15124(b). The objectives must not be so narrow as to foreclose other alternatives from being considered.

Here, the DSEIR lists seventeen vague objectives that create an internally inconsistent set of goals that cannot all be met. The list includes subjective standards like "blend," "evolve," "improve," "enhance," "respect," "seek to address," "facilitate," and "enable." These are vague, subjective goals that reasonably have different interpretations. It is impossible to objectively compare the manner in which various forms of Specific Plan would achieve these amorphous and subjective goals.

V.9

In addition, Objective 7, "achieve a 40 percent or greater reduction in single-occupancy vehicle trips to and from the plan area" suffers several flaws. First, it is not clear what baseline is being considered. Assuming it is the existing physical conditions, it would be impossible and unreasonable to expect that future development within the area would yield a 40 percent reduction in existing vehicle trips. That is, bringing new homes and workplaces to the area would inherently increase the number of trips, not reduce it by more than 40 percent. Second, this objective is alternatively treated as an objective, a project feature, and a mitigation measure. The lead agency should be clear as to what this is—it cannot be all three at once. Third, this standard is simply not achievable. The City Council agreed it was a "reach" goal when the TDM Ordinance was adopted, and that existing technologies and tools would not achieve the goal. Developers have repeatedly confirmed that a 40% reduction is not feasible. For these reasons, the 40% reduction should not be listed as an objective, project feature, or mitigation measure.

V.10

Cumulative Projects List

CEQA requires an EIR to analyze the cumulative impacts of the proposed project, together with the impacts of other reasonably foreseeable projects. The lead agency can choose the "list of projects" approach or the "summary of projections" method. It appears that the City has chosen the list of projects approach, but the list of projects is incomplete. For example, it omits projects within 1 mile that have been entitled, including the 851 Weeks Street affordable housing project and the 1201 Runnymede residential development. There may be other projects that have been omitted; the list should be complete to ensure that the cumulative impacts are properly studied. Updating the list may require updates to the impact analyses.

V.11

Aesthetics Analysis

The analysis at page 49 discusses a maximum building height of 120 feet whereas elsewhere (Figure2.3-2) the DSEIR discusses a maximum building height of 122 feet. The document should be internally consistent, and the impact analyses should be based on a consistent maximum building height.

V.12

Air Quality Analysis

Figure 3.3-1 indicates the locations of "Residential Sensitive Receptors." It places dots on particular locations. It is not clear why those locations include sensitive receptors but other residences do not. The methodology for making this determination should be outlined in the DSEIR.

V.13

Table 3.3-2 discusses the consistency of the draft Specific Plan with the Bay Area Air Quality Management District ("BAAQMD") control strategy measures. The table concludes (at p. 63) that the Specific Plan is consistent with TR1: Clean Air Teleworking Initiative. There is no evidence to support this conclusion. To the extent that the Specific Plan would enable the construction of workplaces like offices, light industrial, or life science buildings, such buildings would be designed and built to be used by workers. There is no market for buildings to be "occupied" by teleworkers, who do not need a workplace. There is no evidence in the record to suggest that employment uses in the Specific Plan area will support telework. V.14

The table also determines (p. 63) that the proposed project is consistent with BAAQMD strategy TR2 on the basis that future projects will be required to reduce daily trips by 40 percent. This TDM standard is impossible to meet. As above, the City Council has confirmed that this is a stretch goal and developers have repeatedly confirmed that there is no feasible way to achieve this goal. There is no evidence to support the conclusion that future developments can achieve this goal, so it should not be relied upon in any consistency analysis. V.15

At p. 65, the table determines that because future projects will be subject to reduced parking standards, the draft Specific Plan will be consistent with BAAQMD BL4: Urban Heat Island Mitigation. Developers have repeatedly commented that the parking standards in the Specific Plan need to increase in order to reflect commercial realities so that there are potential occupants of any future workplaces in the Specific Plan area. Without changes to the parking standards, new development will not occur. This consistency analysis must be updated after the Specific Plan is updated on this point. V.16

The air quality impact analysis and determinations are internally inconsistent within the DSEIR. Table ES-1 at p. xi indicates that Impact Air-1 is less than significant with mitigation measures incorporated. In contrast, the air quality analysis concludes at pages 66 and 67 that there would be a significant and unavoidable impact because implementation of the Specific Plan would conflict with the 2017 Clean Air Plan. This is also problematic because there is no mitigation measure proposed to mitigate this significant impact. Public Resources Code ("PRC") § 21100(b)(3) requires an EIR to identify and describe feasible mitigation measures for each of the project's significant environmental effects. There is no mitigation measure for this significant and unavoidable impact. V.17

The impact analysis for Impact AIR-2 is similarly improper for failure to consider any mitigation measures for the significant and unavailable impact (see p. 72-73). Moreover, the analysis relies on alleged project features that both the City Council and developers have acknowledged to be impossible. For example, the analysis at pages 72 and 73 discusses the 40% trip reduction "requirement." Record evidence demonstrates that this requirement is impossible. It cannot be relied upon as a project standard or a mitigation measure if it is impossible. Similarly, the analysis requires a shuttle program that includes "long-haul service to housing and employment centers in other communities." This is similarly impossible as there are simply not funds to create such an expensive program. The City's own financial feasibility analysis indicates that development within the Specific Plan area is not feasible, and that analysis excluded any costs of the TDM program implementation, including the costs of a shuttle. Adding the additional significant expense of long- and short-haul shuttles would add to the overall infeasibility of development. V.18

The analysis of health impacts associated with significant operational ROG, NOx, and PM10 emissions similarly lacks any mitigation measures (see p. 75). V.19

The analysis of Impact AIR-3 discusses two mitigation measures, which are internally inconsistent. MM AIR-3.1 requires implementation of BAAQMD best construction measures while MM AIR-3.2 requires implementation of BAAQMD "Enhanced Construction Best Management Practices." These are different standards, and it is not clear which would be required in what circumstance, or why there are duplicative and inconsistent requirements on the same topics. V.20

Biological Resources Analysis

CEQA requires that mitigation measures be feasible. There are feasibility concerns with MM Bio-1.1 (see p. 108). First, it requires a survey of a 50-foot buffer around any project area. In developed urban areas, it may be infeasible to access that 50-foot buffer area because it belongs to other property owners who may not permit survey access. Second, the requirement that surveys be conducted in a year with near- or above-average precipitation would preclude development during a multi-year drought, which is a possibility at any given time. V.21

Cultural Resources Analysis

The analysis of Impact CUL-2 regarding unknown archeological resource creates uncertainty. There is no express provision for how to proceed with a project if unknown archeological resources are discovered. Policy LU-7.9 defers the development of mitigation measures until such time as a Professional Archaeologist determines that cultural resources exposed during construction constitute a historical resource. See p. 158. This creates significant uncertainty as to whether and how impacts would be mitigated and whether a project could proceed. There should be a policy or mitigation measure affirmatively allowing recordation of resources and data recovery, followed by project implementation. V.22

Energy Analysis

The energy analysis references the City's 2024 updated REACH codes. See p. 164. These codes extend beyond existing state law and impose infeasible standards. For example, they require significant expenditure in electric vehicle charging infrastructure even where there is not demand for such infrastructure. These standards are infeasible because they add significantly to the overall cost of the already infeasible Specific Plan development. V.23

Geology Analysis

Impact Geo-3 relates to future development adjacent to the San Francisco Bay. It concerns the possibility of lateral spreading and requires projects to implement MM GEO-3 to mitigate the impact. However, MM GEO-3 is not appropriately tailored to project adjacent to San Francisco Bay. It should be revised to apply only to projects adjacent to San Francisco Bay. V.24

Greenhouse Gas Analysis

The Greenhouse Gas ("GHG") analysis suffers many of the same flaws as the Air Quality analysis. The DSEIR concludes that there will be a significant and unavoidable impact due to GHG emissions, but there are no mitigation measures proposed (see pp. xxxviii, 198). PRC §21100(b)(3) requires an EIR to identify and describe feasible mitigation measures for each of the project's significant environmental effects. V.25

To the extent that the analysis relies on the 40% vehicle trip reduction, that standard is infeasible as described elsewhere in this letter and there is no record evidence to support its feasibility. It is inaccurate to state (p. 199-200) that "future development project would be required to implement the City's TDM requirements which would reduce average daily trips to 40 percent." Similarly, the measures listed on p. 201 including a TMA-funded shuttle program and EV parking requirements are infeasible and therefore would not mitigate this impact. V.26

Noise Analysis

The Noise analysis includes two contradictory mitigation measures. MM NOI-1.1 (p. 272) limits construction activity to weekdays between 7:00 am and 7:00 pm and Saturdays and holidays between 9:00 am and 7:00 pm, with no construction on Sundays. MM NOI-4.1 (p.286) has different hours. We request that MM NOI-4.1 be revised to align with MM NOI-1.1. V.27

Transportation Analysis

The summary of existing transit facilities on page 331 and the text description on page 338 is incomplete. It should include the on-demand SamTrans service that is available within the City of East Palo Alto. V.28

There are a number of figures that propose to use private property for public transportation uses. These need to be revised unless/until there is an agreement reached with the property owner as to whether and how its land may be used by the public. Figure 3.16-4 (p. 337) includes a "Flexible Connection, Bicycle Access Required" through the middle of the Four Corners site and a Class 1 multi-use path through other portions of the site. This should be revised to indicate that it is not a definitive location for any required paths through the middle of private property. Similarly, a "conceptual RBDSP shuttle loop" is shown through the Four Corners site that intersects the other paths. The property owner has not agreed to this. Any potential future connection would need to work within the approved project at that site. V.29

Table 3.16-6: Summary of Affected Intersections (pp. 364-5) indicates in Number 11 that improvements would be required at University Ave. & Bay Road. The second bullet point should be deleted because years of work with traffic consultants and collaboration with the City (including its traffic consultants) has confirmed that additional right-of-way would NOT be required. Intersection improvements can be made without any additional right-of-way. Alternatively, right-of-way could be acquired on the west side of University or the south side of Bay. V.30

Table 3.16-9: VMT Results (p. 390) confirms that the impacts of the project will be less than significant for both residential VMT and employment VMT, even without the imposition of the (infeasible) 40% trip reduction TDM measure. The residential and employment VMT calculations are below the thresholds of significance for all scenarios, even before the 40% trip reduction is taken into account. This infeasible requirement for 40% trip reductions should be removed. V.31

The analysis of emergency access is inadequate. Community members have reported significant traffic impacts throughout the plan area and the non-CEQA LOS analysis shows significant delays on freeways and surface streets near the project area. There is no analysis as to how emergency access vehicles can access the project area or exit the project area given these delays. There is no record evidence as to how ambulances, fire trucks, or police vehicles can access the project area during a peak hour emergency. V.32

SIERRA CLUB
LOMA PRIETA CHAPTER
SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

green foothills

SIERRA CLUB
BAY ALIVE

SINCE 1949
SEQUOIA
AUDUBON SOCIETY

SAN FRANCISCO BAY
CITIZENS COMMITTEE TO COMPLETE THE REFUGE

September 10, 2024

City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303

Email: RBD@cityofepa.org

RE: Ravenswood Business District/4 Corners Specific Plan Update SEIR

The Sierra Club Loma Prieta Chapter's Bay Alive Campaign, Citizens Committee to Complete the Refuge, Green Foothills, and Sequoia Audubon Society are pleased to submit these comments regarding the Draft Subsequent Environmental Impact Report (DSEIR) for the Draft Ravenswood Business District/Four Corners Specific Plan Update (DSPU). Our organizations work to enhance sea level rise resilience and to protect wetlands, open space, wildlife habitat, and other ecological and natural resources in the Bay Area. We collectively represent thousands of members in and around East Palo Alto who care deeply about open space, nature, and community resilience. We recognize the critical role that the Ravenswood Business District/4 Corners Specific Plan Update will play in shaping the future of East Palo Alto and its natural resources along the San Francisco Bay. We have participated in community meetings, engaged with local residents, community groups and City staff/consultants, and commented to the Planning Commission and City Council throughout the planning process.

W.1

In this letter, we will first address a few overarching points that apply to the overall DSEIR, followed by noting a few errors/omissions in the document that should be corrected in the final report. Then we will address our concerns regarding individual CEQA-related environmental factors.

COMMENTS RELATED TO OVERALL DSEIR

Shallow Groundwater Mitigation

We are pleased that the DSEIR acknowledges the threat of future project impacts related to shallow groundwater rise. By identifying the DSPU Standard 9.7.6, (which requires assessment of a project's vulnerability to shallow groundwater rise), as a required mitigation measure (GEO-2) in Section 3.7, Geology and Soils, the DSEIR lays important groundwork for ensuring public safety in anticipation of known future threats associated with climate change. As we stated in comments regarding the DSPU, limiting the applicability of Standard 9.7.6 to shoreline parcels is inadequate.[1] At this time, we do not know if the DSPU has or hasn't been amended per our comment.

W.4

W.2

We believe that a similar standard applied across the entire Specific Plan (SP) Area could mitigate groundwater rise impacts discussed in Sections 3.8 (Geology and Soils), 3.9 (Hazards and Hazardous Materials) and 3.10 (Hydrology and Water Quality). For example, the Hydrology section of Sunnyvale's Final EIR for its Moffett Park Specific Plan identifies a suite of potential shallow groundwater impacts to be addressed through a Site Management Plan[2].

- *Please consider comments below for Sections mentioned here and provide mitigation that addresses the full breadth of potential impact issues, geologic, toxic contamination and hydrologic, across the entire SP footprint.*

Wetland Delineation, Setbacks and the BCDC Band

We are pleased to see that Biological Resources analysis and mitigation includes MM BIO-10.1, Jurisdictional Waters Avoidance and Mitigation Measures. In our comments responding to the DSPU, we strongly recommended that wetland delineation (the basis for Jurisdictional Waters Decisions) replace the use of the BCDC band wherever it was proposed to be the basis for setback measurements.[3] The purpose of shoreline setbacks is to protect wetlands, and because the BCDC band varies substantially by location and its definition does not consider wetland habitat location, the wetland delineation is a more appropriate tool.

W.3

MM BIO-10.1 is very thorough in its requirements protecting sensitive wetland habitats. It requires all properties on the shoreline and those that include or sit adjacent to wetlands to have wetland delineations performed during or prior to project design. However, this measure does not address heights, stepbacks, and setbacks defined in the DSPU and analyzed under Land Use in this DSEIR.

[1] July 22, 2024 Joint Comment Letter responding to the Draft Ravenswood Business District Specific Plan Update from Sierra Club, Citizens Committee to Complete the Refuge, Green Foothills and Sequoia Audubon Society, p. 12. https://drive.google.com/file/d/1TzRUC1NEebClmqhwGseey1bfHNUf-Lle/view?usp=sharing

[2] Sunnyvale MPSP Mitigation Monitoring and Reporting Plan, July 2023, p. 23,10.3.1-2, Attachment 5 at: https://sunnyvaleca.legistar.com/LegislationDetail.aspx?ID=6279900&GUID=3D3D73F4-F04E-4923-B1EB-857C1239B1FD

[3] Ibid, 2, 3, 5, 8, 10.

- *Because all shoreline properties will be required to obtain wetland delineations under MM BIO-10.1, we recommend that the inner edge of delineated wetland be used as the basis for all shoreline setbacks, stepbacks or height decisions, documented through a new Land Use impact analysis and mitigation.*

W.3 W.39

DOCUMENT CORRECTIONS

❖ 2.1 Project Location

The project location has multiple errors.

1. "Palo Alto Baylands Nature Preserve" is not the correct name for the lands described. The marshes lining the shoreline from Bay Road to Runnymede Street are the Faber-Laumeister Unit of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge).
2. Lands referred to as "16 acres of restored wetland/marsh areas at the northern and eastern areas of the Specific Plan area" are inaccurately described. These are legacy tidal marshlands and have not been restored.

W.4

❖ 2.3.2 Maximum Building Height

The description states: "The maximum building heights range from approximately 30' to 122' above the ground surface. The DSPU's height standards would allow the tallest buildings (seven to eight stories, between 104 and 122 feet above the ground surface) to occur at the eastern end of the Specific Plan area.[4] While this lists the allowable height of buildings up to the roof, it misrepresents by omitting mention that roof-based equipment may add up to 30 feet in height depending on the use proposed for the building.

- *Please add a statement that rooftop equipment may increase height above the rooftop by up to 30 feet.*

W.5

❖ Figure 2.3-4

The legend of this map does not explain the meaning of the letters A to F seen on the map.

❖ Section 3.10

In the last line of the discussion of Flood Hazard Existing Conditions, the text on page 235 refers the reader to a Non-CEQA discussion in "Section 3.10.3". There is no such section. We believe the intended reference is 3.11.3.

W.6

ENVIRONMENTAL IMPACT ANALYSIS AND MITIGATION CATEGORIES

SECTION 3.2 - AESTHETICS

We appreciate that the DSEIR includes an evaluation of aesthetic impacts, despite these being omitted from the scope of analysis in the Notice of Preparation for this project. The inclusion of Policy LU-3.7 and Policy POS-1.10 in the DSPU, which establish building height limits and stepback requirements to preserve view corridors, is a welcome response to community

W.7

[4] DSEIR, p. 14.

concerns. These policies, along with the 2013 Specific Plan Policy 13.8, which encourages projects to enhance views of natural resources and mandates viewshed analysis for potential developments, show a commendable effort to address the community's high interest in reducing building heights and preserving view corridors.

However, we are concerned about the substantial exceptions to the height limits for the Waterfront Office (WO) and Ravenswood Employment Center (REC) zones. While the height limits for these zones are set at 120 feet and 60 feet, respectively, both zones allow exceptions that could significantly impact the area's aesthetics.

In the WO zone, exceptions permit rooftop equipment to extend an additional 30 feet above the height limit, resulting in a potential maximum height of 150 feet, rather than the stipulated 120 feet. Similarly, in the REC zone, a building with a height of 60 feet could have rooftop equipment that raises the total height to 90 feet—a 50% increase. These exceptions are particularly concerning because they apply to zones adjoining major view corridors identified in the DSPU. However, the impact analysis fails to address these exceptions and refers only to the plan area's maximum height of 120 feet. W.7

Recommended Mitigation Measures

1. *General: Rooftop equipment exceptions should be limited to approximately one story in height. If the equipment exceeds this height, it should be counted as a floor within the basic height limit—120 feet in the WO zone, and 60 feet in the REC zone.*
2. *Setbacks for facades facing wetlands: The DSPU requires a 10-foot setback for rooftop equipment. However for facades facing the Bay or marsh areas, this equipment and its screening will be visible from the Bay Trail and make the buildings appear taller than their allowable height. Additionally, the equipment enclosures could cause unwanted shading of the wetlands, which is to be avoided. Therefore, at facades facing wetlands, rooftop equipment and screening should be set back from the roof's edge using a 45-degree view line from the wetlands delineation line to the edge of the roof.*

SECTION 3.3 - AIR QUALITY AND GREENHOUSE GAS EMISSIONS

The DSEIR predicts that implementation of the DSPU would result in a considerable net increase of criteria pollutants (Impact AIR-2) and greenhouse gas emissions (Impact GRG-1) that would be significant and unavoidable. Nevertheless, it is crucial that every possible effort be made to mitigate them. The health and well-being of East Palo Alto residents—who already experience disproportionate levels of pollution and related health issues—should be prioritized. Even if full mitigation is not achievable, reducing these impacts as much as possible is imperative. W.8

Address Significant and Unavoidable Air Quality Impacts in East Palo Alto

The DSEIR presents alarming findings regarding the anticipated increase in air pollution, including ozone (O3), nitrogen oxides (NOx), and particulate matter (PM10 and PM2.5) emissions. These pollutants are already disproportionately high in industrial areas and along

transportation corridors, such as those in East Palo Alto, which lies along the heavily congested Highway 101 corridor and hosts numerous small industrial businesses.[5,6]

The DSEIR acknowledges that East Palo Alto residents currently face significantly higher rates of asthma-related emergency room visits and hospitalizations compared to the San Mateo County average. Specifically, asthma hospitalization rates for children in East Palo Alto are nearly triple those of the County (15.0 versus 6.6 per 1,000 children), with rates for all ages being 40% higher than the County and above the statewide average.[7]

The DSEIR further indicates that the implementation of the 2013 Specific Plan and Options 1 and 2 of the 2024 Specific Plan Update would result in substantial increases in traffic on Bay Road, with projected increases of 25%, 41%, and 46%, respectively, even after assuming a 30% trip reduction due to the City's Traffic Demand Management (TDM) requirements. The resulting rise in criteria pollutants, including ROG, NOx, and PM10, is noted, yet the DSEIR asserts that the associated health effects would be "not measurable" due to limitations in current modeling tools.[8] W.8

We challenge this conclusion. It is both feasible and essential to monitor pollutant concentrations at the most congested locations prior to implementing any alternative of the DSPU to establish a reliable baseline. Ongoing monitoring post-implementation can then quantify any changes in pollutant emissions attributable to the project. If local pollutant concentrations increase, it is imperative that additional mitigation measures be implemented to protect the health of nearby residents. The potential for increased local pollutant concentrations leading to adverse health outcomes is unacceptable and must be proactively addressed.

> **Recommended Additional Mitigation Measure: *Local Monitoring and Mitigation:*** *Establish baseline pollutant monitoring at key congestion points and implement ongoing monitoring to ensure development does not exacerbate air quality issues. If pollutant levels increase, further mitigation measures must be mandated.*

Address Greenhouse Gas Emissions

The DSEIR also predicts significant and unavoidable increases in greenhouse gas (GHG) emissions due to the implementation of the 2013 Specific Plan and both scenarios of the 2024 Specific Plan Update. These increases directly conflict with East Palo Alto's Climate Action Plan 2030, which aims to reduce GHG emissions to 2005 levels by 2030 and achieve carbon neutrality by 2045. Yet, the only mitigation measure identified in the DSEIR is to implement TDM W.9

[5] Krieger, L. (2024) 'Some Bay Area neighborhoods breathe more hazardous air. Here's where they are.' The Mercury News 7 September. Available at: https://www.mercurynews.com/2024/08/07/some-bay-area-neighborhoods-breathe-more-hazardous-air-heres-where-they-are/?share=meitro0sww4arnenie8o (Accessed 6 September 2024).

[6] Strawa, A., Clark, A., Naegel, B., Thompson, J., Bello, O., Angel, B., Zaragoza, F., Becerra, C., Lima, R., Ruiz, I. (2021). Air Quality and Traffic Congestion in East Palo Alto. AGU Fall Meeting 2021, held in New Orleans, LA, 13-17 December 2021, id. A15P-06. Available at: https://ui.adsabs.harvard.edu/abs/2021AGUFM.A15P..06S/abstract (Accessed 6 September 2024).

[7] Vista 2035 East Palo Alto General Plan, page 7-2

[8] Ravenswood Business District Specific Plan Update Draft Sequential Environmental Impact Report, page 123.

standards. Even if GHG emissions cannot be reduced to less than significant levels, every effort should be made to reduce them as much as feasible.

Recommendation: *Implement a Connected Safe Green Slow Network of streets within the plan area to promote walking and biking, reduce vehicle miles traveled, and create pollution-free, quiet, and safe routes for residents of all ages.*

In addition, we urge the City to pursue the following city-wide strategies to reduce the significant and unavoidable cumulative air quality impacts identified in the DSEIR.

1. ***Electric Transportation Initiatives:*** *Require all transportation shuttles serving the plan area to be electric and advocate for zero-emission SamTrans buses in the area.*
2. ***Incentives for Electric Vehicle Adoption:*** *The City of East Palo Alto should offer significant incentives for residents to purchase electric vehicles, using Development Impact Fees to fund this program and mitigate air quality impacts.*
3. ***City-Wide Electrification:*** *Promote the electrification of existing residential, commercial, and industrial buildings throughout East Palo Alto, reducing reliance on fossil fuels and helping to offset project-related GHG emissions.*
4. ***Solar Energy Expansion:*** *Encourage the installation of rooftop solar systems with battery backup on existing buildings city-wide, further contributing to the reduction of GHG emissions.*

Development Impact Fees should be utilized to fund these initiatives, ensuring that new development aligns with both air quality and climate goals. These measures are crucial to protect the health and well-being of East Palo Alto residents and ensure that future development is sustainable and equitable.

W.9

SECTION 3.4 - BIOLOGICAL RESOURCES

We were pleased to find discussion, analysis and mitigation that often was very detailed and covered issues that we had identified in our earlier scoping comments. Clearly there is a strong intention to protect sensitive species and habitat. While we provide additional comments here, we do so with an eye on strengthening this analysis along with habitat and species protections.

W.10

3.4.1.1 Regulatory Framework, **Sensitive Habitat Regulations**

The National Marine Fisheries Service (NMFS) is omitted. As the RBD adjoins the Bay, it is possible that NMFS may need to be involved if shoreline development impacts fish habitats.

Recommendation*:* *Please add NMFS to this section.*

3.4.1.2 Existing Conditions

- The Bay Conservation and Development Commission (BCDC) “band” is inaccurately described as “BCDC’s shoreline jurisdiction extends 100 feet inland from those areas of Bay jurisdiction.” Actually, the BCDC band extends 100 feet inland from the mean high tide line. A portion or even all of the band may lie offshore as happens in/adjoining the RBD.

  Recommendation*:* *Please reword the text to more accurately describe the BCDC band location.*

W.11

- This section accurately describes the RBD footprint. However, given its extensive adjacency and potential impacts to shoreline marshlands, it should mention the lands held by the MidPeninsula Regional Open Space District (MROSD) and the US Fish and Wildlife Service.

  Recommendation*: Please add such a statement to the text.*

W.43

- Movement Corridors: The discussion of corridors does not mention the movement corridor that exists all along the marsh edges bordering and within the RBD footprint. This corridor, roughly the upland edges of the marsh, serves as high tide refugia and as a movement corridor for both migrating marsh and upland species such as the grey fox. This corridor is integral to the health and connectivity of wildlife.

  Recommendation*: Please add a description of marsh edge corridors to the Movement Corridor discussion.*

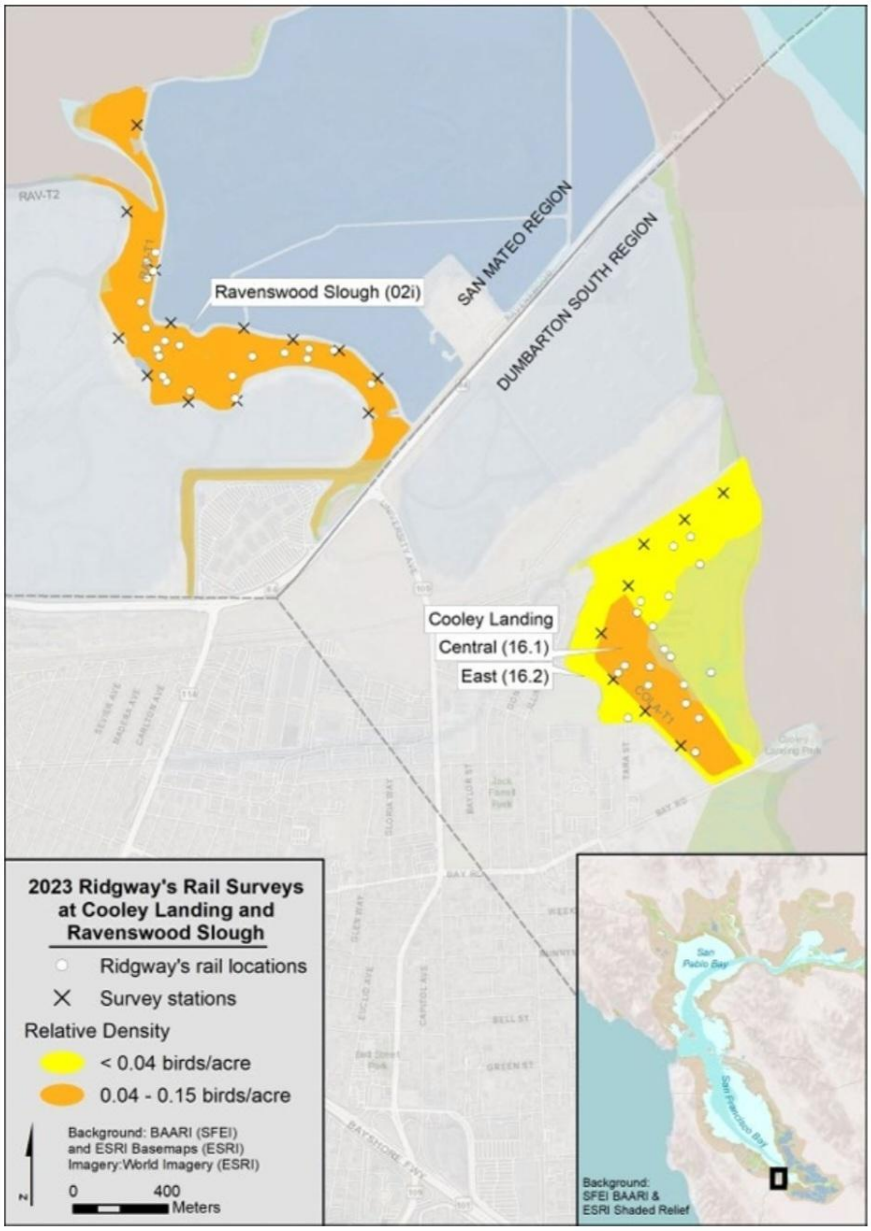
Table 3.4-1 Special Status Species re: Ridgway's rail

"Occurrence in Ravenswood/4 Corners": This table identifies lands within the RBD Area and adjoining the northeast part of the project that are known habitat for California Ridgway's rails (RIRA).

W.12

Recommendation*: Please also describe marshes between Cooley Landing and Runnymede Street, the Laumeister Marsh, a unit of the Don Edwards National Wildlife Refuge. 2023 survey report data maps a substantial number of these rails in the Ravenswood Open Space Preserve.*[9] *Like surveys were not performed in the Refuge's Laumeister Marsh for that report but, by proximity and historical surveys, it is highly likely that Ridgway's rails use that marsh as well.*

[9] Olafson Consulting, 2023 California Ridgway's Rail Surveys for the San Francisco Estuary Invasive Spartina Project. See Figure 8, p. 23.



W.12

Special Status Species: General Comment, Mitigation Requirements

1. By definition, Special Status Species, plant or animal, are listed-species that fall under one or more categories of jurisdiction by Resource Agencies (USFWS, CDFW, NMFS) or CNPS/CDFW rare plant protocols.
2. Over the duration of the SPU, perhaps decades, the protective requirements and protocols of Resource Agencies may change for any Special Status species discussed in the DSEIR. An example: the CDFW has initiated the State process to move the Western Burrowing Owl to a category requiring increased regulatory overview, a decision due possibly in 2025. Through such agency actions, mitigation actions as written in this DSEIR are likely to become outdated. In fact, we do not know if these

W.13

agencies would agree fully with the mitigations proposed. For that reason, draft species and habitat mitigation plans must be reviewed in consultation with the appropriate resource agency before they are finalized, essentially certified as appropriate, prior to submission to the City.

3. MM BIO-1.3 mandates that "A habitat mitigation and monitoring plan (HMMP) shall be developed by a qualified biologist or restoration ecologist and implemented for the mitigation lands on a project-by-project basis." *Please add the following to the list of information that must be included in a HMMP: a lighting plan/analysis for parcels adjacent to habitat areas to ensure that no light trespass encroaches into habitat areas.* W.13
4. We note that the BIO mitigation measures are, overall, quite detailed. It is unfortunate then that most of these mitigation measures for Special Status Species and their habitats, including: MM BIO-1.1, 1.2. 1.3, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 4.1, 4.2, 5.1, 6.1, 7.1, 9.1, and 10.2, omit consultation with the appropriate Resource Agencies before or during project design. Each of those mitigations needs to be corrected to require such consultation. That omission can be corrected in the text of each mitigation measure or by creating a new mitigation measure that applies to all actions with special status species.
5. The DSEIR correctly cites the use of "qualified" biologist but does not further define the qualifications. In the SEIR or perhaps in an associated glossary, the term should be clarified with substantial, species-specific qualifications, including related experience, advanced studies and/or career specialization involving the species and habitats of concern.
6. MM BIO-10.1 will require that wetland delineations must be performed to identify areas of jurisdictional wetlands. As those sensitive tidal habitats lie within and directly adjoining the SPU Area, we are concerned that the DSEIR does not require consultation with Resource Agencies or with landowners (MROSD, USFWS / Refuge) prior to any physical entry into these lands, to determine if permits are needed prior to entry, and to avoid actions that can potentially cause a "take" of a special status species. *We ask that such a mitigation requirement be added to the SEIR.* W.14

MM BIO-2.2: Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew Compensatory Mitigation

The mitigation recommended: "...will be provided via the purchase of credits from a conservation bank or mitigation bank that has restored suitable salt marsh habitat for these species; project-specific mitigation via the preservation and management of suitable habitat for this species; or some combination of the two approaches."

This mitigation does not consider actions that could sustain and enhance the long-term environmental health of the marshes that line the RBD shoreline. The more robust the marsh, the better it can serve the special status species it supports and the longer it can serve as protective natural infrastructure for sea level rise. Certain actions appear to be available such as: W.15

1. Hydrology serving the inner marsh (between the Bay Trail and the fixed shoreline) might be improved by enhanced tidal flow in the unnamed slough in its northerly reach between the Bay and the inner marsh. In its northwesterly area, the inner marsh is of lower quality than elsewhere. It appears that berms placed in the area between the

railroad right-of-way and the boundary of the Ravenswood Open Space Preserve (OSP) obstruct and reduce flow from the Bay.

2. Hydrology could also be improved by breaching or removing the existing Bay Trail berm that is a boundary for the Ravenswood OSP. As the trail may need to be maintained until an alternate route is available, breaching combined with a bridge structure could be used.
3. Increased sediment deposition is needed to sustain the marshes longer as the sea level rises. Similar to the hydrology water supply issue described above, existing non-natural berms along the Bay-facing edges of both the Ravenswood OSP and the adjoining northerly wetlands obstruct tidal delivery of sediment that could otherwise help build up the marsh beds. Such changes benefit both the special status species and shoreline integrity.

Recommendation*: This mitigation measure should be changed to include a preferred compensatory action that assesses and, where possible, takes advantage of opportunities to improve the health and sustainability of tidal marshes in and adjacent to the RBD.*

W.39

W.15

Special Status Species: Omitted Recovery Plan References

Please add the following US Fish & Wildlife Service documents to the references for the species named:

1. California Ridgway's rail and the Salt Marsh Harvest Mouse: Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California[10]
2. Western Snowy Plover: Western Snowy Plover Recovery Plan[11]

W.16

MM BIO-2.3 Prohibit Rodenticides

The measure states: "The use of rodenticides shall not be allowed within 100 feet of any salt marsh habitat." With a shoreline that attracts avian predators that can cover substantial distances in search of prey, there is a high likelihood some of these birds will consume a poisoned rodent and die as a result.

Recommendation*: Please change the text of the measure to prohibit any use of rodenticides in the RBD.*

W.17

MM BIO-2.4 Pesticide Use

We are concerned that this mitigation may be inadequate to protect surface, groundwater and Bay water quality, fish, and other wetland species that may be harmed by inappropriate choice and use of pesticides. Choice of pesticide products needs to follow NPDES[12] requirements. Per

W.18

[10] US Fish and Wildlife Service, 2013: Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California: https://www.fws.gov/project/california-tidal-marsh-ecosystem-recovery

[11] US Fish and Wildlife Service, 2007: Western Snowy Plover Recovery Plan: https://ecos.fws.gov/docs/recovery_plan/070924_2.pdf

[12] State Water Resources Control Board, National Pollutant Discharge Elimination System (NPDES) Pesticides - Weed Control: https://www.waterboards.ca.gov/water_issues/programs/npdes/pesticides/weed_control.html#:~:text=Except%20for%20discharges%20on%20tribal,represented%20by%20the%20surrogate%20nonylphenol.

the State Water Board: “Except for discharges on tribal lands that are regulated by a federal permit, this General Permit covers the point source discharge to waters of the United States of residues resulting from pesticide applications using products containing 2,4-D, acrolein, copper, diquat, endothall, flumioxazin, fluridone, glyphosate, hydrogen peroxide, imazamox, imazapyr, penoxsulam, peroxyacetic acid, sodium carbonate peroxyhydrate, and triclopyr-based algaecides and aquatic herbicides, and adjuvants containing ingredients represented by the surrogate nonylphenol.” W.18

On a shoreline with groundwater levels no deeper than six feet and in some places emergent, there is substantial concern for groundwater contamination in addition to runoff into the Bay and surrounding marshes. Even at 100 feet from the shoreline, strong winter rains can carry pesticides to the Bay, especially if repeated applications increase presence of pesticide residue.

Recommendation*: Please strengthen the requirement by applying the NPDES limitations on product choice and also consider moving pesticide use to 150 feet from runoff points.*

Impact BIO-8 and Impact BIO-1
Dark Skies and Light Impacts

We appreciate the quality of the mitigation measures included under Impact BIO-8 and the inclusion of light mitigation in Special Status discussion in Section 3.4. We add a few comments here that we feel will make the mitigations more effective.

MM BIO-8.1

This measure states: “Exterior lighting within the Specific Plan area shall be shielded to block illumination from shining upward or outward into the sensitive habitats (i.e., salt marshes) within and adjacent to the Specific Plan area. Uplighting shall be avoided.”

Fully shielded fixtures are recommended by lighting experts from the International Dark Sky Association due to their ability to control and prevent light trespass. Similarly, illumination best practices would *prohibit* uplighting as it serves no functional purpose. W.19

Recommendation*: We recommend that exterior lighting “... be <u>fully</u> shielded” and that uplighting “...be <u>prohibited</u>.”*

MM BIO-8.2

Spillage of lighting from building interiors shall be minimized using occupancy sensors, dimmers, blinds, or other mechanisms from midnight until dawn, at a minimum, during migration seasons (February through May and August through November).

During migration, birds are aloft after dusk and until dawn. Dusk occurs early in most of the months mentioned and light in those pre-midnight hours can significantly confuse birds, altering flight patterns and increasing bird collisions in taller buildings. Especially as the SPU would allow buildings higher than the 60’ height from ground where glazing is required, a <u>midnight</u> light-minimizing requirement can be particularly harmful. A time frame of 10pm to dawn would reduce that impact.

Recommendation*: We recommend changing the go-dark time from “midnight” to “10pm.”*

MM BIO-1.3
This measure mandates that "A habitat mitigation and monitoring plan (HMMP) shall be developed by a qualified biologist or restoration ecologist and implemented for the mitigation lands on a project-by-project basis."

This issue discusses the fact that protection of habitat lands also serves species migration. In those considerations, and along marsh shorelines, habitat mitigation requires planning to prevent light intrusions. Many species prefer to migrate in the darkness of night which reduces exposure to predators. These species include the federally-endangered salt marsh harvest mouse. Light, both during construction and after build-out, must be used minimally and directed away from the habitat edge at all times. W.20

Recommendation*: We recommend that a lighting requirement be added that restricts any lighting use at any time, whether under construction or in the built environment, and requires any necessary lighting to be fully shielded and fully directed away from habitat lands. The requirement should be included under Impact BIO-8 due to subject matter and added to requirements listed for the HMMP described in MM BIO-1.3.*

Bird Safe Design
We are pleased to see updates to the Bird Safe Design standards of the 2013 Specific Plan. Overall, we agree with the updates suggested. We do recommend one change to the Proposed Specific Plan Update Bird Standard 6.8.4 (p. 143):

6. Bird-safe glazing treatments may include any of the following:
    - o Fritting
    - o Netting
    - o Permanent stencils
    - o Frosted glass
    - o Exterior screens
    - o Physical grids placed on the exterior of glazing
    - o **Ultraviolet (UV) patterns visible to birds**

W.21

Recommendation*: We ask that Ultraviolet (UV) patterns be removed from the list. UV patterns are visible to some, but not all bird species, therefore rendering them less effective than other bird-safe glazing treatments already listed.*

MM BIO-9.1 Implement Invasive Weed Best Management Practices (BMPs)
The mitigation measure provides good standards for control of invasive weeds both during and after construction. For post-construction we recommend prohibiting use of landscaping blowers within <u>at least</u> 100 feet of the marsh edge. Non-native and invasive seeds become airborne and can spread even further by breezes more prevalent along the shore. On a continuous basis, prohibiting use of blowers will reduce spread of seeds, dust and debris into the marshes. <u>*Please add a bullet to enact this prohibition.*</u> W.22

Policies protecting Biological Resources

On p.143 of the DSEIR, impact analysis discussion responds to this question:

> "e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?"

The discussion does not mention local policies pertinent to adjoining and potentially impacted wetlands:

1. US Fish and Wildlife Service: Comprehensive Conservation Plan of the Don Edwards San Francisco Bay National Wildlife Refuge[13]
2. MidPeninsula Regional Open Space District: As the District manages the Ravenswood Open Space Preserve in part under permits issued by various agencies, the District should be consulted regarding its policies that are protective of the Preserve.

Recommendation*: Please mention these agency policy documents to be consulted and provide them as references.*

W.22

SECTION 3.6 - ENERGY

The DSEIR appropriately emphasizes the importance of green building certification by requiring that new residential, commercial, or mixed-use buildings over 20,000 square feet achieve LEED Silver certification (or equivalent), in addition to meeting the minimum CALGreen code requirements. This aligns with the City's broader sustainability goals and reflects a commitment to reducing environmental impacts through responsible building practices.

Furthermore, in September 2023, the City adopted the 2030 Climate Action Plan (CAP) and Adaptation Strategies. The 2030 CAP outlines the City's ambitious target of reducing per capita carbon emissions by 55 percent below 2005 levels by 2030, with the ultimate goal of achieving carbon neutrality by 2045. These targets are essential for addressing the climate crisis and ensuring a sustainable future for our community.

However, we are concerned that the DSEIR may not adequately address the significant energy impacts associated with the inclusion of Life Sciences/Biotech labs in the Research & Development (R&D) land use category. This inclusion represents a departure from the 2013 Specific Plan, yet the associated increase in energy consumption has not been properly recognized or mitigated in the DSEIR.

Life Sciences and Biotech labs typically consume five to ten times more energy than traditional office spaces due to their need to operate complex equipment, powerful HVAC systems, and specialized exhaust and containment systems. These labs require far greater ventilation and are often home to high-energy equipment that operates 24 hours a day. Additionally, the unique air-handling arrangements and increased cooling loads required by lab equipment further contribute to their substantial energy demands. Given these factors, the introduction of Life Sciences labs into the R&D category represents a significant change that warrants thorough analysis and appropriate mitigation in the DSEIR.

Recommended Mitigation: *To ensure that Life Sciences labs contribute to the City's carbon reduction goals, it is essential that these facilities be required to provide annual documentation*

[13] US Fish and Wildlife Service, 2012, Comprehensive Conservation Plan of the Don Edwards San Francisco Bay National Wildlife Refuge: https://ecos.fws.gov/ServCat/Reference/Profile/43999

to the City demonstrating their net energy consumption. This documentation should verify that labs are meeting the carbon reduction targets established in the General Plan and the 2030 CAP. By holding labs accountable for their energy use, the City can ensure that the inclusion of these energy-intensive facilities does not undermine its broader sustainability objectives.

SECTION 3.7 - GEOLOGY AND SOILS

Mitigation of Groundwater Rise Impacts

We appreciate that the DSEIR incorporates DSPU Standard 9.7.6 as a mitigation measure for addressing liquefaction concerns as reflected in GEO MM-2. The requirement for groundwater studies under this standard is crucial for ensuring that potential risks associated with liquefaction are properly mitigated. However, upon reviewing the entirety of Section 3.7, it is evident that Standard 9.7.6 is similarly relevant to other mitigation measures, including GEO MM-1, GEO MM-3, GEO MM-4, and GEO MM-5, as well as to Impact Question e) on page 184 and the discussion of cumulative impacts in Section 3.7.2.2 (p. 187). W.23

That said, it is a major concern that Standard 9.7.6 is limited to shoreline properties given that a much broader portion of the DSPU area may be exposed to higher risks associated with the various geological impacts discussed in Section 3.7 when groundwater rise is taken into account. Moreover, there is potential for these impacts to affect, or to be exacerbated by, conditions on adjoining lands with similar groundwater characteristics.

Shallow groundwater rise is a pervasive issue that affects nearly all geology impacts discussed in Section 3.7. This includes repeated references to liquefaction throughout the Section. Groundwater rise is relevant to discussion regarding the exacerbation of expansive soils, vertical movement, settlement, and lateral spreading—all of which could produce more severe outcomes as groundwater levels rise. Standard 9.7.6 explicitly identifies threats from shallow groundwater, such as buoyancy, seepage, infiltration, liquefaction, corrosion, and contaminant mobilization, as significant threats to both developed and undeveloped environments. Below-ground disruptions associated with utilities, basements, below-ground garages, and septic tanks raise a concerning risk that shallow groundwater may be redirected to adjoining properties, including the Baylands, potentially redistributing buried contaminants to nearby locations. W.24

When these factors are considered together, the cumulative impacts that may affect the SPU Area could become significant. It is important to note that the 2013 SP did not include any policy regarding shallow groundwater rise. That is understandable given that relevant science and reports detailing the impacts of sea level rise on shallow groundwater have only emerged in recent years. Given direct DSEIR relevance, we provide links to some of these recent studies.[14,15,16]

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[14] SPUR, Map, Current Groundwater Levels, Look Out Below, Case Study of East Palo Alto, p.18, May 2024. https://www.spur.org/sites/default/files/2024-06/SPUR_Look_Out_Below.pdf

[15]Pathways and the San Francisco Estuary Institute, Shallow Water Response to Sea Level Rise: Alameda, Marin, San Francisco, and San Mateo Counties. 2022. https://www.sfei.org/documents/shallow-groundwater-response-sea-level-rise-alameda-marin-san-francisco-and-san-mateo

[16] SFEI, Sea-Level Rise Impacts on Shallow Water in Moffett Park, Report prepared for the City of Sunnyvale, November 2021.

Our comments on the DSPU document strongly recommended that a policy like Standard 9.7.6 be applied across the entire SPU Area. “The Specific Plan area is entirely located within a State designated liquefaction hazard zone.” That MM GEO-2 finding alone seems sufficient to support SPU Area-wide application of Standard 9.7.6 requirements.

W.25

Recommendation*:* *We recommend that mitigations GEO MM-1, -3, -4 and -5 all include Standard 9.7.6. While the DSEIR has already done so in GEO MM-2, structural integrity issues could be even greater due to shallow groundwater, particularly in relation to lateral spreading, vertical movement, differential settlement, and expansive soils. If the final SPU expands Standard 9-7-6 we ask that the change be incorporated in Section 7 mitigations.*

SECTION 3.9 - HAZARDS AND HAZARDOUS MATERIALS

The DSEIR does not provide sufficient basis to conclude that proffered mitigations will result in Less than Significant Impact and Less than Significant Cumulative Impact for IMPACT HAZ-1,

> *Future development projects could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.*

or as answer to items b and c of the CEQA checklist:

> *b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*
>
> *c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

W.26

The additional information needed to answer these questions relates to existing soil and groundwater contamination and hydrology within the RBD, and includes the following:

- Identification of health-protective cleanup standards for the RBD
- Detailed assessment of existing soil and groundwater contamination
- Impacts of groundwater rise on contaminant mobilization
- Descriptions of mitigation measures that may be required
- Potential impacts to the environment

The DSEIR cites policies LU-5.1 through LU-5.6 from the draft SPU that are intended to provide protection from chemical exposures, whether from legacy contamination or from future industrial chemical usage within the RBD. Evaluation of chemical impacts is also related to Standard 9.7.6: “Shallow Groundwater Vulnerability Assessment and Mitigation,” which requires a geotechnical assessment of potential contaminant mobilization.

W.27

https://static1.squarespace.com/static/5e38a3dd6f9db304821e8e5e/t/61a7b37743ec4b770e11ee73/1638380421678/Moffett+Park+Specific+Plan+Groundwater+Addendum.pdf

None of the above policies provide protection to residents outside of the RBD, other than students at schools within one-quarter mile of a project. Policy LU-5.1 requires each project to evaluate whether "remedial measures are needed to protect the health and safety of site occupants and construction workers." Policy LU-5.2 likewise sets requirements for protection of onsite workers and future site residents from chemical hazards released during construction. Offsite residents (including sensitive populations) are not protected. There are no policies in the DSEIR requiring evaluation of soil or groundwater contamination impacts on the environment. Thus, the DSEIR analysis of IMPACT HAZ-1 is incomplete and the mitigations are inadequate to conclude that there will be less than significant "hazard to the public and the environment.". W.27

Additionally, neither the DSPU nor the DSEIR address the major, and possibly cost-prohibitive, challenges posed by building in a heavily contaminated area that will be impacted by rising groundwater. The level of concern among some regulators is such that a spokesman for the U.S. Environmental Protection Agency stated that, at the ROMIC site on Bay Road, "development is unlikely."[17] When the DSEIR states that mitigations will be performed, identification of specific mitigations are deferred to the individual projects. There is no assurance that mitigation measures that would achieve sufficient cleanup within a reasonable timeframe, or under conditions of emergent groundwater are feasible. Under CEQA, an EIR is inadequate if it fails to suggest mitigation measures, or if its suggested mitigation measures are so undefined that it is impossible to evaluate their effectiveness.[18] W.28

Recommendation*: The following changes to the DSEIR and Appendices are requested, to more accurately evaluate chemical hazards.*

Establish program-wide, default cleanup standards for the Plan Area. Policy LU-5.1 uses the results of a Phase I ESA to determine the need for additional sampling, but does not identify the contaminant levels that will trigger additional investigation or remediation. Multiple regulatory agencies (RWQCB, USEPA, and DTSC) have oversight over properties within the Plan Area with known or suspected contamination. Cleanup requirements across these properties are not uniform and do not provide equal levels of health protection for a given land use. The DSEIR should list default health-protective, maximum allowable contaminant soil concentrations for residential and industrial uses, and for construction workers. For properties with contaminants above those levels, developers should be required to perform a multi-pathway human health risk assessment to determine site-specific cleanup levels. The DSEIR should define the circumstances that would mandate an ecological risk assessment and require the developer to work with the RWQCB to define site-specific conditions triggering remedial action. W.29

[17] USEPA, 2024. *Former Romic, Bay Road Holdings, 2081 Bay Road, East Palo Alto, California.* Presentation to Youth United for Community Action (YUCA) by Steve Armann, Manager, Corrective Action Office, EPA Region 9. January 24, 2024.

[18] *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 79-80. The formulation of mitigation measures may not properly be deferred until after Project approval; rather, "[m]itigation measures must be fully enforceable through permit conditions, agreements, or legally binding instruments." CEQA Guidelines § 15126.4(a).

Without area-wide standards protective of human health and the environment, individual property owners may develop separate plans that are not protective of human health. For example, in March 2024, RWQCB approved a Risk Management Plan (RMP) for seven properties north of Bay Road within the Ravenswood Industrial Area (RIA) owned by Sycamore Real Estate LLC.[19] The RMP is described as an attachment to the Land Use Covenant (LUC) for those properties, intended to ensure that future development is protective of onsite and offsite human exposures to volatile organic compounds (VOCs) in reused soil or fill placed above a durable cap. However, the allowable concentrations in surface soil are Environmental Screening Levels (ESLs) that are intended as indicators of a need for further evaluation, not final cleanup levels. RWQCB guidance (page 1-5) states:

> *"The ESLs should not be used as the sole basis for determining whether fill soil is clean because the ESLs do not address all exposure pathways (e.g., transport of pollutants in dissolved or particulate phases via surface water)."* [20]
>
> *"Cleanup levels are approved on a case-by-case basis by the Regional Water Board. Proposed final cleanup levels are based on a discharger-developed feasibility study of cleanup alternatives that compares effectiveness, cost, time to achieve cleanup standards, and a risk assessment to determine impacts on beneficial uses, human health, and the environment. Cleanup levels must also take into account the mobility and volume of pollutants."* [21]

W.30

Upon approving the RMP, which applies only to the properties listed and only to VOCs in soil, RWQCB issued Order R2-2024-0003 rescinding the previous cleanup orders for all 29 properties in the Ravenswood Industrial Area (RIA), including those that, as the DSEIR (p. 215) states, "have not yet been investigated or remediated."[22] The Order notes that pollutants at these properties other than VOCs include "petroleum hydrocarbons, pesticides, and metals". Other than the light fraction of petroleum (e.g., benzene), none of these contaminants would be addressed by the VOC mitigation measures described in the RMP and would continue to pose risk to human health.

Revise and Expand the Screening Level Environmental Site Assessment (ESA). Policy LU-5.1 requires property-specific Phase I ESAs for all development projects, an appropriate first step. However, the scope of the DSEIR ESA (Appendix D), which is used to support the "No

W.31

[19] Ninyo and Moore, 2021. A*rea-Wide Risk Management Plan, Identified Properties Within the Ravenswood Industrial Area, East Palo Alto, California*, C/O Sycamore Real Estate Investments LLC

[20] SF Bay RWQCB, 2019a. User's Guide: Derivation and Application of Environmental Screening Levels (ESLs). INTERIM FINAL 2019 (Revision 1), Prepared by: San Francisco Bay Regional Water Quality Control Board.

[21] SF Bay RWQCB, 2019b. Frequently Asked Questions(FAQs). Environmental Screening Levels (ESLs): 2019 Update. Revision 1. Page 8.

[22] SF Bay RWQCB, 2024. *CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION, ORDER NO. R2-2024-0003, RESCISSION OF SITE CLEANUP REQUIREMENTS (ORDER NOs. 92-037 and 92-086) for: The Former East Palo Alto Industrial Area, which is composed of 29 properties located within the boundaries of what was formerly known as the East Palo Alto Industrial Area (EPAIA) and/or the Ravenswood Industrial Area (RIA) in East Palo Alto, San Mateo County.*

Significant Impact" conclusion, was limited to a review of "selected, readily available public information" [page D-8]. Primary sources of contaminant monitoring data, such as the 1995 USEPA Brownfields Program Phase II report and groundwater analyses in the DTSC GAMA database, were not compiled or evaluated. There is no attempt to compare existing concentrations to screening levels. The SEIR should summarize current RWQCB and DTSC cleanup requirements for residential and industrial/commercial use and note any that have changed since the 1980s, as earlier cleanup levels may not be considered health-protective today. The SEIR ESA should identify data gaps for all properties, such as the lack of any data on emerging contaminants (e.g., PFAS), failure to analyze for all likely contaminants of concern, and measurements conducted by older analytical methods with detection limits above applicable cleanup levels. W.31

As noted above, the RWQCB Orders in Appendix A of the ESA were rescinded and superseded by Order No. R2-2024-0003. The ESA and SEIR should summarize the current remediation status and any required cleanup levels for all 29 properties within the RIA, as it is unclear what requirements apply to the 22 parcels not called out in the Sycamore Real Estate Investments RMP.

Evaluate impacts of groundwater rise on contaminant mobilization and on current and future remediation efforts. Standard 9.7.6 (pp. xxxvi, 180) requires projects to evaluate vulnerability to contaminant mobilization due to groundwater rise, but only for "shoreline-adjacent" projects. This limitation is inappropriate. The SPUR study[23] concludes that most of the RBD south of Bay Road will experience flooding by emergent groundwater with two feet of seawater rise, projected to occur by the end of the century. With three feet of rise, nearly 60 percent of East Palo Alto is projected to be inundated.

The DSEIR fails to consider this impact, stating only that shoreline-adjacent properties shall "submit a list of project measures that will monitor and mitigate seasonal and permanent emergent groundwater impacts." This statement is very vague and provides no indication of what mitigations might be possible. Raising new developments above the current ground elevation will not stop contaminated groundwater from migrating inland as the water table rises, where it could pose a risk to offsite residents. The SEIR should require all projects with soil contamination above default soil or groundwater cleanup levels to conduct a mobilization study. W.32

Groundwater rise may damage, or render ineffective, existing or planned remediation infrastructure such as monitoring wells, extraction wells, slurry walls, and *in-situ* treatment. A durable cap, specified in RBD closure orders and Land Use Covenants (LUC), is not an appropriate long-term remedy for preventing contaminant migration, since groundwater rise may disrupt the cap. Neither the DSPU nor the DSEIR requires developments to evaluate and mitigate public health and environmental impacts associated with destruction of remediation systems.

[23] SPUR, 2024. *Look Out Below: Groundwater rise impacts on East Palo Alto — A case study for equitable Adaptation.*

Evaluate the adequacy of the soil cleanup levels and remediation plans for arsenic and other contaminants at the Rhone-Poulenc (Starlink Logistics) property and adjacent properties. The Final Cleanup Order for this site allows arsenic in surface soils up to 20 mg/kg for residential use (the South of Weeks operable unit (OU)), to 70 mg/kg for nonresidential use with deed restrictions and a durable cap (the Upland OU and Upland OU Annex), and to 500 mg/kg for "accessible" soils treated by chemical fixation.[24] These values are far higher than the current DTSC screening level of 0.11 mg/kg for residential use and 0.36 mg/kg for industrial use.[25] They are also far higher than the RWQCB ESLs for residential and industrial exposure to arsenic in shallow soils, 0.062 and 0.31 mg/kg respectively, and the 2.0 mg/kg ESL for construction workers (any land use, any depth).[26] W.33

Both DTSC and RWQCB recognize that even natural levels of arsenic can pose an excessive cancer risk; thus, they recommend a site-specific risk assessment. Such assessments often conclude that it is impractical to remediate below background levels. The Final Cleanup Order states that the 20 mg/kg residential limit is based on a soil background concentration. However, the RWQCB-accepted background concentration of arsenic in Bay Area urban soils is 11 mg/kg,[27] which is also the limit specified in a Harvest Properties RMP for imported fill at the Rhone-Poulenc site.[28] Also concerning is that the Order states that arsenic cleanup limits are adjusted to achieve an excess cancer risk of 1 in 10,000. Target risks in health risk assessments typically range from 1 in 10,000 (less protective) to 1 in one million (more protective). No explanation was provided as to why the least protective end of the risk range was selected for this site. The SEIR should provide more detail on how all the limits were developed and evaluate options to modify the Final Order for this site, based on newer arsenic toxicity information. W.34

The EIR should require a geotechnical study at this site as specified in Standard 9.7.6, to evaluate the potential impact of future groundwater rise and increased aquifer salinity on the effectiveness of the remedial measures. Any future project on this property should be required to conduct a study to evaluate the potential for the following outcomes: W.35

- Mobilization of arsenic and other inorganic elements in untreated and fixated soil. Studies have shown that saltwater intrusion in coastal aquifers can increase the solubility of inorganic arsenic.[29] The Final Cleanup Order omits cleanup requirements for other metals and metalloids present at elevated levels in soil (cadmium, lead, mercury, and selenium) on the basis that the concentrations of these contaminants are generally correlated with that of arsenic. That correlation may not apply under different redox

[24] SF Bay RWQCB, 2016. *Starlink Logistics, Inc. (Formerly Rhone-Poulenc, Inc.), for 1990 Bay Road Site, East Palo Alto, San Mateo County - Adoption of Final Site Cleanup Requirements.*
[25] HERO HHRA Note 3 June 2020. DTSC Recommended Screening Levels
[26] SF Bay RWQCB, 2019c. *Environmental Screening Levels. 2019 (Rev. 2).*
[27] Duverge, D. J., 2011. *Establishing Background Arsenic in Soil of the Urbanized San Francisco Bay Region*. Master's thesis submitted to the faculty of San Francisco State University,December 2011.
[28] S.S. PAPADOPULOS & ASSOCIATES, INC., 2020. Construction Risk Management Plan, Addendum to the Comprehensive Site Management Plan, 1990 Bay Road Site East Palo Alto, California.
[29] LeMonte, J.J. et al., 2017. *Sea level rise induced arsenic release from historically contaminated coastal soils*. Envir. Sci. & Technol., V. 51, Issue 11.

conditions, as can occur with saltwater intrusion. A geochemical evaluation is needed to better understand the mobility of all contaminants in untreated and fixated soils under high salinity conditions.

- Migration of contaminated groundwater to the Bay and to inland areas. The Final Cleanup Order has no requirement to remediate arsenic or other contaminants in groundwater, on the basis that there is no evidence of migration to the lower aquifer. This ignores the potential for discharge of shallow groundwater to the Bay or migration of the contaminant plume inland as sea level rises. Shallow groundwater is not used for drinking water in East Palo Alto, but due to the shallow depth of the water table, migration of contaminants inland could pose a risk to residents through contact with emergent groundwater or ingestion of home-grown produce.

W.35

Evaluate the potential for contamination at the Infinity Salvage property. Future use of this property as an open space or park, as proposed in the DSPU, could expose the City to high remediation costs. In addition to likely contamination of soil and groundwater from decades of automobile fluid leaks, the July 2024 fire at the facility may have deposited heavy metals, combustion byproducts and other contaminants on nearby properties and Bay wetlands.

W.36

Evaluate contaminant impacts on estuarine ecosystems. The DSEIR does not address the potential for hazardous chemicals in soils and groundwater to impact the salt marsh/open water/tidal slough habitat adjacent to the RBD shoreline. Transport pathways by which contaminants could enter the Refuge include groundwater discharge, rainfall or flood water runoff, bank erosion, and dust deposition. The SEIR should evaluate whether development in the RBD could lead to contamination of habitat via these pathways, and identify regulations that would require mitigation if contamination occurs. Additionally, the SEIR should evaluate whether construction could disrupt the following existing remediation systems that protect the habitat in the channel and marsh bordering the RBD.

W.37

- Recent sampling and analysis of surface water in the channel adjacent to the ROMIC site suggests that an installed biobarrier is effective in preventing VOCs from entering the channel.[30] The SEIR should discuss whether development can occur at that site without disrupting that remediation system.

- The Final Cleanup Order for the Rhone-Poulenc (Starlink Logistics) site required placement of a barrier or slurry wall to prevent migration of contaminated groundwater to the marsh. The SEIR should discuss how development at that site can occur without disrupting that remediation system.

W.38

Impact AIR-2: Chemical Exposure Hazards to Site Workers and the Public During Construction. The DSEIR does not require projects to evaluate exposures to site workers and to nearby residents/sensitive populations from any air toxic other than diesel particulate matter.

W.39

[30] Ninyo and Moore, 2023. First Semiannual 2023 Groundwater Monitoring and Remediation Evaluation Report, Bay Road Holdings Site, 2081 Bay Road, East Palo Alto, California. October 20, 2023.

RMPs for each development should be required to evaluate risks from airborne transport and inhalation exposure for all chemicals of concern. We recommend requiring onsite and downwind VOC and particulate air sampling and analysis of the air samples for chemicals of concern at every project site where soil concentrations exceed cleanup levels. W.39

SECTION 3.10 - HYDROLOGY AND WATER QUALITY

Key issue: Inadequacy of Flood Impacts Analysis due to Shallow Groundwater Rise.

Section 3.10, Hydrology and Water Quality, reviews all the topics included in the 2013 Specific Plan EIR, while omitting the significant new environmental concern regarding impacts produced by rising levels of shallow groundwater. On that topic, while the DSPU proposed Standard 9.7.6 re shallow groundwater rise, there was no corresponding discussion in the Groundwater discussion in this Section. There should be.

This Section cites the City's Vista 2035 General Plan which, under Safety and Noise, has:

> Policy 2.2 Flood related to sea level rise. Consider expanding boundaries of development control particularly where sea level rise could worsen flooding above predicted conditions. [emphasis added]

W.40

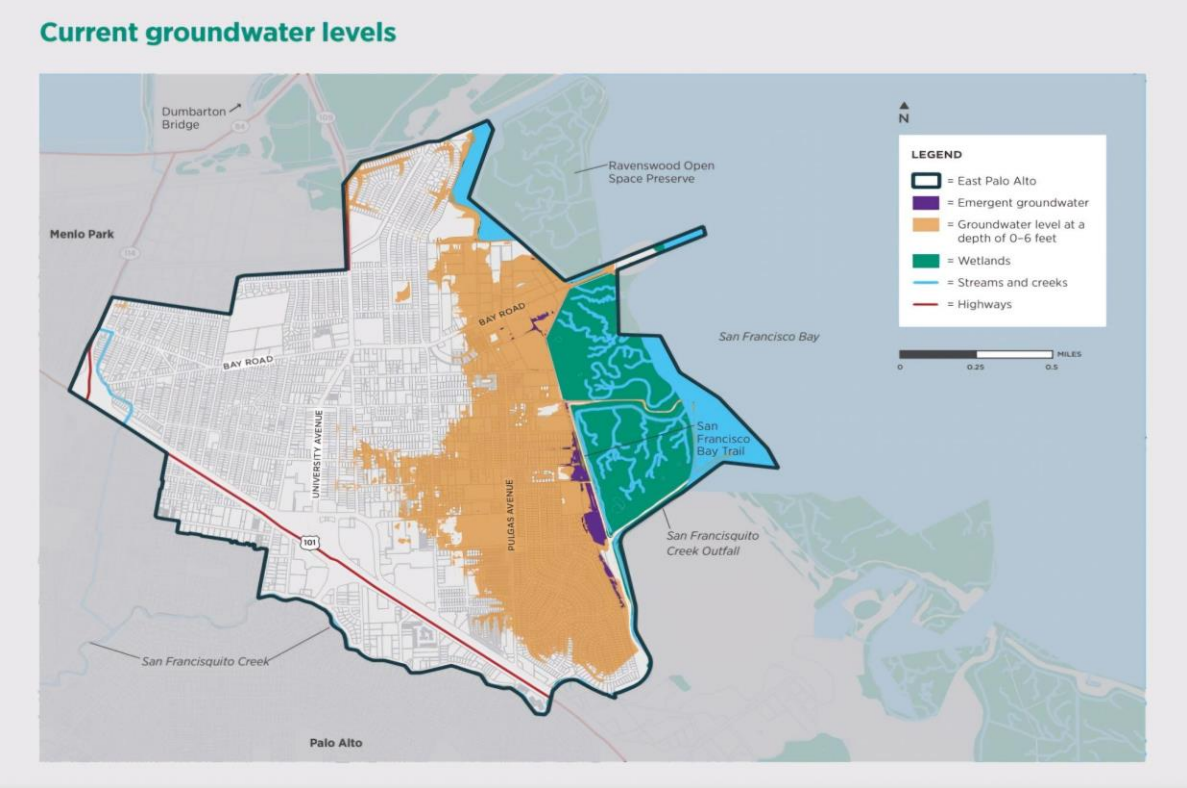
That General Plan policy and the inclusion of a Shallow Groundwater Standard in the DSPU are a sufficient basis for analysis in Section 3.10. We see that Standard 9.7.6 does not include flooding among its list of potential impacts. But its inference is clear: shallow groundwater will rise. In a report on groundwater prepared for Sunnyvale, the San Francisco Estuary Institute included the following in its list of potential impacts:

> "Emergence flooding. Across much of Moffett Park, depth to water is 3-6 feet, and in many places groundwater is deeper than 6 feet below ground surface. Therefore, emergence flooding is unlikely to be a concern in the near future: subsurface impacts will be seen sooner. Flooding as a result of rising groundwater may first be seen during storm events in wet winters. As average water table elevations increase, groundwater may seep into channels, increasing base flow and decreasing channel capacity, so that when storms occur there may be reduced capacity to convey stormwater. When SLR exceeds three feet or more (likely toward the end of the century, but possible as early as 2070), emergence flooding may become a regular occurrence if adaptation strategies are not implemented." [emphasis added][31]

Section 3.10 Groundwater discussion focuses on recharge of groundwater and notes that historical groundwater levels vary from zero to 10 feet below existing grade, citing California Geological Survey data from 2006. The discussion omits more recent data such as was the W.41

[31] San Francisco Estuary Institute, Sea Level Rise Impacts on Shallow Groundwater in Moffett Park, A Technical to the Moffett Park Specific Plan November 2021, pp 21-22: https://static1.squarespace.com/static/5e38a3dd6f9db304821e8e5e/t/61a7b37743ec4b770e11ee73/1638380421678/Moffett+Park+Specific+Plan+Groundwater+Addendum.pdf

basis for the report, Look Out Below,[32] a case study built on recent, substantial, and local scientific studies[33] that provided data specific to East Palo Alto. In it, maps displayed large areas of East Palo Alto and the SP Area with groundwater levels either at zero to six feet below grade or emergent. These areas lay along the shoreline, extend substantially inland and have underground flow adjacency with non-SPU areas. The Look Out Below map seen here includes an isolated zero to six feet site along University Avenue near 4 Corners.



W.41

While 9.7-6, as proposed, is limited to shoreline properties, recent data demonstrate that shallow groundwater impacts apply much more broadly in the SP Area. As shallow groundwater areas connect across project and Specific Plan boundaries, a development action in one location, such as a below-ground garage, can redirect subsurface water onto other parcels or the Bay, impacting conditions on those sites.

Recommendation*: We ask that the Groundwater findings, analysis and mitigation be changed using more recent data. We have strongly recommended in our prior DSPU comment letter that*

[32] SPUR, Look Out Below, Groundwater Rise Impacts on East Palo Alto. A Case Study for Equitable Adaptation, May 2024, map excerpt from Exhibit 6, p. 17: https://www.spur.org/sites/default/files/2024-06/SPUR_Look_Out_Below.pdf

[33] Pathways Climate Institute and San Francisco Estuary Institute, Shallow Groundwater Response to Sea Level Rise,in Alameda, Marin, San Francisco and San Mateo Counties, 2022: https://www.sfei.org/projects/shallow-groundwater-response-sea-level-rise

9.7.6 be corrected to apply to the entire SP Area as its potential impacts are broadly relevant to public and environmental safety and structural integrity inclusive of flooding.

We ask that the Section 3.10 findings, impact analysis and mitigation discussions regarding Groundwater, Storm Drainage Systems and Flood Hazards incorporate rising shallow groundwater with reference to DSPU Standard 9.7.6 and recent, scientific references on the topic.

W.41

SECTION 3.11 - LAND USE AND PLANNING

Development Standards

- **DSPU Standard 9.7.6**

  This new DSPU Standard requires shallow groundwater vulnerability assessment and mitigation of impacts such as buoyancy, seepage, infiltration, liquefaction, corrosion, and contaminant mobilization hazards for all shoreline-adjacent development projects. Standard 9.7.6 is included as GEO MM-2 in the DSEIR. As discussed above in our comments on Section 3.7 - Geology and Soils, shallow groundwater rise can contribute to several additional GEO Impacts identified in the DSEIR (beyond Impact GEO-2) and expose a much broader portion of the DSPU area to higher risks associated with the various geological impacts discussed in Section 3.7. Additionally, as noted in this letter's Hydrology section, recent mapping suggests that groundwater rise could also exacerbate flood risks well beyond shoreline-adjacent parcels.

  Recommendation*: DSPU Standard 9.7.6 should be amended to apply area-wide and flooding should be added to the impacts articulated in the Standard. Additionally, like DSPU Policy LU-6.4, Standard 9.7.6 should be incorporated throughout the SEIR's Land Use and Planning Impact Discussion, Section 3.11.2, and Non-CEQA Effects discussion, Section 3.11.3.*

W.42

- **Setbacks and Stepbacks**

  As discussed in the Biological Resources section of this letter, MM BIO-10.1 requires all properties on the shoreline and those that include or sit adjacent to wetlands to have wetland delineations performed during or prior to project design.

  Recommendation*: Use the inner edge of delineated wetland as the basis for all shoreline setbacks, stepbacks or height decisions, and incorporate that standard in the Land Use impact analysis and mitigation.*

W.43

- **Height Limits**

  As discussed in the Aesthetics section of this letter, we are concerned about substantial exceptions to DSPU's height limit standards that would allow rooftop equipment to extend up to 30 feet beyond a building's height limit. In some zones, this could effectively raise the total height by 50 percent. Such an effect would run counter to the DSPU's Key Community-Generated Land Use and Design Goal #7: Enhance public views of the Bay[34] and the DSPU's stated intention to "reduce the apparent size of buildings."[35]

W.44

[34] DSPU, page 10

[35] Ibid, page 83

Recommendation: *Limit rooftop equipment exceptions to approximately one story in height. If the equipment exceeds this height, it should be counted as a floor within the basic height limit.*

Recommendation: *At facades facing wetlands, rooftop equipment and screening should be set back from the roof's edge using a 45-degree view line from the wetlands delineation line to the edge of the roof.*

W.44

- **Specific Plan Update Policy LU-6.4**

  We appreciate the retention of this policy from the 2013 Specific Plan. However, in the years since that plan was adopted, the scientific and policy communities have become much more aware and concerned about the threat and impacts of shallow groundwater rise and groundwater displacement due to rising sea levels. As such, it is appropriate to update Policy LU-6.4 to reflect this more recent, but substantial concern.

  Recommendation: *Add "shallow groundwater rise" to LU-6.4 as shown in green: "...Verify that environmental review of this report includes an assessment of flood and* ***shallow groundwater rise*** *risks to the building itself and…."*

W.45

SECTION 3.13 - POPULATION AND HOUSING

Failure to Analyze Indirect Displacement Impacts

The DSEIR concludes that direct displacement impacts will be less than significant due to a net gain in housing units and no net loss of affordable housing. Additionally, it notes that displaced residents would be protected by tenant safeguards. However, in East Palo Alto, the greater risk may come from indirect displacement, particularly gentrification resulting from the creation of thousands of jobs that may be inaccessible to current residents.

W.46

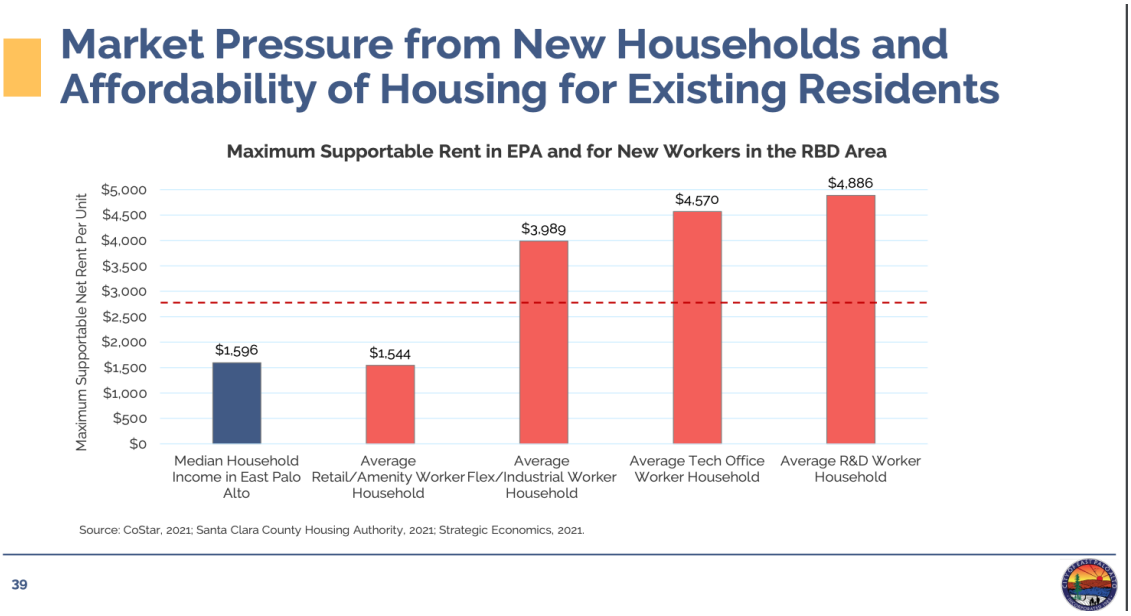
East Palo Alto faces significant socio-economic challenges, including a very low jobs-to-employed residents ratio (0.35 compared to 1.0 County-wide),[36] high levels of moderate to severe household overcrowding (26% versus 8% County-wide),[37] and a large segment of the population with limited educational attainment. According to the Vista 2035 General Plan, 35% of adults over 25 have not completed high school, and another 45% lack Associate or Bachelor's degrees.[38] In a March 23, 2021, City Council Study Session, City staff presented data showing the correlation between educational attainment and income, as well as employment sector trends in East Palo Alto.[39] Given this context, both residents and the City Council have consistently stressed the importance of job fit to counteract gentrification and displacement as the City grows.

[36] Adopted City of East Palo Alto Housing Element 2023- 2031, page 2–40. Available at: https://www.cityofepa.org/sites/default/files/fileattachments/housing/page/23793/adopted_2023-2031_east

[37] Ibid, page 2-28.

[38] City of East Palo Alto Vista 2035 General Plan, page 5-2.

[39] Ravenswood Business District Specific Plan Update City Council Study Session, "Data Refresh" slide presentation: March 23, 2021. Available at: https://eastpaloalto.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=2350&MeetingID=1360 (Accessed September 7, 2024)



Displacement concerns are already pronounced in East Palo Alto. Currently, 64.7% of households live in neighborhoods "susceptible to or experiencing displacement."[40] An impact analysis presented by the City's Specific Plan Update (SPU) consultant in September 2021 indicated that 25% of East Palo Alto households—approximately 2,045 households—could be vulnerable to displacement due to the DSPU growth scenarios.[41] The analysis also revealed that the maximum affordable rent for households in industrial, tech office, or research and development sectors could be 2.5 to 3 times higher than what current East Palo Alto residents can afford. Thus, existing residents could struggle to compete with new employees for limited housing supply in the City. Compounding displacement impacts, the real estate market in neighboring cities is already cost-prohibitive for most East Palo Alto residents.

W.46

Although the DSEIR projects an improvement in the jobs-to-housing ratio by adding up to 11,340 new jobs under the DSPU, it does not assess whether these jobs will be accessible to local residents. If a significant portion of these jobs is unattainable by the local workforce, the potential benefits of an improved jobs-housing balance may bypass the very community it is meant to serve.

Furthermore, the DSEIR acknowledges that the DSPU "would not provide sufficient new housing to accommodate the net new jobs generated." If there is a poor job fit, this could lead to

W.47

[40] Adopted City of East Palo Alto Housing Element 2023- 2031, page 2-24. Available at: https://www.cityofepa.org/sites/default/files/fileattachments/housing/page/23793/adopted_2023-2031_east_palo_alto_housing_element_.pdf (Accessed September 7, 2024).

[41] Ravenswood Business District Specific Plan Update Public Workshop slide presentation: September 22, 2021, slide 40. Available at: https://www.cityofepa.org/sites/default/files/fileattachments/planning/page/22863/rbd_workshop2_presentation092221_final.pdf (Accessed September 7, 2024).

an influx of commuters competing for existing housing, worsening gentrification and displacement.

Recommendations

1. **Use Jobs per Employed Resident Ratio***: Replace the jobs-per-housing unit metric with the jobs-per-employed resident ratio.*
2. **Utilize Local Data and Analyze Job Fit***: The SEIR should include a detailed analysis of how the new jobs created under the DSPU will align with the qualifications and skill levels of existing residents. While Plan Bay Area 2050 may not offer city-specific data, the City's presentations on March 23, 2021, and September 22, 2021, suggest that relevant data and analysis are available.*
3. **Analyze and Mitigate City-Specific Indirect Displacement Vulnerability***: The SEIR should incorporate a job fit analysis as well as local data on displacement vulnerability, such as income, education, employment and household overcrowding—outlined in the Adopted 2023-2035 Housing Element and the September 22, 2021 Public Workshop #2 presentation—into its analysis of indirect displacement impacts.*

W.47

Thank you for the opportunity to submit comments on the Ravenswood Business District/4 Corners Specific Plan Update DSEIR. We look forward to continued engagement in the Specific Plan Update process.

Sincerely,

Jennifer Chang Hetterly
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Sierra Club Loma Prieta Chapter

Eileen McLaughlin
Board Member
Citizens Committee to Complete the Refuge

Alice Kaufman
Policy and Advocacy Director
Green Foothills

Chris MacIntosh
Conservation Chair
Sequoia Audubon Society