General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project

GP18-012. PDC23-009, & ER22-056

First Amendment to the Draft Environmental Impact Report

March 2025

Prepared by:

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

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Section 1.0 Introduction

This document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final Environmental Impact Report (Final EIR) for the General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project.

1.1 Purpose of the Final EIR

In conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, this Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final EIR is intended to be used by the City and any Responsible Agencies in making decisions regarding the project.

Pursuant to CEQA Guidelines Section 15090(a), prior to approving a project, the lead agency shall certify that:

(1) The Final EIR has been completed in compliance with CEQA;
(2) The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
(3) The Final EIR reflects the lead agency's independent judgment and analysis.

1.2 Contents of the Final EIR

CEQA Guidelines Section 15132 specify that the Final EIR shall consist of:

a) The Draft EIR or a revision of the Draft;
b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
e) Any other information added by the Lead Agency.

1.3 Public Review

In accordance with CEQA and the CEQA Guidelines (Public Resources Code Section 21092.5[a] and CEQA Guidelines Section 15088[b]), the City shall provide a written response to a public agency on

comments made by that public agency at least 10 days prior to certifying the EIR. The Final EIR and all documents referenced in the Final EIR are available for public review at San José City Hall, 3rd Floor, 200 East Santa Clara Street, San José on weekdays during normal business hours. The Final EIR is also available for review on the City's website at:

https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/gpa-and-pd-rezoning-for-the-coleman-and-hedding-commercial-development-project

Section 2.0 Draft EIR Public Review Summary

2.1 Original Circulation

The Draft EIR for the General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project, dated August 2024, was circulated to affected public agencies and interested parties for a 45-day review period from August 2, 2024 through September 16, 2024. The City undertook the following actions to inform the public of the availability of the Draft EIR:

- A Notice of Availability of Draft EIR and the Draft EIR were published on the City's website at: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/gpa-and-pd-rezoning-for-the-coleman-and-hedding-commercial-development-project

- A Notice of Availability of Draft EIR was published in the *San Jose Mercury-News*.

- Notification of the availability of the Draft EIR was mailed to project-area residents and other members of the public who had indicated interest in the Project.

- The Draft EIR was delivered to the State Clearinghouse on August 2, 2024, as well as sent to various governmental agencies, organizations, businesses, and individuals (see Section 3.0 for a list of agencies, organizations, businesses, and individuals that received the Draft EIR).

2.2 Recirculation

The City recirculated the Draft EIR, dated August 2024, for a 45-day review period from January 21, 2025 through March 7, 2025. The recirculation was undertaken to ensure that the general public and all interested agencies were properly informed and had time to provide comments regarding the adequacy of the analyses in the Draft EIR. No changes to the project description, technical analyses, and mitigation measures occurred since the previous circulation of the Draft EIR.

Section 3.0 Draft EIR Recipients

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies.

3.1 Original Circulation

The Notice of Availability for the Draft EIR was sent to owners and occupants adjacent to the project site and to adjacent jurisdictions. The following agencies received a copy of the Draft EIR from the City or via the State Clearinghouse:

The Notice of Availability (NOA) for the Draft EIR was sent to owners and occupants adjacent to the project site and to adjacent jurisdictions. The following agencies received a copy of the Draft EIR from the City or via the State Clearinghouse:

- California Air Resources Board
- California Department of Transportation, District 4
- California Department of Transportation, Planning
- California Department of Fish and Wildlife, Region 3
- California Native American Heritage Commission
- California Regional Water Quality Control Board, San Francisco Bay Region 2
- California Resources Agency
- California Department of Toxic Substances Control
- California Department of Water Resources

The Notice of Availability for the Draft EIR was sent by email to the following organizations, businesses, and individuals who expressed interest in this project:

- Association of Bay Area Governments
- Bay Area Air Quality Management District
- Bay Area Metro
- California Air Resources Board
- California Department of Conservation
- California Department of Energy
- California Department of Fish and Wildlife
- California Department of Transportation, District 4
- California Environmental Protection Agency
- California Geologic Survey
- District 6 Neighborhood Leadership Group
- Greenbelt Alliance

- Guadalupe River Park Conservancy
- Native American Heritage Commission
- Pacific Gas & Electric (PG&E)
- Santa Clara County Planning Department
- Santa Clara County Roads and Airports
- Santa Clara Valley Audubon Society
- Santa Clara Valley Transportation Authority
- San Francisco Bay Area Planning and Urban Research
- San Jose Water Company
- Santa Clara Valley Transportation Authority
- Santa Clara Valley Water District
- Sierra Club Loma Prieta Chapter
- Tribal Contacts from the Native American Heritage Commission
- U.S. Fish and Wildlife Service"

3.2 Recirculation

The Notice of Availability for the recirculation of the Draft EIR was sent to the same list of recipients as shown above plus those who responded to the Notice of Preparation of the EIR.

Section 4.0 Responses to Draft EIR Comments

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by the City of San José on the Draft EIR.

Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City of San José are included in their entirety in Appendix A of this document. Comments received on the Draft EIR are listed below.

Comment Letter and Commenter **Page of Response**

A. California Department of Fish & Wildlife (dated March 7, 2025)

Comment A.1: The California Department of Fish and Wildlife (CDFW) received a draft Environmental Impact Report (EIR) from the City of San Jose (City) for the General Plan Amendment and Planned Development Rezoning for the Coleman and Heading Commercial Development Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines. CDFW previously submitted comments in response to the Notice of Preparation of a Draft Environmental Impact Report on September 20, 2023.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Id., § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

REGULATORY REQUIREMENTS

California Endangered Species Act: A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86). CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any Project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is

encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA permit.

The Project has the potential to impact burrowing owl (Athene cunicularia), CESA candidate species, as further described below.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. Pub. Resources Code, §§ 21001, subd. € & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065). In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, does not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Migratory Birds and Raptors: CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act (MBTA).

Fully Protected Species: Fully Protected Species (Fish & G. Code § 3511 and 4700) have the potential to occur within or adjacent to the Project area, including, but not limited to: golden eagle (Aquila chrysaetos). Project activities described in the draft EIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock; or
- They are a covered species whose conservation and management are provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).
- Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15).

Response A.1: This comment summarizes the various laws and regulations that are administered by the CDFW, as well as the role of CDFW in reviewing CEQA documents. This same information is included in Section 3.4.1.1, *Biological Resources Regulatory Framework*, of the Draft EIR. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further environmental analysis is required.

Comment A.2: PROJECT DESCRIPTION SUMMARY

Proponent: City of San Jose

Objective: The Project is a General Plan Amendment and Planned Development rezoning on approximately 11.4 acres of seven City-owned parcels located in the Guadalupe Gardens, a 120-acre area located immediately south of the San José Mineta International Airport. On each of the seven parcels, the existing Envision San José 2040 General Plan Land Use Designation of Open Space Parks Habitat would be changed to Combined Industrial Commercial and each parcel would be rezoned to the Open Space Planned Development Zoning District. With the new General Plan land use designation and rezoning in place, the City intends to market the seven parcels for development that is consistent with the underlying purpose of the parcels for aviation related objectives. The City would retain ownership of the land and would lease the sites to developers. The project also includes the removal of the seven parcels from the Guadalupe Gardens Master Plan.

Location: The Project is located north of West Taylor Street, east of Coleman Avenue, south of Nimitz Freeway, and west of Guadalupe Parkway in the City of San Jose, Santa Clara County (County). The coordinates for the approximate center of the Project are 37°20'47.17"N latitude, 121°54'40.25"W longitude (WGS 84). The Assessor's Parcel Numbers are Parcel 1: 259-02-130, Parcel 2: 259-02-131, Parcel 3: 259-08-072, Parcel 4: 259-08-101, Parcel 5: 259-08-102, Parcel 6: 230-38-076, and Parcel 7: 230-38-092.

Timeframe: Not noted in the draft EIR.

> **Response A.2:** This comment summarizes the description of the Project. This same information is included in Section 2.4, *Detailed Project Description*, of the Draft EIR. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further environmental analysis is required.

Comment A.3: COMMENTS AND RECOMMENDATIONS: CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources with mitigation measures, including those CDFW recommends, CDFW concludes that an EIR is appropriate for the Project.

> **Response A.3:** In this comment, CDFW is concurring with the City that an EIR is the appropriate CEQA document for the Project. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further environmental analysis is required.

Comment A.4: Environmental Setting and Related Impact Shortcoming

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service?

COMMENT 1: Burrowing Owl

Issue: There are sixteen CNDDB records of burrowing owl occurring within three miles of the Project, with the closest record approximately 0.25 miles north of the Project. The Project is also within the burrowing owl year-long range according to the California Wildlife Habitat Relationships model. While the draft EIR acknowledges that burrowing owls have the potential to occur as a breeder or non- breeding forager in the California annual grassland within the Project area (pages 60, 63-64, 68-70), mitigation measure (MM) BIO-1.1 may not adequately mitigate impacts to burrowing owl to less-than-significant. Additionally, the draft EIR also acknowledges that MM BIO-1.1 is based on Condition 15 of the Santa Clara Valley Habitat Plan (VHP). However, as discussed in the draft EIR, the Project is located within the VHP permit area but is not a "covered project," as the subject parcels are part of lands controlled by San José International Airport, which is excluded from the VHP. Therefore, the project is not subject to compliance with VHP conditions, avoidance, minimization, or compensatory mitigation measures.

Specific impacts, why they would occur, and evidence they would be significant: MM BIO-1.1 includes a survey for burrowing owl, however the two preconstruction surveys required by MM BIO-1.1 (page 71) is inconsistent with the surveys recommended in the Department of Fish and Game [currently CDFW] Staff Report on Burrowing Owl Mitigation (2012) (CDFW 2012 Staff Report), which requires at least four surveys. The survey distance of 250 feet required by MM BIO-1.1 (page 71) would not detect owls up to 500 meters (1,640 feet) from the Project site, the distance at which the species could be impacted by auditory and visual disturbances, pursuant to the CDFW 2012 Staff Report. The buffer distance in MM BIO-1.1 of 250 feet (pages 72-73) may be too small to fully avoid impacts to burrowing owl, especially during the nesting season. Lastly, MM BIO-1.1 describes passive relocation activities (pages 73-74). CDFW does not consider passive relocation to be a take avoidance measure because the long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of excluded owls is unknown. Burrowing owl are dependent on burrows at all times of the year for survival or reproduction, therefore eviction from nesting, roosting, overwintering, and satellite burrows or other sheltering features may lead to indirect impacts or "take" which is prohibited under CESA and Fish and Game Code section 3503.5.

Burrowing owl is a candidate for listing under CESA and is afforded the same legal protections as a CESA-listed species while under review (Fish and Game Code § 2068). The Project is comprised of California annual grasslands which provide potential foraging habitat for burrowing owl as well as suitable nesting and roosting habitat where California ground squirrel (Otospermophilus beecheyi) burrows are present.

Implementation of the Proposed Project would result in permanent loss of 9.11 acres of California annual grassland, which may provide suitable habitat for burrowing owl nesting, roosting, and foraging. Additionally, the Project could impact resident, wintering, and nesting burrowing owl in

burrows or other suitable refugia on or within up to 500 meters (1,640 feet) of the Project site, which could result in burrowing owl nest abandonment, loss of young, reduced health and vigor of owlets, injury or mortality of adults, and permanent wintering (i.e., non-nesting) or nesting habitat loss.

Burrowing owl population viability and survival are adversely affected by risk factors such as precipitous declines from habitat loss, fragmentation, and degradation; evictions from nesting sites without habitat mitigation; wind turbine mortality; human disturbance; and eradication of California ground squirrel resulting in a loss of suitable burrows required by burrowing owl for nesting, protection from predators, and shelter (Shuford and Gardali 2008; CDFW 2012 Staff Report; personal communication, CDFW Statewide Burrowing Owl Coordinator Esther Burkett, May 13, 2022). Preliminary analyses of regional patterns for breeding populations of burrowing owl have detected declines both locally in their central and southern coastal breeding areas, and statewide where the species has experienced breeding range retraction (CDFW 2012 Staff Report). Borrowing owl have been extirpated from 16 percent of their former range and are at risk of being extirpated from another 13 percent of their range in the State (CDFW 2024).

Based on the foregoing, if burrowing owls are wintering or nesting on or within 500 meters (1,640 feet) of the Project site, the Project may result in a substantial reduction in the number of a CESA candidate species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines sections 15065, subdivision (a)(1) and 15380.

Recommended Mitigation Measures: To reduce potential impacts to burrowing owl to less-than-significant and comply with CESA and Fish and Game Code section 3503.5, CDFW recommends replacing MM BIO-1.1 with the mitigation measures below.

Mitigation Measure BIO-1.1 (Burrowing Owl Habitat Assessment and Surveys): A qualified biologist shall conduct a habitat assessment and surveys, following the Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012) methodology (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284- birds) and prepare a report documenting the survey results, and submit the report to CDFW for review prior to Project construction. The qualified biologist shall have a minimum of two years of experience implementing the above methodology resulting in burrowing owl detections. Based on the habitat assessment, if suitable burrows are present, surveys for nesting burrowing owl shall be conducted if Project construction starts during nesting season (February 1 to August 31), and surveys for wintering burrowing owl shall be conducted if the construction starts during the wintering season (September 1 to January 31). The habitat assessment and surveys shall encompass the Project site and a sufficient buffer zone to detect owls nearby that may be impacted, which is up to 500 meters (1,640 feet) around the Project site pursuant to the above methodology. Habitat assessments and surveys shall occur annually for the duration of the Project, as conditions may change annually and suitable refugia for burrowing owl, such as small mammal burrows, can be created within a few hours or days, unless otherwise approved in writing by CDFW.

Time lapses between surveys or Project activities shall trigger subsequent surveys including, but not limited to, a final survey within 24 hours prior to ground disturbance. If the habitat assessment does

not identify suitable habitat and surveys are not conducted, an additional habitat assessment should be conducted within 14 days prior to construction. If new refugia are present, surveys should be conducted as described above, unless otherwise approved in writing by CDFW.

The Project shall immediately notify CDFW if burrowing owl is detected and implement a construction avoidance buffer around any detected burrowing owl pursuant to the buffer distances outlined in the Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012), which may be up to 500 meters (1,640 feet). Any detected owl shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities.

If the Project cannot ensure burrowing owl and their burrows are fully avoided, the Project shall consult with CDFW and obtain a CESA take authorization or otherwise demonstrate compliance with CESA. Take is likely to occur and the Project shall obtain an ITP if: 1) burrowing owl surveys of the Project area detect burrowing owl occupancy of burrows or burrow surrogates, or 2) there is sign of burrowing owl occupancy on the Project area within the past three years and habitat has not had any substantial change that would make it no longer suitable. Occupancy means a site that is assumed occupied if at least one burrowing owl has been observed occupying a burrow or burrow surrogate within the last three years. Occupancy of suitable burrowing owl habitat may also be indicated by burrowing owl sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site. If burrowing owl, or their burrows or burrow surrogates, are detected within 500 meters (1,640 feet) of the Project site during burrowing owl surveys, but not on the Project site, the Project shall with CDFW to determine if avoidance is feasible or an ITP is warranted.

Response A.4: As discussed in the EIR and accompanying Biological Resources Report, although burrowing owls have been recorded in the vicinity of the Project site, burrowing owls have never been reported from the Project site itself. Furthermore, regional burrowing owl declines have reduced the number of individuals at the nearby Mineta San Jose International Airport to the point that no burrowing owls were recorded there during the 2023 breeding season (Talon Ecological Research Group 2024) and only one unpaired adult was present in 2024 (Santa Clara Valley Habitat Agency 2024). Thus, there is a very low potential for burrowing owls to occur on the Project site itself, and there is no evidence that the Project site is of any importance in maintaining burrowing owl populations, either locally (in the vicinity of the Airport) or regionally in the South Bay.

This comment implies that because the Project is not subject to the VHP, basing the mitigation measures designed to avoid impacts to burrowing owls is somehow inappropriate or inadequate. The City disagrees. VHP Condition 15 describes how VHP-covered projects avoid and minimize impacts on burrowing owls and states "project applicants will employ avoidance measures described below to ensure that direct take does not occur" (ICF International 2012; page 6-63). Thus, Condition 15 measures of the CDFW-approved VHP are intended to avoid take, and they are thus appropriate even for non-VHP-covered projects.

Mitigation Measure Bio-1.1 describes a preconstruction survey to determine whether burrowing owls are present or absent for the purpose of preconstruction clearance (i.e., avoiding impacts to individual owls). The City disagrees with the suggestion that at least four surveys are necessary for this purpose or that this preconstruction survey should be based on the four-survey approach described in CDFW's 2012 *Staff Report on Burrowing Owl Mitigation*. The four-survey protocol described in Appendix D of CDFW's *Staff Report on Burrowing Owl Mitigation* is not suitable for preconstruction purposes, as it describes site visits as being spread at least three weeks apart for breeding surveys or spread evenly throughout the nonbreeding season. For migrant burrowing owls, which are the individuals most likely to occur on the Project site if the species occurs at all, owls may appear and move on in a few days, so surveys spread out over such long periods are inappropriate and unnecessary for determining whether owls are present on the Project site when construction commences. Rather, the two-survey approach described in Mitigation Measure Bio-1.1 more appropriately follows procedures in VHP Condition 15.

The City also disagrees that a survey distance of up to 500 meters is necessary. The comment cites the CDFW Staff Report for this 500-meter distance, but the source of this distance in the Staff Report, Scobie and Faminow (2000), is unlikely to be applicable to urban areas such as the Project site. Scobie and Faminow's recommendations for burrowing owl buffers were based on the following:

- They were specific to petroleum industry activities in Canada's Prairie Provinces.
- They were determined based on interviews with biologists and petroleum industry professionals rather than being based on any study of burrowing owl responses to human activity.
- In determining the appropriate buffers, biologists were "asked to consider the animal living in relative isolation from human disturbance", and petroleum industry professionals commenting on the level of disturbance from an activity were asked to assume "that a hypothetical area is 'pristine' with no previous development in the area". Thus, the baseline conditions assumed for these buffer estimates were very different from the urban surroundings of the Project site, with unhoused individuals living on or adjacent to many of the Project parcels and numerous aircraft flying low overhead throughout the day.

Scobie and Faminow (2000) acknowledged that "for many of the species being considered there was no science to back up the setback distances and that the biological information would be based on a broad consultation process and for most species, anecdotal evidence". Thus, there are no data to support the suggestion that buffers as great as 500 meters are necessary to protect burrowing owls, versus the long-standing standard of 250 feet (which again is consistent with VHP Condition 15).

The City acknowledges that CDFW does not consider passive relocation to be a take avoidance measure. However, passive relocation is preferable to the injury or mortality that would occur if an owl is allowed to occupy a burrow when ground disturbance occurs in that location. Because the burrowing owl is a candidate for listing under CESA, the City would coordinate with CDFW prior to any passive relocation in the highly unlikely event that passive relocation becomes necessary; the need for passive relocation to be approved by CDFW is specified in Mitigation Measure BIO-1.1.

The City does not agree that the Project would result in a substantial reduction in the number of burrowing owls if owls are wintering or nesting within 500 meters of the Project site. As discussed in the Biological Resources Report prepared for the Project's EIR, some of the burrowing owls that may occur in the project vicinity during the nonbreeding season likely represent migrants or wintering owls from nesting populations outside the San Francisco Bay area. Project activities will also result in a reduction in available habitat for these birds. However, burrowing owls are known to occur more widely in the South San Francisco Bay region in winter than they do during the nesting season, using habitats within Coyote Valley and adjacent foothills that are not used for nesting by birds within the South Bay nesting population (ICF International 2012). Given the vast extent of grassland and ruderal habitat within the foothills of the Diablo Range and Santa Cruz Mountains (and to some extent on the valley floor in southern Santa Clara County) that provide suitable wintering habitat for owls, the loss of habitat within the project footprint is not expected to have a substantial impact on populations of burrowing owls that winter in the South Bay but nest outside the region. Furthermore, due to the complete absence of evidence that burrowing owls use (or have used) the Project site and the absence of any burrowing owl breeding at the nearby Airport within the past two years, there is no evidence that the Project site is of any importance in maintaining burrowing owl populations, either locally (in the vicinity of the Airport) or regionally in the South Bay. Thus, the Project is not expected to result in a substantial reduction in numbers of burrowing owls, either locally or regionally.

The City disagrees that Mitigation Measure Bio-1.1 from the EIR should be replaced with the measure recommended by this comment. Mitigation Measure Bio-1.1 from the EIR already includes the salient points recommended by this comment, such as surveying the Project site and surrounding areas to identify suitable habitat, burrows suitable for use by owls, and evidence of the presence of burrowing owls. The surveys described in Mitigation Measure Bio-1.1 from the EIR must be conducted by a qualified biologist, and submitting the report to CDFW for review prior to Project construction would add no additional biological or scientific rigor to the survey being conducted; such oversight is unnecessary. Reasons why surveys as far as 500 meters from the Project site are unnecessary are described above. The City also does not agree that surveys need to occur annually for the duration of the Project.

However, to allow for the possibility that development of the Project parcels may occur at different times, the first two paragraphs of Mitigation Measure Bio-1.1 will be revised as shown in Section 5, *Draft EIR Text Revisions*, to reflect these comments from CDFW and separate comments from the Santa Clara Valley Bird Alliance and Sierra Club).

The City understands that if burrowing owls cannot be fully avoided, compliance with CESA by obtaining CESA take authorization would be necessary. However, this regulatory requirement does not need to be incorporated into the CEQA mitigation measure. In the unlikely event that burrowing owls are present and cannot be avoided, Mitigation Measure BIO-1.1 requires CDFW consultation prior to, and CDFW approval of, the passive relocation that would be necessary.

Comment A.5: Nesting Birds

Issue: CDFW acknowledges and appreciates the incorporated mitigation measures MM BIO-2.2, MM BIO-2.3, and MM BIO-2.4 to minimize impacts to nesting birds during Project activities. These mitigation measures may not be sufficient to avoid potentially significant impacts to nesting birds during Project activities.

Specific impacts, why they would occur, and evidence they would be significant: Implementation of the Project would result in the permanent removal of approximately 67 trees and loss of 9.11 acres of California annual grasslands, that may provide suitable nesting habitat for birds. Nesting birds may be disturbed by habitat removal and Project noise and visual disturbances, which could result in active nest loss or abandonment, reduced reproductive success or loss, reduced health or vigor of eggs or young, or direct take of nesting birds, a potentially significant impact. Take of nesting birds, birds in the orders Falconiformes or Strigiformes, and migratory nongame bird as designated in the federal MBTA is a violation of Fish and Game Code (§ 3503, 3503.5, 3513).

Recommended Mitigation Measures: To reduce potential impacts to nesting birds to less-than-significant and comply with Fish and Game Code sections 3503, 3503.5, and 3513 and the federal MBTA, CDFW recommends several additions (as shown as underlined text) or modifications (as shown as lined out text) to MM BIO- 2.2, MM BIO-2.3, and MM BIO 2.4.

Mitigation Measure BIO-2.2 (Pre-Construction Surveys): If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre- construction surveys for nesting birds will be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey must be completed no more than 14 days prior to the initiation of construction activities during ~~the early part of~~ the breeding season ~~(February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive).~~ During this survey, the qualified ornithologist shall inspect all trees and other possible nesting habitats, <u>including the ground and buildings, in and</u> immediately adjacent to the Project construction areas for nests. <u>If a lapse in Project-</u>

related work of 14 days or longer occurs, another survey shall be conducted before Project work can be reinitiated.

Mitigation Measure BIO-2.3 (Construction Buffer): If, during the survey described in MM BIO-2.2, the qualified ornithologist finds an active nest sufficiently close to work areas to be disturbed by construction, the qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment and comply with Fish and Game Code section 3500 et seq. and the federal MBTA. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby Project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

The qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by Project work. Nest monitoring shall continue during Project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the qualified biologist, unless otherwise approved in writing by CDFW.

Mitigation Measure BIO-2.4 (Survey Result Reporting): Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement or the Director's designee, and the California Department of Fish and Wildlife.

Response A.5: Mitigation Measures BIO-2.2 through BIO-2.4 in the EIR have been edited to reflect the changes recommended by CDFW, as well as changes recommended in separate comments by the Santa Clara Valley Bird Alliance and Sierra Club. The revisions are shown in Section 5, *Draft EIR Text Revisions*.

Comment A.6: ENVIRONMENTAL DATA - CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

Response A.6: As warranted, the City will comply with this reporting requirement.

Comment A.7: ENVIRONMENTAL DOCUMENT FILING FEES - The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Response A.7: The City will pay the CDFW Environmental Filing Fee when it files the CEQA Notice of Determination with the Santa Clara County Clerk-Recorder.

B. City of Santa Clara (dated September 11, 2024)

Comment B.1: Local Transportation Analysis: The Transportation Analysis of the draft EIR only included a VMT analysis and stated that "subsequent supplemental Local Transportation Analysis (LTAs) may be required when site-specific development plans are submitted to the City." Santa Clara understands that vehicles miles traveled (VMT) is now the adopted CEQA metric to measure transportation environmental impacts per City of San José City Council Policy 5-1. Nonetheless, development is still subject to the requirements of the Congestion Management Program (CMP), and congestion impacts must be analyzed in conformance with the VTA Transportation Impact Analysis (TIA) Guidelines. Additionally, the City of San José's Transportation Analysis Handbook dated April 2020 requires project transportation impacts in external jurisdictions, including adjacent cities, to be analyzed according to that jurisdiction's transportation standards.

Accordingly, Santa Clara requests that EIR include a local transportation analysis (LTA) to analyze the Project's transportation impacts on CMP facilities and facilities within Santa Clara and any subsequent supplemental LTAs also be submitted to Santa Clara for review. Santa Clara utilizes criteria contained within the VTA TIA Guidelines as a basis for determining study intersections to be included as part of an LTA. Thus, intersections within Santa Clara that add 10 or more project trips per approach lane shall be analyzed within the LTAs. Santa Clara would also like to review and comment on the scope of work related to the LTAs.

The project site is located on the southeastern boundary of the City of Santa Clara. Relevant approved and pending projects within Santa Clara need to be included in the LTA under the background and cumulative scenarios, respectively. This is consistent with the VTA TIA Guidelines. A list of both approved and pending projects can be provided by the Santa Clara Community Development Department, Planning Division.

The local transportation analysis must also include an analysis of bicycle and pedestrian facilities in terms of their availability, project effects on future bike/pedestrian plans, and improvements proposed by the project. Maps and information on existing and planned bicycle/pedestrian facilities within Santa Clara can be found in the City's Bicycle Plan Update and Pedestrian Master Plan on https://www.santaclaraca.gov/our-city/departments-g-z/public-works/engineering/traffic-

engineering. In particular, Santa Clara is planning a Class IV bikeway on De La Cruz Boulevard/Coleman Avenue.

Response B.1: The commenter stated that developments are subject to the requirements of the Congestion Management Program (CMP) and requested a local transportation analysis (LTA) as part of the EIR. Pursuant to San José's Transportation Analysis Policy (Council Policy 5-1), the City determined that a LTA will not be needed, and cannot be undertaken, until specific development proposals are submitted for the Project sites. The Project is a proposed land use change and does not include any specific development currently. In the future when development proposals are submitted on the project site and as applicable, the LTA(s) will include all of the components listed in Chapter 5 of the San José Transportation Analysis Handbook (2023), including bicycle/pedestrian impacts, impacts on local and CMP intersection operations, access/sight distance issues, and a TDM program.

Please note that the Project includes new bicycle/pedestrian facilities, traffic calming measures, and a TDM with a trip cap component. Please see MM-TRANS-1.1 through MM-TRANS-1.3 in Section 3.17.2.1 of the Draft EIR for details. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further environmental analysis is required.

Comment B.2: Impacts to CMP Facilities: Given the size of the project (258,720 square feet of retail space) and the estimated 9,575 vehicle trips generated daily, it is critical to evaluate the impacts to CMP facilities. The Project is located less than a mile from I-880 within the CMP roadway network. It is also adjacent to Coleman Avenue and close to The Alameda, which are also part of the CMP network. Santa Clara requests that the LTA provide a level of service evaluation for CMP intersections, freeway segments, ramps, and expressways, as well as a multimodal analysis. The Draft EIR mentioned that the project will study the feasibility of reducing traffic lanes along Hedding Street to two travel lanes for the implementation of the Class IV protected bike lanes. It is critical to analyze the traffic diversion onto parallel roadways such as Hwy 880.

In particular, the level of service analysis should analyze adverse effects to CMP facilities using the VTA Transportation Impact Analysis Guidelines. Intersections along Stevens Creek Boulevard should be considered as part of the traffic analysis. Further, the LTA should address how the Project will maintain traffic level of service standard (LOS E) at CMP facilities including those within the City of Santa Clara. Any adverse effects found at CMP intersections within Santa Clara and their identified improvements shall be discussed with the City of Santa Clara Traffic Division in advance of the LTA being published. Fair share contributions should be required for adverse effects found along roadways and/or intersections in the area.

Response B.2: As described in Response B.1, a LTA will be prepared when future site-specific development plans are submitted. Impacts to CMP facilities will be evaluated in the LTA required of future development. The comment does not address the

adequacy or accuracy of the Draft EIR; therefore, no further environmental analysis is required.

Comment B.3: Impacts to Santa Clara Facilities: Pursuant to the City of Santa Clara Transportation Operation Analysis Policy, LOS standards for roadways in Santa Clara are established by Santa Clara's General Plan. Accordingly, the LTA should include a level of service analysis on affected intersections. Multiple non-CMP intersections in the vicinity of the proposed project likely require such an analysis. Santa Clara would like to review and comment on the scope of intersections included in this analysis. As stated previously, Santa Clara follows the VTA TIA guidelines when selecting intersections to include in the LTA. Intersections along the roadways of Hwy 880, Coleman Avenue, the Alameda, Lafayette Street should be considered as part of the traffic analysis. Any adverse effects found at intersections within Santa Clara and their identified improvements shall be discussed with the City of Santa Clara Traffic Division in advance of the LTA being published. Fair share contributions should be required for adverse effects found along roadways and/or intersections in the study area.

Response B.3: As described in Response B.1, a LTA will be prepared when future site-specific development plans are submitted. Impacts to City of Santa Clara facilities will be evaluated in the LTA required of future development. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further environmental analysis is required.

Comment B.4: TDM: Given the size and nature of the project, to reduce single-occupant vehicles accessing the site, a Travel Demand Management (TDM) plan with monitoring, reporting, and penalties should be required for each parcel within the project.

Response B.4: As described in Response B.1, a LTA will be prepared when site specific development plans are submitted. A TDM program will be included in the LTA. Note that a TDM program with a trip cap is already included in the Project; see MM-TRANS-1.3 for details. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further environmental analysis is required.

Comment B.5: Aesthetics: Given the potential increase in heights of the proposed buildings and their proximity to the City of Santa Clara, please include an analysis of the potential for shade and shadow impacts on Santa Clara businesses.

Response B.5: The commenter requested an analysis of the shade and shadow impacts from the potential increase in building heights on the project site. As stated in Section 2.4.2 of the Draft EIR, building heights for future development on-site will be restricted to one story. Therefore, there will not be any shade or shadow impacts on businesses in the City of Santa Clara. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further environmental analysis is required.

Comment B.6: Cumulative Impacts: Given the size and scope of the Project and its potential to have wide-reaching impacts, Santa Clara requests robust analysis of the Project's cumulative impacts on surrounding areas.

> **Response B.6:** The commenter requests an analysis of the project's cumulative impacts on surrounding areas. Chapter 3 of the Draft EIR includes a cumulative impact analysis for each environmental resource and their applicable geographic areas.

C. Santa Clara Valley Water District (dated September 16, 2024)

Comment C.1: As noted on page 8 of the Draft EIR, the eastern portion of the Guadalupe Gardens became part of the Guadalupe River Flood Control and Park Project and Valley Water has fee title property and easement over the property immediately adjacent to the northerly boundary of the Guadalupe Gardens. Valley Water's Central Pipeline, a 66-inch diameter raw water transmission line runs through Emory Street between the areas identified as Parcels 1 and Parcel 5. In accordance with Valley Water's Water Resources Protection Ordinance, any work over, under, or directly adjacent to Valley Water's Central Pipeline (such as utility crossings) or on Valley Water's fee title property or easements will require a Valley Water encroachment permit. More information on encroachment permits can be found on our website linked here: https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-working-district-land-or-easement/encroachment-permit . Issuance of Valley Water encroachment permits are discretionary acts under CEQA; and therefore, Valley Water is to be considered a responsible agency under CEQA.

> **Response C.1:** The commenter identifies that a Central Pipeline from Valley Water runs between Parcels 1 and Parcels 5; therefore, future development facilitated by the project would be required to obtain an encroachment permit from Valley Water. Section 2.6, *Uses of the EIR*, and Section 3.19.2.1, *Impacts to Water Facilities*, have been revised to cite the need for an encroachment permit. Please see Section 4 of this document. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further environmental analysis is required.

Comment C.2: Page 2 notes that project site includes two street vacations (University Avenue and Emory Street between Coleman and Walnut Street). Valley Water's Central Pipeline runs within the Emory Street right of way through the project area. As part of the street vacation of Emory Street, Valley Water requests an easement for the Central Pipeline where it is located in any areas that Emory Street is being vacated.

> **Response C.2:** An easement for the Central Pipeline will be granted to Valley Water by the City as part of the street vacation process.

Comment C.3: Section 3.9, Hazards and Hazardous Materials, should mention the potential hazardous materials that may result from certain land uses including those listed in Table 2.4-2, such as Car Wash, detailing, Dry cleaner, and Laundromat.

Response C.3: Section 3.9.2.1 of the EIR describes the fact that the future land uses on the Project site will comply with all applicable permits and requirements related to the use, storage, and disposal of hazardous substances.

Comment C.4: Pages 137 and 138 use "District" to refer to Valley Water. All use of "District" should be changed to "Valley Water" for consistency with our newer moniker and the rest of the document.

Response C.4: Textual changes correcting "District" to "Valley Water" have been made in this Final EIR. Please see Section 4 of this document. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further environmental analysis is required.

Comment C.5: On page 137, the description of Valley Water's Water Resources Protection Ordinance should be revised to note that permits are required for any work that impacts Valley Water facilities including fee title property, easement, and work over/under Valley Water pipelines.

Response C.5: The text on page 137 has been revised to state that future development impacting Valley Water facilities will require appropriate permits. Please see Section 4 of this document. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further environmental analysis is required.

Comment C.6: The Hydrology and Water Quality section does not include an analysis of impacts to flooding in the special flood hazard area (SFHA), AH with a base flood elevation of 62 feet, due to placement of fill or otherwise elevating proposed structures on parcels 6 and 7. Ensuring structures built within the SFHA does not increase the depth and/or extent of flooding should be analyzed.

Response C.6: Pages 145-146 of the Draft EIR disclose that Parcel 6 and a portion of Parcel 7 are within a 100-Year Floodplain. As such the Draft EIR lists a series of City ordinances and policies designed to minimize flooding impacts and to avoid flood-related impacts to structures, all of which the Project will be required to comply with. Note that, per Section 2.4.2 of the Draft EIR, no structures will be permitted on Parcel 6. The comment does not address the adequacy or accuracy of the Draft EIR; therefore, no further environmental analysis is required.

D. Pacific Gas & Electric Company (dated August 16, 2024)

Comment D.1: Thank you for providing PG&E the opportunity to review the proposed plans for GP18-012 dated 8/2/2024. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: https://www.pge.com/cco/ .

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.

> **Response D.1:** The commentor states that the Project is not anticipated to directly interfere with existing PG&E facilities or impact PG&E's easement rights This comment also requests notification of PG&E if plans change and/or new service is needed. Contact with the USA system will be needed before subsurface work commences. The comment does not address the adequacy or accuracy of the Draft EIR and no further response is required.

E. Muwekma Ohlone Indian Tribe (dated September 5, 2024)

Comment E.1: Thank you for contacting our Tribal administration with regards to the Draft Environmental Report (ER23-056) pertaining to the proposed Rezoning for the Coleman and Hedding Commercial Development Project.

The Notice that you have provided states that "[t]he proposed project will have potentially significant environmental effects with regard to biological resources, cultural resources, … ."

The posted Draft EIR also notes that under the subheading Archaeological Sensitivity: "… Basin Research Associates undertook three field surveys that have included the subject parcels, all with negative results, as there was an absence of prehistoric cultural materials or significant historic era or contemporary features. A records search of the California Historical Resources Information System at the Northwest Information Center (NWIC) was completed in March 2023. The records search identified 16 previous studies undertaken within or adjacent to the subject parcels. Four reports had positive findings for one cultural resource on Hedding Street. An additional 72 studies have been completed within 1,000 feet of the project area. No prehistoric or combined prehistoric/historic archaeological sites have been recorded or reported in or adjacent to the project sites. No resources identified by contemporary Native Americans are known to exist within or adjacent to the subject parcels. The archival research and previous field studies determined the project site has a low archaeological sensitivity for prehistoric and historic archaeological resources based on the assessment of the available cultural resources data."

As you may already know the City of San José falls within our ethnohistoric tribal territory to which we have direct lineal descent of ancestral tribal groups that include the Alson Ohlone, San Francisco Solano, Santa Agueda, and Estero all of whom were initially missioned into Missions Santa Clara and San José (see BAE John Peabody Harrington's interviews of Muwekma Elders 1925-1934; Milliken 1995, 2008, Milliken et al. 2009). Milliken noted that the Alson was "a tribe that held the low marshlands at the very southern end of the San Francisco Bay, probably both north and south of the mouth of the Coyote River [Creek] now the cities of Newark, Milpitas and Alviso" (1995:235).

Although our site sensitivity maps do not show any previously recorded ancestral heritage sites within the subject property, we are concerned that during earlier pre-CEQA and post-CEQA construction activities within this area, that no ancestral heritage cultural resources would have been recorded and/or were ignored, therefore, we do agree with the draft recommendations and recommend monitoring of demolition, removal of foundations, and subsurface mechanical and utilities excavations by our tribal monitors and field technicians. Furthermore, we do recommend Tribal Consultation for this project as well.

We are nonetheless concerned about the determination stated in the Draft EIR that "Compliance with the standard permit condition above, the proposed project would result in less than significant impacts to human remains which may be present on site." How so, heavy earthmoving equipment are very destructible to our ancestral remains. We heard that similar determinations were made when our Tribal members worked on the Tamien Station Light Rail project site CA-SCL-690 where we removed 126+ of our ancestral remains after the demolition of the old cannery at that location, and more burials were recovered years later. The same determination was pronounced by the City's Planning Department for the projects located on a major recorded ancestral cemetery site CA-SCL-128 (the old Holiday Inn Site) recently renamed the Hyatt Hotel Place (Leventhal et al. 2012), and later at 200 and 180 Park Avenue office building projects on the extended (Thámien Rúmmeytak [Guadalupe River Site]) CA-SCL-128 which also had a determination of "less than a significant impact" on the tribal and cultural resources, even though our Tribe was involved in the monitoring and removal of over 50 ancestral human remains at these two adjacent locations. Furthermore, we are including a copy of one of our archaeological projects conducted by our Tribe at Kaphan Húunikma the Three Wolves Site CA-SCL-732 located at the Highway 101 and 85 Interchange along Coyote Creek as another example of our previous CRM work that we did for Caltrans and SCCVTA; at which the hired CRM archaeologists declared that this location was "all historic fill," and "that nothing was there to record as a site." The recovery of 102 ancestral remains later, our Tribe demonstrated that there was indeed an ancestral heritage site of great significance under CEQA to both the Tribe and to the scientific community.

Please note that the subject parcels are located approximately .7 mile East/Southeast from the Santa Clara University/Mission Santa Clara Complex sites CA-SCL-30/H Clareño Muwékma Ya Túnnešte Nómmo [Where the Clareño Indians are Buried Site] (Leventhal et. al 2011); and ancestral heritage site CA-SCL-755 Širkeewis Ríipin Tiprectak [Place of the Black Willow Marsh Site] (Leventhal et al. 2023) which is also located on SCU campus). The proposed project is also located approximately 1.4 miles to the Northwest from ancestral heritage sites CA-SCL-128 Thámien Rúmmeytak –Thámien

(Guadalupe) River Site (Leventhal et al. 2015; DiGiuseppe 2021); and at the nearby CASCL-894/SCL-948 Tupiun Táareštak [Place of the Fox Man Site] at the rear of the Fox Theater (Leventhal et. al 2012). Lastly, this project is located approximately 2.5 miles Southeast of a recently discovered site CA-SCL-1070 Mánni Húyyú Muwékma Yatiš Túnnešte-tka, Place Where the Ancient (First) People Are Buried Site (Kleinfelder 2023), located just west of the San José Airport and adjacent to the Guadalupe River, where some of the burials and subsurface features date to around 10,000 years ago; and more importantly, the proposed project is located less than .2 mile west of the present-day Guadalupe River riparian corridor, therefore, this location should be considered as potentially highly sensitive.

As you know, our Tribe has been engaged in CRM work since the early-1980s and have published many archaeological reports pertaining to our ancestral heritage sites and human remains including as mentioned above recent burial recovery field work at many sites in the City of San José.

We have also co-authored many journal articles with many scholars from various universities and private CRM firms on our ancestral remains, ceremonial grave regalia, AMS dating, Stable Isotope, and modern and Ancient DNA studies (see attached).

Response E.1: Consistent with the information contained in this comment regarding the sensitivity of the project area for buried historic and pre-historic archaeological resources, Section 3.5.2.1 of the Draft EIR concludes that potential impacts could be significant. Therefore, the Draft EIR includes mitigation measures (MM-CUL-1.1 through MM-CUL-1.4), as well as standard measures pertaining to any unexpected discovery of human remains, implementation of which will reduce impacts to less-than-significant.

In a May 13, 2023 letter to the City regarding the Project, the Muwekma Ohlone Indian Tribe made the recommendations listed on page 206 of the Draft EIR. MM-CUL-1.1 through MM-CUL-1.4 are consistent with these recommendations, which is acknowledged above in this comment.

Regarding the request for tribal consultation, pages 205-208 of the Draft EIR summarize the tribal consultation that occurred on this Project. This includes Letters and/or emails that were sent to the 11 locally knowledgeable Native American individuals/organizations identified by the Native American Heritage Commission (NAHC). Responses were received from the Muwekma Ohlone Indian Tribe, the Tamien Nation, and the Northern Valley Yokut/Ohlone/Patwin. In addition, formal consultation under AB 52 was requested by the Tamien Nation and the Indian Canyon Band of Costanoan Ohlone People. The AB 52 consultation that occurred is summarized on pages 206-208 of the Draft EIR.

Comment E.2: Furthermore, as you may already know, our Tribe is a previously federally recognized tribe historically identified by the Bureau of Indian Affairs as the Verona Band of Alameda County which was never terminated by any act of Congress. Our aboriginal territory includes direct descent

within the greater San Francisco Bay Region and specifically from the greater City of San José and Santa Clara County area.

Brief Background Information:
Muwekma Tribe's Formal Determination of Previous Unambiguous Federal Recognition
Our enrolled Muwekma tribal members are directly descended from the aboriginal tribal groups who were missionized into Missions San Francisco, Santa Clara, and San José, 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:

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 lawsuit 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.)

On September 21, 2006, another victory was handed to the Muwekma Tribe by Judge Reginald Walton, U.S. District Court in Washington, D.C. 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 José 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. …

Our families were identified and listed on the two partial 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 California 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 José (1962-1971); and other historic documents and newspapers.

In conclusion, we are formally requesting continued 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 Richard Massiatt will be your main contact person for Tribal Consultation along with Tribal Chairwoman Charlene Nijmeh and Alan Leventhal, Tribal Archaeologist and Ethnohistorian. Furthermore, should the City of San José 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.

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 City of San José Planning Department 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 of San José region.

We are attaching other historic documents and examples of our previous ancestral heritage recovery work for your review and consideration. and look forward in working closely with your team and the City of San José on any future related projects within our ethnohistoric homeland.

Response E.2: The commenter provided information and background about the Muwekma Ohlone Indian Tribe. The information provides context for the concerns raised in this comment.

With regard to the request for formal tribal consultation, please see Response D-1. The City sent a notice under SB 18 seeking Muwekma's interest in consultation but no response was received. No notice was sent under AB 52, but Muwekma did send a letter dated February 13, 2023 in which they outlined their concerns as part of the preparation of the project's archaeological study report.

Formal tribal consultation has already occurred and concluded. Nonetheless, if Muwekma has concerns about the Project beyond those expressed in its letter dated February 13, 2023, the City would be happy to engage in additional outreach with Muwekma. The commenter does not provide new information that would change the analysis already disclosed in the Draft EIR; therefore, further environmental analysis is not required.

F. Santa Clara Valley Bird Alliance and the Sierra Club (dated September 16, 2024 and February 7, 2025)

Comment F.1: Impacts to the Burrowing Owl
Significant Impact Bio-1: Construction activities on the subject parcels could impact burrowing owls by trampling or compacting underground burrows. Mitigation for this impact is described in MM BIO-1.1, which states, "Prior to the issuance of any grading, building, or demolition permits for development projects on the subject parcels, a qualified biologist shall conduct preconstruction surveys."

Comment: Preconstruction surveys must be performed prior to the actual ground disturbance or any activity that could disturb burrowing owls or occupied burrows on the site and its vicinity, not prior to issuance of permits. Surveys prior to issuing a permit are irrelevant, since work may start at any time, days, months or years after the issuance of such permits.

Burrowing owls have occupied the airport and its vicinity in the past, and a pre-construction survey 14 days prior to ground disturbing activities or the issuance of any tree removal, grading, demolition, or building permits can help the project plan ahead, but it should not replace the need to conduct a survey for burrowing owls within a week prior to such activities. The Valley Habitat Plan survey protocols should be used to mitigate harm to burrowing owls.

Response F.1: Mitigation Measure BIO-1.1 includes all relevant components of the burrowing owl preconstruction survey specified by Condition 15 of the Valley Habitat Plan, as requested by this comment. However, in response to the comment, Mitigation Measure BIO-1.1 has been revised as shown in Section 5, *Draft EIR Text Revisions.* This comment does not provide new information that would change the analysis already disclosed in the Draft EIR; therefore, further environmental analysis is not required.

Comment F.2: By the time the Project is approved, the burrowing owl population of the Bay Area is likely to be recognized as a candidate for listing under the California Endangered Species Act. The mitigations proposed in DEIR should reflect this new status.

> **Response F.2:** The only component of MM BIO-1.1 that involves the potential for take of the burrowing owl is passive relocation, and MM-BIO-1.1 already indicates that passive relocation would only be allowed with CDFW approval. Therefore, if the burrowing owl is a candidate for state listing, or is even listed, the mitigation measures require appropriate coordination with CDFW. This comment does not provide new information that would change the analysis already disclosed in the Draft EIR; therefore, further environmental analysis is not required

Comment F.3: Impacts to Nesting Birds

The Biological Resources Report (Appendix C) recommends that if construction is scheduled during the nesting season (February 1 and August 31), then pre-construction surveys be conducted no more than seven days prior to the initiation of demolition or construction activities. This recommendation is adequate to minimize harm to the many species of birds that could nest in this area.

However, in MM Bio-2.2 the DEIR proposes to mitigate for harm to nesting birds by implementing a pre-construction survey no more than 14 days prior to the GPA/Rezoning on Airport Parcels during the early part of the breeding season (February 1st through April 30th) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st). This mitigation measure is biologically irrelevant, does not reduce the impact to less-than-significant level, and is likely to result in harm to nesting birds and a violation of the Migratory Bird Treaty Act and California Fish and Game Code.

Many bird species (including burrowing owls) can build a nest and initiate egg-laying within as little as 10 days. Therefore, a nesting bird survey conducted up to 14 days prior to construction is insufficient to avoid significant impacts to nesting birds. Even more concerning is the provision allowing for a survey up to 30 days before construction activities during the latter part of the breeding season (May 1 through September 15). This fails to account for the biology and nesting behaviors of bird species that

- Initiate Nesting Later in the Season: Some local species do not start nesting until after May 1. A survey 30 days in advance would not detect these nests.
- Reinitiate Nesting Attempts: Birds whose nests fail early in the season often attempt to nest again. A 30-day-old survey would not account for nests established after the initial survey.
- Have Multiple Broods: Many species have multiple broods in a single season.

MM Bio-2.2 does not provide adequate protection for nesting birds and fails to adhere to the best practices necessary to minimize significant impacts effectively. Because of the location of the Project adjacent to the Guadalupe River Corridor and open space, avoidance of the nesting season is advisable. However, if construction is to occur during the months of February through August, to better address the potential impacts on nesting birds, we suggest the following pre-construction survey requirements.

- Conduct Pre-Construction Surveys: Conduct pre-construction nesting bird surveys no more than 7 days prior to the initiation of construction activities (including tree removal, demolition and any other work on the site) during the nesting season (February through August). Conduct a new survey within 7-days of any new phase or section of construction. If work ceases for 7 days or more, conduct a new survey. If the initial survey identifies active nests: follow-up surveys should be conducted until the nests have been vacated and the young have fledged and no longer depend on the nest.

Response F.3: The City acknowledges that some pairs of birds can establish nests relatively quickly and that some can have nests later in the nesting season. Although some pairs may have active nests in early September, such occurrences are unusual; very few pairs of birds (not just in the project vicinity but in the region) are expected to have active nests in early September. Therefore, requiring that Mitigation Measures BIO-2.1, 2.2, 2.3, and 2.4 apply to project activities that are initiated February 1 through August 31 would minimize the potential for impacts on active nests and would adequately reduce impacts on nesting birds to less than significant levels.

In response to the comment, MM BIO-2.2, MM BIO-2.3, and MM BIOI-2.4 have been revised as shown in Section 5, *Draft EIR Text Revisions*.

Comment F.4: Tree Removal and Tree Replacement

These comments relate to the following Envision San José 2040 General Plan policies.

- Policy MS-21.4. "Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it."
- Policy MS-21.1. This policy seeks to manage the urban forest to meet environmental goals for wildlife habitat preservation, heat reduction in urban areas, and removal of carbon dioxide from the atmosphere.
- Envision San José 2040 policy MS-21.8 seeks to preserve "Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species."

The DEIR states that 67 trees are scattered throughout the subject parcels. If most or all of these trees are removed, that could result in substantial impacts to biological resources (habitat), carbon sequestration, and heat mitigation benefits these trees provide. This area of San José, even outside of the airport safety zones, is already an especially tree-deprived area. The loss of existing trees is, for this reason, especially concerning. Therefore, in order to avoid conflict with General Plan policies, mitigation measures regarding tree removal should include the following.

- Pursue all reasonable measures to preserve mature trees. There are at least three mature trees on the parcels that should be preserved: an oak tree on Parcel 2, a pepper tree on Parcel 1, and a pine tree on Parcel 5 (see Attachment 1 for photos).

- To retain the benefits of these and other mature trees for as long as possible, any necessary tree removals should not take place until the start of construction.
- Require that any proposed project be designed to accommodate existing mature trees and onsite tree replacement. This is critically important since data indicates San José is losing tree canopy and hence failing to meet General Plan MS-21.2 (Provide appropriate resources to preserve, protect and expand the City's Community Forest). This is also important to mitigate extreme heat and carbon dioxide impacts and achieve carbon neutrality by 2045.
- Require use of native trees for onsite tree replacement as much as possible. Native species support more biodiversity and will be more adapted to the local climate to ensure better survival.

Response F.4: Removal of the existing trees would have some impact on biological resources, carbon sequestration, and heating as noted by this comment. However, such impacts would not be substantial (and thus would be less than significant under CEQA). Of the 67 trees present on the project sites, only one – a coast live oak – is a native tree. The rest are nonnative, and some (such as tree of heaven) are invasive species that pose a threat to natural habitats such as the riparian corridor along the nearby Guadalupe River. Although nonnative trees do provide habitat for some wildlife, nonnative trees tend to support greater biodiversity, as stated by the comment. Thus, the removal of trees as a result of the project would not result in a substantial impact on habitats or on species associated with the project site. Further, these trees represent a minuscule proportion of regionally available trees, and any impact the removal of these trees might have on a reduction in carbon sequestration or increase in heating would not be substantial. Because the removal of trees would not result in significant impacts, it is not necessary to incorporate the comment's suggestions into the Draft EIR's mitigation measures.

Nevertheless, as stated in the Draft EIR (pages 78-79), each future development will be required to obtain applicable tree removal permits and comply with the conditions of those permits, which include replacing trees. Tree replacement ratios range from 1:1 for removal of trees less than 12 inches in diameter to 5:1 for removal of native trees at least 18 inches in diameter (which would apply to the single coast live oak). Therefore, more trees would be replanted than will be impacted. This comment does not provide new information that would change the analysis already disclosed in the Draft EIR; therefore, further environmental analysis is not required.

Comment F.5: Burrowing owls are now a candidate species for listing under the California Endangered Species Act (CESA) and as such, receive the protection that the state offers to endangered species. Burrowing owls have nested in and south of the San Jose Airport in the past. Please modify the EIR to reflect mitigation measures as appropriate for the current status of burrowing owls in California.

Response F.5: Section 3.4 of the Draft EIR contains a detailed discussion of the burrowing owl in recognition of the fact that it is a California Species of Special

Concern. As such, per Appendix G of the CEQA Guidelines (Environmental Checklist, Section IV – Biological Resources), it is treated the same as if it were a candidate species for listing under CESA. The assessment of potential impacts to burrowing owls was conducted taking into account the species' rarity and population trends, to account for the actual biological impacts of the project on the species' populations, irrespective of the species' designation (e.g., as a species of special concern or candidate species). A change in that designation does not change the nature or magnitude of the project's impacts on the species as evaluated in the CEQA document. Therefore, no revisions to the EIR's discussion of impacts to the burrowing owl, including mitigation, are necessary in response to its new designation as a candidate CESA species.

Comment F.6: CEQA Guidelines Appendix G (Environmental Checklist, Section IV – Biological Resources) – Identifies "substantial loss of open space" as a potential significant impact. Please address the loss of open space and consider alternatives or compensatory measures that would offset the loss.

Response F.6: The "substantial loss of open space" does not appear anywhere in Appendix G of the CEQA Guidelines as a potential environmental effect. However, Section 7 of the Draft EIR does compare the loss of open space among the alternatives.

Comment F.7: The proposed General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project will change the land use from potential airport-related uses to a Combined Industrial/Commercial use. Thus, we believe that the site no longer qualifies for the Habitat Plan exemption for the airport. The project must be required to pay all applicable Santa Clara Valley Habitat Plan fees to mitigate its impacts on covered species and habitat.

Response F.7: Per Table 2.4-1 of the Draft EIR, the existing land use designation on the project sites is not airport-related uses. Regardless of the land use designation, the basis for the exclusion of SJC lands from inclusion in the SCVHP was based on the fact that those lands are subject to a set of complex and unique federal, state, and local regulations pertaining to aviation operations and safety. Such regulations would not change under the proposed project.

G. Amah Mutsun Tribal Band of Mission San Juan Bautista

Comment G.1: I, Irenne Zwierlein, am making the following formal Most Likely Descendant (MLD) Recommendations on behalf of the Amah Mutsun Tribal Band, with regards to the treatment of our ancestral remains and any and all associated grave regalia and subsurface features discovered at this location:

Expose, analyze in the field, and remove for reburial: A complete systematic collection and/or excavation by a professional archaeologist (who meets the Standards established by the Secretary of the Interior) of any exposed Native American skeletal remains should be coordinated. The collection and/or excavation should be undertaken using standard contemporary archaeological techniques. All archaeological field work will be managed daily on site by an archaeological field director who must possess the following qualifications: a graduate degree (MA) in archaeology, along with two years of full-time professional experience and specialized training in archaeological research, administration, and management; two years of supervised field and analytic experience in North American archaeology, and has demonstrated the ability to carry research to completion within assigned schedules. The project archaeologist or his/her staff will expose any burial and grave objects in my presence as the designated Most Likely Descendant, or my appointed representative (Monitor). Should the Native Monitor not be on-site, arrive late or depart early, all burial recovery work must stop. Likewise, any archaeological work where it is suspected that human remains might be discovered, a Native Monitor must be present, or work may not be undertaken. Burials in various stages of excavation shall be protected overnight, by placing standard construction metal plates over them. A metal plate must be on-site before exposure begins.

Since our Tribe believes that our ancestral dead needs to be treated with utmost respect, and since our ancestral people had been disturbed in the past and more recently by bioturbation and construction/subsurface excavation activities, I am recommending that this ancestral person, and any future findings (i.e., isolates, burials and associated assemblages), be removed from their location/gravesite. And after appropriate analysis (presented below), be reburied as close to the original cemetery or discovery location as possible, as part of our honoring ceremony. If reburial for an onsite location is not possible, we will consult with the Redwood City on a suitable alternative location, where a reburial honoring ceremony will be conducted. Reburial Site must be land that has no future intentions of being developed.

I am also recommending that the land owner enter into a contractual agreement with the Amah Mutsun Tribal Band Ohlone Tribe of the San Francisco Bay Area (DBA Amah Mutsun Tribal Band Ohlone Tribe, Inc.) for a Burial and Archaeological Data Recovery Program, monitoring services, and laboratory analysis of our ancestral remains which will include a full skeletal inventory of all of the skeletal elements, AMS dating, Stable Isotope analysis, ancient DNA, as well as any artifact and faunal analysis which shall be conducted by Basin Research. Should additional ancestral Native American remains be uncovered, the same recommended treatment will be in place for any additional discoveries.

The burial removal process should include, but not be limited to, the screening of any adjacent back dirt (spoils) piles located by these human remains, and the use of hand excavation methods to help remove any over burden (if necessary) down to a level to be determined in the field in order to facilitate full access to the in situ remains. The in situ remains will be exposed and removed by Amah Mutsun Tribal Band Ohlone field crew or in concert with on-site Archeological field personnel. These remains will be drawn and photographed in conjunction with on-site archaeological field staff who will document on standard archaeological excavation forms information about the burial remains and map in the grave and any subsurface features and/or artifacts. On-site Archeological field staff shall

be responsible for mapping and recording the reburial location using GPS. Copies of the Reburial forms and Final Archaeological Report will be sent to Northwest Information Center, Sonoma State University, the Amah Mutsun Tribal Band Ohlone Tribe, and the Native American Heritage Commission.

It is also my recommendation that all of the human remains, associated artifacts, and ecofacts be brought to a suitable lab for cleaning and sorting, and preparation for detailed skeletal inventory and analysis which will include as stated above, be conducted by qualified specialists (approved by our Tribe) in their respective field(s). Selecting small samples of human bone for AMS dating, Stable Isotope and ancient DNA. The first two studies will require minimum funding within the proposed budget and will be conducted in collaboration with the Tribe's leadership and membership. Also, if conducive a Strontium study may also be considered. The results of all analysis will be presented first to the Amah Mutsun Tribal Band Ohlone Tribal leadership. If the results of these studies are of a positive nature and of scientific significance to our Tribe, then only with the Amah Mutsun Tribal Band Ohlone Tribe's written approval, will these results be published in the final report, otherwise will be held in confidentiality.

As part of this laboratory phase of work, I am also recommending that any isolated or complete burials be cleaned, and a complete skeletal inventory be conducted by the Amah Mutsun Tribal Band's staff Osteologist if available or by Basin Research Archaeological firm's osteological staff and associates. Any associated grave regalia and artifacts will also be cleaned, photographed, measured, and described. Amah Mutsun Tribal Band Ohlone Tribe and/or Basin Research Archaeologist and the Osteologist will each be responsible for writing a stand-alone final report that meets the standards under CEQA.

These recommendations follow our Tribe's desire to learn as much as possible about our ancestral heritage that has been denied to us by the dominant society and by archaeologists working on our ancestral heritage sites within our aboriginal and historic tribal territory. In this particular case, the ancestral person may indeed date back to what archaeologists have termed the Early Bay Period. Furthermore, given this recent discovery of our ancestral burial, I recommend bagging the skeletal elements, which has been done. We shall hand excavate within the immediate vicinity of the grave where these remains were found. After thorough investigation of the area, and confirmation that no more skeletal elements are present, mechanical excavation may proceed, slowly, with shallow passes of a flat blade 2-foot bucket. An Amah Mutsun Tribal Band Native American Monitor will be required to monitor this work. Amah Mutsun Tribal Band MLD Recommendations in the event that after further investigation by hand excavating a full burial has been discovered, only after the burial has been removed and thorough investigation of the area has been conducted and confirmation that no more human remains are found, mechanical excavation may proceed, slowly, with shallow passes of a flat blade 2-foot bucket. An Amah Mutsun Tribal Band Native American Monitor will be required to monitor this work. Given the context of the fact that our ancestral burial was recovered in a previously recorded mound site, and given the sensitive location of this site, I recommend that an Amah Mutsun Tribal Band Native American Monitor be required to monitor the rest of this project. Therefore, I recommend that all subsurface demolition, any and all excavations (i.e. for utilities, etc.), and tree/plant removal activities are monitored by an Amah Mutsun Tribal Band Native American

Monitor. I am recommending that an Amah Mutsun Tribal Band Native American Monitor observe any and all subsurface excavation work, placing a Native American Monitor at each piece of any excavation equipment. I also recommend that the on-site Archaeologists plot the location and depth of each additional ancestral burial, grave/isolate locus, and/or other significant subsurface features by using GPS to pinpoint various aspects of the gravesite and other feature locations on the parcel and related maps. Given the possibility of discoveries of additional subsurface Archaeological Features at this site, if further excavations of features are investigated, I am requesting a weekly Status Report from the on site Archeological field personnel on any additional findings of our ancestral artifacts should a Amah Mutsun Tribal Band monitor not be present. Please be advised that Postings about these human remains through any and all forms of social media are unacceptable and therefore are prohibited. No photographs or video recording are allowed of our ancestral remains by the Construction Crew, anyone working at the site, or visiting the site, unless prior approval has been given by the MLD or Tribal Monitor. Lastly, I am requesting a response in writing on how work will proceed at the site, along with an updated treatment/mitigation plan. It is not our intention to hold up the progress of work at this site, we are available to begin burial recovery as soon as we are cleared to enter the site and with an approved budget.

We are available to begin Monitoring work as soon as a schedule is made available to us. Should the Client or Archaeologists have any questions, please feel free to contact me.

Response G.1: This comment pertains to a project in Redwood City that is unrelated to the Project. This comment does not provide new information that would change the analysis already disclosed in the Draft EIR; therefore, further environmental analysis is not required.

H. Leslee Hamilton (dated March 7, 2025)

Comment H.1: I've attached the comments Kathleen Muller and I submitted to the Parks & Recreation Commission on this matter last June. The same land use changes were reviewed and rejected in 2018; nothing underpinning the legality of this matter has changed since then, and the proposal remains at odds with the Envision 2040 General Plan.

Response H.1: The comments submitted to the Parks & Recreation Commission in 2024, including attachments from 2018, did not pertain to the EIR or the environmental impacts of the Project. At its meeting of 06/05/2024, the Parks & Recreation Commission voted to accept the Guadalupe Gardens Master Plan Amendment that is part of the Project.

By definition, the Project proposes to change the General Plan land use designation on the sites from Open Space Parkland & Habitat (OSPH) to Combined Industrial Commercial (CIC), under which the proposed uses would be allowed. As discussed throughout Section 3 of the Draft EIR, the Project would be consistent with the numerous land use and environmental policies of the *Envision San Jose 2040 General*

Plan, including those pertaining to air and surface transportation, air quality, biological resources, cultural resources, safety, hydrology, noise, and hazardous materials. As discussed in Section 2 of the Draft EIR, the Project would comply with the FAA's policies and grant restrictions that apply to the subject parcels. Finally, at its meeting of 09/19/2024, the Santa Clara County Airport Land Use Commission (ALUC) determined that the Project is consistent with the policies of its SJC Airport Land Use Compatibility Plan.

Section 5.0 Draft EIR Text Revisions

This section contains revisions to the text of the Draft EIR dated August 2024. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Section 2.6: revise the second bullet under "Uses of the EIR" as follows:

The Santa Clara County Airports Land Use Commission (ALUC) will review the proposed project for consistency with its adopted *Comprehensive Land Use Plan (CLUP) for the Norman Y. Mineta San José International Airport*. At its meeting on 09/19/2024, the ALUC determined that the Project is consistent with the policies of its CLUP for SJC.

Section 2.6: insert the following at the end of "Uses of the EIR:"

Valley Water will use the EIR in conjunction with its issuance of any encroachment permits to the Project. Such permits are required for projects constructed over, under, or adjacent to Valley Water facilities.

Page 57: Insert the following footnote at the end of the discussion on the SCVHP/NCCP:

Source: Page 3, "Exhibit A: Corrections, Clarifications, and Updates to the Santa Clara VHP/NCCP April 4, 2013)" https://scv-habitatagency.org/DocumentCenter/View/138/Exhibit-A-Corrections-Clarifications-and-Updates-to-the-Santa-Clara-Valley-Habitat-Plan-HCP-NCCP ; page 3. Accessed March 2025.

Page 71: Revise the first two paragraphs of MM-BIO-1.1 as follows:

Prior to initiation of any construction activities (including demolition, vegetation clearing, or ground disturbance) ~~the issuance of any grading, building, or demolition permits for development projects~~ on each of the subject parcels, a qualified biologist shall conduct preconstruction surveys in all potentially suitable burrowing owl habitat on and within 250 feet of the area in which ground disturbance is proposed. To maximize the likelihood of detecting owls, the preconstruction survey shall last a minimum of three hours. The survey shall begin one hour before sunrise and continue until two hours after sunrise (three hours total) or begin two hours before sunset and continue until one hour after sunset. A minimum of two surveys shall be conducted (if owls are detected on the first survey, a second survey is not needed). Owls observed shall be counted and their location shall be mapped.

Surveys shall conclude no more than two calendar days prior to the initiation of ground disturbing activities; thus, surveys shall begin no less than four days prior to the initiation of ground disturbing activities (two days of surveying plus up to two days between surveys and ground disturbing activities). To avoid last-minute changes in schedule that may occur if burrowing owls are found, a

preliminary survey may be conducted up to 14 days before construction. This preliminary survey may count as the first of the two required surveys, as long as the second survey concludes no more than two calendar days in advance of construction. If construction on different parcels commences on different timelines, separate surveys need to be conducted for each parcel to ensure that surveys occur just prior to the start of construction on each parcel. The results of the preconstruction surveys shall be submitted to the City of San José Director of Planning, Building and Code Enforcement or Director's designee no more than 14 days prior to ground disturbing activities or the issuance of any tree removal, grading, demolition, or building permits.

Page 74: Revise MM-BIO-2.2 as follows:

Mitigation Measure BIO-2.2 (Pre-Construction Surveys): If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre- construction surveys for nesting birds will be completed by a qualified ornithologist to ensure that no active nests shall be disturbed during project implementation. This survey must be completed no more than 7~~14~~ days prior to the initiation of construction activities (including demolition, vegetation clearing, or ground disturbance) during ~~the early part of~~ the breeding season (February 1st ~~through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st~~ through August 31st inclusive). During this survey, the qualified ornithologist shall inspect all vegetation, structures, ~~trees~~ and other possible nesting habitats (including the ground), in and immediately adjacent to the Project construction areas for active nests (i.e., nests with eggs or young). If construction activity ceases for 7 days or more, a new survey shall be conducted.

Page 74: Revise MM-BIO-2.3 as follows:

Mitigation Measure BIO-2.3 (Construction Buffer): If, during the survey described in MM BIO-2.2, the qualified ornithologist finds an active nest sufficiently close to work areas to be disturbed by construction, the qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 100 feet for non-raptors and 300~~250~~ feet for raptors, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment and comply with Fish and Game Code section 3500 et seq. and the federal MBTA. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby Project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

The qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by Project work. Nest monitoring shall continue during Project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the qualified biologist, unless otherwise approved in writing by CDFW.

Page 75: Revise MM-BIO-2.4 as follows:

Mitigation Measure BIO-2.4 (Survey Result Reporting): Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement or the Director's designee, and the California Department of Fish and Wildlife."

Page 137: Modify the text in the middle of the page as follows:

Water Resources Protection Ordinance and ~~District~~ Valley Water Well Ordinance

The Santa Clara Valley Water District (Valley Water) operates as the flood control agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. Well construction and deconstruction permits, including borings 45 feet or deeper, are required under Valley Water's Well Ordinance 90-1. Under Valley Water's Water Resources Protection Ordinance, projects within Valley Water property or easements, as well as those projects that go over, under, or adjacent to Valley Water's pipelines, are required to obtain encroachment permits.

Page 137: Modify the third line from the bottom of the page as follows:

Imported water includes ~~the District's~~ Valley Water's State…

Page 138: Modify the fourth line from the top of the page as follows:

…augmented by ~~the District's~~ Valley Water's comprehensive water supply management…

Section 3.19.2.1: Insert the following paragraph at the end of "Impacts to Water Facilities:"

Note that Valley Water's Central Pipeline, a 66-inch water transmission line, runs under Emory Street between Parcels 1 and 5. Although the Project does not propose to directly impact this facility, Valley Water's Water Resources Protection Ordinance requires projects that are constructed over, under, or adjacent to its facilities to obtain an encroachment permit. Compliance with conditions in the encroachment permit avoids situations where damage might inadvertently occur.

Appendix A: Draft EIR Comment Letters

APPENDIX

A

COMMENTS RECEIVED ON THE DRAFT EIR

COMMENT

A

CALIFORNIA

DEPARTMENT

OF

FISH & WILDLIFE

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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Fairfield, CA 94534
(707) 428-2002
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

COMMENT A

March 7, 2025

Nhu Nguyen, Planner II
City of San Jose
200 East Santa Clara Street, 3rd Floor
San Jose, CA, 95113
Nhu.Nguyen@sanjoseca.gov

Subject: General Plan Amendment and Planned Development Rezoning for the Coleman and Heading Commercial Development Project, Draft Environmental Impact Report, SCH No. 2023080477, City of San Jose, Santa Clara County

Dear Nhu Nguyen:

The California Department of Fish and Wildlife (CDFW) received a draft Environmental Impact Report (EIR) from the City of San Jose (City) for the General Plan Amendment and Planned Development Rezoning for the Coleman and Heading Commercial Development Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] CDFW previously submitted comments in response to the Notice of Preparation of a Draft Environmental Impact Report on September 20, 2023.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86). CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any Project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA permit.

The Project has the potential to impact burrowing owl (*Athene cunicularia*), CESA candidate species, as further described below.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. Pub. Resources Code, §§ 21001, subd. € & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065). In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, does not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections

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protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act (MBTA).

Fully Protected Species

Fully Protected Species (Fish & G. Code § 3511 and 4700) have the potential to occur within or adjacent to the Project area, including, but not limited to: golden eagle (*Aquila chrysaetos*).

Project activities described in the draft EIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock; or
- They are a covered species whose conservation and management are provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).
- Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15).

PROJECT DESCRIPTION SUMMARY

Proponent: City of San Jose

Objective: The Project is a General Plan Amendment and Planned Development rezoning on approximately 11.4 acres of seven City-owned parcels located in the Guadalupe Gardens, a 120-acre area located immediately south of the San José Mineta International Airport. On each of the seven parcels, the existing Envision San José 2040 General Plan Land Use Designation of Open Space Parks Habitat would be changed to Combined Industrial Commercial and each parcel would be rezoned to the Open Space Planned Development Zoning District. With the new General Plan land use designation and rezoning in place, the City intends to market the seven parcels for development that is consistent with the underlying purpose of the parcels for aviation related objectives. The City would retain ownership of the land and would lease the sites to developers.

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The project also includes the removal of the seven parcels from the Guadalupe Gardens Master Plan.

Location: The Project is located north of West Taylor Street, east of Coleman Avenue, south of Nimitz Freeway, and west of Guadalupe Parkway in the City of San Jose, Santa Clara County (County). The coordinates for the approximate center of the Project are 37°20'47.17"N latitude, 121°54'40.25"W longitude (WGS 84). The Assessor's Parcel Numbers are Parcel 1: 259-02-130, Parcel 2: 259-02-131, Parcel 3: 259-08-072, Parcel 4: 259-08-101, Parcel 5: 259-08-102, Parcel 6: 230-38-076, and Parcel 7: 230-38-092.

Timeframe: Not noted in the draft EIR.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources with mitigation measures, including those CDFW recommends, CDFW concludes that an EIR is appropriate for the Project.

I. Environmental Setting and Related Impact Shortcoming

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service?

COMMENT 1: Burrowing Owl

Issue: There are sixteen CNDDB records of burrowing owl occurring within three miles of the Project, with the closest record approximately 0.25 miles north of the Project. The Project is also within the burrowing owl year-long range according to the California Wildlife Habitat Relationships model. While the draft EIR acknowledges that burrowing owl have the potential to occur as a breeder or non-breeding forager in the California annual grassland within the Project area (pages 60, 63-64, 68-70), mitigation measure (MM) BIO-1.1 may not adequately mitigate impacts to burrowing owl to less-than-significant. Additionally, the draft EIR also acknowledges that MM BIO-1.1 is based on Condition 15 of the Santa Clara Valley Habitat Plan (VHP). However, as discussed in the draft EIR, the Project is located within the VHP permit area but is not a "covered project," as the subject parcels are part of lands controlled by San José International Airport, which is excluded from the

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VHP. Therefore, the project is not subject to compliance with VHP conditions, avoidance, minimization, or compensatory mitigation measures.

Specific impacts, why they would occur, and evidence they would be significant: MM BIO-1.1 includes a survey for burrowing owl, however the two preconstruction surveys required by MM BIO-1.1 (page 71) is inconsistent with the surveys recommended in the *Department of Fish and Game* [currently CDFW] *Staff Report on Burrowing Owl Mitigation* (2012) (CDFW 2012 Staff Report), which requires at least four surveys. The survey distance of 250 feet required by MM BIO-1.1 (page 71) would not detect owls up to 500 meters (1,640 feet) from the Project site, the distance at which the species could be impacted by auditory and visual disturbances, pursuant to the CDFW 2012 Staff Report. The buffer distance in MM BIO-1.1 of 250 feet (pages 72-73) may be too small to fully avoid impacts to burrowing owl, especially during the nesting season. Lastly, MM BIO-1.1 describes passive relocation activities (pages 73-74). CDFW does not consider passive relocation to be a take avoidance measure because the long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of excluded owls is unknown. Burrowing owl are dependent on burrows at all times of the year for survival or reproduction, therefore eviction from nesting, roosting, overwintering, and satellite burrows or other sheltering features may lead to indirect impacts or “take” which is prohibited under CESA and Fish and Game Code section 3503.5.

Burrowing owl is a candidate for listing under CESA and is afforded the same legal protections as a CESA-listed species while under review (Fish and Game Code § 2068). The Project is comprised of California annual grasslands which provide potential foraging habitat for burrowing owl as well as suitable nesting and roosting habitat where California ground squirrel (*Otospermophilus beecheyi*) burrows are present. Implementation of the Proposed Project would result in permanent loss of 9.11 acres of California annual grassland, which may provide suitable habitat for burrowing owl nesting, roosting, and foraging. Additionally, the Project could impact resident, wintering, and nesting burrowing owl in burrows or other suitable refugia on or within up to 500 meters (1,640 feet) of the Project site, which could result in burrowing owl nest abandonment, loss of young, reduced health and vigor of owlets, injury or mortality of adults, and permanent wintering (i.e., non-nesting) or nesting habitat loss.

Burrowing owl population viability and survival are adversely affected by risk factors such as precipitous declines from habitat loss, fragmentation, and degradation; evictions from nesting sites without habitat mitigation; wind turbine mortality; human disturbance; and eradication of California ground squirrel resulting in a loss of suitable burrows required by burrowing owl for nesting, protection from predators, and shelter (Shuford and Gardali 2008; CDFW 2012 Staff Report; personal communication, CDFW Statewide Burrowing Owl Coordinator Esther Burkett, May

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13, 2022). Preliminary analyses of regional patterns for breeding populations of burrowing owl have detected declines both locally in their central and southern coastal breeding areas, and statewide where the species has experienced breeding range retraction (CDFW 2012 Staff Report). Borrowing owl have been extirpated from 16 percent of their former range and are at risk of being extirpated from another 13 percent of their range in the State (CDFW 2024).

Based on the foregoing, if burrowing owl are wintering or nesting on or within 500 meters (1,640 feet) of the Project site, the Project may result in a substantial reduction in the number of a CESA candidate species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines sections 15065, subdivision (a)(1) and 15380.

Recommended Mitigation Measures: To reduce potential impacts to burrowing owl to less-than-significant and comply with CESA and Fish and Game Code section 3503.5, CDFW recommends replacing MM BIO-1.1 with the mitigation measures below.

Mitigation Measure BIO-1.1 (Burrowing Owl Habitat Assessment and Surveys): A qualified biologist shall conduct a habitat assessment and surveys, following the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012) methodology (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds) and prepare a report documenting the survey results, and submit the report to CDFW for review prior to Project construction. The qualified biologist shall have a minimum of two years of experience implementing the above methodology resulting in burrowing owl detections. Based on the habitat assessment, if suitable burrows are present, surveys for nesting burrowing owl shall be conducted if Project construction starts during nesting season (February 1 to August 31), and surveys for wintering burrowing owl shall be conducted if the construction starts during the wintering season (September 1 to January 31). The habitat assessment and surveys shall encompass the Project site and a sufficient buffer zone to detect owls nearby that may be impacted, which is up to 500 meters (1,640 feet) around the Project site pursuant to the above methodology. Habitat assessments and surveys shall occur annually for the duration of the Project, as conditions may change annually and suitable refugia for burrowing owl, such as small mammal burrows, can be created within a few hours or days, unless otherwise approved in writing by CDFW.

Time lapses between surveys or Project activities shall trigger subsequent surveys including, but not limited to, a final survey within 24 hours prior to ground disturbance. If the habitat assessment does not identify suitable habitat and surveys are not conducted, an additional habitat assessment should be conducted within 14 days prior to construction. If new refugia are present, surveys should be conducted as described above, unless otherwise approved in writing by CDFW.

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The Project shall immediately notify CDFW if burrowing owl is detected and implement a construction avoidance buffer around any detected burrowing owl pursuant to the buffer distances outlined in the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012), which may be up to 500 meters (1,640 feet). Any detected owl shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities.

If the Project cannot ensure burrowing owl and their burrows are fully avoided, the Project shall consult with CDFW and obtain a CESA take authorization or otherwise demonstrate compliance with CESA. Take is likely to occur and the Project shall obtain an ITP if: 1) burrowing owl surveys of the Project area detect burrowing owl occupancy of burrows or burrow surrogates, or 2) there is sign of burrowing owl occupancy on the Project area within the past three years and habitat has not had any substantial change that would make it no longer suitable. Occupancy means a site that is assumed occupied if at least one burrowing owl has been observed occupying a burrow or burrow surrogate within the last three years. Occupancy of suitable burrowing owl habitat may also be indicated by burrowing owl sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site. If burrowing owl, or their burrows or burrow surrogates, are detected within 500 meters (1,640 feet) of the Project site during burrowing owl surveys, but not on the Project site, the Project shall with CDFW to determine if avoidance is feasible or an ITP is warranted.

COMMENT 2: Nesting Birds

Issue: CDFW acknowledges and appreciates the incorporated mitigation measures MM BIO-2.2, MM BIO-2.3, and MM BIO-2.4 to minimize impacts to nesting birds during Project activities. These mitigation measures may not be sufficient to avoid potentially significant impacts to nesting birds during Project activities.

Specific impacts, why they would occur, and evidence they would be significant: Implementation of the Project would result in the permanent removal of approximately 67 trees and loss of 9.11 acres of California annual grasslands, that may provide suitable nesting habitat for birds. Nesting birds may be disturbed by habitat removal and Project noise and visual disturbances, which could result in active nest loss or abandonment, reduced reproductive success or loss, reduced health or vigor of eggs or young, or direct take of nesting birds, *a potentially significant impact.* Take of nesting birds, birds in the orders Falconiformes or Strigiformes, and migratory nongame bird as designated in the federal MBTA is a violation of Fish and Game Code (§ 3503, 3503.5, 3513).

Recommended Mitigation Measures: To reduce potential impacts to nesting birds to less-than-significant and comply with Fish and Game Code sections 3503,

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3503.5, and 3513 and the federal MBTA, CDFW recommends several additions (as shown as underlined text) or modifications (as shown as lined out text) to MM BIO-2.2, MM BIO-2.3, and MM BIO 2.4.

Mitigation Measure BIO-2.2 *(Pre-Construction Surveys):* If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds will be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey must be completed no more than 14 days prior to the initiation of construction activities during ~~the early part of~~ the breeding season ~~(February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive)~~. During this survey, the qualified ornithologist shall inspect all trees and other possible nesting habitats, including the ground and buildings, in and immediately adjacent to the Project construction areas for nests. If a lapse in Project-related work of 14 days or longer occurs, another survey shall be conducted before Project work can be reinitiated.

Mitigation Measure BIO-2.3 (Construction Buffer): If, during the survey described in MM BIO-2.2, the qualified ornithologist finds an active nest sufficiently close to work areas to be disturbed by construction, the qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment and comply with Fish and Game Code section 3500 et seq. and the federal MBTA. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby Project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

The qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by Project work. Nest monitoring shall continue during Project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the qualified biologist, unless otherwise approved in writing by CDFW.

Mitigation Measure BIO-2.4 (Survey Result Reporting): Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any

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designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement or the Director's designee, and the California Department of Fish and Wildlife.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Melony Wood, Environmental Scientist at (707) 428-2002 or Melony.Wood@Wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

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Attachment 1: Special-Status Species and Commercially/Recreationally Important Species

ec: Office of Planning and Research, State Clearinghouse, (SCH No. 2023080477)
Craig Weightman, CDFW Bay Delta Region – Craig.Weightman@wildlife.ca.gov
Jason Faridi, CDFW Bay Delta Region – Jason.Faridi@wildlife.ca.gov

REFERENCES

California Department of Fish and Wildlife (CDFW). 2024. Petition Evaluation for Western Burrowing Owl (*Athene cunicularia hypugaea*). Report to the Fish and Game Commission. California Department of Fish and Wildlife, Post Office Box 944209, Sacramento, CA.

California Department of Fish and Wildlife (CDFW). 2012. Department of Fish and Game Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency, Sacramento, CA.

Shuford, W. D., and Gardali, T., editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

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ATTACHMENT 1: Special Status Species

Species	Status
Birds	
burrowing owl (*Athene cunicularia*)	State Candidate for Listing as Endangered or Threatened (SC)
Cooper's hawk (*Accipiter cooperii*)	State Watch List (SWL)
golden eagle (*Aquila chrysaetos*)	State Fully Protected (FP), SWL

COMMENT

B

CITY

OF

SANTA CLARA

COMMENT B

City of Santa Clara
The Center of What's Possible

September 11, 2024

City of San José, Department of Planning, Building and Code Enforcement
Attn: Nhu Nguyen
Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1905
Nhu.Nguyen@sanjoseca.gov

Re: Notice of Availability of a Draft Environmental Impact Report for the Coleman and Hedding Commercial Project (GP18-012, PDC23-009, & ER23-056)

Dear Nhu Nguyen:

Thank you for including the City of Santa Clara (Santa Clara) in the environmental review process for the General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project (Project) and for informing Santa Clara for the Project. The Project is a City-initiated General Plan Amendment (GP18-012) to change the Envision San José 2040 General Plan land use designation from Open Space, Parkland, and Habitat to Combined Industrial Commercial and a Planned Development Rezoning (PDC23-009) to change the Zoning Districts from OS Open Space, LI Light Industrial, and R-2 Two-Family Residence Zoning Districts to the OS(PD) Planned Development Zoning District with exceptions for maximum height, allowed uses, open space requirements, and other requirements in accordance with the Federal Aviation Association Inner Safety Zone regulations on four City-owned sites comprising seven parcels and two street vacations totaling approximately 11.37-gross acres in the City of San José (San José).

Santa Clara requests that the environmental analysis for the Project include and address the following:

1. Local Transportation Analysis

The Transportation Analysis of the draft EIR only included a VMT analysis and stated that "subsequent supplemental Local Transportation Analysis (LTAs) may be required when site-specific development plans are submitted to the City". Santa Clara understands that vehicles miles traveled (VMT) is now the adopted CEQA metric to measure transportation environmental impacts per City of San Jose City Council Policy 5-1. Nonetheless, development is still subject to the requirements of the Congestion Management Program (CMP), and congestion impacts must be analyzed in conformance with the VTA Transportation Impact Analysis (TIA) Guidelines. Additionally, the City of San Jose's Transportation Analysis Handbook dated April 2020 requires project transportation impacts in external jurisdictions, including adjacent cities, to be analyzed according to that jurisdiction's transportation standards.

Accordingly, Santa Clara requests that EIR include a local transportation analysis (LTA) to analyze the Project's transportation impacts on CMP facilities and facilities within Santa Clara and any

subsequent supplemental LTAs also be submitted to Santa Clara for review. Santa Clara utilizes criteria contained within the VTA TIA Guidelines as a basis for determining study intersections to be included as part of an LTA. Thus, intersections within Santa Clara that add 10 or more project trips per approach lane shall be analyzed within the LTAs. Santa Clara would also like to review and comment on the scope of work related to the LTAs.

The project site is located on the southeastern boundary of the City of Santa Clara. Relevant approved and pending projects within Santa Clara need to be included in the LTA under the background and cumulative scenarios, respectively. This is consistent with the VTA TIA Guidelines. A list of both approved and pending projects can be provided by the Santa Clara Community Development Department, Planning Division.

The local transportation analysis must also include an analysis of bicycle and pedestrian facilities in terms of their availability, project effects on future bike/pedestrian plans, and improvements proposed by the project. Maps and information on existing and planned bicycle/pedestrian facilities within Santa Clara can be found in the City's Bicycle Plan Update and Pedestrian Master Plan on https://www.santaclaraca.gov/our-city/departments-g-z/public-works/engineering/traffic-engineering. In particular, Santa Clara is planning a Class IV bikeway on De La Cruz Boulevard/Coleman Avenue.

A. Impacts to CMP Facilities

Given the size of the project (258,720 square feet of retail space) and the estimated 9,575 vehicle trips generated daily, it is critical to evaluate the impacts to CMP facilities. The Project is located less than a mile from I-880 within the CMP roadway network. It is also adjacent to Coleman Avenue and close to the Alameda, which are also part of the CMP network. Santa Clara requests that the LTA provide a level of service evaluation for CMP intersections, freeway segments, ramps, and expressways, as well as a multimodal analysis. The Draft EIR mentioned that the project will study the feasibility of reducing traffic lanes along Hedding Street to two travel lanes for the implementation of the Class IV protected bike lanes. It is critical to analyze the traffic diversion onto parallel roadways such as Hwy 880.

In particular, the level of service analysis should analyze adverse effects to CMP facilities using the VTA Transportation Impact Analysis Guidelines. Intersections along Stevens Creek Boulevard should be considered as part of the traffic analysis. Further, the LTA should address how the Project will maintain traffic level of service standard (LOS E) at CMP facilities including those within the City of Santa Clara. Any adverse effects found at CMP intersections within Santa Clara and their identified improvements shall be discussed with the City of Santa Clara Traffic Division in advance of the LTA being published. Fair share contributions should be required for adverse effects found along roadways and/or intersections in the area.

B. Impacts to Santa Clara Facilities

Pursuant to the City of Santa Clara Transportation Operation Analysis Policy, LOS standards for roadways in Santa Clara are established by Santa Clara's General Plan. Accordingly, the LTA should include a level of service analysis on affected intersections. Multiple non-CMP intersections in the

vicinity of the proposed project likely require such an analysis. Santa Clara would like to review and comment on the scope of intersections included in this analysis. As stated previously, Santa Clara follows the VTA TIA guidelines when selecting intersections to included in the LTA. Intersections along the roadways of Hwy 880, Coleman Avenue, the Alameda, Lafayette Street should be considered as part of the traffic analysis. Any adverse effects found at intersections within Santa Clara and their identified improvements shall be discussed with the City of Santa Clara Traffic Division in advance of the LTA being published. Fair share contributions should be required for adverse effects found along roadways and/or intersections in the study area.

2. TDM

Given the size and nature of the project, to reduce single-occupant vehicles accessing the site, a Travel Demand Management (TDM) plan with monitoring, reporting, and penalties should be required for each parcel within the project.

3. Aesthetics

Given the potential increase in heights of the proposed buildings and their proximity to the City of Santa Clara, please include an analysis of the potential for shade and shadow impacts on Santa Clara businesses.

4. Cumulative Impacts

Given the size and scope of the Project and its potential to have wide-reaching impacts, Santa Clara requests robust analysis of the Project's cumulative impacts on surrounding areas.

* * * * *

Thank you for the opportunity to comment on the Notice of Availability for the Project. Santa Clara looks forward to reviewing the scope of subsequent LTAs for this project. Should you have any questions regarding this letter, please contact Lesley Xavier, Planning Manager via email at LXavier@santaclaraca.gov or phone 408-615-2484.

Best Regards,

Lesley Xavier, For

Reena Brilliot
Director of Community Development

cc: Michael Liw, Assistant Director of Public Works

COMMENT

C

SANTA CLARA VALLEY WATER DISTRICT

Nguyen, Nhu **COMMENT C**

From: Matthew Sasaki <MSasaki@valleywater.org>
Sent: Monday, September 16, 2024 1:46 PM
To: Nguyen, Nhu
Cc: Lisa Brancatelli
Subject: RE: NOTICE OF CEQA POSTING: GPA and PD Rezoning for the Coleman and Hedding Commercial Development Project Draft Environmental Impact Report (ER23-056)

[**External Email**. Do not open links or attachments from untrusted sources.]

Hi Nhu,

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Environmental Impact Report (EIR) for the General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project, received on August 2, 2024.

Based on our review, we have the following comments:

1. As noted on page 8 of the Draft EIR, the eastern portion of the Guadalupe Gardens became part of the Guadalupe River Flood Control and Park Project and Valley Water has fee title property and easement over the property immediately adjacent to the northerly boundary of the Guadalupe Gardens. Valley Water's Central Pipeline, a 66-inch diameter raw water transmission line runs through Emory Street between the areas identified as Parcels 1 and Parcel 5. In accordance with Valley Water's Water Resources Protection Ordinance, any work over, under, or directly adjacent to Valley Water's Central Pipeline (such as utility crossings) or on Valley Water's fee title property or easements will require a Valley Water encroachment permit. More information on encroachment permits can be found on our website linked here: https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-working-district-land-or-easement/encroachment-permits. Issuance of Valley Water encroachment permits are discretionary acts under CE!Qa; and therefore, Valley Water is to be considered a responsible agency under CEQA.
2. Page 2 notes that project site includes two street vacations (University Avenue and Emory Street between Coleman and Walnut Street). Valley Water's Central Pipeline runs within the Emory Street right of way through the project area. As part of the street vacation of Emory Street, Valley Water requests an easement for the Central Pipeline where it is located in any areas that Emory Street is being vacated.
3. Section 3.9, Hazards and Hazardous Materials, should mention the potential hazardous materials that may result from certain land uses including those listed in Table 2.4-2, such as Car Wash, detailing, Dry cleaner, and Laundromat.
4. Pages 137 and 138 uses "District" to refer to Valley Water. All use of "District" should be changed to "Valley Water" for consistency with our newer moniker and the rest of the document.
5. On page 137, the description of Valley Water's Water Resources Protection Ordinance should be revised to note that permits are required for any work that impacts Valley Water facilities including fee title property, easement, and work over/under Valley Water pipelines.
6. The Hydrology and Water Quality section does not include an analysis of impacts to flooding in the special flood hazard area (SFHA), AH with a base flood elevation of 62 feet, due to placement of fill or otherwise elevating proposed structures on parcels 6 and 7. Ensuring structures built within the SFHA does not increase the depth and/or extent of flooding should be analyzed.

Please let me know if you have any questions regarding the comments. This project has been assigned to Valley Water File 35004. Please reference this number on future correspondence regarding this project.

Thank you,

MATT SASAKI
Pronouns: he/him
Acting Associate Engineer - Civil
Community Projects Review Unit
msasaki@valleywater.org
Tel. (408) 630-3776

Santa Clara Valley Water District is now known as:

Valley Water

Clean Water • Healthy Environment • Flood Protection
5750 Almaden Expressway, San Jose CA 95118
www.valleywater.org

From: Nguyen, Nhu <Nhu.Nguyen@sanjoseca.gov>
Sent: Friday, August 2, 2024 9:15 AM
Subject: NOTICE OF CEQA POSTING: GPA and PD Rezoning for the Coleman and Hedding Commercial Development Project Draft Environmental Impact Report (ER23-056)

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DRAFT EIR) AND PUBLIC COMMENT PERIOD (SCH# 2023080477)

A Draft Environmental Impact Report (Draft EIR) for the General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project is now available for public review and comment. The project is a City-initiated General Plan Amendment (GP18-012) to change the Envision San José 2040 General Plan land use designation from Open Space, Parkland, and Habitat to Combined Industrial Commercial and a Planned Development Rezoning (PDC23-009) to change the Zoning Districts from OS Open Space, LI Light Industrial, and R-2 Two-Family Residence Zoning Districts to the OS(PD) Planned Development Zoning District with exceptions for maximum height, allowed uses, open space requirements, and other requirements in accordance with the Federal Aviation Association Inner Safety Zone regulations on four City-owned sites comprising seven parcels and two street vacations totaling approximately 11.37-gross acres.

Location: The approximately 11.37-gross acre project site consists of seven parcels and two street vacations located within Guadalupe Gardens along Coleman Avenue and West Hedding Street.

APNs: 259-02-130, 259-02-131, 259-08-072, 259-08-101, 259-08-102, 230-38-076, and 230-38-092

Council District: 6

File No.: GP18-012, PDC23-009, & ER23-056

The proposed project will have potentially significant environmental effects with regard to biological resources, cultural resources, greenhouse gasses, hazardous materials, noise, and transportation. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present at the project location. The project location is contained on a list of hazardous materials sites maintained by the State in accordance with California Public Resources Code Section 65962.5.

The Draft EIR and documents referenced in the Draft EIR are available for review online at the City of San José's website at https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/gpa-and-pd-rezoning-for-the-coleman-and-hedding-commercial-development-project and are also available at the following locations:

Department of Planning, Building,
and Code Enforcement
200 East Santa Clara St., 3rd Floor
San José, CA 95113
(408) 535-3555

Dr. MLK Jr. Main Library
150 E. San Fernando St.,
San José, CA 95112
(408) 277-4822

Rose Garden Branch Library
1580 Naglee Ave,
San José, CA 95126
(408) 808-3070

The public review period for this Draft EIR will be 45 days, between **August 2, 2024 and September 16, 2024**. Written comments must be received at the Planning Department by **5:00 p.m. on September 16, 2024**, in order to be addressed as part of the formal EIR review process.

Comments and questions should be referred to Nhu Nguyen in the Department of Planning, Building and Code Enforcement via e-mail at Nhu.Nguyen@sanjoseca.gov, or by regular mail at the following mailing address:

Department of Planning, Building, and Code Enforcement
Attn: Nhu Nguyen
200 E. Santa Clara Street, 3rd Floor
San José, CA 95113

For the official record, **please email or mail your written comment letter and reference File Nos. GP18-012, PDC23-009, & ER23-056.**

Following the close of the public review period, the Director of Planning, Building, and Code Enforcement will prepare a Final Environmental Impact Report that will include responses to comments received during the

review period. At least ten days prior to the public hearing on the EIR, the City's responses to comments received during the public review period will be available for review and will be sent to those who have commented in writing on the Draft EIR during the public review period.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

COMMENT

D

PACIFIC GAS

&

ELECTRIC

COMPANY

Pacific Gas and Electric Company

Plan Review Team
Land Management

PGEPlanReview@pge.com

COMMENT D

August 16, 2024

Nhu Nguyen
City of San Jose
200 E Santa Clara St, 3rd Flr
San Jose, CA 95113

Re: GP18-012, PDC23-009 & ER23-056
Coleman and Hedding Commercial Development

Dear Nhu Nguyen,

Thank you for providing PG&E the opportunity to review the proposed plans for GP18-012 dated 8/2/2024. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: https://www.pge.com/cco/.

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 the PG&E Plan Review Team at pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management

COMMENT

E

MUWEKMA

OHLONE

INDIAN TRIBE

MUWEKMA OHLONE INDIAN TRIBE

OF THE SAN FRANCISCO BAY AREA REGION

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

COMMENT E

TRIBAL CHAIRPERSON

CHARLENE NIJMEH

EXECUTIVE DIRECTOR OF CULTURAL RESOURCES/MLD

RICHARD MASSIATT

TRIBAL COUNCIL

JOANN BROSE
FRANK RUANO
SHEILA SCHMIDT
CAROL SULLIVAN
JACKIE LENCI
ANTHONY ACOSTA

TRIBAL ARCHAEOLOGIST AND ETHNOHISTORIAN

September 5, 2024

Mr. Nhu Nguyen
Department of Planning, Building, and Code Enforcement
200 E. Santa Clara Street, 3rd Floor
San Jose, CA. 95113
Email: Nhu.Nguyen@sanjoseca.gov

Dear Mr. Nguyen,

Thank you for contacting our Tribal administration with regards to the Draft Environmental Report (ER23-056) pertaining to the proposed Rezoning for the Coleman and Hedding Commercial Development Project.

The Notice that you have provided states that "[t]he proposed project will have potentially significant environmental effects with regard to biological resources, cultural resources, … ."

The posted Draft EIR also notes that under the subheading **Archaeological Sensitivity: "…** Basin Research Associates undertook three field surveys that have included the subject parcels, all with negative results, as there was an absence of prehistoric cultural materials or significant historic era or contemporary features. A records search of the California Historical Resources Information System at the Northwest Information Center (NWIC) was completed in March 2023. The records search identified 16 previous studies undertaken within or adjacent to the subject parcels. Four reports had positive findings for one cultural resource on Hedding Street. An additional 72 studies have been completed within 1,000 feet of the project area. No prehistoric or combined prehistoric/historic archaeological sites have been recorded or reported in or adjacent to the project sites. No resources identified by contemporary Native Americans are known to exist within or adjacent to the subject parcels. The archival research and previous field studies determined the project site has a **low archaeological sensitivity for prehistoric** and historic archaeological resources based on the assessment of the available cultural resources data."

As you may already know the City of San Jose falls within our ethnohistoric tribal territory to which we have direct lineal descent of ancestral tribal groups that include the **Alson Ohlone, San Francisco Solano, Santa Agueda,** and **Estero** all of whom were initially missioned into Missions Santa Clara and San Jose (see BAE John Peabody Harrington's interviews of Muwekma Elders 1925-1934; Milliken 1995, 2008, Milliken et al. 2009). Milliken noted that the **Alson** was "a tribe that held the low marshlands at the very southern end of the San Francisco Bay, probably both north and south of the mouth of the Coyote River [Creek] now the cities of Newark, Milpitas and Alviso" (1995:235).

Although our site sensitivity maps do not show any previously recorded ancestral heritage sites within the subject property, we are concerned that during earlier pre-CEQA and post-CEQA construction activities within this area, that no ancestral heritage cultural resources would have been recorded and/or were ignored, therefore, we do agree with the draft recommendations and recommend monitoring of demolition, removal of foundations, and subsurface mechanical and utilities excavations by our tribal monitors and field technicians. Furthermore, we do recommend Tribal Consultation for this project as well.

We are nonetheless concerned about the determination stated in the Draft EIR that "Compliance with the standard permit condition above, the proposed project would result in **less than significant impacts** to human remains which may be present on site." How so, heavy earthmoving equipment are very destructible to our ancestral remains. We heard that similar determinations were made when our Tribal members worked on the **Tamien Station Light Rail** project site **CA-SCL-690** where we removed 126+ of our ancestral remains after the demolition of the old cannery at that location, and more burials were recovered years later. The same determination was pronounced by the City's Planning Department for the projects located on a major recorded ancestral cemetery site **CA-SCL-128** (the old Holiday Inn Site) recently renamed the **Hyatt Hotel Place** (Leventhal et al. 2012), and later at 200 and 180 Park Avenue office building projects on the extended (***Thámien Rúmmeytak*** [**Guadalupe River Site**]) **CA-SCL-128** which also had a determination of "less than a significant impact" on the tribal and cultural resources, even though our Tribe was involved in the monitoring and removal of over 50 ancestral human remains at these two adjacent locations. Furthermore, we are including a copy of one of our archaeological projects conducted by our Tribe at ***Kaphan Húunikma*** the **Three Wolves Site CA-SCL-732** located at the Highway 101 and 85 Interchange along Coyote Creek as another example of our previous CRM work that we did for Caltrans and SCCVTA; at which the hired CRM archaeologists declared that this location was "all historic fill," and "that nothing was there to record as a site." The recovery of 102 ancestral remains later, our Tribe demonstrated that there was indeed an ancestral heritage site of great significance under CEQA to both the Tribe and to the scientific community.

Please note that the subject parcels are located approximately .7 mile East/Southeast from the Santa Clara University/Mission Santa Clara Complex sites **CA-SCL-30/H *Clareño Muwékma Ya Túnneste Nómmo* [Where the Clareño Indians are Buried Site]** (Leventhal et. al 2011); and ancestral heritage site **CA-SCL-755 *Širkeewis Rúipin Tiprectak*** [**Place of the Black Willow Marsh Site]** (Leventhal et al. 2023) which is also located on SCU campus). The proposed project is also located approximately 1.4 miles to the Northwest from ancestral heritage sites **CA-SCL-128 *Thámien Rúmmeytak* – *Thámien*** (Guadalupe) River Site (Leventhal et al. 2015; DiGiuseppe 2021); and at the nearby **CA-SCL-894/SCL-948 *Tupiun Táareštak*** [**Place of the Fox Man Site**] at the rear of the **Fox Theater** (Leventhal et. al 2012). Lastly, this project is located approximately 2.5 miles Southeast of a recently discovered site **CA-SCL-1070 *Mánni Húyyú Muwékma Yatiš Túnneste-tka***, **Place Where the Ancient (First) People Are Buried Site** (Kleinfelder 2023), located just west of the San Jose Airport and adjacent to the Guadalupe River, where some of the burials and subsurface features date to around 10,000 years ago; and more importantly, the proposed project is located less than .2 mile west of the present-day Guadalupe River riparian corridor, therefore, this location should be considered as potentially highly sensitive.

As you know, our Tribe has been engaged in CRM work since the early-1980s and have published many archaeological reports pertaining to our ancestral heritage sites and human remains including as mentioned above recent burial recovery field work at many sites in the City of San Jose.

We have also co-authored many journal articles with many scholars from various universities and private CRM firms on our ancestral remains, ceremonial grave regalia, AMS dating, Stable Isotope, and modern and Ancient DNA studies (see attached).

Furthermore, as you may already know, our Tribe is a previously federally recognized tribe historically identified by the Bureau of Indian Affairs as the **Verona Band of Alameda County** which was never terminated by any act of Congress. Our aboriginal territory includes direct descent within the greater San Francisco Bay Region and specifically from the greater City of San Jose and Santa Clara County area.

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

Our enrolled Muwekma tribal 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:

> 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.)

On September 21, 2006, another victory was handed to the Muwekma Tribe by Judge Reginald Walton, U.S. District Court in Washington, D.C. 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. …

Our families were identified and listed on the two partial 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 California 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.

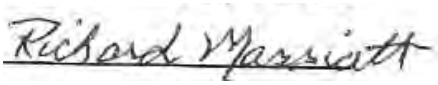
In conclusion, we are formally requesting continued tribal consultation under Senate Bill 18 (Government Codes §65352.3 and §65352.4) and Assembly Bill 52 (Public Resources Codes §21080.3.1 & §21080.3.2). Muwekma Tribal Councilman and Executive Director for Tribal Cultural Resources Richard Massiatt will be your main contact person for Tribal Consultation along with Tribal Chairwoman Charlene Nijmeh and Alan Leventhal, Tribal Archaeologist and Ethnohistorian. Furthermore, should the City of San Jose 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.

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 City of San Jose Planning Department 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 of San Jose region.

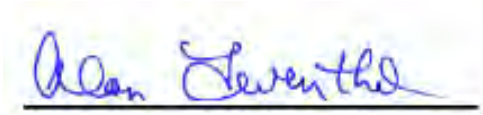
We are attaching other historic documents and an examples of our previous ancestral heritage recovery work for your review and consideration. and look forward in working closely with your team and the City of San Jose on any future related projects within our ethnohistoric homeland.

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:
Rezoning for the Coleman and Hedding Commercial Development Project , San Jose
Attachments

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
[illegible] 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

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:

TITLE VII--MISCELLANEOUS 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

e--ok

Application Number 10298 Name Marine, Lucas Action taken Approved, FAB

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.

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)

13. Give the names of the Chiefs, Captains and Headmen of the Tribe or Band to which your ancestors belonged on June 1, 1852, who executed the Treaty or Treaties herein referred to, if you know them.

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

Final Report on the Burial and Archaeological Data Recovery Program Conducted on a Portion of *Thámien Rúmmeytak* [Guadalupe River Site], (CA-SCL-128/ Hyatt Place Hotel) Located in Downtown San Jose, Santa Clara County, California

Report Prepared for:
DiNapoli Construction
Hyatt Place Hotel

Prepared by:
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Ohlone Families Consulting Services

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2015

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Acknowledgements

We want to thank DiNapoli Capital Partners who funded the Archaeological Data and Burial Recovery Program for the recovery and analysis of the ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman)** Burial in 2012.

We also want to thank the San Jose State University Department of Anthropology faculty for all their support not only for this project but for the many other projects that the Muwekma Ohlone Tribe and the contributing authors and SJSU anthropology students and alumni have participated on. The Muwekma Tribal leadership further wishes to express its heartfelt thanks to the Department of Anthropology for agreeing to curate their ancestral remains and associated cultural regalia from the Tribe's heritage sites.

We want to thank the Muwekma Ohlone Tribal leadership for supporting the various research projects relating to their ancestral heritage cemetery sites and allowing SJSU faculty, staff and students to learn more about and publish information in collaboration with the tribal membership on their ancestral and historical heritage.

Finally the authors would like to especially thank the SJSU Dean's Office , College of Social Sciences for their support on these tribal-related projects; to Dr. Eric Bartelink for his contribution of the paleo-dietary studies through stable isotope analysis; to John Schlagheck for his input on recalibrating the obsidian hydration determination on a previous study; to Beta Analytic for the AMS dating, Dr. Les Field, Department of Anthropology, University of New Mexico for his continuous scholarly efforts on a multitude of Muwekma projects, and Archaeological illustrators, Orhan Kaya, drew the sketch of the ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman)** Burial who appears on the cover of this report and SJSU Anthropology graduate student, Rebecca Spitzer who drew the Elk Metapodial.

We also want to offer acknowledgement and thanks 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.

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. It is in the spirit of the preservation and dissemination of the Tribe's long history, struggle and heritage that this report has been written.

Aho

Reburial Honoring Ceremony

A **Reburial Honoring Ceremony** could not be conducted due to the fact that no area has been provided for reburial within this ancestral heritage site. 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, hopefully in the near future.

Dedication of this Report

In Loving Memory
of Muwekma Elder
Maria de los Angeles Colos (1839-1929)
and her Living Descendants from the Colos-Bernal-Santos-Pinos-Juarez
Enrolled Muwekma Lineages

Figure TOC-1: Muwekma Elder Maria de los Angeles Colos (ca. 1925)

Historic and Genealogical Information on Maria de los Angeles Colos and her Descendants

Maria de los Angeles (Angela) Colos was one of the principal linguistic consultants for many anthropologists. She was interviewed by Alfred L. Kroeber (1904 and 1909), C. Hart Merriam (1905-1910), Charles E. Kelsey (1906), E. W. Gifford (1914), James A. Mason (1916) and John P. Harrington (1921-1929). Maria died prior to 1930 (probably around 1929), before she was able to enroll with the BIA.

Through her efforts she left a lasting legacy for the Muwekma Ohlone Tribe by serving as a cultural and linguistic consultant and through her living descendants enrolled in the Tribe. As one of the principal linguistic consultants of the Muwekma Chocheño language during the early-to-mid 20th century, she (along with Muwekma Elder Jose Guzman) shared her knowledge with interested linguists so much so that today's Muwekma Ohlone Language Committee has been working on revitalizing their traditional Chocheño language since 2002. She was also a member of the previously federally recognized **Verona Band of Alameda County**.

Mission Santa Clara records indicate that Maria de los Angeles' parents, **Zenon** and **Joaquina** [Pico], were married at the Mission on October 16, 1838.

> 1838 October 16, #2711, Zenon & Joaquina
>
> "En 16 de Octbre de 1838 en la Yglecia de esta Mision...case y vele a los siguientes...A un Neofito (orginario de la Mision de S[an] Raf[ae]l y recidente en el Rancho de los Vernales) [Bernals] llamado Zenon con una Neofita de S[an] Jose llamada Joaquina."

Maria de los Angeles was born between 1839 and 1840 and she was baptized with the name **Maria Asuncion de Los Angeles** at Mission San Jose on February 2, 1840 (SJM Bapt # 7774).

1840 Feb 2, #7774,	**Maria Asuncion de los Angeles [Mission San Jose]**	
	Born	nina nacida en el Rancho de S. Ramon
	Father:	Zenon
	Mother:	Joaquina
	Godparents:	Anacleto

She shared with Harrington the tragedy of the death of her younger brother, Prudencio (Ponciano) who died at the age of 14 of a hemorrhage on Moraga's Ranch in the East Bay. She also informed Harrington that her younger sister, Maria Antonia Pina grew up in San Rafael on the **Dona Maria Jesus Briones** ranch and died there (Harrington handwritten notes:47-48).

Maria de los Angeles Colos' ancestry has been traced through her own oral recollections and Mission Santa Clara and Mission San Jose records. Maria was the biological daughter of Zenon (a neophyte from Mission San Rafael and probably Mission Dolores) who was of Napian/Karkin or Choquoime Coast Miwok ancestry), and Joaquina Pico (whom Maria thought was a Tamaleño – from Mt. Tamalpais area), who as a young woman was raised by the Californio Pico family of San Jose (**Antonio Maria Pico**) and who also later worked for the Bernal family on their **Santa Teresa Rancho** in south San Jose.

In the mid-1920s Bureau of American Ethnology (Smithsonian) anthropological linguist John Peabody Harrington interviewed Maria de los Angeles Colos whom Harrington identified as "Angela" in his notes. By her own accounting, Angela stated that she was born on the ranch of **Don Agustin Bernal in Santa Teresa**, south San Jose.

> "Inf's (informant's) name is Maria de los Angeles Colos. Her husband here I find is commonly known to the Americans as "Joe" [Guzman]. She was born at the rancho of Don Agustin Bernal – at Santa Teresa. … Inf's mother was taken by the Picos [***Antonio Maria Pico**] of San Jose and Santa Clara and they brought her up at San Jose. Her name was **Joaquina Pico** (page 111 JPH hand written notes).

Note: Antonio Maria Pico** (1809–1869), was the son of José Dolores Pico, and was stationed in the Pueblo de San José in 1833–1839. Antonio Maria Pico had married **Maria del Pilar Bernal** (1812–1882), the sister of Augustine and Juan Pablo Bernal, in 1831. Antonio Pico later became the *Alcalde* of ***Pueblo de San José.

The Mexican land grant ***El Valle de San José*** (Sunol/Pleasanton region), was granted to **Antonio Maria Pico** on April 10, 1839; and later confirmed to Antonio Suñol et al., by Commission January 31, 1854; by the District Court January 14, 1856; totaling 51,572.25 acres.

The ground on which the town of Pleasanton now stands was, in the year 1839, in common with thousands of acres, granted to **Antonio Suñol**, **Antonio Maria Pico, Augustine Bernal**, and **Juan P. Bernal**. Pico had disposed of his interest to Antonio Suñol, he in turn conveyed it to Juan P. Bernal in 1846. Augustine Bernal, however, maintained his residence in the Santa Clara Valley until the spring of 1850, only visiting his newly-acquired possessions once a year to round up his herds of cattle, while during the rest of the year the land was left in charge of his hired vaqueros.

Later Joaquina Pico settled on Ranchos San Ramon and San Lorenzo (perhaps living on the San Lorenzo Rancheria) years after Mission San Jose was established in the East Bay. After the departure or death of her husband, Zenon, a Koriak (indigenous Siberian tribal group) man, named Gregorio Colos, lived with Joaquina and helped raise her children and they took on his surname Colos. Around this period time, when Joaquina was living at San Lorenzo, an Ohlone Indian named Santiago Piña became Maria Colos' stepfather and taught her the Chocheño language.

According to Maria de los Angeles' own account to John P. Harrington, she learned to speak Chocheño from her step-father, Santiago Piña, and his parents. Based upon the genealogical work of Randy Milliken, Santiago's lineage has been traced through the Mission San Jose baptismal records. Santiago's parents were Bruno and Fermina. Bruno was born 1796 and listed as an "Este" referring to the **Taunan Ohlone Tribe of the Alameda Creek** and **Del Valle Creek** drainages **(Sunol/Pleasanton** area**)**. His wife Fermina was born 1801 and was identified as a **Luecha** (Ohlone) and this may explain why Angela's daughter Francisca adopted the surname Luecha. The Luecha Ohlone tribal group was located around the **del Mocho/Hollow Creek** drainages of Livermore.

John P. Harrington obtained the following information from Angela about the **Luecha** tribe and some of those families who went to Mission Santa Clara:

> Los Luecha were a tribe that lived somewhere near S(an) Juan and intervisited with the Juanenos. They say there is a cerro colorado [a red hill] near the land of the Luechas. Francisco Luecha was father of Jose Luecha. These were Indians of the Luecha Tribe. The Luechas camped at Cerro colorado when gathering pinon, etc... Francisco Luecha was older than inf(ormant) and Jose L(uecha) was younger than inf. ... These Inds. F. L. and J. L. had lived at S. Clara had learned Clareño when inf. knew them. The Luecha tribe were brought to Santa Clara Mission.
>
> Francisco Luecha, Jose Luecha, Fernando (surname unknown) and Santos (a tio of this Fernando) were the only ones left when the rest of the Luecha tribe died of colera (cholera) at El Bajillo [flat arable land?] (a place somewhere near S. Clara). All four of these died at Pleasanton of a single smallpox epidemic (Harrington notes:121).

After the death of her husband, Joaquina Pico had married by Indian custom Santiago Piña. Santiago Pina became Maria's step farther and he was born July 11, 1819 and raised by the Californio Piña (or possibly Pico) family. Angela's mother Joaquina Pico herself was apparently raised by Antonio Maria Pico's family living in San Jose and she eventually moved with her husband to the Bernal Rancho in the Santa Teresa Hills in south San Jose, where Angela was born.

Based upon historical documents, Maria de los Angeles Colos had married several times and by 1876 she was a widow and married Joseph Thomas Mateos.

1876 June 8, #281, Page 76, **Volvono et Colos** (Indigeni)

> "A.D. 1876, die 8 Junii, Rev. J. Valentini mat jinxit **Joseph Thomas Matthaeum** natam annos circiter 40, ex Francisco Volvono* et Maria Rufina, et **Maria los Angeles Colos**, viduam Joannis, natam annos circita 35, ex **Zenone** et **Maria Joaquina** coram **Petro Antonio** et **Johanna Maria**.

***Note**: Francisco Volvono kept his tribe's name (**Volvon**), in the same way the Luechas kept theirs. The Volvon were aboriginal to the Mt. Diablo region and had ties to the Seunen Ohlones. Johanna an appears as Indian on the **1880 Census** along with her husband (Augustino – very faint) living two house away from Habencio and Petra Guzman (Jose Guzman's parents).

Pedro (Petrus) Antonio Bernal was identified on the 1880 Census, Murray Township, as Patro (Pedro) Antonio, **Indian**, age 37 (born ca. 1843), widower. He was living in the household of Joseph Nevis (from Faial) who had married Juana Higuera **Bernal** Nevis. Petro Antonio was the godfather to **Dolores Marine** and **Ramona Marine** two of the older daughters of Avelina Cornates Marine..

In 1877, Joseph Matteos and Angela Colos had a daughter named Aloisia:

1877 Sep 30, #1575, Page 285, **Aloisia** (Indian)*

Born:	Aug 25, 1877
Father:	Josepho Thomas
Mother:	Maria de los Angeles
Godparents:	Josephus M. Morales & Maria C. Morales

***Note**: Aloisia in all likelihood is the same person as Elesia Pastor who married another Muwekma Indian Miguel Pastor in 1894. She appeared on the 1900 Indian Census on the Niles Rancheria as Elesia Pastor, age 23 (born ca. 1877).

Sometime before 1880, Joseph Thomas Mateos had died.

Based upon the 1880 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 daughters were living eight houses away from the household of Augustine Bernal's brother Antonio Bernal, Jr. living south of Pleasanton (see 1878 Thompson and West Map in Chapter 9).

Also on the 1880 Census for **Murray Township**, Alameda County (District 26), there was listed a **Ramon Sinol (Sunol)***, estimated age 22 (born ca. 1858) identified as a farmhand in the house hold of John Kottinger who was married to Maria Refugia Bernal. Ramon for some unknown reason used both the Bernal and Sunol surnames and was in all likelihood the father Guadalupe Sunol. At this time in 1880, he was living not too far from Angela Colos and her family.

***Notes:** on the **Avelina Cornate Family History** (page 2 Marine Family History **1965**), Dario Marine stated that "**Raymundo Vernal** was Great grandfather people, so were **Lupe Vernal** [Sunol] and Jose Vinoco [Binoco] an uncle."

1872 May 15, #1046, Page 211, **Joaquino Guadalupe Sunol*** (Indiei)

Born:	Jul 7, 1872 (probably 1871)
Father:	**Raimundi Sunol** (Bernal)
Mother:	Angela Cornelia(?) [Colos]
Godparents:	Franciscus Garcia (Nosessi?) and Jesus M. Refugio

***Notes:** Joaquino Sunol was identified on the 1880 census as Whalupe Sunol, Indian, grandson (probably adopted), age 8, living in the household of Muwekma Indians Phillip and Catherine Gonzales and their daughter Latena (Trinidad Gonzales) age 15, and their son Juan, age 10.

Joaquino was listed on the **1900 Indian Population Census** as **Jauloope Sunol** (age 27). He was living next to Muwekma Indians George Santos, his wife Peregrina Pinos and their children in Niles.

Francisca Luecha appeared in the Mission San Jose records as a godparent along with Raymundo Sunol for an Indian named Dominic Sierra:

1882 Aug 27, Page 107, **Dominic Sierra**
Born: Aug 4, 1882
Father: Paulo J. Sierra
Mother: Vincentia Jali
Godparents: Raymond Sunol and **Francisca Luecha**

In 1884, Francisca had a daughter with a man named Francisco Alta Miranda.

1884 Apr 27, Page 144, **Maria Rita Miranda** (Indian)
Born: Apr 5, 1884
Father: Francisco Alta Miranda*
Mother: **Francisca Luecha**
Godparents: Maria Antonia Lunes (probably Suarez/Santos)

***Note:** Francisco Alta Miranda may be Frank Miranda (age 25) listed on the 1880 census living on Second St. in Livermore. He may also be the same person as Francisco Altamiranno who later married Muwekma Annieta Yaquilanne (the sister of Avelina Cornates) in 1889 (see Marine Family history).

Six years before Muwekma **Eduardo Armija** had married by Indian custom to Muwekma Chona Bautista, he had a child named **Joseph Armijo** with **Francisca Luecha** in 1890.

1890 Nov 23, Page 264, **Joseph Armijo (Garcia/Saunders)*** (Indian)
Born: Nov 1, 1890
Father: Eduardo Armijo
Mother: **Francisca Luecha**
Godparents: Antonio Silva & Maria B. Yurrera (Benedicta Guerrera)**

Note:* It appears that based on documentary evidence, Joseph Armijo was the same person as Angela Colos' grandson, Joseph Garcia who was raised on the Pleasanton/Alisal Rancheria.

** Maria B. Yurrera (Maria Benedicta Guerrera/Gonzales) was the mother of Peregrina Pinos Santos and Maggie Pinos Juarez and the grandmother of Erolinda Santos/Saunders/Corral/Pena.

Joseph Armijo after his baptism in 1890 at Mission San Jose, appeared next in the **Book of Half Orphans** dated **December 1898** at **St Joseph's Orphanage** at Mission San Jose. He was identified as **Joseph Garcia**, 8 years old (**born 1890**), admitted May 30, 1898, discharged June 24, 1898, Indian, Place of Residence "Near Pleasanton."

Joseph Armijo Garcia appeared next on the **Indian Population Census of 1900** for Murray Township, identified as the grandson of **Angela Colos** who was listed as **Uncela Carlans** on that census. Joseph Garcia was identified as being 9 years old and being born **November, 1890**. Joseph and Angela were living on the Alisal Rancheria next to Phoebe Inigo, her daughter Mary Guzman, and Magdalena Armija Marshall and her niece Carrie Calista Peralta. They were living several *casitas* (houses) away from Joseph's godmother, Benedicta Guerrera Pinos.

Joseph Garcia next appeared at Pleasanton with his grandmother **Angela Colos** on Special Indian Agent C. E. Kelsey's **1905-1906 Special Indian Census**. Kelsey identified them as **Angela Colos** and **grandson**. They were living next to Trinidad Gonzales and Miguel Santos.

Angela Colos and **Joseph Garcia** next appeared on the **1910 Indian Population Census of "Indian Town**" in Pleasanton Township, Alameda County. On this census Joseph Garcia, age 20, was identified as Angela Colos' nephew. They were living next door to **Jacoba** (wife of *Capitan* Jose Antonio, Jose Antonio's great-granddaughter Catherine Peralta, Catherine's husband Dario Marine, their daughter Beatrice Marine, Dario's younger sister **Mercedes Marine** and Catherine Peralta's first cousin Franklin Guzman.

Margaret Pinos and her husband **Pedro Juarez** were listed on the **1910 Census** as the "Sattos" family (Washington Township, Alameda County, Page 1B). They were living next door to Ernest Thompson and **Magdalena Armija** on Mission San Jose Road near Sheridan Road (which is where present-day 680 and Sheridan Rd. meet near Sunol). Maggie and Pete had Peregrina Pinos and George Santos' daughter **Erolinda** living with them. Erolinda was identified as Maggie and Peter's niece named **Laura** (age 11).

Prior to April 1912, **Mercedes Marine** was no longer married by Indian custom to Francisco Arellano with whom she had two children: Albert and Edwina Arellano. By this time Mercedes (age 17) had relations with Joseph Garcia both living on the rancheria and they had a child named **Joseph Thomas Garcia**.

1913--1913 Feb 23, Page 39 **Joseph Thomas Garcia** [St. Augustine]

Born:	Dec 29, 1912
Father:	**Joseph Garcia**
Mother:	Mercedes Marino (Marine)
Godparents:	Jesus Espinosa* & Phoebe Inigo (Alaniz)

***Note:** Both Jesus Espinosa and Jacoba Benerita appear on the 1910 Indian Census.
Jesus Espinosa appeared on the 1910 Indian Census as "Seareus Spinosa" (age 32).

By **1913**, Joseph Garcia, Sr. for some unknown reason had changed his name, to Joseph Saunders and he was with Erolinda Santos. Erolinda Santos had her first child at the age of 15, Alfonso Juarez in 1914. He was baptized at St. Augustine's Church in Pleasanton:

1914 ---1914 Mar 5, Page 45, **Alphonsus Juares** (Niles) [St. Augustine]

Born:	Feb 3, 1914
Father:	Patre Ignoto [unknown]
Mother:	Herolinda Juares Erolinda Juarez]*
Godparents:	Maria Peregrina & Jose Juares (Suares?Saunders)*

***Note**: Because Joseph Garcia was not married in the church to Erolinda and because she was under-aged (15 or 16 years old), he is not identified as the father. Based upon documentary evidence it appears that Alfonso's biological father in all likelihood was Joseph Saunders (aka

Joseph Garcia/Armijo) who was also the father of Thomas Garcia [Marine] and Alfonso's brother Daniel Santos.

Mercedes Marine had died on **January 12, 1914** at the County Hospital in San Leandro and was buried at the Ohlone Cemetery in Irvington. After her death, her children were fostered to different Indian families.

Erolinda Santos and Joseph Saunders later had a baby boy who died at the age of 23 days on February 29, 1916.

> **February 29, 1916** – Death Certificate -Baby Santos, County of Alameda, California State Board of Health, Niles, California, Local Registered No. 87.
> "Place of Death: Niles, Alameda County, Male, Age: 23 days (born February 6, 1916), Birthplace: Sunol, Father: Joe Santos [Saunders], Mother: Laura Juaurus [Erolinda Juarez], Date of Death: February 29, 1916, Place of Burial: **Mission San Jose** [Ohlone Indian Cemetery]. Buried on March 2, 1916. **Informant: Joe Santos"** (Joseph Saunders)

Sometime around **1914**, after Erolinda Santos' father George Santos' death, Joseph Nichols had relations with George's widow **Peregrina Pinos Santos** and they had a daughter named **Louisa Nichols** who was baptized at Corpus Christi Church in Niles.

---**1915 Apr 30**, Page 10, **Luizam (Louisa) Nichols** [Corpus Christi]

Born:	Mar 20, 1915
Father:	Joseph Nichols
Mother:	Peregrina Pinos
Godparent:	Laura Saunders [Erolinda Santos]*

***Note:** Erolinda stood in as the godparent for her baby sister.

Luisa Nichols is the child who probably died on April 10, 1916:

> **April 10, 1916**, Santos (Indian) Child, **Burial Permit Book, Mission San Jose** and **Niles, 1909-1920**.
> "Santos (Indian) Child, Burial Date: 10 Apr 1916, Age: 6 months old. Burial place: Indian Cemetery".

Peregrina Pinos died on June 30, 1916.

1917- On **January 21, 1917**, Erolinda had her third son with Joseph Saunders named Daniel George Saunders (Santos).

1917 Mar 15, Page 61, **Daniel Saunders (Santos)** [St. Augustine]

Born:	Jan 21, 1917
Father:	**Joseph Saunders**
Mother:	Laura Guarez [Juarez]
Godparents:	Cecelia Andrade (Armija)

Note: Joseph Saunder's half-sister, Cecelia Armija, was Daniel's godmother and aunt. Cecelia was the daughter of Muwekma Indians Edward Armijo and Chona Bautista and she was later married to Lucas Marine and afterwards to Dario Marine.

June 15, 1917 Draft Registration – Joseph Saunders, living in Sunol, age 27, born **November 1, 1890** (see note below), Pleasanton, laborer, **Spring Valley Water Co**., married, wife and two children (Alfonso Juarez and Daniel Santos). The Draft Registration was signed by Arthur C. Day in Sunol.

Erolinda Saunders was living with Maggie and Pete Juarez in Sunol and they appear on the **1920 Census, Pleasanton Township**. They were identified as Peter Sarate (age 46, farm laborer), Margaret (age 34, servant, private family [Apperson]), **Laura Saunders** (niece, age 21, married), **Alfonso Saunders** (grandnephew, age 5) and **Daniel Saunders** (grandnephew, age 2 and 7 months). They were living next to **Elbert C. Apperson** and his wife Elizabeth and son Randolph on Glen Avenue near Rosedale Road in Sunol [which was near the Alisal Rancheria].

Also on the **1920 Census** Joseph Saunders (age 28), married, was living away from Erolinda and the children. He was living in the **City of Oakland** on Broadway (near Harrison Street) and working in the local shipyard as a plate hanger.

On the **1930 Census**, Alfonso, age 16, Daniel, age 13, Arthur, age 5 and Robert age 3 years 6 months were living with Pete and **Maggie Juarez** on County Road in Newark. Erolinda Santos was not living with her uncle and aunt at time period of time. .

In March 1932, **Margarita (Maggie Pinos) Juarez** completed her BIA enrollment application with Examiner Fred Baker. On her 1932 BIA Application **(# 10676**) she stated that she was born June, 17, 1885. Maggie **4/4 [full blood]** was listed along with her grandnephew **Daniel Santos 4/4 [full blood]** (born January 3, 1917), her niece **Erolinda Corral (Santos), 4/4 [full blood]** (born 1895), and Erolinda's two younger children Arthur Corral (b. 1925), Robert Corral (b. 1927). Maggie Juarez also listed her uncle Eulario Gonzales **4/4 [full blood]** (born 1862). The application stated that Maggie and her family were born near Pleasanton, Ca. Maggie also stated on her BIA application that she was "the first cousin of Magdalena Thompson". **Lucas Marine** and **Catherine Peralta Marine** were witnesses on this BIA application dated March 1932.

In 1932 Alfonso Juarez was not living in the household, but may have been living in Sunol and working for Southern Pacific Railroad? On the 1940 Census Alfonso Saunders Juarez was back living with Pete and Maggie Juarez on Cherry Avenue in Newark and his was listed as working for the Railroad (as a section man).

Alfonso Saunders Juarez had married Pauline Navarro in 1941. All five of their children were baptized at St. Edward's Church in Newark. Neither Thomas Garcia, Jr. nor Daniel Santos had any children; therefore, the lineage of Maria de los Angeles Colos is carried on through the children, grandchildren and great grandchildren of Alfonso Juarez and Pauline Navarro who are enrolled in the Muwekma Ohlone Tribe. Alfonso Saunders Juarez, a full-blooded Muwekma Ohlone Indian and great-grandson of Maria de los Angeles Colos passed away on March 7, 1994.

Figure TOC-2: Ohlone Dancer (artist unknown)

The authors would also like to dedicate this report to all of the Ohlone/Costanoan 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 area of California over the past 10,000 years.

We also want to dedicate this report to the memory of those Muwekma who had survived into the 20th Century and became members of 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. **Aho!**

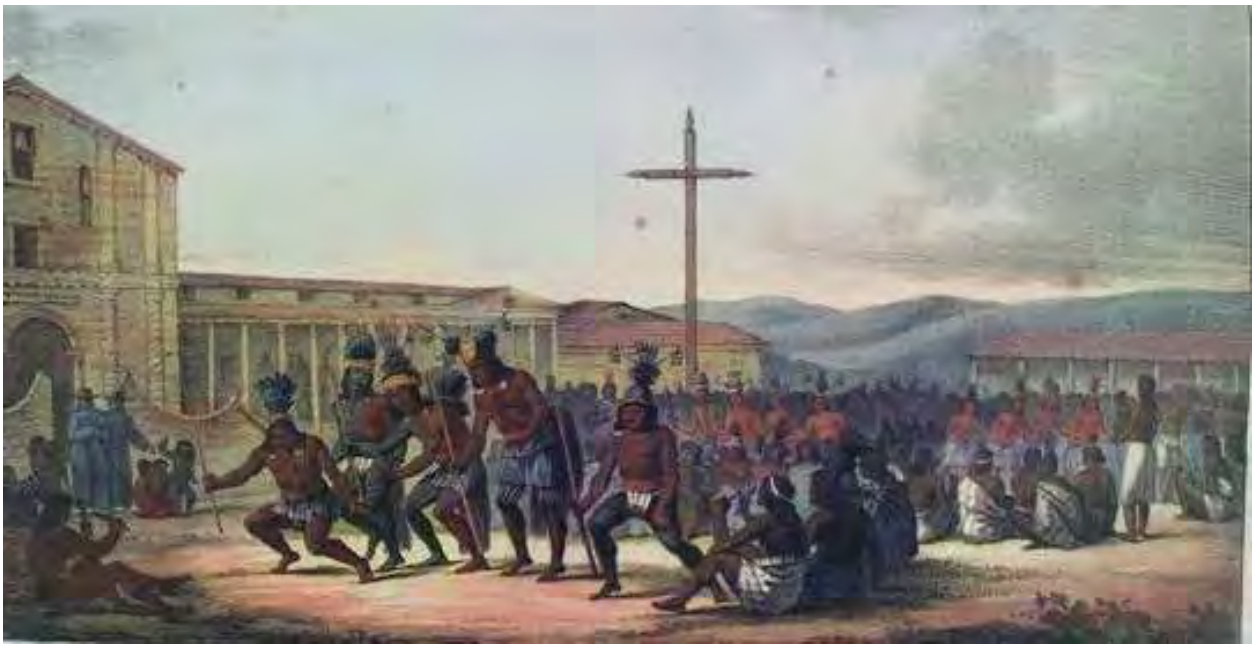


Figure TOC-3: Indian Dancers at Mission Dolores in 1816 (Louis Choris artist)

Final Report on the Burial and Archaeological Data Recovery Program Conducted on a Portion of *Thámien Rúmmeytak* [Thámien (Guadalupe) River Site (CA-SCL-128/Hyatt Place Hotel)]

Chapter 1: Introduction

by

Alan Leventhal, Rosemary Cambra, Norma Sanchez, and Diane DiGiuseppe

INTRODUCTION: PROJECT OVERVIEW

This report presents the results of the burial and archaeological data recovery program conducted within a portion of site **CA-SCL-128** [***Thámien Rúmmeytak* [Thámien (Guadalupe) River Site]**, a Late Middle Period-to-Late Period Ancestral Muwekma Ohlone Cemetery located at 282 Almaden Boulevard, City of San Jose, Santa Clara County, California. The recovered burial was inadvertently discovered on January 24, 2012 by a construction crew excavating a trench and footings for a concrete overhang canopy at the rear entrance to the newly renovated Hyatt Place Hotel. The Hyatt Place Hotel, previously known as the Holiday Inn, which was originally constructed in 1977 and was the location of a major prehistoric cemetery/residential village locality historically recorded as CA-SCL-128 (The Holiday Inn Site) [Winter 1978a, 1978b].

Dr. Lorna Pierce from the Santa Clara County Coroner Medical Examiner's office (SCCMEO) made the formal determination that the remains were Native American in origin and the SCCOME assigned the discovered skeletal remains **Case # 12-00322 (Appendix A)**. All mechanical excavation at the construction location was immediately halted. Although CA-SCL-128 was a previously recorded cemetery, no archaeological monitoring of the site as part of the permitting process had occurred. Once the discovery was made, Ms. Jennifer Blake, an osteologist from William Self Associates (WSA) was contacted and at the site she concurred that the remains were indeed Native American.

The Native American Heritage Commission (NAHC) was then contacted by both the Coroner's office and DiNapoli Capital Partners (principal owners) about the discovery. On January 25, 2012, Ms. Debbie Pilas-Treadway from the NAHC contacted Rosemary Cambra, Chairwoman of the Muwekma Ohlone Tribe, and informed her that the NAHC had identified her as the "Most Likely Descendant" (MLD) from the Most Likely Descendant Tribal Group for this project.

Responding to the NAHC's request Chairwoman Cambra accepted the responsibility as the Most Likely Descendant for this project, and met with Mr. John M. Hoffart and other representatives from DiNapoli Capital Partners in order to assess the context of the discovered human remains. Following that meeting on January 26, 2012 Chairwoman Cambra issued her written recommendations as the MLD for this project (**Appendix A**).

After receiving Chairwoman Cambra's recommendations, DiNapoli Capital Partners entered into a contractual agreement with the Muwekma Ohlone Tribe's cultural resources management firm, Ohlone Families Consulting Services, for purposes of conducting an **Archaeological Data and Burial Recovery Program** as part of the recommended **Mitigation Plan**.

Ohlone Families Consulting Services (OFCS) submitted a Mitigation Plan to conduct the Archaeological Data and Burial Recovery program over a two day period providing no other burials were encountered. This Archaeological Data and Burial Recovery program began on January 27, 2012.

Project Location

CA-SCL-128 is located within unsectioned lands within the NE ¼ of the San Jose West 7.5' Quadrangle (PR 1980), UTM Zone 10, 598,219.40 m East and 4,132,088.88 m North. The GPS location of the burial locus is 37° 19' 48.99" North and 121° 53' 28.71" West. The present drainage of the Guadalupe River is less than three tenths of a mile due west of the site. The location of the First Santa Clara Mission (located within the present-day San Jose Airport) is located approximately 3.8 miles to the northwest of CA-SCL-128. The Third Mission Santa Clara is located approximately three miles to the northwest of downtown San Jose (*Pueblo de San Jose*) and the site. The elevation of CA-SCL-128 is 92 feet above mean sea level [see **Maps 1-1 - 1-4]**

CA-SCL-128 Proximity to Mission Santa Clara

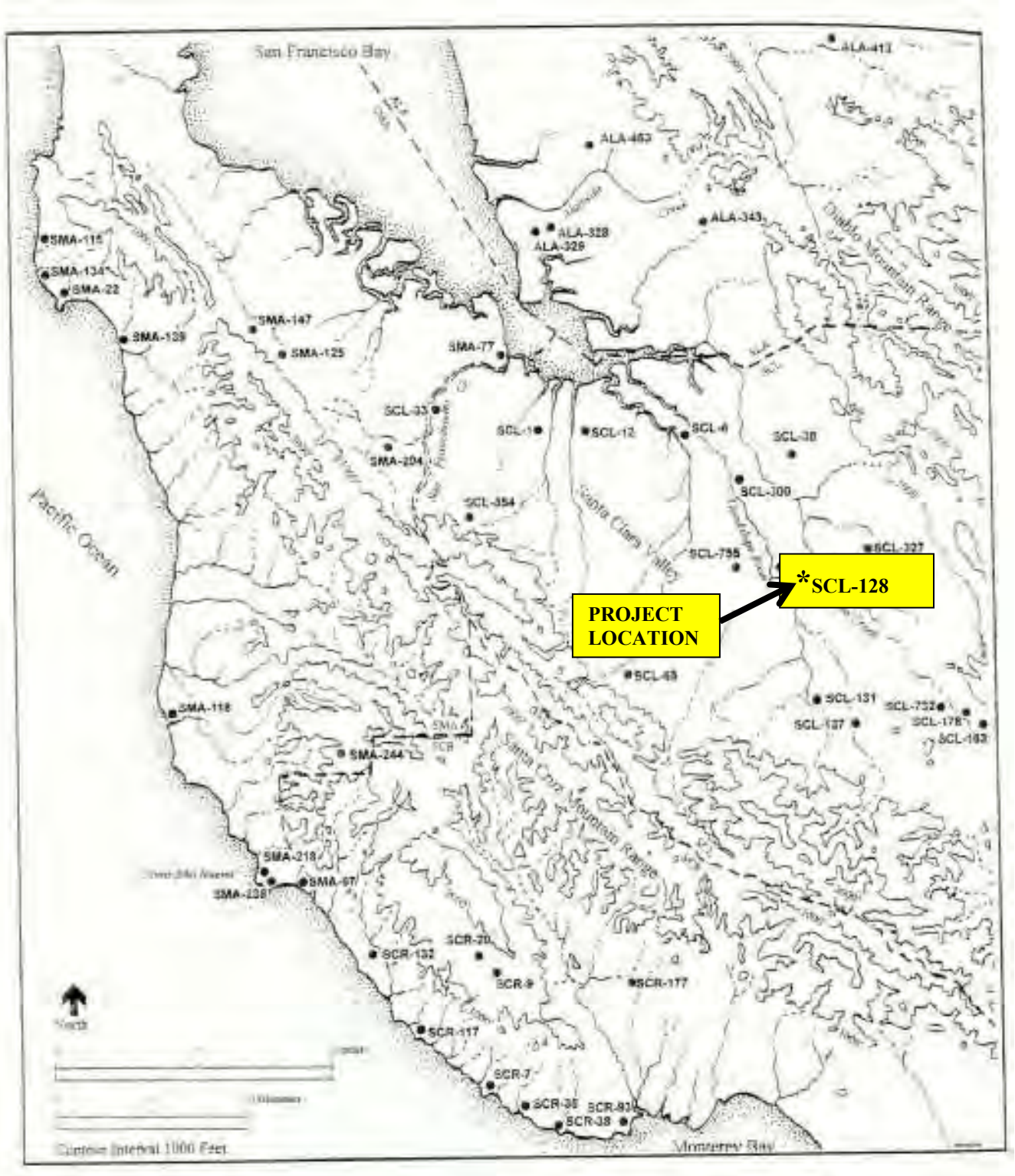
If CA-SCL-128 was indeed occupied during the contact period, and if Winter et al. were correct that this was the location of the Ohlone Indian settlement that the Santa Clara priests identified as **Our Patron San Francisco**, then the direct descendants of those ancestral Ohlone people buried there would have been missionized into Mission Santa Clara shortly after its founding in 1777. [See **Map 1-4** for the location of the Third Mission Santa Clara located approximately 3 miles to the west/northwest of CA-SCL-128].

Based upon the research conducted by Hylkema (1995), it appears that the third Mission Santa Clara was established in a well-watered area that included Mission Creek flowing in a north/south direction close by to the west; another unnamed creek running east/west to the east and a "black willow swamp" (marsh) to the east of the mission which included a willow grove. The black willow swamp contained a willow grove. Willow groves were naturally occurring riparian wetland plant communities established along fresh water courses that during prehistoric times potentially provided fresh water, food resources, and sheltered areas for village settlements such as CA-SCL-128.

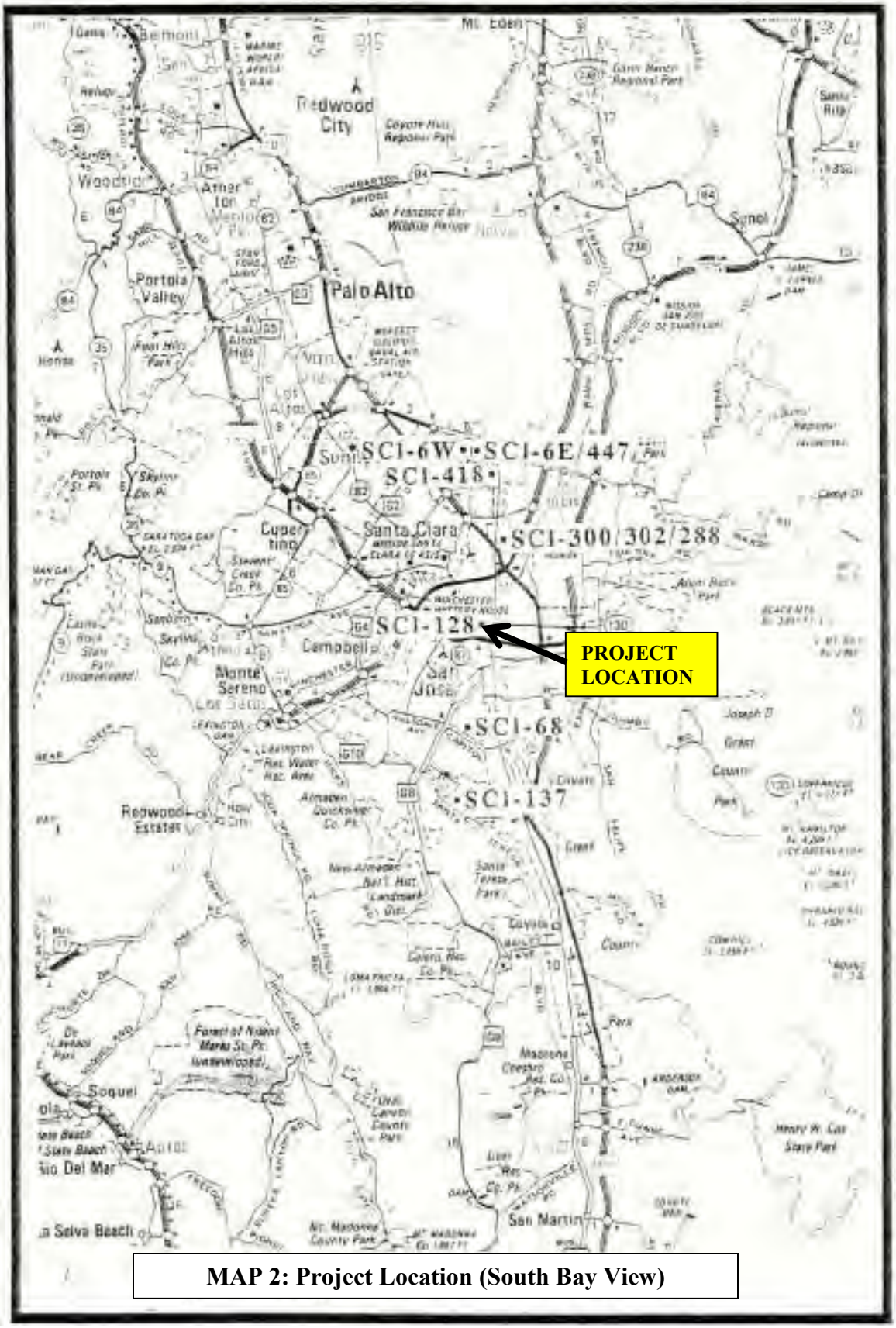
Overview of the Archaeological Data and Burial Recovery Mitigation Program Conducted at CA-SCL-128 *Thámien Rúmmeytak* [Thámien (Guadalupe) River Site

As mentioned above, the Archaeological Data and Burial Recovery mitigation program was conducted by OFCS on behalf of DiNapoli Capital Partners. An initial two-phased excavation mitigation program was initiated for the exposure and removal of this Muwekma Ohlone ancestral burial on January 27, 2012 which included:

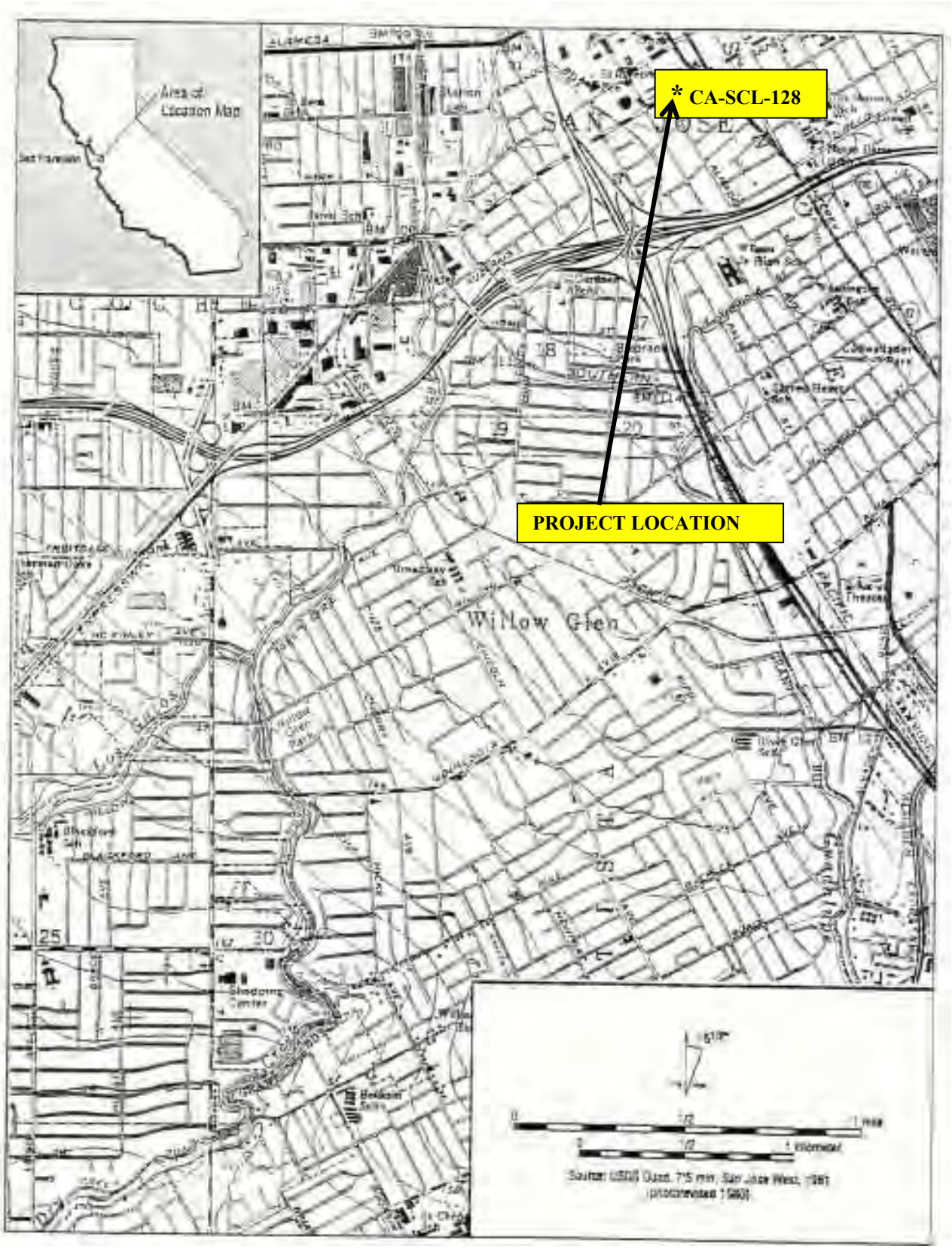
1) Hand excavation, recovery, documentation, and photography of the remaining *in-situ* skeletal elements from within the excavation trench;



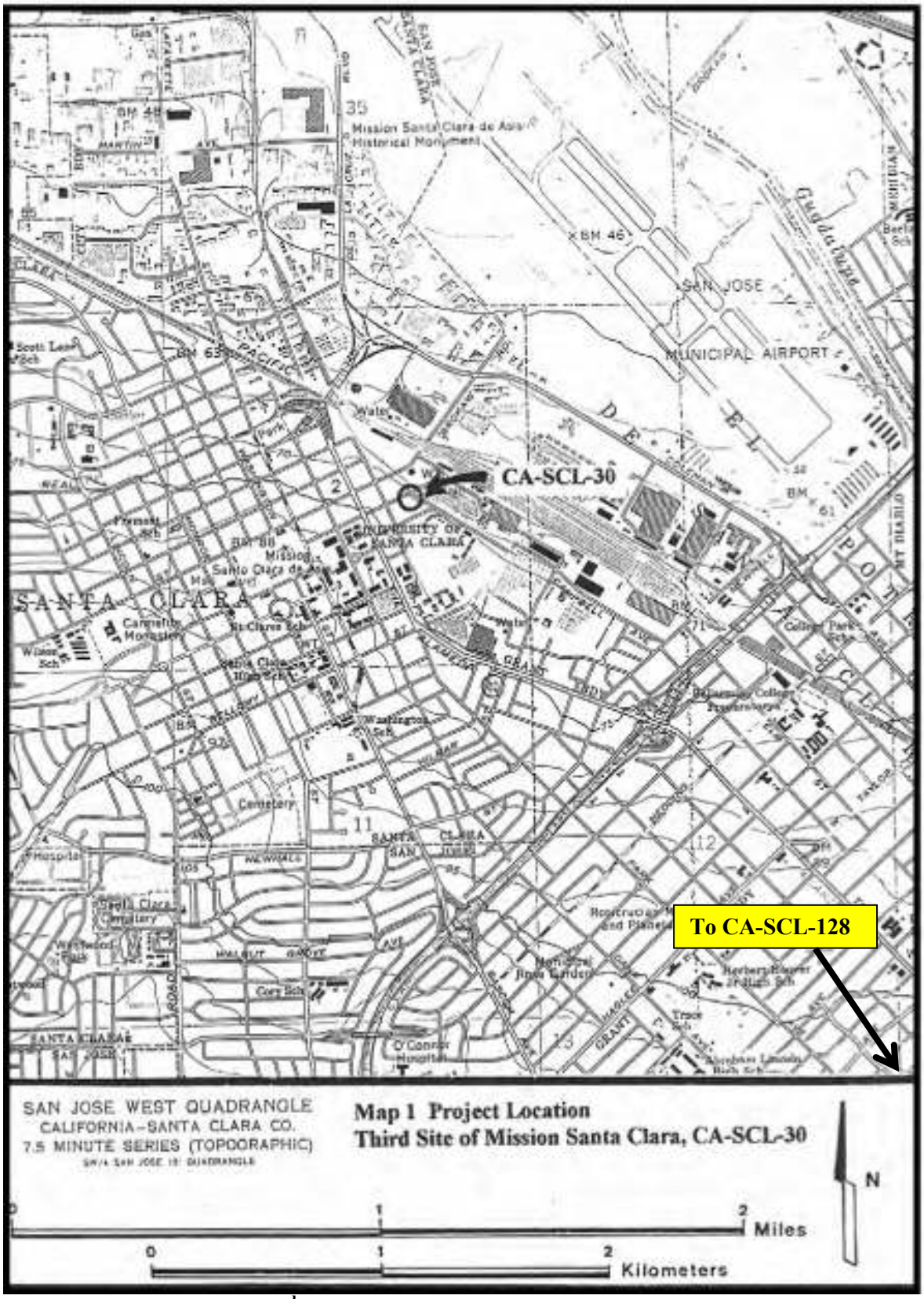
MAP 1-1: Project Location and Selected Bay Area Sites (after Hylkema 2002, 2007)



MAP 2: Project Location (South Bay View)



Map 1-3: Project Location CA-SCL-128 (after Hylkema 2007)



Map 1-4: Location of 3rd Mission Santa Clara (CA-SCL-30/H) (after Hylkema 1995)

1) Conduct a screen recovery program of the backhoe excavated soils from the trench unit containing the rest of the burial;

After the implementation of the Archaeological Data and Burial Recovery program it became clear that this burial locus contained the remains of just one individual which was designated Burial 1-2012 in order to distinguish it from other Burial 1's from previous investigations.

Contributors to the Fieldwork, Lab Analyses and Final Report

The following people contributed to the Archaeological Data and Burial Recovery field program laboratory analyses and final report. The OFCS field crew consisted of Muwekma Chairwoman Rosemary Cambra, Muwekma Tribal Administrator Norma Sanchez, Senior Staff Archaeologist, Alan Leventhal, and OFCS Staff Archaeologists/Osteologists Diane DiGiuseppe and Dave Grant.

San Jose State University (SJSU) Alumni bio-osteologists Melynda Atwood, Diane DiGiuseppe, Dave Grant, Emily McDaniel and SJSU Anthropology student Colin Jaramillo along with Alan Leventhal and Muwekma Tribal member Jessica Veikune conducted the skeletal analysis and prepared the bone samples for the AMS dating, stable isotope, and future ancient DNA studies. Dr. Eric Bartelink, Department of Anthropology, California State University at Chico contributed the chapter on the Paleodietary Analysis based on the results from the stable isotope study.

Alan Leventhal and Diane DiGiuseppe wrote the chapter on the associated artifacts. Alan Leventhal and Rosemary Cambra report on the results of AMS dating of the burial and Muwekma Tribal Council and Language Committee members Rosemary Cambra, Monica V. Arellano, Sheila Guzman Schmidt, Gloria E. Arellano Gomez and Charlene Nijmeh along with Alan Leventhal co-wrote the Ethnohistory section focusing on the Muwekma tribal history and heritage and the Tribe's relationship to the Santa Clara Valley and Missions Santa Clara, San Jose and Dolores.

San Jose State University Anthropology Graduate Student, Rebecca Spitzer illustrated the Elk bone found in association with ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman) Burial** [see **Chapter 5**]. Orhan Kaya illustrated the ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman) Burial** that appears on the front cover of this report.

A **Reburial Honoring Ceremony** of the ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman)** Burial will be conducted sometime in the future when a suitable area near the original cemetery is identified and the ceremony will be overseen by Muwekma Chairwoman and MLD Rosemary Cambra, Tribal Administrator Norma Sanchez, Muwekma tribal councilmembers, tribal members and OFCS staff archaeologist Alan Leventhal.

Structure and Content of the Final Report on the *Thámien Rúmmeytak* [Thámien (Guadalupe) River Site (CA-SCL-128/Hyatt Place Hotel)]

This final report presents the following studies and ensuing chapters:

- **Chapter 2** by Rosemary Cambra, Alan Leventhal, and Diane DiGiuseppe, provides information on the **Previous Archaeological Work Conducted Within the *Thámien Rúmmeytak* [Thámien (Guadalupe) River Site] (CA-SCL-128/Holiday Inn Site) Locality**;

- **Chapter 3** by Rosemary Cambra, Alan Leventhal, Diane DiGiuseppe and David Grant discusses the **Project Background: Site Context and Discovery of the *Róokoš Tiwoo Koro 'Ayttakiš* (Tule Elk Leg Woman) Burial;**

- **Chapter 4** presents the **Burial Description and Skeletal Biology: Inventory and Analysis of the *Róokoš Tiwoo Koro 'Ayttakiš* (Tule Elk Leg Woman) Burial** by Emily McDaniel, Melynda Atwood, Diane DiGiuseppe, Dave Grant, Alan Leventhal, Colin Jaramillo, and Muwekma Tribal member Jessica Veikune;

- **Chapter 5 - Stable Isotope Analysis and Paleodiet of an Ohlone Human Burial *Róokoš Tiwoo Koro 'Ayttakiš* [Tule Elk Leg Woman]** was conducted by Dr. Eric Bartelink (Department of Anthropology, California State University at Chico);

- **Chapter 6 - Analyses of Artifacts, Faunal Remains, Shellfish and Soils Associated with the *Róokoš Tiwoo Koro 'Ayttakiš* Burial** by Alan Leventhal and Rosemary Cambra and Jeanie Geary
-

- **Chapter 7** discusses the **AMS Dating and Chronological Placement of the *Róokoš Tiwoo Koro 'Ayttakiš* (Tule Elk Leg Woman) Burial** by Alan Leventhal and Rosemary Cambra;

- **Chapter 8 "What It Must Have Been Like!" Critical Considerations of Pre-Contact Ohlone Cosmology as Interpreted Through Central California Ethnohistory** by Les Field and Alan Leventhal with translations and cultural interpretations by Dolores Galvan Lameira, Rosemary Cambra, Hank Alvarez, Monica Arellano and Sheila Guzman Schmidt

- **Chapter 9** 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 Stewardship over the *Thámien Rúmmeytak* [*Thámien* (Guadalupe) River Site (CA-SCL-128/Hyatt Place Hotel)] Site** by Rosemary Cambra, Alan Leventhal, Monica V. Arellano, Sheila Guzman Schmidt, Gloria Arellano Gomez, and Charlene Nijmeh.

Contractual funding from DiNapoli Capital Partners for this project was provided to address the two mitigation phases of the field work conducted by OFCS, which included the Burial and Archaeological Data recovery program. The laboratory analysis budget provided for the following studies: 1) one Accelerator Mass Spectrometry (AMS) C14 date on human collagen, 2)

the skeletal analysis and inventory, 3) description of cultural materials recovered in association with the burial, 4) Stable Isotope analysis, and 5) writing the final report.

The Muwekma Ohlone Tribe has over the past 30 years been extremely active and interested in learning as much as possible about their ancestral heritage and fully supported the various studies presented in this final report. The Tribe has advocated for advanced bio-archaeological studies and requested Dr. Brian Kemp from Washington State University at Pullman and Dr. Eric Bartelink from California State University at Chico to secure samples from the primary burials in order to conduct studies on the ancient mtDNA (which will be published at a later date) and dietary implications from their ancestral remains and in this specific case recovered from the ***Thámien Rúmmeytak*** **[*Thámien* (Guadalupe) River Site (CA-SCL-128/Hyatt Place Hotel)].**

Research Questions:

Given the fact that there was only one primary inhumation recovered under less than ideal conditions, the Archaeological Data and Burial Recovery program conducted by Ohlone Families Consulting Services (OFCS) allowed for only a narrow-scoped interpretation of those data derived from this burial locus. 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 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 answers to these questions. The following research questions were postulated and analyses pursued and supported by the funding for this mitigation project.

Research Question # 1: What is the age and sex of the ***Róokoš Tiwoo Koro 'Ayttakiš*** [**Tule Elk Leg Woman]**, recovered from this portion of the cemetery?

Analysis: - The proposed analysis needed to address this question included:
1) Sorting and cleaning the skeletal elements and identifying the minimum number of individuals within the recovered population;
2) Conducting a complete skeletal inventory of this individual;
3) Obtaining osteometric measurements on selected suitable skeletal elements;
4) Scoring the detention for dental wear; and
5) Using other criteria (e.g., pubis, articular surface, rib ends and etc.) to age and sex this individual. The results provided in **Chapter 4 Burial Description and Skeletal Biology** addresses this research question.

Research Question # 2: Based upon current trends in the field of Stable Isotope studies how does the signature from this individual compare with other populations from other sites within the greater Santa Clara Valley region?

Analysis: Analysis will focus on the paleodietary implications derived from the Stable Isotope analyses discussed in **Chapter 5 - Stable Isotope Analysis and Paleodiet of an Ohlone Human Burial** by Dr. Eric Bartelink.

Research Question # 3: Was this person biologically related to other ancestral Ohlone people from other Bay Area sites?

Analysis: Submitting a sample from this burial to Dr. Brian Kemp and Dr. Cara Monroe at Washington State University in order to conduct Ancient mtDNA studies will possibly address this question. It will be over a year before there are any results, therefore, we will write a supplemental report when the results are completed [results will be published in the future].

Research Question # 4: Does this temporal placement of this individual fall within the dated time frame previously established for the other human remains and features from this site?

Analysis: - The proposed analysis needed to address this question includes the AMS dating (Beta Analytic Labs) of a small amount of human bone from this burial and compared to the published dates from CA-SCL-128 (based on Bennyhoff and Hughes 1987 –**Scheme B1,** and the proposed dating **Scheme D** by Groza 2002 and refined by Hughes and Milliken 2007). [See **Chapter 7** for results of the AMS dating].

The Renaming of the CA-SCL-128 (Holiday Inn Site) by the Muwekma Ohlone Tribal Leadership and Language Committee in the Tribe's Chocheño and Thámien Ohlone Languages

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 ancestor by renaming the Holiday Inn Site (CA-SCL-128) in the Tribe's aboriginal **Ohlone Chocheño/Thámien** language. The Tribe's decision to rename their ancestral sites has occurred at many other pre-contact archaeological sites including:

1) **CA-SCL-732** which was renamed **Kaphan Umux (Three Wolves)** Site [since corrected to **Kaphan Húunikma**] (Cambra et al. 1996);

2) **CA-SCL-38** which was named **Yukisma ("at the Oaks") Site** (Bellifemine 1997);

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** located at the third Mission Santa Clara was named **Clareño Muwékma Ya Túnneště Nómmo [Where the Clareño Indians are Buried] Site (**Leventhal et al. 2011);

7) **CA-SCL-895/Blauer Ranch Site** was renamed **Kiriṭ-smin 'ayye Sokőte Tápporikmatka [Place of Yerba Buena and Laurel Trees Site]** in the Tribe's language (McDaniel et al. 2012);

8) **CA-SCL-894** was named **Tupiun Táareštak** [**Place of the Fox Man Site]** which is located just to the east of CA-SCL-128 on Market Street in downtown San Jose (Leventhal et al. 2012).

9) **CA-SCR-12** was named **Satos Rini Rumaytak** which translates as either "**At the Hill Above the River Site"** or "**Place of the Hill Above the River Site**." CA-SCR-12 is located on 3rd Street in Santa Cruz on a bluff above the San Lorenzo River (Starek 2013).

10) **CA-SMA-267** was named **Loškowiš 'Awweš Táareštak [White Salt Man Site] (CA-SMA-267)** which is located in East Palo Alto on Bay Road (Leventhal et al. 2014).

11) **Coyote Hills** located near the town of Newark in the East Bay contains is the locality of four mortuary **mounds CA-ALA-12, CA-ALA-13, CA-ALA-328** and **CA-ALA-329**. In 2014 the Muwekma Ohlone Language Committee named the Coyote Hills in their language **Máyyan [Coyote] Šáatošikma [Hills]** at the Ohlone Gathering [East Bay Regional Park District].

12) **CA-SCL-125 (Santa Teresa Spring Site)** was renamed **'Arma 'Ayttakiš Rúmmey-tak** which means **"Place of Spirit Woman Spring Site**" (Mabie 2015).

13) **CA-ALA-667** located just south of the Tribe's historic **Alisal Rancheria** on the outskirt of the town of Sunol was named **'Ayttakiš 'Éete Hiramwiš Trépam-tak** which translates as **Place of Woman Sleeping under the Pipe Site** (Leventhal et al In Progress).

The Origins and Correct Spelling of Thámien

In 1978 San Jose State University archaeologist Joseph Winter was one of the co-principal investigators working on the much destroyed Holiday Inn Site (CA-SCL-128). He was also the principal author and editor of two important scholarly publications titled **Archaeological Investigations at Ca-SCl-128: The Holiday Inn Site** (1978a) and **Tamien: 6000 Years in an American City** (1978b). Although Winter (and others) spelled Tamien without the letter "h" historian Arthur Spearman, however in his earlier publication titled The Five Franciscan Churches of Mission Santa Clara, provided the following historic excerpt from a letter from Father Peña to Father Serra:

> Letter to Padre Presidente Junipero Serra
> From Padre Tomas de la Peña
> **Mission Santa Clara de Thámien**
>
> December 31, 1777
>
> The site of the Mission, which in the language of the natives is call Thámien, is a plain stretching more than three leagues in every direction, pleasant to behold, with much land for irrigation of crops, and extensive areas for raising cattle. There is abundance of Ash, Alders. White Poplar, and Red, Willow, Laurel, black and live Oaks.

> At the distance of four leagues to the west is much redwood, so-called, from which we have already obtained some boards. A large population of Gentiles surrounds the site, such that we judge there are more than forty rancherias within a radius of five leagues, of a people that we may call Tares, since this is the name they give to the men (1963:15). [Cited from Hylkema 2007:iii].

Furthermore, Milliken noted the following observation by the Spanish priests whom had established the First Mission San Clara to the northwest of CA-SCL-128:

> "Mission Santa Clara in Thámien Lands
>
> … The Santa Clara Mission settlement lay at the northeastern edge of the **Thámien** tribal district, very near to lands of three other tribes. Three large villages of over 120 inhabitants each lay within four mile radius of the Santa Clara Mission site. The native names of those villages are not known. 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 Thámien tribe in the oak grove about three miles to the southwest of the mission site. Still nearer to the site were two tiny hamlets, Our Mother Santa Clara within a few hundred yards of the first mission site, and **Our Patron San Francisco** perhaps another mile upstream on the Guadalupe River" (Milliken 1991:116-117).

Winter and the contributing authors of the 1978 **Tamien: 6000 Years in an American City** report suggested that the Holiday Inn Site was possibly the location of the village that the Santa Clara Mission priests identified as **Our Patron San Francisco**. Although, the radiometric and cultural artifactual evidence did not support evidence of a Proto-Contact/Historic Period at CA-SCL-128, the site nonetheless is indeed located along the eastern flood plain of the Guadalupe River.

Furthermore, given that the native Ohlone name for the **Guadalupe River** is unknown and that CA-SCL-128 is located within the tribal districts surrounding the First Mission Santa Clara that the Spanish priests identified as **Thámien**, the Muwekma Ohlone Tribal Leadership therefore decided to employ the name **Thámien** as a native name for the Guadalupe River. As a result the Guadalupe River will be renamed **Thámien Rúmmey = Thámien (Guadalupe) River,** and the ancestral heritage site **CA-SCL-128** will at times be referred to in this report as the **Thámien Rúmmeytak Site** in this report**.**

Thámien Rúmmeytak = (several English translation options listed below)

- **Thámien (Guadalupe) River Site;**
- **At the Thámien (Guadalupe) River;**
- **At the Thámien (Guadalupe) River Site;**
- **Place of the Thámien (Guadalupe) River;**
- **Place of the Thámien (Guadalupe) River Site**

Muwekma Ohlone Thámien/Chocheño Language Translation Breakdown and Sources:

- **Thámien =** Original spelling by the priests from Mission Santa Clara of the aboriginal name of the district/region for the lands and tribes surrounding the first Mission located downstream at the San Jose Airport.
- **Rúmmey = River** (JP Harrington Chochenyo language notes)
- **Site =** -tka after vowels; **-tak after a consonant** (JP Harrington Chochenyo language notes)
  Note: The locative definition of the –tak and –tka suffix endings also includes:
  'At, Place, Place Of, Location, Area, Site, By The, Into The…'

Also the old name of the **Holiday Inn** Site is now replaced with the hotel's new name **Hyatt Place Hotel**, therefore the newly proposed name for this ancestral Muwekma Ohlone Tribe heritage site is **Thámien Rúmmeytak [Thámien (Guadalupe) River Site (CA-SCL-128/Hyatt Place Hotel)]**.

Naming the Recovered Ancestral Young Adult Woman Burial

The Muwekma Ohlone Tribal leadership and Language Committee also decided to name and honor **Burial #1** by naming her **Róokoš Tiwoo Koro 'Ayttakiš** meaning **"Tule Elk Leg Woman"** in the **Thámien/Chocheño** Ohlone language**.** This naming was based upon the fact that she had a leg bone of an elk found in association with her, therefore **Burial #1** will at times be referred to as **Róokoš Tiwoo Koro 'Ayttakiš** or **Tule Elk Leg Woman** in the ensuing chapters.

CEQA REGULATORY GUIDELINES AND COMPLIANCE

This archaeological and burial recovery program conforms to the cultural resources requirements of the California Environmental Quality Act (CEQA) and City of Santa Clara 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 first burial was encountered, Pacific Gas and Electric Company 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 Muwekma Ohlone Tribe of the San Francisco Bay Area) consider that disturbances to both prehistoric and historic heritage sites adversely impact their traditional cultural and heritage values. Although all sites are important, village and cemetery sites are generally considered the most sensitive heritage resources to Native peoples, and **specifically** to the Muwekma Ohlone Tribe.

Once again OFCS wishes to thank DiNapoli Capital Partners for providing funding for the Archaeological Data and Burial Recovery program, analysis and final report on the recovery of the Muwekma Tribe's ancestral **Róokoš Tiwoo Koro 'Ayttakiš** burial who was buried at the **Thámien Rúmmeytak [Thámien (Guadalupe) River Site** approximately **577** years ago or around **AD 1435.**

Chapter 2

Previous Archaeological Work Conducted Within the *Thámien Rúmmeytak* [Thámien (Guadalupe) River Site] (CA-SCL-128/Holiday Inn Site) Locality

by
Rosemary Cambra, Alan Leventhal and Diane DiGiuseppe

This chapter presents background information on previous discoveries of ancestral Muwekma Ohlone human remains and archaeological work conducted within the greater ***Thámien Rúmmeytak*** **[Thámien (Guadalupe) River Site] (CA-SCL-128/Holiday Inn)** locality. The authors also provide summaries, discussions, and critiques of the principal archaeological investigations conducted by Winter et al. (1978a), Basin Research Associates (BRA) in 1987, and Ohlone Families Consulting Services (OFCS) the Cultural Resource Management arm of the Muwekma Ohlone Tribe relative to the discovery and interpretation of the single individual recovered from the California Fox Theatre [***Tupiun Táareštak*** **- Place of the Fox Man Site] CA-SCL-894** in 2002 (Cambra and Morley 2003; Leventhal et al. 2012).

Native American human remains have been known to exist within the immediate Guadalupe River ***Thámien Rúmmeytak*** **[Thámien River]** flood plain within the greater CA-SCL-128 [Holiday Inn Site] locality since the early 20th century. For example in a San Jose Mercury News article dated December 20, 1934 reported that three Native American burials were discovered "face down" in San Carlos Street "next to the Civic Auditorium (Winter 1978a:28) which is in the immediately area of the Holiday Inn locality (CA-SCL-128) and the neighboring Late-Middle Period ***Tupiun Táareštak*** **- Place of the Fox Man Site (CA-SCL-894)**. Winter (1978a:28) also noted that several years later W. Cecil "dug bones" from under or near the Civic Center" which was built in 1936. Chester King reported that "[b]urials were found during the construction of the Center for the Performing Arts" (C. King 1973a in Winter 1978a).

Winter (ibid) citing Chester King also noted that "[l]ots of bones" were discovered at St. Joseph's (School?)" just south of San Fernando Street to the north of the Holiday Inn Site. During the initial construction at the Holiday Inn project site eight burials were discovered in 1973 (ibid). In 1977 when work continued at the Holiday Inn site the remains of approximately 40 plus individuals were uncovered (Winter 1978a:33). Ten years later, during construction on the Guadalupe Transportation Corridor Project Basin Research Associates identified and recovered the remains of 34 individuals between 1987 and 1988 along West San Carlos Street (James et. al. 1988). More recently, in January 2012, the DiNapoli Capital Partners renovating the old Holiday Inn were trenching in the rear of the hotel and encountered the ***Róokoš Tiwoo Koro 'Ayttakiš*** **– Tule Elk Leg Woman Burial** within the driveway between the rear entrance to the hotel and the parking garage.

The Holiday Inn (CA-SCL-128) Site Project

CA-SCL-128 became headline news known as the Holiday Inn Site during the construction of the hotel and garage in 1977. The construction of the Holiday Inn Hotel and the adjacent garage structure impacted this significant ancestral Muwekma Ohlone cemetery and village site located at the intersection of West San Carlos Street and Almaden Boulevard.

The Holiday Inn Site was originally recorded by West Valley College and was issued the designation **WVC-15** until it was assigned the **CA-SCL-128** trinomial by the Archaeological Information Center then located at Cabrillo Community College (L. King 1973; Winter 1977).

Winter noted in his report that the Holiday Inn site had served as catalyst for the enactment of the City of San Jose Native American Burial ordinance which was passed and later rescinded in 1977 as burials were discovered during construction (Winter 1978a:28-33). Although mostly destroyed by the construction of the Holiday Inn, the archaeological significance of CA-SCL-128 emerged through a comprehensive analyses conducted by the team organized by SJSU Anthropology faculty members, Joseph Winter and Chester King, about the prehistory of the Guadalupe River corridor and the greater San Jose region of the south Bay.

As mentioned above, CA-SCL-128 is located in downtown San Jose under 20th century buildings, streets, light rail tracks, and sidewalks. The Holiday Inn locality is bounded by Almaden Boulevard and the Guadalupe River to the west, West San Fernando Street to the north, (almost) to Market Street on the east, and West San Carlos Street to the south (Winter 1978a:3). [see **Maps 2-1 – 2-4** below]

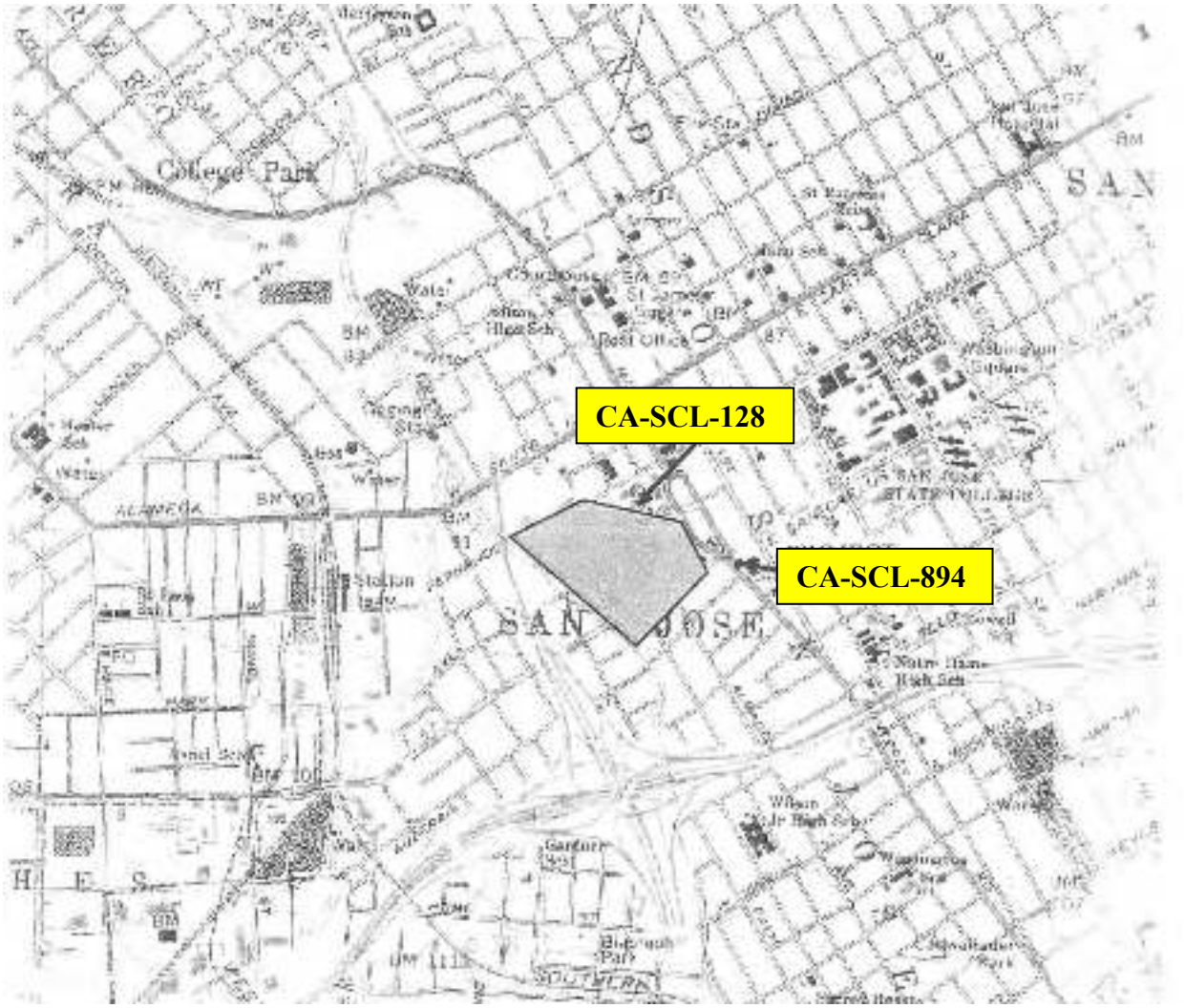
Archaeological investigations at the Holiday Inn locality include previous surveys and research conducted by Linda King from West Valley College in 1973, Joseph Hester from San Jose State University in 1974, Chester King from West Valley College and San Jose State University (SJSU), Joseph Winter from SJSU in 1977, and Rob Edwards from Cabrillo College in 1977 (see Winter 1978a:3-6). The Holiday Inn site report (edited by Winter 1978a) provides an overview of the various phases of archaeological work and ensuing analyses conducted on the recovered burials and associated cultural assemblages. Based on the information derived from Winter's Holiday Inn report it seems that only several of the burials recovered during the 1977 salvage field work had burial associated grave regalia including time sensitive shell beads and abalone ornaments. Furthermore, based upon that salvage recovery program it appears that most of the archaeological assemblages were recovered from disturbed contexts and from the backdirt, although several intact features other than burials were excavated, screened, and reported upon.

Winter's 1978 report constitutes the first comprehensive analysis of an archaeological site within the greater south Bay Area. Winter who was a professor of Anthropology at SJSU organized a team of very competent contributing authors including SJSU Physical Anthropologist Robert Jurmain, and they produced one of the most important archaeological reports that are significant to both the scientific and Native American communities.

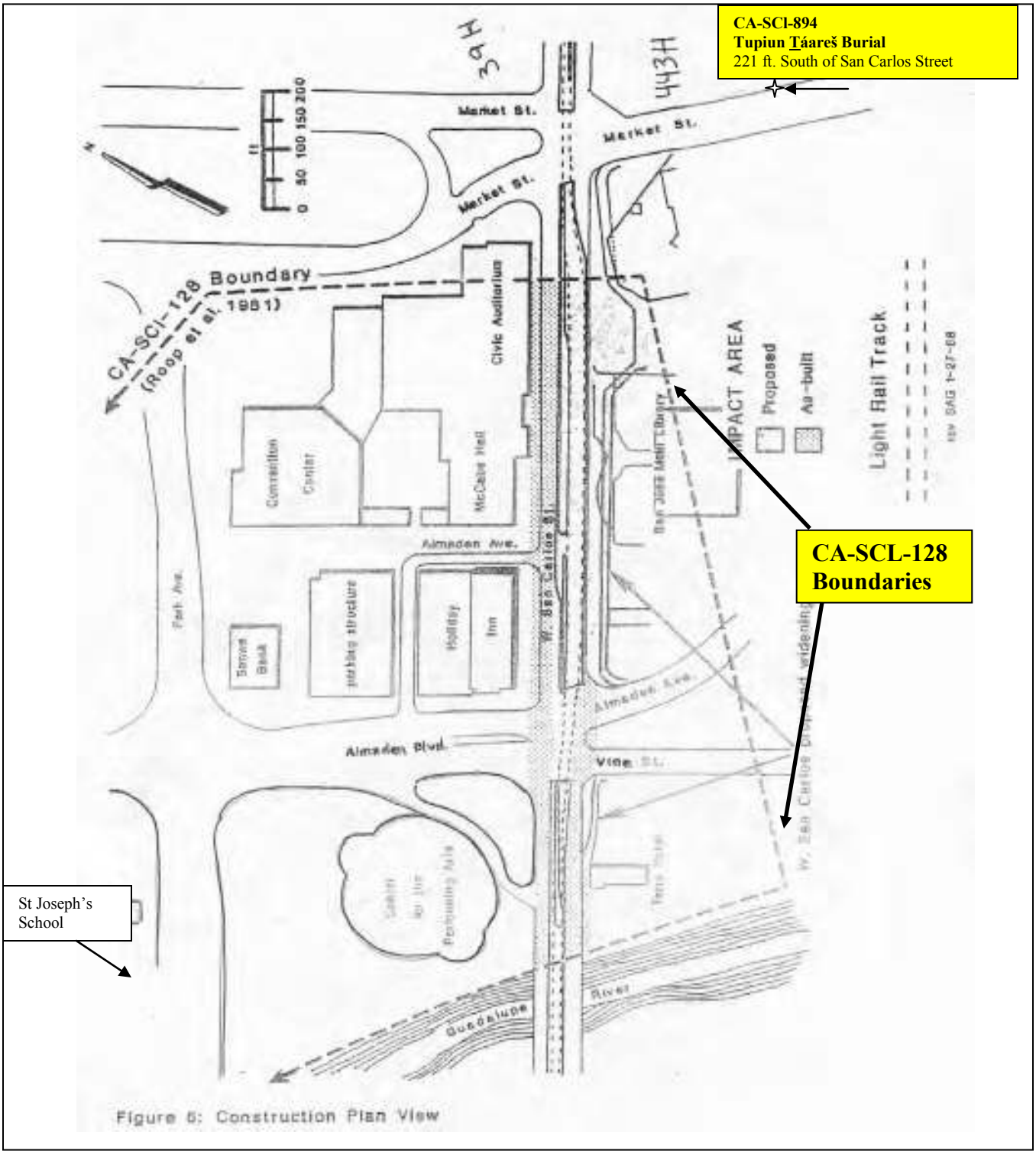
The final archaeological report entitled **Archaeological Investigations at CA-SCL-128, The Holiday Inn Site** (Winter 1978a) presents various chapters that reports on archaeological data and burial recovery program, the skeletal biology of the individuals recovered, analysis of the shell beads and ornaments, historic glass beads, flaked stone and ground stone tool assemblages, faunal and shellfish (food) remains, pollen and macrofossil species identified from features, and historic materials from the 19th and 20th centuries. Included in this report is Chester King's excellent chapter on the historic Indian settlements surrounding Pueblo de San Jose, a short history of San Jose, and a historic overview of the Chinese in San Jose. This major

archaeological work also contributed to the writing of a popular and readable layperson's version entitled **Tamien: 6000 Years in an American City** (Winter 1978b).

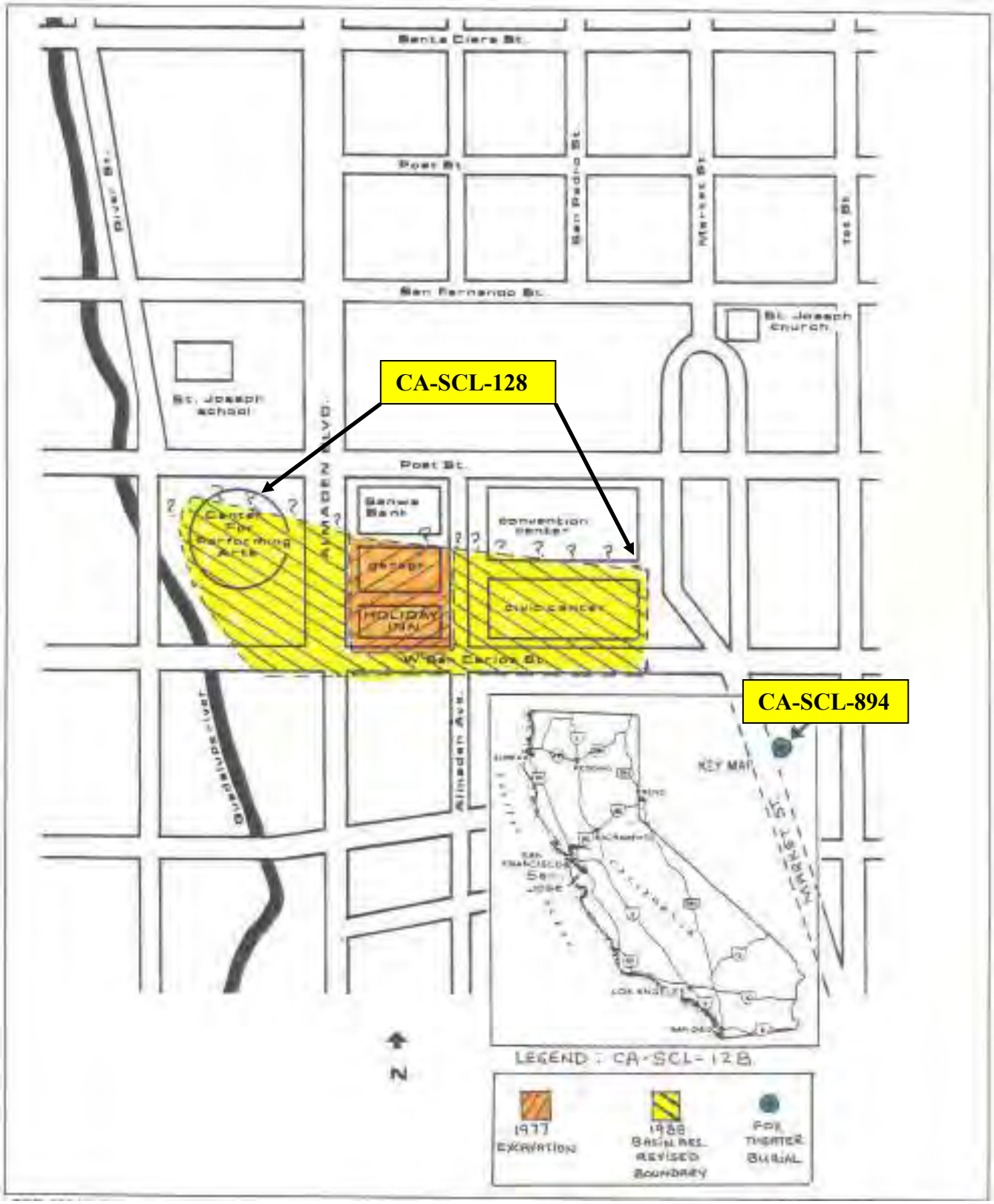
The ancestral Muwekma Ohlone artifacts and features recovered from the Holiday Inn included possible house floors, ovens, hearths, flaked stone tools (projectile points, drills, blades, knives), groundstone tools (mortars, pestles and metates), hammerstones, a charmstone, a smoking pipe, an earplug, shell and stone ornaments, bone tools, faunal remains (shell, mammal and bird), fire cracked rock, and glass beads (Winter 1978a). Culturally modified shell ornaments and beads included 152 abalone (*Haliotis* sp.) ornaments, 368 *Olivella biplicata* beads of several temporal and non-temporal indicator types, one *Tivela stultorum* clam disc bead, and an *Acanthina spirata* shell with a perforation (Gibson and Fenenga in Winter 1978a). Winter reported that only six of the Holiday Inn burials that were recovered in 1977 had temporally diagnostic shell beads or ornaments. These individuals were considered to be high status individuals based upon by their associated grave regalia.



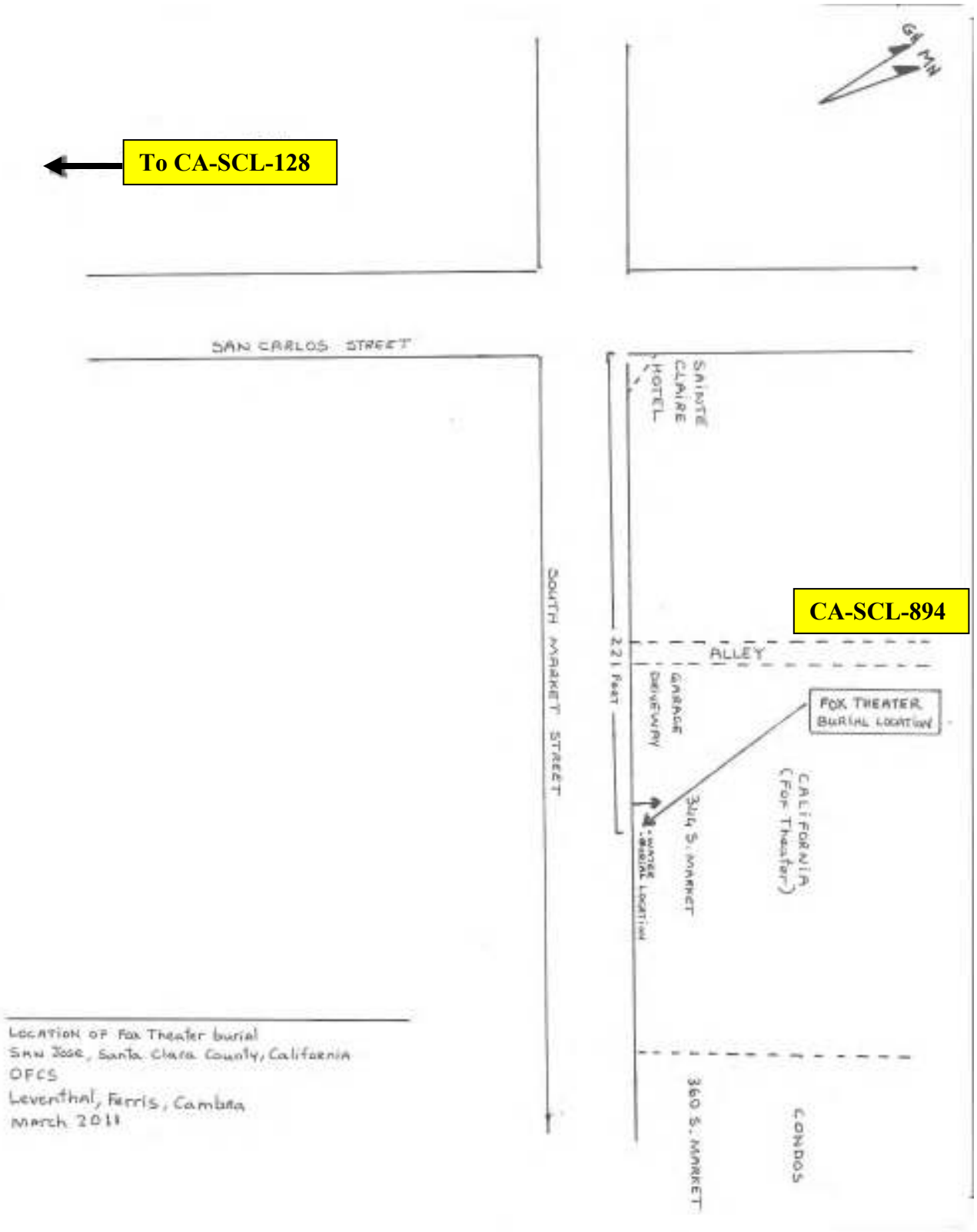
Map 2-1: Proposed Boundaries of the Holiday Inn Site in 1977 and 1988 Relative to the Fox Man Burial Location (CA-SCL-894)



Map 2-2: Boundaries of CA-SCL-128 and Location of CA-SCL-894 Redefined by Roop's 1981 Survey Plotted by Basin Research Associates (James et. al. 1988)



Map 2-3: Boundaries of CA-SCL-128 Showing Original Excavation Area, Redefined Site Boundary Plotted by Basin Research, and Location of CA-SCL-894 (James et. al. 1988)



Map 2-4: Detailed Field Map Showing Location of the Tupiun Táareš – Fox Man Burial

Results from Basin Research Associates 1988 Guadalupe Transportation Corridor Study: A Native American Critique

Ten years later in 1987-88, Basin Research Associates ((James et al. 1988) conducted archaeological work along San Carlos Street for the proposed Light Rail System, and without running any C14 dates of their own for that project, they employed the basically defunct and discarded temporal "Horizonal" Central California Taxonomic System (CCTS) for chronological placement based on the diagnostic shell beads and ornaments recovered from the burials from 1977 salvage excavations. In their 1988 Guadalupe Transportation Corridor report Basin noted that:

> … Burial[s] 77-1, -2, -8 attributed to the Terminal Phase of the Middle Horizon, ca. A.D. 500 - A.D. 700; Burial 77-4/7 attributed to Early Phase 1 of the Late Horizon, ca. A.D. 900 - A.D. 1100; and, Burial 77-9 attributed to probable Phase 2a of the Late Horizon, ca. A.D. 1550 - A.D. 1700 and found above an oven with a calibrated midpoint radiocarbon date of A.D. 665. Burial 77-5/6 was associated with 5 *Olivella* spire-lopped Type Al(?) beads which have a long temporal span (at least 7000 years in central California (James et al. 1988:7)

However, when these data are applied to the proposed temporal Scheme B1 published by Bennyhoff and Hughes (1987), the cultural materials, features and chronometric dates derived from the Holiday Inn Site indicates that CA-SCL-128 was "occupied" and used as a "cemetery" during the Terminal Middle Period (A.D. 500 - A.D. 700) and Phase 1A Late Period (A.D. 900 - A.D. 1100); and this temporal placement was further supported by the analysis of the shell beads and ornaments conducted by Gibson and Fenenga (Winter 1978a). In their study, Basin Research Associates attempted to argue for concordance between the two temporal schemes commented that "[i]n the Short B1 scheme (Bard and Busby 1986) this corresponds 'to the Late Horizon Early Phase la (A.D. 900 - A.D. 1100) and Late Horizon Early Phase 2 (A.D. 1500 - A.D. 1700) into the Protohistoric Period." Interestingly, Basin **does not** cite Bennyhoff and Hughes (1987) in any of their discussions on "Chronology." Furthermore, Bard and Busby (1986) were not the authors of the proposed (Bennyhoff and Hughes) Scheme B1 but apparently just "advocated" consideration of this Temporal Scheme.

In their study, Basin Research Associates continued their temporal discussion with additional details on the chronological placement of the shell bead and ornament assemblages that were recovered in association with the 1977 burials from CA-SCL-128. These authors wrote:

> As reported in the 1977 monograph, the Holiday Inn burial attributions with chronologically diagnostic artifacts and associated non-diagnostic beads consist of only five burials. Burial 77-1 (Burial "1") was found with *Haliotis* disc Type H4 ornaments and *Olivella* saddle beads, Type F3a which are attributed to the Terminal Middle Horizon (A.D. 500 - A.D. 700) along with other beads which tend to support this attribution including an *Olivella* saucer bead, Type G2a generally attributed to the Middle Horizon and a non-diagnostic *Olivella* spire-lopped Type Alc. Burial 77-2 also had *Haliotis* Type H4 ornaments and *Olivella* spire lopped Type Al(?) beads present which suggest the Terminal Phase of the

> Middle Horizon (A.D. 500 - A.D. 700). Burial 77-4/7 had a non-diagnostic spire lopped *Olivella* Type Al(?) and *Olivella* thin rectangular, Type Mla beads present which have been attributed to Early Phase 1 of the Late Horizon (A.D. 900 - A.D. 1100).
>
> Burial 77-8 was recovered with non-diagnostic *Haliotis* Type AF5aTTT, spire lopped *Olivella* Type A1c beads along with square saddle (Type F3a) *Olivella* beads which can be attributed to the Terminal Middle Horizon (A.D. 500 - A.D. 700).
>
> Burial 77-9, which was associated with several golden eagle and condor bone whistles, included several *Haliotis* Effigy ornaments (Gifford Type Nla - reworked with punctations; Gifford Type N1b) along with spire lopped Olivella beads Type Al(?). The Type Nlb is diagnostic of Phase 2 of the Late Horizon (A.D. 1500 - A.D. 1700) (Gifford 1947). Gibson and Fenenga propose a probable date of Phase 2a of the Late Horizon (ca. A.D. 1500 - A.D. 1700) (Gibson and Fenenga 1978:127-128). Based on this burial sample, it is apparent that these single, primary inhumations were interred with from one to four different types of *Olivella* beads and/or *Haliotis* ornaments (James et al. 1988:10)

Radiocarbon (C14) dates derived from several contexts (burial and non burial features) from the 1977 excavations shed additional light on the temporal components identified at CA-SCL-128 (Winter 1978a:21). The earliest **non-burial** feature was from **Unit 6E** which yielded a midpoint date of AD 343 (A.D. 220 - A.D. 435). However, it is important to note, that the Holiday Inn report **does not** provide the specific location/provenience, nor does it provide any description of the excavation and/or context of Unit 6E. Therefore absolutely nothing is known about this excavation unit except for a date with a mid-range of AD 343. Winter's report does however provide locational and contextual information on **Oven 2** which yielded a corrected date ranging from A.D 1520 - A.D 1621. There was also a sample of charcoal derived from the backdirt that yielded a mid-range date of A.D. 1650. Thus, the calibrated C14 dates accepted and described by Basin Research Associates "support the period attributions of Terminal Middle Horizon into Phase 2 of the Late Horizon as deduced from the chronologically diagnostic artifacts (e.g., Winter 1978a; Gibson and Fenenga 1978)" (James et al. 1988:10).

Basin Research Associates later noted in one of their several "**Chronology**" sections that:

> The site yielded radiocarbon dates that spanned the later Middle Period on through to Phase II of the Late Period. Burial 9 from CA-SCL-128 yielded two dates one on charcoal AD 600 ± 110 (which possibly came from an earlier feature) and a typological/temporal date of AD 1500 to AD 1600 based upon two associated "Early Phase II 'Big Head' Banjo Pendants" (Winter 1978:21). Burial 9 was "[t]he most impressive burial from the site…that of a fifteen to seventeen year old girl recovered to the north of Burial 8." … Two "Big Head" abalone pendants were recovered from the neck area, along with several golden eagles and giant condor bone whistles.

> Two of the whistles were glued together with asphaltum with an *Olivella* shell bead at the joint. A dress or sash decorated with *Olivella* shell beads may have been buried with the girl, as indicated by 15 beads near the pelvic area. … (ibid.:22).

The Guadalupe Transportation Corridor Project Conducted by Basin Research Associates

Basin Research Associates was contracted by the Santa Clara County Transportation Agency (SCCTA) in 1987 to conduct cultural resource management evaluations along the various segments of the proposed transportation corridor. The Guadalupe Transportation Corridor (GTC) project included the construction of a new 20-mile long, two-track light rail transit system; bicycle facilities; two new freeway lanes (approximately 4 miles in length) on U.S. 101 between State Route 87 and Lawrence Expressway; and, a new 12 mile long, four-lane expressway within both the State Route 85 and State Route 87 sections of the Guadalupe Corridor (James et al. 1988).

Monitoring was conducted by Basin Research Associates between January 1, 1987 and December 31, 1987 and resulted in the discovery of Native American skeletal remains at CA-SCL-128 along West San Carlos Street **(Figures 2-1 - 2-2).** Basin Research Associates designated this as "(Phase III NORTH) monitoring" field work and during earth moving activities they identified and recovered 27 discrete burials consisting of a minimum of 33 individuals. Apparently during later construction one additional burial was recovered on March 29, 1988. Basin Research Associates reported upon the results of their Guadalupe Transportation Corridor burial recovery program in a report to SCCTA in 1988 (James et al 1988:1).

The hand-selected Guadalupe Transportation Corridor Project Native American Coordinator was Ella Mae Williams Rodriquez (representing herself as the Tri-Counties Ohlone Observer). Through published genealogical information Ella Rodriquez was of Esselen and Chumash descent from the Monterey/Carmel Mission and from the San Buenaventura Mission (Ventura County) areas. Furthermore, Ms. Rodriquez was not an enrolled member in any of the three previously federally recognized Costanoan tribes (Muwekma Ohlone Tribe, Amah-Mutsun Tribal Band, or Esselen Nation). She was consistently hand-picked by Basin Research Associates for all of their projects rather than by the State of California **Native American Heritage Commission** (NAHC), therefore she did not represent the documented aboriginal and historical Costanoan communities where ever Basin Research had projects. In their 1988 report there is no mention that she was specifically identified by the Native American Heritage Commission as the Most Likely Descendant (MLD) as prescribed by State law (SB 297) especially for this project. Furthermore, copies of their final archaeological reports were never sent to any of the three historic Costanoan tribes relative to their respective heritage sites.

In their study Basin Research Associates reported that:

> Ms. Rodriquez was on site for most of the initial exposure(s). Assessments of appropriate treatment and disinterments were undertaken with Native American input and approval.

> In every case, the preferred option - avoidance of the skeletal remains - was not possible. The proximity of the skeletal remains to existing utilities or anticipated disturbance as part of construction necessitated disinterment. In fact, many of the CA-SCL-128 burials had been previously disturbed by past construction operations (James et al 1988:1-2).

Within the known highly archaeological sensitive area adjacent to the Holiday Inn Site, the proposed Guadalupe Transportation Corridor (GTC) project planned for the construction of light rail tracks and with a median along West San Carlos Street between Market Street and the Guadalupe River. During the construction/monitoring phases of work Basin Research Associates recovered a:

> "minimum of 28 burials with 34 individuals, isolated human bone and other limited cultural material … during the archaeological monitoring conducted for the GTC Project. Archaeological monitoring of construction during GTC Phase III NORTH … at CA-SCL-128 resulted in the exposure and disinterment of a minimum of 27 burials with 33 individuals and an isolated human bone. These Native American human remains were observed, identified, and disinterred along West San Carlos Street between April 8, 1987 and October 9, 1987.
>
> An additional burial was recovered during GTC Phase IV … monitoring on March 29, 1988 (James et al. 1988:16).

After excavation and analysis of the 34 individuals discovered along West San Carlos Street, Basin Research Associates solely relied upon the reiteration of the 1977 chronological data for temporal placement of the cemetery. Basin Research Associates commented:

> In terms of chronology, the GTC results reaffirm the general chronological placement by earlier authors (e.g., Winter 1978a; Roop et al. 1981, 1982). Cultural material and C14 dates from the Holiday Inn site suggest that it was occupied during the terminal Middle Horizon (A.D. 500 - A.D. 700) and Late Horizon, Early Phase 1 (A.D. 900 - A.D. 1100 (Winter 1978a; Roop et al. 1981:128-4 based on Gibson and Fenenga 1978). In the Short B1 scheme (Bard and Busby 1986: … this corresponds to the Late Horizon Early Phase la (A.D. 900 - A.D. 1100) and the Late Horizon Early Phase 2 (A.D. 1500 - A.D. 1700) into the Protohistoric period.
>
> The GTC sample of chronological indicators is limited to 2 spire-lopped *Olivella* shell beads (Type Ala and Alc, CA-SCL-128-102 possibly with Burial 87-24 and CA-SCL-128-110 unassociated) … and an obsidian hydration date. Thus, the Holiday Inn collection remains the most comprehensive presentation and interpretation of chronologically diagnostic artifacts. Chronometric dating of charcoal samples was undertaken for the Holiday Inn sample, while the GTC phase lacked appropriate samples (James et al. 1988:111).

… The GTC recalibration of C14 radiometric dates from the Holiday Inn phase supports the period attributions of the Terminal phase of Middle Horizon into Phase 2 of the Late Horizon(following Gibson and Fenenga 1978 phase/horizon use) as deduced from the chronologically diagnostic artifacts (e.g., Winter 1978a; Gibson and Fenenga 1978). (If the recalibrated dates (from data in Winter 1978a:19, 21-23; Breschini et al. 1986:73 using Stuiver and Pearson 1986) are "translated" to the "Short B 1" scheme advocated by Bard and Busby (1986) the calibrated dates range from the Sherwood Facies of the Middle Horizon (A.D. 300 - A.D. 500) for the Unit 6E sample through Phase 2a of the Late Horizon for the backdirt.

None of the Holiday Inn obsidian was sourced or hydrated; the single piece of obsidian found during the GTC program was tested. This biface medial fragment originated from the Napa Glass Mountain source (CA-SCL-128-122A, unassociated) and produced an obsidian hydration date of A.D. 262 ± 47 years based on 2.75 ± 0.04 microns of visible hydration (see Michels 1986; Michels 1988; MOHLAB). This date falls within the Intermediate Phase of the Middle Horizon (A.D. 100 - A.D. 300 "Alvarado Facies"; Bard and Busby 1986). This GTC hydration date produces one of the earliest dates for this site, although the range of error A.D. 215 - A.D. 309 extends into the Late Phase of the Middle Horizon (A.D. 300 - A.D. 500) which is more consistent with observations made by previous researchers (see below). The MOHLAB hydration method and interpretive results have been criticized by some California archaeologists (Bard, personal communication 1987). Unfortunately, only a single piece of obsidian from CA-SCL-128 has been tested. As a result this date may (1) be one of the earliest dated artifacts from CA-SCL-128; (2) reflect dissonance in dating by chronometric and diagnostic artifacts; and/or, (3) suggest that the MOHLAB results are too early or many that many California obsidian dates too late.

… In sum, an assessment of the Holiday Inn and GTC artifacts and ecofactual data do not support White's conclusions on winter occupation, ceremonialism or a primary burial use ". . . at sometime during its use" (White 1978:245, 254). The chipped stone, ground and pecked stone, worked bone (e.g., awls) and shell implements and manufacturing debris (e.g., flakes) instead suggest a broad-based prehistoric economy which successfully exploited locally available faunal and vegetal resources. These residues, in association with the burials, support a major secular, domestic occupation site.

… Only discontinuous "kitchen midden" and individual burials have been observed for the past 15 years due to the nature of the intermittent archaeological investigations associated with project specific construction undertakings.

The lack of chronologically diagnostic artifacts in direct association with the GTC burials limits the discussion and comparison with the six 1977 Holiday Inn burials with chronologically diagnostic or chronometric dates (Burials 77-1, -2, -4n, -5/6, -8, -9; Winter 1978a).

> Comparison of the Holiday Inn and GTC materials requires some recapitulation of earlier findings (James et al. 1988:111-112, 116-117).

After recovering this pre-contact ancestral Muwekma Ohlone burial population totaling 34 individuals from this extended area of CA-SCL-128, and considering that this was a major **publicly-funded** project, it seems inexplicable that the only date that Basin Research Associates could produced was derived from a single obsidian hydration reading. Furthermore the Muwekma Ohlone Tribe and the present authors questions the result of Basin Research Associates' interpretation, calibration methodology, and its chronological placement (see Chapter 6 this report for further discussion and recalibration of their 2.75 ± 0.04 microns base upon the hydration formula developed and calibrated by Thomas Origer and Associates and others).

The Reassignment of the *Tupiun Táareš* – Fox Man Burial from Site CA-SCL-128 to Site CA-SCL-894 and its Potential Relationship to the Burials Recovered by Basin Research on West San Carlos Street on the Guadalupe Transportation Corridor Project (1987/1988)

The discovery of the ancestral Muwekma Ohlone ***Tupiun Táareš* – Fox Man** burial in 2002 at 344 S. Market Street at the rear entrance of the California Fox Theatre led Susan Morley and Rosemary Cambra to initially believe this individual was somehow affiliated with the burial population identified at CA-SCL-128 (Cambra and Morley 2003). Because of its location, which is to the east/southeast from the undated burial population recovered by Basin Research Associates in 1987/1988, this single burial was simply subsumed as part of the larger Holiday Inn Site locality and as a result, the CA-SCL-128 site boundaries was simply extended by Morley in 2003 to reflect and include the ***Tupiun Táareš* – Fox Man** burial locus (now determined to be CA-SCL-894, see Leventhal et al. 2012).

Furthermore, when the location of the ***Tupiun Táareš* – Fox Man** burial was plotted onto previously published maps by the present authors (**Maps 2-1 – 2-**3 above), it became apparent that this individual might possibly represent another burial tradition/occupational phase not clearly defined by Winter (1978a) and definitely from those later burials **not dated** as a result of the work conducted by Basin Research Associates on the multi-million dollar Guadalupe Transportation Corridor project.

To reiterate the chronology of the burial population from CA-SCL-128 proper and the **assumed** temporal placement of the 34 individuals reported upon by Basin Research Associates in 1988, Basin solely relied upon those C14 dates obtained by Winter (1978a). In their report Basin noted that these dates:

> … suggest that this area was occupied during the **terminal Middle Horizon (A.D. 500 – A.D. 700)** and Late Horizon, Early phase 1 (A.D. 900 – A.D. 1100 (Winter 1978a; Roop et, al. 1981: 128-4 based on Gibson and Fenenga 1978). In the Short B1 scheme (Bard and Busby 1986: Table 1) … this corresponds to the Late Horizon Early phase 1a (A.D. 900 – A.D. 1100) and the **Late Horizon Early phase 2 (A.D. 1500 – A.D. 1700)** into the Protohistoric period (James et. al. 1988: 111).

Given the fact that Basin Research Associates did not conduct any radiocarbon dating on any of the burial features that they uncovered, leaves us to speculate about the temporal span and placement of this proposed extended portion of the CA-SCL-128 cemetery, and thus leaving open the possibility that the West San Carlos Street burial population might indeed be unrelated to the later dated burials discovered at the Holiday Inn Site by Winter et al.. Instead the 1987-1988 burials from West San Carlos Street might alternatively be affiliated with **the Late Middle Period *Tupiun Táareš* – Fox Man** burial from **CA-SCL-894** which dated to **AD 320 (**Leventhal et al. 2012).

Redefining the Boundaries of Prehistoric Site CA-SCL-128

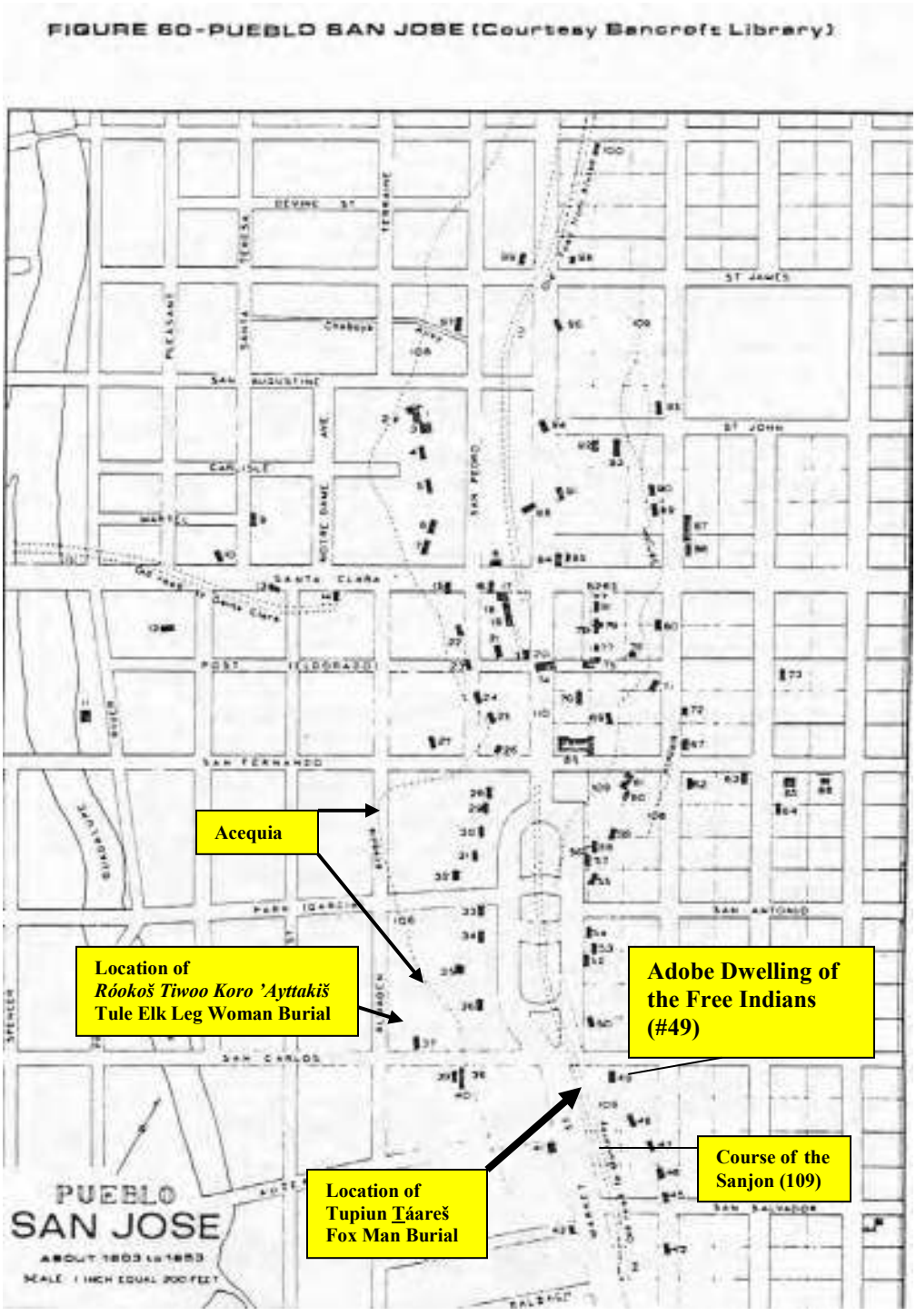
From the archaeological monitoring and excavation of the Phase III of the GTC, during the construction of the light rail station on West San Carlos Street in 1988, Basin Research Associates, as mentioned above, exposed 34 ancestral Muwekma Ohlone burials and these burials were removed from their respective grave locations. The discovery of these graves enticed Basin Research archaeologists to expand the boundaries of CA-SCL-128 to the south to include West San Carlos Street proper and extending eastward towards but not including Market Street (see **Figures 2-1 – 2-3)**. See **Appendix B** for a portion of Caltrans' 2011 Historical Resources Compliance Report on CA-SCL-128.

Given the arguments presented above, it is clear that the expanded boundaries proposed by Basin Research Associates of the CA-SCL-128 locality is called into question due to their failure to conduct any meaningful dating of the West San Carlos Street burial population, some of whom could be related to the CA-SCL-128 cemetery, and others located towards Market Street could be related to the earlier Late Middle Period population perhaps associated with the ***Tupiun Táareš* – Fox Man** burial. From the Muwekma Ohlone Tribe's point of view as it relates to their ancestral heritage sites the quality of archaeological investigations conducted by Basin Research can be summarized as abysmal at best.

Revisiting the results of the two uncorrected C14 dates and grave associations that helped Winter establish probable temporal placement of the 1977-1978 burials presented in **Table 2-1** (below), we ascertain that the earliest probable dates for the human remains are no earlier than **AD 500** (based on grave associations) and two burial associated C14 dates of **AD 600 ± 110** and **AD 650± 100**.

Table 2-1
Carbon 14 and Bead Type Dates from CA-SCL-128 (Winter 1978a:21)

Burial #	C14	Bead Ornament Types	Bead Ornament Dates
Burial 1	---	*Olivella* square saddles	AD 500-700
Burial 2	---	*Haliotis* disc ornaments	AD 500-700
Burial 3	AD 650± 100	[corrected Calib 6.0.1 @ 2 sigma	AD 754]
Burial 4/7		*Olivella* rectangle (beads)	AD 900-1100
Burial 8		*Olivella* square saddles	AD 500-700
Burial 9	AD 600± 110	Early Phase II "Big Head" Banjo	AD 1500-1600
	"	[corrected Calib 6.0.1 @ 2 sigma	AD 659]



Map 2-5: **Historic Map of the Pueblo de San Jose de Guadalupe Adobes ca. 1803-1853 (Illustrating the Proximity of the Location of the Tule Elk Leg Woman and Fox Man Burials, the Adobe Dwelling of the Free Indians, the Acequia and the Course of the *Sanjon*.)** [Winter 1978a:476]

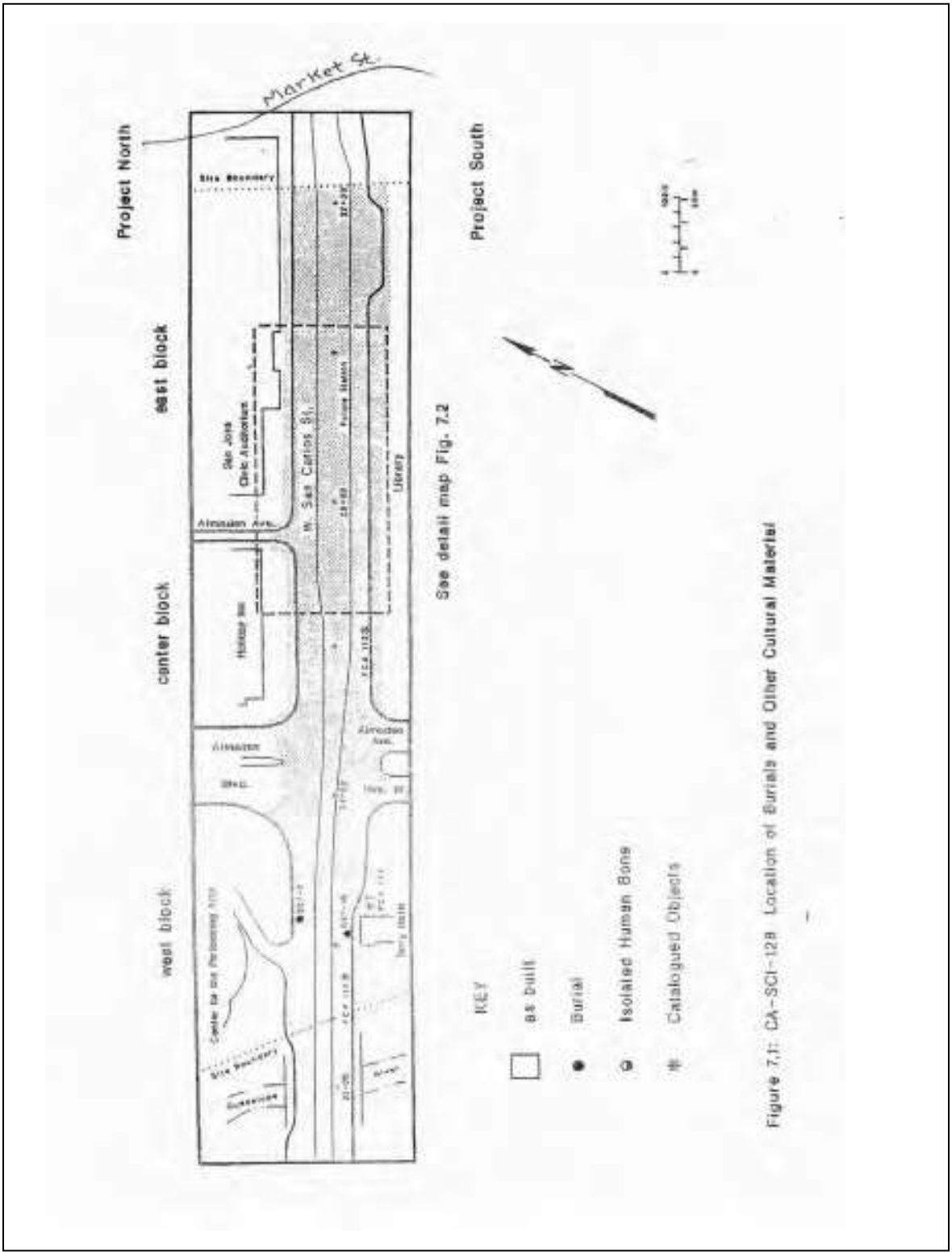


Figure 2-1: **Location of Where Burials were Discovered on San Carlos Street during the 1987 Guadalupe Transportation Corridor Project** (James et. al. 1988)

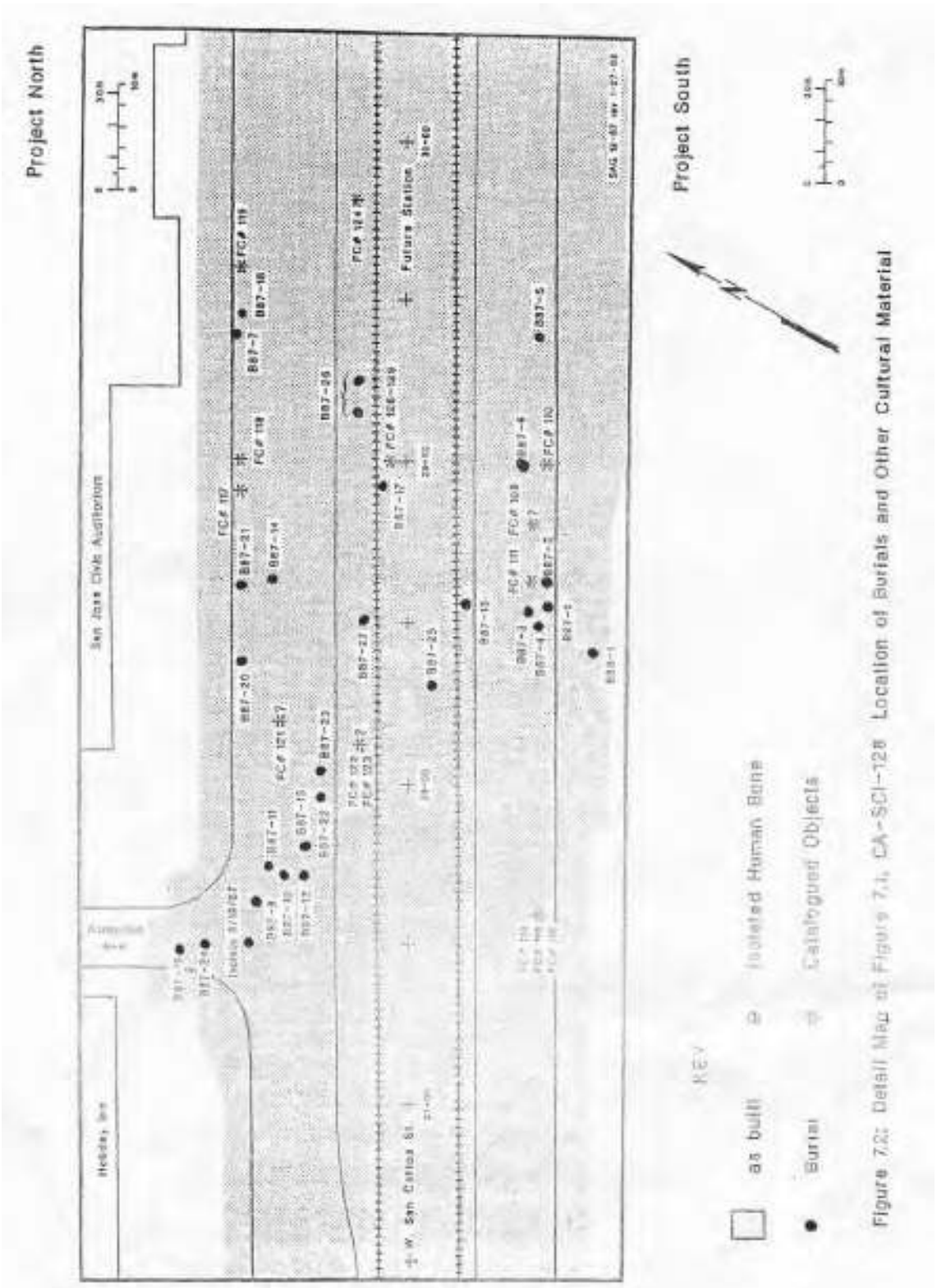


Figure 2-2: Distribution of Burials Discovered by Basin Research on West San Carlos Street Disturbed during the Construction of the Light Rail Station (James et. al. 1988).

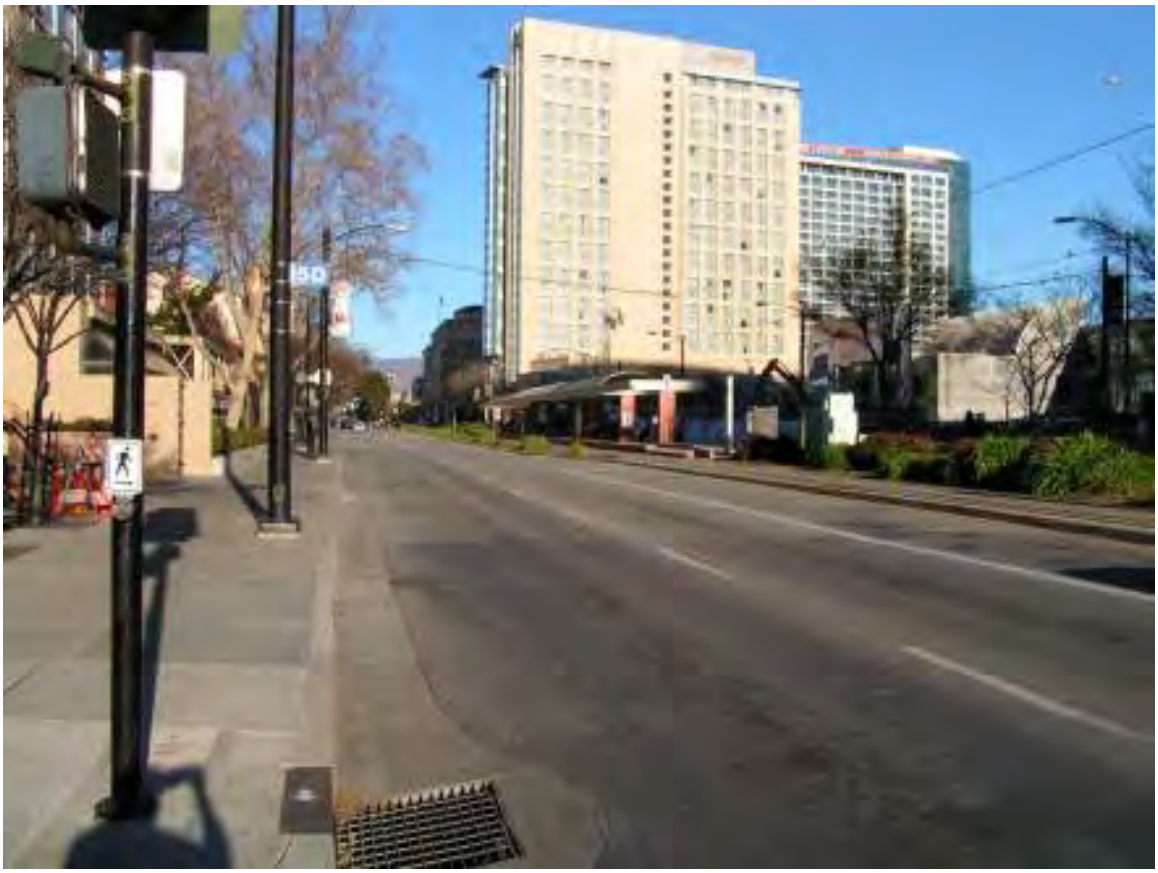


Figure 2-3: View Looking East of West San Carlos Street and Light Rail Tracks from the Hyatt Place where Basin Research Associates Removed 28 Burials

The Location of the *Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman Burial at Hyatt Place Hotel and its Relationship to the Historic Adobe Dwelling of the Free Indians in Pueblo de San Jose

Within the Winter report (1978a), a map curated at the Bancroft Library identified as "the Pueblo San Jose" (see Winter 1978a:476, Volume 2) was published and identifies the location of the "Adobe Dwelling of the Free Indians" during the early to mid-19th century that was once located approximately 100 feet east of Market Street on the south side of San Carlos Street. This location of the **Adobe Dwelling of the Free Indians** (identified as **#49** on the map) is also less than 100 feet from the site of the ***Tupiun Táareš* – Fox Man** burial (CA-SCL-894). Adjacent to and slightly to the east was the "**Course of the *Sanjon***" as identified on the Pueblo map as **# 109** [**Map 2-5].**

The location of the (**CA-SCL-128**) ***Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman** burial would have been buried to the west of the "**Course of the *Sanjon***" and the **Adobe Dwelling of the Free Indians** if she dated to this Historic Period Indian residence. A *sanjon* (*zanjon*) is defined as a ditch, deep gully or deep slough in the Spanish language. If a Post-Contact (AD 1769) radiocarbon date was obtained dating to this formative historic time period it would provide evidence that the potentially extended cemetery boundary, (that includes CA-

SCL-128), was utilized after missionization and the founding of the Pueblo de San Jose in 1776. Evidence that the *sanjon* was located here may also explain the presence of the stream-washed cobbles that were discovered above the ***Tupiun Táareš* – Fox Man** burial during the excavation in 2002 (Cambra and Morley 2003).

Also, according to this map, the ***acequia* (# 108)** ran through the property where the Holiday Inn (now Hyatt Place Hotel) and the Holiday Inn Garage are presently located (**Map-2-5**). An *acequia* is defined in the Spanish language is either a community-operated waterway or an irrigation ditch. The contributing authors of Winter's 1978 report also noted the existence of historic trash or "privy pits" within the CA-SCL-128 midden which might have dated to this early historic period.

At the time of the original analysis in 2003 of the ***Tupiun Táareš* – Fox Man** burial (CA-SCL-894) it was speculated by Morley that it was "possible that this individual was from a later time period when "Free Indians" were still drawn to and inhabiting the region around the Pueblo de San Jose de Guadalupe" (Cambra and Morley 2003). However, after submitting a bone sample from the ***Tupiun Táareš* – Fox Man** burial for AMS dating, this individual dated to the **Late Middle Period (AD 320**) and therefore, was clearly not associated with the Post-Contact **Adobe Dwelling of the Free Indians** (Leventhal et al. 2012:8-1). Likewise the only way to test the validity of the hypothesis that the ***Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman** burial dates to this early 19th century (Post-Contact Period) settlement/residence is to actually date the burial through AMS dating the results of which places her in the **Phase 1C Late Period [AD 1300 – 1500]** (after Scheme B1 - Bennyhoff and Hughes 1987), thus rejecting any affiliation with the **Adobe Dwelling of the Free Indians** of the early 19th century (see **Chapter 7** for results of AMS dating).

Concluding Statement

The authors of the 1978 Holiday Inn (CA-SCL-128) report note relative to the conflict between the C14 date associated with Burial 9 and the direct association of the "Early Phase II 'Big Head' Banjo Pendant" stating that "(a) C14 date of AD 600± 110 came from the charcoal, but this probably represents earlier trash which was used to fill the burial pit, since the large 'Big Head' pendant buried with the girl has an approximate date of AD 1500-1600 (Winter 1978a:21-22).

In conclusion, based upon the above radiometric dates and temporal assignment of the Big Head Banjo Pendants and *Olivella* rectangular sequin beads (M series) from the Holiday Inn Site proper it is clear that the ***Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman** burial has clear affinity with the Late Period burials recovered by Winter et al in 1978.

Chapter 3
Project Background: Site Context and Discovery of the *Róokoš Tiwoo Koro 'Ayttakiš* (Tule Elk Leg Woman) Burial

by
Rosemary Cambra, Alan Leventhal, Diane DiGiuseppe and David Grant

The Discovery of the *Róokoš Tiwoo Koro 'Ayttakiš* (Tule Elk Leg Woman) Burial

As discussed in Chapter 1 of this report, the remains of an ancestral Muwekma Ohlone person was inadvertently discovered on January 24, 2012 by a construction crew working on the excavation of a trench and footings for a concrete overhang canopy for the rear entrance to the newly renovated Hyatt Place Hotel **(Figures 3-1 – 3-2**). Later, during the course of the skeletal analysis, the Muwekma Ohlone Tribal leadership and the Language Committee decided to rename the site and name their young female ancestor. The site was renamed ***Thámien Rúmmeytak*** meaning **Place of the *Thámien* River Site**. The young ancestral Muwekma Ohlone woman was named ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman)**.

Figure 3-1: The Remodeled Holiday Inn Hotel as the Hyatt Place

Figure 3-2: Location of the *Róokoš Tiwoo Koro 'Ayttakiš* Burial

The discovery of this ancestral burial was not surprising because she was encountered within a known and documented pre-contact Ohlone cemetery recorded as CA-SCL-128 (Winter 1978a and 1978b). Furthermore, along the eastern side of the hotel is a walkway with one of the **San Jose History Walk** signs that faces San Carlos Street. On the opposite side of the sign is written text presenting historical information on the history of the region, the ancestral Ohlone Indian village [Holiday Inn Site] and the Muwekma Ohlone Tribe (**Figures 3-3 – 3-4**).

Figure 3-3: San Jose History Walk Signage

Figure 3-4: Text of the Historic Sign about Tamien: An Ohlone Indian Village

Transcription of the Historical Marker Village of Tamien Text

"For over 10,000 years the ancestors of the Ohlone Indians hunted, fished and harvested the diverse natural resources within the greater San Francisco Bay Area. Through time the Ohlone tribes established sedentary villages along creeks. One such village was established at this site. Occupied between 250 and 1792 AD, this site is thought to be the village of Tamien. Tamien is an Ohlone word referring to the Guadalupe River. With the establishment of the Santa Clara Mission in 1777, over 2600 Ohlones were converted, the majority of whom perished from diseases. Today, the Muwekma Ohlone Tribe is the successor to the aboriginal people who inhabited this valley."

Field Recovery of the *Róokoš Tiwoo Koro 'Ayttakiš* Burial

After DiNapoli Capital Partners agreed to the mitigation plan proposed by the Muwekma Ohlone Tribe's Cultural Resource Management arm, the excavation of the burial commenced the next day on January 27, 2012. After cleaning up the backdirt protecting the burial it became clear that the skeletal remains were partially disturbed by the

backhoe and shoveling from the construction crew, however, the burial itself was still *in situ* and mostly intact within an undisturbed native soil stratum.

One of the issues confronting the recovery team was the fact that the burial was situated within a sidewall under the concrete driveway, however it was determined that the skeletal remains could be exposed, documented, and removed without concern of collapse (**Figures 3-5 - 3-17**). The *in situ* skeletal remains of the ***Róokoš Tiwoo Koro 'Ayttakiš*** **Burial** was recovered at a depth ranging from 79 – 106 cm Below Surface (BS).

Figure 3-5: Osteologist David Grant Assessing the Burial Locus

Figure 3-6: Osteologist Diane DiGiuseppe Exposing the Skeletal Remains

Figure 3-7: Partial Exposure of the *Róokoš Tiwoo Koro 'Ayttakiš* Burial

Figure 3-8: Screening the Excavated Soil

Figure 3-9: MLD Chairwoman Rosemary Cambra and David Grant Screening

Figure 3-10: Chairwoman Rosemary Cambra and David Grant Screening

Figure 3-11: Obtaining an Orientation of the *Róokoš Tiwoo Koro 'Ayttakiš* Burial

Figure 3-12- Close-up Exposure of the Cranium

Figure 3-13: Close-up of the Distal Elk Metapodial (Leg) Bone

Figure 3-14: Excavation of the Pelvis and Remaining Skeletal Elements

Figure 3-15: Skeletal Elements Completely Removed from the Grave Pit

Figure 3-16: View of the Grave Pit of the *Róokoš Tiwoo Koro 'Ayttakiš* Burial

After completion of the Archaeology Data and Burial Recovery program the human remains and associated grave offerings were taken to San Jose State University's Integrated Anthropology lab for cleaning, sorting, and detailed analysis.

North Wall Stratigraphic Profile

Upon completion of the burial recovery, a stratigraphic profile of the North Wall was sketched. Seven stratigraphic units were observed and are as follows:

Stratum I - 0 – 23 cm Below Surface (BS); existing Concrete Walkway/Driveway

Stratum II – Transition @ 23 – 26.5 cm BS; Sub-Driveway Bedding mixed sand, brick, gravel and soil. **Munsell**: 2.5Y 6/2 Light Brownish Gray, Dry.

Stratum III – Transition @ 26.5 – 43 cm BS; Disturbed Historic Gravel mixed with backfilled loam soil. **Munsell**: 2.5Y 6/4 Light Yellowish Brown, Dry.

Stratum IV – Transition @ 43 – 61 cm BS; Disturbed backfilled loam soil mixed historic materials. **Munsell**: 10YR 5/2 Grayish Brown, Dry. Consistence: dsh, slightly hard; wet consistence: wso, non-sticky; plasticity: wpo non-plastic, no wire formable.

Stratum V - Transition @ 61 – 79 cm BS; Undisturbed loamy native soil.
Munsell: 10YR 4/2 Dark Grayish Brown, Dry. Consistence: dvh, very hard; wet consistence: wso, non-sticky; plasticity: wpo non-plastic, no wire formable.

Stratum VI – 79 – 106 cm BS Grave Pit Zone (with sandstone cobbles), loamy native soil. **Munsell:** 10YR 4/2 Dark Grayish Brown, Dry. Consistence: dvh, very hard; wet consistence: wso, non-sticky; plasticity: wpo non-plastic, no wire formable.

Stratum VII – Transition @ 106 – 120 cm BS; transition to Sterile Soil
Munsell: 10YR 6/2 Light Brownish Gray, Dry. Consistence: dvh, very hard; wet consistence: wss, slightly sticky; plasticity: wps slightly plastic, wire formable.

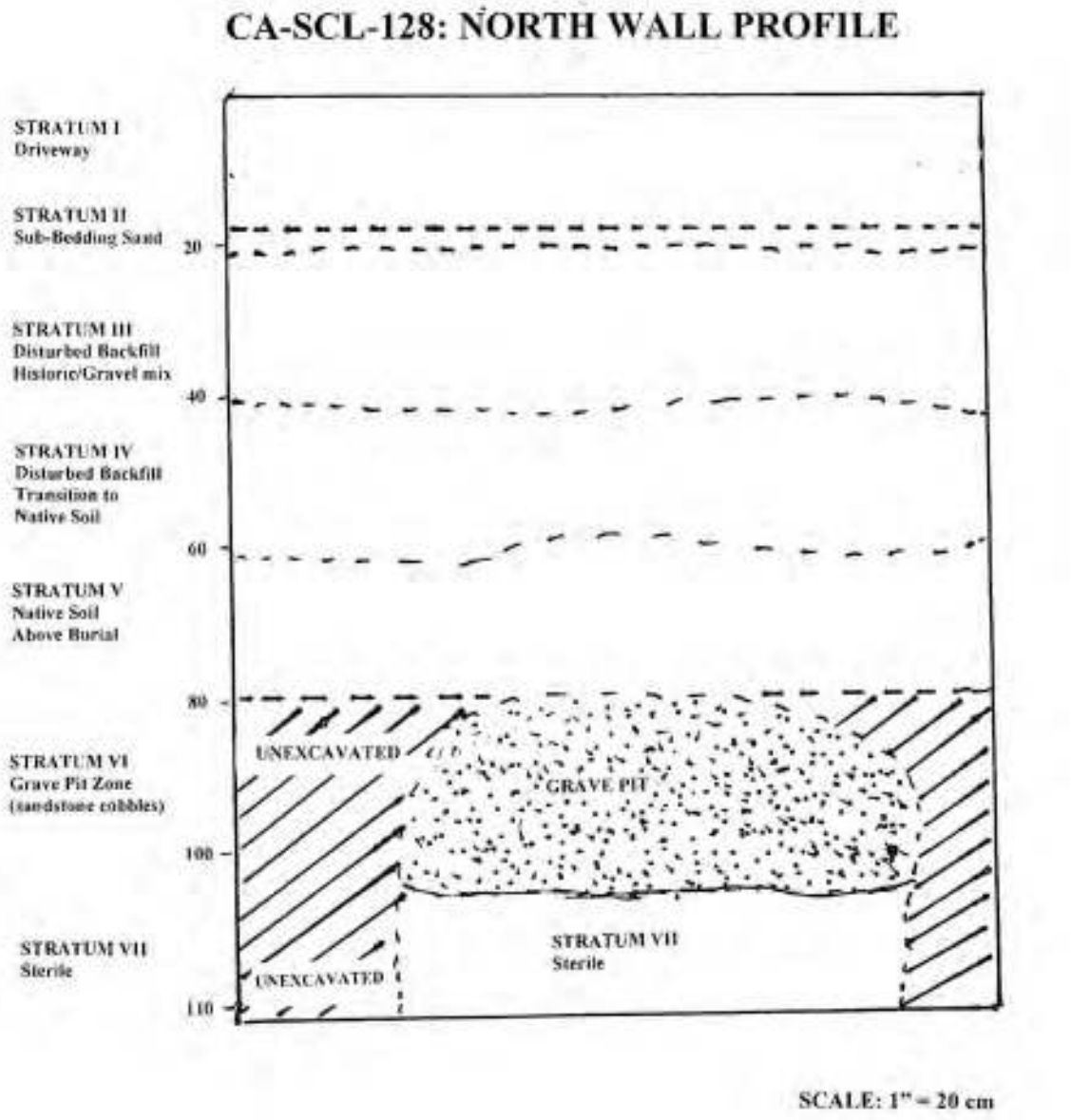


Figure 3-17: North Wall Profile (Showing Location of Burial Pit)

After removal of the ***Róokoš Tiwoo Koro 'Ayttakiš*** **Burial** the construction crews were able to finished concrete canopy at the rear entrance of the hotel **(Figures 3-18 -3-20).**

Figure 3-18: View Looking West of Finished Canopy Project

Figure 3-19: View Looking East of the Finished Support Columns and Canopy

Figure 3-20: Grand Opening of the Hyatt Place Hotel

Chapter 4
Burial Description and Skeletal Biology:
Inventory and Analysis of the *Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman Burial from *Thámien Rúmmeytak* [Thámien (Guadalupe) River Site] (CA-SCL-128)
by
Emily McDaniel, Melynda Atwood, Diane DiGiuseppe,
David Grant, Alan Leventhal, Colin Jaramillo and Jessica Veikune

INTRODUCTION

The excavation and recovery of ***Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman** burial from ***Thámien Rúmmeytak* [Thámien (Guadalupe) River Site] (CA-SCL-128)** took place on January 27, 2012. The burial recovery program was conducted by the Muwekma Ohlone Tribe's cultural resource management firm, Ohlone Families Consulting Services (OFCS). Archaeological work was conducted under the direction of OFCS senior staff osteologists/archaeologists Diane DiGiuseppe, David Grant, and Alan Leventhal. This single primary inhumation was issued the field designation **Burial #1-2012** in order to distinguish her from previously excavated burials from this site (Winter 1978a; James et al. 1988). Osteological analysis was conducted in 2013 and 2014 by Emily McDaniel, Melynda Atwood, Diane DiGiuseppe, David Grant, Alan Leventhal, Colin Jaramillo and Jessica Veikune (Muwekma).

LABORATORY METHODOLOGY

Curation and Inventory

The ***Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman** burial was cleaned, then laid out in anatomical position, photographed, inventoried, 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). Where necessary, skeletal elements are reconstructed using Elmer's Glue, a water soluble adhesive, in case removal is necessary in the future. Measurements were taken using electronic sliding calipers, an osteometric board, and a goniometer. Osteological inventory and metric and pathological data was compiled onto the Ohlone Families Consulting Services (OFCS) skeletal inventory forms. 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 with the trinomial site number and burial number.

Biological Sex Determination

Biological sex is 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 preauricular 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, (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 4-1**). Perseveration permitting, the determination of biological sex is based upon multiple traits throughout the skeleton to provide the most accurate sex determination.

Table 4-1: Femoral and Humeral Metrics in the Late and Middle Periods (from Dittrick and Suchey 1986)

Measurement	Female Mean	S.D.	Sectioning	Male Mean	S.D.	Accuracy
Max. 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-at-Death 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 in 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 is utilized to provide the most accurate age estimation for each individual. Subadult aging will not be discussed, as no subadults were recovered from CA-SCL-128.

Stature

Reconstructed stature is estimated in this study using two different methods, including those delineated by Genovese' (1967) and Auerbach and Ruff (2010). Genovese' (1967) 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 cases of fragmentation, skeletal elements are reconstructed to facilitate stature estimation. Individuals of indeterminate sex and immature age are excluded from stature estimations, as those exhibiting mechanical or pathological deformity.

BURIAL DESCRIPTION AND ANALYSIS OF THE *RÓOKOŠ TIWOO KORO 'AYTTAKIŠ* – TULE ELK LEG WOMAN BURIAL

CA-SCL-128: Burial #1	Sex: Male	Age: 19-23	Figures: 4-1 – 4-10

Overview

Burial #1-2012 (*Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman) is a primary inhumation recovered at a depth ranging from 79 to 106 cm below surface (BS) and oriented in a generally east-west position, with the cranium face down and oriented to the east **(Figure 4-1)**. The burial was partially impacted by a backhoe and construction crew shoveling during trenching operations at CA-SCL-128. This individual was determined to be a 19-23 year old female, approximately 164 cm (5' 4") tall. Dental pathology indicated normal rates of attrition, abnormal caries rates, and repeated episodes of stress during childhood. Skeletal pathology suggests that this individual suffered from mild to moderate adolescent scoliosis, adolescent thoracic outlet syndrome, a vertebral tumor, and evidence of possible projectile trauma. While many of these pathologies might have contributed to her premature death, no definitive explanations were arrived at.

Figure 4-1: *Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman *In-situ*

Completeness and Preservation

***Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman** is represented by 90% of her original elements, mainly missing the wrist, hand, ankle, and foot bones **(Figures 4-2 – 4-3)**. Preservation of this individual is excellent, with well-preserved cortex, good volume, limited fragmentation, and complete survival of cancellous bone and epiphyses.

Figure 4-2: *Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman in Anatomical Position

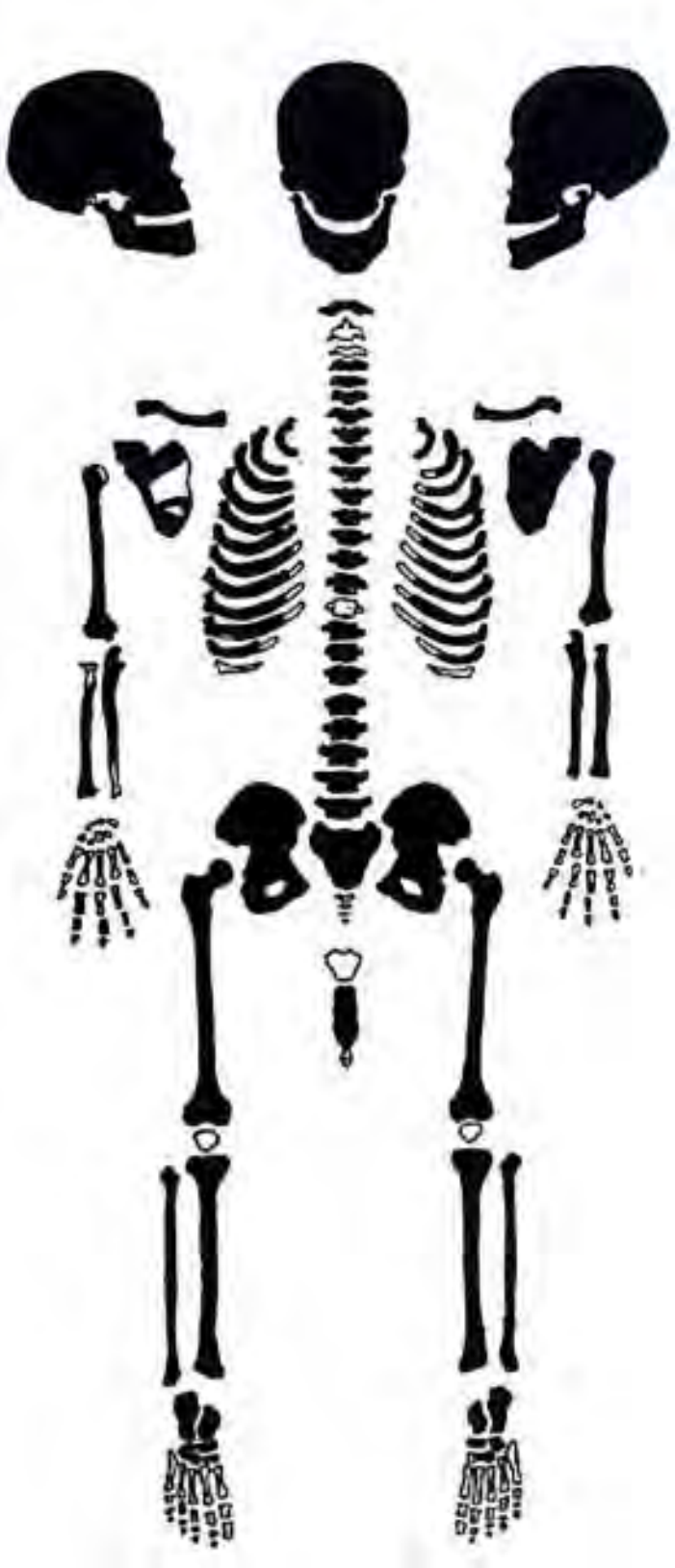


Figure 4-3: Skeletal Schematic Recovered Elements of *Róokoš Tiwoo Koro 'Ayttakiš*

Cranium and Mandible

The cranium and mandible are 100% complete, with no reconstruction necessary **(Figure 4-4 a/b)**. Five auditory ossicles were also recoverd. The maxilla contains 12 of its orignial teeth, with postmortem absence of both lateral incisors and the left central incisor and canine. Dentition is complete in the mandible except for the right lateral insicor, which was lost postmortem. Dental pathology will be discussed below.

Figure 4-4: Frontal (a) and Inferior (b) Views of the Cranium

Axial Skeleton

The axial skeleton is primarily complete and represented by an incomplete sternum, missing the manubrium and xyphoid; a complete vertebral column, missing C2, C3, and T9; complete pelvic girdle; complete pectoral girdle; and a complete rib cage, missing the right and left 12th ribs.

Appendicular Skeleton

The upper extremities are composed of complete left and right humeri, radii, and ulnae. The wrists and hands a primarily absent, except for a right triquetral and three hand phalanges of indeterminate side (one proximal and two medial). The lower extremities are composed of complete left and right femora, tibiae, and fibulae. Both patellae are absent. The bones of the right foot (metatarsals and phalanges) are completely absent. The right ankle is complete, only missing the second cuneiform. The left ankle and foot is represented by a complete calcaneus, talus, cuboid, navicular, MT5, and three foot phalanges (two proximal and one terminal hallux).

Biological Sex Determination

The excellent preservation of the ***Róokoš Tiwoo Koro 'Ayttakiš*** **– Tule Elk Leg Woman** burial allowed for observance of all indicators of sex on the cranium, pelvis, and postcranial skeleton. The biological sex of the ***Róokoš Tiwoo Koro 'Ayttakiš*** **– Tule Elk Leg Woman** burial was determined to be female. All pelvic indicators scored within the female range (scores of 1 and 2 (Buikstra and Ubelaker, 1994), the features of the cranium were moderately gracile, largely producing scores of 2 and 3, and the metrics of the postcranial sites were all below the female mean. Precise scores and metrics can be viewed on the skeletal inventory forms provided in **Appendix C.**

Age-at-Death Estimation

Age-at-death was estimated in this individual through the analysis of the pubis, ectocranial sutures, 3rd molar eruption, and late fusing sites. Non-union of the ectocranial sutures placed this individual below the age of 30 years, while complete fusion of the long bones placed her over the age of 16 years. Age estimation was further refined with the Phase I scoring of the pubis (15-24), complete eruption of the 3rd molar (>18), and partial fusion of the lilac crest (14-23), clavicle (16-33), sacrum (19-30), and rib heads (17-22). Moderate attrition observed on the 3rd molars suggests that these teeth were not recently erupted. The auricular surface was not analyzed for age estimation due to abnormal macroporosity exhibited on its face, likely due to abnormal weight bearing. This condition will be discussed in greater detail below. Consequently, ***Róokoš Tiwoo Koro 'Ayttakiš*** **– Tule Elk Leg Woman** was determined to be 19-23 years of age at death.

Stature

All necessary metrics were available for the ***Róokoš Tiwoo Koro 'Ayttakiš*** **– Tule Elk Leg Woman** burial. Living stature of this individual was estimated to have been approximately 164 cm or 5'4" (s.d.: 160cm – 165 cm, 5'3 – 5'5"), according to Genoves (1967) and Auerbach and Ruff (2010). Metrics were recorded on the skeletal inventory forms (see **Appendix C)**. 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 may be acceptable to use those required by Genovese (1967), but comparison of the equations with a larger, more intact sample is necessary to confirm this speculation. The ***Róokoš Tiwoo Koro 'Ayttakiš*** **– Tule Elk Leg Woman** burial fits well within the mean stature for females recovered from prehistoric Californian sites, which was 163.9 cm (Auerbach and Ruff, 2010).

Dental Pathology

Like most prehistoric California populations, the ***Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman** burial exhibits attrition throughout the dentition, most severely in the 1st molars. Attrition was scored according to Smith (1984). In the maxilla the average attrition rate was scored to be 2.4, with the lowest score being 1 and the highest being 5, seen in the 1st molars **(Figure 4-5 a)**. Average attrition rate in the mandible was 2.5, with the lowest score being 1 and the highest being 6, exhibited in the right 1st molar **(Figure 4-5 b)**. Asymmetrical attrition in the molars suggests that this individual preferred the use of the right side over the left. Despite the relatively young age of this individual, the severity of exhibited dental attrition is not abnormal, as it is the most common dental pathology associated with prehistoric Central Californian populations, as it is partially related to the abrasive nature of their diet (Jurmain 1990a). Conversely, unlike most prehistoric California populations the ***Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman** burial exhibits seven occlusal carious lesions, all seen in the molars. This number of carious lesions is surprising in this population, as attrition of enamel surfaces often restricts the formation of carious lesions (Jurmain, 1990a). This individual also exhibits linear enamel hypoplasias on the left and right mandibular canines and 2nd premolars. These canines exhibit two events of stress, while the 2nd premolars exhibit just one **(Figure 4-6)**. These enamel defects are indicative of multiple stressful episodes occurring around the ages four to five years of age. A dental schematic is provided in **Figure 4-7** to clarify locations of dental pathologies.

Figure 4-5: Maxillary (a) and Mandibular (b) Attrition and Carious Lesions

Figure 4-6: Linear Enamel Hypoplasias Exhibited in Mandibular Dentition

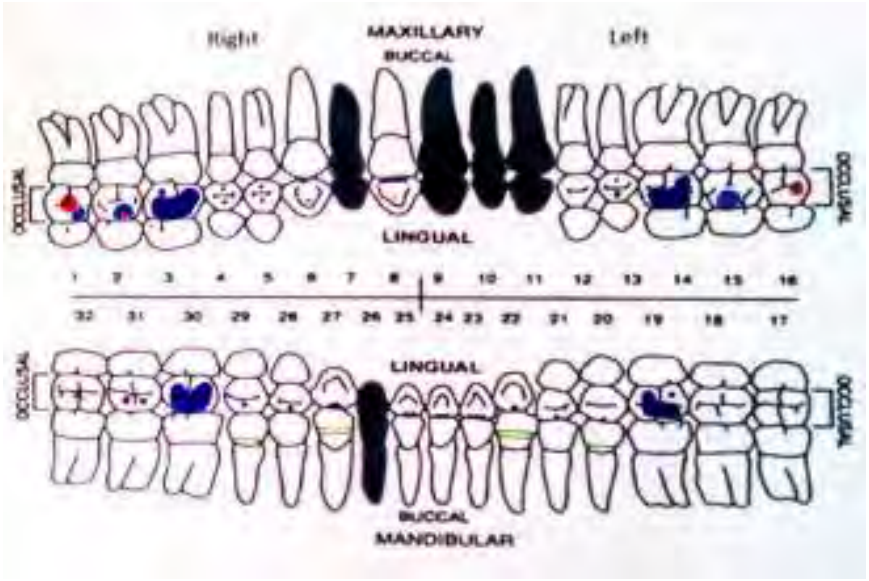


Figure 4-7: Dental Pathology Schematic

Key: black – postmortem absence, blue – dentine exposure, red – caries, green lines – linear enamel hypoplasia

Skeletal Pathology

The ***Róokoš Tiwoo Koro 'Ayttakiš*** **– Tule Elk Leg Woman** burial exhibited a wide range of pathological indicators throughout the entirety of her skeleton. Below, each pathological condition is described and assessed. Dr. Payam Tabrizi, an orthopedic trauma surgeon working at Stanford Hospital and Santa Clara Valley Medical Center, graciously agreed to consult on numerous pathologies observed in this individual.

Cranium

The surface of the frontal bone appears eroded, stained, and crenulated, with cortical bone flaking off **(Figure 4-8)**. The entire area measures 54 mm long, with width measurements taken at the superior, midlength, and inferior margins. They measured: 63 mm wide (superior margin) x 47 mm wide at midlength (27 mm below superior margin) x 12 mm wide (inferior margin). The crenulated surface of the frontal bone is similar to the appearance of caries sicca lesions associated with the tertiary stages of syphilis (although this is not necessarily the case). This etiology is, however, ruled out due to the absence of severe osteomyelitic changes of the postcranial skeleton that generally manifest in the secondary and tertiary stages of syphilis. The crenulated appearance is likely the result of taphonomic processes.

Figure 4-8: Crenulated Cortical Surface of the Frontal Bone

Possible Scoliosis and Thoracic Outlet Syndrome

Many of the pathological conditions observed in the ***Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman** burial are likely related to one another, as the human body is a complex system made up of interacting parts that depend on one another to function properly. Consequently, these pathological conditions, although described individually, will be explained within the broader framework of the human body as a system. The affected areas include the cervical spine, upper arm, shoulder girdle, rib cage, thoracic spine, and pelvic girdle and are indicative of scoliosis and thoracic outlet syndrome.

The Cervical Spine

The cervical spine exhibits a few indicators of biomechanical stress, including laminal spurs (C1 and C7) and hypertrophic bone growth along the borders of the apophyseal facets of C5 and C6. Most notably, the cervical spine exhibits bilateral cervical ribs on the 7th cervical vertebrae **(Figure 4-9)**. The right and left fused cervical ribs, also considered to be elongated transverse processes, measure 26.6 mm and 24.3 mm from the lateral borders of their superior articular facets to their ends, respectively. The transverse foramina appear to be irregular, with sharp boney spicules growing from the posterior root. Additionally, the inferior surface of both right and left transverse processes exhibit grooves running medio-laterally, each measuring 1.1 mm and 0.7 mm in width, respectively.

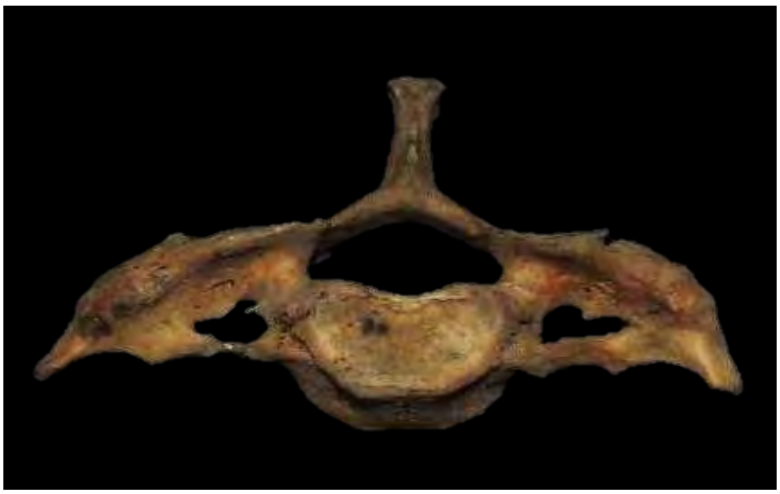


Figure 4-9: Fused 7th Cervical Rib

Asymmetry of the Humeri

While the upper limb and shoulder girdle are often observed to have bilateral differences due to preferential hand use, the bilateral asymmetry observed in this individual is far greater than normal variation. The maximum length of the right humerus measures 294 mm, while the left measures 283 mm. Medio-lateral mid-diaphyseal measurements show minimal asymmetry between the right and left humerus, measuring 18.4 mm and 18.2 mm, respectively. The relative asymmetry of mid-diaphyseal measurements and muscle markers observed in the humeri refutes suggestions of atrophy being the cause of the observed pathological asymmetry. The ulnae and radii were also examined for evidence of asymmetry in the lower arms. Post mortem damage to the right distal forearm has rendered metric comparison of the forearm impossible.

Asymmetry of the Clavicles and Scapulae

Asymmetry was also observed in the clavicles **(Figure 4-10)** and scapulae. While the lengths of both clavicles are similar (right: 126.3 mm, left: 127.2 mm), the right clavicle contains a much more robust conoid tubercle and an enlarged nutrient foramen (right: 3.3 mm x 2.1 mm, left: 1.0

mm x 1.3 mm). Additionally, the right medial clavicle appears larger in circumerference than the left. However, this cannot be metrically assesed due to postmortem damage. In the scapulae, the anterior curvature of the infero-lateral bodies is more pronounced in the right scapulae than the left.

Figure 4-10: Asymmetry Between Left and Right Clavicles

Thoracic Spine and Rib Cage

Like the cervical spine, the thoracic spine exhibits indicators of biomechanical stress, which has has resulted in hypertropic bone growth and asymmetry. The spinous processes of the T1 and T2 vertabrae appear to deviate slightly to the right **(Figure 4-11a)**. It is unknown if this deviation continues to the T3, T4, or T5 spinous processes, as they are missing postmortem. Despite this, the deviation appears to stop before T6, as the spinous processes of the following vertebrae point roughly along centerline. All present thoracic vertebra from T3-T10 show evidence of active remodeling along the right edge of the inferior spinous process at the laminar junction, suggesting strain on the capsular ligament. Further down the throacic spine, the bodies of T8-T12 deviates to the right along the saggital plane **(Figure 4-11b)**. A lateral curvature of the spine was identified upon the vertical articulation of the vertbrae during analysis. This anterior deviation of the vertbral bodies does not continue to the lumbar spine.

The rib cage also shows signs of biomechanical stress. The right second rib exhbits a scalloped hypertrophic growth, along the medial margin of the shaft, just anterior to the tuberosity for *M. serratus anterior* **(Figure 4-12a)**. Additionally, three left lower ribs (7-9) exhibit hypoertrophic bones growths along the superior margins of the rib heads **(Figure 4-12b)**, likely caused by strain to the radiate ligament, which attaches the ribs to their vertebral bodies. These hypertrophic bone growths do not manifest bilaterally, again indicating an asymmetry of the back.

Figure 4-11a: Deviation of T1 and T2 Spinous Proccesses to the Right

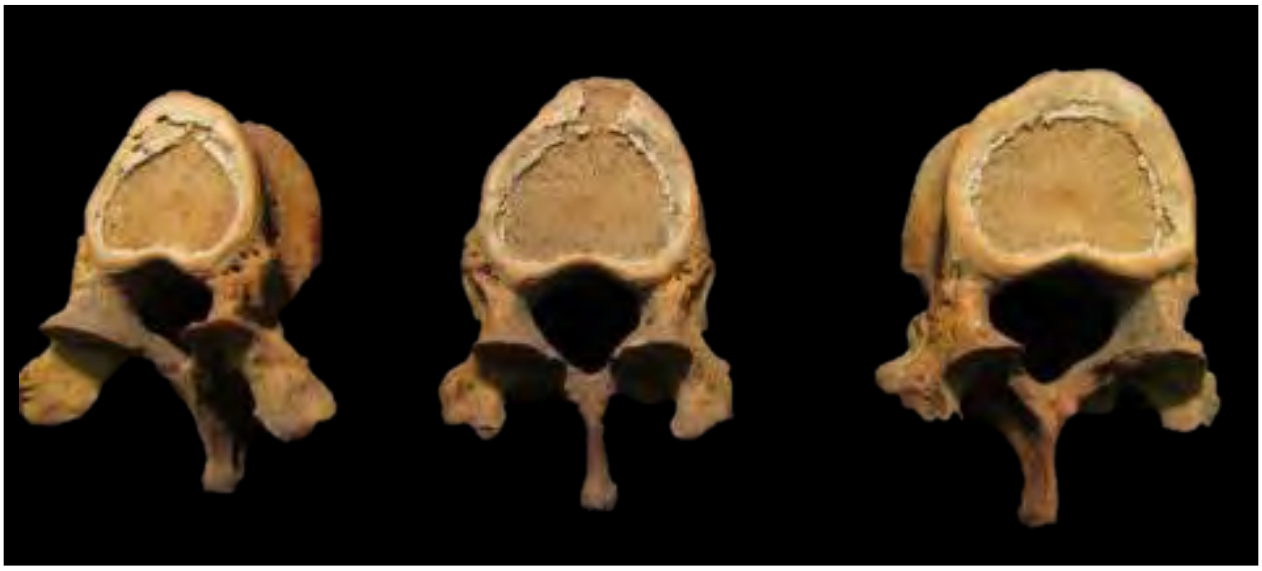
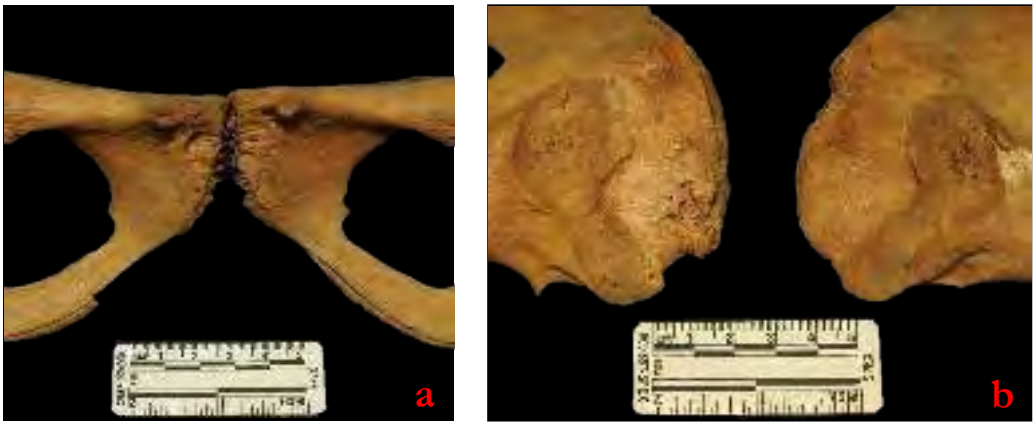


Figure 4-11b: Deviation of T10, T11 and T12 Bodies Deviates to the Right

Figures 4-12a -12b: Hypertrophic Growths on the Right Second Rib (a) and Three Left Lower Ribs (b)

Anomalies of the Pelvic Girdle

The pelvic girdle shows a number of anomalies, including inflammation of the anterior pubis **(Figure 4-13a)**, abnormal bilateral macroporosity of the auricular surfaces, and large preauricular sulci with sharp hypertrophic bone growths **(Figure 4-13b)**. The inflammation of the anterior pubis is likely the result of osteitis pubis, an instability of the pubic symphysis caused by repetitive micro-trauma, direct pelvic trauma, pelvic strain, dynamic muscle imbalance, or pregnancy. The auricular surface exhibits premature macroporosity bilaterally. This is often seen in conjunction with osteitis pubis due to the instability of the pelvic girdle. Both *ossa coxae* contain large preauricular sulci, with the right and left measuring 29.33 mm x 6.6 mm and 15.6 mm x 8.2 mm, respectively. While osteitis pubis and preauricular sulci have often been used as osteological indicators of pregnancy, Ubelaker and De La Paz (2012) suggest that these should not be used as definitive markers of pregnancy, as they may also be related to other factors, such as activity and genetics. Additionally, asymmetry can be seen between the auricular surfaces, indicating unequal loading of the pelvis.



Figures 4-13a – 13b: Accessory Facets along Inguinal Margins (a) and Abnormal Macroporosity of the Auricular Surface and Large Preauricular Sulci (b)

Conclusions

The combination of pathological alterations to the clavicles, scapulae, thoracic spine, and pelvic girdle of the ***Róokoš Tiwoo Koro 'Ayttakiš*** **– Tule Elk Leg Woman** burial suggests a young person with a dropped left shoulder, C-shaped curvature of the thoracic spine, and slightly uneven hips **(Figure 4-14)**. These symptoms are indicative of mild to moderate adolescent idiopathic scoliosis. Although there are no identifiable causes of idiopathic scoliosis, etiological factors include developmental destabilization, morphology, genetics, and neuromuscular imbalance. While most cases of scoliosis are mild, largely causing back pain, this spinal deformity modifies the shape of the trunk, causing postural alterations in the orientation of the cranium, shoulders, and pelvis. Severe progression of the scoliotic curve can lead to severely reduce chest space, causing problems with lung function, as well as muscle weakness, numbness, and abnormal reflexes and gait (Nault et al, 2002; Mann et al, 2005; Mayo Clinic, 2012).

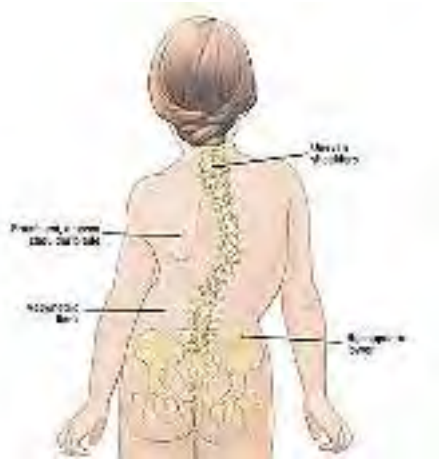


Figure 4-14: Representation of Scoliosis Exhibited in the Spine (a)

The appearance of a cervical rib and 1 cm difference between the left and right humeri suggests that this individual suffered from adolescent thoracic outlet syndrome (TOS) of the left arm, possibly caused by the postural alterations resulting from her idiopathic scoliosis. The thoracic outlet is the space between the first thoracic vertebrae, first rib, and manubrium, through which the brachial plexus and subclavian artery and vein pass to the arm. This outlet is also occupied by various muscles and is constantly changing in volume due to respiration and neck, thorax, and arm movement. TOS is caused by the compression of the brachial plexus and subclavian artery and vein resulting from a narrowing of the passage due to trauma, poor posture, or the presence of cervical ribs **(Figure 4-15 a)** (Freischlag and Orion, 2014).

While the cervical ribs are present bilaterally, only the left humerus has been affected by TOS. This is likely due to the dropping of the left shoulder, which further narrows the thoracic outlet. A diagnosis of adolescent arterial TOS has been suggested due to the stunted growth in the left arm. The normal growth of long bones is dependent on the uninterrupted flow of nutrients and thus, arterial blood supply (Scheuer and Black, 2000). The subclavian artery provides the blood supply for the upper limb **(Figure 4-15 b)** and compression of this artery reduces the supply of blood to the upper limb bones through thrombosis or stenosis, resulting in the slowing or cessation of normal bone development in subadults; ischemia, which threatens limb survival; or the formation of aneurysms, which are often fatal upon rupture (Freischlag and Orion, 2014)

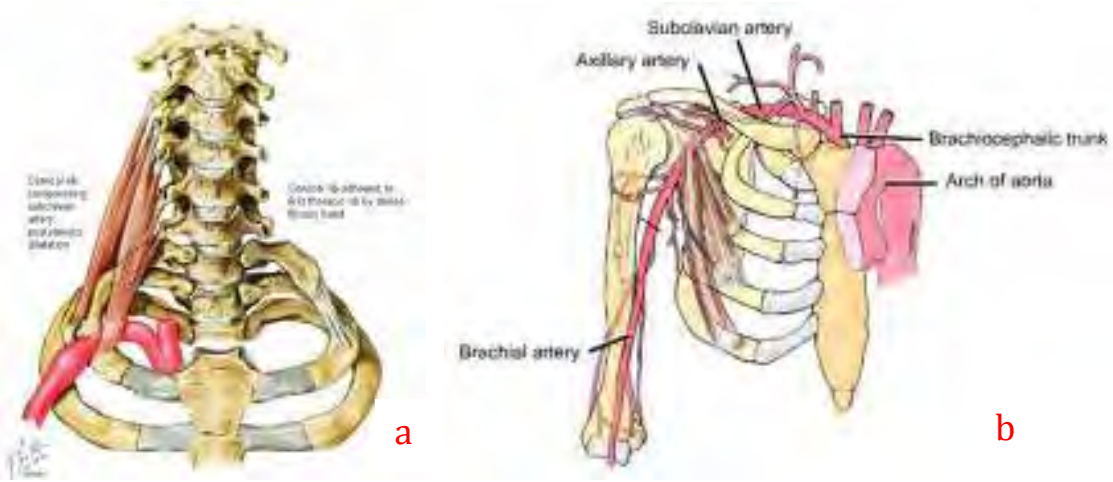


Figure 4-15: Compression of the Subclavian Artery by Cervical Rib (a) and Humeral Arterial Supply (b)

Possible Vertebral Tumor

The 8th thoracic vertebra exhibits a cavity passing from the inferior margin of the anterior body **(Figure 4-16 a)** through to the inferior body **(Figure 4-16 b)**. The bone around and within the cavity is smooth, with no evidence of reactivity surrounding it. It is highly unlikely that this is suggestive of a healed projectile trauma, as the margins of the cavity do not demonstrate the elliptical shape commonly seen with a projectile puncture entrance wounds or the internal beveling associated with the projectile's exit (Smith et al., 2007). Instead, this necrotic lesion is likely caused by a tumor of the spine, including cystic or neoplastic growths. Spinal tumors with a predilection for the vertebral body include metastatic lesions, multiple myeloma, osteochordroma, histiocytosis, and aneurysmal bone cysts. Although they cannot be strictly ruled out, the young age of the individual reduces the likelihood of metastatic lesions, multiple myelomas, and chordromas, as they usually appear in middle-aged individuals and older. Aneurysmal cysts and Langerhans cell histiocytosis are both lytic lesions observed in vertebrae, most often in young patients in their first or second decade of life (Fuchs and Boos, 2008).

Figure 4-16: T8 Vertebrae Exhibiting Lytic Lesion, Anterior (a) and Inferior (b) Views

Possible Projectile Trauma

A possible projectile wound was observed on the right lateral aspect of the L3 vertebral body **(Figure 4-17)**. Consistent patination between the cavity and outer cortex and irregularity of the margins suggests that this is not the result of post mortem damage, such as is seen with a metal trowel. The cavity measures 7.84 mm x 1.44 mm. Smith et al. (2008) suggest three methods by which to determine a projectile wound, including the observation of embedded fragments, internal beveling, and internal striations. Embedded fragments and lithic particles were not found within the cavity, despite the use of microscopic examination. Internal beveling could not be observed due to the fact that the cavity did not puncture through, and internal striations were not visible due to the lack of access to SEM. As a result, the presence of projectile trauma can neither be confirmed nor refuted. In the case that this does indeed reflect a projectile wound, trauma to this area would likely result in death due to the presence of many vital organs, supported by the lack of remodeling.

Figure 4-17: Possible Projectile Trauma to the L3 Vertebrae

Periosteal New Bone Formation (PNB)

Periosteal new bone was identified bilaterally in the tibiae of the ***Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman** burial, located medially along the midshaft. The new bone formation appears as organized longitudinal striations within the cortex, consistent with healed lamellar bone **(Figure 4-18)**. The bilateral presence of this stress indicator determines that this individual suffered from a potential systemic non-specific infectious disease, but the advanced stage of healing observed in the lesions suggests that this infection was not likely the cause of death in this individual (Roberts and Manchester, 2010).

Figure 4-18: Healed Periosteal New Bone Formation on Medial Tibia

Possible Injury to the Left Foot

There is a rough line of hypertrophic bone growth running along the medial diaphysis of a proximal foot phalange. The left 5th metatarsal's distal diaphysis also has hypertrophic bone growth running along its lateral aspect. No other metatarsals were recovered and the only other foot phalange does not have this extra bone growth. Also, none of tarsals present show indications of injury. The etiology is probable injury to the foot. The bone growth on both elements is dense and remodeling/healing was still in process at the time of death.

In summary, for a young woman aged between 19 to 23 years old, ***Róokoš Tiwoo Koro 'Ayttakiš* – Tule Elk Leg Woman** did suffer from several conditions that included dental caries, stress during childhood, scoliosis, a vertebral tumor and a possible projectile point wound to her 3rd lumbar vertebra, as well as other noted pathologies. When she died, she was carefully buried within her tribal community's cemetery with her fellow tribesman, of which we know so little about due to the destruction of this significant site.

Chapter 5
Stable Isotope Analysis and Paleodiet of an Ancestral Ohlone Human Burial *Róokoš Tiwoo Koro 'Ayttakiš* [Tule Elk Leg Woman] from *Thámien Rúmmeytak* [Thámien (Guadalupe) River Site] (CA-SCL-128) Santa Clara 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, the theoretical basis of stable isotope analysis and provide parameters for human diets using isotopic values of flora and fauna from central California is reviewed. A dietary reconstruction of an ancestral Ohlone burial ***Róokoš Tiwoo Koro 'Ayttakiš*** **[Tule Elk Leg Woman]** from CA-SCL-128 (Holiday Inn Site), located in downtown San Jose, Santa Clara County, California is presented. Accelerator mass spectrometry (AMS) was conducted on human bone collagen by Beta Analytic, and yielded a corrected date of A.D. 1440 ± 30 (Cal 510 B.P., A.D. Calib 5.0).

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:

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

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; Eerkens at al. 2013). 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, University of California at Davis.

RESULTS AND INTERPRETATION

General Comparisons: Stable Carbon and Nitrogen Isotopes

Table 5-1 presents the stable carbon and nitrogen isotope values for Burial 1 from CA-SCL-128. The $\delta^{13}C$ value was -20.2‰ and the $\delta^{15}N$ value was 6.7‰, which overlaps with diets composed mainly of C_3 terrestrial proteins. The $\delta^{13}C$ apatite value of -15.1‰ and $\Delta^{13}C_{apat\text{-}coll}$ value of 5.1 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. Marine foods and freshwater fish appear to have been only of minor importance to the diet.

Table 5-1: Stable Isotope Values from CA-SCL-128

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	Female	Adult	-15.1	5.1	-20.2	6.7	3.2	12.2

Figure 5-1 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 5-1**). 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, the ***Róokoš Tiwoo Koro 'Ayttakiš*** **[Tule Elk Leg Woman]** 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 plants (**Figure 5-1**). Resources, such as ducks and geese, may overlap with both terrestrial and marine foods, and may also have been important dietary resources.

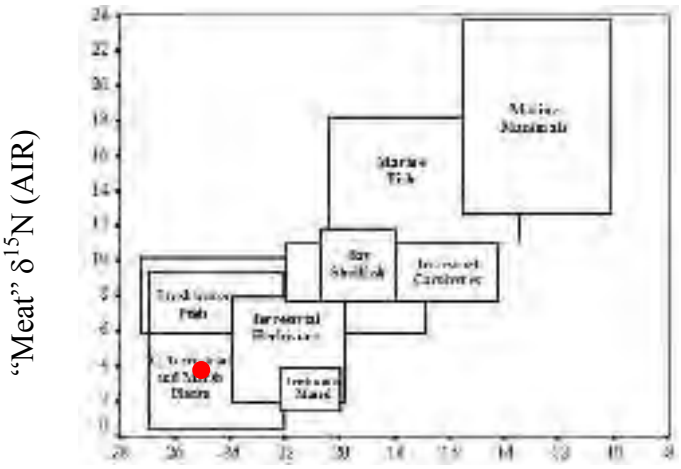

Figure 5-1: Reconstructed Stable Carbon and Nitrogen Isotope Values for Dietary Resources in Central California (from Bartelink 2006, 2009b)

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

Regional Comparison

Figure 5-2 plots the stable carbon and nitrogen isotope value for the ***Róokoš Tiwoo Koro 'Ayttakiš*** **[Tule Elk Leg Woman]** 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 δ^{13}C and δ^{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.

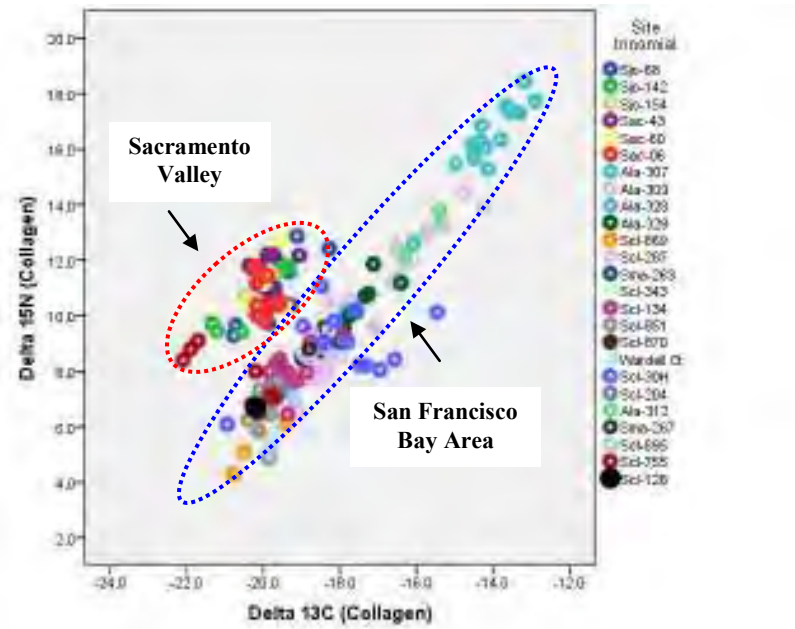

Figure 5-2: Stable Carbon and Nitrogen Isotope Values for the CA-SCL-128 Burial [large black circle] Compared with Other Late Holocene Humans from Central California [see Bartelink 2006, 2009a, b]

The ***Róokoš Tiwoo Koro 'Ayttakiš*** **[Tule Elk Leg Woman]** burial from CA-SCL-128 plots very low along the marine-terrestrial San Francisco Bay Area line, and overlaps with other burials from sites in the Santa Clara Valley (CA-SCL-869, CA-SCL-851) [**Figure 5-3]**. The $\delta^{13}C$ and $\delta^{15}N$ values are substantially lower than 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 ***Róokoš Tiwoo Koro 'Ayttakiš*** **[Tule Elk Leg Woman]** burial values plot on the marine-terrestrial line with other Bay Area sites suggests that a very small amount marine protein sources were likely consumed, consistent with low trophic resources such as shellfish, or small amounts of marine 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.

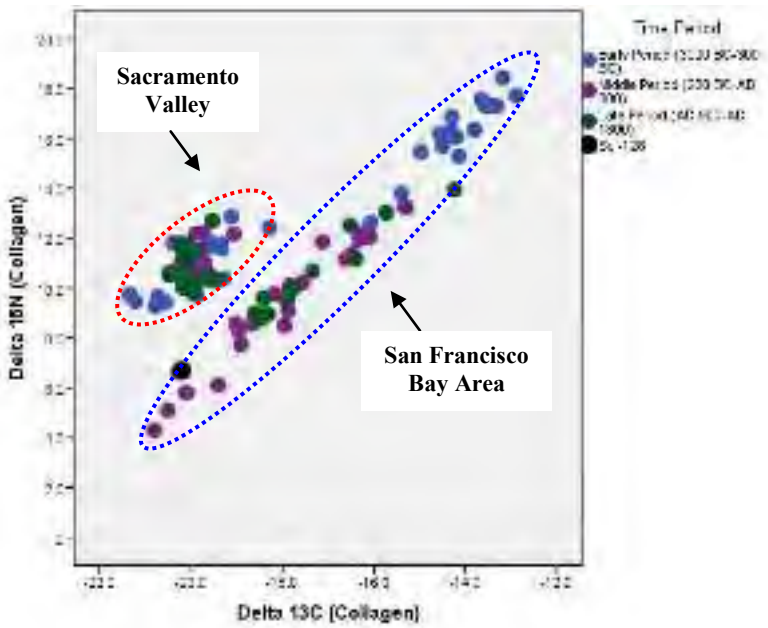

Figure 5-3: Temporal Comparison of Stable Carbon and Nitrogen Isotope Values for the *Róokoš Tiwoo Koro 'Ayttakiš* [Tule Elk Leg Woman] Burial Compared with Other Late Holocene Humans from Central California
[see Bartelink 2006, 2009a, b]

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 5-5 plots the stable carbon isotope values of apatite and collagen for the ***Róokoš Tiwoo Koro 'Ayttakiš*** **[Tule Elk Leg Woman]** 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 ***Róokoš Tiwoo Koro 'Ayttakiš*** **[Tule Elk Leg Woman]** burial falls on the C_3 terrestrial line).

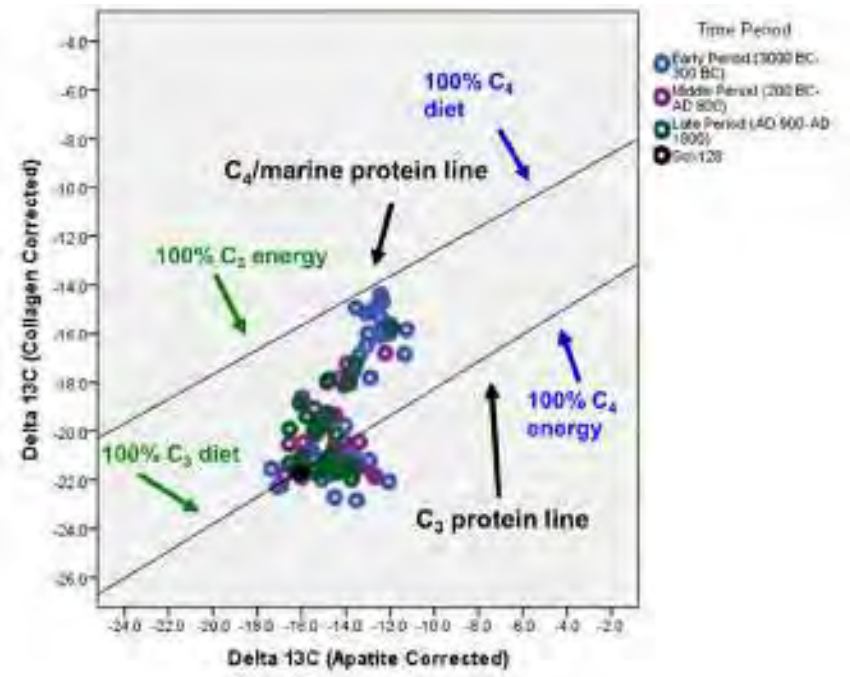

Figure 5-5: Plot of the Apatite and Collagen Stable Carbon Isotope Values for the *Róokoš Tiwoo Koro 'Ayttakiš* [Tule Elk Leg Woman] Burial Compared with Other Late Holocene Humans from Central California

SUMMARY

The stable isotope analysis of the ***Róokoš Tiwoo Koro 'Ayttakiš*** **[Tule Elk Leg Woman]** burial from CA-SCL-128 indicates a diet composed of primarily terrestrial 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), with very little contribution of marine protein (e.g., shellfish, marine fish).

ACKNOWLEDGEMENTS

I would like to acknowledge Rosemary Cambra, Chairwoman of the Muwekma Ohlone Indian Tribe 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 6
Analyses of the Flaked Stone Artifacts, Faunal Remains, Shellfish and Soils Associated with the *Róokoš Tiwoo Koro 'Ayttakiš* (Tule Elk Leg Woman) Burial

by
Alan Leventhal, Rosemary Cambra and Jeanie Geary

The following chapter provides an analysis, description and interpretation of the flaked stone, ground stone artifacts, manuports (unmodified sandstone cobbles), burnt and vitrified clay, faunal bone, and shellfish remains that were recovered in association with the ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman)** burial from CA-SCL-128. During the course of excavation all soil was passed through ¼" and ⅛" mesh screens for maximum recovery. During the lab phase of work all of the recovered artifacts and ecofacts were washed and sorted into appropriate categories. Then these materials were cataloged and recorded on standard catalog sheets (see **Appendix D**). All of the recovered grave associated materials were then assigned a catalog number with a **Specimen #1- X** designation.

Analysis of Flaked Stone Artifacts

All of the recovered flaked stone/lithic materials were placed in labeled unit level bags in the field. After being transported from the site to the lab these flaked stone materials were washed and placed onto sorting trays. Then these materials were examined and sorted by material type, state of completeness, stage of reduction and modification, as well as overall form.

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/or retouch modification. All materials were then weighed on an Ohaus triple beam balance scale and measured using a Mitutoyo Digimatic metric caliper. All measurements of the flakes are taken from the striking platform to the opposite distal end (in this case referred to as the bulbar length).

A total of eight flaked stone specimens were recovered in association with the ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman)** burial. After careful review, all eight specimens were classified as debitage/waste flakes. **Debitage** consists of the flaking by-product/debris produced during stone tool manufacture and by other means. The debitage and waste flakes from this assemblage were then classified based on the probable mode of production or causality of breakage. Three debitage/waste flake categories have been identified from this collection: 1) Cortical Flakes, 2) Primary Flakes and 3) Thinning Flakes **(Figure 6-1).**

Cortical Flakes (n=1)

Cortical flakes are usually produced by freehand hard hammer and/or soft hammer percussion techniques. Cortical flakes represent the first in a series of flake detachments from a nodule forming a core and these flakes retain at least 50% or more of their cortex or patina.

Only one cortical flake (**Specimen # 1-7)** was identified **(Figure 6-2).** This flake is made from a fairly high grade Red Franciscan Chert and displays the characteristic rounding and cortex on the exterior dorsal face. This specimen measures: Bulbar length = 18.5 x 16.1 x 9.0 mm. Weight = 1.9g

Figure 6-1: Flakes Recovered from Grave Locus

Figure 6-2: Red Franciscan Chert Cortical Flake

Primary Flakes (n=5)

Primary flakes are usually the first series of flakes removed after the cortical flakes. These flakes tend to be fairly large and thick, although they also can be smaller in size as well. They are removed from a core or quarry blank by either hard hammer percussion, or if from a primary flake blank, by both hard hammer and/or soft hammer percussion techniques. Primary flakes, as opposed to cortical flakes, retain less than 50% of the exterior cortex. Cortex, however, may still be present on the striking platform. If these flakes were derived from a primary flake blank, neither cortex or previous flake scars would necessarily be present on the dorsal face.

A total of five primary flakes made from Red and Grey Franciscan chert were recovered. All of these primary flakes appear to have been produced by hard hammer percussion technique.

Specimen 1-2 is a thick slightly distal expanding flake of Grey Franciscan Chert. Two of the edges are truncated but it does not exhibit any evidence of additional modification. Bulbar length = 28.7 x 35.2 x 15.5 mm. Wt. = 19.9 g. **(Figure 6-3).**

Figure 6-3: Primary Flake Grey Franciscan Chert (Ventral View)

Specimen 1-3 is a primary flake made of Red Franciscan chert **(Figure 6-4**). The distal end was truncated presumably during reduction. Bulbar length = 25.0 x 32.8 x 14.5 mm. Wt. = 13.5 g.

Figure 6-4: Primary Flake Red Franciscan Chert (Dorsal View)

Specimen 1-4 is a primary flake of Red Franciscan chert that was exposed to either thermal alteration or fire **(Figure 6-5)**. The ventral face exhibits several pot lids indicative of such exposure. No modification or use/wear was noted on the edges.
Bulbar length = 26.9 x 28.3 x 9.0 mm. Wt. = 4.7 g.

Figure 6-5: Primary Flake Red Franciscan Chert (Dorsal View)

Specimen 1-5 is primary expanding flake made on a high grade Red Franciscan chert that appears to have been heat treated so that it displays a vitreous luster **(Figure 6-6)**.
Bulbar length = 18.4 x 29.7 x 8.7 mm. Wt. = 5.1 g.

Figure 6-6: Primary Flake Red Franciscan Chert (Ventral View)

Specimen 1-6 is a distally expanding primary flake made of Red Franciscan chert. This specimen does not appear to have been subjected to heat treatment **(Figure 6-7)**.
Bulbar length = 20.5 x 15.8 x 3.7 mm. Wt. = 1.2 g.

Figure 6-7: Primary Flake Red Franciscan Chert (Ventral View)

Thinning Flakes (n=2)

Thinning flakes are usually produced by soft hammer/antler baton percussion. These flakes tend to be much thinner than primary flakes, with smaller striking platforms and less pronounced bulbs of percussion, and usually retain two or more previously detached flake scars on their dorsal surfaces. These flakes often appear to be by-products of the production of formed tools, such as bifaces and/or projectiles points (and other tools), rather than as the result of initial core reduction. Some thinning flakes are typically longer than they are wide (sometimes referred to as bladelets). These particular thinning flakes are distinctive and are the result of the last stages of preform/bifacial tool production.

(**Specimens # 1-8) -** Only two small thinning flakes of Red Franciscan Chert were recovered from the ⅛" screen **(Figure 6-8).** Combined weight = 0.4 g.

Figure 6-8: Thinning Flakes Red Franciscan

<u>Ground Stone, Manuports (Unmodified Cobbles, Vitrified Clay and Baked/Burnt Clay,</u>

Mortars (n=1)

Mortars or stone bowls are used in conjunction with stone pestle. These distinctive tools serve as a sort of "Cuisine Art" container for processing many different kinds of foods (seeds, nuts, bulbs, meats and fish) as well as plants for medicines. Only single fragment **(Specimen # 1-9)** consisting of a rim and interior wall of a small cobble (medicinal) mortar of sandstone was recovered. The interior wall displays evidence of pecking that has been partially obscured from use **(Figure 6-9)**. Max length = 62.0 x 39.6 x 44.5 mm. Wt. = 134.6 g.

Figure 6-9: Rim and Wall fragment of Small Mortar

Manuports and Unmodified Cobbles

Possible Cooking Stone (n=1)

(**Specimen # 1-10)** - A single, nearly complete, fist-sized rounded cobble of sandstone was recovered from within the burial pit **(Figure 6-10)**. Both ends exhibit slight erosion rather than damage from end battering. There is slight blackening/discoloration on one face thus suggesting that this cobble might have been used as a cooking stone.
Max length = 101.1 x 75.2 x 43.1 mm. Wt. = 369.2 g.

Figure 6-10: Possible Cooking Stone of Sandstone

Manuports: Unmodified Sandstone Cobbles (n=11)

Manuports are usually unmodified or raw materials (e.g., rocks) that were carried onto a site by people but not employed as a tool or modified in any way.

(**Specimens # 1-21)** – A total of 11 small unmodified rounded sandstone cobbles and cobble fragments were recovered from the excavated area **(Figure 6-11)**. All of these specimens are considerably smaller than Specimen 1-10 the possible cooking stone described above. These small cobbles were probably placed in the original grave and they appear to be just manuports. Weight = 1035.5 g.

Figure 6-11: Selected Unmodified Sandstone Cobbles (Manuports)

Vitrified Clay (n=4)

Vitrified clay had been recorded from CA-SCL-128, CA-SCL-38, CA-ALA-329, CA-ALA-342 and other Bay Area sites. The presence of vitrified clay had generally been associated with earth ovens, however, Leventhal (1993), had suggested that these vitrified clay remnants were probably associated with cremations rather than cooking earth oven. Leventhal stated that: "Moreover, burnt clay and vitreous clay residues may be the by-products of cremation pyres and therefore indirectly associated with ceremonial/religious belief systems" (1993:50). Furthermore, he noted that "Ubelaker (1978) suggested that a fire must attain 800 degrees centigrade to carry out a mostly complete cremation" (ibid:172). Testing this hypothesis by conducting experimental archaeology Parsons and Leventhal (1981) took samples of clay from the banks of the Guadalupe River and used the facilities at Stanford Research Institute to heat up the clay and measure the temperature at the time when the clay became volatile and frothed into a vitrified state. This transformation occurred at 1200° Centigrade, thus supporting the perspective that the presence of vitrified clay at a site may indeed by related to cremation activities. Prompted by the fact that cremations were identified at CA-SCL-128, these results were presented in a paper entitled Endothermic Reaction of Clay from the Holiday Inn Site: CA-SCl-128 at the Society for California Archaeology Annual Meeting in Bakersfield, California in 1981.

Specimens # 1-11 - A total four specimens were recovered **(Figure 6-12)**. Wt. = 38.2 g.

Figure 6-12: Vitrified Clay Fragments

Baked/Burnt Clay (n=7)

Specimens # 1-12 - A total of seven baked/burnt clay nodules were recovered from the grave locus. These may have been a by-product of either domestic cooking or ceremonial-related cremation activities. Weight = 177.94g

Figure 6-13: Baked/Burnt Clay Fragments

Analysis of the Faunal and Shellfish Remains

There were fifty-three faunal fragments that were recovered from the ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman)** burial locus. Overall the condition of these fragmented faunal bones made speciation nearly impossible, however, several of the faunal remains are artiodactyl and five are burnt bird bone fragments. One historic cut bone (unidentified) was also recovered.

Specimen # 1-1 is a ***Cervus canadensis nannodes*** **(**Tule Elk) distal right metapodial fragment (**Figures 6-14 – 6-15**). This specimen was snapped parallel to the mid-shaft and exhibits a spiral fracture thus suggesting it was broken when it was still green. This elk metapodial was recovered in direct association with the burial, thus contributing to the Muwekma tribal leadership naming her ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman) [Figure 6-16].**

Figure 6-14: ***Cervus canadensis nannodes*** **(Tule Elk) Metapodial Fragment**

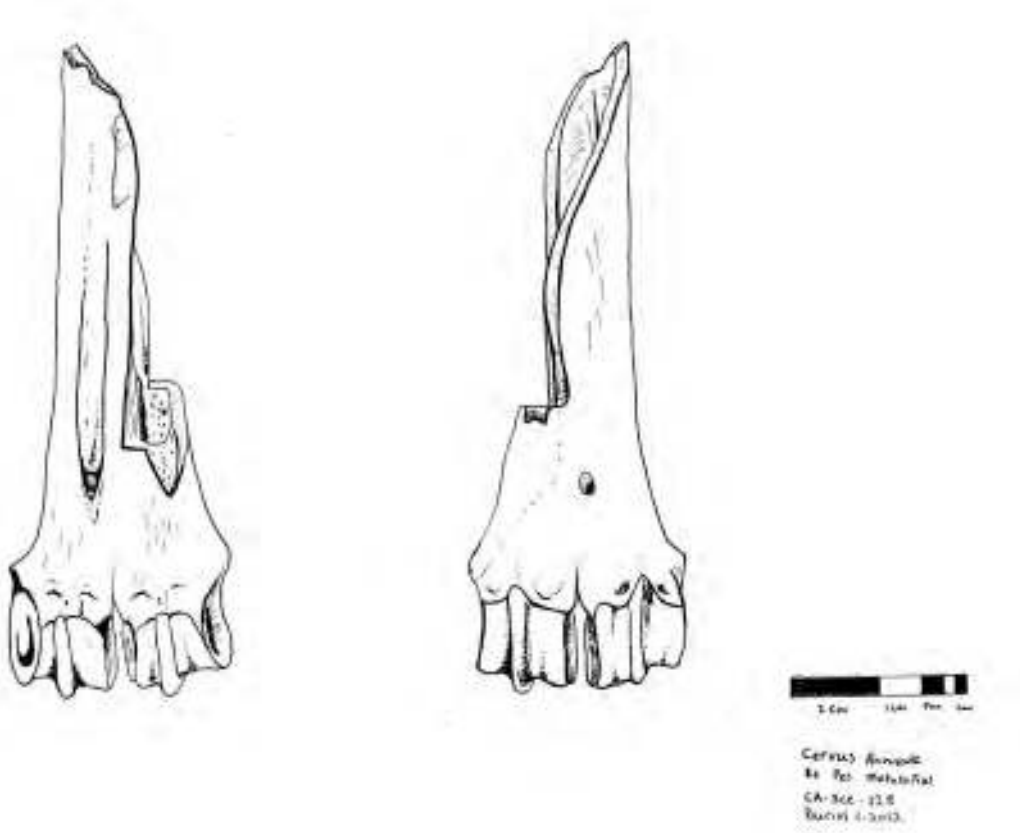

Figure 6-15: Drawing of the *Cervus canadensis nannodes* (Tule Elk) Metapodial Fragment

Figure 6-16: *In Situ* Close-up *Cervus canadensis nannodes* Metapodial Fragment

Figure 6-17: Tule Elk (*Cervus canadensis nannodes)*

Specimens # 1-13 A total of sixteen faunal fragments of what are considered "large mammals" were recover from the burial locus **(Figures 6-18 – 6-19)**. Although there are no distinguishing landmarks that would aid in species identification, several of them have a "feel" of being artiodactyl (most likely Mule deer long bones). Two appear to be partially exposed to fire based on blackening of the cortex. Weight = 15.8 g.

Figure 6-18: Faunal Remains of Large Mammals (possibly Mule Deer)

Figure 6-19: Mule Deer/California Black-Tailed Deer (*Odocoileus hemionus)*

Specimens #1-14 – A total of thirty rodent bones were recovered (**Figure 6-20).** These were not identified to genus or species. Weight = 4.3 g.

Figure 6-20: Rodent Bones from Burial Locus

Specimens # 1-15 - a total of six bird bone fragments were recovered from the burial locus. These are too fragmented to identify which element they represent **(Figure 6-21)**. Three of these display signs of being exposed to fire. Weight = 1.1 g.

Figure 6-21: Bird Bones from Burial Locus

Analysis of Shell Fish Remains

The shellfish that were recovered from both the ⅛" and ¼" mesh screens represent the remains of only five species.

Specimens # 1-16 – a total of 12 crab claws *(Cancer sp?)* were recovered **(Figure 6-22).** None appear to be burnt. These crabs were probably harvested from the S.F. Bay located approximately 8 to 12 miles to the north/northwest from CA-SCL-128. Weight = 1.3 g.

Figure 6-22: Crab Claws from Burial Locus

Specimens #1-17 – A total of thirteen (13) ***Cerithidea californica*** shells were recovered (**Figure 6-23)**. The California Horn snail is found in the mud flats and plant communities surrounding the San Francisco Bay. The presence of these *Cerithidea californica* shells are good indicators of pre-contact ancestral Ohlone village and cemetery sites. It is thought that these small gastropods were harvested as a marine food resource from the bayshore and transported in baskets many miles away for consumption. Weight = 6.1 g.

Figure 6-23: California Horn Snail (*Cerithidea californica)*

Specimens #1-18 – A total of four (4) ***Penitella penita*** (Boring Clam/Piddock) shells were recovered (**Figure 6-24)**. These are highly fragmented but identifiable. Weight = 0.4 g.

Figure 6-24: Rock Boring Clam (*Penitella penita*)

Specimen # 1-19 – Only one small fragment of ***Haliotis rufescens(?)*** (Red Abalone?) was recovered from the burial (**Figure 6-25).** Weight = 0.4 g. This specimen was too fragmented for specific species identification. Red abalone would have been harvested along the Pacific coast.

Figure 6-25: *Haliotis* Shell Fragment

Specimen # 1-22 – Only small fragment of ***Ostrea lurida*** (**Bay Oyster)** was recovered from the burial zone (**Figure 6-26).** Weight = 0.2 g. This shellfish would have been harvested in the bay.

Figure 6-26: Bay Oyster (*Ostrea lurida*) Shell Fragment[

The Analysis of the Faunal Remains Recovered during the 1977-1978 Salvage Excavations from CA-SCL-128: A Retrospective

Thomas White conducted the faunal analysis and contributed the chapter for the 1978 Holiday Inn site report. White's chapter was supplemented by the detailed analysis conducted by Dr. Victor Morejohn "several days before this volume went to press" of an additional 979 faunal elements that were recovered from the backdirt piles (Winter 1978a:278). Both White's data and Morejohn's data have been combined here representing selected species for purposes of discussion.

Mammals:
Desert Cottontail (*Sylvilagus audubonii*), **Brush Cottontail** (*Sylvilagus bachmani*) n=176,
Blacktailed Jackrabbit (*Lepus californicus*) n=116,
Dog/Coyote/Wolf (*Canis sp*?) n=15,
Grizzly Bear (*Ursus arctos/horribilis*) n=8,
Longtail Weasel (*Mustelea frenata*) n=2,
Badger (*Taxidea taxus*) n=2,
Stripped Skunk (*Mephitis mephitis*) n=10, **Western Spotted Skunk** (*Spilogale gracilis*) n=1
Bobcat (*Lynx rufus*) n=3,
Deer (*Odocoileus hemionus*) n=99,
Tule Elk (*Cervus nannodes*) and **Wapiti** (*Cervus canadensis*) n=8,
River Otter (*Lutra canadensis*) n=1;
Raccoon (*Procyon lotor*) n=1.

Aves:
Snow Goose (*Chen caerulescens*) n=24, **Ross's Goose** (*Chen rossi*) n=16,
Ducks (*Anas sp*.) n=19, **Surf Scoter** (*Melanitta perspicillata*) n=2,
Hawks (*Buteo sp*.) n=19, **Owl** (*Bubo sp?*) n=3, **Barn Owl** (*Tyto alba*) n=2
Golden Eagle (*Aquila chrysaetos*) n=3), **California Condor** (*Gymnogyps californianus*) n=8,
California Quail (Lophortyx californicus) n=9, **Heron** (*Butorides sp*?) n=1,
Green Heron *(Butorides virescens*) n=2, **Great Blue Heron** (*Ardea herodias*) n=2,
Long-Billed Dowitcher (*Limnodromus scolopaceus*) n=2,
Mourning Dove (*Zenaida macroura*) n=2, **Scrub Jay** (*Aphelocoma californica*) n=2,
Swan (*Cygnus sp?)* n=1, **Stork/Ibis** (*Ciconiiformes sp?*) n=1.

Fish n=9 (Winter1978a:242, 279).

Based upon a "kitchen midden" (residential village model) White offered his impressions on the results of his faunal analysis and was expecting a high presence of deer remains, instead he noted that "the relative scarcity of deer is unexpected" (Ibid:244). Furthermore, relative to the presence of *Canid* remains White commented:

> "Interestingly, the genus Canis is the next most frequently identified taxon. Their origins may be wolf, coyote, or domestic and aboriginal dogs. The range in size of the individual bone elements precludes none of the stated possibilities" (Ibid:245).

White went on to observe that:

> "… If the frequency of the remains were assumed to reflect the prehistoric avian and mammalian population structure, there is an abnormally high proportion of predatory species (i.e., bear, weasel, badger, skunk, bobcat, hawk, eagle, and condor). Actually, no terrestrial population could support this many carnivores. This raises the possibility that predatory species were **selectively preferred** at this site. That the vertebrate remains are skewed toward an abnormal amount of predatory species hints that there existed a **tradition of animal shamanism** in the culture of the inhabitants of this site. I propose that this is further evidence that the primary cultural significance of the site was not that of a kitchen midden [village] but of a **ceremonial nature, probably a place of burial** (Ibid:245) [emphasis added].

Relative to CA-SCL-128 being interpreted as a "kitchen midden" meaning residential/village site, White concluded that:

> "the site did not reveal a midden accumulation anywhere approaching other Bay Region archaeological sites such as Ellis Landing or the Emeryville Mound. Indeed, some of the deer elements may be historic in origin. This appears to be evidence that SCL-128 was only transitionally used as a kitchen midden [village site] and its cultural significance lay elsewhere" (Ibid:245).

While reflecting on the identified archaeological features and stratigraphy White noted that:

> "This site appears to consist of a burial ground associated with a lens of midden material. This lens becomes diffused in many parts of the site. Burials are found above and within this diffused lens" (Ibid:246).

After conducting the analysis of the worked bone tools and grave associated ceremonial artifacts, White concluded that:

> "Due to the paucity of midden materials, relative scarcity and food species, and relative abundance of predatory species it is hypothesized that the site was not primarily utilized as a kitchen midden [village]. It is suggested that the site functioned temporarily as a midden area and later, after a possible hiatus, as a **ceremonial and/or burial ground**. The analysis of the worked bone artifacts appears to support this" (Ibid) [emphasis added].

The recovered worked bone and whistles were summarized by White that totaled 96 worked bone artifacts recovered. These were subdivided in the following categories Bone awls (n=16) and awl fragments (n=31), Flakers/Deer antler tines (n=6), Serrated tools (n=4), Scrapers (n=2), Chisels (n=2), Bone tubes: Condor ulnae whistles and fragments (n=7) [from Burial 9 a young female], Golden Eagle ulnae whistles/tubes (n=3) [from Burial 9], and from an unidentified Avian ulnae bone tubes/whistles (n=3) (Ibid 246-251).

Faunal Remains as Animal Symbolism: Deer/Bear Moieties in Mortuary Context

During the course of analysis of the ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman)** burial and review of the history of the recovery of human remains, archaeological features, artifacts and ecofacts (faunal and botanical remains) recovered from the CA-SCL-128 (Winter 1978a, 1978b; James et al. 1988) it appeared that ***Thámien Rúmmeytak*** Site locality most likely served as an area set aside as a cemetery rather than that of a habitation/village site.

More recently various authors have argued based upon both archaeological and ethnographic evidence that pre-contact ancestral Ohlone cemeteries, much like their neighboring interior and coastal tribe develop a religious belief system that separated the living areas from those set aside for the dead. These areas set aside for the dead were formal cemeteries located near but outside of villages where formal funerary and annual mourning ceremonials took place (Kroeber 1925:859-860; Gifford 1955; Leventhal 1993; Cambra et al. 1996; Bellifemine 1997; Pastron and Bellifemine 2007; Hylkema 2007; Jones 2010 and others)

Animal Remains as Totemic Moiety Markers

Totemism, in the present view, formed one aspect of a socio-ceremonial, economic, and linguistic complex pre-contact Native California. As argued elsewhere (Bean and Blackburn 1976), the territories of pre-contact Native Californians included multilingual regions integrated by shared and variably manifested symbols and rituals, as well as monetary and trading systems. Integration between peoples was accomplished by ties of marriage and kinship, or by ideologies derivative of kinship and religious beliefs. Human territories intersected and partially overlapped with the territories of animals, also conceived of as peoples because of their role in sacred narratives.

Relationships of alliance (and sometimes of hostility) between human and animal peoples were also created and maintained through kinship. Human villages acted as the spaces where all of these kinship ties were ritually enacted and renewed, and human cemeteries functioned as the spaces where kinship between and among human and animal peoples were cemented through the burial of the dead (see Blackburn 1976).

The placement of a Tule Elk metapodial with the ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman)** burial suggests and assumes that **Deer/Bear moieties**, or something parallel to that binary system (e.g., **Land/Water**) existed for all of the Costanoan/Ohlone-speaking peoples (see Harrington 1942; Bennyhoff 1977; Bean and Vane 1978; Ortiz 1994b; Cambra et al. 1996), and also considers Gifford's (1915) description of moieties among Central Valley Yokuts in order to construct a useful model of how the moiety system connected humans with animals. In his fieldwork, Gifford found Land and Water moieties for all the Yokut and Miwok-speaking people with whom he worked (see also Kroeber 1925:455 for the Miwok; and Kelly 1978, 1991 for a similar moiety structure among the Coast Miwok on the Marin Peninsula). This has been inferred for the Costanoan/Ohlones based upon Harrington's field notes (1921-1939; 1942).

Each moiety featured not one but clusters, or better put, family trees, of totem animals of varying cultural significance. An individual's totem animal depended upon his/her social, economic and ritual status. For the Yokuts, the **Land** (Yokut: **toxelyuwic**; Miwok: **tunuk**) moiety was "the **eagle**

and **bear** side," and also the "**west side**" and "**downstream**" people; the **Water** moiety was "the **coyote** side," the "**east side**," the "**upstream**" people. A Land person of high rank might have bear or bald eagle for her/his totem, while the totem of an individual of lower status could be jackrabbit, fox, crow, California jay, roadrunner, raven, beaver, antelope, or wildcat. Similarly for the Water (Yokut: **nutuwic**; Miwok: **kikua)** people, among whom high status persons claimed coyote or prairie falcon as their totem, others might be affiliated with deer, different owl species, skunk, different hawk species, or various water-dwelling creatures, California partridge, or turkey vultures. Each moiety was responsible for redeeming its totem animals captured or killed by the other moiety, and then for burying those animals with the proper respect and ceremony.

Kroeber (1925), in his monumental work on the California Indians provides some additional detailed information regarding the alignment of various animals, birds, fish, insects, plants, natural phenomena, and ceremonial objects within the moiety structure of the Sierra Miwoks. His interpretive treatment aligning the various named animals, birds, insects, plants, fish, natural phenomena and ceremonial objects to either the **Land Side** or **Water Side** moiety, serves as possible direct symbolic analogs for the suggested animal-related mortuary pattern encountered at the ***Thámien Rúmmeytak*** **[Thámien (Guadalupe) River Site, CA-SCL-128].**

The remains of animals that were recovered from the 1978 Holiday Inn salvage excavations are highlighted in bold on Kroeber's Miwok Moiety Alignments in (**Table 6-1**).

TABLE 6-1
Miwok Moiety Alignments and Symbols (from Kroeber 1925:455)

Land Side	Water Side	Land Side	Water Side
Bear	**Deer**	Katydid	Bee
Puma (Mt. Lion)	Antelope		Caterpillar
Wild Cat			Cocoon
Dog	**Coyote**		Butterfly
Fox			Snail
Raccoon	Beaver		**Haliotis**, and other
Tree Squirrel	**Otter**		**shells and bead money**
Badger			
Jack rabbit		Sugar pine	Jimson weed
Eagle		Black oak	White Oak
Condor	Buzzard	Pine nuts	Vetch
Raven		Manzanita	Oak gall
Magpie		Tobacco	Wild cabbage
Hawk	*Falcon* (probably)	Tule	
Chicken hawk		Salmonberry	
Great owl	Burrowing owl	(and other)	(and other)
Blue jay	Meadow lark	(plants)	(plants)
Woodpecker	Killdeer		
Yellow-hammer	Hummingbird	Sky	Cloud
Goldfinch	Kingbird	Sun, sunshine,	Rain
Creeper	Bluebird	sunrise	Fog
	Dove	Stars	Water, lake
	Quail	Night	Ice
	Goose	Fire	Mud
	Swan	Earth	Lightning
	Crane	Salt	**Rock**
	Jacksnipe		Sand
	Kingfisher, and no doubt other water birds	Bows, arrows, quiver (probably)	Nose ornament of shell
Lizard	Frog	Drum	
	Salamander	Ear plug	Feather apron
	Water snake	Feather headdress	Football
	Turtle		Gambling bones
	Salmon, and various other fishes		
Yellow-Jacket	Ant		

CA-SCL-128 as a Cemetery Site: A Ceremonial Perspective

Based upon previous archaeological work and recovery conducted at CA-SCL-128 it appears that the site's locality principally served as a cemetery with a village or villages located nearby. This statement is supported by the fact that the features and artifact assemblages that were identified, excavated and recovered at CA-SCL-128 tend to be principally associated with mortuary–related activities. As a result can we identify and distinguish between those assemblages associated with normative village/habitation site-related activities from those assemblages derived from hosting groups of people attending intensive, single event (presumably multi-day) Funeral and/or annual Mourning anniversary-related ceremonies at adjacent cemetery sites?

In addition, further supporting this interpretive perspective involves several ethnohistoric accounts that were selected from central California, so this could be contextualized. Blackburn citing Gayton's 1936 study on the Yokuts in the San Joaquin Valley offers this contact period account of a mourning ceremony:

> In 1819, Estudillo estimated the number of people participating in a mourning anniversary at Chischa to be somewhere between 2500 and 3000. (Blackburn 1976:231)

Still later, in the early 1870s, Steven Powers provided a first-hand account of a Yokut's "dance for the dead":

> While in Course Gold Gulch, it was my good fortune to witness the great dance for the dead (ko-ti'-wa-chil) which was one of the most extraordinary human spectacles I ever beheld. First, it will be well to explain that among the Yokuts the dance for the dead is protracted nearly a week. ...
>
> We found about three hundred Indians assembled... Glittering necklaces of Haliotis and other rare marine shells; ...baskets of the finest workmanship, on which they had toiled for months, perhaps years, circled and furred with hundreds of little quail-plumes, bespangled, scalloped, festooned, and embroidered with beadery until there was scarcely place for the handling; plumes, shawls, etc. (1877:384-385,388).

Again Powers offered a detailed description for the Konkow (Konkau) anniversary:

> The dance for the dead (tsi'-pi ka-mi'-ni, "the weeping dance")... They bring together a great quantity of food, clothing, baskets, and whatever other things they believe the dead require in the other world. ... the ornaments are the best they can procure. These are hung on a semicircle of boughs or small trees, cut and set in the ground leafless... . In the center burns a great fire, and hard by are the graves. ... They seat themselves on the graves, men, women and squaws together, as the twilight closes in around them, and begin a mournful wailing, crying, and ululation for the dead of the year. (1877:437-438).

This aforementioned description of the poles with offerings is very similar to the early Spanish accounts describing the cemeteries in Ohlone territory. Although these ethnographic examples are from adjacent tribal territories and also are post-contact, they, nonetheless potentially serve as ethnographic analogs for the archaeological record within the Ohlone region. Furthermore, we know that the Ohlones had a reciprocal moiety system (Deer/Bear) much like the Miwok (Land/Water), Coast Miwok (Land/Water), Yokuts (Downstream/Upstream) and Salinan (Deer/Bear) that presumably functioned in an analogous fashion, especially during ritual obligation (Gifford 1916:140; Harrington 1942:32; Hester 1978; Kelley 1978; Mason 1912; Spier 1978).

During a funeral or mourning ceremony, the members of these moieties functioned as ritual washers for members of the opposite moiety (Blackburn 1976). Gifford (1955) informs us that the "Cry" ceremony of the Miwok occurred approximately one year after death. It lasted from one to six nights with four being the average number of days. Furthermore, Gifford states that "(a)n assemblage of three to four hundred people for a cry is not unusual" (Ibid:313). After the "Cry" ceremony everyone was washed with mugwort (estafiate) by the opposite moiety's members (Gifford 1955:315).

Presumably the act of reciprocal washing has also something to do with ritual purification in order to avert sickness and death. Apparently ritual washing was performed after both the mourning anniversary and the funeral. Gifford provided additional information about Miwok ritual behavior:

> In the old days after a cremation, and nowadays after a burial, the ceremony of *epetu* is performed. Each of the chief mourners lies face down on the grave and his back is pressed from head to foot by people of the opposite moiety. The purpose of epetu is to ward off illness from the mourners (1955:312).

To summarize, we find that in central California there are prescribed rules for the proper disposal of the dead and for conducting mourning ceremonies. Cemeteries are areas distinctively set-aside from village living areas. Due to the development of complex ceremonial behaviors, which specifically centers around funerals and mourning ceremonies and focuses on purification rituals due to "ritual pollution" (e.g., handling of a corpse, being a chief mourner, etc.), we find it difficult to accept the view that pre-contact Ohlone people would deliberately live on top of their dead. In fact when we reviewed the larger ethnographic record for North American Indians (Driver 1969) as well as other world-wide hunting and gathering populations (Coon 1971; Service 1978; Fried and Fried 1980), we found no evidence of any group deliberately living on top of their dead.

Therefore based upon the meager tool assemblages and debitage recovered from CA-SCL-128, taken in conjunction with the ethnographic information discussed above, it is our conclusion that this site constitutes a cemetery site and that the presence of the faunal and lithic assemblages are most likely a consequence of ceremonial and funerary-related activities conducted at this location.

For a more in-depth perspective and discussion on Ohlone and Central California Native American ceremonial and mortuary-related considerations see **Chapter 8: What it Must have been Like! Critical Considerations of Pre-Contact Ohlone Cosmology as Interpreted Through Central California Ethnohistory.**

Chapter 7:
AMS Dating and Chronological Placement of the *Róokoš Tiwoo Koro 'Ayttakiš* (Tule Elk Leg Woman) Burial

by

Alan Leventhal and Rosemary Cambra

INTRODUCTION

After the Burial and Archaeological Data Recovery Program was completed in the lab it was determined that there were no temporally diagnostic artifacts recovered from the ***Thámien Rúmmeytak*** **Site** recovery program, nor was there a sufficient amount of non-suspicious (meaning 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 sample of bone fragments for Accelerator Mass Spectrometry (AMS) dating in order to obtain temporal information about approximately how long ago ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman)** passed away, and therefore, date the age of this person as a discrete mortuary feature as well as placing her within the temporal **Scheme B1** proposed by Bennyhoff and Hughes (1987) and **Scheme D** proposed by Groza (2002), Milliken et al (2007) and Hughes and Milliken (2007).

After obtaining permission from the Muwekma Ohlone Tribal leadership, a small sample of bone was taken from one of the ***Róokoš Tiwoo Koro 'Ayttakiš****'s* ribs and this sample was sent to Beta Analytic, Inc. for AMS dating. The purpose of dating the ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman)** burial was to determine how closely her temporal placement within the CA-SCL-128 cemetery aligned with the other previously dated features and burials (Winter 1978a; Basin Research Associates, James et al. 1988).

In the letter sent to Beta Analytic, Inc. that accompanied the bone sample Leventhal stated that "[b]ased upon the mortuary context this burial should date from ca. AD 1400 to AD 1700, perhaps she might date a bit older." (**Appendix E**). This estimated time range was principally based on the proposed temporal placement of the burial population published in several reports from CA-SCL-128 salvage excavation and recovery projects.

Seven grams of fragmented ribs from the ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman)** burial was sent out on February 10, 2012 for AMS dating (see sample sheet in **Appendix E**). The AMS dating result was completed on February 27, 2012 with a 2 sigma range date of "Cal AD 1420 to 1450 (Cal BP 530 to 500)" (**Appendix E**). The median or midpoint of this AMS date is calculated to **AD 1435** or **577** years before present **(Table 7-1)**. The Conventional Radiocarbon Age of 460±30 years (corrected) was also applied to the Calib 6.0.1 radiocarbon calibration program and this calculated to **AD 1440** as an independent check **(**see **Appendix E)**.

Table 7-1: Results of AMS Dating on the *Róokoš Tiwoo Koro 'Ayttakiš* Burial (SCL-128)

Beta Lab #	Burial #	Radiocarbon Age	Conventional Age Corrected (2 sigma)	Calendar Date (Intercept)
316629	**1-2012**	**370 ± 30 BP**	**460±30 BP**	**AD 1435**

CA-SCL-128 (Holiday Inn Site Chronological Placement and Discussion

As stated elsewhere in this report the ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman)** burial was recovered within the location of the newly renamed Hyatt Place Hotel (formerly Holiday Inn), which is also the recorded location of site CA-SCL-128 cemetery. The reported radiocarbon dating results from the Holiday Inn Site report ranged from AD 250 to AD 1700 (Winter 1978a). Below is a list (**Table 7-2**) of the materials that were submitted for dating from the Holiday Inn Site (CA-SCL-128) by Winter in 1977/78. Corrections were run by Leventhal using the Calib 6.0.1 C^{14} calibration program. These uncorrected dates were derived from a publication entitled **California Radiocarbon Dates** by Gary S. Breschini (1984):

Table 7-2
Organic Samples and Resultant 1978 Dates from the Holiday Inn Site (CA-SCL-128)

Material	Age	Uncorrected	Corrected @ 2 Sigma
Shell-*Haliotis*	250 ± 90	AD 1700	AD 1581 (without ΔR calibration*)
Charcoal	330 ± 90	AD 1620	AD 1552
Charcoal	635 ± 100	AD 1315	AD 1329
Charcoal	1300 ± 100	AD 650	AD 736
Charcoal	1350 ± 110	AD 600	AD 714
Charcoal	1700 ± 110	AD 250	AD 327 (Unit 6E) [details unknown]

*** Note**: When factoring in the ΔR value 235± 25 for the Marine correction formula the Calib 6.0.1 program responded with a statement that the "labcode has an invalid age for its selected calibration curve." Therefore, we present just a raw calibrated correction for the *Haliotis* shell date.

In Winter's (1978a) report titled **Archaeological Investigations at CA, SCL-128, The Holiday Inn Site** the authors provide a list of 14 radiocarbon and shell bead/ornament dates that they obtained associated with burials, features, backdirt, and other contexts, as well as the proposed temporal placement based on bead and ornament typology (**Table 7-3)**:

Table 7-3
1978 Radiocarbon and Bead/Ornaments Dates from CA-SCL-128 (Winter 1978a)

Burial	C^{14} Date	Bead Ornament Types	Bead/Ornament Dates
Burial 1		*Olivella* square saddles [F3a]	AD 500-700
Burial 2		*Haliotis* disc ornaments	AD 500-700
Burial 3	AD 650 ±100		
Burial 4/7		*Olivella* rectangle [M1a]	AD 900-1100
Burial 8		*Olivella* square saddles [F3a]	AD 500-700
Burial 9	AD 600± 110	Early Phase II "Big Head" Banjo Pendant	AD 1500-1600
Oven 1	AD 1315 ± 100		
Oven 2	AD 1620 ± 90		

Table 7-3 (continued)
1978 Radiocarbon and Bead/Ornaments Dates from CA-SCL-128 (Winter 1978a)

Burial	C^{14} Date	Bead Ornament Types	Bead Ornament Dates
Backdirt:			
Abalone shell Pendant	AD 1700 +/- 900	Square Legged "Big Head" Banjo Pendants	AD 1100-1300
Other Context:			
Unit 6E	**AD 250 +/- 110**	**(no contextual information reported on the feature)**	

According to Bennyhoff and Hughes' (1987) **Dating Scheme B1**, the mortuary activities at CA-SCL-128 included the **Terminal Phase of the Middle Period** (**AD 500 – AD 700**), **Phase 1A Late Period (AD 900 – AD 1100)** and **Phase 2A Late Period (AD 1500 – AD 1700)**, a time frame that spans approximately 1000 to 1100 years. When placing these dates within the alternative **Dating Scheme D** proposed by Groza (2002); Milliken (2007); and Hughes and Milliken (2007), these burial features fall within the **M2/M3/M4 Bead Horizons** (**AD 400 – AD 1050**), the **Middle/Late Transition (AD 1050 – AD 1250)** and the late **L1 (AD 1250 – AD 1550)** and early **L2 (Late) Bead Horizons** (**AD 1550 – AD 1800**) [see **Figure 7-2** below].

Comparative Dating from Selected Nearby Sites with Phase 1C Burials from sites: CA-SCL-38, CA-SCL-68, CA-SCL-125, CA-SCL-895, and CA-ALA-329 [Figure 1].

CA-SCL-38, the **Yukisma Mound**, is located approximately 6 miles to the north/northwest of the ***Thámien Rúmmeytak*** **Site** (CA-SCL-128). Over the years has yielded approximately 300 burials from various recovery programs (Bellifemine 1997). This mortuary mound had also yielded the N series "*Kuksu*" or "Banjo" effigy pendants similar to those recovered from CA-SCL-128 mortuary context. Several of the burials and associated bead assemblages dated to around the time of the death of the ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman)** who was buried around AD 1435 during the **Late Phase 1C** of the **Late Period** (Bennyhoff and Hughes, Scheme B1, 1987) [see **Figure 7-2** and **Table 7-4** below].

CA-SCL-68 (WVC-6) is a major cemetery site located approximately 4.75 miles south/southeast of CA-SCL-128. The site was originally identified on several residences on Heppner Lane in San Jose and later yielded many burials during the construction of Highway 87. Although Basin Research Associates recovered many burials, they never conducted any radiometric assays on the recovered assemblage, however the single burial that West Valley archaeological volunteers recovered in 1973 was recently subjected to AMS dating (Leventhal n.d.) and the result is listed in **Table 7-4**.

CA-SCL-125 is a major multicomponent site located approximately 9 miles southeast of CA-SCL-128 adjacent to the Santa Teresa Hills, it too was involved in a volunteer salvage recovery program during the construction of single family homes in 1974 (Mabie 2015). Several of the burials were recently subjected to AMS dating, with one dating to **Phase 1C** of the **Late Period.**

CA-SCL-895 was subjected to a limited excavation by San Jose State University in 1964. Two intact burials were recovered and subjected to AMS dating (McDaniel et al. 2012). One of the burials dated to the **Phase 1C** of the **Late Period.** This site is located approximately 7 miles to the southeast of the ***Thámien Rúmmeytak*** **Site** (CA-SCL-128) near Evergreen Community college in the east foothills of San Jose.

CA-ALA-329 the Ryan Mound, is located approximately 16 miles to the north/northwest of CA-SCL-128 is a major mortuary mound that had yielded around 600 ancestral Muwekma Ohlone burials. Principally excavated by Stanford University (1959-1967) and San Jose State University (1962-1968), this site was "occupied" by the wealthy elites, fallen warriors, and craft specialists that spans a time period from around 150 BC to the mid eighteenth century (circa AD 1767) [Leventhal 1993]. Several of the dated burials and bead assemblages date to the **Phase 1C** of the **Late Period.** Also N series "*Kuksu*" pendants were recovered with a number of burials

Table 7-4
Comparative Dates from Selected San Francisco Bay Area Mortuary Sites

Site Number	Burial #	Corrected	Midpoint	Source
CA-SCL-38	**B. 13**	**465 ± 50**	**AD 1433**	**Bellifemine 1997**
CA-SCL-38	**B. 40**	**485 ± 225**	**AD 1427**	**Bellifemine 1997**
CA-SCL-38	**B. 51**	**455 ± 160**	**AD 1436**	**Bellifemine 1997**
CA-SCL-38	**B. 64**	**455 ± 230**	**AD 1436**	**Bellifemine 1997**
CA-SCL-38	**B. 93**	**635 ± 60**	**AD 1372**	**Bellifemine 1997**
CA-SCL-38	**B. 171**	**355 ± 30**	**AD 1492**	**Bellifemine 1997**
CA-SCL-38	**B. 227**	**520 ± 51**	**AD 1444**	**Gardner 2013**
CA-SCL-68	**B. 1**	**420 ± 30**	**AD 1525**	**Leventhal n.d.**
CA-SCL-125	**B. 1**	**520 ± 30**	**AD 1420**	**Mabie 2015**
CA-SCL-895	**B. 2**	**450 ± 40**	**AD 1450**	**McDaniel et al 2012**
CA-ALA-329	**B. 23**		**AD 1423**	**Groza 2002**
CA-ALA-329	**B. 63**	**397± 42**	**AD 1497**	**Buonasera 2012**
CA-ALA-329	**B. 78**		**AD 1457**	**Groza 2002**
CA-ALA-329	**B. 125**	**460± 50**	**AD 1458**	**Leventhal 1993**
CA-ALA-329	**B. 126**		**AD 1413**	**Groza 2002**
CA-ALA-329	**B. 130 Stanford**		**AD 1445**	**Groza 2002**

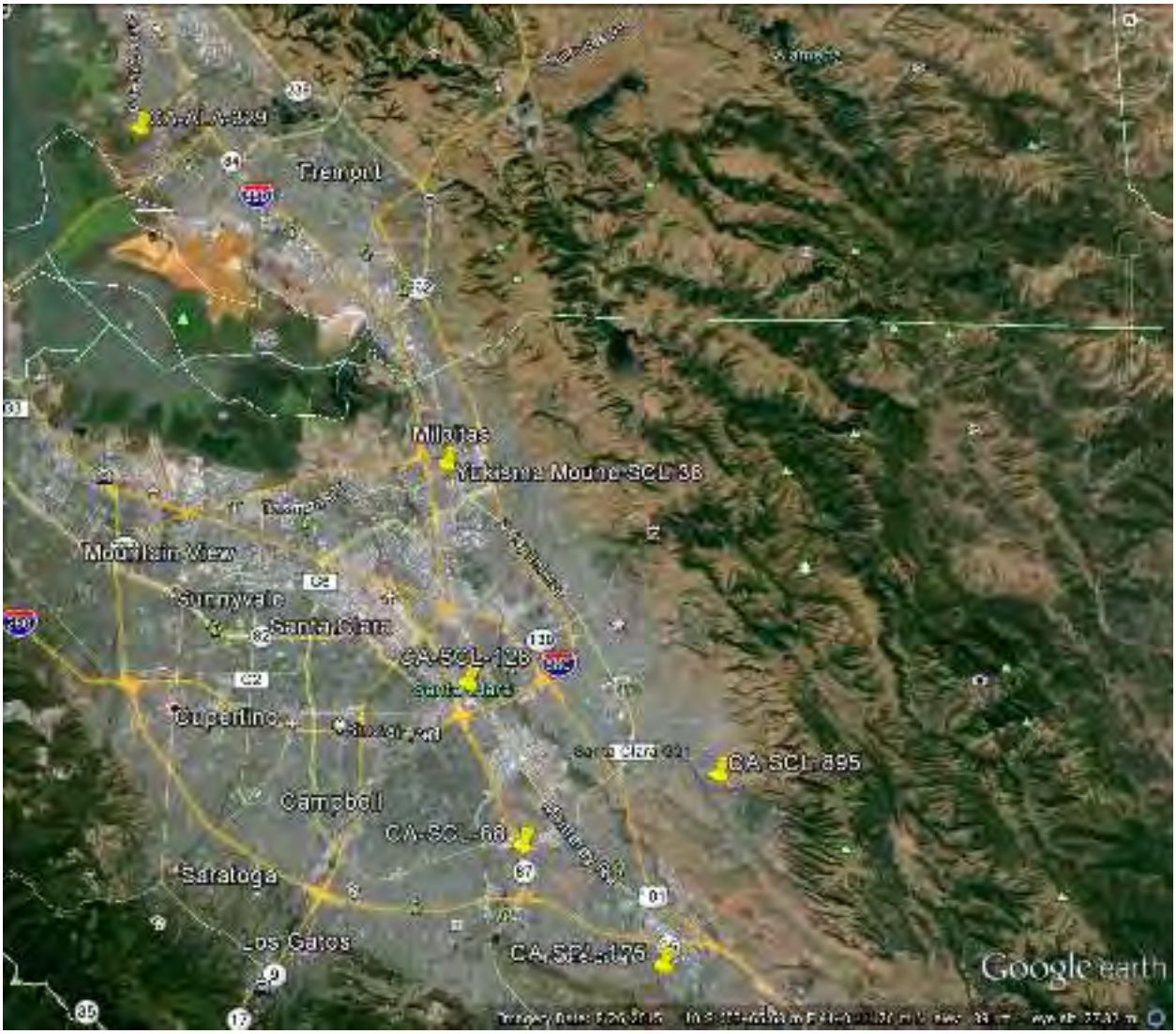

Figure 7-1: Location of Several Late Period Sites within the Santa Clara Valley

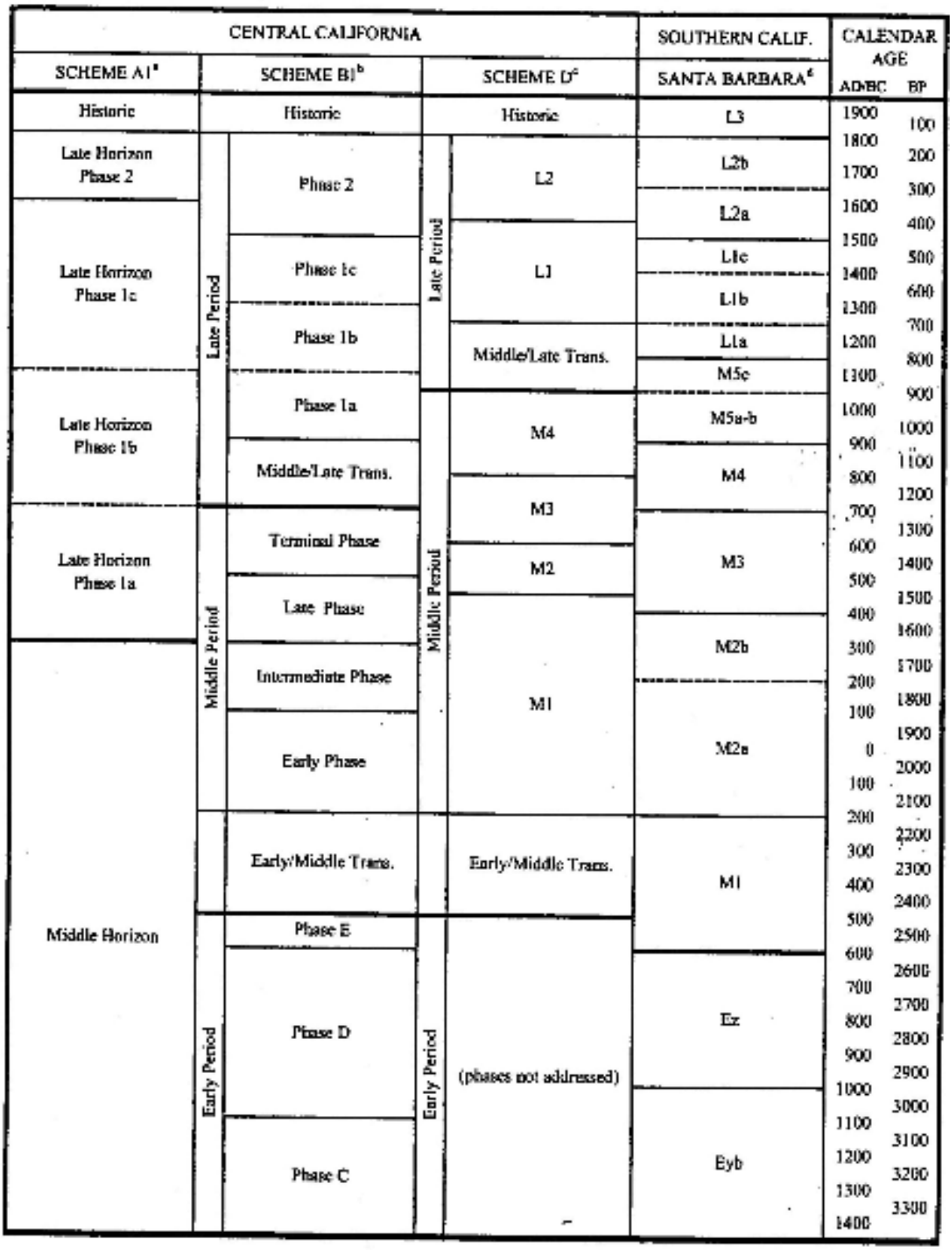

Figure 7-2: Temporal Dating Schemes Based on Bennyhoff and Hughes (1987) Dating Scheme B1; Groza (2002) and Hughes and Milliken (2007) Scheme D

Obsidian Hydration Recalibration and Sourcing Studies: A Response to Basin Research Associates' 1988 Calendrical Calibration on the Obsidian Specimen Recovered and Dated during the Guadalupe Transportation Corridor Project

Although Obsidian Hydration is no longer considered a primary way of dating an archaeological site, OFCS staff made a decision to review the result of the single obsidian hydration obtained by Basin Research Associates during their monitoring and burial recovery program on the Guadalupe Transportation Corridor Phase III project adjacent to the Holiday Inn Site along San Carlos Street (James et al. 1988). As presented earlier in Chapter 2 of this report Basin Research reported the following information with regards to the single obsidian specimen recovered from their project:

> None of the Holiday Inn obsidian was sourced or hydrated; the single piece of obsidian found during the GTC program was tested. This biface medial fragment originated from the **Napa Glass Mountain source** (CA-SCL-128-122A, unassociated) and produced an obsidian hydration date of **A.D. 262 ± 47 years** based on 2.75 ± 0.04 microns of visible hydration (see Michels 1986; Michels 1988; MOHLAB). This date falls within the Intermediate Phase of the Middle Horizon (A.D. 100 - A.D. 300 "Alvarado Facies"; Bard and Busby 1986). This GTC hydration date produces one of the earliest dates for this site, although the range of error A.D. 215 - A.D. 309 extends into the Late Phase of the Middle Horizon (A.D. 300 - A.D. 500) which is more consistent with observations made by previous researchers (see below). The MOHLAB hydration method and interpretive results have been criticized by some California archaeologists (Bard, personal communication 1987). Unfortunately, only a single piece of obsidian from CA-SCL-128 has been tested. As a result this date may (1) be one of the earliest dated artifacts from CA-SCL-128; (2) reflect dissonance in dating by chronometric and diagnostic artifacts; and/or, (3) suggest that the MOHLAB results are too early or many that many California obsidian dates too late (James et al 1988:112).

The results that Basin Research Associates obtained on the single obsidian specimen with a obsidian hydration value of **2.75 ± 0.04 microns** on a biface medial fragment of Napa Glass Mountain obsidian was submitted to SJSU Anthropology graduate student/alumnus John Schlagheck for a recalibrated Calendrical date. Schlagheck had conducted obsidian hydration studies as part of his Master's project on CA-SCR-7 and was rigorously trained by Obsidian Hydration specialist Thomas Origer.

Schlagheck conducted the recalibration of Basin's 2.75 ± 0.04 microns and reported back with the following comments and results:

> For future reference, go to http://www.wrcc.dri.edu/ to find the Effective Hydration Temperature (EHT) for where the obsidian was recovered. Click on Historical Climate Information and find the station closest to the site. Then average the high and low annual totals to get one number. Then convert to Celsius C = (F-32) X 5/9.

> A chart is needed to find the adjustment value in microns. However, for San Jose the average mean temp is 16.0 (I just did it) and Napa is 16.4 so there is not a major adjustment of any significance. Coastal sites like CA-SCR-7 can be different by an entire degree, which is significant, changing the micron reading by as much as 0.3 microns.
>
> Also I was wrong about using 1950 as the base date, so for the Basin Report obsidian use [1988] **1160 YBP** or **828 AD** (Schlagheck personal communication)

Calendar conversion formulas for dating the obsidian hydration values have been proposed for several obsidian sources (**Table 7-5**). Glen Wilson is his (2004) study on obsidian hydration values from central coastal California sites provided the following Calendric Date Conversion Formulae for Corrected Hydration Readings:

Table 7-5
Calendar Conversion Formulae for Selected Obsidian Sources [Wilson 2004:6]

Source	Rate	Reference
Casa Diablo	**$y = 129.626 x^2$**	**Hall (1984)**
Bodie	**$y = 129.626 x^2$**	**Tremaine (1990)**
Coso	**$y = 31.62 x^2$**	**Basgall (1990)**
***Napa**	**$y = 153.4 x^2$**	**Origer (1982, 1989)**
Annadel	**$y = 184.6 x^2$**	**Origer (1982, 1989)**

Therefore, if the Napa Valley formula is applied to the mean hydration micron values obtained by Basin Research Associates on the single specimen that they recovered from CA-SCL-128 the conversion dates are calculated as follows with the value y = date and x = mean micron hydration value: Napa Valley [**date = 153.4 x 2.75^2] = 1160** years ago or **AD 828.**

Discussion of the Implications of Employing the Calendar Conversion Formulas

As can be ascertained from the results of applying the calendar conversion formula to the Napa Glass Mountain sourced obsidian artifact recovered from CA-SCL-128 by Basin Research Associates in 1987, we find that the resultant recalibrated calendrical dates to AD 828. This recalibrated date falls more in line with the later dates accepted by Basin Research Associates based on the dating results reported by Winter in his 1978 Holiday Inn report:

> In terms of chronology, the GTC results reaffirm the general chronological placement by earlier authors (e.g., Winter 1978a; Roop et al. 1981, 1982). Cultural material and C14 dates from the Holiday Inn site suggest that it was occupied during the terminal Middle Horizon (A.D. 500 - A.D. 700) and Late Horizon, Early Phase 1 (A.D. 900 - A.D. 1100 (Winter 1978a; Roop et al. 1981:128-4 based on Gibson and Fenenga 1978). In the Short B1 scheme (Bard and Busby 1986: … this corresponds to the Late Horizon Early Phase la (A.D. 900 - A.D. 1100) and the Late Horizon Early Phase 2 (A.D. 1500 - A.D. 1700) into the Protohistoric period (James et al 1988).

Based upon the recalibrated date of AD 828 the obsidian biface medial fragment was deposited at the site during the **Middle/Late Period Transition (AD 700 – 900**). This placement seems more agreeable than the date proposed by Basin Research Associates of **A.D. 262 ± 47 years.**

Concluding Remarks

The Muwekma Ohlone Tribe has over these past 35 years advocated for far-reaching and meaningful scientific studies on their ancestral heritage sites that includes, and often goes beyond, the general descriptive reports that archaeologists have produced for Bay Area sites. The Tribe has supported studies that include Stable Isotope, Strontium and Ancient DNA in order to understand how their ancestral people lived and how they are related to each other. Furthermore, the Tribe is also interested in **establishing meaningful time frames** when their ancestral cultures changed and adapted through various ecological and socio-ceremonial mechanisms as well as answering questions about marriage patterns, such as village exogamy and post-martial residential patterns through time.

By conducting AMS dating on their ancestral precontact and historic features such as burials and by conducting Stable Isotope, Strontium and Ancient DNA studies eventually scholars may be able to address these as well as other questions when a enough meaningful scientific data has been generated in collaboration with the Tribe as in the recent doctoral dissertation on ancient mtDNA conducted on CA-SCL-38 and other Bay Area sites by Cara Monroe (2014) titled **Correlating Biological Relationships, Social Inequality, and Population Movement among Prehistoric California Foragers: Ancient Human DNA Analysis from CA-SCL-38 (Yukisma Site)** and the major Stable Isotopic study conducted by Karen Gardner (2013) **Diet and Identity Among the Ancestral Ohlone: Integrating Stable Isotope Analysis and Mortuary Context at the Yukisma Mound (CA-SCL-38)** as excellent examples of scholarship.

Finally, based upon the results from those dated burials from the selected nearby ancestral heritage sites that date to the **Phase 1C** of the **Late Period**, we may speculate here that there is a strong chance that ***Róokoš Tiwoo Koro 'Ayttakiš***'s tribal community were possibly interrelated or intermarried with these other communities whose ancestors are buried at CA-SCL-38, CA-SCL-68, CA-SCL-125, CA-SCL-895 and CA-ALA-329. All of these sites fall with the ancestral and historic territory of the Muwekma Ohlone Tribe of the San Francisco Bay Area.

Chapter 8
"What Must It Have Been Like!"
Critical Considerations of Pre-Contact Ohlone Cosmology as Interpreted Through Central California Ethnohistory

by
Les Field and Alan Leventhal
with translations and cultural interpretations by
Dolores Galvan Lameira, Rosemary Cambra, Hank Alvarez, Monica Arellano
and Sheila Guzman Schmidt

"The analysis of ritual behavior is thus archaeology's major contribution to the study of past religions."
David Hurst Thomas 1989:503)

INTRODUCTION

This section on reconstructing ritual behaviors as viewed from the mortuary complex from the ***Thámien Rúmmeytak*** **[Thámien (Guadalupe) River Site (CA-SCL-128)** represents a re-visitation and a reworking of analysis conducted on a Middle Period cemetery site **CA-SCL-732 (Three Wolves Site - Kaphan Húunikma)** located along the west side of Coyote Creek in south San Jose (Cambra et al. 1996). Although there were no formal animal burials recovered at CA-SCL-128, nonetheless we thought it important to "revisit" and present this interpretive perspective within this final report. At ***Thámien Rúmmeytak*** Winter et al. did report upon the recovery so faunal remains from a variety of predatory species that included: "bear, weasel, badger, skunk, bobcat, hawk, eagle and condor (Winter 1978a:245).

ETHNOARCHAEOLOGY AND THE DIRECT HISTORICAL APPROACH TO INTERPRETING ARCHAEOLOGICAL SITES

Patti Jo Watson in her discussion on analogy in ethnohistorical reasoning in ethnoarchaeology suggested that:

> Ethnoarchaeologists, like all other archaeologists, operate with the basic assumption that there is a real past, about which we can attain real knowledge by means of inference based upon archaeological and historical records (in Gould and Watson 1982:356)

Furthermore, she described two overriding goals for the sub-discipline of ethnoarchaeology:

1) to generate explanatory hypotheses for specific items or patterns recovered archaeologically ..., and

2) to derive theories and broad law-like generalizations about relationships between human behavior on the one hand, and material culture resulting from that behavior on the other (Watson in Gould and Watson 1982:356).

For the purposes of this study, the center stage for the application of ethnohistorical and ethnoarchaeological method and theory centers around the mortuary complex at ***Thámien Rúmmeytak*** **[Thámien (Guadalupe) River Site (CA-SCL-128)** influenced by work conducted by the Muwekma Ohlone Tribe at the Three Wolves Site (Kaphan Húunikma) CA-SCL-732 both Middle Period sites and their symbolic interrelationship with pre-contact Ohlonean cosmology, religion, ritual, and myth.

David H. Thomas (1989) wrote the following perspective on "mortuary practices as ritual behavior" by stating that:

> Archaeologists are most familiar with critical ritual behavior through evidence of human mortuary practices. In fact, cultural anthropologists rely heavily on burial practices in reconstructing the origins of religion.
>
> ... Religion consists of three interrelated aspects: a set of rituals, rationalized by myth, designed to mobilize supernatural powers for the purpose of achieving (or presenting) transformation of state in humans and nature. Of these three elements -- ritual, myth, and transformation of state -- ritual emerges as the primary factor. This is an important fact for archaeology, as ritual is most closely related to material culture and, as such, is the most conspicuously represented element in the archaeological record (1989:504, 533).

Based upon the limited research design developed by OFCS for this project, one of the goals of this study is to employ two methodological strategies that attempts to explain the placement of selected animal body parts with the human burials associated with the mostly Late Period cemetery at the ***Thámien Rúmmeytak*** **Site**. These two methodological strategies include: 1) the use of ethnohistoric analogies as a bridge between the ethnographic record, cosmological world views, and rituals of the Ohlone and other central Native California tribal groups and the archaeological record; and 2) through the process of ethnographic analogy, postulate hypotheses explaining some of the funerary patterns observed at the ***Thámien Rúmmeytak*** **Site** (such as the placement of animal body parts with human burials), which recently has been independently tested and discussed by archaeologists within the San Francisco Bay region (see Cambra et al. 1996; Bellifemine 1997; Pastron and Bellifemine 2007 and Jones 2010). These goals will be accomplished by using an ethnoarchaeological approach to interpret the archaeological record and mortuary complex at the ***Thámien Rúmmeytak*** **Site**.

Another goal of this study involves the Muwekma Ohlone co-authors in becoming reacquainted with the cosmological folklore of their direct ancestors which was recorded by John P. Harrington. In reading, translating and interpreting possible meanings of several of the stories told to Harrington by Maria de los Angeles Colos and José Guzman, the Muwekma Ohlone contributors are afforded the opportunity to metaphorically exclaim **"what it must have been like!"** which was the interjection Maria de los Angeles Colos professed during the telling of one mythic narrative recorded by J. P. Harrington (see the Kaknú Tale presented below).

The great challenge (as alluded to above) in addressing the mortuary patterns identified at the ***Thámien Rúmmeytak*** **Site** from an anthropological and ethnoarchaeological perspective is the work of linking ethnographic and ethnohistorical data to the human remains, artifact assemblages and other features uncovered from the ground. In the case of the Muwekma Ohlone peoples, as it will be elaborated upon, this task is made much more difficult by the limited amount of information about the San Francisco Bay Ohlone cultures and people at the time of contact with Europeans, and the lack of detailed ethnography about the post-contact Ohlone peoples until the early decades of this century.

In keeping with the goals cited above, an attempt within this study will be made to link several complex analytic processes. This process includes discussions about pre-contact Ohlone cosmology through a focus upon one of the most intriguing aspects of the excavated materials -- the discovery amidst human remains the ritual selection of skeletal elements from such animals as wolf, coyote, deer, elk, sea otter, California sea lion, red-tail hawk, red-shouldered hawk, golden eagle and lesser snow goose. By ritual, we mean the deliberate interral of deceased animals or their body parts, often (but not always) accompanied by non-perishable grave goods, such as shell beads and ornaments, and other symbols of status (e.g., exotic materials) used in central California cultural systems, or in this specific case, the placement of animal parts in conjunction with the human burials.

In the case of the ***Thámien Rúmmeytak*** **Site**, the antiquity of the human and animal remains uncovered makes a strong argument for a long history of sociocultural complexity among central California Native peoples, a time-depth which has been generally discounted by both older and more recent archaeological analysis (e.g., see Bard and Busby 1984; Samuelson and Self 1995 for their generalities on Ohlonean culture).

The analysis of pre-contact Ohlone cosmology in this chapter represents an excursion into the interpretation of ritual animal burials and their body parts and in particular of the sources which provide a varied basis for interpreting pre-contact cosmology. An intrinsic part of discussing animal symbolism in pre-contact Ohlone cosmology is the critical evaluation of the sources from which information about central Californian Native cosmology derives.

Professional ethnographers made their way into communities of Native people living in the San Francisco Bay Area some eighty to one hundred years after the region had been incorporated into and decimated by the Spanish Empire. That process irrevocably altered the ecological, sociocultural and spiritual-religious environments where Ohlone-speaking peoples and their neighbors lived. Ethnographic materials about Ohlone-speaking peoples reflect the profound dislocations caused by Spanish colonialism, Mexican, and later American occupations of what is now the State of California. All three powers acted to eradicate pre-contact Native spiritual-religious systems. Relevant information about the cosmologies of neighboring peoples who inhabited the Central Valley and Sierra Nevada foothills comes from areas which had not been as severely impacted by Europeans until the American occupation.

In all cases, the information about the cosmologies of the Native peoples of central California cannot be said to represent the pre-contact world but rather different ethnographers' understandings of a particular moment in time during the forced transformation of Native peoples and their cultural systems. The descriptive and analytic frameworks of early ethnographers were imbued in part with the evolutionist criteria and ideologies pervasive in social science during the late nineteenth and early twentieth centuries against which Native Californians were always considered primitives and far less complex than tribal groups elsewhere in North America (Leventhal, Field, Alvarez, and Cambra 1994).

The ethnographic literature utilized herein is by no means an exhaustive review of all written sources but a sampling of what we consider relevant. Many of the authors of this body of literature were skilled ethnographers, some of whom (particularly John P. Harrington, an ethnolinguist from the Bureau of American Ethnology) displayed an awareness of ethnographic complexity relevant to contemporary anthropological concerns. These sources are therefore heavily relied upon. At the same time we critically assess Harrington's work among the descendants of pre-contact East and South Bay Ohlone (Verona Band) peoples who were interviewed during the 1920s and '30s, while living in the Niles, Sunol, Newark, Livermore and Pleasanton areas. The same process will include the works of other twentieth century anthropologists who interviewed central Californian Native peoples. By utilizing regional ethnohistoric and ethnographic data, an attempt to underline the links between the peoples of this greater central California region will be made across time and space.

This study also addresses the very real rupture in cultural memory that separates the contemporary Muwekma Ohlone tribal members from the world-view of both their distant and more recent ancestors. While the structures of kinship and family life sustained Ohlone identity into the late twentieth century, making the current tribal revitalization possible, Ohlone languages and much of the dynamics of indigenous Ohlone world-view ceased to be transmitted from one generation to the next. The fact that this rupture occurred during this century rather than immediately or soon after missionization or the admission of California into the United States, bespeaks of two intertwined phenomena. On the one hand, the vitality of Ohlone language and culture which persisted for more than one hundred years following the trauma of missionization, fluorescing in the Verona Band (Alisal and Niles Rancherias) revival which Harrington (1921-1934), Gifford (1926, 1927 and 1955), Kelly (1978, 1991) as others described, highlights the persistence of Ohlone cultural memory.

On the other hand, the reality of the rupture of cultural memory underscores the ultimate effectiveness of colonial domination (such as racial inequality and assimilationist policies) in undermining the wellsprings of Ohlone identity. Thus, the conclusion contextualizes the historical traumas that separate contemporary Ohlones from their past as well as the persistence of cultural memory as recorded by Harrington during this century. These comments aim to illuminate the relationships between contemporary tribal revitalization, archaeological excavation, and the work of interpretation.

The aim of this chapter is not to arrive at decisive or even partial conclusions, but rather a critical discourse about what *can* be said about Ohlone cosmology and cultural systems, the cultural-symbolic significance of ritual animal burial associations in those systems, and the transformation of those systems following the entry of European peoples into what is now California.

A PROPOSED HYPOTHESIS CONCERNING RITUAL ANIMAL SKELETAL ELEMENTS PLACED WITH HUMAN REMAINS

As discussed elsewhere in this report, body portions of the following animals were found in the graves of particular individuals: deer, elk, wolf, coyote, sea otter, California sea lion, red-tailed hawk, red-shouldered hawk, eagle and lesser snow goose.

References to animal relationships in Ohlone and other central California tribal cosmologies can be classified into three categories in order to help in the possible interpretation of the ritual burial of portions of animals recovered from the ***Thámien Rúmmeytak*** **Site**. These animal categories are as follows:

1) animals (as well as plants, supernatural beings, and (in some cases) geographical features and places (Davis 1992) as the totems used by pre-contact Native kin-groups, such as moieties, clans, lineages, families, etc. (see Gifford 1916a, 1916b, 1917; Kroeber 1925; Goldschmidt 1948; and others);

2) animals (and other beings in some cases) as the personal spirit allies, or "dream helpers" (1978) for individuals, shamans and non-shamans alike, who successfully conducted vision-quests and other rites-of-passage rituals;

3) animals of the present as formally identified and represented sacred deity-like figures who, according to narratives told by pre-conquest central California Natives, had been people in animal form during a remote antiquity; they had lived and conversed much like human beings, and maintained relationships, including kinship, with human beings (Kroeber 1907).

At this point it must be emphasized that the documents from which current knowledge about these aspects of Native cosmology derive refer to Ohlone and other central Californian cultures during the past century. To suppose that Ohlone culture or any culture has remained so unchanging that ethnohistoric sources can straightforwardly explain two thousand to fourteen hundred year old archaeological remains and mortuary patterns is ludicrous. Instead, the position taken here is that cultural continuities in the histories of the Ohlone and other central Californian peoples are testimonies to both the long history of social, cultural, and ritual complexity in the region, and the resilience of these societies under the impact of European and Euro-American conquest. “The truth” about ritual animal burials and/or their body parts is therefore not the goal of this chapter. This study is rather an informed discussion that favors the hypothesis that animals in Native California cosmology acted as totems and helpers for particular kin-groups.

Totemism, in the present view, formed one aspect of a socially, economically, and linguistically complex pre-contact Native California. As argued elsewhere (Bean and Blackburn 1976), the territories of pre-contact Native Californian were multilingual regions integrated by shared and variably manifested symbols and rituals, as well as monetary and trading systems. Integration between peoples was accomplished by ties of marriage and kinship, or by ideologies derivative of kinship. Human territories intersected and partially overlapped with the territories of animals, also conceived of as peoples because of their role in sacred narratives (see category 3 above).

Relationships of alliance (and sometimes of hostility) between human and animal peoples were also created and maintained through kinship. Human villages acted as the spaces where all of these kinship ties were ritually enacted and renewed, and human cemeteries functioned as the spaces where kinship between and among human and animal peoples were cemented through the burial of the dead (see Blackburn 1976).

EVALUATING SOURCE MATERIALS FOR INTERPRETING RITUAL ANIMAL BURIALS

Two very important sources for this work of interpretation rely on diametrically opposed models for understanding social relations and cultural change in the Ohlone peoples' histories. On the one hand, Richard Levy's (1978) entry on "Costanoans" in the Handbook of North American Indians uses languages to determine the sociocultural boundaries between Ohlone peoples. Levy's model is impermeable to historical changes, migrations, and shifts between and among Ohlone and neighboring peoples speaking the same, similar, and radically different languages. Levy's assertion that speakers of Ohlone languages *themselves* used language differences to mark the sociocultural borders that divided them into bounded political units lacks ethnographic evidence (see Milliken 1983, 1991). Despite his own demonstration of significant borrowing of words between Ohlone speakers and neighboring Yokut, Miwok, Salinan, and Esselen speaking peoples *before* contact with Europeans, Levy concluded that "[a]nother profound change involved the commingling of the Costanoans with peoples of differing linguistic and cultural background during the mission period (1978:486)." This conclusion limits the depth of Levy's representation of Ohlone cultures.

Focused upon interpretation of archaeological sites found in the north Central Valley, the area of ethnographically documented Ohlone (see Milliken 1994) and Yokuts-speaking peoples, Heizer and Hewes' (1940) exploration of animal ceremonialism in pre-contact central California contrasts with Levy's. Written nearly forty years earlier, the authors explicitly criticized models of Native Californian history which presuppose a "simple, uniform culture assumed to have persisted in essentially the same form from earliest times to the present day... the background against which ethnographic culture was presented" (1940:587). Instead, Heizer and Hewes described significant cultural transitions demonstrated in the archaeological record. Implicit in these authors' representation of pre-contact societies is a model of political alliance and bounding of political units based on kinship. That in turn, informs their reading of the presence of ritually buried animals in pre-contact graves.

In assessing the other important sources utilized in this study, it is useful to differentiate between other primary sources (e.g., Gifford and Merriam), which are based upon fieldwork carried out early this century with central Californian peoples, and interpretive writers (e.g., Gayton and Applegate) who amassed primary data gathered by others from which they made broad descriptive and analytic points. Gifford's unpublished "Yokuts Moieties" (1915) and "Central Miwok Shamans" (1914) are rough fieldnotes of narratives recorded from conversations with reflective, articulate individuals among these central Californian peoples.

Among the Chukchansi Yokuts who lived on the north shore of the San Joaquin river (Madera County), Gifford interviewed Dick Neal, Levi Graham, Frank Banjo, Chicago Dick, Mary Jones, and Susan Georgely, all of varying ages; among the Gashowu Yokuts of the south side of the San Joaquin river (Fresno County), Gifford found only one informant, the elderly Ellen Murphy; among the Tachi Yokuts, who lived at the southern end of the San Joaquin Valley (north shore of Tulare Lake), Gifford conversed with George Miguel, Sam Thomas and Mary Fernando, all elderly. Among the Miwok people dwelling in the Sierra foothills of Tuolumne County, Gifford's informants were an older couple, Tom and Susie Williams. The tone of his notes preserves the grammar, syntax, and construction of these clearly bilingual individuals. In keeping with the anthropological disciplinary conventions of the time, Gifford cloaked his own presence in these interviews, and thus his relationship with each person remains hidden from view. Merriam's notes (1967), describing Joe Guzman and the other people living at Alisal, are similarly detached. Nonetheless, the richness of the materials each anthropologist recorded reveals the importance Native "informants" attached to their dialogues with the anthropologists.

Anna Gayton's "Areal Affiliations of California Folktales" (1935) attempts to draw broad generalizations across large regions of what is now California once inhabited by linguistically, socially, and culturally diverse peoples. Such works are potentially rich maps of Californian cultures that could inform this inquiry into Ohlone cosmology. Gayton utilized Krueger's division of California into three "culture areas": northwestern, southern and central. She sketched the common characteristics of each region according to the presence or absence of traits such as creation myths, culture heroes, and particular narratives about animals and other natural and supernatural forces. Her main point appears to have been that characteristics of the Californian culture areas are distributed beyond the current borders of the state, so that the cultures of northwestern California are actually closely related to the cultures of the Pacific Northwest, and so on (also see Goldschmidt 1951 for an independent perspective). At the same time, she found that the central Californian nations, including the Costanoans (a.k.a. Ohlone) were "aloof" from the influences of surrounding regions. Her judgment upon the Ohlone and other central California peoples seems hasty; these peoples were among the most heavily impacted by missionization. It might have been more accurate to write that she did not know what relationships may or may not have existed between them and their neighbors to the north, south and east rather than to dismiss such relationships as insignificant (also see Kroeber 1925, Gayton 1930, 1936 and DuBois 1939 treatment about the 1870 religious revitalization at Pleasanton). As with Levy, Gayton's generalizations lack a sense of history and cultural change. Without a sense of the movement of ideas, especially ideas about cosmology, the way ideas changed within and between areas, or the development of particular ideas and their dynamics, Gayton represented pre-contact spiritual systems as static at the point when Europeans arrived. This is a conventional anthropological characterization of indigenous peoples that Eric Wolf (1982) has called "people without history".

While Applegate's (1978) analysis of the dream-helper complex is a much more contemporary, and for this study, more useful assessment of a widespread religious feature among Californian cultures, his discussion also drew boundaries around "culture areas" in Native California. Applegate uncritically accepted the linguistic, religious and social boundaries, parameters, and definitions anthropologists have been drawing around California Indian peoples for decades.

His description of the rigid boundaries between areas of California where the Kuksu religion was practiced (north and north-central) versus areas where the dream-helper complex dominated (south-central and south) resembles European preoccupations and experiences with religious boundaries, as in the historical borders between Christendom and Islam. Using language to define sociocultural groups, in a manner identical to Levy, Applegate then reified those borders with religious differences, even when his own data demonstrate a gradient, not a boundary (for example, the presence of dream-helpers in native cosmologies decreases gradually from south to north). The notion of religious boundaries as defined by Europeans and Euro-Americans is probably neither an adequate nor an accurate model for understanding the distribution of cultural and cosmological traits in Native California.

John P. Harrington's notes are an enormous, mostly unpublished, archival resource that comprises the single largest source of information concerned with the descendants of the pre-contact Ohlone peoples. Harrington's obsession with preserving disappearing California Indian languages, his use of idiosyncratic orthographies and abbreviations, and his ongoing disputes with other anthropologists (particularly Alfred Kroeber) about vocabularies and linguistic structures all played a key role in shaping his research agenda and the ethnographic information he recorded. Using information from Harrington's notes is thus anything but unproblematic, but recent anthropological introspection may help to recover the rich content of the Harrington materials.

In the last two decades, anthropologists have increasingly explored the relationship between "researcher" and informant: how social, political, and economic forces shape unequal relations of power between academics and the individuals constructed as "objects of study" (Leventhal et al. 1992). Much of the reflexive turn in anthropology has been highly critical in nature, stressing the need to re-order unequal relations of power to render anthropologists more responsible to their "informants" in order to make the anthropologists' intentions towards and representations of ethnographic "data" more apparent to informants and readers alike.

Sarris (1993), playing out themes that Clifford (1988) and Marcus and Fischer (1986) have elaborated upon, has recently described a dialogic approach to interpreting anthropologists' work with Native American informants, particularly ethnographic texts which are constructed around life-history interviews the anthropologist has conducted. Sarris critically interrogates one such text, Elizabeth Colson's Autobiographies of Three Pomo Women (1974 [1954]). Colson claimed to represent the Pomo world-view through the words of the Native informants themselves, even as her anthropologist's hand in selecting particular parts of life-histories to include or exclude, and in editing and re-wording the "raw" interviews, remains mostly obscured from readers' consideration. Sarris, himself partly of Kasha Pomo and Coast Miwok descent, wanted to read Colson's work to understand how the Pomo women decided what to tell Colson and how they strategically shaped their words to cloak confidential information about Pomo culture, and how, in turn, Colson re-shaped them. He understands that there is no

single “true” version of the Pomo women’s words (much less their thoughts), but an infinitely mutable series of readings and re-readings of Colson’s representation of her dialogues with the three women.

Ultimately, however, by calling attention to this complexity, Sarris re-establishes the humanity of the women as complexly motivated individuals in the face of anthropological objectification, by showing how they negotiated their relationship with the ethnographer, choosing how and what to reveal. The nature of anthropological truth after Sarris’ exercise appears multi-faceted and enmeshed in the relations of power at both the individual and social levels.

Interestingly, Harrington was not insensitive to the dialogic nature of ethnography. Peppered throughout his voluminous word-lists and discourses concerning pronunciation and proper orthography, readers find short anecdotes, sequences of related conversational expressions, songs, and longer narratives. In the case of the South and East Bay Muwekma Ohlone people Harrington conducted his interviews with several individuals, José (Joe) Guzman and Maria de los Angeles (Angela) Colos (**Figure 8-1**), Francisca Guzman, Susanna (Sus.) Nichols and Catherina Peralta Marine (one of José Guzman’s granddaughters then married to Lucas Marine) all of whom lived at one time at Alisal Rancheria and surrounding towns (Gifford 1926, 1927; Harrington 1921-1934; Field et al.1992, 2007; Davis 1994).

Figure 8-1: Angela Colos at Alisal Rancheria (ca. 1925) **[Photograph by J. P. Harrington]**

Born near the town of Dublin, José Guzman came from mixed Central Valley Yokut families from Lakisamne and Tamcan villages long allied through kinship, trade and religious rituals with the East Bay Ohlones (**Figure 8-2**). One of his wives, Francisca Nonessi Guzman (Sheila Guzman Schmidt's great-grandmother), however, was descended from Jalquin and Karquin Ohlones (**Figure 8-3**). Thus it is hardly surprising that José Guzman lived at both the Alisal and Niles Rancherias, which during this period was inhabited by a mixture of inter-married and culturally syncretic central Californian peoples speaking different Yokut, Miwok and Ohlone dialects, a situation that also reflected pre-contact social relations (see Field, Leventhal, Cambra, and Sanchez 1992 and 2007). Maria de los Angeles Colos whom Harrington regarded as his main linguistic consultant, was a Chocheño Ohlone-speaking Indian, born on the Bernal Rancho in the Santa Teresa Hills (at prehistoric site **CA-SCL-125** ***'Arma 'Ayttakiš Rúmmey-tak*** [**Place of Spirit Woman Spring Site**] (see Mabie 2015 for archaeological report) located in south San Jose, who spent most of her life in the East Bay.

Figure 8-2: José Guzman with Granddaughter Marjory Guzman, (August 1934, Niles)
(photograph by C. Hart Merriam)

Figure 8-3: Jose Guzman, Tony Guzman, Frank Guzman and Sheila Guzman

Harrington's awareness of the key role the ethnographer plays as editor and shaper of the dialogues upon which ethnographic texts are based is evident in the excerpt from his notes obtained while visiting the Muwekma Ohlone/Verona Band residing within the Pleasanton/Niles region of Alameda County (see below). In the actual transcription, readers can note the admixtures of English and Ohlone words in a basically *Californio* Spanish text, which appears more faithful to the speech of Harrington's consultants than his own remembered text, which is primarily in English.

By recounting two different versions of Joe Guzman's narrative, Harrington enables readers to appreciate the role of the ethnographer in shaping our view of native cosmology. At the same time, the access Harrington has afforded to Guzman's words allows the reader to begin to appreciate how animals could appear in the Ohlone world-view of the early twentieth century, a world-view in which bees and wasps were heavily anthropomorphized as they engaged in the outraged feeling that led them to discuss and plan their revenge on the marauding human.

In Harrington's version of the story, taken from his memory, he reconstructs Guzman's sprawling narrative to fit western conventions -- where to begin a story and where to end it, how to describe the progression of events, how to introduce characters, and so forth. Moreover, Harrington's first version deleted the dialogic aspects of the actual story-telling -- Angela's

comments, José's demonstrations, and Harrington's own comments and interjections. While in the first version Harrington's hand is omnipotent but invisible, he is truly present as a participant in the second version. It is both Harrington's acknowledgment of what an anthropologist's mind does to Native narratives, and his appreciation for recording and representing the dialogues out of which such narratives emerge that makes this excerpt so valuable -- in addition, of course to the window Guzman's story opens into the complex, multi-layered, and above all, intimate relationship between animal and human peoples that was still shaping Ohlone world-view early this century. Harrington's notes thus enable us to approach such relationships between humans and animals in Ohlone culture as dialogue, keeping in mind the assumption that this world-view maintained historical links to pre-contact religious systems.

"Story by José Guzman (This first version is the erroneous one written from memory)"

> A man used to go to an avispa nest (in the ground) and stamp and sing and take all the larvae. And go to another and do the same and also to jicote nests and do the same. He brought them and honey home and thus sustained his wife and two children. The avispas and jicotes were already acabandose, only old ones were left.
>
> So they met and decided to dig a big hole so as to trap this man who was acabando them. They worked and worked, and they are great workers, and dug a great pit, and when pretty large made it still larger, and then covered it over so as to conceal it (evidently like a N.M. deer pitfall). And the man fell in. They told him he was ending them, that only they few old ones were left, that could not let him do that and go free. They ate all the meat off of him, leaving only bones and sinews, and in his breast heart and lungs, so that he would stay alive. Then they brought fine feather down (**putr ca** Angela says) and filled out his form with that so he had form of full body, but was of course light, like animal (non-human) pues. Then they told him to go home, have wood brought and dance.
>
> He jumped out of the pit and went home going far at each step, sort of jumping along, he was so light. He told his plight to his wife and two children and told her to gather wood. Along in the light he danced and toward morning he rose up on high and tronó (there was a single clap like thunder and he exploded) and vanished. That was the end of him (Harrington 1921: reel 37:466-467).

"This is the good version taken down from José's dictation:"

> He told the people to gather wood, that he was to sweat and dance the last time. He started to dance (Inf. nesc. [doesn't know] at what hours of the night) and in the early morning he rose up and se reventó into wind.
>
> He was feeding the two children (nesc whether male or female). He was feeding his family by getting honey and larvae thus. He would reach the home of avispas and stamped two or three times and then the avispas empezaron a cantar inside and he was glad. "Que hay mucha gente," decia, "hay muchos aqui, esta bueno." And he

killed the viejos with humo and took the honey and gozando of them. And the jicote, he killed with palo one by one as they came out until they were killed (José saw people kill jicotes thus but saw them kill avispas with humo). Rubbed dry estafiate between hands into bolas (size of potato) (Inf. showed how by gestures). Lighting these, they smoked well and had fans made by attaching gavilan tail to a palito seven inches long (as manguito) to use as abanico. The opening of the nest of avispas is one inch across. Put bola inside and lit it and lit it and fanned. Called estafiate **hi*f*en** in Ind., Angela says.

Cuando ya se enfadaron las avispas and jicotes began to echar menos their young ones and their adults, for the man killed them not leaving one alive, and began to juntarse. "Como vamos hacer?" Le tenemos que agarrar, logramos, tiene que venir con nosotros. "Se empezaron a juntar de onde quiera para hacer onde iban a agarrarlo, onde iban a poner la trampa," trabajaban de dia y de noche, dicen, para hacer el olio. When they finished le dijeron el patron: Y acabamos. Entonces le dijeron a dos, son mandaderos, son parditos, muy feitos, les decian coyote a esos, were like criados (these trabajadorcitos were medio pardos while the others were black). They were looking (as they had been told by the chief to see if venia aquel, el maton eses).

"Pongan cuidado cuando venga, vengan (Uds.) pronto," he told those two trabajadores el. En la mañana los cazaba el -- ese muton did y luego miraron que venia andando. The two at once entered and reported to the Capt. that he came ya. Then a certain few others (not all the rest and not the two trabajadores) kept going out and entrando, going out and entrando to make a show so as to attract the attention of the killer. Capt. told them avispas to go out and in this while the jicotes kept inside (all those not killed from far parts had gathered there and had been digging the pit).

When the man saw them he came contento and they were also contentos for they saw him coming.

Luego que llegó, luego le tiro dos patadas a la casa, y luego se fue, se sambutió. y luego lo agararon adentro, luego le dijeron "Ya venitis, lo estabamos esperando." Luego le pusieron un tendido "Sientate alli!" entre todo el animalero. **What must it have been like!** [emphasis added] Angela ejaculates, and the jicotes all cantando hmmmmm. Cantando aquellos aquí. Luego empezaron a preguntar, "Tu sabes que estás matandonos? No podemos cria hijos." Que iba a decir, el? Entonces le dijeron: Tienes que venir con nosotros ahora aquí con nosotros vas a venir. Pus que tenía a decir" Tenia que ir. Luego dijeron á nosotros y empezaron a trabajar, empezaron a comer, le sacaban toda la carne, le dejaron puros huesos y cuero no más, lo limpiaron toda la carne.

Acabaron a limpiarlo, decían a los otros: anden, traen pluma y metanle todo onde habia carne, metando alli. Toda la carne sacaron, no dejaron ni un pedacito adentro. "Te vas á ir," luego que acabaron a limpiarle y echar pluma. Te vas á ir, go tell

your family, á to gente, a todos digas que ya no vas á vivir mas, despídete and tell them que ya no te van a mirar mas. He did so and he go there and told them to gather wood. He was dancing and others too, and in the morning he told them: Ya me voy. He brincó para arriba, ya no pensaba, he was puras plumas. Dijo que ya era tiempo de irse, tenia que ir, se le llego el tiempo.

Se le llego el tiempo de entregar la vida. No mas brincó para arriba y tronó, se reventó pues, ya muerto seria, tirando los huesos por alli, yo no sé, pero el se reventó (Harrington 1921:reel 37:468-471).

Translation[2]:

He told the people to gather wood, that he was to sweat and dance the last time. He started to dance ([José] does not know at what hours of the night), and in the morning he rose up and exploded into the wind.

He was feeding the two children (does not know whether male or female). He was feeding his family by getting honey and larvae thus. He would reach the home of the bees and stamped two or three times and then the bees started to buzz and sing inside the hive and he was happy. "There are plenty of folks in here," he said, "there are plenty, and that's good." And then he killed the old ones with smoke, and took the honey, enjoying what he got from them. And the queen bee, he killed with a stick, one by one as they came out, until they were killed. (José saw people kill queen bees thus, but saw them kill the other bees with smoke. He rubbed dry *estafiate* between his hands into balls [size of potato]. [He showed how by gestures]). Lighting these, they smoked well, and had fans made by attaching a hawk's tail to a stick seven inches long, as a handle, to use as a fan. The opening of the bees' nest is one inch across. Put the ball inside it and lit it and lit it and fanned. They called *estafiate* **hi*f*en** in the Indian language, Angela says.

When the bees had got already good and angry, and the queen bees had begun to miss their young ones and their adults, for the man killed them not leaving one alive, they began to swarm. "What are we going to do? We have to seize him, we must succeed, he must come with us!" So they began to swarm where they planned to grab him, where they were going to place the trap, and they worked night and day, they say, to make the hole. When they finished they told their Master: we will do away with him. So they told two, who were messengers, they were dark, very ugly, they called them coyotes, they were like servants (these drone bees were pretty dark while the others were black). They were looking as they had been told to do by their Captain, to see if the man had come, that bully, the bee killer.

"Take care when you come, come back soon," their chief told the two drones. In the morning they hunted for the man, the bee killer, and then they saw him coming, walking along. The two at once entered the hive and reported to the Captain, that the man was coming soon. Then a certain few others (not all the rest and not the two drones) kept going out and entering, going out and entering, to make a show to attract the attention of the

killer. Their Captain told them bees to go out and during this while the queen bees kept inside (all those not killed from far parts had gathered there and had been digging the pit).

When the man saw them, he came happily, and they were also happy for they saw him coming.

Then he arrived, then he kicked the hive two times, and then he went ahead, he plunged in. And then they grabbed him inside, then they said to him "He has come, we've been waiting for you!" Then they put a chair out for him, shouting "Sit here!" amongst all the insects. What must it have been like! Angela ejaculates, and the queen bees all buzzing hmmmmm. Buzzing like that here. Then they began to question him: "Do you know that you've been killing us? We can't raise our children anymore." What was he to say? Then they said to him: "You must come with us now, with us now you are going to come." What could he say? He had to go. Then they said to us, then they began to work, they began to eat, they stripped off all his flesh, they left him just bones and skin, they cleaned off all the flesh.

They finished cleaning him off, they said to the others: "Go, bring feathers, and put it where there had been flesh; put it there." All of the flesh they took off, they didn't leave a single bit inside. "You will go now," they said to him, after they finished cleaning him up, and putting on the feathers. "Go, and tell your family, to your people go now, and tell them you are not going to live anymore, hurry up, tell them they will not see you anymore." He did so, and he went there and told them to gather wood. He was dancing and the others too, and in the morning he told them: "now I'm going." He jumped up, he wasn't thinking, he was pure feathers. He said now was the time to leave, he had to go, the time had come.

The time had come to leave this life. He did nothing more than jump up and bang! he exploded; then he was dead, his bones thrown about -- I don't know, he exploded.

THE KINSHIP BETWEEN HUMAN AND ANIMAL PEOPLES

In the article mentioned above, Heizer and Hewes concluded that:

> "... the Central California animal burials which we have been discussing are, in all probability, reflections of special status of one sort or another. An emphasis on certain animals in the moiety system and as eponyms of the lineages easily might have led to their requiring, under particular circumstances, mortuary treatment resembling that accorded humans" (1940:602).

This passage suggests that ritual animal burials and the placement of body parts with deceased people reflect the affiliation of particular animals with specific human kin groups in the relationship of totemism. To contextualize Heizer and Hewes' hypothesis in the interpretation of the **Róokoš Tiwoo Koro 'Ayttakiš** burial from the ***Thámien Rúmmeytak* Site** cemetery excavated by the Muwekma Ohlone Tribe, information on pre- and post-contact Ohlone kinship systems is needed. Unfortunately, there is only a thin and somewhat contradictory literature available.

Using an argument based on the similarities in their kinship terminologies, Levy described the Costanoan kinship system as similar to the Salinan, Chumash, and other more southern coastal peoples, which had households organized around large, patrilineal extended families. He also suggested that "[t]he Costanoan were grouped in clans and divided into **deer** and **bear** moieties," and cites Harrington as a source for that information. In his "Culture Element Distributions XIX: Central California Coast" (1942),

Harrington reported moieties for "Southern Costanoans" (the San Juan Bautista, Gilroy and Hollister peoples, whose descendants have regrouped as the Amah-Mutsun Ohlone Tribe), but was non-committal about the presence of moieties among "Northern Costanoans," (i.e., the people of the San Francisco Bay region). His list of traits for "Northern Costanoan" kinship systems is slender indeed: he found that hereditary chieftainships and the chief's property were most often transmitted from father to son, but not infrequently they passed from brother to sister or father to daughter.

This study proceeds with the assumption that deer-bear moieties, or something parallel to that binary system (e.g., land-water) existed for all of the Ohlone-speaking peoples (see Harrington 1942; Bennyhoff 1977; Bean and Vane 1978; Ortiz 1994b), and also employ Gifford's (1915) description of moieties among Central Valley Yokuts in order to construct a useful model of how the moiety system connected humans with animals. In his fieldwork, Gifford found land and water moieties for all the Yokut and Miwok-speaking people with whom he worked (see also Kroeber 1925:455 for the Miwok, and Kelly 1978, 1991 for a similar moiety structure among the Coast Miwok on the Marin Peninsula).

Each moiety featured not one but clusters, or better put, family trees, of totem animals of varying cultural significance. An individual's totem animal depended upon his/her social, economic and ritual status. For the Yokuts, the land (Yokut: **toxelyuwic**; Miwok: **tunuk**) moiety was "the eagle and bear side," and also the "west side" and "downstream" people; the water moiety was "the coyote side," the "east side," the "upstream" people. A land person of high rank might have bear or bald eagle for her/his totem, while the totem of an individual of lower status could be jackrabbit, fox, crow, California jay, roadrunner, raven, beaver, antelope, or wildcat. Similarly for the water (Yokut: **nutuwic**; Miwok: **kikua)** people, among whom high status persons claimed coyote or prairie falcon as their totem, others might be affiliated with deer, different owl species, skunk, different hawk species, or various water-dwelling creatures, California partridge, or turkey vultures. Each moiety was responsible for redeeming its totem animals captured or killed by the other moiety, and then for burying those animals with the proper respect and ceremony.

From this description, it can be deduced how a varied number of totem animals might end up in the graves of humans or be ritually interred in their own graves. Gifford made clear that a person's totem animal had nothing to do with the spirit familiars, or dream helpers as Applegate has denominated them, with whom shamans and other individuals might ally through visions. For example, a **nutuwic** shaman might have a grizzly bear dream helper, and even transform him/herself into a bear. Applegate painted a much more complex picture of the relationship between dream helpers and totem animals in his regional study of the dream helper in south-central and central coastal California. Animal dream helpers, in Applegate's discussion, are the First People of California Native peoples' narratives. When "real" time began, according to these narratives, the First People became animals, yet they continued to exist as deity-like beings in

mythic time, which continued, encapsulated in and parallel to "real" time. These same animals, who were and continue to be the First People remembered in stories, are also totem animals. Merriam (1967) confirmed these relationships, writing that the Miwok of the Cosumnes River believed that "all people were once animals... a boy at puberty goes to the woods and wanders about ... By and by, when asleep, he sees (or dreams he sees) the animal he came from and that animal feeds him then and throughout his life" (1967:359).

Applegate contended that there is an overlap between the totem animals corresponding to particular kin groups and the different dream helpers with whom individuals ally through visions. And, in fact, an individual behaves in much the same way towards his/her totem and her/his dream helper, never killing or eating the flesh of either. Nevertheless, Applegate cited important differences between the two types of animal beings in Native cosmology. Totem animals formed a part of social knowledge, and are inherited mostly, but not always, patrilineally throughout California. They were linked to broadly understood and fixed political, ceremonial, and professional rights and duties derived from the precedents established by each totem animal in First People narratives.

By contrast, Applegate described the dream helper as a much more personal, indeed deeply private, matter, operating under far less formalized relationships, and subject to a great deal of individual variation. Again, Applegate illustrated how the two cosmological concepts were twined about one another, citing examples of south-central Native peoples, such as the Tachi Yokuts, among whom individuals were more likely to ally with a dream helper that were part of the moiety's animal family tree. For other peoples, such as the Wukchumni Yokuts, those who were Bear dancers must also have had Bear for a totem *and* a dream helper. Finally, for the Chumash, the chiefs of the canoemen's guild *(Tomol)* had to claim peregrine falcon for both totem and dream helper.

Applegate's analysis leaves open the possibility that ritually buried animals might have had significance as the dream helpers of individuals with whom they were buried, even though he stressed that most people never revealed the identity of their dream helpers during their lives. The possibility seemed most salient for shamans, who were described by Gifford (1914) among the Central Miwok. In conversations with Gifford, Susie and Tom Williams detailed the varieties of shamans and their special powers and abilities, speaking pointedly about the kinship between shamans and their animal allies who seem to be both their dream helpers and totems. However, the American occupation of the territories of the Sierra Miwoks disrupted kin networks, the socialization of children, and the transmission of complex oral traditions and ceremonies between generations. These circumstances could easily have led to a blurring of the distinctions between dream helper and totem for early twentieth century Miwok shamans. Nevertheless, Tom Williams made clear, in no uncertain terms, that his cousin, a rattlesnake shaman (**wakilmê**), would bleed from the nose and declaim "my friend got killed," if someone nearby killed a rattlesnake (1914:26).

Thus, again we are confronted by the human and animal remains that lay buried for thousands of years before the Muwekma archaeologists discovered and exposed them. The ethnographic accounts cited above provide a framework for the meaning of ritual animal burials as related to a kin-based totemism, while these sources, at the same time, underline the transformation of these complex

pre-contact cosmological and social systems. To tie this knot ever more tightly, this section presents another narrative, this one about Kaknú[3], the prairie falcon culture hero, recorded by Harrington in 1921 from Angela Colos. In this story, the alliances between humans and animal peoples are set in a time that seems more recent than the time of the First People, but features a malevolent being, the **wíwe**[(c)]**,** with whom humans only feign alliance.

"Kaknú Tale"

The small pintito gavilan that mata patos and cosas grandes, pajaros grandes is called kaknú. Es muy mentado ese gavilan, not everybody can shoot it. The gavilan fought with the cuerpo de piedra called wíwe[(c)]. He was a hombre cuerpo de piedra. He was woundable only in his neck above breastbone and ombligo. The kaknú shot once at each of these places and killed him. The peñascos of all the earth are the stones that went from his body when killed (now the whites call them peñascos). The kaknú is the encantado in all the mundo.

Se estaban reventandose in all directions.

The lord of the earth under the earth (the cuerpo de piedra) had two criados negros under the earth and when he killed a person he gave the blood to these two to drink. The kaknú was liviano with the bow, a fine peleador. . . after killing the wíwe[(c)] he.. .

The people after he killed him, the people kneeling asked him what he wanted them to do and he said for him to stay there.
[Ind.s had two kinds of arrows - poison pointed (just touch the point to you and you die)]

He went down to the lowest dueño in the earth.

At last he married and she turned water and is the water -- water was her body. He la regaño and she said she did not like it that he treated her so strong. And he mojado told her que ells tenia que volverse agua. Hasta ahora es agua. Al ultimo cuando ya no quiso pelear mas con nadie he turned into a form like the paloma and entered debajo de la tierra -- he made earth reventar y sambutió. Siempre con un arco. He dived down. He had lots of people down there.

The kaknú dove into the sweathouse through the smokehole (la ventana en medio del techo) when he embocó the two jarazos but not a wing was injured. Then after killing he took the two criados negros by the legs and swung their brains against the post of the temescal, and the temescal and wíwe[(c)] and the criados burnt up together and the kaknú left.

They were negros de la sangre que comían, no mas pura sangre comfan. They were not sons, they were only esclavos, criados, that he had for the purpose of commanding. There were many people there too. But he left them all -- only

killed the three. He had been a feared man, quien lo iba matar, tenia cuerpo de piedra.

Only young children did not enter sweathouse. Men and women did. Se le araba el resuello with the calor de la lumbre.

Wíwe(c) killed all the people that reached his home, and the negros drank the blood. Puro huesamento there -- from the people he had eaten. Kaknú said he would see how he fared there, and he killed him and the two criados. But he did not kill the other people there. He told them que se ve vieron bien.

When kaknú wanted to sambutir, anywhere, he was no mas doblaba las alas (gesture of shrugging shoulders) and he entered anywhere out of sight.

He llegó con el dueño de la sal ([Ch] ‘awéʃ = sal, kaknú named it thus). The name of the dueño de la sal was hi wiʃ and kaknú killed him.

Se murio se quedo alli reventandose - - all the lomas etc. flew asunder.

Cuerpo de piedra had two criados negros. Kaknú was a tall lean man, wíwe(c) was a short stout man. After killing, kaknú agarró the wíwe(c)'s wife, nesc. where wíwe(c) lived. People that reached there never returned. Por eso, kaknú said he would see if they would eat his body too -- they'll not eat me! Dueño de la sal lived in another part.

Coyote his abuelo.

And there he saw Doña Vibora, a careciaba and she said no le dentara.

He asked her con que mataba: Looking into the face en que esa mujer, he acted as if she was of no consequence. “Con que matas?” looking into her face. He took her arm and tras! she mordío him and he died. They burnt the body and under the earth.

Says there are songs for killing but forgets them. It is a long song -- every jarazo -- there were five jarazos and the fifth pierced his throat, and then seizing all the rest of the arrows in the quiver he plunged them with his hand into wíwe(c)'s ombligo. Wíwe(c) perdío la rancheria thus, perdío la vida. Inf. nesc. then sings. Cada jarazo tiene un canto -- kalcmi mienta wíwe(c) and wíwe(c) mienta kaknú. As kaknú shouts at wíwe(c) “Me va matar el kaknú” “Me va matar el wíwe(c).” Each has song that mentions name of other.

When kaknú entered the smokehole, the people were all standing like estacas looking on. Wíwe(c) told them to add fuel so kaknú would get burnt, but instead they pulled the fire down. The people were under wíwe(c), but they were friends of kaknú really. It was the other people who arrived whom he ate.

Ay was the vida que tenia wíwe[c] -- en el tragadero and the ombligo. Each home -- shot. He made a groaning sound (Harrington 1921:reel 36:614-621).

Translation:

The small speckled hawk that kills ducks and bigger things, bigger birds, is called kaknú. He is very famous, this hawk, and not everybody can shoot it. The hawk fought with the body of stone called wíwe[c]. He was a man whose body was made of stone. He was woundable only in his neck above the breastbone and in his navel. The kaknú shot once at each of these places and killed him. The rocky crags of all the earth are the stones that went from his body when he was killed (now the whites call them peñascos). The kaknú is the most enchanted bird in the world.

He was bursting out in all directions.

The lord of the earth under the earth (the body of stone) had two black creatures under the earth, and when he killed a person he gave the blood to these two to drink. The kaknú was handy with the bow, a fine hunter. . . after killing the wíwe[c] he . . .

The people after he killed him, the people kneeling asked him what he wanted them to do and he said for him to stay there.

(Indians had two kinds of arrows - poison pointed: just touch the point to you and you die.)

He went down to the lowest owner of the earth.

At last he married and she turned into water and is the water -- water was her body. He fooled her and she did not like it that he treated her so strong. And he wet her and told her that she had to turn back into water. Until this day, she is water.

At last, when he no longer wanted to fight any more with anybody, he turned into a form like the pigeon and he entered under the earth - he made the earth burst and he jumped. Always with a bow. He dived down. He had lots of people down there.

The kaknú dove into the sweathouse through the smokehole (the window in the middle of the roof) when he was hit by the two arrows, but not a wing was injured. Then after killing, he took the two black creatures by the legs and swung their brains against the post of the sweathouse, and the sweathouse lodge and the wíwe[c] and the critters burnt up together and the kaknú left.

They were black from the blood they ate, just pure blood is what they ate. They were not sons, they were only slaves, creatures, that he had for the purpose of commanding. There were many people there too. But he left them all -- only killed the three. He had been a feared man, the one he had killed, who had the body of stone.

Only the young children did not enter the sweathouse. Men and women did. They made themselves pant from the heat of the fire.

Wíwe(c) killed all the people that reached his home, and the black ones drank the blood. It was all bones there, from the people he had eaten. Kaknú said he would see how he fared there, and he killed him and the two critters, but he did not kill the other people there. He told them that it was clear that they looked just fine.

When kaknú wanted to jump anywhere, he did no more than pull in his wings, (makes gesture of shrugging shoulders) and he entered anywhere out of sight.

He arrived where the owner of salt lived ([Chi] ‘ = al, kaknú named it thus). The name of the owner of salt was hi wiʃ and kaknú killed him.

He died and stayed there bursting apart -- all the hills etc. flew asunder.

The body of stone had two black creatures. Kaknú was a tall lean man, wíwe(c) was a short stout man. After killing, kaknú captured the wíwe(c)'s wife (Angela doesn't know where wíwe(c) lived). People that reached there never returned. Because of this, kaknú said he would see if they would eat his body too -- they'll not eat me! The owner of salt lived in another part.

Coyote was his grandfather.

And there he saw Mrs. Rattlesnake, coiled up and she said I won't bite.

He asked her how she killed: Looking into the face of this woman, he acted as if she was of no consequence. “With what do you kill?” looking into her face. He took her arm and so then she bit him and he died. They burnt the body and under the earth.

Says there are songs for killing but forgets them. It is a long song -- every arrow -- there were five arrows and the fifth pierced his throat, and then seizing all the rest of the arrows in the quiver he plunged them with his hand into wíwe(c)'s navel. Wíwe(c) lost his place, lost his life. Angela doesn't know, then sings. Every arrow has a song -- kaknú is lying to wíwe(c) and wíwe(c) is lying to kaknú. As kaknú shouts at wíwe(c) “I am going to kill the kaknú” “I am going to kill the wíwe(c).” Each has a song that mentions the name of other.

When kaknú entered the smokehouse, the people were all standing like sticks in the ground, looking on. Wíwe(c) told them to add fuel so kaknú would get burnt, but instead they pulled the fire down. The people were under wíwe(c), but they were friends of kaknú really. It was the other people who arrived whom he ate.

So that was the life that wíwe(c) had - in the throat and the navel. Each home -- shot. He made a groaning sound.

A PRELIMINARY ASSESSMENT OF THE RUPTURE OF OHLONE CULTURAL MEMORY IN HISTORICAL CONTEXT

The narratives that Harrington recorded from José Guzman and Angela Colos reveal that well into the twentieth century Ohlone descendants told stories about humans and animals that formed part of an indigenous world-view. To what extent that world-view was historically related to mission-period and pre-Hispanic indigenous cosmology is a theme that has been touched upon in this study repeatedly. Ohlone cultural memory was ultimately disrupted in the mid-twentieth century, such that contemporary descendants do not tell these stories anymore, or speak the indigenous languages in which they were originally expressed. Can we assess how the Spanish colonization of coastal California contributed to the disruption of cultural memory prior to and following the loss of the East Bay rancherias' (e.g., Alisal, del Mocho, Niles, Sunol, San Lorenzo)? By using the backdrop of brief comparisons with the Spanish colonization of New Mexico, another northern frontier of the Spanish Empire where indigenous peoples have not experienced such severe disruption, and the Russian colonization of the coastal region (southern Pomo and Coast Miwok) north of the Ohlone region, where the cultural memory of indigenous peoples experienced a different dynamic of transformative loss, we can attempt a preliminary assessment.

Spain moved into California (AD 1769) very late in its imperial history, even though Spanish mariners had reconnoitered the coast in the late 16th century. The accession of the Bourbon dynasty towards the end of the 18th century revived imperial ambitions and the need to compete with British and Russian territorial ambitions in western North America (Weber 1992). The colonial occupation of California occurred primarily as a military-geopolitical venture, intended to hold the line on the Spanish Pacific frontier through the establishment of presidios at San Diego, Santa Barbara, Monterey, and San Francisco that made California "secure" from the other competing powers Secondarily, the Spanish needed to control the native populations, a task secured by the Franciscans, whose missions did so at the cost of almost obliterating those populations (Rawls 1984; Hurtado 1988; and Monroy 1990).

To control indigenous populations and render their missions productive in the European sense, late 18th century Spanish missionization was obliged to destroy the productive, distributive, and ecological features of aboriginal Ohlone political economy, all of which were alien to the Spaniards (Leventhal, Field, Cambra and Alvarez 1994). The missions were, in fact, highly successful economic ventures that produced significant agricultural surpluses, which were only partly consumed by the relatively few Spanish settlers and mostly exported back to Mexico (Weber 1992). That success hinged upon the wholesale transformation of the coastal ecology of California which, working hand in hand with the violent destruction of Native economies, polities, and cosmologies, rendered any return to indigenous lifeways virtually impossible (see Milliken 1991 for an alternative perspective). Given this colonial regime, indigenous cultural revivals were unlikely. But such a revival did occur, based upon the meager economic base of seasonal ranch jobs on the estates of the Hispanic *Californios*. As discussed elsewhere, Alisal provided a land base for the revival of Ohlone cultural memory into this century (Field, Leventhal, Cambra and Sanchez 1992; Davis 1992; Davis, Stewart, and Hitchcock 1994; Leventhal, Field, Alvarez and Cambra 1994). When the fragile economic base of Alisal tottered, and the land base folded, the processes initiated by Spanish missionization came to fruition, and cultural memory fragmented. Nevertheless, even the loss of Alisal and Niles Rancherias could not

destroy the indigenous social structure maintained by relations of kin, which sustained Ohlone identity until the tribal revitalization of the late twentieth century.

The contrasting case of the Spanish colonization of New Mexico is instructive in underscoring the processes which led to the fragmentation of Ohlone cultural memory. New Mexico fell under Spanish imperial domination much earlier, during the first decades of the 17th century, and was spurred on less by imperial geopolitics than by the expulsion of the Moors from the Spanish homeland in Iberia a century earlier and the Spanish conquest of the fabulously wealthy and sophisticated Aztec Empire (see Gutierrez 1991). The Spaniards re-enacted the experience of both of these historical events in New Mexico, both on the level of real and symbolic conquests (ibid.). The colonial venture in New Mexico failed to attract large numbers of colonists, and the Franciscans became the dominant force, asserting power even over the military. In New Mexico, however, the Franciscans confronted indigenous civilizations whose features fell within the parameters of European comprehension: the peoples who became known as the Pueblos farmed and lived in recognizable towns. Their towns may have been both too densely populated and too distant from one another for Franciscan tastes, and their agriculture may have looked unfamiliar or primitive, but the Franciscans did not attempt to completely alienate the Pueblos from their lands and way of life, as they did later with California natives. When the Franciscans' efforts to convert the Pueblos to Catholicism and annihilate their traditional religions overstepped the boundaries of Pueblo patience, the Pueblos revolted and expelled the Spaniards from their towns and territories, many of which were still largely intact.

After the Spaniards reconquered New Mexico in the late 17th century, Franciscan missionary effort and control was for the most part discredited, and the Empire recognized limited but significant Pueblo rights over their lands and political autonomy (Weber 1992). This is not to say that the Pueblo did not suffer from constant depredations by the Spaniards, Mexicans, and ultimately the Americans against these limited rights and especially against their religions; nevertheless, the Pueblos have successfully struggled to maintain control over their homelands. Their success, which has provided a continuous base from which to transmit cultural memory, contrasts with the experience of the Californian native peoples, and seems intricately related to a certain level of comprehension Europeans and Euro-Americans have displayed towards the fundamental outlines of Pueblo culture as a form of civilization.

Comparing the colonial experience of the Ohlones to that of the Pomo peoples in the region just north of San Francisco, reveals very different outcomes of the encounter between Europeans and Native Californian civilizations, even though both of these civilizations were fundamentally alien in the eyes of all Europeans. In the early years of the 19th century, the Russian Empire, whose main North American locus of operations was located in the Aleutian Islands and southeast Alaska, established an area of control in the territories of speakers of Kashaya Pomo and Coast Miwok languages, in what is now Sonoma County. Like the Spaniards, the Russians were engaged in an imperial geo-political game in California, as well as exploiting a region of fertile soils and sea mammal furs (i.e., sea otter) in order to produce agricultural surpluses for export to the more important Alaskan colonies (analogous to the Spaniards to the south).

The Russians established Fort Ross on the Sonoma Coast in the heart of the lands of the Kashaya Pomo. The Kashaya and people from other Pomo nations and neighboring Coast Miwok tribes were obliged at gunpoint to build the fort and to till its agricultural estates (Sarris 1993; also see Lightfoot 2005). However, the Russians neither forcibly converted the Kashayas and their neighbors to the Orthodox Church, nor did they attempt to subvert and destroy Native social structures, symbolic systems, and languages. The effect of the Russians on the environment was mostly limited to the greater region immediately surrounding Fort Ross, rather than, as with the Spanish, spread over huge regions transformed by European-introduced grasses and livestock. While Sarris describes the labor tribute the Russians exacted from Kashaya as "virtually slavery," with the exception of the Aleuts, the Russians neither trafficked in human property, nor did they seek to control every aspect of their Native laborers' lives. As a result of the very different regime the Pomos experienced under Russian imperialism, these Native peoples maintained a much stronger grip upon land, language, and material culture than any of the missionized Indians, including the Ohlone. The sustained assault on Kashaya and other Pomo cultures took place some decades later, after California's admission to the United States, when all indigenous peoples in the state endured a period of genocidal policies pursued by the federal and state governments. The Pomos became reservation Indians, subjected to the various attempts by local and national authorities to annihilate their sociocultural heritage, which ultimately resulted in the corrosive social pathologies of alcoholism, fragmented families, and economic marginalization.

By the time the Pomo nations and other native Californians were delivered into the hands of the BIA and other governmental bureaucracies intent upon extinguishing indigenous peoples in California (Dorrington 1927; Stewart 1978; Slagle 1996), the Ohlone (Costanoan), declared "extinct for all practical purposes" by Kroeber (1925:464) and nearly everyone who came after him, had already been left, for dead, i.e., as politically inconsequential, invisible and marginalized by the bureaucrats. They were therefore completely disenfranchised on the one hand, but on the other did not endure the agony of the reservation system. Thus, the colonial histories of the Ohlone peoples and the Pomo peoples have taken very different trajectories of cultural memory. Pomo cultural memory is both more intact, and operates under the rubric of federal recognition of tribal status; it is therefore laden with the pain of reservation life, and might be symbolized, as Sarris has so eloquently described, by the Pomo basket, a cultural artifact still produced by Pomo women, greatly esteemed by the White art world, even while the Pomo basket makers live in poverty and cultural oppression.

Ohlone cultural memory might be seen as a basket that has been hidden, whose contents have been robbed, and for which the art of manufacture has been stolen; yet this basket is also a living entity, symbolizing the continuity of Ohlone identity that survived Spanish and American colonialism. Through the revitalization movement associated with the struggle for federal acknowledgment, the Ohlone basket and the secrets of its making are being re-filled with the symbols, language and world-view uncovered by the Ohlone descendants themselves through archaeology and the archives of their recent ancestors at Alisal. This study, co-authored by the descendants of the surviving lineages from the East Bay rancherias, forms a part of the process of refilling the Muwekma Ohlone basket.

CONCLUSIONS

The research goals of this study included several interwoven aspects of Ohlonean prehistory and culture that allowed for the development of an analytical framework through the use of central Californian cosmological and ethnohistorical data as analogies for the interpretation of the ritual animal-related mortuary patterns identified at the ***Thámien Rúmmeytak*** **[Thámien (Guadalupe) River Site)**. The development of this analytical framework also included: 1) an understanding of how moiety systems were structured amongst the better documented neighboring Miwok and Yokuts peoples to the east of the study area; 2) a critical review of the cosmological and symbolic relationships between humans and animals from the central Native California tribal regions; 3) the specific employment and presentation of Ohlonean ethnographic stories as told by Muwekma elders to J. P. Harrington during the late 1920s that addresses the complex interrelationship between humans and animals; 4) the translation and interpretations of these Ohlonean stories by the co-authoring descendants of the Muwekma elders; and 5) the understanding of the cultural, social and political dynamics that affected the cultural memory of the Ohlonean people in contrast to the Kashaya people to the north and the Pueblo cultures of the Southwest.

Given the results of these research goals, complex aspects of Ohlonean and neighboring central California tribal social organization, cosmology and symbolism have been presented as ethnographic analogs in order to offer possible explanation for the placement of ritual selected animal body parts associated with human remains at the ***Thámien Rúmmeytak*** **Site**.

As previously discussed and presented in Chapter 6 of this report, Kroeber (1925), in his monumental work on the California Indians provided some additional details regarding the alignment of various animals, birds, fish, insects, plants, natural phenomena, and ceremonial objects within the totemic structure of the Miwoks. His interpretive treatment aligning the various named animals, birds, insects, plants, fish, natural phenomena and ceremonial objects to either the **Land Side** or **Water Side** moiety, serves as possible direct symbolic analogs for the animal-related mortuary pattern encountered at the ***Thámien*** **Site (Table 8-1)**. Furthermore, given the understanding that at the time when fieldwork was conducted amongst the Miwok people during the early part to this century, their culture, and therefore, the intactness of their social and cosmological universe had also been enraptured by the impacts of colonialism. Nonetheless, even from the remnant of their "cultural memory" about their aboriginal past, a very cosmologically complex image emerges from Kroeber's structured alignment of these Miwok moiety symbols. The following table presents the data obtain from Kroeber's (1925:455) list of Miwok moiety animals, birds, fish, insects, plants, natural phenomena and ceremonial objects.

Table 8-1
Miwok Moiety Alignments and Symbols (from Kroeber 1925:455)

Land Side	Water Side	Land Side	Water Side
Bear	**Deer**	Katydid	***Bee***
Puma (Mt. Lion)	Antelope		Caterpillar
Wild Cat			Cocoon
Dog	**Coyote**		Butterfly
Fox			Snail
Raccoon	Beaver		**Haliotis**, and other
Tree Squirrel	**Otter**		**shells and bead money**
Badger			
Jack rabbit		Sugar pine	Jimson weed
Eagle		Black oak	White Oak
Condor	Buzzard	Pine nuts	Vetch
Raven		Manzanita	Oak gall
Magpie		Tobacco	Wild cabbage
Hawk	***Falcon*** (probably)	Tule	
Chicken hawk		Salmonberry	
Great owl	Burrowing owl	(and other)	(and other)
Blue jay	Meadow lark	(plants)	(plants)
Woodpecker	Killdeer		
Yellow-hammer	Hummingbird	Sky	Cloud
Goldfinch	Kingbird	Sun, sunshine,	Rain
Creeper	Bluebird	sunrise	Fog
	Dove	Stars	Water, lake
	Quail	Night	Ice
	Goose	Fire	Mud
	Swan	Earth	Lightning
	Crane	Salt	**Rock**
	Jacksnipe		Sand
	Kingfisher, and no doubt other water birds	Bows, arrows, quiver (probably)	Nose ornament of shell
Lizard	Frog	Drum	
	Salamander	Ear plug	Feather apron
	Water snake	Feather headdress	Football
	Turtle		Gambling bones
	Salmon, and various other fishes		
Yellow-Jacket	Ant		

Note: Those moiety symbols highlighted in bold were also found in mortuary contexts at the ***Thámien Rúmmeytak*** **Site [**see Thomas White in Winter 1978a:241-283**]**.
Those symbols highlighted in bold and are italicized are found in the Muwekma stories.

In summary, this study attempts to go beyond the mere description and listing of animal remains recovered from mortuary context. While other studies have merely alluded to possible generalized "ceremonial", "ritual" or "religious" uses of artifacts or activities at archaeological sites (e.g., see Cartier et al.1993; Samuelson and Self 1995 and others), as well as the fact that many of these studies have also ignored that the human remains recovered from respective Bay Area sites are the result of ritualized activities that centered around formal cemeteries, this project has attempted to interweave a host of complex processes that cross-cut archaeological, ethnohistoric, and ethnographic boundaries. Furthermore, the thrust of this analysis, which focused on critical considerations of pre-contact Ohlonean cosmology as interpreted through central California ethnohistory and the use of ethnohistorical method and theory, attempted to operationalize aspects of complex pre-contact Native California ritual systems as inferred from both the ethnohistoric record and the mortuary complex recovered from the ***Thámien Rúmmeytak*** **Site**. This analytical process was in conformance with what D. H. Thomas has argued for, that "such ethnoarchaeological inquiry provides the arguments necessary to bridge the gap between observable archaeological contexts and nonobservable systemic contexts" (1989:171).

End Notes

1) Merriam was the first to use the expression "Ohlonean" languages, which Levy (1978), using Kroeber's (1925) suggestions, embellished into a seven branch Ohlone language tree. In this study, we do not view language as a defining feature of pre-contact Native Californian cultures, but rather as one of several important factors underlying regionalization and the integration of regions before the arrival of Europeans.

2) On October 10, 1986, Muwekma Elder Dolores Sanchez read over and offered a translation to the above Guzman stories (video tape on file Muwekma Tribal office). As part of the review process of these stories and the translation offered by Dolores Sanchez in 1986, at a tribal gathering a few days after New Year's 1995, Muwekma Elders Dottie Galvan Lameira, Concha Rodriguez and Hank Alvarez, along with family members, also worked on these translations.

3) Mission record research conducted by Milliken demonstrates that the *Kaknú (Cacnu) name* or stem for Hawk was given to both males and females from Chochenyo-speaking Ohlone tribes of the East Bay Chocheño and South and West Bay Thámien-speaking Ohlone tribal groups of the Santa Clara Valley as personal names [see **Table 8-2** below (from Ortiz 1994a:108; Table 4.1)].

Table 8-2
Dialectical Stems Based Upon the Root "Cacnu" for Hawk

NAME	SEX	TRIBE	LANGUAGE	MISSION	BAPTISM NO.
Cacnu	F	Tuibun	Ohlonean	San Jose	1044
Cacnum	F	Tuibun	Ohlonean	San Jose	631
Cacnusce	M	Tuibun	Ohlonean	San Jose	438
Cacnute	F	Ssaoam	Ohlonean	San Jose	1315
Cacnuse	M	Patlan (village)	Ohlonean	San Jose	767
Cacnuse	F	Huchiun	Ohlonean	San Francisco	1610
Cacnumtole	M	Yrgin	Ohlonean	San Jose	857
Cacnute	F	Jalquin	Ohlonean	San Francisco	2383
Cacnu	F	Jalquin	Ohlonean	San Francisco	2308
Cacnumaye	F	Jalquin/Tatcan	Ohlonean/Bay Miwok	San Francisco	2361
Cacnutole	M	Tatcan	Bay Miwok	San Jose	1601
Cacnumaye	F	Tatcan	Bay Miwok	San Francisco	3016
Cacnumai	F	Saclan	Bay Miwok	San Francisco	1735
Cacnumaie	F	Saclan	Bay Miwok	San Francisco	1539
Cacnumaie	F	Saclan	By Miwok	San Francisco	1574
Cacnute	F	Saclan	Bay Miwok	San Francisco	1570
Cacnucche	M	Saclan	Bay Miwok	San Francisco	1553
Cacnumtole	M	Saclan	Bay Miwok	San Francisco	1556
Cacnucia	M	Saclan	Bay Miwok	San Francisco	1531
Cacnu	M	Volvon	Bay Miwok	San Francisco	3149
Cacnu	F	Volvon	Bay Miwok	San Francisco	3361
Cacumute	F	San Antonio	Ohlonean	Santa Clara	1615
Cacurum	F	Santa Agueda	Ohlonean	Santa Clara	1758
Cacunusi	M	Santa Agueda	Ohlonean	Santa Clara	2793
Cacunuese	M	San Bernardino	Ohlonean	Santa Clara	2296

After Ortiz 1994a

SYMBOLIC MEANINGS AS DERIVED FROM CENTRAL CALIFORNIA INDIAN SACRED NARRATIVES: A VIEW FROM ONE OF THE NORTHEASTERN MAIDU CREATION STORIES -- DEATH -SACRED SPACE, AND SACRED FOOD

THE CREATION (MAIDU)
(as told by Hánc'ibyjim (Tom Young) in 1902), Genesee, Plumas County)
Roland Dixon, Bulletin of the American Museum of Natural History, xvii, 39, No. I
(from Tales of the North American Indians by Stith Thompson, 1966:24-30)

In the beginning there was no sun, no moon, no stars. All was dark, and everywhere there was only water. A raft came floating on the water. It came from the north, and in it were two persons, — Turtle and Father-of-the-Secret-Society. The stream flowed very rapidly. Then from the sky a rope of feathers, was let down, and down it came Earth-Initiate. When he reached the end of the rope, he tied it to the bow of the raft, and stepped in. His face was covered and was never seen, but his body shone like the sun. He sat down, and for a long time said nothing.

At last Turtle said, "Where do you come from?" and Earth-Initiate answered, "I come from above." Then Turtle said, "Brother, can you not make for me some good dry land, so that I may sometimes come up out of the water?" Then he asked another time, "Are there going to be any people in the world?" Earth-Initiate thought awhile, then said, "Yes." Turtle asked, "How long before you are going to make people?" Earth-Initiate replied, "I don't know. You want to have some dry land: well, how am I going to get any earth to make it of?"

Turtle answered, "If you will tie a rock about my left arm, I'll dive for some." Earth-Initiate did as Turtle asked, and then, reaching around, took the end of a rope from somewhere, and tied it to Turtle. When Earth-Initiate came to the raft, there was no rope there: he just reached out and found one. Turtle said, "If the rope is not long enough, I'll jerk it once, and you must haul me up; if it is long enough, I'll give two jerks, and then you must pull me up quickly, as I shall have all the earth that I can carry." Just as Turtle went over the side of the boat, Father-of-the-Secret-Society began to shout loudly.

Turtle was gone a long time. He was gone six years; and when he came up, he was covered with green slime, he had been down so long. When he reached the top of the water, the only earth he had was a very little under his nails: the rest had all washed away. Earth-Initiate took with his right hand a stone knife from under his left armpit, and carefully scraped the earth out from under Turtle's nails. He put the earth in the palm of his hand, and rolled it about till it was round; it was as large as a small pebble. He laid it on the stern of the raft. By and by he went to look at it: it had not grown at all. The third time that he went to look at it, it had grown so that it could be spanned by the arms. The fourth time he looked, it was as big as the world, the raft was aground, and all around were mountains as far as he could see. The raft came ashore at Ta′doikö, and the place can be seen to-day.

When the raft had come to land, Turtle said, "I can't stay in the dark all the time. Can't you make a light, so that I can see?" Earth-Initiate replied, "Let us get out of the raft, and then we will see what we can do." So all three got out. Then Earth-Initiate said, "Look that way, to the east! I am going to tell my sister to come up."

Then it began to grow light, and day began to break; then Father-of-the-Secret-Society began to shout loudly, and the sun came up. Turtle said, “Which way is the sun going to travel?” Earth-Initiate answered, “I’ll tell her to go this way, and go down there.”

After the sun went down, Father-of-the-Secret-Society began to cry and shout again, and it grew very dark. Earth-Initiate said, "I'll tell my brother to come up." Then the moon rose. Then Earth-Initiate asked Turtle and Father-of-the-Secret-Society, "How do you like it?" and they both answered, "It is very good." Then Turtle asked, "Is that all you are going to do for us?" and Earth-Initiate answered, "No, I am going to do more yet." Then he called the stars each by its name, and they came out. When this was done, Turtle asked, "Now what shall we do?" Earth-Initiate replied, "Wait, and I'll show you." Then he made a tree grow at Ta′doikö, — the tree called Hu′kīmtsa; and Earth-Initiate and Turtle and Father-of-the-Secret-Society sat in its shade for two days. The tree was very large, and had twelve different kinds of acorns growing on it.

After they had sat for two days under the tree, they all went off to see the world that Earth-Initiate had made. They started at sunrise, and were back by sunset. Earth-Initiate traveled so fast that all they could see was a ball of fire flashing about under the ground and the water. While they were gone, Coyote and his dog Rattlesnake came up out of the ground. It is said that Coyote could see Earth-Initiate's face. When Earth-Initiate and the others came back, they found Coyote at Ta′doikö. All five of them then built huts for themselves, and lived there at Ta′doikö, but no one could go inside of Earth-Initiate's house. Soon after the travelers came back, Earth-Initiate called the birds from the air, and made the trees and then the animals. He took some mud, and of this made first a deer; after that, he made all the other animals. Sometimes Turtle would say, "That does not look well: can't you make it some other way?"

Some time after this, Earth-Initiate and Coyote were at Marysville Buttes. Earth-Initiate said, “I am going to make people.” In the middle of the afternoon he began for he had returned to Ta′doikö. He took dark red earth, mixed it with water, and made two figures, -- one a man, and one a woman. He laid the man on his right side, and the woman on his left, inside his house. Then he lay down himself, flat on his back, with his arms stretched out. He lay thus and sweated all the afternoon and night. Early in the morning the woman began to tickle him in the side. He kept very still, did not laugh. By and by he got up, thrust a piece of pitch-wood into the ground, and fire burst out. The two people were very white. No one to-day is as white as they were. Their eyes were pink, their hair was black, their teeth shone brightly, and they were very handsome. It is said that Earth-Initiate did not finish the hands of the people, as he did not know how it would be best to do it. Coyote saw the people, and suggested that they ought to have hands like his. Earth-Initiate said, “No, their hands shall be like mine.” The he finished them. When Coyote asked why their hands were to be like that, Earth-Initiate answered, “So that, if they are chased by bears, they can climb trees.” This first man was called Ku′ksū; and the woman, Morning Star Woman.

When Coyote had seen the two people, he asked Earth-Initiate how he had made them. When he was told, he thought, "That is not difficult. I'll do it myself." He did just as Earth-Initiate had told him, but could not help laughing, when, early in the morning, the woman poked him in the ribs.

As a result of his failing to keep still, the people were glass-eyed. Earth-Initiate said, "I told you not to laugh," but Coyote declared he had not. This was the first lie.

By and by there came to be a good many people. Earth-Initiate had wanted to have everything comfortable and easy for people, so that none of them should have to work. All fruits were easy to obtain, no one was ever to get sick and die. As the people grew numerous, Earth-Initiate did not come as often as formerly, he only came to see Ku′ksū in the night. One night he said to him, "Tomorrow morning you must go to the little lake near here. Take all the people with you. I'll make you a very old man before you get to the lake." So in the morning Ku′ksū collected all the people, and went to the lake. By the time he had reached it, he was a very old man. He fell into the lake, and sank down out of sight. Pretty soon the ground began to shake, the waves overflowed the shore, and there was a great roaring under the water, like thunder. By and by Ku′ksū came up out of the water, but young again, just like a young, man. Then Earth-Initiate came and spoke to the people, and said, "If you do as I tell you, everything will be well. When any of you grow old, so old that you cannot walk, come to this lake, or get some one to bring you here. You must then go down into the water as you have seen Ku′ksū do, and you will come out young again." When he had said this, he went away. He left in the night, and went up above.

All this time food had been easy to get, as Earth-Initiate had wished. The women set out baskets at night, and in the morning they found them full of food, all ready to eat, and lukewarm. One day Coyote came along. He asked the people how they lived, and they told him that all they had to do was to eat and sleep. Coyote replied, "That is no way to do: I can show you something better." Then he told them how he and Earth-Initiate had had a discussion before men had been made; how Earth-Initiate wanted everything easy, and that there should be no sickness or death, but how he had thought it would be better to have people work, get sick, and die. He said, "We'll have a burning." The people did not know what he meant; but Coyote said, "I'11 show you. It is better to have a burning, for then the widows can be free." So he took all the baskets and things that the people had, hung them up on poles, made everything all ready. When all was prepared, Coyote said, "At this time you must always have games." So he fixed the moon during which these games were to be played.

Coyote told them to start the games with a foot-race, and every one got ready to run. Ku′ksū did not come, however. He sat in his hut alone, and was sad, for he knew what was going to occur. Just at this moment Rattlesnake came to Ku′ksū, and said, "What shall we do now? Everything is spoiled!" Ku′ksū did not answer, so Rattlesnake said, "Well, I'll do what I think is best." Then he went out and along the course that the racers were to go over, and hid himself, leaving his head just sticking out of a hole. By this time all the racers had started, and among them Coyote's son. He was Coyote's only child, and was very quick. He soon began to outstrip all the runners, and was in the lead. As he passed the spot where Rattlesnake had hidden himself, however, Rattlesnake raised his head and bit the boy in the ankle. In a minute the boy was dead.

Coyote was dancing about the home-stake. He was very happy, and was shouting at his son and praising him. When Rattlesnake bit the boy, and he fell dead, every one laughed at Coyote, and said, "Your son has fallen down, and is so ashamed that he does not dare to get up." Coyote said, "No, that is not it. He is dead." This was the first death. The people, however, did not understand, and picked the boy up, and brought him to Coyote.

Then Coyote began to cry, and every one did the same. These were the first tears. Then Coyote took his son's body and carried it to the lake of which Earth-Initiate had told them, and threw the body in. But there was no noise, and nothing happened, and the body drifted about for four days on the surface, like a log.

On the fifth day Coyote took four sacks of beads and brought them to Ku′ksū, begging him to restore his son to life. Ku′ksū did not answer. For five days Coyote begged, then Ku′ksū came out of his house bringing all his bead and bear-skins, and calling to all the people to come and watch him. He laid the body on a bear-skin, dressed it, and wrapped it up carefully. Then he dug a grave, put the body into it, and covered it up. Then he told the people, "From now on, this is what you must do. This is the way you must do till the world shall be made over."

About a year after this, in the spring, all was changed. Up to this time everybody spoke the same language. The people were having a burning, everything was ready for the next day, when in the night everybody suddenly began to speak a different language. Each man and his wife, however, spoke the same. Earth-Initiate had come in the night to Ku′ksū, and had told him about it all, and given him instructions for the next day. So, when morning came, Ku′ksū called all the people together, for he was able to speak all the languages. He told them each the names of the different animals, etc., in their languages, taught them how to cook and to hunt, gave them all their laws, and set the time for all their dances and festivals. Then he called each tribe by name, and sent them off in different directions, telling them where they were to live." He sent the warriors to the north, the singers to the west, the flute-players to the east, and the dancers to the south. So all the people went away, and left Ku'ksū and his wife alone at Ta'doikö. By and by his wife went away, leaving in the night, and going first to Marysville Buttes. Ku′ksū stayed a little while longer, and then he also left. He too went to the Buttes, went into the **spirit house**, and sat down on the south side. He found Coyote's son there, sitting on the north side. The door was on the west.

Coyote had been trying to find out where Ku′ksū had gone, and where his own son had gone, and at last found the tracks, and followed them to the **spirit house**. Here he saw Ku′ksū and his son, the latter eating **spirit food**. Coyote wanted to go in, but Ku′ksū said, "No, wait there. You have just what you wanted, it is your own fault. Every man will now have all kinds of troubles and accidents, will have to work to get his food, and will die and be buried. This must go on till the time is out, and Earth-Initiate comes again, and everything will be made over. You must go home, and tell all the people that you have seen your son, that he is not dead." Coyote said he would go, but that he was hungry, and wanted some of the food. Ku′ksū replied, "You cannot eat that. **Only ghosts may eat that food**." Then Coyote went, away and told all the people, "I saw my son and Ku′ksū, and he told me to kill myself." So he climbed up to the top of a tall tree, jumped off, and was killed. Then he went to the spirit house, thinking he could now have some of the food; but there was no one there, nothing at all, and so he went out, and walked away to the west," and was never seen again. Ku'ksū and Coyote's son, however, had gone up above.

CONCLUSION

In conclusion, this Final Report attempts to go beyond the mere description and listing of animal remains recovered from mortuary context. While other studies have merely alluded to possible generalized "ceremonial", "ritual" or "religious" uses of artifacts or activities at archaeological sites (e.g., see Cartier et al.1993; Samuelson and Self 1995 and others), as well as the fact that many of these studies have also ignored that the human remains recovered from respective Bay Area sites are the result of ritualized activities that centered around formal cemeteries, this project has attempted to interweave a host of complex processes that cross-cut archaeological, ethnohistoric, and ethnographic boundaries. Furthermore, the thrust of this analysis, which focused on critical considerations of pre-contact Ohlonean cosmology as interpreted through central California ethnohistory and sacred narratives and the use of ethnohistorical method and theory, attempted to operationalize aspects of complex pre-contact Native California ritual systems as inferred from both the ethnohistoric record and the mortuary complex recovered from the ***Thámien Rúmmeytak*** **[Thámien (Guadalupe) River Site) CA-SCL-128**. The placement of animal burials and animal parts in association with human burials, as in the case of the ***Róokoš Tiwoo Koro 'Ayttakiš*** **(Tule Elk Leg Woman)** burial, serve as metaphors of precontact Ohlonean cosmology and sacred space and time as can be gleaned from central California narratives. Although limited in scope, this analytical process was conducted in conformance with what D. H. Thomas has argued for, that "such ethnoarchaeological inquiry provides the arguments necessary to bridge the gap between observable archaeological contexts and non-observable systemic contexts" (1989:171).

The cultural linkages between pre-contact, post-contact missionized, mid and late 19th century (1870 Ghost Dance) through present-day Bay Area Ohlone and surrounding central California Native American tribal groups represents a disrupted, but nonetheless, continuum of socio-cultural and ceremonial interactions. Clearly when Gifford interviewed Elders from the Miwok (1926, 1955) and the Maidu (1927) tribal communities who informed him that the teachers of the dancers and songs came from Pleasanton and Mission San Jose, DuBois (1939) interviewed many Elders from northern central California tribal groups, while Gayton (1930b) interviewed various knowledgeable Yokut Elders about the 1870 Ghost Dance, and Kelly interviewed Coast Miwok Elders in Marin County about their traditions and relations with the "*kekos*" Mission San Jose Indians from whom the Coast Miwok had to purchase songs and dances from, although these cultural interactions remained invisible to the dominant society, they nonetheless, by slender threads, maintained critical lines of ceremonial communication.

The descendants of Muwekma Ohlone and Maidu Indians, specifically Marvin Lee Marine, whose Muwekma Ohlone father, Lawrence Domingo Marine and Maidu mother Pansy Potts had met while attending boarding school at Sherman Institute in Riverside County during the 1930s. Marvin Lee and his older brother Lawrence grew up with Pansy's mother Marie Potts in the Sacramento area and there the scattered Indian communities still continued traditional northern central California dances and ceremonies. Marvin Lee as a traditional dance leader he has reintroduced these dances back to the Costanoan/Ohlone area, and has taught members of the neighboring Amah-Mutsun Tribal Band from Mission San Juan Bautista these dances.

Marvin Lee Marine is a direct descendant of the last Muwekma Ohlone Captain Jose Antonio, and also Jose Guzman who was interviewed by John Peabody Harrington during from 1925-1934. His particular lineage represents the quintessential embodiment of descent from those macro-San Francisco Bay tribal groups that include: Ohlone, Coast, Bay and Plains Miwok, North Valley Yokut on his father's side whom were missionized into Mission San Jose and Dolores (SF) and Maidu who represents his mother's lineage. Our co-author Sheila Guzman Schmidt is Marvin's second cousin once removed, her father Frank Harry Guzman and Marvin Lee's grandmother Catherine Peralta were first cousins.

Chapter 9:
An Ethnohistory of the Santa Clara Valley and Adjacent Regions; Historic Ties of the Muwekma Ohlone Tribe of the San Francisco Bay Area and Tribal Stewardship over the *Thámien Rúmmeytak* Guadalupe River Site (CA-SCL-128/Hyatt Place Hotel)]

by
Monica V. Arellano, Alan Leventhal, Rosemary Cambra, Charlene Nijmeh,
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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 on a portion of the ***Thámien Rúmmeytak*** **[Guadalupe River Site (CA-SCL-128/Hyatt Place Hotel)]**. The Muwekma Ohlone Tribe has over the past 30 years continuously exercised its stewardship over the Tribe's ancestral heritage and human remains discovered within their aboriginal territory. The Tribe's leadership and members were involved in the recovery program and final report on this ancestral cemetery site encountered at CA-SCL-128 (a.k.a. the Holiday Inn Site) which the Tribe has renamed the ***Thámien Rúmmeytak*** as an aboriginal name for the **Guadalupe River**.

The Renaming of Site CA-SCL-128 by the Muwekma Ohlone Tribe's Language Committee in their *Chocheño*/*Thámien*-Ohlone Language

At the very beginning of this Burial and Archaeological Data Recovery project, it became apparent that the burial discovered at this location was a member of the larger tribal population that was buried at this locality and recovered during several excavations in the 1970s and 1980s (Winter 1978). As the designated Most Likely Descendant Tribal Group, 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 a new name in the Tribe's aboriginal Ohlone ***Chocheño/ Thámien*** language.

This practice follows Muwekma Tribal tradition by which the Tribal leadership has over these past decades renamed some of their ancestral village and cemetery sites as part of a process to reclaim the Tribe's ancestral Heritage Sites. This renaming tradition has formally occurred at several other South Bay pre-contact ancestral Muwekma Ohlone cemetery sites which include:
1) **CA-SCL-732** located to the south/southeast of CA-SCL-128 along Coyote Creek. CA-SCL-732 was renamed ***Kaphan Umux*** **(Three Wolves)** Site [and recently corrected to ***Kaphan Húunikma***] in 1995 (Cambra et al. 1996);
2) **CA-SCL-38** located in Milpitas located to the north of the site consisting of a very large mortuary earth mound that was renamed the ***Yukisma*** **("at the Oaks") Site** in 1996 (Bellifemine 1997);
3) **CA-SCL-867** which is located in the Willow Glen area of San Jose to the south/southwest of CA-SCL-128 was renamed the ***Ríipin Waréeptak*** **Site** which means **"(in the) Willows Area**" in 2006 (Leventhal, et. al 2007);

4) **CA-SCL-869** located approximately 6 miles to the south of CA-SCL-128 was renamed ***Katwáš Ketneyma Waréeptak*** (**The Four Matriarchs) Site** in 2009 (Leventhal et al. 2009); 5) in 2010 the **CA-SCL-287/CA-SMA-263** site complex was renamed ***Yuki Kutsuimi Šaatoš Inūxʷ*** **[Sand Hill Road] Sites** located approximately 23 miles to the northwest on Stanford University lands (Leventhal et. al 2010);
6) At the 3rd Mission Santa Clara Indian Neophyte Cemetery the discovery of at least thirteen individuals whom were buried on top of each other and who had died very close in time to each other (1781-1818), the Muwekma Tribal Language Committee decided upon the name ***Clareño Muwékma Ya Túnnešte Nómmo*** **[Where the Clareño Indians are Buried] Site** for **CA-SCL-30/H** (Leventhal et. al 2011);
7) at **CA-SCL-894** the recovery of a single male burial from the California Fox Theatre located approximately 1000 feet east of CA-SCL-128 on South Market Street in downtown San Jose was renamed ***Tupiun Táareštak*** meaning **Place of the Fox Man Site** (Leventhal et. al 2012a);
8) the Muwekma language committee renamed a site excavated by San Jose State University in 1964 as part of a 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 Sokṓte Tápporikmatka*** **[Place of Yerba Buena and Laurel Trees Site].**
9) CA-SCR-12 on the Santa Cruz coast was excavated by San Jose State University in 1986 and was renamed by the Tribe as ***"Satos Rini Rumaytak"*** **(At the Hill Above the River Site) (Starek 2014).**
10) More recently the Tribe renamed **CA-SCL-125** which includes the Santa Teresa Spring at the Bernal-Gulnac-Joice Ranch County Park to ***'Arma 'Ayttakiš Rúmmey-tak*** **(Place of the Spirit Woman Spring) (Mabie 2015)**

For this present study the Muwekma Ohlone Tribe's Language Committee (comprising Monica V. Arellano, Sheila Schmidt Guzman and Gloria Gomez) renamed the site in the ***Chocheño/ Thámien*** language to ***Thámien Rúmmeytak*** meaning **Place of the *Thámien* [(Guadalupe) River Site (CA-SCL-128/Hyatt Place Hotel)]** and will at times be referred to by this name in this chapter (see linguistic breakdown below).

Thámien **= Ohlone name of the Region recorded by the Mission Santa Clara missionaries**
Rúmmey **= River**
Site = ***-tka*** after vowels; ***-tak*** after a consonant
Thámien Rúmmeytak = **Place of the *Thámien* (Guadalupe) River Site**

The discovery and analysis of the ***Róokoš Tiwoo Koro 'Ayttakiš*** **– Tule Elk Leg Woman** burial was recovered from the **Hyatt Place Hotel**, **CA-SCL-128** and herein will at times be referred interchangeably as ***Thámien Rúmmeytak*** = **Place of the *Thámien* (Guadalupe) River Site** in this chapter**.**

In this ethnographic section, we provide an ethnohistoric overview of the **Santa Clara Valley** 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 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 historic tribe.

Ethno-geographic Setting

The ***Thámien Rúmmeytak*** [***Thámien*** **(Guadalupe) River Site]** represents an ancestral Muwekma Ohlone heritage cemetery located in downtown San Jose in proximately to the Guadalupe River at the historic location of the (old) **Holiday Inn Site (CA-SCL-128).**

Formally designated with the State's trinomial system as CA-SCL-128, the site is located within the contact-period ethno-geographic territory of what the Mission Santa Clara missionaries identified as the **Our Patron San Francisco Tribal Group/District** which was part of the larger defined **Thámien Ohlone-speaking** linguistic territory of the Santa Clara Valley. The ***Thámien Rúmmeytak*** **Site** is also located within the larger catchment of the adjacent Contact-Period **Thámien Ohlone**-speaking village districts that included **Our Mother Santa Clara, San Juan Bautista** and **San Carlos** or ***Matalan*** Tribal Groups/Districts which were so named by the Mission Santa Clara priests (see C. King 1994, Milliken 1991, 1995, 2004; Hylkema 1995, 2007 [CA-SCL-690 Tamien Station].

Milliken in his major study on the reconstructed ethno geography of the San Francisco Bay region notes that "Fathers Murguiá and Peña of Mission Santa Clara noted in the title page of their Libro de Bautismos (Book of Baptisms), and again in a letter of 1777, that the mission was built in an area known as **Tamien**" (Milliken 1995:256). Elsewhere, Milliken states that "**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" was part of the core villages that comprised the Tamien tribal district (Milliken in Hylkema 2007:52). He also suggests that "the villages of **San Jose Cupertino**, **Our Mother Santa Clara,** and **Our Patron San Francisco** formed a single tribelet that controlled most of the Guadalupe River system, and therefore, the core of the Santa Clara Valley" (ibid:54).

Previous Ethnohistoric Studies

Meaningful Contact Period ethnohistoric studies focusing on the demographic and geopolitical distribution of the different Ohlone/Costanoan tribal groups that came under the influence of Mission Santa Clara 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 Bay Area mission, as well as providing information about the transformation and the cultural and political adaptation and responses of those surviving Ohlone/Costanoan tribal groups who adjusted 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 upwards to over a period spanning the past 10,000 years. During the Early to Late Periods (past 4000 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); Santa Rita Village (CA-ALA-413) [Wiberg 1984]; Patterson Mound (CA-ALA-328) [Davis and Treganza 1959]; 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); University Village (CA-SMA-77) [Gerow 1968], CA-SCL-6W Lick Mill Boulevard (Cartier and others].

Furthermore, based upon the analysis of grave-associated wealth and regalia derived from central California cemetery sites and specifically CA-SCL-128, it can be postulated that the greater San Jose area appears to have been located within the southernmost 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. These Big Head effigy pendants first appeared sometime around the Phase IA - Late Period (ca. 1100 A.D.), and presumably represents inclusion in the larger geographically-area-wide **Kuksu** religion that was practiced by a multitude of North–Central California Indian tribal groups (Winter 1978; Leventhal 1993).

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 and North Valley Yokuts tribal groups (Contra Costa and San Joaquin Counties), 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 Nevada; 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 comparatively similar mortuary patterning and associated grave assemblages identified from Late Period cemetery sites factored in conjunction with the similarities of tribal personal name-endings derived from the mission records such as "**tole**" and variations of "**mayen**" for females and "**cse**" (or a variant thereof) for males that are found amongst the different linguistic groups within the same macro-geographical area as the **Big Head/Kuksu** pendants, supports the contention that the South and East Bay regions had very 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; Jones and Klar 2007; also see CA-SCL-128, Holiday Inn Site, Winter 1978) .

The evidence of a far-flung ceremonial and economic interaction sphere further suggests that the ***Thámien***-Ohlone-speaking tribal groups, including the **Our Mother Santa Clara** tribal group and their neighbors, were significantly involved within this larger religious and ceremonial interaction network that was partially influenced through mechanisms of trade,

economic, military and marriage alliances with those tribal groups located to the east and north (Delta region) 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 (Contact Period) 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, colonialism and the ensuing American conquest continuing through the 20th century includes research conducted by more formally trained ethnographers, ethnohistorians, linguists as well as by other chroniclers to the greater Bay Area.

Early Spanish Expeditions to the San Francisco Bay Region

During the late 18th century, an expedition led by Captain Commander Pedro Fages, was perhaps, the first Spanish exploration to travel through the ***Thámien-***Ohlone-speaking territory in the greater Santa Clara Valley. Milliken commented on and noted in his 1991 doctoral study on the San Francisco Bay tribal groups at the time of contact (1770-1810) 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).

The Chocheño Ohlone-speaking **Tuibuns** or **Alsons** whom Fages observed at the "lake on the Fremont Plain just south of Alameda Creek" were from the Santa Agueda/Estero District and were missionized into the Santa Clara Mission "during the 1780s and 1790s" (Milliken 1995:258).

Captain Commander Fages apparently at a later date again passed through the ***Thámien***-Ohlone-speaking region in 1772 and explored the interior of the East Bay (see Crespi in Bolton 1926:336; 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 accompanied by Fray (Father) Francisco Palóu. 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, probably **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).'

Presumably near the same location as noted above by Rivera y Moncada, on November 26, 1774, Father Palóu independently recorded that the expedition had descended the north slope of what was probably Tulare Hill (south San Jose) and approached a stretch of trees where they found pools of water. Palóu wrote:

> We descended the hill and approached the trees, which we found to mark a river which had water only in pools. At about half-past twelve we halted near it, close to some live oaks with which the plain of the river (was) covered. Near the camping place we found vestiges of a village which showed evidences of having been recently moved (Bolton 1926:261).

Bolton while translating Palóu's dairy also attempted to plot the location of where the party halted: "This camp was made soon after crossing the hills north of Coyote" (ibid). Conceivably, this location possibly represents the first written record near the location of the ***Kaphan Húunikma*** **(Three Wolves Site: CA-SCL-732)** locality because that site is located approximately one mile north of Tulare Hill (see Cambra et al 1996). The **Three Wolves Site** as mentioned above is located approximately 12½ miles to the southeast of the first **Mission Santa Clara** (where the San Jose International Airport is located) and approximately 9 miles to the southeast from the ***Thámien Rúmmeytak*** **Site**.

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 Ohlonean 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 Palóu 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 [Palóu 1786].

Most scholars have agreed with Palóu'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 limited interpretive perspectives provides an explanation from the contemporary “dominant society" perspective, which suggests at its foundation that “lesser complex indigenous cultures” were unilaterally influenced by the “more complex European colonizing cultures,” perhaps as an alternative perspective we need to consider and explore possible other explanations, especially when viewing these dynamics through the social rules and mechanisms of late 18th century California Indian 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 distinguished guests as practiced by central California tribal groups.

For example, in cases when elites and notable families from neighboring tribal groups made arrangements to visit, and/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. These same social principals and rules that were enacted between tribal groups and elite families would have no doubt been in effect at the time when the Spanish expeditions made their presence known. After the period of contact had been established between the Indian tribal communities and the newly settled Spanish colonizers, no doubt, those established elites and their families desired to have their children associated (to some degree) with these newly established powerful and (relatively) wealthy Spanish entities and power brokers.

Some of these 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 with the extant and transformed communities 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 with newly established Spanish colonial settlements, these elites were probably under the belief that by exercising this formal process, partially through the ceremony of baptizing themselves and/or their children, it was done as a continuation of their aboriginal power brokerage (see Bean 1978). For example there was a reciprocal ceremonial practice of purifying with water (ritual washing) persons of the opposite moiety (deer vs. bear or land vs. water) amongst central California tribal groups especially during and after the handling of the dead and their personal property. Therefore, the use of water in baptism had some pre-existing analogous practice and meaning in aboriginal purification 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; Milliken 1995). 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 Post-Contact Indian communities 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 East Bay

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 cline of 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 **Thámien** 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 ***Thámien***-Ohlone speaking tribal groups who once occupied the lower Guadalupe River, Coyote Creek and Alameda Creek drainages was recorded by Contact Period Spanish missionaries who first established Mission Santa Clara. Apparently some of these missionaries did not record the names of the many ***Thámien*** tribal rancherias and villages, as was practiced at the other neighboring Costanoan linguistic area missions (e.g., Missions San Jose, Dolores, San Juan Bautista and others). Instead, the mission Fathers had simply assigned names of Saints to the various villages and "districts" surrounding Mission Santa Clara, rather than documenting the specific tribal villages from where the newly recruited and baptized Indians came from (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 ***Thámien***-Ohlone speaking tribal groups of Santa Clara Valley and the neighboring East Bay Chocheño-Ohlone speaking tribal groups (e.g., **Santa Agueda**, **Alson and Tuibon**) 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 at this mission. 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 (C. King 1994:203).

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 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 by King 1994:203].

Milliken, in his published monumental doctoral 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 (CA-SCL-690) site report, Milliken also provides reconstructed information regarding the geographical distribution and inter-relationships between the ***Thámien*** Ohlone-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) [see **Map 9-1 and Map 9-2** below].

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 Bernadino"... .

> ... The Mission San Jose priests provided more detailed genealogical information for each person than did those at Mission San Francisco. ... The cross references indicate 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)

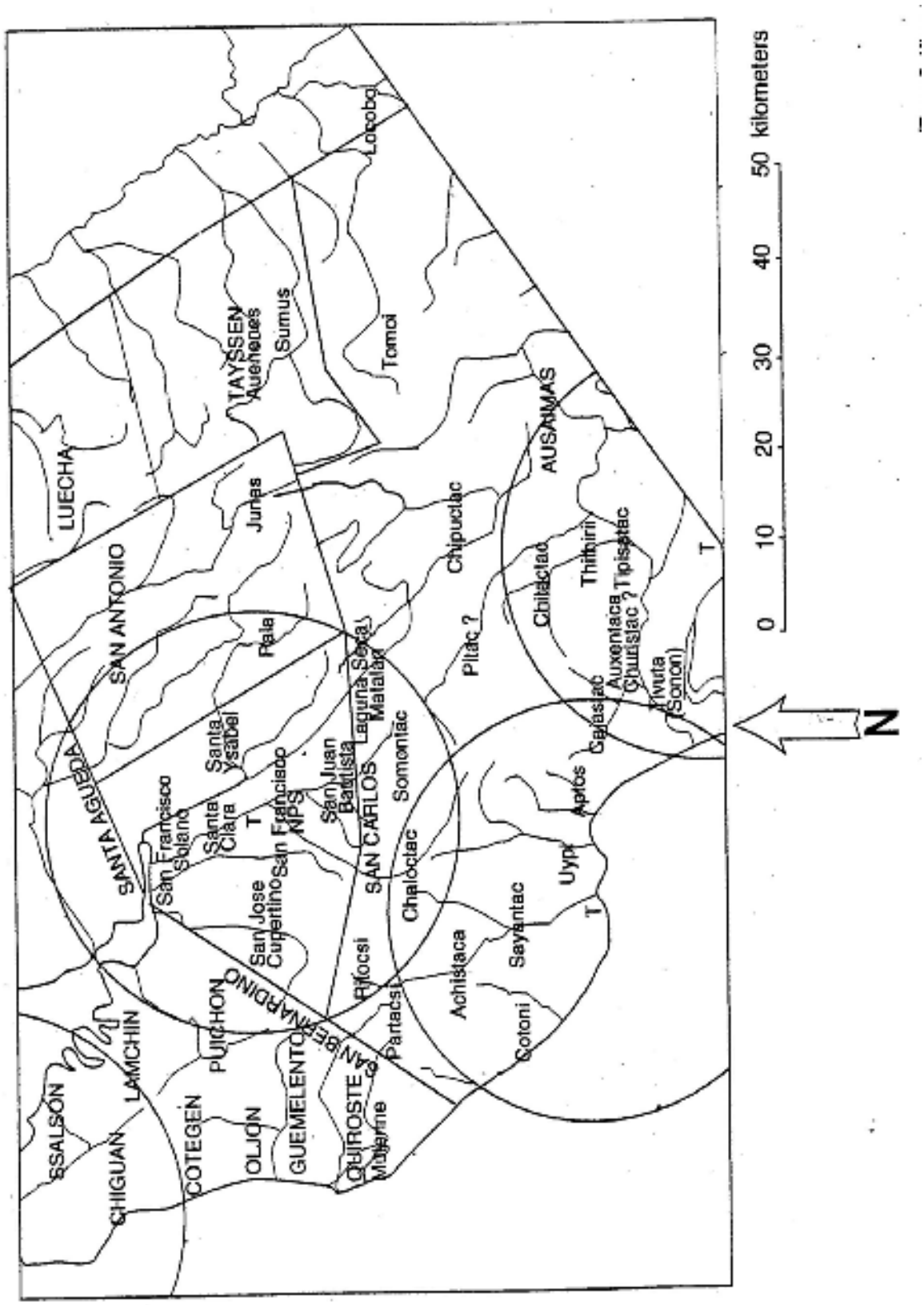
> Within the Santa Clara Valley and adjacent regions, during the first twenty years since the establishment of Mission Santa Clara, Milliken suggested that "(c)onversion of adult married couples in April (1795) had been concentrated among people from the southern East Bay, **Alson**, **Tuibun**, and 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 ***Thámien***)-Ohlone speaking tribal couples were relations to the families from those same tribal groups who were baptized years earlier at Mission Santa Clara.

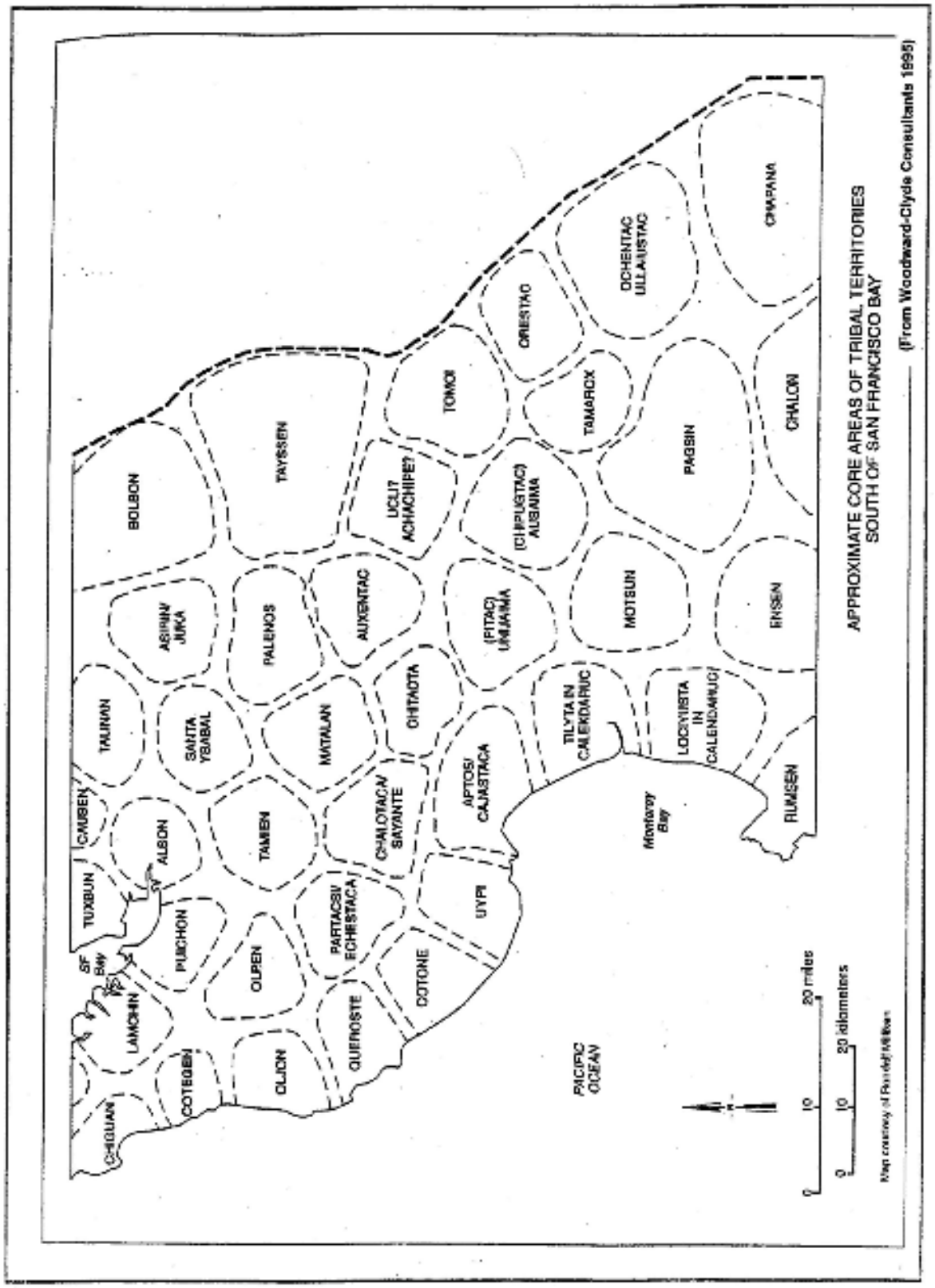
Furthermore, it is interesting to note that Milliken also found that "(i)n January and February (1802) twenty-one **Jalquin/Yrgin** families moved to Mission San Francisco" and that "(t)hey were intermarried with **Seunens** and **Tatcans** (1991.:266); [see **Map 9-3** and **Figure 9-1 - Costanoan Indians at Mission Dolores** drawn by **Louis Choris** below].

It is interesting to note that some of the lineages enrolled in the Muwekma Ohlone Tribe trace their direct ancestry to the Chocheño Ohlone-speaking **Alson**, **Seunen** and **Jalquin** tribal groups whom were missionized in to Missions Santa Clara, Dolores and San Jose. Milliken also noted that the **Alson** was "a tribe that held the low marshlands at the very southern end of the San Francisco Bay, probably both north and south of the mouth of the Coyote River [Creek] now the cities of Newark, Milpitas and Alviso" (1995:235). He suggests that the **Seunen** was:

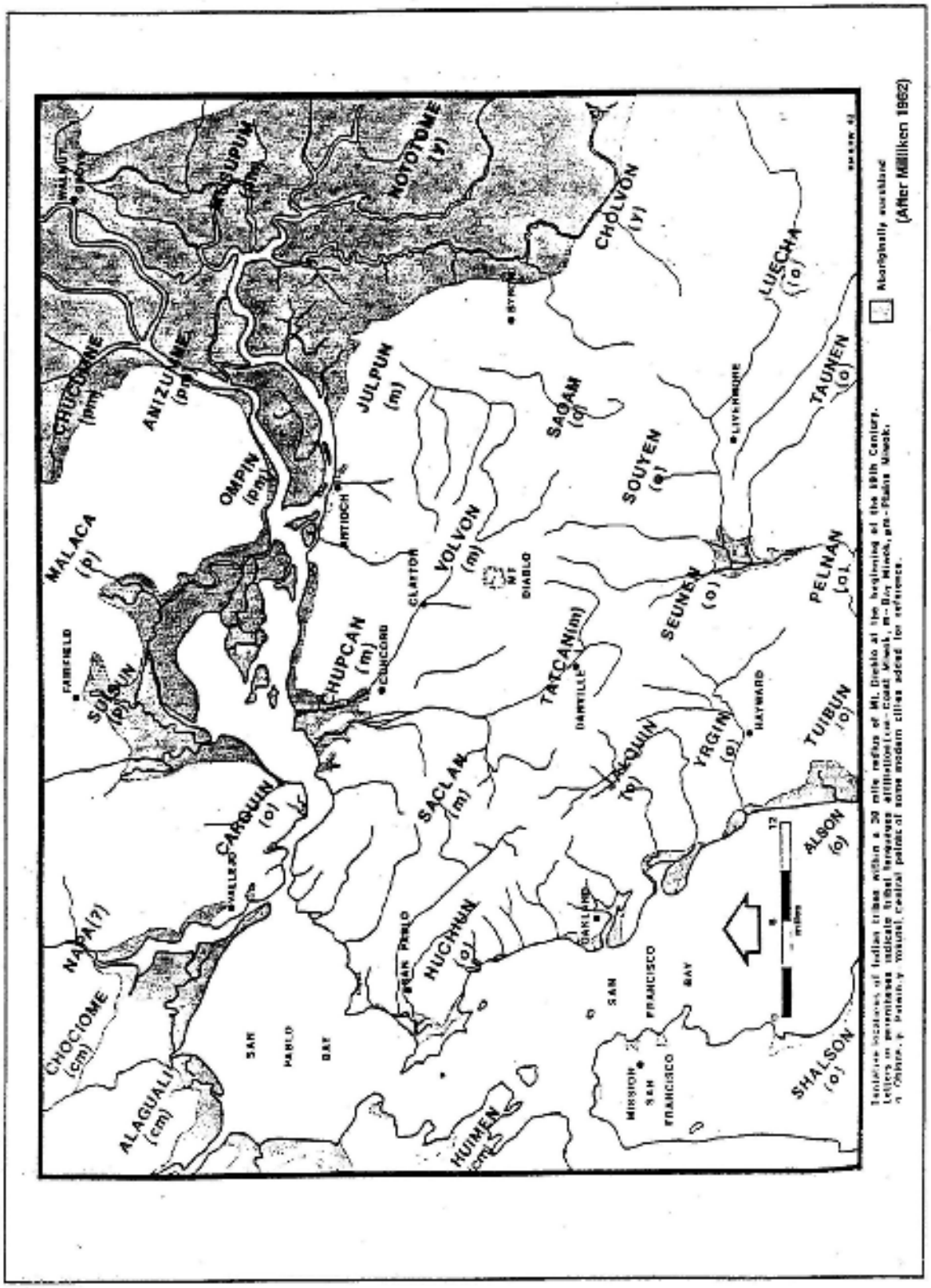
> A tribe that held a fairly small territory at the northwest side of the Livermore Valley in the hills east of San Francisco Bay. … Most of the Seunens went to Mission San Jose between 1801 and 1804, although four of them went to Mission San Francisco in 1801 and 1802 as part of a large Jalquin group (1995:254).



Map 9-1: Distribution of Ohlone Tribal Groups and Tribal Districts in the Santa Clara Valley [From C. King 1994]



Map 9-2: Distribution of Ohlone Tribal Groups Surrounding the *Thámien* Region
[From Milliken 1994]



Map 9-3: Distribution of Tribal Groups in the East Bay
[From Milliken 1991]

Figure 9-1: Indians at Mission Dolores in 1816 Drawn by Louis Choris

Milliken stated that the **Jalquins** and **Yrgins** were most probably a single tribal group. He suggests that the Yrgins represented the southernmost community from this tribal group who were missionized into Mission San Jose, while the northern Jalquins came under the influence of Mission Dolores in San Francisco.

The complex process that brought together East Bay and Santa Clara Valley Ohlone tribal groups into the mission system, though cataclysmic, these newly emergent mission-based communities had nonetheless maintained vestiges of their languages and culture that survived into the early 20th century.

Thus two of the East Bay Chocheño Ohlone-speaking linguistic consultants, Maria de los Angeles Colos who was born on the Bernal Rancho (Santa Teresa Hills in south San Jose) in 1839 and Jose Guzman who was born about 1853, had provided Smithsonian's Bureau of American Ethnology linguist John P. Harrington with the observation that "the Clareños were very much intermarried with the Chocheños, the dialects were similar," and also at this time he recorded the Chocheño linguistic term – "***mu^{w}e'kma*, la gente**" [meaning "**the people**"] (Harrington 1929 field notes [1921-1934]).

Chester King's 1978 Almaden Valley Ethnohistoric Study

In 1978 Chester King contributed an important ethnohistoric study focusing on the first major Ohlonean tribal group to be brought into Mission Santa Clara. This study entitled *Alamaden Valley Ethnohistory* was published in **The Archaeological Mitigation of 04-SCL-132, Alamitos Creek** by Archaeological Resource Management. The following quoted subsection (next five pages) presents excerpted information from King's study that principally focuses on the San Carlos ***Thámien-***Ohlone-speaking tribal group from the greater Almaden Valley and adjacent areas that were brought into Mission Santa Clara beginning in 1781:

"Introduction

The Spanish colonization of the central Santa Clara Valley centered at Mission Santa Clara, where the Ohlone Indians living in the area were concentrated. The missionization program first directed its efforts to recruiting converts to the Church from the native settlements closest to the mission. As the population of these villages was depleted, the missionaries recruited converts from greater distances. The historical evidence indicated that conversions increased following Spanish military expeditions during which native people were killed. Fear of reprisals seems to have been one of the main motives for giving children to the missions or for personally joining the system.

After 1796, the mission population ceased to grow although many Ohlone were recruited every year. Diseases introduced by the Spanish resulted in the deaths of numerous Indians. It seems as though the concentration of people beyond a certain number resulted in increases in deaths as a result of disease. Violence against the native people by missionaries, settlers, and soldiers was also a cause of death. The data in the mission registers indicates that following 1782, many parents of young baptized children died without being baptized themselves.

Mission Recruitment From the San Carlos Tribe

… The people of the San Carlos tribe lived in the Almaden and Coyote Valleys with their tribal center at *Rancho La Laguna Seca*. The *Ranchos* were huge tracts of land, located in the undeveloped areas surrounding the Pueblo de San Jose, used for grazing. *La Laguna Seca* was centered in the Coyote Valley and encompassed the foothills on either side of the valley. *Rancho de Los Capitancillos* contained the Santa Cruz Mountain foothills on the east [west] side of the Almaden Valley, and was probably the "Mountains" referred to in the mission data of the 1780s … .

…. When the missionaries began baptizing people from a settlement, they usually first recruited children who were surrendered by their parents. Later, the Fathers increasingly induced adults to come to the missions. Many adults were often baptized in large numbers following times of major military activity.

… [P]lacenames mentioned in the Santa Clara Mission registers for villages within the San Carlos group illustrate a model of recruitment from the area. As recruitment of neophytes for Mission Santa Clara diminished the size of the settlements closest to the mission, the missionaries began taking people from villages farther from the mission.

… The mission registers … show that in the San Carlos tribe, people who lived in the mountains or *sierra (Los* Capitancillos--Almaden) were, in 1781, the first group to be baptized by the missionaries. Following the mountain people, Indians from *Rancho La Laguna* Seca--Coyote (also called *Matalanes)* were then baptized, beginning in 1789. The last date for a baptism of a person from the mountains (Almaden) was September 1790. After 1790, most of the baptisms were from *Rancho La Laguna Seca* (Coyote). This dominance continued until July 1802, then a single baptism in September 1803 was the last recorded from *Rancho La Laguna Seca.* The main villages in the Coyote Valley and remaining settlements of the Almaden Valley were essentially abandoned in 1802. After 1802, most of the people baptized by the missionaries were from a *"Rancheria de Guarto."*
In the register, a man named Guarto was baptized #4871. Some of the latest (1807) associations between the mission and the Indians were with a *rancheria* of *Tomoy* which also contributed many baptisms to Mission Santa Cruz.

The information presented [in the Santa Clara baptism registry] shows that prior to 1794 some of the children baptized by the missionaries remained in their native villages with their unbaptized parents. The Fathers usually baptized the children in a settlement first, then tried to convert the parents at a later time.

The [data] also indicates that occasionally old people stayed in their native villages until they died. The relatively high frequency of burials or cremations of children by non-Christian parents demonstrates resistance by many adults to convert.

[The baptismal data also] indicates that a number of non-Christian San Carlos Indians were living in the Pueblo de San Jose at the time that they were baptized, during the later half of the 1790s. The move into the Pueblo was probably prompted by the Spanish military expeditions against the Ohlone in 1794.

Relations Between the Spanish and Indians From 1782 to 1802

Militarism and Baptism:

In January of 1783, Pedro Fages, Governor of Alta California, led a military expedition against *rancherias* in the vicinity of Mission Santa Clara. Father Palou of the mission reported:

> 'He came back again to chastise some heathen in the neighborhood of Santa Clara who had killed some mares belonging to the settlers of the Pueblo de San Jose. The heathen took up arms, and our soldiers killed two of them without having one of ours even wounded, and being frightened by this they voluntarily gave up some of their children for baptism (Bolton, 1926:224).'

The increase in baptisms in the San Carlos tribe in 1783 … may have been an effect of this expedition. On May 15, 1783, Fages sent a letter saying, among other things, that "the Indians of the *Sierra de San Jose* (Almaden hills) and those around Monterey are very peaceful as a result of the threat made to them, and many have been baptized at Santa Clara Mission" (California Archives 23:99).

Except for those from close villages, most of the baptisms made between 1783 and 1789 were of children less than eleven years old. The recruitment situation during this time was described by Father Peña on December 31, 1786:

> 'There are innumerable heathen in the *Rancherias* that surround the mission and only a few of them know [Christianity] from those who have become baptized. We are denied the assistance of the guard in order to go out to allure them, flatter them, and charm them, without which we are unable to assure the fruit that we are after, as we have experimented, visiting from time to time the *rancherias,* to request them humbly [to submit] to the superiority... . (AGN. Mexico: Missions, Alta California, Series 2A, Vol. 2, Santa Clara Archives).'

Brutality on the part of the missionaries was both a symptom and a cause for resistance by the Ohlone. When Father Peña of Mission Santa Clara was tried in 1786 for beating four Indians to death, he cited the behavior of Spanish soldiers against the Indians in his own defense. It was probably the Fages expedition of 1783 to which Peña referred:

> '... it has already been two years since the same Captain Dn Nicholas Soler has told and published to the whole province that the Governor (Pedro Fages) had killed with lashes and had commanded the two Sargeants at the Monterey Presidio and the San Francisco Presidio to kill more than twenty heathen Indians. On occasions soldiers use their weapons against the heathen without having encountered resistance. At times the heathen have been left abused by the cruel punishment of being hung in the trees by a foot, by scarifying their buttocks with swords, the soldiers hang them and then beat them with staffs alternating until they have all had a turn (AGN Prov. Internas, Vol. 1, No. 6: 46).'

Military Policy in the Pueblo:

A series of dispatches written by Pedro Fages from Monterey and Ygnacio Vallejo, *Commandante* of the Pueblo de San Jose, indicate the 1785 to 1788 policy of the military. This policy was to keep all unbaptized Indians out of the settlement of San Jose, to not trade with the unbaptized Indians, to not allow the Indians to ride horseback, and to maintain an alert guard at the Pueblo because of potential attacks by the surrounding Indians, and to punish any neophyte who came to the Pueblo without passes (California Archives 44: 5-8).

On January 5, 1788, Fathers Peña and Noboa observed:

> '... [the heathen live with some] frequency in the Pueblo de San Jose, where many of both sexes have become semi-domestic servants and laborers of our neighbors. They are allowed to live with their old freedoms and heathen customs; along with these they have learned other unbecoming vices that they acquaint themselves with the Pueblo, and since they get food for their work they reject submission to the yoke of Evangalicism. (AGN Mexico: Missions Alta Calif, Series 2A, Vol. 2, Santa Clara Archives).'

The situation of non-Christian Indians living in the Pueblo de San Jose described by Fathers Peña and Noboa was counter to instructions issued by Governor Fages on September 4, 1785. Fages' orders stated that "the Indians should be watched, not let into houses, not allowed to sleep in houses, and not permitted to ride horses, nor herd animals" (California Archives 44: 5). Also, "if anyone goes out in order to trade with the Indians or non-Christians for otter hides that are worth some means ought to be punished, 103 *estoperotes are* required" *(Ibid.:* 22).

These orders seem to indicate that during the last half of the 1780s, interactions between the Spanish settlers, the military, and the unbaptized Ohlones increased. … On April 30, 1788, Arguello reported to Fages concerning an altercation between heathen Indians in the vicinity of Santa Clara Mission and Spanish involvement. He said that Sargeant Amador was dispatched to Mission Santa Clara because of a report that the heathen of the *rancheria* near the mission had fought with the "Mountain Indians," and several mission Indians were involved in the skirmish.
Sargeant Amador found two or three Christian Indians, who had gone to see the skirmish, being punished by the missionaries upon his arrival. After this, Sargeant Amador went around to all the surrounding *rancherias* and scolded the leaders. He was informed that a heathen called "the Corporal of the laborers of the Pueblo" went about calling *a* meeting to make war against other heathen on account of a woman. He was captured, given several lashes and after being held prisoner for three days was set free (California Archives 4: 261).

A letter by Governor Fages to Macario Castro on January 2, 1790, outlined the degree to which the military should be involved in native disputes:

> 'When some non-Christians are being persecuted by others who have taken their women, you should persuade them that they ought to return them (the women). Try to make the persecutors see the wrong in what they have done, and tell them that if I know [about it], it will make me angry. Then I will come with many soldiers to punish them. The same approach is to be used if natives of the distant *Rancherias* steal women of their neighbors. The officials should be sent to petition the chiefs with the same council. If, on the other hand, the women have already been captured for some time and are with children, leave them as they are since it is desired that the non-Christians be free" (California Archives 44: 27-29).'

Monterey Presidio:

The first year in which non-Christian Indians recruited from the San Jose area worked for the Monterey Presidio was 1790. Indians who lived in the Almaden Valley were probably among those providing services at Monterey, though it seems that the San Carlos tribe was not extensively involved in the labor program. After 1795, it appears that the San Antonio tribe [from the hills to the east of San Jose] provided the Presidio with most of the day laborers and harvesters of hemp.

Men were given a blanket or other payment and provisions of grain in return for working for the Presidio. In correspondence concerning Indian day laborers, *Capitancillos are* mentioned. It is possible that the name *Los Capitancillos,* associated with the Land Grant in the Almaden Valley, *was* derived from "sub-chiefs" discussed in Fages' May 31, 1790 letter to Macario Castro:

'...neither hatchets nor other types of tools or arms are to be given to the Indians or their *Capitancillos* who struck the Indian woman. They should be admonished that if they repeat their act, they will be punished (California Archives 44: 37).

On July 22, 1790, Fages again wrote to Castro, this time concerning Indian laborers:

'Of the twenty-four Indians who arrived, not all are useful. The old ones have little value for the work. Can you see to getting fifty or twenty more and send them. The saddened Indian is in grievous condition due to being surprised in his dance. He has been strange, this action was not commanded, but contrary to it.

In the company of Romero, you go to them. So as to not confuse them, it is best to see the *Capitancillos* and persuade them with suavety and style that four, six, or eight workers should come from each *Rancheria*. In this way they will come … (California Archives 44: 39).'

On August 3, 1790, Governor Fages wrote:

'The method of gathering Indians is for the *Capitanejos* to be found and shown the need that the King has of them *(Ibid.: 41).'*

On August 22, 1798, Fages wrote:

'Pablo and the other "capitan" came and pledged their aid, with Romero they will gather the Indians in the *Rancherias* that they are able to ... *(Ibid :* 42).'

Abandonment of the Almaden Valley:

The mission registers seem to indicate that most of the members of the San Carlos tribe left the Almaden Valley and were baptized some time around 1795. Abandonment of the valley and joining the Church was probably a result of military expeditions in 1794, which were in reprisal to the Ohlone's slaughtering of Spanish stock animals. In late 1794 to early 1795, following the military action, an increase in the baptisms of adults occurred. Later baptisms listed for the San Carlos tribe are of people who were probably coming from the Coyote Valley and other areas more distant from the mission than the Almaden Valley. The pattern of baptisms from more distant areas seems to indicate that most of the Ohlone had been removed from the Almaden Valley by 1795 (King 1978:39-46)

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), ***Thámien*** (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 ***Thámien***-Ohlone 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 ***Kaknú*** (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):

> Kaknú'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 ***Thámien*** 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 ***Thámien***-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 Area

Clearly, the basic political unit for native Californians, including those of the ***Thámien-***Ohlone-speaking tribal groups, was the residential village (representing 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 (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 and camps, 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 Paloú, 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 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 ***Thámien***-Ohlone speaking **Matalan** tribal territory. Through trade fairs and feasts, marriages and funerals, and other important ceremonial events were part of widespread ritual complexes such as the **Kuksú** 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 (the **San Carlos *Thámien*-**Ohlone-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 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, 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; Lightfoot and Parrish 2009).

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 sweat lodges, 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, Paloú, 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 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 ***Clareño Muwékma Ya Túnnešte Nómmo*** **[Where the Clareño Indians are Buried] Site (CA-SCL-30/H)** contained at least several thousand burials that bridged traditional Ohlonean world view and the

transformed/emergent Hispano-Catholic Clareño world view of cemeteries as "sacred places." (Leventhal et al. 2011).

Pedro Font traveling through different parts of the Santa Clara Valley made several observations about the nature of Contact Period 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).

Even closer to the ***Thámien Rúmmeytak*** **Site (CA-SCL-128)**, Font described the following scene within the nearby Coyote Creek corridor located approximately 7 miles southeast of the Third Mission Santa Clara. 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 Paloú … . 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 cited first-hand observations provide some of the parameters of ceremonial activities and ritual performances that were practiced by Contact Period ***Thámien***-Ohlone-speaking tribal groups.

The Transformation of Costanoan/Ohlone Societies Resulting from 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 San Francisco 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 Kuksú religion which as stated above 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 "*viejos Cristianos*" 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. (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** and **Yozcolo** 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.

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 issued to

the newly patriated neophytes, no such lands were formally granted with the exception of three or four individual land grants to several Clareño 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) ***Thámien*-**Ohlone-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 (Milliken 1995). **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 southeast 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**)].

Also 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**[2]. 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. It is interesting to note that Rancho San Juan Bautista borders on the southeastern side of Rancho de los Coches and the ***Clareño Muwékma Ya Túnnešte Nómmo*** **Site (CA-SCL-30/H)** is located approximately three miles to the northwest of Roberto's adobe/homestead.

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) Thámien** 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). Juan Jose was also identified as being from the San Juan Bautista (district) 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).

[2] Note: on March 7, 2015, the Muwekma Ohlone Tribal leadership participated in a ribbon cutting ceremony for the newly named **Roberto Antonio Balermino Park** on Almaden Road in San Jose. The Tribal Leadership wanted to honor Roberto by naming the park after him.

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 1½ 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 where Muwekma Elder Maria de los Angeles Colos was born in 1839. 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 Mission Indians 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).

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 records indicate 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 he had married another Mission San Jose Indian named Celsa Santos[3].

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 probable **Chocheño/Thámien Ohlone**-speaking **Alson** tribal group located along the lower Guadalupe River and the Chocheño Ohlone-speaking **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.

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[3] 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).

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 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.

The transition of power during the Gold Rush years and California Statehood witnessed great changes in policies towards Native Americans in California. One of the major figures to emerge during this period was **Peter Hardeman Burnett** (November 15, 1807 – May 17, 1895) **[Figure 9-2]** who briefly served as the territorial civilian governor of California in December 1849.

Burnett was the first elected state Governor of California who served from December 20, 1849 to January 9, 1851. He was also the first California governor to resign from office.

Figure 9-2: Governor Peter Hardeman Burnett (1849-1851)

On September 9, 1850, California became the 31st state in the Union and with tensions rising between the newly established American settlers as they claimed more and more Indian lands and committed depredations against tribal groups. Four months later, on January 7, 1851, in Governor Peter Burnett's first address to the California State legislature, he opined that "a war of extermination will continue to be waged between the races until the Indian race becomes extinct … ." (California State Senate Journal, 1851; Hurtado 1988:135). Peter Burnett's legacy is largely mixed. While regarded as one of the "fathers" of modern California, Burnett's openly racist attitudes towards Blacks, Chinese, and Native Americans has left a tarnished legacy for himself and California's treatment toward minority groups. Furthermore, while Burnett was serving in the Oregon Territorial Legislature (1848) his attitude toward minorities especially African Americans helped facilitate the exclusion of Blacks from the state until 1926. Also, his open hostility to foreign laborers influenced a number of federal and state California legislators to push legislation, such as the Chinese Exclusion Act of 1882.

As mentioned above Burnett was also an advocate of exterminating California Indian tribes, a policy that continued with successive state administrations over the ensuing decades. The State at one point offered a bounty ranging from 25 cents to 5 dollars for Indian scalps.

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 9-3).** 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 and **M. Treaty of Camp Fremont,** March 19, 1851.

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 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).

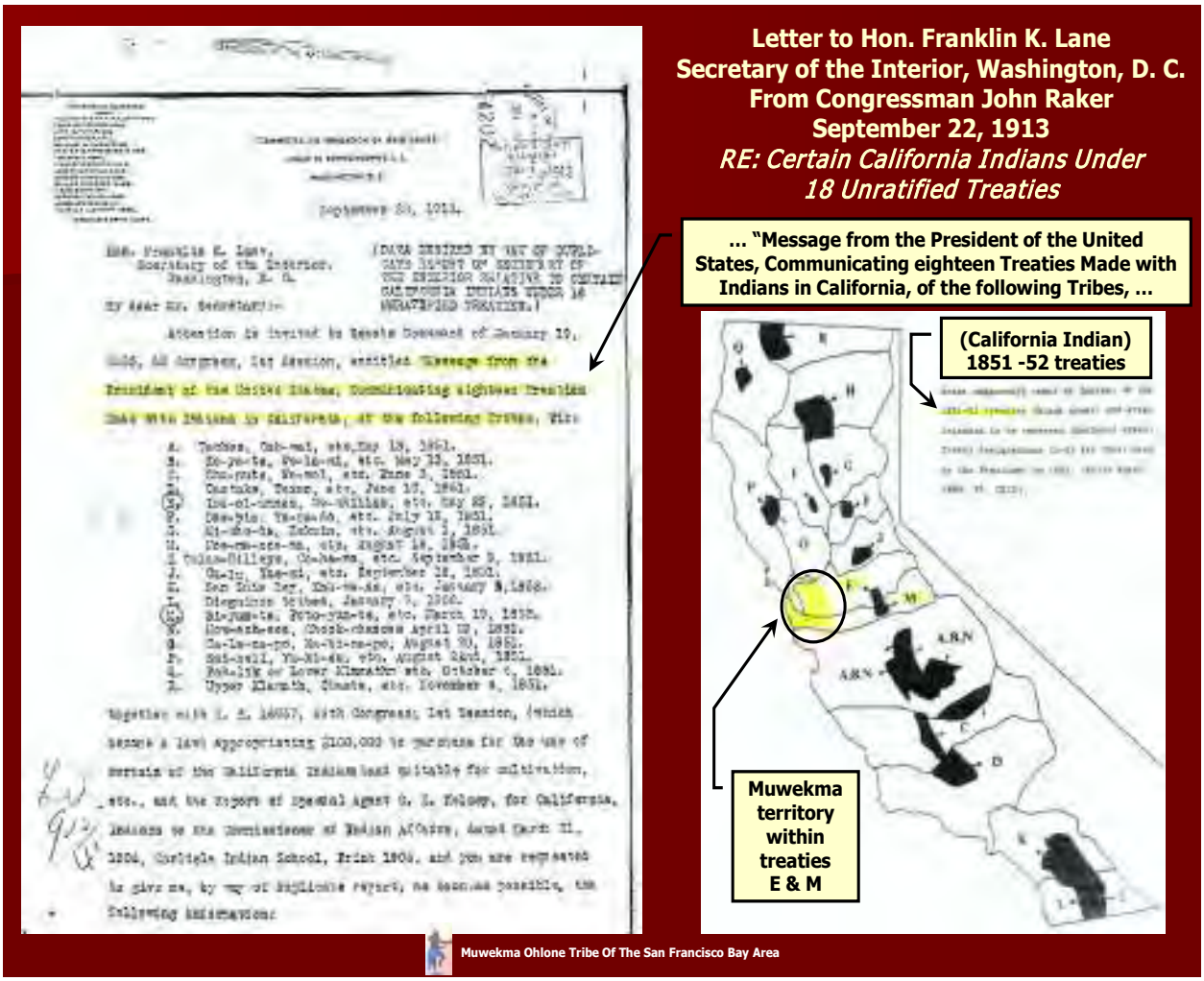


Figure 9-3: Eighteen Unratified Treaties of California

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 ill-fated 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 sweet 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 [emphasis added]** (Emma Smith, 1923).

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, as mentioned above **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 on the Bernal Rancho (in 1839) located at the Santa Teresa Hills (near prehistoric site CA-SCL-125) in south San Jose located approximately 9 miles southeast from the Third Mission Santa Clara (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. Joaquin Pico was probably one of the Indian servants working for Antonio Maria Pico who was the *alcalde* (a mayor, chief judicial official or municipal magistrate) at Pueblo de San Jose. He married Maria del Pilar Bernal in 1831 and later sold his one fourth share of Rancho Valle de San José to Maria's brother Juan Pablo Bernal. It was on a portion of the Rancho Valle de San Jose (Sunol/Pleasanton area) that the Alisal Rancheria was established after 1839 and where Muwekma Elder Maria de los Angeles (Angela) Colos spent her life.

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. 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 (probably 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?)

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 Indians from the Alisal community]

On the 1880 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 located in Fremont 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 [Bernal/Sunol] was Great grandfather people, so were Lupe Vernal and Jose Vinoco [Binoco] an uncle" (Avelina Family History, Dario Marine Interview 1965).

In 1894, Antonio Bernal (most likely Jr.?) and Muwekma 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**), San Lorenzo (**The Spring**) 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 Miwoks, Yokuts, 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 **Kuksú** 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 (Alisal) Rancheria (Gifford 1926, 1927, 1955; Kelly 1932, 1991; Gayton 1936; Field et al. 1992).

Berkeley Anthropologist E. W. 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 were ***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 the colonial (alien) order. Knight's Ferry is on the Stanislaus River, in Lakisamne North Valley Yokut 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 in the early 19th century (Milliken, Leventhal and Cambra 1987; Milliken 1991; see MSJ baptismal record # 4276, September 26, 1820).

Ethnographic information from the Coast Miwok region on the Marin Peninsula recorded by Isabel 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 Coast Miwok 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 1934 as 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)

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.

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 Lee 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). More recently Marvin Lee Marine (Maidu/Muwekma) has reintroduced traditional dances back to the Costanoan/Ohlone region, with the Amah-Mutsun tribal band now learning some of the dances from him.

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 of the Verona Railroad Station nearby as the "**Verona Band of Alameda County.**"

In 1880, French linguist Alphonse Pinart recorded (probably from Muwekma Elder Trinidad Gonzales) 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 ***Thámien-***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

Muwekma Community Identified as the "Nusbaumer Indians" by the Media

During the 1880s the Muwekma Ohlone occasionally appeared in the various Bay Area newspapers. Other than referring to them just as Indians, they were at times referred to as the Nusbaumer Indians because the Alisal Rancheria was located on the land purchased by **Carl Duerr** and **Louis Nusbaumer** that was part of the old Bernal-Sunol-Pico **Rancho El Valle de San José (Figure 9-4).** Furthermore, in one newspaper the San Francisco Call published on December 29, 1889 caricatures some of the notable people of the Pleasanton area including one of the "Nusbaumer Indians" (**Figure 9-5**)

> **Daily Alta California, Volume 80, Number 167, 16 June 1889**
> **A DECAYING TRIBE.**
> **Chief Avencio and His Four Score Subjects at Sunol.**
> **ONCE THERE WERE HUNDREDS**.
>
> **The Story of Their Life as Told by Those Who Have Lived Among Them in the Glen— A Doomed Race**.
>
> The story is the old one of whisky, disease and indolence, which have always marked the contact of high pressure Caucasian civilization with the rude habits of the savage whom he found in possession of this continent through all its width of forest, mountain and prairie between the two oceans. But in this story the chapter of violence has never been written which has been so prominent in the other tales of Indian affairs, and for that much one should be thankful; the story of the Indians of Alameda county is not blotted with the record of midnight raid and vengeful reprisal; rows of scalps do not dry in the smoke of the lodges, and murdered settlers not lie bleeding on the edges of their clearings.
>
> It is a story of the survival of the fittest, which is the strongest, of the steady, merciless extinction of the lower race before the higher. What remnants have they left? A shell mound on the bay shore, two more on the encinal shore of the basin, a few forgotten burial places in the marshes or the canyons in the hills, just one topographical name and some eighty people slowly dying in **Sunol Glen** and at **Niles**. Once they covered the land. The mission priests of the rule of St. Francis found them numerous enough a century ago to found for their instruction the Mission of San Jose, where pious fathers taught native catechumens that Christian civilization of progress which has killed them.

In the childhood of men yet young there were still hundreds of them, and now but four score may be found. Who knows aught about them?

Neglected by the church, **forgotten by the Government**, they linger in the canyon of the Alameda where passers on the railroad sometimes catch a glimpse of the brown shimmer of their skins as they wade the creek in search of fish; the curious may have caught a phrase or so of their guttural speech, but it is probable that there is not a white man in the county who knows by what name they call themselves. Long years ago the **Nusbaumers** settled in the narrows of the Livermore valley, first at Pleasanton, later on a portion of the **Rancho el Valle de San Jose** at **Sunol**. The Indians then were thick all about them, and it is from conversation with the two brothers, **George Nusbaumer**, the County Surveyor, and **Emil Nusbaumer**, of the District Attorney's office, that this fragmentary account of the remnants of the Indians has been drawn.

Wherever, in the pastoral days of the land, there was a Spanish rancho, there was always in the neighborhood an Indian rancherie, whose people were practically peons of the Spaniards. But they led an easy life, their services were only seldom required, and meanwhile they were not ill-treated, and received a fair provision of food in case of need; but the land was such a savage paradise, so filled with all sorts of game, that the food supply rarely gave them concern. When the Nusbaumers lived at Pleasanton there was a large rancherie on the Bernal portion of the rancho, and the Indians were all about. When they moved to the old homestead in the glen the chief, **Avencio**, [although this is the name of Jose Guzman and his father Habencio Guzman, this must be taken as the name of Captain Jose Antonio] who still lives, came to ask permission to build a rancherie on the property, which was granted, and the Nusbaumer boys had, therefore, good facilities for watching the Indian life.

In this rancherie were nine large houses, a temescal, and a number of smaller houses. These structures were uniformly four sided, with a pitched roof. The walls were formed by driving stakes of the proper length and then weaving between them osiers and reeds tied with rawhide. Over this was plastered adobe. The roofs were made of tules and were quite water-tight. The floors were always the natural soil stamped hard and even. It was characteristic of the tribe that though they carefully eschewed any neatness about their persons, their houses were kept very clean, and before each was a little area where no rubbish was allowed to lie. A sweat-house, known in the native tongue as a "temescal," [*Tupentak*] was a prominent feature of every rancherie. It was always built near some pool in the creek, and was generally partly underground. A pit was dug about four feet deep, and some fifteen feet across, and over this was built a penthouse with a small vent in the top. The only entrance was through a little passage some ten feet long, which would allow a man to enter by crawling, and at its inner end was a door, which could be closed so as almost completely to exclude the air. Into this they were wont to crawl whenever ill, build a fire on the floor and fill it with cobbles, and when they were sufficiently heated, deluge them with water, while the patient sat in the hot cloud of steam until he could bear it no longer, when he crept out of the temescal and plunged at once into a cool stream.

The people were well formed and rugged, and rarely had an illness before they were contaminated by the vices of civilization. Men full six feet in height were not uncommon. Quarrels with white men were unknown, and among themselves were rare, except when they were drunk. Though it is contrary to law, whisky is constantly sold them, and they are no good until the whisky is all gone. They retain no traditions of their former history and religion, or if there are any such they are too taciturn to communicate them even to those who know them best. They are in the main kind to their women, rarely abusing them, though, according to savage custom, making them do all the hard work. Marriage is simply cohabitation, and divorce was equally simple. Their families seem never to have been large, and are now smaller than ever. Most of those still remaining are of the pure blood, and the few half-breeds are, as usual, endowed with all the characteristic vices and none of the virtues of their parent stocks.

For food they used the native vegetables, game and fish, and the refuse of the ranches, being quite content to feed upon a cow that was found dead in the pasture, and which no white man would touch. They are expert fishermen, and are fond of the big dace [minnow family] and suckers in the Alameda. These fish they sometimes caught with spears and sometimes by building elaborate fish traps composed of dams and weirs. More commonly they made use of a recumbent weed which grows everywhere along the creek, and is known only as the "fishweed" [Yerba de Pescado]. The leaves and stems of this they were in the habit of bruising to a pulp and then throwing into a pool. Soon all the fish for a considerable distance around within reach of its stupefying influence floated to the surface, belly up, and were brought to shore. The poison was only temporary in its effect, and never had any bad effect upon the food value of the fish. They would seem never to have had any hooks, but were experts in the use of slip nooses of horse hair, with which they were very deft in catching fish of even considerable size. Their customary drink was a decoction of the parched acorns of the live oak, which **Emil Nusbaumer** describes as not unpleasant to the taste.

They seemed to know almost by instinct when the sturgeon were running in the San Joaquin, and all the men organized a great party to cross the mountains and spear the fish. Sometimes they smoked the sturgeon and brought a supply home, but more commonly they feasted and speared and speared and feasted, until they were gorged. Similarly, they were in the habit of forming parties to go down to the salt marshes and net ducks. Smoked duck and jerked beef were the only provisions that they ever stored, and not much of either. They were never known to beg for food; and in general begging was not characteristic of them. One of their greatest delicacies was the flesh of the chickenhawk.

Twice a year they had great dances, and the custom is still kept up. This is about the only occasion in which the chief seems to have any power over the tribe, and even then it is but ceremonial. One dance comes in the spring, about the time when the berry crop is at its best, the others along later when the watermelons are most abundant. Sometimes the dance is held in the temescal, but more often in the woods, where an area some fifty feet in diameter is cleared and surrounded with handles. In the center is a fire, and about it dance men and women painted with bars of red and white across their

cheeks and clad in costumes of reeds and feathers. About the fire they dance and whoop and yell, while an orchestra of eight or ten men sing in agreeable cadences monotonous tones to the accompaniment of split sticks, which they shake in regular measure. Sleeping by day and dancing by night they often consume a week at a time, and can give no explanation except that the custom is traditional.

On the death of an Indian the women sit around and howl for a day or so, the length of the howling time being dependent upon the degree of consideration in which the dead was held. After a sufficient howl the body is encased in a plain box and put in the ground without further ceremony. A favorite burial ground up to within the last dozen years was on the first little hill this side of Pleasanton, on the lands of Neal. Those who best knew them rarely learned any words of their native language, which is still used by them universally in communication among themselves. Two salutations are all that are known — wellawella huga for "good morning," and for "good night" wellawella hi. Such and so much is what is known of that swiftly vanishing tribe known in default of a better name as the **Nusbaumer Indians (**Daily Alta California, Vol 80, No. 167, 16 June 1889).

Brief Background on the Nusbaumer Family (1856-1878)

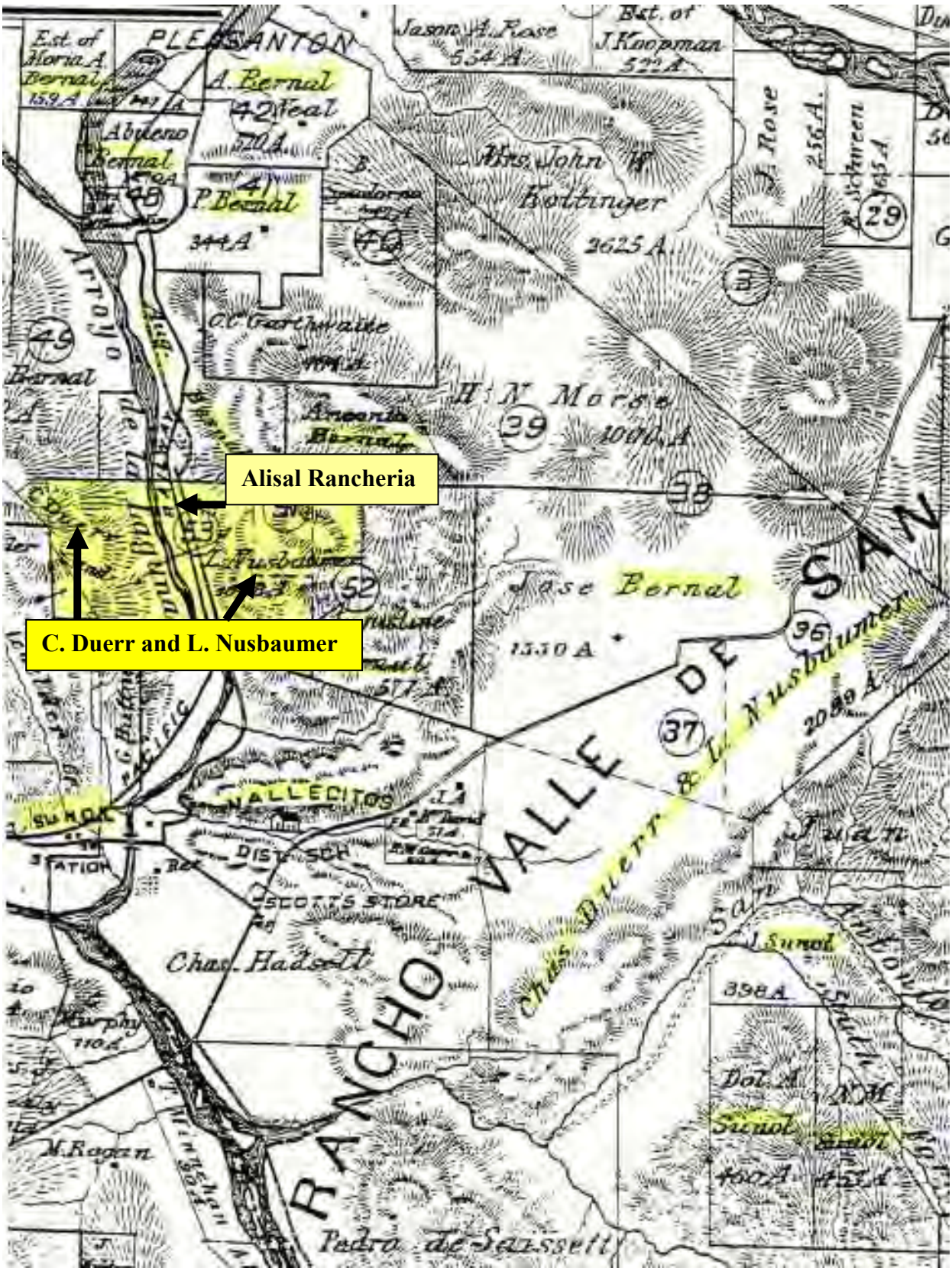
Louis Nusbaumer and his wife Elizabeth (Roth) Nusbaumer lived in San Francisco until the fall of 1856, when they moved on an eighty-acre farm on Dry Creek, Washington Township, Alameda County, which was purchased by Carl (Charles) Duerr for Nusbaumer and himself. In October, 1857 Duerr and Nusbaumer had rented the estate of John W. Kottinger, which was situated in Murray Township, embracing the larger part of the present town of Pleasanton for a term of five years. Their business consisted of merchandising and sheep-raising. At the expiration of their lease in 1862, they bought a joint interest in the old Bernal-Sunol-Pico **Rancho El Valle de San José** consisting of some three thousand acres, on part of which they made their permanent home. Years later on the 10th day of July, 1878, Louis Nusbaumer died at the age of sixty. He and his wife left four children George Louis, Albert, Emil, and Bertha, all of whom were permanent residents of Alameda County.

Figure 9-4: Portraits of Carl Duerr and Louis Nusbaumer

Louis Nusbaumer's youngest son Emil became the Deputy District Attorney of Alameda County. He was born in San Francisco, February 13, 1856. He first attended school six miles from home, in Dublin, afterwards in Pleasanton, when a school was first established there about 1865, and later in Vallecitos (Sunol) from 1868 to 1872 **(Map 9-4)**.

In 1873 he became a clerk in Sunol, in a general store [Scott's store by Sunol Corners?], which had also the post-office and express office. After two years being employed, he entered the University of California, of the class of 1879, but prior to that, in 1877 entered the law school at the University of Michigan, at Ann Arbor, graduated from there in 1879, and was admitted to practice in the courts of that State. Returning to his home in Alameda County, he worked in the office of District Attorney E. M. Gibson. Emil later became a Judge of the Superior Court, where he remained until his election as Justice of the Peace for Oakland Township in 1882. From January 1, 1883, to December 31, 1888, he served as Justice, and in 1889 was appointed Deputy by George W. Reed, District Attorney. Emil married Miss Elsie H. King in May 3, 1883, they had two children—Emil, born December 3, 1884, and Louis, born March 1, 1890.

Figure 9-5: Caricature of a "Nusbaumer Indian" (San Francisco Call December 29, 1889)



Map 9-4: 1878 Map of the Duerr and Nusbaumer Property and Alisal Rancheria (Thompson and West)

Phoebe Apperson and Senator George Hearst Purchase the Lands of the Alisal Rancheria

Sometime during the mid-1880s, Senator **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 for a time being 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 Kuksú 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 formal *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

A year and three months earlier, on October 19, 1895, Captain José Antonio and his wife Jacoba served as godparents to co-authors Monica V. Arellano and Gloria E. Arellano Gomez's great-grandmother Mercedes Marine when she was baptized at Mission San Jose. Mercedes was the last of the many Muwekma children that José Antonio and Jacoba god-parented for.

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 which was also submitted to the United States Senate (Senate Document No. 130, 58th Congress, 2nd Session, 1904) 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 (form Los Angeles County to the Oregon boarder) (Heizer 1979).

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) [see **Figure 9-6]**.

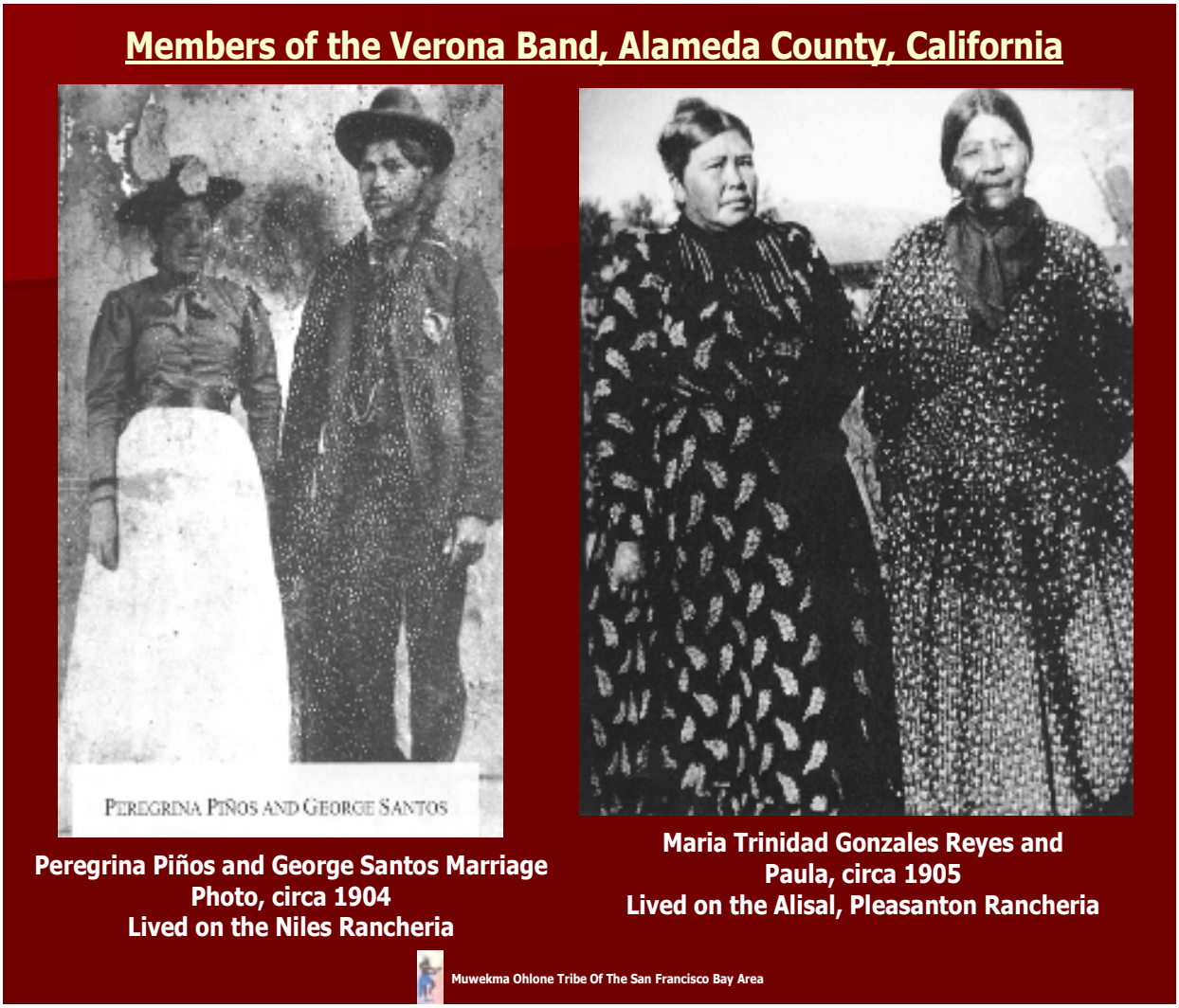


Figure 9-6: Muwekma Indians at the Niles and Pleasanton Rancherias

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).

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). He and his wife Jacoba also served as godparents to many of the Muwekma Indians on both the Niles and Alisal Rancherias including Mercedes Marine (b. 1895). Jose Antonio was a great-great-grand relation to the some current generation of the Muwekma Elders and ex-councilmembers such as Lawrence Marine, Jr. and his younger brother (Traditional Dance Leader) Marvin Lee Marine who are directly descended from him and his daughter Augusta Losoyo's marriage to Jose Guzman.

After his death in January 1897, Jose Antonio's wife Jacoba (the daughter of Captain Chaurino [Taurino] and Joaquina), 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, Oakland Tribune January 26, 1891). 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** one of Jose Guzman's granddaughters, who was identified on the **1900 Federal Indian Census** (Washington Township); **Kelsey's 1905-1906 Special Indian Census;** (Heizer 1971); and the **1910 Federal Indian Population Census** (Pleasanton Township) as an Indian resident of the Alisal Rancheria in Alameda County **(Figure 9-7).**

Just before the turn of the 20th century (1897) there were still at least eleven casitas (houses) and the ***Tupentak*** (temescal/round house) 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** (a 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).

Washington Township (Niles Rancheria) Indian Population Census - June 4, 1900
Alameda County, California

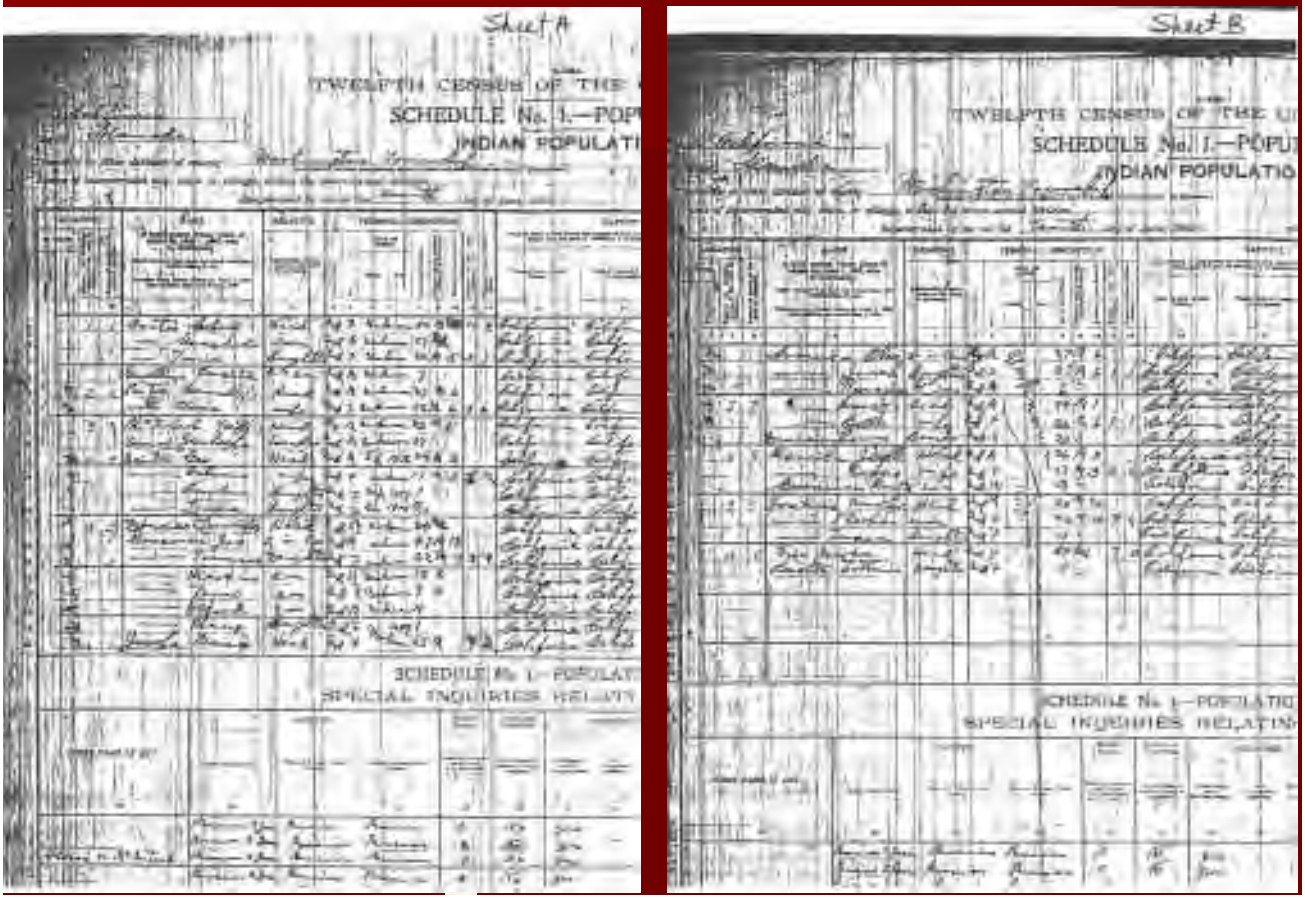


Figure 9-7: 1900 Indian Population Census, Niles (Rancheria), Washington Township, Alameda County

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 survived.

Kelsey Special Indian Census 1905-1906, 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 Secret Archives. Mr. **Charles E. Kelsey**, a lawyer who resided on 12th Street in San Jose, was serving at that time as the Secretary for the philanthropic **Northern Association for California Indians.** In 1905 he was appointed **Special Indian Agent to California** by the Commissioner of Indian Affairs (**Indian Service Bureau/Bureau of Indian Affairs)** in Washington, D.C. Agent Kelsey was charged by the BIA 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 who were to come under the jurisdiction of the BIA and the ensuing Congressional Homeless Indian Acts.

Based upon the partial results of Kelsey's Special Indian Census, and the discovery of the 18 unratified California Indian treaties from the 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 living in other adjacent 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, Federal 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 obstacles:

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 (until 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 9-8 – Special Indian Agent Kelsey's Map of Indian Rancherias – Verona Band**).

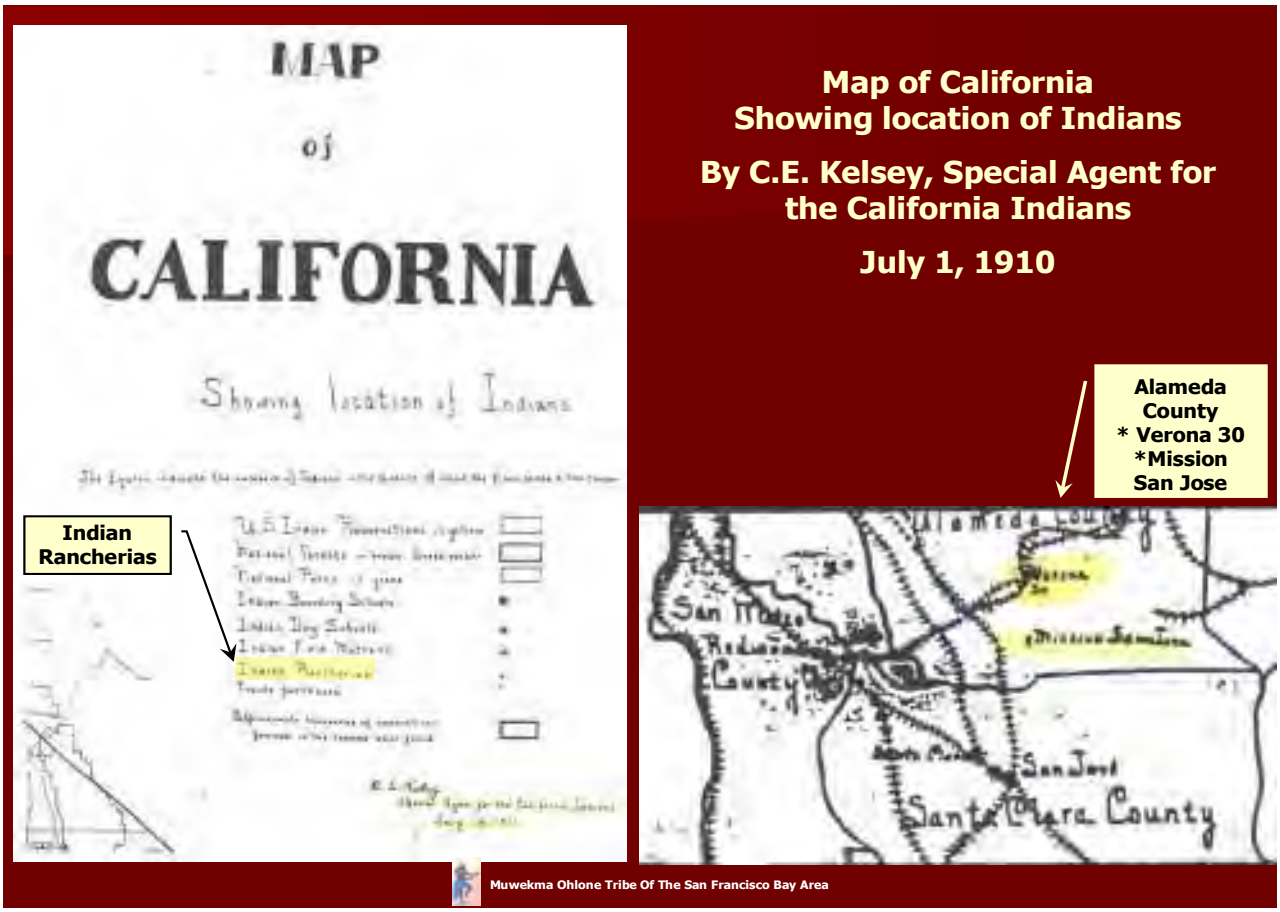


Figure 9-8: Indian Agent Kelsey's Map of Indian Rancherias – Verona Band

By 1913, being exhausted and personally in debt to the amount 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** |
>
> (Reno Annual Report 1923:3-5)

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 (**Figure 9-9**). Dorrington, who was probably a political appointee to the Sacramento Superintendency and was probably rewarded for his military service as a prison warden in the Philippines during the post-Spanish American War period of occupation.

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.

Figure 9-9: Sacramento Superintendent Lafayette A. Dorrington October 21, 1926

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**. Although not formally "terminated" by any policy decision or act of Congress these tribes were essentially knocked off the "radar screen" of the Bureau of Indian Affairs and as landless tribes 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 whose rights were extinguished by crass neglect. 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 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 last decades of the 19th century and first three 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 or the People"** in Chocheño and ***Thámien*-**Ohlone language spoken in the East and South San Francisco Bay region.

A Call to War: Muwekma Men Enlist in the U.S. Armed Forces Prior to World War I

Even before California Indians legally became citizens in 1924, prior to and during America's entrance into World War I**,** at least six Muwekma men joined **17,000** other Native Americans and 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 as earlier as 1914 and four of them are buried at the Golden Gate National Cemetery: [**Figure 9-10**].

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 commemorated 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).

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 **Golden Gate National Cemetery** Plot Z, grave 2597 **(Figure 9-10)**.

Figure 9-10: Graves of Joseph Aleas, Fred Guzman and Toney J. Guzman

John Michael Nichols was the older brother of Henry Nichols and he served in the U.S. Army from 1914 to 1920. John enlisted on October 27, 1914 at Fort McDowell on Angel Island. He fought in France serving with the **59th Coast Artillery Corps** and later with **Battery C, 67th Coast Artillery**. The 59th was converted to a tank battalion and 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 9-11**).

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 Elder 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 9-11**].

Figure 9-11: Henry A. L. Nichols (left) **and his Brother John Nichols** (right) [circa. 1919]

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, Franklin 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** (Soissons) 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).

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 9-12**). 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.

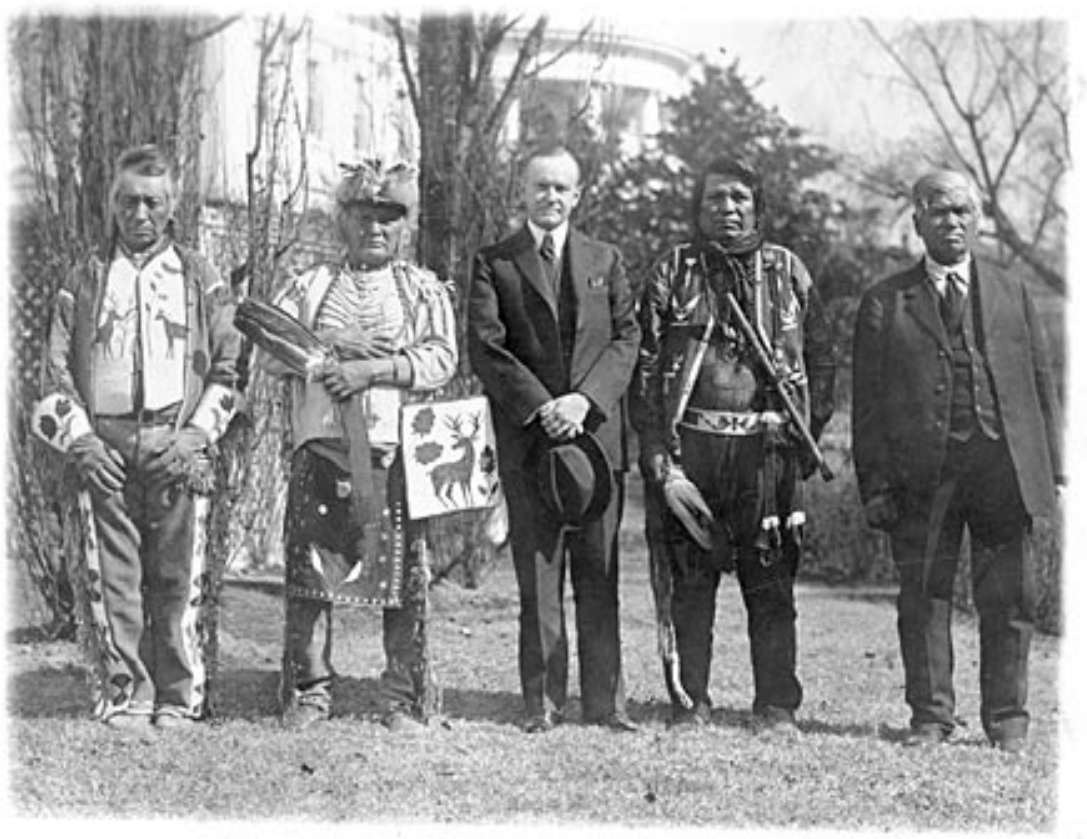


Figure 9-12: President Calvin Coolidge with Four Osage Indian Leaders

Muwekma Enrollment with the Bureau of Indian Affairs (1928-1932): The California Indian Jurisdictional Act of 1928

In 1928, the United States Congress passed the **California Indian Jurisdictional Act**, which created a census of all eligible Indians who could prove that their ancestors resided in California at the time when the 18 unratified treaties were negotiated between1851-1852. Between the years 1928 and 1932 almost all of the Muwekma Indian head of households 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 **[Figures 9-13 – 9-17]**.

Enrolling were members of the Marine-Peralta, Marine-Alvarez-Piscopo-Galvan, Marine-Sanchez, Marine-Arellano-Garcia, Marine-Munos, Marine-Armija, Armija-Thompson, Armija-Aleas, Armija-Nichols, Guzman, Binoco, Bautista-Armija, Inigo-Gonzalez-Alaniz, Santos-Pinos-Saunders-Pena-Corral, and Pinos-Juarez families. All of these Muwekma families were living in the Pleasanton, Sunol, Niles and Livermore areas of the East Bay.

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)

Name Marine, Lucas Application Number 10298 Action taken Approved, MAR

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.

Figure 9-13: 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 9-14: 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 submitted.

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 9-15: 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)

Name Alaniz, Phoebe Application Number 10301 Action taken Approved. FAR

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.

Figure 9-16: Phoebe Alaniz BIA Application # 10301

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)

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.

Application Number 10296 Action taken Approved, FAB
Name Thompson, Magdalena

Figure 9-17: Magdalena Thompson BIA Application # 10296

Muwekma Children and Indian Boarding Schools: 1931 to 1946

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 (1925-1934)

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 9-18 - John P. Harrington, Muwekma Elders Jose Guzman and Maria de los Angeles "Angela" Colos).**

J. P. Harrington's field notes (dated October 12, 1929, and 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**.**

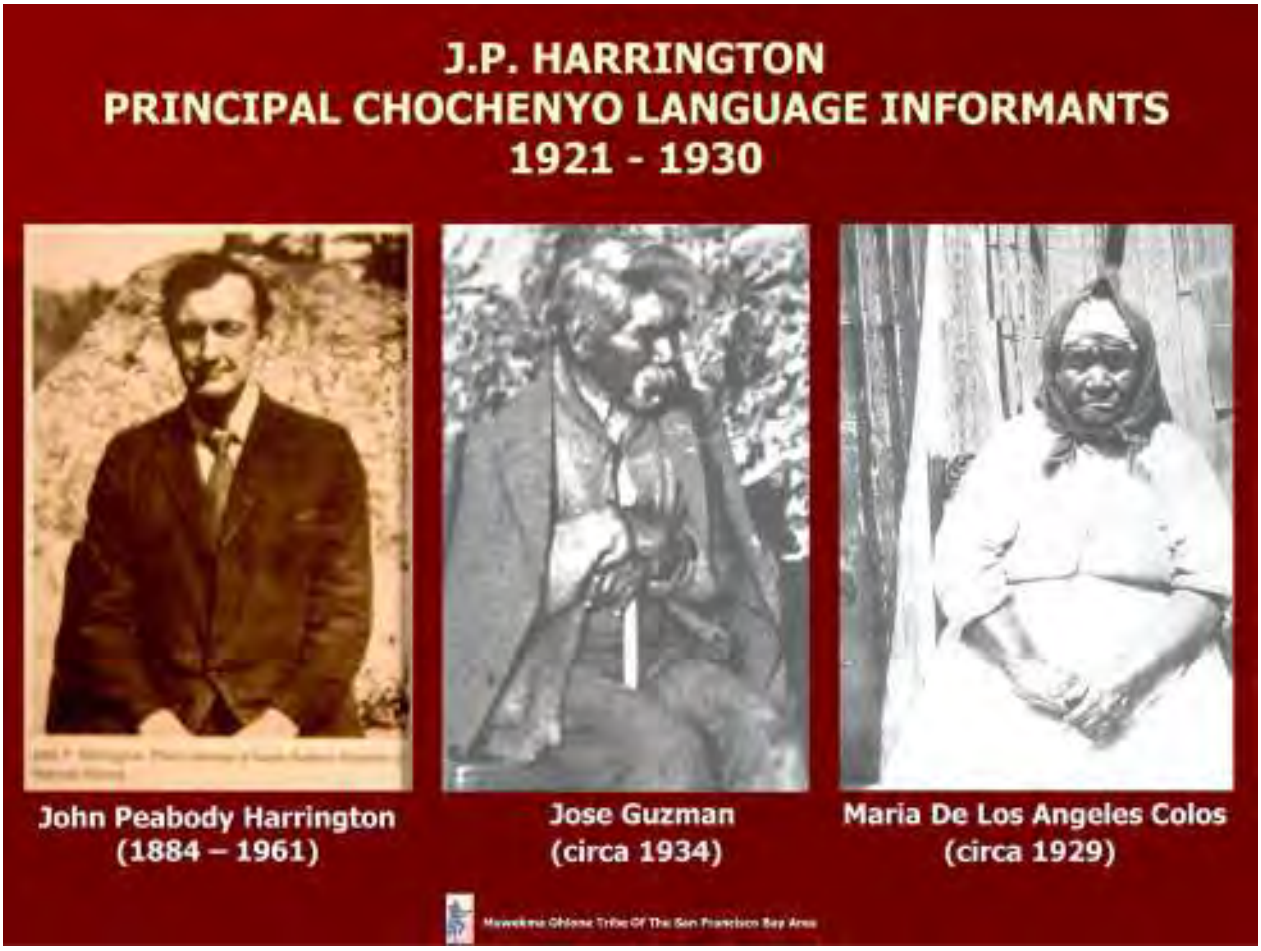


Figure 9-18: J. P. Harrington, Muwekma Elders Jose Guzman and Angela Colos

The Outbreak of World War II: Muwekma Men Once 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.

Hank 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**. A letter was sent to Dolores Marine Alvarez Piscopo Galvan that her son John while serving overseas was **missing in action**, however, although the details are now clouded he was either liberated or saved and he continued to serve. John 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, Sergeant Technical [E-7] U.S. Army, European Theater. Salvador was born in San Jose on October 1, 1923 and was a younger brother of Hank and John Alvarez. He went by the name of Samuel Dominic by the time he enlisted in the US Army. Sal 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 in Brentwood and San Jose.

Sal enlisted in the **U.S. Army** on January 25, 1943. He attained the rank of **Sergeant Technical (E-7)** and served in the **14th Mechanized Cavalry Group, 18th Cavalry Squadron.** 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 1944, the unit was split into the **18th Squadron**, attached to the **2nd Infantry Division**, and the 32nd Squadron, 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**.

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**.


2nd Infantry Division

7th Armored Division

XVIII Airborne Corps

3rd Army

In December 1944, **the 18th Cavalry Squadron** was **"chopped"** to the **106th Infantry Division** still in sector. The tasks for these squadrons were the traditional cavalry missions of screening to the front and reconnaissance. On 12 December, the 32nd Squadron was returned to Group control and passed lines to the rear for refitting. The 18th Squadron also retuned to Group control but continued its screening mission in the Ardennes region of Belgium.

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.

Patton's Third Army Division had begun the Lorraine Campaign by August 1944 and reached the Moselle River near Metz, France. By December 1944, Salvador's tank division 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 issued a medal with five **Bronze Service Stars, European-African-Middle Eastern Campaign, Good Conduct Medal** and **World War II Victory Medal** and participated in the **Rhineland** (15 Sep 44 to 21 Mar 45), Ardennes-Alsace (16 Dec 44 to 25 Jan 45), and **Central Europe** (22 Mar to 11 May 45) **Campaigns**. 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 is buried in the Disabled Veterans section of **Oak Hill Cemetery** in San Jose, California.

Felipe "Phil" 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 passed away on March 25, 1913 and was buried in 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 Ben became the first chairman of the Ohlone Tribe. Ben served as the chairman of the Ohlone Tribe for thirteen years from 1965 to 1978. 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. 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 Muwekma Elder **Phoebe Alaniz** on October 7, 1930 (Application # 10301) and spent most of his life in Livermore.

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 him 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 identified 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 17th 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. Lawrence 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.

His discharge papers state that Domingo served in the **1st Battalion, 5th Marines.** The 1st Battalion, 5th Marines, fell under the 5th Marine Regiment and the **1st Marine Division**. He was 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 Henry Marshall Sr. 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**.

Arthur 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**). He and his mother Ramona Marine were members 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 Le Havre, 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 Sainte-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 also 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. mThe 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 Gloucester, 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 9-19 - 9-20)**

Figure 9-19: Muwekma Men Who Served During World War II

Figure 9-20: Muwekma Men Who Served During World War II

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, 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 9-21 – 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 9-21: 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 9-22)**.

Figure 9-22: Muwekma Elders Maggie Juarez and Erolinda Santos Juarez Corral

Muwekma Families Enroll with the BIA During the Second Enrollment 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. Corra**l,. 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."

The efforts of California Indians to sue the federal government under the Jurisdictional Act of 1928 resulted in the creation of the Federal Indian Claims Commission in 1946. This federal body allowed Indian groups to press for compensation to tribes over the theft of their lands in the 19th century. After 20 years of tortuous maneuvering all separate California Indian claims were consolidated into a single case.

A compromise settlement of **$29,100,000** was offered for **64,425,000 acres of land**. After deduction of (BIA) attorney's fees **($12,609,000**) plus interest the payment amounted to **47 cents per acre**!

Payments of **$668.51** per eligible person was issued by 1972 (**Figure 9-23**). What is of great significance here is the fact that the entire claims activities were conducted outside of normal court proceedings protected by the constitution. Thus Indians are the only class of citizens in the United States who are denied constitutional protection of their lands.


TREASURY
BUREAU OF ACCOUNTS
DIVISION OF DISBURSEMENT
DENVER, COLORADO
Check No. 2,578,867
SYMBOL 3131
Treasurer of the United States
PAY TO THE ORDER OF BEATRICE MARINE TELLER
C/C TRINA M. RUANO
37128 CEDAR BLVD.
BIA-IADC NEWARK CA 94560
MONTH 12 DAY 18 YEAR 72
DOLLARS $***668 CTS. 51
000062224
CALIFORNIA JUDGEMENT FUNDS
1944 - 1964
DO NOT FOLD, SPINDLE OR MUTILATE

Figure 9-23: Distribution Check for Muwekma Elder Beatrice Marine for $668.51 (1972)

Muwekma Service in the U.S. Armed Forces 1950s, Viet Nam War to the Iraq Campaign

During the 1950s, 1960s and 1970s Muwekma men served in Korea, Viet-Nam, Iraq and other campaigns.

Candelario T. Martinez served in the **United States Marine Corps** during the **Korean War.**

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.**

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**. **Jesse Calles**, the grandson of Muwekma Elder Faye Thompson served in the U.S. Army in Iraq in the **Headquarters and Headquarters Battery Fires Brigade 41D Division (Mechanized), Awarded the Army Commendation Medal 2006.**

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.**

JayP Massiet, Jr. U.S. Army, Second Tour in Iraq; issued a Purple Heart.

Muwekma Tribal Stewardship over their Ancestral Heritage and Culture 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 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 projects conducted at such as the ***Clareño Muwékma Ya Túnnešte Nómmo*** **[Where the Clareño Indians are Buried] Site (CA-SCL-30/H)** and at ***Thámien Rúmmeytak*** **Guadalupe River Site (CA-SCL-128)**.

Muwekma Ohlone Tribe, Litigation and 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.) **[Figure 9-24]**

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.

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.

Figure 9-24: Memorandum of Opinion U.S. District Court (2000)

On June 30, 2005, Congressman Richard Pombo, the ranking Republican 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.

Muwekma Tribe's Recent 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) … **[Figure 9-25]**

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.[1] 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.

Figure 9-25: U.S. District Court Opinion (2006)

More Recent 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 decisionmaking," 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]

The Tribe lost its court challenge to Department of Interior's decision to not extend Federal Recognition back to the Tribe. However, under the Obama administration considerations to revise the Federal Regulations (25 CFR Part 83) will potentially allow the Tribe to resubmit its petition, with hopes that this time the decade-by-decade evidence will be thoroughly and objectively reviewed and weighed instead of dismissed by a hostile BIA staff. Therefore, it is the hope of the Tribe to ultimately be restored and placed back onto the list of Federally Recognized Tribes once again. Should this happen by 2014, it will be 108 years after the Tribe first obtained its Federally Recognized status in 1906 and will once again be eligible for funding, services and 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.

Historical Markers and Public Art Honoring the Muwekma Ohlone Tribe in Downtown San Jose, California by the Holiday Inn Site (CA-SCL-128) [Figures 9-26 – 9-27]

Figure 9-26: History Walk Historical Marker Downtown San Jose, California

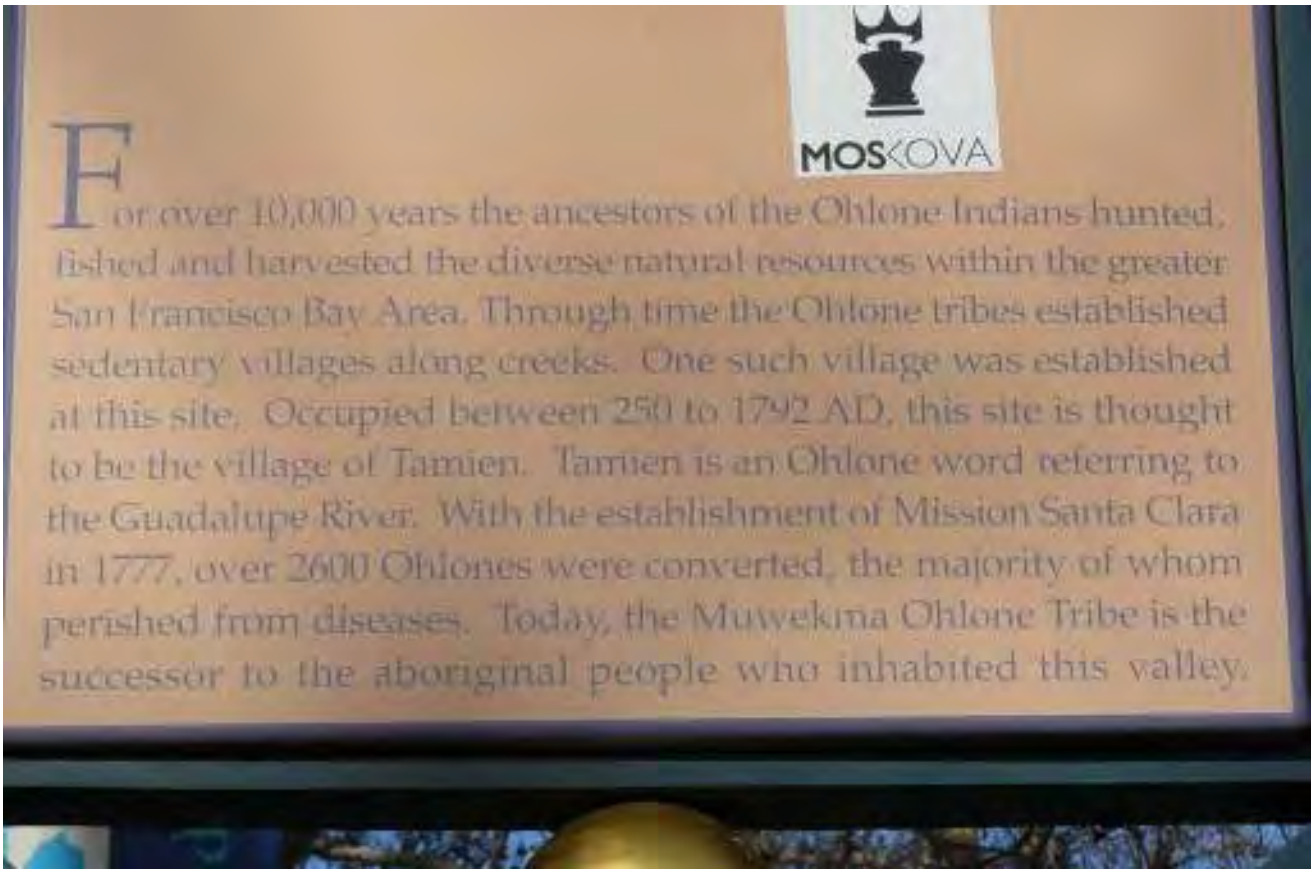


Figure 9-27: The Site of Tamien an Ohlone Indian Village (Thámien Rúmmeytak Site)

Transcription of the Historical Marker Village of Tamien Text

For over 10,000 years the ancestors of the Ohlone Indians hunted, fished and harvested the diverse natural resources within the greater San Francisco Bay Area. Through time the Ohlone tribes established sedentary villages along creeks. One such village was established at this site. Occupied between 250 and 1792 AD, this village is thought to be the village of Tamien [**Thámien]**. Tamien is an Ohlone word referring to the Guadalupe River. With the establishment of the Santa Clara Mission in 1777, over 2600 Ohlones were converted, the majority of whom perished to diseases. Today the Muwekma Ohlone Tribe is the successor to the aboriginal people who inhabited this valley.

Public Art over the Park Avenue Bridge: Eagle, Coyote and Hummingbird

On May 13, 1994 the City of San Jose unveiled the public art displaying Eagle, Coyote and Hummingbird and a version of the Ohlone Creation Narrative honoring the Muwekma Ohlone Tribe and later immigrants to San Jose, California with a plaque and sculptures (**Figures 9-28 – 9-32)**

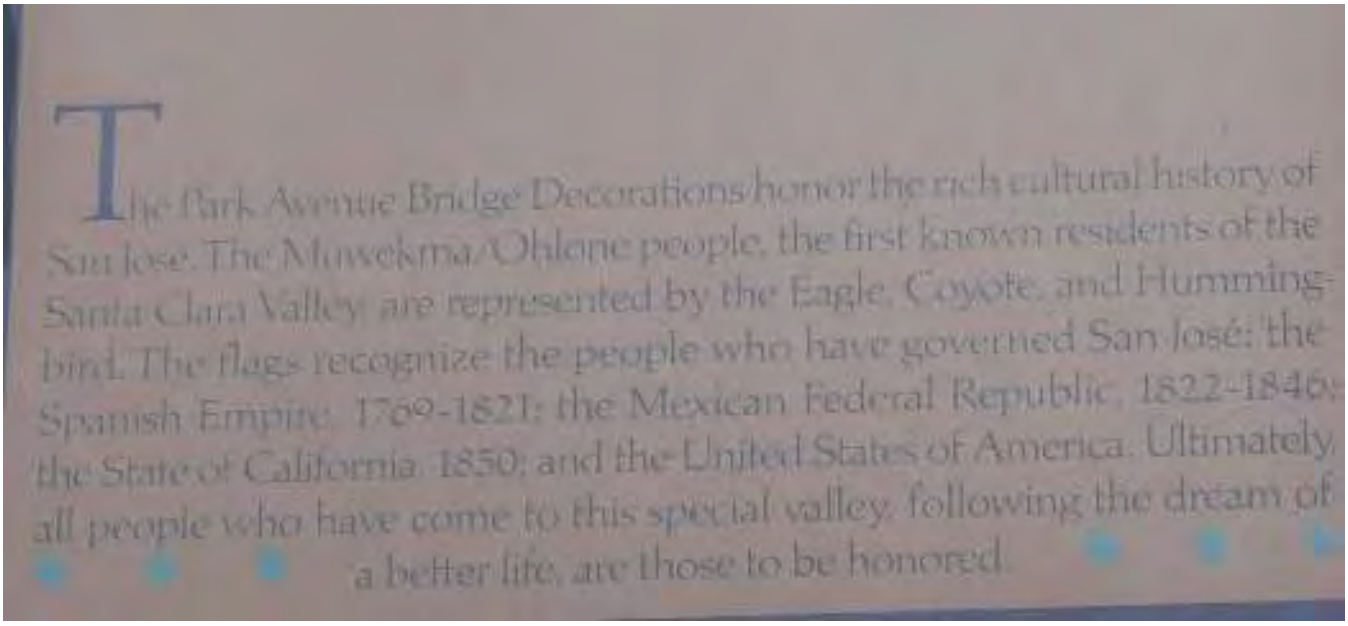


Figure 9-28: Honoring Plaque over the Park Avenue Bridge Downtown San Jose

Transcription of the Informational Plaque on the Park Avenue Bridge

The Park Avenue Bridge Decorations honor the rich cultural history of San Jose. The Muwekma Ohlone people the first know residents of the Santa Clara Valley, are represented by the Eagle, Coyote and Hummingbird. The flags recognize the people who have governed San Jose: the Spanish Empire, 1769-1821; the Mexican Federal Republic, 1822-1846; the State of California, 1850; and the United States of America. Ultimately all people who have come to this special valley following the dream of a better life, are those to be honored.

The Muwekma Ohlone Tribute (Presented by the Guadalupe River Park Conservancy)

"The Muwekma Ohlone people, Native Americans who once lived along the Guadalupe River, are honored with animal sculptures important to their tradition, on the Park Avenue Bridge. These include the Coyote, the Hummingbird, and the Eagle. The four flags that fly from atop the bridge represent the past and present governments of the area: Spain, Mexico, California and the United States. The Coyotes were created by artist Peter Schiffrin; the Eagle and Hummingbirds by Tom Andrews. The Coyote, Hummingbird and Eagle represent the Muwekma Ohlone creation story. Coyote was the father of the human race who was responsible for creating people and teaching them how to live properly. Hummingbird was wise and clever. Eagle was a leader" (http://www.grpg.org/public-art_).

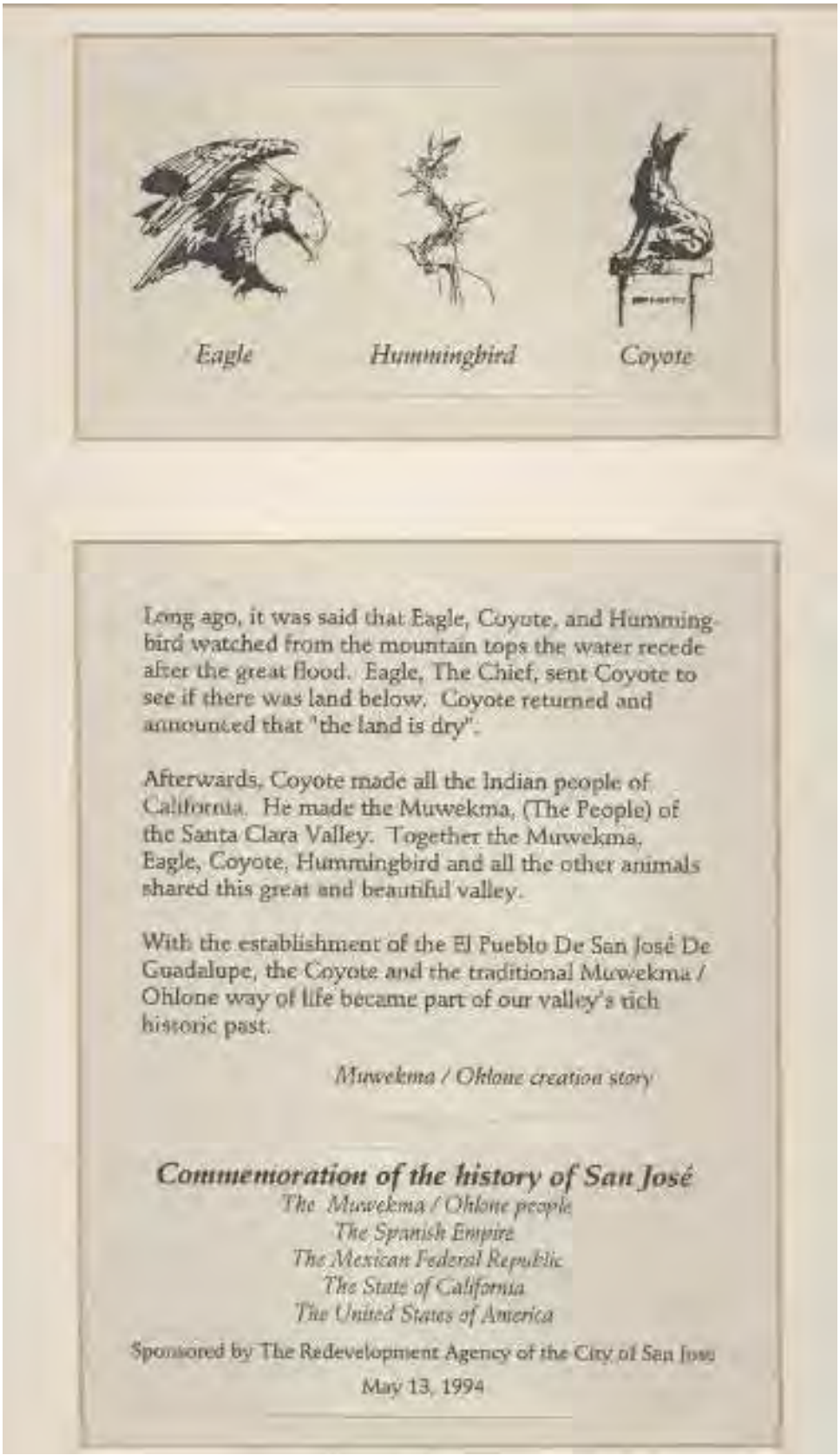
Figure 9-29: Eagle with Two Humming Birds above

Figure 9-30: Coyote (One of the First People)

Figure 9-31: Hummingbird (One of the three First People in Creation Narrative)

Figure 9-32: One of the Four Corner Plaques Honoring the Muwekma Ohlone Tribe

For a transcription of the text engraved on one of the cornerstones at the Park Avenue Bridge and information about this Commemoration honoring the History of San Jose and Muwekma Ohlone Tribe see **Figure 9-33** below:



Eagle *Hummingbird* *Coyote*

Long ago, it was said that Eagle, Coyote, and Hummingbird watched from the mountain tops the water recede after the great flood. Eagle, The Chief, sent Coyote to see if there was land below. Coyote returned and announced that "the land is dry".

Afterwards, Coyote made all the Indian people of California. He made the Muwekma, (The People) of the Santa Clara Valley. Together the Muwekma, Eagle, Coyote, Hummingbird and all the other animals shared this great and beautiful valley.

With the establishment of the El Pueblo De San José De Guadalupe, the Coyote and the traditional Muwekma / Ohlone way of life became part of our valley's rich historic past.

Muwekma / Ohlone creation story

Commemoration of the history of San José

The Muwekma / Ohlone people
The Spanish Empire
The Mexican Federal Republic
The State of California
The United States of America

Sponsored by The Redevelopment Agency of the City of San Jose

May 13, 1994

Figure 9-33: Commemoration of the History of San Jose and the Muwekma Ohlone Tribe

The continuation of the Muwekma Tribe's cultural traditions and language has been an on going concern over these past decades. The following photos (**Figures 9-34 – 9-45**) are from Tribal gatherings and events that celebrate our Native heritage, history, culture and traditions.

Figure 9-34: Muwekma Ohlone Tribe Christmas Party and Gathering at Stanford 1999

Figure 9-35: Muwekma Ohlone Tribe Campout at Camp Muwekma 2000

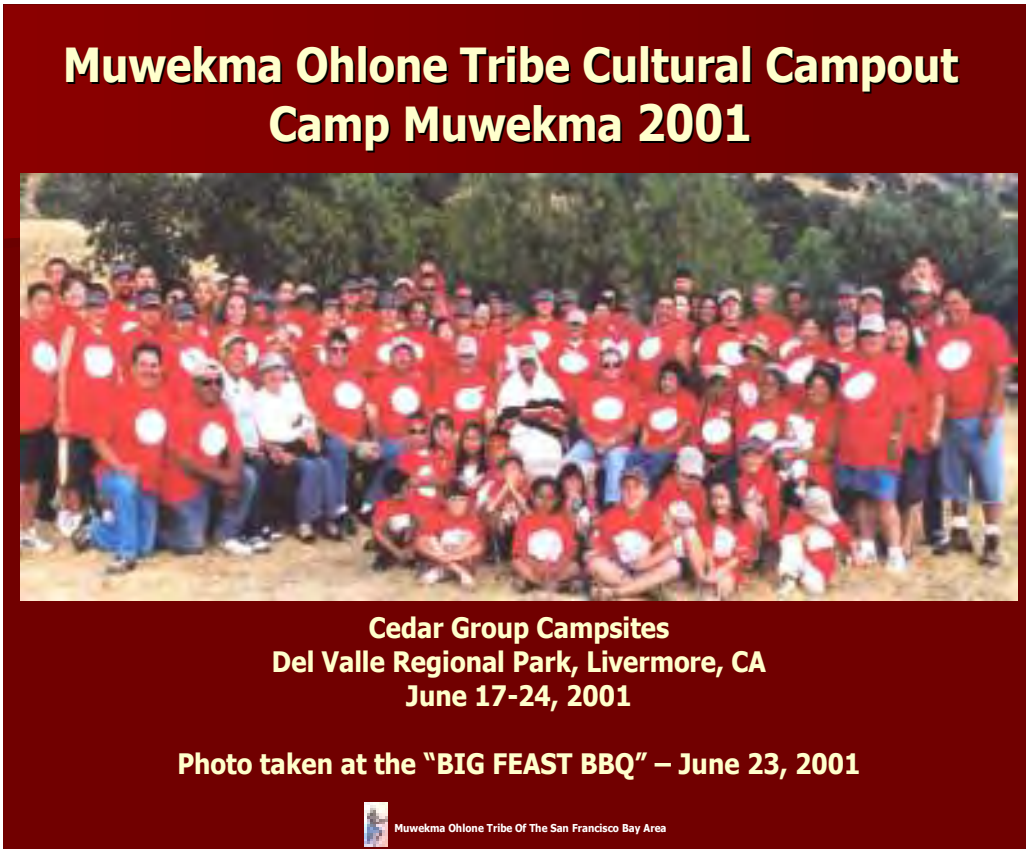


Figure 9-36: Muwekma Ohlone Tribe Campout and Big Feast 2001

Figure 9-37: Muwekma Ohlone Tribe Campout and Big Feast 2002

Figure 9-38: Muwekma Ohlone Tribe Campout 2003

Figure 9-39: Muwekma Ohlone Tribe Chocheño Language Workshop 2004

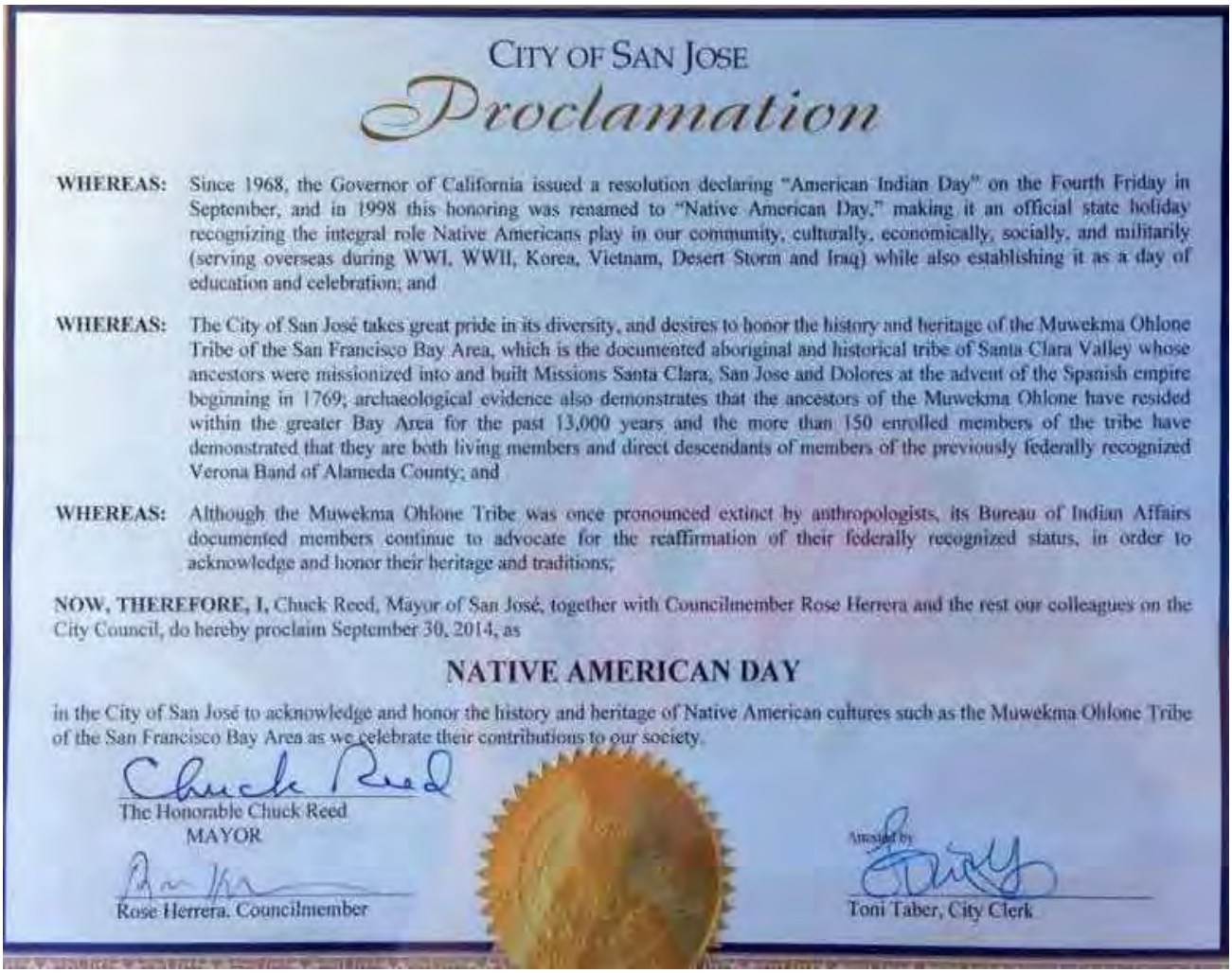
Figure 9-40: Muwekma Christmas Choir in Front of Mission San Jose 2005

Figure 9-41: Muwekma Christmas Gathering at Stanford University 2005

Figure 9-42: Muwekma Tribal Gathering 2008

Figure 9-43: Rosemary Cambra at the Muwekma-Tah-Ruk 20th Anniversary Stanford 2009

Figure 9-44: San Jose City Council and Mayor Honoring the Muwekma Tribe (2014)



CITY OF SAN JOSE

Proclamation

WHEREAS: Since 1968, the Governor of California issued a resolution declaring "American Indian Day" on the Fourth Friday in September, and in 1998 this honoring was renamed to "Native American Day," making it an official state holiday recognizing the integral role Native Americans play in our community, culturally, economically, socially, and militarily (serving overseas during WWI, WWII, Korea, Vietnam, Desert Storm and Iraq) while also establishing it as a day of education and celebration; and

WHEREAS: The City of San José takes great pride in its diversity, and desires to honor the history and heritage of the Muwekma Ohlone Tribe of the San Francisco Bay Area, which is the documented aboriginal and historical tribe of Santa Clara Valley whose ancestors were missionized into and built Missions Santa Clara, San Jose and Dolores at the advent of the Spanish empire beginning in 1769; archaeological evidence also demonstrates that the ancestors of the Muwekma Ohlone have resided within the greater Bay Area for the past 13,000 years and the more than 150 enrolled members of the tribe have demonstrated that they are both living members and direct descendants of members of the previously federally recognized Verona Band of Alameda County; and

WHEREAS: Although the Muwekma Ohlone Tribe was once pronounced extinct by anthropologists, its Bureau of Indian Affairs documented members continue to advocate for the reaffirmation of their federally recognized status, in order to acknowledge and honor their heritage and traditions;

NOW, THEREFORE, I, Chuck Reed, Mayor of San José, together with Councilmember Rose Herrera and the rest our colleagues on the City Council, do hereby proclaim September 30, 2014, as

NATIVE AMERICAN DAY

in the City of San José to acknowledge and honor the history and heritage of Native American cultures such as the Muwekma Ohlone Tribe of the San Francisco Bay Area as we celebrate their contributions to our society.

Chuck Reed
The Honorable Chuck Reed
MAYOR

Rose Herrera, Councilmember

Attested by

Toni Taber, City Clerk

Figure 9-45: Proclamation Issued by the City of San Jose to the Muwekma Tribe (2014)

Figure 9-46: Revised Linguistic Map of San Francisco Bay Area and Santa Clara Valley

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 over century-long journey since the Tribe first became Federally Acknowledged through the Congressional Homeless Indian Acts beginning in 1906.

The ***Thámien Rúmmeytak*** **[Guadalupe River Site (CA-SCL-128/Hyatt Place Hotel)]** as well as the many other ancestral heritage/archaeological projects that the Tribe has worked on have also served as important "bridges" to the Tribe's long historic 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 ethnohistorical ties to the Tribe's larger San Francisco Bay territory and specifically the Santa Clara Valley -- thus allowing the Muwekma Tribe to have a voice in telling part of their story after being completely disenfranchised for so many decades by public agencies, policy makers, academic institutions and archaeologists**.**

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 heritage sites, and specifically in this case, to honor our ancestor whom we now call ***Róokoš Tiwoo Koro 'Ayttakiš*** [**Tule Elk Leg Woman]**, and;

2. To bring forward an interpretive understanding about the lifeways of our ancestor ***Róokoš Tiwoo Koro 'Ayttakiš*** [**Tule Elk Leg Woman]** who was buried at ***Thámien Rúmmeytak*** **[Guadalupe River Site (CA-SCL-128/Hyatt Place Hotel)]**; and to ultimately bring closure to this project at some future date that will involve the reburial-honoring ceremony of this person by placing her back into the earth, near or within the original cemetery location from which she was laid to rest by her people approximately 577 years ago.

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APPENDIX A

CA-SCL-128

CORONER'S REPORT
MLD RECOMMENDATIONS

LORNA C. PIERCE, PH. D.
999 Capitola Way
Santa Clara, CA 95051
408 246-6462
lcpierce@flash.net

TO: Kris Barbrich
Sgt. Manny Rey

RE: 12-00322

SEX: unknown

AGE: adult

RACE: pre contact Native American

On January 24, 2012 at 1420 hours I responded to a report of human bones found at 282 Almaden Boulevard in San Jose. I met Jennifer Blake, an osteologist with William Self Associates, at the site. The remains consist of a mostly intact pre contact Native American. This is a known archaeological site, CA-SCl-128, also known as the Holiday Inn site, where many burials were recovered about 30 years ago.

The Native American Heritage commission must be notified immediately to mitigate the situation.

Lorna C. Pierce, PhD

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
ROSEMARY CAMBRA

TRIBAL VICE CHAIRPERSON
MONICA V. ARELLANO

TRIBAL COUNCIL
HENRY ALVAREZ
JOANN BROSE
GLORIA E. GOMEZ
ROBERT MARTINEZ, JR.
RICHARD MASSIATT
SHEILA SCHMIDT
CAROL SULLIVAN
KARL THOMPSON (TRES)
FAYE THOMPSON-FREI

TRIBAL ADMINISTRATOR
NORMA E. SANCHEZ

January 26, 2012

Mr. John M. Hoffart, Senior Associate
One Almaden Blvd.
Suite 590
San Jose, Ca. 95113

Dear Mr. Hoffart:

As you know I was named as the Most Likely Descendant (MLD) by the Native American Heritage Commission for this project. Therefore, I am making the following formal recommendations with regards to the treatment of one our ancestral remains discovered at the rear entrance of the Convention Plaza Hotel which is also the location of one of our major ancestral cemetery/heritage sites: CA-SCL-128 (Holiday Inn Site).

1. Due to the fact that our tribe believes that our ancestral dead needs to be treated with utmost respect, and due to the fact that this ancestral cemetery had been desecrated over the past 30 years due to various construction projects, I am recommending that our ancestor been removed from his/her final resting place and not encased in concrete and driven over by multiple vehicles.

2. I am also recommending that DiNapoli Capital Partners enter into a contractual agreement with Ohlone Families Consulting Services which is the Cultural Resources Management arm of the Muwekma Ohlone Tribe of the San Francisco Bay Area for services for removal and analysis of our ancestor.

3. Due to the context of this discovery and logistics I recommend a Plan A approach, and as a back up a Plan B approach for the removal of our ancestral dead. Plan A calls for the exposure of the burial by excavating into the north wall profile of the existing backhoe trench. After careful assessment if it appears that the orientation of the burial makes it impossible to properly expose the burial and recover all of the skeletal elements and any associated grave regalia, then I recommend a shift to Plan B.

4. Plan B will permit the covering of our ancestor with clean sand and then allow for the completion of the work for the establishment of the proposed concrete supported canopy. Once completed Plan B will entail the removal of the concrete slab and walkway brick over the projected area of the burial measuring not less than 1 x 1 meter square. We then recommend that a backhoe be monitored to excavate the overburden to a depth just above the burial. Once this depth has been achieved the OFCS field crew will then proceed to excavate, document and remove the burial.

I am also recommending that this individual be cleaned and a complete skeletal inventory be conducted. Any associated grave regalia will also be cleaned and photographed. I recommend that small samples of bone be sent out for AMS C14 dating, stable isotope study (telling us about this person's health and diet) and a sample be sent for ancient DNA. OFCS staff will be responsible for the writing the final report that meet the standards under CEQA and that follows our tribe's desire to learn about our ancestral heritage that has been denied to us by the dominant society and archaeologists work on our ancestral heritage sites in our aboriginal and historic territory.

We will negotiate with the City of San Jose about the reburial of our ancestor.

Should you or representatives from DiNapoli Capital Partners any questions, please feel free to contact me directly at 314-1898 or call Muwekma Tribal Administrator, Norma Sanchez at 616-0442.

On behalf of the Muwekma Tribe,

Rosemary Cambra, Chairwoman and MLD

Cc: Muwekma Tribal Council
Ms. Debbie Pilas-Treadway NAHC
Cultural Resources File (CA-SCL-128 - City of San Jose)

APPENDIX B

CA-SCL-128

CALTRANS HISTORIC RESOURCES COMPLIANCE REPORT

State of California Business, Transportation and Housing Agency — Department of Transportation

HISTORICAL RESOURCES COMPLIANCE REPORT

1. PROJECT / ACTIVITY DESCRIPTION AND LOCATION

District	County	Route	Post Miles	Unit	E-FIS Project Number	Phase
04	Santa Clara	82 and 130	SR82: 0.0 to 9.92 SR130: 0.0 to 2.26		04 0002 0029	K

Project Description:

Caltrans proposes to relinquish a portion of State Route 82 (postmiles 0.0 to 9.92) and a portion of State Route 130 (postmiles 0.0 to 2.26) to the City of San Jose. The project includes the transfer of ownership and maintenance responsibilities of the highway right-of-way from the state of California to the City of San Jose. No construction or demolition activities of any kind are included in this project.

This report was prepared for compliance with the California Environmental Quality Act (CEQA) and California Public Resources Code §5024.5, relating to the transfer of state-owned historical resources.

2. PROJECT AREA LIMITS

The project area limits includes those portions of State Routes 82 and 130 that are to be relinquished to the City of San Jose. On State Route 82, the project limits include the state highway right-of-way from the U.S. Highway 101 interchange (postmile 0.0) to the Interstate-880 interchange (postmile 9.92). On State Route 130, the project limits include the state highway right-of-way from the U.S. Highway 101 interchange to the San Jose city limits near Manning Avenue (postmile 2.26).

While the state highway right-of-way varies in width within these two highway segments, it generally includes the roadway itself, curbs, planting strips between the roadway and sidewalk, and the sidewalks on both sides of the roadway. There are no buildings within the project area limits. There are several bridges within the project area limits, as well as such items as traffic signals, signs, and street trees. Facilities within the project area limits that are not owned by Caltrans include items such as fire hydrants, other utilities, and bus shelters. The project vicinity and specific limits are shown on the maps in Appendix I.

3. CONSULTING PARTIES / PUBLIC PARTICIPATION

X Local Government *(Head of local government, Preservation Office / Planning Department)*

- City of San Jose, Department of Planning
  Caltrans sent a letter concerning the relinquishment project to the City of San Jose Department of Planning on December 15, 2010. No response was received from the city as of January 24, 2011, but three other organizations contacted Caltrans as a result of this letter. Those contacts are described below under "Local Historical Society / Historic Preservation Group."

X Native American Tribes, Groups and Individuals

- The State of California Native American Heritage Commission (NAHC) enclosed a list of Native American individuals that may have information regarding cultural resources. Letters dated November 2, 2010 were duly sent to potentially interested

individuals requesting any information of cultural resources within or adjacent to the project locations and to discuss any concerns they may have. Follow up calls and emails were placed on December 12 and 15, 2010. For full Native American consultation and responses see ASR (Table 1 and Appendix C) attached to this report in Appendix II.

X Native American Heritage Commission

- A letter describing the relinquishment project was sent on September 21, 2010 to the NAHC requesting review of the Sacred Lands file for information on Native American cultural resources in the study areas. For full Native American consultation and responses see ASR (Table 1 and Appendix C) attached to this report in Appendix II.

X Local Historical Society / Historic Preservation Group *(also if applicable, city archives, etc.)*

- The Shasta-Hanchett Park Neighborhood Association sent an email to Caltrans on December 23, 2010. The email acknowledged receipt of Caltrans' December 15 letters (via the City Department of Planning), but included no other information or questions.
- Bryan Grayson, Executive Director of the Preservation Action Council of San Jose sent an email to Caltrans on January 6, 2011. Mr. Grayson's email noted the presence of several cultural resources adjacent to or near SR-130, including the Mexican Heritage Plaza (the former site of the Safeway supermarket where the first grape boycott took place), the Cesar Chavez family home, and Our Lady of Guadalupe Church. The Mexican Heritage Plaza at 1700 Alum Rock Avenue (SR-130) has frontage along SR-130 in the relinquishment area. The highway right-of-way along the frontage of the Mexican Heritage Plaza includes concrete sidewalks and young street trees, but no historic materials or features associated with the United Farm Workers' grape boycotts or other historic events. The other properties mentioned in Mr. Grayson's email are not within or adjacent to the SR-130 relinquishment area.
- Priya Cherukuru of the Santa Clara County Department of Planning and Development sent an email to Caltrans on January 13, 2011. Ms. Cherukuru's email noted the presence of two potential cultural resources adjacent to SR-82: the county fairgrounds and the Hillsdale Quarry. Although both of these properties have frontage along SR-82 within the relinquishment area, neither has any associated historic materials or features within the SR-82 right-of-way.

property as designated by the City of San Jose, The Alameda is a historic property for the purpose of compliance with CEQA.

5. CA-SCL-128/H, commonly known as the "Holiday Inn Site" is located in the highly urbanized downtown district of San José. CA-SCL-128/H is a large prehistoric village site that has yielded over 57 Native American burials and house floors, ovens, hearths, lithic material, shell and stone ornaments, charmstone, bone artifacts, fire cracked rock, and glass beads. The site has been subjected to numerous archaeological investigations since the early 1970s, most famously, the controversial "Holiday Inn" excavation in 1977. The site was successfully found eligible to the National Register of Historic Places under Criterion D in 1982 for its information potential to advance research into Northern Santa Clara prehistory. The site is approximately bounded by West San Fernando Street to the north, Market Street to the east, just south of West San Carlos Street (SR 82), and the Guadalupe River to the west. SR 82 bisects the southern portion of the site between Market Street and the Guadalupe River.
6. CA-SCL-448 was recorded approximately 200 meters southeast of Branham Lane adjacent to the southwestern edge of SR 82 in Edenvale and is described as a large scatter of shell. The Archaeological Site Record sketch map shows the northeastern extent of CA-SCL-448 falling short of SR 82, but no specific distance from the edge of SR 82 to the site boundary is given. Several archaeological surveys (including one for this report) have been unable to relocate this site and there is debate as to whether this site still exists or is even prehistoric in nature. Despite the lack of visual indicators of CA-SCL-448, however undisturbed sub-surface deposits may exist below modern ground surface and if the construction of SR 82 has not destroyed the site, intact prehistoric deposits may extend under the road. CA-SCL-448 was among fourteen archaeological sites that were sent to the California OHP for determination of eligibility to the NRHP. Subsequently the evaluation was sent in error to the Keeper, who also concluded that insufficient information was provided in regards to CA-SCL-448 to render an eligibility determination.

5. EXEMPT FROM EVALUATION / NO CEQA HISTORICAL RESOURCES IDENTIFIED

X The **only/only other cultural resources** present within the Project Area limits **are exempt from evaluation** because they meet the criteria set forth in the Section 106 Programmatic Agreement (Section 106 PA) Attachment 4 (Properties Exempt from Evaluation) and do not meet any criteria outlined in CEQA Guidelines §15064.5(a):

X Caltrans architectural historian Andrew Hope, who meets the Professionally Qualified Staff Standards in Attachment 1 of the Section 106 Programmatic Agreement (Section 106 PA) as a Principal Architectural Historian, has determined that the only other resources present within the Project Area limits meet the criteria in Attachment 4 of the Section 106 PA (Properties Exempt from Evaluation).

7. CEQA IMPACT FINDINGS

X Caltrans has determined a **finding of no substantial adverse change – transfer with protective agreements** because the impacts to the following historical resources within the Project Area limits will be mitigated below the level of significant impact.

- **San Jose Underpass** is a contributor to the National Register-listed San Jose Southern Pacific Depot. As part of the relinquishment of State Route 82, Caltrans will seek a resolution from the City of San Jose that the City acknowledges the historic status of the San Jose Underpass and will treat the San Jose Underpass as a historic property, subject to the same protections afforded to other designated historic properties under the City's historic preservation ordinances, regulations, and procedures. The City of San Jose is a Certified Local Government in accordance with the provisions of the National Historic Preservation Act.
- **The Alameda** is already a city-designated landmark, subject to the protections of the City's historic preservation ordinances, regulations, and procedures. Therefore, additional protective agreements are not necessary as part of the relinquishment of State Route 82.
- **El Camino Real** is California Historical Landmark number 784. The designation is commemorative in nature, and the roadway itself includes no historic character or features. Therefore, no protective measures are necessary, as any future alterations to State Route 82 would have no effect on the California Historical Landmark.
- **CA-SCL-128/H** was found eligible to the National Register in 1982 and concurrently the California Register. As part of the relinquishment of State Route 82, Caltrans will seek a resolution from the City of San Jose that the City acknowledges the historic status of the **CA-SCL-128/H** and will treat the San Jose Underpass as a historic property, subject to the same protections afforded to other designated historic properties under the City's historic preservation ordinances, regulations, and procedures.
- **CA-SCL-448** is assumed that a linear portion of CA-SCL-448 is within the SR 82 corridor to be relinquished to the City of San José until future archaeological investigation determines otherwise. It is subject to the same protections afforded to other designated historic properties under the City's historic preservation ordinances, regulations, and procedures.

8. MITIGATION PLAN

X Not applicable.

9. STATE-OWNED HISTORICAL RESOURCES FINDINGS

X Caltrans has evaluated and determined that the following **State-owned archaeological sites, objects, districts, landscapes** within the Project Area Limits **do NOT meet the National Register and/or California Historical Landmark** eligibility criteria, and is providing notice and

Archaeological Survey Report for the Relinquishment of State Routes 82 and 130 to the City of San José, Santa Clara County, California.

Relinquishment No. 56094 to the City of San José

04-SCL-82 (PM 0.0 – 9.92)
04-SCL-130 (PM 0.0 – 2.26)

EFIS No. 0400020029

State of California Department of Transportation
District 4, Oakland, California

USGS San José East 7.5'
USGS San José West 7.5'

Cultural resources are nonrenewable, and their scientific, cultural, and aesthetic values, can be significantly impaired by disturbance. To deter vandalism, artifact hunting, and other activities that can damage cultural resources, the locations of cultural resources are to be kept confidential. The legal authority to restrict cultural resources information is in California Government Code 6254.10 and the National Register Historic Preservation Act of 1966, Section 304.

February 2011

IV. SOURCES CONSULTED

A records search was conducted by the Northwest Information Center (NWIC) of the California Historic Resources Information System in Rohnert Park, California, on behalf of Caltrans, dated January 4, 2011 (Appendix A). The records search provided:

- Sites in provided radius
- Studies in provided radius – Reports list
- Copy of the Office of Historic Preservation (OHP) Historic Property Directory (HPD) for Santa Clara
- Copy of the Office of Historic Preservation Archaeological Determination of Eligibility (ADOE) for archaeological sites evaluated during federal projects in Santa Clara County.

Identification of Previously Known Cultural Resources

State Route 82

The records search identified two previously known cultural resources (CA-SCL-443H and CA-SCL-448) that are partially within the relinquishment limits of SR 82 (Appendix A). CA-SCL-443H is the trinomial assigned to Hotel Sainte Claire located at the corner of South Market Street and East San Carlos Street in San José (302 / 320 South Market Street). This building is listed on the National Register of Historic Places (NRHP) and is a locally designated city landmark. The Archaeological Site Survey Record that documents this building mistakenly places the resource squarely in the relinquishment corridor of SR 82. Hotel Sainte Claire does not encroach into SR 82 relinquishment limits and will be subject to no further review as part of this ASR. CA-SCL-448 is a prehistoric shell scatter adjacent to SR 82 in Edenvale (although it has a potentially historic component). The site boundaries are depicted south of Branham Lane, adjacent to the southwest side of SR 82 and bisected by the Pacific Union Railroad (Figure 11).

Upon review of the archaeological literature of the Guadalupe corridor (Allen et al. 1999; Cartier et al. 1993; Hylkema 2007; James et al. 1988; Roop et al. 1981; 1982; Winter 1978) and the NRHP, a third previously identified archaeological resource (CA-SCL-128/H), was found to be partially within the relinquishment limits of SR 82 (Figure 10). CA-SCL-128/H, commonly known as the "Holiday Inn Site" is located in the highly urbanized downtown district of San José. CA-SCL-128/H is a large prehistoric village site that has yielded over 57 Native American burials and house floors, ovens, hearths, lithic material, shell and stone ornaments, charmstone, bone artifacts, fire cracked rock, and glass beads. The

site has been subject to numerous archaeological investigations since the early 1970s, most famously, the controversial "Holiday Inn" excavation in 1977. The site was nominated to the NRHP for its information potential to advance research into Northern Santa Clara prehistory and was successfully found eligible to the NRHP under Criterion D in 1982 (Appendix B).

San José has a rich historic archaeological component to it and the block that CA-SCL-128/H is situated under is no exception. A historic refuse scatter, building foundations and other structural elements have been located within the site boundary. Winter (1978:1) reports that Mission trade beads, privies, and deposits relating to the Spanish / Mexican, and post Gold-rush periods are also present. It has also been documented that SR 82 also passes through the southern extent of Pueblo de San José (James et al. 1988).

The site boundaries as depicted by the NWIC (based on Basin Research Associates, Inc. site limits) locate the site just north of West San Carlos Street (SR 82) outside SR 82 relinquishment limits (Figure 10). However, several researchers and the NRHP boundary expand the site to San Fernando Street to the north, Market Street to the east, just south of West San Carlos Street (SR 82), and the Guadalupe River to the west (Cartier 1980 cited in Roop et al. 1982:16; James et al. 1988:5; Roop et al. 1981:128/1; Roop et al. 1982 Figure:6; Winter 1978:3). Subsequently, by conforming to this larger boundary, SR 82 bisects the southern portion of the site between Market Street and the Guadalupe River. Figure 10 shows the contrasting boundaries between the NWIC and the NRHP and it is the authors conclusion that previous scholarly research shows the Roop et al. (1981) NRHP boundary to be the most accurate (at the time of writing) and the one that this report will adhere to.

With this said, the exact site boundaries have not been completely confirmed. James et al. (1988:5) comment that the site limits as depicted by Roop et al. (1981:128/1) seem "generous," but note that pockets of prehistoric midden and materials have been identified throughout the general area. The extension of the sites southern limit to incorporate West San Carlos Street is certainly accurate as monitoring activities by James et al. (1988) located numerous burials in the street (in close proximity to the burials found under the Holiday Inn).

Other sources consulted include:

- National Register of Historic Places
- California Register of Historical Resources
- California Historical Landmarks
- California Points of Historical Interest
- Sacred Lands Inventory File, Native American Heritage Commission
- San José Designated City Landmarks
- City of San José Historic Resources Inventory
- Caltrans Cultural Resource Database (CCRD)
- 1951 Caltrans As Built Plans – SR 82 PM 4.6 / 6.0 Contract No. 52-4TC12
- 1953 Caltrans As Built Plans – SR 82 PM 8.9 / 9.0 Contract No. 54-4TMC28-P
- 1956 Caltrans As Built Plans – SR 130 Sta. No. 26+00 / 110+00. Contract No. 59-4TC3.
- 1958 Caltrans As Built Plans – SR 82 PM 5.9 / 6.3. Contract No. 59-4TC5
- 1958 Caltrans As Built Plans – SR 130 PM 0.6 / 0.7 Contract No. 59-14TC4.
- 1964 Caltrans As Built Plans – SR 82. Sta. No. 136+00 / 402+00. Contract No. 04-171104
- 1884 San José Sanborn Insurance Maps
- 1891 San José Sanborn Insurance Maps
- 1915 San José Sanborn Insurance Maps
- 1899 San José United States Geological Survey (USGS) Map
- 1943 San José USGS Map

Status of National Register Properties

CA-SCL-128/H and CA-SCL-448 were among fourteen archaeological sites that were sent to the California OHP in 1981 for determination of eligibility to the NRHP (Roop et al. 1981). Prior to these requests, CA-SCL-128/H had been previously nominated to the NRHP in 1973 based on information provided by Chester King (Winter 1978:30). The supporting evidence for the nominations was rejected by the California Landmarks Advisory (CLA), based on a report by Dr. J. Hester. The CLA stated that the site was too disturbed and that "there is no evidence of significant archaeological values" (CLA 1974, cited in Winter 1978:30). King requested the CLA review its decision in 1974 and the CLA agreed that additional archaeological investigations were required. Excavations were carried out by King (1974) and Hester (1974) with the latter concluding that less than 20% of the site was undisturbed and "no materials of archaeological importance" were found (Hester 1974 cited in Winter 1978:31). The CLA rejected the National Register nomination in 1976 (Winter 1978:31). A detailed chronology

with letter extracts can be found in Roop et al. (1982:17) and Winter (1978:30-31).

Between the second request in 1976 and the third nomination submitted by Roop et al. (1981), new information regarding CA-SCL-128/H significance and integrity came to light through the 1977 "Holiday Inn" excavations. Roop et al. (1981:128/1-8) request for determination of eligibility to the NRHP centered on the potentially significant information that a site "identified as an important protohistoric political and religious center" (Roop et al. 1981:128/7) can yield to the understanding of social organization, environmental adaptability, and the impact of European settlement on the indigenous population. CA-SCL-128/H was found eligible for inclusion on the NRHP under Criterion D by the California OHP on March 19, 1982. The letter of concurrence is located in Appendix B.

The same letter that found CA-SCL-128/H eligible omitted any determination opinion by the California OHP in regards to CA-SCL-448 as well as several other sites. The request for determination of eligibility of the fourteen sites was mistakenly submitted to the Keeper of the National Register who concluded that insufficient information was provided in regards to CA-SCL-448 and several other nominations to render an eligibility determination (Appendix B). The public project that prompted the request for determination was subsequently downscoped and the issue of CA-SCL-448's eligibility was dropped.

Native American Consultation

A letter describing the relinquishment project was sent on September 21, 2010 to the State of California Native American Heritage Commission (NAHC) requesting review of the Sacred Lands file for information on Native American cultural resources in the study areas.

A response received from the NAHC on October 11, 2010 failed to indicate the presence of Native American cultural resources in the immediate project area. The Commission enclosed a list of Native American individuals that may have information regarding cultural resources in the area. Letters dated November 2, 2010 were sent to potentially interested individuals requesting any information or knowledge of cultural resources within or adjacent to the project locations. Follow up calls and emails were placed on December 12 and 15, 2010. For full Native American consultation and responses see Table 1 and Appendix C.

It is important to note that CA-SCL-128/H has been the focus of considerable and passionate interest since 1977, when construction for the then Holiday Inn parking garage uncovered numerous Native American burials. Local officials found themselves at odds with archaeologists and a pan-tribal community of

Native Americans advocating for the appropriate treatment of the burials. State procedures were not yet in place that specified consultation with a designated "Most Likely Descendent," as required now under the Native American Historic Resources Protection Act, Public Resources Code 5097-5097.993. During this controversy there were also conflicting perspectives as to whether the site was significant pursuant to the criteria of the National Register of Historic Places.

In this way, the "Holiday Inn Site" became representative of the uneasy development of political influence by Native Americans on the effects of development on cultural sites. By 1985, when redevelopment construction was proposed for a new convention center in downtown San José a dispute erupted over who should be designated as most-likely descendent. By then sufficient information had been presented to dismiss opinion that prior disturbances for urban development has eradicated archaeological significance and the site was being monitored by archaeologists. But the role of Native American observers was being debated. Ohlones, people with ancestral connections to the area, were now recognized as representative of the Native American interests in these matters. However, during this peak of development work in downtown San José, intense controversy surrounded issues such as compensation for monitors, the appropriate ratio of monitors for excavation projects, the treatment of human remains, and, in particular, the selection of monitors from among the Ohlone. A physical altercation in the midst of monitoring construction at CA-SCL-128/H remains one of the most dramatic incidents in the history of this period.

At this time a group identifying themselves as the Muwekma Ohlone gained influence, partly because of aggressive lobbying of political officials and partly because they began the process of being identified as a federally-recognized tribe. They lobbied for preferential participation on the Guadalupe Light Rail Project, which crossed CA-SCL-128/H and resulted in the reburial of a number of human remains. They eventually formed their own archaeological consulting firm, Ohlone Family Services, because of conflicts with archaeological firms about their role in the process. Newspaper articles in the *San Jose Mercury News* attest to the complex politics of the period, but the summary above is meant to emphasize how the relationship between the Ohlone and CA-SCL-128/H takes on even greater meaning when understood as representative of the complexities of Santa Clara Valley Native American politics in the modern era of new environmental regulations and Native American political self determination.

component). They are situated at either end of the relinquishment corridor along SR 82. CA-SCL-128/H is located in the heart of downtown San José and is visually obscured by modern development. Several archaeological investigations (James et al. 1988; Roop et al. 1982; Winter 1978) have highlighted the importance and influence of this site for understanding and interpreting the region's prehistory. Roop et al. (1981:128-8) reported that the Native American community considers this site "a religious focus of high magnitude," and several Native Americans (as part of this project's consultation process) also relayed their knowledge of the site and its cultural significance to them. CA-SCL-448 is situated toward the southern end of the relinquishment corridor along SR 82 in Edenvale. The site was first identified in 1980 as a shell scatter, but several subsequent archaeological investigations have failed to relocate it.

CA-SCL-128/H

CA-SCL-128/H, commonly known as the "Holiday Inn Site" is located in the highly urbanized downtown district of San José (Figure 10). The site has been subject to numerous archaeological investigations since the early 1970s, most famously, the controversial "Holiday Inn" excavation in 1977. The site was successfully found eligible to the NRHP in 1982 for its potential to advance research into Northern Santa Clara prehistory.

The urban environment (including buildings, landscaping, light rail tracks, and SR 82) currently obscures CA-SCL-128/H (Plate 1). Despite the extensive historic and modern sub-surface impacts of urban development (e.g., buildings and utilities), the site has yielded over 57 Native American burials (Allen et al. 1999:34). The site is tentatively bounded by West San Fernando Street to the north, Market Street to the east, West San Carlos Street to the south, and the Guadalupe River to the west. The exact boundaries have not been determined, but Roop et al. (1982:15) estimate a site measuring 492 x 295 meters (m.) and 1m. in depth. Based on burial and cultural material data, CA-SCL-128/H was occupied during the terminal Middle Period (AD 500 – AD 700) and Late Period, Early Phase I and II (AD 900 - AD 1100) into the Protohistoric Period (Cartier 1993:28; James et al. 1988:5; Winter 1978).

As noted previously, CA-SCL-128/H sparked political controversy in the late 1970s, when numerous burials were unearthed during the construction of the Holiday Inn parking structure without preliminary archaeological excavation or monitors (Cartier et al. 1993:28; James et al. 1988:5; Roop et al. 1981:128/3; Winter 1978:32). Additional prehistoric deposits have been located along the Guadalupe River to the west of CA-SCL-128/H intermingled with historic refuse, and isolated human bone fragments and cultural material have been found south

of West San Carlos Street (James et al. 1988:6). The southern portion of CA-SCL-128/H is bisected by West San Carlos Street (SR 82). This stretch of SR 82 is part of the overall relinquishment of the road to the City of San José. Archaeological monitoring within West San Carlos Street, between Market Street and the Guadalupe River, revealed 28 burials (of 34 individuals) and an assortment of prehistoric cultural materials (James et al. 1988:13). The dense cluster of interments situated within the former Holiday Inn hotel, parking garage, and SR 82 highlight the sensitive nature of this area and the potential for human remains to still be present.

CA-SCL-128/H was known as a Native American burial ground as far back as 1934 (San Jose news article, in Winter 1978:28) with several other documented instances of burials from 1934 onwards being reported from this area (Winter 1978:28). CA-SCL-128/H was formally recorded in 1973 as WVC-15 (King 1973a), which found a large midden with at least eight scattered burials and ovens and one burial that was formally excavated. In the same year an archaeological investigation was carried out by King and the Santa Clara County Archaeological Society in response to construction activities at the site (King 1973b cited in Winter 1978:28). This archaeological excavation found eight scattered burials as well as a house floor, ovens and scattered artifacts. Hester (1973) conducted an archaeological evaluation of CA-SCL-128/H as part of the Park Center Project. The following year, in response to King's assertion that the CLA need review its eligibility determination on CA-SCL-128/H he had submitted in 1973, the CLA agreed that additional archaeological investigations were required (King 1974 cited in Winter 1978:31). Midden deposits were indentified at this location, but in general the area had been heavily disturbed. Hester (1974) conducted a series of auger cores and trenches between Park Avenue, South Market Street, Almaden Boulevard, and West San Carlos Street. A portion of this testing area was to become the future location for the Holiday Inn hotel and parking structure. Several burials and prehistoric materials were recovered from this investigation (Roop et al. 1981:128/2).

One of the largest excavations was carried out by Winter (1978) during construction of the Holiday Inn parking garage in response to the unearthing of human skeletal remains. Winter's recovery of the human bones and artifacts from the backdirt and subsequent controlled excavations showed that despite over 100 years of historic and modern impacts to the area, significant and intact cultural deposits still existed and important information could be extracted from disturbed contexts (Cartier 1993:28). A few burials were excavated that had not been displaced by construction activities. Burial 1 was located between 30 – 40 centimeters (cm.) (11" and 15") below ground surface with dozens of *Haliotis* modified disc saddle beads (ca AD 500-700). The excavations also revealed a

variety of prehistoric cultural materials, such as house floors, ovens, hearths, lithic material (obsidian, red Franciscan chert, and white quartz projectile points, drills, blades, knives), groundstone (mortars and pestles), shell and stone ornaments, charmstone, and bone artifacts (awls, possible chisels, serrated tools, flakers, and whistles) as well as shell, bone, fire cracked rock, and glass beads (Parsons 1983:18; Roop et al. 1981:128/1-8; Winter 1978).

It has been suggested that CA-SCL-128/H may be the village site known as the Rancheria of Our Patron San Francisco by the Franciscan Missionaries at Santa Clara (King 1978:448; Roop et al. 1981:128/7). Further, Roop et al. (1981:128/7) suggest that CA-SCL-128/H may have been the settlement that first attracted Missionaries to San José and the site can be "interpreted as the pre-Hispanic analog of the City of San José, the principal settlement focus of the Guadalupe division" (Roop et al. 1981:128/7). Analysis of the artifact assemblage from this site leads James et al. (1988:123) to state that the rancheria connection cannot be confirmed at present as the material culture does reflect that of a protohistoric village.

There have been numerous other small archaeological investigations at CA-SCL-128/H (Cartier 1980; Holson et al. 2002; Quick 1986), but one that is particularly pertinent to this archaeological assessment was conducted in West San Carlos Street between the Guadalupe River and Market Street (James et al. 1988). Archaeological monitoring during Phase III and IV of the Guadalupe Transportation Corridor (GTC) project exposed 28 Native American burials containing 34 individuals, isolated human bone and cultural materials (James et al. 1988:13). The burials exposed during monitoring were primarily clustered to the southeast of the Holiday Inn hotel, with several situated just east of the Guadalupe River. When describing the overall condition of the burials James et al. (1988:14) state that the burials along the northern and southern edges of West San Carlos Street were relatively undisturbed by historic and modern subsurface impacts in comparison to those centrally located in the street. Burial information from monitoring activities in the street gives an indication of the shallow depth at which burials were located once native soil was identified. Burials 87-1 (located under the southern sidewalk) and 87-3 (located under the southern edge of West San Carlos Street) were exposed at 12.7 - 25.4 cm. (5-10") and 12.7 cm. (5") below native soil respectively.

The depth of project impacts for the GTC project ranged from 40.64 – 50.8 cm. (16" - 20") with utility trenching going deeper (depths not specified). The stratigraphy of the site in the roadway is provided by the soil profile description of a monitoring trench located at Station 29+00 (40 feet [ft.] south of north curb). James et al. (1988:16 and Table 6.2A.2) describe an upper surface layer of

imported artificial fill, with an average thickness of 19 cm., which overlays Stratum A, a sandy loam with crushed and compacted rock fill (average thickness 43 cm.). Stratum B is a dark brown soil with construction sand and crushed rock. This stratum contained cultural materials such as fire cracked rock and midden constituents and has an average thickness of 36 cm. Stratum C contained cultural materials such as fire cracked rock, midden constituents, and baked clay. The soil averaged 14.5 cm. in thickness and was interpreted as undisturbed by modern intrusions. Stratum D was sterile for cultural materials. Based on the on these averages, cultural material, albeit in contaminated soil, was observed at 62 cm. below ground surface, with an undisturbed culturally sensitive stratum averaging 98 cm. below ground surface.

Trenching for fiber optic cables in San José that included excavation through West San Carlos Street and CA-SCL-128/H was subject to archaeological monitoring as well (Holson et al. 2002). Trenching was contained within the upper disturbed modern / historic fill levels, but isolated historic and prehistoric cultural materials were frequently noted. Other segments along different streets located an unidentified brick structure and bone fragments that were possibly human. What this investigation shows it that despite sub-surface excavations in disturbed modern / historic fill, potentially sensitive prehistoric and historic cultural materials and features and human remains can be present.

Excavations by Cartier (1984) have revealed the historic component to this site. Investigations along the east side of the Guadalupe River from West San Carlos Street to West San Fernando Street found remnants of late nineteenth century structures, such as a redwood retaining wall and a large concentration of historic sheet refuse.

CA-SCL-448

CA-SCL-448 was first identified as part of an archaeological assessment of the Guadalupe River corridor for the Santa Clara County Transit District (Chavez 1980:22). The site is described as a "surface scatter of greatly weathered oyster and abalone shell fragments and a single Olivella shell" (Chavez and Desgrandchamp 1980). Roop et al. (1981; 1982) conducted further survey and research of the Guadalupe corridor and provide a detailed synopsis of the site.

CA-SCL-448 is situated in an urbanized transportation and residential corridor of Monterey Highway (SR 82) and the Pacific Union Railroad. The site is located approximately 200 m. south of Branham Lane, bisected by the Pacific Union Railroad that run parallel to the southwest side of SR 82 (Figure 11). The northwestern edge of CA-SCL-448, as depicted on the Archaeological Site

VIII. CONCLUSION

CA-SCL-448

CA-SCL-448 is located approximately 200 meters southeast of Branham Lane adjacent to the southwestern edge of SR 82 in Edenvale and is described as a large scatter of shell. The Archaeological Site Record sketch map shows the northeastern extent of CA-SCL-448 falling short of SR 82, but no distance from the edge of SR 82 to the site boundary is given. Several archaeological surveys (including one for this report) have been unable to relocate this site and there is debate as to whether this site still exists or is even prehistoric in nature. Despite the lack of visual indicators of CA-SCL-448, undisturbed sub-surface deposits may exist below modern ground surface and if construction of SR 82 has not destroyed the site, intact prehistoric deposits may extend under the road.

CA-SCL-448 was among fourteen archaeological sites that were sent to the California OHP for determination of eligibility to the NRHP, but SHPO did not concur. Background research and field survey by Caltrans personnel as part of the relinquishment project has revealed no new information on the significance and integrity of the site that would enable the NRHP Criteria for Evaluation to be applied. This could be subject to change if future sub-surface archaeological excavation in the site boundary identified significant and intact prehistoric deposits that would satisfy either the California Register of Historical Resources or the National Register Criteria for Evaluation.

Until future archaeological investigation determines otherwise, it should be assumed that a linear portion of CA-SCL-448 (from the current Caltrans right-of-way boundary to the assumed northwest and southeast extent of the site) is within the SR 82 corridor to be relinquished to the City of San José.

CA-SCL-128/H

CA-SCL-128/H is a National Register listed site of considerable importance to the Native American community. The urban environment of downtown San José completely obscures any visual indication of CA-SCL-128/H, or the "Holiday Inn Site" as it is commonly known. Yet, under modern and historic fill levels and asphalt lays a large and important prehistoric site that has yielded over 57 burials and an array of prehistoric cultural materials.

One of the most extensive reconfigurations of the built landscape within the relinquishment limits occurred in the mid to late 1980s and provides a good indication to subsurface sensitivity of this section of SR 82. Transportation improvements along SR 82 facilitated archaeological monitoring within West San Carlos Street, between Market Street and the Guadalupe River, which revealed

28 burials (of 34 individuals) and an assortment of prehistoric cultural materials (James et al. 1988:13). The monitoring showed that over the last 100 years, CA-SCL-128/H had been heavily impacted by historic and modern construction of buildings, transportation structures, landscaping, and utility installation. Pockets of midden were identified, but no continuous prehistoric deposit was present. The West San Carlos Street intersection with Almaden was reported as being void of any prehistoric midden (James et al. 1988:14). However, despite the 100 plus years of sub-surface impacts, archaeological monitoring demonstrated the high potential for Native American skeletal remains under the roadbed, with burials along the edges of the project limits showing the most integrity. Based on thickness averages of different soil stratums identified in a monitoring trench, cultural material, albeit in contaminated soil, was observed at 62 cm. below ground surface, with an undisturbed culturally sensitive stratum averaging 98cm. below ground surface. Several burials were located between 12 cm. – 25 cm. below native soil.

There is potential for additional burials in undisturbed or partially disturbed cultural deposits along West San Carlos Street. This potential is not confined to the currently defined extent of CA-SCL-128/H, as burials may be situated outside the boundary in the roadway. As archaeological monitoring work has shown, the segment of SR 82 that bisects the southern portion of CA-SCL-128/H was extremely sensitive for Native American burials and other cultural artifacts. Despite the extensive archaeological investigation conducted by James et al. (1988), other burials and features may be present that were not exposed due to the type of construction work (in-terms of vertical impacts) undertaken in a particular area and variation in depth at which burials were located beneath native soil. As James et al. (1988:110) explain, full exposure of subsurface deposits along West San Carlos Street was hampered by the fact that "city street, landscaping, and underground utilities prevented systematic archaeological testing at CA-SCL-128 as part of the GTC program."

Even if sub-surface excavation is undertaken in the upper modern/disturbed fill contexts, these are still considered sensitive for prehistoric cultural materials and information potential (Cartier 1993:28; James et al. 1988:110). Archaeological monitoring of utility trenches in these upper fill layers within the site boundaries has yielded prehistoric cultural artifacts and possibly human bone fragments (Holson et al. 2002).

The significance of this site is reflected in its nomination to the National Register of Historic Places in 1982, as well as the active political engagement by the Ohlone following discovery of numerous burials during the construction of the Holiday Inn parking garage in the late 1970s. Several Native Americans, as part of the consultation process by Caltrans, expressed their knowledge of the site

and its cultural significance to them (see Native American Consultation section). Several archaeological studies have shown that site integrity still exists below disturbed levels and that there is a high potential for interments just below native soil along West San Carlos Street. As previously demonstrated, disturbed contexts can also potentially contain human bone fragments and other prehistoric materials that are culturally sensitive and can yield important information on prehistoric lifeways.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary # P-43-000141
HRI #
Trinomial CA-SCL-128/H
NRHP Status Code 2S2

Other Listings
Review Code | Reviewer | Date

*Resource Name or #: Holiday Inn Site

P1. Other Identifier: WVC-15

*P2. Location: ☒ Not for Publication ☐ Unrestricted

*a. County: Santa Clara

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: San Jose West Date: 1961 (pr1980) T 7S ; R1E ; Rancho Pueblo Lands of San Jose; M.D.B.M.

c. Address: 282 Almaden Boulevard City: San Jose Zip: 95113

d. UTM: Zone: 10 ; 598300 mE/ 4138680 mN (G.P.S.) SW Corner

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)The site is situated in downtown San José, tentavily bounded by West San Fernando Street to the north, Market Street to the east, just south of West San Carlos Street, and the Guadalupe River to the west. Much of the site is located beneath the present location of the Crown Plaza Hotel and surrounding hardscaping, lansdscaping, and urban development.

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)
CA-SCL-128/H, commonly known as the "Holiday Inn Site" is located in the highly urbanized downtown district of San José. The site has undergone numerous archaeological investigations since the early 1970s, most famously, the controversial "Holiday Inn" excavation in 1978. The urban environment of downtown San José completely obscures any visual indication of CA-SCL-128/H, yet overlaid by concrete, asphalt, landscaping, and modern and historic fill levels lays a large and important prehistoric site that has yielded over 57 burials and an array of prehistoric cultural materials. The site is tentatively bounded by West San Fernando Street to the north, Market Street to the east, just south of West San Carlos Street, and the Guadalupe River to the west. The exact boundaries have not been determined, but Roop et al. (1982:15) estimate site dimensions as approximatly 492 x 295 meters (m.) and 1m. in depth. A number of historic features have also been located such as redwood retaining wall, historic sheet refuse, and the site appears to be situated within the original Pueblo de San José.

*P3b. Resource Attributes: (List attributes and codes)

*P4. Resources Present: ☐Building ☐Structure ☐Object ☒Site ☐District ☐Element of District ☐Other (Isolates, etc.)

P5a.Photo or Drawing

P5b. Description of Photo: (View, date, accession #) View of site looking southwest down West San Carlos Street

*P6. Date Constructed/Age and Sources: ☐Historic ☐Prehistoric ☒Both

*P7. Owner and Address:
Caltrans, District 4
111 Grand Avenue
Oakland, CA 94612

*P8. Recorded by: (Name, affiliation, and address)
Benjamin Harris
Caltrans, District 4
111 Grand Avenue
Oakland, CA 94612

*P9. Date Recorded:
14 Oct. 2010

*P10. Survey Type: (Describe)
Surface

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Harris, Benjamin 2011 ASR for the Relinquishment of State Routes 82 and 130 to the City of San José, Santa Clara County, California.

*Attachments: ☐NONE ☒Location Map ☐Sketch Map ☒Continuation Sheet ☐Building, Structure, and Object Record ☒Archaeological Record ☐District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record ☐Artifact Record ☐Photograph Record ☐ Other (List):

*A1. **Dimensions: a. Length:** 492 m. ( ) × **b. Width:** 295 m. ( )
Method of Measurement: ☐ Paced ☐ Taped ☐ Visual estimate ☒ Other: Based on Roop et al. (1982)
Method of Determination (Check any that apply.): ☒ Artifacts ☒ Features ☒ Soil ☐ Vegetation ☐ Topography ☒ Cut bank ☐ Animal burrow ☒ Excavation ☐ Property boundary ☐ Other (Explain):

Reliability of Determination: ☒ High ☐ Medium ☐ Low Explain: Numerous archaeological excavations, monitoring, survey, and research has been conduced at this site. The site is situated beneath the present location of the Crown Plaza Hotel and surrounding hardscaping, lansdscaping, and urban development. As such, site condition could not be adequetly assessed and much of the information contained in this update is based on prior archaeological sub-surface activities and research.

Limitations (Check any that apply): ☒ Restricted access ☒ Paved/built over ☒ Site limits incompletely defined ☒ Disturbances ☐ Vegetation ☐ Other (Explain):

A2. Depth: See Continuation Sheet ☐ None ☐ Unknown Method of Determination:

*A3. **Human Remains:** ☒ Present ☐ Absent ☐ Possible ☐ Unknown (Explain):

*A4. **Features** (Number, briefly describe, indicate size, list associated cultural constituents, and show location of each feature on sketch map.): See Continuation Sheet

*A5. **Cultural Constituents** (Describe and quantify artifacts, ecofacts, cultural residues, etc., not associated with features.): See Continuation Sheet

*A6. **Were Specimens Collected?** ☒ No ☐ Yes (If yes, attach Artifact Record or catalog and identify where specimens are curated.)

*A7. **Site Condition:** ☐ Good ☐ Fair ☐ Poor (Describe disturbances.): The site is situated beneath the present location of the Crown Plaza Hotel and surrounding hardscaping, lansdscaping, and urban development. As such, site condition could not be adequately assessed.

*A8. **Nearest Water** (Type, distance, and direction.): CA-SCL-128/H is bounded to the west by the Guadalupe River

*A9. **Elevation:** 84 ft. asl

A10. Environmental Setting (Describe culturally relevant variables such as vegetation, fauna, soils, geology, landform, slope, aspect, exposure, etc.): Highly urbanized setting of downtown San José. The Primary Record photograph highlights the current setting.

A11. Historical Information: San José has a rich historic archaeological component to it and the block that CA-SCL-128/H is situated under is no exception. A historic refuse scatter, building foundations and other structural elements have been located within the site boundary. Winter (1978:1) reports that Mission trade beads, privies, and deposits relating to the Spanish / Mexican, and post Gold-rush periods are also present. It has also been documented that SR 82 also passes through the southern extent of Pueblo de San José (James et al. 1988).

*A12. **Age:** ☒Prehistoric ☒ Protohistoric ☒1542-1769 ☒1769-1848 ☒1848-1880 ☒1880-1914 ☒1914-1945 ☐ Post 1945 ☐ Undetermined **Describe position in regional prehistoric chronology or factual historic dates if known:**

A13. Interpretations (Discuss data potential, function[s], ethnic affiliation, and other interpretations): See Continuation Sheet

A14. Remarks: None

A15. References (Documents, informants, maps, and other references): See Continuation Sheet

A16. Photographs (List subjects, direction of view, and accession numbers or attach a Photograph Record.): See Primary Record
Original Media/Negatives Kept at:

*A17. **Form Prepared by:** Benjamin Harris **Date:** January 2011
Affiliation and Address: Caltrans, District 4, 111 Grand Avenue, Oakland, CA 94612

CA-SCL-128/H – A2. Depth / A4. Features / A5. Cultural Constituents / A13. Interpretations / A15. References
CA-SCL-128/H, commonly known as the "Holiday Inn Site" (the Crown Plaza Hotel) is located in the highly urbanized downtown district of San José. The site has undergone numerous archaeological investigations since the early 1970s, most famously, the controversial "Holiday Inn" excavation in 1978. The urban environment of downtown San José completely obscures any visual indication of CA-SCL-128/H, yet overlaid by concrete, asphalt, landscaping, and modern and historic fill levels lays a large and important prehistoric site that has yielded over 57 burials and an array of prehistoric cultural materials (Allen et al. 1999:34). Based on burial and cultural material data, CA-SCL-128/H was occupied during the terminal Middle Period (AD 500 – AD 700) and Late Period, Early Phase I and II (AD 900 - AD 1100) into the Protohistoric Period (Cartier 1993:28; James et al. 1988:5; Winter 1978).

The site is tentatively bounded by West San Fernando Street to the north, Market Street to the east, just south of West San Carlos Street, and the Guadalupe River to the west. The exact boundaries have not been determined, but Roop et al. (1982:15) estimate site dimensions as approximatly 492 x 295 meters (m.) and 1m. in depth. A number of historic features have also been located such as redwood retaining wall, historic sheet refuse, and the site appears to be situated within the original Pueblo de San José.

The significance of this site is reflected in the outrage and active political engagement by the Ohlone following discovery of numerous burials during the construction of the Holiday Inn parking garage in the late 1970s and its nomination to the National Register of Historic Places (NRHP) in 1982. The request for determination of eligibility to the NRHP centered on the potentially significant information that a site "identified as an important protohistoric political and religious center" (Roop et al. 1981:128/7) can yield to the understanding of social organization, environmental adaptability, and the impact of European settlement on the indigenous population.

CA-SCL-128/H was known as a Native American burial ground as far back as 1934 (San Jose news article, in Winter 1978:28) with several other documented instances of burials from 1934 onwards being reported from this area (Winter 1978:28). CA-SCL-128/H was formally recorded in 1973 as WVC-15 (King 1973a), which found a large midden with at least eight scattered burials and ovens and one burial that was formally excavated. In the same year, an archaeological investigation was carried out by King and the Santa Clara County Archaeological Society in response to construction activities at the site (King 1973b cited in Winter 1978:28). This archaeological excavation found eight scattered burials as well as a house floor, ovens and scattered artifacts. Hester (1973) conducted an archaeological evaluation of CA-SCL-128/H as part of the Park Center Project. The following year, in response to King's assertion that the California Landmarks Advisory (CLA), need review its eligibility determination on CA-SCL-128/H he had submitted in 1973, the CLA agreed that additional archaeological investigations were required (King 1974 cited in Winter 1978:31). Midden deposits were indentified at this location, but in general the area had been heavily disturbed. Hester (1974) conducted a series of auger cores and trenches between Park Avenue, South Market Street, Almaden Boulevard, and West San Carlos Street. A portion of this testing area was to become the future location for the Holiday Inn hotel and parking structure. Several burials and prehistoric materials were recovered from this investigation (Roop et al. 1981:128/2).

CA-SCL-128/H continued

One of the largest excavations on CA-SCL-128/H was carried out by Winter (1978) during construction of the Holiday Inn parking garage in response to the unearthing of human skeletal remains. Winter's recovery of the human bones and artifacts from the backdirt and subsequent controlled excavations showed that despite over 100 years of historic and modern impacts to the area, significant cultural deposits still existed and important information could be extracted from disturbed contexts (Cartier 1993:28). A few insitu burials were excavated that had not been displaced by construction activities. Burial 1 was located between 30 – 40 centimeters (cm.) (11" and 15") below ground surface with dozens of *Haliotis* modified disc saddle beads (ca AD 500-700). The excavations also revealed a variety of prehistoric cultural materials, such as house floors, ovens, hearths, lithic material (obsidian, red Franciscan chert, and white quartz projectile points, drills, blades, knives), groundstone (mortars and pestles), shell and stone ornaments, charmstone, and bone artifacts (awls, possible chisels, serrated tools, flakers, and whistles) as well as shell, bone, fire cracked rock, and glass beads (Parsons 1983:18; Roop et al. 1981:128/1-8; Winter 1978).

One of the most extensive archaeological excavations in CA-SCL-128/H since the 1978 excavation occurred within West San Carlos Street in the mid to late 1980s. Transportation improvements along SR 82 facilitated archaeological monitoring within West San Carlos Street, between Market Street and the Guadalupe River. Twenty eight burials (of 34 individuals) and an assortment of prehistoric cultural materials were unearthed (James et al. 1988:13). The burials exposed during monitoring were primarily clustered to the southeast of the Holiday Inn hotel, with several situated just east of the Guadalupe River. The monitoring showed that over the last 100 years, CA-SCL-128/H had been heavily impacted by historic and modern construction of buildings, transportation structures, landscaping, and utility installation. Pockets of midden were identified, but no continuous prehistoric deposit was present. The West San Carlos Street intersection with Almaden was reported as being void of any prehistoric midden (James et al. 1988:14). Despite the 100 plus years of sub-surface impacts, archaeological monitoring showed the high potential for Native American skeletal remains under the roadbed, with burials along the edges of the project limits showing the most integrity. Based on thickness averages of different soil stratums identified in a monitoring trench, cultural material, albeit in contaminated soil, was observed at 62 cm. below ground surface, with an undisturbed culturally sensitive stratum averaging 98cm. below ground surface. Burial information from monitoring activities in the street gives an indication of the shallow depth at which burials were located once native soil was identified. Several burials located under the southern sidewalk and the southern edge of West San Carlos Street were exposed at 12.7 - 25.4 cm. (5-10") and 12.7 cm. (5") below native soil.

Trenching for fiber optic cables in San José that included excavation through West San Carlos Street and CA-SCL-128/H was subject to archaeological monitoring (Holson et al. 2002). Trenching was contained within the upper disturbed modern / historic fill levels, but isolated historic and prehistoric cultural materials were frequently noted. Other segments along different streets located an unidentified brick structure and bone fragments that were possibly human.

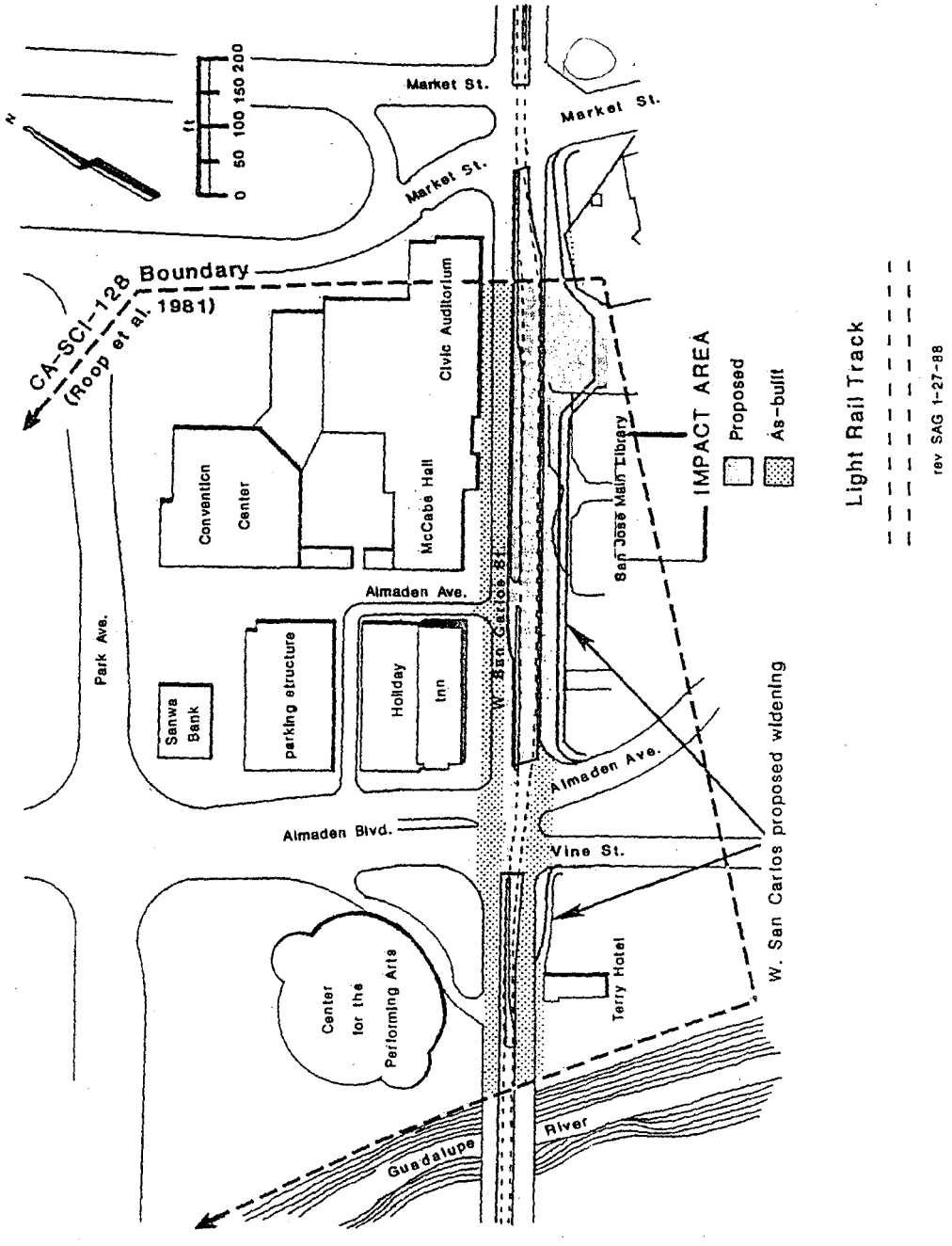


Figure 6: Construction Plan View

James et al. (1988)
Phase III North and Phase IV Archaeological Monitoring
Results at CA-SCL-128/H, The Holiday Inn Site. S-10152

APPENDIX C

CA-SCL-128

SKELETAL INVENTORY

D&D OSTEOLOGICAL SERVICES
HUMAN SKELETAL INVENTORY

Site CA-SCL-128 Burial No. 1-2012 Date 1/31/12 Recorder DiGiuseppe/Grant

Metrics lf. glenoid fossa = 30.0 mm, lf. vertical humeral head = 37.7 mm; lf humeral distal epicondyle = 54.4 (see metric sheet for more measurements)

Sex (criteria used) Female = based on wide greater sciatic notch, wide subpubic angle, etc. (see sex determination sheet)

Age (criteria used) 15-24 = based on phases of the pubic symphysis, auricular surface and sterna rib end, several elements still having fusion lines visible, and no presence of osteoarthritis

Condition of Skeleton excellent condition, cortex good except where evidence of fire met bone and it looks like it's splintered there, volume very good, most elements 100% complete, missing only hands and some foot bones, 90-95% present

Cranium C(1) = only 4 teeth missing, slight erosion on maxilla above anterior teeth

Cribra Orbitalia: (L) -- (R) --

Mandible C(1) = only 1 tooth missing, perfect

Teeth Permanent-Loose $LC_{\bullet}$, RI^{1} In-situ all but $RC_{\bullet}$, RI^{2}, $LI^{!}$, LI^{2}, $LC^{\bullet}$

Deciduous-Loose X In-situ X

Hyoid X Sternum I(1) = body only from costal notch II - VI

Vertebrae:

Cervical C1 – C(1), C4 – C(1), C5 – C(1), C6 – C(1), C7 – C(1)

Thoracic T1 to T8 all C(1), T10 to T12 all C(1) (only missing T9)

Lumbar L1 to L5 all C(1)

Sacrum S1 to S5 C(1)

Indeterminate X

Os Coxae:		LEFT	RIGHT	INDT
Mature		C(1)	C(2)	X
Immature:	Pubis	X	X	X
	Ilium	X	X	X
	Ischium	X	X	X

D&D OSTEOLOGICAL SERVICES

Site: CA-SCL-128
Burial: 1

Ribs: No. Complete (L) 11 (R) 12 No. Incomplete F(3)

	LEFT	RIGHT	INDT		LEFT	RIGHT	INDT
Clavicle	C(1)	C(1)	X	Femur	C(1)	C(1)	
Humerus	C(1)	C(1)	X	Patella	X	X	
Radius	C(1)	C(1)[a]	X	Tibia	C(1)	C(2)	
Ulna	C(1)	C(1)[b]	X	Fibula	C(1)	C(2)	
Scapula	C(1)	C(2)	X				
Carpals:				Tarsals:			
Navicular	X	X	X	Calcaneus	C(1)	C(1)	
Lunate	X	X	X	Talus	C(1)	C(1)	
Triquetral	X	X	X	Cuboid	C(1)	C(1)	
Pisiform	X	X	X	Navicular	C(1)	C(1)	
Grt. Mult.	X	C(1)	X	1st Cuneiform	X	C(1)	
Lsr. Mult.	X	X	X	2nd Cuneiform	X	X	
Capitate	X	X	X	3rd Cuneiform	X	C(1)	
Hamate	X	X	X				
Metacarpals:				Metatarsals:			
MC 1	X	X	X	MT 1	X	X	
MC 2	X	X	X	MT 2	X	X	
MC 3	X	X	X	MT 3	X	X	
MC 4	X	X	X	MT 4	X	X	
MC 5	X	X	X	MT 5	C(1)	X	

Phalanges: Hand C(2), I(1) = 1 prox, 2 mid Foot C(3) = 1 dist 1st, 2 mid

Indeterminate X

Additional Notes a) missing prox head, b) missing distal end

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

D&D OSTEOLOGICAL SERVICES

Site: CA-SCL-128
Burial: 1

SEXING DETERMINATION*

Pelvis:		**Male**	**Female**	**Indet.**
Sub-pubic Angle	V or U shaped	X	U	X
Shape of Pubis	triangular or squarish	X	sq	X
Ventral Arc	absent or present	X	p	X
Doral Pits	absent or present	X	a	X
Acetabulum	large or small	X	sm	X
Greater Sciatic Notch	narrow or wide (Score 1-5)	X	1	X
Prearicular Sulcus	absent or present	X	p	X
Skull:				
Nuchal Crest	robust, muscle markings (Score 1-5)	X	X	3
Mastoid Process	size (large or small) (Score 1-5)	X	2	X
Supraorbital Margin	rounded or sharp margin (Score 1-5)	X	2	X
Supraorbital Ridge	glabella none or prominent (Score 1-5)	X	X	3
Mental Eminence	none to massive projection (Score 1-5)	X	1	X
Ascending Ramus	short/slanted or long/vertical (Score 1-5)	X	2	X
Other: (see Bass 1994)				
Glenoid Fossa (lf)	<34 (F) > 37 (M)	X	30.0	X
Vert. dia. of Humeral Head (lf)	<43 (F) > 47 (M)	X	37.7	X
Max. width of Humeral Epicondyle (lf)	<56.8 (F) > 63.9 (M)	X	54.5	X
Max. dia. of Femoral Head	<43.5 (F) > 46.5 (M)	X	X	X

Comments rt. glenoid fossa = 32.4 (see additional notes on clavicle); rt. vertical head = 39.5; rt. humeral epicondyle = 54.7 mm

***See 1994 Standards by Buikstra and Ubelaker for Scoring Criteria, see pages 16-32**

D&D OSTEOLOGICAL SERVICES

Site: CA-SCL-128
Burial: 1

AGEING DETERMINATION*

	Yes	No	Phase	Age-Range
Dental (all erupted)	yes	X	X	under 24
Long bone fusion	yes*	X	X	under 24
Pubic symphysis	yes	X	I	15-24
Auricular Surface	yes	X	I	20-24
Osteoarthritis	X	no	X	X
Rib – sternal end	yes	X	II	16-19

Comments *FUSION: lf & rt tibiae fusion line slightly visible on medial / posterior; lf & rt clavicle medial epiphyses not fused, on all vertebrae the epiphyseal ring is attached though the centrum is still showing some billowing, sacrum still see fusion lines between segments, both ossa coxae iliac crest not fused along inferior portion, vertebral rib ends fusion line clearly visible on all ribs (fusion between 18-24 – Bass); PUBIC SYMPHYSIS: has billowing surface, lack of delimination of either extremity (upper & lower), dorsal margin no formation, billowing extends into ventral and dorsal margins giving crenellation appearance; AURICULAR: margins raised and smooth, no apical activity, surface of demiface fine grained (on both auricular in same spot / location there is area of erosion or microporosity on superior demiface, areas of slight billowing below this porosity, two spots on both retroauriculars have raised bone for attachment to sacrum

STERNAL RIB: using rt. side 5^{th} & 7^{th} rib ends, see billowing on both, shallow pit with smooth rim and some scalloping

***See 1994 Standards by Buikstra and Ubelaker for Scoring Criteria, see pages 16-32**

D&D OSTEOLOGICAL SERVICES

Site: CA-SCL-128
Burial: 1

ADULT DENTAL PATHOLOGIES

TOOTH WEAR

	wear	other pathologies		wear	other pathologies
Upper:			**Lower:**		
RM^3	2	occlusal cavity	RM_3	2	occlusal caries
RM^2	3		RM_2	3	slight CAL
RM^1	5		RM_1	5	slight CAL
RP^2	3		RP_2	3	
RP^1	2		RP_1	2	
$RC^{\bullet}$	3	hypoplasias	$RC_{\bullet}$	3	
RI^2	X		RI_2	X	
RI^1	2	slight CAL	RI_1	2	
LI^1	2	slight CAL	LI_1	X	
LI^2	2	slight CAL	LI_2	X	
$LC^{\bullet}$	2	hypoplasias	$LC_{\bullet}$	X	
LP^1	3		LP_1	2	
LP^2	5		LP_2	3	
LM^1	5		LM_1	5	
LM^2	3	slight CAL	LM_2	3	slight CAL
LM^3	2		LM_3	2	occlusal caries, slight CAL

Periodontal Disease: slight interproximal periodontal between RM^3 and RM^2 and LM^2

Notes: bulb of enamel on buccal surface of RI^1; all teeth have mesial and distal interproximal facets; no abscesses, no open root canals

KEY:

X = absent
XU = absent/unerupter
A/U = ante-mortem tooth loss
F = fragmentary (non-diagnostic)
C = caries
A = abscesses
PSI = peg shaped incisors

CAL = calculi
SS = shovel shaped (single or double)
HY = hypoplasis
DM = dental modification
CAR = carabelli's cusp
W = winging
SSS = single shovel-shaped
DSS = double shovel-shaped

D&D OSTEOLOGICAL SERVICES

Site: CA-SCL-128
Burial: 1

PATHOLOGIES

Element Involved	Description of Lesion	Differential Diagnosis
C7 (13th rib)	on both sides of the C7 hypertrophic bone extends beyond the transverse process; fusion lines are visible the two elements similar to the fusion lines found on the end of the vert rib ends	13th rib end
T8	smooth circular hole on body located on anterior inferior portion slightly to the left side, hole dia measures anterior body = 5.95 mm inferior surface = 6.93 mm on inferior surface though circular area does have an area that is scooped like impression, bone is smooth	trauma, possibly caused by arrow or projectile going through, or caused by thoracic aorta that runs down thoracic on left anterior side
T12	rib facets on thoracic displaced to posterior, found bilateral on transverse foramen inferior border	unknown, could be affect of hole found in T8 inferior border
sacrum	enlarged muscle attachment, pseudo-articular facet bilateral, corresponds to raised bone on both ilium retroauricular surface	stabilized attachment, possibly connected to T8 trauma

Notes

D&D OSTEOLOGICAL SERVICES

Site: CA-SCL-128
Burial: 1

DEGENERATIVE JOINT DISEASE – UPPER PERIPHERAL SKELETON

	Left	Notes	Right	Notes
TEMPORO-MANDIBULAR JOINT				
Glenoid Fossa	0		0	
Mand. Condyle	0		0	
Total Joint Score	**0**		**0**	

Notes:

SHOULDER				
Scapula (Glenoid)	0		0	
Proximal Humerus	0		0	
Total Joint Score	**0**		**0**	

Notes:

ELBOW				
Distal Humerus	0		0	
Proximal Ulna	0		0	
Proximal Radius	0		X	
Total Joint Score	**0**		**0**	

Notes:

WRIST				
Distal Ulna	0		X	
Distal Radius	0		0	
Carpals	X	*	0	
Total Joint Score	**0**		**0**	

Notes: *have one rt. carpal, but p/m damage leaves surface indet

HAND				
Proximal Metacarpals	X		X	
Distal Metacarpals	X		X	
Phalanges	0		0	
Total Joint Score	**0**		**0**	

Notes:

D&D OSTEOLOGICAL SERVICES

Site: CA-SCL-128
Burial: 1

DEGENERATIVE JOINT DISEASE – LOWER PERIPHERAL SKELETON

HIP	Left	Notes	Right	Notes
Acetabulum	0		0	
Proximal Femur	0		0	
Total Joint Score	0		0	

Notes:

KNEE				
Distal Femur	0		0	
Proximal Tibia	0		0	
Proximal Fibula	0		0	
Total Joint Score	**0**		**0**	

Notes:

ANKLE				
Distal Tibia	0		0	
Distal Fibula	0		0	
Tarsals	0		0	
Total Joint Score	**0**		**0**	

Notes:

FOOT				
Proximal Metatarpals	0		X	
Distal Metatarpals	0		X	
Phalanges	0		0	
Total Joint Score	**0**		**0**	

Notes:

D&D OSTEOLOGICAL SERVICES

Site: CA-SCL-128
Burial: 1

DEGENERATIVE SPINAL DISEASE

	BODY			INTERVERTEBRAL JOINTS				
	SUPERIOR	INFERIOR	NOTES	SUPERIOR L	SUPERIOR R	INFERIOR L	INFERIOR R	NOTES
C1 dens facet		0		0	0	0	0	
C2 dens	X	X		X	X	X	X	
C3	X	X		X	X	X	X	
C4	0	0		0	0	0	0	
C5	0	0		0	0	0	0	
C6	0	0		0	0	0	0	
C7	0	0		0	0	0	0	
C indet.								
T1	0	0		0	0	0	0	
T2	0	0		0	0	0	0	
T3	0	0		0	0	0	0	
T4	0	0		0	0	0	0	
T5	0	0		0	0	0	0	
T6	0	0		0	0	0	0	
T7	0	0		0	0	0	0	
T8	0	0		0	0	0	0	
T9	X	X		X	X	X	X	
T10	0	0		0	0	0	0	
T11	0	0		0	0	0	0	
T12	0	0		0	0	0	0	
T indet.								
L1	0	0		0	0	0	0	
L2	0	0		0	0	0	0	
L3	0	0		0	0	0	0	
L4	0	0		0	0	0	0	
L5	0	0		0	0	0	0	
L indet.								

Sacrum: S1 to S5 present, score = 0

Notes: on all vertebrae the epiphyseal ring has recently fused, still see billowing on inferior and superior bodies

D&D OSTEOLOGICAL SERVICES

Site: CA-SCL-128
Burial: 1

CRANIAL MEASUREMENT RECORDING FORM: ADULT REMAINS

CRANIAL MEASUREMENTS, mm:

Maximum cranial length	
Maximum cranial breadth	
Bizygomatic diameter	
Crania base length	
Basion-prosthion length	
Basion-bregma height	
Biauricular breadth	
Maxillo-alveolar breadth	
Maxillo-Alveolar length	
Upper facial height	
Minimum frontal breadth	
Upper facial breadth	
Nasal breadth	
Biorbital breadth	
Interorbital breadth	
Orbital breadth	
Orbital height	
Frontal chord	
Paietal chord	
Foramen magnum max length	
Foramen magnum max brdth	
Chin height	
Height of the mandibular body	
Breadth of the mandibular body	
Bigonial width	
Bicondylar breadth	
Minimum ramus breadth	
Maximum ramus breadth	
Maximum ramus height	
Mandibular length	
Mandibular angle	

D&D OSTEOLOGICAL SERVICES

Site: CA-SCL-128
Burial: 1

CRANIAL AND POSTCRANIAL MEASUREMENT RECORDING FORM: ADULT REMAINS

POSTCRANIAL MEASUREMENTS, mm:

Clavicle: maximum length (rt)	126.4
Clavicle: anterior-posterior diameter at midshaft (rt)	7.4
Clavicle: medial-lateral diameter at midshaft (rt)	10.1
Scapula: breadth (lf)	96.9
Scapula: height (lf)	128.8
Humerus: maximum length (lf)	283
Humerus: epicondylar breadth (lf)	54.4
Humerus: vertical diameter of head (lf)	37.3
Humerus: anterior-posterior diameter at midshaft (lf)	17.6
Humerus: medial-lateral diameter at midshaft (lf)	18.5
Radius: maximum length (lf)	227
Radius: anterior-posterior diameter at midshaft (lf)	9.6
Radius: medial-lateral diameter at midshaft (lf)	12.0
Ulna: maximum length (lf)	245
Ulna: anterior-posterior diameter at midshaft (lf)	12.7
Ulna: medial-lateral diameter at midshaft (lf)	11.7
Os Coxae: iliac breadth (lf)	150.9
Os Coxae: pubis length (lf)	83.3
Os Coxae: Ischium length (lf)	66.3
Os Coxae: height (lf)	196.0
Sacrum: max trans diameter of base	51.4
Sacrum: anterior-superior breadth	110.7
Sacrum: anterior length	99.0
Femur: maximum head diameter (lf)	40.0
Femur: epicondylar breadth (lf)	70.2
Femur: maximum length (lf)	408
Femur: anterior-posterior diameter at midshaft (lf)	24.8
Femur: medial-lateral diameter at midshaft (lf)	25.9
Tibia: maximum length (lf)	333
Tibia: maximum proximal epiphyseal breadth (rt)	65.1
Tibia: maximum distal epiphyseal breadth (lf)	42.4
Tibia: anterior-posterior diameter at the nutrient foramen (lf)	28.3
Tibia: medial-lateral diameter at the nutrient foramen (lf)	19.4
Fibula: maximum length (lf)	323
Fibula: maximum diameter at midshaft (lf)	17.7
Calcaneus: maximum length (lf)	70.2
Calcaneus: middle breadth (lf)	34.4

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.
lf. radius	227	156.0	61.42
lf. ulna	245	156.5	61.61
lf. humerus	283	150.0	59.06
lf. fibula	323	151.0	59.45
lf. tibia	333	152.0	59.84
lf. femur	408	153.0	60.24

Stature (estimation): 4'11" to 5'1" ± std

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.

Stature (estimation): _____

D&D OSTEOLOGICAL SERVICES

Site: CA-SCL-128
Burial: 1

ADDITIONAL NOTES

lf. tibia: longitudinal cracking anterior surface and lateral margin on anterior proximal diaphysis has erosion leaving surface appearing splintered, possibly caused by post-mortem pit fire (lateral epiphysis eroded)

lf. fibula: longitudinal cracking on medial side near midpoint of diaphysis, corresponds with lf. tibia cracking (burning?)

lf & rt scapulae: along both spines, surface is eroded; on lf. scapula see areas of darker surface, rt. scapula on dorsal side along auxillary border have roughened surface, looks splintered (burning affect)

rt. clavicle: much more robust then left with deeper muscle attachment at lateral posterior end, medial ends very different in size (lf larger)

rt medial superior/inferior = 15.8, anterior/posterior = 16.1

lf medial superior/inferior = 18.3, anterior/posterior = 18.4

example of handedness?

mandible: along inferior right side have more cracking with discoloration

sacrum: on posterior side spinous processes eroded and discolored, burned

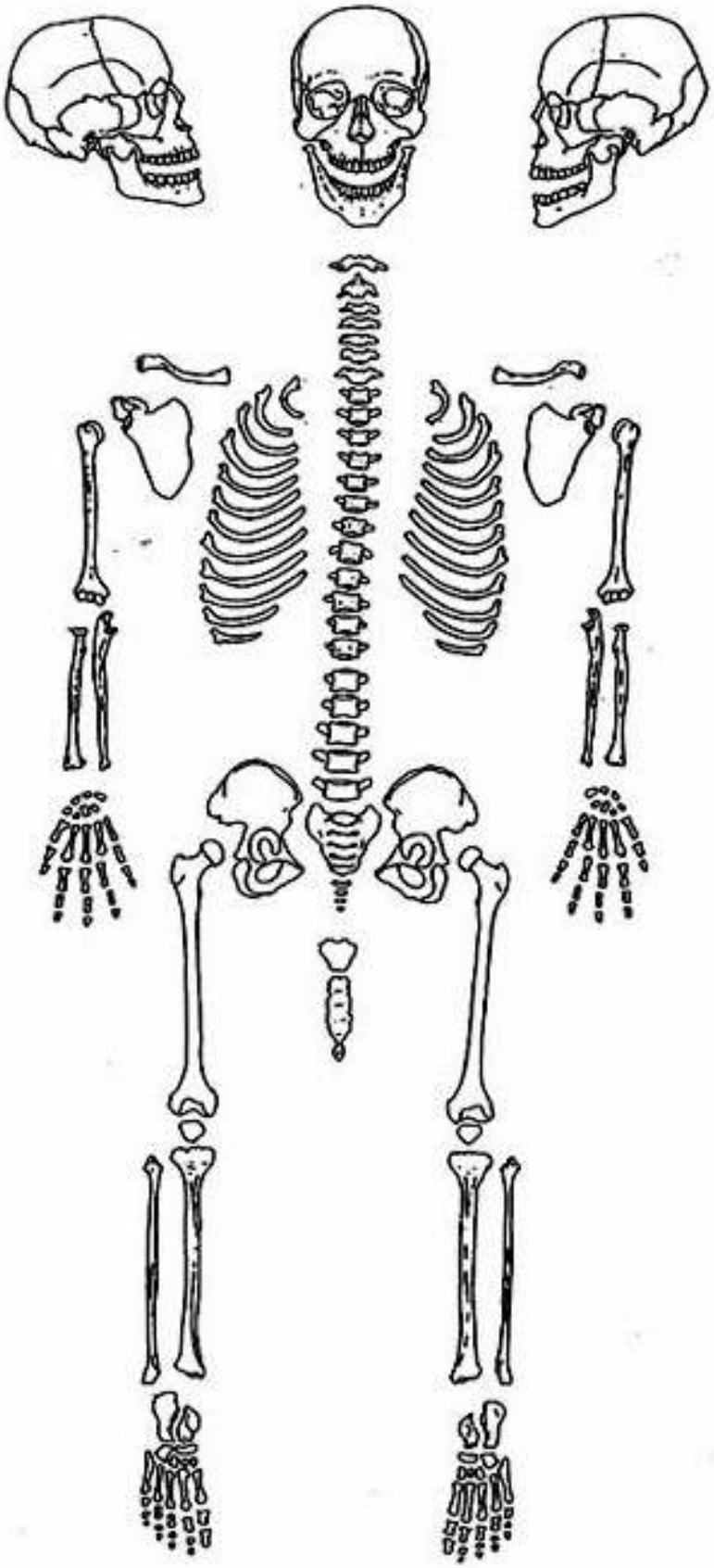
rt. humerus: rodent activity on the anterior/medial surface, measures 21.9 mm in length

lf humerus: some extra bone attached to superior epiphysis lateral to head = ossified ligament?

2/22/12 longitudinal cracking can be caused by drying from sun as the moisture is evaporated, note that roots can be acidic causing erosion to the cortex

D&D OSTEOLOGICAL SERVICES

Site: CA-SCL-128
Burial: 1



Notes

Sex_____ Age_____

APPENDIX D

CA-SCL-128

ARTIFACT RECORDS AND FAUNAL CATALOG

ARTIFACT RECORD AND FAUNAL CATALOG

Site No.: CA-SCL-128 Date: 3/21/2013

Level/Stratum: **Burial 1 (Associated)** Recorder: Leventhal/DiGiuseppe

Coordinates: Recovery Unit 1 Reference No.: #1

Catalogue No.	Artifact Type	Remarks
1-1	Faunal	Metapodial, midshaft and distal end *Cervus nannodes(Tule Elk).* Length = 150 mm.
1-2	Primary Flake	Grey Franciscan Chert, Bulbar length = 28.7 x 35.2 x 15.5 mm. Wt. 19.9 g
1-3	Primary Flake	Red Franciscan Chert, Bulbar length = 25.0 x 32.8 x 14.5 mm. Wt. 13.5 g
1-4	Primary Flake	Red Franciscan Chert, Bulbar length = 26.9 x 28.3 x 9.0 mm. Wt. 4.7 g
1-5	Primary Flake	Red Franciscan Chert, Bulbar length = 18.4 x 29.7 x 8.7 mm. Wt. 5.1 g
1-6	Primary Flake	Red Franciscan Chert, Bulbar length = 20.5 x 15.8 x 3.7 mm. Wt. 1.2 g
1-7	Cortical Flake	Red Franciscan Chert, Bulbar length = 18.5 x 16.1 x 9.0 mm. Wt. 1.9g
1-8	(2) Thinning Flakes	Red Franciscan Chert, Wt. 0.4 g
1-9	Small Cobble Mortar Fragment	Sandstone, Max length = 62.0 x 39.6 x 44.5 mm. Wt. 134.6 g
1-10	Unmodified Cobble/ Possible Cooking Stone	Sandstone, Max length = 101.1 x 75.2 x 43.1 mm. Wt. 369.2 g
1-11	(4) Vitrified Clay Frags	Clay, Wt. 38.2 g
1-12	(7) Burnt Clay nodules	Clay, Wt. 177.94g
1-13	(16) Large Mammal fragments (some burnt)	Faunal, Wt. 15.8 g
1-14	(30) Rodent Bones and Teeth (small mammal)	Faunal, Wt. 4.3 g
1-15	(6) Bird Bone Frags. 2 burnt	Bird, Wt. 1.1 g
1-16	(12) Crab Claws (*Cancer* sp.?)	Crab, Wt. 1.3 g
1-17	(13) *Cerithidea californica* shells	Shell, Wt. 6.1 g
1-18	(4) *Penitella penita* Boring Clam/Piddock	Shell, Wt. 0.4 g
1-19	(1) *Haliotis sp*.? Frag.	Shell, Wt. 0.4 g
1-20	(1) Container Charcoal	Charcoal from burial pit, Wt. 4.4 g
1-21	(11) Cobbles and frags.	Sandstone (not thermally affected), Wt. 1035.5 g
1-22	*(1) Ostrea lurida* (Bay Oyster)	Shell, Wt. 0.2 g

ARTIFACT RECORD CATALOG

Site No.: CA-SCL-128 Date: 3/21/2013

Level/Stratum: **Burial 1 (Associated)** Recorder: Leventhal/DiGiuseppe

Coordinates: Recovery Unit 1 Reference No.: #1

1-23	Soil sample	Stratum II @ 17 cm below grade
1-24	Soil sample	Stratum III @ 22 cm
1-25	Soil sample	Stratum V @ 40 cm
1-26	Soil sample	Stratum VI Burial 1 (Burial Pit) @ 90 cm
1-27	Soil sample	Stratum VII below burial, sterile

APPENDIX E

CA-SCL-128

AMS DATING RESULTS

February 10, 2012

Mr. Darden Hood, Director
Beta Analytic Inc.
4985 SW 74 Court
Miami, Florida 33155

Dear Mr. Darden,

Enclosed is a rib sample from a young female burial (age 17-22) for AMS dating from site CA-SCL-128 which is located in downtown San Jose, California. This rib sample is from Burial #1-2012.

This sample is sent on behalf of Muwekma Ohlone Tribe's cultural resource firm Ohlone Families Consulting Services. The Muwekma Ohlone Tribe is the aboriginal tribe of the greater San Francisco Bay Area and is currently conducting research on this individual from the CA-SCL-128 pre-contact cemetery.

Based upon the mortuary context this burial should date from ca. AD 1400 to AD 1700, perhaps she might date a bit older.

Please send the results to me and the billing for the AMS date to the following address:

Ms. Rosemary Cambra, Chairwoman
Muwekma Ohlone Tribe
Ohlone Families Consulting Services
2574 Seaboard Avenue
San Jose, Ca. 95131

We look forward to the result of the AMS dating.

Thank you,

Alan Leventhal, Senior Staff Archaeologist and Tribal Ethnohistorian
Muwekma Ohlone Tribe of the San Francisco Bay Area
Lecturer, Departments of Anthropology and Urban Planning
Office of the Dean
College of Social Sciences
San Jose State University
San Jose, Ca. 95192
408-924-5722

BETA
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Beta Analytic Inc.
4985 SW 74 Court
Miami, Florida 33155 USA
Tel: 305 667 5167
Fax: 305 663 0964
Beta@radiocarbon.com
www.radiocarbon.com

Darden Hood
President

Ronald Hatfield
Christopher Patrick
Deputy Directors

February 27, 2012

Mr. Alan Leventhal
San Jose State University
College of Social Sciences
Office of the Dean
San Jose, CA 95192
USA

RE: Radiocarbon Dating Result For Sample CA-SCL-128 Burial 1-2012

Dear Mr. Leventhal:

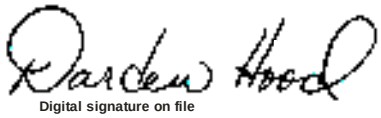
Enclosed is the radiocarbon dating result for one sample recently sent to us. It provided plenty of carbon for an accurate measurement and the analysis proceeded normally. As usual, the method of analysis is listed on the report sheet and calibration data is provided where applicable.

As always, no students or intern researchers who would necessarily be distracted with other obligations and priorities were used in the analysis. It was analyzed with the combined attention of our entire professional staff.

If you have specific questions about the analyses, please contact us. We are always available to answer your questions.

Our invoice has been sent separately. Thank you for your prior efforts in arranging payment. As always, if you have any questions or would like to discuss the results, don't hesitate to contact me.

Sincerely,



Digital signature on file

BETA ANALYTIC INC.
DR. M.A. TAMERS and MR. D.G. HOOD
4985 S.W. 74 COURT
MIAMI, FLORIDA, USA 33155
PH: 305-667-5167 FAX:305-663-0964
beta@radiocarbon.com

REPORT OF RADIOCARBON DATING ANALYSES

Mr. Alan Leventhal

Report Date: 2/27/2012

San Jose State University

Material Received: 2/15/2012

Sample Data	Measured Radiocarbon Age	13C/12C Ratio	Conventional Radiocarbon Age(*)
Beta - 316629	370 +/- 30 BP	-19.3 o/oo	460 +/- 30 BP

SAMPLE : CA-SCL-128 Burial 1-2012
ANALYSIS : AMS-Standard delivery
MATERIAL/PRETREATMENT : (bone collagen): collagen extraction: with alkali
2 SIGMA CALIBRATION : Cal AD 1420 to 1450 (Cal BP 530 to 500)

Dates are reported as RCYBP (radiocarbon years before present, "present" = AD 1950). By international convention, the modern reference standard was 95% the 14C activity of the National Institute of Standards and Technology (NIST) Oxalic Acid (SRM 4990C) and calculated using the Libby 14C half-life (5568 years). Quoted errors represent 1 relative standard deviation statistics (68% probability) counting errors based on the combined measurements of the sample, background, and modern reference standards. Measured 13C/12C ratios (delta 13C) were calculated relative to the PDB-1 standard.

The Conventional Radiocarbon Age represents the Measured Radiocarbon Age corrected for isotopic fractionation, calculated using the delta 13C. On rare occasion where the Conventional Radiocarbon Age was calculated using an assumed delta 13C, the ratio and the Conventional Radiocarbon Age will be followed by '*'. The Conventional Radiocarbon Age is not calendar calibrated. When available, the Calendar Calibrated result is calculated from the Conventional Radiocarbon Age and is listed as the "Two Sigma Calibrated Result" for each sample.

CALIBRATION OF RADIOCARBON AGE TO CALENDAR YEARS

(Variables: C13/C12=-19.3:lab. mult=1)

Laboratory number: **Beta-316629**

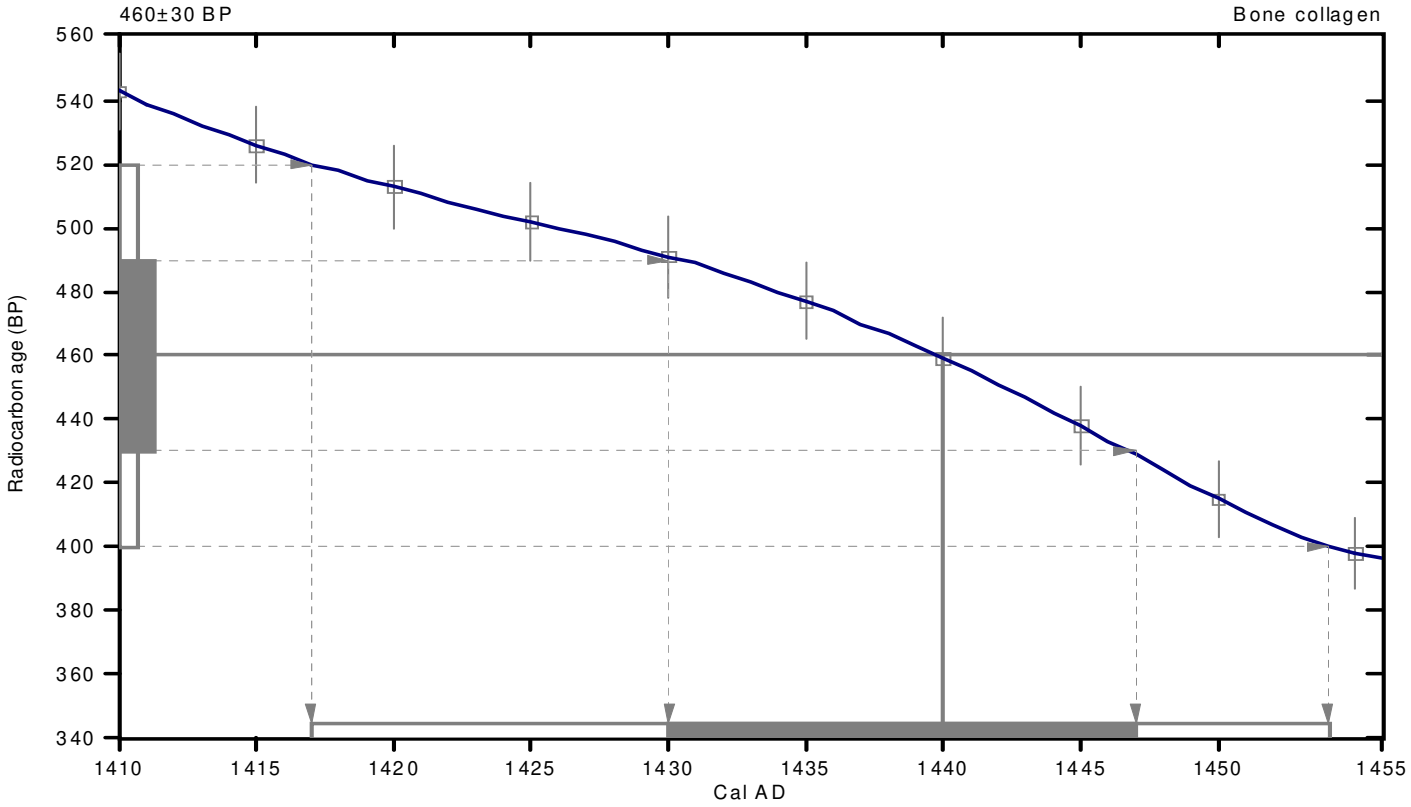
Conventional radiocarbon age: **460±30 BP**

2 Sigma calibrated result: (95% probability) **Cal AD 1420 to 1450 (Cal BP 530 to 500)**

Intercept data

Intercept of radiocarbon age with calibration curve: Cal AD 1440 (Cal BP 510)

1 Sigma calibrated result: (68% probability) Cal AD 1430 to 1450 (Cal BP 520 to 500)



References:

Database used

INTCAL09

References to INTCAL09 database

Heaton,et.al.,2009, Radiocarbon 51(4):1151-1164, Reimer,et.al, 2009, Radiocarbon 51(4):1111-1150, Stuiver,et.al,1993, Radiocarbon 35(1):137-189, Oeschger,et.al.,1975,Tellus 27:168-192

Mathematics used for calibration scenario

A Simplified Approach to Calibrating C14 Dates
Talma, A. S., Vogel, J. C., 1993, Radiocarbon 35(2):317-322

Beta Analytic Radiocarbon Dating Laboratory

4985 S.W. 74th Court, Miami, Florida 33155 • Tel: (305)667-5167 • Fax: (305)663-0964 • E-Mail: beta@radiocarbon.com

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.").

Ancient and modern genomics of the Ohlone Indigenous population of California

Alissa L. Severson[a], Brian F. Byrd[b], Elizabeth K. Mallott[c], Amanda C. Owings[d,e], Michael DeGiorgio[f], Alida de Flamingh[d,e], Charlene Nijmeh[g], Monica V. Arellano[g], Alan Leventhal[g,h], Noah A. Rosenberg[i,1], and Ripan S. Malhi[d,e,1]

[a]Department of Genetics, Stanford University, Stanford, CA 94305; [b]Far Western Anthropological Research Group, Davis, CA 95618; [c]Department of Anthropology, Northwestern University, Evanston, IL 60206; [d]Department of Anthropology, University of Illinois, Urbana, IL 61801; [e]Carl R. Woese Institute for Genomic Biology, University of Illinois, Urbana, IL 61801; [f]Department of Electrical Engineering and Computer Science, Florida Atlantic University, Boca Raton, FL 33431; [g]Muwekma Ohlone Tribe of the San Francisco Bay Area, Castro Valley, CA 94546; [h]Department of Anthropology, San Jose State University, San Jose, CA 95192; and [i]Department of Biology, Stanford University, Stanford, CA 94305

Edited by Anne Stone, School of Human Evolution and Social Change, Arizona State University, Tempe, AZ; received June 27, 2021; accepted January 18, 2022

Traditional knowledge, along with archaeological and linguistic evidence, documents that California supports cultural and linguistically diverse Indigenous populations. Studies that have included ancient genomes in this region, however, have focused primarily on broad-scale migration history of the North American continent, with relatively little attention to local population dynamics. Here, in a partnership involving researchers and the Muwekma Ohlone tribe, we analyze genomic data from ancient and present-day individuals from the San Francisco Bay Area in California: 12 ancient individuals dated to 1905 to 1826 and 601 to 184 calibrated years before the present (cal BP) from two archaeological sites and eight present-day members of the Muwekma Ohlone tribe, whose ancestral lands include these two sites. We find that when compared to other ancient and modern individuals throughout the Americas, the 12 ancient individuals from the San Francisco Bay Area cluster with ancient individuals from Southern California. At a finer scale of analysis, we find that the 12 ancient individuals from the San Francisco Bay Area have distinct ancestry from the other groups and that this ancestry has a component of continuity over time with the eight present-day Muwekma Ohlone individuals. These results add to our understanding of Indigenous population history in the San Francisco Bay Area, in California, and in western North America more broadly.

genes and languages | identity by descent | Indigenous population genetics | paleogenomics | Penutian hypothesis

Among the geographic regions of North America, California is one of the areas with the greatest cultural and linguistic diversity of Indigenous peoples (1–3). With significant coastal and terrestrial ecological productivity, the region supported large precontact populations with the highest population density in North America (4–6). The geographic, cultural, and linguistic complexity of California at European contact contributed to considerable structuring among the Indigenous groups speaking more than 78 mutually unintelligible languages within six major linguistic families (3, 7). Today, California is home to 109 federally recognized sovereign tribal nations and more than 40 non–federally recognized tribal groups.

Considering regions within California, the area surrounding San Francisco Bay in Northern California supported some of the highest regional population densities at the start of European colonization in 1776 (8, 9). Indeed, the 21 Spanish mission locations in California, which were situated in a manner that correlated with Indigenous population density, included five missions located near San Francisco Bay. Population reconstructions using Spanish mission baptismal recruitment records reveal that at contact, more than 15,000 Native Americans from five distinct language groups were residing in sedentary villages within 45 territorial communities (land-controlling autonomous polities) within 20 km of the bay (9–11). Extensive investigation of the region's dense archaeology has produced a trans-Holocene record, revealing that intensive sedentary or semisedentary habitation extends back >5,000 y (11–14).

With a rich regional archaeological record spanning >11,000 y of Indigenous habitation (14), much potential exists for coproduction of knowledge by recovering ancient DNA from Indigenous ancestors and jointly analyzing genetic and archaeological data. To date, however, California and the San Francisco Bay Area have seen little attention in paleogenomic studies. The most detailed study of ancient human genomic data in California has focused on Southern California, considering populations from the Channel Islands (15); additional significant studies of nearby regions have examined Lovelock Cave and Spirit Cave in Nevada (16), as well as the Pacific Northwest (16–18) and Northern Mexico (15, 19).

With generally sparse geographic coverage and relatively few ancient individuals from North America investigated using genomics, studies in the region have often focused on questions concerning initial entry of Indigenous populations into the Americas and broad-scale migration history of early Indigenous

Significance

California supports a high cultural and linguistic diversity of Indigenous peoples. In a partnership of researchers with the Muwekma Ohlone tribe, we studied genomes of eight present-day tribal members and 12 ancient individuals from two archaeological sites in the San Francisco Bay Area, spanning ∼2,000 y. We find that compared to genomes of Indigenous individuals from throughout the Americas, the 12 ancient individuals are most genetically similar to ancient individuals from Southern California, and that despite spanning a large time period, they share distinctive ancestry. This ancestry is also shared with present-day tribal members, providing evidence of genetic continuity between past and present Indigenous individuals in the region, in contrast to some popular reconstructions based on archaeological and linguistic information.

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groups (15, 16, 19, 20). Studies have often focused on the information revealed about broad-scale population history from a small number of individuals (21–24), with relatively few studies focusing on a specific geographic area and considering multiple sampled individuals (17, 18); another limitation has been the use of genetic sites in mitochondrial DNA rather than genome-wide (25).

In this study, in partnership of researchers with the Muwekma Ohlone tribe of the San Francisco Bay Area, we examine a time transect of a single region of Indigenous habitation, centered on Sunol on the southeast side of San Francisco Bay. The Muwekma Ohlone are one of the descendant communities of Ohlone who originally occupied ~4.3 million acres from San Francisco to Monterey and from the coast to the upland edge of the Central Valley. The Muwekma Ohlone comprise all the lineages who trace their ancestry through the Bay Area Missions of San Francisco, Santa Clara, and San Jose and who were also members of the historic previously federally recognized Verona Band of Alameda County who resided on the Pleasanton (Alisal), Sunol, Livermore (Del Mocho), and Niles (El Molino) rancherias from post-Spanish mission secularization (1834) to the early 1900s.

We consider human paleogenomic analysis from burials at two adjacent ancestral Ohlone settlements set away from the bay margin near Sunol, one dated to 2,440 to 175 cal BP, the other to 605 to 100 cal BP (26, 27). We also present information derived from living members of the Muwekma Ohlone tribe, considering that their ancestral lands include this locality and noting their strong historical ties to this region in particular that persist to the present day (*SI Appendix*, Table S1). Tribal members trace familial connections to the Sunol region (a 5-mile radius around Sunol includes the historic rancherias listed above and Mission San Jose) over many generations, as reported in interviews with tribal elders and genealogical analysis (28–30). This investigation, considering multiple groups across a range of time periods, provides a case example of joint ancient and modern DNA analysis in a single regional setting.

We combine information from traditional knowledge, genetics, and archaeology to examine the three sets of individuals. First, we investigate the ancient Bay Area individuals in relation to other ancient persons from the Americas, focusing attention on California and surrounding regions. Next, we examine the relationships of individuals between the two sites as well as between the ancient individuals and the modern tribal members, assessing the possibility of genetic continuity among these groups. The analysis reveals that genetic links between ancient and modern populations are evident despite the extreme disruption to the Ohlone that occurred during Spanish occupation and subsequent incorporation of the region into Mexico and then the United States—including forced migration to the missions and reductions in lifespan due to new diseases and the conditions of mission life (9, 31–33). The broader genetic context inferred for the three sets of individuals deepens understanding of Indigenous population history of California and the San Francisco Bay Area.

Results

Community Engagement. Large-scale infrastructure construction led to the excavation of two Ohlone villages, *Síi Túupentak* (CA-ALA-565/H) and *Rummey Ta Kuccuwiš Tiprectak* (CA-ALA-704/H), in Sunol, CA (see *Archaeological Investigation*). Far Western Anthropological Research Group completed the excavations in partnership with the Tribe, with community members participating in all aspects of fieldwork as well as being the primary excavators of all burials.

The genomics section of the project began in 2016 after Tribal Council requested and approved a study design for the endeavor. The study design included community-based methods (34–36). After the project began, members of the research team visited the sites and met with Tribal Council and community members multiple times to have discussions on the latest results of the project, safeguards to be used for the data generated in the project, and thoughts on paths forward for the study. During the time period of the COVID-19 pandemic, the research team met virtually with Tribal Council and community members. Prior to the start of the project, members of the Tribe attended the Summer Internship for INdigenous Peoples in Genomics program in 2011 and 2013 to learn about the latest genomic analyses and about topics in the ethical, legal, and social implications of genomics research with Indigenous communities. Importantly, members of the Muwekma Ohlone tribe contributed to manuscripts and news stories published or disseminated about the project.

Archaeological Investigation. *Síi Túupentak* (CA-ALA-565/H) and *Rummey Ta Kuccuwiš Tiprectak* (CA-ALA-704/H) are both ancestral Native American Ohlone settlements situated in an open valley of the southeast San Francisco Bay region, central California, USA (Fig. 1). Modern development for large-scale infrastructure construction necessitated that substantive archaeological excavations be conducted at both sites. Archaeological mitigation of construction impacts to these archaeological sites, including the identification, excavation, analysis and reporting of human remains, strictly conformed to all state and local laws and regulations.

The Muwekma Ohlone tribe was appointed Most Likely Descendant Tribe for the project by the state and, in 2015, prior to the development of the research design for archaeological investigations, recommended detailed analysis, including paleogenomics, of all ancestral remains that may be encountered. All research designs, analytical studies of ancestral remains, and reports were reviewed and approved by tribal leadership, and the Tribe partnered with the research team to conduct these investigations.

Síi Túupentak ("*Place of the Water Round House Site*") is a large (2.8 ha/6.9 acres), intensively occupied sedentary village consisting of a thick deposit of cultural material creating a low, anthropogenic mound, along with an associated cemetery (27). Archaeological investigation of 6.2% of the site recovered a wide range of cultural remains, including more than 13,000 artifacts, numerous food remains, 36 features, and 66 burials comprising 76 individuals. The site dates from 605 to 100 cal BP (1345 to 1850 CE), based on 129 radiocarbon dates from features, burials, and generalized site deposits. The site was founded prior to European contact and continued to be inhabited during early European coastal exploration starting in 1542 CE and through the region's Spanish colonization, until the inhabitants were forced into the Spanish mission compounds (1776 to 1807). The site was also briefly reoccupied in the 1830s after the collapse of the Spanish empire. The eight individuals in this study include six females and two males of varied ages at death, and they span the full time range of occupation.

The nearby site of *Rummey Ta Kuccuwiš Tiprectak* ("*Place of the Stream of the Lagoon Site*") has a similar size but is a multicomponent settlement including a precolonial Indigenous occupation and a subsequent colonial Mexican and Early American period ranch complex in use from 1839 CE to the early 1900s. The Native American component of the site includes artifactual and other debris, 44 features, and 25 burials comprising 29 individuals. This component was inhabited from 2,440 to 175 cal BP (490 BCE to 1775 CE), based on 60 radiocarbon dates from generalized site deposits, features, and burials (26). The settlement was most intensive between 2,440 to 1,610 cal BP (88% of dates fall in this time span). The six individuals for which genomic analysis was attempted include four females and one male,

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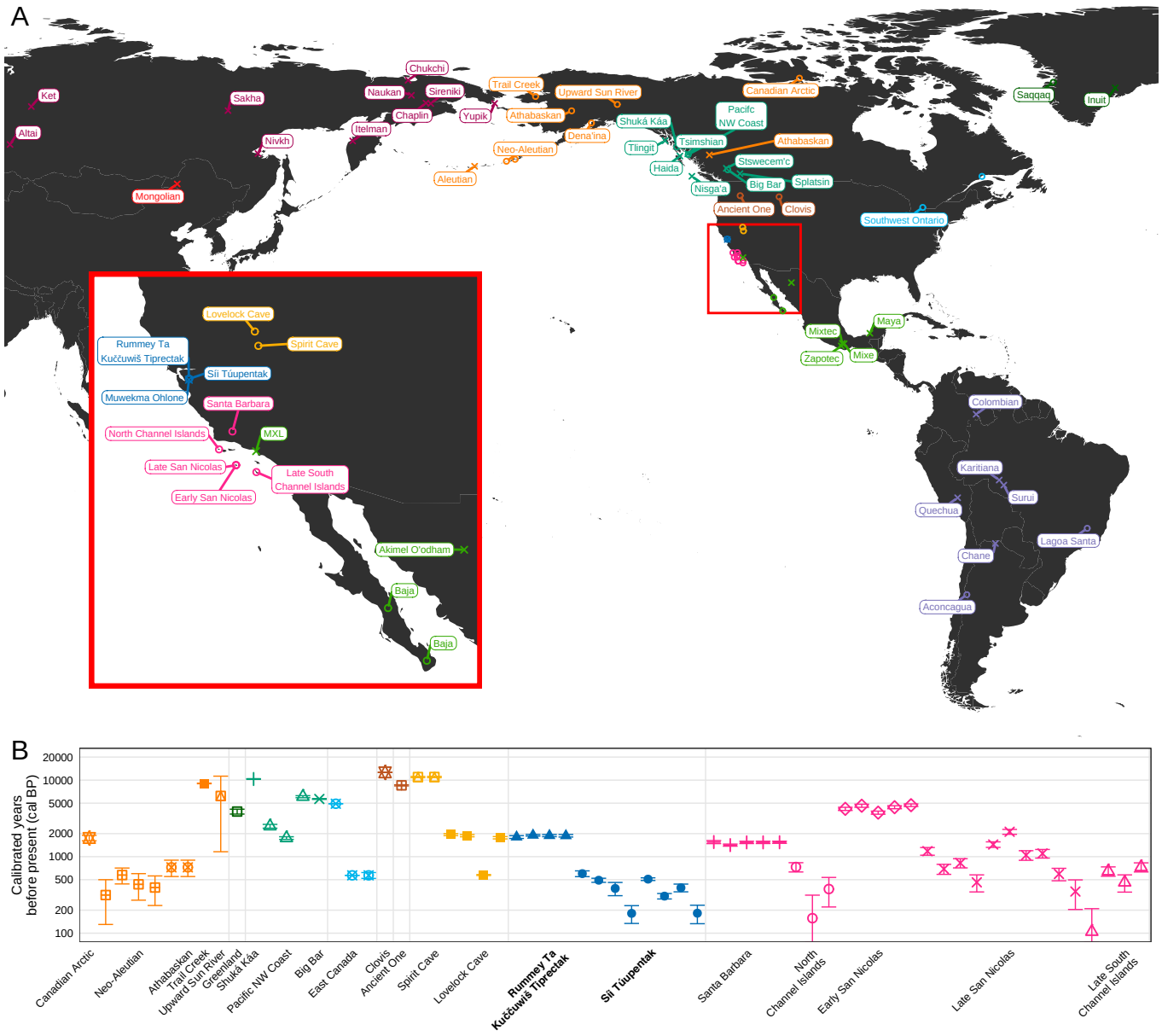

Fig. 1. Identifiers for ancient and present-day individuals used in this study. (*A*) Map of ancient and present-day individuals, colored by regional grouping. The inset shows the new individuals from the San Francisco Bay Area (blue) and the surrounding groups. (*B*) Dates of ancient individuals included in the dataset.

including two children and three adults, and date from 1,905 to 1,785 cal BP.

Genetic Dataset. We whole-genome sequenced 12 ancient individuals from two archaeological sites in the San Francisco Bay Area to a depth of 0.06 to 7.8× and mean 2.4×, after excluding two samples from the *Rummey Ta Kuccuwiš Tiprectak* site without sufficient genetic material (*SI Appendix*, Table S2 and Figs. S1–S3). Individuals from *Sii Túupentak* dated to 601 to 184 cal BP, and individuals from *Rummey Ta Kuccuwiš Tiprectak* dated to 1905 to 1826 cal BP. We also whole-genome sequenced eight present-day members of the Muwekma Ohlone tribe to high coverage, ranging from 18 to 25×. We assembled a dataset of relevant previously published samples. This dataset included 291 individuals from Asia, Europe, North America, and South America; it contained 68 ancient individuals and 223 modern individuals (*SI Appendix*, Table S3; Fig. 1*A*). After merging the new and previously published individuals, the dataset we analyzed contains 311 individuals, 80 ancient individuals and 231 present-day individuals, typed for 474,317 single-nucleotide polymorphisms (SNPs; see *SI Appendix*, *Methods*).

Radiocarbon dates of the 12 newly sampled ancient individuals and those available for the previously published individuals are shown in Fig. 1*B*. Focusing on the ancient individuals from Nevada and California, we see that the dates fall into approximately three periods. The oldest group, from >4,000 cal BP, includes the individuals from Spirit Cave and those labeled Early San Nicolas. An intermediate group with ages between 2,000 to 1,500 cal BP includes the Lovelock Cave, *Rummey Ta Kuccuwiš Tiprectak*, and Santa Barbara groups. The most recent set includes individuals from *Sii Túupentak*, North Channel Islands (in this study, San Miguel and Santa Cruz), Late San Nicolas, and South Channel Islands (San Clemente and Santa Catalina), mostly with dates <1,000 cal BP.

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Overview of Data Analysis. Using the sample of 311 present-day and ancient individuals, we performed principal components analysis (PCA) and model-based clustering analysis to identify genetic relationships among previously reported individuals, the newly sampled ancient individuals, and the present-day Muwekma Ohlone individuals. We then restricted attention to a subset of 165 individuals with ancestry relevant to the new individuals, and repeated the analysis, also analyzing identity-by-state (IBS) segment sharing (*SI Appendix*, Table S4). Whereas the PCA and model-based clustering analyses use the genotypes of the 474,317 SNPs directly, in order to identify IBS segments, we imputed genotypes from the ancient samples across the whole genome (*Materials and Methods*). In interpreting the results of the various analyses, we considered the relationships of the 12 newly sampled ancient individuals and eight present-day Muwekma Ohlone individuals to other individuals, as well as to each other.

The San Francisco Bay Area Individuals in the Context of Native American Genetic Diversity. First, using PCA and unsupervised model-based clustering, we explore the relationship between the San Francisco Bay Area individuals and previously published ancient and present-day individuals from surrounding regions. Fig. 2*A* shows a PCA plot of 311 individuals. European individuals cluster in the lower right corner of the plot, and the northernmost populations from Siberia, Alaska, and Greenland appear at the top of the figure. The lower left corner contains a cluster of individuals from California, Nevada, Mexico, and Central and South America.

Clines are visible between these three corners of the plot. Three clines connect the left edge of the plot to the right corner of Europeans. Several Siberian individuals are placed along the upper right edge, a line of Pacific Northwest individuals connects the center of the left edge to the right corner, and a line of individuals from Mexico connects the lower left corner to the corner containing Europeans. These clines appear to reflect varying European admixture that aligns with principal component 1 (PC1). Present-day members of the Muwekma Ohlone tribe, who have a known history of admixture with European Americans, Mexicans, and Mexican Americans, fall along the lower edge, with variable values for PC1.

Focusing on the cluster of individuals from California, Nevada, Mexico, and South America, Fig. 2*B* enlarges the lower left corner of Fig. 2*A*. In the enlarged view, individuals from South America appear in the bottom left corner, anchoring a south-to-north cline along PC2. At the top of Fig. 2*B*, the individuals from Lovelock Cave in Nevada, who are close in age to those from the *Rummey Ta Kuccuwiš Tiprectak* and Santa Barbara sites (Fig. 1*B*), fall above the main cluster. The ancient individuals from the San Francisco Bay Area cluster with the ancient individuals from Southern California along the left edge of Fig. 2*B*.

Model-based unsupervised clustering for $K = 10$ clusters, performed using NGSadmix, appears in Fig. 3. From Asia to South America, we first observe a cluster that appears largely in Mongolia and Siberia (dark blue) and a cluster that appears in Siberia, Greenland, and Alaska (light blue). Two clusters appear primarily in the Pacific Northwest and Alaska, with one centered on Stswecem'c and Splatsin (light green) and the other appearing in most other populations from the region (dark green). A sample of Europeans is assigned to a single cluster, which is seen in many populations in the plot (red). Among the remaining five clusters, three are centered on specific populations: Akimel O'odham (formerly termed Pima; light orange), Karitiana (pink), and Surui (light purple). One is centered on native populations of Mexico and South America (dark orange).

The ancient individuals from the San Francisco Bay Area and Southern California both have majority membership in the same component (purple). As in the PCA, these two groups cluster together. We also observe, as seen by Scheib et al. (15), that the ancient individuals from Southern California separate into two groups: Individuals from San Nicolas and the Southern Channel Islands have membership primarily in a single component (purple), whereas individuals from Santa Barbara and the North Channel Islands have more substantial membership in a second component as well (orange). As was seen by Moreno-Mayar et al. (16), we find that the individuals from Lovelock Cave in Nevada have noticeable membership in a component shared with those from the Pacific Northwest (light green, dark green), a similar signal to their separation in the PCA plot in Fig. 2*B*. The present-day Muwekma Ohlone are known to have European, Mexican, and Ohlone genealogical ancestors, consistent with the appearance of the red, orange, and purple components observed in these individuals.

Population Structure Within Western North American Populations. Next, we consider a subset of 165 individuals to more closely

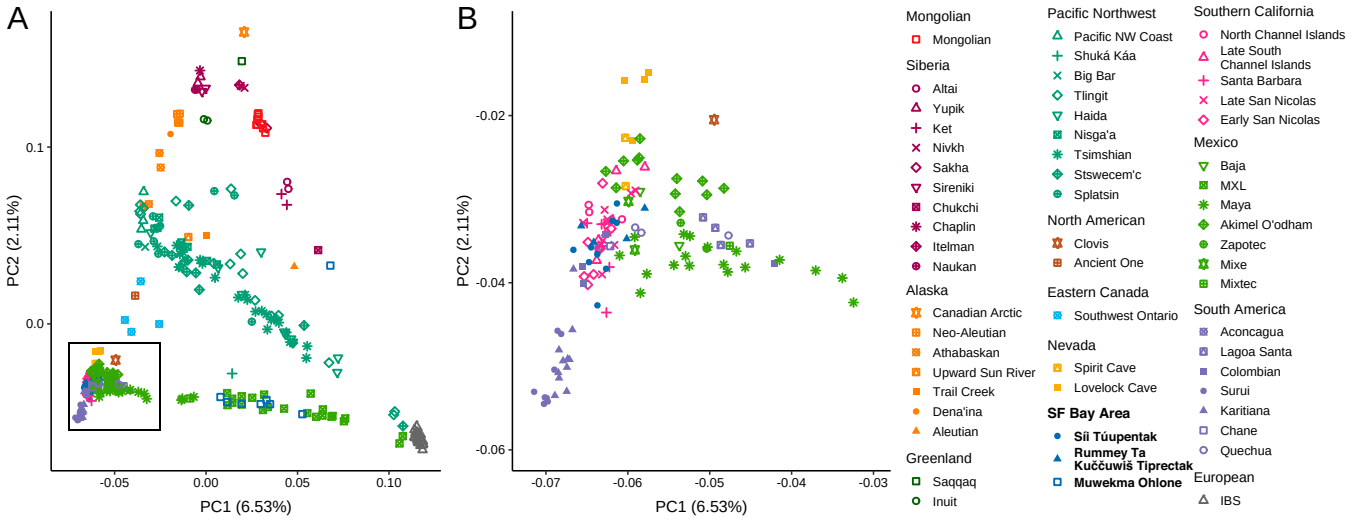

Fig. 2. PCA of all ancient and present-day individuals. (*A*) PCA of 311 individuals in the full dataset, including 231 modern and 80 ancient individuals. (*B*) An enlarged view of the cluster in the *Bottom Left Corner* of *A*.

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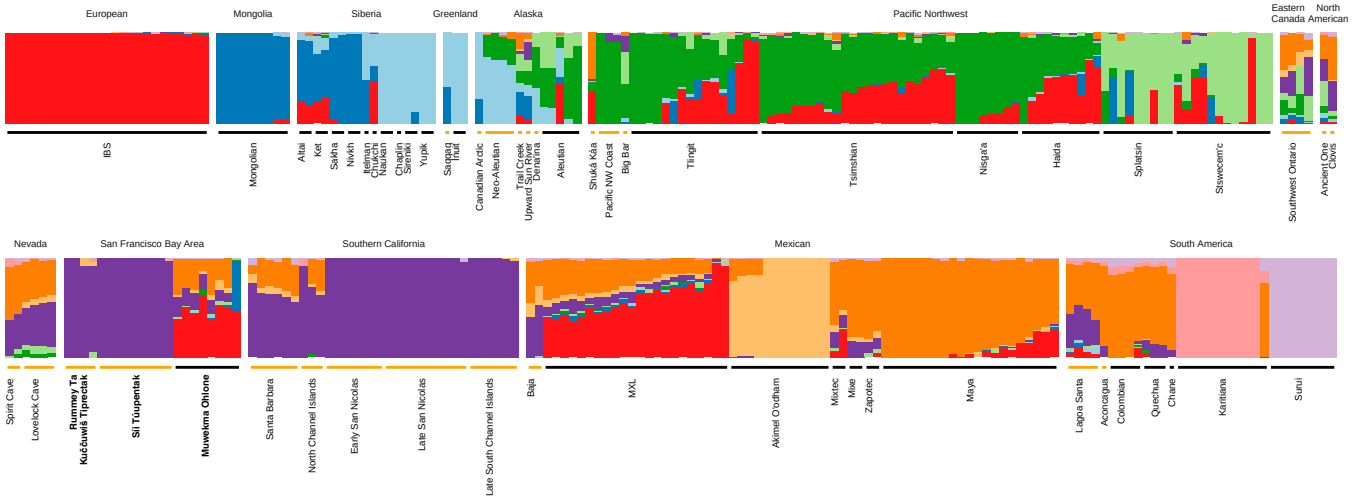

Fig. 3. Model-based clustering of all 311 ancient and present-day individuals, with $K = 10$ clusters. The results represent a summary of 10 independent runs of unsupervised clustering. Each of the 10 clusters is represented by a color, and each individual is represented by a vertical bar. To aid interpretation, clustering results from a unified analysis are depicted over two rows. Ancient individuals are denoted by an orange horizontal line below the plot, and present-day individuals are denoted by a black horizontal line.

examine population structure within western North America. For this subset, we perform PCA, model-based clustering, and analysis of IBS segment sharing.

Fig. 4*A* shows the first two principal components. The ancient individuals from San Nicolas and the South Channel Islands cluster are in the top left corner, with the remaining Southern California individuals from Santa Barbara and the North Channel Islands appearing below them along the left side. The European individuals cluster on the right side. Most remaining individuals cluster in the bottom left corner, including those from *Rummey Ta Kuččuwiš Tiprectak* and *Síi Túupentak*. Muwekma Ohlone and MXL (Mexican in Los Angeles) individuals fall along a cline connecting the lower left corner to the cluster containing Europeans, the same cline observed in Fig. 2*A*.

We plot PC2 with PC3 in Fig. 4*B*. In this plot, the individuals from *Rummey Ta Kuččuwiš Tiprectak* and *Síi Túupentak* separate from the large cluster that appeared in the lower left corner of Fig. 4*A*. In the top left corner, the individuals from *Rummey Ta Kuččuwiš Tiprectak* and *Síi Túupentak* cluster together. Populations placed near these individuals in Fig. 4*A*, including several Indigenous populations from Mexico, appear in the center and lower left corner.

Inferences with unsupervised model-based clustering for $K = 4$ and 5 appear in Fig. 5. At $K = 4$, we observe four clusters that are largely similar to four of the clusters seen in the $K = 10$ analysis shown for the larger dataset in Fig. 3. The European individuals are placed in one cluster (red), the Akimel O'odham individuals are assigned primarily to a second cluster (light orange), a third cluster is centered on individuals from Mexico (dark orange), and a fourth is centered on the ancient individuals from California (purple).

Increasing K to 5 splits the purple cluster into two, with the purple cluster remaining centered on the individuals from Southern California and the new blue cluster centered on the ancient individuals from the San Francisco Bay Area. A small amount of membership is seen in this blue cluster in other populations, including the individuals from Santa Barbara and the

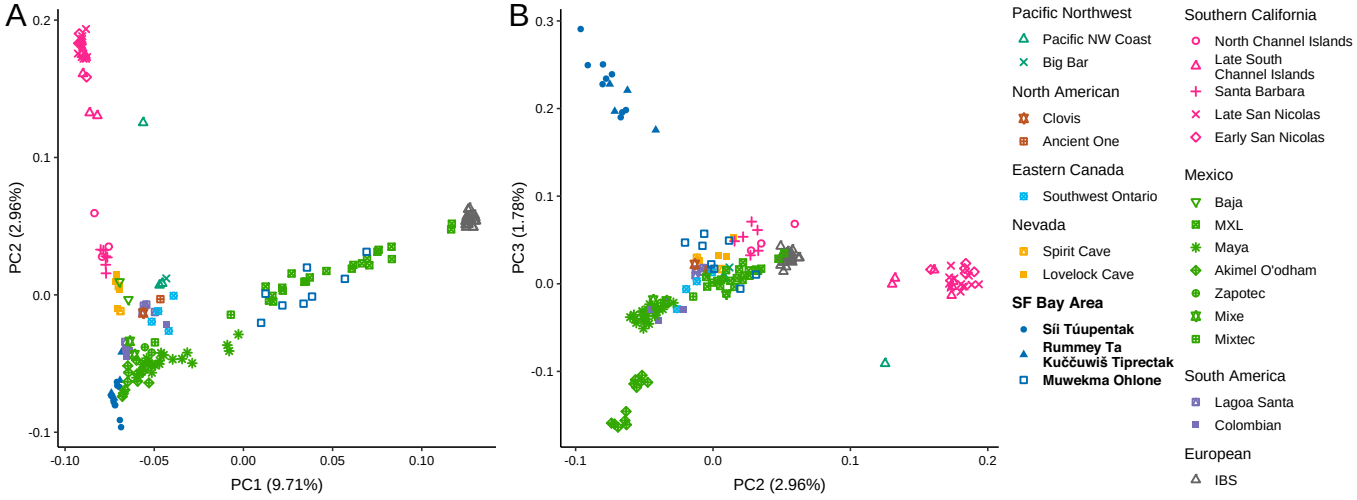

Fig. 4. PCA of a subset of ancient and present-day individuals, considering 165 samples with ancestry relevant to newly sampled individuals from the San Francisco Bay Area. (*A*) PCs 1 and 2. (*B*) PCs 2 and 3.

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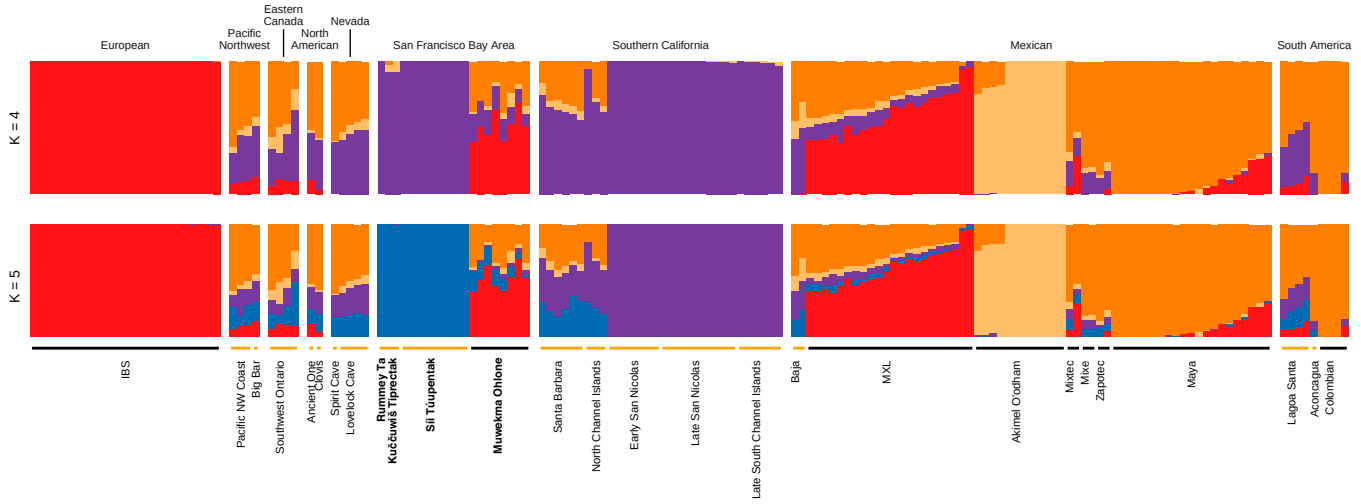

Fig. 5. Model-based clustering of a subset of ancient and present-day individuals, considering 165 samples with ancestry relevant to newly sampled individuals from the San Francisco Bay Area. Separately for $K = 4$ and $K = 5$, the results represent a summary of 10 independent runs of unsupervised clustering. Coloring is the same as described in Fig. 3.

North Channel Islands, the Spirit Cave and Lovelock Cave samples, the North American samples, the Lagoa Santa sample from South America, and the modern Muwekma Ohlone.

To further understand population structure in western North America, we evaluate IBS genomic sharing between pairs of individuals, focusing on 53 ancient individuals from Nevada, California, and Mexico and employing genome-wide imputed genotypes (Fig. 6). The individuals from the oldest site, Spirit Cave in Nevada, share segments broadly, potentially reflecting ancestral haplotype sharing with many more recent individuals because of their increased ages. To some extent, a similar pattern is seen for individuals from the next oldest site, Early San Nicolas.

The highest levels of IBS sharing occur along the diagonal between individuals from the same population. The analysis

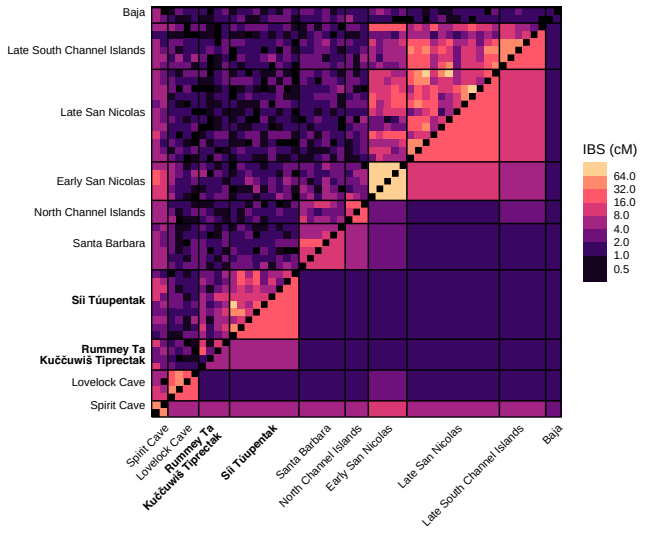

Fig. 6. Total pairwise IBS segment sharing for 53 ancient individuals from Nevada, California, and the Baja peninsula. The upper triangle of the matrix shows the total length of segments shared for pairs of individuals. The lower triangle shows mean pairwise values. In the triangularly shaped regions incident to the diagonal, the mean is taken across pairs within a population; rectangles off the diagonal show means across pairs, one from one population and one from another population.

suggests four clusters—Nevada, San Francisco Bay Area, North Channel Islands together with Santa Barbara, and South Channel Islands—for which pairs within a cluster possess elevated IBS sharing relative to pairs from distinct clusters. Segment sharing decreases for pairs from distinct clusters, with the exception of the sharing between individuals from the North Channel Islands and the Late South Channel Islands, who are close in age.

The clustered pattern of IBS sharing mirrors observations seen in Figs. 4 and 5. Because the highest levels of sharing occur within these population clusters and because the individuals in a cluster have a range of ages, the IBS sharing within each cluster suggests population continuity over space and over time, in the sense that subsequent populations possess ancestry in prior populations. Focusing on the San Francisco Bay Area, the elevated sharing between the individuals from the older *Rummey Ta Kuččuwiš Tiprectak* site and the more recent *Síi Túupentak* site and the relatively low sharing of these individuals to others suggest a notable level of genetic continuity in time between the two sites and that at both of the time periods they represent, their populations possessed distinct ancestry from contemporaneous individuals in Nevada and Southern California.

Present-day Muwekma Ohlone and Ancient *Rummey Ta Kuččuwiš Tiprectak* and *Síi Túupentak* Individuals. Present-day members of the Muwekma Ohlone tribe are known to possess European, Mexican, and Ohlone genealogical ancestors, and we observe this history of admixture in many of our analyses. In Figs. 2*A* and 4*A*, the Muwekma Ohlone lie along a cline on PC1, reflecting European and Mexican admixture. In Figs. 3 and 5, the largest cluster memberships for the Muwekma Ohlone appear in the cluster centered on the European individuals (red) and the cluster centered on Indigenous individuals from Mexico (dark orange).

Despite this signal of admixture, the analyses consistently suggest shared ancestry between the Muwekma Ohlone and the individuals from the *Rummey Ta Kuččuwiš Tiprectak* and *Síi Túupentak* sites. In Fig. 3 and in the analysis with $K = 4$ in Fig. 5, the Muwekma Ohlone share membership with the ancient individuals from California, both those from the San Francisco Bay Area and those from Southern California (purple). In Fig. 5, at $K = 5$, we also see that the cluster centered on the

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individuals from *Rummey Ta Kuč̌čuwiš Tiprectak* and *Síi Túupentak* is visible in the Muwekma Ohlone (blue).

By excluding membership corresponding to European admixture, we can compare the shared membership that the Muwekma Ohlone possess with the cluster centered on *Rummey Ta Kuč̌čuwiš Tiprectak* and *Síi Túupentak* to corresponding shared membership that other modern populations possess with this cluster. In Fig. 7, for various modern populations, we consider the relative proportion that appears in the blue component in the $K = 5$ plot in Fig. 5 in modern individuals, as a fraction of total membership excluding the red component centered on the European individuals. This analysis reveals that the Muwekma Ohlone possess a larger relative proportion of the blue component than do other populations; Mann-Whitney tests for the eight Muwekma Ohlone produce $P = 5.6 \times 10^{-4}$ for a comparison with 22 MXL individuals, $P = 3.0 \times 10^{-5}$ with 12 Akimel O'odham individuals, and $P = 4.0 \times 10^{-6}$ with 21 Maya individuals (with small sample sizes of two individuals each, $P = 0.09$ with Mixtec, $P = 0.02$ with Mixe, and $P = 0.04$ with Zapotec). Hence, despite the admixture history of the Muwekma Ohlone, so that the population possesses multiple membership components, one membership component shared between the Muwekma Ohlone and the ancient individuals from the *Rummey Ta Kuč̌čuwiš Tiprectak* and *Síi Túupentak* sites—a component suggestive of a partial shared ancestry—can be observed. This sharing between the present-day and ancient individuals is further supported in additional tests using the f_4 statistic, by which greater similarity is observed between the Muwekma Ohlone and the *Rummey Ta Kuč̌čuwiš Tiprectak* and *Síi Túupentak* sites than between the Muwekma Ohlone and ancient individuals from surrounding regions (*SI Appendix*, Table S5).

Discussion

In this study, we sequenced genomes of 12 ancient individuals from two archaeological sites in the San Francisco Bay Area and eight present-day members of the Muwekma Ohlone tribe. To study population structure within California and western North America more broadly, we compared these individuals to previously published genomes of ancient and present-day Indigenous individuals. We also compared the 12 ancient individuals and eight modern individuals from the San Francisco Bay Area.

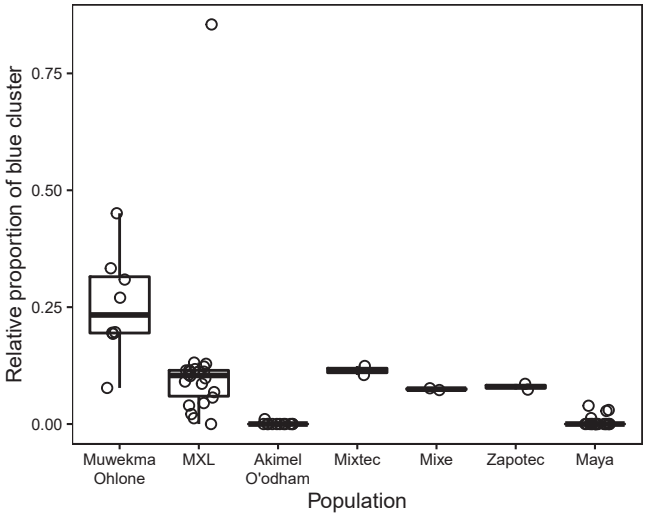

Fig. 7. Membership in the blue cluster in the $K = 5$ cluster analysis in Fig. 5, divided by one minus membership in the red cluster, for present-day populations from California and Mexico. For each individual, the proportion is calculated as the membership fraction in the blue cluster divided by the total fraction of membership in the blue, purple, light orange, and dark orange clusters. Individual values and boxplots are shown.

Continuity of Ancient and Modern Populations in the San Francisco Bay Area. We first performed analyses of the newly sampled ancient individual genomes with a broad sample containing individuals from North America, South America, Europe, and Siberia. In these analyses, the ancient individuals from the *Rummey Ta Kuč̌čuwiš Tiprectak* and *Síi Túupentak* sites clustered most closely with the ancient individuals from Southern California. Using PCA, the individuals from these groups overlap (Fig. 2), and with model-based clustering, we see that a shared cluster is centered on them (Fig. 3, purple).

Next, we focused our analysis on a subset of populations with ancestry relevant to the newly sequenced ancient individuals. In finer-scale analysis, the ancient individuals from the San Francisco Bay Area and Southern California, who cluster together in the larger dataset, are split into separate clusters. With PCA, the individuals from *Rummey Ta Kuč̌čuwiš Tiprectak* and *Síi Túupentak* cluster together (Fig. 4), and with model-based clustering, at $K = 5$, a cluster is centered on the ancient individuals from the San Francisco Bay Area (Fig. 5, blue). In an analysis of IBS sharing, we find elevated sharing among the ancient San Francisco Bay Area individuals from the two archaeological sites relative to the sharing with individuals from Mexico, Nevada, and Southern California.

Finally, we considered the relationship between the ancient individuals from *Rummey Ta Kuč̌čuwiš Tiprectak* and *Síi Túupentak* and their relationship to the present-day Muwekma Ohlone. Although the present-day individuals also possess recent European and Mexican ancestry, we find that they also share ancestry with the ancient individuals. In particular, considering fractions of individual genomes estimated to have Indigenous ancestry, we found in Fig. 7 that the Muwekma Ohlone share a relatively high proportion of a cluster shared with the ancient individuals from the San Francisco Bay Area (blue cluster in Fig. 5).

The shared ancestry components provide support for genetic continuity between the individuals from the *Rummey Ta Kuč̌čuwiš Tiprectak* and *Síi Túupentak* archaeological sites and between the two sites and the present-day Muwekma Ohlone. This continuity, in the sense of a possible genealogical descent relationship connecting the more ancient and more recent populations, would then extend from the *Rummey Ta Kuč̌čuwiš Tiprectak* individuals, dated to 1905 to 1826 cal BP, through the *Síi Túupentak* individuals, who date to 601 to 184 cal BP, to current tribal members. The two archaeological sites represent substantially longer time periods than the dates associated with the particular individuals sampled; *Rummey Ta Kuč̌čuwiš Tiprectak* was inhabited 2440 to 175 cal BP, most actively during 2440 to 1610 cal BP, and *Síi Túupentak* spans 605 to 100 cal BP. The genetic connections between the two archaeological sites and between the sites and the present-day Muwekma Ohlone individuals suggest that the present-day Muwekma Ohlone share continuity with peoples who have inhabited the San Francisco Bay Area for at least two millennia, since the genetic sampling period for *Rummey Ta Kuč̌čuwiš Tiprecta*k, 1905 to 1826 cal BP, and potentially to the earliest dates of the site, around 2440 cal BP. These results suggest that models in which ancestral Ohlone populations are posited to have migrated to the region 1,500 to 1,000 y ago (3, 37, 38) provide underestimates of the continuity of the population. They are compatible with reconstructions that posit Ohlone population continuity in this portion of the San Francisco Bay Area extending back to 2,500 y ago or possibly earlier (39–41).

We note that the population continuity we have observed between the archaeological sites and the current Muwekma

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Ohlone takes the form of a continuity of genetic ancestry components and a noteworthy sharing of genomic segments. This form of genetic continuity does not provide formal evidence that the modern individuals are directly descended from the individuals studied from these archaeological sites, but it is compatible with a view that the modern population is descended from those in the archaeological sites or from genetically similar contemporaneous populations. That this continuity is detectable is perhaps surprising, considering the extreme disruption and increase in deaths of the Ohlone caused by Spanish occupation. Mission records document substantial intermixture with neighboring non-Ohlone groups that began after other tribal groups (notably Coast Miwok, Bay Miwok, Plains Miwok, and Yokuts) from neighboring areas were brought to the same missions because of the rapid decline of Bay Area Ohlone mission populations (9, 42). As a result, for example, some descendants of marriages between Ohlone and non-Ohlone individuals identified culturally as Ohlone, spoke the language, and maintained key cultural traditions (28, 30, 43). Genetic continuity with the archaeological sites is detectable despite this intermixture of Indigenous populations from locations relatively distant from the sites.

Interpretations in Relation to the Penutian Language Family. Attempts to explain the complex mosaic of California languages and language families at European contact have given primacy to historical linguistic reconstructions that posit successive precontact migrations and displacements of various language groups and approximate timings of language divergence within families (44–46). Archaeologists have then looked for changes in the precontact archaeological record that would test these models. As a result, precontact California history is often framed as possessing linguistic and archaeological cultural concordance (40, 47). With respect to the San Francisco Bay Area, this view holds that speakers of Hokan languages initially occupied central California. Subsequently, Hokan speakers were then pushed to geographic peripheries by Penutian speakers entering California in a series of migrations and inhabiting the Central Valley and Bay Area (3, 13, 40, 48). Proto-Penutian speakers in California are hypothesized to have originated in the Great Basin or possibly on the Columbian Plateau. This hypothesis has been based on historical linguistic reconstructions, archaeological investigations, and recent mitochondrial DNA research (3, 40, 49)—notably including similarities in material culture (projectile point types, stone pipes, extensive bone tool industry with distinctive types, and basketry techniques) between the Lovelock Culture of western Nevada and the appearance of the Windmiller Pattern in central California during the Late Holocene (40, 48, 50). The Ohlone language falls within the geographically extensive Penutian language family, most closely related to the neighboring Miwok and Yokuts languages (44–48).

The four ancient Lovelock Cave individuals are clustered to some extent with ancient individuals from the San Francisco Bay Area and Southern California (Fig. 2). They also share two ancestry clusters with ancient and modern individuals from the Pacific Northwest (Fig. 3, light green, dark green). Four ancient Pacific Northwest Coast individuals, along with the ancient Big Bar individual also from the Pacific Northwest, possess a small amount of membership in a cluster shared with the ancient individuals from Nevada and California (Fig. 3, purple). These patterns are compatible with a view that the Lovelock Cave individuals share similarities with Penutian groups that spread both into the Pacific Northwest and into California (48). In this view, the shared ancestry component could represent a signature of a spread of the Penutian languages, with the Lovelock Cave individuals and the Pacific Northwest Coast and Big Bar individuals both descended from ancestors in the Great Basin region (Fig. 3, purple).

Despite this similarity to the ancient individuals from Lovelock Cave, both the ancient San Francisco Bay Area individuals and the present-day Muwekma Ohlone individuals clustered more closely with ancient individuals from Southern California, where the Penutian language family is absent, than with the (possibly Penutian-speaking) Lovelock Cave individuals associated with Lovelock Culture. Because our analyses do not cluster individuals associated with putative regions of Penutian speakers together (e.g., Lovelock Cave, Pacific Northwest, San Francisco Bay Area), we can conclude that if Penutian languages did spread from the Great Basin into California, then either the spread might have involved linguistic rather than demic diffusion or a shared genetic signal of an initial migration has been eroded by subsequent demographic processes. In both scenarios, genetic and linguistic histories in California are not coupled, so that a history of the spread of cultures in the region is unlikely to always align with the spread of languages. This perspective is consistent with the challenges archaeologists have noted in trying to link historical linguistic models of migrations of populations speaking specific languages with clear changes in the archaeological record, resulting in widely divergent suggestions for the timing of these migration events (13, 14, 51).

We note that in Southern California, we observed a consistent separation of South Channel Islands and San Nicolas individuals from individuals from the North Channel Islands and Santa Barbara, amplifying a pattern visible in figure S11 in Scheib et al. of ref. 15. The ancient individuals from Santa Barbara and the North Channel Islands cluster with the ancient San Francisco Bay Area samples, separating from the individuals from the South Channel Islands, including the individuals from San Nicolas Island. This separation accords with a language boundary at the time of European contact: Individuals from Santa Barbara and the North Channel Islands spoke Chumash languages (considered either part of the Hokan group or an ancient linguistic isolate), whereas individuals from the South Channel Islands (plus San Nicolas) spoke Takic languages of the Uto-Aztecan group (45, 46). Takic language speakers are hypothesized to have migrated from the Great Basin into Southern California during the last 5,000 y, with uncertain timing of their arrival on the coast and the South Channel Islands (1, 40, 45, 52). The genetic clustering of Early San Nicolas Island individuals (dated from 5,000 to 4,000 cal BP) with Late San Nicolas Island individuals (dated to 2,000 cal BP or later) but separate from individuals from the North Channel Islands and Santa Barbara suggests population continuity on San Nicolas during this time span and is compatible with the reconstruction that posits an early arrival of Takic language speakers on San Nicolas.

Methodological Considerations. Because of the poor read quality and low sequencing depth for ancient samples, analysis of ancient DNA has primarily made use of haploid genomes in which the haplotype phase has been lost. However, the augmentation of ancient samples with modern reference genomes is increasingly making it possible to perform genotype imputation and haplotype phasing in ancient samples (53). Previous studies have used imputed diploid genotypes from ancient individuals to study demographic history and estimate phenotypes in ancient individuals (54–58). Our work is one of relatively few studies that use imputed genotypes in ancient samples to evaluate haplotype sharing within and between ancient and present-day individuals (55–57).

In this study, we encountered a scenario in which a modern population of interest to examine for genetic continuity with ancient populations possesses admixture components that are not informative about the relationships of interest. Such scenarios can be addressed by performing analyses that disregard those admixture components. In our scenario, we sought to

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discern, within the component of genomic membership not assigned to European admixture, relative contributions of clusters associated with different Indigenous populations (Fig. 7). The signature of similarity between present-day Muwekma Ohlone and a cluster with considerable membership in the ancient San Francisco Bay Area samples and smaller signatures of other modern populations with this cluster suggests the potential of the approach in other comparisons of ancient populations to modern admixed populations.

Many ancient DNA studies in the Americas, and particularly those involving individuals from North America, have studied large-scale processes such as the initial peopling of the continents (19, 21, 22, 24) or subsequent major migration events (15, 16). As a result, enough ancient individuals have been sequenced to provide reference data for studies that focus on ancient genomics of a specific region, such as the Pacific Northwest (18) or the Caribbean (59, 60). Our study of ancient and present-day individuals from the San Francisco Bay Area contributes an example of the use of regionally focused ancient genomics to demonstrate how analysis of ancient and modern individuals can reveal changes in local population structure over time.

An important component of this study has been its community engagement process and coproduction of knowledge as part of increasing interest in partnerships between researchers and Indigenous communities to conduct genetic research (34, 36, 61)—including genetic research that involves Indigenous ancestors (35, 62). A distinctive feature in this case has been the participation of a tribal group in the initiative to pursue the project, in the selection of research questions, in archaeological excavation and ancient genomics involving sites in their historical lands, and in present-day genomic analysis with current tribal members. Hence, in addition to its scientific conclusions, the study provides a contribution to advancing community engagement models in Indigenous genomics. The study reaffirms the Muwekma Ohlone's deep-time ties to the area, providing evidence that disagrees with linguistic and archaeological reconstructions positing that the Ohlone are late migrants to the region (37, 38). The results have also generated interest from tribal leadership in carrying out similar genomic investigations on ancestral remains from older sites in order to better document and understand the time depth of Ohlone population-genetic continuity in the San Francisco Bay region.

Materials and Methods

Ethics Approvals. The study proceeded with significant community engagement at all stages (*Community Engagement*), under Institutional Review Board protocol no. 10538 from the University of Illinois at Urbana–Champaign, and it included informed consent from present-day members of the Muwekma Ohlone tribe. In addition, the Muwekma Ohlone Tribal Council also approved the study, including the genomic analysis of community members and ancestral remains. The Tribal Council was consulted on the results and approved the manuscript for disseminating the study.

Principal Components Analysis. We performed PCA with both the full set of 311 and the subset of 165 individuals, employing all 474,317 SNPs. For both datasets, we first estimated the covariance matrix of individual genotype vectors from genotype likelihoods (*SI Appendix, Methods*). We then used the eigen function in R to calculate eigenvectors, corresponding to principal components, and eigenvalues.

Model-Based Clustering. We used NGSadmix (63) to perform unsupervised model-based clustering on genotype likelihoods from the 85,659 SNPs that remained after LD pruning. For each tested number of clusters *K*, we performed the clustering 10 independent times, running NGSadmix with parameters -minMaf 0.05, -maxiter 10,000, and -tol 0.000001. We also included the parameter -minInd 35 for the full dataset of 311 individuals and -minInd 15 for the subset of 165 individuals. To evaluate the clustering solutions inferred by NGSadmix, we ran CLUMPP (64) with parameters DATATYPE 0, M 2, W 0, S 2, and GREEDY_OPTION 2, and REPEATS 1000. Next, following Verdu et al. (65), we clustered the runs based on pairwise G′ values greater than 0.9. For the majority cluster of each *K* value, which contained the most runs, we reran CLUMPP with the same parameters to produce an averaged clustering solution for display in figures. Preferred choices for the value of *K* were obtained by use of evalAdmix (ref. 66; *SI Appendix, Methods* and Fig. S4).

IBS Segment Sharing. We identified IBS segments between pairs of samples in four steps (*SI Appendix*, Fig. S5). First, we estimated genotype likelihoods in the ancient and modern samples with ANGSD (67). Second, we phased and imputed genotypes from the genotype likelihoods with GLIMPSE (68). Third, we called IBS segments from the phased genotypes with hap-IBD (69). Fourth, in modern admixed individuals, we performed local ancestry assignment and identified IBS segments that lie on the Indigenous background, considering comparisons between modern samples and other modern samples, and between modern samples and ancient samples. This pipeline generated a list of IBS segments shared between ancient and modern individuals, restricting attention to the Indigenous-origin segments of the modern genomes. Further details appear in the *SI Appendix, Methods* and Fig. S6.

Data Availability. Genomic data from previous studies have been obtained from public sources, as described in the supplementary material. The Muwekma Ohlone Tribe will review requests for genomic data on tribal members and associated archaeological sites before access can be granted. Please send requests to the corresponding authors.

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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.

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Community-Based Archaeology at *Síi Túupentak* in the San Francisco Bay Area: Integrated Perspectives on Collaborative Research at a Major Protohistoric Native American Settlement

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This paper presents an example of a community-based archaeological study in the southeast San Francisco Bay Area by the Muwekma Ohlone Tribe, joined by an interdisciplinary team of researchers. The nature and breadth of this cooperative effort is presented, highlighting the Tribe's perspective on project goals, the nature of their involvement, and their initiative in addressing ancestral remains and funerary regalia. This includes the questions being asked of the archaeological record, how these interests and goals were operationalized within the context of a CRM-driven development project, and how the results will be contextualized to the broader community. Project insights are summarized, with particular emphasis on the lifeways of Síi Túupentak's *ancestral Ohlone inhabitants during the four centuries prior to forced relocation in 1805 due to Spanish colonization. The discussion touches on site setting, age, and structure; the subsistence economy; the lived lives and mortuary practices of the ancestors; sociopolitical implications of regional trade; and the wider implications of the study.*

Collaborative research between Native American tribes and archaeologists has increased in recent years. This paper presents an example of a community-based archaeological study at *Síi Túupentak* ("Place of the Water Roundhouse Site," CA-ALA-565/H), an ancestral heritage Native American Ohlone village and associated cemetery in the southeast San Francisco Bay Area (Fig. 1). This is a collaborative study by the Muwekma Ohlone Tribe of the San Francisco Bay Area, joined by an interdisciplinary team of archaeological researchers led by the Far Western Anthropological Research Group. The nature and breadth of this cooperative effort is presented, highlighting the Tribe's perspective on overall project goals, the nature of their involvement throughout the study, and their initiative in addressing ancestral remains and funerary regalia. This includes consideration of the questions being asked of the archaeological record, how these interests and goals were operationalized within the context of a cultural resources management (CRM) driven development project, the key

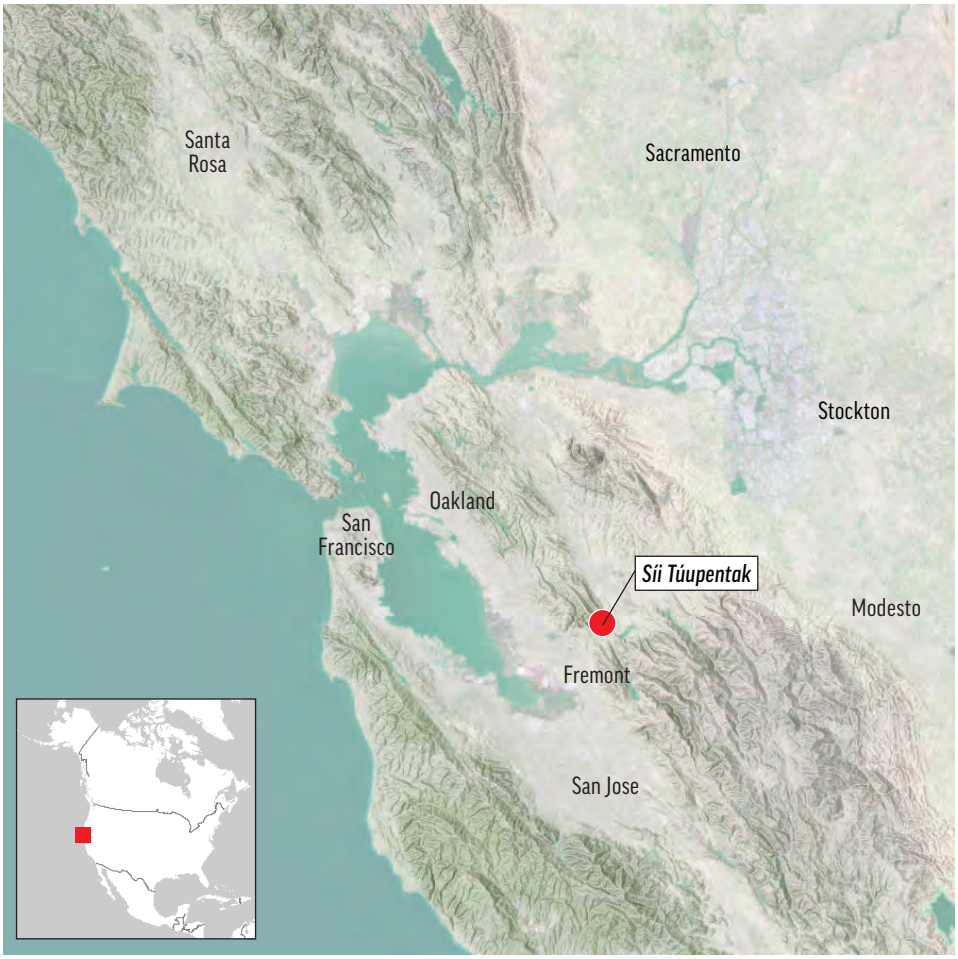

Figure 1. Regional map showing project location.

role played by the project proponents and the regulatory agency, and how the results are being contextualized to the broader San Francisco Bay Area community.

As requested by the Tribe prior to the start of the project, detailed archaeometric analyses were carried out on the ancestral Ohlone individuals recovered from burial excavations to gain new insights into community trends, social and ideological complexity, and the lives of these individuals. Novel project insights are emphasized, with particular emphasis on the lifeways of *Síi Túupentak's* ancestral Ohlone inhabitants during the four centuries prior to forced relocation in 1805 due to Spanish colonization. The site setting, age, and structure, and its subsistence economy are presented initially. This is followed by consideration of the lived lives and mortuary practices of the ancestors, the sociopolitical implications of regional trade prior to and during Spanish colonization, and the broader implications of the study.

REGIONAL BACKGROUND

California is well-known for being one of the geographical regions of North America with extremely high indigenous cultural and linguistic diversity (Golla 2011; Heizer 1978; Kroeber 1925). In the late 1700s Native Californians spoke more than 78 languages within six major linguistic families (Golla 2011; Hinton 1994). California also supported large pre-colonial populations with the highest population density in North America, owing in large part to its high coastal and terrestrial ecological productivity (Codding and Jones 2013; Kroeber 1939; Ubelaker 1992).

The San Francisco Bay Area notably had some of the highest regional population densities in California (along with the Lower Sacramento Valley and the Santa Barbara area) at the start of European colonization (Cook 1976). Based on population reconstructions using Spanish Mission baptismal recruitment records, more than 15,000 Native Americans from five distinct language

groups were residing in 45 territorial communities (land-controlling autonomous polities) within 20 kilometers (km.) of the Bay (Byrd et al. 2017, 2018; Milliken 1995, 2010). Native American groups residing in the San Francisco Bay Area included the Ohlone in the southern and central portion; Coast Miwok in the northwest portion; and Bay Miwok, Plains Miwok, Patwin, and Delta Yokuts in the eastern Bay-Delta area (Johnson 1978; Kelly 1978; Kroeber 1925; Levy 1978a, 1978b; Wallace 1978). All lived in villages with well-defined tribal territories that were considerably smaller than the potential daily foraging range, and they interacted and traded widely with nearby settlements (Byrd et al. 2020a).

The site of *Síi Túupentak* is situated near Sunol in the southeast San Francisco Bay Area within the Causen Ohlone territorial community (Milliken 1995, 2006). As such it lies within the unceded lands of the Ohlone, who at the time of Spanish colonization occupied ~4.3 million acres from San Francisco to Monterey and from the coast to the upland edge of the Central Valley. The Ohlone population circa 1770 is estimated to have been at least 16,000 people living in 59 Territorial Communities (Milliken 2010). Between 1770 and 1797, Spanish colonizers situated six California missions in Ohlone territory owing to the high indigenous population density.

Extensive investigation of the San Francisco Bay's numerous archaeological sites has produced a trans-Holocene record, revealing that intensive sedentary or semi-sedentary habitation of complex hunter-gatherers extends back more than 5,000 years (Byrd et al. 2017; Lightfoot 1997; Milliken et al. 2007). Regional population grew over the last 4,000 years, along with increasing social, political, and economic complexity. This resulted in an increasing reliance on more costly-to-acquire foods (including particular species of marine mammals, terrestrial mammals, birds, fish, and plants) indicative of resource intensification (Broughton 1999; Broughton et al. 2015; Whitaker and Byrd 2014; Wohlgemuth 2002). Active landscape management (including prescribed burning), territorial circumscription, and periodic upswings in inter-group violence are also indicated (Lightfoot et al. 2013; Milliken 2006; Schwitalla et al. 2014). It has also been asserted that non-egalitarian social structure and status ascription was widespread in the region (Bellifemine 1997; Hylkema 2002:258–261; Leventhal 1993; Luby 2004; Milliken et al. 2007), particularly during the Late Period (post-685 calibrated years before present [cal B.P.]), although more nuanced perspectives have also been presented (Byrd and Rosenthal 2016).

Luby (1995) initially recorded and excavated *Síi Túupentak* with a field school in 1993, noting that it was a significant Late Period/Contact-era village that may also include a Native American rancheria associated with the nearby circa-1840s Mexican-era Suñol Adobe complex. It is also probably the Ohlone village described by Fages and Crespí when they traversed the Sunol Valley (which they named Santa Coleta, noting that it was an ideal setting for a mission) on April 2, 1772 Common Era (C.E.; 178 cal B.P.; Crespí 1927:300). More than a decade after Luby's work, plans for large-scale infrastructure construction by the San Francisco Public Utilities Commission (SFPUC) of a public outreach watershed interpretive center within the site boundaries required extensive archaeological investigations to be conducted at this large, ancestral Native American Ohlone settlement (Byrd et al. 2020a). Therefore, the current archaeological study provided the opportunity to better bridge the gap between pre-colonial and post-colonial Ohlone lifeways.

It should also be noted that additional large-scale infrastructure construction by the SFPUC led to the discovery and extensive data recovery of the archaeological site of *Rummey Ta Kuccuwiš Tiprectak* ("Place of the Stream of the Lagoon Site," CA-ALA-704/H) 400 meters to the northeast (Byrd et al. 2020b; Ross et al. 2020). This large, multicomponent settlement included a pre-colonial Indigenous occupation and a subsequent colonial Mexican and Early American period ranch complex (including remnants of the Suñol Adobe) in use from 1839 C.E. to the early 1900s. The Native American component was investigated by the same collaborative team that conducted the excavations and analysis at *Síi Túupentak*, documenting numerous features and burials dating primarily from 2,440 to 1,610 cal B.P. (88% of the dates fall within this time span) along with sparser evidence of occupation between 1610 to 175 cal B.P. (Byrd et al. 2020b).

COLLABORATIVE ARCHAEOLOGY

Community-based or collaborative archeology falls within the broad category of public archaeology. There

is a long history of public archaeology and publications on this topic; in the U.S.A. this orientation took off in the 1960s and 1970s with changes in public interest, laws, and policy regarding the archaeological record (McGimsey 1972). During the last 20 years, engagement with local communities has been an increasingly important focus of public archaeology and archaeology in general, as witnessed by the emergence of topical journals (e.g., the *Journal of Community Archaeology* and *Heritage* and *Public Archaeology*) and a series of edited books, especially in the last few years (e.g., Gould 2019; Gürsu 2019; Merriman 2004).

This interest in and advocation for community-engaged archaeology is global in nature (Jameson and Musteaţă 2019; Okamura and Matsuda 2012). It is also prominent in California, and the investigations of Kent Lightfoot and his colleagues (e.g., Lightfoot and Gonzalez 2018; Lightfoot et al. 2013) and of Tsim Schneider and Lee Panich (e.g., Schneider 2021; Schneider and Panich 2019) are notable examples of community-engaged archaeology, focusing on collaborative research on topics of interest to Native California descendant communities. Indeed, such projects across North America have been wonderfully successful, asking questions descendent communities are interested in, training Native American community members, and helping indigenous scholars to become professional archaeologists (Cowie et al. 2019; Silliman 2008).

Overall, these global archaeological developments have provided much insight into how to design and carry out community-engaged research projects, highlighting how individual projects will vary greatly based upon the descendant community involved (Gürsu 2019; Jameson and Musteaţă 2019). It has also been noted that in indigenous settings, an important first step is invariably for participants to acknowledge that archaeology has an early historical legacy founded in racism and questionable ethics, and that there is a need to actively work to decolonize its modern practices (Church 2020; Colwell 2016; Murray 2011). It is also important to recognize that most of these praiseworthy community-engaged projects have been done outside of CRM, and very rarely in challenging archaeological situations where modern development cannot or will not avoid impacting archaeological sites (Church 2020). In such contexts, moving from descendant community consultation to meaningful collaboration is much more challenging, due to time constraints, costs, and reliance on normative CRM protocols. These trends and recent developments were very much on our minds when we embarked on this study, and as outlined here, we hope our experiences contribute meaningfully to the topic.

Similar trends toward community-engaged research are also taking place in related fields, notably in history and biological anthropology (Meloche et al. 2021; Smith 1988; Warren 2017). In biological anthropology, for example, there is now widespread and growing recognition that the ethical study of ancestors must be done with the consent and oversight of the descendent community (Bader and Malhi 2019). It is also important to stress that the perspective of indigenous communities regarding such investigations will vary greatly. Many will not want any study of their ancestors. Other tribes will have considerable interest in reconstructing who their ancestors were in life and will want to ask specific questions that have relevance to their community.

The edited volume *Working With and For the Ancestors* (Meloche et al. 2021) presents a series of collaborative studies where research on ancestors was first approved by the indigenous descendant community and then carried out in a collaborative, sensitive, and appropriate manner (e.g., Bader et al. 2021). The work at *Síi Túupentak*, presented here, is in this vein of collaborative research with the active participation of the descendant community.

SÍI TÚUPENTAK COLLABORATIVE STUDY

The *Síi Túupentak* collaborative project started well before the current social movement supporting racial justice for underprivileged and minority communities in the U.S., and evolved over more than half a decade. The collaboration involved the SFPUC (the development project proponent), the Muwekma Ohlone Tribe of the San Francisco Bay Area (the descendant community), joined by San Jose State University anthropology students, an archaeological research team led by Far Western and academic scholars from several universities, and the San Francisco Planning Department (the regulatory agency ensuring compliance with city protocols regarding state of California environmental laws and regulations, notably the California Environmental Quality Act).

Former Chairwoman and state-assigned Most Likely Descendent (M.L.D.) representative Rosemary Cambra, current Chairwoman Charlene Nijmeh, Vice Chair and current M.L.D. Monica V. Arellano (who also led the Muwekma's field team and served as primary monitor), and Tribal Archaeologist Alan Leventhal all played key roles in the project. The project also benefited from the experience gained by the Muwekma Ohlone's long-term program of historical and archaeological research that has included running their own CRM archaeological projects (e.g., Cambra et al. 1996; Field et al. 1992; Leventhal et al. 1987, 2015) and developing collegial relationships between members of the archaeological community and the Tribe. Many of those initial collaborative projects prominently involved Mark Hylkema while he worked for Caltrans. They included the Tamien Station project (CA-SCL-690), during which Muwekma Tribal members monitored, excavated, and were technicians in training at the Osteology Lab at SJSU, and also wrote their own ethnographic overview chapter (Hylkema 1994, 2007); and 1992 investigations at "Kaphan Umux: The Three Wolves site," CA-SCL-732, a large, ancestral Native American cemetery site discovered in a San Jose interchange (Cambra et al. 1996), during which Hylkema assisted in certifying the Muwekma Ohlone Tribe and their archaeological firm, *Ohlone Families Consulting Services*, to direct the field work and write the report, despite opposition from the archaeological community.

One of the principal goals of this and prior Muwekma archaeological and historical investigations and collaborations with various scholars has been to shatter the widespread myth that the Muwekma Ohlone people are extinct and/or have no historic or biological claims to their ancestral heritage cemeteries and village sites.

In April 2014, Muwekma Ohlone Tribal leadership was approached by the SFPUC to discuss plans to construct an educational facility—the Alameda Creek Watershed Center—adjacent to the Sunol Water Temple, with a focus on the natural history of the Alameda Creek watershed. The agency intended to include space in the center for the indigenous inhabitants of the region to tell their story. Thus, the Muwekma Ohlone had the rare opportunity to present information to the SFPUC on their tribe's history and heritage and their relationship to the greater Sunol/Pleasanton/Niles/Livermore region from Spanish contact, through the twentieth century, and into the present. The Alameda Creek Watershed Center is scheduled to open in 2023.

During these discussions, the Muwekma Ohlone Tribal leadership demonstrated to SFPUC officials (who funded the project) that by employing various records including Spanish Mission marriage, baptismal, and death records:

- their enrolled lineages descend from the California tribes of the greater East and South Bay region and could trace their ancestry back to their aboriginal villages;
- that their direct biological ancestors were missionized into the three Bay Area Spanish missions—San Jose, Santa Clara, and San Francisco;
- their families comprised the historic (after 1906) and previously federally-recognized Verona Band of Alameda County that resided in the Pleasanton (Alisal), Sunol, Livermore (Del Mocho), and Niles (El Molino) rancherias from post-mission secularization to the early twentieth century;
- they served as linguistic and cultural consultants to such notable anthropologists as J. P. Harrington and A. L. Kroeber between 1879 and 1934, when their last fluent speakers passed away;
- they had family members buried at the Ohlone Indian Cemetery in the city of Fremont during the nineteenth and early to mid-twentieth centuries;
- they enrolled with the Bureau of Indian Affairs between 1928 and 1971;
- they went to Indian boarding schools in the 1930s and 1940s; and
- they belonged to the Bay Area California Indian Council in the mid-1940s to 1950s.

All of these details were also published in the project's ethnohistory chapter, which was written by the tribal leadership and the Language Committee (Arellano et al. 2020).

Muwekma Ohlone families clearly lived for centuries within the greater Sunol region, and parents and grandparents were baptized at Mission San Jose as Indians. For example, co-author Monica V. Arellano's paternal grandfather Albert Arellano and his mother (her great

grandmother) Mercedes Marine were born on the Alisal Rancheria (1910 Federal Indian Census, "Indian Town" Pleasanton Township). Her father Joel C. Arellano, Sr. and his siblings regularly met and played on the rocks in Niles Canyon as children while visiting other Muwekma Indians living in Niles. Although left as a landless tribe, the Muwekma Ohlone never abandoned their tribal relations or left their aboriginal lands, and Muwekma families have maintained close ties and relationships to Sunol and surrounding areas during the twentieth century (i.e., born on the Sunol Rancheria, baptized, sent to the orphanage, and having funeral services at Mission San Jose) within the San Francisco Bay Area.

A Memorandum of Understanding was then developed so the Muwekma Ohlone could consult on the Watershed Center's indoor and outdoor Native American cultural exhibits and serve as monitors on the archaeological work for the project. Tribal leadership made recommendations relative to the treatment of the archaeological site (*Síi Túupentak*) that lay within the footprint of the proposed Watershed Center. Furthermore, SFPUC allowed the Tribe to recommend a Cultural Resources Management firm that they felt would be respectful of their input and leadership, and thus one they could trust. Far Western was recommended and accepted, and joined the project in June 2015; subsequently, the team—including the staff of the SFPUC—has collaborated in meaningful ways on this project.

The Muwekma Ohlone involvement in the community-based cultural resources work for the project has included the following:

- naming the archaeological site *Síi Túupentak*, meaning "Place of the Water Roundhouse Site" in their native Chochenyo Ohlone language;
- recommending and approving all archaeological field and lab methods;
- reviewing, providing comments, and approving all of the technical reports (including: Research Design for Archaeological Testing, Archaeological Testing Report, Research Design for Archaeological Data Recovery, and Archaeological Mitigation Report);
- monitoring all fieldwork;
- excavating all ancestral burials;
- writing the ethnohistory chapter in the final reports;
- contributing to manuscripts and news stories published or disseminated about the project, including a peer-reviewed archaeological monograph on the investigations, several articles in professional journals, and articles in newspapers, including the *New York Times*;
- approving the curation plan (non-mortuary items were curated at Sonoma State University's curation facility) and reburial of ancestors and sacred objects nearby and taking the lead on the reburial process;
- providing substantive input on the Watershed Center's educational displays and programs that will prominently feature the Tribe's history and highlight their ancestral heritage site;
- supporting and being active participants in all phases of the archaeological mitigation project documented in the PBS educational film *Time Has Many Voices* aimed at the broader Bay Area community.

The main archaeology field investigations carried out by Far Western and the Muwekma Ohlone involved a multi-stage field effort between 2016-2017 that included test excavations, data recovery investigations, remote sensing (Engbring et al. 2019; Grebenkemper et al. 2021), mechanical and manual archaeological stripping, and the excavation of all features and burials identified. Fieldwork entailed the excavation of 48 units, 10 trenches, and 1,130 liters of sediment floated and fine-mesh wet screened. It also ultimately entailed the stripping (including a substantive portion done manually) of 1,700 cubic meters of sediment covering the full building footprint to ensure that all burials and features were carefully identified and recovered prior to construction. Whenever conflicts or concerns occurred during more than a year of working side by side, the group (including SFPUC officials) sat in a circle under a tree at the site and had meetings. During these, the team talked through the process to ensure everyone was heard, and everyone listened to each other with respect and looked for common ground in what at times was a challenging endeavor, especially when numerous burials were encountered.

Collectively, Muwekma Ohlone tribal members and representatives of the scientific community are looking into the lives and deaths of ancestral people from the past. For the Tribe, this includes a variety of studies (notably

including accurate sex determination) conducted to provide enhanced perspective on the persona of each individual, to gain insight into them as the unique people that they were. Muwekma Ohlone would not survive to this day if it were not for the sacrifice, struggles, and commitment of their families. By retelling some of their history and stories through archaeology, the Tribe members celebrate the lives of their ancestors, and ultimately honor them when they are returned to the *warep* (translated as "the earth" in Chochenyo), where their loved ones originally placed them with affection and respect.

With regard to the study of their ancestors that might be encountered during fieldwork, rigorous state of the art archaeometric studies were requested by the Muwekma Ohlone at the very first archaeological meeting for the project in 2014. At the request of tribal leadership, a presentation to the Tribal Council on proposed methods and research specialties was conducted by Far Western. Approved analyses (using microsamples) for ancestral remains included radiocarbon dating; stable isotopes (carbon, nitrogen, strontium, sulfur) to examine diet, age at weaning, and changes in residence; study of teeth proteins to identify sex, especially of young individuals; paleogenomic DNA analysis to determine sex and ancestry/relatedness; ancient DNA (aDNA) analysis to confirm osteological indications of tuberculosis; dental calculus analysis to identify inhalant compounds, notably tobacco; and a pilot study of dental calculus to explore the oral microbiome aDNA with respect to diet and disease. Several presentations were made to the Tribal Council on emerging results during the project, and a talk on the project was presented at a tribal-wide meeting upon completion of the study. All of these studies were completed and published collectively as part of the overall study of *Síi Túupentak* as a UC Davis *CARD* monograph (Byrd et al. 2020a). A series of articles on various aspects of the results has also been published (Buonasera et al. 2020, In press; Engbring et al. 2019; Grebenkemper et al. 2021; Scheib et al. 2018; Severson et al. 2002).

HIGHLIGHTING *SÍI TÚUPENTAK* RESULTS

Setting, Age, and Site Structure

Síi Túupentak is located on an alluvial floodplain near the confluence of Alameda Creek and Arroyo de la Laguna within the Alameda Creek watershed, the largest in the southern San Francisco Bay Area. Situated adjacent to a rich riparian setting, the extensive Sunol Valley was an oak savanna with adjacent grasslands, and the nearby hills contained a mixed hardwood forest (Stanford et al. 2013). The site is a large (6.9 acres) sedentary village site consisting of a thick deposit of cultural material along with an associated cemetery (Byrd et al. 2020a). In the middle of the site there is a low (30 cm.) anthropogenic mound (approximately 30 meters in diameter) formed by intensive occupation activity. Archaeological investigation of 6.2% of the site recovered a wide range of cultural remains, including more than 13,000 artifacts, numerous food remains, 36 features, and 66 burials comprising 76 individuals.

Síi Túupentak dates from 605–111 cal B.P. (1345–1839 C.E.), based on 129 radiocarbon median intercept results from 96 burials and features (Byrd et al. 2020a:83–86). More than 95 percent of the features and burials are concentrated in a narrower time span from 539–145 cal B.P. (1411–1805 C.E.), indicating that *Síi Túupentak* was primarily occupied for around 400 years. This occupation encompassed the last 100 years of the central California Late 1 Period (full extent of period 685–440 cal B.P.), all of the Late 2 Period (440–180 cal B.P.), and almost 30 years of 'historical era' occupation after the arrival of the Spanish (Groza et al. 2011). Thus, the site was founded prior to European contact and continued to be inhabited during early European coastal exploration. This colonial exploration started 408 cal B.P./1542 C.E. and continued through the region's Spanish colonization, which began locally 173 cal B.P./1777 C.E. with the founding of missions San Francisco Asis (Dolores) and Santa Clara, until most of the inhabitants were forced into the Spanish mission compounds (145 cal B.P./1805 C.E.). The site was also reoccupied in the 1830s C.E. after the Spanish empire lost control of Alta California.

Five site components (Late 1, Late 2a, Late 2b, Late 2c, and Historic) were defined for intra-site analysis, based on the temporal distribution of dated features and burials (Table 1). Notably, the Late 2c component continued until 145 cal B.P. (1805 C.E.) in the "Historic/Mission" period, based on radiocarbon dating evidence of occupation continuity. This is consistent with Spanish mission records that demonstrate that 98 percent of the Ohlone of the Sunol area (the *Causen* tribal community) listed in the Spanish mission registries did not relocate

Table 1

***SÍI TÚUPENTAK* TEMPORAL COMPONENTS-BASED RADIOCARBON MEDIAN INTERCEPTS OF FEATURES AND BURIALS**

Period (Groza et al. 2011)	Site Component	Total Span (cal B.P.)	Total Span (C.E.)	Burial % (n = 70)	Feature % (n = 26)
Historic: 145–50 cal B.P. (1805–1900 C.E.)	Historic	119–112 (9 years)	1831–1838	1%	4%
Late 2: 440–145 cal B.P. (1520–1805 C.E.)	Late 2c	199–145 (54 years)	1744–1805	11%	17%
	Late 2b	312–273 (39 years)	1638–1677	37%	6%
	Late 2a	395–362 (33 years)	1512–1588	23%	26%
Late 1: 685–440 cal B.P. (1265–1520 C.E.)	Late 1	539–441 (98 years)	1411–1509	26%	44%
		605–601 (4 years)	1345–1349	1%	2%

to the missions until 153–146 cal B.P. (1797–1804 C.E.), when nearby Mission San Jose was founded (Milliken 2010). Finally, the historical-era component dates from 119 to 112 cal B.P. (1831 to 1838 C.E.), documenting post-mission use of the site by Native people during the Mexican period presumably associated with the adjacent Suñol ranch complex.

Intra-site analysis revealed strong, temporally-driven spatial patterning during settlement occupation. Features and burials were concentrated in a 65-by-20-meter area, with most from the Late 1 Period in the northwest portion of this concentration, and the vast majority of Late 2 burials and features (and 60% of all burials) within and immediately to the southeast of the low mound (Fig. 2). In contrast, the historic Mexican Period Native American feature and burial were situated much farther to the southeast of this concentration. Generalized site midden deposits were also patterned along this northwest-southeast site axis (from Late 1 to Historic Period in age). Notably, over time, based on generalized site deposit constituents that were spatially associated with the remains from each period, there was increased reliance on imported Napa obsidian for flaked stone tool use, shifting from moderate (45%) in the Late 1 Period to overwhelmingly dominant near the end of the Late 2 Period (up to 83%).

Subsistence Economy

Features were dominated by residential-related fire-affected rock concentrations, ash lenses, and large roasting pits (Fig. 3). In addition to these domestic features, a large formal hearth and a pit feature may have been used in ceremonial activities. Subsistence analysis reveals the inhabitants actively managed the local landscape, and that prescribed burns were undoubtedly undertaken to enhance grasslands and small-seeded plants (Wohlgemuth 2020; see also Lightfoot and Lopez 2013). Wohlgemuth's (2020) study demonstrates that plant resource processing was strongly associated with domestic features, sometimes represented by plants collected during a single season and sometimes by plants collected during more than one season. In these contexts, small-seed processing (notably farewell to spring, fescue, and hairgrass) was more important than that of nuts. Overall, the site's rich archaeobotanical assemblage included 50 plant genera dominated by small seeds and nuts (primarily acorn and then bay nut). Most are spring-ripening small-seed taxa (46%) and summer small-seed and berry taxa (42%), with fewer fall-ripening nut taxa (12%)—a seasonality distribution consistent with a sedentary village community, given that all key seasons of plant availability are represented. Eurasian cultigens (wheat, barley, and watermelon) and weeds (such as filaree and cheeseweed) and New World domesticated corn are present and were primarily recovered from two Late 2c features and the historical-era Native American feature.

Analysis by Whitaker (2020) reveals that vertebrate faunal remains from features and elsewhere include both large and small mammalian fauna (notably deer, rabbits, hares, various carnivores, and rodents), with many fewer birds and other remains. Domestic dog is also present, based on aDNA results by Brian Kemp (Whitaker 2020:251). Fish were also important, mainly represented by freshwater fishes (especially Sacramento sucker), along with a moderate quantity of salmonids, pike minnow, and surfperch (Gobalet 2020). Estuarine fish and shellfish taxa were uncommon, and the former declined over time. The results reveal a consistent and sustained pattern of procurement throughout the sequence with an absence of large mammal resource depression.

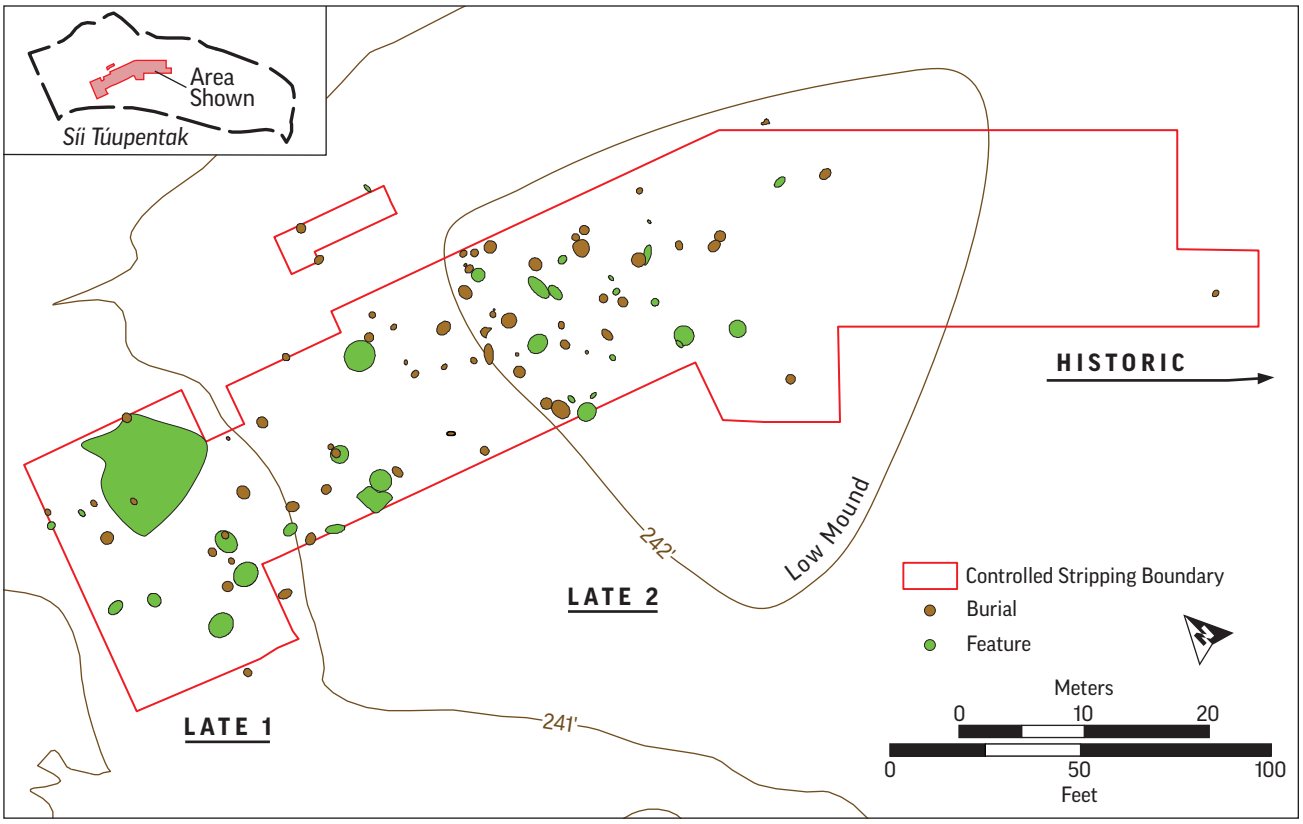

Figure 2. Map showing distribution of burials and features by period, and location of low anthropogenic mound.

Figure 3. Roasting pit Feature 10.

Instead, a healthy U-shaped artiodactyl population (with younger and older adults dominating the assemblage) persisted despite hunting throughout the year, particularly in the fall and winter, based upon a dental increment seasonality analysis by Jaffke and Peabody (Whitaker 2020:229–230). Eurasian domesticates are not present in protohistoric features, a trend consistent with prior investigations of sites of this age in the Bay Area (Byrd et al. 2018). The lone 1830s historical-era feature includes cattle, goat, and domestic cat, a shift consistent with Native American's access to domesticated resources while working on the adjacent Suñol Rancho.

LIVED LIVES

As requested by the Muwekma Ohlone, detailed archaeometric analyses of the 76 individuals recovered from burial excavations yielded new insights into the lives of these unique individuals, as well as community trends and insights into social and ideological complexity. Multi-factor sexing of adults and younger individuals—combining the results of osteological, ancient DNA (aDNA), and amelogenin protein from teeth—allowed for comprehensive sexing of a burial population for the first time in indigenous California, and the ability to differentiate between health, diet, and mortuary trends in females and males of all ages (Buonasera et al. 2020; DiGiuseppe and Grant 2020; Malhi et al. 2020; Parker et al. 2020). Based on the analyses, the biological sex of the indigenous ancestors included 32 females, 34 males, and 10 of indeterminate sex.

Nuclear genome aDNA analysis by Malhi and colleagues provided new insights into broader Native American lineages and early migration patterns in the peopling of the New World (Malhi et al. 2020; Scheib et al. 2018). Notably, Severson et al. (2022), in a study of 12 ancestors from *Síi Túupentak* and nearby *Rummey Ta Kučučwiš Tiprectak* and eight present-day members of the Muwekma Ohlone, demonstrated that these pre-contact individuals shared a distinct ancestry from other groups, as well as an element of continuity over time with living Muwekma Ohlone tribal members. As Severson et al. (2022:7) noted, "the shared ancestry components provide support for genetic continuity between the individuals from the *Rummey Ta Kučučwiš Tiprectak* and *Síi Túupentak* archaeological sites and between the two sites and the present-day Muwekma Ohlone." The results indicate that the Ohlone arrived in the Bay Area at least 500–1,000 years earlier than the 1,500–1,000 cal B.P. time frame typically suggested (Fagan 2004; Golla 2011; Levy 1978a). Mitochondrial genomic aDNA analysis revealed that the population of *Síi Túupentak* was primarily composed of individuals from haplogroup D, with lesser representation by haplogroups C and B. This differs markedly from the results from most other nearby sites (Byrd et al. 2020a:Fig. 201; Monroe 2014, 2019), probably due to long-term differences in mating interactions between territorial communities.

A notable osteological observation on health and disease was also confirmed by an aDNA analysis conducted by Anne Stone, who demonstrated that at least four individuals from *Síi Túupentak* were suffering from tuberculosis, generally considered to be a disease introduced to North America by Europeans (DiGiuseppe and Grant 2020:276). All were males, including three juveniles and one infant, with median age intercepts from 478–312 cal B.P. (1472–1638 C.E.) and all but one dating to 382–290 cal B.P. (1568–1638 CE.). These results indicate that early European explorers (who landed at nearby Monterey or along the Mendocino/Marin coasts following established trade networks) may have first introduced the disease to the region, rather than its original introduction coinciding with Spanish colonization in the late 1700s.

Variations in diet and survivorship were observed both between males and females, and between adults and younger individuals. In terms of dietary patterns, a stable carbon, nitrogen, and sulfur isotope analysis by Eerkens et al. (2020a) revealed that males consistently consumed higher trophic-level foods than females (both among adults and children), and that there was an overall steady temporal trend towards a reduction in diet breadth and an intensification in the use of regional resources. In terms of childhood diet, Eerkens et al.'s (2020b) study (based on serial nitrogen and carbon isotope samples from teeth) revealed that males were weaned on average almost a year earlier than females (2.3 versus 3.2 years). As detailed by Buonasera et al. (In press), male infants (five years or younger) were also less likely to live to adulthood, dying almost twice as often as female infants, and there appears to be a positive correlation between isotopic dietary signals and an individual's survivorship

into adulthood. This is likely the result of a biological survival advantage in female infants (e.g., Zarulli et al. 2018), combined with such extrinsic factors as disease, nutrition, and engendered enculturation.

Other differences between male and female adults were also discerned. Strontium isotope analysis of molars and bone by Harold (2020) revealed trends in residential marriage patterns, with more females than males immigrating around the age of puberty, indicating a preference for patrilocality. General migration frequency also decreased over time, indicating that fewer people immigrated from farther afield. This may suggest a reduction in the need for exogamy over time, likely due to a growing local population with more potential marriage partners.

A liquid chromatography-mass spectrometry analysis of dental calculus by Tushingham et al. (2020) showed that there were also differences between males and females in the use of psychoactive plant inhalants. Compared to males, a higher proportion of women of varied ages tested positive for nicotine use. Moreover, there are patterned differences in the location of nicotine on teeth—among men, it is found primarily on the front teeth, which is indicative of smoking, while among women it is located primary on the back teeth, which is indicative of tobacco chewing. These results contradict ethnographic reports that mention only tobacco smoking, and state that males of all ages were the predominate users, with only occasional older women and female shamans smoking tobacco (Harrington 1932; Tushingham et al. 2020:357; Winter 2000a).

MORTUARY PRACTICES

Investigations of mortuary practices revealed a series of patterns, the most notable of which are highlighted here (Byrd and Engbring 2020). Some 79% of the 76 ancestors documented were present as inhumations and 21% were cremations. There was a shift from uniform mortuary treatment in the Late 1 Period (exclusively primary inhumations, typically loosely flexed on their back or right side) to highly varied and more complex interment practices in the Late 2 Period that included cremations (26%) and secondary inhumations (6%) for the first time. The earliest cremation is dated to 387 cal B.P. (1563 C.E.) during the Late 2a component, and relative cremation frequencies rise in later components. Cremations mainly involve adults (94%; and 39% of all Late 2 adults), and cremated males (mainly young or middle-aged adults) are twice as common as females. All were secondary burials (i.e., were cremated elsewhere), and two-thirds were interred in two adjacent clusters of five individuals each, interred over a considerable period of time. One cluster was centered on a large formal hearth; the other cluster had stone cairns with mortars overlying each individual.

Another significant Late 2 mortuary development was the ritual use of red pigment on human bone and on select artifacts (lipped type E shell beads, bone whistles, and a mortar). Red pigment, dated to the Late 2b and 2c components (296–183 cal B.P./1654–1767 C.E.), occurs with 21% of the burials. Most is bright reddish-orange cinnabar (mercury sulfide) pigment, along with some hematite, distinguished by X-ray fluorescence (XRF) analysis (Martindale Johnson 2020a). Cinnabar pigment occurs with 30% of adults from these components—typically males (71%) and especially cremated individuals. In contrast, only a single younger individual has associated cinnabar pigment. Cinnabar was also used by the Ohlone in historical times as a paint for a variety of ceremonial and ritual purposes, including as body paint, for pictographs, and for wall painting at the Mission Santa Clara church (Coombs 1999; Hylkema 2010; Jones 2015).

With respect to mortuary items, a diverse range of offerings and combinations of non-perishable items were interred with burials, highlighting the uniqueness of individuals. *Olivella* shell beads dominated the list of mortuary items (Eubanks 2020; more than 90% of the almost 4,500 items recovered), along with a fair number of abalone shell ornaments, projectile points, mortars, pestles, and whistles, with lesser quantities of 20 other types of items, including smoking pipes (Figs. 4 and 5). Most individuals had mortuary offerings (83%), typically involving just a few items, but some had many items. Individuals with numerous mortuary offerings were from varied temporal components, locations in the site, and DNA-based matrilineages; they also included inhumations and cremations, men and women, and diverse ages (including a fetus).

Four ancestors are highlighted here with respect to mortuary offerings to illustrate variations in practice. Each lived a unique life, and they were mourned by

Figure 4. Select *Síi Túupentak* artifacts including thin rectangles (Class M) *Olivella* beads, banjo abalone pendants, projectile points, very large incised bird bone, bone whistles, and composite smoking pipe.

Figure 5. Select *Síi Túupentak* artifacts including two flower-pot/show mortars and a pestle.

family and friends after their passing, as evidenced by their careful and sometimes lavish interments. Late 1 Period Individual 66 was born around 1429 C.E. (521 cal B.P.) at a different settlement (i.e., outside of the *Síi Túupentak* strontium isotope range) and lived to the age of 35–40 years. She was buried with more funerary objects (n=1,154) than any other individual. Most (97%) were rectangular M-series *Olivella* sequin shell beads, often overlapping (see Fig. 4), which were likely stitched onto a garment or blanket, along with 25 abalone shell ornaments, two bone whistles, a bone tool, one flower-pot/show mortar (see Fig. 5), four pestles, and another ground stone item. The whistles were placed on her neck and cheek, and the imported flower-pot/show mortar was ritually broken along its rim. Large, finely-made volcanic mortars from *Síi Túupentak* and elsewhere were

undoubtedly used in special ceremonies, such as feasting or food-related ritual events associated with the (re) distribution of food resources, and their deposition with selected individuals likely implies that these individuals occupied an elevated social rank within the local community (Bellifemine 1997; Buonasera 2013:205–206; Leventhal 1993:222–225, 261–263; Martindale Johnson and Byrd 2020:474–480).

Late 1 Individual 36 was born at *Síi Túupentak* more than a half century later, around 1473 C.E. (477 cal B.P.) and died some 17 to 20 years later. Although the number of total associated mortuary items was relatively low and notably no shell beads were present, there was a high diversity of offerings. She was accompanied by five bone whistles, and she had a pestle on her outstretched right arm, two whistles behind her neck, and two bone tools elsewhere (see Fig. 4). She was also interred with the only two banjo abalone ornaments documented at *Síi Túupentak* (both probably suspended as a necklace; see Fig. 4). They are notable, since they have been suggested as identifying Kuksú ceremonial system big head dancers and possibly indicating membership in the Kuksú religion (Hedges 2019; Hylkema 2002; Leventhal 1993; Milliken et al. 2007).

Individual 62 was a female *in utero* neonate aged 36–40 weeks in component Late 2b (1646 C.E./304 cal B.P.). She was interred with 239 *Olivella* shell beads (primarily spire-lopped Type A), two projectile points, and a very large, elaborately incised bird bone tube (see Fig. 4). This individual is noteworthy for several reasons: she was the only fetus with mortuary items not interred with an adult, she had more associated items than all but eight individuals in the mortuary population, and is the only individual buried with an incised bone tube.

Finally, Late 2b Burial 49 is a double interment of cremated adult males dated to 1662 C.E. (283 cal B.P.). One man was in his 20s, with more than 200 (mostly E-Series lipped) *Olivella* beads and two Stockton Serrated obsidian arrow points. The other individual lived to 35-40 years of age and was interred with 21 mostly obsidian projectile points of varied types (see Fig. 4, including three non-local point types; several of the points were embedded in his body), 21 mostly spire-lopped *Olivella* shell beads, a large pestle (see Fig.5), two obsidian bifaces, and assorted obsidian flakes and a flake tool. A substantial overturned bowl mortar was situated next to both individuals.

Considerable attention has been placed on mortuary practices as a way of gaining insight into socio-political complexity and identifying elites in northern California and elsewhere (e.g., Atchley 1994; Bellifemine 1997; Byrd et al. 2017:12-1–12-4; Gamble 2008; King 1974; Leventhal 1993). There has also been greater recognition of the fact that there is not always a simple 1:1 relationship between mortuary offerings and status or wealth, since mortuary events are public occasions where shared social meanings and memories are constructed, social order is reinforced, group cohesion is promoted, and community-wide identities are crafted (e.g., Reddy 2015). This highlights the need to explore social identity, agency, and interaction with respect to a wider range of social categories (including age, sex, and group affiliation) when considering mortuary practices (Byrd and Rosenthal 2016; Gardner 2013; Leventhal 1993; Luby 2004).

Overall, several factors may have contributed to variations in mortuary offerings: achieved status, intra-community membership/lineage, and the loss felt by surviving family members. There is no unequivocal mortuary evidence of either hereditary elites (where, for example, families of individuals of both sexes and all ages have many more mortuary offerings, were buried in close proximity to each other, and/or were buried in a distinctive and elaborate manner) or an extremely poor segment of the community. Instead, in the Late 2 Period, there is an increasing divergence in mortuary offerings, with adult cremations having a mean and median 10 times greater than adult inhumations. Cremated adults also have greater shell bead ubiquity, many more non-shell bead items, and consumed more foods of a higher trophic level, an indication that their diets were richer in meat (Eerkens et al. 2020a). Interestingly, Late 2 Period adult inhumations also have 50 percent fewer mortuary items on average than Late 2 younger individuals, with older adults having the least associated items. These differences in mortuary behavior and offerings between Late 2 adult cremations and inhumations may signify more broad-scale, intra-community social differences in mortuary treatment. At the end of the sequence (Late 2c, post-199 cal B.P./1744 C.E.), there is an uptick in median mortuary items, the diversity of total items, the ubiquity of shell beads, and the quantities of non-shell bead items, despite the lowest mean in mortuary items. Both internal and possibly external factors (such as disruptions in

long-standing trade networks) may have influenced these Late 2c mortuary trends toward more varied and evenly distributed mortuary offerings within the population. These trends highlight changes in the complexity of mortuary practices, especially in the latter half of the occupation span.

SOCIOPOLITICAL IMPLICATIONS OF TRADE AND EXCHANGE

Fine craftmanship is exhibited in the elaborately made and abundant non-perishable material goods of the *Síi Túupentak* community. Many items were made with locally available products—elaborate bone awls, whistles, and the incised tube, as well as ground stone pestles and bowl mortars made of local greywacke (Galindo Arias 2020; Martindale Johnson 2020b). A considerable number of items, including the three most common mortuary offerings, however, were non-local trade goods. Although trade details are unknown, acquisition of these items was most likely via trade and exchange (and typically as finished items), since direct source acquisition would have required traveling through the territories of three or more tribes, and at times having to cross into the territory of non-Ohlone-speaking Bay Area groups (Fig. 6).

Olivella shell beads and abalone pendants were imported primarily from along the central California coast, a distance of at least 50 km. A nearby prominent hematite source is 30 km. to the northwest, while the only source of cinnabar is the Pooyi/Almaden Mine area of Mount Umunhum 45 km. to the south, where the Ohlone had active mining tunnels in 150 cal B.P. (1800 C.E.) if not earlier (Coombs 1999; Heizer and Treganza 1972:302, 311–312). Flowerpot/show mortars (all four of which were recovered from mortuary contexts) were XRF sourced to a volcanic outcrop at Mount Diablo 35 km. to the north (Martindale Johnson 2020b: 141–146; see also Bennyhoff 1977). These very large (at least two times the largest bowl mortars), well-finished and unique mortars were likely acquired as finished products via trade with the Bay Miwok that resided near Mount Diablo. Obsidian (the dominant flaked-stone raw material for both debitage and tools, despite the presence of local cherts) was imported from the Napa and Annadel sources in Wappo territory, a distance of 110 km., with seven tribes, the Bay, and two language groups in between.

The widespread extent of this active system of trade and exchange involving these luxury goods testifies to the wealth of the community and the settlement's importance in central California. It also provides insight into the structure and organization of regional inter-territorial community interaction and alliance maintenance, reinforcing the importance of well-developed rules of political, social, and religious interaction mediated by community leaders (Bean and Lawton 1973; Gardner 2013; Leventhal 1993). The nature and extent of these interactions appear to have varied across this region, suggesting overlapping spheres of social interaction reinforced by trade and the exchange of finished goods, raw materials, mates, food resources, and other material attributes of these socio-political, economic, and symbolic interactions. Notably, widely traded emblematic objects reflect a community of practice that was contingent on shared beliefs and ideas grounded in ceremonial and socio-political interaction (Wenger 1998).

In the eastern Bay area, flower-pot/show mortars and banjo abalone ornaments are both present, with mortars more frequent in the north and the pendants much more ubiquitous in the south (Byrd et al. 2020a:469–486). Clam shell disk beads, on the other hand, are absent or very rare south of the Sacramento River, and only a single one was recovered from *Síi Túupentak* (Eubanks 2020; Rosenthal 2011). Finally, high-volume trade of Napa obsidian was concentrated in the inland east Bay Area valleys and extended only as far south as *Síi Túupentak*. Napa obsidian is present at Native American settlements within the tribal territories in the east Bay margins, northern Santa Clara Valley, and the San Francisco Peninsula, but it is not the dominant raw material used (Byrd et al. 2020a:472–473). These overlapping interaction spheres cross-cut linguistic and territorial community boundaries in much more varied and complex ways than has thus far been appreciated.

FORCED ABANDONMENT AND PERSEVERANCE

Spanish Mission Santa Clara and the San Jose Pueblo were founded in 1777 C.E. (173 cal B.P.) only 30 km. to the southwest (Milliken 1995). Despite being situated relatively close by, *Síi Túupentak* was somewhat buffered by the presence of other Ohlone territorial communities

Figure 6. Prominent raw material source localities in relationship to *Síi Túupentak* and tribal community territories.

(Tamien, Santa Ysabel, and SF Solono) between them and the newly arrived colonizers at Mission Santa Clara and Pueblo de San Jose (see Fig. 6). During the several decades of regional co-existence, there is limited material evidence of interaction with the Spanish—a few glass trade beads, and two features with introduced domestic food remains, including watermelon, grain (probably wheat or barley), and corn as well as filaree, a non-local weed. This is consistent with the low-level integration of colonial items at indigenous settlements in the Bay Area during the Spanish colonial period (Byrd et al. 2018), and the conservative incorporation of newly introduced foods into the indigenous diet noted elsewhere in California (Reddy 2015).

Historical records reveal that external events that took place less than a decade before *Síi Túupentak* was abandoned circa 1804 had a profound impact. Mission San Jose was founded on June 11, 1797 C.E. (153 cal B.P.), just 6.5 km. to the southwest of the Ohlone settlement (Milliken 1995, 2008). This was immediately followed by a violent summer of concerted efforts by Spanish soldiers to exert their control over the lands near their new mission, to capture Ohlone and Bay Miwok runaways from missions San Francisco and Santa Clara, and to punish the Native Americans still living in independent villages in the southeast Bay region that had given them refuge (Milliken 1995, 2008). Was *Síi Túupentak* visited during these military raids? That is unknown, but it is likely, since this was the closest substantial indigenous settlement to the new Spanish outpost. Certainly, the inhabitants knew their options had just become more limited, and their lives were about to change significantly.

On September 7, 1797, a few days after the first baptism at the mission, the first Ohlone from the *Síi Túupentak* area came to Mission San Jose and were baptized—five children aged 2–8 were brought by an elderly native man (Milliken 2010). By the end of the year, two-thirds of the newly baptized people at the mission were from the *Síi Túupentak* area. The archaeological dating evidence from *Síi Túupentak* is consistent with the mission baptismal records, which confirm that during the next eight years, until 1804 C.E. (146 cal B.P.), 209 Ohlone from the *Síi Túupentak* area relocated to the mission (and only one did so afterwards, in 1807). They helped build its now famous church, worked the mission agricultural lands where Ohlone College stands today, and undoubtedly planted and tended the mission's orchards and fields, as well as the incipient herds of cattle. This was, however, a harsh and foreign setting for them, and life expectancy at this colonial outpost was on average only eight years, based upon an analysis of the digital mission records (Milliken et al. 2006). As a result, only four people from the Síi Túupentak area survived until the Spanish colonial effort collapsed in 1833 C.E. (117 cal BP.). One of those survivors was Moychol (MSJ-B 6) from "de la Lameda" (Almeda Creek), a two-year-old boy who was part of the first group from *Síi Túupentak* to be baptized at the new mission.

The Ohlone narrative did not end there—*Síi Túupentak* also has a modest 1830s Mexican period component, complete with a feature and burial, revealing post-Spanish-era use of the site by Ohlone that returned to this persistent place (Byrd et al. 2020a; Luby 1995). Some were undoubtedly among the Native American laborers documented as having worked at the Mexican period *Rancho El Valle de San José*, which was centered on the Sunol area, and the 1845 Suñol Adobe (situated within the pre-contact Ohlone settlement of *Rummey Ta Kučču wiš Tiprectak*) was located 400 meters away (Arellano et al. 2020; Byrd et al. 2020b; Ross et al. 2020). The subsequent American period presented new challenges for the survivors of missions San Jose, Santa Clara, and San Francisco, but their descendants persisted nearby, living in Niles Canyon to the west, and near Verona station at the Alisal Rancheria to the northeast (Arellano et al. 2020). They continued to work in the local area, and the descendants from the historic, federally recognized Verona Band of Alameda County are thriving today as the Muwekma Ohlone Tribe of the San Francisco Bay Area, who collaborated on and actively participated in the design, implementation, and fieldwork at *Síi Túupentak*. They are also active stewards of their ancestral sites and a vital part of the Bay Area community.

CONCLUSIONS

This study has provided fresh insights into indigenous lifeways during a 400-year period, from just prior to early European exploration, through Spanish colonization and the forced relocation of many Native Californians into the missions in central California—a period of significant change in the lives of native people. Overall, the evidence

demonstrates that *Síi Túupentak* was a substantial, sedentary village, undoubtedly the most important village within the Causen Ohlone territory. This community was also an important node in central California inter-regional social interactions, interactions that were deeply meaningful and demonstrative of a set of shared beliefs and ideas. These complex inter- and intra-community dynamics entailed diverse elements, some of which were expressed in the form and patterning of material culture, while others were expressed in the life histories of the individuals that comprised these communities. These patterns were nuanced and filtered by social conventions tied to local community size, families, and lineages, and the social agency of the individuals within them. These ritualized practices helped to bond these distinctive territorial communities together into a rich tapestry of shared beliefs, practices, and obligations that reinforced social order and promoted regional cohesion within this densely populated area of central California.

This was also a substantial collaborative, community-engaged research project, with agency representatives, tribal members, and archaeologists working together during more than a year of fieldwork and research, resulting in a tremendous co-generation of knowledge of benefit to the descendent community. This paper has attempted to share our experience doing collaborative archaeology in a CRM mitigation context, as well as demonstrate that archaeological investigations centered on the co-production of information are both necessary and possible. It is also important to emphasize that the Muwekma Ohlone "Indianized" the collaborative process, which included reciprocity, mutual benefits between the scientific community, SFPUC, and the tribe, and mutual respect, acknowledging the tribe's history, heritage, and intellectual property.

Despite the challenges of a large, fast-paced excavation and the breadth of the discoveries, it was a collectively enriching and rewarding experience. Given that archaeological findings can be unpredictable, collaborative endeavors also require periodic recalibration to ensure goals and methods are in sync for everyone, and if needed, new approaches and solutions can be implemented. Our experiences underscore the importance of research and methodological flexibility even while fieldwork is ongoing, which can be difficult due to a number of factors, including financial considerations. One of the most important lessons learned was that a community-based project like this can only succeed with the effective and willing involvement and in partnership with the project proponent and the regulatory agency. These keystones of the CRM process are generally underappreciated (especially in CEQA-only projects), and much more support and recognition of outstanding regulatory practitioners is crucial, as is a willingness to call out those that are failing in their regulatory responsibilities. More graduate training is also needed to prepare students to succeed in such roles. In the case of this project we wholeheartedly acknowledge the efforts and support of our key partners on the staff of the SFPUC and the San Francisco Planning Department.

Of course, in hindsight there are aspects of the project that could have been done better or differently. More involvement of Muwekma Ohlone excavating units and features (and not just burials) would have been beneficial to all parties. Similarly, a better integration of the descendant community into the laboratory phase would have increased inclusivity at every stage of knowledge production and provided long-lasting dividends for everyone.

Working so closely together during this project resulted in the creation of strong relationships of mutual respect within this "new ecology of learning" (Warren 2017). It also facilitated several key goals, including empowering Muwekma tribal participants, refining cross-disciplinary approaches that enabled archaeologists to relate ethically and effectively with the descendant community, and the repatriation of knowledge to aid in the rediscovery of historical details and the creation of new narratives (e.g., Barnes 2017; Warren 2017). An important Muwekma Ohlone objective was to move away from the abstract and impersonal ways that academics have described their ancestors. Instead, they wanted to honor and celebrate the perseverance and tenacity of their ancestors as individuals, by respectfully telling the story of their lived lives. We believe this study successfully accomplished this and several other key objectives.

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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

COMMENT

F

SIERRA CLUB &

SANTA CLARA

VALLEY

BIRD ALLIANCE

COMMENT F

SIERRA CLUB
LOMA PRIETA CHAPTER
SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

SCVBA
Santa Clara Valley
BIRD ALLIANCE

September 16, 2024
Nhu Nguyen
Environmental Project Manager
City of San Jose, Department of Planning, Building, and Code Enforcement
Nhu.Nguyen@sanjoseca.gov

RE: Draft EIR for Rezoning of Airport Parcels and GPA (PDC23-009, GP18-012 & ER23-056)

Dear Ms. Nguyen,

The Santa Clara Valley Bird Alliance (formerly Audubon Society) and the Sierra Club Loma Prieta Chapter are environmental organizations that work to protect natural resources and promote the enjoyment of nature. We appreciate the opportunity to comment on the *Draft Environmental Impact Report (DEIR) for the General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project*. The Project proposes to change the existing Envision San José 2040 General Plan Land Use Designation of Open Space Parks Habitat (OSPH) to Combined Industrial Commercial (CIC) for seven parcels and to rezone those parcels to the OS (PD) Planned Development Zoning District. Please find our comments below.

1. Impacts to the Burrowing Owl

Significant Impact Bio-1: Construction activities on the subject parcels could impact burrowing owls by trampling or compacting underground burrows. Mitigation for this impact is described in MM BIO-1.1, which states, "*Prior to the issuance of any grading, building, or demolition permits for development projects on the subject parcels, a qualified biologist shall conduct preconstruction surveys*."

- Comment: Preconstruction surveys must be performed **prior to the actual ground disturbance** or any activity that could disturb burrowing owls or occupied burrows on the site and its vicinity, **not prior to issuance of permits**. Surveys prior to issuing a permit are irrelevant, since work may start at any time, days, months or years after the issuance of such permits.
- Burrowing owls have occupied the airport and its vicinity in the past, and a pre-construction survey 14 days prior to ground disturbing activities or the issuance of any tree removal, grading, demolition, or building permits can help the project plan ahead, but it should not replace the need to conduct a survey for burrowing owls within a week prior to such activities. The Valley Habitat Plan survey protocols should be used to mitigate harm to burrowing owls.
- By the time the Project is approved, the burrowing owl population of the Bay Area is likely to be recognized as a candidate for listing under the California Endangered Species Act. The mitigations proposed in DEIR should reflect this new status.

2. Impacts to Nesting Birds

The Biological Resources Report (Appendix C) recommends that if construction is scheduled during the nesting season (February 1 and August 31), then pre-construction surveys be conducted no more than seven days prior to the initiation of demolition or construction activities. This recommendation is adequate to minimize harm to the many species of birds that could nest in this area.

However, in MM Bio-2.2 the DEIR proposes to mitigate for harm to nesting birds by implementing a pre-construction survey no more than 14 days prior to the GPA/Rezoning on Airport Parcels during the early part of the breeding season (February 1st through April 30th) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st). This mitigation measure is biologically irrelevant, does not reduce the impact to less-than-significant level, and is likely to result in harm to nesting birds and a violation of the Migratory Bird Treaty Act and California Fish and Game Code.

Many bird species (including burrowing owls) can build a nest and initiate egg-laying within as little as 10 days. Therefore, a nesting bird survey conducted up to 14 days prior to construction is insufficient to avoid significant impacts to nesting birds. Even more concerning is the provision allowing for a survey up to 30 days before construction activities during the latter part of the breeding season (May 1 through September 15). This fails to account for the biology and nesting behaviors of bird species that

- Initiate Nesting Later in the Season: Some local species do not start nesting until after May 1. A survey 30 days in advance would not detect these nests.
- Reinitiate Nesting Attempts: Birds whose nests fail early in the season often attempt to nest again. A 30-day-old survey would not account for nests established after the initial survey.
- Have Multiple Broods: Many species have multiple broods in a single season.

MM Bio-2.2 does not provide adequate protection for nesting birds and fails to adhere to the best practices necessary to minimize significant impacts effectively. Because of the location of the Project adjacent to the Guadalupe River Corridor and open space, avoidance of the nesting season is advisable. However, if construction is to occur during the months of February through August, to better address the potential impacts on nesting birds, we suggest the following pre-construction survey requirements.

- Conduct Pre-Construction Surveys: Conduct pre-construction nesting bird surveys no more than 7 days prior to the initiation of construction activities (including tree removal, demolition and any other work on the site) during the nesting season (February through August). Conduct a new survey within 7-days of any new phase or section of construction. If work ceases for 7 days or more, conduct a new survey. If the initial survey identifies active nests: follow-up surveys should be conducted until the nests have been vacated and the young have fledged and no longer depend on the nest.

3. Tree Removal and Tree Replacement

These comments relate to the following Envision San Jose 2040 General Plan policies.

- Policy MS-21.4. “Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.”
- Policy MS-21.1. This policy seeks to manage the urban forest to meet environmental goals for wildlife habitat preservation, heat reduction in urban areas, and removal of carbon dioxide from the atmosphere.
- Envision San Jose 2040 policy MS-21.8 seeks to preserve “Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.”

The DEIR states that 67 trees are scattered throughout the subject parcels. If most or all of these trees are removed, that could result in substantial impacts to biological resources (habitat), carbon sequestration, and heat mitigation benefits these trees provide. This area of San Jose, even outside of the airport safety zones, is already an especially tree-deprived area. The loss of existing trees is, for this reason, especially concerning. Therefore, in order to avoid conflict with General Plan policies, mitigation measures regarding tree removal should include the following.

- Pursue all reasonable measures to preserve mature trees. There are at least three mature trees on the parcels that should be preserved: an oak tree on Parcel 2, a pepper tree on Parcel 1, and a pine tree on Parcel 5 (see Attachment 1 for photos).
- To retain the benefits of these and other mature trees for as long as possible, any necessary tree removals should not take place until the start of construction.
- Require that any proposed project be designed to accommodate existing mature trees and onsite tree replacement. This is critically important since data indicates San Jose is losing tree canopy and hence failing to meet General Plan MS-21.2 (Provide appropriate resources to preserve, protect and expand the City’s Community Forest). This is also important to mitigate extreme heat and carbon dioxide impacts, and achieve carbon neutrality by 2045.
- Require use of native trees for onsite tree replacement as much as possible. Native species support more biodiversity and will be more adapted to the local climate to ensure better survival.

Thank you for your consideration of these comments.

Sincerely,

Shani Kleinhaus, Environmental Advocate
Santa Clara Valley Bird Alliance

Katja Irvin, Guadalupe Group Conservation Chair
Sierra Club Loma Prieta Chapter

Draft EIR for Rezoning of Airport Parcels and GPA
Santa Clara Valley Audubon and Sierra Club Loma Prieta Comments

Attachment 1. Examples of Mature Tree to Preserve

Oak Tree on Parcel 2

Pepper Tree on Parcel 1

Pine Tree on Parcel 5

Nguyen, Nhu

From: Shani Kleinhaus <shani@scvbirdalliance.org>
Sent: Friday, February 7, 2025 10:16 AM
To: Nguyen, Nhu
Cc: Katja Irvin; Mike Ferrera
Subject: Additional comments on the EIR: GPA and PD Rezoning for the Coleman and Hedding Commercial Development Project

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Good morning Ms. Nguyen,
Please add the following comments to the Santa Clara Valley Bird Alliance and the Sierra Club Loma Prieta Chapter comments regarding the GPA and PD Rezoning for the Coleman and Hedding Commercial Development Project:

Comments:

1. Burrowing owls are now a candidate species for listing under the California Endangered Species Act (CESA) and as such, receive the protection that the state offers to endangered species. Burrowing owls have nested in and south of the San Jose Airport in the past. Please modify the EIR to reflect mitigation measures as appropriate for the current status of burrowing owls in California.

2. CEQA Guidelines Appendix G (Environmental Checklist, Section IV – Biological Resources) – Identifies "substantial loss of open space" as a potential significant impact. Please address the loss of open space and consider alternatives or compensatory measures that would offset the loss.

3. The proposed General Plan Amendment and Planned Development Rezoning for the Coleman and Hedding Commercial Development Project will change the land use from potential airport-related uses to a Combined Industrial/Commercial use. Thus, we believe that the site no longer qualifies for the Habitat Plan exemption for the airport. The project must be required to pay all applicable Santa Clara Valley Habitat Plan fees to mitigate its impacts on covered species and habitat.

Thank you,

Shani Kleinhaus, Ph.D.
Environmental Advocate
Santa Clara Valley Bird Alliance
22221 McClellan Rd.
Cupertino, CA 95014
650-868-2114
shani@scvbirdalliance.org

SCVBA
Santa Clara Valley
BIRD ALLIANCE

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COMMENT

G

AMAH MUTSUN TRIBAL BAND OF MISSION SAN JUAN BAUTISTA

COMMENT G

Amah Mutsun Tribal Band of Mission San Juan Bautista

I, Irenne Zwierlein, am making the following formal Most Likely Descendant (MLD) Recommendations on behalf of the Amah Mutsun Tribal Band, with regards to the treatment of our ancestral remains and any and all associated grave regalia and subsurface features discovered at this location:

Expose, analyze in the field, and remove for reburial: A complete systematic collection and/or excavation by a professional archaeologist (who meets the Standards established by the Secretary of the Interior) of any exposed Native American skeletal remains should be coordinated. The collection and/or excavation should be undertaken using standard contemporary archaeological techniques. All archaeological field work will be managed daily on site by an archaeological field director who must possess the following qualifications: a graduate degree (MA) in archaeology, along with two years of full-time professional experience and specialized training in archaeological research, administration, and management; two years of supervised field and analytic experience in North American archaeology, and has demonstrated the ability to carry research to completion within assigned schedules. The project archaeologist or his/her staff will expose any burial and grave objects in my presence as the designated Most Likely Descendant, or my appointed representative (Monitor). Should the Native Monitor not be on-site, arrive late or depart early, all burial recovery work must stop. Likewise, any archaeological work where it is suspected that human remains might be discovered a Native Monitor must be present, or work may not be undertaken. Burials in various stages of excavation shall be protected overnight, by placing standard construction metal plates over them. A metal plate must be on-site before exposure begins.

1. Since our Tribe believes that our ancestral dead needs to be treated with utmost respect, and since our ancestral people had been disturbed in the past and more recently by bioturbation and construction/subsurface excavation activities, I am recommending that this ancestral person, and any future findings (i.e., isolates, burials and associated assemblages), be removed from their location/gravesite. And after appropriate analysis (presented below), be reburied as close to the original cemetery or discovery location as possible, as part of our honoring ceremony. If reburial for an on site location is not possible, we will consult with the Redwood City on a suitable alternative location, where a reburial honoring ceremony will be conducted. Reburial Site must be land that has no future intentions of being developed.
2. I am also recommending that the land owner enter into a contractual agreement with the Amah Mutsun Tribal Band Ohlone Tribe of the San Francisco Bay Area (DBA Amah Mutsun Tribal Band Ohlone Tribe, Inc.) for a Burial and Archaeological Data Recovery Program, monitoring services, and laboratory analysis of our ancestral remains which will include a full skeletal inventory of all

3030 Soda Bay Road Lakeport, CA 95453
amtbinc21@gmail.com or amahmutsuntribal@gmail.com
650-851-7489

of the skeletal elements, AMS dating, Stable Isotope analysis, ancient DNA, as well as any artifact and faunal analysis which shall be conducted by Basin Research. Should additional ancestral Native American remains be uncovered, the same recommended treatment will be in place for any additional discoveries.

3. The burial removal process should include, but not be limited to, the screening of any adjacent back dirt (spoils) piles located by these human remains, and the use of hand excavation methods to help remove any over burden (if necessary) down to a level to be determined in the field in order to facilitate full access to the in situ remains. The in situ remains will be exposed and removed by Amah Mutsun Tribal Band Ohlone field crew or in concert with on-site Archeological field personnel. These remains will be drawn and photographed in conjunction with on-site archaeological field staff who will document on standard archaeological excavation forms information about the burial remains and map in the grave and any subsurface features and/or artifacts. On-site Archeological field staff shall be responsible for mapping and recording the reburial location using GPS. Copies of the Reburial forms and Final Archaeological Report will be sent to Northwest Information Center, Sonoma State University, the Amah Mutsun Tribal Band Ohlone Tribe, and the Native American Heritage Commission.
4. It is also my recommendation that all of the human remains, associated artifacts, and ecofacts be brought to a suitable lab for cleaning and sorting, and preparation for detailed skeletal inventory and analysis which will include as stated above, be conducted by qualified specialists (approved by our Tribe) in their respective field(s). Selecting small samples of human bone for AMS dating, Stable Isotope and ancient DNA. The first two studies will require minimum funding within the proposed budget and will be conducted in collaboration with the Tribe's leadership and membership. Also, if conducive a Strontium study may also be considered. The results of all analysis will be presented first to the Amah Mutsun Tribal Band Ohlone Tribal leadership. If the results of these studies are of a positive nature and of scientific significance to our Tribe, then only with the Amah Mutsun Tribal Band Ohlone Tribe's written approval, will these results be published in the final report, otherwise will be held in confidentiality.
5. As part of this laboratory phase of work, I am also recommending that any isolated or complete burials be cleaned, and a complete skeletal inventory be conducted by the Amah Mutsun Tribal Band's staff Osteologist if available or by Basin Research Archaeological firm's osteological staff and associates. Any associated grave regalia and artifacts will also be cleaned, photographed, measured, and described. Amah Mutsun Tribal Band Ohlone Tribe and/or Basin Research Archaeologist and the Osteologist will each be responsible for writing a stand-alone final report that meets the standards under CEQA.

These recommendations follow our Tribe's desire to learn as much as possible about our ancestral heritage that has been denied to us by the dominant society and by archaeologists working on our ancestral heritage sites within our

aboriginal and historic tribal territory. In this particular case, the ancestral person may indeed date back to what archaeologists have termed the Early Bay Period. Furthermore, given this recent discovery of our ancestral burial, I recommend bagging the skeletal elements, which has been done. We shall hand excavate within the immediate vicinity of the grave where these remains were found. After thorough investigation of the area, and confirmation that no more skeletal elements are present, mechanical excavation may proceed, slowly, with shallow passes of a flat blade 2-foot bucket. An Amah Mutsun Tribal Band Native American Monitor will be required to monitor this work. Amah Mutsun Tribal Band MLD Recommendations in the event that after further investigation by hand excavating a full burial has been discovered, only after the burial has been removed and thorough investigation of the area has been conducted and confirmation that no more human remains are found, mechanical excavation may proceed, slowly, with shallow passes of a flat blade 2-foot bucket. An Amah Mutsun Tribal Band Native American Monitor will be required to monitor this work. Given the context of the fact that our ancestral burial was recovered in a previously recorded mound site, and given the sensitive location of this site , I recommend that an Amah Mutsun Tribal Band Native American Monitor be required to monitor the rest of this project. Therefore, I recommend that all subsurface demolition, any and all excavations(i.e. for utilities, etc.), and tree/plant removal activities are monitored by an Amah Mutsun Tribal Band Native American Monitor. I am recommending that an Amah Mutsun Tribal Band Native American Monitor observe any and all subsurface excavation work, placing a Native American Monitor at each piece of any excavation equipment. I also recommend that the on-site Archaeologists plot the location and depth of each additional ancestral burial, grave/isolate locus, and/or other significant subsurface features by using GPS to pinpoint various aspects of the gravesite and other feature locations on the parcel and related maps. Given the possibility of discoveries of additional subsurface Archaeological Features at this site, if further excavations of features are investigated, I am requesting a weekly Status Report from the on site Archeological field personnel on any additional findings of our ancestral artifacts should a Amah Mutsun Tribal Band monitor not be present. Please be advised that Postings about these human remains through any and all forms of social media are unacceptable and therefore are prohibited. No photographs or video recording are allowed of our ancestral remains by the Construction Crew, anyone working at the site, or visiting the site, unless prior approval has been given by the MLD or Tribal Monitor. Lastly, I am requesting a response in writing on how work will proceed at the site, along with an updated treatment/mitigation plan. It is not our intention to hold up the progress of work at this site, we are available to begin burial recovery as soon as we are cleared to enter the site and with an approved budget.

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650-851-7489

Amah Mutsun Tribal Band of Mission San Juan Bautista

We are available to begin Monitoring work as soon as a schedule is made available to us. Should the Client or Archaeologists have any questions, please feel free to contact me.

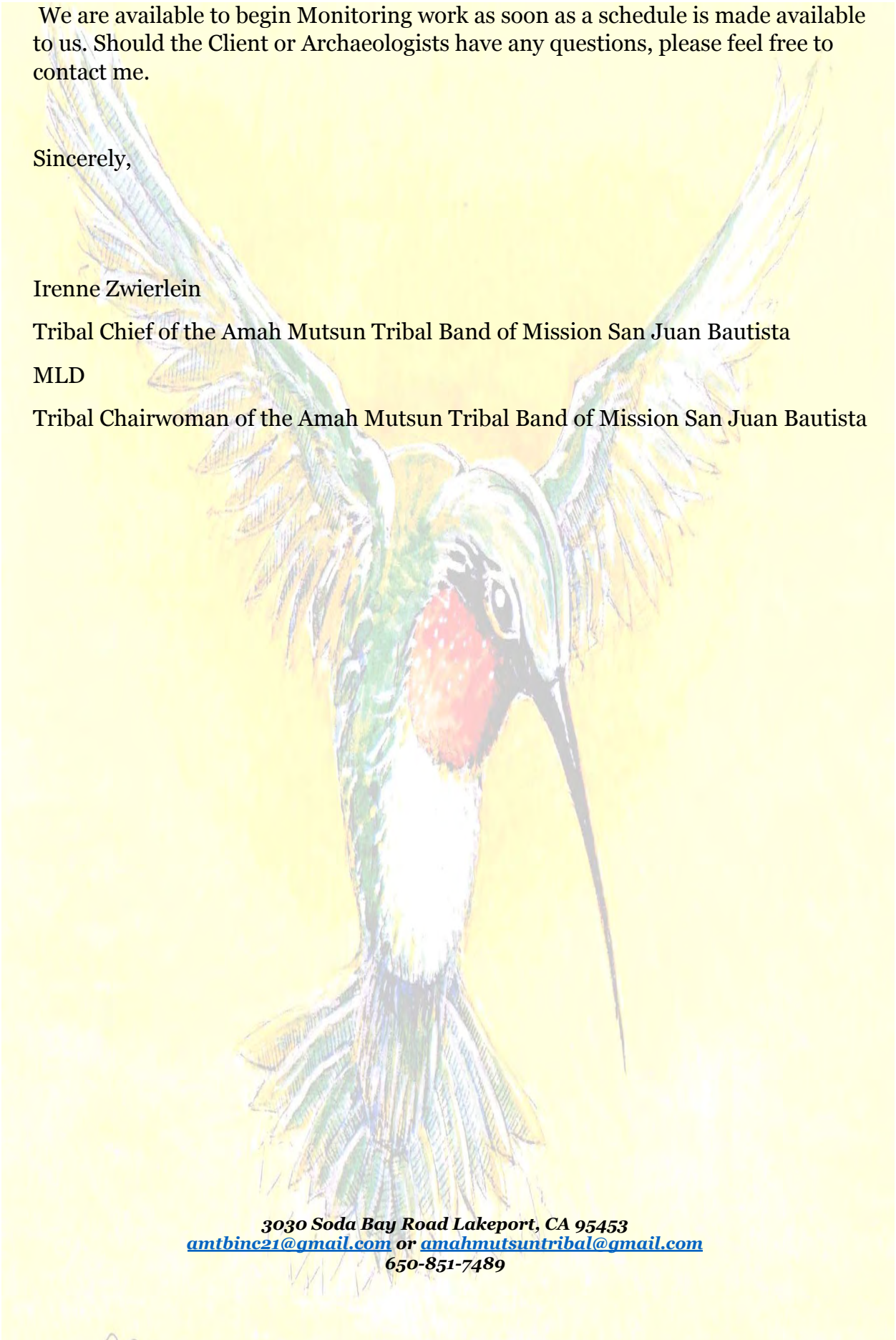
Sincerely,

Irenne Zwierlein

Tribal Chief of the Amah Mutsun Tribal Band of Mission San Juan Bautista

MLD

Tribal Chairwoman of the Amah Mutsun Tribal Band of Mission San Juan Bautista



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COMMENT

H

LESLEE

HAMILTON

COMMENT H

From: Leslee HamiltonCOMMENT
To: Nguyen, Nhu
Cc: Kathleen Muller
Subject: File Nos., GP18-012, PDC23-009, & ER23-056. Guadalupe Gardens
Date: Friday, March 7, 2025 11:50:08 AM
Attachments: Letter in opposition to June 5 2024 Item VII B on Parks & Recreation Agenda.pdf

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Hi Nhu - I've attached the comments Kathleen Muller and I submitted to the Parks & Recreation Commission on this matter last June.

The same land use changes were reviewed and rejected in 2018; nothing underpinning the legality of this matter has changed since then, and the proposal remains at odds with the Envision 2040 General Plan.

Regards,
Leslee Hamilton

San Jose resident
Former member of the Parks & Rec Commission
Member of the 2040 General Plan Task Force

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June 5, 2024

Kelly Snider, Chair
San Jose Parks & Recreation Commission
Via email

Re: Guadalupe Gardens, Item VII B.

Dear Chair Snider and Parks and Recreation Commissioners,

As the first two executive directors of the Guadalupe River Park Conservancy, we urge you to reject the proposed amendment to the Guadalupe Gardens Master Plan. We were intimately involved (Kathleen from 1995-2007; Leslee from 2007-2019) in the development and implementation of the city-approved 2002 Guadalupe Gardens Master Plan and believe an amendment that reduces parkland by more than 11 acres and changes the character of the space is unwise.

In the mid-1970s, City Council and FAA approved implementation of Airport Approach Zone Land Acquisition Program to remove incompatible land use from Coleman Loop area and to **restrict use of acquired property to compatible open space or agriculture.**

As the background information on the proposed amendment notes, federal funds, along with a 20% local match, were used to purchase homes for noise abatement and safety reasons. The many structures in this existing neighborhood – and later the streets and sidewalks -- were subsequently demolished. The environmental clearances in the 1970s make it clear that the majority of the land was purchased for approach-zone safety, with no expectation for reuse or the collection of fair market value leases. (April 1974 Final EIS).

In 1986, Mayor Tom McEnery proposed the creation of an open space and recreation area within the airport approach zone. The Guadalupe Gardens Task Force formed by the City in 1990 to develop a master plan for the area that called for extensive gardens to reflect the history of San Jose as the Garden City and recognized the need for low density, passive development, as per direction of the FAA and Airport administrators.

In 2002, City Council adopted the Guadalupe Gardens Master Plan, which was the culmination of years of community engagement and negotiation with airport staff over what uses would be allowed in proximity to the airport. In that 2002 plan, a narrow strip of land along Coleman Ave. was designated for potential park-serving commercial development as part of a compelling vision for a Green Gateway along Coleman Avenue leading from the airport into downtown. This proposed gateway, along the east side of Coleman, would become a reality when the city purchased and repurposed or demolished existing commercial properties along the perimeter of the park, as they became available, bringing the park into view. This, or course, never happened, partly because the Redevelopment Agency had to cease operations.

City administration of the Guadalupe Gardens area, particularly airport staff's interpretation of allowable uses, has been marked by capricious and arbitrary actions. For example, in 2006, when an area in Columbus Park was unavailable for our spring festival, Kathleen Muller was told that the area just north of Coleman Ave. could be used. Weeks earlier, she had been denied permission to use this same area because there was a strict limit to the number of

people allowed to gather there. In 2016, City leaders proposed creating a 1,100-car parking lot just south of Hedding for Avaya Stadium, when for years we'd been denied the addition of a handful of parking spaces along Hedding to improve access for park visitors. We could go on for pages citing similar examples.

In in 2018, the Airport proposed removing seven parcels of land from Guadalupe Gardens; in the attachment, you'll find a letter in opposition from then-Acting PRNS Director Jon Cicirelli, citing incompatibility with the Envision 2040 General Plan and the 2002 Guadalupe Gardens Master Plan.

San Jose needs more parkland, not less. In recent years, the City cut the Park Ranger program and allowed the northern part of Guadalupe Gardens to become a homeless encampment. Now – under pressure from the FAA and frustrated citizens – there are new calls for activation, including some uses that were previously proposed (e.g., dog park) but never allowed. We don't necessarily fault the uses but take strong exception to the justification used for this amendment and the conversion of parkland. Adding insult to injury, any commercial development under the proposed amendment would return revenue to the airport rather than go to further park development and maintenance.

Unfortunately, the City's non-profit partner has been forced to play defense to ward off undesirable proposals, while the various park enhancement plans developed by RHAA (2007), Ken Kay (2009) and championed by the nonprofit were not allowed to move forward. It's very hard to secure private funding and discouraging and enervating to have this dynamic repeat. We understand that the airport needs revenue, but the burden shouldn't fall on Guadalupe Gardens.

With turnover/retirements in City staff, it isn't surprising that some of this history has been forgotten. It might be wise to review it, however, as well as the current interpretation of land use restrictions, and ensure that the changes are truly in the best interest of the people of San Jose.

With an eye to the future, we respectfully request that you oppose the Guadalupe Gardens Master Plan Amendment and fight to preserve hard-won parkland.

Kathleen Muller

Leslee Hamilton

San Jose Parks & Recreation
Commissioner 2007 - 2015

Envision 2040 General Plan Task Force

Attachments:

10/10/2018 PRNS letter opposing removal of seven parcels from Guadalupe Gardens

11/5/2018 GRPC letter opposing removal of 11.6 acres from Guadalupe Gardens

Undated GRPC response to commercially develop parkland

11/202009 Hogan & Hartson legal opinion re Guadalupe Gardens Land Use Issues

2024 Trust for Public Land ParkScore Index for San Jose

SAN JOSE

PARKS, RECREATION & NEIGHBORHOOD SERVICES

October 10, 2018

Mr. Cary Greene, Planner IV
Norman Y. Mineta San José International Airport Administrative Office
1701 Airport Boulevard, Suite B-1130
San José, CA 95110-1206

Subject: Conversion of lands within the Guadalupe Gardens to non-recreational uses

Dear Mr. Greene,

We received the Airport's draft proposal requesting to remove seven parcels of land from the Guadalupe Gardens Master Plan Final Report (Master Plan) area. In addition, the proposal includes a request for a City-initiated General Plan Amendment and rezoning to allow leasehold private development on these same parcels located within the park. This proposal raises many concerns and questions, and the Department of Parks, Recreation and Neighborhood Services (PRNS) does not support removing any lands from the Master Plan area or the conversion of these lands to non-park uses at this time. While some interdepartmental coordination has been completed, further discussion is warranted and we request additional coordination prior to approval in order to consider the following issues and concerns:

Envision San José 2040 General Plan

The proposal does not conform to the existing General Plan Land Use designation of Open Space, Parklands and Habitat. Lands with this designation are intended to be preserved as permanent open space, parks, and similar uses. New development on lands with this designation is expected to be limited to low intensity uses that are ancillary and needed to support services and operations within the park. Development of public facilities such as restrooms, educational visitor's centers, or other agricultural uses (and buildings that support these uses) are appropriate development in this area. Privately operated commercial or industrial uses are not.

The request to change the General Plan land use designation of these parcels to Neighborhood/Community Commercial use is of particular concern to PRNS. This proposed land use change contradicts years of planning and City Council actions associated with the park. If such a change were approved, we request that the Airport only allow changes that complement the public use of the park and function as park assets rather than detractions from park use.

Master Plan

The Master Plan was adopted by the City Council and the Federal Aviation Administration in 2002 after a lengthy ten-year process, considerable public outreach, and substantial outside agency coordination. The Master Plan's Land Use Plan allows for improvements to existing gardens, community gardens, a City corporation and storage yard, temporary parking, a green waste facility, a garden facility, and other interim term uses (i.e. airport construction staging area, etc.).

Privately run commercial or industrial development does not conform to the Master Plan, and would be incompatible to existing and planned open space and recreational uses in the Guadalupe River Park and requires an amendment to the Master Plan.

This proposal is a significant departure from the passive recreational and aesthetic open space lands the community advocated for during the Master Plan process. The community and our partner, the Guadalupe River Park Conservancy, expects that these lands will remain as a recreational amenity or as open space. Any proposal suggesting new, unplanned uses within this area should include robust preliminary community outreach and close coordination with the Guadalupe River Park Conservancy.

Furthermore, the Master Plan includes a list of criteria that should be met for any suggested Master Plan Amendments, including review by the Guadalupe Gardens Technical Committee. Since it appears that the Technical Committee has not been engaged, PRNS requests that the proposal be presented to the Technical Committee for initial review before proceeding.

City Corporation Yard

If approved, the proposal will require the relocation of an existing City corporation yard. This corporation yard supports the maintenance and operation of the park as well as many downtown parks. If the corporation yard were to be relocated, PRNS will need a minimum of two acres of land, and between $6 million - $10 million in funding to support design and construction and relocation of the corporation yard. At this point, such a major project has not been planned or funded.

Conclusion

PRNS looks forward to coordinating with the Airport, the Technical Committee, the community, and other agencies, to ensure that the vision, goals, objectives, and process requirements of the Master Plan are met. Please contact Deputy Director, Nicolle Burnham at (408) 793-5514 or nicolle.burnham@sanjoseca.gov to initiate the coordination process.

Sincerely,

(FOR)
Jon Cicirelli, Acting Director
Department of Parks, Recreation and Neighborhood Services

CC:

- Leslee Hamilton, Executive Director - Guadalupe River Park Conservancy
- Michael Brilliot, Deputy Director and Jared Hart, Planner IV - City of San José Planning Division
- Ryan Sheelen, Airport Planner III, Norman Y. Mineta San José International Airport

GUADALUPE
— RIVER PARK —
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Ken Yeager

Executive Director
Leslee Hamilton

November 5, 2018

Jared Hart
City of San Jose Planning Department
200 E. Santa Clara Street, 3rd Floor Tower
San Jose, CA 95110

Dear Jared:

The City of San Jose and the Mineta San Jose Airport have filed a development application (GP18-012) to allow the future construction of commercial and industrial uses on 11.6 acres of land currently within the Guadalupe River Park and Gardens. Removal of parkland is poor policy and not in the long-term interest of the City. These lands have been planned for park uses for decades and are designated as Open Space, Parklands and Habitat in the City's General Plan. These lands are also governed by the approved Guadalupe Gardens Master Plan, which has FAA approval.

As would be expected, the Guadalupe River Park Conservancy does not support the conversion of lands from open space, parklands and habitat to other uses. The uses proposed are not park serving and as we all know, once these lands are lost to development, they will never be available for park uses again. In addition, we do not support the placement of a parking lot within the Guadalupe Gardens for the use of Avaya Stadium. We generously supported such parking uses when they were a part of a public soccer field project previously proposed; however, since public park uses are not included in the proposal, we do not support that additional component of the project.

Inconsistency with the Envision San Jose 2040 General Plan

The proposal is in conflict with no less than three Major Strategies of the General Plan, including #8 (Fiscally Strong City), #10 (Life Amidst Abundant Natural Resources), and #11 (Design for a Healthful Community), as well as the entire Chapter 4, Quality of Life! This chapter includes many statements, goals, and policies related to the promotion, acquisition, and planning for parks and open space, including the following:

"Parks, Trails, Open Space, and Recreation Amenities/Programs Goals, Policies, and Implementation Actions (Parks Policies) recognize the importance of these amenities in creating complete neighborhoods, providing recreation opportunities for residents, and enhancing the livability and the social and environmental quality of the City. Parks Policies provide strong, high-level support for the provision of a wide range of recreational parkland, facilities, and programs throughout San José's diverse community, and they push San José to excel in the provision of parks and recreation amenities to remain a national leader in the field."

438 Coleman Avenue
San Jose, CA 95110
408-298-7657
guadalupeconservancy.org
EIN: 77-0166797

The section goes on:

"Elements of the Envision General Plan informed the development of the Parks Policies.

• Diversity and social equity is promoted through equitable distribution of facilities and programs, with standards for park acreage and community center space per population and with recommendations for maximum separation between residences and parks/recreation facilities.

• Parks, trails, open space, and recreation amenities/programs are an integral part of building complete neighborhoods. Access to parks, trails, open space, and recreation amenities/programs promotes healthful living, fostering physical health improvements through increased activity levels and mental health improvements through recreation and relaxation opportunities.

• Parks and recreation facilities and programs are an important aspect of the diverse array of quality services that San José provides.

• Parks, trails, open space, and recreation amenities/programs support and provide opportunities for public participation in vibrant arts and culture.

• The Parks Policies in this section encourage the provision of these facilities and amenities in close proximity to the populations they serve and, wherever possible, to where they are accessible by public transit. The Trail Network also significantly contributes to an interconnected city.

• Environmental leadership is supported through the connections trails provide; through the close proximity (thus the ability to walk/bike rather than drive) between residences and parks/recreation amenities; and through the habitat, heat reduction, flood control, and water supply/quality benefits that the non-developed land provides.

• High-quality parks and recreation facilities and programs promote tourism and attract new residents and workers to San José, thus promoting an innovative economy.

Finally, the section includes multiple adopted General Plan goals and policies that promote San José's desire to provide high quality parks and recreation facilities and programs that meet the needs of its residents. **These policies promote the creation of parks – not the elimination of parklands and open space within the City!**

"The Envision General Plan seeks to build upon successes of the past and pave the way for future achievements in the provision of parks and recreation amenities. San José recognizes that great cities should have great parks, that the City should have standards for the provision of minimum parkland acreages, and that its parks should be carefully designed and located to address local community demographics, needs, and interests."

Goal PR-1 – High Quality Facilities and Programs
Provide park lands, trails, open space, recreation amenities, and programs, nationally recognized for their excellence, which enhance the livability of the urban and suburban environments; preserve significant natural, historic, scenic and other open space

resources; and meet the parks and recreation services needs of San José's residents, workers, and visitors.

Most specifically, Policy PR-1.17 states that the City should pursue "expansion of existing large parks facilities such as Kelley Park, Guadalupe River Park & Gardens, Shady Oaks Park, and others, where feasible."

Goal PR-2 - Contribute to a Healthful Community

Build healthful communities through people, parks, and programs by providing accessible recreation opportunities that are responsive to the community's health and wellness needs.

Goal PR-3 – Provide an Equitable Park System
Create a balanced park system that provides all residents access to parks, trails, open space, community centers, dog parks, skate parks, aquatics facilities, sports fields, community gardens, and other amenities. Multiple additional policies promote this goal.

Goal PR-4 – Community Identity
Improve San José's overall image and individual communities' images and livability by providing excellent recreation facilities, dynamic public spaces, and quality parks and recreation programs that gain national recognition.

Most astonishing is comparing the proposal to the following General Plan goal:

Goal PR-5 – Grand Parks

Develop and promote a series of grand parks to act as focal points for the City, its residents, and its visitors.
Actions – Grand Parks

PR-5.1 Develop the Guadalupe River Park & Gardens as one of the City's grand parks, and as part of an integrated park system. Update both the Guadalupe River Park Master Plan and the Guadalupe Gardens Master Plan to achieve this goal.

PR-5.2 Promote a series of parks as the City's grand parks that host events, attract visitors, and strengthen San José's overall identity.

PR-5.3 Adhere to and update, as necessary, the Guadalupe River & Park Urban Design Guidelines to address how adjacent development will support and/or enhance it.

PR-5.4 Incorporate features, facilities, and special events in Guadalupe River Park & Gardens that attract a wide variety of users from throughout San José and the region and establishes it as San José's grand public park.

PR-5.5 Connect the Guadalupe River Park & Gardens to other assets in the City via a network of trails and bike paths to encourage connectivity and community and to maximize the park's use and accessibility.

How can this be happening? Taking land out of what has been planned by generations of City leaders to become the Central Park of San Jose is very poor policy. Not only is ripping land out of a park for commercial or industrial development short sighted, the loss of Open Space, Parkland and Habitat in the City of San Jose is in direct conflict with multiple goals and policies of the General Plan (as well as other San Jose plans and policies that are too numerous to itemize in this letter). The proposal would result in a significant unavoidable environmental impact not previously identified in any Environmental Impact Report (EIR). In fact, the Envision San Jose 2040 General Plan and EIR included policies for the protection of these resources. If this proposal goes forward, it will require the preparation of an EIR. Anything less will not be legally defensible.

The Guadalupe River Park Conservancy Board and Advisory Board oppose the proposal and will be encouraging all of our supporters and the entire park and open space communities to do the same.

Sincerely,

Jodi Starbird
Board Member and Past Chair
Guadalupe River Park Conservancy Board of Directors

cc:
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Guadalupe River Park Conservancy Response to the Proposal to Commercially Develop Parkland

- There is no legal basis for the claim that the Airport is required to develop Guadalupe River Park Land along Coleman Avenue and receive Fair Market Value (FMV).

- Under FAA Policy provided by FAA to GRPC land used for a community benefit such as recreation and parks can be disposed of or leased at less than fair market value. (FAA Community Benefit Rule) See Policies and Procedures Concerning use of Airport Revenue, Federal Register/Vol. 64, No. 30/Tuesday 16, 1999/Notices (FAA Airport Revenue Policy) at Section III –Applicability of the Policy.

- The Airport claims that the FAA Community benefit rules do not apply to Guadalupe Gardens because the land was obtained under a Noise Compatibility Grant. (Noise Land). However, the Airports own map (Attached) shows that the land along Coleman Avenue was primarily obtained with Approach Protection Grants (Approach Protection Land) for which the FAA Community benefit rule does apply. So the Airport is not entitled to FMV.

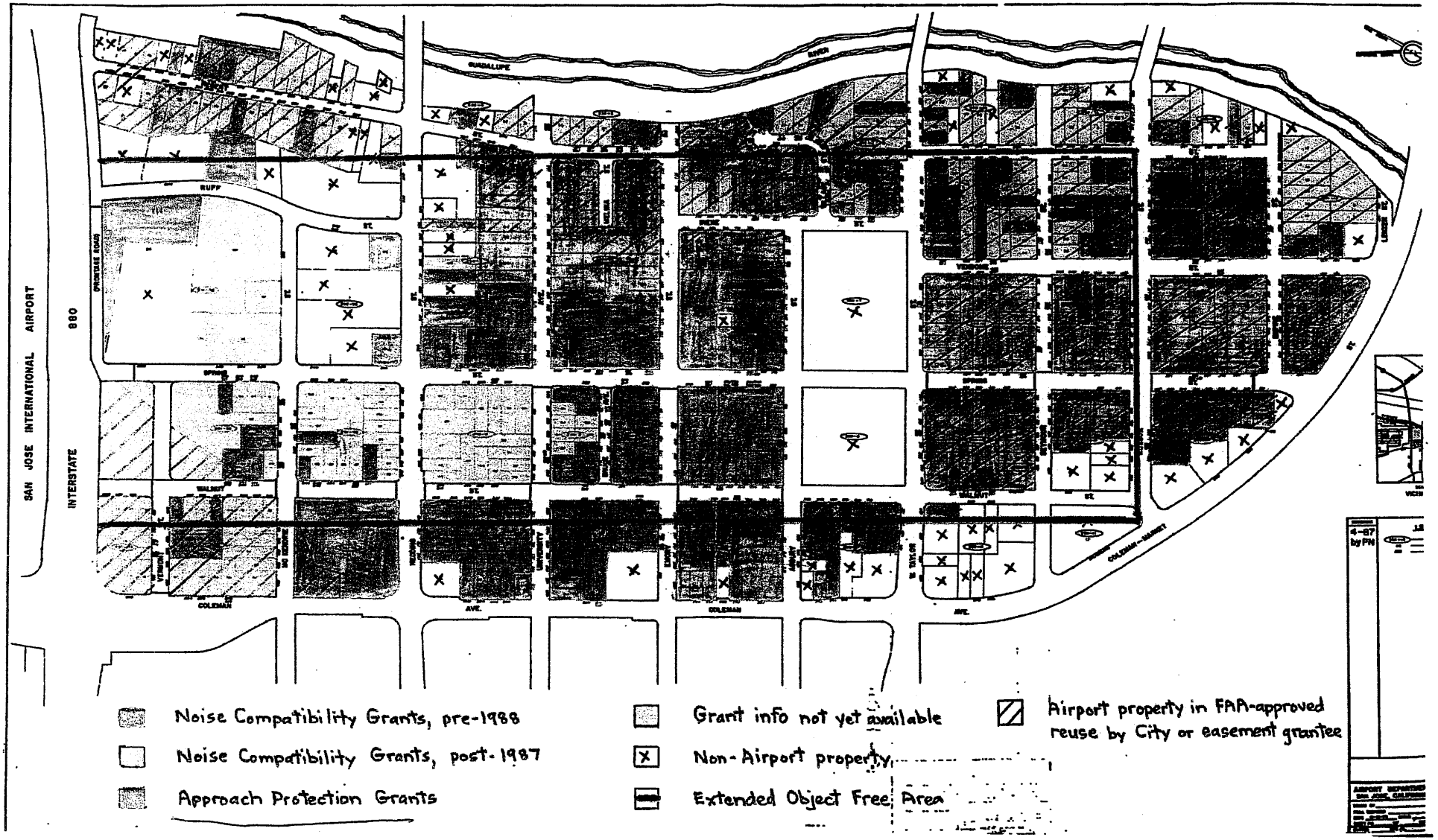
- The City of San Jose has already retained outside counsel, an expert on FAA law, to analyze this issue, Mr. Cohn at Hogan & Hartson in Washington DC, and on November 20, 2009 he issued an opinion letter saying that the land was purchased for approach protection (obstruction-free) zones. (attached)

- Supporting Mr. Cohn's analysis is the 1975 DOT-FAA Environmental Impact Statement (EIS) which admits the land is not noise land, rather it is approach protection land.

- The 1975 EIS and its implications are stunning. It's clear the City's outside counsel. Mr. Cohn, was absolutely correct when he said the land was purchased for approach protection and not noise compatibility. This is a DOT-FAA document so when it says what the purpose is-it is conclusive. The FAA states they did not have authority to buy the housing strictly for noise reasons. (relevant pages attached)

- The City should not allow itself to be buffaloed into turning parkland over to private strip development along Coleman Avenue and foregoing the Green Gateway the City and Community have long worked toward.

- The temptation to develop valuable park land for short term financial reasons is a temptation faced by many cities in their goal to develop signature parks. In guidance GRPC has received on how to operate as a park conservancy, there are specific warnings regarding the necessity of opposing any temptation to commercially develop parkland. Consistent with the mission given to the Conservancy by the City, the GRPC strongly opposes any attempt to weaken the community's vision and opuses commercial development of parkland.


SAN JOSE INTERNATIONAL AIRPORT
INTERSTATE 880
GUADALUPE RIVER
RUPPE
COLEMAN AVE.
Noise Compatibility Grants, pre-1988
Noise Compatibility Grants, post-1987
Approach Protection Grants
Grant info not yet available
Non-Airport property
Extended Object Free Area
Airport property in FAA-approved reuse by City or easement grantee

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November 20, 2009

Ms. Robin K. Hunt
Manager, San Francisco Airports District Office
831 Mitten Road, Room 210
Burlingame, California 94010-1303

Re: Guadalupe Gardens Land Use Issues

Dear Ms. Hunt:

We have been retained by the Office of the San Jose City Attorney as special aviation counsel to the City of San Jose, and hereby respond to your letter dated April 1, 2009 addressed to the Director of Aviation concerning the above-referenced matter. Your letter informed the Director of Aviation that the land acquired with AIP funds for Guadalupe Gardens must be inventoried and a re-use plan submitted to the FAA for acceptance. The FAA's April 2009 Letter focused on two parcels of land, stating that:

1. "the proposed Guadalupe Gardens ... is not an aeronautical activity; and therefore the FMV of the land used for park purposes would be required"; and

2. the other parcel of land – which was acquired with a combination of AIP funds for noise compatibility and approach protection – "may be retained as 'AIP eligible development land' if reasonably necessary for approach protection. . . . There is no FMV payment required on land retained for eligible airport development purposes."

We respectfully submit that 49 U.S.C. § 47107(c)(2) and Grant Assurance No. 31 relating to "noise land" do not apply to the Guadalupe Gardens land because in 2002 the FAA formally and expressly approved the reuse of the Guadalupe Gardens land for aeronautical and eligible airport development purposes, specifically for runway and approach protection (obstruction-free) zones. Consequently, the City is not required to dispose of the land at fair market value.

By way of background, the Airport Master Plan for Norman Y. Mineta San Jose International Airport ("SJC" or "Airport") was adopted by the City Council in 1997 and subsequently approved by the FAA in 1999. In early 2002, the City Council approved a Master Plan for Guadalupe Gardens, consisting of approximately 120 acres of mostly vacant, Airport-owned property located south of SJC, much of which falls within an FAA-established safety zone ("Extended Object Free Area"). (GG-MP at 2, 5, A-4) The GG Master Plan sought to preserve and enhance the Guadalupe Gardens property as a visually attractive open space for passive recreation, public involvement, and exposure to the horticultural and natural environment of the local area, while "ensuring a safe and compatible approach zone for the Airport" and "maintaining its primary function as a safe approach zone for [SJC]." (GG-MP at 8, 1 (emphasis added).) By letter dated August 9, 2002, addressed to the City's Director of Aviation, the FAA approved the City's Master Plan for reuse of Guadalupe Gardens for runway and approach protection stating that "**This letter serves as official FAA approval of the subject land use plan for SJC Approach Zone property.**" (emphasis added.). In reliance on that approval, the City issued its GG Master Plan – Final Report in December 2002. Even though many of the ADAP/AIP grants may have indicated that the original purpose was for noise compatibility, the 2002 GG Master Plan expressly sought re-use of the property for safety approach purposes and the FAA's 2002 letter expressly approved the use of the land for such purposes.

Runway and approach protection is an aeronautical purpose (*i.e.*, "an airport purpose"), which is not subject to the disposal requirements of § 47107(c)(2)(A), but rather is governed by 49 U.S.C. § 47107(c)(2)(B). Under 49 U.S.C. § 47107(c)(1), land is "needed for an airport purpose (except a noise compatibility purpose) if ...(A)(i) the land may be needed for an aeronautical purpose (including ***runway protection zone***) or serves as noise buffer land..." (emphasis added). Under 49 U.S.C. § 47107(c)(2)(B), disposal is required only "when the land no longer is needed for an airport purpose." The land at issue continues to be needed for the airport purpose of runway/approach protection.

The FAA policy encourages airports to acquire land for runway/approach protection purpose: "The sponsor should be ***strongly encouraged*** to acquire fee title to all land within the RPZ, with first priority given to land within the Object Free Area. . . . Land interest [for current airport development] is eligible when acquisition is necessary to restrict the use of land in the approach and the transitional zones . . . to activities and purposes compatible with normal airport operations as well as to meet current and anticipated development at the airport." FAA Order 5100.38C, ¶ 701(b)(1) and (2) (emphasis added).

Importantly, the GG Master Plan, of which the FAA gave "official FAA approval" in 2002, made it crystal clear that the purpose for using the Guadalupe Gardens land was for runway/approach protection. The Master Plan expressly stated that the purpose of the re-use plan is to "ensur[e] a safe and compatible approach zone for the Airport" and to "maintain[] **its primary function** as a safe approach zone for the

[Airport]" (GG-MP at 1, 8; emphasis added), and that "most of the Guadalupe Gardens also falls under an FAA-established safety zone called an 'Extended Object Free Area' [which] [b]y definition . . . must be kept clear of any structures or stationary objects not required for aircraft navigation" (GG-MP at 5). The Master Plan further notes that much of the original land acquisition in this area was apparently for runway/approach protection purposes: a "comprehensive Airport Approach Zone and Land Acquisition Program was formally authorized in 1974 by the City and the Federal Aviation Administration (FAA) to complete the purchase of approximately 625 parcels totaling 120 acres in the Coleman Loop neighborhood [*i.e.*, Guadalupe Gardens area], including relocation of residents and property clearance." (GG-MP at 1.)

Tellingly, the FAA's August 2002 letter, approving the GG Master Plan, confirmed the use of the land for this airport purpose: "[T]his letter serves as ***official*** FAA approval of the subject land use plan for ***SJC Approach Zone property***. . . . [The] revision [in paragraph 1] would provide assurance that the proposed land use improvements do not compromise the City's fundamental obligation to maintain the Extended OFA [Object Free Area] for its intended purpose." (emphasis added.) The FAA has therefore determined that the Guadalupe Gardens land is by purpose and intent necessary for runway and approach zone protection, which is an "airport purpose", thereby placing it within the parameters of 49 U.S.C. § 47107(c)(2)(B), and not § 47107(c)(2)(A). Consequently, the disposal requirement is not triggered.

The FAA-approved purpose to use the land for runway/approach protection remains ongoing. The Guadalupe Gardens land is still needed for an aeronautical purpose, *i.e.,* to provide runway and approach protection (obstruction-free) zones, given its location near two major runways and beneath two approach and take-off paths.

Under these circumstances, and in light of the City's reliance on the FAA's 2002 "official FAA approval" to re-develop and use the property in accordance with the GG Master Plan for runway and approach protection purposes, we submit that it would be arbitrary, capricious and unlawful for the FAA, now seven years later, to reverse its position and withdraw its approval.

If you have any questions about the City's position on this issue, please do not hesitate to contact me.

Sincerely yours,

Robert E. Cohn

Robert E. Cohn
Counsel for the City of San Jose

cc: William Sherry, Director of Aviation
Richard Doyle, City Attorney
Kevin Fisher, Sr. Deputy City Attorney
Charles Erhard II Manager FAA Office of Airport Compliance

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

FINAL ENVIRONMENTAL IMPACT STATEMENT

PURSUANT TO SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969, P.L. 91-190, AND SECTION 16 OF THE AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970, P.L. 91-258

FOR

SAN JOSE MUNICIPAL AIRPORT

LAND ACQUISITION PROGRAM

SAN JOSE, CALIFORNIA

OCTOBER 1974

Presented to

James M. Nissen

Director of Aviation

April 1975

CITY OF SAN JOSE
AIRPORT DEPARTMENT

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WESTERN REGION
LOS ANGELES, CALIFORNIA

B-3 Are plans being made to purchase land into the 65 CNEL contour?

The federal participation in this proposed land acquisition is not based on any noise methodology. The purpose of federal participation in this project is to assist the San Jose Municipal Airport in the purchase of eligible approach area land. (Discussion of eligible approach area land can be found on pages 8, 9 , and 10 of this report.) The FAA does not assist in the purchase of housing strictly for noise reasons. The FAA makes no land use recommendations based on a noise contour methodology. (See pages 65 and 66).

B-4 Will the purchase of these lands enable the airport to expand operations?

The purchase of these lands will in no way support the expansion of operations at the San Jose Municipal Airport. In addition, this land acquisition is not part of any future contemplated staged development to increase operations or the capacity of the airport.

B-5 Will any increased operations require any additional land purchases?

The federal participation in this land acquisition is based only on the eligibility of approach area land. (See pages 8, 9, and 10). Hence, any

2024 ParkScore Index®

San Jose, CA

2024 Rank	Points
32	57.5

TRUST FOR PUBLIC LAND™

The ParkScore index is a national comparison of park systems across the 100 most populated cities in the United States. Published annually, the index measures park systems according to five categories reflective of an excellent city park system: access, investment, amenities, acreage, and equity. While the rankings provide fodder for friendly competition, the goal each year of publishing the index is to help leaders advocate for needed park resources and provide relevant data to inform local park improvement efforts. To facilitate a fair comparison across cities, the index aggregates across all public and private organizations supporting parks in each city.

This year, San Jose received a score of 57.5 points out of 100 based on an average of the five categories. There are 14 measures across these categories, with points awarded based on how San Jose compares to the other 99 cities for that particular measure.

Acreage

The acreage score indicates the relative abundance of large 'destination' parks, which include large natural areas that provide critical mental health as well as climate and conservation benefits. There are two components to the acreage score. Of these, San Jose scores above average on the percentage of the city's overall area that is dedicated to parkland (66 out of 100 points), and below average on median park size (36 out of 100 points).

Access

The access score indicates the percentage of a city's residents that live within a walkable half-mile of a park – the average distance that most people are willing to walk to reach a destination. With 80% of its population living this close to a park, San Jose scores above average in this category.

Investment

The investment score indicates the relative financial health of a city's park system, which is essential to ensuring the park system is maintained at a high level. This value aggregates park and recreation spending across all agencies and organizations within the city, including monetized volunteer hours. In San Jose, a total of $156 per capita is spent each year on publicly accessible parks and recreation, about average for this category.

Amenities

The amenities score indicates the relative abundance of six park activities popular among a diverse selection of user groups (kids, teenagers, adults, seniors). Overall for this category, San Jose scores below average, though it varies by amenity: basketball hoops (9 points out of 100), dog parks (50 points), playgrounds (42 points), senior and rec centers (54 points), permanent restrooms (33 points), and splashpads (4 points).

Equity

The equity score indicates the fairness in the distribution of parks and park space between neighborhoods by race and income. This category is an average of two types of metrics. On the first set of measures, San Jose scores above average: 75 out of 100 points for people of color living within a 10-minute walk of a park and 72 points for low-income households. The second set of measures compare the distribution of park space. In San Jose, residents living in neighborhoods of color have access to 28% more nearby park space than those living in white neighborhoods (86 points out of 100). Residents living in lower-income neighborhoods have access to 13% less nearby park space than those in higher-income neighborhoods (60 points out of 100).

For additional information on the scoring methodology, please visit www.tpl.org/parkscore/about