

Appendix C

Cultural Resources Technical Studies

Archaeological Review (CEQA) – Segment 23 (Saratoga Avenue N of San Tomas Expressway), City of Santa Clara Proposed Sanitary Sewer Condition Assessment Repairs

TO:	Anna Busing, PhD, PG Principal Project Manager Redtail Consulting
RE:	Archaeological Review (CEQA) - Segment 23 (Saratoga Avenue N of San Tomas Expressway) City of Santa Clara Proposed Sanitary Sewer Condition Assessment Repairs
FROM:	Colin I. Busby, Project Principal (510 430-8441 ext 202)
DATE:	22 February, 2019 [Revised]

INTRODUCTION

The City of Santa Clara’s Water & Sewer Utility (SCWS) owns and operates a sanitary sewer system that serves nearly 120,000 residential, commercial, and industrial customers within the City limits and also accepts flows from the neighboring Cupertino Sanitary District. Wastewater collected in the sewer system is conveyed to the San José–Santa Clara Regional Wastewater Facility, located in the north San José Baylands, for treatment.

The sanitary sewer network includes approximately 300 miles of sewer mains ranging from 4-inches to 48-inches in diameter. The majority of the system consists of vitrified clay pipe (VCP), much of which was installed between 1940 and 1980. The system also includes two large pump stations equipped with flow meters (Rabello and Northside Pump Stations) and four smaller unmetered lift stations (Tasman, Westside, Primavera, and De La Cruz Pump Stations).

In accordance with industry standard practices, the City routinely evaluates the condition of its sewer infrastructure to identify maintenance, repair, and replacement needs. Sewer infrastructure is assessed and graded based on the significance of observed defects, damage/deterioration, and operational impairment. The City’s recent condition assessments of the sanitary sewer system identified about 70 individual repair projects with defects that require prompt repairs.

The City has a number of archaeologically sensitive areas which either have recorded cultural resources present or have a high potential for unexpected discoveries of subsurface resources based on various topographic and other factors. The California Environmental Quality Act (CEQA) and the City’s General Plan require the identification and evaluation of archaeological and historic cultural resources. An initial screening of Segment 23 indicated some sensitivity for archaeological resources based on recorded presence/absence of archaeological resources in the general area or a perceived potential for subsurface cultural deposits within a 250-foot radius of the project location based on the presence of flowing water.

PROJECT LOCATON AND DESCRIPTION

Segment 23 is located within Saratoga Avenue immediately north of its intersection with the San Tomas Expressway. The Pruneridge Shopping Center is to the west while the east side consists of an area of low- to medium-density residential development abutting Parkway Park to the south. The surrounding area is dominated by suburban residential and local commercial uses. Vegetation in the vicinity of Segment 23 is restricted to introduced landscaping bank (USGS San Jose West, Calif. 1980, T 7S, R 1W, Section 15) [Figs. 1-4].

The existing sewer pipe at Segment 23 consists of 10-inch-diameter VCP installed at a depth of approximately 7–9 feet below ground surface. City Sanitary Sewer Manhole SSMH 14-62 (approximate depth 8.7 feet) is located at the west end of the segment and City SSMH 14-63 (approximate depth 6.7 feet) is located at the east end of the segment.

The SCWS plans to install approximately 100 linear feet of cured-in-place-pipe (CIPP) lining between SSMH 14-62 and SSMH 14-63; rehabilitate SSMH 14-62; and, reconnect two existing sewer laterals and cleanouts that serve adjacent development off the east side of Saratoga Avenue once CIPP lining is in place [Fig. 5].



Project Location – Saratoga Avenue view southwest from northeast

REGULATORY CONTEXT

Cultural resources include prehistoric and historic archaeological sites, districts, and objects; standing historic structures, buildings, districts, and objects; and locations of important historic events or sites of traditional and/or cultural importance to various groups. The analysis of cultural resources can provide valuable information on the cultural heritage of both local and regional populations.

Cultural resources may be determined significant or potentially significant in terms of national, state, or local criteria either individually or in combination. Resource evaluation criteria are determined by the compliance requirements of a specific project.

This report has been prepared to meet applicable California Environmental Quality Act (CEQA) requirements and the Historic Preservation Goals and Policies of the City of Santa Clara’s General Plan for historic properties (cultural resources) which require the identification and evaluation of cultural resources that could be affected by the project. The City of Santa Clara, as the lead local agency, is required to determine the potential impacts of the construction on both historical and archaeological cultural resources and mitigate impacts on any significant resources located that may be affected by the project to a less than significant effect in accordance with CEQA and the City’s General Plan. The SHPO is the reviewing party.

STATE

Public agencies under CEQA must consider the effects of their actions on both “historical resources” and “unique archaeological resources.” Pursuant to California Public Resources Code (PRC) Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” PRC 21083.2 requires agencies to determine whether a proposed project would have an effect on “unique” archaeological resources.

Historical resource (see PRC 21084.1 and CEQA Guidelines Sections 15064.5(a) and 15064.5(b)) applies to any resource listed in or determined to be eligible for listing in the California Register of Historic Resources (CRHR). The CRHR includes resources listed in or formally determined eligible for listing in the NRHP, as well as some California State Landmarks and Points of Historical Interest.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be “historical resources” for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC 5024.1 and 14 CCR 4850). Unless a resource listed in a survey has been demolished or has lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource potentially eligible for the CRHR.

In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them against the CRHR criteria prior to making a finding as to a proposed project’s impacts to historical resources (PRC 21084.1 and CEQA *Guidelines* Section 15064.5(a)(3)). In general, a historical resource, under this approach, is defined as any object, building, structure, site, area, place, record, or manuscript that:

- a. Is archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California; and,
- b. Meets any of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or,
4. Has yielded, or may be likely to yield, information important in prehistory or history (State CEQA *Guidelines* Section 15064.5(a)(3)).

The fact that a resource is not listed or determined to be eligible for listing does not preclude a lead agency from determining that it may be a historical resource (PRC 21084.1 and CEQA *Guidelines* Section 15064.5(a)(4)).

CEQA also distinguishes between two classes of archaeological resources: archaeological sites that meet the definition of a historical resource, as described above, and “unique archaeological resources.” Under CEQA, an archaeological resource is considered “unique” if it:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or,
- Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC 21083.2(g)).

CEQA states that if a proposed project would result in an impact that might cause a substantial adverse change in the significance of a historical resource, then an EIR must be prepared and mitigation measures considered. A “substantial adverse change” in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (CEQA *Guidelines* Section 15064.5(b)(1)).

The CEQA *Guidelines* (Section 15064.5(c)) also provide specific guidance on the treatment of archaeological resources, depending on whether they meet the definition of a historical resource or a unique archaeological resource. If the site meets the definition of a unique archaeological resource, it must be treated in accordance with the provisions of PRC 21083.2. PRC Section 21083.2 requires the lead agency to treat that effect as a significant environmental effect. When an archaeological resource is listed in or is eligible to be listed in the CRHR, PRC Section 21084.1 requires that any substantial adverse effect to that resource be considered a significant environmental effect. PRC Sections 21083.2 and 21084.1 operate independently to ensure that potential effects on archaeological resources are considered as part of a project's environmental analysis. Either of these benchmarks may indicate that a project may have a potential adverse effect on archaeological resources.

Tribal Resources

Assembly Bill 52 (AB 52) provides protections for tribal cultural resources.¹ All lead agencies as of July 1, 2015 approving projects under CEQA are required, if formally requested by a culturally affiliated California Native American Tribe, to consult with such tribe regarding the impacts of a project on tribal cultural resources prior to the release of any negative declaration, mitigated negative declaration or draft environmental impact report. Under PRC Section 21074, tribal cultural resources include site features, places, cultural landscapes, sacred places or objects that are of cultural value to a tribe that are eligible or listed on the CRHR or a local historic register or that the lead agency has determined to be a significant tribal cultural resource.

Tribal consultation is to continue until mitigation measures are agreed to or either the tribe or the lead agency concludes in good faith that an agreement cannot be reached. In the case of agreement, the lead agency is required to include the mitigation measures in the environmental document along with the related Mitigation Monitoring and Reporting Program (MMRP) (see PRC Section 21084.3). If no agreement is reached, the lead agency must still impose all feasible mitigation measures necessary for a project to avoid or minimize significant adverse impacts on tribal cultural resources (PRC Section 21084.3).

Other California Laws and Regulations

Other state-level requirements for cultural resources management appear in the California PRC Chapter 1.7, Section 5097.5 "Archaeological, Paleontological, and Historical Sites," and Chapter 1.75 beginning at Section 5097.9 "Native American Historical, Cultural, and Sacred Sites" for lands owned by the state or a state agency.

The disposition of Native American burials is governed by Section 7050.5 of the California Health and Safety Code and PRC Sections 5097.94 and 5097.98, and falls within the jurisdiction of the Native American Heritage Commission.

CITY OF SANTA CLARA

The *City of Santa Clara 2010-2035 General Plan* (hereafter *General Plan*) Section 5.6 Historic Preservation provides the local regulatory context for the proposed project. The City has established a Historical and Landmarks Commission and obtained recognition by the State Office of Historic Preservation of the City as a Certified Local Government (CLG). Historic preservation policies support the two Major Strategies of the General Plan to enhance the City's identity and to preserve existing neighborhoods. The City currently uses the following tools to evaluate historic resources:

- The Historical and Landmarks Commission advises the City Council on all matters related to historical sites and issues. As required by the State Certified Local Government program, the City has established a list of Architecturally or Historically

1. AB 52 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3 to, the California Public Resources Code

Significant Properties which is included in Appendix 8.9 of the General Plan, and is one of the tools used for the Commission’s recommendations.

- The Criteria for Local Significance (*General Plan* Appendix 8.9), establishes evaluation measures, to ensure that the resource is at least 50 years old and that the property is associated with an important individual or event, an architectural innovation, and/or an archaeological contribution in order to be deemed significant. The City maintains a list of qualified historic consultants for these evaluations.

General Plan – Section 5.6.3 Archaeological and Cultural Resources Goals and Policies

Section 5.6.3 applies to archaeological resources and other cultural resources including paleontological sites. The following Goals and Policies ensure that these resources are protected, now and into the future, and that appropriate mitigation measures to address unforeseen impacts are enforced.

Archaeological and Cultural Resources Goals

- 5.6.3-G1 Protection and preservation of cultural resources, as well as archaeological and paleontological sites.
- 5.6.3-G2 Appropriate mitigation in the event that human remains, archaeological resources or paleontological resources are discovered during construction activities.

Archaeological and Cultural Resources Policies

- 5.6.3-P1 Require that new development avoid or reduce potential impacts to archaeological, paleontological and cultural resources.
- 5.6.3-P2 Encourage salvage and preservation of scientifically valuable paleontological or archaeological materials.
- 5.6.3-P3 Consult with California Native American tribes prior to considering amendments to the City’s General Plan.
- 5.6.3-P4 Require that a qualified paleontologist/archaeologist monitor all grading and/or excavation if there is a potential to affect archeological or paleontological resources, including sites within 500 feet of natural water courses and in the Old Quad neighborhood.
- 5.6.3-P5 In the event that archaeological/paleontological resources are discovered, require that work be suspended until the significance of the find and recommended actions are determined by a qualified archaeologist/paleontologist.
- 5.6.3-P6 In the event that human remains are discovered, work with the appropriate Native American representative and follow the procedures set forth in State law.

RESEARCH PROTOCOLS

An archival search was completed by the California Historical Resources Information System, Northwest Information Center (CHRIS/NWIC), Sonoma State University, Rohnert Park (File No. 18-0615 dated 10/19/2018 by Hagel) for the project alignment and a 250-foot radius. In addition, a review of pertinent literature and archival records on file at Basin Research Associates and at other repositories including the Bancroft Library, University of California at Berkeley, was undertaken. The literature review included:

Historic Properties Directory (CAL/OHP 2012a);

National Register of Historic Places (NRHP) listings in Santa Clara County (USNPS 2018a-c);

List of California Historical Resources (CAL/OHP 2019);

California History Plan (CAL/OHP 1973);

California Inventory of Historic Resources (CAL/OHP 1976);

Five Views: An Ethnic Sites Survey for California (CAL/OHP 1988);

Archaeological Determinations of Eligibility for Santa Clara County [ADOE] (CAL/OHP 2012b), and,

Various lists and maps (Santa Clara (City of), Planning Division 1994, 1999; Santa Clara County Historical Heritage Commission [SCICoHHC] 1979, 1999; Sowers and Thompson 2005; Goddard 1857, Healey 1866; Whitney 1873; Thompson and West 1876; Wilson 1936; USGS 1899 [surveyed 1895]; US War Dept. 1943 [photography 1939, topography 1942]; USGS 1961, 1973, 1980).

The Native American Heritage Commission (NAHC) was contacted in regard to resources on the Sacred Lands Files (Busby 2019a). The NAHC review was negative (Totton 2019) and the eight locally knowledgeable Native Americans recommended by the NAHC were contacted (Busby 2019b-h) (see Attachments). No responses were received.

No other agencies, departments or local historical societies were contacted regarding landmarks, potential historic sites or structures as the repairs will not affect the built environment and the CHRIS/NWIC archival review was determined adequate for archaeological resources. A pedestrian field inventory of the project alignment was not completed due to the nature of the proposed repairs and the location within previously disturbed sediment.

RECORDS SEARCH RESULTS (see Attachments)

Compliance Reports

- No reports are on file at the CHRIS/NWIC for Segment 23.

Recorded Sites and/or Reported Sites

- No prehistoric, combined prehistoric/historic or historic era archaeological or built-environment sites have been recorded or reported within or adjacent to the project segment.

Listed Historic Properties

- No federal, state, and/or regional listed historically or architecturally sites, structures, landmarks, or points of interest have been identified in or adjacent to the project area.

ARCHAEOLOGICAL SENSITIVITY

The results of the archaeological review and the proposed pipeline repair procedures indicate a minimal potential for the discovery of prehistoric or historic resources within and adjacent to the pipeline. The project alignment and surrounding area appear to have a low sensitivity for prehistoric archaeological resources based on the absence of late 19th and/or 20th century shell mound sites, “Indian Villages” and the absence of recorded and/or reported prehistoric and/or historic archaeological sites within 0.25 miles of the project site.

The conclusion of low sensitivity is based on the general absence of recorded prehistoric and historic archaeological sites within and/or adjacent to the project alignment; the lack of any unexpected archaeological discoveries for the past 50+ years within or adjacent to the project alignment; and most importantly, prior disturbance of the native sediments within the general project area by development activities and highway construction. These factors combine to suggest a low potential for the discovery of significant subsurface archaeological materials during construction within the project.

FINDINGS AND CONCLUSION

This report was prepared to identify potentially significant archaeological or Native American, resources listed on or eligible for the California Register of Historical Resources (CRHR) within or adjacent to the proposed project site.

- No archaeological resources are present within or adjacent to the proposed project alignment based on the archive and literature review. A field inventory was not completed due to the nature of the project alignment and proposed repairs within a previously disturbed area.

The conclusion of this memo is that the proposed repair(s) will not affect any known historic or archaeological resources and have a minimal potential to affect as-yet unknown resources.

MANAGEMENT RECOMMENDATIONS

The proposed installation can proceed as planned as it will not affect any historic properties or unique archaeological resources. No subsurface testing for buried archaeological resources appears necessary at this time. The following protection measures are recommended.

- (a) The project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials.
- (b) The project proponent shall retain a Professional Archaeologist on an “on-call” basis during ground disturbing construction to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. The

archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique archaeological resources under the California Environmental Quality Act (CEQA).

- (c) If the Professional Archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource under CEQA, he/she shall notify the project proponent and other appropriate parties of the evaluation and recommend mitigation measures to mitigate to a less-than significant impact in accordance with California Public Resources Code Section 15064.5. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery among other options. The completion of a formal *Archaeological Monitoring Plan* (AMP) and/or *Archaeological Treatment Plan* (ATP) that could include data recovery may be recommended by the Professional Archaeologist if significant archaeological deposits are exposed during ground disturbing construction. Development and implementation of the AMP and ATP and treatment of significant cultural resources will be determined by the project proponent in consultation with any regulatory agencies.
- (d) The treatment of human remains and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall comply with applicable State laws. This shall include immediate notification of the appropriate county Coroner/Medical Examiner and the project proponent.
- (e) A *Monitoring Closure Report* shall be filed with the project proponent at the conclusion of ground disturbing construction if archaeological and Native American monitoring of excavation was undertaken.

REFERENCES

Bergthold, Judith

1982 Prehistoric Settlement and Trade Models in the Santa Clara Valley, California. MA Thesis, San Francisco State University.

Busby, Colin I. (Basin Research Associates, San Leandro)

2019a Native American Heritage Commission Sacred Lands File & Native American Contacts List Request: City of Santa Clara Sewer Repair Projects, Santa Clara County. Via email nahc@nahc.ca.gov on January 11, 2019.

2019b-h Letters to Edward Ketchum, Amah Mutsun Tribal Band, Davis; Valentin Lopez, Chairperson, Amah Mutsun Tribal Band, Galt; Irenne Zwierlein, Chairperson, Amah/Mutsun Tribal Band of Mission San Juan Bautista, Woodside; Ann Marie Sayers, Chairperson, Indian Canyon Mutsun Band of Costanoan, Hollister; Charlene Nijmeh, Chairperson, Muwekma Ohlone Tribe of the SF Bay Area, Castro Valley; Katherine Erolinda Perez, Chairperson, North Valley Yokuts Tribe, Linden; and, Andrew Galvan, The Ohlone Indian Tribe, Fremont. *Regarding*: City of Santa Clara Sewer Repair Projects, Santa Clara County. Dated January 14, 2019.

California (State of), Department of Parks and Recreation, Office of Historic Preservation (CAL/OHP)

1973 The California History Plan. Volume One - Comprehensive Preservation Program. Volume Two - Inventory of Historic Features.

1976 California Inventory of Historic Resources.

1988 Five Views: An Ethnic Sites Survey for California.

1990 California Historical Landmarks.

1992 California Points of Historical Interest.

2003 California Historical Resource Status Codes.

2012a [*Historic Properties Directory*] Directory of Properties in the Historic Property Data file for City of Santa Clara, Santa Clara County (includes *National Register of Historic Places* status codes, *California Historical Landmarks* and *California Points of Historical Interest* listings, etc.). Dated 4/05/2012 [most recent as of 10/19/2018].

2012b *Archaeological Determinations of Eligibility* [ADOE] for Santa Clara County. Reviewed by the CHRIS/NWIC, Sonoma State University, Rohnert Park [most recent available as of 10/25/18].

2019 California Historical Resources – Santa Clara County [including National Register, State Landmark, California Register, and Point of Interest]. <<http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=43>> accessed 2/15/2019.

Hagel, Lisa C. (CHRIS/NWIC staff)

- 2018 Records Search Results for Santa Clara Sewer Improvements, City of Santa Clara, Santa Clara County. CHRIS/NWIC File No. 18-0615. Dated October 19, 2018. Copy on file, Basin Research Associates, San Leandro.

Santa Clara (City of), Planning Division

- 1994 City of Santa Clara Archeologically Sensitive Boundaries.
1999 Boundaries of Identified Archeologically Sensitive Area.
2010 City of Santa Clara 2010-2035 General Plan.

Santa Clara County Historical Heritage Commission (**SCICoHHC**)

- 1979 Santa Clara County Heritage Resource Inventory. Santa Clara County Historical Heritage Commission, San Jose.
1999 Santa Clara County Heritage Resource Inventory. Santa Clara County Historical Heritage Commission, San Jose.

Totton, Gayle (Associate Government Program Analyst, Native American Heritage Commission) (**NAHC**)

- 2019 Response to Colin Busby, Basin Research Associates, San Leandro Request for Review of Sacred Lands Inventory - of Santa Clara Sewer Repair Projects, Santa Clara County. Via email nahc@nahc.ca.gov on January 14, 2019.

United States Department of the Interior, National Park Service (**USNPS**)

- 2015/2017 NRHP [National Register of Historic Places] Spreadsheet listings. <https://www.nps.gov/subjects/nationalregister/database-research.htm>. Multiple Property list to 10/17/18; National Historic Landmarks [NHL] to 10/17/2018. Web accessed 10/20/2018.

Abbreviations

- n.d. no date v.d. various dates N.P. no publisher noted
n.p. no place of publisher noted

CHRIS/NWIC, Sonoma State University, Rohnert Park is used for material on file at the California Historical Resources Information System, Northwest Information Center, Sonoma State University, Rohnert Park.

ATTACHMENTS

FIGURES

- FIGURE 1 General Project Location (ESRI World Street Map)
- FIGURE 2 City of Santa Clara - Proposed Sewer Repair Projects - Segment 23 – T7S R1W Section 15 (USGS San Jose West, Calif. 1980)
- FIGURE 3 City of Santa Clara - Proposed Sewer Repair Projects - Segment 23 (ESRI World Street Map)
- FIGURE 4 City of Santa Clara - Proposed Sewer Repair Projects - Segment 23 Aerial View
- FIGURE 5 Proposed Repairs – Segment 23 (Saratoga Avenue)

CORRESPONDENCE

- EMAIL Request to Native American Heritage Commission for Review of Sacred Lands File for City of Santa Clara Sewer Line Repairs
- LETTER Response from Native American Heritage Commission
- LETTERS Requests to Native American individuals and groups with potential information on the project segments
- RESPONSES Responses from Native American individuals and groups having information on the project areas (None as of February 15, 2019)

CHRIS/NWIC

- SEARCH SEGMENT 23 - Records Search Results for Santa Clara Sewer Improvements, City of Santa Clara, Santa Clara County. CHRIS/NWIC File No. 18-0615. Dated October 19, 2018. On file, Basin Research Associates.



Figure 1: General Project Location (ESRI World Street Map)

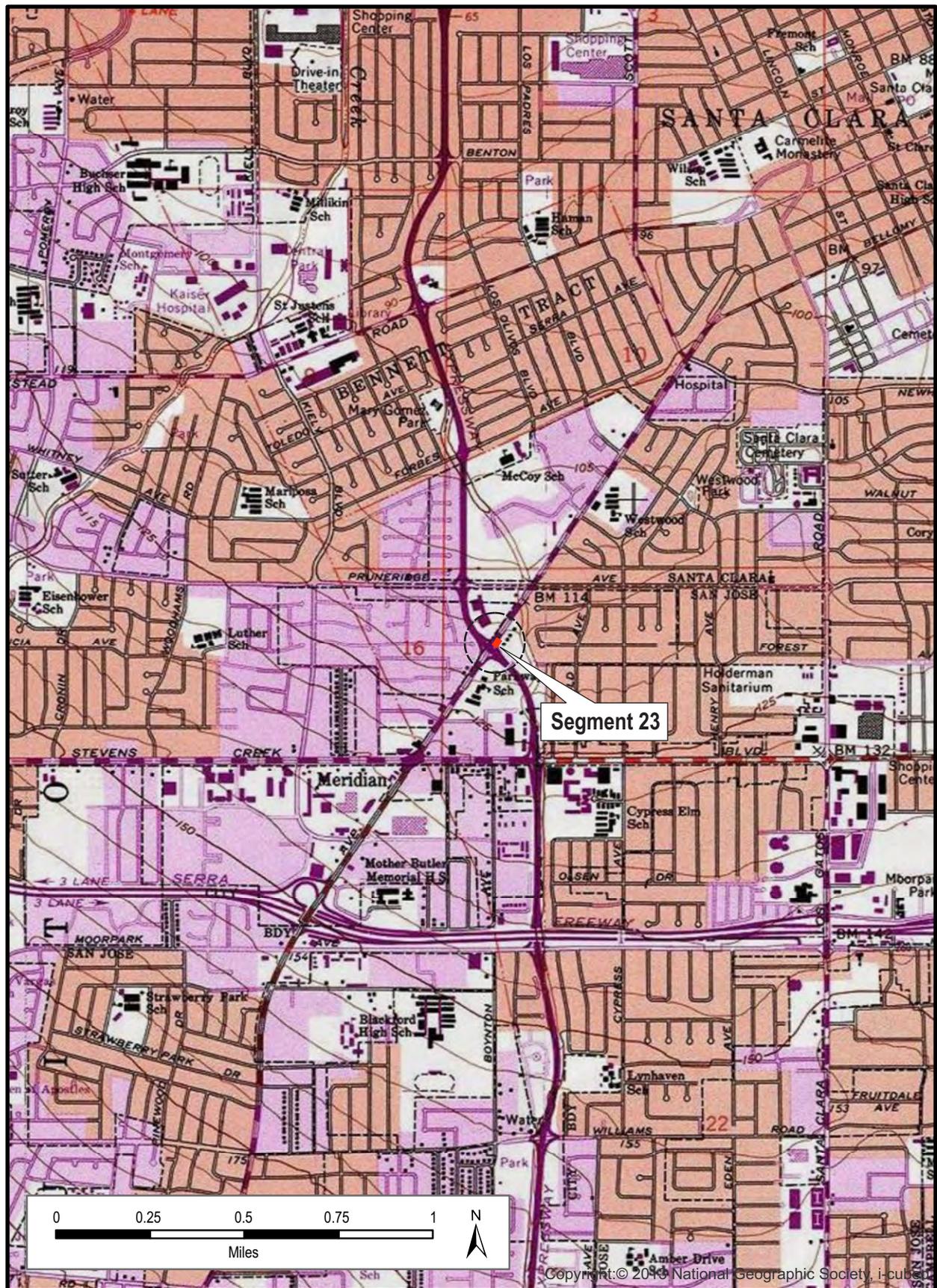


Figure 2: City of Santa Clara - Proposed Sewer Repair Projects - Segment 23 - T7S R1W Section 15 (USGS San Jose West, Calif. 1980)

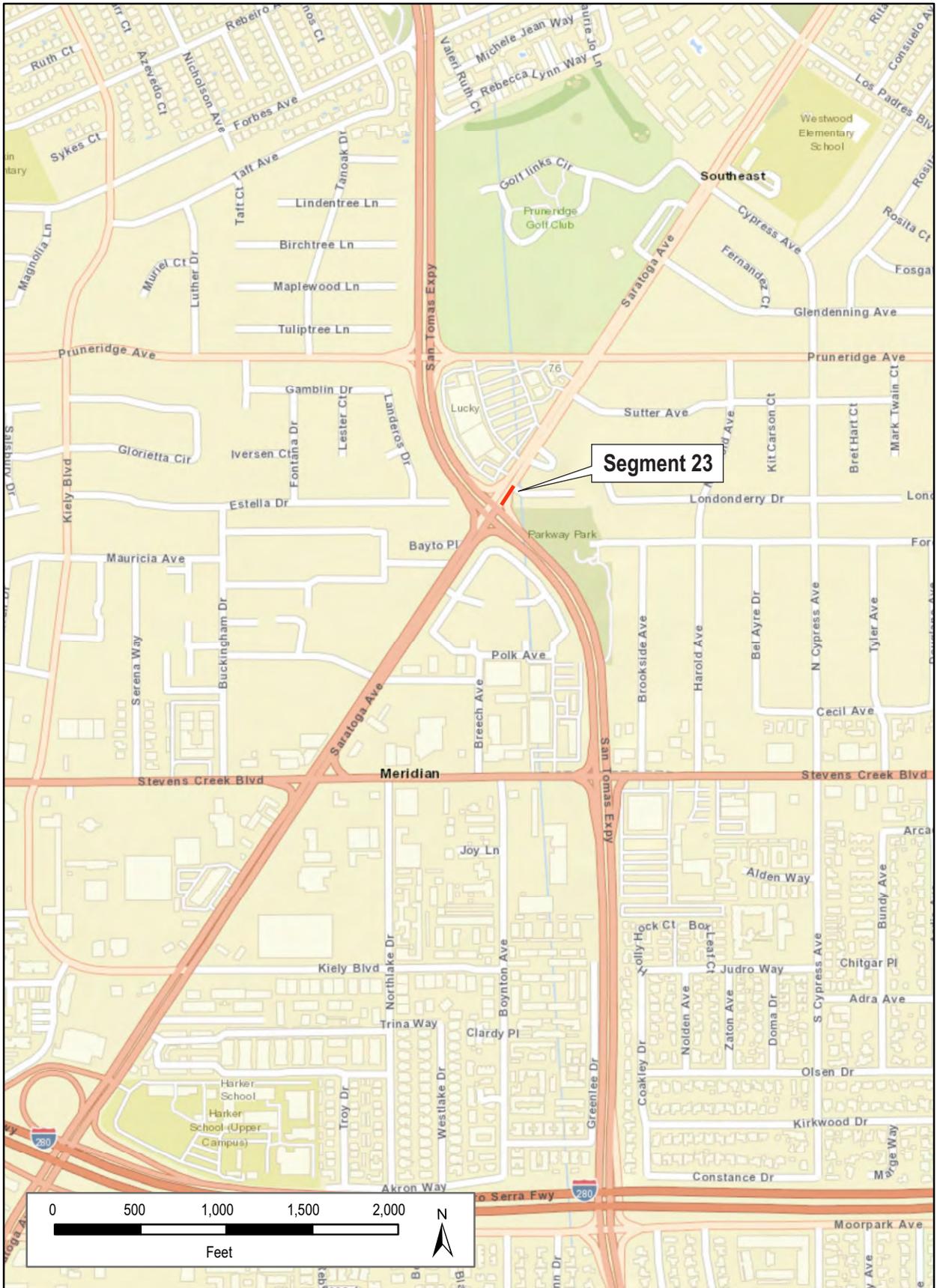


Figure 3: City of Santa Clara - Proposed Sewer Repair Projects - Segment 23 (ESRI World Street Map)

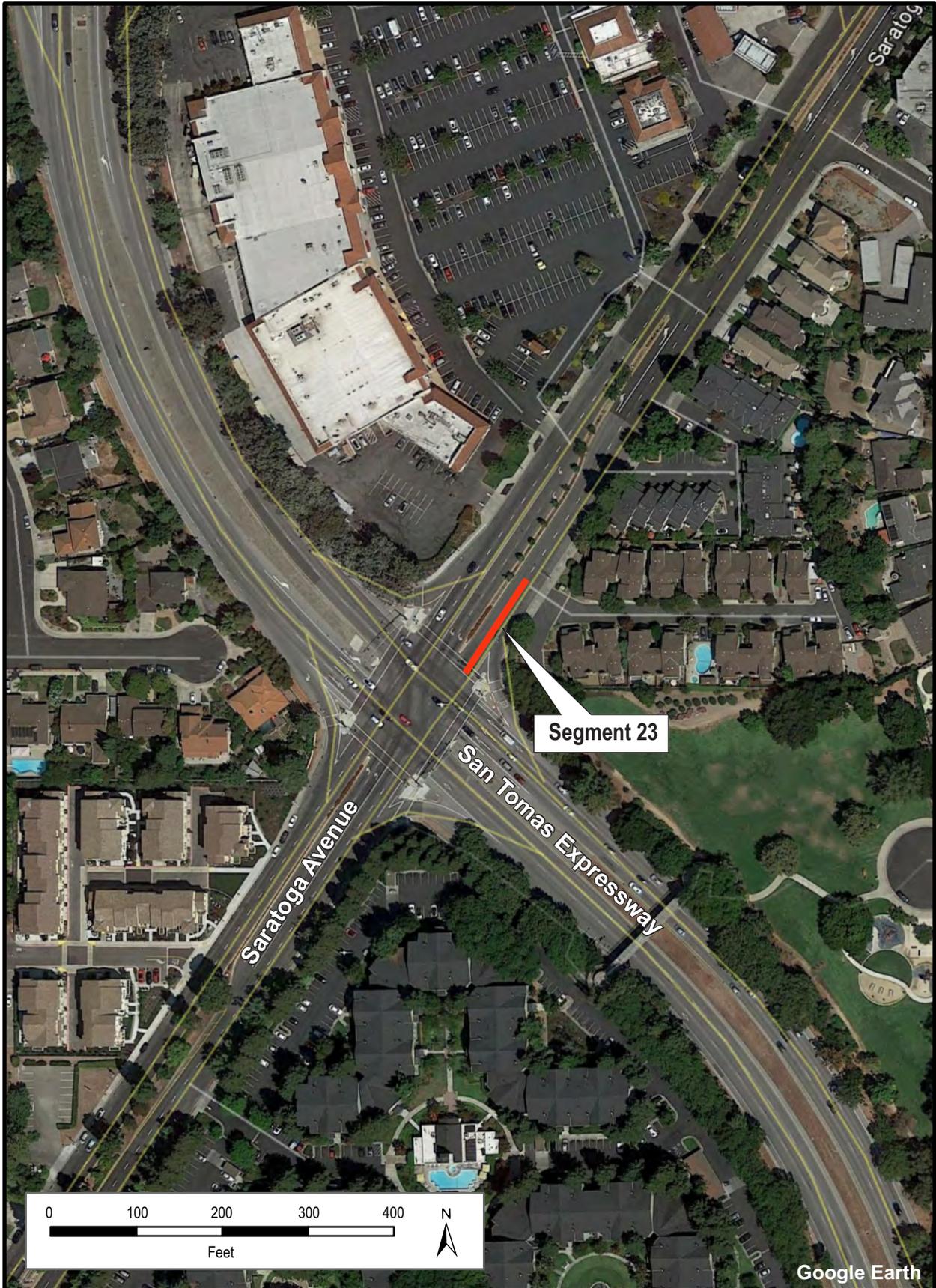
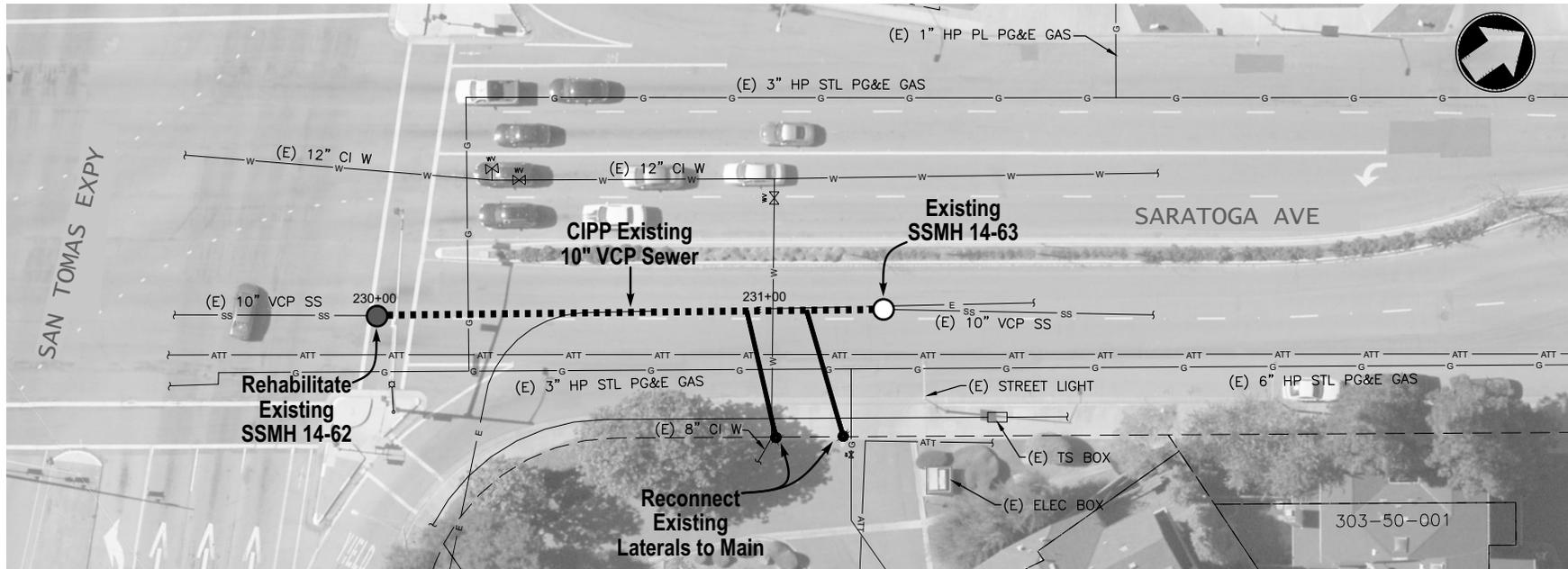


Figure 4: City of Santa Clara - Proposed Sewer Repair Projects - Segment 23 Aerial View

Base Map Source: Modified from Mott MacDonald, 2018, Sanitary Sewer Condition Assessment Repairs, 65% Plans, Segment 23 – Saratoga Avenue (December).



SCALE IN FEET



**Sacred Lands File & Native American Contacts List Request
NATIVE AMERICAN HERITAGE COMMISSION**

1556 Harbor Boulevard, STE 100
West Sacramento, CA 95691
(916) 373-3710
(916) 373-5471 – Fax
nahc@nahc.ca.gov

Information Below is Required for a Sacred Lands File Search

Project: City of Santa Clara – Repair of sewer defects at 4 locations within city. Repairs confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods.

County: Santa Clara

USGS Quadrangle Name: USGS San Jose West, Calif. 1980
USGS Milpitas, Calif. 1980 – Pipe Segment 35

Address: No physical addresses

Township: 6S, **Range:** 1 W, Section 34; T 7S R 1 W, Section 15; T 6S, R 1W, Sections 28, 33; T 6S, R 1W, Unsectioned

Company/Firm/Agency: Basin Research Associates

Contact Person: Colin I. Busby, PhD, RPA

Street Address: 1933 Davis Street, STE 210

City/Zip: San Leandro, CA 94577

Phone: (510) 430-8441 x202

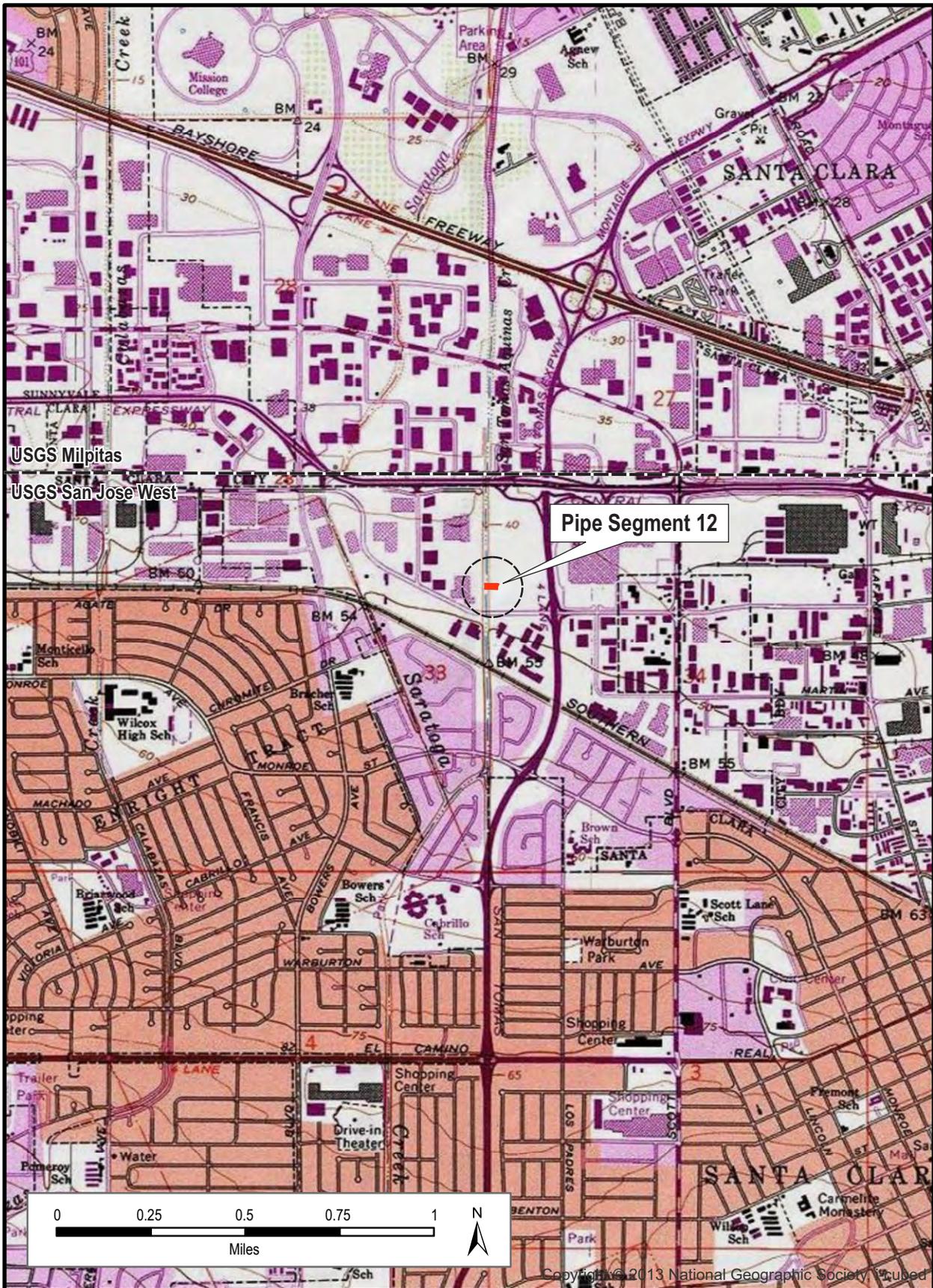
Fax: (510) 430-8443

Email: basinres1@gmail.com

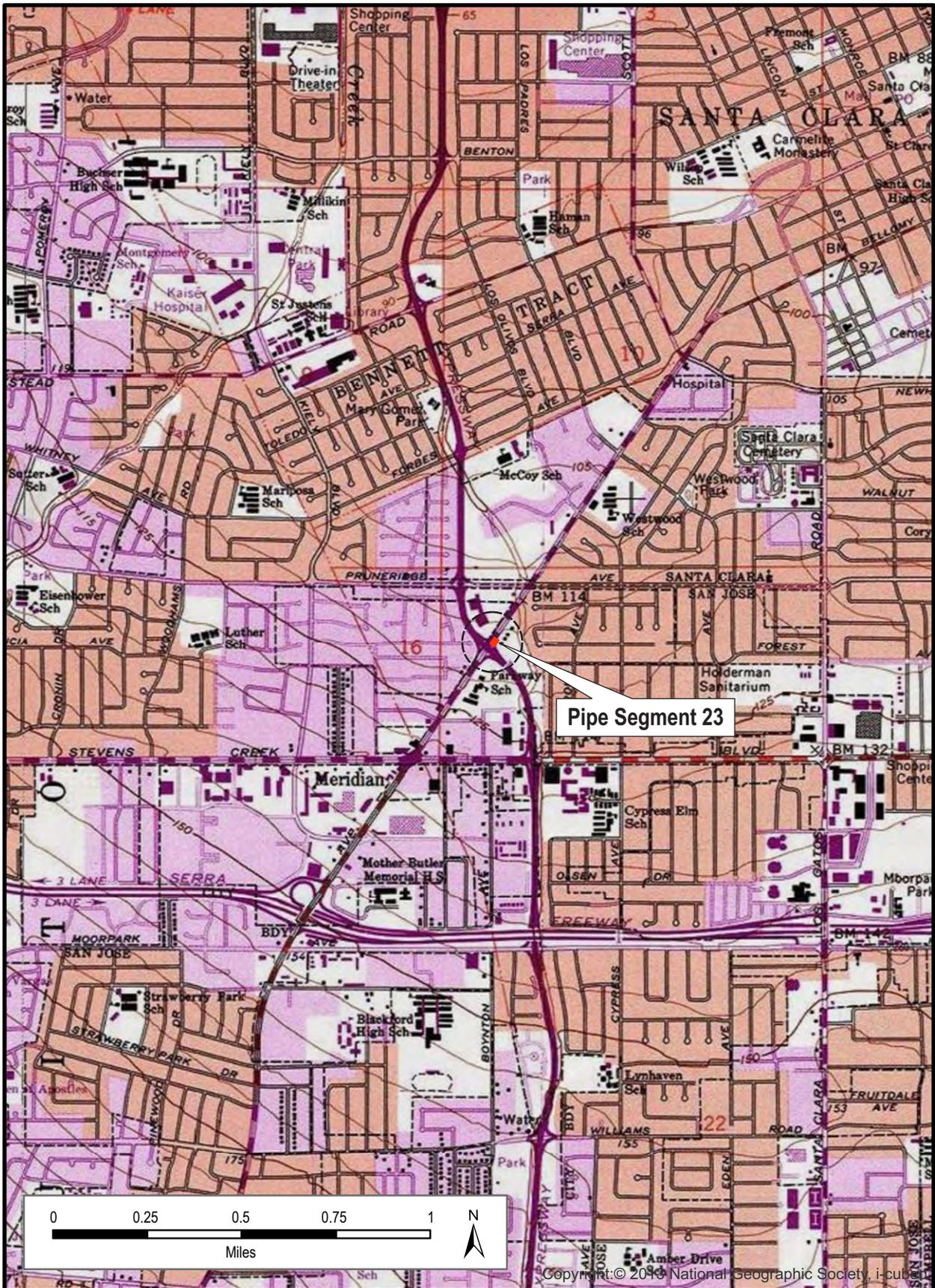
Project Description:

Repair of various sewer defects at 4 locations (Pipe Segments 12, 23, 29-31, and 35) within City of Santa Clara. Three of the projects are subject to the provisions of the California Environmental Quality Act (CEQA) while one (Pipe Segment 35) requires a permit for the U.S. Army Corps of Engineers and must be comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (16 U.S.C., Section 470f). Initial record review suggests no cultural resources within or adjacent to the repair zones although known resources are within 500-1500 feet.

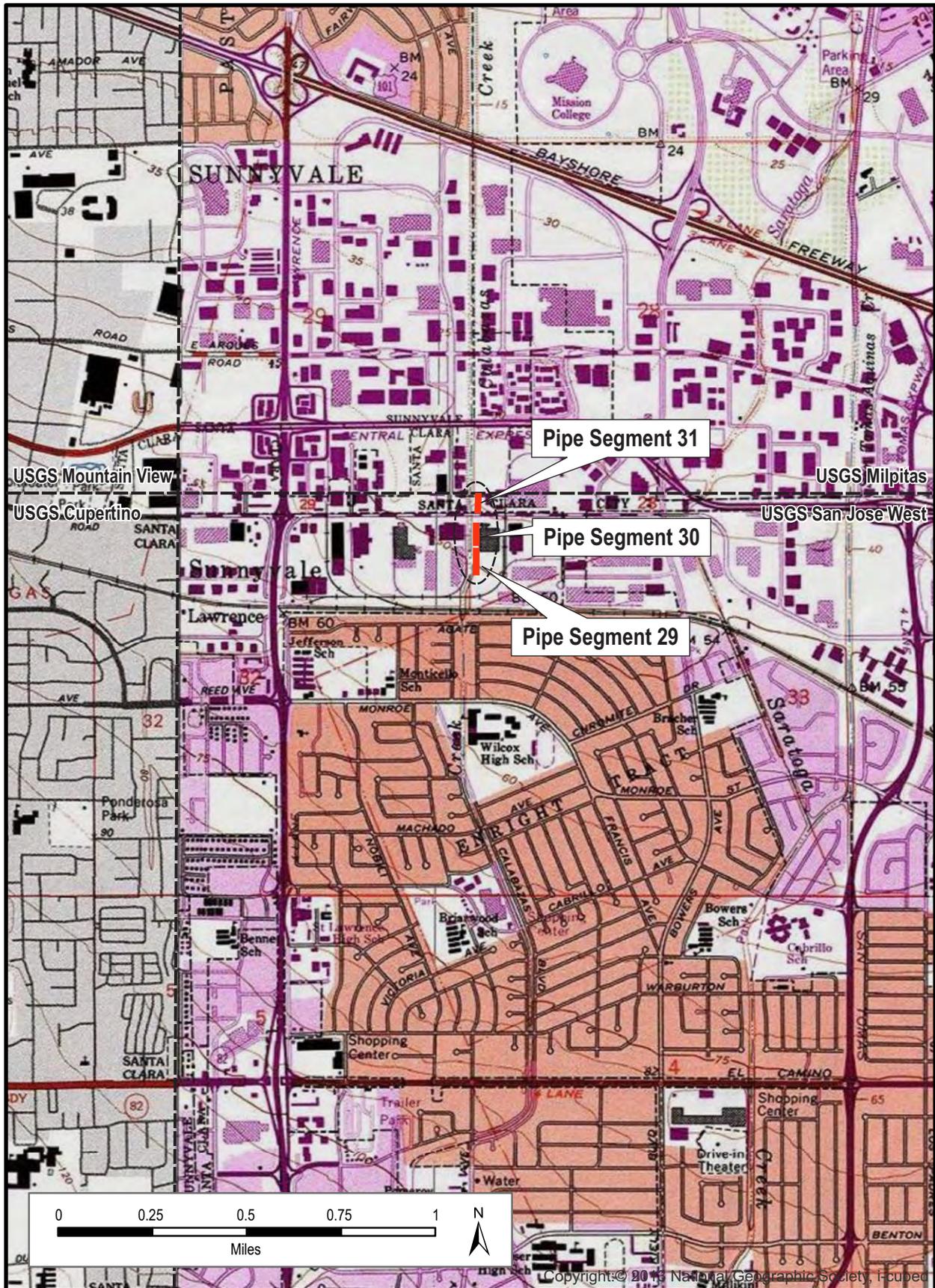
01/11/19



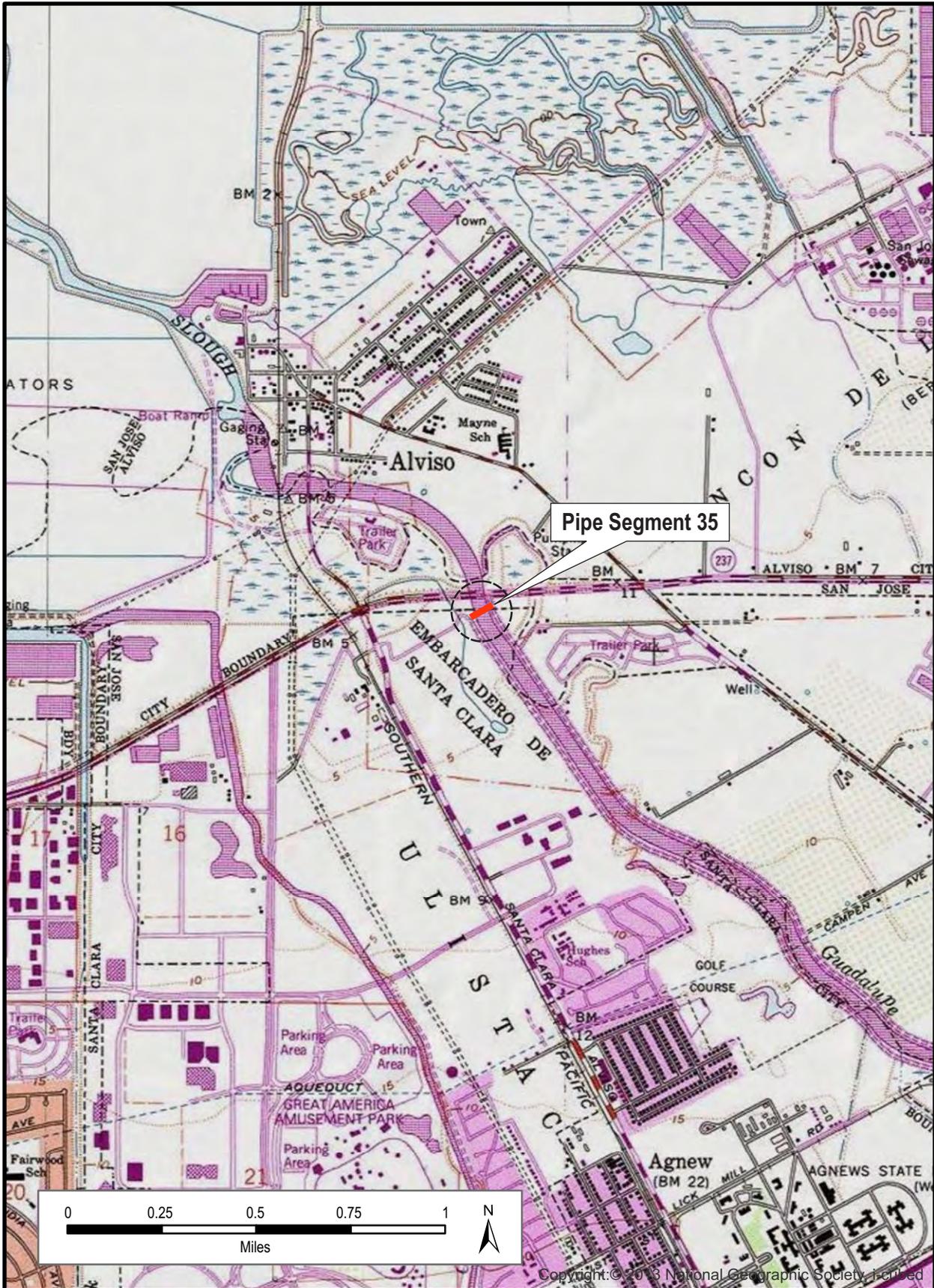
Santa Clara Sewer - Pipe Segment 12 - T6S R1W Sec. 34
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segment 23 - T7S R1W Sec. 15
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segments 29, 30, 31 - T6S R1W Secs. 28, 33
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segment 35 - T6S R1W Unsectioned (USGS Milpitas, Calif. 1980)

Native American Heritage Commission
Native American Contact List
Santa Clara County
1/14/2019

Amah Mutsun Tribal Band

Edward Ketchum,
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Davis, CA, 95616
aerieways@aol.com

Costanoan
Northern Valley
Yokut

The Ohlone Indian Tribe

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Bay Miwok
Costanoan
Patwin
Plains Miwok

Amah Mutsun Tribal Band

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Costanoan
Northern Valley
Yokut

**Amah Mutsun Tribal Band of
Mission San Juan Bautista**

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Costanoan

**Indian Canyon Mutsun Band of
Costanoan**

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Costanoan

**Muwekma Ohlone Indian Tribe
of the SF Bay Area**

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Costanoan

North Valley Yokuts Tribe

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canutes@verizon.net

Costanoan
Northern Valley
Yokut

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Sewer Line Repairs, City of Santa Clara Project, Santa Clara County.



January 14, 2019

BASIN
RESEARCH
ASSOCIATES

1933 DAVIS STREET
SUITE 215
SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

Valentin Lopez, Chairperson
Amah Mutsun Tribal Band
P.O. Box 5272
Galt, CA, 95632

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Val,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

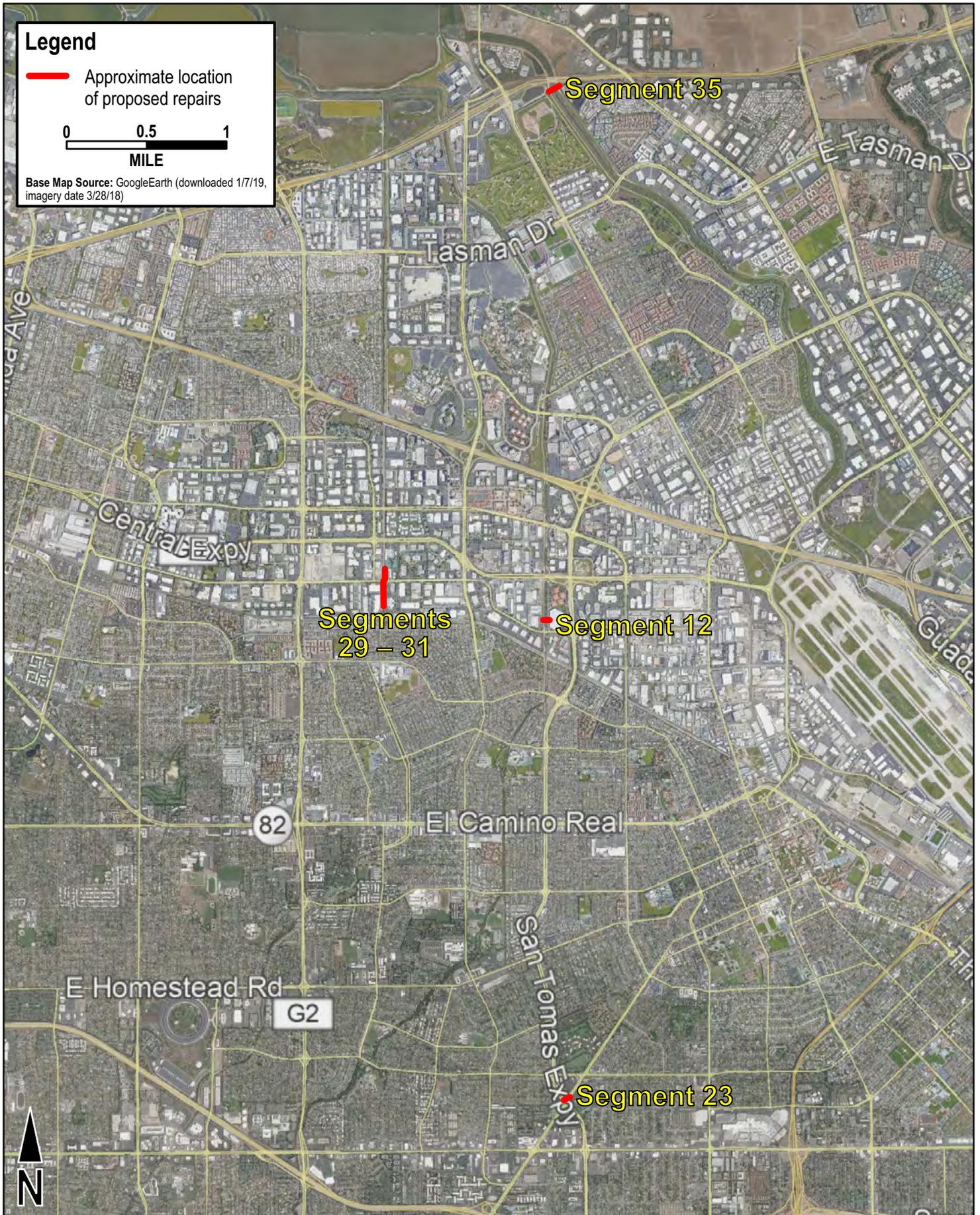
Repairs will be completed at Pipe Segments 12, 23, 29-31, and 35. Three of the repair projects may be subject to the provisions of the California Environmental Quality Act (CEQA) while one (Pipe Segment 35) requires a permit for the U.S. Army Corps of Engineers and must be comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (16 U.S.C., Section 470f). This repair consists of relining a pipe segment that crosses the Guadalupe River. The initial record review suggests no cultural resources are within or adjacent to the repair zones although known resources are within 500-1000 feet.

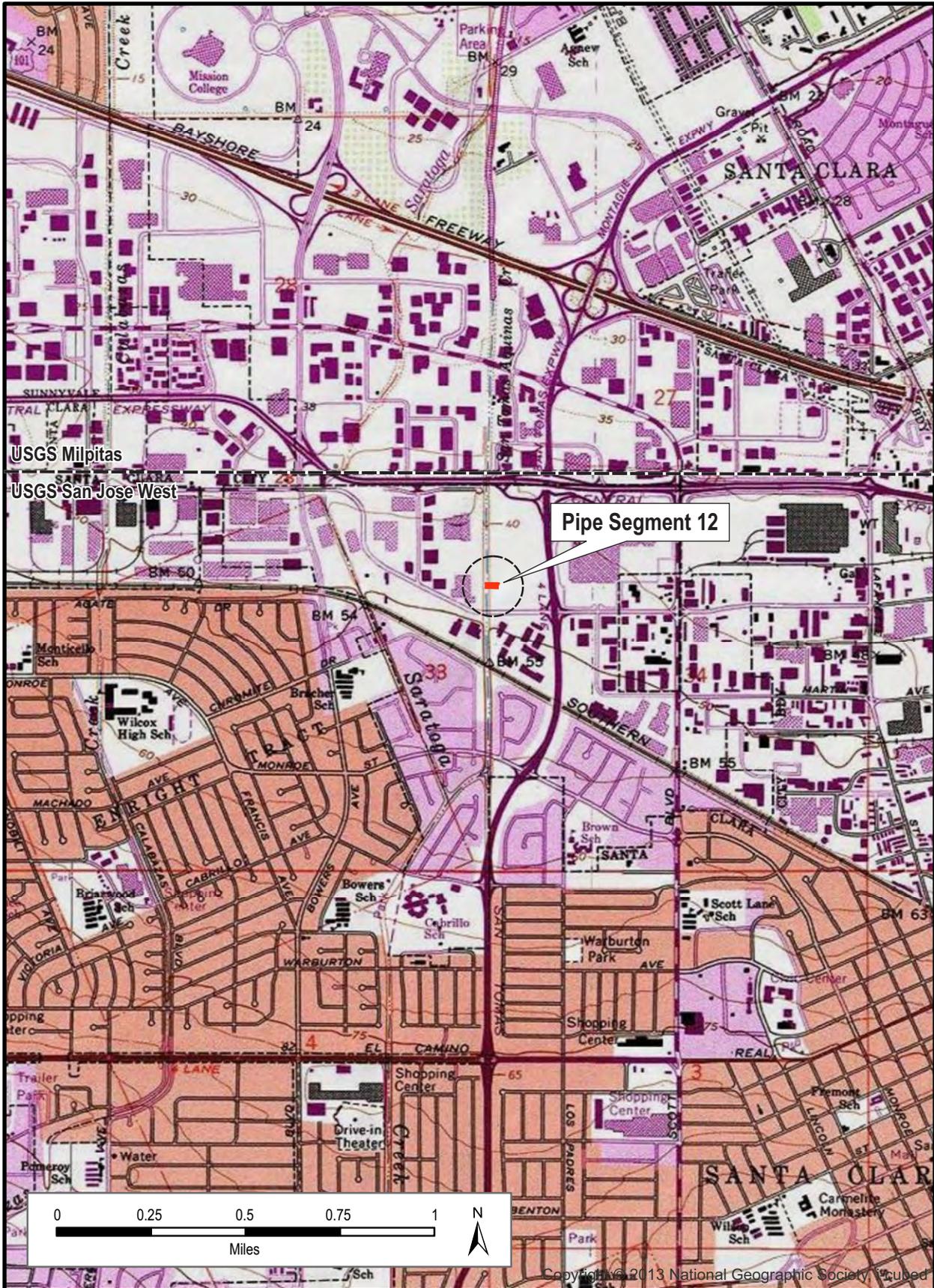
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Thanking you in advance for any assistance.

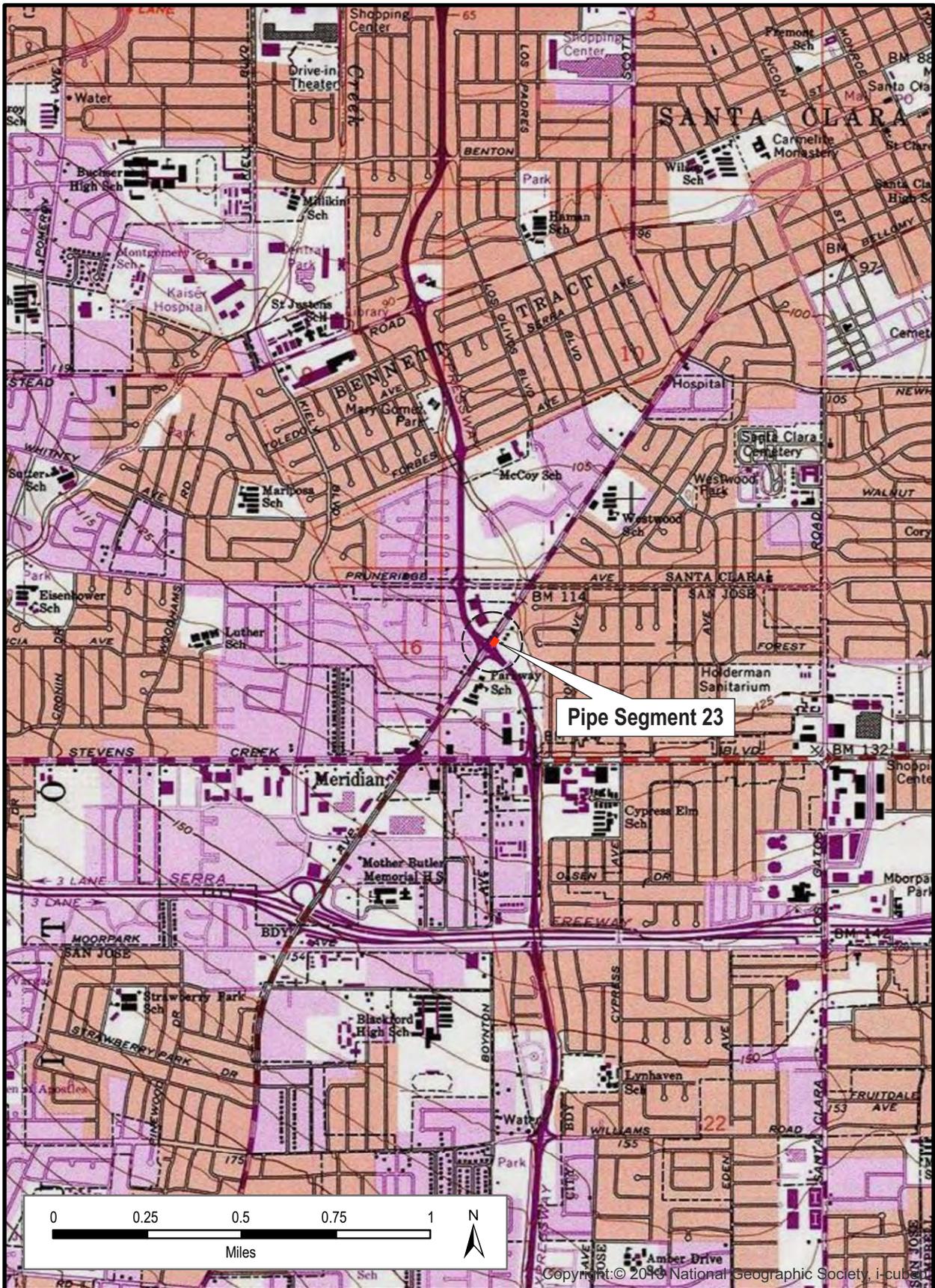
BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal

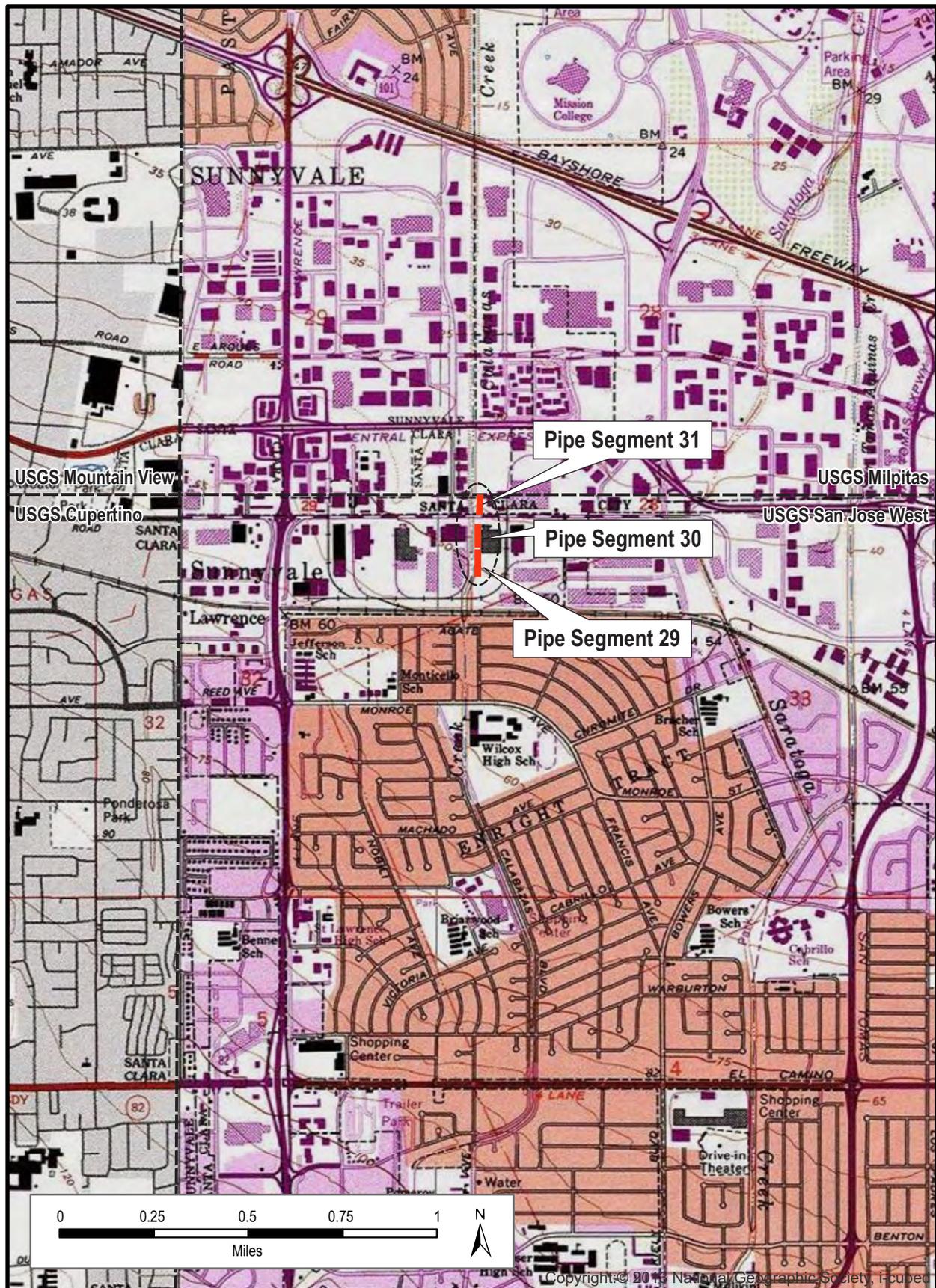




Santa Clara Sewer - Pipe Segment 12 - T6S R1W Sec. 34
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segment 23 - T7S R1W Sec. 15
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segments 29, 30, 31 - T6S R1W Secs. 28, 33
 (USGS San Jose West, Calif. 1980)



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Edward Ketchum,
Amah Mutsun Tribal Band
35867 Yosemite Avenue
Davis, CA, 95616

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Ed,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019



***Amah Mutsun Tribal Band of
Mission San Juan Bautista***
Irenne Zwierlein, Chairperson
789 Canada Road
Woodside, CA, 94062

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Irenne,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019



***Indian Canyon Mutsun Band of
Costanoan***

Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister, CA, 95024

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Ann Marie,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019

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FAX (510) 430-8443

***Muwekma Ohlone Indian Tribe
of the SF Bay Area***

Charlene Nijmeh, Chairperson
20885 Redwood Road, Suite 232
Castro Valley, CA, 94546

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Ms. Nijmeh,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019

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VOICE (510) 430-8441
FAX (510) 430-8443

North Valley Yokuts Tribe

Katherine Erolinda Perez,
Chairperson
P.O. Box 717
Linden, CA, 95236

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Kathy,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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Thanking you in advance for any assistance.

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Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019

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FAX (510) 430-8443

Andrew Galvan,
The Ohlone Indian Tribe
P.O. Box 3152
Fremont, CA, 94539

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Andy,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



ALAMEDA HUMBOLDT SAN FRANCISCO
COLUSA LAKE SAN MATEO
CONTRA COSTA MARIN SANTA CLATA
DEL NORTE MENDOCINO SANTA CRUZ
MONTEREY SOLANO
NAPA SONOMA
SAN BENITO YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
http://www.sonoma.edu/nwic

10/19/2018

NWIC File No.: 18-0615

Donna Garaventa
Basin Research Associates
1933 Davis Street, Suite 215
San Leandro, CA 94577

re: Santa Clara Sewer Impr

The Northwest Information Center received your record search request for the project area referenced above, located on the Milpitas, Cupertino, & San Jose West USGS 7.5' quads. The following reflects the results of the records search for the project area and a 250 foot radius:

Resources within project area:	P-43-003593.
Resources within 250 foot radius:	P-43-000025.
Reports within project area:	S-12032, 19424, 21232, 4955, 8626, 22570, 14230, 18367, 25183, 22819, 11396, 26045, 33061, 23364, 4181, 23934, 37218, 29657, 43525, 39146, 9368, & 4391.
Reports within 250 foot radius:	See enclosed database printouts.

- Resource Database Printout (list):** enclosed not requested nothing listed
- Resource Database Printout (details):** enclosed not requested nothing listed
- Resource Digital Database Records:** enclosed not requested nothing listed
- Report Database Printout (list):** enclosed not requested nothing listed
- Report Database Printout (details):** enclosed not requested nothing listed
- Report Digital Database Records:** enclosed not requested nothing listed
- Resource Record Copies:** enclosed not requested nothing listed
- Report Copies:** enclosed not requested nothing listed
- OHP Historic Properties Directory:** enclosed not requested nothing listed
- Archaeological Determinations of Eligibility:** enclosed not requested nothing listed
- CA Inventory of Historic Resources (1976):** enclosed not requested nothing listed
- Caltrans Bridge Survey:** enclosed not requested nothing listed
- Ethnographic Information:** enclosed not requested nothing listed

Historical Literature: enclosed not requested nothing listed
Historical Maps: enclosed not requested nothing listed
Local Inventories: enclosed not requested nothing listed
GLO and/or Rancho Plat Maps: enclosed not requested nothing listed
Shipwreck Inventory: enclosed not requested nothing listed

***Notes:**

****** Current versions of these resources are available on-line:

Caltrans Bridge Survey: <http://www.dot.ca.gov/hq/structur/strmaint/historic.htm>

Soil Survey: <http://www.nrcs.usda.gov/wps/portal/nrcs/surveylist/soils/survey/state/?stateId=CA>

Shipwreck Inventory: <http://www.slc.ca.gov/Info/Shipwrecks.html>

Let us know if you need copies of any documents. The invoice will be kept open until 10/26/18.

Please forward a copy of any resulting reports from this project to the office as soon as possible. Due to the sensitive nature of archaeological site location data, we ask that you do not include resource location maps and resource location descriptions in your report if the report is for public distribution. If you have any questions regarding the results presented herein, please contact the office at the phone number listed above.

The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

Should you require any additional information for the above referenced project, reference the record search number listed above when making inquiries. Requests made after initial invoicing will result in the preparation of a separate invoice.

Thank you for using the California Historical Resources Information System (CHRIS).

Sincerely,

Lisa C. Hagel
Researcher

Archaeological Review (CEQA) – Segments 29-31 (Kifer Road and Oakmead Parkway), City of Santa Clara Proposed Sanitary Sewer Condition Assessment Repairs

TO:	Anna Busing, PhD, PG Principal Project Manager Redtail Consulting
RE:	Archaeological Review (CEQA) – Segments 29-31 (Kifer Road and Oakmead Parkway), City of Santa Clara Proposed Sanitary Sewer Condition Assessment Repairs
FROM:	Colin I. Busby, Project Principal (510 430-8441 ext 202)
DATE:	24 February, 2019 [Revised]

INTRODUCTION

The City of Santa Clara’s Water & Sewer Utility (SCWS) owns and operates a sanitary sewer system that serves nearly 120,000 residential, commercial, and industrial customers within the City limits and also accepts flows from the neighboring Cupertino Sanitary District. Wastewater collected in the sewer system is conveyed to the San José–Santa Clara Regional Wastewater Facility, located in the north San José Baylands, for treatment.

The sanitary sewer network includes approximately 300 miles of sewer mains ranging from 4-inches to 48-inches in diameter. The majority of the system consists of vitrified clay pipe (VCP), much of which was installed between 1940 and 1980. The system also includes two large pump stations equipped with flow meters (Rabello and Northside Pump Stations) and four smaller unmetered lift stations (Tasman, Westside, Primavera, and De La Cruz Pump Stations).

In accordance with industry standard practices, the City routinely evaluates the condition of its sewer infrastructure to identify maintenance, repair, and replacement needs. Sewer infrastructure is assessed and graded based on the significance of observed defects, damage/deterioration, and operational impairment. The City’s recent condition assessments of the sanitary sewer system identified about 70 individual repair projects with defects that require prompt repairs.

The City has a number of archaeologically sensitive areas which either have recorded cultural resources present or have a high potential for unexpected discoveries of subsurface resources based on various topographic and other factors. The California Environmental Quality Act (CEQA) and the City’s General Plan require the identification and evaluation of archaeological and historic cultural resources. An initial screening of Segments 29-31 indicated sensitivity for archaeological resources based on the recorded presence/absence of a recorded prehistoric/historic archaeological resource in the near vicinity and a perceived potential for subsurface cultural deposits within a 1000-foot radius of the project location based on the presence of flowing water.

PROJECT LOCATON AND DESCRIPTION

Segments 29, 30, and 31 are located within paved parking lots at 1400 Kifer Road, 1390 Kifer Road, and 350 Oakmead Parkway (3255-3287 Kifer Road) in an area dominated by industrial, light industrial, R&D, and office uses (USGS San Jose West, Calif. 1980 and USGS Milpitas, Calif. 1980 - T 6S, R 1W, Sections 28 and 33) [Figs. 1-4].¹ Vegetation in the immediate vicinity of the alignments and surrounding area consists of introduced landscaping. Calabazas Creek runs approximately north-south at the west edge of the parking lots with the Calabazas Creek Trail at top of bank. The trail is separated from 1400 and 1390 Kifer Road by fencing and a planting strip, and from 350 Oakmead Parkway (3255-3287 Kifer Road) by a thick hedge planting. This reach of Calabazas Creek has been extensively modified for flood protection and occupies a hardscape trapezoidal channel that supports minimal vegetation, limited to areas where sediment is present.

The existing sewer pipe consists of 24-inch-diameter reinforced concrete pipe (RCP) installed at depths of approximately 11–15 feet below the present ground surface. Several manholes are present within the segments: City Sanitary Sewer Manhole (SSMH) 62-51 (approximate depth 10.8 feet), SSMH 62-48 (approximate depth 10.1 feet), SSMH 62-40 (approximate depth 14.4 feet), SSMH 62-38 (approximate depth 14.2 feet), and SSMH 62-34 (approximate depth 14.7 feet) [see Figs. 5a-b].



Project Location – View south from 1388-1400 Kifer Road, Calabazas Creek to west

1. Segments 29, 30, and Segment 31 qualify as separate projects but for efficiency will be discussed and analyzed together in this IS/MND, since they are located on neighboring parcels.

The SCWS is proposing to install 420 linear feet of cured-in-place pipe (CIPP)² lining between SSMH 62-51 and SSMH 62-40 and between SSMH 62-38 and 62-34; rehabilitate SSMHs 62-51 and 62-48; and, remove and replace SSMH 62-40.



Project Location – View north to 3255-3287 Kifer Road (350 Oakmead Parkway, Calabazas Creek to west

REGULATORY BACKGROUND

Cultural resources include prehistoric and historic archaeological sites, districts, and objects; standing historic structures, buildings, districts, and objects; and locations of important historic events or sites of traditional and/or cultural importance to various groups. The analysis of cultural resources can provide valuable information on the cultural heritage of both local and regional populations.

Cultural resources may be determined significant or potentially significant in terms of national, state, or local criteria either individually or in combination. Resource evaluation criteria are determined by the compliance requirements of a specific project.

This report has been prepared to meet applicable California Environmental Quality Act (CEQA) requirements and the Historic Preservation Goals and Policies of the City of Santa Clara’s General Plan for historic properties (cultural resources) which require the identification and

2. Accessing the pipe via existing manholes, a resin-saturated felt liner is inserted into the interior of the pipe and extended through the repair segment using air or water pressure. The resin is then cured in place using steam, hot water, or UV light. Once the resin is cured, the liner essentially forms a new, structurally independent “pipe within a pipe” that restores the integrity of a previously compromised segment.

evaluation of cultural resources that could be affected by the project. The City of Santa Clara, as the lead local agency, is required to determine the potential impacts of the construction on both historical and archaeological cultural resources and mitigate impacts on any significant resources located that may be affected by the project to a less than significant effect in accordance with CEQA and the City’s General Plan. The SHPO is the reviewing party.

STATE

Public agencies under CEQA must consider the effects of their actions on both “historical resources” and “unique archaeological resources.” Pursuant to California Public Resources Code (PRC) Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” PRC 21083.2 requires agencies to determine whether a proposed project would have an effect on “unique” archaeological resources.

Historical resource (see PRC 21084.1 and CEQA Guidelines Sections 15064.5(a) and 15064.5(b)) applies to any resource listed in or determined to be eligible for listing in the California Register of Historic Resources (CRHR). The CRHR includes resources listed in or formally determined eligible for listing in the NRHP, as well as some California State Landmarks and Points of Historical Interest.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be “historical resources” for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC 5024.1 and 14 CCR 4850). Unless a resource listed in a survey has been demolished or has lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource potentially eligible for the CRHR.

In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them against the CRHR criteria prior to making a finding as to a proposed project’s impacts to historical resources (PRC 21084.1 and CEQA *Guidelines* Section 15064.5(a)(3)). In general, a historical resource, under this approach, is defined as any object, building, structure, site, area, place, record, or manuscript that:

- a. Is archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California; and,
- b. Meets any of the following criteria:
 1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 2. Is associated with the lives of persons important in our past;
 3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or,

4. Has yielded, or may be likely to yield, information important in prehistory or history (State CEQA *Guidelines* Section 15064.5(a)(3)).

The fact that a resource is not listed or determined to be eligible for listing does not preclude a lead agency from determining that it may be a historical resource (PRC 21084.1 and CEQA *Guidelines* Section 15064.5(a)(4)).

CEQA also distinguishes between two classes of archaeological resources: archaeological sites that meet the definition of a historical resource, as described above, and “unique archaeological resources.” Under CEQA, an archaeological resource is considered “unique” if it:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or,
- Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC 21083.2(g)).

CEQA states that if a proposed project would result in an impact that might cause a substantial adverse change in the significance of a historical resource, then an EIR must be prepared and mitigation measures considered. A “substantial adverse change” in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (CEQA *Guidelines* Section 15064.5(b)(1)).

The CEQA *Guidelines* (Section 15064.5(c)) also provide specific guidance on the treatment of archaeological resources, depending on whether they meet the definition of a historical resource or a unique archaeological resource. If the site meets the definition of a unique archaeological resource, it must be treated in accordance with the provisions of PRC 21083.2. PRC Section 21083.2 requires the lead agency to treat that effect as a significant environmental effect. When an archaeological resource is listed in or is eligible to be listed in the CRHR, PRC Section 21084.1 requires that any substantial adverse effect to that resource be considered a significant environmental effect. PRC Sections 21083.2 and 21084.1 operate independently to ensure that potential effects on archaeological resources are considered as part of a project's environmental analysis. Either of these benchmarks may indicate that a project may have a potential adverse effect on archaeological resources.

Tribal Resources

Assembly Bill 52 (AB 52) provides protections for tribal cultural resources.³ All lead agencies as of July 1, 2015 approving projects under CEQA are required, if formally requested by a culturally affiliated California Native American Tribe, to consult with such tribe regarding the impacts of a project on tribal cultural resources prior to the release of any negative declaration, mitigated negative declaration or draft environmental impact report. Under PRC Section 21074,

3. AB 52 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3 to, the California Public Resources Code

tribal cultural resources include site features, places, cultural landscapes, sacred places or objects that are of cultural value to a tribe that are eligible or listed on the CRHR or a local historic register or that the lead agency has determined to be a significant tribal cultural resource.

Tribal consultation is to continue until mitigation measures are agreed to or either the tribe or the lead agency concludes in good faith that an agreement cannot be reached. In the case of agreement, the lead agency is required to include the mitigation measures in the environmental document along with the related Mitigation Monitoring and Reporting Program (MMRP) (see PRC Section 21084.3). If no agreement is reached, the lead agency must still impose all feasible mitigation measures necessary for a project to avoid or minimize significant adverse impacts on tribal cultural resources (PRC Section 21084.3).

Other California Laws and Regulations

Other state-level requirements for cultural resources management appear in the California PRC Chapter 1.7, Section 5097.5 "Archaeological, Paleontological, and Historical Sites," and Chapter 1.75 beginning at Section 5097.9 "Native American Historical, Cultural, and Sacred Sites" for lands owned by the state or a state agency.

The disposition of Native American burials is governed by Section 7050.5 of the California Health and Safety Code and PRC Sections 5097.94 and 5097.98, and falls within the jurisdiction of the Native American Heritage Commission.

CITY OF SANTA CLARA

The *City of Santa Clara 2010-2035 General Plan* (hereafter *General Plan*) Section 5.6 Historic Preservation provides the local regulatory context for the proposed project. The City has established a Historical and Landmarks Commission and obtained recognition by the State Office of Historic Preservation of the City as a Certified Local Government (CLG). Historic preservation policies support the two Major Strategies of the General Plan to enhance the City's identity and to preserve existing neighborhoods. The City currently uses the following tools to evaluate historic resources:

- The Historical and Landmarks Commission advises the City Council on all matters related to historical sites and issues. As required by the State Certified Local Government program, the City has established a list of Architecturally or Historically Significant Properties which is included in Appendix 8.9 of the General Plan, and is one of the tools used for the Commission's recommendations.
- The Criteria for Local Significance (*General Plan* Appendix 8.9), establishes evaluation measures, to ensure that the resource is at least 50 years old and that the property is associated with an important individual or event, an architectural innovation, and/or an archaeological contribution in order to be deemed significant. The City maintains a list of qualified historic consultants for these evaluations.

General Plan – Section 5.6.3 Archaeological and Cultural Resources Goals and Policies

Section 5.6.3 applies to archaeological resources and other cultural resources including paleontological sites. The following Goals and Policies ensure that these resources are protected, now and into the future, and that appropriate mitigation measures to address unforeseen impacts are enforced.

Archaeological and Cultural Resources Goals

- 5.6.3-G1 Protection and preservation of cultural resources, as well as archaeological and paleontological sites.
- 5.6.3-G2 Appropriate mitigation in the event that human remains, archaeological resources or paleontological resources are discovered during construction activities.

Archaeological and Cultural Resources Policies

- 5.6.3-P1 Require that new development avoid or reduce potential impacts to archaeological, paleontological and cultural resources.
- 5.6.3-P2 Encourage salvage and preservation of scientifically valuable paleontological or archaeological materials.
- 5.6.3-P3 Consult with California Native American tribes prior to considering amendments to the City’s General Plan.
- 5.6.3-P4 Require that a qualified paleontologist/archaeologist monitor all grading and/or excavation if there is a potential to affect archeological or paleontological resources, including sites within 500 feet of natural water courses and in the Old Quad neighborhood.
- 5.6.3-P5 In the event that archaeological/paleontological resources are discovered, require that work be suspended until the significance of the find and recommended actions are determined by a qualified archaeologist/paleontologist.
- 5.6.3-P6 In the event that human remains are discovered, work with the appropriate Native American representative and follow the procedures set forth in State law.

RESEARCH PROTOCOLS

An archival search was completed by the California Historical Resources Information System, Northwest Information Center (CHRIS/NWIC), Sonoma State University, Rohnert Park (File No. 18-0615 dated 10/19/2018 by Hagel) for the project alignment and a 250-foot radius. In addition, a review of pertinent literature and archival records on file at Basin Research Associates and at other repositories including the Bancroft Library, University of California at Berkeley, was undertaken. The literature review included:

Historic Properties Directory (CAL/OHP 2012a);

National Register of Historic Places (NRHP) listings in Santa Clara County (USNPS 2018a-c);

List of California Historical Resources (CAL/OHP 2019);

California History Plan (CAL/OHP 1973);

California Inventory of Historic Resources (CAL/OHP 1976);

Five Views: An Ethnic Sites Survey for California (CAL/OHP 1988);

Archaeological Determinations of Eligibility for Santa Clara County [ADOE] (CAL/OHP 2012b),

Various lists and maps (Santa Clara (City of), Planning Division 1994, 1999; Santa Clara County Historical Heritage Commission [SCICoHHC] 1979, 1999; Sowers and Thompson 2005; Goddard 1857, Healey 1866; Whitney 1873; Thompson and West 1876; Wilson 1936; USGS 1899 [surveyed 1895]; US War Dept. 1943 [photography 1939, topography 1942]; USGS 1961, 1973, 1980).

The Native American Heritage Commission (NAHC) was contacted in regard to resources on the Sacred Lands Files (Busby 2019a). The NAHC review was negative (Totton 2019) and the eight locally knowledgeable Native Americans recommended by the NAHC were contacted (Busby 2019b-h) (see Attachments). No responses were received.

No other agencies, departments or local historical societies were contacted regarding landmarks, potential historic sites or structures as the repairs will not affect the built environment and the CHRIS/NWIC archival review was determined adequate for archaeological resources. A pedestrian field inventory of the project alignment was not completed due to the nature of the proposed repairs and the location within previously disturbed sediment.

RECORDS SEARCH RESULTS (see Attachments)

Compliance Reports

- Eight reports are on file at the CHRIS/NWIC that are adjacent to or pass through Segments 29-31(Archaeological Resource Management 1989, 1992; Nelson et al. 2000; Jones & Stokes 2001; D’Oro 2008; Sikes et al. 2006; Alonso 2016; WSA 2018). No resources reported within or adjacent to the three segments.

Recorded Sites and/or Reported Sites

- No prehistoric, combined prehistoric/historic or historic era archaeological or built-environment sites have been recorded or reported within or adjacent to the project segment.

Listed Historic Properties

- No federal, state, and/or regional listed historically or architecturally sites, structures, landmarks, or points of interest have been identified in or adjacent to the project area.

ARCHAEOLOGICAL SENSITIVITY

The results of the archaeological review, the presence of the channelized alignment of Calabazas Creek and the proposed pipeline repair procedures indicate a low potential for the discovery of prehistoric or historic resources within and immediately adjacent to the pipeline segment.

The project alignment and immediately adjacent area appear to have a low to low-moderate sensitivity for prehistoric archaeological resources based on the absence of late 19th and/or 20th century shell mound sites, “Indian Villages” and the absence of recorded and/or reported prehistoric and/or historic archaeological sites within 500 feet of the project site. However, one recorded prehistoric habitation site (SCL-0134/H) with known Native American burials and historic archaeological cultural materials has been recorded 800-1000 feet to the west in the vicinity of Corvin Drive and the Central Expressway (see Estes 2018; Alonso 2016; Edwards 1974b).⁴

CA-SCL-0134/H has been reviewed during at least five archaeological inventories over the past 45 years and subject to several testing and data recovery programs since the 1990s. Auger testing in 1992 (Archaeological Resource Management 1992) along the west bank of Calabazas Creek to one meter deep indicated the presence of a midden deposit. This finding was again confirmed in 1994 by auger bores and test units along Calabazas Creek on both the west and east banks (Archaeological Resource Management 1994). The auger cores indicated the presence of a midden deposit on the west side the creek extending from 800 feet north to 450 feet south of the Central Expressway with prehistoric cultural materials at depths of 20-120 cm below the surface although prior disturbance was suggested from the surface to 80 cm. However, no midden was present on the east bank adjacent to the sanitary sewer segments (*emphasis added*).

Archaeological monitoring at 3305 Kifer Road was recently completed in early 2018 (WSA 2018) for a residential development project located at the northeast corner of Kifer Road and Corvin Drive approximately 200-500 feet west of the sanitary sewer segments. The monitoring was undertaken in accordance with Lawrence Station Area Plan (LSAP) Mitigation Measure CULT-2 (City of Santa Clara 2016). No subsurface archaeological materials were exposed. Other archaeological monitoring projects along Corvin Drive (see D’Oro 2008) have also resulted in negative observations.

The conclusion of low sensitivity for this project is based on the general absence of recorded prehistoric and historic archaeological sites within and/or immediately adjacent to the sanitary sewer segments; the previous negative archaeological testing results for the east bank of Calabazas Creek; the lack of any unexpected archaeological discoveries for the past 50+ years within or adjacent to the project alignment; and, most importantly prior disturbance of the native sediments within the general project area by development activities, highway construction and flood control and utility installations at depth since 1973. In addition, the general absence of previously reported archaeological materials both within and adjacent to the sanitary sewer

4. Archaeological research from the late 1960s to the present have found that the site contains historic-period privies, dumps, and trash scatters, as well as prehistoric human remains, and prehistoric habitation debris. Excavation at the site has yielded at least 20 Native American burials, 45 prehistoric features, four historic features, and 1,402 artifacts. Radiocarbon dates indicate occupation between 1610 B.C. and 1000 B.C. and then again from A.D. 710-960.

alignments could be due to the periodic flooding and scouring associated with Calabazas Creek prior to channelization or the area was not suitable for prehistoric or historic occupation due to its low elevation compared to the higher elevations at SCL-0134/H and the protection offered by the high ground.

These factors combined with the proposed repair strategy suggest a low potential for the discovery of significant subsurface archaeological materials during construction.

FINDINGS AND CONCLUSION

This report was prepared to identify potentially significant archaeological or Native American, resources listed on or eligible for the California Register of Historical Resources (CRHR) within or adjacent to the proposed project site.

- No archaeological resources are present within or adjacent to the proposed project alignment based on the archive and literature review. A field inventory was not completed due to the nature of the project alignment and the lack of archaeological sensitivity.

The conclusion of this memo is that the proposed repair(s) will not affect any known historic or archaeological resources within and adjacent to the sanitary sewer segments based on the archival research and previous archaeological subsurface testing results which have reported negative results for the east bank of the Calabazas Creek flood control channel. The data and proposed repair strategy suggest a low potential to affect as-yet unknown resources.

MANAGEMENT RECOMMENDATIONS

The proposed installation can proceed as planned as it will not affect any historic properties or unique archaeological resources. No subsurface testing for buried archaeological resources appears necessary at this time. The following protection measures are recommended.

- (a) The project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials.
- (b) The project proponent shall retain a Professional Archaeologist on an “on-call” basis during ground disturbing construction to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique archaeological resources under the California Environmental Quality Act (CEQA).
- (c) If the Professional Archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource under CEQA, he/she shall notify the project proponent and other appropriate parties of the evaluation and recommend mitigation measures to mitigate to a less-than significant impact in accordance with California Public Resources Code Section 15064.5. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data

recovery among other options. The completion of a formal *Archaeological Monitoring Plan* (AMP) and/or *Archaeological Treatment Plan* (ATP) that could include data recovery may be recommended by the Professional Archaeologist if significant archaeological deposits are exposed during ground disturbing construction. Development and implementation of the AMP and ATP and treatment of significant cultural resources will be determined by the project proponent in consultation with any regulatory agencies.

- (d) The treatment of human remains and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall comply with applicable State laws. This shall include immediate notification of the appropriate county Coroner/Medical Examiner and the project proponent.
- (e) A *Monitoring Closure Report* shall be filed with the project proponent at the conclusion of ground disturbing construction if archaeological and Native American monitoring of excavation was undertaken.

REFERENCES

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1992 Evaluation of Prehistoric Resources for the Calabazas Creek Flood Control Project. MS on file, S-014772, CHRIS/NWIC, Sonoma State University, Rohnert Park.
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2019b-h Letters to Edward Ketchum, Amah Mutsun Tribal Band, Davis; Valentin Lopez, Chairperson, Amah Mutsun Tribal Band, Galt; Irenne Zwierlein, Chairperson, Amah/Mutsun Tribal Band of Mission San Juan Bautista,

Woodside; Ann Marie Sayers, Chairperson, Indian Canyon Mutsun Band of Costanoan, Hollister; Charlene Nijmeh, Chairperson, Muwekma Ohlone Tribe of the SF Bay Area, Castro Valley; Katherine Erolinda Perez, Chairperson, North Valley Yokuts Tribe, Linden; and, Andrew Galvan, The Ohlone Indian Tribe, Fremont. *Regarding*: City of Santa Clara Sewer Repair Projects, Santa Clara County. Dated January 14, 2019.

California (State of), Department of Parks and Recreation, Office of Historic Preservation
(CAL/OHP)

- 1973 The California History Plan. Volume One - Comprehensive Preservation Program. Volume Two - Inventory of Historic Features.
- 1976 California Inventory of Historic Resources.
- 1988 Five Views: An Ethnic Sites Survey for California.
- 1990 California Historical Landmarks.
- 1992 California Points of Historical Interest.
- 2003 California Historical Resource Status Codes.
- 2012a *[Historic Properties Directory]* Directory of Properties in the Historic Property Data file for City of Santa Clara, Santa Clara County (includes *National Register of Historic Places* status codes, *California Historical Landmarks* and *California Points of Historical Interest* listings, etc.). Dated 4/05/2012 [most recent as of 10/19/2018].
- 2012b *Archaeological Determinations of Eligibility [ADOE]* for Santa Clara County. Reviewed by the CHRIS/NWIC, Sonoma State University, Rohnert Park [most recent available as of 10/25/18].
- 2019 California Historical Resources – Santa Clara County [including National Register, State Landmark, California Register, and Point of Interest]. <<http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=43>> accessed 2/15/2019.

D’Oro, Stella

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- 1974 Subsurface Testing at Archaeological Site WVC-3 on Calabazas Creek Between Central Expressway and Kifer Road, City of Santa Clara, California.

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Estes, A. D. Buckley and P. Allen

2018 Site Record for CA-SCL-134 - Updates 02/13/2018. On file, CHRIS/NWIC, Sonoma State University, Rohnert Park.

Hagel, Lisa C. (CHRIS/NWIC staff)

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Jones & Stokes

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Santa Clara County Historical Heritage Commission (**SCICoHHC**)

1979 Santa Clara County Heritage Resource Inventory. Santa Clara County Historical Heritage Commission, San Jose.

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Totton, Gayle (Associate Government Program Analyst, Native American Heritage Commission) (**NAHC**)

2019 Response to Colin Busby, Basin Research Associates, San Leandro Request for Review of Sacred Lands Inventory - of Santa Clara Sewer Repair Projects, Santa Clara County. Via email nahc@nahc.ca.gov on January 14, 2019.

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William Self Associates (**WSA**)

2018 Archaeological Monitoring Report 3305 Kifer Road Project, Santa Clara,
California. MS on file, S-50106, CHRIS/NWIC, Sonoma State University,
Rohnert Park.

Abbreviations

n.d. no date v.d. various dates N.P. no publisher noted
n.p. no place of publisher noted

CHRIS/NWIC, Sonoma State University, Rohnert Park is used for material on file at the
California Historical Resources Information System, Northwest Information Center, Sonoma
State University, Rohnert Park.

ATTACHMENTS

FIGURES

- FIGURE 1 General Project Location (ESRI World Street Map)
- FIGURE 2 City of Santa Clara - Proposed Sewer Repair Projects - Segments 29-31 - T6S R1W Sections 28, 33 (USGS Milpitas, Calif. 1980; San Jose West, Calif. 1980; Mountain View, CA 1997; Cupertino, CA 1991)
- FIGURE 3 City of Santa Clara - Proposed Sewer Repair Projects - Segments 29-31 (ESRI World Street Map)
- FIGURE 4 City of Santa Clara - Proposed Sewer Repair Projects - Segments 29-31 Aerial View
- FIGURE 5a Proposed Repairs – Segments 29 and 30 (Kifer Road)
- FIGURE 5b Proposed Repairs – Segment 31 (Kifer Road)

CORRESPONDENCE

- EMAIL Request to Native American Heritage Commission for Review of Sacred Lands File for City of Santa Clara Sewer Line Repairs
- LETTER Response from Native American Heritage Commission
- LETTERS Requests to Native American individuals and groups with potential information on the project segments
- RESPONSES Responses from Native American individuals and groups having information on the project areas (None as of February 15, 2019)

CHRIS/NWIC

- SEARCH SEGMENTS 29-31 - Records Search Results for Santa Clara Sewer Improvements, City of Santa Clara, Santa Clara County. CHRIS/NWIC File No. 18-0615. Dated October 19, 2018. On file, Basin Research Associates.

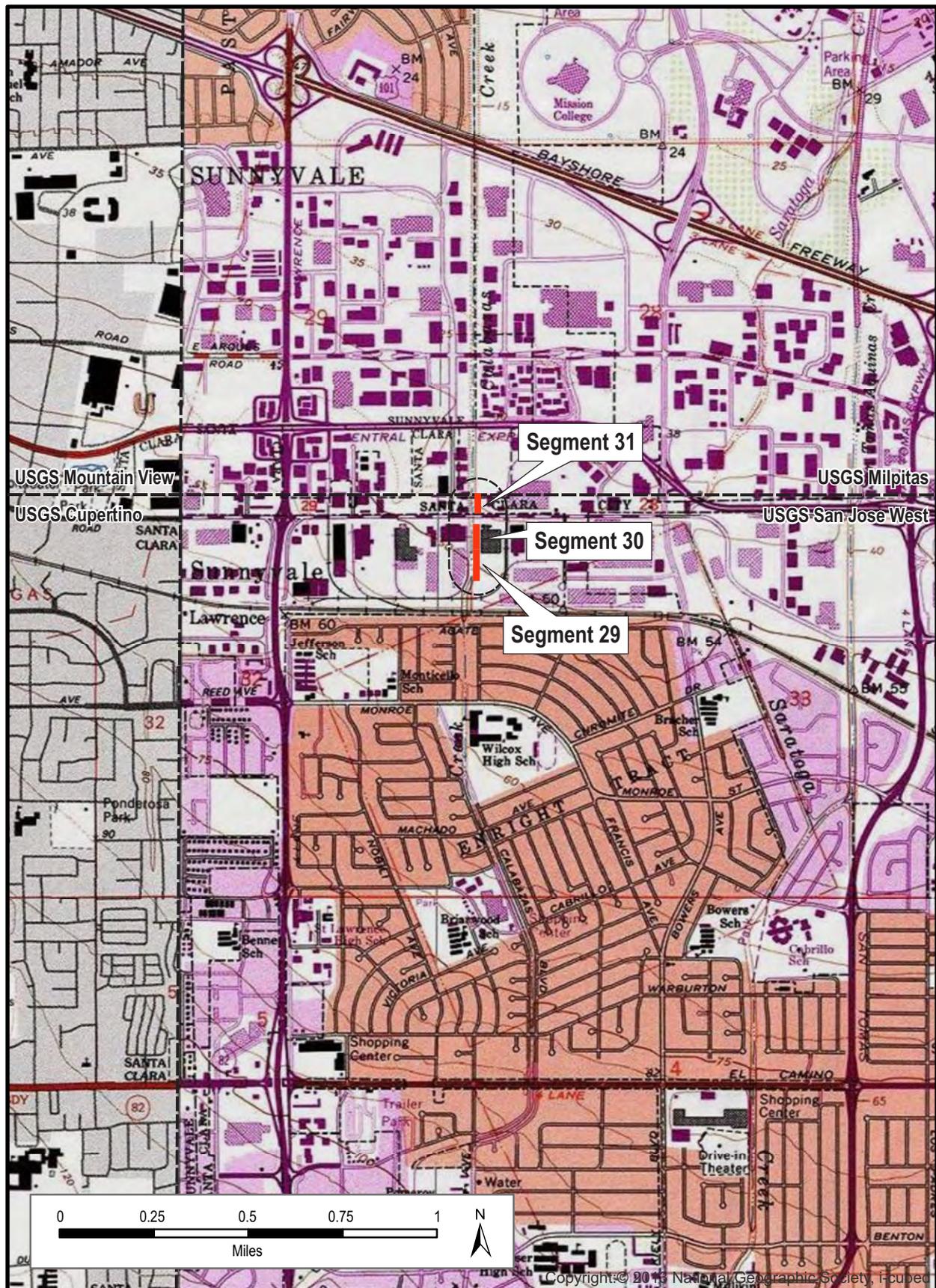


Figure 2: City of Santa Clara - Proposed Sewer Repair Projects - Segments 29-31 - T6S R1W Sections 28, 33 (USGS Milpitas, Calif. 1980; San Jose West, Calif. 1980; Mountain View, CA 1997; Cupertino, CA 1991)

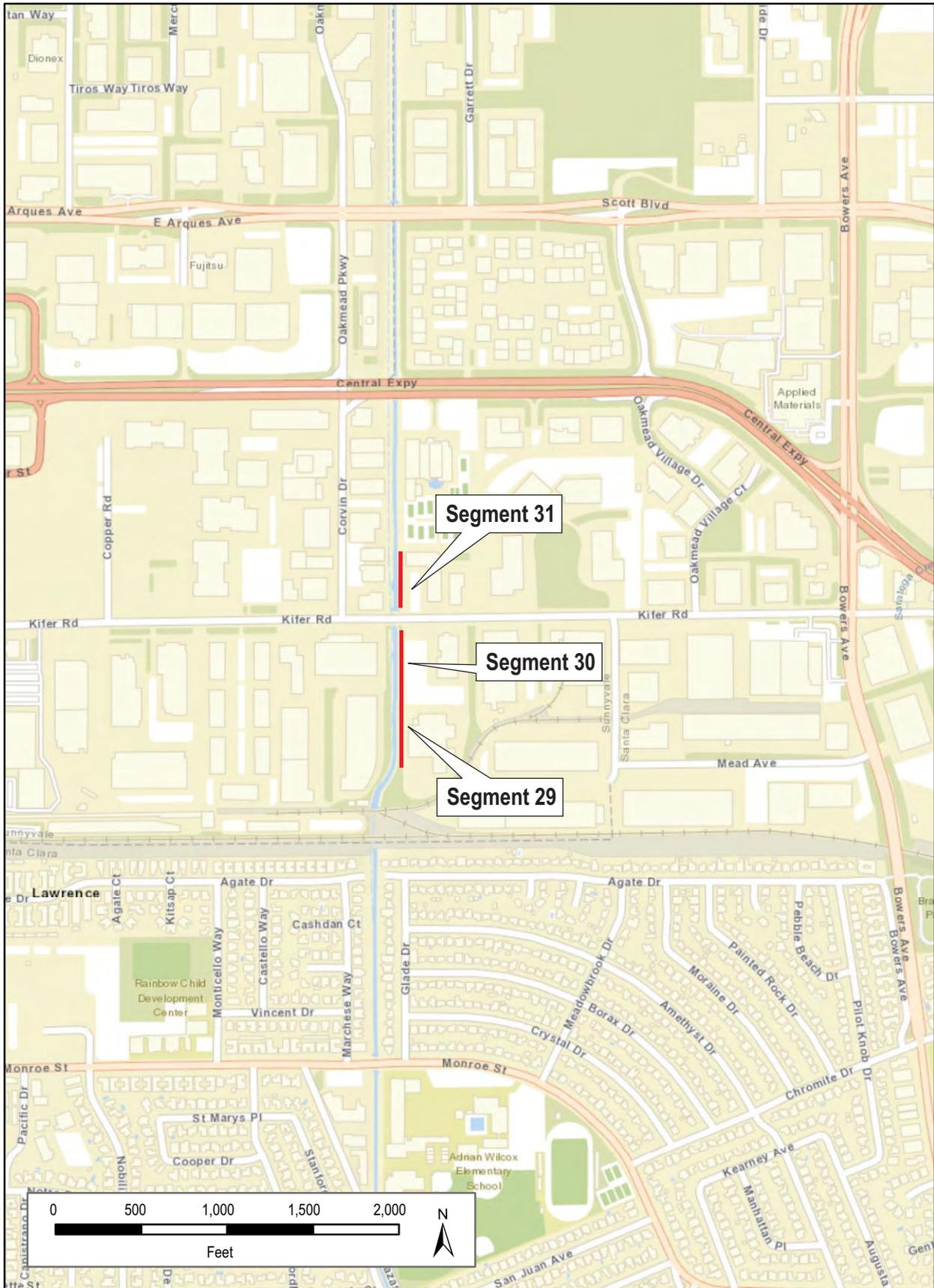


Figure 3: City of Santa Clara - Proposed Sewer Repair Projects - Segments 29-31 (ESRI World Street Map)

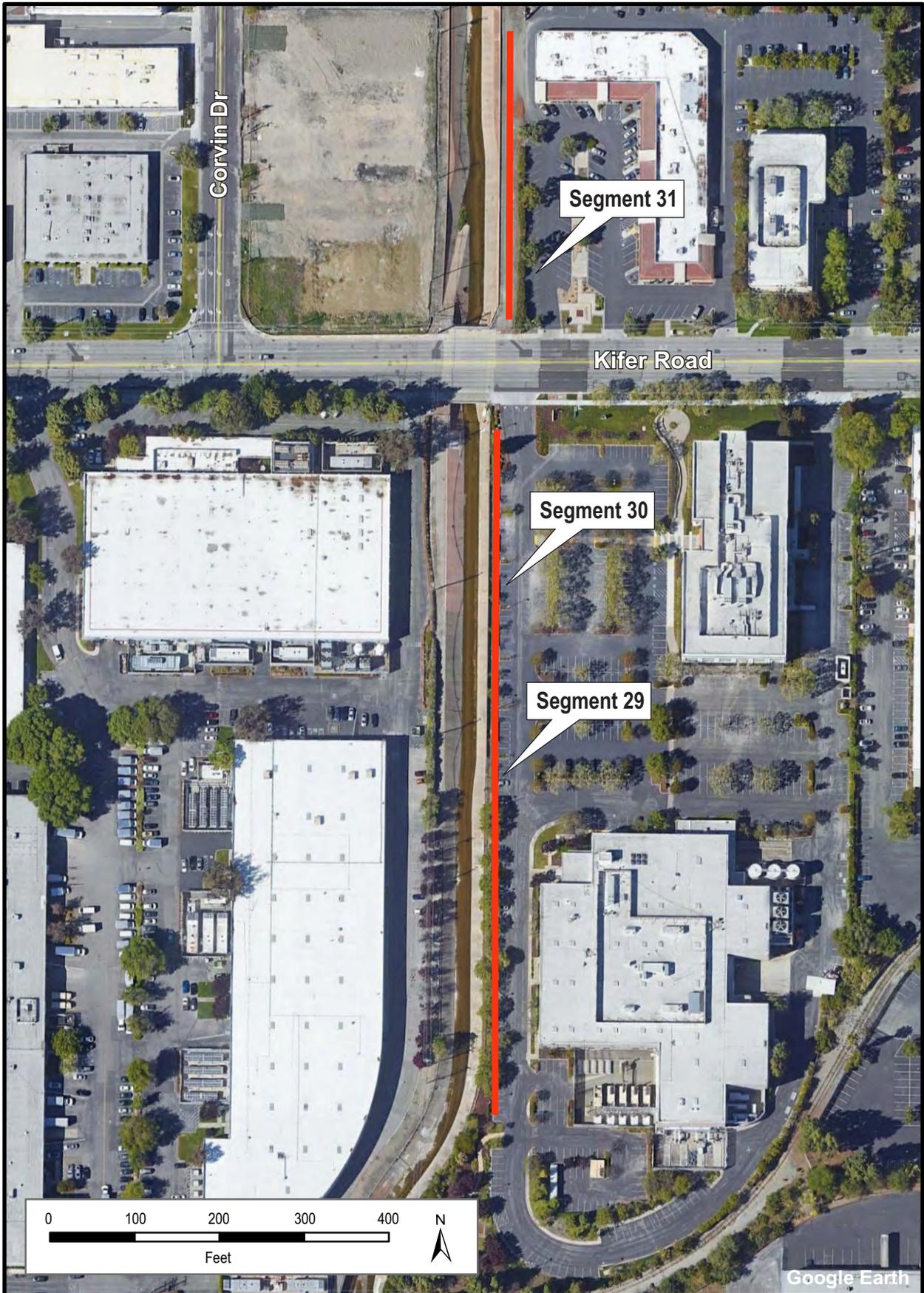
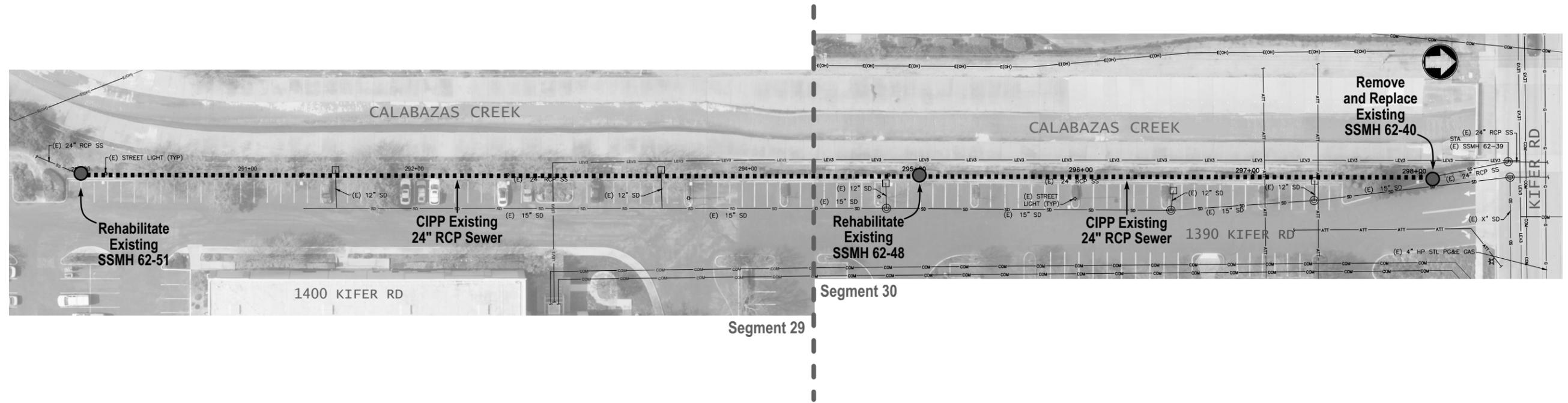
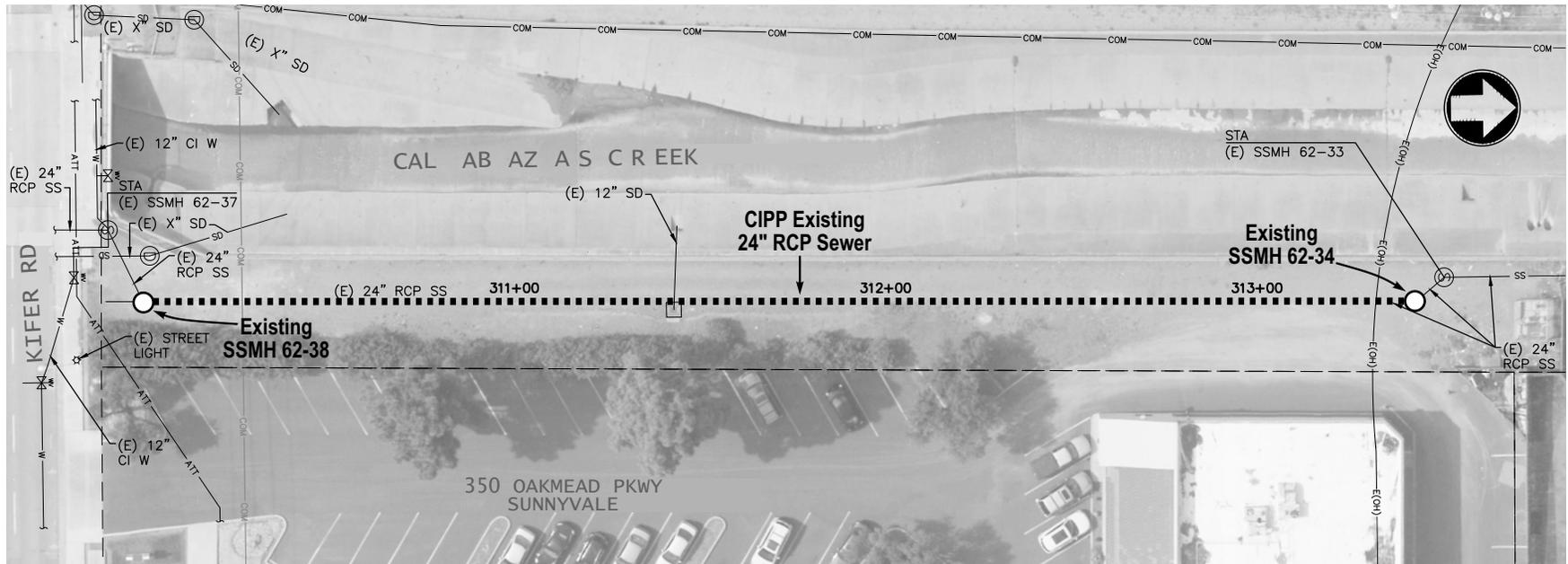


Figure 4: City of Santa Clara - Proposed Sewer Repair Projects - Segments 29-31 Aerial View

Base Map Source: Modified from Mott MacDonald, 2018, Sanitary Sewer Condition Assessment Repairs, 65% Plans, Segment 29 – Kifer Rd (1), Segment 30 – Kifer Rd (2) (December).



Base Map Source: Modified from Mott MacDonald, 2018, Sanitary Sewer Condition Assessment Repairs, 65% Plans, Segment 31 – Kifer Rd (3) (December).



SCALE IN FEET



**Sacred Lands File & Native American Contacts List Request
NATIVE AMERICAN HERITAGE COMMISSION**

1556 Harbor Boulevard, STE 100
West Sacramento, CA 95691
(916) 373-3710
(916) 373-5471 – Fax
nahc@nahc.ca.gov

Information Below is Required for a Sacred Lands File Search

Project: City of Santa Clara – Repair of sewer defects at 4 locations within city. Repairs confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods.

County: Santa Clara

USGS Quadrangle Name: USGS San Jose West, Calif. 1980
USGS Milpitas, Calif. 1980 – Pipe Segment 35

Address: No physical addresses

Township: 6S, **Range:** 1 W, Section 34; T 7S R 1 W, Section 15; T 6S, R 1W, Sections 28, 33; T 6S, R 1W, Unsectioned

Company/Firm/Agency: Basin Research Associates

Contact Person: Colin I. Busby, PhD, RPA

Street Address: 1933 Davis Street, STE 210

City/Zip: San Leandro, CA 94577

Phone: (510) 430-8441 x202

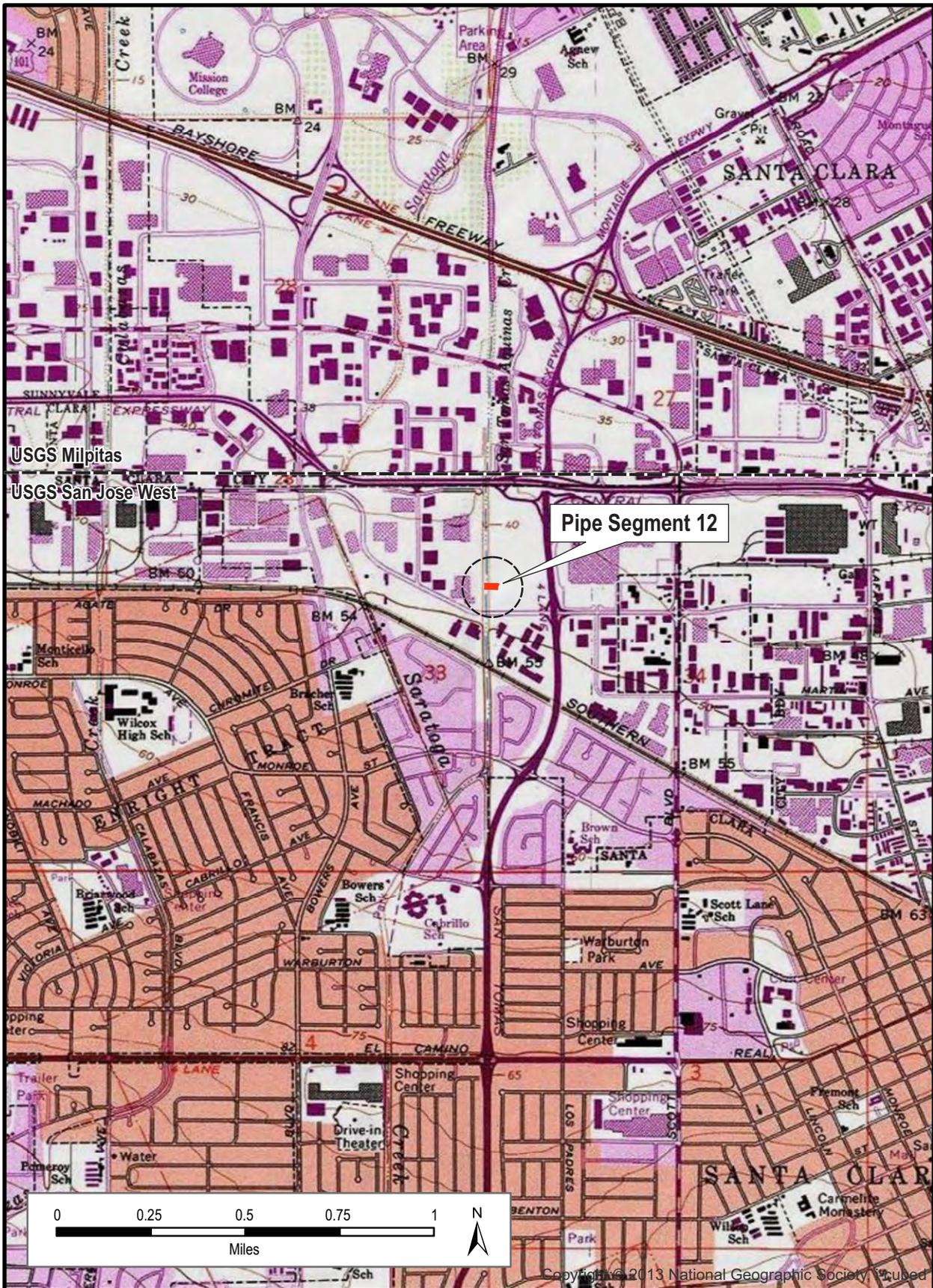
Fax: (510) 430-8443

Email: basinres1@gmail.com

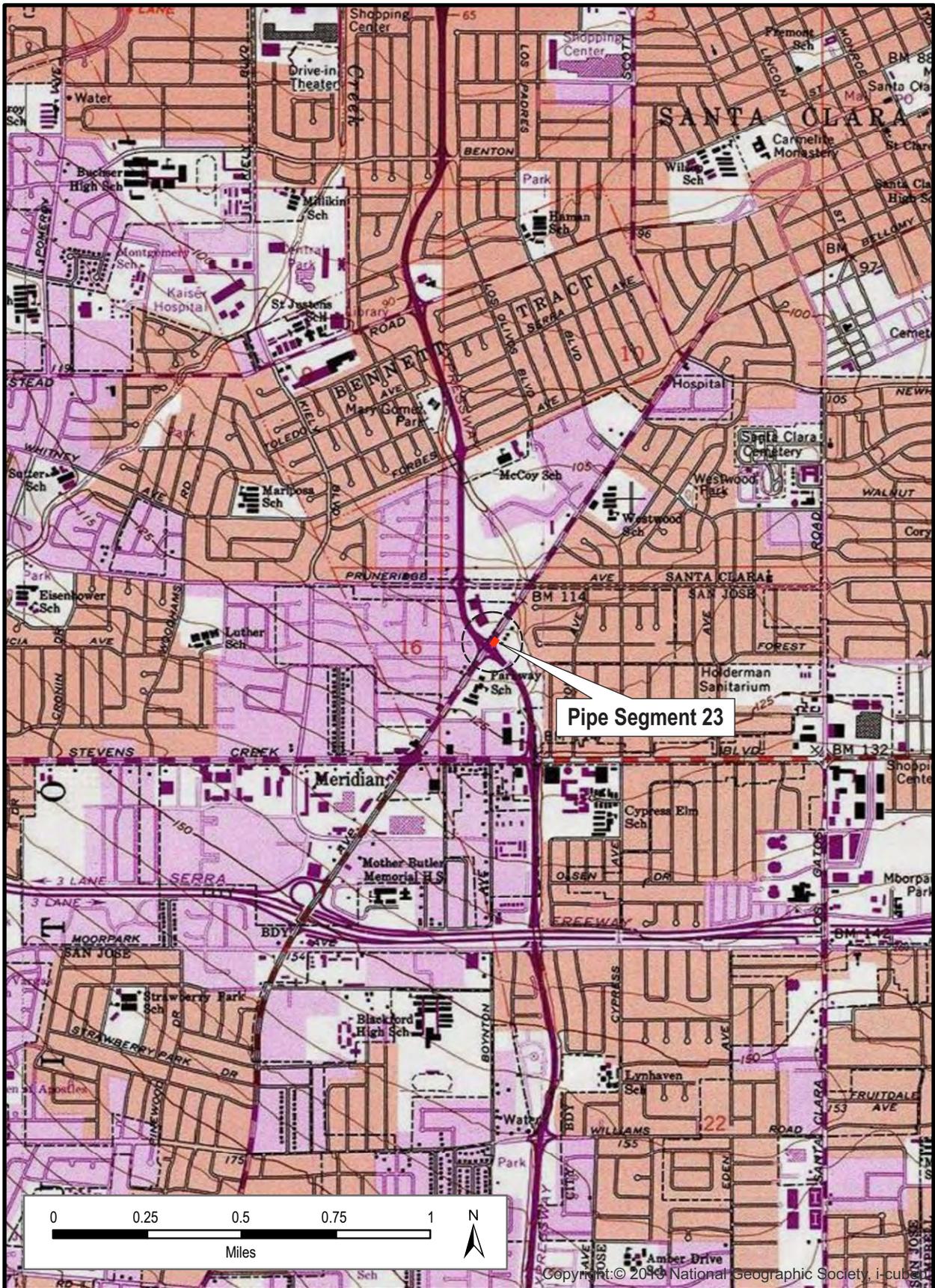
Project Description:

Repair of various sewer defects at 4 locations (Pipe Segments 12, 23, 29-31, and 35) within City of Santa Clara. Three of the projects are subject to the provisions of the California Environmental Quality Act (CEQA) while one (Pipe Segment 35) requires a permit for the U.S. Army Corps of Engineers and must be comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (16 U.S.C., Section 470f). Initial record review suggests no cultural resources within or adjacent to the repair zones although known resources are within 500-1500 feet.

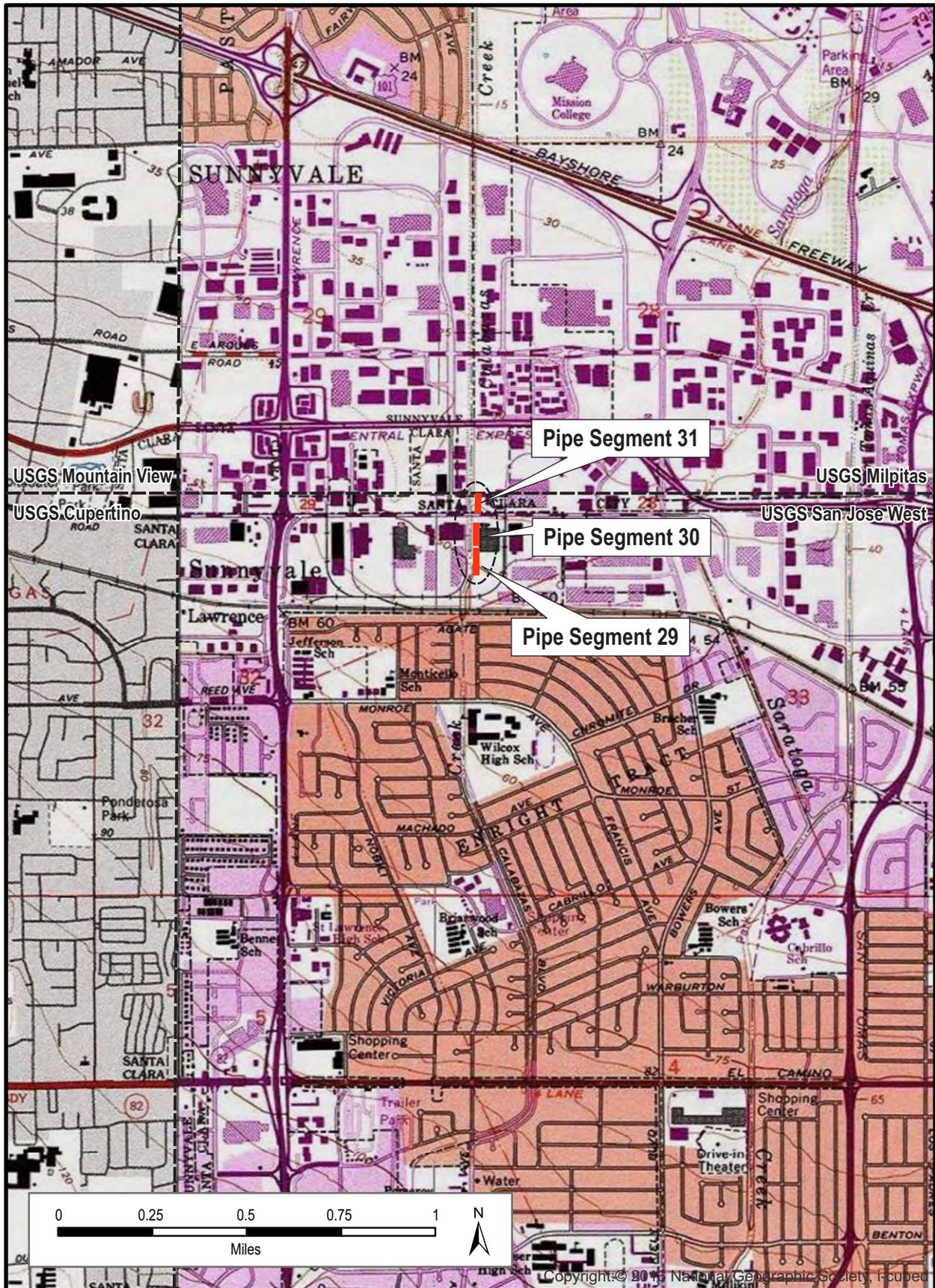
01/11/19



Santa Clara Sewer - Pipe Segment 12 - T6S R1W Sec. 34
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segment 23 - T7S R1W Sec. 15
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segments 29, 30, 31 - T6S R1W Secs. 28, 33
 (USGS San Jose West, Calif. 1980)

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone: (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



January 14, 2019

Dr. Colin Busby
Basin Research Associates

VIA Email to: Basinres1@gmail.com

RE: Sewer Line Repairs Project, City of Santa Clara; San Jose West and Milpitas USGS
Quadrangles, Santa Clara County

Dear Dr. Busby:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our lists contain current information. If you have any questions or need additional information, please contact me at my email address: gayle.totton@nahc.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Gayle Totton".

Gayle Totton, B.S., M.A., Ph.D.

Associate Governmental Program Analyst

Attachment

Native American Heritage Commission
Native American Contact List
Santa Clara County
1/14/2019

Amah Mutsun Tribal Band

Edward Ketchum,
35867 Yosemite Ave
Davis, CA, 95616
aerieways@aol.com

Costanoan
Northern Valley
Yokut

The Ohlone Indian Tribe

Andrew Galvan,
P.O. Box 3152
Fremont, CA, 94539
Phone: (510) 882 - 0527
Fax: (510) 687-9393
chochenyo@AOL.com

Bay Miwok
Costanoan
Patwin
Plains Miwok

Amah Mutsun Tribal Band

Valentin Lopez, Chairperson
P.O. Box 5272
Galt, CA, 95632
Phone: (916) 743 - 5833
vlopez@amahmutsun.org

Costanoan
Northern Valley
Yokut

**Amah Mutsun Tribal Band of
Mission San Juan Bautista**

Irenne Zwieler, Chairperson
789 Canada Road
Woodside, CA, 94062
Phone: (650) 851 - 7489
Fax: (650) 332-1526
amahmutsuntribal@gmail.com

Costanoan

**Indian Canyon Mutsun Band of
Costanoan**

Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister, CA, 95024
Phone: (831) 637 - 4238
ams@indiancanyon.org

Costanoan

**Muwekma Ohlone Indian Tribe
of the SF Bay Area**

Charlene Nijmeh, Chairperson
20885 Redwood Road, Suite 232
Castro Valley, CA, 94546
Phone: (408) 464 - 2892
cnijmeh@muwekma.org

Costanoan

North Valley Yokuts Tribe

Katherine Erolinda Perez,
Chairperson
P.O. Box 717
Linden, CA, 95236
Phone: (209) 887 - 3415
canutes@verizon.net

Costanoan
Northern Valley
Yokut

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Sewer Line Repairs, City of Santa Clara Project, Santa Clara County.



January 14, 2019

BASIN
RESEARCH
ASSOCIATES

1933 DAVIS STREET
SUITE 215
SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

Valentin Lopez, Chairperson
Amah Mutsun Tribal Band
P.O. Box 5272
Galt, CA, 95632

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Val,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

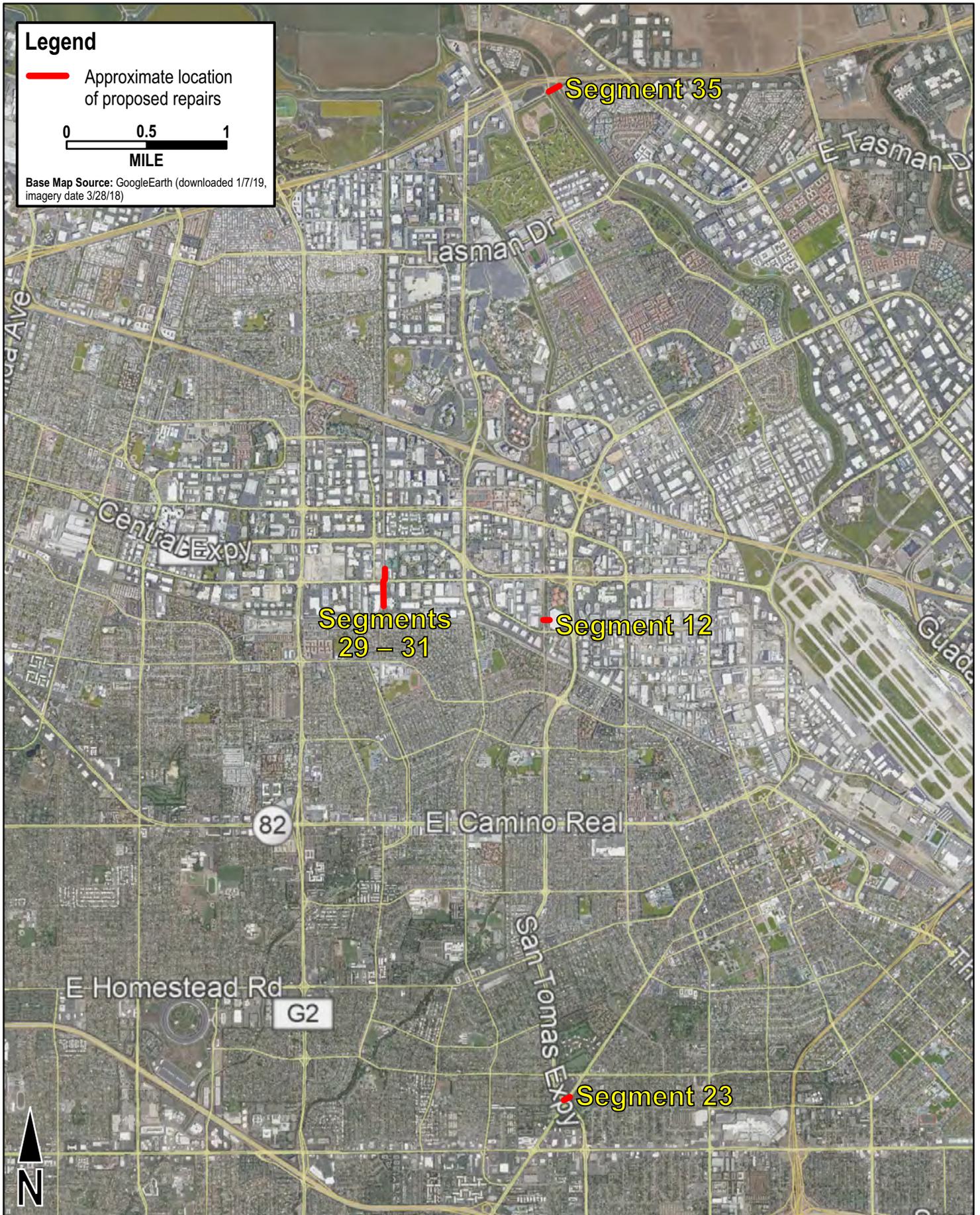
Repairs will be completed at Pipe Segments 12, 23, 29-31, and 35. Three of the repair projects may be subject to the provisions of the California Environmental Quality Act (CEQA) while one (Pipe Segment 35) requires a permit for the U.S. Army Corps of Engineers and must be comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (16 U.S.C., Section 470f). This repair consists of relining a pipe segment that crosses the Guadalupe River. The initial record review suggests no cultural resources are within or adjacent to the repair zones although known resources are within 500-1000 feet.

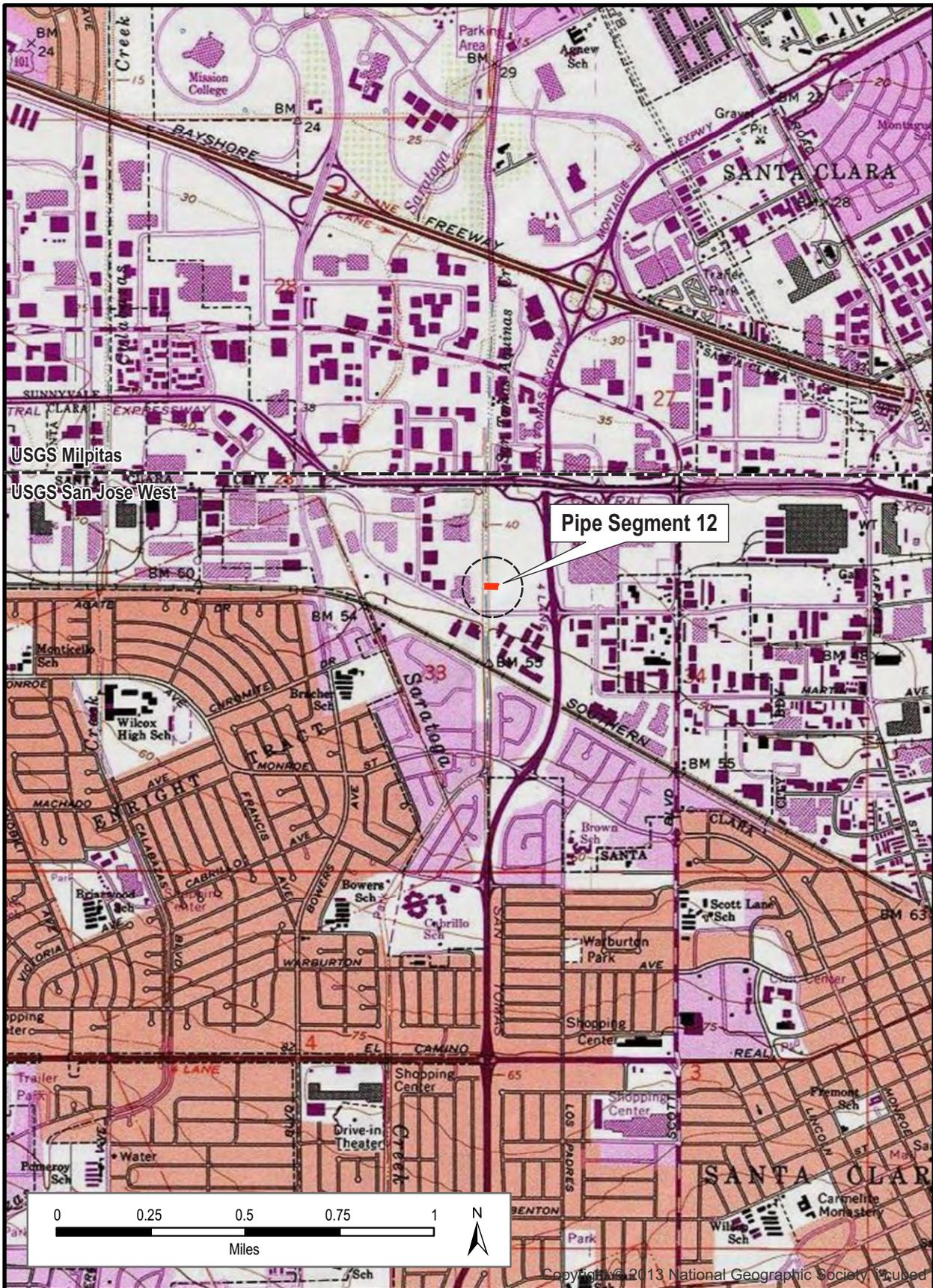
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Thanking you in advance for any assistance.

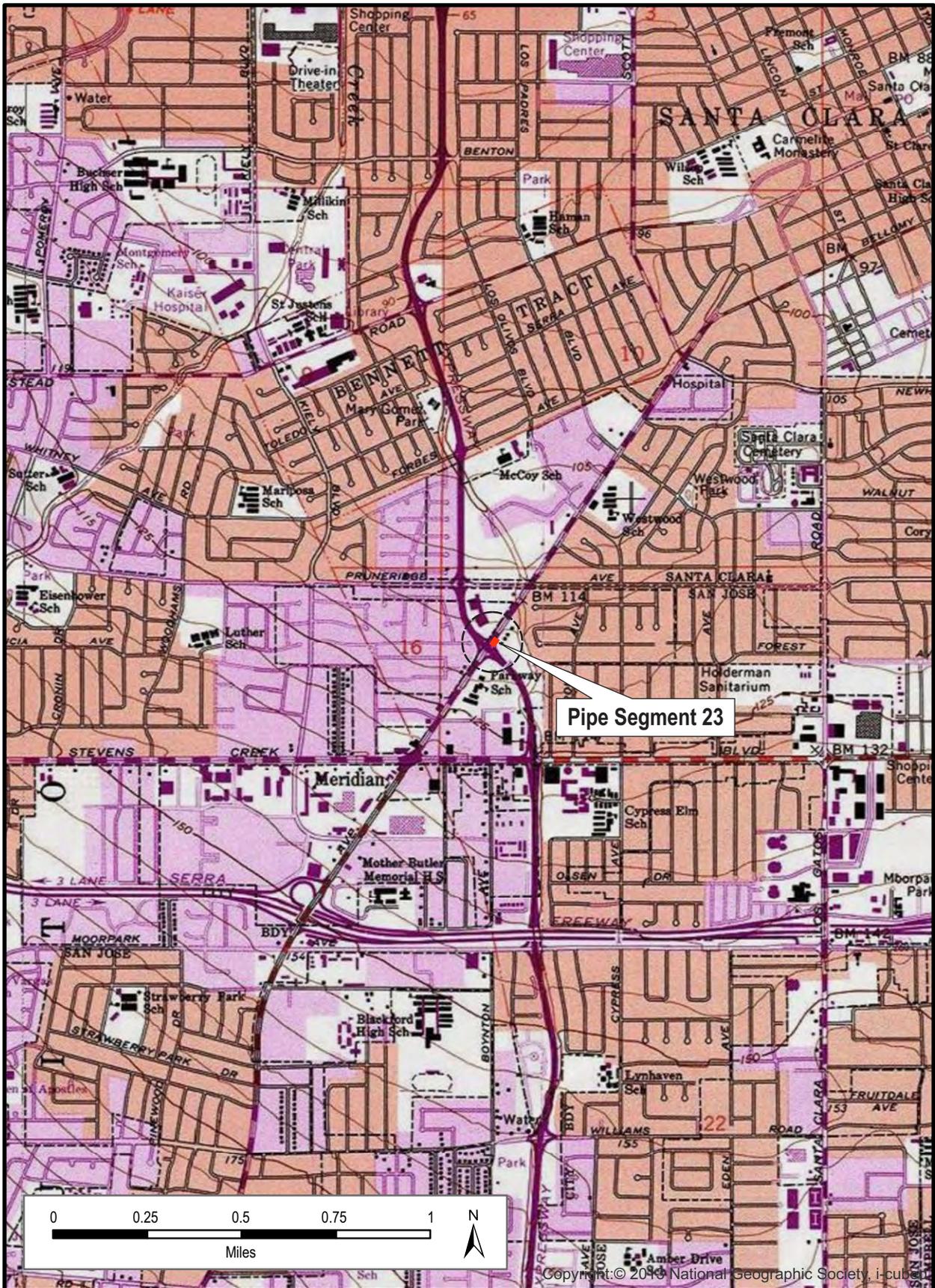
BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal

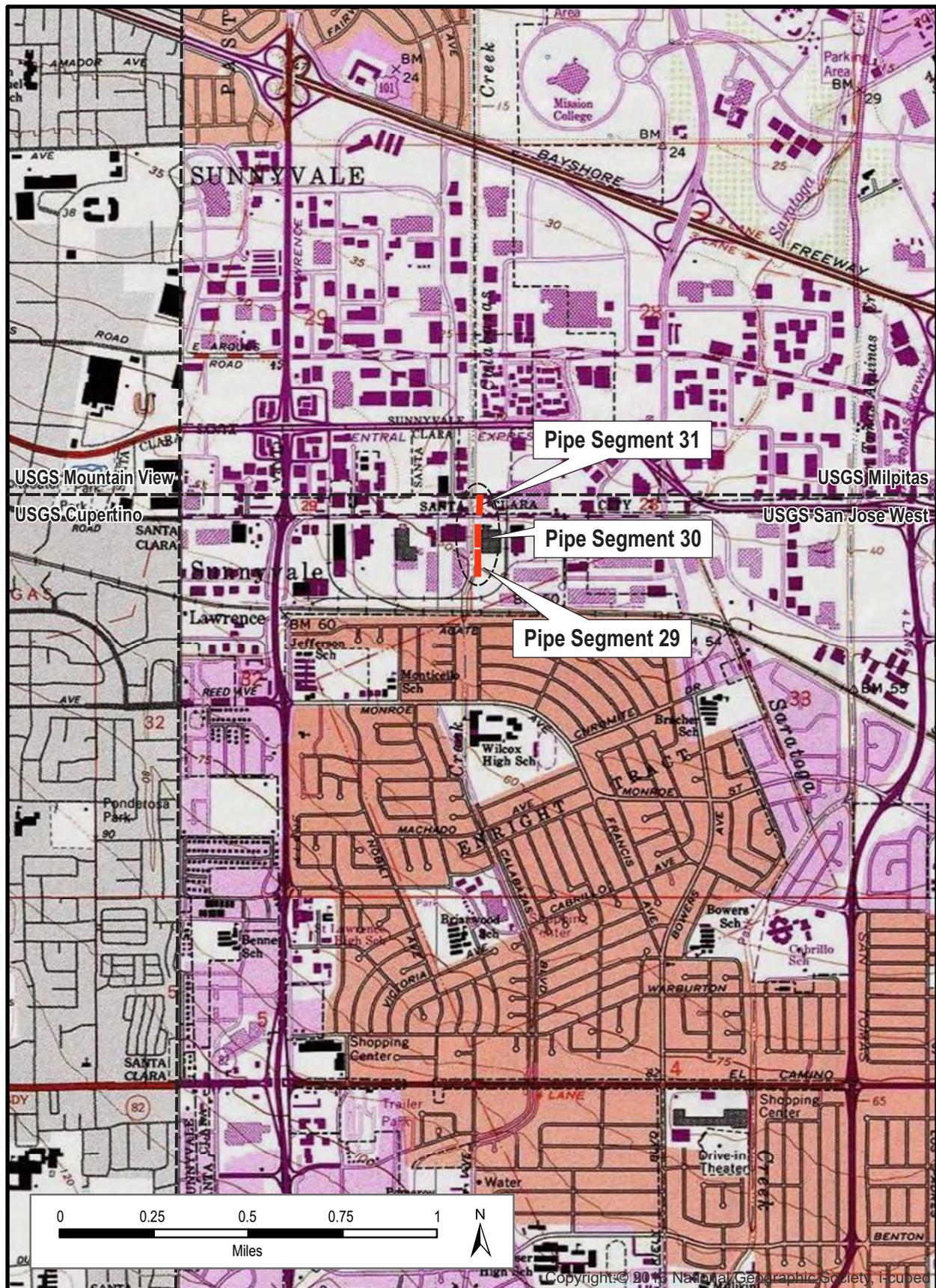




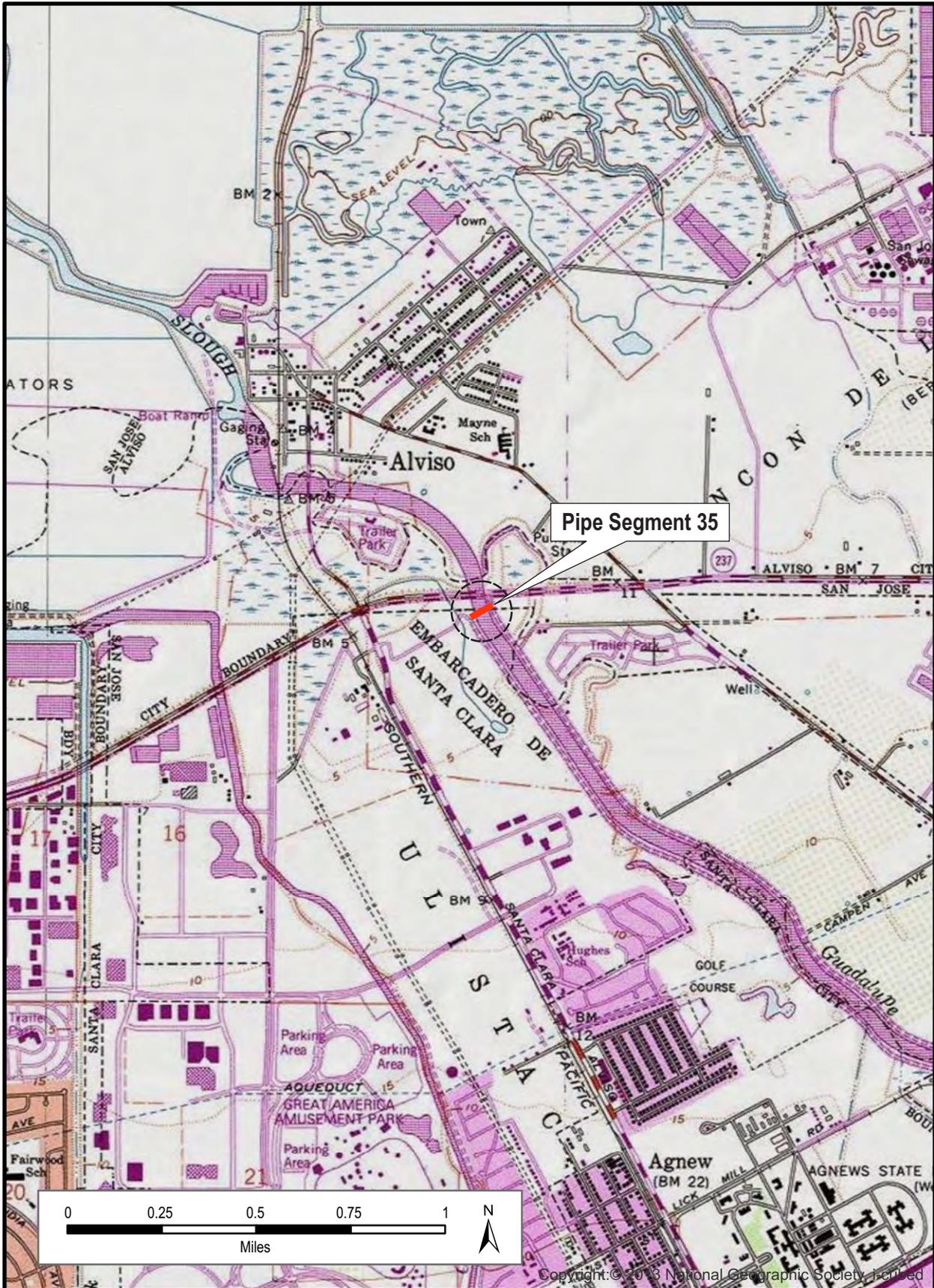
Santa Clara Sewer - Pipe Segment 12 - T6S R1W Sec. 34
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segment 23 - T7S R1W Sec. 15
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segments 29, 30, 31 - T6S R1W Secs. 28, 33
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segment 35 - T6S R1W Unsectioned (USGS Milpitas, Calif. 1980)



January 14, 2019



Edward Ketchum,
Amah Mutsun Tribal Band
35867 Yosemite Avenue
Davis, CA, 95616

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Ed,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

Repairs will be completed at Pipe Segments 12, 23, 29-31, and 35. Three of the repair projects may be subject to the provisions of the California Environmental Quality Act (CEQA) while one (Pipe Segment 35) requires a permit for the U.S. Army Corps of Engineers and must comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (16 U.S.C., Section 470f). This repair consists of relining a pipe segment that crosses the Guadalupe River. The initial record review suggests no cultural resources are within or adjacent to the repair zones although known resources are within 500-1000 feet.

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Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019

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SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

***Amah Mutsun Tribal Band of
Mission San Juan Bautista***
Irenne Zwierlein, Chairperson
789 Canada Road
Woodside, CA, 94062

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Irenne,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
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January 14, 2019

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FAX (510) 430-8443

***Indian Canyon Mutsun Band of
Costanoan***

Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister, CA, 95024

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Ann Marie,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019

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SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

***Muwekma Ohlone Indian Tribe
of the SF Bay Area***

Charlene Nijmeh, Chairperson
20885 Redwood Road, Suite 232
Castro Valley, CA, 94546

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Ms. Nijmeh,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019

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VOICE (510) 430-8441
FAX (510) 430-8443

North Valley Yokuts Tribe

Katherine Erolinda Perez,
Chairperson
P.O. Box 717
Linden, CA, 95236

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Kathy,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019

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SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

Andrew Galvan,
The Ohlone Indian Tribe
P.O. Box 3152
Fremont, CA, 94539

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Andy,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



ALAMEDA HUMBOLDT SAN FRANCISCO
COLUSA LAKE SAN MATEO
CONTRA COSTA MARIN SANTA CLATA
DEL NORTE MENDOCINO SANTA CRUZ
MONTEREY SOLANO
NAPA SONOMA
SAN BENITO YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
http://www.sonoma.edu/nwic

10/19/2018

NWIC File No.: 18-0615

Donna Garaventa
Basin Research Associates
1933 Davis Street, Suite 215
San Leandro, CA 94577

re: Santa Clara Sewer Impr

The Northwest Information Center received your record search request for the project area referenced above, located on the Milpitas, Cupertino, & San Jose West USGS 7.5' quads. The following reflects the results of the records search for the project area and a 250 foot radius:

Resources within project area:	P-43-003593.
Resources within 250 foot radius:	P-43-000025.
Reports within project area:	S-12032, 19424, 21232, 4955, 8626, 22570, 14230, 18367, 25183, 22819, 11396, 26045, 33061, 23364, 4181, 23934, 37218, 29657, 43525, 39146, 9368, & 4391.
Reports within 250 foot radius:	See enclosed database printouts.

- Resource Database Printout (list):** enclosed not requested nothing listed
- Resource Database Printout (details):** enclosed not requested nothing listed
- Resource Digital Database Records:** enclosed not requested nothing listed
- Report Database Printout (list):** enclosed not requested nothing listed
- Report Database Printout (details):** enclosed not requested nothing listed
- Report Digital Database Records:** enclosed not requested nothing listed
- Resource Record Copies:** enclosed not requested nothing listed
- Report Copies:** enclosed not requested nothing listed
- OHP Historic Properties Directory:** enclosed not requested nothing listed
- Archaeological Determinations of Eligibility:** enclosed not requested nothing listed
- CA Inventory of Historic Resources (1976):** enclosed not requested nothing listed
- Caltrans Bridge Survey:** enclosed not requested nothing listed
- Ethnographic Information:** enclosed not requested nothing listed

Historical Literature: enclosed not requested nothing listed
Historical Maps: enclosed not requested nothing listed
Local Inventories: enclosed not requested nothing listed
GLO and/or Rancho Plat Maps: enclosed not requested nothing listed
Shipwreck Inventory: enclosed not requested nothing listed

***Notes:**

****** Current versions of these resources are available on-line:

Caltrans Bridge Survey: <http://www.dot.ca.gov/hq/structur/strmaint/historic.htm>

Soil Survey: <http://www.nrcs.usda.gov/wps/portal/nrcs/surveylist/soils/survey/state/?stateId=CA>

Shipwreck Inventory: <http://www.slc.ca.gov/Info/Shipwrecks.html>

Let us know if you need copies of any documents. The invoice will be kept open until 10/26/18.

Please forward a copy of any resulting reports from this project to the office as soon as possible. Due to the sensitive nature of archaeological site location data, we ask that you do not include resource location maps and resource location descriptions in your report if the report is for public distribution. If you have any questions regarding the results presented herein, please contact the office at the phone number listed above.

The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

Should you require any additional information for the above referenced project, reference the record search number listed above when making inquiries. Requests made after initial invoicing will result in the preparation of a separate invoice.

Thank you for using the California Historical Resources Information System (CHRIS).

Sincerely,

Lisa C. Hagel
Researcher

**HISTORIC PROPERTY SURVEY REPORT/
FINDING OF EFFECT**
(No Historic Properties Affected)

**CITY OF SANTA CLARA
PROPOSED SANITARY SEWER CONDITION ASSESSMENT REPAIRS
SEGMENT 35**

FOR

REDTAIL CONSULTING
115 Orchard Drive
Fremont, CA 94536

BY

BASIN RESEARCH ASSOCIATES
1933 Davis Street, STE 215
San Leandro, CA 94577

FEBRUARY 2019

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FIGURES

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FIGURE 2	City of Santa Clara - Proposed Sewer Repair Projects - Segment 35 - T6S R1W Unsectioned (USGS Milpitas, Calif. 1980)
FIGURE 3	City of Santa Clara - Proposed Sewer Repair Projects - Segment 35 (ESRI World Street Map)
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LETTER	Native American Heritage Commission Response
LETTERS	Request to Native Americans Identified by the Native American Heritage Commission
MEMO	Native American Responses

CHRIS/NWIC SEARCH RESULTS

SEARCH	File No. 18-0615 dated 10/19/2018 (No Confidential Information)
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1.0 INTRODUCTION

This *Historic Property Survey Report/Finding of Effect* report (HPSR/FOE) represents the identification and evaluation effort for cultural resource completed for Segment 35 (Guadalupe River), City of Santa Clara Proposed Sanitary Sewer Condition Assessment Repairs, Santa Clara County (Undertaking/Project). The City's Water & Sewer Utility (SCWS) owns and operates a sanitary sewer system that serves nearly 120,000 residential, commercial, and industrial customers within the City limits and also accepts flows from the neighboring Cupertino Sanitary District. The sanitary sewer network includes approximately 300 miles of sewer mains ranging from 4-inches to 48-inches in diameter. The majority of the system consists of vitrified clay pipe (VCP) which was installed between 1940 and 1980. The system also includes two large pump stations and four smaller lift stations. Repairs are required within Segment 35 due to a leaking joint.

Segment 35 is a pipe segment that crosses beneath the Guadalupe River about 200 feet south of the State Route 237 bridge just south of the Alviso Area and is immediately east of the City of Santa Clara's Eastside Stormwater Retention Basin. The SCWS proposes to place infiltration grout to seal a pipe leaking joint; rehabilitate Sanitary Sewer Man Hole (SSMH) 114-4, including replacement of frame and cover and modification of base and channels to restore integrity.

The proposed Undertaking requires permits from the Department of the Army, Corps of Engineers (Corps) in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) and Section 404(b)(1) of the Clean Water Act (33 U.S.C. § 1344) and must comply with the regulatory requirements of the Corps with regard to cultural resources (historic properties).

The Corps (San Francisco District) is the lead federal agency for National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. § 4321) compliance as well as the lead federal entity for completing the federal regulatory requirements for cultural resources pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (54 U.S.C. § 306108) and its implementing regulations 36 CFR Part 800. The implementing regulations require a federal agency with jurisdiction over a federal, federally assisted or federally licensed undertaking to take into account the effect on properties listed on or eligible for the National Register of Historic Places (NRHP) and to afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on the undertaking should it adversely affect a NRHP eligible or NRHP listed property. The criteria for determining NRHP eligibility are found in 36 CFR Part 60.

The City of Santa Clara is the lead state agency under the California Environmental Quality Act (CEQA) and the Corps is the lead federal agency for the project. The Corps is responsible for consulting with the California State Historic Preservation Office (SHPO) on the identification and evaluation effort and on the effects, if any, of the undertaking upon historic properties in accordance with 54 U.S.C. § 302303(b)(5), (b)(6) and (b)(9). The SHPO is the reviewing party.

The Area of Potential Effects (APE) for Archaeology includes the area within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, should any be present within the APE. The horizontal and vertical APE consists of

the proposed construction within Segment 35 and the proposed repairs to the two manholes on the east and west banks of the Guadalupe River.

The identification effort has involved:(1) development of an Archaeological Area of Potential Effects (APE); (2) completion of an archival and literature search by the California Historic Resources Information System, Northwest Information Center (CHRIS/NWIC); (3) a request to the Native American Heritage Commission (NAHC) for a review of the Sacred Lands File; and, (4) contact with locally knowledgeable Native Americans identified by the NAHC. A field review of the project was not completed due to the nature of the proposed repairs within an existing pipeline, extensive previous disturbance associated with flood control and pipeline construction within the project site, and, a previous intensive survey coupled with subsurface testing.

A finding of *No Historic Properties Affected* is recommended pursuant to 36 CFR Part 800.4(d)(1) as the Undertaking will have no effect on any properties as defined in 36 CFR Part 800.16(i).

2.0 LOCATION AND DESCRIPTION

Segment 35 crosses beneath the Guadalupe River channel about 200 feet south of the SR 237 bridge just south of the Alviso area of San Jose. Segment 35 is within the extent of the historic baylands, although much of the surrounding area has been developed or otherwise substantially modified. The Guadalupe River has been channelized and leveed for flood protection in this vicinity but still provides tidally influenced open channel and marshland habitat. The City of Santa Clara's Eastside Stormwater Retention Basin is to the west; the Santa Clara Police Activities League BMX track abuts the Eastside Retention Basin to the south (5401 Lafayette Street); the area east of the segment is dominated by high-density residential uses, including the Oak Crest Estates and Lamplighter San Jose mobile home parks; and, farther to the south by several apartment and condominium complexes (USGS Milpitas, Calif. 1980, T6S R1W, unsectioned, Mount Diablo Meridian) [Figs. 1-4].

Two parallel sewer pipes are present at Segment 35: a 45-inch-diameter VCP pipeline on the north and a 42-inch-diameter reinforced concrete pipe (RCP) line on the south. The proposed repairs would involve the 42-inch-diameter RCP (south) pipe, which is at a depth of approximately 15-16 feet below present ground surface. SSMH 114-5 (approximate depth 15 feet) is located on the 42-inch-diameter pipe at the west end of the segment and SSMH 114-4 (approximate depth 16.4 feet) is located on the 42-inch-diameter pipe at the east end of the segment. The leaking joint at Segment 35 would be repaired via infiltration grouting and the existing manhole SSMH 114-4 would be rehabilitated or removed and replaced where needed including replacing frame and cover and modifying base and channels [see Fig. 5].

Infiltration Grouting

In general, infiltration grouting remotely accesses a pipe via an existing manhole and a small guided packer device is inserted into the pipe and pulled into position at the leaking joint or pipe defect. The remotely operated packer then pumps chemical grout under pressure into areas with leaks, filling holes in the pipe and stabilizing soil outside the leak. Once the grout is in place, it is cured by pumping a curing compound to harden the grout. The packer is equipped with

annular seals at each end to maintain adequate pressure and contain grout within a short, localized segment of the pipe.

At Segment 35, the large diameter of the existing pipe will permit grout to be injected by a contractor working from within the pipe. Staff will access the pipe via an existing manhole (either City SSMH 114-5 west of the Guadalupe Creek Trail near the Eastside Retention Basin, or City SSMH 114-4 adjacent to the ouboard toe of the Guadalupe River east levee). Grout will then be injected under pressure into the leaking joint to form a seal and stabilize the soil immediately surrounding the leaking joint, following by a curing compound to harden the grout.

2.1 AREA OF POTENTIAL EFFECTS (APE)

The Segment 35 Area of Potential Effects (APE) for Archaeology consists of the existing underground pipeline segment and the above ground areas to be used for access and manhole repair. The vertical APE is the in-place manhole access and the existing pipeline segment.

3.0 REGULATORY CONTEXT

This report has been prepared to meet both applicable federal and state regulatory requirements for historic properties (cultural resources) which require the identification and evaluation of cultural resources that could be affected by the project. Cultural resources include prehistoric and historic archaeological sites, districts and objects; standing historic structures, buildings, districts and objects; and locations of important historic events or sites of traditional/cultural importance to various groups. The analysis of cultural resources can provide valuable information on the cultural heritage of both local and regional populations.

The proposed undertaking requires permits from the Corps in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) and Section 404(b)(1) of the Clean Water Act (33 U.S.C. § 1344) and must comply with the regulatory requirements of the Corps with regard to cultural resources (historic properties).

The Corps (San Francisco District) is the lead federal agency for NEPA (42 U.S.C. § 4321) compliance as well as the lead federal entity for completing the federal regulatory requirements for cultural resources pursuant to Section 106 of the (NHPA of 1966 (as amended) (54 U.S.C. § 306108) and its implementing regulations 36 CFR Part 800. The implementing regulations require a federal agency with jurisdiction over a federal, federally assisted or federally licensed undertaking to take into account the effect on properties listed on or eligible for the NRHP and to afford the ACHP an opportunity to comment on the undertaking should it adversely affect a NRHP eligible or NRHP listed property. The criteria for determining NRHP eligibility are found in 36 CFR Part 60.

Public agencies under CEQA must consider the effects of their actions on both “historical resources” and “unique archaeological resources” as well properties of historic or cultural significance to a community or ethnic group eligible for inclusion in the California Register of Historic Resources (CRHR). Pursuant to California Public Resources Code (PRC) Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” PRC 21083.2 requires agencies to determine whether a proposed project would have an effect on

“unique” archaeological resources. The City of Santa Clara as the lead state agency is required to determine the potential impacts of the proposed construction on both historical and unique archaeological resources and mitigate impacts on any significant resources that may be affected by the project to a less than significant effect.

The City of Santa Clara is the lead local agency and the Corps (San Francisco District) is the lead federal agency for the project. The California State Historic Preservation Office (SHPO) is the final reviewing party.

4.0 BACKGROUND REVIEW

4.1 ENVIRONMENTAL SETTING

The project area is located on a flat floodplain which extends south from the San Francisco Bay marshes. During the Late Pleistocene the Guadalupe River – the primary drainage of the area – was an embedded, but in more recent times (since the stabilization of the Bay shoreline) has become aggrading water courses. Historically, the water courses contained many turns and meanders, which increased in size and number closer to the Bay. In 1963, the Guadalupe River channel was straightened, dredged, and its levees built up substantially as part of a flood control program. This alteration impacted and affected many of the archaeological sites along the river.

Segment 35 is within the extent of the historic baylands, although much of the surrounding area has been developed or otherwise substantially modified. Though The Guadalupe River has been channelized and leveed for flood protection in this vicinity, it still provides tidally influenced open channel and marshland habitat. The original shifting and meandering nature of the Guadalupe River and Coyote Creek produced a subtly uneven topography throughout their floodplain. Small basins and other slight topographic depressions played a key role in the ecology and subsistence patterns of the area while areas of higher and dry ground were favored for aboriginal occupation. The native environment was basically a low grassland dotted with spring-fed marshes and basins. A number of ecotones exist within a few miles of the project area, including riverine grassland, grassland/saltmarsh, grassland/fresh-water marsh, grassland/oak plain, saline tidal zones, and fresh-water shrub/tree microhabitats.

Segment 35 is with the Pescadero clay 0-1 percent slopes (Pd) soil unit. The Pescadero series developed under poor drainage conditions. The parent material is very finely divided alluvium. Vegetation associated with the Pescadero series was initially mainly grasses and later, mostly cultivated. The 1961 USGS San Jose topographic quadrangle shows Segment 35 within an orchard (USDA/SCS 1958:105-106, Northern Sheet; USGS 1961, 1980; Sowers and Thompson 2005)

4.2 NATIVE AMERICAN

4.2A Prehistoric

Cultural resources are traces of human occupation and activity. In northern California, human occupation extends back in time for at least 9000-11,500 years with Native American occupation and use of the Bay Area extending over 5000-8000 years and possibly longer.

Springs and water courses and associated lakes and marshes were often a focus of prehistoric occupation in central California with Native American groups exploiting a variety of ecological resources associated with flowing water, seasonal water sources and standing water. The project segment is located within the vicinity of a number of creeks and their intermittent tributaries. The various sources of water would have provided a favorable environment during the prehistoric period with riparian and inland resources readily available in relative close proximity.

Archaeological research for the general San Francisco Bay Area suggests an increase in the prehistoric population over time with an increasing focus on permanent settlements with large populations in later periods. This change from hunter-collectors to an increased sedentary lifestyle is due to more efficient resource procurement but with a focus on staple food exploitation, the increased ability to store food at village locations, and the development of increasing complex social and political systems including long-distance trade networks.

The Guadalupe River and Coyote Creek were foci of prehistoric occupation in the Santa Clara Valley and Native American use of the study area continued into both the Hispanic and American Periods. Native American site types in the general study area consist of habitation sites (e.g., villages and long-term camps including burial areas, temporary camps), non-habitation sites (e.g., workshops, hunting and butchering sites, etc.), bedrock mortars or other milling feature sites, rock art sites (e.g., petroglyph and pictographs), quarries, burial sites (including isolated burials), and trails. The prehistoric sites recorded in the general project area appear to be both habitation and on-habitation sites and include former mound sites as well as sites now buried under flood deposited sediments from the periodic overflow of the Guadalupe River.

Several chronological schemes based on stratigraphic differences and the presence of various cultural traits has been developed and used to interpret prehistoric occupation of the project area. A three-part cultural chronological sequence, the Central California Taxonomic System (CCTS) was developed by archaeologists to explain local and regional cultural change in prehistoric central California from about 4,500 years ago to the time of European contact (Lillard et al. 1939; Beardsley 1948, 1954). This classification scheme, consisting of three horizons - Early, Transitional and Late, has been revised although the prior nomenclature (Early, Middle, Late Horizon) is still in common use (see Fredrickson 1994). Moratto (1984) suggests the Early Horizon dated to ca. 4,500 to 3,500/3,000 years ago with the Middle Horizon dating to circa 3,500 to 1,500 years ago and the Late Horizon dating to circa 1,500 to 250 years ago [see Table 1]. Hylkema (see Allen 1999) has presented a four-period chronological framework for the Northern Santa Clara Valley/Southern San Francisco Bay region using the Bennyhoff and Hughes (1987) taxonomy as revised by Milliken and Bennyhoff (1993) and Fredrickson (1994) [see Table 2].

General overviews and perspectives on the regional prehistory including chronological sequences can be found in C. King (1978a), Moratto (1984), Elsasser (1978, 1986), Allen et al. (1999), Hylkema (2002) and Jones and Klar (2007).

TABLE 1
Hypothesized Characteristics of Cultural Periods in California

1800 A.D. Upper Emergent Period Phase 2, Late Horizon	Clam disk bead money economy appears. More and more goods moving farther and farther. Growth of local specializations relative to production and exchange. Interpenetration of south and central exchange systems.
1500 A.D. Lower Emergent Period Phase 1, Late Horizon	Bow and arrow introduced replace atlatl and dart; south coast maritime adaptation flowers. Territorial boundaries well established. Evidence of distinctions in social status linked to wealth increasingly common. Regularized exchanges between groups continue with more material put into the network of exchanges.
1000 A.D. Upper Archaic Period Middle Horizon Intermediate Cultures	Growth of sociopolitical complexity; development of status distinctions based on wealth. Shell beads gain importance, possibly indicators of both exchange and status. Emergence of group-oriented religious organizations; possible origins of Kuksu religious system at end of period. Greater complexity of exchange systems; evidence of regular, sustained exchanges between groups; territorial boundaries not firmly established.
500 B.C. Middle Archaic Period Middle Horizon Intermediate Cultures	Climate more benign during this interval. Mortars and pestles and inferred acorn economy introduced. Hunting important. Diversification of economy; sedentism begins to develop, accompanied by population growth and expansion. Technological and environmental factors provide dominant themes. Changes in exchange or in social relations appear to have little impact.
3000 B.C. Lower Archaic Period Early Horizon Early San Francisco Bay Early Milling Stone Cultures	Ancient lakes dry up as a result of climatic changes; milling stones found in abundance; plant food emphasis, little hunting. Most artifacts manufactured of local materials; exchange similar to previous period. Little emphasis on wealth. Social unit remains the extended family.
6000 B.C. Upper Paleo-Indian Period San Dieguito Western Clovis 8000 B.C.	First demonstrated entry and spread of humans into California; lakeside sites with a probable but not clearly demonstrated hunting emphasis. No evidence for a developed milling technology, although cultures with such technology may exist in the state at this time depth. Exchange probably ad hoc on one-to-one basis. Social unit (the extended family) not heavily dependent on exchange; resources acquired by changing habitat.

TABLE 2
Comparison of California Cultural Period with Temporal Phases of Central California
(Allen 1999)

<i>Cultural Periods</i> (Fredrickson 1994a-b)	Dating Scheme B1 (Bennyhoff and Hughes 1987)	
	Year	Time Period
EMERGENT PERIOD	AD 1800	Historic Period
	AD 1700	Late Period Phase 2-B
	AD 1500	Late Period Phase 2-A
	AD 1300	Late Period Phase 1-C
	AD 1100	Late Period Phase 1-B
		Late Period Phase 1-A

TABLE 2, con't
 Comparison of California Cultural Period with Temporal Phases of Central California
 (Allen 1999)

<i>Cultural Periods</i> (Fredrickson 1994a-b)	Dating Scheme B1 (Bennyhoff and Hughes 1987)	
	Year	Time Period
UPPER ARCHAIC PERIOD	AD 900	Middle/Late Period Transition Middle Period Terminal Phase Middle Period Late Phase Middle Period Intermediate Phase Middle Period Early Phase Early/Middle Period Transition
	AD 700	
	AD 500	
	AD 300	
	AD 100	
	200 BC	
	500 BC	
MIDDLE ARCHAIC PERIOD	3000 BC	Early Period
LOWER ARCHAIC PERIOD	6000 BC	
PALEOINDIAN PERIOD	8000 BC	

4.2B Ethnographic

The aboriginal inhabitants of the Santa Clara Valley belonged to a group known as the "Costanoan", derived from the Spanish word *Costanos* ("coast people" or "coastal dwellers") who occupied the central California coast as far east as the Diablo Range (Kroeber 1925:462; Hart 1978:96). The descendants of these Native Americans now prefer to be called Ohlone.¹ In 1770 the Costanoan lived in approximately 50 separate and politically autonomous tribelets with each group having one or more permanent villages surrounded by a number of temporary camps. Physiographic features usually defined the territory of each group which generally supported a population of approximately 200 persons with a range of between 50-500 individuals (Levy 1978:485, 487).

1. An estimated 200+ and possibly more persons of partial Costanoan descent currently reside in the greater San Francisco Bay Area; these individuals now generally prefer the term *Ohlone* to the anthropologists' Costanoan (A. Galvan, personal communication 1990).

Tribelet boundaries and village locations are inexact due to incomplete historic records, and they remain a subject of anthropological contention and debate. Most researchers place the project area within the territory of the *Tamyen (Tamien)* tribelet of the Costanoan Indians (Kroeber 1925; Levy 1978:485; Milliken 1995). Later work by Milliken (2006) maps the vicinity of the project as “Alviso/SF Solano”.

Several Native American villages were located along the Guadalupe River in Santa Clara and San Jose. One village known as *Our Mother Santa Clara* or Santa Clara during the Mission Period is located below Alviso but has been described as closer to the Mission Santa Clara on the east bank of the Guadalupe River. The village of *Ulis-tak* has been tentatively located on the west side of the Guadalupe River approximately one mile south of the project segment (Kroeber 1925; C. King 1978b). A third habitation, *Rancheria of Our Patron San Francisco*, was a central village of the Ohlone tribelet known as *Tamie-n* (Winter 1978a-b; C. King 1978a:448, 1978b:437-438; Levy 1978) and may have been located further to the south near the confluence of the Guadalupe River and Los Gatos Creek. Several of the villages have been linked to archaeological sites.

Extensive ethnographic data on the Ohlone are lacking and the aboriginal lifeway apparently disappeared by approximately 1810 due to introduced diseases, a declining birthrate, the cataclysmic impact of the mission system and the later secularization of the missions by the Mexican government. Reviews of the Ohlone are provided by Kroeber (1925), Harrington (1942), Galvan (1967/1968), King and Hickman (1973), C. King (1977, 1978b), Levy (1978), Bean (1994), Margolin (1978) and Milliken (1995, 2006).

4.3 HISTORIC ERA

4.3A Hispanic Period

Spanish explorers in the late 1760s and 1770s were the first Europeans to traverse the Santa Clara Valley. The first party, that of Gaspar de Portola and Father Juan Crespi, arrived in the Alviso area in the fall of 1769. Sergeant Jose Francisco Ortega of the Portola and Crespi party was sent to explore the eastern portion of San Francisco Bay and likely forded both the Guadalupe River and Coyote Creek near their mouths, but no exact record of his journey remains (Beck and Haase 1974:#16-17; James and McMurry 1933). The following year, Pedro Fages led another party through the Santa Clara Valley, and in 1772 Fages returned with Crespi to the same vicinity. The exploration party of Juan Bautista de Anza and Father Pedro Font traveled through the region in early 1776, leaving a substantial record of their travels (see Bolton 1930 III:143, IV:352n, 353-354).

After an initial period of exploration, the Spanish focused on the founding of presidios, missions, and secular towns with the land held by the Crown (1769-1821) whereas the later Mexican policy stressed individual ownership of the land. The favorable reports of Anza and Font led to the establishment of both Mission Santa Clara (the 8th of the 21 missions founded in California)

in January 1777 and later the Pueblo San Jose de Guadalupe in the same year along the banks of the Guadalupe River (Hall 1871:48).²

During the Mexican Period (1821 to 1846) and into the American Period, Segment 35 was within the *Embarcadero de Santa Clara* (“*St. Clare’s Embarkation Place*”, “*Port*” or “*Landing*”). This embarcadero on San Francisco Bay was the landing for Mission Santa Clara and the name of the rancho granted by Governor Pico on June 18, 1845, to Barcellia [Barcilia] Barcellia Bernal for approximately 177 acres. Title to this triangularly shaped rancho, bounded on the east by the “meandering” Guadalupe River, was rejected and later issued to Barcilia Bernal (deceased) on October 28th, 1936, for 196.25 acres. No known Hispanic Period resources - dwellings or features (e.g., corrals, orchards, roads, etc.) - have been identified in or adjacent to the proposed project (Wilson 1936 [plat]; Hendry and Bowman 1940; Arbuckle and Rambo 1968; Shoup 1997a).

4.3B American Period

California became a United States territory in 1848 through the Treaty of Guadalupe Hidalgo that ended the Mexican War of 1846-1847. The territory was not formally admitted as a state until 1850. The American Period in the Santa Clara Valley is characterized by an influx of Euro-Americans and rapid growth which overwhelmed the Hispanic residents and their economic/cultural traditions which centered on missions, presidios, and ranchos. In the mid-19th century, the majority of the rancho and pueblo lands and some of the ungranted land in California were subdivided as the result of population growth, the American takeover, and the confirmation of Mexican Period property titles.

The population expanded as a result of the Gold Rush beginning in 1848. During the early American Period (1847-1876) stock raising predominated, giving way to a combination of wheat-barley production, dairy farms, and orchards in the 1860s-1870s. The arrival of the San Francisco and San Jose Railroad (1863-1864), construction of the transcontinental railroad beginning in 1869 to Oakland/San Francisco, and the development of the refrigerator railroad car (ca. 1880s) used for the transport of agricultural produce to distant markets spurred population growth in the Santa Clara Valley and Central California.

During the later American Period and into the Contemporary Period (ca. 1876-1940s), fruit production became a major industry. This predominance of fruit production/processing held steady until after World War II resulting in the continuing dominance of the former Pueblo of San Jose as a primary service center, the focus of industry, the County seat, the financial center, and social center for the region. In recent decades the agrarian land-use pattern has been gradually displaced by dense urban housing, commercial centers, and the development of research and development and manufacturing associated with the electronic and software industries leading to the designation of the general region as the Silicon Valley.

2. The original mission site is believed to be located near or within the San Jose Municipal Airport with the succeeding missions within the present City of Santa Clara. The original site of the Pueblo is believed to be in the vicinity of the present Civic Center and was later moved to the present downtown area (e.g., Hendry and Bowman 1940).. Flooding of the Guadalupe River required their subsequent relocation to more suitable areas in 1779 and 1785 respectively.

The “tech” boom of the 1980s and 1990s and continuing to the present has dramatically altered the regional landscape; industrial parks, commercial districts and housing subdivisions have taken the place of the orchards that once flourished in the project area and in the Santa Clara Valley as a whole (Broek 1932; Hart 1987). The pattern continues with urban, commercial and industrial redevelopment of the initial “tech” landscape.

Project Specific Map Review

A select series of mostly historic maps was reviewed - no historic period cultural feature(s) are mapped within or adjacent to the project segment (Sowers and Thompson 2005; Goddard 1857, Healey 1866; Whitney 1873; Thompson and West 1876; Wilson 1936; USGS 1899; US War Dept. 1943; USGS 1961, 1973, 1980).

5.0 RESEARCH PROTOCOLS

A prehistoric and historic site record and literature search was conducted by personnel of the California Historical Resources Information System, Northwest Information Center at California State University Sonoma, Rohnert Park (CHRIS/NWIC File No. 18-0615 dated 10/19/2018 by Hagel) for the project segment and a 250-foot radius. In addition, a review of pertinent literature and archival records on file at Basin Research Associates and at other repositories including the Bancroft Library, University of California at Berkeley, was undertaken. The literature review included:

Historic Properties Directory (CAL/OHP 2012a)

National Register of Historic Places (NRHP) listings in Santa Clara County (USNPS 2018a-c)

List of California Historical Resources (CAL/OHP 2019).

California History Plan (CAL/OHP 1973);

California Inventory of Historic Resources (CAL/OHP 1976);

Five Views: An Ethnic Sites Survey for California (CAL/OHP 1988);

Archaeological Determinations of Eligibility for Santa Clara County [ADOE] (CAL/OHP 2012b),

Various lists and maps (Santa Clara (City of), Planning Division 1994, 1999; Santa Clara County Historical Heritage Commission [SCiCoHHC] 1979, 1999; Sowers and Thompson 2005; Goddard 1857, Healey 1866; Whitney 1873; Thompson and West 1876; Wilson 1936; USGS 1899; US War Dept. 1943; USGS 1961, 1973, 1980).

No other agencies, departments or local historical societies were contacted regarding landmarks, potential historic sites or structures due to the information on file with the CHRIS/NWIC and the limited areas to be impacted by the repairs to Segment 35.

An archaeological field review of Segment 35 was not completed due to the nature of the proposed repairs within an existing pipeline and extensive previous disturbance associated with flood control and pipeline construction within the remainder of the project site.

5.1 RECORDS SEARCH RESULTS
 5.1A Compliance Reports

Nine cultural resource reports on file at the CHRIS/NWIC include the project segment and/or adjacent areas with negative results for Segment 35 and immediate vicinity.

Archaeological Survey Report for Proposed High Occupancy Vehicle Lanes 04-SCL-237 R4.6/9.3 04215 – 401910 (Buss 1981/S-4892).

Cultural Resource Evaluation of the Presence or Absence of Historic and Prehistoric Sites for the Guadalupe River Flood Control Project (Detlefs et al. 1980/S-4955).

Archaeological Survey Report for the Proposed Upgrading of Route 237 to Freeway Standards with Bike Route Alternatives, Santa Clara County (4-SCL-237 3.2/9.5 042125-117000) (Gross 1985/S-7995).

Cultural Resources Investigation, Second Expansion of Rincon de los Esteros Redevelopment Project (Theodoratus Cultural Research (TCR) 1980/S-8626).

A Cultural Resources Assessment for the Preliminary Environmental Analysis for the Proposed Santa Clara Ball Park, Route 237 and Lafayette Street Cities of San Jose and Santa Clara, Santa Clara County, California (Banet and Rossa 1990/S-12032).

Cultural Resources Survey for the Los Esteros Project [proposed Kifer-Los Esteros 115kV Transmission Route], Santa Clara County (Holson 1997/S-19424).

Lower Guadalupe River Flood Control Project Cultural Resources Archival Research and Archaeological Reconnaissance [including Appendix A and Addendum by Shoup 1997a-b] (Shoup et al. 1998/S-21232).

Cultural Resources Study for the Line 109 107.6EW Station 81+65 ECDA Project, Santa Clara County, California (Thomas 2012/S-38765).

State Route 237 Express Lanes Phase 2 Project Historic Property Survey Report (HPSR) Including Archaeological Survey Report (ASR) [S-46337a], Extended Phase 1 (XP1) Report, and Environmentally Sensitive Area (ESA) Plan, SR 237 and US 101, Santa Clara County, California. Caltrans District 4, SCL-237 PM 2.3/8.2, EA 04-4H280K, Project ID 0413000202 (Whitaker 2014/S-46337).

5.1B Recorded Sites and/or Reported Sites [see Attachments, Forms]

No prehistoric, combined prehistoric/historic or historic era archaeological or built-environment sites have been recorded or reported within or adjacent to Segment 35.

Two sites have been recorded within 250 feet of Segment 35.

P-43-003593 - Oakcrest Estates,³ a planned community of pre-fabricated mobile home residences constructed in 1975 at 4271 North First Street, City of San Jose (G. King 1985/form). A built environment site.

3 Mapped approximately by the CHRIS/NWIC as partly within the segment alignment. Shown as Oakcrest

P-43-000025 (CA-SCL-5) - a prehistoric shellmound site originally designated as Mound 339 by Nels. C. Nelson (Loud 1912; Meyer and Thomas 2012; Thomas 2012) is mapped between 300 and 650 feet south of SR 237 with the probable northern boundary just to the south of Segment 35 on the west bank of the Guadalupe River. An intensive pedestrian survey and an Extended Phase I investigation in 2012 for a PG&E External Corrosion Direct Assessment (ECDA) project (see Thomas 2012) did not find any indications of surface or subsurface cultural materials in the plotted location of the resource. Meyer and Thomas (2012) have suggested that the site was destroyed when the lower Guadalupe River was straightened and channelized in 1963. In addition, other previous studies, including Caltrans studies of the SR 237 right-of-way have not identified cultural resources where SR 237 crosses the Guadalupe River. The data suggest that the site is no longer extant.

5.1C Listed Historic Properties

No federal, state, and/or regional listed historically or architecturally sites, structures, landmarks, or points of interest have been identified in or adjacent to the project area.

5.2 ARCHAEOLOGICAL SENSITIVITY

The repairs for Segment 35 appear to have a minimal potential to affect subsurface archaeological resources. The pipeline passes under the channelized alignment of the Guadalupe River and the proposed repair procedure to be applied from the interior of the pipe will not cause any ground disturbance. The proposed manhole repairs will occur within an area that has been highly disturbed due to flood control construction and other infrastructure installation projects. In addition, previous subsurface testing in the immediate vicinity of Segment 35 has not indicated the presence of any buried resources that may be associated with a previously recorded prehistoric site.

6.0 INDIVIDUALS, GROUP AND AGENCY PARTICIPATION

The State of California Native American Heritage Commission (NAHC) was contacted for a review of the Sacred Lands File (SLF) (Busby 2019a). The results were negative (Totton 2019). Letters soliciting additional information regarding cultural resources were sent to the seven Native Americans individuals/groups recommended by the NAHC: Edward Ketchum, Amah Mutsun Tribal Band; Valentin Lopez, Chairperson, Amah Mutsun Tribal Band; Irenne Zwierlein, Chairperson, Amah/Mutsun Tribal Band of Mission San Juan Bautista; Ann Marie Sayers, Chairperson, Indian Canyon Mutsun Band of Costanoan; Charlene Nijmeh, Chairperson, Muwekma Ohlone Tribe of the SF Bay Area; Katherine Erolinda Perez, Chairperson, North Valley Yokuts Tribe; and, Andrew Galvan, The Ohlone Indian Tribe. (Busby 2019b-h).

Mr. Christopher Canzonieri contacted the Native Americans via telephone or email on February 19, 2019. Four Native Americans did not respond. Three Native Americans responded with recommendations that included: (1) all construction crew receive cultural sensitivity training in

Estates on the 1991 CA-AAA and as Lamplighter MHP on the 2016 CA-AAA street maps east of the APE.

areas with the potential for exposing prehistoric cultural materials; (2) archaeologists assigned to the project have experience with northern and central California archaeology; and, (3) retain a qualified and trained Native American Monitor in the event of a discovery of Native American cultural materials. Two of the Native Americans further recommended that only a Native American monitor who can prove genealogical relationship to the Greater San Francisco Bay Area be used for monitoring (see Attachments).

7.0 FIELD INVENTORY

An archaeological field review of Segment 35 was not completed due to the nature of the proposed repairs within an existing pipeline and the presence of extensive prior disturbance associated with the Guadalupe River flood control and pipeline construction within the project site. A previous intensive pedestrian survey and an Extended Phase I investigation in 2012 (see Thomas 2012) did not find any indications of surface or subsurface cultural materials at Segment 35 on the west bank of the Guadalupe River.

8.0 FINDINGS

This report was prepared to identify historic properties which may be listed, determined or potentially eligible for inclusion on the NRHP within or immediately adjacent to the Project APE. No eligible properties are present based on an archival research, a review of a previous field inventory and consultation with knowledgeable Native Americans.

- Nine cultural resource reports on file with the CHRIS/NWIC include the project segment and/or immediate adjacent area with negative results.
- No prehistoric, combined prehistoric/historic or historic era archaeological or built-environment sites have been recorded or reported within or adjacent to the segment.
- No known Native American villages, trails, traditional use areas or contemporary use areas and/or other features of cultural significance have been identified in or adjacent to the proposed project.
- No known Hispanic Period adobe dwellings, other structures, features, etc. have been reported in or adjacent to the proposed project.
- No American Period archaeological sites have been recorded or reported in or adjacent to the proposed project.
- No evidence of significant surface or subsurface archaeological resources were found during a previous archaeological inventory and testing of areas within and adjacent to Segment 35.
- No local, state or federal historically or architecturally significant structures, landmarks, or points of interest have been identified within or adjacent to Segment 35.
- Segment 35 and the two sanitary sewer manholes on both the east and west banks as well as the immediate surrounding areas have minimal potential for the exposure of subsurface archaeological materials during the proposed repairs. This conclusion is based on the results of the archival review, previous field survey and subsurface testing results, the construction disturbance associated with the channelization of the alignment of the

Guadalupe River in 1963, the installation of flood control structures, and the proposed construction methods which include repairs from within the existing pipe and the installation and repair of manhole components in the same configuration within previously impact ground.

9.0 FINDING OF EFFECT

A reasonable and good faith effort has been made to identify historic properties listed, determined, or potentially eligible for inclusion on the NRHP (36 CFR Part 800.4) within or immediately adjacent to the project segment pursuant to the NHPA of 1966 (as amended) (54 U.S.C. § 306108) and its implementing regulations 36 CFR Part 800. The identification effort included completion of an archival and literature search by CHRIS/NWIC; consultation with the NAHC and contact with locally knowledgeable Native Americans; and, a review of previous field inventories and subsurface testing results.

The regulations implementing Section 106 of the NHPA define an effect as any action that would alter the characteristics of the property that may qualify the property for inclusion in the NRHP; and, diminish the integrity of a property's location, setting, design, materials, workmanship, feeling or association (36 CFR Part 800.5(a)(1-2)).

No historic properties eligible for the NRHP are present within Segment 35 and at the two sanitary sewer man holes proposed for potential rehabilitation.

A finding of *No Historic Properties Affected* is recommended pursuant to 36 CFR Part 800.4(d)(1) as the Undertaking will have no effect on any properties as defined in 36 CFR Part 800.16(i).

10.0 RECOMMENDED MITIGATION

The following mitigations are recommended:

- Post-review discoveries shall be handled as per 36 CFR Part 800.13(b).
- The exposure of any Native American burials and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project alignment shall comply with applicable State laws. This shall include immediate notification of the appropriate county Coroner/Medical Examiner and the project proponent.

11.0 REFERENCES CITED AND CONSULTED

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Abbreviations

n.d.	no date	v.d.	various dates
N.P.	no publisher noted	n.p.	no place of publisher noted

CHRIS/NWIC, Sonoma State University, Rohnert Park is used for materials on file at the California Historical Resources Information System, Northwest Information Center, Sonoma State University, Rohnert Park.

ATTACHMENTS

FIGURES

- FIGURE 1 General Project Location (ESRI World Street Map)
- FIGURE 2 City of Santa Clara - Proposed Sewer Repair Projects - Segment 35 - T6S R1W Unsectioned (USGS Milpitas, Calif. 1980)
- FIGURE 3 City of Santa Clara - Proposed Sewer Repair Projects - Segment 35 (ESRI World Street Map)
- FIGURE 4 City of Santa Clara - Proposed Sewer Repair Projects - Segment 35 Aerial View
- FIGURE 5 Proposed Repairs – Segment 35 (Guadalupe River)

CORRESPONDENCE

- MEMO Request to Native American Heritage Commission for Review of Sacred Lands Inventory
- LETTER Native American Heritage Commission Response
- LETTERS Request to Native Americans Identified by the Native American Heritage Commission
- MEMO Native American Responses

CHRIS/NWIC SEARCH RESULTS

- SEARCH File No. 18-0615 dated 10/19/2018 (No Confidential Information)



Figure 1: General Project Location (ESRI World Street Map)

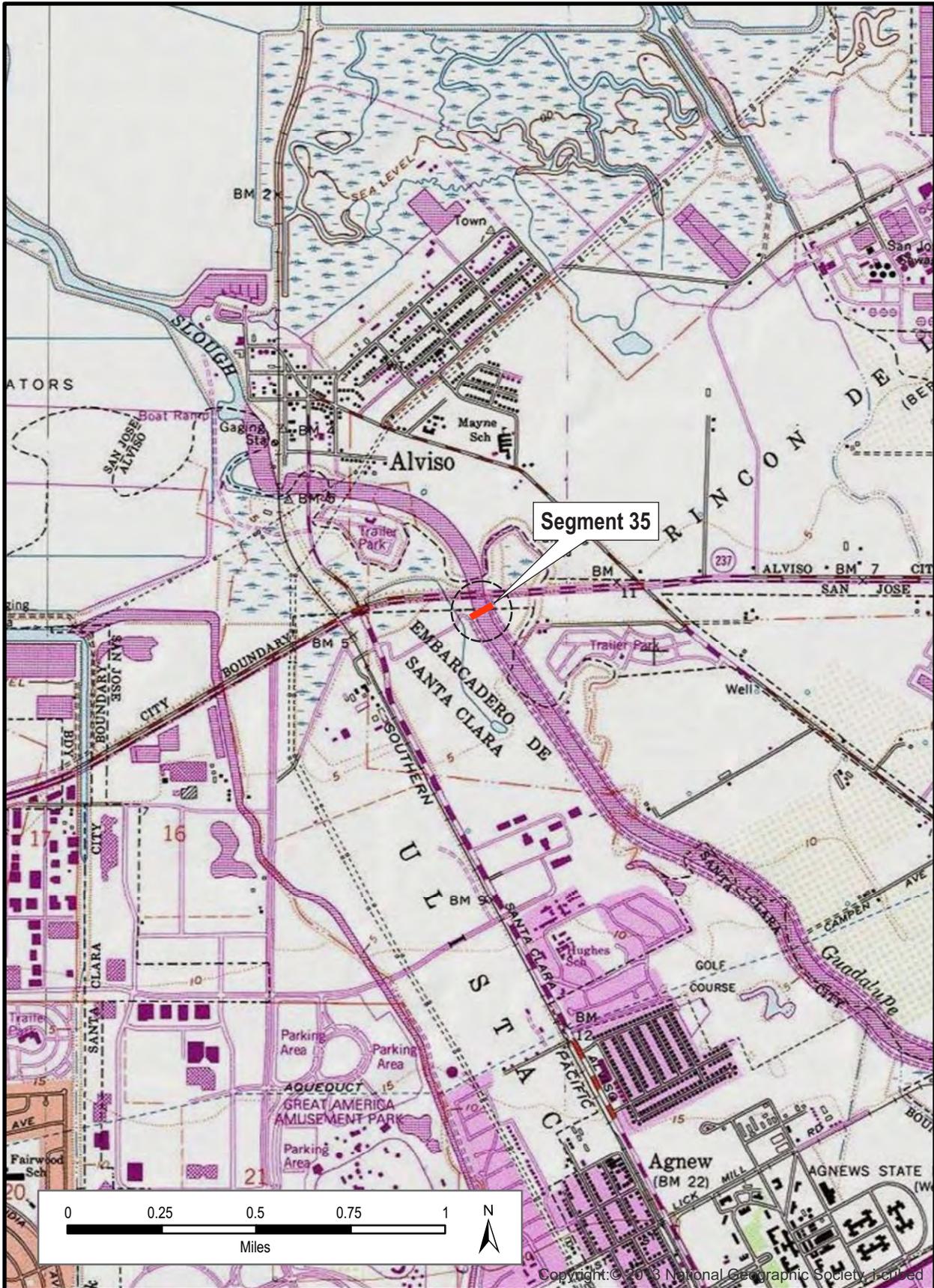


Figure 2: City of Santa Clara - Proposed Sewer Repair Projects - Segment 35 - T6S R1W Unsectioned (USGS Milpitas, Calif. 1980)

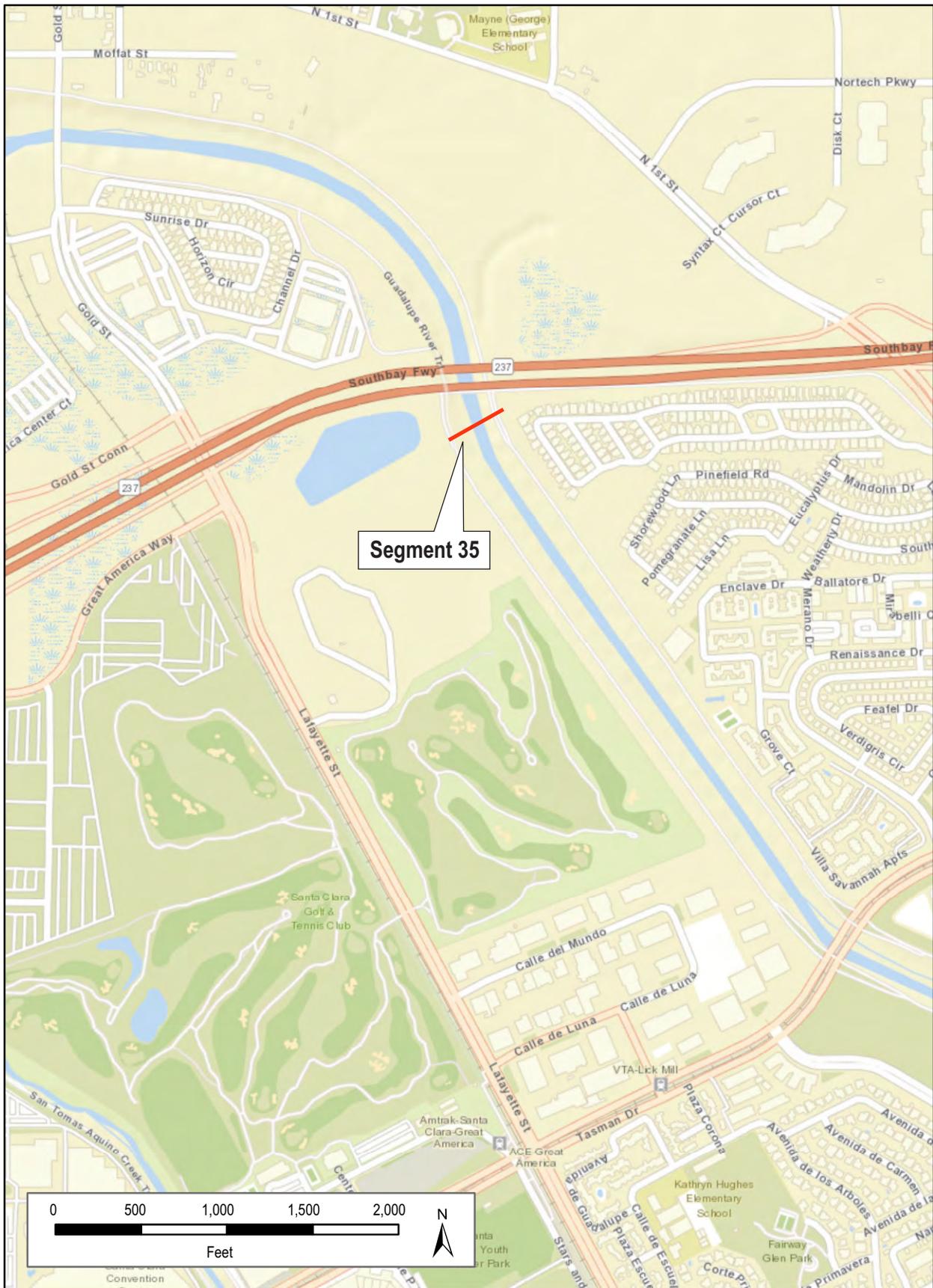


Figure 3: City of Santa Clara - Proposed Sewer Repair Projects - Segment 35 (ESRI World Street Map)

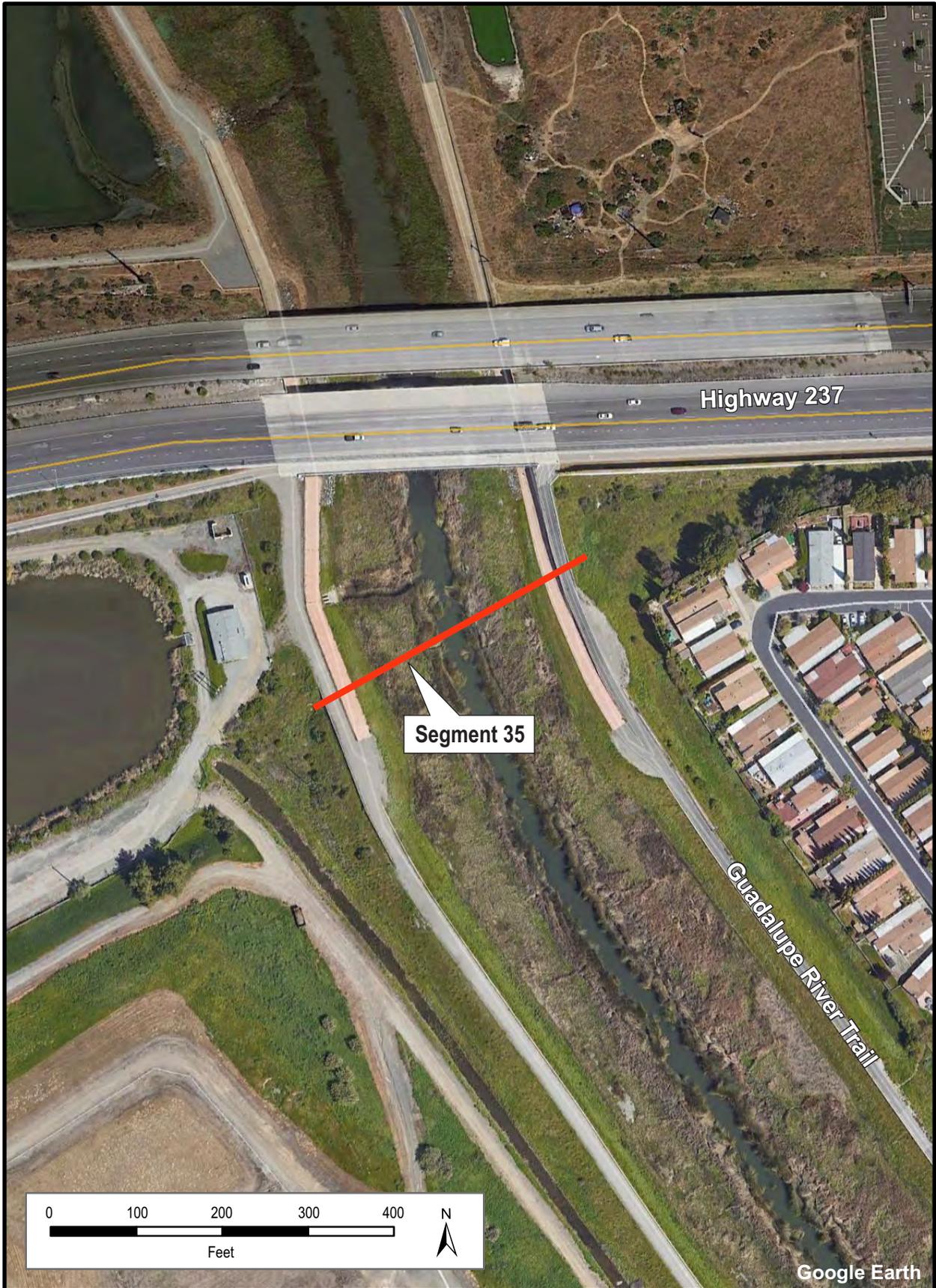
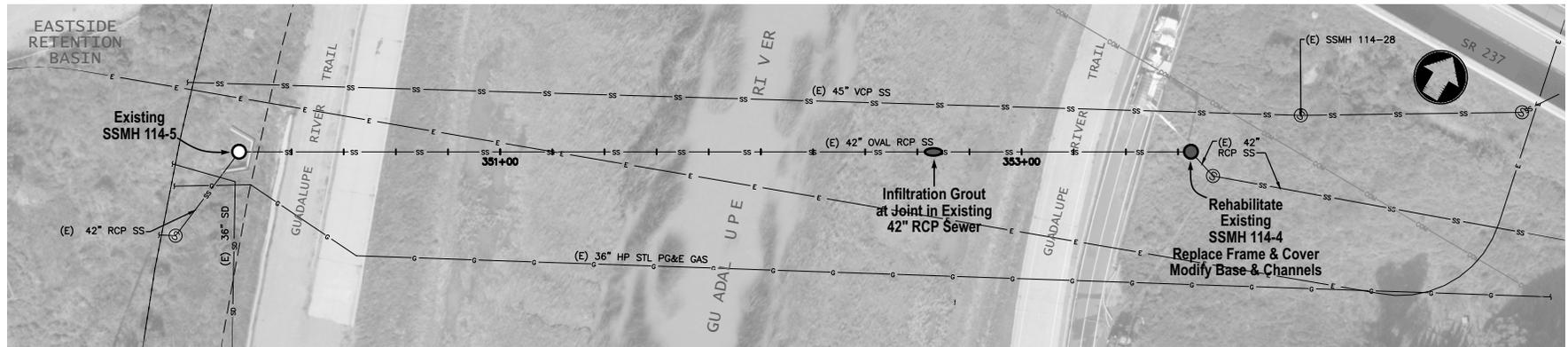


Figure 4: City of Santa Clara - Proposed Sewer Repair Projects - Segment 35
Aerial View

Base Map Source: Modified from Mott MacDonald, 2018, Sanitary Sewer Condition Assessment Repairs, 65% Plans, Segment 35 – Guadalupe River (December).



SCALE IN FEET



**Sacred Lands File & Native American Contacts List Request
NATIVE AMERICAN HERITAGE COMMISSION**

1556 Harbor Boulevard, STE 100
West Sacramento, CA 95691
(916) 373-3710
(916) 373-5471 – Fax
nahc@nahc.ca.gov

Information Below is Required for a Sacred Lands File Search

Project: City of Santa Clara – Repair of sewer defects at 4 locations within city. Repairs confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods.

County: Santa Clara

USGS Quadrangle Name: USGS San Jose West, Calif. 1980
USGS Milpitas, Calif. 1980 – Pipe Segment 35

Address: No physical addresses

Township: 6S, **Range:** 1 W, Section 34; T 7S R 1 W, Section 15; T 6S, R 1W, Sections 28, 33; T 6S, R 1W, Unsectioned

Company/Firm/Agency: Basin Research Associates

Contact Person: Colin I. Busby, PhD, RPA

Street Address: 1933 Davis Street, STE 210

City/Zip: San Leandro, CA 94577

Phone: (510) 430-8441 x202

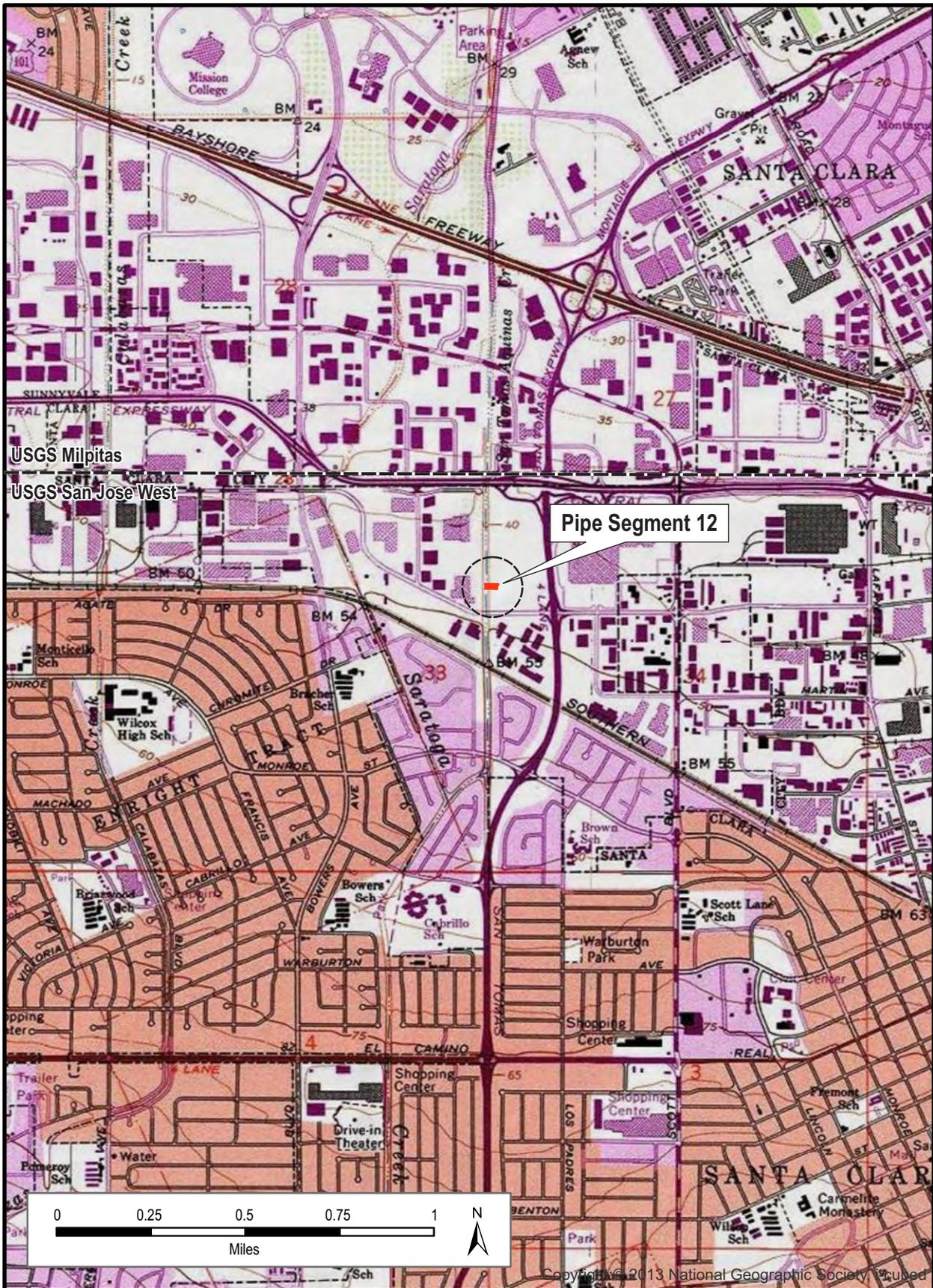
Fax: (510) 430-8443

Email: basinres1@gmail.com

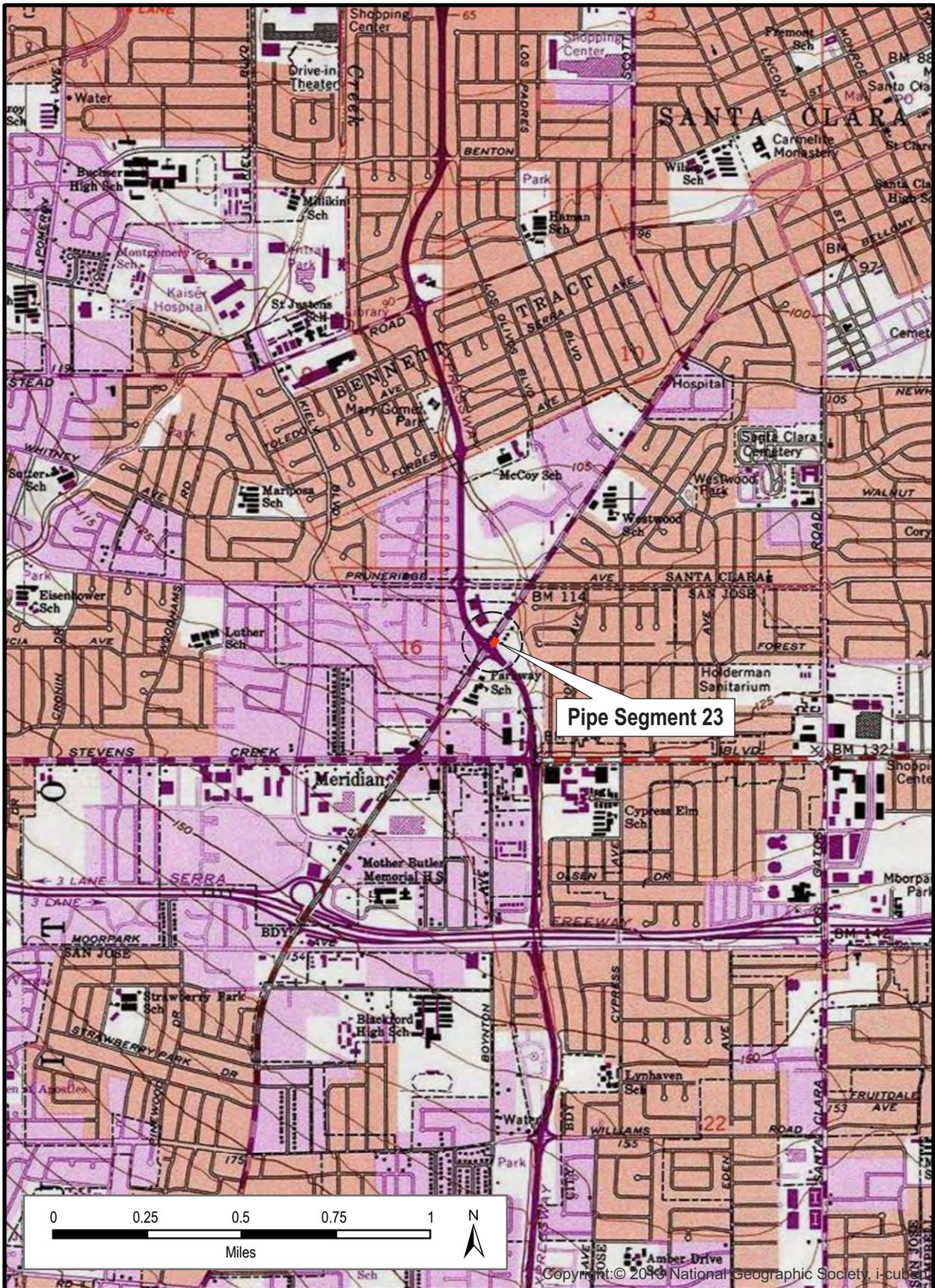
Project Description:

Repair of various sewer defects at 4 locations (Pipe Segments 12, 23, 29-31, and 35) within City of Santa Clara. Three of the projects are subject to the provisions of the California Environmental Quality Act (CEQA) while one (Pipe Segment 35) requires a permit for the U.S. Army Corps of Engineers and must be comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (16 U.S.C., Section 470f). Initial record review suggests no cultural resources within or adjacent to the repair zones although known resources are within 500-1500 feet.

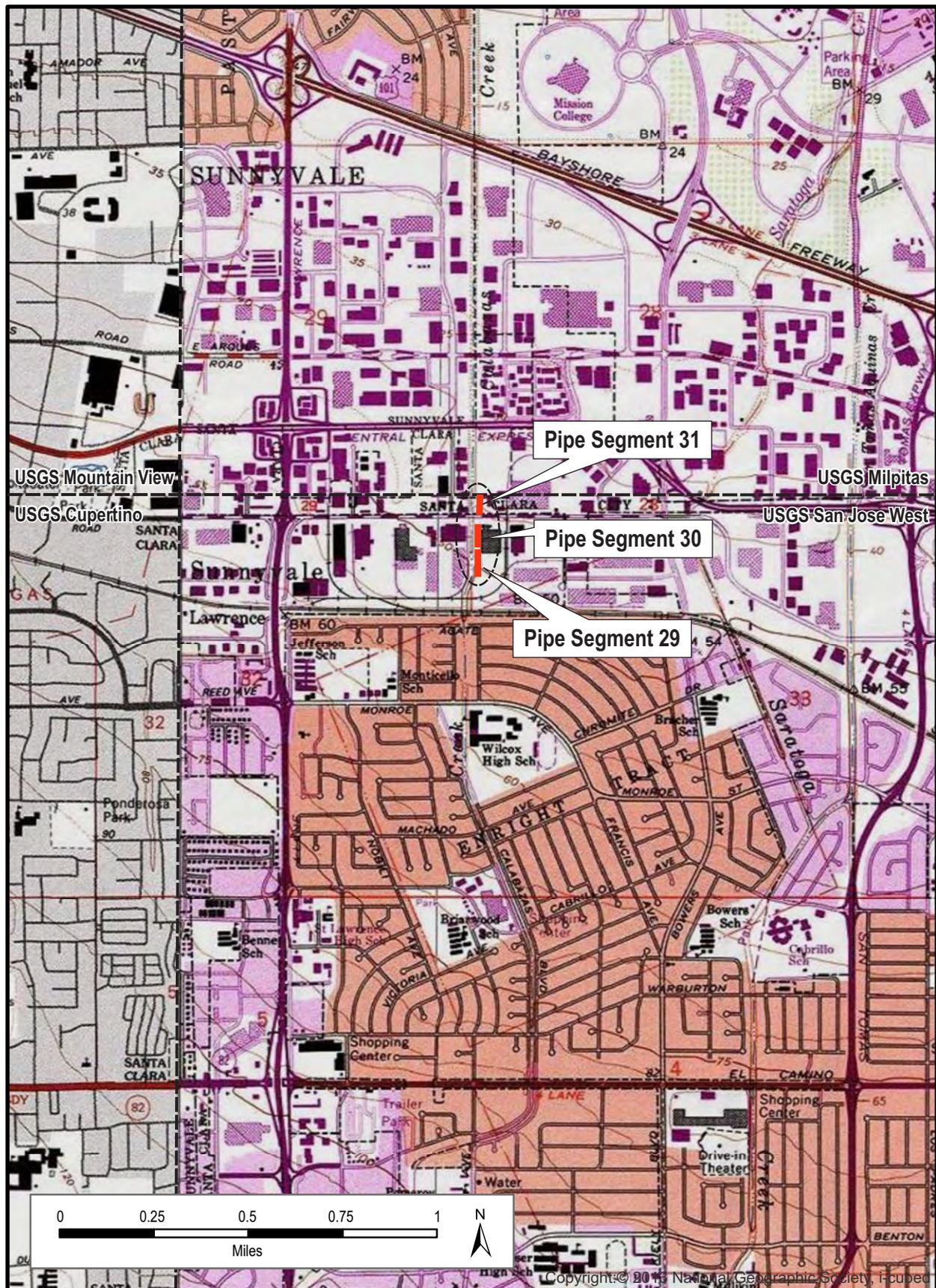
01/11/19



Santa Clara Sewer - Pipe Segment 12 - T6S R1W Sec. 34
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segment 23 - T7S R1W Sec. 15
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segments 29, 30, 31 - T6S R1W Secs. 28, 33
 (USGS San Jose West, Calif. 1980)

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone: (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



January 14, 2019

Dr. Colin Busby
Basin Research Associates

VIA Email to: Basinres1@gmail.com

RE: Sewer Line Repairs Project, City of Santa Clara; San Jose West and Milpitas USGS
Quadrangles, Santa Clara County

Dear Dr. Busby:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our lists contain current information. If you have any questions or need additional information, please contact me at my email address: gayle.totton@nahc.ca.gov.

Sincerely,

Gayle Totton
Gayle Totton, B.S., M.A., Ph.D.
Associate Governmental Program Analyst

Attachment

Native American Heritage Commission
Native American Contact List
Santa Clara County
1/14/2019

Amah Mutsun Tribal Band

Edward Ketchum,
35867 Yosemite Ave
Davis, CA, 95616
aerieways@aol.com

Costanoan
Northern Valley
Yokut

The Ohlone Indian Tribe

Andrew Galvan,
P.O. Box 3152
Fremont, CA, 94539
Phone: (510) 882 - 0527
Fax: (510) 687-9393
chochenyo@AOL.com

Bay Miwok
Costanoan
Patwin
Plains Miwok

Amah Mutsun Tribal Band

Valentin Lopez, Chairperson
P.O. Box 5272
Galt, CA, 95632
Phone: (916) 743 - 5833
vlopez@amahmutsun.org

Costanoan
Northern Valley
Yokut

**Amah Mutsun Tribal Band of
Mission San Juan Bautista**

Irenne Zwielerlein, Chairperson
789 Canada Road
Woodside, CA, 94062
Phone: (650) 851 - 7489
Fax: (650) 332-1526
amahmutsuntribal@gmail.com

Costanoan

**Indian Canyon Mutsun Band of
Costanoan**

Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister, CA, 95024
Phone: (831) 637 - 4238
ams@indiancanyon.org

Costanoan

**Muwekma Ohlone Indian Tribe
of the SF Bay Area**

Charlene Nijmeh, Chairperson
20885 Redwood Road, Suite 232
Castro Valley, CA, 94546
Phone: (408) 464 - 2892
cnijmeh@muwekma.org

Costanoan

North Valley Yokuts Tribe

Katherine Erolinda Perez,
Chairperson
P.O. Box 717
Linden, CA, 95236
Phone: (209) 887 - 3415
canutes@verizon.net

Costanoan
Northern Valley
Yokut

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Sewer Line Repairs, City of Santa Clara Project, Santa Clara County.



January 14, 2019

BASIN
RESEARCH
ASSOCIATES

1933 DAVIS STREET
SUITE 215
SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

Valentin Lopez, Chairperson
Amah Mutsun Tribal Band
P.O. Box 5272
Galt, CA, 95632

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Val,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

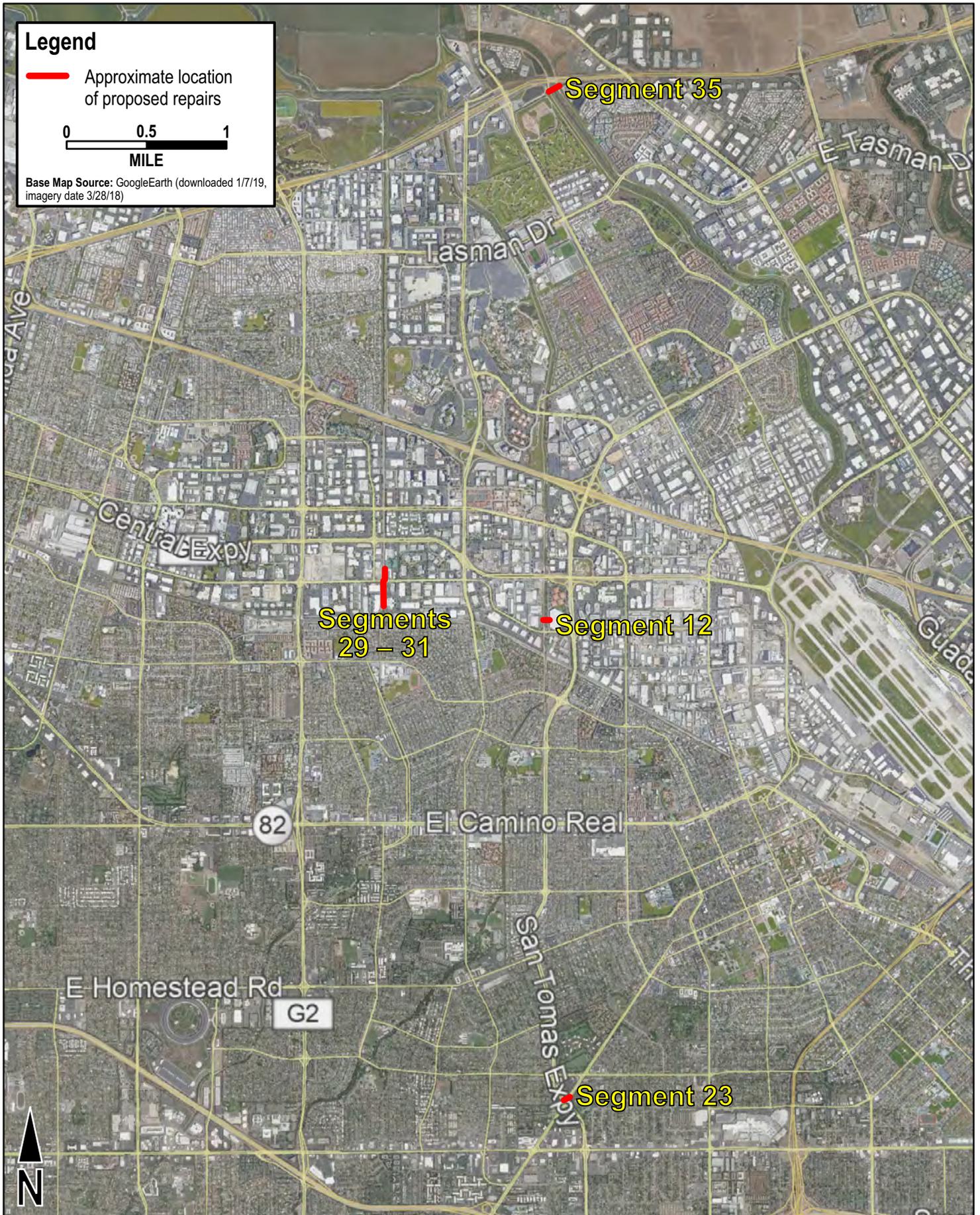
Repairs will be completed at Pipe Segments 12, 23, 29-31, and 35. Three of the repair projects may be subject to the provisions of the California Environmental Quality Act (CEQA) while one (Pipe Segment 35) requires a permit for the U.S. Army Corps of Engineers and must be comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (16 U.S.C., Section 470f). This repair consists of relining a pipe segment that crosses the Guadalupe River. The initial record review suggests no cultural resources are within or adjacent to the repair zones although known resources are within 500-1000 feet.

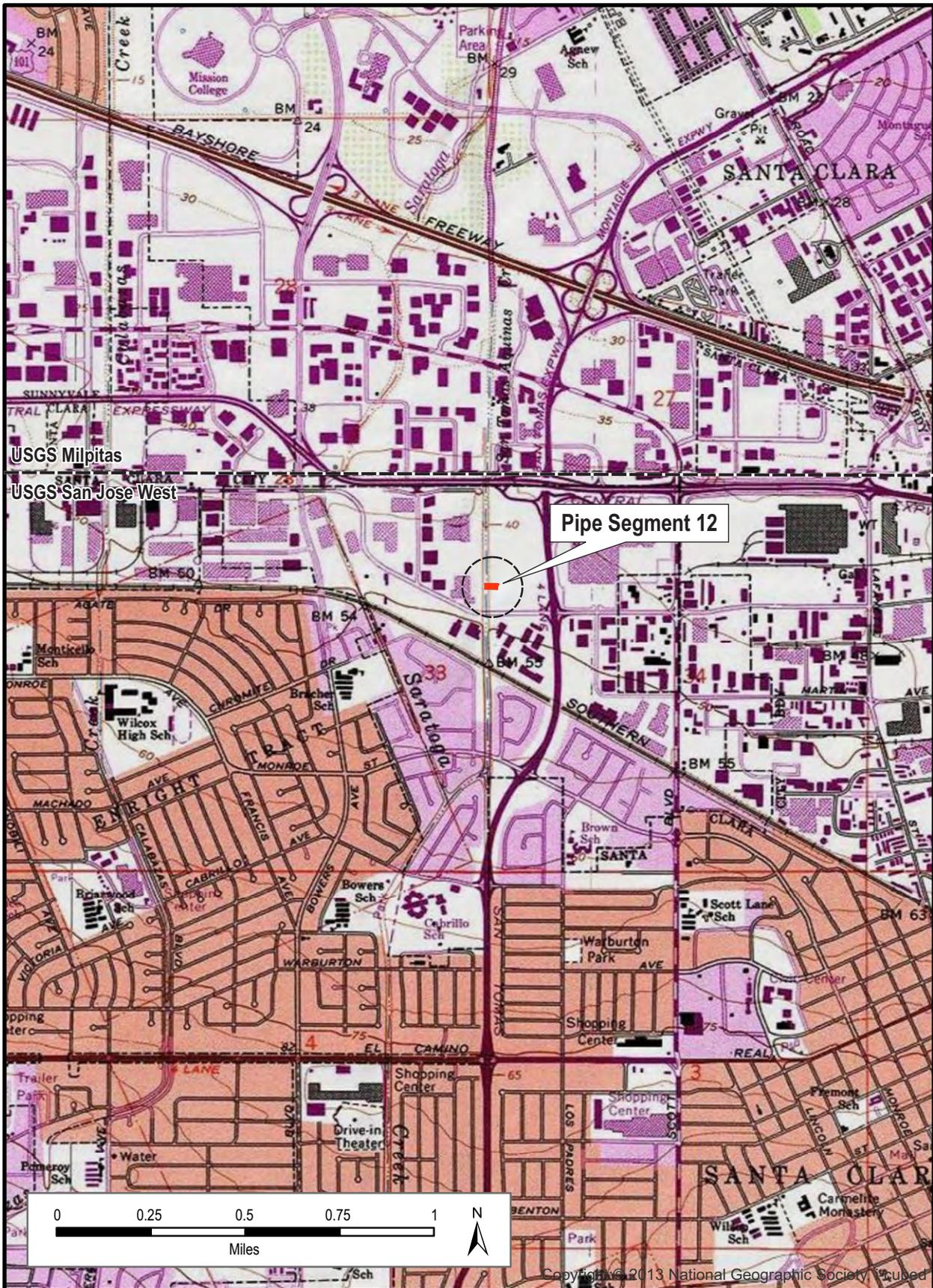
We look forward to hearing from you. I can be reached at (510) 430-8441 x202 or via email at basinres1@gmail.com. Our client, Dr. Anna Busing, Principal Project Manager, Redtail Consulting can be contacted for specific details at (510) 304-8363 annab@redtail-ec.com.

Thanking you in advance for any assistance.

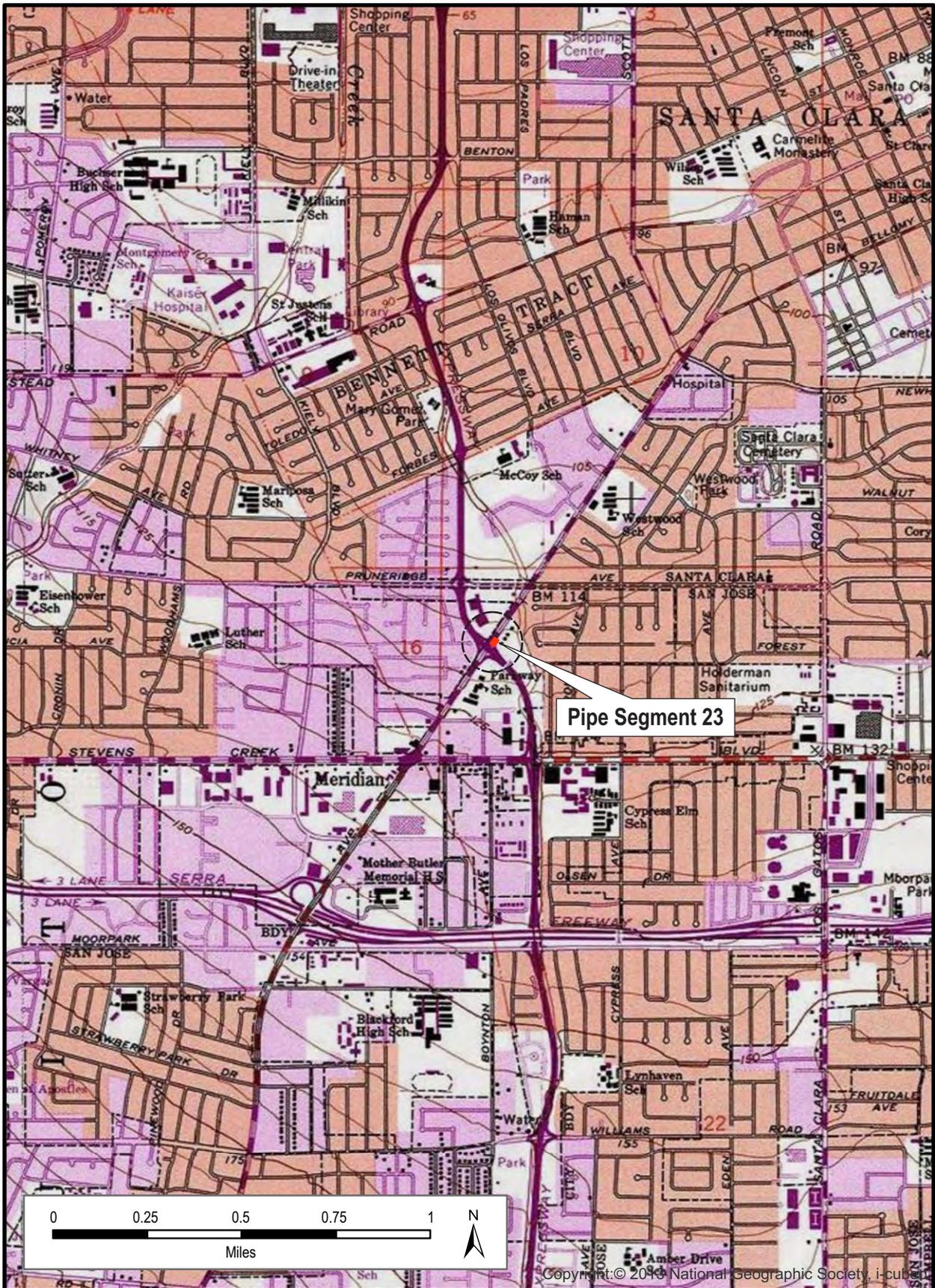
BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal

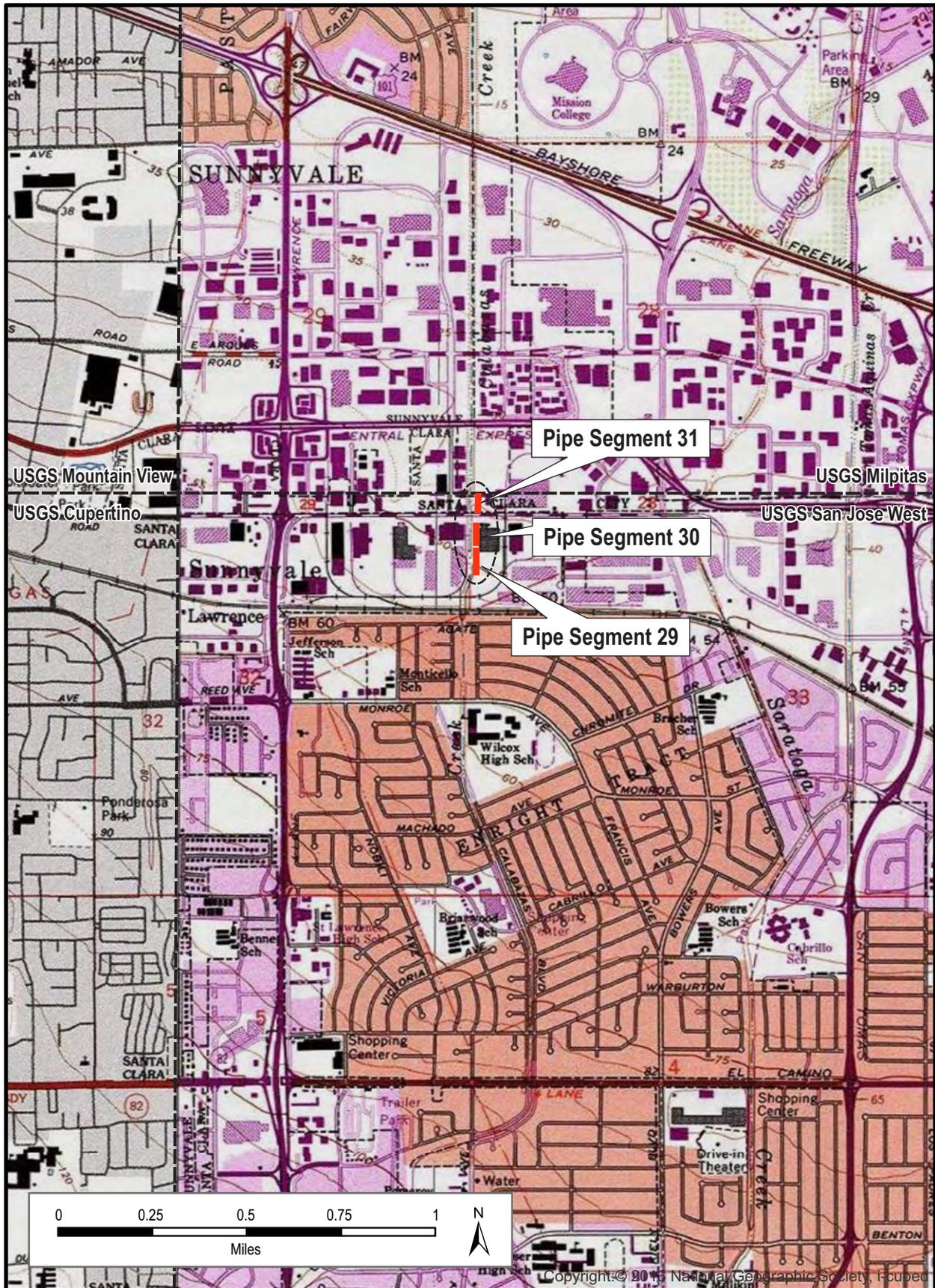




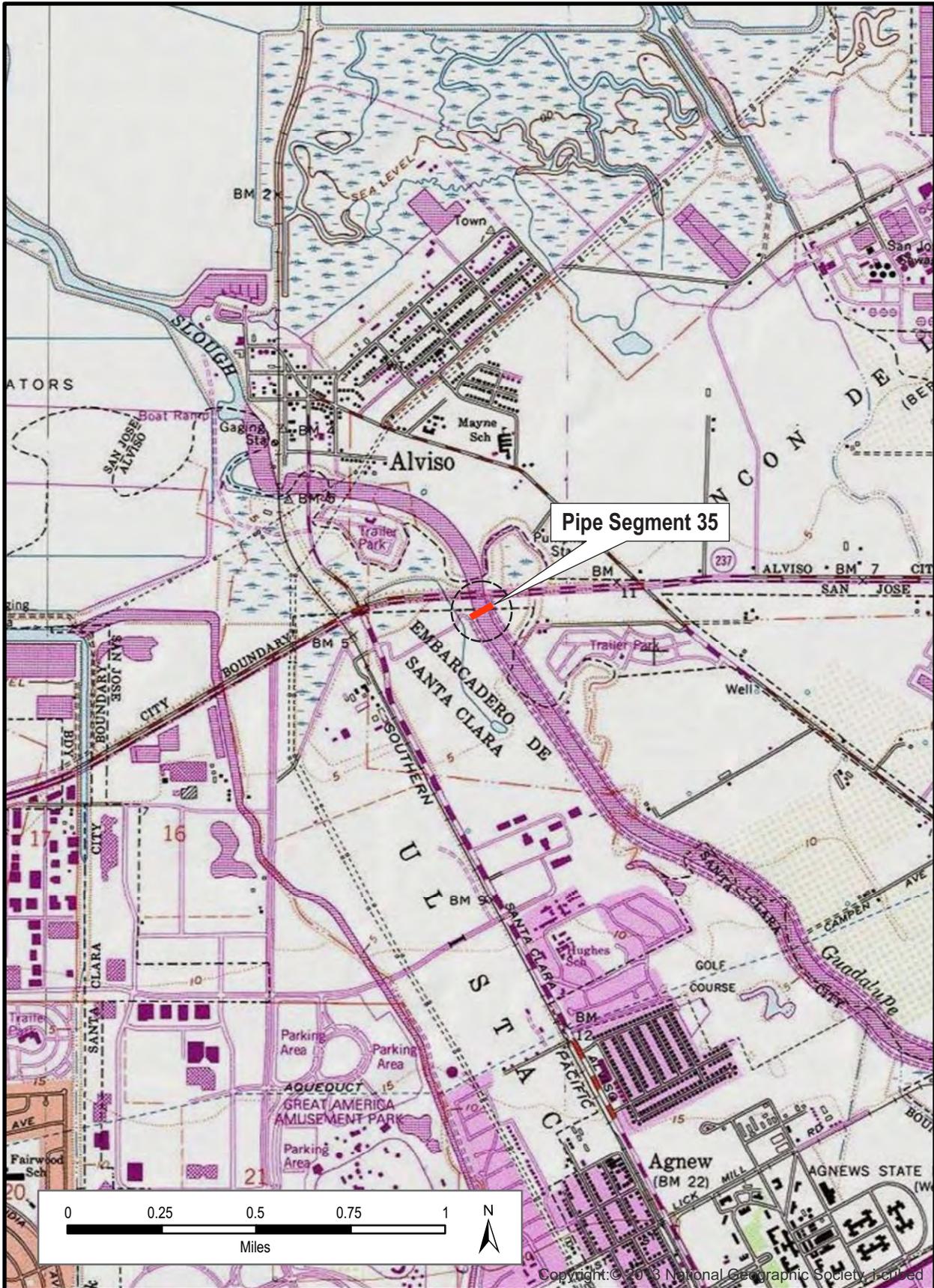
Santa Clara Sewer - Pipe Segment 12 - T6S R1W Sec. 34
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segment 23 - T7S R1W Sec. 15
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segments 29, 30, 31 - T6S R1W Secs. 28, 33
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segment 35 - T6S R1W Unsectioned (USGS Milpitas, Calif. 1980)



January 14, 2019

BASIN
RESEARCH
ASSOCIATES

1933 DAVIS STREET
SUITE 215
SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

Edward Ketchum,
Amah Mutsun Tribal Band
35867 Yosemite Avenue
Davis, CA, 95616

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Ed,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

Repairs will be completed at Pipe Segments 12, 23, 29-31, and 35. Three of the repair projects may be subject to the provisions of the California Environmental Quality Act (CEQA) while one (Pipe Segment 35) requires a permit for the U.S. Army Corps of Engineers and must comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (16 U.S.C., Section 470f). This repair consists of relining a pipe segment that crosses the Guadalupe River. The initial record review suggests no cultural resources are within or adjacent to the repair zones although known resources are within 500-1000 feet.

We look forward to hearing from you. I can be reached at (510) 430-8441 x202 or via email at basinres1@gmail.com. Our client, Dr. Anna Busing, Principal Project Manager, Redtail Consulting can be contacted for specific details at (510) 304-8363 annab@redtail-ec.com.

Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019

BASIN
RESEARCH
ASSOCIATES

1933 DAVIS STREET
SUITE 215
SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

***Amah Mutsun Tribal Band of
Mission San Juan Bautista***
Irenne Zwierlein, Chairperson
789 Canada Road
Woodside, CA, 94062

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Irenne,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019



***Indian Canyon Mutsun Band of
Costanoan***

Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister, CA, 95024

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Ann Marie,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019

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ASSOCIATES

1933 DAVIS STREET
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SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

***Muwekma Ohlone Indian Tribe
of the SF Bay Area***

Charlene Nijmeh, Chairperson
20885 Redwood Road, Suite 232
Castro Valley, CA, 94546

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Ms. Nijmeh,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019

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SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

North Valley Yokuts Tribe

Katherine Erolinda Perez,
Chairperson
P.O. Box 717
Linden, CA, 95236

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Kathy,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019

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SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

Andrew Galvan,
The Ohlone Indian Tribe
P.O. Box 3152
Fremont, CA, 94539

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Andy,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal

Record of Native American Contacts
Sewer Line Repair Project, City of Santa Clara, Santa Clara County

01/11/19 Letter to Native American Heritage Commission (NAHC), Sacramento. Regarding: Request for Review of Sacred Lands Inventory for project.

01/14/19 Letter response by Gayle Totton, M.A., Ph.D. NAHC

01/14/19 Letters sent to all parties recommended by NAHC

Letters to Edward Ketchum, Amah Mutsun Tribal Band, Davis; Valentin Lopez, Chairperson, Amah Mutsun Tribal Band, Galt; Irenne Zwierlein, Amah Mutsun Tribal Band of Mission San Juan Bautista, Woodside; Ann Marie Sayers, Chairperson, Indian Canyon Mutsun Band of Costanoan, Hollister; Charlene Nijmeh, Chairperson, Muwekma Ohlone Indian Tribe of the SF Bay Area, Castro Valley; Katherine Erolinda Perez, Chairperson, North Valley Yokuts Tribe, Linden; and Andrew Galvan, The Ohlone Indian Tribe, Mission San Jose

02/19/19 Telephone calls and/or emails made by Basin Research Associates (Christopher Canzonieri) in the late morning to non-responding parties.

Edward Ketchum – emailed at 10:37 AM (no number on file). No response 2/26/19.

Valentin Lopez – called 10:40 AM; left message. Per previously conversation Mr. Lopez has stated that Mission Santa Clara and the City of Santa Clara are outside his and the Amah Mutsun Tribal Bands tribal territory. No response 2/26/19.

Irenne Zwierlein – called at 10:42 AM; left a detailed message. Per previous conversation Ms. Zwierlein recommends that all construction crew receive cultural sensitivity training in areas with the potential for exposing prehistoric cultural materials and archaeologists have experience with northern and central California archaeology. The retention of a qualified and trained Native American Monitor is recommended in the event of a discovery of Native American cultural materials.

Ann Marie Sayers – called at 10:54 AM; unable to connect with Ms. Sayers, the person who answered the phone asked me to call back at another day. Called back at 8:54 AM, answering machine picked up-unable to leave a message “mailbox full”. Emailed Ms. Sayers on 2/19/19. No response 2/26/19.

Charlene Nijmeh – called on 10:38 AM unable to leave message. Emailed at 10:38 AM. No response 2/26/19.

Katherine Erolinda Perez – called at 10:56 AM; Ms. Perez recommended that proper protocols be followed in the event of a discovery. She also recommended cultural sensitivity training, in areas with the potential of prehistoric cultural materials, for the construction crew. Additionally Ms. Perez recommends that the archaeologists have experience with northern and central California archaeology and that only a Native American monitor who can prove genealogical relationship to the Greater San Francisco Bay Area be used for monitoring. An email was also sent to Ms. Perez per her request.

Andrew Galvan – called at 10:44 AM. Mr. Galvan recommended that proper protocols be followed in the event of a discovery. He also recommended cultural sensitivity training in areas with the potential for exposing prehistoric cultural materials for the construction crew. Additionally Mr. Galvan recommends that the archaeologists have experience with northern and central California archaeology and that only a Native American monitor who can prove genealogical relationship to the Greater San Francisco Bay Area be used for monitoring.

Subject: RE: Santa Clara Sewer Project
From: Chris Canzonieri <basinres1@gmail.com>
Date: 2/19/2019, 10:37 AM
To: Ed Ketchum <aerieways@aol.com>
CC: Christopher Canzonieri <canz@basinresearch.com>

Mr. Ketchum,

I am conducting follow up on letters we sent out on January 14, 2019 for a sewer project in Santa Clara County. The project mostly involves pipe-bursting (lining existing pipes) and some repair work at existing manholes. Please let us know if you have any concerns.

Thank you,

Chris

--

Christopher Canzonieri, M.A., RPA
Lead Physical Anthropologist and Project Archaeologist
Basin Research Associates, Inc.
1933 Davis Street, Suite 215
San Leandro, CA 94577-1258
Office: (510) 430-8441 ext 107
Fax: (510) 430-8443
Primary Cell: (925) 548-1002
Cell: (510) 220-1822
canz@basinresearch.com
www.basinresearch.com



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Attachments:

E Ketchum - Redtail SCL Sewer_2617.pdf	469 KB
Redtail SCL Sewer.pdf	1.2 MB

Subject: RE: Santa Clara Sewer Project
From: Chris Canzonieri <basinres1@gmail.com>
Date: 2/19/2019, 11:09 AM
CC: Christopher Canzonieri <canz@basinresearch.com>

Kathy,

Per our conversation, this is the recommendation I have inserted. Please let me know if you agree/disagree or want to make any changes.

Thanks again and it was really nice talking with you, its been so long.

Best,

Chris

--
Christopher Canzonieri, M.A., RPA
Lead Physical Anthropologist and Project Archaeologist
Basin Research Associates, Inc.
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Attachments:

K Perez - Redtail SCL Sewer.pdf	448 KB
Redtail SCL Sewer.pdf	1.2 MB

Subject: RE: Santa Clara Sewer Project
From: Chris Canzonieri <basinres1@gmail.com>
Date: 2/19/2019, 10:38 AM
To: cnijmeh@muwekma.org
CC: Christopher Canzonieri <canz@basinresearch.com>

Dear Ms. Nijmeh,

I am conducting follow up on letters we sent out on January 14, 2019 for a sewer project in Santa Clara County. The project mostly involves pipe-bursting (lining existing pipes) and some repair work at existing manholes. Please let us know if you have any concerns.

Thank you,

Chris

--
Christopher Canzonieri, M.A., RPA
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Cell: (510) 220-1822
canz@basinresearch.com
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Attachments:

C Nijmeh - Redtail SCL Sewer.pdf	478 KB
Redtail SCL Sewer.pdf	1.2 MB

Subject: Read: RE: Santa Clara Sewer Project
From: Charlene Nijmeh <cnijmeh@muwekma.org>
Date: 2/19/2019, 10:45 AM
To: Chris Canzonieri <canz@basinresearch.com>

Your message

To: Charlene Nijmeh
Subject: RE: Santa Clara Sewer Project
Sent: Tuesday, February 19, 2019 10:38:44 AM (UTC-08:00) Pacific Time (US & Canada)

was read on Tuesday, February 19, 2019 10:45:46 AM (UTC-08:00) Pacific Time (US & Canada).

Final-recipient: RFC822; cnijmeh@muwekma.org
Disposition: automatic-action/MDN-sent-automatically; displayed
X-MSEch-Correlation-Key: eWtgOsI4KEWlhtOywMEYAQ==
Original-Message-ID: <525b6d5e-87d4-d939-0ce1-6ca9b78116f3@basinresearch.com>
X-Display-Name: Charlene Nijmeh

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NAPA
SAN BENITO

SAN FRANCISCO
SAN MATEO
SANTA CLATA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
http://www.sonoma.edu/nwic

10/19/2018

NWIC File No.: 18-0615

Donna Garaventa
Basin Research Associates
1933 Davis Street, Suite 215
San Leandro, CA 94577

re: Santa Clara Sewer Impr

The Northwest Information Center received your record search request for the project area referenced above, located on the Milpitas, Cupertino, & San Jose West USGS 7.5' quads. The following reflects the results of the records search for the project area and a 250 foot radius:

Resources within project area:	P-43-003593.
Resources within 250 foot radius:	P-43-000025.
Reports within project area:	S-12032, 19424, 21232, 4955, 8626, 22570, 14230, 18367, 25183, 22819, 11396, 26045, 33061, 23364, 4181, 23934, 37218, 29657, 43525, 39146, 9368, & 4391.
Reports within 250 foot radius:	See enclosed database printouts.

- Resource Database Printout (list):** enclosed not requested nothing listed
- Resource Database Printout (details):** enclosed not requested nothing listed
- Resource Digital Database Records:** enclosed not requested nothing listed
- Report Database Printout (list):** enclosed not requested nothing listed
- Report Database Printout (details):** enclosed not requested nothing listed
- Report Digital Database Records:** enclosed not requested nothing listed
- Resource Record Copies:** enclosed not requested nothing listed
- Report Copies:** enclosed not requested nothing listed
- OHP Historic Properties Directory:** enclosed not requested nothing listed
- Archaeological Determinations of Eligibility:** enclosed not requested nothing listed
- CA Inventory of Historic Resources (1976):** enclosed not requested nothing listed
- Caltrans Bridge Survey:** enclosed not requested nothing listed
- Ethnographic Information:** enclosed not requested nothing listed

Historical Literature: enclosed not requested nothing listed
Historical Maps: enclosed not requested nothing listed
Local Inventories: enclosed not requested nothing listed
GLO and/or Rancho Plat Maps: enclosed not requested nothing listed
Shipwreck Inventory: enclosed not requested nothing listed

***Notes:**

****** Current versions of these resources are available on-line:

Caltrans Bridge Survey: <http://www.dot.ca.gov/hq/structur/strmaint/historic.htm>

Soil Survey: <http://www.nrcs.usda.gov/wps/portal/nrcs/surveylist/soils/survey/state/?stateId=CA>

Shipwreck Inventory: <http://www.slc.ca.gov/Info/Shipwrecks.html>

Let us know if you need copies of any documents. The invoice will be kept open until 10/26/18.

Please forward a copy of any resulting reports from this project to the office as soon as possible. Due to the sensitive nature of archaeological site location data, we ask that you do not include resource location maps and resource location descriptions in your report if the report is for public distribution. If you have any questions regarding the results presented herein, please contact the office at the phone number listed above.

The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

Should you require any additional information for the above referenced project, reference the record search number listed above when making inquiries. Requests made after initial invoicing will result in the preparation of a separate invoice.

Thank you for using the California Historical Resources Information System (CHRIS).

Sincerely,

Lisa C. Hagel
Researcher

**Archaeological Review (CEQA) – Segment 12 (San Tomas Aquino Creek)
City of Santa Clara Proposed Sanitary Sewer Condition Assessment Repairs**

TO:	Anna Busing, PhD, PG Principal Project Manager Redtail Consulting
RE:	Archaeological Review (CEQA) - Segment 12 (San Tomas Aquino Creek) City of Santa Clara Proposed Sanitary Sewer Condition Assessment Repairs
FROM:	Colin I. Busby, Project Principal (510 430-8441 ext 202)
DATE:	22 February, 2019 [Revised]

INTRODUCTION

The City of Santa Clara’s Water & Sewer Utility (SCWS) owns and operates a sanitary sewer system that serves nearly 120,000 residential, commercial, and industrial customers within the City limits and also accepts flows from the neighboring Cupertino Sanitary District. Wastewater collected in the sewer system is conveyed to the San José–Santa Clara Regional Wastewater Facility, located in the north San José Baylands, for treatment.

The sanitary sewer network includes approximately 300 miles of sewer mains ranging from 4-inches to 48-inches in diameter. The majority of the system consists of vitrified clay pipe (VCP), much of which was installed between 1940 and 1980. The system also includes two large pump stations equipped with flow meters (Rabello and Northside Pump Stations) and four smaller unmetred lift stations (Tasman, Westside, Primavera, and De La Cruz Pump Stations).

In accordance with industry standard practices, the City routinely evaluates the condition of its sewer infrastructure to identify maintenance, repair, and replacement needs. Sewer infrastructure is assessed and graded based on the significance of observed defects, damage/deterioration, and operational impairment. The City’s recent condition assessments of the sanitary sewer system identified about 70 individual repair projects with defects that require prompt repairs.

The City has a number of archaeologically sensitive areas which either have recorded cultural resources present or have a high potential for unexpected discoveries of subsurface resources based on various topographic and other factors. The California Environmental Quality Act (CEQA) and the City’s General Plan require the identification and evaluation of archaeological and historic cultural resources. An initial screening of Segment 12 indicated some sensitivity for archaeological resources based on recorded presence/absence of archaeological resources in the general area or a perceived potential for subsurface cultural deposits within a 250-foot radius of the project location based on the presence of flowing water.

PROJECT LOCATON AND DESCRIPTION

Segment 12 is located approximately 350 feet north of the intersection of Walsh Avenue with the western terminus within the San Tomas Aquino Creek Trail (USGS San Jose West, Calif. 1980,

T 6S, R 1W, Section 34) [Figs. 1-3]. The segment extends under the channelized San Tomas Aquino Creek to the parking lot of the NVIDIA facilities at 2788 San Tomas Expressway, east of the creek. The surrounding area is developed in light industrial / R&D uses. The creek has been channelized for flood protection and occupies a trapezoidal earthen channel [Fig. 4].



Project Location – San Tomas Aquino Creek Trail (manhole) north from Walsh Avenue

Segment 12 comprises a dual siphon consisting of parallel VCP lines installed at a depth of approximately 9-10 feet below ground surface. The north pipe is 15-inches in diameter and the south pipe is 8-inches in diameter. City man hole (SSMH 64-34) has an approximate depth of 9.4 feet and is located at the junction between the 8-inch- and 15-inch-diameter pipes at the west end of the Segment 12. SSMH 64-36, with an approximate depth 9.8 feet, is located on the 8-inch-diameter pipe at the east end of the segment [see Fig. 5].

The Segment 12 assessment identified a defect where a seal between pipeline sections has shifted so a portion is intruding into the pipe and has the potential to obstruct flow. The defect will be repaired as part of routine maintenance and the City has determined that this work qualifies for statutory exemption from CEQA, per *Guidelines Section 15282[k]*.¹ While the proposed repair is exempt, inflow and infiltration could increase flows in the line and thus could present a potential operational issue. Pipe lining and manhole rehabilitation at either end of the pipeline may be required to prevent inflow and infiltration and would require CEQA analysis.

1. Section 21080.21 of the CEQA statute and Section 15282[k] of the *CEQA Guidelines* establish a statutory exemption from CEQA review for “installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline” within a public street, highway, or other public right-of-way, as long as the project does not exceed one mile in length and does not involve surface facilities of any kind.

Over the longer term, the SCWS is proposing to install 200 linear feet of cured-in-place pipe (CIPP)² lining in dual siphon lines between SSMH 64-34 and SSMH 64-36 and rehabilitate SSMH 64-36.

REGULATORY CONTEXT

Cultural resources include prehistoric and historic archaeological sites, districts, and objects; standing historic structures, buildings, districts, and objects; and locations of important historic events or sites of traditional and/or cultural importance to various groups. The analysis of cultural resources can provide valuable information on the cultural heritage of both local and regional populations.

Cultural resources may be determined significant or potentially significant in terms of national, state, or local criteria either individually or in combination. Resource evaluation criteria are determined by the compliance requirements of a specific project.

This report has been prepared to meet applicable California Environmental Quality Act (CEQA) requirements and the Historic Preservation Goals and Policies of the City of Santa Clara's General Plan for historic properties (cultural resources) which require the identification and evaluation of cultural resources that could be affected by the project. The City of Santa Clara, as the lead local agency, is required to determine the potential impacts of the construction on both historical and archaeological cultural resources and mitigate impacts on any significant resources located that may be affected by the project to a less than significant effect in accordance with CEQA and the City's General Plan. The SHPO is the reviewing party.

STATE

Public agencies under CEQA must consider the effects of their actions on both "historical resources" and "unique archaeological resources." Pursuant to California Public Resources Code (PRC) Section 21084.1, a "project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." PRC 21083.2 requires agencies to determine whether a proposed project would have an effect on "unique" archaeological resources.

Historical resource (see PRC 21084.1 and CEQA Guidelines Sections 15064.5(a) and 15064.5(b)) applies to any resource listed in or determined to be eligible for listing in the California Register of Historic Resources (CRHR). The CRHR includes resources listed in or formally determined eligible for listing in the NRHP, as well as some California State Landmarks and Points of Historical Interest.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be "historical resources"

2. Accessing the pipe via existing manholes, a resin-saturated felt liner is inserted into the interior of the pipe and extended through the repair segment using air or water pressure. The resin is then cured in place using steam, hot water, or UV light. Once the resin is cured, the liner essentially forms a new, structurally independent "pipe within a pipe" that restores the integrity of a previously compromised segment.

for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC 5024.1 and 14 CCR 4850). Unless a resource listed in a survey has been demolished or has lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource potentially eligible for the CRHR.

In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them against the CRHR criteria prior to making a finding as to a proposed project’s impacts to historical resources (PRC 21084.1 and CEQA *Guidelines* Section 15064.5(a)(3)). In general, a historical resource, under this approach, is defined as any object, building, structure, site, area, place, record, or manuscript that:

- a. Is archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California; and,
- b. Meets any of the following criteria:
 1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 2. Is associated with the lives of persons important in our past;
 3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or,
 4. Has yielded, or may be likely to yield, information important in prehistory or history (State CEQA *Guidelines* Section 15064.5(a)(3)).

The fact that a resource is not listed or determined to be eligible for listing does not preclude a lead agency from determining that it may be a historical resource (PRC 21084.1 and CEQA *Guidelines* Section 15064.5(a)(4)).

CEQA also distinguishes between two classes of archaeological resources: archaeological sites that meet the definition of a historical resource, as described above, and “unique archaeological resources.” Under CEQA, an archaeological resource is considered “unique” if it:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or,
- Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC 21083.2(g)).

CEQA states that if a proposed project would result in an impact that might cause a substantial adverse change in the significance of a historical resource, then an EIR must be prepared and mitigation measures considered. A “substantial adverse change” in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the

resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (CEQA *Guidelines* Section 15064.5(b)(1)).

The CEQA *Guidelines* (Section 15064.5(c)) also provide specific guidance on the treatment of archaeological resources, depending on whether they meet the definition of a historical resource or a unique archaeological resource. If the site meets the definition of a unique archaeological resource, it must be treated in accordance with the provisions of PRC 21083.2. PRC Section 21083.2 requires the lead agency to treat that effect as a significant environmental effect. When an archaeological resource is listed in or is eligible to be listed in the CRHR, PRC Section 21084.1 requires that any substantial adverse effect to that resource be considered a significant environmental effect. PRC Sections 21083.2 and 21084.1 operate independently to ensure that potential effects on archaeological resources are considered as part of a project's environmental analysis. Either of these benchmarks may indicate that a project may have a potential adverse effect on archaeological resources.

Tribal Resources

Assembly Bill 52 (AB 52) provides protections for tribal cultural resources.³ All lead agencies as of July 1, 2015 approving projects under CEQA are required, if formally requested by a culturally affiliated California Native American Tribe, to consult with such tribe regarding the impacts of a project on tribal cultural resources prior to the release of any negative declaration, mitigated negative declaration or draft environmental impact report. Under PRC Section 21074, tribal cultural resources include site features, places, cultural landscapes, sacred places or objects that are of cultural value to a tribe that are eligible or listed on the CRHR or a local historic register or that the lead agency has determined to be a significant tribal cultural resource.

Tribal consultation is to continue until mitigation measures are agreed to or either the tribe or the lead agency concludes in good faith that an agreement cannot be reached. In the case of agreement, the lead agency is required to include the mitigation measures in the environmental document along with the related Mitigation Monitoring and Reporting Program (MMRP) (see PRC Section 21084.3). If no agreement is reached, the lead agency must still impose all feasible mitigation measures necessary for a project to avoid or minimize significant adverse impacts on tribal cultural resources (PRC Section 21084.3).

Other California Laws and Regulations

Other state-level requirements for cultural resources management appear in the California PRC Chapter 1.7, Section 5097.5 "Archaeological, Paleontological, and Historical Sites," and Chapter 1.75 beginning at Section 5097.9 "Native American Historical, Cultural, and Sacred Sites" for lands owned by the state or a state agency.

The disposition of Native American burials is governed by Section 7050.5 of the California Health and Safety Code and PRC Sections 5097.94 and 5097.98, and falls within the jurisdiction of the Native American Heritage Commission.

3. AB 52 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3 to, the California Public Resources Code

CITY OF SANTA CLARA

The *City of Santa Clara 2010-2035 General Plan* (hereafter *General Plan*) Section 5.6 Historic Preservation provides the local regulatory context for the proposed project. The City has established a Historical and Landmarks Commission and obtained recognition by the State Office of Historic Preservation of the City as a Certified Local Government (CLG). Historic preservation policies support the two Major Strategies of the General Plan to enhance the City’s identity and to preserve existing neighborhoods. The City currently uses the following tools to evaluate historic resources:

- The Historical and Landmarks Commission advises the City Council on all matters related to historical sites and issues. As required by the State Certified Local Government program, the City has established a list of Architecturally or Historically Significant Properties which is included in Appendix 8.9 of the General Plan, and is one of the tools used for the Commission’s recommendations.
- The Criteria for Local Significance (*General Plan* Appendix 8.9), establishes evaluation measures, to ensure that the resource is at least 50 years old and that the property is associated with an important individual or event, an architectural innovation, and/or an archaeological contribution in order to be deemed significant. The City maintains a list of qualified historic consultants for these evaluations.

General Plan – Section 5.6.3 Archaeological and Cultural Resources Goals and Policies

Section 5.6.3 applies to archaeological resources and other cultural resources including paleontological sites. The following Goals and Policies ensure that these resources are protected, now and into the future, and that appropriate mitigation measures to address unforeseen impacts are enforced.

Archaeological and Cultural Resources Goals

- 5.6.3-G1 Protection and preservation of cultural resources, as well as archaeological and paleontological sites.
- 5.6.3-G2 Appropriate mitigation in the event that human remains, archaeological resources or paleontological resources are discovered during construction activities.

Archaeological and Cultural Resources Policies

- 5.6.3-P1 Require that new development avoid or reduce potential impacts to archaeological, paleontological and cultural resources.
- 5.6.3-P2 Encourage salvage and preservation of scientifically valuable paleontological or archaeological materials.
- 5.6.3-P3 Consult with California Native American tribes prior to considering amendments to the City’s General Plan.

- 5.6.3-P4 Require that a qualified paleontologist/archaeologist monitor all grading and/or excavation if there is a potential to affect archeological or paleontological resources, including sites within 500 feet of natural water courses and in the Old Quad neighborhood.
- 5.6.3-P5 In the event that archaeological/paleontological resources are discovered, require that work be suspended until the significance of the find and recommended actions are determined by a qualified archaeologist/paleontologist.
- 5.6.3-P6 In the event that human remains are discovered, work with the appropriate Native American representative and follow the procedures set forth in State law.

RESEARCH PROTOCOLS

An archival search was completed by the California Historical Resources Information System, Northwest Information Center (CHRIS/NWIC), Sonoma State University, Rohnert Park (File No. 18-0615 dated 10/19/2018 by Hagel) for the project alignment and a 250-foot radius. In addition, a review of pertinent literature and archival records on file at Basin Research Associates and at other repositories including the Bancroft Library, University of California at Berkeley, was undertaken. The literature review included:

Historic Properties Directory (CAL/OHP 2012a);

National Register of Historic Places (NRHP) listings in Santa Clara County (USNPS 2018a-c);

List of California Historical Resources (CAL/OHP 2019);

California History Plan (CAL/OHP 1973);

California Inventory of Historic Resources (CAL/OHP 1976);

Five Views: An Ethnic Sites Survey for California (CAL/OHP 1988);

Archaeological Determinations of Eligibility for Santa Clara County [ADOE] (CAL/OHP 2012b), and,

Various lists and maps (Santa Clara (City of), Planning Division 1994, 1999; Santa Clara County Historical Heritage Commission [SCICoHHC] 1979, 1999; Sowers and Thompson 2005; Goddard 1857, Healey 1866; Whitney 1873; Thompson and West 1876; Wilson 1936; USGS 1899 [surveyed 1895]; US War Dept. 1943 [photography 1939, topography 1942]; USGS 1961, 1973, 1980).

The Native American Heritage Commission (NAHC) was contacted in regard to resources on the Sacred Lands Files (Busby 2019a). The NAHC review was negative (Totton 2019) and the eight locally knowledgeable Native Americans recommended by the NAHC were contacted (Busby 2019b-h) (see Attachments). No responses were received.

No other agencies, departments or local historical societies were contacted regarding landmarks, potential historic sites or structures as the repairs will not affect the built environment and the CHRIS/NWIC archival review was determined adequate for archaeological resources.

A pedestrian field inventory of the project alignment was not completed due to the nature of the proposed repairs and the location within in previously disturbed sediment.

RECORDS SEARCH RESULTS (see Attachments)

Compliance Reports

- One report is on file at the CHRIS/NWIC adjacent to Segment 12 with negative results (Baker 1998).

Recorded Sites and/or Reported Sites

- No prehistoric, combined prehistoric/historic or historic era archaeological or built-environment sites have been recorded or reported within or adjacent to the project segment.

Listed Historic Properties

- No federal, state, and/or regional listed historically or architecturally sites, structures, landmarks, or points of interest have been identified in or adjacent to the project area.

ARCHAEOLOGICAL SENSITIVITY

Archaeological review, the presence of the channelized alignment of San Tomas Aquino Creek and the proposed pipeline repair procedures indicate a minimal potential for the discovery of prehistoric or historic resources within and adjacent to the pipeline.

The project alignment and surrounding area appear to have a low sensitivity for prehistoric archaeological resources based on the absence of late 19th and/or 20th century shell mound sites, “Indian Villages” and the absence of recorded and/or reported prehistoric and/or historic archaeological sites within 0.25 mile of the project site based on archival data on file with Basin Research Associates.

This general absence of previously reported archaeological materials both within the project site and surrounding area could be due to the periodic flooding and scouring associated with San Tomas Aquino Creek prior to channelization. This conclusion is based on the general absence of recorded prehistoric and historic archaeological sites within and/or adjacent to the project site; the lack of any unexpected archaeological discoveries for the past 50+ years within or adjacent to the project site; and most importantly prior disturbance of the native sediments within the general project area by development activities and flood control activities since 1973 (including numerous utilities at depth). These factors combine to suggest a low potential for the discovery of significant subsurface archaeological materials during construction within the project.

FINDINGS AND CONCLUSION

This report was prepared to identify potentially significant archaeological or Native American, resources listed on or eligible for the California Register of Historical Resources (CRHR) within or adjacent to the proposed project site.

- No archaeological resources are present within or adjacent to the proposed project alignment based on the archive and literature review. A field inventory was not

completed due to the nature of the project alignment and proposed repairs within a previously disturbed area.

The conclusion of this memo is that the proposed repair(s) will not affect any known historic or archaeological resources and have a minimal potential to affect as-yet unknown resources.

MANAGEMENT RECOMMENDATIONS

The proposed installation can proceed as planned as it will not affect any historic properties or unique archaeological resources. No subsurface testing for buried archaeological resources appears necessary at this time. The following protection measures are recommended.

- (a) The project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials.
- (b) The project proponent shall retain a Professional Archaeologist on an “on-call” basis during ground disturbing construction to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique archaeological resources under the California Environmental Quality Act (CEQA).
- (c) If the Professional Archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource under CEQA, he/she shall notify the project proponent and other appropriate parties of the evaluation and recommend mitigation measures to mitigate to a less-than significant impact in accordance with California Public Resources Code Section 15064.5. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery among other options. The completion of a formal *Archaeological Monitoring Plan* (AMP) and/or *Archaeological Treatment Plan* (ATP) that could include data recovery may be recommended by the Professional Archaeologist if significant archaeological deposits are exposed during ground disturbing construction. Development and implementation of the AMP and ATP and treatment of significant cultural resources will be determined by the project proponent in consultation with any regulatory agencies.
- (d) The treatment of human remains and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall comply with applicable State laws. This shall include immediate notification of the appropriate county Coroner/Medical Examiner and the project proponent.
- (e) A *Monitoring Closure Report* shall be filed with the project proponent at the conclusion of ground disturbing construction if archaeological and Native American monitoring of excavation was undertaken.

REFERENCES

Baker, Suzanne
 1998 Archaeological Survey, San Tomas Aquino/Saratoga Creek Trail Project, Santa Clara County, California. . MS on file, S-22570, CHRIS/NWIC, Sonoma State University, Rohnert Park.

Bergthold, Judith
 1982 Prehistoric Settlement and Trade Models in the Santa Clara Valley, California. MA Thesis, San Francisco State University.

Busby, Colin I. (Basin Research Associates, San Leandro)
 2019a Native American Heritage Commission Sacred Lands File & Native American Contacts List Request: City of Santa Clara Sewer Repair Projects, Santa Clara County. Via email nahc@nahc.ca.gov on January 11, 2019.
 2019b-h Letters to Edward Ketchum, Amah Mutsun Tribal Band, Davis; Valentin Lopez, Chairperson, Amah Mutsun Tribal Band, Galt; Irenne Zwierlein, Chairperson, Amah/Mutsun Tribal Band of Mission San Juan Bautista, Woodside; Ann Marie Sayers, Chairperson, Indian Canyon Mutsun Band of Costanoan, Hollister; Charlene Nijmeh, Chairperson, Muwekma Ohlone Tribe of the SF Bay Area, Castro Valley; Katherine Erolinda Perez, Chairperson, North Valley Yokuts Tribe, Linden; and, Andrew Galvan, The Ohlone Indian Tribe, Fremont. *Regarding*: City of Santa Clara Sewer Repair Projects, Santa Clara County. Dated January 14, 2019.

California (State of), Department of Parks and Recreation, Office of Historic Preservation (CAL/OHP)
 1973 The California History Plan. Volume One - Comprehensive Preservation Program. Volume Two - Inventory of Historic Features.
 1976 California Inventory of Historic Resources.
 1988 Five Views: An Ethnic Sites Survey for California.
 1990 California Historical Landmarks.
 1992 California Points of Historical Interest.
 2003 California Historical Resource Status Codes.
 2012a [*Historic Properties Directory*] Directory of Properties in the Historic Property Data file for City of Santa Clara, Santa Clara County (includes *National Register of Historic Places* status codes, *California Historical Landmarks* and *California Points of Historical Interest* listings, etc.). Dated 4/05/2012 [most recent as of 10/19/2018].
 2012b *Archaeological Determinations of Eligibility* [ADOE] for Santa Clara County. Reviewed by the CHRIS/NWIC, Sonoma State University, Rohnert Park [most recent available as of 10/25/18].
 2019 California Historical Resources – Santa Clara County [including National Register, State Landmark, California Register, and Point of Interest].

<<http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=43>>
accessed 2/15/2019.

Hagel, Lisa C. (CHRIS/NWIC staff)

2018 Records Search Results for Santa Clara Sewer Improvements, City of Santa Clara, Santa Clara County. CHRIS/NWIC File No. 18-0615. Dated October 19, 2018. Copy on file, Basin Research Associates, San Leandro.

Santa Clara (City of), Planning Division

1994 City of Santa Clara Archeologically Sensitive Boundaries.
1999 Boundaries of Identified Archaeologically Sensitive Area.
2010 City of Santa Clara 2010-2035 General Plan.

Santa Clara County Historical Heritage Commission (**SCICoHHC**)

1979 Santa Clara County Heritage Resource Inventory. Santa Clara County Historical Heritage Commission, San Jose.
1999 Santa Clara County Heritage Resource Inventory. Santa Clara County Historical Heritage Commission, San Jose.

Totton, Gayle (Associate Government Program Analyst, Native American Heritage Commission) (**NAHC**)

2019 Response to Colin Busby, Basin Research Associates, San Leandro Request for Review of Sacred Lands Inventory - of Santa Clara Sewer Repair Projects, Santa Clara County. Via email nahc@nahc.ca.gov on January 14, 2019.

United States Department of the Interior, National Park Service (**USNPS**)

2015/2017 NRHP [National Register of Historic Places] Spreadsheet listings. <https://www.nps.gov/subjects/nationalregister/database-research.htm>. Multiple Property list to 10/17/18; National Historic Landmarks [NHL] to 10/17/2018. Web accessed 10/20/2018.

Abbreviations

n.d. no date v.d. various dates N.P. no publisher noted

n.p. no place of publisher noted

CHRIS/NWIC, Sonoma State University, Rohnert Park is used for material on file at the California Historical Resources Information System, Northwest Information Center, Sonoma State University, Rohnert Park.

ATTACHMENTS

FIGURES

- FIGURE 1 General Project Location (ESRI World Street Map)
- FIGURE 2 City of Santa Clara - Proposed Sewer Repair Projects - Segment 12 - T6S R1W Section 34 (USGS Milpitas, Calif. 1980; San Jose West, Calif. 1980)
- FIGURE 3 City of Santa Clara - Proposed Sewer Repair Projects - Segment 12 (ESRI World Street Map)
- FIGURE 4 City of Santa Clara - Proposed Sewer Repair Projects - Segment 12 Aerial View
- FIGURE 5 Proposed Repairs – Segment 12 (San Tomas Aquino Creek)

CORRESPONDENCE

- EMAIL Request to Native American Heritage Commission for Review of Sacred Lands File for City of Santa Clara Sewer Line Repairs
- LETTER Response from Native American Heritage Commission
- LETTERS Requests to Native American individuals and groups with potential information on the project segments
- RESPONSES Responses from Native American individuals and groups having information on the project areas (None as of February 15, 2019)

CHRIS/NWIC

- SEARCH SEGMENT 12 - Records Search Results for Santa Clara Sewer Improvements, City of Santa Clara, Santa Clara County. CHRIS/NWIC File No. 18-0615. Dated October 19, 2018. On file, Basin Research Associates.



Figure 1: General Project Location (ESRI World Street Map)

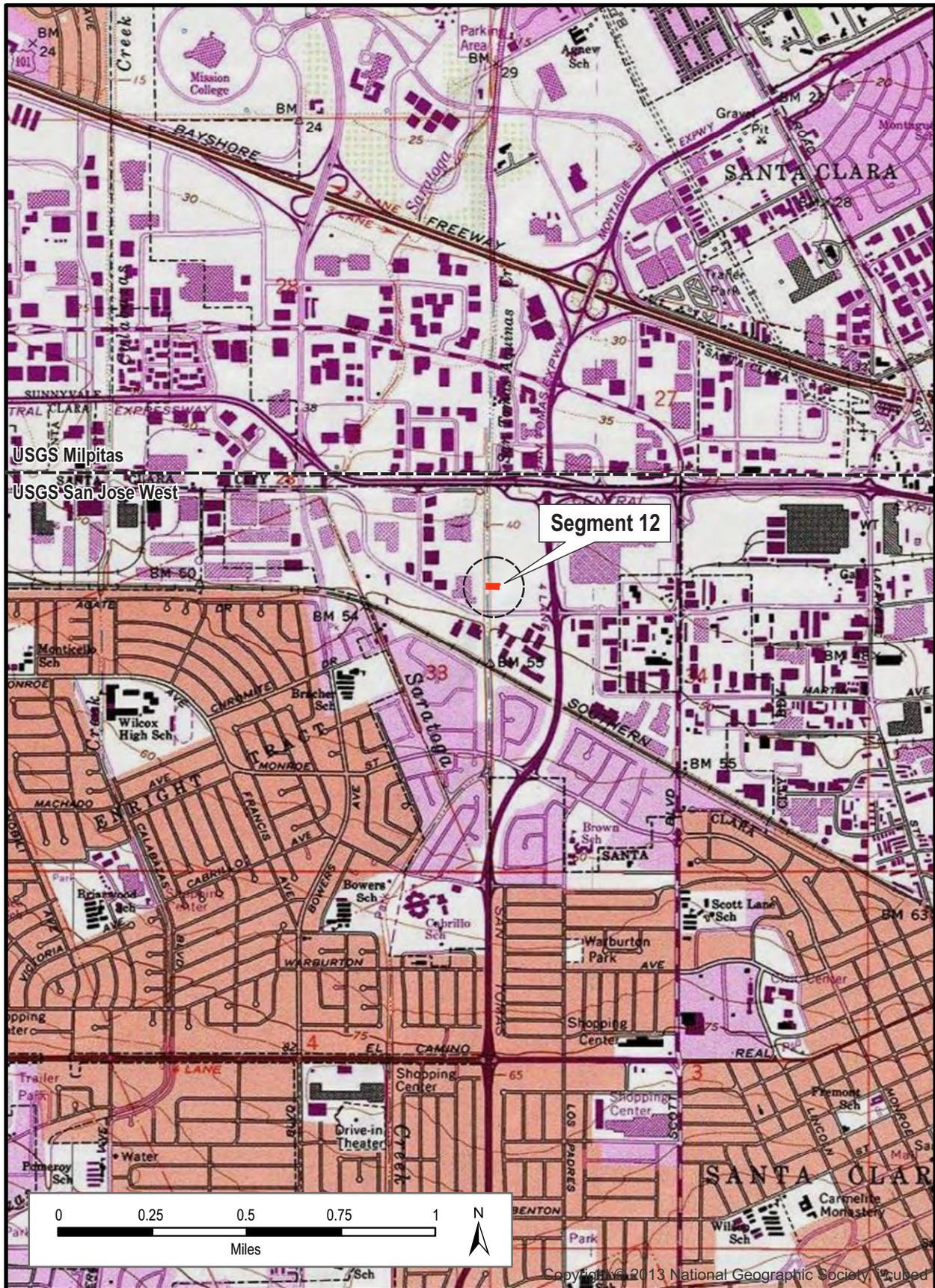


Figure 2: City of Santa Clara - Proposed Sewer Repair Projects - Segment 12 - T6S R1W Section 34 (USGS Milpitas, Calif. 1980; San Jose West, Calif. 1980)

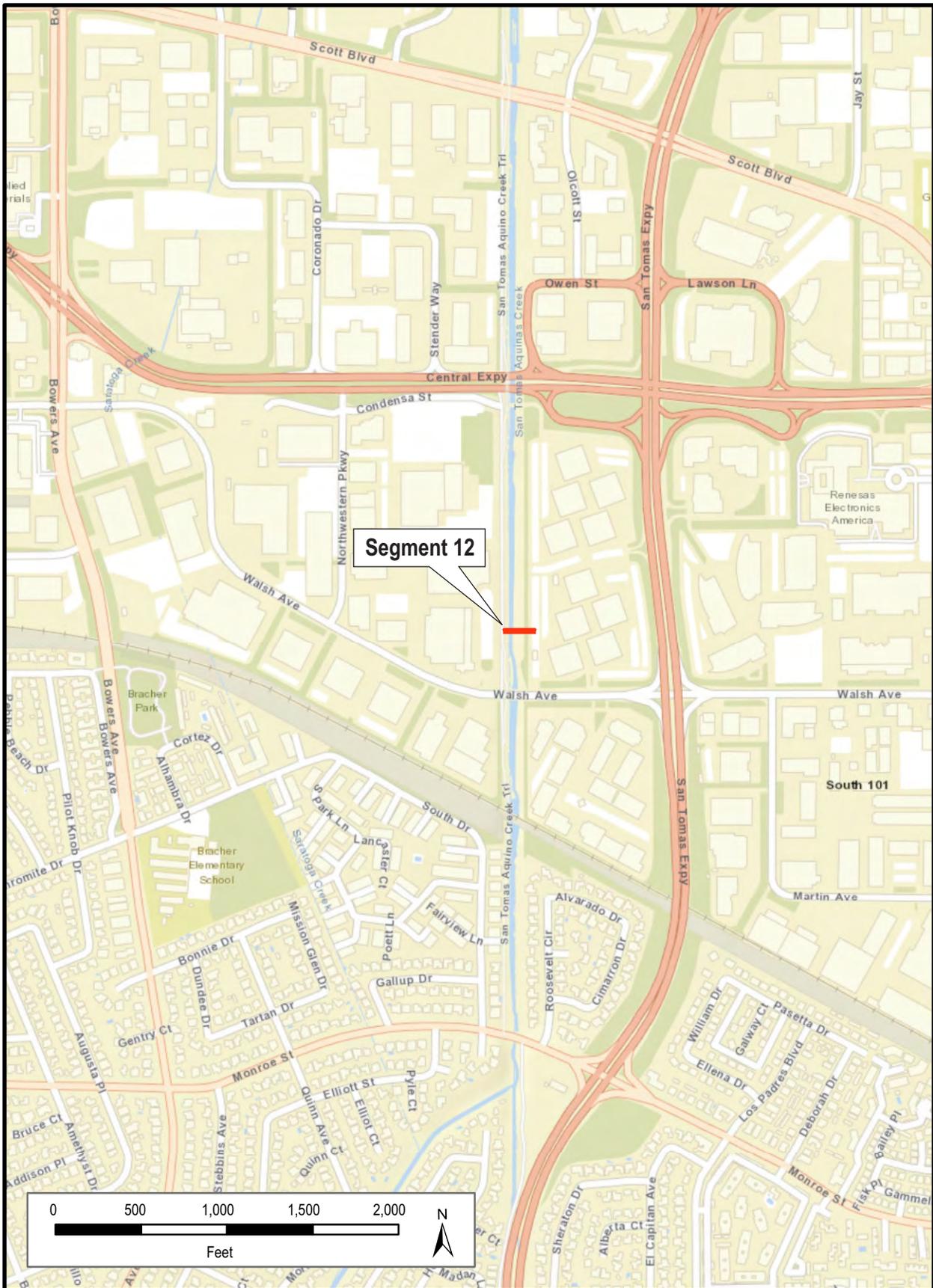


Figure 3: City of Santa Clara - Proposed Sewer Repair Projects - Segment 12 (ESRI World Street Map)

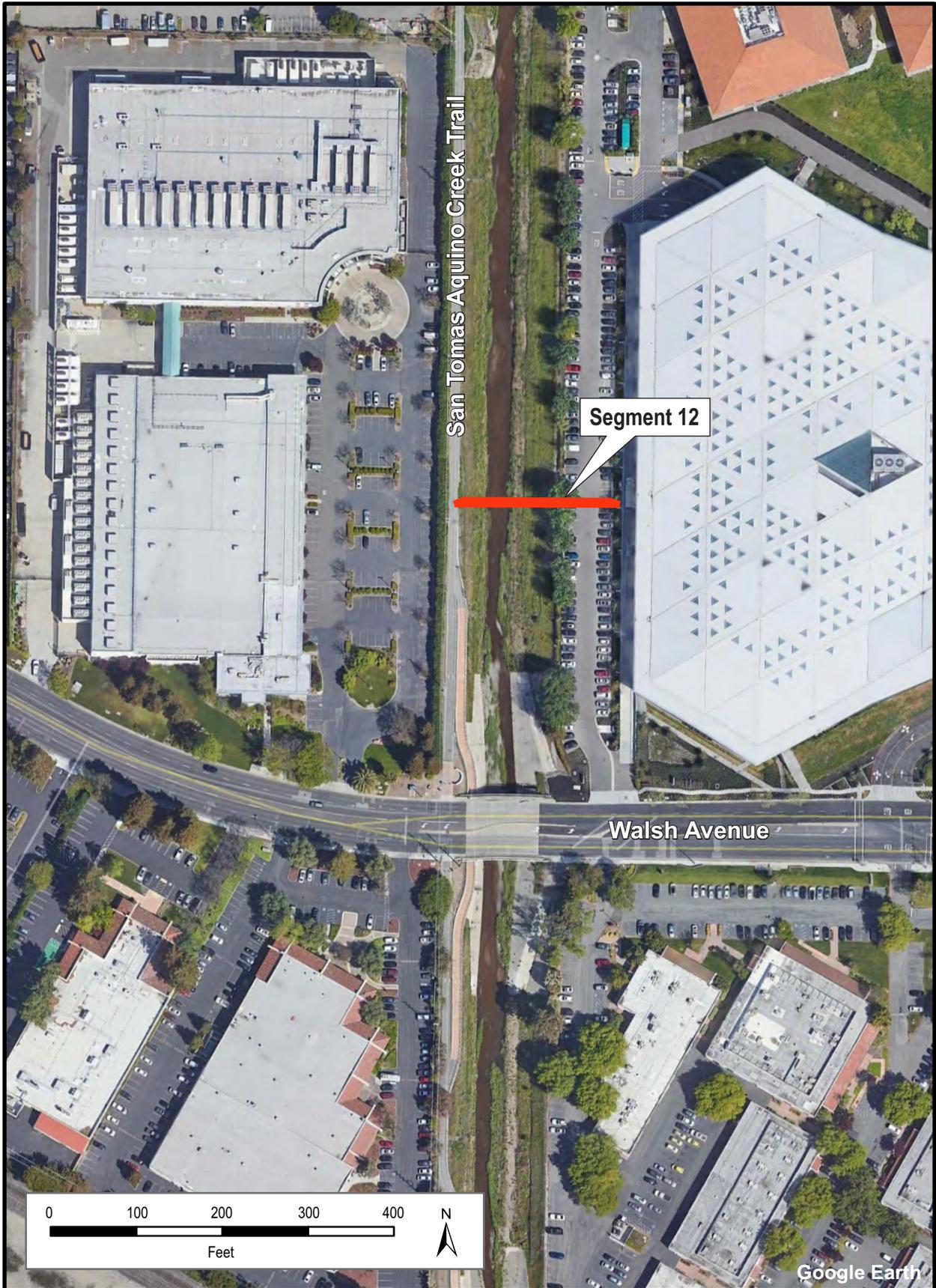
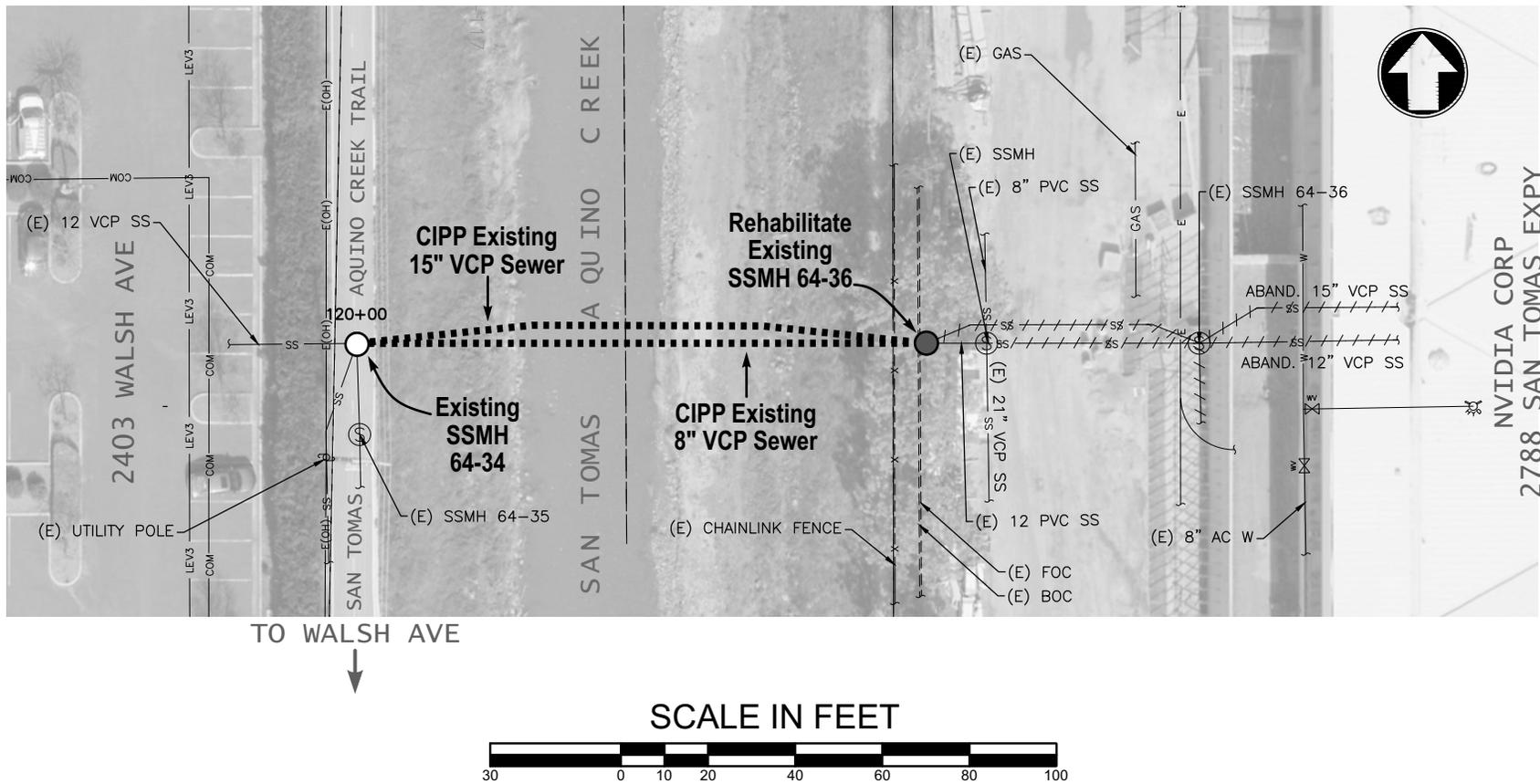


Figure 4: City of Santa Clara - Proposed Sewer Repair Projects - Segment 12 Aerial View

Base Map Source: Modified from Mott MacDonald, 2018, Sanitary Sewer Condition Assessment Repairs, 65% Plans, Segment 12 – San Tomas Aquino Creek (December).



**Sacred Lands File & Native American Contacts List Request
NATIVE AMERICAN HERITAGE COMMISSION**

1556 Harbor Boulevard, STE 100
West Sacramento, CA 95691
(916) 373-3710
(916) 373-5471 – Fax
nahc@nahc.ca.gov

Information Below is Required for a Sacred Lands File Search

Project: City of Santa Clara – Repair of sewer defects at 4 locations within city. Repairs confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods.

County: Santa Clara

USGS Quadrangle Name: USGS San Jose West, Calif. 1980
USGS Milpitas, Calif. 1980 – Pipe Segment 35

Address: No physical addresses

Township: 6S, **Range:** 1 W, Section 34; T 7S R 1 W, Section 15; T 6S, R 1W, Sections 28, 33; T 6S, R 1W, Unsectioned

Company/Firm/Agency: Basin Research Associates

Contact Person: Colin I. Busby, PhD, RPA

Street Address: 1933 Davis Street, STE 210

City/Zip: San Leandro, CA 94577

Phone: (510) 430-8441 x202

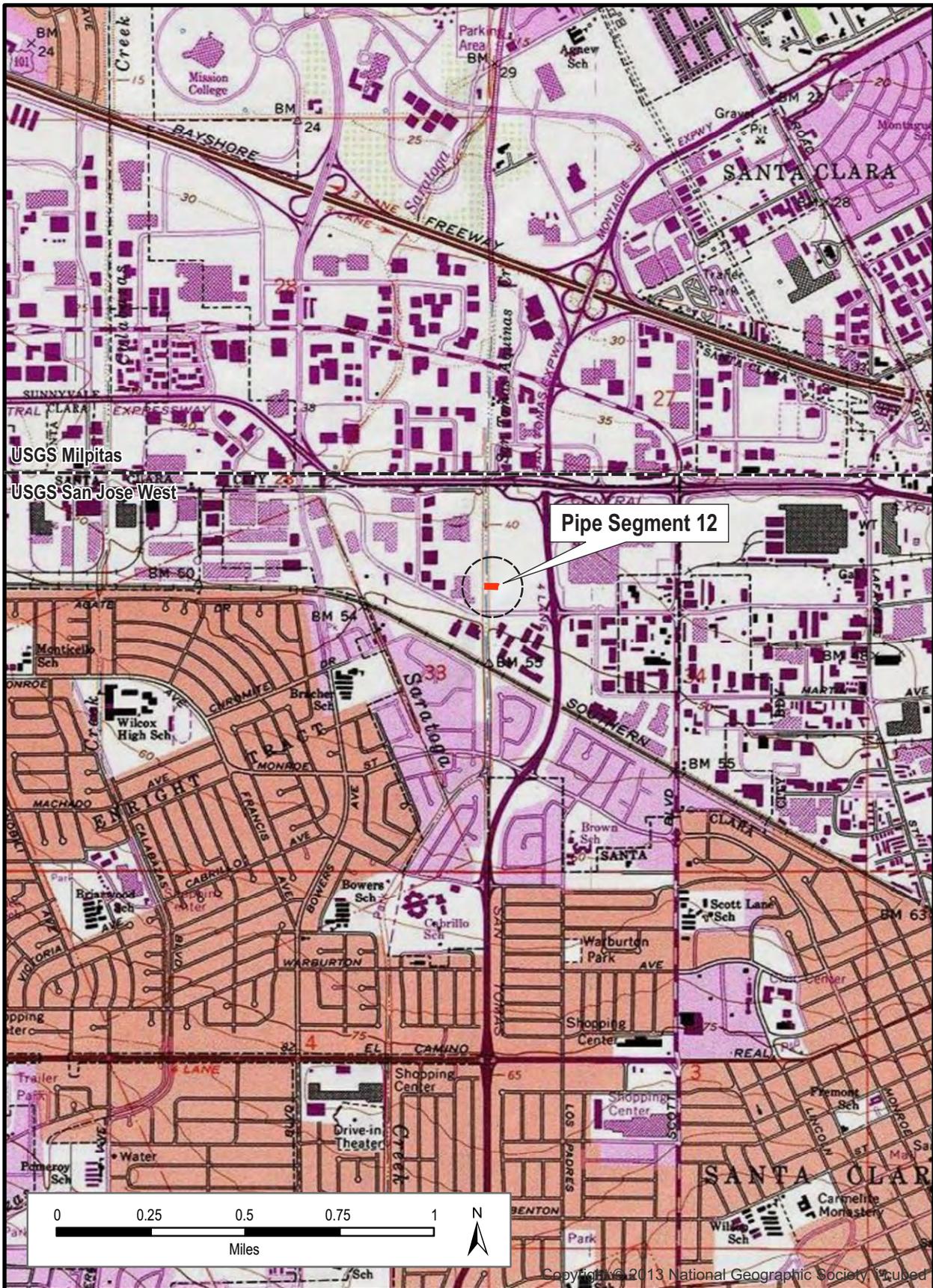
Fax: (510) 430-8443

Email: basinres1@gmail.com

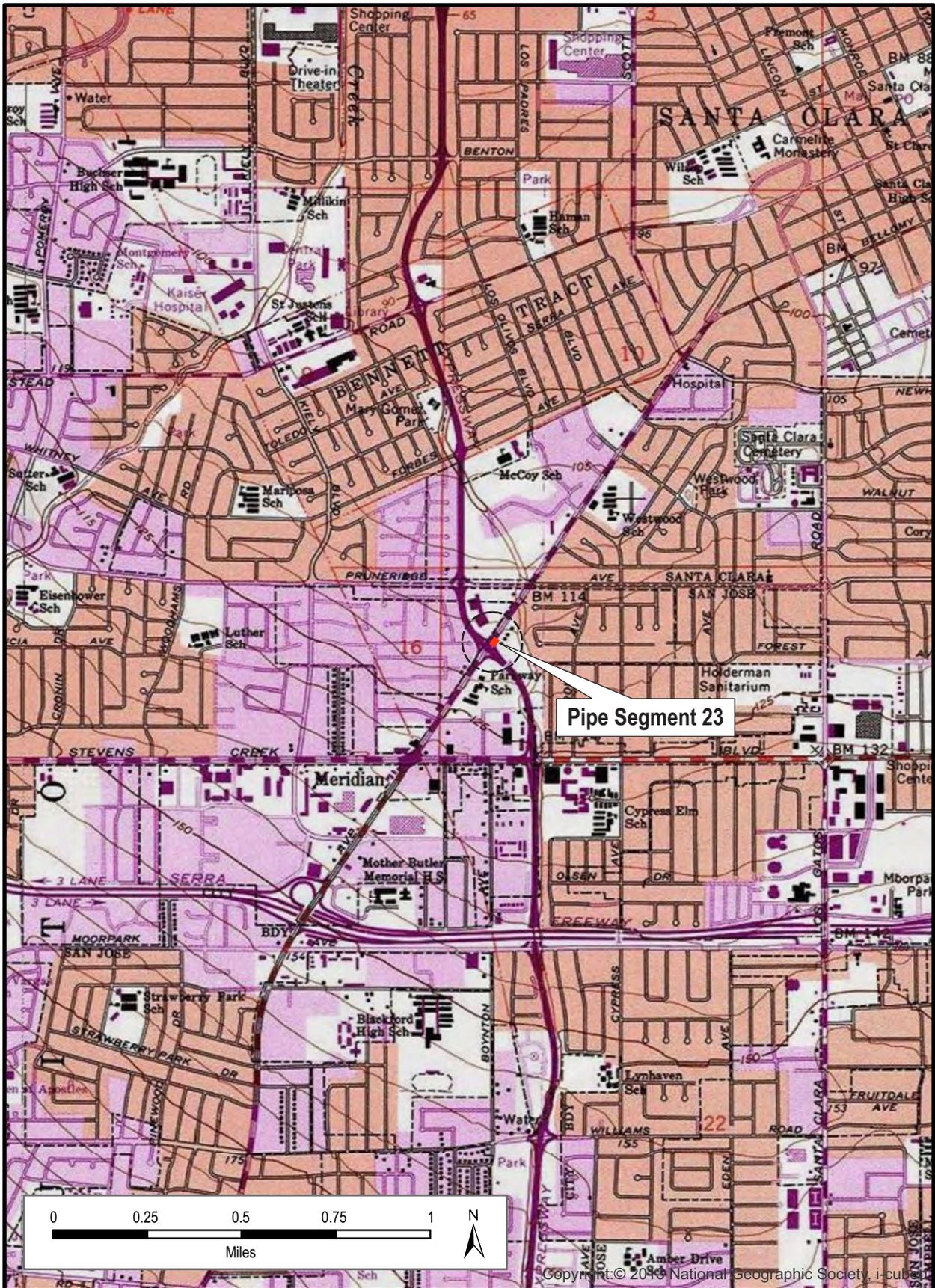
Project Description:

Repair of various sewer defects at 4 locations (Pipe Segments 12, 23, 29-31, and 35) within City of Santa Clara. Three of the projects are subject to the provisions of the California Environmental Quality Act (CEQA) while one (Pipe Segment 35) requires a permit for the U.S. Army Corps of Engineers and must be comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (16 U.S.C., Section 470f). Initial record review suggests no cultural resources within or adjacent to the repair zones although known resources are within 500-1500 feet.

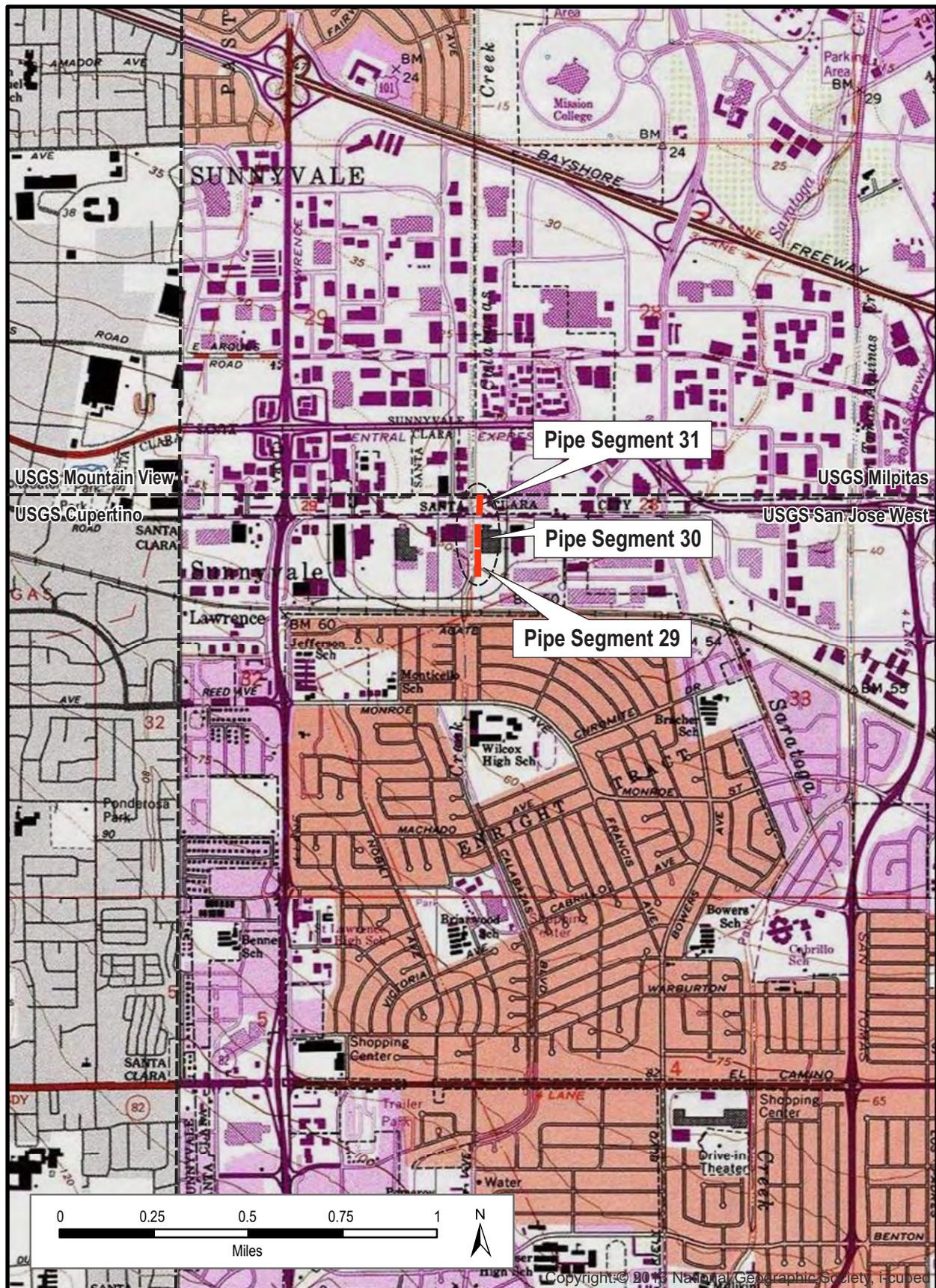
01/11/19



Santa Clara Sewer - Pipe Segment 12 - T6S R1W Sec. 34
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segment 23 - T7S R1W Sec. 15
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segments 29, 30, 31 - T6S R1W Secs. 28, 33
 (USGS San Jose West, Calif. 1980)

Native American Heritage Commission
Native American Contact List
Santa Clara County
1/14/2019

Amah Mutsun Tribal Band

Edward Ketchum,
35867 Yosemite Ave
Davis, CA, 95616
aerieways@aol.com

Costanoan
Northern Valley
Yokut

The Ohlone Indian Tribe

Andrew Galvan,
P.O. Box 3152
Fremont, CA, 94539
Phone: (510) 882 - 0527
Fax: (510) 687-9393
chochenyo@AOL.com

Bay Miwok
Costanoan
Patwin
Plains Miwok

Amah Mutsun Tribal Band

Valentin Lopez, Chairperson
P.O. Box 5272
Galt, CA, 95632
Phone: (916) 743 - 5833
vlopez@amahmutsun.org

Costanoan
Northern Valley
Yokut

**Amah Mutsun Tribal Band of
Mission San Juan Bautista**

Irenne Zwieler, Chairperson
789 Canada Road
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Phone: (650) 851 - 7489
Fax: (650) 332-1526
amahmutsuntribal@gmail.com

Costanoan

**Indian Canyon Mutsun Band of
Costanoan**

Ann Marie Sayers, Chairperson
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Hollister, CA, 95024
Phone: (831) 637 - 4238
ams@indiancanyon.org

Costanoan

**Muwekma Ohlone Indian Tribe
of the SF Bay Area**

Charlene Nijmeh, Chairperson
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cnijmeh@muwekma.org

Costanoan

North Valley Yokuts Tribe

Katherine Erolinda Perez,
Chairperson
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Linden, CA, 95236
Phone: (209) 887 - 3415
canutes@verizon.net

Costanoan
Northern Valley
Yokut

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Sewer Line Repairs, City of Santa Clara Project, Santa Clara County.



January 14, 2019

BASIN
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1933 DAVIS STREET
SUITE 215
SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

Valentin Lopez, Chairperson
Amah Mutsun Tribal Band
P.O. Box 5272
Galt, CA, 95632

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Val,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

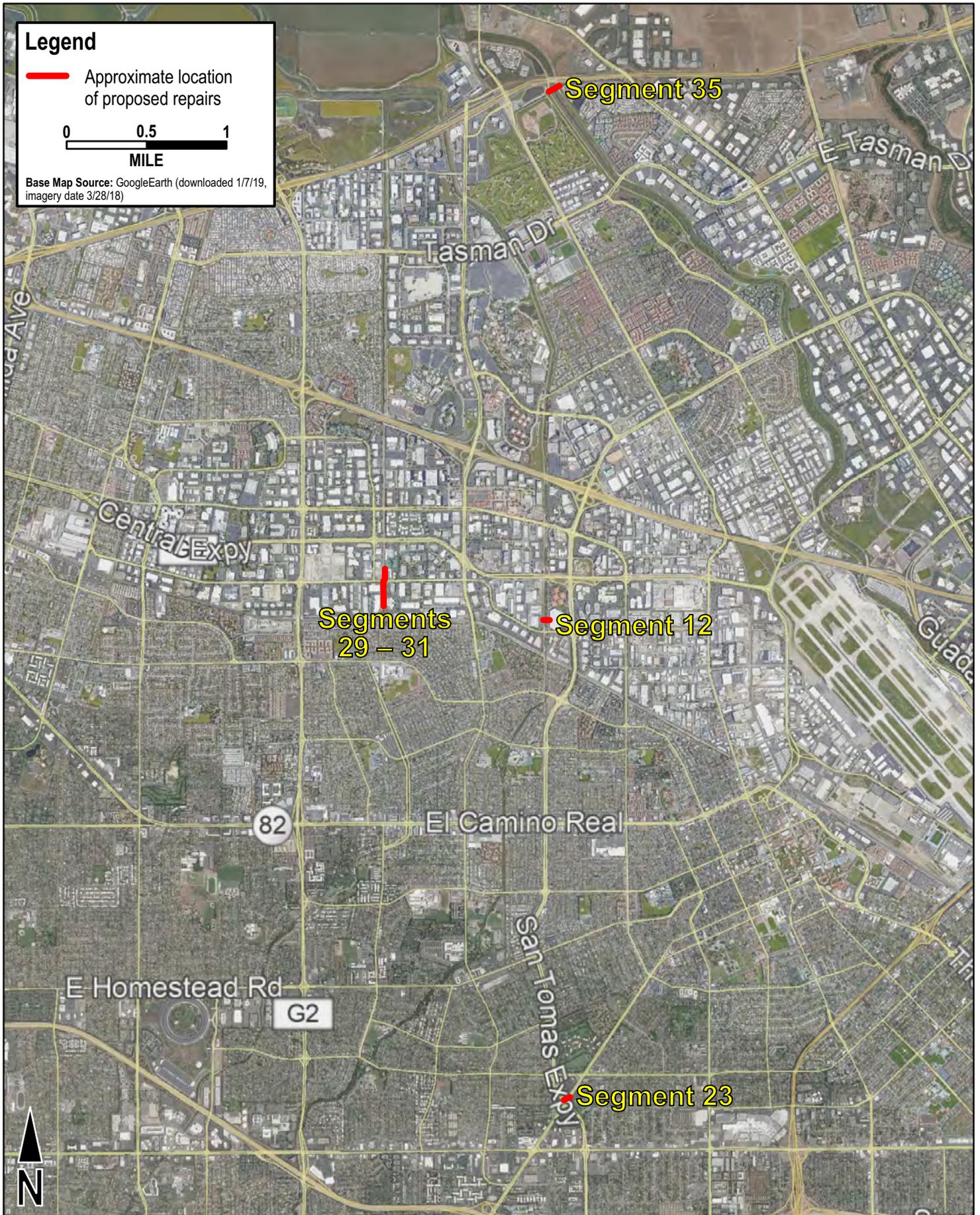
Repairs will be completed at Pipe Segments 12, 23, 29-31, and 35. Three of the repair projects may be subject to the provisions of the California Environmental Quality Act (CEQA) while one (Pipe Segment 35) requires a permit for the U.S. Army Corps of Engineers and must be comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (16 U.S.C., Section 470f). This repair consists of relining a pipe segment that crosses the Guadalupe River. The initial record review suggests no cultural resources are within or adjacent to the repair zones although known resources are within 500-1000 feet.

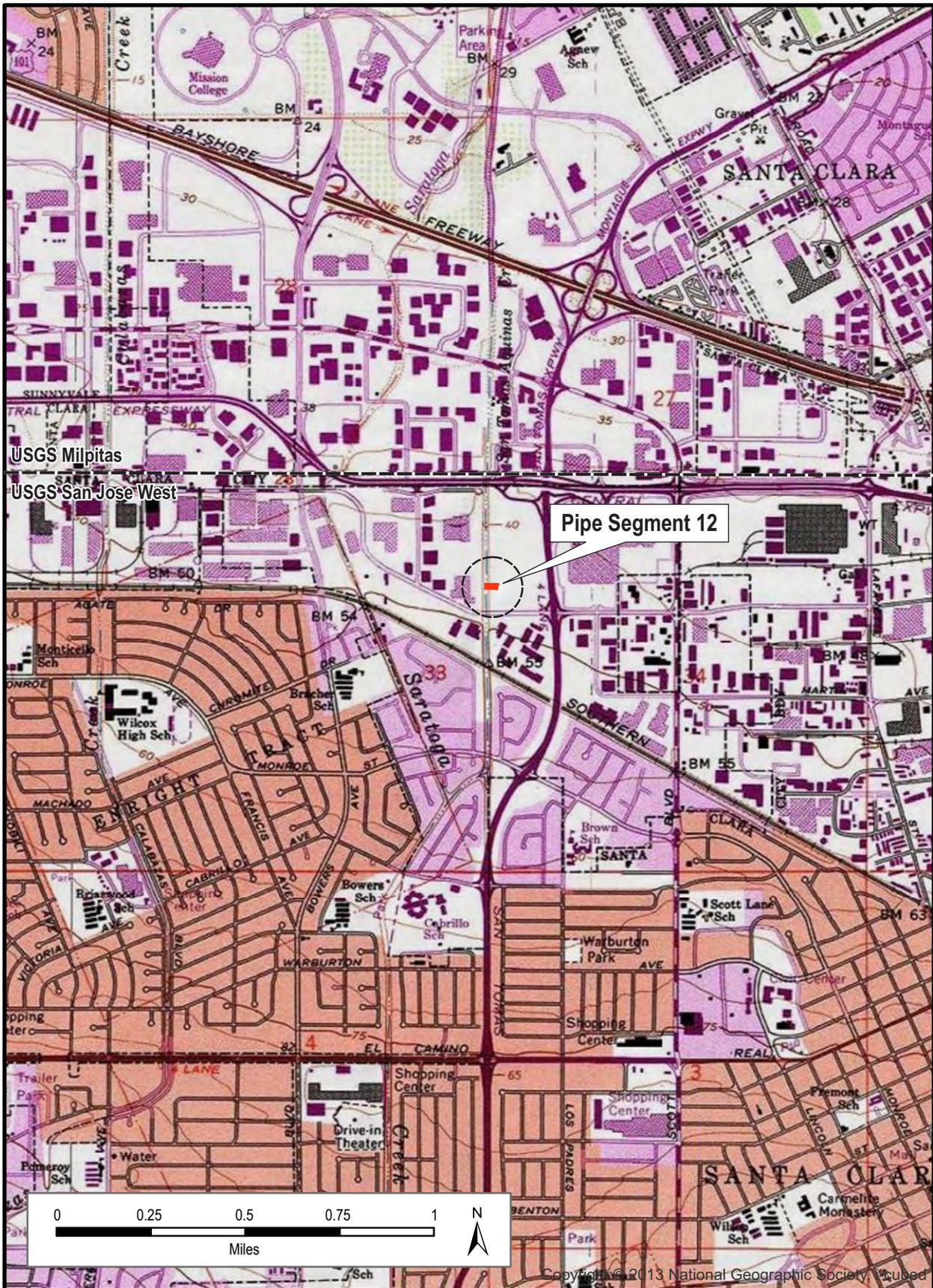
We look forward to hearing from you. I can be reached at (510) 430-8441 x202 or via email at basinres1@gmail.com. Our client, Dr. Anna Busing, Principal Project Manager, Redtail Consulting can be contacted for specific details at (510) 304-8363 annab@redtail-ec.com.

Thanking you in advance for any assistance.

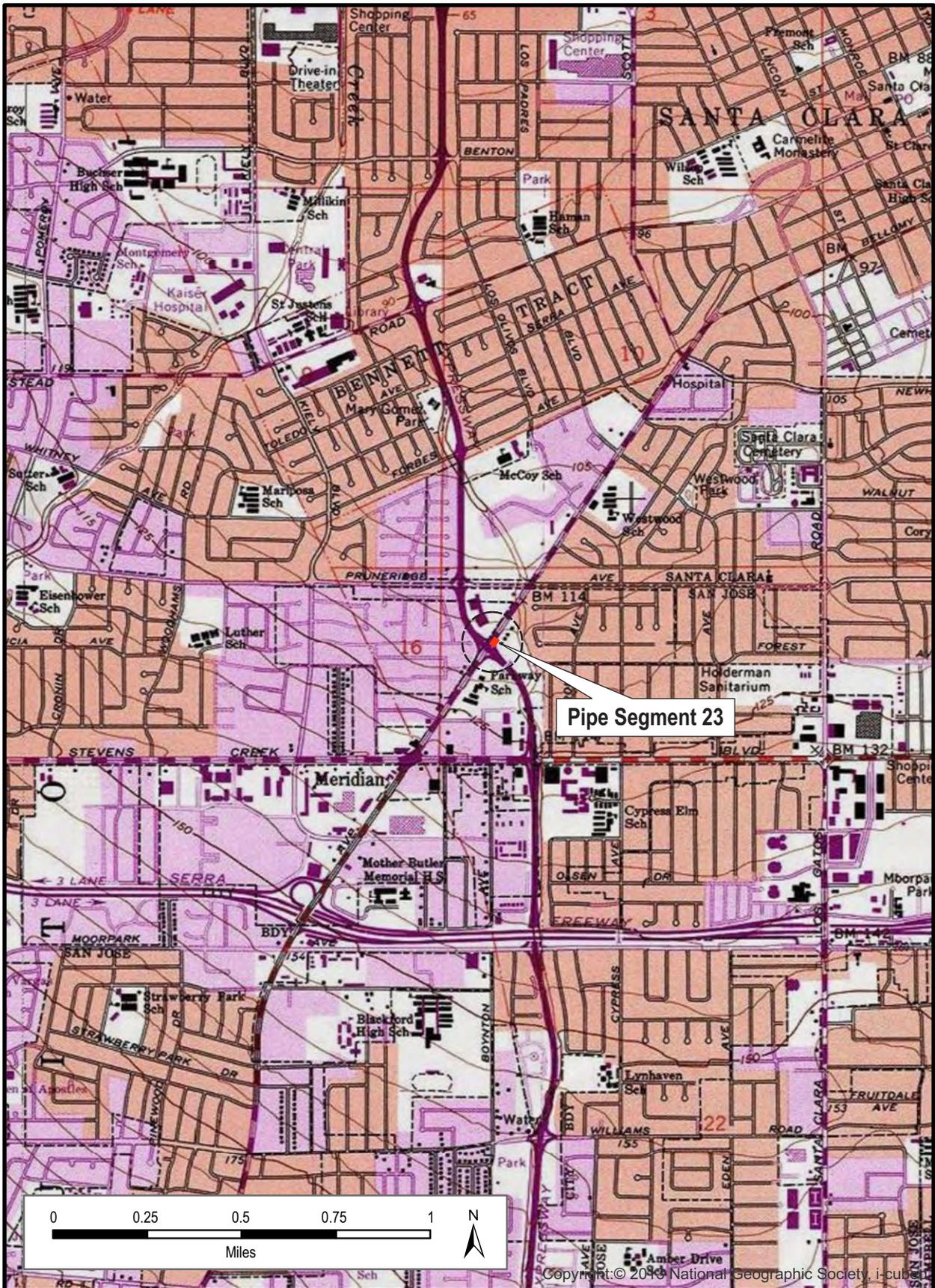
BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal

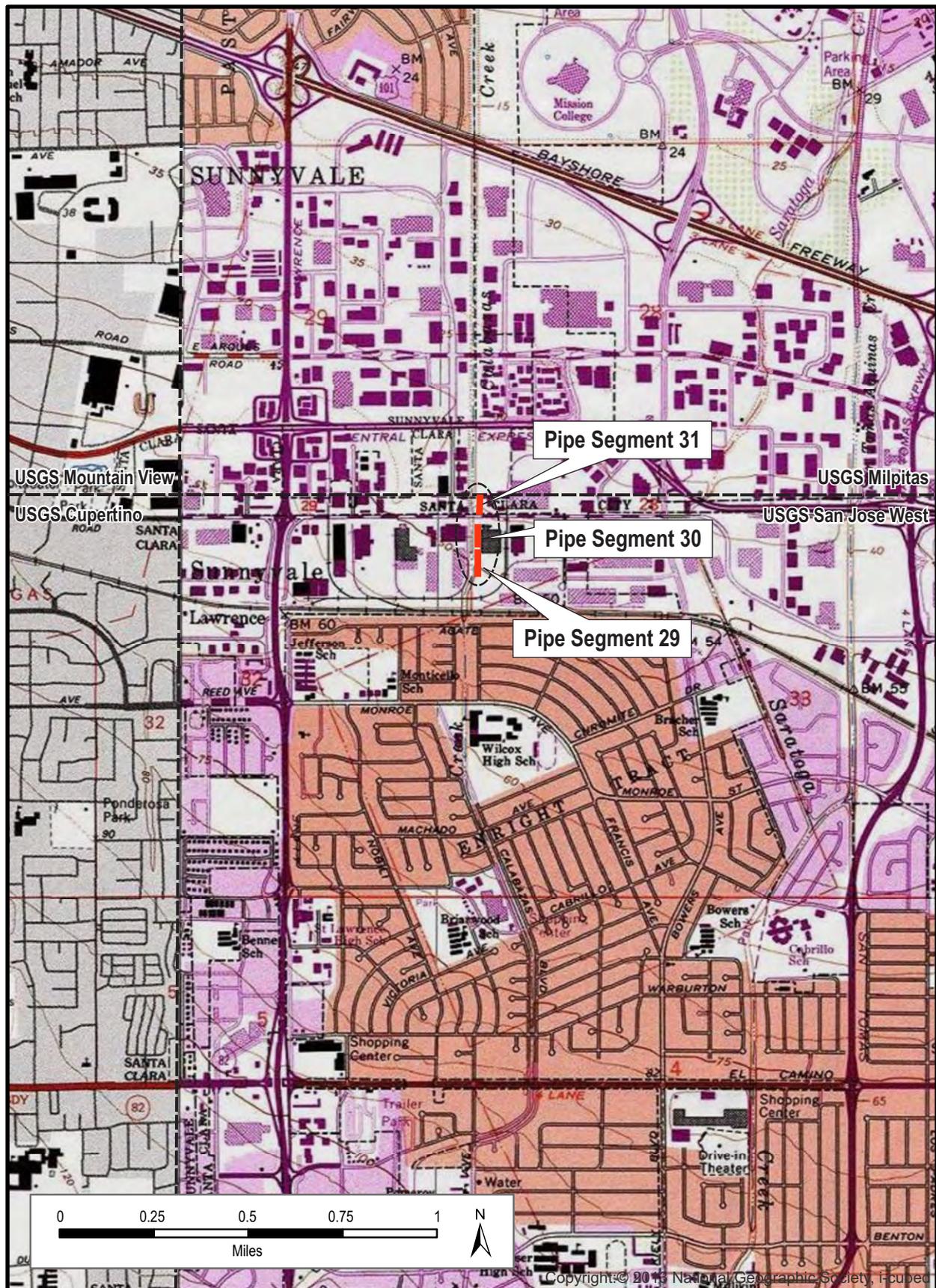




Santa Clara Sewer - Pipe Segment 12 - T6S R1W Sec. 34
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segment 23 - T7S R1W Sec. 15
 (USGS San Jose West, Calif. 1980)



Santa Clara Sewer - Pipe Segments 29, 30, 31 - T6S R1W Secs. 28, 33
 (USGS San Jose West, Calif. 1980)



January 14, 2019

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VOICE (510) 430-8441
FAX (510) 430-8443

Edward Ketchum,
Amah Mutsun Tribal Band
35867 Yosemite Avenue
Davis, CA, 95616

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Ed,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

Repairs will be completed at Pipe Segments 12, 23, 29-31, and 35. Three of the repair projects may be subject to the provisions of the California Environmental Quality Act (CEQA) while one (Pipe Segment 35) requires a permit for the U.S. Army Corps of Engineers and must comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (16 U.S.C., Section 470f). This repair consists of relining a pipe segment that crosses the Guadalupe River. The initial record review suggests no cultural resources are within or adjacent to the repair zones although known resources are within 500-1000 feet.

We look forward to hearing from you. I can be reached at (510) 430-8441 x202 or via email at basinres1@gmail.com. Our client, Dr. Anna Busing, Principal Project Manager, Redtail Consulting can be contacted for specific details at (510) 304-8363 annab@redtail-ec.com.

Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019

BASIN
RESEARCH
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VOICE (510) 430-8441
FAX (510) 430-8443

***Amah Mutsun Tribal Band of
Mission San Juan Bautista***
Irenne Zwierlein, Chairperson
789 Canada Road
Woodside, CA, 94062

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Irenne,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

Repairs will be completed at Pipe Segments 12, 23, 29-31, and 35. Three of the repair projects may be subject to the provisions of the California Environmental Quality Act (CEQA) while one (Pipe Segment 35) requires a permit for the U.S. Army Corps of Engineers and must comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (16 U.S.C., Section 470f). This repair consists of relining a pipe segment that crosses the Guadalupe River. The initial record review suggests no cultural resources are within or adjacent to the repair zones although known resources are within 500-1000 feet.

We look forward to hearing from you. I can be reached at (510) 430-8441 x202 or via email at basinres1@gmail.com. Our client, Dr. Anna Buising, Principal Project Manager, Redtail Consulting can be contacted for specific details at (510) 304-8363 annab@redtail-ec.com.

Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019

BASIN
RESEARCH
ASSOCIATES

1933 DAVIS STREET
SUITE 215
SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

***Indian Canyon Mutsun Band of
Costanoan***

Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister, CA, 95024

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Ann Marie,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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***Muwekma Ohlone Indian Tribe
of the SF Bay Area***

Charlene Nijmeh, Chairperson
20885 Redwood Road, Suite 232
Castro Valley, CA, 94546

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Ms. Nijmeh,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

Repairs will be completed at Pipe Segments 12, 23, 29-31, and 35. Three of the repair projects may be subject to the provisions of the California Environmental Quality Act (CEQA) while one (Pipe Segment 35) requires a permit for the U.S. Army Corps of Engineers and must be comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (16 U.S.C., Section 470f). This repair consists of relining a pipe segment that crosses the Guadalupe River. The initial record review suggests no cultural resources are within or adjacent to the repair zones although known resources are within 500-1000 feet.

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Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019

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VOICE (510) 430-8441
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North Valley Yokuts Tribe

Katherine Erolinda Perez,
Chairperson
P.O. Box 717
Linden, CA, 95236

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Kathy,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal



January 14, 2019

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SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

Andrew Galvan,
The Ohlone Indian Tribe
P.O. Box 3152
Fremont, CA, 94539

RE: Request for Information – City of Santa Clara Sewer Repair Projects, Santa Clara County

Dear Andy,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources within four areas proposed for the repair of sewer defects within the City of Santa Clara (Maps attached). No new sewer lines are proposed and the repairs will be confined to existing sewer lines and include gasket and manhole repair, relining via pipe-bursting and other methods to ensure the integrity of the sewers.

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Thanking you in advance for any assistance.

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Colin I. Busby, Ph.D., RPA
Principal

CALIFORNIA
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SANTA CLATA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
http://www.sonoma.edu/nwic

10/19/2018

NWIC File No.: 18-0615

Donna Garaventa
Basin Research Associates
1933 Davis Street, Suite 215
San Leandro, CA 94577

re: Santa Clara Sewer Impr

The Northwest Information Center received your record search request for the project area referenced above, located on the Milpitas, Cupertino, & San Jose West USGS 7.5' quads. The following reflects the results of the records search for the project area and a 250 foot radius:

Resources within project area:	P-43-003593.
Resources within 250 foot radius:	P-43-000025.
Reports within project area:	S-12032, 19424, 21232, 4955, 8626, 22570, 14230, 18367, 25183, 22819, 11396, 26045, 33061, 23364, 4181, 23934, 37218, 29657, 43525, 39146, 9368, & 4391.
Reports within 250 foot radius:	See enclosed database printouts.

- Resource Database Printout (list):** enclosed not requested nothing listed
- Resource Database Printout (details):** enclosed not requested nothing listed
- Resource Digital Database Records:** enclosed not requested nothing listed
- Report Database Printout (list):** enclosed not requested nothing listed
- Report Database Printout (details):** enclosed not requested nothing listed
- Report Digital Database Records:** enclosed not requested nothing listed
- Resource Record Copies:** enclosed not requested nothing listed
- Report Copies:** enclosed not requested nothing listed
- OHP Historic Properties Directory:** enclosed not requested nothing listed
- Archaeological Determinations of Eligibility:** enclosed not requested nothing listed
- CA Inventory of Historic Resources (1976):** enclosed not requested nothing listed
- Caltrans Bridge Survey:** enclosed not requested nothing listed
- Ethnographic Information:** enclosed not requested nothing listed

Historical Literature: enclosed not requested nothing listed
Historical Maps: enclosed not requested nothing listed
Local Inventories: enclosed not requested nothing listed
GLO and/or Rancho Plat Maps: enclosed not requested nothing listed
Shipwreck Inventory: enclosed not requested nothing listed

***Notes:**

****** Current versions of these resources are available on-line:

Caltrans Bridge Survey: <http://www.dot.ca.gov/hq/structur/strmaint/historic.htm>

Soil Survey: <http://www.nrcs.usda.gov/wps/portal/nrcs/surveylist/soils/survey/state/?stateId=CA>

Shipwreck Inventory: <http://www.slc.ca.gov/Info/Shipwrecks.html>

Let us know if you need copies of any documents. The invoice will be kept open until 10/26/18.

Please forward a copy of any resulting reports from this project to the office as soon as possible. Due to the sensitive nature of archaeological site location data, we ask that you do not include resource location maps and resource location descriptions in your report if the report is for public distribution. If you have any questions regarding the results presented herein, please contact the office at the phone number listed above.

The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

Should you require any additional information for the above referenced project, reference the record search number listed above when making inquiries. Requests made after initial invoicing will result in the preparation of a separate invoice.

Thank you for using the California Historical Resources Information System (CHRIS).

Sincerely,

Lisa C. Hagel
Researcher