

CULTURAL RESOURCES INVENTORY REPORT,
CULTURAL RECORDS SEARCH, SACRED LANDS SEARCH,
TRIBAL CONTACT AND CONSULTATION

APPENDIX C

to the
38134 Temple Way Residential Project Draft EIR

The Cultural Resources Inventory Report is a non-confidential redacted version of the full report with confidential information about the specific location of cultural resources removed for public issuance as a part of the CEQA document.

If you require the confidential version, please request it along with your credentials that allow viewing of such confidential information, at the City contact listed on page 1-3 of the Draft EIR.

Cultural Resources Inventory Report and Sensitivity Assessment for 38134 Temple Way, Fremont, Alameda County, California

MARCH 2025



PREPARED FOR
Lamphier-Gregory

PREPARED BY
SWCA Environmental Consultants

Cover image: Project site on portion of Alameda County Historical Atlas (Thompson and West 1878).

**CULTURAL RESOURCES INVENTORY REPORT AND
SENSITIVITY ASSESSMENT FOR
38134 TEMPLE WAY,
FREMONT, ALAMEDA COUNTY, CALIFORNIA**

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Archaeological and other heritage resources can be damaged or destroyed through uncontrolled public disclosure of information regarding their location. This document contains sensitive information regarding the nature and location of archaeological sites, which should not be disclosed to the general public or unauthorized persons.

Information regarding the location, character, or ownership of a cultural resource is exempt from the Freedom of Information Act pursuant to 54 USC 307103 (National Historic Preservation Act) and 16 USC Section 470(h) (Archaeological Resources Protections Act)

MANAGEMENT SUMMARY

Purpose and Scope: SWCA Environmental Consultants (SWCA) was retained by Lamphier-Gregory to provide archaeological services for a proposed residential development project located at 38134 Temple Way in the city of Fremont. The project site consists of two parcels designated by the County of Alameda (County) Assessor as Parcel Numbers 501-1278-50 and 501-1278-51 that together encompass about 2.31 acres. As currently proposed, the project will include construction of 27 single-family residential lots and associated street and utility improvements.

This Cultural Resources Inventory Report and Sensitivity Assessment provides an inventory of cultural resource records and assesses the potential for unidentified cultural resources to occur in the project site and within a 0.25-mile radius of the project site. The inventory was designed to determine if any previous cultural resource studies have been conducted in or near the project site and if any historical properties or archaeological sites are located in or near the project site. This type of information is routinely needed to comply with the requirements of the California Environmental Quality Act (CEQA).

Dates of the Investigation: On April 31, 2024, SWCA personnel performed a search of the records on file at the California Historical Resources Information System (CHRIS) Northwest Information Center (NWIC) at Sonoma State University in Rohnert Park, California.

Investigation Constraints: None.

Prior Cultural Resources Studies and Resources: The records search indicates that no studies or surveys have been performed within the project site itself, but 13 previous cultural resource studies have been conducted within a 0.25-mile radius of the project site. No previously recorded cultural resources are located in the project site, but three historical resources are recorded within the 0.25-mile radius of the project site.

Potential for Unidentified Resources: Historical research indicates that between 1878 and 1957, the property contained one or more structures that were presumably related to past residential and/or agricultural use. While these former structures were demolished, subterranean features (i.e., cellars, cisterns, wells, or privies) may have survived that contain concentrations of historic-era archaeological materials. However, because the *38134 Temple Way Fremont, California: Historical Resource Evaluation Report* (GPA Consulting 2023) does not provide an evaluation of the historical use of the property, additional historical research and/or archaeological fieldwork may be needed to determine the potential eligibility of the historical deposits if present.

Additionally, the archaeological sensitivity assessment indicates a high potential for unidentified archaeological sites to occur in and near the project property because: (1) it is situated near a former channel and the historic meander belt of Alameda Creek; (2) the original historical ground surface is relatively level (i.e., 0–3 percent slope); and (3) the project site is underlain by late Holocene alluvial deposits with surface soils that are less than 1,000 years old.

Report Format: The format of this report follows *Archaeological Resource Management Reports (ARMR): Recommended Contents and Format* (California Office of Historic Preservation [OHP] 1990).

Conclusions: While no previously recorded cultural resources have been identified within the project site, and no previous cultural resources studies or surveys have been conducted within the property, the potential for unidentified archaeological sites to occur in and near the project property is high based on the results of the archaeological sensitivity assessment. Per Standard Development Requirement (SDR) Fremont Municipal Code (FMC) 18.218.050(d)(3): Archaeological Monitoring, and the results of this

site-specific study, an archaeological monitor will be required to monitor construction-related ground disturbance within the vicinity of project site features identified as having the potential to include subsurface archaeological, cultural, or tribal cultural resources that could be impacted through ground-disturbing activities related to the construction of the project. The project would also be required to implement the standard City procedures to address the potential for accidental discovery of cultural resources pursuant to SDR FMC 18.218.050(d)(2).

The proposed project will have a less-than-significant impact on cultural resources under CEQA if the conditions to comply with SDR FMC 18.218.050(d)(3), related to archaeological monitoring, and SDR FMC 18.218.050(d)(2), related to the inadvertent discovery of archaeological resources and human remains, are implemented.

Recommendations: Per SDR FMC 18.218.050(d)(3): Archaeological Monitoring, an archaeological monitor will be required to monitor construction-related ground disturbance within the vicinity of project site features identified as having the potential to include subsurface archaeological, cultural, or tribal cultural resources that could be impacted through ground-disturbing activities related to the construction of the project. Monitoring should continue until the archaeologist determines that there is a low potential for encountering subsurface archaeological, cultural, or tribal cultural resources. An archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology shall oversee the monitoring.

While it is anticipated that earth moving (to condition soil or trench for utilities) would be all or mostly within the 3.5 to 8 feet of artificial fill that overlies the historic ground surface, some project elements, such as utility or sewer trenches, may require deeper excavations that extend into the historical surface below the fill zone, which has a high potential for unidentified archaeological remains. Therefore, SWCA recommends as a project-specific implementing condition for SDR FMC 18.218.050(d)(3) that an archaeological monitor be present for all excavations that exceed 3.5 feet below existing ground surface north of the existing church structure, all disturbance beneath the existing church footprint (once the slab is removed), and excavations more than 1 foot in depth near Peralta Boulevard south of the church. An archaeological monitor is not recommended for work that will not cause significant ground disturbance (vegetation clearing, asphalt removal, slab foundation demolition, paving, etc).

In addition, due to the possibility of encountering cultural resources during excavation, the project would also be required to implement the standard City procedures to address the potential for accidental discovery of cultural resources pursuant to SDR FMC 18.218.050(d)(2).

Disposition of Data: This report will be filed with the NWIC and Half Moon Bay, California, office of SWCA. Field notes, photographs, and records related to the current study are on file at SWCA's Half Moon Bay office.

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INTRODUCTION

SWCA Environmental Consultants (SWCA) was retained by Lamphier-Gregory to provide archaeological services for a proposed residential development project located at 38134 Temple Way in the city of Fremont. The project site consists of two parcels designated by the County of Alameda (County) Assessor as Parcel Numbers 501-1278-50 and 501-1278-51 that together encompass about 2.31 acres. As currently proposed, the project will include construction of 27 single-family residential lots and associated street and utility improvements.

This Cultural Resources Inventory Report and Sensitivity Assessment provides an inventory of cultural resource records and assesses the potential for unidentified cultural resources to occur in the project site and within a 0.25-mile radius of the project site. The inventory was designed to determine if any previous cultural resource studies have been conducted in or near the project site and if any historical properties or archaeological sites are located in or near the project site. This type of information is routinely needed to comply with the requirements of the California Environmental Quality Act (CEQA).

This report was authored by SWCA Principal Investigator Jack Meyer with assistance from archaeologist Brandon Foster, M.A. These efforts were conducted under the direction of, and reviewed for quality assurance/quality control by, SWCA Senior Project Manager Christina Alonso, M.A., Registered Professional Archaeologist (RPA) and Cultural Resources Principal Investigator Joshua Peabody, M.A., RPA, who meet and exceed the requirements of the Secretary of the Interior (SOI) Professional Qualification Standards in Archaeology (National Park Service 1983).

Project Location

The project site is a rectangular-shaped property located at the northeast corner of Temple Way and Peralta Boulevard (State Route 84) in the city of Fremont, Alameda County, California (Figure 1). The property is surrounded by a single-family residential housing tract constructed in the 1950s and 1960s (GPA Consulting [GPA] 2023). The south portion of the project site is currently occupied by a church building, lawns, walkways, and landscaping, while the north portion of the project site is covered by a parking lot. The church is an irregularly shaped, one- and two-story building with a detached shed in the northeast corner of the parcel. The church building was constructed in 1957 and used as a chapel and school for the Church of Jesus Christ Latter-day Saints (LDS) until 2022. Construction of the church was financed in part by the sale and development of a 20-home subdivision adjacent property.

Project Description

As currently planned, the development of the project site calls for the construction of 27 single-family residential lots and associated street and utility improvements. The property is zoned as Residential and has a General Plan designation of Low Density Residential. The planned residences will be two-story-tall wood-frame construction built on a post-tensioned slab foundation system. Each home will have a two-car garage and private yards as shown in Figure 2.

Construction-related earth disturbances will include grading, cutting, and filling to prepare house pad foundations and linear excavations of standard utility trenches for water, sewer, electrical, and storm drains. In addition, deeper excavations will be required to construct numerous bioretention basins that will vary in their overall size, shape, and depth depending on their specific location within the development. The maximum depth of expected excavations is provided in Figure 3 below.

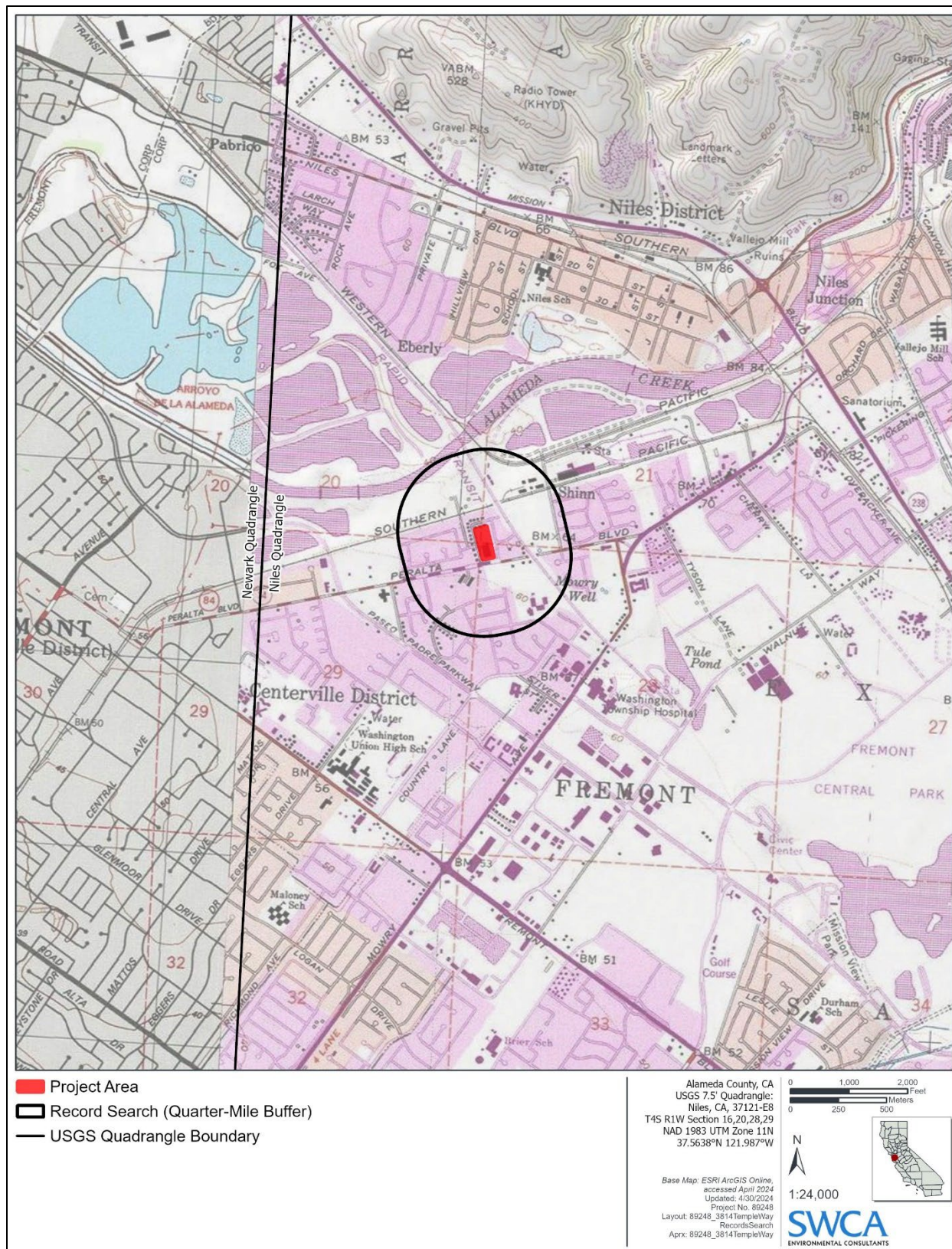


Figure 1. Location of 38134 Temple Way project site in Fremont, California.



Figure 2. Proposed residential development at 38134 Temple Way. Adapted from plan set by DAHLIN (2023).

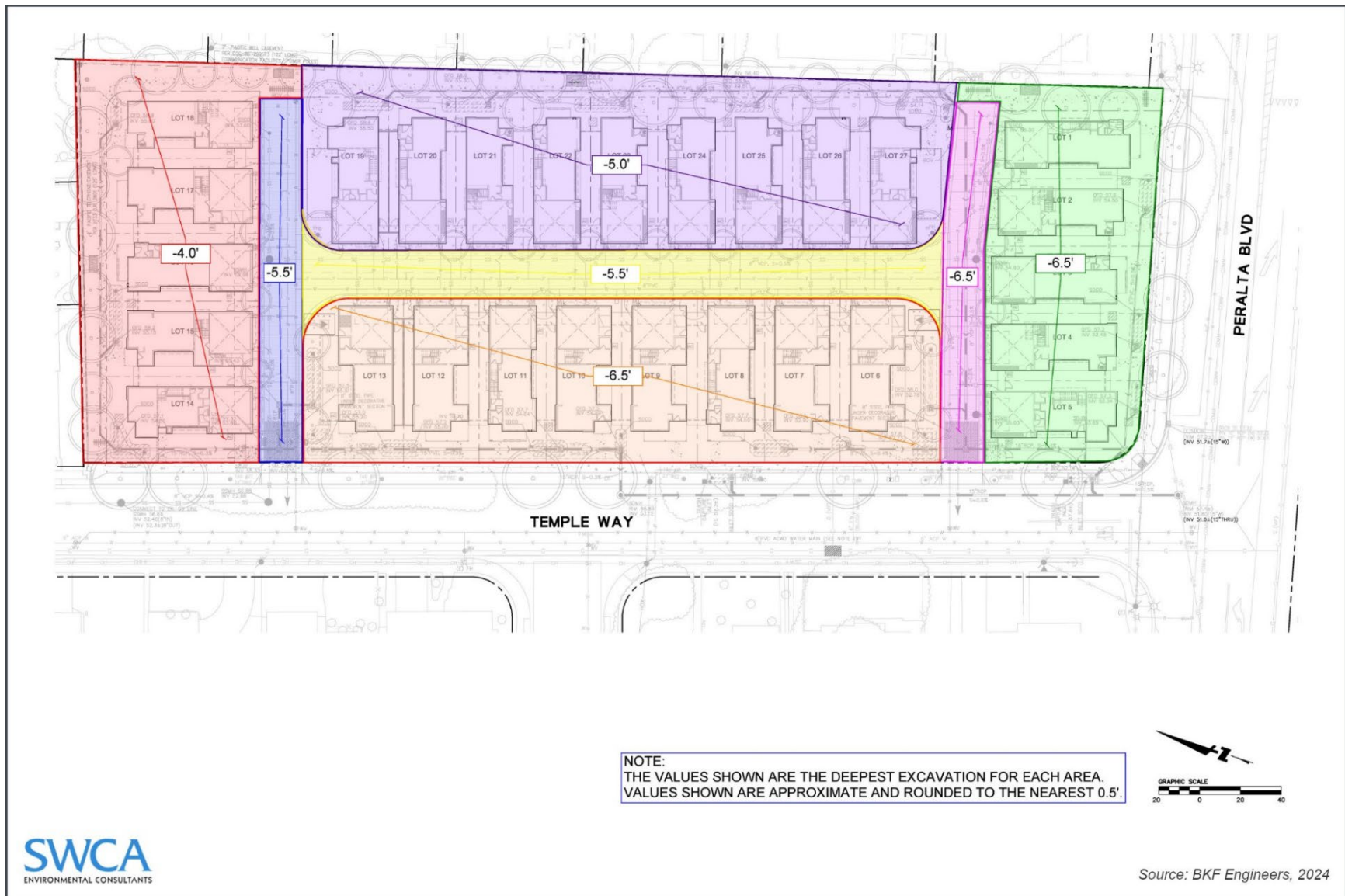


Figure 3. Depth of excavation within the project area.

REGULATORY FRAMEWORK

This regulatory framework section identifies the state and local laws, statutes, guidelines, and regulations that govern the identification and treatment of cultural resources, as well as the analysis of potential impacts to cultural resources. The lead agency must consider the provisions and requirements of this regulatory framework when rendering decisions on projects that have the potential to affect cultural resources.

State Regulations

The California Office of Historic Preservation (OHP), a division of the California Department of Parks and Recreation (DPR), is responsible for performing the duties described in the California Public Resources Code (PRC) and maintaining the California Register of Historical Resources (CRHR). The state-level regulatory framework also includes CEQA, which requires the identification and mitigation of substantial adverse impacts that may affect the significance of eligible historical and archaeological resources.

California Environmental Quality Act

CEQA requires a lead agency to analyze whether historical and/or archaeological resources may be adversely affected by a proposed project. Under CEQA, a “project that may cause a substantial adverse change in the significance of a historic resource is a project that may have a significant effect on the environment” (PRC Section 21084.1). Answering this question is a two-part process: first, the determination must be made as to whether the proposed project involves cultural resources. Second, if cultural resources are present, the proposed project must be analyzed for a potential “substantial adverse change in the significance” of the resource.

HISTORICAL RESOURCES

According to State CEQA Guidelines Section 15064.5, for the purposes of CEQA, historical resources are as follows:

- A resource listed in, or formally determined eligible . . . for listing in the CRHR (PRC Section 5024.1; 14 California Code of Regulations [CCR] Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k), or identified as significant in a historic resources survey meeting the requirements of PRC Section 5024.1(g).
- Any object, building, structure, site, area, place, record, or manuscript that the lead agency determines to be eligible for national, state, or local landmark listing; generally, a resource shall be considered by the lead agency to be historically significant (and therefore a historic resource under CEQA) if the resource meets the criteria for listing in the CRHR (as defined in PRC Section 5024.1; 14 CCR Section 4852).

Resources nominated to the CRHR must retain enough of their historic character or appearance to convey the reasons for their significance. Resources whose historic integrity (as defined above) does not meet the National Register of Historic Places (NRHP) criteria may still be eligible for listing in the CRHR.

According to CEQA, the fact that a resource is not listed in or determined eligible for listing in the CRHR or is not included in a local register or survey shall not preclude the lead agency from determining that the resource may be a historical resource (PRC Section 5024.1). Pursuant to CEQA, a project with an effect

that may cause a substantial adverse change in the significance of a historical resource may have a significant effect on the environment (State CEQA Guidelines Section 15064.5(b)).

Substantial Adverse Change and Indirect Impacts to Historical Resources

The State CEQA Guidelines specify that a “substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (Section 15064.5). Material impairment occurs when a project alters in an adverse manner or demolishes “those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion” or eligibility for inclusion in the NRHP, the CRHR, or a local register. In addition, pursuant to State CEQA Guidelines Section 15126.2, the “direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects.”

Pursuant to State CEQA Guidelines Section 15378, study of a project under CEQA requires consideration of “the whole of an action, which has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” State CEQA Guidelines Section 15064(d) further defines direct and indirect impacts as follows:

- (1) A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project.
- (2) An indirect physical change in the environment is a physical change in the environment, which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment.
- (3) An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.

ARCHAEOLOGICAL RESOURCES

In terms of archaeological resources, PRC Section 21083.2(g) defines a “unique archaeological resource” as an archaeological artifact, object, or site about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

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

If it can be demonstrated that a proposed project will cause damage to a unique archaeological resource, the lead agency may require that reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (PRC Sections 21083.2(a)–(c)). CEQA notes that, if an archaeological resource is neither a unique archaeological resource nor a historical resource, the effects of the project on

those resources shall not be considered to be a significant effect on the environment (State CEQA Guidelines Section 15064.5(c)(4)).

CALIFORNIA REGISTER OF HISTORICAL RESOURCES

Created in 1992 and implemented in 1998, the CRHR is “an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Sections 21083.2 and 21084.1). Certain properties, including those listed in or formally determined eligible for listing in the NRHP, and California Historical Landmarks numbered 770 and higher, are automatically listed in the CRHR. Other properties recognized under the California Points of Historical Interest program, identified as significant in historical resources surveys, or designated by local landmarks programs may be nominated for listing in the CRHR. According to PRC Section 5024.1(c), a resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the State Historical Resources Commission determines that it meets one or more of the following criteria, which are modeled on NRHP criteria:

- **Criterion 1:** It is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- **Criterion 2:** It is associated with the lives of persons important in our past.
- **Criterion 3:** It 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.
- **Criterion 4:** It has yielded, or may be likely to yield, information important in history or prehistory.

As previously stated, resources nominated to the CRHR must retain enough of their historic character or appearance to convey the reasons for their significance, and resources whose historic integrity does not meet NRHP criteria may still be eligible for listing in the CRHR.

City Standard Development Requirements

Standard Development Requirement (SDR) Fremont Municipal Code (FMC) 18.218.050(d)(2): Accidental Discovery of Cultural Resources. The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation:

- (A) The project proponent shall include a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.
- (B) The project proponent shall retain a professional archaeologist to provide a preconstruction briefing to supervisory personnel of any excavation contractor to alert them to the possibility of exposing buried cultural resources, including significant prehistoric archaeological resources. The briefing shall discuss any cultural resources, including archaeological objects, that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team.

- (C) In the event that any human remains or historical, archaeological or paleontological resources are discovered during ground disturbing excavation, the provisions of CEQA Guidelines Sections 15064.5(e) and (f), and of subsection (c)(2)(D) of this section, requiring cessation of work, notification, and immediate evaluation shall be followed.
- (D) If resources are discovered during ground disturbing activities that may be classified as historical, unique archaeological, or tribal cultural resources, ground disturbing activities shall cease immediately, and the planning manager shall be notified. The resources will be evaluated by a qualified archaeologist and, in the planning manager's discretion, a tribal cultural monitor. If the resources are determined to be historical, unique archaeological, or tribal cultural resources, then a plan for avoiding the resources shall be prepared. If avoidance is infeasible, then all significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Any plan for avoidance or mitigation shall be subject to the approval of the planning manager.
- (E) As used herein, "historical resource" means a historical resource as defined by CEQA Guidelines Section 15064.5(a); "unique archaeological resource" means unique archaeological resource as defined by Cal. Pub. Res. Code § 21083.2(g); and "tribal cultural resource" means tribal cultural resource as defined by Cal. Pub. Res. Code § 21074. Collectively, these terms describe "significant cultural materials."

SDR FMC 18.218.050(d)(3): Archaeological Monitoring. New development projects with the potential to impact subsurface archaeological or cultural resources through grading, demolition, and/or new construction, if so determined by a site-specific study prepared by an archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology, shall implement the following measures prior to any grubbing, grading, or ground disturbing activities:

- (A) An archaeologist shall monitor construction-related ground disturbance within the vicinity of project site features identified as having the potential to include subsurface archaeological, cultural, or tribal cultural resources that could be impacted through ground-disturbing activities related to the construction of the project. Monitoring should continue until the archaeologist determines that there is a low potential for encountering subsurface archaeological, cultural, or tribal cultural resources. An archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology shall oversee the monitoring. Any compensation for time and expenses related to this activity shall be borne by the project proponent.

PROJECT SETTING

The project site is situated on a broad alluvial fan formed by sediment supplied by Alameda Creek that lies just 4 to 5 miles east of the historical margin of San Francisco Bay. As the largest Pacific estuary in the Americas, San Francisco Bay covers about 1,600 square miles (4,160 square kilometers) and is the state's largest drainage outlet that carries 40 percent of the runoff in California. The Bay itself, however, did not yet exist at the time when Native American peoples began to inhabit the region 11,000 years ago or more (Meyer and Rosenthal 2007).

Since then, the landscape has undergone a series of dramatic changes, including widespread sediment deposition, the formation of the Bay due to post-glacial sea level rise, and significant fluctuations in the distribution and availability of important natural resources. As a result, the archaeological record, and the potential for archaeological deposits, is better understood when viewed within the history of these environmental and landscape changes, as summarized below.

Past Climate and Landscape Changes

During the last glacial maximum around 22,000 years ago, vast ice sheets covered the northern part of the continent, and the climate in central California was considerably cooler than at any time since. Worldwide sea levels were more than 100 meters (~330 feet) lower than today, and the active coastline was located some 25 to 50 kilometers west of its current position (Atwater et al. 1977; Bard et al. 1996; Helley et al. 1979; Yokoyama et al. 2000). At that time, the combined runoff from the Sacramento and San Joaquin Rivers merged to form the “California River” (Howard 1979), which passed through the Carquinez Straits and into the “Franciscan Valley” (Axelrod 1981), now occupied by San Francisco Bay. This massive drainage was joined by smaller streams and rivers (e.g., Alameda Creek), carried water west through the Golden Gate and across the continental shelf, and eventually reached the Pacific Ocean near the Farallon Islands (Atwater et al. 1977; Axelrod 1981). Thus, a broad inland valley that supported grassland and riparian plant and animal communities once existed in the area the Bay now occupies.

As the continental ice sheets began melting some 16,000 years ago, the world’s oceans rose rapidly, causing the Pacific shoreline to migrate eastward (Bard et al. 1996). During the last 2,000 years of the Pleistocene (13,700–11,700 calibrated years before the present [cal BP]), for instance, the sea rose about 40 meters at an astounding average rate of about 16 meters every 1,000 years (Bard et al. 1996), which inundated most of the continental shelf west of the Bay. During the Early Holocene (11,700–8200), the sea rose about 30 meters at an average of about 8.6 meters per 1,000 years, from about 46 to 16.2 meters below mean sea level (bmsl). Reconstruction of Holocene sea level rise indicates the sea entered the Golden Gate by at least 11,000 cal BP, inundating the lowest portions of the Franciscan Valley. Even so, numerous freshwater marshes continued to exist around the Bay margins, possibly due to an overwhelming supply of freshwater from the California River and local drainages.

A dramatic worldwide decrease in the rate of sea level rise occurred between about 8200 and 6200 cal BP in the first part of the Middle Holocene (Stanley and Warne 1994). Over the entire Middle Holocene (8200–4200 cal BP), the sea rose about 12 meters at a significantly lower rate of about 4 meters per 1,000 years on average, reaching an elevation of about 4.1 meters bmsl by 4200 cal BP. This permitted extensive tidal marshes to form around the Bay (Atwater et al. 1979) and coincides with the earliest appearance of estuarine shellfish (oyster) around 6500 cal BP (Meyer et al. 2015).

As base levels rose, the lower reaches of the stream and river channels became choked with sediments that spilled onto the surface of existing landforms, forming large alluvial fans and floodplains (Helley et al. 1979). Multiple studies confirm that many of the Late Pleistocene and Early Holocene land surfaces located around the Bay are overlain by deposits of younger alluvium that are generally less than 6,000 years old (Gmoser et al. 1999; Helley et al. 1979; McIlroy et al. 2001; Meyer 2000), including the Alameda Creek fan (Koltermann and Gorelick 1992).

Stratigraphic and radiocarbon evidence indicates that the Holocene-age alluvial deposits average 2 to 3 meters (6–10 feet) in thickness, with deposits exceeding 10 meters (33 feet) in a few areas. These older land surfaces usually exhibit well-developed buried soils (paleosols) that represent a significant stratigraphic boundary in the region. As a result, many older archaeological sites located in and around the Bay were submerged by sea level rise and/or buried by sediment deposition.

Although sea level rise proceeded at a slower pace in the Late Holocene (4200 cal BP onward), marshlands continued to expand in response to decomposition, compaction, and subsidence of intertidal deposits. This resulted in the formation of large tidal mudflats and peat marshes, which further promoted the deposition of sediment around the Bay margins, which buried extensive segments of the landscape that was formerly stable and available for human use and occupation in the past (Atwater et al. 1977; Lee and Praszker 1969; Louderback 1951; Treasher 1963). Extensive deposits of oyster and other shells found in and along the east Bay margin attest to the prehistoric productivity of the estuary (Storey et al. 1966). By about 1000 cal BP, the Bay began to approach its historic-era configuration, with relatively minor changes since then.

Historical Changes

In the historic era, the project site was about 0.25 mile south of the active channel of Alameda Creek, which carries runoff from the Livermore and Sunol Valleys through the Niles Canyon (Figure 4). Once the creek reaches the East Bay plain just northeast of the project site, sediments were deposited to form a large alluvial fan, sometimes known as the Niles Cone (Clark 1915). Over time, the position of the active creek channel has repeatedly shifted across the fan surface creating a series of former “paleochannels” like those that appear in Figure 4 southeast of the project site (Stanford et al. 2013:196).

Another example is the Sanjón de los Alisos, or “Ditch of the Sycamores,” that emanates from Alameda Creek about 2 miles northwest of the project site. Based on historical accounts, this drainage “was a full stream two centuries ago” and that water from Alameda Creek flowed through this old channel for a few days in 1854 and 1863 (Stanford et al. 2013:196). Since two shell mounds were mapped along this channel long ago (Whitney 1873), it appears it was “used by native groups in fairly recent times” (Stanford et al. 2013:196). Some past changes in the channel position were likely related to lateral movement along the Hayward Fault (Koltermann and Gorelick 1992:1777) that intersects the fan roughly 2,000 feet east of the project site (Quantum Geotechnical, Inc. [Quantum] 2023).

In addition to the creek, a small waterbody, variously known as “tule swamp,” “tule pond,” or “Tyson’s Lagoon,” was located a little more than 0.5 mile southeast of the project site, and a larger pond or lagoon lay just over 1 mile southeast of the project site that is today known as Lake Elizabeth (see Figure 4). Both of these wetlands were formed by vertical movement along the Hayward Fault. In their natural state, the wetlands contained a variety of plant and animal resources, such as fish, shellfish, waterfowl, salt, tule bulbs, and reeds that attracted Native American populations. Over the past century, these wetlands and the Alameda Creek channel have been substantially altered by urban development. For example, several ponds or lakes are now located within the meander belt of Alameda Creek due to the quarry and extraction of gravel.

When a Spanish expedition passed through the East Bay in 1776, they noted that “the road is through very level country, green and flower-covered all the way to the estuary, but with no other timber or firewood than that afforded by the trees in the arroyos,” along with tule elk the “size of an ox” (Bolton 1933:356–357; Grossinger and Brewster 2003:5). Indigenous peoples relied heavily on the native grains and onion-like bulbs (“amole”) that were once plentiful within these rich grasslands (Bolton 1933:357), as did both elk and deer, which were also a key food source. Historical and modern land use changes associated with the arrival of Spanish and other Euro-American settlers led to widespread erosion of the uplands, rapid sediment deposition in the lowlands, formation of deeply incised channels (arroyos), and introduced (nonnative) plant species (West 1989) that are documented at numerous locations in the Bay Area (i.e., Byrne et al. 2001; Duncan 1992; Gilbert 1917; Starratt 2001; Whitcraft et al. 2011).

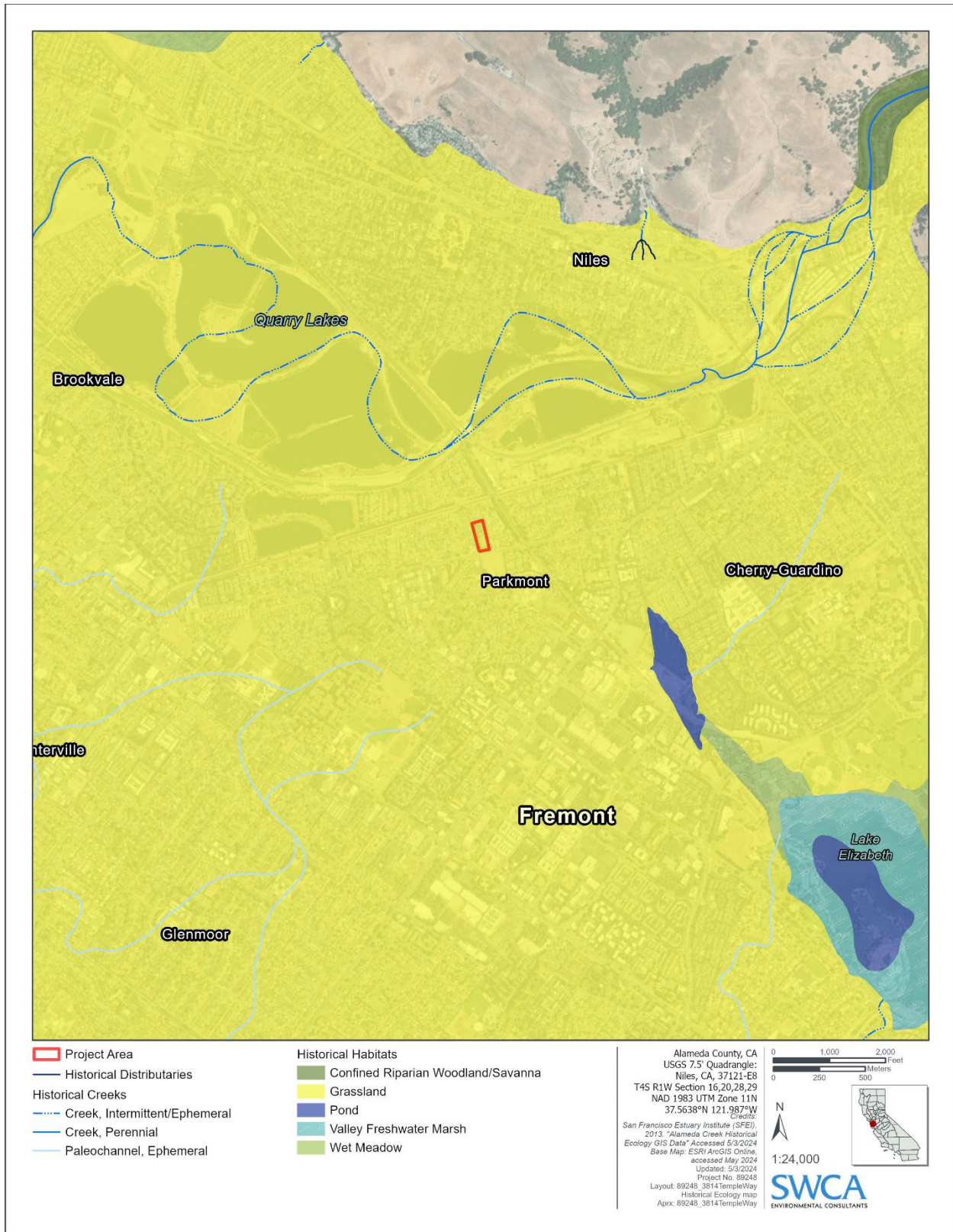


Figure 4. Historical Ecology and Landscape Features in the Fremont Area.
Note position of former "paleochannels" of Alameda Creek.

The last major phase of landscape changes occurred in response to widespread urban development during the twentieth century that included considerable earth-moving activities and ground disturbances. While these activities may have disrupted or destroyed some archaeological deposits, others were covered and protected by the deposits of artificial fill placed in many areas. Because of this, previous archaeological survey results and existing cultural resources inventories should be viewed with caution as they are likely biased by these landscape changes.

Regional Cultural Sequence

This section discusses the chronological sequence of prehistoric archaeological assemblages in the San Francisco Bay region. Much of the following information is drawn and adapted from reports by Rosenthal and Byrd (2006) and Byrd et al. (2017). Note that the duration of some cultural periods has been modified from those of Fredrickson (1974) in accordance with Dating Scheme B devised for the Bay Area by Bennyhoff and Hughes (1987), as modified by Groza et al. (2011), and Byrd et al. (2017).

The San Francisco Bay-Delta cultural sequence, often referred to as the Central California Taxonomic System, was defined largely on stylistic variation on artifacts through grave-goods analysis from lower Sacramento Valley sites (Lillard et al. 1939). Subsequently, Beardsley (1948) incorporated the Bay Area's cultural sequence into the Central California Taxonomic System. Although three primary time segments—Early, Middle, and Late—have been preserved in the taxonomy, the timing and extent of each has been redefined greatly over the years (Bennyhoff and Hughes 1987; Fredrickson 1974; Heizer 1958).

Currently, taxonomic Scheme D, with its three periods and transitional periods in between, is generally employed (Groza 2002; Milliken et al. 2007) in central California cultural chronology. This chronology, based largely on changes in well-dated shell bead types, is effectively a Late Holocene occupation sequence (post-3800 cal BP), although the onset of the Early Period is generally considered to have its origins in the Middle Holocene (Lightfoot 1997). Owing to the dearth of evidence of earlier occupation in the Bay Area, additional terms are generally lacking to refer to the Terminal Pleistocene through Middle Holocene archaeological record.

The following summary draws on insights gained from surrounding regions and recent overviews by Byrd et al. (2017), Lightfoot (1997), Lightfoot and Luby (2002), Milliken et al. (2007), Rosenthal and Meyer (2004b), Elsasser (1978), Fredrickson (1974), Gerow (1968), Hylkema (2002), and Moratto (1984). This summary is organized by geologic time segments and includes sections on the Terminal Pleistocene (+14,700–11,700 cal BP), Early Holocene (11,700–8200 cal BP), Middle Holocene (8200–4200 cal BP), and Late Holocene (4200 cal BP onward) (Walker et al. 2012).

Terminal Pleistocene (+14,700–11,700 cal BP)

Currently, there is considerable agreement that humans entered the New World through multiple migrations using both coastal and inland routes (Erlandson et al. 2007a). Most scholars view this as a post-glacial maximum process (i.e., after 21,000 cal BP), although some have argued for pre-glacial maximum incursions (Madsen 2004). The coastal route, referred to by Erlandson et al. (2007b) as “the Kelp Highway,” entailed travel by boat by groups exploiting this corridor's highly productive marine resources.

The Terminal Pleistocene is largely contemporaneous with the Clovis and Folsom Periods of the Great Plains and the Southwest and is generally considered to be represented by wide-ranging, mobile hunters and gatherers who periodically exploited large game (Haynes 2002). Throughout California, Terminal Pleistocene occupation is infrequently encountered and poorly understood, and most often represented by isolated fluted points (Erlandson et al. 2007a; Rondeau et al. 2007).

No fluted points or archaeological deposits dated to the Terminal Pleistocene have been documented in the Bay Area. The Borax Lake Site (LAK-36) situated near Clear Lake in the North Coast Ranges is the nearest locality with numerous fluted points (Meighan and Haynes 1970; Moratto 1984:82–85). The absence of Terminal Pleistocene archaeological remains is undoubtedly the result of several factors, most notably the likelihood that initial human populations were small, highly mobile, and traveled rapidly across the continent. Therefore, their archaeological signature on the landscape was generally faint and wide-spaced. For coastal areas, sea level rise, coastal erosion, and localized subsidence have further reduced the likelihood of documenting initial occupation of the region.

Early Holocene (11,700–8200 cal BP)

In much of Central California, the Early Holocene occupation is indicative of semi-mobile hunter-gatherers exploiting a wide range of food resources from marine, lacustrine, and terrestrial contexts (Erlandson et al. 2007a; Jones et al. 2002; Meyer and Rosenthal 1995; Moratto 2002). Early Holocene assemblages often include stemmed points, crescents, and steep-edged formed flake tools that share many attributes with contemporaneous material of the Mojave Desert (Rosenthal et al. 2007).

Early Holocene ancestral Native American material has rarely been encountered in sites in the Bay Area, resulting in few and poorly established archaeological patterns. Five dated Early Holocene sites have been documented in the general region, including the Fremont Site (ALA-684) along Interstate 880 in the East Bay city of Fremont (Meyer 2015a, 2019), two sites at Los Vaqueros Reservoir (CCO-696 and CCO-637) in eastern Contra Costa County (Meyer and Rosenthal 1997), the Blood Alley Site (SCL-178) in the Coyote Narrows of the Santa Clara Valley (Hildebrandt 1983), and the Laguna Creek Site (P-48-000897) west of Vacaville in Solano County (Hildebrandt et al. 2012). Each of these early components were found in buried terrestrial contexts. These Early Holocene deposits demonstrate that the general region was occupied throughout this time segment, but more data are needed to understand the nature of early occupation trends.

Middle Holocene (8200–4200 cal BP)

Comparatively, Middle Holocene occupations are much more common than those representing earlier time segments. More than 30 Bay Area archaeological sites have produced radiocarbon dates indicating occupation during this time period. Both surface and buried sites are present, including a number of substantial residential settlements. Notably, the Middle Holocene includes a series of buried sites with diverse cultural assemblages and occasional burials, such as ALA-483 in the Livermore Valley, the Marsh Creek Site (CCO-18/548) in the northern Diablo Range, and MRN-17 on de Silva Island in Richardson Bay (Meyer 2005; Pohl 2003; Wiberg 1996). In addition, several isolated human burials have been found in buried contexts in the northern Santa Clara Valley, and below sea level in submerged contexts in the San Francisco Peninsula (SFR-28, SMA-273, and Transbay Man).

Resource exploitation began to shift toward a lacustrine and maritime focus with the expansion of San Francisco Bay's estuary, mud flats, and freshwater tidal marshes. Shellfish exploitation included bay oyster (*Ostrea*) and mussel (*Mytilus*), while inland East Bay sites exploited freshwater shellfish (Meyer and Rosenthal 1998; Waechter 1993). The presence of a diverse range of habitation sites, including the basal layers of some Bay margin shell mounds, suggests higher population levels, more complex adaptive strategies, and longer seasonal occupation than took place during the Early Holocene. Along with burial by alluviation, undoubtedly the earliest Middle Holocene sites situated along the Bay margins have been inundated by subsequent sea level rise.

Late Holocene (4200–170 cal BP)

The Late Holocene is generally divided into the following five main time periods: Early (4500/3800–2450 cal BP), Early/Middle Transition (2450–2050 cal BP), Middle (2050–900 cal BP), Middle/Late Transition (900–700 cal BP), and Late (700–170 cal BP). The Middle and Late Periods have been further subdivided (into four and two subdivisions, respectively) based largely on dating specific types of shell beads.

The Late Holocene is very well-documented in the Bay Area with more than 200 dated sites, predominantly representing complex hunter-gatherers (Milliken et al. 2007). The Early Period marks the establishment of a number of large shell mound sites such as University Village (SMA-77), Ellis Landing (CCO-295), San Bruno Mountain Mound (SMA-40), Stege Mound (CCO-298), West Berkley Mound (ALA-307), and in Oakland at site ALA-17 (Banks and Orlins 1981; Clark 1998; Gerow 1968; Jones and Darcangelo 2007; Wallace and Lathrap 1975). Bay margin sites reveal a strong emphasis on marine shellfish (particularly bay mussel and oyster), marine fish, and marine mammals. In contrast, interior sites emphasized freshwater fish and shellfish along with terrestrial mammals. Nuts and berries appear to have been particularly important plant resources.

The Middle Period appears to have witnessed greater settlement permanence, characterized either by sedentary or multi-season occupation. This time interval is considered to have been the heyday of mound building and is correlated with greater social complexity and ritual elaboration (Lightfoot 1997; Lightfoot and Luby 2002). A series of changes in artifact types has been documented, and mortuary practices were often highly ritualized, with some individuals buried with thousands of shell beads. Shifts in resource emphasis included greater exploitation of deer, less reliance on oysters and greater exploitation of mussels, and an increase in acorn exploitation (Bickel 1978; Greengo 1951; Simons 1992).

The Late Period is the best-documented Late Holocene time segment, although some have suggested a decline in the number of settlements. Milliken et al. (2007:99) note that artifact assemblages at the end of this period included “clamshell disk beads, distinctive *Haliotis* pendants, flanged steatite pipes, chevron-etched bone whistles and tubes, elaborately finished stone ‘flower pot’ mortars, and needle-sharp coiled basketry awls.” The bow and arrow also make their appearance in the Late Period. Archaeobotanical remains reveal heavy reliance on small seed exploitation, while the faunal evidence indicates a wide range of resources, notably sea otters, rabbits, and deer. Clam (*Macoma*) and horn snail (*Cerithidea*) also were increasingly important to the diet. Funerary rituals were strongly patterned and included flexed interments, intentionally damaged “killed” grave offerings, and occasional cremations. Extensive trade relations also appear to have flourished with neighboring groups.

Ethnographic Context

The project area lies in the northeast part of territory dominated by Ohlone-speaking Native Americans (Levy 1978). These boundaries between language groups are best-guess approximations based on incomplete ethnohistoric observations, Spanish mission records, and salvage ethnography of the early twentieth century (e.g., Levy 1978:495). As such, they are subject to differing interpretations by anthropologists based on their own paradigmatic perspectives and the relative merit placed on particular lines of evidence (e.g., Milliken 1997:17–19; Stewart 1997:4). Certainly these “boundaries” were not static, undoubtedly varied during pre-contact times, and have much less relevance for most of the region’s prehistory.

Most of what we know about the Ohlone (previously referred to as the Costanoans, from the Spanish Costanos for “coastal people”) comes from the early work by Kroeber (1925) and summary treatment by Levy (1978). Recent interpretations of Ohlone lifeways, sometimes contradictory with earlier studies, come from research with mission records conducted by Milliken (1995). Costanoan is a linguistic

subfamily of the Penutian language stock. According to early linguists, there are eight branches of the Costanoan language, and for Levy (1978), the eastern bay region (including the study area) falls within the Chochenyo or East Bay Costanoan language of the Ohlone family (Golla 2011).

The basic unit of political organization was a territory-holding group of one or more associated villages and smaller temporary encampments. Contrary to the earlier use by Kroeber and others of the term “tribelet” to describe these groups, Milliken (1995:13) prefers “tribe,” defined as an independent, multifamily, landholding, religious congregation. Each tribe was an autonomous polity numbering 200 to 400 people and fell under the authority of a headman and council of elders who served as advisors to the villagers (Levy 1978:487). Permanent villages were established near the coast and along stream and river channels, while temporary camps were located in or near prime resource-collecting areas. Some tribes occupied a central village, while others had several villages within a few miles of each other. At the time of Spanish occupation, the San Francisco Bay Area and the Coast Range valleys were dotted with these villages. Kroeber (1925:464) estimates an indigenous Ohlone village to have a population of about 7,000.

The most common type of housing consisted of small hemispherical huts thatched with grasses and rushes (Kroeber 1925:219). Other types of village structures included sweathouses, dance enclosures or plazas, and assembly houses. A variety of stone tools were used, including knives, arrow and spear points, handstones and millingslabs, mortars, net sinkers, anchors, and pipes. Chert was obtained from local quarries, and obsidian was acquired in trade. Many perishable items were made from tule (e.g., canoes, mats, and baskets), plant fibers (e.g., cordage, nets, and baskets), and animal skins (sea otter, rabbit, and duck skin blankets). Stationary bedrock mortars and portable variants were important components of acorn processing technology. Tule balsas were used for transportation and in fishing and duck hunting. Shell beads were gaming and trading commodities as well as ornamental items. The Ohlone traded mussels, dried abalone, salt, and abalone shells with the neighboring Yokuts groups and provided the Sierra Miwok with Olivella and abalone shell beads to the east (Davis 1961:23).

The indigenous way of life for the Ohlone was disrupted by the influx of explorers and the establishment of missions by the Spanish. The reduced population and displacement of the native people caused by missionization and Anglo-American occupation of their land substantially altered their traditional way of life. As a result, the Ohlone are not well-known ethnographically.

Historical Context

Sea-going European explorers first reached the coastline of the San Francisco area in the sixteenth century, but it was not until the late eighteenth century that Europeans began to explore the interior regions. Prior to statehood in 1850, San Francisco Bay was an outpost of the Spanish Empire and a province of Mexico. European colonists (missionaries, soldiers, and settlers) arrived in the Bay Area in 1776, and the first colonial settlement in present-day Alameda County was at Mission San José in 1797, which was the third mission established in the area after Mission San Francisco de Asís (also known as Mission Dolores) in 1776 and Mission Santa Clara de Asís in 1777. Located at the base of Mission Peak, Mission San José was an administrative center for over 900,000 acres of territory in present-day Alameda and Contra Costa Counties, which were used for grazing herds of sheep and cattle to supply the missions.

Native American populations in the area were brought into the mission system between 1801 and 1806, based on Mission San José baptismal records (Milliken 1997). Raids by Spanish soldiers played an important role in this process. Subsequently, the study area became an important grazing area for the mission’s animal herds. When Mexico took control of the region in 1822, a series of privately owned ranchos were established; the mission lands were officially secularized in 1833 (Hill 1991). The region came under United States rule in 1848, and the subsequent Gold Rush set the stage for the widespread settlement of San Francisco Bay.

With the Gold Rush, settlers arrived in the rich alluvial plain between Alameda Creek and the old mission heartland known as Washington Township. A small village was established near the old Mission San José in 1848, which became a rest stop and provisioning center on one of the main routes to the gold fields over Mission Pass. By 1850, the towns of Alvarado and Centerville were established along the lowland road that connected the bay-shore landings with the city of San José. Alvarado was the principal landing for vessels to and from San Francisco, and Centerville, located at the intersection of the lowland route with a road that lead to uplands to the east, was a mercantile center for nearby farms and ranches.

After its creation in 1853, Alameda County quickly became a major center for agriculture and ranching activities. Euro-Americans who settled in the area quickly targeted the abundant waterfowl in the marshlands as a valued food source, which commanded high prices in the San Francisco markets during the Gold Rush. Where legal ownership of the marsh was not well defined, some successful hunters began to develop salt ponds and freight landings along some of the larger tidal sloughs, such as Johnsons, Mowry's, and Warm Springs landings, where salt and other products were loaded onto boats for transport and distribution (Grossinger and Brewster 2003:6), which included Mowry Landing to the northwest and Warm Springs Landing to the southwest. As the demand for salt grew after the Gold Rush, tidal portions of the Bay were converted into a vast complex of artificial berms, levees, ditches, and fences for commercial production, which eventually became an enormous industrial enterprise.

In 1869 the Central Pacific Railroad began operation of a line east of the project area, and in the 1870s, the South Pacific Coast Railroad ran a narrow-gauge line along the bay shore west of the project area that stopped at Warm Springs and Mowry's landings. The Western Pacific inaugurated rail service through the area in 1910, and the railroads remained a principal transportation mode for the area until the mid-twentieth century. Euro-Americans who settled in the area quickly targeted the abundant waterfowl in the marshlands as a valued food source, which commanded high prices in the San Francisco markets during the Gold Rush. Some successful entrepreneurs began to develop salt ponds and freight landings, such as those at Mowry Landing and Warm Springs Landing, within the wetlands (Grossinger and Brewster 2003:6).

Even so, the Washington Township area maintained a largely rural character well into the 1950s as ranching and agriculture continued to be the dominant enterprises. This is evident in a 1939 aerial photo that shows several small farms and a patchwork of open pasture lands and cultivated fields in and around the project site (Figure 5). As Bay Area populations increased rapidly after World War II, automobiles became a catalyst for growth in the East Bay. By the 1960s, the rural landscape was being transformed into an urban landscape, complete with tract homes, shopping centers, and industrial parks, such as the General Motors automobile plant that is now occupied by the auto-maker Tesla.



Figure 5. Natural and historical features in and near the Project Site in 1939.
Note the former channel northwest of the project site and structures within the project site.

Previous Archaeological Studies

Over the past 120 years, archaeologists have excavated numerous prehistoric sites in Alameda County, including more than 20 sites located on the East Bay plain. Max Uhle was one of the first when he excavated a large trench at the Emeryville shell mound (ALA-309) in 1902. Uhle (1907) found stratigraphic differences in mortuary patterns and artifactual assemblages, leading him to conclude that cultural changes had occurred. Nels Nelson (1909) identified more than 425 shell mounds as part of an archaeological survey of the San Francisco Bay area, such as those near the Coyote Hills west of the project site. Since then, the Coyote Hills sites have been the focus of considerable archaeological research (e.g., see Bard and Busby 1988; Bickel 1981; Wilson 1999).

After the introduction of cultural resource regulations in the 1970s, most archaeological excavations have occurred in response to development projects in the East Bay (i.e., roads, homes, or buildings). Excavations conducted at nearby prehistoric sites include ALA-343 at Stivers Lagoon (Desmond 1998; Hall et al. 1988; Wildesen 1968), ALA-453 at Union City (Dietz 1985), ALA-479 at Union City

(Leventhal 1987), ALA-566 in Hayward (Gmoser 1998), and in Fremont at ALA-576 (Rosenthal 2006), ALA-621, and ALA-684 (Meyer 2019), which are all located less than 10 miles from the project site.

Temporally diagnostic artifacts and radiocarbon dates indicate most of these sites were first occupied sometime after about 4000 cal BP, except in Hayward at site ALA-566 where cultural materials of about 5100 cal BP in age were recovered (Gmoser 1998). While a few older sites dating between about 6100 and 7300 cal BP occur along upper Alameda Creek in Livermore Valley, the Fremont Site (ALA-684) is currently the oldest known site so far identified in Alameda County (Meyer 2019). These deposits were found in buried contexts with no visible evidence at the present ground surface.

Buried Archaeological Sites

Whether archaeological resources are at the surface or are buried, they must first be identified in order to be avoided, evaluated, or otherwise managed. This can be an especially difficult problem in the East Bay plain where archaeological sites have been buried by sediments, disturbed or destroyed by artificial cutting (e.g., agriculture, gravel quarries, drainage ditches), or covered by artificial deposits (e.g., levees, roads, structures). It is also a practical problem for agencies and resource managers who are responsible for seeing that reasonable efforts are made to identify archaeological deposits in keeping with the regulatory requirements that govern the treatment of cultural resources and historic properties.

Archaeologists have long been aware that natural geological processes have played a role in shaping the archaeological record of Central California and San Francisco Bay (Heizer 1949:39–40, 1950a, 1950b, 1952:9; Lillard et al. 1939; Moratto 1984:214). Dozens of other buried prehistoric archaeological sites have been discovered in every county surrounding San Francisco Bay (Meyer 1996, 2000; Meyer and Rosenthal 1997, 2008, 2009; Rosenthal and Meyer 2004). Numerous buried sites, or sites with buried components, have been identified within the interior valleys of the East Bay (Meyer 1996; Meyer and Rosenthal 1997, 1998, 2008, 2009; Wiberg and Clark 2004), with many found in the Amador-Livermore Valley (Rosenthal et al. 2006) and the San Ramon Valley (Banks et al. 1984; Bennyhoff and Fredrickson 1994; Fredrickson 1966, 1968; Heizer 1950a; Price et al. 2006).

Dozens of buried sites have also been identified within the alluvial fans and floodplain that form the East Bay plain (Kajjankoski et al. 2015). Among these are ALA-566 (Gmoser 1998) and ALA-586 (Tiley 2001) along San Lorenzo Creek in Hayward, and ALA-576 (Gmoser et al. 1999) and ALA-684 (Kajjankoski et al. 2015; Meyer 2015a) in Fremont. At ALA-684, charred plant remains associated with hearth features yielded radiocarbon dates ranging from 8120 to 9520 cal BP, the oldest from any site on the San Francisco Bay margins (Meyer 2015b, 2019). Many others are “discovered accidentally” as a result of project-related earth disturbances, including those found during construction at nearby locations Fremont. The occurrence of these sites within 2 to 3 miles of the project site suggests: 1) that other unidentified sites are likely located in the Fremont area, and 2) they illustrate why it is important to identify sites before construction is initiated.

The early detection of such sites can help to alleviate or prevent costly delays that often occur when unknown resources are discovered after earth moving has begun and late discovery protocols are necessary, particularly if human remains are present. For large or complex projects, early site identification can help minimize project costs and potential scheduling delays that often result when sites are “unexpectedly” discovered during construction. As such, it is crucial that appropriate discovery and identification methods are used to help insure that late archaeological discoveries do not inadvertently affect project budgets or schedules (critical path), especially in any sensitive areas where the proposed earth disturbances may be deep, extensive, or both. If an informed and integrated “good faith” approach is implemented and properly conducted, the issue of archaeological site identification can be effectively and efficiently managed to comply with existing regulatory frameworks and mandates.

METHODS

Records Search

On March 5, 2024, Lamphier-Gregory requested a search of the California Historical Resources Information System (CHRIS) Northwest Information Center (NWIC) at Sonoma State University in Rohnert Park, California (NWIC File No.: 23-1184). This search was a non-confidential search and as such no specific information on the location of nearby sites was provided. This search showed that while there has never been a cultural resources study of the project area and that there are no known sites within the project area, it has a moderate potential for Native American resources to be present on-site and recommended further archival and field study to identify archaeological resources both on and below the surface.

On April 31, 2024, SWCA archaeologist Brandon Foster conducted a confidential in-person records search at the NWIC at Sonoma State University in Rohnert Park, California, to identify known cultural resources and previous cultural resources studies within a 0.25-mile radius of the project site.

Prior Cultural Resources Studies and Resources

The CHRIS records search indicates that 13 cultural resources studies have previously been conducted within a 0.25-mile radius of the project site, with some that produced multiple reports based on archaeological field studies (i.e., S-015220). Based on this search, there have been no recent or location-specific archaeological surveys conducted within the project site. The previous studies conducted within the project site are listed in Table 1, and those within a 0.25-mile radius of the project site are listed in Appendix A but are not further discussed.

Table 1. Previous Cultural Resources Studies that Intersect the Project Site

NWIC Report Number	Title of Study	Type of Study	Author	Year
S-015220	<i>Preliminary Cultural Resources Evaluation for Route 84 Realignment Project Alternatives in Hayward, Union City and Fremont, Alameda County, California</i>	Architectural/historical, Field study	Donna M. Garaventa, Stuart A. Guedon, Sondra A. Jarvis, and Melody E. Tannam; Basin Research Associates, Inc.	1991
S-015220 a	<i>Historic Property Survey Report and Finding of No Effect, Route 84 Realignment Project, Hayward, Union City and Fremont, Alameda County, California, 04-ALA-84 P.M. 6.2-9.0 EA 233030</i>	Architectural/historical, Field study	Donna M. Garaventa, Stuart A. Guedon, and Melody E. Tannam; Basin Research Associates, Inc.	1995
S-015220 b	<i>Archaeological Survey Report Route 84 Realignment Project 04-ALA-SR84 6.2/9.0 233030</i>	Archaeological, Field study	Colin I. Busby; California Department of Transportation	1995
S-015220 c	<i>Negative Archaeological Survey Report Supplement No. 1, Route 84 Realignment Project 04-ALA-SR84 6.2/9.0 233030</i>	Archaeological, Field study	Colin I. Busby; California Department of Transportation	1995
S-015220 d	<i>Historic Property Survey Project and Finding of Effect, Addendum No. 1, Route 84 Realignment Project, Hayward, Union City and Fremont, Alameda County, California, 04-ALA-84 P.M. 6.2/9.0 EA 233030</i>	Architectural/historical, Field study	Colin I. Busby, Donna M. Garaventa, Stuart A. Guedon, and Melody E. Tannam; Basin Research Associates, Inc.	1995

NWIC Report Number	Title of Study	Type of Study	Author	Year
S-015220 e	<i>Negative Archaeological Survey Report Supplement No. 2, Route 84 Realignment Project, 04-ALA-SR84, 6.2/9.0 EA 233030</i>	Archaeological, Field study	Colin I. Busby; California Department of Transportation	1995
S-015220 f	<i>Historic Architectural Survey Report, Route 84 Realignment Project Alternatives, Hayward, Union City and Fremont, Alameda County, California (04ALA-84.PM. 6.2-9.0 EA 233030) (California Department of Transportation Contract 04D186-AL)</i>	Architectural/historical, Field study	Ward Hill	1994
S-015220 g	<i>Historic Architectural Survey Report Supplement No. 1, Route 84 Realignment Project Alternatives, Hayward, Union City and Fremont, Alameda County, California (04ALA-84.PM. 6.2-9.0 EA 233030)</i>	Architectural/historical, Field study	Ward Hill	1995
S-015220 h	<i>FHWA950601A; Route 84 Realignment Project, Alameda County</i>	OHP Correspondence	Cherilyn Widell; California Office of Historic Preservation	1995

The CHRIS records search indicates that no previously recorded cultural resources are located in the project site, but three historical resources are recorded within the 0.25-mile radius of the project site. These include an industrial building (P-01-012290), industrial and educational buildings (P-01-012291), and a segment of railroad infrastructure (P01-001783), which are listed in Table 2.

Table 2. Cultural Resources Recorded within a 0.25-Mile Radius of the Project Site

P-Designation	Resource Name	Resource Type	Description	NHRP Evaluation
P-01-001783	Southern Pacific Railroad	Historic	Railroad infrastructure	Unknown
P-01-012290	SBC-014; 37980 Shinn Street	Historic	Historic building	Unknown
P-01-012291	SBC-012; 37974 Shinn Street	Historic	Historic buildings	Unknown

Historical Research

A review of historical maps shows the alignments of Peralta Road and Temple Way were established before 1878 (Figure 8), and that a single structure owned by “M.F.” was located the project site at that time (Thompson and West 1878, Figure 6). By 1906, two structures are depicted in the project site in the Pleasanton Quadrangle map by the U.S. Geological Survey (USGS 1906). An aerial photograph from January 1, 1939, shows more than one structure surrounded by rows of planted trees at the project site (see Figure 5). An orchard and a single structure are depicted in the project site in the early 1950s (USGS 1953) before the existing church building was constructed in 1957 (GPA 2023).

The existing chapel structure was built for the Church of Jesus Christ Latter-day Saints who maintained a church and school on the property until 2022. According to the *38134 Temple Way Fremont, California: Historical Resource Evaluation Report* (HRER; GPA 2023), the property at 38134 Temple Way is not currently listed in the NRHP, listed in the CRHR, or designated as a City of Fremont Historic Resource nor was it previously identified in any historical resource surveys. This evaluation concludes the property: 1) does not appear to be individually eligible for listing in the NRHP, for listing in the CRHR, or for designation as a City of Fremont Historic Resource, due to a lack of significance and integrity; and 2) does not appear to contribute to a potential historic district under the federal, state, or local designation programs, and is therefore not a historical resource for the purposes of CEQA (GPA 2023).



Figure 6. Portion of Alameda County Historical Atlas (Thompson and West 1878) with project site.

Although the project parcel was a private residence or farmstead for some 80 years or more, the HRER provides no mention or acknowledgment regarding the historical structures that existed prior to church construction, nor does the evaluation include the former structures or the potential for historical archaeological materials to occur within the property. While the former structures and prior agricultural use of the property may not be unusual or significant, there is a possibility that some relatively intact hollow-filled subterranean features (i.e., cellars, cisterns, wells, or privies) have survived that could contain concentrations of historic-era artifacts and refuse.

Native American Consultation under AB 52

A search of the California Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was requested by Lamphier-Gregory to identify culturally sensitive areas and obtain a list of Native American contacts who may have specific knowledge of the project vicinity. The NAHC response was received on February 28, 2024, with a positive result and a list of 17 Native American tribes and individuals who may have knowledge of cultural resources in the APE. The City of Fremont sent outreach letters to all Native American contacts on March 14, 2024. Examples of tribal outreach letters and details regarding tribal correspondence is presented in Appendix B.

Several email responses have been received to date, and Assembly Bill (AB) 52 consultation is ongoing. Desiree Munoz, Tribal Liaison for the Costanoan Rumsen Carmel Tribe requested that the City of Fremont follow up with Andrew Galvan, Chairperson of the Ohlone Indian Tribe. Chairperson A. Galvan responded on March 16, 2024, requesting consultation between the Ohlone Indian Tribe and the City of Fremont and indicating that the portion of the project near Alameda Creek should be considered a culturally sensitive area. Desiree Vigil, Tribal Historic Preservation Officer (THPO) for the Ohlone Indian Tribe, indicated that she received the outreach email. No reply was received from the Ohlone Indian Tribe in attempts to schedule consultation.

Kanyon Sayers-Roods, Most Likely Descendant (MLD) for the Indian Canyon Mutsun Band of Costanoan, requested official consultation on May 8, 2024. A meeting with scheduled on May 20, 2024 and K. Sayers-Roods indicated that the Indian Canyon Mutsun Band of Costanoan intends to support the results of coordination between the City of Fremont and the Confederated Villages of Lisjan Nation and that the Tribe would like to be kept apprised of the project to support the Confederated Villages of Lisjan Nation. K. Sayers-Roods also recommended cultural awareness training for those implementing the project. While the Indian Canyon Mutsun Band of Costanoan have training/monitoring personnel available, K. Sayers-Roods suggested that the Tribe would defer to the Confederated Villages of Lisjan Nation training/monitoring personnel, if available. Finally, K. Sayers-Roods specified that she would like to receive the archaeological site sensitivity analysis when it is complete and to be notified about the CEQA document when it is finalized.

Corrina Gould, Chairperson of the Confederated Villages of Lisjan Nation, requested official consultation under AB 52 on March 18, 2024, and a meeting was held on May 29, 2024. Chairperson Gould requested copies of the CHRIS records search, SLF list of Native American contacts, any associated archaeological and geotechnical reports, and the final project environmental analysis. The Lisjan Nation requested that a Tribal representative conduct the awareness training along with an archaeologist.

Archaeological Sensitivity and Buried Site Assessment

This section provides an assessment of the archaeological sensitivity and potential for buried sites to occur in the project site. Archaeological sensitivity is the concept that Native American site locations tend to be positively correlated with certain environmental factors that can be quantified and modeled in

specific areas. As used here, the term “archaeological sensitivity” refers to models that attempt to identify the most likely location of surface sites. This differs from the concept of buried site potential, which refers to the relative chance (i.e., likely or unlikely) for archaeological sites based on a combination of correlated factors, such as long-term human population growth, the nature and timing of landscape changes, and the age of the soils at the present ground surface. The distinction between archaeological potential and the simple “possibility” for sites is important because without it, most of the region could be said to have a “possibility” for archaeological sites, which is not extremely helpful in terms of planning or risk management.

The term “surface sites” refers to prehistoric archaeological deposits that were formed on a landform that is now at or near the present ground surface, including those capped by built structures or covered by artificial fill. A prehistoric archaeological site is considered “buried” if it is associated with a formerly stable land surface that was covered by alluvium, colluvium, and/or wind-blown sediments in response to natural geological processes. For this assessment, the factors used to model the archaeological sensitivity include: 1) the distance to water, 2) the type of water (seasonal or perennial), 3) the degree of surface slope, and 4) the distance to other known archaeological site(s). The methods, factors, and parameters used to model archaeological sensitivity are discussed below.

Environmental Factors

This section examines some of the environmental factors that are known to influence where prehistoric sites tend to be located using a geoarchaeological landscape perspective to assess the potential for prehistoric sites in the project area of potential effects. The assessment also considers how the timing and extent of large-scale landscape changes affected the visibility of the region’s archaeological record, since people have occupied the San Francisco Bay area for at least 11,000 years or more.

Hundreds of prehistoric archaeological sites have been identified around the margin of San Francisco Bay, many which contain human burials and residential features (Allen et al. 1999; Anastasio 1988; Cartier 1988; Hylkema 1998; Meyer 2000; Moratto 1984; Wiberg 1997). Prehistoric sites are not distributed randomly throughout the landscape but tend to occur in specific geoenvironmental settings (Foster et al. 2005:4; Hansen et al. 2004:5; Pilgram 1987; Rosenthal and Meyer 2004). In many regions, prehistoric settlements are most often associated with relatively level landforms that occur near perennial streams, especially near confluences (Pilgram 1987:44–47), and near waterbodies such as lakes, springs, or wetlands where plant and animal populations are generally more diverse and concentrated, such as Tyson’s Lagoon and Lake Elizabeth along the Hayward Fault to the southeast.

For example, analysis of prehistoric site distribution in the San Joaquin River delta indicates most occur on “the margins of watercourses, on sand mounds, and along the edges of lakes,” point to a strong relationship between site locations and “specific natural features” (West et al. 1999:9). Prior modeling studies in the southern Santa Clara Valley found most prehistoric sites are located within 200 meters (656 feet) or less of a present or former water source, such as springs, streams, and rivers (Rosenthal and Meyer 2004). With this in mind, the factors and methods used to assess the archaeological sensitivity of the project site are discussed below.

SURFACE WATER

Given the importance of water for human settlement, the location of perennial water sources was determined using data from the Alameda Creek Historical Ecology study by the San Francisco Estuary Institute (Stanford et al. 2013). Thus, artificial lakes, ponds, and channels (e.g., reservoirs, canals, and ditches) were not included in the analysis. Due to the seasonality of the region’s Mediterranean climate, it is also important to distinguish between seasonal “intermittent” streams with those that tend to have water

on a permanent or perennial basis. Thus, the “distance-to-water factor” is an important factor for modeling archaeological sensitivity in any area.

At the same time, the apparent connection between water and site locations can sometimes be masked or skewed because the position of active channels and other water sources changed over time. Consequently, it is important to reconstruct the locations of former channels and other “extinct” water sources whenever possible (West and Welch 1996). Because the current landscape represents only one of many different configurations that have existed, it is important to consider if the course of stream and river channels has changed over time, which may have affected the distribution of plants, animals, and people in the past.

This was done by reviewing the historical maps used by Stanford et al. (2013) for Alameda Creek Historical Ecology study, and by examining aerial photographs of the area. Evidence of a former or now abandoned “paleo-channel” was identified just northwest of the project site in the 1939 aerial photograph pictured in Figure 5. The remnant of this channel originates at the edge of the historical Alameda Creek channel meander belt and follows a southwest course before turning westward into an orchard. The presence of this former channel is important because it suggests that Alameda Creek was once located less than 220 meters away from the western part of the project site.

As defined by the model in Table 3, archaeological sensitivity either increases or decreases depending on the proximity to a water source. Areas of highest archaeological sensitivity are those located 220 meters (722 feet) or less from a perennial stream, lake, or wetland, and those located 160 meters (525 feet) or less from a seasonal stream or wetland. As the distance away from water increases, the sensitivity decreases up to a distance of more than 800 meters (2,625 feet) for perennial water sources and more than 560 meters (1,837 feet) for non-perennial streams and wetlands, beyond which the sensitivity is modeled as Lowest (see Table 3).

Table 3. Archaeological Sensitivity Model Environmental Factors and Parameters.

Factors	Sensitivity Level				
	Lowest	Low	Moderate	High	Highest
Perennial Water Distance (m)	>800 m	800–620 m	620–440 m	440–220 m	220–1 m
Intermittent Water Distance (m)	>560 m	560–460 m	460–360 m	360–160 m	160–1 m
Surface Slope (%)	>20%	20–15%	15–11%	11–4.5%	4.5–0%
Landform Age (cal BP)	>11,700	11,700–8200	8200–4200	4200–2200	<2200

Note: Age cal BP is the calibrated age before present, or 1950 AD; m = meters.

SURFACE SLOPE

Because people prefer to inhabit relatively level landforms for practical and energetic reasons, the amount of surface slope is important for determining where sites will be located. While certain sites (e.g., bedrock mortars, caves, rock shelters) can occur in areas with steeper slopes, these sites are often obtrusive and easily identify at the present surface. For modeling purposes, land surfaces with low-angle slopes between 0 and 11 percent were given a greater sensitivity value compared to surfaces with progressively higher-angle slopes between 11 and 20 percent. Surface slopes steeper than 20 percent are not considered sensitive because they are too steep for routine human use or sustained occupation.

AGE OF SURFACE LANDFORMS

Simply stated, the potential for archaeological sites to be buried is greater where younger geological deposits occur at the surface, and lower in areas with older surface deposits. For example, landforms that are too old (e.g., Pleistocene) or non-depositional (e.g., bedrock) have little if any potential for buried sites. Thus, in order to assess the potential for buried sites, it is important to know the approximate age of the soils or landforms that form the existing ground surface. This was done using a recently compiled digital database depicting the Quaternary geological deposits in San Francisco Bay Region prepared by the USGS (Wentworth et al. 2023). As seen in Figure 7, the land surface in and around project site consists of Younger Holocene alluvial fan deposits (Qhf1) that are estimated to be less than 1,000 years old, which are some of the youngest fan deposits in the area (see Figure 7).

Surface soils can be used to estimate the relative the age of underlying landforms based on similar degrees of development (i.e., weathering characteristics). According to Welch (1981) and digital soil data from the Natural Resources Conservation Service (NRCS 2023), the surface soil in the project site is mapped as Yolo silt loam (0–3 percent slopes). In addition, the age-range of the Yolo series soil is further constrained by more than 70 radiocarbon dates obtained from archaeological and geological studies in five Bay Area counties. As summarized in Table 4, 32 dates associated with Yolo surface soil range from about 580 to 1400 cal BP in age, which have a combined average of about 823 years.

Table 4. Radiocarbon Dates from Surface and Buried Contexts Associated with Yolo Soils.

County	No. of 14C Dates	Surface Contexts Avg. cal BP (n=32)	Buried Contexts Avg. cal BP (n=42)
Alameda	28	924	1748
Napa	3	582	-
Santa Clara	7	1033	3385
Solano	29	626	4532
Sonoma	7	1408	4243
(Total) and Average	(74)	823	3472

Note: Avg. cal BP is the average calibrated median age before present; all ages rounded to the nearest decimal.

In contrast, 42 dates associated with buried deposits that underlie Yolo soils range from about 1750 to 4530 cal BP in age, with an average age of about 3470 cal BP. Based on the 28 dates from Alameda County, areas mapped as younger alluvial fans (Qhf1) with Yolo soils appear to have formed sometime between about 1750 and 900 cal BP, close to the age estimate of 1,000 years proposed by the Quaternary geology map (Wentworth et al. 2023). As such, these deposits have buried any older archaeological sites that may be present, which would represent the majority of the archaeological record in the Bay Area.

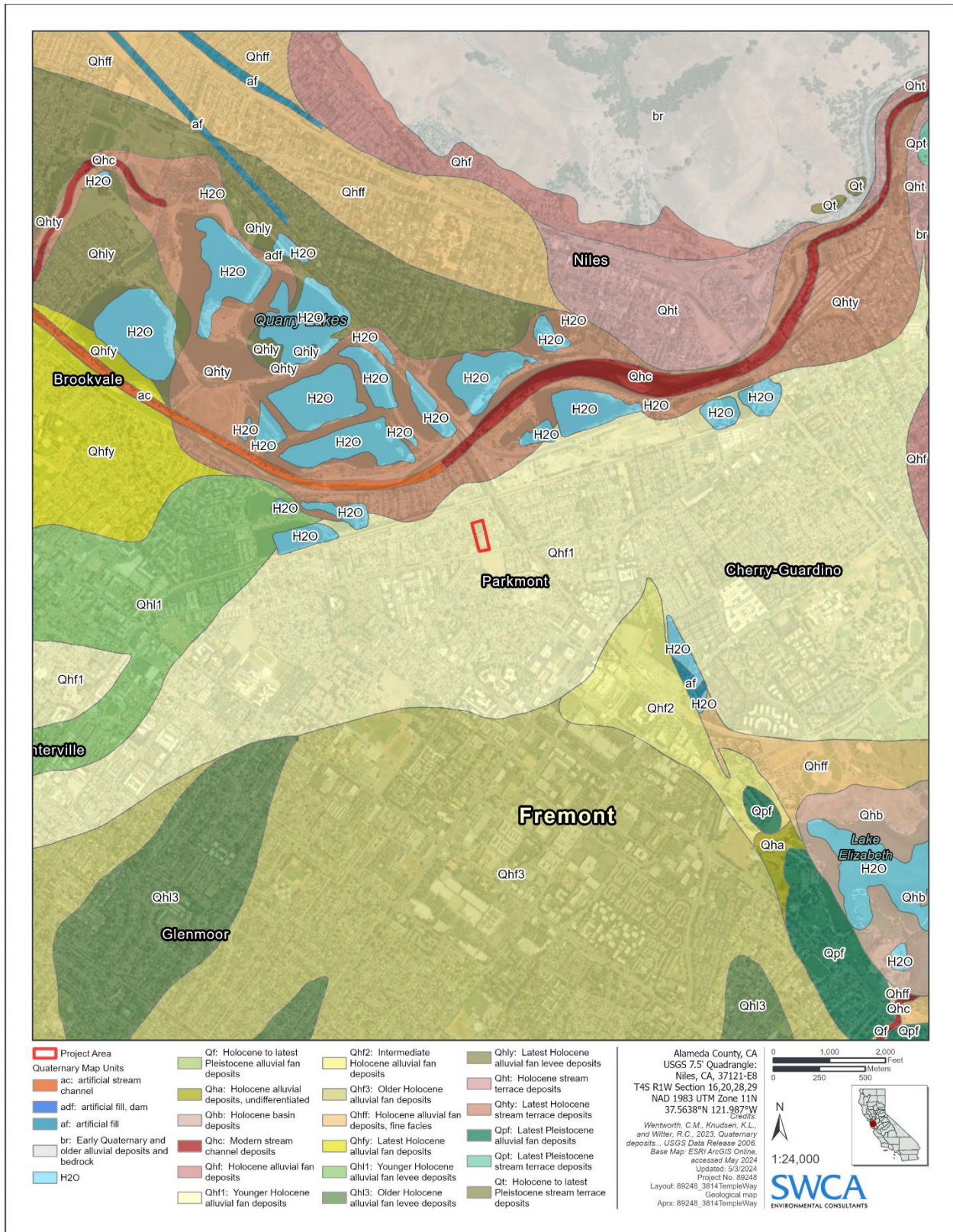


Figure 7. Distribution and age of surface landforms in and near the project site.

ARCHAEOLOGICAL ASSESSMENT RESULTS

As summarized in Table 5, the potential for unidentified archaeological sites appears to be high in and near the project property because: 1) the entire project area is situated between 220 and 440 meters from a former channel and the historic meander belt of Alameda Creek; 2) the slope of the original historical ground surface is less than 3 percent as indicated by the surface soil Yolo silt loam (0–3 percent slopes), and 3) the entire site is underlain by Younger Alluvial Fan Deposits (Qhf1) with Yolo surface soils that are estimated to be less than 1,000 years old according to current geological mapping and local radiocarbon and stratigraphic evidence.

Table 5. Assessment of Archaeological Sensitivity and Buried Site Potential for Project Site

Factors	Factor Parameter	Sensitivity Level	Project Site
Perennial Water Distance (m)	220–440 m	High	The north end is about 220 meters from a former channel and the south end is less than 440 meters from the historic meander belt of Alameda Creek.
Surface Slope (%)	4.5–0%	Highest	Slope of original ground surface is less than 3 percent
Landform Age (cal BP)	<2200	Highest	Underlain by Younger Alluvial Fan Deposits (Qhf1) with Yolo surface soils that are less than 1,000 years old

Note: Age cal BP is the calibrated age before present or 1950 AD.

While the native soil at the project site was determined to have a high sensitivity per the discussion above, this analysis also considers the potential for that high-sensitivity native soil to be disturbed by the proposed project. A geotechnical investigation for the project indicates that portions of the property (Borings 1 and 2) are covered by as much as 3.5 to 8 feet of artificial fill deposits, but little or no fill was encountered in Boring 3 near Peralta Boulevard (Quantum 2023:12). Because the artificial fill was placed on the “native” ground surface, historical or prehistoric archaeological materials or features that may be associated with the former ground surface may have been protected by the overlying fill. If such archaeological remains are present, they may not be affected if the depth of project-related earth disturbances is limited to the depth of the fill deposits in the northern part of the parcel. However, this may not be an option if deep and/or extensive earth moving is required below the layer of fill, or near Peralta Boulevard, which may not contain fill.

SUMMARY AND CONCLUSIONS

This inventory of cultural resources included a search of the records on file at the CHRIS NWIC, a review of historic aerials and relevant literature, and an assessment of archaeological sensitivity and the potential for buried sites within the project site. The results of the records search indicated that no known cultural resources are located within or adjacent to the project site. In addition, an evaluation of the existing church structure concluded that it is not a historical resource according to CEQA criteria (GPA 2023).

However, at least one structure (i.e., home or farmstead?) is depicted in an 1878 map by Thompson and West (see Figure 8), and an aerial photograph from 1939 shows structures surrounded by orchard trees in the project site (see Figure 5). While the former structures were presumably demolished and removed to construct the church in 1957, some remaining subterranean features (i.e., cellars, cisterns, wells, or privies) may contain concentrations of historic-era archaeological materials. Because the historical residential and/or agricultural use of the property was not specifically evaluated by GPA (2023) as part of the HRER, some additional historical research and/or archaeological fieldwork may be needed to

determine if such historical features or artifacts may potentially be eligible for listing in the NRHP, CRHR, or as a City of Fremont Historic Resource if they are present.

Due to the possibility of encountering cultural resources during excavation, SWCA recommends an archaeological monitor be present on site and that the Inadvertent Discovery procedures per City SDRs be followed if additional cultural materials are found during project-related activities.

Archaeological Monitoring

The results of the archaeological sensitivity assessment indicate there is a high potential for prehistoric archaeological deposits to occur below the layer of artificial fill that may cover 3.5 to 8 feet of the project site (Quantum 2023). Implementation of SDR FMC 18.218.050(d)(3), including monitoring per the implementing condition, would be required:

SDR FMC 18.218.050(d)(3): Archaeological Monitoring. New development projects with the potential to impact subsurface archaeological or cultural resources through grading, demolition, and/or new construction, if so, determined by a site-specific study prepared by an archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology, shall implement the following measures prior to any grubbing, grading, or ground-disturbing activities:

- (A) An archaeologist shall monitor construction-related ground disturbance within the vicinity of project site features identified as having the potential to include subsurface archaeological, cultural, or tribal cultural resources that could be impacted through ground-disturbing activities related to the construction of the project. Monitoring should continue until the archaeologist determines that there is a low potential for encountering subsurface archaeological, cultural, or tribal cultural resources. An archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology shall oversee the monitoring. Any compensation for time and expenses related to this activity shall be borne by the project proponent.

While it is anticipated that earth moving (to condition soil or trench for utilities) would be all or mostly within the 3.5 to 8 feet of artificial fill that overlies the historic ground surface, some project elements, such as utility or sewer trenches, may require deeper excavations that extend into the historical surface below the fill zone (see Figure 3), which has a high potential for unidentified archaeological remains. The following project-specific implementing condition clarifies the conditions under which monitoring is required.

Project-specific implementing condition for SDR FMC 18.218.050(d)(3): Archaeological Monitoring, and monitoring requirements of SDR FMC 18.218.050(d)(4)..

If project-related earth disturbances will extend below the existing layer of artificial fill, then an archaeological monitor is recommended to be on-site for any work. Specifically, earth disturbances that would require a monitor include those that exceed 3.5 feet below existing ground surface north of the existing church structure, all disturbance beneath the existing church footprint (once the slab is removed), and more than 1 foot in depth near Peralta Boulevard south of the church. An archaeological monitor is not recommended for work that will not cause significant ground disturbance (vegetation clearing, asphalt removal, slab foundation demolition, paving, etc).

Inadvertent Discoveries

The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation pursuant to SDR FMC 18.218.050(d)(2): Accidental Discovery of Cultural Resources:

SDR FMC 18.218.050(d)(2): Accidental Discovery of Cultural Resources. The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation:

- (A) The project proponent shall include a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.
- (B) The project proponent shall retain a professional archaeologist to provide a preconstruction briefing to supervisory personnel of any excavation contractor to alert them to the possibility of exposing buried cultural resources, including significant prehistoric archaeological resources. The briefing shall discuss any cultural resources, including archaeological objects, that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team.
- (C) In the event that any human remains or historical, archaeological or paleontological resources are discovered during ground disturbing excavation, the provisions of CEQA Guidelines Sections 15064.5(e) and (f), and of subsection (c)(2)(D) of this section, requiring cessation of work, notification, and immediate evaluation shall be followed.
- (D) If resources are discovered during ground disturbing activities that may be classified as historical, unique archaeological, or tribal cultural resources, ground disturbing activities shall cease immediately, and the planning manager shall be notified. The resources will be evaluated by a qualified archaeologist and, in the planning manager's discretion, a tribal cultural monitor. If the resources are determined to be historical, unique archaeological, or tribal cultural resources, then a plan for avoiding the resources shall be prepared. If avoidance is infeasible, then all significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Any plan for avoidance or mitigation shall be subject to the approval of the planning manager.
- (E) As used herein, "historical resource" means a historical resource as defined by CEQA Guidelines Section 15064.5(a); "unique archaeological resource" means unique archaeological resource as defined by Cal. Pub. Res. Code § 21083.2(g); and "tribal cultural resource" means tribal cultural resource as defined by Cal. Pub. Res. Code § 21074. Collectively, these terms describe "significant cultural materials."

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APPENDIX A

Additional Records Search Results

Table A-1. Previous Cultural Resources Studies within 0.25-Mile Radius of Project Site

NWIC Report Number	Title of Study	Type of Study	Author	Year
S-000492	<i>Archaeological and Historical Survey Report for Improving and Widening Route 84 - Peralta Boulevard, Post Miles 8.3/10.2 94220-390881</i>	Archaeological, Field study	Mara Melandry; Caltrans District 04	1976
S-002607	<i>Alameda County Water District's Groundwater Recharge Facilities Plan (letter report)</i>	Archaeological, Field study	David Chavez	1981
S-002762	<i>Archaeological Survey Report, Excess Parcels on Rescinded Route 238 in Fremont and Alameda County, Excess Parcels 24657, 27118, 27149, 31038, 31039, 31040, 31971, 32591, 32592, 32730, 32731, 32838, 32840, 32841, 32842, 32843, 32844, 32845, 32846, 39241, 39251, 39253, 39279, 39280, 39281, and 39282; 04402-911038, 04452-154302</i>	Archaeological, Field study	Mara Melandry; Caltrans District 04	1981
S-017993	<i>Cultural Resources Inventory Report for the Proposed Mojave Northward Expansion Project</i>	Archaeological, Architectural/historical, Field study	Brian Hatoff, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente; Woodward-Clyde Consultants	1995
S-017993 a	<i>Proposed Mojave Northward Expansion Project: Appendix A - Native American Consultation</i>	Other research	Brian Hatoff, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente; Woodward-Clyde Consultants	1995
S-017993 b	<i>Proposed Mojave Northward Expansion Project: Appendix B - Looping Segments - Class 1</i>	Other research	Brian Hatoff, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente; Woodward-Clyde Consultants	1995
S-017993 c	<i>Proposed Mojave Northward Expansion Project: Appendix C -Monitoring and Emergency Discovery Plan</i>	Archaeological, Management/planning	Brian Hatoff, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente; Woodward-Clyde Consultants	1995
S-017993 d	<i>Proposed Mojave Northward Expansion Project: Appendix D - General Construction Information</i>	Other research	Brian Hatoff, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente; Woodward-Clyde Consultants	1995
S-017993 e	<i>Proposed Mojave Northward Expansion Project: Appendix E - Archaeological Site Records</i>	Architectural/historical, Management/planning	Brian Hatoff, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente; Woodward-Clyde Consultants	1995

*Cultural Resources Inventory Report and Sensitivity Assessment for 38134 Temple Way,
Fremont, Alameda County, California*

NWIC Report Number	Title of Study	Type of Study	Author	Year
S-017993 f	<i>Proposed Mojave Northward Expansion Project: Appendix F - Historic Features Evaluation Forms</i>	Architectural/historical, Evaluation	Brian Hatoff, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente; Woodward-Clyde Consultants	1995
S-017993 g	<i>Proposed Mojave Northward Expansion Project: Appendix G - Railroad Crossing Evaluation Forms</i>	Archaeological, Field study	Brian Hatoff, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente; Woodward-Clyde Consultants	1995
S-017993 h	<i>Proposed Mojave Northward Expansion Project: Appendix H - Crossing Diagrams and Plan View Maps</i>	Other research	Brian Hatoff, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente; Woodward-Clyde Consultants	1995
S-017993 i	<i>Proposed Mojave Northward Expansion Project: Appendix I - Railroad Depot NRHP Nomination Forms and Related Records</i>	Architectural/historical, Evaluation	Brian Hatoff, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente; Woodward-Clyde Consultants	1995
S-017993 j	<i>Proposed Mojave Northward Expansion Project: Appendix J - Looping Segment and Compressor Station Site Records</i>	Other research	Brian Hatoff, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente; Woodward-Clyde Consultants	1995
S-017993 k	<i>Proposed Mojave Northward Expansion Project: Appendix K - Historic Site Records / Isolate Forms</i>	Archaeological, Architectural/historical	Brian Hatoff, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente; Woodward-Clyde Consultants	1995
S-017993 l	<i>Proposed Mojave Northward Expansion Project: Appendix L – Photo documentation</i>	Other research	Brian Hatoff, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente; Woodward-Clyde Consultants	1995
S-017993 m	<i>Proposed Mojave Northward Expansion Project: Appendix M - Curricula Vitae of Key Preparers</i>	Other research	Brian Hatoff, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente; Woodward-Clyde Consultants	1995
S-020036	<i>Cultural Resources Assessment Report, Alameda County Water District Pipeline and Desalination Plant Project, Fremont, Alameda County, California</i>	Archaeological, Field study	Lori Harrington and Carrie D. Wills; William Self Associates, Inc.	1997
S-021219	<i>Cultural Resources Assessment - General Plan Amendment, Pacific Union Homes Project, City of Fremont, Alameda County (letter report)</i>	Archaeological, Architectural/historical, Field study	Colin I. Busby; Basin Research Associates, Inc.	1998

*Cultural Resources Inventory Report and Sensitivity Assessment for 38134 Temple Way,
Fremont, Alameda County, California*

NWIC Report Number	Title of Study	Type of Study	Author	Year
S-023101	<i>Cultural Resources Monitoring Closure Report, Pacific Union Homes Project, Tract 7076, City of Fremont, Alameda County, California</i>	Archaeological, Architectural/historical, Monitoring	Basin Research Associates, Inc.	1999
S-026045	<i>Cultural Resources Reconnaissance Survey and Inventory Report for the Metromedia Fiberoptic Cable Project, San Francisco Bay Area and Los Angeles Basin Networks</i>	Archaeological, Field study	Richard Carrico, Theodore Cooley, and William Eckhardt; Mooney & Associates	2000
S-033504	<i>Historic Property Survey Report, Seismic Retrofit of BART Aerial Structures and Stations Along Concord, Richmond, Daly City and Fremont Lines, Alameda, Contra Costa, and San Mateo Counties, STPLZ-6000 (25)</i>	Archaeological, Architectural/historical, Management/planning	Cameron Bauer and Heather Price; Bay Area Rapid Transit District; William Self Associates, Inc.	2007
S-033504 a	<i>Historical Resources Evaluation Report, Exhibit I of HPSR, Seismic Retrofit of BART Aerial Structures and Stations Along Concord, Richmond, Daly City and Fremont Lines, District 4, Alameda, Contra Costa, San Francisco, and San Mateo Counties, STPLZ-6000</i>	Architectural/historical, Evaluation, Field study	Heather Price; William Self Associates, Inc.	2007
S-033504 b	<i>Archaeological Survey Report Exhibit II of HPSR, Seismic Retrofit of BART Aerial Structures and Stations along the Concord, Richmond, Daly City and Fremont Lines, District 4, Alameda, Contra Costa, San Francisco, and San Mateo Counties, STPLZ-6000 (25)</i>	Archaeological, Field study	Heather Price; William Self Associates, Inc.	2007
S-033504 c	<i>FHWA 070321A Determinations of Eligibility for the Proposed Seismic Retrofit of BART Aerial Stations and Structures along the Concord, Richmond, Daly City, and Fremont Lines</i>	OHP Correspondence	Jennifer Darcangelo and Milford Wayne Donaldson; California Department of Transportation; California Office of Historic Preservation	2007
S-052002	<i>Request for Determination of Eligibility for Inclusion in the National Register of Historic Places, Southern Pacific Railroad Dumbarton Cutoff, Southern Pacific Railroad Dumbarton Bridge, Southern Pacific Railroad Newark Slough Bridge, Alameda and San Mateo Counties, California</i>	Architectural/historical, Evaluation, Field study	John W. Snyder; P.S. Preservation Services	1996

Note: NWIC – Northwest Information Center, Rohnert Park, California.

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March 5, 2024

NWIC File No.: 23-1184

Jenna Sunderlin
Lamphier-Gregory, Inc.
4100 Redwood Road, STE 20A - #601
Oakland, CA 94619

Re: Record search results for the proposed 38134 Temple Way Project in the City of Fremont

Dear Jenna Sunderlin:

Per your request received by our office on the 27th of February, 2024, a rapid records search was conducted for the above referenced project by reviewing pertinent Northwest Information Center (NWIC) base maps that reference cultural resources records and reports, historic-period maps, and literature for Alameda County. Please note that use of the term cultural resources includes both archaeological resources and historical buildings and/or structures.

The 2.3-acre project site is located in the City of Fremont, California on the corner of Temple Way and Peralta Boulevard (Assessor's Parcel Numbers 501-1278-50 and -51). The site is located in the northern part of the city and is surrounded by residential development. See location maps on the next page. The site is currently developed with an approximately 26,000-square foot church (currently vacant) and associated parking and landscaping. The existing building was constructed in 1957 and a historic assessment will be relied upon to determine if the building is a significant historic resource. The project proposes to demolish the existing building and site improvements and construct 27 single family residences and an internal roadway. No subterranean floors are proposed, however undocumented fill has been found to depths of up to 8 feet and would require removal.

Review of the information at our office indicates that there has been no cultural resource study that covers the 38134 Temple Way project area. This 38134 Temple Way project area contains no recorded archaeological resources. The State Office of Historic Preservation Built Environment Resources Directory (OHP BERD), which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places, lists no recorded buildings or structures within or adjacent to the proposed 38134 Temple Way project area. In addition to these inventories, the NWIC base maps show no recorded buildings or structures within the proposed 38134 Temple Way project area.

At the time of Euroamerican contact, the Native Americans that lived in the area were speakers of the Chochenyo language, which is part of the Costanoan/Ohlone language family (Levy 1978:485). There are no Native American resources within or adjacent to the proposed 38134 Temple Way project area that are referenced in the ethnographic literature (Milliken 1995, Nelson 1909).

Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Alameda County have been found along the general margin of the bay and its associated wetlands, near sources of water (including perennial and intermittent springs and streams), and near the interface between low-lying terrain and higher elevation foothills. The 38134 Temple Way project area is located in Alameda County in the City of Fremont approximately one quarter mile south of Alameda Creek. Aerial maps indicate a building and asphalt parking area with trees along the boundaries of the parcel and adjacent to the building, with some dirt areas along the western and southern boundaries. Given the similarity of these environmental factors, there is a moderate potential for unrecorded Native American resources to be within the proposed 38134 Temple Way project area.

Review of historical literature and maps indicated historic-period activity within the 38134 Temple Way project area. Early Alameda County maps indicate the project area was located within the lands of J. Vaira and included one building (Thompson and West 1878:41). The 1906 Pleasanton USGS 15-minute topographic quadrangle depicts a road in and one building adjacent to the project area. The 1941 Pleasanton USGS 15-minute topographic quadrangle depicts an orchard within and surrounding the project area. With this information in mind, there is a moderate potential for unrecorded historic-period archaeological resources to be within the proposed 38134 Temple Way project area.

The 1961 photo revised 1980 Niles USGS 15-minute topographic quadrangle depicts one building within the 38134 Temple Way project area. As per information provided by the requestor, this building is a church, circa 1957. If present, these unrecorded buildings or structures meet the Office of Historic Preservation's minimum age standard that buildings, structures, and objects 45 years or older may be of historical value.

RECOMMENDATIONS:

1) There is a moderate potential for Native American archaeological resources and a moderate potential for historic-period archaeological resources to be within the project area. Given the potential for archaeological resources in the proposed 38134 Temple Way project area, our usual recommendation would include archival research and a field examination. The proposed project area, however, has been highly developed and is presently covered with asphalt, buildings, and fill that obscures the visibility of original surface soils, which negates the feasibility of an adequate surface inspection. Therefore, prior to demolition or other ground disturbance, we recommend a qualified archaeologist conduct further archival and field study to identify archaeological resources, including a good faith effort to identify archaeological deposits that may show no indications on the surface.

Field study may include, but is not limited to, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of buried archaeological resources. Please refer to the list of consultants who meet the Secretary of Interior's Standards at <http://www.chrisinfo.org>. Please refer to the list of consultants who meet the Secretary of Interior's Standards at <http://www.chrisinfo.org>.

2) We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.

3) The 1961 photo revised 1980 Niles USGS 15-minute topographic quadrangle depicts one building within the 38134 Temple Way project area. As per information provided by the requestor, this building is a church, circa 1957. If the proposed project area contains buildings or structures that meet the minimum age requirement, prior to commencement of project activities, it is recommended that this resource be assessed by a professional familiar with the architecture and history of Alameda County. Please refer to the list of consultants who meet the Secretary of Interior's Standards at <http://www.chrisinfo.org>.

4) Review for possible historic-period buildings or structures has included only those sources listed in the attached bibliography and should not be considered comprehensive.

5) If archaeological resources are encountered **during construction**, work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. **Project personnel should not collect cultural resources**. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

6) It is recommended that any identified cultural resources be recorded on DPR 523 historic resource recordation forms, available online from the Office of Historic Preservation's website: https://ohp.parks.ca.gov/?page_id=28351

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 California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

Thank you for using our services. Please contact this office if you have any questions, (707) 588-8455.

Sincerely,

A handwritten signature in cursive script that reads "Jillian Guldenbrein".

Jillian Guldenbrein
Researcher

LITERATURE REVIEWED

In addition to archaeological maps and site records on file at the Historical Resources Information System, Northwest Information Center, the following literature was reviewed:

Bennyhoff, James

1977 *Ethnogeography of the Plains Miwok*. Center for Archaeological Research at Davis Publication Number 5. University of California, Davis.

Bowman, J.N.

1951 *Adobe Houses in the San Francisco Bay Region*. In Geologic Guidebook of the San Francisco Bay Counties, Bulletin 154. California Division of Mines, Ferry Building, San Francisco, CA.

Cook, S.F.

1957 *The Aboriginal Population of Alameda and Contra Costa Counties*. University of California Anthropological Records 16(4):131-156. Berkeley and Los Angeles.

Fickewirth, Alvin A.

1992 *California Railroads*. Golden West Books, San Marino, CA.

General Land Office

1866, 1902 Survey Plat for Township 4 South/Range 1 West.

Gudde, Erwin G.

1969 *California Place Names: The Origin and Etymology of Current Geographical Names*. Third Edition. University of California Press, Berkeley and Los Angeles.

Hart, James D.

1987 *A Companion to California*. University of California Press, Berkeley and Los Angeles.

Heizer, Robert F., editor

1974 *Local History Studies*, Vol. 18., "The Costanoan Indians." California History Center, DeAnza College, Cupertino, CA.

Helley, E.J., K.R. Lajoie, W.E. Spangle, and M.L. Blair

1979 *Flatland Deposits of the San Francisco Bay Region - Their Geology and Engineering Properties, and Their Importance to Comprehensive Planning*. Geological Survey Professional Paper 943. United States Geological Survey and Department of Housing and Urban Development.

Hoover, Mildred Brooke, Hero Eugene Rensch, and Ethel Rensch, revised by William N. Abeloe

1966 *Historic Spots in California*. Third Edition. Stanford University Press, Stanford, CA.

Hoover, Mildred Brooke, Hero Eugene Rensch, and Ethel Rensch, William N. Abeloe, revised by Douglas E. Kyle

1990 *Historic Spots in California*. Fourth Edition. Stanford University Press, Stanford, CA.

- Hope, Andrew
2005 *Caltrans Statewide Historic Bridge Inventory Update*. Caltrans, Division of Environmental Analysis, Sacramento, CA.
- Kroeber, A.L.
1925 *Handbook of the Indians of California*. Bureau of American Ethnology, Bulletin 78, Smithsonian Institution, Washington, D.C. (Reprint by Dover Publications, Inc., New York, 1976).
- Levy, Richard
1978 Costanoan. In *California*, edited by Robert F. Heizer, pp. 485-495. Handbook of North American Indians, vol. 8, William C. Sturtevant, general editor. Smithsonian Institution, Washington, D.C.
- Majmundar, Hasmukhrai H.
1985 Mineral Commodity Report, Salt. Special Publication 82, California Department of Conservation, Division of Mines and Geology.
- Milliken, Randall
1995 *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area 1769-1810*. Ballena Press Anthropological Papers No. 43, Menlo Park, CA.
- Myers, William A. (editor)
1977 *Historic Civil Engineering Landmarks of San Francisco and Northern California*. Prepared by The History and Heritage Committee, San Francisco Section, American Society of Civil Engineers. Pacific Gas and Electric Company, San Francisco, CA.
- Nelson, N.C.
1909 *Shellmounds of the San Francisco Bay Region*. University of California Publications in American Archaeology and Ethnology 7(4):309-356. (Reprint by Kraus Reprint Corporation, New York, 1964)
- Nichols, Donald R., and Nancy A. Wright
1971 Preliminary Map of Historic Margins of Marshland, San Francisco Bay, California. U.S. Geological Survey Open File Map. U.S. Department of the Interior, Geological Survey in cooperation with the U.S. Department of Housing and Urban Development, Washington, D.C.
- Roberts, George, and Jan Roberts
1988 *Discover Historic California*. Gem Guides Book Co., Pico Rivera, CA.
- State of California Department of Parks and Recreation
1976 *California Inventory of Historic Resources*. State of California Department of Parks and Recreation, Sacramento.
- State of California Department of Parks and Recreation and Office of Historic Preservation
1988 *Five Views: An Ethnic Sites Survey for California*. State of California Department of Parks and Recreation and Office of Historic Preservation, Sacramento.

State of California Office of Historic Preservation **

2022 *Built Environment Resources Directory*. Listing by City (through September 23, 2022). State of California Office of Historic Preservation, Sacramento.

Thompson & West

1878 Official and Historical Atlas Map of Alameda County, California. Thompson & West, Oakland. (Reprint by Valley Publishers, Fresno, 1976)

Ver Planck, W.E.

1957 Salt: California Division of Mines and Geology Bulletin 176. Ferry Building, San Francisco.

Wagner, Theodore and George Sandow

1894 Map Showing Portions of Alameda and Contra Costa Counties, City and County of San Francisco, California. (Photo Lith Britton and Rey SF)

Watt Laura, and Ellen Joslin Johnck

2014 The Bay Area's Solar Salt Industry: An Unintended Conservationist. *California History*. 91(2): 40-57

Williams, James C.

1997 *Energy and the Making of Modern California*. The University of Akron Press, Akron, OH.

Woodbridge, Sally B.

1988 *California Architecture: Historic American Buildings Survey*. Chronicle Books, San Francisco, CA.

Works Progress Administration

1984 *The WPA Guide to California*. Reprint by Pantheon Books, New York. (Originally published as *California: A Guide to the Golden State* in 1939 by Books, Inc., distributed by Hastings House Publishers, New York.)

**Note that the Office of Historic Preservation's *Historic Properties Directory* includes National Register, State Registered Landmarks, California Points of Historical Interest, and the California Register of Historical Resources as well as Certified Local Government surveys that have undergone Section 106 review.

NATIVE AMERICAN HERITAGE COMMISSION

February 28, 2024

Rebecca Auld
Lamphier-Gregory

Via Email to: rauld@lamphier-gregory.com

Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, 38134 Temple Way Project, Alameda County

To Whom It May Concern:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:



CHAIRPERSON
Reginald Pagaling
Chumash

VICE-CHAIRPERSON
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

SECRETARY
Sara Dutschke
Miwok

PARLIAMENTARIAN
Wayne Nelson
Luiseño

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
Laurena Bolden
Serrano

COMMISSIONER
Reid Milanovich
Cahuilla

COMMISSIONER
Vacant

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

- A listing of any and all known cultural resources that have already been recorded on or adjacent to the APE, such as known archaeological sites;
- Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
- Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code section 6254.10.

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was positive. Please contact Northern Valley Yokut / Ohlone Tribe and The Ohlone Indian Tribe on the attached list for more information.

4. Any ethnographic studies conducted for any area including all or part of the APE; and

5. Any geotechnical reports regarding all or part of the APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS are not exhaustive and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event that they do, having the information beforehand will help to facilitate the consultation process.

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 consultation list remains current.

If you have any questions, please contact me at my email address: Cody.Campagne@nahc.ca.gov.

Sincerely,



Cody Campagne
Cultural Resources Analyst

Attachment



March 13, 2024

EXAMPLE LETTER

Re: 38134 Temple Way Project, City of Fremont, Alameda County, California

Dear Chairperson Galvan,

The City of Fremont (City) is writing to extend an invitation for government-to-government consultation required under Assembly Bill 52 (AB 52) for the proposed 38134 Temple Way Project. This letter has been sent upon the recommendation of the Native American Heritage Commission to tribes that are traditionally and culturally affiliated with the area regardless of whether notice has been formally requested under Public Resources Code (PRC) §21080.1(d) pursuant to AB 52.

Pursuant to PRC § 21080.3.1(d), a description of the proposed project, a map showing the project location, and contact information for the City’s point of contact for this project are provided below. A complete project application has been submitted to the City and preparation of an Initial Study checklist has commenced. The environmental document for compliance with the California Environmental Quality Act (CEQA) is anticipated to be an Environmental Impact Report.

Project Description:

The approximately 2.3-acre site is bounded by Peralta Boulevard to the south and Temple Way to the west. The project sponsor is proposing to demolish the existing vacant church and associated parking lot and to construct 27 single family residences and an internal private roadway. The existing buildings and cement/asphalt surfaces cover the majority of the site, with landscaping along the southern and western sides of the church building, and is known to be underlain by alluvial deposit, with some artificial fill of varying depths throughout the property.

Construction activities are anticipated to disturb onsite soils across the site (e.g., during demolition, site grading and preparation, and foundation work). No subterranean floors are proposed, however undocumented fill has been found to depths of up to 8 feet and may require removal.

Location:

38134 Temple Way, City of Fremont, Alameda County, California.

Legal Location:

Assessor’s Parcel Numbers 501-1278-50 and -51, Niles, CA 7.5 min quadrangle map.

Results of Records Searches and Studies:

A search of the Sacred Lands File conducted through Native American Heritage Commission (response dated February 28, 2024) had positive results in the larger project quadrangle. Contact with the tribes that are culturally and traditionally affiliated within the jurisdiction is recommended to determine if the project has the potential to result in damaging effects to tribal cultural resources.

A records search of the California Historical Resources Information System at the Northwest Information Center returned the following assessment related to Native American resources (March 5, 2024): “Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Alameda County have been found along the general margin of the bay and its associated wetlands, near sources of water (including perennial and intermittent springs and streams), and near the interface between low-lying terrain and higher elevation foothills. The 38134 Temple Way project area is located in Alameda County in the City of Fremont approximately one quarter mile south of Alameda Creek. Aerial maps indicate a building and asphalt parking area with trees along the boundaries of the parcel and adjacent to the building, with some dirt areas along the western and southern boundaries. Given the similarity of these environmental factors, there is a moderate potential for unrecorded Native American resources to be within the proposed 38134 Temple Way project area.” The response letters from both organizations are included as attachments to this letter.

Consultation:

As you are aware, the Ohlone Indian Tribe has 30 days from receipt of this notification to request consultation. If the tribe requests consultation, the City will begin the consultation process within 30 days, and prior to the release of the environmental document for the proposed project (see Pub. Res. Code § 21080.3.1).

The City invites you to participate in consultation for this project. Should you wish to provide relevant information about the site or request consultation with the City, please contact James Willis, Senior Planner, City of Fremont, at jwillis@fremont.gov, 510-494-4449, or via mail at City of Fremont Community Development, 39550 Liberty St., Fremont, CA 94538. We would appreciate your response to this invitation at your earliest convenience.

Sincerely,

James Willis, Senior Planner
City of Fremont
Community Development Department

38134 Temple Way Location and Vicinity Map



38134 Fremont Temple Way Residential Project

Notes from Tribal Contact and Consultation

Consistent with AB 52 requirements and in full satisfaction of SDR FMC 18.218.050(d)(1) requiring tribal notification, the City of Fremont contacted the 17 representatives for tribes historically associated with the area as provided by the NAHC.

Several email responses were received, and AB 52 consultation was conducted. Desiree Munoz, Tribal Liaison for the Costanoan Rumsen Carmel Tribe requested that the City of Fremont follow up with Andrew Galvan, Chairperson of the Ohlone Indian Tribe.

Chairperson A. Galvan responded on March 16, 2024, requesting consultation between the Ohlone Indian Tribe and the City of Fremont and indicating that the portion of the project near Alameda Creek should be considered a culturally sensitive area. Desiree Vigil, Tribal Historic Preservation Officer (THPO) for the Ohlone Indian Tribe, indicated that she received the outreach email. No reply was received from the Ohlone Indian Tribe in attempts to schedule consultation.

Kanyon Sayers-Roods, Most Likely Descendant (MLD) for the Indian Canyon Mutsun Band of Costanoan, requested official consultation on May 8, 2024. A meeting was held on May 20, 2024 and K. Sayers-Roods indicated that the Indian Canyon Mutsun Band of Costanoan intends to support the results of coordination between the City of Fremont and the Confederated Villages of Lisjan Nation and that the Tribe would like to be kept apprised of the project to support the Confederated Villages of Lisjan Nation. K. Sayers-Roods also recommended cultural awareness training for those implementing the project. While the Indian Canyon Mutsun Band of Costanoan have training/monitoring personnel available, K. Sayers-Roods suggested that the Tribe would defer to the Confederated Villages of Lisjan Nation training/monitoring personnel, if available. Finally, K. Sayers-Roods specified that she would like to receive the archaeological site sensitivity analysis when it is complete and to be notified about the CEQA document when it is finalized.

Corrina Gould, Chairperson of the Confederated Villages of Lisjan Nation, requested official consultation under AB 52 on March 18, 2024, and a meeting was held on May 29, 2024. Chairperson Gould requested copies of the CHRIS records search, SLF list of Native American contacts, any associated archaeological and geotechnical reports, and the final project EIR. The Lisjan Nation requested that a Tribal representative conduct the worker awareness training along with an archaeologist