

## Section 3.5 Cultural Resources

### Summary

Table 3.5-1 provides a summary of the potential environmental impacts of the Proposed Project related to cultural resources. As shown in Table 3.5-1, with implementation of mitigation measures, the Proposed Project is considered to have less-than-significant impacts to cultural resources.

**Table 3.5-1.** Summary of Potential Impacts on Cultural Resources

<b>Impact</b>	<b>Level of Significance before Mitigation</b>	<b>Mitigation Measures</b>	<b>Level of Significance after Mitigation</b>
Impact CUL-1: Inadvertent Discovery of Buried Archaeological Resources	Potentially Significant	Mitigation Measure CUL-1: Stop Work if Buried Resources Are Discovered	Less Than Significant
Impact CUL-2: Inadvertent Discovery of Human Remains	Potentially Significant	Mitigation Measure CUL-2: Comply with State Laws Relating to Native American Remains	Less Than Significant

### Introduction

This section addresses cultural resources in the project area and includes regulatory, regional, and project settings to provide a context for analyzing the effects of the project.

Information on existing conditions has been derived from the following sources:

- Field surveys
- A detailed records search
- Input from Native American tribes and historical organizations
- A review of historical literature and previous reports
- Additional primary research

*Cultural resources* is the term used to describe several types of properties: prehistoric and historical archaeological sites; architectural properties, such as buildings, bridges, and infrastructure; and resources of importance to Native Americans.

*Historic properties* is a term defined by the National Historic Preservation Act (NHPA) as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register of Historic Places (NRHP), including artifacts, records, and material remains related to such a property.

*Historical resources* is a CEQA term that includes buildings, sites, structures, objects, or districts (each of which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance) listed or eligible for listing in the California Register of Historical Resources (CRHR).

## Regulatory Setting

### State

CEQA requires that public or private projects financed or approved by public agencies assess the effects of the project on historical resources. *Historical resources* are defined as buildings, sites, structures, objects or districts that may have historical, architectural, archaeological, cultural, or scientific significance.

CEQA also requires that if a project results in an effect that may cause a substantial adverse change in the significance of a historical resource, alternative plans or mitigation measures must be considered; however, only significant historical resources need to be addressed.

The steps performed in a cultural resources investigation for CEQA compliance are typically as follows:

1. Identify potential historical resources.
2. Evaluate the eligibility of historical resources.
3. Evaluate the effects of a project on all eligible historical resources.

### CEQA Determination of Significant Historical Resources

CEQA guidelines define three ways that a property can qualify as a significant historical resource for the purposes of CEQA review:

1. the resource is listed in or determined eligible for listing in the CRHR;
2. the resource is included in a local register of historical resources as defined in Section 5020.1(k) of the Public Resources Code (PRC) or identified as

significant in a historical resource survey, meeting the requirements of Section 5024.1(g) of the PRC (unless the preponderance of evidence demonstrates that it is not historically or culturally significant); or

3. the lead agency determines the resource to be significant as supported by substantial evidence in light of the whole record (California Code of Regulations [CCR Title 14, Division 6, Chapter 3, section 15064.5).

For a historical resource to be eligible for listing on the CRHR, it must be significant at the local, state, or national level under **one or more** of the following four criteria:

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

Historical resources automatically listed in the CRHR include those historic properties listed in, or formally determined eligible for listing in, the NRHP (PRC Section 5024.1).

## Local

### Union City General Plan

The 2002 General Plan includes a natural and cultural resources element. According to Section NHR-C.1, the purpose of this element is to assist the City in protecting, to the greatest extent possible, the City's significant archaeological, historical, and cultural resources.

Union City has a number of historic properties that provide an important link in reconstructing its past. The City has completed an inventory (i.e., *The Union City Cultural Resources Survey*) of 137 historic and cultural resources (Union City 2002). The City has designated certain sites as local historic properties.

According to Section NHR-C1.6, the City will support efforts to protect and recover archaeological resources. This will partly be done by developing standards for monitoring of mitigation measures established for the protection of historical resources prior to development (Section NHR-C.3). The General Plan also states in Section NHR-C.6 that if archaeological resources are uncovered during site excavation, grading, or construction, work on the site will be suspended until the significance of the features can be determined by a qualified archaeologist. If significant resources are found to exist, the archaeologist will make recommendations for protection or recovery of the resource (Union City 2002).

# Environmental Setting

This section discusses the existing conditions related to potential cultural resources in the project study area.

## Prehistoric Context

Results from previous archaeological investigations within the project area and the surrounding region showed that the San Francisco Bay Area was inhabited by mobile hunter-gatherers. Over time, their foraging strategies became more focused on resources obtainable locally and their lives became increasingly more sedentary. These changes are reflected in the cultural sequence developed by Fredrickson and Bennyhoff. They defined three basic cultural patterns throughout the San Francisco Bay Area and interior Delta for the period between 2500 BC and AD 1500 (Fredrickson and Bennyhoff, 1969).

The Windmill Pattern (2500 BC to 1000 BC) is thought to have been a mixed economy of game procurement and the use of wild plant foods. The archaeological record contains numerous projectile points associated with a wide range of faunal remains. Hunting was not limited to terrestrial animals, as indicated by the presence of fishing hooks and fish bone at Windmill sites (Moratto, 1984: 201). Plant resources were also used, as indicated from the presence of stone tools such as milling slabs and handstones. The Windmill Pattern reflects a seasonal adaptation in which habitation sites in the valley were occupied during the winter and camps in the foothills were occupied in the summer (Fredrickson and Bennyhoff, 1969).

The Windmill Pattern shifted to the Berkeley Pattern, which spanned the period from about 1500 BC to AD500. The archaeological record shows a decrease in the presence of milling slabs and hand stones and a shift to mortar and pestle technology, indicating an increased dependence on acorns. Large shell mounds are found near water sources and the presence of projectile points and atlatls suggests that hunting remained an important part of subsistence (Fredrickson, 1973: 125a-126). Within the southern Bay Area, the Berkeley Pattern is demonstrated by a heavy reliance on the bayshore environment.

The Augustine Pattern followed the Berkeley Pattern around AD500. This adaptation was adopted by the ethnographically known people of the historic period. During the Augustine Pattern, there was an increase in ceremonialism, social organization, and stratification. Trade was an important element of this adaptation, as illustrated by the presence of different types of obsidian and shell beads from other regions. The presence of shaped Gunther Barbed series projectile points indicates the use of the bow and arrow. The increase in ceremonialism is found in the occurrence of flexed burials with associated artifacts including shell beads, mortars and pestles, and projectile points.

Throughout the Late Holocene, the environment of the southern Bay Area continued to evolve into what became a local tidal marsh-wetland. The prehistoric inhabitants created large shell mounds in which the dominant species

of shellfish were horn snail, oyster, clam, and bay mussel. Sites closer to the bay indicate that subsistence was based on tidal marsh resources while the interior valley sites to the north reveal an emphasis on terrestrial resources (Hylkema, 1998:31).

The Emergent Period (AD 1200–1777) in the southern Bay Area is characterized by an elaborate social organization and the formation of small autonomous socio-political groups called tribelets. An economic relationship was maintained among the many small groups and trade was frequent between the coastal groups and the valley and/or bay shore groups. The Augustine Pattern toolkit is found through the Emergent Period. Artifacts from this period include well shaped mortars and pestles, decorated *Olivella* beads, rectangular *Olivella* beads, tubular stone pipes, and many small projectile points that were used with the bow and arrow. *Haliotis* pendants and large amounts of *Olivella* beads are also found in association with graves (Hylkema, 1998).

## Ethnographic Context

The Ohlone were one of the first groups to come into contact with Europeans in California. The first Europeans to document this contact were Spanish Fathers Fages and Crespi, who traveled along the east side of the San Francisco Bay in 1772. The subsequent establishment of Spanish missions in Santa Clara, San Jose, and San Francisco resulted in a rapid and devastating effect on the indigenous population. Recruitment of Native American converts, the linguistic and cultural mingling of various Native American groups in the missions, disease, and military actions all but obliterated the Ohlone way of life. Available ethnographic information comes from early explorers, mission records, and a few ethnographers working with native informants who were surviving members of the Ohlone people.

The modern descendants of the Ohlone were referred to as “Costanoans” by the Spanish explorers and early settlers. The name is derived from the Spanish “Costaños,” meaning “coast people.” Costanoans now call themselves Ohlone. As Ohlone is the name that is preferred by members of the group, that is the name that will be used in this report. The term refers to a language family composed of inhabitants of the San Francisco Peninsula, the eastern Bay Area south of the Delta, and the Santa Clara Valley down to Monterey and inland south of San Juan Bautista (Levy, 1978).

The Ohlone were hunter-gatherers and relied heavily on acorns and seafood. They also exploited a wide range of other foods, including various seeds (the growth of which was promoted by controlled burning), buckeye, berries, roots, land and sea mammals, waterfowl, reptiles, and insects (Bean, 1994). Ohlone subsistence followed a seasonal round of resource availability. Life varied with the seasons, requiring dispersed family groups to move over the territory during seasons of abundance when a heavy labor effort was required; resources were stored for the lean winter and early spring when the tribelet tended to congregate (Levy, 1978).

The main trading partners with the Ohlone were the Plains Miwok, Sierra Miwok, and Yokuts. Mussels, abalone shells, dried abalone, and salt were traded with the Yokuts, and *Olivella* shells to the Sierra Miwok. Bow wood was traded to the Plains Miwok. The only known resource the Ohlone received in return were piñon nuts from the Yokuts (Levy, 1978).

Seven Spanish missions were founded in Ohlone territory between 1777 and 1797. While living within the mission system, the Ohlone commingled with other groups, including Esselen, Yokuts, Miwok, and Patwin. The mission period saw the disruption of traditional Ohlone culture, as mission padres discouraged or banned traditional customs, rites, and rituals. Ohlone and other Native Americans provided agricultural labor at the missions and traditional native subsistence practices were overtaken by European agricultural and stock-raising practices (Milliken, 1995). Interaction with the Spanish caused the introduction of disease to local populations. Mission life was devastating to the Ohlone population (Milliken, 1995). It has been estimated that, in 1770, when the first mission was established in Ohlone territory, the Native American population numbered around 10,000 (Kroeber, 1925). The population rapidly declined to fewer than 2,000 by 1832 as a result of introduced disease, harsh living conditions, and reduced birth rates. After the secularization of the missions, circa 1830, Native Americans gradually left the missions, and many went to work as wage laborers on the ranchos and mines and in domestic positions. There was a partial return to aboriginal religious practices and subsistence strategies, but for the most part, the Ohlone culture was greatly diminished (Levy, 1978).

Although they have yet to receive formal recognition from the federal government, the Ohlone are becoming increasingly organized as a political unit and have developed an active interest in preserving their ancestral heritage. Descendants of the Ohlone still live in the area, and many are active in maintaining their traditions and advocating for Native American issues.

## Historical Context

### Spanish Exploration and Settlement

The first Euroamerican exploration of Alameda County was led by José Francisco Ortega in 1769. A component of the Spanish conquest of Alta California, the Ortega expedition's purpose was to establish a land route up the eastern shore of the newly discovered San Francisco Bay. Ortega's reports of the difficult terrain of the "Contra Costa" (coast opposite to San Francisco) discouraged further incursions into present Alameda County until expeditions led by Pedro Fages in 1770 and 1772 established a suitable trail through the region. Captain Juan Batista de Anza led a third Spanish expedition into Alameda County in 1776 and was accompanied by his second in command Lieutenant José Moraga. All of these expeditions were augmented with military support and the ecclesiastical presence of Franciscan priests, who were responsible for establishing mission authority and converting California's Native American inhabitants to Christianity (Bean and Rawls, 1983; Hoover et al., 1990; Merrit, 1928)

Despite these explorations, the eastern shores of San Francisco Bay remained unsettled by Euroamericans for nearly two decades after the Anza expedition. Eventually, the need to establish a stronger Spanish presence in the region led to the founding of Mission San José in 1797. Located in the southern portion of Alameda County, near the present town of Fremont, Mission San José became one of the most prosperous and populous of the 21 Spanish missions in California. The mission's success is commonly attributed to the work of Father Narciso Durán, whose tenure at San José lasted from 1806 until 1833. In addition to his successful missionary work, Father Durán presided over a highly productive agricultural and craft-based economy that flourished throughout the mission's active period. During the 1830s and much of the 1840s, Mission San José and its surrounding pueblo functioned as the focal point of social life for the east side of San Francisco Bay. Its prominence as a center of economic and cultural activity endured through the difficult years that followed the secularization of the missions in 1834 and the subsequent division of their holdings into individual land grants (Hart, 1978; Hoover et al., 1990; Merrit, 1928)

## The Mexican Period

In 1821 Mexico achieved independence from Spain; the following year California was declared a territory of the Mexican republic. The Mexican government's order for the secularization of the missions, however, would have a major impact on the subsequent development of California. The 1834 secularization order downgraded the missions to the status of parish churches and divided their vast holdings into individual land grants, or ranchos. Secularization not only brought a massive influx of Mexican settlers to California, it also allowed for the emergence of a powerful new class of wealthy land owners, known as *rancheros* (Robinson, 1948; Chapman, 1921).

## American Conquest and Settlement

A series of historical developments dating from the Spanish period (1769–1821) led to the conquest of Mexican California by the United States and its admission as a state in 1850. As early as the 1790s, American merchants sought business opportunities in Spanish California. Numerous entrepreneurs from the eastern United States traded in furs, hides, and other goods at California ports--despite the Spanish government's ban on foreign trade and visitation.

Commercial activity between United States and California increased during the Mexican period (1821–1848) and included an influx into the region by overland trappers and mountain men in search of beaver and other fur-bearing animals. By the early 1840s, expansionist fervor had gripped the nation and a steady stream of pioneers, bent on settlement, began crossing the Sierra into Mexican California. Tensions between the new arrivals and native Californians intensified as the United States government cast a covetous eye on the Mexican province. Hostility between the two powers culminated in the American seizure of Mexican installations known as the Bear Flag Revolt and the subsequent outbreak of the Mexican War in 1846. The conflict, marked by repeated American victories,

formally ended with the signing of the Treaty of Guadalupe Hidalgo in February 1848 and the cession of California to the United States (Bean and Rawls 1983; Hart, 1978).

Just over a week before the signing of the Treaty of Guadalupe Hidalgo, James Marshall discovered gold in the Sierra Nevada foothills while constructing a saw mill for John A. Sutter. Marshall's discovery led to a massive influx of immigrants into California known as the Gold Rush (1848–1852). Coming from many corners of the globe, the gold seekers converged primarily on the so-called Mother Lode region, which stretched roughly from Mariposa in present Merced County to Georgetown in present El Dorado County. The growth of Alameda County and its cities and towns is a product of the larger pattern of settlement and economic development of California that began with the great Gold Rush (Hart, 1978).

## Union City

Union City grew out of a portion of Agustín Alviso's Rancho Portrero de los Cerritos that was acquired in 1850 by John M. Horner. Though not an official City until 1957, the name came from Horner's steamboat "The Union." An American agriculturalist and shipper, Horner conceived Union City as a commercial center to compete with San Francisco. Immediately after laying out the community, Horner began selling plots of land to settlers and entrepreneurs who established hotels, stores, mills, and various other businesses. By the early 1850s, Union City was one of the fastest growing communities in the East Bay. Though it never posed any serious threat to the economic supremacy of its rival across the bay, Union City along with the communities of Alvarado and New Haven had a favorable position along the southerly slough, which ensured its early commercial success as a shipping center for traders from Mission San José and other settlements to the east. The communities of New Haven, Alvarado, and Decoto were brought together with Union City when it was officially incorporated in 1957. Union City remains an important industrial and residential center and has enjoyed steady growth to its current population of approximately 74,000 (Hoover et al., 1990; Merrit, 1928; Sandoval, 1986).

## Project Impacts and Mitigation Measures

This section describes the impact analysis relating to cultural resources for the Proposed Project. It describes the methods used to determine the impacts of the project and lists the thresholds used to conclude whether an impact would be significant. Measures to mitigate (i.e., avoid, minimize, rectify, reduce, eliminate, or compensate for) significant impacts accompany each impact discussion.

### Methods

Information on cultural resources in the project area was gathered by:

- completing a records search;

- contacting the NAHC, Native American representatives with interests in the project area, and local historical organizations; and
- conducting site visits, resource surveys, and archival research to prepare a detailed historical context of the project area.

On March 27, 2008 an ICF Jones & Stokes archaeologist requested a records search of the project area and a ½-mile radius around the project area from the NWIC of the California Historical Resources Information System (CHRIS) located at Sonoma State University in Rohnert Park, California. A response was received from NWIC on April 10, 2008. Review of historical literature and maps on file at the NWIC gave no indication of archaeological sites or historic era structures in the project area. The records search indicated that one recorded cultural resource is located within ½-mile of the project area. This resource, an industrial complex (C-1299), is located east of the project area boundary. The records search also indicated that no cultural resources studies have taken place within the project area.

On December 19, 2007, an ICF Jones & Stokes archaeologist sent a fax to the NAHC requesting a search of their sacred lands database and a list of Native American representatives for Alameda County. A response was received on April 8, 2008, indicating that a search of the sacred lands database was negative. The NAHC also attached a list of seven Native American representatives along with their contact information. On April 22, 2008, ICF Jones & Stokes sent letters and project area maps to each representative requesting any information they may have regarding potential cultural resources within the project area. As of May 1, 2010, no responses have been received.

A qualified ICF Jones & Stokes archaeologist conducted a pedestrian survey of the project area on January 18, 2008. Because the project area is largely developed, a cursory survey was undertaken for parts of the project area that were paved. Intuitive or focused pedestrian surveys were conducted in all undeveloped areas, focusing on areas with ground visibility. No cultural resources were located as a result of the survey. The area appeared to be highly disturbed due to past industrial activities and remediation actions. In 2002, the project site went through a remediation process that resulted in the removal of approximately 4 feet of sub-surface soils and no cultural resources were discovered at that time (SECOR Inc., 2003).

## Thresholds of Significance

For this analysis, an impact pertaining to cultural resources was considered significant under CEQA if it would result in any of the following environmental effects, which are based on professional practice and State CEQA Guidelines Appendix G (14 CCR 15000 et seq.).

- cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5,

- cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5,
- directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or
- disturb any human remains, including those interred outside of formal cemeteries.

Actions that would materially impair the significance of a historic resource are any actions that would demolish or adversely alter those physical characteristics of a historic resource that convey its historical significance and qualify it for inclusion in the CRHR or in a local register or survey that meets the requirements of sections 5020.1(k) and 5024.1(g) of the Public Resources Code.

## Impacts and Mitigation Measures

### **Impact CUL-1: Inadvertent Discovery of Buried Archaeological Resources**

Although it is unlikely that unanticipated archaeological resources would be found in the project area, there is the possibility that a unique archaeological resource may be encountered during excavation and grading activities. This impact is considered potentially significant. Implementation of the following mitigation would reduce the potential for adverse change in the significance of an archaeological resource to a less-than-significant level.

#### **Mitigation Measure CUL-1: Stop Work if Buried Resources Are Discovered**

If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone are discovered inadvertently during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with Alameda County and other appropriate agencies.

### **Impact CUL-2: Inadvertent Discovery of Human Remains**

According to the California Health and Safety Code, disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the NAHC.

No human remains are known to be located in at the project site. However, there is always the possibility that unmarked burials may be unearthed during construction activities (grading and excavation). This impact is considered potentially significant. Implementation of the following mitigation would reduce this impact to a less-than-significant level.

**Mitigation Measure CUL- 2: Comply with State Laws Relating to Native American Remains**

If human remains of Native American origin are discovered during project construction, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall under the jurisdiction of the Native American Heritage Commission (NAHC) (Public Resources Code, Section 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

1. The Alameda County Coroner has been informed and has determined that no investigation of the cause of death is required; and,
2. If the remains are of Native American origin and the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98, or NAHC is unable to identify a descendent or the descendent fails to make a recommendation within 24 hours after being notified by the NAHC.

**Cumulative Impacts**

The project site is not known to contain any sensitive cultural resources and implementation of the mitigation presented related to discovery of unknown resources and/or human remains would reduce any potential impacts to resources found at the project site. Therefore, the Proposed Project's contributions to cumulative cultural resources impacts are considered to be less than significant.

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