

4.10 CULTURAL RESOURCES

A cultural resource, as defined by the National Historic Preservation Act (NHPA), is any prehistoric or historic district, site, building, structure, or object. This can include natural landscapes, traditional cultural lands, cultural practices, and/or beliefs of a living community.

4.10.1 Regulatory Setting

Identification and evaluation of significant cultural resources are mandated under federal statutes, including the NHPA and Executive Order 11593. Section 106 of the NHPA requires a federal agency to consider the effects of its intended project on "historic properties" (a federal term used interchangeably with cultural resources) that are determined eligible for listing in the National Register of Historic Places (NRHP).

The Advisory Council on Historic Preservation published the regulations implementing the Section 106 process (36 CFR Part 800). One of the initial steps in the Section 106 process is to delineate the project's Area of Potential Effect (APE). In general, the APE includes the areas where project activities could affect historic properties located on terrestrial surfaces or underwater, including areas adjacent to the construction site where indirect effects related to ground disturbance can occur (see section 4.10.2 for a description of the APE).

Federal and state criteria are used to evaluate the significance of cultural resources. The significance of a cultural resource is determined by its "integrity" and whether it meets eligibility criteria for the NRHP (36 CFR 60.4). To meet the NRHP criteria for integrity, a cultural resource must contain one or more of the following qualities:

- A. Is associated with events that have made a significant contribution to the broad patterns of history; or
- B. Is associated with the lives of persons significant in the past; or
- C. Embodies the distinctive characteristics of a type, period, or method of construction, represents the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Has yielded, or may be likely to yield, information important in prehistory or history.

Additionally, Appendix K (Archaeological Resources) of the California Environmental Quality Act (CEQA) states that an important or significant archaeological resource is one that:

- A. Is associated with an event or person of:
 - 1. Recognized significance in California or American history; or
 - 2. Recognized scientific importance in prehistory.
- B. Can provide information that is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable or archaeological research questions;
- C. Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind; or
- D. Is at least 100 years old and possesses substantial stratigraphic integrity; or
- E. Involves important research questions that historical research has shown can be answered only with archaeological methods.

4.10.2 Existing Conditions

Regional and Ethnographic Overview

Cultural Resources

The Guadalupe River is located within the central coast region of California. The environment in this region has changed considerably during the Holocene (the last 10,000 years) due to natural processes such as climatic and sea level change, as well as relatively recent human impacts such as draining and filling of wetlands. These changes have in turn affected both prehistoric and historic patterns of human land use and settlement. The project site is a natural site for sediment accumulation.

Land adjacent to the Guadalupe River has been inhabited for thousands of years by Native American peoples. Prehistoric sites as old as 8,000 years before present (B.P.) are recorded in the region (Moratto 1984). However, the number of older prehistoric sites within the feasibility study area is expected to be very low based on the sparse distributions of these sites throughout California during the period from approximately 8,000 to 2,000 years ago (Moratto 1984). If any such sites exist within the feasibility area, they would be expected to be buried under sediment deposited by thousands of years of floods.

The name Ohlone is used to represent all the groups of people that are indigenous to the area now occupied by San Francisco, Alameda, and Santa Clara counties, as well as portions of Marin and San Mateo counties. At the time of Spanish colonization, the Ohlone inhabited an area of approximately 5,000 square miles (Costo and Costo 1995).

The Ohlone lifestyle and economy were well adapted to the local environment. They lived in tribelets ranging in size from about 50 to 500 people; each tribelet had a permanent village and some had additional special use sites (e.g., plant gathering, acorn processing, hunting, or shellfish collecting) (Heizer 1978). They gathered plants and shellfish, and hunted for land mammals, birds and fish that would have been available in and adjacent to the Guadalupe River.

The river was surrounded by extensive wetland and riparian forest vegetation. Due to the rich and varied food supplies that would have been available in such an environment, permanent prehistoric village sites and/or temporary camps for gathering seasonal food resources would be expected within the vicinity of the river.

During the period of Hispanic settlement in the region, the project study area was within the lands of the Pueblo of San Jose (established in 1777) and the land grant of the San Juan Bautista Rancho (granted in 1844). Cattle ranching for the trade of hide and tallow was the primary land use and economic activity during this period. Some water management was practiced to provide water for irrigation and domestic use and the Guadalupe River served as the source of water for the pueblo, ranches, and farms along its banks.

Following the California gold rush (after California had been acquired by the United States), development in the Santa Clara Valley increased and land use shifted towards more intensive agricultural practices. Wheat farming was practiced initially but this gave way to the production of fruit crops such as prunes, apricots, and pears for drying, and grapes for winemaking. The Santa Clara Valley underwent continual subdivision of lands for more farming, residential development, and industrial activities. Water management efforts were implemented on the Guadalupe River and Canoas Creek for flood control to allow more agricultural lands to come under production, for water supply, and to run mills for industrial purposes (COE 1998).

After the end of World War II, agricultural lands in the valley were gradually converted to urban uses. Meanwhile, some of the Ohlone survived Spanish and Anglo colonization, and today several thousand people in the Bay Area and central California can trace their ancestry back to the Ohlone.

A cultural resources survey and evaluation was completed by Archaeological Resources Management (ARM 1990) for the SCVWD EIR/S (Parsons Engineering Science 1997). The cultural resources study consisted of an archaeological resources evaluation and historic architectural survey report. The archaeological research included archival research, a surface survey of the project study area, and subsurface testing at four archaeological sites within the project study area. Another archaeological site in the project area was subject to excavations prior to the current project. The historic architectural survey entailed archival research to develop a historical context for the study area and identify potentially significant historic structures.

The ARM report procedures and findings were reviewed by Archaeological Resource Service (ARS 1993) for the Corps. This report determined if the ARM study was sufficient for use as a Section 106 compliance document, using appropriate federal standards for evaluating historical properties. ARS found that the ARM report failed to adequately evaluate the architectural context (e.g., the larger neighborhood or regional setting) of the historical resources within the project area.

Paleoenvironmental Conditions

The prehistoric and historic hydrological conditions of the Guadalupe River, Coyote Creek, and major tributary creeks in the region had a significant influence on the distribution and settlement of people in the Santa Clara Valley. Prior to flood control efforts on the Guadalupe River, sheetflooding in the Willow Glen area (Reach 8) was common during the winter months since the river channel was shallow and frequently overtopped. The flooding created a freshwater marsh in this area that consequentially buried many prehistoric archaeological features under several feet of soil. The marsh also restricted early historic development in this part of the project study area. The upper reaches of the river were confined within a channel that stayed within its banks more consistently and afforded opportunities for some development near and along the river. Also prior to channelization, Canoas Creek flowed through several shallow marshy areas and it did not join the Guadalupe River until the two streams had reached the area that is now downtown San Jose.

Prehistoric and Historic Archaeological Resources

Prehistoric and historic archaeological resources are described below for each reach of the river.

Reach 7. A large prehistoric village site, CA-SCL-690, was identified on a low terrace of the east river bank, near the SRR railroad tracks and in the vicinity of the feasibility study area (Parsons Engineering Science 1997). The site was partially excavated by archaeologists from the California Department of Transportation (Caltrans) and San Jose State University. Complete human burials were discovered at this site and cultural material included shell beads and pendants, manos, mortars and pestles, projectile points, a bone whistle, shell, and other artifactual and non-artifactual material. Artifacts from this site date from A.D. 720 to A.D. 1270. The site was considered eligible for NRHP listing. It is possible the site was not fully excavated and buried resources may extend into the project construction area.

Reaches 8 and 9. No prehistoric or historic archaeological sites are recorded within Reach 8 or 9.

Reach 10. No prehistoric sites were identified within Reach 10. An historic archaeological site (CA-SCL-635H) is a redwood retaining wall dating back from the 1860s to 1870s. It is located on the east bank of the Guadalupe River Bank 450 feet south of the Curtner Street Bridge, adjacent to the east bank of Canoas Creek. The site may represent a river flood control and/or erosion control structure. Test excavations conducted in 1990 revealed remnants of vertical redwood planks extending about 9 feet below the surface and historic artifacts within the surrounding soil. Continuous exposure to water and resulting deterioration have left the site with little stratigraphic integrity. The site has been determined to be ineligible for NRHP listing (COE 1998).

Reach 11. A prehistoric site, CA-SCL-636, is partially defined within the Reach 11 boundary. The remaining portion of the site is obstructed by structures on private property. Although the boundaries have not been precisely defined, the site record describes it as close as 40 feet from the riverbank. It is considered potentially eligible for NRHP listing (COE 1998).

No historic archaeological sites are recorded within the reach.

Reach 12. No prehistoric or historic archaeological sites are recorded within Reach 12.

Ross Creek. No prehistoric or historic archaeological sites are recorded within the Ross Creek feasibility study area.

Canoas Creek. There are two archaeological sites recorded in the Canoas Creek study area. CA-SCL-294 is a large occupation site located on the southern creek bank. The relatively undisturbed site deposits contain human burials, dietary shell and bone fragments, lithic artifacts, and shell beads that were found in test units to a depth of 3 feet.

Cultural Resources

Archaeological testing resulted in recommending the site for National Register eligibility listing (ARM 1990). CA-SCL-674, is a low density stone tool manufacturing site about 325 feet west of Canoas Creek. Shellfish remains and two burials identified during sewer line construction monitoring in 1988 (ARM 1990) indicate that the site was used as a habitation camp. Significance testing within the feasibility study area revealed prehistoric cultural materials extending to only shallow depths. ARM (1990) suggested that the deposit was possibly transported from another area through historic soil movement or that the remains may be a special use site occupied for brief periods of time for food acquisition and/or preparation. Although the site has been characterized as disturbed, the presence of burials within the site indicates that this is a potentially significant site and may be eligible for NRHP listing. Additional testing would be required to determine the integrity of the entire site deposit. Portions of the site may extend into the feasibility study area.

Buried Sites Below Alluvial Deposits

Since the project area is located within an alluvial environment, additional archaeological sites may be buried under alluvium and therefore be undocumented at this time.

Historic Architectural Properties

Historic architectural properties within the project study area are described below for each study reach of the river. Neither the ARM (1990) nor the ARS (1993) reports indicate whether the Office of Historic Preservation concurred with the significance evaluations for the structures prepared by ARM. None of the bridges within the feasibility study area are identified on the Caltrans State and Local Bridge Inventory as eligible for NRHP listing.

Reach 7. Seven structures and the Western Pacific Railroad bridge are present within Reach 7. All the structures (dating to the 1920s, 1950s, and 1960s) were determined not eligible for NRHP listing (ARM 1990; ARS 1993).

Reach 8. The area around Reach 8 was subdivided in the 1950s. Nine structures were evaluated but none were found to have historic or architectural significance (ARM 1990; ARS 1993). A footbridge over the Guadalupe River at Willow Glen Way, originally constructed over Los Gatos Creek in 1932, was moved to its present location in 1956. This bridge was determined not eligible for NRHP listing (ARM 1990).

The Willow Glen area of Reach 8 was a marshy area subject to frequent flooding in historic times. One of the first flood control efforts on the Guadalupe River was initiated here in the 1860s when a canal (named the Lewis Canal) was dug in the location of the present-day Guadalupe River channel alignment. The canal was created to reclaim the marshy land for agricultural use (ARM 1990). The resource's location has been determined not eligible for NRHP listing (COE 1998).

Reach 9. Nine structures were evaluated in Reach 9. The house at 760 Malone Road, built in 1900, was initially considered to have potential significance. After further review, none of the structures were determined eligible for NRHP listing.

Reach 10. The Valley View Packing Company complex, at 1095 Old Hillsdale Avenue, directly east of the river, was started by the Rubino family on an 18-acre parcel that was purchased in 1916, and is one of the last family-owned and operated fruit processing enterprises in the Santa Clara Valley. Other associated facilities on site include the foundation of an abandoned prune dehydrator that could have been a prototype for the modern prune dehydrator developed by the Rubinos in 1935 (the rest of the dehydrator has been removed from the property). Two other structures on site include the original Rubino residence, a ca. 1930s prairie-style bungalow that is now a company office building, and a ca. 1950s industrial building. The residence structure and prune dehydrator constructed in the 1930s are considered to have moderate historical significance due to their age, style, and historical associations (ARS 1993). Although ARM did not consider the structures individually for their historic value or whether the complex should be considered as an historic district, the structures are considered to have, at least, moderate levels of significance. The prune dehydrator, however, was removed from the property prior to a NRHP eligibility determination was made. The Valley View Packing Company complex was determined not eligible for NRHP listing.

Reach 11. A structure at 13958 Almaden Expressway was determined not eligible for the NRHP.

Reach 12. No historic structures were identified within Reach 12.

Ross Creek. No historic structures were identified in the Ross Creek feasibility study area.

Canoas Creek. No historic structures were identified in the Canoas Creek feasibility study area.

4.10.3 Environmental Effects

Cultural Resources

Impact Significance Criteria

The NHPA outlines the requirements of federal agencies to consider a project's effects on significant cultural resources (36 CFR Part 800). Impacts on cultural resources are considered significant if a property meeting the criteria for listing in the NRHP would be:

- A. Physically damaged or altered;
- B. Isolated from its historic context; or
- C. If project elements would be introduced that are out of character with the significant property or its setting.

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

- A. Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group, or a paleontological site except as part of a scientific study; or
- B. Conflict with established recreational, educational, religious, or scientific uses of the area.

Native Americans are considered an ethnic and social group under Criterion A. Contemporary Native Americans consider that disturbances to prehistoric archaeological sites adversely impact their heritage values. Although all sites are important, villages and burial sites are generally considered the most sensitive heritage resources.

Channel Widening Plan

Potentially Buried Archaeological Resources in all Reaches. The potential exists in all reaches for disturbing archaeological deposits buried below alluvial sediments. This would be a potentially significant impact on archaeological research and Native American heritage values. This impact would be mitigated to insignificance by implementing a cultural resources treatment plan by the Corps during construction, including periodic archaeological monitoring in the areas within the feasibility study area considered to have the greatest potential for archaeological resources. The plan would include the provision for archaeological excavations if intact archaeological resources were encountered to assess the resource's significance and mitigation, if necessary. Native Americans would be consulted in developing the treatment plan.

Reach 7. Proposed widening and benching with earthen embankments along the east bank would require removing four businesses and the replacement of the Willow Street and Alma Avenue bridges. These bridges are considered architecturally and historically insignificant (ARM 1990), and impacts would be insignificant.

The project could impact areas of archaeological site CA-SCL-690 that have not been systematically mapped and recorded. As the site was determined eligible for NRHP listing, this would be a significant impact on archaeological research and Native American heritage values. The impact would be mitigated to insignificance by attempting to avoid the resource, and, if not possible, implementing a cultural resources treatment plan that would provide for retrieval of important prehistoric information through archaeological investigations at the site. Native Americans would be consulted in developing the treatment plan.

Reach 8. No historical or archaeological properties are located within the reach. However, proposed excavation to create floodwalls could expose archaeological materials buried below alluvial deposits. This would be a potentially significant impact on archaeological research and possibly Native American heritage values. This impact would be mitigated to insignificance by implementing the cultural resources treatment plan.

Reach 9. Replacement of the Willow Glen Way bridge would require the removal of the existing footbridge at this location. The footbridge was moved here in 1956 from its original location at Lincoln Avenue on Los Gatos Creek. The footbridge has been evaluated and is not considered to have historical or engineering merit (Parsons Engineering Science 1997). Removal of the footbridge would therefore be an insignificant impact.

Reach 10A. No prehistoric archaeological sites are known in the Reach 10A project area. Widening and benching on the east bank of the Guadalupe River Bank 450 feet south of the Curtner Street Bridge and adjacent to the east bank of Canoas Creek has the potential to damage portions of CA-SCL-635H. Because the site has been determined ineligible for NRHP listing, impacts on the retaining wall remains would be insignificant. Previously unrecorded historic materials could be exposed along the base of the retaining wall. Depending on the nature of the historic remains, impacts on historical research values could be significant. This impact would be mitigated to insignificance by implementing a cultural resources treatment plan that would provide for significance evaluation of historic archaeological materials, and if necessary, their mitigation.

Reach 10B. No recorded cultural resources impacts would be impacted.

Reach 10C. Proposed replacement of the Hillside Avenue Bridge is part of proposed widening and benching. Because the bridge has been determined ineligible for NRHP listing, impacts would be insignificant.

Reach 11. Proposed widening and benching along Reach 11 would occur along alternating east and west banks of the drainage beyond the first 2,100 feet of the reach. Excavation could impact the periphery of CA-SCL-636, potentially eligible for NRHP listing. This could be a significant impact on archaeological research and Native American heritage values. The impact would be mitigated to insignificance by attempting to avoid the resource, and, if not possible, implementing a cultural resources treatment plan that would provide for retrieval of important prehistoric information through archaeological investigations at the site. Native Americans would be consulted in developing the treatment plan.

Reach 12. No impacts would occur in Reach 12.

Ross Creek. There are no known cultural resources along the portion of Ross Creek that would be affected by the proposed construction of low floodwalls and replacement of an existing culverts. The potential for encountered intact soils that had not been disturbed by earlier construction is low, though possible. Proposed excavation could expose archaeological materials buried below recent alluvial deposits. This would be a potentially significant impact on archaeological research and Native American heritage values. This impact would be mitigated to insignificance by implementing a cultural resources treatment plan including periodic archaeological monitoring in the areas within the feasibility study area considered to have the greatest potential for archaeological resources, as described above.

Canoas Creek. CA-SCL-294, a large village site with burials that is considered eligible for NRHP listing, could be disturbed by floodwall construction. This would be a highly significant impact, as burials and burial-related material are highly sensitive to contemporary Native Americans. CA-SCL-674, the low density stone tool scatter, could also be impacted by floodwall construction. Although testing did not identify dense material deposits, human remains were recovered from a 1988 sewer trench excavation. It is possible that intact features or additional human burials within the impact area previously unidentified may be uncovered by project construction. Disturbance of the site would be a significant impact. The impact would be mitigated to insignificance by attempting to avoid the resource, and, if not possible, implementing a cultural resources treatment plan that would provide for retrieval of important prehistoric information through archaeological investigations at the site. Native Americans would be consulted in developing the treatment plan.

Bypass Channel Plan

Potentially Buried Archaeological Resources in all Reaches. The potential exists for disturbing archaeological deposits buried below alluvial sediments in all reaches. This could be a significant impact on archaeological research and Native American heritage values. This impact would be mitigated to insignificance by implementing the cultural resources treatment plan discussed under the Channel Widening Plan.

Cultural Resources

Reach 7. The bypass channel proposed along the east bank would remove 13 businesses and the parking area for the Elk's Lodge, which were determined to be insignificant resources. Impacts would be adverse, but not significant. The Union Pacific Railroad Bridge, which crosses over the river, was declared to have no historical or engineering merit; impacts of bridge removal would be insignificant. Excavation of the bypass channel could potentially adversely affect prehistoric site CA-SCL-690, recorded in the vicinity of the feasibility study area. This prehistoric site is considered eligible for NRHP listing so that any impacts to the resource would be significant. Implementing the cultural resources treatment plan would mitigate impacts on archaeological resources to insignificance, as described for the Channel Widening Plan for this reach.

Reach 8. A bypass channel is also proposed that would remove 23 homes. None of the homes has significant historical value nor are they eligible for NRHP listing, so impacts would be insignificant.

Reach 9. Two 500-foot bypass channels would be constructed, requiring removal of six homes, two partial backyards, and two businesses. The removal of the house at 760 Malone, ineligible for NRHP listing, would be an insignificant impact. Although insignificant, architectural elements and/or structures should be offered to local interested historical associations for their use (ARM 1993).
No archaeological properties were located within Reach 9 boundaries.

Reach 10A. The redwood retaining wall (CA-SCL-635H) and potential historic materials along the base of the wall would be disturbed by widening of the river along the east bank. The impact on the wall would be less than significant. If unknown historical resources were identified during construction, impacts would be mitigated to insignificance by implementing the cultural resources treatment plan, similar to the Channel Widening Plan.

Reach 10B. No recorded cultural resources would be impacted.

Reach 10C. The Valley View Packing Company complex would be removed due to east bank widening. Because the resource is ineligible for NRHP listing, impacts would be insignificant.

Reach 11. CA-SCL-636 is located in Reach 11A and would be potentially impacted by plan development. Impacts on archaeological research and Native American heritage values are considered potentially significant until formal NRHP assessment of the resource is completed. The impact would be mitigated to insignificance by implementing the cultural resources treatment plan as described for the Channel Widening Plan.

Reach 12. No recorded cultural resources would be impacted by proposed widening between percolation ponds and Blossom Hill Road along the west bank, and reconstructing levees on both banks.

Ross Creek. No recorded cultural resources would be affected by the project, but excavation for channel widening and for existing culvert replacement could penetrate previously undisturbed soils containing unknown, buried cultural resource deposits, as discussed for the Channel Widening Plan. This impact would be mitigated to insignificance by implementing the same measure described for the Channel Widening Plan.

Canoas Creek. Possible significant impacts to CA-SCL-294 and CA-SCL-674 would be similar to the Channel Widening Plan, as discussed above. These impacts would be mitigated to insignificance by avoidance and implementing the cultural resources treatment plan described for the Channel Widening Plan.

No-Action Alternative

The No-Action Alternative would directly impact cultural resources present in the project area. Continued flooding and erosion would continue, however, causing gradual destruction of cultural resources currently exposed or potentially exposed in river banks.

4.10.4 Mitigation Measures

The following measures would apply to both alternative flood protection plans under consideration.

Channel Widening Plan and Bypass Channel Plan

1. A Cultural Resources Treatment Plan shall be developed by the Corps, detailed during the design phase of the project. The plan shall address the treatment of all cultural resources and sensitive areas identified in previous investigations. The plan shall incorporate relevant federal, state, and local guidelines, in consultation with representatives of local Native American communities, and shall be developed so that it can form the basis of a subsequent Programmatic Agreement (PA) pursuant to Section 106 of the NHPA and its implementing guidelines (36 CFR 800). The plan shall provide for treating each cultural resource including possible avoidance, significance assessment, mitigation, and evaluation and treatment of unexpected resources encountered during construction, and shall include the provisions defined below.
2. Construction activity shall be designed to avoid all known significant cultural resources.
3. A qualified archaeologist shall periodically monitor project construction ground disturbances (including demolition of structures and removal of paved surfaces) in areas determined to have the greatest potential for archaeological site location to ensure that buried archaeological deposits are identified. In the event potentially significant resources are identified during any of the earth disturbing activities, construction shall be temporarily redirected until the significance of the finds are determined under local, state, and federal guidelines. These excavations shall be subject to the Cultural Resources Treatment Plan discussed in measure 1.
4. Architectural elements and/or structures that would be demolished should be offered to the San Jose Historical Museum, the Victorian Preservation Association, or other interested parties for their use.

4.10.5 Unavoidable Significant Impacts

Channel Widening Plan and Bypass Channel Plan

Implementation of the Cultural Resources Treatment Plan would mitigate all impacts to insignificance. No unavoidable significant impacts would result.