

**UPPER GUADALUPE RIVER
FLOOD RISK MANAGEMENT PROJECT
San José, California**

Cultural Resources Effects Analysis

Appendix D

**DRAFT INTEGRATED
GENERAL REEVALUATION REPORT
& SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT**

November 2022



**US Army Corps
of Engineers®**
San Francisco District



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Acronyms and Abbreviations

APE	Area of Potential Effects
CEQ	Council on Environmental Quality
MLD	Most Likely Descendant
NAHC	Native American Heritage Commission
National Register	National Register of Historic Places
NHPA	National Historic Preservation Act
SHPO	State Historic Preservation Officer
TCAMTP	Tribal Cultural and Archaeological Monitoring Treatment Plan

1. Regulatory Setting

1.1 General

Cultural resources are defined as several different types of properties: precontact and historic archaeological sites; architectural properties such as buildings, bridges, and infrastructure; and resources that have cultural or traditional importance to Native American tribes including landscapes, cultural keystone species, and sacred sites. This analysis considers the potential effects from ecological, aesthetic, historic, cultural, economic, social, and health effects towards cultural resources.

The methodology used for identifying cultural resources in the study area includes review and development of environmental, precontact, ethnographic, and historical contexts associated with the area's cultural environment as well as meaningful consultation with the affiliated Tamien and neighboring Ohlone Tribes. The historical contexts summarized below the Regulatory setting provides an overview on how significance and integrity is determined when evaluating archaeological and historic cultural resources. The information can also be used to provide an initial assessment of discovering unanticipated archaeological resources for ground-disturbing activities.

1.2 Federal

National Historic Preservation Act of 1966, as amended, 16 U.S.C. § 470, et seq.

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to consider the effects of a proposed undertaking on properties that have been determined to be eligible for listing or are listed in the National Register of Historic Places (National Register). For purposes of complying with Section 106 of the NHPA, 54 U.S.C. § 306108, a Federal agency will decide the area of potential effects (APE) for the project or undertaking.

The APE is defined as “the geographic areas or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.” Additionally, the APE “is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.” 36 C.F.R. § 800.16(d). The criteria applied to evaluate properties for listing in the National Register (36 § CFR 60.4) are outlined below:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable
- D. That have yielded, or may be likely to yield, information important in prehistory or history.

Meeting one or more of the criteria for eligibility is not enough to determine a resource as eligible for listing in the NRHP. In order to meet eligibility, a resource must have also retained historic integrity of those features necessary to convey its significance (U.S. Department of the Interior 1997). There are

seven aspects of integrity: Location, Design, Setting, Materials, Workmanship, Feeling, and Association. Not all aspects of integrity may be relevant to a particular resource.

National Environmental Policy Act, 42 U.S.C. §§ 4321-4327

Under the NEPA, 42 U.S.C. §§ 4321-4327, Federal agencies are required to consider potential environmental impacts, including those to cultural resources and appropriate mitigation measures for projects with Federal involvement. This document has been prepared in compliance with NEPA and CEQ regulations.

Archaeological and Historic Preservation Act (16 U.S.C. § 469)

This act provides for preserving significant historic or archaeological data that may otherwise be irreparably lost or destroyed by construction of a project by a federal agency or under a federally licensed activity or program.

The American Indian Religious Freedom Act (42 U.S.C. § 1996)

The American Indian Religious Freedom Act of 1978 requires federal agencies to protect the right of Native American to exercise their traditional religions by ensuring access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial traditional rites.

Federal Trust Responsibility

The Federal Indian Trust Responsibility is a legal obligation requiring the United States to be charged with moral obligations of the highest responsibility and trust towards Indian Tribes. Federal agencies are legally enforced under fiduciary obligations on part of the United States to protect tribal treaty rights, lands, assets, and resources, as well as a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native tribes and villages.

Executive Order 13175 Consultation and Coordination with Indian Tribal Governments

Executive Order (E.O.) 13175 was issued by President William J. Clinton in 2000 and applies to any rules, policies, and guidance with Tribal Implications. This EO reaffirms the Federal government's commitment to tribal sovereignty, self-determination, and self-government and ensures that federal agencies consult with Indian tribes, with respect to tribal sovereignty, as they develop policy on issues impacting Indian communities.

1.3 State

California Code, Public Resources Code - PRC § 5097.98

In the event that ground disturbance uncovers human remains, all work must be halted in the vicinity of the discovery until a qualified individual can visit the site of discovery and determine whether Health and Safety Code § 7050.5, State CEQA Guidelines 15064.5(e), and PRC § 5097.98 should be followed. These state mandates have processes to follow in the accidental discovery of any human remains in a location other than a dedicated cemetery.

In accordance with PRC § 5097.98, the Santa Clara County Coroner must be notified within 24 hours of the discovery of potentially human remains. The Coroner must then determine within 2 working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to

be Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours, in accordance with PRC § 5097.98.

The NAHC then designates an affiliated Tribe to be the Most Likely Descendant (MLD) with respect to the human remains within 48 hours of notification. The MLD will then have the opportunity to recommend to the project and landowners means for treating or disposing, with appropriate dignity, the human remains and associated grave goods within 24 hours of notification. The recommendation for reburial, treatment, or disposal will be coordinated through a Programmatic Agreement document under Section 106 of the NHPA along with procedures agreed upon with tribes under an implemented Tribal Cultural Archaeological Monitoring Treatment Plan.

2. Existing Conditions and Future Without Project Conditions

2.1 Historic Contexts

Precontact cultural resources are archaeological sites that predate the period of time when Native Americans made contact with Europeans. This period of time in the Bay Area starts around the late 18th century on 1769 CE (Common Era). The Bay Area's precontact cultural sequences are understood within geological time segments based on the time scale of Before Present (BP). BP is used within archaeology and geology for the number of years before the present year of 1950 as a reference point. Each period is characterized by regional patterns through land use, subsistence strategies, and tool types.

Terminal Pleistocene (13,500–11,600 BP)

The Terminal Pleistocene is represented by mobile hunter-gatherers who hunted large game. This period of time is similar to the Clovis and Folsom periods of the Great Plains and the southwest with several Terminal Pleistocene sites being recorded along coastal environments.

Early Holocene (11,600–7700 BP)

The earliest archaeological evidence of human occupation for the Bay Area is from the Early Holocene. Archaeological sites from this period are uncommon in the Bay Area. Early Holocene recorded sites were located around Los Vaqueros Reservoir, the Coyote Narrows of the Santa Clara Valley, and Scott's Valley around the Santa Cruz mountains. Artifacts associated with this period of time include ground stone tools such as hand stones and milling slabs. Large lithic flaked cores, cobble tools, and bifaces (stone tools with flakes removed from both sides) were also documented.

Middle Holocene (7700–3800 BP)

Evidence from the Middle Holocene, including more waterfowl and shellfish recorded at archaeological sites, indicated an increase in population and exploitation of coastal resources within the Bay Area. The natural expansion of estuaries, mud flats, and freshwater tidal marshes was also prevalent during this time period (Byrd et al. 2010). Artifacts associated with Middle Holocene sites include ground stone tools, side-notched points, chopping, scraping, and pounding lithic tools, and shell beads and ornaments.

Late Holocene (3800–170 BP)

A majority of the Bay Area's archaeological sites were dated to the Late Holocene (3800 BP onward). This period of time includes the massive Bay Area shellmounds that were present by the time of European contact. This period is characterized by subsistence based heavily on marine resources to sustain a large population density of people. Artifacts associated with the Late Holocene includes the introduction of the bow and arrow, clamshell disk beads, ornamental *Haliotis* pendants, steatite pipes, bone whistles and tubes, "flower pot" mortars, and awls used for basketry (Milliken et al. 2007).

2.2 Ethnography

The Tamien people are the first documented inhabitants of the Santa Clara Valley. The boundaries of present-day Santa Clara County, California, and the Upper Guadalupe River fall within the territories of the indigenous Tamien people. Tamien Nation is routinely described or erroneously labeled as Ohlone. As there was no historic Ohlone tribe, most of the indigenous population of the Greater San Francisco Bay Area that were absorbed into the Spanish Mission system are grouped into a single entity that mischaracterizes them and ascribes further injustice.

The name Ohlone was created for anthropological categorization and is likely a mispronunciation of a Bay Miwok word meant to describe "western people" or derived from the name of a village on the lower San Gregorio and Pescadero Creeks. Regardless of the term's origin, it is critical to remember that tribes of the San Francisco and Monterey Bay Area were separate and independent nations. Linguistically, it is believed that the Tamien language and the neighboring Ramaytush and Chochenyo languages are dialects of the same language. Traditionally, the Tamien language was spoken in the Santa Clara Valley at the first and second Mission Santa Clara through the early 19th century.

The Santa Clara Valley offered a range of ecological diversity which supported the Tamien settlements near marine, tidal marsh, grassland prairie, oak grassland savanna, riparian, chaparral, mixed hardwood, and evergreen forest communities. As the original stewards of the land, the Tamien and their neighbors interacted with the environment to create significant and beneficial changes to local habitats, plants, and animals over time. Fire, for example, enhanced grass seed harvests and promoted flourishing of game animals as documented by researchers (Lewis 1973). In Santa Clara Valley, acorns were easily gathered and stored in granary features and encouraged robust trade among villages with the surplus (Basgall 1987). The Tamien people collected plants, herbs, and grass seeds in the meadow lands between the Coyote and Guadalupe Rivers (Milliken 1991).

Spanish colonization, the Spanish Mission system, and subsequent periods of Mexican rule and California statehood disrupted the Tamien people's traditional lifestyle, occupied their lands, and displaced and decimated their population. In 1777, two Santa Clara missions were established at the height of the Spanish Colonial period. Colonial administrators, as early as 1793, prohibited the traditional practice of prescribed burning, particularly near colonial settlements (Lightfoot 2005). This prohibition continued through California statehood. Most of the Tamien people were absorbed into the missions ultimately to receive baptism and education to live as Catholic neophytes until the Mexican government secularized the Mission in 1833.

Disease and depredations claimed a majority of the Tamien at the missions, but many families persevered and remained intact eventually migrating to Santa Cruz after their lands were granted to Spanish and

Mexican Immigrants. Tamien people later reportedly intermarried with Mexican landowners for security, safety, employment, and the opportunity to redevelop their community. Following California statehood in 1850 and the Land Claims Acts of 1851 and 1852, the United States observed claims granted under Spanish and Mexican law to American claimants without a single indigenous claim being lodged. The Tamien people were displaced with many migrating to the San Joaquin Valley, where hundreds of their people continue to reside.

2.3 Historic Properties

Following the Section 106 process to identify historic properties under the NHPA, the area of potential effects (APE) is defined under 36 Code of Federal Regulations (CFR) § 800.16 as the geographic area where the undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE covered the entire study area from Reaches 7 to 12 as well as Ross and Canoas Creek. This broad geographic area defined for the APE was necessary so that identification efforts could cover the study area and develop an inventory for the Upper Guadalupe area. Identification efforts and consultation was based on the geographic area displayed in Figure 1, which covers all reaches across the Upper Guadalupe study area.

USACE under Section 106 is identifying historic properties within the APE and then assessing the project's effects to all identified historic properties. A historic property must be evaluated for listing in the National Register of Historic Places (36 C.F.R. § 60.4) based on their quality of significance in local, regional, or American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association (U.S. Department of the Interior 1997). Historic properties must be at least 50 years of age and meet one or more of the following criteria's' of significance listed below:

- a) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- b) That are associated with the lives of persons significant in our past; or
- c) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d) That have yielded, or may be likely to yield, information important in prehistory or history.

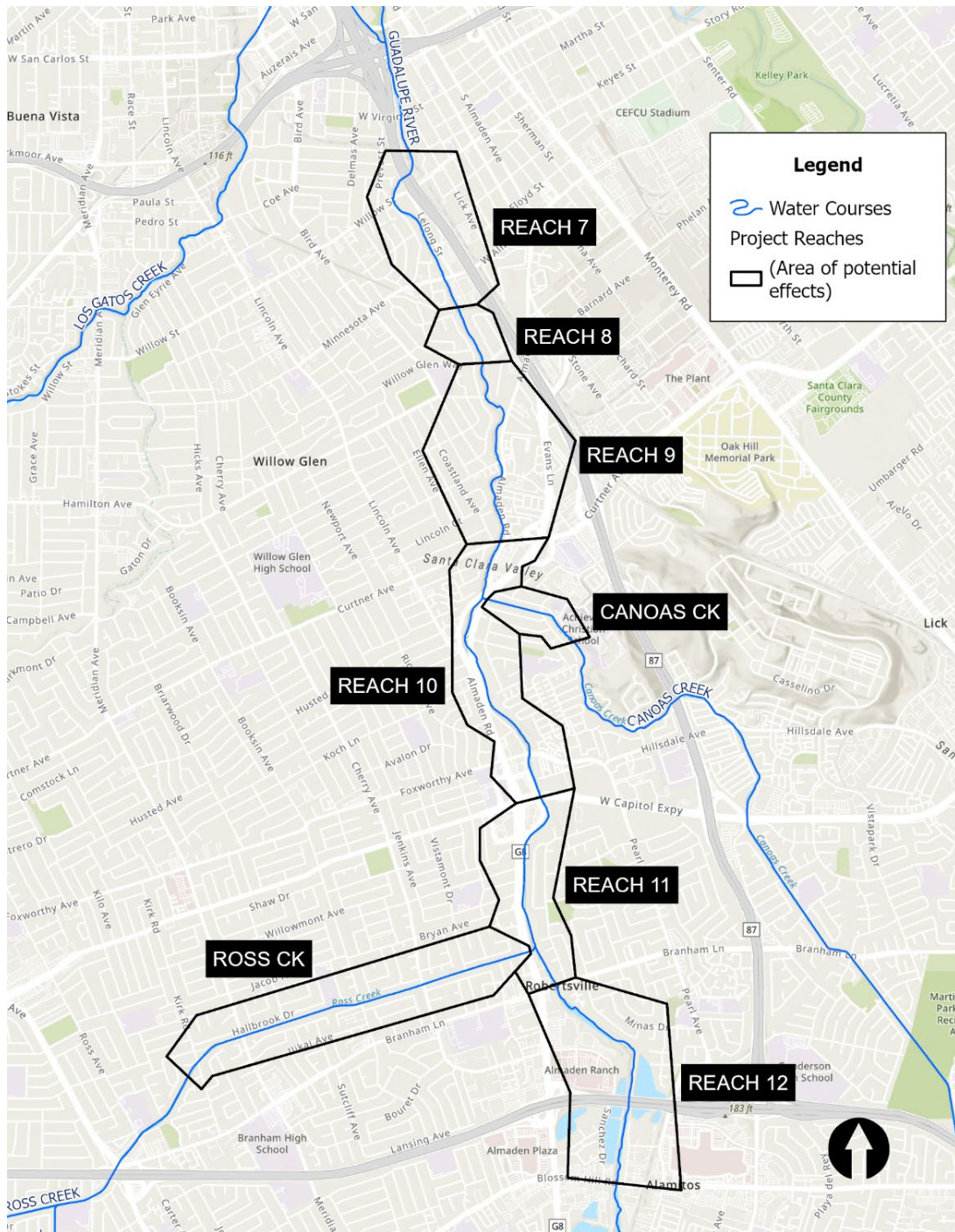


Figure 1. Area of potential effects map. Identification efforts and consultation was based on this geographic area covering the Upper Guadalupe study area.

USACE has completed literature research across the entire study area to identify past recorded cultural resources evaluated to be listed on the National Register as historic properties. A records search was conducted at the California Historical Resources Information System’s Northwest Information Center on October 13, 2021 (NWIC File No. 21-0368) to supplement past inventories and data from the past iteration of this study. In addition to the records search, USACE used the National Register of Historic

Places database, the California Department of Parks and Recreation’s California Inventory of Historic Resources, the California Office of Historic Preservations built environment resources directory, Caltrans database for bridge surveys, General Land Office and Rancho plat maps, and the Native American Heritage Commissions (NAHC) Sacred Lands File search and GIS database for tribal resources.

Within the APE covering the study area, 171 formally recorded resources were identified throughout the study reaches. A brief summary of these resources is provided below:

Table 1. Resources identified from the records search throughout the study area.

Resource Name	Resource Type	Description	Project Reach	Period	National Register of Historic Places Eligibility
CA-SCL-690, P-43-001071	Archaeological	Precontact burial site with reburial of ancestral remains	Reach 7	Precontact	Eligible
SJ-1H, P-43-002234	Archaeological	Historic trash deposit with fragmented glass, animal bones, and metal	Reach 7	Historic	Unevaluated
SPRR Trestle, P-43-000881	Built Environment	Railroad bridge	Reach 7	Historic	Ineligible
Sacred Heart Church and School, P-43-001221	Built Environment	Commercial building	Reach 7	Historic	Unevaluated
Willow Street Underpass, P-43-003036	Built Environment	Structural underpass	Reach 7	Historic	Unevaluated
Elks Lodge, P-43-003161	Built Environment	Commercial building	Reach 7	Historic	Ineligible
Pepitone Grocery, P-43-003169	Built Environment	Commercial building	Reach 7	Historic	Unevaluated
Alma Bowl, P-43-003160	Built Environment	Commercial building	Reach 7	Historic	Unevaluated
Christian Manufacturing Company, P-43-003166	Built Environment	Commercial building	Reach 7	Historic	Unevaluated
Guadalupe Washington Conservation Area District, P-43-002278	Built Environment	Historic Chicano and Mexican American district for Downtown San José	Reach 7	Historic	Unevaluated
WPRR Trestle on Padres Drive, P-43-000882	Built Environment	Railroad bridge	Reach 8	Historic	Unevaluated
Various residential and business buildings located near the	Built Environment	Buildings located near the Upper Guadalupe River and	Reaches 7, 8, 9,	Historic	All evaluated to be ineligible

Resource Name	Resource Type	Description	Project Reach	Period	National Register of Historic Places Eligibility
Ardis, Creek, El Rio, Mackey, Malone, Spadafore, Thousand Oaks, and Wellington neighborhoods ¹		within various neighborhood drives and squares	10 and 11		
Willow Glen Way Bridge, P-43-000880	Built Environment	Bridge structure	Reach 9	Historic	Unevaluated
Valley View Packing Company, P-43-000829	Built Environment	Commercial building	Reach 10	Historic	Unevaluated
YMI Hall, P-43-000689	Built Environment	Commercial building	Reach 10	Historic	Unevaluated
CA-SCL-635H, P-43-001020	Archaeological	Historic retaining wall from 1860s	Reach 10	Precontact	Unevaluated
CA-SCL-202, P-43-000213	Archaeological	Precontact midden and burial site	Reach 10	Precontact	Unevaluated
CA-SCL-636, P-43-001021	Archaeological	Midden site with lithic tools	Reach 11	Precontact	Unevaluated
13958 Almaden Expressway, P-43-000830	Built Environment	Structure	Reach 11	Historic	Unevaluated
Oliveri House, P-43-000691	Built Environment	Residential building	Reach 11	Historic	Unevaluated
Bonetti House, P-43-000692	Built Environment	Residential building	Reach 11	Historic	Unevaluated
Scott House, P-43-000694	Built Environment	Residential building	Reach 12	Historic	Unevaluated
Withers Ranch, P-43-000696	Built Environment	Residential building	Reach 12	Historic	Unevaluated
Morrone Ranch, P-43-000693	Built Environment	Residential building	Reach 12	Historic	Unevaluated

Much of the Santa Clara Valley is underlain by Pleistocene and Holocene alluvium deposited by streams and rivers flowing from the Coast Ranges towards the San Francisco Bay. Most archaeological sites located near the Guadalupe River were covered under alluvial deposits from sediment transported by the river and burying the sites for hundreds of years. This formation of the land and riverbanks along the Upper Guadalupe River explains the high sensitivity for archaeological sites being discovered.

¹ Despite there being only 24 listed resources in the table, the other 147 resources identified from the records search consisted of residential and commercial buildings. These resources were grouped into a single row within the table. All 147 buildings were determined to be ineligible for the National Register.

2.4 Traditional Cultural Properties

The National Register Bulletin 38 has defined a category of protected cultural resources known as Traditional Cultural Properties (TCP). This guidance defines a TCP as a historic property eligible for inclusion in the National Register of Historic Places because of significance associated with cultural practices or beliefs for a living community's history and maintaining their cultural identity (Parker and King 1990).

In order to identify and evaluate historic properties having traditional and cultural significance, the USACE obtained a tribal consultation list from the NAHC in February and August 2021. The result of the NAHC's Sacred Lands File search was positive for sacred lands within the general study area. The USACE shared the results of the search with the tribes in a formal Section 106 letter and requested to consult on the sacred site to ensure alternatives will avoid impacts.

2.5 Section 106 Tribal Consultation

A formal Section 106 letter was sent to Tribes identified through the NAHC on March 4th, 2022, inviting them to be a Section 106 consulting party and to aid in the identification of historic properties, TCPs, or significant resources with traditional, cultural, or religious importance to them within the study area. Historic organizations and societies local to San Jose were also invited to consult. Consultation with tribes and historic organizations is currently ongoing. The latest Section 106 letter sent to tribes was on October 4th, 2022. The letter invited the tribes to consult and to review USACE's updated identification efforts. The letter proposes to develop a Programmatic Agreement to defer further identification efforts along with a finding of effects during the design phase of the study and before construction occurs.

USACE consulted with the Ohlone Indian Tribe early on May 5th, 2021 and November 12th, 2021, and during a Resource Agency Working Group Meeting held on July 28th, 2022. Chairman Andrew Galvan from the Ohlone Indian Tribe confirmed the area was culturally significant and that USACE and Valley Water should expect significant cultural resources to be uncovered from any ground-disturbing work near the river banks. Future testing efforts was also recommended to determine the presence or cultural sites before construction occurs.

USACE consulted with the Tamien Nation on September 27th, 2022, providing a high-level overview on the project goals along with the planning timeline. Chairwoman Quirina Luna Geary from the Tamien Nation mentioned a traditional trail used by the Tamien and neighboring Ohlone tribes for thousands of years leading to the San Francisco Bay that USACE should consider in its cultural resources inventory. Chairwoman Geary also mentioned that Tribal and archaeological monitoring was necessary, however subsurface testing would potentially create an impact for cultural resources. Based on this input, USACE and Valley Water will consider non-disturbing methods of survey, such as ground penetrating radar or cadaver dogs to identify sensitive cultural sites buried underneath the river banks.

The consultation also identified opportunities for the Tamien Nation to be involved in signage and education based on the recreational features being proposed, along with the opportunity for the Tamien Nation to select certain culturally significant native plants to enhance and restore with the Upper Guadalupe's wetland habitats. For example, certain willow types were identified as a useful resource in their traditional gathering practices, along with tule roots which are edible for the tribe and viewed as a filter for keeping their ancestral waterway clean. The waterway was also viewed as a living being and should be addressed as such within the cultural impact analysis. USACE is continuing consultation with

tribes, with the goal of inviting them to be concurring parties to the Programmatic Agreement and critical partners in developing the Tribal Cultural Archaeological Monitoring and Treatment Plan.

All letters sent to Section 106 consulting parties are included in this appendix as an enclosure below.

3. Environmental Consequences

3.1 Basis of Significance

The analysis for cultural resources in this NEPA document was coordinated with Section 106 of the National Historic Preservation Act (NHPA) which requires Federal agencies to consider the effects of a proposed undertaking on properties that have been determined to be eligible for listing or are listed in the National Register (National Register).

An effect to a cultural resource would be considered significant if it rose to the level of an adverse effect, as defined under Section 106 of the NHPA. Section 106 outlines the process in which Federal agencies are required to determine the effects of their undertakings on historic properties. Analysis of the potential impacts was based on evaluation of the changes to historic properties within the area of potential effects (APE) that would result from implementation of the project.

Following the Section 106 process to identify historic properties under the NHPA, the APE is defined under 36 CFR § 800.16 as the geographic area where the undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE currently covers Reaches 7 to 12 as well as Ross and Canoas Creek. The APE is expected to be refined in consultation with SHPO based on the footprint of the Combination Plan, with the horizontal extent and vertical depth of the geographic boundary to match areas where ground-disturbing activity will occur.

In making a determination of the effects to historic properties, consideration was given to:

- specific changes in the characteristics of historic properties in the study area;
- the temporary or permanent nature of changes to historic properties;
- the introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's historical features; and
- the existing integrity considerations of historic properties in the study area and how the integrity was related to the specific criterion mentioned in Section 2.11.3 that makes a historic property eligible for listing in the National Register.

The threshold also applies to any cultural resource that has not yet been evaluated for its eligibility to the National Register or if the proposed action disturbs a TCP. Potential impacts to cultural resources may be the result of physically altering, damaging, or destroying all or part of a resource, altering characteristics of the surrounding environment by introducing visual or audible elements that are out of character for the period the resource represents, or neglecting the resource to the extent that it deteriorates or is destroyed. Analysis considers both direct and indirect impacts. Direct impacts refer to the causality of the effect to historic properties.

This means that if the effect comes from the undertaking at the same time and place with no intervening cause, it is considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). Indirect impacts to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable. Any adverse effects on historic properties are considered to be significant. Effects are considered to be adverse if they alter, directly or indirectly, any of the characteristics of a cultural resource that qualify that resource for the National Register so that

the integrity of the resource's location, design, setting, materials, workmanship, feeling, or association is diminished.

Due to the study area being situated in an alluvial environment with a high likelihood of historic properties being buried underneath alluvial deposits, USACE will implement a Programmatic Agreement pursuant to 36 CFR 800.16(a)(1) along with a Tribal Cultural and Archaeological Monitoring Treatment Plan before construction occurs. The document will be developed in collaboration with Section 106 consulting parties and tribes to agree upon avoidance, minimization, and mitigation measures for buried historic properties that remain undocumented at this time. This agreement document and cultural resources treatment plan will resolve adverse effects for unanticipated historic properties discovered during construction and making significant impacts to cultural resources less than significant.

The Programmatic Agreement will also allow the USACE and Valley Water to defer further identification efforts into the design phase of the study. Subsurface testing as well as ground-penetrating radar and cadaver survey dogs will be explored to determine the potential location of buried historic properties and to ensure the preferred action alternative can avoid the resource.

CULTURAL RESOURCES	
LOW SCOPE Medium likelihood for adverse effects to historic properties. Unanticipated cultural resources expected to be impacted during construction based on ground disturbance proposed.	VALLEY VIEW High likelihood for adverse effects to historic properties. Unanticipated cultural resources expected to be impacted during construction based on ground disturbance proposed.
BYPASS High likelihood for adverse effects to historic properties. Unanticipated cultural resources expected to be impacted during construction based on ground disturbance proposed.	COMBINATION Medium likelihood for adverse effects to historic properties. Unanticipated cultural resources expected to be impacted during construction based on ground disturbance proposed.

3.2 No Action

Under the No Action Alternative, the GRR would not be approved and a new alternative would not be authorized and constructed. As a result, there would be no ground-disturbing activities. The likelihood for construction disturbing or uncovering unanticipated cultural resources would not be present. High velocities within the deeply incised channels of the Upper Guadalupe River would increase the risk of erosion and expose or wash away cultural deposits or ancestral remains associated with any buried

precontact or historic period sites. Exposure of such sites to the public can also put them at risk of being vandalized or looted.

3.3 Preferred Action

The area of ground disturbance for the Preferred Action alternative follows the centerline of the Upper Guadalupe River in Reaches 7 and 8 along with Canoas and Ross Creek with a 100-foot buffer on both sides of the river to account for ground-disturbing work from project activities. No historic properties were identified within the horizontal and vertical footprint of the Combination Plan.

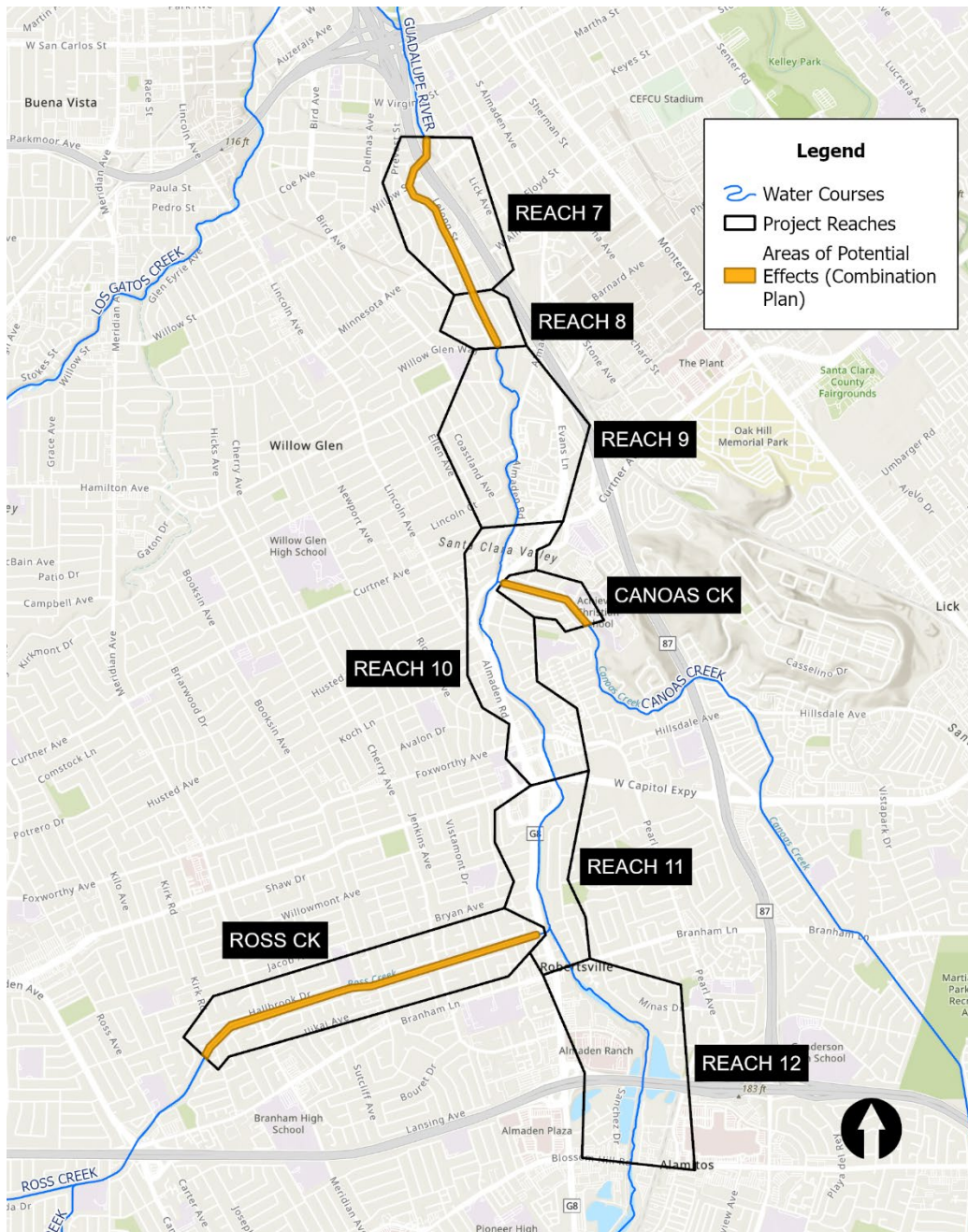


Figure 21. Ground disturbance expected based on the footprint of the Preferred Action alternative.

Under the Combination Plan, ground-disturbing work from widening of the banks, implementing new bypass channels across an expanded floodplain, gravel augmentation, and culvert replacement will involve deep excavation which may alter the characteristics or existing integrity of a historic property. Buried archaeological sites and cultural resources face direct impacts from project activities physically altering, damaging, or destroying a site considered eligible as a historic property for the National Register. As discussed in Section 4.11.1 where the significance criteria for determining effects to historic properties was listed, such an impact from ground-disturbing work would be considered an adverse effect or significant impact. Although no previously recorded historic properties were identified within the surfaces and subsurface of the preferred action alternatives footprint, that does not preclude buried cultural resources still being situated within areas of ground disturbance. Buried sites may lie underneath areas of fill or alluvial deposits and evaluated as a historic property for the National Register based on their contributions to understanding the past as well as retaining cultural and traditional significance to the Tamien and neighboring Ohlone people. These buried historic properties can be characterized as precontact burial sites, village settlements, occupational sites, and sacred sites.

The Low Scope Plan has a consistent ground disturbance area as the Combination Plan and is not anticipated to result in any further effects to cultural resources beyond those identified above.

Operations and Maintenance

The activities required for operations and maintenance of the project features would result in minor disturbances from pickup trucks and construction equipment that could cause temporary impacts similar in nature to those from the construction effort. There will not be further ground disturbing activities outside of the construction grading footprint. These activities would be necessary to maintain the project's flood risk management benefits and would not cause a change in significance determination for any of the action alternatives.

3.4 Avoidance and Mitigation Measures

The inadvertent discovery of archaeological sites and physical disturbance from project activities represents a significant impact. Adverse effects as outlined in Section 4.11.1 from the Preferred Action alternative would include ground-disturbing work that can physically alter, disturb, or destroy an unanticipated archaeological sites integrity, if determined to be an eligible historic property for the National Register. To reduce this impact to less than significant levels, USACE will ensure that archaeological and tribal monitors are present to halt construction for such a discovery and evaluate its historic significance and eligibility for the National Register.

A Tribal Cultural and Archaeological Monitoring Treatment Plan (TCAMTP) will be developed with concurring parties as well as the SHPO. Avoidance, minimization, and mitigation measures for certain types of cultural resources discovered during construction will be included in the TCAMTP and be developed collaboratively with concurring parties. The implementation of a TCAMTP as well as having monitors present during ground-disturbing work reduces the significant impact to unanticipated cultural resources buried within the footprint of the Combination Plan to less than significant.

To address the overall cultural sensitivity of the Upper Guadalupe area, USACE will develop and implement a Programmatic Agreement to defer additional identification efforts and resolution of adverse effects for the Preferred Action alternative to the design phase of the study and before construction occurs. The Programmatic Agreement commits USACE and Valley Water to additional identification efforts before construction occurs. All Section 106 consulting parties will be invited as concurring parties to the Programmatic Agreement, including historic organizations as well as the Tamien and neighboring Ohlone tribes.

All ground-disturbing work will require an archaeological monitor and tribal monitor to be present. Monitors will have the authority to temporarily halt construction in the event of an inadvertent discovery. The archaeological monitor will maintain a work log for each monitoring day including the date and time of work, area of work, soil unit monitored, type of work and equipment present, construction activities performed, archaeological finds observed (if applicable), and representative photos of areas being monitored. The monitors will also provide pre-construction training for all construction personnel focusing on the potential for exposing archaeological sites and procedures for unexpected discoveries.

If previously unknown archaeological resources or components of previously documented archaeological resources are encountered during monitoring, the archaeological monitor will follow the procedures established in the TCAMTP. A temporary 100-foot buffer will be placed around the discovery along with clearly marked temporary fencing. No earth moving activities are allowed inside the area before completing the post-review discovery process.

If precontact cultural materials are discovered during monitoring, a tribal monitor will be alerted to provide recommendations. If the find is archaeological, both archaeological and tribal monitors will contact USACE to follow the discoveries process outlined in the Programmatic Agreement and TCAMTP pursuant to 36 CFR § 800.13(a)(1).

The inadvertent discovery of human remains and associated funerary objects may also be discovered and represents a potential impact. If any discoveries are made of human remains or funerary objects, monitors will direct construction crew to stop ground-disturbing activities within a 100-foot radius of the find. Protective measures agreed upon with tribes within the TCAMTP will be followed until a qualified archaeologist and tribal monitor can provide an assessment before contacting the County Coroner.

Based on the Coroner's determination of the human remains being Native American associated, USACE will notify the NAHC who will appoint a Most Likely Descendent (MLD) to complete their inspection and make a recommendation or preference for treatment of their ancestral remains (Public Resources Code Section 5097.98). The development and implementation of a burial recovery plan will be developed between USACE, the MLD, and Valley Water. This process will be included in the TCAMTP and would reduce the potential for significant impacts to burial sites and ancestral remains to less than significant levels.

3.5 Cumulative Impacts

The proposed alternatives and all of the projects listed in Section 2.1.2 of the main report could potentially contribute to cumulative impacts for cultural and tribal resources. Direct impacts for cultural resources would likely occur during project implementation and the duration of construction. Direct impacts from ground-disturbing work under both the proposed alternatives and the majority of the other local projects may alter, damage, or destroy the integrity and historic significance of buried cultural resources. These buried cultural resources are considered important for understanding the past or even viewed as having cultural importance to tribes.

The development and implementation of a Tribal and Cultural Archaeological and Monitoring Treatment Plan would reduce the potential for significant impacts to less-than significant levels. Additionally, all of these local projects are expected to similarly develop mitigative features for impacts to tribal and cultural resources under both State and Federal laws.

Certain natural features along the Upper Guadalupe River, such as the waterway and culturally significant plants, may face cumulative impacts from this project as well as projects listed in Section 2.1.2, such as the Guadalupe River – Alviso – I-880 Project and the various bridge replacement projects. Meaningful partnerships with tribes will ensure cumulative impacts to these intangible cultural resources are avoided and the cumulative benefits of enhancing a tribes traditional lifeways cconsidered as a part of project design and implementation.

Section 106 Review Enclosures

**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**

Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer

1725 23rd Street, Suite 100, Sacramento, CA 95816-7100

Telephone: (916) 445-7000 FAX: (916) 445-7053

calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

October 19, 2021
VIA ELECTRONIC MAIL

In reply refer to: COE_2021_0920_001

Julie R. Beagle
Chief, Environmental Planning Section
Army Corps of Engineers, San Francisco District
450 Golden Gate Ave, 4th Floor, Suite 0134
P.O. Pox 36152
San Francisco, CA 94102

RE: Section 106 consultation for the Upper Guadalupe River Flood Risk General
Reevaluation Study, Santa Clara County

Dear Julie Beagle,

The U.S. Army Corps of Engineers (COE) is initiating consultation with the State Historic Preservation Officer (SHPO) to comply with Section 106 of the National Historic Preservation Act of 1966 (as amended) and its implementing regulation at 36 CFR § 800 *et seq.* By letter received on September 20, 2021, the COE is seeking comments on their preliminary Area of Potential Effects (APE) and future identification efforts for the above-referenced undertaking as they formulate and screen alternative plans.

The COE is proposing to conduct a reevaluation of flood risk alternatives to improve safety and recreational features along the Upper Guadalupe River System in the southwest portion of the City of San Jose, Santa Clara County. The COE states that though one of the considered alternatives will be the Bypass Plan from the 1998 Upper Guadalupe River Flood Risk Feasibility Study (COE960118A, COE_2014_0130_002), the current submission is considered a new undertaking by the COE. The non-federal sponsor of the undertaking is Valley Water.

The APE is at the scoping stage and consists of 5.5 miles of the Upper Guadalupe River beginning from Reach 7 and ending upstream at Reach 12. This includes all reaches along the Guadalupe River system where the alternatives will be evaluated. Project activities may include construction of bypass channels, detention basins, grading of the riverbanks, floodwalls, channel widening, replanting of riparian vegetation, trails, and the installation of interpretive signage, and other as yet undecided activities.

Efforts to identify historic properties thus far include review of the 1998 identification efforts (COE960118A, COE_2014_0130_002), and an updated records search, currently in queue at the NWIC to update the identification efforts from the 1998 study. This record search will cover

the preliminary APE from Reaches 7 to 12 and will be used to inform the evaluation of alternatives. The COE held a NEPA public scoping presentation in July of 2021, presenting the COE's assumptions for cultural resources in the study area and the COE's planned efforts to undergo Section 106 review. As of September 20, 2021, the COE received no comments from the public regarding cultural resources.

The COE requested a Sacred Lands File from the Native American Heritage Commission (NAHC) in 2021, returning positive results. The COE contacted Native American entities listed by the NAHC as having cultural ties to the project area and COE held an interagency meeting on July 19, 2021 with the Ohlone Indian Tribe (Ohlone) at which the Tribe requested the COE address the high-sensitivity of archaeological sites and burials at several reaches of the undertaking through additional subsurface testing and implement a cultural resources treatment plan to detail the process for inadvertent discoveries. The Ohlone expressed concern regarding CA-SCL-690, located in Reach 7 of the preliminary APE and are currently in consultation with the Valley Transportation Authority on reevaluating the site boundaries of CA-SCL-690 for a different undertaking. The USACE and Valley Water plan to attend a site visit to discuss this process, as invited by the Ohlone.

The COE states they are consulting with 9 tribes and plan to frequently update the groups as the COE continues to evaluate alternatives. The Indian Canyon Mutsun Band of Costanoan (Indian Canyon Band) requested that the evaluation of alternatives consider Native American access to traditionally utilized natural resources and interpretive signage to accompany recreation-related activities (e.g. trails).

The COE states they will continue to consult with the SHPO as the APE is refined through the evaluation of alternatives. At this time, I have no comments on the preliminary APE and encourage the COE in it's stated identification efforts including Native American consultation.

If the COE plans to use the results of the Ohlone/Valley Transportation Authority project to determine the boundaries/eligibility of CA-SCL-690 for the National Register, please convey the federal agency's determination of eligibility for the site and the corresponding SHPO concurrence letter. If there is no federal agency nexus for the referenced project, the COE is encouraged to analyze any provided information within the framework of the NHPA. Please note that determinations and findings made within the framework of the California Environmental Quality Act (CEQA) might not directly equate to synonymous determinations and findings under the NHPA.

In utilizing the 1998 cultural resource planning efforts, the SHPO suggests an updated pedestrian survey. It is also suggested that the COE use the current conditions of any previously recorded cultural resource to assess if a resource should be reevaluated for the National Register. If no changes to the resource are observed since the 1998 recording, and the resource has been appropriately evaluated and determined eligible/ineligible for the National Register under each of the four Criteria of Significance (A-D), the determination of eligibility may still be appropriate.

If the resource has undergone observable changes, was not evaluated under all of the four Criteria of Significance (A-D), or was not evaluated using up-to-date methods, a reevaluation

Julie R. Beagle
October 19, 2021
Page 3

OHP File No. COE_2021_0920_001

may be warranted. When reviewing previously made determinations of eligibility for Native American affiliated sites, please note that these sites should be evaluated under each of the four Criteria of Significance, and that the culturally affiliated Native American group should be consulted when determining eligibility.

The COE's initiation of Section 106 consultation early in the design process of this undertaking is appreciated. If you require further information, please contact Elizabeth Hodges of my staff at (916) 445-7017 or Elizabeth.Hodges@parks.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julianne Polanco', with a long horizontal flourish extending to the right.

Julianne Polanco
State Historic Preservation Officer



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102-3404

April 1, 2021

SUBJECT: National Environmental Policy Act Participating Agency Request for the Upper Guadalupe General Reevaluation Study, Santa Clara County, California

Dear Chairperson Ybarra,

In accordance with the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 Code of Federal Regulations (CFR) §1500-1508) and Section 1005 of the Water Resources Reform and Development Act (WRRDA) of 2014 (Section 1005), the United States Army Corps of Engineers, San Francisco District (USACE) formally invites the Rumsen Am:a Tur:ataj Ohlone to participate in the NEPA process for the Upper Guadalupe General Reevaluation Study (pursuant to 40 CFR §1501.6).

The boundaries of our project area lie within your tribe's traditional and ancestral lands, and the Native American Heritage Commission identifies that there may be cultural sites of significance. Designation as a participant does not imply that the Rumsen Am:a Tur:ataj Ohlone supports the proposed study.

The primary objectives of this General Reevaluation Study are to manage flood risks, improve life safety to communities, and improve recreation in the Upper Guadalupe River study area. Additionally, the study process will involve identifying opportunities to create a self-sustaining or low maintenance project as well as considering opportunities to restore the riparian ecosystem for improved functional quality and habitat values to benefiting listed aquatic species in the study area. Finally, the study will seek to reduce flood-induced adverse regional economic development impacts and improve community resiliency in the face of flood risk. The study will define future without project conditions and identify flood risk management alternatives that could feasibly meet the objectives while remaining consistent with USACE policy and regulations (see enclosed study area map).

The USACE invites you to join us for a resource agency coordination meeting in June 2021 (tentatively the week of June 7, Doodle poll to follow). Discussions at this meeting will include progress since initial planning charettes held in February 2021; the study purpose and need; and necessary environmental compliance (including a permitting timeline and plan for coordinated review). Due to the strict NEPA time limits required in 40 CFR § 1501.10, an important focus of this meeting, and future meetings, will be coordinated environmental review for the study, achieving the agreed upon permitting timeline, and resolving potential issues in a timely manner.

The USACE will also be consulting with your tribe in the near future pursuant to the 36 CFR § 800 which guides Section 106 Review of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108). Please note that the request to participate in the NEPA process is not the same as the formal consultations under Section 106, where we will provide an Area of Potential Effects along with any cultural resources investigations and archaeological reports obtained for the Rumsen Am:a Tur:ataj Ohlone to concur on USACE's good faith effort to identify significant cultural resources. USACE also recognizes the unique legal relationship it has with Indian tribes set forth by Section 106, the American Indian Religious Freedom Act (42 U.S.C. § 1996), and our USACE Tribal Consultation Policy to engage in meaningful and respectful consultation with your tribe. As such, any consultations regarding sharing of sensitive information or tribal concerns should be considered in separate consultations outside of the participating agency meetings, to enable sensitive information to be documented in a respectful and confidential manner.

Please respond to this invitation within 30 days of the date of this letter indicating whether your tribe intends to be a participating agency on the NEPA process for this study. We respectfully recommend that you designate a point of contact (and if possible, an alternate) to participate in the coordinated review process of the feasibility study.

A copy of the Implementation Guidance for Section 1005 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Project Acceleration is available at <https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll5/id/1375>. If you have any questions, you may contact Julie Beagle at Julie.R.Beagle@usace.army.mil or Ruzel Ednalino at Ruzel.B.Ednalino@usace.army.mil. You can also contact our Tribal Liaison, Sarafina Maraschino, at sarafina.s.maraschino@usace.army.mil. Thank you!

Sincerely,

Tessa E. Beach, Ph.D.
Chief, Environmental Services Branch
San Francisco District
US Army Corps of Engineers

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Enclosure

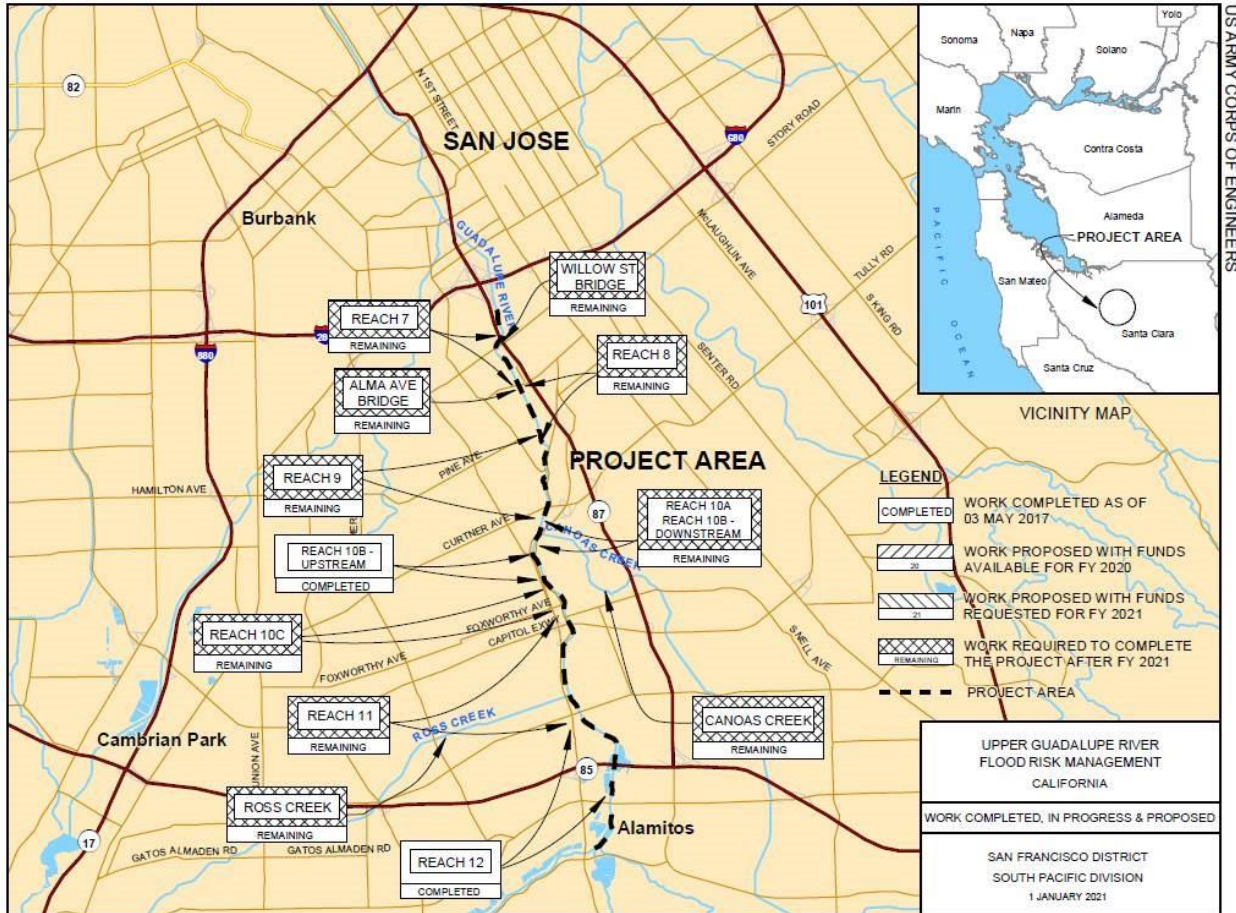


Figure 1. Project Area



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102-3404

April 1, 2021

SUBJECT: National Environmental Policy Act Participating Agency Request for the Upper Guadalupe General Reevaluation Study, Santa Clara County, California

Dear Chairperson Perez,

In accordance with the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 Code of Federal Regulations (CFR) §1500-1508) and Section 1005 of the Water Resources Reform and Development Act (WRRDA) of 2014 (Section 1005), the United States Army Corps of Engineers, San Francisco District (USACE) formally invites the Ohlone Indian Tribe to participate in the NEPA process for the Upper Guadalupe General Reevaluation Study (pursuant to 40 CFR §1501.6).

The boundaries of our project area lie within your tribe's traditional and ancestral lands, and the Native American Heritage Commission identifies that there may be cultural sites of significance. Designation as a participant does not imply that the Ohlone Indian Tribe supports the proposed study.

The primary objectives of this General Reevaluation Study are to manage flood risks, improve life safety to communities, and improve recreation in the Upper Guadalupe River study area. Additionally, the study process will involve identifying opportunities to create a self-sustaining or low maintenance project as well as considering opportunities to restore the riparian ecosystem for improved functional quality and habitat values to benefiting listed aquatic species in the study area. Finally, the study will seek to reduce flood-induced adverse regional economic development impacts and improve community resiliency in the face of flood risk. The study will define future without project conditions and identify flood risk management alternatives that could feasibly meet the objectives while remaining consistent with USACE policy and regulations (see enclosed study area map).

The USACE invites you to join us for a resource agency coordination meeting in June 2021 (tentatively the week of June 7, Doodle poll to follow). Discussions at this meeting will include progress since initial planning charettes held in February 2021; the study purpose and need; and necessary environmental compliance (including a permitting timeline and plan for coordinated review). Due to the strict NEPA time limits required in 40 CFR § 1501.10, an important focus of this meeting, and future meetings, will be coordinated environmental review for the study, achieving the agreed upon permitting timeline, and resolving potential issues in a timely manner.

The USACE will also be consulting with your tribe in the near future pursuant to the 36 CFR § 800 which guides Section 106 Review of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108). Please note that the request to participate in the NEPA process is not the same as the formal consultations under Section 106, where we will provide an Area of Potential Effects along with any cultural resources investigations and archaeological reports obtained for the Ohlone Indian Tribe to concur on USACE's good faith effort to identify significant cultural resources. USACE also recognizes the unique legal relationship it has with Indian tribes set forth by Section 106, the American Indian Religious Freedom Act (42 U.S.C. § 1996), and our USACE Tribal Consultation Policy to engage in meaningful and respectful consultation with your tribe. As such, any consultations regarding sharing of sensitive information or tribal concerns should be considered in separate consultations outside of the participating agency meetings, to enable sensitive information to be documented in a respectful and confidential manner.

Please respond to this invitation within 30 days of the date of this letter indicating whether your tribe intends to be a participating agency on the NEPA process for this study. We respectfully recommend that you designate a point of contact (and if possible, an alternate) to participate in the coordinated review process of the feasibility study.

A copy of the Implementation Guidance for Section 1005 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Project Acceleration is available at <https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll5/id/1375>. If you have any questions, you may contact Julie Beagle at Julie.R.Beagle@usace.army.mil or Ruzel Ednalino at Ruzel.B.Ednalino@usace.army.mil. You can also contact our Tribal Liaison, Sarafina Maraschino, at sarafina.s.maraschino@usace.army.mil. Thank you!

Sincerely,

Tessa E. Beach, Ph.D.
Chief, Environmental Services Branch
San Francisco District
US Army Corps of Engineers

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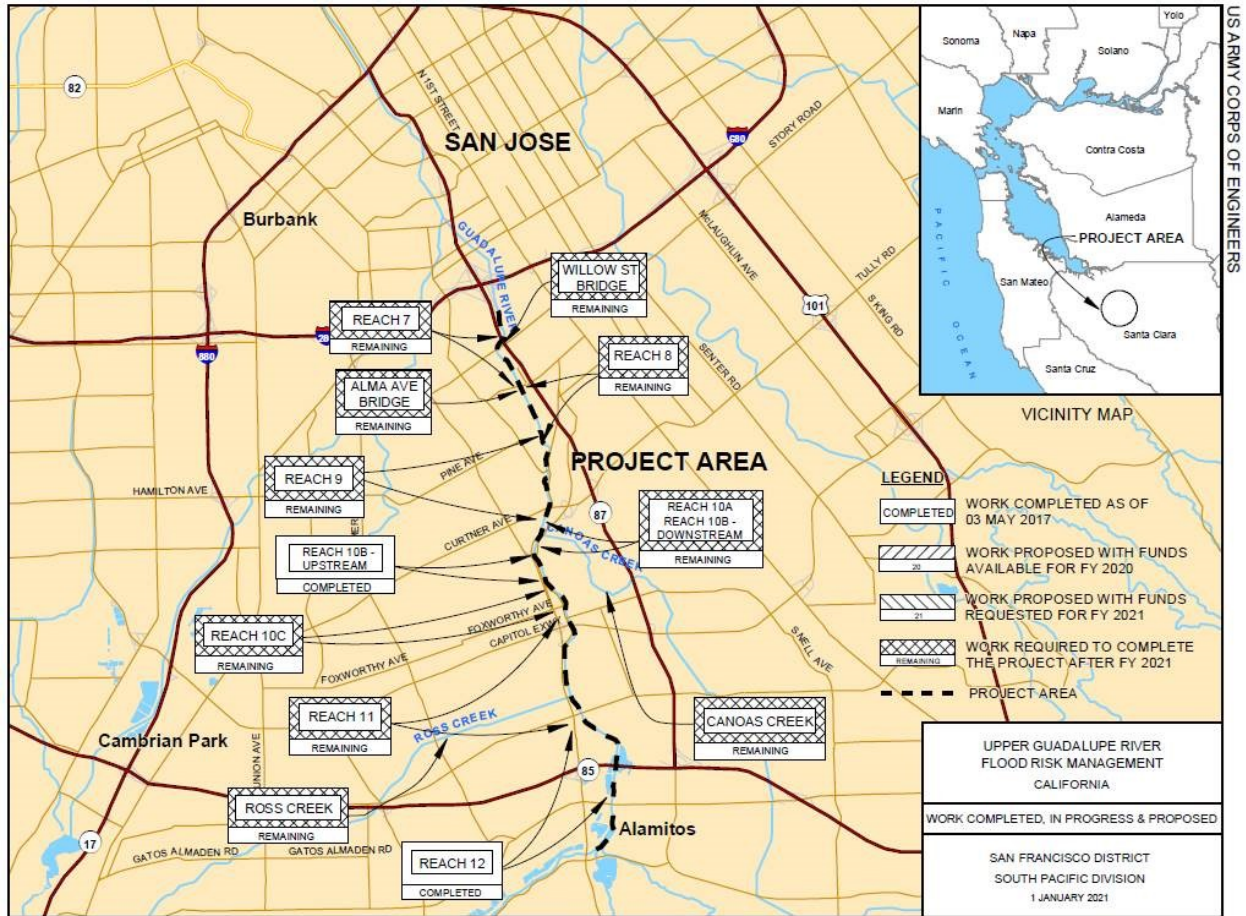


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SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102-3404

April 1, 2021

SUBJECT: National Environmental Policy Act Participating Agency Request for the Upper Guadalupe General Reevaluation Study, Santa Clara County, California

Dear Chairperson Perez,

In accordance with the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 Code of Federal Regulations (CFR) §1500-1508) and Section 1005 of the Water Resources Reform and Development Act (WRRDA) of 2014 (Section 1005), the United States Army Corps of Engineers, San Francisco District (USACE) formally invites the North Valley Yokuts Tribe to participate in the NEPA process for the Upper Guadalupe General Reevaluation Study (pursuant to 40 CFR §1501.6).

The boundaries of our project area lie within your tribe's traditional and ancestral lands, and the Native American Heritage Commission identifies that there may be cultural sites of significance. Designation as a participant does not imply that the North Valley Yokuts Tribe supports the proposed study.

The primary objectives of this General Reevaluation Study are to manage flood risks, improve life safety to communities, and improve recreation in the Upper Guadalupe River study area. Additionally, the study process will involve identifying opportunities to create a self-sustaining or low maintenance project as well as considering opportunities to restore the riparian ecosystem for improved functional quality and habitat values to benefiting listed aquatic species in the study area. Finally, the study will seek to reduce flood-induced adverse regional economic development impacts and improve community resiliency in the face of flood risk. The study will define future without project conditions and identify flood risk management alternatives that could feasibly meet the objectives while remaining consistent with USACE policy and regulations (see enclosed study area map).

The USACE invites you to join us for a resource agency coordination meeting in June 2021 (tentatively the week of June 7, Doodle poll to follow). Discussions at this meeting will include progress since initial planning charettes held in February 2021; the study purpose and need; and necessary environmental compliance (including a permitting timeline and plan for coordinated review). Due to the strict NEPA time limits required in 40 CFR § 1501.10, an important focus of this meeting, and future meetings, will be coordinated environmental review for the study, achieving the agreed upon permitting timeline, and resolving potential issues in a timely manner.

The USACE will also be consulting with your tribe in the near future pursuant to the 36 CFR § 800 which guides Section 106 Review of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108). Please note that the request to participate in the NEPA process is not the same as the formal consultations under Section 106, where we will provide an Area of Potential Effects along with any cultural resources investigations and archaeological reports obtained for the North Valley Yokuts Tribe to concur on USACE's good faith effort to identify significant cultural resources. USACE also recognizes the unique legal relationship it has with Indian tribes set forth by Section 106, the American Indian Religious Freedom Act (42 U.S.C. § 1996), and our USACE Tribal Consultation Policy to engage in meaningful and respectful consultation with your tribe. As such, any consultations regarding sharing of sensitive information or tribal concerns should be considered in separate consultations outside of the participating agency meetings, to enable sensitive information to be documented in a respectful and confidential manner.

Please respond to this invitation within 30 days of the date of this letter indicating whether your tribe intends to be a participating agency on the NEPA process for this study. We respectfully recommend that you designate a point of contact (and if possible, an alternate) to participate in the coordinated review process of the feasibility study.

A copy of the Implementation Guidance for Section 1005 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Project Acceleration is available at <https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll5/id/1375>. If you have any questions, you may contact Julie Beagle at Julie.R.Beagle@usace.army.mil or Ruzel Ednalino at Ruzel.B.Ednalino@usace.army.mil. You can also contact our Tribal Liaison, Sarafina Maraschino, at sarafina.s.maraschino@usace.army.mil. Thank you!

Sincerely,

Tessa E. Beach, Ph.D.
Chief, Environmental Services Branch
San Francisco District
US Army Corps of Engineers

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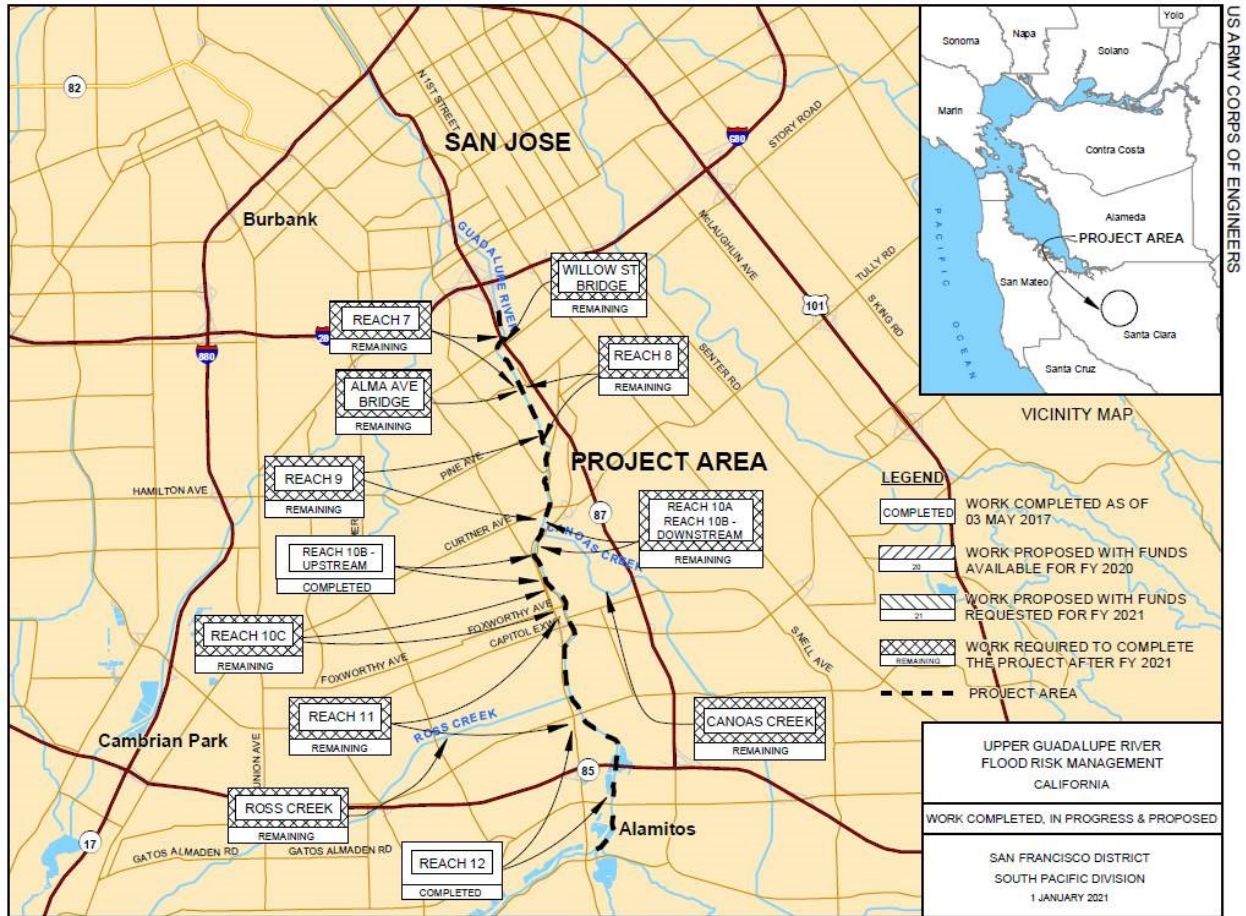


Figure 1. Project Area



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450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102-3404

April 1, 2021

SUBJECT: National Environmental Policy Act Participating Agency Request for the Upper Guadalupe General Reevaluation Study, Santa Clara County, California

Dear Chairperson Nijmeh,

In accordance with the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 Code of Federal Regulations (CFR) §1500-1508) and Section 1005 of the Water Resources Reform and Development Act (WRRDA) of 2014 (Section 1005), the United States Army Corps of Engineers, San Francisco District (USACE) formally invites the Muwekma Ohlone Indian Tribe of the SF Bay Area to participate in the NEPA process for the Upper Guadalupe General Reevaluation Study (pursuant to 40 CFR §1501.6).

The boundaries of our project area lie within your tribe's traditional and ancestral lands, and the Native American Heritage Commission identifies that there may be cultural sites of significance. Designation as a participant does not imply that the Muwekma Ohlone Indian Tribe of the SF Bay Area supports the proposed study.

The primary objectives of this General Reevaluation Study are to manage flood risks, improve life safety to communities, and improve recreation in the Upper Guadalupe River study area. Additionally, the study process will involve identifying opportunities to create a self-sustaining or low maintenance project as well as considering opportunities to restore the riparian ecosystem for improved functional quality and habitat values to benefiting listed aquatic species in the study area. Finally, the study will seek to reduce flood-induced adverse regional economic development impacts and improve community resiliency in the face of flood risk. The study will define future without project conditions and identify flood risk management alternatives that could feasibly meet the objectives while remaining consistent with USACE policy and regulations (see enclosed study area map).

The USACE invites you to join us for a resource agency coordination meeting in June 2021 (tentatively the week of June 7, Doodle poll to follow). Discussions at this meeting will include progress since initial planning charettes held in February 2021; the study purpose and need; and necessary environmental compliance (including a permitting timeline and plan for coordinated review). Due to the strict NEPA time limits required in 40 CFR § 1501.10, an important focus of this meeting, and future meetings, will be coordinated environmental review for the study, achieving the agreed upon permitting timeline, and resolving potential issues in a timely manner.

The USACE will also be consulting with your tribe in the near future pursuant to the 36 CFR § 800 which guides Section 106 Review of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108). Please note that the request to participate in the NEPA process is not the same as the formal consultations under Section 106, where we will provide an Area of Potential Effects along with any cultural resources investigations and archaeological reports obtained for the Muwekma Ohlone Indian Tribe of the SF Bay Area to concur on USACE's good faith effort to identify significant cultural resources. USACE also recognizes the unique legal relationship it has with Indian tribes set forth by Section 106, the American Indian Religious Freedom Act (42 U.S.C. § 1996), and our USACE Tribal Consultation Policy to engage in meaningful and respectful consultation with your tribe. As such, any consultations regarding sharing of sensitive information or tribal concerns should be considered in separate consultations outside of the participating agency meetings, to enable sensitive information to be documented in a respectful and confidential manner.

Please respond to this invitation within 30 days of the date of this letter indicating whether your tribe intends to be a participating agency on the NEPA process for this study. We respectfully recommend that you designate a point of contact (and if possible, an alternate) to participate in the coordinated review process of the feasibility study.

A copy of the Implementation Guidance for Section 1005 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Project Acceleration is available at <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll5/id/1375>. If you have any questions, you may contact Julie Beagle at Julie.R.Beagle@usace.army.mil or Ruzel Ednalino at Ruzel.B.Ednalino@usace.army.mil. You can also contact our Tribal Liaison, Sarafina Maraschino, at sarafina.s.maraschino@usace.army.mil. Thank you!

Sincerely,

Tessa E. Beach, Ph.D.
Chief, Environmental Services Branch
San Francisco District
US Army Corps of Engineers

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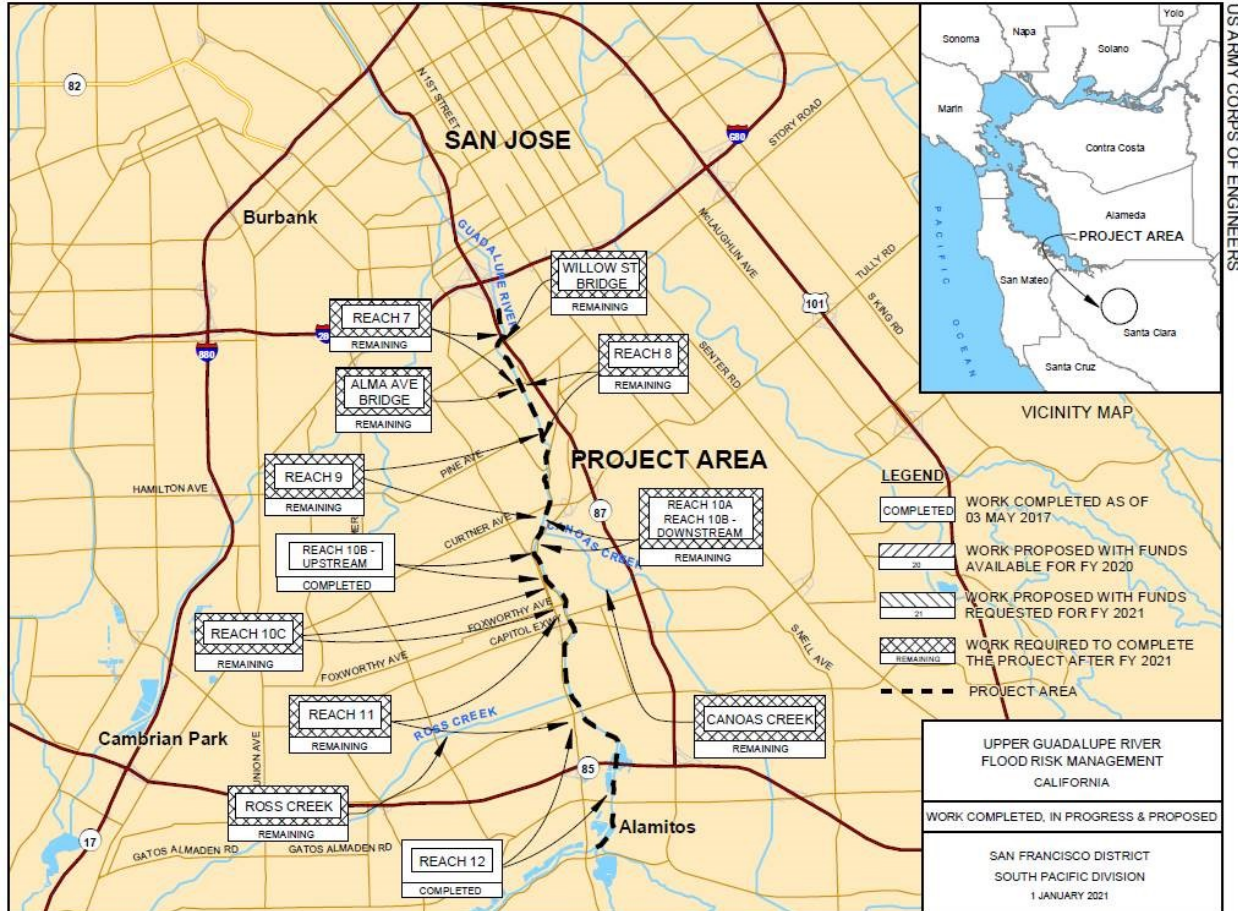


Figure 1. Project Area



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102-3404

April 1, 2021

SUBJECT: National Environmental Policy Act Participating Agency Request for the Upper Guadalupe General Reevaluation Study, Santa Clara County, California

Dear Chairperson Sayers,

In accordance with the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 Code of Federal Regulations (CFR) §1500-1508) and Section 1005 of the Water Resources Reform and Development Act (WRRDA) of 2014 (Section 1005), the United States Army Corps of Engineers, San Francisco District (USACE) formally invites the Indian Canyon Mutsun Band of Costanoan to participate in the NEPA process for the Upper Guadalupe General Reevaluation Study (pursuant to 40 CFR §1501.6).

The boundaries of our project area lie within your tribe's traditional and ancestral lands, and the Native American Heritage Commission identifies that there may be cultural sites of significance. Designation as a participant does not imply that the Indian Canyon Mutsun Band of Costanoan supports the proposed Study.

The primary objectives of this General Reevaluation Study are to manage flood risks, improve life safety to communities, and improve recreation in the Upper Guadalupe River study area. Additionally, the study process will involve identifying opportunities to create a self-sustaining or low maintenance project as well as considering opportunities to restore the riparian ecosystem for improved functional quality and habitat values to benefiting listed aquatic species in the study area. Finally, the study will seek to reduce flood-induced adverse regional economic development impacts and improve community resiliency in the face of flood risk. The study will define future without project conditions and identify flood risk management alternatives that could feasibly meet the objectives while remaining consistent with USACE policy and regulations (see enclosed study area map).

The USACE invites you to join us for a resource agency coordination meeting in June 2021 (tentatively the week of June 7, Doodle poll to follow). Discussions at this meeting will include progress since initial planning charettes held in February 2021; the study purpose and need; and necessary environmental compliance (including a permitting timeline and plan for coordinated review). Due to the strict NEPA time limits required in 40 CFR § 1501.10, an important focus of this meeting, and future meetings, will be coordinated environmental review for the study, achieving the agreed upon permitting timeline, and resolving potential issues in a timely manner.

The USACE will also be consulting with your tribe in the near future pursuant to the 36 CFR § 800 which guides Section 106 Review of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108). Please note that the request to participate in the NEPA process is not the same as the formal consultations under Section 106, where we will provide an Area of Potential Effects along with any cultural resources investigations and archaeological reports obtained for the Indian Canyon Mutsun Band of Costanoan to concur on USACE's good faith effort to identify significant cultural resources. USACE also recognizes the unique legal relationship it has with Indian tribes set forth by Section 106, the American Indian Religious Freedom Act (42 U.S.C. § 1996), and our USACE Tribal Consultation Policy to engage in meaningful and respectful consultation with your tribe. As such, any consultations regarding sharing of sensitive information or tribal concerns should be considered in separate consultations outside of the participating agency meetings, to enable sensitive information to be documented in a respectful and confidential manner.

Please respond to this invitation within 30 days of the date of this letter indicating whether your tribe intends to be a participating agency on the NEPA process for this study. We respectfully recommend that you designate a point of contact (and if possible, an alternate) to participate in the coordinated review process of the feasibility study.

A copy of the Implementation Guidance for Section 1005 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Project Acceleration is available at <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll5/id/1375>. If you have any questions, you may contact Julie Beagle at Julie.R.Beagle@usace.army.mil or Ruzel Ednalino at Ruzel.B.Ednalino@usace.army.mil. You can also contact our Tribal Liaison, Sarafina Maraschino, at sarafina.s.maraschino@usace.army.mil. Thank you!

Sincerely,

Tessa E. Beach, Ph.D.
Chief, Environmental Services Branch
San Francisco District
US Army Corps of Engineers

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Enclosure

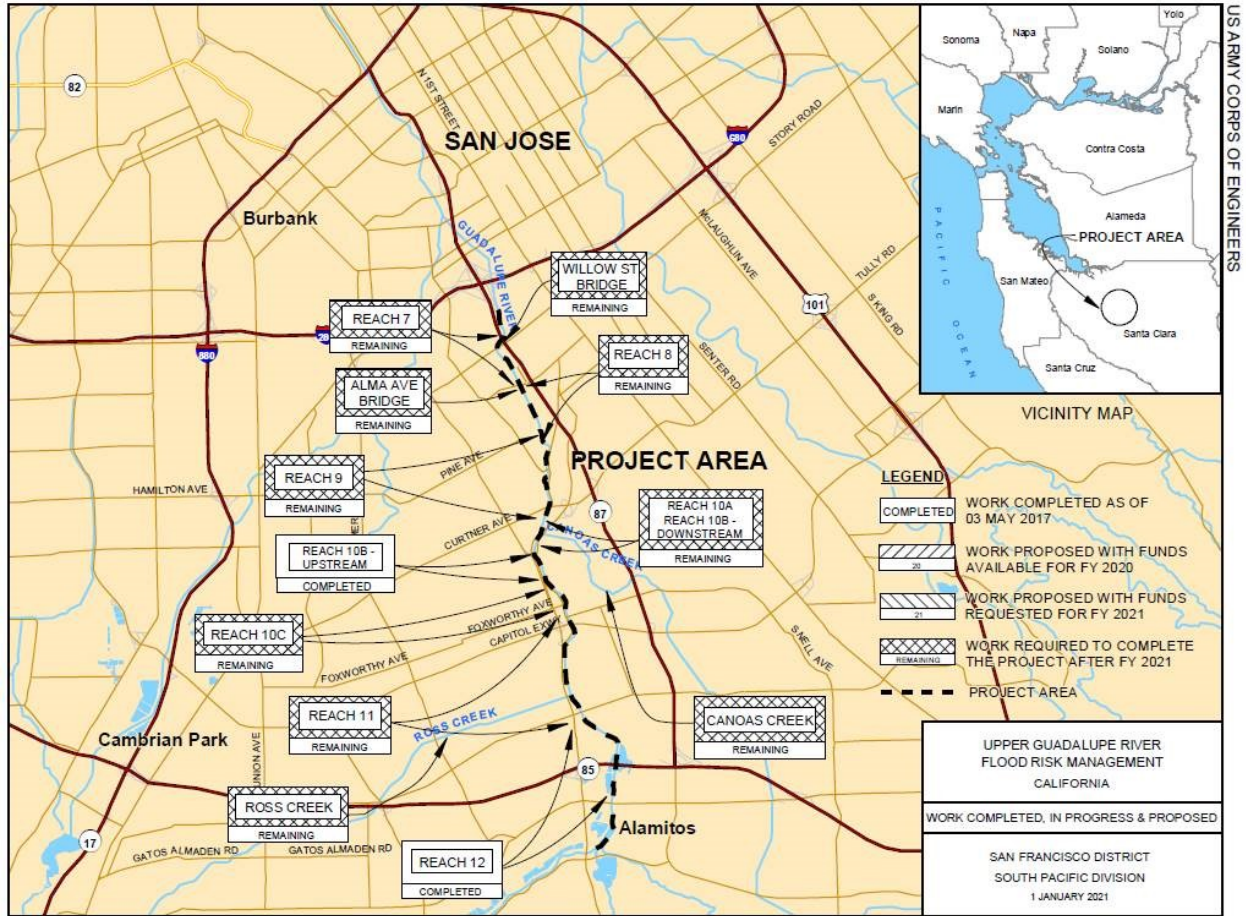


Figure 1. Project Area



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102-3404

April 1, 2021

SUBJECT: National Environmental Policy Act Participating Agency Request for the Upper Guadalupe General Reevaluation Study, Santa Clara County, California

Dear Chairperson Gould,

In accordance with the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 Code of Federal Regulations (CFR) §1500-1508) and Section 1005 of the Water Resources Reform and Development Act (WRRDA) of 2014 (Section 1005), the United States Army Corps of Engineers, San Francisco District (USACE) formally invites the Confederated Villages of Lisjan to participate in the NEPA process for the Upper Guadalupe General Reevaluation Study (pursuant to 40 CFR §1501.6).

The boundaries of our project area lie within your tribe's traditional and ancestral lands, and the Native American Heritage Commission identifies that there may be cultural sites of significance. Designation as a participant does not imply that the Confederated Villages of Lisjan supports the proposed study.

The primary objectives of this General Reevaluation Study are to manage flood risks, improve life safety to communities, and improve recreation in the Upper Guadalupe River study area. Additionally, the study process will involve identifying opportunities to create a self-sustaining or low maintenance project as well as considering opportunities to restore the riparian ecosystem for improved functional quality and habitat values to benefiting listed aquatic species in the study area. Finally, the study will seek to reduce flood-induced adverse regional economic development impacts and improve community resiliency in the face of flood risk. The study will define future without project conditions and identify flood risk management alternatives that could feasibly meet the objectives while remaining consistent with USACE policy and regulations (see enclosed study area map).

The USACE invites you to join us for a resource agency coordination meeting in June 2021 (tentatively the week of June 7, Doodle poll to follow). Discussions at this meeting will include progress since initial planning charettes held in February 2021; the study purpose and need; and necessary environmental compliance (including a permitting timeline and plan for coordinated review). Due to the strict NEPA time limits required in 40 CFR § 1501.10, an important focus of this meeting, and future meetings, will be coordinated environmental review for the study, achieving the agreed upon permitting timeline, and resolving potential issues in a timely manner.

The USACE will also be consulting with your tribe in the near future pursuant to the 36 CFR § 800 which guides Section 106 Review of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108). Please note that the request to participate in the NEPA process is not the same as the formal consultations under Section 106, where we will provide an Area of Potential Effects along with any cultural resources investigations and archaeological reports obtained for the Confederated Villages of Lisjan to concur on USACE's good faith effort to identify significant cultural resources. USACE also recognizes the unique legal relationship it has with Indian tribes set forth by Section 106, the American Indian Religious Freedom Act (42 U.S.C. § 1996), and our USACE Tribal Consultation Policy to engage in meaningful and respectful consultation with your tribe. As such, any consultations regarding sharing of sensitive information or tribal concerns should be considered in separate consultations outside of the participating agency meetings, to enable sensitive information to be documented in a respectful and confidential manner.

Please respond to this invitation within 30 days of the date of this letter indicating whether your tribe intends to be a participating agency on the NEPA process for this study. We respectfully recommend that you designate a point of contact (and if possible, an alternate) to participate in the coordinated review process of the feasibility study.

A copy of the Implementation Guidance for Section 1005 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Project Acceleration is available at <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll5/id/1375>. If you have any questions, you may contact Julie Beagle at Julie.R.Beagle@usace.army.mil or Ruzel Ednalino at Ruzel.B.Ednalino@usace.army.mil. You can also contact our Tribal Liaison, Sarafina Maraschino, at sarafina.s.maraschino@usace.army.mil. Thank you!

Sincerely,

Tessa E. Beach, Ph.D.
Chief, Environmental Services Branch
San Francisco District
US Army Corps of Engineers

Provided via Electronic Copy Only
Enclosure

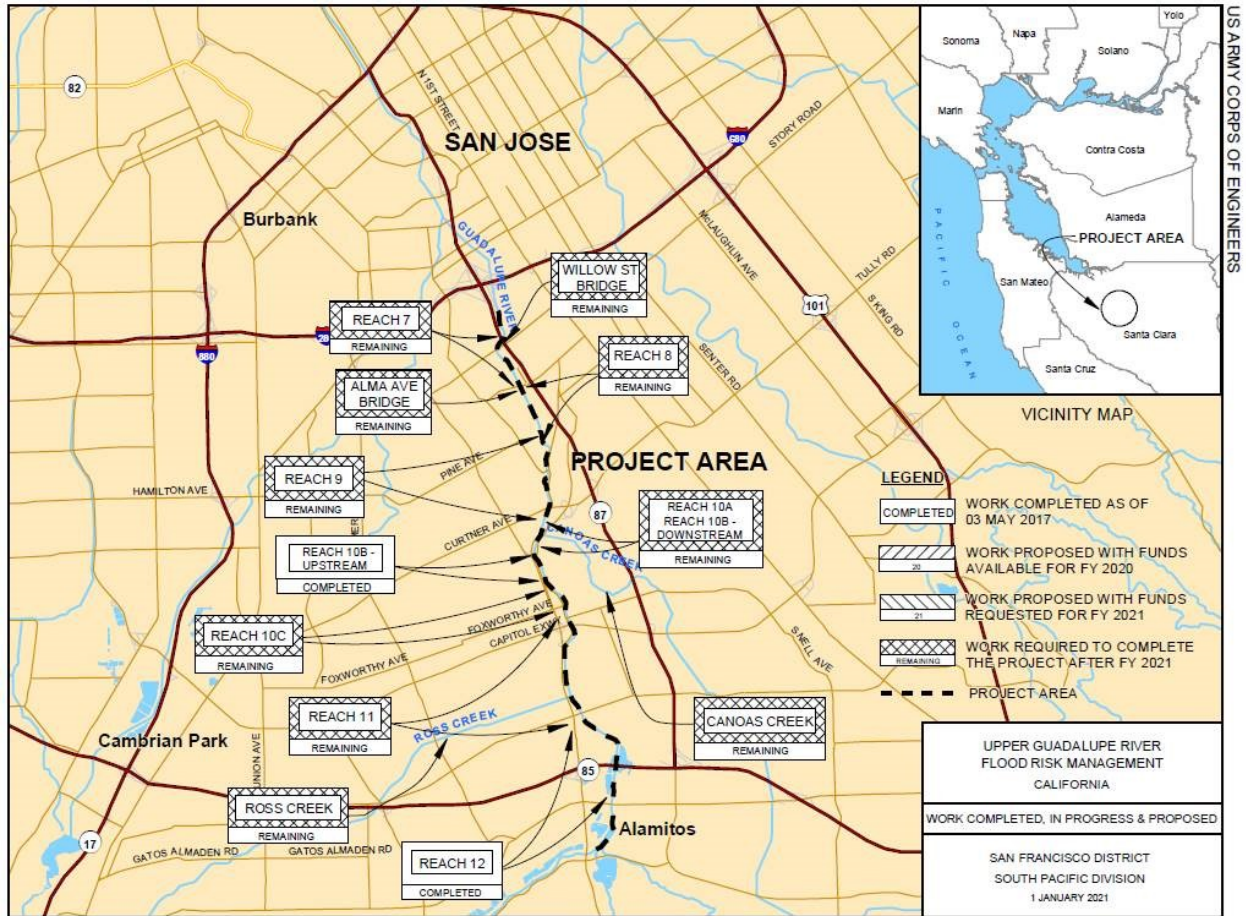


Figure 1. Project Area



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102-3404

April 1, 2021

SUBJECT: National Environmental Policy Act Participating Agency Request for the Upper Guadalupe General Reevaluation Study, Santa Clara County, California

Dear Chairperson Sayers,

In accordance with the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 Code of Federal Regulations (CFR) §1500-1508) and Section 1005 of the Water Resources Reform and Development Act (WRRDA) of 2014 (Section 1005), the United States Army Corps of Engineers, San Francisco District (USACE) formally invites the Indian Canyon Mutsun Band of Costanoan to participate in the NEPA process for the Upper Guadalupe General Reevaluation Study (pursuant to 40 CFR §1501.6).

The boundaries of our project area lie within your tribe's traditional and ancestral lands, and the Native American Heritage Commission identifies that there may be cultural sites of significance. Designation as a participant does not imply that the Indian Canyon Mutsun Band of Costanoan supports the proposed study.

The primary objectives of this General Reevaluation Study are to manage flood risks, improve life safety to communities, and improve recreation in the Upper Guadalupe River study area. Additionally, the study process will involve identifying opportunities to create a self-sustaining or low maintenance project as well as considering opportunities to restore the riparian ecosystem for improved functional quality and habitat values to benefiting listed aquatic species in the study area. Finally, the study will seek to reduce flood-induced adverse regional economic development impacts and improve community resiliency in the face of flood risk. The study will define future without project conditions and identify flood risk management alternatives that could feasibly meet the objectives while remaining consistent with USACE policy and regulations (see enclosed study area map).

The USACE invites you to join us for a resource agency coordination meeting in June 2021 (tentatively the week of June 7, Doodle poll to follow). Discussions at this meeting will include progress since initial planning charettes held in February 2021; the study purpose and need; and necessary environmental compliance (including a permitting timeline and plan for coordinated review). Due to the strict NEPA time limits required in 40 CFR § 1501.10, an important focus of this meeting, and future meetings, will be coordinated environmental review for the study, achieving the agreed upon permitting timeline, and resolving potential issues in a timely manner.

The USACE will also be consulting with your tribe in the near future pursuant to the 36 CFR § 800 which guides Section 106 Review of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108). Please note that the request to participate in the NEPA process is not the same as the formal consultations under Section 106, where we will provide an Area of Potential Effects along with any cultural resources investigations and archaeological reports obtained for the Indian Canyon Mutsun Band of Costanoan to concur on USACE's good faith effort to identify significant cultural resources. USACE also recognizes the unique legal relationship it has with Indian tribes set forth by Section 106, the American Indian Religious Freedom Act (42 U.S.C. § 1996), and our USACE Tribal Consultation Policy to engage in meaningful and respectful consultation with your tribe. As such, any consultations regarding sharing of sensitive information or tribal concerns should be considered in separate consultations outside of the participating agency meetings, to enable sensitive information to be documented in a respectful and confidential manner.

Please respond to this invitation within 30 days of the date of this letter indicating whether your tribe intends to be a participating agency on the NEPA process for this study. We respectfully recommend that you designate a point of contact (and if possible, an alternate) to participate in the coordinated review process of the feasibility study.

A copy of the Implementation Guidance for Section 1005 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Project Acceleration is available at <https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll5/id/1375>. If you have any questions, you may contact Julie Beagle at Julie.R.Beagle@usace.army.mil or Ruzel Ednalino at Ruzel.B.Ednalino@usace.army.mil. You can also contact our Tribal Liaison, Sarafina Maraschino, at sarafina.s.maraschino@usace.army.mil. Thank you!

Sincerely,

Tessa E. Beach, Ph.D.
Chief, Environmental Services Branch
San Francisco District
US Army Corps of Engineers

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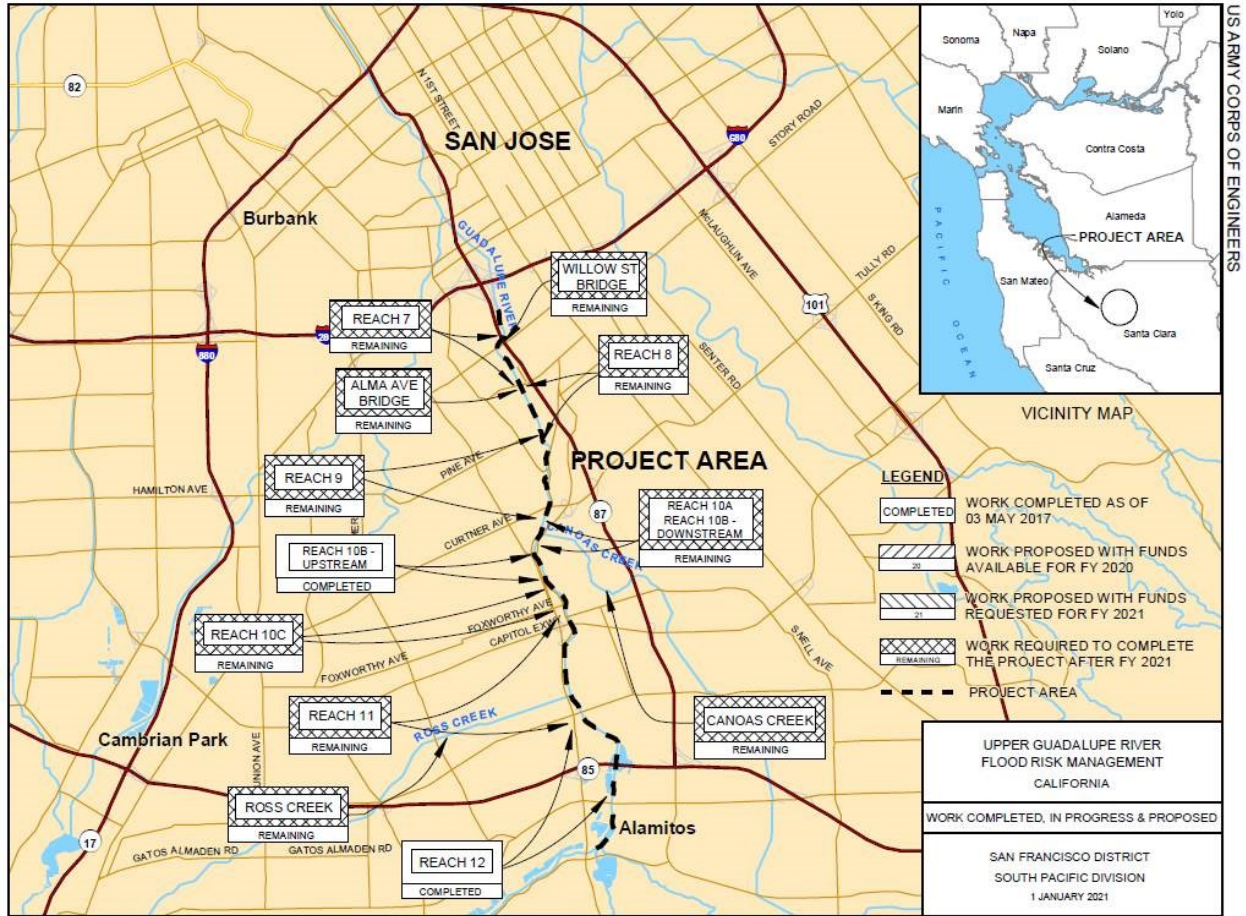


Figure 1. Project Area



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102-3404

April 1, 2021

SUBJECT: National Environmental Policy Act Participating Agency Request for the Upper Guadalupe General Reevaluation Study, Santa Clara County, California

Dear Chairperson Lopez,

In accordance with the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 Code of Federal Regulations (CFR) §1500-1508) and Section 1005 of the Water Resources Reform and Development Act (WRRDA) of 2014 (Section 1005), the United States Army Corps of Engineers, San Francisco District (USACE) formally invites the Amah Mutsun Tribal Band to participate in the NEPA process for the Upper Guadalupe General Reevaluation Study (pursuant to 40 CFR §1501.6).

The boundaries of our study area lie within your tribe's traditional and ancestral lands, and the Native American Heritage Commission identifies that there may be cultural sites of significance. Designation as a participant does not imply that the Amah Mutsun Tribal Band supports the proposed study.

The primary objectives of this General Reevaluation Study are to manage flood risks, improve life safety to communities, and improve recreation in the Upper Guadalupe River study area. Additionally, the study process will involve identifying opportunities to create a self-sustaining or low maintenance project as well as considering opportunities to restore the riparian ecosystem for improved functional quality and habitat values to benefiting listed aquatic species in the study area. Finally, the study will seek to reduce flood-induced adverse regional economic development impacts and improve community resiliency in the face of flood risk. The study will define future without project conditions and identify flood risk management alternatives that could feasibly meet the objectives while remaining consistent with USACE policy and regulations (see enclosed study area map).

The USACE invites you to join us for a resource agency coordination meeting in June 2021 (tentatively the week of June 7, Doodle poll to follow). Discussions at this meeting will include progress since initial planning charettes held in February 2021; the study purpose and need; and necessary environmental compliance (including a permitting timeline and plan for coordinated review). Due to the strict NEPA time limits required in 40 CFR § 1501.10, an important focus of this meeting, and future meetings, will be coordinated environmental review for the study, achieving the agreed upon permitting timeline, and resolving potential issues in a timely manner.

The USACE will also be consulting with your tribe in the near future pursuant to the 36 CFR § 800 which guides Section 106 Review of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108). Please note that the request to participate in the NEPA process is not the same as the formal consultations under Section 106, where we will provide an Area of Potential Effects along with any cultural resources investigations and archaeological reports obtained for the Amah Mutsun Tribal Band to concur on USACE's good faith effort to identify significant cultural resources. USACE also recognizes the unique legal relationship it has with Indian tribes set forth by Section 106, the American Indian Religious Freedom Act (42 U.S.C. § 1996), and our USACE Tribal Consultation Policy to engage in meaningful and respectful consultation with your tribe. As such, any consultations regarding sharing of sensitive information or tribal concerns should be considered in separate consultations outside of the participating agency meetings, to enable sensitive information to be documented in a respectful and confidential manner.

Please respond to this invitation within 30 days of the date of this letter indicating whether your tribe intends to be a participating agency on the NEPA process for this study. We respectfully recommend that you designate a point of contact (and if possible, an alternate) to participate in the coordinated review process of the feasibility study.

A copy of the Implementation Guidance for Section 1005 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014), Project Acceleration is available at <https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll5/id/1375>. If you have any questions, you may contact Julie Beagle at Julie.R.Beagle@usace.army.mil or Ruzel Ednalino at Ruzel.B.Ednalino@usace.army.mil. You can also contact our Tribal Liaison, Sarafina Maraschino, at sarafina.s.maraschino@usace.army.mil. Thank you!

Sincerely,

Tessa E. Beach, Ph.D.
Chief, Environmental Services Branch
San Francisco District
US Army Corps of Engineers

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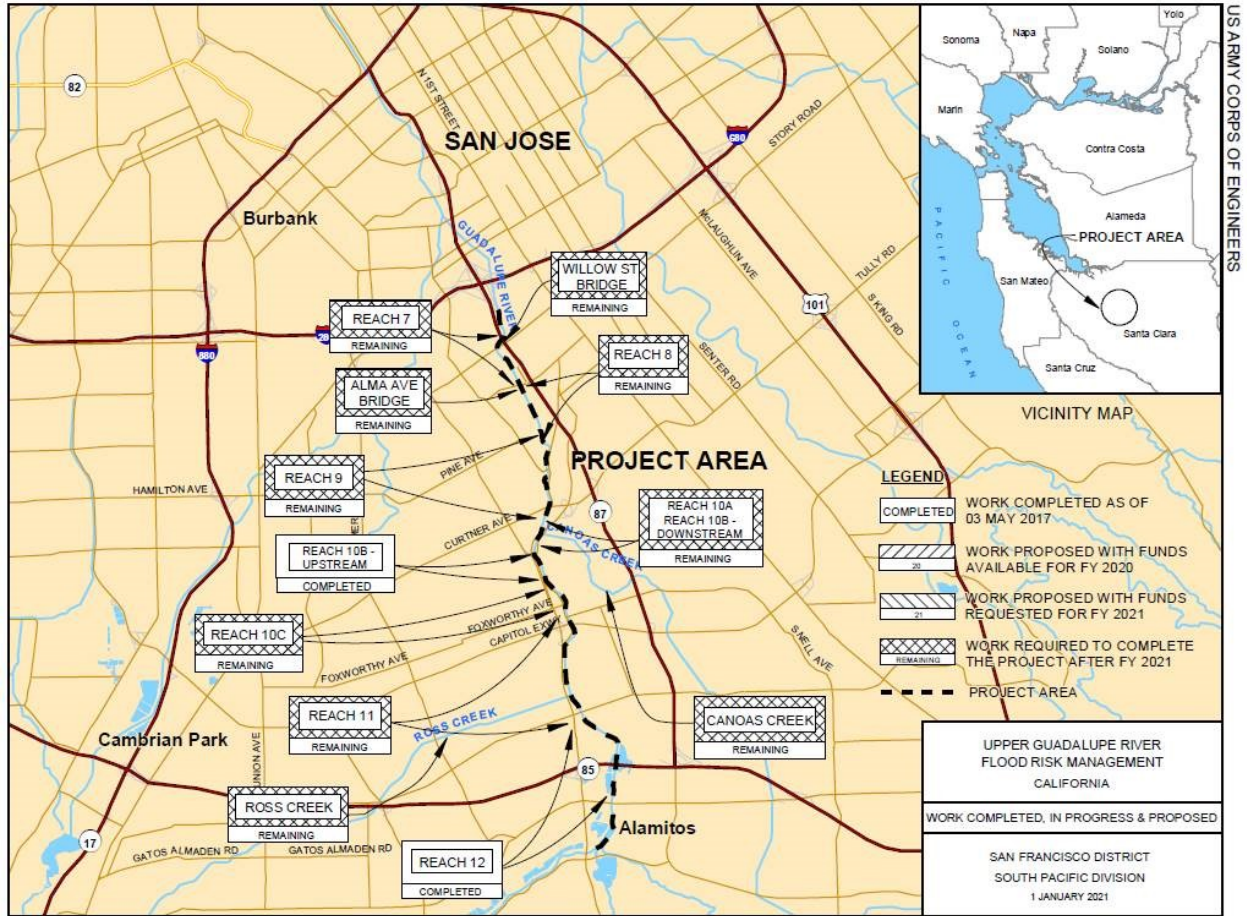


Figure 1. Project Area



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVE.
SAN FRANCISCO, CA 94102

February 9, 2022

SUBJECT: National Historic Preservation Act (NHPA) Section 106 Consulting Party Invitation for the Upper Guadalupe River Flood Risk General Reevaluation Study

Andrew Galvan

The Ohlone Indian Tribe



Dear Mr. Galvan,

The U.S. Army Corps of Engineers, San Francisco District (USACE) is writing to the Ohlone Indian Tribe pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) to be a consulting party for the Upper Guadalupe River Flood Risk General Reevaluation Study (GRR). The GRR is being conducted in partnership with Valley Water (formerly the Santa Clara Valley Water District) to reevaluate flood risk alternatives and select an alternative plan that improves life safety and recreational features for communities along the Upper Guadalupe River system.

We reached out to your tribe on April 1, 2021 to participate in a resource agency working group meeting. Since then, we've completed a records search at the Northwest Information Center located at Sonoma State University and began early consultation with several Ohlone tribes identified through the Native American Heritage Commission.

USACE is writing to consult with your tribe directly under 36 CFR § 800(a)(4) to respectfully gather information and assist in our identification of historic properties within the area of potential effects including natural or cultural resources that may hold traditional, religious, and cultural significance to your tribe. We also welcome input from your tribe concerning opportunities outside of historic preservation for the measures, such as recreational features, being proposed.

Description of the Undertaking

The GRR takes place in California, Santa Clara County within the southwestern highly urbanized portion of the city of San Jose (Figure 1). The GRR has defined 10 reaches for our study area that covers 5.5 miles of the Upper Guadalupe River system, including connecting tributaries Ross Creek and Canoas Creek. USACE and Valley Water are currently screening

alternatives along the 5.5 miles of the Upper Guadalupe River beginning from Reach 7 and ending upstream at Reach 12 before selecting an alternative for further analysis.

Alternatives are drafted from structural and non-structural flood risk measures that address flood risks at every reach, ranging from construction of bypass channels, detention basins, grading of the riverbanks, floodwalls, channel widening, replanting of riparian vegetation, and other ground disturbing measures that will accommodate flows along the Guadalupe River system. USACE and Valley Water are also considering nature-based features for an alternative, which involves management of the Upper Guadalupe's floodplains and creating natural floodplain benches. Lastly, the project is authorized for an alternative to include recreational measures such as parks, public facilities, trails, and educational interpretive signage.

The area of potential effects (APE) is defined under 36 CFR § 800.16 as the geographic area where the undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. Since the GRR is currently at the scoping and plan formulation stage where USACE and Valley Water is compiling a final array of alternatives, USACE is defining the initial APE to cover all reaches along the Guadalupe River system where these alternatives will be evaluated (Figure 2).

Once the GRR finishes screening alternatives and establishes a final array of alternatives and a potential selected plan, USACE is expecting to redefine the APE. USACE will continue consulting with your tribe to discuss potential impacts to historic properties identified as the study progresses and the APE is finalized.

Planned Identification Efforts for Historic Properties

To account for standard best practices in identifying cultural resources, USACE has contacted the Northwest Information Center (NWIC) associated with the California Historical Resources Informational Systems to complete a records search for the GRR. The NWIC completed the records search request for USACE to review (NWIC 21-0368) and is summarized below. Within the initial APE defined in Figure 2, a total of 171 formally recorded resources were identified.

Most of these recorded resources were dated to the historic period and were characterized as built-environment resources, ranging in age from the 19th century leading into the mid-20th century. These historic built-environment resources include buildings, structures, and bridges that meets the historic principle of being 50 years of age or older but either lacks integrity or significance to be eligible as a historic property worth preserving.

Five recorded archaeological resources were also identified from the records search, including the location of two reburial sites. Two out of the five archaeological resources were dated to the historic period, with one resource determined to be a historic refuse scatter (SJ-1H, P-43-002234) located in Reach 7 and a historic retaining wall dating to the 1860's (CA-SCL-635H) in reach 10A. Both resources were evaluated by an archaeologist and determined to lack significance or integrity to be listed on the National Register of Historic Preservation (NRHP) which would warrant preservation or protection measures as a significant historic property.

Of the five recorded sites, three precontact archaeological resources (CA-SCL-690, CA-SCL-202, CA-SCL-636) were identified in the initial APE. CA-SCL-690 is a large precontact village

site and cemetery located in Reach 7 and is also known as the Tamien Station site. This site has undergone mitigation in 1995 and 2007, including reburial of many ancestral remains near the site.

CA-SCL-202 in Reach 10A was identified as an artifact scatter with bone fragments, lithic tools, bowl mortars, and more recently human remains that were uncovered and reburied near the site. CA-SCL-636 is a midden site with fire cracked rocks and lithics, sitting partially on public and private property in Reach 11A.

All three precontact sites were determined to be eligible for listing on the NRHP and will require USACE and Valley Water to work with consulting parties, such as the State Historic Preservation Officer and the affiliated tribal party, if our selected alternative has adverse effects identified or a high likelihood to uncover unanticipated archaeological sites during construction. A table summarizing the results of the records search and past recorded resources are available in the enclosures below.

Future Section 106 Consultations

We respectfully request your response within 30 days of receipt of this letter to be a consulting party. If you do not respond within this time frame, you may still request consulting party status in the future, and we will reach out again once we determine a potential selected plan.

If you have any comments or questions regarding the information presented in this letter or would prefer USACE and Valley Water set up a virtual meeting to go over the records search result, please contact Ruzel.B.Ednalino@USACE.Army.Mil. Ruzel Ednalino can also be reached by phone at (415) 503-6661. Thank you for your time and consideration, we look forward to hearing from you.

Sincerely,

Julie R. Beagle
Environmental Planning Section Leader
San Francisco District

Figure 1. Study Area of the Upper Guadalupe GRR
Figure 2. Preliminary Area of Potential Effects Map
Figure 3. Results of the CHRIS Records Search

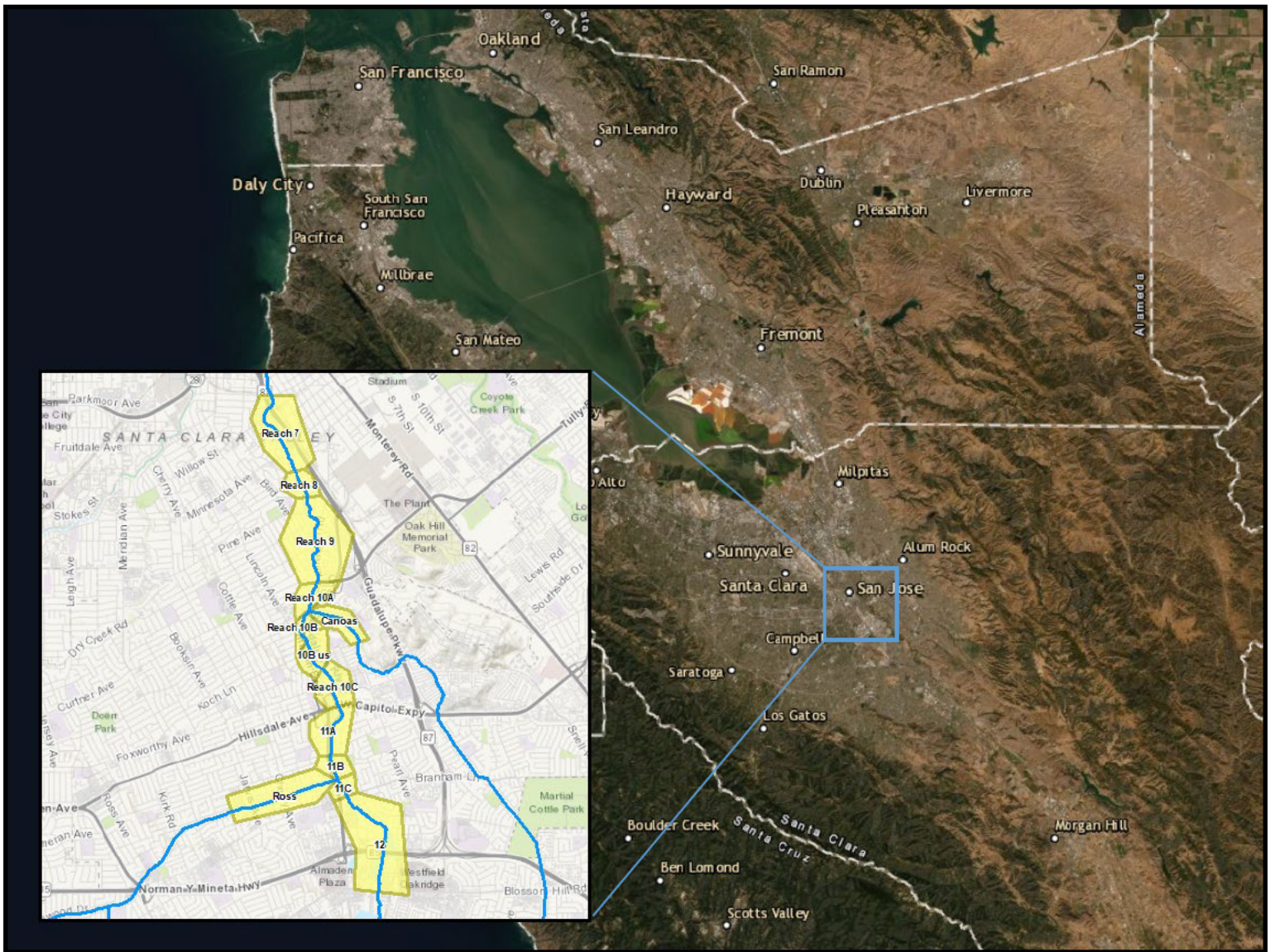


Figure 1. The Upper Guadalupe River General Reevaluation Study Area for the GRR.

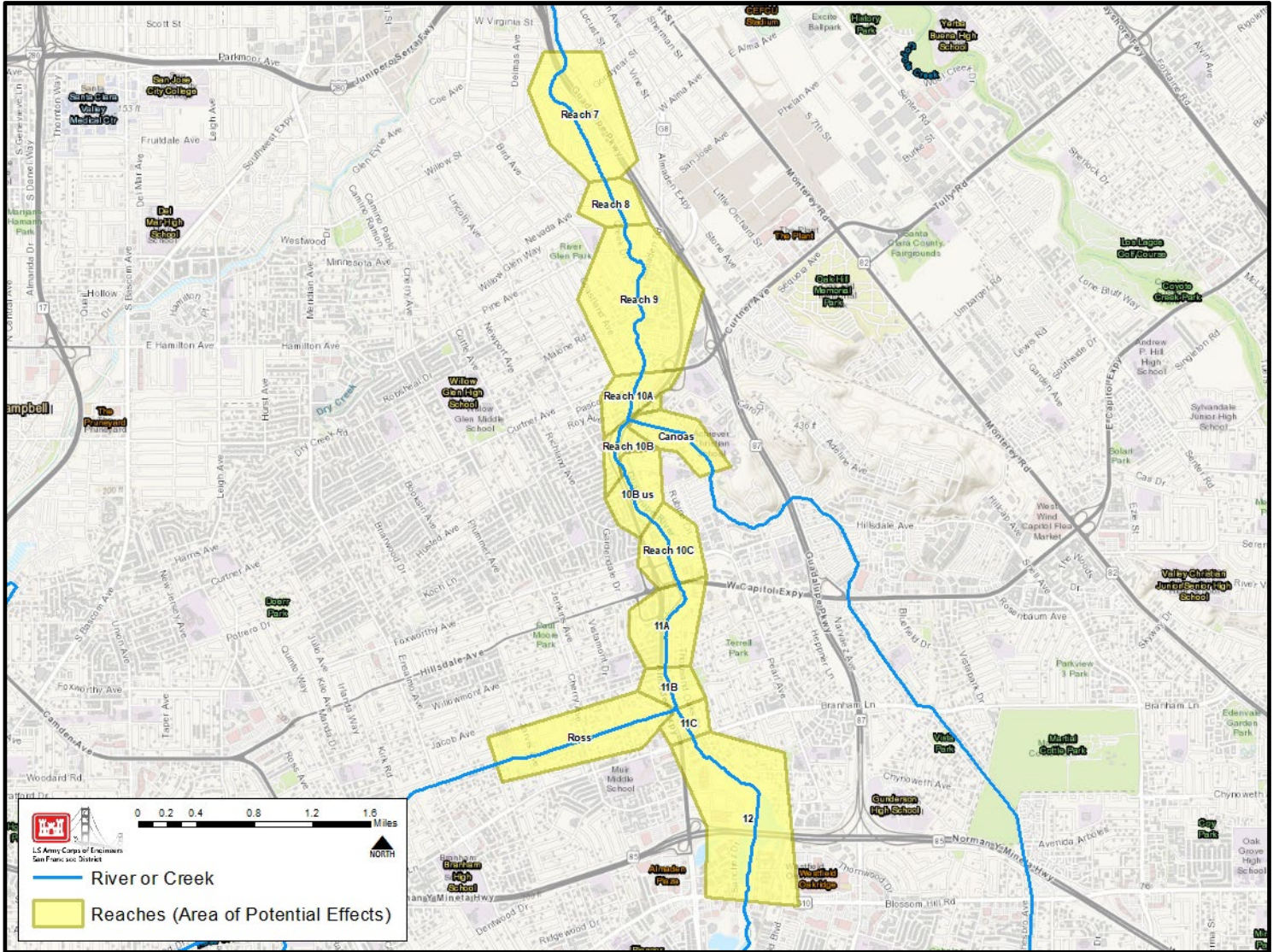


Figure 2. Area of Potential Effects map defined by USACE for the GRR.

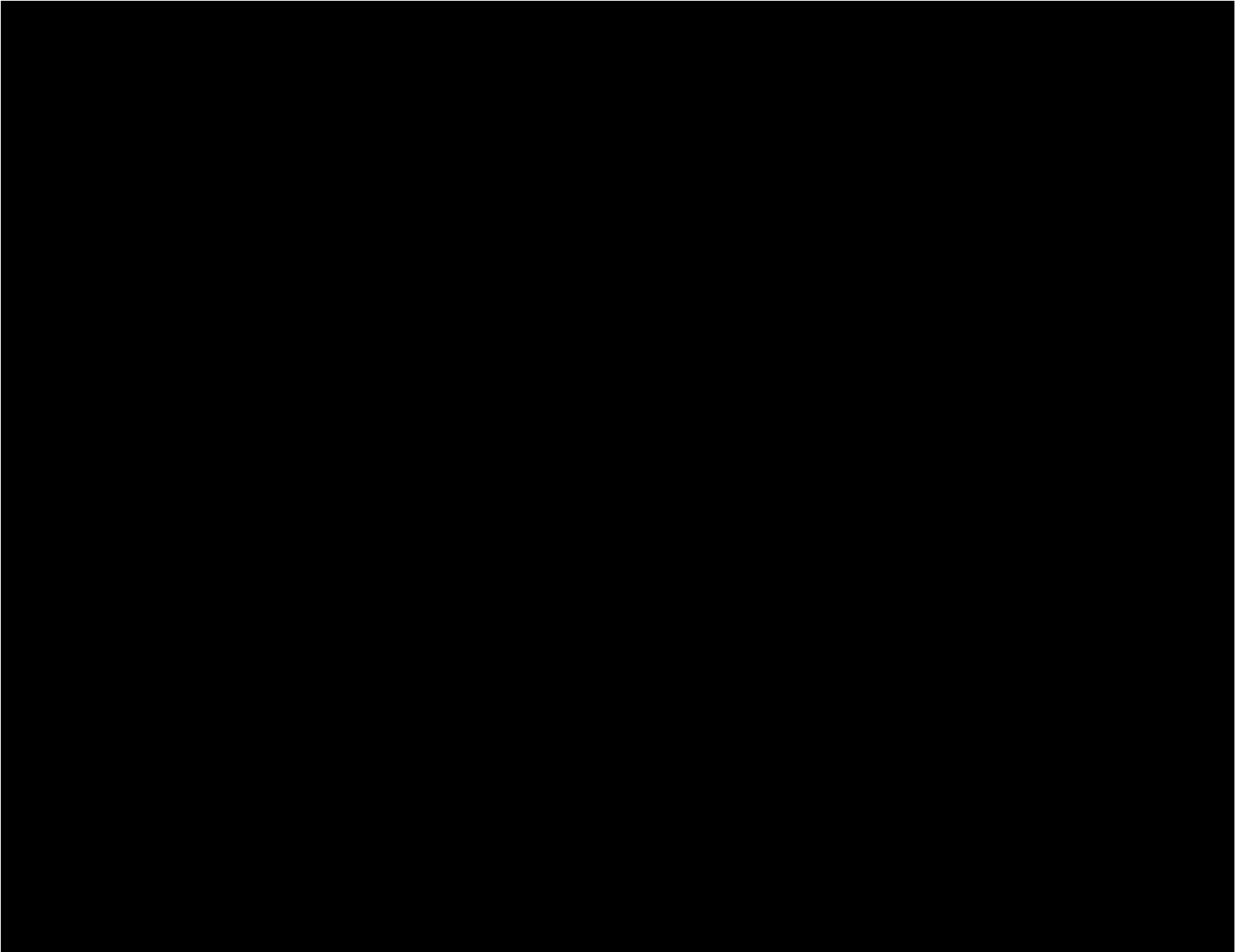


Figure 3. Results of the CHRIS records search plotted onto the APE map.

Trinomial (Smithsonian Number)	State Resource Identifier (P#)	Location	Period	Description	NRHP Eligibility Criteria
CA-SCL-690	P-43-001071	Reach 7	Precontact	Precontact village site and cemetery	Eligible
SJ-1H	P-43-002234	Reach 7	Historic	Historic refuse scatter	Ineligible
CA-SCL-635H	P-43-001020	Reach 10A	Historic	Historic site with redwood retaining wall	Ineligible
CA-SCL-202	P-43-000213	Reach 10A	Historic	Burial and artifact scatter	Unevaluated
CA-SCL-636	P-43-001021	Reach 11A	Precontact	Midden site with fire cracked rocks and lithics	Unevaluated
C-1	None	Reach 7	Precontact	Reburial location from CA-SCL-690	None
CA-SCL-202 Reburial	None	Reach 10A	Precontact	Reburial location from CA-SCL-202	None

Source: Northwest Information Center of the California Historical Resources Information System, 2021.

Resource Name/Address	State Resource Identifier (P#)	Location	Period of Significance	Description	NRHP Eligibility Criteria
Sacred Heart Church and School	P-43-001221	Reach 7	Historic	Historic church and school	
Willow Street Underpass	P-43-003036	Reach 7	Historic	Bridge	
Elks Lodge	P-43-003161	Reach 7	Historic	Historic building	
Christian Manufacturing Company	P-43-003166	Reach 7	Historic	Historic building	
Pepitone Grocery	P-43-003169	Reach 7	Historic	Historic building	
Alma Bowl	P-43-003160	Reach 7	Historic	Historic building	
Guadalupe/Washington Conversation Area District	P-43-002278	Reach 7	Historic	Natural resources conservation area	
SPRR Trestle	P-43-000881	Reach 7	Historic	Historic bridge	
17 Historic Buildings and Structures (Reach 7)	None	Reach 7	Mid to late 20 th century	Several residential historic buildings and structures within Reach 7	
Western Pacific Railroad Trestle – Padres Drive	P-43-000882	Reach 8	Historic	Historic railroad bridge	
9 Historic Buildings and Structures (Reach 8)	None	Reach 8	Mid to late 20 th century	Several residential historic buildings and structures within Reach 8	
72 Historic Buildings and Structures (Reach 9)	None	Reach 9	Mid to late 20 th century	Several residential historic buildings and structures within Reach 9	
19 Historic Buildings and Structures (Reach 10A)	None	Reach 10A	Mid to late 20 th century	Several residential historic buildings and structures within Reach 10A	
Valley View Packing Company	P-43-000829	Reach 10C	Early 20 th century	Historic canning factory	
29 Historic Buildings and Structures (Reach 11A)	None	Reach 11A	Mid to late 20 th century	Several residential historic buildings and structures within Reach 11A	
4 Historic Buildings and Structures (Reach 11B)	None	Reach 11B	Mid to late 20 th century	Several residential historic buildings and structures within Reach 11B	
None	P-38-005450	Reach 7	Historic		
None	P-38-001318	Reach 7	Historic		
CA-SFR-000204H	P-38-005501	Reach 7	Historic		

Source: Northwest Information Center of the California Historical Resources Information System, 2021.



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVE.
SAN FRANCISCO, CA 94102

February 9, 2022

SUBJECT: National Historic Preservation Act (NHPA) Section 106 Consulting Party Invitation for the Upper Guadalupe River Flood Risk General Reevaluation Study

Chairperson Irene Zwierlein

Amah Mutsun Tribal Band of Mission San Juan Bautista

[REDACTED]
[REDACTED]
[REDACTED]

Dear Chairperson Zwierlein,

The U.S. Army Corps of Engineers, San Francisco District (USACE) is writing to the Amah Mutsun Tribal Band of Mission San Juan Bautista pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) to be a consulting party for the Upper Guadalupe River Flood Risk General Reevaluation Study (GRR). The GRR is being conducted in partnership with Valley Water (formerly the Santa Clara Valley Water District) to reevaluate flood risk alternatives and select an alternative plan that improves life safety and recreational features for communities along the Upper Guadalupe River system.

We reached out to your tribe on April 1, 2021 to participate in a resource agency working group meeting. Since then, we've completed a records search at the Northwest Information Center located at Sonoma State University and began early consultation with several Ohlone tribes identified through the Native American Heritage Commission.

USACE is writing to consult with your tribe directly under 36 CFR § 800(a)(4) to respectfully gather information and assist in our identification of historic properties within the area of potential effects including natural or cultural resources that may hold traditional, religious, and cultural significance to your tribe. We also welcome input from your tribe concerning opportunities outside of historic preservation for the measures, such as recreational features, being proposed.

Description of the Undertaking

The GRR takes place in California, Santa Clara County within the southwestern highly urbanized portion of the city of San Jose (Figure 1). The GRR has defined 10 reaches for our study area that covers 5.5 miles of the Upper Guadalupe River system, including connecting tributaries Ross Creek and Canoas Creek. USACE and Valley Water are currently screening alternatives along the 5.5 miles of the Upper Guadalupe River beginning from Reach 7 and ending upstream at Reach 12 before selecting an alternative for further analysis.

Alternatives are drafted from structural and non-structural flood risk measures that address flood risks at every reach, ranging from construction of bypass channels, detention basins, grading of the riverbanks, floodwalls, channel widening, replanting of riparian vegetation, and other ground disturbing measures that will accommodate flows along the Guadalupe River system. USACE and Valley Water are also considering nature-based features for an alternative, which involves management of the Upper Guadalupe's floodplains and creating natural floodplain benches. Lastly, the project is authorized for an alternative to include recreational measures such as parks, public facilities, trails, and educational interpretive signage.

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undergone mitigation in 1995 and 2007, including reburial of many ancestral remains near the site.

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Future Section 106 Consultations

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Sincerely,

Julie R. Beagle
Environmental Planning Section Leader
San Francisco District

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Figure 2. Preliminary Area of Potential Effects Map

Figure 3. Results of the CHRIS Records Search

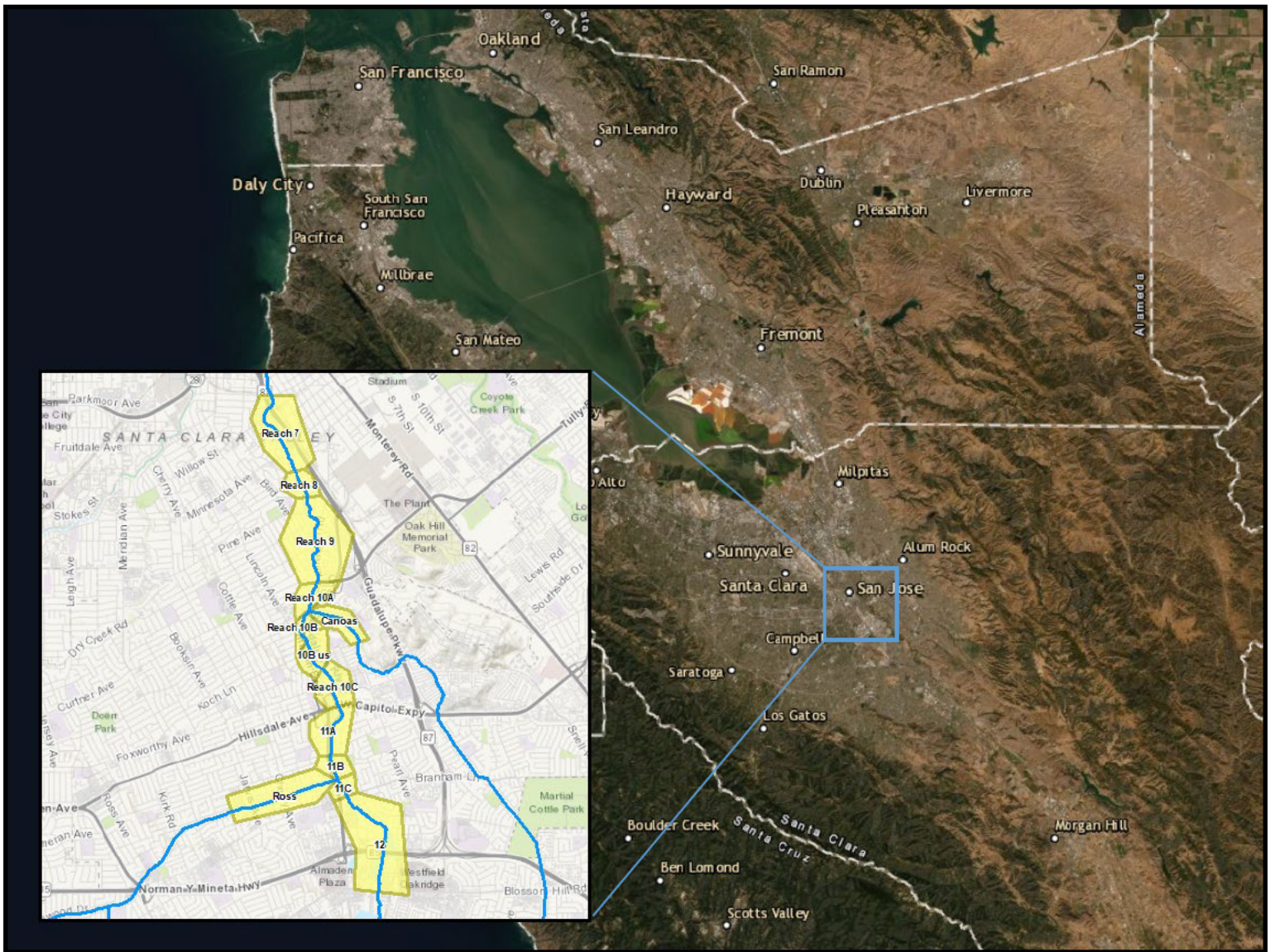


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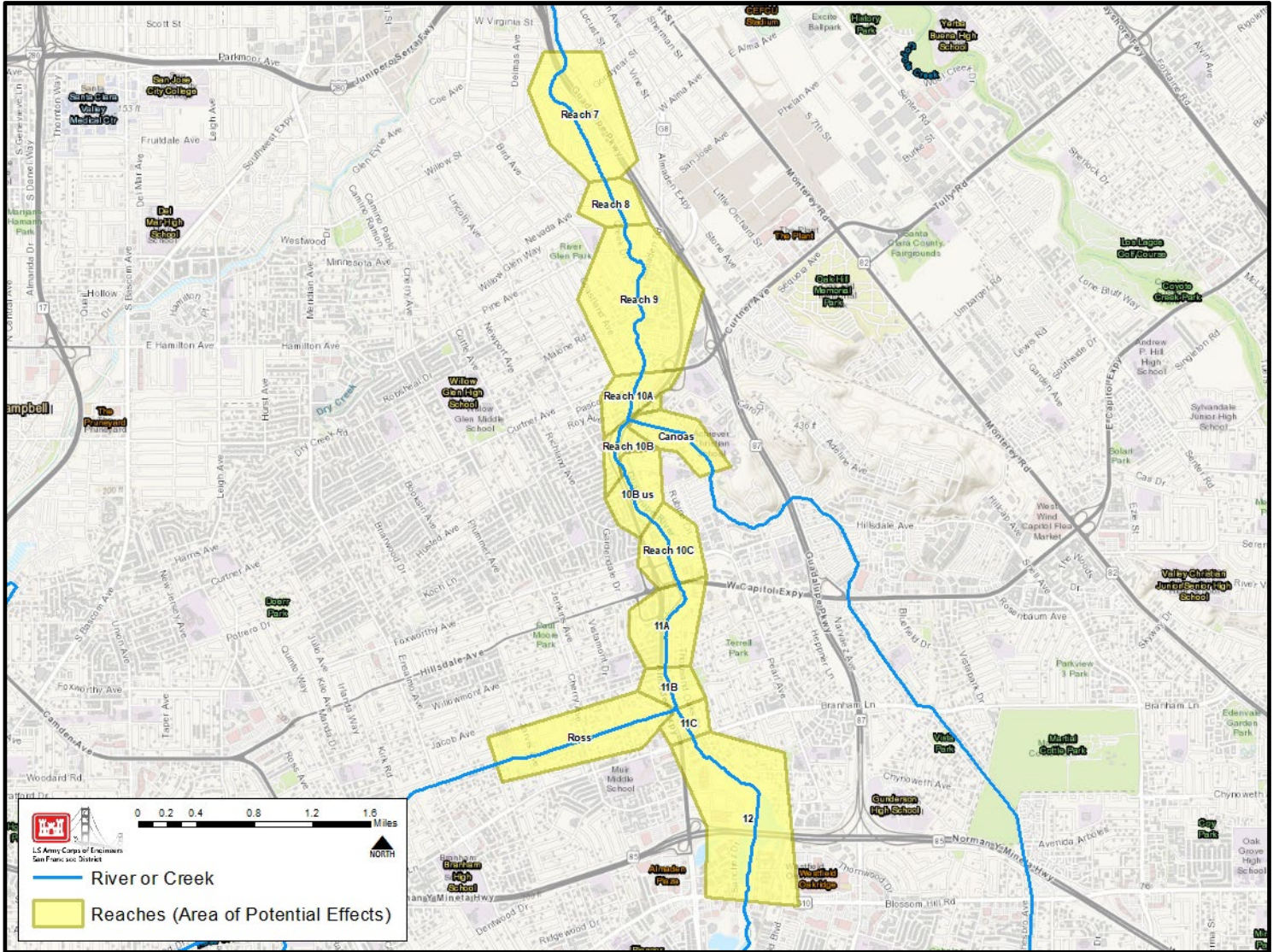


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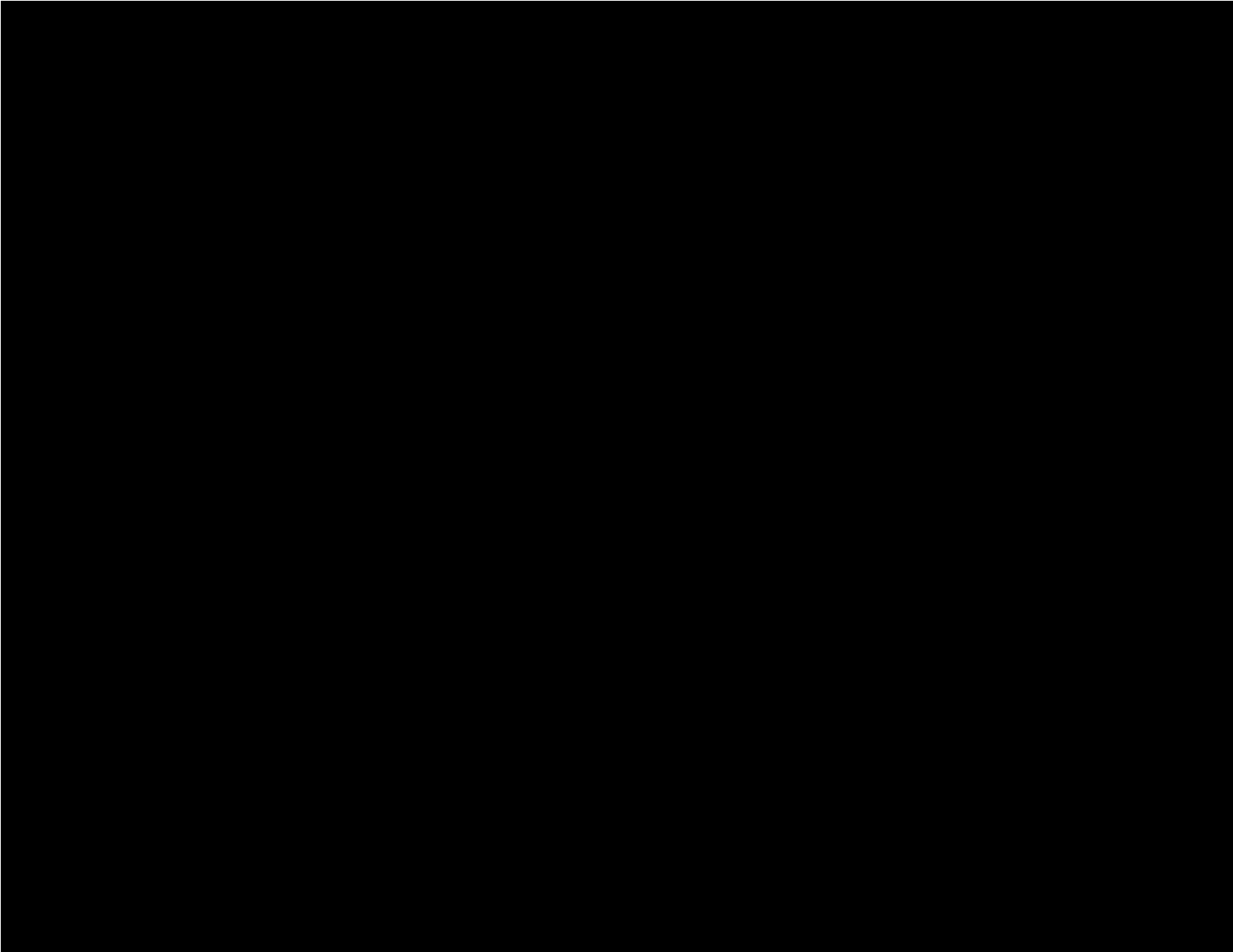


Figure 3. Results of the CHRIS records search plotted onto the APE map.

Trinomial (Smithsonian Number)	State Resource Identifier (P#)	Location	Period	Description	NRHP Eligibility Criteria
CA-SCL-690	P-43-001071	Reach 7	Precontact	Precontact village site and cemetery	Eligible
SJ-1H	P-43-002234	Reach 7	Historic	Historic refuse scatter	Ineligible
CA-SCL-635H	P-43-001020	Reach 10A	Historic	Historic site with redwood retaining wall	Ineligible
CA-SCL-202	P-43-000213	Reach 10A	Historic	Burial and artifact scatter	Unevaluated
CA-SCL-636	P-43-001021	Reach 11A	Precontact	Midden site with fire cracked rocks and lithics	Unevaluated
C-1	None	Reach 7	Precontact	Reburial location from CA-SCL-690	None
CA-SCL-202 Reburial	None	Reach 10A	Precontact	Reburial location from CA-SCL-202	None

Source: Northwest Information Center of the California Historical Resources Information System, 2021.

Resource Name/Address	State Resource Identifier (P#)	Location	Period of Significance	Description	NRHP Eligibility Criteria
Sacred Heart Church and School	P-43-001221	Reach 7	Historic	Historic church and school	
Willow Street Underpass	P-43-003036	Reach 7	Historic	Bridge	
Elks Lodge	P-43-003161	Reach 7	Historic	Historic building	
Christian Manufacturing Company	P-43-003166	Reach 7	Historic	Historic building	
Pepitone Grocery	P-43-003169	Reach 7	Historic	Historic building	
Alma Bowl	P-43-003160	Reach 7	Historic	Historic building	
Guadalupe/Washington Conversation Area District	P-43-002278	Reach 7	Historic	Natural resources conservation area	
SPRR Trestle	P-43-000881	Reach 7	Historic	Historic bridge	
17 Historic Buildings and Structures (Reach 7)	None	Reach 7	Mid to late 20 th century	Several residential historic buildings and structures within Reach 7	
Western Pacific Railroad Trestle – Padres Drive	P-43-000882	Reach 8	Historic	Historic railroad bridge	
9 Historic Buildings and Structures (Reach 8)	None	Reach 8	Mid to late 20 th century	Several residential historic buildings and structures within Reach 8	
72 Historic Buildings and Structures (Reach 9)	None	Reach 9	Mid to late 20 th century	Several residential historic buildings and structures within Reach 9	
19 Historic Buildings and Structures (Reach 10A)	None	Reach 10A	Mid to late 20 th century	Several residential historic buildings and structures within Reach 10A	
Valley View Packing Company	P-43-000829	Reach 10C	Early 20 th century	Historic canning factory	
29 Historic Buildings and Structures (Reach 11A)	None	Reach 11A	Mid to late 20 th century	Several residential historic buildings and structures within Reach 11A	
4 Historic Buildings and Structures (Reach 11B)	None	Reach 11B	Mid to late 20 th century	Several residential historic buildings and structures within Reach 11B	
None	P-38-005450	Reach 7	Historic		
None	P-38-001318	Reach 7	Historic		
CA-SFR-000204H	P-38-005501	Reach 7	Historic		

Source: Northwest Information Center of the California Historical Resources Information System, 2021.



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVE.
SAN FRANCISCO, CA 94102

February 9, 2022

SUBJECT: National Historic Preservation Act (NHPA) Section 106 Consulting Party Invitation for the Upper Guadalupe River Flood Risk General Reevaluation Study

Chairperson Corrina Gould

The Confederated Villages of Lisjan



Dear Chairperson Gould,

The U.S. Army Corps of Engineers, San Francisco District (USACE) is writing to the Confederated Villages of Lisjan pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) to be a consulting party for the Upper Guadalupe River Flood Risk General Reevaluation Study (GRR). The GRR is being conducted in partnership with Valley Water (formerly the Santa Clara Valley Water District) to reevaluate flood risk alternatives and select an alternative plan that improves life safety and recreational features for communities along the Upper Guadalupe River system.

We reached out to your tribe on April 1, 2021 to participate in a resource agency working group meeting. Since then, we've completed a records search at the Northwest Information Center located at Sonoma State University and began early consultation with several Ohlone tribes identified through the Native American Heritage Commission.

USACE is writing to consult with your tribe directly under 36 CFR § 800(a)(4) to respectfully gather information and assist in our identification of historic properties within the area of potential effects including natural or cultural resources that may hold traditional, religious, and cultural significance to your tribe. We also welcome input from your tribe concerning opportunities outside of historic preservation for the measures, such as recreational features, being proposed.

Description of the Undertaking

The GRR takes place in California, Santa Clara County within the southwestern highly urbanized portion of the city of San Jose (Figure 1). The GRR has defined 10 reaches for our study area that covers 5.5 miles of the Upper Guadalupe River system, including connecting tributaries Ross Creek and Canoas Creek. USACE and Valley Water are currently screening

alternatives along the 5.5 miles of the Upper Guadalupe River beginning from Reach 7 and ending upstream at Reach 12 before selecting an alternative for further analysis.

Alternatives are drafted from structural and non-structural flood risk measures that address flood risks at every reach, ranging from construction of bypass channels, detention basins, grading of the riverbanks, floodwalls, channel widening, replanting of riparian vegetation, and other ground disturbing measures that will accommodate flows along the Guadalupe River system. USACE and Valley Water are also considering nature-based features for an alternative, which involves management of the Upper Guadalupe's floodplains and creating natural floodplain benches. Lastly, the project is authorized for an alternative to include recreational measures such as parks, public facilities, trails, and educational interpretive signage.

The area of potential effects (APE) is defined under 36 CFR § 800.16 as the geographic area where the undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. Since the GRR is currently at the scoping and plan formulation stage where USACE and Valley Water is compiling a final array of alternatives, USACE is defining the initial APE to cover all reaches along the Guadalupe River system where these alternatives will be evaluated (Figure 2).

Once the GRR finishes screening alternatives and establishes a final array of alternatives and a potential selected plan, USACE is expecting to redefine the APE. USACE will continue consulting with your tribe to discuss potential impacts to historic properties identified as the study progresses and the APE is finalized.

Planned Identification Efforts for Historic Properties

To account for standard best practices in identifying cultural resources, USACE has contacted the Northwest Information Center (NWIC) associated with the California Historical Resources Informational Systems to complete a records search for the GRR. The NWIC completed the records search request for USACE to review (NWIC 21-0368) and is summarized below. Within the initial APE defined in Figure 2, a total of 171 formally recorded resources were identified.

Most of these recorded resources were dated to the historic period and were characterized as built-environment resources, ranging in age from the 19th century leading into the mid-20th century. These historic built-environment resources include buildings, structures, and bridges that meets the historic principle of being 50 years of age or older but either lacks integrity or significance to be eligible as a historic property worth preserving.

Five recorded archaeological resources were also identified from the records search, including the location of two reburial sites. Two out of the five archaeological resources were dated to the historic period, with one resource determined to be a historic refuse scatter (SJ-1H, P-43-002234) located in Reach 7 and a historic retaining wall dating to the 1860's (CA-SCL-635H) in reach 10A. Both resources were evaluated by an archaeologist and determined to lack significance or integrity to be listed on the National Register of Historic Preservation (NRHP) which would warrant preservation or protection measures as a significant historic property.

Of the five recorded sites, three precontact archaeological resources (CA-SCL-690, CA-SCL-202, CA-SCL-636) were identified in the initial APE. CA-SCL-690 is a large precontact village

site and cemetery located in Reach 7 and is also known as the Tamien Station site. This site has undergone mitigation in 1995 and 2007, including reburial of many ancestral remains near the site.

CA-SCL-202 in Reach 10A was identified as an artifact scatter with bone fragments, lithic tools, bowl mortars, and more recently human remains that were uncovered and reburied near the site. CA-SCL-636 is a midden site with fire cracked rocks and lithics, sitting partially on public and private property in Reach 11A.

All three precontact sites were determined to be eligible for listing on the NRHP and will require USACE and Valley Water to work with consulting parties, such as the State Historic Preservation Officer and the affiliated tribal party, if our selected alternative has adverse effects identified or a high likelihood to uncover unanticipated archaeological sites during construction. A table summarizing the results of the records search and past recorded resources are available in the enclosures below.

Future Section 106 Consultations

We respectfully request your response within 30 days of receipt of this letter to be a consulting party. If you do not respond within this time frame, you may still request consulting party status in the future, and we will reach out again once we determine a potential selected plan.

If you have any comments or questions regarding the information presented in this letter or would prefer USACE and Valley Water set up a virtual meeting to go over the records search result, please contact Ruzel.B.Ednalino@USACE.Army.Mil. Ruzel Ednalino can also be reached by phone at (415) 503-6661. Thank you for your time and consideration, we look forward to hearing from you.

Sincerely,

Julie R. Beagle
Environmental Planning Section Leader
San Francisco District

Figure 1. Study Area of the Upper Guadalupe GRR
Figure 2. Preliminary Area of Potential Effects Map
Figure 3. Results of the CHRIS Records Search

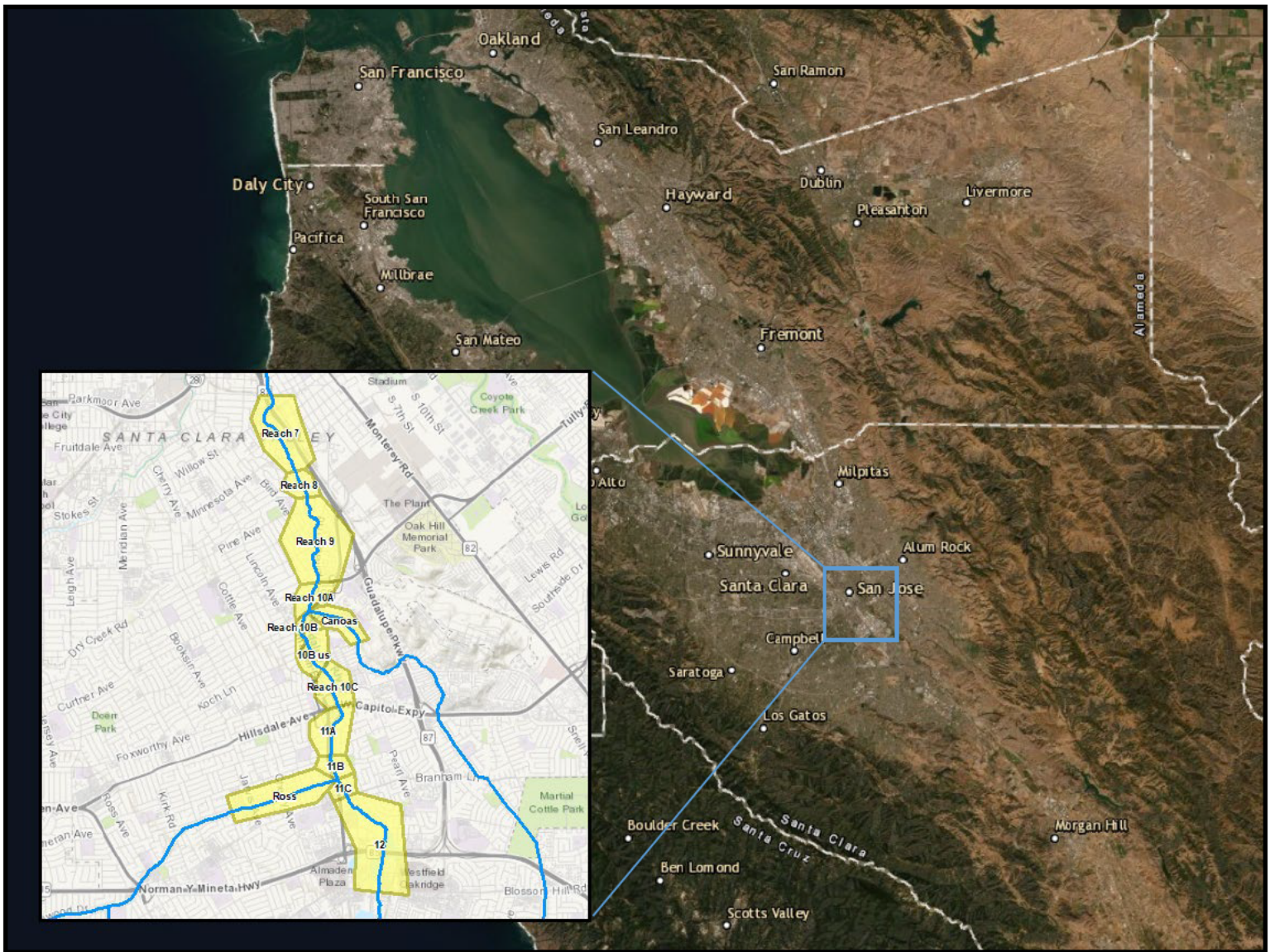


Figure 1. The Upper Guadalupe River General Reevaluation Study Area for the GRR.

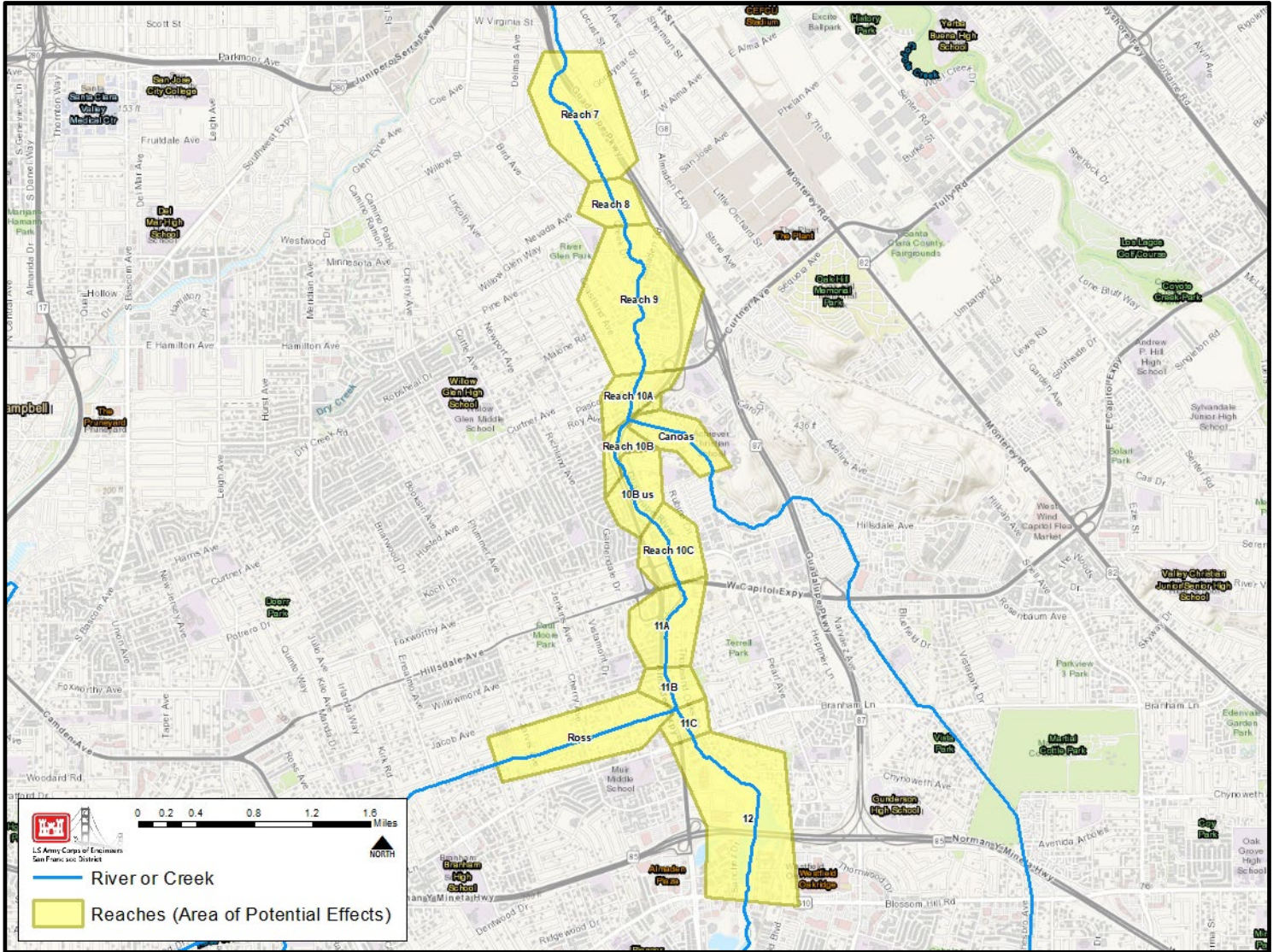


Figure 2. Area of Potential Effects map defined by USACE for the GRR.

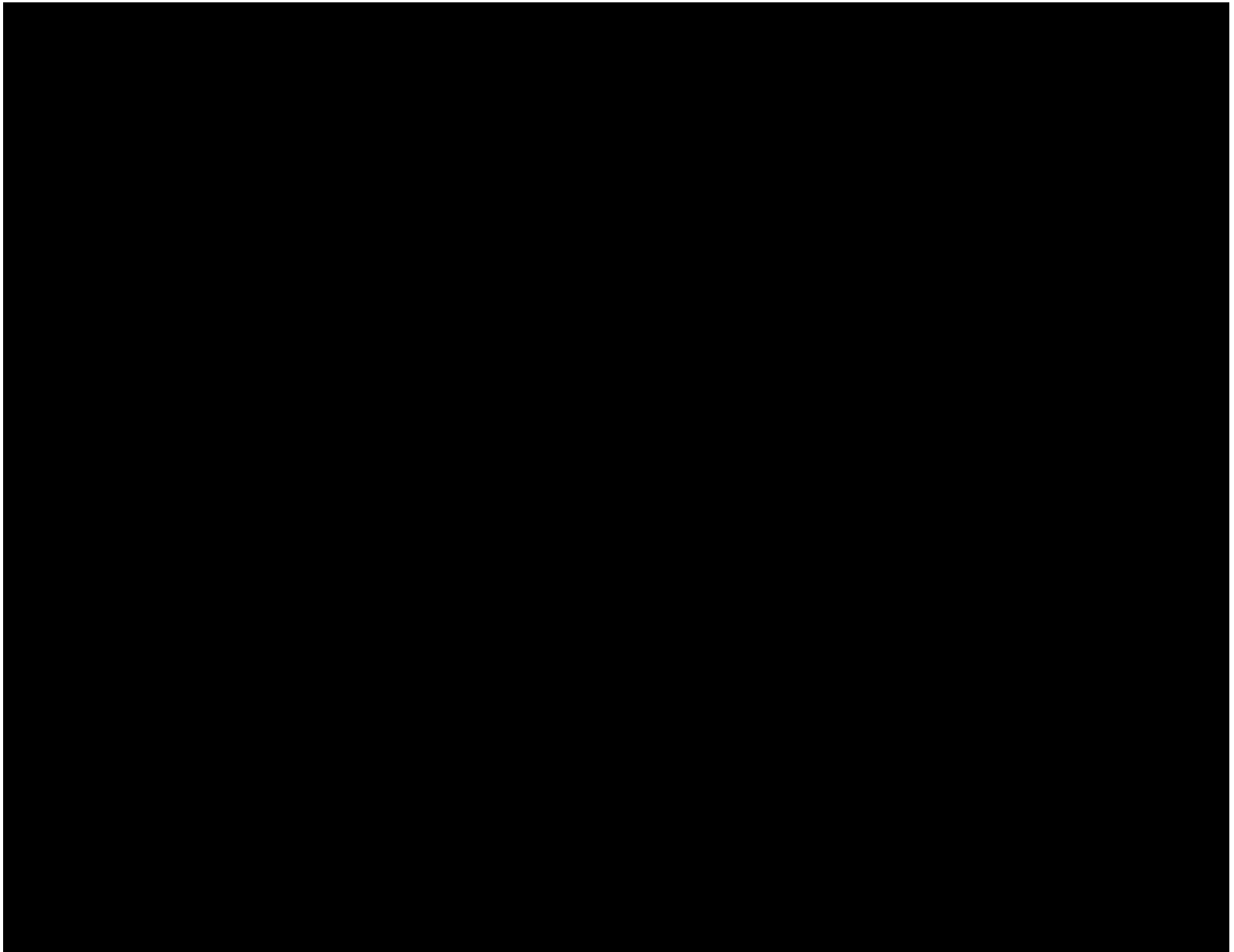


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C-1	None	Reach 7	Precontact	Reburial location from CA-SCL-690	None
CA-SCL-202 Reburial	None	Reach 10A	Precontact	Reburial location from CA-SCL-202	None

Source: Northwest Information Center of the California Historical Resources Information System, 2021.

Resource Name/Address	State Resource Identifier (P#)	Location	Period of Significance	Description	NRHP Eligibility Criteria
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Pepitone Grocery	P-43-003169	Reach 7	Historic	Historic building	
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DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVE.
SAN FRANCISCO, CA 94102

February 9, 2022

SUBJECT: National Historic Preservation Act (NHPA) Section 106 Consulting Party Invitation for the Upper Guadalupe River Flood Risk General Reevaluation Study (GRR)

To whom it may concern:

The U.S. Army Corps of Engineers, San Francisco District (USACE) is writing to your organization pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) to gather information for the Upper Guadalupe River Flood Risk General Reevaluation Study (GRR). The GRR is being conducted in partnership with Valley Water (formerly the Santa Clara Valley Water District) to reevaluate flood risk alternatives and select an alternative plan that improves life safety and recreational features for communities along the Upper Guadalupe River system.

Section 106 is a federal historic preservation law that requires agencies who establish, approve, or fund federal projects to consider their effects to significant historic properties and cultural resources. USACE acknowledges the importance of including as many interested parties as possible in the Section 106 review process. Your organization's involvement as USACE continues to identify historic properties in the study area will ensure that the citizens and communities along the Upper Guadalupe River's voices are heard to preserve the places that reflect their history and values.

The Upper Guadalupe GRR is located in California, Santa Clara County within the southwestern highly urbanized portion of the city of San Jose (Figure 1). The GRR has defined 10 reaches for our study area that covers 5.5 miles of the Upper Guadalupe River system, including connecting tributaries Ross Creek and Canoas Creek. USACE and Valley Water are currently screening alternatives along the 5.5 miles of the Upper Guadalupe River beginning from Reach 7 and ending upstream at Reach 12 (Figure 2) before selecting an alternative for further analysis.

Alternatives are drafted from structural and non-structural flood risk measures that address flood risk at every reach, ranging from construction of bypass channels, detention basins, grading of the riverbanks, floodwalls, channel widening, replanting of riparian vegetation, nature-based solutions such as floodplain benches, and other ground disturbing measures that will accommodate flows along the Guadalupe River system. The project is also authorized for recreational measures, such as trails and interpretive signage to be incorporated into the alternatives.

USACE and Valley Water invite you to be a consulting party pursuant to 36 CFR § 800.4(a)(3). We recognize that your organization has knowledge and background regarding historic properties in the study area which would help inform our array of alternatives from impacting any resources. By becoming a consulting party, you will be actively informed of the steps USACE and Valley Water are taking to identify and preserve historic properties. Your views

and comments will ensure our undertaking incorporates historic preservation when necessary and fulfills the spirit of public stewardship advocated through Section 106 review.

To better understand how Section 106 review works, the Advisory Council on Historic Preservation (ACHP) has a citizens guide explaining the purposes of this federal historic preservation law. The citizens guide and other information is available on the ACHP's website, and can be accessed through the following link: <https://www.achp.gov/digital-library-section-106-landing/citizens-guide-section-106-review>

We respectfully request your response within 30 days of receipt of this letter. If you do not respond within this time frame, you may still request consulting party status in the future however the project may advance without your input, and you won't have an opportunity to comment on the current steps. If you have any comments or questions, you can contact USACE's archaeologist Ruzel Benedicto Ednalino at Ruzel.B.Ednalino@USACE.Army.Mil. Mr. Ednalino can also be reached at (415) 503-6661. Thank you for your time and consideration, we look forward to hearing from you.

Sincerely,

Julie R. Beagle
Environmental Planning Section Leader
San Francisco District

Enclosure 1. Study Area of the Upper Guadalupe GRR
Enclosure 2. Preliminary Area of Potential Effects Map

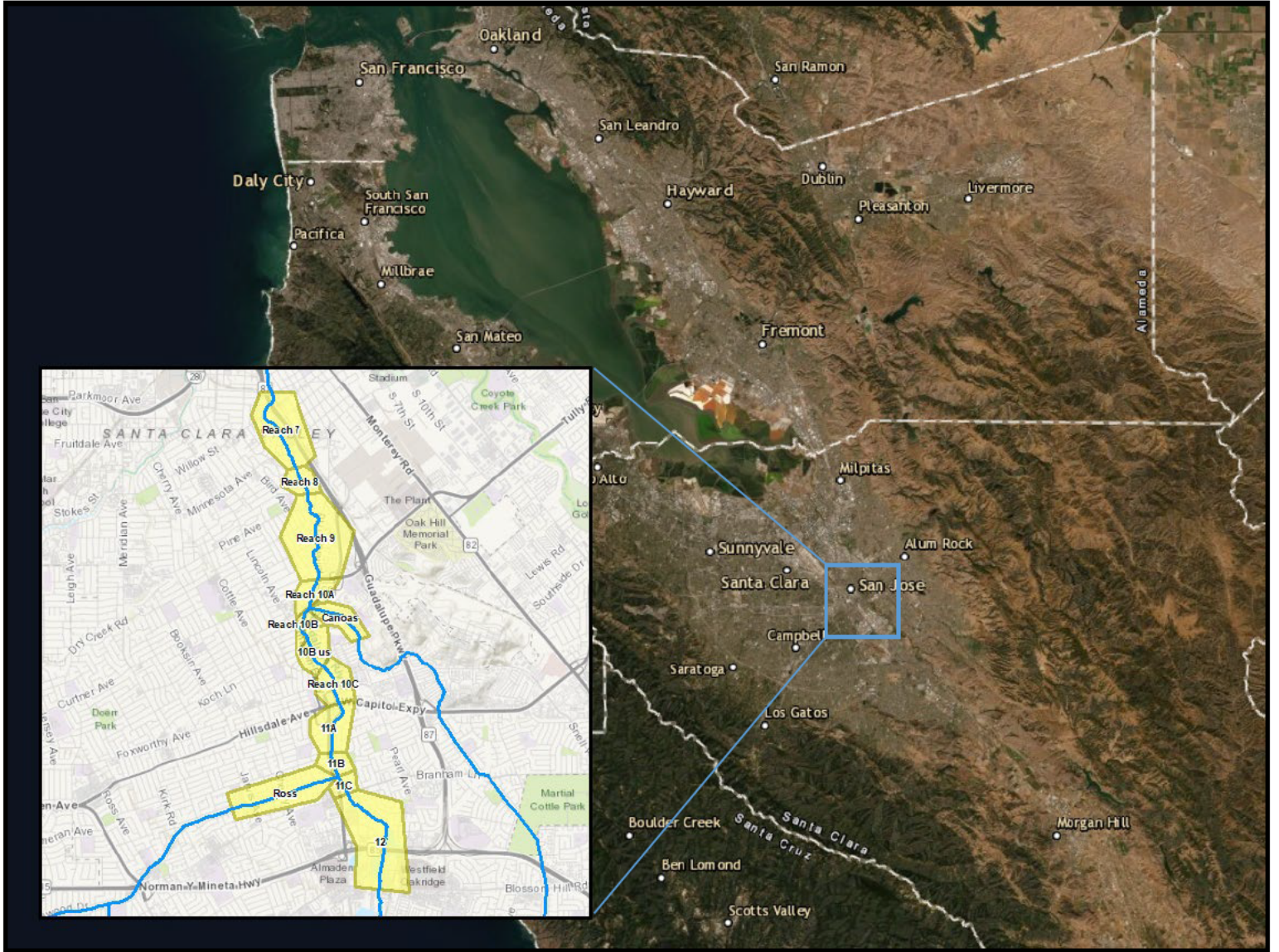


Figure 1. The Upper Guadalupe River General Reevaluation Study Area for the GRR

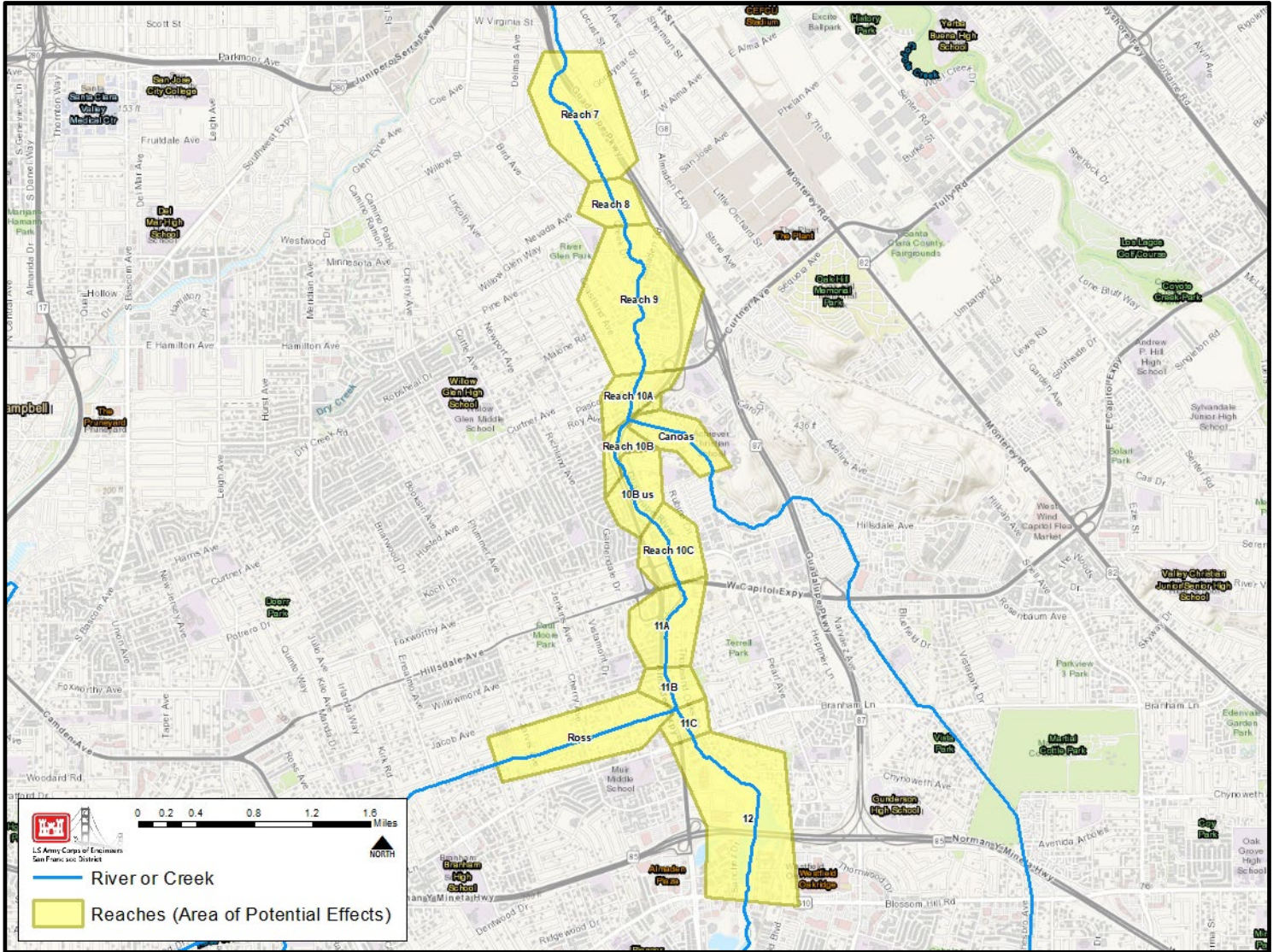


Figure 2. Area of Potential Effects map defined by USACE for the GRR



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVE.
SAN FRANCISCO, CA 94102

February 9, 2022

SUBJECT: National Historic Preservation Act (NHPA) Section 106 Consulting Party Invitation for the Upper Guadalupe River Flood Risk General Reevaluation Study (GRR)

Ben Leech

Executive Director

Preservation Action Council of San Jose

ben@preservation.org

Dear Mr. Leech,

The U.S. Army Corps of Engineers, San Francisco District (USACE) is writing to your organization pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) to gather information for the Upper Guadalupe River Flood Risk General Reevaluation Study (GRR). The GRR is being conducted in partnership with Valley Water (formerly the Santa Clara Valley Water District) to reevaluate flood risk alternatives and select an alternative plan that improves life safety and recreational features for communities along the Upper Guadalupe River system.

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The Upper Guadalupe GRR is located in California, Santa Clara County within the southwestern highly urbanized portion of the city of San Jose (Figure 1). The GRR has defined 10 reaches for our study area that covers 5.5 miles of the Upper Guadalupe River system, including connecting tributaries Ross Creek and Canoas Creek. USACE and Valley Water are currently screening alternatives along the 5.5 miles of the Upper Guadalupe River beginning from Reach 7 and ending upstream at Reach 12 (Figure 2) before selecting an alternative for further analysis.

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recreational measures, such as trails and interpretive signage to be incorporated into the alternatives.

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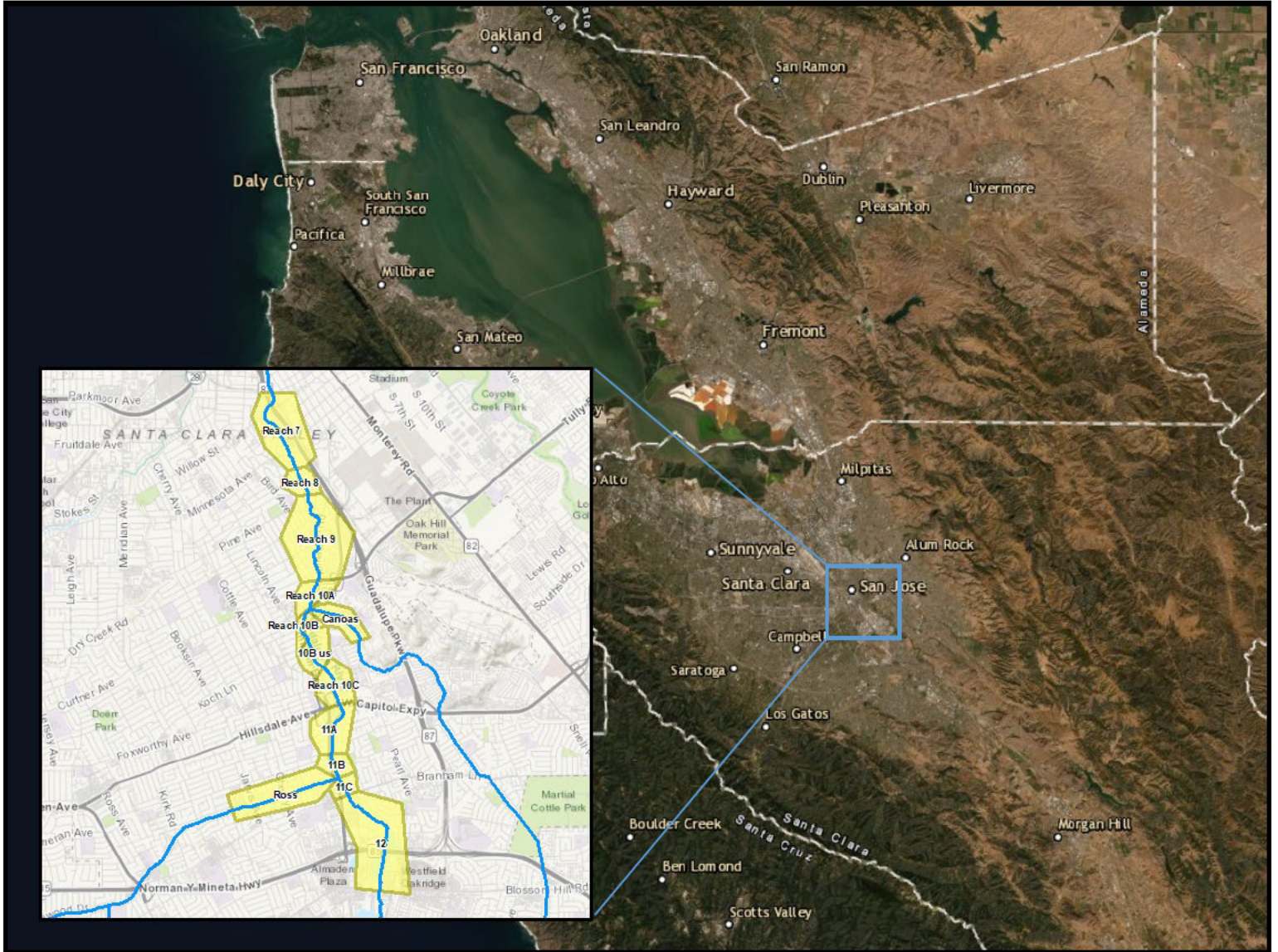


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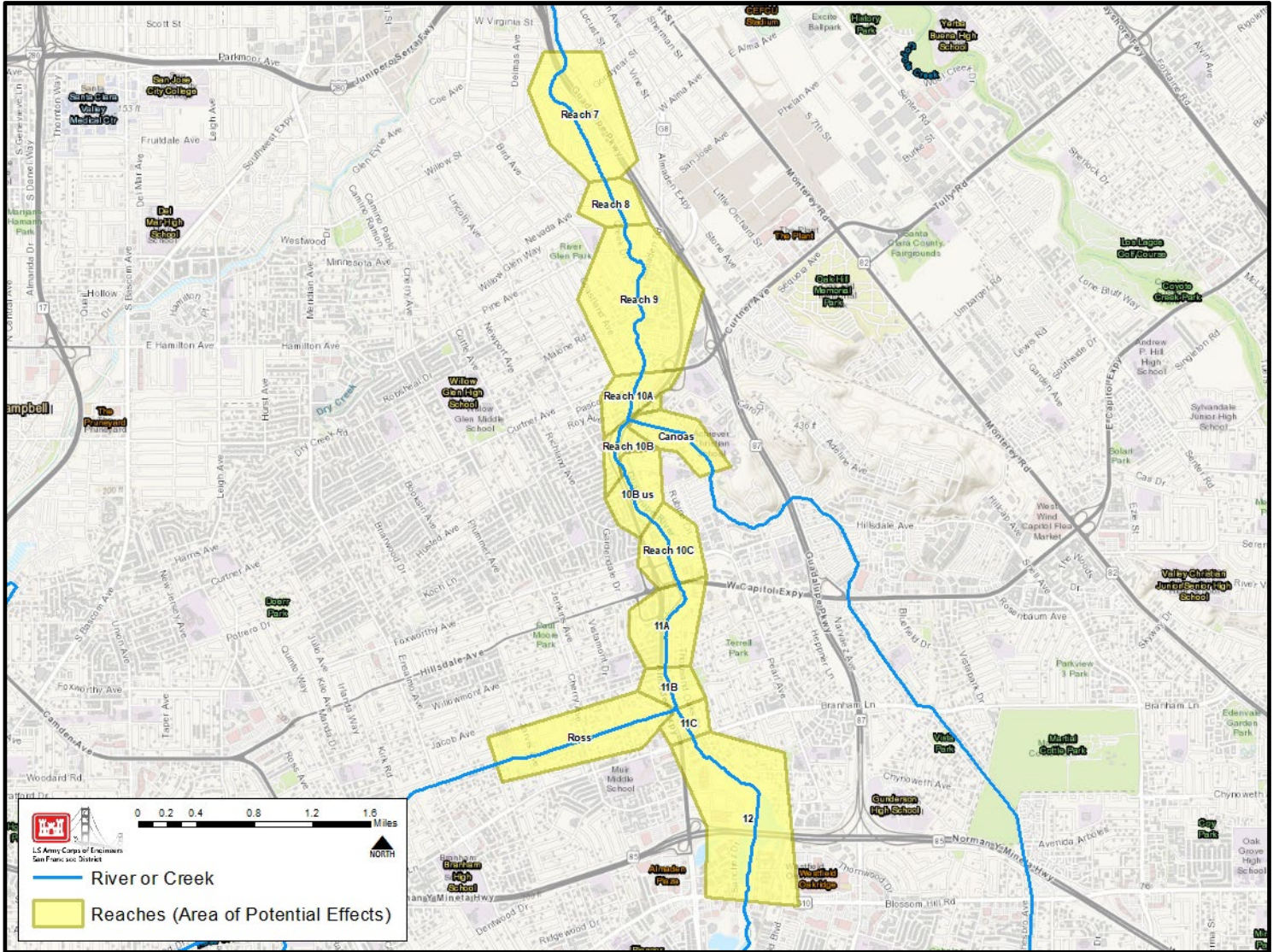


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DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVE.
SAN FRANCISCO, CA 94102

February 9, 2022

SUBJECT: National Historic Preservation Act (NHPA) Section 106 Consulting Party Invitation for the Upper Guadalupe River Flood Risk General Reevaluation Study

Chairperson Quirina Luna Geary

Tamien Nation



Dear Chairperson Geary,

The U.S. Army Corps of Engineers, San Francisco District (USACE) is writing to the Tamien Nation pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) to be a consulting party for the Upper Guadalupe River Flood Risk General Reevaluation Study (GRR). The GRR is being conducted in partnership with Valley Water (formerly the Santa Clara Valley Water District) to reevaluate flood risk alternatives and select an alternative plan that improves life safety and recreational features for communities along the Upper Guadalupe River system.

We reached out to several Ohlone tribes on April 1, 2021 to participate in a resource agency working group meeting and was recommended by another Ohlone tribe to update our Native American Heritage Commission (NAHC) tribal consultation list to include the Tamien Nation. We are reaching out to you now with an updated NAHC list obtained on August 17, 2021. Since then, we've also completed a records search at the Northwest Information Center located at Sonoma State University and have continued early tribal consultation.

USACE is writing to consult with your tribe directly under 36 CFR § 800(a)(4) to respectfully gather information and assist in our identification of historic properties within the area of potential effects including natural or cultural resources that may hold traditional, religious, and cultural significance to your tribe. We also welcome input from your tribe concerning opportunities outside of historic preservation for the measures, such as recreational features, being proposed.

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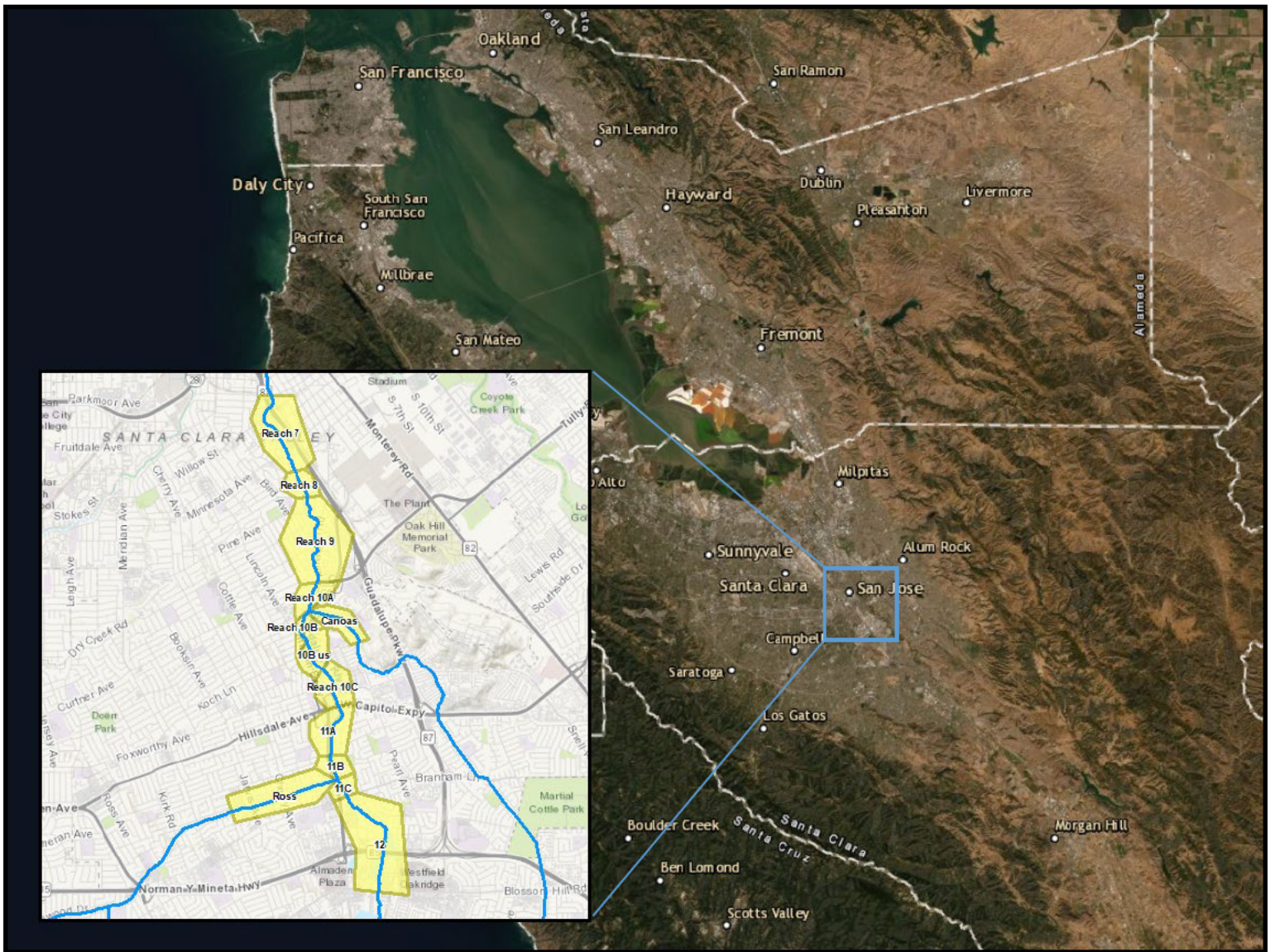


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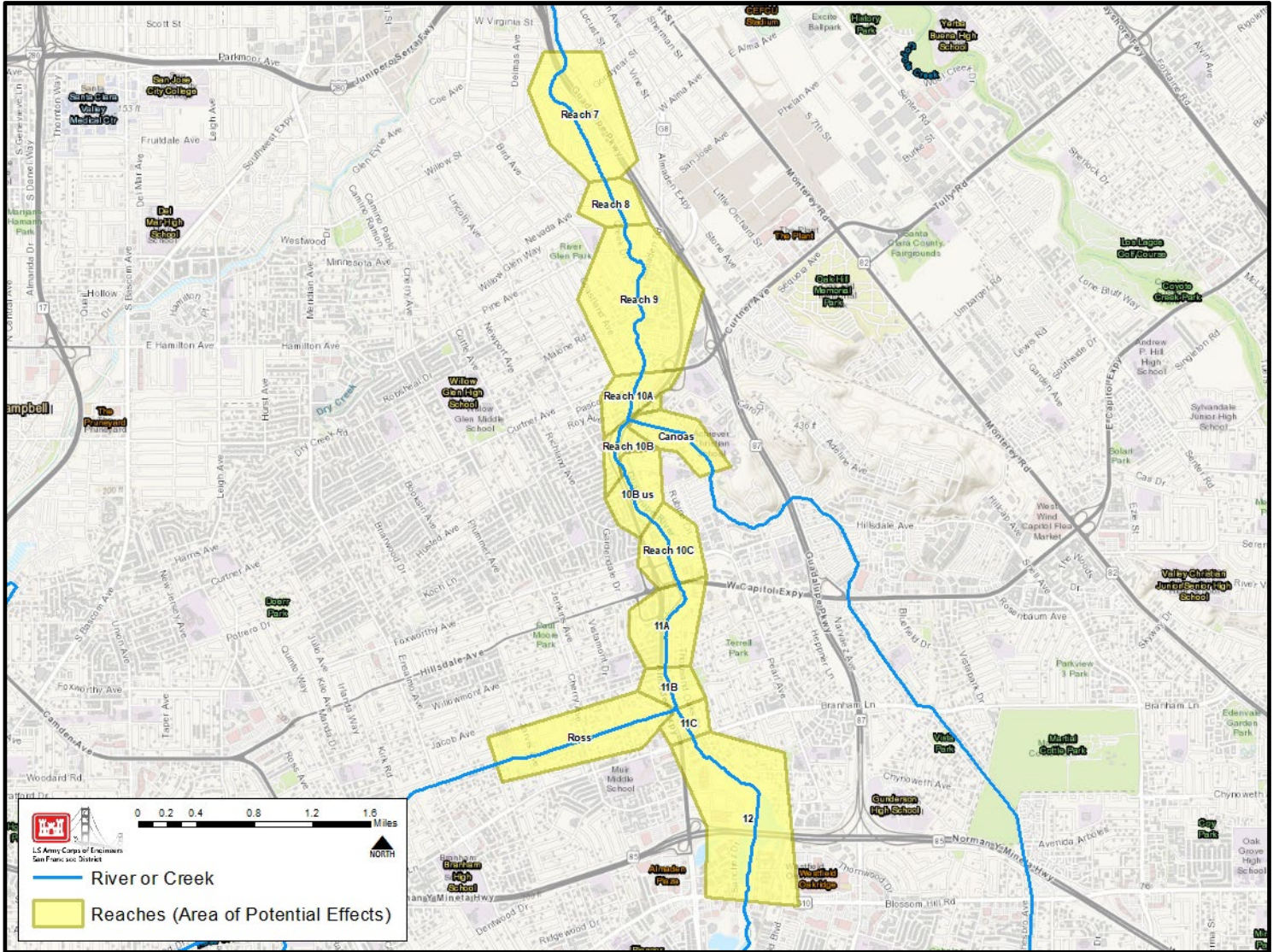


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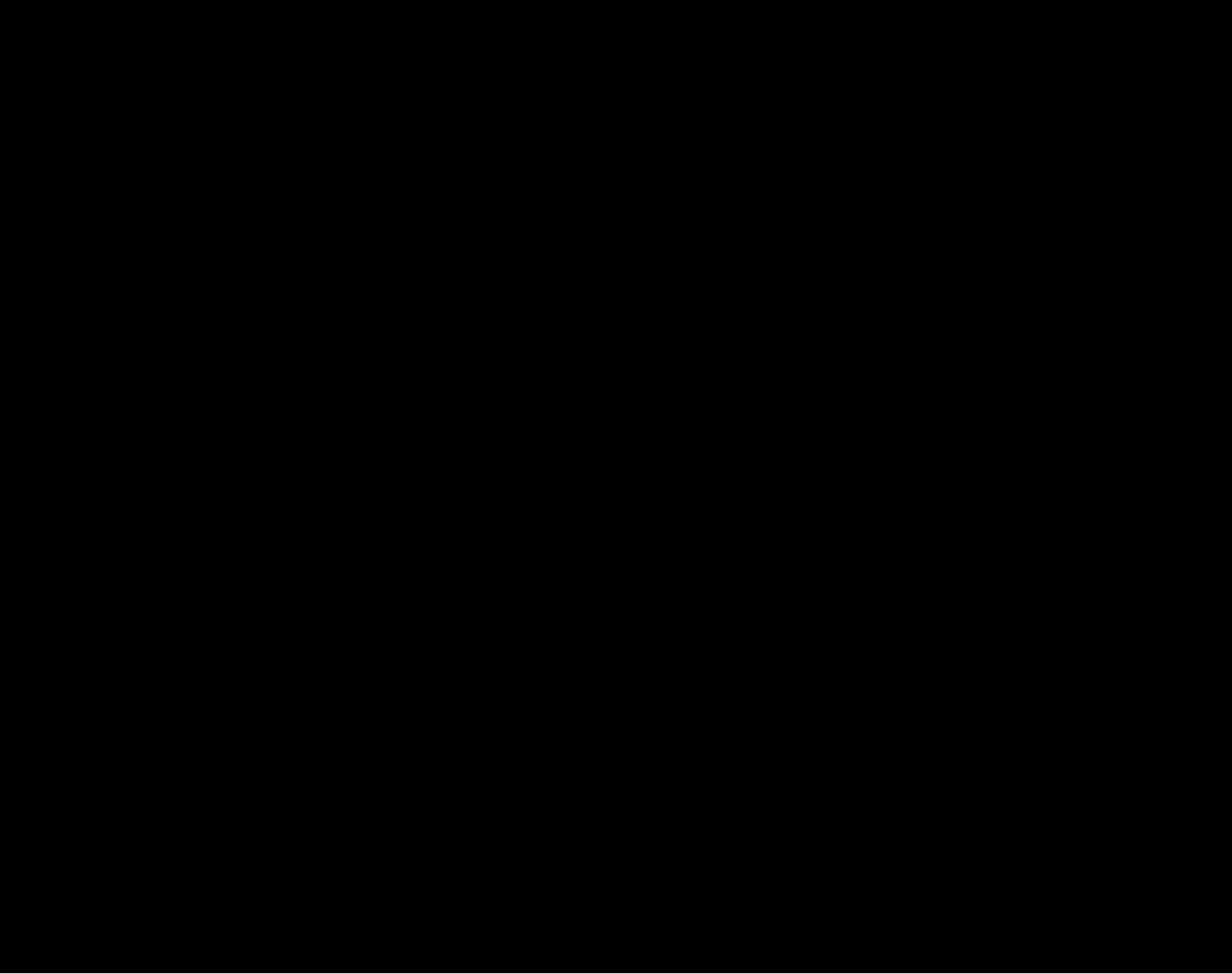


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CA-SCL-690	P-43-001071	Reach 7	Precontact	Precontact village site and cemetery	Eligible
SJ-1H	P-43-002234	Reach 7	Historic	Historic refuse scatter	Ineligible
CA-SCL-635H	P-43-001020	Reach 10A	Historic	Historic site with redwood retaining wall	Ineligible
CA-SCL-202	P-43-000213	Reach 10A	Historic	Burial and artifact scatter	Unevaluated
CA-SCL-636	P-43-001021	Reach 11A	Precontact	Midden site with fire cracked rocks and lithics	Unevaluated
C-1	None	Reach 7	Precontact	Reburial location from CA-SCL-690	None
CA-SCL-202 Reburial	None	Reach 10A	Precontact	Reburial location from CA-SCL-202	None

Source: Northwest Information Center of the California Historical Resources Information System, 2021.

Resource Name/Address	State Resource Identifier (P#)	Location	Period of Significance	Description	NRHP Eligibility Criteria
Sacred Heart Church and School	P-43-001221	Reach 7	Historic	Historic church and school	
Willow Street Underpass	P-43-003036	Reach 7	Historic	Bridge	
Elks Lodge	P-43-003161	Reach 7	Historic	Historic building	
Christian Manufacturing Company	P-43-003166	Reach 7	Historic	Historic building	
Pepitone Grocery	P-43-003169	Reach 7	Historic	Historic building	
Alma Bowl	P-43-003160	Reach 7	Historic	Historic building	
Guadalupe/Washington Conversation Area District	P-43-002278	Reach 7	Historic	Natural resources conservation area	
SPRR Trestle	P-43-000881	Reach 7	Historic	Historic bridge	
17 Historic Buildings and Structures (Reach 7)	None	Reach 7	Mid to late 20 th century	Several residential historic buildings and structures within Reach 7	
Western Pacific Railroad Trestle – Padres Drive	P-43-000882	Reach 8	Historic	Historic railroad bridge	
9 Historic Buildings and Structures (Reach 8)	None	Reach 8	Mid to late 20 th century	Several residential historic buildings and structures within Reach 8	
72 Historic Buildings and Structures (Reach 9)	None	Reach 9	Mid to late 20 th century	Several residential historic buildings and structures within Reach 9	
19 Historic Buildings and Structures (Reach 10A)	None	Reach 10A	Mid to late 20 th century	Several residential historic buildings and structures within Reach 10A	
Valley View Packing Company	P-43-000829	Reach 10C	Early 20 th century	Historic canning factory	
29 Historic Buildings and Structures (Reach 11A)	None	Reach 11A	Mid to late 20 th century	Several residential historic buildings and structures within Reach 11A	
4 Historic Buildings and Structures (Reach 11B)	None	Reach 11B	Mid to late 20 th century	Several residential historic buildings and structures within Reach 11B	
None	P-38-005450	Reach 7	Historic		
None	P-38-001318	Reach 7	Historic		
CA-SFR-000204H	P-38-005501	Reach 7	Historic		

Source: Northwest Information Center of the California Historical Resources Information System, 2021.



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVE.
SAN FRANCISCO, CA 94102

February 9, 2022

SUBJECT: National Historic Preservation Act (NHPA) Section 106 Consulting Party Invitation for the Upper Guadalupe River Flood Risk General Reevaluation Study

Chairperson Dee Dee Ybarra

Rumsen Am:a Tur:ataj Ohlone



Dear Chairperson Ybarra,

The U.S. Army Corps of Engineers, San Francisco District (USACE) is writing to the Rumsen Am:a Tur:ataj Ohlone pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) to be a consulting party for the Upper Guadalupe River Flood Risk General Reevaluation Study (GRR). The GRR is being conducted in partnership with Valley Water (formerly the Santa Clara Valley Water District) to reevaluate flood risk alternatives and select an alternative plan that improves life safety and recreational features for communities along the Upper Guadalupe River system.

We reached out to your tribe on April 1, 2021 to participate in a resource agency working group meeting. Since then, we've completed a records search at the Northwest Information Center located at Sonoma State University and began early consultation with several Ohlone tribes identified through the Native American Heritage Commission.

USACE is writing to consult with your tribe directly under 36 CFR § 800(a)(4) to respectfully gather information and assist in our identification of historic properties within the area of potential effects including natural or cultural resources that may hold traditional, religious, and cultural significance to your tribe. We also welcome input from your tribe concerning opportunities outside of historic preservation for the measures, such as recreational features, being proposed.

Description of the Undertaking

The GRR takes place in California, Santa Clara County within the southwestern highly urbanized portion of the city of San Jose (Figure 1). The GRR has defined 10 reaches for our study area that covers 5.5 miles of the Upper Guadalupe River system, including connecting tributaries Ross Creek and Canoas Creek. USACE and Valley Water are currently screening

alternatives along the 5.5 miles of the Upper Guadalupe River beginning from Reach 7 and ending upstream at Reach 12 before selecting an alternative for further analysis.

Alternatives are drafted from structural and non-structural flood risk measures that address flood risks at every reach, ranging from construction of bypass channels, detention basins, grading of the riverbanks, floodwalls, channel widening, replanting of riparian vegetation, and other ground disturbing measures that will accommodate flows along the Guadalupe River system. USACE and Valley Water are also considering nature-based features for an alternative, which involves management of the Upper Guadalupe's floodplains and creating natural floodplain benches. Lastly, the project is authorized for an alternative to include recreational measures such as parks, public facilities, trails, and educational interpretive signage.

The area of potential effects (APE) is defined under 36 CFR § 800.16 as the geographic area where the undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. Since the GRR is currently at the scoping and plan formulation stage where USACE and Valley Water is compiling a final array of alternatives, USACE is defining the initial APE to cover all reaches along the Guadalupe River system where these alternatives will be evaluated (Figure 2).

Once the GRR finishes screening alternatives and establishes a final array of alternatives and a potential selected plan, USACE is expecting to redefine the APE. USACE will continue consulting with your tribe to discuss potential impacts to historic properties identified as the study progresses and the APE is finalized.

Planned Identification Efforts for Historic Properties

To account for standard best practices in identifying cultural resources, USACE has contacted the Northwest Information Center (NWIC) associated with the California Historical Resources Informational Systems to complete a records search for the GRR. The NWIC completed the records search request for USACE to review (NWIC 21-0368) and is summarized below. Within the initial APE defined in Figure 2, a total of 171 formally recorded resources were identified.

Most of these recorded resources were dated to the historic period and were characterized as built-environment resources, ranging in age from the 19th century leading into the mid-20th century. These historic built-environment resources include buildings, structures, and bridges that meets the historic principle of being 50 years of age or older but either lacks integrity or significance to be eligible as a historic property worth preserving.

Five recorded archaeological resources were also identified from the records search, including the location of two reburial sites. Two out of the five archaeological resources were dated to the historic period, with one resource determined to be a historic refuse scatter (SJ-1H, P-43-002234) located in Reach 7 and a historic retaining wall dating to the 1860's (CA-SCL-635H) in reach 10A. Both resources were evaluated by an archaeologist and determined to lack significance or integrity to be listed on the National Register of Historic Preservation (NRHP) which would warrant preservation or protection measures as a significant historic property.

Of the five recorded sites, three precontact archaeological resources (CA-SCL-690, CA-SCL-202, CA-SCL-636) were identified in the initial APE. CA-SCL-690 is a large precontact village

site and cemetery located in Reach 7 and is also known as the Tamien Station site. This site has undergone mitigation in 1995 and 2007, including reburial of many ancestral remains near the site.

CA-SCL-202 in Reach 10A was identified as an artifact scatter with bone fragments, lithic tools, bowl mortars, and more recently human remains that were uncovered and reburied near the site. CA-SCL-636 is a midden site with fire cracked rocks and lithics, sitting partially on public and private property in Reach 11A.

All three precontact sites were determined to be eligible for listing on the NRHP and will require USACE and Valley Water to work with consulting parties, such as the State Historic Preservation Officer and the affiliated tribal party, if our selected alternative has adverse effects identified or a high likelihood to uncover unanticipated archaeological sites during construction. A table summarizing the results of the records search and past recorded resources are available in the enclosures below.

Future Section 106 Consultations

We respectfully request your response within 30 days of receipt of this letter to be a consulting party. If you do not respond within this time frame, you may still request consulting party status in the future, and we will reach out again once we determine a potential selected plan.

If you have any comments or questions regarding the information presented in this letter or would prefer USACE and Valley Water set up a virtual meeting to go over the records search result, please contact Ruzel.B.Ednalino@USACE.Army.Mil. Ruzel Ednalino can also be reached by phone at (415) 503-6661. Thank you for your time and consideration, we look forward to hearing from you.

Sincerely,

Julie R. Beagle
Environmental Planning Section Leader
San Francisco District

Figure 1. Study Area of the Upper Guadalupe GRR
Figure 2. Preliminary Area of Potential Effects Map
Figure 3. Results of the CHRIS Records Search

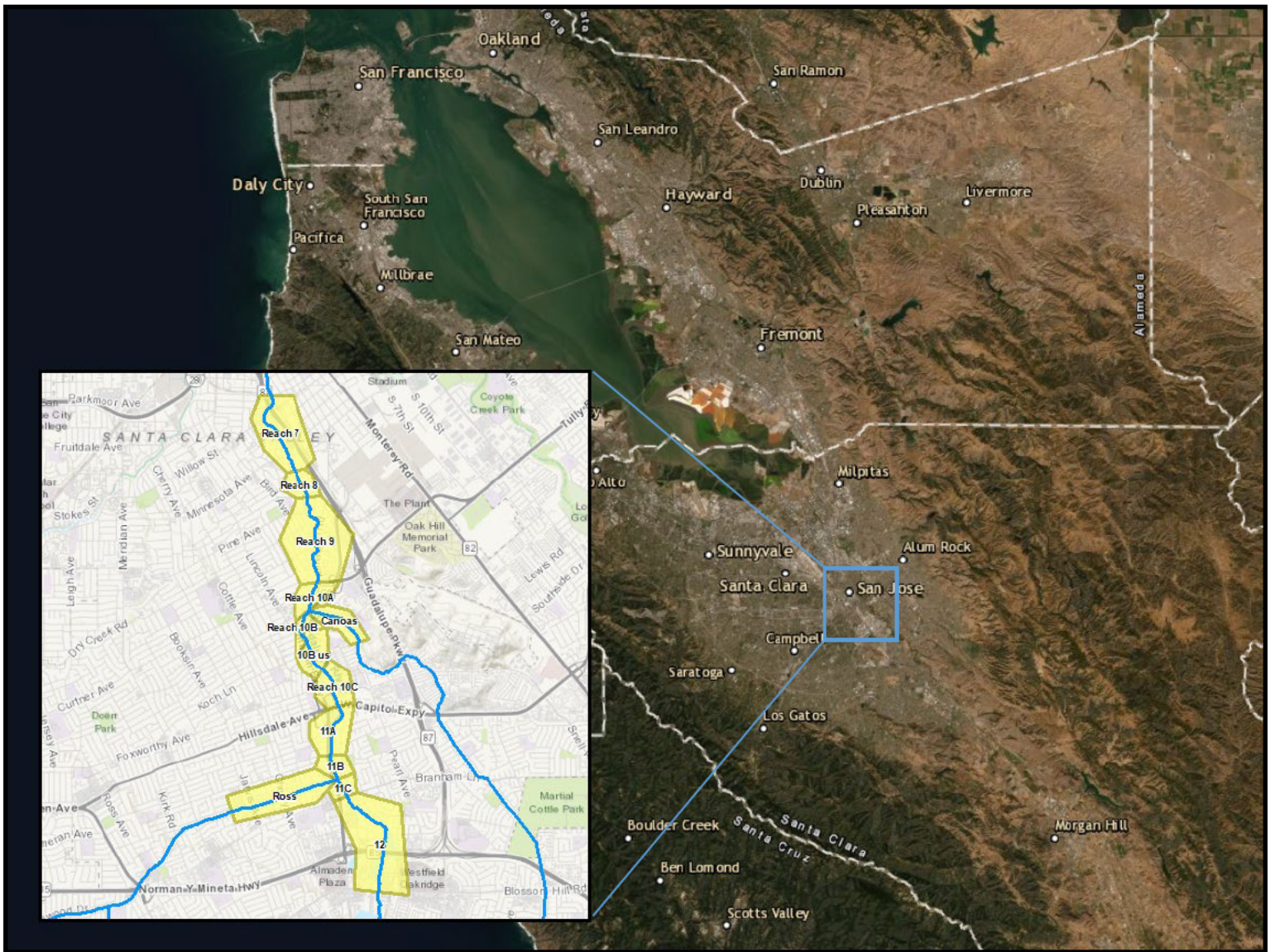


Figure 1. The Upper Guadalupe River General Reevaluation Study Area for the GRR.

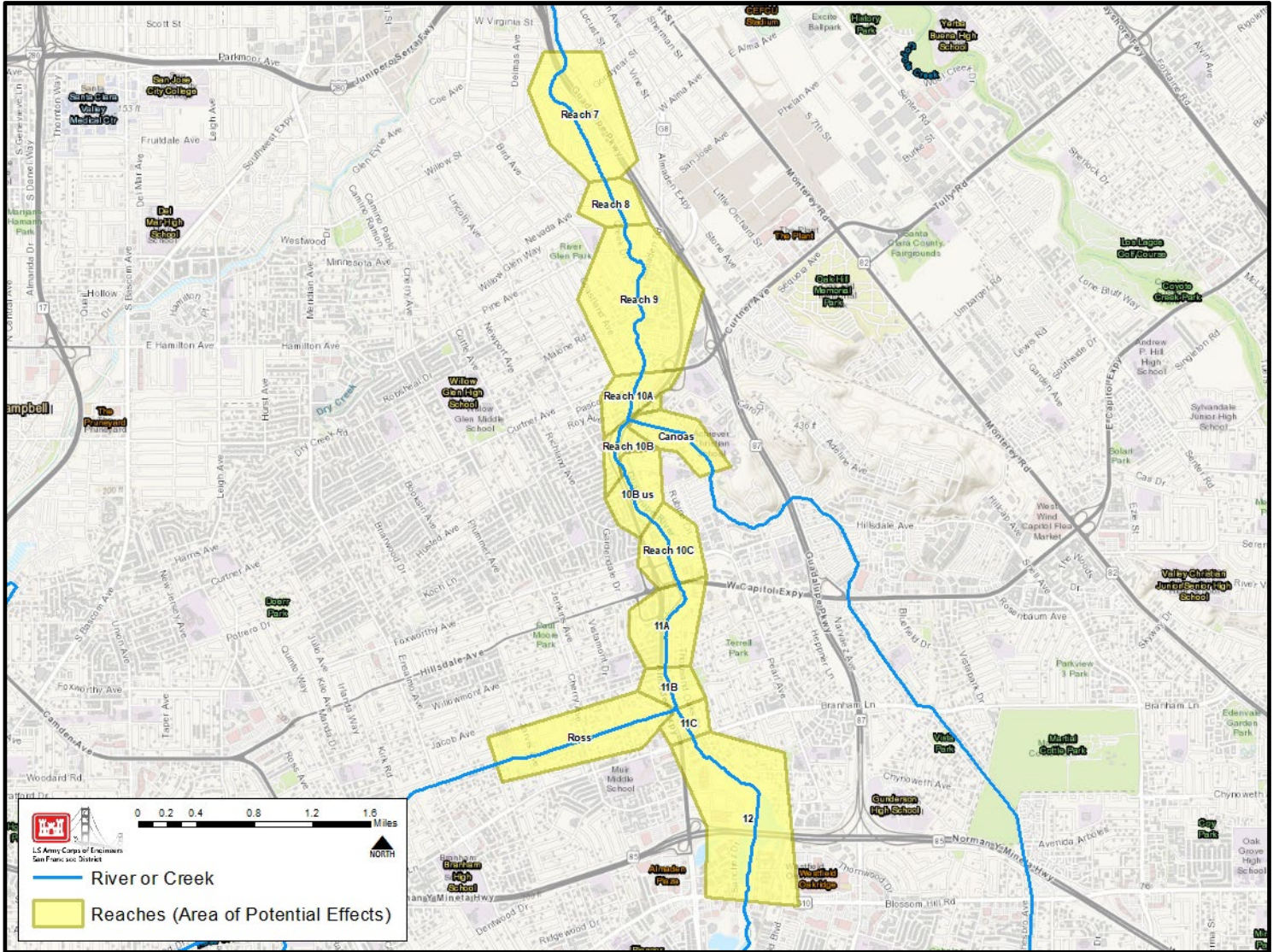


Figure 2. Area of Potential Effects map defined by USACE for the GRR.



Figure 3. Results of the CHRIS records search plotted onto the APE map.

Trinomial (Smithsonian Number)	State Resource Identifier (P#)	Location	Period	Description	NRHP Eligibility Criteria
CA-SCL-690	P-43-001071	Reach 7	Precontact	Precontact village site and cemetery	Eligible
SJ-1H	P-43-002234	Reach 7	Historic	Historic refuse scatter	Ineligible
CA-SCL-635H	P-43-001020	Reach 10A	Historic	Historic site with redwood retaining wall	Ineligible
CA-SCL-202	P-43-000213	Reach 10A	Historic	Burial and artifact scatter	Unevaluated
CA-SCL-636	P-43-001021	Reach 11A	Precontact	Midden site with fire cracked rocks and lithics	Unevaluated
C-1	None	Reach 7	Precontact	Reburial location from CA-SCL-690	None
CA-SCL-202 Reburial	None	Reach 10A	Precontact	Reburial location from CA-SCL-202	None

Source: Northwest Information Center of the California Historical Resources Information System, 2021.

Resource Name/Address	State Resource Identifier (P#)	Location	Period of Significance	Description	NRHP Eligibility Criteria
Sacred Heart Church and School	P-43-001221	Reach 7	Historic	Historic church and school	
Willow Street Underpass	P-43-003036	Reach 7	Historic	Bridge	
Elks Lodge	P-43-003161	Reach 7	Historic	Historic building	
Christian Manufacturing Company	P-43-003166	Reach 7	Historic	Historic building	
Pepitone Grocery	P-43-003169	Reach 7	Historic	Historic building	
Alma Bowl	P-43-003160	Reach 7	Historic	Historic building	
Guadalupe/Washington Conversation Area District	P-43-002278	Reach 7	Historic	Natural resources conservation area	
SPRR Trestle	P-43-000881	Reach 7	Historic	Historic bridge	
17 Historic Buildings and Structures (Reach 7)	None	Reach 7	Mid to late 20 th century	Several residential historic buildings and structures within Reach 7	
Western Pacific Railroad Trestle – Padres Drive	P-43-000882	Reach 8	Historic	Historic railroad bridge	
9 Historic Buildings and Structures (Reach 8)	None	Reach 8	Mid to late 20 th century	Several residential historic buildings and structures within Reach 8	
72 Historic Buildings and Structures (Reach 9)	None	Reach 9	Mid to late 20 th century	Several residential historic buildings and structures within Reach 9	
19 Historic Buildings and Structures (Reach 10A)	None	Reach 10A	Mid to late 20 th century	Several residential historic buildings and structures within Reach 10A	
Valley View Packing Company	P-43-000829	Reach 10C	Early 20 th century	Historic canning factory	
29 Historic Buildings and Structures (Reach 11A)	None	Reach 11A	Mid to late 20 th century	Several residential historic buildings and structures within Reach 11A	
4 Historic Buildings and Structures (Reach 11B)	None	Reach 11B	Mid to late 20 th century	Several residential historic buildings and structures within Reach 11B	
None	P-38-005450	Reach 7	Historic		
None	P-38-001318	Reach 7	Historic		
CA-SFR-000204H	P-38-005501	Reach 7	Historic		

Source: Northwest Information Center of the California Historical Resources Information System, 2021.



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVE.
SAN FRANCISCO, CA 94102

February 9, 2022

SUBJECT: National Historic Preservation Act (NHPA) Section 106 Consulting Party Invitation for the Upper Guadalupe River Flood Risk General Reevaluation Study

Chairperson Ann Marie Sayers

Indian Canyon Mutsun Band of Costanoan

[REDACTED]
[REDACTED]
[REDACTED]

Dear Chairperson Sayers,

The U.S. Army Corps of Engineers, San Francisco District (USACE) is writing to the Indian Canyon Mutsun Band of Costanoan pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) to be a consulting party for the Upper Guadalupe River Flood Risk General Reevaluation Study (GRR). The GRR is being conducted in partnership with Valley Water (formerly the Santa Clara Valley Water District) to reevaluate flood risk alternatives and select an alternative plan that improves life safety and recreational features for communities along the Upper Guadalupe River system.

We reached out to your tribe on April 1, 2021 to participate in a resource agency working group meeting. Since then, we've completed a records search at the Northwest Information Center located at Sonoma State University and began early consultation with several Ohlone tribes identified through the Native American Heritage Commission.

USACE is writing to consult with your tribe directly under 36 CFR § 800(a)(4) to respectfully gather information and assist in our identification of historic properties within the area of potential effects including natural or cultural resources that may hold traditional, religious, and cultural significance to your tribe. We also welcome input from your tribe concerning opportunities outside of historic preservation for the measures, such as recreational features, being proposed.

Description of the Undertaking

The GRR takes place in California, Santa Clara County within the southwestern highly urbanized portion of the city of San Jose (Figure 1). The GRR has defined 10 reaches for our study area that covers 5.5 miles of the Upper Guadalupe River system, including connecting tributaries Ross Creek and Canoas Creek. USACE and Valley Water are currently screening alternatives along the 5.5 miles of the Upper Guadalupe River beginning from Reach 7 and ending upstream at Reach 12 before selecting an alternative for further analysis.

Alternatives are drafted from structural and non-structural flood risk measures that address flood risks at every reach, ranging from construction of bypass channels, detention basins, grading of the riverbanks, floodwalls, channel widening, replanting of riparian vegetation, and other ground disturbing measures that will accommodate flows along the Guadalupe River system. USACE and Valley Water are also considering nature-based features for an alternative, which involves management of the Upper Guadalupe's floodplains and creating natural floodplain benches. Lastly, the project is authorized for an alternative to include recreational measures such as parks, public facilities, trails, and educational interpretive signage.

The area of potential effects (APE) is defined under 36 CFR § 800.16 as the geographic area where the undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. Since the GRR is currently at the scoping and plan formulation stage where USACE and Valley Water is compiling a final array of alternatives, USACE is defining the initial APE to cover all reaches along the Guadalupe River system where these alternatives will be evaluated (Figure 2).

Once the GRR finishes screening alternatives and establishes a final array of alternatives and a potential selected plan, USACE is expecting to redefine the APE. USACE will continue consulting with your tribe to discuss potential impacts to historic properties identified as the study progresses and the APE is finalized.

Planned Identification Efforts for Historic Properties

To account for standard best practices in identifying cultural resources, USACE has contacted the Northwest Information Center (NWIC) associated with the California Historical Resources Informational Systems to complete a records search for the GRR. The NWIC completed the records search request for USACE to review (NWIC 21-0368) and is summarized below. Within the initial APE defined in Figure 2, a total of 171 formally recorded resources were identified.

Most of these recorded resources were dated to the historic period and were characterized as built-environment resources, ranging in age from the 19th century leading into the mid-20th century. These historic built-environment resources include buildings, structures, and bridges that meets the historic principle of being 50 years of age or older but either lacks integrity or significance to be eligible as a historic property worth preserving.

Five recorded archaeological resources were also identified from the records search, including the location of two reburial sites. Two out of the five archaeological resources were dated to the historic period, with one resource determined to be a historic refuse scatter (SJ-1H, P-43-002234) located in Reach 7 and a historic retaining wall dating to the 1860's (CA-SCL-635H) in reach 10A. Both resources were evaluated by an archaeologist and determined to lack significance or integrity to be listed on the National Register of Historic Preservation (NRHP) which would warrant preservation or protection measures as a significant historic property.

Of the five recorded sites, three precontact archaeological resources (CA-SCL-690, CA-SCL-202, CA-SCL-636) were identified in the initial APE. CA-SCL-690 is a large precontact village site and cemetery located in Reach 7 and is also known as the Tamien Station site. This site has

undergone mitigation in 1995 and 2007, including reburial of many ancestral remains near the site.

CA-SCL-202 in Reach 10A was identified as an artifact scatter with bone fragments, lithic tools, bowl mortars, and more recently human remains that were uncovered and reburied near the site. CA-SCL-636 is a midden site with fire cracked rocks and lithics, sitting partially on public and private property in Reach 11A.

All three precontact sites were determined to be eligible for listing on the NRHP and will require USACE and Valley Water to work with consulting parties, such as the State Historic Preservation Officer and the affiliated tribal party, if our selected alternative has adverse effects identified or a high likelihood to uncover unanticipated archaeological sites during construction. A table summarizing the results of the records search and past recorded resources are available in the enclosures below.

Future Section 106 Consultations

We respectfully request your response within 30 days of receipt of this letter to be a consulting party. If you do not respond within this time frame, you may still request consulting party status in the future, and we will reach out again once we determine a potential selected plan.

If you have any comments or questions regarding the information presented in this letter or would prefer USACE and Valley Water set up a virtual meeting to go over the records search result, please contact Ruzel.B.Ednalino@USACE.Army.Mil. Ruzel Ednalino can also be reached by phone at (415) 503-6661. Thank you for your time and consideration, we look forward to hearing from you.

Sincerely,

Julie R. Beagle
Environmental Planning Section Leader
San Francisco District

Figure 1. Study Area of the Upper Guadalupe GRR

Figure 2. Preliminary Area of Potential Effects Map

Figure 3. Results of the CHRIS Records Search

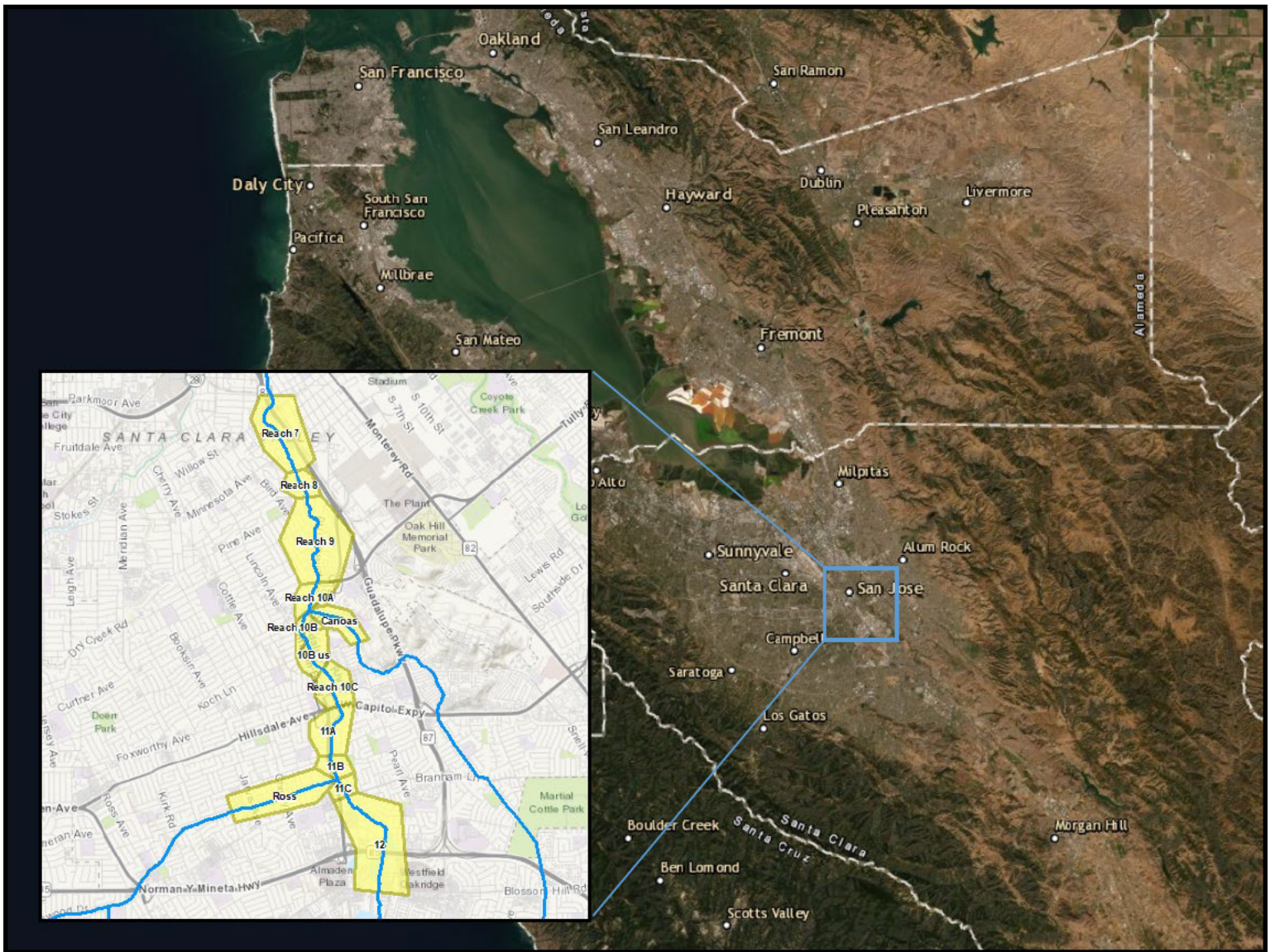


Figure 1. The Upper Guadalupe River General Reevaluation Study Area for the GRR.

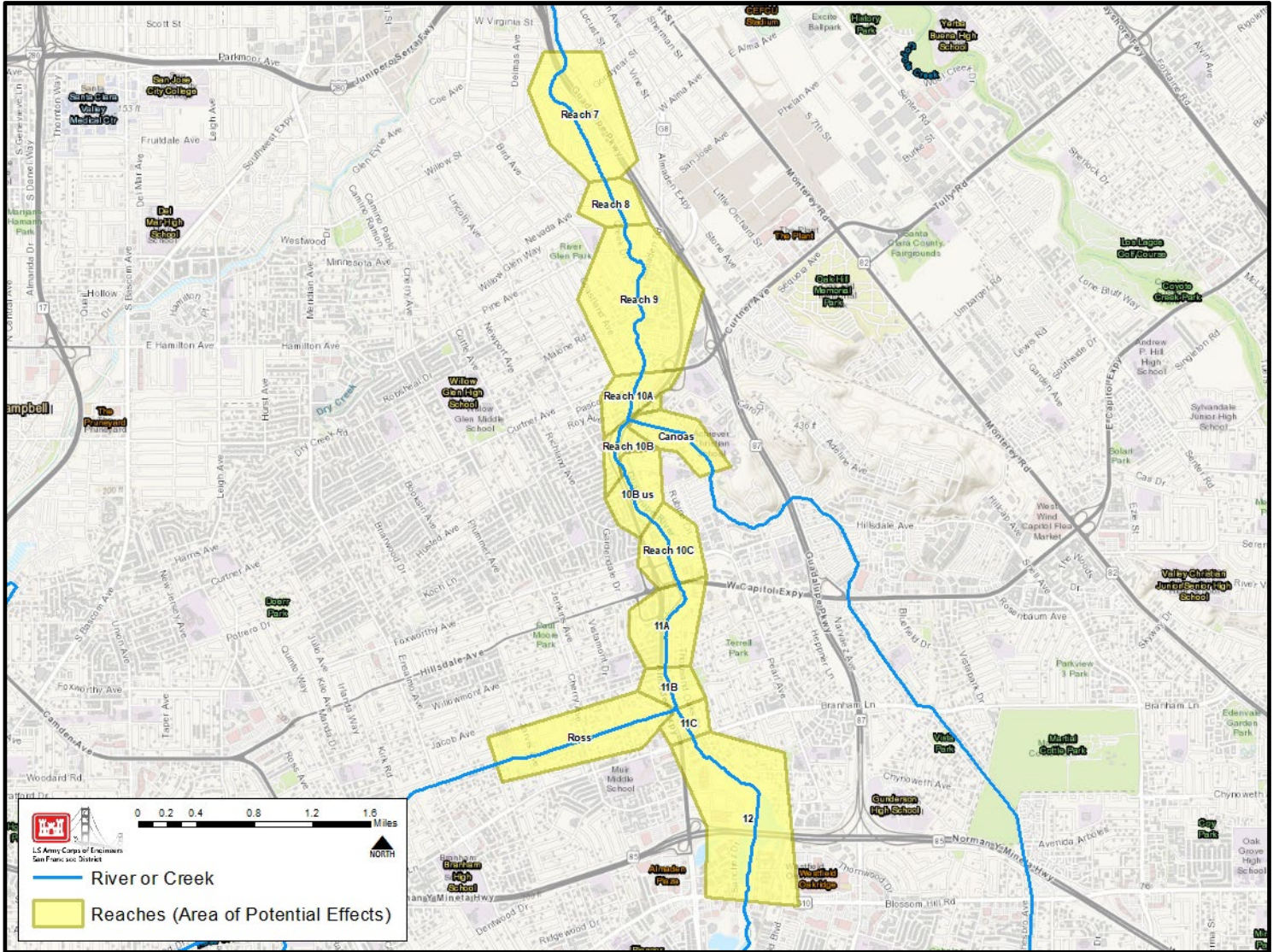


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C-1	None	Reach 7	Precontact	Reburial location from CA-SCL-690	None
CA-SCL-202 Reburial	None	Reach 10A	Precontact	Reburial location from CA-SCL-202	None

Source: Northwest Information Center of the California Historical Resources Information System, 2021.

Resource Name/Address	State Resource Identifier (P#)	Location	Period of Significance	Description	NRHP Eligibility Criteria
Sacred Heart Church and School	P-43-001221	Reach 7	Historic	Historic church and school	
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DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVE.
SAN FRANCISCO, CA 94102

February 9, 2022

SUBJECT: National Historic Preservation Act (NHPA) Section 106 Consulting Party Invitation for the Upper Guadalupe River Flood Risk General Reevaluation Study

Vice Chairwoman Monica Arellano

Muwekma Ohlone Indian Tribe of the SF Bay Area



Dear Vice Chairwoman Arellano,

The U.S. Army Corps of Engineers, San Francisco District (USACE) is writing to the Muwekma Ohlone Indian Tribe of the SF Bay Area pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) to be a consulting party for the Upper Guadalupe River Flood Risk General Reevaluation Study (GRR). The GRR is being conducted in partnership with Valley Water (formerly the Santa Clara Valley Water District) to reevaluate flood risk alternatives and select an alternative plan that improves life safety and recreational features for communities along the Upper Guadalupe River system.

We reached out to your tribe on April 1, 2021 to participate in a resource agency working group meeting. Since then, we've completed a records search at the Northwest Information Center located at Sonoma State University and began early consultation with several Ohlone tribes identified through the Native American Heritage Commission.

USACE is writing to consult with your tribe directly under 36 CFR § 800(a)(4) to respectfully gather information and assist in our identification of historic properties within the area of potential effects including natural or cultural resources that may hold traditional, religious, and cultural significance to your tribe. We also welcome input from your tribe concerning opportunities outside of historic preservation for the measures, such as recreational features, being proposed.

Description of the Undertaking

The GRR takes place in California, Santa Clara County within the southwestern highly urbanized portion of the city of San Jose (Figure 1). The GRR has defined 10 reaches for our study area that covers 5.5 miles of the Upper Guadalupe River system, including connecting tributaries Ross Creek and Canoas Creek. USACE and Valley Water are currently screening alternatives along the 5.5 miles of the Upper Guadalupe River beginning from Reach 7 and ending upstream at Reach 12 before selecting an alternative for further analysis.

Alternatives are drafted from structural and non-structural flood risk measures that address flood risks at every reach, ranging from construction of bypass channels, detention basins, grading of the riverbanks, floodwalls, channel widening, replanting of riparian vegetation, and other ground disturbing measures that will accommodate flows along the Guadalupe River system. USACE and Valley Water are also considering nature-based features for an alternative, which involves management of the Upper Guadalupe's floodplains and creating natural floodplain benches. Lastly, the project is authorized for an alternative to include recreational measures such as parks, public facilities, trails, and educational interpretive signage.

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undergone mitigation in 1995 and 2007, including reburial of many ancestral remains near the site.

CA-SCL-202 in Reach 10A was identified as an artifact scatter with bone fragments, lithic tools, bowl mortars, and more recently human remains that were uncovered and reburied near the site. CA-SCL-636 is a midden site with fire cracked rocks and lithics, sitting partially on public and private property in Reach 11A.

All three precontact sites were determined to be eligible for listing on the NRHP and will require USACE and Valley Water to work with consulting parties, such as the State Historic Preservation Officer and the affiliated tribal party, if our selected alternative has adverse effects identified or a high likelihood to uncover unanticipated archaeological sites during construction. A table summarizing the results of the records search and past recorded resources are available in the enclosures below.

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We respectfully request your response within 30 days of receipt of this letter to be a consulting party. If you do not respond within this time frame, you may still request consulting party status in the future, and we will reach out again once we determine a potential selected plan.

If you have any comments or questions regarding the information presented in this letter or would prefer USACE and Valley Water set up a virtual meeting to go over the records search result, please contact Ruzel.B.Ednalino@USACE.Army.Mil. Ruzel Ednalino can also be reached by phone at (415) 503-6661. Thank you for your time and consideration, we look forward to hearing from you.

Sincerely,

Julie R. Beagle
Environmental Planning Section Leader
San Francisco District

Figure 1. Study Area of the Upper Guadalupe GRR

Figure 2. Preliminary Area of Potential Effects Map

Figure 3. Results of the CHRIS Records Search

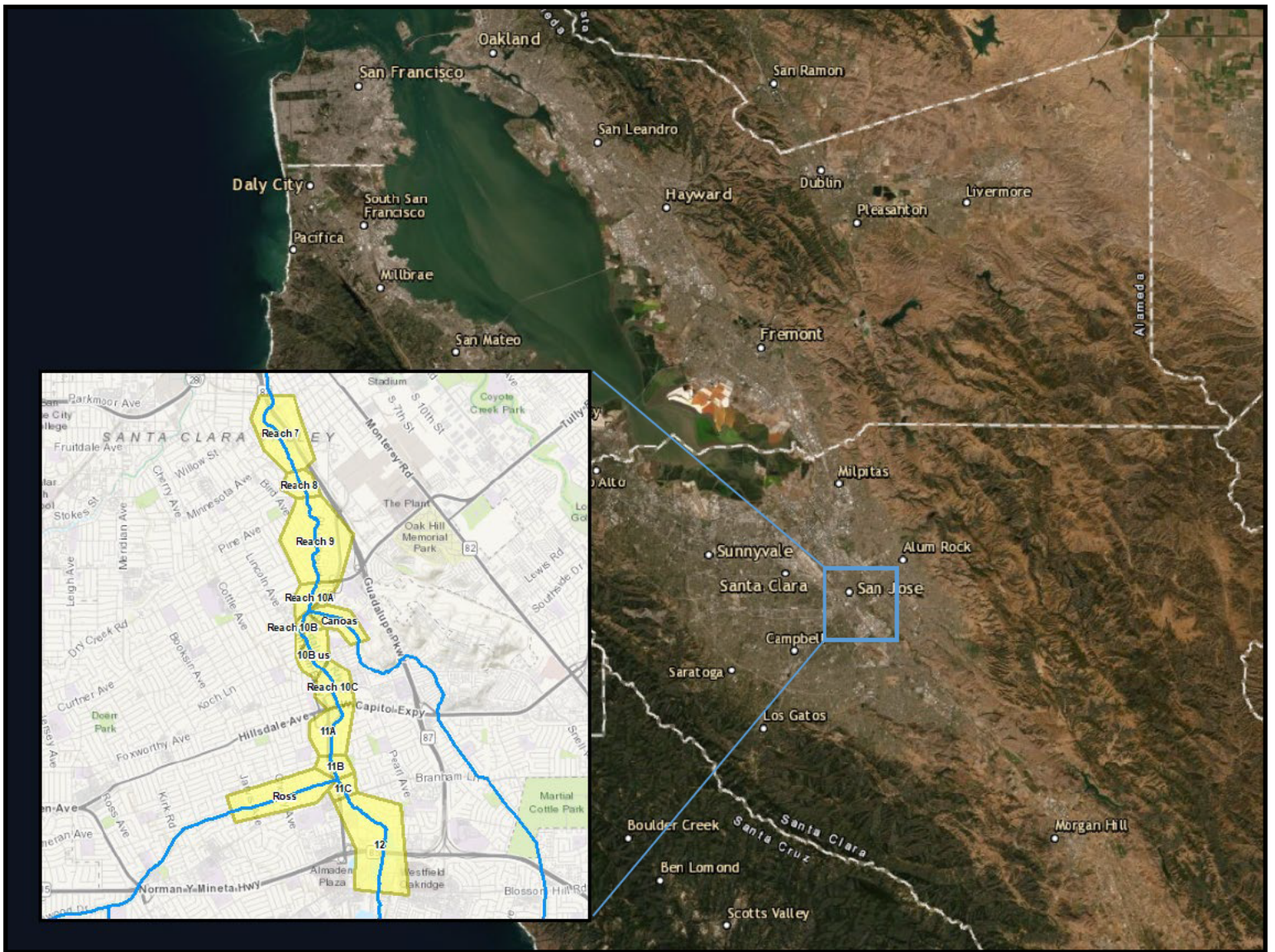


Figure 1. The Upper Guadalupe River General Reevaluation Study Area for the GRR.

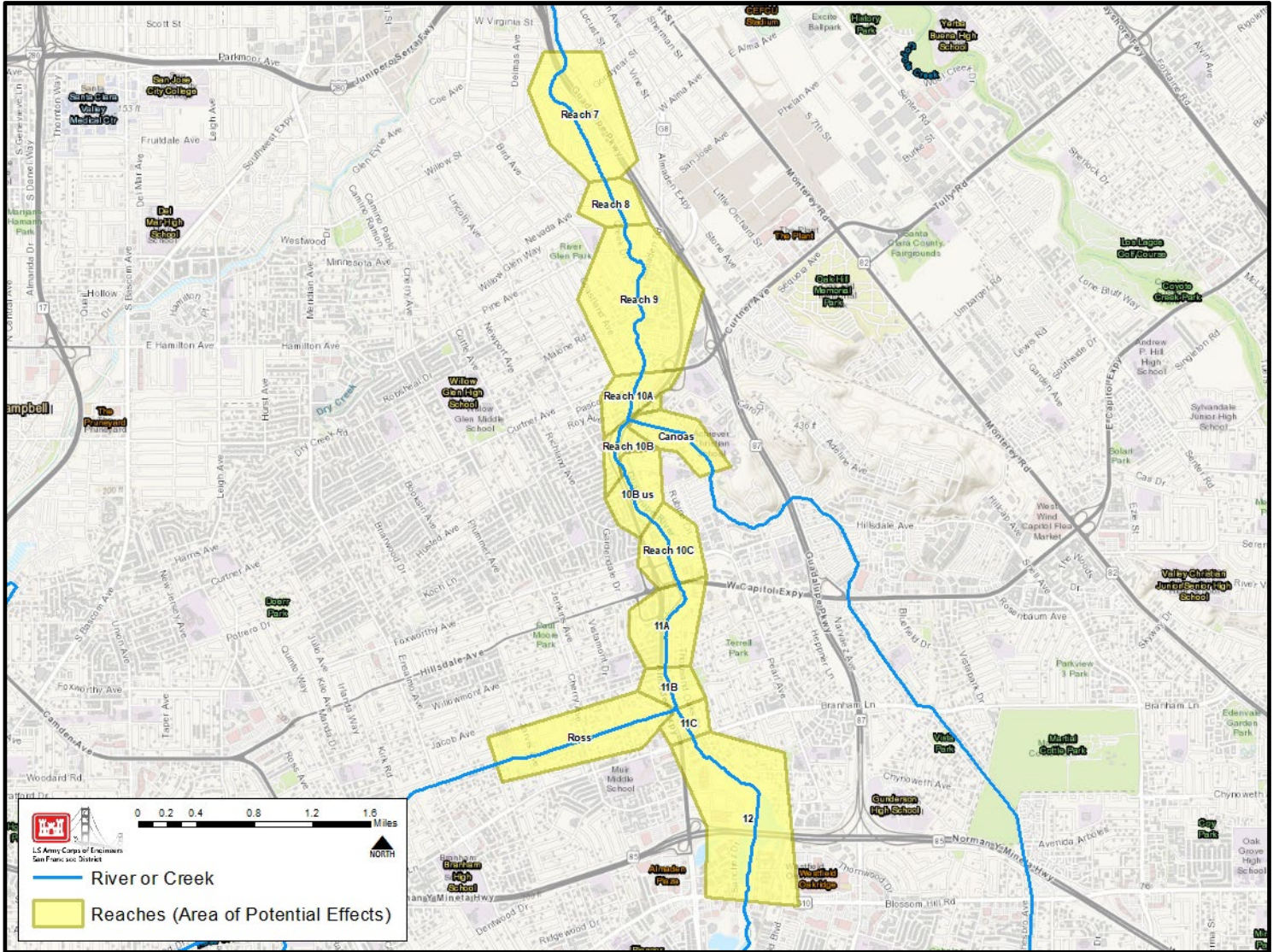


Figure 2. Area of Potential Effects map defined by USACE for the GRR.

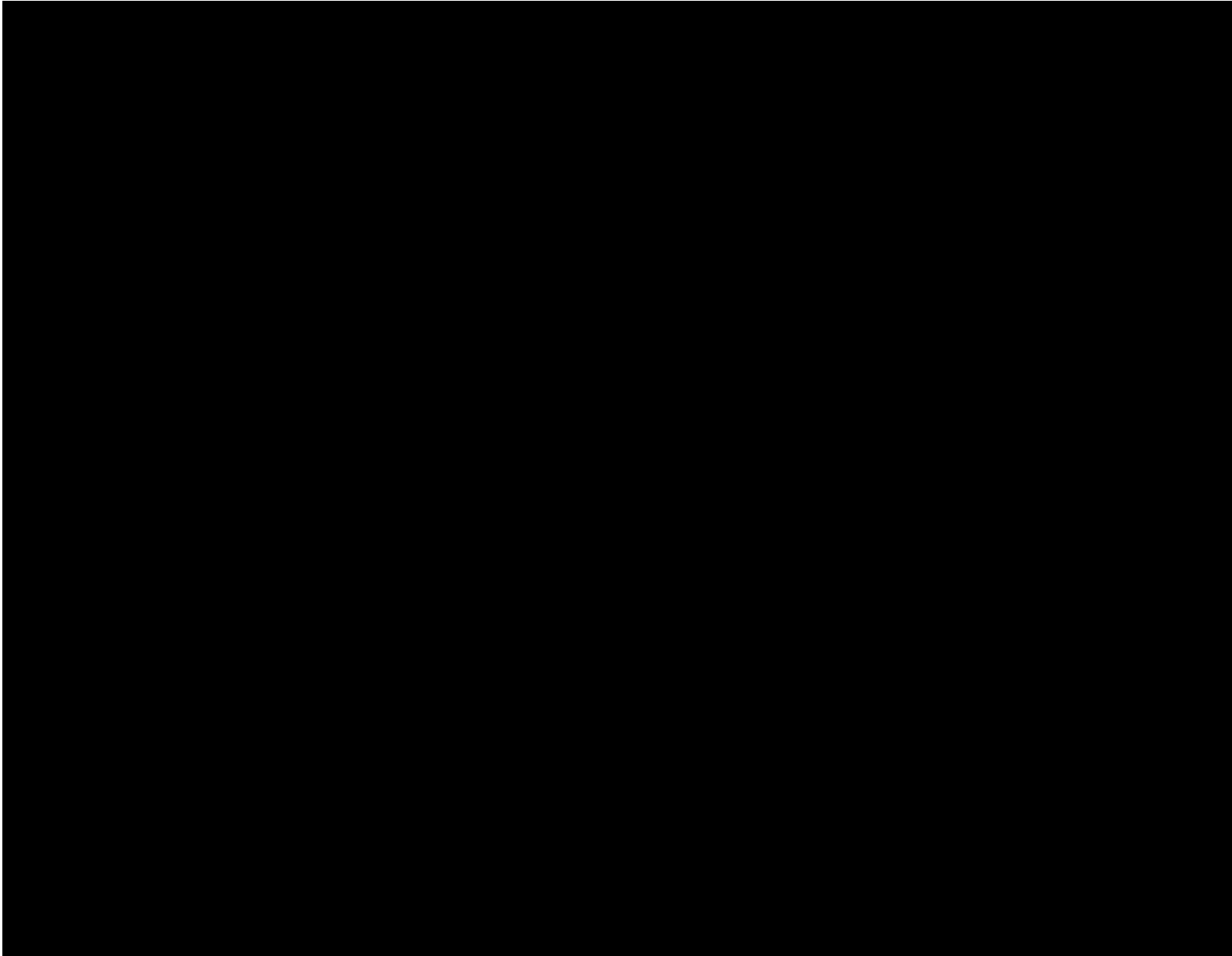


Figure 3. Results of the CHRIS records search plotted onto the APE map.

Trinomial (Smithsonian Number)	State Resource Identifier (P#)	Location	Period	Description	NRHP Eligibility Criteria
CA-SCL-690	P-43-001071	Reach 7	Precontact	Precontact village site and cemetery	Eligible
SJ-1H	P-43-002234	Reach 7	Historic	Historic refuse scatter	Ineligible
CA-SCL-635H	P-43-001020	Reach 10A	Historic	Historic site with redwood retaining wall	Ineligible
CA-SCL-202	P-43-000213	Reach 10A	Historic	Burial and artifact scatter	Unevaluated
CA-SCL-636	P-43-001021	Reach 11A	Precontact	Midden site with fire cracked rocks and lithics	Unevaluated
C-1	None	Reach 7	Precontact	Reburial location from CA-SCL-690	None
CA-SCL-202 Reburial	None	Reach 10A	Precontact	Reburial location from CA-SCL-202	None

Source: Northwest Information Center of the California Historical Resources Information System, 2021.

Resource Name/Address	State Resource Identifier (P#)	Location	Period of Significance	Description	NRHP Eligibility Criteria
Sacred Heart Church and School	P-43-001221	Reach 7	Historic	Historic church and school	
Willow Street Underpass	P-43-003036	Reach 7	Historic	Bridge	
Elks Lodge	P-43-003161	Reach 7	Historic	Historic building	
Christian Manufacturing Company	P-43-003166	Reach 7	Historic	Historic building	
Pepitone Grocery	P-43-003169	Reach 7	Historic	Historic building	
Alma Bowl	P-43-003160	Reach 7	Historic	Historic building	
Guadalupe/Washington Conversation Area District	P-43-002278	Reach 7	Historic	Natural resources conservation area	
SPRR Trestle	P-43-000881	Reach 7	Historic	Historic bridge	
17 Historic Buildings and Structures (Reach 7)	None	Reach 7	Mid to late 20 th century	Several residential historic buildings and structures within Reach 7	
Western Pacific Railroad Trestle – Padres Drive	P-43-000882	Reach 8	Historic	Historic railroad bridge	
9 Historic Buildings and Structures (Reach 8)	None	Reach 8	Mid to late 20 th century	Several residential historic buildings and structures within Reach 8	
72 Historic Buildings and Structures (Reach 9)	None	Reach 9	Mid to late 20 th century	Several residential historic buildings and structures within Reach 9	
19 Historic Buildings and Structures (Reach 10A)	None	Reach 10A	Mid to late 20 th century	Several residential historic buildings and structures within Reach 10A	
Valley View Packing Company	P-43-000829	Reach 10C	Early 20 th century	Historic canning factory	
29 Historic Buildings and Structures (Reach 11A)	None	Reach 11A	Mid to late 20 th century	Several residential historic buildings and structures within Reach 11A	
4 Historic Buildings and Structures (Reach 11B)	None	Reach 11B	Mid to late 20 th century	Several residential historic buildings and structures within Reach 11B	
None	P-38-005450	Reach 7	Historic		
None	P-38-001318	Reach 7	Historic		
CA-SFR-000204H	P-38-005501	Reach 7	Historic		

Source: Northwest Information Center of the California Historical Resources Information System, 2021.



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVE.
SAN FRANCISCO, CA 94102

February 9, 2022

SUBJECT: National Historic Preservation Act (NHPA) Section 106 Consulting Party Invitation for the Upper Guadalupe River Flood Risk General Reevaluation Study

Chairperson Katherine Erolinda Perez

North Valley Yokuts



Dear Chairperson Perez,

The U.S. Army Corps of Engineers, San Francisco District (USACE) is writing to the North Valley Yokuts pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) to be a consulting party for the Upper Guadalupe River Flood Risk General Reevaluation Study (GRR). The GRR is being conducted in partnership with Valley Water (formerly the Santa Clara Valley Water District) to reevaluate flood risk alternatives and select an alternative plan that improves life safety and recreational features for communities along the Upper Guadalupe River system.

We reached out to your tribe on April 1, 2021 to participate in a resource agency working group meeting. Since then, we've completed a records search at the Northwest Information Center located at Sonoma State University and began early consultation with several Ohlone tribes identified through the Native American Heritage Commission.

USACE is writing to consult with your tribe directly under 36 CFR § 800(a)(4) to respectfully gather information and assist in our identification of historic properties within the area of potential effects including natural or cultural resources that may hold traditional, religious, and cultural significance to your tribe. We also welcome input from your tribe concerning opportunities outside of historic preservation for the measures, such as recreational features, being proposed.

Description of the Undertaking

The GRR takes place in California, Santa Clara County within the southwestern highly urbanized portion of the city of San Jose (Figure 1). The GRR has defined 10 reaches for our study area that covers 5.5 miles of the Upper Guadalupe River system, including connecting tributaries Ross Creek and Canoas Creek. USACE and Valley Water are currently screening alternatives along the 5.5 miles of the Upper Guadalupe River beginning from Reach 7 and ending upstream at Reach 12 before selecting an alternative for further analysis.

Alternatives are drafted from structural and non-structural flood risk measures that address flood risks at every reach, ranging from construction of bypass channels, detention basins, grading of the riverbanks, floodwalls, channel widening, replanting of riparian vegetation, and other ground disturbing measures that will accommodate flows along the Guadalupe River system. USACE and Valley Water are also considering nature-based features for an alternative, which involves management of the Upper Guadalupe's floodplains and creating natural floodplain benches. Lastly, the project is authorized for an alternative to include recreational measures such as parks, public facilities, trails, and educational interpretive signage.

The area of potential effects (APE) is defined under 36 CFR § 800.16 as the geographic area where the undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. Since the GRR is currently at the scoping and plan formulation stage where USACE and Valley Water is compiling a final array of alternatives, USACE is defining the initial APE to cover all reaches along the Guadalupe River system where these alternatives will be evaluated (Figure 2).

Once the GRR finishes screening alternatives and establishes a final array of alternatives and a potential selected plan, USACE is expecting to redefine the APE. USACE will continue consulting with your tribe to discuss potential impacts to historic properties identified as the study progresses and the APE is finalized.

Planned Identification Efforts for Historic Properties

To account for standard best practices in identifying cultural resources, USACE has contacted the Northwest Information Center (NWIC) associated with the California Historical Resources Informational Systems to complete a records search for the GRR. The NWIC completed the records search request for USACE to review (NWIC 21-0368) and is summarized below. Within the initial APE defined in Figure 2, a total of 171 formally recorded resources were identified.

Most of these recorded resources were dated to the historic period and were characterized as built-environment resources, ranging in age from the 19th century leading into the mid-20th century. These historic built-environment resources include buildings, structures, and bridges that meets the historic principle of being 50 years of age or older but either lacks integrity or significance to be eligible as a historic property worth preserving.

Five recorded archaeological resources were also identified from the records search, including the location of two reburial sites. Two out of the five archaeological resources were dated to the historic period, with one resource determined to be a historic refuse scatter (SJ-1H, P-43-002234) located in Reach 7 and a historic retaining wall dating to the 1860's (CA-SCL-635H) in reach 10A. Both resources were evaluated by an archaeologist and determined to lack significance or integrity to be listed on the National Register of Historic Preservation (NRHP) which would warrant preservation or protection measures as a significant historic property.

Of the five recorded sites, three precontact archaeological resources (CA-SCL-690, CA-SCL-202, CA-SCL-636) were identified in the initial APE. CA-SCL-690 is a large precontact village site and cemetery located in Reach 7 and is also known as the Tamien Station site. This site has

undergone mitigation in 1995 and 2007, including reburial of many ancestral remains near the site.

CA-SCL-202 in Reach 10A was identified as an artifact scatter with bone fragments, lithic tools, bowl mortars, and more recently human remains that were uncovered and reburied near the site. CA-SCL-636 is a midden site with fire cracked rocks and lithics, sitting partially on public and private property in Reach 11A.

All three precontact sites were determined to be eligible for listing on the NRHP and will require USACE and Valley Water to work with consulting parties, such as the State Historic Preservation Officer and the affiliated tribal party, if our selected alternative has adverse effects identified or a high likelihood to uncover unanticipated archaeological sites during construction. A table summarizing the results of the records search and past recorded resources are available in the enclosures below.

Future Section 106 Consultations

We respectfully request your response within 30 days of receipt of this letter to be a consulting party. If you do not respond within this time frame, you may still request consulting party status in the future, and we will reach out again once we determine a potential selected plan.

If you have any comments or questions regarding the information presented in this letter or would prefer USACE and Valley Water set up a virtual meeting to go over the records search result, please contact Ruzel.B.Ednalino@USACE.Army.Mil. Ruzel Ednalino can also be reached by phone at (415) 503-6661. Thank you for your time and consideration, we look forward to hearing from you.

Sincerely,

Julie R. Beagle
Environmental Planning Section Leader
San Francisco District

Figure 1. Study Area of the Upper Guadalupe GRR

Figure 2. Preliminary Area of Potential Effects Map

Figure 3. Results of the CHRIS Records Search

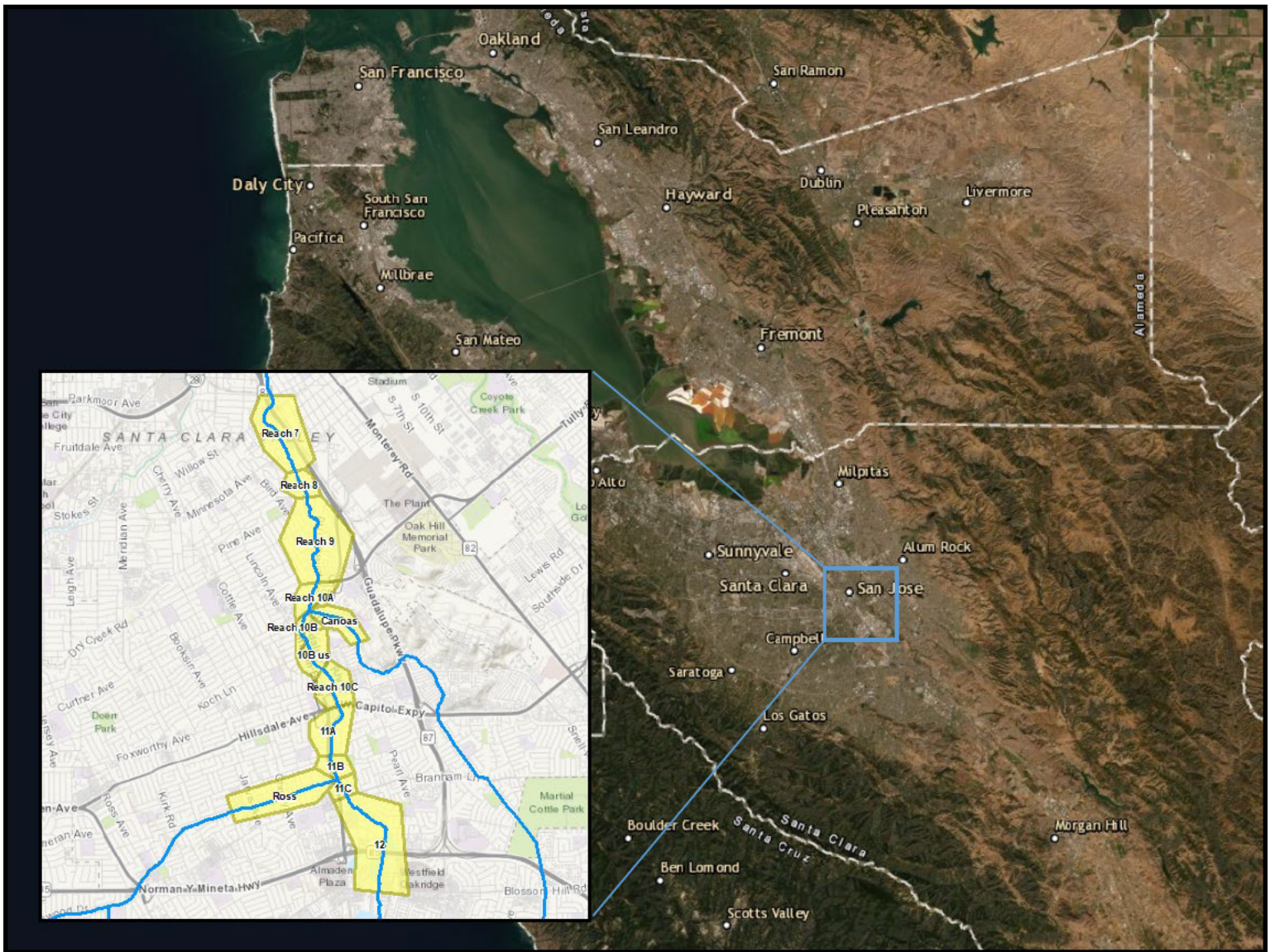


Figure 1. The Upper Guadalupe River General Reevaluation Study Area for the GRR.

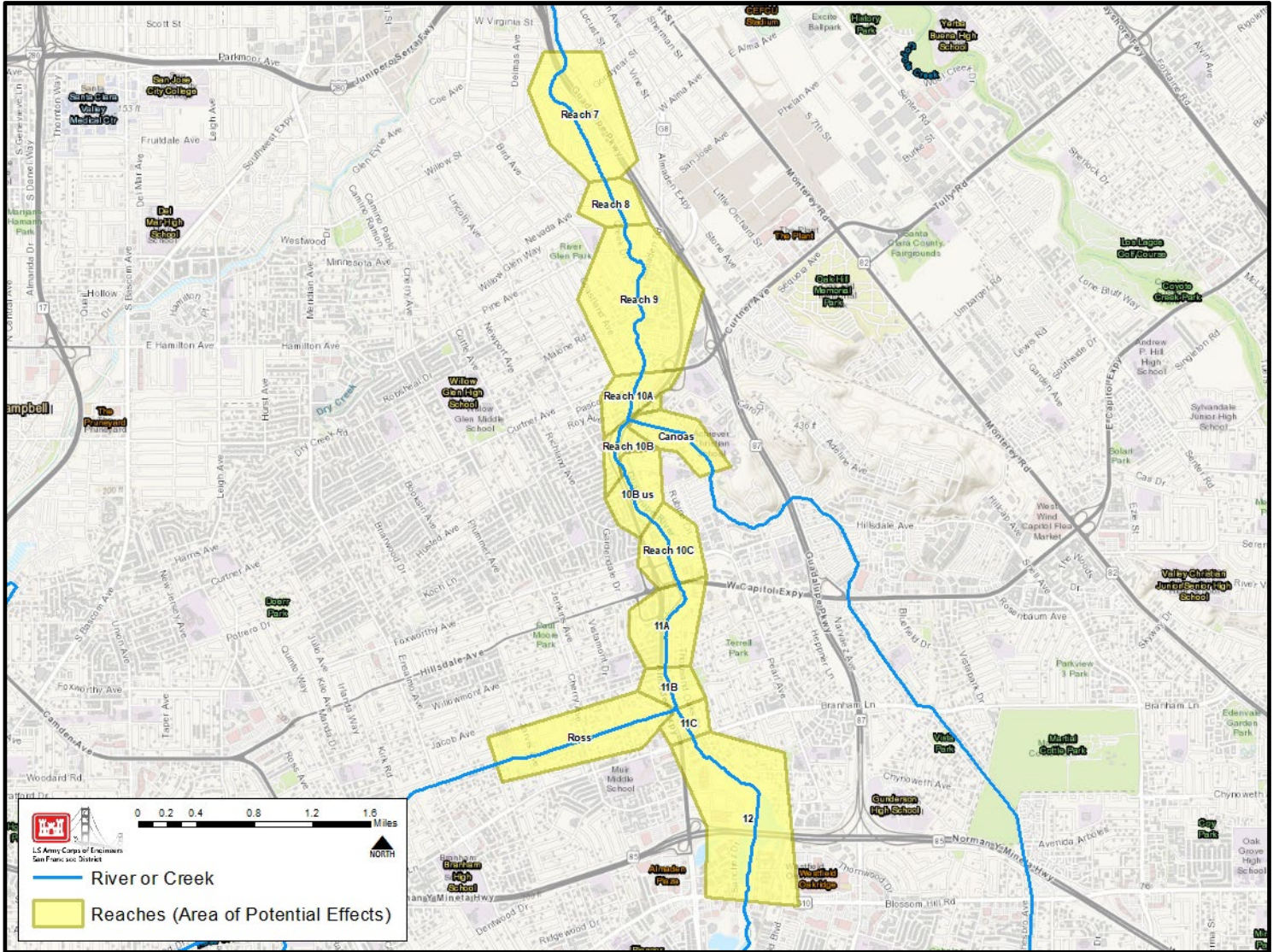


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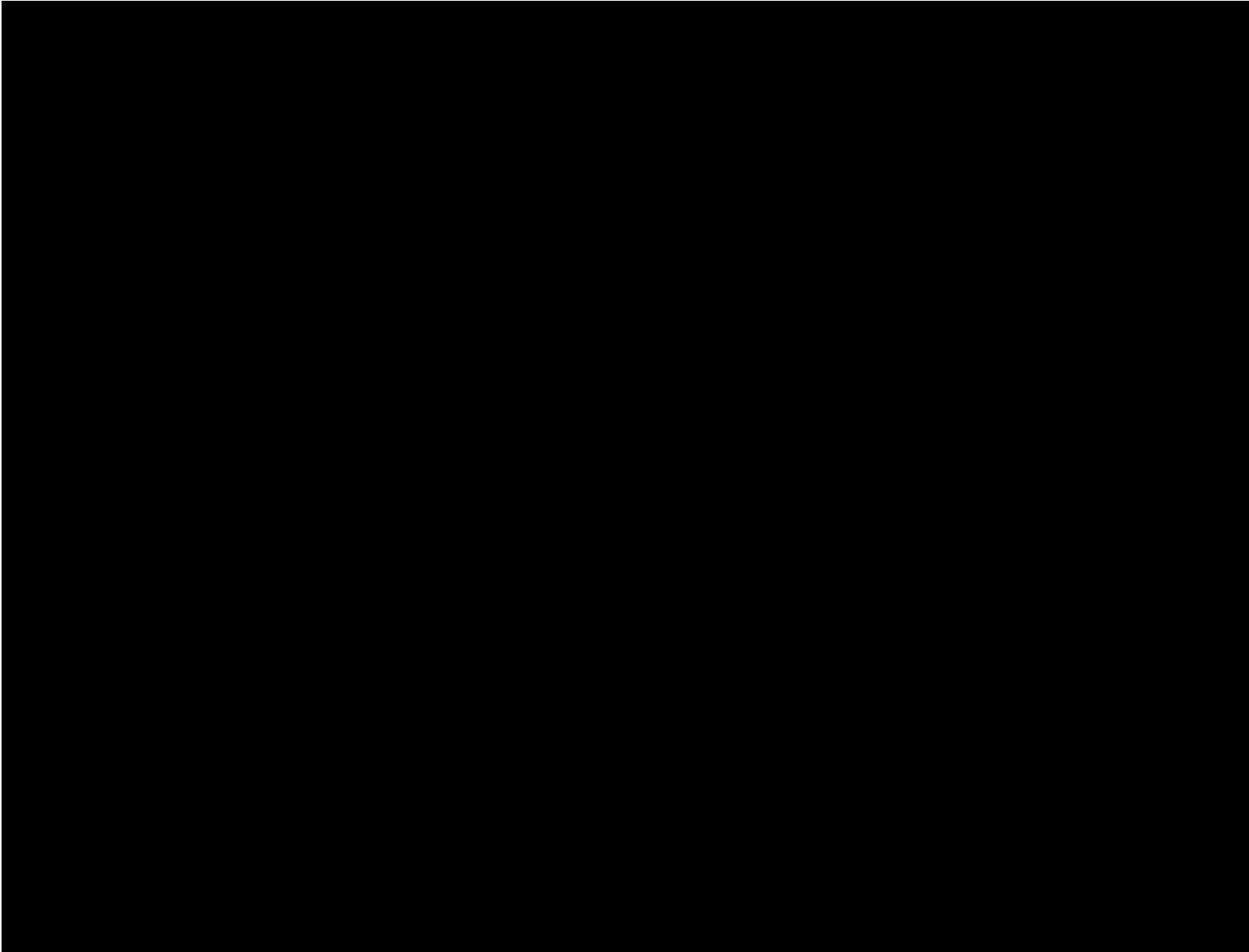


Figure 3. Results of the CHRIS records search plotted onto the APE map.

Trinomial (Smithsonian Number)	State Resource Identifier (P#)	Location	Period	Description	NRHP Eligibility Criteria
CA-SCL-690	P-43-001071	Reach 7	Precontact	Precontact village site and cemetery	Eligible
SJ-1H	P-43-002234	Reach 7	Historic	Historic refuse scatter	Ineligible
CA-SCL-635H	P-43-001020	Reach 10A	Historic	Historic site with redwood retaining wall	Ineligible
CA-SCL-202	P-43-000213	Reach 10A	Historic	Burial and artifact scatter	Unevaluated
CA-SCL-636	P-43-001021	Reach 11A	Precontact	Midden site with fire cracked rocks and lithics	Unevaluated
C-1	None	Reach 7	Precontact	Reburial location from CA-SCL-690	None
CA-SCL-202 Reburial	None	Reach 10A	Precontact	Reburial location from CA-SCL-202	None

Source: Northwest Information Center of the California Historical Resources Information System, 2021.

Resource Name/Address	State Resource Identifier (P#)	Location	Period of Significance	Description	NRHP Eligibility Criteria
Sacred Heart Church and School	P-43-001221	Reach 7	Historic	Historic church and school	
Willow Street Underpass	P-43-003036	Reach 7	Historic	Bridge	
Elks Lodge	P-43-003161	Reach 7	Historic	Historic building	
Christian Manufacturing Company	P-43-003166	Reach 7	Historic	Historic building	
Pepitone Grocery	P-43-003169	Reach 7	Historic	Historic building	
Alma Bowl	P-43-003160	Reach 7	Historic	Historic building	
Guadalupe/Washington Conversation Area District	P-43-002278	Reach 7	Historic	Natural resources conservation area	
SPRR Trestle	P-43-000881	Reach 7	Historic	Historic bridge	
17 Historic Buildings and Structures (Reach 7)	None	Reach 7	Mid to late 20 th century	Several residential historic buildings and structures within Reach 7	
Western Pacific Railroad Trestle – Padres Drive	P-43-000882	Reach 8	Historic	Historic railroad bridge	
9 Historic Buildings and Structures (Reach 8)	None	Reach 8	Mid to late 20 th century	Several residential historic buildings and structures within Reach 8	
72 Historic Buildings and Structures (Reach 9)	None	Reach 9	Mid to late 20 th century	Several residential historic buildings and structures within Reach 9	
19 Historic Buildings and Structures (Reach 10A)	None	Reach 10A	Mid to late 20 th century	Several residential historic buildings and structures within Reach 10A	
Valley View Packing Company	P-43-000829	Reach 10C	Early 20 th century	Historic canning factory	
29 Historic Buildings and Structures (Reach 11A)	None	Reach 11A	Mid to late 20 th century	Several residential historic buildings and structures within Reach 11A	
4 Historic Buildings and Structures (Reach 11B)	None	Reach 11B	Mid to late 20 th century	Several residential historic buildings and structures within Reach 11B	
None	P-38-005450	Reach 7	Historic		
None	P-38-001318	Reach 7	Historic		
CA-SFR-000204H	P-38-005501	Reach 7	Historic		

Source: Northwest Information Center of the California Historical Resources Information System, 2021.



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE
SAN FRANCISCO, CALIFORNIA 94103-1111

October 3, 2022

SUBJECT: Upper Guadalupe Flood Risk General Reevaluation Study, National Historic Preservation Act Section 106 Tribal Consultation for Identification of Historic Properties

Quirina Luna Geary
Chairperson



Dear Chairwoman Geary,

The U.S. Army Corps of Engineers San Francisco District (USACE) and our partners Valley Water is contacting the Tamien Nation to continue Section 106 consultation for the Upper Guadalupe Flood Risk General Reevaluation Study (GRR). The purpose of the study is to reevaluate flood risk alternatives and select an alternative plan that improves life safety and recreational features for communities along the Upper Guadalupe River system, in San Jose, California. The GRR identified a tentatively selected a plan from the final array of alternatives in August 2022.

We previously contacted your Tribe on April 1st 2021, February 9th 2022, and July 19th 2022 inviting your Tribe to be a consulting party in accordance with Section 106 of the National Historic Preservation Act of 1966 (54 USC § 306108) and its implementing regulations under 36 CFR § 800. Your Tribe was also invited to attend a Resource Agency Working Group meeting held periodically for the GRR.

The Tamien Nation formally consulted with USACE and Valley Water on September 27th, 2022. USACE has committed to following up with your Tribe and including you in future planning efforts and opportunities for the GRR.

With this letter, USACE is continuing Section 106 consultation with your Tribe to review our efforts for identifying historic properties and ask for your assistance in identifying significant cultural resources and impacts for the selected plan. We also invite your Tribe to participate in the review and development of a Tribal Cultural and Archaeological Monitoring Treatment Plan (TCAMTP) with USACE and Valley Water.

Project Location and Area of Potential Effects

The GRR takes place in California, Santa Clara County within the southwestern highly urbanized portion of the city of San Jose (Figure 1). The GRR has defined 10 reaches for our study area that covers 5.5 miles of the Upper Guadalupe River system,

including connecting tributaries Ross Creek and Canoas Creek (Figure 2). USACE and Valley Water have screened alternatives along the 5.5 miles of the Upper Guadalupe River beginning from Reach 7 and ending upstream at Reach 12. Sentence here stating what the previous alternatives were when the study was in the 90's. Sentence here summarizing the different alternatives they screened for the current GRR.

After screening and evaluating several alternatives from the final array of alternatives, USACE and Valley Water selected the "Combination Plan" to be the GRR's tentatively selected plan:

- Combination Plan: This plan combines engineering with nature features, such as floodplain reconnection and restoration in the constricted portions of the mainstem of the Guadalupe River. The plan will include traditional flood risk management features, such as floodwalls on the tributaries where homes reside adjacent to the creek. The Combination Plan also includes gravel augmentation and alcoves, as well as bridge and culvert replacement at the most restricting pinch points in the system (Figure 3).

Following the Section 106 process to identify historic properties under the National Historic Preservation Act, the Area of Potential Effects (APE) is defined under 36 CFR § 800.16 as the geographic area where the undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.

Originally the preliminary APE (Figure 4) covered the entirety of the Upper Guadalupe River where alternatives were being formulated. The current APE was delineated by USACE to cover the selected Combination Plan (Figure 5). Efforts to identify historic properties as well as determining impacts for cultural resources were considered within the larger APE covering the entirety of the Upper Guadalupe River.

Identification Efforts for Historic Properties

To account for standard best practices in identifying cultural resources, USACE has contacted the Northwest Information Center (NWIC) associated with the California Historical Resources Informational Systems to complete a records search for the GRR. The NWIC completed the records search request for USACE to review (NWIC 21-0368) and is summarized below. Within the preliminary APE, which incorporated all 10 of the project reaches, a total of 171 formally recorded resources were identified.

However, the refined APE covering the footprint of the Combination Plan only has not identified any archaeological or precontact cultural sites within its boundaries. The only resources identified within the refined APE are built-environment structures and buildings which do not retain any historic significance and aren't expected to be impacted by the selected plan.

Most of these recorded resources were dated to the historic period and were characterized as built-environment resources, ranging in age from the 19th century leading into the mid-20th century. These historic built-environment resources include buildings, structures, and bridges that meets the historic principle of being 50 years of age

or older but either lacks integrity or significance to be eligible as a historic property worth preserving.

Five recorded sites were also identified from the records search, including the location of two reburial sites.

Two out of the five sites were dated to the historic period, with one resource determined to be a historic refuse scatter (SJ-1H, P-43-002234) located in Reach 7 and a historic retaining wall dating to the 1860's (CA-SCL-635H) in reach 10A. Both resources were evaluated by an archaeologist and determined to lack significance or integrity to be listed on the National Register of Historic Preservation (NRHP) which would warrant mitigation measures as a significant historic property. Of the five recorded sites, three precontact sites (CA-SCL-690, CA-SCL-202, CA-SCL-636) were identified in the preliminary APE.

CA-SCL-690 is a large precontact village site and cemetery located in Reach 7 and is also known as the Tamien Station site. This site underwent mitigation in 1995 and 2007, including reburial of many ancestral remains near the site. USACE has revisited the site recently to determine the reevaluation of the site boundary with the affiliated most-likely descendant assigned by the Native American Heritage Commission (NAHC). Based on the mitigation completed last year, USACE has determined the site is not within the project footprint of the Combination Plan.

CA-SCL-202 in Reach 10A was identified as an artifact scatter with bone fragments, lithic tools, bowl mortars, and more recently human remains that were uncovered and reburied near the site. CA-SCL-636 is a midden site with fire cracked rocks and lithics, sitting partially on public and private property in Reach 11A.

All three precontact sites were determined to be potentially eligible for listing on the NRHP, however, USACE and Valley Water have determined that the final array of alternatives will have no adverse effects to these historic properties since they are outside of the APE where ground disturbing work is being proposed. Please refer to the map of the Combination Plan in Figure 5 to view the cultural sites mentioned above and their placement in proximity to the refined APE.

Input from Tribal Consultation and Tribal Cultural and Archaeological Monitoring Treatment Plan

Consultations with Tribes identified through the NAHC determined that there were unavoidable impacts for cultural resources given the cultural sensitivity of the Upper Guadalupe River. The landscape and waters of the Upper Guadalupe River were also determined to be traditionally and culturally significant. Archaeological testing through augers or hand-excavation was mentioned as an impact for cultural resources. To address this concern, USACE and Valley Water are currently determining non-disturbing methods of testing for unanticipated buried sites, such as ground-penetrating radar and cadaver dogs to pick up the scent of ancestral remains.

Despite there being no recorded cultural resources from the records search identified

within the selected plan, that does not preclude the likelihood of uncovering a cultural site during construction. USACE and Valley Water are interested in drafting and implementing a TCAMTP to ensure that impacts to cultural sites discovered during construction are minimized, along with protocols established to include Tribes in the resolution of impacts for such a discovery.

Next Steps in the Section 106 Process

At this time, USACE is inviting your Tribe to review the results of our identification efforts for historic properties within the selected plan and letting USACE know if you have any concerns or comments. We also seek your input on the selected plan and any other opportunities that interest your Tribe from development of the TCAMTP, recreation measures, interpretive signage, or collaborating on the restoration and enhancement work for native plants, species, and habitats along the Upper Guadalupe River from this feasibility study.

Due to the complexity of this study's impacts to cultural resources, USACE is planning to draft a Programmatic Agreement to continue our identification efforts and consultations with Section 106 consulting parties past the planning phase of the project and before construction occurs. Our next formal letter will invite your Tribe to review the Programmatic Agreement document and inviting you to be a concurring party.

We request your comment and invite you to consult for this study within 60 days of receipt of this letter. If that is not enough time for your Tribe, please let us know so we can try to work around your Tribe's availability. If you have questions or concerns, please contact USACE's Archaeologist Ruzel Benedicto Ednalino by phone at 415-503-6661 or by email Ruzel.B.Ednalino@USACE.ARMY.MIL. We look forward to hearing from you and continuing the conversation about this study with your Tribe.

Sincerely,



Julie Beagle
Environmental Planning Leader

- Figure 1. Upper Guadalupe Study Area
- Figure 2. Upper Guadalupe Reaches and Alternative Plans
- Figure 3. Map of the Combination Plan
- Figure 4. Map of the Preliminary APE
- Figure 5. Map of the Refined APE and Buried Sites

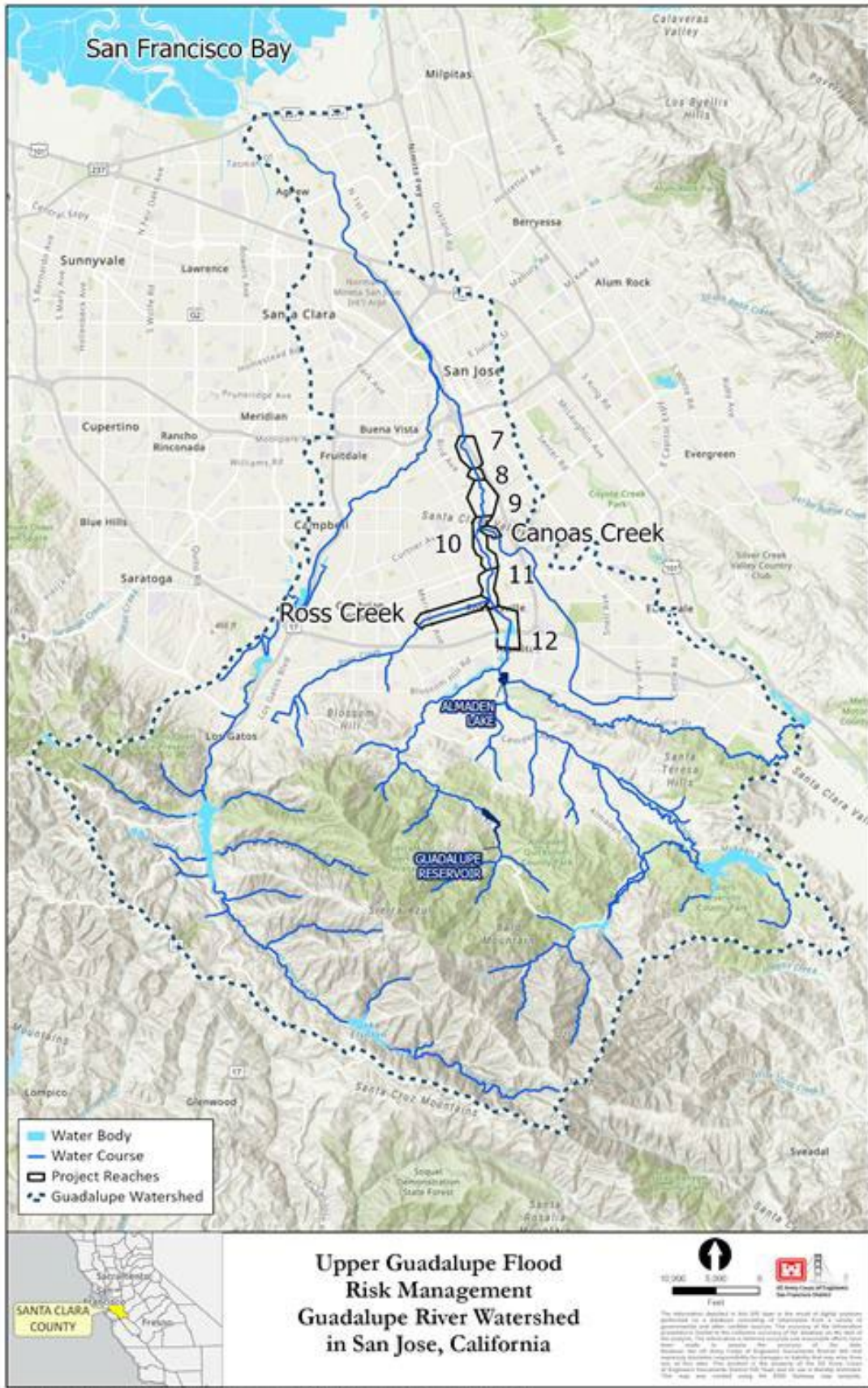


Figure 1. Study area for the Upper Guadalupe GRR.

Array of Alternatives	Reach	Valley View	Bypass	Combo	Low Scope
<p>Upper Guadalupe River FRM Reformulation, San Jose, CA</p>	Reach 7	<ul style="list-style-type: none"> - New bridge proposed at Caltrain, Willow St, Alma Ave Crossings - Maintenance road - Floodplain Widening 	<ul style="list-style-type: none"> - Bridge extensions at UPRR & Willow St Crossings - Bypass Channel w/ Maintenance road - Gravel Augmentation - Fishponds 	<ul style="list-style-type: none"> - New Bridge extension at Caltrain Crossing - New bridge proposed at Willow St and Alma Ave Crossing - Gravel Augmentation - Channel Widening w/ Maintenance road - Floodplain Bench 	<ul style="list-style-type: none"> - New Bridge extension at Caltrain Crossing - New bridge proposed at Willow St and Alma Ave Crossing - Gravel Augmentation - Channel Widening w/ Maintenance road - Floodplain Bench
	Reach 8	<ul style="list-style-type: none"> - Maintenance Road - Floodplain Widening - Bridge extension at UPRR Crossing 	<ul style="list-style-type: none"> - Bypass Channel w/ Maintenance Road - Gravel Augmentation - Fishponds 	<ul style="list-style-type: none"> - Gravel Augmentation - Channel Widening w/ Maintenance road - Floodplain Bench - New Culvert adjacent to UPRR crossing 	<ul style="list-style-type: none"> - Gravel Augmentation - Channel Widening w/ Maintenance road - Floodplain Bench - New Culvert adjacent to UPRR crossing
	Reach 9	<ul style="list-style-type: none"> - Floodplain Widening - Bridge replacement at Curtner Ave Crossing 	<ul style="list-style-type: none"> - Crib Wall - Maintenance Road - Short Bypass Channel w/ Channel Widening 	- No Work Here	- No Work Here
	Reach 10a	<ul style="list-style-type: none"> - Channel Widening 	<ul style="list-style-type: none"> - Channel Widening w/ Maintenance road - Crib Wall 	- No Work Here	- No Work Here
	Canoas Creek	<ul style="list-style-type: none"> - Culvert Replacements <ul style="list-style-type: none"> -- Canoas/Almaden -- Almaden/Nightingale - Flood Wall 	<ul style="list-style-type: none"> - Culvert Replacements <ul style="list-style-type: none"> -- Canoas/Almaden -- Almaden/Nightingale - Flood Wall 	<ul style="list-style-type: none"> - Culvert Replacements <ul style="list-style-type: none"> -- Canoas/Almaden -- Almaden/Nightingale - Flood Wall 	<ul style="list-style-type: none"> - Culvert Replacements <ul style="list-style-type: none"> -- Canoas/Almaden -- Almaden/Nightingale - Flood Wall
	Reach 10b	<ul style="list-style-type: none"> - Low Flow Geomorphic Channel - Streamside Vegetation - Large Wood Debris Structures NOTE: gray text indicates the feature has already been constructed 	<ul style="list-style-type: none"> - Slope/Channel Improvements - Riprap/Erosion Control - Maintenance Road - Low Flow Geomorphic Channel - Streamside Vegetation - Lg Wood Debris Structures 	<ul style="list-style-type: none"> - Low Flow Geomorphic Channel - Streamside Vegetation - Lg Wood Debris Structures 	<ul style="list-style-type: none"> - Low Flow Geomorphic Channel - Streamside Vegetation - Lg Wood Debris Structures
	Reach 10c	<ul style="list-style-type: none"> - Channel Widening - Maintenance Road 	<ul style="list-style-type: none"> - Channel Widening - Stepped Gabions - Cutoff Wall - Maintenance Road 	- No Work Here	- No Work Here
	Reach 11	<ul style="list-style-type: none"> - Channel Widening - Maintenance Road 	<ul style="list-style-type: none"> - Channel Widening w/ Maintenance road - Crib Wall 	- No Work Here	- No Work Here
	Ross Creek	<ul style="list-style-type: none"> - Channel Widening - Culvert Replacements <ul style="list-style-type: none"> -- Ross/Almaden, Cherry, Jarvis - Flood Wall 	<ul style="list-style-type: none"> - Channel Widening/Deepening - Low Flow Channel - Concrete Mat Lining at Slopes - Maintenance Road - Culvert Replacements <ul style="list-style-type: none"> -- Ross/Almaden, Cherry, Jarvis 	<ul style="list-style-type: none"> - Culvert Replacements <ul style="list-style-type: none"> - Ross/Almaden, Cherry, Jarvis, Meridian, Kirk - Flood Wall 	<ul style="list-style-type: none"> - Culvert Replacements <ul style="list-style-type: none"> -- Ross/Almaden, Cherry, Jarvis - Flood Wall
	Reach 12	<ul style="list-style-type: none"> - Raised Berm between Main Channel/Percolation Ponds - Streamside Vegetation - Lg Wood Debris Structures 	<ul style="list-style-type: none"> - Channel Widening & Stabilization - Flood Walls + Raised Berm between Main Channel/Percolation Ponds - Streamside Vegetation & Lg Wood Debris 	<ul style="list-style-type: none"> - Raised Berm between Main Channel/Percolation Ponds - Streamside Vegetation - Lg Wood Debris Structures 	<ul style="list-style-type: none"> - Raised Berm between Main Channel/Percolation Ponds - Streamside Vegetation - Lg Wood Debris Structures

Figure 2. Upper Guadalupe GRR Reaches and Alternative Plans.

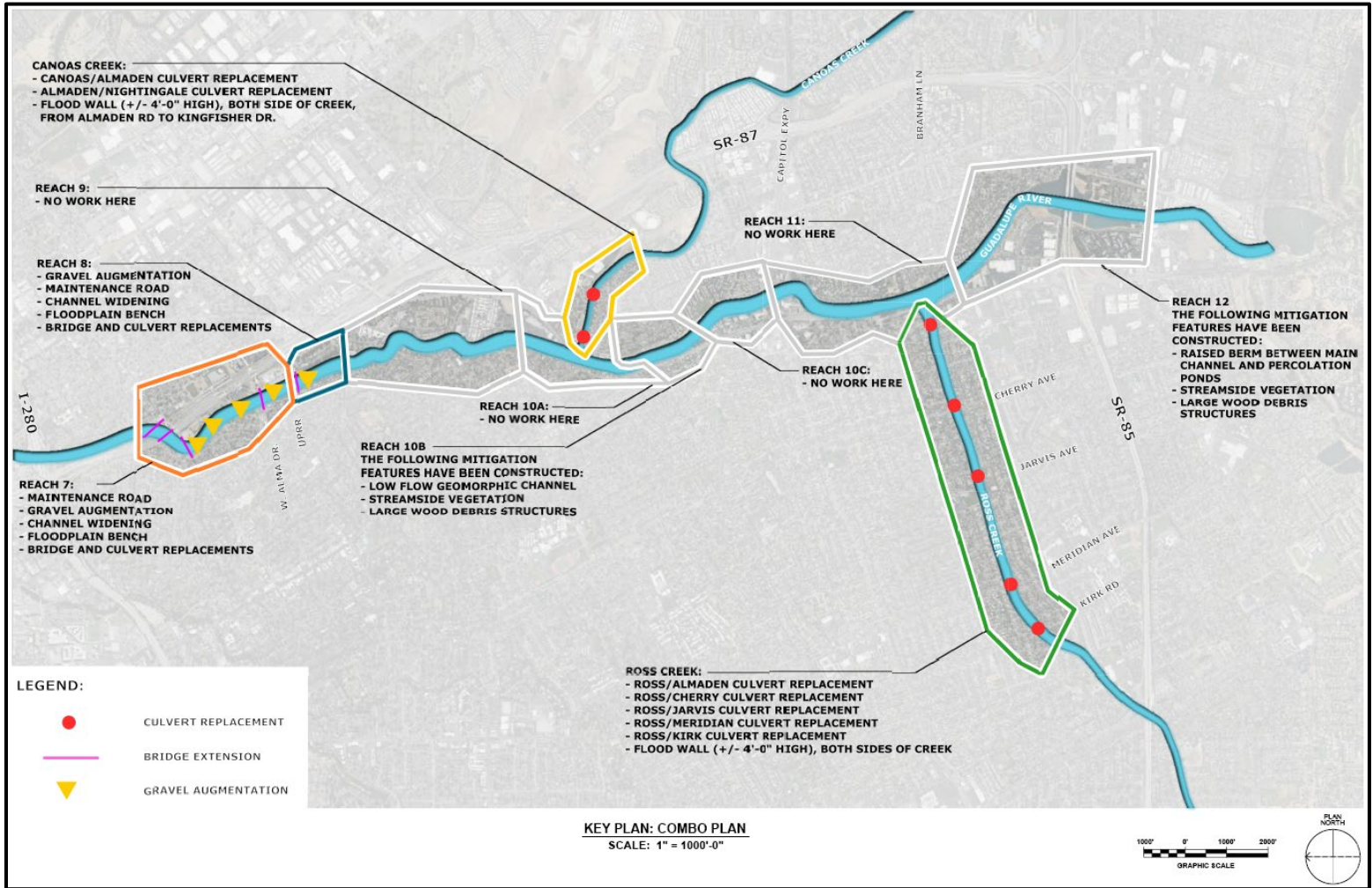


Figure 3. Map of the Selected Plan for the Upper Guadalupe GRR: Combination Plan.

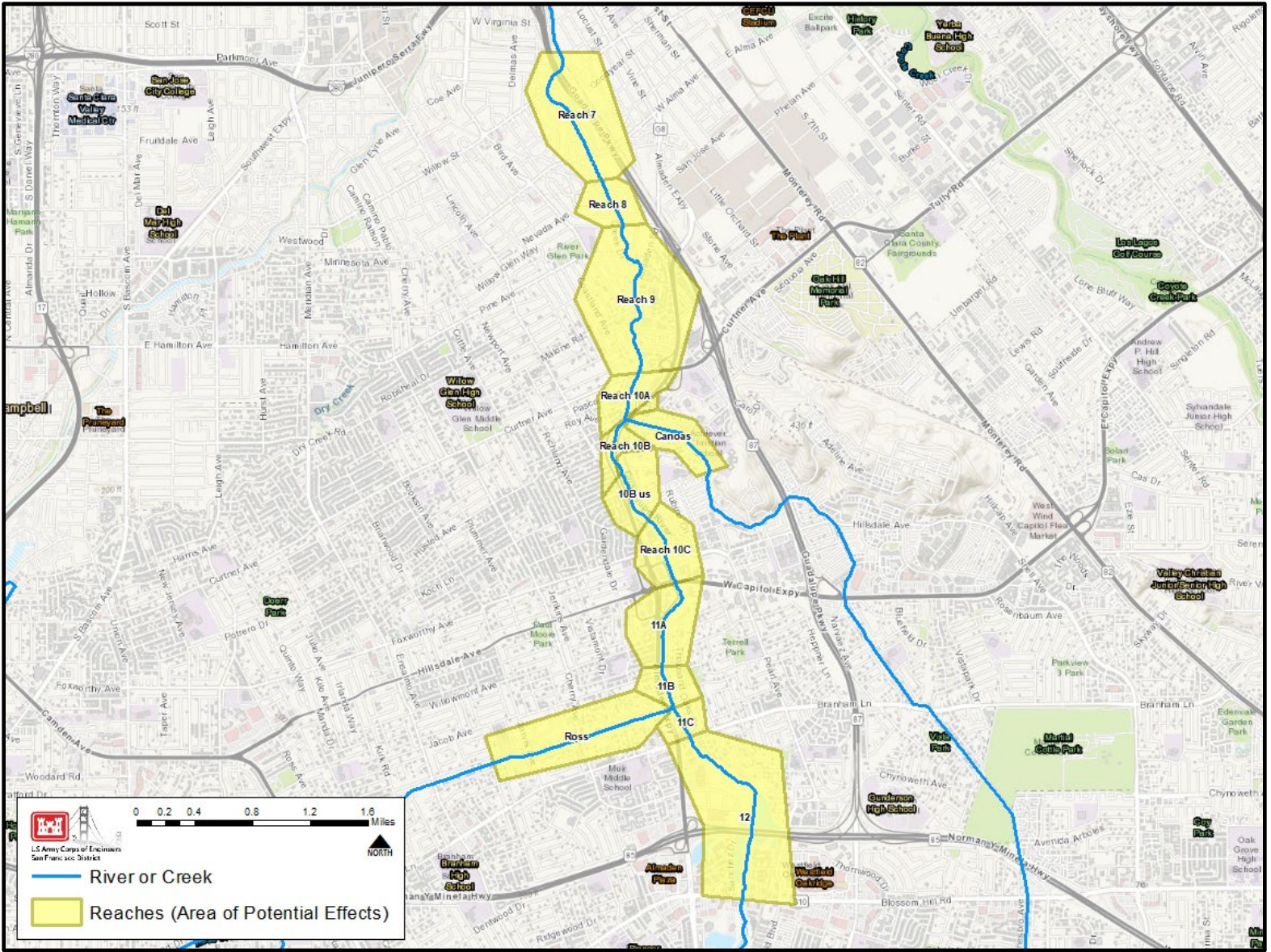


Figure 4. Map of the Preliminary Area of Potential Effects.

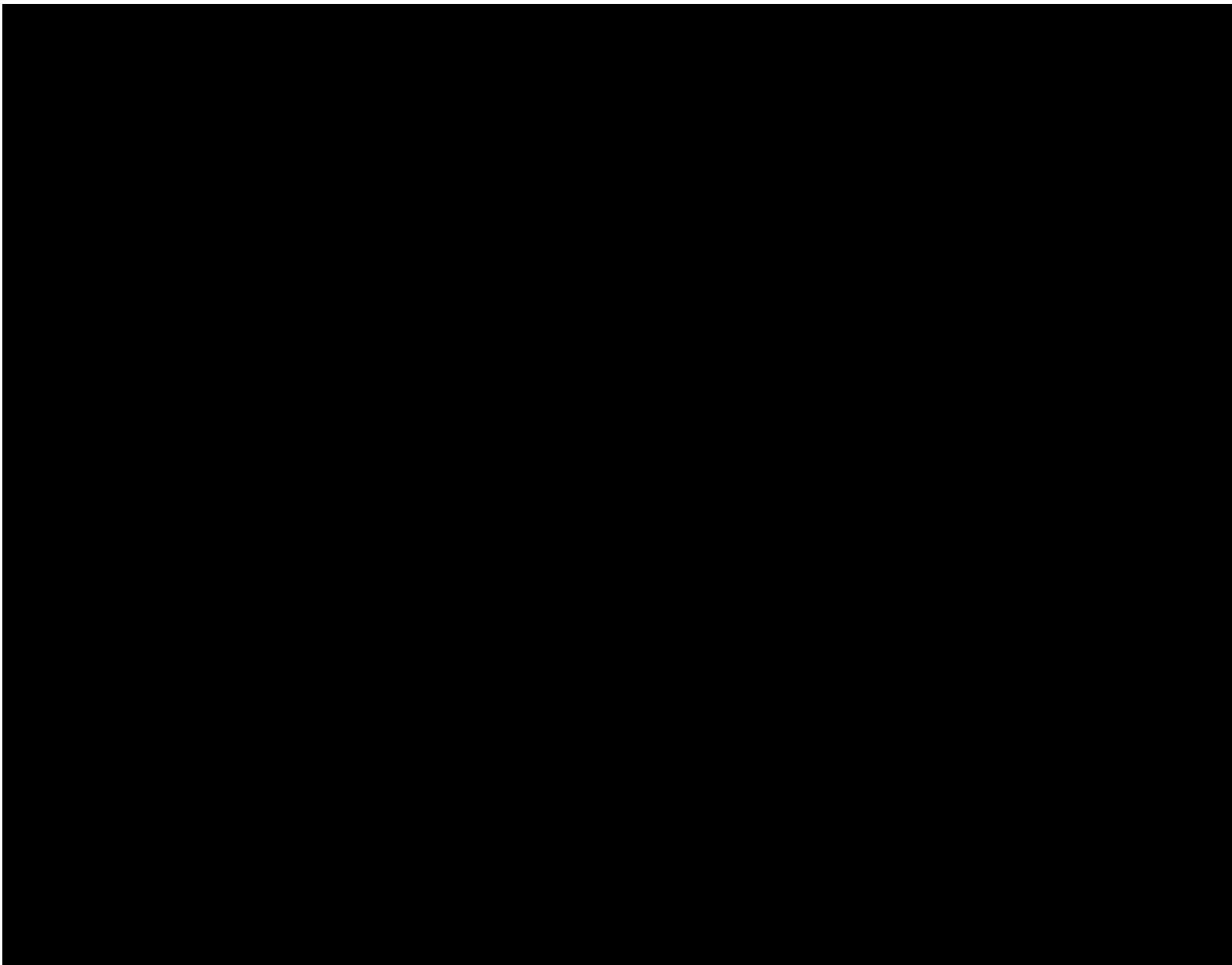


Figure 5. Map of the Refined Area of Potential Effects and Buried Sites.



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE
SAN FRANCISCO, CALIFORNIA 94103-1111

October 3, 2022

SUBJECT: Upper Guadalupe Flood Risk General Reevaluation Study, National Historic Preservation Act Section 106 Tribal Consultation for Identification of Historic Properties

Valentin Lopez
Chairperson



Dear Chairman Lopez,

The U.S. Army Corps of Engineers San Francisco District (USACE) and our partners Valley Water is contacting the Amah Mutsun Tribal Band to continue Section 106 consultation for the Upper Guadalupe Flood Risk General Reevaluation Study (GRR). The purpose of the study is to reevaluate flood risk alternatives and select an alternative plan that improves life safety and recreational features for communities along the Upper Guadalupe River system, in San Jose, California. The GRR identified a tentatively selected a plan from the final array of alternatives in August 2022.

We previously contacted your Tribe on April 1st 2021, February 9th 2022, and July 19th 2022 inviting your Tribe to be a consulting party in accordance with Section 106 of the National Historic Preservation Act of 1966 (54 USC § 306108) and its implementing regulations under 36 CFR § 800. Your Tribe was also invited to attend a Resource Agency Working Group meeting held periodically for the GRR.

With this letter, USACE is continuing Section 106 consultation with your Tribe to review our efforts for identifying historic properties and ask for your assistance in identifying significant cultural resources and impacts for the selected plan. We also invite your Tribe to participate in the review and development of a Tribal Cultural and Archaeological Monitoring Treatment Plan (TCAMTP) with USACE and Valley Water.

Project Location and Area of Potential Effects

The GRR takes place in California, Santa Clara County within the southwestern highly urbanized portion of the city of San Jose (Figure 1). The GRR has defined 10 reaches for our study area that covers 5.5 miles of the Upper Guadalupe River system, including connecting tributaries Ross Creek and Canoas Creek (Figure 2). USACE and Valley Water have screened alternatives along the 5.5 miles of the Upper Guadalupe River beginning from Reach 7 and ending upstream at Reach 12. Sentence here stating what the previous alternatives were when the study was in the 90's. Sentence here

summarizing the different alternatives they screened for the current GRR.

After screening and evaluating several alternatives from the final array of alternatives, USACE and Valley Water selected the “Combination Plan” to be the GRR’s tentatively selected plan:

- Combination Plan: This plan combines engineering with nature features, such as floodplain reconnection and restoration in the constricted portions of the mainstem of the Guadalupe River. The plan will include traditional flood risk management features, such as floodwalls on the tributaries where homes reside adjacent to the creek. The Combination Plan also includes gravel augmentation and alcoves, as well as bridge and culvert replacement at the most restricting pinch points in the system (Figure 3).

Following the Section 106 process to identify historic properties under the National Historic Preservation Act, the Area of Potential Effects (APE) is defined under 36 CFR § 800.16 as the geographic area where the undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.

Originally the preliminary APE (Figure 4) covered the entirety of the Upper Guadalupe River where alternatives were being formulated. The current APE was delineated by USACE to cover the selected Combination Plan (Figure 5). Efforts to identify historic properties as well as determining impacts for cultural resources were considered within the larger APE covering the entirety of the Upper Guadalupe River.

Identification Efforts for Historic Properties

To account for standard best practices in identifying cultural resources, USACE has contacted the Northwest Information Center (NWIC) associated with the California Historical Resources Informational Systems to complete a records search for the GRR. The NWIC completed the records search request for USACE to review (NWIC 21-0368) and is summarized below. Within the preliminary APE, which incorporated all 10 of the project reaches, a total of 171 formally recorded resources were identified.

However, the refined APE covering the footprint of the Combination Plan only has not identified any archaeological or precontact cultural sites within its boundaries. The only resources identified within the refined APE are built-environment structures and buildings which do not retain any historic significance and aren’t expected to be impacted by the selected plan.

Most of these recorded resources were dated to the historic period and were characterized as built-environment resources, ranging in age from the 19th century leading into the mid-20th century. These historic built-environment resources include buildings, structures, and bridges that meets the historic principle of being 50 years of age or older but either lacks integrity or significance to be eligible as a historic property worth preserving.

Five recorded sites were also identified from the records search, including the location of

two reburial sites.

Two out of the five sites were dated to the historic period, with one resource determined to be a historic refuse scatter (SJ-1H, P-43-002234) located in Reach 7 and a historic retaining wall dating to the 1860's (CA-SCL-635H) in reach 10A. Both resources were evaluated by an archaeologist and determined to lack significance or integrity to be listed on the National Register of Historic Preservation (NRHP) which would warrant mitigation measures as a significant historic property. Of the five recorded sites, three precontact sites (CA-SCL-690, CA-SCL-202, CA-SCL-636) were identified in the preliminary APE.

CA-SCL-690 is a large precontact village site and cemetery located in Reach 7 and is also known as the Tamien Station site. This site underwent mitigation in 1995 and 2007, including reburial of many ancestral remains near the site. USACE has revisited the site recently to determine the reevaluation of the site boundary with the affiliated most-likely descendant assigned by the Native American Heritage Commission (NAHC). Based on the mitigation completed last year, USACE has determined the site is not within the project footprint of the Combination Plan.

CA-SCL-202 in Reach 10A was identified as an artifact scatter with bone fragments, lithic tools, bowl mortars, and more recently human remains that were uncovered and reburied near the site. CA-SCL-636 is a midden site with fire cracked rocks and lithics, sitting partially on public and private property in Reach 11A.

All three precontact sites were determined to be potentially eligible for listing on the NRHP, however, USACE and Valley Water have determined that the final array of alternatives will have no adverse effects to these historic properties since they are outside of the APE where ground disturbing work is being proposed. Please refer to the map of the Combination Plan in Figure 5 to view the cultural sites mentioned above and their placement in proximity to the refined APE.

Input from Tribal Consultation and Tribal Cultural and Archaeological Monitoring Treatment Plan

Consultations with Tribes identified through the NAHC determined that there were unavoidable impacts for cultural resources given the cultural sensitivity of the Upper Guadalupe River. The landscape and waters of the Upper Guadalupe River were also determined to be traditionally and culturally significant. Archaeological testing through augers or hand-excavation was mentioned as an impact for cultural resources. To address this concern, USACE and Valley Water are currently determining non-disturbing methods of testing for unanticipated buried sites, such as ground-penetrating radar and cadaver dogs to pick up the scent of ancestral remains.

Despite there being no recorded cultural resources from the records search identified within the selected plan, that does not preclude the likelihood of uncovering a cultural site during construction. USACE and Valley Water are interested in drafting and implementing a TCAMTP to ensure that impacts to cultural sites discovered during construction are minimized, along with protocols established to include Tribes in the resolution of impacts

for such a discovery.

Next Steps in the Section 106 Process

At this time, USACE is inviting your Tribe to review the results of our identification efforts for historic properties within the selected plan and letting USACE know if you have any concerns or comments. We also seek your input on the selected plan and any other opportunities that interest your Tribe from development of the TCAMTP, recreation measures, interpretive signage, or collaborating on the restoration and enhancement work for native plants, species, and habitats along the Upper Guadalupe River from this feasibility study.

Due to the complexity of this study's impacts to cultural resources, USACE is planning to draft a Programmatic Agreement to continue our identification efforts and consultations with Section 106 consulting parties past the planning phase of the project and before construction occurs. Our next formal letter will invite your Tribe to review the Programmatic Agreement document and inviting you to be a concurring party.

We request your comment and invite you to consult for this study within 60 days of receipt of this letter. If that is not enough time for your Tribe, please let us know so we can try to work around your Tribe's availability. If you have questions or concerns, please contact USACE's Archaeologist Ruzel Benedicto Ednalino by phone at 415-503-6661 or by email Ruzel.B.Ednalino@USACE.ARMY.MIL. We look forward to hearing from you and continuing the conversation about this study with your Tribe.

Sincerely,



Julie Beagle
Environmental Planning Leader

- Figure 1. Upper Guadalupe Study Area
- Figure 2. Upper Guadalupe Reaches and Alternative Plans
- Figure 3. Map of the Combination Plan
- Figure 4. Map of the Preliminary APE
- Figure 5. Map of the Refined APE and Buried Sites



Figure 1. Study area for the Upper Guadalupe GRR.

Array of Alternatives	Reach	Valley View	Bypass	Combo	Low Scope
<p>Upper Guadalupe River FRM Reformulation, San Jose, CA</p>	Reach 7	<ul style="list-style-type: none"> - New bridge proposed at Caltrain, Willow St, Alma Ave Crossings - Maintenance road - Floodplain Widening 	<ul style="list-style-type: none"> - Bridge extensions at UPRR & Willow St Crossings - Bypass Channel w/ Maintenance Road - Gravel Augmentation - Fishponds 	<ul style="list-style-type: none"> - New Bridge extension at Caltrain Crossing - New bridge proposed at Willow St and Alma Ave Crossing - Gravel Augmentation - Channel Widening w/ Maintenance road - Floodplain Bench 	<ul style="list-style-type: none"> - New Bridge extension at Caltrain Crossing - New bridge proposed at Willow St and Alma Ave Crossing - Gravel Augmentation - Channel Widening w/ Maintenance road - Floodplain Bench
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Figure 2. Upper Guadalupe GRR Reaches and Alternative Plans.

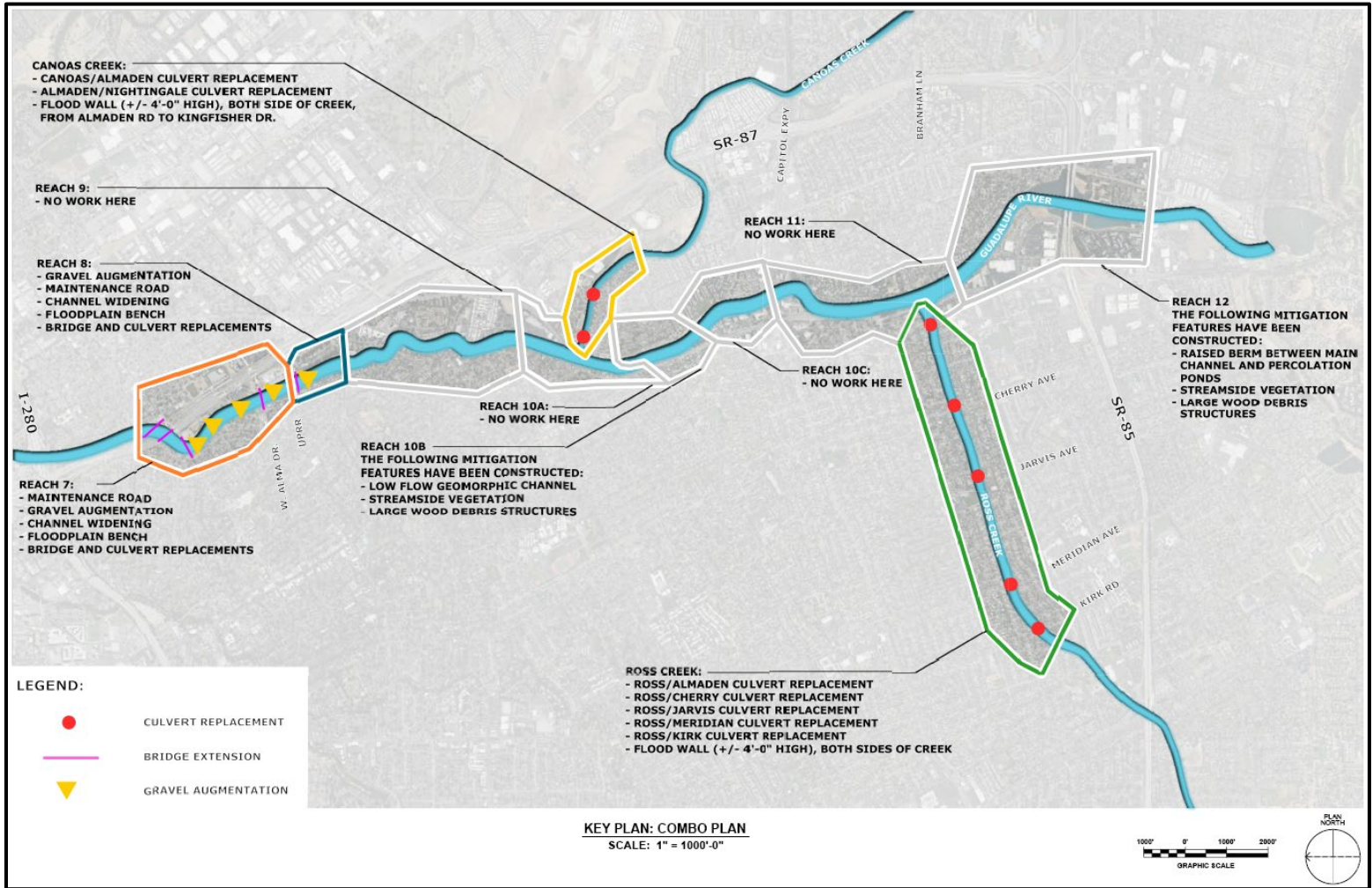


Figure 3. Map of the Selected Plan for the Upper Guadalupe GRR: Combination Plan.

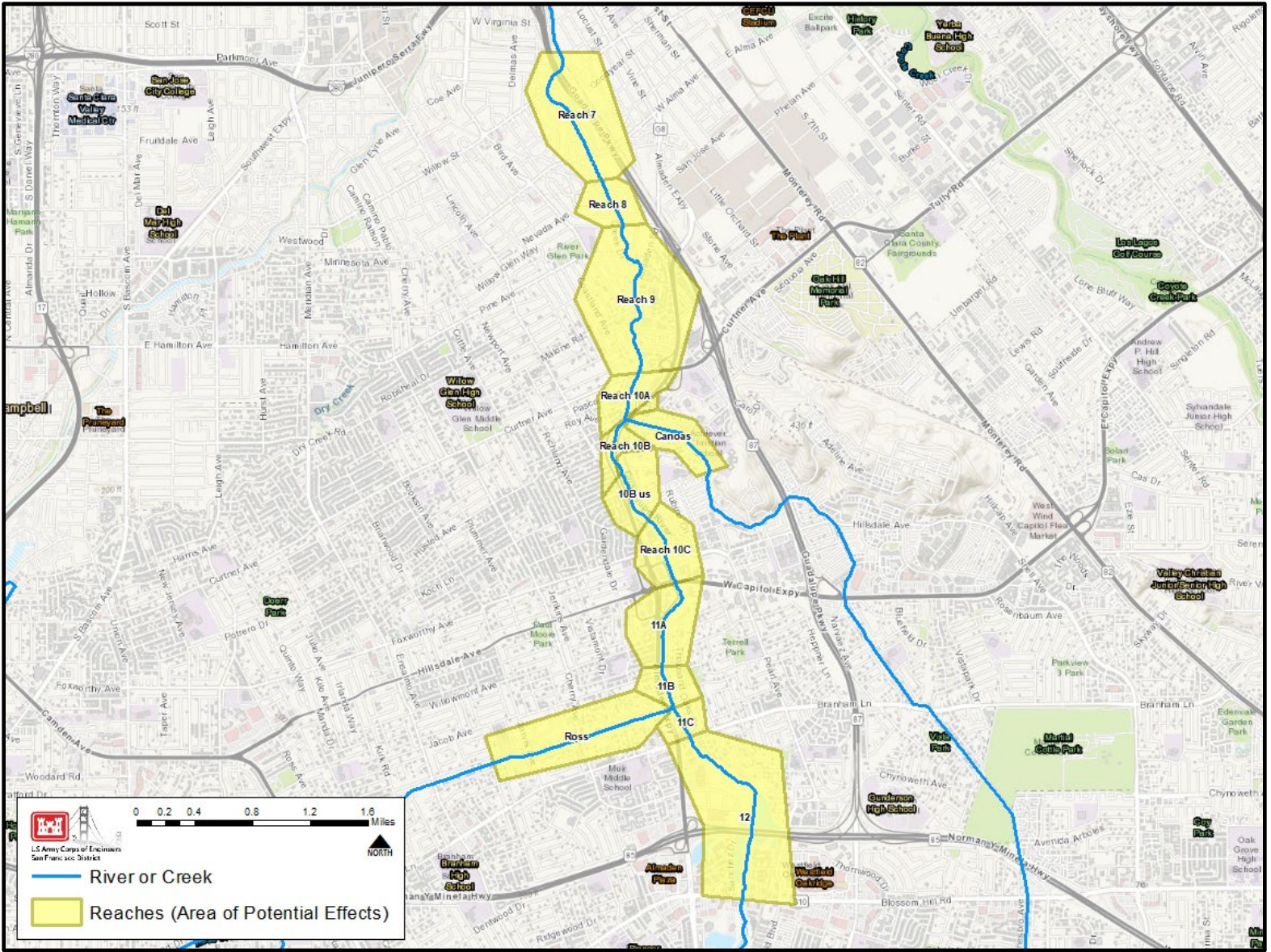


Figure 4. Map of the Preliminary Area of Potential Effects.



Figure 5. Map of the Refined Area of Potential Effects and Buried Sites.



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE
SAN FRANCISCO, CALIFORNIA 94103-1111

October 3, 2022

SUBJECT: Upper Guadalupe Flood Risk General Reevaluation Study, National Historic Preservation Act Section 106 Tribal Consultation for Identification of Historic Properties

Irene Zwierlein
Chairperson



Dear Chairwoman Zwierlein,

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We previously contacted your Tribe on April 1st 2021, February 9th 2022, and July 19th 2022 inviting your Tribe to be a consulting party in accordance with Section 106 of the National Historic Preservation Act of 1966 (54 USC § 306108) and its implementing regulations under 36 CFR § 800. Your Tribe was also invited to attend a Resource Agency Working Group meeting held periodically for the GRR.

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We request your comment and invite you to consult for this study within 60 days of receipt of this letter. If that is not enough time for your Tribe, please let us know so we can try to work around your Tribe's availability. If you have questions or concerns, please contact USACE's Archaeologist Ruzel Benedicto Ednalino by phone at 415-503-6661 or by email Ruzel.B.Ednalino@USACE.ARMY.MIL. We look forward to hearing from you and continuing the conversation about this study with your Tribe.

Sincerely,



Julie Beagle
Environmental Planning Leader

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Figure 1. Study area for the Upper Guadalupe GRR.

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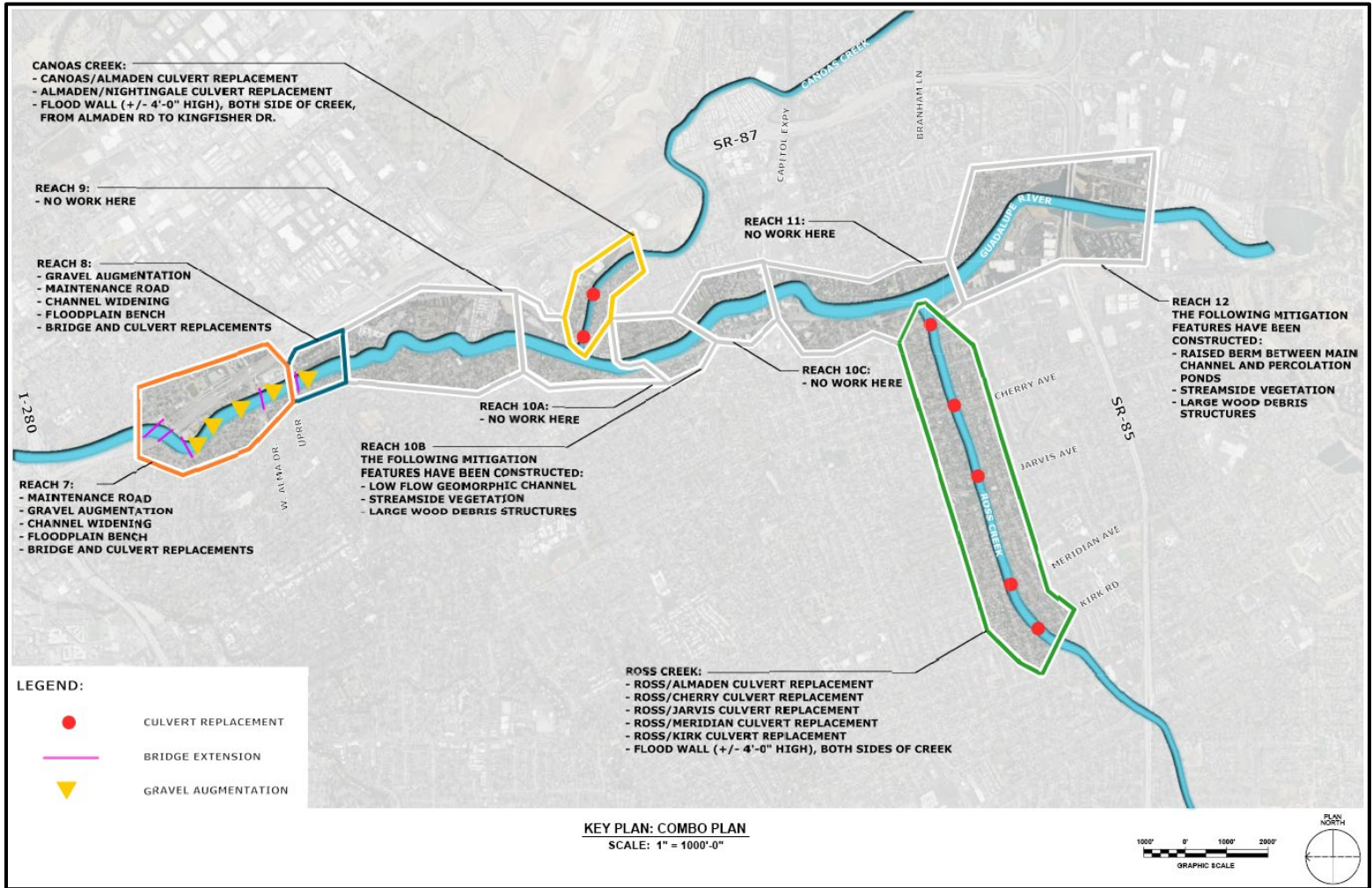


Figure 3. Map of the Selected Plan for the Upper Guadalupe GRR: Combination Plan.

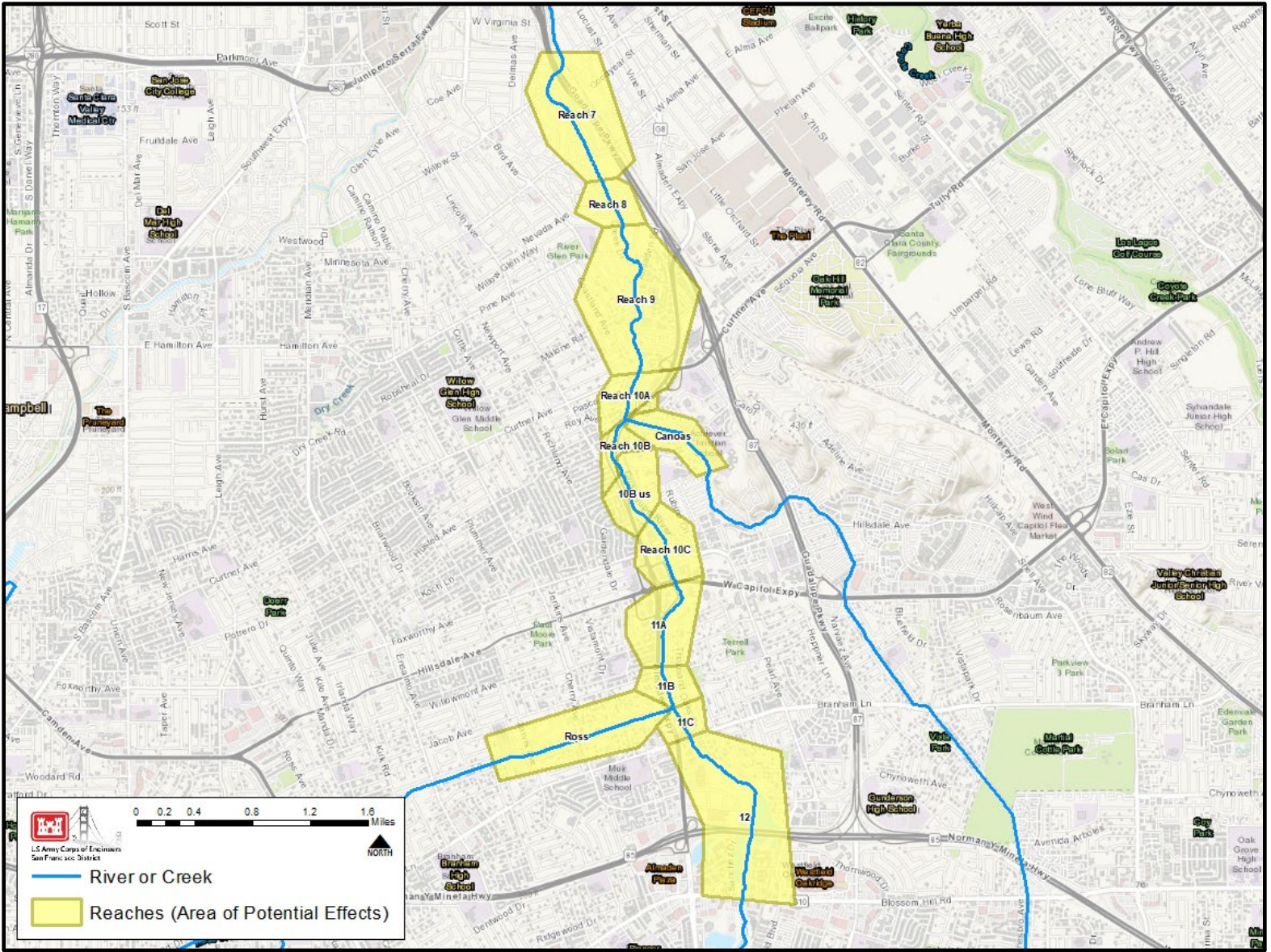


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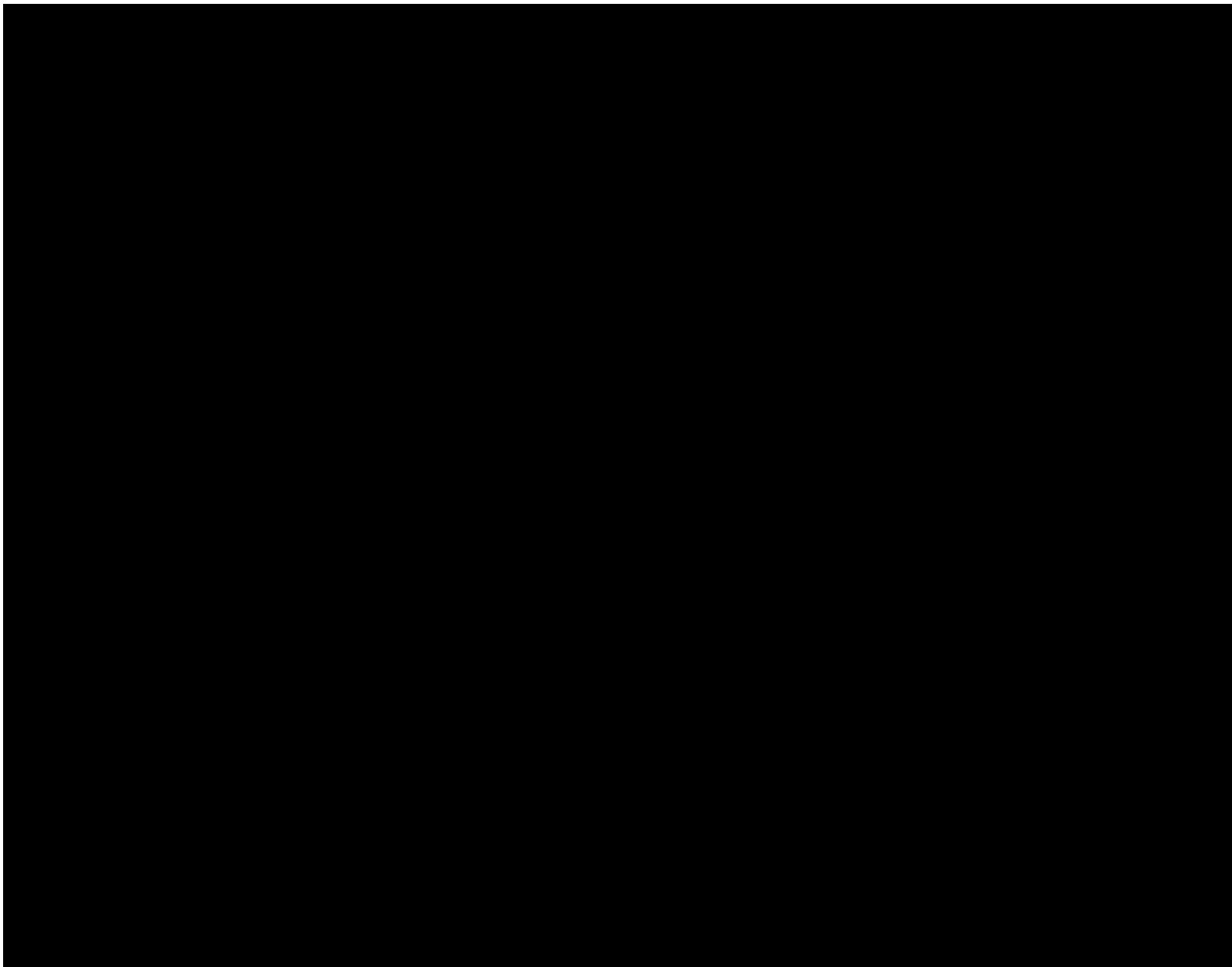


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Ann Marie Sayers
Chairperson



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However, the refined APE covering the footprint of the Combination Plan only has not identified any archaeological or precontact cultural sites within its boundaries. The only resources identified within the refined APE are built-environment structures and buildings which do not retain any historic significance and aren't expected to be impacted by the selected plan.

Most of these recorded resources were dated to the historic period and were characterized as built-environment resources, ranging in age from the 19th century leading into the mid-20th century. These historic built-environment resources include buildings, structures, and bridges that meets the historic principle of being 50 years of age or older but either lacks integrity or significance to be eligible as a historic property worth preserving.

Five recorded sites were also identified from the records search, including the location of two reburial sites.

Two out of the five sites were dated to the historic period, with one resource determined to be a historic refuse scatter (SJ-1H, P-43-002234) located in Reach 7 and a historic retaining wall dating to the 1860's (CA-SCL-635H) in reach 10A. Both resources were evaluated by an archaeologist and determined to lack significance or integrity to be listed on the National Register of Historic Preservation (NRHP) which would warrant mitigation measures as a significant historic property. Of the five recorded sites, three precontact sites (CA-SCL-690, CA-SCL-202, CA-SCL-636) were identified in the preliminary APE.

CA-SCL-690 is a large precontact village site and cemetery located in Reach 7 and is also known as the Tamien Station site. This site underwent mitigation in 1995 and 2007, including reburial of many ancestral remains near the site. USACE has revisited the site recently to determine the reevaluation of the site boundary with the affiliated most-likely descendant assigned by the Native American Heritage Commission (NAHC). Based on the mitigation completed last year, USACE has determined the site is not within the project footprint of the Combination Plan.

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All three precontact sites were determined to be potentially eligible for listing on the NRHP, however, USACE and Valley Water have determined that the final array of alternatives will have no adverse effects to these historic properties since they are outside of the APE where ground disturbing work is being proposed. Please refer to the map of the Combination Plan in Figure 5 to view the cultural sites mentioned above and their placement in proximity to the refined APE.

Input from Tribal Consultation and Tribal Cultural and Archaeological Monitoring Treatment Plan

Consultations with Tribes identified through the NAHC determined that there were unavoidable impacts for cultural resources given the cultural sensitivity of the Upper Guadalupe River. The landscape and waters of the Upper Guadalupe River were also determined to be traditionally and culturally significant. Archaeological testing through augers or hand-excavation was mentioned as an impact for cultural resources. To address this concern, USACE and Valley Water are currently determining non-disturbing methods of testing for unanticipated buried sites, such as ground-penetrating radar and cadaver dogs to pick up the scent of ancestral remains.

Despite there being no recorded cultural resources from the records search identified within the selected plan, that does not preclude the likelihood of uncovering a cultural site during construction. USACE and Valley Water are interested in drafting and implementing a TCAMTP to ensure that impacts to cultural sites discovered during construction are

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Next Steps in the Section 106 Process

At this time, USACE is inviting your Tribe to review the results of our identification efforts for historic properties within the selected plan and letting USACE know if you have any concerns or comments. We also seek your input on the selected plan and any other opportunities that interest your Tribe from development of the TCAMTP, recreation measures, interpretive signage, or collaborating on the restoration and enhancement work for native plants, species, and habitats along the Upper Guadalupe River from this feasibility study.

Due to the complexity of this study's impacts to cultural resources, USACE is planning to draft a Programmatic Agreement to continue our identification efforts and consultations with Section 106 consulting parties past the planning phase of the project and before construction occurs. Our next formal letter will invite your Tribe to review the Programmatic Agreement document and inviting you to be a concurring party.

We request your comment and invite you to consult for this study within 60 days of receipt of this letter. If that is not enough time for your Tribe, please let us know so we can try to work around your Tribe's availability. If you have questions or concerns, please contact USACE's Archaeologist Ruzel Benedicto Ednalino by phone at 415-503-6661 or by email Ruzel.B.Ednalino@USACE.ARMY.MIL. We look forward to hearing from you and continuing the conversation about this study with your Tribe.

Sincerely,



Julie Beagle
Environmental Planning Leader

- Figure 1. Upper Guadalupe Study Area
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Figure 1. Study area for the Upper Guadalupe GRR.

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Figure 2. Upper Guadalupe GRR Reaches and Alternative Plans.

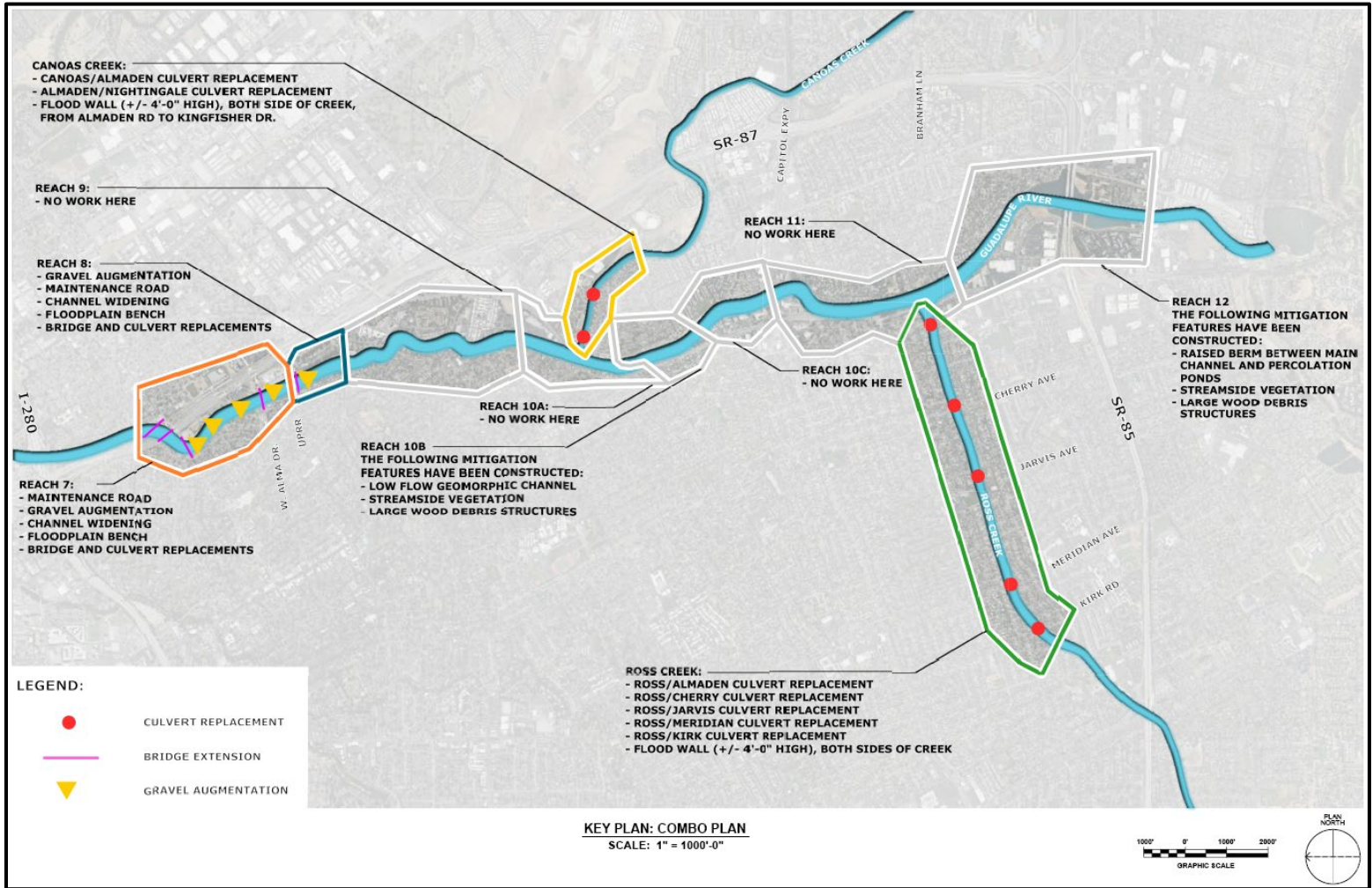


Figure 3. Map of the Selected Plan for the Upper Guadalupe GRR: Combination Plan.

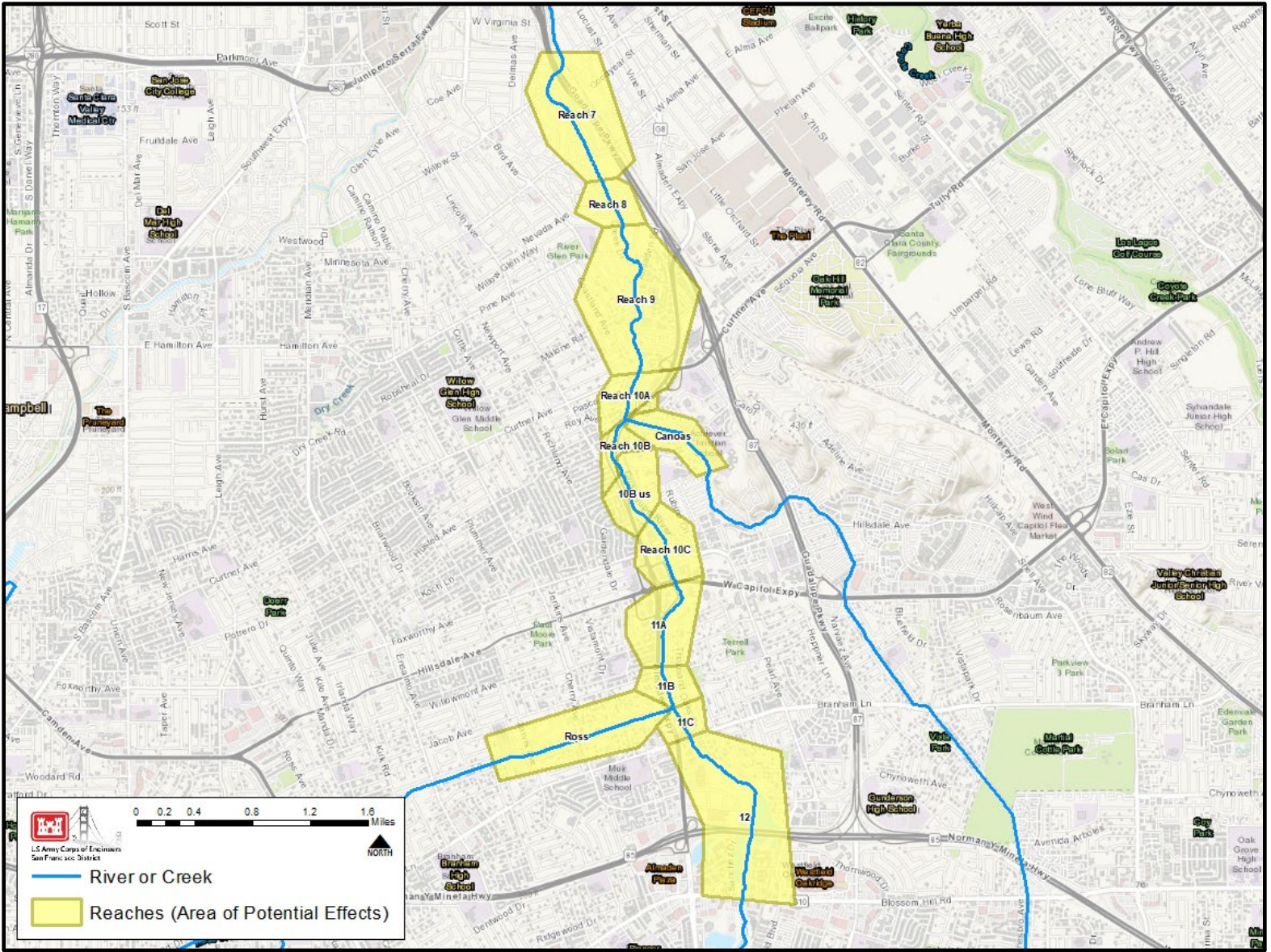


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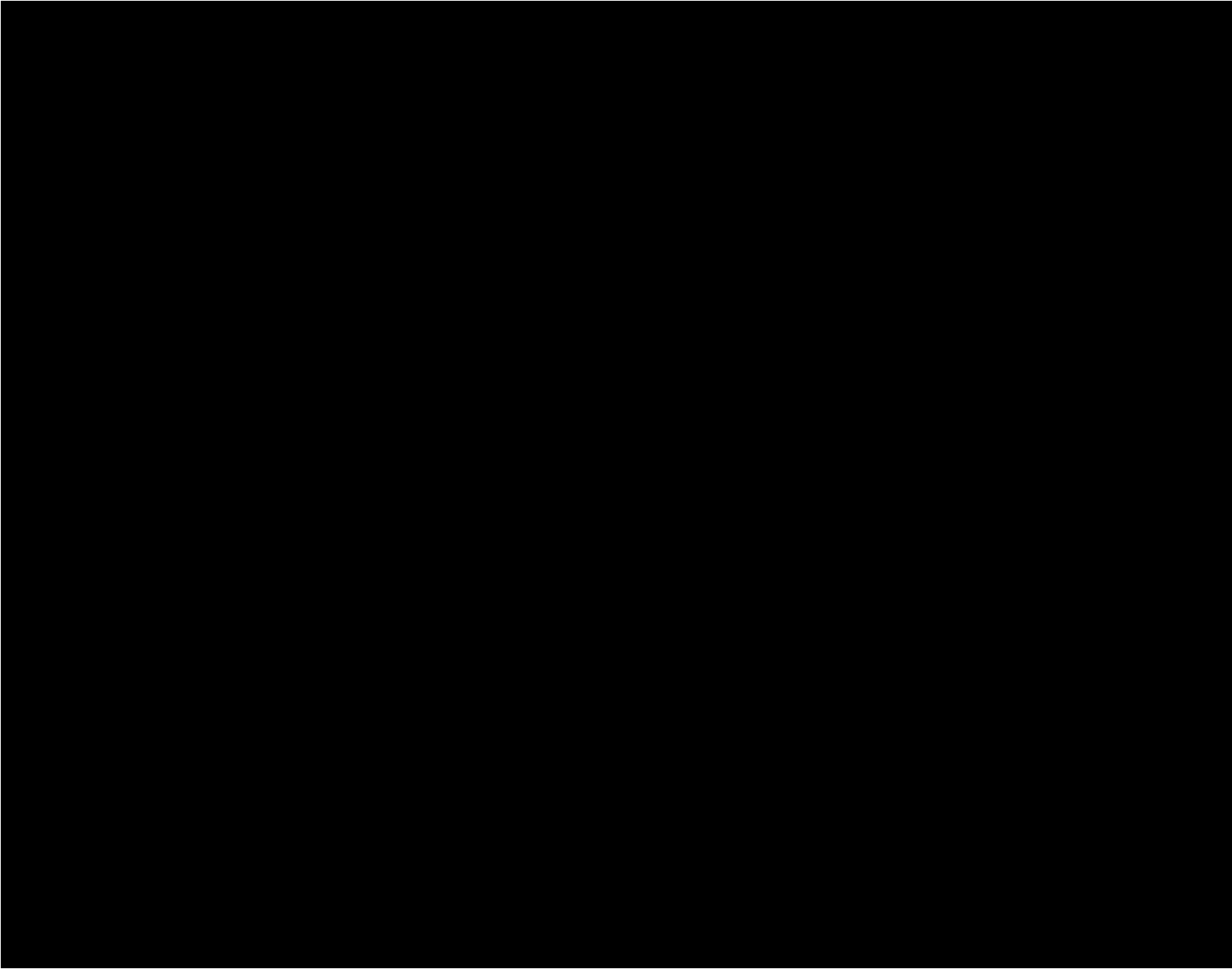


Figure 5. Map of the Refined Area of Potential Effects and Buried Sites.



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE
SAN FRANCISCO, CALIFORNIA 94103-1111

October 3, 2022

SUBJECT: Upper Guadalupe Flood Risk General Reevaluation Study, National Historic Preservation Act Section 106 Tribal Consultation for Identification of Historic Properties

Monica Arellano
Vice Chairwoman



Dear Vice Chairwoman Arellano,

The U.S. Army Corps of Engineers San Francisco District (USACE) and our partners Valley Water is contacting the Muwekma Ohlone Indian Tribe of the SF Bay Area to continue Section 106 consultation for the Upper Guadalupe Flood Risk General Reevaluation Study (GRR). The purpose of the study is to reevaluate flood risk alternatives and select an alternative plan that improves life safety and recreational features for communities along the Upper Guadalupe River system, in San Jose, California. The GRR identified a tentatively selected a plan from the final array of alternatives in August 2022.

We previously contacted your Tribe on April 1st 2021, February 9th 2022, and July 19th 2022 inviting your Tribe to be a consulting party in accordance with Section 106 of the National Historic Preservation Act of 1966 (54 USC § 306108) and its implementing regulations under 36 CFR § 800. Your Tribe was also invited to attend a Resource Agency Working Group meeting held periodically for the GRR.

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Sincerely,



Julie Beagle
Environmental Planning Leader

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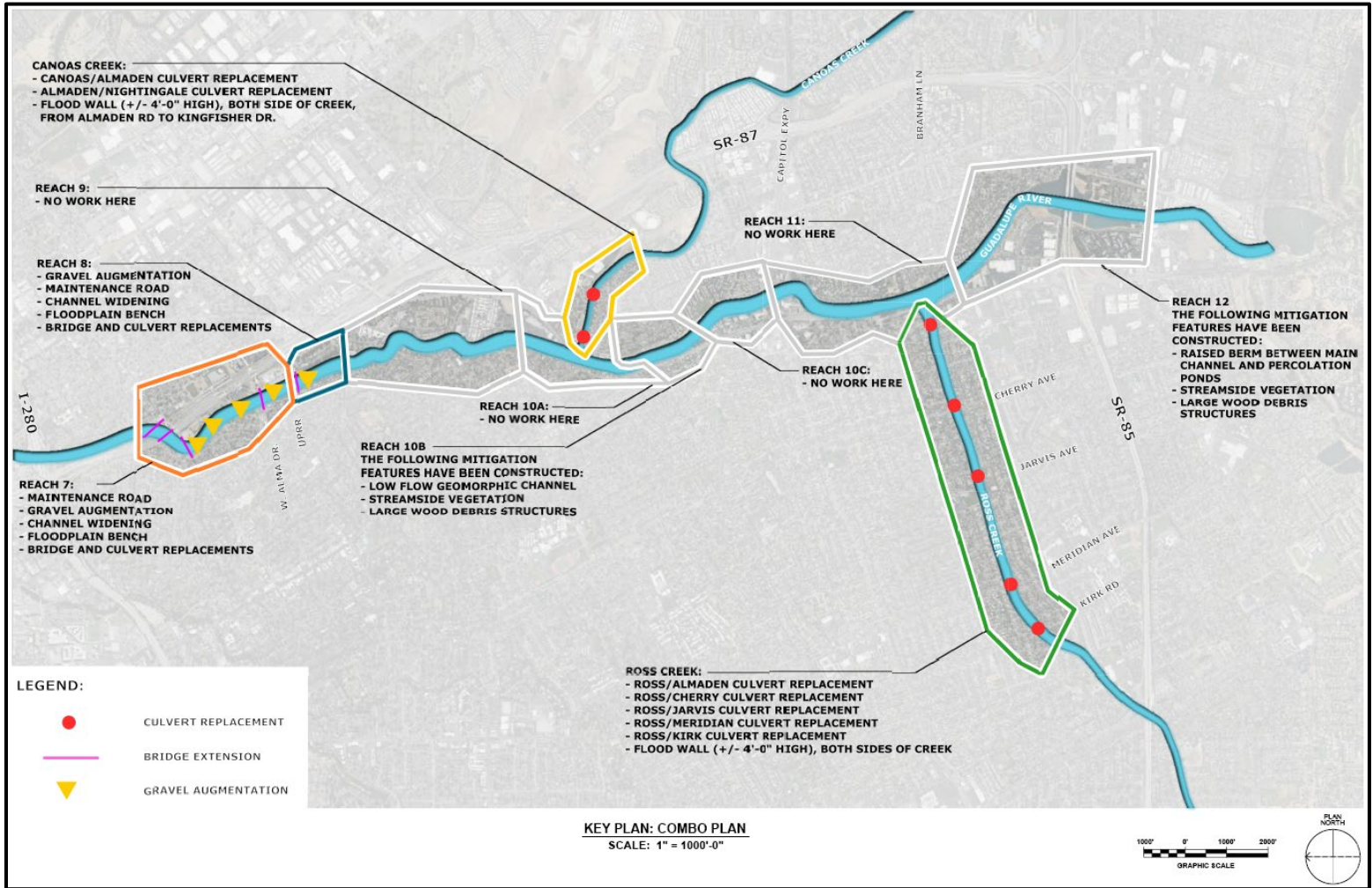


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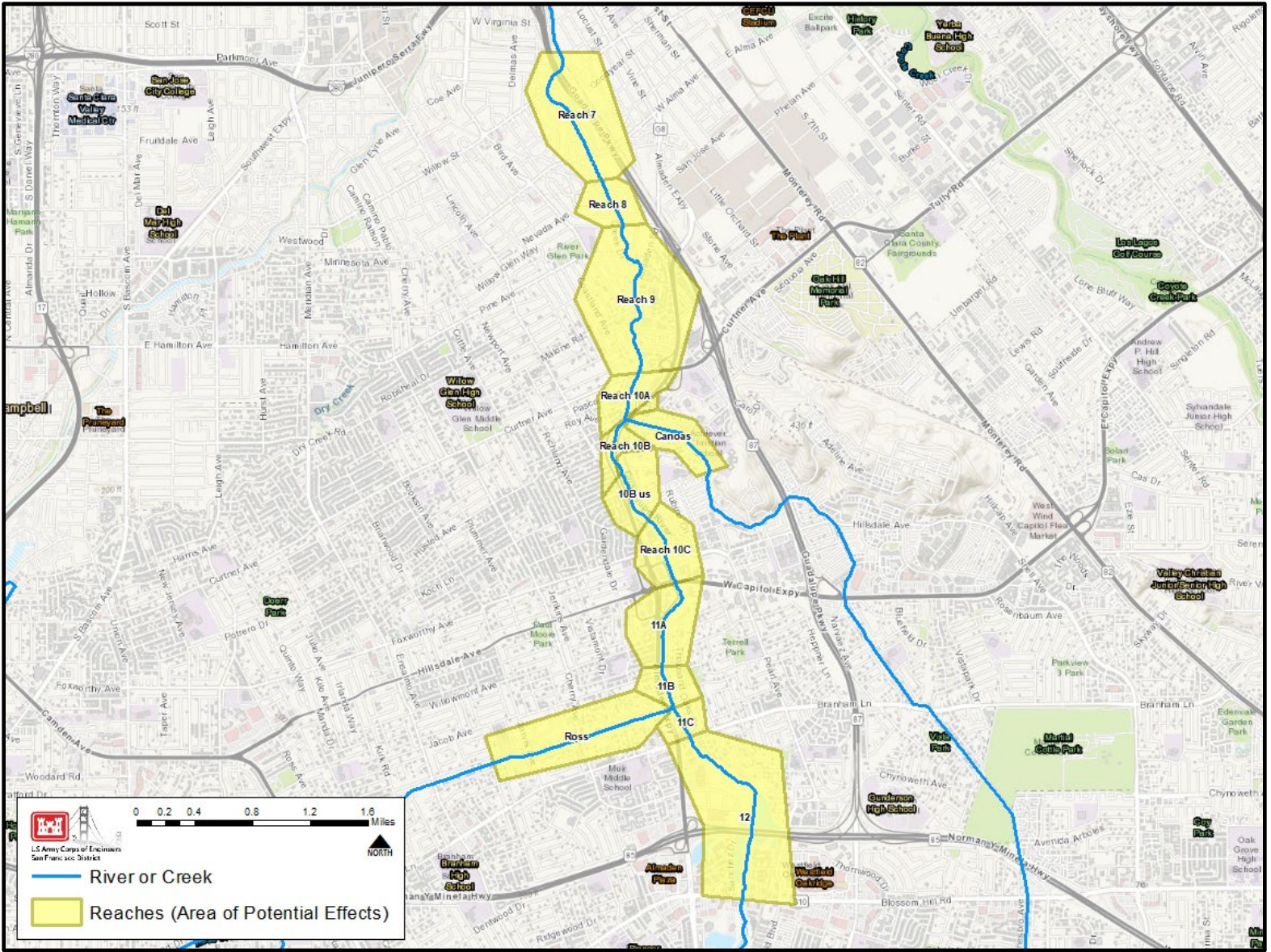


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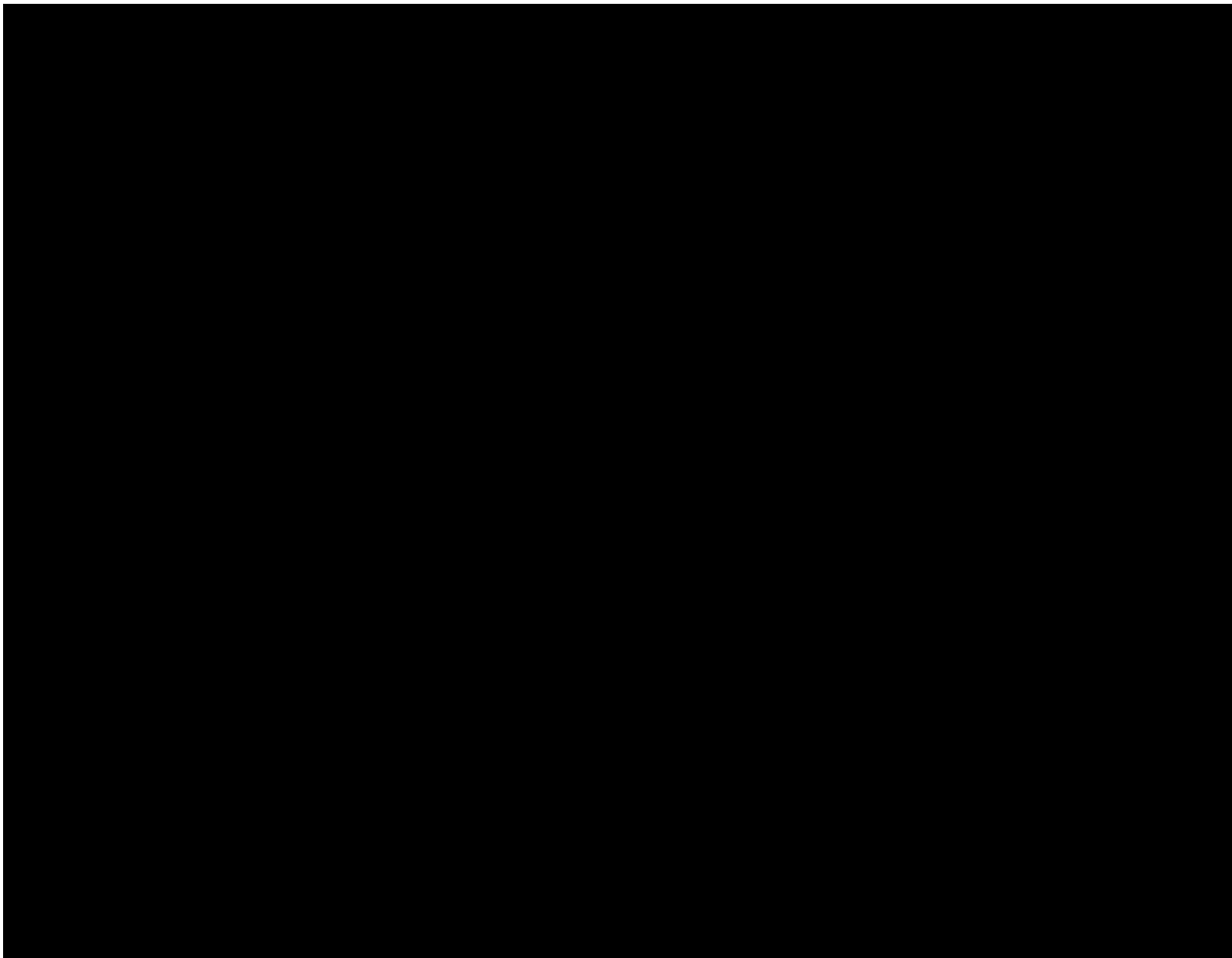


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DEPARTMENT OF THE ARMY
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October 3, 2022

SUBJECT: Upper Guadalupe Flood Risk General Reevaluation Study, National Historic Preservation Act Section 106 Tribal Consultation for Identification of Historic Properties

Katherine Erolinda Perez
Chairperson



Dear Chairwoman Perez,

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After screening and evaluating several alternatives from the final array of alternatives, USACE and Valley Water selected the “Combination Plan” to be the GRR’s tentatively selected plan:

- Combination Plan: This plan combines engineering with nature features, such as floodplain reconnection and restoration in the constricted portions of the mainstem of the Guadalupe River. The plan will include traditional flood risk management features, such as floodwalls on the tributaries where homes reside adjacent to the creek. The Combination Plan also includes gravel augmentation and alcoves, as well as bridge and culvert replacement at the most restricting pinch points in the system (Figure 3).

Following the Section 106 process to identify historic properties under the National Historic Preservation Act, the Area of Potential Effects (APE) is defined under 36 CFR § 800.16 as the geographic area where the undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.

Originally the preliminary APE (Figure 4) covered the entirety of the Upper Guadalupe River where alternatives were being formulated. The current APE was delineated by USACE to cover the selected Combination Plan (Figure 5). Efforts to identify historic properties as well as determining impacts for cultural resources were considered within the larger APE covering the entirety of the Upper Guadalupe River.

Identification Efforts for Historic Properties

To account for standard best practices in identifying cultural resources, USACE has contacted the Northwest Information Center (NWIC) associated with the California Historical Resources Informational Systems to complete a records search for the GRR. The NWIC completed the records search request for USACE to review (NWIC 21-0368) and is summarized below. Within the preliminary APE, which incorporated all 10 of the project reaches, a total of 171 formally recorded resources were identified.

However, the refined APE covering the footprint of the Combination Plan only has not identified any archaeological or precontact cultural sites within its boundaries. The only resources identified within the refined APE are built-environment structures and buildings which do not retain any historic significance and aren’t expected to be impacted by the selected plan.

Most of these recorded resources were dated to the historic period and were characterized as built-environment resources, ranging in age from the 19th century leading into the mid-20th century. These historic built-environment resources include buildings, structures, and bridges that meets the historic principle of being 50 years of age or older but either lacks integrity or significance to be eligible as a historic property worth preserving.

Five recorded sites were also identified from the records search, including the location of

two reburial sites.

Two out of the five sites were dated to the historic period, with one resource determined to be a historic refuse scatter (SJ-1H, P-43-002234) located in Reach 7 and a historic retaining wall dating to the 1860's (CA-SCL-635H) in reach 10A. Both resources were evaluated by an archaeologist and determined to lack significance or integrity to be listed on the National Register of Historic Preservation (NRHP) which would warrant mitigation measures as a significant historic property. Of the five recorded sites, three precontact sites (CA-SCL-690, CA-SCL-202, CA-SCL-636) were identified in the preliminary APE.

CA-SCL-690 is a large precontact village site and cemetery located in Reach 7 and is also known as the Tamien Station site. This site underwent mitigation in 1995 and 2007, including reburial of many ancestral remains near the site. USACE has revisited the site recently to determine the reevaluation of the site boundary with the affiliated most-likely descendant assigned by the Native American Heritage Commission (NAHC). Based on the mitigation completed last year, USACE has determined the site is not within the project footprint of the Combination Plan.

CA-SCL-202 in Reach 10A was identified as an artifact scatter with bone fragments, lithic tools, bowl mortars, and more recently human remains that were uncovered and reburied near the site. CA-SCL-636 is a midden site with fire cracked rocks and lithics, sitting partially on public and private property in Reach 11A.

All three precontact sites were determined to be potentially eligible for listing on the NRHP, however, USACE and Valley Water have determined that the final array of alternatives will have no adverse effects to these historic properties since they are outside of the APE where ground disturbing work is being proposed. Please refer to the map of the Combination Plan in Figure 5 to view the cultural sites mentioned above and their placement in proximity to the refined APE.

Input from Tribal Consultation and Tribal Cultural and Archaeological Monitoring Treatment Plan

Consultations with Tribes identified through the NAHC determined that there were unavoidable impacts for cultural resources given the cultural sensitivity of the Upper Guadalupe River. The landscape and waters of the Upper Guadalupe River were also determined to be traditionally and culturally significant. Archaeological testing through augers or hand-excavation was mentioned as an impact for cultural resources. To address this concern, USACE and Valley Water are currently determining non-disturbing methods of testing for unanticipated buried sites, such as ground-penetrating radar and cadaver dogs to pick up the scent of ancestral remains.

Despite there being no recorded cultural resources from the records search identified within the selected plan, that does not preclude the likelihood of uncovering a cultural site during construction. USACE and Valley Water are interested in drafting and implementing a TCAMTP to ensure that impacts to cultural sites discovered during construction are minimized, along with protocols established to include Tribes in the resolution of impacts

for such a discovery.

Next Steps in the Section 106 Process

At this time, USACE is inviting your Tribe to review the results of our identification efforts for historic properties within the selected plan and letting USACE know if you have any concerns or comments. We also seek your input on the selected plan and any other opportunities that interest your Tribe from development of the TCAMTP, recreation measures, interpretive signage, or collaborating on the restoration and enhancement work for native plants, species, and habitats along the Upper Guadalupe River from this feasibility study.

Due to the complexity of this study's impacts to cultural resources, USACE is planning to draft a Programmatic Agreement to continue our identification efforts and consultations with Section 106 consulting parties past the planning phase of the project and before construction occurs. Our next formal letter will invite your Tribe to review the Programmatic Agreement document and inviting you to be a concurring party.

We request your comment and invite you to consult for this study within 60 days of receipt of this letter. If that is not enough time for your Tribe, please let us know so we can try to work around your Tribe's availability. If you have questions or concerns, please contact USACE's Archaeologist Ruzel Benedicto Ednalino by phone at 415-503-6661 or by email Ruzel.B.Ednalino@USACE.ARMY.MIL. We look forward to hearing from you and continuing the conversation about this study with your Tribe.

Sincerely,



Julie Beagle
Environmental Planning Leader

- Figure 1. Upper Guadalupe Study Area
- Figure 2. Upper Guadalupe Reaches and Alternative Plans
- Figure 3. Map of the Combination Plan
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Figure 1. Study area for the Upper Guadalupe GRR.

Array of Alternatives	Reach	Valley View	Bypass	Combo	Low Scope
<p>Upper Guadalupe River FRM Reformulation, San Jose, CA</p>	Reach 7	<ul style="list-style-type: none"> - New bridge proposed at Caltrain, Willow St, Alma Ave Crossings - Maintenance road - Floodplain Widening 	<ul style="list-style-type: none"> - Bridge extensions at UPRR & Willow St Crossings - Bypass Channel w Maintenance Road - Gravel Augmentation - Fishponds 	<ul style="list-style-type: none"> - New Bridge extension at Caltrain Crossing - New bridge proposed at Willow St and Alma Ave Crossing - Gravel Augmentation - Channel Widening w/ Maintenance road - Floodplain Bench 	<ul style="list-style-type: none"> - New Bridge extension at Caltrain Crossing - New bridge proposed at Willow St and Alma Ave Crossing - Gravel Augmentation - Channel Widening w/ Maintenance road - Floodplain Bench
	Reach 8	<ul style="list-style-type: none"> - Maintenance Road - Floodplain Widening - Bridge extension at UPRR Crossing 	<ul style="list-style-type: none"> - Bypass Channel w Maintenance Road - Gravel Augmentation - Fishponds 	<ul style="list-style-type: none"> - Gravel Augmentation - Channel Widening w/ Maintenance road - Floodplain Bench - New Culvert adjacent to UPRR crossing 	<ul style="list-style-type: none"> - Gravel Augmentation - Channel Widening w/ Maintenance road - Floodplain Bench - New Culvert adjacent to UPRR crossing
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	Reach 10a	<ul style="list-style-type: none"> - Channel Widening 	<ul style="list-style-type: none"> - Channel Widening w/ Maintenance road - Crib Wall 	- No Work Here	- No Work Here
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Figure 2. Upper Guadalupe GRR Reaches and Alternative Plans.

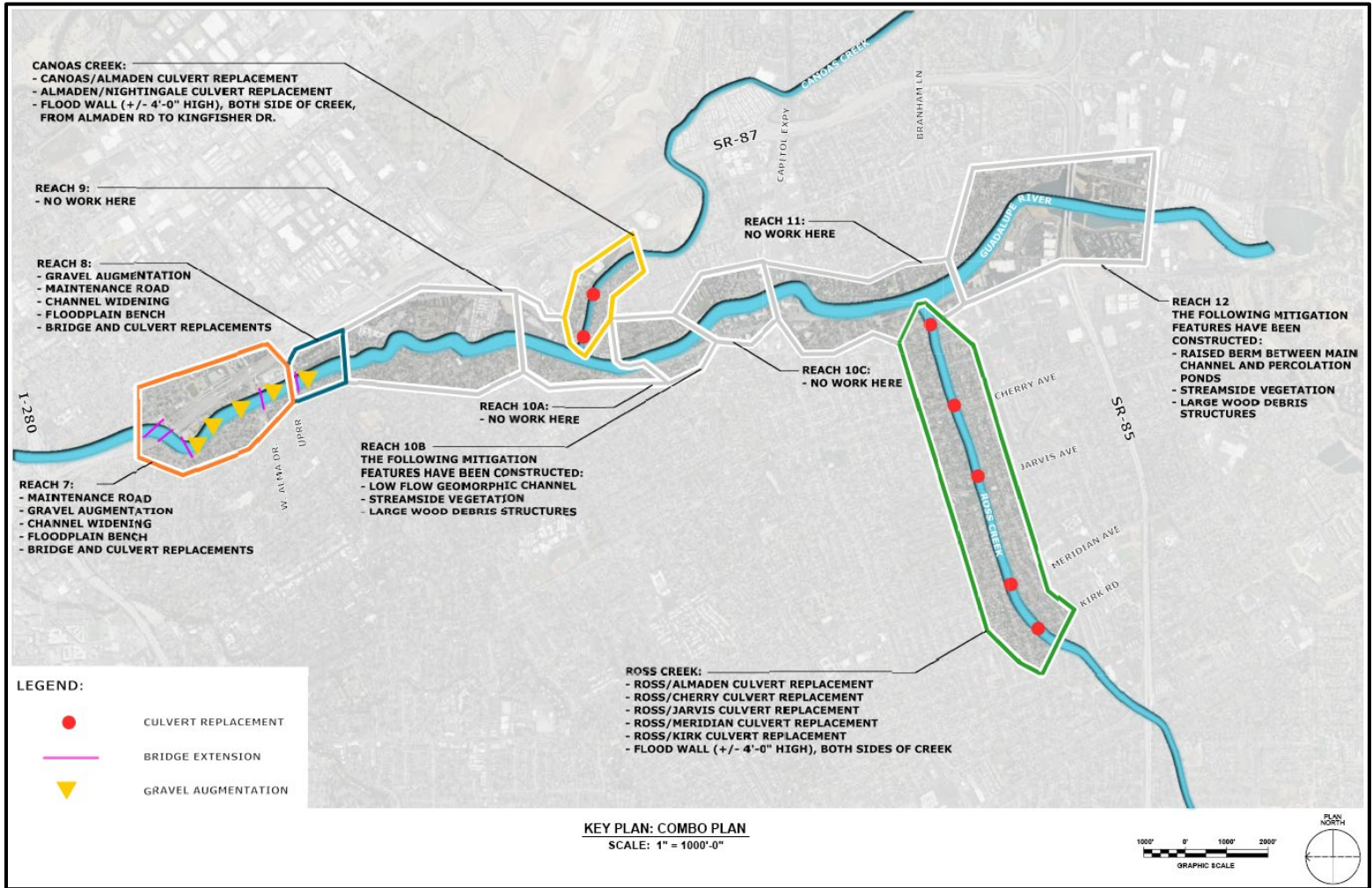


Figure 3. Map of the Selected Plan for the Upper Guadalupe GRR: Combination Plan.

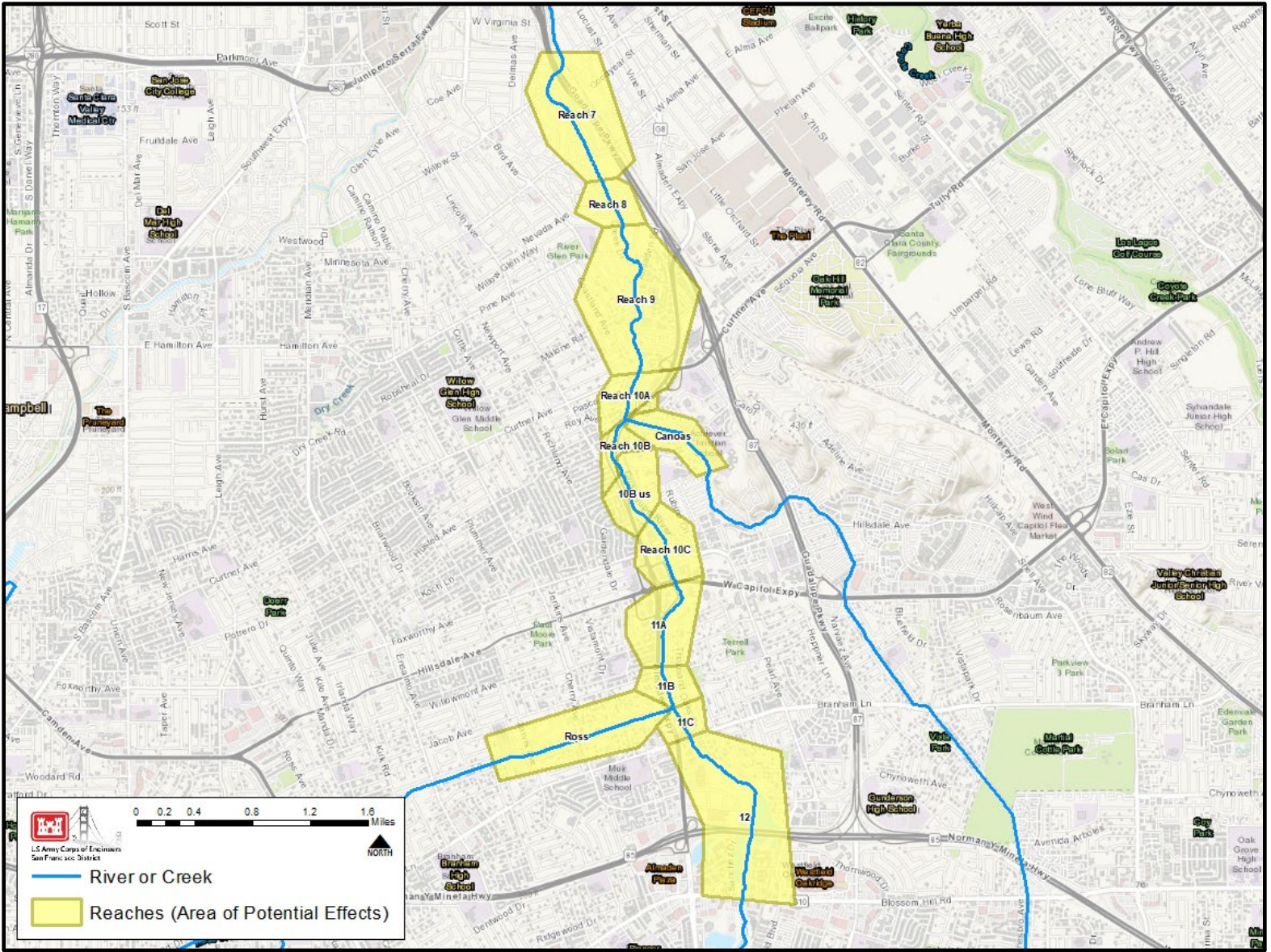


Figure 4. Map of the Preliminary Area of Potential Effects.

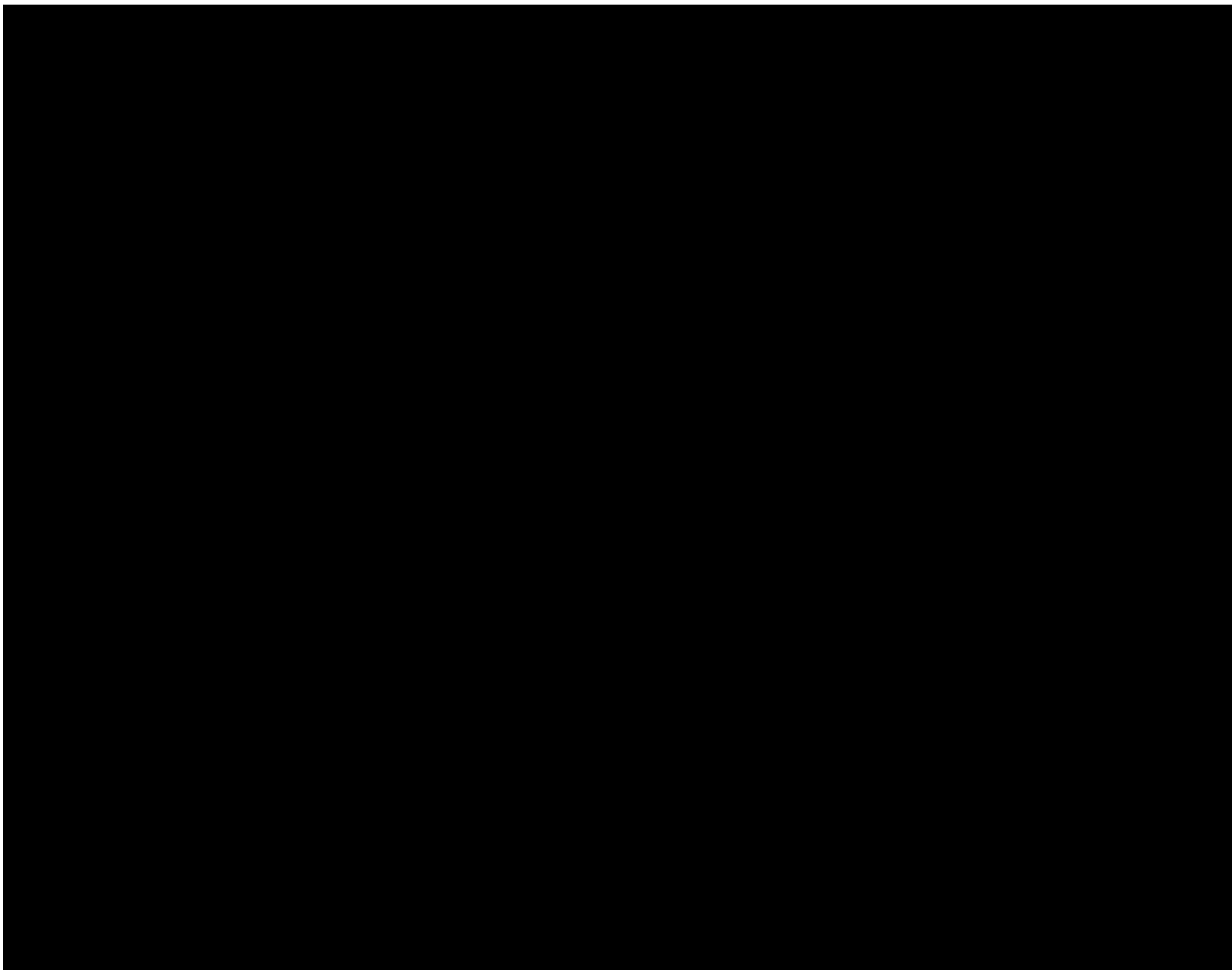


Figure 5. Map of the Refined Area of Potential Effects and Buried Sites.



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE
SAN FRANCISCO, CALIFORNIA 94103-1111

October 3, 2022

SUBJECT: Upper Guadalupe Flood Risk General Reevaluation Study, National Historic Preservation Act Section 106 Tribal Consultation for Identification of Historic Properties

Andrew Galvan
P.O. Box 3388



Dear Andrew Galvan,

The U.S. Army Corps of Engineers San Francisco District (USACE) and our partners Valley Water is contacting the Ohlone Indian Tribe to continue Section 106 consultation for the Upper Guadalupe Flood Risk General Reevaluation Study (GRR). The purpose of the study is to reevaluate flood risk alternatives and select an alternative plan that improves life safety and recreational features for communities along the Upper Guadalupe River system, in San Jose, California. The GRR identified a tentatively selected a plan from the final array of alternatives in August 2022.

We previously contacted your Tribe on April 1st 2021, February 9th 2022, and July 19th 2022 inviting your Tribe to be a consulting party in accordance with Section 106 of the National Historic Preservation Act of 1966 (54 USC § 306108) and its implementing regulations under 36 CFR § 800. Your Tribe was also invited to attend a Resource Agency Working Group meeting held periodically for the GRR.

The Ohlone Indian Tribe participated in several formal consultations with the cultural resources lead and Resource Agency Working Group meetings to address the sensitivity for cultural resources along the Upper Guadalupe.

With this letter, USACE is continuing Section 106 consultation with your Tribe to review our efforts for identifying historic properties and ask for your assistance in identifying significant cultural resources and impacts for the selected plan. We also invite your Tribe to participate in the review and development of a Tribal Cultural and Archaeological Monitoring Treatment Plan (TCAMP) with USACE and Valley Water.

Project Location and Area of Potential Effects

The GRR takes place in California, Santa Clara County within the southwestern highly urbanized portion of the city of San Jose (Figure 1). The GRR has defined 10 reaches for our study area that covers 5.5 miles of the Upper Guadalupe River system, including connecting tributaries Ross Creek and Canoas Creek (Figure 2). USACE and

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Sincerely,

A handwritten signature in blue ink, appearing to read 'Julie Beagle', written in a cursive style.

Julie Beagle
Environmental Planning Leader

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- Figure 2. Upper Guadalupe Reaches and Alternative Plans
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Figure 1. Study area for the Upper Guadalupe GRR.

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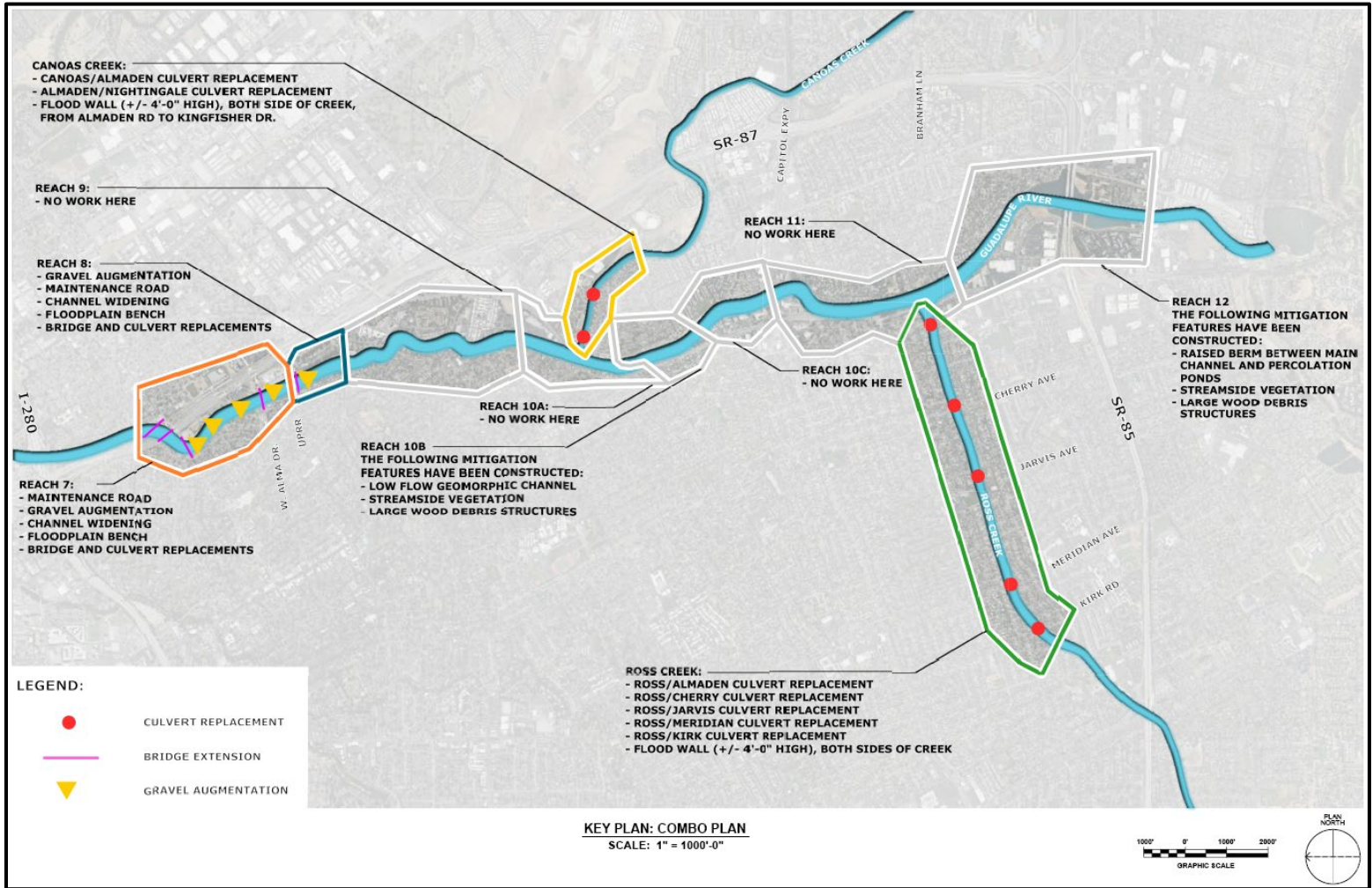


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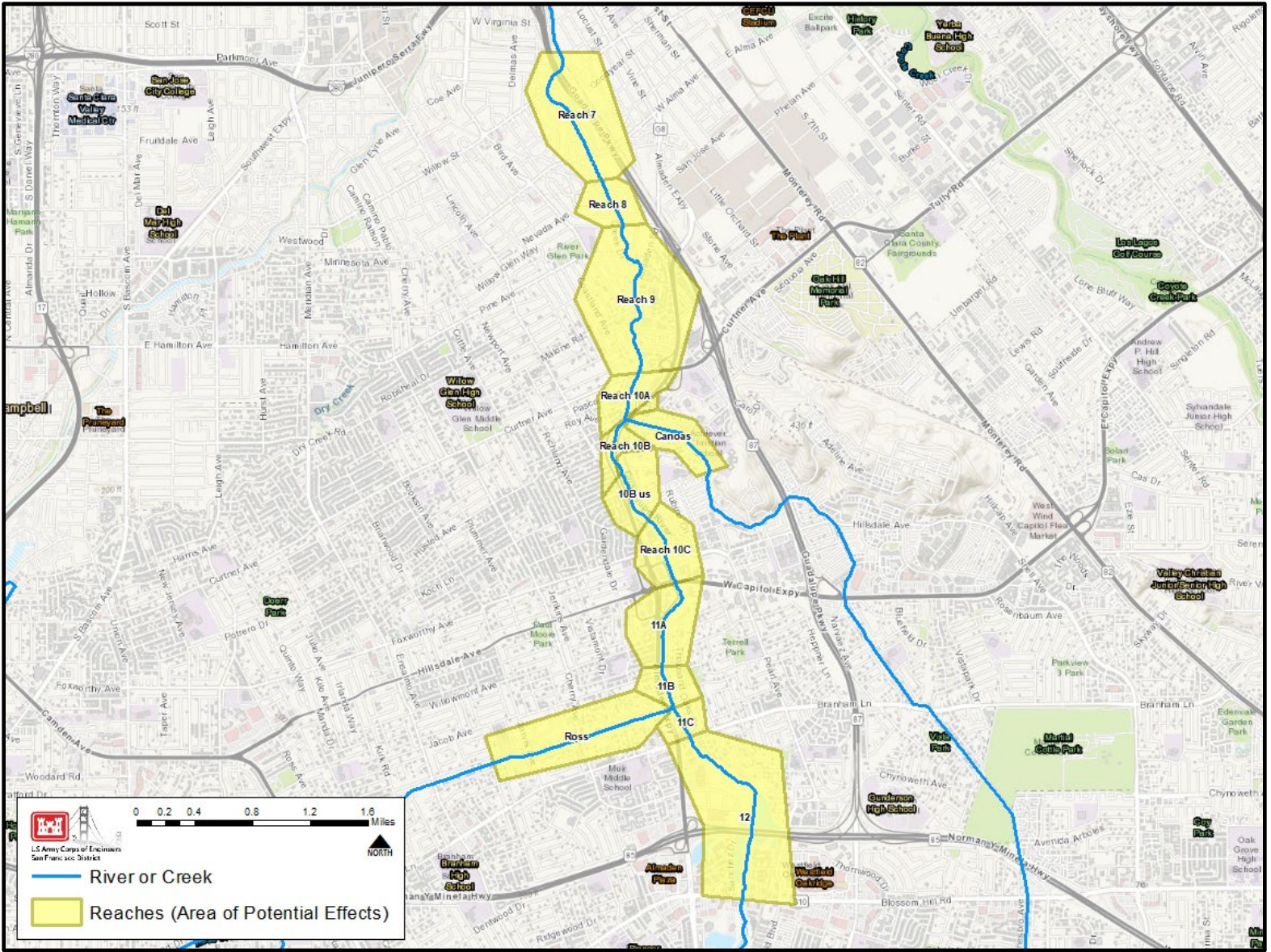


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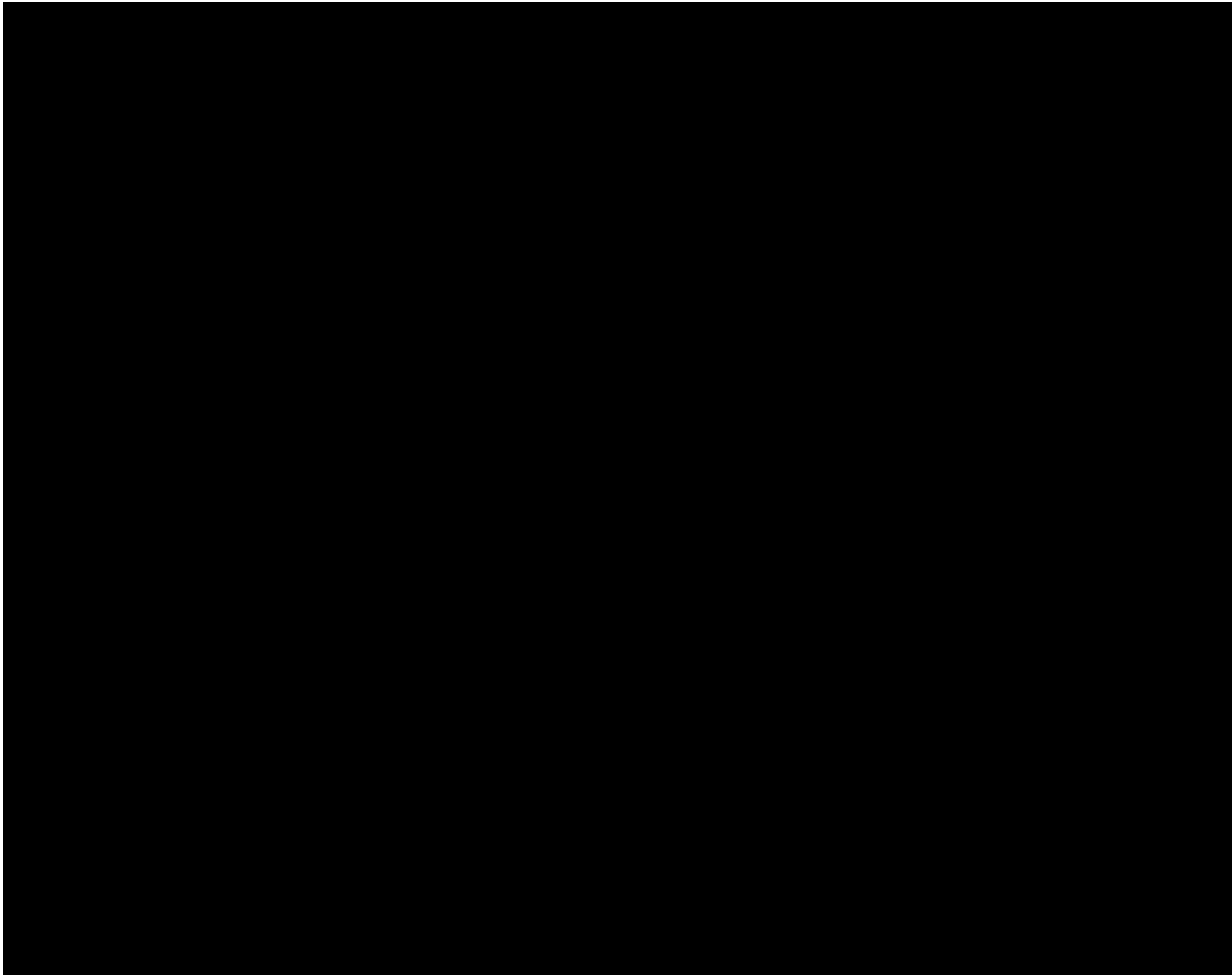


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DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE
SAN FRANCISCO, CALIFORNIA 94103-1111

October 3, 2022

SUBJECT: Upper Guadalupe Flood Risk General Reevaluation Study, National Historic Preservation Act Section 106 Tribal Consultation for Identification of Historic Properties

Corrina Gould
Chairperson



Dear Chairwoman Gould,

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Identification Efforts for Historic Properties

To account for standard best practices in identifying cultural resources, USACE has contacted the Northwest Information Center (NWIC) associated with the California Historical Resources Informational Systems to complete a records search for the GRR. The NWIC completed the records search request for USACE to review (NWIC 21-0368) and is summarized below. Within the preliminary APE, which incorporated all 10 of the project reaches, a total of 171 formally recorded resources were identified.

However, the refined APE covering the footprint of the Combination Plan only has not identified any archaeological or precontact cultural sites within its boundaries. The only resources identified within the refined APE are built-environment structures and buildings which do not retain any historic significance and aren’t expected to be impacted by the selected plan.

Most of these recorded resources were dated to the historic period and were characterized as built-environment resources, ranging in age from the 19th century leading into the mid-20th century. These historic built-environment resources include buildings, structures, and bridges that meets the historic principle of being 50 years of age or older but either lacks integrity or significance to be eligible as a historic property worth preserving.

Five recorded sites were also identified from the records search, including the location of

two reburial sites.

Two out of the five sites were dated to the historic period, with one resource determined to be a historic refuse scatter (SJ-1H, P-43-002234) located in Reach 7 and a historic retaining wall dating to the 1860's (CA-SCL-635H) in reach 10A. Both resources were evaluated by an archaeologist and determined to lack significance or integrity to be listed on the National Register of Historic Preservation (NRHP) which would warrant mitigation measures as a significant historic property. Of the five recorded sites, three precontact sites (CA-SCL-690, CA-SCL-202, CA-SCL-636) were identified in the preliminary APE.

CA-SCL-690 is a large precontact village site and cemetery located in Reach 7 and is also known as the Tamien Station site. This site underwent mitigation in 1995 and 2007, including reburial of many ancestral remains near the site. USACE has revisited the site recently to determine the reevaluation of the site boundary with the affiliated most-likely descendant assigned by the Native American Heritage Commission (NAHC). Based on the mitigation completed last year, USACE has determined the site is not within the project footprint of the Combination Plan.

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All three precontact sites were determined to be potentially eligible for listing on the NRHP, however, USACE and Valley Water have determined that the final array of alternatives will have no adverse effects to these historic properties since they are outside of the APE where ground disturbing work is being proposed. Please refer to the map of the Combination Plan in Figure 5 to view the cultural sites mentioned above and their placement in proximity to the refined APE.

Input from Tribal Consultation and Tribal Cultural and Archaeological Monitoring Treatment Plan

Consultations with Tribes identified through the NAHC determined that there were unavoidable impacts for cultural resources given the cultural sensitivity of the Upper Guadalupe River. The landscape and waters of the Upper Guadalupe River were also determined to be traditionally and culturally significant. Archaeological testing through augers or hand-excavation was mentioned as an impact for cultural resources. To address this concern, USACE and Valley Water are currently determining non-disturbing methods of testing for unanticipated buried sites, such as ground-penetrating radar and cadaver dogs to pick up the scent of ancestral remains.

Despite there being no recorded cultural resources from the records search identified within the selected plan, that does not preclude the likelihood of uncovering a cultural site during construction. USACE and Valley Water are interested in drafting and implementing a TCAMTP to ensure that impacts to cultural sites discovered during construction are minimized, along with protocols established to include Tribes in the resolution of impacts

for such a discovery.

Next Steps in the Section 106 Process

At this time, USACE is inviting your Tribe to review the results of our identification efforts for historic properties within the selected plan and letting USACE know if you have any concerns or comments. We also seek your input on the selected plan and any other opportunities that interest your Tribe from development of the TCAMTP, recreation measures, interpretive signage, or collaborating on the restoration and enhancement work for native plants, species, and habitats along the Upper Guadalupe River from this feasibility study.

Due to the complexity of this study's impacts to cultural resources, USACE is planning to draft a Programmatic Agreement to continue our identification efforts and consultations with Section 106 consulting parties past the planning phase of the project and before construction occurs. Our next formal letter will invite your Tribe to review the Programmatic Agreement document and inviting you to be a concurring party.

We request your comment and invite you to consult for this study within 60 days of receipt of this letter. If that is not enough time for your Tribe, please let us know so we can try to work around your Tribe's availability. If you have questions or concerns, please contact USACE's Archaeologist Ruzel Benedicto Ednalino by phone at 415-503-6661 or by email Ruzel.B.Ednalino@USACE.ARMY.MIL. We look forward to hearing from you and continuing the conversation about this study with your Tribe.

Sincerely,



Julie Beagle
Environmental Planning Leader

- Figure 1. Upper Guadalupe Study Area
- Figure 2. Upper Guadalupe Reaches and Alternative Plans
- Figure 3. Map of the Combination Plan
- Figure 4. Map of the Preliminary APE
- Figure 5. Map of the Refined APE and Buried Sites

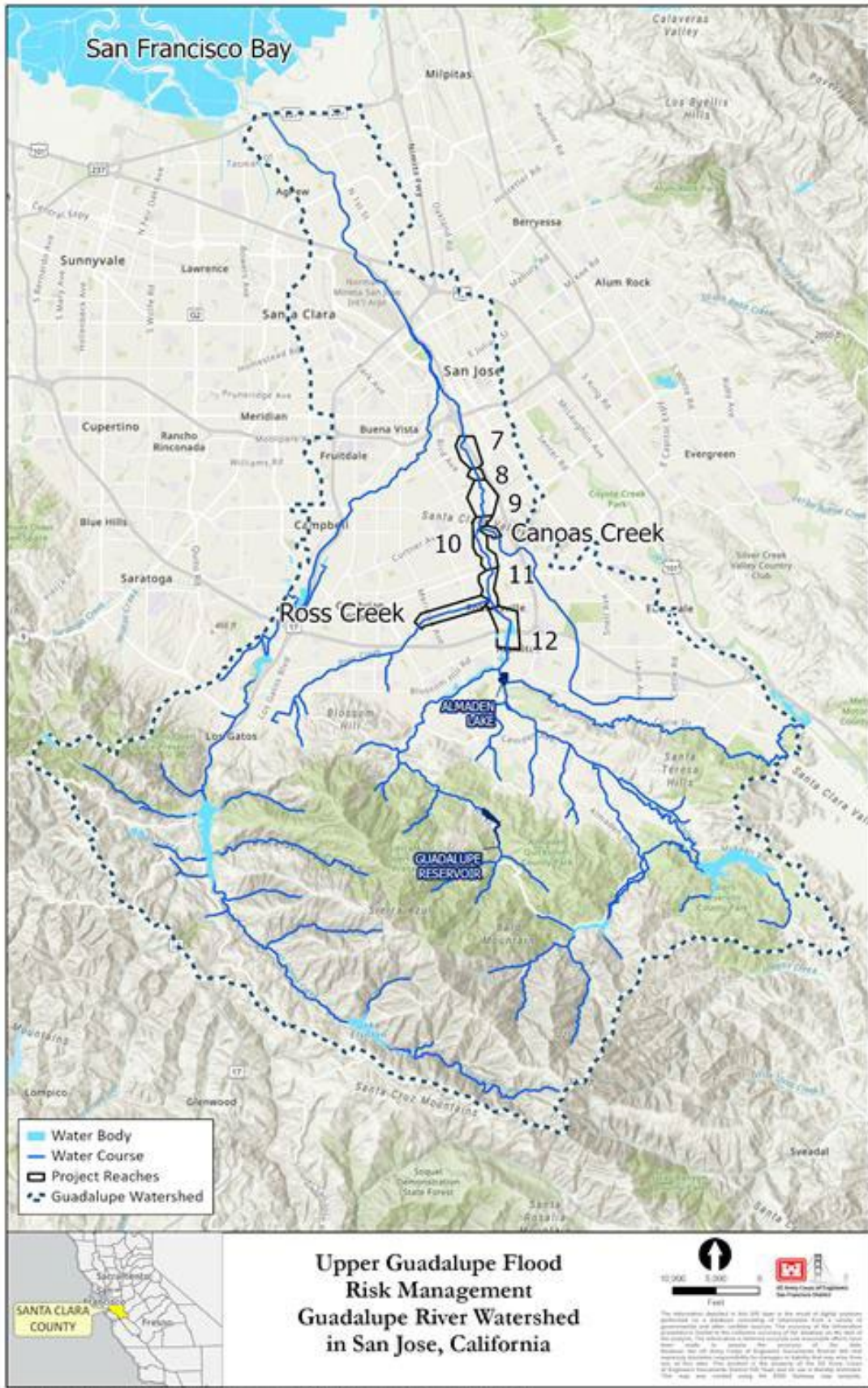


Figure 1. Study area for the Upper Guadalupe GRR.

Array of Alternatives	Reach	Valley View	Bypass	Combo	Low Scope
<p>Upper Guadalupe River FRM Reformulation, San Jose, CA</p>	Reach 7	<ul style="list-style-type: none"> - New bridge proposed at Caltrain, Willow St, Alma Ave Crossings - Maintenance road - Floodplain Widening 	<ul style="list-style-type: none"> - Bridge extensions at UPRR & Willow St Crossings - Bypass Channel w Maintenance Road - Gravel Augmentation - Fishponds 	<ul style="list-style-type: none"> - New Bridge extension at Caltrain Crossing - New bridge proposed at Willow St and Alma Ave Crossing - Gravel Augmentation - Channel Widening w/ Maintenance road - Floodplain Bench 	<ul style="list-style-type: none"> - New Bridge extension at Caltrain Crossing - New bridge proposed at Willow St and Alma Ave Crossing - Gravel Augmentation - Channel Widening w/ Maintenance road - Floodplain Bench
	Reach 8	<ul style="list-style-type: none"> - Maintenance Road - Floodplain Widening - Bridge extension at UPRR Crossing 	<ul style="list-style-type: none"> - Bypass Channel w Maintenance Road - Gravel Augmentation - Fishponds 	<ul style="list-style-type: none"> - Gravel Augmentation - Channel Widening w/ Maintenance road - Floodplain Bench - New Culvert adjacent to UPRR crossing 	<ul style="list-style-type: none"> - Gravel Augmentation - Channel Widening w/ Maintenance road - Floodplain Bench - New Culvert adjacent to UPRR crossing
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	Reach 10a	<ul style="list-style-type: none"> - Channel Widening 	<ul style="list-style-type: none"> - Channel Widening w/ Maintenance road - Crib Wall 	- No Work Here	- No Work Here
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Figure 2. Upper Guadalupe GRR Reaches and Alternative Plans.

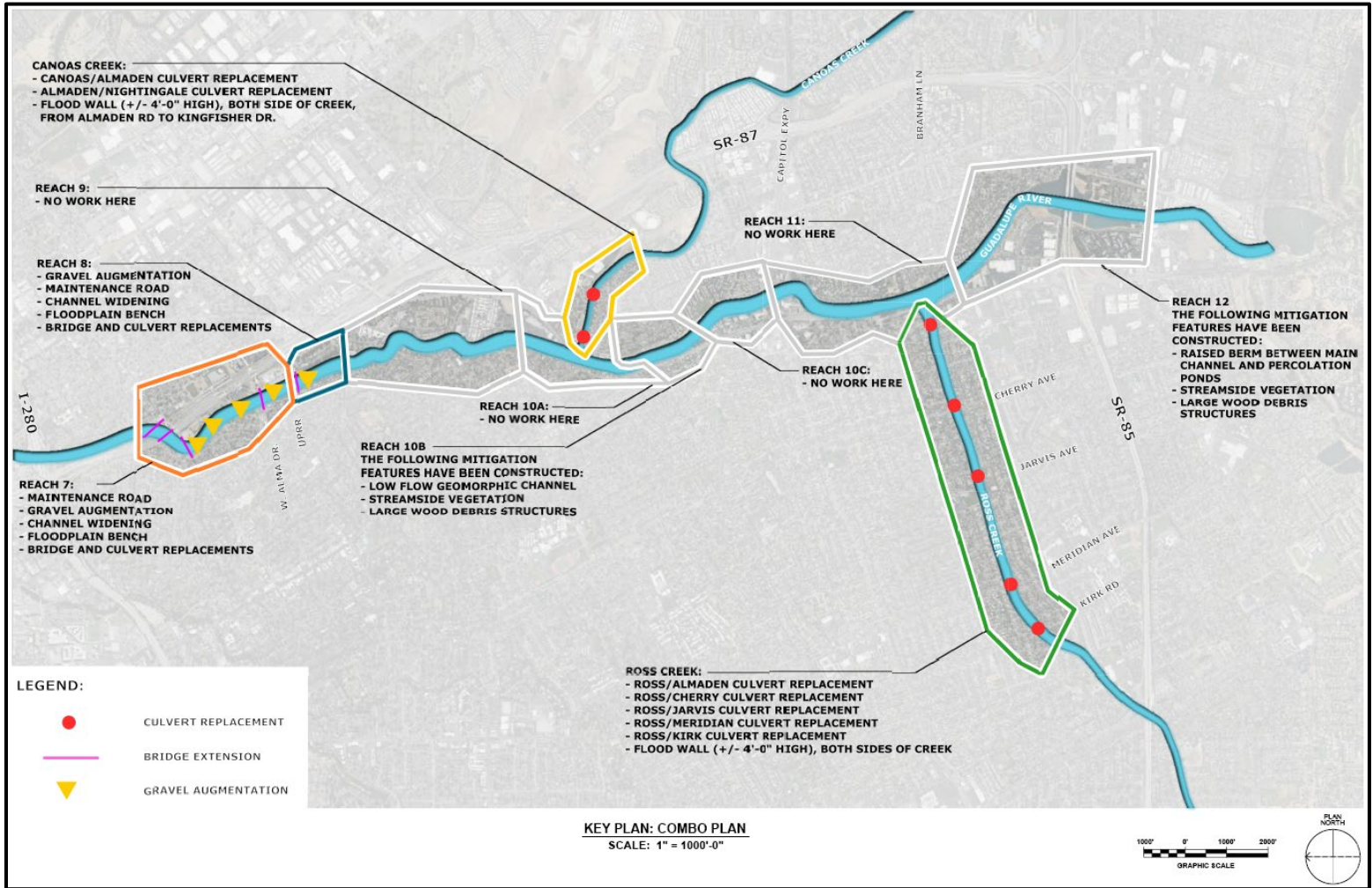


Figure 3. Map of the Selected Plan for the Upper Guadalupe GRR: Combination Plan.

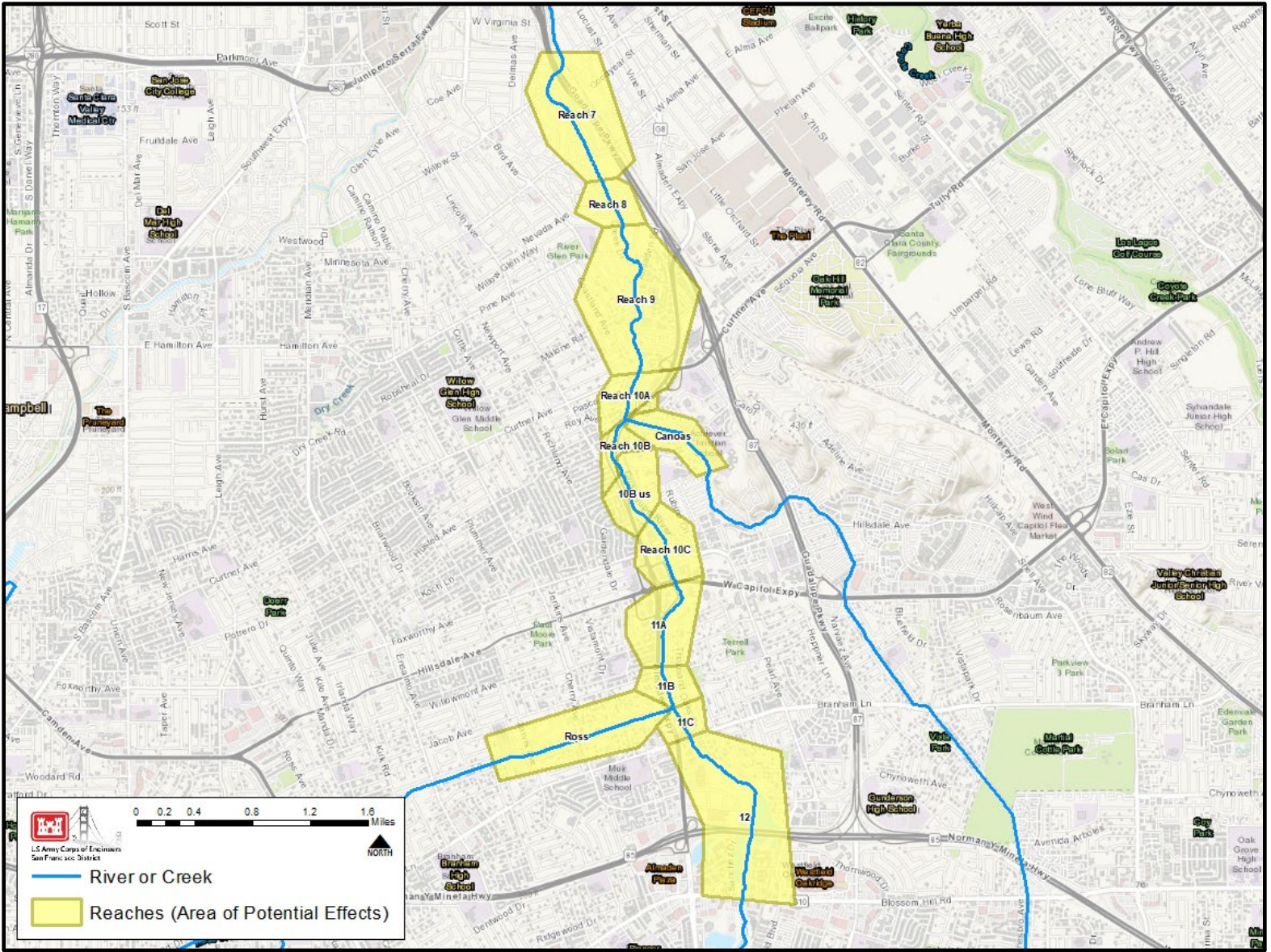


Figure 4. Map of the Preliminary Area of Potential Effects.

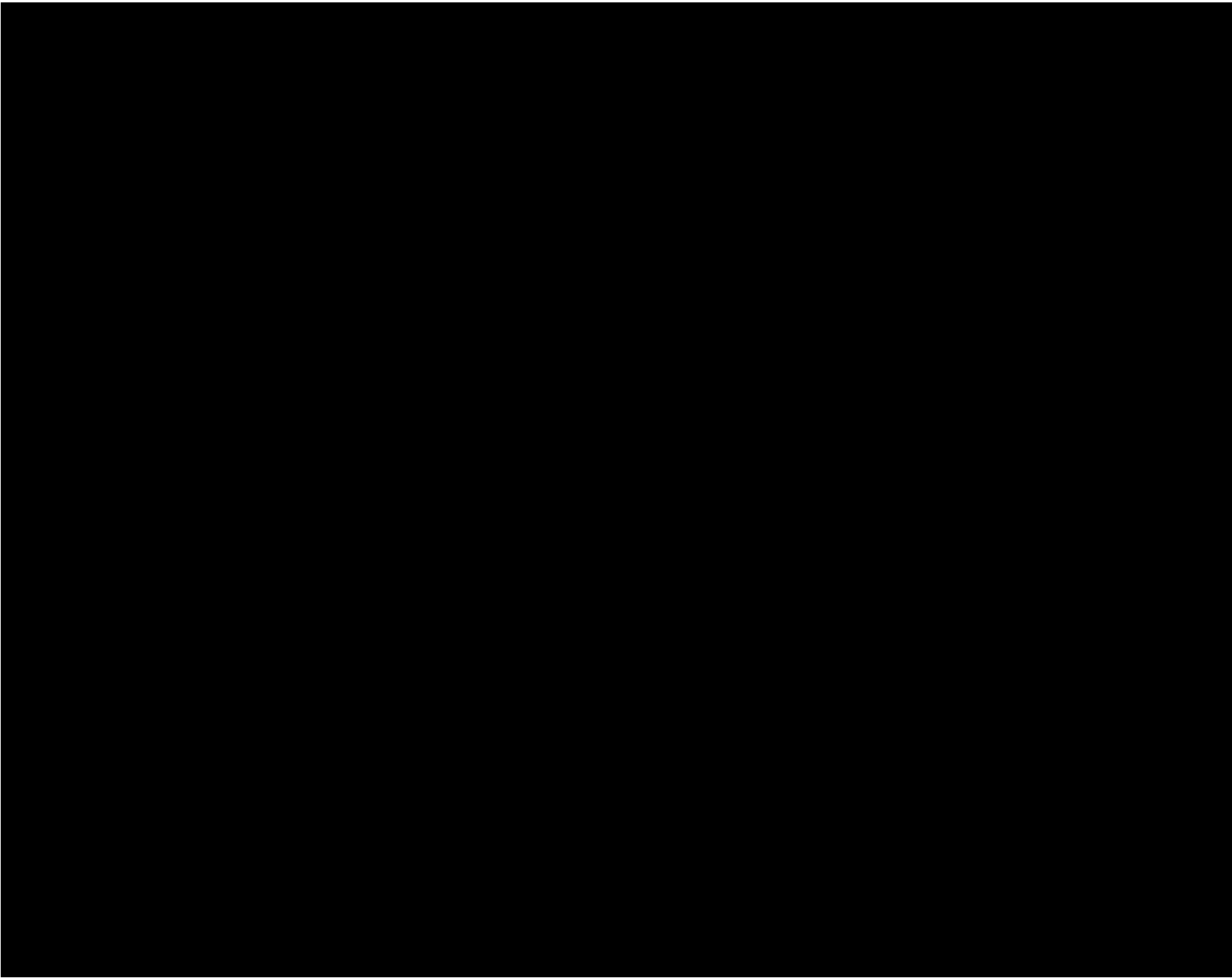


Figure 5. Map of the Refined Area of Potential Effects and Buried Sites.



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE
SAN FRANCISCO, CALIFORNIA 94103-1111

October 3, 2022

SUBJECT: Upper Guadalupe Flood Risk General Reevaluation Study, National Historic Preservation Act Section 106 Tribal Consultation for Identification of Historic Properties

Kenneth Woodrow
Chairperson



Dear Chairman Woodrow,

The U.S. Army Corps of Engineers San Francisco District (USACE) and our partners Valley Water is contacting the Wuksache Indian Tribe/Eshom Valley Band to continue Section 106 consultation for the Upper Guadalupe Flood Risk General Reevaluation Study (GRR). The purpose of the study is to reevaluate flood risk alternatives and select an alternative plan that improves life safety and recreational features for communities along the Upper Guadalupe River system, in San Jose, California. The GRR identified a tentatively selected a plan from the final array of alternatives in August 2022.

We previously contacted your Tribe on April 1st 2021, February 9th 2022, and July 19th 2022 inviting your Tribe to be a consulting party in accordance with Section 106 of the National Historic Preservation Act of 1966 (54 USC § 306108) and its implementing regulations under 36 CFR § 800. Your Tribe was also invited to attend a Resource Agency Working Group meeting held periodically for the GRR.

With this letter, USACE is continuing Section 106 consultation with your Tribe to review our efforts for identifying historic properties and ask for your assistance in identifying significant cultural resources and impacts for the selected plan. We also invite your Tribe to participate in the review and development of a Tribal Cultural and Archaeological Monitoring Treatment Plan (TCAMTP) with USACE and Valley Water.

Project Location and Area of Potential Effects

The GRR takes place in California, Santa Clara County within the southwestern highly urbanized portion of the city of San Jose (Figure 1). The GRR has defined 10 reaches for our study area that covers 5.5 miles of the Upper Guadalupe River system, including connecting tributaries Ross Creek and Canoas Creek (Figure 2). USACE and Valley Water have screened alternatives along the 5.5 miles of the Upper Guadalupe River beginning from Reach 7 and ending upstream at Reach 12. Sentence here stating

what the previous alternatives were when the study was in the 90's. Sentence here summarizing the different alternatives they screened for the current GRR.

After screening and evaluating several alternatives from the final array of alternatives, USACE and Valley Water selected the "Combination Plan" to be the GRR's tentatively selected plan:

- Combination Plan: This plan combines engineering with nature features, such as floodplain reconnection and restoration in the constricted portions of the mainstem of the Guadalupe River. The plan will include traditional flood risk management features, such as floodwalls on the tributaries where homes reside adjacent to the creek. The Combination Plan also includes gravel augmentation and alcoves, as well as bridge and culvert replacement at the most restricting pinch points in the system (Figure 3).

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Sincerely,



Julie Beagle
Environmental Planning Leader

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Figure 1. Study area for the Upper Guadalupe GRR.

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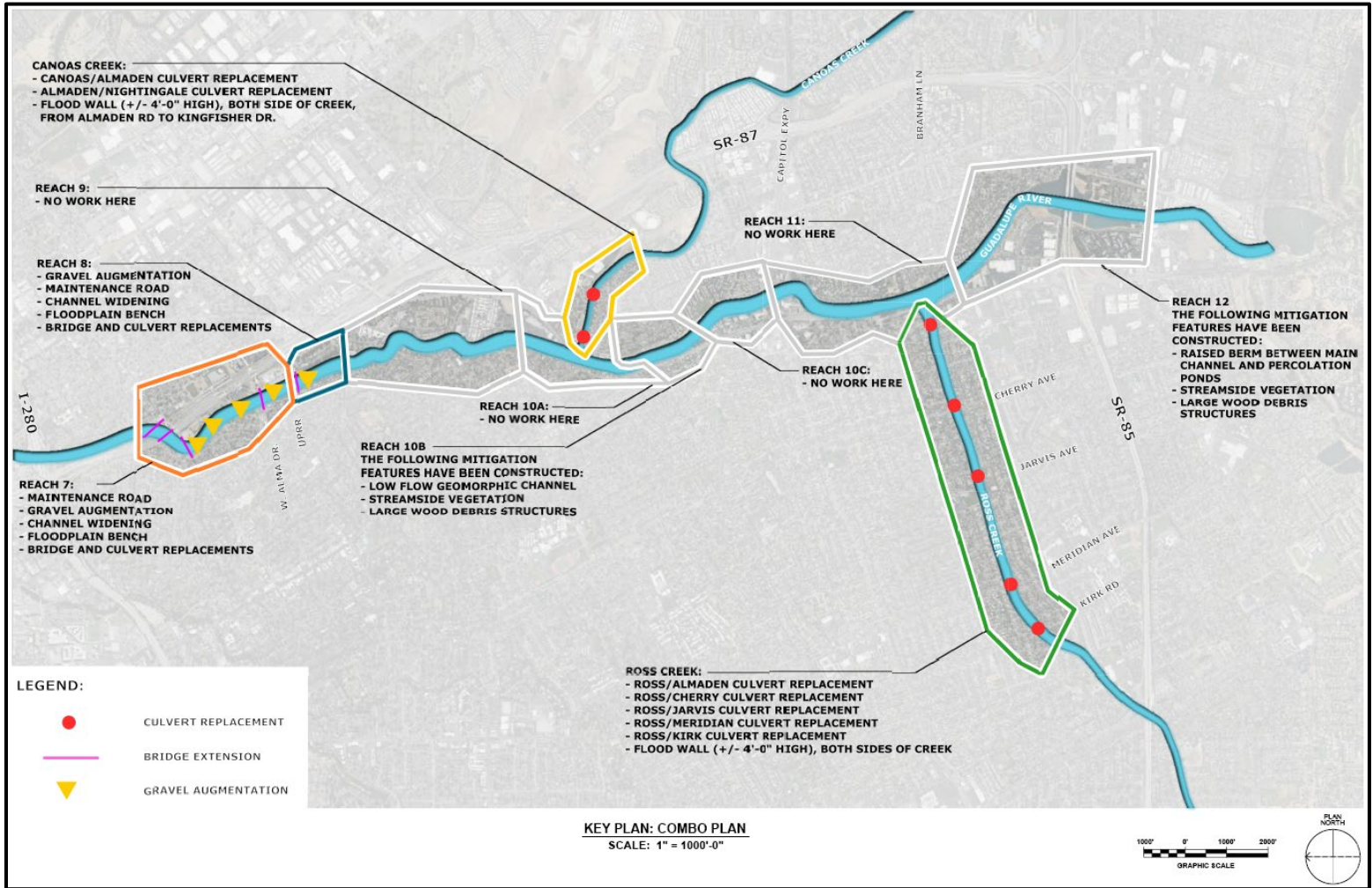


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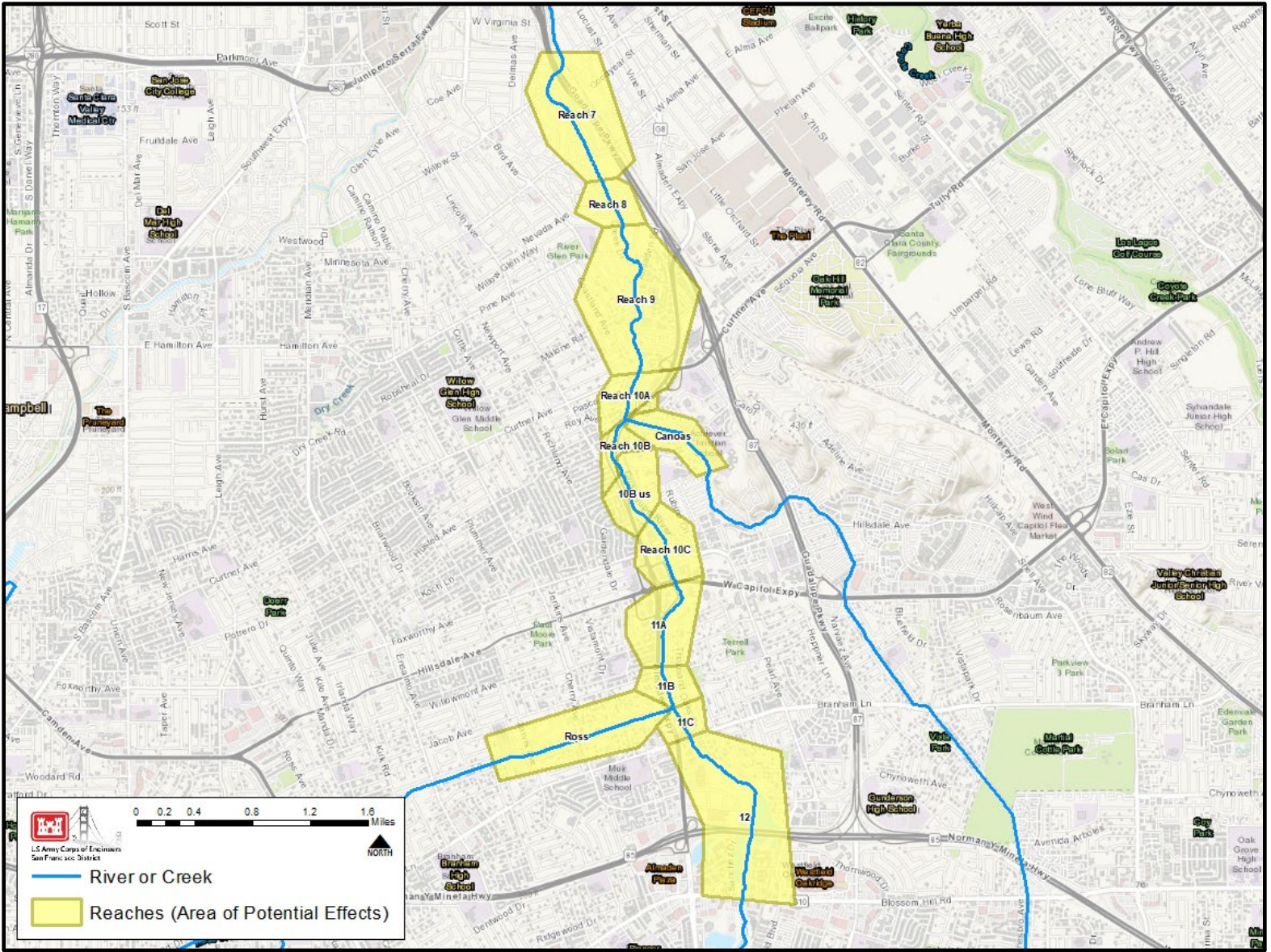


Figure 4. Map of the Preliminary Area of Potential Effects.



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TAMIEN NATION
P.O. Box 8053, San Jose, California 95155
(707) 295-4011 tamien@tamien.org

Sent Via Email:

RE: Request for Tribal Consultation

Project:

Dear

Thank you for reaching out to our Tribe. Your time and effort is appreciated. This letter constitutes a formal request for tribal consultation under Section 106 for the mitigation of potential project impacts to tribal cultural resource and to engage in the drafting of a programmatic agreement for the above referenced project.

Thank you for providing us with this notice and the opportunity to work with your agency.

Sincerely,

A handwritten signature in black ink, appearing to read "Quirina Geary". The signature is fluid and cursive, with a long horizontal stroke at the end.

Quirina Geary
Chairwoman

References

Archaeological Resource Management. 1998 Cultural Resource Investigations and Eligibility Determinations for Reach A And Sites CA-SCL-635H, CA-SCL-636, CA-SCL-690, and CA-SCL-706 For The Upper Guadalupe River Flood Control Project.

Beardsley, R.K. 1948 Cultural Sequences in Central California Archaeology. *American Antiquity* 14(1):1-28.

Bennyhoff, J.A. and R.F. Heizer. 1958 Cross-dating Great Basin Sites by Californian Shell Beads. *Reports of the University of California Archaeological Survey* 42:129-141.

Heizer, R.F. and F. Fenenga. 1939 Archaeological Horizons in Central California. *American Anthropologist* 41(3):378-399

Milliken, Randall, Richard Fitzgerald, Mark G. Hylkema, Randy Groza, Tom Origer, David G. Bieling, Alan Leventhal, Randy S. Wiberg, Andrew Gottsfield, Donna Gillette, Viviana Bellifemine, Eric Strother, Robert Cartier, and David A. Fredrickson. Punctuated Culture Change in the San Francisco Bay Area. Chapter 8 in *California Prehistory: Colonization, Culture, and Complexity*, edited by Terry L. Jones and Kathryn A. Klar. Altamira Press, Lanham, Maryland, 2007.

Milliken, Randall, Laurence H. Shoup, and Beverley R. Ortiz, Ohlone/Costanoan Indians of the San Francisco Peninsula and their Neighbors, Yesterday and Today. Prepared for National Park Service, Golden Gate National Recreation Area. June 2009.

NPS (National Park Service). 1998. National Register Bulletin: Guidelines for Evaluating and Documenting Traditional Cultural Properties. Accessed: July 15, 2022. Retrieved from: <http://www.nps.gov/nr/publications/bulletins/nrb38/>

Parker, P.L., King, T.F., (1990). Guidelines for Evaluating and Documenting Traditional Cultural Properties. National Register Bulletin 38. Originally published 1990 (revised 1992), U.S. Department of the Interior, National Park Service, Washington, D.C. DRA