

Appendix B

Cultural Resources Technical Memo



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memorandum

date July 7, 2022

to City of San José

cc

from Ashleigh Sims, M.A., RPA, ESA Cultural Resources Group

subject Cultural Resources Memorandum for the Fire Station No. 32 at 1138 Olinder Court, San José

Project Description

This memorandum provides the cultural resources findings of a records search, historic aerial and map review, and geoarchaeological assessment completed for the Fire Station No. 32 at 1138 Olinder Court in the City of San José, Santa Clara County. The City of San José is reviewing the construction of a new fire station building at 1138 Olinder Court. The Project Area is an approximately 1.1-acre site located at the northeast corner of Olinder Court and Felipe Avenue in the Ferrari Pinoche neighborhood of San José (**Figure 1, Figure 2**). The proposed improvements consist of the construction of a new fire station building with concrete and asphalt pavement, hardscape areas, and underground utilities to support the fire station. The Project would also result in the removal of an existing building and potentially some of the existing trees that reside on the current site.

Project Area

For this study, the *Project Area* is defined as the maximum extent, both horizontally and vertically, of both direct and indirect potential impacts resulting from the Project. Specifically, the Project Area encompasses the Project footprint, including areas of new construction and operations-related activities (e.g., construction staging areas) associated with the Project. The vertical extent of the Project Area consists of the maximum depth of ground disturbance proposed by the Project and includes the entire 1.1-acre (48,720 square foot) site. The depth of ground disturbance for the fire stations' footings and utility connections are anticipated to be up to 8 feet. The Project Area are depicted in **Figure 3**.

Records Search

ESA conducted a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System on February 8, 2022 (File No. 21-1278). The purpose of the records search was to (1) determine whether known cultural resources have been recorded within or adjacent to the Project Area; (2) assess the likelihood for unrecorded cultural resources to be present based on historical references and the

distribution of nearby sites; and (3) develop a context for the identification and preliminary evaluation of cultural resources. The records search consisted of an examination of the following documents:

- NWIC digitized base maps (USGS San Jose East, CA 7.5-minute topographic map), to identify recorded archaeological sites and studies within a 0.25-mile radius of the Project Area.
- NWIC digitized base maps (USGS San Jose East, CA 7.5-minute topographic map), to identify recorded historic-era resources of the built environment (building, structures, and objects) within a 0.25-mile radius of the Project Area.
- Resource Inventories: *California Inventory of Historical Resources*, *California Historical Landmarks*, *Built Environment Resource Directory* (BERD) (through March 2020) and *Archaeological Determinations of Eligibility* (as of April 2012) for Santa Clara County.

The NWIC records search results identified one previous cultural resources study that was directly adjacent to the Project Area. The Project Area has not been previously surveyed for cultural resources and is currently completely paved and built over. **Table 1** provides details on this study.

TABLE 1. PREVIOUS CULTURAL RESOURCES STUDY THAT INCLUDES PORTIONS OF THE PROJECT AREA

Study #	Title	Author	Date
S-4273	A Preliminary Archaeological Reconnaissance of the Olinder Redevelopment Project location in San Jose, California	Dietz	1976

SOURCE: NWIC, 2022

Previously Identified Resources

The NWIC records search indicated that no previously recorded cultural resources intersect the Project Area and no cultural resources have been previously recorded within 0.25 mile of the Project Area. There are no previously recorded pre-contact or historic-era archaeological resources recorded within the Project Area or within a 0.25-mile radius. The nearest pre-contact archaeological resource is located 0.9-miles southwest of the Project Area.

NAHC Correspondence

ESA contacted the NAHC on February 7, 2022, to request a search of the NAHC's Sacred Lands File (SLF) and a list of Native American representatives who may have interest in the Project. The NAHC replied to ESA by email on March 27, 2022, with the statement that the result of any SLF check conducted through the Native American Heritage Commission was negative. The City of San José will conduct tribal consultation as part of CEQA compliance.

Map and Historic Aerial Imagery Review

ESA conducted a review of the following sources of historic maps and aerial photography: USGS topographic quadrangles (USGS, 2022), Sanborn Fire Insurance maps (Library of Congress, 2022), and historicaerials.com (NETR, 2022; UCSB, 2022). The review focused on the Project Area and vicinity. The Project Area has historically experienced heavy urban development, including residential and commercial sprawls and infrastructure to accommodate a growing population and escalating settlement patterns. **Table 3** summarizes the results of the historic map and aerial photography review.

TABLE 3. MAP AND HISTORIC AERIAL REVIEW RESULTS

Date	Type	Scale	Name	Features Depicted/General Notes
1876	Thompson & West	1:31,680	Santa Clara Co. 5	Area including Project parcel owned by J. Rich. House located near the southern edge of the project area.
1897	Topo	1:62,500	San Jose, CA	Project parcel is in the rural outskirts of the central city of San José. There are a few scattered buildings identified in the vicinity of the Project parcel.
1905	Topo	1:62,500	San Jose, CA	Same as 1897 topo.
1913	Topo	1:62,500	San Jose, CA	Same as 1897 and 1905 topo.
1926	Topo	1:62,500	San Jose, CA	Same as 1897, 1905 and 1913 topos.
1939	Aerial Photo	n/a	n/a	A large barn/shed is located in the Project parcel with the associated residence located south of the Project parcel. The rest of the Project parcel is orchard or undeveloped.
1939	Topo	1:62,500	San Jose, CA	Same as 1897, 1905, 1913 and 1926 topos.
1943	Topo	1:62,500	San Jose, CA	Road partially following current alignment of Bayshore Road/Highway 101 constructed north of Story Road but does not connect to a road on the north end. Additional houses built in the vicinity of the Project parcel.
1948	Aerial Photo	n/a	n/a	Building located at southwest corner of Project parcel. The rest of the parcel is orchard or undeveloped.
1953	Topo	1:24,000	San Jose West, CA	Bayshore Road constructed. Project parcel is still in undeveloped portion of block, but more roads and buildings have been built in the vicinity of the Project parcel.
1956	Aerial Photo	n/a	n/a	Same as 1948 aerial.
1960	Aerial Photo	n/a	n/a	Same as 1948 and 1956 aerial.
1962	Topo	1:24,000	San Jose West, CA	Project parcel is still in undeveloped portion of block, but more roads and buildings have been built in the vicinity of the Project parcel.
1965	Aerial Photo	n/a	n/a	Same as 1948, 1956, and 1960 aerial.
1968	Aerial Photo	n/a	n/a	All buildings have been removed from Project parcel and vicinity. Alignment of Felipe Avenue matches modern alignment.
1969	Topo	1:24,000	San Jose West, CA	Felipe Avenue is constructed matching the current alignment of the road. One building in the Project parcel is identified in the southwest corner of the parcel.
1980	Aerial Photo	n/a	n/a	Olinder Court alignment matches current alignment of road adjacent to the Project parcel. Sidewalks constructed along western and southern edges of the Project parcel along roads. Project parcel is undeveloped dirt lot.
1982	Aerial Photo	n/a	n/a	Same as 1980 aerial.
1987	Aerial Photo	n/a	n/a	Same as 1980 and 1987 aerial.

Based on the historic maps and aerials, the Project parcel was part of a small rural farm since at least 1876 (**Figure 4**; Thompson and West, 1876). The Project parcel has been largely undeveloped, but a large barn or outbuilding was constructed by 1939 on the parcel (**Figure 5**). Sometime between 1965 and 1968, the barn was demolished, and the alignment of Felipe Avenue was established (**Figure 6**). No permanent buildings have been constructed within the Project parcel since. Between 1969 and 1980, the alignment of Olinder Court was

established and sidewalks around the western and southern edges of the Project parcel were constructed. The parcel was an undeveloped dirt lot between 1980 and 2005. Between 2005 and now the lot has been largely paved and used as a laydown yard and parking lot.

Archaeological Sensitivity Assessment

The underlying geology of the Project Area consists of Quaternary alluvial gravel, sand, and silt which represent undifferentiated stream alluvium in drainages and younger alluvial fan deposits (Diblee and Minch, 2005). Soils in the Project Area are Urban land-Newpark complex and Urban land-Elpaloalto complex soils. Urban land complex soils are disturbed human transported material usually found in dense urban areas where the soils have been greatly disturbed modern development (USDA, 2022). Urban land-Newpark complex and Urban land-Elpaloalto complex soils consist mainly of silty clay loam that can be more than 7 feet deep (USDA, 2022).

Cornerstone Earth Group conducted ten borings up to a depth of 20 feet as part of a soil analysis report (Knoll and Heiny, 2021). The soil analysis borings were located in the south, southwest, and northern parts of the Project Area. And two borings were completed as part of a geotechnical study of the Project Area to a depth of 41.5 feet and 50.5 feet (ENGEO Inc., 2021). The geotech borings were located in the western half of the Project Area. The geotechnical and soil reports found that there were two underground storage tank that was previously removed from the southern corner of the Project Area, close to the corner of Felipe Street and Olinder Court. ENGEO and Cornerstone Earth Group found that the thickness of modern fill throughout the Project Area to vary between 1 and 2 feet thick below 3-5 inches of asphalt or pavement (Knoll and Heiny, 2021:3; ENGEO Inc., 2021:5). ENGEO recommends that all modern fill within the proposed Fire Station building footprint be removed and replaced with engineered fill. The modern fill identified in the geotechnical study is likely the same as the Urban land complex soils identified in the soil map (USDA, 2022). These soils are not sensitive for cultural resources due to their recent age and disturbed context.

Landforms that predate the earliest estimated periods for human occupation of the region are considered to have very low potential for the presence of buried archaeological sites, while those that postdate human occupation are considered to have a higher potential for buried archaeological sites. The degree of buried site potential is inversely related to the estimated date range of a landform. Currently, archaeological research indicates that the earliest evidence for human occupation of California dates to the Late Pleistocene, which ended approximately 11,500 years BP. Therefore, the potential for buried archaeological deposits in landforms from or predating the Late Pleistocene is very low (Rosenthal et al., 2004).

As previously mentioned, the Project Area is situated on a Quaternary-aged landform consisting of alluvial deposits that underlie deep silty clay loams dating to Holocene to the modern era (Diblee and Minch, 2005; USDA, 2022). Based on the age of the soils and underling geology in the Project Area, the potential for buried pre-contact archaeological deposits in undisturbed portions of the Project Area is moderate (Meyer and Rosenthal, 2007). Archaeological sites in this geologic context could be near the surface or buried beneath the more modern soils. The Project Area is within 0.6 mile of Coyote Creek and 2.1 miles of Guadalupe River (although these waterways have since been channelized or moved with modern land reclamation in many places), which does increase the sensitivity of the area for pre-contact archaeological resources. However, the record search did not identify any archaeological resources, pre-contact or historic-era, within a 0.5-mile radius of the Project Area, and the nearest archaeological resource is a pre-contact site 0.9-miles from the Project Area, closer to the Guadalupe River. Therefore, the records search results suggest that the Project Area has a lessened sensitivity for pre-contact archaeological resources. The overlying Urban land complex soils also suggest that the

Project Area is covered by highly disturbed soils that are very deep (at least 7 feet) that have a low potential for pre-contact archaeological resources. Therefore, the landform, proximity to water resources, and proximity to known archaeological resources, suggest that the Project Area has a low potential for the presence of pre-contact archaeological resources in undisturbed areas.

Evidence of historic-era settlement and domestic activities have been documented within the Project Area. A historic aerial and map imagery review identified one building, a barn, that was previously extant on the parcel as early as 1939 (NETR, 2022). It is not likely that buried archaeological features would be associated with a construction of this late date. Therefore, there is a low potential for historic-era archaeological resources or features below the parking lot. Based on this review, the potential for presence of unrecorded, or previously unknown, historic-era archaeological resources is low.

Therefore, this analysis concludes that the Project Area's sensitivity for pre-contact archaeological resources is low and the potential for historic-era archaeological resources is low.

Recommendations

Based on the results of the records search, historic map and aerial research, and geoarchaeological assessment, no cultural resources have been previously identified within the Project Area and there is a low potential to uncover significant buried archaeological resources during ground-disturbing activities.

While unlikely, there is the potential for the discovery of buried archaeological resources during ground-disturbing activities. ESA recommends the following mitigation measure to establish appropriate protocol during Project implementation:

Mitigation Measure CUL-1: Cultural Resources Awareness Training. Prior to issuance of any grading or building permits, a Secretary of the Interior (SOIS)-qualified archaeologist and a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3 shall conduct a training program for all construction and field personnel involved in ground disturbance. On-site personnel shall attend a mandatory pre-project training that shall outline the general archaeological sensitivity of the area and the procedures to follow in the event an archaeological resource and/or human remains are inadvertently discovered. A training program shall be established for new project personnel before they begin project work. The project applicant shall submit a copy of the training documents to the Director of Planning Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any grading or building permits. Documentation confirming the training sessions conducted shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior start of construction activities.

In addition, the City of San José has established Standard Permit Conditions in the event of accidental discovery of cultural materials:

Subsurface Cultural Resources. If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native

American representative registered with the Native American Heritage Commissions for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

Human Remains. If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

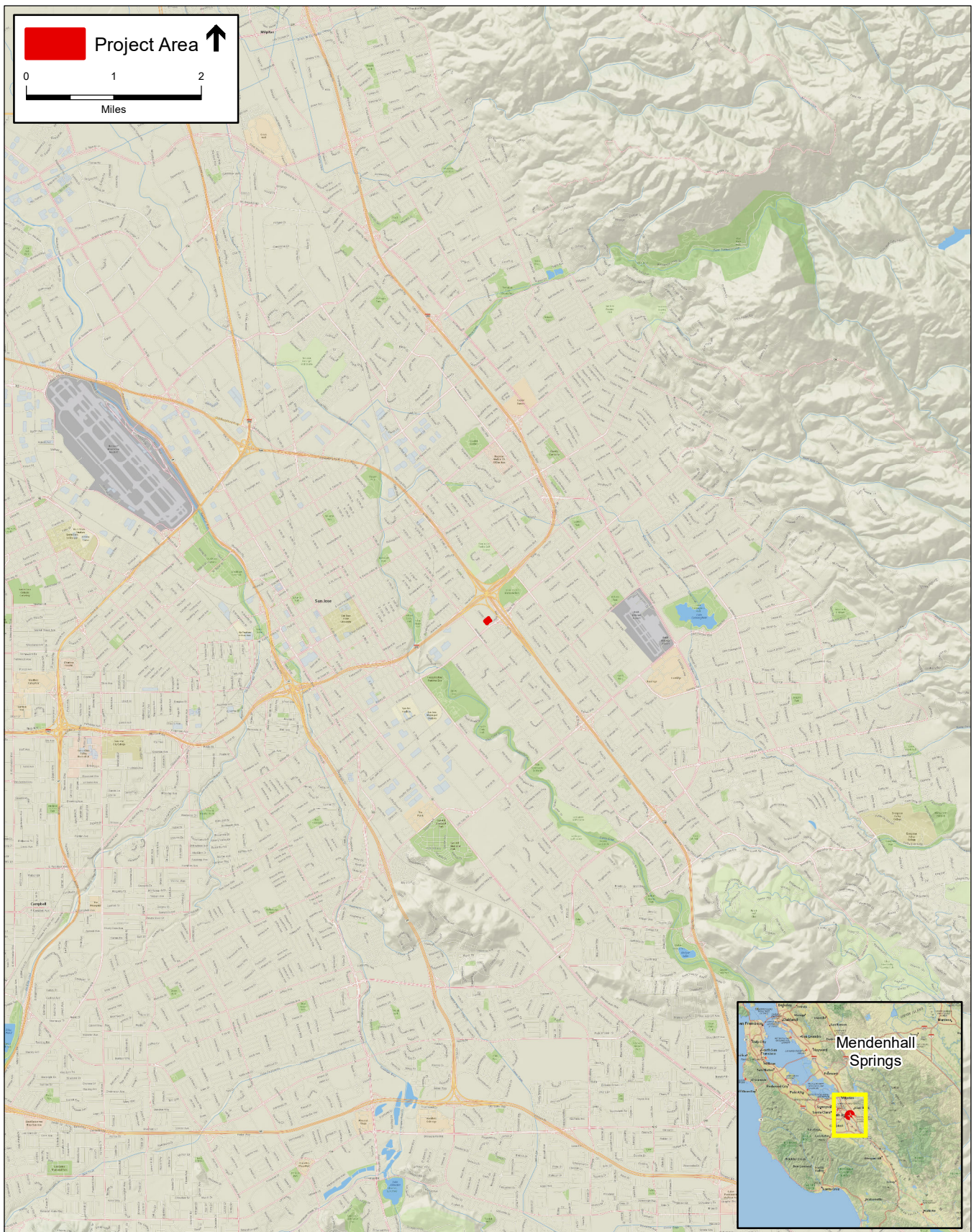
- a. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- b. The MLD identified fails to make a recommendation; or
- c. The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

References Cited

- Built Environment Resource Directory (BERD) for Santa Clara. Available at, [https://ohp.parks.ca.gov/pages/1068/files/ Santa Clara.csv](https://ohp.parks.ca.gov/pages/1068/files/SantaClara.csv). Accessed February 2022.
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- ENGEO Inc., *Fire Station No. 32, San Jose, California, Design-Level Geotechnical Exploration*, Prepared by ENGEO Inc., Prepared for ESA, 2021.
- Knoll, Kalia A., and Christopher J. Heiny, *Soil, Soil Vapor, and Groundwater Quality Evaluation, 1138 Olinder Court, San José, California 95122*, Prepared by Cornerstone Earth Group, 2021.
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- Meyer, Jack, and Jeffrey Rosenthal. *Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4*. Prepared by Far Western Anthropological Research Group, Inc., Davis, CA, Prepared for Caltrans District 4, Oakland, 2007.
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- Thompson and West, *Santa Clara Co. 5. Atlas Map*. Available online at <https://www.davidrumsey.com/luna/servlet/s/i6g42c>. Accessed February 2022.
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- USDA (U.S. Department of Agriculture), *Natural Resources Conservation Service Web Soil Survey, Version 3.1*, <http://websoilsurvey.sc.egov.usda.gov/app/WebSoilSurvey.aspx>, February 15, 2022.
- USGS (U.S. Geological Survey), TopoView, <https://ngmdb.usgs.gov/topoview/>, Accessed February 2022.

APPENDIX A

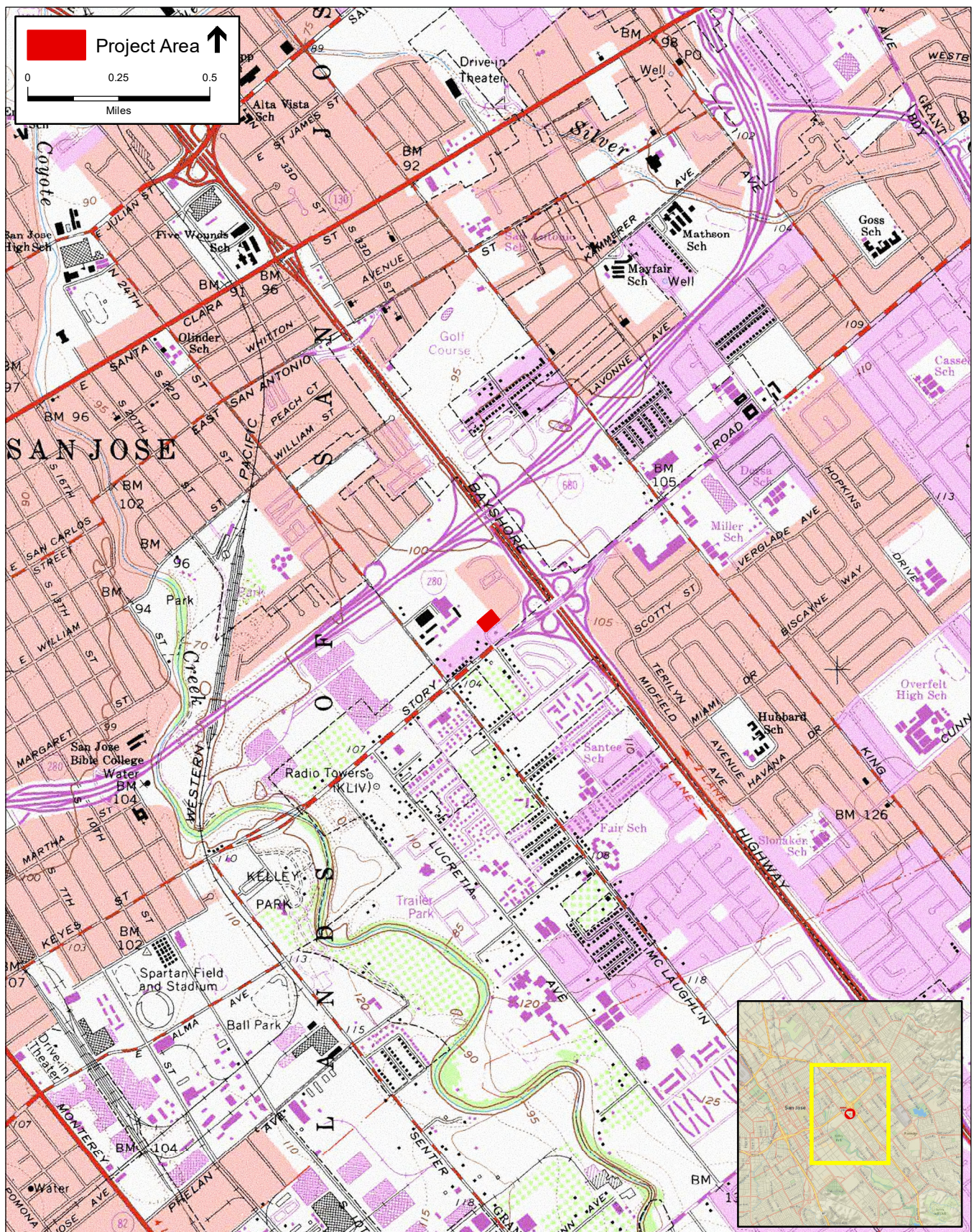
Figures



SOURCE: USGS 7.5' Topographic Quadrangle (San Jose East, CA)

San Jose FS-32 CEQA. 201900139.03

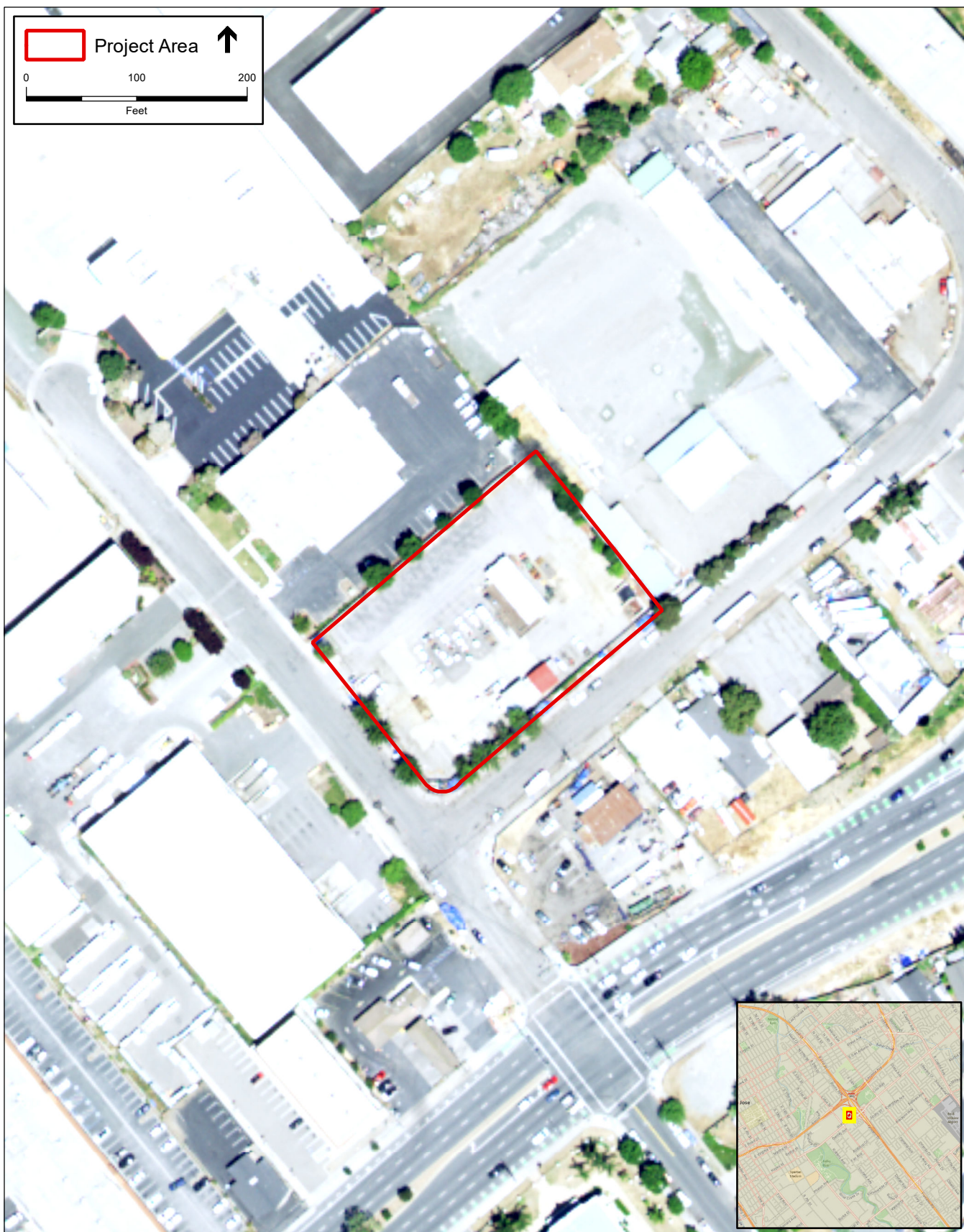
Figure 1
Project Vicinity



SOURCE: USGS 7.5' Topographic Quadrangle (San Jose East, CA)

San Jose FS-32 CEQA. 201900139.03

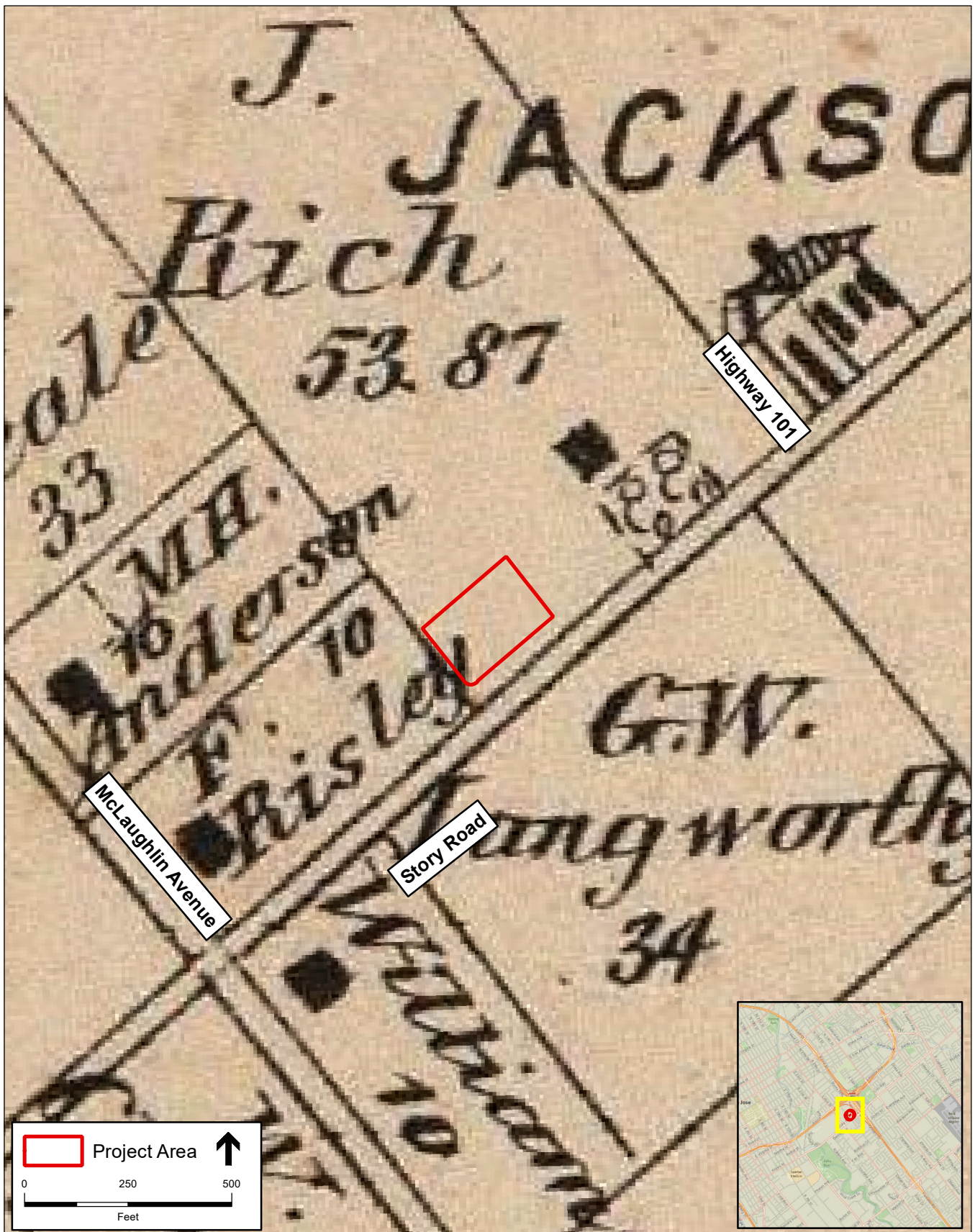
Figure 2
Project Location



SOURCE: ESRI, 2022

San Jose FS-32 CEQA. 201900139.03

Figure 3
Project Area



SOURCE: ESRI, 2022

San Jose FS-32 CEQA. 201900139.03
Figure 4
1876 Thompson and West



SOURCE: ESRI, 2022

San Jose FS-32 CEQA. 201900139.03

Figure 5
1939 Aerial



SOURCE: ESRI, 2022

San Jose FS-32 CEQA. 201900139.03

Figure 6
1968 Aerial

APPENDIX B

Sacred Lands File Search Response and Native American Contacts List



NATIVE AMERICAN HERITAGE COMMISSION

March 27, 2022

Ashleigh Sims
Environmental Science Associates

Via Email to: asims@esassoc.com

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

PARLIAMENTARIAN
Russell Attebery
Karuk

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
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Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, New Fire Station No. 32 Project, Santa Clara County

Dear Ms. Sims:

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

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

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

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

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

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

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

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

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

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

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

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

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

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

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

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

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

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

Attachment

**Native American Heritage Commission
Tribal Consultation List
Santa Clara County
3/27/2022**

Amah Mutsun Tribal Band

Valentin Lopez, Chairperson
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vlopez@amahmutsun.org

Costanoan
Northern Valley
Yokut

North Valley Yokuts Tribe

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Costanoan
Northern Valley
Yokut

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

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Costanoan

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Costanoan
Northern Valley
Yokut

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

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Costanoan

The Ohlone Indian Tribe

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Fax: (510) 687-9393
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Bay Miwok
Ohlone
Patwin
Plains Miwok

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

Kanyon Sayers-Roods, MLD
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Costanoan

***Wuksache Indian Tribe/Eshom
Valley Band***

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Foothill Yokut
Mono

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

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Costanoan

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Costanoan

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

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Costanoan

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

This list is only applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed New Fire Station No. 32 Project, Santa Clara County.