Volume I

VTA's BART Silicon Valley—Phase II Extension Project

Finding of Effect for Archaeological Resources

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Federal Transit Administration

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Executive Summary

This Preliminary Archaeological Finding of Effect (FOE) report has been prepared for a proposed federal undertaking, the Santa Clara Valley Transportation Authority (VTA) Bay Area Rapid Transit (BART) Silicon Valley – Phase II Extension Project (Phase II Project). The purpose of this Archaeological FOE is to assist the Phase II Project proponent, VTA, and the federal lead agency, the Federal Transit Administration (FTA), to comply with Section 106 of the National Historic Preservation Act (NHPA) and the implementing regulations of the Advisory Council on Historic Preservation.

The Phase II Project proposes an approximately six-mile extension of the BART system in Santa Clara County, beginning near U.S. 101 and Mabury Road in eastern San Jose, continuing through downtown San Jose, and terminating in the City of Santa Clara (Figures 1 through 3; Appendix A). The Phase II Project is the southern portion and second phase of VTA's BART Silicon Valley Program, which extends BART 16 miles from the City of Fremont in southwestern Alameda County though the cities of Milpitas, San Jose, and Santa Clara in Santa Clara County.

As part of the identification efforts, and in compliance with 36 CFR 800.4, VTA contracted with Far Western Anthropological Resource Group, Inc., to prepare an Archaeological Resources Technical Report (ARTR) for this project (Ruby et al. 2016), and a Supplemental ARTR (SARTR) for design changes resulting in minor modifications to the APE after circulation of the draft environmental document (Mikkelsen et al. 2017). The reports entailed records searches for previously recorded prehistoric and historical archaeological resources in the project vicinity, buried site and historical archaeological sensitivity analyses, field survey, and consultation with potentially interested Native American representatives. The studies identified one formally recorded archaeological historic property, CA-SCL-363H, within the Project's current, redesigned archaeological Area of Potential Effects (APE). The site has been previously considered eligible for listing in the National Register of Historic Places under Criteria A and D, with SHPO concurrence in 2003. The FTA and VTA consider the site eligible under those two criteria for this Project.

The ARTR and SARTR also concluded there is the potential for additional prehistoric and historic-period resources as the APE is in a highly developed urban setting that precludes surface examination. In addition, the potential for deeply buried sites is high in some areas of the APE.

Archaeological identification efforts for surface and buried sites are planned in a phased approach well before or just prior to construction (dependent on access), after FTA issues the Record of Decision and design plans are finalized, as documented in the Project's Programmatic Agreement and Archaeological Resources Treatment Plan.

This Archaeological FOE follows the guidelines for documentation as presented in CFR 36 800.11. This report summarizes the undertaking, as well as the identification and evaluation

efforts to date and consultation with interested parties (Chapters 2 and 3). Chapter 4 presents a brief description of the historic significance and current status of the single archaeological historic property identified in the APE, CA-SCL-363H. The criteria of adverse effect is applied to CA-SCL-363H in Chapter 5. It is concluded that the undertaking would have ***No Adverse Effect*** on this archaeological resource.

This Preliminary Archaeological FOE is intended to support consultation with SHPO and request SHPO's concurrence on the Finding of No Adverse Effect after public review of the environmental document and the FOE, consistent with 36 CFR 800.8.

Contents

List of Acronyms and Abbreviations

ACOE	U.S. Army Corps of Engineers
BART	Bay Area Rapid Transit
CHRIS	California Historical Resources Information System
CSJ	City of San Jose
FOE	Finding of Effect
HOV	High Occupancy Vehicle
HPD	Historic Properties Directory
HRI	Historic Resources Inventory
I-880	Interstate 880
MOA	Memorandum of Agreement
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
OHP	Office of Historic Preservation
ROW	Right-of-way
RPA	Register of Professional Archaeologists
RPA	Register of Professional Archaeologists
SLF	Sacred Lands file
UPRR	Union Pacific Railroad
SR 87	State Route 87
VTA	Valley Transportation Authority

Chapter 1
Description of Undertaking

1.1 Project Overview

The Santa Clara Valley Transportation Authority's (VTA) Bay Area Rapid Transit (BART) Silicon Valley—Phase II Extension Project (Phase II Project) would consist of an approximately six-mile extension of the BART system from the terminus of VTA's BART Silicon Valley—Phase I Berryessa Extension Project (Phase I Project) in San Jose to Santa Clara in Santa Clara County, California (Figure 1). The Phase I Project is currently under construction and scheduled to be operational in late 2017. The Phase II Project would descend into an approximately five-mile-long subway, continue through downtown San Jose, and terminate at grade near the Santa Clara Caltrain Station, as shown in Figure 2. Four passenger stations are proposed.

This document satisfies a requirement for federally-funded projects and provides an analysis of the Phase II Project, which is the six-mile extension of BART from Berryessa Station to Santa Clara. VTA's Transit-Oriented Joint Development (TOJD) has no federal nexus, and it is not included or analyzed in this document.

There are two construction methods proposed for the five-mile-long tunnel portion of the BART extension—the Twin-Bore and Single-Bore Options—between the East and West Tunnel Portals.

Under the Twin-Bore Option, two twin-bore tunnels would be excavated with one track in each. Each tunnel bore would have an outer diameter of approximately 20 feet. The depth of the tunnel would be between 10 and 75 feet below ground surface. The crown, or top, of the tunnel of the Twin-Bore Option would be, on average, 40 feet below the surface.

Under the Single-Bore Option, one large-diameter tunnel bore would be excavated which would contain both northbound and southbound tracks. The tunnel bore would have an outer diameter of approximately 45 feet. The crown, or top, of the tunnel of the Single-Bore Option would be, on average, 70 feet below the surface. For either option, depth below the present surface would be variable due to surface variations and certain surface features present along the route. Tunnel depths are referred to as crown depth (top of the tunnel) and base depth (bottom of the tunnel).

1.2 Phase II BART Extension Project Description

1.2.1 Alignment and Station Features by City

1.2.1.1 City of San Jose

Connection to Phase I Berryessa Extension

The BART Extension would begin where the Phase I tail tracks end. The at-grade tail tracks would be partially removed to allow for construction of the bored tunnels, East Tunnel Portal, and supporting facilities.

The alignment would transition from a retained-fill configuration east of U.S. 101 and south of Mabury Road near the end of the Phase I alignment into a retained-cut configuration and enter the East Tunnel Portal near Las Plumas Avenue.

South of the portal, the alignment would pass beneath North Marburg Way, then approximately 25 feet below the creek bed of Lower Silver Creek for the Twin-Bore Option, or approximately 30 feet for the Single-Bore Option, just to the east of U.S. 101, then curve under U.S. 101 south of the McKee Road overpass, and enter Alum Rock/28th Street Station.

Alum Rock/28th Street Station

Alum Rock/28th Street Station would be located between U.S. 101 and North 28th Street and between McKee Road and Santa Clara Street. The approximately 11-acre station campus would include station facilities, such as a parking structure, systems facilities, and roadway improvements to North 28th Street. The station would be underground with street-level entrance portals with elevators, escalators, and stairs covered by canopy structures. The station would have a minimum of two entrances. Under the Single-Bore Option, an underground concourse level would span between the two entrances adjacent to the tunnel. A parking structure of up to seven levels would accommodate BART park-and-ride demand with 1,200 parking spaces. Systems facilities would be located aboveground and underground.

From Alum Rock/28th Street Station, the alignment would curve under North 28th Street, North 27th Street, and North 26th Street before aligning under Santa Clara Street. The alignment would continue under the Santa Clara Street right-of-way (ROW) until the alignment approaches Coyote Creek.

Tunnel Alignment near Coyote Creek

For the Twin-Bore Option, the alignment would transition north of Santa Clara Street beginning just west of 22nd Street and pass approximately 20 feet beneath the creekbed of Coyote Creek to the north of Santa Clara Street and avoid the Coyote Creek/Santa Clara Street bridge foundations. The alignment would transition back into the Santa Clara Street ROW

near 13th Street, west of Coyote Creek. However, for the Single-Bore Option, the alignment would continue directly under Santa Clara Street and pass approximately 55 feet beneath the creekbed of Coyote Creek and approximately 20 feet below the existing bridge foundations.

13th Street Ventilation Structure

A systems facility site would be located at the northwest corner of Santa Clara and 13th Streets. This site would include a tunnel ventilation structure, which would be an aboveground structure with an associated ventilation shaft.

Downtown San Jose Station

The alignment would continue beneath Santa Clara Street to the Downtown San Jose Station. There are two station location options for the Downtown San Jose Station: the Downtown San Jose Station East Option and the Downtown San Jose Station West Option, as described below. The alignment for this area would be the same irrespective of the station option.

The station would consist of boarding platform levels and some systems facilities within the tunnel beneath Santa Clara Street, and entrances at street level. Vertical circulation elements including elevators, escalators, and stairs that provide pedestrian access to the mezzanine would be at station portal entrances. Escalators and stairs would be covered by canopy structures. Systems facilities would be located aboveground and underground. The station would not have dedicated park-and-ride facilities.

Downtown San Jose Station East Option

For the Twin Bore Option, the Downtown San Jose Station East Option would be located between 5th and 2nd Streets, while for the Single Bore Option, the station platforms would be located between 7th and 4th Streets.

Downtown San Jose Station West Option

The Downtown San Jose Station West Option would be located between 2nd and Market Streets for the Twin-Bore Option and between Market and 3rd Streets for the Single-Bore Option.

Tunnel Alignment into Diridon Station

There are two station location options at Diridon Station: the Diridon Station South Option and the Diridon Station North Option, as described in detail below. The alignment into Diridon Station varies between the Diridon Station North and South Options and between the Twin-Bore and Single-Bore Options for the tunnel as described below.

Tunnel Alignment into Diridon Station South Option

The alignment would continue from the Downtown San Jose Station beneath Santa Clara Street and shift south beginning just west of South Almaden Boulevard to pass between the SR 87 bridge foundations. For the Twin-Bore Option, the alignment would pass 45 feet

below the riverbed of the Guadalupe River, pass beneath a retaining wall west of the river, and over 20 feet below the creekbed of Los Gatos Creek. For the Single-Bore Option, the alignment would pass approximately 50 feet below the riverbed of the Guadalupe River, pass under the retaining wall, and approximately 35 feet below the creekbed of Los Gatos Creek. After passing under Los Gatos Creek, the alignment for both options would enter the Diridon Station between Los Gatos Creek and Autumn Street.

Tunnel Alignment into Diridon Station North Option

Under the Twin-Bore Option, the alignment would continue beneath Santa Clara Street, continue approximately 45 feet below the riverbed of the Guadalupe River and 30 feet below the creekbed of Los Gatos Creek. After passing under Los Gatos Creek, the alignment would enter Diridon Station between Autumn and Montgomery Streets and directly south of Santa Clara Street. The Diridon Station North Option is closer to Santa Clara Street in comparison to the South Option.

Under the Single-Bore Option, the alignment would continue and remain beneath Santa Clara Street, continue 45 feet below the riverbed of the Guadalupe River and 40 feet below the creekbed of Los Gatos Creek. The boarding platforms, within the Single-Bore tunnel, would be located between Montgomery and White Streets.

Diridon Station

The station would consist of a boarding platform level, a concourse level, and entrances at street-level portals. Under the Single-Bore Option, an underground concourse level would span between the two entrances adjacent to the tunnel. Entrances would have elevators, escalators, and stairs covered by canopy structures. No park-and-ride parking would be provided. Street-level station entrance portals would provide pedestrian linkages to the Diridon Caltrain Station and SAP Center.

The existing VTA bus transit center would be reconfigured for better access and circulation to accommodate projected bus and shuttle transfers to and from the BART station. Kiss and ride facilities would be located along Cahill Street.

There are two station location options for the Diridon Station: the Diridon Station South Option and the Diridon Station North Option, as described below. The alignment varies by station location.

Diridon Station South Option

The Diridon Station South Option would be located between Los Gatos Creek to the east, the San Jose Diridon Caltrain Station to the west, Santa Clara Street to the north, and West San Fernando Street to the south.

West of the station, the alignment for both the Twin-Bore and Single-Bore Options would continue beneath the Diridon Caltrain Station train tracks and White Street. The alignment

would then turn towards the north, crossing under The Alameda at Cleaves Avenue and under West Julian Street at Morrison Avenue before aligning under Stockton Avenue.

Diridon Station North Option

For both the Twin-Bore and Single-Bore Options, the Diridon Station North Option would generally be located between Autumn Street to the east, White Street to the west, Santa Clara Street to the north, and West San Fernando Street to the south. Under the Twin-Bore Option, the underground station platforms would be located adjacent to, and just south of, Santa Clara Street.

Under the Single-Bore Option, the underground station platforms would be located directly under Santa Clara Street. Under the Twin-Bore Option, the underground station platforms would be located adjacent to, and just south of, Santa Clara Street. Under the Single-Bore Option, the underground station platforms would be located directly under Santa Clara Street.

Under the Twin-Bore Option, west of the station, the alignment would continue under White and Bush Streets south of The Alameda. The alignment would then turn towards the north, crossing under The Alameda at Sunol Street and under West Julian Street at Morrison Avenue Street before aligning under Stockton Avenue.

Under the Single-Bore Option, west of the station, the alignment would continue under Santa Clara Street/The Alameda. The alignment would then turn towards the north at Wilson Avenue, crossing under Rhodes Court and under West Julian Street before aligning under Stockton Avenue.

Tunnel Alignment along Stockton Avenue

Around Pershing Avenue, all of the options—the Twin-Bore and Single-Bore Options and the Diridon Station South and North Options—converge back onto the same alignment under Stockton Avenue. The alignment is the same for all four options mentioned above after Pershing Avenue. On the east side of Stockton Avenue between Schiele Avenue and West Taylor Street, there are three alternate locations for a systems facility site

The alignment would continue north and cross under the Caltrain tracks then under Hedding Street. The alignment would continue on the east side of the Caltrain tracks and cross under Interstate I-880 before ascending and exiting the West Tunnel Portal near Newhall Street.

A high-voltage substation, TPSS, and TCCR would be located at a systems facility site above the West Tunnel Portal and near Pacific Gas & Electric Company's FMC Substation. A 115-kiloVolt line from PG&E's existing FMC substation would serve the high-voltage substation. There are two alternate routes for this 115-kV line connection. The first alternate route would begin at the high-voltage substation, run north to Newhall Street, then run east on upgraded poles along Newhall Street, then south on an existing line along Stockton Avenue. A second alternate route would also run north to Newhall Street and then run east on upgraded poles along Newhall Street, but a new line would be constructed to traverse the PG&E substation

site. The 115-kV line would require approximately 80- to 115-foot-high galvanized tapered tubular steel poles or wood poles spaced approximately every 150 to 300 feet.

Crossover tracks would be located in the retained-cut trench just outside the West Tunnel Portal. The alignment would then transition to an at-grade configuration as it enters the Newhall Maintenance Facility and the Santa Clara Station to the north.

1.2.1.2 City of Santa Clara

The BART Extension Alternative in Santa Clara would consist of the Newhall Maintenance Facility and the Santa Clara Station. The San Jose/Santa Clara boundary is located approximately midway through the Newhall Maintenance Facility.

Newhall Maintenance Facility

The Newhall Maintenance Facility is approximately 40 acres and would begin north of the West Tunnel Portal at Newhall Street in San Jose and extend to De La Cruz Boulevard near the Santa Clara Station in Santa Clara. A single tail track would extend north from the Santa Clara Station and cross under the De La Cruz Boulevard overpass and terminate on the north side of the overpass. The maintenance facility would serve two purposes: (1) general maintenance, running repairs, and storage of up to 200 BART revenue vehicles and (2) general maintenance of non-revenue vehicles. The facility would also include maintenance and engineering offices and a yard control tower. Several buildings and numerous transfer and storage tracks would be constructed.

Santa Clara Station

The closest streets to the Santa Clara Station would be De La Cruz Boulevard to the northwest, Coleman Avenue to the northeast, and Brokaw Road to the east. The station would be at grade, centered at the west end of Brokaw Road, and would contain an at-grade boarding platform with a concourse one level below. Access to the boarding platform would be provided via elevators, escalators, and stairs covered by canopy structures. A pedestrian underpass would connect from the concourse level of the BART station to the Santa Clara Caltrain plaza. In addition, a pedestrian underpass would connect from the station concourse level to a new BART plaza near Brokaw Road. Kiss-and-ride, bus, and shuttle loading areas would be provided on Brokaw Road.

A parking structure of up to five levels would be located north of Brokaw Road and east of the Caltrain tracks within the approximately 10-acre station campus area and would accommodate 500 BART park-and-ride parking spaces in addition to public facilities on the site.

1.2.2 Impact Depths

Tunnel depths vary across the corridor, ranging between 30 and 80 feet for the Twin-Bore Option and between 40 and 120 for the Single-Bore Option. Under the Twin-Bore Option, the station boxes, crossovers, station entrances, and supporting infrastructure would be excavated

from the surface and would variably extend to approximately 70 to 150 feet deep. Under the Single-Bore Option, the station entrances and supporting infrastructure would extend to 100 feet deep. Excavations at the campus areas of the four stations would range from approximately 12 to 15 feet for elevator shafts, utilities, and site preparation. Pile driving for tall structures within the station campuses typically ranges from 30 to 90 feet deep depending on site conditions. Excavations at the two mid-tunnel ventilation facilities would extend from the surface to approximately 75 to 90 feet deep for the Twin-Bore Option and up to 120 feet deep for the Single-Bore Option. Poles supporting the new high voltage lines at the PG&E substation require foundations up to 10 feet in diameter and 25 feet deep. Excavations at the end-of-the-line maintenance facility would range from 5 to 10 feet deep for utility relocation and site preparation. Excavation for building pads within the maintenance facility would range from approximately 15 to 20 feet deep, with pile driving for tall structures at depths of 30 to 90 feet deep. Cut-and-cover excavation at the East and West Tunnel Portals would range from approximately 75 to 90 feet deep for the Twin-Bore Option and 100 to 110 feet deep for the Single-Bore Option.

1.3 Phase II BART Extension Construction Staging Areas

Construction staging areas (CSAs) would be required along the alignment to construct the Project. Depending on the location of the CSAs, they may be used for one or more of the following: construction vehicle parking, tunnel muck drying and storage, tunnel boring machine launch and extraction, construction equipment storage and usage, and materials storage. The footprints of permanent facilities would be used as construction staging areas—for example, the Newhall Maintenance Facility at the West Tunnel Portal for accumulation of tunnel muck before reuse or disposal. Minimal ground disturbance and compaction is anticipated (zero to two feet) in the construction staging areas, although some portions of staging areas may be subject to possible excavation to three to five feet for detention areas to dry out materials such as concrete washout pits. The SR 87 CSA is within the boundaries of site CA-SCL-363H, but is located west of the Amesquita Adobe foundations, and is within an area previously determined not to be a contributing part of the historic resource. The CSAs are shown in Figure 3, the Archaeological APE.

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Chapter 2
Efforts to Identify Archaeological Properties

The entire APE, including the most recent design changes, established for the Phase II Project has been studied to identify the location and character of cultural studies. In 2010, Far Western Anthropological Research Group, Inc., (Far Western) conducted an archaeological study of the entire 16-mile BART Silicon Valley Project, including the current Phase II APE (Ruby et al. 2010). That report contains the results of a records search, intensive pedestrian survey, consultation efforts with interested Native American representatives and a local historical society, prehistoric buried sites assessment, archaeological monitoring of bore-holes placed within the APE, and identification of potential historic-period archaeological resources through extensive archival research. These results were incorporated into cultural studies relevant to the current Phase II Project by Far Western (Mikkelsen et al. 2017; Ruby et al. 2016). These recent documents also incorporate the results of an updated background records review and literature search to identify information that accrued since the 2010 study, as well as updated Native American consultation.

2.1 Field Studies

An archaeological field survey of the Phase II Project area was conducted by Far Western between 2002 and 2008 (Gilreath and Duval 2002; Ruby et al. 2010). Open areas and fields were surveyed using close-interval (25-meter or less) transects. In areas where the ground was covered by buildings, sidewalks, or pavement, the surveyors did a cursory visit to look for any open areas (around trees, in planting beds, in drainage cuts, etc.); these were inspected on foot. No cultural resources were identified in the current APE.

2.2 Records Search and Archival Research

Records searches were conducted in 2001, 2002, 2008, 2013, and 2015 at the Northwest Information Center of the California Historical Resources Information System (Ruby et al. 2010, 2016).

The records search included reviews of federal, state, county, and city listings—in particular, the National Register of Historic Places—Indices of Listed and Determined Eligible Properties (National Park Service 2000), National Historic Landmarks (National Park Service 1999), Directory of Properties in the Historical Property Data Files and Archaeological Determinations of Eligibility (California Office of Historic Preservations [OHP] 2000), California Points of Historical Interest Listing (OHP 1993 and updates), California Historical Landmarks (OHP 1995), Historic Resources Inventory and List of City Landmarks and City Historic Districts (City of San Jose 1988, 1999), and Historic Spots in California (Hoover et al. 1990).

More locally relevant materials housed at the Martin Luther King, Jr. Public Library in San Jose were also reviewed, with particular attention given to recent studies completed in support of EIS/EIR documents, and to developing and maintaining local property listings. Historical maps, including General Land Office plats and U.S. Geological Survey topographic quadrangles were also examined, in addition to relevant ethnographies. The project corridor was also compared to the Archaeological Sensitivity GIS layer maintained by the Planning Department for the City of San Jose. As a final means of gathering relevant information, several archaeologists well versed in San Jose/Santa Clara Valley archaeology were contacted, and Basin Research Associates, Inc. provided access to materials in their library.

In addition, historian Charlene Duval, a specialist in San Jose-area history, conducted research specific to historic-era archaeological resources within the entire 16-mile project corridor in August and September 2002, August 2004, October 2005, September 2006, and February 2008. Historical records research by Albion Environmental in 2016–2017 confirmed and updated Duval's data. She carried out her research at local repositories of historical records, which included the County of Santa Clara Surveyor's Office, the archives of History San Jose, the California Room of the Martin Luther King, Jr. Public Library, as well as the consultant's personal library which includes the files of the late Glory Anne Laffey, principal of Archives & Architecture. Specific sources included Sanborn Fire Insurance maps, city directories, census and death records, tax assessment rolls and maps, and other historical maps such as those in Thompson & West 1876 and 1878. These sources assisted in identifying locations within or adjacent to the APE which might contain significant historic-period archaeological resources.

2.2.1 Prior Studies In or Adjacent to the Archaeological APE

Over 140 cultural resource studies have been conducted in or adjacent to the archaeological APE. Approximately 80 pertain to business and infrastructure development, including transportation and road improvements, city civic center improvements and development, improvements to water and wastewater management systems, and parks and recreation facility expansion.

Approximately 30 studies consist of archaeological reconnaissance studies and excavation reports. These include survey and testing, archival research, and data recovery. Six of the studies conducted focus on the nearby Santa Clara University campus, including Mission Santa Clara de Asìs. These reports include data recovery, a geophysical survey, and results of ground-penetrating radar studies.

The remaining approximately 30 studies consist of historic building evaluations, including several National Register of Historic Places (NRHP) nomination forms. The built-environment resources are discussed in detail in the Supplemental *Built Environment Survey Report* (SBESR) and Addendum to the SBESR (JRP Historical Consulting 2016 and 2017 respectively) prepared for the Phase II Project.

2.2.2 Previously Recorded Resources

The identification effort indicated a single previously recorded archaeological resource within the archaeological APE, CA-SCL-363H. Most of this site was considered eligible for inclusion in the NRHP by the Federal Highway Administration in 2003, and SHPO concurred with this finding later that same year (Mellon 2003). It is described below in Section 4.1.

2.2.3 Archival Research Results

In addition, archival research identified 163 locations where historic-period archaeological sites could potentially exist within or immediately adjacent to the current, redesigned APE, including two historical resource sensitivity zones (Mikkelsen et al. 2017; Ruby et al. 2016). As these are unconfirmed due to the urban nature of much of the project area, they will be addressed in the Archaeological Resources Treatment Plan.

2.2.4 Buried Site Sensitivity

The sensitivity for buried prehistoric archaeological sites in the project area was assessed based on several factors: surface slope, distance to historic-era stream, distance to stream confluence, landform age, and coring results. Based on all these factors, a buried site sensitivity model was created to identify areas of greater or lesser sensitivity for buried prehistoric sites in the project area and vicinity. The Archaeological Resources Treatment Plan for the project addresses the potential for the tunnel options to encounter Holocene-age deposits that could potentially harbor archaeological materials; detail locations for subsurface testing by coring or backhoe, as appropriate; and recommend methods to evaluate and possibly mitigate deeply buried resources.

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Chapter 3
Native American Consultation

VTA contacted the Native American Heritage Commission (NAHC) on March 4, 2015 to request a search of the Sacred Lands file (SLF) and to provide a list of interested Native American representatives for the Phase II Project. The NAHC responded on March 26, 2015, stating that a search of the SLF did not contain any records of Native American sacred sites in or adjacent to the APE.

The NAHC also provided a list of 11 Native American contacts that might have information pertinent to the Phase II Project, or have concerns regarding the proposed actions. Because the Project was initiated before July 2015, California State Assembly Bill 52 (Chapter 532, Statutes of 2014) does not apply for CEQA. For Section 106, the following is a list of the Native American Identified Contacts whom FTA contacted in regards to the Phase II Project.

- Jakki Kehl
- Katherine Erolinda Perez
- Linda Yamane
- Valentin Lopez, Chairperson, Amah Mutsun Tribal Band
- Edward Ketchum, Amah Mutsun Tribal Band
- Irenne Zwierlein, Chairperson, Amah Mutsun Tribal Band
- Michelle Zimmer, Amah Mutsun Tribal Band of Mission San Juan Bautista
- Ann Marie Sayers, Chairperson, Indian Canyon Mutsun Band of Costanoan
- Rosemary Cambra, Chairperson, Muwekma Ohlone Indian Tribe of the SF Bay Area
- Andrew Galvan, The Ohlone Indian Tribe
- Ramona Garibay, Representative, Trina Marine Ruano Family

FTA initially contacted all of the above contacts on October 1, 2015 by letter. This letter provided a project description and explained that VTA was identifying and evaluating known and potential archaeological resources in the study area for eligibility for the NRHP and the CRHR. On November 11, 2015, VTA staff made follow-up phone calls to the contacts listed above to determine whether they have any questions, comments, or concerns about the Project.

Six responses were received. Three requested copies of the cultural studies, which will be provided by VTA when finalized. One respondent stated the project is located in culturally sensitive areas and requested cultural resource training for construction crews. Another respondent stated that he would defer to other Native American contacts as the project area was outside his area of interest. Another respondent did not have any comments or concerns to communicate, but wished to be kept informed of the project.

The FTA sent letters to all of the above contacts again on July 27, 2016. This letter provided an update on the project explaining modifications to the project description since the October 2015 letters. In addition, the letter explained that many of the locations of high sensitivity for buried resources within the project APE are under existing, occupied structures or on private property, and presence/absence testing is not feasible at this time. Therefore, a Programmatic Agreement and Archaeological Resources Treatment Plan would be prepared and implemented as a phased identification effort prior to construction, and they would have the opportunity to review them in late 2016.

On August 24, 2016, VTA staff made follow-up phone calls to the contacts listed above to determine whether they have any questions, comments, or concerns about the Project. Six responses have been received to date. All six indicated they would like to be consulted about this project and review relevant documents, and one additionally requested a meeting to discuss any concerns he might have following his report reviews. One contact also requested that a Native American monitor be present during archaeological testing.

In January 2017, the following documents were provided to individuals and Tribes listed as signatories on the Programmatic Agreement: Draft SEIS/SEIR, Archaeological Resources Technical Report, Supplemental Built Environment Survey Report, Preliminary Finding of Effects, Draft Programmatic Agreement, and Draft Archaeological Resources Treatment Plan. These documents give a summary of archaeological resources within the APE, the sensitivity of the project area, and infeasibility of archaeological testing prior to project approval, property acquisition, and removal of structures. VTA has worked with the FTA to prepare the Draft Programmatic Agreement and Archaeological Resources Treatment Plan for the phased identification of resources; the Tribes are identified as Concurring Parties in the Draft Programmatic Agreement. The Archaeological Resources Treatment Plan reviews the process for the phased identification of archaeological resources.

The formal environmental review comment period ended March 6, 2017. However, VTA will be working closely with interested Native Americans in the coming months, so input and on those documents, and the SARTR, can still be forthcoming.

Native American consultation for the Phase II Project will be ongoing for the extent of the project and will be updated as responses are received (see Attachment B for a copy of the most recent consultation log).

Chapter 4

Description of Archaeological Historic Properties

A single historic-period archaeological site is within the APE.

4.1 CA-SCL-363H (P-43-000369)

The site extends across the city block now bounded by Santa Clara Street on the north, Almaden Boulevard on the east, West San Fernando Street on the south, and Guadalupe River on the west. It was originally recorded in 1979, and encompasses a part of the city's original Pueblo San Jose de Guadalupe, which was established in 1777.

It contains archaeological features associated with the Spanish Period Amesquita Adobe as well as Late American commercial and residential features, some of which are possibly associated with one of the city's post-1877 Chinatowns.

The Amesquita Adobe was built in the 1790s and is named for Manuel Amesquita, one of the original founders of the Pueblo San Jose de Guadalupe. The building remained in the Amesquita family until 1848 and was dismantled in 1925. According to Duval, the building may have been the oldest fired-brick, two-story residence in California and was used as the region's first jail (Gilreath 2003). The dismantled adobe building was apparently reconstructed in Cupertino sometime around 1925 within an unspecified historic park. The adobe's foundations were exposed to a maximum depth of eight feet during archaeological excavations conducted in 1979 by Archaeological Resource Management (Cartier 1979) and remains protected by two feet of sand on its sides and top (City of San Jose 2013). In 2014, a concrete slab was also planned to be placed on its top (Cartier 2014). The foundations lie outside the APE just south of the tunnel alignment.

Extensive additional excavations at the site conducted for various redevelopment projects since 1979 have revealed historic trash and privy deposits and foundations associated with a Chinese laundry, the Orange Mill/Distillery Complex, a flour mill, an undertaker, a wine depot, residences, and delivery stables (e.g., Basin Research Associates 2003; Caltrans 2003; Cartier et al. 1984). All these deposits and features were encountered at maximum depth of six feet.

4.1.1 National Register of Historic Places Status

In 2003, the Federal Highway Administration evaluated CA-SCL-363H and considered most of it eligible for listing in the NRHP under two criteria. These consist of Criterion A, for its association with events that have made a significant contribution to the broad patterns of history during the Spanish (1777 to 1822) and Mexican (1822 to 1845) periods, and Criterion D, for its ability to yield additional information important in the early historic period in California. The non-eligible portion of the site underlies the right-of-way for SR 87, which courses north-south across the site. Here, construction and prior river channelization

conducted by the U.S. Corps of Engineers has greatly impacted the site (Basin Research Associates 2003). The SHPO concurred that this disturbed portion of the site would not contribute to the site's eligibility should the site ever be formally determined eligible for inclusion in the NRHP (Mellon 2003). The remainder of the site is still considered eligible for listing to the NRHP under Criteria A and D.

Chapter 5
Application of the Criteria of Effect

5.1 Definition of Effect and Criteria of Effect

The definition of effect is contained within 36 CFR Part 800: "*Effect* means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register." An adverse effect occurs "when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association…Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative" [36 CFR 800.5(a)(1).].

An effect is noted in this document only when it poses the potential to alter the characteristics of the historic property that qualify it for inclusion in the NRHP.

5.2 Effects on Historic Properties

This section describes the potential for both construction and operation of the project to affect the one known archaeological historic resource found within the Project APE. The archaeological historic property, CA-SCL-363H, is located within the City of San Jose under the SR 87 elevated freeway and in adjacent properties. The potential effect of the construction and operation of the Project on this resource is provided below.

5.2.1 Construction Activities Near CA-SCL-363H

Site CA-SCL-363H lies above an area that would be excavated for the tunnel alignments and also contains a proposed construction staging area.

5.2.1.1 Bored Tunnel Alignment

Two tunnel construction methodology options are under consideration for the bored tunnel alignment of the Project: the Twin-Bore Option and Single-Bore Option. Where the tunnel alignment passes under CA-SCL-363H, the subway tunnel would be excavated by a tunnel boring machine (TBM) with a minimum distance between ground surface and the top of the TBM of approximately 45-55 feet for the Twin-Bore Option and approximately 65-70 feet below for the Single-Bore Option. This is well below any potential buried deposits associated with this historic-period site. Therefore, construction of the subway tunnel, under either the Twin-Bore or Single-Bore Option, would not result in the partial removal of, physical destruction of, or damage to the historic property under 36 CFR 800.5(a)(2)(i), (ii) and (iii).

A *Noise and Vibration Technical Report* was conducted for this project (Ihrig 2016), in which data were based on criteria defined in the FTA *Transit Noise and Vibration Impact Assessment*, also referred to as the FTA Guidance Manual. The FTA Guidance Manual provides criteria to evaluate construction and operational impacts for the BART extension. In this Project's *Noise and Vibration Technical Report*, a Peak Particle Velocity (PPV) of 0.02 inches/second was utilized. This is substantially below the most conservative building damage criterion of 0.12 inches/second, which addresses the potential for cosmetic damage (e.g., plaster cracks) to buildings in a fragile condition, such as historic buildings. This study (Ihrig 2016) found that operational noise and vibration levels for the Project would not exceed acceptable criteria, and would not impact the Amesquita Adobe foundation preserved in CA-SCL-363H.

5.2.1.2 Construction Staging Area

A construction staging area (CSA) would be located south of Santa Clara Street and directly under the elevated SR 87 roadway at ground surface as shown in Figure 3. This CSA is located within the boundaries of CA-SCL-363H, but is located west of the Amesquita Adobe foundations and within an area that was previously determined not to be a contributing part of the historic resource. As mentioned above, SHPO concurred with this determination (Mellon 2003).

Within this CSA, activities would include mainly storage of construction equipment and materials. The area within the CSA is currently covered by an existing paved parking lot. Because the CSA would be located within a part of the historic site that was previously determined not to have elements that contribute to its eligibility, the CSA under SR 87 would not affect the elements of CA-SCL-363H that contribute to its eligibility to the NRHP.

As stated above in Chapter 4, in their November 18, 2003 response, SHPO agreed with FHWA's determination that the portion of SCL-363H in the SR 87 ROW would not contribute to the NRHP-eligibility of this site, should the site ever be formally determined eligible for inclusion in the NRHP. Therefore, the CSA would not impact the contributing elements of this historic property that make it eligible for the NRHP. Although some types of impact construction methods to be used during construction of the Project could cause adverse noise and/or vibration effects to historic properties, with the implementation of mitigation measures identified in the Project's *Noise and Vibration Technical Report*, there are no predicted vibration or noise impacts from the construction or operation of the proposed project at the location of this historic property (36 CFR 800.5[a][2][iv] and [v]) (Wilson Ihrig & Associates n.d.).

5.2.2 Operational Activities Near CA-SCL-363H

The operational activities that have the potential to affect historic properties during BART operations would result from potential ground-borne vibration impacts of trains operating within the tunnel.

According to *VTA's BART Silicon Valley—Phase II Extension Project, Noise and Vibration Technical Report* (September 2016), with additional guidance provided by FTA's *Transit Noise and Vibration Impact Assessment* (May 2006), operational (ground-borne) vibration primarily causes human annoyance or interference with use of equipment sensitive to vibration. Damage to historic buildings from vibration resulting from train operation is "unlikely, except when the track will be very close to the structure." In these cases, the FTA Guidance Manual provides direction to use the construction vibration threshold of 0.12 inch/second (in/sec) peak particle velocity (PPV) – or alternatively a root mean square velocity level of 90 decibels (VdB) – for those structures.[1] Operational vibration levels at CA-SCL-363H would be below 90 VdB; therefore, there are no anticipated adverse effects to this historic property from operational ground-borne vibration[2] and no operational impacts would affect the elements of CA-SCL-363H that contribute to its eligibility to the NRHP.

5.2.3 Conclusion of Effects to CA-SCL-363H

The Project would not cause a direct or indirect adverse effect on CA-SCL-363H. It would not affect the criteria of assumed eligibility for the Amesquita Adobe portion of CA-SCL-363H, either under Criterion A (the resource's association with the earliest historic period in California history, the Spanish [1777 to 1822] and Mexican [1822 to 1845] periods) or under Criterion D (the resource's ability to yield additional information important in the early historic period in California). Therefore, the Project results in a finding of ***No Adverse Effect*** on this historic property.

5.2.4 Recommendations

The archaeological research conducted for this Phase II Project indicates that, aside from CA-SCL-363H, no known prehistoric or historic-era archaeological sites, features, artifacts, or human remains have been documented within the APE. Therefore, no known archaeological historic properties would be affected.

However, although no documented archaeological resources or human remains are known to be present within the Phase II APE, there is a moderate to high sensitivity for buried or otherwise obscured and undocumented prehistoric and historic-era archaeological resources or human burials to be present within the APE.

Substantial and on-going consultation is anticipated for the Phase II Project. A Programmatic Agreement (PA) has been prepared as it cannot be fully determined how the undertaking may affect historic properties or the location of historic properties and their significance and character. An Archaeological Resources Treatment Plan, appended to the PA, presents results

[1] Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, Report No. FTA-VA-90-1003-06 (Washington, DC: US Department of Transportation, FTA, Office of Planning and Environment, May 2006), 8-3, 8-4, and 12-13.

[2] Wilson Ihrig, *VTA's BART Silicon Valley—Phase II Extension Project, Noise and Vibration Technical Report,* September 2016.

of the identification efforts, environmental and cultural contexts, an archaeological research design, and an implementation plan for conducting archaeological investigations. The latter focuses on surface and subsurface identification efforts for prehistoric and historic-era sites in an urban environment, testing and data recovery field and laboratory methods, a construction monitoring plan, coordination with Native American representatives, reporting stipulations, artifact curation standards, professional requirements, and safety.

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Chapter 6
Conclusions

This document applies the criteria of adverse effect [36 CFR Part 800.5(a)(1)] from the undertaking and its effect to the single archaeological historic property within the APE, CA-SCL-363H, as identified in the *VTA's BART Silicon Valley – Phase II Extension Project Archaeological Resources Technical Report* (Ruby et al. 2016). This Archaeological FOE concludes that the undertaking would result in *no adverse effects* to CA-SCL-363H, but that there is a moderate to high potential for adverse effects to occur to unrecorded surface and buried resources. Therefore a PA and Archaeological Resources Treatment Plan have been prepared to resolve adverse effects.

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Chapter 7
List of Preparers

All preparers meet the Secretary of the Interior Standards (36 CFR 61) in archaeology, and are certified by the Register of Professional Archaeologists (RPA).

Kerry Boutte - M.A. in Anthropology, University of Texas – Arlington.

Stephen Bryne - M.A. in Anthropology, Florida State University, Tallahassee.

Allika Ruby - M.A. in Anthropology, University of California, Davis.

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Chapter 8
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Appendix A

Maps

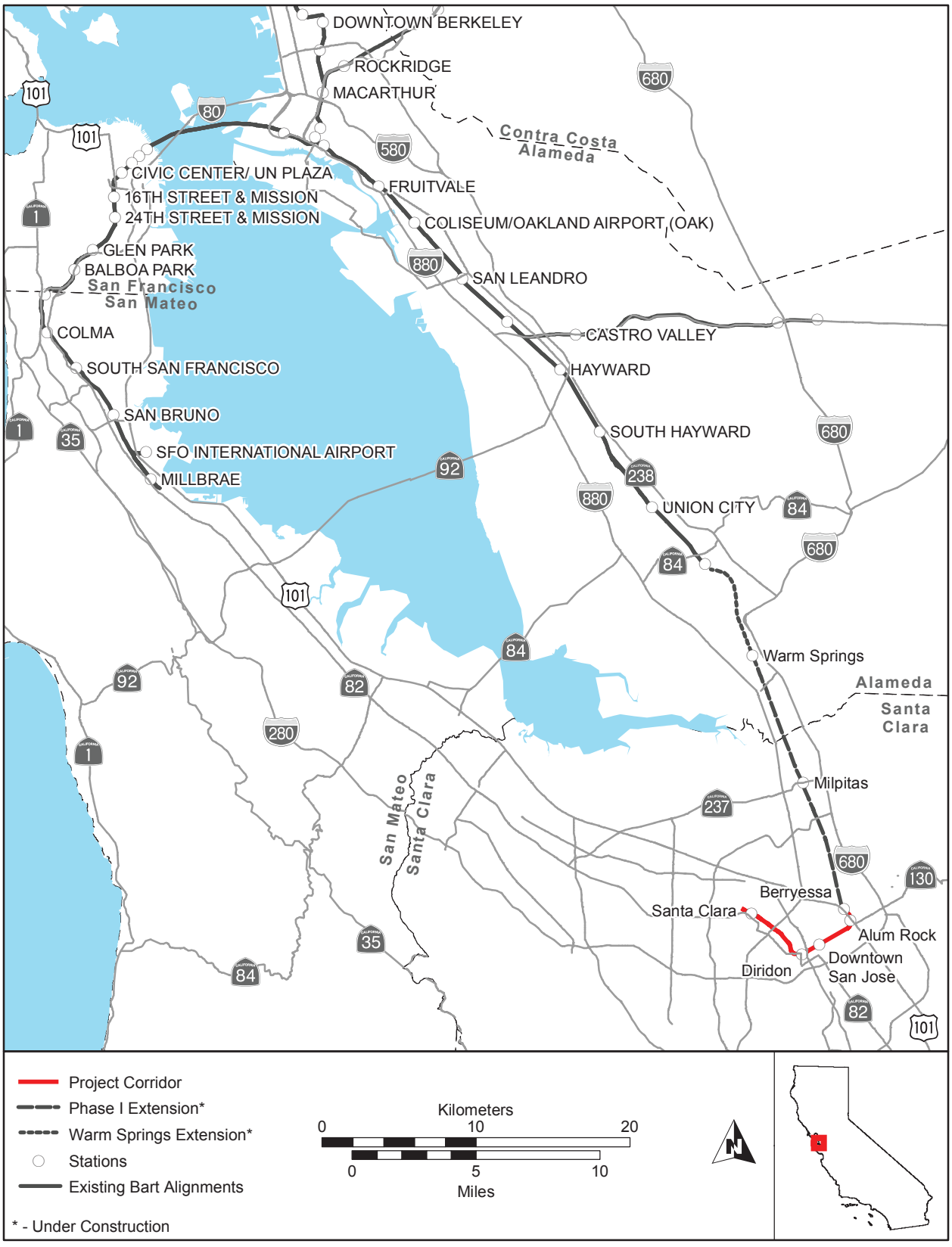
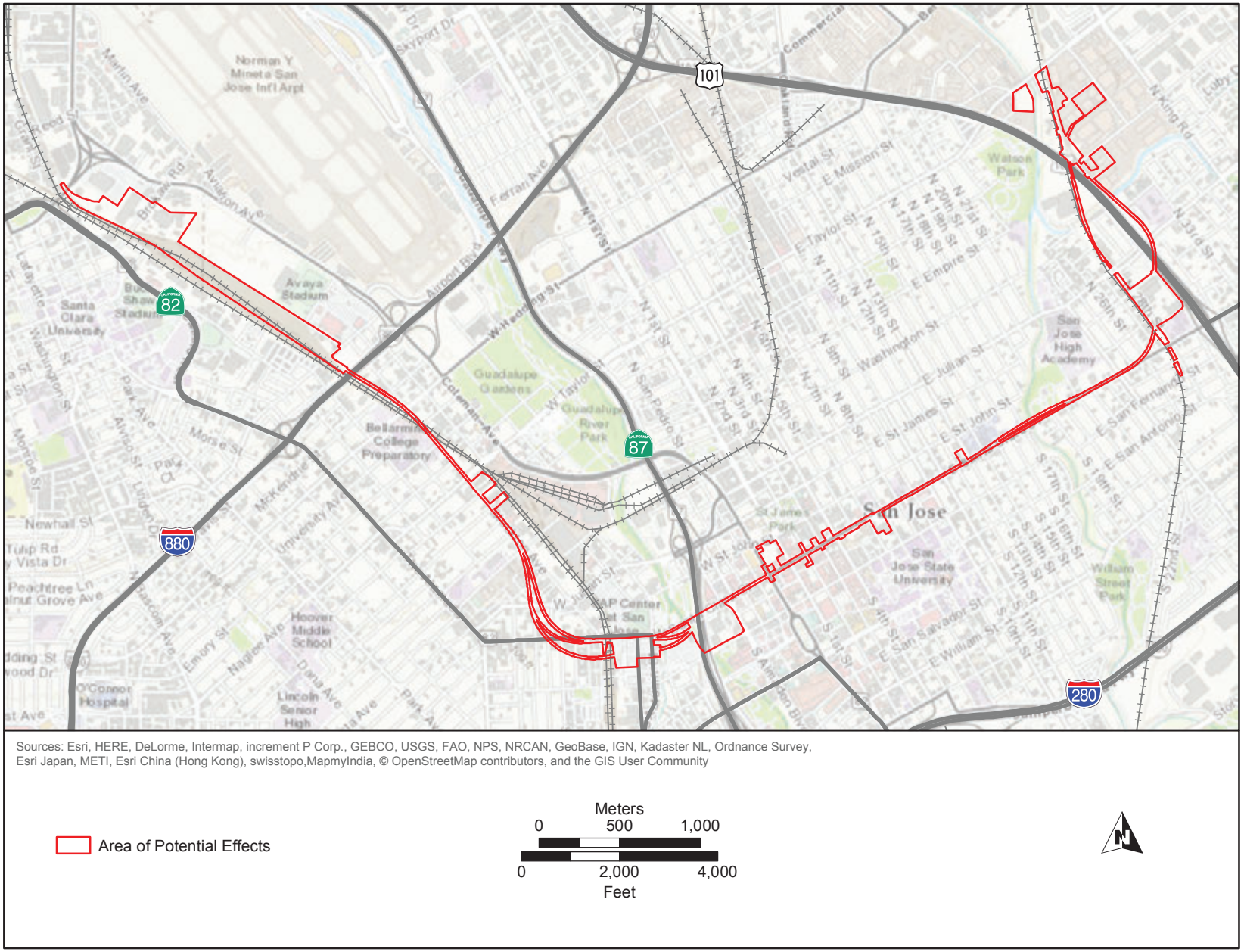


Figure 1. Regional Location
VTA's BART Silicon Valley–Phase II Extension Project



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo,MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Area of Potential Effects

Meters
0 500 1,000
0 2,000 4,000
Feet

N

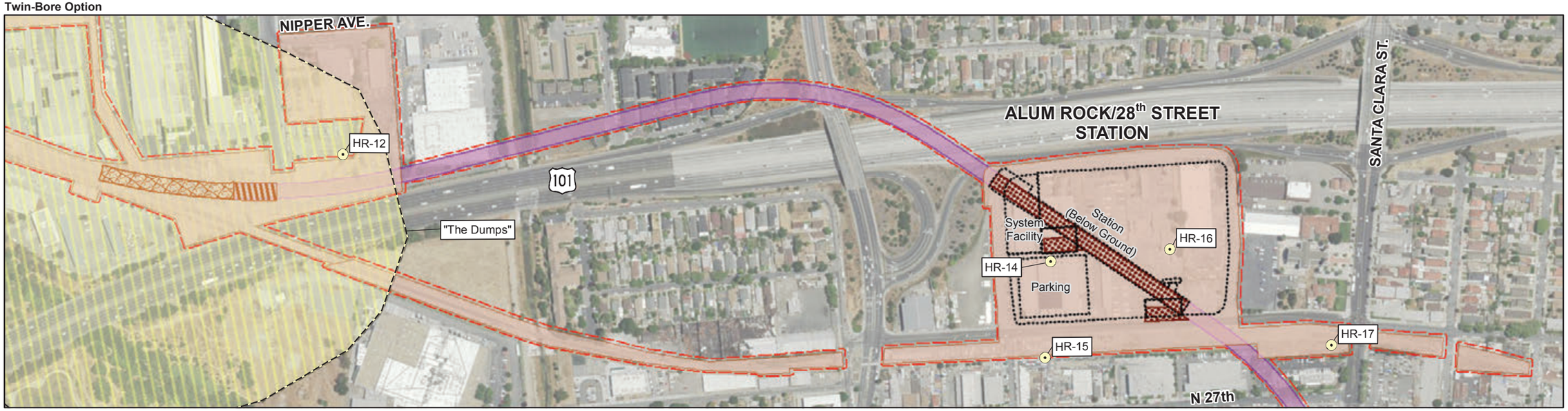
Figure 2. Project Map
VTA's BART Silicon Valley – Phase II Extension Project

Twin-Bore Option

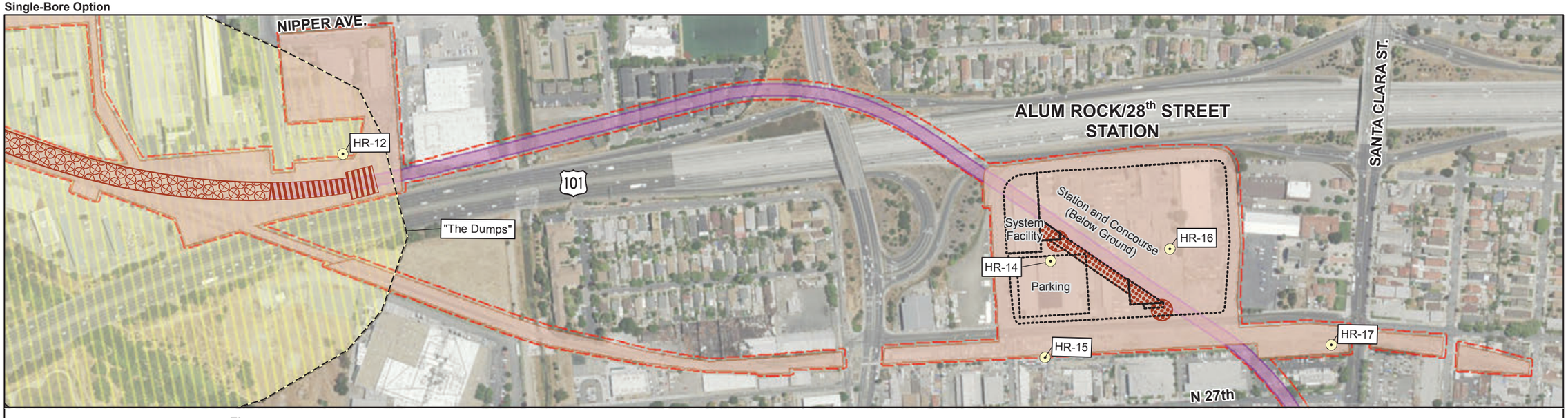
Single-Bore Option

Figure 3. Archaeological Area of Potential Effects (1 of 8)
VTA's BART Silicon Valley–Phase II Extension Project

Twin-Bore Option



Single-Bore Option



Potential Archaeological Sites
Area of Potential Effects *
Archaeological Site
"The Dumps"

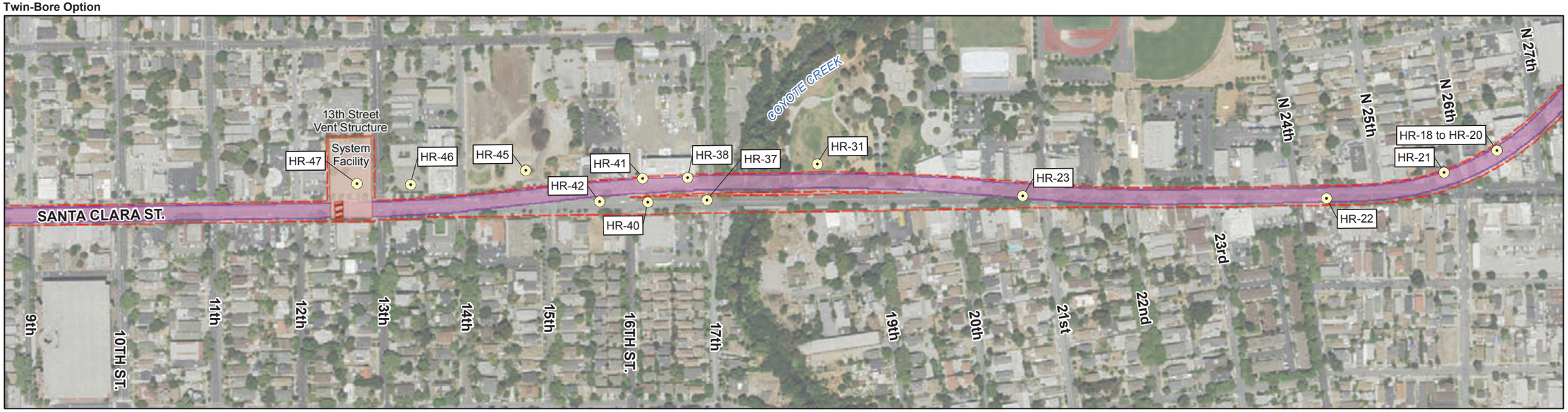
Elements
Cut and Cover
Station Cut and Cover
Retained Cut
Stations, Parking, Systems Facilities
Construction Staging Area
Tunnel

Feet
0 200 400 600 800
0 100 200 300
Meters

* - Buffered by 3 meters for cartographic clarity

Figure 3. Archaeological Area of Potential Effects (2 of 8)
VTA's BART Silicon Valley–Phase II Extension Project

Twin-Bore Option



Single-Bore Option

Potential Archaeological Sites

Area of Potential Effects *

Elements

Cut and Cover

Construction Staging Area

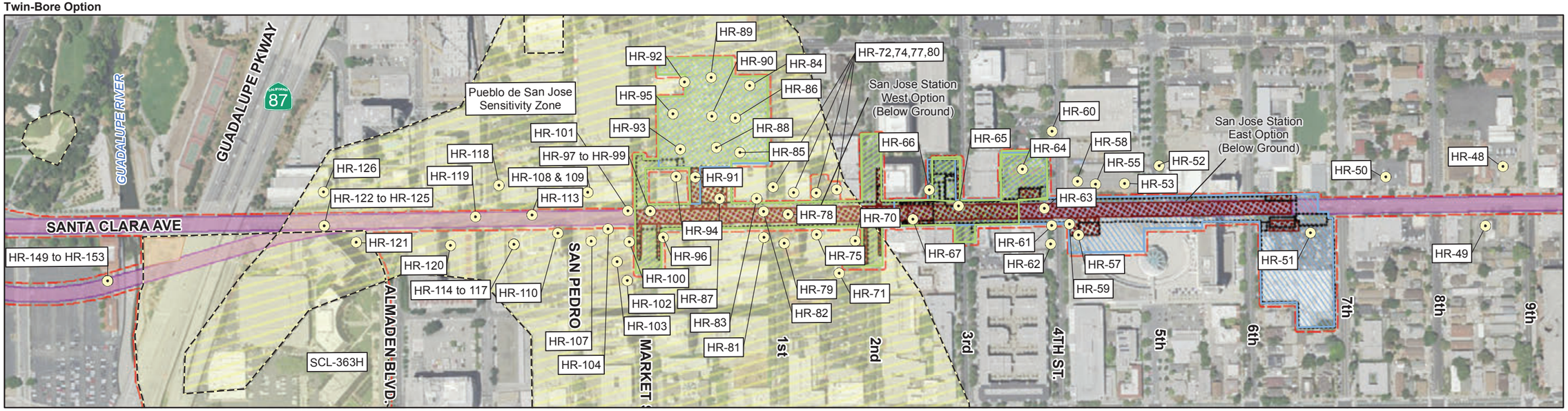
Tunnel

Feet
0 200 400 600 800
0 100 200 300
Meters

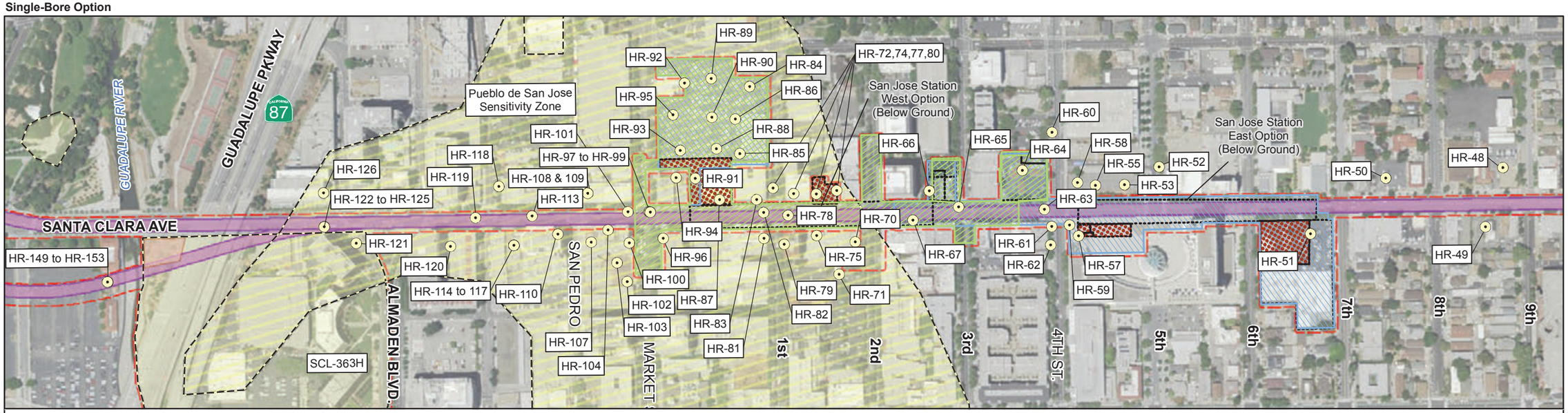
* - Buffered by 3 meters for cartographic clarity

Figure 3. Archaeological Area of Potential Effects (3 of 8)
VTA's BART Silicon Valley–Phase II Extension Project

Twin-Bore Option



Single-Bore Option



Potential Archaeological Sites
Area of Potential Effects *
Archaeological Site
Pueblo de San Jose Sensitivity Zone

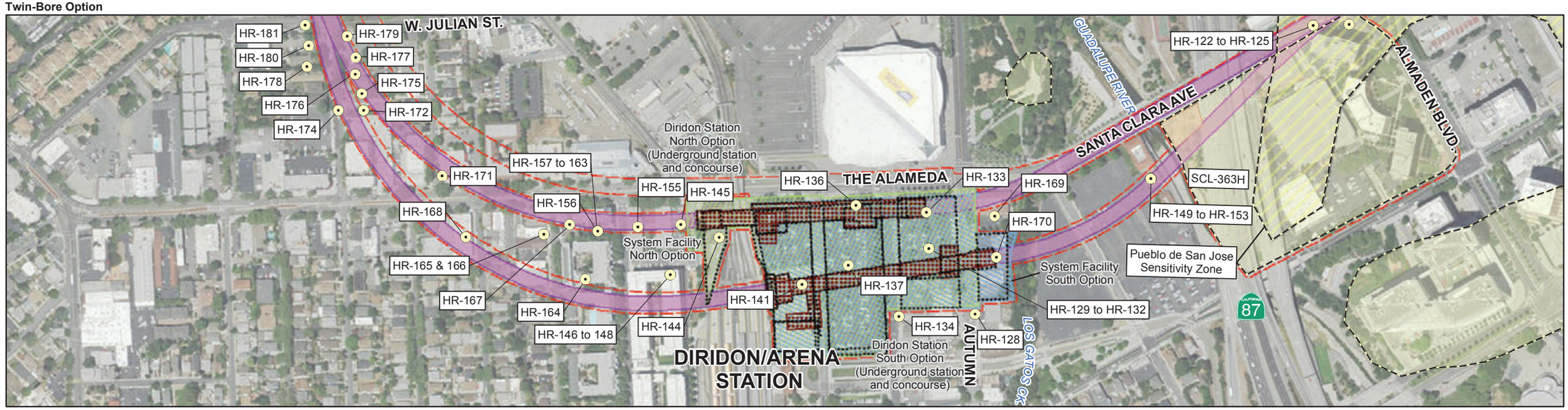
Elements
Station Cut and Cover
Stations, Parking, Systems Facilities
Construction Staging Area
Tunnel
Construction Staging Area (San Jose West Station)
Construction Staging Area (San Jose East Station)

Feet
0 200 400 600 800
0 100 200 300
Meters

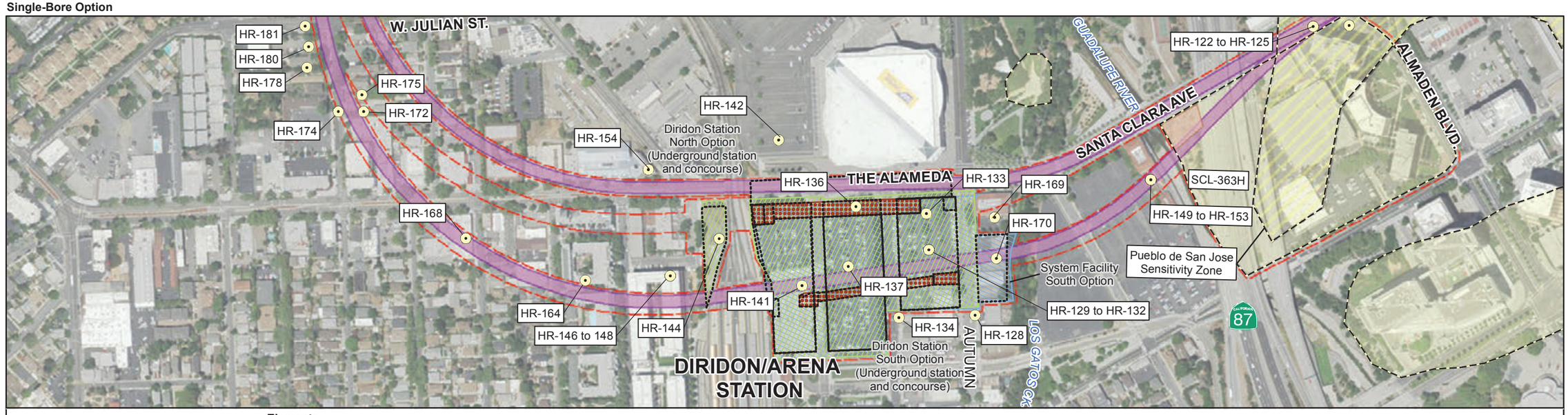
*** - Buffered by 3 meters for cartographic clarity**

Figure 3. Archaeological Area of Potential Effects (4 of 8)
VTA's BART Silicon Valley–Phase II Extension Project

Twin-Bore Option



Single-Bore Option



Potential Archaeological Sites
Area of Potential Effects *
Archaeological Site
Pueblo de San Jose Sensitivity Zone

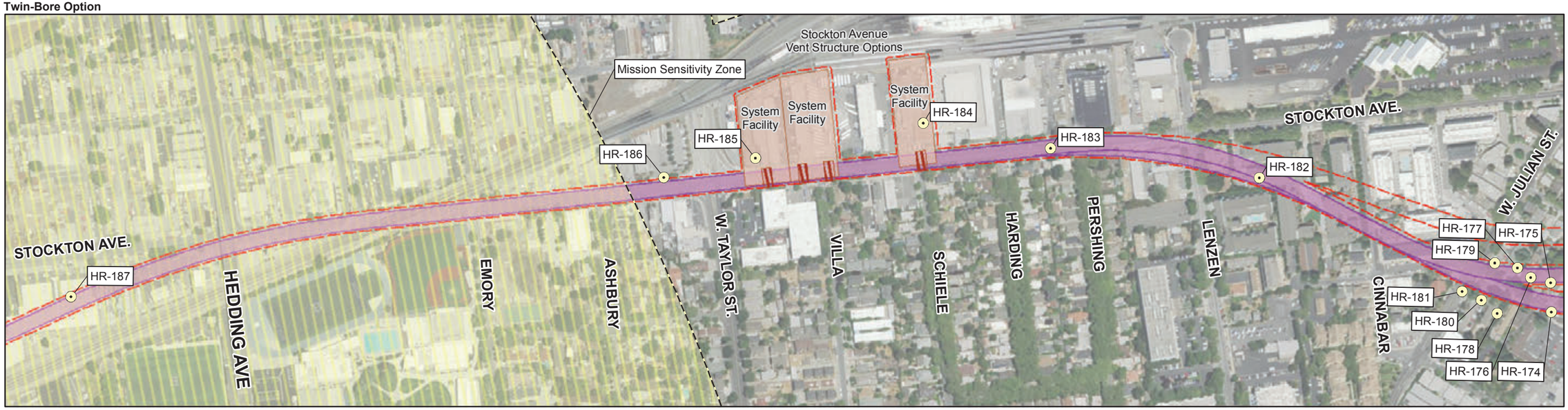
Elements
Station Cut and Cover
Stations, Parking, Systems Facilities
Construction Staging Area
Tunnel
Construction Staging Area (Diridon North Station)
Construction Staging Area (Diridon South Station)

Feet
0 200 400 600 800
0 100 200 300
Meters

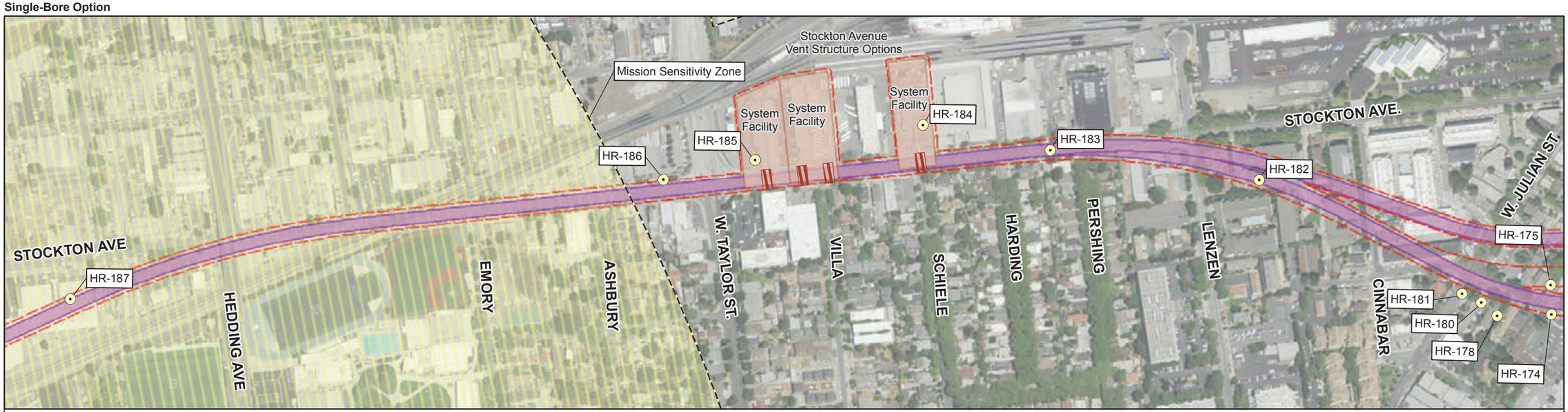
* - Buffered by 3 meters for cartographic clarity

Figure 3. Archaeological Area of Potential Effects (5 of 8)
VTA's BART Silicon Valley–Phase II Extension Project

Twin-Bore Option



Single-Bore Option



Potential Archaeological Sites
Area of Potential Effects *
Archaeological Site
Mission Sensitivity Zone

Elements

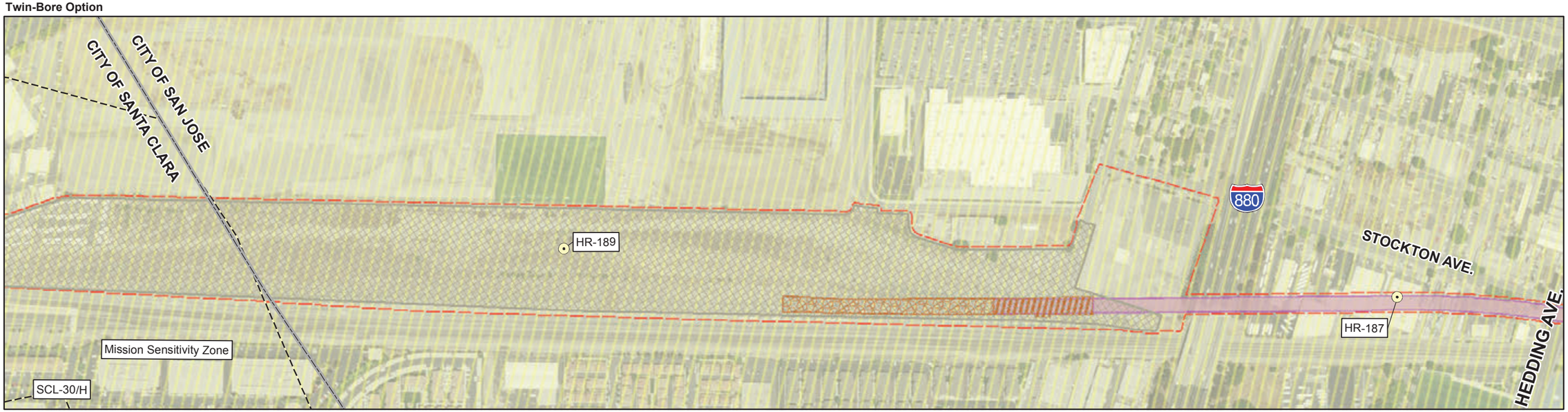
Cut and Cover
Construction Staging Area
Tunnel

* - Buffered by 3 meters for cartographic clarity

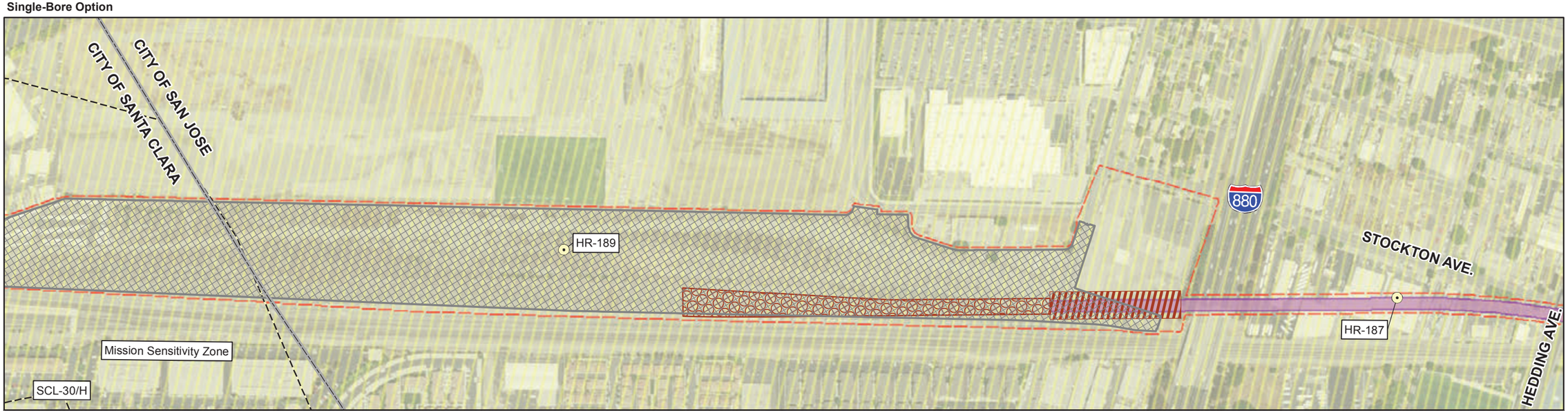
Feet
0 200 400 600 800
0 100 200 300
Meters

Figure 3. Archaeological Area of Potential Effects (6 of 8)
VTA's BART Silicon Valley–Phase II Extension Project

Twin-Bore Option



Single-Bore Option



Elements

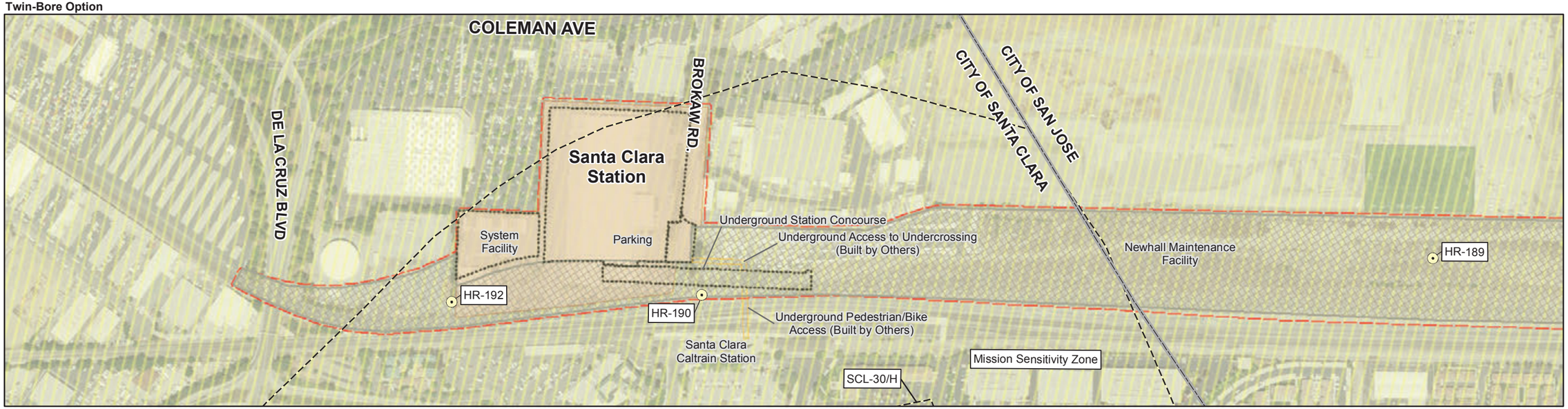
- Potential Archaeological Sites
- Area of Potential Effects *
- Archaeological Site
- Mission Sensitivity Zone
- Cut and Cover
- Retained Cut
- Newhall Maintenance Facility
- Tunnel

Feet
0 200 400 600 800
0 100 200 300
Meters

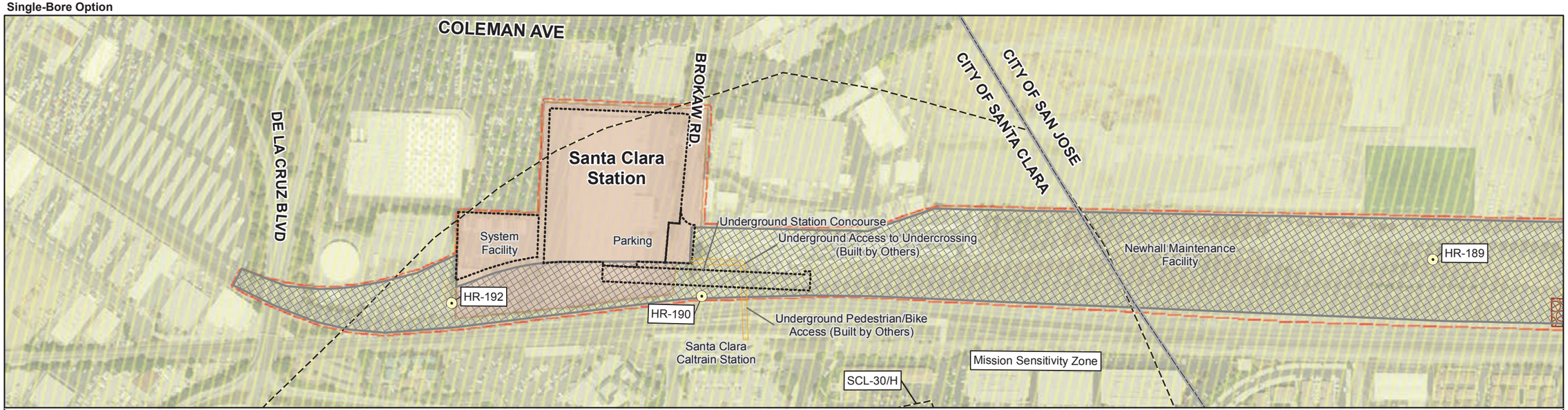
* - Buffered by 3 meters for cartographic clarity

Figure 3. Archaeological Area of Potential Effects (7 of 8)
VTA's BART Silicon Valley–Phase II Extension Project

Twin-Bore Option



Single-Bore Option



Potential Archaeological Sites
Area of Potential Effects *
Archaeological Site
Mission Sensitivity Zone

Elements

Retained Cut
Stations, Parking, Systems Facilities
Underground Access (Built by Others)
Newhall Maintenance Facility
Construction Staging Area

Feet
0 200 400 600 800
0 100 200 300
Meters

* - Buffered by 3 meters for cartographic clarity

Figure 3. Archaeological Area of Potential Effects (8 of 8)
VTA's BART Silicon Valley–Phase II Extension Project

Appendix B

Native American Consultation Log

VTA's BART Silicon Valley Phase II Extension Project
Native American Call Log – February through September 2017

The following information was provided to everyone that was contacted in January:

- A package with the draft environmental document and supporting cultural technical reports was sent to them in early January 2017.
- List of the documents provided for their review: Draft SEIS/SEIR, Archaeological Resources Technical Report, Supplemental Built Environment Survey Report, Preliminary Finding of Effects, Draft Programmatic Agreement, and Draft Archaeological Resources Treatment Plan.
- Summary of the archaeological resources within the APE, the sensitivity of the project area, and infeasibility of archaeological testing prior to project approval, property acquisition, and removal of structures.
- VTA has worked with FTA and SHPO to prepare a Draft Programmatic Agreement (PA) and Archaeological Resources Treatment Plan for the phased identification of resources.
- Please refer to the Draft Programmatic Agreement, where they are identified as Concurring Parties (as applicable).
- Please refer to the Archaeological Resources Treatment Plan to review the process for the phased identification of archaeological resources.
- The end of the formal environmental review comment period ends on February 20, 2017. Formal comments, if they so choose to submit, need to be submitted by that date. However, we'd be working closely with them in the coming months, so this would not be the last time to provide input or to be involved in the project.

Contact Name	Phone Number	Date/Time Called	Contacted?	Response
Jakki Kehl	510.701.3975	2/7/2017 2/14/17 at 4:45PM 3/28/17 at 4:05PM	No.	Left message. Will call back later this month. Called and left a message on 2-14-17 at 4:45PM. Called and left a message on 3-28-17 at 4:05PM.
Irenne Zwierlein	NAHC: ~~650.400.4806~~ Phone #'s in email: 650.851.7747 ~~650.400.4806~~ (no longer working)	2/6/2017 9/13/17 at 10:13AM	Yes. 650.851.7747	She confirmed that she received the package of materials, and she is currently reviewing the materials. She wanted to know the process of how we would select Native American monitors. She was informed that VTA will select monitors from an on-call list similar to how monitors were selected for the BART Phase I Project. She was asked if she had any additional comments, questions, or concerns, and she said no, but thank you for keeping her informed. Left brief message on 9/13/17.
Katherine Erolinda Perez	209.887.3415	2/7/2017 9/13/17 at 10:15AM	Yes.	She confirmed that she received the package of materials, and she is currently reviewing the materials. She wanted to know the process of how we would select Native American monitors. She was informed that VTA will select monitors from an on-call list similar to how monitors were selected for the BART Phase I Project. She was asked if she had any additional comments, questions, or concerns, and she said no, but thank you for keeping her informed. She may send an email with her comments in the next week or two if she has any. No response has been received as of June 2017. I summarized the status of the project and the conclusions in the reports and said we are still working with FTA and SHPO to finalize the PA and ARTP. She was asked if she had any questions or

				comments about the materials I sent her or the path forward. She said no.
Michelle Zimmer	650.851.7747	Not contacted.	No.	Michelle is a member of the same tribe as Irenne Zwierlein. Irenne is the Chair; Michelle is not. Irenne has been identified as one of the Concurring Parties representing this tribe; therefore, project information was not sent to Michelle.
Linda Yamane	831.394.5915	2/6/2017 2/14/17 at 4:45PM	No	Left message. Will call her back later this month. Left message again on 2-14-17 at 4:45PM.
Ann Marie Sayers	831.637.4238	2/6/2017 2/14/17 at 3:30PM 9/13/17 at 10:25AM	Yes.	She said she has not yet received the materials. Staff will check back on 2/10/17 to confirm receipt of the package. A new package will be sent if she still has not yet received the materials. She asked if any known sites were in the APE. She was informed that one historic architectural resource had been found in the APE, but it would not be affected by the project. She was informed that this information can be found in the Preliminary Finding of Effect document. Staff asked if she had any other comments or questions; she said no, not until she reviews the materials. On 2-14-17 at 3:30 PM, spoke with Ann Marie to let her know that we received a delivery confirmation slip that her package was delivered on 1/27/17. Emailed her a pdf scan of the slip to her email address at ams@indiancanyon.org per her request. Left a message with someone that answered the phone to please return my phone call for an update on the project,
Valentin Lopez	916.743.5833	Not contacted.	No.	Valentin Lopez relinquished his involvement on the project to the Muwekma Tribe (Rosemary Cambra). Therefore, project information was not sent to him.
Rosemary Cambra	~~408.205.9714~~ ~~510.581.5194~~ 408.314.1898	2/7/2017	No.	Left message on 2-2-17. Will call her back later this month. Left message again on 2-14-17 at 4:35PM. Also left message with Alan Levanthal on 2-14-17 at 4:25PM to call me back because Rosemary's package was not picked up. Reached Norma Sanchez and Alan Levanthal. Norma came and picked up the package and delivered it to Rosemary and Alan on 2/22/17. Had conference call with Rosemary, Norma, and Alan. Rosemary expressed great concern that we were consulting with people that have no historical connection to the area or the people that lived here before the Europeans. Rosemary requested that VTA consult only with the tribe that has an historical connection to the area and not members of tribes, or

				individuals, of other areas not native to this county. She also requested that her tribe, the Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, is given the opportunity to sign on a separate signature page in the Programmatic Agreement from all other signatures. She gave a brief overview of the tribe's work over the past 20 years to become federally recognized. She said her tribe is made up of the direct descendants of those buried in this valley. Rosemary requested that VTA have a Native American monitor when digging in archaeologically sensitive areas. Rosemary requested that a history of the local tribe be included in any report prepared if Native American burials are found within the project's footprint. Rosemary requested government to government consultation directly with FTA. FTA's project manager's contact information was provided to Rosemary, Alan, and Norma via email a few days after the call. As of June 2017, FTA made several attempts to contact Rosemary through the contact information listed here and on the NAHC fax but was unable to reach her. Her voice mail box was full and was not accepting any new voice mails.
Edward Ketchum	The NAHC did not provide a phone number	Not contacted.	No.	Edward Ketchum is a member of the same tribe as Valentin Lopez. Valentin is the Chair; Edward is not. Valentin relinquished his involvement on the project to the Muwekma Tribe (Rosemary Cambra). Therefore, project information was not sent to Edward.
Andrew Galvan	510.882.0527	2/6/2017	Yes.	He confirmed that he received the box of materials, but he hasn't opened it yet. He will review now. Andrew asked who the Native American Monitors were, and if they had not yet been selected, how they would be selected. He was informed that VTA would set up an on-call list of qualified individuals that VTA would rotate. He strongly encouraged and requested VTA and FTA to use a current list from the NAHC in developing the on-call list for Native American monitors. He asked how many people would be on this list. He was informed that VTA would develop the list of monitors using the NAHC list for the project, which VTA received in early 2015 when the project was initiated. He was also informed that the Concurring Parties in the PA was also developed from the original NAHC Fax back in early 2015 that had 11 names. He asked if current lists in the area include a shorter list. He was informed that more recent lists from the NAHC for the same area include only 5 names. He strongly encouraged VTA and FTA to request a revised list from the NAHC and modify the list of Concurring Parties in the PA according to that list. He said those on prior lists but not on the current list should not be participating. He said the state (NAHC) has acted to correct this former issue, and our documentation should be consistent with the state's actions. He was thanked for his

				comments and asked if he had any further comments or questions, and he said not until he's reviewed the materials. He said he would contact me if he had any questions, comment, or concerns. No contact was made as of June 2017.
Ramona Garibay	510.972.0645	2/6/2017 2/14/17 at 4:43 PM 3/28/17 at 10:54AM	No	Left message. Will call her back later this month. Called again and left message on 2-14-17 at 4:43 PM. Called again and left message on 3-28-17 at 10:54 AM.