

4.4 CULTURAL RESOURCES

This section describes potential effects from the proposed project on cultural resources in the City of Oakland. It was prepared by Archeo-Tec, Inc., cultural resources consultants. The Phase I Cultural Resources Evaluation is included as Appendix D of this EIR.

A. *Existing Setting*

1. **Regulatory Setting**

This section provides an overview of the federal, State and local policies protecting cultural resources within the City of Oakland.

a. National Register of Historic Places

Properties are nominated to the National Register of Historic Places by the State Historic Preservation Officer of the state in which the property is located, by the Federal Preservation Officer for federally owned or controlled property, or by the Tribal Preservation Officer for tribally owned property. Generally, properties must be at least 50 years old, or “exceptionally important” to be considered eligible for listing. The proposed project site does not include any structures eligible for listing on the National Register.

b. State Office of Historic Preservation

The California Register of Historical Resources identifies the state’s historical resources as well as architectural, historical, archaeological, and cultural resources. The California Register includes properties listed in or formally determined eligible for the National Register and lists selected California Registered Historical Landmarks. The State Historic Preservation Office also sponsors the California Historical Resources Information System (CHRIS), a statewide system for managing information on the full range of historical resources identified in California. CHRIS provides an integrated database of site-specific archaeological and historical resources information.

c. Historic Preservation Element of the General Plan

In March 1994, the City Council adopted the Historic Preservation Element of the Oakland General Plan. The element provides a broad, multifaceted strategy that seeks to promote preservation of a wide range of historically significant older properties and districts in a manner that is reasonably balanced with other concerns and consistent with other City goals and objectives. The City Council has since amended policies regarding historic preservation and ongoing city activities and made amendments to define historic resources for CEQA purposes.

2. Methodology

The cultural resources impacts evaluation consisted of three distinct tasks: review of archival documents, consultation with the Native American Heritage Commission and a surface reconnaissance of the site.

The initial phase of the project consisted of a focused review of relevant maps, photographs, written accounts and other archival documents on file at the Northwest Information Center, located on the campus of Sonoma State University in Rohnert Park. The principal objective of this archival literature review was to determine whether any archaeological sites or associated cultural resources, of either prehistoric or historic period age and characteristics, had been previously recorded within, or closely adjacent to, the subject property.

Prior to the start of the archaeological field reconnaissance, maps and other archival documents concerning previous archaeological research in and around the project site were consulted (File #03-556). Jonathan Goodrich of Archeo-Tec conducted the archival literature review on February 3, 2004 at the Northwest Information Center, located on the campus of Sonoma State University in Rohnert Park.

The second phase of the evaluation entailed consultation with the Native American Heritage Commission's Sacred Lands File. The primary objective of this consultation was to determine whether any sites deemed sacred to

members of the local Native American community had been previously recorded within, or closely adjacent to, the borders of the Sienna Hill Project site.

As part of the present cultural resources assessment, the present writer consulted the Native American Heritage Commission in Sacramento with the intention of determining whether any portion of the present project area may encroach upon any sites deemed sacred by members of the local Native American Community. In order to obtain this information, the present writer sent a letter to Ms. Debbie Pilas-Treadway of the Native American Heritage Commission on February 4, 2004. This letter formally requested that the Native American Heritage Commission consult its "Sacred Lands" file in order to obtain the requested information.

The third phase of the cultural resources evaluation consisted of a systematic on-site archaeological surface reconnaissance of the 3.9-acre project area. Archaeological field reconnaissance of the present subject property parcel was undertaken on February 5, 2004. Jason Claiborne and Jonathan Goodrich of Archeo-Tec conducted the archaeological field survey. In an attempt to locate and identify cultural resources, the entire project area was criss-crossed in a series of five-meter transects. Throughout the on-site reconnaissance, Mr. Claiborne and Mr. Goodrich carefully inspected the surface of the ground in an attempt to identify evidence of the presence of potentially significant cultural resources. All topographic features and/or other places where archaeological materials might be present were noted and intensively investigated.

3. Ethnographic Background

The present project area is situated in what was the northern part of the territory occupied by the Costanoan people prior to the late-eighteenth century arrival of the first Europeans. Comparatively little is known about the Costanoans, so named after the Spanish derivative for "coastal people." In 1770

the Costanoan numbers were at most around 10,000, perhaps fewer.¹ But forty years later, by about 1810, much of the aboriginal population and most of the traditional culture of these people had completely disappeared in the face of European settlement, disease, warfare and displacement.²

The Costanoans -- sometimes referred to synonymously as the Ohlone in the anthropological literature³ -- were primary collectors and hunters of fish and game. Of major importance to the aboriginal diet were molluscan resources: clams, ocean and bay mussels and oysters were extensively exploited. Fish also contributed a large measure of protein to the Costanoan diet, and were taken by net, trap, hook, spear and by poison. Many other littoral resources, including varieties of gastropods and crustaceans contributed protein to the diet, as documented in the archaeological literature.⁴ Other sources of meat included all manner of land and waterfowl, and terrestrial and sea mammals.

In common with most Native American groups throughout California, plant foods probably contributed the majority of calories to the diet. The staple was the acorn, pounded by stone mortar and pestle to form a mush, a gruel, or bread. Buckeye and berries were also harvested. Animal remains -- bone, tooth, beak and claw -- provided awls, pins, daggers, scraping and cutting knives and other tools. Pelts and feathers provided clothing and bedding.

¹ Levy, R. "Costanoan." In R.F. Heizer, vol. ed., *Handbook of North American Indians Vol 8: California 485-495*. 1978. and A.L. Kroeber, *Handbook of California Indians*, Bureau of American Ethnology Bulletin 78. 1925.

² Cook, S.F., "The conflict between the California Indian and white civilization." *Ibero-Americana* 22. 1943. and "The aboriginal population of Alameda and Contra Costa counties, California." *University of California Anthropological Records* 16(4):131-156. 1957.

³ Levy, R., 1925.

⁴ Greengo, R.E., "Molluscan species in California shell middens" *Reports of the University of California Archaeological Survey* 13:1-29., "Shellfish foods of the California Indians". *Kroeber Anthropological Society Papers* 7:63-114. and "Shellfish" in W.J. Wallace and D.W. Lathrap, "A culturally stratified shellmound on the east shore of San Francisco Bay." *Contributions of the Archaeological Research Facility* 29.

Sinew was used for bow support and bow-strings. Feather, bone and, especially, shell were used for items of ornamentation, such as beads, pendants, hair bangles, septum inserts, earrings and the like. Local rock and mineral sources provided cherts and stones for tool manufacture; and local sandstone provided suitable material for grinding and pounding tools. Exotic materials, such as steatite and particularly obsidian, could be obtained in trade. Other valuable resources used to obtain exotic materials in trade with non-coastal peoples included salt, shellfish meat, and shell as raw material for ornament manufacture.

The family household was the basic social unit, and was extended patrilineally.⁵ An average of about 15 individuals – although this varied considerably – made up the household. The next larger social unit was the clan.⁶ The largest social unit throughout most of California was the tribelet. The tribelet, or group of interrelated villages under the leadership of a single headman, consisted here of around 200 people per unit. Each tribelet – of which there may have been several for each of the eight linguistic branches – served as an autonomous political unit, presumably for enforcing equal access to resources for its members and for protection from hostile neighbors.

B. Standards of Significance

The proposed project would result in a significant impacts if it would result in any of the following:

- ◆ Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5. Specifically, a substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be “materially impaired.”

⁵ Harrington, J.P. “Report of fieldwork.” *49th Annual Report of the Bureau of American Ethnology for the Years 1931-1932*: 2-3.

⁶ *Ibid.*

The significance of an historical resource is “materially impaired” when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register of Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5);

- ◆ Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guideline Section 1506.4.
- ◆ Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- ◆ Disturb any human remains, including those interred outside of formal cemeteries.

C. Impacts and Mitigation Measures

1. Historical Resources

There are no historic resources on the proposed project site. The nearest areas with historic resources identified in the City of Oakland’s General Plan Historic Preservation Element are the Mills College Campus, approximately three miles northwest of the site, and an area along MacArthur Boulevard between 83rd and 98th Avenues, approximately three miles southwest of the site. Therefore, there would be no impacts to historic resources.

2. Archaeological and Paleontological Resources and Human Remains

Impact CUL-1: Although no evidence of cultural resources or human remains has been discovered on the site, it is possible that construction activities could disturb undiscovered buried cultural resources or human remains. (Potentially Significant)

Based upon the findings of the archival literature review and the archaeological surface reconnaissance, Archeo-Tec has concluded that the project site contains no cultural resources that would qualify as historically significant in accordance with any of the criteria or standards for the evaluation of cultural resources set forth in the California Environmental Quality Act (CEQA), nor would the site be expected to contain unique paleontological resources or undiscovered human remains. A systematic review of the documents on file at the Northwest Information Center revealed that no prehistoric or historic archaeological sites had been previously recorded within the borders of the present project area. This lack of data is, at least in part, due to the fact that the present project site had never been the object of previous archaeological scrutiny. The archival literature review further revealed that no archaeological sites had been recorded within a one-quarter mile radius of the present subject property.

After appropriate consultation of the “Sacred Lands” file, Ms. Pilas-Treadway of the Native American Heritage Commission responded to the present writer in a letter dated February 6, 2004. According to the letter, a “record search of the sacred lands file has failed to indicate the presence of Native American cultural resources in the immediate project area”. Nonetheless, the above referenced letter cautioned that the “absence of specific site information in the sacred land file does not indicate the absence of cultural resources in the project area”.

Finally, the site has a history of significant disturbance during the construction of Keller Avenue, and a thorough field reconnaissance of the subject property yielded a total absence of evidence indicating the presence of prehistoric and/or historic era cultural resources of significance. No artifacts were encountered at any point within the project area; neither were any soils of apparent anthropic origin observed.

However, the possibility exists that unknown cultural resources or human remains could be buried on the site, and would be disturbed by grading and

excavation for the proposed project. Therefore, the project shall incorporate the following mitigation measures:

Mitigation Measure CUL-1a: If previously-undetected cultural resources of significance are encountered during the course of any construction, all earthmoving activity in the area of impact shall stop until the applicant retains the services of a qualified archaeological consultant. The archaeological consultant shall examine the findings, assess their significance and offer proposals for any procedures deemed appropriate to further investigate and/or mitigate adverse impacts to those cultural resources which have been encountered.

Mitigation Measure CUL-1b: If previously undetected paleontological resources of significance are encountered during the course of any construction, all earthmoving activity in the area of impact shall stop until the applicant retains the services of a qualified paleontologist. The paleontologist shall examine the findings, assess their significance and offer proposals for any procedures deemed appropriate to further investigate and/or mitigate adverse impacts to those cultural resources which have been encountered.

Mitigation Measure CUL-1c: If previously unknown human remains are encountered during construction, the County Coroner and an appropriate representative of the Native American Heritage Commission shall be informed and consulted, as required by State law.

Significance After Mitigation: Less than Significant.