

Appendix C

Archaeological Survey Report
(Confidential)



March 8, 2022

Marcy Kamerath, QSD/P. CPSWQ
Kimley-Horn and Associates, Inc.
1300 Clay Street, Suite 325
Oakland, CA 94612

Re: Phase I Archaeological Survey Letter Report for the Diablo Road Trail Project, Danville,
Contra Costa County, California.

Dear Ms. Kamerath:

This letter report details the results of an archaeological survey conducted by Pacific Legacy, Inc. for the Diablo Road Trail Project (Project). The survey was completed under contract with Kimerley-Horn and Associates, Inc. (Kimerley-Horn) on behalf of the Town of Danville. The project is approximately 0.9 miles adjacent to Diablo Road, extending east from the intersection of Fairway Drive and Diablo Road to approximately 400 feet west of the intersection of Avenue Nueva and Diablo Road in the Town of Danville, Contra Costa County, California (*see* Attachment A, Figure 1). Pacific Legacy was retained by Kimerley-Horn in order to review previous cultural resources and studies within the Project and surrounding areas, coordinate contact with the Native American Heritage Commission (NAHC), and conduct an intensive pedestrian survey in order to comply with the California Environmental Quality Act (CEQA).

Project Description

The Project is envisioned as a 0.9-mile, mostly Class I, mixed-use path for pedestrians and cyclists along the southern shoulder of Diablo Road that will connect the Diablo Road/ Green Valley Road corridor to the west to Blackhawk Road/Mt. Diablo State Park south access to the east. The proposed project would include a pedestrian and bicycle roadway crossing at the intersection of Diablo Road in the vicinity of Fairway Drive. The crossing would connect to the existing Diablo Road Trail Class I bicycle/pedestrian path that lies parallel to Diablo Road on the north side of the roadway. Other elements of the Project would include the construction of an 8-foot-wide off-street paved multi-use path with 2-foot shoulders for a total width of 12 feet in most locations, narrowing to a lesser width in constrained locations. Typically, the trail would be an asphalt trail installed over aggregate base, with gravel shoulders. Associated infrastructure would include guard rails, fencing, and retaining walls, where needed, and the installation of new culverts or culvert extensions along the trail to provide drainage. Vegetation and tree removal would be required to construct the trail and would include the removal of native trees and non-native trees.

Access to the construction site would occur from Diablo Road and adjacent roads. While final staging areas would be decided by the contractor, staging would primarily occur within the proposed trail alignment. Completion of the proposed project would include emergency repairs required to protect Diablo Road in place as a result of erosion. The Project would stabilize slope and improve erosion protection. The Project would also provide bicyclists a safer alternative to

Diablo Road and would help close a multi-purpose trail gap between the existing Diablo Road Trail (aka Barbara Haile Trail) and access to Mount Diablo State Park. The Project Area of Potential Impact (API) encompasses all Project work areas and staging areas.

Project Location

The 1.05-acre API is located along Diablo Road, extending east from the intersection of Fairway Drive and Diablo Road to approximately 380 feet west of the intersection of Avenue Nueva and Diablo Road in the Town of Danville, Contra Costa County, California. It is located immediately north of the east branch of Green Valley Creek on property belonging to the Magee Cattle Ranch. The API is depicted on the United States Geological Survey (USGS) 7.5-minute series Diablo, California topographic quadrangle within Township 1 South, Range 1 West, Section 22 (see Attachment A, Figure 1). The API is depicted on a true-color orthophotograph in Attachment A, Figure 2.

Archival and Records Search

An archival and records search was conducted within a 0.25-mile buffer area around the Project API by staff at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) at Sonoma State University (see Attachment B). The search was conducted on December 20, 2021, under NWIC file number 21-0856. This search included a review of:

- *Office of Historic Preservation Built Environment Resources Directory* (California Office of Historic Preservation 2022);
- *The California Inventory of Historic Resources* (State of California 1976);
- *Archaeological Determinations of Eligibility*;
- *California Historical Landmarks* (California Office of Historic Preservation 1996);
- Caltrans Historic Bridge Inventory (Caltrans 2015);
- *California Points of Historical Interest* listing May 1992 (State of California 1992); and
- The National Register of Historic Places (*Directory of Determinations of Eligibility*, California Office of Historic Preservation, Volumes I and II, 1990; Office of Historic Preservation Computer Listing 1990 and updates).

The archival and records search revealed that no cultural resources have been previously recorded within the API or the 0.25-mile records search buffer. Two prior cultural resources studies encompassed portions of the APE and no additional studies were identified within the 0.25-mile buffer. Details for both studies are presented in Table 1.

Table 1. Prior Cultural Resource Studies Associated with the Project Area.

| Study Number | Title | Author | Year | Type |
|--------------|---|-------------------|------|---|
| S-038908 | Magee Ranch, Archaeological Survey and Subsurface Testing Report, Contra Costa County, California | Wilberg, Randy S. | 2011 | Archaeological, Excavation, Field Study |

| Study Number | Title | Author | Year | Type |
|--------------|--|--|------|---|
| | Cultural Resources Study of the Magee Ranch Property, Danville, Contra Costa County, California (letter report) | Holman, Miley Paul | 2009 | Archaeological, Excavation, Field Study |
| | Cultural Resources Assessment Report, Magee Ranch Project, Town of Danville, Contra Costa County, California | Bulger, Teresa D., Thomas Young, and Nazih Fino | 2015 | Archaeological, Field Study |
| | COE_2014_1209_001, Section 106 Consultation for the Summerhill Homes in Danville, Contra Costa County, California (COE #2011-00044S) | Polcano, Julianne and Jane M. Hicks | 2016 | OHP Correspondence |
| S-048919 | Cultural Resources Inventory for the Diablo Country Club Recycled Water Project, Contra Costa County, California | Sikes, Nancy E., Cindy J. Arrington, and Dylan Stapleton | 2016 | Archaeological, Field Study |
| | Historical Resources Evaluation Report For The Diablo Country Club Recycled Water Project, Diablo, Contra Costa County, California | Daly, Pamela | 2016 | Architectural/historical, Evaluation, Field Study |

S-038908 involved archaeological excavation and survey of the Magee Ranch Property, which is bounded on the north by Diablo Road. Archaeological survey was conducted within the Diablo Road Trail API, but excavation activities took place elsewhere. No archaeological resources were identified during this study. S-048919 partially overlaps a small portion of the western end of the Diablo Road Trail API. The study involved archaeological survey and a historic-built environment survey and evaluation. Two historic period resources associated with the Diablo Country Club Golf Course, P-07-004768 and P-07-004769 were identified. Neither resource is within 0.25 miles of the Diablo Road Trail API.

The 2011 report contains a comprehensive background section relevant to the Diablo Road Trail project (Wiberg 2011). This includes a project context addressing the natural environment, regional archaeology, Native American background, and historic land use. The report also suggests that the area is of moderate-to-high geoarchaeological sensitivity. Subsurface excavation (Wiberg 2011) of test trenches further to the south of the Diablo Trail project did not result in the discovery of buried archaeological resources (Wiberg 2011). We have included this report and the preceding report for the same project (Holman 2009) in Attachment B. Both reports were negative for archaeological resources within the Diablo Road Trail API.

Native American Contact

Pacific Legacy personnel submitted a request to the NAHC for a search of the Sacred Lands File as it encompasses the Project API on November 30, 2021 (*see* Attachment C). A follow-up email was sent on January 26, 2022. To date, no response has been received from the NAHC. In order to initiate AB 52 consultation, a list of interested Native American stakeholders for Contra Costa County was used that dated to February 24, 2021. This NAHC list was used in lieu of an up-to-

date list. When a response is received from the NAHC, the contact lists will be compared, and newly added contacts will be sent requests for consultation.

The following persons were identified as potentially having knowledge of the API based on the 2019 list: Ms. Irenne Zwierlein, Chairperson of the Amah Mutsun Tribal Band of Mission San Juan Bautista; Mr. Lloyd Mathiesen, Chairperson of the Chicken Ranch Rancheria of Me-Wuk Indians; Mr. Donald Duncan, Chairperson of the Guidiville Indian Rancheria; Ms. Kanyon Sayers-Roods, MLD contact for the Indian Canyon Mutsun Band of Costanoan; Ms. Ann Marie Sayers, Chairperson of the Indian Canyon Mutsun Band of Costanoan; Ms. Monica Arellano, Chairperson of the Muwekma Ohlone Indian Tribe of the SF Bay Area; Mr. Cosme Valdez, Chairperson of the Nashville Enterprise Miwok-Maidu-Nishinam Tribe; Ms. Katherine Erolinda Perez, Chairperson of the North Valley Yokuts Tribe; Timothy Perez of the North Valley Yokuts Tribe; Mr. Andrew Galvan of The Ohlone Indian Tribe; Mr. Jesus Tarango, Chairperson of the Wilton Rancheria; Mr. Steven Hutchason, THPO of the Wilton Rancheria; Mr. Dahlton Brown, Director of Administration for the Wilton Rancheria; and Ms. Corrina Gould, Chairperson of The Confederated Villages of Lisjan. A certified letter was sent to each individual on January 8, 2022, from the Town of Danville requesting any information they might have regarding the Project API and if they wished to participate in AB 52 consultation.

The Wilton Rancheria indicated that they have no concern regarding the Project on January 27, 2022. A follow-up email was sent by the Town of Danville to each of the stakeholders on February 4, 2022. No replies have been received to date. Any responses from potential Native American stakeholders regarding the Project will be forwarded upon receipt.

Archaeological Survey

Pacific Legacy archaeologist Elena Reese, M.A., conducted an intensive pedestrian survey of the Project API on January 18, 2022. The goal of the survey was to identify any Native American or historic period cultural resources visible on the ground surface within the API and document them. Terrain within the API consisted of an east-west ridge that paralleled Diablo Road and the Project API to the south. The east branch of Green Valley Creek meandered along the base of the hillside at the western end of the trail alignment and flowed into a corrugated metal pipe culvert at the Alameda Diablo intersection. The culvert went under Diablo Road and the creek proceeded northeast out of the API. A ranch road is present approximately parallel to and upslope of Diablo Road in the western portion of the API.

The survey was conducted walking 10-meter spaced transects within the API and 15-meter transects within a 30-meter buffer on either side of the API, bounded to the north by Diablo Road. A total of 14.81 acres were subject to survey, including the 1.05-acre API. Much of the Project survey corridor was composed of steeply sloped hillsides with 40-degree or more angled slopes. The slopes were inspected for potential Native American milling bedrock outcrops and signs of excavation or changes to the natural slope that might indicate historic period use, where feasible. Surface soils were inspected for the presence of darkened soils, shell, and cultural artifacts, which could be interpreted as evidence of human occupation and for the presence of historic period artifacts and features. Steep slopes above the trail alignment and the

steep-sloped creek banks were not formally surveyed. Survey coverage is depicted in Attachment A, Figure 3.

Ground surface visibility in the survey area ranged from 30-70% along parts of the creek edges and along portions of the ranch road to 0% visibility along the north side of the creek where surface visibility was obscured by thick tree debris and duff. Vegetation observed included eucalyptus trees and oak trees, possible Tree of Heaven seedlings along the creek, and seasonal grasses and forbes. Soils along the length of the survey corridor were dense clays with little gravel that varied slightly in color from gray to dark gray. The eastern segment of the survey corridor has been the subject of some subsurface disturbance. There were five PG&E utility vaults, a utility access hole, and several culverts noted between the ranch road and Diablo Road along the trail alignment. The far east end of the trail alignment was highly disturbed. A section was graded flat next to Diablo Road, slopes had erosion waddles in rows, a new construction gate was installed near the original ranch gate, and the construction area was surrounded by black fabric environmental fencing. In addition, there were concrete pipe segments staged for a large utility line to be installed.

No evidence of any Native American cultural resources was identified during the survey. No historic period artifacts or archaeological deposits were identified. Two ranch-related built-environment resources, a water trough and walls, were observed. These were both located at the west end of the trail alignment near where Fairway Drive intersects Diablo Road and are noted on the Project construction plans. The feature closest to the Trail alignment is a cylindrical concrete water trough resting on a seven-sided concrete foundation. The trough is 9 feet in diameter and the walls were 27 inches tall by 6 inches wide. The trough was full of water and appears to be actively in use. The trough is located at UTM 0590627 mE/4188077 mN. Aerial photographs hosted on NETROnline suggest the trough was present in the late 1950s, which would fall within the historic period (NETROnline 2022). It is located 5 feet to the south of the API. The second built-environment resource is located across the creek from the trough and the trail alignment, approximately 20 feet to the south of the API. The feature consists of fragmentary board-molded concrete retaining wall or bridge abutment segments along a bend in the creek. Several sections have broken and fallen into the creek. Photographs of the survey and built-environment features are included in Appendix D.

Discussion of Results and Recommendations

Archival and records searches revealed that two cultural resource studies had been previously conducted within the Project area, all of which incorporated field study and/or subsurface excavation. Both of the studies produced negative results for archaeological resources. No cultural resources have been previously recorded within 0.25 miles of the API. The results of the sacred lands file search are still pending. Letters were sent to Native American stakeholders to notify them about the Project and provide them an opportunity to address any concerns they may have. To date a single response has been received. The Wilton Rancheria indicated that they have no concern regarding the Project. A pedestrian archaeological survey of the APE and a 30-meter buffer bounded to the north by Diablo Road did not result in the identification of any Native American or historic period cultural materials. Two built-environment features, a

concrete cattle water trough and a concrete retaining wall were observed during the survey and photographed.

Ground disturbing activities have the potential to reveal buried archaeological deposits not visible during surface inspection in any portion of the Project API. Prior to initiating ground disturbing activities associated with the API, construction personnel should be alerted to the possibility of encountering buried prehistoric or historic period cultural material. Personnel should be advised that, upon discovery of buried archaeological deposits, work in the immediate vicinity of the find should cease and a qualified archaeologist should be contacted immediately if one is not already present. Once the find has been identified, plans for the treatment, evaluation, and mitigation of impacts to the find will need to be developed if it is found to be eligible for inclusion in the California Register of Historical Resources. Potential cultural materials include Native American and historic period artifacts and remains. These may consist of, but are not limited to:

- Historic period artifacts, such as glass bottles and fragments, tin cans, nails, ceramic and pottery sherds, and other metal objects;
- Historic period features such as privies, wells, cellars, foundations, or other structural remains (bricks, concrete, or other building materials);
- Native American flaked-stone artifacts and debitage, consisting of obsidian, basalt, and/or chert;
- Groundstone artifacts, such as mortars, pestles, and grinding slabs;
- Dark, almost black, soil with a “greasy” texture that may be associated with charcoal, ash, bone, shell, flaked stone, groundstone, and fire-affected rock; and,
- Human remains.

If human remains are encountered during construction, work in that area must cease and the Contra Costa County Coroner must be notified immediately. If the remains are determined to be Native American, the NAHC must be notified within 48 hours as required by Public Resources Code 5097. The NAHC will notify the designated Most Likely Descendant, who will in turn provide recommendations for the treatment of the remains within 24 hours.

Should you have any questions regarding this report, please contact Pacific Legacy Principal Investigator John Holson, MA, at 510.524.3991, ext. 1.

Sincerely,



Christopher Peske, Cultural Resources Specialist
Pacific Legacy, Inc.

Attachments:

Attachment A – Project Figures

Attachment B – Records Search Documentation

Attachment C - Native American Communications
Attachment D - Photographic Documentation

References Cited

National Environmental Title Research, LLC (NETRonline)

2022 1959 Aerial Photograph of Diablo Road area. Accessed January 2022. Available at <https://www.historicaerials.com>; search Diablo Road, Danville, CA.

Holman, Miley P.

2009 Cultural Resources Study of the Magee Ranch Property, Danville, Contra Costa County, California (letter report). Report S-038908 on file with the Northwest Information Center of the California Historical Resources Inventory, Sonoma State University.

Wiberg, Randy

2011 Magee Ranch, Archaeological Survey and Subsurface Testing Report, Contra Costa County, California. Report S-038908 on file with the Northwest Information Center of the California Historical Resources Inventory, Sonoma State University.

ATTACHMENT A - PROJECT FIGURES

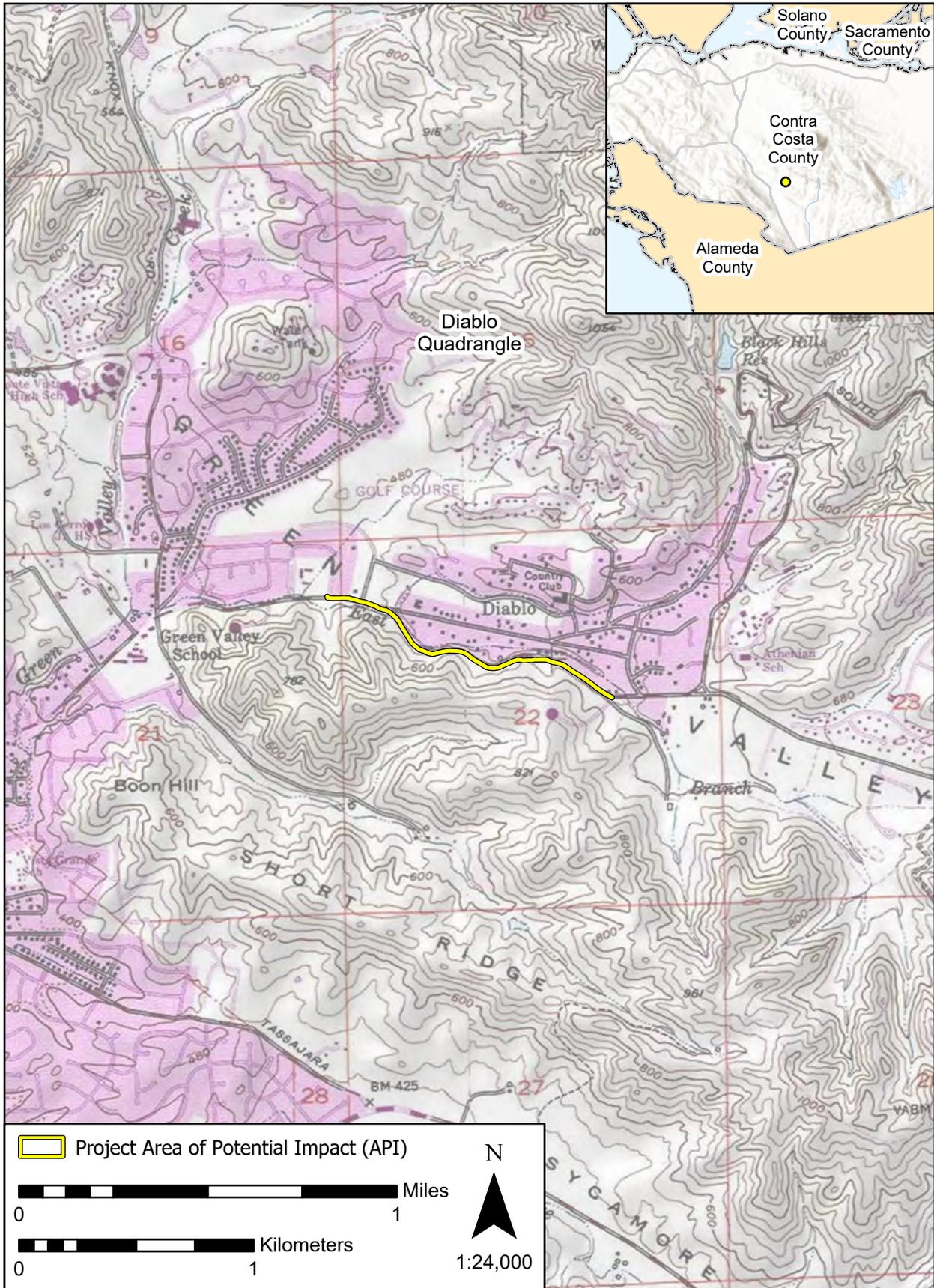


Figure 1. Location and Vicinity Map for the Diablo Road Trail Project.

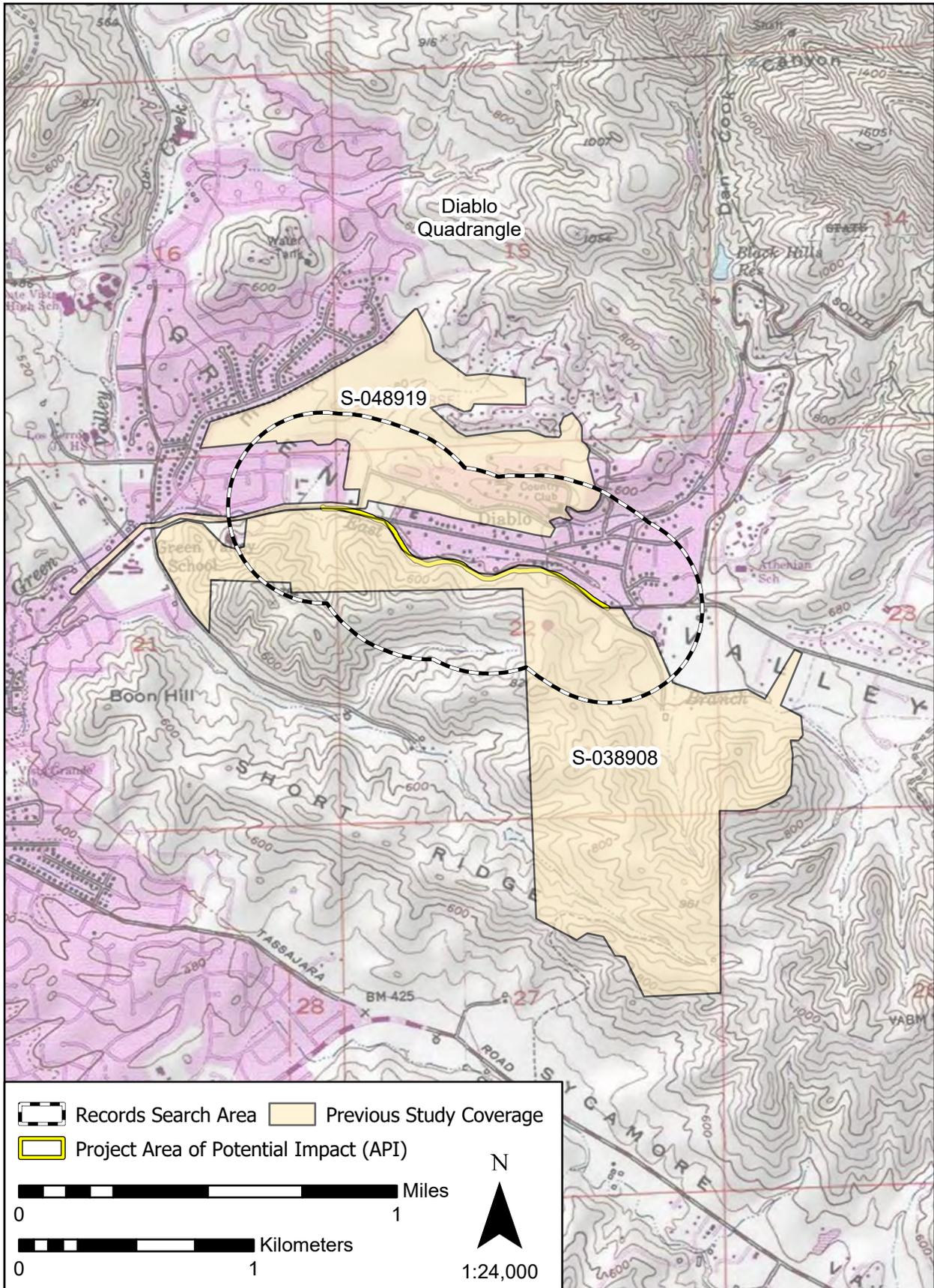


Figure 2. Previous Study Coverage Map for the Diablo Road Trail Project.



Figure 3. Survey Results for the Diablo Road Trail Project.

ATTACHMENT B - RECORDS SEARCH DOCUMENTATION

CHRIS Data Request Form

ACCESS AND USE AGREEMENT NO.: 82 **IC FILE NO.:** _____

To: Northwest Information Center

Print Name: Christopher Peske Date: 11/30/21

Affiliation: Pacific Legacy, Inc.

Address: 900 Modoc Street

City: Berkeley State: CA Zip: 94707

Phone: (408) 348-4298 Fax: _____ Email: peske@pacificlegacy.com

Billing Address (if different than above): 4919 Windplay Dr., Suite 4, El Dorado Hills, CA 95762

Project Name / Reference: 3930.01 Diablo Road Trail

Project Street Address: _____

County: Contra Costa

Township/Range/UTMs: T1S; R1W: Sec. 15, 16, 21, 22

USGS 7.5' Quad(s): Diablo

PRIORITY RESPONSE (Additional Fee): yes / no

TOTAL FEE NOT TO EXCEED: \$ 1,500.00

Special Instructions:

Please contact me if the search will exceed the amount above.

Information Center Use Only

Date of CHRIS Data Provided for this Request: _____

Confidential Data Included in Response: yes / no

Notes: _____

CHRIS Data Request Form

Include the following information (mark as necessary) for the records search area(s) shown on the attached map(s) or included in the associated shapefiles. Shapefiles are the current CHRIS standard format for digital spatial data products.

NOTE: All digital data products are subject to availability - check with the appropriate Information Center.

1. **Map Type Desired:** Digital map products will be provided only if they are available at the time of this request. *Regardless of what is requested, only hard copy hand-drawn maps will be provided for any part of the requested search area for which digital map products are not available at the time of this request. There is an additional charge for shapefiles, whether they are provided with or without Custom GIS Maps.*

Mark one map choice only

Custom GIS Maps Shapefiles Custom GIS Maps and Shapefiles Hard Copy Hand-Drawn Maps only

Any selection below left unmarked will be considered a "no."

| 2a. | Within project area | Within <u>.25 mi</u> radius |
|--|---|---|
| ARCHAEOLOGICAL Resource Locations⁺ | yes <input checked="" type="radio"/> / no <input type="radio"/> | yes <input checked="" type="radio"/> / no <input type="radio"/> |
| NON-ARCHAEOLOGICAL Resource Locations | yes <input checked="" type="radio"/> / no <input type="radio"/> | yes <input checked="" type="radio"/> / no <input type="radio"/> |
| Report Locations⁺ | yes <input checked="" type="radio"/> / no <input type="radio"/> | yes <input checked="" type="radio"/> / no <input type="radio"/> |
| Resource Database Printout* (list) | yes <input type="radio"/> / no <input type="radio"/> | yes <input type="radio"/> / no <input checked="" type="radio"/> |
| Resource Database Printout* (detail) | yes <input checked="" type="radio"/> / no <input type="radio"/> | yes <input checked="" type="radio"/> / no <input type="radio"/> |
| Resource Digital Database Records (spreadsheet)⁺ | yes <input checked="" type="radio"/> / no <input type="radio"/> | yes <input checked="" type="radio"/> / no <input type="radio"/> |
| Report Database Printout* (list) | yes <input type="radio"/> / no <input checked="" type="radio"/> | yes <input type="radio"/> / no <input checked="" type="radio"/> |
| Report Database Printout* (detail) | yes <input checked="" type="radio"/> / no <input type="radio"/> | yes <input checked="" type="radio"/> / no <input type="radio"/> |
| Report Digital Database Records (spreadsheet)⁺ | yes <input checked="" type="radio"/> / no <input type="radio"/> | yes <input checked="" type="radio"/> / no <input type="radio"/> |
| ARCHAEOLOGICAL Resource Record copies⁺⁺ | yes <input checked="" type="radio"/> / no <input type="radio"/> | yes <input checked="" type="radio"/> / no <input type="radio"/> |
| PDF <input checked="" type="radio"/> / Hard Copy <input type="radio"/> | | |
| NON-ARCHAEOLOGICAL Resource Record copies⁺ | yes <input checked="" type="radio"/> / no <input type="radio"/> | yes <input checked="" type="radio"/> / no <input type="radio"/> |
| PDF <input checked="" type="radio"/> / Hard Copy <input type="radio"/> | | |
| Report copies⁺⁺: | yes <input type="radio"/> / no <input checked="" type="radio"/> | yes <input type="radio"/> / no <input checked="" type="radio"/> |
| PDF <input checked="" type="radio"/> / Hard Copy <input type="radio"/> | | |
| | Only directory listing | Associated documentation |
| OHP Historic Properties Directory^{**} | | |
| within project area | yes <input checked="" type="radio"/> / no <input type="radio"/> | yes <input checked="" type="radio"/> / no <input type="radio"/> |
| within <u>.25</u> mi radius | yes <input checked="" type="radio"/> / no <input type="radio"/> | yes <input checked="" type="radio"/> / no <input type="radio"/> |
| OHP Archaeological Determinations of Eligibility⁺ | | |
| within project area | yes <input checked="" type="radio"/> / no <input type="radio"/> | yes <input checked="" type="radio"/> / no <input type="radio"/> |
| within <u>.25</u> mi radius | yes <input checked="" type="radio"/> / no <input type="radio"/> | yes <input checked="" type="radio"/> / no <input type="radio"/> |
| California Inventory of Historical Resources (1976): | | |
| within project area | yes <input checked="" type="radio"/> / no <input type="radio"/> | yes <input checked="" type="radio"/> / no <input type="radio"/> |
| within <u>.25</u> mi radius | yes <input checked="" type="radio"/> / no <input type="radio"/> | yes <input checked="" type="radio"/> / no <input type="radio"/> |

+ In order to receive archaeological information, requestor must meet qualifications as specified in Section III of the current version of the California Historical Resources Information System Information Center Rules of Operation Manual and be identified as an Authorized User under an active CHRIS Access and Use Agreement.

* These documents may be supplied as PDF files, if available

** Includes, but is not limited to, information regarding National Register of Historic Places, California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and historic building surveys.

CHRIS Data Request Form

2b. Listed below are sources of additional information that may be available at the Information Center. Indicate if a review and documentation of any of the following types of information is requested.

- | | | |
|------------------------------------|--------------------------------------|-------------------------------------|
| Caltrans Bridge Survey | yes <input type="radio"/> | no <input checked="" type="radio"/> |
| Ethnographic Information | yes <input type="radio"/> | no <input checked="" type="radio"/> |
| Historical Literature | yes <input type="radio"/> | no <input checked="" type="radio"/> |
| Historical Maps | yes <input type="radio"/> | no <input checked="" type="radio"/> |
| Local Inventories | yes <input checked="" type="radio"/> | no <input type="radio"/> |
| GLO and/or Rancho Plat Maps | yes <input type="radio"/> | no <input checked="" type="radio"/> |
| Shipwreck Inventory | yes <input type="radio"/> | no <input checked="" type="radio"/> |
| Soil Survey Maps | yes <input type="radio"/> | no <input checked="" type="radio"/> |

CALIFORNIA
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ALAMEDA
COLUSA
CONTRA COSTA
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MARIN
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NAPA
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SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
1400 Valley House Drive, Suite 210
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwwic@sonoma.edu
http://nwwic.sonoma.edu

12/20/2021

NWIC File No.: 21-0856

Christopher Peske
Pacific Legacy, Inc.
900 Modoc Street
Berkeley, CA 94707

Re: 3930.01 Diablo Road Trail

The Northwest Information Center received your record search request for the project area referenced above, located on the Diablo USGS 7.5' quad(s). The following reflects the results of the records search for the project area and a ¼ mile radius:

| | |
|---------------------------------|--------------------|
| Resources within project area: | None |
| Resources within ¼ mile radius: | None |
| Reports within project area: | S-038908; S-048919 |
| Reports within ¼ mile radius: | None |

- Resource Database Printout (list):** enclosed not requested nothing listed
- Resource Database Printout (details):** enclosed not requested nothing listed
- Resource Digital Database Records:** enclosed not requested nothing listed
- Report Database Printout (list):** enclosed not requested nothing listed
- Report Database Printout (details):** enclosed not requested nothing listed
- Report Digital Database Records:** enclosed not requested nothing listed
- Resource Record Copies:** enclosed not requested nothing listed
- Report Copies:** enclosed not requested nothing listed
- OHP Built Environment Resources Directory:** enclosed not requested nothing listed
- Archaeological Determinations of Eligibility:** enclosed not requested nothing listed
- CA Inventory of Historic Resources (1976):** enclosed not requested nothing listed
- Caltrans Bridge Survey:** enclosed not requested nothing listed
- Ethnographic Information:** enclosed not requested nothing listed
- Historical Literature:** enclosed not requested nothing listed
- Historical Maps:** enclosed not requested nothing listed
- Local Inventories:** enclosed not requested nothing listed
- GLO and/or Rancho Plat Maps:** enclosed not requested nothing listed

Shipwreck Inventory:

enclosed not requested nothing listed

Soil Survey Maps:

enclosed not requested nothing listed

Please forward a copy of any resulting reports from this project to the office as soon as possible. Due to the sensitive nature of archaeological site location data, we ask that you do not include resource location maps and resource location descriptions in your report if the report is for public distribution. If you have any questions regarding the results presented herein, please contact the office at the phone number listed above.

The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

Should you require any additional information for the above referenced project, reference the record search number listed above when making inquiries. Requests made after initial invoicing will result in the preparation of a separate invoice.

Thank you for using the California Historical Resources Information System (CHRIS).

Sincerely,

Justin Murazzo
Researcher

Report Detail: S-038908

21-0856 :: 3930.01 Diablo Road Trail

Identifiers

Report No.: S-038908

| Other IDs: | Type | Name |
|------------|--------------------|-------------------------|
| | Submitter | WSA Project No 2013-100 |
| | Submitter | WSA Report No. 2015-14 |
| | OTIS Report Number | COE_2014_1209_001 |
| | Agency Nbr | File Number 2011-00044S |

Cross-refs:

Citation information

Author(s): Randy S. Wiberg

Year: 2011 (Jul)

Title: Magee Ranch, Archaeological Survey and Subsurface Testing Report, Contra Costa County, California

Affiliation: Holman & Associates

No. pages:

No. maps:

Attributes: Archaeological, Excavation, Field study

Inventory size: c 410 ac

Disclosure: Not for publication

Collections: No

Sub-design.: a

Author(s): Miley Paul Holman

Year: 2009 (Dec)

Title: Cultural Resources Study of the Magee Ranch Property, Danville, Contra Costa County, California (letter report)

Affiliation: Holman and Associates

Report type(s): Archaeological, Excavation, Field study

Inventory size:

No. pages:

Disclosure: Unrestricted

Collections: No

PDF Pages: 42-51

Sub-design.: b

Author(s): Teresa D. Bulger, Thomas Young, and Nazih Fino

Year: 2015 (Apr)

Title: Cultural Resources Assessment Report, Magee Ranch Project, Town of Danville, Contra Costa County, California

Affiliation: WSA

Report type(s): Archaeological, Field study

Inventory size:

No. pages:

Disclosure: Not for publication

Collections: No

PDF Pages: 52-134

Report Detail: S-038908

21-0856 :: 3930.01 Diablo Road Trail

Sub-desig.: c

Author(s): Julianne Polanco and Jane M. Hicks

Year: 2016 (Jan)

Title: COE_2014_1209_001, Section 106 Consultation for the Summerhill Homes in Danville, Contra Costa County, California (COE #2011-00044S)

Affiliation: Office of Historic Preservation, U.S. Army Corps of Engineers

Report type(s): OHP Correspondence

Inventory size:

No. pages:

Disclosure: Unrestricted

Collections: No

PDF Pages: 135-144

General notes

Associated resources

No. resources: 0

Has informals: No

Location information

County(ies): Contra Costa

USGS quad(s): Diablo

Address:

PLSS: T1S R1W Sec. 21, 22, 23, 27 MDBM

Database record metadata

| <i>Date</i> | <i>User</i> | |
|---------------------------------|-------------|---|
| <i>Entered:</i> 6/11/2012 | blacke | |
| <i>Last modified:</i> 7/10/2019 | vickeryn | |
| <i>IC actions:</i> Date | <i>User</i> | <i>Action taken</i> |
| 7/10/2019 | vickeryn | Added additional citations 'a' 'b' and 'c'. |
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| Primary No. | Trinomial | Name |
|-------------|-----------|----------------------------------|
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| P-07-004769 | | Diablo Country Club Golf Course |

No. resources: 2

Has informals: No

Location information

County(ies): Contra Costa

USGS quad(s): Diablo

Address:

PLSS:

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MAGEE RANCH
ARCHAEOLOGICAL SURVEY AND
SUBSURFACE TESTING REPORT

CONTRA COSTA COUNTY
CALIFORNIA

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SUMMARY OF FINDINGS

Holman & Associates, on behalf of SummerHill Homes, completed a pedestrian survey and subsurface mechanical testing for archaeological resources at the MaGee Ranch in the Town of Danville, Contra Costa County, California. This work was done in support of the proposed MaGee Ranch Subdivision 9291. The nature of the proposed undertaking requires compliance with the California Environmental Quality Act (CEQA; Public Resources Code, Section 21000 et seq., revised 2005) and Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800, revised 2004), which mandate federal and California public agencies consider the effects of an undertaking on cultural resources. The archaeological Area of Potential Effects (APE) for the Project includes 119 acres of proposed residential development and another 291 acres of land designated permanent open space.

A records search for the project in August 2009 revealed that the APE had never been surveyed for cultural resources and that no archaeological sites were recorded within or immediately adjacent to the property. The pedestrian survey and subsurface testing were completed between 2009 and 2011. The surface survey yielded negative findings for evidence of prehistoric or historic archaeological resources. Thirteen backhoe trenches were subsequently excavated within portions of the proposed construction envelope (Lot 3) to depths averaging approximately 3.0 meters (10 feet) below surface, to gain a representative sample of the subsurface deposits. No subsurface cultural materials were identified in the 13 trenches.

No further studies are recommended for the project APE, which appears to have a low sensitivity to contain intact and/or buried archeological deposits. If archaeological material is encountered during construction in the project APE, all work should stop in the area until a qualified archaeologist can evaluate the nature and significance of the find. Additional investigations could also may be required if the project changes substantially to include areas not investigated during this study.

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INTRODUCTION

Holman & Associates (H&A), on behalf of SummerHill Homes, completed archaeological studies in support of the proposed Magee Ranch Subdivision 9291 in the Town of Danville, Contra Costa County, California (Figure 1). Fieldwork consisted of a pedestrian survey of the approximately 410-acre ranch property and subsurface mechanical testing within the proposed construction envelope (Lot 3) bordering the East Branch of Green Valley Creek. The nature of proposed construction activities and the need to acquire a federal permit require compliance with (1) the California Environmental Quality Act (Public Resources Code, Section 21000 et seq., revised January 2005); and (2) Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800, revised 1999), which require federal and California public agencies to consider the effects of undertakings on historic properties, including archaeological resources buried or obscured by natural landscape evolution processes or the built environment.

PROJECT LOCATION AND DESCRIPTION

The Project Area of Potential Effects (APE) is an approximately 410 acre property in the Town of Danville, Contra Costa County, encompassing portions of the northeast $\frac{1}{4}$ of Section 21, the northwest, northeast and southeast $\frac{1}{4}$ of Section 22, the southwest $\frac{1}{4}$ of Section 23, and northeast $\frac{1}{4}$ of Section 27, Township 1 South, Range 1 West, Mount Diablo Base and Meridian. The study area is located on the U.S. Geological Survey (USGS) 1980 *Diablo 7.5"* topographic quadrangle, a portion of which is reproduced as Figure 2. The property is situated south of Diablo Road and Blackhawk Road, and north of Tassajara Road which runs through Sycamore Valley. Mount Diablo State Park is located approximately one mile northeast of the Project Area. The existing Magee Ranch is part of a historically larger ranch that was subdivided in the 1980s. Portions of the historic ranch north and east of the study area have already been developed. Currently, the property is used for cattle ranching activities. Existing ranch improvements are located at the end of San Andreas Drive, and include a hay barn and stable buildings. There is also an equestrian riding area west of the ranch buildings opposite the end of Creekledge Court.

The project includes an application to subdivide the 410-acre site into 85 single-family lots; 75 lots would range in size from approximately 10,000 square feet to 22,000 square feet. The remaining ten lots would be developed as custom homes with lots ranging in size from approximately 218,000 square feet to 750,000 square feet. The project proposes to locate the subdivision on approximately 119 acres on the flatter portions of the site, avoiding steeper slopes and ridgelines. The remaining approximately 291 acres would remain as undeveloped open space. In order to accommodate the proposed project, the site would need to be rezoned to allow the proposed clustered development. The proposed project would rezone portions of the project site that are currently zoned A-4 (Agricultural Preserve District) and A-2 (General Agricultural District) to P-1 (Planned Unit Development District); a portion of the site currently zoned P-1 would also be zoned to the new P-1 district. The project would entail the construction of a roadway from Diablo Road/Blackhawk Road adjacent to Jillian Way, which would serve as the primary entrance to the subdivision; access to the proposed custom home sites would be provided by separate project driveways located near Diablo Road/Clydesdale Drive and south of

the intersection of Diablo Road/McCaully Road. The proposed project would also include an eight-foot decomposed granite trail adjacent to Green Valley Creek.

The proposed project would require the construction and installation of infrastructure, including water supply, natural gas and electric, sanitary sewer, and stormwater detention facilities among others. Sanitary sewer services would be provided by the Central Contra Costa Sanitary District. East Bay Municipal Utility District would be responsible for providing water supply, and PG&E would be responsible for natural gas and electric services. The project would also install three bioretention facilities; the proposed custom home-sites would have individual on-site stormwater treatment facilities.

PROJECT CONTEXT

Natural Environment

Topography, soils, and vegetation in the project vicinity comprise an environment favorable to prehistoric and historic human habitation. Information about these characteristics is presented to provide context for discussion of prehistoric and historic occupation of the project vicinity. The Magee Ranch property is located at the headwaters of the San Ramon Creek watershed, at the southeastern periphery of the East Branch of Green Valley Creek. San Ramon Creek is part of the Walnut Creek watershed that flows through the cities of Walnut Creek and Concord before emptying into Suisun Bay. Topographically, the study area can be divided into two areas: upper Green Valley and the surrounding hills, ridges, and ravines.

The study area ranges in elevation from approximately 420 ft. (128 m) above mean sea level (msl) at the northwest corner of the property—near the intersection of Diablo and McCauley Roads—to 961 ft. (293 m) on a ridge top peak in the southeast corner of the study area. The property consists of rangelands and horse corrals. Habitats on the site include riparian woodland, valley oak savannah, and non-native grassland. Within the project vicinity, one of the most prominent vegetation types is the non-native grassland community, which encompasses the west-facing slopes.

The study area lies within the Coast Ranges geomorphic province, a fold-and-thrust belt characterized by nearly parallel northwest-trending ridges, interspersed with alluvium-filled valleys. The geology of the study area vicinity is to a large extent controlled by major active faults. The San Andreas Fault zone forms the boundary between the Pacific and North American crustal plates and locally separates two bedrock complexes that underlie the region: the Franciscan Formation and the Salinian Block. Contra Costa County lies east of the San Andreas Fault and is underlain by the Franciscan Formation. The Franciscan Formation is an assemblage of sedimentary, volcanic, and metamorphic rocks that formed when the Pacific crustal plate thrust beneath the North American plate during the Jurassic and Cretaceous Age, 65 to 200 million years ago. These sea floor sediments form most of the Coast Ranges and rocks of the Franciscan Formation are exposed widely over much of the Bay Area, including in the Diablo Range (Graymer et al. 1994).

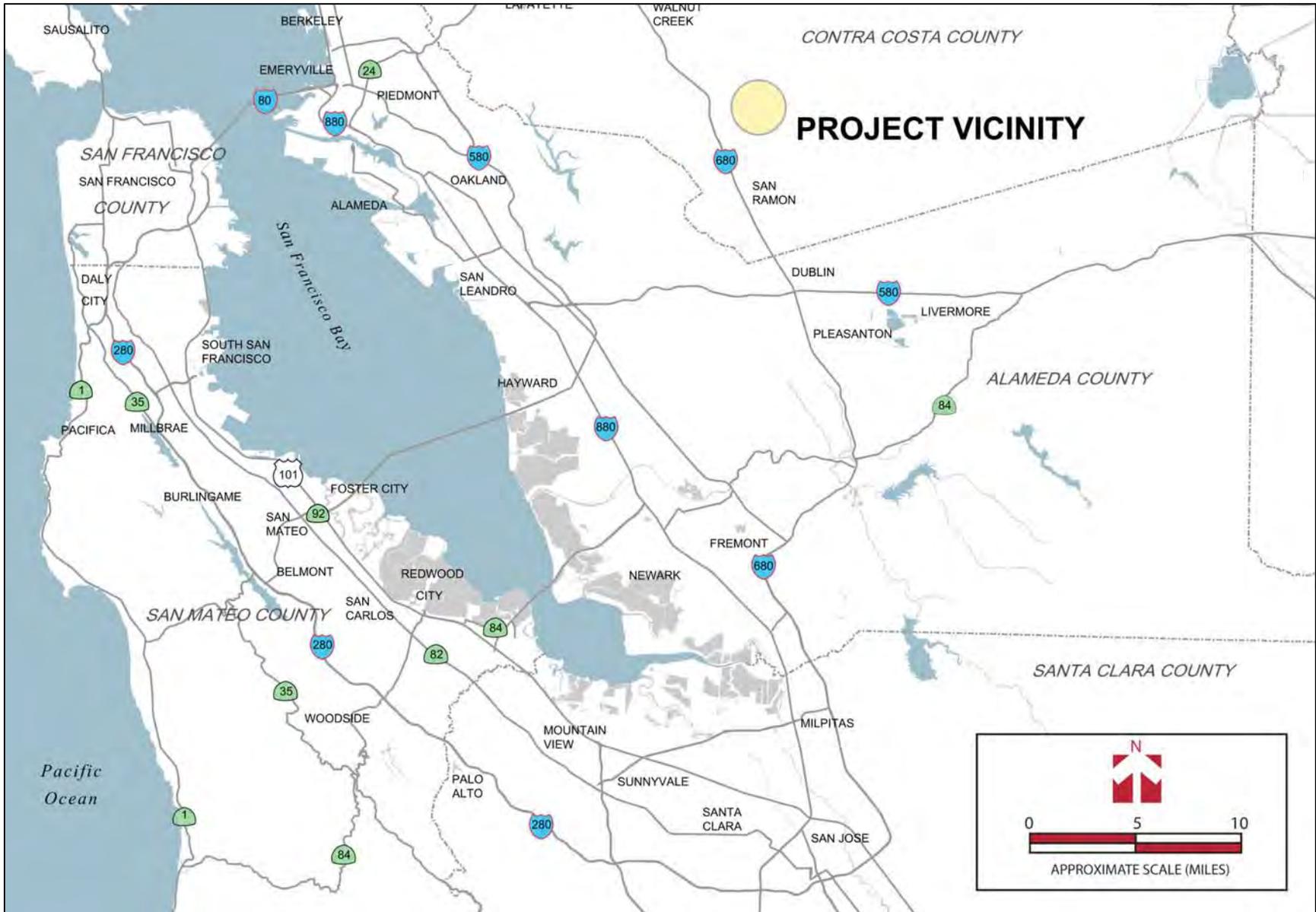


Figure 1. Project Vicinity.

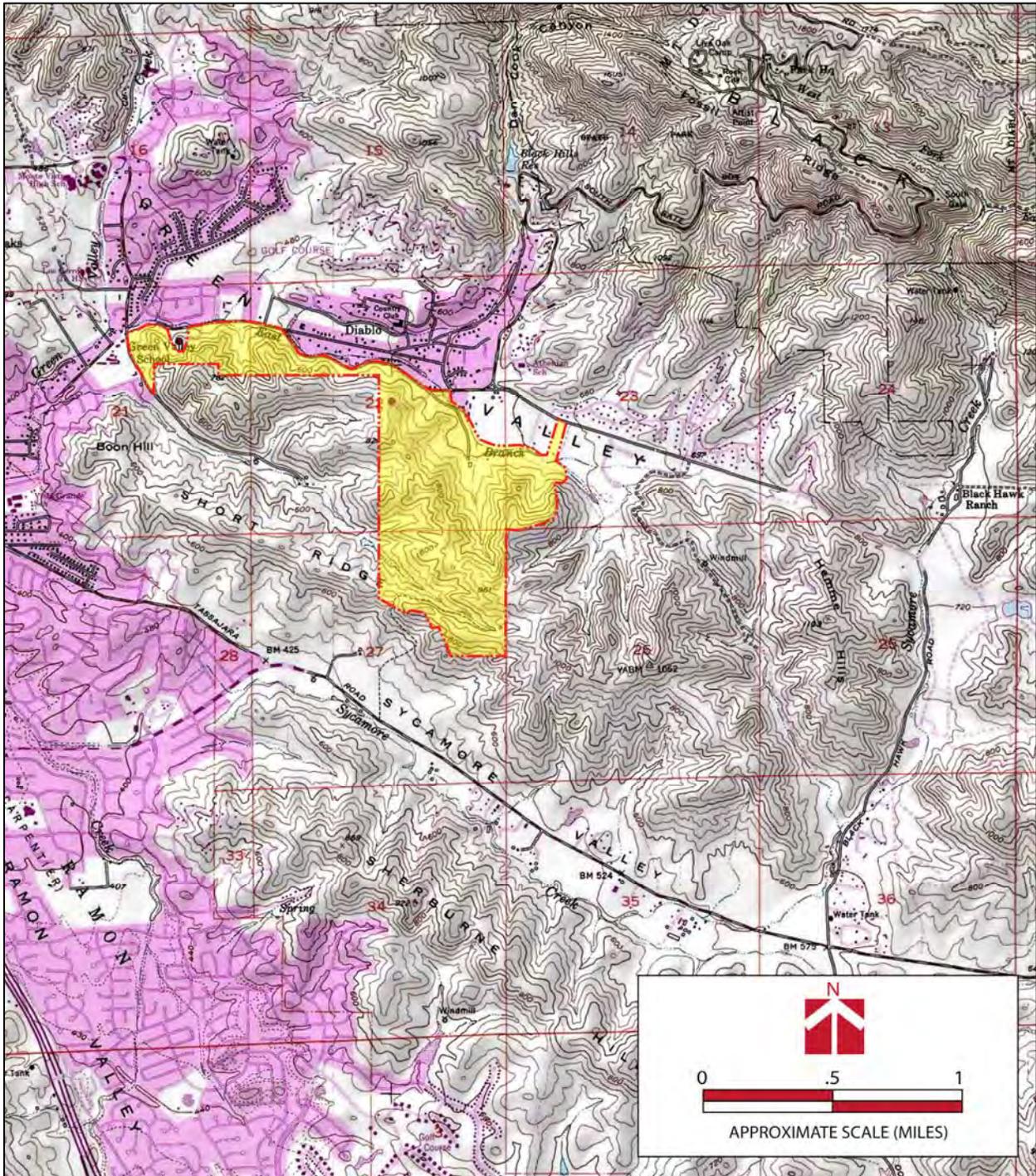


Figure 2. Project Location (source: USGS 7.5' Diablo topographic quadrangle [National Geographic TOPO, 2007]).

Different bedrock formations within the vicinity of the study area are defined by fault boundaries. According to Graymer et al. (1994), bedrock underlying the uplands areas consists of Pliocene non-marine sedimentary rock of the Tassajara-Green Valley Formation (Tgvt); referred to as the Orinda Formation (Tor) by Dibblee (2005) (Figure 3). Bedrock of the Orinda Formation typically consists of weakly indurated sandstone, siltstone and claystone with thin beds of pebble conglomerate. Crane (1995) maps Sherburne Tuff, a volcanic ash deposit within the Green Valley Formation, running through the northern portions of Lot 3.

Most local valleys, including upper Green Valley, are relatively small and tucked in troughs between ridgelines. Soils deposited by stream flow and sheet wash have accumulated adjacent to Green Valley Creek. As described in a geotechnical study for the Magee Ranch project, the alluvial material consists of stiff to very stiff, interbedded, silty to sandy clays with relatively thin lenses of medium dense to dense clayey sand to depths ranging from 22 feet to greater than 50 feet (ENGEO 2010).

Several soil types occur within the project vicinity (Figure 4). South of upper Green Valley, where the valley floor transitions to moderately steep uplands, is a mix of Alo Clay (AaF) and Diablo Clay (DdF). These soils, which are underlain by soft sandstone and shale, are well drained with slopes ranging from 30 to 50 percent (USDA 1977). They have high to moderate erosion potential and can vary from shallow (from 20 inches) to moderately deep (about 48 inches). The alluvial deposits bordering the East Branch of Green Valley Creek are Cropley Clay (CkB) and Botella Clay Loam (BaA). Botella and Cropley soils are hydric—saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part—found on alluvial fans and flood plains in small upland valleys. These are moderately well drained, very deep soils (up to about 60-68 inches) formed in fine-textured alluvium from sedimentary rock. Due to these factors, these depositional soils have some potential to contain archaeological deposits and features. In a representative profile, the surface layer (to about 24 inches) is dark gray clay which is underlain by about 10 inches of dark gray to dark brown calcareous clay. The substratum is dark grayish-brown to dark brown calcareous clay extending to about 44 inches. Below this is yellowish-brown to pale brown calcareous clay that extends to a depth of more than 60 inches.

Prehistoric Background

Archaeological research in central California began in the late nineteenth century at the University of California, Berkeley. Later, guided by Alfred Kroeber, scientific investigation and excavation of San Francisco Bay area shellmounds began. N.C. Nelson described and mapped over 400 major Bay Area mounds, some of which had already been leveled or destroyed, but many were still large and obvious when the survey was completed in 1908 (Nelson 1909). Uhle had excavated the Emeryville Shellmound (ALA-309) in 1902, where he noted that deeper earlier deposits contained different artifact assemblages, different burial modes, and differing percentages of faunal remains than did shallower later deposits, thus indicating cultural change through time (Uhle 1907). Nelson later reported on excavations at CCO-295 (Nelson 1910) and Loud (1924) reported on CCO-298 and CCO-300, all located along the eastern Bayshore. Kroeber (1925) summarized their data and so did Schenck (1926), adding new data from

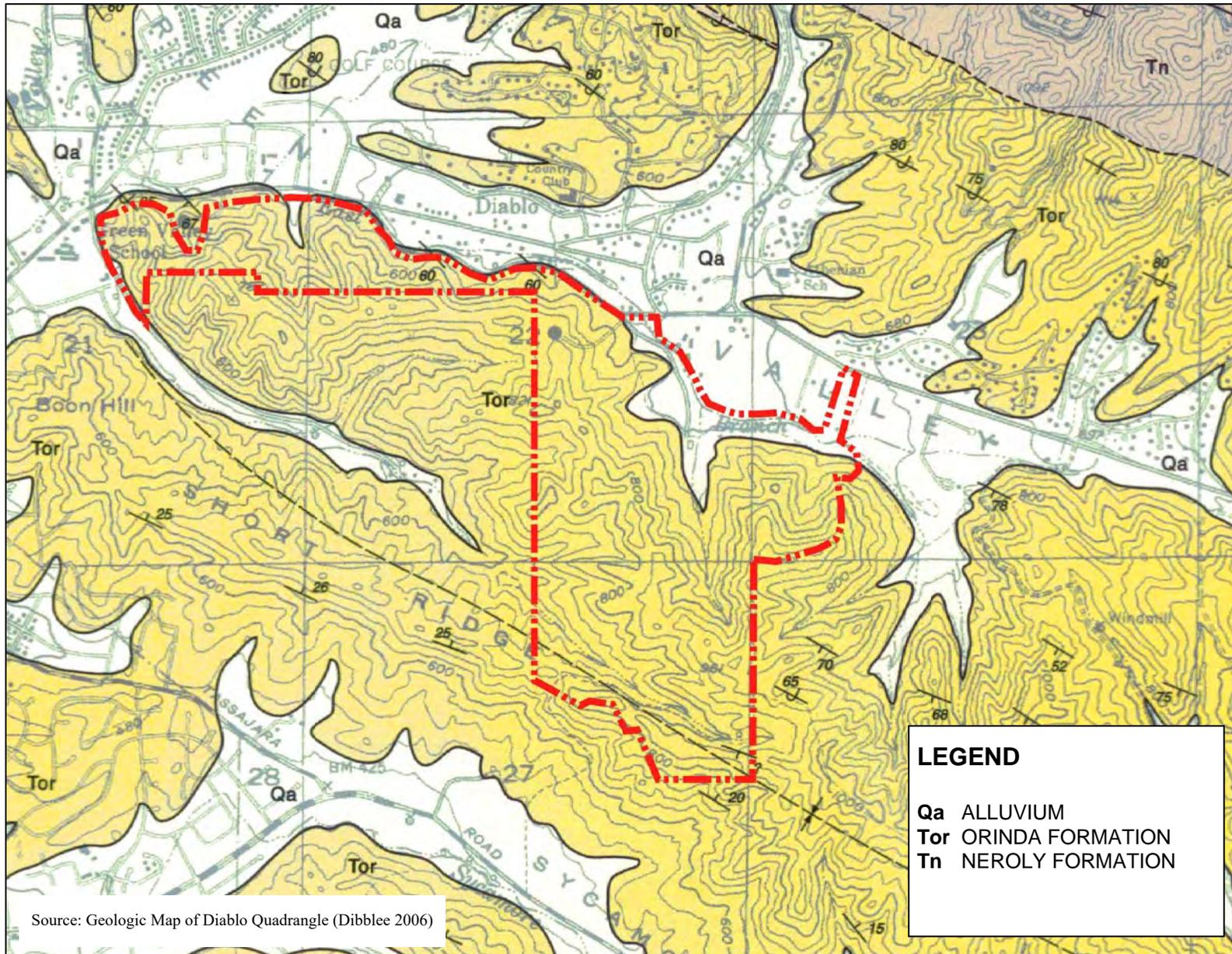


Figure 3. Regional Geology (source:).



Figure 4. Project Area Soils.

additional excavations at Emeryville. Both rejected Uhle's hypothesis, concluding that the mounds showed great homogeneity internally and between sites and demonstrated very little cultural change through time, and were therefore of scant research value. Kroeber's opinion held sway at UCB until after World War II; meanwhile, UC Berkeley focused on archaeological research outside its immediate vicinity.

In 1939, following several years of work by Sacramento Junior College, Lillard, Heizer, and Fenenga (LH&F 1939) presented a cultural sequence based on sites in the Lower Sacramento Valley (LSV) and Delta; this came to be known as the Central California Taxonomic System (CCTS). Formulated before the advent of radiocarbon (and later, obsidian hydration) dating, depositional stratigraphy, cultural patterns, and regular changes in artifact assemblages at LSV sites were used as the key time markers. A tripartite chronological system was proposed, with Early, Middle, and Late Horizons (now called Periods). Absolute and additional relative dating techniques in the area of its origin has since confirmed the LSV sequence. LH&F 1939 emphasized use of the "gravelot" as the basic unit of interpretive data, and suggested that the sequence was applicable to other sites outside the study area, but they were rather equivocal about Bay Area sites. Beardsley (a UCB student) applied the CCTS to Bay Area and Marin County sites (Beardsley 1948, 1954), with limited success. The question of how the LSV sequence relates to Bay Area archaeological data is still a major research topic, but it seems clear that the CCTS becomes less powerfully informative with increasing distance from the original sites researched. Gerow presented an alternative view of culture change, sequence, and Bay-Delta relationships through time (Gerow with Force 1968), hypothesizing that in the earliest manifestations the two regions differed significantly both in culture and in human physical types but became more similar later in time (Gerow 1974). One unfortunate legacy of the CCTS is the chronological nomenclature, still in current use because it's in all the previous literature, with the "Early" period not starting until central California had already been occupied for at least 5000 years.

Fredrickson presented another formulation of the central California cultural sequence, with a different explanatory model, based largely on North Coast data but also applicable to East Bay shellmounds, LSV/Delta sites, and some interior Contra Costa County sites (Fredrickson 1973, 1974). He proposed a different organizational scheme, with 12,000 years of California prehistory divided into five "patterns" based on similar technology, economic practices, mortuary patterns, concepts of wealth, and changes in type, amount, and direction of trade; relative chronology was emphasized over assigning patterns to specific time periods. Not being based solely or primarily on time periods, this model eliminated the problem of the "Early Period" not being nearly early enough. Several of these archaeological cultures (Windmill, Berkeley and Augustine Patterns, and the Meganos Aspect of the Berkeley Pattern) are relevant to the Project Area archaeological record.

Windmill Pattern

The Windmill Pattern (or Early Horizon in the CCTS) is a cultural archetype dating to the Middle Archaic Period and early portions of the Upper Archaic Period, first identified on raised landforms bordering freshwater marshes and the Cosumnes and Mokelumne Rivers in the Central Valley (Heizer 1949; LH&F 1939; Ragir 1972). More recent investigations indicate

Windmill components are more widespread during the Middle Archaic in the San Joaquin Valley, Sierra Nevada, and along the margins of the northern Diablo Range (Rosenthal, White and Sutton 2007; Wiberg 2010). Furthermore, the origins of the Windmill culture may not rest in the Central Valley heartland as commonly assumed and may date earlier than previously established. The oldest radiocarbon dated extended burials come from CCO-637 in the Los Vaqueros Reservoir area, dated 700 to 800 years older than burials from SJO-68 (Meyer and Rosenthal 1998).

Windmill sites are characterized by unique artifact associations and mortuary treatments. Almost exclusively, burials are extended and oriented in a westward direction. With regards to burial posture, the body is extended ventrally or dorsally with the arms extended at the sides, the hands usually beside or under the pelvis; invariable burial position may have been maintained by tying the legs together at the ankles and in some cases the arms at the wrists (Heizer 1949:13). Common burial associations include thick rectangular and whole *Olivella* shell beads, rectangular *Haliotis* beads and ornaments, ground and polished charmstones, slate pins, asbestos splinters, quartz crystals, and red ochre (Heizer 1949:17-24; Moratto 1984:203).

Berkeley Pattern

While the origins of the Berkeley Pattern appear to date to the Lower Archaic Period, the cultural expression is best known from components throughout central California dating to the Middle and Upper Archaic, from approximately 7000 to 1000 BP. The Berkeley Pattern includes archaeological manifestations previously assigned to the Middle Horizon. Early Berkeley Pattern sites around San Francisco Bay are contemporaneous with the Windmill sites in the Central Valley, and the Berkeley Pattern eventually replaced the Windmill Pattern in the Central Valley after 2500 BP.

Normative funerary treatment for the Berkeley Pattern includes tightly flexed burials interred without apparent preference for orientation. Cremations are occasionally encountered associated with more grave goods than inhumations, a mortuary differentiation that may signify higher status. In general, Berkeley Pattern graves contain fewer artifacts and grave lots are smaller with more utilitarian objects than Windmill burials. *Olivella* saddle and saucer beads and *Haliotis* pendants and ornaments are the most common shell artifacts recovered with burials. Though elaborate ground stone artifacts are not as common, a highly developed bone industry is sometimes present. Common bone artifacts include needles, pins, tubes and whistles, serrate "saws," and awls.

Meganos Aspect of the Berkeley Pattern

The disappearance of Windmill cultural traits in central California was not sudden and complete. Windmill Pattern components identified in the Stockton area date to around 500 AD (Moratto 1984:210) and sites assigned to a culture known as the Meganos Aspect—a cultural expression combining Windmill and Berkeley Pattern traits thought to have originated near Stockton that later expanded westward to Concord and southward to San Ramon and Livermore Valleys, Fremont, and northern Santa Clara Valley—postdate Windmill sites (Bennyhoff 1968, 1994a, 1994b, 1994c). Meganos peoples are known to have established sites (frequently non-

midden cemeteries) on elevated surfaces in the Delta region of the Sacramento Valley-San Joaquin River system.

The most characteristic (and to date documented) feature of the Meganos Aspect is the mortuary complex. Most skeletons are found in ventrally extended positions—e.g., all 500 burials at SJO-147 were reportedly ventrally extended (Bennyhoff 1994b:8) and 30 of 35 extended burials at ALA-413 were ventrally extended (Wiberg 1988)—though a shift to mixed dorsal extension and flexed posture is apparent at some Contra Costa County sites (e.g., CCO-139 and CC-141). Despite the predominance of ventrally extended burials, dorsal extension and tight flexure regularly occur, semiflexed and semiextended postures occur less frequently, and cremation is absent. Two other important aspects of the mortuary complex are orientation and funerary offerings. Orientation is characteristically variable, though Bennyhoff reports a northerly trend at western sites. The rarity of grave goods with Meganos burials may be even more extreme than the low frequency typical of the Berkeley Pattern.

Augustine Pattern

The Augustine Pattern corresponds with the Emergent Period (or Late Horizon) and is divided into Phases 1 and 2. This cultural expression is identified by intrusive traits accompanying the southward movement of Wintuan peoples into the lower Sacramento Valley. Diagnostic artifacts include simple harpoons, collared/flanged smoking pipes, flanged pestles and "show" mortars, incised bone whistles and tubes, *Olivella* and clam shell beads, *Haliotis* "banjo" style ornaments, and the bow and arrow—inferred from the small size of projectile points, especially serrate forms (Bennyhoff 1994c; Moratto 1984:211-213, 283). Economically, intensive fishing, hunting, and gathering strategies, particularly harvesting of acorns and other grass seeds, characterize Augustine Pattern components.

Flexed burial posture continues to be the normative burial treatment during the Augustine Pattern, with more frequent cremation and preinterment grave burning—where the corpse is set on fire with the flames extinguished (purposely or naturally) before the remains are totally consumed. The Augustine Pattern is characterized by more settlements, larger populations, and evolving exchange systems requiring greater social and political organization, possibly leading to increased status differentiation and social ranking. Furthermore, a rise in population hypothesized for this period may have contributed to social tensions that led to increased incidences of interpersonal violence and the spread of infectious diseases

Ethnographic Background

The project area is situated within the territory ascribed to the ethnographic Bay Miwok (Bennyhoff, 1977; Kroeber, 1925; Schenk, 1926). The Bay Miwok were one of the five Miwok groups (Coast, Lake, Bay, Plains, and Sierra) who spoke the Miwokan language. Miwokan, together with Costanoan, comprise the Utian Family of languages. Utian, in turn, is one of California's four Penutian languages, the others being Wintuan, Maiduan, and Yokutsan. Unfortunately, ethnographic data on the Bay Miwok are generally scarce, in part due to the early removal of these peoples from their homeland by the Spanish.

The Bay Miwok specifically inhabited the area surrounding Mount Diablo northward to Suisun Bay and eastward to the confluence of the Sacramento and San Joaquin rivers. This region is characterized by a myriad of waterways, marshes, and interior uplands. Bennyhoff (1977), using explorers' accounts, mission records, historical maps, land grant claims, ethnographic sources, and archaeological data identified five East Bay Miwok groups. Subsequently, Milliken (1995) used mission records to identify two additional local tribes—Jalquin and Tatcan. Milliken mapped the relative locations of all seven groups, using historic diaries together with mission register information regarding intermarriage patterns among East Bay local tribes. According to Milliken, the Tadcans controlled San Ramon Creek just west of Mount Diablo. Their central village area may have been at the present town of Danville or Walnut Creek (Milliken 1995:256).

The Bay Miwok were hunter-gatherers adapted to varied ecological landscapes. The natural resources of the East Bay provided for nearly all the needs of aboriginal human populations, consequently in some places villages were continuously occupied for thousands of years. Bay Miwok territory encompassed myriad environments: grassland, oak woodland, chaparral, littoral, riparian, estuarine, and marshland environments. While undoubtedly recurrent lack of resources and cultural strife did not make life perpetually easy, in many ways the Indians of central California practiced a lifestyle similar to contemporary agricultural peoples elsewhere. The Bay Miwok had adapted to and managed their abundant local environment so well that some places were continuously occupied for literally thousands of years. The Bay Miwok had perfected living in and managing myriad slightly differing environments, varying with location, some rich enough to allow large permanent villages of "collectors" to exist, others less abundant and better suited to a more mobile "forager" way of life. Littoral (shoreline) and riparian environments were obviously more productive and were therefore most sought out, most intensively utilized and occupied, and most jealously defined and guarded. The archaeological record indicates the transition from the Early to Middle Period is marked by major population migrations and population growth that resulted in social circumscription, which in turn altered access to resources and trade networks and may have increased regional strife. It also probably brought into contact groups with different cultures, religious beliefs, and world views and these differences may have contributed to increased occurrences of interpersonal violence and even warfare.

Acorns, a dietary staple through much of central California, were a major source of carbohydrate calories in areas where enough oaks were found. Seeds from grassland species were also important, perhaps more important than acorns in oak-poor areas. Other plant resources included several types of berries, clover, wild onions, and carrots. A wide variety of animals—e.g., mammals, birds, fish, reptiles, shellfish, insects—were hunted, snared, clubbed, trapped, and caught in fish nets and by harpoon. Terrestrial mammal resources included black-tailed deer, elk, antelope, mountain lion, grizzly bear, coyote/dog and a variety of small game animals such as rabbit and squirrel. Quail and waterfowl resources (including geese, ducks, and coots) were also exploited. Steelhead and salmon were an important part of the diet of groups living near larger rivers and marine mammals were exploited by coastal groups.

Traditional trade patterns thousands of years old were operating when the Spanish arrived, supplying the Bay Miwok with products from sources sometimes several hundred kilometers

distant and allowing export of products unique to their region. Of particular interest archaeologically is imported obsidian and exported marine mollusk shell beads and ornaments. Obsidian has the useful property of each source having a unique chemical "fingerprint," allowing obsidian artifacts to be sourced to a specific locality of origin, as well as being datable by technical methods ("hydration"). Obsidian was obtained by the Bay Miwok from the North Coast Ranges and Sierran sources, in patterns that changed through time. Shell beads and ornaments, a major export from the Ohlone region, were made primarily from the shells of abalone (*Haliotis*), Purple Olive snail (*Olivella*), and Washington clam (*Saxidomus*), all ocean coast species. Shell beads and ornaments evolved through many different and definable types through the millennia, allowing chronological typing of these common artifacts to serve as a key to the age and relative cultural position of archaeological complexes. These beads were traded for thousands of years, and have been found in prehistoric sites up and down California and many kilometers east into the Great Basin, showing that prehistoric peoples on the coast were tied into an "international" system of trade. At the time of the Spanish invasion, some central Californians had developed a system of exchange currency or "money" based on clam shell disk beads; the extent to which the Bay Miwok related to that system is unknown.

Absolute and relative dating of archaeological sites, the linguistic diversity, and demonstrably ancient trade patterns all indicate that the Bay Miwok and other central California groups had reached a state of demographic and social stability unimaginable to modern city-dwellers—a state in which the same family groups occupied the same locations continuously for hundreds or even thousands of years with few if any changes in population size or cultural profile. This long term stability is reflected in the homogeneity of archaeological sites spanning wide geographic and temporal ranges. Yet, the archaeological record also reflects sweeping changes in ecological setting, technological and economic adaptations, replacement of populations by new groups, and amplified social discord.

Historic Background

Spanish exploration in Contra Costa County dates to the late 1700s. Spanish Mission records indicate local Native Americans were being taken to Mission San Francisco between 1795 and 1806 (Milliken 1995:272). During this period Native American populations declined significantly in response to the introduction and rapid spread of Euro-American diseases. The Mexican revolt against Spain in 1822 and subsequent secularization of the missions in 1834 changed land ownership in California. While the Spanish system was directed at land ownership by the Crown, the Mexican policy stressed individual ownership of land, and following independence from Spain the vast mission lands were granted to private citizens. The last of the mission holdings were relinquished in 1845, making way for the large ranchos common in California in the mid-1800s. The San Ramon Valley contained three large ranchos: San Ramon (Amador); San Ramon (Carpentier); and San Ramon (Norris). The Project Area is within the San Ramon Carpentier rancho. Following the end of the Mexican-American War in 1847 and ratification of the Treaty of Guadalupe in Hidalgo in 1848, California became a United State territory. In 1850 California was formally admitted into the Union, ushering in the American period of history.

Contra Costa County was one of the original 27 counties created by the California legislature at the time of statehood. The county was originally named Mt. Diablo but later changed to Contra Costa (“opposite coast”) reflecting its geographical relationship to San Francisco. The Gold Rush of 1848 triggered an enormous influx of immigrants to California. This population explosion created a market for a wide range of services and goods, particularly agricultural products. As an increasing number of gold seekers became discouraged with mining, many turned to farming for their livelihood. The population of Contra Costa County also increased rapidly during the Gold Rush. The large ranchos were divided and sold for agricultural uses, with irrigated farming made possible in parts of the County by the development of irrigation canals. Orchards dominated lowland valleys where sufficient water was available, while drier areas were used for dry farming and cattle ranching. Walnuts were a common crop in the central portions of the County, with farmers relying on English walnut branches grafted to American walnut rootstock. During the 1860s and 1870s Antioch and New York of the Pacific (Pittsburg) became important shipping ports, though by the late 1870s Southern Pacific’s “San Pedro and Tulare Railroad” was constructed through the flourishing agricultural region.

The end of the Gold Rush corresponds with the beginnings of industrialization in California, a development centered in San Francisco. The discovery of deposits of soft coal in the foothills of Mount Diablo a few miles northwest of the Project Area hastened this industrial development. While the Project Area was on the fringes of the mining district, by the 1860s small towns materialized adjacent to the coal deposits: Nortonville, Somersville, Stewartsville, Judsonville, and West Hartley (Hulaniski 1917). These towns flourished for a couple of decades and then completely disappeared.

The 1880 census contains a whole page of Chinese laborers living in Green Valley, possibly employed by farmer John Griffin (U.S. Census Bureau 1880). From the late 1870s to 1912 John Boyd operated the Oakwood Park Stock Farm, a horse and cattle breeding farm. The farm included the Town of Diablo and the southern slopes of Mt Diablo (Tatam 1996:104). The farm was bought by Robert N. Burgess in 1912 and turned into a country club (Tatam 1996:105).

In 1949, Harry H. Magee moved his beef cattle operation from Nevada to Danville. The upper Green Valley ranch property, previously used to grow walnuts and raise sheep, encompassed approximately 1200 acres. In the 1950s Harry Magee sold the walnut orchard portion of the property, which was gradually subdivided. This property, between Diablo Road and the East Branch of Green Valley Creek, was developed as part of the Diablo Creek neighborhood. Today, the remaining Magee Ranch property is operated and maintained by Jed Magee, and his family.

RESEARCH METHODS

Records Search and Literature Review

Research for this project consisted of pre-field archival research, an on-foot archaeological survey, and focused subsurface mechanical testing. An archival records search for the Project Area was conducted by Miley Holman at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) on December 14, 2009, undertaken

to identify prior archaeological studies and known cultural resources within a ½-mile radius of the property. The records search (File No. 09-0752) included a review of the following archives, registers, and lists:

- Site records for previously recorded sites
- Reports of previous studies
- Listing of California Historical Landmarks
- The National Register of Historic Places (NRHP)
- The California Register of Historical Resources (CRHR)
- The California Office of Historic Preservation (OHP) Historic Properties Directory

Additional background research was conducted to obtain a general understanding of the history of the MaGee Ranch property. Research was undertaken at the Contra Costa Historical Society and UC Berkeley Map Library. Also property-specific research was conducted online at the Library of Congress American Memory Collection/Maps; Contra Costa County Historical Society's online list of maps and photographs; David Rumsey historical map collection; Calisphere/OAC collections online; Mount Diablo Interpretive Association; and the Museum of the San Ramon Valley. Various sources, including area histories, newspaper indices, and maps, were used to develop historical context and themes in which historic-era archaeological resources could be evaluated for significance.

Records and Archival Search Findings

The NWIC records search found no listings for any prehistoric or historic cultural resources within the Project Area, or within ½-mile. The nearest prehistoric sites are recorded near the peak of Mt. Diablo, north of the Project Area. The records search also found no record of any previous cultural resources studies that covered the Project Area. One archaeological pedestrian survey, yielding negative findings for cultural resources, was previously completed east of the Project Area for the Blackhawk Unit 3 development (Banks 1977, In Holman 2009). An expanded search of the NWIC files beyond the ½-mile radius buffer indicated no prehistoric sites have been recorded along the ridge line that passes through the Project Area or during surveys of the larger Blackhawk development north and east of the Project Area. Research does suggest that the general area was utilized by different tribal groups that maintained permanent habitations along San Ramon Creek to the west.

In addition to assessing previous prehistoric archaeological studies in the vicinity of the Project Area, standard sources of information that list and identify known and potential historical resources were examined to determine whether any buildings, structures, objects, districts, or sites had been previously recorded or evaluated in or near the Project Area. H&A reviewed the Office of Historic Preservation Determinations of Eligibility for the NRHP, California Inventory of Historic Resources, California Historical Landmarks, and California Points of Historical

Interest. None of these registers or lists identified built environment resources in the Project Area.

Historic maps and census data were also examined to establish past land ownership and identify potential historic archaeological resources (Table 1). A map prepared in 1871 indicates there were no buildings within the Project Area (Britton & Rey 1871). The map does not show land ownership though another 1871 map indicates the Project Area was part of a 23,989 acre patent granted to the State of California (GLO Land Records 1871). By 1874, portions of the SE ¼ of Section 22 were part of a 127.9 acre grant to John B. Sydnor (GLO Land Records 1874). The 1870 U.S. Census for Township Two lists John B. Sydnor as a 40-year old farmer from Virginia (U.S. Census Bureau 1870).

The earliest map showing a structure in the Project Area is the USGS (1896) quadrangle which shows a building in the NE ¼ of Section 27, along the section line between Sections 26 and 27; at the head of a seasonal drainage immediately east of a hairpin curve in a trail that contours the channel (Figure 5). A 1908 map of Contra Costa County indicates that the NE ¼ of Section 27 was owned by the “Simeas Est.” and the SE ¼ of Section 22 was owned by “Boyd” (McMahon 1908). Simeas still owned the NE ¼ of Section 27 in 1914 and 1930 (Arnold 1914, 1930).

By 1938, the NE ¼ of Section 27 is owned by “Short” and the SE ¼ of Section 22 is owned by “MR Diablo Co. Ltd”, along with most of the land surrounding the settlement of Diablo (Arnold 1938). A 1939 aerial photograph (USAAA 1939) shows a corral with a northwest-facing entrance in the NE ¼ of Section 27, on the north side of the drainage near a network of cattle paths. A much higher resolution aerial photograph in 1965 shows three small roofed structures next to (west) of the corral (BATSC 1965).

By 1953, a building was constructed in the SE ¼ of Section 22 (USGS 1953); by 1960 the property was owned by H & J Co. (Sauer 1960). The 1965 aerial photo (BATSC 1965) shows three roofed buildings at this location, two small utility structures on the hill east of the ravine and a larger building (probably a barn) that corresponds to the location of a structure shown on a later topographic map (USGS 1973). The larger building west of the ravine and road is much larger than the current structure at the same location. A substantial cattle feed station? is present between the creek and the southernmost bend of the access road, immediately north of the barn.

By 1972, the NE ¼ of Section 27 was owned by “Plummer” and the SE ¼ of Section 22 was owned by “Magee” (Sauer 1971). Subsequent maps (USGS 1973, 1980) show no changes in the number or locations of buildings within the Project Area. In sum, the earliest building, show on the 1896 USGS map, was located in the SE ¼ of the NE ¼ of Section 27. By 1939, the location contains a corral and by 1965 there are three small structures. A 2009 Google Earth aerial image clearly shows a remnant rectangular foundation footprint and a small oval silhouette (possibly an adjacent corral) next to a modern livestock water and feed station, on the west side of the section line between Sections 26 and 27 (Figure 6). The western portion of the Magee Ranch complex along the East Branch of Green Valley Creek (SE ¼ of Section 22) contained structures by 1953 and by 1965 there were three buildings and a substantial cattle feed station in this area.

Table 1. Historic Maps and Census Timeline for Project Area.

| | |
|--|---|
| Table 1. Historic Maps and Census Timeline for Project Area. | |
| 1871 | |
| <i>Topographical Map of Contra Costa County (Britton & Rey 1871)</i> | |
| | No structures shown in NE ¼ of Section 27 or SE ¼ of Section 22. Nearest buildings are north of Green Valley Creek in Section 22 (Sydnor), south of Sycamore Creek in Section 27 (Chrissman), and a building north of Sycamore Creek and south of the trail in Section 27 (unattributed). |
| <i>GLO Land Records</i> | |
| | SE ¼ of the NE ¼ of Section 27 was part of a 23,989.79 acre patent granted to the State of California, 11/15/1871 (www.glorerecords.blm.gov/CACAAA_000577) |
| 1874 | |
| <i>GLO Land Records</i> | |
| | NE ¼ of the SE ¼ of Township 22 granted as part of a 127.90 acre grant to John B. Sydnor, 6/1/1874 (www.glorerecords.blm.gov/CACAAA_136843) |
| 1896 | |
| <i>USGS Mount Diablo 15' topographic quadrangle</i> | |
| | Building in NE ¼ of Section 27 just east of hairpin in trail near head of seasonal drainage. |
| | Location slightly different on 1953 and 1968 maps; interpreted as same location. |
| | No buildings in SE ¼ of Section 22 |
| 1904 | |
| <i>County of Contra Costa 1904 Assessment List (page 705)</i> | |
| | Thomas Simeas, (1/3), Maria Simeas (1/3), and M. M. Freitas (1/3); residence in Livermore and property located in Sycamore, NE ¼ of Section 27, 160 Acres, \$15/acre, land value \$2450, and improvements value \$450. |
| 1908 | |
| <i>Official Map of Contra Costa County (McMahon 1908)</i> | |
| | NE ¼ of Section 27 owned by Simeas Estate |
| | SE ¼ of Section 22 owned by Boyd; owns other land in the Township |
| 1914 | |
| <i>Official Map of Contra Costa County (Arnold & Glass 1914/collection of CCCHS)</i> | |
| | Ownership of SE ¼ of Section 22 unmarked but adjacent quarter sections owned by Mount Diablo Development Company, McCauley, and Simeas |
| | NE ¼ of Section 27 owned by Simeas |
| 1930 | |
| <i>Official Map of Contra Costa County (Arnold, 1930)</i> | |
| | NE ¼ of Section 27 owned by Simens [?]; buildings not displayed on map |
| | No ownership listed for SE ¼ of Section 22 |
| 1938 | |
| <i>Official Map of Contra Costa County (Arnold, 1930)</i> | |
| | NE ¼ of Section 27 owned by Short; buildings not displayed on map |
| | SE ¼ of Section 22 owned by Diablo Co. Ltd, along with land surrounding the settlement at Diablo |

| Table 1. Historic Maps and Census Timeline for Project Area (<i>continued</i>). | |
|---|--|
| 1939 | |
| <i>U.S. Agricultural Adjustment Administration aerial photos, 1939 (UCB Air Photo 28, BUU-279-109, 7/25/39)</i> | |
| | NE ¼ of Section 27: difficult to see buildings but probable corral north of drainage and a network of cattle |
| | SE ¼ of Section 22: buildings not visible at scale but may be present as there appear to be roads/trails in the vicinity |
| 1953 | |
| <i>USGS 1953 Diablo 7.5' topographic quadrangle</i> | |
| | Building in NE ¼ of Section 27 just east of head of seasonal drainage and north of trail; trail does not continue around drainage as it does in 1898 USGS map |
| | Building in SE ¼ of Section 22 at location of current structure |
| 1960 | |
| <i>Official map of Contra Costa County, California (Sauer 1960)</i> | |
| | No land ownership listed for NE ¼ of Section 27 |
| | SE ¼ of Section 22 owned by "H & J Co." |
| 1965 | |
| <i>Bay Area Transportation Study Commission aerial photos (UCB Air Photo 17)</i> | |
| | NE ¼ of Section 27: aerial photo shows at least three roofed buildings, two appear to be small utility buildings and one possible residential. An open corral with a northwest-facing entrance is east of the buildings. There may be two small structures east of the drainage channel, just west of the section line at the east of the project area. |
| | SE ¼ of Section 22: aerial photo shows at least three roofed buildings, one possible small utility building on the hill east of the ravine and two which correspond to locations from the 1973 map. The larger building to the west of the ravine and road is much larger than the current structures on the same location. A corral complex occupies the space between Green Valley Creek and the southernmost curve of the access road. This area appears to currently have some corral remains. Trails and a small water-hole occupy the current location of the large rectangular corral |
| | There seems to be a stone wall or fence running N-S along the section line on the eastern boundary of the study area |
| 1968 | |
| <i>USGS 1968 Diablo 7.5' topographic quadrangle</i> | |
| | Buildings: same two as on 1953 map, with added structure on hill east of ravine in SE ¼ of Section 22 |
| | Photorevised 1953 sheet: major differences in project area include two EBMUD reservoirs and access roads, and a trail to current ranch complex from Diablo Road, east of eastern reservoir. |
| 1972 | |
| <i>Official Map of Contra Costa County, California (Sauer 1972)</i> | |
| | NE ¼ of Section 27 owned by Plummer. |
| | SE ¼ of Section 22 owned by Magee. |
| 1973 | |
| <i>USGS 1973 Diablo 7.5' topographic quadrangle</i> | |
| | Buildings same as 1968 map |
| 1980 | |
| <i>USGS 1980 Diablo 7.5' topographic quadrangle</i> | |
| | Photorevised 1953 sheet: same buildings as 1973 sheet |

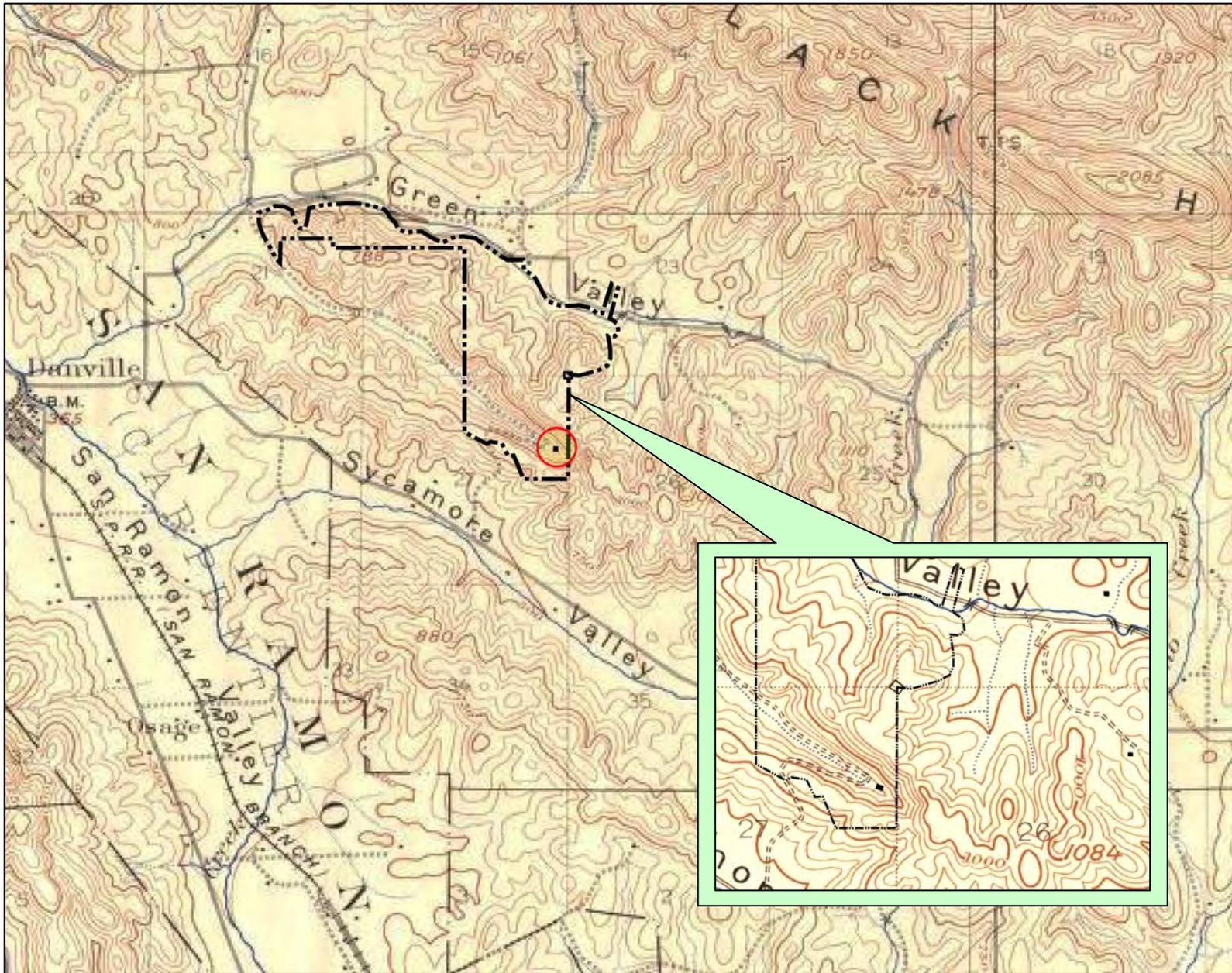


Figure 5, Historic-era Setting (source: 1896 USGS Mount Diablo 15' topographic quadrangle).



Figure 6. 2009 Google Earth Image, showing possible foundation footprint of 1896 structure and corral next to modern livestock water and feed station.

Pedestrian Survey

In 2009, Miley Holman conducted a preliminary study of the Magee Ranch property, which included the NWIC literature review and field inspection of the potential development envelope adjacent to the East Branch of Green Valley Creek (Holman 2009). No evidence of historic or prehistoric archaeological materials was observed. Remnants of fences and livestock enclosures, and several recent structures were noted but no Ranch buildings or structures potentially eligible for inclusion in the California Register of Historical Resources (CRHR) or National Register of Historic Places (NRHP). The study concluded by recommending further on-foot survey of upland areas that would be left in open space and mechanical subsurface presence/absence testing for buried prehistoric deposits along the edge of the creek.

In 2011, Miley Holman and Matthew Clark completed a more systematic pedestrian survey of the upland portions of the Project Area. The survey included inspection of building locations identified during historic archival research to determine if any standing structures or remnants were still present. While the entire Project Area was examined for cultural resources, some areas were not systematically covered due to steep slopes or dense vegetation that obscured the ground surface. While no subsurface sampling was performed an attempt to view the native ground surface was made, including inspection of rodent burrows, cut banks, areas of disturbance, and clearing vegetation in selected areas that appeared sensitive for archaeological sites. The surveyors noted that no bedrock outcrops were exposed on the property that might contain prehistoric milling features or rock art.

Except for steeper slopes, the upland portions of the Project Area—primarily the NW-SE trending ridgeline running through the Project Area—was surveyed utilizing 25 to 30 meter transects. On the more gently sloping ridge tops, the most effective manner to survey was to contour the slopes, which was also undertaken using the same spacing interval. Particular attention was paid to the alluvial fans at the mouth of the drainages and the crest of the ridge. Ground visibility within the Project Area ranged from good, in places highly eroded due to cattle grazing, to poor due to ground cover. No prehistoric cultural resources were identified and no buildings or structures were observed at locations where historic maps indicated structures may once have stood.

Subsurface Testing

Exploratory testing for buried or obscured prehistoric archaeological resources is becoming an important part of the cultural resources identification process in California. The ability to locate sites that do not exhibit surface indications depends on whether or not appropriate methods are used to find them. When subsurface explorations are designed and conducted in an informed fashion, they often help satisfy the requirement that “a reasonable and good faith effort” is made to identify archaeological resources.

Subsurface mechanical testing at the Project Area was conducted on May 25, 2011, under the supervision of Randy Wiberg, assisted by Field Technician Kevin Dobinson. The goals of testing were twofold: (1) test for the presence/absence of subsurface prehistoric archaeological resources within the Project Area; and (2) search for archaeologically-sensitive buried land surfaces in

order to acquire predictive information on the potential for archaeological resources in portions of the project area not tested. Exploratory trenches were excavated at 13 locations along the south bank of the East Branch of Green Valley Creek, the area encompassing the proposed development (Lot 3) envelope. Testing used a tractor mounted backhoe fitted with a 24-inch bucket provided by C&C Excavating, Inc. Each trench was designated according to the numerical order in which it was excavated. The exact location of each trench was determined in the field based on existing conditions, physical constraints¹, and the results of ongoing trenching. A handheld Magellan Explorist XL Global Positioning System (GPS) receiver was used to mark the location of trenches and this information was transferred to Project maps (Figure 7).

On average, trenches were 70 centimeters in width, 3 meters in length, and approximately 3 meters in depth. In total, about 80 cubic yards of material were excavated from the 13 trenches. The trench dimensions and descriptions of each trench are contained in Appendix A and Figures 8 and 9 are photographs of the tested Project Area. Excavated soils were raked by hand to identify archaeological materials, with samples periodically screened through a 1/4-inch hardware cloth shaker screen in order to detect smaller cultural materials. In addition, trench sidewalls were examined when possible, though personnel did not enter a trench that was more than 1.5 meters (5 feet) in depth in accordance with the California Occupational Safety and Health Administration (CAL-OSHA) guidelines.

All 13 subsurface reconnaissance tests excavated in Lot 3 were negative for archaeological resource indications. Generally, the backhoe trenches encountered fill deposits underlain by natural strata (Trenches 3, 4 and 5), or coarse grained sediments (sand, gravel and cobbles) characteristic of channel deposits and/or fill (Trenches 8-11). At this latter location, a half century or more of grading and cattle activity appears to have removed and/or highly disturbed native topsoil. Several weakly developed old (buried) surfaces were observed in the exploratory trenches that indicated prehistoric archaeological potential, but no actual archaeological materials were identified. Thus the Lot 3 building envelope appears only slightly sensitive for buried prehistoric deposits.

DISCUSSION AND RECOMMENDATIONS

Because both the archaeological pedestrian survey and subsurface mechanical testing failed to identify evidence of archaeological resources, it is unlikely a significant cultural resource is present within the Project Area. Given this finding, no further archaeological study is recommended unless the project changes substantially to include areas not investigated during this study. However, it is always possible that undetected small, discrete, or isolated archaeological materials or deposits could be encountered during Project construction. In the event that prehistoric or historic-era cultural resources and/or human remains are discovered, there shall be no further excavation or disturbance until a professional archaeologist evaluates the find. Upon completion of the examination, the archaeologist shall submit a report describing the significance of the discovery. Mitigation measures, as recommended by the archaeologist in

¹ The decision on trench location benefited from information obtained from Underground Services Alert notifications (Ticket Nos. 156223), though no utilities were in conflict with our testing; the landowner pointed out the location of water lines that fed livestock water troughs and these lines were avoided.



Figure 7. Test Trench Locations.



Western portion of subsurface testing area between creek on right and hills on left, looking west



East locus of Magee Ranch complex, looking east



West locus of Magee Ranch complex, looking west

Figure 8. Selected Views of Project Area.



Looking southwest at outbuilding



Looking west at northwest at horse stable



Looking west at Trench 2

Figure 9. Selected Views of Exploratory Trenches and Magee Ranch

Accordance with Section 15064.5 of the CEQA Guidelines, shall be implemented prior to recommencement of construction activity.

If human remains of Native American origin are encountered during project construction, it will be necessary to comply with state laws concerning the discovery and disposition of Native American remains, which fall within the jurisdiction of the Native American Heritage Commission (NAHC). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the discovery vicinity (typically 100 ft, but under the discretion of the project archaeologist) or any nearby area reasonably suspected to contain additional remains until the County Coroner has been notified and determined that an investigation into the cause of death is not required, the remains are Native American, and the designated Native American Most Likely Descendant (MLD) has been identified by the NAHC and made a recommendation to the land owner or responsible entity for the treatment and disposition of any human remains and associated grave goods as provided in PRC 5097.98; or the NAHC has been unable to identify a descendant or the descendant failed to make a recommendation within 48 hours after being notified. According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and any disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the NAHC within 24 hours.

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APPENDIX A
TRENCH DESCRIPTIONS

HOLMAN & ASSOCIATES TRENCH FORM

| | | |
|-----------------------------|----------------------|----------------------------|
| Project: Magee Ranch | Date: 5/25/11 | Recorded By: RW, KD |
|-----------------------------|----------------------|----------------------------|

| Trench No. | | Area | Site | Locus | Setting |
|--|--------|---------|---|-------|------------------------------|
| 1 | | Lot 3 | No | N/A | Floodplain |
| Length | Width | Depth | Provenience (datum to SW corner) | | Orientation (from SW corner) |
| 280 | 85 | 312 | | | E-W |
| Depth | Strat. | Horizon | Description of Soil Profile: | | |
| 0-40 | | | Brown silt clay loam, 30cm Ap on surface | | |
| 40-70 | | | Very dark gray brown silt clay, few roots decreasing with depth | | |
| 70-119 | | | Same with calcium carbonate filaments | | |
| 119-159 | | | Gray brown silt clay, calcium carbonate inclusion | | |
| 159-240 | | | Gray tan silt, gravels in sandy matrix, poorly sorted | | |
| 240-312 | | | Gray brown sandy clay, massive, increasing sand with depth | | |
| Comments/Results: No cultural materials | | | | | |

| Trench No. | | Area | Site | Locus | Setting |
|--|--------|---------|--|-------|------------------------------|
| 2 | | Lot 3 | No | N/A | Floodplain |
| Length | Width | Depth | Provenience (datum to SW corner) | | Orientation (from SW corner) |
| 300 | 80 | 301 | | | E-W |
| Depth | Strat. | Horizon | Description of Soil Profile: | | |
| 0-50 | | | Brown silt clay loam, 50cm Ap on surface | | |
| 50-103 | | | Gray brown silt, increasing calcium carbonate with depth | | |
| 103-141 | | | Very dark gray brown silt clay, friable | | |
| 141-193 | | | Greenish gray silt clay, massive structure | | |
| 193-259 | | | Fine gray brown silt clay, mottled, mineral deposits | | |
| 259-301 | | | Brown silt clay, standing water at 290 cm | | |
| Comments/Results: No cultural materials | | | | | |

HOLMAN & ASSOCIATES TRENCH FORM

| Project: Magee Ranch | | Date: 5/25/11 | | Recorded By: RW, KD | | |
|--|--------|----------------------|---|----------------------------|------------------------------|------------|
| Trench No. | | Area | | Site | Locus | Setting |
| 3 | | Lot 3 | | No | N/A | Floodplain |
| Length | Width | Depth | Provenience (datum to SW corner) | | Orientation (from SW corner) | |
| 290 | 70 | 278 | | | E-W | |
| Depth | Strat. | Horizon | Description of Soil Profile: | | | |
| 0-84 | | | Light tan silt clay (fill) | | | |
| 84-119 | | | Brown silty clay loam | | | |
| 119-148 | | | Dark grayish brown silt clay, no rock | | | |
| 148-160 | | | Sand | | | |
| 160-172 | | | Fine gray silt clay; moist | | | |
| 172-220 | | | Very dark grayish brown silt clay; more structure | | | |
| 220-278 | | | Dark grayish brown clay | | | |
| Comments/Results: No cultural materials | | | | | | |

| Trench No. | | Area | | Site | Locus | Setting |
|--|--------|---------|--|------|------------------------------|------------|
| 4 | | Lot 3 | | No | N/A | Floodplain |
| Length | Width | Depth | Provenience (datum to SW corner) | | Orientation (from SW corner) | |
| 300 | 70 | 293 | | | E-W | |
| Depth | Strat. | Horizon | Description of Soil Profile: | | | |
| 0-23 | | | Gravel (fill) | | | |
| 23-125 | | | Very dark grayish brown silt clay | | | |
| 125-234 | | | Dark brown silt clay, few small gravels, more friable with depth | | | |
| 234-293 | | | Same color, higher clay content, more structure | | | |
| Comments/Results: No cultural materials | | | | | | |

HOLMAN & ASSOCIATES TRENCH FORM

| | | |
|-----------------------------|----------------------|----------------------------|
| Project: Magee Ranch | Date: 5/25/11 | Recorded By: RW, KD |
|-----------------------------|----------------------|----------------------------|

| Trench No. | | Area | Site | Locus | Setting |
|--|--------|---------|---|-------|------------------------------|
| 5 | | Lot 3 | No | N/A | Floodplain |
| Length | Width | Depth | Provenience (datum to SW corner) | | Orientation (from SW corner) |
| 290 | 70 | 277 | | | E-W |
| Depth | Strat. | Horizon | Description of Soil Profile: | | |
| 0-13 | | | Sand and small gravel (fill), contains clam shell | | |
| 13-59 | | | Very dark gray brown silt clay; reworked soil, scant shell flecks | | |
| 59-66 | | | Sand and gravel (fill), some shell | | |
| 66-129 | | | Very dark brown silt clay, calcium carbonate | | |
| 129-180 | | | Dark brown silt clay | | |
| 180-277 | | | Brown silt clay, some water | | |
| Comments/Results: No cultural materials | | | | | |

| Trench No. | | Area | Site | Locus | Setting |
|--|--------|---------|---|-------|------------------------------|
| 6 | | Lot 3 | No | N/A | Floodplain |
| Length | Width | Depth | Provenience (datum to SW corner) | | Orientation (from SW corner) |
| 330 | 70 | 296 | | | E-W |
| Depth | Strat. | Horizon | Description of Soil Profile: | | |
| 0-88 | | | Dark grayish brown silt clay, blocky | | |
| 88-157 | | | Slightly fainter clay films but fundamentally the same strong SAB structure | | |
| 157-228 | | | Brown silty to sandy clay | | |
| 228-296 | | | Slightly lighter, higher clay content | | |
| Comments/Results: No cultural materials | | | | | |

HOLMAN & ASSOCIATES TRENCH FORM

| | | |
|-----------------------------|----------------------|----------------------------|
| Project: Magee Ranch | Date: 5/25/11 | Recorded By: RW, KD |
|-----------------------------|----------------------|----------------------------|

| Trench No. | | Area | Site | Locus | Setting |
|---|--------|---------|--|-------|------------------------------|
| 7 | | Lot 3 | No | N/A | Floodplain |
| Length | Width | Depth | Provenience (datum to SW corner) | | Orientation (from SW corner) |
| 290 | 70 | 285 | | | E-W |
| Depth | Strat. | Horizon | Description of Soil Profile: | | |
| 0-40 | | | Brown silt clay, 40 cm Ap on surface | | |
| 40-70 | | | Dark grayish brown silt clay loam, common root holes | | |
| 70-152 | | | Very dark grayish brown silt clay | | |
| 152-177 | | | Grayish brown silt clay, more friable | | |
| 177-252 | | | Brown silt clay | | |
| 252-285 | | | Brown sandy silt clay, friable | | |
| Comments/Results: No cultural materials | | | | | |

| Trench No. | | Area | Site | Locus | Setting |
|---|--------|---------|---|-------|------------------------------|
| 8 | | Lot 3 | No | N/A | Floodplain |
| Length | Width | Depth | Provenience (datum to SW corner) | | Orientation (from SW corner) |
| 300 | 70 | 262 | | | E-W |
| Depth | Strat. | Horizon | Description of Soil Profile: | | |
| 0-106 | | | Sandy silt with increasing gravels (fill?), cobbles to 10+ cm | | |
| 106-152 | | | Sand and gravel | | |
| 152-262 | | | Brown to grayish brown silt clay, moderately stiff, no gravel | | |
| Comments/Results: No cultural materials | | | | | |

HOLMAN & ASSOCIATES TRENCH FORM

| | | |
|-----------------------------|----------------------|----------------------------|
| Project: Magee Ranch | Date: 5/25/11 | Recorded By: RW, KD |
|-----------------------------|----------------------|----------------------------|

| Trench No. | | Area | Site | Locus | Setting |
|--|--------|---------|--|-------|------------------------------|
| 9 | | Lot 3 | No | N/A | Floodplain |
| Length | Width | Depth | Provenience (datum to SW corner) | | Orientation (from SW corner) |
| 320 | 70 | 291 | | | E-W |
| Depth | Strat. | Horizon | Description of Soil Profile: | | |
| 0-35 | | | Grayish brown sandy silt, 25 cm Ap on surface | | |
| 35-78 | | | Light brown/tan sandy silt, gravel lens at 57 cm | | |
| 78-155 | | | Brown sand with gravel, cobbles to 15 cm | | |
| 155-210 | | | Brown silt clay, very stiff, no gravel | | |
| 210-291 | | | Yellowish brown silt clay, stiff | | |
| Comments/Results: No cultural materials | | | | | |

| Trench No. | | Area | Site | Locus | Setting |
|--|--------|---------|--|-------|------------------------------|
| 10 | | Lot 3 | No | N/A | Floodplain |
| Length | Width | Depth | Provenience (datum to SW corner) | | Orientation (from SW corner) |
| 280 | 70 | 70 | | | E-W |
| Depth | Strat. | Horizon | Description of Soil Profile: | | |
| 0-22 | | | Gray gravelly sandy silt | | |
| 22-70 | | | Large pieces of asphalt at 60-65 cm, trench terminated | | |
| Comments/Results: No cultural materials | | | | | |

HOLMAN & ASSOCIATES TRENCH FORM

| | | |
|-----------------------------|----------------------|----------------------------|
| Project: Magee Ranch | Date: 5/25/11 | Recorded By: RW, KD |
|-----------------------------|----------------------|----------------------------|

| Trench No. | | Area | Site | Locus | Setting |
|--|--------|---------|---|-------|------------------------------|
| 11 | | Lot 3 | No | N/A | Floodplain |
| Length | Width | Depth | Provenience (datum to SW corner) | | Orientation (from SW corner) |
| 309 | 70 | 290 | | | E-W |
| Depth | Strat. | Horizon | Description of Soil Profile: | | |
| 0-35 | | | Gray gravelly sand (fill) | | |
| 35-179 | | | Dark brown/black silt clay | | |
| 179-290 | | | Dark grayish brown silt clay, stiff, gradual transition | | |
| Comments/Results: No cultural materials | | | | | |

| Trench No. | | Area | Site | Locus | Setting |
|--|--------|---------|---|-------|------------------------------|
| 12 | | Lot 3 | No | N/A | Floodplain |
| Length | Width | Depth | Provenience (datum to SW corner) | | Orientation (from SW corner) |
| 310 | 70 | 308 | | | E-W |
| Depth | Strat. | Horizon | Description of Soil Profile: | | |
| 0-18 | | | Brown silt clay | | |
| 18-136 | | | Very dark grayish brown/black silt clay, calcium carbonate, stiff | | |
| 136-230 | | | Very dark grayish brown silt clay, more friable | | |
| 230-280 | | | Grayish brown silt clay | | |
| 280-308 | | | Brown sandy clay | | |
| Comments/Results: No cultural materials | | | | | |

HOLMAN & ASSOCIATES TRENCH FORM

| | | |
|-----------------------------|----------------------|----------------------------|
| Project: Magee Ranch | Date: 5/25/11 | Recorded By: RW, KD |
|-----------------------------|----------------------|----------------------------|

| Trench No. | | Area | Site | Locus | Setting |
|--|--------|---------|--|-------|------------------------------|
| 13 | | Lot 3 | No | N/A | Floodplain |
| Length | Width | Depth | Provenience (datum to SW corner) | | Orientation (from SW corner) |
| 330 | 70 | 270 | | | E-W |
| Depth | Strat. | Horizon | Description of Soil Profile: | | |
| 0-25 | | | Grayish brown silt clay, reworked or fill | | |
| 25-62 | | | Very dark grayish brown silt clay, possibly reworked | | |
| 62-182 | | | Same but not reworked, stiff | | |
| 182-220 | | | Grayish brown silt clay, stiff | | |
| 220-270 | | | Brown silt clay, calcium carbonate filaments | | |
| Comments/Results: No cultural materials | | | | | |

| Trench No. | | Area | Site | Locus | Setting |
|--------------------------|--------|---------|----------------------------------|-------|------------------------------|
| | | | | | |
| Length | Width | Depth | Provenience (datum to SW corner) | | Orientation (from SW corner) |
| | | | | | |
| Depth | Strat. | Horizon | Description of Soil Profile: | | |
| | | | | | |
| Comments/Results: | | | | | |



holman & ASSOCIATES

Archaeological Consultants

"SINCE THE BEGINNING"

3615 FOLSOM ST. SAN FRANCISCO,
CALIFORNIA 94110 415/550-7286

Robert Hencken
SummerHill Homes
5000 Executive Parkway Suite 150
San Ramon, CA 94583

December 22, 2009

Dear Mr. Hencken:

RE: CULTURAL RESOURCES STUDY OF THE MAGEE RANCH PROPERTY,
DANVILLE, CONTRA COSTA COUNTY, CALIFORNIA

At the request of SummerHill Homes I have completed an initial cultural resources study of the above referenced project area. This memo presents a summary of information gained to date and makes some recommendations for further research in the event that your company goes ahead with plans to develop the property. For the purposes of this study I followed the format normally used for the preparation of a Phase I cultural resources study suitable for inclusion in a CEQA application. This included conducting an archaeological literature review in person at the Northwest Information Center in Rohnert Park, and a visual inspection of the general development area. These two steps are described below followed by recommendations for additional research which would be required under CEQA guidelines in the event that your company pursues this project.

Not
106

PROJECT DESCRIPTION

Based upon the maps presented to me by your office, the project area consists of approximately 332 acres of land, currently used for cattle ranching. Located on the Diablo U.S.G.S. map, the project is bordered on the north by a creek paralleling housing which is found on the south side of Diablo Road; the remainder of the project borders are fenced. Currently the property is being used for a cattle range and for horses; the only development is found at the northern end at the end of San Andreas Road, where stables and a riding ring can be found.

ARCHAEOLOGICAL LITERATURE REVIEW

An archaeological literature review was conducted by this author in person on December 14, 2009 at the Northwest Information Center (NWIC file no. 09-0752) to obtain records of recorded historic and/or prehistoric cultural resources in and around the project area, and copies of any formal archaeological surveys which may have been done of the project area or its

surroundings.

There are no recorded historic or prehistoric archaeological sites located inside the project borders, and there are none within a half mile or more of it. The nearest cluster of prehistoric sites is recorded near the peak of Mt Diablo to the north of the project area. There have been no formal archaeological field inspections of the project area, and only one (with negative findings) directly east of it. In 1977 Peter Banks completed an archaeological field inspection of the Blackhawk Ranch Unit 3. An expanded search of the files at the NWIC revealed no recorded archaeological materials anywhere along the ridge line which includes the project area, nor in the larger Blackhawk development to the north and east. Archaeological research suggests that this general area was utilized by several different tribal groups who had their main villages located at some distance to it; the majority of the Native American population was found in more permanent villages along the San Ramon creek drainage to the west.

FIELD INSPECTION

My visual inspection of the project area was conducted on December 21 after meeting you and the ranch owner in the field to discuss the project. The visual inspection was restricted at this time to the potential development envelope which is centered along the creek and in the one canyon which rises to the south; the remainder of the project area, including the hills behind it, will be left in open space if the project goes ahead as currently designed. When questioned, the ranch owner revealed that a portion of the land purchased by his family in the 1980s had included the location of a historic residence, which was removed before purchase; this location is still marked by trees and other vegetation.

I searched the surface of the entire potential development envelope searching for any evidence of prehistoric archaeological use and/or habitation of the area. In this part of Contra Costa County, archaeological deposits are defined by a darker than surrounding soil of a friable nature, visible amounts of bone, stone and shellfish (both fresh water and salt water), and artifacts of these materials, along with evidence of fire (ash, charcoal, fire affected earth and rock). Visibility of the ground was good, thanks to a sparse vegetation covering. Throughout the development envelope the soils consist of a dark brown to black clay loam, containing little naturally occurring rock. Over the years the ranch operation has led to the graveling of the roads and the dumping of what appears to be asphalt along the edge of the creek., in particular to the west of the entrance into the ranch at San Andreas.

FINDINGS/RECOMMENDATIONS

No evidence of potentially significant historical or prehistoric archaeological material was seen at any point inside the proposed development envelope. The ranch operation has left behind some remnants of fences and enclosures, but no actual structures and/or historic remains of structures which can be considered potentially significant. There is a large pile of historic debris (mainly lumber) found near the creek where the future road into the property will be located, but

it doesn't appear to have been associated with a structure.

There remains some potential however that future development inside the current envelope may turn up evidence of buried archaeological resources, principally prehistoric. If this project is pursued in its current form, the following recommendations are made:

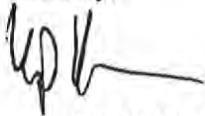
- COMPLETE THE SEARCH FOR POTENTIALLY BURIED ARCHAEOLOGICAL RESOURCES: there is a moderate possibility that the development area found next to the creek could contain buried archaeological resources which could be disturbed by project related grading and trenching. The only way of finding such deposits is to conduct a program of mechanical subsurface presence/absence testing utilizing a backhoe: this technique has been used in the general area extending from the south slope of Mt. Diablo down the San Ramon drainage to Pleasanton and as far east as Livermore and has resulted in the discovery of archaeological deposits buried under as much as 10 feet of silt.

Mechanical subsurface presence/absence testing has become a normal procedure in this part of Contra Costa County, and should be included in the cultural resources report submitted for a future EIR. Testing can locate the resources and allow them to be mapped so that impacts can be avoided or greatly reduced. If there is any project review done by any state or federal agency for this project under Section 106 of the National Historic Preservation Act, there will be no question about the necessity of conducting the mechanical subsurface testing.

- COMPLETE A RESOURCE STUDY OF THE UPLAND OPEN SPACE AREAS: a visual inspection of the remainder of the property to be left open needs to be completed. At a minimum, the former location of the historic residence once located there should be formally recorded and the forms submitted to the Northwest Information Center. I expect that there will be no further historic and/or prehistoric resources recorded during that process.

In summary, I believe that development of the current envelope should have no affect on significant historic and/or prehistoric resources. Should you have any questions regarding this memo, please contact me.

Sincerely,



Miley Paul Holman
Holman & Associates

4.5 CULTURAL RESOURCES

Introduction

This section assesses the cultural resources including historical, archaeological, paleontological, unique geologic features, and human remains known to occur at the project site, and identifies potential impacts to those resources from construction of the proposed development. This discussion is based in part on an Archaeological Survey and Subsurface Testing Report prepared for the project by Holman & Associates (July 2011). This report is on file with the Town of Danville.

Setting

Prehistoric Setting

The project area is situated within the territory of the Bay Miwok. The Bay Miwok were a cultural and linguistic group of Miwok, a Native American people of northern California. Ethnographic data on the Bay Miwok is generally scarce, in part due to the displacement of this group from their home land by the Spanish. The Bay Miwok inhabited the area surrounding Mt Diablo northward to Suisun Bay and eastward to the confluence of the Sacramento and San Joaquin rivers. The Tatcan tribe of the Bay Miwok controlled San Ramon Creek just west of Mt Diablo and their central village area may have been located near or within the present town of Danville or Walnut Creek.

The Bay Miwok were hunter-gatherers adapted to varied ecological landscapes. The natural resources of the East Bay provided for nearly all the needs of aboriginal human populations, consequently in some places villages were continuously occupied for thousands of years. Bay Miwok territory encompassed grassland, oak woodland, chaparral, littoral, riparian, estuarine, and marshland environments. The dating of archaeological sites, linguistic diversity, and ancient trade patterns indicate that the Bay Miwok maintained demographic and social stability in which the same family groups occupied the same locations continuously for hundreds or more years. This long term stability is reflected in the homogeneity of archaeological sites spanning wide geographic ranges over long periods of time.

Historical Setting

Spanish exploration in Contra Costa County dates to the late 1700s. Spanish Mission records indicate that local Native Americans were brought to the Mission San Francisco between 1795 and 1806. During this time, Native American populations declined significantly in response to the introduction and rapid spread of disease.

The Mexican revolt against Spain in 1822 and subsequent secularization of the missions in 1834 changed land ownership in California. The Spanish system was directed at land ownership by the Crown, while Mexican policy stressed individual land ownership. Following independence from Spain the vast mission lands were granted to private citizens. The last of the mission holdings were relinquished in 1845, making way for the large ranchos common in California in the mid-1800s. The San Ramon Valley contained three large ranchos: San Ramon (Amador); San Ramon (Carpentier); and San Ramon (Norris). The project area is located within the San Ramon Carpentier rancho. Following the end of the Mexican-American War in 1847 and ratification of

the Treaty of Guadalupe in Hidalgo in 1848, California became a U.S. territory. In 1850 California was formally admitted into the Union, ushering in the American period of history.

Contra Costa County was one of the original 27 counties created by the California legislature at the time of statehood. The county was originally named Mt Diablo but later changed to Contra Costa (“opposite coast”) reflecting its geographical relationship to San Francisco. The Gold Rush of 1848 brought an enormous influx of immigrants to California increasing the County’s population. The large ranchos were divided and sold for agricultural uses, with irrigated farming made possible in parts of the County by the development of irrigation canals. Orchards dominated lowland valleys where sufficient water was available, while drier areas were used for dry farming and cattle ranching.

The end of the Gold Rush generally corresponded with early industrialization in California, focused in San Francisco. The discovery of deposits of soft coal in the foothills of Mt Diablo heightened this industrial development. Although the project was on the fringes of the mining district, by the 1860s small towns materialized adjacent to the coal deposits. These small towns flourished for a couple of decades and then completely disappeared.

The 1880 census contains a page of Chinese laborers living in Green Valley, possibly employed by farmer John Griffin (U.S. Census Bureau 1880). From the late 1870s to 1912 John Boyd operated the Oakwood Park Stock Farm, a horse and cattle breeding farm. The farm included the Town of Diablo and the southern slopes of Mt Diablo. The farm was bought by Robert N. Burgess in 1912 and turned into a country club. In 1949, Harry H. Magee moved his beef cattle operation from Nevada to Danville. The upper Green Valley ranch property, previously used to grow walnuts and raise sheep, encompassed approximately 1,200 acres. Today, the remaining 410 acre Magee Ranches property is operated and maintained by EMJAY Co. LP and Teardrop Partners, businesses of the Magee family.

Cultural Resources Investigation

Holman & Associates (Holman) has performed a series of archaeological studies for the project site. In 2009, Holman conducted an archival records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) and did a pedestrian site survey of the Magee Ranches property. In 2011, Holman supplemented this work with a more systematic pedestrian survey of the upland portions of the project site. Subsurface mechanical testing was also performed on the project site to 1) test for the presence/absence of subsurface prehistoric archaeological resources within the site, and 2) search for archaeologically-sensitive buried land surfaces in order to acquire predictive information on the potential for archaeological resources in those portions of the project area not tested due to topographical or other constraints.

Archival Records Search

An archival records search for the project area was conducted by Holman at the NWIC on December 14, 2009 to identify prior archaeological studies and known cultural resources within a ½-mile radius of the property. The records search (File No. 09-0752) included a review of the following archives, registers, and lists:

- Site records for previously recorded sites
- Reports of previous studies
- Listing of California Historical Landmarks

- The National Register of Historic Places (NRHP)
- The California Register of Historical Resources (CRHR)
- The California Office of Historic Preservation (OHP) Historic Properties Directory

Additional background research was conducted to obtain a general understanding of the history of the Magee Ranches property. Research was undertaken at the Contra Costa Historical Society and UC Berkeley Map Library. Property-specific research was conducted online at the Library of Congress American Memory Collection/Maps; Contra Costa County Historical Society's online list of maps and photographs; David Rumsey historical map collection; Calisphere/OAC collections online; Mount Diablo Interpretive Association; and the Museum of the San Ramon Valley. Various sources, including area histories, newspaper indices, and maps.

The NWIC records search found no listings for any prehistoric or historic cultural resources within the project area or within a ½ mile radius. The nearest prehistoric sites are recorded near the peak of Mt Diablo, north of the project site. The records search also did not find any record of previous cultural resources studies within the project site. One archaeological pedestrian survey was previously completed east of the project for the Blackhawk Unit 3 development; no resources were identified. An expanded search of the NWIC files beyond the ½-mile radius buffer indicated no prehistoric sites recorded along the ridgeline that passes through the project area or during surveys of the larger Blackhawk residential development north and east of the project site. Research suggests that the general region was utilized by different tribal groups that maintained permanent habitat sites along San Ramon Creek to the west.

In addition to assessing previous prehistoric archaeological studies in the project area, standard sources of information that list known and potential historical resources were examined to determine whether any buildings, structures, objects, districts, or sites had been previously recorded or evaluated in or near the project site. Holman reviewed the Office of Historic Preservation Determinations of Eligibility for the NRHP, California Inventory of Historic Resources, California Historic Landmarks, and California Points of Historical Interest. None of these identified built resources in the area. Historic maps and census data were also examined to establish past land ownership and identify potential historic archaeological resources.

Pedestrian Survey

In 2009, Holman conducted a preliminary study of the project property, which included the NWIC literature review and field inspection of the potential development envelope adjacent to the East Branch of Green Valley Creek (2009). No evidence of historic or prehistoric archaeological materials was observed. Remnants of fences and livestock enclosures, and several recent structures were noted but no Ranch buildings or structures potentially eligible for inclusion in the California Register of Historical Resources (CRHR) or National Register of Historic Places (NRHP) were identified. The study recommended further pedestrian survey of upland areas that would be left in open space and mechanical subsurface testing for presence/absence of buried prehistoric deposits along the edge of the creek.

Subsurface Testing

Exploratory trenches were excavated at 13 locations along the south bank of the East Branch Green Valley Creek where the majority of the proposed development would be located. Testing used a tractor mounted backhoe fitted with a 24-inch bucket provided by C&C Excavating, Inc. Each trench was designated according to the numerical order in which it was excavated. The exact location of each trench was determined in the field based on existing conditions, physical

constraints, and the results of ongoing trenching. On average, trenches were 70 centimeters in width, 3 meters in length, and approximately 3 meters in depth. In total, about 80 cubic yards of material were excavated from the 13 trenches. Excavated soils were hand-raked to identify any archaeological materials, with samples periodically screened through a cloth shaker screen to detect smaller cultural materials. In addition, trench sidewalls were examined when possible, though personnel did not enter a trench that was more than five feet in depth in accordance with the California Occupational Safety and Health Administration (CAL-OSHA) guidelines.

The entire project site was examined for cultural resources during the pedestrian survey, although some areas were not systematically surveyed due to steep slopes or dense vegetation that obscured the ground surface. The native ground surface was observed to the extent possible, including inspection of rodent burrows, cut banks, areas of disturbance, and vegetation clearing in selected areas that appeared sensitive for archaeological resources. Except for steeper slopes, the upland portions of the project site on the ridgeline through the property was surveyed using 25 - 30 meter transects. The alluvial fans at the mouth of the drainages and the crest of the ridge were specifically surveyed.

Ground visibility within the site ranged from good, in places highly eroded due to cattle grazing, to poor, due to ground cover. No prehistoric cultural resources were identified and no buildings or structures were observed at locations where historic maps indicated structures may once have stood.

Regulatory Environment

State

According to California Public Resources Code §5024.1, a historical resource is a resource that is listed in, or determined to be eligible for listing in the California Register of Historical Resources; included in a local register of historical resources; or is identified as significant in an historic resource survey if that survey meets specified criteria. CEQA Public Resources Code §21084.1 provides that any project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. The project site does not contain any known significant historical resources.

Local

Town of Danville General Plan. The Danville 2010 General Plan contains policies to ensure preservation of historical, archaeological, and other cultural resources within the Town. Please refer to Table 4.9-2 of the Land Use section for a detailed analysis of the project's consistency with the relevant provisions of the General Plan.

Thresholds of Significance

In accordance with CEQA Guidelines, a project impact would be considered significant if the project would:

- cause a substantial adverse change in the significance of a historical resource as defined in §15064.5;
- cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5;

- directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- disturb any human remains, including those interred outside of formal cemeteries.

Impacts and Mitigation

Impacts to Archaeological Resources

Neither the archaeological pedestrian survey nor the subsurface mechanical testing performed for the project site by Holman identified any evidence of archaeological resources; therefore, it is unlikely a significant cultural resource is present within the project site. Given this finding, no further archaeological study is recommended unless the project was modified to include areas not investigated during this study.

It is always possible that undetected small, discrete, or isolated archaeological materials or deposits could be encountered during project construction. In the event that prehistoric or historic-era cultural resources and/or human remains are discovered, there shall be no further excavation or disturbance until a professional archaeologist evaluates the find. Upon completion of the examination, the archaeologist shall submit a report describing the significance of the discovery. Mitigation measures would be required prior to recommencement of construction activity as identified below.

If human remains of Native American origin are encountered during project construction, the project must comply with state laws concerning the discovery and disposition of Native American remains, which fall within the jurisdiction of the Native American Heritage Commission (NAHC).

Impact **Construction of the project may result in the discovery and disturbance of unknown archaeological resources and/or human remains. *This represents a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation measures.***

Mitigation Measures

- 4.5-1 If during the course of project construction, archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 20 feet of the find until a qualified professional archaeologist can evaluate it. Work shall not recommence until the project archaeologist has submitted documentation to the Town indicating that discovered resources have been adequately salvaged and no further resources have been identified within the area of disturbance.
- 4.5-2 Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, no further excavation or disturbance shall be conducted on the site or any nearby area reasonably suspected to overlie adjacent remains. The Contra Costa County Coroner shall be notified and make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native

American burials on the property in a location not subject to further subsurface disturbance.

Historical Resources

The project site does not contain any significant historical resources. Based on the archaeological work conducted on the project site, no ranch buildings or structures were identified that are potentially eligible for inclusion in the California Register of Historical Resources or National Register of Historic Places. Any buried historical archaeological resources encountered would be mitigated through implementation of Mitigation Measures 4.5-1 and 4.5-2 above.

Paleontological Resources

The project is located near the Blackhawk Ranch Fossil Quarry, located on the southern foothills of Mt Diablo and owned by the University of California. Only a small part of the quarry has been excavated, and the depth of the fossil deposits is unknown. To date, over 3,400 specimens of animals and plants have been found at the quarry. Most of these fossils were collected in the mid 1930s and later in 1994-1995.

There are no known significant fossil resources at the project site. However, excavation required for construction of the project could penetrate undisturbed Qal (alluvium) sediments, which could contain fossil resources. Mitigation is identified below to minimize potential impacts to paleontological resources.

Impact **Construction of the project may result in the discovery and disturbance of unknown paleontological resources. This represents a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation measures.**

Mitigation Measures

4.5-3 If during the course of project construction, paleontological resources are accidentally discovered during construction, work shall be halted within 20 feet of the find until a qualified professional paleontologist can evaluate it. Work shall not recommence until the project paleontologist has submitted documentation to the Town indicating that discovered resources have been adequately salvaged and no further resources have been identified within the area of disturbance.

Cumulative Impacts

Section 15130 of the CEQA Guidelines requires an EIR to discuss cumulative impacts of a proposed project when the project's incremental effect may be cumulatively considerable. This EIR relies on a list approach, as described in Section 5.2 of this EIR. The geographic scope is the Town of Danville. Proposed development considered in the cumulative analysis is identified in Table 5-1 (see Section 5.0 CEQA Considerations).

The project could potentially impact archaeological resources by disturbing unknown buried resources. Mitigation has been identified for the project to reduce impacts to cultural resources to a less-than-significant level. Survey and archaeological archival search of the site indicate that the property does not appear to contain any significant cultural resources; thus, the project would not contribute to significant cumulative impacts to cultural resources. In addition, the incorporation of appropriate management measures to avoid existing resources, protect resources, and/or

document resources by cumulative development in the area, as required by the Town and CEQA, would minimize impacts to cultural resources. The project would have less-than-significant cumulative impacts on cultural resources.

CULTURAL RESOURCES ASSESSMENT REPORT
Magee Ranch Project
Town of Danville, Contra Costa County, California



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April 2015

CULTURAL RESOURCES ASSESSMENT REPORT
Magee Ranch Project
Town of Danville, Contra Costa County, California

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WSA PROJECT NO 2013-100
WSA REPORT NO. 2015-14

April 2015

Cover Photo: Overview of Magee Ranch East

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Abstract

WSA has been contracted by SummerHill Homes LLC. to perform a cultural resource assessment of the proposed Magee Ranch Project (Project). The Project will develop 69 residential lots on 43.6 acres of the larger 408.7-acres Magee Ranch Property, which is currently being used as grazing land in the Town of Danville, Contra Costa County, California. The Project will involve the incorporation of 45.56 acres into the East Bay Municipal Utility District's service boundary. Since the Project would affect waters of the United States, the Project proponent must meet requirements of Section 404 of the Clean Water Act, and therefore, is seeking a permit from the U.S. Army Corps of Engineers (ACOE), Sacramento District. Under the jurisdiction of the ACOE, the Project must comply with Section 106 of the National Historic Preservation Act (NHPA), in addition to the cultural and paleontological resources provisions of the California Environmental Quality Act (CEQA). This report was prepared pursuant to those requirements.

WSA requested the Northwest Information Center (NWIC) at Sonoma State University in Rohnert Park, California to conduct a records search of a ¼-mile radius surrounding the proposed Project area. Results indicate that no archaeological sites have been previously recorded within ¼-mile of the Project area, no historic buildings have been recorded within ¼-mile of the Project area, and no buildings located within ¼-mile of the Project area are listed in the Office of Historic Preservation (OHP) Historic Properties Directory. WSA archaeologists Tom Young and Ashley Schmutzler conducted a pedestrian field survey of the Project area on January 22nd and 26th, 2015. WSA project director Teresa Bulger completed the field survey on February 24, 2015. No historic properties, historical resources, or unique archaeological resources were observed.

This Cultural Resources Assessment Report (CRAR) defines the Project area, presents the results of the records search and Native American consultation, describes the field survey of the Project area and presents the results, and proposes mitigation measures for cultural and paleontological resources. The proposed Project will not have a substantial adverse effect on any historic properties, historical resources, or unique archaeological resources. Should any previously unknown cultural resources be discovered during construction, their significance would have to be determined in relation to the criteria for eligibility for the National Register of Historic Places (NRHP) and the California Register of Historic Places (CRHP). * ?

1.0 Introduction

WSA has been contracted by SummerHill Homes LLC. to perform a cultural resource assessment of the proposed Magee Ranch Project (Project). The Project will develop 69 residential lots and associated utilities on 45.38 acres of the larger 408.7-acre¹ Magee Ranch Property, which is currently be used as grazing land in the Town of Danville, Contra Costa County, California. The development is split between two areas; Magee East, where 58 clustered homes and 8 custom lots will be constructed, and Magee West, where 3 clustered-development homes will be constructed. The residential development will occupy 30.7 acres, and street rights-of-way bioswales, and other development will occupy an additional 14.68 acres, leaving 363.32 acres undeveloped.

WSA requested the Northwest Information Center (NWIC) at Sonoma State University in Rohnert Park, California to conduct a records search of a ¼-mile radius surrounding the proposed Project area. Results indicate that no archaeological sites have been recorded previously within ¼-mile of the Project area, no historic buildings have been recorded within ¼-mile of the Project area, and no buildings located within ¼-mile of the Project area are listed in the Office of Historic Preservation (OHP) Historic Properties Directory. WSA archaeologists Tom Young and Ashley Schmutzler conducted a pedestrian field survey of the Project area on January 22nd and 26th, 2015. WSA project director Teresa Bulger completed the field survey on February 24, 2015. No historic properties, historical resources, or unique archaeological resources were observed.

This Cultural Resources Assessment Report (CRAR) presents the results of research conducted to identify and evaluate potential cultural resources within the Project area. The report defines the Project area, presents the results of the records search and Native American consultation, describes the field survey of the Project area and presents the results, and proposes mitigation measures for cultural resources. The Project will involve an extension of the East Bay Municipal Utility District's (EBMUD) service boundaries to include 45.56 acres of the Magee Ranch Property that were not previously within EBMUD's service boundary, a change that would affect waters of the United States, the Project proponent must meet requirements of Section 404 of the Clean Water Act, and therefore is seeking a permit from the U.S. Army Corps of Engineers (ACOE), Sacramento District. Under the jurisdiction of the ACOE, the project must comply with Section 106 of the National Historic Preservation Act (NHPA), in addition to the cultural resources provisions of the California Environmental Quality Act (CEQA). The Town of Danville is the lead agency for the Project.

¹ The Magee Ranch Project area is 408.695-acres. This excludes the 1.4-acre property of the Diablo Reservoir, which is owned by the East Bay Municipal Utility District and is surrounded entirely by Magee Ranch land, in the eastern portion of the Project area.

1.1 Project Location

The proposed Project is located on a 408.7-acre parcel south of Diablo Road and Blackhawk Road and east of McCauley Road, in the Town of Danville, Contra Costa County. The Project area is an undeveloped parcel predominantly consisting of non-native grassland habitat. The land is being used as grazing land for the Magee family ranching operation, which has a few buildings in the northern portion of the Project area. It falls within Township 1 South, Range 1 West, Sections 21, 22, 23, and 27 of the Diablo 7.5' Topographic Map (USGS 1995). (Figures 1-3. All figures may be found in Appendix A). The parcel is bordered by residential space along the northern, western, southern and eastern boundaries. The topography of the property is moderately to steeply sloping. The east branch of Green Valley Creek, an intermittent stream channel, is located immediately outside the northern boundary of the parcel. A northwest to southeast running ridgeline in the center of the property forms a natural watershed divide, with runoff draining either towards the northeast or southwest.

1.2 Project Description

The Project will develop a 69-unit residential subdivision that will be known as Magee Ranch. The proposed subdivision will consist of two sections, Magee East and Magee West (Figure 4). Access to Magee West will be from McCauley Road and access to Magee East will be from a new access road, which will run southwest from Blackhawk Road to the development. Magee East will include 58 clustered-development homes and 8 customs lots that will be arranged around one main street, paralleling the east branch of Green Valley Creek, and a series of four cul-de-sacs. A bridge over the east branch of Green Valley Creek will be installed. Construction of the bridge would require modification of the streambed. Magee West will include three clustered-development homes arranged around a cul-de-sac, connecting to McCauley Road. Ultimate development will include 69 residential lots, construction of associated roadways, a bridge, utilities, and a bioretention area in Magee East. Each lot will contain one single-family home supported by a shallow foundation system. House lots, utilities and roadways will comprise approximately 45.38 acres of the site, with the remaining land 363.32 acres reserved for open space.

1.3 Area of Potential Effect

As defined in 36 CFR 800.16(d), an Area of Potential Effect (APE) is "the geographical area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist." The minimum APE for archaeological properties is generally the required right of way, plus areas subject to ground-disturbing activities, such as equipment staging areas, storage, disposal, or borrow sites.

The project APE includes all project-related ground disturbance; these include grading for house lots, streets, and bioretention areas and excavation for utilities and bridge construction.

Figure 5 depicts the limits of the APE on the Diablo Quad USGS 15' Topographic Map. The construction access roads will all be within the Project APE, and no vehicles will be allowed to drive or park outside of this area.

Vertical APE. Project-related work that will involve ground disturbance includes the excavation of a bioretention area, the building of a bridge over the east branch of Green Valley Creek, the creation of house lots, the installation of retaining walls and roads, and excavation of drainage keyways, swales, sewers, and storm drains. The bioretention area, on the west edge of Magee East, will be excavated between 1 and 7 ft. below ground surface (bgs). Bridge construction, on the eastern edge of Magee East, will involve 5 feet of ground disturbance. Building lots throughout Magee East will be constructed with a mixture of cutting and filling. In those building lots that involve cutting, excavation will generally involve 1 to 12 ft. of ground disturbance, although one building lot will require excavation to 18 ft. bgs. Drainage keyways to be installed at the rear edges of lots in both Magee West and Magee East will be excavated 5 to 10 ft. bgs. Bioswale cleanouts with subdrains and swale cuts, which link drainage features throughout the APE, will be excavated between 3.5 and 6 ft. bgs. The road, which will link Blackhawk Road with the development in Magee East, will require grading between 1 and 3 ft. bgs. Finally, sewers and storm drains that will serve properties in both Magee East and Magee West will require ground disturbance to 10 ft. bgs.

2.0 Regulatory Context

This section describes the regulatory setting for cultural resources, including federal and state regulations.

2.1 Federal Regulations (Section 106)

Section 106 of the NHPA and its implementing regulations (36 CFR 800, as amended 2004) require federal agencies to consider the effects of their undertakings, or those they fund or permit, on historic properties and cultural resources that are eligible for listing or that are listed in the National Register of Historic Places (NRHP). The 36 CFR Part 60.4 regulations describe the criteria to evaluate cultural resources for inclusion in the NRHP. Such resources are required to retain integrity and must exhibit an association with broad patterns of our history, be associated with an important person, embody a distinctive characteristic, or yield information important to prehistory or history.

In the context of a federal undertaking, the legal significance of cultural resources (i.e., NRHP eligibility) determines whether or not the properties are considered for protection from destruction or impairment (36 CFR 60.2). The Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines (48 CFR 44716-44742) outline the process by which such determinations are made.

2.2 State Regulations

CEQA details appropriate measures for the evaluation and protection of cultural resources in §15064.5 of the CEQA Guidelines. For the purposes of CEQA, “historical resources” are those cultural resources that are: (1) listed in or eligible for listing in the California Register of Historical Resources; (2) listed in a local register of historical resources (as defined in PRC 5020.1(k)); (3) identified as significant in a historical resource survey meeting the requirements of §5024.1(g) of the Public Resources Code; or (4) determined to be a historical resource by a project's lead agency (§15064.5(a)). The subsection further states “A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment” (§15064.5(b)).

CEQA applies to effects on archaeological sites (§15064.5(c)). CEQA requires a lead agency to determine if an archaeological cultural resource fits into one of three legal categories (14 CCR §15064.5(c)(1-3)). A lead agency, in this case the Town of Danville, applies a two-step screening process to determine if an archaeological site meets the definition of a historical resource, a unique archaeological resource, or neither. Prior to considering potential impacts, the lead agency must determine whether a cultural resource meets the definition of a historical resource in §15064.5(a). If the cultural resource meets the definition of a historical resource, then it is treated like any other type of historical resource in accordance with §15126.4. If the cultural resource does not meet the definition of a historical resource, then the lead agency applies the second criterion to determine if the resource meets the definition of a unique archaeological resource as defined in §21083.2(g). Should the archaeological site meet the definition of a unique archaeological resource, it must be treated in accordance with §21083.2. If the archaeological site does not meet the definition of a historical resource or a unique archaeological resource, then effects to the site are not considered significant effects on the environment (§15064.5(c)(4)).

Public Resources Code (PRC) §5097.5 provides for the protection of cultural resources. PRC §5097.5 prohibits the removal, destruction, injury, or defacement of cultural features on any lands under the jurisdiction of State or local authorities.

3.0 Environmental and Cultural Setting

3.1 Natural Setting

3.1.1 Existing Environment

The Magee Ranch property is located on the southern side of Green Valley, south of the town of Diablo, in the eastern portion of the Town of Danville, California. Green Valley is part of

a system of smaller valleys associated with San Ramon Valley, itself on the western margin of California's Central Valley.

The Project area ranges in elevation from approximately 425 ft. above mean sea level (amsl), at the intersection of Diablo Road and McCauley Road, to 860 ft. amsl, on a ridge-top peak in the center of the Magee East property. Surface drainage is generally to the north into Green Valley Creek (ENGEO 2013:1).

The climate of the Project area is Mediterranean, with mild, rainy winters, and hot, dry summers. After the first rains at the end of October or early November, the vegetation becomes green, and remains green but not growing until late February, when the grasses that cover the surrounding hills begin to grow rapidly. By early May, these have usually changed to a dry, golden-color and remain so until fall (Brown 1985). Annual rainfall averages between 6 and 29 in. The summers are relatively hot (high temperatures above 100 degrees), and this climate, in combination with the arable soils in the San Ramon Valley, have made agriculture important in the area; replacing many of the native grasslands. Animal life in the area is largely small, herbivorous mammals, including voles, pocket gophers, ground squirrels, and pocket mice (Brown 1985:84-87).

Common vegetation in the San Ramon Valley includes several types of trees such as Valley and Live oak, buckeye, laurel, thistle, oat, manzanita, poppies, turkey mullein, wild artichokes, morning glories, and lupine as well as several types of grasses including sweet fennel and cattails.

In general, the prehistoric archaeological sites of the Bay Area are located close to water (e.g., creeks, marshes, and the Bay shoreline). This relationship has been modeled by Price, Kearney and Arrigoni (2004) in a previous study of the East Bay by plotting the location of known prehistoric archaeological sites in the watershed and creating a buffer based on the mean distance of these sites to the nearest water source (e.g., creek, former marsh, or the Bayshore). There is one watercourse running just north of the Project area, the east branch of the Green Valley Creek. This creek is a tributary of the San Ramon Creek, which empties into the Carquinez Strait. There is a higher probability of finding prehistoric sites close to such water sources.

3.1.2 Geology and Soils

The Project area is located in the Mount Diablo fold-and-thrust belt on the south flank of the Mount Diablo uplift. Bedrock formations in the area "south of Mount Diablo and north of the Livermore Valley have been folded and cut by thrust faults that typically dip to the north into the uplift" (ENGEO 2013:2). The topography in the area is characterized by ridges and alluvium valleys.

The geology of the Project area vicinity is to a large extent controlled by major active faults, including an active 'blind' thrust fault within the core of the Mount Diablo uplift, extending below the east Danville-Diablo area (ENGEO 2013:2). The San Andreas Fault zone forms the boundary between the Pacific and North American crustal plates and locally separates two bedrock complexes that underlie the region: the Franciscan Formation and the Salinian Block.

Franciscan Complex bedrock underlies the Project area. Waterborne and windblown sediments derived from the local foothills of Mount Diablo and sediments from the central California region transported by the Sacramento and San Joaquin River systems have accumulated above the bedrock. Some of these accumulated sediments include unconsolidated clays, silts, sands, and gravels that make up the Alameda and San Antonio formations.

Archaeological Sensitivity of Project Area

Archaeological sensitivity modeling is a technique used to predict the potential for finding archaeological sites based on known site locations and assumptions about human behavior (e.g., Dalla Bonna 1994; Ebert and Singer 2004; Kamermans and Wansleebe 1999; Kohler and Parker 1986). The advent of GIS has greatly enhanced the analysis of spatial relationships and increased the power of predictive models of archaeological sensitivity (e.g., Kvamme 1990; Savage 1989; Warren 1990).

Archaeological sensitivity models are primarily inductive, or descriptive, and commonly employ topographic and hydrologic variables such as elevation, slope, aspect, and distance to nearest water. Archaeologists disagree as to the utility of simple versus complex models, the number and nature of variables, and the goal of the models. Most archaeologists prefer a simpler model that uses three variables to describe the modern setting of archaeological sites (e.g., Dean 1983:11; Altschul 1990:229-30) to four (e.g., Kvamme 1985; Parker 1985; Carmichael 1990). The archaeological sensitivity model used for the Project relies on soil type, slope, and distance to nearest water as the basis for calculating areas of high, medium and low archaeological potential within the Project area. Developing the predictive model involved a series of steps, each of which utilized statistical analysis within the ArcGIS 10.0 software package.

The GIS analysis performed in ArcGIS resulted in a predictive surface, or layer of archaeological sensitivity, calculated pixel by pixel combining all three variables. The archaeological sensitivity model depicted in Figure 6 shows the distribution of low, moderate, and high archaeological sensitivity within the Project vicinity. The area of highest sensitivity is within the northern portion of the Project APE and is concentrated within well-developed alluvial deposits along the East Branch of Green Valley Creek. A soils map of the

Project area (Figure 7), outlines the boundaries of the soil types found within the Project area.

The soil survey map for Contra Costa County indicates that the Project area includes soils in the Cropley series (CkB) (2-5% slopes). Cropley clays are moderately well-drained, clayey, hard, firm, and plastic soils to a depth of at least 60 in. (5 ft.) (Welch 1977: 18). These alluvial soils formed from the weathering of sedimentary rock and are generally found in small upland valleys where runoff is slow and the hazard of erosion is slight. According to the Soil Survey of Contra Costa County (Welch 1977), a representative profile of a soil in the Cropley series includes a 24-in. top layer of a dark gray alkaline clay, underlain by a 10-in. layer of dark-gray and dark brown calcareous clay. Below this is a dark grayish-brown and dark-brown strongly calcareous heavy clay loam to a depth of 44 in. below surface. Finally, a yellowish-brown to pale brown clay loam extends to 60 in. below surface. Runoff is medium to rapid and the hazard of erosion is moderate to high.

Alo Clay series soils [30-50% slopes (AaF) and 50-75% slopes (AaG)] are one of the dominant soils in the Project area, present on the northern slopes of the southeast-to-northwest trending ridge that passes through the Project area. AaF soils tend to be 20-36 in. deep, which AaG soils are shallower, at 20-30 in. deep. According to the Soil Survey of Contra Costa County (Welch 1977:7), a representative profile of a soil in the Alo series includes a 24-in. top layer of a dark gray slightly-acidic clay, underlain by a soft light yellowish brown sandstone, which is slightly acidic.

Soils along the northern margin of the Project area include well-drained Botella clay loams, formed from the weathering of sedimentary rock (Welch 1977: 11). The Botella clay (BaA) (0-2% slopes) is typical of alluvium on flood plains. According to the Soil Survey for Contra Costa County, a representative profile of this type of soil consists of an 8-in. top layer of “very dark gray, medium acid clay loam, and silky clay loam” underlain by a 24-in. layer of “very dark gray, medium acid and slightly acid silty clay loam” which is then underlain by “faintly mottled, gray and very dark gray silty clay loam to a depth of 52 inches” (Welch 1977: 11). The Diablo Clay series are well-drained soils found in uplands, which are underlain by “calcareous, soft, fine-grained sandstone and shale” (Welch 1977: 20). In the Project area, the Diablo Clays [Ddf] are found on 30-50% slopes on the southwestern face of the northwest-southeast-trending ridge running through the Project area in Magee East. According to the Soil Survey for Contra Costa County, a representative profile for the Diablo Clays consists of a surface layer which is “dark-gray, moderately alkaline clay in the upper 18 inches and mixed dark-gray and light-gray, calcareous clay in the lower 11 inches” (Welch 1977: 20). A 9-in. layer of mixed dark-gray and olive-gray clay underlies this layer to a depth of 42 in., where the soil meets bedrock. These clays are extremely hard and very firm, and susceptible to shrink-and-swell patterns. Runoff on the steep slopes of the Diablo

Clays in the Project area would be medium to rapid, resulting in a moderate to high erosion hazard.

The alluvial context of the soils in several Project areas indicate a potential for buried landforms with potential archaeological deposits (Rapp and Hill 1998). The location of the Project area in relation to the active creek is important in this regard, because erosional processes related to stream cutting are detrimental to the survival of buried archaeological deposits. The Cropley and Botella soil series appear to be less impacted by erosion, which accounts for their higher sensitivity for buried archaeological deposits. The steep slopes of the Alo clay and Diablo clay series soils indicate a higher degree of impact by erosion.

3.2 Cultural Setting

3.2.1 Prehistory

This section provides a brief summary of the prehistory of the Project area within the San Francisco Bay Area and is intended to provide a general background only.

Research into local prehistoric cultures began in the early 1900s with the work of N. C. Nelson of the University of California at Berkeley. Nelson documented 425 shellmounds along the Bay shore and adjacent coast when the Bay was still ringed by salt marshes three to five miles wide (Nelson 1909). He maintained that the intensive use of shellfish, a subsistence strategy reflected in both coastal and Bay shoreline middens, indicated a general economic unity in the region during prehistoric times, and he introduced the idea of a distinct San Francisco Bay archaeological region (Moratto 1984:227). Three sites, in particular, provided the basis for the first model of cultural succession in Central California, the Emeryville Shellmound (CA-ALA-309), the Ellis Landing Site (CA-CCO-295), and the Fernandez Site (CA-CCO-259) (Moratto 1984:227).

Investigations into the prehistory of the Central Valley of California, presaged by early amateur excavations in the 1890s, began in earnest in the 1920s. In the early 20th century, Stockton-area amateur archaeologists J. A. Barr and E. J. Dawson separately excavated a number of sites in the Central Valley and made substantial collections. On the basis of artifact comparisons, Barr identified what he believed were two distinct cultural traditions, an early and a late. Dawson later refined his work and classified the Central Valley sites into three “age-groups” (Schenck and Dawson 1929:402).

Professional or academic-sponsored archaeological investigations in central California began in the 1930s, when J. Lillard and W. Purves of Sacramento Junior College formed a field school and conducted excavations throughout the Sacramento Delta area. By seriating artifacts and mortuary traditions, they identified a three-phase sequence similar to Dawson’s,

including Early, Intermediate, and Recent cultures (Lillard and Purves 1936). This scheme went through several permutations (see Lillard et al. 1939; Heizer and Fenenga 1939). In 1948 and again in 1954, Richard Beardsley refined this system and extended it to include the region of San Francisco Bay (Beardsley 1948, 1954). The resulting scheme came to be known as the Central California Taxonomic System (CCTS) (Fredrickson 1973; Hughes 1994:1). Subsequently, the CCTS system of Early, Middle, and Late Horizons was applied widely to site dating and taxonomy throughout central California.

As more data were acquired through continued fieldwork, local exceptions to the CCTS were discovered. The accumulation of these exceptions, coupled with the development of radiocarbon dating in the 1950s and obsidian hydration analysis in the 1970s, opened up the possibility of dating deposits more accurately. Much of the subsequent archaeological investigation in central California focused on the creation and refinement of local versions of the CCTS.

In the 1960s and 1970s, archaeologists including Ragir (1972) and Fredrickson (1973) revised existing classificatory schemes and suggested alternative ways of classifying the prehistory of California. Fredrickson (1973:113-114) proposed four “major chronological periods” in prehistoric California: the Early Lithic Period (described as hypothetical), a Paleoindian Period, an Archaic Period, and an Emergent Period. The Archaic and Emergent Periods were further divided into Upper and Lower periods. Subsequently, Fredrickson (1974, 1994) subdivided the Archaic into Lower, Middle, and Upper.

A series of “patterns,” emphasizing culture rather than temporal periods, can be identified throughout California prehistory. Following Ragir, Fredrickson (1973:123) proposed that the nomenclature for each pattern relate to the location at which it was first identified, such as the Windmill, Berkeley, and Augustine Patterns.

Various modifications of the CCTS (e.g., Bennyhoff and Hughes 1987; Fredrickson 1973, 1974; Milliken and Bennyhoff 1993) sustain and extend the system’s usefulness for organizing our understanding of local and regional prehistory in terms of time and space. The cultural patterns identified in the Bay Area that in a general way correspond to the CCTS scheme are the Berkeley and Augustine patterns (for information on the Berkeley and Augustine Patterns see Fredrickson 1973, Milliken et al. 2007, Moratto 1984 and Wiberg 1997). Dating techniques such as obsidian hydration analysis or radiometric measurements can further increase the accuracy of these assignments.

Most recently, Milliken et al. (2007:99-123) developed what they term a “hybrid system” for the San Francisco Bay Area, combining the Early-Middle-Late Period temporal sequence with the pattern-aspect-phase cultural sequence. Dating of the cultural patterns, aspects, and phases was based on Dating Scheme D of the CCTS, developed by Groza (2002). Groza

directly dated over 100 *Olivella* shell beads, obtaining a series of AMS radiocarbon dates representing shell bead horizons. The new chronology she developed has moved several shell bead horizons as much as 200 years forward in time.

Milliken et al.'s (2007) San Francisco Bay Area Cultural Sequence includes:

Early Holocene (Lower Archaic) from 8000 to 3500 B.C.

Early Period (Middle Archaic) from 3500 to 500 B.C.

Lower Middle Period (Initial Upper Archaic) from 500 B.C. to A.D. 430

Upper Middle Period (Late Upper Archaic) from A.D. 430 to 1050

Initial Late Period (Lower Emergent) from A.D. 1050 to 1550

Terminal Late Period, post-A.D. 1550

No archaeological evidence dating to pre-8000 B.C. has been located in the Bay Area. Milliken et al. (2007) posit that this dearth of archaeological material may be related to subsequent environmental changes that submerged sites, buried sites beneath alluvial deposits, or destroyed sites through stream erosion. A brief summary of the approach presented by Milliken et al. (2007) follows.

A “generalized mobile forager” pattern marked by the use of milling slabs and handstones and the manufacture of large, wide-stemmed and leaf-shaped projectile points emerged around the periphery of the Bay Area during the Early Holocene Period (8000 to 3500 B.C.). Beginning around 3500 B.C., evidence of sedentism, interpreted to signify a regional symbolic integration of peoples, and increased regional trade emerged. This Early Period lasted until ca. 500 B.C. (Milliken et al. 2007:114, 115).

Milliken et al. (2007:115) identify “a major disruption in symbolic integration systems” circa 500 B.C., marking the beginning of the Lower Middle Period (500 B.C. to A.D. 430). Milliken et al. (2007:115) describe Bead Horizon M1, dating from 200 B.C. to A.D. 430, as marking a ‘cultural climax’ within the San Francisco Bay Area.

The Upper Middle Period (A.D. 430 to 1050) is marked by the collapse of the *Olivella* saucer bead trade in central California, abandonment of many Bead Horizon M1 sites, an increase in the occurrence of sea otter bones in those sites that were not abandoned, and the spread of the extended burial mortuary pattern characteristic of the Meganos complex into the interior East Bay. Bead Horizons M2 (A.D. 430 to 600), M3 (A.D. 600 to 800), and M4 (A.D. 800 to 1050) were identified within this period (Milliken et al. 2007:116).

The Initial Late Period, dating from A.D. 1050 to 1550, is characterized by increased manufacture of status objects. In lowland central California during this period, Fredrickson

(1973 and 1994, quoted in Milliken et al. 2007:116) noted evidence for increased sedentism, the development of ceremonial integration, and status ascription. The beginning of the Late Period (ca. A.D. 1000) is marked by the Middle/Late Transition bead horizon. The Terminal Late Period began circa A.D. 1550 and continued until European settlement of the area.

3.2.2 Ethnographic Background

The Project area lies within the region occupied by the Penutian-speaking Saclan (Saklan) people, part of the Bay Miwok language group, at the time of historic contact with Europeans (Bennyhoff 1961; Cook 1957). Like Costanoan and Coast Miwok speakers, the Saclan were part of the larger Utian language family (Shipley 1978:84). Utian speakers entered the Contra Costa County area from the lower Sacramento Valley region between 2500 and 2000 B.C. (Moratto 1984:279). The Bay Miwok language was spoken largely in the interior valleys of the East Bay, while the Saclan were generally found west of Mount Diablo from Lafayette to Walnut Creek and Danville (Milliken 1995:24). Within the Bay Miwok grouping were the Saclan, Chupan, Wolwun, Julpun, and Ompin (Beeler 1955, Bennyhoff 1961).

Although scholars now believe that the Saclan belong to the Bay Miwok language group, as discussed above, some early ethnographers initially placed the Saclan within the Costanoan language group. The confusion regarding this small group is understandable since, along with their Jalquin neighbors, they represent the westernmost extension of the Bay Miwok. Their neighbors to the west, the Huchiun, spoke a Costanoan dialect. Kroeber's work (1970) placed the Saclan within the Costanoan language group, although in his explanation he noted that in the northern portion of the Costanoan territory "there appears to have prevailed a distinctive tongue—which may be named the Saklan" (Kroeber 1970:463). He later noted that the Saclan dialect may have demonstrated similarities to Wintun, Miwok, or Yokuts (Kroeber 1970:463). It is important to note, however, that language is not the sole determinant of cultural traits. In reality, neighbors who may have spoken different languages shared traits that were shaped largely by the surrounding environment and regional resources (Milliken 1995:13–14).

Archaeological and linguistic data support the assertion that the Miwok had arrived in the Diablo and Delta area before 1 AD, displacing the earlier Hokan-speaking people that lived in the region (Wiberg 2010). Notably, however, some linguistic evidence supports a later arrival, as recent as 300 years ago.

The Bay Miwok were hunter-gatherers, taking advantage the abundant natural resources in the Delta and alluvial plains (Levy 1978a). This lush environment was able to sustain a relatively dense population despite the lack of agricultural. The Delta marshland, in particular, was very productive as were the Central Valley grasslands. Less productive

portions of the regions included the uplands, which were able to support a mixture of oak and conifer trees (Wiberg 2010).

Like most native Californians, the Saclan were broken into tribelets, each occupying defined territories over which they controlled access to natural resources. Extended families lived in domed, conical structures built of thatched grass. Semisubterranean men's houses were built at the larger village sites, also using grass and earth cover (Kroeber 1970). More permanent settlements were augmented by a larger number of campsites that allowed the Saclan to fully utilize seasonal resources (Levy 1978a: 402–403). Scholars have suggested that the early California environment offered a large assortment of resources for use by native people, although acorns, fish, and game mammals formed the staples of their diet (Baumhoff 1963). Researchers have stressed that acorns, along with various seeds, grasses, nuts, berries, and roots, were of utmost importance, because plant food collection and preparation formed the center of Saclan technology (Bennyhoff 1977:10; Kroeber 1970:814–815; Gifford 1916:139–194). Blue oak, valley oak, and coast live oak, three species found in abundance on Mount Diablo and in the surrounding area, produced the acorns frequently used by the Saclan and their neighbors. In addition to acorns, locally available plant foods included buckeye, black walnut, California laurel, digger and Coulter pine seeds, and Brodiaea bulbs.

Vegetal resources also provided the material for cordage and weaving baskets. Baskets were used for cooking, as utensils, storage containers, water jugs, and as trays for leaching and drying acorn meal (Kroeber 1970).

Importantly, the Bay Miwok were not passively acquiring their subsistence from the environment. They were in fact very active in managing and improving their environment through fire. By burning grass and brush annually they were able to be in better control of their natural resources. Their foraging for deer and rabbits was improved by eliminating much of the area that they would hide. Periodic burning also kept them safe from predators and neighbors and improved the land's productivity (Wiberg 2010).

Ceremony in Saclan life was fairly extensive, and scholars have written much about it based on early ethnographic accounts (Bennyhoff 1977:11; Kroeber 1970; Levy 1978a). Rituals associated with death were of great importance. Two forms of interment were practiced — inhumation and cremation—and mortuary goods were often placed into the grave at the time of burial (Kroeber 1970; Levy 1978b).

Although they would be labeled as superstitious by the men and women who settled within Bay Miwok territory during the 19th and 20th centuries, the Saclan and their neighbors used ritual and dance not only to entertain and teach, but also to “maintain good relations with forces in the environment” (Milliken 1995:27). Maintaining good relations applied not only to personal relationships, but also to a person's larger relationship to the supernatural world.

Mount Diablo was and is the most prominent natural landmark in Bay Miwok territory. Bev Ortiz, who has written about the symbolic power of the mountain, concludes:

The written record contains only fragments of Indian accounts of Diablo. These fragments suggest that Mount Diablo was the focal point of the physical and symbolic world for many of the groups within its view, and they vividly reflect the connection of Indian people to the personages or supernatural beings who inhabited the world before this world. [Ortiz 1989:457]

When the Spanish arrived, trade patterns that were thousands of years old were in place. Archaeological evidence suggests that these trade patterns brought goods from hundreds of miles away, based on the sourcing of obsidian artifacts. Mollusk shell beads and ornaments “evolved through many different and definable types through the millennia,” which allows archaeologists to both estimate a relative date for a site, and the social and cultural position of the people who once lived there (Wiberg 2011: 15).

The territory of the Saclan was “the interior valleys from Lafayette to Walnut Creek and Danville” (Cook 1957: 147). While the central village may have been located in close proximity to modern Walnut Creek, “at least two smaller, subsidiary Saclan settlements were known to exist” at the time of Spanish colonization (Fredrickson 1968). The location of these settlements is as of yet unknown. While Spanish observations suggest that the total Saclan population in the early 19th century was between 100-300 people (Fredrickson 1968) this number may have been much higher. Based on the group’s absorption of 40 people lost to missionization between 1794 and 1798, plus the conversion of others and attrition due to disease and food supply inconsistencies, Cook (1957: 143, 147) suggests that the pre-conquest population must have reached “at least 300 and very likely was much greater.”

This admittedly brief and incomplete ethnographic background is presented here to provide a baseline context rather than a template for identifying and understanding archaeological traces that may be discovered in the Project area. It is possible that the Native Americans living in the Project area hundreds to thousands of years ago were as different from their ethnographically known counterparts as they would be from their modern-day counterparts. More comprehensive ethnographic and archaeological summaries of the Saclan and their neighbors in what is today Contra Costa County may be found in *The Handbook of North American Indians, Volume 8: California* (Levy 1978a:398-413), *Handbook of California Indians* (Kroeber 1970), and *California Archaeology* (Moratto 1984).

3.2.1 Historical Background

The history of Northern California, Contra Costa County, and the San Ramon Valley area in particular, can be divided into several periods of influence. To establish a historic context

from which to assess the potential eligibility to the NRHP of historic sites in the Project area, various periods and local sub-periods, some of which overlap, are defined below.

Spanish Period 1772 - 1822

Mexican Period 1822 - 1848

American Period 1848 - present

Ranching and Farming ca. 1840s – present

SPANISH PERIOD (1772-1822)

The historic period in the San Ramon Valley region begins with the second Fages-Crespi expedition, in 1772. This expedition traveled from Monterey through what are now Milpitas, San Lorenzo, Oakland, and Berkeley, finally reaching the area of modern-day Pinole on March 28, 1772 (Cook 1957:131). From there they traveled through what is now Rodeo and Crockett to Martinez, made a brief foray into the delta region of the Central Valley, and then camped somewhere near modern-day Pittsburg or Antioch. On March 31, the Fages party began the return journey to Monterey. They traveled to the area of Walnut Creek, turned south, and then made their way to today's Danville, where they spent the night. On the first of April they passed through the area of San Ramon, Dublin, and Pleasanton, finally arriving back in the area of Milpitas on the following day.

In 1776, the Anza-Font expedition traveled through the same area and also traded with residents of native villages encountered along the way. The significant impact of the European presence on the local California natives, however, was not felt until the Spanish missions were established in the region.

In 1775, Captain Juan Manuel Ayala's expedition studied the San Francisco Bay and ventured up the Sacramento and San Joaquin rivers in search of a suitable mission site. The first mission in the region was established the following year with the completion of Mission San Francisco de Asis (Mission Dolores) in San Francisco. Mission Santa Clara de Asis followed in 1777, and Mission San Jose in 1797. The ensuing Mission era proved to be the downfall of the native inhabitants of the region, who were brought to the missions as conscripts for labor under the pretense of Christianization. The missions became the loci of native missionization, which brought disease, subjugation, and ultimately decimation, to the native Californian groups.

During the Spanish Period, many punitive and exploratory expeditions were made, both to search for runaway mission neophytes and to convert the "heathen" who had not yet been Christianized (Cook 1957). Several of these expeditions passed through or near the Project area. Among these was the Pedro Amador Expedition of 1797. This expedition was organized to search for renegades who were inciting revolt among the Christianized Indians

of Mission San Jose. In his search, Amador penetrated the area lying between Mount Diablo and the Livermore Valley (Cook 1957). During his journey from Mission San Jose, Amador traveled with a large party to the “sierra” to visit “the Gentiles of San Jose called Saclanes who were committing depredations” (Cook 1957: 143). According to the account, the Indians fled “to the sierra from which they threatened, but did not attack” (ibid.). Cook notes that individuals from this tribe were converted at Mission San Francisco between 1794-1798 (Cook 1957:147). In 1805, Sergeant Luis Peralta, searching for murderers of Padre Pedro Cuevas, passed near the Project area when he entered the area of present-day San Ramon.

MEXICAN PERIOD (1822-1848)

The Mexican War of Independence, from 1810 to 1821, resulted in Mexico separating from Spain. During the Mexican Period, rapid secularization of the Spanish mission system occurred. Between 1835 and 1836 the Mexican government began offering grants of Mission grazing land primarily to *Californios* (both Spanish speaking descendants of European settlers, and Mestizo and Europeanized Natives) and Mexican colonists. In 1836, Mission San Jose shut down, freeing the Indian neophytes to return to their villages, or take up work on the newly granted ranches. The secularization of the Missions was intended to be the final step of the process to make the Indians Spanish (Rawls and Bean 1998:26-27), after which the neophytes living in the communities surrounding Mission San Jose were to be granted half of the Mission land (Rawls and Bean 1998:59). However, this policy was never properly implemented and many neophytes were reduced to raiding horses from the local ranches, which resulted in violence and Mexican reprisals against them, as well as a general opposition to them settling near the San Joaquin Valley (Stewart 1994:57-59).

Mexico seceded from Spain in 1822. Twelve years later, in 1834 the missions were secularized and grants of land to private citizens began. The San Ramon Valley was home to three large Ranchos: San Ramon (Amador); San Ramon (Carpentier); and San Ramon (Norris). The Project area was part of the Carpentier’s Rancho San Ramon land grant. In an 1833 *diseño* map of the Rancho San Ramon land grant, the Project vicinity is marked as “Cañada Verde” (Green Valley) (Gudde 1998: 152).

Deterioration of relations between the United States and Mexico resulted in the Mexican War, which ended with Mexico relinquishing California to the United States under the Treaty of Guadalupe Hidalgo of 1848. With the formation of the new Territory of California (statehood was achieved in 1850), and the onset of the American Period, rapid changes were in store for the region.

AMERICAN PERIOD (1848-present)

The discovery of gold in the Sierra Nevada in 1848 produced a major population increase in the northern half of California as gold miners poured into the region. The population explosion led to land use changes as livestock grazed native grasses to extinction, woodlands were cut for lumber, railroad ties and mining timbers, and vast parcels of arable land were tilled for agricultural development. Following the U.S. takeover of Alta California from Mexico in 1848, rancho lands began to be divided up and generally overrun by Anglo immigration to the area that was coincident with the land boom following the Gold Rush of 1849. Rancho San Ramon suffered the fate of most Mexican land grants in northern California, with squatters taking quasi-legal title to lands, and the courts denying title to the original grantees (Hendry and Bowman 1940).

After California was admitted as a state, Contra Costa County, one of the original 27 counties created by the California legislature, included present-day Contra Costa and Alameda counties. In 1853, Alameda County was created from the western and southern sections of Contra Costa County. The precursor to the nearby city of San Ramon was a small settlement named Limerick, which marked the northern boundary of the Norris division of Rancho San Ramon. The rural areas surrounding San Ramon were particularly well adapted for livestock and sheep, cattle, and angora goats were raised there. Other industries included timber harvesting from the mountainous regions, coal mining on nearby Cedar Mountain and sandstone quarrying in the Altamont area.

The Danville vicinity was settled by a series of Euro-American farmers in the 1850s. L. Eddy, of Illinois, settled in the Sycamore Valley in 1850, just south of Green Valley, and established himself as a farmer. F.E. Matteson, married to Ann Eliza Eddy, settled there in 1852 (Smith and Elliot 1879: 22). In 1858 he “set out an orchard of 4,500 peach trees, of 64 choice kids, 300 apple trees, and 300 cherry trees” and various other fruits trees as well as a vineyard of 1,660 vines (Smith and Elliot 1879: 22). In 1852, R.O. Baldwin arrived in this portion of the San Ramon Valley with William Meese, his partner. At that time he “bought a squatter’s rights to 160 acres, and went to farming and stock-raising. The first year we raised wheat, barley and onions” (quoted in Smith and Elliot 1879: 22). In the following years he continued to raise crops in the Danville area including barley, corn, and fruit (Smith and Elliot 1879: 22).

Around 1858 Andrew and Daniel Inman, owners of the land on which the Town of Danville now sits, built a blacksmith shop in what would become downtown Danville (Hulanski 1917:381). H.W. Harris opened a hotel at the crossroads of the county road and Tassajara Road in 1858 (Munro-Fraser 1882: 437). Soon after, Wolf & Cohen, merchants already operating in Alamo, opened a store nearby (Hulanski 1917: 381). By 1860, a Post Office named “Danville” had been established (Gudde 1998).

3.2.2 Site Specific Historical Background of Project Area

Land patent records, which document the transfer of land ownership from the federal government to individuals, indicate that in the 1870s, some portions of the Project area were transferred from the federal government to individuals, and the ownership of other portions were transferred to the State of California. When the public lands were sold, land "patents" were issued—deeds transferring land ownership from a sovereign (the U.S. Government) to a buyer. Land patent records include the information recorded when ownership was transferred.

Horace Carpentier and the Pacheco family had been granted a large swath of land on April 7, 1866 that would become known as Rancho San Ramon. By the 1870s, portions of the Rancho within the Project area were sold. The western portion of the Project area was purchased by John Stem on August 1, 1872 [Legal land description: Township 1 South, Range 1 West Section 21, Tracts 1, 16, 17 and the E½ NE ¼ Section 21]. The central portion of the Project area, within Section 22, was owned by the State of California as well as private owners, according to the BLM Records. John Snyder purchased the NE ¼ of the SE ¼ of Section 22 and Tract 16 and 24, on June 1st, 1874. The State of California purchased Township 1 South, Range 1 West, Section 22, Lot 8 on August 13, 1874. The southernmost portion of the Project area, Section 27, has a similar history, with the State of California listed as the landowner in the BLM records [Legal land Description S½ NE¼; NE¼ NE¼; Lot 1, Serial Patent 11/15/1871]. Finally, the eastern-most portion of the Project area was purchased by Lawrence Duncan on January 20th, 1875 [Legal Description Township 1 South, Range 1 West, Section 23, SW¼] (Bureau of Land Management n.d.).

The land patents for the parcels that include the Project area indicate that several farmers and ranchers owned lots which overlapped partially with the Project area; John Stem (167 acres, 1872), John Snyder (127.9 acres, 1874), and Lawrence Duncan (160 acres, 1875). No further records of John Stem have been found. Both Lawrence Duncan and John Snyder appear on other documents, such as the 1870 Contra Costa County Map and the 1870 Federal Census prior to the dates that they purchase their lots, suggesting they occupied the land before it was formally sold to them by the U.S. Government (US Census Bureau 1870).

The 1871 Map of Contra Costa County depicts Green Valley with several residences identified along a road that follows the valley floor (Figure 8). Within the Project area, the property of "Sydnor" is marked just north of the East Branch of Green Valley Creek, in Section 22. The upland portion of the Project area is labeled "Lassen" with no structure indicated. Just outside the Project area, to the northeast, the residence of "Duncan" is depicted.

The 1870 Census of Township 2 of Contra Costa County sheds some light on who these individuals were. That year, John B. Sydnor was listed as a farmer from Virginia with real estate valued at \$2,500 and a personal estate valued at \$2,500. His household consisted of his wife, Frances, who hailed from Missouri and was keeping house, their five children, a Mr. William Meason, who was a 52 year old farmer from Maryland, and a Mr. William Neely, who was a 65 year old illiterate farm laborer who had been born in Ireland. The next family enumerated in the census was the Duncans. Robert and Lawrence Duncan, 21 and 27 years old respectively, were single farmers who hailed from New Jersey. Robert's real estate was worth \$5,000 while his personal estate was worth \$1,500. No estate for Lawrence was recorded.

Also in the 1870 census, Charles Lawson is listed within the household of Bruce W. Stone. The Stone family owned a large portion of the San Ramon Valley near Danville, according to the 1871 map. The Stone household listed two individuals who were likely renters, Charles Lawson, a 34-year-old farmer from Sweden with a personal estate worth \$800, and Francisco Noia, a 22-year-old laborer from the Azores with no personal estate. Lawson may not have lived on the land itself, as no structure is indicated on the 1871 map.

In the 1870s, Contra Costa County was home to a booming agricultural industry, with a specialization in walnut and fruit orchards in the valleys and hay field and grain on the slopes of Mount Diablo. While we do not know what Sydnor, Duncan and Lassen were farming, Sydnor's location on the valley floor would have made it the ideal location for crops such as wheat or fruit trees, while Lawson's location in the upland hills would have been more amenable to grazing and dairy farming.

The Project area changed hands between the 1870s and the 1890s, when the next Map of Contra Costa County was drawn up. On the 1894 Official Map of Contra Costa County, the majority of the Project area was owned by "Cook," with only the southernmost part, the northeastern quadrant of Section 27, owned by "Simeas." Their neighbors to the southwest, outside the Project area, were the McCauleys.

The Cook family owned Cook Farms, which functioned as a stock farm, raising cattle and horses, and which had formerly been known as the Railroad Ranch, and had been managed by David Colton, who was appointed by the Central Pacific Railroad and given a share of the ranch (Tatum 1996: 104; Mount Diablo Interpretive Association [MDIA] 2014).

The 1886 Registry of Voters for Contra Costa County included a Thomas J. Simeas, of Portugal, who was working as a farmer in Danville. He was 26-years-old and had been naturalized in 1884 in Martinez. He likely was the owner or tenant of the 160-acre farm in the northeast corner of Section 27 (southeast section of Project area).

The 1896 Mount Diablo Quad 15' Topographic Map depicts one structure, in the northeast section of Section 27 (Figure 9). This structure was located in a northwest to southeast-trending valley, along an unpaved road that coincides partially with present-day McCauley Road. An intermittent stream appears to have also been present in this valley, roughly paralleling the unpaved road. The East Branch of Green Valley Creek is depicted as a perennial stream, crossing the northern boundary of the Project area at several locations and an additional intermittent stream is depicted in the southeast portion of Section 22. No other structures or waterways are depicted in the Project area.

The 1908 Map of Contra Costa County indicates that most of the land marked "Cook" had changed hands to "Boyd" (Figure 10). The change in ownership of the majority of the land in the Project area was due to Cook Farms changing hands when the Cook brothers' niece, Louise, inherited the farm and married John F. Boyd, who changed the name to Oakwood Park Stock Farms in the 1890s. The stock farm encompassed 6,000 acres on the foothills of Mount Diablo, including the town of Diablo and the present day Mt. Diablo Country Club. The horses there were bred for racing and the stock farm had its own racetrack and a network of buildings for horse training, recreation, as well as corrals and pens (Tatum 1996: 104). The ranch complex was located north of the East Branch of Green Valley Creek, outside the Project area.

The 1943 Mount Diablo Quad 15' Topographic Map depicts no structures in the Project area (Figure 11). The unpaved road depicted on the 1896 Mount Diablo USGS Map is still present (refer to Figure 9). An intermittent stream appears in the northwest to southeast-trending valley that crosses the southeast portion of the Project area. The East Branch of Green Valley Creek is depicted as an intermittent stream crossing the northern boundary of the Project area at several locations. A small portion of the northeast portion of the Project area is depicted as part of an orchard. A woodland area is located in the west section of the Project area, near the 788 ft. peak of the ridge. No other waterways are depicted in the Project area.

In 1949, the Magee family established their cattle operation in Danville (Magee Ranches 2014). The original expanse of Magee Ranches was approximately 1,200 acres, including much of the Project area, which Harry H. Magee "used for their beef cattle operations and were previously used as a sheep farm and walnut orchards" (Magee Ranches 2014).

The 1953 Mount Diablo Quad 15' Topographic Map depicts two structures in the Project area (Figure 12). One structure is located in the northeast quadrant of Section 27, near the location of the structure depicted on the 1896 map; this is adjacent to an unnamed intermittent stream that ran southeast to northwest along the valley. A second structure is depicted in southeast portion of Section 22, at the end of a road leading southeast from the intersection of Diablo and Blackhawk roads. An intermittent stream runs south to north, just east of the structure, draining into the East Branch of Green Valley Creek, which is also

depicted as intermittent. The areas depicted as orchards and woodland in 1943 are similarly depicted on the 1953 map, although the woodland area extends over much of the western portion of the Project area in addition to sections in the eastern portion. No other structures or waterways are depicted in the Project area.

Over the years, portions of the ranches were subdivided for residential housing and permanent open space. Today, approximately 400 acres of the original ranches remain, and are owned by Harry Magee's grandson, Jed Magee, and his family. Several modern ranch buildings are located in the northeastern portion of the Project area today.

4.0 Literature Review

On behalf of WSA, the staff at the California Historical Resources Information System, Northwest Information Center at Sonoma State University (NWIC) conducted a records search for the Project area and its vicinity on January 15, 2014 (File No. 13-1005). Information on previous archaeological studies and recorded sites within a ¼-mile radius of the Project APE was gathered to identify known cultural resources in the area, and to evaluate the potential for unrecorded cultural resources that might be encountered by the Project. The study included a review of archaeological, ethnographic, historical, and environmental literature, as well as records and maps on file at the NWIC. Results of the records search indicate there are no recorded sites in the Project area or within ¼-mile radius. Information on previous archaeological studies within a ¼-mile radius of the Project area was also provided. Relevant pages from the Office of Historic Preservation (OHP) Historic Properties Directory, which includes information regarding National Register of Historic Places, California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and historic building surveys, were included with the search results, and no properties within ¼-mile of the Project area are listed. There were also no listings on the California Inventory of Historical Resources or the OHP Archaeological Determinations of Eligibility within the Project area or a ¼-mile radius.

Historic Maps reviewed included the Topographical Map of Contra Costa County (Britton and Rey 1871), the 1894 Official Map of Contra Costa County, USGS Mount Diablo 15' topographic quadrangle from 1896, 1943, 1953; 1908 Official Map of Contra Costa County.

As described above, the 1896 USGS Mount Diablo 15' topographic quadrangle depicted a building in the northeast quadrant of Section 27 at a turn in an unpaved road on the valley floor. The building, or a building in a similar location, appears again on the 1953 USGS Mount Diablo 15' topographic quadrangle, as does an additional building in the southeast portion of Section 22. An aerial photograph from 1973 depicts a ranch building in the north-central portion of the Project area, and the outline of a corral in the northeast quadrant of Section 27, near where the building depicted on the 1953 USGS Quad was located (Figure

13). No other buildings or cultural resources were identified within the Project area on these maps.

4.2 Previous Cultural Resource Studies

Two cultural resource studies have been undertaken that include all or part of the Project area (S-038908, S-033267). Nine cultural resource studies have been conducted within ¼-mile of the Project area (S000423, S-002558, S-002848, S-007127, S-011842, S-012031, S-015782, S-019530, S-029033, S-032521, S-033267, S-037281, S-038908, S-039238). These are summarized in Table 1.

In 2006, a portion of the Project area near Magee West was surveyed for Verizon Wireless in anticipation of the construction of a cellphone tower (Losee 2006). No cultural resources were detected. In 2009, Holman & Associates undertook an archaeological survey of the northern portion of the Project area to evaluate the general archaeological sensitivity of the site. The survey included the northern edge of the Magee Ranch property, where alluvial deposits from the surrounding hills are deposited along the East Branch of Green Valley Creek, as well as a canyon rising to the south. Ground visibility was good and no prehistoric or historic cultural deposits were detected (Holman 2009). While the area was surveyed, no survey map was provided in the survey report, and survey transect widths were not noted.

In 2011, Holman & Associates undertook an additional cultural resources analysis of a portion of the Project area, including an additional archaeological survey and a subsurface archaeological testing program (Wiberg 2011). The pedestrian survey focused on the "Upland Portions" of the Magee Ranch property. This was a systematic survey that addressed the ridges and sloped areas of the Magee Ranch property, rather than just the alluvial fans in the northern portion. Transects were 25-30 meters in width and ground visibility ranged from good to poor. Steep slopes prevented access to some areas, however slopes of greater than 30 degrees would not have retained intact cultural deposits because they would have been subject to disturbance from hillside erosion. Wiberg examined rodent burrows for evidence of subsurface deposits that may have been carried to the surface and found no indication of the presence of buried prehistoric or historic cultural deposits, including in those areas inspected for historic structures (Wiberg 2011: 23).

Holman and Associates undertook exploratory testing within the area designated for clustered development in Section 22 and 23, which coincides with the alluvial zone in the Magee East portion of the Project area (Figure 14). Thirteen trenches were excavated along the south bank of the East Branch of Green Valley Creek. The trenches were 70 cm wide (2.3 ft.), 3 meters long (about 9.8 ft.), and between 2.62 and 3.1 m (8.6-10.1 ft.) deep. Soils were examined via periodic screening through ¼ inch mesh. Trench sidewalls were examined up to 5 ft. bgs. Stratified layers included fill deposits, underlain by coarse grained sediments

(channel deposits), and some “weakly developed old (buried) surfaces . . .,” although there was no indication of the presence of anthropogenic soils. The presence of buried surfaces, however, does suggest that subsurface natural stratification is intact and there is a low-to-moderate potential for prehistoric archaeological deposits. Because no cultural material was found during the archaeological testing, however, this potential was assessed as being on the low end of that range and “only slightly sensitive for buried prehistoric deposits” (Wiberg 2011).

Table 1: Previous Cultural Resource Studies in the Project Area

| Study # | Author | Year | Title | Institution |
|----------|-----------------|------|---|-------------------------------------|
| S-033267 | Carolyn Losee | 2006 | Cultural Resources Analysis for Verizon Wireless "Green Valley" Site # 165002: SE Corner of McCauley and Diablo Roads, Danville, CA 94526 (letter report) | Archaeological Resources Technology |
| S-038908 | Randy S. Wiberg | 2011 | Magee Ranch, Archaeological Survey and Subsurface Testing Report, Contra Costa County, California | Holman & Associates |

Table 2: Cultural Resource Studies within ¼-Mile of the Project Area

| Study # | Author | Year | Title | Institution |
|----------|--------------------------------------|------|--|----------------------------------|
| S-000423 | Peter Banks and David A. Fredrickson | 1977 | An Archaeological Investigation of Twelve Parcels in the Upper San Ramon Creek Watershed Scheduled for Channel Improvements, Contra Costa County, California | California State College, Sonoma |
| S-002558 | David Chavez | 1981 | Subdivision 5937, Danville, California (letter report) | |
| S-002848 | Allen G. Pastron | 1981 | Evaluation of the Archaeological Resources and Potential Impact of Development or other Land Modification at the 258 Acre Parcel of Land Located near the or other Land Modification at the 258 Acre Parcel of Land Located near the | Archeo-Tec |
| S-007127 | Amy Huberland | 1985 | An Archaeological Investigation of Anderson Ranch, Blackhawk Development Company Subdivision 6196, near Danville, Contra Costa County, California. Company Subdivision 6196, near Danville, Contra Costa County, California. | |
| S-011842 | Suzanne Baker | 1990 | Archaeological Reconnaissance of Minor Subdivision MS 71-89, in Diablo, Contra Costa County, California | |
| S-012031 | Angela M. Banet and James C. Bard | 1990 | Cultural Resources Assessment for Subdivision 7477, 1008 Diablo Road, Danville, California (letter report) | |

| Study # | Author | Year | Title | Institution |
|----------|--|------|---|--------------------------------|
| S-015782 | Michael Jablonowski | 1994 | An Archaeological Study of a 1.6-acre Parcel (APN 195-191-001) at 1750 Alameda Diablo, Diablo, Contra Costa County, California | |
| S-019530 | Holman, Miley P. | 1997 | Archaeological Field Inspection of the Proposed Athenian School Paved Parking Lot, Danville, Contra Costa County, California (letter report) | |
| S-029033 | Leigh Martin | 2004 | Archaeological Assessment of an 11-Acre Parcel (APN 196-310-001), Located at 333 Hill Road, Danville, Contra Costa County, California (letter report) | |
| S-032521 | Lorna Billat | 2006 | New Tower ("NT") Submission Packet, FCC Form 620, Camp Run-A-Muk, SF-08151A | Earth Touch, Inc. |
| S-037281 | Lorna Billat | 2010 | New Tower ("NT") Submission Packet, FCC Form 620, Green Valley Road, SF-08151C | Earth Touch, Inc. |
| S-039238 | Annamarie Leon Guerrero and Lacey Kalber | 2012 | A Cultural Resources Study of 75 Acres of the Athenian School, Danville, Contra Costa County, California | Anthropological Studies Center |

There are eleven cultural resources overviews that include the Project area (Table 3).

Table 3: Overview Studies within ¼-Mile of the Project area

| Study # | Author | Date | Title | |
|---------|----------------------|------|--|---|
| S-00595 | Ronald F. King | 1974 | A Report on the Status of Generally Available Data Regarding Archaeological, Ethnographic, and Historical resources Within a Five Mile Wide Corridor Through Portions of Colusa, Yolo, Solano, and Contra Costa Counties, California | |
| S-0848 | David A. Fredrickson | 1977 | A Summary of Knowledge of the Central and Northern California Coastal Zone and Offshore Areas, Vol. III. Socioeconomic Conditions, Chapter 7: Historical & Archaeological Resources. | The Anthropology Laboratory, Sonoma State College |
| S-01978 | Anthony V. Aiello | 1960 | The Islands of Contra Costa | |

| Study # | Author | Date | Title | |
|---------|--|------|---|---|
| S-2458 | Suzanne Marie Ramiller, Neil Ramiller, Roger Werner, and Suzanne Stewart | 1981 | Overview of Prehistoric Archaeology for the Northwest Region, California Archaeological Sites Survey. | Northwest Regional Office, California Archaeological Sites Survey; Anthropological Studies Center |
| S-9462 | Teresa Ann Miller | 1977 | Identification and Recording of Prehistoric Petroglyphs in Marin and Related Bay Area Counties. | San Francisco State University |
| S-09583 | David W. Mayfield | 1978 | Ecology of the Pre-Spanish San Francisco Bay Area | San Francisco State University |
| S-16660 | Jeffrey B. Fentress | 1992 | Prehistoric Rock Art of Alameda and Contra Costa Counties, California | California State University, Hayward |
| S-18217 | Glenn Gmoser | 1996 | Cultural Resources Evaluations for the Caltrans District 04 Phase 2 Seismic Retrofit Program, Status Report: April 1996. | Caltrans |
| S-20395 | Donna Gillette | 1998 | PCNs of the Coast Ranges of California: Religious Expression or the Result of Quarrying? | California State University, Hayward |
| S-32596 | Randall Milliken, Jerome King, and Patricia Mikkelsen | 2006 | The Central California Ethnographic Community Distribution Model, Version 2.0, with Special Attention to the San Francisco Bay Area, Cultural Resources Inventory of Caltrans District 4 Rural Conventional Highways. | Consulting in the Past; Far Western Anthropological Research Group, Inc. |
| S-33600 | Jack Meyer and Jeff Rosenthal | 2007 | Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4. | Far Western Anthropological Research Group, Inc. |

4.3 *Previously Recorded Archaeological Resources*

Prehistoric Period

No prehistoric sites were located within the Project area or within a ¼-mile radius of the Project area. A review of previous studies on nearby parcels, however, reveals that several prehistoric sites have been recorded within two miles of the project area.

An Archaeological Investigation of Twelve Parcels In the Upper San Ramon Creek Watershed (Banks and Fredrickson 1977) noted several known sites on the west side of the San Ramon Valley including CA-CCO-308. CA-CCO-308 is located near downtown Alamo, approximately two miles northwest of the western boundary of the Project area. This site

represents a continuous prehistoric occupation dating back 4,000 years to the Middle Horizon. The site was buried beneath seven meters of alluvium. Banks and Fredrickson (1977) noted that “although trade existed with other areas, the early inhabitants of CCO-308 were not heavily dependent upon it” (1977:4).

Historic Period

No historic buildings or archaeological sites are located within the Project area or within the ¼-mile buffer around the perimeter of the Project area.

5.0 Consultation with Local Historical Societies

On February 20, 2014 WSA project director Dr. Teresa Bulger visited the Contra Costa County Historical Society (CCCHS), in Martinez, California. This visit was intended as a follow-up to the historical map analysis discussed below. Information on J. Snyder, Mr. Lassen/Lawson, Cook Farms, and Mr. Simeas was requested, as these names appear in the vicinity of the Project area on the 1871 Contra Costa County map (Britton and Rey 1871). Additional information on the history of the McCauley property, Boyd property and Oakwood Park Stock Farms was gathered. These included a map of the Oakwood Park Stock Farms (see Site Specific History, below). The docents at the CCCHS suggested that WSA follow up with the Museum of the San Ramon Valley.

On May 8th, 2014, WSA contacted Beverly Lane, the curator of the Museum of the San Ramon Valley, by letter requesting any information the museum might have on the Project area or its vicinity. On May 16th, 2014, Ms. Lane informed WSA that the museum’s collection contains historical resource folders on the McCauley Family, Cook Farms, and Stockwood Farms. As these resources duplicated the research WSA had already completed, no further follow up was undertaken. Historical society correspondence can be found in Appendix B.

6.0 Native American Coordination²

WSA sent a letter to the Native American Heritage Commission (NAHC) on January 13, 2014 describing the Project, providing the Project location, and asking for information regarding known Native American cultural resources and sacred sites within the Project area, as well as requesting a list of Native American individuals/organizations who may have knowledge of such resources in the Project area.

Debbie Pilas-Treadway of the NAHC replied on January 15, 2014 that “a record search of the sacred land file has failed to indicate the presence of Native American cultural resources in

² Consultation with the Native American Heritage Commission was previously reported on in November 2014 (WSA 2014). These results are included here as part of the comprehensive CRAR for the Magee Ranch Project.

the immediate project area.” Included in the NAHC response were the names of three interested Native American contacts, which are appended to this report. A record of correspondence with these individuals is provided in Table 1.

On January 16th, 2014 WSA sent letters to each of the three individuals on the Native American contact list describing the Project, providing a Project location map, and asking for any information and/or concerns regarding the Project. No response was received.

On January 27th, 2014 WSA placed follow-up calls to the three contacts provided by the NAHC. During follow-up phone calls, Andrew Galvan, representative of the Ohlone Indian Tribe, recommended that any potential pre-contact resources found during the record search or a pedestrian survey should be monitored by a Native American should ground disturbance in those areas occur. Ramona Garibay, representative of the Trina Marine Ruano Family, expressed that she had no questions or concerns about the Project. A voicemail message was left for Ms. Katherine Erolinda Perez, with a brief summary of the Project and contact information. No reply was received.

At the request of SummerHill Homes,, the cultural resources research on the Project was temporarily suspended and no further NAHC consultation was undertaken. In November 2014, SummerHill Homes requested that WSA complete the NAHC consultation.

On November 13, 2014, WSA project director Dr. Teresa Bulger sent an email to Ms. Katherine Erolinda Perez, who had not responded to previous inquiries. The email described the Project and the results of the records and literature search completed for the Project area. As a follow-up to this email, Dr. Bulger telephoned Ms. Perez on November 17, 2014, but was unable to reach her. A message was left on her voicemail, providing basic Project details and requesting comment. No further responses were received. Copies of the correspondence are included in Appendix C.

7.0 Field Methodology and Results of the Archaeological Survey

Previous Archaeological Survey and Testing

Although the Project area was subject to a pedestrian survey in 2009, that survey was undertaken before Project plans were finalized, and reporting on the survey does not make clear whether it was executed to ARPA standards (Holman 2009). No prehistoric or historic sites were located.

In 2011, archaeological testing was undertaken along the edge of the East Branch of Green Valley Creek (Wiberg 2011). Thirteen exploratory trenches were excavated along the south bank of the creek. The trenches were excavated by backhoe and were 70 cm wide (2.3 ft.), 3 meters long (about 9.8 ft.), and between 2.62 and 3.1 m (8.6-10.1 ft.) deep. Soils were examined via manual raking and periodic screening through ¼ inch mesh. Trench sidewalls

were examined to depths of up to 5 ft. bgs, although trenches were dug generally to a depth of 3 meters (~10 ft.).

Soil layers included fill deposits underlain by coarse-grained channel deposits. Additionally, Wiberg (2011) reported that in some trenches, “weakly developed old (buried) surfaces were observed,” which could indicate “prehistoric archaeological potential.” No anthropogenic soils were observed. No cultural material was observed. Wiberg assessed the site as “only slightly sensitive for buried prehistoric deposits” (Wiberg 2011: 24).

Survey Summary

In accordance with NHPA Section 106, to ensure that no significant cultural resources were missed during the previous survey, and as a means of evaluating potential impacts to cultural resources, WSA archaeologists, Thomas Young, B.A., Ashley Schmutzler, B.A., and Teresa Bulger Ph.D., conducted an intensive pedestrian survey of the entire 45.38-acre Project APE on January 22 and 26, 2015 and March 24, 2015 (Figure 15 and refer to Figure 5). This intensive survey was designed to meet the requirements of Section 106 and was conducted using transect intervals of no more than 10 meters (33 ft.). Ground surface visibility throughout the survey area was generally poor to fair, with visibility at 10% throughout much of the Project area. Areas of high visibility included drainage channels, exposed rock outcroppings, and abundant rodent burrowing sites.

Twentieth-century material observed during the survey included metal and wood fence posts, posts in concrete footings, barbed wire, rubber hoses, wood ties, aluminum troughs, corrugated and flat sheet metal, scrap metal (bathtubs & railings), scrap wood, oil cans and drums, pull tab aluminum cans, a cattle guard, a metal drainage pipe, a concrete storm water run-off canal and assorted pieces of milled wood—all dating to the mid-to-late-20th century. WSA determined that these materials do not offer unique insight into the historic or prehistoric past in the Project area and they were not evaluated further.

The areas adjacent to the East Branch of Green Valley Creek were considered high priority survey areas due to the possibility of prehistoric sites near the creek. The creek bank and adjacent areas in the vicinity of the proposed bridge over the creek were thoroughly examined and there were no indications of archaeological materials visible on the surface. Although no pre-construction testing of proposed bridge footings was conducted in the location, it is unlikely that cultural resources are present, based on archival research and the lack of any surficial evidence observed during the survey.

Survey Detail

Magee Ranch East

This survey area was accessed through a gate at the end of San Andreas Drive, off Blackhawk Road (Photo 1). The terrain overall is characterized by gently rolling hills and valleys cut by drainages. The East Branch of Green Valley Creek flows along the northern edge of the APE. A 40-m wide, flat strip of land connects the bulk of the Project area to Blackhawk Road. Oak trees dot the hillsides, while green grasses and other weeds, which reduced visibility to 10%, on average, blanket the valleys. There were frequent areas of high visibility; including soils associated with the spoils from rodent burrows, cattle trampling, patches of ground where there was little to no grass, and eroded drainages and creek-banks; these were examined closely for soil strata and subsurface cultural material.

Magee Ranch East property is actively used as ranch land, as evidenced by cattle hoof prints and trails on the hillsides. Improvements to the land include culverts, fence-lines, corrals, gates, dirt and gravel roads, and outbuildings. In the east section of Magee Ranch East, there is a complex of livestock pens and corrals containing horses, a hog, and a few cows and bulls (Photo 2). The ground surfaces of several corrals were covered with hay, obscuring the soil below. These areas were observed from the perimeter of each corral and constituted 1.64 acres, representing 3.5% of the Project APE.

In the northeastern portion of Magee Ranch East the survey area includes a creek crossing and a 40-meter wide by 200-meters long, portion of land on the north side of the creek, which was designated the Panhandle. The creek crossing is currently a washed-out asphalt road, with a metal gate on the north side (Photos 3 & 4). A bridge will be constructed to replace this asphalt road, so the creek was inspected in detail for cultural material; none was observed. A deep drainage, originating in the hills to the south, flows down to the creek in this area, which is covered by green grass and weeds, as well as a few oak trees, reducing visibility to less than 10%. Abundant hoof prints, squirrel burrows, and cracked soil improved visibility. These opportunities were explored manually with a trowel every 10 meters. The area along Jillian Way and Blackhawk Road is tree-lined with good (75%) visibility, as grass cover was absent. Old farm equipment and scrap materials (bathtubs, toilets, railings, milled wood, metal pipes, etc.) were stacked in piles at the south end of the Panhandle section (Photo 5). The terrain throughout the east section of Magee East is a flat meadow used for cattle grazing (Photo 6). No historic cultural material was observed.

In the southern, upland section of Magee East there is a deep drainage cut that flows north from the hills into the survey area. A dump containing old ranch equipment that is no longer useful is located in this drainage. Corrugated and flat sheet metal, large balls of barbed wire and fence wire, wood and metal fence posts, gate posts in concrete footings, oil cans and

drums, pull tab aluminum cans, a cattle guard, and an aluminum trough were observed piled in a 40-meter length of the drainage (Photos 7 & 8). None of it appeared to be historic, however, and the cans dated from the 1960s. Four decayed cow carcasses were located near the trash pile, with sun-bleached bones scattered about.

In the western section of Magee East, there is a large corral and a barbed-wire fence line, which extends from the southwest corner of the corral and travels northwest, circling a large hill and connecting back up to the corral on its north side. Within this fenced area, there is an aluminum cattle trough with trampled ground all around; visibility was high in this area; no cultural material was observed (Photos 9 & 10).

The northwest section of Magee East is bounded by a gravel road on the northwest edge, and the creek on the northeast side. The gravel road circles back around the hill to the corral in the west section. There are two drainages that cut through this section, flowing northward from the southern hills down toward the creek. A metal pipe has been installed under the road at the end of one of the drainages, directing water under the road and down to the creek (Photo 11). The visibility here was low, except for the drainages, the banks of the creek, and the gravel road. No cultural material was observed.

The East Branch of Green Valley Creek is a deeply cut creek, with eroded banks that have been heavily trampled by cattle in some parts. Some of the bends in the creek have benches alongside them, which were investigated for archaeological material. There was water in the creek at the time of survey, but the level was low and slowly flowing to the west, and it was cloudy with sediment and choked with leaf litter. It meandered along, the flow interrupted by soil and gravel bars, and other small diversions in the direction of flow. Oak trees, scrub brush, and grasses were growing on the banks and benches, but these were not enough to halt erosion of the banks. The stratification of the stream bank at the south end of the Panhandle consists of 65 cm (25 in.) of very dark brown–black silty clay, underlain by 70 cm (28 in.) of dark yellowish brown, moderately compacted dry loamy silt to the surface of the water (Photo 12).

Magee Ranch East contained an abundance of modern ranch equipment and scrap material, but it all appears to be of modern origin. No historic structures were observed. No prehistoric cultural material was observed.

Magee Ranch West

The survey area is bounded by Diablo Road to the north and McCauley Road to the west; it is open active ranching land to the south and east (Photo 16). There is a barbed-wire fence along both Diablo Road and McCauley Road. The site was surveyed in 10-meter transects in a NW/SE direction. The terrain was similar to Magee Ranch East, characterized by rolling

hills and intermittent flat areas (Photos 13, 14, & 15). The ground is uneven; and appears to have been recently tilled, but the grasses have grown in and cover the ground. This reduced ground visibility to approximately 10% on average, although there were frequent windows into the nature of the soil and the subsurface stratification due to bioturbation and erosion. These areas were investigated for cultural material.

A concrete storm water run-off canal rings the south, west, and north face of the large hill in the central portion of the survey area. It is 42-in. wide at the top, 12-in. wide at the bottom, and 14-in. deep (Photos 17). There was a storm drain grate halfway along the length of this feature (Photo 18). The materials used in the construction of the canal appears to be modern.

Aside from the storm-water run-off canal, there were no other historic buildings, structures, objects, or cultural material observed. No prehistoric cultural material was observed.

8.0 Evaluation Under NHPA and CEQA

8.1 Evaluation Criteria

The NRHP, created under the NHPA, is the federal list of cultural resources worthy of preservation. Resources listed in the NRHP include districts, sites, buildings, structures, and objects that are significant in American history, prehistory, architecture, archaeology, engineering, and culture. The Keeper of the National Register within the National Park Service maintains the NRHP. To guide the selection of properties included in the NRHP, the Advisory Council on Historic Preservation has developed the National Register Criteria for Evaluation (36 CFR Part 60.4). The criteria are standards by which every property that is nominated to the NRHP is judged. The quality of significance in American history, architecture, archaeology, and culture is possible in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, material, workmanship, feeling, and association, and meet one of the following criteria:

- Criterion A: A property is associated with events that have made significant contributions to the broad patterns of the history of the United States;
- Criterion B: A property is associated with the lives of people significant in United States history;
- Criterion C: A property embodies the distinctive characteristics of a type, period, or method of construction; represents the work of a master; possesses high artistic value; or represents a significant and distinguishable entity whose components may lack individual distinction; or
- Criterion D: A property has yielded, or may be likely to yield, information important in prehistory or history (36 CFR Part 60.4).

All categories of properties—districts, sites, buildings, structures, and objects—may be judged in relation to any or all of these criteria. Typically, the eligibility to the NRHP of archaeological properties is determined by application of Criterion D, which evaluates the importance of the information the property might contain. Archaeological sites can also be eligible under Criteria A, B and C, which assess the intrinsic value that a property possesses either by virtue of its historical association with an important person or event or as a surviving example of an important type of property. In order to determine the importance of the information a property might contain (i.e., does it meet Criterion D?), a historic context and research design are prepared. The historic context provides the historical background against which any given find can be judged by the NRHP eligibility criteria, establish a period of significance, and possible historical associations. The research design identifies the research questions that can be addressed by the kind of data the property might contain and that cannot be satisfactorily addressed using data from other sources alone.

Integrity. The integrity of a property refers to the property’s ability to convey its significance (National Park Service [NPS] 1990:44). The integrity of archaeological sites is evaluated differently from the integrity of architectural resources. For an archaeological resource to contain the level of integrity that is required for NRHP eligibility under Criterion D, it “is important that the significant data contained in the property remain sufficiently intact to yield the expected important information” (NPS 1990:23). A fragmentary property type (e.g., a portion of an archaeological site) can be determined to be legally important if the remains are of an identifiable property type that has potential for contributing information to the research questions posed in the research design.

No prehistoric cultural resources were observed or recorded within the Project area. Twentieth-century features and debris were observed during the survey. As this debris was not in primary context, appeared to be of a recent (younger than 45 years) age, or represented common farm equipment which is difficult to date, WSA determined that the twentieth-century debris did not offer unique insight into the historic or prehistoric uses of the landscape. No NRHP eligible historic properties are present within the Project area.

8.2 CEQA Evaluation Criteria

CEQA defines significant historical resources as “resources listed or eligible for listing in the California Register of Historical Resources (CRHR)” (Public Resources Code Section 5024.1). A resource may be considered historically significant if it meets the following criteria for listing on the CRHR:

1. it is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; or

2. it is associated with the lives of persons important to California's past; or
3. it embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. it has yielded or is likely to yield information important in prehistory or history (Public Resources Code Section 5024.1).

In order to meet one or more of the criteria listed above, a cultural resource must possess integrity to qualify for listing in the CRHR. Integrity is generally evaluated with reference to qualities including location, design, materials, workmanship, setting, feeling, and association. A potentially eligible site must retain the integrity of the values that would make it significant. Typically, integrity is indicated by evidence of the preservation of the contextual association of artifacts, ecofacts, and features within the archaeological matrix (Criterion 4) or the retention of the features that maintain contextual association with historical developments or personages that render them significant (Criteria 1, 2, or 3). Evidence of the preservation of this context is typically determined by stratigraphic analysis and analysis of diagnostic artifacts and other temporal data (e.g., obsidian hydration, radiocarbon assay) to ascertain depositional integrity or by the level of preservation of historic and architectural features that associate a property with significant events, personages, or styles.

Integrity refers both to the authenticity of a property's historic identity, as shown by the survival of physical characteristics that existed during its historic period and to the ability of the property to convey its significance. This is often not an all-or-nothing scenario (determinations can be subjective); however, the final judgment must be based on the relationship between a property's features and its significance.

Section 15064.5 of the CEQA Guidelines indicates a project may have a significant environmental effect if it causes "substantial adverse change" in the significance of an "historical resource" or a "unique archaeological resource" as defined or referenced in CEQA Guidelines Section 15064.5[b, c] (revised October 26, 1998). Such changes include "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" (CEQA Guidelines 1998 Section 15064.5 [b]).

No prehistoric cultural resources were observed or recorded within the Project area. Twentieth-century features and debris were observed during the survey. As this debris was not in primary context, appeared to be of a recent (younger than 45 years) age, or represented common farm equipment which is difficult to date, WSA determined that the twentieth-century debris did not offer unique insight into the historic or prehistoric uses of the landscape. No historical resources or unique archaeological resources as defined by CEQA are present within the Project area.

9.0 Findings and Mitigation

9.1 *Previously Undiscovered Archaeological Resources*

Based on the soils analysis provided in Section 3.1.2, portions of the Project area are located within areas of potential high archaeological sensitivity, along the northern boundary of the Project APE. This potential sensitivity has been addressed through an archaeological pedestrian survey and archaeological testing in this area (Wiberg 2011; Figure 14). Holman and Associates excavated eleven test trenches in the zone of high sensitivity and encountered no artifacts and no anthropogenic soils (Wiberg 2011). WSA's 2015 pedestrian survey of the Project APE took advantage of the limited opportunities to evaluate the potential for subsurface cultural deposits through examination of rodent burrows and cracked ground surfaces (see Section 6.0). No cultural materials were identified during WSA's survey.

Although the likelihood of encountering intact cultural resources during Project construction is considered low, there is the possibility that buried archaeological resources may be located during ground-disturbing activities. Site preparation, grading, and construction activities could adversely impact previously undiscovered archeological resources. Implementation of the following mitigation measure would reduce potential impacts to undiscovered archeological resources to a less-than-significant level.

Mitigation Measure CULT-1: If prehistoric or historic cultural resources are encountered during Project activities, all work within 25 feet of the discovery will be stopped and a qualified archeologist meeting federal criteria under 36 CFR 61 will be contacted to assess the resources and make recommendations.

Prehistoric or historic cultural resources should be avoided by Project activities if they are encountered during construction. If they cannot be avoided, they must be evaluated for their potential eligibility for listing on the NRHP in consultation with the Town of Danville and the ACOE. If the resources are recommended as not eligible for the NRHP, avoidance is not necessary. If the resources are recommended as potentially eligible to the NRHP, Project impacts will be mitigated in accordance with the recommendations of the evaluating archaeologist, Section 106 of the NHPA, and CEQA Guidelines §15126.4 (b)(3)(C), which require development and implementation of a data recovery plan that would include recommendations for the treatment of the discovered archaeological materials. The data recovery plan will be submitted to the Town of Danville and the ACOE for review and approval. Upon approval and completion of the data recovery program, Project construction activity within the area of the find(s) may resume, and the Project archaeologist will prepare a report documenting the methods and findings. The report will be submitted to the Town of

Danville and the ACOE. Once the report is reviewed and approved by the Town of Danville and the ACOE, a copy of the report will be submitted to the NWIC, as required.

9.2 *Previously Undiscovered Human Remains*

Ground disturbing activities associated with site preparation, grading, and construction activities could disturb human remains, including those interred outside of formal cemeteries. The potential to uncover Native American human remains exists in locations throughout California. Although not anticipated, human remains may be identified during site-preparation and grading activities, resulting in a significant impact to Native American cultural resources. Implementation of the following mitigation measure would reduce potential adverse impacts to human remains to a less-than-significant level.

Mitigation Measure CULT-2: Section 7050.5(b) of the California Health and Safety code will be implemented in the event that human remains, or possible human remains, are located during Project-related construction excavation. Section 7050.5(b) states:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

The County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the NAHC within 24 hours. The Commission has various powers and duties, including the appointment of a Most Likely Descendant (MLD) to the Project. The MLD, or in lieu of the MLD, the NAHC, has the responsibility to provide guidance as to the ultimate disposition of any Native American remains.

10.0 Professional Qualifications

Teresa Dujnic Bulger, Ph.D., RPA, has 10 years of research experience in archaeology, five of which have been in the San Francisco Bay Area, working on both prehistoric and historic sites. Dr. Bulger specializes in historical archaeology of the 19th and early-20th centuries.

Nazih Fino, M.A., has 10 years of experience in cultural resource management and geographical information systems in the San Francisco Bay Area.

Thomas Young, B.A., has 10 years of experience in cultural resource management in the San Francisco Bay Area.

Ashley Schmutzler, B.A., has 1 year of experience in cultural resource management in the San Francisco Bay Area.

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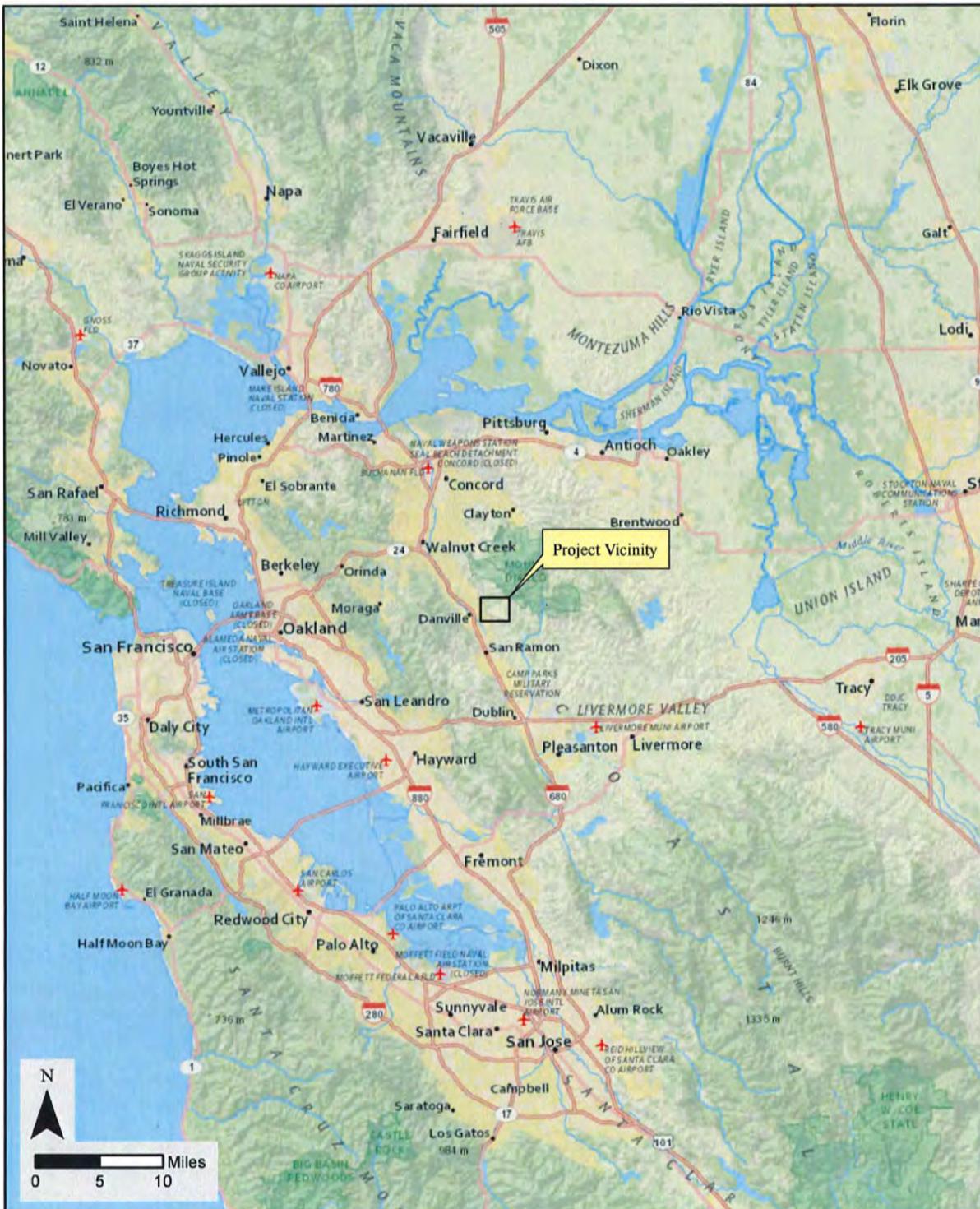
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Appendix A

Figures

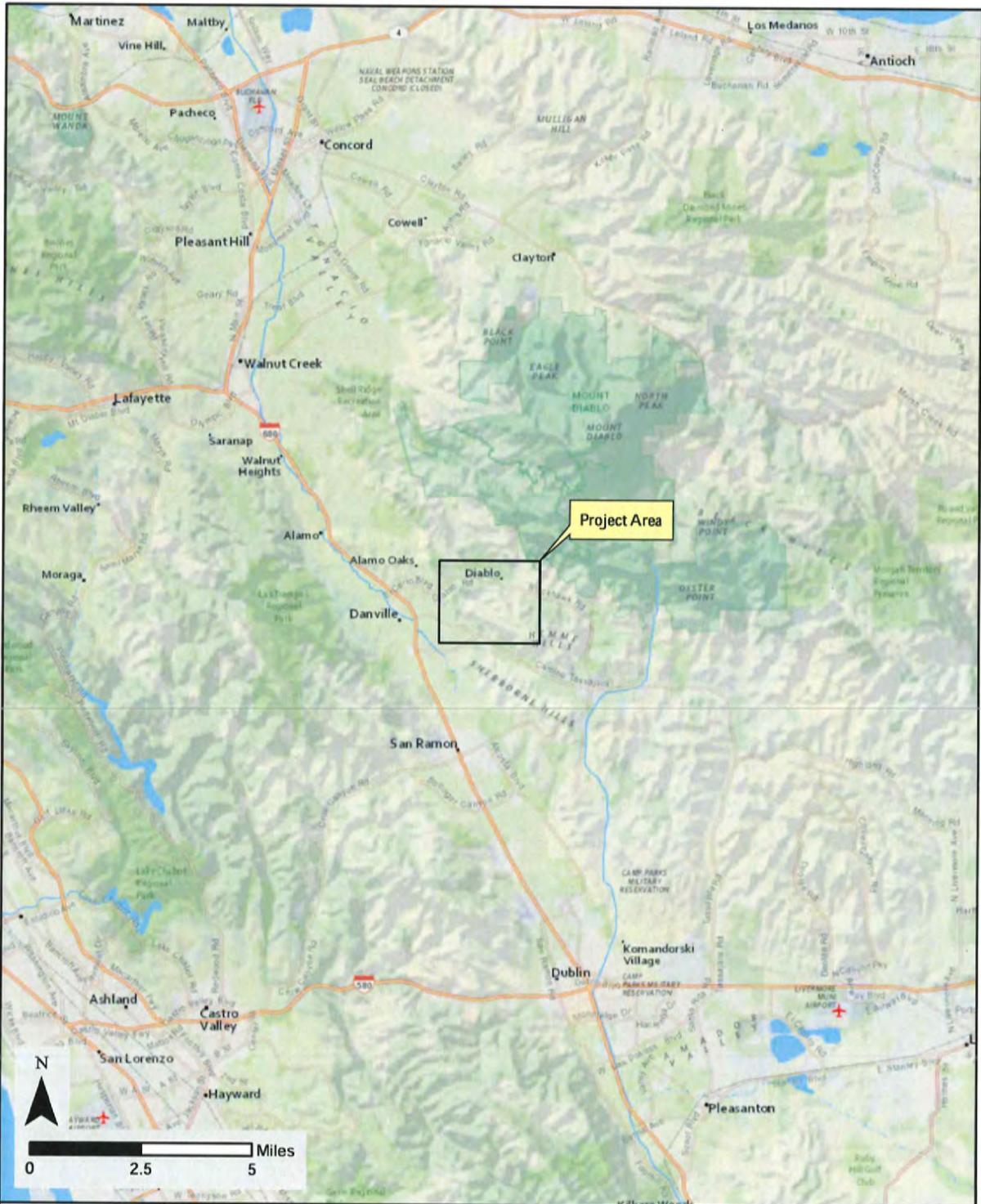
| | |
|-----------|---|
| Figure 1 | Project Vicinity Map |
| Figure 2 | Project Area Map |
| Figure 3 | Project Location map |
| Figure 4 | Project Components |
| Figure 5 | Area of Potential Effects Map |
| Figure 6 | Archaeological Sensitivity Map |
| Figure 7 | Soils Map |
| Figure 8 | Project Location on 1871 Contra Costa County Map |
| Figure 9 | Project Location on 1896 USGS Mount Diablo 15' Quad |
| Figure 10 | Project Location on 1908 Contra Costa County Map |
| Figure 11 | Project Location on 1943 USGS Mount Diablo 15' Quad |
| Figure 12 | Project Location on 1953 USGS Mount Diablo 15' Quad |
| Figure 13 | Project Location on 1973 Aerial Photo |
| Figure 14 | Previous Archaeological Testing (Wiberg 2011) |
| Figure 15 | Survey Map |

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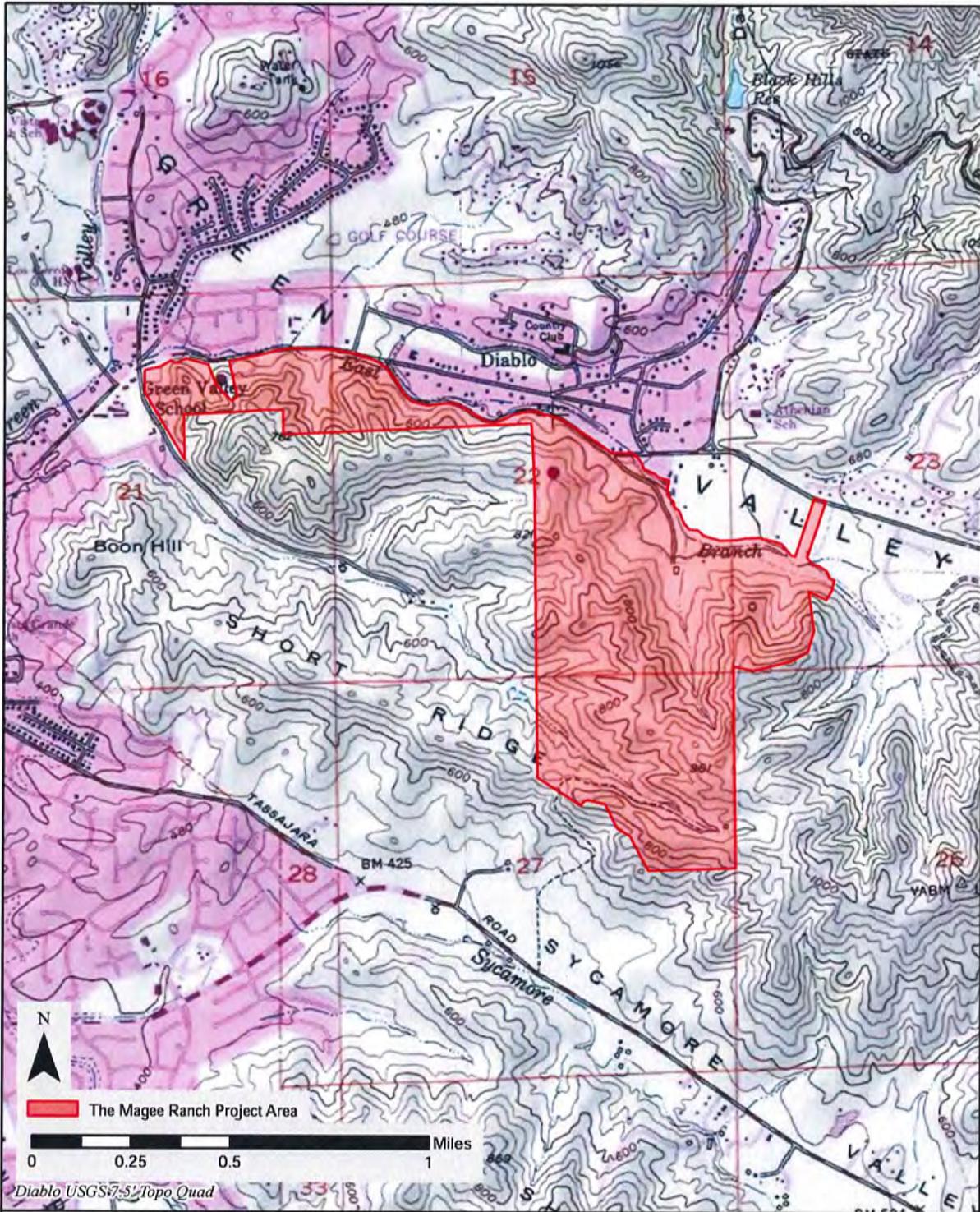
Project Vicinity Map

Figure 1
 SummerHill Homes
 Magee Ranch Project
 Contra Costa County, CA



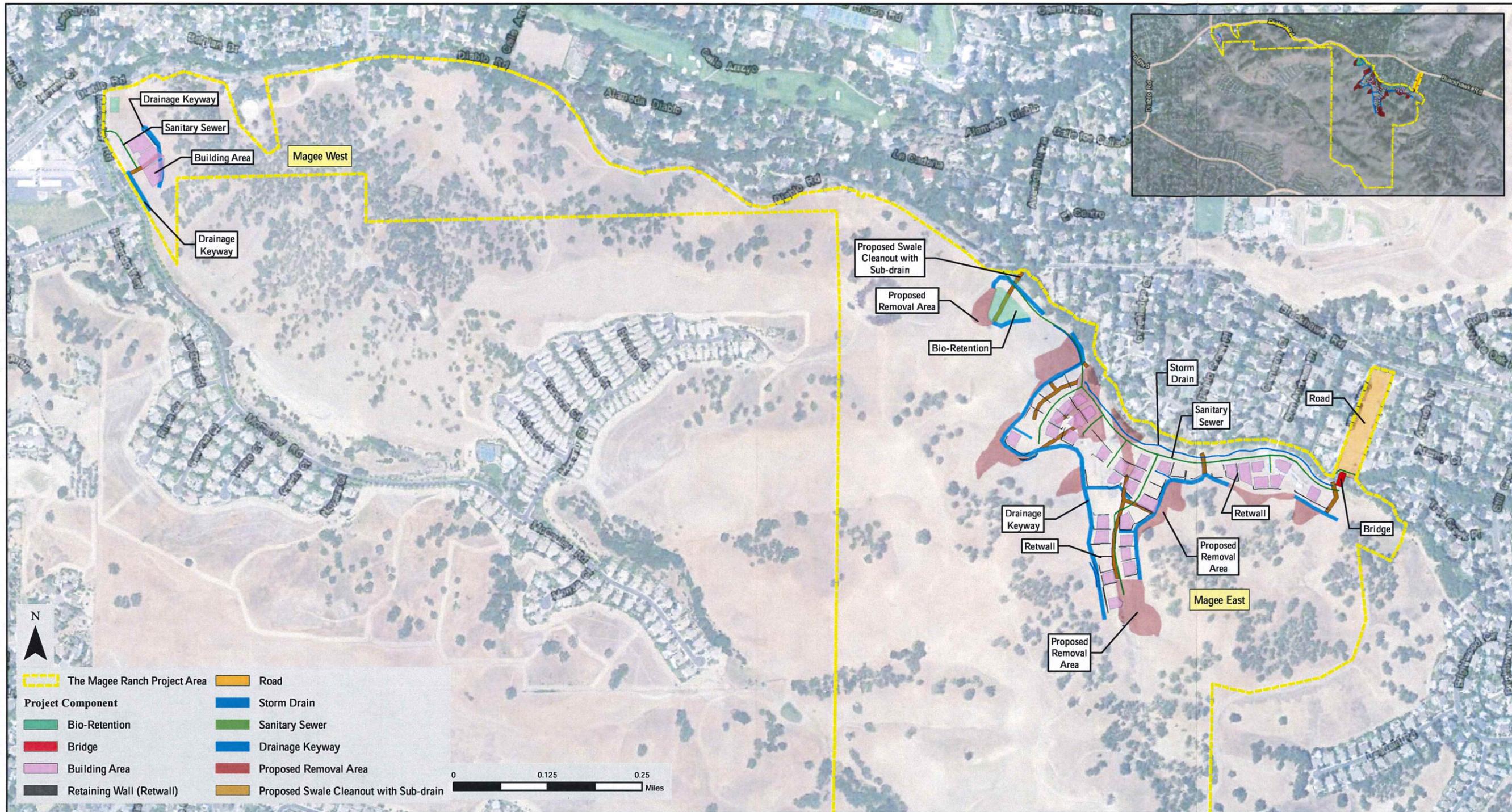
Project Area Map

Figure 2
 SummerHill Homes
 Magee Ranch Project
 Contra Costa County, CA



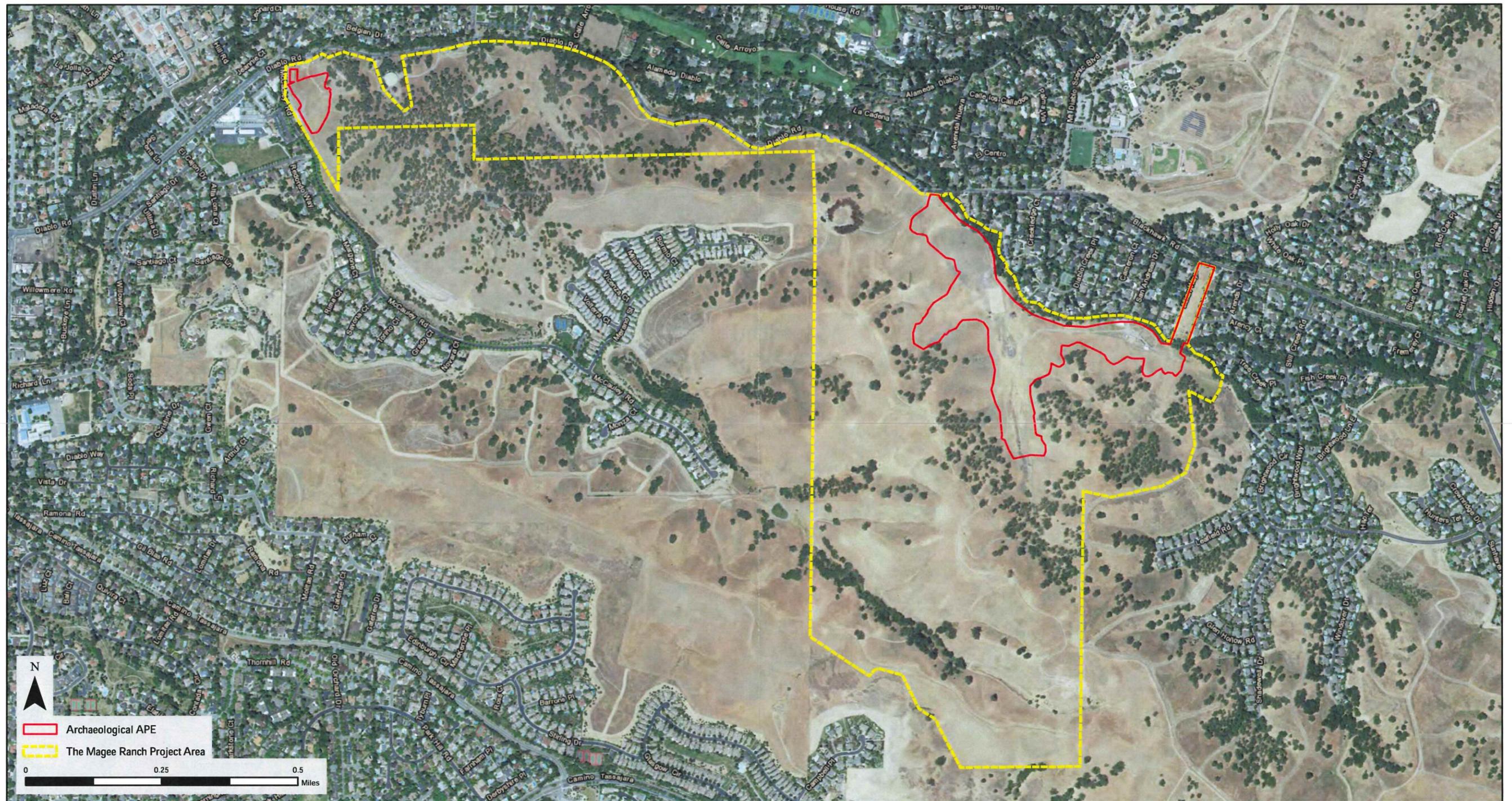
Project Location Map

Figure 3
 SummerHill Homes
 Magee Ranch Project
 Contra Costa County, CA



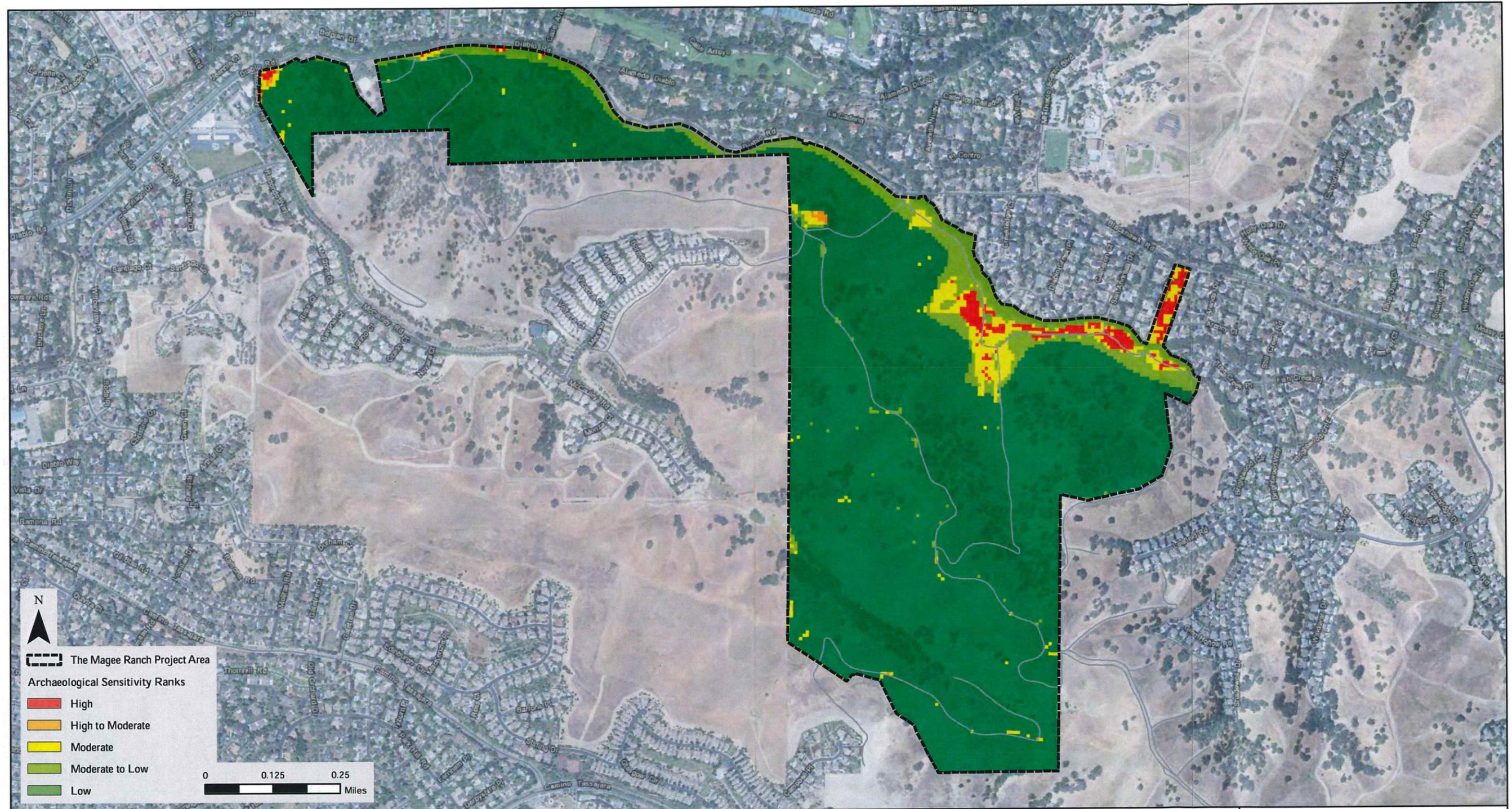
Project Components

Figure 4
 SummerHill Homes
 Magee Ranch Project
 Contra Costa County, CA



Archaeological Area of Potential Effects (APE) Map

Figure 5
 SummerHill Homes
 Magee Ranch Project
 Contra Costa County, CA



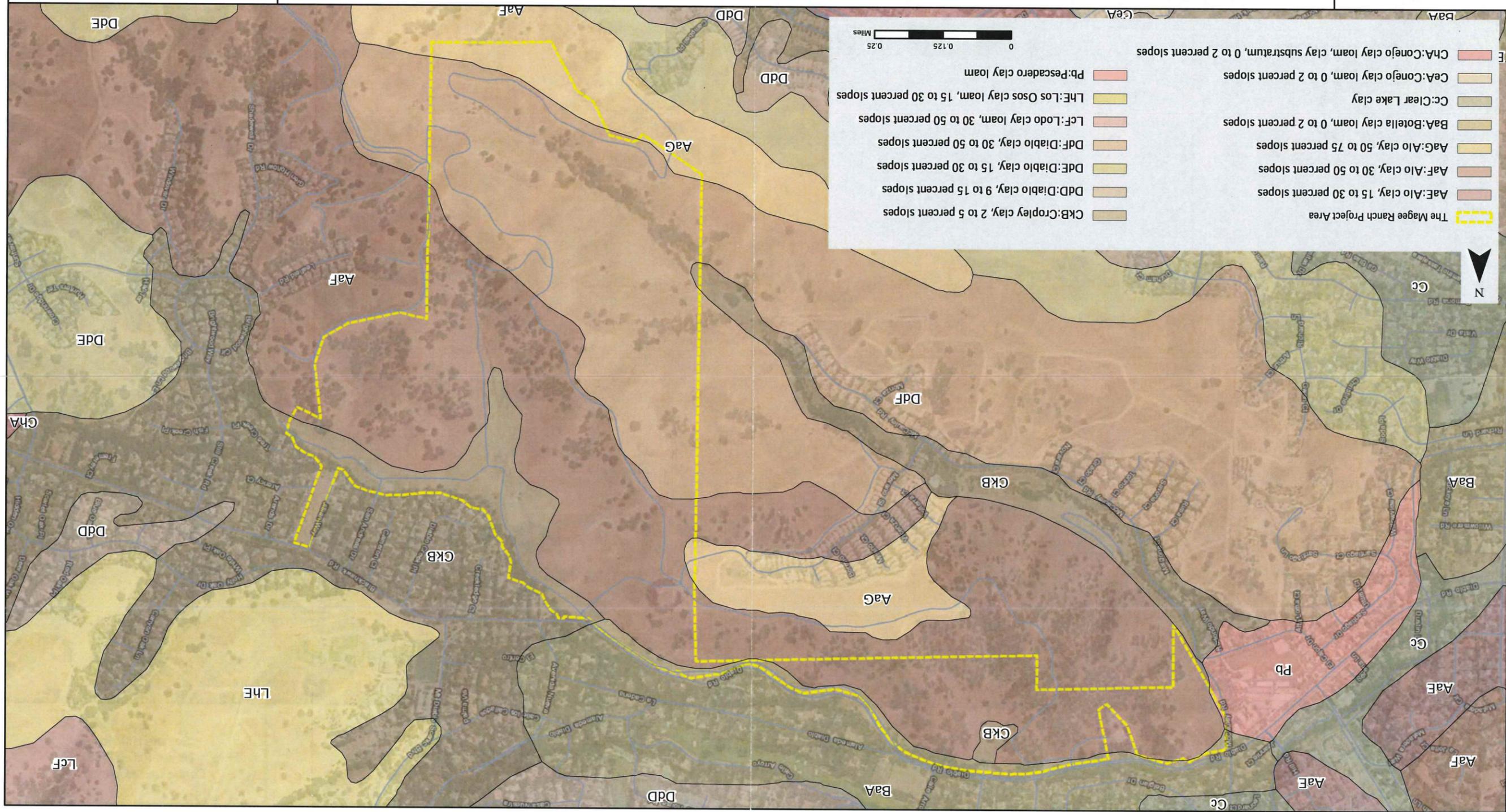
Archaeological Sensitivity Map

Figure 6
 SummerHill Homes
 Magee Ranch Project
 Contra Costa County, CA



Soil Map

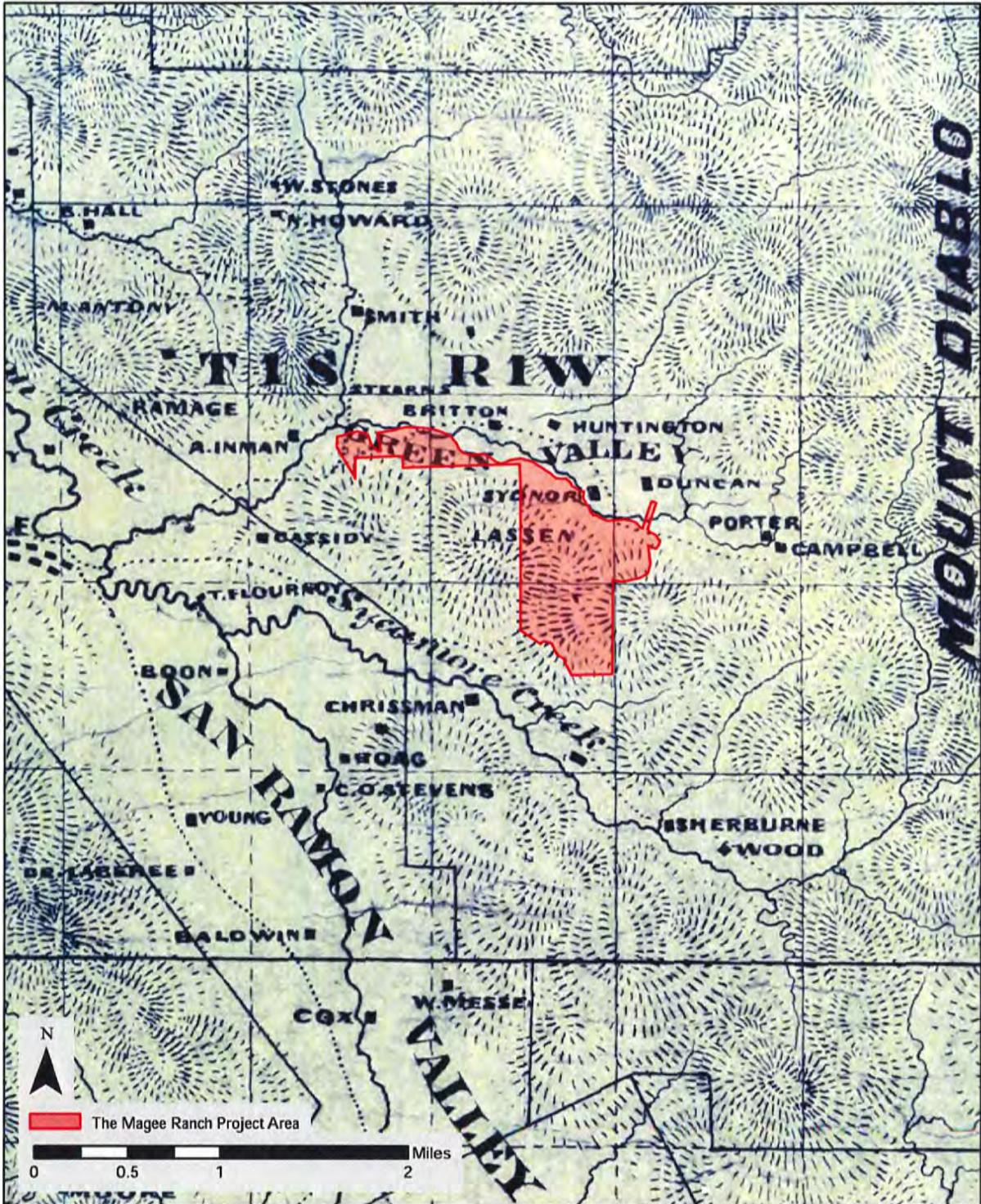
Figure 7
SummerHill Homes
Magee Ranch Project
Contra Costa County, CA



The Magee Ranch Project Area (indicated by a yellow dashed line)

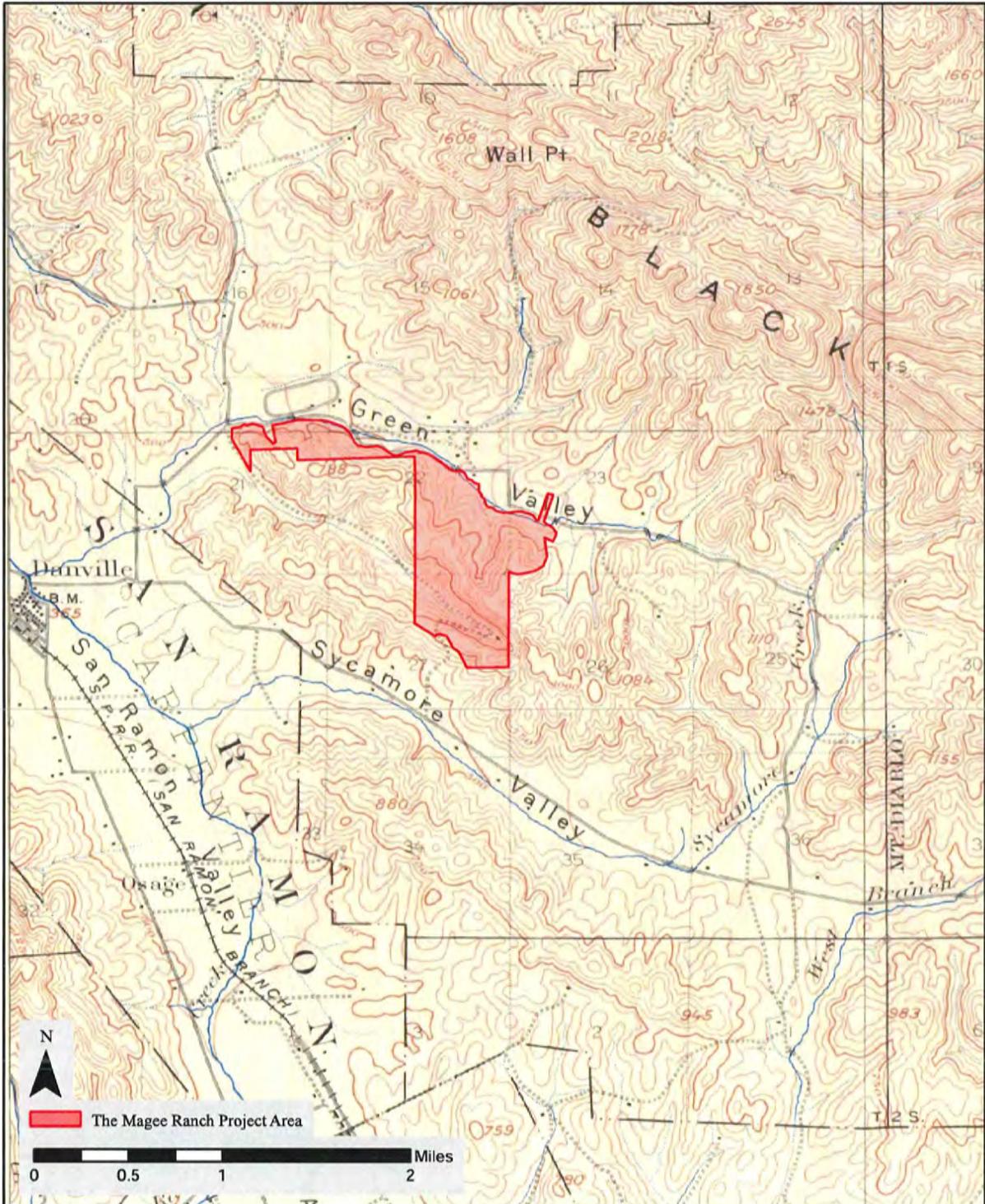
- AaE:** Aio clay, 15 to 30 percent slopes
- AaF:** Aio clay, 30 to 50 percent slopes
- AaG:** Aio clay, 50 to 75 percent slopes
- BAA:** Botella clay loam, 0 to 2 percent slopes
- Cc:** Clear Lake clay
- CeA:** Conejo clay loam, 0 to 2 percent slopes
- ChA:** Conejo clay loam, clay substratum, 0 to 2 percent slopes
- Pb:** Pescadero clay loam
- LcF:** Lodo clay loam, 30 to 50 percent slopes
- LHE:** Los Osos clay loam, 15 to 30 percent slopes
- DDF:** Diablo clay, 15 to 30 percent slopes
- DDD:** Diablo clay, 9 to 15 percent slopes
- CKB:** Cropley clay, 2 to 5 percent slopes

Scale: 0, 0.125, 0.25 Miles



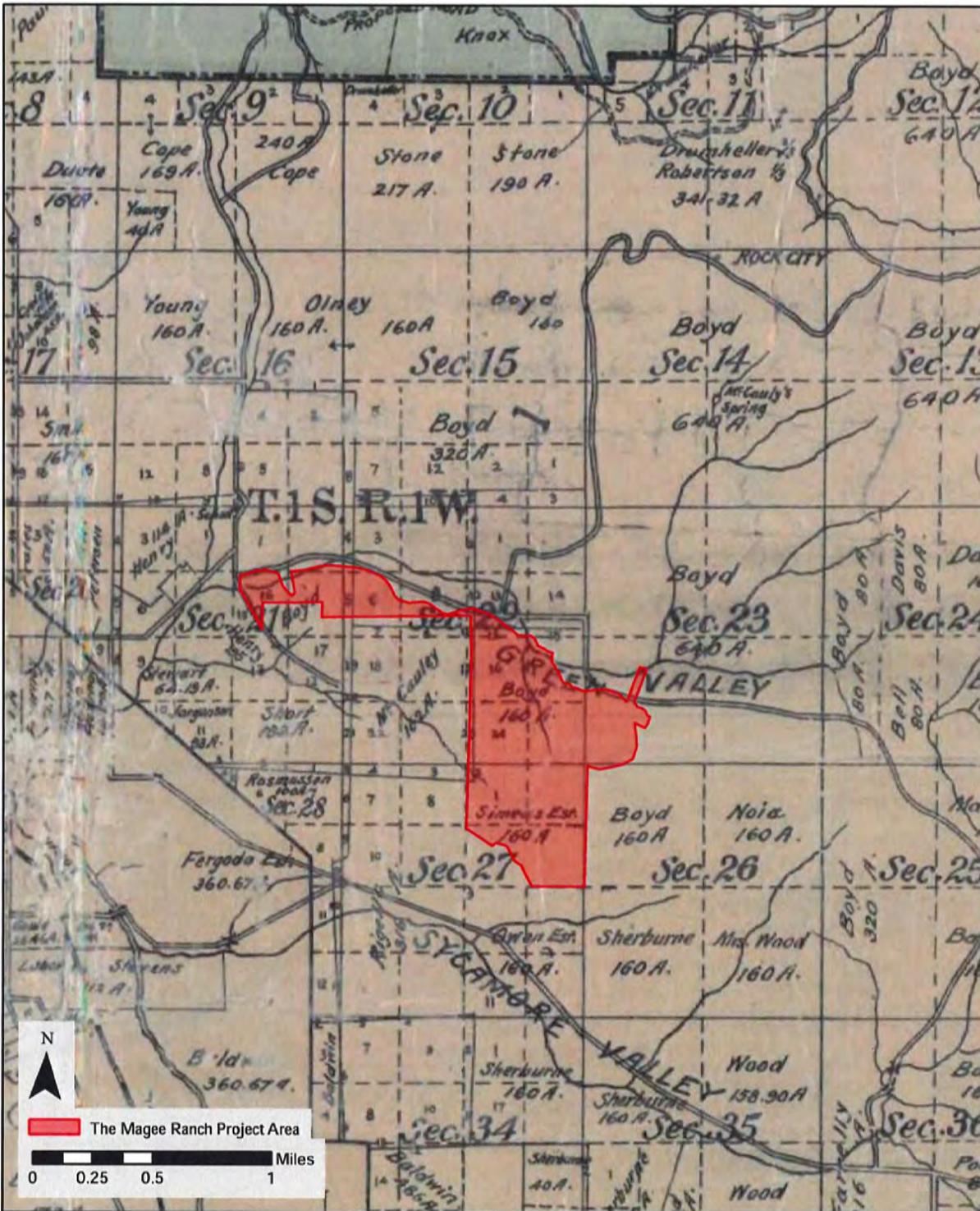
Project Location on
1871 Contra Costa County Map

Figure 8
SummerHill Homes
Magee Ranch Project
Contra Costa County, CA



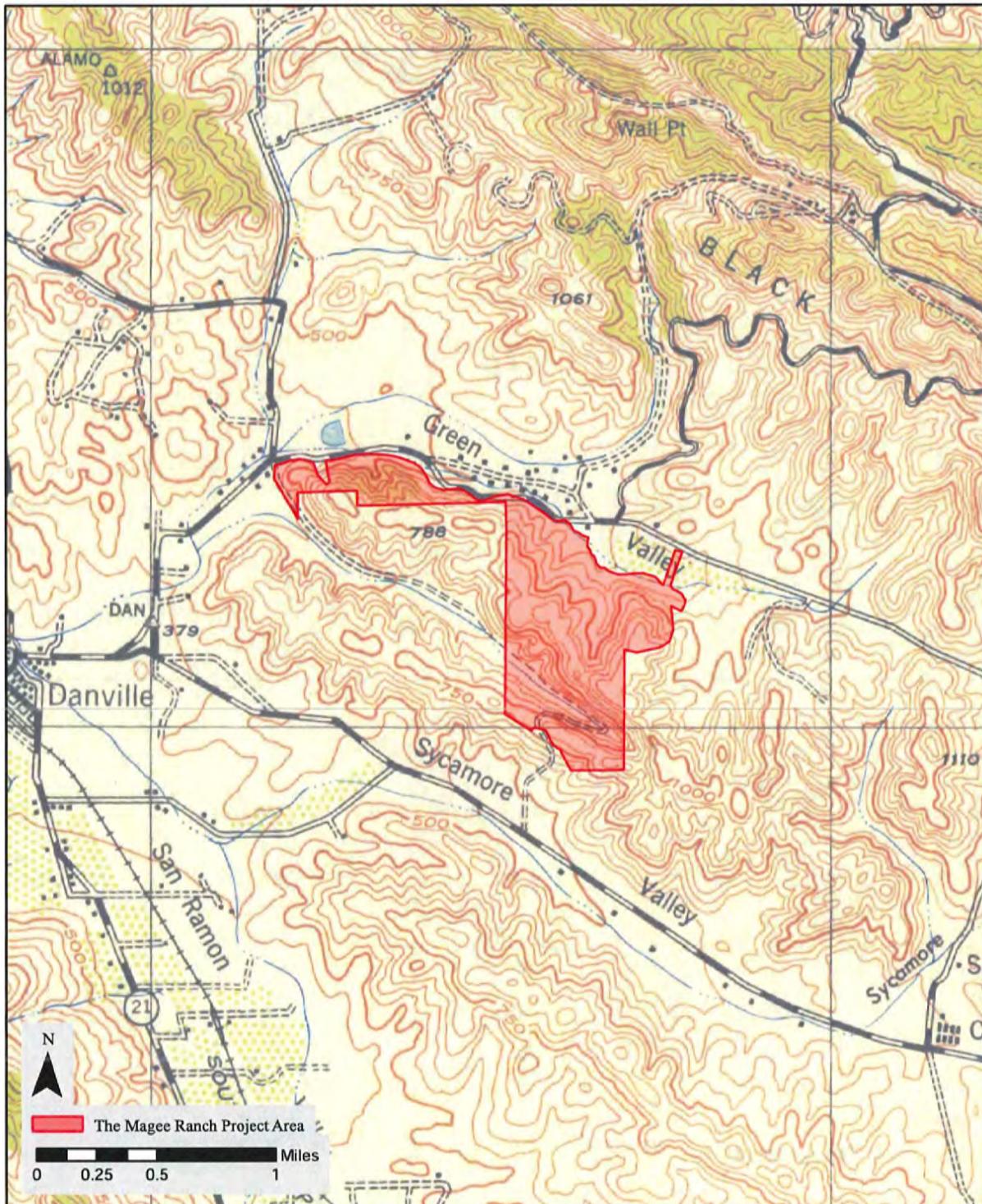
Project Location on
1896 USGS Mount Diablo 15' Quad

Figure 9
SummerHill Homes
Magee Ranch Project
Contra Costa County, CA



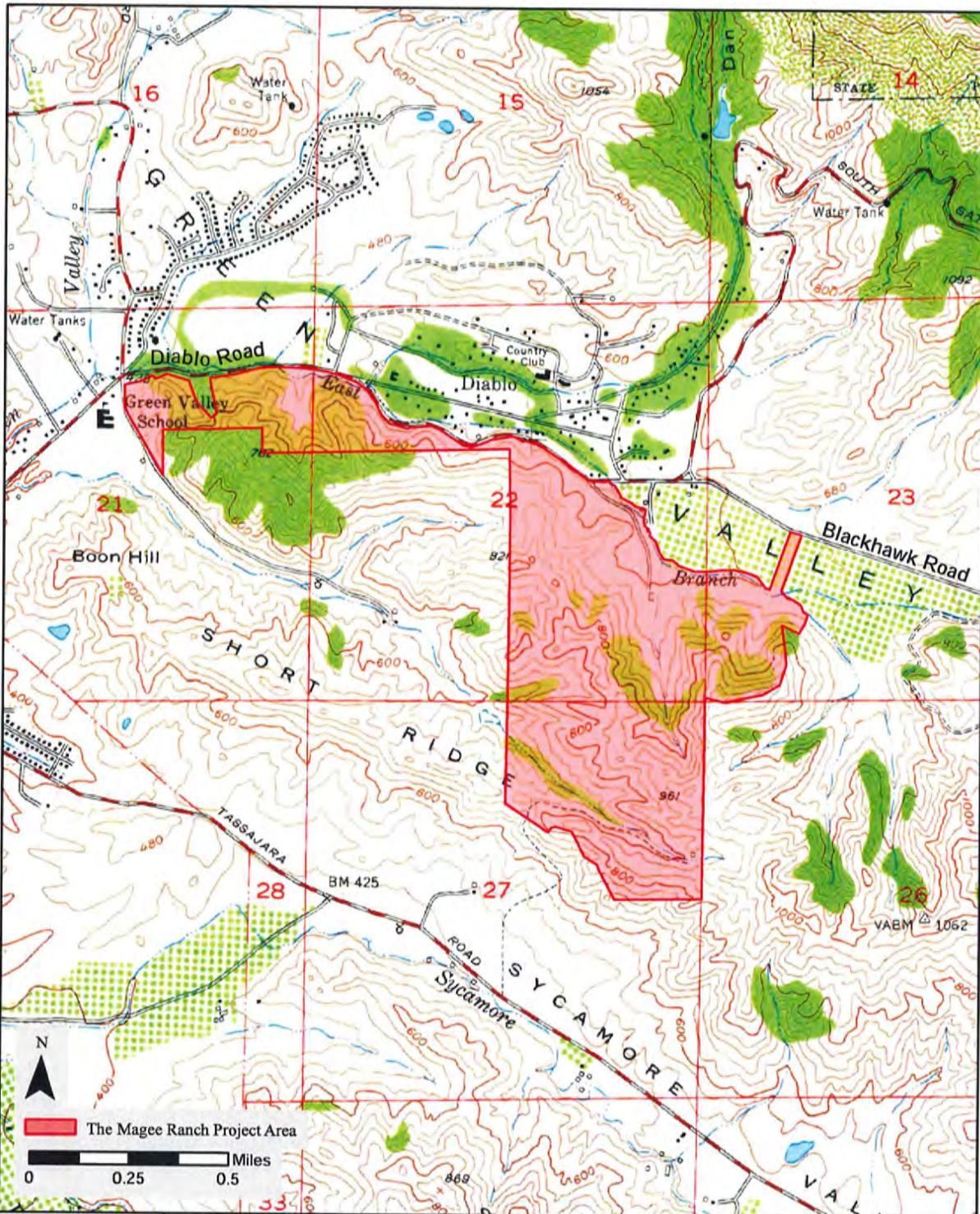
Project Location on
1908 Contra Costa County Map

Figure 10
SummerHill Homes
Magee Ranch Project
Contra Costa County, CA



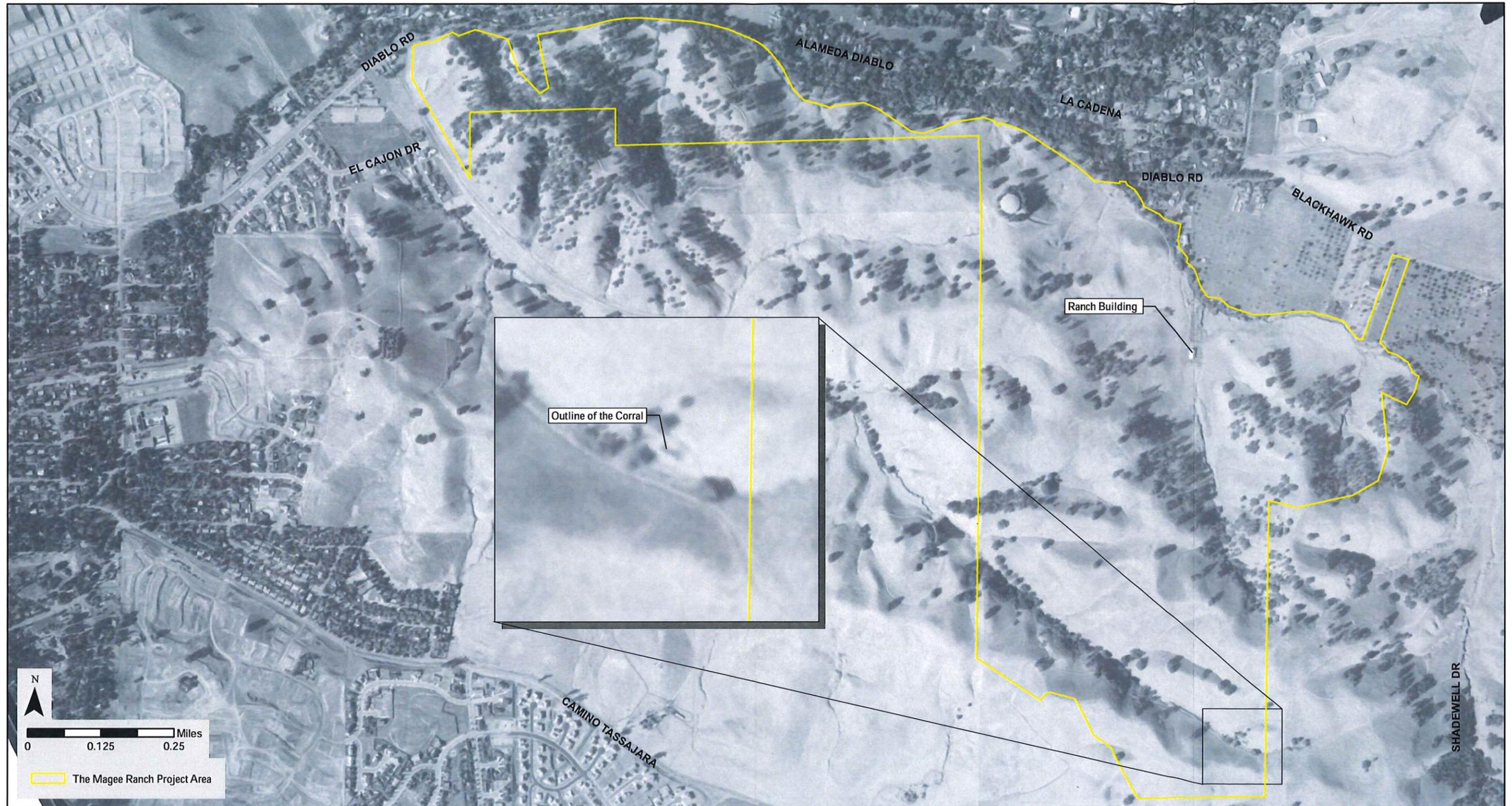
Project Location on
1943 USGS Mount Diablo 15' Quad

Figure 11
SummerHill Homes
Magee Ranch Project
Contra Costa County, CA



Project Location on
1953 USGS Mount Diablo 7.5' Quad

Figure 12
SummerHill Homes
Magee Ranch Project
Contra Costa County, CA



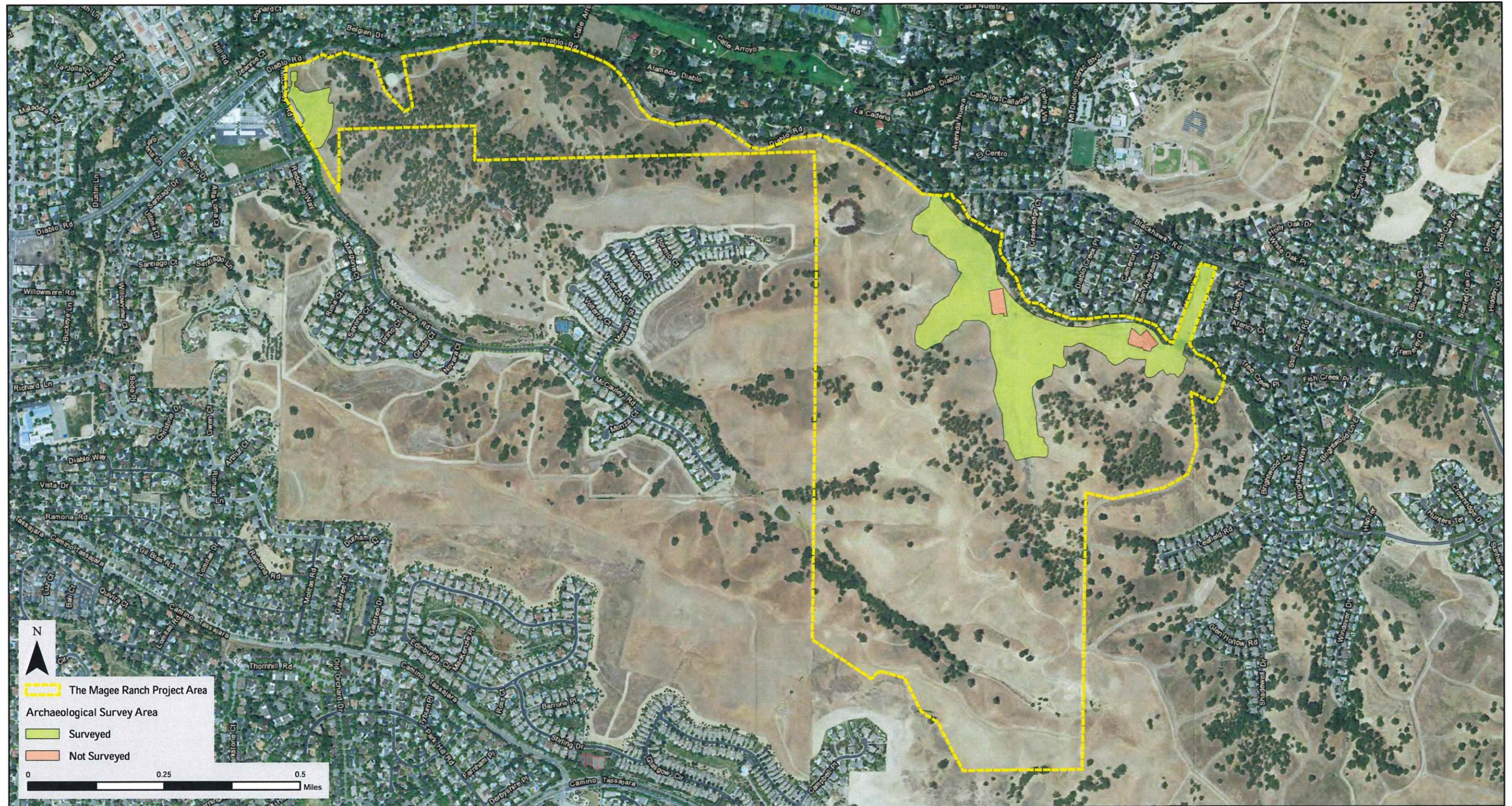
Project Location on 1973 Aerial

Figure 13
 SummerHill Homes
 Magee Ranch Project
 Contra Costa County, CA



Previous Archaeological Testing
(Wiberg 2011)

Figure 14
SummerHill Homes
Magee Ranch Project
Contra Costa County, CA



 N
 The Magee Ranch Project Area
 Archaeological Survey Area
 Surveyed
 Not Surveyed
 0 0.25 0.5 Miles

Archaeological Survey Map

Figure 15
 SummerHill Homes
 Magee Ranch Project
 Contra Costa County, CA



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Appendix B

Consultation with Local Historical Societies

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Magee Ranch Project Historical Societies Correspondence

| | | | | |
|---|--|---|--|---|
| <p>Contra Costa County Historical Society (CCHS) 724 Escobar Street Martinez, CA 94553-1114 Phone: 925 229 1042 Fax: 925 229 1772 info@cocohistory.com</p> | <p>Phone Call 2/18/14 to inquire about potential resources related to Project area.</p> | <p>Cannot address the request without research time & compensation.</p> | <p>CCHS Visit 2/20/14</p> | <p>Gathered information about Snyder, McCauley, Simeas, Boyd, and Oakwood Park Stock Farms</p> |
| <p>Beverly Lane, Curator Museum of the San Ramon Valley P.O. Box 39 Danville, CA 94526</p> | <p>Letter Sent 5/8/14 detailing project and requesting information</p> | <p>Phone Call with Beverly Lane 5/16/14</p> | <p>----</p> | <p>MSRV has folders on McCauley and Oakwood Park Stock Farms, however, information appears to duplicate information already gathered.</p> |



www.williamself.com



Consultants in Archaeology and Historic Preservation

May 8, 2014

Beverly Lane, Curator
Museum of the San Ramon Valley
P.O. Box 39
Danville, CA 94526

RE: Magee Ranch Property, Danville, Contra Costa County, California

Dear Ms. Lane,

William Self Associates, Inc. (WSA) has been contracted by SummerHill Homes to assess the potential historic significance of the Magee Ranch Property in the City of Danville, and County of Contra Costa, California. The project area is located in Township 1 South, Range 1 West, Sections 21, 22, 23, and 27 of the Diablo 7.5' USGS topographic quadrangle, as shown on the attached map. No historic structures are extant on the property, which is largely open space that was once used for agricultural and ranching purposes. The proposed project would develop 70 single family lots on the 410 acre site, with 287 acres of open space.

On the 1871 Contra Costa County Map, the lowland portion of the property was associated with a farmer named John B. Snyder while the upland portion was labeled "Lassen," likely Charles Lawson, also a farmer. In the later 19th century, the northern portion of the project area was a part of Cook Farms and was then incorporated into the Oakwood Park Stock Farms. In the late-19th century the southeastern portion of the project area was identified as belonging to Simeas, likely Portuguese farmer Thomas J. Simeas. Finally, just west of the project area was the land of the McCauleys, a family which was prominent in the history of Danville for many years.

We would appreciate receiving any further information you may have regarding the historic land use or residents of the project parcel and the immediate project area. If you could provide in writing any information you might have on the parcel to the address below, or call our Project Director, Ms. Teresa Bulger, we will include the information in the Cultural Resources Inventory we are preparing on behalf of the project.

Thank you for your assistance.

Sincerely,

WILLIAM SELF ASSOCIATES

James Allan, Ph.D., RPA
Principal

Attachment

Appendix C

Native American Heritage Commission Coordination

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Additional Information



California Native Americans

Cultural Resources

Strategic Plan

Commissioners

Federal Laws and Codes

State Laws and Codes

Local Ordinances and Codes

Additional Information

Return to CNHC Home Page

Sacred Lands File & Native American Contacts List Request

NATIVE AMERICAN HERITAGE COMMISSION

915 Capitol Mall, RM 364

Sacramento, CA 95814

(916) 653-4082

(916) 657-5390 – Fax

nahc@pacbell.net

Information Below is Required for a Sacred Lands File Search

Project: SummerHill Homes / Magee Ranch

County Contra Costa County

USGS Quadrangle

Name Diablo Quad

Township 1S Range 1W Section(s) 21, 22, 23, 27

Company/Firm/Agency:

William Self Associates, Inc.

Contact Person: Teresa Bulger

Street Address: 61-d Avenida de Orinda

City: Orinda, California Zip: 94563

Phone: (925) 253-9070

Fax: (925) 254-3553

Email: tbulger@williamself.com

Project Description: We are doing a Cultural Resources Assessment Report for proposed residential land development by SummerHill Homes. Thank you!-
Teresa

NATIVE AMERICAN HERITAGE COMMISSION

1660 Harbor Blvd.
West Sacramento, CA 95691
(916) 373-3710
Fax (916) 373-6471



January 15, 2014

Teresa Bulger
William Self Associates, Inc.
61-d Avenida de Orinda
Orinda, CA 94563

By Fax: 925-254-3553

Number of Pages: 2

Re: Summer Hill project, Contra Costa County

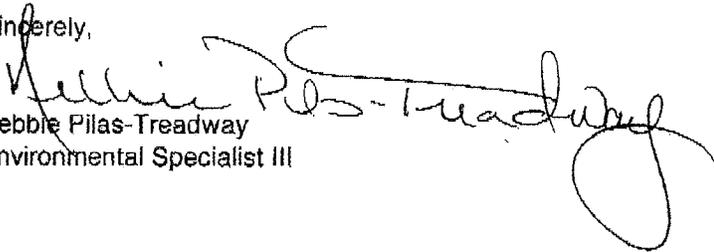
Dear Ms. Bulger,

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 373-3713.

Sincerely,


Debbie Pilas-Treadway
Environmental Specialist III

Native American Contacts
Contra Costa County
January 16, 2014

Katherine Erolinda Perez
PO Box 717
Linden, CA 95236
canutes@verizon.net
(209) 887-3415

Ohlone/Costanoan
Northern Valley Yokuts
Bay Miwok

The Ohlone Indian Tribe
Andrew Galvan
PO Box 3152
Fremont, CA 94539
chochenyo@AOL.com
(510) 882-0527 - Cell
(510) 687-9393 - Fax

Ohlone/Costanoan
Bay Miwok
Plains Miwok
Patwin

Trina Marine Ruano Family
Ramona Garibay, Representative
30940 Watkins Street
Union City, CA 94587
510-972-0645-home
soaprootmo@comcast.net

Ohlone/Costanoan
Bay Miwok
Plains Miwok
Patwin

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 contacting local Native Americans with regard to cultural resources for the proposed Summer Hill Homes project, Contra Costa County



Consultants in Archaeology and Historic Preservation

January 16, 2014

Mr. Andrew Galvan
The Ohlone Indian Tribe
P.O. Box 3152
Fremont, CA 94539

RE: SummerHill Homes/Magee Ranch, City of Danville, Contra Costa County, California

Dear Mr. Galvan,

William Self Associates, Inc. (WSA) has been contracted to prepare an archaeological testing plan within the SummerHill Homes/Magee Ranch Project (project), located in the City of Danville and County of Contra Costa. It encompasses portions of fourteen parcels and is within Township 1 South, Range 1 West, Sections 21, 22, 23, and 27 of the Diablo 7.5' Topographic Map (USGS 1995). The proposed Project would develop 70 single family lots on the 410 acre site, with 287 acres of open space.

We would appreciate receiving any comments you may have regarding cultural resources or sacred sites issues within the immediate project area. If you could provide your comments in writing to the address below, or call me, we will make sure the comments are provided to our client as part of this project. We would appreciate a response, at your earliest convenience, should you have information relative to this request. Should you have any questions, I can be reached at (925) 253-9070.

Sincerely,

A handwritten signature in black ink that reads "James Allan".

James Allan, Ph.D., RPA
Principal

Attachment



Consultants in Archaeology and Historic Preservation

January 16, 2014

Ms Ramona Garibay, Representative
Trina Marine Ruano Family
30940 Watkins Street
Union City, CA 94587

RE: SummerHill Homes/Magee Ranch, City of Danville, Contra Costa County, California

Dear Ms. Garibay,

William Self Associates, Inc. (WSA) has been contracted to prepare an archaeological testing plan within the SummerHill Homes/Magee Ranch Project (project), located in the City of Danville and County of Contra Costa. It encompasses portions of fourteen parcels and is within Township 1 South, Range 1 West, Sections 21, 22, 23, and 27 of the Diablo 7.5' Topographic Map (USGS 1995). The proposed Project would develop 70 single family lots on the 410 acre site, with 287 acres of open space.

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Sincerely,

A handwritten signature in black ink that reads "James Allan".

James Allan, Ph.D., RPA
Principal

Attachment



Consultants in Archaeology and Historic Preservation

January 16, 2014

Katherine Erolinda Perez
P.O. Box 717
Linden, CA 95236

RE: SummerHill Homes/Magee Ranch, City of Danville, Contra Costa County, California

Dear Ms. Perez,

William Self Associates, Inc. (WSA) has been contracted to prepare an archaeological testing plan within the SummerHill Homes/Magee Ranch Project (project), located in the City of Danville and County of Contra Costa. It encompasses portions of fourteen parcels and is within Township 1 South, Range 1 West, Sections 21, 22, 23, and 27 of the Diablo 7.5' Topographic Map (USGS 1995). The proposed Project would develop 70 single family lots on the 410 acre site, with 287 acres of open space.

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Sincerely,

A handwritten signature in black ink that reads "James M. Allan".

James Allan, Ph.D., RPA
Principal

Attachment



Teresa Bulger <tbulger@williamself.com>

Danville Residential Development--- Seeking Comments

1 message

Teresa Bulger <tbulger@williamself.com>
To: canutes@verizon.net

Thu, Nov 13, 2014 at 11:10 AM

Hello Ms. Perez,

In January WSA contacted you by mail about a Cultural Resource Assessment Report we are undertaking for a project in Danville, California (see attached). We were not able to get a hold of you when we called to follow-up, and the project was put on hold. The project has started up again and I wanted to send an email to remind you of its details and see if you have any information on the project location that we might not have found in our records search with the NWIC or the Native American Heritage Commission.

The project area includes 410 acres in Danville, California just south of Green Valley along the East Branch Green Valley Creek (See attached map). A 70-unit housing development is planned for the low-elevation portions of the parcel and there will be 287 acres of open space.

The site has been the subject of a pedestrian survey in 2009 and a pedestrian and subsurface survey in 2011 (Holman & Associates 2009, 2011; San Francisco Firm). These projects did not detect any signs of Native American or Euroamerican archaeological sites on the property. An NWC records search of the project area and a ¼-mile buffer around the project area has shown there are no previously recorded sites in this area either.

Please let us know if you have any information to share, questions, or comments about this project.

Best Regards,

Teresa Bulger

—

Teresa D. Bulger, Ph.D, RPA
Archaeologist, Project Director

William Self Associates, Inc.
Consultants in Archaeology and Historic Preservation

Pacific Region Office
61-D Avenida de Orinda
Orinda, CA 94563
Ph: (925) 253-9070
Cell: (617) 875-7046
Fax: (925) 254-3553

2 attachments

 Perez_letter.pdf
146K

Project Location.pdf

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd.
West Sacramento, CA 95691
(916) 373-3710
Fax (916) 373-5471



November 19, 2014

Justin Yee
US ARMY CORPS OF ENGINEERS
1455 Market St, CESP-N-R-S
San Francisco, CA 94103

2 Pages
FAX: 415-503-6690

Re: Magee Ranch project, Contra Costa County

Mr. Yee,

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 373-3713.

Sincerely,


Debbie Pilas-Treadway
Environmental Specialist III

**Native American Contacts
Contra Costa County
November 19, 2014**

Katherine Erolinda Perez
P.O. Box 717
Linden , CA 95236
canutes@verizon.net
(209) 887-3415

Ohlone/Costanoan
Northern Valley Yokuts
Bay Miwok

The Ohlone Indian Tribe
Andrew Galvan
P.O. Box 3152
Fremont , CA 94539
chochenyo@AOL.com
(510) 882-0527 Cell
(510) 687-9393 Fax

Ohlone/Costanoan
Bay Miwok
Plains Miwok
Patwin

Trina Marine Ruano Family
Ramona Garibay, Representative
30940 Watkins Street
Union City , CA 94587
soaprootmo@comcast.net
(510) 972-0645

Ohlone/Costanoan
Bay Miwok
Plains Miwok
Patwin

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 Resource Section 5097.98 of the Public Resources Code

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Magee Ranch project, Contra Costa County



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

Regulatory Division (1145b)

DEC - 9 2014

SUBJECT: File Number 2011-00044S

Mr. Andrew Galvan
The Ohlone Indian Tribe
Post Office Box 3152
Fremont, California 94539

Dear Mr. Galvan:

The U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army Permit from SummerHill Homes to construct a 40.8 acre subdivision of 63 single-family homes and 6 custom homes. The applicant proposes to fill approximately 0.5 acres of wetlands and waters of the U.S. composed of a creek, ephemeral drainages, a borrow pit, and remnant ephemeral drainages. The overall project site is composed of the 335-acre Magee East and 75-acre Magee West sites, adjacent to East Branch Green Valley Creek located off of Diablo Road and Blackhawk Road, immediately east of McCauley Road, in the Town of Danville, Contra Costa County, California (Lat: 37.8255° N, Lon: 121.9617° W) as shown in the enclosed Vicinity Map. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. § 1344 *et seq.*).

In order to ensure the Corps accounts for the effects of this undertaking on properties listed in, or eligible for listing in, the National Register of Historic Places, we would like to initiate formal consultation pursuant to the regulations of Section 106 of the National Historic Preservation Act (NHPA), 36 C.F.R. § 800.2(c)(4) and 33 C.F.R. § 325 Appendix C. The Corps has defined the area of potential effect (APE) based on the areas comprising the waters of the United States that would be directly affected by the undertaking, and has expanded it as appropriate to consider areas within the greater project area that would be directly affected as a result of authorizing the work (Enclosure 2).

We want to ensure that the Ohlone Indian Tribe is afforded the opportunity to identify any concerns you may have regarding the effects of the proposed undertaking on historic properties, that you have a reasonable opportunity to advise this office on the identification and evaluation of historic properties, including those of traditional, cultural, or religious importance, that you have the opportunity to express your views on the undertaking's effects on such properties, and that you participate in the resolution of any adverse effects that the undertaking might have on such properties.

Your response to this letter would be greatly appreciated, acknowledging your interest in participating as a consulting party, informing us if any historic properties or traditional cultural properties may exist, and/or identifying any key tribal contacts. If you would like to respond, please write to us by January 12, 2015, so that we may discuss this undertaking and any of those identified areas of interest.

We note the government-to-government relationship that the Corps has with your Tribe. You may contact us at any time for assistance with the process. Should you have any questions regarding this matter, please contact Justin Yee of our Regulatory Division at 415-503-6788 or by email: Justin.J.Yee@usace.army.mil. Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter.

Sincerely,
ORIGINAL SIGNED
BY
JANE M. HICKS
CHIEF, REGULATORY DIVISION
John C. Morrow
Lieutenant Colonel, U.S. Army
District Engineer

Enclosures



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

DEC - 9 2014

Regulatory Division (1145b)

SUBJECT: File Number 2011-00044S

Ms. Ramona Garibay, Representative
Trina Marine Ruano Family
30940 Watkins Street
Union City, California 94587

Dear Ms. Garibay:

The U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army Permit from SummerHill Homes to construct a 40.8 acre subdivision of 63 single-family homes and 6 custom homes. The applicant proposes to fill approximately 0.5 acres of wetlands and waters of the U.S. composed of a creek, ephemeral drainages, a borrow pit, and remnant ephemeral drainages. The overall project site is composed of the 335-acre Magee East and 75-acre Magee West sites, adjacent to East Branch Green Valley Creek located off of Diablo Road and Blackhawk Road, immediately east of McCauley Road, in the Town of Danville, Contra Costa County, California (Lat: 37.8255° N, Lon: 121.9617° W) as shown in the enclosed Vicinity Map. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. § 1344 *et seq.*).

In order to ensure the Corps accounts for the effects of this undertaking on properties listed in, or eligible for listing in, the National Register of Historic Places, we would like to initiate formal consultation pursuant to the regulations of Section 106 of the National Historic Preservation Act (NHPA), 36 C.F.R. § 800.2(c)(4) and 33 C.F.R. § 325 Appendix C. The Corps has defined the area of potential effect (APE) based on the areas comprising the waters of the United States that would be directly affected by the undertaking, and has expanded it as appropriate to consider areas within the greater project area that would be directly affected as a result of authorizing the work (Enclosure 2).

We want to ensure that the Trina Marine Ruano Family is afforded the opportunity to identify any concerns you may have regarding the effects of the proposed undertaking on historic properties, that you have a reasonable opportunity to advise this office on the identification and evaluation of historic properties, including those of traditional, cultural, or religious importance, that you have the opportunity to express your views on the undertaking's effects on such properties, and that you participate in the resolution of any adverse effects that the undertaking might have on such properties.



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

DEC - 4 2014

Regulatory Division (1145b)

SUBJECT: File Number 2011-00044S

Ms. Katherine Erolinda Perez
Post Office Box 717
Linden, California 95236

Dear Ms. Erolinda Perez:

The U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army Permit from SummerHill Homes to construct a 40.8 acre subdivision of 63 single-family homes and 6 custom homes. The applicant proposes to fill approximately 0.5 acres of wetlands and waters of the U.S. composed of a creek, ephemeral drainages, a borrow pit, and remnant ephemeral drainages. The overall project site is composed of the 335-acre Magee East and 75-acre Magee West sites, adjacent to East Branch Green Valley Creek located off of Diablo Road and Blackhawk Road, immediately east of McCauley Road, in the Town of Danville, Contra Costa County, California (Lat: 37.8255° N, Lon: 121.9617° W) as shown in the enclosed Vicinity Map. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. § 1344 *et seq.*).

In order to ensure the Corps accounts for the effects of this undertaking on properties listed in, or eligible for listing in, the National Register of Historic Places, we would like to initiate formal consultation pursuant to the regulations of Section 106 of the National Historic Preservation Act (NHPA), 36 C.F.R. § 800.2(c)(4) and 33 C.F.R. § 325 Appendix C. The Corps has defined the area of potential effect (APE) based on the areas comprising the waters of the United States that would be directly affected by the undertaking, and has expanded it as appropriate to consider areas within the greater project area that would be directly affected as a result of authorizing the work (Enclosure 2).

We want to ensure that the Northern Valley Yokut Tribe is afforded the opportunity to identify any concerns you may have regarding the effects of the proposed undertaking on historic properties, that you have a reasonable opportunity to advise this office on the identification and evaluation of historic properties, including those of traditional, cultural, or religious importance, that you have the opportunity to express your views on the undertaking's effects on such properties, and that you participate in the resolution of any adverse effects that the undertaking might have on such properties.

Your response to this letter would be greatly appreciated, acknowledging your interest in participating as a consulting party, informing us if any historic properties or traditional cultural

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

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



January 21, 2016

In reply refer to: COE_2014_1209_001

Jane M. Hicks
Chief, Regulatory Division
Department of the Army
Corps of Engineers
1455 Market Street
San Francisco, CA 94103-1398

Re: Section 106 Consultation for the SummerHill Homes in Danville, Contra Costa County, California (COE # 2011-00044S)

Dear Ms. Hicks:

Thank you for your letter and additional documentation provided on January 19, 2016, continuing consultation with me regarding the proposed SummerHill Homes in Danville, Contra Costa County, California. The Army Corps of Engineers (COE) is consulting with me pursuant to 36 CFR Part 800 (as amended 8-05-04), the regulations implementing Section 106 of the National Historic Preservation Act. Along with your consultation letter, you also provided the following document:

- *Cultural Resources Study of the Magee Ranch Property, Danville, Contra Costa County, California* (Holman & Associates 2009)
- *Cultural Resources Assessment Report Magee Ranch Project Town of Danville, Contra Costa County, California* (WSA 2015)

The COE would issue a permit for the proposed undertaking's activities that fall under Section 404 of the Clean Water Act that will allow Live Oak Associates on behalf of SummerHill Homes (Applicant) to develop a 40.8 acre subdivision of 63 single family homes and 6 custom homes in Danville, California. The overall project site is composed of the 335-acre Magee East and 75-acre Magee West sites and portions of the site have been previously used for a ranching operation. Approximately 369.3 acres of the site are proposed to be preserved as open space and a future trail network is being considered on portions of these lands along existing fire and private service roads. The COE has determined that the Area of Potential Effects (APE) is the 41 acres of residential development and appurtenant structures, to a depth of approximately 10 feet below the ground surface.

A records search and a survey of the proposed development envelope only were conducted by Holman & Associates in December, 2009. This records search and survey did not identify any cultural resources within the APE, however, the landowner noted that a historic-era ranch house used to be located in the area of the Magee Ranch proposed for open-space. According to the WSA report, in 2011, Holman & Associates undertook additional archaeological survey and a subsurface testing program focused on the "upland portions" of the Magee Ranch (WSA 2015).

Thirteen trenches were excavated along the south bank of the East Branch of Green Valley Creek and no indications of anthropogenic soils were found. The survey of the proposed open-space areas of the ranch did not identify any potential historic properties. An updated records search was performed by WSA in January, 2014 and no previously recorded sites were identified within the Magee Ranch property or ½ mile. In January, 2015 an intensive pedestrian survey of the entire 45.38-acre project APE was completed and no potential historic properties were identified.

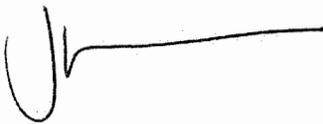
Consultation with the Native American Heritage Commission (NAHC) and the Native American Contacts listed by the NAHC for the APE was carried out by WSA in January, 2014 and by the COE in November and December, 2014. A search of the Sacred Lands File for the APE indicated that no previously identified sacred lands or areas of cultural importance were identified within the APE. The COE has received no responses to date.

The COE has determined that there are no cultural resources in the APE that are listed on or eligible for listing on the National Register of Historic Places (NRHP) and has proposed a finding of *no historic properties affected* for the proposed undertaking. Therefore, the COE is requesting my concurrence on their finding of effect. After reviewing your submission I have the following comments:

- Pursuant to 36 CFR 800.4(d)(1), I concur with your finding of “No Historic Properties Affected” for this undertaking.
- Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, the COE may have additional future responsibilities for this undertaking under 36 CFR Part 800.

Thank you for seeking my comments and considering historic properties as part of your project planning. If you have any questions, please contact Jessica Tudor of my staff at 916-445-7016 or Jessica.tudor@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

Regulatory Division

DEC - 4 2014

SUBJECT: File Number 2011-00044S

Mr. Milford Wayne Donaldson, FAIA
State Historic Preservation Officer
Office of Historic Preservation
1416 9th Street, Room 1442
Sacramento, California 95814

Dear Mr. Donaldson:

The U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army Individual Permit from Live Oak Associates, on behalf of SummerHill Homes, to develop a 40.8 acre subdivision of 63 single-family homes and 6 custom homes. The applicant proposes to fill approximately 0.5 acre of wetlands and waters of the U.S. composed of a creek, ephemeral drainages, a borrow pit, and remnant ephemeral drainages. The overall project site is composed of the 335-acre Magee East and 75-acre Magee West sites and is adjacent to East Branch Green Valley Creek located off of Diablo Road and Blackhawk Road, immediately east of McCauley Road, in the Town of Danville, Contra Costa County, California (Lat: 37.8255° N, Lon: 121.9617° W).

Project Site Background

The site is bounded by single-family residences, Blackhawk Road, and Diablo Road to the north; rangelands and McCauley Road to the west; and rangelands or open space to the south and east. Surrounding land uses include residential and open space. Mount Diablo State Park is located approximately one mile northeast of the site. The site itself consists of rangelands, municipal water storage, cell sites and several small structures (e.g., horse corrals, small equipment storage buildings, parking areas, and access roads) that supported the ongoing ranching operation. The site ranges in elevation from approximately 430-feet (ft) National Geodetic Vertical Datum (NGVD) in the northwestern corner to approximately 955-ft NGVD in the southern half of the site.

Project Description

The applicant, SummerHill Homes, seeks Department the Army authorization to develop a 40.8 acre subdivision of 63 single-family homes and 6 custom homes located on the flatter portions of the northern part of the site, avoiding steeper slopes and ridgelines. The property is composed of the 335-acre Magee East and 75-acre Magee West sites. The 63 single-family production lots and associated infrastructure would be clustered on approximately 31.1 acres and

the six custom home sites would be located on approximately 9.7 acres. The custom lots and 60 of the single-family homes are proposed in Magee East and would be accessed via a new road off of Blackhawk Road. Three single-family homes are proposed in Magee West and would be accessed from McCauley Road. Four storm drain system outfalls on Magee West are proposed to direct runoff into the East Branch of Green Valley Creek and five geotechnical subdrain outfalls on Magee East would also convey water into the creek. Improvements to existing culverts along the creek are also proposed. Improvements include removal and replacement of cattle gates at Clydesdale Court and Avenida Nueva and clearing of sediment at Clydesdale Court. A recreational trail is proposed to begin at the Blackhawk Road entrance and generally parallel the proposed access road from there to the point where the proposed emergency vehicle access intersects Diablo Road. A future public trail network is also being considered on the lands to be preserved as open-space on Magee West. The trail network is conceptually proposed along existing fire and private service roads. Approximately 369.3 acres of the site would be permanently preserved as open space.

Area of Potential Effects

The Corps has determined that the undertaking's Area of Potential Effects (APE) is defined as the 41 acres of residential development and appurtenant structures, to a depth of approximately 10 feet, located in Township 1S, Range 1W and Section 27 of the USGS 7.5 minute quadrangle California-Diablo. Please refer to "Magee Ranch Areas of Impact" (Enclosure 1) showing the APE for the project.

Cultural Resources Inventory

In accordance with Appendix C of 33 CFR Part 325 and 36 CFR Part 800, implementing procedures for complying with Section 106 of the National Historic Preservation Act, as amended (16 U.S.C. § 470f et seq.), a cultural resource study (Enclosure 2) of the project site was conducted by Holman & Associates, Archaeological Consultants, dated December 22, 2009, followed by subsurface testing (EIR, November 2012). The studies included an archaeological literature review at the Northwest Information Center in Rohnert Park, field surveys, and mechanical subsurface presence/absence testing via backhoe within the APE. There were no historic-period cultural resources found within the areas of the APE surveyed. The field survey did not identify any locations with prehistoric cultural resources indicating that the project site is not in an area of high archaeological sensitivity. The Corps therefore believes that no historic properties would be affected by the proposed undertaking.

Cultural Resource Mitigation Measures

The elements of the proposed project include management measures regarding the treatment of unanticipated archaeological discoveries. The following measures will be included as special conditions to Corps authorization:

- Should any buried archaeological materials be uncovered during project activities, such activities shall cease within 20 feet of the find. Prehistoric archaeological indicators include: obsidian and chert flakes, and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars, and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps, and old trails. The Corps shall be notified of the discovery and a professional archaeologist shall be retained by the permittee to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Corps for approval. Project related activities shall not resume within 20 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Corps.
- If human remains are encountered, the permittee shall comply with all state laws. All project-related ground disturbance within 20 feet of the find shall be halted until the county coroner has been notified. If the coroner determines that the remains are Native American, the coroner would notify the Native American Heritage Commission within 24 hours. The Native American Heritage Commission will identify the person or persons believed to be the most likely descendants from the deceased Native American. The most likely descendent may make recommendations regarding the means of treating or disposing of the remains with appropriate dignity. Project-related ground disturbance, in the vicinity of the find, shall not resume until all statutory requirements have been met and evidence of completion has been submitted to the Corps.

Consultation with Native Americans

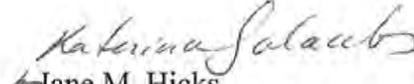
The Corps will contact Native Americans identified by the Native American Heritage Commission in order to request their comments on the cultural resources and the proposed protective measures. The results of the consultation will be provided to your office.

Conclusion

The Corps has determined that the proposed project will have no effect to historic properties and/or cultural resources. Pursuant to 36 CFR 800.11(d), this letter provides a description of the proposed undertaking, an APE determination, accompanying maps, and the steps taken (and that will be taken) under 36 CFR 800.4 (a)(3) and 800.4 (b) to identify the historic properties and consult with interested Native Americans and other parties as appropriate. We believe that this letter and attached enclosures provide sufficient information for you to concur with the Corps' finding of no effect to historic properties (36 CFR 800.4(d)(1) and Appendix C, paragraph 7).

Should you have any questions regarding this matter, please contact Justin Yee of our Regulatory Division at (415) 503-6788 or by email: Justin.J.Yee@usace.army.mil. Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter.

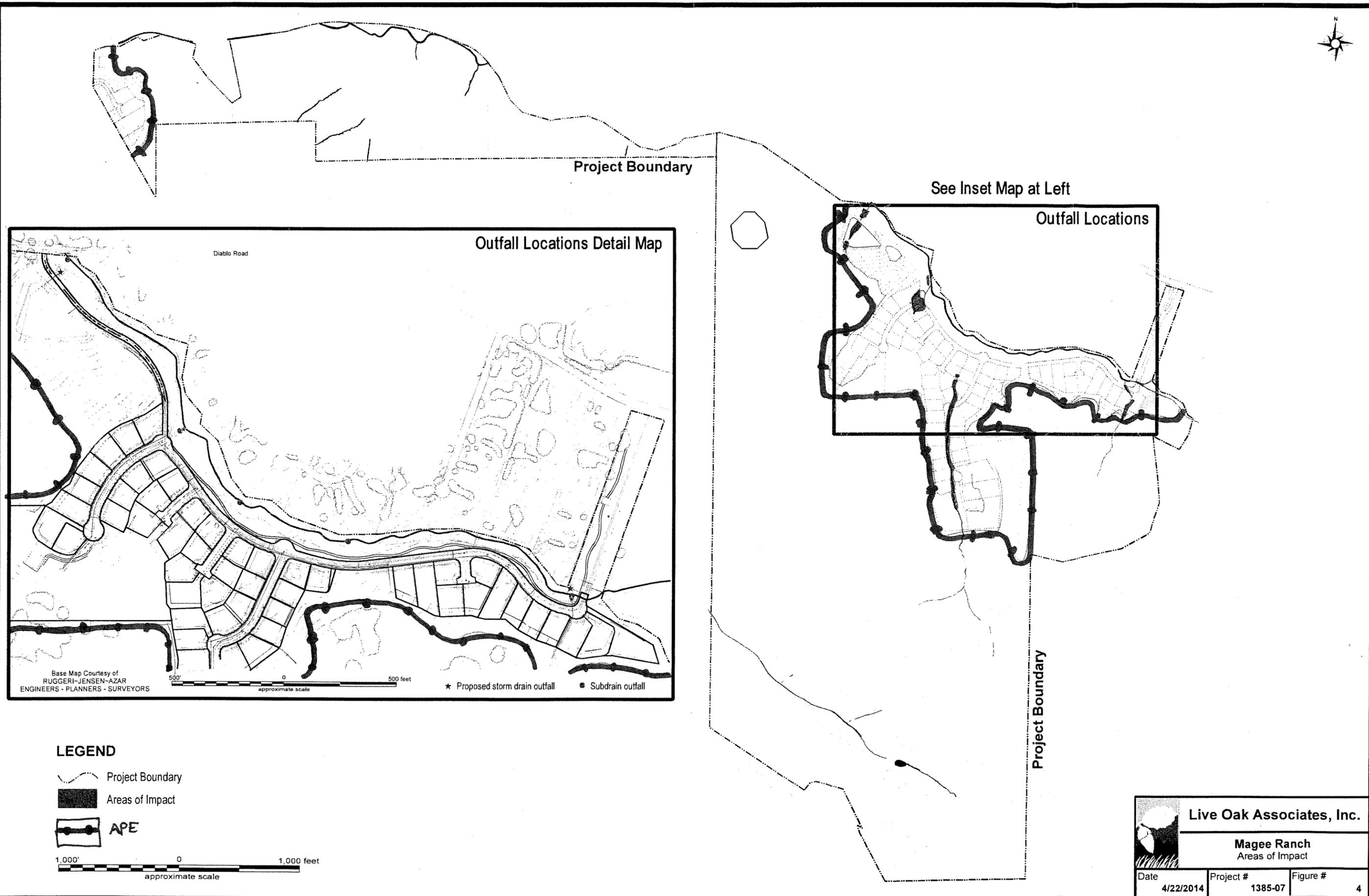
Sincerely,


Jane M. Hicks
Chief, Regulatory Division

Enclosures

Copy Furnished without enclosures:

Live Oak Associates, San Jose, CA (Attn: Davinna Ohlson)

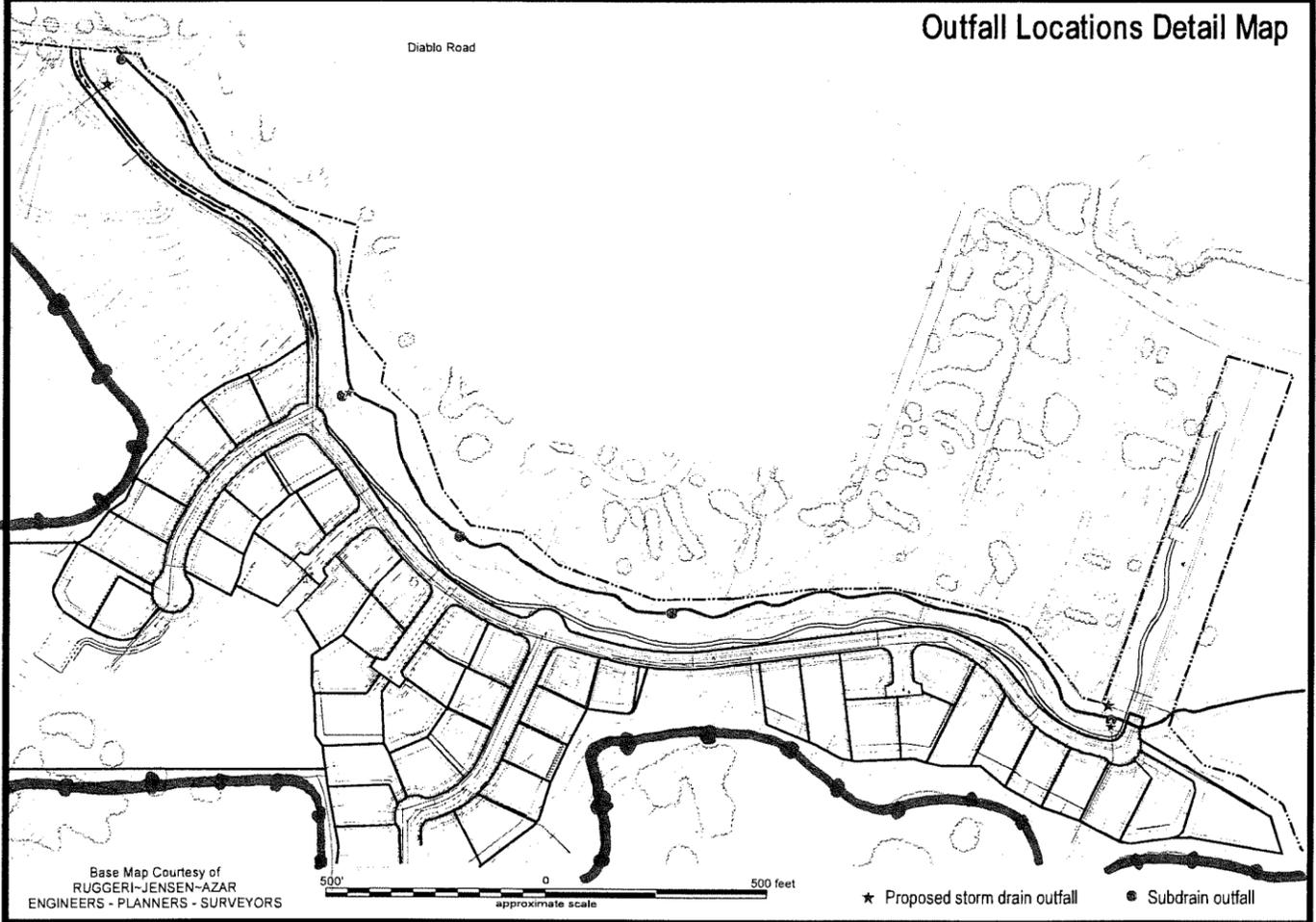


Project Boundary

See Inset Map at Left

Outfall Locations

Project Boundary



Outfall Locations Detail Map

Diablo Road

500' 0 500 feet
approximate scale

★ Proposed storm drain outfall ● Subdrain outfall

Base Map Courtesy of
RUGGERI-JENSEN-AZAR
ENGINEERS - PLANNERS - SURVEYORS

LEGEND

Project Boundary

Areas of Impact

APE

1,000' 0 1,000 feet
approximate scale

| | | |
|--------------------------------|-----------|----------|
| | | |
| Live Oak Associates, Inc. | | |
| Magee Ranch Areas of Impact | | |
| Date | Project # | Figure # |
| 4/22/2014 | 1385-07 | 4 |

Tudor, Jessica@Parks

From: Yee, Justin J SPN <Justin.J.Yee@usace.army.mil>
Sent: Wednesday, January 20, 2016 9:38 AM
To: Tudor, Jessica@Parks
Subject: RE: COE_2014_1209_001 SummerHill Homes (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hi Jessica,

Thanks for confirming. The April 2015 WSA report is the one that was sent with that September 2015 cover letter I attached for reference in my last email. There was a delay in time between the report date and me sending it because the applicant indicated it was a draft. I was awaiting a final version, but then they said that was it.

I agree with the APE as described on pages 2-3, Figure 5 [outlined in solid red] of the WSA report. The solid red boundary includes the area of work in Corps jurisdiction and the adjacent uplands, but not the whole property boundary [dotted yellow].

Sorry for the confusion. If there's another situation like this, I'll point out the Corps' acceptance of a revised APE in the cover letter.

Thanks,
Justin Yee
Desk: (415) 503-6788
Fax: (415) 503-6690
1455 Market Street, SPN-R-S
San Francisco, CA 94103

If you've received an authorization/approval letter from the SF Regulatory Division, we would greatly appreciate your feedback in a short survey here: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

**Watch the Corps website (<http://www.spn.usace.army.mil/Missions/Regulatory.aspx>) for dates, locations, and other information on the upcoming round of Regulatory Open Houses .

-----Original Message-----

From: Tudor, Jessica@Parks [<mailto:Jessica.Tudor@parks.ca.gov>]
Sent: Wednesday, January 20, 2016 9:21 AM
To: Yee, Justin J SPN <Justin.J.Yee@usace.army.mil>
Subject: [EXTERNAL] RE: COE_2014_1209_001 SummerHill Homes (UNCLASSIFIED)

Hi Justin,

I am not sure that I received an additional report or updated APE map. I currently have the December 22, 2009 Holman & Associates letter report for the Magee Ranch Property, as well as the April, 2015 WSA report. The WSA report depicts the entire property/project area as the APE. If that is the Corps' APE for this undertaking, then I will use those Project Area maps as the APE maps for the Corps.

Looking back at the e-mail you attached (and the copy in my e-mail archive) there was not any document attached to any of the emails in that chain, and I had asked that a paper copy be submitted of any documentation you were submitting.

The only map I have that has an "APE" labeled is the Live Oak Associates, Inc. Magee Ranch Areas of Impact map dated 4/22/2014 on which the lower portion of an APE was hand-drawn in with marker, but the lines don't connect so it is not clear where the upper boundary of the APE should be.

If the Corps APE is different from the Project Area maps provided in the WSA report, and you have any other APE maps on hand, please send a PDF via e-mail.

Thank you,

Jessica Tudor, M.A., R.P.A.
Associate State Archaeologist
California Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816-7100

-----Original Message-----

From: Yee, Justin J SPN [<mailto:Justin.J.Yee@usace.army.mil>]
Sent: Tuesday, January 19, 2016 3:54 PM
To: Tudor, Jessica@Parks
Subject: RE: COE_2014_1209_001 SummerHill Homes (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hi Jessica,

Thanks for the follow-up. I recall you asked for a better APE map and other information so I sent an additional report from the applicant in response to your email of August 2015 (attached). Did you see that (attached), with the attached cover letter dated September 2015? It includes a clearer APE as Figure 5, dated April 2015.

Cheers,
Justin Yee
Desk: (415) 503-6788
Fax: (415) 503-6690
1455 Market Street, SPN-R-S
San Francisco, CA 94103

If you've received an authorization/approval letter from the SF Regulatory Division, we would greatly appreciate your feedback in a short survey here: [Blockedhttp://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)

****Watch the Corps website ([Blockedhttp://www.spn.usace.army.mil/Missions/Regulatory.aspx](http://www.spn.usace.army.mil/Missions/Regulatory.aspx)) for dates, locations, and other information on the upcoming round of Regulatory Open Houses .**

-----Original Message-----

From: Tudor, Jessica@Parks [<mailto:Jessica.Tudor@parks.ca.gov>]
Sent: Tuesday, January 19, 2016 10:32 AM
To: Yee, Justin J SPN <Justin.J.Yee@usace.army.mil>
Subject: [EXTERNAL] COE_2014_1209_001 SummerHill Homes

Hi Justin,

Enclosure 1 of your submittal is a map that, according to the letter, is supposed to depict the APE for the undertaking.

However, the line drawn on this map does not connect, so it is unclear what the APE actually is.

Could you please send a detailed APE map for me, that depicts the entire boundary of the APE?

Thank you,

Jessica Tudor, M.A., R.P.A.

Associate State Archaeologist

California Office of Historic Preservation

1725 23rd Street, Suite 100

Sacramento, CA 95816-7100

CLASSIFICATION: UNCLASSIFIED

CLASSIFICATION: UNCLASSIFIED

ATTACHMENT C - NATIVE AMERICAN COMMUNICATIONS

**Native American Heritage Commission
Native American Contact List
Contra Costa County
2/24/2021**

Amah Mutsun Tribal Band of Mission San Juan Bautista

Irene Zwierlein, Chairperson
3030 Soda Bay Road
Lakeport, CA 95453
Phone: (650) 851 - 7489
Fax: (650) 332-1526
amahmutsuntribal@gmail.com
Costanoan

Nashville Enterprise Miwok-Maidu-Nishinam Tribe

Cosme Valdez, Chairperson
P.O. Box 580986
Elk Grove, CA, 95758-0017
Phone: (916) 429 - 8047
Fax: (916) 429-8047
valdezcome@comcast.net
Miwok

Chicken Ranch Rancheria of Me-Wuk Indians

Lloyd Mathiesen, Chairperson
P.O. Box 1159
Jamestown, CA, 95327
Phone: (209) 984 - 9066
Fax: (209) 984-9269
lmathiesen@crtribal.com
Me-Wuk

North Valley Yokuts Tribe

Katherine Perez, Chairperson
P.O. Box 717
Linden, CA, 95236
Phone: (209) 887 - 3415
canutes@verizon.net
Costanoan
Northern Valley
Yokut

Guidiville Indian Rancheria

Donald Duncan, Chairperson
P.O. Box 339
Talmage, CA, 95481
Phone: (707) 462 - 3682
Fax: (707) 462-9183
admin@guidiville.net
Pomo

North Valley Yokuts Tribe

Timothy Perez,
P.O. Box 717
Linden, CA, 95236
Phone: (209) 662 - 2788
huskanam@gmail.com
Costanoan
Northern Valley
Yokut

Indian Canyon Mutsun Band of Costanoan

Kanyon Sayers-Roods, MLD
Contact
1615 Pearson Court
San Jose, CA, 95122
Phone: (408) 673 - 0626
kanyon@kanyonconsulting.com
Costanoan

The Ohlone Indian Tribe

Andrew Galvan,
P.O. Box 3388
Fremont, CA, 94539
Phone: (510) 882 - 0527
Fax: (510) 687-9393
chochenyo@AOL.com
Bay Miwok
Ohlone
Patwin
Plains Miwok

Indian Canyon Mutsun Band of Costanoan

Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister, CA, 95024
Phone: (831) 637 - 4238
ams@indiancanyon.org
Costanoan

Wilton Rancheria

Jesus Tarango, Chairperson
9728 Kent Street
Elk Grove, CA, 95624
Phone: (916) 683 - 6000
Fax: (916) 683-6015
jtarango@wiltonrancheria-nsn.gov
Miwok

Muwekma Ohlone Indian Tribe of the SF Bay Area

Monica Arellano, Vice
Chairwoman
20885 Redwood Road, Suite 232
Castro Valley, CA, 94546
Phone: (408) 205 - 9714
marellano@muwekma.org
Costanoan

Wilton Rancheria

Steven Hutchason, THPO
9728 Kent Street
Elk Grove, CA, 95624
Phone: (916) 683 - 6000
Fax: (916) 863-6015
shutchason@wiltonrancheria-nsn.gov
Miwok

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 Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed 3811-01 Galindo Creek Restoration Project, Contra Costa County.

**Native American Heritage Commission
Native American Contact List
Contra Costa County
2/24/2021**

Wilton Rancheria

Dahlton Brown, Director of
Administration
9728 Kent Street Miwok
Elk Grove, CA, 95624
Phone: (916) 683 - 6000
dbrown@wiltonrancheria-nsn.gov

***The Confederated Villages of
Lisjan***

Corrina Gould, Chairperson
10926 Edes Avenue Bay Miwok
Oakland, CA, 94603 Ohlone
Phone: (510) 575 - 8408 Delta Yokut
cvltribe@gmail.com

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| Pacific Legacy Inc. | Native American Contact Log | | | | | |
|--|--------------------------------------|-------------------------|----------|--------------------------|---------------------|--|
| Project No. and Name Diablo Road Trail Project | | Recorder John Holson | | Date February 6, 2022 | | |
| Organization | Contact | Letter | E-mail | Phone | Comments | |
| Amah Mutsun Tribal Band of Mission San Juan Bautista | Ms. Irene Zwierlein, Chairperson | 1/8/2022 | 2/4/2022 | | No comments to date | |
| Chicken Ranch Rancheria of Me-Wuk Indians | Mr. Lloyd Mathiesen, Chairperson | 1/8/2022 | 2/4/2022 | | No comments to date | |
| Guidiville Indian Rancheria | Mr. Donald Duncan, Chairperson | 1/8/2022 | 2/4/2022 | | No comments to date | |
| Indian Canyon Mutsun Band of Costanoan | Ms. Kanyon Sayers-Roods, MLD contact | 1/8/2022 | 2/4/2022 | | No comments to date | |
| Indian Canyon Mutsun Band of Costanoan | Ms. Ann Marie Sayers, Chairperson | 1/8/2022 | 2/4/2022 | | No comments to date | |
| Muwekma Ohlone Indian Tribe of the SF Bay Area | Ms. Monica Arellano, Chairperson | 1/8/2022 | 2/4/2022 | | No comments to date | |
| Nashville Enterprise Miwok-Maidu-Nishinam Tribe | Mr. Cosme Valdez, Chairperson | 1/8/2022 | 2/4/2022 | | No comments to date | |

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| Organization | Contact | Letter | E-mail | Phone | Comments | |
| North Valley Yokuts Tribe | Ms. Katherine Erolinda Perez, Chairperson | 1/8/2022 | 2/4/2022 | | No comments to date | |
| North Valley Yokuts Tribe | Timothy Perez | 1/8/2022 | 2/4/2022 | | No comments to date | |
| The Ohlone Indian Tribe | Mr. Andrew Galvan | 1/8/2022 | 2/4/2022 | | No comments to date | |
| Wilton Rancheria | Mr. Jesus Tarango, Chairperson | 1/8/2022 | | | Cultural Preservation Department, Wilton Rancheria indicated on 1/27/22 it had no concerns regarding the project | |
| Wilton Rancheria | Mr. Steven Hutchason, THPO | 1/8/2022 | | | Cultural Preservation Department, Wilton Rancheria indicated on 1/27/22 it had no concerns regarding the project | |
| Wilton Rancheria | Mr. Dahlton Brown, Director of Administration | 1/8/2022 | | | Cultural Preservation Department, Wilton Rancheria indicated on 1/27/22 it had no concerns regarding the project | |
| The Confederated Villages of Lisjan | Ms. Corrina Gould, Chairperson | 1/8/2022 | 2/4/2022 | | No comments to date | |



*"Small Town Atmosphere
Outstanding Quality of Life"*

January 8, 2022

Amah Mutsun Tribal Band of Mission San Juan Bautista
Ms. Irene Zwierlein, Chairperson
3030 Soda Bay Road
Lakeport, CA 95453

RE: Town of Danville Proposed Diablo Road Trail

Dear Ms. Zwierlein:

The Town of Danville, Contra Costa County is conducting environmental studies for a proposed Diablo Road Trail project located in the Town of Danville. The Town of Danville is the lead agency responsible for compliance with the California Environmental Quality Act (CEQA). It is anticipated that an Initial Study/Mitigated Negative Declaration (IS/MND) will be prepared by the Town of Danville as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the Town of Danville. The purpose of this IS/MND is to provide the public with objective information regarding the environmental consequences of the proposed project. The Town of Danville wishes to consult with Native American tribes for undertakings early in the project planning process to identify and discuss relevant cultural resource issues, resolve concerns about the confidentiality of information on historic properties, and allow adequate time for consideration of such concerns.

The project site is an approximately 0.9 mile long corridor, located south of Diablo Road, extending east from the intersection of Fairway Drive and Diablo Road to approximately 380 feet west of the intersection of Avenue Nueva and Diablo Road in Danville, Contra Costa County, California. The proposed trail would be within the Town of Danville. Please see the attached maps for Project location details (Figures 1 and 2). The project consists of construction of an 8- to 12-foot-wide off-street paved multi-use trail along the southern shoulder of Diablo Road. The proposed project will connect the Diablo Road/Green Valley Road corridor to the west to Blackhawk Road/Mt. Diablo State Park south access to the east. The proposed project would provide bicyclists a safer alternative to Diablo Road and would help close a multi-purpose trail gap between the existing Barbara Haile Trail and access to Mount Diablo State Park.

The proposed path would be 8 feet wide with 2-foot shoulders for a total width of 12 feet in most locations. Typically, the trail would be an asphalt trail installed over aggregate base, with gravel shoulders. Guard rails, fencing, and retaining walls would be constructed where the trail is constrained either by existing physical or topographic features, property lines, and easement boundaries.

Please consider this letter as formal notification of the Diablo Road Trail project as required under CEQA, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52). We respectfully request that you respond within 30 calendar days of receipt of this letter, pursuant to PRC 21080.3.1(d) if you would like to consult on this project. Please provide a designated lead contact person if you have not provided that information to us already.

A record search received from the Northwest Information Center (NWIC) on December 20, 2021, by Pacific Legacy Inc., our cultural resources consultant, indicates there are no previously documented Native American or historic period archeological sites within the Area of Direct Impact (ADI) of the proposed trail. The trail area has been the subject of two previous cultural resource studies with negative results. No resources or reports were reported within 0.25 miles of the ADI by the NWIC. We have requested a Native American Heritage Commission (NAHC) search of the Sacred Lands File on November 30, 2021, but have not received the results as of yet.

The Town of Danville would like to afford you with an opportunity to communicate concerns you might have regarding places within the project area that may be important to your community. The Town of Danville requests your participation in the identification and protection of cultural resources, sacred lands, or other heritage sites within the above described project area with the understanding that you or other members of the community might possess specialized knowledge of the area.

If you or any of your tribal members have any questions or concerns regarding this project, please contact me at 925-314-3348 or nsalama@danville.ca.gov.
Sincerely,

Nadar Salama
Senior Civil Engineer
Town of Danville



*"Small Town Atmosphere
Outstanding Quality of Life"*

January 8, 2022

Chicken Ranch Rancheria of Me-Wuk Indians
Mr. Lloyd Mathiesen, Chairperson
P.O. Box 1159
Jamestown, CA 95327

RE: Town of Danville Proposed Diablo Road Trail

Dear Mr. Mathiesen:

The Town of Danville, Contra Costa County is conducting environmental studies for a proposed Diablo Road Trail project located in the Town of Danville. The Town of Danville is the lead agency responsible for compliance with the California Environmental Quality Act (CEQA). It is anticipated that an Initial Study/Mitigated Negative Declaration (IS/MND) will be prepared by the Town of Danville as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the Town of Danville. The purpose of this IS/MND is to provide the public with objective information regarding the environmental consequences of the proposed project. The Town of Danville wishes to consult with Native American tribes for undertakings early in the project planning process to identify and discuss relevant cultural resource issues, resolve concerns about the confidentiality of information on historic properties, and allow adequate time for consideration of such concerns.

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Sincerely,

Nadar Salama
Senior Civil Engineer
Town of Danville



*"Small Town Atmosphere
Outstanding Quality of Life"*

January 8, 2022

Ms. Corrina Gould, Chairperson
10926 Edes Avenue
Oakland, CA 94603

RE: Town of Danville Proposed Diablo Road Trail

Dear Ms. Gould:

The Town of Danville, Contra Costa County is conducting environmental studies for a proposed Diablo Road Trail project located in the Town of Danville. The Town of Danville is the lead agency responsible for compliance with the California Environmental Quality Act (CEQA). It is anticipated that an Initial Study/Mitigated Negative Declaration (IS/MND) will be prepared by the Town of Danville as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the Town of Danville. The purpose of this IS/MND is to provide the public with objective information regarding the environmental consequences of the proposed project. The Town of Danville wishes to consult with Native American tribes for undertakings early in the project planning process to identify and discuss relevant cultural resource issues, resolve concerns about the confidentiality of information on historic properties, and allow adequate time for consideration of such concerns.

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Sincerely,

Nadar Salama
Senior Civil Engineer
Town of Danville



*"Small Town Atmosphere
Outstanding Quality of Life"*

January 8, 2022

Guidiville Indian Rancheria
Mr. Donald Duncan, Chairperson
P.O. Box 339
Talmage, CA 95481

RE: Town of Danville Proposed Diablo Road Trail

Dear Mr. Duncan:

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Sincerely,

Nadar Salama
Senior Civil Engineer
Town of Danville



*"Small Town Atmosphere
Outstanding Quality of Life"*

January 8, 2022

Indian Canyon Mutsun Band of Costanoan
Ms. Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister, CA 95024

RE: Town of Danville Proposed Diablo Road Trail

Dear Ms. Sayers:

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Sincerely,

Nadar Salama
Senior Civil Engineer
Town of Danville



*"Small Town Atmosphere
Outstanding Quality of Life"*

January 8, 2022

Indian Canyon Mutsun Band of Costanoan
Ms. Kanyon Sayers-Roods, MLD Contact
1615 Pearson Court
San Jose, CA 95122

RE: Town of Danville Proposed Diablo Road Trail

Dear Ms. Sayers-Roods:

The Town of Danville, Contra Costa County is conducting environmental studies for a proposed Diablo Road Trail project located in the Town of Danville. The Town of Danville is the lead agency responsible for compliance with the California Environmental Quality Act (CEQA). It is anticipated that an Initial Study/Mitigated Negative Declaration (IS/MND) will be prepared by the Town of Danville as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the Town of Danville. The purpose of this IS/MND is to provide the public with objective information regarding the environmental consequences of the proposed project. The Town of Danville wishes to consult with Native American tribes for undertakings early in the project planning process to identify and discuss relevant cultural resource issues, resolve concerns about the confidentiality of information on historic properties, and allow adequate time for consideration of such concerns.

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Sincerely,

Nadar Salama
Senior Civil Engineer
Town of Danville



*"Small Town Atmosphere
Outstanding Quality of Life"*

January 8, 2022

Muwekma Ohlone Indian Tribe of the SF Bay Area
Ms. Monica Arellano, Vice Chairwoman
20885 Redwood Road, Suite 232
Castro Valley, CA 94546

RE: Town of Danville Proposed Diablo Road Trail

Dear Ms. Arellano:

The Town of Danville, Contra Costa County is conducting environmental studies for a proposed Diablo Road Trail project located in the Town of Danville. The Town of Danville is the lead agency responsible for compliance with the California Environmental Quality Act (CEQA). It is anticipated that an Initial Study/Mitigated Negative Declaration (IS/MND) will be prepared by the Town of Danville as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the Town of Danville. The purpose of this IS/MND is to provide the public with objective information regarding the environmental consequences of the proposed project. The Town of Danville wishes to consult with Native American tribes for undertakings early in the project planning process to identify and discuss relevant cultural resource issues, resolve concerns about the confidentiality of information on historic properties, and allow adequate time for consideration of such concerns.

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Sincerely,

Nadar Salama
Senior Civil Engineer
Town of Danville



*"Small Town Atmosphere
Outstanding Quality of Life"*

January 8, 2022

North Valley Yokuts Tribe
Ms. Katherine Perez, Chairperson
P.O. Box 717
Linden, CA 95236

RE: Town of Danville Proposed Diablo Road Trail

Dear Ms. Perez:

The Town of Danville, Contra Costa County is conducting environmental studies for a proposed Diablo Road Trail project located in the Town of Danville. The Town of Danville is the lead agency responsible for compliance with the California Environmental Quality Act (CEQA). It is anticipated that an Initial Study/Mitigated Negative Declaration (IS/MND) will be prepared by the Town of Danville as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the Town of Danville. The purpose of this IS/MND is to provide the public with objective information regarding the environmental consequences of the proposed project. The Town of Danville wishes to consult with Native American tribes for undertakings early in the project planning process to identify and discuss relevant cultural resource issues, resolve concerns about the confidentiality of information on historic properties, and allow adequate time for consideration of such concerns.

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Sincerely,

Nadar Salama
Senior Civil Engineer
Town of Danville



*"Small Town Atmosphere
Outstanding Quality of Life"*

January 8, 2022

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Mr. Timothy Perez
P.O. Box 717
Linden, CA 95236

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Sincerely,

Nadar Salama
Senior Civil Engineer
Town of Danville



*"Small Town Atmosphere
Outstanding Quality of Life"*

January 8, 2022

Nashville Enterprise Miwok-Maidu-Nishinam Tribe
Mr. Cosme Valdez, Chairperson
P.O. Box 580986
Elk Grove, CA 95758-0017

RE: Town of Danville Proposed Diablo Road Trail

Dear Mr. Valdez:

The Town of Danville, Contra Costa County is conducting environmental studies for a proposed Diablo Road Trail project located in the Town of Danville. The Town of Danville is the lead agency responsible for compliance with the California Environmental Quality Act (CEQA). It is anticipated that an Initial Study/Mitigated Negative Declaration (IS/MND) will be prepared by the Town of Danville as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the Town of Danville. The purpose of this IS/MND is to provide the public with objective information regarding the environmental consequences of the proposed project. The Town of Danville wishes to consult with Native American tribes for undertakings early in the project planning process to identify and discuss relevant cultural resource issues, resolve concerns about the confidentiality of information on historic properties, and allow adequate time for consideration of such concerns.

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Sincerely,

Nadar Salama
Senior Civil Engineer
Town of Danville



*"Small Town Atmosphere
Outstanding Quality of Life"*

January 8, 2022

The Ohlone Indian Tribe
Mr. Andrew Galvan
P.O. Box 3388
Fremont, CA 94539

RE: Town of Danville Proposed Diablo Road Trail

Dear Mr. Galvan:

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Sincerely,

Nadar Salama
Senior Civil Engineer
Town of Danville



*"Small Town Atmosphere
Outstanding Quality of Life"*

January 8, 2022

Wilton Rancheria
Mr. Dahlton Brown, Director of Administration
9728 Kent Street
Elk Grove, CA 95624

RE: Town of Danville Proposed Diablo Road Trail

Dear Mr. Brown:

The Town of Danville, Contra Costa County is conducting environmental studies for a proposed Diablo Road Trail project located in the Town of Danville. The Town of Danville is the lead agency responsible for compliance with the California Environmental Quality Act (CEQA). It is anticipated that an Initial Study/Mitigated Negative Declaration (IS/MND) will be prepared by the Town of Danville as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the Town of Danville. The purpose of this IS/MND is to provide the public with objective information regarding the environmental consequences of the proposed project. The Town of Danville wishes to consult with Native American tribes for undertakings early in the project planning process to identify and discuss relevant cultural resource issues, resolve concerns about the confidentiality of information on historic properties, and allow adequate time for consideration of such concerns.

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Sincerely,

Nadar Salama
Senior Civil Engineer
Town of Danville



*"Small Town Atmosphere
Outstanding Quality of Life"*

January 8, 2022

Wilton Rancheria
Mr. Steven Hutchason, THPO
9728 Kent Street
Elk Grove, CA 95624

RE: Town of Danville Proposed Diablo Road Trail

Dear Mr. Hutchason:

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Nadar Salama
Senior Civil Engineer
Town of Danville



*"Small Town Atmosphere
Outstanding Quality of Life"*

January 8, 2022

Wilton Rancheria
Mr. Jesus Tarango, Chairperson
9728 Kent Street
Elk Grove, CA 95624

RE: Town of Danville Proposed Diablo Road Trail

Dear Mr. Tarango:

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Sincerely,

Nadar Salama
Senior Civil Engineer
Town of Danville

From: [Kamerath, Marcy](#)
To: [John Holson](#)
Subject: FW: Town of Danville Proposed Diablo Road Trail
Date: Thursday, January 27, 2022 5:19:24 PM
Attachments: [image001.png](#)

Marcy Kamerath

Kimley-Horn | 1300 Clay Street, Suite 325, Oakland, CA 94612

Direct: 510 250 2106 | Cell: 775 412 2770

Connect with us: [Twitter](#) | [LinkedIn](#) | [Facebook](#) | [Instagram](#) | [Kimley-Horn.com](#)

Proud to be one of FORTUNE magazine's 100 Best Companies to Work For

My typical schedule is M-Th 8:30am – 4:30pm

From: Nader Salama <nsalama@danville.ca.gov>
Sent: Thursday, January 27, 2022 5:18 PM
To: Kamerath, Marcy <Marcy.Kamerath@kimley-horn.com>
Subject: FW: Town of Danville Proposed Diablo Road Trail

FYI

From: Cultural Preservation Department Inbox <cpd@wiltonrancheria-nsn.gov>
Sent: Thursday, January 27, 2022 10:16 AM
To: Nader Salama <nsalama@danville.ca.gov>
Cc: Cultural Preservation Department Inbox <cpd@wiltonrancheria-nsn.gov>
Subject: Town of Danville Proposed Diablo Road Trail

*****CAUTION*** THIS EMAIL WAS NOT SENT FROM DANVILLE STAFF**

This email originated from outside of the Town of Danville and was not sent from a Town Staff member! Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Thank you for sending over the project notification for the Town of Danville Proposed Diablo Road Trail Project. Wilton Rancheria has no concern on this project.

Thank you

Cultural Preservation Department

Wilton Rancheria

Tel: 916.683.6000 | Fax: 916.683.6015



9728 Kent Street | Elk Grove | CA | 95624
cpd@wiltonrancheria-nsn.gov
wiltonrancheria-nsn.gov

ATTACHMENT D - PHOTOGRAPHIC DOCUMENTATION

Attachment D: Pacific Legacy, Inc. Survey Photographic Documentation

Photograph No. 1

Direction: Northwest

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6644) At entry gate, facing Alameda Diablo Intersection.



Photograph No. 2

Direction: Northwest

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6645) At Alameda Diablo/ Diablo Rd intersection, Creek enters large CMP culvert here. Slopes are very steep in area.



Attachment D: Pacific Legacy, Inc. Survey Photographic Documentation

Photograph No. 3

Direction: West

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6646) Along the row of eucalyptus trees; no soil visible. Creek banks steep.



Photograph No. 4

Direction: West

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6647) At Calle Arroyo intersection; creek bank very steep on opposite side; did not survey.



Attachment D: Pacific Legacy, Inc. Survey Photographic Documentation

Photograph No. 5

Direction: East

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6648) Facing
Calle Arroyo from west
side; showing open
space next to creek.



Photograph No. 6

Direction: South

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6649) Across
creek from trail
alignment, board-
molded concrete
retaining
walls/bridge
abutment at creek
bend.



Attachment D: Pacific Legacy, Inc. Survey Photographic Documentation

Photograph No. 7

Direction: East-southwest

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6650) Across creek from trail alignment, board-molded concrete retaining walls/bridge abutment at creek bend.



Photograph No. 8

Direction: North

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6651) Concrete cylindrical water trough at Fairway Drive intersection.



Attachment D: Pacific Legacy, Inc. Survey Photographic Documentation

Photograph No. 9

Direction: Northwest

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6652) View of
board-molded
concrete walls feature
with 6-ft. scale.



Photograph No. 10

Direction: Northeast

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6653)
Overview of board-
molded walls from
south side of creek.



Attachment D: Pacific Legacy, Inc. Survey Photographic Documentation

Photograph No. 11

Direction: West

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6654) East trail
segment towards
segment end.



Photograph No. 12

Direction: East

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6655) East
Segment at PG&E
vault, facing east; note
slope steepness.



Attachment D: Pacific Legacy, Inc. Survey Photographic Documentation

Photograph No. 13

Direction: East

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6656) East
segment at area near
eastern of two road
curves-flatter terrain.



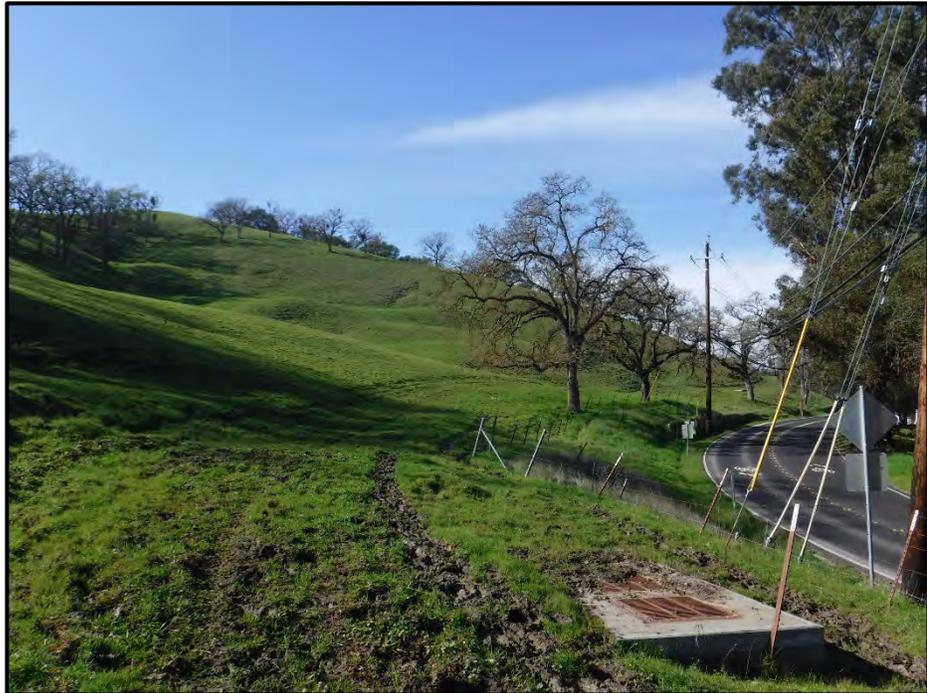
Photograph No. 14

Direction: West

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6657) East
segment at area near
eastern of two road
curves-flatter terrain.



Attachment D: Pacific Legacy, Inc. Survey Photographic Documentation

Photograph No. 15

Direction: -

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6658) Close-up of isolated bricks near oak tree with 3-ft scale.



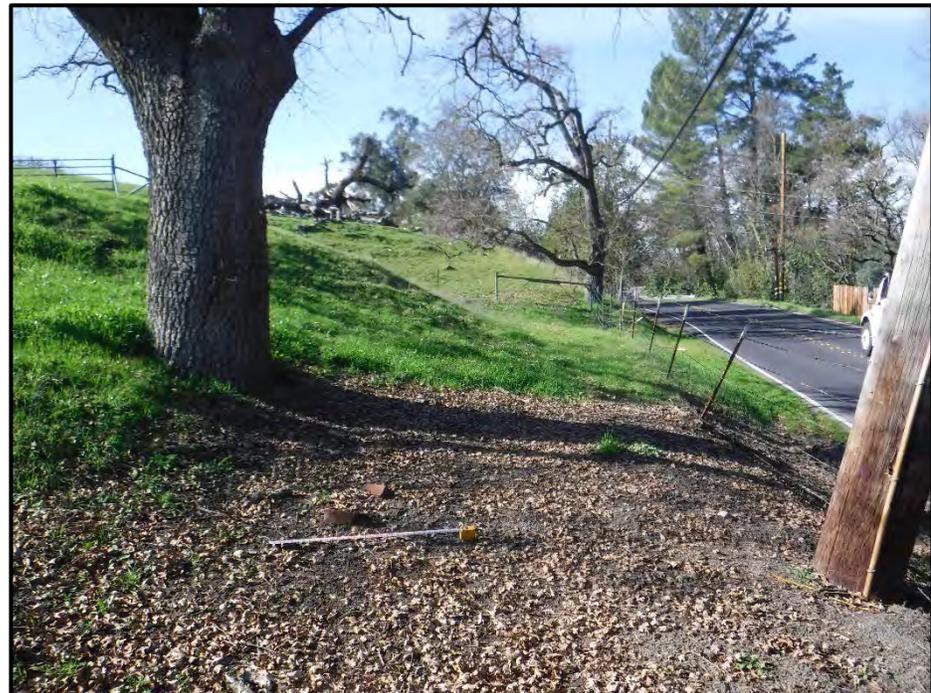
Photograph No. 16

Direction: West

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6659) Close-up of isolated bricks near oak tree with 3-ft scale.



Attachment D: Pacific Legacy, Inc. Survey Photographic Documentation

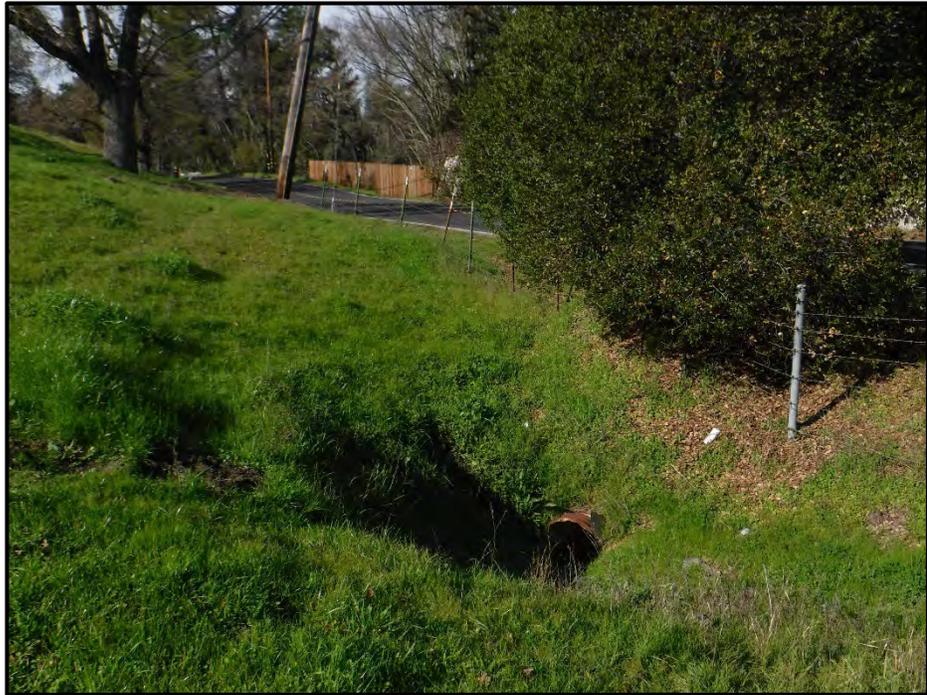
Photograph No. 17

Direction: West

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6660) Culvert
along Diablo Road
edge, east of curves.



Photograph No. 18

Direction: East

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6661) East
segment overview of
east end



Attachment D: Pacific Legacy, Inc. Survey Photographic Documentation

Photograph No. 19

Direction: East

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6662) East
end of trail
alignment, graded
flat and construction
impacts.



Photograph No. 20

Direction: East

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6663) East
end of trail
alignment, huge
utility pipe
construction at east
end of trail
alignment.



Attachment D: Pacific Legacy, Inc. Survey Photographic Documentation

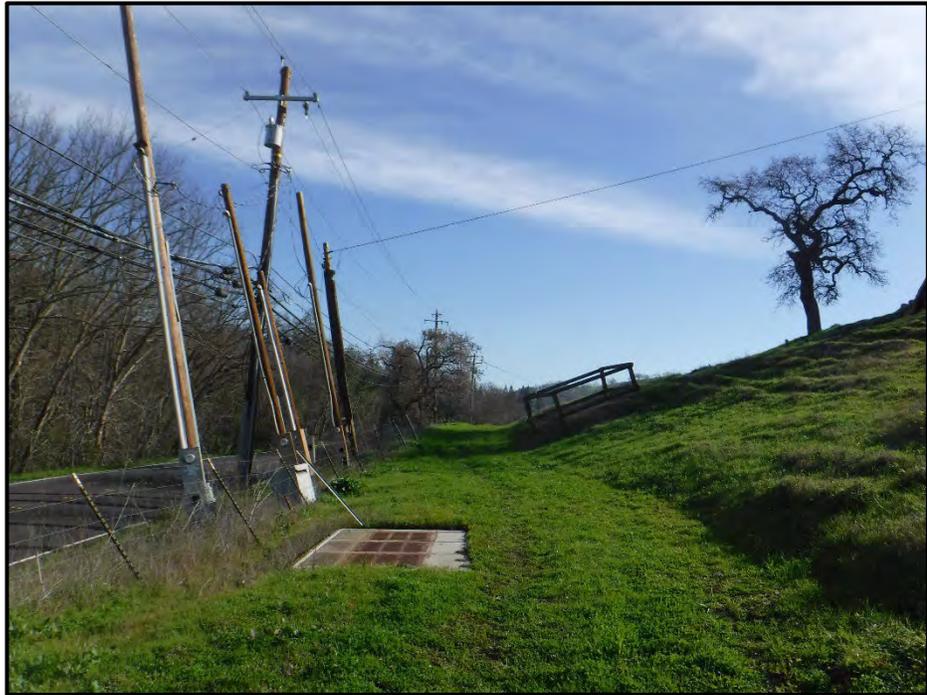
Photograph No. 21

Direction: East

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6664) Utility disturbance, east end trail alignment.



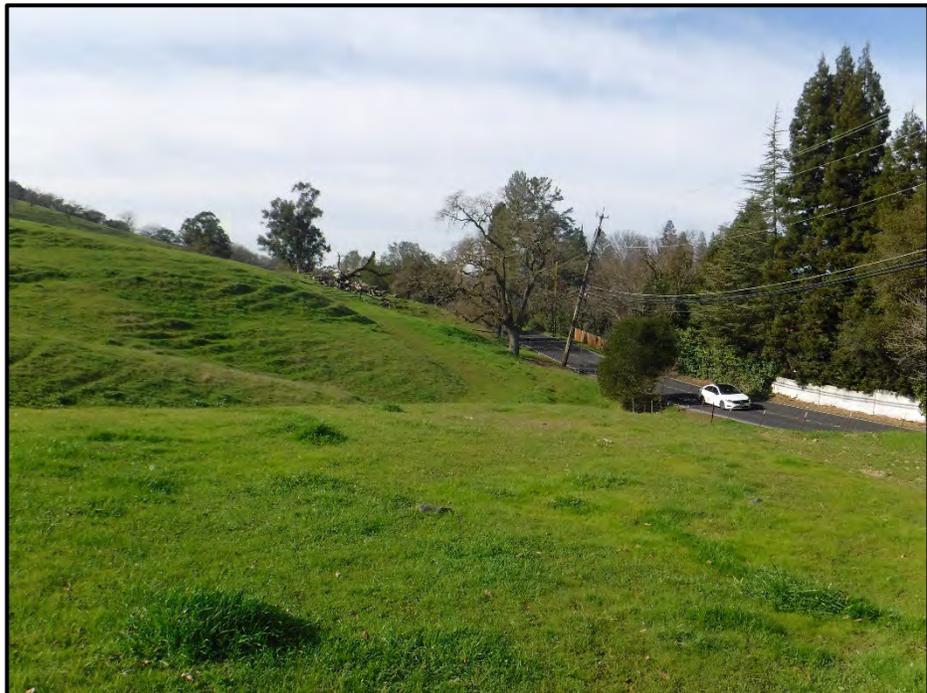
Photograph No. 22

Direction: West

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6665) Overview of east trail segment.



Attachment D: Pacific Legacy, Inc. Survey Photographic Documentation

Photograph No. 23

Direction: East

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6666) East
segment,
drainage/culvert
pipe disturbance
between Diablo Rd
and ranch road.



Photograph No. 24

Direction: Southwest

Date: 1/18/22

Photographer:
E. Reese

Description:
(Frame 6667)
Concrete cylindrical
water trough at
Fairway Drive
intersection.

