

575 Benton Street Residential Mixed Use Project

Response to the Letter from Muwekma Ohlone Indian Tribe of the San Francisco Bay Area Region, dated March 13, 2018

In March 2017, in compliance with SB 18, the City of Santa Clara sent out letters to Native American tribes with interest in projects in Santa Clara informing that the City has commenced the review of a residential mixed-use project at 575 Benton Street which would require a General Plan amendment. On March 13, 2018, the City received a letter from the Muwekma Ohlone Indian Tribe (“Tribe”) commenting on the project’s potential to affect archaeological resources and providing some recommended mitigation measures. The City and the project archaeologist, Albion Environmental, have reviewed the letter and prepared the following responses to the relevant items in the letter.

1. The Tribe identifies CA-SCL-755 (Alameda Native American Burial Site/Širkeewis Ríipin Tiprectak) and CA-SCL-30H (Mission Santa Clara de Asís and associated Indian Neophyte Cemetery) as ancestral heritage cemetery sites in the project area and notes that the boundaries of both sites have not been clearly defined. The Tribe expresses concern about the potential for the proposed project to affect these sites. Both sites were identified by Albion Environmental when it conducted a review of the proposed project and both sites are considered in the Cultural Resources Treatment Plan for the Mission Town Center Project (“Treatment Plan”) that has been prepared for the project. Implementation of the Treatment Plan is a mitigation measure that the project will be required to comply with.
2. The Tribe recommends that a full archaeological data testing and evaluation program be implemented. A testing and evaluation program is included in the Treatment Plan and will be implemented as part of the Treatment Plan.
3. The Tribe recommends that all subsurface excavations and structure, foundation, and tree removal activities be monitored by an archaeologist and a Muwekma Ohlone Native American monitor. Monitoring of all ground disturbing activities, including demolition and excavation, by a qualified archaeologist is included in the Treatment Plan. The Treatment Plan does not contain a provision that a Native American monitor be present during project ground disturbing activities. Because other Native American tribes have also expressed their desire to have a Native American monitor present on the site during demolition, excavation and other ground disturbing activities, the City will consult with the tribes to identify a plan for Native American monitoring for the project.

The City will direct Albion Environmental to modify the Treatment Plan to include the following provision: *A Native American monitor will be provided the opportunity to be present on the project site during demolition, excavation, and other ground disturbing activities.* The project applicant has agreed to allow a

Native American monitor to be present during activities involving demolition, excavation, and other ground disturbances.

4. The Tribe recommends that in the event that any ancestral human remains are discovered, the Muwekma Ohlone Tribal members and archaeologist be contracted and involved in the exposure, removal, documentation, analysis, writing a final report, and reburial of the remains. The City understands the Tribe's concern regarding handling of tribal ancestral human remains. The City will require the project proponent to comply with the State law and City procedures related to discovery of Native American human remains.

Furthermore, the City will direct Albion Environmental to modify the Treatment Plan to include the following provision: *In the event that human remains are discovered, the City will inform and consult with the MLD, as assigned by the NAHC, and develop a plan for mitigating impacts.*

5. The Tribe notes that a comprehensive field program will offset any adverse impacts on the Tribe's ancestral heritage cemetery and historical mission era sites. The Treatment Plan prepared for the project provides a comprehensive field program and is expected to avoid and reduce any adverse impacts on cultural resources encountered during project construction to a less than significant level.

6. The Tribe recommends that suitable informational public signage be designed in consultation with the Tribal leadership and notes that the Tribe desires to submit a tribal ethnohistory. The Treatment Plan includes the preparation of informational signage related to the resources and the history of the project site.

The City will direct Albion Environmental to modify the Treatment Plan to include the following: *The project proponent will consult with the Muwekma Ohlone Indian Tribe during the development of public signage materials for the project site.*