"A LIVING LANDSCAPE":
A CULTURAL RESOURCES MANAGEMENT PLAN FOR
MORGAN TERRITORY REGIONAL PRESERVE
by
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Appendix A: Map of Site Locations
Resources Identified

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"A LIVING LANDSCAPE": A CULTURAL RESOURCES MANAGEMENT PLAN FOR
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ABSTRACT

PURPOSE OF THESIS: The East Bay Regional Park District (EBRPD) was established in 1934 by activists concerned over the preservation of natural landscapes and resources. The District currently has stewardship and management responsibilities for over 100,000 acres of land, which include 65 park units, in the San Francisco East Bay.

In 1990, Peggy Shannon wrote a cultural resources management plan Master’s thesis to address the District’s responsibilities towards cultural resources. While EBRPD may have taken Shannon’s thesis into consideration, the majority of her recommendations were not implemented. However, the District does currently have cultural resources management policies in place. The effectiveness of these policies in terms of site protection was called into question when a private citizen published specific location details for prehistoric archaeological sites within District landholdings. Public knowledge of and access to these sites may result in negatively impacting these resources. While EBRPD policy does prohibit damaging an archaeological site, there is no clear process in place to protect these sites or to monitor the effects of public access / knowledge. One of the ways to address these issues is in the form of a management plan.

This thesis and accompanying management plan was written for Morgan Territory Regional Preserve because while it is not yet highly visited, a lot of public attention has been focused on the prehistoric cultural resources in this park. The purpose of this document is to assist EBRPD in managing the identified and potential cultural resources within Morgan Territory. To facilitate cultural resources management, this thesis and management plan is designed to comply with the goals and management policies of the District’s Master Plan. The suggested recommendations address cultural resources management issues pertinent to Morgan Territory.

METHODS: Background research was conducted at local archives (e.g., the Northwest Information Center, the Anthropological Studies Center, and Black Diamond Mines Regional Preserve) to create a background cultural history of Morgan Territory. This cultural history provides a context to the cultural development of the study area and also assists in predicting the types of resources located within the park. Archaeological fieldwork was also carried out during 2009. This fieldwork served two purposes: 1) to further substantiate the types of cultural resources in the park; and 2) to provide the District with baseline data about the condition of these archaeological sites.

Federal and state cultural resource legislation and regulations were reviewed in order to determine which laws apply to the management of resources at Morgan Territory. In addition, the District’s cultural and natural resources and land management
This thesis was created within the framework of cultural landscape theory and the politics of heritage management. EBRPD values its landholdings primarily in terms of natural resources. Cultural landscape theory aids with understanding the cultural development of places such as Morgan Territory. This appreciation is valuable to District management because it allows for the prediction of the types of cultural resources that may be found across a particular landscape. Viewing park units as a cultural landscape reinforces that such places not only have the potential to contain cultural resources but as a whole, are a cultural resource. A discussion of the politics of heritage management is warranted because the District is a large land owning agency with stewardship responsibilities. Furthermore, the District recognizes that people identifying with these landscapes also have feelings of stewardship and ownership rights as well. The intent of this discussion is to assist the District with developing various mechanisms, such as consultation and community outreach, to manage claims of ownership and/or stewardship rights.

FINDINGS: The District has cultural resources management policies in place and is primarily responsible for complying with the California Environmental Quality Act (CEQA). EBRPD's cultural resources management policies can be strengthened to more effectively protect and manage cultural resources. This can be achieved in part by reviewing the District's proactive policies towards natural resource and land management and applying similar strategies to cultural resources. Furthermore, a cultural resources management plan created to address management needs for specific park units, such as Morgan Territory, will fully complement EBRPD's overarching management policies.

CONCLUSIONS: Morgan Territory would benefit from the protection and structure a cultural resources management plan offers. The recommendations in the management portion of this thesis address cultural resources management concerns at Morgan Territory including the effects of public access to and knowledge of archaeological sites, stewardship concerns, implementation of a public education / interpretive program, and the need for a cultural resources manager. This management plan will assist the District in reaching its own goal of protecting cultural resources within its jurisdiction.

Chair:
Signature

MA Program: Cultural Resources Management
Sonoma State University

Date: 16 May 2011
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CHAPTER 1: INTRODUCTION

The establishment of the East Bay Regional Park District (EBRPD; also referred to as the "District") in 1934 was advocated for by local civic leaders and avid out-of-doors enthusiasts in the San Francisco East Bay Area region. Park supporters hoped that the creation of this agency would aid with the preservation of natural landscapes and resources during a period of urbanization. The preservation of natural environments would provide places for urban residents to be brought into contact with nature. In the late 19th and early 20th centuries, park advocates believed that natural landscapes held an inherent goodness. This goodness, in turn, would be instilled in the park user (Young 1995:537). This belief regarding the positive impacts of nature spurred on the creation of park landscapes.

Parks are purposefully constructed landscapes, their form and function changing to reflect shifting social and cultural values. For instance, prior to the 1880s, the primary park user was considered to be the elite, white, adult male. It was viewed that men’s health were negatively impacted by city life. Therefore, they would benefit more from the "virtue-generating" park (Young 1995:538). When socio-cultural values began to change and parks were not seen solely as places of bolstering virtues, women, adolescents and children became incorporated into the general definition of park users (Young 1995:539). During the 1930s, park administrators began to debate the form a park should take. Primitivists wanted to keep parks closer to a natural state, while recreationists argued that parks should be used more intensively (Cox 1981:16). Contemporary park managers grapple with issues that include acknowledging parks as cultural landscapes and balancing the management of natural and cultural resources.
Since its creation, the District has primarily focused on balancing the preservation of natural resources while providing public access to land. The District has always recognized and appreciated the presence of cultural resources within its landholdings. EBRPD has worked to protect prehistoric resources such as those at Coyote Hills Regional Park and Vasco Caves Regional Preserve as well as the historic-era resources at Black Diamond Mines Regional Preserve and Ardenwood Historic Farm. In addition, the District has also worked with various cultural resources consultants over the years. However, the District has often lacked an effective, proactive cultural resources management stance. To address this issue, Peggy Shannon (1990) created a cultural resources management plan as part of an M.A. thesis submitted to Sonoma State University for the East Bay Regional Park District. Shannon analyzed the District’s then current cultural resources policies, artifact accessioning program and environmental review policies. The management portion of her thesis provided clear processes to manage cultural resources within District parklands. The management plan established a “Planning Program” that worked within the District’s established planning guidelines. It also outlined procedures for when activities occurred outside of the established processes that would potentially affect cultural resources (Shannon 1990:74). Shannon recommended a position for a cultural resources management specialist within the District and the creation of a Cultural Resource Management Technical Advisory Committee (CRMTAC) (Shannon 1990:67). While the District may have taken Shannon’s management plan into consideration, it did not implement the majority of her recommendations, such as hiring a cultural resources management specialist, removing its artifact accessioning program or implementing her Planning Program. By not
incorporating more of Shannon's recommendations, the District may have missed an opportunity to strengthen its cultural resources management policies.

EBRPD outlines its current cultural resources management policy in its 1997 Master Plan (East Bay Regional Park District [EBRPD] 1996). The policy includes maintaining a written inventory and map of "cultural features and sites" on parkland and preserving and protecting these resources in situ (EBRPD 1996:24). The policy further states that EBRPD will evaluate "significant cultural and historic sites to see if they should be nominated State Landmark Status or to the National Register of Historic Places" (1996:24). In order to fully implement its own policy, EBRPD would have to have a complete inventory of all of its cultural resources when it currently does not. To that end, the District may benefit from more malleable and pragmatic management strategies (see Chapter 6 for recommendations). The information and location data that the District does have on cultural resources are maintained in a primarily GIS-based Cultural Atlas database. While GIS can be an effective management tool, the cultural resources data are often unsubstantiated or too incomplete to be used to a fuller extent. EBRPD would benefit from implementing policy updates and clearer guidelines and procedures. This would help to ensure that policy is actually being carried out.

The need to strengthen existing District policies to protect cultural resources was highlighted in 2006. A private citizen self-published a guidebook and posted an internet site revealing specific locations of prehistoric sites in the East Bay Area. Many of these sites are within District park boundaries, such as Morgan Territory Regional Preserve. Public knowledge and access to these sites may lead to damage, such as vandalism and looting that will negatively impact these sites. There is currently no federal, state or local
law prohibiting this private individual’s actions. Beverly Ortiz, lecturer of Anthropology at California State East Bay, has organized panels at the California Indian Conference and the Society of California Archaeology conference to discuss how agencies can use existing laws to extend fuller protection to these listed sites (Michael Newland 2011, pers. comm.).

This 2006 publication emphasizes the tradeoffs that exist between maintaining District lands for public use and the agency’s responsibilities to protect the cultural resources within its landholdings. It also stresses the need for the District to have a strong cultural resources management policy that aids with the protection of these resources. This thesis and accompanying management plan was created in cooperation with and for the East Bay Regional Park District. This document is in part, a proactive management response to aid the District in protecting the sites listed in the 2006 guidebook. The management portion of this document illustrates how the District can use its existing resources and land management policies to strengthen its cultural resources policies and protect its cultural resources to a fuller extent.

This document was created specifically and tailored for Morgan Territory Regional Preserve. Morgan Territory is a 5,000 acre preserve and is one of the parks identified in the 2006 guidebook. This particular park is not yet a highly visited or developed park. However, with the publication of the 2006 guidebook, the cultural resources at Morgan Territory have been called to the attention of the general public. In addition, there has not been much archaeological or historical research done at this park. Morgan Territory benefits from this thesis and management plan as it provides a cultural history and recommendations focused on the cultural resources at this park. Currently,
there is no federal or state project driving the need for a cultural resources management plan for Morgan Territory. Therefore, this document provides recommendations that EBRPD may consider implementing. The primary goal of this thesis and accompanying management plan is to provide effective management recommendations that the District will be able to implement to maintain the integrity of the resources, meet park operational needs and over-arching goals of the District.

This document contains sensitive information regarding site locations. This information will not be released to the public. Any portions of this document that provide site location information (e.g., maps) will be removed from publicly accessible copies of this thesis.

STUDY AREA

Morgan Territory Regional Preserve is comprised of Sections 23, 24, 13, and portions of Sections 22, 14, and 25 of Range 1 East and Township 1 South and Section 19 and portions of Section 29, 30, 20 and 18 of Range 2 East, Township 1 South on the Tassajara, California, United States Geological Survey (USGS) 7.5-minute quadrangle (See Figure 1 for map of project area). For this thesis, the study area includes only what is currently defined as Morgan Territory Regional Preserve, and does not include the adjacent East Bay Regional Park District Land Bank property.

Nearly 1,000 acres of what is now currently referred to as Morgan Territory Regional Preserve were purchased by the District in 1975 from private ranchers and/or farmers. The following year, another 555 acres were purchased. Most of these are to the east of Morgan Territory Road, where the Volvon and Blue Oak trails are currently located. The park was expanded 2003, with a lease of an additional 320 acres (Rex
Figure 1. Project Area, Morgan Territory Regional Preserve, Contra Costa
Base Map: USGS 7.5' Tassajara, Calif. 1991
Caufield 2009, pers. comm.). The District’s Board of Directors agreed to augment the park in February 2009 with the purchase of an addition 153 acres (EBRPD 2011). Morgan Territory includes both single-use and multi-use trails as defined by the District. Multi-use trails are designated for pedestrian, bicyclists and equestrian purposes. These trails were originally built during the ranching period as utility roads. Once acquired by the District, these roads were improved for public use. The single-use, pedestrian trails found within the park were created by the District (Rex Caufield 2009, pers. comm.). Morgan Territory currently encompasses 5000+ acres of land.

NATURAL LANDSCAPE

The elevation for the study area ranges from approximately 1000 ft. above mean sea level (amsl) to 2080 ft. amsl. The study area is situated on a ridge along the Diablo Range, characterized by the Franciscan core complex of the upper Jurassic and mid Cretaceous, and has both anticline and syncline components. The typical rock formations are of the Franciscan series. The prevalent rock type within the Franciscan assemblage is graywacke sandstone, which are generally 1 – 10 ft. thick and usually not internally layered (Page 1966:258). The Tesla-Ortega fault lies along and within the east flank of the Diablo Range (Page 1966:271).

The study area is comprised of these soil types: Los Gatos loam, Lodo clay loam, Alo clay, Dibble silty clay loam, Gaviota sandy loam and Millsholm loam. These soil types are found on moderate to steep hills and are essentially comprised of residue from weathered sandstone and shale. Dibble silty clay loam consists of well-drained soils and found on “hilly uplands” on slopes that range from 15 to 30 percent (Welch 1977:22). The surface layer is a pale-brown, medium acid silty clay loam (Welch 1977:21). Alo
clay is found on slopes ranging from 30 to 50 percent, on the back and side slopes of hills. Its parent material is of weathered sandstone and shale. Lodo clay loam is found on 30 to 50 percent slopes and is an excessively drained soil. Los Gatos loam is found on upland slopes and is a well drained soil. Gaviota sandy loam is found on steep terrain, with slopes ranging from 30 to 50 percent, causing the runoff to be rapid and leaving the soil well drained (Welch 1977:26). The surface layer of soil is typified by a gray-ish brown and brown, slightly acidic sandy loam (Welch 1977:25). The Millsholm loam formation is found on moderate to steep slopes, with a slope of 15 to 30 degrees and is generally found with softer bedrock (Welch 1977:36). The surface layer of this soil consists of a grayish-brown, medium acid loam (Welch 1977:36). The vegetation community is typified by blue oak foothill pine, which consists of both broad-leaved deciduous trees and needle-leaved evergreen trees (Kuchler 1977:19). The grass community present is comprised of California Prairie, a medium tall bunchgrass which varies seasonally (Kuchler 1977:23).

The study area encompasses and is adjacent to branches of Marsh Creek, an intermittent drainage which usually runs in the wet season and dries out later in the year (Rex Caufield 2009, pers. comm.). The landscape is dotted with man-made cattle ponds and reservoirs, many of which are fed by natural springs contained by earthen dams (Rex Caufield 2009, pers. comm.).
METHODS

To gain a more complete understanding of the cultural resources in or are possibly located within the Morgan Territory, the author conducted literature, records, documents and map searches at several local archives. The archives included the Northwest Information Center (NWIC), the Anthropological Studies Center (ASC), EBRPD, the Contra Costa Public Library and the Contra Costa Historical Society. The author, assisted by volunteer field crews from Sonoma State University, San Francisco State, University of California at Santa Cruz and Cabrillo College students, surveyed portions of Morgan Territory for cultural resources.

Records and Literature Search

Records searches at several archives were carried out in the process of the creation of this cultural resources management plan. These record searches were focused on the study area in order to establish the types of known resources and the possible resources within the Morgan Territory.

A records search at the Northwest Information Center (NWIC) of the Historical Resources Information System was performed in 2010 and in 2011 to review maps, documents and state and federal registers. The NWIC is one of 11 State repositories for historical resources, reports, maps and records for California. The NWIC houses information for 16 Bay Area and inland counties, from Monterey to Mendocino County.

In addition, the archives of the Contra Costa Historical Society, in Martinez, California, the Anthropological Studies Center, Sonoma State University, Rohnert Park, California, and the local history archive at the Pleasant Hill Branch Library of the Contra
Costa Library system were researched for any additional documents and maps relating to the study area.

The District's Planning and Stewardship Department provided the land management documents currently on file with EBRPD (see Chapter 4). The Geographic Information System (GIS) Department within the Planning and Stewardship Department provided cultural and natural resource data for Morgan Territory Regional Preserve. The Black Diamond Mines Regional Preserve of the East Bay Regional Park District, which provides curation / archival service for Morgan Territory Regional Preserve, was also searched for maps, documents and artifacts.

Field Methods

During the Summer and Fall of 2009, the author served as a Cultural Resources Management Intern for the EBRPD. During the summer internship, approximately 65 acres of Morgan Territory were surveyed and a total of 11 resources were recorded by the author. During the fall, 4 sites were located and recorded. The author worked with the District to determine the survey strategies during these internships. The purpose of these surveys was to record sites, using the Department of Parks and Recreation (DPR) series 523 forms, published in Benney's 2006 guidebook. Recording these sites verified their presence, locations and defined boundaries. These records provide baseline data for the District to monitor the impact of public knowledge of and access to these sites. Prehistoric sites were the focus of these surveys. However, when historic-era resources were identified, they were also recorded. Of these resources, 10 were prehistoric, bedrock milling feature sites and 5 were historic-era resources. Only one of the prehistoric resources had been previously recorded by the Anthropological Studies Center
at Sonoma State University. The historic-era resources included 4 historic-era road alignments and 1 historic-era resource that consisted of glass, ceramics, a cattle run and an earthen dam.

Additionally, in the Spring of 2009, the author recorded 1 prehistoric site and located another prehistoric resource. See Appendix A for Figure 2, a map displaying the sites that have been recording within Morgan Territory (this map contains sensitive and confidential information and will be removed from publicly accessible copies of this thesis).

ORGANIZATION

This thesis examines EBRPD’s existing cultural resources management policies along with other management policies (such as their land management policy) that may impact cultural resources. Chapter 2 provides the theoretical framework, cultural landscape theory and the politics of cultural heritage management. Chapter 3 provides an historical overview of Morgan Territory Regional Preserve. This background illustrates the human use and shaping of Morgan Territory, solidifying it as a cultural landscape. Understanding the park’s cultural history can help to predict the types of cultural resources it contains. This cultural history contextualizes the identified and the potential resources at Morgan Territory. Chapter 4 is a discussion of the history of the District as well as its primary management documents. Chapter 5 gives a background of the cultural resources management laws that are or may be applicable to the District. Chapter 6 includes the author’s recommendations the District may want to implement, based on the author’s review of the current natural, cultural and land management policies.
CHAPTER 2: THEORETICAL FRAMEWORK

The theoretical perspectives framing this document are cultural landscape theory and the politics of cultural heritage. This theoretical framework will assist with the effective management of cultural resources within Morgan Territory and guide the management recommendations given in chapter 6. This chapter explains each theory, how they work in conjunction with each other and illustrate how these theories are supported by current District policies. Some of the themes discussed in this chapter will be drawn through in the historical overview provided in Chapter 3 to further justify why these theoretical perspectives are relevant.

CULTURAL LANDSCAPE THEORY

The idea of cultural landscapes has been used by a variety of scholars including anthropologists, archaeologists, folklorists, geographers and urban planners. Cultural landscape theory was developed by geographers in the 1930s, adopted by archaeologists in the 1970s and by cultural resources managers in the 1980s (Waghorn 2002:37).

Cultural landscape theory is the idea that landscapes are not just physical, but are complex, socio-cultural creations. Cultural landscape theory discusses the different culturally-created concepts that contribute to the creation of a cultural landscape. Moreover, the way that people interact with these created landscapes affect the process of their creation. Landscapes were once theorized to be passive backdrops against which human activity took place. Upon closer inspection however, landscapes are truly complex and dynamic created entities that correlate to socio-cultural values. Figure 3 illustrates how various culturally created concepts, coupled with the physical landscape merge to create a culturally created landscape. Not only does the physical landscape play
a part in the creation of a cultural landscape it also provides a forum for culturally created landscapes to play out on.

Culturally created concepts, such as religion, memory and identity (see Figure 3), are in no way exhaustive of the concepts that go into creating a cultural landscape. These are merely examples and are representative of the concepts applicable to this thesis. Furthermore, what this stagnant diagram cannot show is that these concepts are in no way discrete. Instead they are inter-related, constantly in flux and can be discussed in multiple ways. For instance, identity can be discussed in terms of self-identification, identification of the "other," or cultural identity. Identity can also be inter-related with other concepts such as memory, culture and even the physical landscape. All of these concepts work in concert with each other creating a process through which a cultural
landscape is created. This cultural landscape then emerges as a constructed or conceptualized landscape.

Constructing landscapes involves building meaningful features on top of the physical landscape (Potter 2004:323; Knapp and Ashmore 1999:11). Examples of these features can include but are not limited to monuments, buildings, trails, objects, and structures. Meanings associated with these features can be assigned prior to during or even after their construction and can change over time.

Conceptualized landscapes are characterized by applying cultural meanings to natural features or places on the landscape (Potter 2004:323; Knapp and Ashmore 1999:11). An example of such a feature would be that of Mount Diablo. Mount Diablo is a dominant, physical feature located in the geographical center of Contra Costa County. For many Native American groups such as the Bay Miwok, Ohlone, Plains Miwok, Sierra Miwok, and the Southern Maidu, Mount Diablo is not just a natural feature but is considered sacred and associated with creation narratives and/or religious ceremonies (Ortiz 1989). Just as meanings associated with built features on constructed landscapes can change, so can the meanings of natural features. Mount Diablo's current name is derived from the Spanish "Monte del Diablo" that translates to "Thicket of the Devil" and is rooted in non-Indian, Spanish narrative folklore (Milliken 1995:185; Ortiz 1989:460). The Spanish narrative of events that led to the naming of "Monte del Diablo" contains variations. However, at the heart of these variations is a narrative that tells of an event leading to the confrontation between a group of Native Americans resisting the mission system and Spanish soldiers. In one version, it was a Bay Miwok group, the Chupcan that were able to evade the Spanish troops. The Spanish soldiers applied the
name “Monte del Diablo” because they believed that it was only with the help of the devil the group could have escaped (Milliken 1995:185). Another variation tells of an actual battle between a group of resistant Native Americans and Spanish soldiers. In this version, however, it was the appearance of a “Puy” or “evil spirit” that assisted the Native American group in defeating the Spanish (Ortiz 1989:462). Beverly Ortiz argues that the Spanish folklore surrounding Mount Diablo can be “categorized into three basic themes: (1) non-Indian justification of historical injustices perpetrated against Indian people, (2) non-Indian romanticization of the past, and (3) non-Indian association of Indian religion with devils” (Ortiz 1989:461). As the name is linked with the folklore that created it, the continued acceptance of “Mount Diablo” perpetuates these themes. Overall, Mount Diablo provides an excellent example of how a single natural feature can come to embody culturally created multiple culturally created meanings that have changed over time.

While it is important to understand the differences between and the definitions of constructed and conceptualized landscapes, they are not mutually exclusive. Some landscapes may contain both conceptual and constructed elements. In fact, it may be easier to consider all landscapes as conceptualized that may contain constructed features or land modifications (Potter 2004:324). This created landscape provides a forum for people to perceive and interact with a cultural landscape. These interactions with culturally created landscapes in turn affect the process of their creation. This entire interaction with and creating a cultural landscape manifests itself in a variety of ways. It can be seen through the creation of traditional dances, folklore and sacred narratives, the creation of identities, culture, and the creation of places such as parks.
The creation of a cultural landscape is a complex process. There are many different aspects to discuss in regards to how a cultural landscape is created. Cultural landscape theory encourages the discussion of the meanings of landscapes and how people interact with them. Some of these discussions include:

- Cultural landscapes as an amalgam of the cultural and natural process (Waghorn 2002:37);
- The existence of landscapes as subjective through how they are experienced, perceived and contextualized by people (Knapp and Ashmore 1999:2);
- Landscapes both shaping and being shaped by human experience (Knapp and Ashmore 1992:4);
- Landscapes as symbolic, in terms of memory and the creation of identity and social order (Knapp and Ashmore 1999:5);
- Places perceived to be "wild" or "natural" are cultural landscapes. These places have been marked, sectioned off and mapped as another type of humanly defined landscape (Tacon 1999:33); and
- Cultural landscapes are constantly dynamic and evolving entities. The perception of a landscape is not necessarily the same, even at a single point in time (Waghorn 2002:37; Mack 2004:59).

**Cultural Landscape Theory and the East Bay Regional Park District**

While not explicitly stated, the District's policies and mission statement supports cultural landscape theory. The District asserts that it will, "manage, maintain, and restore the parklands so that they retain their important scenic, natural, and cultural values" (emphasis added; EBRPD 1996:10). This can be interpreted as the District's commitment
to maintaining parks as landscapes. In addition, the District will “interpret the parklands by focusing educational programs on the visitor’s relationship to nature, natural processes, ecology, the value of natural conditions, and the history of the parklands” (EBRPD 1996:10). A park visitor can be seen as just another in the long line of landscape users. By focusing on the visitor experience, the District is helping to shape the visitor’s experience with the park. Moreover, as a land manager, the District is able to control how the landscape is presented to the visitor.

POLITICS OF HERITAGE MANAGEMENT

Heritage management is often characterized as solely a practice concerned about the management of monuments and sites (Smith 2000:309). However, heritage management is often a deeply felt and controversial issue. The underlying implication in heritage management is often that the managers, or “experts,” are the authority over the cultures of others (Smith 2000:310). One of the critiques of park landscapes is that land managers often represent these landscapes as “pristine,” removing previous human occupants (Diekman et al. 2007:46). This view of the landscape often drives not only the management of these lands but also affects how the public perceives these landscapes (Diekman et al. 2007:46). This style of management does not just remove the rich, cultural history landscapes have. It also denies the cultural ties to the landscape that people have.

Archaeological literature is filled with examples of how indigenous involvement in management / stewardship of ancestral landscapes assists with the restoration of identity and culture (e.g., Greer et al. 2002; Prangnell et al. 2010; Daehnke 2007; Smith 2000; Cuthrell et al. 2009). Within his analysis of Article 27 of the “Declaration on the
Rights of Indigenous Peoples” adopted in 1948 by UNESCOs constitution, Hodder focuses on the quote “everyone has the right freely to participate in the cultural life of the community” (Hodder 2010:868). Hodder questions “which community, and does everyone have to the right to participate in everyone’s community?” (Hodder 2010:868). As Hodder notes, there is a tension between “universal access of all to know about global cultural heritage and its diversity, and the right of nations and indigenous groups and minorities to control ‘their own’ past and gain restitution” (Hodder 2010:868).

Heritage management requires respect, compromise and negotiation. It also often involves hearing out all those who have a claim to identify with or stewardship rights over cultural resources (King 2002:110). Consultation, interpretive and educational programs can be key to restoring balance. One of the District’s policies is to provide public education and interpretive programs to the public. These programs provide a forum for park visitors to gain an understanding and respect for cultural resources. It also provides opportunity for those who feel a cultural connection with a landscape to participate in the telling of their own history and culture. Chapter 6 provides recommendations about implementing public outreach and interpretive programs at Morgan Territory.

Heritage Management and the East Bay Regional Park District

The Ohlone, Bay Miwok and Northern Valley Yokuts are sets of identities tied geographically to San Francisco Bay Area landscape. EBRPD acknowledges that within its parklands are some of the San Francisco Bay Area region’s best remaining Native American village sites, burial mounds, and natural areas where traditional ceremonial gatherings took place (EBRPD 2007:37). The District assigns itself stewardship
responsibilities as it promises to protect these features (EBRPD 2007:37). The District also recognizes ancestral ties that Bay Area tribal members have to these places. To this end, EBRPD endeavors to “provide positive support to the descendents” of the Ohlone, Bay Miwok and Northern Valley Yokuts. The District will try to accommodate traditional gatherings and ceremonies and the collection of traditional plants for educational or traditional purposes within appropriate parklands.

Benney’s (2006) guidebook and website are illustrative of an individual perception and interpretation of the landscape. The guidebook and website assume a sense of ownership and stewardship over the published sites (many within District lands and specifically Morgan Territory) and the landscape.

Many members of the local Native American community looked to legal professionals, archaeologists and to the District to assist to provide protection for these published sites. This guidebook highlights the tension underlying the District’s goal to provide public access to parklands, protection of cultural resources, public education and its cooperative efforts with local Native Americans protecting cultural resources (EBRPD 1996; EBRPD 2007).

CULTURAL LANDSCAPE THEORY AND HERITAGE MANAGEMENT

The advantage of using a cultural landscape theoretical approach is that it allows for the effective management of a large land unit, such as Morgan Territory. This approach emphasizes the identification of patterns of land use represented by physical features and such as roads, fences, changes to vegetation, water features, bedrock milling features and rock art. However, this should not be confused with the management of individual features. Understanding these emerging patterns of land use allows for the
effective management of the landscape as a whole (Waghorn 2002:38). Individuals who feel they have a stake in a particular landscape and/or in the management of resources do so because they feel a cultural tie with that area.

As the District continues to grow, it acquires more cultural landscapes, in the form of park units, and cements its role as a heritage manager. This is in part why it would be beneficial for the District to strengthen its cultural resources management policies.
CHAPTER 3: HISTORICAL OVERVIEW

Morgan Territory Regional Preserve encompasses the rolling landscape of the Black Hills in a rural area high above urbanized landscapes. The park is named after Jeremiah Morgan who staked claim to 10,000 acres of land in the Black Hills area of Contra Costa County in 1856. While it is named after this historical figure, the human history of Morgan Territory extends further back. Little archaeological work has been done in within the park boundary. However, geo-archeological investigations in the adjacent Los Vaqueros area suggest that humans have used the landscape for at least 10,000 years (Meyer and Rosenthal 1997). Village sites, rock art and milling features provide evidence and patterns of Native American use. Stone corrals, house foundations, dams and historic road alignments likewise provide patterns of use during the historic settlement of this landscape.

This chapter provides a historical background to the study area to illustrate its evolution as a cultural landscape, including its patterns of land use. This chapter discusses, in length, the prehistoric, ethnographic and historic identities tied with this landscape. As conveyed in Chapter 2, identity is one of the concepts that go into the process of creating a cultural landscape. Understanding the identities associated with this area is important because it provides insight into how this landscape was used. This knowledge can then help to not only enrich the cultural history of this landscape but to also predict that types of cultural resources it may contain. Conversely, the cultural resources that people have left behind can then help to tie identities back to the landscape. Moreover, people who do connect to this landscape through identity often feel a right of ownership or stewardship of the resources on the landscape.
NATIVE AMERICAN USE

This section is based on the collective archaeological, ethnographical, and historical literature for the San Francisco Bay Area region. Little archaeological work has been done directly in Morgan Territory. Therefore, this section takes into consideration the extensive archaeological, including survey, excavation and geo-archaeological investigations, ethnographic, historical work done in the adjacent Los Vaqueros area.

Archaeology

Native Americans were the first to inhabit Morgan Territory Regional Preserve. Archaeologists use chronological frameworks to assist with the study and interpretation of Native American prehistory. Frederickson (1973, 1974) developed a temporal structure that can be applied to this part of the San Francisco Central Bay Area. Frederickson frames the human prehistory into three categories: the Paleoindian period (10,000-6000 B.C.); the Archaic period, which is divided into the Lower Archaic period (6000-3000 B.C.), the Middle Archaic period (3000-500 B.C.), and the Upper Archaic period (500 B.C.-A.D. 1000); and the Emergent period (A.D. 1000-1800) (Frederickson 1974).

The Paleoindian period, is characterized by small bands of nomadic hunters and gatherers. These bands would have been comprised of 15 to 30 people. Archaeological work in the Los Vaqueros area indicates that human history in this area extends back to almost 10,000 years ago.

Overall, the Archaic period is typified by the trend of small mobile groups of people increasing and becoming more sedentary and socially complex. These groups
established base camps in areas that allowed for more intensified use of a larger number of local resources. The artifact and burial assemblage from the Lower Archaic within the Los Vaqueros area includes milling slabs and oval bifacial handstones, small round handstones, cobble-core tools and wide-stemmed, obsidian projectile points. Burials were flexed, cairn burials (Milliken et al. 2007:123). The Middle Archaic artifact and burial assemblage from the Los Vaqueros area included abalone (*haliotis sp.*) ornaments, thick rectangular *olivella* beads, spire-lopped *olivella* beads, Franciscan chert side-notched projectile points and cobble pestles. Groundstone technology was characterized by shaped and cobble bowl mortars and pestles. Burials were either loosely flexed and/or fully extended and semi-extended and were mainly oriented northwest (Milliken et al. 2007:123). The Upper Archaic artifact assemblage from the Los Vaqueros area included shaped cobble bowl mortars and pestles, *olivella* beads, clam disk beads, chert contracting-stemmed projectile points and obsidian and chert concave-base projectile points. Bedrock mortar technology is also starting to emerge. Burials during this time were tightly flexed and oriented southwest (Milliken et al. 2007:123).

The Emergent period was marked by increasing social complexity and social stratification, and a shift in tool and bead production (Milliken et al. 2007:117). The transition into an increasingly sedentary lifestyle was characterized by semi-permanent home bases and the use of seasonal camps (Milliken et al. 2007:106). Use of semi-permanent village sites allowed for the intensified use of locally available resources. Technological innovations included the introduction of the toggle harpoon, clamshell disk beads, hopper mortar, plain corner-notched arrow sized projectile points (Milliken et al. 2007:117). Specifically within the Los Vaqueros artifact assemblage, Emergent
period artifacts include small, cylindrical pestles, Panoche side-notched and desert-notched projectile points, small block mortars, clamshell disk beads and lipped *olivella* beads. There was a continued use of bedrock mortar milling technology. Small block mortars are also being used as well as small, cylindrical pestles. The Emergent period (A.D. 1000-1800) is characterized by both tightly flexed burials and cremations (Milliken 2007:123).

At the time of the arrival of the Spanish in 1776, around the Emergent Period, the San Francisco Bay Area had supported a hunter-gatherer population with a dynamic linguistic diversity, which they often noted. The languages spoken within the Bay Area at this time included Costanoan, San Francisco Costanoan, Southern Pomo, Wappo, Patwin, Coast Miwok, Bay Miwok and Karkin (Milliken et al. 2007:99).

**Ethnographic Overview**

The study area is a complex ethnographic area and not entirely well understood. Ethnographers and linguists have worked to identify the tribal groups and to define the tribal territories of Native American groups at the point of Spanish exploration. This area is not well understood because of the devastating and disruptive effects the Spanish and the mission system had upon the traditional life ways of the Native Americans in the San Francisco Bay Area. Ethnographers, such as Randall Milliken, have worked to re-create the ethnographic study area using documents that include Mission birth, death and baptismal records.

Part of the ethnographic complexity of this area stems from the ambiguous tribal territory boundaries. Many of the tribal boundaries across this landscape were extremely close. Additionally, historical information is often too ambiguous to determine clear-cut
boundaries between the groups (Milliken 1994a:5). The Volvon, the tribal group who most likely inhabited the study area, were closely bordered by the Ssaoams, an Ohlone group who inhabited the Brushy Peak and Altamont Pass areas (Milliken 1995:255). The Volvon were probably located on the southern slopes of Mount Diablo. Their tribal center was probably near Marsh Creek Springs or Round Valley (Bennyhoff 1977:160; Milliken 1995:259).

Volvon is the current term for the tribe that inhabited the study area, however, variants of the term Volvon include: Bolbon, Bolbones, Bolgones, Wolwon and Zuicun (Munro-Fraser 1882; Smith and Elliott 1879; Kroeber 1925; Bennyhoff 1977; Milliken 1995:259). The name Volvon is linked with the early 19th century term for Mount Diablo: “Cerro Alto de Los Bolbones,” or the High Point of the Volvon (Ortiz 1989:460).

In addition to the confusion over the tribal group that inhabited this study area, ethnographers have also debated whether this region fell within the Costanoan or the Miwok language family. Heizer (1966) indicates that the anthropological and linguistic dispute over this boundary goes back to the early 1900s. Kroeber’s 1925 Handbook does not contain a reference to the Bay Miwok and instead includes the current study area within Costanoan territory. Kroeber describes the Ohlone / Costanoan tribal boundaries as beginning where the San Joaquin and Sacramento rivers enter into the San Francisco Bay and extend out onto the peninsula, going as far southward as Monterey and as far north to include San Pablo and Suisun Bay. Kroeber notes, however, a distinctive language difference within this northern boundary (Kroeber 1925:462-463). This shift in language prompted other anthropologists and linguistics to argue for the addition of a Bay Miwok group. Bennyhoff’s Ethnogeography (1977) includes the Bay Miwok
language family. Levy (1978) lists the Bay Miwok as part of the Eastern Miwok. Current ethnographic literature (Milliken 1994a; Milliken 1995) supports the Bay Miwok language was spoken in the interior valleys of the East Bay and possibly within the present East Oakland area (Milliken 1994a:7).

The Bay Miwok language family was a Penutian language. During the Archaic period – comprised of the Lower Archaic period (6000-3000 B.C.), the Middle Archaic period (3000-500 B.C.) – Penutian speakers began to appear in California, displacing the Hokan speakers. Penutian languages were found as far north as southeastern Alaska and prevalent within Oregon. Penutian speakers brought with them their own distinct culture. For the central Bay Area, this meant a change in technology, such as the introduction of the mortar and pestle during the Middle Archaic period (Milliken et al. 2007:115). There were two separate branches of the Penutian language: the Plateau branch and the Yok-Utian (Golla 2007:76). The Yok-Utian branch was prevalent in Alameda and Contra Costa as it included the Ohlone and Bay Miwok. Although the Ohlone and Bay Miwok languages shared the same base, they were mutually unintelligible from each other (Milliken 1995:24). The Bay Miwok were bordered on the West and the south by Costanoan, to the north by Patwin and on the east by Plains Miwok and Yokuts speakers (Milliken 1995:25).

The Bay Miwok were a subdivision of the Eastern Miwok, which include the Plains, Northern Sierra, Central Sierra, and Southern Sierra. Bay Miwok territory included the eastern portions of Contra Costa County and extended from the Walnut Creek to the Sacramento-San Joaquin Delta (Levy 1978:398). Five tribes occupied Bay
Miwok territory including the Volvon, Chupcan, Julpun, Ompin, Saclan and Tatcan (Levy 1978:399; Milliken 1995:256).

The ethnographic Bay Miwok were organized into village communities. Such communities were comprised of “intermarried families that cooperated to put on dances, to coordinate labor during specific short harvest periods, to resolve internal disputes, and to defend territory from incursion by neighbors” (Milliken 1994a:5). Each community was autonomous and inhabited semi-permanently settlements and a larger number of seasonally occupied campsites used at various times during the seasonal round of hunting, fishing, and gathering activities (Levy 1978:398).

The Bay Miwok were hunters and gatherers, subsisting on wild plant foods and hunted animals that varied with the seasons and locality (Levy 1978:402). The areas that they would obtain plant and animal resources usually covered a 10 mile span (Milliken 1994a:12). There was a division of labor based on sex: Men supplemented the diet with protein such as fish and game while women gathered plant foods which included a variety of fruits, nuts, bulbs and seeds (Milliken 1994a:12). Overall, their diet consisted of several varieties of acorns including those from valley oak, live oak, and blue oak. Nuts included those from the buckeye, hazelnut, and foothill pine nuts (Levy 1978:402). While not a major part of their subsistence, berries such as strawberries, blackberries, madrone and manzanita were also included in their diet. Deer was the most important animal that was hunted, followed by the elk and antelope (Levy 1978:404). Other protein sources included fowl such as wild geese and ducks and small game such as rabbit (Milliken 1994a:13). Hunting often consisted of “communal drives” and big game was hunted with “obsidian-tipped arrows and sinew-backed bows” (Milliken 1994a:13).
Bedrock mortars and pestles were used in food preparation for items such as acorns and buckeye.

The Bay Miwok most likely recognized various types of shamans, such as Spirit, Herb and Deer doctors along with Rattlesnake and Bear shamans (Levy 1975:412). The type and number of ceremonies that were held in a village were determined by lineage and their geographic location (Levy 1975:412). The dancers in ceremonies were thought to be imbued with supernatural power (Milliken 1994a:17). Dance and ritual paraphernalia had to be handled properly or it would cause sickness to either the performers and/or the audience (Levy 1975:412).

Ethnographic information indicates that the Volvon interacted with neighboring tribes through marriage, warfare and trade. Mission records indicate that the Volvon were inter-marrying with neighboring groups within Alameda and Contra Costa Counties. Included in this were the Julpun, another Bay Miwok group bordering the Volvons on the northeast and the Ssaoams, an Ohlone group which held the valleys and hills of the Brushy Peak and Altamont Pass area (Milliken 1994a:14; Milliken 1995:255). Warfare was typified as being “low-level” and was often characterized by “individual ambushes or ritualized small group face-offs” (Milliken 1994a:16). Overall, the Eastern Miwok were in a trade network that included the Ohlone, Plains Miwok, Northern Valley Yokuts, the Sierra Miwok, the Washo and the Eastern Mono (Levy 1978:411). Trade items included but were not limited to items such as basketry materials, salt, obsidian, shell beads, salt, bows and arrows (Milliken 1994a:17; Levy 1978:412).

Contact Period
The 1542 expedition and exploration of Juan Rodriguez Cabrillo brought the Spanish to the Pacific Coast. Spain claimed the Californias but did not occupy Alta California until the late 1760s. The encroachment of rivaling European colonial empires provoked Spanish exploration in Alta California. Spanish explorers arrived in the San Francisco Bay Area region in 1769.

Captain Pedro Fages and Father Juan Crespi journeyed into the Contra Costa region in 1772. The Fages-Crespi party travelled towards Pinole and ended up at San Pablo Bay prior to reaching Point Reyes. Crossing the Carquinez Strait, they came across a group of Native Americans on rafts who greeted them with food (Crespi [1769-1774] 1927:xxxvii). On the banks of the Strait, Crespi recorded seeing several Native American villages. The Native American villagers rafted to the Fages-Crespi party and presented them with “some of their wild food” (Crespi [1769-1774] 1927:293). On March 30, the convoy entered the Concord Valley near Pacheco, which Crespi described as a “beautiful plain . . . of level land, [with] black loose soil well covered with grass, and grown with oaks and live oaks,” and encountered two more Native American villages (Crespi [1769-1774] 1927:294). From here, they made their way up a spur of Mount Diablo and were able to view the Sacramento Valley below (Crespi [1769-1774] 1927:xxxvii). Descending an eastern slope, they ended up near the current site of Pittsburg where they reached word that they were needed back in Monterey (Crespi [1769-1774] 1927:xxxviii). Returning to Monterey, the party skirted the western base of Mount Diablo, re-entering the Concord Valley near Clayton and continued west towards Walnut Creek. The party turned southeast, past Danville and through the San Ramon Valley on the edge of the Livermore Valley. Crespi recorded coming across three Native
American villages with “some little grass houses” (Crespi [1769-1774] 1927:298). After breaking camp in Pleasanton they crossed into the Sunol valley and Crespi again, recorded the presence of many Native Americans in the area (Crespi [1769-1774] 1927: 299). From the Sunol Valley, the Fages-Crespi part made its way back towards the San Francisco Bay (Fages [1769-1774] 1927:xxxix).

Father Pedro Font chronicled the 1776 Anza expedition into Contra Costa. The Anza-Font expedition left the Palo Alto area on March 30, and navigated their way towards Mountain View (Font [1775-1776] 1933:352). Font recorded the party’s encounter with Native Americans. Font described the “great fear” they saw manifested in the Native Americans.

As the party traveled from one Ohlone to Bay Miwok territory, Font noticed a distinct language change from “all those [they] had formerly heard” (Font [1775-1776] 1933:357). Font also recorded abandoned villages as they traveled near Wildcat Creek and then San Pablo Creek (Font [1775-1776] 1933:361). Before reaching the Carquinez Strait, they come across several villages are still populated.

Paralleling the Fages-Crespi expedition, the Anza-Font party traveled through the Carquinez Strait, where they too encountered Native American villages along the banks. Their trek took them from the area of Selby and eventually down into the Martinez Valley, where the party camped at Pacheco (Font [1775-1776] 1933:375). From Pacheco they passed Concord and ascended a canyon at Willow Pass and continuing toward the Native American village at Antioch (Font [1775-1776] 1933:379). As the party continued eastward of Antioch, they encountered another village and Font noted the
abundance of elk in the area (Font [1775-1776] 1933:382). From here, the party journeled onto the plains of eastern Contra Costa party.

Fages recorded his observations about the San Francisco Bay Area region in 1775. He described the Native American inhabitants and their life ways. Fages noted how Native American villages are like chains, not continuous but "broken, and in front of their dwellings they erect storehouses or barns in which to keep their seeds, implements, and so forth" (Fages [1775] 1972:73).

Fages also observed the use of "stone mortars very like the *metates* of this kingdom, jars of the same material, and trays of all sizes made of wood or reeds artistically decorated with fibrous roots of grass which always keep their natural color, which is variable according to the species" (Fages [1775] 1972:73). Additionally, Fages provided an early account of the acorn preparation process:

The accords of all three species of oak, the live oak (*quercus ilex*), oak (*quercus robart*) and the cork tree, are all used to make *atole* [gruel] and *pinole* [parched meal]; the acorns are treated in this manner: After they have been skinned and dried in the sun, they are beaten in stone mortars similar to *almireces* [brass mortars for kitchen use] until they are reduced to powder or flour. This is mixed with a suitable quantity of water in close-woven baskets, washed repeatedly, and the sediment or coarse flour allowed to settle. This done, it is now put on the sand and sprinkled with more water until the mass begins to harden and break up, and become filled with cracks. It is now ready to eat, uncooked, and is called *pinole* or bread. A part may be boiled in a suitable quantity of water, when it is called *atole* or gruel [Fages [1775] 1972:78].
Mission Period

During the 1770s and 1780s, the mission priests focused their conversion efforts on tribes west of the San Francisco Bay and the Santa Clara Valley. Native Americans entered the missions for a variety of reasons. Initially, it may have been out of curiosity over Spanish religion and technology. Later on, many Native Americans went to the missions to follow family members that had gone before them. Moreover, as it became less feasible to maintain traditional life ways, Native Americans were drawn into the mission system as one of their few alternatives.

The Bay Miwok were among the first of the Eastern Miwok to enter into the mission system (Levy 1978:400). The Saclan would be the first of the Bay Miwok converts. Approximately 160 Saclans from the Lafayette area would move to Mission San Francisco from December 1794 to March 1795. Many actually fled in wake of an epidemic that passed through the mission village in February and March (Milliken 1994b:35). A group of the San Francisco mission neophytes followed in an attempt to bring back those that fled. The fugitive Saclans killed seven of their pursuers (Milliken 1994b:36). This event may have incited other neophytes to escape as well.

From 1797 to 1800 villages from the bay-shore region continued to join Mission San Jose. However, only 15 individuals from the Livermore Valley tribes joined Mission San Jose. Movement into the mission system in the early 1800s began to rise. In 1803 Livermore Valley tribal groups began to move into the missions. These groups included the Pelnen, Seunen, Souyen, Ssaoams and the Volvon (Milliken 1994b:38). This would mark the first of the Volvon baptisms at Mission San Jose. The Volvons would be incorporated into Mission San Francisco and Mission San Jose. The Tatcans of the San Ramon Valley moved into Mission San Francisco in 1804. Two Volvon in-married
women were included in this group. The same year, several Volvons were baptized at Mission San Jose (Milliken 1994:38). By the year’s end, the Volvon and Ssaoams still remaining in their traditional lands were nearly devoid of western neighbors. Volvon migration to the missions continued in 1805. Forty-four of the 50 Volvons at Mission San Jose were baptized in May 1805 (Milliken 1985:189). However, many of the Volvons still remained in their traditional homeland.

In 1804 a neophyte leader from Mission Santa Clara, who had been leading a group of neophytes into tribal territory to search for fugitives, was murdered. The Spanish military mounted a search for the neophyte leader’s killer as well as for other fugitives within surrounding tribal territories, which included Volvon territory (Milliken 1994b:39). In 1805, the Spanish military was once again called into action based upon rumored threats that the Volvon and Seunens were organizing a multi-tribal attempt to push the Spanish out (Milliken 1994b:41). The events in 1804 and 1805 led to a Spanish military campaign directly into those tribal areas (Milliken 1994b:41). Spanish military campaigns swept through the valleys and flatlands of the interior Coast Ranges from Mount Diablo to northern Pacheco Pass (Milliken 1995:189). Whether or not Volvon migration was prompted by Spanish military campaigns, or whether they were already going to move to the missions at that time is uncertain (Milliken 1994b:41). By 1806 the last third of the remaining Volvon population moved into the mission system (Milliken 1994b:43; Milliken 1995:191). The Volvons would be incorporated into the missions with the rest of the San Francisco Bay Area tribal populations. By 1821 only four Volvons remained alive at Mission San Jose. Their language had once been the sixth most common language at the mission (Milliken 1994b:53).
The mission system did remove native peoples from their land, changed their diet and incorporated them into a new social system. However, archaeological evidence derived from excavations at missions, such as Santa Ines, La Purisima, San Antonio and Santa Clara provide evidence that Native Americans continued practicing some of their traditions. For example, items such as baskets, groundstone bowls, manos and mortars continued to be made in their traditional ways (Skowronek 1998:694). Neophytes often incorporated the available newer technology into some of their traditional practices. At Mission Santa Clara neophyte men were still manufacturing shell into beads. However, this was now being down with perforated iron drill bits (Skowronek 1998:694). Stone, ceramic and glass projectile points were also found at mission sites (Skowronek 1998:694).

Historic

Spain’s control over California was transferred to a newly independent Mexico in 1821. In 1824 a Mexican law was passed granting freedom to Native Americans at the missions. However, many Native Americans remained at the missions as their traditional homelands had been taken away and their traditional life ways had been too disrupted to return to. Mission San Jose was closed in 1835. While previous mission lands were supposed to be given to the Native American residents, only a small piece of land was granted to a group of Mission San Jose Indians (Milliken 1994b:57). Local Californios, as well as other settlers, such as John Marsh, proceeded to amass properties once owned by the missions or that were now emptied of Native Americans. Native Americans that had lived at the missions were often hired on as vaqueros at nearby established ranches. At least a thousand former Mission San Jose Indians were living within the vicinity in the
early 1840s (Field et al. 1992:424). John Marsh employed displaced San Jose Mission Indians. It is possible that some of these Indian vaqueros were Julpun and/or Volvons returning to the vicinity of their homeland (Milliken 1994b:60). In the 1860s, many of the Mission San Jose Indians sought home and shelter at rancherias, such as Alisal, located just south of Pleasanton. Alisal may have been location of a large pre-contact Costanoan village. Alisal especially was a place where Native Americans maintained their cultural ties (Field 1992:425). It is also possible that there was a rancheria located within the Los Vaqueros area (Davis et al. 1994:66-67).

**Land Use**

Remnants of Native American land use can be observed across Morgan Territory’s landscape in the form of village sites, bedrock milling features and rock art (see Chapter 6 for summary of identified prehistoric resources in Morgan Territory). Understanding these sites will provide a better basis on how this landscape was being used by Native Americans. Milling features, such as the ones at Morgan Territory can provide various types of temporal data. For instance, research has indicated that in many parts of California mortars and pestles replaced handstones and millingslabs over time. Therefore, older geological landscapes, such as Pleistocene and Uplands formations, may contain both types of milling equipment, while more recent landforms, late Holocene fans and basins, are dominated by mortars and pestles (Hildebrandt 2004:78). Both types of technology are present within Morgan Territory giving credence to the possibility that this is indeed an old landscape.

Spatially, many of the identified Native American resources were located within relatively close proximity to each other. This area and its resources were intensely used.
The data found here also may also lend support to the theory that the shift into bedrock mortar technology is a shift in terms of the intensification of vegetal resources and a more sedentary lifestyle. The majority of the sites contained between 5 and 46 bedrock milling features. Parkman’s classification model suggests that 1-5 milling features indicate single family use, 6-10 features indicate use by an extended family, 11-19 features are used by a clan or a moiety and more than 20 features indicate village use (Parkman 1994:46).

Investigating the mortar shapes present on milling features also provides valuable data about the types of vegetal and protein being used. The predominant mortar shapes found at these sites were conical, followed by saucer mortars and then oval/bowl mortars. Earlier arguments have suggested that mortar shapes were created through the processing of specific resources. However, it has been more recently that research has state that it is more likely that mortars were purposely shaped prior to food processing, and not by the action of pounding or pulverizing resources. Mortar types can be correlated to the processing of certain resources. Using the ethnographic data from the Sierra Nevada Miwok, and applying it here, conical mortars were most likely to have been used to process hard grass seeds and berries. Oval, or bowl mortars, on the other hand, are indicative of processing acorns and therefore may be a slightly later technology within the parameters of bedrock milling features as the exploitation of acorns became more intense.

Another way to think about these milling sites is in terms of gender. Such food processing technology is largely thought of as being accomplished by women. Thus the distribution of milling and storage facilities across the landscape constitutes a map of
logistical strategies employed by women engaging in subsistence production (Jackson 1991:303). However, as is discussed by McGuire and Hildebrandt (1994) who take into account Jackson’s argument, such broad-based gendered task-assignments may not be as clear cut as previously thought. McGuire and Hildebrandt note that there is gender variation in terms of tasks associated with the processing, preparation and cooking of food plants (McGuire and Hildebrandt 1994:45). However, Jackson’s point still remains that some sort of significant change occurred with the transition into this type of technology.

Rock art in the form of cupule petroglyphs are also identified resources within Morgan Territory. Cupule petroglyphs are generally thought to be used for sacred or ritual purposes, sometimes associated with fertility purposes for example. It has also been suggested that cupule petroglyphs are also territory markers. Both Parkman (1994) and Fentress (1994) have suggested the possibility that these cupule petroglyphs are a legacy of the Hokan culture, pre-dating Penutian speakers, such as the Bay Miwok. Locating these cupule petroglyph features in conjunction with milling technology may be a sign of incorporating old beliefs into newer technology.

All of these data combined can provide a better understanding of how Native Americans were using this as a functioning landscape.

Site Sensitivity Model

One of the ways that Geographic Information Systems (GIS) can assist with cultural resources management is by generating site sensitivity models. A GIS based site sensitivity model for prehistoric archaeological sites assumes that there is a relationship between these sites and environmental variables (e.g., hydrology, geology, soils and
vegetation). A GIS based sensitivity model can examine data about known sites and environmental variables and then identify areas that may have a higher likelihood of containing archaeological resources. Such models have become prominent within the discipline of archaeology. For example, Rosenthal and Meyer (2004) created a site sensitivity model for buried sites in the Santa Clara Valley region, partially with data that they gathered from the Los Vaqueros area.

HISTORIC SETTLEMENT

The area currently known as Morgan Territory Regional Preserve is named after the pioneer and early settler to Contra Costa, Jeremiah Morgan. According to an early history of Contra Costa, compiled by W.A. Slocum and Co. Publishers, Jeremiah Morgan was born in the Cherokee Nation, on the banks of the Tennessee River in Alabama on June 8, 1818 (Munro-Fraser 1882:621). Morgan's early were fairly transient. He met and married his first wife, Sarah Ellis, in Wright County, Missouri where he worked as a farmer (Munro-Fraser 1882:622). They would eventually have a total of 16 children, only six of whom would survive: William, Elizabeth, Joseph, Benjamin, Isaac and Josephine (Munro-Fraser 1882:622). In the fall of 1838, Morgan moved to Jackson County, Iowa. In March of 1849, Morgan and six companions made a six month overland journey to California (Munro-Fraser 1882:622).

Morgan arrived at Bidwell's Bar, on Feather River, where he "commenced mining operations" until September 1850. Morgan settled in Ygnacio Valley in 1853 (Hulaniski 1917:107). He occupied land that was owned by ex-sheriff John F. Smith and apparently built his cabin where the barn once stood (Hulaniski 1917:107). During a hunting expedition in 1856, on the southeast slopes of Mount Diablo, in the Black Hills
area, Morgan came across a tract of land that supposedly totaled 10,000 acres and became known as Morgan Territory. Morgan Territory contains the headwaters of Marsh Creek which goes "purling and babbling through its length o’ershadowed by waving branches, overhanging crags and the huge sides of Diablo" (Munro-Fraser 1822:467). The early boundaries of Morgan Territory may have included the top of the Black Hills, and was bound by Mount Diablo on the east and included the Marsh Creek drainage to the west (Hattersley-Drayton 1996:25). The Black Hills are so named because when viewed from the Sacramento, San Joaquin Valley, Brentwood or even Dublin, the hills are so covered in timber and chemise brush that they appear to be black (Hattersley-Drayton 1995:13). Morgan Territory and the Black Hills are often used synonymously, to refer to the ridges that are to the south and southeast of Mount Diablo and are bound on the south by Tassajara Valley and to the east by the Round Valley / Los Vaqueros area.

This portion of land was initially "not thought worth surveying by the government," (Munro-Fraser 1882:467). Morgan fenced the 10,000 acres with redwood board fences and implemented stone corrals and fences (Munro-Fraser 1882:468; Hattersley-Drayton 1996:19). Stone corrals or fences are dry-laid using existing rocks or boulders within the vicinity. These were used primarily in terms of farming and for sheep herding. These features appear on the landscape of the Black Hills and the nearby Vasco area (Hattersley-Drayton 1996:20-21).
After an official survey of the area was carried out, Morgan’s acreage fell from 10,000 to 2,000 (Munro-Fraser 1882:622). Additionally, Alonzo Plumley, a resident of Byron, in Township Number 5, acquired a possessory right from Morgan of one-half of the tract as originally taken up, and settled on it (Munro-Fraser 1882:467).

Morgan moved his family into the area and built a home in 1857. He built his house by hauling lumber from the Santa Cruz Mountains by using teams of oxen (Morgan 1962:1; Hattersley-Drayton 1996:31). The area that Morgan built his home on would today be known as Township 1 South, Range 1 East, Section 10. While this original homestead burned down in 1932, there are some of the original buildings, such as the granary, and remnants of this initial settlement, the remains of a stone building and the original stone-lined well, still on the land (Hattersley-Drayton 1996:25; Morgan 1962:1). Morgan used much of the land that is currently parkland for grazing (Hattersley-Drayton 1962:45). Morgan raised Black Angus cows and drove hogs to the Oakland market on foot (Morgan 1962:2, Hattersley-Drayton 1996:37).

After Morgan’s first wife, Sarah Ellis Morgan died, in Morgan Territory in 1869, he married Mrs. Louisa Coan Riggs in December of that same year. They would eventually have one son named Jesse (Munro-Fraser 1882:622).

Jeremiah Morgan died on January 23 in 1906 (Freeman 1994). Morgan’s obituary lists him as one of the earliest settlers of Contra Costa and one of the county’s wealthiest ranchers (San Francisco Call 1906). While Morgan was an early settler of Contra Costa, by the time of his death he had actually lost most of his money and land. Morgan spent most of his fortune on lawsuits fighting the progress of the railroads. Morgan’s second wife, Louisa Morgan, also apparently lost some of the property to the
bank for satisfaction of loans (Morgan 1962:3-4, Hattersley-Drayton 1996:41). Morgan was buried Live Oak Cemetery in Clayton, near the city of Brentwood (San Francisco Call 1906). Morgan would also continue to lose some land both due to Railroad Act itself and due to Jeremiah’s Morgan’s lawsuits against the railroad (Hattersley-Drayton 1996:13, 41).

While the area to the east of the Black Hills was known as Morgan Territory, Morgan was not the first one to actually “find” this tract of land in the Black Hills. A man named Steingrant was already living in that area, on land owned by John Roche. Roche had a corral and was herding stock and was the only settler in the area, prior to Morgan (Munro-Fraser 1882:467). In 1857 and 1859, the area was also settled by John Larkin, John Gibson, Ransome Woods, Solomon Perkins and Christopher Leeming (Purcell 1940:399). Ransome Woods settled in an area above Morgan and Perkins, John Gibson and Christopher Leeming went to work for Samuel Foster’s Ranch on nearby Curry Creek (Munro-Fraser 1882:468). The area would continue to be settled by private ranchers and farmers over the years. For instance, the area that is currently the staging area for Morgan Territory Regional Preserve was purchased by Benjamin Guiardo in the late 1800s. Guirado’s property included a house, barn and hand dug well. The original home and barn no longer exist; there are archaeological remnants that present as a reminder of the historic inhabitants of this area (Leon Guerrero 2009a). Oral history work shows that the people that inhabited the territory of the Black Hills created identities tied to this region as they differentiated themselves from “flatlanders” that lived below down in the valley (Hattersley-Drayton 1995; 1997). By displaying roads,
buildings and structures, historic-era maps (Figures 5-8) can help to illustrate the use of this landscape over time.

**Land Use**

Remnants of Morgan Territory's history of ranching and agricultural use are still present of dams, house foundations and historic road alignments on the landscape. Historic-era maps dating back to the mid and late-19th century illustrate buildings and/or structures within the study area (see Figures 5-8). This information joined with photographs available for the area and documents such as land patents and deeds, probate documents and records from the Contra Costa County Assessor's office can provide a more complete view of land use during this era. Current GIS data on file with the East Bay Regional Park District illustrate that some of these historic-era land use features and artifacts still remain.
Figure 5: Boundaries of Morgan Territory on an 1896 Mt. Diablo topographic map.

Figure 6: Boundaries of Morgan Territory on a 1942 Mt. Diablo topographic map.
Figure 7: Boundaries of Morgan Territory on a 1953 Tassajara quadrangle topographic map.

Figure 8: Boundaries of Morgan Territory on a 1968 Tassajara quadrangle topographic map.
Site Sensitivity Model

Just as a GIS based site sensitivity model can be created for prehistoric resources, one can be created for historic-era resources as well. Understanding how this landscape was used in the past is integral. Morgan Territory was a ranching and agricultural landscape. Features, intact or remnants, from this past may still be present on this landscape. For example, many of the trails within the park are actually based on historic-era road alignments. The current trails can be matched up with the roads on historic maps to illustrate this. These historic-era road alignments can demonstrate how people were moving within and even in and out of this landscape. Furthermore, buildings or structures that are shown on historic maps may still be present, intact or not. Historic maps can provide locations where researchers can start looking for these resources. The use of historic maps (such as Figures 5-8), data from the District’s Cultural Atlas and from the archives at Black Diamond Mines can assist with identifying areas that may yield additional historic-era resources within Morgan Territory.

MODERN USE

The threat of commercial development in the area now known as Morgan Territory Regional Preserve spurred concern over open space issues. The East Bay Regional Park District purchased Section 19 of T1S/R2E in 1975 (Rex Caufield 2009, pers. comm.). The initial purchased acreage totaled 969.5 acres. Another 555 acres was purchased in the following year, most of which was to the east of Morgan Territory Road, where the Volvon and Blue Oak trails are currently located. The park’s most recent expansion was in 2003, with a lease of an additional 320 acres (Rex Caufield 2009, pers. comm.). Morgan Territory Regional Preserve encompasses 5000+ acres of land.
The trails currently indicated by EBRPD as multi-use for pedestrian, bicyclists and equestrian purposes were originally built during the ranching period as utility roads. Once acquired by the District, these roads were improved for public use. The single use, pedestrian trails found within the park were newly created by the District (Rex Caufield 2009, pers. comm.).
CHAPTER 4: THE EAST BAY REGIONAL PARK DISTRICT

The creation of parks is deeply rooted in the concept of the preservation of landscapes (see Chapter 2 for discussion of landscape theory). American ideas and philosophies, stemming from Old World ideologies, about the natural environment are complex and have changed over time. Upon arrival, European explorers viewed the American landscape as both a paradise and a wild place that needed to be conquered (Nash 1982:27). During the 19th century, that early American landscape became a romanticized pristine wilderness thanks to writers such as Cooper, Thoreau, Parkman and Longfellow. This image is now part of American heritage (Denevan 1992:369). Urbanization and increased growth threatened the disappearance of this landscape. Frederick Law Olmsted and Charles Eliot proposed using city parks as patches of wilderness in an increasingly artificial and built environment (Nash 1982:155).

Parks were initially created to save a perceived landscape. The functions of parks and the purposes of these landscapes have been contested. In the 1930s especially, it was debated whether parks should be kept in as natural a state as possible or if they should be used for recreational purposes (Cox 1981:16). This illustrates that parks are constructed concepts with the land managing agency playing a part in how the public interacts with and perceives the landscape. Conversely, public attitudes and cultural values also shape the management of these landscapes. Parks serve as barometers of ever-changing social values (Cox 1981:14).

The District is a limited purpose, land owning agency established in the mid-1930s. Its purpose and functions are held with California Public Resources Code (PRC) Sections 5500 – 5595. The District currently owns and manages over 108,000 acres of
land in Alameda and Contra Costa Counties. As an agency that administers public lands, EBRPD is a direct product of its history and founding philosophy of land acquisition, preservation and management. This section does not provide a comprehensive history of the District (see McCreery 2010 and Stein 1984). Its purpose is to highlight the District’s growth through land acquisitions and to examine its funding sources. The District’s growth from its initial purchase of 2,166 acres to managing over 100,000 acres reflects contemporary socio-cultural values that support park development (see Figure 9 for current map of District land holdings) (Stein 1984:15; EBRPD 2011). The fact the District also receives funding from federal, state and private sources are also attributed to that. The District is a public service oriented agency. Its goal is to not only involve the local community but to respond to public opinion. The District’s response to public opinion in terms of park management illustrates how socio-cultural values can shape the park landscape. It attempts to take on both preserving natural and cultural features within its land holdings and to providing recreational opportunities to the public.

BEGINNINGS

The East Bay Regional Park District is public, land managing agency created in 1934. Its establishment stem was created in 1934, and officially passed as an initiative by voters in 1936. The opportunity to create such parklands arose when individual, competing water companies could not reliably provide water to the Bay Area and forced the creation of a regulated public agency.

As the population of the San Francisco East Bay grew, so did the demand for water. From the 1860s until the early 1920s small, private water companies provided water to local communities (Stein 1984:3; McCreery 2010:2). Several of these individual
Figure 9: East Bay Regional Park District parklands. Map courtesy of the East Bay Regional Park District: www.ebparks.org
water companies merged to form the East Bay Water company (Stein 1984:4). The East Bay Municipal Utility District (EBMUD) was created in 1923 to provide stable and reliable water services to Alameda and Contra Costa County residents. EBMUD acquired the East Bay Water Company in 1928 and became the water service provider for the East Bay (McCreery 2010:2).

After the final acquisition of the East Bay Water Company, EBMUD owned approximately 40,000 acres, about half of these were considered surplus. This surplus acreage was categorized into parklands, subdivision lands and agricultural lands (Olmsted Hall 1930:6). This surplus land caught the interest not only of developers but also of local civic leaders and outdoors enthusiasts who approached EBMUD about creating parklands of the surplus acreage. EBMUD had the option to amend its charter to manage the surplus land. However, it cited that it only had the capacity to manage public utilities and would not manage the available acreage as parkland (McCreery 2010:3).

The stock market crash of 1929 deterred land developers, but it did not deter civic leader Robert Sibley, Executive Manager of the University of California Alumni Association. Sibley, assisted with a $5,000 grant from the Kahn Foundation, commissioned the Olmsted Brothers Landscape Architecture Firm and Ansel F. Hall of the National Park Service, to survey the East Bay’s recreational needs and EBMUD’s available land (McCreery 2010:3). The report focused on Utility District property stretching along a strip of 22 miles from Richmond to San Leandro (Olmsted Hall 1930:30). It found that much of EBMUD land would be suited for park and recreation areas for the public. The report asserted that “no other lands in either public or in private ownership on which such functions could be provided for, in a manner more
advantageous to the public than is possible on the district lands, or at all in fact except at prohibitive cost” (Olmsted Hall 1930:23). Several civic organizations merged to create East Bay Regional Park Association. The Association urged EBMUD to transfer the surplus watershed land to their agency in order to create parklands (Stein 1984:5).

Former Oakland Mayor Frank Mott, who was then serving in the State assembly, drafted AB 1114 in 1933. The bill was supported by nine East Bay city mayors, Alameda and Contra Costa Residents and the Regional Park Board. AB 1114 called for the authorization and establishment of a regional park as a “special district” for Alameda and Contra Costa Counties. This special district would be governed by a board of five people (McCreery 2010:5).

While AB 1114 was signed by Governor James Rolph, the new park district had to be approved by voters. The initiative was placed on the 1934 ballot. It would approve the creation of a new park district, election of a board of directors and a tax levy of five cents on every $100 of assessed valuation to finance the District (Stein 1984:9 and McCreery 2010:7). At this point, Contra Costa withdrew its support from the initiative as it objected to being taxed for parkland (Stein 1984:10 and McCreery 2010:6).

Alameda County voters approved AB 11114 and appointed the first Board of Directors: Major Charles Lee Tilden, Thomas J. Roberts, August Vollmer, Aurelia Henry Reinhardt and Leroy Goodrich. Elbert Vail was appointed the first general manager of the new East Bay Regional Park District (McCreery 2010:6). The District pledged to create a general plan to determine what lands should be acquired for park purposes and how they should be developed within a depressed economy (McCreery 2010:6).
FUNDING AND ACQUISITION

EBRPD’s first land acquisition was not from EBMUD but actually from private property in Redwood Canyon. The first three parks created from EBMUD land were Wildcat Canyon (later re-named Tilden Regional Park), Roundtop (later re-named Sibley Volcanic Regional Preserve) and Temescal (which eventually became a Regional Recreation Area) (McCreery 2010:6-7). This acreage totaled 2,166 for a sum of $656,544 or approximately $300 per acre (Stein 1984:15).

EBRPD’s inaugural General Manager Vail sought to capitalize on federal government funding provided under the New Deal. The federal government would supply 60 percent of the cost of park development. The District would provide the remaining 40 percent of the cost (McCreery 2010:7; Stein 1984:17). Within its first seven years, the District received approximately $3 million dollars in federally funded materials and labor (McCreery 2010:7).

Civilian Conservation Corps (CCC) camps were constructed in Wildcat Canyon, and a series of Works Progress Administration (WPA) projects were launched, bringing employment opportunities to the Bay Area. Under these projects, the workers created hiking trails, firebreaks and bridle paths. Picnic sites, amphitheatres, archery ranges and hostels for overnight campers were created. Office buildings, park residences, restrooms and campgrounds were built. Wildcat Creek was dammed to create Lake Anza. The botanic preserve, golf course and the Brazil Building, donated by the Brazilian government after the 1939 World’s Fair on Treasure Island are all remnants of such programs (McCreery 2010:7). The stone foundation of the administration building at
Lake Temescal laid by CCC and WPA workers is another substantial, physical reminder of the work that came out of this era.

The District purchased approximately 1500 acres from EBMUD in 1939 to add to the initial 60 privately held acres previously obtained. The combined land created the Redwood Regional Park. With this fourth park, the District’s acreage totaled about 4,000 acres with more than a million visitors annually (McCreery 2010:8). The District’s holdings included wilderness and recreation areas, 18 miles of trails, 21 miles of trails, 12 play fields, 2 beaches (Stein 1984:26). This growth, during a depressed economy, led Vail’s to create the District’s first Master Plan. This document outlined a long-range and conservation-minded vision for the District (Stein 1984:28). When Vail left the District in 1942, the Board chose Harold L. Curtiss to be the new general manager, who inherited a wartime economy.

President Franklin Roosevelt called upon the nation’s recreation agencies to assist with the wartime effort. Approximately 500 acres in Tilden were offered to the Army Defense Command for their use (Stein 1984:29). Tilden’s terrain provided useful terrain for woodlands survival training and overnight bivouacs. The CCC barracks were used as a rest camp for convalescing soldiers and the Fourth Air Force used what is now the current Tilden Service Yard as the nerve center for 15 watchdog radio stations. While the District was able to provide facilities for recreation and training, troops assisted with park maintenance (Stein 1984:29). At the close of World War II, $300,000 in tax revenue were invested in war savings bonds and $200,000 had accumulated in the general fund (McCreery 2010:8).
Richard Walpole provided new leadership for the District as he became General Manager in 1945. Land acquisition once again became a priority. Redwood Regional Park was expanded with the addition of new parcels that totaled a cost of $120,000 (Stein 1984:37). In addition, 88 acres adjacent to Redwood Regional Park were purchased in 1951 for the creation of Roberts Regional Recreation Area. EBRPD negotiated the purchase of almost 3,000 acres of Grass Valley in Southern Alameda County from EBMUD in 1953. This land acquisition provided parklands in the southern Alameda County, an area not part of the District. To assist with the cost for park development, residents in the Eden Township annexed themselves to the District in 1956. Washington Township followed two years later, broadening the tax park for the District (Stein 1984:39). This park would become Anthony Chabot Regional Park, after the engineer who dammed Lake Chabot (McCreery 2010:9).

Tilden Park remained the focus of development. The CCC barracks once again evolved and became a year-round nature study area. With a $4,200 Rosenthal Foundation grant, Jack Parker and his wife and assistant, Martha became the resident naturalist for the park. A small interpretive center was established and local schools created their own nature programs, working out of the CCC barracks.

By 1954 the District encompassed 5,400 acres, had a budget of $652,000 and employed 47 full-time staff, 43 seasonal or part-time employees. Park visitors totaled approximately 2.7 million annually (McCreery 2010:9). With Walpole's retirement in 1960, the Board offered the position to William Penn Mott Jr., who accepted the position in 1962 (McCreery 2010:10).
The District continued to change and grow under Mott's leadership. Mott affected the internal structure of the organization by creating separate departments for planning, finance, acquisition, interpretation, equipment, park operations and public relations. He searched for skilled professionals to head these newly devised departments (Stein 1984:48).

The 3,000 acres for what would become Sunol Regional Wilderness was officially purchased in 1962, after several years of negotiation. As of 2010, Sunol's acreage approximates 7,000 acres (McCreery 2010:12). In 1964 the District's expansion was further enabled by the 1964 state park bond act. With this funding, Las Trampas Regional Wilderness, in Contra Costa County was acquired. Las Trampas would later be augmented with acreage from private landowners, thanks to Hulet Hornbeck, the District's first land acquisition chief, hired by General Manager Mott in 1965.

The District passed a bill to authorize a temporary five cent over-ride of property tax rates solely for land acquisition and capital improvements in 1963. Capital spending limits were lifted in 1967 and by 1971 the five cent tax became permanent, bringing the total tax rate for parks to ten cents per $100 of property value (McCreery 2010:11). EBRPD's tax base expanded in 1964 when Contra Costa voters, excluding the Liberty Township, annexed themselves into the District. The District's tax based was broadened once more in 1966 when Pleasanton annexed to the District with an 80% vote by the residents (McCreery 2010:12).

The land for Coyote Hills Regional Park in southern Alameda County was also obtained with a 1964 state park bond. Hornbeck also assisted with the complicated acquisition of Coyote Hills. While the District had the backing of the state park bond, the
District had to file a condemnation on the property. Using the authority of eminent domain, given to the District by the state of California legislature, which often brings about a tax advantage to the property owner, the District was able to obtain the additional acreage to create Coyote Hills Regional Preserve (McCreery 2010:29).

With a solid financial base firmly established, Mott turned his attention to land acquisition. Mott’s focus began with the newly annexed Contra Costa County, which resulted in the creation of Kennedy Grove Recreation Area and Briones Regional Park in 1967 (Stein 1984:52). That year, the District expanded its land holdings by acquiring a portion of the California shoreline. The City of Alameda turned over its management of the southern half of what is now known as Robert W. Crown Memorial State Beach to the District in 1967. The District acquired responsibility for the state-owned portion of the beach the same year (Stein 1984:57). While the management of Robert W. Crown Memorial State Beach was well intentioned, it did not come without its problems. Erosion became so problematic that it exposed electrical lines and began to undermine Shoreline Drive (Stein 1984:57). The District worked with the City of Alameda and the United States Army Corps of Engineers to help solve the problem. The $2.5 million dollars in funding for this project came from the State Energy and Resources Fund (Stein 1984:58).

Mott’s term as General Manager came to an end in 1967. Under Mott’s 5 year tenure the District’s land holdings grew from 7,400 acres to more than 17,000, it operated 20 parks that served two counties and had an annual budget that neared $12 million. The number of visitors to the District’s parklands tripled in number (McCreery 2010:13).
According to Hulet Hornbeck, the first chief of land acquisition, every District acquisition between 1965 and 1971 was made possible because of federal or state grants that matched District funds. For many of these land acquisitions, the state money was matched by a federal grant, leaving an actual minimal cost to the District itself (McCreery 2010:31).

The Board selected Public Relations Director Dick Trudeau to General Manager in 1968. One of the first challenges Trudeau dealt with was that of Apperson Ridge. On top of Apperson Ridge and adjacent to Sunol Regional Wilderness, the Utah Construction and Mining Company planned to quarry basalt and valuable rock along the entire 1,200 foot ridgetop over the course of a 30-year lease (Stein 1984:71). The District opposed the mining company's proposed actions and filed an objection with the Alameda County Board of Supervisors. The District attempted to reach a compromise with the mining company and offered to withdraw its objection if the Utah Construction and Mining Company agreed to a list of mitigations. The Utah Construction and Mining Company refused and over the course of a year, the District managed to convince the Alameda County Board of Supervisors to deny the permit (McCreery 2010:17).

This victory set the tone for the East Bay Regional Park District as a protector of the natural environment. However, the issue of mining Apperson Ridge would arise again 15 years later when the Oliver De Silva Company would seek to establish a quarry there as well. Unlike the situation with the Utah Construction and Mining Company, both parties were able to come to a compromise in the form of a Memorandum of Understanding (MOU) (Stein 1984:74). The District would also receive between $4.3 million to $8.6 million, at current dollar value, in economic mitigation over the course of
the next 40 years. This would monetarily compensate for unavoidable adverse effects on
park visitors at both parks (Stein 1984:75).

The idea for Contra Loma Regional Preserve was born out of a sense of social
responsibility and an attempt to make parks accessible to urban populations and
specifically to urban youth. In 1968, the District teamed with the Office of Economic
Opportunity bussed people from the inner city to Roberts and Redwood parks (Stein
1984:75). Antioch and other delta communities were located too far away from
parklands at the time and so Trudeau pushed to use land at a nearby reservoir owned by
the Bureau of Reclamation. The park was open within six weeks (Stein 1984:76).

The District’s shoreline property increased in 1970 with the acquisition of 1,000
acres and 3-1/2 square miles that would become Point Pinole Regional Shoreline. The
land that would become Point Pinole Regional Shoreline was owned by Bethlehem Steel.
The land was bought with a $3 million loan from Bank of America. This would prove to
be the first substantial loan the District used to purchase land (McCreery 2010:82). This
loan was combined with a federal Land and Water Conservation grant as well as a
quarter-of-a-million dollar donation from the Whittell Foundation (McCreery 2010:83).
Additional land acquisitions during the mid-1970s included Mission Peak Regional
Preserve, Alameda Creek Quarries Regional Recreation Area, and Tassajara Creek in
Alameda County, Black Diamond Mines Regional Preserve, Diablo Foothills Regional
Park and Morgan Territory Regional Preserve in Contra Costa County (Stein 1984:89;
McCreery 2010:21).

To finance his plans to increase the District’s parklands, Trudeau and Hornbeck
also worked together to obtain as many state bond acts that the District was eligible for
(1974, 1976 and 1980) (McCreery 2010:30). In addition, Trudeau sought to increase the five cent tax levy to ten cents. Every eight cents out of the ten would be applied to land acquisition and the remaining two cents would be pledged to development of parklands for public use. Governor Reagan approved the tax increase in 1971 (McCreery 2010:18). While half of the ten cent tax raise would be implemented in 1972, before the second half of the tax raise was applied, the District had to create and adopt a master plan (Stein 1984:79).

Trudeau needed to find additional sources of funding due to the District’s rapid expansion. Trudeau worked to rally supporters for a new bill to provide park and recreation funds to densely populated urban areas statewide. His efforts prevailed and the legislation, the Roberti-Z’berg Urban Open-Space and Recreation Program, passed in 1976. The District used its portion of the funds to develop parks such as Martin Luther King Jr. Regional Shoreline and Miller/Knox Regional Shoreline (Stein 1984:90).

Trudeau also transformed the infrastructure and business practices of the District. He introduced a new method of calculating the budget, emphasized planning, and commissioned the District’s first studies of citizen satisfaction and economic benefits. In terms of employees, he created formal job descriptions and goals and instituted professional management of construction projects. Public safety and fire prevention became even more of a priority with the expansion of District lands and the increase of visitors. Trudeau ensured that the necessary resources were available to meet this priority (McCreery 2010:21).

When Kaiser Sand and Gravel completed a year-long quarrying project on Alameda County owned land, the company wanted to donate it to EBRPD as parkland.
Company bylaws prohibited direct donations to public agencies. To bypass this prohibition, Trudeau created the Regional Parks Foundation under section 501(c)(3) of the Internal Revenue Service code in 1969 (McCreery 2010:24). Since its inception, the Foundation has raised more than $40 million and plays an essential role in supporting the District as a private organization. The creation of the Foundation enabled Kaiser Sand and Gravel to donate the land to the new organization, which then transferred it to the District. The property value of this land was used as a match for a federal Land and Water Conservation Fund grant and the Shadow Cliffs Regional Recreation Area was born.

When California Proposition 13 passed in 1978, it resulted in decreased property taxes by limiting property taxes to 1% of the assessed value and then only allowing a 2% increase each subsequent year. Its passage threatened the financial foundation of the District as it meant a loss of more than 50% of its tax revenue (McCreery 2010:22). While some of the District’s funding still came from the state, the District would have to re-assess its financial priorities.

Trudeau attempted to find solutions to the financial crisis, employees were inevitably laid off and departments were consolidated. By 1979, the operating expenses of the District were cut by $1 million (Stein 1984:103). In an effort to curtail the financial loss, General Manager Trudeau instated the Adopt-A-Park program wherein corporations financially sponsored parks in need of labor and funding. The Oakland Lions made a donation of $10,000 to the Tilden’s Environmental Education Center, which was matched by Mervyn’s Departments Stores donation of $10,500 for an initial design of the Nocturnal Animal Hall. Chevron U.S.A donated $8,280 for the
construction of a laboratory-classroom (Stein 1984:103). Kaiser Aluminum adopted Roberts Recreation Area in Oakland and the Clorox Company sponsored Coyote Hills Regional Park (McCreery 2010:22). Eventually, the Regional Parks Foundation took over the Adopt-A-Park program and eventually expanded the search for local charities and business grants to aid in the funding gap left by Proposition 13 (McCreery 2010:22).

In addition to the Adopt-A-Park Program, General Manager Trudeau teamed with the District's legal representation and Sierra Club Lobbyist John Zierold to add "stopgap" funding for the District to a state assembly package (McCreery 2010:23). The bill proposed to use California offshore oil money from the Energy and Resources fund. This money, which had traditionally been reserved for schools, would also be used to support parks.

The District adopted a revised master plan in 1989 that reflected the changes of the past decade, especially Proposition 13. The plan ensured the protection of natural resources and that less than 10% of all of the District's land holdings would be developed and the remaining 90% would be protected in their natural condition (McCreery 2010:23). By 1984 the District encompassed 41 parks, comprised of 57,000 acres and served more than 15 million visitors (Stein 1984:109). General Manager Trudeau retired in 1985. David Pesonen was hired in September of that same year (McCreery 2010:42).

As the new General Manager, Pesonen emphasized the protection of natural resources and created the land stewardship department within EBRPD. As with previous general managers, he focused on land acquisition. Unlike the other general managers, however, he planned to achieve this through borrowing $17 million in revenue bonds and
by using money slated for the Operations Department. These actions stressed the District financially and often left other departments short of funding (McCreery 2010:43).

Pesonen left EBRPD after a 2-1/2 years. The Board would hire Pat O'Brien to fill the role in 1988 with a four year contract (McCreery 2010:49).

In 1986, California voters passed Proposition 43, the Community Parklands Act. The District would receive more than $2 million dollars in funding with this measure. Shortly thereafter in June of 1988, statewide Proposition 70 would also pass, providing a bond issue of $776 million dollars (McCreery 2010:54). Alameda and Contra Costa voters passed Measure AA, a 20-year bond measure in November 1988. This measure was a $225 million dollar phased bond in order to fund EBRPD recreational programs and open space acquisitions (McCreery 2010:159). Measure AA allowed for the preservation and purchase of 34,000 acres in the form of 200 individual acquisitions. The District essentially doubled the bond monies through matching it with federal and state funds. Additional funds were obtained through other public and private agencies (EBRPD 2011).

O'Brien’s role as General Manager would begin just days after the passage of Measure AA in 1988. The District was managing nearly 65,000 acres of land in the form of 49 parks and 15 regional trails at this time (EBRPD 1989:6). O'Brien sought to not only quickly tie the funds from Measure AA to specific land acquisitions, but also to match these funds from other sources.

Under O'Brien's term as General Manager came the adoption of a new Master Plan as the passage of ballot Measure WW. In December 1996, the East Bay Regional Park District County Board of Directors adopted 1997 the East Bay Regional Park Master
Plan. At the time of the 1997 Master Plan, the District had 55,000 acres under its control in the form of 55 parks and 1,000 miles of trail. With the funds from Measure AA nearly exhausted, Alameda and Contra Costa voters found Measure WW on their November 2008 ballots. Measure WW was a $500 million bond extension of Measure AA.

According to EBRPD, this bond measure would not increase the tax rate for Alameda and Contra Costa citizens. Seventy-five percent of the funds from this measure were allocated towards acquisition and capital projects. However, 7% of the 75% would be reserved for “unanticipated needs and opportunities” (EBRPD 2011). The District would administer the remaining 25% to county service areas, cities, special park and recreation districts, county service areas and the Oakland Zoo for park and recreation projects (EBRPD 2011). This funding enabled the District to further augment its land holdings in terms of new acquisitions and the expansion of existing parklands.

After 22 years as General Manager, O’Brien retired as General Manager. Effective in January 2011, Robert “Bob” E. Doyle, Assistant General Manager for Interagency and Regional Trail Planning, Land Acquisition and Environmental Review, became the General Manager. The District is currently working to create and adopt a new Master Plan in 2011.

CULTURAL RESOURCES

At its inception, the District’s primary concern was to preserve the natural landscape. Landscapes are complex, created places. Intertwined with the natural landscape is a cultural one (see Chapter 2 on landscape theory). The District recognizes that the land that it currently manages and/or owns has a rich cultural history. Its current policy is to manage and preserve cultural features under its control (EBRPD 1996:24).
During the 1930s, landscape architect Arthur Cobbledick worked for EBRPD and wanted to expand the vision laid forth by the 1930 Olmsted report. However, the development and creation of parks was not the only thing that Cobbledick worked on. Cobbledick and other Civilian Conservation Corps (CCC) workers also spent time identifying and mapping the District's cultural resources. They spent four years mapping lumber mills, adobe homes, original trails and Native American sites (Stein 1984:18). As for the CCC itself, the physical reminders of this program such as the camps and the stone foundation of the administration building at Lake Temescal laid by CCC and WPA are now cultural resources of that era.

The District also manages sites that are currently on the National Register of Historic Places (NRHP). For example the vintage Merry-Go-Round at Tilden Park was restored and is on the National Register of Historic places (Stein 1984:36). The former home of playwright Eugene O'Neill, the Tao House, is also on the National Register of Historic Places. It also is in the midst of Las Trampas Regional Wilderness. The federal government owns and manages the Tao House, while the District owns and manages the surround parkland. Black Diamonds Mines Regional Preserve was purchased 1975 partially from the Bureau of Land Management for $2.50 an acre. The Black Diamond Mines were once the largest coal-producing field in California. The District uses this acquisition to showcase California's mining history at this park (Stein 1984:94; McCreery 2010:21).

Purchased 1986, Ardenwood Historic Farm and Regional Preserve also serves as an example of the District's implementation of interpretive programs. This park is specifically used to showcase Queen Anne architecture and the workings of a mid-to-late
19\textsuperscript{th} and early 20\textsuperscript{th} century farm / ranch, despite the fact that there is also a prehistoric site on the property. At Garin and Dry Creek Regional Parks old-fashioned blacksmithing and other early farming and ranching activities are demonstrated.

Coyote Hills Regional Park is an educational park, "preserving and interpreting valuable marshland wildlife and 2,300-year-old Indian shell mounds" (Stein 1984:54). Emphasis for an interpretive program was placed on Coyote Hills Regional Preserve because of the known shell mounds within the boundary. The District protects this resource and has created a structured public education and interpretive program around it. The District also manages Brushy Peak Regional Preserve and Vasco Caves Regional Preserve. Brushy Peak is known to contain prehistoric archaeological resources, such as bedrock milling features and rock art. It is also the center of creation narratives for local Native American groups, such as the Ohlone and Bay Miwok (Ortiz 1994). The District is beginning to realize the importance of Brushy Peak, not only because of its archaeological sites, but also in terms of its sacredness to local Native American communities. The District is factoring this into the management considerations for this park. The nearby Vasco Caves, known for its petroglyphs, also play a part in Native American sacred narratives (Ortiz 1994). In order to protect this sensitive resource, the District limits access to the area. While Morgan Territory is not part of a sacred narrative, it is in close proximity to other places that are, such as Brushy Peak, Vasco Caves and Mount Diablo. In addition, Morgan Territory is a highly sensitive area and there is a high likelihood that it contains more prehistoric and historic cultural resources than have been identified.
MANAGEMENT DOCUMENTS

The key to understanding the District’s current cultural resources policies is to examine not only its current management policies but previous policies as well. This section examines how the District has managed cultural resources in the past by discussing past policies outlined in its 1973 and 1989 Master Plans. This section also analyzes the District’s current cultural, natural and land management policies in the current 1997 Master Plan. Other pertinent park operations and management documents are also presented.

1973 Master Plan

The 1973 Master Plan was adopted on December 4, 1973. Its creation and adoption was mandated by AB 925, which authorized the District to raise its tax rate to 10 cents per every $100 assessed valuation. However, the District would only receive 50% of this until it adopted a Master Plan (EBRPD 1973:3). The 1973 Master Plan is primarily concerned with defining the types of parklands within its holdings, e.g., wildernesses, preserves, shorelines, parks or recreation areas.

Cultural Resources

The Master Plan primarily discussed natural resources. Under Chapter IV Resources Policies, cultural resources are dealt with in section D in the form of a Historic Sites Policy. This policy stated that the District “may acquire or be the recipient of gifts of points of historic interest only if they lie within a larger parkland area proposed for purchase and suitable for use as a parkland classification other than historic preserve.” The policy went on to state that the District “does not plan to acquire historic preserves because of the limited funding capability for financing other District parklands” (EBRPD
1973:33). If the District had decided to acquire a “historic preserve” it would have had to “assure additional funding” prior to acquisition (EBRPD 1973:33). Additionally, if there were any “historic structures” within its holdings, the District could dispose of these historic structures “so acquired to another responsible organization, governmental service or agency for purposes of restoration and operation in a manner which is compatible with the surrounding parkland” (EBRPD 1973:33).

The District’s policies discouraged further land acquisition primarily based on the presence of what it termed “historic resources.” However, the District defined a Regional Preserve as having an “outstanding element of nature or man’s past” (EBRPD 1973:18). This “outstanding element” could have been “archaeological” or “historical” (EBRPD 1973:18). In keeping with this definition, one of the key requirements for a park to be a Regional Preserve was to have had “an element of regional significance associated with the history, tradition or cultural heritage of the East Bay, which merits preservation” (EBRPD 1973:18).

1989 Master Plan

Under Resolution No. 1988-5-194, the East Bay Regional Park District adopted its second Master Plan implemented in 1989. The 1989 Master Plan reflected an emphasis on resources, operations and planning (EBRPD 1989:10). When the 1989 Master Plan was adopted, the District was managing nearly 65,000 acres of land in the form of 49 parks and 15 regional trails (EBRPD 1989:6). Under this Master Plan, the District’s declared purpose was to “acquire, preserve, protect, develop, and operate regional parklands in Alameda and Contra Costa counties in perpetuity for public use” and to
“conserve these lands to make the outdoor environment available for the enjoyment and education of the public” (EBRPD 1989:8).

**Cultural Resources**

The 1989 Master Plan set forth several assertions of what the District would do. Among these were:

- Acquire and preserve significant systems of the natural environment including biologic, geologic, scenic, pre-historic, and historic resources that exist within the EBRPD boundaries.
- Preserve and manage the parklands so that they retain their important scenic, natural, and cultural values.
- Interpret the parklands by focusing both on the visitor’s relationship to nature and the parklands’ values, natural processes, ecology and history.

[EBRPD 1989:8-9]

In the 1989 Master Plan, the District clearly categorized “pre-historic” and “historic resources” under the category of the “natural environment.” The District also stated that it would “interpret the parklands by focusing both on the visitor’s relationship to nature and the parklands’ values, natural process, ecology and history”.

With regards to historic and cultural resources, the District would “protect and maintain historic buildings or cultural resource sites within its lands” (EBRPD 1989:14). This policy did not take into account the other types of cultural resources within the District lands. The policy went on to further state that the District:
May acquire historic buildings or cultural resource sites when they lie within a larger area that meets the parkland classification criteria. The District will preserve cultural resources 'in situ' whenever feasible. After consulting with recognized authorities and groups, the Board will adopt a reinternment plan for the remains of Native Americans and their associated artifacts [EBRPD 1989:14].

The District did not include a policy for what it would do in case it was not feasible to keep a cultural resource in situ. EBRPD policy did not take into account any sort of mitigation efforts as an alternative. In terms of “consulting with recognized authorities and groups” the District did define a specific procedure (EBRPD 1989:14).

The District policies still dealt primarily with defining a park based upon the resources and attributes within the park’s boundaries. Under its educational policies the document stated that “The District will provide nature education and interpretation that covers topics such as vegetation, wildlife, ecology, and history of the parkland resources. Enhancement of the visitor’s experience will be emphasized. The public will be educated on the importance of preserving the natural environment and historical resources” (EBRPD 1989:22). The District grouped cultural and historic resources under the natural environment, implicating this would also be a part of public education.

**Acquisition Policies under the 1989 Master Plan**

Before the District actually purchased land, EBRPD policy included completing a thorough analysis of the parcel(s). This included doing a natural and cultural resource evaluation. An Acquisition Evaluation, which included a preliminary resource evaluation, was required. This indicates that the District had a mechanism in place to determine the types of cultural resources present, if any, prior to acquisition. After the
Acquisition Evaluation was completed a Land Use Development Plan (LUDP) had to be created. In terms of planning, the District’s goal was to “create a balanced system of both existing and new parklands, which reflects the needs and desires of all District residents” (EBRPD 1989:24).

The Acquisition Evaluation included a parkland classification, property boundary determination, preliminary resource evaluation, including recreation potential and an estimate of acquisition, development, and annual maintenance costs over a five-year period (EBRPD 1989:28). The resource analysis had to be consistent with policies defined in the Master Plan. This analysis would identify “natural and cultural features of the parkland that have significant resource or recreational value or that will be significant determinates for future park planning” and it would “define resource management issues” that will be identified in the Land Use Development Plan (LUDP) (EBRPD 1989:28).

This policy stated that the District had to identify both natural and cultural resources.

After the Resource Analysis was completed, but prior to “significant development” or “substantial use” of the land, the District would prepare a Land Use-Development Plan (LUDP) which would include both supporting text and schematic plans in map form (EBRPD 1989:28). The LUDP was intended to be a comprehensive document that substantiated the creation of new parkland. It was supposed to identify the location of the park, the recreational needs of current and future residents within the planning zone of the park, establish appropriate recreational activities based up the natural and cultural resources within the park. It would identify incompatible structures within the park’s boundaries, which would be removed and discontinued as soon as it was “practicable and equitable” (EBRPD 1989:29). If the LUDP was not completed after
the parkland acquisition a Land Evaluation would be prepared in order to assist with resource protection, interim public access and safety requirements (EBRPD 1989:29). An Environmental Impact Review statement, or other appropriate documents that evaluate impacts of planned project on the environment, was supposed to be included with the Land-Use Development Plan. The District would follow the policies commensurate with its Environmental Review Manual that complies with the California Environmental Quality Act of 1970 (EBRPD 1989:30). A Natural Resource Management Plan would be included in the Land Use-Development Plan (EBRPD 1989:29). It is unclear where a cultural resource analysis would have fit within this process.

The LUDP would also establish zoning units. Zoning units would include, among others, special protection units and special units. Such areas would be identified within the Resource Analysis document. Special units may be areas within parkland classifications that "contain significant or endangered animals or plants or other natural features or structures that are of historical importance" (EBRPD 1989:29). The District would limit the development within a Special Protection Unit and detailed restrictions of each Special Zone Unit will be listed within the LUDP. If a Resource Analysis or a LUPD had not been created for the park, the District had the right to establish units for interim protection (EBRPD 1989:29). Special Management Units are areas that did not qualify as a Special Protection Unit but may have had special management requirements. These management requirements would be described in the Natural Resource Management Plan of the LUDP (EBRPD 1989:30).

Capital Investment
Once the LUDP was approved and funds were budgeted for the development of a project or a facility within a parkland, the District would prepare the appropriate design documents for construction. Larger projects would require a Capital Improvement Plan, which was a detailed site plan that will be produced prior to construction drawings and specifications. With smaller projects, schematics and specifications may have been enough (EBRPD 1989:30).

Public Involvement

The District would also hold public participation meetings so that members of the public might voice their opinions on resources, operations, acquisitions and other matters concerning the District. A public meeting would be held after the Resource Analysis for a parkland had been completed and after a draft of a LUDP or a Trail Corridor Study but prior to the Board's approval of the draft (EBRPD 1989:31). This was to ensure that public review and commentary was taken into consideration prior to the finalization of projects. The District continued to monitor park demand by using opinion and marketing surveys of both park and non-park users. This kept the District aware of the public's wants and needs in terms of parklands and facilities (EBRPD 1989:32).

An Area of Influence around a parkland was determined by 30-minute travel time, or would be based upon a park user profile adapted from the current District-wide user survey. This planning zone would identify principal and potential users of that particular parkland. The types of facilities / activities that either were available or would become available for that park may have affected and possibly widened the planning zone (EBRPD 1989:32).
1997 Master Plan

The District’s current Master Plan was adopted in 1996 but did not take effect until 1997. It was prepared with the participation of the Park Advisory Committee (PAC). At that time, the District consisted of 85,000 acres of land in the form of 55 regional parklands and 1,000 miles of trails (EBRPD 1996:11). Within this Master Plan, the District provides programs to interpret “natural, cultural and historical features” of the East Bay (EBRPD 1996:11).

Cultural Resources Management Policies

The District states within that it will “preserve a priceless heritage of natural and cultural resources, open space, parks, and trails” using an “environmental ethic” (EBRPD 1996:9). With this statement, EBRPD sets the tone for its natural and cultural resources management policies. It recognizes that there are cultural resources within its boundaries and considers them a “priceless heritage” worthy of protection.

The District pledges to achieve its vision by accomplishing a variety of goals employing certain processes. Among its goals are the acquisition and preservation of “significant biologic, geologic, scenic, and historic resources within Alameda and Contra Costa Counties” (EBRPD 1996:10). In addition, the District will “manage, maintain, and restore the parklands so that they retain their important scenic, natural, and cultural values” (EBRPD 1996:10). The District further pledges to “interpret the parklands by focusing education programs on the visitor’s relationship to nature, natural processes, ecology, the value of natural conditions, and the history of the parklands” (EBRPD 1996:10).
The District provides resource management policies to manage and maintain parklands so that they retain their natural and cultural values. The 1997 Master Plan defines cultural resources as including "archaeological, historical, and scientifically valuable sites, areas, and objects" and that these resources are "protected" (EBRPD 1996:24, 17). The Master Plan goes on to further state that the District has a "responsibility to preserve the legacy and the history of the peoples who occupied these lands" prior to the District’s acquisition of them. In terms of Native American sites the District recognizes that within its landholdings are "some of the finest remaining Native American sites in the Bay area" and that Native American descendants treasure these "remnants of their ancestral heritage and look to the District for their continued protection" (EBRPD 1996:24).

The District currently uses a Geographic Information System (GIS) to manage cultural resources. The District’s position on management of cultural "features and sites" within its parklands is to "preserve and protect" them "in situ" and to "evaluate significant cultural and historic sites to determine if they should be nominated for State Historic Landmark status or for the National Register of Historic Places" (EBRPD 1996:24).

Planning and Acquisition

The District relies on several key processes when planning development of a new park or within an existing parkland. These include: public involvement, compliance with applicable laws In terms of analyses of resources and assessment of public use objectives, the protection of open space and on-going relationships with other jurisdictions. The Master Plan document states that the District follows policies and
procedures in compliance with CEQA by evaluating the environmental impacts of planned projects and preparing appropriate documentation for approval by the District’s Board of Directors (EBRPD 1996:38). The 1997 Master Plan states that resource protection is the primary goal of the District (EBRPD 1996:39). However, this appears to specifically apply to natural resources. To achieve this goal, the District conducts field investigations, research, and surveys that analyze existing conditions, constraints, potential threats and opportunities. Based upon its findings, the District takes measures to “address problems and mitigate the impact that plans may have on natural resources” (EBRPD 1996:39-40).

When the District seeks to acquire land, either for new parklands or to augment existing parks, it identifies and analyzes both the natural and cultural features of that landscape, to assess whether or not the acquisition fits within the parameters of the Master Plan. When the District has identified a parcel of land that is integral to carrying out the purposes of its Master Plan, the Board of Directors adopts a resolution to authorize negotiations for that parcel (EBRPD 1996:43). After an option or purchase agreement is signed, the District prepares an Acquisition Evaluation for the Board. The Acquisition Evaluation includes a property boundary determination, an estimate of acquisition, development and annual operating costs over a 5 year period, and a preliminary resource evaluation that includes recreational potential (EBRPD 1996:43). The new acquisition will be classified by the District as a Regional Park, Regional Preserve, Shoreline, Regional Recreation Area or a Regional Trail, depending on the predominant characteristics of the land. For example, a Regional Preserve is defined as an area with “outstanding natural or cultural features that are protected for their intrinsic
value” and for the “enjoyment and education of the public” (EBRPD 1996:46). A Regional Preserve may include, in additional to natural resources, “archaeological” and “historic” resources as well (EBRPD 1996:46).

After the acquisition is classified, the District prepares a resource management and a proposed development plan (EBRPD 1996:43). The planning documents that the District uses include a Land Use Plan (LUP), formerly called a Land Use-Development Plan, System-wide Plan, Trail Plan, Interim Land Use Plan (ILUP), previously termed a Land Evaluation for Interim Use, and Other Agency Plan. The Land Use Plan and the System-wide Plan essentially establishes and describes the resources within a park, their protection levels and recreational intensity levels within a park. They also include development projects for the park and present land management strategies for trails and parks (EBRPD 1996:54). They further establish Land Use Designations, which can include Special Protection Features (SPF) that identify areas that may be sensitive as they contain “unique or fragile natural, cultural, aesthetic or educational features, such as ... archaeologic, historic or geologic resources,” that need a greater amount of protection (EBRPD 1996:58-59). For these areas, the District will provide special management “prescriptions” for these areas (EBRPD 1996:59). For a Regional Preserve, the Land Use Plan will “delineate significant resources with Special Protection Features” (EBRPD 1996:61).

2011 Master Plan

At the time of writing, EBRPD is operating under the 1997 Master Plan. However, it is currently working to adopt a New Master Plan to be completed in 2011.
Ordinance 38

Ordinance 38 outlines the rules and regulations for parkland use. The two sections that pertain to cultural resources are Section 806 and Section 807. Section 806 states that:

No person shall damage, injure, collect or remove any object of paleontological, archaeological or historical interest or value located on District parklands. In addition, any person who willfully alters, damages, or defaces any object of archaeological or historical interest or value or enters a fenced and posted archaeological or historical site shall be arrested or issued a citation pursuant to Penal Code 622-1/2 [EBRPD 20010:29].

Section 807 states that:

Special permission (Section 103) may be granted to remove, treat, disturb, or otherwise affect plants or animals or geological, historical, archaeological, or paleontological materials for research, interpretive educational, or park purposes [EBRPD 2010:29].

While the District has a policy against removing archaeological or historical objects, Shannon argues that EBRPD’s Artifact Accessioning Program actually encourages employees to collect artifacts (Shannon 1990:56).

Park Operations Guidelines

The purpose of the Park Operations Guidelines is to provide the District with a clear set of procedures that assist with the District’s management of resources. This includes the District’s natural, cultural and recreational resources. The cultural resources guidelines are designed to assist with managing prehistoric sites, historic resources,
interacting with Native Americans, implementing applicable cultural resources laws and sites listed on national or state registers.

Land Managing Documents for Morgan Territory Regional Preserve

The management documents currently on file specifically for Morgan Territory include a Land Evaluation for Interim Use (1992), a Negative Declaration for a Morgan Territory Inter Land Use Plan (1997) and an Amendment to the Morgan Territory Regional Preserve (Cardoza, Perry and Wirthman Properties) Interim Land Use Plan (1997). Morgan Territory was acquired in 1975. This expansion was initiated in 1992 under the District’s 1989 Master Plan. These documents provide the resources analyses that were required under the 1989 Master Plan. These land management documents address only the acquisition of the Cardoza, Perry and Wirthman properties that augmented Morgan Territory.

The Cardoza, Perry and Wirthman properties were privately held ranch lands (EBRPD 1992:3). A literature review and archaeological survey was conducted during 1991 (EBRPD 1992:6). Prehistoric resources were found on the Cardoza property. According to the Land Evaluation for Interim Use report “sites occur in three locations” on the Cardoza property (EBRPD 1992:6). One of the sites contained midden. This was the only site that was “considered significant and sensitive” (EBRPD 1992:6). The report determined that the “sensitive archaeological resources” would not be affected (EBRPD 1992:7). The report recommended long term management of the area including capping adjacent fire roads to reduce site erosion and fencing the area to prevent cattle grazing (EBRPD 1992:7).
The Amendment to the Morgan Territory Regional Preserve (Cardoza, Perry and Wirthman Properties) Interim Land Use Plan (ILUP) (1997a) is the resources analyses for the installation of a backpack camp and new trails. A literature search and archaeological survey was conducted in 1991. The results of the archaeological survey at the proposed backpack camp location included the identification of the remnants of several structures, portions of a stone walls and non-native trees. These features suggested a homestead site (EBRPD 1997a:2). The Negative Declaration for the Morgan Territory ILUP Amendment describes the archaeological resource at the proposed backpack camp as being a “rock foundation” of a home that would not be disturbed (EBRPD 1997b:4). It does not mention the other features reported in the previous report.

The archaeological survey in the area where the new trails would be opened located “two ranch/farm complexes” which were evaluated by a California State Parks historian and archaeologist (1997a:2). Both of the historic ranch/farm complexes were approved to “be cleaned up and secured for future rehabilitation” (EBRPD 1997a:3). Based on the evaluation by the California State Parks historian and archaeologist, a Negative Declaration for the Morgan Territory Interim Land Use Plan was issued (EBRPD 1997b).
CHAPTER 5: CULTURAL RESOURCES MANAGEMENT LAWS

Cultural resources management has a relatively long and complex history in the United States. The first preservation efforts began mid-19th century and were private endeavors. Federal protection of cultural resources came in the late 19th and early 20th centuries with the United States Congress protection of the archaeological site Casa Grande in Arizona in 1889, the designation of national battlefields in the 1890's and with the passage of the Antiquities Act in 1906 (King 2008: 16).

This section provides an overview to some federal and state laws that may be applicable to EBRPD actions. As illustrated in the background history, EBRPD is a public agency that often works with state and federal agencies and receives state and federal monies in terms of grants, bonds and other forms of monies. In order to financially support itself, in addition to the tax revenues that it receives from Alameda and Contra Costa Counties, the District “aggressively” pursues funding, such as grants, from a “variety of federal, state, and local agencies” (EBRPD 1996:73). In addition to funding, the District may need to obtain state and federal permits, making it subject to state and federal laws. It also manages state land, such as Robert W. Crown Memorial State Beach. The District holds is responsible for complying with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) (EBRPD 1996:39).

If the District requires a federal permit or uses federal funds for a specific project, the lead federal agency may decide that EBRPD may require that it follow Section 106 of the National Historic Preservation Act.
NATIONAL HISTORIC PRESERVATION ACT OF 1966, AS AMENDED THROUGH 2006

On occasion, the District may be required to apply for a federal permit or may receive federal funding for a specific project. It is the lead federal agency official that will determine Section 106 of the National Historic Preservation Act (NHPA) compliance. The lead agency is responsible for ensuring that Section 106 is carried out. Section 106 compliance is the responsibility of the lead agency. The District has obtained federal funding and permitting for specific projects in the past. As the District continues to grow and works with federal agencies, it may consider becoming more familiar with the Section 106 process and what is required.

The National Historic Preservation Act (NHPA) was enacted in 1966 as Public Law 89-665; 16 U.S.C. 470 et seq.). The NHPA has been amended several times, most recently in 2006. The NHPA deals specifically with historic properties and/or historic resources. Under Section 301 of the NHPA, defines “historic property” or “historic resource” to mean “any prehistoric or historic district site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource” (16 U.S.C. 470w). Under the regulatory context of Section 106, it states that

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take
into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking [16 U.S.C. 470f].

Under Section 106, the lead Federal agency is responsible to: 1) taking into account the "effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register" and 2) affording Advisory Council on Historic Preservation (ACHP) an opportunity to comment on the undertaking.

As defined by the NHPA, an undertaking is defined as a "project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency" and these can include those carried out by or on behalf of the agency, carried out with Federal financial assistant, those requiring Federal approval, permit or license and includes "those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency" (16 U.S.C. 470w).

Identification of historic properties or resources within an area of potential effect (APE) is the first step in determining whether or not an undertaking will affect them. A good faith effort has been made to identify historic properties or resources within the project area or that may be effected by the undertaking should be carried out (King 2008:129). If properties or resources are identified that are not already on the National Register, then they must be evaluated for eligibility.

The National Register of Historic Places (NRHP) is maintained by the National Park Service. The NHPA authorizes the Secretary of the Interior to maintain and expand
a list of Historic Places, "composed of districts, sites, buildings, structures, and object
significant in American history, architecture, archaeology, engineering and culture" (16
U.S.C.470a(a)). In order to determine if a property is eligible for the National Register it
"must be shown to be significant for one or more of the four Criteria for Evaluation — A,
B, C, or D . . . the basis for judging a property's significance, and ultimately, its
eligibility under the Criteria is historic context" (National Park Service 1997:11;
emphasis in the original). The National Register criteria for evaluation states:

The quality of significance in American history, architecture, archeology,
engineering, and culture is present in districts, sites, buildings, structures, and
objects that possess integrity of location, design, setting, materials, workmanship,
feeling, and association and:

A. That are associated with events that have made a significant contribution to
the broad patterns of our history; or

B. That are associated with the lives of persons significant in our past; or

C. That embody the distinctive characteristics of a type, period, or method of
construction, or that represent the work of a master, or that possess high
artistic values, or that represent a significant and distinguishable entity whose
components may lack individual distinction or

D. That have yielded, or may be likely to yield, information important in
prehistory or history [National Park Service 1997:2].

In addition, there may be properties present that have not been formally evaluated
for the National Register by the lead federal agency and the State Historic Preservation
Officer (SHPO), but may meet the National Register Criteria. If historic properties are
found that may be adversely affected, the effects of the undertaking must be taken into
account and the situation resolved. According to the regulations (16 U.S.C. 470h-2(l)), if
there are going to be adverse effects, the agency must inform the Advisory Council of
Historic Preservation (ACHP). However, a Finding of Adverse Affects does not
necessarily halt the project or imply full protection or avoidance of the historic property
or resource. The regulations make provisions for consultation in order to avoid,
minimize or mitigate such adverse effects. In many cases, consultation regarding adverse
effects results in a memorandum of agreement. Solutions can sometimes include the
burial, or capping, of an archaeological site, data recovery, re-designing the project, or
limiting the magnitude of the project (King 2008:181). If there is a finding of No
Adverse Affects, the agency still must supply documentation to the SHPO, the public and
any consulted parties.

NATIONAL ENVIRONMENTAL POLICY ACT, AS AMENDED
THROUGH 1986

The National Environmental Policy Act (NEPA) (Pub. L. 91-190, 42
U.S.C.04347), with its most recent amendment in 1982, established the national policy
for the environment and created the Council on Environmental Quality (CEQ). The
purpose of NEPA is to:

To declare a national policy which will encourage productive and enjoyable
harmony between man and his environment; to promote efforts which will
prevent or eliminate damage to the environment and biosphere and stimulate the
health and welfare of man; to enrich the understanding of the ecological systems
and natural resources important to the Nation; and to establish a Council on Environmental Quality [Sec. 2 [42 USC § 4321].

NEPA provides protection to the natural environment and to cultural resources. The Act states that it is the “continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy to . . . preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice” (Sec. 101 [42 USC § 4331]). It is the responsibility of the lead federal agency to ensure that NEPA is followed. Like Section 106 of the NHPA, NEPA provides a process for agencies to follow in order to determine if there are any adverse effects involved in the carrying out of a project. Section 102 of NEPA lays out a procedure and the requirements that the lead Federal agency must fulfill (42 U.S.C. 4332). The NEPA process must be completed prior to a final decision of a proposed action (Council on Environment Quality [CEQ] 2007:5). When an agency identifies an action, it must then determine whether or not there will be significant effects on the environment. If the action is determined to be an automatic Categorical Exclusion (CatEx) then the agency may proceed with the action. However, if the agency does not have an established CatEx checklist, or if there are extraordinary circumstances, then the agency must prepare an Environmental Analysis (EA) or an Environmental Impact State (EIS) to determine if there will be significant environmental effects (CEQ 2007:11; King 2008:63). An EA is used to determine whether or not an EIS will be needed and some agencies require public notification at this juncture. The EA will either determine a Finding of No Significant Impact (FONSI) is appropriate or it will necessitate an EIS. If significant impact to the
environment is determined in the EA then an EIS will need to be prepared (CEQ 2007:13).

The initial stage of an EIS includes a scoping process that requires notification of the proposed action to the public. This is where NEPA differs from Section 106 of the NHPA, which requires consultation. The EIS must include an analysis of the full range of effects of the action, both direct and indirect, of the action including ecological, historic, cultural, social, economic or health impacts, whether adverse or beneficial (CEQ 2007:17). The agency must also provide reasonable alternatives as well as a “no action alternative” (CEQ 2007:17). Further, the agency must prepare a Draft EIS to provide a forum for public commentary. This period for commentary must be at least 45 days long (CEQ 2007:16). The agency must substantively address all of the public comments in the final EIS. The agency will publish a final EIS and the Environmental Protection Agency will publish a Notice of Availability in the Federal Register (CEQ 2007:18). This entire procedure, however, does not guarantee avoidance or protection of resources, but, rather provides a process wherein the agency must consider the effects of its actions upon resources. The Environmental Protection Agency, or another Federal agency may determine that the proposed action is entirely environmentally unacceptable and the agency can refer to the CEQ within 25 days of the final EIS. The CEQ then works with the United States Institute for Environmental Conflict Resolution to resolve the solution. There is no mechanism for individual citizens to refer an action to the CEQ (CEQ 2007:19).
CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED THROUGH 2009

CEQA was signed into law in 1970, and is codified at Public Resources Code (PRC) Section 21000 et. seq. It was enacted by the State legislature because it found that the “maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern” (PRC § 21000). The latest amendments to CEQA were made in 2009. Similar to NEPA, CEQA is used as a process to determine whether or not a project will have a significant effect on the environment and is intended to provide disclosure of projects to the public. California Public Resources Code Section 21000 states:

It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage” [PRC §21000].

Unlike the NEPA and the NHPA, CEQA is administered at the local level.

Under CEQA, an Initial Study (IS) is prepared to determine whether or not an Environmental Impact Report will need to be prepared. Emergency actions, categorical exemptions and ministerial projects are exempt from CEQA. If a project is determined to not have a significant impact on the environment, a Negative Declaration will be prepared and an Environmental Impact Report will not have to be prepared (PRC § 21064.5). An agency can also issue a Mitigated Negative Declaration when the initial study identified potentially significant effects on the environment, but:
(1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment [PRC 21064.5].

Agencies can use a CEQA form that includes a checklist for an agency to determine whether or not its project or action will have a significant effect on the environment. If the action or project is not exempt under CEQA, an Environmental Impact Report must be prepared in a detailed statement listed in Public Resource Code Sections 21100 and 21100.1.

Essentially, CEQA addresses two types of cultural resources: 1) unique archaeological resources and 2) historical resources. A unique archaeological resource is defined as “an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge” (PRC§ 21083.2). It may be a unique archaeological resource if it meets one or more of the following criteria:

(1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information

(2) Has a special and particular quality such as being the oldest of its type or the best available example of its type
(3) Is directly associated with a scientifically recognized important prehistoric or historic event or person [PRC 21083.2].

If a unique archaeological resource is identified, an EIR shall address the issue (PRC § 21083.2). An EIR shall not address nonunique archaeological resources. Instead a negative declaration will be issued. If it is demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require that reasonable efforts be made to leave the resource(s) in place or undisturbed (PRC § 21083.2). Examples of treatment included but are not limited to:

(1) Planning construction to avoid archaeological sites

(2) Deeding archaeological sites into permanent conservation easements

(3) Capping or covering archaeological sites with a layer of soil before building on the sites

(4) Planning parks, greenspace, or other open space to incorporate archaeological sites [PRC§ 21083.2].

If the unique archaeological resource cannot be preserved in place or avoided, then the project applicant must apply mitigation measures. In addition the project applicant shall provide a “guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources” (PRC § 21083.2). The use of excavation is restricted to only the portions of the unique resources that would be damaged or destroyed by the project. If the lead agency determines that studies or testing that have already been completed have recovered the “scientifically consequential” and documents this finding in an EIR excavation is not required (PRC§ 21083.2).
A historical resource as a “resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources” (PRC § 21084.1). Furthermore, it states that if a resource is not listed in or determined eligible for listing in the California Register of Historical Resources (CRHR) it should not preclude that resource from being determined as possibly eligible. The Office of Historic Preservation (1995) published a handbook that provides examples of, definitions for and guidelines to recording historical resources. A historical resource can also be defined as:

Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record [PRC § 15064.5(a)(3)].

The CRHR was created by the State legislature in 1998 in order to identify resources eligible for the inventory (California State Office of Historic Preservation 2004:3). If no historical resources will be affected by the project or action of the agency, the project may proceed. If however, historical resources will be affected, then the EIR must determine what treatment and/or mitigation strategy it will employ. The EIR will go through several drafts before being certified. In order to be certified, the EIR must be completed in compliance with CEQA and the final EIR presented to the decision-making legislative body of the agency, and the lead agency reviewed the information prior to the approval of the project and the final EIR reflects the lead agency’s independent judgment and analysis (PCR §15090).
Conclusion

California Government Code Section 65300 requires that each planning agency prepare and adopt a long term general plan for its physical development. The agency must adhere to its general plan. The District’s cultural resources policies and guidelines are modeled after CEQA (see Chapter 4 for discussion of the District’s management documents). The problem for the District, however, has often been with implementing its cultural resources policy. Cultural resources laws, such as CEQA, NEPA or NHPA can be seen as management tools. These laws primarily ask agencies to think about the impacts of a project on a historic or historical resource. Adverse impacts can be avoided or mitigated but ultimately, they must somehow be resolved. The recommendations provided in Chapter 6 are designed to work within the framework of the District’s existing Master Plan. These recommendations were created to assist the District with the process of managing cultural resources in a more effective way.

CHAPTER 6: CULTURAL RESOURCES MANAGEMENT

The following recommendations are designed to comply with the existing goals and policies of the District’s Master Plan. Many of the strategies used to create these recommendations were taken from the District’s current natural and cultural resources and land management policies.

The recommendations are suggestions that the District may or may not wish to implement. Some of the recommendations address certain District policies. Other recommendations have been made specifically for Morgan Territory. There are cases, where a recommendation is directed towards a policy but has a specific application to Morgan Territory.
DUE TO THE SENSITIVE NATURE OF THIS CONTENT, THIS SECTION WAS REMOVED FROM PUBLICLY ACCESSIBLE COPIES OF THIS THESIS.
RECOMMENDATIONS

The District’s current policy is to “preserve and protect” cultural features and sites “in situ” (EBRPD 1996:24). Moreover the District will “evaluate significant cultural and historic sites to determine if they should be nominated for State Historic Landmark status or for the National Register of Historic Places” (EBRPD 1996:24). The policy includes maintaining a written inventory and map of “cultural features and sites” on parkland (EBRPD 1996:24). The information and location data for cultural resources within its parklands are maintained in a primarily GIS-based Cultural Atlas database.

The following recommendations address the District’s cultural resources policy and are intended to aid the District in cultural resources management by providing the District with a clear set of cultural resources management strategies. It is hoped that these policies and guidelines will make cultural resources management easier and more efficient for the District.

Recommendation #1 – Employ a Cultural Resources Manager

Shannon (1990) stated that:

Problems in District cultural resource policy implementation can probably be traced to three basic sources: a lack of understanding by District staff of the interdisciplinary nature of culture resource management and the legal requirements for cultural resource protection; internal conflicts regarding responsibilities for both natural and cultural resource management; and a lack of administrative support [Shannon 1990:60].

Shannon recommended the District hire a cultural resources specialist (Shannon 1990:64). A cultural resources specialist would not only aid with the management of
cultural resources with EBRPD parklands, but assist in resolving the District’s cultural resource policies. The District policies states that the District respects the roles of key “specialists who have specific resource responsibilities with the ultimate goal of having a well orchestrated and effective District-wide program for protecting and managing park resources” (EBRPD 2007:10). This illustrates the District’s’ understanding that specialists are needed in order to manage and protect resources effectively. The cultural resources specialist would work with designated managerial staffers with cultural stewardship and park operation responsibilities. The cultural resources manager would also work with the staff that have curatorial responsibilities as well.

While the District has worked with archaeological consultants, it currently does not have a cultural resources specialist on staff. The District could consider hiring a cultural resources specialist as recommended in 1990. The District may look to the Professional Qualifications Standards used by the National Park Service published in the Code of Federal Regulations, 36 CFR Part 61 that provide the minimum standards for professionals in the fields of archaeology, history, architecture, architectural historian, historic architecture (also recommended in Shannon [1990]). A cultural resources specialist may also have a background in cultural resources management laws, research design and identification and analysis of cultural resources. All of the following recommendations should be administered in conjunction with or under the supervision of a cultural resources specialist.

**Cultural Resources Internships**

From time to time the District has cultural resources internship positions. The District may take into consideration that these internships should be designed with and
interns be supervised by a qualified cultural resources specialist. This would be beneficial for the District, the intern and the resource. The intern would benefit from the guidance and the mentoring of the cultural resources specialist. This would assure the District that the internship itself was being carried out in an effective and efficient manner. The cultural resources manager would also ensure that enough data was being gathered from and about the resource itself. This assists with the effective management and maintaining the integrity of the resource.

**Recommendation #2 – Implement a Cultural Resources Management Plan for Morgan Territory**

A CRMP should provide tools in the form of policies, procedures, guidelines and programs that assist in actively and reactively managing cultural resources. A CRMP should be reviewed on a regular basis. This ensures that it continues to fit within the bureaucratic framework of the agency, is consistent with the mission of the agency and is considered in the agency’s budget. In addition, the status and needs of the resources may change as well as cultural resources management laws. The CRMP should reflect these changes. By maintaining the CRMP as an evolving document, it will continue to be a useful and usable document that will ultimately benefit the agency. The District might decide to implement some or all of these recommendations. EBRPD could schedule regular reviews of the management recommendations. This will ensure the recommended strategies remain relevant under the District’s Master Plan and will continue to address the cultural resources management issues at Morgan Territory.
Recommendation #3 – Create a Cultural Resources Sub-Committee

The District currently has a Natural and Cultural Resources Committee. This committee is a subcommittee of the fully elected District Board of Directors. As such, it cannot be expanded. However, the District might take into consideration the creation of a subcommittee that would report to the Natural and Cultural Resources Board. This new subcommittee could be modeled to reflect the Cultural Resource Management Advisory Committee (CRMTAC) recommended by Shannon (1990). This would include a cultural resources manager, professional archaeologist, a Native American representative and a historian/architectural historian (1990:67). Inviting a member of the local Native American community to serve on the Board would demonstrate the District’s willingness and commitment to work with them and address their concerns. The District might consider working with the Native American Heritage Committee while working with the local Native American community. The District may also wish to include members of the local community who recognize the importance of land management, cultural resources and are vested in the importance of local history. Involving such local community members would provide the District with an understanding of the views and priorities of its contemporary user group. All of the positions on this board should have term limits.

Recommendation #4 – Define Cultural Resources

The District currently defines cultural resources as “archaeological, historical, and scientifically valuable sites, areas, and objects” (EBRPD 1996:24). The District might consider broadening this definition of “cultural resources” to be more inclusive and include both tangible and intangible resources, natural and built (King 2008:3). Cultural
resources can include viewsheds, buildings, structures, traditional dance, sacred narratives and traditional cultural properties (TCPs). A TCP is a property that is eligible for the NRHP because of its “association with cultural practices and beliefs that are (1) rooted in the history of a community and (2) are important to maintaining the continuity of that community’s traditional beliefs and practices” (Parker 1993:1). More information about TCPs can be found in the National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties (King and Parker: n.d.).

The District states that it preserves lands that contain both natural and cultural resources. Widening the definition of cultural resources and using a landscape theoretical approach (see Chapter 2) would make managing both types of resources easier and therefore more efficient. Further, this would prove to be a good faith effort and a measure of its commitment to manage its cultural resources.

Recommendation #5 – Provide Cultural Resources Training for Employees

EBRPD serves two counties comprised of approximately 2.1 million residents. District parklands are heavily visited. Cultural resources management training is an option that the District may consider providing for EBRPD staff, those that work within parklands and come into contact with the visitors regularly (e.g., rangers, park and interpretative aides, naturalists and maintenance). Such trainings, held on a regular basis, would provide the staff with a better understanding of cultural resources. This would help to ensure that the District’s cultural resources policies are being carried out. It would also provide a forum where staff members can ask cultural resources related questions to the cultural resources specialist (e.g., what to do if an artifact is found or if unofficial trails to archaeological sites have been created).
Staff members who regularly work in a particular park are generally aware and knowledgeable about both the natural and cultural resources within that park. After initial training, staff members could assist with the monitoring of cultural resources within parklands. They could also alert the cultural resources specialists to problems at a particular site, such as artifact collection, unofficial trails or site erosion. These staff members are also often the first point of public contact. They could assist with interpretive aspects and also monitor visitors’ access to and interactions with archaeological resources.

**Morgan Territory**

Regularly scheduled training sessions for District staff at Morgan Territory are especially important. Many park visitors are aware of the prehistoric archaeological sites within this park. It would be especially useful if these park employees had some cultural resources training. These trainings would reinforce the District’s cultural resources policy, provide procedures on what to do / who to notify about unofficial trails to archaeological sites, artifact collection or damage to a site (either natural or cultural).

This type of training is important not only for park rangers and interpretive staff, but also for maintenance workers. Many of the archaeological sites within Morgan Territory are bounded by or are intersected currently used trails / roads. Furthermore, there is a high possibility that more archaeological sites exist within the park than have been identified. District employees carrying out maintenance tasks such as trail grading or brush clearing should be aware of the cultural resources within the park. They should know what the District policies are and who to contact in case they come across a newly identified resource.
**Recommendation #6 – Update the District’s Artifact Accessioning Program**

Shannon advised that by implementing EBRPD’s Artifact Accessioning Program would only “exacerbate the problem the District already faces of being unable to provide adequate curation facilities for its existing collections” (Shannon 1990:57). In addition, “the untrained collector may inadvertently destroy the information he is trying to protect” (Shannon 1990:57). Shannon also pointed out that the District’s encouragement of artifact field collection was in direct opposition to the District’s policy to preserve cultural resources “in situ” and to sections 806 and 807 of Ordinance 38 (Shannon 1990:56) (see Chapter 4 for details on Ordinance 38). Shannon recommended the District revise this program to reflect its policy of preserving resources “in situ” (Shannon 1990:88). The District still maintains Artifact and Photograph Accessioning Procedures (2005) that encourages artifact collection.

Artifact provenience is extremely important and provides valuable data. Unless under the supervision of or directed by a cultural resources specialist, artifacts should be left in place. There may be instances where a District employee may find it necessary to remove an artifact from its original location. For example, a District employee may find an artifact that may be too sensitive to leave on site, either because of looting or because of natural erosion factors. However, it would be helpful if the District had a cultural resources manager on staff that District employees can contact regarding such issues. There will still also be occasions when a park visitor will come across an artifact. Park visitors will often bring their finds to a park employee. The cultural resources specialist should provide guidelines to District employees if this occurs. If a District employee finds an artifact, guidelines similar to those that Shannon provides should be put in place (Shannon 1990:86-87). If implemented, training sessions either specifically on or
including a section regarding artifact finds could be held (see recommendation #4 for information on training sessions).

Currently, the artifacts that the District has accessioned into its archives are held in fireproof containers that are temporarily housed at Black Diamond Mines under the supervision of the supervising naturalist who performs curatorial duties in addition to her primary responsibilities. The District may also create a central repository that can be accessed by Native Americans and scholars. The cultural resources manager would also in part, be responsible for overseeing this repository. Access to this repository would be restricted and the District may need to think about access guidelines and procedures.

**Recommendation #7 – Update the Cultural Atlas**

Geographic Information Systems (GIS) is a valuable tool and is something the District might continue to use. In some instances, however, the Cultural Atlas contains incomplete data about cultural resources. This may be problematic when trying to manage cultural resources. A cultural resources specialist familiar with GIS may be able to assist the District’s Planning and Stewardship Department with the on-going development of the Cultural Atlas. For instance, the cultural resources specialist could help to identify certain variables, such as unofficial trails, that should be mapped in GIS as well. This partnership could result in the development of an efficient and even more complete management tool.

**Morgan Territory Site Sensitivity Model**

It is very likely that there are unrecorded archaeological resources within the park boundaries. A very small percentage of Morgan Territory Regional Preserve has been surveyed. Using data from known resources in conjunction with environmental variables
(e.g., geology, hydrology, elevation, vegetation, soils) it is possible to identify areas within the park that may have a higher possibility of containing cultural resources. This knowledge may assist with park planning in the future.

**Recommendation #8 – Create a Formal Project Review Process**

A formal system of project review would help to ensure that cultural resources are not damaged or negatively impacted by a planned District project. These projects may range from day to day operations such as trail grading or maintenance or larger projects such as the building of new facilities or acquisition of new land. This system, designed under the guidance of the cultural resource specialist, would include examining the Cultural Atlas and determining the affects of a planned project on cultural resources. Native American monitoring and consultation should be incorporated into the project review process.

**Buffer Zones**

To protect cultural resources, the District has created buffer zones around “each known site” (EBRPD 2007:35). Buffer zones have a minimum of 50 ft. around site boundaries to ensure encroachment will not desecrate burials or damage artifacts (EBRPD 2007:35). This current policy however, does not address the problem of resources that do not have defined site boundaries (Shannon 1990:57). As Shannon states:

If site boundaries cannot be accurately determined, then proper placement of protective buffer zones will likewise be difficult to establish. Definition of archaeological boundaries generally is a complex process requiring professional
archaeological input in part because sites cannot always be identified on the basis of surface evidence alone [Shannon 1990:57].

In order to make their current buffer zone policy truly effective, the District could consider having resources with incomplete site boundaries fully recording using the Department of Parks and Recreation 523 series forms. Meanwhile, the District might consider using a buffer of 150 ft. around resources that do have a defined site boundary.

*Morgan Territory*

A formal system of project review would be especially beneficial to Morgan Territory. The District may not currently intend to proceed with any large-scale projects within this park. However, many general maintenance and routine park operations, such as trail grading and fence-line improvements may adversely impact a site. Many of the roads intersect prehistoric resources, lithic scatters have been noted in the road bed and prehistoric sites may also be bound by or adjacent to roads / trails. For instance, Fentress (2010) recommended that grading along the Coyote Trail within Morgan Territory be monitored for the presence of Native American cultural material due to the trail’s proximity to an archaeological site. As only a small portion of Morgan Territory has been surveyed and there is a high potential for unidentified resources within the park it is integral that project review be instated.

**Recommendation #9 - Possible and Newly Discovered Resources at Morgan Territory**

Based upon its long history of continued use, there is a high possibility that there are more cultural resources present in Morgan Territory than have been identified. Per the District’s current policy, if a cultural resource is discovered “during park development or maintenance activities, stop all work within 100 feet of the discovery”
At this point, the District could consider amending this policy to state that cultural resources specialist should be contacted to assess the situation. The cultural resources specialist will work in conjunction with the District to determine the course of action.

**Recommendation #10 – Consider Modern / Scientific Management Practices and the Data Potential of Cultural Resources**

While the District’s current policy is “preserve and protect” cultural resources, it also a concurrent policy to allow natural processes to occur, without engineered intervention to “protect” the site (EBRPD 2006:24; EBRPD 2007:35). Allowing the loss of a site, even through what may be considered natural processes, is a loss of possibly invaluable data. The District might consider applying an active model of management towards cultural resources as it does with its natural resources. As part of their erosion policy, the District states that it will “identify existing and potential erosion problems and take corrective measures to repair damage and mitigate causative effects” (EBRPD 1996:23). The District’s park wildlands management policy is to use “modern resource management practices based on scientific principles support by available research. New scientific information will be incorporated into the planning and implementation of District wildland management programs as it becomes available” (EBRPD 1996:24). The same principles of using “modern resource management practices” can be incorporated into “planning and implementation of” the District’s cultural resources management strategies.
Data Potential

The preservation of cultural resources is not solely about retaining their inherent value. The preservation of cultural resources is also about the preservation of data. This is also why emphasis is placed on preserving cultural resources “in situ”. Provenience data provides important spatial temporal data about artifacts, features and sites. Collecting these types of data allows archaeologists, to learn more about site distribution temporally. Archaeological sites also yield other important types of information that need to be recorded in order for it to contribute to the overall archaeological record. Data preservation is extremely important. As technology within the field grows, archaeologists are able to extract more data from resources.

Morgan Territory

Public knowledge and access to prehistoric resources might impact the data that archaeologists may be able to obtain in the near future from these sites. Members of the public have taken to “daylighting” bedrock mortar sites. The term daylighting refers to the clearing or scooping out the debris inside a mortar cup. This daylighting process may be detrimental to the preservation of data at these milling features. Archaeologists are currently using technology to test for organic residues absorbed by milling tools (Buonasera 2007; Park 1996). Milling sites can provide data about settlement, subsistence, technology and social patterns about the people that inhabited these sites. A constructive public education and interpretive program would assist with educating the public about these sites and may deter visitors from damaging these sites (see recommendation 11).
Recommendation #11 – Consult with Native Americans

The District acknowledges that as a dominant land owning agency in the San Francisco Bay Area region, it is in the position of owning land that once fell within the territories of the Ohlone, Northern Valley Yokuts and the Bay Miwok. It has under its control “some of the region’s best remaining village sites, burial mounds, and natural areas where traditional ceremonial gatherings once occurred” (EBRPD 2007:38). The District recognizes the importance of having respect for cultural and religious rights of the local Native American communities. Its Park Operations Guidelines (2007) state that regional park staff will consult with the most likely descendent(s) recommended by the California Native American Heritage Commission especially on all these following matters:

- Confidentiality of certain sites and how to decide which sites are appropriate to interpret, and how to involve descendants in telling the Ohlone, Bay Miwok, and Northern Valley Yokuts’ story
- How to comply with the wishes of local descendants on matters of religious and cultural beliefs
- How to manage the protection and the dignified re-interment of human remains and other personal items associated with burials
- How to protect, preserve, catalog, and present for educational purposes any appropriate artifacts found on District parklands
- How, if, and when any scientific inquiry is appropriate or advisable at the site or involving any disturbed human remains or features [EBRPD 2007:36].

To do this effectively, the District may consider creating a consultation program with the local Native American community. The cultural resources specialist, possibly in
partnership with both the Planning and Stewardship Department and the Operations Department will create this consultation program. A good relationship between both the District and the local Native American community is beneficial to both parties. Creating a strong relationship with the local Native American community may ultimately help with effective cultural resources management. At the same time, the District can assist the local Native American community by really fulfilling some of its obligations as laid out in Park Operations Guidelines (2007).

**Morgan Territory**

Native American consultation is especially important at Morgan Territory. As many of the prehistoric site locations at Morgan Territory have been publicized, Native American input on this issue is necessary. Part of the District’s guidelines include maintaining the “confidentiality of certain sites and how to decide which sites are appropriate to interpret, and how to involve descendants in telling the Ohlone, Bay Miwok, and Northern Valley Yokuts’ story” (EBRPD 2007:36). The District might consider working in close consultation with the local Native American community to identify what sites may possibly be used for structured public education and interpretive programs at this point. There may be other sites that the local Native Americans feels are off-limits to the public. As stated in the District’s own guidelines, the wishes of the Ohlone, Bay Miwok and Northern Valley Yokuts descendents should be respected.

**Recommendation #12 – Create Public Education and Interpretive Programs at Morgan Territory**

As discussed in Chapter 2, Morgan Territory is a complex landscape that has a long history of cultural use and modifications. As a landscape, it can hold multiple
meanings and be experienced and perceived differently by individual park users. Many of the site locations with its boundaries have already been made public. The District may consider instituting a strong public education and interpretive program at this park. The District already uses such programs at Coyote Hills, Black Diamond Mines, Ardenwood Farm and Dry Creek / Garin Regional Pioneer Parks. There is already a wide public awareness about and interest in the cultural resources within Morgan Territory. The District may find that a strong public education and interpretive program actually helps to protect the resources. The District might consider creating these programs in consultation with the local Native American community (see recommendation #10).

**Recommendation #13 – Use Site Monitoring Programs at Morgan Territory**

The District could implement a site monitoring program at Morgan Territory. Volunteer site stewards can assist with monitoring sites. This monitoring can help the District study the impacts of public access and knowledge to sites within the park.

The California Archaeological Site Stewardship Program (CASSP) is an option that the District may consider (CASSP 2011). CASSP works with agencies in order to organize and train groups of local volunteers to be site stewards and monitor sites. After the CASSP training, the volunteers work under the supervision of the agency archaeologist to continue monitoring sites. The District does not have to use CASSP specifically and may decide to develop its own site monitoring program. However, CASSP is an already developed, professional program. With the amount of public interest in the cultural resources at Morgan Territory, there is a great opportunity to organize a site stewardship program here. This program should also be developed in consultation with the local native community (see recommendation #10).
Recommendation #14 – Record Cultural Resources

As discussed in Recommendation 6, much of these data within the District’s Cultural Atlas are incomplete. The District may consider fully documenting cultural resources using the Department of Parks and Recreation 523 series forms. Fully documenting cultural resources assists with site monitoring. It will also enable the District to manage resources in a more effective manner (see also Recommendations 6, 7 and 9).

Registers

The District’s current cultural resources policy includes evaluating significant cultural and historic sites to determine if they “should be nominated” to a state or federal register (EBRPD 1996:24). In order to determine whether or not a resource is significant and should be nominated to a state or federal register it must be: 1) identified 2) recorded and 3) evaluated. Nominating sites to a register may be thought of as a type of management tool. The identification and recording of sites is also an important part of the process. Moreover, placing a site on to a register (e.g., National Register of Historic Places) does not guarantee the preservation of the site (see Chapter 5 for a background of cultural resources management laws). Placement on registers ensures a process that takes into account the affect an project has on cultural resources.

Buffer Zones

Recommendation 7 discusses implementing a formal project review process and District’s use of buffer zones. The buffer zone is a well thought out and commonly used concept. However, in order for it to be fully effective, the boundary of a site’s boundary
must be defined. In order to implement this policy, the District may want to consider making the recording of sites using DPR 523 series forms a priority.

*Cultural Atlas*

As mentioned in Recommendation 6, the District’s cultural resources data in the Cultural Atlas database is often incomplete. The database is only as good as data entered into it. The more complete and accurate the site record data are the more useful and affective the Cultural Atlas is as a data management tool. Fully recording sites will only add to the Cultural Atlas database making it a stronger management tool.

*Morgan Territory*

The District could continue recording (using Department of Parks and Recreation 523 series forms) the rest of the sites within Morgan Territory listed in Benney’s (2006) publication. Recording the archaeological sites within Morgan Territory will provide important baseline data that the District will be able to use to monitor the effects of public knowledge of and access to these sites. The District is dedicated to scientific methods used to manage natural resources. Site recording is part of the scientific method that assists the management of cultural resources.
**Recommendation #15 – Manage Morgan Territory as a Cultural Landscape**

A cultural landscape approach to managing Morgan Territory emphasizes the role that both natural and cultural processes play in its function as a landscape (see Chapter 2 for discussion of landscape theory) (Waghorn 2002:195). Morgan Territory is a complex and dynamic landscape that has evolved over time. Management decisions about this landscape might take into account its cultural and natural histories. Contemporary park users continue to experience and perceive this landscape while they, in turn, shape it. The cultural resources specialist with the District’s Planning and Stewardship Department might also consider how park user’s value this landscape and continue to contribute to its cultural modification.

**Recommendation #16 – Provide Funding / Resources for Further Studies and Research for Morgan Territory Regional Preserve**

The following studies might be useful in the continued management of Morgan Territory Regional Preserve.

**User Profiles**

The District emphasizes its role as a public service agency. It may consider conducting a study of the various types of individuals that use this landscape and how they value it, which may include but is not limited to as a hiker, bicyclists, equestrian, a native Californian or even as an vocational archaeologist. Understanding how park visitors value this landscape can assist with the District’s holistic landscape management practices. It can also identify any conflicting values in terms of how this landscape is being used by different groups. This can expose potential conflicts between user groups. It will enable the District to efficiently address any and all conflicts.
Unofficial Trails

The District may want to monitor the creation of or use of any unofficial trails within Morgan Territory. These may be mapped in the Cultural Atlas. Unofficial trails and nearby cultural resources could then be monitored. This analysis will provide the District with data on how cultural resources are being impacted by public access.

Cattle Grazing

Portions of Morgan Territory are used for cattle grazing. The District might consider studying the effects of cattle grazing on archaeological sites. Shannon also recommended monitoring the effects of cattle grazing in or near prehistoric archaeological sites (Shannon 1990:61). In addition, the District might use a site sensitivity model (as discussed in Recommendation 6), to identify areas within the park that are less likely to contain cultural resources. The District may consider using these areas for cattle grazing.

Recommendation #17 – Proactively Manage Sensitive Sites at Morgan Territory

There may be sites that the District may determine to be too sensitive or are being negatively impacted by public access or knowledge of their locations. The District may determine this on the basis of consultation with the local Native American community (see Recommendation 10) or on an attempt to preserve possible data (see Recommendation 9). The District may consider fully documenting these particular sites and update these records on a regular basis (see Recommendation 13). Further, the District might use certain management strategies to deter public access. These might include but are not limited to: closely monitoring these sites and ensuring that they are recorded on Department of Parks and Recreation 523 series forms and registered at the
Northwest Information Center as well as recording them in the Cultural Atlas, closing trails, placing fencing around sites, planting vegetation such as poison oak or Manzanita, or posting signs that indicate this is a sensitive natural/cultural resource area that is closed to the public. In case of a wildlands fire, areas that contain sensitive cultural sites should not be bulldozed. Fire retardant should not be used in these areas. If a fire were to occur in an area containing cultural resources, a cultural resources manager can assist with detailing proper procedure protocol in these instances.

Recommendation #18 – Cooperate with other Agencies

As part of the District’s system-wide plan to “create strategies for land use, facilities, services, programs, and resource management” and in order to avoid duplications of efforts and “to make planning more efficient” the District “uses plans adopted by other agencies, as appropriate” (EBRPD 1997:55). These agencies include “owners of lands that the District operates, members of joint agencies, or higher authorities such as the state and federal governments” (EBRPD 1997:55). In keeping with this policy, District should coordinate with the Contra Costa Water District (CCWD) to manage.

Morgan Territory

P-07-000330 was recorded during the Los Vaqueros Watershed Project and is a contributing element to a District on the NRHP. Contra Costa Water District currently has a cultural resources management plan for the Los Vaqueros Project. The management plan (Praetzellis 1999), specifically points out the proximity of Morgan Territory Regional Preserve’s staging area and an access trail to be a “direct impact” to this site, providing hikers’ and other members of the public easy access to the site.
(Praetzellis 1999:4-6). The location of this site has since been made public and special attention has been given to this site.

The District and the CCWD should review the Recreation Historic Property Treatment Plan (HTPT), which provides recommendations on how to mitigate adverse impacts to this site. This cultural resources management plan has been on file with the CCWD since 1999. Both agencies should take joint responsibility in management of this site and use the guidelines set forth in the Los Vaqueros Management Plan to mitigate the adverse impacts to this site.
CONCLUSION

The main goal of this study was a simple one: to help the District manage a "priceless heritage of natural and cultural resource" at Morgan Territory Regional Preserve (EBRPD 1996:9). McCreery (2010) was correct to title her book *Living Landscape*, which chronicles the growth of the East Bay Regional Park District. The District does not manage just park units but of living landscapes that are comprised of a rich cultural history. By understanding Morgan Territory as an evolving, cultural landscape will aid in the overall management of all of its resources. There is a keen public awareness of this park and of its prehistoric resources. This should perhaps not be seen as a problem but rather as an opportunity that the District can take advantage of. With structured interpretive, public education and consultation programs Morgan Territory can provide a platform to mend relations with Native Americans, engage the public in a positive way and preserve the "priceless heritage" Morgan Territory contains.

The success of a cultural resources management plan depends largely upon its implementation. Cultural resources management plans, like landscapes, should not be considered as static documents. The provided recommendations are merely represent a starting point for the management of cultural resources.
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