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January 26, 2017

Mayor and Council Members,

The Main and Maple project should not be considered prior to preparation of an Environmental Impact Report.

Don't you want to know whether this project will be built on a Native American burial site before you consider approval of the project?

One of the purposes of an EIR is to provide the decision makers with information. I believe the law requires cultural resources to be evaluated in an EIR where it could be fairly argued on the basis of substantial evidence that the project may have significant impacts on cultural resources (*Friends of "B" Street v. City of Hayward*, 106 Cal.App. 3d 988, 1001, 165 Cal.Rptr. 514).

Here is my argument that there is substantial evidence that the Maple and Main project may have a significant impact on cultural resources.

The historical record shows Sulphur Creek regularly flooded our downtown, resulting in a pond or lake that covered more or less of the downtown, depending on the amount of rainfall. I have submitted four photographs of the B Street flood of 1942. Old timers I have spoken with over the years have told me that the downtown flooded regularly until 1962 when the bulk of Sulphur Creek was diverted at Second Street in a pipe that took it down Second Street to dump into the San Lorenzo Creek under the bridge at Second and City Center.

Pat McKeever is quoted in Sandoval's Rancho book at page 58 that the annual winter pond/lake provided first class duck hunting. William Hayward and Leander Linekin also discussed the fine duck hunting behind Linekin's Main Street store at a meeting of the town council in early October 1881 that was reported in the *Haywards Journal* edition of October 8, 1881 at page 3.

The pond/lake is probably a sag pond, as it is very near the Hayward Fault. The pond/lake would have been larger or smaller depending upon the amount of the seasonal rainfall.

During the heavy rainy seasons the pond or lake extended from Second Street to Main Street and Levine Court/Russell Way to past C Street and E Street. The 1878 map that I submitted with this letter shows in blue the creek running through town and what I imagine was the extent of the pond/lake and the red dots show the approximate locations of found Native American remains as detailed in the attached one page synopsis of the historical record.

Sites of Native American burials in the vicinity of the Maple and Main project, compiled and submitted by Frank Goulart.

B Street

A number of Indian Bones were unearthed in 1894 sewer excavation on B Street.¹

On page 58 of his Rancho book, Sandoval cites that native American bones had been found on Adam May's property.² Fenton placed the location of Adam May's Meat Shop on B Street across the street from the Eggert Building.³

Main Street Area

On page 58 of his Rancho book, Sandoval cites to a March 1878 article in the *Haywards Journal* describing bones of a female native American found on the Main Street property of Thomas Armstrong.⁴ The records for 1878 show that Thomas Armstrong owned Lots 13 and 14 in Block 13, roughly where Domino's is today.⁵

Indian warrior bones found in the trench for the sewer on Main Street between B and A in 1894. Leander Linekin remarked that he had dug up six of them when fixing his sidewalk.⁶

A Street

Also on page 58, Sandoval continues that native American bones had been found on the property of George Baxter.⁷ The records for 1878 show that George Baxter owned Lots 25 and 26 in Block 29, roughly where the thrift store is on A near Main.⁸

Maple Court

Bones of a teenage female Indian and an adult male Indian were found on Maple Court by the city street department workmen, documented by the *Daily Review* on March 22, 1959 with a captioned picture of James Davis, 27222 Capri Avenue, Hayward, a University of California Archaeologist taking a photograph of the bones, with the water department foreman and a public works department member.⁹

¹ George A. Oakes, "Scraps," *Haywards Journal*, February 17, 1894, page 3, FG Index p.245

² John S. Sandoval, *The Rancho of Don Guillermo, Volume I The Early Years: 1843-1890*, Mt Eden Historical Publishers, 1991.

³ Banning Fenton, *Hayward, The Heart of the Bay*, Heritage Media Corp., 2002, page 70.

⁴ Sandoval

⁵ Town of Hayward Official tax records for 1878, HAHS.

⁶ George A. Oakes, "Indian Relics", *Haywards Journal*, August 11, 1894, page 3, FG Index p.20

⁷ Sandoval

⁸ Town of Hayward Official tax records for 1878, HAHS.

⁹ *Daily Review*, March 23, 1959, HAHS Blue Oversize Clipping Scrapbook, page 86 with picture.

away with the good wishes of
The Gold Medal crosses will be given



DEM BONES . . . James Davis, 27222 Capri Ave., Hayward, University of California archeologist, photographs bones of teenage girl and adult male Indians found yesterday on Maple Ct. in Hayward by city street department workmen. Davis said the bones, of the Costonoan tribal group, could date anywhere from 1500 B.C. to 1000 A.D. Looking on is Bill Williford, water department foreman, and Jane Barnes of Public Works. —Review Photo

Pollutant Measure 'Inadequate'

The "yardstick" used to measure the amount of pollutants from industrial smokestacks is "inadequate," industrial leaders told Bay Area Pollution Control Advisory Council.

In a session preliminary to public

hearings, industrial spokesmen said "the Ringelmann Chart is inadequate . . . to measure the amount of pollutants discharged into the air by industrial smokestacks."

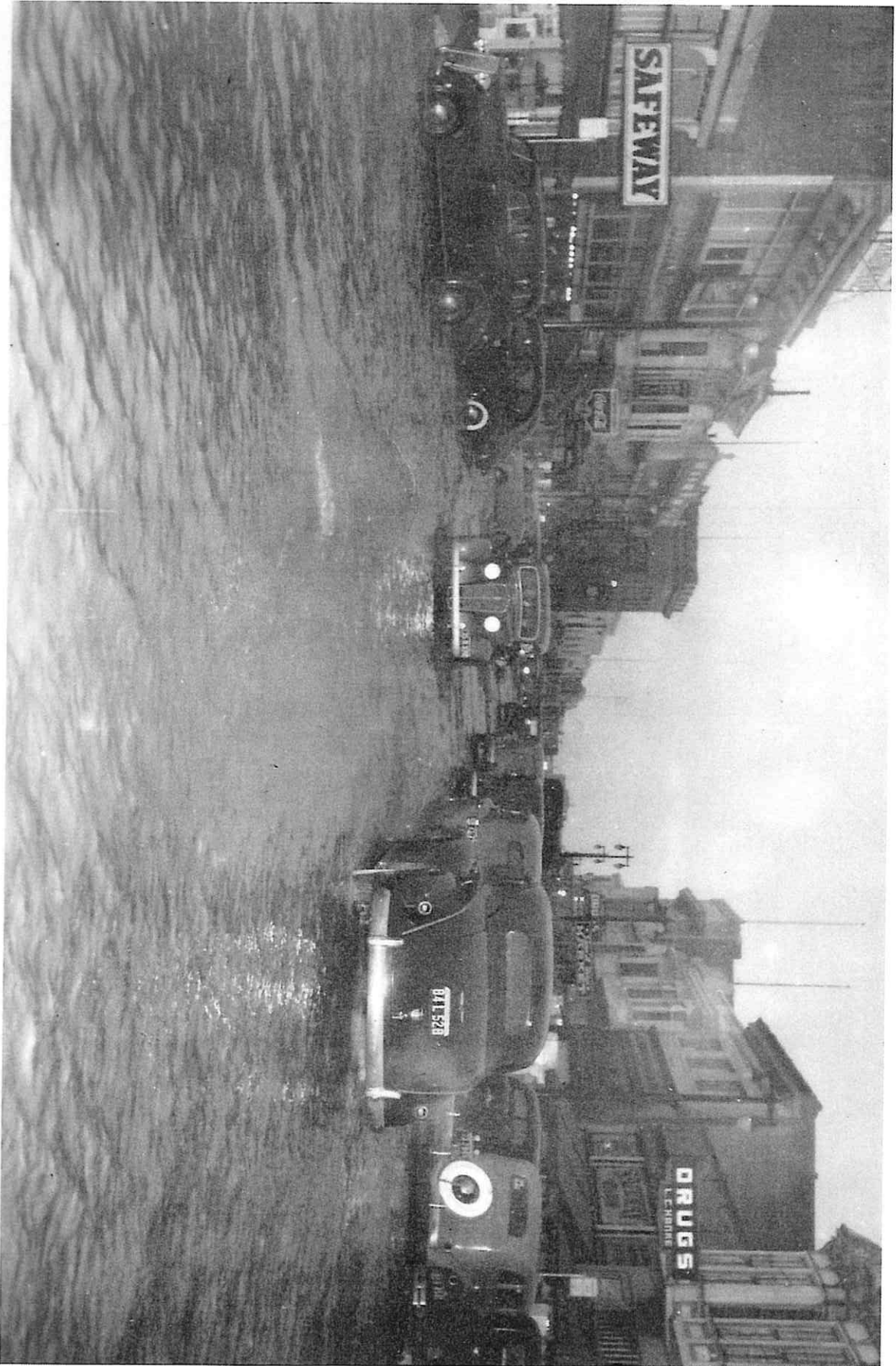
The session precedes hearing on Regulation 2, which will regulate emissions from incinerators, heating and power plants.

Paul Arnold of U. S. Pipe and

Foundry's plant in Decoto, said the Ringelmann Chart "developed to measure pollutants in black smoke is meaningless in determining the amounts of similar emissions in plumes of light smoke discharged from stacks in Bay Area plants."

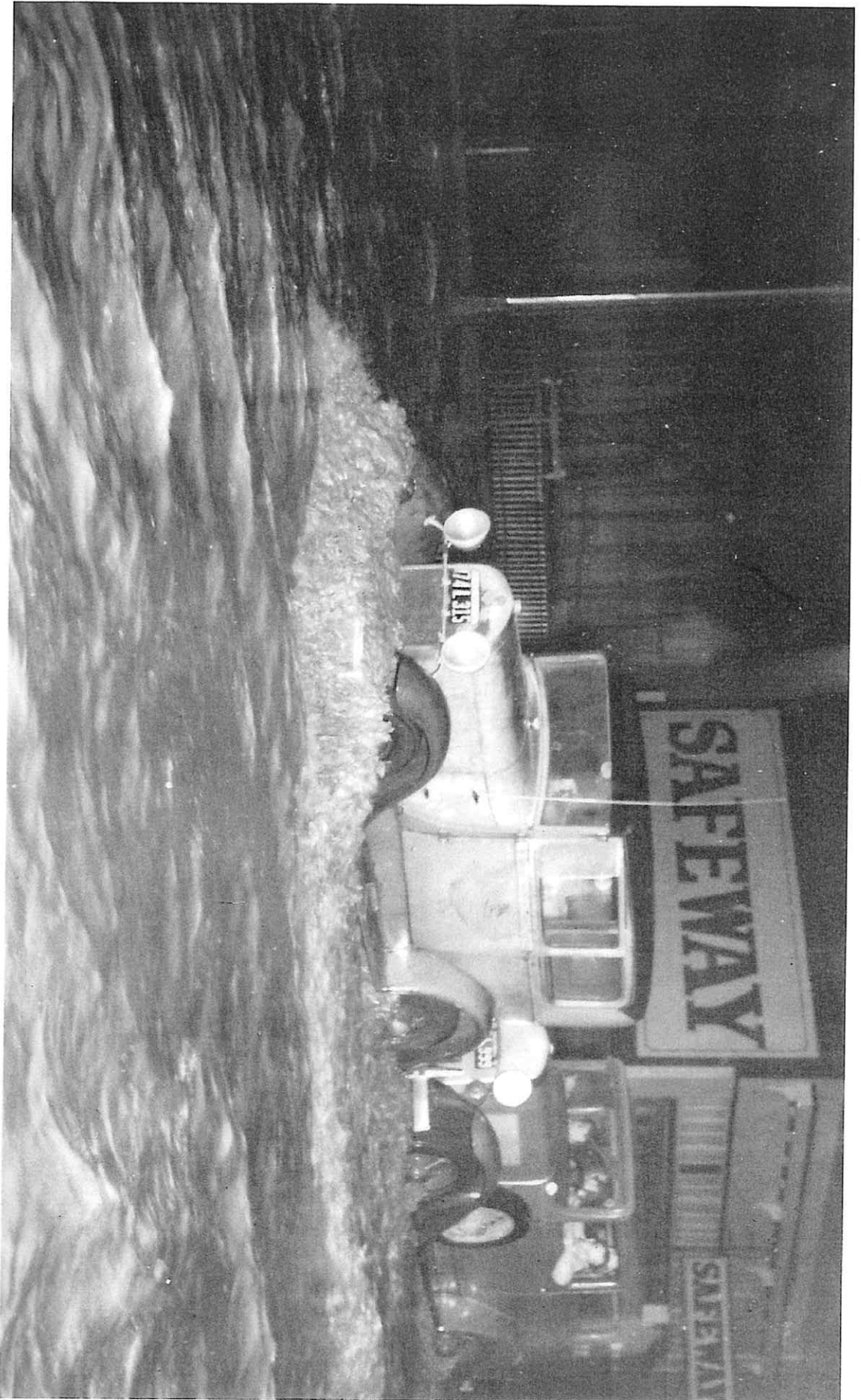
The next preliminary session will be held at 4 p.m. Wednesday in San Francisco.





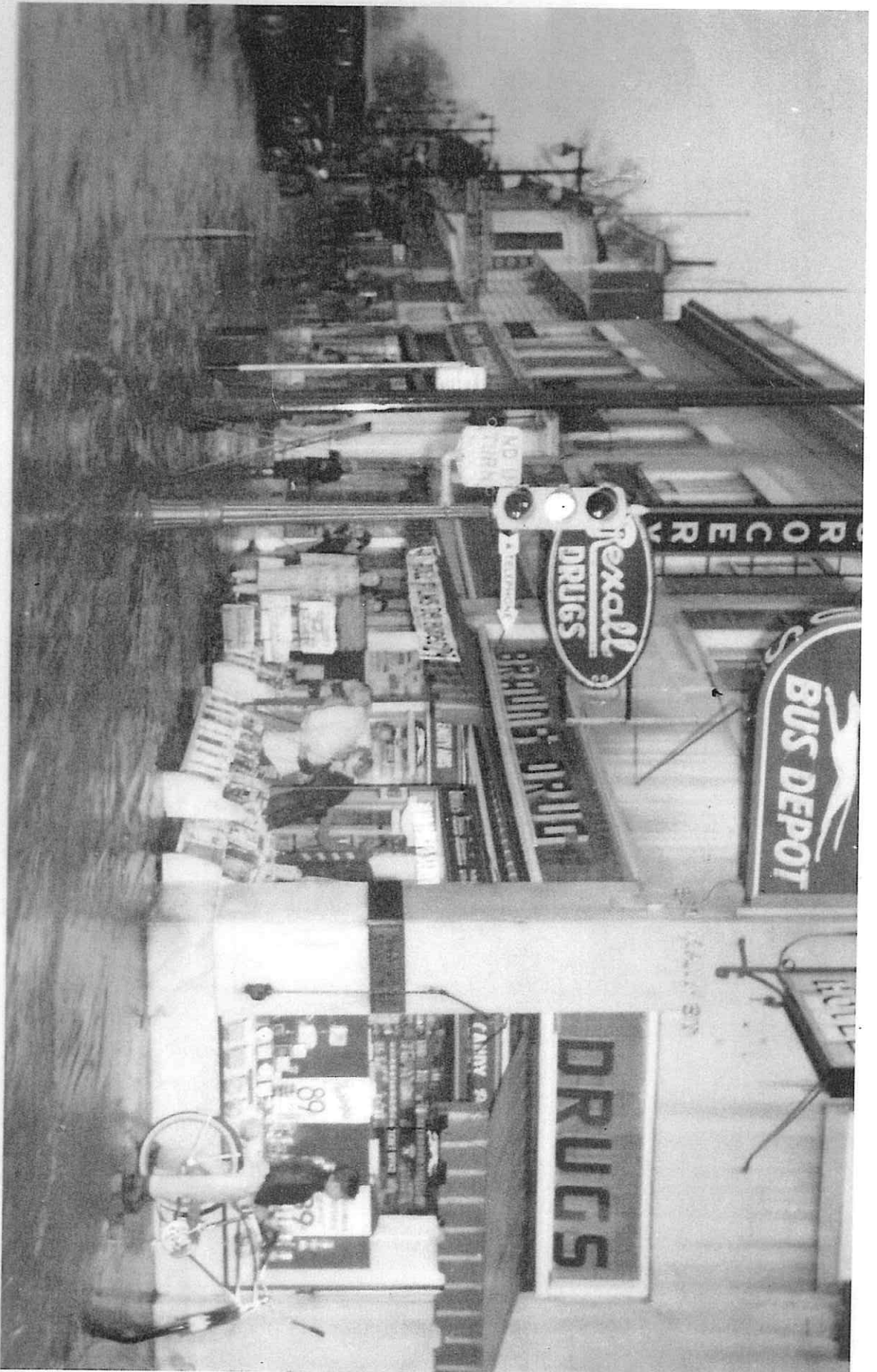
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Hayward
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Historical
Society

Upper B Street
79.033.2499




Hayward
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Upper B Street
79.033.2498



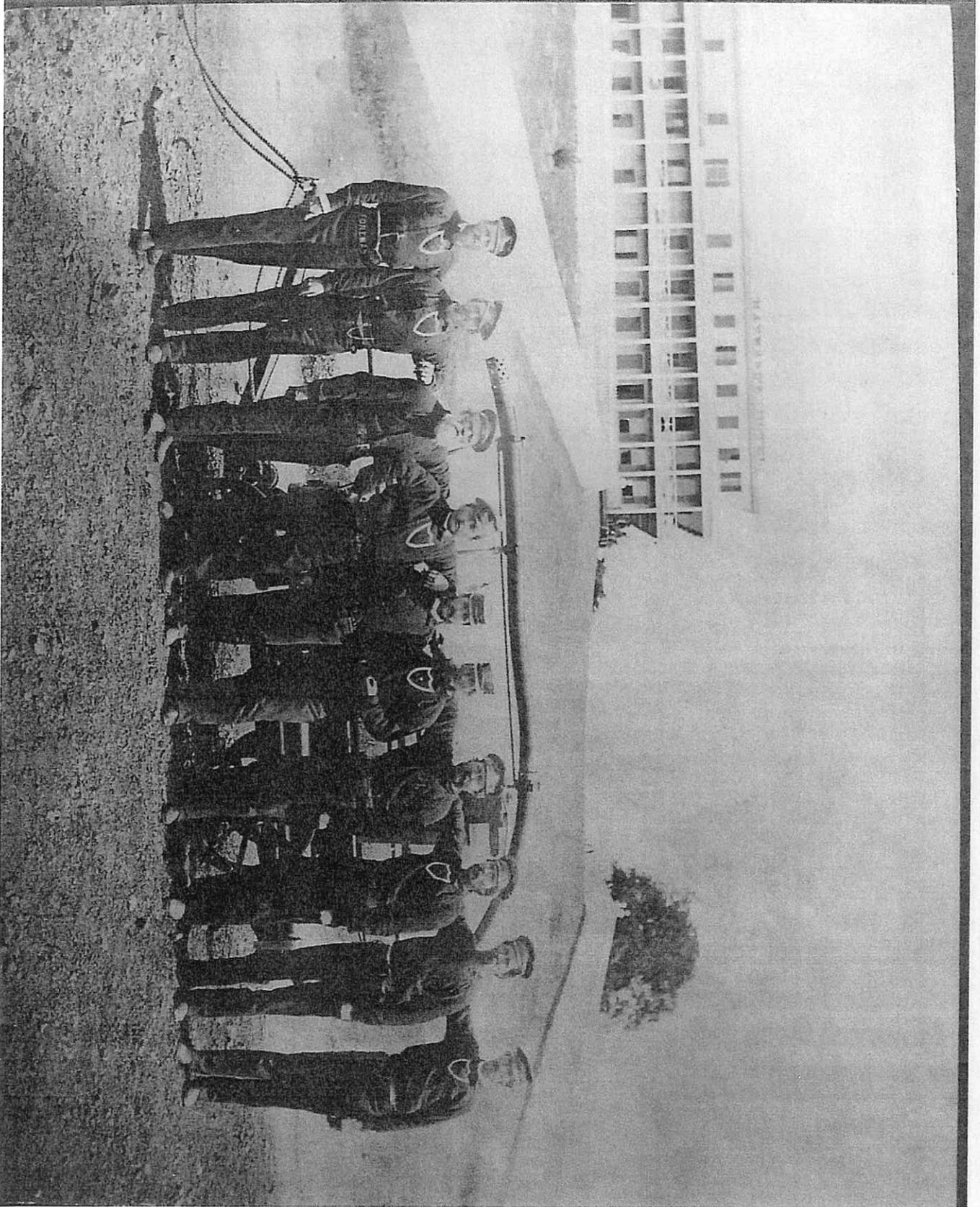
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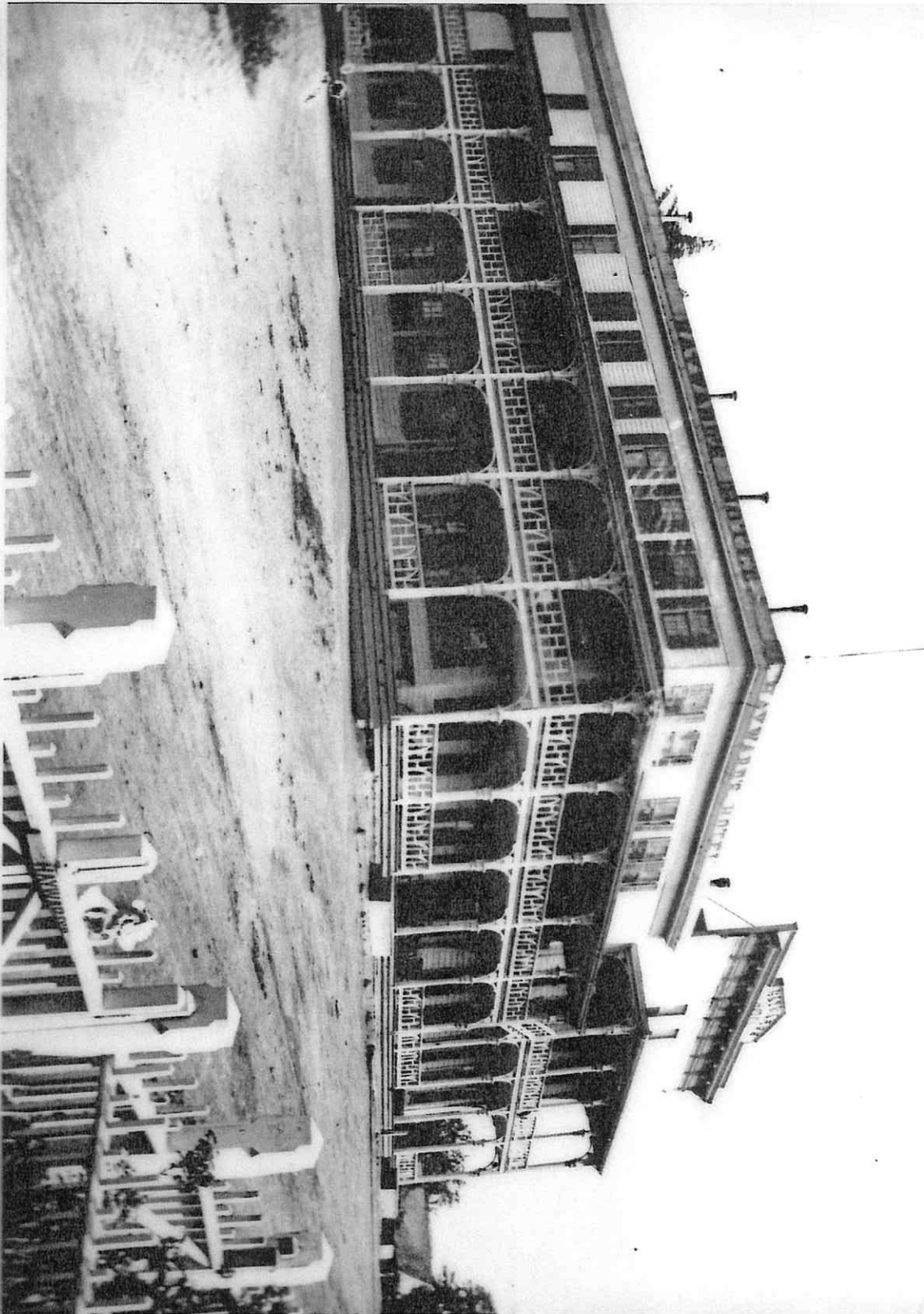
Green Shutter, corner of B & Main
79.033.2497



Hayward
Area
Historical
Society

Looking toward C Street from the corner of B & Main
79.033.2496





 Hayward
Area
Historical
Society

Hayward's Hotel
79.033.1560



