

5. Environmental Analysis

5.3 CULTURAL AND PALEONTOLOGICAL RESOURCES

This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for implementation of the Beach Boulevard Specific Plan (Proposed Project) to impact cultural and paleontological resources in the City of Anaheim. This section discusses regulatory background and policies from several jurisdictional agencies; the City's standards, policies, and project design features; existing cultural resource conditions throughout the Project Area; and possible environmental impacts that may occur during implementation of the Proposed Project.

5.3.1 Cultural Resources

5.3.1.1 ENVIRONMENTAL SETTING

Regulatory Background

Federal and State Regulations

National Historic Preservation Act

The National Historic Preservation Act of 1966 coordinates public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The act authorized the National Register of Historic Places, which lists districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture.

Code of Federal Regulations, Title 36, Chapter I, Part 60

The National Register of Historic Places (NRHP) is the nation's official list of buildings, structures, objects, sites, and districts worthy of preservation because of their significance in American history, architecture, archeology, engineering, and culture. The NRHP recognizes resources of local, state and national significance which have been documented and evaluated according to uniform standards and criteria.

Properties are nominated to the NRHP by the State Historic Preservation Officer of the state in which the property is located, by the Federal Preservation Officer for properties under federal ownership or control, or by the Tribal Historic Preservation Officer if a property is on tribal lands.

Any individual or group may prepare a NRHP nomination and thorough documentation of physical appearance and historic significance of the property is required. In California, completed nominations are submitted to the Office of Historic Preservation (OHP). After an application has been reviewed by OHP staff, it is submitted to the State Historical Resources Commission (SHRC) to determine whether or not the property meets criteria for evaluation, and the SHRC makes a recommendation to the Preservation Officer to approve or disapprove the designation.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites on federal and Indian lands.

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Native American Graves Protection and Repatriation Act

NAGPRA is a federal law passed in 1990 that mandates museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants or culturally affiliated Indian tribes.

California Public Resources Code

Archaeological and historical sites are protected under a wide variety of state policies and regulations in the California Public Resources Code (PRC). In addition, cultural and paleontological resources are recognized as nonrenewable resources and receive protection under the PRC and CEQA.

PRC Sections 5020 to 5029.5 continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission. The commission oversees the administration of the California Register of Historical Resources and is responsible for designating State Historical Landmarks and Historical Points of Interest. The California Register of Historical Resources (CRHR) is the state version of the NRHP program. The CRHR was enacted in 1992 and became official January 1, 1993. The CRHR was established to serve as an authoritative guide to the state's significant historical and archaeological resources.

Resources that may be eligible for listing include buildings, sites, structures, objects, and historic districts. CEQA identifies a historic resource as a property that is listed on—or eligible for listing on—the NRHP, CRHR, or local registers.

California Historical Landmarks are buildings, structures, sites, or places that have been determined to have statewide historical significance. The resource must be approved for designation by the county board of supervisors or the city/town council in whose jurisdiction it is located; be recommended by the SHRC; and be officially designated by the Director of California State Parks.

California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. Points of Historical Interest designated after December 1997 and recommended by the SHRC are also listed in the CRHR. No historical resource may be designated as both a landmark and a point. If a point is subsequently granted status as a landmark, the point designation is retired.

PRC Sections 5079 to 5079.65 define the functions and duties of the OHP, which administers federal- and state-mandated historic preservation programs in California as well as the California Heritage Fund.

PRC Section 21083.2 requires the lead agency to determine whether the project may have a significant effect on archaeological resources. If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

- (1) Planning construction to avoid archaeological sites.

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- (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 Section 21083.2 (g) and (h) defined the terms of archaeological resources and criteria for significance findings. 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, there is a high probability that it meets any 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; and 3) Is directly associated with a scientifically recognized important prehistoric or historic event or person. Nonunique archaeological resource is defined as an archaeological artifact, object, or site which does not meet these criteria. A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.

Local

City of Anaheim Citywide Historic Preservation Plan

On May 18, 2010, the City Council approved the Citywide Historic Preservation Plan, a list of contributors in the local historic districts, and a complete list of citywide historic structures. This plan provides procedures and criteria for designating historical resources.

The Preservation Plan provides criteria for selecting special properties that merit historic designation. Official designation does not occur until the Planning and Building Director or the City Council certifies at the end of the application process that a building, structure, object, or district meets the criteria for designation. The City of Anaheim has three levels of recognition: 1) Historic Districts; 2) Historically Significant Structures; and 3) List of Structures of Historical Interest.

“Historic Districts” are usually contiguous groups of buildings that are best evaluated together due to their common history and physical characteristics that contribute to the significance of the district.

“Historically Significant Structures” are single properties outside of historic districts that are visually identifiable reminders of the City’s history and the development of its built environment.

The City maintains a “List of Structures of Historical Interest” to track properties outside of existing districts that have been identified by City staff or the public. These properties are simply a part of the City’s record for planning purposes. With further research, many of the properties on the list may be considered eventually for the higher designation of Historically Significant Structure.

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Historic Preservation Program

When the owner of a designated historic property or a potentially historic property (i.e., one included on the Structures of Historical Interest list) applies to the Building Division for a building permit, the property is flagged for consultation with Historic Preservation program staff.

All buildings identified as contributors to historic districts, Qualified Historic Structures in districts, Historically Significant Structures, and buildings on the citywide Structures of Historical Interest list that have been surveyed using a California Department of Parks and Recreation Form 523a require review prior to issuance of a demolition permit by the City's Building Division. The following tasks are required under the demolition review process.

1. File a 60-day "Notice of Intent to Demolish" application with the Anaheim Building Division. Once the application is received, it will be forwarded to the Historic Preservation program staff as well as appropriate organizations and interested individuals.
2. Post a "Notice of Intent to Demolish" on the property.
3. Offer the building to any individual or organization that would relocate and preserve it.

Interested parties have 60 days from the posting date of the "Notice of Intent to Demolish" to develop a plan to preserve the structure either on site or at an appropriate new location. It will be incumbent on the interested party to propose an acceptable alternative to the property owner, which may include purchasing the property and/or structure or moving the structure to another property. If no alternative is identified as being acceptable to the property owner after the 60-day notice period expires, a demolition permit may be issued.

This process is not intended to apply to demolitions ordered by the Building Division Official or Fire Chief of the City of Anaheim to remedy conditions determined to be dangerous to life, health, safety, or property.

Mills Act Program

The Mills Act is a California law enacted in 1972 to encourage historic preservation. It grants local governments the authority to enter into contracts with owners of historic properties who agree to maintain and preserve their property in exchange for a reduction in local property taxes, based on a state formula. The premise of the program is that the City recognizes the extra costs involved in maintaining historic properties and offers an incentive to encourage the purchase and appropriate rehabilitation of historic structures. The program maintains the integrity of historic homes and increases the values of both the property and the surrounding neighborhood. Participation in the Mills Act Program is voluntary, but each contract is automatically passed on to subsequent owners and remains binding on the property.

Historical Setting

Historic resources are defined as buildings, structures, objects, sites and districts of significance in history, archaeology, architecture and culture. These resources are preserved because they provide a link to a region's past as well as a frame of reference for a community.

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According to the Preservation Plan, Anaheim grew fourfold in area between 1953 and 1955 alone. Only 2.2 percent of Anaheim's housing stock (2,169 units) was built before 1939; about 72 percent (over 70,000 units) was built in the 30 years between 1950 and 1979. The annexed portions of the City, which now make up most of its land area, are developed on an entirely different pattern from the original colony, with wider arterial streets, self-contained neighborhoods developed as tracts with curving streets and cul-de-sacs, and multiple centers of commercial activity.

There are six historic districts in the City, two National Register Districts (i.e., Kroeger-Melrose District and Melrose-Backs District) and four local districts designated by the City of Anaheim (i.e., Anaheim Colony, Five Points, Historic Palm, and Hoskins). The Project Area is not identified as a historic district in the Preservation Plan; therefore, regulations and policies concerning historic districts are not applicable to the Proposed Project.

The Project Area does not contain historic structures identified on the Qualified Historic Structures list of the Anaheim Colony Historic District Preservation Plan (revised June 14, 2016) or in the Mills Act properties list (Anaheim 2016).

Archaeological Setting

The City's General Plan indicates that archaeological sites are locations that contain significant evidence of human activity, generally a site defined by a significant accumulation or presence of one or more of the following: food remains, waste from the manufacturing of tools, tools, concentrations or alignments of stones, modification of rock surfaces, unusual discoloration or accumulation of soil, or human skeletal remains.

In the City of Anaheim, most of archaeological sites are known to occur along creek areas, ridgelines, and vistas, where many of these types of landforms exist within the Hill and Canyon Area of the City. One registered site (i.e., CA-Ora-303) is adjacent to SR-91, where artifacts such as manos, hammerstones, choppers, lithic flakes, and some faunal bone were identified.

5.3.1.2 THRESHOLDS OF SIGNIFICANCE

CEQA Guidelines Section 15064.5 provides direction on determining significance of impacts to archaeological and historical resources. Generally, a resource shall be considered "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (CRHR):

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated the with lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

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- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC § 5024.1; California Code of Regulations, Title 14 § 4852)

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- C-1 Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines and/or identified on the Qualified Historic Structures list of the Anaheim Colony Historic District Preservation Plan (April 15, 2010).
- C-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines.
- C-3 Disturb any human remains, including those interred outside of dedicated cemeteries.

The Initial Study, included as Appendix A, substantiates that impacts associated with the following thresholds would be less than significant:

- Threshold C-3

This impact will not be addressed in the following analysis.

5.3.1.3 ENVIRONMENTAL IMPACTS

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.3-1: Implementation of the Proposed Project could impact an unidentified historic resource as defined in Section 15064.5 of the CEQA Guidelines. [Threshold C-1]

Impact Analysis: The Project Area is not identified as one of the six designated historic districts in the City (i.e., Kroeger-Melrose, Melrose-Backs, Anaheim Colony, Five Points, Historic Palm, and Hoskins). Therefore, implementation of the Proposed Project would not affect any of the City's historic districts.

The Project Area also does not contain historic structures identified on the list of the Anaheim List of Historic Structures (revised June 14, 2016), CRHR, or in the Mills Act properties list (OHP 2017; Anaheim 2016). Therefore, implementation of the Proposed Project would not result in adverse impacts to identified historic resources.

The fact that a resource is not listed in the CRHR, not determined to be eligible for listing, or not included in a local register of historical resources does not preclude a lead agency from determining that it may be a historical resource. The Project Area encompasses approximately 283 acres and covers 79 properties with individual APNs. As shown in Figure 5.3-1, *Structures Over 50 Years Old*, there are 53 properties that are over 50 years old in the Project Area. Because these properties have not yet been evaluated for historical significance pursuant to Section 15064.5, future development of these properties could result in inadvertent

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historical resources impact. Therefore, a mitigation measure has been incorporated to reduce potential impacts to previously unidentified historical resources.

Impact 5.3-2: Development of the Proposed Project could impact archaeological resources. [Threshold C-2]

Impact Analysis: Archaeological artifacts have been identified within the City of Anaheim boundaries. Although the Project Area has been previously developed, grading, excavation, or other ground-disturbing activities during construction could damage previously undiscovered archaeological resources. Site-specific impacts cannot be determined until a location is identified for a project. Therefore, a mitigation measure has been incorporated to determine presence/absence of archaeological resources and identify performance standards to reduce impacts when a site is identified as having the potential to affect archeological resources.

5.3.1.4 CUMULATIVE IMPACTS

A project would have a cumulatively considerable impact on historical resources if it contributes to the cumulative loss of historical resources. The City of Anaheim has an inventory of historically significant structures and structures of historical interest and provides protection of these resources through the Citywide Historic Preservation Plan. The Project Area contains numerous properties that are over 50 years old, but these properties are not listed in any of the protected inventory for historical significance. Therefore, implementation of the Proposed Project would not contribute to the cumulative loss of historical resources. Although there are 53 properties in the Project Area that are over 50 year old, they are not part of any recognized historic district, and while they could be eligible for historical resource, implementation of MM CUL-1 would ensure that impacts are reduced to a less than significant level. Therefore, historical resources impacts would not be individually or cumulatively significant.

Cumulative impacts to archaeological resources would occur when the impacts of the Proposed Project, in conjunction with other projects and development in the region, results in multiple and/or cumulative impacts to archaeological resources in the area. Although the Project Area has been previously developed, because it is possible that previously unidentified archaeological artifacts could be present within the area, each future project considered for approval by the City would be required to protect these resources as required under MM CUL-2. The discovery of buried resources within the project site would not contribute cumulatively to potential archaeological resources impacts in the region. Consequently, impacts to tribal cultural resources would not be cumulatively considerable.

5.3.1.5 APPLICABLE REGULATIONS

This analysis assumes compliance with all applicable laws. The following codes, rules, and regulations pertain to historic and archaeological resources and were described in detail in Section 5.3.1.1.

Federal

- National Historic Preservation Act
- Code of Federal Regulations, Title 36, Chapter I, Part 60

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- Archaeological Resources Protection Act
- Native American Graves Protection and Repatriation Act

State

- California Public Resources Code Sections 5020 to 5029.5
- California Public Resources Code Sections 5079–5079.65
- California Public Resources Code Section 21083.2

5.3.1.6 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Without mitigation, these impacts would be **potentially significant**:

- Impact 5.3-1** The Proposed Project could cause a substantial adverse change in the previously unidentified significant historical resources as defined in Section 15064.5 of the CEQA Guidelines.
- Impact 5.3-2** Grading, excavation, and ground disturbance could result in adverse impacts to archaeological resources.

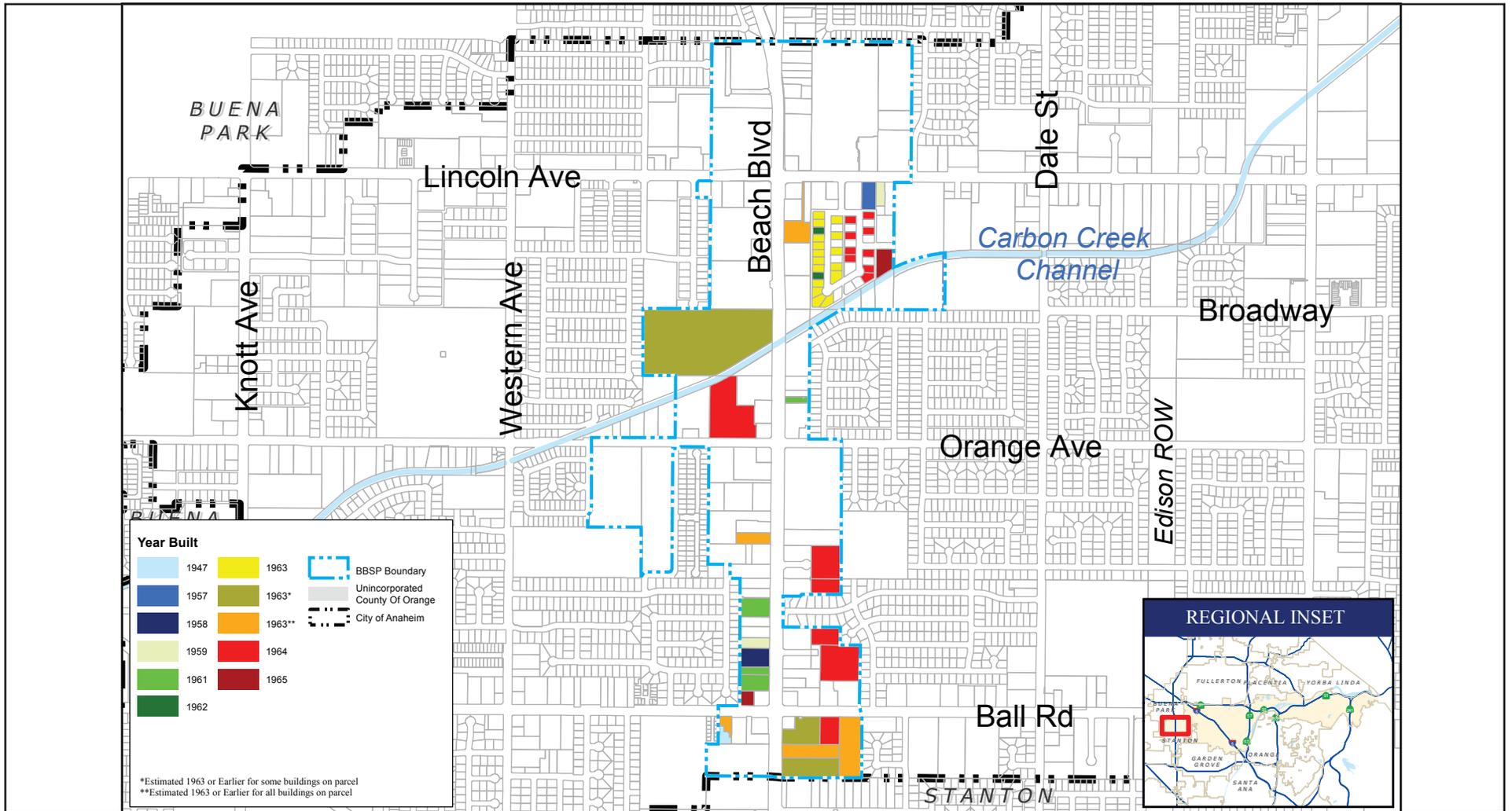
5.3.1.7 MITIGATION MEASURES

Impact 5.3-1

CUL-1 Prior to demolition, the project applicant/developer shall provide documentation of the presence/absence of historic resources for the properties that are 50 years old or over by a qualified historical resources professional meeting the Secretary of the Interior's Professional Qualifications Standards. The criteria for determining the historically significant structures shall meet one or more the following criteria:

1. It strongly represents a significant event or broad patterns of local, regional, or national history.
2. It is associated with the life of a significant person in local, regional, or national history.
3. It is a very good example of a significant architectural style, property type, period, or method of construction; or it represents the work of an architect, designer, engineer, or builder who is locally, regionally, or nationally significant; or it is a significant visual feature of the City.

Figure 5.3-1 - Structures Over 50 Years Old
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0 1,500
Scale (Feet)



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CUL-2 On properties where historically significant resources are identified, a proper documentation meeting the Historic American Building Survey (HABS) Guidelines shall be prepared and implemented, as approved by the qualified historian meeting the Secretary of the Interior's Professional Qualifications Standards. Such documentation shall include drawings, photographs, and written data for each building/structure/element, and provide a detailed mitigation plan, including a monitoring program, recovery, rehabilitation, redesign, relocation, and/or in situ preservation plan.

Impact 5.3-2

CUL-3 Prior to the issuance of any permits allowing ground-disturbing activities that cause excavation to depths greater than current foundations, the project applicant/developer shall retain an archeologist who meets the Secretary of the Interior's Standards for professional archaeology for the project and will be on call during all grading and other significant ground-disturbing activities. The Qualified Archaeologist shall ensure that the following measures are followed for the project.

- Prior to any ground disturbance, the Qualified Archaeologist, or their designee, shall provide a worker environmental awareness protection (WEAP) training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should unanticipated cultural resources be made during construction. Workers will be provided contact information and protocols to follow in the event that inadvertent discoveries are made. The WEAP training can be in the form of a video or PowerPoint presentation. Printed literature (handouts) can accompany the training and can also be given to new workers and contractors to avoid the necessity of continuous training over the course of the project.
- In the event that unanticipated cultural material is encountered during any phase of project construction, all construction work within 50 feet (15 meters) of the find shall cease and the Qualified Archaeologist shall assess the find for importance. Construction activities may continue in other areas. If, in consultation with the appropriate City, the discovery is determined not to be important, work will be permitted to continue in the area.
- If a resource is determined by the Qualified Archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or has a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the Qualified Archaeologist shall coordinate with the applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources, and construction allowed to proceed. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and

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Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment.

- If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis.
- Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit institution with a research interest in the materials, such as the South Central Coastal Information Center at California State University, Fullerton. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes, as determined as appropriate by the City of Anaheim.

5.3.1.8 LEVEL OF SIGNIFICANCE AFTER MITIGATION

The mitigation measures would reduce potential impacts to cultural resources to a level that is less than significant. Therefore, no significant unavoidable adverse impacts to cultural resources have been identified.

5.3.2 Paleontological Resources

5.3.2.1 ENVIRONMENTAL SETTING

Regulatory Background

Paleontological Resources Preservation Act

The Paleontological Resources Preservation Act was enacted as Public Law 111-11, Title VI Subtitle D of the Omnibus Public Land Management Act of 2009 (16 U.S. Code §§ 470aaa–470aaa-11) and directs the Department of Agriculture (U.S. Forest Service) and the Department of the Interior (National Park Service, Bureau of Land Management, Bureau of Reclamation, and Fish and Wildlife Service) to implement comprehensive paleontological resource management programs. The U.S. Forest Service published the Department of Agriculture version of the Preservation Act regulations in the Federal Register in April 2015.

Paleontological Resources Setting

Paleontology is a science dealing with the life of past geological periods as known from fossil remains. It is a natural science closely associated with geology and biology. In geologically diverse California, vertebrate, invertebrate, and plant fossils are usually found in sedimentary and metasedimentary deposits.

The City is mostly built out, and very few areas contain rock outcroppings with potential for presence of fossils. The oldest sedimentary rocks belong to the upper Cretaceous Holz Shale and the Schulz Ranch Member of the Williams Formation. These strata are confined to the southeastern corner of the Hill and Canyon Area in the eastern portion of the City, and no fossils have been reported.

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The Seismic and Geologic Hazards Evaluation for the City's General Plan indicates that the western portions of the City are in the Central Block of the Los Angeles Basin, characterized by the broad alluvial plain area generally mantled by Holocene-age alluvial deposits (up to 11,000 years old) that become increasingly older with depth.

The Project Area and its vicinity have surface deposits that consist of older Quaternary Alluvium and terrace deposits (USGS 2017).

5.3.2.2 THRESHOLDS OF SIGNIFICANCE

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

PA-4 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

5.3.2.3 ENVIRONMENTAL IMPACTS

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.3-3: The Proposed Project could destroy paleontological resources or a unique geologic feature. [Threshold PA-4]

Impact Analysis: Site-specific paleontological resource assessment has not been conducted for the Project Area. Grading, excavation, or other ground-disturbing activities during construction could damage previously undiscovered fossils. Areas are considered potentially sensitive for the presence of paleontological resources based on the underlying geologic formation. The Project Area and its vicinity have surface deposits that consist of older Quaternary Alluvium and terrace deposits, and paleontological resources have been found in these deposits in other areas of Orange County. Therefore, excavation beyond fill materials into the underlying older Quaternary Alluvium, terrace deposits, and older sedimentary deposits could uncover fossil remains. Site-specific geologic formation study and further paleontological investigation is necessary to identify the possibility of unique paleontological resources on a project site within the Project Area. Therefore, a mitigation measure has been incorporated to determine the likelihood of a paleontological resource and ensure that impacts to subsurface paleontological resources are reduced to a less than significant level.

5.3.2.4 CUMULATIVE IMPACTS

The Project Area is already developed with various urban uses, and most of the city is built out. However, because ground disturbance could potentially unearth previously unidentified cultural resources, site-specific impacts would require mitigation measures to minimize impacts to a less than significant level. Provided that site-specific impacts are reduced to a less than significant level, no cumulatively significant impacts are anticipated. No additional mitigation would be necessary.

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5.3.2.5 EXISTING REGULATIONS AND STANDARD CONDITIONS

There are no existing regulations or standard conditions pertaining to paleontological resources.

5.3.2.6 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Without mitigation, these impacts would be **potentially significant**:

- **Impact 5.3-3** The Proposed Project could destroy paleontological resources or a unique geologic feature.

5.3.2.7 MITIGATION MEASURES

Impact 5.3-3

PAL-1 Prior to the beginning of ground disturbances, the project applicant/developer shall provide a study to document the presence/absence of paleontological resources. On properties where resources are identified, the City shall require the project applicant/developer to retain a qualified paleontologist to monitor ground-disturbing activities that occur in deposits that could potentially contain paleontological resources (e.g., older Quaternary Alluvium and terrace deposits and other older sedimentary deposits). Before ground-disturbing activities begin, a qualified paleontologist shall prepare a monitoring plan specifying the frequency, duration, and methods of monitoring. Sediment samples shall be collected in the deposits and processed to determine the small-fossil potential in the project site, and any fossils recovered during mitigation should be deposited in an accredited and permanent scientific institution.

5.3.2.8 LEVEL OF SIGNIFICANCE AFTER MITIGATION

The mitigation measure would reduce potential impacts to paleontological resources to a level that is less than significant. Therefore, no significant unavoidable adverse impacts to paleontological resources have been identified.

5.3.3 References

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