

4.14 CULTURAL RESOURCES

This section summarizes information contained in the following reports which are available for review as outlined in Section 2.5, Review of the Draft EIR: *Cultural Resources Survey and Assessment, Mountain Park, Anaheim, Orange County, California* prepared by LSA Associates, Inc. (2005) (Appendix P); *Historical Resources Compliance Report, Weir Canyon Road/SR 241 Interchange Project, City of Anaheim, County of Orange, California* (Appendix Q); and *Historical Resources Compliance Report, Mountain Park Overcrossing Project, City of Anaheim, County of Orange, California* prepared by LSA Associates, Inc. (2005) (Appendix Q). The *Mountain Park Final Environmental Impact Report No. 302* (March 1991) was also used for analysis of paleontological resources. Specific references used for preparation of these reports are cited in the individual reports.

LSA conducted the cultural resources assessment, which consisted of a records/literature search, consultation with Native Americans, a walkover field survey, and additional historical research. The archival review was conducted on November 19, 2002 at the South Central Coastal Information Center at California State University, Fullerton.

4.14.1 EXISTING CONDITIONS

Physical Setting

The *Cultural Resources Survey and Assessment* prepared for the project (LSA 2005) contains a detailed discussion of the environmental and cultural setting of the project site including: geology and geomorphology; ecology; paleoenvironment; records of the archaeology, ethnography, and history of the site. The project site centers on Gypsum Canyon and several tributary canyons, which occur within the Santa Ana Mountains. This area forms part of the northern end of the Peninsular Range geologic province. Because of the steep topography in this area, some portions of the project site would have been uninhabitable. Coastal sage scrub and lower chaparral habitats predominate in the region. These habitats would have provided many important resources to local prehistoric inhabitants. Thick vegetation occurs in some areas, particularly along north-facing slopes and in narrow canyons. Vegetation is sparser along ridge tops and canyon bottoms, the areas most likely to have been occupied by humans. These factors were considered in developing the research design and methods for the project. The project site has been used for cattle ranching, and several aggregate mines, including the Robertson Ready-Mix facility and the Pacific Clay mine, occur on the project site. Following is a summary of the results of the research conducted for the project relative to cultural resources.

Archaeological Resources

The records search conducted for the proposed project indicated that the project site had been surveyed previous to the LSA study (2005). In total, eight different surveys have been conducted on various portions of the study area; however only the study conducted for FEIR No. 302 included the entire project site. None of these surveys identified any cultural or historic resources within the project site or off-site project areas. Within a half-mile radius beyond the study area, however, previous studies have identified 16 archaeological sites consisting of a bird bath, a historic structure, a canal, rockshelter, bedrock milling, and lithic scatters (refer to Tables 2 and 3 in the Cultural Resources Technical Report, provided as Appendix P to this Draft EIR). Several isolated artifacts were also identified outside of the study area but within a one-half mile radius of it. Consultation of historic maps also identified one building within Gypsum Canyon in 1902 (USGS 1902) and four buildings within Gypsum Canyon in 1950 (USGS 1950).

Native American Heritage Commission (NAHC) files were reviewed, and Native American representatives were contacted as part of the cultural resources assessment¹. Although the NAHC files did not indicate the presence of any traditional cultural properties within the study area, several Native American contacts described the project area as culturally sensitive. One representative indicated that the region contains a sacred site and the remains of a village where ceremonies took place. Based on files maintained by LSA, it was concluded that the sacred site is either the “solstice cave” that was demolished during construction of SR-241, or the “altar stone” located in Weir Canyon (preserved open space), approximately five miles south and west of the project site.

LSA archaeologists conducted pedestrian surveys, covering the development area, off-site project areas, and areas subject to indirect impacts—specifically, the hiking trail extending to the south of the development area. Dr. Scott Pletka supervised the survey of the development area and areas subject to indirect impacts. These surveys occurred between December 2 and December 4, 2002; between December 9 and December 13, 2002; between December 16 and December 18, 2002; and on January 14, 2003 and were conducted by three archaeologists in addition to Dr. Pletka. A survey of off-site areas was conducted on February 3, 2004 by two archaeologists.

The surveyors walked transects spaced no more than ten meters apart and systematically covered all portions of the development area and off-site areas except for those areas in which the brush was impenetrable or the slope of the ground surface was quite steep. Thus, the survey covered ridge tops and flat canyon bottom areas more thoroughly, although signs of human occupation are not particularly likely to be found on the steep, heavily vegetated areas that were not surveyed. From the records search, LSA archaeologists knew that archaeological sites found within the region typically occurred at the top of ridges or in the canyon bottoms.

Although the survey focused primarily on finding surface artifacts, the archaeologists also looked for other evidence of human activities. Such evidence may, of course, be hidden in densely vegetated areas or covered by alluvium. The archaeologists thus inspected road cuts, stream banks, and rodent holes for evidence of buried cultural deposits that might be otherwise unobservable. They also checked bedrock outcrops, looking for bedrock milling features, and visited all accessible rock shelters.

Pedestrian surveys conducted over the project site and off-site project areas did not reveal any archaeological resources. No trace of the buildings observed on the historic maps could be found. These results are consistent with the results of previous investigations in the region. The lack of evidence for human occupation may reflect the rough topography of the region and/or the burial of resources by alluvium in the canyon bottoms.

Paleontological Resources

The potential for discovery of fossils is an indication of the likelihood that excavation in a given rock unit identified as fossiliferous (fossil-bearing) could result in exposure of fossil resources. The potential for the discovery of fossils does not measure the significance of individual fossils present within the study area, because it is impossible to accurately predict what individual fossils may be discovered. The significance of an individual fossil can only be determined after it is discovered and studied by a qualified paleontologist.

¹ LSA contacted Cindi Alvitre, Ti'At Society; David Belardes, Juaneno Band of Mission Indians Acjachemen Nation; Robert F. Dorame, Gabrielino Tongva Indians of California Tribal Council; Samuel H. Dunlap, Gabrielino/Tongva Tribal Council of the Gabrielino Tongva Nation; Anita Espinoza, Juaneno Band of Mission Indians; Sonia Johnston, Juaneno Band of Mission Indians; Anthony Morales, Gabrielino/Tongva Tribal Council; Damien Shilo, Juaneno Band of Mission Indians Acjachemen Nation; Craig Torres; John Valenzuela; and Jim Velasques.

One way to assess the impacts that development could potentially have on paleontological resources is to assign a paleontologic potential to the rock unit(s) in question. The paleontological potential of a rock unit is based on the types of resources that have been recovered elsewhere from that rock unit.

The study area is underlain by several fossiliferous geologic formations (rock units). The Holz Shale Member of the Ladd Formation and Schulz Ranch Member of the Williams Formation (both marine in origin) appear to have a low to moderate paleontological sensitivity. The interbedded undifferentiated Vaqueros and Sespe Formations (marine and terrestrial, respectively) have a moderate to high paleontological sensitivity. The Topanga (marine), Sespe (terrestrial), Santiago (marine and terrestrial), and Silverado (terrestrial) Formations have all been demonstrated to have a high paleontological sensitivity.

A records search and literature review conducted for the project site during preparation of Final EIR No. 302 showed that several fossil localities have been recorded in the area. These include occurrences of poorly preserved unidentified bivalve mollusks and trace fossils from several exposures of the lower (marine) member of the Santiago Formation in the southern areas of the project site. A locality just west of the mouth of Gypsum Canyon and atop the bluff along Santa Ana Canyon Road has produced partial to complete shells of marine bivalve mollusks and oysters, as well as a few shark teeth.

Related Planning Programs

City of Anaheim General Plan

The City of Anaheim General Plan does not contain any goals or policies that specifically address archaeological and paleontological resources. The General Plan does contain several policies related to historic preservation; however, these apply only to the historic districts in the City of which none are located in the proposed project area.

SCAG Regional Comprehensive Plan and Guide

SCAG's RCPG Growth Management Chapter includes a policy (Policy 3.21) that encourages the implementation of measures aimed at the preservation and protection of recorded and unrecorded cultural resources and archaeological sites.

4.14.2 PROJECT IMPACT ANALYSIS

Thresholds of Significance

The following criteria are based on the Initial Study checklist form in Appendix G of the State CEQA Guidelines. Based on these thresholds, the proposed project would result in a significant impact to cultural resources if it would:

1. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines.
2. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
3. Disturb any human remains, including those interred outside of formal cemeteries.

4. Conflict with any applicable plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

As previously discussed in Section 2.3.2, Effects Found Not to be Significant, during preparation of the Initial Study the City of Anaheim determined that the proposed project would not have a significant impact for the following threshold and no further analysis is presented in this section.

- 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 (July 20, 1999).

Impact Analysis

Threshold 1: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines?

On-site Project Feature Impacts

Although no archaeological sites have been identified within the study area (including the project site and off-site project areas), such resources exist in the immediate vicinity of the study area. Therefore, there is a potential that previous cultural resource surveys did not find all of the archaeological sites that lie within the proposed project impact area. There is a potential for subsurface cultural deposits to be discovered during grading activities, which would be considered a potentially significant impact.

- Impact 4.14-1*** *On-site and off-site grading and excavation activities could impact unknown archaeological resources, which would be considered significant. This impact would be mitigated to a level considered less than significant with implementation of MMs 14-1 and 14-2.*

Off-site Project Feature Impacts

The proposed off-site project features occur in areas that have been previously disturbed by development. These project features would not result in potential impacts to cultural resources.

Caltrans-related Project Feature Impacts

Based on the Historical Resources Compliance Report and Archaeological Survey Reports prepared for the Mountain Park Drive Bridge Overcrossing and SR-241/Weir Canyon road interchange projects, and the cultural resources report prepared for the proposed project which addresses the study area for other project features within Caltrans right-of-way, no cultural resources are present within or adjacent to the study areas for Caltrans-related project features. Similarly, no archaeological resources were identified within or immediately adjacent to these project areas. As discussed previously, it has been determined that known Native American cultural sites are located outside of the development area for the Mountain Park project, and would also be outside of the project area for project features within Caltrans right-of-way. However, the project would require some grading in previously undisturbed areas; therefore, Impact 4.14-1 would also apply to these project features and would be mitigated to a level considered less than significant with implementation of MMs 14-1 and 14-2.

Threshold 2: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

On-site Project Feature Impacts

Although no paleontological resources were identified within the project site, the project site is known to contain several fossil-bearing geologic formations. The Topanga (marine), Sespe (terrestrial), Santiago (marine and terrestrial), and Silverado (terrestrial) Formations are all assigned high paleontological sensitivity. The interbedded undifferentiated Vaqueros and Sespe Formations (marine and terrestrial, respectively) have a moderate to high paleontological sensitivity, while the Holz Shale Member of the Ladd Formation and Schulz Ranch Member of the Williams Formation (both marine) appear to have a moderate paleontological sensitivity. Areas within the project site where the densest development will occur are underlain chiefly by the Topanga Formation (western project area) and by the interbedded Vaqueros and Sespe Formations (north-central project area). The north-central area of the project site also contains elements of the Sespe, Santiago, and Topanga Formations. Grading, trenching, and other earth-moving activities, therefore, could impact invertebrate and vertebrate fossilized fauna as well as fossilized flora (e.g., silicified wood), and their potential loss is considered a significant impact.

Impact 4.14-2 *On-site and off-site grading and excavation activities could impact unknown paleontological resources, which would be considered significant. This impact would be mitigated to a level considered less than significant with implementation of MM 14-3.*

Off-site Project Feature Impacts

The proposed off-site project features occur in areas that have been previously disturbed by development and would not result in potential impacts to paleontological resources.

Caltrans-related Project Feature Impacts

As with the proposed on-site project impacts, earthmoving activities required for the construction of the interchange, bridge overcrossing, and other project features within Caltrans right-of-way could impact previously unknown paleontological resources. Impact 4.14-2 would apply to these project features and impacts would be mitigated to a level considered less than significant with implementation of MM 14-3.

Threshold 3: Would the project disturb any human remains, including those interred outside of formal cemeteries?

On-site Project Feature Impacts

As indicated above under the impact analysis for Threshold 1, no significant archaeological resources have been identified within the project site and off-site areas during previous surveys or during the surveys conducted for this project. There are no known formal cemeteries within the project site or off-site areas. However, this does not preclude the possibility that individual burials may be discovered during grading activities.

Impact 4.14-3 *On-site and off-site grading and excavation activities could impact previously unidentified human remains, including those interred outside of formal cemeteries, which would be considered significant. This impact would be mitigated to a level considered less than significant with implementation of MMs 14-1 and 14-2.*

Off-site Project Feature Impacts

The proposed off-site project features occur in areas that have been previously disturbed by development. These project features would not result in potential impacts to unknown human remains.

Caltrans-related Project Feature Impacts

As with the proposed on-site project impacts, earthmoving activities required for the construction of the interchange, bridge overcrossing, and other project features within Caltrans right-of-way could impact previously unidentified human remains. Impact 4.14-3 would apply to these project features and would be mitigated to a level considered less than significant with implementation of MM 14-1 and 14-2.

Threshold 4: *Would the project conflict with any applicable plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?*

There are no plans, policies, or regulations of the City of Anaheim related to the protection of cultural resources on the project site. The project is consistent with SCAG's Policy 3.21 related to the preservation and protection of recorded and unrecorded cultural resources and archaeological sites. As identified in the analysis above, the proposed project would not significantly impact any recorded resources, and mitigation is recommended to ensure that unknown and previously undocumented cultural and paleontological resources are avoided. The mitigation identified below is typical for projects that have no physical evidence of cultural or paleontological remains on the surface.

4.14.3 MITIGATION PROGRAM

Mitigation Measures

MM 14-1 Prior to the approval of a grading plan or issuance of a building permit, whichever occurs first, the property owner/developer shall retain a County-certified archaeologist (project archaeologist) and submit written confirmation of this to the Department of Public Works. The project archaeologist shall observe grading activities and recover, catalogue, analyze, and report archaeological resources as necessary in the previously undeveloped portions of the development area. The project archaeologist shall be present at the pre-grade conference. The project archaeologist shall submit to the Planning Department, and Department of Public Works, Development Service Division, a written plan with procedures for archaeological resource monitoring. For work within Caltrans right-of-way the plan shall be submitted for review by Caltrans Cultural Resources staff. This plan shall include procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the resources as appropriate. If the archaeological resources are found to be significant, the project archaeologist shall determine appropriate actions—in cooperation with the City of Anaheim or Caltrans, if within Caltrans right-of-way—for exploration and/or data recovery. The

project archaeologists shall prepare any excavated material to the point of identification. Following the completion of grading, the archaeologists shall prepare a report detailing the results of the monitoring program to be presented to the City of Anaheim Planning Department. The report shall follow guidelines of the California Office of Historic Preservation (1990). Excavated finds shall be offered for curatorial purposes to a qualified scientific institution.

- MM 14-2 If human remains are encountered during the conduct of ground-disturbing activities, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition of the materials pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner would notify the Native American Heritage Commission (NAHC). The NAHC would determine and notify a Most Likely Descendent (MLD). The MLD may inspect the site of the discovery with the permission of the property owner/developer or his/her authorized representative. The descendent must complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.
- MM 14-3 Prior to issuance of the first grading permit, the property owner/developer shall submit a monitoring plan, prepared by an Orange County certified paleontologist to the Department of Public Works, Development Services Division that ensures that the following actions are implemented:
- a. The area west of Gypsum Canyon is comprised almost entirely of the Topanga Formation (high paleontological sensitivity) and contains all of the heretofore recognized surface occurrences of fossils on the project site. The north-central portion of the project site is comprised chiefly of the interbedded undifferentiated Vaqueros and Sespe Formations (moderate to high paleontological sensitivity) and smaller elements of the Sespe, Santiago, and Topanga Formations (all high paleontological sensitivity). Paleontological monitoring in the western and north-central areas of the project site shall be conducted on a full-time basis and shall be identified as such in the monitoring plan. It shall be the responsibility of the project paleontologist to show, to the satisfaction of the City, the recommended limits of full-time monitoring on the tentative tract or parcel map level grading plans, when available. Because of the potential for identifying microfossils or small fragments of macrofossils, periodic screening of sediments from cuts in these formations shall be carried out by the project paleontologist. Such material may be removed in bulk and screened off-site to minimize interference with grading operations.
 - b. The Holz Shale, Schulz Ranch Member of the Williams Formation, the Silverado Formation, Santiago Formation, and the Sespe Formation, exposed primary east of Gypsum Canyon, shall be monitored as determined necessary by the project paleontologist during grading operations. Recommended hours for monitoring activities shall be established by the project paleontologist and shall be outlined in the monitoring plan. It shall be the responsibility of the project paleontologist to demonstrate, to the satisfaction of the City, the appropriate level of monitoring necessary based on the tentative tract or parcel map level grading plans, when available.

Because of the potential for identifying microfossils or small fragments of macrofossils, periodic screening of sands from cuts in these units shall be done by the project paleontologist monitor. Such material may be removed in bulk and screened off-site to minimize interference with grading operations.

- c. Any paleontological work at the site shall be conducted under the direction of a County of Orange Certified paleontologist (project paleontologist).
- d. If a fossil discovery occurs during grading operations when the project paleontologist is not present, grading shall be diverted around the area until the monitor can survey the area, and/or Caltrans Cultural Resources staff can inspect the site, if the resources are found within Caltrans right-of-way.
- e. Any fossils recovered during the development, along with their contextual stratigraphic data, shall be donated to the County of Orange, or other appropriate institution with an educational and research interest in the materials. A final report detailing findings and disposition of specimens shall be prepared by the project paleontologist and submitted to the City of Anaheim Planning Department upon completion of grading.

4.14.4 CUMULATIVE IMPACTS

The proposed project would not impact any known cultural or paleontological resources. Although cumulative development in conjunction with past, present, and probable future projects would result in the disturbance of cultural resource sites throughout the region, the City and County require mitigation of impacts to these resources. This includes the collection and preservation of artifacts, which may contribute to local and regional history and prehistory. As a result, anticipated development of the project would not have a significant cumulative impact on archaeological and paleontological resources or result in a significant cumulative loss of regional history or prehistory.

4.14.5 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impact 4.14-1 is reduced to a level considered less than significant with implementation of MMs 14-1 and 14-2. Impact 4.14-2 is reduced to a level considered less than significant with implementation of MM 14-3. Impact 4.14-3 is reduced to a level considered less than significant with implementation of MMs 14-1 and 14-2. No significant unavoidable impacts to cultural or paleontological resources would result from project implementation.