



March 14, 2018

Mr. Christopher Calfee
Deputy Secretary and General Counsel
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Mr. Calfee:

I am writing your office to comment on the proposed updates to the CEQA review process. My primary concern is on how the proposed changes affect the treatment and protection of California's Paleontological Resources under CEQA, and I would like to recommend that they be treated separately as a standalone issue in the CEQA checklist of Appendix G.

Until recently Paleontological Resources, which consist of the remains and behavioral traces of ancient organisms (fossils), were addressed in Appendix G as part of the Cultural Resources issue. This lumping of Paleontological Resources with Cultural Resources (prehistoric and historic) has often caused confusion to agency personnel and citizens alike, and this confusion is in part what ultimately lead to the removal of Paleontological Resources from Cultural Resources with the passage of AB-52. While this change will most likely have a positive effect on the treatment of Cultural Resources, the decision to shoehorn consideration of Paleontological Resources into the Geology and Soils issue will not significantly improve the treatment of Paleontological Resources and may make matters worse.

Although Paleontological Resources are preserved and found in geological rock units, they are not related in any way to the environmental concerns traditionally addressed under the Geology and Soils issue; namely earthquake rupture, seismic ground shaking, unstable land surfaces and geologic units, expansive soils, and soil erosion. The treatment of paleontological resources, including the types of data gathered during the assessment phase of resource evaluation, the content and structure of the environmental documents produced, and the types of mitigation strategies employed, differs greatly from that of Geology and Soils. Another issue is that the Geology and Soils sections often need to utilize state maps/soil maps for their analyses, which are often at a lower resolution (1:500,000) than other maps that are available. Paleontological studies, on the other hand, always want to use the highest resolution maps available (preferably 1:24,000) since the paleontological analysis requires a detailed breakdown of the named geologic units within a given project area in order to tie the units to the paleontological locality records and literature, for the purpose of providing the temporal framework which is critical to understanding evolutionary patterns. The fact that different geologic maps are being used to complete the Geology and Soils vs. Paleontology analyses causes confusion for reviewers when the Environmental Document combines them in the same chapter (based on our experience with documents that have adopted a combined Geology/Paleontology section). It also requires extra time and coordination for the geological and paleontological consultants to reconcile the differences in geologic terminology used in the separate studies, which is counter to the streamlining process CEQA is striving to achieve.

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In addition to the difficulties associated with combining two very separate studies, it is also a concern that the disciplines will be intermingled in the attempt to save budget/time. For example, geological firms may use unqualified staff who lack the technical paleontological background to complete a thorough paleontological analysis, which may result in paleontological resources not being properly mitigated under CEQA. This has been a problem in the past with paleontology being lumped under the cultural resource section of Appendix G and cultural resource firms being imposed with completing the paleontological analysis for cost savings, despite lacking the proper qualifications.

Considering Paleontological Resources as their own section under the Appendix G checklist would help minimize poor mitigation measures proposed by unqualified professionals from other resource disciplines. Not considering Paleontological Resources separately will potentially add another layer of confusion.

I realize that one of the goals of the proposed updates to CEQA is to streamline the review process. However, it seems that another goal of the updates is to clarify the environmental issues under consideration and to recognize the changes in our understanding of these issues since the original passage of CEQA in 1970. This need for clarification and recognition of changes in understanding is apparently the reason that four new environmental issues have been added to the Appendix G checklist in the proposed updates, including Energy, Greenhouse Gas Emissions, Tribal Cultural Resources, and Wildfire. It is in this spirit of clarification and recognition that I recommend that Paleontological Resources be added to the Appendix G checklist as another new, standalone environmental issue.

Thank you for the opportunity to comment on the proposed updates to the CEQA review process.

Sincerely,

A blue ink signature of Geraldine Aron, consisting of a stylized 'G' followed by a horizontal line.

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A black ink signature of Paul C. Murphey, with a large, stylized 'P' and 'M'.

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