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From: Lanny Fisk <lanny@paleoresource.com>
Sent: Sunday, January 28, 2018 2:01 PM
To: CEQA Guidelines@CNRA
Subject: Comments on Proposed CEQA Updates

Sunday 28 January 2018

California Natural Resources Agency:

I have reviewed the "Proposed Updates to the CEQA Guidelines" and have the following comments:

First, I applaud the proposal to separate the consideration of paleontological resources from cultural resources and instead include consideration of paleontological resources among the relevant sample questions related to geology. Paleontological resources are *not* cultural resources and including the question regarding potential impacts to paleontological resources in Guidelines section VI. Cultural Resources has created confusion in the past. Hopefully by including consideration of paleontological resources in Guidelines section VII. Geology and Soils, this confusion can and will be avoided in the future.

Second, in his State of the State address given 24 January 2013, Governor Jerry Brown called specifically for "*consistent standards*" within CEQA. Of course, consistency is emphasized throughout the rulemaking process. One place where both the old and the proposed new CEQA Guidelines are *not* consistent (but easily revised to be consistent) is in the severity of impacts before mitigation of those impacts are required. Specifically, CEQA Guidelines apply unequal criteria regarding the severity of potential impacts to biological, cultural, and paleontological resources before those resources are considered adversely impacted. For biological and cultural resources, the criteria are "*have a substantial adverse effect on*" biological resources or "*cause a substantial adverse change*" to cultural resources. In stark contrast, for paleontological resources the criteria are "*destroy a unique paleontological resource*". In other words, to be considered a potentially significant impact, paleontological resources must not be just adversely affected as must biological resources or adversely changed as must cultural resources; instead they must be destroyed before the impact is considered significant! In addition, the only impacts to be considered are impacts to "*unique*" paleontological resources [undefined in CEQA], rather than impacts to paleontological resources in general. For biological and cultural resources, CEQA considers impacts to all resources, not just those that are "*unique*". To be consistent, the Guidelines simply need to be revised as proposed below.

Third, CEQA Guidelines section VII. Geology and Soils item f. deals with two separate, unrelated, and distinctly different issues -- paleontological resources and geologic features. These should be separated into two questions as proposed below.

Proposed revisions:

Would the project:

f. Directly or indirectly cause a substantial adverse effect on a paleontological resource or site?

g. Directly or indirectly destroy a unique geologic feature?

Thank you for considering my suggested revisions above. I would be pleased to have the opportunity to discuss these proposed revisions further with persons involved in amending the CEQA Guidelines.

Lanny

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