

Lockey, Heather@CNRA

From: Patricia HOLROYD <pholroyd@berkeley.edu>
Sent: Thursday, March 15, 2018 3:34 PM
To: CEQA Guidelines@CNRA
Cc: Charles Marshall; Mark B. GOODWIN; Lisa D White; William A. CLEMENS; Seth Finnegan; Cynthia Looy; Diane ERWIN; Kevin PADIAN; Erica Clites; Cristina Robins; Adiel Klompmaker; Patricia HOLROYD
Subject: Comments on CEQA review process
Attachments: CEQA comments.pdf

Dear Mr. Calfee,

Please find attached comments on the proposed updates to the CEQA review process from several of the staff and faculty at the University of California Museum of Paleontology. Thank you for the opportunity to comment.

Very truly yours, Pat Holroyd

Patricia A. Holroyd, Ph.D.
Senior Museum Scientist
Museum of Paleontology
University of California
Berkeley, CA 94720



MUSEUM OF PALEONTOLOGY
1101 Valley Life Sciences Bldg.

BERKELEY, CALIFORNIA 94720-4780

March 15, 2018

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

Dear Mr. Calfee:

We are writing your office to comment on the proposed updates to the CEQA review process. Our primary concern is how the proposed changes affect the treatment and protection of California's Paleontological Resources under CEQA, and we would like to recommend that they be treated separately as a standalone issue in the CEQA checklist of Appendix G. Here are the key changes that we recommend based on our experiences in working with land managers, regulatory agencies, and mitigation professionals under the current CEQA guidelines.

- Separate Paleontological Resources into a new, standalone environmental issue in Appendix G. There has long been confusion in treating fossils within cultural resources and the proposed change to treat them as geologic resources will not resolve that confusion. At the federal level, fossils are now recognized with separate legislation (Subtitle D of the Omnibus Public Lands Management Act of 2009, PL111-011). Recognizing paleontological resources as a distinct category in CEQA would improve the alignment of CEQA with federal legislation.
- We recommend adding a definition of paleontological resources to comprise vertebrate, plant, invertebrate and ichnofossils. There currently is a lack of clarity in CEQA as to which fossil resources are covered, and inclusion of a definition would provide clearer guidance.
- Within the Paleontological Resources environmental issue checklist, we recommend the following language: "directly or indirectly cause a substantial adverse affect on a paleontological resource or site?" The current proposed language of destruction of a "unique paleontological resource" cannot be evaluated a priori or in the field. Paleontological uniqueness or scientific value can only be determined after recovery, accession to a museum, and comparative study of fossils. Determination of uniqueness as part of the environmental impact assessment would place an undue burden on paleontological mitigation professionals.

Thank you for the opportunity to comment on the proposed updates to the CEQA review process. CEQA has had a very positive impact to date on ensuring that California's fossil resources are recovered and conserved in museums as part of the public trust. Treating paleontological resources as a distinct resource category with specific guidance in the updated CEQA can ensure that these important resources will continue to be recovered and conserved without confusion that might result from combining them with geologic resources.

Sincerely,

Charles R. Marshall, Ph.D.
Director, University of California Museum of
Paleontology
Professor, Dept. of Integrative Biology
crmarshall@berkeley.edu

Mark Goodwin, Ph.D.
Assistant Director for Collections and
Research
mark@berkeley.edu

Lisa D. White, Ph.D.
Assistant Director for Education and Public
Programs
ldwhite@berkeley.edu

William A. Clemens, Ph.D.
Curator of Vertebrate Paleontology
Professor Emeritus of Integrative Biology
bclemens@berkeley.edu

Seth Finnegan, Ph.D.
Curator of Invertebrate Paleontology
Assistant Professor of Integrative Biology
sethf@berkeley.edu

Cindy Looy, Ph.D.
Curator of Paleobotany
Associate Professor of Integrative Biology
looy@berkeley.edu

Kevin Padian, Ph.D.
Curator of Vertebrate Paleontology
Professor of Integrative Biology
kpadian@berkeley.edu

Erica Clites, M.S.
Museum Scientist
eclites@berkeley.edu

Diane M. Erwin, Ph.D.
Senior Museum Scientist
dmerwin@berkeley.edu

Patricia Holroyd, Ph.D.
Senior Museum Scientist
pholroyd@berkeley.edu

Cristina Robins, Ph.D.
Senior Museum Scientist
crobins@berkeley.edu

Adiel A. Klompma, Ph.D.
Postdoctoral Scholar
aklompma@berkeley.edu