

Duncan, Lia@CNRA

From: Baugh, Heather@CNRA
Sent: Monday, April 18, 2016 1:28 PM
To: Duncan, Lia@CNRA
Subject: FW: Paleontological Resources
Attachments: T. Demere -SDNHM - paleontological resources.pdf

For print

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From: Tom Demere [<mailto:tdemere@sdnhm.org>]
Sent: Monday, April 04, 2016 5:17 PM
To: Baugh, Heather@CNRA
Subject: Paleontological Resources

Dear Ms. Baugh,

I am submitting the attached comment letter concerning the treatment of paleontological resources under the proposed AB 52 regulatory updates to CEQA.

Thomas A. Deméré, Ph.D.
Curator, Department of Paleontology
Director, Department of PaleoServices
San Diego Natural History Museum

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SAN DIEGO NATURAL HISTORY MUSEUM
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April 4, 2016

Heather Baugh, Assistant General Counsel
The California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Proposed AB 52 Regulatory Updates to CEQA and Paleontological Resources

Dear Ms. Baugh:

I appreciate the opportunity to comment on the Proposed AB 52 Regulatory Update to CEQA. My area of concern involves proposed changes to Appendix G, specifically how potential adverse impacts to paleontological resources are addressed. Having followed the issues surrounding passage of AB 52, I am aware of the requirements to separate consideration of paleontological resources from consideration of cultural resources. However, it is not clear where paleontological resources will eventually land and placing them together with Open Space, Managed Resources and Working Landscapes or with Geology, Soils, and Seismicity fails to recognize the true significance of paleontological resources and their educational and scientific value to the citizens of California. Consolidating paleontological resources with these disparate resource issues does not seem logical given the buried nature of paleontological resources (i.e., fossils), their occurrence in stratified sedimentary rocks, and the fact that fossils serve as direct evidence of ancient biodiversity and the ecosystems that supported that biodiversity.

To my mind, the proposed changes to Appendix G regarding paleontological resources run the risk of drastically reducing the attention given to these important educational and scientific resources by lead agencies when reviewing project proposals and environmental documents. Rather than reducing the attention these resources are given, I would hope that the State of California would be more interested in increasing that attention. To underscore the significance of the educational and scientific value of paleontological resources as distinct from non-biological natural resources like geologic features and waterways, it is instructive to note that in 2009 the federal government passed the Paleontological Resources Protection Act. This legislation and its accompanying implementation guidelines has gone a long way in elevating the review of potential impacts to paleontological resources on lands managed by the Bureau of Land Management and U.S. Forest Service.

Based on the above discussion I would like to recommend an alternative solution to the requirements of AB52 from the one offered in the proposed document. My suggestion is to establish a new Issue in Appendix G for consideration of paleontological resources. An example checklist question for this new Issue might read as follows:

1.7-1

[Type here]

Issue VI. PALEONTOLOGICAL RESOURCES -- Would the project:

a) Cause an adverse change to a significant or unique paleontological resource.

Establishment of a standalone Issue for paleontological resources will have the positive effect of satisfying the requirements of AB52, while recognizing the unique educational and scientific value of such resources.

Thank you again for the opportunity to comment on the proposed AB 52 regulatory updates to the California Environmental Quality Act. I would be happy to put together a more formal document addressing to this problem and, if possible, would like to arrange a meeting with you and your staff.

Sincerely,



Thomas A. Deméré, Ph.D.
Curator, Department of Paleontology
Director, Department of PaleoServices

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