

**From:** Brendan Pfeiffer  
**Sent:** Monday, October 12, 2015 11:17 AM  
**To:** CEQA Guidelines@CNRA  
**Subject:** Comments regarding revisions to CEQA Guidelines

Greetings,

I am writing to provide comment on some of the proposed updates to the CEQA Guidelines. My name is Brendan Pfeiffer and I am a recent graduate with a BS in geology from the University of Northern Colorado. Upon graduating I took a job with a company that performs paleontological mitigation on projects in California that are subject to CEQA. As a person with education in the fields of geology and paleontology, as well as experience in the practice of mitigating fossil resources on various projects, I feel as though I am qualified to comment on the modifications to the CEQA Guidelines relating to fossil resources and how they may impact the field in which I work.

The proposed changes to the CEQA Guidelines include the removal of question 'C' from section V. Cultural Resources. This question specifically deals with the destruction of paleontological resources. One must interpret that the intent of this question, being that it is alongside questions dealing with archaeological remains, is to mitigate paleontological resources in a similar manner as other resources falling under the 'Cultural Resources' section. This would include initial assessments to identify how such resources may be impacted by a proposed project, and subsequently to take actions to mitigate harm to such resources to an insignificant level during the undertaking of said project.

As a practicing paleontologist, I must voice my support for the removal of the question regarding paleontological resources from the 'Cultural Resources' section of the environmental checklist. Fossil resources can rarely be considered cultural resources, with the exception being when they are discovered alongside ancient human remains. After reviewing the extent of the revisions to sections dealing with the mitigation of Cultural Resources, it has become apparent that there has been a great deal of thought put into the revisions involving archaeological resources, including the removal of the question regarding paleontological resources from this section entirely. I also make the observation that little thought was put into how to address the question regarding paleontological resources once it was removed from the section on Cultural Resources. This question has been shifted to a section titled "Open Spaces, Managed Resources, and Landscapes," and the new qualification for paleontological resources seems to be that they must first occur on "open space" to necessitate the mitigation of their destruction.

Open space is defined on the EPA website as "...any **open** piece of land that is undeveloped (has no buildings or other built structures) and is accessible to the public." With this definition in mind I must interpret the reassignment the question addressing fossil resources to an open space designation to be a misunderstanding of the occurrence of these resources and when they are in need of mitigation.

Fossils occur in the subsurface. That is to say, important fossils occur in undisturbed rocks of prehistoric age, and these rocks may occur at the surface and will, with few exceptions, occur in the subsurface. Fossils may be found in areas that are previously undeveloped but they also are just as likely to occur in areas that have been developed where subsequent excavations into undisturbed sediments occur. The most prevalent detriment to important fossil resources in need of mitigation is active excavation on a project site in which rocks occur that are shown to produce scientifically significant fossils.

As the revisions to the CEQA Guidelines stand in their present form, the reassignment of the CEQA Guidelines environmental checklist question regarding paleontological resources to the 'Open Spaces, Managed Resources, and Landscapes' section will undoubtedly result in the continued destruction of unique and scientifically important paleontological resources. This reassignment can and will be interpreted to only necessitate the mitigation of the destruction of paleontological resources when a proposed project impacts open space specifically designated for the preservation of natural resources. To properly mitigate the destruction of important paleontological resources each project should be assessed individually for the likelihood of impacts to these resources by experts in the field of paleontology, regardless of what surficial features exist in the project area. Remember, fossils occur in the subsurface and surficial features and land designations have no bearing on their occurrence and need for mitigation during project activities.

To ensure that paleontological resources are given adequate protection under the law in the revisions to the CEQA Guidelines, I propose that the question regarding paleontological resources on the CEQA environmental checklist be removed from the 'Landscapes' section and given a separate section similar to that of 'Cultural Resources'. Paleontological resources are unique in that the people equipped to properly mitigate the destruction of these resources are professional scientists formally trained in geological and paleontological practices. Paleontological resources are resources deserving of proper assessments and mitigation techniques in the same way biological or cultural resources deserve protection under the law. I fail to see the purpose of separating paleontological resources into a section in which they do not belong, and I strongly urge that further revisions to the CEQA guidelines make an attempt at adequately addressing the proper mitigation of these resources.

Thank you for your time and consideration,