

October 6, 2015

Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Dear Mr. Calfee,

Thank you on behalf of the team that has put immense effort into evaluating and improving CEQA guidelines. I have a few comments that specifically address the changes to 'paleontological resources' in Appendix G. I am fully aware of Assembly Bill 52 and understand the rationale for the separation of Paleontological Resources from Cultural (e.g., archaeological) Resources. However, AB 52 does not specify that paleontological resources need to be lumped into a broad category of unrelated features. It is my belief as a Qualified Paleontologist and a university professor who teaches courses on CEQA and mitigation of paleontological resources that the placement of paleontological resources into the general category of "Open Space, Managed Resources, and Working Landscapes" gravely erodes the ability of the state to protect these resources for the public. Instead, it is more logical to place "Paleontological Resources" simply into its own category, parallel to but distinct from "Cultural Resources" as specified by AB 52. The logic is that recognizing, predicting, and mitigating paleontological resources is very different from archaeological resources which is why there are different qualifications needed currently to carry out this work. Furthermore, the criteria used in the new broad "Open Space" category are not logical for protecting resources that are subsurface and are in danger of destruction during ground disturbance.

Specific comments follow, referencing page numbers from the "Preliminary Discussion Draft Package of Amendments" of August 11, 2015.

Page 55. Recommend creating a new category specifically for paleontological resources as they are uniquely different from other resources. It is possible to utilize the existing language and fulfill the AB 52 requirements as follows:

VI. PALEONTOLOGICAL RESOURCES—Would the project:

- a) Directly or indirectly destroy a unique paleontological resource or site?

Page 63. The new category 'XI. OPEN SPACE, MANAGED RESOURCES AND WORKING LANDSCAPES' specifies, "Would the project adversely affect open spaces containing natural resources and working landscapes?" This criteria does not apply to paleontological resources that are found subsurface and need to be protected and managed during ground disturbance.

The section asks ‘whether the project would a) adversely impact open space for the preservation of natural resources, including, but not limited to: (iii) unique paleontological resource or site or geologic feature?’

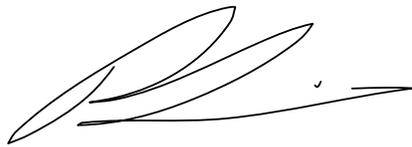
Again, this is not a logical statement as these resources are not at risk in “open space” in the way that it is critical for habitats, farmland, forests, and soil.

Recognition of the uniqueness of paleontological resources and the acknowledgment of the need of protection by an authoritative body has recently occurred at the federal level with the passage of the Paleontological Resources Protection Act (2009) as part of the Omnibus Public Land Management Act as well as mitigation guidelines enacted by the Bureau of Land Management (2005, 2007), US Forest Service (2005), and many other agencies such as the Standing Rock Sioux Tribal Council Paleontology Resource Code (2011).

Since the passage of CEQA, there have been many instances of unique paleontological resources that were recorded, mitigated, and in many cases protected and placed in the public trust. Much of these finds were disseminated through peer-reviewed publications such as Anderson et al. (2002), Scott and Cox (2008), and Springer et al. (2009).

Thank you for your consideration of these comments.

Respectfully,

A handwritten signature in black ink, appearing to read 'R. Shapiro', with a long horizontal stroke extending to the right.

Russell Shapiro, Ph.D.
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CSU Chico