

EXHIBIT 9

STAFF RESPONSE TO ADDITIONAL PUBLIC COMMENTS

**MEMORANDUM
COUNTY OF VENTURA
COUNTY COUNSEL'S OFFICE**

April 8, 2024

TO: Members, Board of Supervisors
Dr. Sevet Johnson, County Executive Officer
Robert Mullane, Director, Resource Management Agency
Dave Ward, Director, Planning Division

FROM: Tiffany N. North, County Counsel *TNN*
Jeffrey E. Barnes, Chief Assistant County Counsel *Job*

RE: Response to Public Comment Letter Received Regarding Item No. 54 of the
April 9, 2024 Ventura County Board of Supervisors Meeting

This memorandum is a public record to be included in the administrative record of proceedings for this Board item. It responds to a public comment letter received from Phil White regarding the County's proposed amendments to Ventura County 2040 General Plan ("General Plan") Policies COS-7.7 and COS-7.8. Mr. White's public comment letter is attached at Exhibit 8 to the Board letter for this item.

The comment claims that the proposed change to Policy COS-7.8 will result in a loss of natural gas, will generate air pollutants and greenhouse gas emissions, and will conflict with the County's Climate Action Plan. The comment claims these are new impacts that were not previously addressed in the General Plan Environmental Impact Report ("EIR").

First, the comment substantially overstates the potential impact of the proposed change to Policy COS-7.8. The revised policy would not allow "routine" flaring, as asserted. Instead, flaring would be allowed only if the operator can demonstrate the infeasibility of operations without flaring, and the operator has the burden to make that demonstration. In addition, the proposed policy change will not affect the vast majority of oil and gas operations within unincorporated Ventura County. The reason for this is two-fold: (1) the County's existing regulations, including the revised policy and the County Coastal and Non-Coastal Zoning Ordinances, would continue to prohibit flaring generally; and (2) the policy applies only to new discretionary oil wells.

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Policy COS-7.8, as revised, would continue to generally prohibit flaring of gas for new wells requiring discretionary approval by the County. Flaring would be allowed only when the operator could demonstrate infeasibility of operations without flaring. In addition, the County's Zoning Ordinances have long required piping of gas off-site rather than flaring unless the permit applicant can demonstrate that doing so would not be feasible or practicable. (County Non-Coastal Ordinance § 8107-5.5.7, and Coastal Zoning Ordinance § 8175-5.7.7(g).) In addition, the state through CalGEM (the State Department of Conservation, Geologic Energy Management Division) also regulates oil operations to prevent unreasonable waste of gas. (Pub. Res. Code, §§ 3300 et seq. and 3500 et seq.) Thus, the revised policy would allow flaring only for a subset of new discretionary wells where the operator can demonstrate the infeasibility of operations without flaring.

In addition, the revised policy applies only to new discretionary wells and not to existing or already permitted oil wells. Most of the oil operations within unincorporated Ventura County are not anticipated to require approval of new discretionary wells. The commenter states that the County does not know how many applications may be filed for new discretionary wells. The Addendum to the EIR addressing the proposed General Plan amendments acknowledges that the County does not know how many, if any, future applications will be submitted and then approved for a new discretionary oil well. Beyond that, the County also does not know how many of those new discretionary oil wells will be able to demonstrate infeasibility of drilling without flaring to the County's satisfaction. Because of this, the Addendum finds that any impacts of the proposed revisions to Policy COS-7.8 are speculative. (Addendum, pp. 9-10.)

The Addendum describes that a total of 56 new discretionary oil wells were approved by the County between 2008 and 2015, and none have been approved since 2015. Accordingly, there is no recent track record of discretionary applications on which any analysis or assumptions about future applications could be based. Also, oil production in unincorporated Ventura County has been declining over time. As stated in the Addendum on page 10, the General Plan Background Report found that oil production in Ventura County reached 9,121,781 barrels in 2015, which represented a 42 percent decrease in production from 1987 levels (15,659,398 barrels). Further, according to the most recent annual report published by CalGEM published on August 3, 2023, oil production in

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Ventura County in 2020 was 6,519,070 barrels, which represents a further decrease from 1987 and 2015 production levels. (CalGEM, 2023.)

Second, none of the potential impacts claimed in the comment letter are new. The revisions to Policy COS-7.8 were recommended by Mitigation Measure PR-3 in the General Plan EIR. The General Plan EIR found that implementation of Mitigation Measure PR-3 would result in a less than significant impact to loss of availability of a known petroleum resource that would be of value to the region and the residents of the state (Impact 4.12-4). The General Plan EIR did not find any significant impacts associated with Mitigation Measure PR-3 that were distinct from the significant impacts resulting from implementation of the General Plan. As explained in the Addendum, because the proposed amendment to Policy COS-7.8 was already included as a mitigation measure in the General Plan EIR itself, the proposed amendment does not require any revision to the General Plan EIR that requires additional review under the California Environmental Impact Report.

Please contact me if you have any questions or comments.