



April 8, 2019

Ventura County Board of Supervisors
800 S Victoria Ave
Ventura CA 93003
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RE: SUPPORT for Interim Ordinance and Planning Division Study
Item 46, April 9, 2019

Dear Chair Bennett and Members of the Board:

We, along with our thousands of members and supporters throughout Ventura County, urge you to support the recommendation of Supervisor Bennett regarding oil and gas drilling. We are particularly supportive the second element of the recommendation—directing the Planning Division to evaluate ways to require discretionary approval of new development under antiquated oil and gas permits.

Many oil fields in Ventura County operate under permits issued in the 1940s, 1950s, and 1960s. These “antiquated permits” typically contain no limits on the number of wells that can be drilled within the permit boundary, and often have no expiration date. They contain outdated language and lack adequate provisions to protect the environment, human health, and worker safety. As a result, hundreds of new wells have been approved through the issuance of over-the-counter Zoning Clearances that are not subjected to normal public notice and environmental review.

The Sespe Oil Field in Ventura County serves as a telling example of how the County’s current system of antiquated permits allows the oil industry to avoid operating under modern planning standards. The Sespe Oil Field contains 270 active oil wells spread across 3,000 acres north of Fillmore, nestled between the Los Padres National Forest, the Sespe Condor Sanctuary, and the Hopper Mountain National Wildlife Refuge. Approximately half of the wells are on private land that is intermingled with the national forest land. These oil wells on private land are within the County’s jurisdiction, falling within the boundaries of 21 Conditional Use Permits (CUPs). The County issued these CUPs between 1948 and 1976 and they are woefully outdated:

- Only 4 of the 21 CUPs contain expiration dates; the vast majority of the CUPs do not expire.
- Most CUPs do not restrict the number of wells and other facilities that can be placed within the boundaries, meaning that an unlimited number of wells could be drilled.
- Most CUPs have never undergone review under the California Environmental Quality Act (CEQA) because they predate CEQA. The most recent CEQA review for a CUP modification in the Sespe Oil Field was completed in 1994, twenty-five years ago.

- The CUPs contain inconsistent (and at times conflicting) provisions. Several permits cover multiple permittees, and the same company often holds several different permits that apply to the same general area. For example, the primary operator in the Sespe Oil Field holds 21 different CUPs spread throughout the Sespe Oil Field, each with their own permit boundaries and conditions. This lack of uniformity makes it very difficult for County staff to oversee compliance with permit conditions.

This is but one example of the myriad challenges presented by antiquated permits throughout the County. In the last five years alone, the Planning Division has approved at least 230 new oil wells in Ventura County, many of which are under antiquated permits. Allowing this outdated practice to continue places the health and safety of Ventura County residents, workers, and environment at grave risk.

The California Supreme Court has long since held that the vested rights doctrine does not protect permit holders who seek to drill new wells, or redrill, rework or deepen existing wells. *See Beverly Oil Co. v. City of Los Angeles (1953) 40 Cal.2d 552, 557* (upholding City's ban against drilling new wells or deepening existing wells as applied to plaintiff's established oil and gas operation and rejecting his claim of a vested right "to reach any and all oil underlying his property").

Accordingly, the County can and should embark on a process to evaluate changes in the approval process for new oil development under antiquated permits. We support the recommendation before you today to study ways to require discretionary approval of new development under antiquated permits. Such amendments would ensure that oil operations throughout the County operate in a safer, more responsible, and more transparent manner.

For the reasons outlined above, we urge you to vote YES on this recommendation for further study.

Sincerely,



Jeff Kuyper
Executive Director