

## **EXHIBIT 4a**

PL13-0150 Approval Letter

# Planning Commission Staff Report June 11, 2015

CRC Oil and Gas Project  
Case No. PL13-0150

Exhibit 4a:

Approval Letter for CUP No. PL13-0150



February 26, 2015

Mr. Bruce Carter  
270 Quail Court, Suite 100  
Santa Paula, California 93060

Subject: Planning Director Decision Regarding  
Minor Modification of a Conditional Use Permit (CUP):  
Vintage Oil and Gas Facility  
Case No. PL13-0150  
10000 Ojai-Santa Paula Road, Santa Paula  
Assessor's Parcel Numbers 040-0-010-260, 040-0-210-080, 040-0-210-  
200, 040-0-060-055, and 040-0-210-070

Dear Mr. Carter:

Condition No. 70 below was inadvertently omitted from the Conditions of Approval you received with the February 17, 2015 decision letter. This condition of approval was incorporated into the project at the January 8, 2015 Planning Director Hearing (and accepted by Vintage – California Resources Corporation) and is part of Conditional Use Permit No. PL13-0150 granted by the Planning Director.

70. Landscaping Maintenance

**Purpose:** To ensure that the CUP area is adequately screened so as not to create any unsightly conditions visible from public viewing areas.

**Requirement:** All drill sites shall be landscaped so as to screen production equipment (including permanent storage tanks) and cut and fill slopes from view of Highway 150, Thomas Aquinas College, the Santa Paula Canyon hiking trail and any residences in the area to the extent which the Planning Director determines is reasonably feasible. Required landscaping shall be accomplished in a manner consistent with the native character of the area. All landscape plans shall be prepared in accordance with the County's Landscape Guidelines. Landscaping shall be maintained for the life of the permit.

**Documentation:** Permittee shall submit a landscape plan to the Planning Division for review and approval.

**Timing:** The Permittee shall obtain approval of the landscape plan prior to the issuance of a zoning clearance for use inauguration.



**Monitoring and Reporting:** The County Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

If you have any questions about the information presented above, please contact Jay Dobrowalski, the case planner, at (805) 654-2498 or [jay.dobrowalski@ventura.org](mailto:jay.dobrowalski@ventura.org).

Sincerely,

A handwritten signature in cursive script that reads "Brian R. Baca". The signature is written in dark ink and is positioned above a horizontal line.

---

Brian R. Baca, Manager  
Commercial-Industrial Permits Section  
Ventura County Planning Division

# county of ventura

February 17, 2015

Mr. Bruce Carter  
270 Quail Court, Suite 100  
Santa Paula, California 93060

Subject: Planning Director Decision Regarding  
Minor Modification of a Conditional Use Permit (CUP):  
Vintage Oil and Gas Facility  
Case No. PL13-0150  
10000 Ojai-Santa Paula Road, Santa Paula  
Assessor's Parcel Numbers 040-0-010-260, 040-0-210-080, 040-0-210-  
200, 040-0-060-055, and 040-0-210-070

Dear Mr. Carter:

By the authority granted to me by the Ventura County Administrative Supplement to the California Environmental Quality Act (CEQA) Guidelines (2010, Chapters 3 and 8), Ventura County Non-Coastal Zoning Ordinance (NCZO) (2014, § 8111-1.2 et seq), and based on the information provided in the staff report and at the January 8, 2015, public hearing on this matter, I hereby:

1. **CERTIFY** that I have reviewed and considered the staff report dated January 8, 2015 (Attachment 4) and all exhibits thereto, including the proposed Addendum to the Environmental Impact Report (EIR) (Attachment 2) and the previously certified EIR (as identified in the Addendum) and have considered all comments received during the public comment process;
2. **FIND**, based on the whole of the record before me, that the Addendum to the Environmental Impact Report (EIR) satisfies the environmental review requirements of CEQA, and that none of the conditions have occurred that require preparation of a subsequent or supplemental EIR for the proposed project pursuant to Section 15162 of the CEQA Guidelines, that the Addendum reflects my independent judgment and analysis;
3. **APPROVE** the Addendum to the EIR (Attachment 2);
4. **MAKE** the required findings for the granting of the requested modified Conditional Use Permit (Case No. PL13-0150) based on the substantial evidence presented in Section E of the Planning Director staff report (Attachment 4) for the January 8, 2015 hearing and the entire record;



5. **GRANT** modified Conditional Use Permit No. PL13-0150, subject to the attached conditions of approval (Attachment 3) that include a mitigation and monitoring program;
6. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

As stated in NCZO § 8111-7.3, by February 27, 2015 (i.e., within 10 calendar days of the conditional approval of the Modified Conditional Use Permit (CUP) PL13-0150, after accounting for holidays and weekends), any aggrieved person may file an appeal of the foregoing decisions with the Planning Division which shall set a hearing date before the Planning Commission to review the matter.

The effective date of this decision is February 27, 2015, unless an appeal is filed within the specified appeal period.

Pursuant to CEQA Guidelines [§ 15164(c)], the Addendum to the EIR does not need to be circulated for public review, and shall be included in, or attached to, the adopted EIR.

By March 6, 2015 (or within five working days following the effective date of the granting of the requested Modified Conditional Use Permit in the event of an appeal), you must pay to the Ventura County Clerk a \$50.00 Ventura County Clerk filing fee, in order to file the CEQA Notice of Determination for the Addendum to the EIR. The Notice of Determination that was filed with the initial EIR and the receipt indicating that the initial California Fish and Wildlife fee was previously paid, must also be included. If these documents are not included, you must pay to the Ventura County Clerk a \$3,069.75 fee (California Department of Fish and Wildlife CEQA filing fee), in order to file the CEQA Notice of Determination for the Addendum to the EIR.

Please contact your case planner to file the CEQA Notice of Determination for the Addendum to the EIR.

Upon satisfying the "prior to Zoning Clearance" conditions, you may obtain a Zoning Clearance from the Planning Division and apply for a Building Permit with the Resource Management Agency, Building and Safety Division. Approval of the Minor Modification of CUP does not constitute approval of a Building Permit; you must submit a separate application for a Building Permit with the Building and Safety Division, following the issuance of the Zoning Clearance.

Please refer to the County of Ventura's One Stop Permitting website for further information and guidance with completion of the "prior to Zoning Clearance" conditions. This website can be accessed at: <http://onestoppermit.ventura.org/>.

If you have any questions about the information presented above, please contact Jay Dobrowalski, the case planner, at (805) 654-2498 or [jay.dobrowalski@ventura.org](mailto:jay.dobrowalski@ventura.org).

Sincerely,

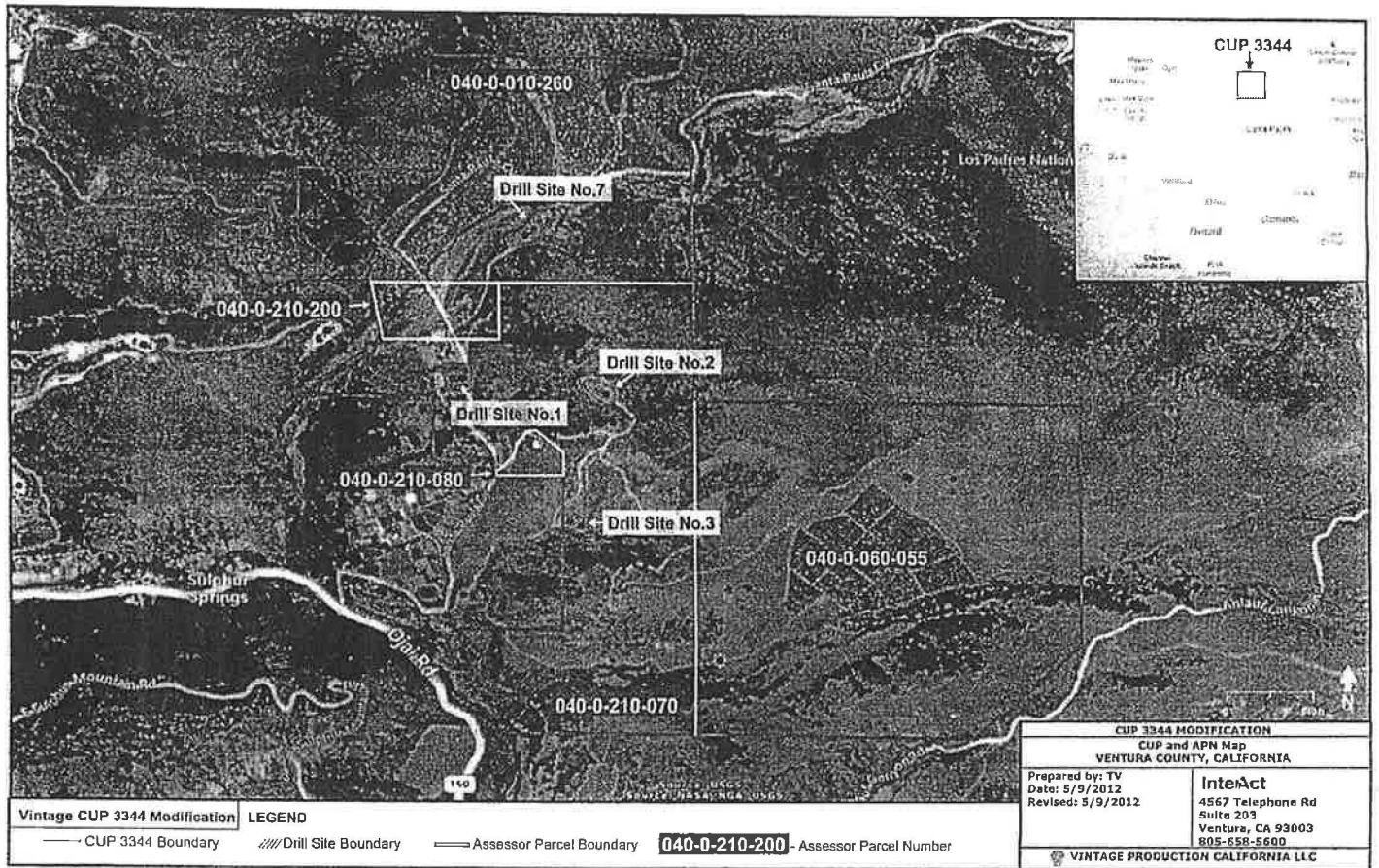
  
\_\_\_\_\_  
Kimberly L. Prillhart, Director  
Ventura County Planning Division

Attachments:

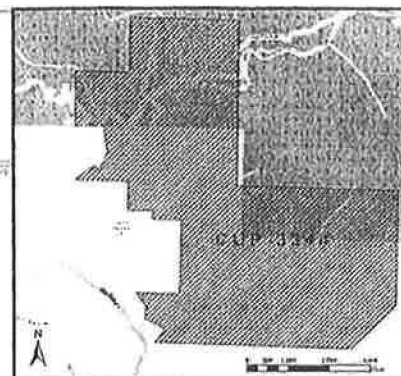
1. Approved Plans
2. Final Environmental Document (Addendum to the EIR)
3. Final Conditions of Approval
4. Planning Director staff report for the January 8, 2015 hearing (without exhibits)

c: InterAct, Attn: Uliana Micovic, 4567 Telephone Rd, Ste 203, Ventura, CA 93003  
Mr. Jim Robinson, 9600 Ming Avenue, Suite 300, Bakersfield, California, 93311  
Case File

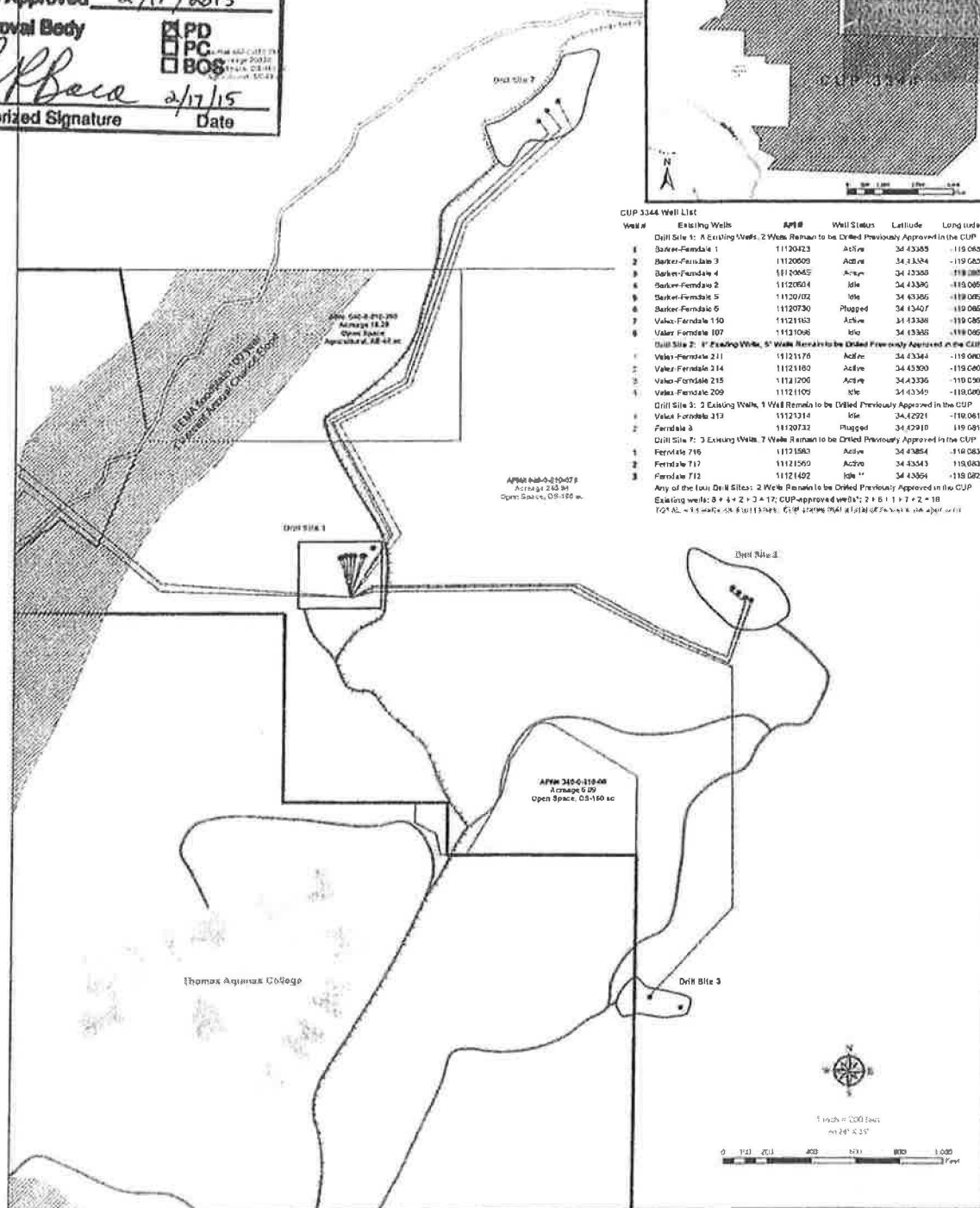
PL13-0150  
Attachment 1: Approved Plans













Permit No. PL13-0150  
Exhibit No. 3  
Date Approved 2/17/2015  
Approval Body ☒ PD ☐ PC ☐ BOS  
B. B. B. 2/17/15  
Authorized Signature Date



Well #	Existing Wells	API#	Well Status	Latitude	Longitude
Drill Site 1	A Existing Wells: 2 Wells Remain to be Drilled Previously Approved in the CUP				
Barker-Fernside 1		11120423	Active	34.43585	-118.083
Barker-Fernside 3		11120600	Active	34.43304	-118.082
Barker-Fernside 4		11120645	Active	34.43308	-118.088
Barker-Fernside 2		11120504	Idle	34.43305	-118.088
Barker-Fernside 5		11120702	Idle	34.43306	-118.095
Barker-Fernside 6		11120730	Plugged	34.43407	-118.086
Valer-Fernside 150		11121163	Active	34.43348	-118.085
Valer-Fernside 107		11121098	Idle	34.43345	-118.089
Drill Site 2	B Existing Wells: 3 Wells Remain to be Drilled Previously Approved in the CUP				
Valer-Fernside 211		11121180	Active	34.43302	-118.095
Valer-Fernside 214		11121180	Active	34.43300	-118.090
Valer-Fernside 235		11121206	Active	34.43336	-118.030
Valer-Fernside 209		11121109	Idle	34.43340	-118.090
Drill Site 3	C Existing Wells: 1 Well Remains to be Drilled Previously Approved in the CUP				
Valer-Fernside 313		11121314	Idle	34.42921	-118.061
Fernside 1		11120700	Plugged	34.42919	-118.061
Drill Site 4	D Existing Wells: 7 Wells Remain to be Drilled Previously Approved in the CUP				
Fernside 216		11121583	Active	34.43554	-118.083
Fernside 217		11121559	Active	34.43543	-118.083
Fernside 712		11121492	Idle**	34.43504	-118.082
Any of the Lots D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ					



**Legend**

	Rainbow Crat Sites		Existing Dike		CLUP 2044 Boundary
	Tomas Aquino College		Out of Service Line		Papers
	Santa Paula Creek		FEMA 100 year Floodplain		Existing Roads
	Santa Paula Canyon Mining Trail				

Name: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Page: \_\_\_\_\_  
 School: \_\_\_\_\_

**CUP 3344 - Ferndale Lease**  
Sections 9 & 15, T 4N, R 21W  
Call Dave 424-5151 or 800-690-7900 or 408-240-1162 240-0-210-0759  
 **Vindale Production California LLC**  
a wholly owned subsidiary of Petroleum Resources, Inc.  
3000 Ming Avenue #301  
Beverly Hills, CA 90211

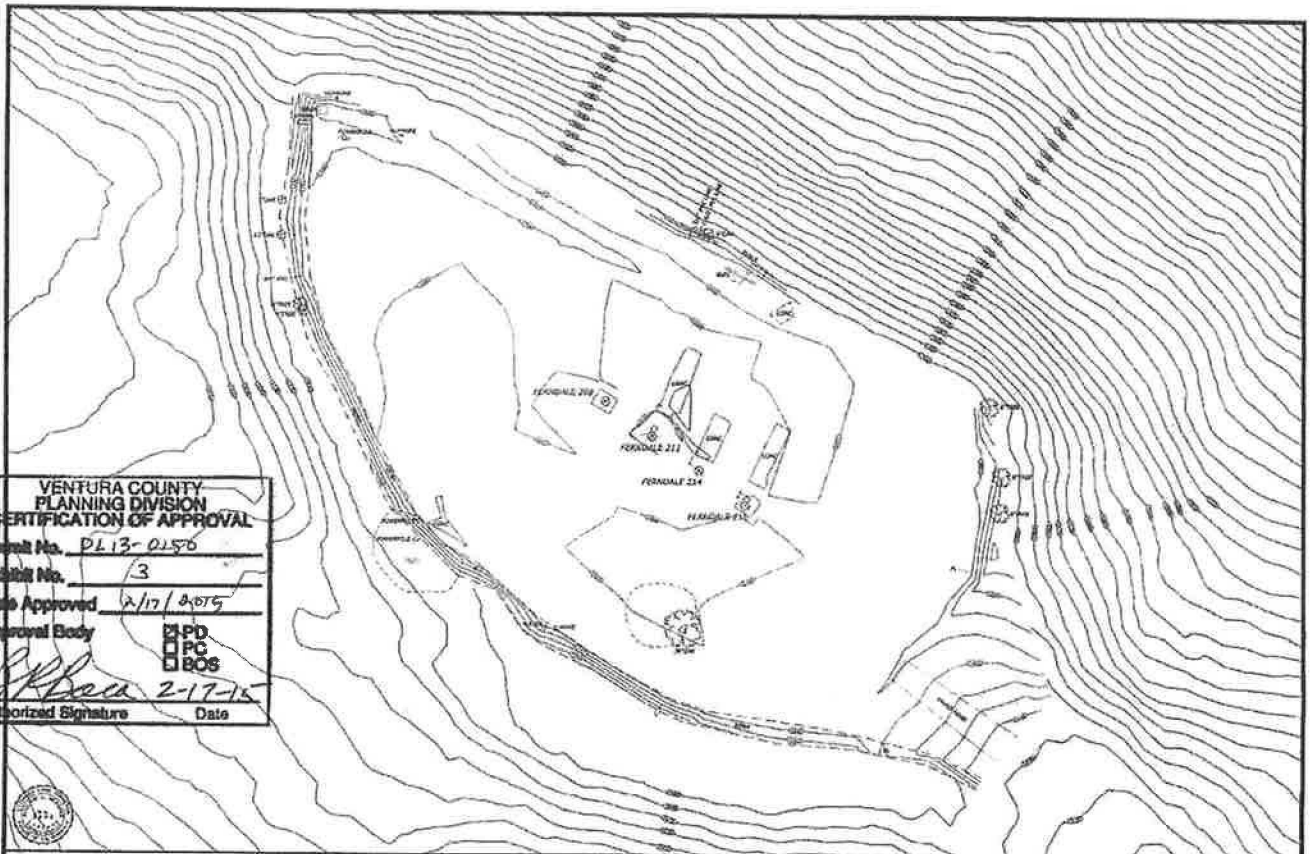
**Notes:** 1. Students: After class, please read the following text and answer the questions.

## InterAct

1. 凡在本公司工作之员工，其工资由基本工资、绩效工资、奖金、津贴、补贴、福利费、社会保险费、住房公积金、其他福利费、其他收入等构成。







<b>VENTURA COUNTY PLANNING DIVISION CERTIFICATION OF APPROVAL</b>	
Permit No. <u>DL13-0150</u>	
Exhibit No. <u>3</u>	
Date Approved <u>2/17/2015</u>	
Approval Body	<input checked="" type="checkbox"/> PD <input checked="" type="checkbox"/> PC <input checked="" type="checkbox"/> BOS
Authorized Signature <u>[Signature]</u>	Date <u>2-17-15</u>



WM SURVEYS INC.  
WILLIAM L. HEARNER, L.S.  
2787 SHERIDAN AVE. #12  
VENTURA, CA 93003  
TEL: 805-677-4000

AMERICAN MEASUREMENTS INC.  
DAVE L. JAMES, L.S.  
10000 AVENUE 110  
VENTURA, CA 93003

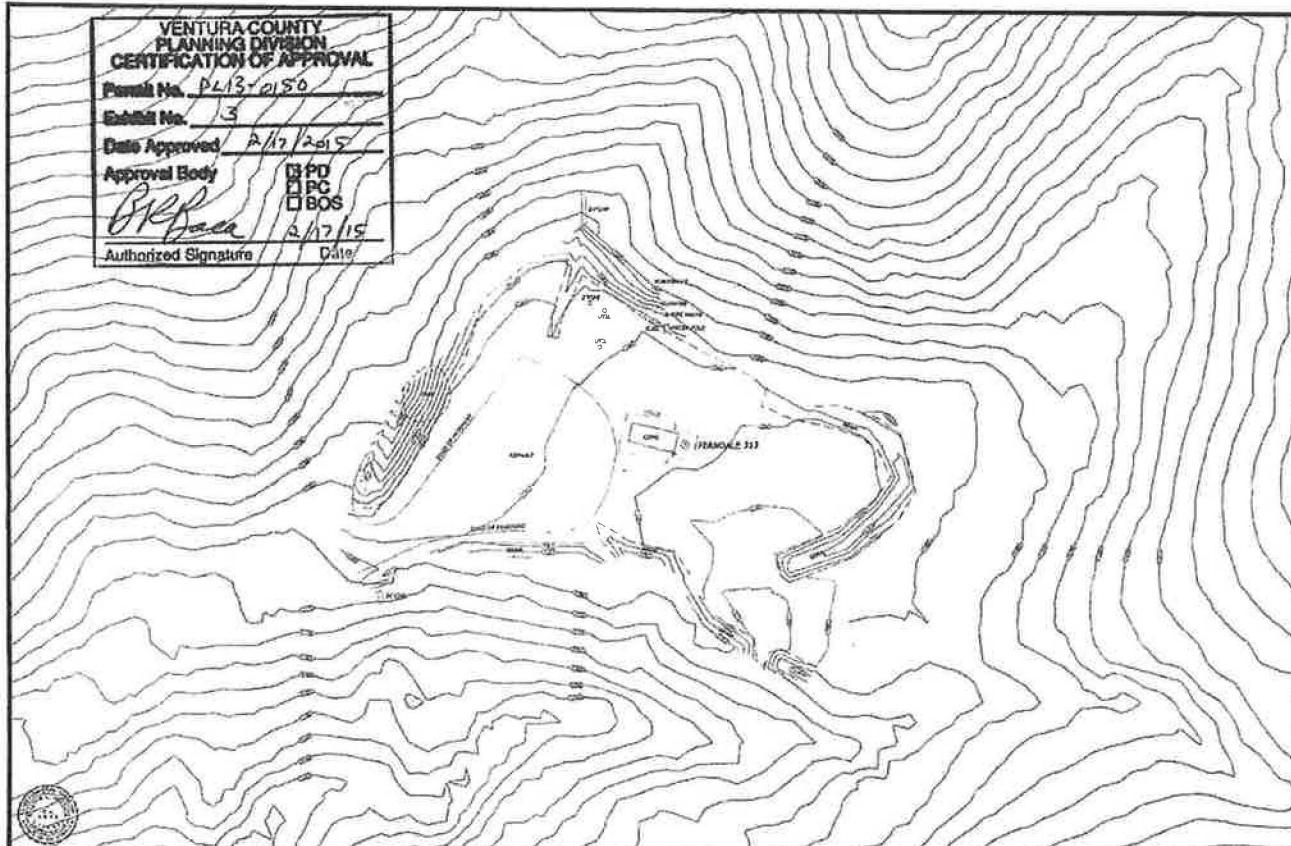
PROPOSED DRILLING AND EXCAVATION  
VINTAGE PRODUCTION



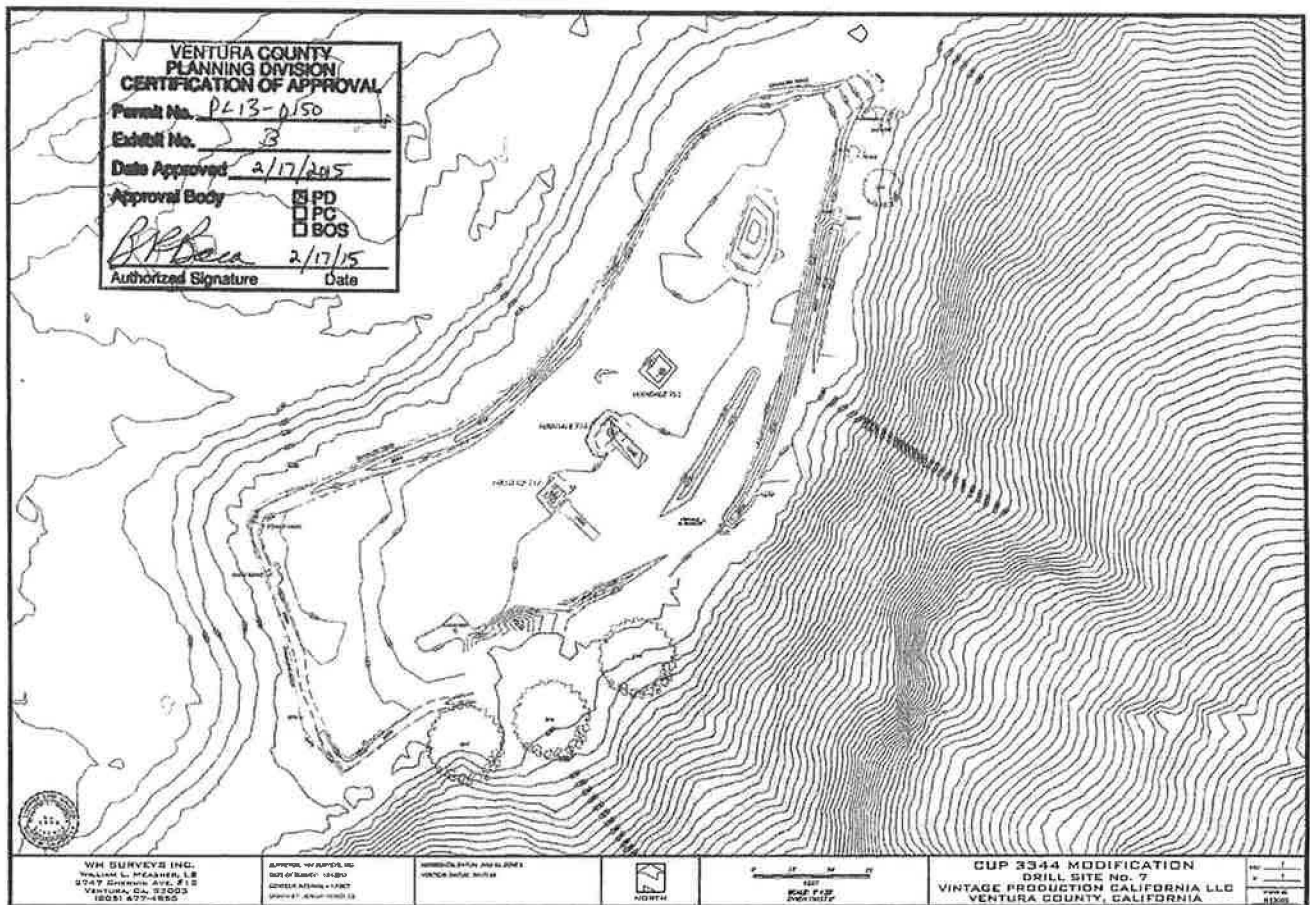
CUP 3344 MODIFICATION  
DRILL SITE NO. 2  
VINTAGE PRODUCTION CALIFORNIA LLC  
VENTURA COUNTY, CALIFORNIA

NO. 1  
V. 1  
REV. 8  
8/1/00

VENTURA COUNTY PLANNING DIVISION CERTIFICATION OF APPROVAL	
Parcel No.	P413-0150
Exhibit No.	3
Date Approved	2/17/2015
Approval Body	<input checked="" type="checkbox"/> PD <input type="checkbox"/> PC <input type="checkbox"/> BOS
Authorized Signature	<i>[Signature]</i> 2/17/15
	Date



<p>WM SURVEYS INC. WILLIAM L. WENDLER, L.S. 2747 BUREAU AVE., #12 VENTURA, CA 93003 18051-677-6850</p>	<p>ADDITIONAL NOTES: DATE OF SURVEY: 10/20/14 SURVEY INSTRUMENT: 1"=400' SURVEYOR: JAMES WENDLER</p>	<p>PROPOSED ROAD NAME: 313 LOCAL (STATE) ROAD 6</p>	<p>NORTH</p>	<p>0 100 200 FEET 0 30 60 METERS</p>	<p>CUP 3344 MODIFICATION ORILL SITE NO. 3 VINTAGE PRODUCTION CALIFORNIA LLC VENTURA COUNTY, CALIFORNIA</p>	<p>APP. 1 SHEET 1 DATE 2/17/15</p>
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## ENVIRONMENTAL IMPACT REPORT (EIR) – ADDENDUM

*This Addendum is prepared as supplemental environmental document to the certified Environmental Impact Report (EIR) prepared for the proposed project. The certified "EIR" for the subject oil and gas facility is comprised of the following documents previously certified by the County of Ventura:*

- *October 4, 1984 Final Environmental Impact Report for the Modification of CUP No. 3344*
- *June 21, 1978 Final Environmental Impact Report for the Modification of CUP No. 3344*

*This Addendum has been revised to reflect the public comments made at the January 8, 2015 Planning Director Public Hearing.*

### **A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:**

1. **Entitlement:** Minor Modification of existing Conditional Use Permit (CUP 3344) to authorize the continued operation of 17 oil and gas wells and related production equipment and the drilling of 19 new oil and gas wells.
2. **Applicant:** Vintage Production California, LLC
3. **Property Owners:** Vintage Production California, LLC, Attention: Jim Robinson, 9600 Ming Avenue, Suite 300, Bakersfield, California 93311
4. **Location:** The project site is located in a mountainous region north of the City of Santa Paula and east of Thomas Aquinas College, 10,000 Ojai-Santa Paula Road, Santa Paula, in the unincorporated area of Ventura County.
5. **Assessor's Parcel Numbers:** 040-0-010-260, 040-0-210-080, 040-0-210-200, 040-0-060-055, and 040-0-210-070
6. **Lot Size:** 813.9 acres
7. **General Plan Land Use Designation:** Open Space and Agricultural
8. **Zoning Designation:** "OS-160 ac" (Open Space, 160 acre minimum lot size) and "AE-40 ac" (Agricultural Exclusive, 40 acre minimum lot size)

**9. Project Description:** The applicant requests that a modified CUP be granted to authorize additional oil and gas exploration and production activities within an existing oil field. The proposed project includes the following components:

- a. The drilling, testing, reworking, maintenance and placement into production of 19 new oil and gas wells on four existing drilling pads (Drill Sites 1, 2, 3 and 7).
- b. The continued operation of 17 existing oil and gas wells located on four existing drilling pads (Drill Sites 1, 2, 3 and 7). This operation includes well testing, reworking, maintenance and production activities.
- c. Separation of natural gas and produced water from crude oil.
- d. Processing activities required for on-site wastewater injection well operations.
- e. Operation of existing equipment associated with the storage, processing, and transportation of oil, gas, and wastewater (brine).
- f. Continued maintenance vehicle trips of 2 per day (4 one-way trips) from Monday through Saturday.

The location of the existing and proposed wells and the associated equipment located in the CUP area used to process, store and transport produced fluids is illustrated on the approved project plans included in Attachment 1 of the February 17, 2015 Planning Director decision letter.

The proposed project does not include any new grading or removal of vegetation. All proposed wells will be drilled on the existing drill pads (Drill Site Nos. 1-3 and 7). The existing oil facilities are accessed by a private gated road connected to State Highway 150 just east of Thomas Aquinas College. In addition to the onsite equipment located on the existing drilling pads, the facility is connected to existing pipelines that are used to transport produced fluids to an offsite facility for separation, storage and transport to market. No new pipelines for the conveyance of produced fluids to the offsite facilities are proposed. Pumping units, gathering lines, electrical connections, produced fluid tanks and ancillary equipment will continue to be used for the operation of the facility.

There is no trucking of oil and gas from the Ferndale lease. Oil and gas produced from wells drilled on the Ferndale lease is conveyed by existing pipeline to the HAMP lease, where the oil, gas and water is separated. The water is disposed of onsite at the Hamp lease, into an existing and approved injection well. The separated gas is conveyed by existing pipeline by way of the Shiells Canyon Plant and then via existing pipeline to the Santa Clara Valley Plant where it is ultimately sold into a Southern California Gas pipeline. Separated oil is shipped by existing pipeline from Hamp lease to market via the Crimson pipeline. In summary, all of the oil & gas produced on the Ferndale lease is conveyed to market by existing pipelines.

In the event of an interruption of pipeline service, produced fluids would be temporarily delivered to market by truck subject to the limitations specified in the conditions of approval of the requested CUP.

The existing equipment on the Drill Site No. 1 pad includes the following:

- Two crude oil LACT tanks (1,000 barrel capacity each)
- Two produced water tanks (1,000 barrel capacity each)
- One produced water tank (300 barrel capacity)
- One heater treater
- One vapor recovery compressor (electric)
- One gas dehydration unit
- One water filtration unit (includes backwash filter)
- One water reinjection pump
- Two 64 square foot covered sumps (approximately 300 barrel capacity each)
- One storage tank (approximately 150 barrel capacity)
- Five rod pumping units
- Eight oil and gas wells: Barker Ferndale 1, 2, 3, 4, 5, 6, Valex Ferndale 107 and 110

The existing equipment on the Drill Site No. 2 pad includes the following:

- Three rod pumping units
- Four oil and gas wells: Valex Ferndale 209, 211, 214, 215

The existing equipment on the Drill Site No. 3 pad includes the following:

- One rod pumping unit
- Two oil and gas wells: Valex Ferndale 313, and Ferndale 8

The existing equipment on the Drill Site No. 7 pad includes the following:

- Two rod pumping units
- Three oil and gas wells: Ferndale 712, 716, and 717

Hydraulic fracturing or acid well stimulation techniques subject to the draft regulations for the implementation of Senate Bill 4 are not authorized by this permit. Any such well stimulation activity requires the granting of a modification of this permit by the County of Ventura.

## **B. STATEMENT OF ENVIRONMENTAL FINDINGS:**

On June 6, 1978, the Planning Commission certified an Environmental Impact Report (EIR) dated June 21, 1978 that evaluated the environmental impacts of the drilling of 30 additional oil wells from a total of five additional drill sites, for a total of 36 wells from six drill sites and a product pipeline within the permit area.

On July 9, 1985, the Board of Supervisors certified an EIR (dated October 4, 1984) that evaluated the environmental impacts of the continued operation of 14 existing oil and gas wells, and the drilling of 22 additional wells for a total of 36 wells and related production equipment. *(This action by the County extended the drilling period for 22 of the originally permitted wells that had not yet been drilled.)*

The proposed project is comprised of the continued use of the existing 17 wells and related facilities on existing pads and the drilling of 19 new oil and gas wells on four existing drill pads as previously approved. The project does not include any new grading or vegetation removal outside of the existing pads. *(Similar to the 1985 action by the County, the current request would extend the drilling period for the remaining 19 previously permitted wells.)*

Section 15164(a) of the California Environmental Quality Act (CEQA) Guidelines (Title 14, California Code of Regulations, Chapter 3) states that the decision-making body shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR have occurred.

The conditions described in Section 15162 of the CEQA Guidelines which require the preparation of an EIR or subsequent negative declaration, are provided below, along with a discussion as to why a subsequent EIR or supplemental EIR is not required:

- 1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§ 15162(a)(1)].**

The oil and gas facility was previously analyzed for its potential impacts on the environment and to identify any required mitigation measures. The proposed project is comprised of the continued operation of 17 existing oil and gas wells and related production facilities and the drilling of 19 new wells on existing drill pads. The proposed new oil wells and associated facilities would be installed at the same locations as analyzed in the EIR (as defined on Page 1 of this Addendum) previously prepared and certified by the County of Ventura for this oil and gas facility. All of the proposed new wells were previously authorized by the County with the granting of CUP 3543 in 1984. This permit authorized a total of



36 wells. The requested permit modification would extend the drilling period specified in CUP 3543 which expired in 2011. The proposed drilling of 19 new wells does not include any physical change to the land outside of the existing disturbed drilling pads. The effects of drilling 19 new oil wells, and placing these wells on production (such as truck transport of produced fluids), are analyzed in the existing certified EIR.

Therefore, the proposed drilling of 19 new oil and gas wells on the existing drill pads will not create any new environmental impacts that were not previously analyzed in the EIR.

- 2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§ 15162(a)(2)].**

The circumstances under which the potential impacts to the environment were evaluated have not substantially changed such that the proposed drilling of 19 previously authorized oil and gas wells on existing drilling pads will require major revisions to the EIR. No new potentially significant environmental effects have been identified for the proposed project. The drilling of the proposed 19 oil and gas wells will not create any new impacts that are not analyzed in the previously certified EIR. In particular, the issue of visual impacts associated with the development and use of the permitted drillsites is evaluated in the Mitigated Negative Declaration incorporated into the October 3, 1984 certified EIR. It is stated in that document that "Drill Site Nos. 1 and 7 are clearly visible to hikers utilizing the Santa Paula Creek trail." The mitigation measures identified in the earlier EIR are incorporated into the current recommended conditions of approval. The addition of new wells on these drillsites is considered in the certified EIR. Thus, major revisions of the previous EIR are not required.

- 3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Board of Supervisors certified the previous EIR, shows any of the following:**
  - a. The project will have one or more significant effects not discussed in the previous EIR [§ 15162(a)(3)(A)].**

No new information or environmental impacts that were unknown and could not have been known when the EIR was certified have become available. The environmental conditions that currently exist on site are substantially the same as those that existed at the time at which the EIR was certified. Therefore, the drilling of 19 new oil and gas wells on existing drill pads will not create any significant effects that were not discussed in the previous EIR.



- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR [§ 15162(a)(3)(B)].**

No new information or environmental impacts that were unknown and could not have been known when the EIR was certified have become available. The environmental conditions that currently exist on site are substantially the same as those that existed at the time at which the EIR was certified. The environmental impacts of the proposed project are the same as when the project was previously approved. The drilling of 19 new oil and gas wells on existing drill pads will not cause any significant effect that would be substantially more severe than shown in the previous EIR.

- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative [§ 15162(a)(3)(C)].**

The environmental conditions that currently exist on site are substantially the same as those that existed at the time at which the EIR was certified. The EIR did not identify any mitigation measures or alternatives as infeasible. There are no mitigation measures or alternatives that would substantially reduce the significant effects of the project that the project proponents declined to adopt. Therefore, the proposed drilling of 19 new oil and gas wells on existing drill pads will not create any significant effects that were not discussed in the previous EIR.

- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative [§15162(a)(3)(D)].**

The environmental conditions that currently exist on site are essentially the same as those that existed at the time at which the EIR was certified. There are no mitigation measures or alternatives that would substantially reduce the significant effects of the project that the project proponents declined to adopt. Therefore, the proposed drilling of 19 new oil and gas wells on existing drill pads will not create any significant effects that were not discussed in the previous EIR.

A significant impact on biological resources, specifically the endangered California Condor, was not identified in the certified EIR. Since the EIR was prepared, however, new mitigation measures have been developed by the County of Ventura to minimize any adverse effects on condors. These mitigation measures were developed based on the recommendations of the U.S. Fish and

Wildlife Service. Although not required to address an identified potentially significant impact, these measures (reproduced below) will be incorporated into the recommended conditions of approval of the requested permit modification as best management practices to protect this important species.

#### California Condor Protection BMPs

**Purpose:** To avoid adverse impacts during drilling and ongoing operation of approved wells and facilities and ensure compatibility with conservation efforts outlined in the Recovery Plan for California Condor (April 19, 1996) and direction provided by United States Fish and Wildlife Service (USFWS) for oil and gas facilities within the range of the California Condor in Ventura County (USFWS, 2013).

**Requirement:** During construction and operation, the Permittee shall adhere to the following USFWS recommended California condor Best Management Practices (BMPs):

##### *Transmission and Landing Deterrents*

- a. All power lines, poles, and guy wires shall be retrofitted with raptor guards, flight diverters, and other anti-perching or anti-collision devices to minimize the potential for collision or electrocution of condors. Landing deterrents (e.g. Daddi Long Legs or porcupine wire) shall be attached to the walking beams on pumping units. New power and distribution lines shall be installed underground if determined to be necessary to avoid impacts to the California condor by the Planning Director in consultation with USFWS.
- b. All surface structures which are identified by the USFWS or County-approved qualified biologists as a risk to California condors, shall be modified (e.g. to include installation of raptor guards, anti-perching devices, landing deterrents) or relocated to reduce or eliminate the risk.

##### *Microtrash*

- c. All construction debris, food items, road kill, cigarette butts, and other trash including micro-trash (including but not limited to small items as screws, nuts, washers, nails, coins, rags, small electrical components, small pieces of plastic, glass, or wire, and anything that is colorful or shiny) will be covered or otherwise removed from a project site (including the access road) at the end of each day or prior to periods when workers are not present at the site.
- d. All hoses or cords that must be placed on the ground due to drilling operations that are outside of the primary work area (immediate vicinity of the drilling rig) will be covered to prevent California condor access. Covering will take the form of burying or covering with heavy mats, planks, or grating that will preclude access by California condors.

- e. All equipment and work-related materials (including, but not limited to, loose wires, open containers, rags, hoses, or other supplies or materials) shall be contained in closed containers either in the work area or placed inside vehicles.
- f. Poly chemical lines shall be replaced with stainless steel lines to preclude condors from obtaining and ingesting pieces of poly line.
- g. Prior to issuance of a Zoning Clearance for drilling or re-working of wells, informational signs describing the threat that micro-trash poses to condors, and the cleanup or avoidance measures being implemented, shall be posted at the site.
- h. Prior to conducting work on-site, employees and contractors shall be made aware of the California condor, and how to avoid impacts on them. Special emphasis shall be placed on keeping the well pad site free of micro-trash and other hazards.
- i. Wells pads shall be inspected closely for micro-trash on a daily basis.

#### *Chemicals*

- j. Ethylene glycol based anti-freeze or other ethylene glycol based liquid substances shall be avoided, and propylene glycol based antifreeze will be encouraged. Equipment or vehicles that use ethylene glycol based anti-freeze or other ethylene glycol based liquid substances shall be inspected daily for leaks, including (but not limited to) areas below vehicles for leaks and puddles. Standing fluid (e.g. a puddle of anti-freeze) will be remediated (e.g. cleaned up, absorbed, or covered) immediately upon discovery. Leaks shall be repaired immediately. The changing of antifreeze of any type shall be prohibited onsite.
- k. Open drilling mud, water, oil, or other liquid storage or retention structures shall be prohibited. All such structures must have netting or other covering that precludes entry or other use by condors or other listed avian species
- l. The design and location of any flaring equipment shall be subject to review and approval by the Planning Director in consultation with the USFWS.

#### *Miscellaneous*

- m. All food items and associated refuse shall be placed in covered containers that preclude access or use by California condors.
- n. All equipment and work-related materials (including loose wires, open containers, rags, hoses, or other supplies) will be placed in closed containers or inside vehicles.
- o. No dogs or other potentially predatory domesticated animals shall be allowed on the drill site unless on a leash or otherwise contained at all times.
- p. All construction equipment, staging areas, materials, and personnel shall remain within the perimeter of the disturbed area authorized under the applicable permit.

- q. The discharge of firearms at the project site or vicinity by any employee or contractor of the Permittee shall be prohibited.
- r. Feeding of wildlife by any employee or contractor working for the Permittee shall be prohibited.
- s. Access to the project site shall be made available to the representatives of the State and Federal wildlife agencies including California Department of Fish and Wildlife (CDFW) and USFWS upon request. Should a California condor be observed on-site by personnel of the Permittee, the USFWS, CDFW and the Planning Division shall be contacted immediately.
- t. Any road kill found on the access road shall be immediately cleared from the roadway and disposed.

The Permittee shall implement the BMPs listed above throughout the entire life of the project, unless modified by the County Planning Director in consultation with USFWS and CDFW. A County-approved qualified biologist shall confirm and photo-document the installation of the BMPs.

**Documentation:** The application shall prepare photo documentation of the complete installation of the signage and above BMPs.

**Timing:** Prior to the issuance of a Zoning Clearance for Construction (i.e. grading or land clearing activities), the Permittee must take the following actions:

- Install signage.
- Submit photo-documentation of the installation of the signage to the Planning Division.

Prior issuance of a Zoning Clearance for Use Inauguration (i.e. the Zoning Clearance for the drilling of first well), the Permittee must provide the Planning Division with photo documentation of the implementation of the above requirements.

**Monitoring and Reporting:** Planning Division staff will review the submitted reports. The Planning Division has the authority to conduct site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

Based on the information provided above, and the whole of the record, none of the conditions have occurred to require the preparation of a supplemental or subsequent EIR. The decision-making body shall consider this Addendum to the final EIR prior to making a decision on the project.

**C. PUBLIC REVIEW:**

Pursuant to the State CEQA Guidelines § 15164(c), this addendum to the EIR does not need to be circulated for public review, and shall be included in, or attached to, the adopted EIR.

Prepared by:

*Brian R. Baca*

for Jay Dobrowalski, Case Planner  
Commercial and Industrial Permits Section

Reviewed by:

*Brian R. Baca*

Brian R. Baca, Manager  
Commercial and Industrial Permits  
Section

The Planning Director finds that this Addendum has been completed in compliance with the California Environmental Quality Act.

*Kimberly L. Prillhart*

Kimberly L. Prillhart, Planning Director

2-17-15

Date

**Attachments:**

- A. Responses to public comment
- B. Marked letters of public comment
- C. 2-12-15 Public Works Agency memorandum (J. O'Tousa)
- D. 2-10-15 memorandum by Brian R. Baca
- E. Climate change analysis and discussion document from the adopted MND Addendum for the Mirada Petroleum Project (Case No. LU11-0041)
- F. Topical response to comment (Seismic hazards and produced fluid spills) prepared for the review of the DCOR Project (Case No. PL13-0046).

# Vintage Oil and Gas Facility, PL13-0150

## Responses to Public Comments

Prepared by:

Jay Dobrowalski, Case Planner

Brian R. Baca, Manager

*Ventura County Planning Division*

### INTRODUCTION

During the January 8, 2015, Planning Director Hearing, public comments were presented, as both testimony and written letters, for the proposed Vintage Oil and Gas Facility Project (Case No. PL13-0150). Planning Division staff prepared detailed responses to each of the issues raised in the testimony and comment letters. This memorandum compiles the comments and responses.

### SUMMARY OF WRITTEN COMMENTS

The Planning Division has received seven (7) public comment letters regarding the proposed project as listed in the table below. These letters are attached to this document.

#### Public comment letters on application PL13-0150

No.:	Author and Date:	Summary of Content:
B	John Brooks, CFROG 1-8-15	Environmental analysis, air quality, greenhouse gases, seismic events, fracking
C	CFROG (Addendum to CUP 3344) 1-8-15	Biological resources, seismic hazards,
D	CFROG (Santa Paula Creek) <i>undated</i>	Catastrophe, red line channel, paving of drill pad 7, hiking trail
E	CFROG (Statement at Public Hearing) 1-8-15	Environmental review of proposed oil wells, seismic hazards, conditions of approval, storage of waste and petroleum products, steelhead trout

F	CFROG (Cumulative Effects) <i>undated</i>	Global warming, cumulative impacts
G	Jeff Kuyper (Los Padres Forest Watch) 1-8-15	Obligations of lead agency under CEQA, biological resources, hiking trail, archeological resources, incompatible land uses, risk to natural and cultural resources, suppression of public input, lead agency authority under CEQA, smell, noise, visual impacts, inconsistency with General Plan and Zoning Ordinance, Spill Contingency Plan, fracking,
H	John Q. Masteller (Thomas Aquinas College) 1-6-15	St. Thomas Aquinas College's concerns

## RESPONSES TO COMMENT

Provided in the table below are specific responses to each comment in which a concern (or opposition to) the proposed oil and gas facility is expressed. The responses presented herein are numbered in correspondence with the attached marked copies of the comment letters.

### Specific responses to public comment

Letter	Comment No.	Staff response to comment
B	B-1	<p>The Focused Environmental Impact Report does address access issues associated with the oil and gas development of the Ferndale lease. The effects of the project in other environmental issue areas were evaluated in previous certified CEQA documents. These previous documents, and the current Addendum, together comprise the environmental document (EIR) for the proposed project.</p> <p>The decision to prepare a Supplemental or Subsequent EIR must be made based on the standards set forth in Section 15162 of the CEQA Guidelines. The Section 15162 standards are listed in the Addendum to the EIR along with the analysis by Planning staff that concludes that none of the conditions have occurred that require the preparation of a Supplemental or Subsequent EIR.</p>

		<p>The conditions cited in CEQA Section 15162 refer to new circumstances, the identification of new impacts, and the increase in severity of already identified impacts. Any finding that such effects have occurred such that a supplemental or subsequent EIR is required must be based on "substantial evidence" as defined in Section 15064(f)(5) of the CEQA Guidelines. This section reads as follows:</p> <p><i>"Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."</i></p> <p>As indicated by the above language, general assertions or conclusionary statements unsupported by facts do not constitute substantial evidence. The comment provided pertains to procedure and does not include any specific comment on the adequacy of the EIR Addendum prepared for the project. Thus, no specific response is possible.</p>
B	B-2	Refer to comment B-1 above.
B	B-3	The Planning Division has not identified new or different potentially significant environmental impacts that would result from the proposed project that were not evaluated in the previous EIR. This comment does not provide any evidence of a newly identified potentially significant impact.
B	B-4	The project has been reviewed by the Ventura County Air Pollution Control District (VCAPCD). The VCAPCD did not identify any new potentially significant impacts on air quality. Moreover, the project will be subject to APCD rules and regulations, including requirements for air permits, emission controls, and annual compliance inspections. These requirements will ensure that project air emissions will be controlled to the maximum extent feasible throughout the life of the project. With regard to the emission of greenhouse gases (GHG), the attached analysis of greenhouse gas emissions included in the County-adopted Mitigated Negative Declaration for the Mirada Petroleum project (LU11-0041) is adequate to address potential GHG impacts (C. Thomas, VCAPCD, Pers. Comm.). This analysis evaluates the GHG emissions of 9 new oil and gas wells in another area of the Ojai Oil Field and concluded that the GHG emissions would be far below any threshold of significance for GHG emissions adopted by any air district in the state. Therefore, even with the proportional increase of GHG emissions by a factor of 2.1 times due to the greater number of wells (19), the GHG emissions from the



		<p>project will remain far below any adopted GHG threshold of significance.</p> <p>The statement that “no determination has been made as to the safety of the waste water injection” does not provide any evidence of an environmental impact of the continuing use of the existing wastewater disposal wells located on the Hamp Lease. The California Division of Oil and Gas and Geothermal Resources (DOGGR) is responsible for the permitting and inspection of these injection wells and has not reported any safety concern with their operation.</p>
B	B-5	This comment does not provide any substantial evidence of an impact. Thus, no specific response is required.
B	B-6	<p>This comment does not provide any evidence of a potentially significant impact. Refer to response to comment B-4 above with regards to air quality issues. No evidence has been provided that the continued use of the injection wells at the Hamp Lease will cause damaging earthquakes. The injection wells have been used for decades without any identified environmental impact.</p> <p>The proposed project does not include “extreme extraction methods” such as hydraulic fracturing. The use of such well stimulation techniques would require a modification of the permit and additional environmental review.</p>
B	B-7	This comment asserts that air pollution from oil and gas development can “reach levels associated with adverse health effects...”. No explanation is provided as to what the “levels” of concern are or what is meant by the phrase “associated with adverse health effects.” This comment does not provide any evidence of a potentially significant air quality impact that would result from the proposed project. Refer to comment B-4.
B	B-8	This comment does not provide any evidence of a potentially significant air quality impact that would result from the proposed project. The oil wells will be operated under permits issued by the VCAPCD and will be required to meet established standards for emissions and control technology. Refer to comment B-4.
B	B-9	This comment does not provide any evidence of a potentially significant air quality impact that would result from the proposed project. The oil wells will be operated under permits issued by the VCAPCD and will be required to meet established standards for emissions and control technology. Refer to responses to comment B-4, B-5, B-6, B-7 and B-8.
C	C-1	The designation of Santa Paula Creek as critical habitat for

		<p>steelhead trout does not, in itself, constitute substantial new information of a new potentially significant impact of the proposed project. Environmental review under CEQA is conducted to assess the physical impacts on the environment due to a proposed project. A substantial adverse effect on aquatic wildlife would be an impact under CEQA regardless of the species or habitat status.</p> <p>The current proposal involves the placement and operation of 5 new oil and gas wells on an existing graded pad identified as Drillsite #7. Three active oil wells already exist on this pad and have been in operation for more than two decades. No grading, expansion or other alteration of this pad is proposed other than the installation of the 5 new wells. The pad is maintained in an un-vegetated state and the drainage characteristics of this facility will not be altered. The operation of the proposed oil wells will not generate noise and vibration in excess of the limits established in County General Plan policy. No gas flaring or oil storage will occur on this pad as all produced oil, gas and brine is conveyed offsite by existing pipelines. As indicated in the attached memoranda from the Public Works Agency, the oil wells will be installed in accordance with the creek setback standards established in Section 8107-5.6 of the County Non-Coastal Zoning Ordinance. The placement of 5 new oil and gas wells will not result in any physical effect on Santa Paula Creek or any of the adjacent habitat area.</p> <p>Given the above factors, the Planning Biologist has determined that the proposed project would not result in a significant impact on the biological resources associated with Santa Paula Creek.</p>
C	C-2	<p>The proposed project involves the continued use of existing oil and gas facilities, including drilling pads. The only new facilities would be additional oil wells. The installation of an oil well only involves an increase in impervious surfaces of about 400 square feet. Thus, the change in the drainage characteristics of the four existing drillsites would be negligible. Refer to the attached Topical Response to Comment prepared for the DCOR application (PL13-0046) regarding the potential for impacts related to seismic hazards and produced fluid spills. The comment does provide any substantial evidence that the proposed project will result in potentially significant impacts related to produced fluid spills.</p> <p>In summary, this comment does not provide substantial evidence of a significant impact.</p>

C	C-3	Refer to the attached Topical Response to Comment prepared for the DCOR application (PL13-0046) regarding the potential for impacts related to seismic hazards and produced fluid spills. It is speculative that a major earthquake will occur during the life of the project and that such an earthquake will result in the spill of produced fluids. As indicated in the attached Topical Response to Comment, there is no definitive evidence that the primary fault in the area (the San Cayetano Fault) has experienced a major earthquake in the past 200 years. As indicated in Section 15064(f)(5) of the CEQA Guidelines, "speculation" does not constitute substantial evidence of an impact.
D	D-1	<p>According to a September 3, 2013 report by the M3 Civil, Inc. (Katherine McCunney, CE 43604), the graded surface of Drillsite #7 is at an elevation approximately 13 feet above the elevation of the floodplain of Santa Paula Creek. This report concludes that the placement of the proposed additional wells on this drillsite "will have no impact on the floodplain."</p> <p>Drillsite #7 is a permitted facility that is part of the existing setting. The physical dimensions of this pad are not proposed to be changed. The addition of 5 oil wells will not substantially change the drainage characteristics of this facility. No new impacts on Santa Paula Creek will occur with the proposed project.</p> <p>Refer to the attached memoranda from Engineering Geologist Brian R. Baca (CEG 1922) and the Public Works Agency regarding the evaluation of the continued use of Drillsite #7 for oil and gas activities. These document conclude that the proposed wells will be consistent with the creek setback standards established in Section 8107-5.6 of the NCZO.</p>
D	D-2	Refer to response to comment D-1 above.
D	D-3	The proposed project does not include the paving of Drillsite #7. Refer to response to comment D-1 regarding the consistency of the project with the NCZO creek setback standards. The proposed wells will meet the NCZO-required 100-foot setback from creeks and wetlands. The proposed project does not involve any disturbance of the riparian habitat along Santa Paula Creek.
D	D-4	There will be no change in the current public hiking trail as a result of the proposed project. As noted in the 1984 certified EIR, Drillsite #7 will be "clearly visible to hikers using the Santa Paula Creek trail." The site is now and will be characterized by a fenced 2-acre area with operating oil equipment. Thus, there will

		be no new impact on public recreation.
E	E-1	<p>In 1978, a Final Environmental Impact Report evaluated the drilling and production of up to 30 wells from six drill sites within the permit area. The cover page of the document is titled "Final Environmental Impact Report."</p> <p>The "environmental document" considered by the Planning Director in the review of the PL13-0150 application includes all of the previously certified documents (MND, EIRs) and the EIR Addendum prepared for the current application.</p>
E	E-2	Refer to responses to comments C-3 above.
E	E-3	This comment does not provide substantial evidence of a new potentially significant impact. The road between Drill Site Nos. 1 and 2 has been improved and Condition No. 46 satisfied.
E	E-4	The proposed project does not include the paving of Drillsite #7. This comment does not provide substantial evidence of a new potentially significant impacts.
E	E-5	This comment does not provide substantial evidence that the addition of new oil and gas wells to the existing oil and gas production facilities will result in any new flood-related impact. Refer to the attached memorandum by Brian R. Baca (CEG 1922).
E	E-6	This comment does not provide substantial evidence of a new potentially significant impact that would result from the proposed project. The standard requirement that industrial facilities maintain compliance with stormwater regulations is not evidence of an impact. The proposed project does not involve any substantial changes in the runoff characteristics of any of the existing facilities.
E	E-7	Refer to response to comment E-6.
E	E-8	<p>The proposed project includes the conveyance of produced fluids from the site to offsite existing facilities by existing pipelines. No new storage facilities will be constructed as part of the project. Refer to responses to comment C-1 and D-1.</p> <p>This comment does not provide evidence of a new potentially significant impact that would result from the proposed project.</p>
E	E-9	The requirement that hazardous materials be contained in accordance with applicable regulations is a standard requirement and not indicative of an environmental impact. No evidence has been presented that any such storage or containment would be unsuccessful and result in an environmental impact. Refer to response to comment E-8 above.
E	E-10	This comment expresses general concerns but does not provide

		any evidence of a new potentially significant impact that would result from the proposed project. With regard to flooding and geologic issues associated with the use of Drillsite #7, refer to the attached memorandum by Brian R. Baca (CEG 1922).
E	E-11	Refer to response to comment C-1 above.
F	F-1	Refer to response to comment B-4 above.
F	F-2	<p>Oil production facilities and operations, including oil wells, operate under permits issued by the Ventura County Air Pollution Control District (VCAPCD). These permits and associated requirements, including emission offsets, emission control equipment, and annual inspections, will ensure that project air emissions will be controlled to the maximum extent feasible throughout the life of the project. Hence, facilities that operate under permit by the VCAPCD are not considered to have the potential to cause or create a project-specific significant (or cumulatively considerable) impact on air quality. Moreover, air permit requirements, including those for oil production facilities and operations, have long been a major component of VCAPCD's overall strategy to bring Ventura County into compliance with state and federal clean air standards and as such have contributed to the county's progress towards meeting those standards.</p> <p>Refer to the attached memorandum regarding the potential impacts of greenhouse gas emissions.</p> <p>The cumulative effects of a 36-well oil and gas facility (as currently proposed) are evaluated in the previously-certified environmental documents (i.e. the 1978 and 1984 EIRs).</p> <p>The comment does not provide substantial evidence of a new potentially significant impact on the environment that would result from the proposed project.</p>
F	F-3	Refer to response to comment F-2 above.
F	F-4	This comment does not provide substantial evidence of a new potentially significant impact.
F	F-5	The proposed project was evaluated for cumulative impacts on the environment in the certified EIR. The subject oil and gas facility is existing and has been in operation for more than two decades. The current proposal does not involve a substantial change in the existing facilities except for the additional oil wells. The proposed project does not involve substantial changes in existing permitted facilities or operations, and does not involve any new long-term truck traffic. No potentially significant impacts have been identified that would result from

		<p>the current proposal. The determination of whether the EIR Addendum is adequate will be made by the Planning Director based on the evidence in the record at the time of decision.</p> <p>This comment does not provide substantial evidence of new potentially significant impacts.</p>
G	G-1	<p>The proposed project was evaluated for environmental impacts, and pursuant to Section 15164 of the CEQA Guidelines, the Planning Division prepared an Addendum to the existing Environmental Impact Report.</p> <p>This comment does not provide any substantial evidence of a new potentially significant impact that would result from the proposed project.</p>
G	G-2	<p>Refer to response to comment C-1 above.</p> <p>This comment does not provide substantial evidence of a new potentially significant impact.</p>
G	G-3	<p>There will be no change in the current public hiking trail as a result of the proposed project. Thus, there will be no new impact on public recreation.</p>
G	G-4	<p>The proposed project does not involve the development of new drillsites, roads or any grading that could substantially disturb cultural resources. This comment does not provide substantial evidence of a new potentially significant impact.</p>
G	G-5	<p>This comment does not provide substantial evidence of a new potentially significant impact. Issues of compatibility are addressed in the required findings for the granting of a CUP.</p>
G	G-6	<p>This comment does not provide substantial evidence of a new potentially significant impact. Refer to responses to comment C-1 and G-4.</p>
G	G-7	<p>The proposed project was evaluated for environmental impacts, and pursuant to CEQA, the Planning Division prepared an Addendum to the existing Environmental Impact Report. The previously-certified environmental documents for the existing facility evaluated a 36-well oil and gas facility as would result with approval of the current proposal.</p>
G	G-8	<p>The Planning Division publishes hearing documents one week prior to the scheduled public hearing. As a courtesy to interested parties, the hearing documents for Project PL13-0150 were published a week early.</p> <p>This comment does not provide substantial evidence of a new potentially significant impact.</p>
G	G-9	<p>The 1985 FEIR was prepared to augment the original 1978 EIR,</p>



		<p>which was prepared to augment an MND. All of these documents comprise the CEQA document included in the record and considered by the Planning Director in making a decision on the PL13-0150 application.</p> <p>The adequacy of the CEQA document (EIR Addendum) will be determined by the County decision-makers in accordance with the provisions of Section 15162 of the CEQA Guidelines.</p>
G	G-10	<p>The EIR Addendum prepared for the proposed project, as augmented by the public comments and responses to those comments, satisfies the environmental review requirements of CEQA. No new potentially significant impacts on the environment have been identified that require the preparation of a subsequent EIR. Refer to responses to comment B-1, B-4, B-6, C-1, C-2, C-3, and D-1.</p> <p>Note that the drilling period was extended through previous permit actions by the County.</p>
G	G-11	<p>There will be no change in the current public hiking trail as a result of the proposed project. Thus, there will be no new impact on public recreation. Refer to response to comment D-4.</p>
G	G-12	<p>This comment does not provide substantial evidence of an impact of the proposed project. Any odors derived from the existing permitted oil and gas facilities are part of the existing setting and not a subject of review for the current project. Moreover, compliance with applicable VCAPCD air regulations will help ensure that the project will not create objectionable odors offsite in the area. No evidence has been presented that the proposed addition of 19 oil wells to the existing facility will result in a significant impact on air quality. Refer to responses to comment B-4 and C-1.</p>
G	G-13	<p>This comment incorrectly describes the project. The project description has been clarified by the applicant such that no more than 5 new wells would be installed on Drillsite #7. There is no specific number of the other proposed 14 new wells to be installed on each of the other three drillsites.</p> <p>Planning staff disagrees that the placement of new oil wells at the two drillsites visible from a public viewpoint (Drillsites #1 and #7) will substantially alter scenic views adjacent to the existing oil field facilities. These sites would continue to be fenced and un-vegetated graded pads developed with operating oil wells and other oil field facilities.</p> <p>The issues of consistency with the General Plan and Non-</p>

		<p>Coastal Zoning Ordinance are addressed in the Planning Director staff report for the January 8, 2015 hearing.</p> <p>This comment does not provide substantial evidence of a new potentially significant impact.</p>
G	G-14	<p>The components of the proposed project are not visible from public roads included in the County Regional Road network. The commenter is correct in that the components of the project that would be located on Drillsites #1 and #7 will be visible from the public trail that extends from State Highway 150 through the St. Thomas Aquinas campus and into Santa Paula Canyon.</p> <p>Planning staff disagrees that the placement of new oil wells at the two drillsites (#1 and #7) visible from the trail will substantially alter scenic views adjacent to the existing oil field facilities. These existing sites are currently characterized by operating oil wells, tanks and other facilities. This character would not substantially change with the addition of new oil wells. The components of the project that would be located on Drillsites #2 and #3 will not be visible from public viewing areas.</p>
G	G-15	<p>The recommended conditions of approval include the requirement that the facilities be painted to blend with the surrounding area to the extent feasible. This requirement will have to be satisfied prior to the inauguration of uses under the requested modified CUP.</p>
G	G-16	<p>The recommended conditions of approval include the requirement that the facilities be maintained in a secure manner with fences and locked gates.</p>
G	G-17	<p>The addition of more wells on Drillsites #1 and #7 will not substantially alter the existing visual character of the site. No new potentially significant impacts on visual resources have been identified.</p> <p>The recommended conditions of approval include the requirement that the facilities be landscaped and otherwise screened to minimize public views of the facility as determined adequate by the Planning Director.</p> <p>The commenter is correct in that there is currently no screening of the views of Drillsite #7 or the existing oil well pumping units in operation on this site. However, given the narrow corridor where the public trail exists, full screening of Drillsite #7 would obscure views of the natural hillsides above the drillsite and could create a "tunnel effect" along the public trail. The Planning Director will determine the ultimate design of the required</p>



		landscaping and screening measures that will minimize visual effects. The vegetation included in the required landscaping will be comprised of native species.
G	G-18	There will be no change in the current public hiking trail as a result of the proposed project. Thus, there will be no new impact on public recreation. The proposed project will be conditioned to require cooperation by the Permittee with other interests to establish a permanent hiking trail.
G	G-19	Refer to response to comment C-2.
G	G-20	Refer to response to comment D-1.
G	G-21	<p>The July 18, 2013 letter to the Ventura County Planning Director from the US Fish and Wildlife Service (USFWS) provides a list of 23 recommended measures to "protect the condor from the potential adverse effects of oil and gas projects." The USFWS letter states that <i>"we are writing to provide you with information that we recommend considering during project review."</i> The letter further states that <i>"we understand that each oil and gas project is unique and every measure will not be applicable to all project."</i> Thus, the USFWS recognizes that the 23 listed measures are not laws or regulations but recommendations from agency staff to be considered by the local land use authority in the review of oil and gas projects.</p> <p>All of the onsite operational measures (measures 2 through 23) recommended by the USFWS in the 7-18-15 letter have been incorporated into the conditions of approval. The commenter asserts that USFWS recommendations #19 and #21 have been omitted from the recommended conditions of approval. This is incorrect. USFWS recommended measure #19 involves fire protection and is incorporated into condition of approval #69. USFWS recommendation 21 is included in condition of approval #34r.</p> <p>As pointed out by the commenter, the first of the 23 USFWS recommended measures states that <i>"oil and gas facilities will not be developed within 1.5 miles of active and historic nest sites and reintroduction sites, or within 0.5 miles of an active roost site."</i> This recommendation is not a mitigation measure that applies to a specific project but instead constitutes a proposed land use policy. Such a policy has not been codified in State or Federal law and has not been adopted by the County of Ventura.</p> <p>California condors are known to fly over most of Ventura County, including the Santa Paula Creek area in the vicinity of</p>

		<p>the proposed project. Data available from the USFWS obtained from the USGS document the presence of condors in the hillside areas near the proposed project site. Planning Division staff, however, has been unable to confirm the existence of a condor nesting or roosting site located within one-half mile of the proposed new oil wells.</p> <p>In any case, no substantial evidence has been presented that the addition of new oil wells to the existing drilling pads at an operating oil field will result in a new, potentially significant impact on the California condor. The proposed project does not involve the development of a new oil and gas facility. The project involves only the addition of new wells to an existing oil and gas facility that has been in operation for more than two decades. As stated by the Planning Division Biologist (H. Harris) at the September 25, 2014 Planning Commission hearing, <i>"there is no evidence that a condor has been injured or killed by operating oil equipment."</i> Thus, the potential but unconfirmed existence of a condor nesting/roosting site within 0.5 miles of the proposed project does not constitute a potentially significant impact of the proposed project.</p> <p>It is a speculative assertion that the proposed changes to the existing oil and gas facility will result in a significant impact on the condor. Any condor that utilizes a particular nesting site would have to fly over to an existing drillsite to suffer any ill effect. In this regard, the 22 mitigation measures recommended by the USFWS and imposed on the project are adequate to avoid potential impacts. The existing and proposed oil facilities are fixed in position and cannot travel to the nesting site to cause impacts at the nesting sites.</p> <p>The assertion that oil facilities located a substantial distance from a condor nest will result in significant impact on this species does not constitute substantial evidence as defined in Section 15064(f)(5) of the CEQA Guidelines.</p>
G	G-22	Refer to response to comment C-1.
G	G-23	<p>Regions throughout California are classified as being either attainment or nonattainment areas for the federal and state ambient air quality standards, depending on the number of times per year a standard has been exceeded.</p> <p>Ventura County is non-attainment of the federal 8-hour ozone standard, the state 8-hour and 1-hour ozone standards, and the state PM-10 standard. Ventura is attainment of all other federal and state air quality standards.</p>

		Refer to response to comment F-2.
G	G-24	The proposed project includes 19 oil and gas wells. The proposed project does not include oil drilling across the Ojai Oil Field. The existing wells in the Ojai Oil Field are part of the existing environmental setting under which project impacts are evaluated. The proposed wells represent less than 4 percent increase in the number of wells and would not create any new drillsites or require the installation of major facilities. The project involves no trucking of produced fluids or other activities that would combine with or affect the activities associated with other oil operations. A considerable contribution of the project to any cumulatively significant impact has not been identified. In any case, cumulative impacts of oil and gas activities are addressed in the certified EIRs prepared for the existing facility.
G	G-25	The requested permit specifically prohibits fracking. Should the applicant request to conduct hydraulic fracturing well stimulation techniques in the future, a modification of the requested permit and a new public hearing will be required.
G	G-26	The access road between drill sites 1 and 2 was improved many years ago. No grading is now required to alter this road.
G	G-27	The comments provided will be submitted to the decision maker.
H	H	During the Planning Director hearing, Planning Staff acknowledged this comment by stating that the concerns of the Thomas Aquinas College have been adequately addressed.

## RESPONSES TO TESTIMONY

The Planning Division has received over two hours of public testimony from various speakers regarding the proposed project. Provided in the table below are specific responses to each comment in which a concern (or opposition to) the proposed oil and gas facility is expressed.

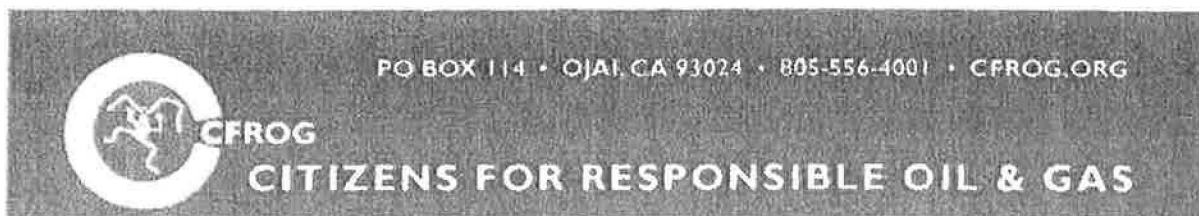
Speaker:	Summary of Content:
Bruce Carter CRC	The Permittee is now CRC (California Resources Corporation). Staff is thanked for work on this project. The proposed 19 new wells were previously authorized.  <u>Staff Response:</u>

	The clarification has been incorporated into the planning documents.
Uliana Micovic InterAct	As a consultant for the project, she is available to answer any questions.  <u>Staff Response:</u> No response provided.
Carol Holly CFROG	The goal of CFROG is to review the CUP correctly. CFROG's complaint is with County Planning because the County is not following their own regulations. She states that she has a personal problem with Drill Pad 7 since she first returned from college and found it. Wells in the middle of it are just not appealing.  <u>Staff Response:</u> The commenter does not indicate which specific regulations are not being followed. Based on the use of existing facilities in an active oil field, the proposed installation of additional wells will not create new potentially significant impacts on visual resources.
John Brooks CFROG	Well Pad 7 is "like twenty feet from Santa Paula Creek"; to put 7 new wells on that pad is hard to understand. There are several environmental impacts: 1) the need to reduce greenhouse gas emissions, 2) the threat of induced earthquakes from the injection well on the Hamp Lease, and 3) impacts to the college; emissions evaluation must use more modern methods.  <u>Staff Response:</u>  Refer to responses to comments B-6, C-3, D-1, F-2, and E-10.
Jeff Kuyper LPFW	The EIR addendum is not appropriate due to 1) the passage of time since the previous environmental documents, 2) the project site is the most sensitive area in Ventura County due to the condor, steelhead trout, the most popular hiking trail in Ventura County, 3) all facilities are visible from the trail, 4) the Spill Control Plan is woefully inadequate, 5) the 300 foot setback from Santa Paula Creek is not adhered to, 6) appears drill pad 7 is located within a floodplain,

	<p>7) active condor roosting sites are less than 0.5 miles away; standard is no development within .5 miles of active condor roosting sites, 8) the steelhead trout was not an endangered species in 1985; it is now, 9) air pollution and greenhouse gas emissions were not a part of the environmental analysis in 1985; they are now 10) cumulative impact analysis must evaluate the number of oil wells drilled in the Ojai Oil Field, 11) we need to look at the impacts of fracking, 12) grading and vegetation removal must be evaluated for the rerouting of the road.</p> <p><u>Staff Response:</u></p> <p>Refer to responses to comments G-1 through G-27.</p>
Marianne Ratcliffe	<p>Concerned over the lack of an EIR. The 1978 EIR states that groundwater is not used for much; the use of groundwater today needs to be addressed in an EIR.</p> <p><u>Staff Response:</u></p> <p>There will be no increase in the long-term demand for water as a result of the proposed project. During the temporary drilling phase of the project, about 0.5 acre-feet of water will be consumed per well. The temporary use of water (in this case approximated 10 acre-feet for the 19 wells) does not represent a significant impact on groundwater resources.</p> <p>Refer to response to comment C-2 regarding water quality.</p>
Tachima Shuman	<p>Supports an EIR being done for this. Global warming calculation is incorrect; it should use a figure of 34.</p> <p><u>Staff Response:</u></p> <p>Refer to response to comment F-2.</p>

Unknown speaker	<p>Decision in the Whitman lawsuit applicability should be considered in cumulative impact analysis. Concerned over the increasing number of flares.</p> <p><u>Staff Response:</u> The proposed project does not include any new flaring facilities. Gas would be conveyed from the site to market through an existing pipeline. Refer to response to comment G-24.</p>
Carole Holly	<p>There are about 100 oil wells per mile of valley floor; cumulative impacts of oil wells in Upper Ojai must be studied. The college students live in a small area; without looking at green technology that can help the ambient air, we are ignoring the fact that we live in 2015. As a hiker who frequents that area, she is not satisfied (with St Thomas Aquinas College having no opposition to proposed project).</p> <p><u>Staff Response:</u> Refer to response to comment G-24.</p>
John Brooks	<p>Has anyone contacted Pope Francis (regarding air quality)?</p> <p><u>Staff Response:</u> This comment relates to potential impacts on St. Thomas Aquinas College (STAC). Mr. John Masteller, General Counsel of STAC, has provided an email to the Planning Division that states "all of the College's concerns have been properly addressed."</p>

B-1



Statement by Citizens for Responsible Oil & Gas (CFROG) at Jan 8th Planning Director hearing PL13-0150 Vintage Oil at Thomas Aquinas College.

To the Planning Director:

Damn good roads up there on the old Ferndale Ranch. Why? Because a focused environmental impact report (FEIR ) was prepared in 1984 to address ONLY the environmental consequences of providing access to the lease. The report states :“It does not address the actual drilling and production of oil from the proposed new wells.”

B-1

Its now the year 2015. There was no comprehensive environmental impact report (EIR) when the first well was drilled in 1971 and the (FEIR) that was certified was, as mentioned ,very limited .

B-2

This statement in the current staff report for PL-0150 is incorrect : “ No new substantial environmental impacts that were not evaluated in the previous EIR have been identified for the use of the existing permitted wells and facilities and the proposed drilling of the 19 previously-authorized wells.”

B-3

According to CFROG advisory board member Steven Colome Sc.D . (see attached biography) there has been no evaluation of the pollutants the project will produce including (GHG) greenhouse gas and no determination has been made as to the safety of the waste water injection.. Dr. Colome says today there is wider recognition of the need to reduce the release of (GHG) and the intense role of methane as a shorter-lived but very potent (GHG). It was not until about 1985 that the effects of methane on global warming were fully appreciated.

B-4



The Ventura County Air Pollution District says : "Before an agency determines the significance for any environmental issue, it must be made clear that a threshold, or the absence of one, does not relieve a lead agency from having to prepare an EIR." "CEQA has generally favored the preparation of an EIR where there is any substantial evidence to support a fair argument that the project may cause a significant adverse environmental impact."

B-5

The project involves the drilling of 19 new oil and gas wells and the continued operation of 17 wells for another 30 years. The waste water would be injected into a well on the Hamp lease which has already taken in an enormous quantity in an area of earthquake faults. There are unstudied impacts of air pollution, green house gas emissions and potential seismic events from injection wells .Plus the likelihood that extreme extraction methods such as hydraulic fracturing will be used .

B-6

Multiple studies have found that air pollution from oil and gas development can reach levels associated with adverse health impacts for residents and communities in regions with intense oil and gas development. Air pollution from unconventional oil and gas development can be classified into emissions during preproduction, production,transmission and storage, use, and after well abandonment.

B-7

Preproduction emissions (i.e., well pad preparation, drilling,well stimulation, and completion) include methane, benzene, toluene, ethylbenzene, and xylene (BTEX),volatile organic compounds (VOCs), nitrogen oxides (NOx), fine particulate matter (PM2.5), hydrogen sulfide, and silica dust.VOCs and NOx contribute to the formation of regional ozone, which causes smog and harms the respiratory system.

During production, methane and VOCs, including numerous toxic air contaminants (TACs), may continue to be released from the wellhead and other equipment such as condensate tanks and compressor stations. Oil and gas transmission and storage release VOCs and methane.

B-8

Improper plugging of a well at the end of its life cycle can cause continued leakage of oil, methane, and other VOCs even after the well has ceased production

Constraints on these emission and openers for the use of best available control technology (BACT) must be built into the CUP .



In the (EIR) addendum prepared by the Ventura County Planning Department, staff cites CEQA guidelines:

“3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Board of Supervisors certified the previous EIR, shows any of the following:  
a. The project will have one or more significant effects not discussed in the previous EIR.”

And then concludes falsely we believe,

“No new information or environmental impacts that were unknown and could not have been known when the EIR was certified (1985) have become available. The environmental conditions that currently exist on site are substantially the same as those that existed at the time at which the EIR was certified.”

The laws have changed since this project was first studied. CEQA Guidelines that became effective in March 2010 require the lead Agency to determine whether a project's GHG emissions significantly affect the environment and to impose feasible mitigation to eliminate or substantially lessen any such significant effects. And if the planning department intends to use the same formulae that it used to determine GHG emissions in preparing estimates for the Mirada Petroleum project in the Upper Ojai and the now withdrawn DCOR project in Modelo Canyon, CFROG believes those are very deficient, in error in key parts, undocumented and highly opaque.

For example: Concerning reactive organics (ROC) Real data from oil & gas fields have been proven consistently to have higher emissions of (ROC) than assumed by Ventura County emission estimates. There must be actual sampling done to determine the local characteristics to establish a baseline. According to EPA estimates in 2002 there were nearly 500,000 pounds

of polluting emissions a year in a five mile area surrounding this project.

There is also an absence of GHG data for this project. The EIR addendum notes changing circumstances require best management practices to protect the condors, but skips over changing conditions and requirements to protect the humans in the area and on the planet.

We recommend a comprehensive (EIR) on all unstudied aspects of expanding this oilfield and especially not the deficient cut and paste method used to estimate GHG in past projects ..

In those projects the planning department uses outdated CO2 GWP (global warming potential) value of 21 to equate the annual estimated methane emissions to CO2 equivalents. The factor of 21 comes from an older IPCC assessment; while the current IPCC estimate for the impact of methane over a 100 year period is 25.

This is a 20 per cent under estimate from the 100-year time frame.

But the analysis is also flawed because Methane is short-lived in the atmosphere (12 years) compared with CO2 (100+years). According to the IPCC, because of methane's relative short life, the 20 year impact factor for methane is over 75 times that of CO2. Therefore it would be more accurate to multiply the estimate of emissions from the entire project by a GHG-equivalence factor of 75-100. That number could very likely reach the arbitrary threshold of 10 thousand metric tons per year and will certainly reach the new limit of 7500 metric tons that the California Air Resources Board will soon adopt.

Since this request is for a 30 year extension of a CUP, there should be conditions to further reduce emissions as the regulatory laws evolve in response to the global crisis.

Natural gas and oil production is the second-biggest source of U.S. greenhouse gases and there have been no surveys of this oil field in the mouth of Santa Paula canyon with (FLIR) technology that can detect the leakage of methane. Curtailing fugitive methane emissions should be built into this CUP because they are so powerful a force for global warming.

In his final inaugural address this week, Governor Jerry Brown called on all of us, in an out of government, to curtail the flow of pollutants.

"Surely one moral precept we can agree on is to stop destroying our birthplace, the only home humanity will ever have. The evidence for climate warming, with industrial pollution as the principal cause, is now overwhelming."

And in words that certainly apply to PL13-0150 the governor said

"We must also reduce the relentless release of methane, black carbon and other potent pollutants across industries."

John Brooks President CFROG

.Biography for Steven D. Colome

Steven D. Colome, Sc.D. received his doctorate in Environmental Health Sciences from Harvard University, with an emphasis in air pollution control. He also earned an S.B. degree in Biological Sciences (molecular biology) from Stanford University.

His research experience is in the areas of air pollution exposure, pollution control, epidemiology, and risk assessment. He has served on the faculties of the University of California campuses at Irvine and Los Angeles. At UCLA he was Deputy Director of the Particle Research Center and Supersite, a multi-center research project supported by the National Institutes of Health, USEPA, and the Health Effects Institute.

He is currently a Principal with EcoPAS, LLC, a startup firm developing control devices for the wine industry.

Dr. Colome has conducted original studies on multiple pollutants including ozone, nitrogen dioxide, carbon monoxide, particulate matter, VOCs, sulfur dioxide, sulfate, nitrate, particle-related metals, mutagenic compounds and formaldehyde. He is co-author of peer-reviewed publications on human pollutant exposure and health effects, has co-authored a highly respected book: "Health Effects of Fossil Fuel Combustion" and is co-author of the "Indoor Air Pollution: An Introduction for Health Professionals" sponsored by USEPA and CPSC along with the American Medical and American Lung Associations.

In addition to his original research, Dr. Colome has worked to integrate and summarize the effects of air pollution exposure. He has advised the U.S. Environmental Protection Agency on health criteria documents for sulfur oxides and particulate matter, nitrogen dioxide, and carbon monoxide. He was a consultant to the EPA Science Advisory Board on ozone, served on the Expert Panel for the Health Effects Institute's reanalysis of particulate-matter epidemiology studies, and was appointed a member of the National Research Council/National Academy of Sciences Committees on carbon monoxide in cold climates and complex terrain, and on winter fuel oxygenates.

Dr. Colome served for a decade as a member of the Technical Advisory Committee to the Air Pollution Control Officer of the South Coast Air Quality Management District. He has served on governmental committees of the National Institutes of Health, NASA and DOD. The latter two dealing with astronaut exposures on the International Space Station and inhalation exposures of soldiers serving in Iraq.

C-1

CFROG January 8, 2015  
Addendum to CUP 3344 Public Hearing  
Comments

The March 2012 Supplemental Assessment of the Santa Paula Creek Flood Control Project

([http://www.ci.santapaula.ca.us/planning/SPCreek\\_Flood\\_Control\\_Project/Santa%20Paula%20Creek\\_SEA%20\\_March\\_2012.pdf](http://www.ci.santapaula.ca.us/planning/SPCreek_Flood_Control_Project/Santa%20Paula%20Creek_SEA%20_March_2012.pdf))

contains new information not available and not known when the 1978 MND was written. The report states that the Santa Paula Creek, especially the upper portions immediately adjacent to the project drill pads 1 and 7 is critical habitat for the highly endangered steelhead trout. This is crucial new information not known, discussed or evaluated by the 1978 MND.

“In 2005, NMFS published a final designation of critical habitat for southern steelhead, with an effective date of January 2, 2006 (NMFS 2005). Santa Paula Creek was included in the final critical habitat designation as part of the Santa Clara Calleguas Hydrologic Unit.” (pg 3-33 Supplemental Assessment)

“The Southern California Distinct Population Segment (DPS) of steelhead which encompasses the populations occurring from the Santa Maria River to the California-Mexico border was listed as endangered in 1997 and its endangered status was reaffirmed in 2006 (NMFS 2006).

It is estimated that steelhead populations have been reduced to less than one percent of their former population size in southern California (Stoecker and Kelley 2005). Providing adequate upstream steelhead passage through Santa Paula Creek is essential for the recovery of the species to the watershed and would allow steelhead to take advantage of the spawning and rearing habitat in upper reaches of Santa Paula Creek (NMFS 2009b; Titus et al. 2010).

Historically, steelhead migrated upstream through the lower Santa Clara River to reach spawning grounds in Santa Paula, Sespe, and Piru creeks. Santa Paula Creek is the first major tributary above the Vern Freeman Diversion Dam along the Santa Clara River and is one of the three main historical spawning tributaries for southern steelhead. Rainbow trout (O.

C-1

C-2

mykiss) are the non-anadromous form of steelhead, and this wild, self-sustaining population of rainbow trout which inhabits Santa Paula Creek can produce some out-migrating smolts that emigrate to the Pacific Ocean (Stoecker and Kelley 2005; Harrison et al. 2006).” (pg. 3-33 Supp. Assmnt)

C-1

CFROG asserts that it is not within the discretion of the Ventura County Public Works Agency to allow an encroachment of less than 300’ onto Santa Paula Creek. This is a Federally designated critical habitat location for a highly endangered species. The steelhead was designated as endangered in 1997 and reaffirmed in 2006 when this area of Santa Paula Creek was identified as critical habitat. It is unconscionable that in 2015 the Ventura County Lead Agency charged with the protection of our natural resources would not even allow for a study of the impacts of this encroachment.

C-2

CFROG calls for an EIR to evaluate the drill pad layouts, containment facilities, spill plans, floodwater plans, and drainage plans for runoff from the drill pads that will become impervious and all other possible environmental dangers to this critical habitat.

C-3

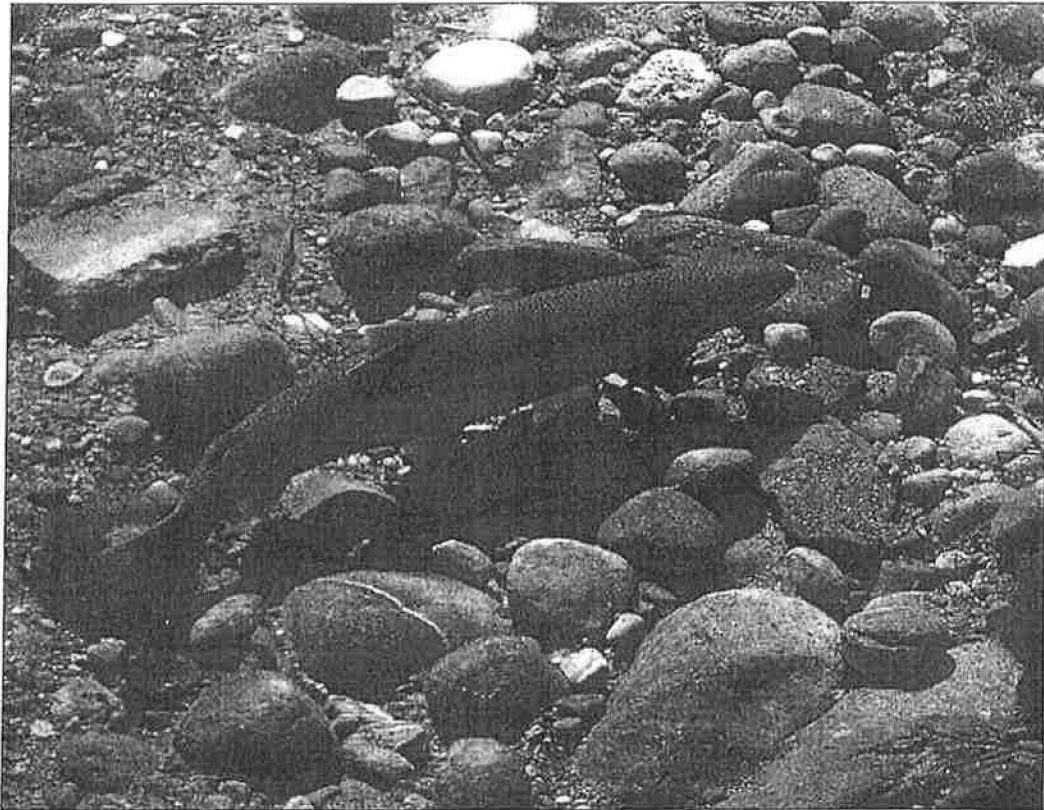
The 1978 MND recognizes that a  
“fault line traverses the Ferndale Ranch in an east-west direction approximately midway between Drill Site No. 1 and proposed Drill Site No. 7. Public Works Agency staff have identified a significant environmental issue relating to the potential rupture of the oil flow line between Drill Site No. 7 and the oil and gas production facility located at Drill site No. 1. A rupture in the flow line could result in pollution of Santa Paula Creek.”

This flow line is not singular. There are currently 3 above ground flow lines running from drill site no. 7 to drill site no. 1, one for each well on drill site 7. If this permit is allowed, there would be 10-12 flow lines running this same route. The impact of this potentially significant environmental hazard to the critical habitat of the steelhead trout must be evaluated in an EIR. Since the granting of this permit in 1985, the fault line that runs across Ferndale Ranch has been placed on the Alquist-Priolo Earthquake Hazards Map and designated as an active fault with the potential for a M7 or greater earthquake.

The steelhead trout represents one of the major areas of environmental risks not recognized nor known when the MND was adopted. In the intervening years since 1985, circumstances have become dire regarding the steelhead trout habitat and its very existence is at great risk. This is new information that has become available and is of substantial importance. Not even this Addendum mentions this spawning ground. Rather than authorizing an encroachment, the drill pad should be eliminated and a more suitable drilling location sought.



## **Southern California Steelhead Recovery Plan Summary**



*Adult Female Steelhead, Mission Creek, Santa Barbara County*



**National Marine Fisheries Service  
Southwest Regional Office  
Long Beach, CA**

**January 2012**



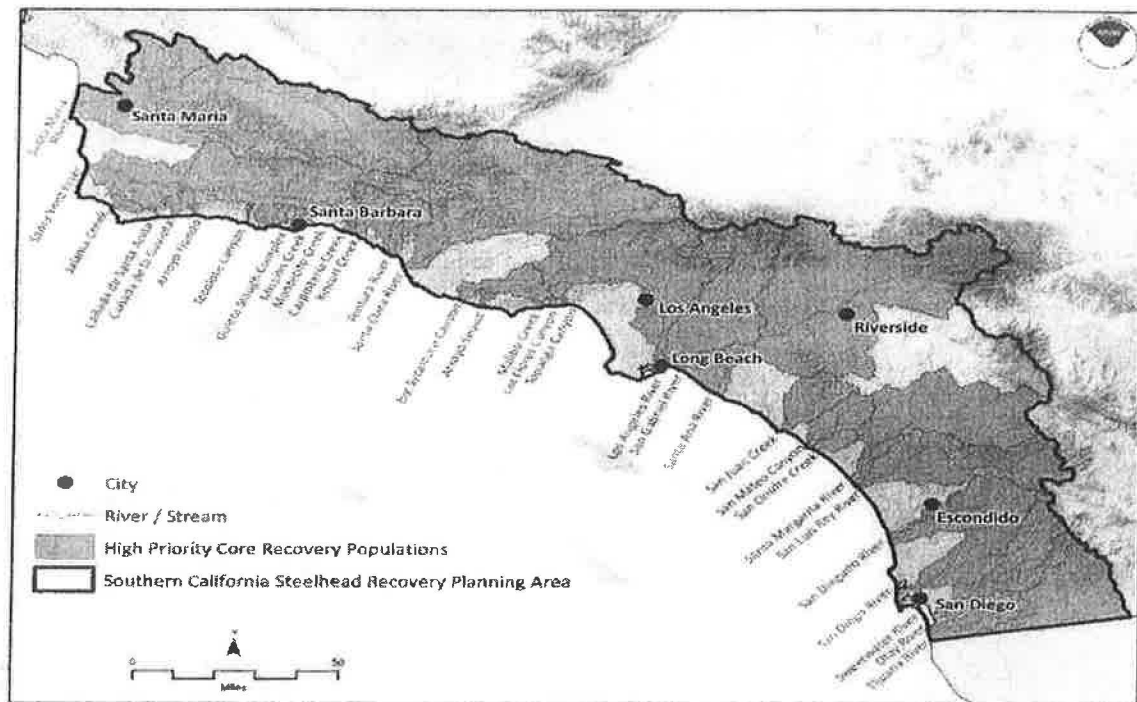


## Introduction

Steelhead are the anadromous, or ocean-going, form of the species *Oncorhynchus mykiss*. Steelhead are one of six Pacific salmon species that are native to the west coast of North America, and are currently the only species of this group that naturally reproduces within the coastal watersheds of southern California. Because steelhead employ several different life-history strategies that exploit all portions of a river system, they serve as an indicator of the health of southern California watersheds. Southern California steelhead populations have declined precipitously, largely due to extensive watershed development.

Following a comprehensive status review of all West Coast steelhead populations by the National Marine Fisheries Service (NMFS), southern California steelhead were listed as an endangered species under the Endangered Species Act (ESA) on August 18, 1997; the range of the listed steelhead was extended to the U.S.-Mexico Border in 2002. Following a status review in 2005, a final listing determination was issued on January 5, 2006 for the Southern California Steelhead Distinct Population Segment (DPS); critical habitat was also designated within 32 DPS watersheds.

The Southern California Steelhead (SCS) Recovery Planning Area extends from the Santa Maria River to the Tijuana River at the U.S.-Mexico border. It includes both those portions of coastal watersheds that are at least seasonally accessible to steelhead entering from the ocean, and the upstream portions of watersheds that are currently inaccessible to steelhead due to man-made barriers but were historically used by steelhead. Major steelhead watersheds in the northern portion of the SCS Recovery Planning Area include the Santa Maria, Santa Ynez, Ventura, and Santa Clara Rivers, and Malibu and Topanga Creeks. Major steelhead watersheds in the southern portion of the SCS Recovery Planning Area include the San Gabriel, Santa Margarita, San Luis Rey, San Dieguito, and Sweetwater Rivers, and San Juan and San Mateo Creeks.



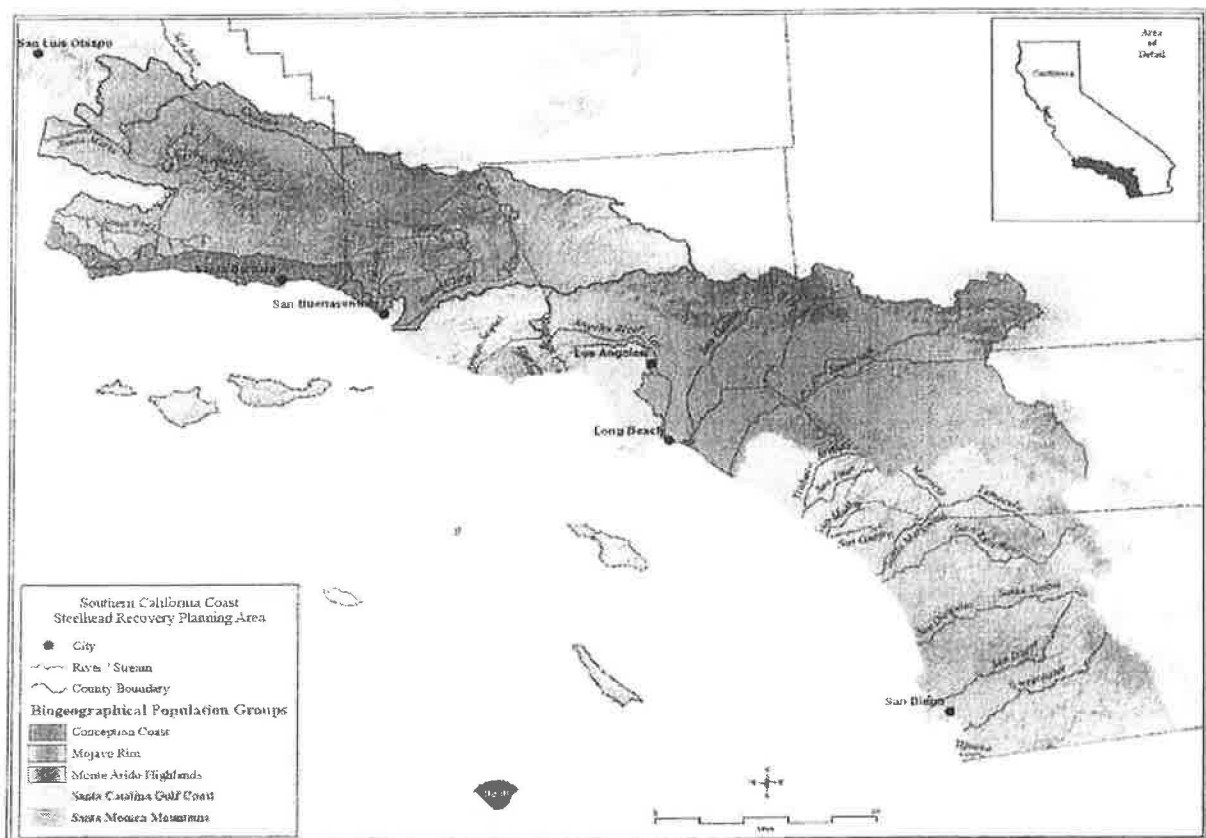
The Southern California Steelhead Recovery Planning Area.



C-6

The Southern California Steelhead DPS encompasses all naturally-spawned anadromous *O. mykiss* between the Santa Maria River (inclusive) and the U.S.-Mexico border, whose freshwater habitat occurs below artificial or natural impassible upstream barriers, as well as *O. mykiss* residing above impassible barriers that are able to emigrate into waters below barriers and exhibit an anadromous life-history.

The SCS Recovery Planning Area is divided into five Biogeographic Population Groups (BPGs): Monte Arido Highlands, Conception Coast, Santa Monica Mountains, Mojave Rim and Santa Catalina Gulf Coast. Each BPG is characterized by a unique combination of physical and ecological characteristics that present differing natural selective regimes for steelhead populations utilizing the individual watersheds. The separate watersheds comprising each BPG are generally considered to support individual *O. mykiss* populations (i.e., one watershed = one steelhead population). Thus, single BPGs encompass multiple watersheds and multiple *O. mykiss* populations.



**The Southern California Steelhead Recovery Planning Area Biogeographic Population Groups.**

The basic goal of the Southern California Steelhead Recovery Plan is to recover anadromous steelhead and ensure the long-term persistence of self-sustaining wild populations of steelhead across the DPS – and ultimately to remove southern California steelhead from the Federal List of Endangered and Threatened Wildlife. The Recovery Plan proposes to accomplish this goal by addressing factors limiting the species ability to survive and naturally reproduce in the wild within a set of core watershed populations distributed across the SCS Recovery Planning Area.



## Environmental Setting

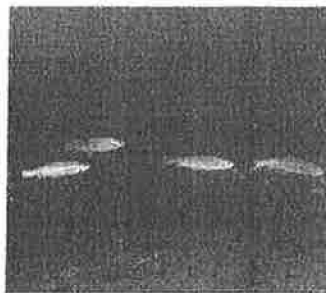
The SCS Recovery Planning Area is dominated by a series of steep mountain ranges and coastal valleys and terraces. Watersheds within the region fall into two basic types: those characterized by short coastal streams draining mountain ranges immediately adjacent to the coast and those watersheds containing larger river systems that extend inland through gaps in the coastal ranges. The SCS Recovery Planning Area has a Mediterranean climate, with long dry summers and brief winters with short, sometimes intense cyclonic winter storms. Significant portions of the upper watersheds within the SCS Recovery Planning Area are contained within four U.S. National Forests (Los Padres, Angeles, San Bernardino, and Cleveland National Forests).

## Steelhead Biology and Ecology

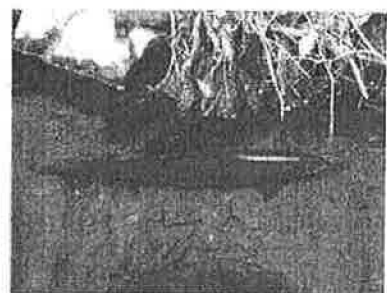
Steelhead exhibit an anadromous life-history: juveniles born and reared in freshwater undergo a physiological change (smoltification) that allows them to migrate to and mature in saltwater before returning to their natal rivers or streams (streams where they were spawned) to reproduce and complete their life cycle. After maturing in the marine environment for two to four years, returning adults may migrate from several to hundreds of miles upstream to reach their spawning grounds. Once in spawning habitat, a female will excavate a nest, termed a "redd", in streambed gravels where she deposits her eggs. After fertilization by the male, hatching time varies from about three weeks to two months, with the young fish emerging two to six weeks later. Adult anadromous steelhead do not necessarily die after spawning and may return to the ocean, sometimes repeating their spawning migration one or more times.



Juvenile *O. mykiss* (~10 cm)  
Santa Ana Creek



Smolt *O. mykiss* (~16 cm)  
Carpinteria Creek



Adult *O. mykiss* (~76 cm)  
Mission Creek

Within this basic life-history pattern, individuals may exhibit great variation in the time and location spent at each life-history stage. *O. mykiss* exhibit three basic life-history strategies: fluvial-anadromous (migration between freshwater and saltwater), lagoon-anadromous (migration to and from a brackish lagoon) and freshwater residency (remain in freshwater). The diversity of these life-history strategies has allowed *O. mykiss* to take advantage of different habitats and to persist in the highly variable and challenging southern California environment. Anadromous steelhead reach a larger size and produce more eggs per individual than typical freshwater resident *O. mykiss*; they can also spawn in non-natal streams and thus re-colonize watersheds whose populations have been extirpated. Lagoon-reared juveniles can attain a larger size in a single rearing season than freshwater-reared individuals, which enhances their survival in the ocean. However, freshwater-reared individuals, referred to as rainbow trout, may exhibit higher survival rates than ocean-reared individuals during poor ocean conditions, that can persist for multiple decades. Fish that exhibit any one of these life-history strategies can produce progeny that exhibit one or more of the other life-history strategies. The switching of life-history strategies is an important adaptive response to the highly variable environments characteristic of southern California watersheds.



## Southern California Steelhead

For millennia, steelhead have been an integral part of southern California watershed ecosystems. The subsistence role of steelhead in pre-European settlement Native American cultures, however, is not as well understood as other marine species, and continues to be a subject of archeological and ethnographic research.



Ventura River Steelhead Anglers, 1909



Santa Ynez River Steelhead Angler, 1942

Up until the mid-1900s recreational steelhead angling was prevalent during the early to mid-1900s, and both steelhead and their progeny were sought out by recreational anglers - the ocean going steelhead pursued during the winter and the freshwater juveniles during the spring and summer angling seasons.

Following the dramatic rise in southern California's human population after WW II, and the associated land and water development in coastal watersheds, steelhead populations rapidly declined from an estimated 32,000 - 46,000 fish per year to less than 500 returning adults. While the steelhead populations declined sharply, most coastal watersheds retained populations of the non-anadromous form of the species, with many populations trapped behind dams and other impassible barriers.

### Factors Leading to Federal Listing

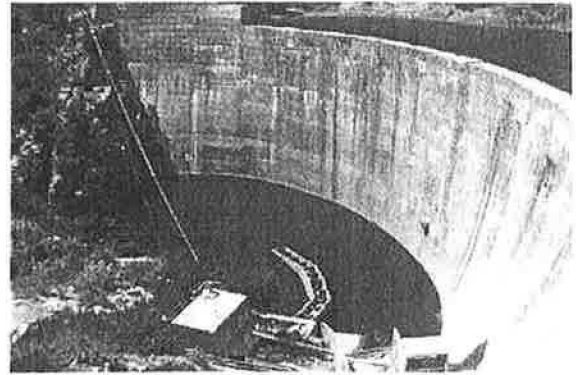
There is no single factor responsible for the decline of southern California steelhead; however, the destruction and modification of habitat has been identified as one of the primary causes of the decline of the Southern California Steelhead DPS.

Approximately half of the population of the State of California currently lives and works within the SCS Recovery Planning Area, placing extraordinary pressure on natural resources. As a result, anadromous *O. mykiss* in southern California face significant threats from water and land management practices that have degraded or curtailed freshwater and estuarine habitats, reducing the capability of the anadromous form of *O. mykiss* to persist within many watersheds.

Water withdrawals and diversions for agriculture, flood control, domestic water supply and hydropower purposes have greatly reduced or degraded historically accessible habitat. Dams and other water control structures have blocked access to historically important spawning and rearing areas; modified flow regimes necessary for migration, spawning and rearing; increased downstream water temperatures; degraded riparian habitats; and reduced gravel recruitment essential to support spawning and invertebrate food sources for rearing juveniles.



Rincon Creek Estuary and Urban Development



Matilija Dam, Matilija Creek

Land-use and flood control activities associated with urban development, mining, agriculture, ranching, and recreation have significantly altered the quantity and quality of steelhead habitat in multiple ways. These include: alteration of stream banks; increases in ambient stream water temperatures; degradation of water quality through municipal and industrial waste discharges; removal of riparian vegetation resulting in increased stream bank erosion, loss of channel complexity, pool habitat, and increased sedimentation into spawning and rearing areas; and fragmentation of remaining habitats. The substantial increase of impermeable surfaces (including roads) as a result of urbanization has also altered the natural flow regimes of rivers and streams, particularly in their lower reaches. A significant percentage of estuarine habitats have been lost across the DPS due to urban development, including recreational development; the remaining wetland areas remains at risk of further loss or degradation.



Agricultural Development



Sedimentation Following Wildfires



Channel Modification

Other factors contributing to the decline of southern California steelhead populations and leading to the listing of the species as endangered include impacts from recreational activities (*e.g.*, off-road vehicles, summer dams); the introduction and spread of non-native species which can compete directly or indirectly for habitat space, serve as vectors for disease, or increase predation; and the inadequacy of existing planning or regulatory and enforcement mechanisms at the local, state, and federal levels.

The natural environmental variability of the SCS Recovery Planning Area has both masked and exacerbated the problems associated with degraded and altered riverine and estuarine steelhead habitats. Floods and persistent drought conditions have periodically reduced naturally limited spawning, rearing, and migration habitats. Projected impacts of future climate change pose additional challenges to southern California steelhead.





## Steelhead Recovery Goals, Objectives, and Criteria

The Recovery Plan is a guidance document for achieving recovery goals that include viability criteria for populations of *O. mykiss* and the DPS as a whole. The basic goal of the Southern California Steelhead Recovery Plan is to prevent the extinction of anadromous steelhead by ensuring the long-term persistence of viable, self-sustaining, wild populations of steelhead across the DPS. It is also the goal of the Recovery Plan to re-establish a sustainable southern California steelhead sport fishery.

The Recovery Plan outlines the following objectives that address factors limiting the species' ability to survive and naturally reproduce in the wild:

- ☐ *Prevent steelhead extinction by protecting existing populations and their habitats.*
- ☐ *Maintain current distribution of steelhead and restore distribution to some previously occupied areas.*
- ☐ *Increase abundance of steelhead to viable population levels, including the expression of all life-history forms and strategies.*
- ☐ *Conserve existing genetic diversity and provide opportunities for interchange of genetic material between and within viable populations.*
- ☐ *Maintain and restore suitable habitat conditions and characteristics to support all life-history stages of viable populations.*

Biological viability criteria are identified for individual populations and the DPS as a whole. A *viable population* is defined as a population having a negligible (< 5%) risk of extinction due to threats from demographic variation, non-catastrophic environmental variation, and genetic diversity changes over a 100-year time frame. A *viable DPS* is comprised of a sufficient number of viable populations widely distributed throughout the DPS but sufficiently well-connected through ocean and freshwater dispersal to maintain long-term (1,000-year) persistence and evolutionary potential of the DPS.

The population-level viability criteria apply to core populations in all of the BPGs. These criteria include population characteristics such as mean annual run-size, persistence during varying ocean conditions, spawner density, and the anadromous fraction of the individual populations. Because of the uncertainty regarding important aspects of the biology and ecology of southern California steelhead further research is needed to refine the population-level criteria in all BPGs, as well as the role of each of the BPGs.

The DPS-level viability criteria identify a minimum number of populations which must be restored to viability and the minimum spatial distribution between populations in each BPG: Monte Arido – 4 populations, Conception Coast - 3 populations, Santa Monica Mountains – 2 populations, Mojave River – 3 populations, and Santa Catalina Gulf Coast -8 populations).

This redundancy ensures that there are a sufficient number of populations within the BPGs and across the DPS to provide resiliency in the face of environmental fluctuations, and also that a variety of habitat types and environmental conditions are represented to promote the continued evolution of the species. Some of these populations may be comprised of multiple watersheds if further research indicates that they act as trans-basinal populations.



C-11

## Summary of DPS-Wide Recovery Actions

Recovery of the Southern California Steelhead DPS will require recovery of a number of viable populations (or sets of interacting trans-basinal populations) within each of the five BPGs to conserve the natural diversity (genetic, phenotypic, and behavioral), spatial distribution, and resiliency of the DPS as a whole. Core populations in all BPGs must be restored to viability before the DPS as a whole can be recovered and delisted.

There are two types of developments and activities that pose the principal threats to the species: 1) impassible barriers to fish passage; and 2) water storage and withdrawal, including groundwater extraction. The Recovery Plan provides additional information on these and other threats and related recovery actions necessary to recover steelhead within individual watersheds and the DPS as a whole.

The Recovery Plan highlights a number of high priority DPS-wide recovery actions, including:

- ☐ *Physically modify passage barriers such as dams and diversion facilities to allow natural rates of migration to upstream spawning and rearing habitats.*
- ☐ *Coordinate with the California Department of Fish and Game and State Water Resources Control Board to ensure the effective implementation of California Fish and Game Code Sections 5935-5937 (provision of fishway and fish flows associated with dams and diversions).*
- ☐ *Extend California Water Code Section 1294.4 (dealing with instream flows to protect instream beneficial uses, including native fishes), to southern California.*
- ☐ *Enhance protection of natural in-channel and riparian habitats, including appropriate management of flood-control activities, off-road vehicle use, and in-river sand and gravel mining practices.*
- ☐ *Reduce water pollutants such as fine sediments, pesticides, herbicides, and other non-point source waste discharges.*
- ☐ *Assess the condition of and restore estuarine habitats through the control of fill, waste discharges, and establishment of buffers; control artificial breaching and/or draining of coastal estuaries.*
- ☐ *Conduct research on the relationship between resident and anadromous forms of *O. mykiss*, and the population dynamics regarding distribution, abundance, residualization, dispersal, and recolonization rates.*
- ☐ *Survey and monitor the distribution and abundance of non-native plant and animal species that degrade natural habitats or compete with native species; reduce and/or control such non-native invasive species.*
- ☐ *Incorporate appropriate elements of the Recovery Plan into the state-sponsored and funded Integrated Regional Water Management Plans (IRWMP).*
- ☐ *Finalize and implement the Statewide Coastal Monitoring Plan for anadromous salmonids.*

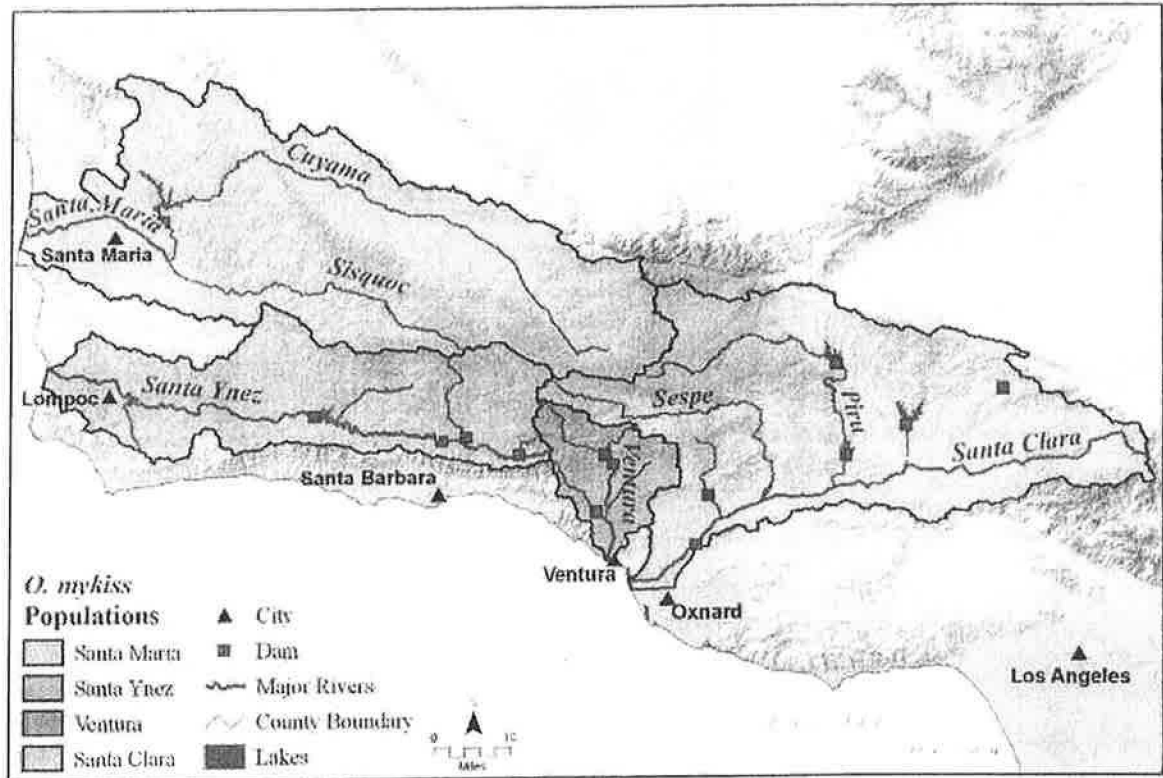
As part of an adaptive management program, population and habitat responses to recovery actions will be evaluated through on-going research and monitoring.





C-12

## Monte Arido Highlands Biogeographic Population Group



The Monte Arido Highlands BPG encompasses four medium to large coastal watersheds and eight sub-watersheds that drain the western half of the Transverse Range in southern San Luis Obispo, Santa Barbara, Ventura, and eastern Los Angeles counties. These watersheds are highly disparate in terms of slope, aspect, and size, but share one common feature: the interior portions are mountainous and include high peak elevations, ranging between 5,700 and 8,600 feet above sea level. Each of these watersheds flows across a coastal terrace in its lower elevation, but the Santa Maria, Santa Ynez, and Santa Clara rivers traverse broad coastal plains before entering the Pacific Ocean. Overall, stream lengths tend to be long, due to multiple tributaries and topographic relief in the interior watersheds. The Santa Maria River watershed (Cuyama River sub-watershed) extends the furthest inland—almost 90 miles between the mouth and the limits of the upper watershed.



Santa Maria River



Adult Steelhead, Santa Clara River



Bradbury Dam, Santa Ynez River



C-13

Threat Source Rankings: Monte Arido Highlands BPG Component Watersheds (north to south)													
Threat Sources	Santa Maria River	Cuyama River	Sisquoc River	Santa Ynez River	Ventura River	Coyote Creek	Matilija Creek mainstem	North Fork Matilija Creek	San Antonio Creek	Santa Clara River	Santa Paula Creek	Sespe Creek	Piru Creek
Dams and Surface Water Diversions													
Groundwater Extraction													
Agricultural Development													
Urban Development													
Recreational Facilities													
Non-Native Species													
Levees and Channelization													
Flood Control													
Wildfires*													
Mining and Quarrying													
Roads													
Urban Effluents													
Agricultural Effluents													
Culverts & Road Crossings													

**Key:** Red = Very High threat; Yellow = High threat; Light green = Medium threat; Dark green = Low threat  
Threat cell colors represent threat rating from Conservation Planning (CAP) Workbooks.

\*Wildfires were not identified during the CAP Workbook analyses as one of the top five threats in several of these watersheds, but recent fires in coastal watersheds indicates that future wild fires could result in significant habitats impacts.

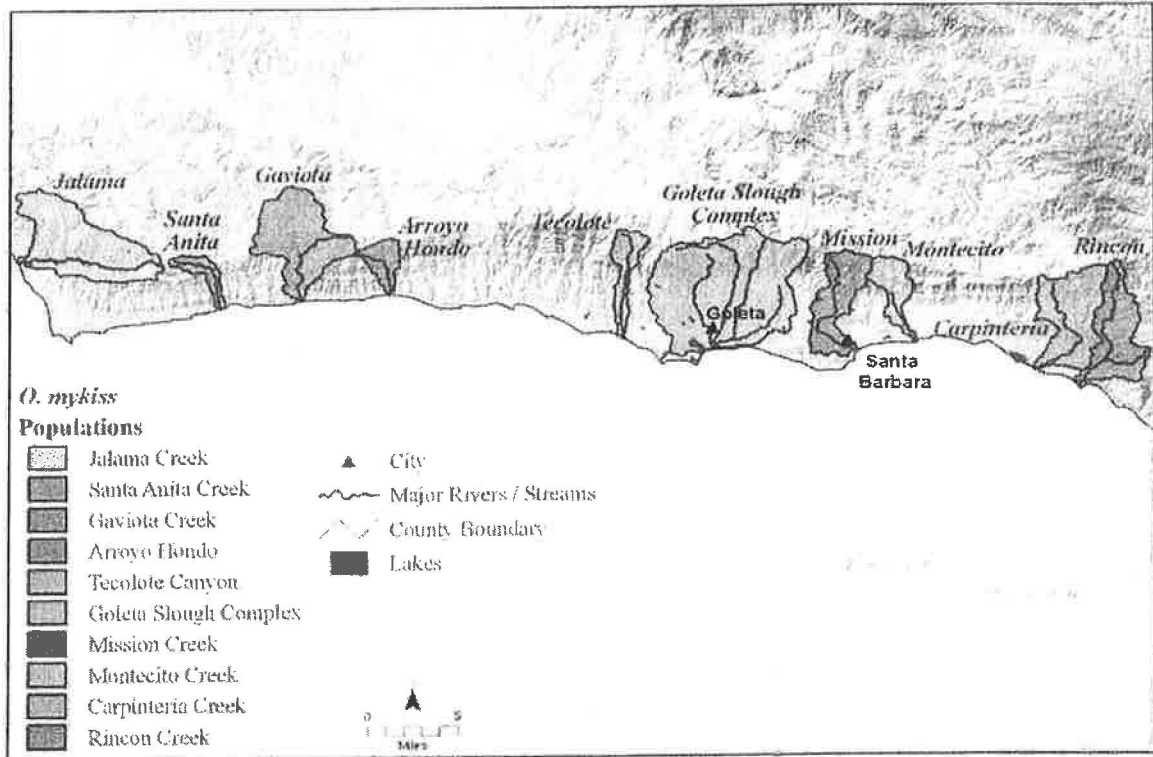
### Priority Recovery Actions

- Develop and implement operating criteria to ensure the pattern and magnitude of water releases from dams, including Twitchell, Bradbury, Gibraltar, Juncal, Casitas, Matilija, Robles Diversion, Santa Felicia, Pyramid, Vern Freeman Diversion, and Castaic dams, provide the essential habitat functions to support the life-history and habitat requirements of adult and juvenile *O. mykiss*.
- Develop and implement plans to physically modify Twitchell, Bradbury, Gibraltar, Mono, Juncal, Casitas, Matilija, Robles Diversion, Santa Felicia, Pyramid, Vern Freeman Diversion, and Castaic dams to allow natural rates of adult and juvenile *O. mykiss* migration between the estuary and upstream spawning and rearing habitats, and passage of smolts and kelts downstream to the estuary and ocean.
- Develop and implement a groundwater monitoring program to guide management of groundwater extractions within steelhead bearing watersheds to ensure surface flows provide essential support for all *O. mykiss* life-history stages, including adult and juvenile *O. mykiss* migration, spawning, incubation, and rearing habitats.
- Develop and implement plans to physically modify the lower Santa Paula Creek flood control channel to allow natural rates of migration of adult and juvenile *O. mykiss* between the estuary and upstream spawning and rearing habitats, and passage of smolts and kelts downstream to the estuary and ocean.
- Develop and implement restoration and management plans for the estuaries associated with steelhead bearing watersheds. To the maximum extent feasible, the plan should restore the physical configuration, size and diversity of the wetland habitats, eliminate exotic species, control artificial breaching of the sand bar, and establish effective buffers to restore estuarine functions and promote *O. mykiss* use (including rearing and acclimation) of the estuaries.



C-14

## Conception Coast Biogeographic Population Group



The Conception Coast BPG encompasses eight small coastal watersheds that drain a 50-mile long stretch of the south-facing slopes of the Santa Ynez Mountains in southern Santa Barbara County and extreme southwestern Ventura County. The Santa Ynez Mountains are an east-west trending spur of the Transverse Range that creates some of the steepest watersheds in any of the five BPGs in the SCS Recovery Planning Area. Peak elevations reach 4,300 feet within a few miles of the Pacific Ocean. These watersheds are relatively homogeneous in slope, aspect, and size, with steep upper watersheds and lower watersheds that cut across a relatively narrow coastal terrace. Stream lengths are relatively short in this BPG; the Gaviota Creek watershed penetrates the furthest inland (about seven miles). Rainfall amounts in the upper watersheds can be five to six times higher than on the coastal terrace during the same storm event, and the steep topography creates extremely “flashy” flows within these watersheds.



Gaviota Creek



Maria Ygnacio Creek



Adult Steelhead, Carpinteria



C-15

Threat Source Rankings: Conception Coast BPG Component Watersheds (north to south)										
Threat Source	Jalama Creek	Canada de Santa Anita	Gaviota Creek	Arroyo Honda	Tecolote Creek	Galea Slough	Mission Creek	Montecito Creek	Carpinteria Creek	Rincon Creek
Roads										
Culverts & Crossings										
Groundwater Extraction										
Levees and Channelization										
Urban Development										
Wildfires*										
Recreational Facilities										
Non-Point Pollution										
Flood Control										
Mining and Quarrying										
Agricultural Development										
Dams and Surface Water Diversions										

Key: Red = Very High threat; Yellow = High threat; Light green = Medium threat; Dark green = Low threat  
Threat cell colors represent threat rating from Conservation Action Planning (CAP) Workbooks.

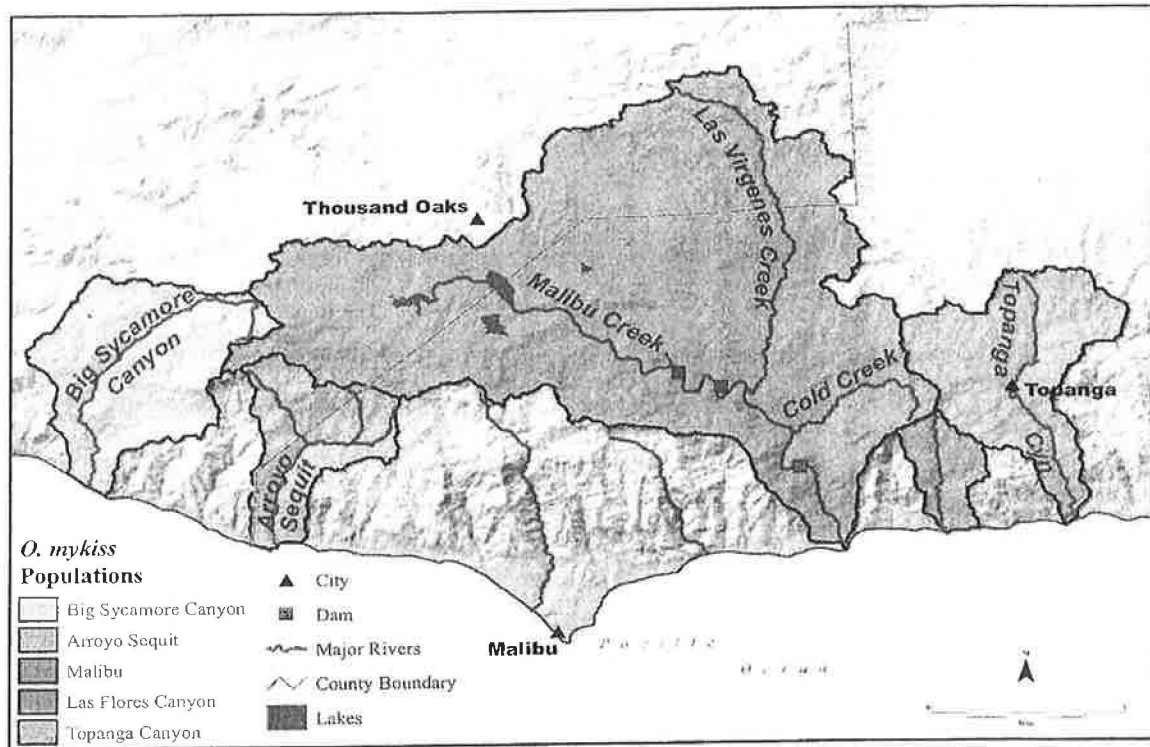
\*Wildfires were not identified during the CAP Workbook analyses as one of the top five threats in several of these watersheds, but recent fires in coastal watersheds indicates that future wildfires could result in significant habitats impacts.

## Priority Recovery Actions

- Develop and implement a plan to physically modify channelized reaches of lower Mission Creek, and upstream road crossings, to allow natural rates of migration of adult and juvenile *O. mykiss* between the estuary and upstream spawning and rearing habitats, and passage of smolts and kelts downstream to the estuary and ocean.
- Develop and implement a plan to physically modify upstream debris basins and other fish passage barriers within steelhead bearing watersheds to allow natural rates of adult and juvenile *O. mykiss* of migration between the estuary and upstream spawning and rearing habitats, and passage of smolts and kelts downstream to the estuary and ocean.
- Develop and implement a plan to physically modify the Highway 101 and railroad culvert over lower Rincon Creek, and upstream road crossings to allow natural rates of adult and juvenile *O. mykiss* migration between the estuary and spawning and rearing habitats, and passage of smolts and kelts downstream to the estuary and ocean.
- Develop and implement a groundwater monitoring program to guide management of groundwater extractions within steelhead bearing watersheds to ensure surface flows provide essential support for all *O. mykiss* life-history stages, including adult and juvenile *O. mykiss* migration, spawning, incubation, and rearing habitats.
- Develop and implement restoration and management plans for estuaries associated with steelhead bearing watersheds. To the maximum extent feasible, the plans should restore the physical configuration, size and diversity of the wetland habitats, eliminate exotic species, control artificial breaching of the sand bar, and establish effective buffers to restore estuarine functions and promote *O. mykiss* use (including rearing and acclimation) of the estuaries).



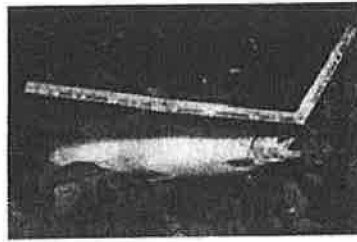
## Santa Monica Mountains Biogeographic Population Group



The Santa Monica Mountains BPG consists of five coastal watersheds located in southern Ventura and western Los Angeles counties which drain the east-west coastal Santa Monica Mountains. Similar to the Conception Coast BPG, it is comprised of a series of short, nearly parallel streams that drain steep south-facing slopes, but with an average elevation of less than 2,500 feet. These watersheds are relatively homogeneous in slope, aspect, and size, with steep upper watersheds and lower watersheds that cut across a relatively narrow coastal terrace. Malibu Creek is the largest of the five watersheds, encompassing approximately 110 square miles, and penetrates through a break in the Santa Monica Mountains to drain a portion of its north-facing slopes and the south-facing slopes of the Simi Hills. There are also a number of smaller watersheds within this BPG (e.g., Trancus, Zuma, Solstice, and Las Flores Canyon) which may also be used by steelhead when water conditions are periodically favorable. Calleguas Creek and the Los Angeles River, to the east and west of the BPG, drain the northern slopes of the Santa Monica Mountains.



Malibu-Los Angeles



Adult Steelhead, Malibu Creek



Rindge Dam, Malibu Creek



C-17

Threat Source Rankings: Santa Monica Mountains BPG Component Watersheds (west to east)					
Threat Sources	Big Sycamore Canyon Creek	Arroyo Sequit	Malibu Creek	Las Flores Canyon Creek	Topanga Canyon Creek
Roads					
Recreational Facilities					
Culverts and Road Crossings					
Wildfires*					
Urban Development					
Levees and Channelization					
Dams and Surface Water Diversions					
Non-Native Species					
Upslope/Upstream Development					
Urban Effluents					

**Key:** Red = Very High threat; Yellow = High threat; Light green = Medium threat; Dark green = Low threat  
Threat cell colors represent threat rating from Conservation Action Planning (CAP) Workbooks.

\*Wildfires were not identified during the CAP Workbook analyses as one of the top five threats in several of these watersheds, but recent fires in coastal watersheds indicates that future wildfires could result in significant habitats impacts.

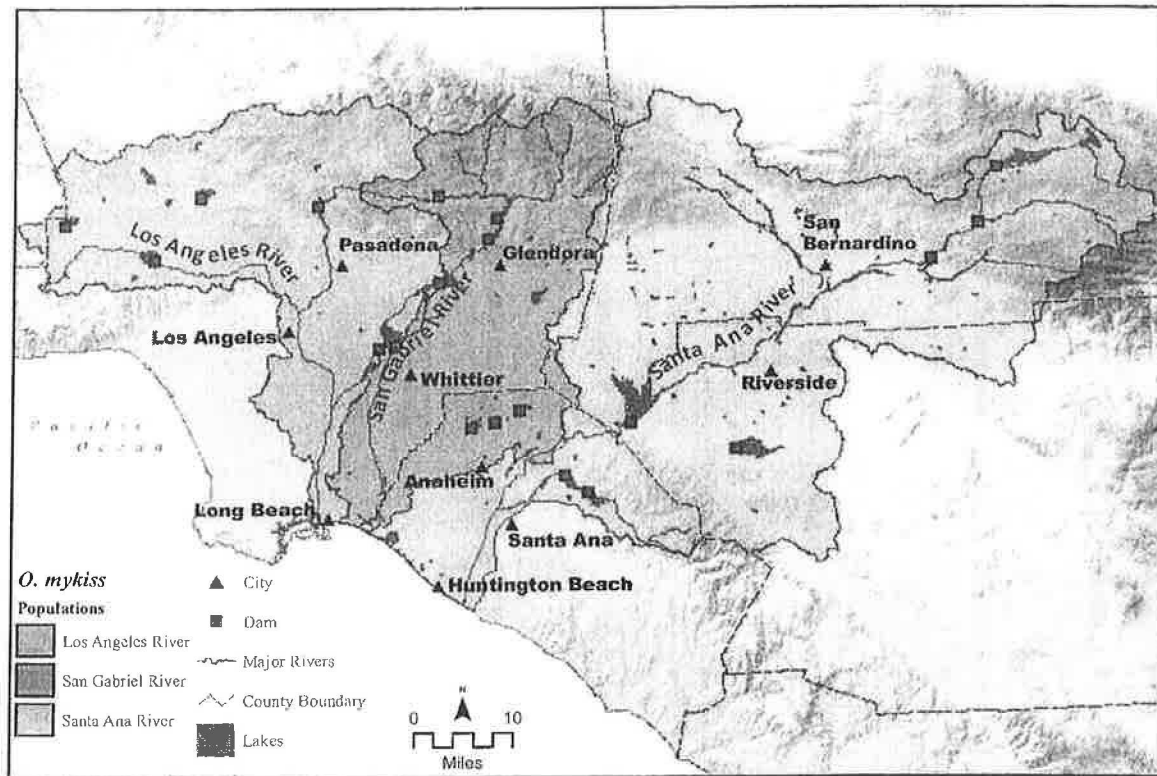
### Priority Recovery Actions

- Develop and implement plans to remove Rindge and Malibu dams, and physically modify road crossings and other fish passage barriers to allow natural rates of adult and juvenile *O. mykiss* migration between the estuary and upstream spawning and rearing habitats, and passage of smolts and kelts downstream to the estuary and the ocean.
- Develop and implement plan to replace the U.S. 101 culvert over Topanga Creek with a full span bridge and remove fill from the Topanga Creek Estuary to allow natural rates of adult and juvenile *O. mykiss* migration to upstream spawning and rearing habitats, and passage of smolts and kelts downstream to the estuary and ocean.
- Develop and implement restoration and management plans for estuaries associated with steelhead bearing watersheds. To the maximum extent feasible, the plans should restore the physical configuration, size and diversity of the wetland habitats, eliminate exotic species, control artificial breaching of the sand bar, and establish effective buffers to restore estuarine functions and promote *O. mykiss* use (including rearing and acclimation) of the estuaries.
- Develop and implement an integrated wildland fire and hazardous fuels management plan, including monitoring, remediation and adaptive management, to reduce potentially catastrophic wildland fire effects to adult and juvenile *O. mykiss* and their habitat and preserve natural ecosystem processes (including sediment transport and deposition).





## Mojave Rim Biogeographic Population Group



The Mojave Rim BPG encompasses three large coastal watersheds that drain the northern slopes of the Santa Monica Mountains and the southern slopes of the San Gabriel and San Bernardino mountains in southern Los Angeles County, southwestern San Bernardino, and western Riverside and Orange counties: the Los Angeles River, San Gabriel River, and the Santa Ana River. The upper portions of each of these watersheds include steep, mountainous terrain (within the Angeles and San Bernardino National Forests) and the lower watersheds cut across the Los Angeles Basin—an extensive coastal plain, with comparatively few, small tributaries.



Morris Dam, San Gabriel River



East Fork San Gabriel River



Santa Ana River Estuary





Threat Source Rankings: Mojave Rim BPG Component Watersheds (west to east)								
Threat Sources	Los Angeles River mainstem	Arroyo Seco	San Gabriel River mainstem	West Fork San Gabriel River	East Fork San Gabriel River	Santa Ana River mainstem	Lytle Creek	Mill Creek
Dams and Surface Water Diversions								
Flood Control								
Groundwater Extraction								
Levees and Channelization								
Urban Development								
Recreational Facilities								
Culverts and Road Crossings								
Agricultural Development								
Upslope/Upstream Development								
Wildfires*								

Key: Red = Very High threat; Yellow = High threat; Light green = Medium threat; Dark green = Low threat  
Threat cell colors represent threat rating from Conservation Action Planning (CAP) Workbooks.

\* Wildfires were not identified during the CAP Workbook analyses as one of the top five threats in several of these watersheds, but recent wildfires indicates that future wildfires could result in significant habitats impacts; additionally, the presence of non-native species is not reflected in the CAP Workbook analyses, but non-native species is a potential threat in this BPG.

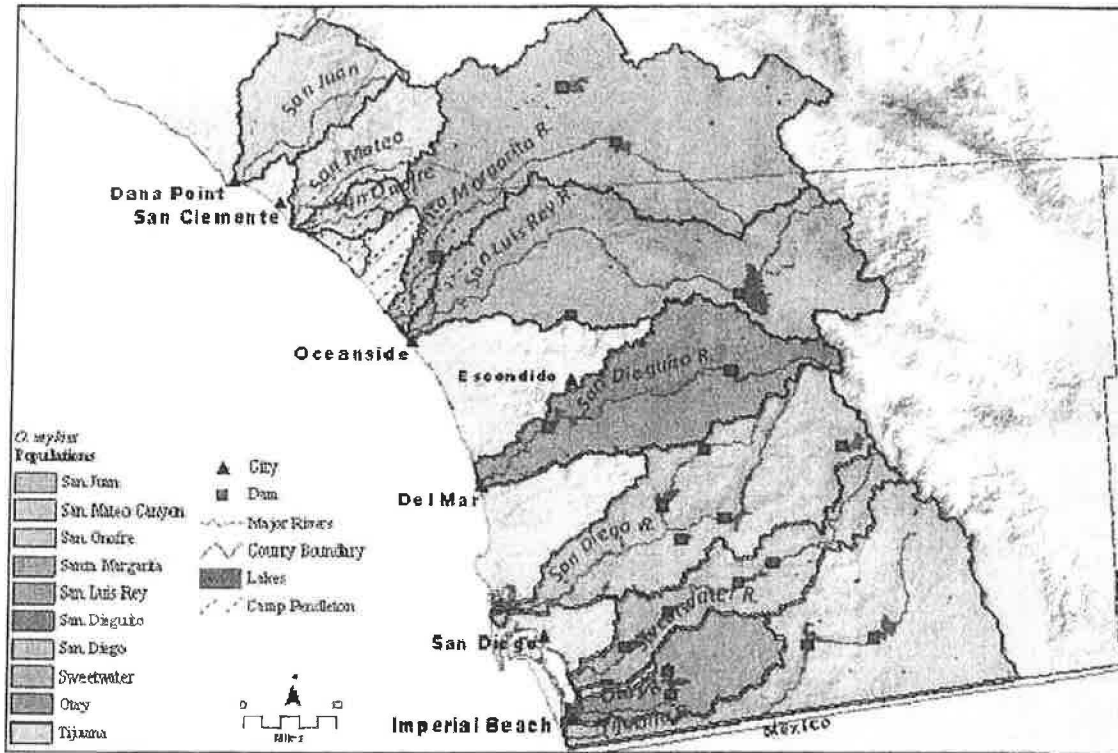
### Priority Recovery Actions

- Develop and implement operating criteria to ensure the pattern and magnitude water releases from dams, including Morris, San Gabriel, Cogswell, Santa Fe, Prado, Seven Oaks, and Bear Valley dams, provide the essential habitat functions to support the life-history and habitat requirements of adult and juvenile *O. mykiss*.
- Develop and implement a plan to physically modify dams, including Morris, San Gabriel, Cogswell, Santa Fe, Prado, Seven Oaks, and Bear Valley dams, to allow adult and juvenile *O. mykiss* natural rates of migration between the estuary and upstream spawning and rearing habitats, and passage of smolts and kelts downstream to the estuary and ocean.
- Develop and implement a plan to physically modify or remove fish passage barriers at debris basins, diversions, roads, and highways to allow adult and juvenile *O. mykiss* natural rates of migration between the estuary and upstream spawning and rearing habitats, and passage of smolts and kelts downstream to the estuary and ocean.
- Develop and implement restoration and management plans for steelhead bearing watersheds. To the maximum extent feasible, plans should restore the physical configuration, size and diversity of the wetland habitats, eliminate exotic species, control artificial breaching of the sand bar, and establish effective buffers to restore estuarine functions and promote *O. mykiss* use (including rearing and acclimation) of the estuaries.
- Develop and implement an integrated wildland fire and hazardous fuels management plan, including monitoring, remediation and adaptive management, to reduce potentially catastrophic wildland fire effects to adult and juvenile *O. mykiss* and their habitat and preserve natural ecosystem processes (including sediment transport and deposition).
- Develop and implement flood control maintenance plan for steelhead bearing watersheds to minimize the frequency and intensity of disturbance of instream habitats and riparian vegetation of the mainstem and tributaries to protect all *O. mykiss* life-history stages, including adult and juvenile migration, spawning, incubation and rearing, and their associated habitats.



C-20

## Santa Catalina Gulf Coast Biogeographic Population Group



The Santa Catalina Gulf Coast BPG encompasses ten coastal watersheds of moderate size that drain the western slopes of the Santa Ana Mountains and Peninsular Range in southwestern Orange and Riverside counties southward through San Diego County to the United States-Mexico border. The upper portions of almost all of these watersheds include steep, mountainous regions and the lower watersheds cut across coastal terraces. Two watersheds, the Sweetwater River and Otay River, drain into San Diego Bay; the other eight watersheds drain directly into the Pacific Ocean. The component watersheds vary greatly in size and numerous tributaries contribute to the large total stream length for this BPG (4,235 miles). Because of low rainfall, many of the drainages in this BPG are naturally seasonal or have extensive dry reaches during years of below-average precipitation, particularly in their lower reaches.



Arroyo Trabuco Creek



*O. mykiss*, Pine Valley Creek



San Mateo Creek



Threat Source Rankings: Santa Catalina Gulf Coast Component Watersheds (north to south)										
Threat Sources	San Juan Creek/ Trabuco Creek	San Mateo Creek	San Onofre Creek	Santa Margarita River	San Luis Rey River	San Dieguito River	San Diego River	Sweetwater River	Otay River	Tijuana River
Groundwater Extraction										
Dams and Surface Water Diversions										
Urban Development										
Agricultural Development										
Levees and Channelization										
Culverts & Road Crossings										
Recreational Facilities										
Non-Native Species										
Roads										
Flood Control Maintenance										
Upslope/Upstream Development										
Agricultural Effluents										
Wildfires*										

Key: Red = Very High threat; Yellow = High threat; Light green = Medium threat; Dark green = Low threat  
Threat cell colors represent threat rating from the Conservation Action Planning (CAP) Workbooks.

\* Wildfires were not recognized during the CAP Workbook analyses as one of the top five threats in these watersheds, but recent fires indicate that future wildfires could result in significant habitat impacts.

## Priority Recovery Actions

- Develop and implement plans to physically modify or remove fish passage barriers at dams, debris basins, diversions, roads, and highways to allow adult and juvenile *O. mykiss* natural rates of migration between the estuary and upstream spawning and rearing habitats, and passage of smolts and kelts downstream to the estuary and ocean.
- Development and implement operating criteria to ensure the pattern and magnitude of water releases from Pilgram, Turner, Lower and Upper Stehly, Agua Tibia, Henshaw, Eagles Nest, and O'Neill Diversion dams provide the essential habitat functions to support the life-history and habitat requirements of adult and juvenile *O. mykiss*.
- Develop and implement watershed-wide plans for steelhead bearing watersheds to identify and determine the type, distribution, and density of non-native species; assess their impacts on all *O. mykiss* life-history stages; and eliminate or control non-native species to protect all *O. mykiss* life history stages.
- Develop and implement restoration and management plans for estuaries in steelhead bearing watersheds. To the maximum extent feasible, the plan should restore the physical configuration, size and diversity of the wetland habitats, eliminate exotic species, control artificial breaching of the sand bar, and establish effective buffers to restore estuarine functions and promote *O. mykiss* use (including rearing and acclimation) of the estuaries.



## Summary

An array of natural and anthropogenic factors has reduced both the population size and historical distribution of steelhead within the SCS Recovery Planning Area, placing severe pressure on the species' ability to survive. However, steelhead are resilient fish and despite encroaching agricultural and urban development, they continue to persist in small numbers throughout the SCS Recovery Planning Area. The Southern California Steelhead Recovery Plan outlines a strategy for species' recovery by identifying core watersheds, threats to these watersheds and recovery actions to address those threats. The Recovery Plan also identifies a research program to address the biology and ecology of southern California steelhead necessary to refine the viability recovery criteria, and a monitoring program to assess the effectiveness of recovery actions and the status of individual populations and the DPS as a whole.

Many of the recovery actions identified in this Recovery Plan address watershed-wide processes (e.g., wild-fire cycle, erosion and sedimentation, runoff, and non-point waste discharges) which will benefit a wide variety of other native species (including other state and federally listed species, or species of special concern) by restoring natural ecosystem functions.

Restoration of steelhead habitats in coastal watersheds will also provide substantial benefits for human communities. These include, but are not limited to, improving and protecting the water quality of important surface and groundwater supplies, reducing damages from periodic flooding resulting from floodplain development, and controlling invasive exotic animal and plant species which can threaten water supplies and increase flood risks. Restoring and maintaining ecologically functional watersheds also enhances important human uses of habitats occupied by steelhead; these include such activities as outdoor recreation, environmental education (at primary and secondary levels), field-based research on the physical and biological processes of coastal watersheds, aesthetic enjoyment, and the preservation of important tribal and cultural heritage values. Investment in the recovery of southern California steelhead will provide economic benefits, including stimulating the economy directly through the employment of a restoration workforce, and the expenditure of wages and restoration dollars for the purchase of goods and services. In addition, viable salmonid populations provide ongoing direct and indirect economic benefits as a natural resource base for angling, outdoor recreation, and tourist related activities. Recovering and delisting the Southern California Steelhead DPS will also reduce the regulatory obligations imposed by the ESA, and allow land and water managers greater flexibility to optimize their activities, and reduce costs related to ESA protections.

Recovery of viable, self-sustaining populations of southern California steelhead will require a shift in societal attitudes, understanding, priorities, and practices, and ultimately the re-integration of the species into a highly altered landscape that is home to more than 22 million people. These changes are necessary to both ensure sustainable communities in southern California and to restore the habitat upon which viable steelhead populations depend.

Recovery of southern California steelhead depends most fundamentally on a shared vision of the future. A shared vision for the future can align interests and encourage cooperation that, in turn, has the potential to improve rather than undermine the adaptive capacity of natural public resources such as functioning watersheds and river systems. The on-going cooperation and dedication of many stakeholders from both public and private sectors will therefore be essential to achieve the recovery of southern California steelhead.

**Southern California Steelhead Recovery Plan may be obtained from:**

National Marine Fisheries Service  
Office of Protected Resources  
501 W. Ocean Blvd., Suite 4200  
Long Beach, CA 90802  
562-980-4000

Or can be downloaded from the NMFS Recovery Planning website:

<http://swr.nmfs.noaa.gov/pr/recovery/plans.htm>

D-1

Santa Paula Creek  
CFROG

Santa Paula Creek is a red-line stream that flows out of a fork of Santa Paula Canyon and then through the west side of St. Thomas Aquinas College to join Sisar Creek at Highway 150. As a life-long resident of Ojai, I have hiked and camped in this Canyon and along this clear, fast running stream for approximately 50 years. Swimming holes abound, and the popular, deep punch bowls are a nice day's hike during the summer.

The 1978 Mitigated Negative Declaration states:

"the proposed Drill Site No. 7 is located as close as 20 feet from the main bank of the Santa Paula Creek. The drill pad elevation is 2-6' below the 100 year flood level."

I cannot understand how this stream encroachment was permitted in 1978. It has damaged the riparian environment, changed the course of the stream, and channeled runoff stormwater from the drill pad into the streambank. D-1

Drill Site No. 7 required rerouting the hiking trail which was a meandering walk along the creek where the first nice swimming hole could be found during wet years. The trail now runs adjacent to a chain link fence that surrounds the drill pad and two oil wells. The pad is not a large area. According to the FEIR it is approximately .8 of an acre. On one side is a steep canyon wall with visible rock slides and on the other side just along the trail not 10 feet from the fence is the streambed. As one commenter to the 1985 Focused EIR stated, "I don't know where they could put seven more wells. The drill pad is already up against the canyon wall."

It was a mistake to allow drill pad #7 to be developed in the early '80's. It would be a catastrophic mistake to allow tripling of the number of wells in the year 2015.

The Ventura County Non-Coastal Zoning Ordinance for oil and gas production clearly prohibits the authorization of this type of encroachment.

Ventura County Non-Coastal Zoning Ordinance  
Section 8107-5 Oil and Gas Exploration and Production  
Sec. 8107-5.2 - Application D-2

Unless otherwise indicated herein, the purposes and provisions of Section 8107-5 et seq. shall be and are hereby automatically imposed on and made a part of any permit for oil or gas exploration and development issued by Ventura County on or after March 24, 1983. Such provisions shall be imposed in the form of permit conditions when permits are issued for new development or for existing wells/facilities without permits, or when existing permits are modified.

Sec. 8107-5.6.1 No well shall be drilled and no equipment or facilities shall be permanently located within:

d. 300 feet from the edge of the existing banks of "Red Line" channels as established by the Ventura County Flood Control District (VCFCD). These setbacks shall prevail unless the permittee can demonstrate to the satisfaction of the Public Works Agency that the subject use can be safely located nearer the stream or channel in question without posing an undue risk of water pollution, and impairment of flood control interests. In no case shall setbacks from streams or channels be less than 50 feet. All drill sites located within the 100 year flood plain shall be protected from flooding in accordance with Flood Control District requirements.

There is no layout plan for drill site 1 or 7 that shows the well locations in relation to the stream. A full environmental review must be done BEFORE the public works department or flood control district required permits can be obtained. The lack of public information is an attempt to cut the public out of the review process for this important encroachment upon one of Ojai's few red line streams.

Ventura County Planning Department does not have the authority to grant a project approval that is in direct non-compliance with Ventura County Zoning Ordinances. The ordinance clearly states that the purposes and provisions of Section 8107-5 SHALL be and are hereby AUTOMATICALLY imposed on and made a part of any permit for oil and gas exploration and development issued by Ventura County on or after March 24<sup>th</sup>, 1983.

As a member of the public and a frequent visitor to Santa Paula Creek, I am very concerned about the requirement to pave drill pad #7 as it will create major run-off into the creek since the drill pad currently drains in the

D-3

direction of the streambed. This runoff cannot be re-channeled without new grading which is not within the scope of the permit.

D-3

I am also concerned about the riparian habitat that is adjacent to the trail. There needs to be a biological study of the area both for flora and fauna in order to ensure major damage is not done to the wetland area.

D-4

As troubling as the above concern is the fact that this project lies ON one of the most popular hiking trails in Ventura County. The public has the right to know how this trail will be affected and what plans are being made to once again alter the hiking experience that has far preceded the existence of oil drill pad #7.



E-1

Statement at Public Hearing  
January 8<sup>th</sup>, 2015  
CFROG

The Statement of Environmental Findings in the EIR Addendum incorrectly states that the 1978 document prepared by Ventura County Planning Department is an EIR. This document is an MND dated 1978 that was certified by the Board of Supervisors, as was often the custom for new CUP documents in the 1970's (see appendix A of the 1984 FEIR).

The July 9, 1985 Focused EIR certified by the Board of Supervisors is not an EIR that "evaluated the environmental impacts of the continued operations of 14 existing oil and gas wells, and the drilling of 22 additional wells for a total of 36 wells and related production equipment" as stated in the EIR addendum.

E-1

The July 9, 1985 Focused EIR states specifically on page one in a letter to Dennis Hawkins, then Planning Director,

"Purpose of the EIR

This report is a focused EIR that only addresses the environmental consequences of providing access to Argo Petroleum's Ferndale Ranch lease. It does not address the actual drilling and production of oil from the proposed new wells. The Board of Supervisors previously found that this was adequately addressed in the Mitigated Negative Declaration for the project."

As to the oil and gas application to authorize the continued operation of 17 oil and gas wells and related production equipment and the drilling of 19 new oil and gas the wells, the only environmental review is that done in the MND of 1978.

New information of substantial importance which was not known at the time of the previous EIR has become available that demonstrates that significant effects previously examined will be substantially more severe than previously shown in the MND of 1978. Seven to nine new above ground pipelines would be needed to transport oil from drill site #7. These pipes run for approximately 1/3 mile or more and were identified in the 1978 MND as having the potential to significantly affect Santa Paula Creek if one were to break in an earthquake or for any other reason. The unnamed fault that was mentioned as a major concern in the MND is now identified as the San

E-2

E-2

Cayetano Fault that in 2010 was identified as an active earthquake hazard fault having the potential to be of M7 or greater. In 2010 it was included in the Alquist-Priolo Hazards Maps.

The following conditions added to the project demonstrate that significant effects previously examined will be substantially more severe than previously shown in the 1978 MND.

E-3

Condition 46: "The access road between Drill site No 1. And Drill Site No. 2 shall be realigned to reduce grades and runaway vehicle escape ramps shall be provided to reduce runaway vehicle hazards. Particular attention shall be paid to surface water run-off." This condition will require some amount of significant grading and vegetation removal. It will also affect surface water run-off. The Addendum specifically states that there will be no new grading. There is no plan for this realignment, no reason given for its inclusion, and no evaluation of its environmental implications.

E-4

Condition 49: "Prior to commencement of drilling operations, Drill Site Nos. 1 and 7 shall be paved or otherwise made impermeable to minimize the potential for ground water pollution." Paving these two drill sites, both adjacent to a red line stream is a major project and the environmental consequences of that action have not been evaluated. The prior review did not consider the potential for groundwater pollution created by seepage through the drill pad, but it is equally concerning that the surface will now become impermeable.

E-5

4. Condition 58: The fact that the permittee is required to obtain a Floodplain Clearance issued by the County Public Works Agency is substantial evidence of a concern on the part of Ventura County Planning Staff that serious flooding is very possible on the Santa Paula Creek as it exits the Santa Paula Canyon which could cause significant damage to the oil infrastructure and the college campus.

E-6

5. Condition 57: Requires the proper filing of all compliance documents required under the NPDES General Industrial Stormwater Permit (No. CAS000001) This requirement is substantial evidence that waste discharge from stormwater is a significant concern and requires a permit. However, before a permit can be issued, a CEQA environmental review must be completed. The 1978 MND does not constitute environmental review of this issue.

6. Condition 56: This condition that requires a Municipal Stormwater Permit is substantial evidence of a significant concern that construction of the project may affect stormwater.

E-7

There is no plan for the location and storage of liquid waste and petroleum products included in the record as part of a CEQA review. The new impermeable areas required by this permit create new stormwater runoff problems and problems with containment of liquid wastes and petroleum products. These new problems have had no environmental review and the public has had no opportunity to assess the new substantial risks to the environment in close proximity to Santa Paula Creek.

E-8

7. Conditions 54 and 55: Once again, the storage of hazardous materials as to location, amount, length of time, type of storage containers, and other pertinent concerns have not been addressed by the addendum nor provided to the public.

E-9

There is clearly a general concern expressed by our lead agency regarding the capacity of Santa Paula Creek to flood, canyon walls to slide, and areas of saturated soils to slump causing catastrophic damage to the adjacent stream and college. This is evidenced by the new requirements by planning staff to obtain various permits and submit future plans for grading, containment, paving, stormwater runoff plans, flood emergency plans, etc. However, each of these these new requirements require prior CEQA review by the lead agency. Additionally, the right of the public to examine these plans, weigh in on the possible affects to the environment, and participate in our rights as citizens of Ventura County are being circumvented because there is no information given prior to granting the entitlement to allow an opportunity for fair review.

E-10

There has also been a designation of Santa Paula Creek in this exact location as Critical Habitat for the endangered California Steelhead Trout in 2005. There is no mention of the steelhead trout in any of the record for CUP 3344. This is new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted and the FEIR was certified.

E-11

F-1

## **Cumulative Effects CFROG Comment to January, 2015 Ammendment to CUP 3344**

There has been a great deal of new science in the last two decades that has changed the way we interpret the industrial advances that have led to Global Warming and serious health and safety consequences for mankind. For example, it was not until 1985 that the effects of global warming were fully appreciated (American Institute of Physics). The health consequences of oil production, leaking oil and gas wells, long-term methane exposure, and exposure to fracking chemicals are just now being studied. This is new information that was not known nor could have been known with the exercise of reasonable diligence at the time the MND was certified.

F-1

This authorization to renew an expired permit to drill 19 new wells in a canyon adjacent to the Topa Topa Mountains which serve as a trap for emissions has not been considered in relation to the cumulative effects of the hundreds of oil wells within a two mile radius of the project site. Add to this the presence of 450+ students and faculty of a small college nestled alongside the Santa Paula Creek and amongst the oil wells and you have an eminent threat to the health and safety of these young adults. The possible health consequences from the proximity of oil production and drilling activities to these students has been completely ignored. Yet increasingly, scientists are warning us that methane exposure is harmful to our health.

F-2

There are about 460 oil and gas wells in the Upper Ojai Valley. The Valley is only slightly over 4 miles in length. That amounts to over 100 wells per mile of valley floor. What are the consequences of that concentration of wells to the air, water, flora, fauna, human inhabitants, and our future? The cumulative effects of oil wells in Upper Ojai were cursorily studied in an EIR in 1979-80, but that was only after a local resident won an expensive lawsuit forcing that study. That was before greenhouse gas emissions were of a concern

F-3

F-2

to the residents of this valley. That was before the health consequences of 460+ wells were considered a potential issue. It is time for a study of the cumulative effects of these oil wells in light of new science and technology.

F-3

Most critically, 450 young adults are wedged into the end of the Upper Ojai Valley against the Topa Topa Mountains. In 1983 there were 78 oil wells on the land immediately to the west of the College and 28 oil wells on the land immediately to the east. Since then at least 9 more wells have been permitted on the Silverthread lease to the west. The College ranch has 17 existing oil wells and this new permit would more than double that to 36 bringing the total number of oil wells in that small part of the Valley to 153+.

F-4

The FEIR certified in 1985 was not a review of the cumulative effects of oil and gas drilling or production and specifically states on page 306, "The EIR did not evaluate the cumulative impacts associated with Sun Oil's expansion of operations." It is not reasonable for the lead agency's planning director, Ms. Prillhart, to grant an extension to this expired permit without a full EIR to examine the cumulative effects of the continued expansion of oil and gas drilling in the Upper Ojai Valley.

F-5



January 8, 2015

Kim Prillhart, Director  
Ventura County Planning Division  
800 South Victoria Avenue  
Ventura, CA 93009-1740

RE: Vintage Production Oil & Gas Facility, Santa Paula Canyon (PL 13-0150)

Dear Ms. Prillhart:

Thank you for this opportunity to provide comments on a proposal by Vintage Production California LLC to drill 19 new oil and gas wells and to continue operating 17 existing oil and gas wells and related facilities for another thirty years. The wells are located along a popular recreation trail next to Santa Paula Creek between Thomas Aquinas College and the Los Padres National Forest in Ventura County.

Los Padres ForestWatch is a nonprofit organization that works to protect the Los Padres National Forest and other public lands along California's Central Coast. We have hundreds of members in Ventura County and throughout the region who are concerned about the environmental impacts of oil drilling on wildlife habitat, water quality, scenic views, and outdoor recreation in and around the Los Padres National Forest. Our goal is to ensure that any existing and proposed oil drilling operations around the Los Padres National Forest are conducted responsibly and in a way that reduces or avoids environmental impacts to the fullest extent possible.

The Planning Division (“Division”) seeks to approve the wells without preparing a full Environmental Impact Report (“EIR”). Instead, the Division has prepared a nine-page addendum to an EIR that was prepared thirty years ago. This EIR Addendum does not satisfy the Division’s obligations under the California Environmental Quality Act (“CEQA”), which requires preparation of a Subsequent EIR to incorporate new information that has developed over the last three decades since the original environmental document was prepared for this site.

A Subsequent EIR will provide the County and the public with an opportunity to fully evaluate the impacts of existing and proposed oil development in this remote mountainous area, and is particularly appropriate in light of the following characteristics of the area:

- Santa Paula Canyon is one of the most environmentally sensitive areas in Ventura County, providing habitat for several rare and imperiled wildlife including southern steelhead and California condors;
- The area also serves as one of the most popular gateways to trails, backcountry camps, swimming holes, and waterfalls in the Los Padres National Forest;

6-2

- The site is part of the original Chumash village of *Sisa*, the largest of the inland village sites and considered by archaeologists to be of the "highest significance" in understanding the entire Chumash economic sphere and social network;
- Surrounding land uses – including an avocado ranch and a quaint college campus – are incompatible with intensive oil development;
- The operation has a long history of significant permit violations, which have placed these sensitive natural and cultural resources at great risk; and
- Various oil wells, pipelines, storage tanks, access roads, and other oil production facilities have been authorized in this area since 1971 in piecemeal fashion with no or little environmental review.

6-4

6-5

6-6

6-7

As an initial matter, we note that the County's decision to announce the availability of the EIR Addendum on December 24 – on the eve of a holiday week – left us and other interested members of the public with little time to review the staff report and underlying environmental documents and prepare meaningful comments. Further suppressing public input, County staff repeatedly refused to even disclose the type of environmental document being prepared for this project until December 18, and declined to provide us with a copy of the underlying environmental document until December 24. We endeavor to provide the Division with our comments, concerns, and suggestions at the earliest possible stage of the planning process, and hope that your staff will take steps in the future to better facilitate public participation and promote the early exchange of information.

6-8

1. The Staff Report and EIR Addendum Reference the Incorrect EIR

The Division has previously prepared two EIRs for this oil and gas operation. Initially, in 1978, the Planning Commission certified an EIR that evaluated the environmental impacts of 30 additional oil wells (beyond the six wells previously approved for the site). Then, in 1985, the Board of Supervisors certified a focused EIR that evaluated several alternative access routes to the site. This 1985 EIR was limited to the issue of access routes, and did not evaluate any impacts from oil drilling or production.

Oddly enough, the staff report prepared for this hearing only references the narrowly-focused 1985 EIR. Specifically, in the section titled "California Environmental Quality Act (CEQA) Compliance," the Division doesn't mention the original 1978 EIR even once. The staff report also completely mischaracterizes the nature and scope of the 1985 EIR, claiming that the focused EIR "evaluated the impacts of additional grading to expand two drill pads and create a new drill pad, relocate the previously permitted oil wells, drilling additional oil and gas wells, and access to the oil facilities." Staff Report at 5.

6-9

But the 1985 focused EIR does no such thing. It clearly states on page 1 that "the objective of this focused EIR is a comparative analysis of all reasonably feasible alternative access roads that may be available to serve oil related traffic associated with Argo Petroleum's revised drilling program for its Ferndale Ranch lease" and emphasizes that it does "not address the actual drilling and production of oil and gas," (emphasis included in original).



If the Division seeks to prepare an EIR Addendum to satisfy the requirements of CEQA, then for starters, it must correctly identify the original environmental document, which in this case presents a challenge since this oil drilling operation was evaluated in stages, starting with the 1978 EIR, continuing with the 1983 Mitigated Negative Declaration ("MND"), and finishing with the 1985 focused EIR. Which environmental document is the EIR Addendum changing? To which environmental document will the EIR Addendum be attached? (See CEQA Guidelines §15164(c) ("An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.")) There is no easy answer to these questions because CEQA did not envision a lead agency relying on an EIR Addendum in such circumstances.

The EIR Addendum refers to "the EIR" without specifying whether it is referring to the 1978 EIR or the 1985 focused EIR. The EIR Addendum does not mention the 1983 MND at all, even though that MND evaluates a portion of the project (Drill Site 7) that was not evaluated in the 1978 nor the 1985 EIRs. Even the applicant believes all three environmental documents are relevant – Vintage included in its application packet a self-evaluation of the company's compliance of mitigation measures from all three documents – so it is unclear why the Division focuses its staff report and EIR Addendum almost exclusively on the 1985 narrowly-focused EIR. See Appendix 6 (EIR and MND Mitigation Measures Compliance Statements).

The staff report incorporates by reference the 1985 EIR, but mysteriously only attaches the first three sections (introduction, project description, and environmental setting) in an appendix, omitting the main parts of the document (environmental impacts, growth inducing impacts) that actually evaluate environmental impacts. The staff report does not incorporate by reference or contain any portions of the 1978 EIR or the 1983 MND. By omitting these documents, it is unclear how the Planning Director is supposed to consider them in rendering her decision. See CEQA Guidelines § 15164(d) ("The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project."

The Division lacks authority to prepare an EIR Addendum for a project with three disjunct environmental documents, all of which were prepared more than thirty years ago and all of which analyze different components of this project. The CEQA requires the Division to prepare a Subsequent EIR.

## 2. Substantial Evidence Requires the Division to Prepare a Subsequent EIR

Under CEQA, the Division can prepare an EIR Addendum only in a narrow set of circumstances. If any of the following conditions apply – and we argue below that they do – then the Division cannot rely on an EIR Addendum and must prepare a Subsequent EIR:

- (1) Substantial changes are proposed in the project which will require major revisions of the EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions of the EIR or Negative Declaration due to

involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects; or

- (3) New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted, shows the following:
- (A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration.
  - (B) Significant effects previously examined will be substantially more severe than previously shown in the previous EIR.
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

CEQA Guidelines §§ 15162, 15164(a). The Division has the burden of demonstrating that none of these conditions apply, based on substantial evidence in light of the whole record. *Id.*

First, this project has undergone substantial changes. Specifically, the existing permit conditions state that "[d]rilling of all approved wells must be completed in a timely manner ending within (3) years of the issuance of CUP-3344 MOD #8 and #9. The Planning Director is authorized to administratively extend the drilling phase two (2) additional years." CUP-3344 MOD #8 and #9 were issued in 1985, so all wells needed to be drilled by 1990 at the absolute latest. Now, a quarter-century later, the applicant wishes to extend the allowable drilling period another 30 years, extending the significant impacts of drilling long into the future and well beyond anything envisioned by previous Planning Commissions, Boards of Supervisors, environmental documents, neighboring land uses, and the interested public.

Second, the previous environmental documents did not evaluate several potentially significant impacts, and several impacts mentioned in the previous environmental documents have substantially increased in severity – two criteria outlined in the CEQA Guidelines that warrant preparation of a Subsequent EIR. These new impacts are outlined below:

#### A. Outdoor Recreation & Trails

A formally-designated national forest trail known as the East Fork Trail or the Santa Paula Canyon Trail (Forest Trail 21W11) cuts directly through the middle of this oil and gas operation. This trail has existed since the early 1900s, long before any oil wells were drilled at this site, and today serves as one of the most popular gateways into the Los Padres National Forest.

The public trail begins on the Thomas Aquinas College campus, and transitions from pavement to dirt road to trail as it passes directly adjacent to several oil wells, pipelines, tanks, and other facilities. It is

"by far the most heavily traveled in the Ojai Ranger District" (Carey, C.R. 2012. *Hiking & Backpacking Santa Barbara & Ventura*) and the U.S. Forest Service estimates that up to 100,000 people use the trail annually. It leads to several popular waterfalls, swimming holes, backcountry campsites, and eventually the Sespe Wilderness. The trail is described as follows:

The Santa Paula Canyon Trail in the Topatopa Mountains is among the most beautiful and popular hikes in the Ojai area. The trail begins by walking through picturesque Saint Thomas Aquinas College into Santa Paula Canyon. The hike follows Santa Paula Creek up a shady, forested canyon past a number of deep bedrock pools and cascades surrounded by rugged mountain views. The trail leads to The Punchbowl, a scenic, narrow gorge with waterfalls and pools between Big Cone Camp and Cross Camp.

Stone, R. 2011. *Day Hikes Around Ventura County*.

The trail passes immediately adjacent to Drill Site 1 and Drill Site 7. While a chain link fence surrounds both drill sites, neither fence is properly screened and the facilities on each drill site are readily visible from the trail. Odors emanate from the Drill Sites and are frequently encountered by trail users along this segment of trail. It is no wonder that the late Fred Volz, author of Ojai's seminal hiking guide *Ojai Hikes*, noted this about the trail:

The trail begins on a fire road leading past an old farmhouse (off limits) and runs down to the river through a noisy, stinking oil field, which we hope will not spill your spirits.

Volz, F. 1988. *Ojai Hikes* at 39. Most other accounts of this trail – both online and in print – similarly note the distinctive presence of the oil facilities.

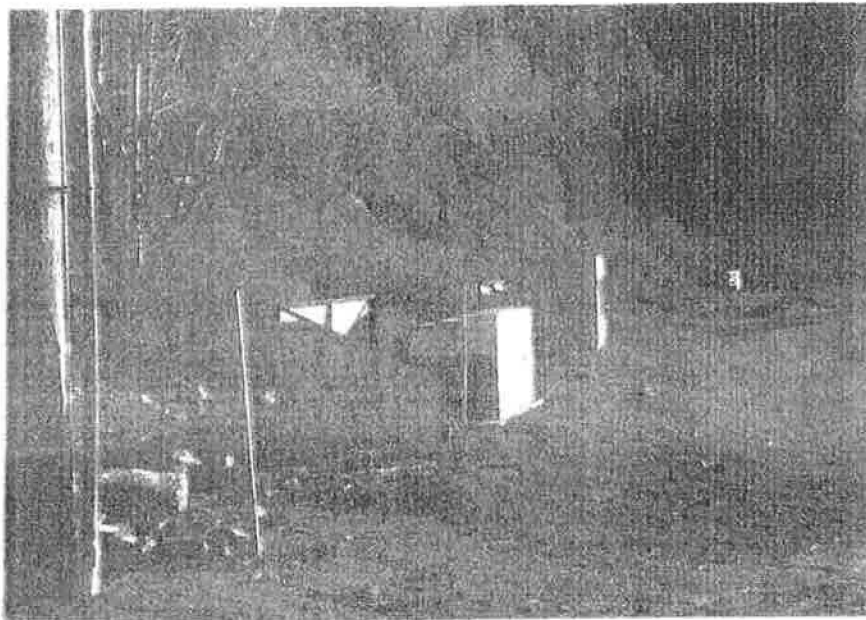
The applicant is proposing to drill an additional two wells at Drill Site 1, and an additional 7 wells at the most sensitive and remote site, Drill Site 7. Additional drilling at these sites would further degrade the visual landscape along this popular trail and would negatively detract from the outdoor experience with an increase in noise and odors. In addition to posing a significant impact, the new and existing wells are also not in compliance with Resources Policy 1.7.2-1, which states "discretionary development which would significantly degrade visual resources or significantly alter or obscure public views of visual resources shall be prohibited unless no feasible mitigation measures are available and the decision-making body determines there are overriding considerations." It is also not consistent with Ventura County Non-Coastal Zoning Ordinance §8111-1.2.1.1, which requires the Planning Director to make a finding that the proposed land use is compatible with surrounding development and land uses; would not be obnoxious or harmful or impair the utility of neighboring uses; would not be detrimental to the public interest, health, safety, convenience, or welfare; and is compatible with existing and potential land uses in the general area.

Given this background and the dominance of the oil operation along this trail, it is difficult to comprehend how the Division concludes in the staff report that "[t]he drilling pads are surrounded by hills and are not visible from any public viewing location," and "The oil and gas production facilities will be located in a region that is surrounded by hills and screened from view from any public location.... The existing character of the area will not be substantially altered with implementation of the proposed

project." Staff Report at 7, 13. Two of the drill sites are immediately adjacent to the trail and are mostly if not completely visible therefrom, significantly detracting from the recreational experience of outdoor enthusiasts along one of the most popular trails in Ventura County.

Astonishingly, the current oil drilling operation is not in conformance with previously-approved mitigation measures relating to screening and cleanliness. For example, Condition 31 requires that "all permanent facilities, structures, and aboveground pipelines shall be colored so as to mask the facilities from the surrounding environment and uses in the area." Most facilities that are visible from the trail are not painted in this manner; rather, the paint is faded or has been weathered away completely, and does not blend in with the natural environment. Other accessory structures and facilities are not painted in accordance with this condition, either.

As another example, Condition 32 requires that the permit area "shall be maintained in a neat and orderly manner so as not to create any hazardous or unsightly conditions." But graffiti – visible from the trail – mars many of the facilities on Drill Site 7.



*Graffiti is found at several locations within Drill Sites 1 and 7, in violation of permit conditions.*

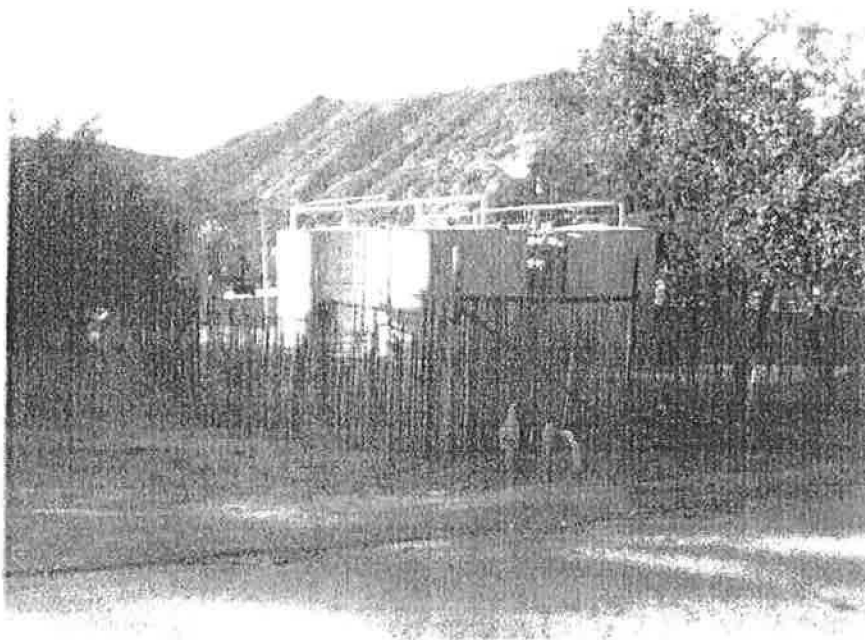
As a third example, Condition 49 requires that Drill Site 1 and Drill Site 7 "shall be completely enclosed by two (2) inch mesh chain link fence of a non-rusting material, constructed to a height of not less than six (6) feet and containing no openings except those required for ingress and egress." This condition also requires the gates to be kept locked "except when oil field personnel are present on the drill site." On our visit to these drill sites on January 5, 2015, the gate to Drill Site 7 was wide opened and unlocked, with absolutely no oil field personnel present.



*Locked gate left open without any oil personnel present, in violation of permit conditions.*

Most egregiously, Condition 51 requires each drill site to "be landscaped so as to fully screen production equipment (including permanent storage tanks) and cut and fill slopes from view of...the Santa Paula Canyon hiking trail. This clearly is not the case, as wells, tanks, and other production equipment are readily visible from several vantage points along the hiking trail. Vintage's statements to the contrary are misleading at best when it states that "Drill Site 1 equipment is screened from views from the hiking trail by fencing with wooden slats, trees and other vegetation," and "The pumping units on Drill Site 7 are painted in the color that blends with the surroundings and are at a sufficient distance from the hiking trail enforced by the fence. Therefore, the pumping units are obscured from the hiking trail views." Vintage attempts to circumvent these longstanding requirements by claiming that the views from the trail are "short-duration intermittent" and that landscaping to completely screen the sites are not feasible because (1) Vintage does not own the land outside of the fence, (2) insufficient land exists between the fence and the trail to accommodate landscaping, and (3) fire restrictions prevent planting of vegetation inside the fence.

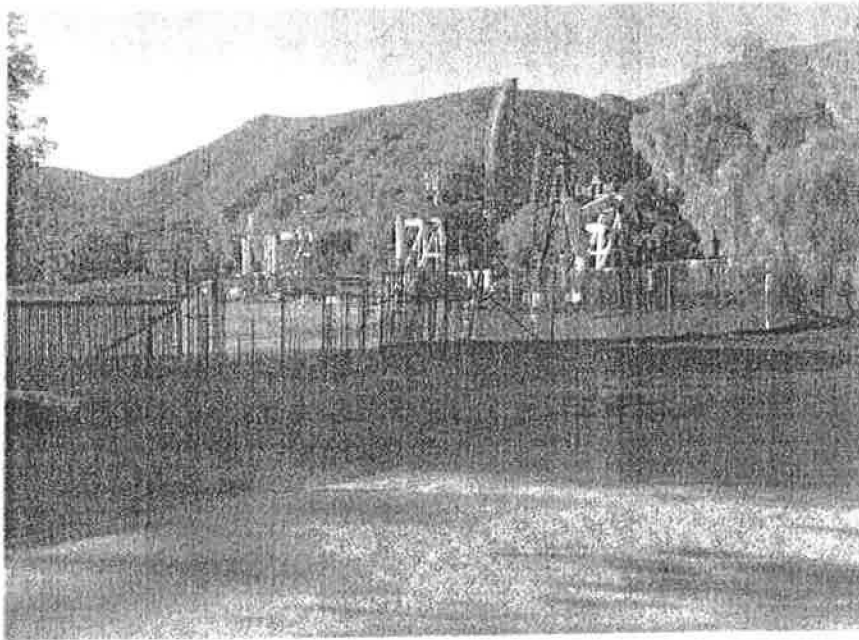
G-17



*Out-of-service tanks at Drill Site 1, viewed from the public trail.*

While the fence surrounding Drill Site 1 does have wooden slats, many of them are broken or missing. In addition, the fence is several feet too short to screen views of this drill site from the adjacent trail. Trail users can view the site's wells and tanks along virtually the entire length of the adjacent trail segment, with the exception of a few areas that are screened by mature trees. To immediately comply with this permit condition, Vintage must repair the wooden slats and install vegetation to "fully screen" this site. Vintage should also consider removing the out-of-service tanks at this site, consistent with state law. The EIR Addendum fails to address this matter, and a Subsequent EIR must be prepared.

G-17

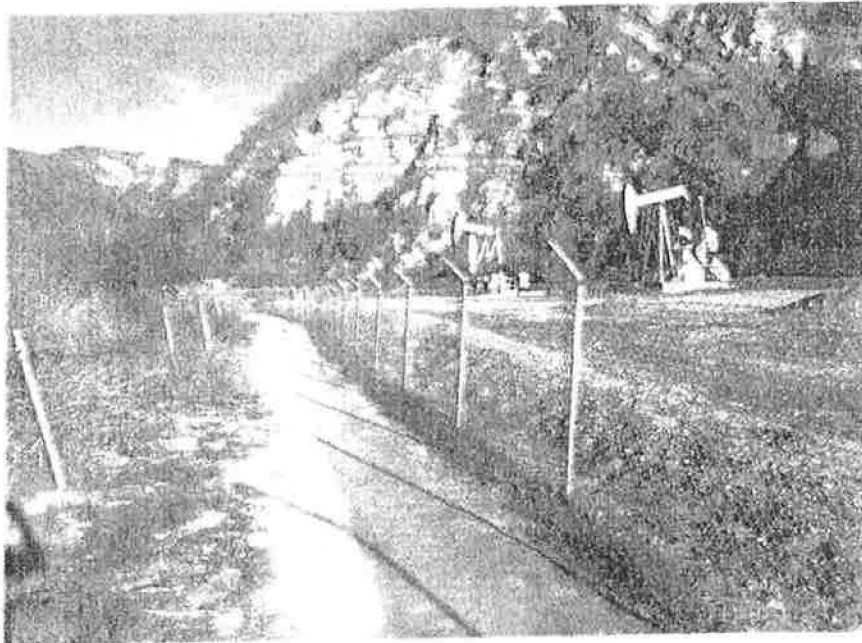


*Wells visible from the public trail along Drill Site 1.*

Moreover, Vintage has not attempted to undertake any measures to screen Drill Site 7 along Santa Paula Creek from trail users' views. The chain link fence is transparent without any wooden slats. Several areas along the fence provide ample space for landscaping. In order to fully comply with the plain terms of this permit condition requiring landscaping to "fully screen" all equipment, Vintage should consider moving the chain link fence to allow additional space for landscaping between the fence and the trail. Vintage claims that this is not feasible because vegetation would encroach on the wells and present an undue fire risk. However, proposed Condition 68 only requires a thirty-foot vegetation clearance for fire prevention, leaving ample room to accommodate vegetative screening. The EIR Addendum does not address this matter, and a Subsequent EIR must be prepared.

G-17





*Drill Site 7 is completely visible from the public trail, in violation of permit conditions.*

We urge the Division to immediately conduct a landscape maintenance inspection of Drill Sites 1 and 7, and notify Vintage to remedy these defects. We also suggest that the County accept Vintage's offer to deposit the \$5,000 landscaping maintenance bond required by permit condition 52. As part of the permit renewal for the existing wells, this bond should be increased to \$11,000 at a minimum to adjust for inflation. Because some fencing may need to be moved to accommodate the required landscaping, we strongly urge the County to significantly increase the bond beyond the adjusted amount to cover any additional costs. In addition, we suggest that Vintage immediately embark on a program to paint the existing facilities and prepare a landscaping plan – to be approved by the Division – to ensure that all facilities are "fully screened" as required by the permit condition. Native vegetation should be strongly favored.

We also urge the County, the applicant, and the surface owner to work towards establishing a new trail route that avoids views of the oil wells. This would reduce or eliminate many of the impacts noted above, would enhance the trail user experience, and would increase security at the Drill Sites. Such collaboration is actually required by Condition 5 of the 1983 MND, which requires Vintage to "cooperate with surface owners, including Thomas Aquinas College, and the United States Forest Service to establish a new hiking trail." Vintage cannot absolve itself of compliance with this permit condition simply by claiming that it is not the surface owner. We hope that the County can impose a stronger permit condition that requires Vintage to actively participate and cooperate in a program to re-route the trail, to prepare a trail re-route plan in cooperation with interested parties and members of the public, and to fund any costs associated with such trail re-route.

## B. Oil Spills

Neither the previous environmental documents – nor the EIR Addendum – adequately evaluate and mitigate the potentially significant impacts of oil spills on Santa Paula Creek. One of the pipelines servicing this facility crosses Santa Paula Creek, and the 1978 EIR requires the applicant to “install automatic safety valves on the shipping line so that the maximum amount of oil that could be spilled into Santa Paula Creek, in the event of pipeline breakage, would be 45 barrels (1,890 gallons). In addition, a properly designed suspension bridge would reduce the likelihood of pipeline breakage from flooding.” Any subsequent environmental documents must discuss the environmental impacts of an oil spill of this magnitude, and consider whether current technology can feasibly reduce the scope of a spill or eliminate that risk entirely. If the suspension bridge envisioned by the 1978 EIR mitigation measure is not yet in place, then the environmental document should also discuss whether its construction is feasible, along with any other effective ways at minimizing spills from this pipeline. G-19

The EIR Addendum does not evaluate the adequacy of this facility’s Spill Contingency Plan (“SCP”). The SCP provided by Vintage in its application is woefully inadequate and does not satisfy the new requirements for SCP plans outlined by 14 CCR § 1722.9. It is unclear whether there is any Pipeline Management Plan for this facility, as required by 14 CCR §1774.2. The absence or inadequacy of these plans is not consistent with Ventura County Non-Coastal Zoning Ordinance § 8107-5.6.4, which requires the permittee to “furnish the Planning Director with a plan for controlling oil spillage and preventing saline or other polluting or contaminating substances from reaching surface or subsurface waters. The plan shall be consistent with requirements of County, State and Federal laws.”

## C. Creek Setback Requirements & Floodplain Development

Condition 25 of the existing CUP establishes various setbacks where wells and other facilities are prohibited, including “300 feet from the edge of the existing banks of “Red Line” channels.” Santa Paula Creek flows immediately adjacent to Drill Site 7, and is a red-line channel. The existing wells and any new wells drilled at Drill Site 7 are within this prohibited setback area.

In fact, Drill Site 7 is within the floodplain of Santa Paula Creek. While the County’s consultant concludes that the site is slightly outside of the flood plain, that conclusion was admittedly not based on a detailed floodplain study, and other evidence in the record suggests the drill site is indeed within the floodplain. In approving the construction of Drill Site 7 adjacent to Santa Paula Creek, the Division prepared a Discussion of Environmental Impacts and Mitigations on May 24, 1983 in conjunction with the 1983 MND. In this document, the Division states G-20

Public Works Agency staff has identified significant environmental impacts relating to erosion of the adjacent Santa Paula Creek bank causing flooding of the drill site which in turn could cause pollution of Santa Paula Creek... The proposed Drill Site No. 7 is located as close as 20 feet to the main bank of Santa Paula Creek. The drill pad elevation is 2-6 feet below the 100 year flood level. In order to avoid potential flooding problems and the resulting pollution of Santa Paula Creek, the applicant proposes to construct an eight foot high earthen berm covered with native rock rip-rap.

To the best of our knowledge, the eight-foot-high earthen berm was never constructed. Approving the continuation of wells within the floodplain and allowing up to seven new wells poses an undue risk to water quality in Santa Paula Creek. Such impacts must be addressed in a Subsequent EIR.

#### D. California Condors

According to our preliminary review of condor data assembled by the U.S. Fish & Wildlife Service ("FWS"), active condor roosting sites occur on a forested slope within 0.5 miles of Drill Site 7 and Drill Site 2. In addition, an active condor nest is located within two miles of these same drill sites. This FWS data shows that condors are actively recolonizing the Santa Paula Creek area, and are becoming increasingly active within the Ojai Oil Field.

In 2013, the FWS provided the Division with a summary of the potential impacts posed to endangered California condors from oil development along with a series of 23 recommended minimization and avoidance measures to protect the California condor. The first of these recommendations is that no oil and gas facilities shall be developed within 1.5 miles of nest sites or within 0.5 miles of active roost sites. This mitigation measure was not evaluated as part of any previous environmental documents for this operation, and this new information must be evaluated and considered as part of a Subsequent EIR. The Subsequent EIR must evaluate the presence of condors within the 0.5-mile roosting buffer and 1.5-mile nesting buffer. Consistent with the FWS mitigation measures, the Division must prohibit any drilling activity or facilities within these buffers.

We appreciate the Division's efforts to implement many of the condor protection measures recommended by FWS. However, the Division continues to propose alternate language that does not satisfy the letter or intent of the FWS recommendations, including the requirement to underground power lines (proposed Condition 34(a)), the requirement to post microtrash signage (proposed Condition 34(f)), and notification and access (proposed Condition 34(s)). The Division also omits several recommended measures, including number 19 (fire prevention) and number 21 (prohibiting direct contact with condors). And we continue to have concerns about the language allowing the Planning Director to modify any condor protection measure after simply "consulting with" FWS. The measures should only be modified with the *written approval* of FWS.

#### E. Southern Steelhead

Santa Paula Creek historically supported healthy steelhead runs. While their numbers are now greatly diminished throughout the region, Santa Paula Creek continues to contain "the most productive habitat" for steelhead in the Santa Clara River watershed, and has greater potential to contribute to the recovery of steelhead than other Santa Clara River tributaries. The protection of habitat in upper Santa Paula Creek is seen as a top priority for revitalizing the Santa Clara River steelhead population. Stoecker, M. 2005. Santa Clara River Steelhead Trout: Assessment and Recovery Opportunities.

Southern steelhead were classified as an endangered species in 1998. In 2005, the National Marine Fisheries Service ("NOAA Fisheries") issued its final rule designating critical habitat for several steelhead

populations in California. 70 Fed. Reg. 52488 (September 2, 2005). Pertinent to this project, the final rule designates Santa Paula Creek as critical habitat for southern steelhead, an endangered species. A recovery plan for southern steelhead was finalized in 2012, and NOAA Fisheries and its partners – including Los Padres ForestWatch – are in the process of implementing that recovery plan to eventually restore wild steelhead populations throughout the region.

The classification as an endangered species, the designation of critical habitat, and the approval and implementation of a recovery plan is all new information that was not evaluated in any of the previously-prepared environmental documents for this project. Steelhead are vulnerable to spills of oil and other hazardous materials associated with drilling operations. In addition, excessive sedimentation may eliminate spawning areas and increase stream turbidity to harmful levels. Any potential impacts to steelhead, critical habitat, and recovery plan objectives must be evaluated in a Subsequent EIR.

#### F. Air Pollution & Greenhouse Gas Emissions

Ventura County is in state non-attainment for the 1-hour ozone standard, in state and federal non-attainment for the 8-hour ozone standard, and is in state non-attainment for the PM10 and PM2.5 particulate matter standards. These ambient air quality standards have been revised significantly since the previous environmental documents were prepared for this facility. Such non-attainment levels – and the facility's contribution to them – constitute a significant impact that should be analyzed in any subsequent EIR.

In addition, California has enacted new greenhouse gas (GHG) emissions requirements, and any subsequent EIR must evaluate the GHG emissions of this facility. As of 2007, lead agencies must evaluate GHG emissions as part of the CEQA process, as follows:

- Lead agencies must analyze the greenhouse gas emissions of proposed projects, and must reach a conclusion regarding the significance of those emissions. (See CEQA Guidelines § 15064.4.)
- When a project's greenhouse gas emissions may be significant, lead agencies must consider a range of potential mitigation measures to reduce those emissions. (See CEQA Guidelines § 15126.4(c).)

The previous environmental documents prepared for this project do not contain any analysis of GHG emissions, nor do they propose any mitigation measures. In 2013 (the most recent year for which data is available), the EPA concluded that oil and gas production was the second-highest source of GHG emissions. The Division must evaluate emissions for carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O) in a Subsequent EIR.

#### G. Cumulative Impacts

The Ojai Oil Field contains 492 oil wells, according to data maintained by the California Division of Oil, Gas & Geothermal Resources ("DOGGR"). The previous environmental documents have not looked at the cumulative impacts of oil drilling across the entire Ojai Oil Field. The Subsequent EIR must evaluate the cumulative impacts of field-wide oil drilling, and propose mitigation measures as appropriate.

G-14

#### H. Hydraulic Fracturing

The Division's staff report states that hydraulic fracturing ("fracking") is not authorized by the permit modification. However, other documents in the record – including Vintage's application – states, "Vintage will not use hydraulic fracturing for the undrilled wells unless and until regulations addressing potential hydraulic fracturing impacts are adopted and in place." These regulations were finalized in late 2014 and take effect in July. Vintage's intent to frack these wells is clear, and even if the current permit does not authorize fracking, the Subsequent EIR must evaluate the likelihood of fracking and any potential impacts caused by this high-intensity oil extraction method.

G-25

The likelihood that the proposed wells will be fracked is even more pronounced knowing that nearly every well in the Ferndale lease has been fracked at least once (and some multiple times) since the previous environmental documents were prepared. For example, according to DOGGR records, Ferndale 712 was fracked twice in 1990, Ferndale 716 was fracked three times in 1990, Ferndale 717 was fracked once in 1990, all on Drilling Pad 7.

The Subsequent EIR must evaluate the potential risks associated with fracking, including groundwater and surface water contamination, air pollution, noise, and other impacts.

#### I. Grading & Vegetation Removal

The staff report states that no grading or vegetation removal is associated with this project. However, proposed Permit Condition 46 requires Vintage to realign the access road between drill sites 1 and 2 to reduce grades and to provide runaway vehicle escape ramps. The Subsequent EIR should evaluate any impacts associated with this re-route, and should also consider various alignments and the environmental impacts associated with each.

G-26

#### 3. Conclusion

Based on the issues outlined above, we strongly urge you to find that the EIR Addendum does not comply with CEQA, and to prepare a Subsequent EIR for this permit modification. Substantial changes to the project, along with new and more severe environmental impacts that have not been previously evaluated, clearly warrant preparation of a Subsequent EIR pursuant to the CEQA Guidelines.

G-27

Thank you for considering our comments. Please provide us with any future public notices or environmental documents regarding this project, and we appreciate the County's efforts to protect the recreational and environmental values of Santa Paula Canyon.

Sincerely,



Jeff Kuyper  
Executive Director

H

**From:** John Q. Masteller  
**Sent:** Tuesday, January 06, 2015 3:21 PM  
**To:** 'Kim.Prillhart@ventura.org'  
**Subject:** Planning Director Public Hearing, PL13-0150

Dear Kim,

Happy New Year. I know that you are on a well-deserved vacation and I do not want to interfere. I wanted you to know, concerning the above matter, that we have met on several occasions over the last year with Vintage Oil representatives who have been quite solicitous to the concerns of Thomas Aquinas College. In a spirit of cooperation we advised them of our reasonable concerns with their proposal and they committed to address our concerns in the final language of the conditions for their CUP modification. We have reviewed the Planning Department staff's recommendations and their Conditions for Approval and we have confirmed that all of the College's concerns have been properly addressed in the terms and conditions of the CUP modification. As a result, the College believes it is unnecessary to send anyone to represent the College at Thursday's Planning Director Public Hearing and we do not plan to attend.

If, however, you or your staff believe it would be helpful to the County for the College to be present at the hearing, please let me know and I will certainly attend.

I hope you enjoy your vacation, and all of us at Thomas Aquinas College wish you and yours the very best in the New Year.

God bless.

Quincy

John Quincy Masteller  
General Counsel  
Thomas Aquinas College  
10,000 Ojai Road  
Santa Paula, CA 93060  
Office (805) 421-5930  
Cell (805) 208-0855  
[jmasteller@thomasaquinas.edu](mailto:jmasteller@thomasaquinas.edu)

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**COUNTY OF VENTURA  
PUBLIC WORKS AGENCY**


*ENGINEERING SERVICES DEPARTMENT  
DEVELOPMENT & INSPECTION SERVICES DIVISION  
800 South Victoria Avenue, Ventura, California 93009  
(805) 654-2030*

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**MEMORANDUM**

**Date:** February 12, 2015

**To:** Jay Dobrowalski, Case Planner  
RMA Planning Division

**From:**  James O'Tousa  
Engineering Manager II – Geologist  
Development and Inspection Services

**Subject:** Review of Conditional Use Permit, PL13-0150, Vintage Petroleum.

**Reference:** PL 13-0150 / Vintage Petroleum [Drill Site 7, APN 040-0-010-260]

1. Planning Memorandum, February 10, 2015, Vintage Petroleum, PL13-0150: Evaluation of the conformance of the proposed wells on Drillsite #7 with setback standards in NCZO Section 8107-5.6.

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The Public Works Agency, Development and Inspection Services Division has reviewed the February 10, 2015 Memorandum with attachments prepared by Engineering Geologist, Brian R. Baca. The Memorandum evaluates the conformance of the new oil wells with Section 8107-5.6.1.d of the Ventura County Non Coastal Zoning Ordinance. The proposed wells will be placed on the existing graded pad designated as Drillsite #7 on the Ferndale Lease in the Ojai Oil Field.

The Memorandum recommends that the proposed new oil wells on Drillsite #7 should be setback a minimum of 100 feet from "Top of Bank" of Santa Paula Creek as determined by the Watershed Protection District. The top of bank is four vertical feet above the 50-year storm water mark which can be seen in the 2005 aerial image (Memorandum Attachment 8). The placement of the wells with this setback is adequate to prevent undue risk of water pollution or impairment of flood control interests. Thus, the 100-foot setback included in the proposed project is in conformance with Section 8107-5.6.1.d of the Ventura County Non-Coastal Zoning Ordinance.

**END OF TEXT**

RG:jot





# Memorandum

County of Ventura • Resource Management Agency • Planning Division  
800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [ventura.org/rma/planning](http://ventura.org/rma/planning)

**DATE:** February 10, 2015

**TO:** Jay Dobrowalski, Planner

**FROM:**

A handwritten signature in black ink, reading "Brian R. Baca", is written over a horizontal line.

Brian R. Baca

PG 4571, CEG 1922, CHG 398 (Expires: 2-28-17)

**SUBJECT:** Vintage Petroleum, PL13-0150: Evaluation of the conformance of the proposed wells on Drillsite #7 with setback standards in NCZO Section 8107-5.6

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## INTRODUCTION

The requested permit modification would re-authorize the drilling of 19 previously permitted oil wells in the Ferndale Ranch area of the Ojai Oil Field. This existing oil and gas facility was originally permitted for 36 oil wells, of which, 17 have been drilled to date. The current proposal involves the drilling of 5 of the previously-permitted 7 wells on Drillsite #7, and 14 wells on the other three well pads (Drillsites Nos. 1, 2, and 3) located on the Ferndale Lease.

The level pad that comprises Drillsite #7 was constructed in 1989 under the authority of Conditional Use Permit 3344, Modification 10 (CUP 3344-10). This pad is the site of 3 existing oil wells and was designed to accommodate 10 wells. Seven additional wells (for a total of 10 wells) originally planned to be placed on Drillsite #7 were previously authorized under CUP 3344-10 but were not drilled prior to the expiration of the drilling period specified in that permit.

Drillsite #7 is located along the southern side of the Santa Paula Creek Canyon. This memorandum evaluates the conformance of the wells proposed for Drillsite #7 with the setback standards (Attachment 6) established in Section 8107-5.6 of the County Non-Coastal Zoning Ordinance.

## ANALYSIS

### Water Quality:

The current proposal (Case No. PL13-0150) includes the installation of 5 new wells on Drillsite #7. The existing oil wells are, and the new oil wells will be, constructed with the concrete basins (well cellars) required by the California Division of Oil and Gas and Geothermal Resources (DOGGR) regulations that prevent the loss or spillage of petroleum, including during storm events. The District 2 (Ventura Basin) DOGGR office has maintained a record of every produced fluid (oil and wastewater) spill that has occurred since 1994. There is no record of a spill involving the existing three wells (Ferndale 712, 716 and 717) located on Drillsite #7 in the past two

decades. In any case, the Drillsite #7 pad is constructed with a perimeter berm to control runoff from the pad floor.

The installation of the proposed 5 wells would result in the creation of approximately 2,000 square feet of new impervious surface. This minor change in the existing 80,011 square foot graded pad would not measurably change site runoff or result in an increase in erosion and sedimentation.

Based on the above discussion, no substantial effect on water quality is anticipated.

Flood control issues:

No new grading or modification of the Drillsite #7 pad is proposed. The graded pad that comprises Drillsite #7 encompasses 1.83 acres (80,011 square feet) and is located just south of Santa Paula Creek (see Attachment 1). As illustrated in Attachment 4, Drillsite #7 was constructed as a cut/fill pad on the hillside that forms the southern side of Santa Paula Creek Canyon. The fill that forms the embankment includes sandstone boulders (riprap) obtained during cutting of the adjacent slope. The County Watershed Protection District has determined that the Top of Bank of Santa Paula Creek is located 4 feet in elevation above the 50-year water mark level along the northern edge of the fill embankment for the Drillsite #7 pad as illustrated in the September 2005 aerial photograph (Attachment 8) available in County archives. This Top of Bank position is at an elevation of 1,120 feet above sea level point is illustrated on the attached profile section (Attachment 4) and the surveyed topographic map (Attachment 9) prepared by Surveyor William Meager (LS 5948). The Watershed Protection District determination is consistent with the findings of the September 3, 2013 M3 Civil Report (Attachment 2).

The topographic contours used to create the topographic profile (Attachment 4) are based on the 2005 County LIDAR data. This data is consistent with the surveyed topographic map prepared by licensed Surveyor William Meager, LS 5948 (Attachment 9).

The Drillsite #7 pad is surrounded by a perimeter berm and has been constructed with a floor elevation that is approximately 13 feet above the elevation of the adjacent Santa Paula Creek floodplain according to Civil Engineer Katherine McCunney (PE 43604). In her September 3, 2013 letter report (Attachment 2), Ms. McCunney concludes *that "additional wells, etc, within this drillpad will have no impact on the flood plain"* of Santa Paula Creek. Thus, it is not necessary to construct any of the proposed new wells above the current pad elevation.

The performance of the Drillsite #7 pad during high water conditions can be observed in aerial photographs taken before and after the 2005 flood events. The September 2004 aerial photograph (Attachment 7) illustrates site conditions prior to the winter 2004-2005 floods in which most of the County experienced a 50-year event. The conditions after the 2005 event are clearly illustrated in the September 2005 aerial photograph (Attachment 8). While substantial scour of the creekbed, removal of vegetation, and a re-routing of the low flow channel occurred during the 2004-2005 flooding, no discernable damage to the graded Drillsite #7 pad occurred. The fill embankment adjacent to the creek was undamaged and lost no vegetation during the 2005 major flood event. Since its construction in 1989, there has been no discernable erosion of the Drillsite #7 pad.

The 5 new oil wells would be installed a minimum of 100 feet from the "Top of Bank" (as defined above) and edge of 1% chance floodplain. Installation of the 5 proposed wells on this site would involve the creation of only about 2,000 square feet of new impervious surface area in the form

of concrete foundations to support pumping units and associated well cellars. The new impervious surfaces that would be installed involve less than 3% of the surface area of the 80,011 square-foot graded and bermed drilling pad. This is a minor change in the existing runoff characteristics of the existing drillsite and is negligible in comparison to the approximate 20 square miles of watershed area (see Attachment 3) that contributes surface flow to Santa Paula Creek upstream of Drillsite #7. The Santa Paula Creek watercourse would be classified as a E3 channel (Rosgen, 1996). There is no urban development upstream or uphill of Drillsite #7. The channel is not exhibiting any signs of excessive erosion as substantial vegetation (Alder trees) have grown along the low flow channel since the events of 2005. Drillsite #7 is located on the aggrading side of the stream curve and would be the least likely area to suffer erosion and undercutting. As stated above, the embankment that constitutes the northern edge of the graded pad did not suffer any erosion in the 2005 high flow event. Consistent with the findings of Ms. McCunney (Attachment 2), no measurable impact on flooding is anticipated to result from the installation of additional wells on Drillsite #7.

According to the geologic map (Attachment 5) published by the California Geological Survey, this pad and the adjacent hillside are underlain by shale and sandstone beds of the Tertiary Cozy Dell Formation. Although this formation is subject to landslides, no landslide deposits are present on the hillside adjacent to the drillsite according to the California Geologic Survey (see attached map). As observed in the field, the orientation of bedding planes in the Cozy Dell Formation on this hillside are not daylighted and are not prone to slope failure (personal observations, 1-9-15, B. Baca, CEG 1922). Review of aerial photographs of the area similarly indicate that landslide deposits are not present on the hillside above Drillsite #7. Rocks occasionally erode from (break off) the sandstone beds and fall to the edge of the drillsite. This material is contained by an existing earthen berm installed along the base of the slope. The slope is stable and the occasional rock fall does not constitute a substantial geologic hazard to the oil wells or to oil company personnel.

#### SUMMARY

Given the negligible change in the existing conditions and the use of an existing bermed drilling pad, the installation of 6 additional wells on Drillsite #7 pad would not have a measurable effect on the conveyance or quality of runoff waters, or the level of sedimentation in Santa Paula Creek. Thus, a minimum 100-foot setback of the proposed wells from the Top of Bank is adequate and in compliance with the setback standards established in Section 8107-5.6.1.d of the County Non-Coastal Zoning Ordinance (Attachment 6).

#### Attachments:

1. Aerial photograph of Drillsite #7
2. 9-3-13 engineering letter report by K. McCunney.
3. Map of Santa Paula Creek watershed.
4. Profile section of Drillsite #7 prepared by B. Baca.
5. Geologic map of the project vicinity (CGS, 2005).
6. NCZO Section 8107-5.6.1 setback standards
7. September 2004 Aerial photograph of Drillsite #7
8. September 2005 aerial photograph of Drillsite #7
9. Topographic survey map of Drillsite #7 (W. Meager, LS 5948)

\*\*\*\*\*



September 3, 2013

County of Ventura  
Planning Department  
800 S. Victoria Ave.  
Ventura, CA

**RE: CUP 3344 Renewal, Ferndale Ranch Drillpad 7 Flood Plain Review.**

Dear Case Planner,

This letter is in response to your request for flood plain review of drillpad 7, (Ferndale Ranch) CUP 3344 to support the Vintage Production California, LLC application for CUP renewal. The subject drillpad was constructed late 1980s and hosts three wells. Access to the drillpad is via a private road from the south. The drillpad is located on the easterly side of Santa Paula Creek just southerly of the confluences of the Echo Falls Canyon and La Broche Canyon drainage tributaries within the Los Padres National Forest.

The Santa Paula Creek, south of the drillpad is recognized on the FIRM panel 612E as Flood Zone A, (no Base Flood Elevations determined). The drillpad being within the National Forest is located on "unprinted FIRM map panel 605E" which is an area recognized as Zone D (areas which flood hazards are undetermined, but possible).

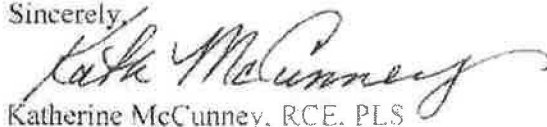
The County GIS data base reflects the 100 year flood plain extending into the drillpad area (bisecting the pad from north to south) without consideration of the topography. The drillpad elevation (per field survey) averages approximately 1133 feet and the adjoining Santa Paula Creek bottom varies from 1105' to 1120' (NGVD 1929). The Easterly embankment rises sharply, the westerly creek embankment is lower and comparably flatter (and expansive), comparison of the flood plain limits per County GIS mapping and the topographic contours per Santa Paula Peak USGS Quad map show the flood plain limits (elevations) along the west edge of the Flood plain varying between 1100 and 1120 feet. This is substantially below the drillpad elevation of 1133'.

It is my engineering opinion:

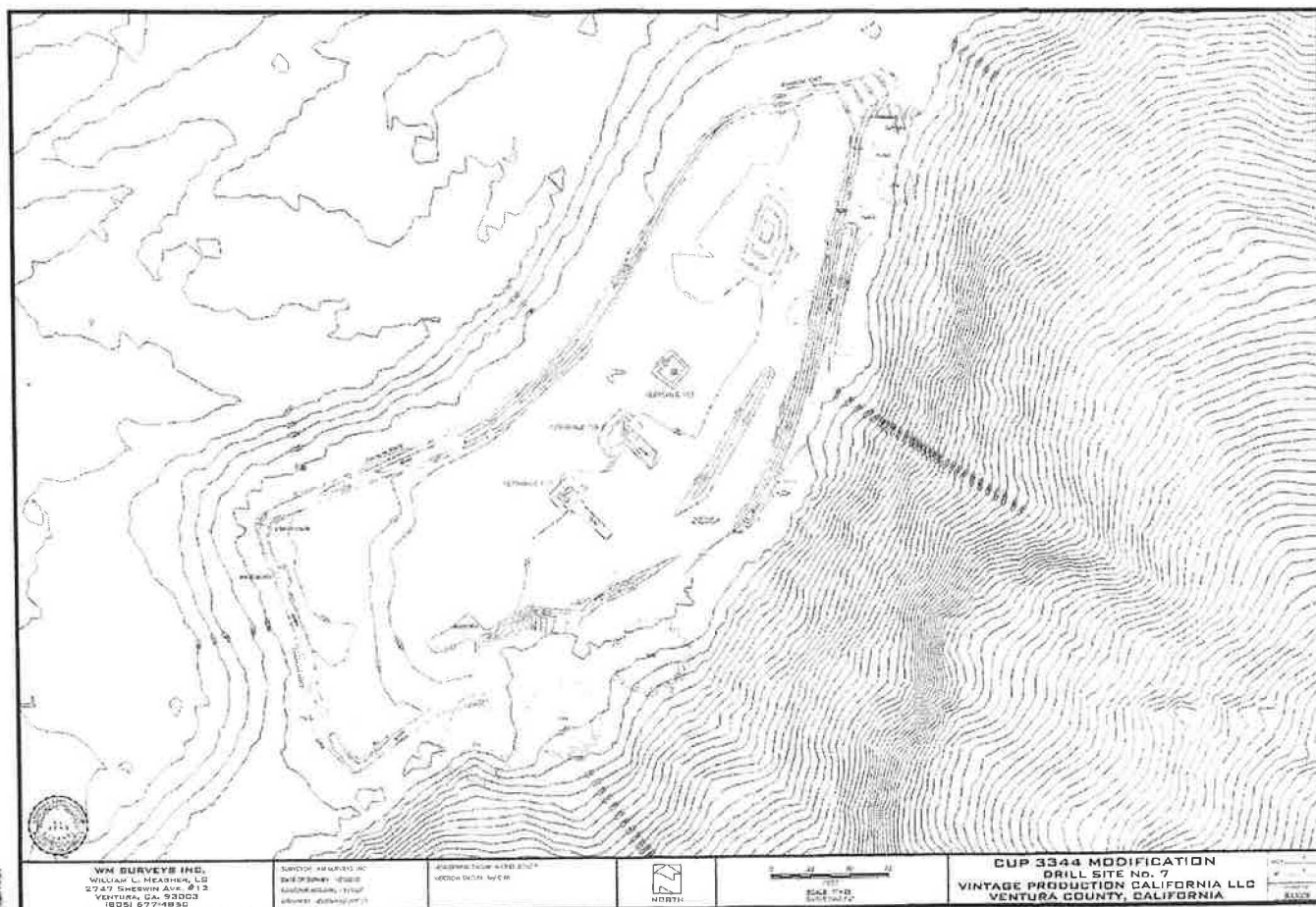
1. A detailed flood plain study would provide greater accuracy yet the same finding of the **drillpad being above and beyond the 100 year flood plain.**
2. Additional wells, etc within this drillpad will have no impact on the flood plain.

No adverse impacts on the floodplain exist or are anticipated for drillpad 7. Should you have any questions or comments, please do not hesitate to contact me.

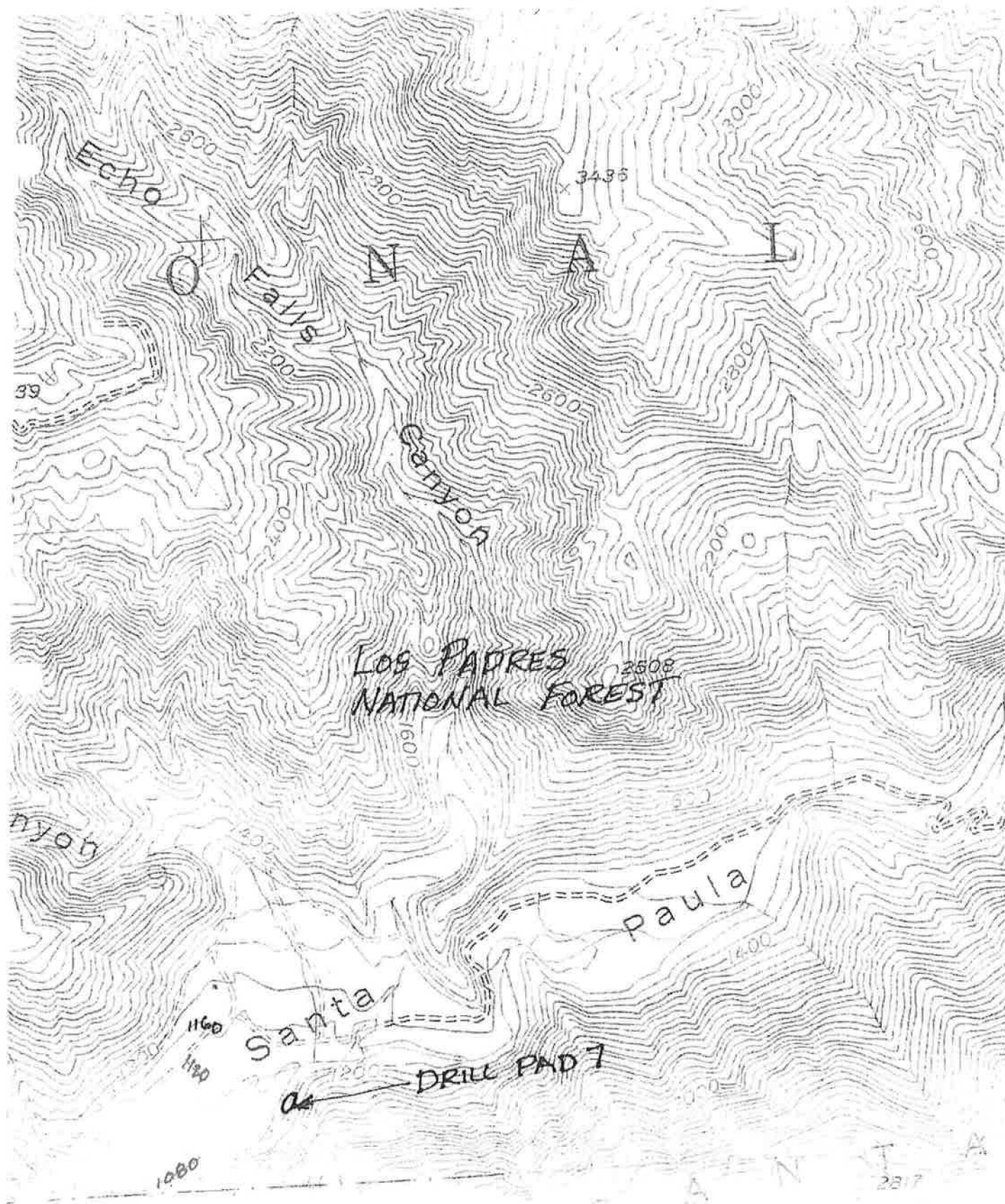
Sincerely,

  
Katherine McCunney, RCE, PLS









SANTA PAULA PEAK - QUAD





Figure 2-12. Fine grained sediment production in Santa Paula Creek watershed.

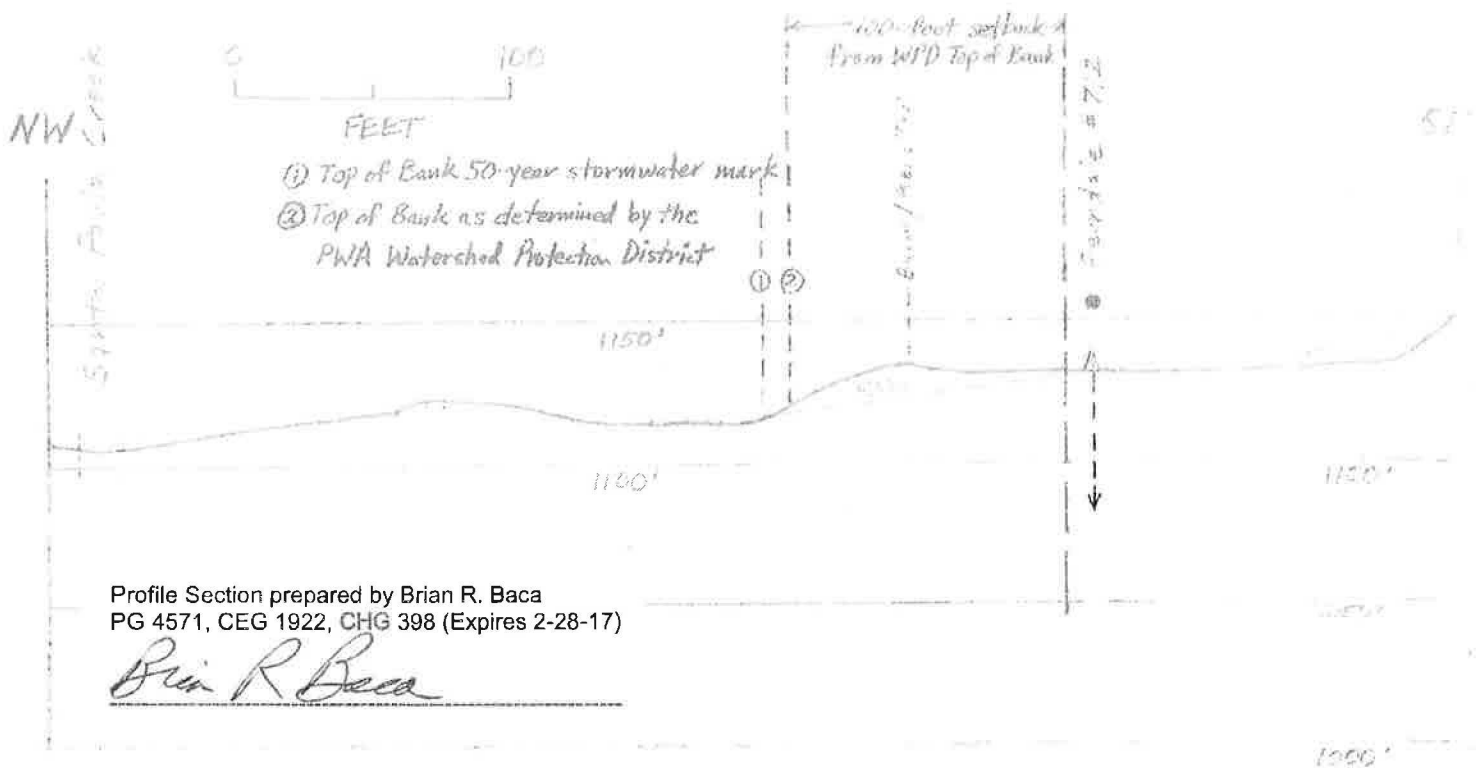
# VINTAGE, Ferndale Ranch

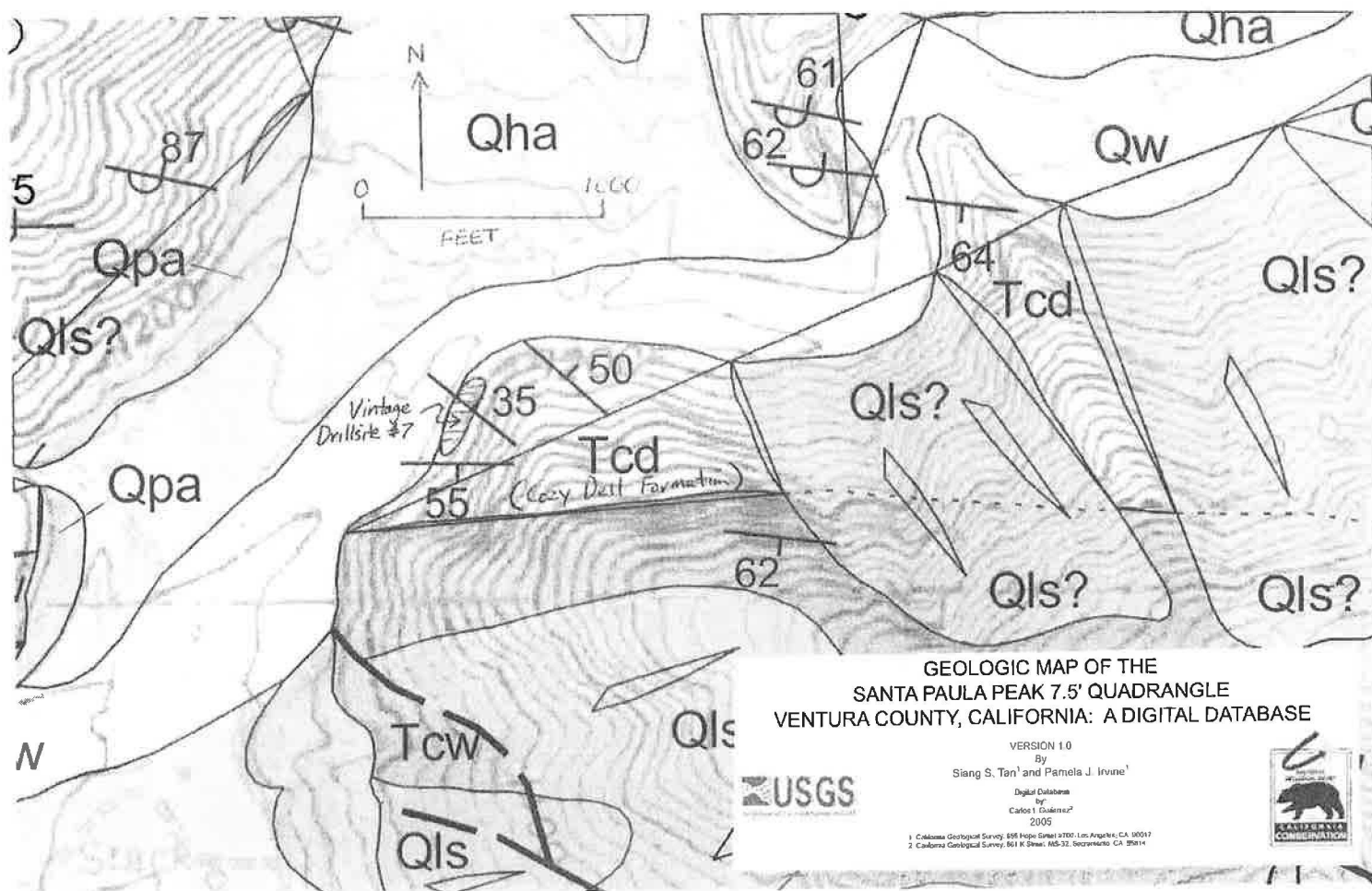
Profile Section

prepared by B. Baca, CEG 1922

Feb. 2015

Drill core # 7





# Ventura County Non-Coastal Zoning Ordinance

## Sec. 8107-5.6 - Oil Development Standards

The following are minimum standards and requirements which shall be applied pursuant to Sec. 8107-5.2. More restrictive requirements may be imposed on a project through the conditions of the permit. Measurements are taken from the outside perimeter of the noise receptors noted below: (AM. ORD. 3900 - 6/20/89)

### Sec. 8107-5.6.1 - Setbacks

No well shall be drilled and no equipment or facilities shall be permanently located within:

- a. 100 feet of any dedicated public street, highway or nearest rail of a railway being used as such, unless the new well is located on an existing drill site and the new well would not present a safety or right-of-way problem. If aesthetics is a problem, then the permit must be conditioned to mitigate the problem.
- b. 500 feet of any building or dwelling not necessary to the operation of the well, unless a waiver is signed pursuant to Sec. 8107-5.6.25, allowing the setback to be reduced. In no case shall the well be located less than 100 feet from said structures. (AM. ORD. 3730 - 5/7/85);
- c. 500 feet of any institution, school or other building used as a place of public assemblage, unless a waiver is signed pursuant to Sec. 8107-5.6.25, allowing the setback to be reduced. In no case shall any well be located less than 300 feet from said structures. (AM. ORD. 3730 - 5/7/85);
- d. 300 feet from the edge of the existing banks of "Red Line" channels as established by the Ventura County Flood Control District (VCFCD), 100 feet from the existing banks of all other channels appearing on the most current United States Geologic Services (USGS) 2,000' scale topographic map as a blue line. These setbacks shall prevail unless the permittee can demonstrate to the satisfaction of the Public Works Agency that the subject use can be safely located nearer the stream or channel in question without posing an undue risk of water pollution, and impairment of flood control interests. In no case shall setbacks from streams or channels be less than 50 feet. All drill sites located within the 100-year flood plain shall be protected from flooding in accordance with Flood Control District requirements.
- e. The applicable setbacks for accessory structures for the zone in which the use is located.
- f. 100 feet from any marsh, small wash, intermittent lake, intermittent stream, spring or perennial stream appearing on the most current USGS 2000' scale topographic map, unless a qualified biologist, approved by the County, determines that there are no significant biological resources present or that this standard setback should be adjusted.

(AM. ORD. 3900 - 6/20/89)



Ventura County  
Resource Management Agency  
Information Systems GIS Services  
Map created on 02/10/2015

Source: AirPhoto/USFS, September 2004



040-0-010-260  
September 2004 Aerial

0 25 50 100 Feet 1" = 100'

Disclaimer: This map was created by the Ventura County Resource Management Agency Information Systems (GIS), which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.







Ventura County  
Resource Management Agency  
Information Systems GIS Services  
Map created on 02/10/2015



Source: AirPhotoUSA©, September 2005

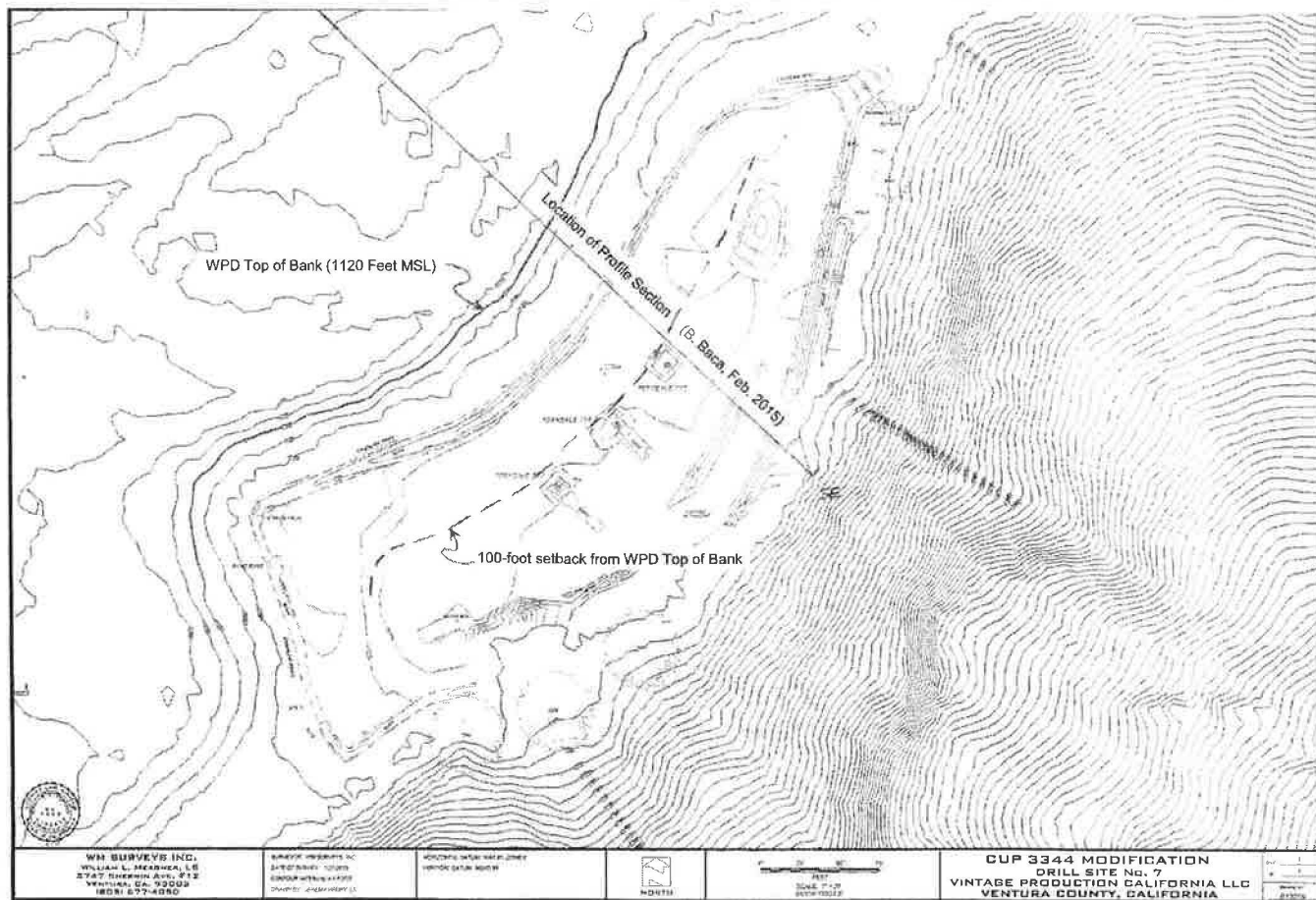
040-0-010-260  
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0 25 50 100 Feet

1" = 100'

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**10. Greenhouse gases:** *Public testimony was provided that expressed concern regarding the potential impact of greenhouse gas emissions generated by the proposed project.*

Staff response: The proposed project involves the installation of up to nine new oil wells on the Harth Lease drill pad. The quantity of greenhouse gas emissions from these wells can be estimated from the anticipated Reactive Organic Compound (ROC) emissions. As stated in the analysis of issue 7 above, the annual ROC emissions would rise to 4.37 tons/year (4.8 metric tons/year) with the proposed project. According to the VCAPCD (K. Zozula, pers. comm., 4-10-13), a reasonable estimate is that 90 percent of oil field emissions are methane (a GHG) and 10 percent are ROC. With these parameters, the estimated GHG emissions from the proposed project would be 43.2 tons/year of methane ( $4.8 \times 9 = 43.2$ ). These methane emissions are equivalent to 909 tons/years of  $\text{CO}_2$  ( $43.2 \times 21 = 909$ ). As explained in the following discussion of climate change, this level of greenhouse gas emissions is below the applicable Threshold of Significance of 10,000 metric tons/year of  $\text{CO}_2$  equivalents ( $\text{CO}_2\text{e}$ ).

Impacts involving greenhouse gas emissions pertain to changes in global climate. This is a cumulative effect that would not involve project-specific or local impacts. As indicated above, the estimated GHG emissions would be less than the applicable threshold. Thus, the contribution of the project to the cumulative impact of global warming is not cumulatively considerable.

## CLIMATE CHANGE

### Existing Conditions

#### Background:

Gases that trap heat in the atmosphere are known as greenhouse gases (GHGs). GHGs are emitted by natural processes and human activities. Examples of GHGs that are produced both by natural processes and industry include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). GHGs in the atmosphere regulate the temperature of the earth's atmosphere. Without these natural GHGs, the Earth's surface would be about 61°F cooler (AEP 2007). However, emissions from fossil fuel combustion by humans have elevated the concentration of GHGs in the atmosphere to above natural levels. Scientific evidence indicates a correlation between increasing global temperatures/climate change over the past century and human induced levels of GHGs. According to the United Nations' Intergovernmental Panel on Climate Change (IPCC) "Fourth Assessment Report, Climate Change 2007," most of the observed increase in global average temperatures since the mid-20th century is *very likely* due to the observed increase in anthropogenic concentrations of these three gases, collectively known as *Greenhouse Gases (GHG)*. The report states, "*Global atmospheric concentrations activities since 1750 far exceed pre-industrial values determined from ice cores spanning many thousands of years. The global increases in carbon dioxide concentration are primarily due to fossil fuel use and land use change, while those of methane and nitrous oxide are primarily due to agriculture*" (IPCC 2007: Summary for Policymakers).

Some observed effects of climate change include shrinking glaciers, thawing permafrost, later freezing and earlier break-up of ice on rivers and lakes, a lengthened growing season, shifts in plant and animal ranges, and earlier flowering of trees (IPCC 2007). Other, longer term environmental impacts of global warming may include sea level rise, changing weather patterns with increases in the severity of storms and droughts, changes to local and regional ecosystems including the potential loss of species, and a significant reduction in winter snow pack. These GHG and other induced environmental changes are predicted to have severe negative environmental, economic, and social consequences around the globe. For example, one study estimates that the Sierra Nevada Mountains as a whole could lose as much as 50 percent of its April snowpack compared to current levels by the end of the 21st century (California Department of Water Resources 2006). Current data suggests that in the next 25 years, in every season of the year, California will experience unprecedented heat, longer and more extreme heat waves, greater intensity and frequency of heat waves, and longer dry periods. More specifically, the California Climate Change Center predicted that California could witness the following events (Fried, et al 2006):

- Temperature rises between 3-10.5°F;
- 6-20 inches or more of sea level rise;
- 2-4 times as many heat wave days in major urban centers;
- 2-6 times as many heat related deaths in major urban centers;
- 1-1.5 times more critically dry years; and
- 10-55 percent increase in the expected risk of wildfires.

GHGs have varying amounts of global warming potential (GWP). The GWP is the ability of a gas or aerosol to trap heat in the atmosphere. By convention, CO<sub>2</sub> is assigned a GWP of one. In comparison, CH<sub>4</sub> (methane or natural gas) has a GWP of 21, which means that it has a global warming effect 21 times greater than CO<sub>2</sub> on an equal-mass basis. To account for their GWP, GHG emissions are often reported as a CO<sub>2</sub> equivalent (CO<sub>2</sub>e). The CO<sub>2</sub>e for a source is calculated by multiplying each GHG emission by its GWP, and adding the results together to produce a single, combined emission rate representing all GHGs.

To date, 12 states, including California, have set state GHG emission targets. Executive Order S-3-05 and the passage of AB 32, the California Global Warming Solutions Act of 2006, promulgated the California target to achieve 1990 GHG levels by the year 2020. This emissions reduction approach allows progress to be made in addressing climate change, and is a forerunner to the setting of emission limits. The Federal government and EPA have also begun the process to regulate GHGs as pollutants (see discussion below).

## **Regulatory Setting**

### International Initiatives:

Over the past 15 years, various international, national, regional, state, and local initiatives have been adopted to address climate change. The foremost international climate change initiative is the United Nations Framework Convention on Climate Change (UNFCCC), commonly known as the Kyoto Protocol. Signed on March 21, 1994, the Kyoto Protocol calls for governments to gather and share information on GHG emissions, national policies, and best practices; launch national strategies for addressing GHG emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change. There have been several international summits since Kyoto, most recently Copenhagen (December 2009), which seek to advance and cement climate change goals and programs, but no significant advances in this area have been accomplished since Kyoto.

#### Federal Initiatives and Regulations:

Although the U.S. has not ratified the Kyoto Protocol, it established a comprehensive policy to address climate change in 2002. The policy has three basic components: slowing the growth of GHG emissions; strengthening the science, technology, and institutions; and enhancing international cooperation. The federal government is implementing this policy through voluntary and incentive-based programs and has established major programs to advance climate technologies and improve climate science.

The U.S. government administers a wide array of public-private partnerships to reduce U.S. GHG intensity. These programs focus on energy efficiency, renewable energy, methane, and other non-carbon dioxide (non- CO<sub>2</sub>) gases, agricultural practices and implementation of technologies to achieve GHG reductions. Based upon a recent U.S. Supreme Court decision (*Massachusetts v. EPA* (2007) 549 U.S. 497), the United States Environmental Protection Agency (EPA) has been given the authority to regulate CO<sub>2</sub> or GHG emissions as an air pollutant under the federal Clean Air Act (42 U.S.C. § 7602(g)). EPA also implements several voluntary programs that substantially contribute to the reduction of GHG emissions.

#### Final Mandatory Reporting of GHG Rule:

The EPA issued the Final Mandatory Reporting of Greenhouse Gases Rule on October 30, 2009 (EPA 2009). The rule requires suppliers of fossil fuels or industrial GHGs, manufacturers of vehicles and engines, and facilities with stationary sources that emit 25,000 metric tons or more per year of CO<sub>2</sub>e emissions to collect emissions activity data and submit annual emissions reports to the EPA beginning with year 2010 operations. The rule applies to the existing and proposed Simi Valley Landfill and Recycling Center (SVLRC) operations. The rule does not apply to mobile sources of GHGs. This reporting system will provide a better understanding of GHG emission sources within the U.S. and it will guide the development of policies and programs to reduce GHG emissions. It also will support implementation of the EPA Prevention of Significant Deterioration and Title V GHG Tailoring Rule. This rule has similarities to the California Regulation for the Mandatory Reporting of GHG Emissions, which also specifies a reporting threshold of 25,000 metric tons of CO<sub>2</sub>e for stationary sources. Reporting of greenhouse gases by major sources in California is required by by AB 32.

#### Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas Tailoring Rule:

On May 13, 2010, the EPA finalized the “GHG Tailoring Rule” to address GHG emissions from the largest stationary sources. The rule includes a phased implementation schedule, when Clean Air Act (CAA) permitting requirements for GHGs will begin in January 2011 for large facilities that are already required to

obtain PSD and Title V permits for other pollutants. In July 2011, CAA permitting requirements expanded to cover all new facilities with GHG emissions of at least 100,000 TPY CO<sub>2</sub>e and modifications at existing facilities that would increase these emissions by at least 75,000 TPY. These permits must demonstrate the use of best available control technologies (BACT) to minimize GHG emission increases when facilities are constructed or significantly modified. The existing and proposed SVLRC are subject to this new rule.

#### California Initiatives and Regulations:

##### *AB 32 - California Global Warming Solutions Act of 2006*

The enactment of AB 32, "The California Global Warming Solutions Act of 2006" (Health & Safety Code §38500 et seq), established a comprehensive program of regulatory and market mechanisms to achieve quantifiable reductions of GHGs within the state. The ARB is the primary state agency responsible for developing and maintaining a statewide inventory of GHG emissions and for formulating plans and action steps to reduce current GHG emissions statewide to 1990 GHG emission levels by the year 2020. AB 32 defines GHGs as CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride.

From 2007 to 2009, the ARB promulgated several discrete early action measures to reduce GHG emissions prior to the full and final adoption of a plan to reduce aggregate California GHG emissions. Specifically, these discrete early action measures include (1) Green Ports/Electrification, (2) SmartWays truck efficiency, (3) PFCs in semiconductor manufacturing, (4) landfill gas capture, (5) tire inflation program, and (6) vehicle owner refrigerant (HFC-134e) servicing.

The Act instructs the ARB to establish a mandatory GHG reporting and verification program by January 1, 2008. In April 2008, the ARB finalized a regulation for the mandatory reporting of greenhouse gas emissions from major sources (ARB 2008c). In December 2008, the ARB approved the final Climate Change Proposed Scoping Plan ("Scoping Plan") which outlines the State's strategy for achieving the 2020 GHG emissions limit outlined under the law. The Scoping Plan includes recommendations for reducing GHG emissions from most sectors of the California economy.

On June 30, 2009, California was granted CAA waiver (42 U.S.C. §7543(a)) from EPA to regulate automotive tailpipe CO<sub>2</sub> emissions. The ARB originally approved regulations to reduce GHG emissions from passenger vehicles in September 2004 based upon 2002 legislation, AB 1493 (Pavley). These regulations are expected to reduce passenger vehicle GHG emissions by approximately 22 percent in 2012 and 30 percent in 2016, while improving fuel efficiency and reducing motorists' costs.

In December 2009, the ARB promulgated a low carbon fuel standards (LCFS) in order to reduce the carbon intensity of transportation fuels used in California (i.e., gasoline, compressed natural gas (CNG), ethanol, liquefied natural gas (LNG), hydrogen, diesel, biodiesel, and electricity). It is expected that the LCFS will reduce carbon intensity from the use of such fuels by an average of 10 percent per year. Carbon intensity is a measure of the GHG emissions associated with the combination of all the steps in the "lifecycle" of a transportation fuel.

AB 32 requires the ARB to incorporate the standards and protocols developed by the California Climate Action Registry (CCAR) into the state's future GHG emissions reporting program, to the maximum extent feasible. The current GHG emission calculation methods used by CCAR are contained in *California Climate Action Registry—General Reporting Protocol*, Version 3.1, (CCAR 2009). This protocol categorizes GHG emission sources as either (1) direct (vehicles, on-site combustion, fugitive, and process emissions) or (2) indirect (from off-site electricity, steam, and co-generation).

#### *Regulation for the Mandatory Reporting of Greenhouse Gas Emissions*

As part of the AB 32 requirements, the ARB approved a mandatory GHG reporting regulation in December 2007, which became effective January 2009. The regulation requires operators of facilities in California that emit greater than 25,000 metric tons per year of CO<sub>2</sub> from stationary combustion sources in any calendar year after 2007 to report these emissions on an annual basis. The existing SVLRC is subject to this regulation.

#### *SB 97 – CEQA Guidelines for Greenhouse Gas Emissions*

The Legislature also adopted Senate Bill 97 (SB 97) in 2007. Under SB 97, the State Office of Planning and Research (OPR) is required to develop CEQA guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions as required by this division." (Pub. Res. Code § 21083.05(a)).

#### *OPR Technical Advisory - CEQA Review of Greenhouse Gases*

On June 19, 2008, OPR issued a Technical Advisory, "CEQA AND CLIMATE CHANGE: Addressing Climate Change through California Environmental Quality Act" (CEQA) Review), to guide agencies before the final regulations are issued. This Technical Advisory noted:

*Lead agencies should determine whether greenhouse gases may be generated by a proposed project, and if so, quantify or estimate the GHG emissions by type and source. Second, the lead agency must assess whether those emissions are individually or cumulatively significant. When assessing whether a project's effects on climate change are "cumulatively considerable"*



*even though its GHG contribution may be individually limited, the lead agency must consider the impact of the project when viewed in connection with the effects of past, current, and probable future projects. Finally, if the lead agency determines that the GHG emissions from the project as proposed are potentially significant, it must investigate and implement ways to avoid, reduce, or otherwise mitigate the impacts of those emissions.*

The Technical Advisory also noted the scientific knowledge and understanding of how best to perform this analysis was still evolving. The OPR Technical Advisory also explained that:

*We realize that perhaps the most difficult part of the climate change analysis will be the determination of significance. Although lead agencies typically rely on local or regional definitions of significance for most environmental issues, the global nature of climate change warrants investigation of a statewide threshold of significance for GHG emissions. To this end, OPR has asked ARB technical staff to recommend a method for setting thresholds which will encourage consistency and uniformity in the CEQA analysis of GHG emissions throughout the state. Until such time as state guidance is available on thresholds of significance for GHG emissions, we recommend the following approach to your CEQA analysis. Source: [www.opr.ca.gov/download.php?dl=ceqa/pdfs/june08-ceqa.pdf](http://www.opr.ca.gov/download.php?dl=ceqa/pdfs/june08-ceqa.pdf).*

*California Natural Resources Agency (Resources Agency) Final Statement of Reasons for Regulatory Action; Amendments to State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97 (December 2009)*

Following extensive public review and comment on the proposed amendments to the CEQA Guidelines to address environmental impact analysis and mitigation of GHG emissions, the Resources Agency adopted amendments to the CEQA Guidelines (Title 14, Cal. Code of Regs., § 15000 et seq.) to comply with the mandate set forth in Public Resources Code section 21083.05.

## **Thresholds of Significance**

### CEQA Guidelines:

Due to the global nature of the effects of GHG emissions, the primary CEQA concern with GHG emissions is the cumulative impact of a project's incremental GHG emissions when viewed in connection to past, current and probable future project GHG emissions.

According to GHG amendments to the CEQA Guidelines, each public agency that is a CEQA lead agency needs to develop its own approach to performing a climate



change analysis for projects that generate GHG emissions. A consistent approach should be applied for the analysis of all such projects, and the analysis must be based on best available information. For these projects, compliance with CEQA entails three basic steps:

- identify and quantify the GHG emissions;
- assess the significance of the impact on climate change; and
- if the impact is found to be significant, identify alternatives and/or mitigation measures that will reduce the impact below significance.

To date, in California, only a few public agencies have published CEQA thresholds of significance for project specific or cumulative anthropogenic GHG emissions. Moreover, how to address greenhouse gases under CEQA is evolving and fluid because formulating significance thresholds for CEQA purposes is especially problematic for GHG emissions. Unlike other air pollutant emissions that create impacts in local and regional air basins (i.e., air pollution nonattainment areas or toxic air contaminant hotspots), anthropogenic GHG emissions are implicated as a cause for *global climate change* regardless of their emission source or location. In addition, simply estimating GHG emissions from a specific project is not an adequate way to gauge the degree to which those emissions would contribute to global warming or climate change. Substantial additional scientific research and regulatory guidance are needed to determine whether a project's incremental GHG emissions impacts on climate change would be significant, and whether and how cumulative GHG emissions will affect global climate change.

The CEQA Guideline amendments provide guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in draft CEQA documents. They do not, however, establish a specific threshold of significance. Public agencies are not required to adopt significance thresholds for any environmental issue area. The amendments do identify a general methodology for assessing the significance of impacts from project GHG emissions. Specifically, CEQA Guideline Section 15064.4 states:

*“(a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:*

- (1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should*

*explain the limitations of the particular model or methodology selected for use; and/or*

*(2) Rely on a qualitative analysis or performance based standards.*

*(b) A lead agency should consider the following factors, among others, when assessing the significance of impacts from greenhouse gas emissions on the environment:*

- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;*
- (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.*
- (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project."*

These CEQA Guidelines amendments were adopted and became effective on March 18, 2010.

#### Air Pollution Control Agency GHG Thresholds:

Since the State CEQA Guidelines amendments were never intended to establish a uniform, widely accepted and adopted standard for determining the CEQA significance of project specific GHG emissions, the ARB and some local air pollution control districts, such as the SCAQMD, have been working to develop interim thresholds for evaluating GHG emissions. Both the ARB and SCAQMD prepared draft interim thresholds that would employ a tiered approach to determining significance.

In 2008, the ARB proposed an interim screening threshold of 7,000 metric tons (MT) CO<sub>2</sub>e per year for industrial, non-transportation emissions, as well as a threshold that would evaluate compliance with "performance standards" for transportation and construction activities. The ARB has never adopted their interim thresholds. Also in 2008, the SCAQMD Governing Board adopted an interim GHG significance threshold for stationary air pollution sources, rules, and plans where the SCAQMD is the lead agency for CEQA purposes. The SCAQMD adopted a 5-tier approach for their interim threshold that includes consideration of direct, indirect, and, to the

extent that information is available, life cycle emissions during project construction and operation. Construction emissions are amortized over the life of the project, defined as 30 years, and added to the operational emissions, which are then compared to the applicable interim GHG significance threshold tier. Tier 3 is a screening tier with a 10,000 MTCO<sub>2</sub>e/yr threshold. It is based on the District's policy objective of capturing 90 percent of GHG emissions from new industrial projects where the SCAQMD is the CEQA lead agency. The SCAQMD has not adopted GHG significance thresholds for projects where other agencies are the lead agency.

Both the Bay Area Air Quality Management District (BAAQMD) and the San Joaquin Valley Air Pollution Control District (SJVAPCD), the next two largest air pollution control districts in California following the SCAQMD, have also developed recommended thresholds of significance for land use projects.

On June 2, 2010, the BAAQMD's Board of Directors unanimously adopted new and updated thresholds of significance to assist in the review of projects under the CEQA. The new thresholds included three set of thresholds for GHGs: one for projects where the district is the lead agency and two for land use development projects where other public agencies are the CEQA lead agencies.

The threshold for projects where the district is the CEQA lead agency is 10,000 MTCO<sub>2</sub>e/yr, the same as the SCAQMD's Tier 3 screening threshold. The GHG thresholds for projects where other agencies are the CEQA lead agencies include a project-level (e.g., residential, commercial, industrial, and public land uses and facilities) threshold, and a plan-level (e.g., general plans and specific plans) threshold.

The district's project level threshold is compliance with a Qualified Climate Action Plan, or a numeric threshold of 1,100 MT CO<sub>2</sub>e/yr, or a per capita efficiency metric of 4.6 MT CO<sub>2</sub>e/SP/yr\* (project residents + employees). The threshold for plans is compliance with a qualified climate action (or similar criteria included in a general plan) or a per capita metric of 6.6 MT CO<sub>2</sub>e/SP/yr (residents + employees).

However, on March 5, 2012 the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted its latest set CEQA thresholds for various air pollutants, including for GHG emissions. The court did not determine whether the thresholds were valid on their merits, but found that the adoption of the thresholds was a project under CEQA. The court thus issued a writ of mandate ordering the District to set aside the thresholds and cease dissemination of them until the District had complied with CEQA.

In view of the court's order, the District is no longer recommending their new and updated air pollutant thresholds, including their GHG thresholds, as generally applicable measures of a project's significant air quality impacts. Lead agencies within the District's boundaries will need to determine their own appropriate air

quality thresholds of significance based on substantial evidence in the record. They may, however, continue to use the District 1999 set of thresholds as they find applicable. However, those thresholds are only for criteria air pollutants and do not include thresholds for GHG emissions.

SJVAPCD has chosen a slightly different approach to the CEQA significance threshold for GHG emissions. On December 17, 2009, the District adopted the guidance document: Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA, and the accompanying policy document: District Policy – Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency. The guidance and policy rely on the use of performance based standards, otherwise known as Best Performance Standards (BPS), to assess significance of project specific greenhouse gas emissions on global climate change during the environmental review process required by CEQA.

Use of BPS is a method of streamlining the CEQA process of determining significance and is not a required emission reduction measure. Projects implementing BPS would be determined to have a less than cumulatively significant impact. Otherwise, demonstration of a 29 percent reduction in GHG emissions, from business-as-usual, is required to determine that a project would have a less than cumulatively significant impact. The guidance, however, does not limit a lead agency's authority in establishing its own process and guidance for determining significance of project related impacts on global climate change.

On March 28, 2012, the San Luis Obispo Air Pollution Control District adopted CEQA greenhouse gas (GHG) emission thresholds for residential, commercial, and industrial projects. The thresholds were developed based on substantial evidence that adheres to the requirements of Senate Bill 97 in a consistent and defensible manner, and ensures new development is able to provide its fair share of GHG reductions to meet the State's AB 32 GHG reduction goals.

The district adopted a menu approach for residential/commercial land use projects as the most effective approach for assessing the GHG emission impacts for development projects in San Luis Obispo County. Any of the following three options may be used to determine the significance of a residential or commercial project's GHG emission impacts: 1) Qualitative GHG Reduction Strategies (e.g., Climate Action Plans); or, 2) Bright-Line Threshold (1,150 MT CO<sub>2</sub>e/yr); or: 3) Efficiency-Based Threshold (4.9 MT CO<sub>2</sub>e/service population/yr).

The Santa Barbara County Air Pollution Control District (SBAPCD) is developing GHG significance thresholds for projects where the district is the lead agency. Their proposed GHG threshold is 10,000 MT CO<sub>2</sub>e/yr, the same as SCAQMD's Tier 3 screening threshold. To date, the District has not adopted its proposed GHG threshold.

The Ventura County Air Pollution Control District (VCAPCD) has not yet adopted any one of these approaches to setting a threshold of significance for land use development projects nor have they developed their own method of determining significance in the area of project GHG emissions. CEQA Guidelines §15064.7(c) states: *"When adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence."*

The recently adopted revisions to the State CEQA Guidelines, described above, added a new evaluation section for GHG emissions to the CEQA Guidelines initial study checklist (See Appendix G of the CEQA Guidelines). That section poses the following questions:

Would the project:

1. Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of GHGs?

Given the explicit requirements of these revised State CEQA Guidelines, the County of Ventura has determined, with the assistance of VCAPCD, that it will use the following criterion to determine the potential environmental impact significance of proposed GHG emissions. This criterion was selected after an extensive review of (1) federal, state, and regional agency GHG regulatory thresholds and (2) GHG CEQA thresholds of significance being developed or adopted by local air quality agencies in California. Thus, for purpose of the County's processing of discretionary permit applications, the Threshold of Significance (i.e. the point where a project's contribution to the impact of global warming is cumulatively considerable) is as follows:

**The project would generate GHG emissions (in CO<sub>2</sub>e) in excess of 10,000 metric tons per year.**

This threshold criterion is consistent with CEQA significance threshold proposals in the SCAQMD, the VCAPCD, and the SBAPCD. Therefore, while not all local air quality districts have formally proposed or adopted this or any other threshold of significance for GHG emissions, it is considered a reasonably suitable threshold for this environmental impact analysis.

Thus, no change in the project, or in its circumstances, or new information regarding greenhouse gas emissions associated with the proposed project would cause new significant impacts or increased severity of impacts previously identified.

## Topical Response to Comment on the MND

### Seismic Hazards and Produced Fluid Spills:

#### Discussion:

The San Cayetano Fault intersects the ground surface approximately 1.5 miles south of the drilling site for the proposed exploratory oil wells. This fault is classified as Active due to evidence of movement during the Holocene period (i.e. less than 11,000 years before present). This major fault trends east-west along the base of the Topatopa Mountains at the northern edge of the Santa Clara River valley. This north-dipping thrust fault forms the northern boundary of the thick accumulation of Pleistocene and Holocene sediments that underlie the valley.

Small magnitude earthquakes occur on or near the San Cayetano Fault. According to Olson (2012), the following earthquakes have been recorded in the vicinity of the project site and community of Piru.

Date	Magnitude (Richter scale)
2-14-1936	3.0
3-23-1938	3.5
2-20-1941	3.6
6-1-1946	4.1
4-20-1959	2.4
1-20-1960	2.5
5-21-1960	2.7
11-29-1987	2.1
2-23-1989	2.1
1-19-1994	2.9
9-13-1994	2.0
8-1-1995	2.8
6-7-2000	2.0
12-27-2008	2.2

Although Active, there is no definitive evidence of substantial movement (a large earthquake) or surface rupture along the San Cayetano Fault within the recent historic past (i.e. within the past 200 years). As reported in Olson (2012) and Dolan (2009), studies of displaced sedimentary rock units exposed in trenches excavated along the fault about 1 mile west of the community of Piru suggest that two major earthquakes occurred along this fault sometime after the year 1660 A.D. (i.e. in the last 450 years).



The hazard represented by the San Cayetano Fault is addressed in State Law (the Alquist-Priolo Act) and in the California Building Code. Proposed structures intended for human occupancy must be set back a minimum of 50 feet from the trace of the fault to avoid possible surface rupture. All above-ground structures must also be constructed in accordance with the Seismic Zone IV Building Code standards to resist ground shaking during an earthquake. Compliance with these standard State requirements is considered adequate to address seismic hazards.

With regard to the proposed project, any above ground structures will be required to meet Building Code standards. The proposed oil wells will be required to meet State construction standards enforced by the Division of Oil and Gas and Geothermal Resources (DOGGR). No evidence has been presented or is available to indicate that these standards are inadequate to protect the environment (including groundwater aquifers) from contamination by fluids produced from oil wells. There is no historic evidence that fault movement or earthquake shaking is a substantial risk of well leakage to the surface or to groundwater aquifers. Fault movement in past historic earthquakes (such as the 1933 Long Beach Earthquake) has resulted in well casings being sheared off below ground. This rare occurrence effectively seals and abandons the subject wells. Thus, DOGGR has no regulatory prohibition on drilling through the plane of an active fault to reach oil-bearing zones below. Many (if not most) of the oil fields in the Ventura and Los Angeles basins have been created by fault movement.

As indicated above, the San Cayetano Fault is estimated to have generated two major earthquakes in the last 450 years (with none in the last 200 years). It is highly speculative that a major earthquake would occur on this fault in the vicinity of the proposed project within the next 5 to 30 years. There is no substantial evidence that such an earthquake event will occur within the timeframe of the proposed project. Should a major quake occur there is no substantial evidence that a significant environmental impact will result from the presence of the proposed oil facilities.

The District 2 (Ventura Basin) office of DOGGR maintains a publically-available list of all produced fluid spills that have occurred in the District since 1994. This list documents 889 spill incidents that range from the loss of a tablespoon of crude oil to major pipeline breaks that involve the spillage of several thousand barrels of crude oil. Leaks of produced water and other fluids are also included in the list. As indicated in the chart below, most of the spills involve a minor amount of petroleum.

Quantity of oil spilled (Barrels)	Number of incidents	% of total
0 - 2	443	49.8
2-10	219	24.6
10-99	202	22.8
100 or greater	25	2.8
<b>Total =</b>	<b>889</b>	<b>100</b>

As indicated above, approximately 75 percent of the oil spills reported for the 20-year period of record spills involved 10 barrels of oil or less. Most of these incidents involve field maintenance issues such as flowline or tank corrosion. Only 25 oil spills in the 20-year period involved more than 100 barrels of crude oil (i.e. more than the equivalent of one oil tanker truck). The largest spills in the 1994-2013 record involve damage during the January 1994 Northridge Earthquake. During the earthquake, six breaks of 10-inch crude oil transmission pipelines occurred. This includes a pipeline break in the Valencia area of Los Angeles County that spilled an estimated 3,500 barrels of crude oil into the Santa Clara River.

The record assembled by DOGGR reflects a low level of oil spillage given the following factors:

- There are more than 30 oil fields in Ventura County
- Over 12,000 oil wells have been drilled in the Ventura Basin
- Over 2,000 wells are currently active
- There are 318 miles of oil transmission pipelines in Ventura County alone.
- There are several hundred miles of production flowlines within the oil fields
- There are hundreds of tanks and processing facilities in the oil fields

The operator of the facility where a spill has occurred is responsible for the clean-up of the spilled fluid under the direction of State agencies including DOGGR, the Regional Water Quality Control Board, and California Department of Fish and Wildlife. This oversight has assured adequate clean-up of affected lands.

The spillage events associated with the 1994 Northridge earthquake do not reflect widespread damage of oil field facilities in Ventura County. The only incident in the DOGGR list cited as "possibly due" to the earthquake that occurred in Ventura County involved a rupture of a tank in the Rincon Tank Farm. A total of 30 barrels of crude oil was spilled in that event.

The addition of the two oil wells and associated facilities included in the proposed project to the existing 2,000 active wells and associated production facilities would not substantially change the existing risk of oil spills in the Ventura Basin. The DCOR project would not involve any change in the risk of a transmission pipeline leak since no such pipeline is included in the proposal.

The issue of a major salt water leak from the Vintage, Ojai #36 well has been raised in public commentary. This well is located in the Ojai Field and was originally drilled in 1911-1914 to a depth of at least 2,408 feet. It was deepened in 1917-1918 to a total depth of 3,407 feet. In a report filed on June 13, 1917 with the California State Mining Bureau, the operator reported:

*"Strata of salt water encountered containing heavy gas pressure which made flow of water about every 25 minutes."*

In February 2006, the Ojai #36 well began flowing salt water from the annulus of the casing. According to the DOGGR record, the flow of salt water was contained and the water hauled from the site. The operator plugged and abandoned the well under DOGGR supervision. DOGGR approved the plugging of the well on May 30, 2006. There is no known residual environmental effect of this incident.

The incident involving the Ojai #36 does not constitute substantial evidence that the proposed exploratory wells will suffer a casing failure. The failure of the casing in a well drilled in 1911 that is one of the 12,000 wells drilled in the Ventura Basin does not make it reasonably foreseeable that a similar fate awaits the proposed wells.

**Summary:**

No substantial evidence has been identified that the proposed exploratory wells would be damaged during an earthquake such that substantial environmental damage would result.

**References:**

Olson, Brian (2012), "Eastern San Cayetano Fault in the Piru Quadrangle", California Geological Survey Fault Evaluation Report #FER-257

Dolan, James (2009), "Paleoseismicity and Seismic Hazards of the San Cayetano Fault Zone."

## ATTACHMENT 3 CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) NO. PL13-0150

### RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

#### I. Planning Division Conditions

##### 1. Project Description

The applicant requests that a modified CUP be granted to authorize additional oil and gas exploration and production activities within an existing oil field. The proposed project includes the following components:

- a. The drilling, testing, reworking, maintenance and placement into production of 19 new oil and gas wells on four existing drilling pads (Drill Sites 1, 2, 3 and 7).
- b. The continued operation of 17 existing oil and gas wells located on four existing drilling pads (Drill Sites 1, 2, 3 and 7). This operation includes well testing, reworking, maintenance and production activities.
- c. Separation of natural gas and produced water from crude oil;
- d. Processing activities required for on-site wastewater injection well operations; and,
- e. Operation of existing equipment associated with the storage, processing, and transportation of oil, gas, and wastewater (brine).
- f. Continued maintenance vehicle trips of 2 per day (4 one-way trips) from Monday through Saturday.

The location of the existing and proposed wells and the associated equipment located in the CUP area used to process, store and transport produced fluids is illustrated on the approved plans included in the February 17, 2015 Planning Director decision letter for the PL13-0150 application.

The proposed project does not include any new grading or removal of vegetation. All proposed wells will be drilled on the existing drill pads (Drill Site Nos. 1-3 and 7). The existing oil facilities are accessed by a private gated road connected to State Highway 150 just east of Thomas Aquinas College. In addition to the onsite equipment located on the existing drilling pads, the facility is connected to existing pipelines that are used to transport produced fluids to an offsite facility for separation, storage and transport to market. No new pipelines for the conveyance of produced fluids to the offsite facilities are proposed. Pumping units, gathering lines, electrical connections, produced fluid tanks and ancillary equipment will continue to be used for the operation of the facility.

There is no trucking of oil & gas from the Ferndale lease. Oil and gas produced from wells drilled on the Ferndale lease is conveyed by existing pipeline to the Hamp lease, where the oil, gas and water is separated. The water is disposed of onsite at the Hamp

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lease, into an existing and approved injection well. The separated gas is conveyed by existing pipeline by way of the Shiells Canyon Plant and then via existing pipeline to the Santa Clara Valley Plant where it is ultimately sold into a Southern California Gas pipeline. Separated oil is shipped by existing pipeline from Hamp lease to market via the Crimson pipeline. In summary, all of the oil & gas produced on the Ferndale lease is conveyed to market by existing pipelines.

Note: for details regarding the temporary trucking of products, see Condition of Approval No. 38.

The existing equipment on the Drill Site No. 1 pad includes the following:

- Two crude oil LACT tanks (1,000 barrel capacity each)
- Two produced water tanks (1,000 barrel capacity each)
- One produced water tank (300 barrel capacity)
- One heater treater
- One vapor recovery compressor (electric)
- One gas dehydration unit
- One water filtration unit (includes backwash filter)
- One water reinjection pump
- Two 64 square foot covered sumps (approximately 300 barrel capacity each)
- One storage tank (approximately 150 barrel capacity)
- Five rod pumping units
- Eight oil and gas wells: Barker Ferndale 1, 2, 3, 4, 5, 6, Valex Ferndale 107 and 110

The existing equipment on the Drill Site No. 2 pad includes the following:

- Three rod pumping units
- Four oil and gas wells: Valex Ferndale 209, 211, 214, 215

The existing equipment on the Drill Site No. 3 pad includes the following:

- One rod pumping unit
- Two oil and gas wells: Valex Ferndale 313, and Ferndale 8

The existing equipment on the Drill Site No. 7 pad includes the following:

- Two rod pumping units
- Three oil and gas wells: Ferndale 712, 716, and 717

Hydraulic fracturing or acid well stimulation techniques subject to the draft regulations for the implementation of Senate Bill 4 are not authorized by this permit. Any such well stimulation activity requires the granting of a modification of this permit by the County of Ventura.

2. Site Maintenance

**Purpose:** To ensure that the CUP area is maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside the CUP area.

**Requirement:** The Permittee shall maintain the project site in compliance with the described uses outlined in Condition No. 1 (Project Description). Only equipment and/or materials which the Planning Director determines to substantially comply with Condition No. 1 (Project Description), or which are authorized by any subsequent amendments to this CUP, shall be stored on the property during the life of this CUP. Any project related equipment shall not be visible from Highway 150.

**Documentation:** Pursuant to Condition No. 1 (Project Description), the CUP and any amendments thereto.

**Timing:** Prior to occupancy and for the life of the permit.

**Monitoring and Reporting:** The County Building Inspector, Public Works Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

3. CUP Modification

Prior to the redrilling of an existing well or undertaking any operational or construction-related activity which is not expressly described in these conditions or Project Description, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a CUP modification is required. If a CUP modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and,
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, § 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, § 15000-15387), as amended from time to time.

4. Construction Activities

Prior to any construction, the Permittee shall obtain a Zoning Clearance for construction from the Planning Division, and a Building Permit from the Building and Safety Division. Prior to any grading, the Permittee shall obtain a Grading Permit from the Public Works Agency.

5. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition for the granting of this CUP shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (2010, Article 14), which shall include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- b. Suspension of the project description (Condition No. 1);
- c. Modification of the CUP conditions listed herein;
- d. Recordation of a "Notice of Noncompliance" on the deed to the subject property;
- e. The imposition of civil administrative penalties; and/or
- f. Revocation of this CUP.

The Permittee is responsible for being aware of and complying with the CUP conditions and all applicable federal, state and local laws and regulations.

6. Time Limits

a. Use inauguration:

- i. The approval decision for this CUP becomes effective upon the expiration of the 10 day appeal period following the approval decision, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses provided in Condition No. 1 (Project Description).
- ii. This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year (*Ventura County Non-Coastal Zoning Ordinance 2005, § 8111-4.7*) from the granting or approval of this CUP. The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.
- iii. Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

b. Permit Life or Operations Period:

This CUP will expire on March 2, 2045. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP



after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

1. The Permittee has filed a permit modification application pursuant to Section 8111-6 of the *Ventura County Non-Coastal Zoning Ordinance* prior to March 2, 2045; and
2. The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with Section 8111-2.10 of the Ventura County Non-Coastal Zoning Ordinance.

7. Consolidation of All Approved Exhibits and Permits

**Purpose:** To ensure compliance with and notification of requirements of other federal, state or local government regulatory agencies.

**Requirement:** The Permittee shall provide the Planning Division with documentation to verify that the Permittee has obtained or satisfied all applicable federal, state and local entitlements and conditions.

**Documentation:** The Permittee shall provide this documentation to the County Planning Division in the form that is acceptable to the agency issuing the entitlement or clearance for the project file.

**Timing:** The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for use inauguration or as dictated by the respective agency.

**Monitoring and Reporting:** The Planning Division maintains the documentation provided by the Permittee in the respective project file. In the event that the permit is modified or changes are made by any other respective agency, the Permittee shall submit any revised documentation within 30 days of the modification.

8. Notice of CUP Requirements and Retention of CUP Conditions On-Site

**Purpose:** To ensure full and proper notice of permit requirements and conditions affecting the use of the subject property.

**Requirement:** Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed activities, of the pertinent conditions of this CUP.

**Documentation:** The Permittee shall present to the Planning Division copies of the conditions, upon the Planning Division's request.

**Timing:** Prior to issuance of a Zoning Clearance for use inauguration and until expiration of the CUP.

**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

9. Recorded Notice of Land Use Entitlement

**Purpose:** In order to comply with § 8111-8.3 of the *Ventura County Non-Coastal Zoning Ordinance* a notice shall be recorded on the deed of the subject property that describes the responsibilities of the Property Owner and Permittee for compliance with applicable permit conditions and regulations.

**Requirement:** The Permittee and Property Owner of record shall sign, have notarized, and record with the Office of the County Recorder, a Notice of Land Use Entitlement form furnished by the Planning Division, for tax assessor's parcel that is subject to this CUP.

**Documentation:** Recorded Notice of Land Use Entitlement.

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration.

**Monitoring and Reporting:** The Permittee shall return a copy of the recorded Notice of Land Use Entitlement to the Planning Division for the project file.

10. Condition Compliance, Enforcement, and Other Responsibilities

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs as described below in Condition 10b. Specifically, the Permittee shall bear the full costs of the following:
  - i. condition compliance costs which include, but are not limited to, staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,
  - ii. monitoring and enforcement costs required by the *Ventura County Non-Coastal Zoning Ordinance (2010, § 8114-3)*. The Permittee, or the Permittee's successors-in-interest, shall bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said costs and penalties pursuant to the *Ventura County Non-Coastal Zoning Ordinance (§ 8114-3.4)*.

- b. Establishment of Revolving Compliance Accounts: Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or the Permittee's successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director:
  - i. a payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs incurred for Condition Compliance review (Condition 10a, above), monitoring and enforcement (Condition 10c, below) may be modified to a higher amount by mutual agreement between the Permittee and the Planning Director; and,
  - ii. a signed and fully executed County RMA reimbursement agreement, which is subject to the Permittee's right to challenge any charges obligating the Permittee to pay all Condition Compliance review, monitoring, and enforcement costs.
- c. Monitoring and Enforcement Costs: The \$500.00 [see Condition 10b, above] deposit and reimbursement agreement are required to ensure that funds are available for legitimate and anticipated costs incurred for Condition Compliance. All permits issued by the Planning Division may be reviewed and the sites inspected no less than once every three years, unless the terms of the permit require more frequent inspections. These funds shall cover costs for any regular compliance inspections or the resolution of confirmed violations of the conditions of this CUP and/or the *Ventura County Non-Coastal Zoning Ordinance* that may occur.
- d. Billing Process: The Permittee shall pay any written invoices from the Planning Division within 30 days of receipt of the request. Failure to pay the invoice shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge prior to payment.

**11. Defense and Indemnity**

As a condition of CUP issuance and use including adjustment, modification, or renewal thereof, the Permittee agrees to:

- a. Defend, at the Permittee's sole expense, against any claim, action or proceeding brought against the County by a third party challenging either the County's decision to issue this CUP or the manner in which the County is interpreting or enforcing the conditions of this CUP. The County shall promptly notify Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- b. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any claim, action or proceeding described in Section 11(a) above. Upon written demand from the County, the Permittee shall reimburse the County for any and all court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such claim, action or proceeding the Permittee defended pursuant to Section 11(a) above. The County may, at its sole

- discretion, participate in the defense of any such claim, action or proceeding through its own legal counsel, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.
- c. Except with respect to claims arising from the County's sole negligence or intentional misconduct, the Permittee shall also indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, actions, proceedings, demands, costs, and expenses, including attorney's fees, judgments, fines or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1 (Project Description), as it may be subsequently modified pursuant to the conditions of this CUP. The County shall promptly notify Permittee of any such claim, action or proceeding and shall cooperate fully in the defense. The County may, at its sole discretion, participate in the defense of any such legal action through its own legal counsel, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.
  - d. Neither the issuance of this CUP, nor compliance with the conditions thereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the County, its officers, or employees for injury or damage to persons or property.

**12. Invalidation of Condition(s)**

If any of the conditions or limitations of this CUP are held to be invalid in whole or in part by a court of competent jurisdiction, that holding shall not invalidate any of the remaining CUP conditions or limitations. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the Permittee shall be required to fully comply with this CUP, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This CUP shall continue in full force unless, until and only to the extent invalidated by a final, binding judgment issued in such action.

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, at the discretion of the Planning Director, the Planning Commission may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Commission shall make the determination of adequacy. If the Planning Commission cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition, and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked.

**13. Consultant Review of Information and Consultant Work**

The County and all other County permitting agencies for this land use have the option of referring any and all special studies that these conditions require to an independent and

qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the costs of such work. Whenever feasible, the County will use the lowest bidder. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 12 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

**14. Relationship of CUP Conditions, Laws and Other Permits**

The Permittee shall design, maintain, and operate the CUP area and any facilities thereon in compliance with all applicable requirements and enactments of Federal, State, and County authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CUP condition contained herein is in conflict with any other CUP condition contained herein, when principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules or regulations, or orders of an authorized governmental agency. Neither the issuance of this CUP, nor compliance with the conditions of this CUP, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

A business tax certificate and regulatory licenses shall be obtained for operation of oil and gas production facilities.

**15. Contact Person**

**Purpose:** To designate a person responsible for responding to complaints.

**Requirement:** The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this CUP. The designated contact person shall be available, via telecommunication, 24 hours a day.

**Documentation:** The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers, and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the CUP site.

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide the Planning Division with the new information in writing within three calendar days of the change in the Permittee's field agent.

**Monitoring and Reporting:** The Planning Division maintains the contact information provided by the Permittee in the respective project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

16. Resolution of Complaints

The following process shall be used to resolve complaints related to the project:

- a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 15 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about a use as it is occurring may directly contact the Contact Person;
- b. If a written complaint about this CUP is received by the County, Planning staff will contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation; and,
- c. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this permit is confirmed, County enforcement actions pursuant to § 8114-3 of the Non-Coastal Zoning Ordinance may be initiated.

17. Reporting of Major Incidents

**Purpose:** To ensure that the Planning Director is notified of major incidents within the CUP area.

**Requirement:** The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail of any incidents (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property inside or outside the CUP area.

**Documentation:** Upon request of any County agency, the Permittee shall provide a written report of any incident that shall include, but is not limited to: a description of the facts of the incident; the corrective measures used, if any; and, the steps taken to prevent a recurrence of the incident.

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**Date of Planning Director Hearing:** January 8, 2015  
**Date of Approval:** February 17, 2015

**Permittee:** Vintage Production CA, Inc.  
**Location:** 10000 Ojai Rd, Santa Paula  
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**Timing:** The Permittee shall provide the written report to the requesting County agency and Planning Division within seven days of the request.

**Monitoring and Reporting:** The Planning Division maintains any documentation provided by the Permittee related to major incidents in the CUP file.

**18. Change of Owner and/or Permittee**

**Purpose:** To ensure that the Planning Division is properly and promptly notified of any change of ownership or change of Permittee affecting the CUP site.

**Requirement:** The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). Permittee shall provide the Planning Director with a final notice once the transfer of ownership and/or operational control has occurred.

**Documentation:** The initial notice must be submitted with new Property Owner's and/or Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP.

**Timing:** The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

**Monitoring and Reporting:** The Planning Division maintains notices submitted by the Permittee in the project file and has the authority to periodically confirm the information consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

**19. Paleontological Resources Inadvertently Discovered During Grading**

**Purpose:** In order to mitigate potential impacts to paleontological resources that may be encountered during ground disturbance or construction activities.

**Requirement:** If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee shall:

- a. Cease operations and assure the preservation of the area in which the discovery was made;
- b. Notify the Planning Director in writing, within three days of the discovery;
- c. Obtain the services of a paleontological consultant or professional geologist who shall assess the find and provide recommendations on the proper disposition of the site;



- d. Obtain the Planning Director's written concurrence of the recommended disposition before resuming development; and,
- e. Implement the agreed upon recommendations.

**Documentation:** Permittee shall submit the reports prepared by the paleontologist or geologist. Additional documentation may be required to demonstrate that the Permittee has implemented any recommendations made by in the paleontological report.

**Timing:** Paleontological reports shall be provided to the Planning Division immediately upon completion.

**Monitoring and Reporting:** The Permittee shall provide any paleontological report prepared for the project site to the Planning Division to be made part of the project file. The Permittee shall implement any recommendations made in the paleontological report to the satisfaction of the Planning Director.

20. Archaeological Resources Inadvertently Discovered During Grading

**Purpose:** In order to mitigate potential impacts to archaeological resources inadvertently discovered during ground disturbance.

**Requirement:** The Permittee shall implement the following procedures:

- a. If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, the Permittee shall:
  - i. Cease operations and assure the preservation of the area in which the discovery was made;
  - ii. Notify the Planning Director in writing, within three days of the discovery;
  - iii. Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site in a written report format; and,
  - iv. Obtain the Planning Director's written concurrence of the recommended disposition before resuming development.
- b. If any human burial remains are encountered during ground disturbance or construction activities, the Permittee shall:
  - i. Cease operations and assure the preservation of the area in which the discovery was made;
  - ii. Immediately notify the County Coroner and the Planning Director;
  - iii. Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site in a written report format; and,
  - iv. Obtain the Planning Director's written concurrence of the recommended disposition before resuming development on-site.

**Documentation:** If archaeological remains are encountered, the Permittee shall submit a report prepared by a County-approved archaeologist including recommendations for

the proper disposition of the site. Additional documentation may be required to demonstrate that the Permittee has implemented any recommendations made by the archaeologists report.

**Timing:** Archaeologist reports shall be provided to the Planning Division immediately upon completion.

**Monitoring and Reporting:** The Permittee shall provide any archaeologist report prepared for the project site to the Planning to be made a part of the project file. The Permittee shall implement any recommendations made in the archaeologist's report to the satisfaction of the Planning Director.

21. Financial Security

**Purpose:** In order to comply with § 8107-5.6.5 of the *Ventura County Non-Coastal Zoning Ordinance* and to ensure the conditions of this permit are fulfilled.

**Requirement:** The Permittee shall file, in a form acceptable to Operations Division of the Resource Management Agency, a bond or other security in the penal amount of not less than \$10,000.00 for each well that is drilled or to be drilled. In lieu of filing such a security for each well the Permittee may file a security in the penal amount of not less than \$10,000.00 to cover all operations conducted in the County of Ventura, conditioned upon the Permittee well and truly obeying, fulfilling and performing each and every term and provision of the permit. By accepting this Conditional Use Permit and providing the financial security for its operation, the Permittee is agreeing to cure any condition noncompliance issue that may be discovered during County compliance review. Forfeiture of the financial security may occur if the noncompliance issue is not resolved in a manner that is acceptable to the Planning Director.

**Documentation:** A receipt or memorandum prepared by the Operations Division shall serve as evidence that the security has been submitted and accepted.

**Timing:** The Permittee shall provide evidence to the Planning Division that the security has been accepted by the Operations Division prior to commencing or continuing drilling or other uses associated with this permit.

**Monitoring and Reporting:** The Planning Division maintains evidence of the financial security submittal in the project file. In cases of any failure by the Permittee to perform or comply with any term or provision of the permit, the Planning Commission may, after notice to the Permittee and a public hearing, by resolution, determine the amount of the penalty and declare all or part of the security forfeited in accordance with its provisions. The sureties and principal will be jointly and severally obligated to pay forthwith the full amount of the forfeiture to the County of Ventura. The forfeiture of any security shall not insulate the Permittee from liability in excess of the sum of the security for damages or injury, or for expense or liability suffered by the County of Ventura from any breach by the Permittee of any term or condition of said permit or of any applicable ordinance or of

this security. The Planning Division shall not exonerate the security until the Permittee has satisfied all of the applicable conditions of this Conditional Use Permit.

**22. Removal of Drilling Equipment**

**Purpose:** In order to comply with § 8107-5.6.3 of the *Ventura County Non-Coastal Zoning Ordinance* and to ensure the removal of unused equipment.

**Requirement:** All equipment used for drilling, re-drilling, and maintenance work on approved wells shall be removed from the site within 30 days of the completion of such work.

**Documentation:** If needed, the Permittee shall obtain the Planning Director's written authorization to remove the equipment after the 30-day deadline.

**Timing:** The Permittee shall remove the equipment within 30 days of the completion of such work unless the Permittee obtains the Planning Director's written approval for a time extension to the 30-day deadline, prior to the end of the 30-day period.

**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

**23. Waste Handling and Containment of Contaminants**

**Purpose:** In order to comply with § 8107-5.6.4 of the *Ventura County Non-Coastal Zoning Ordinance* and to ensure waste materials and other pollutants are handled appropriately according to federal, state and local laws and regulations.

**Requirement:** The Permittee shall:

- a. furnish the Planning Division with a plan for controlling oil spillage and preventing saline or other polluting or contaminating substances from reaching surface or subsurface waters;
- b. provide a plan that is consistent with requirements of County, state and federal laws;
- c. prepare a containment plan that shows containment of any and all oil, produced water, drilling fluids, cuttings and other contaminants associated with the drilling, production, storage and transport of oil on the site unless properly transported off-site, injected into a well, treated or re-used in an approved manner on-site or, if allowed, off-site;
- d. secure all appropriate permits, permit modifications or approvals when necessary, prior to treatment or re-use of oil field waste materials; and,
- e. submit the containment plan to the Planning Division prior to issuance of a Zoning Clearance.

**Documentation:** The Permittee shall submit a containment plan to the Planning Division for review and approval.

**Timing:** The Permittee shall obtain approval of the Planning Division for the plan prior to issuance of a Zoning Clearance.

**Monitoring and Reporting:** The Planning Division maintains the containment plan provided by the Permittee in the project file. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

24. Dust Prevention and Road Maintenance

**Purpose:** In order to comply with § 8107-5.6.6 of the *Ventura County Non-Coastal Zoning Ordinance* and to ensure pollutants are handled appropriately.

**Requirement:** The Permittee shall prepare a dust control plan. The drill site and all roads or hauling routes located between the public right-of-way and the subject site shall be improved or otherwise treated as required by the County and maintained as necessary to prevent the emanation of dust. Access roads shall be designed and maintained so as to minimize erosion, prevent the deterioration of vegetation and crops, and ensure adequate levels of safety.

**Documentation:** The Permittee shall submit a written dust control plan to the Planning Division for review and approval.

**Timing:** Prior to the issuance of a Zoning Clearance, the Permittee shall obtain approval of the dust control plan.

**Monitoring and Reporting:** The Planning Division shall review and approve the dust control plan prior to the issuance of a Zoning Clearance. A copy of the approved dust control plan shall be maintained in the project file. The Planning Director may require that additional dust control measures are added to the plan at any time if the Planning Director determines it necessary. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

25. Lighting Plan

**Purpose:** To ensure lighting on the subject property is provided in compliance with § 8107-5.67 of the *Ventura County Non-Coastal Zoning Ordinance* and to ensure that lighting:

- a. avoids interference with the reasonable use of adjoining properties;
- b. avoids conflict with landscape features;
- c. minimizes on-site and eliminates off-site glare;
- d. provides adequate on-site lighting for security;
- e. minimizes impacts to wildlife movement;
- f. minimizes energy consumption; and,

- g. includes devices that are compatible with the design of the permitted facility and minimize energy consumption.

**Requirement:** For any new permanent lighting, the Permittee shall prepare a lighting plan. The lighting plan must comply with the following:

- a. the lighting plan shall be prepared by an electrical engineer registered by the State of California;
- b. the lighting plan shall include a photometric plan and manufacturer's specifications for each exterior light fixture type (e.g., light standards, bollards, and wall mounted packs);
- c. the lighting plan shall provide illumination information within parking areas, pathways, streetscapes, and open spaces proposed throughout the development;
- d. in order to minimize light and glare on the project property, all light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway; and,
- e. light emanation shall be controlled so as not to produce excessive levels of glare or abnormal light levels directed at any neighboring uses. Lighting shall be kept to a minimum to maintain the normal night-time light levels in the area, but not inhibit adequate and safe working light levels.
- f. The Permittee shall bear the total cost of the review and approval of the lighting plan, and shall install all elements of the approved lighting plan according to the approved Lighting Plan.

**Documentation:** The Permittee submit the lighting plan to the Planning Division for review and approval.

**Timing:** Prior to the issuance of a Zoning Clearance for construction for drilling any new well the Permittee shall obtain approval of the lighting plan. The Permittee shall maintain the lighting as approved in the lighting plan for the life of the permit.

**Monitoring and Reporting:** The Planning Division shall maintain a stamped copy of the approved lighting plan in the project file. The Building and Safety inspector and Planning Division staff have the authority to ensure that the lighting is installed according to the approved lighting plan prior to the issuance of a Certificate of Occupancy. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

## 26. Painting of Permanent Facilities, Structures and Pipelines

**Purpose:** In order to ensure that buildings and structures comply with the Oil Development Standards of § 8107-5.6.9 of the *Ventura County Non-Coastal Zoning Ordinance* and blend in with their natural surroundings.

**Requirement:** The Permittee shall:

- a. provide the specifications for all pumping equipment and ancillary equipment (e.g., tanks, equipment in cabinets, and pipes) on all development plans;
- b. construct and maintain the exterior surfaces of all buildings and structures using building materials and colors that are compatible with surrounding terrain (e.g., earth tones and non-reflective paints);
- c. construct the project site in compliance with the approved plans;
- d. provide photo evidence to the Planning Division that the equipment is installed in compliance with the approved plans; and,
- e. maintain the site in compliance with the approved plans.

**Documentation:** The Permittee shall provide plans with equipment specifications and exterior colors to the Planning Division for review and approval. The Permittee shall provide photo evidence that the equipment is installed according to the approved plans.

**Timing:** Prior to the issuance of a Zoning Clearance for construction, the Permittee shall obtain approval of the submitted plans. Prior to final inspection, the Permittee shall paint and treat the approved structures according to the approved plans. Prior to final inspection of the oil and gas facility, the Permittee shall provide photos demonstrating that the facility was treated as approved.

**Monitoring and Reporting:** The Planning Division maintains a copy of the approved plans in the project file. The Planning Division maintains the photo evidence provided by the Permittee demonstrating compliance with this condition in the project file. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

#### 27. Site Restoration

**Purpose:** In order to comply with § 8107-5.5.5(e), 8107-5.5.6, & 8107-5.6.11 of the *Ventura County Non-Coastal Zoning Ordinance*.

**Requirement:** The Permittee shall restore disturbed areas in the project area to its original grade and condition, unless otherwise requested by landowner in writing and approved by the Planning Director.

**Documentation:** The Permittee shall submit a grading plan prepared by civil engineer to restore the site to the original contours. The Permittee shall also submit a restoration plan prepared by a County-approved, qualified biologist to be reviewed and approved by the Planning Division.

**Timing:** The Permittee shall submit the grading and restoration plans to the Planning Division and Public Works Agency within 30 days of revocation, expiration, or surrender of the permit, or abandonment of the use. The Permittee shall commence restoration work on the site within 90 days of revocation, expiration, or surrender of the permit, or abandonment of the use.

**Monitoring and Reporting:** The Permittee shall submit the grading plan to the Public Works Agency and the Planning Division prior to the commencement of the restoration work. The Planning Division will not exonerate the financial securities required by Condition No. 21 until it has determined that the grading and restoration plans have been implemented as approved.

28. Insurance

**Purpose:** In order to comply with § 8107-5.6.12 of the *Ventura County Non-Coastal Zoning Ordinance*.

**Requirement:** The Permittee shall maintain liability insurance of not less than \$500,000 for one person, and \$1,000,000 for all persons, and \$2,000,000 for property damage. The Permittee shall name the County of Ventura as additionally insured. This requirement does not preclude the Permittee from being self-insured.

**Documentation:** The Permittee shall submit a copy of the liability insurance policy documents.

**Timing:** Prior to the issuance of a Zoning Clearance, the Permittee shall provide the liability insurance Planning Division for review and approval. Prior to the issuance of a Zoning Clearance, the Permittee shall submit a copy of the approved liability insurance to the Planning Division for the project file. The Permittee shall maintain liability insurance for the subject property for the life of the permit.

**Monitoring and Reporting:** The Permittee shall submit the liability insurance to Planning Division for review and approval to ensure that the Oil and Gas Operation has the required coverage in a manner that is required. The Planning Division maintains a copy of the liability insurance in the project file. The Planning Director may ask for a current insurance policy at any time to confirm ongoing compliance with this condition.

29. Noise Standard for Oil and Gas Operations

**Purpose:** In order to comply with § 8107-5.6.13 of the *Ventura County Non-Coastal Zoning Ordinance*.

**Requirement:** The Permittee shall ensure that drilling, production, and maintenance operations associated with this permit do not exceed the following noise levels, as measured over a one-hour period at locations that are occupied by noise-sensitive receptors (e.g., residences, schools, health care facilities, or places of public assembly):



One Hour Average Noise Levels (LEQ)		
Time Period	Drilling and Maintenance Phase	Producing Phase
Day (6:00 a.m. to 7:00 p.m.)	55 dB(A)	45 dB(A)
Evening (7:00 p.m. to 10:00 p.m.)	50 dB(A)	40 dB(A)
Night (10:00 p.m. to 6:00 a.m.)	45 dB(A)	40 dB(A)

For the purposes of this condition, a well is in the "producing phase" when hydrocarbons are being extracted or when the well is idle and not undergoing maintenance. It is presumed that a well is in the "drilling and maintenance phase" when it is not in the "producing phase."

Upon the request of the Planning Director, the Permittee shall have a qualified acoustical consultant measure the offending noise, in accordance with the procedures in *Ventura County General Plan Hazards Appendix*. These measurements shall occur within 24 hours of the Planning Director's request.

When the Permittee has been notified by the Planning Division that the Permittee is operating in violation of the applicable noise standard, the Permittee shall correct the problem as soon as possible in coordination with the Planning Division. In the interim, operations may continue; however, the operator shall attempt to minimize the total noise generated at the site by limiting, whenever possible, such activities as the following:

- a. hammering on pipe;
- b. racking or making-up of pipe;
- c. acceleration and deceleration of engines or motors;
- d. drilling assembly rotational speeds that cause more noise than necessary and could reasonably be reduced by use of a slower rotational speed; and,
- e. picking up or laying down drill pipe, casing, tubing or rods into or out of the drill hole.

If the noise problem has not been corrected by 7:00 p.m. of the following day, the offending operations, except for those deemed necessary for safety reasons by the Planning Director upon the advice of the Division of Oil and Gas, shall be suspended until the problem is corrected.

This condition applies for the life of the permit. A report from a qualified acoustical consultant shall be submitted to the Planning Division upon request. If corrective measures are required to attenuate the offending noise to acceptable levels, The Permittee shall submit written and/or photo evidence to demonstrate that the corrective measures are in place prior to restarting the offending operations.

**Documentation:** The Permittee shall prepare a noise report from a qualified acoustical consultant and provide it to the County for review and approval prior to any construction activity that causes noise.

**Timing:** If a qualified acoustical consultant is hired by the Permittee to investigate an alleged violation, the acoustical consultant shall submit their findings, by telephone, to the Planning Division immediately upon completing their measurements. Within 24 hours of completing the measurements, the acoustical consultant shall submit a written report to the Planning Division.

**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. The Planning Division maintains all acoustical reports, and a written description of any corrective measures, provided by the Permittee in the project file.

30. Preventive Noise Insulation

**Purpose:** In order to comply with § 8107-5.6.16 of the *Ventura County Non-Coastal Zoning Ordinance*.

**Requirement:** The Permittee shall provide sufficient soundproofing to ensure that noise levels do not exceed County adopted noise limits. Such soundproofing shall include any or all of the following: acoustical blanket coverings, sound walls, or other soundproofing materials or methods which ensure that operations meet the applicable noise standard.

**Documentation:** The Permittee shall submit photo-documentation, or some other evidence acceptable to the Planning Director, that the soundproofing is installed.

**Timing:** The Permittee shall install soundproofing prior to the commencement of drilling or maintenance activities, and shall maintain the soundproofing until the operations are complete. The Permittee shall provide photo evidence that the sound proofing is in place prior to the issuance of a Zoning Clearance.

**Monitoring and Reporting:** The Planning Division shall maintain in the project file the photo evidence that the soundproofing was installed. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

31. Limited Drilling Hours

**Purpose:** In order to comply with § 8107-5.6.20 of the *Ventura County Non-Coastal Zoning Ordinance*.

**Requirement:** All drilling activities shall be limited to the hours of 7:00 a.m. through 7:00 p.m. of the same day when they occur within 800 feet of an occupied sensitive use. Nighttime drilling shall be permitted if it can be demonstrated to the satisfaction of the Planning Director that the applicable noise standards can be met or that all applicable and affected parties within the prescribed distance have signed a waiver pursuant to § 8107-5.6.25.

**Conditions for Conditional Use Permit Case No. PL13-0150**  
**Date of Planning Director Hearing:** January 8, 2015  
**Date of Approval:** February 17, 2015

**Permittee:** Vintage Production CA, Inc.  
**Location:** 10000 Ojai Rd, Santa Paula  
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**Documentation:** If the permitted uses involve nighttime drilling, the Permittee shall submit: the required waivers; or, in lieu of the waivers, a noise study from a qualified acoustical consultant for review and approval by the Planning Division.

**Timing:** The Permittee shall implement limited drilling hours until the drilling phase is complete. If the permitted uses involve nighttime drilling, the Permittee shall submit the waivers prior to the issuance of a Zoning Clearance. If the Permittee retains an acoustical consultant to prepare a noise study, the Permittee shall submit the noise study prior to the issuance of a Zoning Clearance. If the noise study reveals the need for the implementation of noise attenuation measures to reduce sound levels to acceptable levels, the Permittee shall implement the noise attenuation measures prior to conducting the noise generating activities.

**Monitoring and Reporting:** The Planning Division maintains any submitted waivers in the project file. If a noise study is prepared, the Planning Division will review the study and ensure that any required soundproofing is installed prior to the commencement of noise generating activities. The Planning Division maintains any submitted noise study in the project file. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

### 32. Signs

**Purpose:** In order to comply with § 8107-5.6.21 of the *Ventura County Non-Coastal Zoning Ordinance*.

**Requirement:** In addition to the signage otherwise allowed by the *Ventura County Non-Coastal Zoning Ordinance* § 8110-0 et seq., the Permittee shall only place within the permit area, signs that are required for directions, instructions, and warnings, identification of wells and facilities, or signs required by other County ordinances or State and federal laws. Identification signs shall not exceed four square feet in size and shall contain, at a minimum, the following information:

- a. the Division of Oil and Gas well name and number;
- b. the name of the owner/operator of the oil facility;
- c. the name of the lease and name and/or number of the well; and,
- d. the name and telephone number of person(s) on 24-hour emergency call.

The Permittee shall maintain the well identification sign(s) at the well site from the time drilling operations commence until the well is abandoned. The Permittee shall submit to the Planning Division for review and approval, a sign plan for well identification, which includes the sign size, text, and site location.

**Documentation:** The Permittee shall submit a sign plan to the Planning Division and Ventura County Fire Protection District (VCFPD) for review and approval.

**Timing:** The Permittee shall obtain approval of the sign plan prior to the issuance of a Zoning Clearance. The Permittee shall install the approved signs prior to the commencement of drilling.

**Monitoring and Reporting:** The Planning Division maintains the approved sign plan in the project file. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

### 33. Fencing

**Purpose:** In order to comply with § 8107-5.6.22 of the *Ventura County Non-Coastal Zoning Ordinance*.

**Requirement:** The Permittee shall securely fence all active well sites (except submersible pumps), sumps and/or drainage basins or any machinery in use or intended to be used at the well site or other associated facilities, if required, based on the Planning Director's determination that fencing is necessary due to the proximity of nearby businesses, residences, or other occupied sensitive uses. The Permittee may use a single, adequate fence, which is compatible with the surrounding area, in order to enclose the wells or well site and appurtenances. The fences must meet all Division of Oil and Gas regulations.

**Documentation:** The Permittee shall prepare an approved site plan and/or landscape plan illustrating the fences.

**Timing:** Prior to the issuance of a Zoning Clearance, the Permittee shall submit a site plan which identifies the location of the fences to the Planning Division for review and approval. These plans must include schematic details of the fences illustration height and construction materials. The Permittee shall install the fences prior to activating the wells.

**Monitoring and Reporting:** The Planning Division maintains the approved site plan and fencing plans in the project file. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

### 34. California Condor Protection BMPs

**Purpose:** To avoid significant impacts during drilling and ongoing operation of approved wells and facilities and ensure compatibility with conservation efforts outlined in the Recovery Plan for California Condor (April 19, 1996) and direction provided by United States Fish and Wildlife Service (USFWS) for oil and gas facilities within the range of the California Condor in Ventura County (USFWS, 2013).

**Requirement:** During construction and operation, the Permittee shall adhere to the following USFWS recommended California condor Best Management Practices (BMPs):

#### *Transmission and Landing Deterrents*

- a. All power lines, poles, and guy wires shall be retrofitted with raptor guards, flight diverters, and other anti-perching or anti-collision devices to minimize the potential for collision or electrocution of condors. Landing deterrents (e.g. Daddi Long Legs or porcupine wire) shall be attached to the walking beams on pumping units. New power and distribution lines shall be installed underground if determined to be necessary to avoid impacts to the California condor by the Planning Director in consultation with USFWS.
- b. All surface structures which are identified by the USFWS or County-approved qualified biologists as a risk to California condors, shall be modified (e.g. to include installation of raptor guards, anti-perching devices, landing deterrents) or relocated to reduce or eliminate the risk.

#### *Microtrash*

- c. All construction debris, food items, road kill, cigarette butts, and other trash including micro-trash (including but not limited to small items as screws, nuts, washers, nails, coins, rags, small electrical components, small pieces of plastic, glass, or wire, and anything that is colorful or shiny) will be covered or otherwise removed from a project site (including the access road) at the end of each day or prior to periods when workers are not present at the site.
- d. All hoses or cords that must be placed on the ground due to drilling operations that are outside of the primary work area (immediate vicinity of the drilling rig) will be covered to prevent California condor access. Covering will take the form of burying or covering with heavy mats, planks, or grating that will preclude access by California condors.
- e. All equipment and work-related materials (including, but not limited to, loose wires, open containers, rags, hoses, or other supplies or materials) shall be contained in closed containers either in the work area or placed inside vehicles.
- f. Poly chemical lines shall be replaced with stainless steel lines to preclude condors from obtaining and ingesting pieces of poly line.
- g. Prior to issuance of a Zoning Clearance for drilling or re-working of wells, informational signs describing the threat that micro-trash poses to condors, and the cleanup or avoidance measures being implemented, shall be posted at the site.
- h. Prior to conducting work on-site, employees and contractors shall be made aware of the California condor, and how to avoid impacts on them. Special emphasis shall be placed on keeping the well pad site free of micro-trash and other hazards.
- i. Wells pads shall be inspected closely for micro-trash on a daily basis.

#### *Chemicals*

- j. Ethylene glycol based anti-freeze or other ethylene glycol based liquid substances shall be avoided, and propylene glycol based antifreeze will be encouraged. Equipment or vehicles that use ethylene glycol based anti-freeze or other ethylene glycol based liquid substances shall be inspected daily for leaks, including (but not limited to) areas below vehicles for leaks and puddles.

- Standing fluid (e.g. a puddle of anti-freeze) will be remediated (e.g. cleaned up, absorbed, or covered) immediately upon discovery. Leaks shall be repaired immediately. The changing of antifreeze of any type shall be prohibited onsite.
- k. Open drilling mud, water, oil, or other liquid storage or retention structures shall be prohibited. All such structures must have netting or other covering that precludes entry or other use by condors or other listed avian species
  - l. The design and location of any flaring equipment shall be subject to review and approval by the Planning Director in consultation with the USFWS.

*Miscellaneous*

- m. All food items and associated refuse shall be placed in covered containers that preclude access or use by California condors.
- n. All equipment and work-related materials (including loose wires, open containers, rags, hoses, or other supplies) will be placed in closed containers or inside vehicles.
- o. No dogs or other potentially predatory domesticated animals shall be allowed on the drill site unless on a leash or otherwise contained at all times.
- p. All construction equipment, staging areas, materials, and personnel shall remain within the perimeter of the disturbed area authorized under the applicable permit.
- q. The discharge of firearms at the project site or vicinity by any employee or contractor of the Permittee shall be prohibited.
- r. Feeding of wildlife by any employee or contractor working for the Permittee shall be prohibited.
- s. Access to the project site shall be made available to the representatives of the State and Federal wildlife agencies including California Department of Fish and Wildlife (CDFW) and USFWS upon request. Should a California condor be observed on-site by personnel of the Permittee, the USFWS, CDFW and the Planning Division shall be contacted immediately.
- t. Any road kill found on the access road shall be immediately cleared from the roadway and disposed.

The Permittee shall implement the BMPs listed above throughout the entire life of the project, unless modified by the County Planning Director in consultation with USFWS and CDFW. A County-approved qualified biologist shall confirm and photo-document the installation of the BMPs.

**Documentation:** The application shall prepare photo documentation of the complete installation of the signage and above BMPs.

**Timing:** Prior to the issuance of a Zoning Clearance for Construction (i.e. grading or land clearing activities), the Permittee must take the following actions:

- Install signage.
- Submit photo-documentation of the installation of the signage to the Planning Division.

Prior issuance of a Zoning Clearance for Use Inauguration (i.e. the Zoning Clearance for the drilling of first well), the Permittee must provide the Planning Division with photo documentation of the implementation of the above requirements.

**Monitoring and Reporting:** Planning Division staff will review the submitted reports. The Planning Division has the authority to conduct site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

**35. Nesting Bird Pre-Construction Surveys:**

**Purpose:** In order to prevent impacts to birds protected under the Migratory Bird Treaty Act, the drilling or re-working of wells shall be regulated.

**Requirement:** The Permittee shall conduct all drilling and re-working activities in such a way as to avoid impacts to nesting native birds. This can be accomplished by implementing one of the following options:

1. Timing of drilling and re-working of wells: Prohibit drilling and re-working activities during the breeding and nesting season January 1—September 15, in which case the following surveys are not required; or
2. Surveys and noise mitigation for occupied nests: Conduct site-specific surveys prior to drilling and well re-working activities during the breeding and nesting season (January 1 – September 15) and avoid impacting occupied bird nests. Surveys shall be conducted to identify any occupied (active) bird nests in the area of disturbance. Impacts to occupied nests shall be avoided until juvenile birds have vacated the nest. All surveys shall be conducted by a County-approved biologist.

An initial breeding and nesting bird survey shall be conducted 30 days prior to the initiation of drilling or re-working activities. The project site must continue to be surveyed on a weekly basis with the last survey completed no more than 3 days prior to the initiation of drilling or re-working activities. The nesting bird survey area (noise mitigation area) will include all areas with an Leq at or greater to 50dB(A) or an Leq 10dB(A) greater than ambient levels, whichever is less during drilling or re-working activities. Leq is defined as the average sound levels recorded during the measurement period. If ground nesting species have the potential to occur in the area, ground surveys shall also be conducted. The survey area shall also be defined as any area with a peak sound level (Lmax) greater than 60 dB(A). If occupied (active) nests are found, noise from drilling or re-working activities shall be mitigated through noise mitigating measures (e.g. noise barriers, acoustic enclosures, etc.) so that noise level within the noise mitigation area drop below the levels specified above. Monitoring shall be conducted at the noise mitigation area boundary at a frequency to be determined by the Planning Division. Evidence that noise has been mitigated to the Leq and Lmax specified shall be demonstrated to the Planning Division prior to commencement of drilling or re-working activities. The noise mitigation area can



be increased or decreased based on the recommendation of the County-approved biologist and approval from the Planning Division.

**Documentation:** The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting ambient sound levels, the sound levels generated by the equipment to be used during drilling or re-working activities, and the distance from the noise source to the perimeter of the survey area that determines the survey and noise mitigation area for nesting birds. The Permittee shall also provide results of the initial nesting bird survey. If nesting birds are found, a Noise Mitigation Plan shall be submitted that includes noise mitigation measures and a range of reduction (in dB(A)) each mitigation measure can achieve. Along with the Survey Report and Noise Mitigation Plan (as necessary), the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys, monitoring of any occupied nests discovered, and establishment of noise mitigation measures. If nesting birds are found to occur, the Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following drilling and re-working activities documenting noise level monitoring and any adjustments made to mitigation measures to ensure compliance with Leq and Lmax levels.

**Timing:** If drilling or re-working activities will occur between January 1 and September 15, nesting bird surveys shall be conducted 30 days prior to initiation of drilling or re-working activities, and weekly thereafter, and the last survey for nesting birds shall be conducted no more than 3 days prior to initiation of drilling or re-working activities. The Survey Report documenting the results of the first nesting bird survey, Noise Mitigation Plan (as necessary), and signed contract shall be provided to the Planning Division prior to issuance of a zoning clearance for drilling and re-working activities. The Mitigation Monitoring Report shall be submitted within 14 days of completion of drilling and re-working activities.

**Monitoring and Reporting:** The Planning Division shall review the Survey Report, Noise Mitigation Plan (as necessary), and signed contract for adequacy prior to issuance of a Zoning Clearance for drilling and re-working activities. The Planning Division shall maintain copies of the signed contract, Survey Report, Noise Mitigation Plan, and Mitigation Monitoring Report in the project file.

### **Residual Impact(s)**

With the implementation of the mitigation measures listed above, residual project-specific impacts will be less than significant and the proposed project will not make a cumulatively considerable contribution to significant cumulative impacts related to special status species.

### **36. Sensitive Species Surveys related to Noise Impacts**

**Purpose:** To avoid impacts to special-status wildlife during drilling and re-working activities associated with oil exploration.

**Requirement:**

The Permittee shall retain a qualified County- approved biologist familiar with sensitive species with potential to occur on the project site. The surveys should encompass the entire noise mitigation area as determined during Nesting Bird Pre-Construction Surveys. The survey methods should follow the latest guidance from USFWS and CDFW regarding survey protocols for listed and rare wildlife species. The Permittee shall notify USFWS for species listed under the Federal ESA and CDFW for species listed under CESA within 24 hours of locating any individuals of listed species. In the event of positive survey results, the Permittee shall a.) Consult with the USFWS for species listed under the Federal ESA and with CDFW for species listed under the State ESA in order to obtain an incidental take permit or b.) Mitigate noise and vibration levels below threshold levels specific to the species present.

The County-approved Biologist shall conduct surveys for special-status wildlife, including but not limited to foothill yellow legged frog, southern California steelhead trout, western pond turtle, arroyo chub, and Santa Ana sucker. Survey area should include the same area used for nesting bird surveys and shall also include drainages or wetlands within 300 feet of the well.

If sensitive wildlife species are found and noise mitigation measures are put in place, the Biologist shall:

- Monitor the site for a two-hour minimum duration on day one of drilling or re-working activities.
- Return to the site at least once weekly for at least a two-hour duration to monitor throughout drilling and re-working activities.

**Documentation:** The Permittee shall submit the following documents to the Planning Division for review and approval:

- A copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys and monitoring of wildlife. When the monitoring will occur and what areas will be monitored must be clearly stipulated in the contract. *(It is recommended that the Permittee shall submit a draft copy of the proposed contract to the Planning Division for review and comment prior to the contract being executed.)*
- An Initial Survey Report from a County-approved biologist documenting the results of the initial special-status wildlife survey and a plan for continued surveys as necessary in accordance with the requirements above.
- Mitigation Monitoring Report documenting the results of the monitoring and actions taken to prevent loss of special-status wildlife and results.

**Timing:** Prior to issuance of a Zoning Clearance for drilling or re-working activities, the Permittee shall have taken the following actions:

- Provide the Planning Division with a copy of a signed contract as specified above.
- Provide the Planning Division with a copy of the Initial Survey Report. The first survey shall be conducted 30 days prior to initiation of construction. *(Surveys must continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of land clearing activities.)*

Within 30 days of the completion of construction, the Permittee shall submit to the Planning Division, a Mitigation Monitoring Report from a County-approved biologist documenting actions taken to prevent loss of special-status wildlife and results.

**Monitoring and Reporting:** The Planning Division maintains copies of the signed contract and the Mitigation Monitoring Report provided by the Permittee in the project file. The Planning Division has the authority to inspect the property during the monitoring phase of the project to ensure that the County-approved qualified biologist is on-site as required. The County-approved qualified biologist has the authority to temporarily "stop work" if noise levels exceed the Lmax in the noise mitigation area.

37. Notice of Commencement of Site Preparation or Drilling

That 10 days prior to commencement of site preparation or drilling, the Permittee shall notify in writing Thomas Aquinas College and the Ferndale Ranch (or their successors in interest) that such activities are about to occur. Additionally, the Permittee shall notify Thomas Aquinas College and the Ferndale Ranch in writing prior to conducting major maintenance activities, including, but not limited to, reworking and redrilling.

38. Oil Pipeline

All produced oil shall be transported off-site by means of an oil pipeline. In the event of a pipeline failure, the Permittee shall immediately notify the County, the Ferndale Ranch, and Thomas Aquinas College (or their successors in interest). Following such notification by certified mail, the Permittee may transport oil by means of tanker trucks on the designated oil traffic access road for a period not to exceed 30 days. If the pipeline has not been restored to service within said 30 day period, all trucking of oil shall cease until repairs have been completed unless authorized by the Planning Director pursuant to Condition 3.

39. On-Site Quarters

That no one shall reside on the area under permit except those individuals who are required to be on the site 24 hours per day. These individuals include, but are not limited to, the foreman, drilling mud specialist, mud logger, and directional drilling technicians.

**40. Exceptions to Noise Standard**

Pursuant to Section 8107-5.6.13, the noise standard established for this permit shall not be exceeded unless exempted under any of the following provisions:

- a. Where the ambient noise levels (excluding the subject facility) exceed the applicable noise standards. In such cases, the maximum allowable noise levels shall not exceed the ambient noise levels plus 3 dB(A).
- b. Where the owners/occupants of sensitive uses have signed a waiver pursuant to Section 8107-5.6.25 indicating that they are aware that drilling and production operations could exceed the allowable noise standard and that they are willing to experience such noise levels. The applicable noise levels shall apply at all locations where the owners/occupants did not sign such a waiver.

**41. Drill Site No. 2 Noise Barrier**

Prior to commencement of drilling on Drill Site No. 2, a minimum four-foot high earthen berm shall be installed and/or maintained along the western and southern boundaries of the drill site to minimize noise impacts at Thomas Aquinas College (or their successors in interest).

**42. Hiking Trail**

The Permittee shall cooperate with Thomas Aquinas College, the Ferndale Ranch (or their successors in interest) and the US Forest Service to establish a permanent hiking trail in the Santa Paula Canyon. In the meantime, the Permittee shall reconstruct and maintain a temporary hiking trail in the vicinity of Drill Site Nos. 1 and 7. In no case shall the oil operations obstruct the hiker's access to Santa Paula Canyon.

**43. Oil Traffic on College/Ranch Road**

The College/Ranch Road may be used during emergency situations, where all other access routes are impassable due to natural occurrences. The Permittee shall make the necessary repairs as soon as it is practical to do so. The designated oil traffic access route shall be restored to usable condition within 30 days. Failure to restore the road within the time specified shall be considered cause to suspend operations. For purposes of meeting the requirements of this condition, Emergency shall be used as defined in the California Environmental Quality Act (CEQA).

Emergency- a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage (CEQA 15359).

**44. Surfacing of Oil Access Road**

That the access road from the Highway 150 entrance to each drill site shall be paved and maintained in good condition at all times.

**45. Drill Site Berms and Dikes**

Each drill site shall be designed to contain any accidental leakage on the site. This may be accomplished by constructing a minimum 12-inch earthen berm around the site (including vehicle access points) or by grading the site in such a way that all drainage flows toward the well cellars, a catch basin, or safety sump. The spill containment system shall be maintained in good condition at all times.

That the earthen dike around the production tanks on Drill Site No. 1 shall be compacted and maintained at a height that shall hold all the liquid volume that could be maintained in the subject tanks.

A barrier shall be constructed on the east side of Drill Site No. 7 a distance of at least 15 feet from the base of the slope. Such barrier shall be constructed to protect Drill Site No. 7 from potential hazard of falling rock.

**46. Natural Gas Pipeline**

All gas emitted from the wells shall be collected and transported off-site by means of a pipeline.

**47. Gas Flaring and Venting Prohibited**

Flaring or venting of gas shall be prohibited, except that temporary flaring may be permitted in case of emergency or for testing purposes only.

**48. Drilling Prohibition**

Drilling shall not be conducted during the months of July and May each year unless authorized in writing by Thomas Aquinas College.

**II. Environmental Health Division (EHD) Conditions**

**49. Hazardous Materials Management**

The storage, handling, and disposal of any potentially hazardous material must be in compliance with applicable state regulations.

**OTHER VENTURA COUNTY AGENCIES**

**III. Ventura County Public Works Agency (PWA) Conditions**

**50. Containment Area for Liquid Waste and Petroleum Products**

**Purpose:** In accordance with the Ventura County General Plan Policies 1.3.2.2 & 4a, Containment Area for Liquid Waste and Petroleum Products is required.

**Requirement:** All liquid waste and petroleum products shall be stored in proper containers and stored in pre-approved or designated containment areas only. If waste

products will be stored in an alternate temporary location, Permittee shall provide detailed plans of impermeable area with same construction as containment areas. Specifically describe where these waste products will be stored, an estimate of the amount of accumulated waste at any one time and information on the planned frequency for disposal.

**Documentation:** A copy of the approved Containment Area for Liquid Waste and Petroleum Products site plan.

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall submit a Containment Area for Liquid Waste and Petroleum Products site plan to the WPD for review and approval.

**Monitoring and Reporting:** A copy of the approved Containment Area for Liquid Waste and Petroleum Products site plan will be maintained in the case file. The Permittee shall allow the WPD to inspect the Containment Area for Liquid Waste and Petroleum Products upon request.

51. Containment Area for Hazardous Materials

**Purpose:** In accordance with the Ventura County General Plan Policies 1.3.2.2 & 4a, Containment Area for Hazardous Materials is required.

**Requirement:** The Permittee shall submit a site plan to the WPD that shows all hazardous materials, fertilizers and chemicals are stored in a Containment Area properly designated and equipped for the safe storage of the hazardous materials, fertilizers and chemicals.

**Documentation:** A copy of the approved Containment Area for Hazardous Materials site plan.

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall submit the Containment Area for Hazardous Materials site plan to the WPD for review and approval.

**Monitoring and Reporting:** A copy of the approved Containment Area for Hazardous Materials site plan will be maintained in the case file. The Permittee shall allow WPD to inspect the Containment Area for Hazardous Materials upon request.

52. Compliance with Stormwater Development Construction Program

**Purpose:** To ensure compliance with the Los Angeles Regional Water Quality Control Board NPDES Municipal Stormwater Permit No.CAS004002 (Permit) the proposed project will be subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., "Development Construction Program" of the Permit.

**Requirement:** The construction of the proposed project shall meet requirements

contained in Part 4.F. "Development Construction Program" of the Permit through the inclusion of effective implementation of the Construction BMPs during all ground disturbing activities. In addition, Part 4.F requires additional inspections to be conducted by the Qualified Stormwater Pollution Prevention Plan (SWPPP) Developer, Qualified SWPPP Practitioner, or Certified Professionals in Erosion and Sediment Control (CPESC).

**Documentation:** The Permittee shall prepare and submit the following items to the Watershed Protection District, Surface Water Quality Section (SWQS) for review upon request:

- Complete SW-HR form (Best Management Practices for Construction at High Risk Sites), which can be found at <http://onestoppermit.ventura.org/>.

**Timing:** The above listed item shall be submitted to the SWQS for review and approval prior to issuance of a Zoning Clearance for Construction.

**Monitoring and Reporting:** SWQS will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit. Grading Permit Inspectors will conduct inspections during construction to ensure effective installation of the required BMPs. In addition, the inspector will review record keeping of conducting required inspections by the project proponents Qualified SWPPP Developer, Qualified SWPPP Practitioner, or CPESC).

**53. State General Industrial Stormwater Permit No. CAS000001 Requirements**

**Purpose:** To ensure the project maintains compliance with all water quality provisions in accordance with NPDES General Permit (No. CAS000001), Waste Discharge Requirements for Discharges of Stormwater Runoff Associates with Industrial Activities.

**Requirement:** Proper filing of all compliance documents required under the NPDES General Industrial Stormwater Permit (No. CAS000001).

**Documentation:** The Permittee shall submit the following items to the Watershed Protection District - Surface Water Quality Section (SWQS) staff for review:

- a. Current Notice of Intent (NOI) in accordance with the State Water Resources Control Board requirements under the NPDES General Industrial Stormwater Permit (No. CAS000001); or verification of payment for current coverage year, whichever one is more recent;
- b. Copy of the project Stormwater Pollution Prevention Plan (SWPPP); and
- c. Copy of the most recent Annual Report if applicable.

**Timing:** The above listed items shall be submitted to the SWQS for review prior to issuance of Zoning Clearance for Use Inauguration.



**Monitoring and Reporting:** SWQS staff will review the submitted materials for consistency with the General Industrial Stormwater Permit. Current and site-specific SWPPP shall be kept on-site for periodic review by the SWQS inspectors. (SWQ-2)

54. Floodplain Clearance

**Purpose:** To comply with the Ventura County Floodplain Management Ordinance and Ventura County General Plan policies 2.10.2-2 and 2.10.2-3.

**Requirement:** The Permittee shall obtain a Floodplain Clearance from the County Public Works Agency Floodplain Manager. The Clearance will verify that the site is located outside the mapped boundaries of the 1% annual chance floodplain as determined using the latest available Digital Flood Insurance Rate Map (DFIRM) provided by the Federal Emergency Management Agency (FEMA).

**Documentation:** A Floodplain Clearance issued by the County Public Works Agency Floodplain Manager.

**Timing:** The Floodplain Clearance shall be obtained prior to Zoning Clearance for Use Inauguration.

**Monitoring and Reporting:** A copy of the approved Floodplain Clearance shall be provided to the Building and Safety Department as well as maintained in the case file by the Public Works Agency.

#### **IV. Ventura County Fire Protection District (VCFPD) Conditions**

55. Address Numbers

**Purpose:** To ensure proper premise identification to expedite emergency response.

**Requirement:** The Permittee shall install a minimum of 10 inch (10") address numbers that are a contrasting color to the background and readily visible at night at the entrance to the oil field from Ojai-Santa Paula Road. Additional address directional signs may be required at common road access points.

**Documentation:** A stamped copy of an approved addressing approval from Building and Safety or a signed copy of the Ventura County Fire Protection District's Fire Code Permits.

**Timing:** The Permittee shall install address numbers before any drilling operations.

**Monitoring and Reporting:** A copy of the approved addressing plan and/or signed copy of the Ventura County Fire Protection District's Fire code permit shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final

inspection to ensure that all structures are addressed according to the approved plans/form.

56. Access Road Maintenance

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall maintain all on-site access road(s) not included in a maintenance agreement. Repairs shall be made as needed or as required by the Fire District to maintain the original design and installation of the access road(s) and driveway(s). The minimum width of access road shall be no less than 20 feet.

**Documentation:** A copy of the Covenants, Conditions and Restrictions or such other documentation as may be deemed acceptable by the Fire Prevention Bureau.

**Timing:** The Permittee shall provide evidence of provisions for maintenance must be submitted to the Fire Prevention Bureau prior to occupancy.

**Monitoring and Reporting:** The Fire District has the authority to inspect all on-site access road(s) and driveway(s) as it deems necessary. The Permittee shall be responsible for ongoing maintenance of the access road and driveways and shall conduct repairs as required by the Fire District.

57. Vertical Clearance

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide a minimum vertical clearance of 13 feet 6 inches (13'-6") along all access roads/driveways.

**Documentation:** A stamped copy of the approved access plan.

**Timing:** The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before the start of combustible construction.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the access for the life of the development.

58. Turning Radius

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide a minimum 40-foot inside turning radius at all turns along the access roads/driveways.

**Documentation:** A stamped copy of the approved access plan.

**Timing:** The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before the start of combustible construction.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the access for the life of the development.

#### 59. Turnarounds

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall provide an approved turnaround area for fire apparatus where dead-end Fire Department access roads exceed 150 feet. Required turnaround areas shall be designed such:

- a. Does not exceed a 5% cross-slope in any direction.
- b. Located within 150 feet of the end of the access road / driveway
- c. Posted as fire lanes in accordance with Ventura County Fire Protection District Standards.
- d. Kept free of obstructions at all times.

**Documentation:** A stamped copy of the approved access plan.

**Timing:** The Permittee shall maintain a copy of approved access plans and provide a copy to the Fire Prevention Bureau. The plans shall indicate all access road locations and proposed turnaround locations and design.

**Monitoring and Reporting:** A copy of the approved access plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection ensure that turnaround areas are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the turnaround areas for the life of the development.

#### 60. Access Road Gates

**Purpose:** To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Standards.

**Requirement:** The Permittee shall maintain all gates along required fire access roads consistent with Fire Protection District Standards. A Knox lock shall be provided for each gate.

**Documentation:** A stamped copy of the approved gate plans.

**Timing:** The Permittee shall submit gate plans to the Fire Prevention Bureau for the installation or replacement of any access road gates.

**Monitoring and Reporting:** A copy of the approved gate plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that access gates are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the gates for the life of the development.

61. Alternate / Private Water Supply

**Purpose:** To ensure that adequate water supply is available for firefighting purposes where no water purveyor service is available or where the water purveyor certifies that the existing water system cannot provide the required fire flow and duration and approves the use of a private water system.

**Requirement:** The Permittee shall install a private water system (tank and hydrant). Private water systems shall be provided no less than 20,000 gallons during the drilling of new wells and the redrilling of exiting wells sites. This requirement applies to each new drilling operation.

**Documentation:** A stamped copy of the approved private water system plans.

**Timing:** The Permittee shall submit private water system plans to the Fire Prevention Bureau for approval before the issuance of Fire Code Permits for Oil Well Drilling. The private water system shall be installed and operational before the start of drilling operations. Before burying, all underground piping (if applicable) shall be visually inspected by the Fire Prevention Bureau.

**Monitoring and Reporting:** A copy of the approved private water system plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct on-site inspections to ensure that the private water system is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the private water system for the life of the development.

62. Hazardous Fire Area

**Purpose:** To advise the applicant that the project is located within a Hazardous Fire Area and ensure compliance with California Building and Fire Codes.

**Requirement:** The Permittee shall construct all new structures to meet hazardous fire area building code requirements.

**Documentation:** A stamped copy of the approved building plans to be retained by the Building Department.

**Timing:** The Permittee shall submit building plans to the Building Department for approval before the issuance of building permits.

**Monitoring and Reporting:** The Fire Prevention Bureau shall conduct a final inspection to ensure that the structure is constructed according to the approved hazardous fire area building code requirements. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the approved construction for the life of the structure.

63. Hazard Abatement

**Purpose:** To ensure compliance with Ventura County Fire Protection District Ordinance.

**Requirement:** The Permittee shall have all grass or brush adjacent to oil drilling sites and storage tanks cleared for a distance of 30 feet. All grass and brush shall be removed a distance of 10 feet on each side of all access road(s) and power poles within the project site.

**Documentation:** A signed copy of the Ventura County Fire Protection District's Fire Code Permits or the "Notice to Abate" issued under the Fire District's Fire Hazard Reduction Program.

**Timing:** The Permittee shall remove all grass and brush as outlined by the Ventura County Fire Protection District's Fire Hazard Reduction Program guidelines before the start of construction on any structure.

**Monitoring and Reporting:** The Fire Prevention Bureau shall conduct on-site inspections to ensure compliance with this condition.

64. Fire Protection Plan

**Purpose:** To minimize and mitigate the fire problems created by the project with the purpose of reducing impact on the community's fire protection delivery system and increase emergency response capability.

**Requirement:** The Permittee shall prepare a Fire Protection Plan (FPP). The FPP shall be prepared by a qualified fire protection consultant as approved by the Ventura County Fire Protection District. The Permittee, all land owners and any tenants shall abide by the approved FPP.

**Documentation:** A copy of the approved Fire Protection Plan (FPP).

**Timing:** The Permittee shall submit a copy of the Fire Protection Plan (FPP) to the Fire Prevention Bureau for approval before the issuance of a building permit.

**Monitoring and Reporting:** A copy of the approved Fire Protection Plan shall be kept on file with the Fire Prevention Bureau.

65. Fire Code Permits

**Purpose:** In order to minimize fire hazards, the project shall be constructed in conformance with the requirements of the Ventura County Fire Code.

**Requirement:** The Permittee and/or tenant shall obtain all applicable Fire Code permits.

**Documentation:** The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for review and approval.

**Timing:** Prior to final occupancy clearance, installation or use of any required item or system, the Permittee must obtain approval of all necessary Fire Code permits.

**Monitoring and Reporting:** A copy of the approved Fire Code permits shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the requirements of the Fire Code permit are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development.

66. Inspection Authority

**Purpose:** To ensure on-going compliance with all applicable codes, ordinances and project conditions.

**Requirement:** The Permittee, by accepting these project conditions of approval, shall acknowledge that the fire code official (Fire District) is authorized to enter at all reasonable times and examine any building, structure or premises subject to this project approval for the purpose of enforcing the Fire Code and these conditions of approval.

**Documentation:** A copy of the approved entitlement conditions.

**Timing:** The Permittee shall allow on-going inspections by the fire code official (Fire District) for the life of the project.

**Monitoring and Reporting:** A copy of the approved entitlement conditions shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall ensure ongoing compliance with this condition through on-site inspections.

**Conditions for Conditional Use Permit Case No. PL13-0150**  
**Date of Planning Director Hearing:** January 8, 2015  
**Date of Approval:** February 17, 2015

**Permittee:** Vintage Production CA, Inc.  
**Location:** 10000 Ojai Rd, Santa Paula  
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67. Oil Well Drilling

**Purpose:** To ensure the project complies with the California Fire Code, National Fire Protection Association Standard #30 and Ventura County Fire Protection District requirements.

**Requirement:** The Permittee shall obtain a Fire Code permit for drilling.

**Documentation:** A signed copy of the Fire Code permit(s).

**Timing:** The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for approval at least two (2) weeks before drilling. The submittal shall include a plot plan drawn to scale or with dimensions showing all buildings and improvements within a radius of 300 feet of the exact location of the proposed wellhead. Approval and on-site inspection by the Fire Prevention Bureau shall be completed before start of drilling.

**Monitoring and Reporting:** A copy of the approved Fire Code permits shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the requirements of the Fire Code permit are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the conditions of the Fire Code permit for the life of the project.

**V. Air Pollution Control District (APCD) Conditions**

68. Authority to Construct

An APCD Authority to Construct shall be obtained for all equipment subject to permit prior to construction or commencement of drilling operations.

69. APCD Rules

Facilities shall be constructed and operated in accordance with the Rules and Regulations of the Ventura County Air Pollution Control District.





**Planning Director Staff Report – Hearing on January 8, 2015**

**County of Ventura • Resource Management Agency • Planning Division**

*800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • [ventura.org/rma/planning](http://ventura.org/rma/planning)*

**VINTAGE PRODUCTION OIL AND GAS FACILITY  
Case No. PL13-0150**

**A. PROJECT INFORMATION**

1. **Request:** The applicant requests that a Minor Modification of Conditional Use Permit 3344 be granted to authorize the continued operation of 17 oil and gas wells and related production facilities and the drilling of 19 new oil and gas wells. (Case No. PL13-0150).
2. **Applicant/Property Owner:** Vintage Production California, LLC, Attention: Jim Robinson, 9600 Ming Avenue, Suite 300, Bakersfield, California 93311
3. **Applicant's Representative:** InterAct, Attention: Uliana Micovic, 4567 Telephone Road, Suite 203, Ventura, California 93003
4. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (§8105-4 and §8111-1.2 et seq.), the Planning Director is the decision-maker for the requested Conditional Use Permit.
5. **Project Site Location and Parcel Number:** The project site is located in a mountainous region north of the City of Santa Paula and east of Thomas Aquinas College, 10,000 Ojai-Santa Paula Road, Santa Paula, in the unincorporated area of Ventura County. The Tax Assessor's parcel numbers for the parcels that constitute the project site are 040-0-010-260, 040-0-210-080, 040-0-210-200, 040-0-060-055, and 040-0-210-070 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
  - a. Countywide General Plan Land Use Map Designation: Open Space and Agricultural
  - b. Zoning Designation: "OS-160 ac" (Open Space, 160 acre minimum lot size) and "AE-40 ac" (Agricultural Exclusive, 40 acre minimum lot size)
7. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	OS-160 ac	Undeveloped, Los Padres Forest

PL13-0150

Attachment 4: Planning Director Staff  
Report (without exhibits)

Location In Relation to the Project Site	Zoning	Land Uses/Development
South	OS-160 ac	Ojai-Santa Paula Road, oil fields
East	OS-160 ac	Undeveloped, Los Padres Forest
West	OS-160 ac	Thomas Aquinas College, agricultural production, oil fields

**8. History:** The subject property has been developed with oil and gas facilities that were authorized by CUP 3344. The permit history of CUP 3344 includes the following:

- In 1971, the Planning Commission granted CUP 3344 for oil exploration and production. CUP 3344 was granted to authorize one well, and authorized the Planning Director to authorize additional wells.
- In 1973, the Planning Director granted a modification of CUP 3344 (CUP 3344 Mod 1) to authorize one additional well (for a total of two wells).
- In 1976, the Planning Commission granted a modification of CUP 3344 (CUP 3344 Mod 2) to drill four additional wells (for a total of six wells).
- In 1978, the Planning Commission granted a modification of CUP 3344 (CUP 3344 Mod 3) to drill 30 additional wells (for a total of 36 wells).
- In 1980, the Planning Director granted a modification of CUP 3344 (CUP 3344 Mod 4) for a time extension to the requirement to install a pipeline.
- In 1980, the Planning Director granted a modification of CUP 3344 (CUP 3344 Mod 5) to transfer the location of one of the permitted wells.
- In 1981, the Planning Director granted a modification of CUP 3344 (CUP 3344 Mod 6) to transfer the location of one of the permitted wells.
- In 1982, the Planning Director granted a modification of CUP 3344 (CUP 3344 Mod 7) to authorize an oil pipeline route and modify the requirement to install a pipeline.
- In 1982, the Planning Director granted a modification of CUP 3344 (CUP 3344 Mod 9) to transfer the location of two of the permitted wells.
- In 1982, the Permittee submitted an application for a modification of CUP 3344 (CUP Mod 10) to authorize a new access road. The proposed project

was incorporated into the pending application (CUP 3344 Mod 8), and CUP Mod 10 was withdrawn.

- In 1983, the Planning Director granted a modification of CUP 3344 (CUP 3344 Mod 11) to authorize the installation of a gas pipeline.
- In 1985, the Board of Supervisors approved a modification of CUP 3344 (CUP 3344 Mod 8 and 9) to allow the continued use of 14 wells and 22 additional wells (for a total of 36 wells).
- In 1989, the Planning Director granted a permit adjustment to CUP 3344 (CUP 3344 Mod 10) to authorize the continued use of 14 existing wells and 22 additional wells (for a total of 36 wells).
- In 1991, the Planning Director approved a modification of CUP 3344 (CUP 3344 Mod 12) to allow a time extension to the drilling phase of the permit.
- In 1997, the Planning Director granted a modification of CUP 3344 (CUP 3344 Mod 11) to extend the drilling period of the permitted wells.
- In 2013, the applicant submitted the current application to modify CUP 3344.

**9. Project Description:** The applicant requests that a modified CUP be granted to authorize additional oil and gas exploration and production activities within an existing oil field. The proposed project includes the following components:

- a. The drilling, testing, reworking, maintenance and placement into production of 19 new oil and gas wells on four existing drilling pads (Drill Sites 1, 2, 3 and 7).
- b. The continued operation of 17 existing oil and gas wells located on four existing drilling pads (Drill Sites 1, 2, 3 and 7). This operation includes well testing, reworking, maintenance and production activities.
- c. Separation of natural gas and produced water from crude oil;
- d. Processing activities required for on-site wastewater injection well operations; and,
- e. Operation of existing equipment associated with the storage, processing, and transportation of oil, gas, and wastewater (brine).
- f. Continued maintenance vehicle trips of 2 per day (4 one-way trips) from Monday through Saturday.

The location of the existing and proposed wells and the associated equipment located in the CUP area used to process, store and transport produced fluids is illustrated on Attachment 2 of the EIR Addendum.

The proposed project does not include any new grading or removal of vegetation. All proposed wells will be drilled on the existing drill pads (Drill Site Nos. 1-3 and 7). The existing oil facilities are accessed by a private gated road connected to State Highway 150 just east of Thomas Aquinas College. In addition to the onsite equipment located on the existing drilling pads, the facility is connected to existing pipelines that are used to transport produced fluids to an offsite facility for separation, storage and transport to market. No new pipelines for the conveyance of produced fluids to the offsite facilities are proposed. Pumping units, gathering lines, electrical connections, produced fluid tanks and ancillary equipment will continue to be used for the operation of the facility.

There is no trucking of oil & gas from the Ferndale lease. Oil and gas produced from wells drilled on the Ferndale lease is conveyed by existing pipeline to the HAMP lease, where the oil, gas and water is separated. The water is disposed of onsite at the HAMP lease, into an existing and approved injection well. The separated gas is conveyed by existing pipeline by way of the Shiells Canyon Plant and then via existing pipeline to the Santa Clara Valley Plant where it is ultimately sold into a Southern California Gas pipeline. Separated oil is shipped by existing pipeline from HAMP lease to market via the Crimson pipeline. In summary, all of the oil & gas produced on the Ferndale lease is conveyed to market by existing pipelines.

In the event of an interruption of pipeline service, produced fluids would be temporarily delivered to market by truck subject to the limitations specified in the conditions of approval of the requested CUP.

The existing equipment on the Drill Site No. 1 pad includes the following:

- Two crude oil LACT tanks (1,000 barrel capacity each)
- Two produced water tanks (1,000 barrel capacity each)
- One produced water tank (300 barrel capacity)
- One heater treater
- One vapor recovery compressor (electric)
- One gas dehydration unit
- One water filtration unit (includes backwash filter)
- One water reinjection pump
- Two 64 square foot covered sumps (approximately 300 barrel capacity each)
- One storage tank (approximately 150 barrel capacity)
- Five rod pumping units
- Eight oil and gas wells: Barker Ferndale 1, 2, 3, 4, 5, 6, Valex Ferndale 107 and 110

The existing equipment on the Drill Site No. 2 pad includes the following:

- Three rod pumping units
- Four oil and gas wells: Valex Ferndale 209, 211, 214, 215

The existing equipment on the Drill Site No. 3 pad includes the following:

- One rod pumping unit
- Two oil and gas wells: Valex Ferndale 313, and Ferndale 8

The existing equipment on the Drill Site No. 7 pad includes the following:

- Two rod pumping units
- Three oil and gas wells: Ferndale 712, 716, and 717

Hydraulic fracturing or acid well stimulation techniques subject to the draft regulations for the implementation of Senate Bill 4 are not authorized by this permit. Any such well stimulation activity requires the granting of a modification of this permit by the County of Ventura.

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

On July 9, 1985 the Board of Supervisors certified a focused Environmental Impact Report (EIR) that evaluated the environmental impacts of the project. The EIR evaluated the impacts of additional grading to expand two drill pads and create a new drill pad, relocate the previously permitted oil wells, drilling additional oil and gas wells, and access to the oil facilities. The project evaluated in the certified EIR and approved by the County of Ventura includes a total of 36 oil and gas wells.

The proposed project is comprised of the continued use of the existing oil and gas facilities, including the 17 existing oil and gas wells, and the drilling of the 19 previously authorized oil and gas wells. It does not include any additional grading or expansion of the drill pads. No new substantial environmental impacts that were not evaluated in the previous EIR have been identified for the continued use of the existing permitted wells and facilities and the proposed drilling of the 19 previously-authorized wells. There have been no circumstances identified that warrant substantial changes in the certified EIR. This EIR is attached as Exhibit 4.

The CEQA Guidelines [§ 15164(a)] state that the lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in the CEQA Guidelines (§ 15162) calling for the preparation of a subsequent EIR have occurred. The attached EIR Addendum (Exhibit 4) includes a description of the changes or additions that are necessary to the EIR and a discussion of

why the conditions described in the CEQA Guidelines which require the preparation of a subsequent EIR do not exist.

Based on the information provided above and in light of the whole record, staff recommends that the decision-maker find there is no substantial evidence to warrant the preparation of a subsequent EIR, the Addendum to the EIR (Exhibit 4) satisfies the environmental review requirements of CEQA, and the Addendum reflects the County's independent judgment and analysis.

### **C. CONSISTENCY WITH THE GENERAL PLAN**

The Ventura County General Plan *Goals, Policies and Programs* (April 6, 2010, Edition, page 4) states:

*...in the unincorporated area of Ventura County, zoning and any permits issued thereunder, any subdivision of land, any public works project, any public (County, Special District, or Local Government) land acquisition or disposition, and any specific plan, must be consistent with the Ventura County General Plan Goals, Policies and Programs, and where applicable, the adopted Area Plan.*

Furthermore, the Ventura County Non-Coastal Zoning Ordinance § 8111-1.2.1.1.a states that in order to be approved, a Conditional Use Permit must be found consistent with all applicable policies of the Ventura County General Plan.

The consistency of the proposed project with the applicable policies of the General Plan is evaluated below.

- 1. Resources Policy 1.3.2-4:** *Discretionary development shall not significantly impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins.*

The proposed project will use portable toilets during the drilling phase. Any groundwater zones encountered in the wells will be protected by established well construction design standards enforced by DOGGR. Petroleum products will be stored in existing onsite tanks and transported by existing pipelines to other permitted offsite facilities for processing, storage and transport. Other than the new wells, no new storage or processing facilities are proposed. The area of new impervious surfaces will be limited to less than one acre for the concrete foundation and cellar associated with each new well. The location of the subject oil and gas facilities is outside of the boundary of any unconsolidated groundwater basin. No substantial impact on groundwater resources that would result from the proposed project has been identified.

Based on the above discussion, the proposed project will be consistent with Policy 1.3.2-4.

- 2. Resources Policy 1.5.2-1:** *Discretionary development which could potentially impact biological resources shall be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures.*

The proposed project includes the drilling of 19 previously authorized oil and gas wells on existing drilling pads. The environmental effects of the proposed wells on biological resources is evaluated in the certified EIR. The issue of environmental effects that would result from the current proposal was again reviewed by the Planning Biologist for any potential impacts on biological resources, especially the California condor. The addition of more oil wells on existing pads that already are developed with operating oil wells would not substantially change any potentially adverse effects on condors. However, because the project site is located within a few miles west of the Hopper Mountain Wildlife Refuge condor nesting area, measures to minimize any possible effects on the condors will be imposed on the project as best management practices. The measures were developed by the County based on recommendations made by the U.S. Fish and Wildlife Service and are included in the recommended conditions of approval (Conditions No. 34-36; Exhibit 7). Since the proposed wells will be located entirely on existing drill pads and conditions will be imposed to minimize effects on the California Condor and to protect sensitive and protected species from excessive noise, the Planning Division Biologist has determined the proposed project will not create any substantial new effects on biological resources.

Based on the above discussion, the proposed project will be consistent with Policy 1.1.2-2.

- 3. Resources Policy 1.7.2-1:** *Notwithstanding Policy 1.7.2-2, discretionary development which would significantly degrade visual resources or significantly alter or obscure public views of visual resources shall be prohibited unless no feasible mitigation measures are available and the decision-making body determines there are overriding considerations.*

The proposed project site is located in mountainous terrain in the vicinity of an Eligible State Scenic Highway (i.e. Highway 150). The existing oil and gas facilities are not visible from Highway 150. The proposed 19 wells will be located on existing drilling pads and will not be visible from Highway 150 (Exhibit 5, Photographs). The drill rigs used to install the wells will be visible but are temporary features. The drilling pads are surrounded by hills and are not visible from any public viewing location. Therefore, the proposed project will not significantly degrade visual resources or significantly alter or obscure public views of visual resources.



Based on the above discussion, the proposed project will be consistent with Policy 1.7.2-1.

- 4. Resources Policy 1.8.2-1:** *Discretionary developments shall be assessed for potential paleontological and cultural resource impacts, except when exempt from such requirements by CEQA. Such assessments shall be incorporated into a Countywide paleontological and cultural resource data base.*

The proposed project involves ground disturbance in areas that have been previously disturbed for the original construction of the existing oil and gas facilities. The proposed project will involve minor grading to level the existing pads for the drilling rig and the new pumping equipment. No archaeological or paleontological resources are known to exist on the site. Although the ground disturbance activities are unlikely to encounter or reveal the presence of subsurface cultural resources, it is possible that previously unknown and undocumented subsurface resources may exist on site. Therefore, the proposed project will be subject to conditions of approval to address a discovery made during well construction. If archaeological or paleontological resources are discovered during ground disturbance activities, all activities shall cease until a County-approved consultant evaluates the resources and measures are implemented to recover or protect the identified resource (Exhibit 7, Condition Nos. 19-20).

Based on the above discussion, the proposed project will be consistent with Policy 1.8.2-1.

- 5. Hazards Policy 2.13.2-1:** *All discretionary permits shall be required, as a condition of approval, to provide adequate water supply and access for fire protection and evacuation purposes.*

**Hazards Policy 2.13.2-2:** *All discretionary permits in fire hazard areas shall be conditioned to include fire-resistant vegetation, cleared firebreaks, or a long-term comprehensive fuel management program as a condition of approval. Fire hazard reduction measures shall be incorporated into the design of any project in a fire hazard area.*

**Public Facilities and Services Policy 4.8.2-1:** *Discretionary development shall be permitted only if adequate water supply, access and response time for fire protection can be made available.*

The existing oil and gas facility is currently accessed for fire protection and evacuation purposes by a paved road connected to Highway 150. This road will continue to be available with implementation of the proposed project. The proposed project has been reviewed by the Ventura County Fire Protection

District ("VCFPD"). The VCFPD finds that the current access roads are adequate for fire and emergency response. The proposed project will be subject to conditions of approval to ensure that adequate access for fire suppression and emergency response is maintained. (Exhibit 7, Condition Nos. 59-72).

Based on the above discussion, the proposed project will be consistent with Policies 2.13.2-1, 2.13.2-2, and 4.8.2-1.

**6. Hazards Policy 2.16.2-1:** *All discretionary development shall be reviewed for noise compatibility with surrounding uses. Noise compatibility shall be determined from a consistent set of criteria based on the standards listed below. An acoustical analysis by a qualified acoustical engineer shall be required of discretionary developments involving noise exposure or noise generation in excess of the established standards. The analysis shall provide documentation of existing and projected noise levels at on-site and off-site receptors, and shall recommend noise control measures for mitigating adverse impacts.*

- (1) Noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that:
  - a. Indoor noise levels in habitable rooms do not exceed CNEL 45.*
  - b. Outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.**
- (2) Noise sensitive uses proposed to be located near railroads shall incorporate noise control measures so that:
  - a. Guidelines (1)a. and (1)b. above are adhered to.*
  - b. Outdoor noise levels do not exceed L10 of 60 dB(A).**
- (3) Noise sensitive uses proposed to be located near airports:
  - a. Shall be prohibited if they are in a CNEL 65 or greater, noise contour.*
  - b. Shall be permitted in the CNEL 60 to CNEL 65 noise contour area only if means will be taken to ensure interior noise levels of CNEL 45 or less.**
- (4) Noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:
  - a. Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.*
  - b. Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.*
  - c. Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.**

*Section 2.16.2(4) is not applicable to increased traffic noise along any of the roads identified within the 2020 Regional Roadway Network (Figure 4.2.3) Public Facilities Appendix of the Ventura County General Plan (see 2.16.2-1(1)). In addition, State and Federal highways, all railroad line operations,*

*aircraft in flight, and public utility facilities are noise generators having Federal and State regulations that preempt local regulations.*

- (5) *Construction noise shall be evaluated and, if necessary, mitigated in accordance with the County Construction Noise Threshold Criteria and Control Plan.*

The proposed project will generate temporary noise from the operation of the drilling rig(s) used to construct the proposed new wells. Long-term noise will be generated by the operation of the pumping units installed on the new wells.

The drilling activity will occur within mountainous terrain that is surrounded by hills. The nearest noise sensitive uses are two residences located within 500 feet of the existing drill pad designated as Drill Site No.1. A noise study was performed to evaluate the impacts of drilling on the ambient noise levels (Exhibit 6, Noise Study). The noise generated from the drilling rig will exceed the County threshold of compatibility for noise. A sound curtain will be required to reduce the offsite noise from the drilling rig to a less than the threshold levels specified in County policy. The proposed project will be subject to conditions of approval to maintain long-term project-related noise levels, as measured at noise sensitive uses, below the threshold levels listed in Policy 2.16.2-1 (Exhibit 7, Condition Nos. 29-31).

Based on the above discussion, the proposed project will be consistent with Policy 2.16.2-1.

- 7. Public Facilities and Services Policy 4.1.2-1:** *Discretionary development shall be conditioned to contribute land, improvements or funds toward the cost of needed public improvements and services related to the proposed development.*

The proposed project will not require public improvements and services related to the development. Therefore, no conditions of approval are required for contributions toward the cost of public improvements.

Based on the above discussion, the proposed project will be consistent with Policy 4.1.2-1.

- 8. Public Facilities and Services Policy 4.1.2-2:** *Development shall only be permitted in those locations where adequate public services are available (functional), under physical construction or will be available in the near future.*

The proposed oil and gas facilities do not require the provision of any additional public services. These facilities do not have the potential to adversely impact public services.

Based on the above discussion, the proposed project will be consistent with Policy 4.1.2-2.

- 9. Resources Policy 1.4.2-4:** *Petroleum exploration and production shall comply with the requirements of the County Zoning Ordinance and standard conditions, and State laws and guidelines relating to oil and gas exploration and production.*

The proposed petroleum exploration and production will be permitted in compliance with the requirements of the *Ventura County Non-Coastal Zoning Ordinance* (see Section D, below) and will be subject to standard conditions of approval for all oil and gas projects (Exhibit 7, Condition Nos. 21-33). The project will also be subject to California State laws related to oil and gas exploration and production (Exhibit 7, Condition No. 14). Therefore, the proposed oil and gas facility will be in compliance with all applicable requirements and laws.

Based on the above discussion, the proposed project will be consistent with Policy 1.4.2-4.

- 10. Resources Policy 1.4.2-5:** *As existing petroleum permits are modified, they shall be conditioned so that production will be subject to appropriate environmental and jurisdictional review.*

The proposed modified Conditional Use Permit will be subject to standard conditions of approval for oil and gas projects (Exhibit 7, Condition Nos. 21-33). The proposed permit modification request has undergone appropriate environmental and jurisdictional review. Any future changes will also be reviewed in accordance with *Ventura County Non-Coastal Zoning Ordinance* regulations (Exhibit 7, Condition No. 3). Therefore, the proposed oil and gas facility will be subject to appropriate review.

Based on the above discussion, the proposed project will be consistent with Policy 1.4.2-5.

#### **D. ZONING ORDINANCE COMPLIANCE**

The proposed project is subject to the requirements of the *Ventura County Non-Coastal Zoning Ordinance*.

Pursuant to the *Ventura County Non-Coastal Zoning Ordinance* § 8105-4, the proposed use is allowed in the Open Space zone district with the granting of a Conditional Use Permit. Upon the granting of the Conditional Use Permit, the applicant will be in compliance with this requirement.

The proposed project includes the construction and use of buildings and structures that are subject to the development standards of the Ventura County Non-Coastal Zoning Ordinance § 8106-1.1. Table 1 lists the applicable development standards and a description of whether the proposed project complies with the development standards.

**Table 1 – Development Standards Consistency Analysis**

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	10 acres	Yes
Maximum Percentage of Building Coverage	5	Yes
Front Setback	20 feet	Yes
Side Setback	10 feet	Yes
Rear Setback	15 feet	Yes
Maximum Building Height	35 feet	Yes

The proposed oil and gas facility is subject to the special use standards of the Ventura County Non-Coastal Zoning Ordinance § 8107-5.6. Table 2 lists the applicable special use standard and a description of whether the proposed project complies with the special use standards.

**Table 2 – Special Use Standards Consistency Analysis**

Special Use Standard	Complies?
Setbacks	Yes
Drainage Course Obstruction	Yes
Removal of Equipment	Yes
Waste Handling	Yes
Securities	Yes
Dust Prevention and Road Maintenance	Yes
Light Emanation	Yes
Reporting of Accidents	Yes
Painting	Yes
Site Maintenance	Yes
Site Restoration	Yes
Insurance	Yes
Noise Standard	Yes
Preventive Noise Insulation	Yes
Soundproofing Material	Yes
Hours of Well Maintenance	Yes
Limited Drilling Hours	Yes
Signs	Yes
Fencing	Yes
General Standards	Yes
Screening Landscaping	Yes
Inspection, Enforcement and Compatibility Review	Yes

## E. CONDITIONAL USE PERMIT FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant the requested modified conditional use permit pursuant to Section 8111-1.2.1.1 of the Ventura County Non-Coastal Zoning Ordinance. The proposed findings and supporting evidence are as follows:

**1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code § 8111-1.2.1.1.a.**

Based on the information and analysis presented in Sections C and D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

**2. The proposed development is compatible with the character of surrounding, legally established development § 8111-1.2.1.1.b.**

The proposed project involves the continued operation of an existing oil and gas facility that includes 17 existing wells with the addition of 19 new oil and gas wells on four existing permitted drilling pads. The project does not involve the creation of any new drilling pads or access roads, or the construction of substantial new ancillary facilities. The project site is located in the Ojai Oil Field in a mountainous area north of State Highway 150. This area has been historically developed with oil and gas wells and production facilities since the 1800s. The surrounding land is used for a educational institution (St. Thomas Aquinas College), agricultural production, and cattle grazing. A condition of approval is included that prevents drilling activities during the months of May and June to avoid potential conflicts with St. Thomas Aquinas College formal events. The oil and gas production facilities will be located in a region that is surrounded by hills and screened from view from any public location. The proposed changes in the existing oil and gas facilities (i.e. the addition of 19 wells) will not create any new substantial effect on the existing uses on the surrounding lands. The existing character of the area will not be substantially altered with implementation of the proposed project.

Based on the above discussion, this finding can be made.

**3. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses § 8111-1.2.1.1.c.**

The proposed oil and gas facilities will be located within the mountainous region north of Highway 150. The site is accessed by an existing paved road connected to Highway 150. The proposed project includes the addition of new wells with pumping units on the existing drill pads that are currently developed with permitted oil wells and other production facilities. No substantial grading or

alteration of the oil equipment, tankage or other production facilities will occur as a result of the installation of the new wells. The current land use of an actively operated oil field will not be substantially altered. Furthermore, the proposed project will be subject to conditions of approval to require reporting of all major incidents, maintenance of noise levels in conformance with County noise policy, and handling of hazardous materials in accordance with State and Local regulations (Exhibit 7, Condition Nos. 15-17, 23, 29-31, 53, and 54-55). Given these factors, no aspect of the proposed project has been identified that would be obnoxious or harmful or impair the utility of neighboring property.

Based on the above discussion, this finding can be made.

**4. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare § 8111-1.2.1.1.d.**

The proposed project involves changes in an existing oil and gas facility oil and gas facilities that will not substantially alter the character of the area or have substantial effects on neighboring land or uses. The proposed expanded oil and gas facilities will continue to require only two vehicle trips (4 one-way trips) for facility maintenance each day from Monday through Saturday. The production facility will be unmanned, and will not generate significant long-term noise. The project will be subject to conditions of approval to require that hazardous materials be handled in conformance with County and State regulations (Exhibit 7, Condition Nos. 23 and 53). The project would not result in significant effects on biological resources, including the California condor. No aspect of the proposed project has been identified that would be detrimental to the public interest, health, safety, convenience or welfare.

Based on the above discussion, this finding can be made.

**5. The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located § 8111-1.2.1.1.e.**

The proposed project will not substantially alter the character of the area. The existing oil production facilities have access from a paved road connected to State Highway 150. The ongoing traffic associated with the oil and gas facilities does not interfere with vehicles that arrive or depart from Thomas Aquinas College. The proposed oil and gas facilities will be compatible with the surrounding open space, agricultural and college uses. Given the rural nature of the area and the agricultural and open space zoning, substantial changes in land use in future are not foreseeable at this time.

Based on the above discussion, this finding can be made.

**6. The proposed development will occur on a legal lot § 8111-1.2.1.1f.**

The proposed project involves changes to an existing permitted oil and gas production facility. The legal lot status of the property has not been established at this time. However, oil and gas leases are separate and transferrable property rights that are exempt from the requirements of the State Subdivision Map Act. Thus, the production of oil from a subsurface reservoir under the terms of an lease of oil and gas mineral rights does not require a legal lot.

Based on the above discussion, this finding can be made.

**F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS**

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code § 65091, and Ventura County Non-Coastal Zoning Ordinance § 8111-3.1. The Planning Division mailed notice to owners of property within 300 feet of the subject project site and placed a legal ad in the Ventura County Star. As of the date of this document, the Planning Division has not received any comments regarding the proposed project.

The project site is located within the City of Santa Paula's Area of Interest. Therefore, on November 6, 2014, the Planning Division notified the City of Santa Paula of the proposed project and requested the City of Santa Paula to submit any comments that the City might have on the proposed project. On November 17, 2014, the City of Santa Paula reviewed the proposed project and had no comments (Exhibit 7).

**G. RECOMMENDED ACTIONS**

Based upon the preceding analysis and information provided, Planning Division Staff recommends that the Planning Director take the following actions:

1. **CERTIFY** that the Director has reviewed and considered this staff report and all exhibits thereto, including the proposed Addendum to the EIR (Exhibit 4), and has considered and has considered all comments received during the public comment process;
2. **FIND**, based on the whole of the record before the Planning Director, that there is no substantial evidence that the project will have a significant effect on the environment, that the Environmental Impact Report Addendum satisfies the environmental review requirements of CEQA, and that the Addendum reflects the Planning Director's independent judgment and analysis;

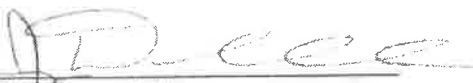


3. **MAKE** the required findings for the granting of a modified conditional use permit based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** modified Conditional Use Permit PL13-0150, subject to the attached conditions of approval (Exhibit 7).
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the permit has been approved, conditionally approved or denied (or on the following workday if the 10<sup>th</sup> day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact Jay Dobrowalski at (805) 654-2498 or via e-mail at [jay.dobrowalski@ventura.org](mailto:jay.dobrowalski@ventura.org).

Prepared by:

  
Jay Dobrowalski, Case Planner

Reviewed by:

  
Brian R. Baca, Manager  
Commercial-Industrial Permits Section

#### EXHIBITS

- Exhibit 2 – Location Map
- Exhibit 3 – Detailed Project Description
- Exhibit 4 – CUP 3344 Environmental Impact Report and Addendum
- Exhibit 5 – Photographs
- Exhibit 6 – Noise Study
- Exhibit 7 – Conditions of Approval
- Exhibit 8 – Email from Janna Minsk to Jay Dobrowalski dated November 17, 2014