



Memorandum

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • ventura.org/rma/planning

DATE: June 10, 2015
TO: Honorable Planning Commission
FROM: Brian R. Baca, Manager
Jay Dobrowalski, Case Planner

BBB

SUBJECT: CRC (Vintage) Oil and Gas Project, PL13-0150: Information for the June 11, 2015 hearing

This Memorandum provides responses to the public comments received in the late submittals for the June 11, 2015 hearing on the PL13-0150 application. Other information to be included on the record is also provided for the consideration of your Commission.

RESPONSES TO PUBLIC COMMENT

Five letters of public comment were received after the preparation of the staff report. Marked copies of these letters are attached and responses to each comment presented therein are provided in the following table.

Letters of Public Comment

Exhibit #	Date	Author	Description
A	Undated	Anonymous (i.e. "Blue Tomorrow, LLC")	Santa Paula Creek Hydrology & Floodplain Research, Ferndale Lease, Ojai
B	6-29-15	John Whitman	Letter to the County of Ventura regarding Case No. PL13-0150
C	6-8-15	Jeff Kuyper	Letter to the Planning Commission on behalf of Los Padres Forest Watch.
D	6-8-15	Anonymous (i.e. "CFROG legal advisory board")	Email of comments
E	6-8-15	Elaine Needham	Letter of comment

County of Ventura
Planning Commission Hearing
PL13-0150
**Exhibit 7 – Staff Memo in Response
to Public Comments**

Responses to the public comments provided in the following table and are numbered in correspondence with the attached marked copies of each letter.

Responses to Comment: Late Submittals

Exhibit #	Comment #	Response
A	1 (Entire document)	<p>This unsigned document purports to be an analysis of hydrologic conditions along Santa Paula Creek as they relate to Drillsite #7. This document includes the following disclaimer:</p> <p><i>“Data Disclaimer: This study was performed for research purposes and to provide information about the study reach, and is not intended to be used for official floodplain determinations and insurance purposes without additional review by a professional engineer. Blue Tommorrow and its contractors are not liable for any damages that may result from the use of data or analysis contained in this study.” [emphasis added]</i></p> <p>Pursuant to the California Business and Professions Code, certain fields of work can only be practiced by individuals licensed by the State of California. These fields include geology and engineering. This requirement is recognized in the above disclaimer. Furthermore, companies or partnerships cannot practice professional work. An engineering or geology report is not valid unless signed or stamped by the licensed professional responsible for the work. As the Blue Tomorrow report discloses that it is “not intended for official floodplain determinations” and is not signed by a licensed professional, it does not constitute substantial evidence on the record of any inadequacy of the County’s analysis of flood hazards pertaining to Drillsite #7. The County’s analysis of flood plain issues pertaining to well setbacks at Drillsite #7 is included in the EIR Addendum and is supported by the review and signature of three licensed professionals (James O’Tousa,</p>

		<p>CEG; Katherine McCunney, RCE; Brian R. Baca, CEG).</p> <p>In summary, the County only recognizes “official” floodplain determinations signed by a licensed professional, not unofficial and anonymous determinations. The Blue Tomorrow report is inadequate for County use.</p> <p>Based on the above discussion, no further response to the Blue Tomorrow report is warranted or provided.</p>
B	1	<p>The commenter refers to the “continuation of oil operations and trucking on Koenigstein Road.” This comment appears unrelated to the PL13-0150 application under review. The proposed modified CRC oil and gas facility does not include the trucking of produced fluids and is not located on Koenigstein Road. In any case, no impacts on the Koenigstein Road area have been identified.</p>
B	2	<p>The commenter makes general statements about the “environmental hazards” of the oil industry but does not identify any specific hazard or impact involving the proposed project. Thus, no specific response is required or possible.</p>
B	3	<p>The commenter’s opinion that all CUPs for oil operations should be revoked does not include any commentary specific to the PL13-0150 application under review by the County. Thus, no specific response is required or possible.</p>
B	4	<p>The commenter characterizes the petroleum industry as an “<i>ugly, polluting oil monster</i>” but does not provide any comment specific to the PL13-0150 application under review. Thus, no specific response is required or possible.</p>
C	1	<p>As described in the EIR Addendum, a subsequent EIR was not required in accordance with the standards established in Section 15162 of the CEQA Guidelines. This comment does not provide any substantial evidence that would require the preparation of a subsequent EIR.</p>
C	2	<p>As stated by the County Planning Division biologist at the September 25, 2014 Planning Commission hearing, “<i>there is</i></p>

		<i>no evidence that a condor has been injured or killed by operating oil equipment.”</i> In particular, no evidence has been presented that the active oilfield operations in the County pose a significant risk of harm to the condors. Thus, the existence of condors in the Los Padres National Forest does not form the basis for a requirement that a Subsequent EIR be prepared. Refer to response to comment G-21 in the EIR Addendum.
C	3	This comment does not identify any impact of the existing oil and gas facilities on public access to the recreational areas in the Los Padres National Forest. In compliance with the conditions of approval of the current conditional use permit, the applicant has maintained public trail access around Drillsite #7. Refer to response to comment D-4 in the EIR Addendum.
C	4	None of the four drillsites included in the existing and proposed oil and gas facility are located within the mapped limits of the archaeological site identified as the Chumash village of <i>Sis'a</i> . These limits are shown on Page 19 of the October 4, 1984 certified EIR for the subject facility. The EIR concluded that impacts on this archaeological site due to the oil and gas operations will be less than significant. No substantial evidence has been presented that the continued use of existing drillsites will result in a significant impact on cultural resources. Refer to the staff response to CFROG Appeal Issue No. 10 on Page 15 of the Planning Commission staff report for the June 11, 2015 hearing.
C	5	In the granting of the original conditional use permit, and in the granting of numerous subsequent modifications, the County decision-makers found that the use of four isolated drillsites for oil and gas activities is compatible with the surrounding rural land uses, and the nearby college. At the June 11, 2015 <i>de novo</i> hearing, the Planning Commission will determine if the oil and gas activities remain compatible with the surrounding uses.
C	6	There have been Notices of Violation issued to the operator of the oil and gas facility in the past. These violations were resolved through the permitting process. No active Notices of

		Violation are currently outstanding for this facility. Staff recognizes that Drillsite #7 has not been paved as required by the conditions of approval. No action has been taken because such paving would be inconsistent with current stormwater quality practices and regulations. Staff has recommended that the paving requirement be eliminated.
C	7	There have been three Negative Declarations and two environmental impacts reports prepared to evaluate the existing oil facility, including a total of 36 oil wells on the four existing drillsites. The two EIRs comprise the "certified EIR" (Exhibit 4c of the Planning Commission staff report for the June 11, 2015 hearing) for the approved oil and gas facility. An EIR Addendum (Planning Commission Exhibit 4d) has been prepared for the permit modification request currently under review. These environmental documents reflect the extensive environmental review that has been conducted to evaluate the impacts of the CRC oil and gas facility. The assertion that "no or little environmental review" has been conducted is incorrect.
C	8	This comment does not raise any specific issues. Thus, no specific response is required or possible.
C	9	The decision to require the preparation of a subsequent EIR must be based on substantial evidence (as defined in Section 15064(f)(5) of the CEQA Guidelines) in accordance with Section 15162 of the CEQA Guidelines. No substantial evidence has been presented to the County that would trigger the requirement to prepare a third EIR for the subject oil and gas facility.
C	10	No active Notices of Violation are currently outstanding for this facility. Staff recognizes that Drillsite #7 has not been paved as required by the conditions of approval. No action has been taken because such paving would be inconsistent with current stormwater quality practices and regulations. Staff has recommended that the paving requirement be eliminated. The requested permit, with the recommended conditions of approval would serve to abate all potential violations. Thus, there is no basis to nullify the permit application. Refer to responses to comment Nos. 1, 3 and 4 in the May 26, 2015

		staff memorandum (Planning Commission Exhibit 6).
C	11	No new potentially significant impacts have been identified to result from the proposed modified permit. Thus, no changes in the project are required on the basis of environmental impacts. Regardless, staff is recommending that the USFWS service recommended measures to minimize potential adverse effects on the California condor be incorporated into the conditions of approval.
C	12	Should the Planning Commission grant the appeal, in whole or in part, it will decide on the amount of any refund due to the appellant.
C	13	The existing 17 wells were all drilling in 1990 or earlier. As a result of several permit modifications, the drilling period for the additional 19 wells did not expire until 2011. The request permit modification would extend this period into the future. This comment refers to "the significant impacts of drilling" but does not explain what those impacts are or provide substantial evidence of such impacts. The EIR Addendum evaluated the current proposal to drill an additional 19 wells on existing drillsites and does not identify any significant environmental impacts.
C	14	<p>The comments presented in this section largely reiterate the comments made in the February 11, 2015 letter by Jeff Kuyper of Los Padres Forest Watch (included in Planning Commission Exhibit 6). The May 26, 2015 staff memorandum (also included in Planning Commission Exhibit 6) addresses the issues raised.</p> <p>In summary, a discretionary permit application can be processed if the granting of the permit would abate any identified violations. Thus, the Planning Commission can modify the conditions of approval or make other changes in the project to address any perceived issues of non-compliance. For example, the scope of required landscaping on Drillsite #7 is currently subject to the discretion of the Planning Director. It is appropriate for the Planning Director (and the applicant) to receive direction from the Planning</p>

		Commission on this and other issues. In any case, a Notice of Violation has not been issued for the CRC facility. Planning Division staff recommends that the next compliance review reflect any revised conditions that may be imposed by the Planning Commission, rather than the current permit which carries an expiration date of February 17, 2015.
C	15	The EIR Addendum evaluates the proposed project against the standards listed in Section 15162 of the CEQA Guidelines. No substantial evidence has been identified that requires the preparation of a Subsequent EIR in accordance with Section 15162.
C	16	The commenter asserts that significant impacts on visual resources along a public trail will result from the installation of additional wells on Drillsites #1 and #7. This issue is addressed in responses to comments D-4, G-12, G-14 G-15, G-16 and G-17 included in the EIR Addendum (Exhibit 4d). In summary, these drillsites are existing facilities and the installation of additional wells will not substantially alter the visual character of the area. There will be no change in or obstruction of the public trail that passes by drillsites #1 and #7.
C	17	The discretionary development under review by the County largely involves the continuing operation of an existing facility. Given the lack of substantial changes from the existing setting, the Planning Director made the required findings of consistency with General Plan policy and approved the project. In its consideration of the appeal, Planning Division staff recommends that the Planning Commission take a similar action.
C	18	The commenter refers to the " <i>overwhelming dominance of the oil operation along this trail...</i> " to describe the effect of drillsites #1 and #7. Drillsite No. 1 extends about 400 feet along a paved asphalt road just north of Thomas Aquinas College. The paved road that extends past Drillsite #1 and ends at Drillsite #7 serves as a portion of the public trail to Santa Paula Canyon. Drillsite #7 extends about 500 feet along a section of the trail. In a trail that extends more than 10 miles into the Los Padres National Forest, 1,000 feet of oil site

		frontage does not constitute an “overwhelming” visual effect. Refer also to response No. 16 above.
C	19	The comments presented in this section largely reiterate the comments made in the February 11, 2015 letter by Jeff Kuyper of Los Padres Forest Watch (included in Planning Commission Exhibit 6). The May 26, 2015 staff memorandum (also included in Planning Commission Exhibit 6) address the issues raised. In summary, a discretionary permit application can be processed if the granting of the permit would abate any identified violations. Thus, the Planning Commission can modify the conditions of approval or make other changes in the project to address any perceived issues of non-compliance. For example, the scope of required landscaping on Drillsite #7 is currently subject to the discretion of the Planning Director. It is appropriate for the Planning Director (and the applicant) to receive direction from the Planning Commission on this and other issues. In any case, a Notice of Violation has not been issued for the CRC facility. Planning Division staff recommends that the next compliance review reflect any revised conditions that may be imposed by the Planning Commission, rather than the current expiring permit.
C	20	The comments assert that the risks from oil spills have increased since the previous analysis. No evidence is presented here that the pipelines that convey produced fluids from the project site constitute a substantial risk or that they represent a greater risk than previously envisioned. In any case, such pipelines are permitted and regulated by the California Division of Oil and Gas and Geothermal Resources (DOGGR) pursuant to Public Resources Code Section 3106.
C	21	Refer to Response to Comment G-21 in the EIR Addendum (Exhibit 4d) and Response to Comment C-2 above regarding potential effects on California condors. As stated by the County Planning Division biologist 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> In particular, no evidence has been presented that the active oilfield operations in the County pose a significant risk of harm

		to the condors. Despite this circumstance, the measures to minimize adverse effects on condors recommended by the US Fish and Wildlife Service are included in the recommended conditions of approval.
C	22	The first of the measures listed in the July 18, 2013 USFWS letter is not a mitigation measure but a land use policy that has not been adopted by any local, State or Federal agency. As explained in Response to Comment G-21 in the EIR Addendum (Exhibit 4d), any condor that utilizes a nesting or roosting site at a remote location will have to fly to an oil and gas facility to be adversely affected. The other 22 measures recommended by the USFWS address that circumstance. No component of an oil and gas facility will travel to the nest to attack condors.
C	23	The July 18, 2013 letter from the USFWS states that the <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 projects."</i> Thus, the USFWS recognizes that the measures they recommend are not adopted laws or regulations, but rather suggestions to be considered by the County Planning Director in the processing of oil and gas permit requests. The County's inclusion of these measures in the recommended conditions of approval constitute a Best Management Practice and not mitigation measures to address potentially significant environmental impacts.
C	24	Refer to Response to Comment C-1 in the EIR Addendum (Exhibit 4d) regarding the issue of steelhead trout. In summary, the Planning Division Biologist determined that the proposed addition of 5 new wells on the existing Drillsite #7 will not result in a significant impact on the biological resources associated with Santa Paula Creek.
C	25	Refer to Responses to Comments B-4, B-7, B-8, B-9, F-2, and G-12 in the EIR Addendum (Exhibit 4d). The only proposed addition to the existing facilities are the 19 oil wells. Oil wells operate under a Permit to Operate issued by the Ventura County Air Pollution Control District (VCAPCD). Such facilities

		are not considered to have the potential to cause a significant impact on air quality according to the adopted Air Quality Assessment Guidelines. The Greenhouse Gas analysis presented in the EIR Addendum has been reviewed and found adequate by the VCAPCD.
C	26	It is not required that an Initial Study be prepared for every project. In the case where there is already a certified EIR (in this case, two certified EIRs), some kind of supplementary CEQA document will be required. For file distribution purposes, the "Addendum" box was checked by counter staff. During the preparation of an EIR Addendum, the standards of Section 15162 of CEQA Guidelines are evaluated to determine if a Subsequent or Supplemental EIR is required. In any case, the type and content of the CEQA document is not finalized until a decision on the project is made.
C	27	This comment refers to environmental review procedures and does not any specific aspect of the proposed project. The "Certified EIR" for purposes of the current application includes the two previously certified EIRs. The 1984 EIR includes the 1983 MND.
C	28	Should the Planning Commission grant the appeal, in whole or in part, it will decide on the amount of any refund due to the appellant.
D	1	The commenter is correct in that the proposed project involves a discretionary permit action by the County decision-makers. Regardless of the terms of the conditions of approval, the County Non-Coastal Zoning Ordinance (NCZO) provides that a permittee may apply for a permit modification at any time prior to the expiration date of an existing permit.
D	2	The authorization to drill the requested 19 new wells expired in 2011. Thus, the request to drill these wells constitutes a new project subject to CEQA.
D	3	The applicant is not obligated to disclose the "precise reason" for the request to drill 5 wells on Drillsite #7. The County is obligated to review whatever land use changes are proposed by the applicant. The scope of the environmental review under CEQA is limited to the effects of the installation of the

		proposed 19 wells. The existing facilities and wells are part of the baseline setting from which impacts are identified.
D	4	<p>Refer to response to comment D-1 above regarding the submittal of a permit modification application.</p> <p>Two EIRS have been prepared for the subject oil and gas facility. These EIRs evaluate the impacts of drilling 36 wells. Unless the findings required by Section 15162 of the CEQA Guidelines are made, staff is prohibited from requiring the preparation of a new EIR. As indicated in the EIR Addendum (Exhibit 4d), no substantial evidence has been identified that would require a Subsequent or Supplement EIR to be prepared.</p>
D	5	The oil, gas and wastewater are all shipped offsite by pipeline to consolidated facilities on the nearby Hamp Lease. This arrangement was approved years ago and is consistent with NCZO Section 8107-5.5.4 which encourages the sharing of facilities and NCZO Section 8107-5.5.5 which encourages the use of pipelines to transport crude oil.
D	6	<p>The commenter is correct in that Drillsite #7, as described in the certified EIR, was proposed to be 0.86 acres in area. This site area dates from the original proposal submitted in 1982. The design was later finalized in obtaining a grading permit as required by the conditions of approval of CUP 3344-8 to encompass 1.5 acres of pad area. This drillsite was constructed in 1988 and has not been altered since its original construction. The Planning Division determined in a compliance inspection conducted on 1-25-88 that the newly created pad was <i>"well prepared, is adequately fenced, and appears ready for the drilling program"</i> and that there were <i>"no outstanding violations of permit conditions."</i> The County Public Works Agency approved the "as-built" grading plan for Drillsite #7 on 3-15-89. The County Planning Division recognized this drilling pad as permitted with the issuance of three zoning clearances for oil wells to be drilled on this site in 1989 and 1990. In addition, a discretionary permit modification granted by the County in 1997 for this oil and gas facility includes Drillsite #7 in its current configuration. Thus, Drillsite</p>

		<p>#7 has been permitted in its current configuration and constitutes the existing setting for environmental review. In any case, the commenter does not identify any new impacts that would be associated with a pad that is approximately 28,000 square feet larger than described in the EIR.</p> <p>With regard to Drillsite #2, the proposed project does not involve an enlargement of Drillsite #2. Drillsite #2 was enlarged to its current 1.3 acre size with the granting of a CUP modification in 1985.</p>
D	7	<p>Refer to the staff response to CFROG Appeal Issue No. 7 in the Planning Commission staff report for the June 11, 2015 hearing. In summary, the amount of water required to drill the proposed 19 new wells would average 0.33 acre-feet per year over the 30-year life of the project. This is the equivalent of the water demand of a small single family dwelling. The public has had the "opportunity to evaluate the potential use of water" associated with the project through the current proceedings before the Planning Director and the Planning Commission. No evidence has been presented that any downstream water user has been or will be affected by water use by the college or oil facility.</p>
D	8	<p>The drain from the engineered pad of Drillsite #7 is not proposed to change. The installation of 5 new wells on this pad will involve a negligible increase in the area of impervious surfaces. Thus, no new significant impacts on water quality have been identified.</p>
D	9	<p>Refer to Response to Comment A-1 above. In summary, the undated and unsigned Blue Tomorrow report is inadequate for County use. It does not meet minimum standards for the preparation of an engineering report.</p>
D	10	<p>There is no evidence on the records that the location of the oil pipelines are subject to severe landslide hazards.</p> <p>No evidence is presented here that the ongoing use of the existing pipelines that convey produced fluids from the project</p>

		<p>site constitute a substantial risk. In any case, such pipelines are permitted and regulated by the California Division of Oil and Gas and Geothermal Resources (DOGGR) pursuant to Public Resources Code Section 3106. Planning Division staff contacted the DOGGR District 2 office and was informed that CRC was in compliance with pipeline inspection and maintenance requirements.</p>
D	11	<p>The assertion in this comment is made without evidence or analysis. Any evaluation of landslide hazards must be performed by a geologist licensed to practice by the State of California. Thus, this comment does not constitute substantial evidence.</p> <p>The potential for landslides to affect the oil facilities on Drillsite #7 is evaluated in the February 10, 2015 memorandum by professional geologist Brian R. Baca (PG 4571, CEG 1922, CHG 398). Mr. Baca concludes that "the slope is stable and occasional rock fall does not constitute a substantial geologic hazard to the oil wells or to oil company personnel."</p>
D	12	<p>Refer to the staff response to CFROG Appeal Issue No. 7 in the Planning Commission staff report for the June 11, 2015 hearing. In summary, the proposed project does not have the potential to make a considerable contribution to a cumulative impacts in the issue areas of air quality, traffic, biological resources, visual resources or water resources. This conclusion is based on the lack of new grading, permitting of all facilities by the VCAPCD, the lack of truck traffic due to the conveyance of fluids by pipeline, the lack of substantial change in visual character, and the minimal amount of water to be used in the drilling process.</p>
D	13	<p>As indicated in all of the responses to comment included in this document, no substantial evidence has been presented that requires the preparation of a subsequent EIR in accordance with Section 15162 of the CEQA Guidelines.</p>
E	1	<p>This letter makes general comments about the use of water by the oil industry and recommends that all oil CUPs in the Upper Ojai area be revoked. Issues involving water demand</p>

		are addressed in the EIR Addendum (Exhibit 4d) and in the Planning Commission staff report for the June 11, 2015 hearing.
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OTHER INFORMATION FOR THE PLANNING COMMISSION

Typographical error correction:

The following sentence in Response to Comment C-2 of the EIR Addendum (Exhibit 4d) is corrected as indicated below:

“The installation of an oil well only involves an increase in impervious surfaces of about 400 40 square feet.”

January 8, 2015 Memorandum:

The attached Memorandum from Jay Dobrowalski to Kim Prillhart dated January 8, 2015, was made a part of the record for the Planning Director Hearing. This Memorandum was inadvertently omitted from the Planning Commission hearing documents provided for the June 11, 2015 hearing.

Clarification of Condition of Approval #7:

To clarify the setback requirements for any new wells drilled on Drill Site No. 7, staff has revised the language of Condition No. 7 (Consolidation of All Approved Exhibits and Permits). The revised language is as follows:

7. Consolidation of All Approved Exhibits and Permits

Purpose: To ensure compliance with and notification of requirements of the Non-Coastal Zoning Ordinance Section 8107-5.6, and other federal, state or local government regulatory agencies.

Requirement: The Permittee shall provide the Planning Division with documentation to verify that the Permittee has satisfied all requirements of Section 8107-5.6 of the Non-Coastal Zoning Ordinance, including the setback standards of NCZO Section 5.6.1 as described in the February 12, 2015 Public Works Agency Memorandum (O'Tousa) and the February 10, 2015 Planning Division Memorandum (Baca), and obtained or satisfied all other applicable federal, state and local entitlements and conditions requirements.

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 use inauguration or as dictated by the respective agency, and prior to drilling any new well on Drill Site No. 7.

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.

Attachments:

1. Copy of unsigned "Blue Tomorrow LLC" report
2. Marked copy of letter by 5-29-15 John Whitman
3. Marked copy of 6-8-15 letter by Jeff Kuyper
4. Marked copy of 6-8-15 letter by "CFROG Legal Advisory Board."
5. Marked copy of 6-8-15 letter by Elaine Needham
6. Memorandum to K. Prillhart dated 1-8-15.

Santa Paula Creek Hydrology & Floodplain Research
Ferndale Lease, Ojai Oil Field – Drill Site No. 7



Prepared by:
Blue Tomorrow, LLC



Prepared for:
Citizens For Responsible Oil and Gas (CFROG)



County of Ventura
Planning Commission Hearing
PL13-0150
Exhibit A - Santa Paula Creek Report

EXECUTIVE SUMMARY

This study was designed to research a reach (“study reach”) of the Santa Paula Creek adjacent to Drill Site No. 7 (DS7) in the Ferndale Lease of the Ojai Oil field. Three cross-sectional profiles were surveyed in the study reach, and several discharge estimates were derived (50, 100, 200, and 500-year flood events). Additionally, the hydrology and drainage of DS7 was investigated during a small storm event, and the Santa Paula Creek watershed and study reach are briefly described with regards to climate, geomorphology (channel erosion, deposition, and scour processes), and steelhead habitat.

The Santa Paula Creek watershed has a very steep upper watershed that is a considerable source of sandstone and bedload material to the drainage channels downstream. The steep relief and periodic high-intensity storms leads to flashy discharges and flooding. Santa Paula Creek has diverse geomorphology and habitat characteristics that make it highly productive steelhead habitat. This area is one of the most productive steelhead habitats in the larger Santa Clara Watershed, which has suffered considerable declines in steelhead abundance over the last 100 years due to habitat destruction, fish migration barriers, water quality impacts, and other impacts resulting from urbanization.

To estimate flood stage elevations, the study followed USDA, USGS, FEMA, and USACE protocols and procedures to survey, assess, and model (using HEC-RAS) the study reach of the upper Santa Paula Creek near DS7. The best discharge estimates for the 50 and 100-year flood events at the study reach are 17,200 and 24,200 cubic feet per second (cfs), respectively. These estimates were derived from a Hydrological Simulation Program - FORTRAN (HSPF) model developed by AQUA Terra Consultants for the Ventura County Watershed Protection District (VCWPD). When used with the surveyed cross-sections, these discharge estimates translate to a 100-year flood water height of between 3.9 feet below the top of the DS7 berm at the upstream end of the study reach, to 11.7 feet below the berm on the downstream end of the reach. It is estimated that a discharge of approximately 39,000 cfs would be needed to top the berm on the upstream end of DS7, which has between a 0.5% and 0.2% probability of occurrence in any year.

The outer edge of DS7 is located within 50 feet of the “top of bank” (defined as four vertical feet above the 50-year flood mark in previous County documentation), and the oil wells currently located on DS7 are within 300 feet of the “top of bank”. The drain pipe at the northwest corner of DS7 drains about 50 feet downslope to approximately the 100-year flood mark. The Ventura County Non-Coastal Zoning Ordinance states that wells and permanent oil field infrastructure should abide by a 300 foot setback “... 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...” Given the drainage of DS7 and its location near the creek, increasing the amount of oil wells and impervious area may pose a water quality risk if not properly mitigated.

Acronyms

DS7	Drill Site No. 7
DOGGR	Department of Oil, Gas, and Geothermal Resources
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
GIS	Geographic Information System
HEC-RAS	US Army Corps of Engineers Hydrologic Engineering Centers River Analysis System
HSPF	Hydrological Simulation Program - FORTRAN
LARWQCB	Los Angeles Regional Water Quality Control Board
USACE	US Army Corps of Engineers
USGS	United States Geological Survey
VCFCB	Ventura County Flood Control District
VCWPD	Ventura County Watershed Protection District
XS-A	Cross-Section A
XS-B	Cross-Section B
XS-C	Cross-Section C

1.0 | WATERSHED OVERVIEW

Santa Paula Creek is tributary to the Santa Clara River and drains roughly 64 square miles¹. This study focuses on a reach ("study reach") of the upper Santa Paula Creek, upstream of the Highway 150 bridge-crossing and the confluence with Sisar Creek. The study reach is located in Santa Paula Canyon, upstream of Thomas Aquinas College, directly downstream of the confluences of La Broche Canyon and Echo Falls Canyon, and adjacent to Drill Site No. 7 in the Ferndale oil lease (Figure 1 and 2).

1.1 Study Reach Characteristics

The headwaters of Santa Paula Canyon drainage are found within the steep south-facing slopes of the Topatopa Mountains, and the vegetation cover in the upper watershed is scrub-chaparral and mixed forest¹. The main stem of Santa Paula Creek originates near Hines Peak (elevation of roughly 6,600 ft or 2,000 m) and flows down a steep (>6% grade) bedrock-laden canyon¹ before joining with the East Fork of the Santa Paula Creek (about 1.6 miles upstream of DS7). Two other intermittent tributaries (La Broche and Echo Falls Canyons) drain into the Santa Paula Creek just above DS7, which has an elevation of approximately 1,130 feet. The Santa Paula Creek tributaries draining upstream of the study reach are designated Hydrologic Unit Code (HUC) #18070102090².

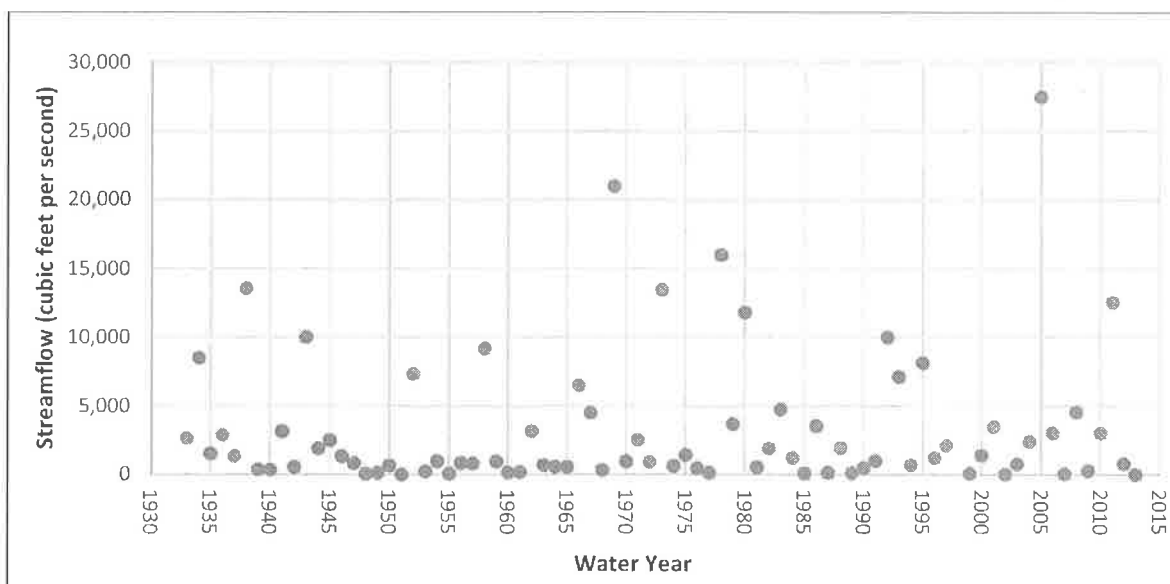
Field surveys conducted for the study identified bankfull indicators in the study reach. Measurement of these indicators showed the bankfull discharge (approximately the 2-year event; or 50% annual reoccurrence probability) to have an estimated stage height of roughly 1.6 to 2 feet above the deepest point in the channel (thalweg), and a width of 25 to 32 feet.

According to the Federal Emergency Management Agency (FEMA), the area encompassing DS7 is classified as Zone D; areas where there are possible but undetermined flood hazards. Limited analysis of flood hazards have been conducted for DS7. Section 3.0 presents estimates of flood heights relative to DS7 and their associated reoccurrence intervals. According to these estimates, the width of the 200-year floodplain widens in the downstream direction along the study reach from approximately 160 to 290 feet.

1.2 Precipitation and Discharge

Precipitation in the Santa Paula Creek watershed primarily occurs from November through April and is highly variable. The area is known to experience multi-year droughts and periodic high-intensity storm events (correlated to the El Nino-Southern Oscillation phenomenon)¹. Figure 2 shows the annual precipitation registered at the Ferndale Ranch gage, near Thomas Aquinas College, roughly one mile south of DS7.

Figure 3 – Santa Paula Creek Peak Streamflow at USGS gage. Data obtained from US Geologic Survey gage 11113500 near Santa Paula⁴.



1.3 Channel Morphology

Upstream of the study reach and DS7, the Santa Paula Creek channel is braided (Picture 1), due to the steepness of slope and large sediment supply in the upper watershed, and the limited bedload transport of the study reach compared to the upstream supply. The channel substrate along the study reach at DS7 is primarily cobbles (6.4-25.6 cm) and boulders (>25.6 cm) with interspersed gravel deposits. There is an abundance of alder trees in the riparian corridor, and the floodplain is littered with fallen trees, branches, boulders, and other debris (Appendix Section 7.3 – Photo Log).

The morphology of Santa Paula Creek is shaped through the intense storms and flashy discharges, and is highly sensitive to bedrock and infrastructure constrictions¹. Following the 2005 flood event (the largest recorded discharge), part of the study reach shifted approximately 225 feet to the north (away from DS7) to its present location. The large peak discharges and plentiful headwater sediment production, combined with the natural variations in channel slope and bedrock outcrops, create diverse morphology and habitat characteristics throughout the watershed.

1.4 Santa Paula Creek Steelhead Habitat

The Santa Paula Creek watershed has some of the most productive and high quality steelhead habitat in the larger Santa Clara River watershed⁵. There are many habitat quality indicators in this watershed that suggest the Santa Paula Creek is better habitat than the larger Sespe Creek watershed and its tributaries that drain the Sespe wilderness. These indicators include lower water temperatures, abundance of spawning gravel, low substrate embeddedness, and a high percentage of stream cover. The Santa Paula Creek subwatershed has recently shown to have the second greatest abundance of steelhead trout in

2.0 | STREAM DISCHARGE ESTIMATES

This section describes the methods used to estimate the flood magnitude for the 50, 100, 200, and 500-year reoccurrence intervals (annual reoccurrence probability of 2%, 1%, 0.5%, and 0.2%) for the study reach adjacent to Drill Site No. 7 (DS7). The flood discharge estimates were used to calculate the flood stage height for three cross-sections located in the study reach (the methods and analysis for estimating stage height are described in Section 3.0).

The estimates of flood discharge for the study reach range from 7,100 to 17,200 cfs for the 50-year event, and 9,800 to 24,200 cfs for the 100-year event (Table 2). The highest estimates are considered the best and were taken from a HSPF model of the Santa Paula Creek. The model was calibrated to the downstream USGS gage and takes into account precipitation, topography, soils and other physical conditions influencing hydrology in the watershed, to derive the estimates. USGS regional regression equations were also used to derive estimates, but appear to be underestimating discharges in this watershed.

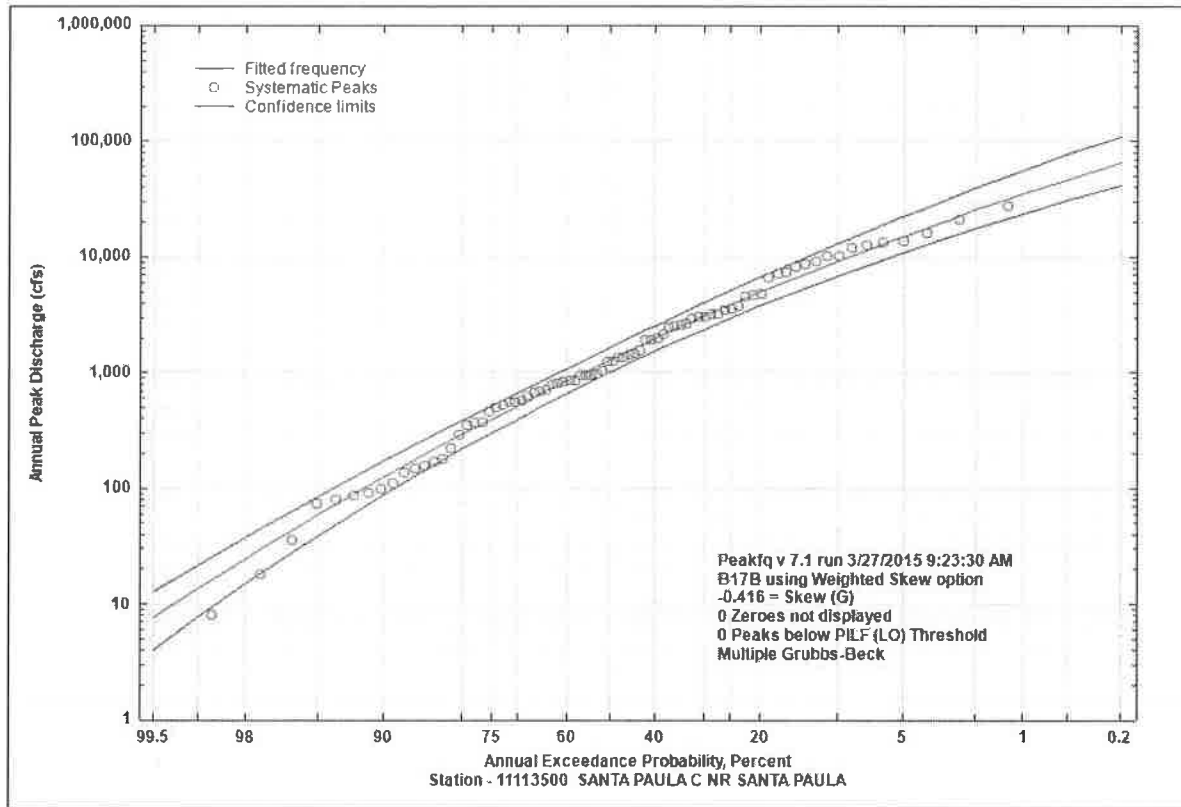
2.1 Estimating Discharge

There are several methods that flood frequency and magnitude can be estimated, but there is still considerable uncertainty even in the best methods due to the lack of long-term and accurate observations. The method for estimating reoccurrence intervals that is widely used and accepted in the United States is the Guidelines for Determining Flood Flow Frequency described in Bulletin 17B, and involves a Log-Pearson Type III regression analysis of gaged annual peak discharge data. The longer the gage record the better the estimate, but as a rule-of-thumb, gage records of less than 10 years should not be considered for Bulletin 17B analysis. The uncertainty only increases when estimating flood discharges at ungaged sites.

One method recommended by the USGS and FEMA for Estimation of Flood Magnitude and Frequency at Ungaged Sites involves regionalized regression equations based on the Bulletin 17B analysis of many stream gages within a hydrologic region. The uncertainty in this regression method of estimation can be reduced if nearby stream gages are considered, and proper weighting is used to refine the estimate generated by the USGS regression equations.

Another method that can be used to estimate flood frequency and magnitude at ungaged sites involves watershed modeling. Physical watershed modeling that takes into account several watershed variables and parameters known to affect stream discharge can be an accurate estimation method, especially when properly calibrated to one or more downstream gages that have a sufficiently long data record. Watershed modeling can be very time consuming and was not undertaken for this study, but estimates were derived from a Hydrological Simulation Program FORTAN (HSPF) modeling study of the Santa Clara River watershed developed by AQUA Terra Consultants for the Ventura County Watershed Protection District (VCWPD)¹⁰.

Figure 4 – A Log-Pearson Type III curve fitted to the 80 year annual peak discharge record at the Santa Paula Creek USGS gage (#11113500) located near Steckel Park. This is a flood frequency analysis and output graphic from the USGS PeakFQ program which implements both the Bulletin 17B and Expected Moments Algorithm (EMA) procedures. The confidence limits shown as blue lines represent the 90% confidence interval¹².



The HSPF model of the Santa Paula Creek watershed was calibrated to the USGS gage (#11113500) and precipitation gages throughout the watershed. This model takes into account the physical hydrologic processes within the watershed as well as hydraulic routing through the drainage channels. The subwatershed used in the model generated estimates for the USGS gage (Table 1) was slightly larger than the watershed area reported by the USGS to be above the gage near Steckel Park, which may be responsible for the estimates being slightly larger than those generated by Bulletin 17B.

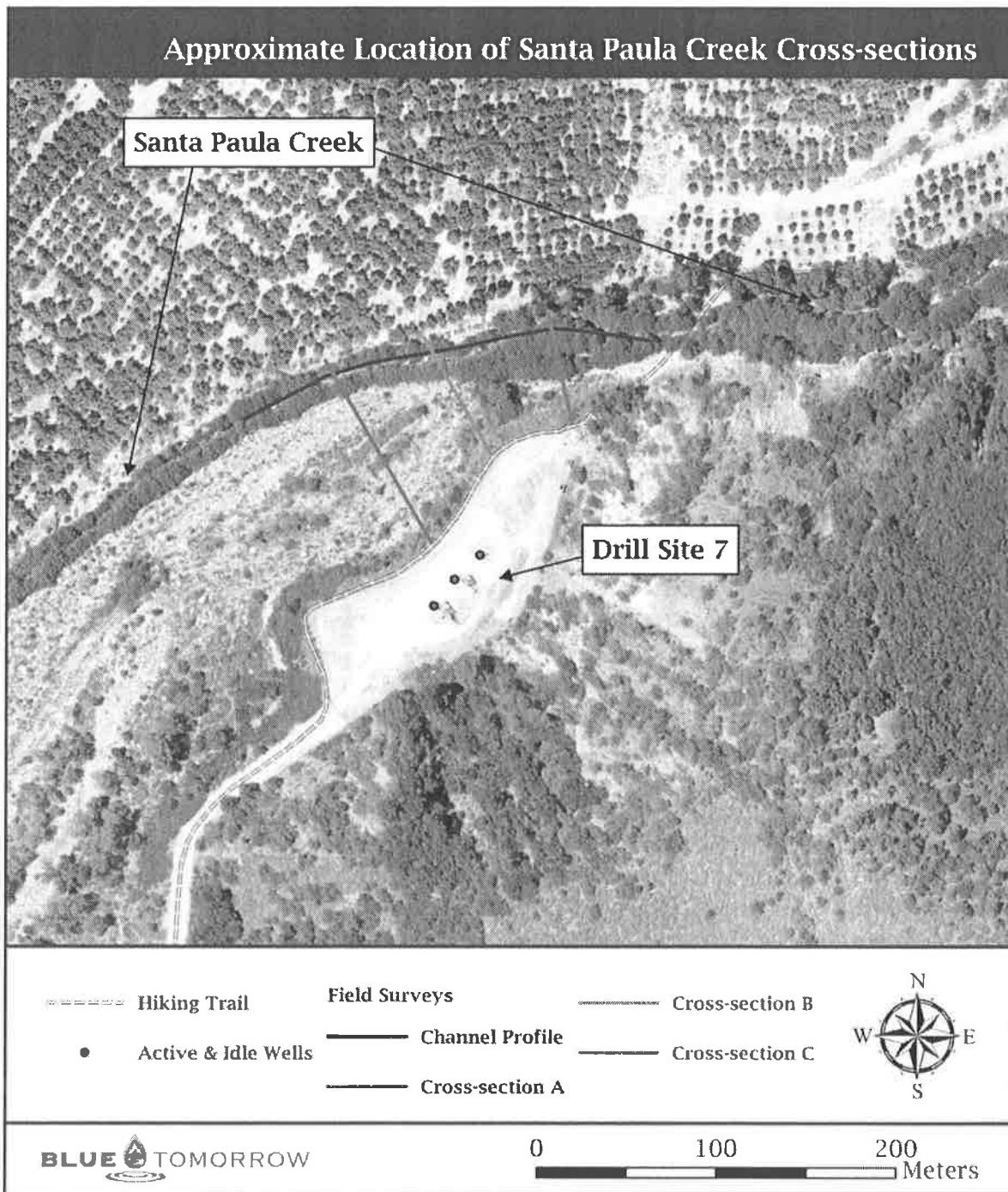
Table 2– Flood Discharge Estimates for Watershed above DS7. All discharge estimates are in cubic feet per second (cfs).

Method of Flood Discharge Determination	50-Year	100-Year	200-Year	500-Year
USGS Regression*	7,100	9,800	13,200	17,900
Weighted USGS Regression and Weighted USGS gage Estimate*	7,800	10,600	14,100	19,100
Estimate from HSPF model	17,200	24,200	32,600	47,300
<p>Discharge estimates are rounded to the nearest 100 cfs.</p> <p>* The regression procedures and equations used for estimation are found in Gotvald et al. 2012 for the southern coastal region. These regression equations were calibrated with stream gage data through water year 2006. Gotvald et al. 2012 also includes methods for weighting B17 and the regression results¹¹.</p>				

Table 3– Ventura County HSPF model Flood Discharge Estimates for Watershed above DS7.¹³ All discharge estimates are in cubic feet per second (cfs).

Model sub-basin	Drainage Area (mi ²)	50-Year	100-Year	200-Year	500-Year
831 – basin outlet above DS7	17.43	15,215	21,400	28,783	41,773
832 – basin outlet below DS7 at confluence with Sisar Creek	23.49	17,988	25,300	34,029	49,386
Estimated discharge at DS7 using linear watershed area-discharge relationship	21.8	17,215	24,213	32,566	47,263

Figure 5 – The approximate locations of cross-sections relative to DS7 and the Santa Paula Canyon public hiking trail. Background image is 2010 USGS ortho-imagery; Active & Idle wells are provided by the California Department of Conservation, Department of Oil, Gas, and Geothermal Resources (DOGGR), downloaded March 2015.



and scrub on the floodplain and overbank areas can be 0.1 or higher. Another factor that would affect roughness in this reach is the large amount of sediment that is mobilized during large discharge events. This sediment and debris can have a “bulking” effect on the flow, which can cause an increase in the roughness coefficient.

During the 2005 flood event, aerial imagery shows that riparian vegetation was scoured out, leaving little to no vegetation between the high water marks from this event (Picture 1). It can be assumed that this is likely to happen again during a flood of similar magnitude (50-year event) or greater, but the vegetation that is currently present may be more or less resistant to scour than the vegetation that was cleared by the 2005 event.

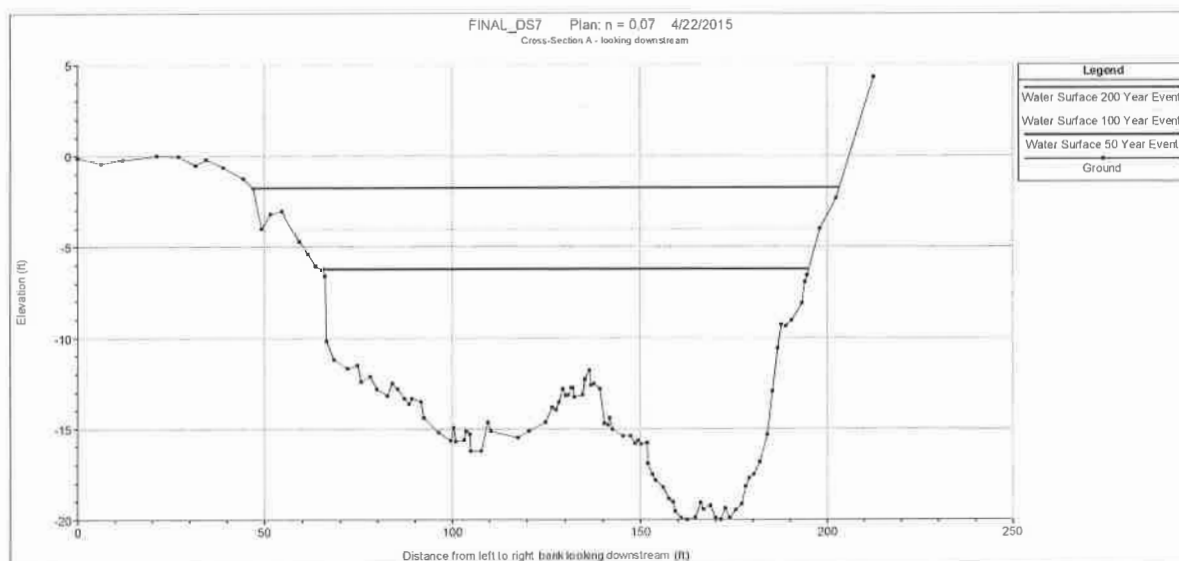
For these reasons, flood stage was estimated for three roughness coefficient scenarios: 1) assuming vegetation is scoured out during a large event and roughness is approximately uniform across the channel with a low roughness of 0.05; 2) vegetation is scoured and roughness is uniform at 0.07; and, 3) vegetation is not scoured and roughness is non-uniform, retaining 0.05 in the channel and 0.1 for the vegetated floodplain and overbank areas. The scenario using a roughness of 0.07 across the channel is considered to be the most realistic roughness scenario, but results and cross-sections from the other roughness scenarios have been included in Section 7.2 of the Appendix to show how roughness influences the stage height, and the uncertainty with selecting this parameter.

channel roughness of 0.07 (figures 6, 7, and 8), and the other profiles (figures 9, 10, and 11 found in Section 7.2 of the Appendix) depict the other roughness scenarios and some of the uncertainty associated with estimating stream hydraulics in this reach.

3.4.1 HEC-RAS Results

The greatest potential for flooding DS7 occurs at the upstream end of the reach where the channel is narrowest (Figures 6 and 9). As the flood waters move downstream from XS-A to XS-C the channel widens and flow velocities decrease. The flood stage for the 100 -year event (HSPF model estimate of 24,200 cfs) is 3.9 feet below the top of the well pad at XS-A and drops to 11.7 feet below the top of the pad at XS-C. Given the roughness of 0.07 across the channel, a discharge of approximately 39,000 cfs would be needed to top the upstream banks of DS7, but this doesn't take into account erosion of the banks that may occur during a discharge of this magnitude. Estimation of the 200-year event (0.5% probability of occurrence in any year) shows the stage reaching 1.76 feet below the top of the berm, which could potentially flood DS7 due the proximity of the trail ramp to the upstream side of the drill site.

Figure 6 –HEC-RAS calculated water surface results for the 50, 100, and 200-year events at cross-section A (XS-A) with a roughness coefficient of 0.07. Depicted facing downstream, this is the most upstream cross-section with the greatest chance of flooding over the leftbank and onto Drill Site No. 7.



3.4.2 Model Uncertainty

As discussed in the discharge section of this study, although the HSPF model is assumed to produce reasonable estimates, there is considerable uncertainty in determining the flood discharge for various return intervals. This uncertainty is compounded when estimating channel roughness and calculating stage height (therefore a range of possible roughness scenarios were evaluated). In addition, this reach is a braided stream and very geomorphically active during large discharge events (as demonstrated from the 2005 flood by the large amount of scour and the realignment of the stream channel by as much as 225 feet, Picture 1). It is unclear how large boulders and bedload material will be scoured and deposited in this reach and affect flows during these large discharge events.

5.0 | DRILL SITE NO. 7 HYDROLOGY

Ferndale oil lease Drill Site No. 7 (DS7) is constructed at the base of a northwestern facing hillside. DS7 is roughly 80,000 square feet and has a perimeter berm designed to control runoff from the well pad²⁰. There is a drain located on the southwestern corner of DS7 that consists of two parts: 1) a 6 inch diameter pipe with a valve that goes from inside the fenced area to outside of DS7; and 2) a 24 inch diameter culvert located outside of DS7, which the 6 inch pipe discharges into. The culvert then discharges approximately 53 feet downslope approximately to the “top of bank” as defined by the VCWPD and estimates from this study. The culvert discharges no more than 50 to 75 feet from the abandoned low-flow channel of the Santa Paula Creek (which moved during the 2005 flood) and may pose a water quality risk during stormwater runoff events, especially if the creek shifts back in the future.

On April 7, 2015, DS7 was observed from 1:00pm until 4:30pm, during which time approximately 0.4 inches of rainfall occurred in the area (as registered by a precipitation gage at the Santa Paula Canyon-Ferndale Ranch near Thomas Aquinas College). While the rainfall intensity was enough to cause ponding on the well pad area closest to the wells (Picture 4), and some overland flow started to occur in the surrounding area, there was not enough rainfall for stormwater to reach the well pad drain.

The installation of the proposed 5 wells would result in the creation of approximately 2,000 square feet of new impervious surface²⁰. Increasing the number of wells and operations on the pad will likely lead to greater potential for spills, and the impervious surface will lead to increased surface runoff and discharge through the drain pipe and culvert, thereby increasing the chance of well pad generated pollutants reaching the creek.

As seen in Picture 3 there is what appears to be clays and silts depositing near the drain pipe on DS7 (seen dried and cracked on the surface). These silts and clays are potentially being transported during storm events when surface runoff is occurring from the un-vegetated and disturbed areas closer to the wells (seen in Picture 4). Organic pollutants generated on well pads such as DS7 are carcinogenic and can bound and be carried with these fine sediments when surface runoff occurs.

Picture 3 – Western edge of Drill Site No. 7 facing the drain. No ponding near the drain. Silts and clays appear cracked from swelling and shrinking due to moisture accumulation and evaporation. Picture taken on April 7, 2015 at 4:12 pm



6.0 | REFERENCES

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7.0 | APPENDIX

7.1 Field Surveys and Cross-Sectional Profiles

Three cross-sectional profiles and one longitudinal profile were surveyed in the Santa Paula Creek adjacent to Drill Site No. 7 (DS7) in the Ferndale oil lease. These surveys followed standard field survey techniques such as those outlined in Harrelson et al. 1994²¹. The locations of the cross-sections were selected to focus on the upstream end of DS7 due to the greater susceptibility of flooding in this part of the reach. Additional considerations in selecting cross-section locations included: safety, access, and capturing representative cross-sections to show the changes in the channel profile and cross-sectional area along this study reach.

A laser level was used to survey differences in elevation in the floodplain overbank areas, but due to very dense riparian vegetation that inhibited the use of the laser, a level line was used to measure differences in elevation in the riparian corridor and stream channel. The level line was a lightweight string that was pulled tight between stakes on the stream banks and leveled with a bubble level. Care was taken to ensure no leaves, vegetation, or anything else was in contact with the string and the line was as level as possible during measurement. Tape measures and lines were placed along each segment of the cross-section and the directional bearing recorded and adjustments were made to ensure segments of the cross-section were in a straight line along the same bearing.

The elevation and distance measurements were corrected for all laser survey turning points and to integrate floodplain and riparian corridor measurements into a seamless profile at each cross-section. Distance measurements for each cross-section are measured from left-bank to right-bank (facing downstream), and the furthest left-bank point (zero feet distance) was at the fence line surrounding DS7. The benchmark or datum to which elevation was corrected to (zero feet elevation) was the highest point on the left-bank of cross-section A, the most upstream cross-section. All elevation measurements are referenced to this point and reported as negative feet relative to this point. The data for each surveyed profile are found below in Tables 5 and 6.

7.1.1 *GPS Coordinates of Profiles*

Due to dense vegetation and trouble acquiring GPS satellites on the day surveys were conducted these GPS locations may have uncertainty up to +/- 15 feet or more. Latitude and Longitude were recorded and are reported in decimal degrees.

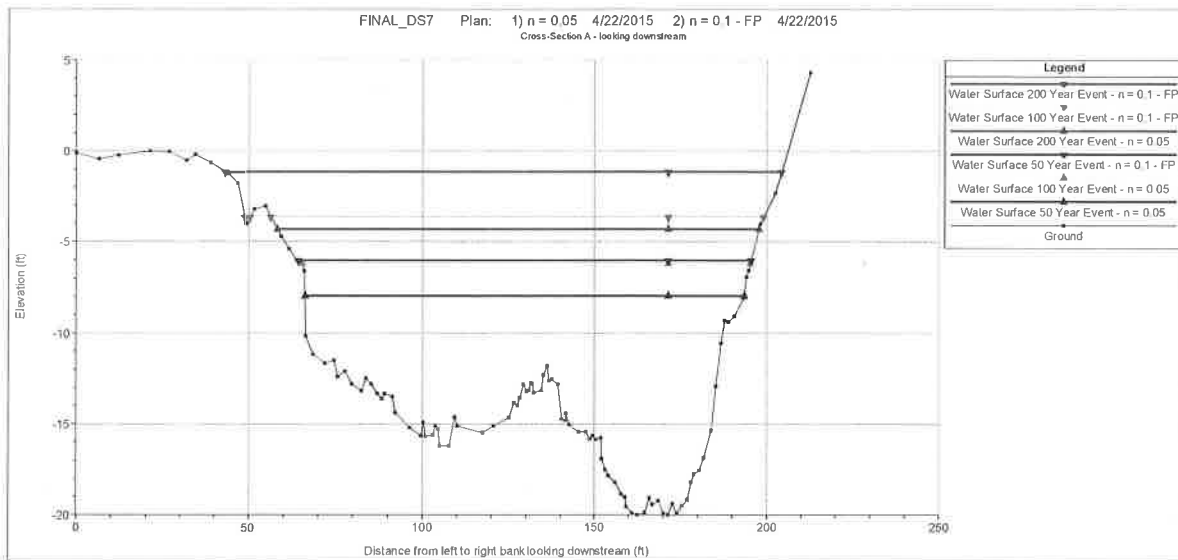
Table 6 Continued

Cross-section A			Cross-section B			Cross-section C		
Station (ft)	Elev. (ft)	notes	Station (ft)	Elev. (ft)	notes	Station (ft)	Elev. (ft)	notes
107.78	-16.22		145.51	-18.6		192.26	-16.72	
109.42	-14.66		146.72	-18.82		194.88	-17	
110.30	-15.13		147.38	-19.28		197.01	-17.45	
117.45	-15.48		148.59	-20.71		198.16	-18.75	
120.57	-15.11		150.75	-21.41		199.97	-19.09	
125.00	-14.65		152.40	-22.23		201.61	-20.58	
126.61	-13.84		153.67	-22.67		205.05	-21.31	
127.79	-13.95		154.53	-23.51		205.71	-17.78	
128.44	-13.54		156.43	-23.38		208.01	-16.72	
129.40	-12.8		157.45	-24		208.99	-17.22	
130.25	-13.2		159.97	-23.93		209.97	-19.97	
130.87	-13.14		160.20	-24.65		210.86	-21.73	
131.69	-12.74		161.58	-24.97	BF	212.11	-22.03	
132.05	-12.77		163.25	-25.49		217.52	-21.23	
132.55	-13.27		165.35	-26.24	WE	221.46	-20.93	
134.68	-13.13		165.85	-26.34		226.71	-20.82	
135.24	-12.29		167.06	-26.49		232.28	-21.01	
136.45	-11.81		168.34	-26.52	TW	238.52	-23.1	
136.81	-12.63		169.52	-26.41		241.14	-23.46	
137.73	-12.54		172.05	-26.3		248.36	-23.48	
139.27	-12.83		172.74	-25.98		249.02	-22.36	
140.52	-14.71		174.18	-26.03		250.98	-22.56	
141.54	-14.82		174.80	-27.04		251.97	-24.58	
141.83	-14.41		175.46	-27.26		254.27	-25.07	
142.68	-15.03		176.61	-27		257.38	-25.77	
145.47	-15.43		178.77	-26.6	WE	258.53	-25.58	
147.54	-15.42		179.89	-25.32		261.48	-26.55	
148.72	-15.83		180.94	-26.49		265.58	-26.8	
149.57	-15.66		182.25	-26.47		267.06	-26.92	
150.36	-15.88		182.74	-25.87		269.85	-27.47	
151.84	-15.77		183.40	-25.78		272.15	-27.53	
152.07	-16.9		185.07	-26.11		274.77	-27.95	BF
153.28	-17.51		187.01	-25.47		276.57	-28.16	
154.13	-17.83	BF	188.81	-26.02		278.22	-28.75	
156.00	-18.23		191.57	-25.75		280.02	-28.86	
157.64	-18.85		193.14	-25.15	BF	281.56	-29.06	WE
158.73	-19.03		195.47	-25.13		282.81	-29.08	
159.28	-19.56	WE	196.06	-24.75		284.45	-29.49	
160.89	-19.9		197.15	-24.74		285.70	-29.45	
162.53	-19.98		197.44	-23.9		286.42	-29.58	
164.63	-19.88		198.98	-23.82		287.34	-29.38	
166.01	-19.07		201.28	-24.28		288.22	-28.83	
166.86	-19.43		204.89	-24.1		288.98	-29.54	
168.64	-19.21		208.40	-23.34		290.32	-29.38	
170.05	-19.91		210.50	-22.21		291.50	-29.2	
171.42	-19.99	TW	212.47	-21.55		292.65	-29.27	
172.70	-19.41		214.73	-21.49		293.80	-29.13	WE
173.88	-19.9		215.16	-20.43		295.54	-28.88	
175.52	-19.48		216.70	-20.58		297.05	-28.83	
177.07	-19.13	WE	217.68	-20.09		298.13	-29	
178.15	-18.17		218.80	-19.73		300.30	-27.99	
178.97	-17.74	BF	220.96	-19.91		302.00	-27.92	BF
180.35	-17.54		222.60	-18.83		304.46	-27.73	
181.76	-16.82		224.02	-18.29		305.91	-27.37	
183.89	-15.32		227.62	-16.73		307.74	-27.34	
185.27	-12.92		230.91	-15.52		308.40	-27.28	
186.61	-10.58		232.22	-14.43		308.89	-24.73	
187.70	-9.3		238.78	5.57	EE	311.02	-25.3	
188.78	-9.37					311.12	-26.16	
190.52	-9.04					312.89	-24.33	
193.27	-8.1					315.12	-22.87	
194.03	-6.95					315.78	-22.56	
194.69	-6.58					320.47	-22.27	
198.13	-4.01					324.15	-21.46	
202.40	-2.34					326.64	-20.08	

7.2 Additional Flood Stage Estimates

The following profiles depicts low and high roughness scenarios used to gage the sensitivity of the flood stage to various Manning's n coefficients, and demonstrate the uncertainty associated with estimating stream hydraulics in this reach. Refer to Section 2.0 and 3.0 for more about these estimates.

Figure 9 - HEC-RAS calculated water surface results for the 50, 100, and 200 year events at cross-section A with a low ($n=0.05$ across channel) and high ($n=0.05$ in channel and 0.1 in floodplain) roughness senerio. Depicted facing downstream, this is the most upstream cross-section with the greatest chance of flooding over the leftbank and onto Drill Site No. 7.



7.3 Photo Log

The following pictures were taken during field surveying and document the locations of the cross-sections. These pictures also show the vegetation and substrate roughness from which roughness coefficients were estimated and used in modeling the flood stage elevation.

Picture 5 – Standing in channel facing left bank looking along cross-section A.



Picture 7 – Standing in channel at cross-section A facing upstream.



Picture 8 – Standing at waters-edge-left-bank at cross-section A facing downstream.



Picture 10 – Standing in channel facing right-bank looking along cross-section B.



Picture 11 – Standing in channel at cross-section B facing upstream.



Picture 14 - Standing in channel facing right-bank looking along cross-section C.



Picture 15 - Standing at waters-edge-left-bank at cross-section C facing upstream.



Picture 18 – Standing in channel 15 meters downstream of longitudinal profile upstream start looking upstream at longitudinal profile upstream start.



JUN 01 2015

Exhibit B

May 29, 2015

County of Ventura
Brian Baca
800 S. Victoria Avenue
Ventura, CA 93009-1710

Dear Mr. Baca,

Re: PL 13-0150. (Vintage Oil) allowing the continuation of oil operations and trucking on Koenigstein Rd. in the Upper Ojai

My wife and I have been a residence of 12615 Koenigstein Rd. for the last 46 years. We have protested the operations and expansion of oil operations in our community since the 1970s.

Throughout the time growing up as a child riding my bike, I realized what grave hazards large trucks pose to pedestrians and children who use the streets and highways. While raising our five children in the Upper Ojai my wife and I have seen the dangers and hazards that the oil industry inflicts on the children in the community.

The oil industry also imposes environmental hazards. The fumes from oil drilling, soil and water contamination, as well as the negative effects of fracking such as the use of our precious water resources all combined to affect our quality of life in a negative way.

Our beautiful valley is a unique treasure that is enjoyed by all who live and visit. Even though the Oil Industry in the Upper Ojai was established well before our time in Ojai, the Oil industry is still a detriment to the beauty and quality of life to the people who reside and visit. Without the Oil industry presence, our little valley would flourish as one of finest places in the world to live.

We feel it is time to end the era of the oil industry in the Upper Ojai and return it to the people who live there.

Not only should you deny this CUP, but you should revoke the CUP's of all oil drilling operations in the Upper Ojai

If the County of Ventura can revoke the CUP for the Taft Nature Center, which was a benign altruistic operation focused on educating children and adults on the wonders of nature. Then the County of Ventura surely has the power to stop the ugly, polluting oil monster which is a hazard to all who live in the Upper Ojai.

As a public servant it is your constitutional duty to protect your constituents. Please do not let big money and corruption rule our County of Ventura democracy.

Sincerely,



John Whitman



June 8, 2015

Ventura County Planning Commission
800 S. Victoria Ave., Hall of Administration
Ventura, CA 93009-1740

RE: Appeal of CRC Oil & Gas Project (PL13-0150)
Item 6, Planning Commission Hearing, June 11, 2015

Dear Chair Wesner and Members of the Commission:

Thank you for considering our appeal of a proposal by California Resources Corporation ("CRC") 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 leading into the Los Padres National Forest along Santa Paula Creek 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. Our members and supporters – which number more than 1,000 in Ventura County and more than 4,000 throughout the Central Coast – 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 near the Los Padres National Forest are conducted responsibly and in a way that reduces or avoids environmental impacts to the fullest extent possible.

On February 17, 2015, the Planning Director approved the project without preparing a full Environmental Impact Report ("EIR"). Instead, the Planning Division ("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 or Supplemental EIR to incorporate new information that has developed over the last three decades since the original environmental document was prepared for this site.

1

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 endangered southern steelhead and endangered California condors;

2

- A pair of condors has established a nest less than two miles from the project site. It is the first time this nest site has been used since the 1980s, and the pair's first egg just hatched last week.] 2
- 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;] 3
- 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;] 4
- Surrounding land uses – including an avocado ranch and a quaint college campus – are incompatible with intensive oil development;] 5
- The operation has a long history of significant permit violations, which have placed these sensitive natural and cultural resources at great risk; and] 6
- 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.] 7

Most oil and gas operations in Ventura County operate under antiquated permits that were approved in the 1950s and 1960s without any environmental review, without any limits on the number of wells, and without any expiration date. This project is different, meaning that the Commission has the ability right now to make much-needed updates to the permit conditions at this site. We urge your Commission to take this unique opportunity to make meaningful improvements to this facility to protect the biological, cultural, and recreational resources of Santa Paula Canyon.] 8

At your hearing on June 11, 2015, we respectfully urge your Commission to:

- Decline to certify the 9-page EIR Addendum, and direct the Division to prepare a Supplemental or Subsequent EIR;] 9
- Direct the Division to nullify the permit application based on ongoing violations with the terms and conditions of the existing permit;] 10
- Direct the Division to incorporate additional changes to the project to reduce potentially significant environmental impacts; and] 11
- Uphold our appeal, and refund our \$1,000 appeal fee.] 12

As background information for your Commission to consider, the existing permit for this facility states 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] 13

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 for new wells another 30 years, attempting to boot-strap these new wells onto a mishmash of several piecemeal environmental reviews conducted more than thirty years ago. This would extend 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. Further time extensions are not warranted, and risk straining the resources of Division staff, your Commission, and the Board of Supervisors. Given the extensive history of permit violations at this location, some of which continue to this day, the County should focus on bringing the existing wells into compliance before even considering the approval of new wells.

Our appeal points are outlined below. Thank you for your thoughtful consideration in protecting the biological and recreational resources of Santa Paula Creek.

1. THE COMMISSION SHOULD NULLIFY THE APPLICATION DUE TO SIGNIFICANT ONGOING VIOLATIONS OF THE EXISTING PERMIT

The Ventura County Non-Coastal Zoning Ordinance ("Zoning Ordinance") requires that an application for a permit or permit modification be nullified if violations exist on the subject parcel. Specifically, Section 8111-2.2(g) of the Ventura County Non-Coastal Zoning Ordinance ("Zoning Ordinance") states:

Nullification of Applications When Violations Are Discovered - Where a violation is discovered on a lot where an application request has been accepted or is being processed after being deemed complete, said application shall become null and void and returned to the applicant.

In addition, Section 8111-2.7 of the Zoning Ordinance states that permits "shall be null and void" if "[t]he application request which was submitted was not in full, true, and correct form." It is important to note that these nullification requirements are mandatory and without discretion; the County shall nullify the application or permit where violations occur or where incorrect or incomplete information has been presented in the application.

This facility has an extensive history of permit violations, many of which continue to this very day. The original permittee and its successors, including CRC, have failed to comply with numerous conditions that have been on the books for nearly three decades. In addition, CRC's own application for this permit modification is incomplete, mischaracterizes several permit conditions, and contains misleading statements. The Division should not have deemed the application complete when it did, placing your Commission in the unsettling situation of considering a proposal with significant ongoing violations.

Your Commission must send the project back to the drawing board so that your staff – and the public – can appropriately consider a project with a full and complete application, and one that is unburdened by ongoing violations. Frankly, the focus of this hearing should be on how to remedy the ongoing violations of this site, rather than discussing whether to double the number of existing wells and extend the entire project for thirty years.

In a letter dated February 11, 2015 to Planning Director Kim Prillhart, we outlined in detail a series of ongoing violations at this facility. The letter also requested that the Division nullify the permit application, citing the Zoning Ordinance sections highlighted above. Our letter is attached to this appeal as **Exhibit 1**.

The Division responded to our request on February 27, 2015, ten days after approving the project and one day after we filed our appeal. The Division responded as follows:

Given that Los Padres Forest Watch has appealed the February 17, 2015 decision of the Planning Director on the PL 13-0150 application, your letter and a staff response to the issues raised therein will be included in the staff report provided to the Planning Commission at the de novo hearing on the proposed project.

A copy of the Division's response to our nullification request is attached as **Exhibit 2**. It is unclear why the Division did not immediately investigate the allegations set forth in our letter, as it typically does when receiving complaints for permit non-compliance.

Instead, the Division chose to defer the resolution of these complaints to your Commission. In a memo dated May 26, 2015 and attached to the staff report, the Division provides a four-page response to our complaints. The memo tacitly acknowledges that the applicant is in non-compliance with several permit conditions, yet postpones any resolution of the violations until after this hearing. This memo is attached to our appeal as **Exhibit 3**.

The Division's failure to appropriately investigate our complaint is in keeping with the Division's long-standing practice of turning a blind eye to this facility. In fact, the Division even admits in its May 26, 2015 memo that "there is no record of a formal compliance review being conducted by the County since 2003." This is in complete violation of Condition 4 of the existing CUP, which states:

That two (2) years and five (5) years after the approval of CUP-3344 MOD #8 and #9 and every fifth year thereafter, the permit shall be reviewed by the Planning Director at the permittee's expense. The permittee shall initiate the review by filing an application for said review and paying the deposit fee then applicable.... The purpose of the review is to ascertain whether the permit, as conditioned, has remained consistent with its findings for approval and if there are grounds for the filing of an application for modification or revocation of the permit.

The referenced permit modifications were approved in 1982. Based on this timeline, the Division should have performed compliance reviews on this facility in 1984, 1989, 1994, 1999, 2004, 2009, and 2014. It is simply unacceptable to overlook seven compliance reviews over the course of 33 years. The current applicant's acquisition of this facility in 2008 would have been an excellent opportunity for the County to conduct a compliance review, but it failed to do so then, too – even though the applicant had signed and submitted a Reimbursement Agreement for Permit Condition Compliance Review in 2008 in connection with the facility transfer.

Even while agreeing that the County and applicant are delinquent on condition compliance reviews for this facility, the Division postpones any future condition compliance review until *after* your Commission

approves the permit. Specifically, the Division's May 26, 2015 memo concludes: "Given the current discretionary action under consideration by the County, the next compliance review will occur *after* the final action by the County on the requested modified CUP," (emphasis added). It is wholly inappropriate to further postpone a compliance review, particularly in light of the seriousness of the allegations outlined in our complaint, the extensive history of permit violations at this facility, and the sensitive resources at stake.

The Division's approach is backwards and will waste the Division's and your Commission's valuable time and resources. When (and if) the Division conducts a compliance review in the future, it could find that these same violations still exist. Such violations could rise to the level of requiring a permit modification, re-starting this process all over again. These violations should be resolved now, during the current process of modifying the permit, rather than at some time in the future.

The Division in its memo acknowledges that several violations of the current permit exist, and have existed for several years if not decades. Instead of attempting to resolve these violations, the Division merely sweeps them under the rug, and assures us all that they will look into it at some undefined time in the future, after the permit modification has already been issued. This does not instill any confidence amongst the public that the Division will conduct timely investigations of complaints, and upends the enforcement and nullification procedures outlined in the Zoning Ordinance as approved by your Commission and the Board of Supervisors. We ask that the Commission reaffirm the County's commitment to permit compliance by directing Division staff to appropriately respond to the complaint and to take enforcement action as necessary to abate such violations, prior to taking any other action on the applicant's permit.

2. NEW INFORMATION REQUIRES PREPARATION OF A SUPPLEMENTAL OR SUBSEQUENT EIR TO COMPLY WITH CEQA

Under CEQA, the County 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 your Commission cannot certify the EIR Addendum and must direct the Division to 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.

In addition to these two EIRs, the County prepared a MND in 1983 to evaluate the installation of Drill Site 7 and the drilling of several wells at that site. The impacts of well pad construction and oil drilling at this site were not evaluated in the 1978 EIR, or in the 1985 Focused EIR.

Oddly enough, the staff report prepared for this hearing only references the 1978 and 1985 EIRs, while ignoring the 1983 MND. Specifically, in the section titled "California Environmental Quality Act (CEQA) Compliance" on page 6 of the staff report, the Division doesn't mention the 1983 MND even once, even in the chart of previous CEQA documents prepared for this facility.

This continues the folly that the Division first presented in its staff report for the Planning Director hearing. That staff report did not even refer to the 1978 EIR, and completely mischaracterized the nature and scope of the 1985 Focused 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." 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 County wants to prepare an EIR Addendum to satisfy the requirements of CEQA, then for starters, the Division 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 MND, and finishing with the 1985 Focused EIR. The EIR Addendum prepared by County staff only expressly updates the two EIRs, while ignoring the 1983 MND for Drill Site 7.

This comedy of errors has arisen only because the Division is attempting to inappropriately prepare an EIR Addendum to a project, the impacts of which have never been evaluated in a single environmental document. 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 this question because CEQA did not envision a lead agency relying on an EIR Addendum in such circumstances.

Your Commission cannot certify the EIR Addendum because it fails to update one of the three environmental documents previously prepared for this project. The County simply 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. Instead, CEQA requires the Division to prepare a Subsequent EIR.

5. APPELLANT IS ENTITLED TO A REFUND OF APPEAL FEES

We submitted a \$1,000 appeal fee along with our appeal form on February 26, 2015. We respectfully request that your Commission grant us a full refund of these appeal fees.

The Planning Division Fee Schedule states:

If any appeal is fully upheld, all fees paid by the appellant shall be refunded. If the appeal is upheld in part, the decision-making body hearing the appeal shall determine at the time the decision is rendered what portion of the appeal charges should be refunded to the appellant.

28

Therefore, if your Commission decides to nullify the applications, to refer certain matters back to the Division, to deny the project outright, or to take any other action that modifies the Division's action or upholds our appeal in part or in full, we are entitled to a refund. Likewise, if Division staff makes any changes to the project in response to our appeal, we are entitled to a refund.

6. CONCLUSION

Based on the issues outlined above, we strongly urge you to find that the EIR Addendum does not comply with CEQA, and to direct the Division 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.

In addition, we request that you nullify the permit application and direct the Division to work with the applicant to process a full, complete, and accurate application. We also urge you to direct the Division to respond to our complaints regarding ongoing permit violations, and to work with the applicant to resolve such violations prior to processing any permit application.

Thank you for considering our comments. We appreciate the County's efforts to protect the recreational and environmental values of Santa Paula Canyon.

Sincerely,



Jeff Kuyper
Executive Director

Exhibit 1 – Letter from LPFW to Planning Director Prillhart Regarding Nullification Request

Exhibit 2 – Initial Response from Planning Division Regarding Nullification Request

Exhibit 3 – Memo from Planning Division Regarding Nullification Request

Exhibit 4 – Excerpts Regarding Recreational Values of Santa Paula Creek Trail

Exhibit 5 – Excerpts from 1977 and 1978 Analysis Regarding Impacts to Condors

Exhibit 6 – Letter from U.S. Fish & Wildlife Service to Planning Director Prillhart dated July 18, 2013 Regarding California Condor Protection Measures

Exhibit 7 – Excerpts from Santa Clara River Steelhead Trout: Assessment and Recovery Opportunities

Exhibit 8 – Distribution Memo from Planning Division Dated October 18, 2013

e. The Prior Analysis Fails to Evaluate New Air Pollution Standards & 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 (CO2), methane (CH4), and nitrous oxide (N2O) in a Subsequent EIR.

3. THE COUNTY PREDETERMINED THE LEVEL OF ENVIRONMENTAL REVIEW

CRC submitted its application on October 10, 2013. Just one week later, in a memo to other County agencies dated October 18, 2013, the Division describes the project, requests the various agencies to review the project for application completeness and potential environmental impacts, and states, "This project does not qualify for a Categorical Exemption from the California Environmental Quality Act (CEQA). However, an EIR was approved with the original permit. Therefore an addendum to the original EIR will be prepared." This memo is attached to our appeal as **Exhibit 8**.

The Division prematurely determined that the appropriate level of environmental review for this project would be an EIR Addendum, before conducting the requisite Initial Study and prior to receiving input from other County departments.

4. THE COUNTY CANNOT PREPARE AN ADDENDUM FOR MULTIPLE EIRS AND MNDS

The County 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 at Drill Sites 2-6. Then, in 1985, the Board of Supervisors certified a Focused EIR that evaluated several alternative access routes to the facility. This 1985 EIR was limited to the issue of access routes, and did not evaluate any impacts from oil drilling or production.

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(g)), 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, and only after the County undertakes the usual permit modification process, including public notice and hearing.

23

The Division's EIR Addendum lists some (but not all) of the FWS condor protection measures, and does not contain any further analysis of the efficacy of the County's version of these protection measures, nor of the County's omission of certain measures. These impacts and mitigation measures must be evaluated in a Subsequent EIR, as they have never been part of any CEQA analysis for this project.

d. The Previous Analysis Fails to Evaluate Impacts to Endangered 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 provide "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. and E. Kelley. 2005. Santa Clara River Steelhead Trout: Assessment and Recovery Opportunities, relevant excerpts of which are attached as **Exhibit 7**.

Southern steelhead were classified as an endangered species in 1998, several years after the previous EIRs were prepared. 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.

24

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.

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.

The nearest nest site is less than two miles from the nearest oil well. The nest is active in 2015 for the first time since condors were reintroduced to the wild more than thirty years ago. Condor 262 and 449 are known as the Punch Bowl pair, due to the nest's proximity to the Punch Bowl, a waterfall and swimming hole on Santa Paula Creek. Their chick hatched this past Friday. This is the first nest in the history of the California Condor Reintroduction Program where two parents hatched from eggs laid in the wild reared a chick that was also hatched in the wild, heralding a second generation of completely wild condors.

This condor pair regularly roosts in the vicinity of the oil wells. In February 2014, Condor #262 landed in a grove of oak trees 0.13 mile away from the nearest oil well on Pad #2. He remained roosting at this site for more than 63 hours before leaving.

A second roosting site is located in a grove of conifers less than one-half mile from the nearest oil well. Condors have roosted at this site on several occasions:

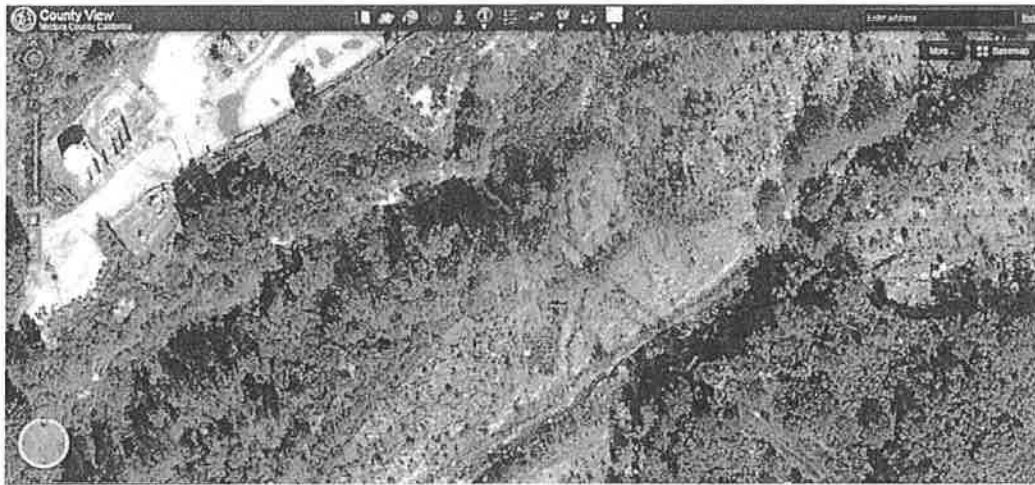
- April 2012 – Condor 449 roosted at the site for fourteen hours (02:00 to 16:00)
- December 2013 – Condor 262 roosted at the site for four hours (07:33 to 12:04)
- December 2013 – Condor 449 roosted at the site for five hours (14:00 to 19:00)
- June 2014 – Condor 262 perched at the site for less than an hour

A third roost site is located 0.52 miles from the nearest oil well. Condors 262 and 449 have frequently roosted at this site, including one overnight roost in 2012, a fourteen-hour roost in 2013, two overnight roosts in 2014, and a two-minute stop in 2014.

Two other roost sites are located within one mile of the oil pads.

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. This FWS letter is attached as **Exhibit 6**. These potential impacts and mitigation measures were not evaluated as part of any previous environmental document for this project, and must be analyzed in a Subsequent EIR.

The first of these FWS 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. Consistent with the FWS mitigation measures, the Division must prohibit any drilling activity or facilities within these buffers.



County imagery from 2011 shows the pipeline suspended 200 feet across the creekbed without the requisite "properly designed suspension bridge" required by the 1978 EIR authorizing its construction.

This new information – the pipeline constructed without the requisite suspension bridge, three pipelines instead of one, the impacts of a predicted spill of 45 barrels (1,890 gallons), and an evaluation of a "worst-case scenario" spill – must all be included in a Subsequent EIR.

c. Activity of California Condors Near the Project Site Has Increased Dramatically Since the Previous Analysis

The only prior evaluation of the project's impacts to condors occurred in 1977, in conjunction with a permit modification. At the time, the permittee was only authorized to drill wells at Drill Site 1, and had asked for permission to modify the permit to add Drill Sites 2-6. Drill Site 7 had not yet been proposed. The Final EIR prepared by the County in 1978 states only this, with respect to condors:

The location of the drill sites in the canyon bottom and on the ridge to the northeast are factors which tend to reduce the impact of the project on nesting and roosting Condors in the area. It should be noted, however, that any activity beyond the proposed sites could have severe adverse impacts on this endangered species.

The County's Staff Conservationist expresses the situation in 1977 as even more dire, stating in a memo from the Public Works Department that "any activity beyond the proposed sites would have severe adverse impacts on this extremely endangered bird, *and this project comes very close to being adverse.*" The excerpts from this EIR and memo are attached to our appeal as **Exhibit 5**.

Since this time, much has happened with the California Condor recovery program. Condors were removed from the wild in the 1980s, and a program to reintroduce them from captivity was launched a few years later. Condors are now using this area much differently than they did in 1977, and the impacts from oil development facilities are now much better understood.

Data provided by the U.S. Fish & Wildlife Service ("FWS") indicates three active condor roosting sites within 0.5 miles of Drill Sites 2 and 7. In addition, an active condor nest is located within 1.75 miles of

- Condition 32 (the permit area “shall be maintained in a neat and orderly manner so as not to create any hazardous or unsightly conditions.”)
- Condition 49 (requiring that Drill Sites 1 and 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.”)
- Condition 49 (requiring 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.
- Condition 51 (requiring 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.”)

19

The list of ongoing permit violations at this site is extensive, and is outlined in detail in our complaint in **Exhibit 1**. We urge the Commission to push the pause button on this application to give your Division time to rectify these serious violations. These mitigation measures were imposed by your Commission and the Board of Supervisors as part of a thoughtful process aimed at reducing or eliminating significant environmental impacts. The County’s failure – and the applicants refusal to – to implement these measures has allowed significant impacts to accrue over the course of more than three decades, and these impacts continue to this day. Your Commission may wish to pursue two options to address this matter: (1) allow the violations to continue, evaluating the new visual and recreation impacts caused by such non-compliance in a Subsequent EIR, or (2) direct the Division to conduct a compliance review and abate any violations before proceeding. We urge you to pursue the latter option.

b. The Risks from Oil Spills Have Increased Since the Previous Analysis

Neither of the previous environmental documents – nor the EIR Addendum – adequately evaluates and mitigates 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 vales 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.”

The 1978 EIR, however, did not evaluate the impacts associated with a spill of this magnitude, nor did it evaluate the “worst case scenario” of a spill much larger than that. Any subsequent environmental document 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. In addition, the suspension bridge envisioned by the 1978 EIR mitigation measure was never constructed. The new permit conditions drop this requirement entirely, leaving this pipeline more vulnerable to damage in the event of a flood. And instead of only one pipeline, there appears to be three pipelines suspended across the creek, magnifying the probability of a spill. These additional impacts must be evaluated and appropriately mitigated in a subsequent EIR.

20

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. These accounts are attached as **Exhibit 4**.

The applicant is proposing to drill an additional two wells at Drill Site 1 (the current site of 5 active oil wells plus several storage tanks and other facilities), and an additional 5 wells at the most sensitive and remote site, Drill Site 7 (which currently contains only two active wells and one idle well). Additional drilling at Drill Site 7 in particular 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 would not comply with Resources Policy 1.7.2-1 of the General Plan, which states that "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. These inconsistencies with County policies and ordinances would also represent a new impact that was not previously evaluated, necessitating preparation of a Subsequent EIR.

Given the overwhelming dominance of the oil operation along this trail, it is difficult to comprehend how the Division could have concluded in its staff report for the Planning Director hearing 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." Planning Director Staff Report at 7, 13. Two of the drill sites are immediately adjacent to the trail and are completely visible therefrom, significantly detracting from the recreational experience of outdoor enthusiasts along one of the most popular trails in Ventura County.

It only gets worse. The current oil drilling operation is not in conformance with previously-approved mitigation measures relating to screening and cleanliness. As outlined in our complaint to the Division dated February 11, 2015 (previously referenced as **Exhibit 1**), the facility fails to comply with the following permit conditions:

- Condition 31 ("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.")

- (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.

15

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

The Division's 9-page EIR Addendum falls far short of this burden. 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 and heightened impacts are outlined below:

a. Impacts to Outdoor Recreation & Trails Were Not Adequately Evaluated in the Previous EIRs

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. The trail leads to several popular waterfalls, swimming holes, and backcountry campsites before entering the Sespe Wilderness Area. 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.

16

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



February 11, 2015

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

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

Dear Ms. Prillhart:

You are currently considering whether to approve 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. We submitted written comments on this proposal and provided testimony at the Planning Director's hearing on January 8, 2015.

I am writing today to request that you nullify the application for the above-referenced project, based on the presence of several ongoing violations at this facility. This request is made pursuant to Section 8111-2.2(g) of the Ventura County Non-Coastal Zoning Ordinance ("Zoning Ordinance"), which states:

Nullification of Applications When Violations Are Discovered - Where a violation is discovered on a lot where an application request has been accepted or is being processed after being deemed complete, said application shall become null and void and returned to the applicant.

If your Division has already approved this CUP modification, then we request that you nullify the modified CUP pursuant to Section 8111-2.7 of the Zoning Ordinance, which states that permits "shall be null and void" if "[t]he application request which was submitted was not in full, true, and correct form."

It is important to note that these nullification requirements are mandatory and without discretion; the Division shall nullify the application or permit where violations occur or where incorrect information has been presented in the application. Based on our site visit last month,

this facility appears to be in violation of the following permit conditions and Zoning Ordinance provisions:

- 1. CUP 3344 Condition 4: That two (2) years and five (5) years after the approval of CUP-3344 MOD #8 and #9 and every fifth year thereafter, the permit shall be reviewed by the Planning Director at the permittee's expense. The permittee shall initiate the review by filing an application for said review and paying the deposit fee then applicable.... The purpose of the review is to ascertain whether the permit, as conditioned, has remained consistent with its findings for approval and if there are grounds for the filing of an application for modification or revocation of the permit.**

We initially requested a copy of the most recent condition compliance review for this facility in an email to Brian Baca and Jay Dobrowalski dated January 7, 2015. That same day, Mr. Baca notified us that "[t]he Planning Division Condition Compliance Officer is preparing a copy of the most recent review that will be sent with a separate email." After receiving no response from the Condition Compliance Officer, on January 15, 2015 we requested that Mr. Baca follow up with the request, or put us in touch directly with the Condition Compliance Officer. Upon receiving no further communications from your Division, we filed a formal Public Records Act request for the most current condition compliance review on January 21, 2015.

After repeated assurances that the requested records were being prepared and provided to us, we were finally granted access to a large box of enforcement files on February 9, 2015, nearly one month after we had initially requested access.

Based on our cursory search of the voluminous records provided to us, we located one compatibility review for this facility – a Compatibility Review Inspection Report dated January 25, 1988. We could not locate any subsequent compatibility review report, suggesting that the Division has not prepared one for this facility in more than 25 years.

In its application, Vintage does not identify when the most recent compliance review was conducted for this facility. Vintage does acknowledge that it acquired the facility in 2008. While we do not dispute that timeline, what it means is that Vintage has failed to submit at least one (and perhaps two) applications for permit review as required by this condition. While Vintage submitted a Reimbursement Agreement for Permit Condition Compliance Review in 2008 in connection with the facility transfer, we could find no record of any such review ever actually taking place.

- 2. CUP 3344 Condition 6: Separate Zoning Clearances shall be obtained prior to initiating construction of any access roads, grading of any drill sites and drilling each permitted well. Prior to issuance of a Zoning Clearance the permittee shall submit written**

documentation that the provisions of the following conditions (as applicable) have been complied with: 7, 10, 11, 12, 20, 21, 22, 23, 25, 27, 30, 42, 47, 52, 54, 55, 57, 58, 59, 60, 61, 62, 67, 74.

Vintage does not state in its application whether it or its predecessors obtained Zoning Clearances for any access roads, grading, or drilling. Instead, Vintage merely commits to applying for Zoning Clearances “pending approval of this Minor Modification.” We have reason to believe that Zoning Clearances were not obtained for all wells, grading, and roads at the facility, and on that basis, request that the application be nullified.

- 3. CUP 3344 Condition 13: That ten 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, geologic fracturing, reworking and redrilling.**

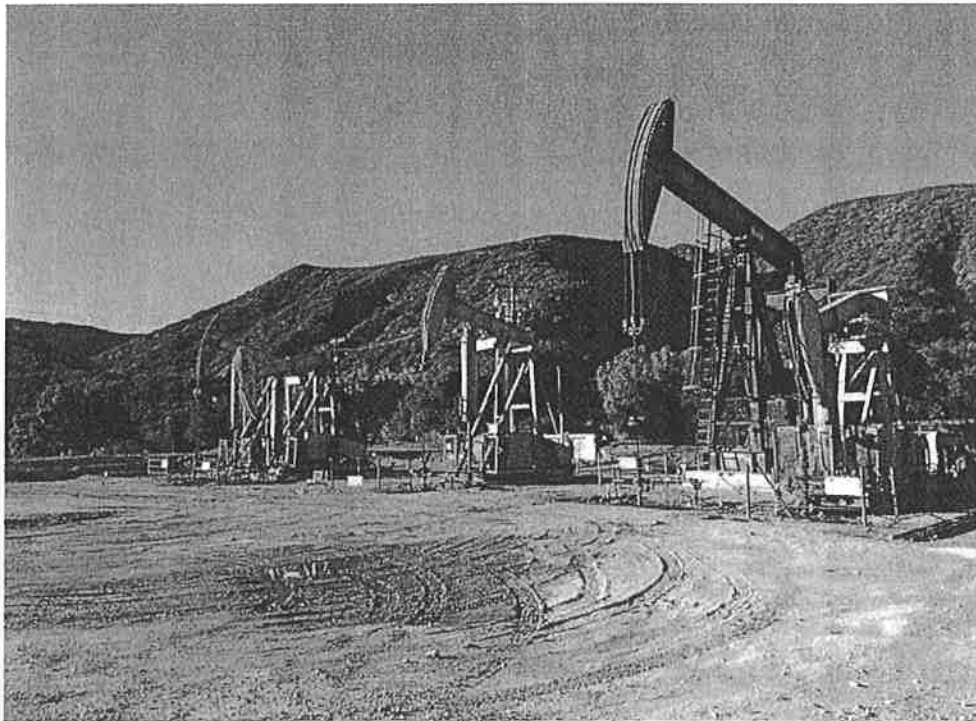
There is no evidence in the record showing that Vintage or its predecessors provided the required notice to Thomas Aquinas College or Ferndale Ranch. In its application, Vintage only states that it will comply with this condition in the future, and fails to affirm whether it and its predecessors have complied with this condition. For example, when Ferndale Well 716 was drilled and fracked several times in 1990, we have reason to believe that the college and the ranch were not properly notified. Moreover, we have reason to believe that the college and the ranch were not properly notified for more recent work that has occurred since Vintage acquired the facility, including but not limited to:

- Barker-Ferndale 3 (API 11120609) – reworked and acidized in 2011
- Barker-Ferndale 4 (API 11120685) – reworked and acidized in 2011
- Valex-Ferndale 107 (API 11121066) – reworked and fracked in 2012, reworked in 2014
- Valex-Ferndale 211 (API 11121178) – reworked in 2014

At such time when Vintage re-submits its application, the company must certify that it has complied with this permit condition by properly notifying the college and the ranch.

- 4. CUP 3344 Condition 31: [A]ll permanent facilities, structures, and aboveground pipelines shall be colored so as to mask the facilities from the surrounding environment and uses in the area. Said colors shall also take into account such additional factors as heat buildup and designation of danger areas. Said colors shall be approved by the Planning Director prior to painting of facilities.**

The facilities we observed at Drill Sites 1 and 7 are indeed painted, but the paint is in various stages of decay and the facilities require repainting to achieve compliance with this condition. Vintage claims in its application that the paint is “maintained” but clearly it is not, and has not been painted for several years if not decades. Moreover, the colors are not compatible with the surrounding environment (i.e. tan against a green backdrop).



Drill site 1

5. **CUP 3344 Condition 32: [T]he permit area shall be maintained in a neat and orderly manner so as not to create any hazardous or unsightly conditions such as debris, pools of oil, water or other liquids, weeds, brush, and trash.**

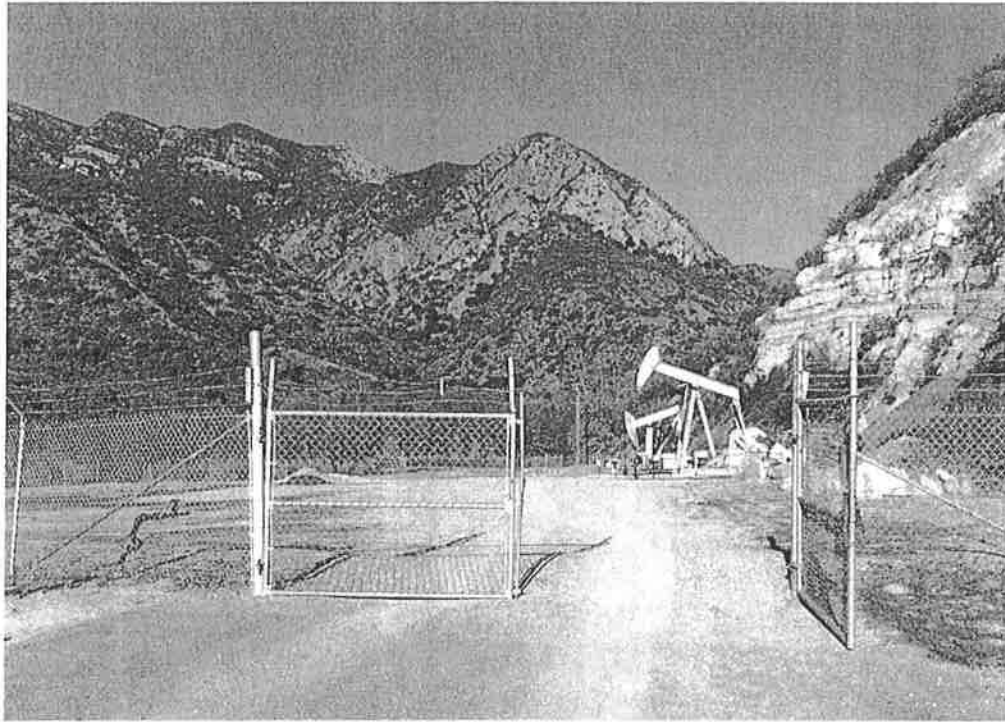
We observed unsightly graffiti at Drill Site 7 during our recent visit, in violation of this permit condition.



Graffiti at Drill Site 1

6. **CUP 3344 Condition 49: That within 90 days of the approval of CUP-3344 MOD #8 and MOD #9, all equipment and facilities on Drill Site Nos. 1, 3, and 7 shall be completely enclosed by a 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. A gate or gates made of the same material as the fence shall be provided for each opening and the gate or gates shall be kept locked except when oil field personnel are present on the drill site.**

During our site visit, the gate at Drill Site 7 was unlocked and opened, in direct violation of this permit condition. No workers were present at the site during our visit. Vintage claims in its application that the gates "are locked" but this is clearly not the case.



Gate unlocked at Drill Site 7

- 7. CUP 3344 Condition 51 (Landscaping of Drill Sites): All drill site[s] shall be landscaped so as to fully 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. Landscaping shall also be designed to revegetate cut and fill slopes to control erosion. Required landscaping shall be accomplished in a manner consistent with the native character of the area. Landscape Plans for Drill Sites 1, 2 and 7 shall be designed to accomplish the required screening in the lease amount of time.**

Drill Site Nos. 1 and 7 have not been landscaped so that they are “fully screened” from the Santa Paula Canyon hiking trail, as required by this permit condition. Also, we are unaware of any Landscape Plan for Drill Sites 1 and 7 and whether such plans were ever submitted to the County for review, as required by other provisions of this condition. Vintage must prepare such plans and resubmit them with a new application if they were not previously prepared and approved by the County.

Vintage claims in its application that the required landscaping “was assumed to have been addressed by the previous Lease holders, at the time the soil work has been implemented in

the 1980's." Vintage also assumes that some (but not all) of the drill sites have approved landscaping plans in place, and further assumes that the Planning Director determined that full screening would not be feasible. It is unclear why Vintage is assuming that the previous lease holders fully complied with this or any other permit condition, particularly given the long history of permit violations at this facility. It is also unclear why Vintage assumes that full screening is not feasible. We are unaware of any formal determination by the Planning Director to the contrary.

Vintage also claims that the equipment at Drill Site 1 "is screened from views from the hiking trail by fencing with wooden slats, trees and other vegetation," that the equipment at this site is "painted in colors that blend with the surroundings," and that "[s]hort-duration intermittent views of the equipment exist from the hiking trail." This is completely false, and the application/permit should be nullified based on this gross mischaracterization alone. While a chain-link fence does screen portions of Drill Site 1, many of its wooden slats are broken or missing, and vegetation is sparsely located around the fence. Moreover, the equipment at the site is in various stages of decay and has not been painted in years, if not decades, and does not blend in with the natural surroundings (i.e. tan paint and green background).



Drill Site 1, as viewed from the hiking trail



Drill site 1, as viewed from the hiking trail

With respect to Drill Site 7, Vintage claims in its application that the pumping units are “obscured from the hiking trail views” because they are painted to blend in with the surroundings, and are at a sufficient distance from the hiking trail. The pumping units are in various stages of decay and have not been painted in years, if not decades, and are directly in view from the hiking trail because they are located less than 100 feet from the trail. Again, such blatant mischaracterizations should provide the County with immediate grounds for nullification.



Drill site 7, viewed from the hiking trail.

Then Vintage states that while the pumping units “could be visible from the hiking trail,” landscaping to fully screen them is not feasible because of land ownership issues, lack of space, and Fire Department restrictions. Vintage cannot avoid compliance with a permit condition that has been on the books for several decades by unilaterally determining that the condition is infeasible now. It is also important to note that the proposed modified CUP Condition 68 only requires a thirty-foot vegetation clearance for fire prevention, leaving ample room to accommodate vegetative screening on the well pad itself.

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 must immediately prepare and implement a landscaping plan for these drill sites prior to re-submitting its application.

- 8. CUP 3344 Condition 52 (Landscape Bond):** That within 30 days of the approval of CUP-3344 MOD #8 and MOD #9, the permittee shall file, in a form acceptable to the County, a bond or other surety in the amount of \$5,000 to guarantee success germination and plant growth. Such bond shall be exonerated after two years if the permittee can demonstrate to the satisfaction of the County that successful germination and plant growth has occurred.

We cannot locate any documentation that this bond was filed, whether the permittee demonstrated to the satisfaction of the County that successful landscaping had occurred, nor whether the bond has been exonerated.

In its application, Vintage merely assumes that the County was provided with the required bond “because the CUP was valid and operations were allowed to continue.” This statement is incomprehensible, and we are frankly surprised that the County accepts responses like this in determining the completeness of an application.

- 9. CUP 3344 Condition 58 (Access Road Realignment):** 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 permit condition addresses two concerns with the steep grade of this access road: hazards associated with runaway vehicles, and stormwater runoff. Vintage admits in its application that guard rails were installed in lieu of escape ramps, in direct violation of this mandatory permit condition. Vintage also claims that drainage ditching along the roadside is adequate to manage runoff, even though the permit condition aims to avoid runoff and erosion problems in the first place by reducing the road grade.

Vintage is currently in violation of this condition, and must re-submit its application to include this road realignment in the project description.

- 10. CUP 3344 Condition 66 (Paving of Drill Sites):** That 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.

Neither drill site is paved. Vintage claims that paving with asphalt “is not common practice and is not feasible,” and then somehow claims that this condition is “in compliance.” Again, Vintage does not have the authority to unilaterally declare that a longstanding mitigation measure is

infeasible. In resubmitting its application, Vintage should include paving these two pads as part of the project description.

11. Zoning Ordinance Section 8107-5.6.4 (Waste Handling and Containment of Contaminants): The permittee shall 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.

Vintage attached to its application a three-page Spill Containment Plan that does not comply with current state requirements for Spill Contingency Plans that have been on the books since 2008, as set forth in 14 CCR § 1722.9. A legally adequate spill containment plan must include:

- A list of the operator's 24-hour emergency contact telephone numbers.
- Complete information about the production facility emergency shutdown procedures, including a list of safety shutdown devices including, but not limited to, kill switches, emergency shut-down devices, or master valves.
- A list of available personal safety equipment, including location and maintenance frequency.
- A one page quick-action checklist for use during initial stages of a spill response.
- A list of required local, state and federal agency notifications with telephone numbers, including, but not limited to, the phone number for the appropriate Division district office and the phone number for reporting spills to the California Emergency Management Agency.
- A list of control and/or cleanup equipment available onsite or locally, with contact procedures.
- A map of the production facilities covered by the plan, including: (1) Labeling of all permanent tanks, equipment, and pipelines. (2) Identification of access roads for emergency response. (3) Labeling of all out-of-service equipment. (4) Labeling of all sumps and catch basins. (5) Volume of all tanks and storage containers covered by the plan, listing the type of fluid stored. (6) All designated waterways within one-quarter mile of the facility. (7) Location of secondary containment with access routes. (8) Topography or drainage flow direction. (9) All storm drains within one-quarter mile of the site.

Moreover, Vintage did not submit any Pipeline Management Plan for this facility, as required by 14 CCR §1774.2. Such a plan guards against corrosion and spills, and includes:

- pipeline type, grade, actual or estimated installation date of pipeline
- design and operating pressures
- leak, repair, inspection and testing history
- description of the testing method and schedule for all pipelines

Finally, as an additional measure to guard against spills, Vintage must comply with 14 CCR §1773 regarding storage tanks, particularly those requirements regarding out-of-service tanks.

The absence or inadequacy of these plans is not consistent with the Zoning Ordinance. On that basis, Vintage's application must be nullified, and Vintage must resubmit its application after completing adequate plans that are consistent with the above-referenced state regulations.

12. 1978 MND Mitigation Measure C.3 (Flood Control & Drainage): The applicant will 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.

Vintage claims that "there are shut-off valves on the pipeline" but does not disclose whether they are functional, what procedures are in place to ensure that they effectively prevent a spill of less than 45 barrels. Vintage also claims that the pipeline is "suspended above ground across the Santa Paula Creek." This mitigation measure does not require merely that the pipeline be suspended across the creek, but rather requires a "properly designed suspension bridge."

Based on our analysis of aerial imagery and our review of the permit files, we have reason to believe that the suspension bridge envisioned in this mitigation measure was never constructed. If that is the case, then Vintage is in violation of this mitigation measure, and must include in its project description a proposal to construct such a facility to guard against pipeline failure during high-streamflow events. If this suspension bridge has not been constructed, then Vintage is in violation of this requirement.

13. 1982 MND Trail Construction (Item 5 - Recreation, Measure 2): That the permittee shall reroute the Santa Paula Creek trail so that it completely avoids Drill Site Nos. 1 and 7 and the access road to proposed Drill Site No. 7. The cost of construction and maintenance for the rerouted trail shall be borne by the permittee. The location and design specifications for the rerouted trail shall be approved by both the U.S. Forest Service and the surface land owner prior to construction. All required trail improvements shall be completed by November 1, 1982.

This permit condition is clear – Vintage is responsible for rerouting the trail to “completely avoid” the drill sites and the access road, must consult and receive approval from the U.S. Forest Service and the landowner, and shall bear all costs. These improvements were required to be in place by 1982, more than 30 years ago, and the failure of Vintage and its predecessors to do so means that Vintage is not in compliance with this requirement. Vintage must submit trail reroute plans as part of any application resubmittal.

14. DOGGR Idle Well Regulations

Existing well Valex-Ferndale 110 (API 11121163) is classified as “active” in the DOGGR online well records database, but according to DOGGR well production records, the well has not produced since November 2010. This well is thus more accurately classified as an “idle” well, as defined by Pub. Res. Code 3008(d) (“‘Idle well’ means any well that has not produced oil or natural gas or has not been used for injection for six consecutive months of continuous operation during the last five or more years.”)

Because this well is mis-classified, we are concerned that Vintage has not complied with DOGGR’s idle well requirements, including payment of an annual idle well fee, establishing an escrow account for the idle well, filing a \$5,000 bond for the idle well, and performing periodic idle well testing to ensure that no damage is occurring to groundwater. Vintage must immediately comply with these requirements, and must take steps toward plugging and abandoning this idle well. It is in violation of the Public Resources Code until it does otherwise, and the application/permit should be nullified on this basis.

These ongoing permit violations are part of a long history of non-compliance at this facility. Based on the seriousness of these offenses, we strongly urge you to nullify the application (or permit, if already approved). This will ensure that the applicant takes all steps necessary to adequately remedy these deficiencies, undertake additional work, prepare required plans, revise the project description as needed, and submit this additional information as part of a

revised application. It will also give your Division an opportunity to conduct a long-overdue condition compliance review for this facility.

We appreciate your consideration, and hope that your Division will take the appropriate steps to comply with the Zoning Ordinance and remedy longstanding permit compliance issues at this facility before proceeding with any permit modification. Thank you for your assistance in this matter.

Best regards,

A handwritten signature in black ink, appearing to read "Jeff Kuyper". The signature is written in a cursive, flowing style with a large initial "J".

Jeff Kuyper
Executive Director

RESOURCE MANAGEMENT AGENCY

county of ventura

Planning Division

Kimberly L. Prillhart
Director

February 27, 2015

Jeff Kuyper
Los Padres Forest Watch
P.O. Box 831
Santa Barbara CA 93102

Re: **Vintage Petroleum, PL13-0150:** Response to February 11, 2015 letter

Dear Mr. Kuyper:

The Planning Division received your letter dated February 11, 2015 regarding the Vintage Petroleum conditional use permit (CUP) modification request (Case No. PL13-0150) that has been under review by the County of Ventura. Given that Los Padres Forest Watch has appealed the February 17, 2015 decision of the Planning Director on the PL13-0150 application, your letter and a staff response to the issues raised therein will be included in the staff report provided to the Planning Commission at the de novo hearing on the proposed project. When a date for the hearing has been identified, I will let you know.

Sincerely,



Brian R. Baca, Manager
Commercial and Industrial Permits

Cc: Kim Prillhart, RMA Planning
Jay Dobrowalski, RMA Planning





Memorandum

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

DATE: May 26, 2015
TO: The Honorable Planning Commission
FROM: Brian R. Baca, Commercial Permits Manager *BRB*
SUBJECT: PL13-0150, Response to Public Comment

Planning Staff received a letter from Jeff Kuyper dated February 11, 2015 regarding the California Resources Corporation (CRC, formerly known as Vintage Petroleum) conditional use permit (CUP) modification request (Case No. PL13-0150) that has been under review by the County of Ventura (see attached). In the letter, it is requested that either the PL13-0150 application be nullified or that any modified CUP granted be nullified because of the "presence of several ongoing violations at this facility." Provided below are specific responses to the comments provided, numbered in correspondence with the attached marked copy of the February 11, 2015 letter.

Responses:

1. The referenced section of the Non-Coastal Zoning Ordinance (NCZO) and Section 8101-3.2 of the NCZO generally prohibit the processing of an application for, or the granting of, a new permit on a lot where an outstanding violation has been confirmed to exist. In this case, a Notice of Violation has not been issued for the CRC facility that is the subject of the PL13-0150 application.

In any case, Section 8111-2.2.f of the NCZO allows the processing of a permit application and the granting of a permit if such action would serve to abate identified violations. For example, the issues of equipment screening are addressed in the recommended conditions of approval. Similar to the current permit, the level of screening required will be determined at the discretion of the Planning Director.

2. CRC submitted an application for a modification of CUP 3344 to authorize the continued use of the oil and gas facility, and to authorize the drilling of 19 new wells. The application submitted by CRC was determined by the Planning Division to be adequate for processing.
3. According to the records made available to Mr. Kuyper, the County Planning Division conducted a "compatibility review" of the subject oil and gas facility in 2003. By letter dated March 20, 2003, the Planning Division determined that:

"Seneca is in compliance with the Conditions of Approval of the permit, the use is consistent with the findings of approval of the parent permit, and the use remains compatible with the surrounding uses."

As recognized in the LPFW letter, Vintage Petroleum purchased the Ferndale Lease from Seneca in 2008. At that time, Vintage paid a Condition Compliance fee to the County Planning Division and signed a Reimbursement Agreement to fund any County compliance reviews. However, there is no record of a formal compliance review being conducted by the County since 2003. However, the access roads and Drillsites 1, 2, 3 and 7 had already been constructed more than a decade earlier and were in use. According to DOGGR records, the last three of the 17 existing permitted wells at this facility were drilled in 1990. Thus, no substantial changes in the facility have occurred in the past 25 years, including the 12 years since the last formal compliance review.

Given the current discretionary action under consideration by the County, the next compliance review will occur after the final action by the County on the requested modified CUP.

4. All project related construction had occurred by 2003. The County Planning Division determined in 2003 (refer to response to comment 3 above) that the facility was being operated in compliance with the conditions of approval. No evidence of a violation of Condition of Approval #6 of CUP 3344 is provided in this comment.
5. The condition of approval requiring notification of Thomas Aquinas College of site preparation or drilling has been included in the recommended conditions of approval for the requested modified conditional use permit. No formal complaint has been filed with the Planning Division regarding a lack of compliance with this condition. A representative of Thomas Aquinas College has indicated in writing that the College administration has no objection to the requested modified CUP.

In any case, the abatement of a "lack of notice" violation would involve the operator providing the required notification in the future. All documentation of the past "rework" events is currently available to college representatives as the records are maintained as a public record on the DOGGR Well Finder website. Furthermore, recently adopted State regulations also require notice to surrounding property owners prior to the conduct of certain well stimulation activities.

6. The painting of oil field facilities is required to minimize the contrast between these facilities and the surrounding vegetated areas. Given that the hillsides may be green in the springtime (based on rainfall) and tan the majority of the year, it is not possible to have the equipment painted to match the color of the surrounding landscape at all times.
7. County staff informed representatives of CRC of the graffiti. CRC staff informed the Planning Division that the graffiti had been removed. Note that the placement of graffiti on the project site requires an illegal act of trespass. No

hazardous or unsightly conditions resulting from the operation of the oil and gas facility have been identified.

8. County staff also observed the gate to be unlocked and informed representatives of CRC. CRC staff informed the Planning Division that the gate has been locked and the site secured.
9. A landscaping maintenance condition of approval is included in the requested permit. This condition of approval is consistent with a similar condition included in the previous permit (CUP 3344). In each case, the drillsites are to be screened from public views *"to the extent the Planning Director determines is reasonably feasible."*

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 interim public trail. Full slats incorporated into the fencing would create a potential "graffiti wall." The Planning Director will determine the ultimate design of the required landscaping and screening measures that will minimize visual effects. The vegetation included in the required landscaping will be comprised of native species.

10. The landscaping plan required pursuant to the recommended conditions of approval must be prepared in accordance with the County's Landscape Guidelines. These Guidelines allow for the County to require a surety (i.e. a bond) to guarantee installation of required plantings if done after the issuance of a zoning clearance. Regardless of whether a landscape bond is required, any non-compliance with landscaping requirements would be subject to the issuance of a Notice of Violation, imposition of civil penalties and other enforcement actions.
11. The access road between drill sites 1 and 2 was improved many years ago. No grading is now required to alter this road.
12. The paving of Drill Sites Nos. 1 and 7 required under condition of approval #66 of CUP 3344 has not occurred. Thus, the facility is not in conformance with this requirement of CUP 3344. This non-conformance would be eliminated with the granting of the requested modified CUP. In this case, potential adverse effects on water resources (surface and groundwater) would be exacerbated by paving of the drillsites according to Certified Hydrogeologist Brian R. Baca (CHG 398). The sites are underlain by bedrock and not unconsolidated sand or gravel aquifers. This is recognized in current State stormwater regulations that seek to minimize the area of impervious surfaces to reduce runoff from and maximize water infiltration on developed properties. The proposed project does not involve

any substantial changes in the runoff characteristics of any of the existing facilities.

13. Each oil and gas facility is required by State law to have a Spill Prevention Control and Countermeasure (SPCC) Plan. These SPCC plans are subject to review and approval by the California Division of Oil and Gas and Geothermal Resources (DOGGR). The County Planning Division works in coordination with DOGGR on oil and gas projects. Each approved SPCC plan is available to the County Planning Division. According to DOGGR (Bruce Hesson, pers. Comm., 2-26-15), the SPCC for the subject Vintage Petroleum operation has been approved.
14. Refer to response to comment above. The design and maintenance of the pipelines would be addressed in the SPCC plan as approved by DOGGR. The referenced measure from the 1978 MND is not a condition of approval included in the current permit (CUP 3344) for the Vintage facility.
15. Condition of Approval No. 50 of CUP 3344 states that:

"The Permittee shall cooperate with Thomas Aquinas College, the Ferndale Ranch (or their successors in interest) and the U.S. 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. "

This condition of approval constitutes the method that the County Board of Supervisors chose to address the issue of a hiking trail in Santa Paula Canyon. It requires only that the permittee "cooperate" with the other listed entities in the establishment of a permanent trail. There is no timeframe or allocation of costs specified in this condition. The permittee (Vintage-CRC) continues to maintain the temporary trail in the vicinity of Drillsites 1 and 7 and is in compliance with the above condition.

16. The issue raised in this comment refers to State regulations enforced by DOGGR. They do not relate to compliance with the current permit (CUP 3344) or the requested modified permit (CUP PL13-0150). Thus, no specific response is required.
17. Refer to responses to comments 1 through 16 above.

Attachment:

- 1- Letter from Jeff Kuyper to Kim Prillhart dated February 11, 2015

Susi, Denise

From: CFROG oil watchdog <cfrogvc@gmail.com>
Sent: Monday, June 08, 2015 3:25 PM
To: Susi, Denise
Subject: CFROG Legal Advisory Board Additional Comments on the appeal of PL13-0150 to the Ventura County Planning Commission.
Attachments: CFROG Legal 1.jpg

Planning Commissioners 6/8/15

PL13-0150 gives us the opportunity to review all of the issues involved in this project that may cause harm to the environment. As County Counsel has been teaching us, a CUP is like a contract. The good news is that the contract is expired. The thirty-year contract is expired! We have the opportunity now to get it right.

There is a clause in the language of the old CUP that allows the permittee to apply for renewal of the CUP, which Vintage, now California Resources Corporation (CRC), has done. However, the renewal application, according to the terms of the contract, was due 18 months prior to the expiration date. Vintage submitted the application 16 months prior to the expiration date. It is CFROG's position that the contract has expired and all conditions and terms of the contract are thus open to renegotiation.

The request to drill 19 new wells is not an entitlement. It too expired --- 23 years ago. When the last extension of time to drill the wells was granted, it was titled "Last Extension." That was in 1992. If CRC wishes to drill 19 new oil wells on this CUP, then that is a new project that requires a new application, and it triggers CEQA.

Thus, we have an opportunity to examine this CUP, to evaluate the potential harm to the environment and to determine if 36 oil and gas wells is an acceptable number in this unique area. The permittee should submit the reason 19 more wells are required to obtain the oil that has still not

been withdrawn. Of special importance is the precise reason the permittee needs to place 5 new wells on drill pad #7 that encroaches on red line Santa Paula Creek. Modern drilling techniques should allow horizontal drilling from any reasonably close location

3

CFROG agrees that the expiration dates for the CUP (February 7th, 2015) and the expiration date for the well authorization (1992) are clearly different. We also do not disagree that CUP 3344 remains in effect while the new application is being processed. However, the applicant submitted the renewal application two months after deadline determined in the CUP conditions. Additionally, the CUP has been in effect for thirty years, the permitted time for life of the CUP. It can be renewed under any new terms and conditions the County finds necessary to protect the environment and the surrounding endangered species. The expiration date is in the contract for the purpose of review. As staff stated, a CEQA review has no expiration date. However, the permit has expired and the CEQA review on the well drilling operations was completed as a 1978 checklist without any in-depth study of environmental harm. The EIR checklist was an evaluation for a thirty-year time period. There was never any intent to review the potential harm to the environment for a total of 60 years, as the modification would permit. There is nothing that prohibits staff from requesting a new EIR or a targeted EIR to address new information.

4

The project has substantially changed for two reasons. First it is our understanding that the oil, gas and produced water are no longer being separated onsite. Thus a new environmental review of the transport off-site is necessary.

5

Secondly this proposed modification permits both drill pad #2 and #7 to increase in size by more than one acre each. Drill pad #7 is now increased to 1.85 acres from the original permitted size of 0.86 acres. This increase in acreage to both drill pads must be evaluated fully to determine the environmental impact.

6

There are other changed circumstances that require evaluation of environmental consequences.

California is experiencing a water emergency due to the historic drought. We must consider water as the precious resource that it is and thoughtfully place limits on its use for the drilling, operation, and stimulation treatments of oil wells. Thus, the public needs to have an opportunity to evaluate the potential use of water on this CUP. There is evidence in the record that Santa Paula Water Company and agricultural farmers downstream are concerned about the additional use of water both by the oil operator and the College.

Drill pad #7 has a permanent drain that goes from the drill pad itself into the bank of Santa Paula Creek into an area of the creek that is classified as “critical steelhead habitat.” The potential harm from this drain and the quality of water that it drains must be studied. It is a Federal crime to knowingly harm an Endangered species. This drain may contain harmful chemicals that could be directly responsible for killing steelhead trout in the water below the drain. This is new information.

Drill pad #7 is not in accordance with the NCZO. (see Blue Tomorrow study provided to the Commission by CFROG.)

The CUP was approved for the production of oil and gas. The wastewater was permitted to be trucked to a commercial disposal well or disposed of in a wastewater well on the CUP. Conditions have changed and the oil, gas and wastewater are currently being piped to a disposal well and production site up to a mile away on an entirely different CUP. There is no information on the type of pipeline that is transporting this crude oil through an area that is “highly prone to landslides” according to the record. Transporting crude oil in a pipeline is dangerous because there is the fear that in a fire, the unseparated gas will heat up, explode, and cause a wildfire. The environmental consequences of this possibility must be evaluated and explained to the public.

At no time has drill pad #7 been analyzed for the risk to the facilities from landslides. There was a landslide that occurred sometime after the FEIR on the back side of drill pad #7 that buried a dirt road and the old hiking trail and the south side of the fence surrounding the drill pad. The evidence of this landslide is photo documented (see attachment) and must be evaluated. This is new information and the the placement of five additional oil wells on this pad could increase the potential disaster were a bigger slide to occur in the future.

11

There must be a CEQA review of the cumulative impacts of 19 new oil wells on this CUP. The study should include such issues: increased run-off from impervious surfaces on the drill pads, air pollution, greenhouse gas pollution, impacts on stream quality in the event of a pipeline break both from the gathering lines on the CUP and the pipeline that crosses the stream to access the production CUP down the road. The review must also examine the “high likelihood of Chumash artifacts of high importance” that may be on the exact route of this pipeline. According to the record, there has never been an archeological review of this area.

12

The totality of this evidence calls for a full EIR , not the limited original EIR which was done in the last century. We do not gave to demonstrate that environmental harm will certainly take place , only that there is substantial evidence of a fair argument that harm MAY take place. Your staff has said all the evidence is "without merit" we hope you can see that is not the case.

13

CFROG legal advisory board .



Exhibit E.

JUN 08 2015

County of Ventura
c/o Brian Baca
800 S. Victoria Avenue
Ventura, CA 93009

Dear Mr. Baca.

I'm writing on behalf of drinking water conservation vs. the oil industry. In my opinion we can no longer afford to waste tons of water for fracking. We need to end this practice in the Ojai Valley and especially in the Upper Ojai.

Please revoke revoke the C.U.P.s of ALL oil drilling operations in the Upper Ojai.

It is time. Less and less cars and trucks burn oil products as fuel. It is a dirty industry whose time is now limited.

Sincerely yours,



Elaine Needham
39 Taormina Lane
Ojai, CA 93023

1



Memorandum

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • ventura.org/rma/planning

DATE: January 8, 2015
TO: Kim Prillhart, Planning Director
FROM: Jay Dobrowalski, Case Planner
SUBJECT: Vintage Oil and Gas Facility, PL13-0150: Errata Sheet

After the Planning Director Hearing documents were made available, Planning Division staff made changes to the hearing documents. Exhibit A (Well Data) has been added, and the following Condition No. 75 has been added to Exhibit 7 (Conditions of Approval):

75. 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*.

EXHIBIT A

WELL DATA FOR CUP NO. PL13-0150

The 17 existing wells are located on Drill Site Nos. 1, 2, 3, and 7. Each well is listed below with its corresponding American Petroleum Institute (API) number, and exact location:

Well #	Existing Wells	API #	Well Status	Latitude	Longitude
Drill Site 1: 8 Existing Wells, 2 Wells Remain to be Drilled Previously Approved in the CUP					
1	Barker-Ferndale 1	11120423	Active	34.43385	-119.0855
2	Barker-Ferndale 3	11120609	Active	34.43384	-119.0856
3	Barker-Ferndale 4	11120685	Active	34.43386	-119.0854
4	Barker-Ferndale 2	11120604	Idle	34.43386	-119.0855
5	Barker-Ferndale 5	11120702	Idle	34.43386	-119.0854
6	Barker-Ferndale 6	11120730	Plugged	34.43407	-119.0852
7	Valex-Ferndale 110	11121163	Active	34.43386	-119.0853
8	Valex-Ferndale 107	11121066	Idle	34.43386	-119.0853
Drill Site 2: 4* Existing Wells, 6* Wells Remain to be Drilled Previously Approved in the CUP					
1	Valex-Ferndale 211	11121178	Active	34.43344	-119.0806
2	Valex-Ferndale 214	11121180	Active	34.43390	-119.0806
3	Valex-Ferndale 215	11121206	Active	34.43336	-119.0805
4	Valex-Ferndale 209	11121105	Idle	34.43349	-119.0807
Drill Site 3: 2 Existing Wells, 1 Well Remain to be Drilled Previously Approved in the CUP					
1	Valex-Ferndale 313	11121314	Idle	34.42921	-119.0817
2	Ferndale 8	11120732	Plugged	34.42910	-119.0813
Drill Site 7: 3 Existing Wells, 7 Wells Remain to be Drilled Previously Approved in the CUP					
1	Ferndale 716	11121563	Active	34.43854	-119.0830
2	Ferndale 717	11121569	Active	34.43843	-119.0831
3	Ferndale 712	11121492	Idle **	34.43864	-119.0829

The proposed 19 new wells will be located on Drill Site Nos. 1, 2, 3, and 7.