



Appeal of PL13-0150

CRC OIL & GAS PROJECT

Presentation to the Ventura County Planning Commission
June 11, 2015

County of Ventura
Planning Commission Hearing
PL13-0150

Exhibit K - Jeff Kuyper for LPFW PowerPoint



OUR REQUEST

- **Decline to certify the EIR Addendum**
- **Direct the Division to Prepare a Subsequent EIR**
- **Nullify the permit application based on ongoing violations**
- **Uphold our appeal and refund our appeal fee**



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TIM HAUF PHOTOGRAPHY



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- Nullification – include language from 2 zoning ordinances

- History of permit violations

- there is no record of a formal compliance review being conducted by the County since 2003

- Image of our letter

- Table showing permit condition, nature of violation, and county's response (fixed, deferred)

- 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.

- Reimbursement Agreement for Permit Condition Compliance Review in 2008

- , the Division's letter 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



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- (3) New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted, shows the following:
- (A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration.
- (B) Significant effects previously examined will be substantially more severe than previously shown in the previous EIR.
- 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 decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project” CEQA Guidelines 15164(d)
- “A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency’s findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.” CEQA Guidelines 15164(e)

- TRAILS
- USFS map
- Aerial image
- Books and excerpts (bring the books to the hearing)

- Images of school, trail signs, oil facilities visible from trail

- Images of waterfalls from google earth

- Image of sespe wilderness sign

- Good quotes from permit application

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

- • 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.”)
- • 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.”)

- the 1978 EIR requires the applicant to “install automatic safety valves on the shipping line so that the maximum amount of oil that could be spilled into Santa Paula Creek, in the event of pipeline breakage, would be 45 barrels (1,890 gallons). In addition, a properly designed suspension bridge would reduce the likelihood of pipeline breakage from flooding.”

There are shut off valves on the pipelines, and the line is suspended above ground across the Santa Paula Creek. The measure is in compliance.

- Aerial images of pipeline
- Image of sample suspension bridge

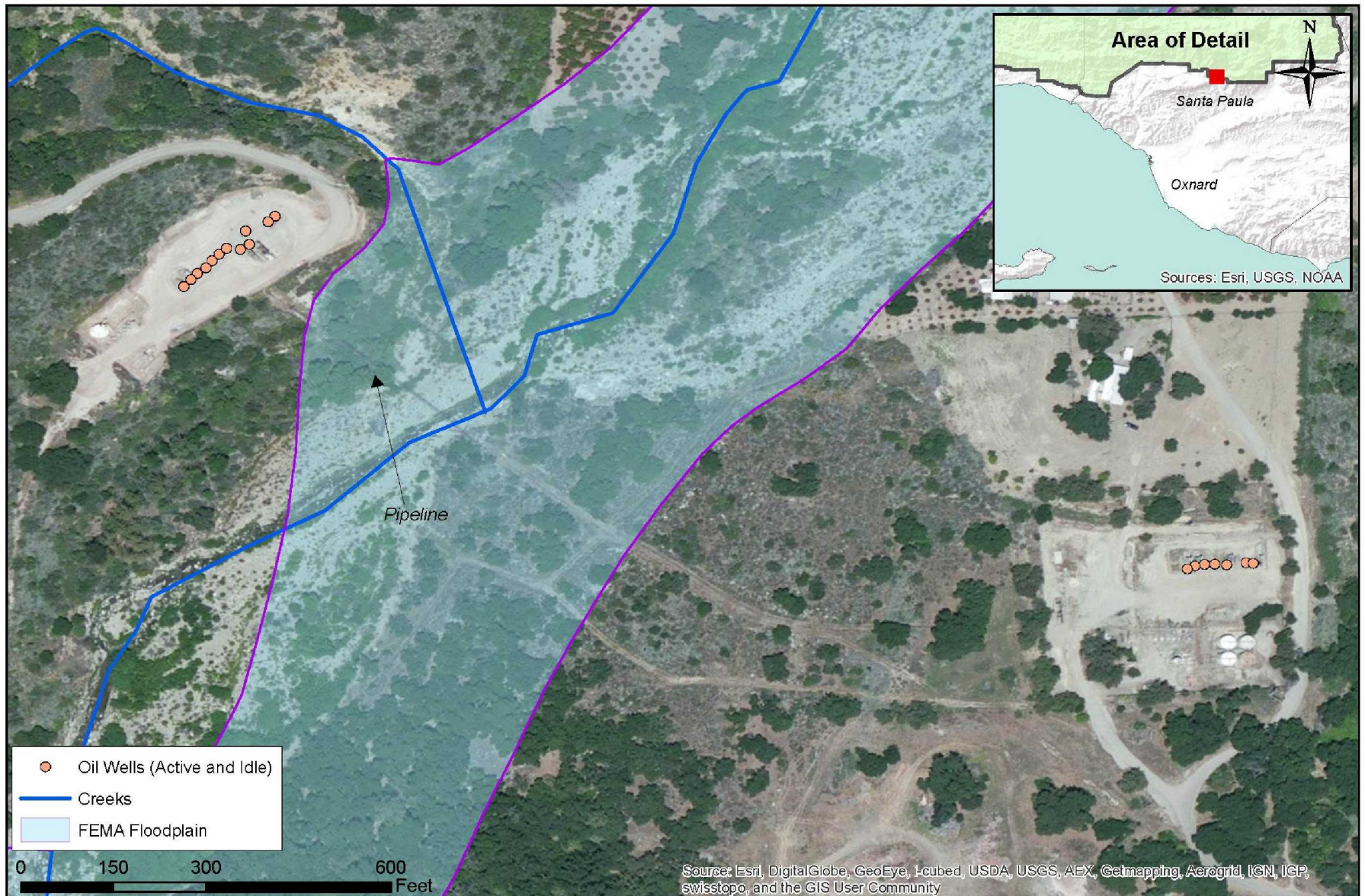
Pipeline in Santa Paula Creek Floodplain

Data Sources: FEMA, ESRI, USGS, USFS, DOGGR, Ventura.org

Coordinate System: GCS WGS 1984

Datum: WGS 1984

Created by Los Padres ForestWatch on June 8, 2015



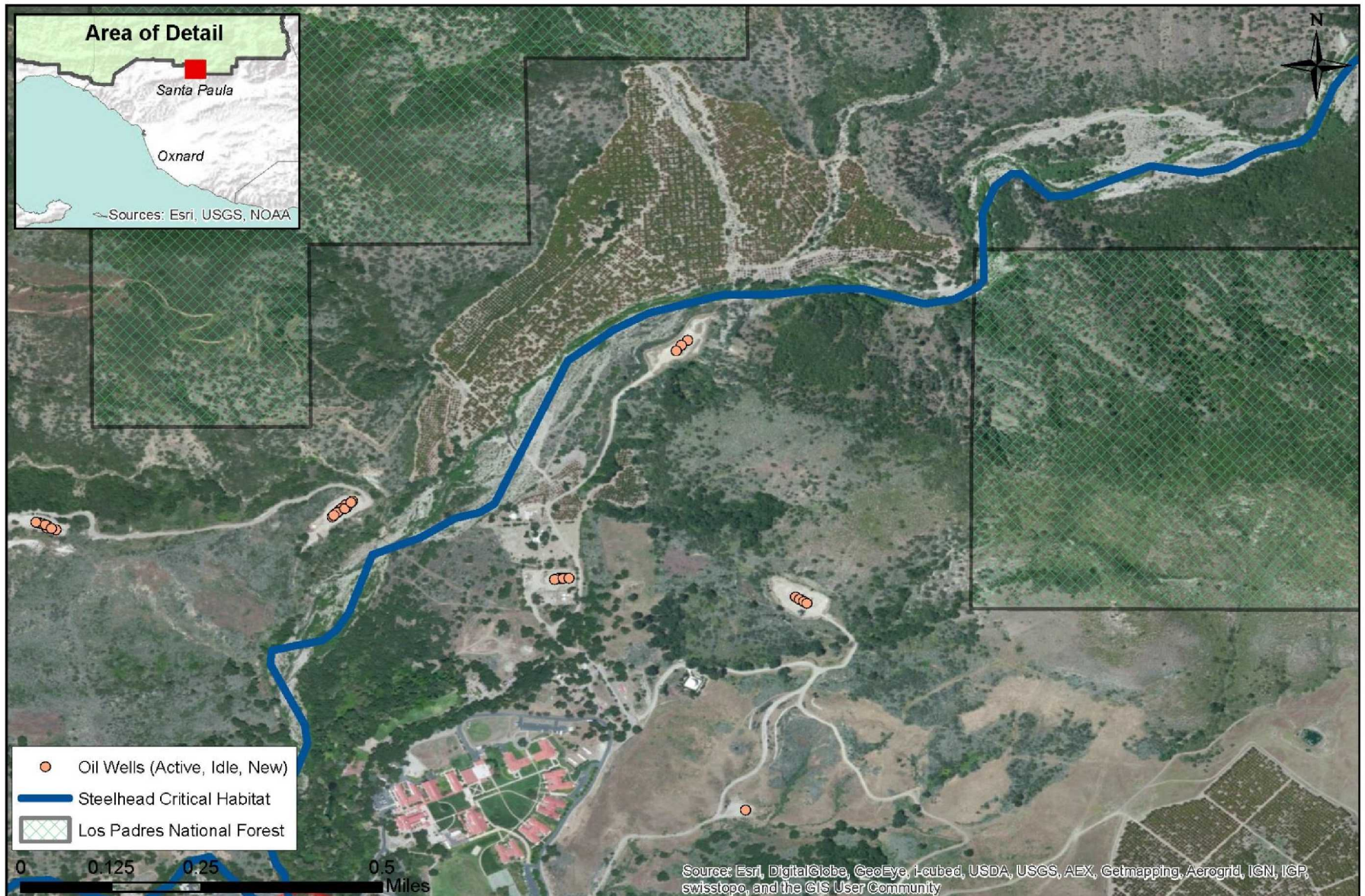
Steelhead Critical Habitat Near Santa Paula

Data Sources: ESRI, USGS, USFS, DOGGR, Ventura.org

Coordinate System: GCS WGS 1984

Datum: WGS 1984

Created by Los Padres ForestWatch on June 8, 2015



- Spill history for Vintage/CRC, with images from headlines











A photograph of two California Condors standing on a large, flat rock. The birds have dark brown feathers and a distinctive red, bald head. They are facing each other, with their heads slightly turned. The background consists of a rocky, sloping hillside with sparse, dry vegetation and some green shrubs. The lighting is natural, suggesting daylight. The numbers 262 and 449 are overlaid on the image in white, bold font.

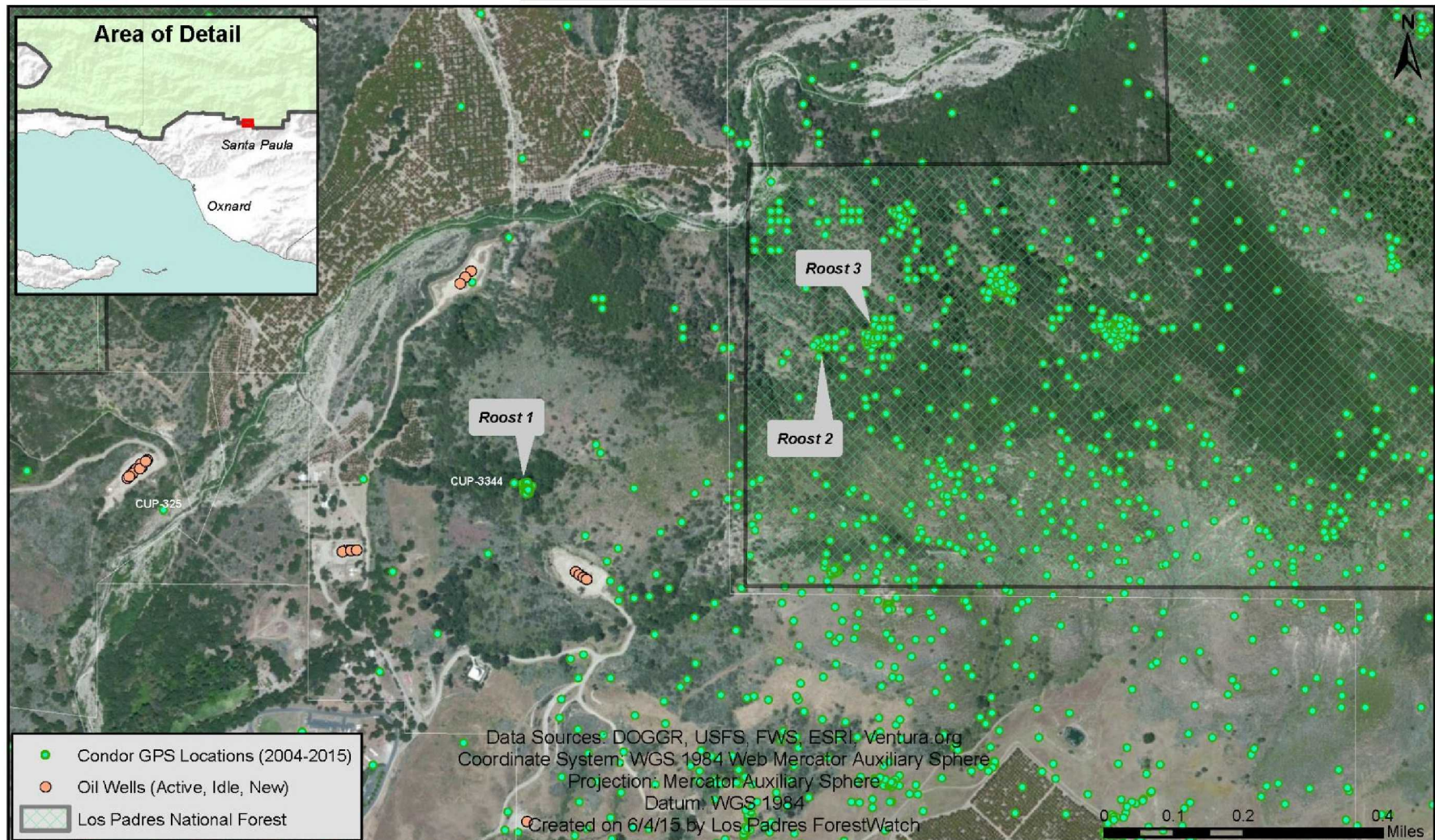
262

449

- 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."

Condor Activity Near CUP 3344



Roost 1 Data:

37 GPS points, approx. 0.13 miles from nearest oil well

Bird ID: 262
 37 points
 arrived 17:45 PST on 02-02-2014
 departed 09:23 PST on 02-05-2014

Roost 2 Data:

17 GPS points, approx. 0.47 miles from nearest oil well

Bird ID: 262
 9 points
 arrived 07:33 PST on 12-18-2013
 departed 12:04 PST on 12-18-2013
 arrived 17:06 PST on 06-01-2014
 departed 17:07 PST on 06-01-2014

Bird ID: 449
 4 points
 arrived 02:00 PST on 04-20-2012
 departed 16:00 PST on 04-20-2012
 arrived 14:00 PST on 12-18-2013
 departed 19:00 PST on 12-18-2013

Roost 3 Data:

88 GPS points, approx. 0.52 miles from nearest oil well

Bird ID: 262
 79 points
 arrived 22:00 PST on 04-19-2012
 departed 16:00 PST on 04-20-2012
 arrived 19:20 PST on 02-05-2014
 departed 08:59 PST on 02-06-2014
 arrived 16:07 PST on 04-16-2014
 departed 07:01 PST on 04-17-2014
 arrived 17:08 PST on 06-01-2014
 departed 17:10 PST on 06-01-2014

Bird ID: 449
 7 points
 arrived 22:00 PST on 04-19-2012
 departed 12:00 PST on 04-20-2012
 arrived 01:00 PST on 03-17-2013
 departed 15:00 PST on 03-17-2013
 Bird ID: 412
 1 point at 21:00 PST on 11-11-2007
 Bird ID: 328
 1 point at 21:00 PST on 09-08-2008



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
08EVEN00-2013-CPA-0148

July 18, 2013

Kim L. Prillhart, Planning Director
Planning Division
County of Ventura
800 S. Victoria Avenue
Ventura, California 93009-1740

Subject: Measures to Protect the California Condor at Oil and Gas Exploration,
Development, and Production Facilities in Ventura County

Dear Ms. Prillhart:

The U.S. Fish and Wildlife Service (Service) recognizes the vital role that local jurisdictions play in the conservation of endangered and threatened species. You are often the first to become aware of proposed development projects or other changes in land use that could affect undeveloped areas, and typically implement environmental review processes that require disclosure of important information on the presence of sensitive species. The Service appreciates this function and we are writing to provide you with information that we recommend considering during project review. Specifically, we have become aware that you are reviewing the impacts of proposed oil and gas facilities on biological resources. To assist in that process, we are enclosing a list of measures for you to consider incorporating into your review process, which will help protect the California condor (*Gymnogyps californianus*) from the potential adverse effects of oil and gas projects.

The Service's responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act and its implementing regulations prohibit the taking of any federally listed endangered or threatened wildlife species. Section 3(18) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including

CONDOR MITIGATION MEASURES

***Recommended Minimization and Avoidance Measures to Protect the California Condor at Oil and Gas Facilities in Ventura County**

1. Oil and gas facilities will not be developed within 1.5 miles of active and historic nest sites and reintroduction sites, or within 0.5 mile of an active roost site.
2. If new power transmission and distribution lines are necessary, they will be placed underground to avoid potential for collision by California condors. Where undergrounding of power lines is not possible, location and design of such lines will be developed in collaboration with the U.S. Fish and Wildlife Service.
3. All existing power lines, poles, and guy wires within flyways used frequently by California condors will be retrofitted with raptor guards, flight diverters, and other anti-perching or anti-collision devices to minimize the potential for collision or electrocution of condors.
4. Landing deterrents, such as Daddi Long Legs or porcupine wire, will be attached to the walking beams on pumping units.
5. All surface structures, which are identified by the U.S. Fish and Wildlife Service or qualified biologists as a risk to California condors, will be modified (e.g., to include installation of raptor guards, anti-perching devices, etc.) or relocated to reduce or eliminate the risk.
6. All construction debris and other trash including micro-trash (e.g., small items as screws, nuts, washers, nails, coins, rags, small electrical components, small pieces of plastic, glass, or wire, and anything that is colorful or shiny) will be covered or otherwise removed from a project site at the end of each day or prior to periods when workers are not present at the site.
7. Wells pads will be inspected closely for micro-trash on a daily basis.
8. Informational signs describing the threat that micro-trash poses to condors, and the cleanup or avoidance measures being implemented, will be posted at the site.
9. All food items and associated trash will be placed in covered containers to preclude access or use by California condors. This will include small bits of trash and debris, such as aluminum can pull tabs, electrical connectors, broken glass, and pieces of rubber, plastic, and metal.
10. All equipment and work-related materials (including loose wires, open containers, rags, hoses, or other supplies or materials) will be contained in closed containers either in the work area or placed inside vehicles.
11. All hoses or cords that must be placed on the ground due to drilling operations that are outside of the primary work area (immediate vicinity of the drilling rig) will be covered to prevent California condor access. Covering will take the form of burying or covering with heavy mats, planks, or grating that will preclude access by California condors.

12. Poly chemical lines will be replaced with stainless steel lines to preclude condors from obtaining and ingesting pieces of poly line.
13. Ethylene glycol based anti-freeze or other ethylene glycol based liquid substances will be avoided, and propylene glycol based antifreeze will be encouraged. Equipment or vehicles that use ethylene glycol based anti-freeze or other ethylene glycol based liquid substances will be inspected daily for leaks. While at the site, areas below vehicles and equipment using ethylene glycol based substances will be checked for leaks and puddles. Standing fluid (e.g., a puddle of anti-freeze) will be remediated (e.g., cleaned-up, absorbed, or covered) without unnecessary delay. Vehicles using ethylene glycol based substances will be inspected before and after field use for obvious leaks and puddles. Leaks will be repaired before the vehicle is allowed back onsite. No changing of antifreeze of any type will be allowed onsite.
14. No open drilling mud, water, oil or other liquid storage or retention structures will be allowed. All such structures will be required to have netting or other covering that precludes entry or other use by condors or other listed avian species.
15. No dogs or other potential predatory domesticated animals will be allowed to run free at worksites.
16. No flaring sites for natural gas or other flammable gases or substances will be allowed without prior review by the U.S. Fish and Wildlife Service.
17. Prior to conducting work on-site, employees and contractors will be made aware of the California condor, and how to avoid impacts to them. Special emphasis will be placed on keeping the well pad site free of micro-trash and other hazards.
18. All construction equipment, staging areas, materials, and personnel will be restricted to previously disturbed areas to the extent possible.
19. The potential for human-caused wildfires will be minimized by use of shields, mats, or other fire-prevention methods when grinding or welding. Fire response equipment, including water, extinguishers, and shovels will be available for fire suppression.
20. Firearms will be prohibited.
21. No feeding of wildlife will be permitted.
22. If any California condor is observed on or near (perched on or on the ground within approximately 1,000 feet of) an oil and gas facility, the U.S. Fish and Wildlife Service will be notified immediately and allowed to access the facility. Additionally, if the U.S. Fish and Wildlife Service has data to indicate that any California condor is in the vicinity, the U.S. Fish and Wildlife Service will be allowed access to the facility to confirm the presence of the bird(s). Measures to deter the birds from using the oil and gas facility may be deployed after review by the U.S. Fish and Wildlife Service.

- Briefly mention which measures weren't incorporated
 - Buffers (even if they are a zoning issue they still need to be evaluated in the EIR)
 - Waiver
 - Undergrounding
 - Microtrash signage
 - Direct contact
 - Notification & access

“the combination of condors and well pads creates a difficult management challenge for the California Condor Recovery Program”

U.S. Fish & Wildlife Service (2011)





- Predetermined – image of application with date submitted, image of distribution memo

- 1978, 1985 EIRs
- 1983 MND
- Cannot prepare one addendum for all three documents

- Image from staff report – table of previous CEQA reviews, ignores 1983 MND (the one that specifically addresses site 7)

- Other CEQA Issues

- Landscaping plan – new condition 75/70, gives Director discretion
- No mitigation and monitoring plan
- No Initial Study
- Landscaping – staff proposed new condition to address this, after the hearing; no public notice, It gives the planning director unfettered authority; mitigation measures must be more certain than this

- Refund (include image of check)




REFUND OF APPEAL FEES





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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.

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- List of changes made to the project already
- List of changes we're requesting



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