

County of Ventura
Board of Supervisors Hearing
September 15, 2020
Case No. PL17-0141

Exhibit 19.f

**Final EIR, Chapter 2, Organization Comments and Responses
to Comments**

2.5 ORGANIZATIONS

Petition

Letter
O1

Count and Mitigate Impacts of Climate Change in Draft EIR and General Plan Comments and Recommendations

To: Ventura County Board of Supervisors
From: Jan Dietrick and 204 Signatories

With worsening climate change impacts, we reiterate and amplify the concerns the people expressed in January of last year about “climate change and GHGs, and the effects of continued oil and gas extraction including secondary effects related to climate change, air quality, water quality, water supply, traffic, noise, odors, aesthetics, and hazards.”

Our county is warming faster than any other in the nation, our ocean is becoming more hostile to marine life, our last drought was the most intense and lasted longest, and our history of costly floods will be dwarfed when future atmospheric rivers pour over our valleys. Our house is on fire. We need a thorough plan and environmental impacts analysis based on the latest science.

Ventura County's plan matters. Our larger cities are making climate action plans and look for your example of leadership. The environmental impact from what we do to mitigate climate impacts at the global scale is profoundly influential in trying to stop runaway climate change. This is explained in a new report Insights from the California Energy Policy Simulator about the role of the State of California in the world. Ventura County as a local government hit hardest by climate impacts must step up and meet serious goals. “Insights about California’s climate policies are at the forefront of global efforts to battle climate change. The state’s leadership and success so far have helped maintain momentum despite political headwinds. If California faltered, global efforts to reduce GHG emissions would be dealt a major setback. Meanwhile, the severe risks from runaway global warming are becoming more tangible as the state suffers from wildfires supercharged by climate change.”

O1-1

A. Four Overall Comments:

We are grateful for the expertise at the law firm of Shute, Mihaly and Wineberger retained by CFROG regarding CEQA. We have appreciated their past comments. We join them in continuing to request the following:

1 of 8 Count and Mitigate Impacts of Climate Change in Draft EIR and GPU – Comments and Recommendations

1. Count ALL GHGs that result from activity in our county: Count all burning of oil and gas originating in our county and count all fugitive methane from wells in our county and from methane entering our county that was not counted at the jurisdiction of origin. Do the math on the GHG footprint for heavy exports. We want to mitigate our fair share of all climate impacts from activities within Ventura County. We have to know what they are. Worrying about double counting is not acceptable. Just worry that you haven't counted every cause of climate impacts that we are morally and legally responsible to mitigate with a comprehensive inventory and a systematic plan.

O1-2

2. Use the latest science to calculate GWP of methane: The global warming potential of GWP is nearly 40 percent greater than what you are using. The International Panel on Climate Change states that over a 20 year period, methane has a GWP of 84 compared to carbon dioxide (up from their previous estimate of 72). The US EPA estimates it at 87 and recent scientific experts put the estimate at 96. We must know the true environmental impact of methane emissions. A complete and scientifically valid GHG inventory is required for a CEQA-compliant Climate Action Plan.

O1-3

3. Use the emissions reduction goal from Governor Brown's Executive Order B-18-55 "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing greenhouse gas emissions." It is an inadequate compromise, but not as much as the SB 32 goal of 80% below 1990 levels by 2050. City of LA plans to stay within a net zero carbon budget between now and 2045. The proposed GHG reductions in the VC2040 Draft of 41 percent below 2015 levels by 2030, 61 percent by 2040, and 80 percent by 2050 are not ambitious enough for us to do our part to mitigate the climate chaos happening faster than scientists have predicted.

O1-4

4. Policies and programs must meet the goal: It does not take an in-depth analysis to see that this plan will not achieve the 2030 goal of 40% reduction in GHGs below 1990 levels. A new report Insights from the California Energy Policy Simulator shows that the State of California will fall short of that goal by at least 15 and as much as 45 MMT CO2e. We have and continue to advocate for a goal aligned with Governor Brown's Executive Order to achieve carbon neutrality as soon as possible and no later than 2045.

O1-5

B. Some Comments about Impacts and Mitigation

The environmental impacts that concern us are those resulting from governments not making and carrying out plans to mitigate climate change. Your draft analysis does not include most of them. Table B in the Executive Summary is not even half finished. Some of the more serious impacts are missing from the draft analysis. Here are a few of our concerns:

O1-6

2 of 8 Count and Mitigate Impacts of Climate Change in Draft EIR and GPU – Comments and Recommendations

1. Aesthetics, Scenic Resources and Light Pollution and Agriculture and Forest Resources: Mitigation programs are needed to protect our resources from degradation from significant climate impacts. The loss of soil in particular is associated with the downfall of civilizations.	O1-6 cont.
2. Air Quality: The emissions impacts from exceeding criteria pollutant thresholds and also greenhouse gases seem significant and can be mitigated.	O1-7
3. Biological Resources: The new implementation program is a good start to “update the Initial Study Assessment Guidelines, Biological Resources Assessment report criteria and evaluate discretionary development that could potentially impact sensitive biological resources”. Two kinds of impacts are missing. 1) Climate Change. A major mitigation is the restoration of wetlands which should be at a 2:1 or greater ratio. Stormwater management is another mitigation that reverses the loss of vegetation from drought and floods and supports the restoration of all of the indigenous biology that makes an ecosystem function to maintain the small water cycles. 2) Toxic Pesticide and Herbicide Use and Drift. This must be part of the agenda of a Program for Protection of Sensitive Biological Resources to promulgate the mitigations provided by Integrated Pest Management. Pest management policy must align with the recommendations of the California Department of Pesticide Regulation Roadmap for Integrated Pest Management some of which have climate mitigation co-benefits.	O1-8 O1-9
4. Energy: We want a workshop to learn how it is deemed less than significant to allow wasteful. Inefficient, or unnecessary consumption of energy resources.	O1-10
5. Greenhouse Gas Emissions: The climate change impacts are so dire that the mitigations need to be benchmarked to be achieved before it is too late to reverse runaway climate chaos. At minimum we demand a systematic plan for decarbonization of county facilities and electrification of the transportation system.	O1-11
6. Hazards, Hazardous Materials, and Wildfire: The impacts of toxic explosions, leaks, and spills and the drift of regulated materials and the ignorance of the public about toxic impacts must be addressed where feasible through mitigations that regulate the use and transport of hazardous materials. We have recommended feasible mitigations for people being exposed to the risk of wildfires that have not been accepted by decision-makers.	O1-12
7. Hydrology and Water Quality: Impacts from climate change and poor land management have have led to grave threats to water supply and water quality. These are highly significant--ground water overdraft, overuse and degradation of water quality, erosion, flooding, and siltation. (Impact 4.10-12) The failure to restore small water cycles to keep stormwater in the uplands and maintain forest health is one of the most	O1-13
3 of 8 Count and Mitigate Impacts of Climate Change in Draft EIR and GPU – Comments and Recommendations	

serious impacts being mitigated in many places through a paradigm shift about stormwater management. Mitigation is essential--water is life. It requires an integrated water management plan that involves every sector working on every mitigation of which we are aware.	O1-13 cont.
8. Land Use and Planning We want an analysis of incompatible land uses and new development with negative health implications. Closing wells near sensitive sites is a mitigation. Environmental Justice is not examined in the draft EIR.	O1-14
9. Mineral and Petroleum Resources: We want an analysis of the impact of the scenario in which wells have been put on hold and the operator cannot close the wells for lack of funds. We have no choice. The wells must be closed properly. Fields must be restored to functioning ecosystems to help mitigate climate change impacts. We need insurance as well as bigger bonds.	O1-15
10. Traffic and Transportation: Tailpipe emissions is an extremely significant environmental impact. The mitigation aimed for in the CTM-C: Vehicle Miles Traveled (VMT) Reduction Program needs assurances of effectiveness via a clear description of what "conditions warrant providing additional mitigations and programs"? This is far too vague to be a mitigation for this significant impact. We have no alternative but to reliably cut GHGs in the transportation sector.	O1-16
11. Utilities: Failure to develop wholesale and commercial scale renewable energy generation and microgrids is a significant environmental impact because it has forced us to have to get our electricity from fossil fuels via transmission lines that spark wildfires. Community microgrids are a feasible mitigation.	O1-17
12. Waste Management: Failure to properly manage waste has a highly significant environmental impact, especially when it produces methane super-emitter landfills that is driving climate change, but also the failure to reuse and recycle consumer goods and the materials and equipment discarded by commercial enterprises. We need a more comprehensive approach for mitigation of these impacts.	O1-18
C. The following policy recommendations for the Draft Plan could help the Plan achieve the GHG reduction goals to mitigate climate change impacts and help the EIR be more relevant to the climate crisis.	O1-19
Land Use and Community Character: We endorse the comments submitted by Bruce Smith to more firmly assure preservation of agricultural land and open space. We point out the lack of analysis of Environmental Justice policy issues.	O1-20

4 of 8 Count and Mitigate Impacts of Climate Change in Draft EIR and GPU – Comments and Recommendations

Circulation, Transportation, and Mobility:

- | | | |
|--|---|-------|
| 1. No overriding considerations should allow a project to NOT reduce VMT unless all of the vehicles have zero emissions that will use the proposed project. | I | O1-21 |
| 2. CTM 3-9 to widen SR 118 has a significant environmental impact. | I | O1-22 |
| 3. Benchmarks to reduce VMT need to be more clear and the plan needs a review with public input every two years until 2028 and then no longer than every five years. | I | O1-23 |
| 4. Parking programs should be included in ways that reduce single-occupancy car trips. | I | O1-24 |

Public Facilities, Services, and Infrastructure:

- | | | |
|--|---|-------|
| 1. Enroll residents in a program to reduce CO2 emissions in their neighborhoods. Ex: Cool Block or Transition Streets. | I | O1-25 |
| 2. PFS 2.1 must be revised to say include rather than encourage 'Sustainable Plans and Operations' in order to be considered a mitigation of climate change impacts from greenhouse gas emissions. | | |
| 3. Policy PFS 7.1 should be revised to delete the need for access to gas. The environmental impact from use of natural gas requires carbonizing buildings beginning with no gas connections to new residences . It is therefore contradictory to ensure access to gas. | | |
| 4. Local renewable energy generation must be part of the mitigation plan for reducing transmission facility fire hazard risk. This is not the same as "Smart Grid Technology". You need experts who know the cutting edge of this field to help write coherent policy on this topic. | I | O1-26 |
| 5. Zero Waste The County shall achieve zero waste (via a suite of policies to reduce, reuse, and recycle) with no organic waste going to landfills by 2023 | I | O1-27 |
| 6. Zero Waste Policy for Meetings and Events Design and implement a zero waste policy for meetings and events sponsored or permitted by the County to minimize waste and rescue surplus edible food | | |
| 7. Compostable Take-Out Foodware Require that take-out foodware be made with material compostable in solid waste processing facilities within 60 days | | |
| 8. Reduce Solid Waste by Phasing Out Single-Use Plastic Evaluate how to best reduce solid waste generation per capita by at least 15% by 2030 including phasing out single-use plastics including but not limited to plastic straws, plastic utensils, plastic take-out containers, and expanded polystyrene | | |
| 9. Ban Expanded Polystyrene | | |

Conservation and Open Space:

- | | | |
|--|---|-------|
| 1. Reduce oil and gas production by 40% by 2025 via higher monitoring standards and 2500 ft buffer zones near sensitive sites; reduce production to zero by no later than 2040. | I | O1-28 |
| 2. Phase-Out of Oil and Gas Production The County shall prohibit new drilling and shall regulate existing wells to assure steady closing of wells beginning near residential and commercial areas. | | |
| 3. Maintain Policy COS-7.8 as recommended by the Board of Supervisors, so that all newly permitted discretionary oil wells are required to collect gases and use or remove them for sale or proper disposal instead of flaring or venting. Flaring should be allowed only in cases of emergency or for testing purposes. | | |

4. Maintain Policy COS-7.7 as recommended by the Board of Supervisors, so that all newly permitted discretionary oil wells are required to convey oil and produced water via pipelines instead of trucking.
5. Detect and curb methane emissions from “super-emitter” sites as identified by NASA.
6. Tax oil and gas production, and related uncaptured methane to raise the needed revenues to fund urgent climate programs to replace high-emission vehicles with a priority on trucking and freight companies, fishing businesses, general contractors and K-12 schools.
7. Require a fully accountable performance bond for all new wells to cover cost of closure Cite LAT article (maybe put on website and link to it).
8. Establish an insurance fund that oil and gas producers contribute to that will cover accidents and closing wells if the producer goes bankrupt.
9. Ban gas-fueled lawn and garden equipment. (Ex: City of Ojai)
10. Accelerate capture of legacy HFCs Enlist the public and private to find and destroy existing stocks of HFC's (refrigerant gases with extremely high Global Warming Potential).
11. Develop and adopt building codes based on best practices for use of low embodied carbon concrete and set targets for use of low GHG concrete alternatives. Ex: Bay Area Air Quality Management District and King Co, WA.
12. Encourage climate-safe and climate-resilient development through zoning reform and removal of limits on height, density, and minimum parking requirements to enable and promote walkability and a mix of uses for homes and businesses, parks and transit.
13. Create a master local clean energy siting and funding plan for wholesale distributed solar energy plus storage in commercial scale projects producing energy needs by 2030.
14. Provide energy efficiency benchmarking and rebates for low-income housing and renters as well as low-interest loans for small businesses to reduce energy use; assist owners of existing buildings to switch from natural gas to electricity.
15. Prepare sustainable building, siting, landscaping and passive heating and cooling practice guidelines, with a priority on low-income housing, that reduce consumption of non-renewable resources and that include climate and fire-safety in pre-approved plans.
16. Energy Efficiency to Reduce Electricity Use Use Energy Efficiency to Deliver 15% of Projected Needs for electricity in the county by 2023; and 30% by 2030.
17. Efficiency Building Standards for Retrofits Prioritize energy and water efficiency building standards and work to retrofit existing buildings.
18. Decarbonize County Buildings Develop a county building electrification plan eliminating natural gas use in County-owned facilities.
19. Decarbonize All Building Types Develop an electrification plan with goals for GHG emission reductions through renewable energy that evaluates and prioritizes programs for local solar, energy storage and demand response (DR) that disconnects all buildings from gas service by 2050. Include incentives for deep retrofits of inefficient buildings.

O1-28
cont.

O1-29

Agriculture:

1. Integrated Pest Management where toxic pesticides are a last resort. Create a program that promotes the principles (systems approach, building trust, and effective communication) and pursues the recommendations of the Roadmap for Integrated Pest Management from the University of California and CA Department of Pesticide Regulation. Environmental impacts from toxic pesticides are not described in the Background Report. The Roadmap to an Organic California Policy Report by CCOF Foundation offers information for mitigations and climate action. A workshop is needed.
2. Inorganic Nitrogen Based Fertilizers Set benchmarks for reducing use of inorganic N fertilizer and encourage optimized use of organic and inorganic fertilizer for greatest efficiency in closed nutrient cycles, monitor for nutrient runoff from fields and encourage the use of cover crops and green manure crops to reduce or avoid nitrous oxide (N₂O) emissions and nutrient runoff.
3. Diversified Cropping Systems Encourage farmers to include 1 – 5% of beneficial insect attracting plants in a planted crop, and other methods, such as crop rotation, perennial mowed cover crop in orchards, and integrating multiple species or varieties to enhance the biological and economic stability by spreading economic risk and buffering against pest invasions and extreme weather events, and increase carbon sequestration.
4. Reward Regenerative Farmers with Digestate and Compost from Food Waste Research feasibility of a program for composting food waste for use by farmers and landscapers who use regenerative practices that sequester certified amounts of CO₂.

O1-30

Water Resources:

1. At least 30,000 acre-feet per year must come from storm water capture by 2035
2. All rainfall must be retained onsite in soil and reservoirs.
3. Slow It. Spread It. Sink It! The County shall enforce Best Management Practices (BMP) and Low Impact Development (LID) for new developments.
4. Recycle all wastewater for beneficial reuse by 2035.
5. Reduce potable water use per capita by 22% by 2025 and 25% by 2035: Offer incentives for water conservation features, including drought tolerant landscaping, permeable materials in standard parkway design guidelines, street trees, infiltration, greywater, and water-saving plumbing.
6. Close oil and gas wells and injection wells near aquifers as a top priority.
7. Create a Master Plan to develop the full potential of integrated water management to infiltrate the ground and recharge aquifers; support reforestation and restoration of watershed ecosystems; conserve and protect groundwater resources, and clean up creeks, streams, and estuaries.
8. Support Santa Clara River Loop Trail and Ventura River Trail Development

O1-31

Economic Vitality:

1. Agricultural Diversification should include reference to regenerative practices to create biodiversity with opportunities for community members to visit farms.
2. Small Business Promotion. Support approval of caretaker residential space on business property to reduce VMT and more financial strength for small businesses.
3. Green Economy. Prioritize youth and immigrants for workforce development in

O1-32

7 of 8 Count and Mitigate Impacts of Climate Change in Draft EIR and GPU – Comments and Recommendations

industries that promote and enhance environmental sustainability, including GHG reductions, climate adaptation, resiliency and local renewable energy generation, storage and distribution, including solar power, wind power, wave energy, regenerative organic farming and value-added agriculture-related activities, and other appropriate renewable sources.

4. Maritime Economy. Facilitate a sustainable maritime economy using restorative aquaculture techniques that restore ocean health and biodiversity while reviving pre-human fisheries abundance. For example, restore sand-bottom kelp forests and increase kelp forests with flexible floating fishing reefs where the seafloor is otherwise too deep for kelp.

5. Promote Fire-Resistant Infill and Revitalization. Encourage infill development that serves as firebreak rather than as additional fuel for wildfires.

6. Create a Collaborative Structure for Innovation for a Resilient Future. The structure should be able to make decisions and create a way forward for zoning, building and materials and environmental health to allow options for a resilient future, include government officials, innovators and public as described in submissions from Sustainable Living Research Initiative.

7. Parking Infrastructure. Develop parking policies to reduce single occupancy trips associated with employees and business activity to reduce Vehicle Miles Traveled.

8. Master Plan for Distributed Energy Resources and Community Microgrids. Prepare a map of siting options for renewable energy generation and storage facilities and coordinate the identification of financing options for renewable energy resource development, including solar, wind, wave, storage and community microgrids both in front of and behind the meter.

O1-32
cont.

In summary, with the accelerating tipping points, we cannot go half-way in our vision. We need extraordinary courage to set goals we can hang our hopes and efforts on. We want completeness and clarity so we can see how the emissions reduction plan adds up. We want respect for climate science to tell us the truth. We want more ambition. A 2016 decision of the state legislature in SB32 is just not good enough as a goal. We want to see a systematic plan that will assure carbon neutrality no later than 2045.

O1-33

8 of 8 Count and Mitigate Impacts of Climate Change in Draft EIR and GPU – Comments and Recommendations

Letter O1	350 Ventura County Climate Hub Jan Dietrick and 204 Signatories February 27, 2020
----------------------	--

- O1-1 The comment introduces a petition to the Ventura County Board of Supervisors regarding the 2040 General Plan and draft EIR. 350 Ventura County Climate Hub’s concern about climate change, the indirect effects of continued oil and gas extraction, and interest in the 2040 General Plan are noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required. Detailed responses to specific concerns raised in this petition are provided in responses O1-2 through O1-33, below.
- O1-2 The comment requests that the greenhouse gas (GHG) inventory used in the 2040 General Plan and draft EIR account for GHG emissions resulting from the consumption of oil and gas that was extracted within the county and “fugitive methane” from oil and gas wells in the county.
- Stationary source emissions associated with oil and gas wells were included in the inventory. Use of oil and gas produced in Ventura County but consumed outside of the county is not included in the inventory because the County does not have authority to plan for emissions reductions outside of its own jurisdiction. In addition, the inclusion of these types of lifecycle emissions is not required for the California Environmental Quality Act (CEQA) analysis or GHG reduction planning. Petroleum and gas use within the county is also accounted for. The combustion fuels derived from crude oil, such as gasoline and diesel, were included in the County’s GHG inventory as part of the on-road and off-road transportation sectors. Natural gas consumption in buildings were included as part of the building energy section of the inventory. Emissions associated with oil and gas wells were also included in the inventory. Imported methane (assumed to mean imported natural gas) and heavy exports (assumed to mean fuel consumption from the export of goods) were not included in the inventory because the County does not have authority to plan for emissions reductions outside of its own jurisdiction. Regarding double counting, Section 4 of the ICLEI U.S. Community Protocol for GHG Accounting Version 1.1, which was used to produce the County’s GHG inventory, advises to avoid double counting. Lastly, GHG emissions from the sources mentioned above are regulated through various statewide rules, regulations, and programs (e.g., CARB’s GHG emission controls from crude oil and natural gas operations regulation). Refer to Master Response MR-1.A for additional discussion of the methodology used to prepare the GHG inventory.
- O1-3 This comment addresses the global warming potential (GWP) values used for quantifying GHG emissions from methane and makes assertions about GHG inventory requirements for CEQA and climate action plans (CAPs). Refer to Master Response MR-1.A for additional information regarding GHG inventory procedures, including the use of GWP values.

- O1-4 This comment recommends setting carbon neutrality targets consistent with Executive Order B-18-55 in addition to GHG reductions under Senate Bill (SB) 32, while suggesting that both are inadequate compromises; it further asserts that the GHG reduction targets and goals of the 2040 General Plan are not ambitious enough to mitigate climate change. The comment also describes plans of the City of Los Angeles related to GHG reduction. The comment addresses the policies and targets of the 2040 General Plan and is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan. Refer to Master Response MR-1.B for a discussion of the GHG reduction targets and goals included in the 2040 General Plan and their alignment with State reduction targets and goals.
- O1-5 The comment expresses that an in-depth analysis is not needed to see that policies and programs in the 2040 General Plan will not achieve a 2030 goal of 40 percent reduction in GHGs below 1990 levels. However, an in-depth analysis was performed as part of the draft EIR under Impact 4.8-2 (starting at page 4.8-49) and concluded with a significant and unavoidable impact because it could not be determined at a program level of analysis that future emissions within the unincorporated county would meet the State 2030 target for GHG reduction. Refer to Master Response MR-1.C for discussion of the GHG emissions analysis conducted in the draft EIR.
- The comment additionally cites a report based on an energy simulation tool, which shows California falling short of statewide goals and states that continued advocacy is needed to support a carbon neutrality goal aligned with Executive Order B-18-55. The findings of this report are acknowledged for the record. This report is not related to the adequacy of the draft EIR and no further response is required.
- O1-6 The comment expresses concern with environmental impacts that are a result of governments not making and carrying out plans to mitigate climate change, and that the draft EIR does not include most of these impacts. Concerns cited by commenter are related to aesthetics, scenic resources and light pollution and agriculture and forest resources, which the commenter notes will suffer from degradation including loss of soil as a result of climate change. CEQA requires analysis of the significant environmental effects of GHG emissions associated with a project (in this case, the 2040 General Plan). As explained in Section 4.8, “Greenhouse Gas Emissions,” of the draft EIR (page 4.8-3), the County’s Initial Study Assessment Guidelines (ISAG) establish that the primary concern for CEQA analyses pertaining to GHG emissions should be the cumulative impact of a project’s incremental GHG emissions when viewed in connection to past, current, and probable future GHG emissions.
- The 2040 General Plan’s impacts regarding aesthetics, scenic resources, and light pollution are analyzed in draft EIR Section 4.1, “Aesthetics, Scenic Resources, and Light Pollution,” and impacts to agricultural and forest resources are analyzed in Section 4.2, “Agriculture and Forestry Resources.” The draft EIR appropriately analyzes the potentially significant impacts of 2040 General Plan implementation on these resources; it appropriately excludes analysis of the impacts of climate change itself.

For further discussion of the draft EIR analysis of GHG emissions, refer to Master Response MR-1.

O1-7

The comment asserts that criteria air pollutant and GHG emissions seem significant and can be mitigated. The draft EIR does conclude that GHG emissions impacts would be potentially significant under Impact 4.8-1 (starting at page 4.8-37) and Impact 4.8-2 (starting at 4.8-49). Mitigation measures are identified for each potentially significant impact (starting at pages 4.8-45 and 4.8-51, respectively). Also refer to Master Response MR-1 for further discussion regarding the draft EIR analysis of GHG emissions. No further response to this comment regarding GHG emissions is required.

Impacts 4.3-2 and 4.3-3 indeed conclude exceedance of applicable thresholds for criteria air pollutants and, consequently, are considered to be significant. Impact 4.3-2 is determined potentially significant prior to mitigation as the construction emissions modeling shows exceedances of Ventura County Air Pollution Control District (VCAPCD) thresholds for both countywide and Ojai Valley. Mitigation Measures AQ-1a and AQ-1b (page 4.3-15) aim to reduce construction-generated emissions from heavy-duty off-road equipment and Mitigation Measures AQ-2a and AQ-2b (page 4.3-15) aim to reduce fugitive dust. (Refer to the response to comment A14-2 for revisions to Mitigation Measure AQ-1b). However, due to the programmatic nature of the draft EIR, it is unknown at this time future discretionary projects that may require construction mitigation, to what extent the mitigation would be required, and what would be considered applicable and feasible for each individual project. For these reasons, Impact 4.3-2 is considered to be significant and unavoidable.

Impact 4.3-3 was also concluded to be significant and unavoidable, as Table 4.3-4 of the draft EIR demonstrates the exceedance of VCAPCD thresholds for both countywide and Ojai Valley. Operational criteria air pollutants and precursors would be reduced through various General Plan policies and implementation programs including Policies HAZ-10.5, HAZ-10.6, HAZ-10.12, COS-7.7, COS-7.8, CTM-2.11, CTM-2.13, CTM-3.1, CTM-4.1, CTM-4.2, CTM-6.1. As stated on page 4.3-19 of the draft EIR, these policies “focus on reducing VMT through land use planning and the availability of alternative transportation options, which would reduce air pollutants associated with mobile sources through reducing the number of trips taken by individuals and the distance of those trips.” However, Impact 4.3-3 would be significant and unavoidable because it is unknown what individual discretionary projects may require mitigation and to what extent. It cannot be guaranteed that all individual discretionary projects would be able to reduce operational emissions to below VCAPCD significance thresholds.

Importantly, for both construction and operational emissions of criteria air pollutants and precursors, all discretionary projects undergoing CEQA review would be required to comply with Policy HAZ-10.12, which states: “The County shall require that discretionary development that would have a significant adverse air quality impact shall only be approved if it is conditioned with all reasonable mitigation measures to avoid, minimize or compensate (offset) for the air quality impact. The use of innovative methods and technologies to minimize

air pollution impact shall be encouraged in project design.” No revisions to the draft EIR are required.

- O1-8 The comment suggests that the existing effects of climate change on wetlands and ecosystem function should be addressed by Mitigation Measure BIO-1. The EIR does not mitigate these impacts. The 2040 General Plan’s impacts to biological resources are analyzed in draft EIR Section 4.4, “Biological Resources.” The draft EIR appropriately analyzes the potentially significant impacts of 2040 General Plan implementation on biological resources and concludes that impacts would be potentially significant for Impact 4.4-1, 4.4-2, 4.4-3, and 4.4-4. The draft EIR identifies Mitigation Measure BIO-1 to address these potentially significant impacts. The measure appropriately excludes provisions to address the impacts of climate change itself on biological resources. It is not necessary for the 2040 General Plan to mitigate existing or anticipated effects of the environment on the plan area. As indicated in response to comment O1-6, above, the draft EIR includes an analysis the incremental GHG emissions attributable to the 2040 General Plan in Section 4.8, “Greenhouse Gas Emissions.”
- O1-9 This comment states that toxic pesticide and herbicide use and drift must be included when considering protection of sensitive biological resources. The draft EIR includes a discussion of the several ways in which the existing use and regulation of pesticides is addressed by the County (pages 4.2-5 and 4.2-6). The draft EIR correctly omits analysis of the impacts of pesticide and herbicide use on biological resources because such uses are not reasonably foreseeable future activities resulting from 2040 General Plan implementation.
- O1-10 The comment requests a workshop to understand how wasteful, inefficient, or unnecessary consumption of energy resources can be used to determine that a project has a less than significant impact. The comment appears to misinterpret the analysis and conclusions in the draft EIR. The analysis in Section 4.6, “Energy,” determines that implementation of the 2040 General Plan would not result in wasteful, inefficient, or unnecessary consumption of energy because it incorporates numerous energy efficiency and renewable energy policies and programs (refer to Impact 4.6-1 beginning on page 4.6-18 of the draft EIR) and therefore the impact would be less than significant. The commenter’s request for a workshop to learn more about this topic is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.

This standard for determining significance of energy impacts in CEQA comes from Section 15126.2 and Appendix F of the 2019 State CEQA Guidelines, published by the California Natural Resources Agency. The latest update to the Guidelines occurred in 2018 and included statewide public outreach. The Final Statement of Reasons describes the “wasteful, inefficient and unnecessary” standard and responses to comments from stakeholder outreach and workshops that occurred during the adoption of these regulations (CNRA 2018).

O1-11

The comment addresses a systematic plan for decarbonization of County facilities and electrification of the transportation system. The GHG inventory, forecast, and 2040 General Plan policies and implementation programs focus on communitywide GHG emissions; GHG emissions from County government facilities and activities are not reported as a separate sector. However, GHG emissions from County facilities and activities are included in the overall communitywide GHG emissions totals (e.g., the building energy sector includes emissions from the electricity consumed by County buildings; the transportation sector includes emissions resulting from the vehicle commutes of County employees). In addition, actions to reduce GHGs and electrify operations at County facilities were included in Policies PFS-2.1, PFS-2.3, PFS-2.4, PFS-2.8, CTM-6.5 and Implementation Program F in the Public Facilities, Services, and in Infrastructure Element. The 2040 General Plan contains several policies that would result in the decarbonization of County facilities such as Policies PFS-2.2 and PFS-2.3. Policy COS-8.5 directs the County to decarbonize electricity supplies at the source. Further, the draft EIR recommends Mitigation Measure GHG-1 to prohibit natural gas infrastructure in new residential and commercial development to achieve additional GHG emissions reductions from the building energy sector.

Similarly, the 2040 General Plan includes several policies that promote the electrification of the transportation sector including Policy CTM-6.5 which would result in the deployment of electric vehicle (EV) charging stations throughout the unincorporated county, Policy CTM-6.6 which provides infrastructure to support the use of neighborhood electric vehicles, Policy PFS-2.8 that directs the County to install EV charging stations at community facilities, and several other policies that support the use of zero-emission modes of transportation (e.g., bicycles). These policies and mitigation would reduce GHG emissions within the unincorporated county; however, the 2040 General Plan policies and recommended mitigation measures would not be sufficient to reduce GHG emissions to the established 2040 reduction target because of inherent uncertainty surrounding the efficacy or nature of future programs and policies. The comment does not specifically address additional policies or measures the County should implement to decarbonize its facilities or electrify the transportation system. Refer to Master Response MR-1.C for additional discussion of the 2040 General Plan, its policies and programs, and mitigation measures.

O1-12

The comment suggests that additional mitigation should be proposed in Section 4.9, "Hazards, Hazardous Materials, and Wildfire," of the draft EIR to address impacts related to the use and transport of potentially hazardous materials.

Impacts 4.9-1 through 4.9-4 address the potential for use and release of hazardous materials. The analyses determine that the impacts would be less than significant. County activities and discretionary development would be required to comply with State law, federal law, and 2040 General Plan policies and implementation programs that would substantially lessen potential impacts related to the use, storage, transport, or disposal of hazardous materials or hazardous waste. No mitigation is required.

Wildfire is addressed in Impact 4.9-6 (Expose People to Risk of Wildfire by Locating Development in a High Fire Hazard Area/Fire Hazard Severity Zone or Substantially Impairing an Adopted Emergency Response Plan or Evacuation Plan or Exacerbate Wildfire Risk). The analysis concludes that implementation of the 2040 General Plan would expose people or structures to a significant and unavoidable risk of loss, injury, or death involving wildland fires, and exacerbate wildfire risk because it would accommodate future development in or adjacent to high and very high Fire Hazard Severity Zones or Hazardous Fire Areas. As indicated on page 4.9-23 of the draft EIR,

[t]he County has adopted and implemented programs to minimize wildfire risks including the MHMP. In addition, the Ventura County [Community Wildfire Protection Plan] CWPP reduces hazardous fuels throughout the County and provide measures to reduce structural ignitability in at-risk communities. The [Ventura County Fire Protection District] Fire Hazard Reduction Program requires mandatory 100-feet of brush clearance around structures located in or adjacent to Hazardous Fire Areas. Many communities also have adopted their own emergency response plans. The 2040 General Plan includes a suite of policies and implementation programs that address a full spectrum of wildfire prevention standards for new development including vegetation management, fire suppression equipment, discouraging development in fire hazard areas, and education programs to prevent wildfires. Finally, existing federal and State building code standards, including the recently adopted 2019 fire code, would require future development to be designed to minimize fire risk.

The County determined that there are no additional, feasible mitigation measures that could address this impact. The comment refers to unspecified feasible mitigation measures for this impact that the commenter has recommended and decision-makers have not accepted, but the comment does not provide details about such recommended mitigation. As such, additional analysis of applicability and feasibility cannot be conducted. No revisions to the draft EIR have been made in response to this comment.

O1-13

The comment asserts that climate change and past land management have led to existing threats to water supply and water quality. The purpose of this EIR under CEQA is not to require the analysis or correction of existing adverse environmental conditions. Instead, the EIR evaluates whether implementation of the 2040 General Plan would have significant environmental effects or exacerbate existing adverse conditions, either at the program or cumulative level.

Impact 4.10-12 evaluates whether implementation of the 2040 General Plan would result in erosion, siltation, or flooding hazards at the program level. This impact would be less than significant with implementation of best management practices (BMPs) required under the County's Stormwater Quality Management Program, proposed policies under the 2040 General Plan, and Area Plans (see page 4.10-19 of the draft EIR for additional discussion). Similarly, analysis found that the 2040 General Plan's incremental impacts would not be cumulatively considerable, and the project would not have a considerable contribution such that a new cumulatively significant impacts would occur (see pages 5-12 to 5-15 of the draft EIR).

The comment suggests that additional mitigation for existing conditions should be considered in the 2040 General Plan but does not propose specific mitigation measures. The comment does not identify deficiencies in the draft EIR, and no revisions to the draft EIR have been made in response to this comment. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adoption of the Final 2040 General Plan.

O1-14

The comment requests analysis of incompatible land uses and new development with negative health implications and asserts that closing oil and gas wells near sensitive sites is a mitigation. Refer to Impact 4.11-1 (Result in Physical Development That Is Incompatible With Land Uses, Architectural Form Or Style, Site Design/Layout, Or Density/Parcel Sizes Within Existing Communities) in Section 4.11, "Land Use and Planning," for a discussion of land use compatibility. Impact 4.9-1 (Create a Significant Hazard to the Public or the Environment Through the Routine Transport, Use, or Disposal of Hazardous Materials or Hazardous Waste) in Section 4.9, "Hazards, Hazardous Materials, and Wildfire," evaluates the potential for health risks due to use of hazardous materials. Both of these impacts are less than significant, and no mitigation is required.

Draft EIR Section 4.3, "Air Quality," includes Impact 4.3-5 (starting at page 4.3-20), which analyzes the potential exposure of sensitive receptors to substantial concentrations of toxic air contaminants (TACs) and associated health impacts under 2040 General Plan implementation, including from the siting of sensitive land uses within specified distance of high volume roadways and the development of new stationary sources of TACs from commercial and industrial land uses. With respect to new stationary sources of TACs, the analysis explains that such sources would not expose sensitive receptors to substantial concentrations of TACs because of the existing rules and requirements of the VCAPCD. This section of the draft EIR analysis (page 4.3-21) also describes 2040 General Plan Policy COS-7.2, which would require that new oil wells subject to discretionary approval be located a minimum of 1,500 feet from residential dwellings and 2,500 feet from any school.

The comment also notes that environmental justice is not examined in the draft EIR. Environmental justice is a social concept that melds concepts of racism, classism, and sexism with environmental conditions and advocates for the equitable distribution of environmental hazards. The federal government evaluates environmental justice pursuant to the National Environmental Policy Act to ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. CEQA focuses on physical environmental changes, however, and EIRs are not required to treat a project's economic or social effects as significant effects on the environment (State CEQA Guidelines, § 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. The social and economic issues raised in this comment would not result in adverse physical changes to the environment not already addressed in the draft EIR.

- O1-15 The comment requests an analysis of a scenario in which wells have been put on hold and the operator cannot close the wells due to lack of funds. Additionally, the comment asserts wells must be properly closed to restore functioning ecosystems to mitigate climate change impacts and insurance is needed along with bigger bonds. However, the draft EIR analyzes the physical environmental changes that would occur as a result of implementation of the 2040 General Plan. In addition, EIRs are not required to treat a project's economic or social effects as significant effects on the environment (State CEQA Guidelines, § 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. Therefore, any physical impacts resulting from economic impacts are indirect impacts appropriately considered under CEQA. However, a lead agency need not speculate about environmental impacts (State CEQA Guidelines, § 15145).

This comment does not address how implementation of the 2040 General Plan would result in wells being “put on hold,” why funds would not be available for proper closing of wells, or any physical environmental changes that would occur as a result. The economic issues raised in this comment are speculative and would not result in any adverse physical changes to the environment not already addressed in the draft EIR.

Refer to Master Response MR-4, Section MR-4.J, “Potential to Stop Issuing Permits for New Wells (Phase Out Oil and Gas Operations),” regarding the findings and conclusions of the draft EIR related to phasing out the oil and gas industry.

- O1-16 The comment concerns the potential effectiveness of draft EIR Mitigation Measures CTM-3 (Revised Implementation Program CTM-C Vehicle Miles Traveled (VMT) Reduction Program); specifically, the conditions that would warrant providing additional VMT mitigation and programs. Mitigation Measure CTM-3 would commit the County to developing a VMT Reduction Program which would contain a range of project- and program-level strategies for reducing VMT including a Transportation Demand Management (TDM) program and Transportation System Management (TSM) improvements. The VMT Program would be reviewed and updated by the County as-needed during 2040 General Plan implementation to include additional VMT-reducing “mitigations and programs.”

In response to this comment, and to clarify the performance standards of Mitigation Measures CTM-2 and CTM-3, the County has revised Mitigation Measures CTM-2 and CTM-3 to clarify the performance standard that these measures will meet (draft EIR pages 4.16-27 and 4.16-28):

Mitigation Measure CTM-2: Revised Implementation Program CTM-B: Initial Study
Assessment Guidelines

The County shall include the following revised implementation program in the 2040 General Plan.

Implementation Program CTM-B: Initial Study Assessment Guidelines

The County shall update and adopt its Initial Study Assessment Guidelines (ISAG) no later than 2025 to address Vehicle Miles Traveled (VMT) and safety metrics pursuant to CEQA Guidelines Section 15064.3. This program shall consider inclusion of the following components:

- ▶ Establishment of screening criteria to define projects not required to submit detailed VMT analysis, such as infill projects, inclusion of locally serving commercial, transit supportive projects, or transportation enhancements that reduce VMT;
- ▶ Establishment of thresholds of significance for identifying VMT related transportation impacts (to meet or exceed State requirements; at minimum the thresholds will be equivalent to the threshold values for different project types identified in Mitigation Measure CTM-1);
- ▶ Standard mitigation measures for significant transportation impacts; and
- ▶ Specify the County's procedures for reviewing projects with significant and unavoidable impacts, under CEQA, related to VMT.

Mitigation Measure CTM-3: Revised Implementation Program CTM-C: Vehicle Miles Traveled (VMT) Reduction Program

The County shall include the following revised implementation program in the 2040 General Plan.

Implementation Program CTM-C: Vehicle Miles Traveled (VMT) Reduction Program

To support climate change related goals and CEQA related VMT policies pursuant to SB 743 (2013), the County shall develop a VMT Reduction Program no later than 2025. This program ~~should~~ will contain a range of project- and program-level mitigation measures and VMT reduction strategies, that could include:

- ▶ Preparation of a Transportation Demand Management (TDM) program to promote mode shifts from single occupant vehicle use to transit, ridesharing, active transportation, telecommuting, etc.; and,
- ▶ Transportation System Management applications such as park-and-ride lots, intelligent transportation system (ITS) field deployment, pavement management, etc.

This program shall identify mitigation measures to achieve an additional five percent overall reduction in VMT by 2030, and 10

percent by 2040 (relative to 2030 and 2040 business as usual scenarios, respectively). During implementation of the 2040 General Plan, the County ~~shall~~ will review and update the VMT Reduction Program as warranted to provide additional mitigations measures and programs that achieve these levels of VMT reduction.

Specifically, Mitigation Measure CTM-2 would require, depending on the project type, VMT thresholds of significance and mitigation measures that will achieve VMT thresholds of significance and mitigation measures that will achieve a minimum 15 percent VMT reduction from new residential, commercial, and industrial development relative to the regional average and no net increase in regional VMT for other projects through incorporation of VMT thresholds of significance and mitigation measures into the Initial Study Assessment Guidelines pursuant to Senate Bill (SB) 743 implementation. Discretionary projects exceeding the thresholds of significance will be required to implement feasible mitigation measures to reduce VMT.

Additionally, Mitigation Measure CTM-3 would, after accounting for the VMT reductions from new development achieved pursuant to VMT thresholds established under Mitigation Measure CTM-2, establish a program to achieve an additional 5 percent overall reduction in VMT by 2030, and 10 percent by 2040 (relative to 2030 and 2040 business as usual scenarios, respectively). Refer to Master Response MR-1.C for additional discussion of the 2040 General Plan, its policies and programs, and draft EIR mitigation measures for significant GHG emissions impacts.

O1-17 The comment asserts that there are significant environmental impacts associated with existing use and transmission of electricity from fossil fuels and suggests an alternative method of electricity distribution. The comment is not related to the content, analysis, or conclusions of the draft EIR which evaluates reasonably foreseeable future conditions that can be anticipated with implementation of the 2040 General Plan.

Notably, the 2040 General Plan does include Policy PFS-7.7, through which the County would collaborate with others to develop community microgrids.

O1-18 The comment asserts that failure to properly manage solid waste would result in significant environmental impacts requiring a comprehensive mitigation approach.

Based on the thresholds established in the ISAG and Appendix G of the State CEQA Guidelines, Section 4.17, "Utilities," establishes that a significant impact related to solid waste would occur if the 2040 General Plan would: "Result in a direct or indirect adverse effect on a landfill's disposal capacity, such that it reduces its useful life to less than 15 years or is not consistent with federal, State, and local management and reduction statutes related to solid waste" (see page 4.17-4 of the draft EIR).

However, there would be a less than significant impact due to implementation of the 2040 General Plan because future development would be required to be consistent with applicable solid waste facility requirements included in the California Health and Safety Code, California Code of Regulations, California Public Resources Code, and Ventura County Ordinance Code (see page 4.17-5 of the draft EIR). No mitigation is necessary.

Note that these regulations include goals and requirements related to recycling. The 2040 General Plan also includes policies that would encourage waste reduction and recycling, which would result in GHG reduction. Refer to policies PFS-2.4, PFS-5.4, and PFS-5.9. Also refer to Master Response MR-1.A for discussion of landfills as sources of methane emissions.

- O1-19 The comment summarizes more detailed comments provided elsewhere in the comment letter. Refer to responses to comments O1-20 through O1-32, below, regarding policy recommendations for the 2040 General Plan to achieve GHG reduction goals to mitigate climate change. Note, however, that the draft EIR does not evaluate the effects of climate change on the 2040 General Plan and the EIR for the 2040 General Plan is not required under CEQA to mitigate existing or anticipated effects of the environment on the plan area; the EIR analyzes the physical environmental changes that would occur as a result of 2040 General Plan implementation.
- O1-20 The commenter supports comments submitted by Bruce Smith and asserts a lack of analysis regarding environmental justice policy issues. However, EIRs are not required to treat a project's economic or social effects as significant effects on the environment (State CEQA Guidelines Section 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. The social issues raised in this comment would not result in any adverse physical changes to the environment not already addressed in the draft EIR. Also, see responses to Letter I20 from Bruce Smith.
- O1-21 The comment asserts that overriding considerations should not allow a project to not reduce VMT "unless all of the vehicles have zero emissions that will use the project." The comment appears to address the VMT evaluation and mitigation of future projects under CEQA.

With respect to the 2040 General Plan, the draft EIR included analysis of VMT impacts in Impact 4.16-1 (Exceed VMT Thresholds) starting at page 4.16-22. The analysis provides forecast estimates of countywide trip-based VMT under implementation of the 2040 General Plan for several land use types included in the 2040 General Plan (e.g., residential, office, industrial, retail) and compares the results to VMT thresholds developed for each land use type (refer to Table 4.16-5 on page 4.16-24). The draft EIR provides detailed discussion of the policies and programs that would reduce the rate and total amount of VMT associated with future development, and concludes that the impact would be potentially significant because the rate and total amount of VMT under implementation of the 2040 General Plan would exceed the VMT thresholds as shown in Table 4.16-5. The draft EIR then provides three feasible mitigation

measures to achieve additional VMT reductions, Mitigation Measures CTM-1, CTM-2, and CTM-3 (pages 4.16-27 to 4.16-28), through which the County would achieve additional VMT reductions by revising ISAG to specify how it will analyze VMT and require VMT-reducing mitigation measures for discretionary projects that implement the 2040 General Plan and implement a VMT Reduction Program to achieve additional countywide and project-level VMT reductions. Table 4.8-5 (page 4.8-40) estimates the VMT and GHG reductions that would occur by 2030 from implementation of Program CTM-B (as revised by Mitigation Measure CTM-2) and Program CTM-C (as revised by Mitigation Measure CTM-3).

Refer to response to comment O1-11 for discussion of 2040 General Plan policies and programs that support transportation electrification. The County does not have the authority to mandate that all vehicles operating in the county under 2040 General Plan implementation be zero emission vehicles. For example, the County cannot mandate that all vehicles sold in the unincorporated county be zero emission vehicles, or require that all existing vehicles in the unincorporated county be replaced with zero emission vehicles, or mandate that all vehicles traveling to or from a future development project be zero emission vehicles. The comment does not offer any specifics on how the County should or could require all zero emission vehicles. No further response to this comment can be provided.

O1-22 The comment states that CTM 3-9 (Funding for Bicycle Network and Wayfinding Planning and Improvements) has a significant environmental impact. 2040 General Plan Policy CTM-3.9 is related to pursuit of funding for bicycle network and wayfinding improvements, and is not related to widening of State Route (SR) 118. The comment appears to conflate and misinterpret Policy CTM-2.9 (State Route 118 Improvement in Saticoy Area) through which the County would work with the Ventura County Transportation Commission and the California Department of Transportation to reprioritize the re-striping of SR 118 to add another travel lane in each direction. The commenter does not offer details to support the assertion that this policy would result in significant environmental impacts, what specific environmental impacts would result, or how these impacts have not been addressed by the draft EIR. Therefore, no further response can be provided. Also refer to response to comment A8-2 regarding programed improvements to SR 118.

O1-23 The comment addresses benchmarks for reducing VMT and frequency of public review of “the plan.” The draft EIR does not include a benchmark, but it does include a baseline, see Table 4.16-2 in the draft EIR. The comment does not provide any details regarding its request for VMT reduction benchmarks or the particular plan that it asserts needs public input every 2 years until 2028 and no longer than every 5 years thereafter. Refer to the response to comment O1-21 for discussion of the three feasible mitigation measures included in the draft EIR to achieve additional reductions in the rate and amount of VMT in the county, including Mitigation Measure CTM-3, through which the County would implement a VMT Reduction Program. This comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a Final 2040 General Plan.

- O1-24 The comment suggests that parking programs to reduce single-occupancy trips be included in the 2040 General Plan and is not related to the adequacy of the draft EIR. However, note that the 2040 General Plan does include parking policies to reduce single-occupancy trips, including Policy CTM-4.3 which would encourage preferential parking for carpools/vanpools; Policy CTM-4.4 to facilitate carpooling, vanpooling, and public transit use through park-and-ride facilities; and Implementation Programs CTM-N and CTM-O, which address the provision of parking areas to support shared mobility services and Mobility-as-a-Service vehicles, which reduce single-occupancy trips. This comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O1-25 The comment provides suggested edits to policies proposed and suggests additional topics that could be considered in the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- The comment states that Policy PFS-2.1 must be revised to say “include” rather than “encourage” ‘Sustainable Plans and Operations’ in order to be considered a mitigation. However, Policy PFS-2.1 is a 2040 General Plan policy that was analyzed as part of the draft EIR and is not a proposed GHG mitigation measure. Additionally, the comment refers to the title of the policy, not the language within the policy, which states “the County shall encourage energy efficiency, GHG reduction features, and resiliency planning into County facility and service plans and operations.” Regarding Policy PFS-7.1, this policy refers to gas lines being “located appropriately to provide for adequate services” and does not require access to or use of natural gas by residential or any other uses.
- O1-26 The comment asserts that local renewable energy generation must be part of the mitigation plan for reducing transmission facility fire hazard risk. The 2040 General Plan includes multiple policies and programs that encourage renewable energy use and development, including Policies COS-8.1, COS-8.4, COS-8.5, COS-8.8, and Policy EV-4.4, through which the County would “identify appropriate locations to allow for development of renewable energy generation and storage...and distribution systems.” For further discussion of these policies and the County’s approach to renewable energy, refer to Section 4.6, “Energy,” of the draft EIR. Note also that 2040 General Plan Policy HAZ-11.7 encourages the installation of solar panels on existing buildings and Policy LU-11.4 calls for the local capacity for zero-carbon electricity generation to be expanded, which would include renewable energy such as solar. These renewable energy sources could complement smart grid technologies described in Policy PFS-7.6 to optimize their performance.
- The commenter does not provide the County with specific recommendations regarding what additional renewable energy generation policies would substantially reduce the potential for fire hazards associated with transmission facilities. Absent a specific proposal for consideration, no further response can be provided.

- O1-27 The comment suggests that the County achieve zero waste (via a suite of policies to reduce, reuse, and recycle) with no organic waste going to landfills by 2023, compostable takeout food requirement, reducing solid waste by phasing out single use plastics, and banning expanded polystyrene. The County has determined that a zero-waste target is not feasible, as landfills located within the unincorporated county receive waste from outside of the jurisdiction. The County has also determined that the timeframe suggested is infeasible, as the diversion of organic waste from landfills would require the expansion of alternative processing facilities such as anaerobic digesters and composting, which require more than 3 years from adoption for planning, permitting, and construction to reach necessary capacity. Regarding compostable food packaging, existing Policy PFS-2.4 states that the County shall provide use of biodegradable or recycled-material products at County facilities and events, where feasible. Regarding the ban on expanded polystyrene, this product is frequently used as an affordable insulation material for energy efficiency in buildings (CEC 2017). A ban of this product would eliminate a commonly used building product that improves energy efficiency and reduces GHG emissions associated with the operation of commercial and residential buildings.
- The commenter does not provide the County with specific recommendations regarding how to achieve a zero-waste target given the unincorporated county landfills receive waste from outside of the jurisdiction. Additionally, the commenter does not offer solutions to expedite the permitting and construction of the facilities required to achieve a zero-waste goal. Absent specific recommendations to achieve the goal, the County has determined the 2023 goal to be infeasible and no further response can be provided.
- O1-28 The comment provides a series of policy recommendations for the Conservation and Open Space Element of the 2040 General Plan and is not related to the analysis or conclusions of the draft EIR. Refer to Master Response MR-4 for discussion of setbacks from sensitive receptors, the potential to phase out oil and gas production, Policy COS-7.8 and Mitigation Measure PR-3 related to flaring, and Policy COS-7.7 and Mitigation Measure PR-3 regarding trucking of crude oil and produced water. Refer also to Master Response MR-1.A for a discussion of methane “super emitters.” The comment also suggests that oil and gas production should be taxed to raise revenues for climate programs, as well as bond and insurance requirements related to funding for potential for accidents and well closure. Note that the County would evaluate the feasibility of establishing a tax on this industry through Implementation Program M in the Conservation and Open Space Element.
- O1-29 The comment suggests additional policies to be included in the 2040 General Plan to help achieve GHG reduction goals. The following addresses the suggestions for reducing GHG emissions provided in the comment.
- ▶ Ban gas-fueled lawn and garden equipment.
 - This recommendation would ban the use of gas-fueled lawn and garden equipment in the unincorporated area. County staff believe that a County policy banning the use of gas-fueled lawn and garden equipment is

infeasible for the following reasons: (1) The County would be required to expend significant resources in order to effectively implement such a ban; (2) the County would first need to prepare and enact a new municipal code provision outlawing use of the equipment; and (3) Voluntary compliance with the ban could not be assumed. Consequently, the County would presumably need to issue civil or criminal citations to individuals and businesses that did not comply after collecting evidence supporting the alleged violations. This would be a time- and labor-intensive process given the dispersed use of lawn and garden equipment, and the fact that the equipment is typically only briefly used in any given location.

In order to comply with the ban, all residents and businesses currently using gas-fueled lawn and garden equipment in the unincorporated area would be required to replace their existing equipment with electric equipment and/or other methods for landscaping. This would present a financial and potentially logistical hardship to residents and businesses.

On the GHG benefit side, banning gas-fueled lawn and garden equipment in the unincorporated area would result in only a very minor reduction in GHGs. County staff believes this type of regulation would be more effective if implemented at the state level.

- ▶ Accelerate capture of legacy hydrofluorocarbons (HFCs). Enlist the public and private sectors to find and destroy existing stocks of HFC's.
 - HFC's are regulated by CARB through the California Cooling Act, CCR Title 17, Section 95371 and the Short-Lived Climate Pollutant Strategy and were, therefore, not included as part of the GHG emissions associated with the 2040 General Plan.
- ▶ Develop and adopt building codes based on best practices for use of low embodied carbon concrete and set targets for use of low GHG concrete alternatives. Ex: Bay Area Air Quality Management District and King Co, WA.
 - This would require performing a lifecycle analysis of GHG emissions. This was not included in the GHG inventory because it is inconsistent with the ICLEI accounting protocol. Therefore, this measure would not reduce GHG emissions associated with 2040 General Plan implementation. No specific BMPs are mentioned in this comment. Therefore, no further response has been provided. Refer to Master Response MR-1.A for additional discussion of the GHG inventory.
- ▶ Encourage climate-safe and climate-resilient development through zoning reform and removal of limits on height, density, and minimum parking requirements to enable and promote walkability and a mix of uses for homes and businesses, parks and transit.

- This is already addressed in the 2040 General Plan, for example, under Policy CTM-2.11 (Efficient Land Use Patterns). This policy states that the County shall establish land use patterns that promote shorter travel distances between residences, employment centers, and retail and service-oriented uses to support the use of public transportation, walking, bicycling, and other forms of transportation that reduce reliance on single-passenger automobile trips.
- ▶ Create a master local clean energy siting and funding plan for wholesale distributed solar energy plus storage in commercial scale projects producing energy needs by 2030.
 - The County is a member agency of the Clean Power Alliance (CPA) of Southern California. This entity supplies electricity to the community through contracts from clean sources sited and financed by private entities. CPA offers electricity based on 100 percent renewable energy to commercial end users and additionally offers a program for battery storage through a Power Response Program (CPA 2020a,b).
- ▶ Provide energy efficiency benchmarking and rebates for low-income housing and renters, as well as low-interest loans for small businesses to reduce energy use; and provide assistance to owners of existing buildings to switch from natural gas to electricity.
 - The County already participates in programs that conduct municipal and communitywide benchmarking, and incentivizes residential and commercial energy efficiency upgrades. The County also conducts other activities similar to the commenter's recommendations including the County's Energy Efficiency Revolving Loan Fund Program for municipal facility energy efficiency upgrades; Ventura County Regional Energy Alliance's Countywide Municipal Benchmarking Program for municipal facilities, Kilowatt Hour Countdown Program which provides free energy benchmarking and auditing for commercial facilities, Ventura County Green Business which provides assistance to businesses in becoming "Green Certified" through attainment of program standards, conserving energy and other factors; and the Tri-County Regional Energy Network which reduces energy use in buildings through its Home Energy Savings, Building Performance Training, and Energy Code Connect Programs. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on the adoption of the final 2040 General Plan.
- ▶ Prepare sustainable building, siting, landscaping and passive heating and cooling practice guidelines, with a priority on low-income housing, that reduce consumption of nonrenewable resources and that include climate and fire-safety in pre-approved plans.
 - Several existing guidelines and protocols are available to guide the development of sustainable communities, including low-income housing. Features selected as part of this design process are generally site-

specific. Refer to U.S. Department of Housing and Urban Development's Sustainable Communities Resource Center (HUD 2020) for information on guidelines available as well as the U.S. Environmental Protection Agency's guide to smart growth and affordable housing (EPA 2020).

- ▶ Use "Energy Efficiency" to deliver 15 percent of projected needs for electricity in the county by 2023; and 30 percent by 2030.
 - Energy efficiency involves improving the performance of buildings and equipment to achieve reductions in energy consumption. It is not clear what relevance energy efficiency has to delivering specified percentages of electricity needs, as described in the comment.
- ▶ Prioritize energy and water efficiency building standards and work to retrofit existing buildings.
 - It is not clear from this comment what energy and water efficiency standards are being requested for prioritization, or what they are being prioritized in comparison to. Retrofitting buildings is identified in Policy HAZ-11.7 which states that "The County shall encourage development to include retrofits to improve building performance and market value through strategic building design features." See page 4.8-30 of draft EIR.
- ▶ Decarbonize County buildings develop a County building electrification plan eliminating natural gas use in County-owned facilities.
 - The County has determined that eliminating natural gas use in County-owned facilities is not feasible because it would likely require hundreds of thousands of dollars in equipment replacement costs and some equipment such as boilers, commercial cooking appliances, and furnaces simply do not have electric equivalents. In addition, natural gas use by County-owned buildings represents a minimal portion of total GHG emissions in the county.
- ▶ Develop an electrification plan with goals for GHG emission reductions through renewable energy that evaluates and prioritizes programs for local solar, energy storage and demand response that disconnects all buildings from gas service by 2050. Include incentives for deep retrofits of inefficient buildings.

The 2040 General Plan supports renewable energy generation, use, and storage. Mitigation Measure GHG-1 in the draft EIR would eliminate natural gas service to new residential and commercial development. However, the County has determined that disconnecting all existing buildings from natural gas service is not feasible because almost half (44 percent) of the residential development in the unincorporated county was constructed prior to 1970 (based on American Community Survey 2012-2017 5-year data), and development from that era typically includes natural gas service. Furthermore, all non-residential structures in the incorporated county that currently rely upon natural gas service would be subject to this policy. Typically, gas service

retrofits to all-electric would require significant building upgrades that are beyond the scope of the County's authority to require. Conversion to all-electric buildings can be incentivized, and this is already anticipated to occur through the Technology and Equipment for Clean Heating Initiative and Building Initiative for Low-Emissions Development Program administered by Southern California Gas Company and other utilities pursuant to Senate Bill 1477 (CPUC 2020). These programs would fund electrification retrofitting and all-electric new construction throughout the State, including eligible projects in the county. These methods incentivize building upgrade and retrofits for existing structures, rather than require them.

Based on the above, the County staff determined this recommended policy would cause and undue financial hardship on the businesses and residents of the unincorporated county, could not legally be implemented, and is therefore infeasible.

- O1-30 The comment suggests additional topics that could be considered in the 2040 General Plan and is not related to the adequacy of the draft EIR. Recommendations include: creating an integrated pest management program, reducing the use of inorganic fertilizers, encouraging diversified crops, and rewarding regenerative farming.

As explained in the draft EIR, the 2040 General Plan includes eight implementation programs that would result in GHG emissions reductions from the agricultural uses in the county, including programs that reduce use of inorganic fertilizers, encourage farmers to adopt organic growing techniques, encourage the capture and storage of concentrated carbon in soils from farm waste and woody biomass, and improve soil health and reduce the need to apply inorganic fertilizers (pages 4.8-39 to 4.8-43). Note that the 2040 General Plan includes Policies AG-3.2 and AG-3.3, which encourage and support the use of Integrated Pest Management practices and provide information on how to do so. Similarly, Policy AG-5.1 encourages the use of inorganic, nitrogen-based fertilizers to reduce nitrogen emissions. This comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.

- O1-31 The comment provides suggested actions that could benefit water resources, but fails to provide evidence linking benefits from these actions to impacts from implementation of the 2040 General Plan identified in the draft EIR. Section 4.10, "Hydrology and Water Quality," in the draft EIR does not identify any significant environmental impacts. As indicated in response to comment O1-19, the EIR is not obligated to mitigate existing climate change or the effects that such changes could have on the project. Further, the 2040 General Plan includes Policies PFS-4.4, COS-2.10, and WR-4.1 that encourage preservation of groundwater resources and allows for greater availability of local water resources, which could reduce the use of water from more GHG-intensive sources. For this reason, no further response is provided. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on the adoption of the final 2040 General Plan.

- O1-32 The comment suggests additional topics that could be considered in the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on the adoption of the final 2040 General Plan.
- O1-33 The comment emphasizes the need for an adequate plan that sufficiently reduces GHG emissions and indicates that the plan should include a goal for carbon neutrality. Refer to Master Response MR-1.B for a response on the alignment of the 2040 General Plan and statewide targets. This comment is a concluding statement and does not raise a significant environmental issue for which a response is required.



February 27, 2020

Sent Via Email Only – *GeneralPlanUpdate@ventura.org*

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager, General Plan Update Section
 800 S. Victoria Ave., L #1740
 Ventura, CA 93009-1740

RE: Comments on Analysis of Environmental Impact Report for Draft 2040 General Plan
 (State Clearinghouse #2019011026)

Dear Ms. Curtis:

This letter provides comments on behalf of ABA Energy Corporation ("ABA") on the analysis of the environmental impacts provided in the Draft Environment Impact Report for the Draft 2040 General Plan ("DEIR"). In addition to my general comments, I have also included a more specific set of detailed comments referencing specific sections of the DEIR.

For the last ten years my company, ABA, has been actively exploring for and producing oil and gas in the Oxnard Oilfield in Ventura County utilizing traditional recovery methods. We have worked cooperatively with the Ventura County Planning, Building, and Fire Departments, the Ventura County Air Pollution Control District, as well as the state regulatory agencies to conduct our operations for the mutual benefit of the farming families who own the minerals under their farm property and others, including ABA who have a vested interest in the minerals. We have invested tens of millions of dollars in our effort and generated significant tax revenue in the process. It is our intention to continue to conduct these lawful operations and drill additional wells in accord with the existing stringent laws, regulations, and rules that are among the most rigorous in the world. As a mineral resource lessee and a production operator in the County, ABA will be directly and substantially affected by the adequacy of environmental review undertaken in support of the 2040 General Plan as well as implementation of the 2040 General Plan.

O2-1

The DEIR is deficient in many aspects and we respectfully request that the DEIR be significantly revised and recirculated, as required by the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq) ("CEQA") and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000 et seq.) ("CEQA Guidelines"). Given the DEIR's failure as an informational disclosure document and its failure to identify and impose all feasible mitigation measures, the DEIR, in its current form, cannot support approval of the County's proposed update to its current general plan ("2040 General Plan"). The DEIR's legal deficiencies must be cured and it must be recirculated prior to any approval of the 2040 General Plan.

O2-2

An EIR must be prepared with a sufficient degree of analysis to provide decision-makers with the information needed to make an intelligent judgment concerning a project's environmental impacts. 14 Cal Code Regs §15151. *Napa Citizens for Honest Gov't v Napa County Bd. of Supervisors* (2001) 91 CA4th 342, 356. An EIR should, when looked at as a whole, provide a reasonable, good faith disclosure and

O2-3

P.O. Box 80476, Bakersfield, CA 93380-0476 Phone (661) 324-7500; Fax (661) 324-7568

Comment Letter from ABA Energy Corporation
February 27, 2020
Page 2

analysis of the project's environmental impacts. *Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1988) 47 C3d 376, 392. O2-3 cont.

GENERAL COMMENTS

Replacing Locally Produced Oil with Imported Oil Will Increase, Not Reduce, Greenhouse Gases.

The term “Greenwashing” applies to organizations that disseminate disinformation and misleading claims so as to present an environmentally responsible public image when in fact their policies and products have the opposite effect. As a part of California’s push for environmental justice, several companies that have engaged in Greenwashing have even been sued by the Attorney General.¹ The County of Ventura appears to be engaging in Greenwashing by proposing policies that it touts will achieve a decrease in greenhouse gases (“GHG”), by eliminating locally produced, highly regulated, oil and gas production, when in reality these policies will cause an increase in GHG and other pollutants. While the DEIR acknowledges at pages 4.12-21 through 4.12-23 and 4.12-32 that these policies, as proposed, will result in increases in the importation of oil (i.e. more oil trains and oil tankers), there has been no effort to quantify the corresponding increase in GHG and other pollutants that will be the direct result of such policies or their impact on the environment. The abject failure of the DEIR to address the environmentally harmful effects of policies designed to push impacts outside the County Line (as if they will then magically cease to exist) is Greenwashing by any definition.² O2-4

In my 37-year career as a petroleum engineer, I have had the opportunity to participate in the exploration and production of oil and gas both domestically in various states and all over the world and as a result, I am familiar with the regulations that have been imposed on oil and gas production by various foreign and state governments as well as other jurisdictions within the State of California. The existing laws, rules and regulations in Ventura County that apply to oil and gas production are among the strictest I have experienced in my career. For example, the Ventura County Air Pollution Control District enforces strict air quality standards and air credit programs that have resulted in dramatically reduced emissions as compared to the emissions from oil and gas production from other states and certainly other countries. In addition, and as noted below in the detailed comments, not all oil is created equal when it comes to Carbon Intensity. The California Air Resources Board (“CARB”) publishes Carbon Intensity values for the various crude oil sources under their Low Carbon Fuel Standard Regulation. The most recent published data is from 2018 which demonstrates that the Carbon Intensity from the oil produced in the Oxnard Oilfield (where all of ABA’s production is located), on an annual average, is less than half the Carbon Intensity of the crude oil used in California as a whole during 2018 (5.39 vs. 12.35 gCO₂e/MJ).³ A quick look at this Carbon Intensity data also reveals that the Carbon Intensity of oil from Alaska was 15.91 gCO₂e/MJ and the Carbon Intensity of the blended average of oil from Saudi Arabia was 8.82 gCO₂e/MJ. O2-5

Drop per drop, barrel per barrel, simply replacing locally produced Ventura County oil with imported oil will result in an increase in GHG, and that is true even before considering the huge environmental impacts associated with the GHG and other pollutants generated in the process of shipping that replacement oil across the world (not to mention the increased risks associated with oil spills). Simply put, the DEIR is O2-6

¹ <https://oag.ca.gov/environment/greenwashing>

² <https://foe.org/alaskan-arctic-california-crude/>; <https://www.forbes.com/sites/chuckdevore/2019/10/07/californias-next-offshore-oil-spill-will-be-caused-ironically-by-the-states-war-on-oil/#652f8fbb6535>

³ https://ww3.arb.ca.gov/fuels/lcfs/crude-oil/2018_crude_average_ci_value_final.pdf

Comment Letter from ABA Energy Corporation
February 27, 2020
Page 3

deficient because it fails to quantify in any meaningful way, using readily available data, the increases in GHG and other pollutants that will be caused if the new policies inhibiting new oil and gas production presently contained in the 2040 General Plan are implemented. The failure of the County to “come clean” by providing a meaningful GHG analysis of its decision to favor imported oil over cleaner, highly regulated, locally produced oil, renders the DEIR inadequate as an informational disclosure document, as a matter of law.

O2-6
cont.

The Proposed 1,500’/2,500’ Setback for New Discretionary Oil and Gas Wells is an Unmitigated Taking that is Not Supported by Substantial Evidence.

Policy COS-7.2 as proposed would require that new discretionary oil and gas wells be located a minimum of 1,500 feet from residential dwellings and 2,500 feet from any school. In support of these drastic setback requirements, the County failed to conduct any analytical studies demonstrating why the current setback (500’ and 800’) in combination with routine mitigation requirements (i.e. sound walls during drilling and workover operations) in combination with current air quality restrictions including vapor recovery for all facilities and zero emission tolerances are inadequate. The DEIR acknowledges that the VCAPCD conducts quarterly inspections of oil and gas facilities to enforce the zero emissions policy and it is unclear from any information why such current mitigations are inadequate. The DEIR fails to cite any air monitoring study, any noise study, any vibration detection study, or any odor study conducted in like or similar conditions to support its conclusion that a change in setbacks for oil and gas wells would in any way change a single environmental impact for sensitive receptors or otherwise.

Rather than rely upon actual data and analysis to support Policy COS-7.2, the DEIR relies heavily on a report by the Los Angeles County Department of Public Health issued in February of 2018 entitled: “Public Health and Safety Risks of Oil and Gas Facilities in Los Angeles County” (“LA County Report”). Such reliance is misplaced as the LA County Report fails to supply any actual data or analysis that is applicable to the circumstances at issue in the Ventura General Plan area. First, the basis of the study was to address public health and safety concerns related to oil and gas reserves that “lie beneath densely populated urban areas” which are the exact opposite of the areas currently available for new oil and gas wells in unincorporated Ventura County. Second, the LA County Report concluded, “the epidemiological studies are not able to conclude whether or not living near oil and gas activities is associated with long-term health impacts.” Third, neighborhood health investigations were conducted in support of the report, which demonstrated low risk levels for risks associated with hydrogen sulfide gas, operating pressures, and drilling frequency but six out of the 15 facilities they inspected had oil wells or tanks within 300 feet of residences or sensitive receptors which has no bearing on the current regulations for new wells in Ventura County.

O2-7

No independent studies were conducted to determine actual setback criteria with and/or without mitigation measures. Rather, the study group looked at Seven (7) EIRs and Two (2) Health Impact Assessments plus one (1) study from Colorado, none of which related to oil and gas development in unincorporated Ventura County under existing setback requirements and emission controls that are applicable currently to new discretionary oil and gas wells in Ventura County. The LA County Report concluded that most of impacts could be mitigated, but it is unclear from this report upon what data and under what circumstances they based any of their findings. For example, even though they found little or no evidence of odors that were directly related to hydrogen sulfide (H₂S) that is associated with certain oil fields, they suggested imposing an additional 500-foot set back regardless of whether H₂S was known to be a problem in that oil field. Further, regarding their recommendation for setbacks to address noise issues, they failed to address the effect of routine mitigation measures that are employed during drilling operations. Simply put, the LA

Comment Letter from ABA Energy Corporation
 February 27, 2020
 Page 4

County Report fails to provide substantial evidence to support the proposed increase in setback requirements for new discretionary oil and gas wells. The DEIR begrudgingly acknowledges that in July of 2019 the City of Los Angeles rejected the findings in the LA County Report and adopted a 600-foot setback for new oil and gas wells.

While the DEIR does reference a couple of other studies, the record is clear that none of the other studies cited in the DEIR, were conducted in Ventura County under conditions similar to or approximating the existing regulatory conditions to which a new discretionary oil and gas well would be subject. There is simply an absence of relevant data or a sufficient degree of analysis to provide decision-makers with the information needed to make an intelligent judgment concerning such a dramatic change in the setback requirements for new discretionary oil and gas wells.

O2-7
 cont.

It is worth noting that if Policy COS-7.2, (with mitigation measures or not) were adopted, a farmer who conducts farming operations utilizing diesel tractors and other heavy equipment, spraying pesticides, herbicides, and fertilizers, and otherwise engaging in dusty, noisy, routine farming immediately adjacent to sensitive receptors, would at the same time be completely precluded from developing the minerals on his property within 1,500 feet of those same sensitive receptors, even though such oil and gas development could be conducted in a manner that imposes little or no impacts on those same sensitive receptors. The application of an artificial setback requirement for which there is no actual scientific or other supporting data is illegal, is being applied in a punitive manner, and such loss of the rightful use of the farmer's property would be an unconstitutional taking, a fact that appears to be acknowledged in the DEIR.

Like Most Businesses, Trucking is the Only Feasible Method of Getting Our Product to Market.

Like most businesses in Ventura County that produce a product (i.e. farming, manufacturing, or other industries), the only feasible method for our company to get its product to market is to utilize trucking. Policy COS-7.7, as proposed, fails to address any other industry, but singles out oil production for some special mistreatment. Interestingly, this policy attacks only trucking to a refinery, but exempts from regulation the trucking of the finished petroleum product from that same refinery back into the community. There is no scientific or other basis that supports this disparate treatment such that the only logical conclusion is that it has been proposed as a punitive measure which is unconstitutional. As noted above, if the purpose of the Policy is to diminish Ventura County oil and gas production, the end result is an increase in GHG and other pollutants. Until the volume of oil production justifies the significant environmental impacts and costs associated with the construction and maintenance of new oil pipelines, trucking is the only feasible method of getting our product to market. Unless modified, Policy COS-7.7 will result in the inability to drill new discretionary oil and gas wells, which would cause economic harm to the mineral owners and other vested rightsholders, who intend to drill new discretionary oil and gas wells and it will result in an increase in GHG and other pollutants. The DEIR fails to include substantial evidence concerning the impacts to environment caused by the need to construct and maintain multiple new oil and water pipelines.

O2-8

In Some Locations, Flaring of Natural Gas is the Only Feasible Option.

Policy COS-7.8 would require that natural gas produced from new discretionary wells be collected and used or removed for sale without flaring. ABA has expended much time and resources attempting to develop a sales market for the natural gas that is produced with its oil production. Unfortunately, despite our best hopes, none of the proposed compressed natural gas ("CNG") or liquid natural gas ("LNG") options we have investigated have come close to achieving a viable plan to take the natural gas we produce and

O2-9

Comment Letter from ABA Energy Corporation
February 27, 2020
Page 5

transport it in an environmentally and economically feasible manner for delivery to a stable, sustainable market. Although we are prohibited from sharing data concerning our efforts, we have also determined that delivering natural gas from our operation into a local utility line was not feasible regardless of the distance to the nearest utility pipeline. The remaining feasible option for most of our existing natural gas is to flare it in accord with the permits issued by the VCAPCD. To that end we have expended significant sums to obtain a BACT flare that has significantly diminished (>90%) the emissions from the flaring process and we participate in the air credit program administered by the VCAPCD (neither mitigation is considered in the DEIR). In other words, we have taken all feasible steps to mitigate the impacts of our production, which does not occur with most imported oil. Unless modified, Policy COS-7.8 would result in the inability to drill new discretionary oil and gas wells, which would cause economic harm to the mineral owners and other vested rightsholders, who intend to drill new discretionary oil and gas wells and it will result in an increase in GHG and other pollutants as well as constitute an unconstitutional taking of vested rights.

O2-9
cont.

The DEIR Fails to Include an Economic Study or Address the Physical Changes to the Environment Caused by the Loss of Tax Revenue Resulting from Proposed Changes to Oil and Gas Policies.

The physical changes to the environment caused by the loss of tax revenue from diminished oil and gas production are significant and need to be addressed in the DEIR. While economic and social effects ordinarily need not be discussed in an EIR, physical changes to the environment caused by a project's economic or social effects are secondary impacts that must be included in an EIR's impact analysis if they are significant. (14 CCR § 15064(e)). An EIR may trace the effects of economic or social changes resulting from a project to physical changes caused by the economic or social changes. (14 CCR § 15131(a)). Under this rule, a social or economic effect resulting from a project may be found to cause a significant physical impact that must be analyzed in the EIR. See *Bakersfield Citizens for Local Control v City of Bakersfield* (2004) 124 CA4th 1184, 1215 (EIR improperly dismissed possibility that large shopping center could drive other retailers out of business as an economic effect when urban decay and other blight-like conditions could result); *El Dorado Union High Sch. Dist. v City of Placerville* (1983) 144 CA3d 123 (while increased student enrollment and potential for overcrowding by itself is likely insufficient to implicate CEQA, such effects are relevant when they will lead to construction of new facilities). See also *City of Hayward v Board of Trustees of Cal. State Univ.* (2015) 242 CA4th 833, 842 (EIR properly analyzed potential environmental impacts of constructing new fire station needed to serve project while also recognizing that cost of meeting increased need for fire protection services is economic impact).

O2-10

The County of Ventura relies on tax revenue for its annual operating budget that includes significant tax revenue resulting from the drilling of new oil and gas wells. In fact, until there is a successful oil and gas well drilled, the mineral estate is not taxed and is not even included in the evaluation of property taxes. Operators of oil and gas properties, such as ABA, are required to provide data concerning new wells to the County Tax Assessor in order for each new well to be assessed for property tax purposes. The policies in the Draft 2040 General Plan attacking future oil and gas production will preclude mineral owners and their lessees from drilling new wells thus condemning the property (an unconstitutional taking) and cause the County to lose the property tax revenue that would have otherwise been generated had the minerals from such property been developed. Further, oil and gas development generates significant direct sales tax revenue and secondary revenue from employees, contractors and vendors all of which will be lost if the policies designed to inhibit future oil and gas development are adopted.

Even a cursory review of Section 5 of the Draft 2040 General Plan which addresses Public Facilities, Services, and Infrastructure reveals that any loss of funding for the essential facilities, services and

Comment Letter from ABA Energy Corporation
 February 27, 2020
 Page 6

infrastructure the County provides would likely cause a physical change to the environment that would threaten the very existence of the citizens, homes, businesses, farms, open space and wildlife in Ventura County. Tight county budgets are already a reality with departmental belt tightening being the norm. For example, a loss of mineral tax revenue and associated sales tax revenue will further strain the budget of the Ventura County Fire Protection District (“VCFPD”) that provides fire protection in the unincorporated areas of the County along with various cities. A review of the Budget for the VCFPD for 2017-18 reveals that of the \$178,618,708 annual budget, property taxes (\$133,586,989) accounted for nearly 75% of the total budget. A cut in property taxes due to policies hindering oil and gas production will result in a drop in funding that will make the VCFPD less prepared to prevent and defend future wild fires to which the County of Ventura is already susceptible. Wild fires cause physical change to the environment which is significant and therefore an economic study must be conducted to determine the impacts caused by the loss of oil related tax revenue in this DEIR. Similarly, there are many other physical changes to the environment that are significant that could result from a lack of funding for the County services we rely on to protect the environment and if there is a deterioration of funding due to lack of oil related taxes, these direct and indirect effects must be included as a part of an economic study to provide decisionmakers with the information necessary to determine the significance of the impacts causing physical changes to the environment. The data to conduct such a study remains in the possession of the County which should be able, with little effort to determine, for example, how much of Ventura County’s budget is derived from property taxes on minerals? How much will Ventura County lose in tax revenue by implementing new policies that discourage or eliminate the drilling of new wells? How much sales tax revenue will be lost that is associated with drilling, maintaining oil and gas wells? How will this loss of revenue impact the Public Facilities, Services and Infrastructure described in the 2040 General Plan Section 5?

O2-10
 cont.

Ventura County’s Effort to Ban New Oil and Gas Wells Violates the Law

The DEIR relies upon legally infeasible policies proposed in the 2040 General Plan that have as their direct and indirect goal, the elimination of oil and gas exploration and production in Ventura County. These proposed Policy changes, as described herein, affecting new oil and gas wells are infeasible in that they will result in a ban on new drilling, which conduct by the County is preempted by state and federal law, is unconstitutional, violates equal protection under the law, is discriminatory as a matter of law, and constitutes a taking. ABA reserves all of its rights to pursue every available remedy resulting from the attempt by Ventura County to ban future oil and gas exploration and production in Ventura County.

O2-11

DETAILED COMMENTS

ABA’s specific and detailed comments on the individual chapters and sections of DEIR are set forth below.

- 4.8-25** Without acknowledging the existing ad valorem taxes on oil that are paid to the County, the County is now proposing to evaluate the whether to establish another local tax on oil and gas operations. The DEIR states that increased taxes on oil and gas facilities may reduce GHG emissions which assertion is unsupported by substantial evidence. Further, as noted above, if an additional tax resulted in diminished oil and gas production, the result would be an increase in GHG and other pollutants as noted above. As other stationary sources contribute as much or more GHG, the County appears to be arbitrarily burdening a single industry sector by increasing taxes with no regard to the data presented in the DEIR

O2-12

Comment Letter from ABA Energy Corporation
February 27, 2020
Page 7

- 4.12-8** Policy COS 7.3. To the extent the County seeks to impose this Policy on new wells drilled subject to an existing and valid special use permit, such policy unlawfully impairs vested property rights and disregards well-settled controlling law concerning a mineral owner's right to recover resources from his or her sub-surface property and constitutes a taking under state and federal law. All analyses and assumptions flowing from the expected imposition of this policy are fatally flawed.
- 4.12-8** Policy COS 7.7. This policy is preempted by state and federal regulations. The DEIR disregards this. All analyses and assumptions flowing from the expected imposition of this policy are fatally flawed and not supported by substantial evidence. See the discussion under the General Comments.
- 4.12-12** As noted in the General Comments, as to Policy COS-7.3, there is no substantial evidence provided to justify an increase in the minimum setback requirements for new discretionary oil and gas wells or otherwise demonstrate why the existing setbacks are inadequate. Further, the imposition of such new setbacks will result in an unconstitutional taking. See the discussion in the General Comments regarding the inadequacy of the LA County Report.
- 4.12-13** Reliance on the CCST study is misplaced as it fails to address the existing standards, conditions, setbacks, and mitigation requirements that are in place in Ventura County and presently applicable to new discretionary oil and gas wells; a fact that the study acknowledges by stating that actual exposures and any related health impacts may be different and "have not been measured." In light of the stated deficiencies the CCST study is not sufficient evidence to support a change in the current setback requirements for new discretionary oil and gas wells.
- 4.12-13** Reliance on a University of Maryland study that purportedly (the study is no longer available on the U of M website) addressed fracking natural gas wells in the Marcellus Shale, completely fails to address the existing standards, conditions, setbacks, and mitigation requirements that are in place in Ventura County and applicable to new discretionary oil and gas wells. In light of the complete absence of relevance to existing conditions, the purported University of Maryland study is not sufficient evidence to support a change in the current setback requirements for new discretionary oil and gas wells.
- 4.12-14 through 4.12.18** See the General Comments regarding COS-7.2
- 4.12-18 through 4.12-20** Mitigation Measure PR-1 for Policy COS-7.2 is a tacit recognition that there is no substantive evidence to support the proposed 2,500-foot setback included in Policy COS-7.2. Mitigation Measure PR-1's continued reliance on the LA County Public Health Report referenced in the General Comments to support a 1,500-foot setback rather than the 600-foot setback adopted by the City of Los Angeles in July of 2019 demonstrates that this proposed policy is not driven by science, any true analysis, or the facts. As noted in the General Comments, LA County Public Health conducted no studies to measure actual conditions and certainly did not take into consideration the current conditions in Ventura County including the existing regulatory

O2-13

O2-14

Comment Letter from ABA Energy Corporation
 February 27, 2020
 Page 8

and mitigation measures in place before they picked numbers out of a hat or otherwise guessed how far away you had to be to not smell H₂S. For oil fields in Ventura County that do not have H₂S, that is absolutely no evidence to support the final 500-foot setback reference in the LA County Public Health Report. That being said, there is no substantial evidence in the record to justify the setback language in Mitigation Measure PR-1 for Policy COS-7.2, however a 600-foot setback as adopted as adopted by the City of Los Angeles seems reasonable.

4.12-21 The DEIR's unsupported conclusions regarding horizontal drilling access are demonstrably false. The DEIR states that: "[w]hile the amended policy would put limitations on the placement of new discretionary oil and gas wells, it would not necessarily prohibit access to the oil and natural gas resources being sought. In resource locations near sensitive land uses, directional drilling (including horizontal drilling) techniques could be utilized. . . ." Ample evidence, readily available to the DEIR preparers, disproves the foregoing. Oilfields in Ventura County contain multiple oil sands vertically stacked in a compact manner. Accordingly, an additional offset of 1,500' would in most drilling cases either render the geological angle of attack moot, in that a well might ostensibly never be able to mechanically reach all of its targets, or, due to the foregoing, an operator might be required to drill multiple wells to achieve the same production, leading to a significant increase in impacts compared to a single well drilled to accomplish the same geologic goals. Directional drilling would not be possible to replace all of the reserves/resources due to terrain surrounding this area limiting surface locations as well the reservoir structural need to drill north-south directional paths from east or west locations.

O2-14
 cont.

4.12-21 through 4.12-23 The DEIR concedes that the majority of the COS policies to be adopted as part of the proposed GP 2040 are adopted for the express purpose of phasing out local oil and gas production within the County. The DEIR further concedes that the County will, as a direct result of this proposed phase-out, need to import foreign sources of oil and gas, and further acknowledges that the importation of such sources will have a more severe GHG production impact than reliance on local oil and gas resources. The DEIR then unlawfully punts on consideration of that more severe impact by stating that those impacts will occur "outside the GP 2040 plan area." This abdication of responsibility for GHG analysis is not only hypocritical given GP 2040's objective of combating climate change, but also unlawful. The more severe GHG impacts associated with the Importation of foreign oil and gas are known and must be considered now. To omit this evaluation is to deprive the public and decision makers of the ability to fully and fairly understand and consider the impacts of adopting GP 2040. See also the discussion of this in the General Comments.

4.12-26 The issues arising out of the requirement that produced water not be disposed of via trucking are the same as those discussed in the General Comments regarding trucking.

O2-15


4.12-27 COS Policy 7.8. This policy is not only preempted, but is also inconsistent with VCAPD rule 54 as it notes that all new well gas would be piped through the same gathering system in existing fields. Outside of running a new pipeline to a different gas processing system, there would be no way to break out the gas from the general field production that goes through the

O2-16

Comment Letter from ABA Energy Corporation
February 27, 2020
Page 9

	current gathering system through the gas plant, sales point, or flare. See the comments on the use of flares contained in the General Comments.	O2-16 cont.
4.12-32	In balancing the competing environmental, economic, social and other issues relating to Mitigation Measures PR-2 and PR-3, the County should also consider the significant increases in GHG and other pollutants that will result if the County chooses imported oil with all of its associated risks and ramifications as compared to the cleaner, heavily regulated, locally produced oil that keeps workers employed and increased revenues in the County budget.	O2-17
4.13-1 through 4.13-29	The DEIR makes numerous, unsupported assumptions regarding the noise generated by oil and gas operations. Oil and gas operations generate noise equivalent to other industrial uses. The DEIR does not, and cannot, provide evidence demonstrating that oil and gas production generates noise above and beyond the noise levels generated by industrial activities, let alone that it produces objectionable noise.	O2-18
4.13-23	The discussion under Impact 4.13-4 lists oil supply facilities among major industrial noise sources. No substantial evidence exists in the DEIR or in the Background Report it references. Most oil supply facilities are located in areas far from sensitive receptors except to the extent that the County has permitted new development of sensitive receptors near oil supply facilities.	O2-18
	ABA hereby adopts and relies upon the comments to this DEIR contained in comment letters filed on behalf of all other oil and gas producers and oil industry associations that have provided comment letters as though such comments are fully set forth herein and as such they are incorporated herein by reference.	O2-19
	I look forward to working with County staff and the community to achieve a workable 2040 General Plan once this DEIR is rewritten to address the significant flaws referenced herein and the document is recirculated for further review and comment.	O2-20

Respectfully,


Alan B. Adler, President

Letter O2	ABA Energy Corporation Alan B. Adler, President February 27, 2020
----------------------	--

- O2-1 The description of ABA Energy Corporation's role and operations in Ventura County are noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- O2-2 This comment regarding the adequacy of the draft EIR is noted. However, no specific issues related to the content, analysis, conclusions, or overall adequacy of the draft EIR are raised in this comment. Therefore, no further response is provided. Refer to Master Response MR-7 which explains in detail why recirculation of the draft EIR is not required.
- O2-3 The California Environmental Quality Act (CEQA) Guidelines establish standards for adequacy of an EIR in Section 15151. The adequacy of an EIR as an informational document hinges on whether it provides a "sufficient degree of analysis" so that decision makers have the information necessary to consider the environmental consequences of their decisions. The appropriate level of detail is based on what is "reasonably feasible."

As explained in Section 1.2.1, "Type and Use of This EIR," of the draft EIR:

This EIR fulfills the requirements for a program EIR. Although the legally required contents of a program EIR are the same as those of a project EIR, program EIRs typically cover broad programs or large projects, such as a general plan, and contain a more general discussion of impacts, alternatives, and mitigation measures than a project EIR...By its nature, a program EIR considers the overall effects associated with implementing a program (such as a general plan) and does not, and is not intended to, examine individual projects that may be implemented pursuant to the general plan.

Given the programmatic nature of this EIR, the County has conducted a good faith effort at full disclosure, providing decision-makers with a sufficiently detailed document to consider the environmental consequences of adopting the 2040 General Plan.

- O2-4 Refer to Master Response MR-4, Section MR-4.K, "Effects Outside the Study Area," regarding the findings and conclusions related to analysis of effects outside the study area.
- O2-5 The comment describes carbon intensity values from oil and gas production published by the California Air Resources Board (CARB) in 2018. It compares averages statewide with a local oilfield and notes the lower carbon intensity of the latter source. This comment is not related to the adequacy of the draft EIR and no further response is required.

- O2-6 The comment asserts that replacing locally produced oil with imported oil will result in increased greenhouse gas (GHG) emissions due to a higher carbon intensity as described in comment O2-5. It also says that increased GHGs and other emissions could result from transportation associated with oil imports. It states the draft EIR is deficient because GHGs and other pollutants are not quantified in a meaningful way.
- GHG-reducing policies and programs contained in the 2040 General Plan and analyzed as part of the draft EIR support actions that would reduce the consumption of fuels derived from crude oil, regardless of where that oil originates. The comment indicates that a transition to imported oil would result in increased GHG emissions; however, a review of the CARB 2018 Crude Average Carbon Intensity Values cited shows that some in-state and imported oil sources have lower carbon intensities than the 5.39 grams of carbon dioxide equivalent per megajoule at Oxnard Oilfield, which is used as an example of a local source. Furthermore, restrictions on the carbon intensity of imported transportation fuels occurs at the State level under CARB's Low Carbon Fuel Standards, rather than at the local level through a general plan.
- A full analysis of the environmental impacts of replacing locally produced oil with imported oil would require a lifecycle analysis. Refer to MR-4, Section 4.K, "Effects Outside the Study Area," for a discussion on the effects of oil and gas policies outside the study area. CEQA does not require lifecycle analysis because the term is not well defined and too speculative, and the Office of Planning and Research removed the term "lifecycle" from the State CEQA Guidelines in 2010. Further, any such speculative analysis would not change the impact determination of significant and unavoidable.
- It is further speculative to determine, at this time, whether and how the use of locally produced oil and imported oil would affect future GHG emissions in the county as it involves factors that are outside of the County's control, such as local and statewide supply and demand analysis, transportation analysis and economic growth. As indicated, CEQA does not require that an EIR engage in analysis that is too speculative (CEQA Guidelines Section 15145). No further response is required.
- O2-7 Refer to Master Response MR-4, Section MR-4.B, "Takings and Antiquated Permits," Section MR-4.H, "Buffers (Setback)," and Section MR-4.E, "Applicability of Reference Studies for Oil and Gas Operations," regarding the findings and conclusions related to setbacks, and related to the applicability of the reports relied upon for these findings and conclusions.
- O2-8 The comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. Refer to Master Response MR-4, Section MR-4.G, "Pipeline Requirements," regarding the findings and conclusions related to pipelines. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.

- O2-9 Refer to Master Response MR-4 regarding the findings and conclusions related to flaring, and the County's authority to regulate oil and gas development.
- O2-10 The comment states that the draft EIR does not include an economic study or address physical changes to the environment caused by the loss of tax revenue resulting from proposed changes to oil and gas policies. EIRs are not required to treat a project's economic or social effects as significant effects on the environment (State CEQA Guidelines, § 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. Therefore, the potential for 2040 General Plan policies related to future oil and gas extraction (Policy COS-7.2, Policy COS-7.7, Policy COS-7.8) to reduce future tax revenues collected by the County is not, by itself, an impact under CEQA. Indirect effects such as physical impacts resulting from an economic effect are defined as those that "are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable" (State CEQA Guidelines, § 15358(a)(2)). Therefore, any physical impacts resulting from economic impacts are indirect impacts appropriately considered under CEQA. However, a lead agency need not speculate about environmental impacts (State CEQA Guidelines, § 15145).

Policy COS-7.2 would require that new discretionary oil and gas wells be located a minimum of 1,500 feet from residential dwellings and 2,500 feet from any school. Policy COS-7.7 would require that new discretionary oil wells use pipelines to convey oil and produced water and prohibit trucking of oil and produced water from new discretionary oil wells. Policy COS-7.8 would require that gases emitted from new discretionary oil and gas wells be collected and used or removed for sale or proper disposal and allow flaring or venting only in cases of emergency or for testing purposes.

In Section 4.12, "Mineral and Petroleum Resources," the draft EIR concludes that Policy COS-7.2 would result in a potentially significant impact to petroleum resources because it could preclude expansion of existing oil and gas operations and the drilling of new discretionary wells (Impact 4.12-3 starting at page 4.12-11) and that Policy COS-7.7 and Policy COS-7.8 would result in a potentially significant impact to petroleum resources in at least some parts of the plan area depending on factors such as proximity of oil and gas resources to existing major oil and gas transmission infrastructure (Impact 4.12-4 starting at page 4.12-22).

However, the specific degree to which all property owners in the unincorporated area would or would not drill new oil or gas wells as a result of implementation of the 2040 General Plan – that they otherwise would have drilled in the absence of the 2040 General Plan – would depend on numerous factors specific to individual property owners and project sites and circumstances that are not reasonably foreseeable based on the information available today. Furthermore, the commenter offers no such information. Moreover, future decisions about whether to drill new oil or gas wells are affected by several factors external to the 2040 General Plan, including State and federal government policy and national and global market conditions. Therefore, is not possible to predict how the potential for drilling new oil and gas wells would be affected by the 2040 General Plan and

the changes in direct and secondary economic activity and associated tax revenues collected by the County. As a result, the economic impacts cannot be characterized, and any physical impacts resulting from economic impacts cannot be defined. Potential physical impacts, including to the provision of public services and facilities, are not reasonably foreseeable results of any economic impacts. Therefore, any evaluation of these impacts would be considered speculative under CEQA and the County correctly excluded such analysis from the draft EIR.

- O2-11 Refer to Master Response MR-4, Section MR-4.A, “County’s Authority to Regulate Oil and Gas Development,” and Section MR-4.B, “Antiquated Permits and Takings” regarding the preemption and taking. The remainder of the comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O2-12 The comment describes the 2040 General Plan’s proposal to evaluate a local tax for oil and gas, and states that diminished oil and gas production resulting from such a tax could result in increased GHGs and other pollutants. For purposes of this response the County assumes that this comment is referring to Program COS-M described in the draft EIR on page 4.8-25 which states “The County shall evaluate the feasibility of establishing a local tax on oil and gas operations located in the unincorporated county.” An analysis of this program to evaluate a local tax can be found on page 4.8-44 of the draft EIR. However, the description refers to a COS-L, rather than COS-M. This section has been corrected as shown below:

Under Implementation Program COS-~~L~~M, the County would evaluate the feasibility of an excise tax on oil and gas operations, which would be intended to partially fund the County’s response to climate change impacts. These taxes would presumably be in addition to fees already collected by the County for these activities. Before an oil excise tax could be levied, it would need to be approved by both the Board of Supervisors and at least a majority vote of the electorate.

For clarification, the GHG benefits of this tax are anticipated to come from its partial funding of the County’s climate change response, which could include funding programs with GHG reduction potential. The details of this program would be determined upon evaluation by County staff and prior to consideration by the Board and the electorate.

- O2-13 Refer to Master Response MR-4 regarding the findings and conclusions related to setbacks, the adequacy of the reports used to derive the findings and conclusions, antiquated permits, and vested rights and takings of private property. The remainder of the comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.

- O2-14 Refer to Master Response MR-4 regarding the findings and conclusions related to the Los Angeles County report, setbacks, directional drilling, and GHG analysis. The remainder of the comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O2-15 The comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. Refer to Master Response MR-4, Section MR-4.G, "Pipeline Requirements," regarding the findings and conclusions related to pipelines. This comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O2-16 The comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. Refer to Master Response MR-4, Section MR-4.A, "County's Authority to Regulate Oil and Gas Development," and Section MR-4.F, "Flaring," regarding preemption and the findings and conclusions related to flaring. This comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O2-17 The comment states that the County should consider the significant increases in GHG and other pollutants that will result if the County chooses imported oil. Fuels currently consumed within the unincorporated county for transportation and buildings contributing to GHG emissions documented in the GHG inventory are already coming from imported sources and this is not by choice or policy of the County. Rather, this reflects the choices that energy and fuel suppliers at local, state, and national level make on where to procure and market oil. Just as consumers in the county currently receive oil from imported sources, oil produced in the unincorporated county is sent to other counties, states, and countries for refinement, distribution, and ultimately consumption in a myriad of forms. The approach to GHG reduction in the 2040 General Plan, as analyzed in the draft EIR, is focused on reducing fossil fuel consumption at the end use through plans and programs. It does not delve into deep lifecycle analyses involving factors outside of the County's control. To do so would result in an impermissibly speculative analysis, as discussed in response to comment O2-6. Transitioning from fossil fuels to electricity in buildings and vehicles are examples of strategies that would reduce communitywide fuel consumption and, thus, GHG emissions. Refer to Master Response MR-4 for discussion of analyzing effects outside the study area.
- O2-18 Section 15126 of the CEQA Guidelines states that all phases of a project must be considered when evaluating its impact on the environment. Appendix G of the CEQA Guidelines indicates that noise impacts should be evaluated to determine if the project would result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Section 4.13 of the draft EIR includes oil and gas

wells and pipelines as allowed development under implementation of the 2040 General Plan, the construction of which may result in increased noise levels. The draft EIR also identifies oil supply facilities as one of several particular types of industrial uses that generate noise. The draft EIR states that construction of oil and gas wells and pipelines would be subject to County noise standards for construction noise and oil supply facilities would be subject to County noise standards for construction noise and existing noise standards for specific land uses identified in the County's Zoning Ordinance. The draft EIR concludes that the 2040 General Plan would not result in a substantial increase in stationary noise-generating uses and would implement policies to ensure noise-sensitive land uses are not exposed to noise levels above County noise standards. The analysis provided in the draft EIR is consistent with CEQA guidelines.

- O2-19 The commenter generally refers to letters submitted by other unspecified oil and gas producers and oil industry associations. This chapter includes responses to all written comments submitted to the County during the public comment period for the draft EIR.
- O2-20 Refer to Master Response MR-7 which explains in detail why recirculation of the draft EIR is not required.

From: ormaybe@aol.com <ormaybe@aol.com>
Sent: Tuesday, February 25, 2020 9:50 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Serious Environmental Concerns for Ventura County

Letter
O3

To: Susan Curtis, General Plan Update Manager
 via email (susan.curtis@ventura.org)

RE: Action for Change in Changing Times Comment Letter on the *Draft Environmental Impact Report (EIR)* for the *County of Ventura Draft 2040 General Plan*

Dear Ms. Curtis,

Action for Change in Changing Times (ACCT) has reviewed portions of the draft EIR and have serious concerns with what we see as a lack of completeness, an entirely inadequate Climate Action Plan, and a *failure to recognize the role of the County as an oil and gas producer*. Lacking and needed are policies and environmental mitigations that ensure we do our share of addressing the climate crisis. On these issues the draft General Plan and the draft EIR, unfortunately, fail.

When this process started in 2015, Ventura County did not realize that we are on the front lines of the Climate Crisis. The current 2.6 degree Celsius rise in temperature in Ventura County is clearly an indicator of further catastrophic impacts that the County must take into account. Major wildfires, droughts, and analysis of climate impacts on our County demonstrate that a significant, if not the most significant, land use issue facing this county over the next 20 years is the climate crisis and how we respond through the planning process.

We could not find a clear indication in either of these documents of the total greenhouse gas (GHG) potential produced annually in the county. In fact, the role of the industry in this county appears to be hidden in the documents. On an annual basis what is the BTU value of the liquid and gas products extracted by our oil & gas industry? What is the GHG emission from the ultimate production and use of those fossil fuels?

On a planetary scale we need to plan now for the systematic and rapid phase out of oil and gas extraction and shift rapidly to development and use of cleaner renewable fuels -- on that the planet depends.

We cannot find a schedule within the county documents for the systematic and cost-effective winding down of this industry along with a just transition for our workers in the oil field, many of whom will be employed throughout the closing out of production and restoration of land. Others have skills that are directly transferable to clean industries of commercial and residential solar and wind energy.

In summary, ACCT finds the current county drafts unacceptable for planning over the next twenty years with too many unanswered issue in the draft EIR.

Respectfully,
 Frank C. Bogner
 10412 Boulder Ct
 Ventura, CA 93004

O3-1

O3-2

O3-3

O3-4

We cannot find a schedule within the county documents for the systematic and cost-effective winding down of this industry along with a just transition for our workers in the oil field, many of whom will be employed throughout the closing out of production and restoration of land. Others have skills that are directly transferable to clean industries of commercial and residential solar and wind energy.

In summary, ACCT finds the current county drafts unacceptable for planning over the next twenty years with too many unanswered issue in the draft EIR.

Respectfully,
Frank C. Bognar
10412 Boulder Ct
Ventura, CA 93004

Letter O3	Action for Change in Changing Times Frank C. Bognar February 25, 2020
O3-1	This comment regarding the adequacy of the draft EIR is noted. However, no specific issues related to the content, analysis, conclusions, or overall adequacy of the draft EIR are raised in this comment. Therefore, no further response is provided.
O3-2	The comment states the total greenhouse gas (GHG) potential produced annually in the unincorporated county is not evident in the 2040 General Plan or draft EIR. The comment asks about the British Thermal Unit (BTU) value of the liquid and gas products extracted from oil and gas wells countywide on an annual basis, as well as the GHG emissions from the ultimate production and use of those fossil fuels.
	Data from oil and gas production for the GHG inventory was sourced from the California Air Resources Board's Statewide 2016 GHG inventory. This inventory calculates GHG emissions for fuel products using high heat values approved for the U.S. Environmental Protection Agency's Mandatory Greenhouse Gas Reporting Program (CARB 2019a). The values used for the fuels analyzed as part of the County's GHG inventory are: Natural Gas = 1026 million BTU (MMBtu)/standard cubic foot, Distillate = 0.139 MMBtu/gallon, Residual Fuel Oil = 0.140 MMBtu/gallon (EPA 2020). The disposition of fossil fuels produced within the unincorporated county includes a myriad of pathways for refinement, transportation, and end use occurring outside of the county. The GHG inventory is focused on local end use consumption of fossil fuels in accordance with the ICLEI protocol (ICLEI 2013).
O3-3	Refer to Master Response MR-4, Section MR-4.J, "Potential to Stop Issuing Permits for New Wells (Phase Out Oil and Gas Operations)," regarding the findings and conclusions related to phasing out the oil and gas industry.
O3-4	This comment regarding the adequacy of the draft EIR is noted. However, no specific issues related to the content, analysis, conclusions, or overall adequacy of the draft EIR are raised in this comment. Therefore, no further response is provided.

Action for Change in Changing Times
(ACCT)
Cindy Piester
177 Jordan Ave.
Ventura, CA. 93001
February 27, 2020

Letter
O4

To: Susan Curtis, General Plan Update Manager
via email (susan.curtis@ventura.org)

RE: Action for Change in Changing Times Comment Letter on the *Draft Environmental Impact Report (EIR)* for the *County of Ventura Draft 2040 General Plan*

Dear Ms. Curtis,

Action for Change in Changing Times (ACCT) has reviewed portions of the draft EIR and have serious concerns with what we see as a lack of completeness, an entirely inadequate Climate Action Plan, and a *failure to recognize the role of the County in the production of oil and gas*. Lacking and needed are policies and environmental mitigations that ensure we do our share of addressing the climate crisis. On these issues the draft General Plan and the draft EIR, unfortunately, fail.

O4-1

When this process started in 2015, Ventura County did not realize that we are on the front lines of the Climate Crisis. The current 2.6 degree Celsius rise above pre-industrial levels, major wildfires, droughts and analysis of climate impacts on our County demonstrate that a significant, if not the most significant, land use issue facing this county over the next 20 years is the climate crisis and how we respond through the planning process.

We could not find a clear indication in either of these documents of the total greenhouse gas (GHG) potential produced annually in the county. In fact, the role of the industry in this county appears to be missing in the documents. On an annual basis what is the BTU value of the liquid and gas products extracted by our oil & gas industry? What is the GHG emission from the ultimate production and use of those fossil fuels?

O4-2

On a planetary scale we need to plan now for the systematic and rapid phase out of oil and gas extraction and shift rapidly to development and use of cleaner renewable fuels -- on that the planet depends.

We cannot find a schedule within the county documents for the systematic and cost-effective winding down of this industry along with a just transition for our workers in the oil field, many of whom will be employed throughout the closing out of production and restoration of land. Others have skills that are directly transferable to clean industries of commercial and residential solar and wind energy.

O4-3

In summary, ACCT finds the current county drafts unacceptable for planning over the next twenty years with too many unanswered issues in the draft EIR.

O4-4

We, the undersigned residents of Ventura County, respectfully call for the above concerns to be fully addressed.

Cindy Piester
Carin Wofford
Jabbar Wofford
Leslie Purcell
Margo Davis
Gail Hodgson
Alan Hodgson

Carol Vasecky
Alex Uvari
Marisa Sanchez
Arturo Guido
Frank Bogнар
Geoffrey Dann
Wendy Lofland
Roslyn Jean Scheuerman
Paul Benevidez
Nissa Benevidez
Ivsar Marina
Andrew Steel
Nancy Genevieve Oatway
Nicholas Oatway
Rev. Dr. Audrey Wise Vincent
Martin Jones
Susan Shamroy
Margaret Wilson
Nikki G. Alexander
Edward G. Alexander
Dianne Kenny
Judith Cuevas
Ray Cuevas
Gillian Dale
Nancy Shuman
Mark Shuman
Amelia Aparicio
Jeremy Kersch
Debra Myrent
Nick Corrett
Janet Murphy
Heidi Rosenfield
Sheila Williams
Lucy Duffy
Frank Peterson
Heidi Whelan
Sandy Beckner
Laura Schneider
Betsy Shipley
Gerald Schwanke
Angela Grismer
Julie Shaw
Diana Cooley
Pam Holley-Wilcox
Karen Trowbridge
Beverly Brovsky
Arnett Smithson

Letter O4	<p>Action for Change in Changing Times</p> <p>Cindy Piester, Carin Wofford, Jabbar Wofford, Leslie Purcell, Margo Davis, Gail Hodgson, Alan Hodgson, Carol Vasecky, Alex Uvari, Marisa Sanchez, Arturo Guido, Frank Bognar, Geoffrey Dann, Wendy Lofland, Roslyn Jean Scheuerman, Paul Benevidez, Nissa Benevidez, Ivsar Marina, Andrew Steel, Nancy Genevieve Oatway, Nicholas Oatway, Rev. Dr. Audrey Wise Vincent, Martin Jones, Susan Shamroy, Margaret Wilson, Nikki G. Alexander, Edward G. Alexander, Dianne Kenny, Judith Cuevas, Ray Cuevas, Gillian Dale, Nancy Shuman, Mark Shuman, Amelia Aparicio, Jeremy Kersch, Debra Myrent, Nick Corrett, Janet Murphy, Heidi Rosenfield, Sheila Williams, Lucy Duffy, Frank Peterson, Heidi Whelan, Sandy Beckner, Laura Schneider, Betsy Shipley, Gerald Schwanke, Angela Grismer, Julie Shaw, Diana Cooley, Pam Holley-Wilcox, Karen Trowbridge, Beverly Brovsky, and Arnett Smithson</p> <p>February 27, 2020</p>
----------------------	---

- O4-1 This comment regarding the adequacy of the draft EIR is noted. However, no specific issues related to the content, analysis, conclusions, or overall adequacy of the draft EIR are raised in this comment. Therefore, no further response is provided.
- O4-2 Refer to response to comment O3-2, which pertains to the quantification of GHG emissions from oil and gas.
- O4-3 Refer to Master Response MR-4, Section MR-4.J, “Potential to Stop Issuing Permits for New Wells (Phase Out Oil and Gas Operations),” regarding the proposal to phase out oil and gas production in the unincorporated county.
- O4-4 This comment regarding the adequacy of the draft EIR is noted. However, no specific issues related to the content, analysis, conclusions, or overall adequacy of the draft EIR are raised in this comment. Therefore, no further response is provided.



BY:

February 25, 2020

VIA HAND DELIVERY

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager, General Plan Update Section
 800 S. Victoria Ave., L #1740
 Ventura, CA 93009-1740
GeneralPlanUpdate@ventura.org

Re: Comments on Ventura County 2040 General Plan Draft Environmental Report (State Clearinghouse No. #2019011026)

Dear Ms. Curtis:

On behalf of Aera Energy, LLC ("Aera"), thank you for the opportunity to review and comment on the Draft Environmental Impact Report prepared for the Ventura County 2040 General Plan Update ("DEIR"). Unfortunately, after reviewing the DEIR, we find it deficient in myriad ways and we respectfully request that the DEIR be significantly revised and recirculated, as required by the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq) ("CEQA") and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000 et seq.) ("CEQA Guidelines"). Given the DEIR's failure as an informational disclosure document and its failure to identify and impose all feasible mitigation measures, the DEIR, in its current form, cannot support approval of the County's proposed update to its current General Plan ("2040 General Plan"). The DEIR's legal deficiencies must be cured and it must be recirculated prior to any approval of the 2040 General Plan.

O5-1

Aera is the largest onshore oil and gas producer in the County of Ventura ("County"), with oil and gas operations covering approximately 4,300 acres located largely in unincorporated areas northwest of the City of Ventura. Aera and its forerunner companies have been actively producing crude oil in the County since the 1920s. Aera is actively involved in the local County community, and is a longtime member of both the Chamber of Commerce and the County Economic Development Association. As a mineral resource owner, mineral resource lessee and a production operator in the County, Aera will be directly and substantially affected by the adequacy of environmental review undertaken in support of the 2040 General Plan as well as implementation of the 2040 General Plan.

O5-2

Aera Energy LLC • 10000 Ming Avenue • P.O. Box 11164 • Bakersfield, CA 93389-1164 • (661) 665-5000 Fax (661) 665-5065

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 2

I. CEQA STANDARD OF REVIEW

Public agency determinations as to the cause, effect, and significance of environmental impacts must be supported by substantial evidence. (Pub. Resources Code, § 21168.) A public agency abuses its discretion and fails to proceed in the manner required by law when its actions or decisions do not substantially comply with the requirements of CEQA. (Pub. Resources Code, §§ 21168, 21168.5.) An agency's application of an erroneous legal standard in making a CEQA determination also constitutes a failure to proceed as required by law. (*City of San Diego v. Board of Trustees of Cal. State University* (2015) 61 Cal.4th 945, 956.) Whether an environmental impact report ("EIR") fails to include the information necessary for an adequate analysis of an environmental issue is a question of law, and when reviewed by the courts, the courts do not defer to an agency's determinations. (*Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102 ["whether an EIR is sufficient as an informational document is a question of law subject to independent review by the courts"].) Failure to comply with the basic substantive requirements of CEQA is necessarily prejudicial error, requiring the decertification of any EIR and vacation of any project approvals adopted in reliance upon the same. (*North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 671.)

While program EIRs are necessarily broader in scope than project-level EIRs, they must still adhere to CEQA's requirements—significance determinations must still be supported by substantial evidence, program EIRs must still apply the correct legal standard to CEQA determinations, and program EIRs must still include all information necessary for an adequate analysis of environmental effects. (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 431.) Use of a program EIR does not permit a lead agency to defer an analysis of reasonably foreseeable significant environmental impacts to a later stage of review to avoid addressing those impacts in the program EIR itself. (State CEQA Guidelines, § 15152(b).) "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 109.)

Finally, where significant new information is added to an EIR after notice of public review has been given, but before final certification of the EIR, the lead agency must issue a new notice and recirculate the EIR for additional comments and consultation. (Pub. Resources Code, § 21092.1; State CEQA Guidelines, § 15088.5.) Recirculation is required when the addition of new information deprives the public of a meaningful opportunity to comment on substantial adverse project impacts or feasible mitigation measures or alternatives. (State CEQA Guidelines, § 15088.5(a); *Laurel Heights Improvement Association v. Regents of University of California* (1993) 6 Cal.4th 1112, 1130.)

O5-3

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 3

II. GENERAL COMMENTS

A. Improper Piecemealing and Project Segmentation.

As discussed in additional detail below, the DEIR improperly segments its analysis of the County's 2040 General Plan from the pending update of the County Housing Element, and also improperly piecemeals analysis of the 2040 General Plan's implementation actions. CEQA makes it clear that public agencies must analyze the "whole of an action" that may result in a direct or reasonably foreseeable indirect impact. (State CEQA Guidelines, § 15378(a); see also *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214.) A public agency may not divide a single project into smaller individual subprojects to avoid responsibility for considering the environmental impact of the project as a whole. (*Orinda Association v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.)

As the County is aware, the California Department of Housing and Community Development ("HCD") together with the Southern California Association of Governments ("SCAG") will issue a new Regional Housing Needs Allocation ("RHNA") for the County and the cities within the County later this year. The new RHNA will increase the housing needs allocation for the County significantly. As a result, almost every element of the General Plan, as amended, will be out of date once the new numbers are finalized. Land use designations established by the 2040 General Plan will need to be revised nearly immediately to accommodate the RHNA, which will have ripple effects through the DEIR's analyses of air quality emissions, greenhouse gas emissions, and traffic. For example, ignoring the imminent RHNA means that the trip and vehicle miles traveled estimates underpinning the DEIR's traffic analysis do not reflect the additional traffic created by the RHNA, both within the unincorporated areas of the County and within the region at large.

Similarly, beyond the RHNA, the Governor and the State Legislature have advanced significant new legislation intended to increase housing supply opportunities and facilitate the approval of new development by streamlining the housing development process and providing for limited review of developments that otherwise comply with local regulations. This recently adopted legislation and pending legislation will result in an increase in the production of new housing, potentially even beyond the RHNA projections. Thus, the County must table consideration of its 2040 General Plan until the County is in a position to update its Housing Element as part of that undertaking.

In addition to improperly engaging in segmentation in the context of the RHNA, the DEIR ignores the reasonably foreseeable implementation actions that will follow adoption of the 2040 General Plan, including, but not limited to, the adoption of a Zoning Code Update. While the DEIR generically describes the relationship between general

O5-4

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 4

plans and zoning codes, it does not explain how the County's Zoning Code will be updated as a result of adopting the 2040 General Plan. Required zoning code updates resulting from the 2040 General Plan must be analyzed now, as part of this DEIR. Excluding reasonably foreseeable, let alone required, implementation actions from the DEIR's analysis constitutes a prejudicial error. (*McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136, 1144.)

O5-4
 cont.

To address both of these improper segmentation issues, the Project Description for the 2040 General Plan should be revised to be complete, and the DEIR analyses should be revised to assess and disclose the impacts of the entire "whole" of the 2040 General Plan.

B. Impermissibly Vague Project Description.

EIR project descriptions must be accurate, stable, consistent, complete, include all components of a proposed project, and include all foreseeable future activities that are consequences of the project to be approved. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199.) As described more fully below, the DEIR's Project Description does not meet this standard. In fact, it fails to even identify the location and buildout of the 15 new land use designations.¹ Furthermore, policies established by the General Plan are not identified or described with any level of specificity. The complete failure to provide a project description consistent with CEQA's procedural mandates unfortunately undermines each and every analysis contained within the DEIR. As such, the Project Description must be revised to include these details, the DEIR's impact analyses must likewise be revised and the DEIR must be recirculated.

O5-5

C. Failure To Provide Adequately Detailed Analyses

As more fully discussed below, many sections of the DEIR include surprisingly little technical analysis or analysis of the feasibility of mitigation measures. The DEIR purposefully downplays the effect of numerous proposed mitigation measures and routinely defaults to a finding of significant and unavoidable impacts without any real analysis showing that the County considered all feasible mitigation measures and adequately analyzed whether impacts could be reduced. This, in effect, defers real analysis to future project level EIRs and is inconsistent with the goals of a program level EIR, which is to limit the need for future environmental analysis to the extent reasonably possible. (See CEQA Guidelines, § 15152(b); see also *Vineyard Area Citizens, supra*, 50 Cal.4th at p. 431 [program EIRs must still meet CEQA's mandates].)

O5-6

¹ We also note that in some places, the DEIR states that the 2040 GPU only establishes 13 new land use designations, as opposed to 15. This inconsistency further underscores the DEIR's failure to provide an accurate and stable project description, consistent with CEQA's mandates. (Compare, e.g., p. 4.11-18 [describing 13 new land use designations] to p. 2-6 [describing 15 new land use designations].)

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 5

D. The DEIR Presumes The Imposition of Goals, Policies, Programs and Mitigation Measures That Are Legally Infeasible

Finally, as will also be more fully explored below, several goals and policies discussed in the DEIR and several mitigation measures proposed in the DEIR suffer from a variety of legal infirmities. Several goals and policies, if imposed, impair vested property rights and effectuate a taking under federal and state constitutional standards. Others are preempted by superior state law.

O5-7

III. DETAILED COMMENTS

Aera's specific and detailed comments on the DEIR's individual chapters and sections are set forth below.

A. Introduction/Executive Summary

Page 1-2: The DEIR makes generic significant and unavoidable impact findings that should not be relied upon to permit future streamlining. The DEIR explains that subsequent development activities will be evaluated to determine whether they will result in "effects not within the scope of the program DEIR, including new or more severe significant impacts than identified in the project DEIR." Where subsequent activities will not result in more severe impacts, "additional environmental documents may not be required." Yet the DEIR vaguely claims myriad significant and unavoidable impacts, which could lead to later claims that projects "fall within the scope" of the program EIR because they too will result in significant impacts. This provides an avenue for the County to avoid project-level analysis, based on general and vague significant and unavoidable impact findings, unsupported by substantial evidence, in the DEIR. If the 2040 General Plan DEIR is truly intended to provide future streamlining for environmental impacts at the project level, the analyses must be expanded, all feasible mitigation measures identified, and determinations revised to rely upon and cite to substantial evidence. Such revisions require recirculation. (State CEQA Guidelines, § 15088.5.)

O5-8

Page 1-4: The DEIR includes a biased and incomplete description of "areas of known controversy." The DEIR states that the key areas of concern identified during the DEIR Notice Of Preparation ("NOP") process "focused on two primary areas of concern: (1) climate change and greenhouse gases; and (2) the effects of continued oil and gas extraction...." But of the comments included in Appendix A, fewer than half focused on these issues exclusively.

O5-9

Page 1-5: The DEIR presents an incomplete list of responsible and trustee agencies. The DEIR does not identify the California Geologic Energy Management

O5-10

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 6

Division of the California Department of Conservation ("CalGEM") or the California Coastal Commission as responsible agencies. As explained above, the imminent Housing Element update should also be provided as part of the 2040 General Plan, and as a result, HCD should also be identified as a responsible agency. Trustee agencies identified in the DEIR should at least include the State Lands Commission, the California Department of Fish and Wildlife, the California Department of Parks and Recreation, and the Ventura County Air Pollution Control District, as each of these agencies has jurisdiction over resources affected by the 2040 General Plan. (State CEQA Guidelines, §§ 15381, 15386.) Identification of proper responsible and trustee agencies affect whether an EIR undergoes the required and proper consultation processes. Failure to do so results in a failure to proceed in the manner required by law. (Pub. Resources Code, §§ 21168, 21168.5.)

O5-10
 cont.

Page 2-11: The DEIR relies on erroneous growth projections. As discussed above, the growth projections identified in the DEIR will be at odds with the imminently forthcoming RHNA housing numbers assigned to the County and the region (the County will be obligated to produce *more* housing stock). As a result, the assumptions underpinning the DEIR's analyses will be inaccurate almost immediately. This is particularly concerning given that the DEIR's assumptions will be inaccurate because they *underestimate* growth from 2020 through 2040.

O5-11

Page 2-12: Setting. The cross-reference to the Ventura County 2040 General Plan Update Background Report, Revised Public Review Draft January 2020 (hereinafter, "Background Report") makes following the setting discussion in the DEIR cumbersome. A summary of the Background Report's setting discussion should be included in the DEIR.

O5-12

Page 2-14: Areas of Controversy. Oil and gas production and the secondary effects of continued operations is highlighted as an area of controversy for many of the sections of the DEIR. However, many of the alleged controversial effects are the result of the County policies proposed to require the use of pipelines in oil and gas operations and not the existing operations themselves.

O5-13

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 7

B. Project Description

Page 3-1: The DEIR's Project Description impermissibly relies on a separate 1,000+ page appendix. EIRs must include an accurate, stable, and consistent description of the Project. (State CEQA Guidelines, § 15124.) Here, the 2040 General Plan provides the planning and development blueprint for the entirety of the County – yet the DEIR's Project Description is a scant 23 pages. For any real details, a reader is forced to parse through the more than 1,000 page Background Report, or the draft 2040 General Plan itself. But an EIR cannot rely on information that is not either included in the document or described in sufficient detail. (*Vineyard Area Citizens, supra*, 40 Cal.4th at p. 442.). An EIR should be written in a way that readers are not forced “to sift through obscure minutiae or appendices” to find important components of the project or analysis. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 659.) Instead, CEQA contemplates that referenced documents be summarized in the text of the EIR.

O5-14

Pages 3-4 through 20: The DEIR's Project Description is impermissibly vague. The DEIR's description of the 2040 General Plan is ambiguous and vague on a number of key points. Without these details, it is impossible to adequately assess the 2040 General Plan's potentially significant impacts. For example:

- The Project Description alternatively explains that the 2040 General Plan establishes either 13 or 15 new land use designations. (Compare, e.g., p. 4.11-18 [describing 13 new land use designations] to p. 2-6 [describing 15 new land use designations].)
- It is unclear to what extent these new designations will allow for more development than is presently allowed under the General Plan and Zoning Code. The DEIR states on the one hand that these designations “would be consistent with land use densities/intensities allowed under the current (2018) zoning designations for each affected parcel,” but then, on the other hand, explains that the new designations will permit “relatively higher intensity residential, commercial, mixed use, and industrial land uses.” (Compare pp. 3-4, 3-19, 4-2 [2040 General Plan will permit higher intensity development] with p. 3-4 [2040 General Plan will permit uses consistent with current zoning].)
- The Project Description explains that the 2040 General Plan establishes a wholly new land use designation for parks and recreational facilities, not currently permitted by the Zoning Code, but then also states that this designation will not be assigned to any specific parcel. (See p. 3-5.) Will this use be assigned to a specific parcel in the future? Where? When?

O5-15

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 8

These details are required now in this DEIR to analyze the potential impacts of this new designation.	05-15 cont.
<ul style="list-style-type: none"> ▪ The Project Description vaguely references new policies and states, without support, that they are consistent with the County's existing Guidelines for Orderly Development ("GFOD") and Save Open Space & Agricultural Resources ("SOAR") initiative. Yet, no details at all are provided to show that this is so. Without these details, there is no way to confirm whether these new policies will result in inconsistencies with GFOD and SOAR such that significant environmental impacts may occur. 	05-16
<ul style="list-style-type: none"> ▪ The Project Description contains only a "brief summary" of each element of the proposed 2040 General Plan. Yet these descriptions are wholly generic. There is no explanation as to what each element <u>will actually do</u> to either permit or prohibit development, or protect or impact resources. There is no hint of the types of goals, policies, and programs that are established in each element, or what is changing from the current General Plan and current Zoning Code. The Project Description should—at the very least—identify policy highlights and ordinances that the 2040 General Plan directs County decision makers to draft and adopt, and describe the type and extent of physical development that will likely be constructed under the 2040 General Plan. These are basic details necessary to assess the environmental impacts of the 2040 General Plan's adoption. 	05-17
<ul style="list-style-type: none"> ▪ The Project Description completely omits any estimate of potential and likely buildout. There is no way for a reader to determine how many acres of development, how many dwelling units, or how many square feet of non-residential development is anticipated under the 2040 General Plan. Instead, the Project Description contains only vague and inconsistent statements about the 2040 General Plan permitting "relatively higher intensity" residential, commercial, mixed use and industrial land use designations. (See p. 3-19.) Yet details such as where this higher intensity development will occur, or how much higher intensity the development will be, is wholly missing. Without this information, how can the impacts of such development be analyzed in the DEIR? 	05-18
<ul style="list-style-type: none"> ▪ The Project Description fails to even allude to the County's Local Coastal Program ("LCP"), or describe whether and how the 2040 General Plan affects the LCP, a key component of the County's long-range land use planning. 	05-19
Page 3-5: Preparing a DEIR for the 2040 General Plan while excluding any and all completely foreseeable implementation actions, such as a zoning code	05-20

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 9

update, results in improper piecemealing and project segmentation. The DEIR generically describes the relationship between general plans and zoning codes, but does not explain whether the County's Zoning Code must be amended as a result of the GPU, and if so, when that will occur. In fact, the DEIR expressly states that at least one new zoning code designation "would be established" "separate from the General Plan Update project as part of the 2040 General Plan's implementation." Required zoning code updates resulting from approval of this Project must be analyzed now, as part of this DEIR. Excluding reasonably foreseeable (let alone required) implementation actions from analysis in this DEIR is a procedural error. (See *McQueen v. Board of Directors*, *supra*, 202 Cal.App.3d at p. 1144.)

O5-20
 cont.

Pages 3-6 and 3-11: Preparing a DEIR for the 2040 General Plan before the Housing Element is completed results in improper piecemealing and project segmentation. The DEIR states that draft RHNA numbers will be released in February 2020, which is during the public review period for the DEIR. Accommodation of the County's RHNA could lead to the re-designation of one or several parcels within the County, or the revision/deletion/addition of general plan goals and policies. Therefore, the RHNA's accommodation should be considered as part of this project and analyzed in this DEIR. In fact, on page 3-6, the DEIR even expressly explains that the GPU and the RHNA/Housing Element are two parts of the same land use "alternative" identified through the community outreach for this 2040 General Plan. Separating the 2040 General Plan from the RHNA/Housing Element results in an incomplete and inaccurate project description. Had the 2040 General Plan and the RHNA/Housing Element been analyzed together, the analysis might show that certain aspects of the 2040 General Plan are infeasible, or will have greater impacts than are described in this DEIR. This is precisely why CEQA prohibits dividing a single project into smaller individual subprojects to avoid considering the total environmental impacts of the project as a whole. (State CEQA Guidelines, § 15378(a); see also *Orinda Association v. Board of Supervisors*, *supra*, 182 Cal.App.3d at p. 1171.)

O5-21

The DEIR's use of an Housing Element "placeholder" does not remedy, and in fact just further highlights the error of, improperly segmenting out the impending Housing Element Update. As explained above, the County is well aware that RHNA allocation increase will significantly affect most of the other elements of the draft 2040 General Plan and its environmental analysis. Including a "placeholder" element results in a meaningless and inaccurate Project Description and further undercuts the DEIR's ability to adequately analyze environmental impacts.

C. Environmental Setting

Pages 4-1 and 4-2: An EIR must describe existing environmental conditions in the vicinity of the proposed project. (State CEQA Guidelines, § 15125.) The DEIR's description of the environmental setting and baseline is inadequate on myriad grounds.

O5-22

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 10

First, it impermissibly buries all description of the existing environmental setting in a 1,000+ page appendix, in direct contravention of CEQA's mandates. CEQA requires that the data in an EIR be presented in a manner that adequately informs the public and decision makers, and forcing readers "to sift through obscure minutiae and appendices" to find out what environmental baseline the DEIR assumes and applies is a failure to proceed in the manner required by law. (*San Joaquin Raptor Rescue Center v. County of Merced, supra*, 149 Cal.App.4th 645, 659.) Instead of distilling the information underpinning the entirety of the DEIR's technical analyses, the DEIR refers its readers "to the Background Report for all other setting information." Yet the Background Report is more than 1,000 pages long, not including its own appendices, and is not organized in a way that coincides with the chapters of the DEIR. Even where an EIR relies on underlying data and analysis in an EIR appendix, the body of the EIR itself must at least include a salient summary of the key issues. (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 540.)

O5-22
 cont.

Second, the DEIR makes vague reference to an assumed growth rate, but provides no substantive evidence explaining why the assumed growth rate is the most appropriate and reasonable assumption to underpin the DEIR's analyses. (See p. 4-1.) Instead, the DEIR states only that the growth rate was chosen by direction of the County Board of Supervisors – but this does not constitute substantial evidence. (See State CEQA Guidelines, § 15384 [substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts].)

Similarly, the DEIR states that the DEIR's analyses are "based on buildout of the plan area" but nowhere in the DEIR's Project Description does it actually identify what buildout would be. Not only is the amount of buildout unclear, but the timing of buildout is unclear as well. The DEIR goes on to say that this unspecified buildout "is not anticipated to occur within the planning horizon" but then also does not explain what is anticipated to occur within the planning horizon. By completely failing to identify the key assumptions underpinning the environmental analysis, it is impossible for a reader to assess whether the DEIR's conclusions are sound. The DEIR thus fails as an informational document.

O5-23

D. Aesthetics

Pages 4.1-1, 4.1-3 and 4.1-10: The analysis omits relevant aspects of the regulatory setting. The aesthetics analysis completely omits any reference to federal and state regulations that affect aesthetic resources. Similarly, the discussion of the local regulatory setting focuses only on lighting regulations. While some of the missing information is included in the Background Report, a reader cannot be expected to hunt for information buried in a more than 1,000 page technical appendix when this information is foundational to the environmental analysis. (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 540.) At the very least, the regulatory setting must be

O5-24

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 11

expanded to identify and describe the National Scenic Byways Program, the California Scenic Highway Program, state historic preservation programs, the California Building Code, local development standards, regulation of development on hillsides, regulation of historic buildings, guidelines and standards relating to architecture, and regulation of signs beyond illumination. Further, even including the buried regulatory discussion in the Background Report, there is no discussion of historic preservation policies and programs, architectural design, grading ordinances, tree protection, or other regulatory schemes that have significant relation to aesthetics. Omitting any discussion of these types of regulations, failing to analyze whether the proposed project is consistent with them, and failing to disclose whether any inconsistencies will result in potentially significant impacts, results in an inadequate aesthetics analysis.

O5-24
cont.

Page 4.1-12: The DEIR fails to include any details of the existing environmental setting, and even the Background Report appended to the DEIR fails to adequately describe existing conditions. The DEIR states that the Background Report appended to the DEIR “describes the environmental setting for the purpose of this evaluation.” For all the reasons articulated above, the DEIR must summarize the key aspects of the environmental setting in the body of the EIR. However, even the existing conditions description in the Background Report is inadequate. There is no discussion of the existing visual character – only general references to scenic resources. This may be because the DEIR does not actually include any analysis of impacts to existing visual character, as discussed below, however this is salient information relating to existing conditions and baseline. Visual character includes not only natural resources, but urban and recreational features, including roads, utilities, structures, oil and gas facilities, and other results of human activities. Instead, the Background Report reads only as a generic list of existing visual resources, with no discussion of visual quality, view shed, aesthetic values, or viewer sensitivity – all key to understanding the potential for aesthetic impacts resulting from the 2040 General Plan.

O5-25

More specifically, there is no discussion of existing oil and gas facilities, or their relationship to scenic resources. DEIR page 4.1-1 expressly identifies aesthetics relating to oil and gas facilities as the subject of comments received during the NOP period, yet there is no discussion of those issues, or the existing setting relevant to those issues, in the DEIR or Background Report.

O5-26

Page 4.1-13: The DEIR does not include any analysis of impacts to existing visual character. The DEIR identifies four thresholds for determining impacts to aesthetic resources, but these thresholds do not align with, and omit, thresholds included in the most recent version of the Appendix G checklist, which the County seems to have never adopted, as required by State CEQA Guidelines § 15022, subdivision (c). Appendix G threshold I(c) requires analysis of whether the project would, “in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?” Yet the DEIR wholly fails to address any

O5-27

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 12

changes in existing visual character, failing to disclose any such impacts (or lack thereof) to the public or decision makers.

05-27
 cont.

E. Agriculture and Forestry Resources

Page 4.2-4: The Thresholds are over inclusive. The threshold includes Farmland of Local Importance which is not among the types of farmland specified in Appendix G of the CEQA Guidelines as requiring mitigation. The DEIR provides no analysis or justification for exceeding the criteria in Appendix G. The addition of this category will require the creation of additional conservation easements as “mitigation” for the loss of this category of farmland that may or may not be available as mitigation and may impact the ability of the County to meet other objectives such as those that may be included in the update of the County’s Housing Element. How much of this category of farmland is located outside of the SOAR’s growth limits? If it is significant, requiring the establishment of conservation easements over this land or requiring mitigation for its conversion may well adversely impact the ability of the County to meet its housing obligations. There is no analysis of the feasibility of this measure as required by CEQA. Accordingly, this proposed measure is illusory as there is no substantial evidence to support its feasibility. *See Cleveland Nat’l Forest Foundation v. San Diego Assn of Governments* (2017) 17 Cal.App.5th 413, 433.

05-28

Page 4.2-16: Mitigation Measure AG-1 is vague and unenforceable. There is no analysis of how discretionary development can be conditioned to avoid direct loss of Important Farmland. *See Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 262, 261. This measure too is illusory and not supported by substantial evidence as required by CEQA.

05-29

Page 4.2-16: Mitigation Measure AG-2 lacks substantial evidence of its feasibility. This mitigation measure provides for the use of off-site agricultural conservation easements at a 2-1 ratio as mitigation for the loss of the categorized agricultural land. The use of off-site conservation easements over existing agricultural land has been broadly criticized since it does not result in any replacement of lost farmland. The easements would only apply to other existing agricultural lands. There is no analysis of the feasibility of this measure, which is doubtful since the owners of the other agricultural lands will have to agree to the imposition of the conservation easements and there is no assurance that there will be sufficient willing owners of agricultural lands to agree to these restrictions at the level required. There is no evaluation of the existence of other agricultural lands that might be available for the acquisition of conservation easements. Accordingly, this proposed measure is illusory as there is no substantial evidence to support its feasibility. *See Cleveland Nat’l Forest Foundation v. San Diego Assn of Governments* (2017) 17 Cal.App.5th 413, 433.

05-30

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 13

F. Air Quality

Page 4.3-3: It is unclear how much construction is anticipated as a result of the 2040 General Plan buildout. The DEIR states that “because construction associated with buildout under the 2040 General Plan would generate temporary criteria pollutant emissions, primarily due to the operation of construction equipment... emissions have been estimated in this analysis, and are based on the anticipated amount of development under buildout the [sic] 2040 General Plan.” But, as discussed above regarding the Project Description, there is no statement of what buildout would actually be. How many new dwelling units, how many square feet of new non-residential uses, and where will these be located? These are all details fundamental to the DEIR’s analysis of air quality impacts and their omission makes it impossible for a reader to assess the DEIR’s impact determinations.

O5-31

Page 4.3-3: There is no substantial evidence supporting the County’s underlying growth assumptions. The DEIR states that “[a]lthough the exact timing of construction activity over this period is unknown, for the purposes of modeling, it was assumed that development would occur gradually in equal annual increments over this time period.” However, no explanation is provided for why this is the most reasonable assumption upon which to pin the analysis. (See State CEQA Guidelines, § 15384(b) [substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts].) Growth typically does not occur gradually, in equal measure over a ten year period. There are likely to be high and low years of construction and development. By assuming a straight linear projection, the analysis ignores true construction impacts (i.e. maximum daily emissions) associated with development in “boom” years. As a result, construction generated air quality impacts are likely undercounted.

O5-32

Page 4.3-4: The buildout numbers underlying the air quality analysis are nowhere to be found in the DEIR’s Project Description. The DEIR’s air quality analysis assumes construction of 1,125 single family dwelling units, 156 multifamily dwelling units, and specific square footage numbers for several other non-residential land uses. Yet these buildout numbers are not discussed anywhere within the DEIR’s Project Description and will soon be out of date when the new RHNA allocations are adopted. A reader cannot be expected to search deep within the DEIR’s analyses to determine the basic facts of what is proposed— i.e., how many dwelling units and how much square footage of development is likely to occur under the 2040 General Plan. Because there are no additional details provided as to where these buildout numbers come from, it is also unclear whether these numbers represent the maximums allowable under the 2040 General Plan, or whether the County is assuming some smaller subset is what is actually

O5-33

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 14

likely to be constructed.² Because a reader cannot determine what exactly is being analyzed and why, the significance determinations of the air quality analysis are rendered meaningless. (See *Napa Citizens for Honest Govt. v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 359 [at the very least, an EIR must contain an explanation of the reasoning supporting the EIR's impact findings, and the supporting evidence].)

O5-33
 cont.

Page 4.3-8: The air quality impacts analysis improperly relies on implementation of proposed General Plan policies that are infeasible or preempted. The air quality analysis relies upon several policies that are likely preempted by state or federal law, violate existing private property rights, or are simply infeasible. These include, but may not be limited to, proposed policies COS-7.1, 7.3, 7.4, 7.7, and 7.8. If an impact's significance determination is based upon the application of policies or programs that will not actually come to pass, the impact analysis is inherently flawed. (See, e.g., *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 [mitigation measures must actually be enforceable].)

O5-34

Pages 4.3-13 and 4.3-15: The DEIR fails to identify or apply any significance threshold for PM10, a criteria pollutant for which the air basin is in nonattainment status. The DEIR states that construction emissions could contribute to the County's existing nonattainment condition for PM10, and as a result, could cause adverse health impacts due to increased exposure to PM10. Yet, pursuant to DEIR Table 4.3-2, the County does not identify any significance threshold for PM10, as required by CEQA. There is no way for a reader to know whether the 20.4 lb/day estimated construction emissions of PM10 are significant when compared to an objective bright-line threshold. Even though the DEIR goes on to assume that the 20.4 lb/day of PM10 emissions are potentially significant, without a threshold, a reader has no way to understand how significant the impact could be, or the order of magnitude of the emissions. (See *Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 376, 404 [a bare conclusion without an explanation of its factual and analytical basis is not a sufficient analysis of an environmental impact]; see also *San Francisco Baykeeper, Inc. v. State Lands Commission* (2015) 242 Cal.App.4th 202, 227 [CEQA requires agencies to make a policy judgment about how to distinguish adverse impacts deemed significant from those deemed not significant].)

O5-35

² The text on page 4.3-4 also explains that some information "specific to the 2040 General Plan" was available and thus inputted into the air quality emissions modeling, and then also states that where specific information was not available, CalEEMod defaults were used. The text reads: "See Table 4.3-1, below, for a full list of land use assumptions used for the modeling." Yet the only "assumptions" presented in Table 4.3-1 are the assumed dwelling units and square footages – which, as described above, are presented without any context. None of these seem to be defaults or information "specific to the 2040 General Plan." Again, this is just another example of how the DEIR is vague and inconsistent, and it is impossible for a reader to decipher what assumptions underpin the impacts analysis and why.

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 15

Further, the issue of the missing PM10 significance threshold is compounded by the DEIR's proposed Mitigation Measure AQ-1b, which adds Implementation Program HAZ-X: Construction Air Pollutant Best Management Practices, to the 2040 General Plan. This program requires "applicants for future discretionary development projects that would generate construction-related emissions that exceed applicable thresholds" include certain best management practices ("BMPs"). However, if there is no applicable threshold for PM10, how will the County, or applicants, determine when BMPs to reduce PM10 are required? The same comment applies to Mitigation Measure AQ-2a, which adds new policy HAZ-X, which states, "The County shall ensure that discretionary development which will generate fugitive dust emissions during construction activities will, to the extent feasible, incorporate BMPs that reduce emissions to be less than applicable thresholds." This is nonsensical, considering that the DEIR expressly states that there is no applicable threshold for PM10 or PM2.5 (i.e. fugitive dust). Again, the same comment also applies to Mitigation Measure AQ-2b, which adds new implementation program HAZ-X, which also establishes certain criteria to be applied when fugitive dust emissions "exceed the applicable thresholds." Without any identified threshold, these mitigation measures are wholly ineffective. (See *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1168 [mitigation measures' efficacy must be apparent and supported by substantial evidence].)

O5-35
 cont.

Page 4.3-15: Several of the air quality impact mitigation measures are limited to only "the extent feasible" which severely limits their effectiveness. All mitigation measures identified under DEIR Impact 4.3-2 are only applicable "to the extent feasible." Including this caveat makes each measure ineffective. Mitigation measures must be concrete and enforceable, and the addition of "to the extent feasible" language makes these commitments meaningless. (*Federation of Hillside & Canyon Associations v. City of L.A.* (2000) 83 Cal.App.4th 1252, 1260 [mitigation measures must not be remote or speculative].)

O5-36

Page 4.3-15: Implementation Program HAZ-X relating to fugitive dust is duplicative. We request that the first two bullet points be revised to reduce duplication.

O5-37

Page 4.3-17: The DEIR fails to apply a threshold to the mitigated daily emissions associated with PM 10 and PM2.5, fails to apply all feasible mitigation measures, and adds so many caveats to its final significance determination that the DEIR's air quality conclusions are essentially meaningless. The DEIR concludes that, with the application of the proposed mitigation measures, PM10 and PM2.5 emissions will be reduced, but still fails to apply any type of threshold to the reduced amounts. Similarly, the mitigation measures' reduction of ROG and NOx emissions do not reduce emissions below the significance threshold for Ojai Valley. Yet there is no explanation as to why there are no additional feasible mitigation measures that can be added to reduce these impacts to less than significant. An EIR cannot simply label an impact significant without this discussion and analysis; to do so would "allow[] the lead agency to travel the

O5-38

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 16

legally impermissible easy road to CEQA compliance.” (*Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1370 [EIR must provide a description and full analysis of a project’s significant impacts].)

O5-38
 cont.

Page 4.3-17: The DEIR fails to include any meaningful analysis of health impacts associated with project exceedances of operational thresholds. CEQA mandates that an EIR discuss the potential health effects of significant air pollutant emissions. Here, the entirety of the discussion correlating the operational emissions to health impacts reads: “[T]he 2040 General Plan’s contribution to operational criteria air pollutants and precursors could result in greater acute or chronic health impacts compared to existing conditions.” This falls woefully short of what is required, which is a meaningful connection between the levels of pollutants that would be emitted by the completed Project, and adverse human health effects. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517-522.)

O5-39

Page 4.3-18: No operational threshold is identified for CO, PM10 or PM2.5. The DEIR states that the 2040 General Plan is anticipated to result in 502 lb/day of CO, 320.9 lb/day of PM10, and 87.5 lb/day of PM2.5 emissions. Yet no significance threshold is provided for any of these three pollutants. Without a threshold, a reader has no context for determining whether these impacts are significant, and how significant they are. While the text goes on to assume that these are significant amounts of three pollutants, it is not enough to declare a project significant without providing any context showing how significant (how many orders of magnitude) the impact will actually be. (*Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners*, *supra*, 91 Cal.App.4th at p. 1370.)

O5-40

Page 4.3-18: Analysis of operational emissions relies on several policies that are likely infeasible because they violate private property rights and/or are preempted by state and local law. The DEIR explains that it is relying on several new policies applicable to oil and gas facilities, to reduce operational emissions. However, there is no explanation as to why the County believes these new policies are feasible. The policies, among other things, require new oil wells to use pipelines to convey oil and produced water, and prohibits venting or flaring except in cases of emergency or for testing purposes. These policies are likely not feasible and preempted by state and federal law.

O5-41

Page 4.3-19: Analysis of operational impacts concludes that operational emissions are “unknown” without any explanation as to why that is so. The DEIR concludes that while some policies in the 2040 General Plan would reduce criteria air pollutant and precursor emissions, “it is unknown if emission levels from future development would be reduced below the VCAPCD countywide and Ojai Valley thresholds.” However, Table 4.3-4 identifies ROG and NOx emissions levels that exceed the VCAPD thresholds by substantial amounts. It seems clear that future development

O5-42

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 17

will exceed these thresholds prior to the application of mitigation measures, and therefore, the DEIR should so state. (*Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners*, *supra*, 91 Cal.App.4th at p. 1370.)

O5-42
 cont.

Page 4.3-19: The DEIR fails to identify feasible mitigation measures, and defers mitigation to later individual projects. CEQA requires a good faith reasoned explanation when an agency determines that there are no feasible mitigation measures to apply to a potentially significant impact. Here, the DEIR states, without explanation, that no feasible mitigation is available to reduce operational air quality impacts.

O5-43

Page 4.3-21: Nonsensical “one-way” setback requirements. The DEIR identifies new policies that prohibit siting new oil and gas facilities within 1,500 feet of any residential unit and 2,500 feet from any school (up from 500 feet and 800 feet, respectively, in the current Code), and claims that this new setback requirement reduces the potential of exposing sensitive receptors to toxic air contaminant emissions. However there is no mention of prohibiting additional residential units within these new setback areas. There is no explanation as to why the former reduces potential impacts, but the latter would not. Further, there is no description of which air contaminants sensitive receptors will now be less exposed to, or what the significance is of this reduction. Mitigation measures must have a reasonable relationship or nexus between a project’s impacts and the measure or condition that is imposed. (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825; *Dolan v. Tigard* (1994) 512 U.S. 374.)

O5-44

G. Biological Resources

Page 4.4-1: The analysis omits relevant aspects of the regulatory setting. As with the other environmental analyses sections, the salient aspects of the regulatory setting should not be buried in an EIR appendix, but clearly presented in the body of the DEIR. (See *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 540.)

O5-45

Pages 4.4-2 through 10: The DEIR’s presentation of affected sensitive species is impermissibly unclear. There is no single presentation of all sensitive species affected by the 2040 General Plan. Instead, a reader must piece together sensitive species lists presented in both the Background Report appended to the EIR, and lists presented in the DEIR chapter. It is unclear why there is no single list of sensitive species available to a reader and obscures the environmental baseline upon which impacts to biological resources is based.

Page 4.4-10: The DEIR impermissibly punts analysis of wildlife nursery sites to future analysis. The DEIR acknowledges that CEQA requires analysis of impacts relating to native wildlife nursery sites, but then goes on to state that these sites “are not mapped for the plan area and would need to be identified and evaluated at a project-

O5-46

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 18

specific level.” The DEIR cannot just decide to ignore and defer identification of existing conditions or analysis of a particular impact. CEQA requires that the County put forward its best good faith effort at analyzing impacts, or else explain, with substantial evidence, why such an impact cannot be analyzed or is too speculative to analyze. (See *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Ca.3d 376, 410.) The DEIR fails to do either.

O5-46
 cont.

Page 4.4-14: The DEIR lacks any analysis or significance determination for impacts relating to Habitat Conservation Plans (“HCPs”) or Natural Communities Conservation Plans (“NCCPs”). The DEIR states that there are no HCPs or NCCPs within the plan area – yet never makes an affirmative significance determination. A reader should not be forced to assume the County is making a “no impact” or “less than significant impact” finding, where the DEIR does not so state.

O5-47

Page 4.4-22: The DEIR impermissibly punts biological resource mitigation for impacts to special status species and habitats to the resource agencies. The DEIR claims that project-specific mitigation measures would reduce impacts to special-status species to less than significant because they would be “developed consistent with applicable state and federal requirements” and follow standards established by the California Department of Fish and Wildlife (“CDFW”). But CEQA case law specifically prohibits deferring mitigation to resource agencies. (See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 157 Cal.App.4th 645, 671 [an EIR cannot avoid studying impacts to biological resources by proposing a plan to mitigate presumed impacts based on future studies].)

O5-48

Page 4.4-24: Mitigation measures do not actually address several of the identified types of impacts. The impact analysis for Impact 4.4-1 identifies several potential types of impacts to sensitive species, including spread of invasive non-native species that out-compete native species or alter habitats. Yet no mitigation is provided to address this identified impact. No aspect of Mitigation Measure BIO-1 addresses nonnative and invasive species or the harms caused by the same. Mitigation measures must address the actual impact identified, or else an explanation must be given as to why mitigation is not feasible. (State CEQA Guidelines, §§ 15121(a), 15126.4(a).) This comment also applies to the other impacts identified in this chapter, as they all rely upon this single mitigation measure.

O5-49

Page 4.4-26: The DEIR impermissibly punts biological resource mitigation for impacts to riparian habitats to the resource agencies. The DEIR relies on future project-level review by CDFW and the California Coastal Commission to protect riparian habitat and ESHA. The DEIR reads, “Specifically, CDFW or the California Coastal Commission would not permit a project that would degrade these habitats without compensatory mitigation to fully mitigate for the significant impact.” But CEQA case

O5-50

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 19

law expressly prohibits relying on future review by resource agencies to reduce impacts. Under this line of reasoning, no project would ever have significant impacts on riparian habitats or ESHA, making CEQA's directive to the lead agency (here, the County) to analyze and mitigate biological impacts completely meaningless. (See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 157 Cal.App.4th 645, 671 [mitigation deferral to future resource agency permitting review not appropriate where result expected is undefined].)

O5-50
 cont.

Page 4.4-27: The DEIR implies that if the General Plan included policies that specifically guided focused surveys for sensitive habitat, specific avoidance measures, or compensation requirements, this would further reduce impacts – but then fails to add a mitigation measure actually requiring that the General Plan do this. The DEIR concludes that impacts to riparian habitats and environmental sensitive habitat areas ("ESHA") are significant and unavoidable, but then also implies that if the 2040 General Plan added these certain performance standards, this would reduce impacts. Yet the 2040 General Plan does not go on to do so, and no explanation is given as to why these performance measures cannot be included. Even where an impact is significant and unavoidable, an agency still has the obligation to assign all reasonable and feasible mitigation measures that would reduce those impacts, even if they would not be reduced to a level of less than significant. (State CEQA Guidelines, § 15126.2(b).) This comment also applies to the other biological impacts identified in this section of the DEIR.

O5-51

H. Cultural, Tribal Cultural, and Paleontological Resources

Page 4.5-16: The DEIR concludes that the impact of architectural resources will be significant and unavoidable despite the inclusion of standard mitigation measures that are typically applied to projects and found to be adequate as mitigation of potential impacts on archeological resources. This finding is based on speculation that the mitigation measures may not be sufficient in every case. CEQA Guidelines Section 15091(a) provides that findings must be supported by substantial evidence. As previously noted, an EIR cannot simply label an impact significant without this discussion and analysis; to do so would "allow the lead agency to travel the legally impermissible easy road to CEQA compliance." (*Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1370 [EIR must provide a description and full analysis of a project's significant impacts].) As noted in the general comments, this lack of analysis in effect simply defers all mitigation to project level environmental analysis. This is not the proper function of a program level EIR.

O5-52

Page 4.5-21: The DEIR concludes that the impact on historical resources will be significant and unavoidable despite the inclusion of standard mitigation

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 20

measures that are typically applied to projects and found to be adequate as mitigation of potential impacts on archeological resources. This finding is also based on speculation that the mitigation measures may not be sufficient in every case.

Page 4.5-24: As with the impacts in architectural and historic resources, the DEIR concludes that the impact on tribal cultural resources will be significant and unavoidable despite the inclusion of standard mitigation measures that are typically applied to projects and found to be adequate as mitigation of potential impacts on archeological resources. This finding suffers from the same lack of real analysis as with regard to Impacts 4.5-1 and -2 and is based on speculation that the mitigation measures may not be sufficient in every case.

O5-52
cont.

Page 4.5-26: As with all of the other impacts in this section, the DEIR concludes that the impact on paleontological resources will be significant and unavoidable despite the inclusion of standard mitigation measures that are typically applied to projects and found to be adequate as mitigation of potential impacts on archeological resources. This finding suffers from the same lack of real analysis as with regard to all of the other impacts in this section and is based on speculation that the mitigation measures may not be sufficient in every case.

I. Energy

Page 4.6-4: The DEIR's discussion of environmental setting/environmental baseline is incomplete at best, non-existent at worst. The less than five page Background Report, combined with the DEIR's discussion of climate change does not amount to a clear, informative picture of what is going on within the County in terms of energy consumption, energy mix and energy efficiency, today, under the current General Plan. Such a discussion is critical to a legally adequate discussion of the environmental setting. (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713.) As such, it is impossible to judge whether implementation of the 2040 General Plan will have a beneficial, adverse or neutral impact on energy resources, and the DEIR's energy analysis is wholly deficient.

O5-53

Pages 4.6-18 through 22: The DEIR fails to apply the two required energy significance thresholds identified in Appendix G of the State CEQA Guidelines. The DEIR states that it will qualitatively evaluate two distinct significance thresholds in its energy impacts analysis: (1) whether the project will result in inefficient/wasteful energy consumption, and (2) whether the project will conflict with state or local plans. However, the DEIR then conflates these thresholds into a single analysis concerning only wasteful consumption. No analysis is provided relating to whether the 2040 General Plan conflicts with state or local plans relating to energy. This analysis must be provided in a recirculated DEIR for public review and comment.

O5-54

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 21

Page 4.6-19: The DEIR fails to adequately identify policies that will reduce impacts relating to wasteful and inefficient energy consumption. The DEIR lists myriad policies that are ostensibly relevant to energy conservation (see DEIR pp. 4.6-7 to 7.6-18); however, the DEIR only identifies two proposed policies (COS-8.7 and COS-U) for ensuring that there is no wasteful or inefficient energy consumption across the entire 2040 General Plan area for the next 20 years.

O5-55

Page 4.6-20: The DEIR's conclusions regarding energy consumption are unfounded. The DEIR states that it cannot quantify the effectiveness of energy conservation features for future development, but nevertheless concludes, without evidence, that future development under the 2040 General Plan will not unnecessarily expend energy. The analysis should be revised to include substantial evidence supporting this conclusion, and recirculated.

Pages 4.6-21 through 22: The DEIR's conclusions regarding consistency with statewide plans and policies is unfounded. The DEIR's conclusion that there will be consistency with all applicable state renewable policies, without identification of the policies or analysis of the 2040 General Plan against those policies is legally deficient. The analysis should be revised to include substantial evidence supporting this conclusion, and recirculated.

O5-56

Background Report, p. 8-80 to 85: The Background Report's description of the environmental setting is drastically inaccurate and inadequate. The entirety of the Background Report's description of the existing energy resources and industry within the County is woefully inadequate. The entire discussion is less than five pages in length, and is devoid of any meaningful amount of data on energy source mix, County energy consumption, or other standard information that the public and decision makers need to understand the existing setting, environmental baseline, and impact analysis. Specific information that is in error or wholly missing includes, but is not limited to, any discussion of oil and gas based energy production and consumption within the County, any discussion of natural gas consumption within the County, and any discussion of the use of natural gas to fuel power plants and produce the electricity consumed by County residents. Finally, the discussion's estimate of energy employment within the County is a drastic underestimate. As set forth in the publically available study entitled "Economic and Tax Revenue Impacts of Oil Production in Ventura County," there are approximately 900 individuals employed by oil and gas explorers and producers within the County. That is more than double the amount disclosed by the DEIR.

O5-57

J. Geologic Hazards

Page 4.7-1: The DEIR omits relevant aspects of the regulatory setting. As with the other analysis sections of the DEIR, a reader cannot be expected to hunt for

O5-58

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 22

information buried in a more than 1,000 page technical appendix when this information is foundational to the environmental analysis. (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 540.)

O5-58
 cont.

K. Greenhouse Gas Emissions

Page 4.8-6: The DEIR's greenhouse gas reduction targets are not based on substantial evidence and violate CEQA case law. The DEIR explains that the Climate Action Plan ("CAP") developed as part of the 2040 General Plan applies the same targets to Ventura County as the state has adopted for all of California. This approach wholly ignores regional differences, which is an approach to local CAPs that courts have struck down in myriad cases. (See, e.g., *Golden Door Properties, LLC v. County of San Diego* (2018) 27 Cal.App.5th 892, 905; *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204, 225.) Courts have explained that local reduction goals cannot be based on statewide metrics and instead must explain why applying statewide data and reduction targets is appropriate for setting the metrics in the local region (here, Ventura County). Here, there is absolutely no substantial evidence supporting the application of the 40% and 80% statewide targets to Ventura County. This analysis should be done, incorporated into a revised DEIR, and recirculated for public review and comment.

O5-59

Page 4.8-8: Greenhouse gas emissions thresholds identified in the DEIR for application to future projects are not supported with substantial evidence. The DEIR identifies two threshold "options" with which to analyze future projects, but neither is supported with substantial evidence. Both are also based on 2020 statewide targets. Yet, it is 2020 now and so these targets are wholly inappropriate for any project that is not built out before this year. Second, they are based on statewide criteria, which is inconsistent with CEQA case law requiring substantial evidence tying statewide reduction targets to the local context. (See, e.g., *Golden Door Properties, LLC v. County of San Diego* (2018) 27 Cal.App.5th 892, 905; *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204, 225.) The DEIR implies that it is fine to rely on these thresholds because they are identified (albeit not adopted) by Ventura County Air Pollution Control District. While CEQA permits borrowing thresholds from regulatory agencies, they must nonetheless be supported by substantial evidence. Here there is no substantial evidence provided in the DEIR supporting use of these thresholds.

O5-60

Pages 4.8-11 through 37: Several identified General Plan policies are infeasible or preempted. The greenhouse gas emissions analysis relies upon several policies that are likely preempted by state or federal law, violate existing private property rights, or are simply infeasible. These include policies COS-7.2, 7.4, and 7.7, and implementation program M (oil and gas operations tax). Taking credit for policies that

O5-61

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 23

are more than likely to be either struck down or that are simply infeasible results in an erroneous analysis, not based upon substantial evidence. (See, e.g., *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 [mitigation measures must actually be enforceable].)

O5-61
 cont.

Page 4.8-39: The DEIR's greenhouse gas emissions analysis applies the wrong horizon year. It is unclear why the DEIR focuses on reductions by 2030, when the planning horizon for the GPU is 2040. DEIR Table 4.8-5 summarizes the assumed greenhouse gas emissions reductions by 2030, but not 2040, which is the planning horizon for the 2040 General Plan. The analysis should therefore be revised to consider the 2040 General Plan's consistency with the state's reduction targets, as applied to the year 2040.

O5-62

L. Hazards, Hazardous Materials, and Wildfire

Page 4.9-1 through 2: As with most other sections of the Regulatory Setting and Environmental Setting sections of the DEIR impermissibly relies on a separate 1,000+ page appendix. See general comments on this deficiency.

O5-63

Page 4.9-9: County Policy HAZ-7.1 is noted as requiring that the County review and analyze all proposed oil and gas exploration and production wells and projects and shall require compliance with all local, state and federal oil spill prevention regulations. This policy is inconsistent with the fact that local regulation of oil and gas exploration and production is largely the subject of preemption. Moreover, as previously noted, CEQA case law specifically prohibits deferring mitigation to resource agencies. (See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 157 Cal.App.4th 645, 671 [an EIR cannot avoid studying impacts to biological resources by proposing a plan to mitigate presumed impacts based on future studies].)

O5-64

Page 4.9-11 through 12: The discussion under Impact 4.9-1 fails to consider the existing oil and gas operations and the potential impact of new County policies. It is noted that oil and gas wells are among the uses permitted in the Rural and Open Space land use designation, which in turn includes approximately 98 percent of County land, but there is no discussion of what percentage of these lands are actually used for oil and gas production. It should be noted that a very small percentage of land is actually utilized for these operations. This section also notes that the potential for new pipeline construction and operation may be increased by the new 2040 General Plan policies limiting trucking as a means of transporting oil and gas from a new discretionary well. There is no discussion of the potential impact of constructing and operating new pipelines or the feasibility of this measure. How will right-of-way be acquired from offsite property? What legal constraints exist on located pipelines within or adjacent to sensitive land uses including residential areas? Is the true intent of this policy the elimination of

O5-65

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 24

new oil and gas production uses? Nor is there any discussion of the alleged impact of the existing trucking of oil and gas products with regard to hazards or hazardous materials.

County Policies HAZ-5.2, HAZ-5.5, HAZ 5.8 and HAZ 7.1 and County Implementation Programs K and L are noted as providing guidance for the location, operation, and management of discretionary development including oil and gas exploration and production such that future sites would reduce impacts to public health and the environment but there is no analysis of how these policies may operate to reduce the impacts to a less than significant level. This finding is not supported by substantial evidence as required by law.

O5-65
cont.

Page 4.9-14 through 16: The discussion under Impacts 4.9-2 and 4.9-3 similarly references County Policies HAZ-5.2, HAZ-5.5, HAZ 5.8 and HAZ 7.1. and County Implementation Programs K and L with no analysis of how these policies and programs would reduce potential impacts to a less than significant level. An EIR must contain an explanation of the reasoning supporting the EIR's impact findings, and the supporting evidence. (See *Napa Citizens for Honest Govt. v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 359.)

O5-66

M. Hydrology

Pages 4.10-6 through 7: The DEIR fails to consider impacts associated with prohibiting development in certain locations and impacts associated with water usage. Proposed policies HAZ 2.1, and 4.14, and the DEIR's discussion of water wells, fails to account for or analyze the potential for environmental impacts. Restricting growth in certain development areas is likely to push development elsewhere, resulting in impacts that are not disclosed in this analysis.

O5-67

Pages 4.10-9 through 10: The DEIR fails to support its conclusions regarding water quality and overdraft with substantial evidence. The analysis does not link its impacts determination to the effectiveness of GSPs and Ordinance 4468 to ensure impact is less than significant. There is no evidence supporting the conclusion that GSP/Ordinance 4468 compliance will ensure less than significant impacts. To the contrary, a cursory examination indicates that mere compliance will not be adequate. The GSPs have not even been developed (see DEIR p. 4.10-6) and no performance standards are identified for any proposed GSP. Ordinance 4468 is a groundwater pollution control ordinance (see Section 4811) and does not actually prohibit all drilling of new wells, which could lead to overdraft. (See <http://pwportal.ventura.org/WPD/docs/Groundwater-Resources/Well%20Ordinance%20No.%204468.pdf>.) Further, the DEIR punts impact analysis to a future date, and also presents internal inconsistencies in its analysis of Impact 4.10-3. Specifically, the DEIR states that compliance with GSPs will ensure no

O5-68

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 25

over-extraction in unknown basins, but then also states that impact analysis cannot be performed at this time. This is then followed by the DEIR's unsupported less than significant impact conclusion (see 4.10.11). Given these inconsistencies, this analysis should be revised to include and cite to substantial evidence, and recirculated for public review and comment.

O5-68
 cont.

Page 4.10-13: The DEIR does not adequately analyze impacts to water for consumptive use. The analysis of Impact 4.10-6 relies upon an uncertain and unstable water supply, calling into question the DEIR's impact significance determination here.

O5-69

N. Land Use Planning

Background Report p. 3-47: The DEIR does not analyze or reconcile the inconsistency between the 2040 General Plan and the Ventura Avenue Plan. The Ventura Avenue Plan clearly contemplates protection and expansion of oilfield uses, while the 2040 General Plan's goals, policies and programs do not. There is no analysis of this inconsistency, and instead, the DEIR makes the false assertion that the 2040 General Plan is consistent with the Ventura Avenue Plan. This analysis should be revised and recirculated for public review and comment.

O5-70

Background Report, pp. 3-89, 3-90 and 3-97: As discussed previously, the DEIR's failure to address and analyze the impacts of up-zoning to meet future housing needs results in improper segmentation. The DEIR concedes that the County cannot meet post-2020 housing growth needs and commercial growth needs, and concedes that "up-zoning" would be required to meet anticipated RHNA housing obligations. However, the DEIR is devoid of any analysis regarding this apparent conflict. The reasonably foreseeable "up-zoning" needs to be analyzed as part of this Project and this analysis. (State CEQA Guidelines, §§ 15126, 15165 [when a project will be implemented in phases, the EIR must discuss and analyze the effects of the entire project].) As noted elsewhere, the underlying development potential methodology utilizes outdated (2014) RHNA numbers which effectively masks the disparity between "potential" and actual development that will take place through horizon 2040, burying the magnitude of the potential for land use impacts.

O5-71

Page 4.11-1: The DEIR omits relevant aspects of the regulatory setting. As with the other analysis sections of the DEIR, a reader cannot be expected to hunt for information buried in a more than 1,000 page technical appendix when this information is foundational to the environmental analysis. The land use chapter of the Background Report is more than 135 pages, not including an attachment. A reader has to do significant digging just to find the relevant regulatory setting, which should be presented upfront, in the body of the DEIR. (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 540.)

O5-72

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 26

Page 4.11-2: The DEIR fails to cite to substantial evidence to support several of its land use impact conclusions. For example, the DEIR states, “In determining the level of significance, this analysis assumes that the 2040 General Plan would comply with relevant Guidelines for Orderly Development, greenbelt agreements, and the Save Open Space & Agricultural Resources (SOAR) initiative measure for Ventura County’s unincorporated areas.” But this conclusory statement is not supported with any analysis. See above comments on the Project Description relating to substantial evidence supporting the conclusion that the Project Description is consistent with these documents.

05-73

Page 4.11-2: The DEIR fails to analyze internal inconsistency, or consistency between the 2040 General Plan and the existing Area Plans that are not amended. The DEIR states that Threshold 25(1) asks whether the Project is consistent with the community character policies and development standards in the Ventura County General Plan goals, policies and programs, or applicable Area Plan. The DEIR goes on to explain that this threshold will not be considered in this DEIR because “this draft EIR is an evaluation of an update to the Ventura County General Plan goals, policies and programs, and Area Plans under which future projects would be evaluated.” However, failing to analyze this threshold means that there is no analysis of internal consistency. The Project Description chapter of the DEIR explains that very few changes are made to the Area Plans, therefore the Land Use & Planning chapter of the DEIR should consider whether the changes in the land use designations are consistent with all policies that are unchanged. See comment above regarding the Ventura Avenue Plan’s protection and expansion of oil field uses.

05-74

Page 4.11-3: The DEIR’s land use analysis relies on an unclear project description. General Plan Policy LU-1.2 generally describes the “Urban” and “Existing Community” area designations. But, as discussed above, the DEIR Project Description states that these designations are being replaced by 15 different and more specific land use designations. Therefore the Project Description and this policy are inconsistent. If the 2040 General is replacing the Urban and Existing Community designations with new designations, why is Policy LU-1.2 still a part of the 2040 General Plan? The same comment applies to Policy LU-2.1 and LU-3.1 through 3.3. If one of the salient features of the 2040 General Plan is to replace these general designations with more specific designations, these policies just further muddy the water on what exactly the Project Description is. Without a stable and consistent project description, there can be no legally defensible analysis of environmental impacts. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185.)

05-75

Page 4.11-6: The DEIR’s assumptions regarding the RHNA undermine the Project Description and analysis of land use impacts. 2040 General Plan Policy LU-1.3 states that the County will work with SCAG “to direct state regional housing needs allocations predominantly to cities...” However, as discussed above in regards to improper segmentation, the RHNA methodology is already available and estimates a

05-76

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 27

significant number of new units to be accommodated within the unincorporated county. Further, cities are likely to push back on their significantly higher RHNA allocations, and push those units out to the County such that the final number will likely be even greater. For all these reasons, and the ones identified in our comments on the Project Description, the entirety of the GPU should be paused until the RHNA allocations are finalized. See also comments above regarding Background Report pp. 3-89 to 3-90, 3-97.

O5-76
cont.

Page 4.11-6: The DEIR fails to consider or analyze reasonably foreseeable implementation actions. 2040 General Plan Policy LU-4.2 requires zoning consistency between the GP and the zoning code. See comments above regarding improper segmentation and failing to consider reasonably foreseeable (and legally required!) implementation actions as part of “the project” for purposes of CEQA. See also, Implementation Program B, which requires that the County “review and amend, as necessary, applicable ordinances and regulations to ensure consistency with the General Plan, including the Zoning Ordinances and Building Code.” These policies further illustrate the DEIR’s inconsistency with CEQA’s mandates, which require analysis of the “whole” project. (State CEQA Guidelines, § 15378(a); see also *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonoma* (2007) 155 Cal.App.4th 1214.)

O5-77

Page 4.11-14: The DEIR relies on a 2040 General Plan Policy that is likely inconsistent with vested rights and/or preempted by state or federal law. Policy LU-17.4 prohibits the introduction of new incompatible land use and environmental hazards that would have health implications into or abutting existing residential areas, in particular within designated disadvantaged communities.” Yet there are no details provided as to what constitutes a health implication and no explanation as to why there is no similar prohibition against introducing new residential uses adjacent to land currently (or likely to be in the future) dedicated to oil and gas use.

O5-78

Page 4.11-18: The DEIR fails to analyze the land use impacts (and all other impacts) associated with the new 2040 General Plan land use designations. The 2040 General Plan creates 13 new land use categories (or 15, given that the Project Description is inconsistent between sections of the DEIR) with distinct development standards—yet there is no real analysis of how the installation of the 13 or 15 new use classes that did not previously exist would not create a conflict with uses established pursuant to the six use designations established in the current General Plan. Notably, the DEIR concedes that the new land use classifications will result in development at a higher intensity in locations where residential, commercial, and industrial uses exist. Yet there is no explanation of how this intensification will be accomplished to avoid incompatibility. (As has been the case throughout the DEIR, Section 4.11 consists of a laundry list of LU policies, but, when it comes to explaining the role those policies play in avoiding or mitigating a potential impact (e.g. incompatible uses), the DEIR fails to provide that critical explanation/analysis.)

O5-79

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 28

Page 4.11-21: The DEIR's vague and inconsistent Project Description results in unsupported conclusions regarding land use compatibility. The DEIR states that "Policies LU-4.1 and LU-4.2 would reduce incompatible land uses by specifying densities and/or intensities of allowed uses within each land use designation and maintaining continuity with neighboring zoning, land uses, and parcel sizes." But neither of these policies do this, or specify densities or intensities in any way. Therefore, it is unclear how the significance conclusion is supported. Similarly, the DEIR states that Policy LU-6.1 reduces incompatibilities by "specifying buffers" but this policy does not specify any performance criteria or distance criteria at all. It only states generally and generically that "adequate buffers" be incorporated into non-agricultural uses adjacent to agricultural uses.

O5-80

Page 4.11-22: The DEIR's analysis and conclusions regarding division of an established community are not based on substantial evidence. The DEIR relies on only one policy (promotion of orderly and compact development) to ensure that there will be no division of established communities. Yet, this is not enough substantial evidence to support the significance conclusion. The DEIR does not even acknowledge that foreseeable infrastructure improvements caused by intensification of growth in a confined space will, at minimum create temporary divisions and disruptions during construction (e.g., trenching to upsized infrastructure, road closures to improve streets). Thus, it is unclear how the conclusion that impacts are less than significant can be supported.

O5-81

Pages 4.11-22 through 24: The DEIR cannot conclude that the 2040 General Plan is consistent with the RHNA when the 2040 General Plan includes only a "placeholder housing element" and improperly segments the Housing Element and accommodation of the RHNA from its Project Description. The DEIR states that "Implementation of the 2040 General Plan policies and programs listed above, coordination of the RHNA with housing element updates, and compliance with applicable regulations would ensure that development under the 2040 General Plan is consistent with the RHNA." This essentially argues that the 2040 General Plan is consistent with the RHNA because the County will change the General Plan in the very near future to accommodate the RHNA. This is nonsensical. For all the reasons provided in our comments on the Project Description, the RHNA, which is imminent and by the County's own estimate will be released while the DEIR is out for public review, accommodating the RHNA may likely require changing the designations identified in the 2040 General Plan. This undermines the meaning and reliability of the DEIR's impact analyses. This is exactly why CEQA prohibits improper segmentation of related projects. (See *Orinda Association v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.)

O5-82

Pages 4.11-18 through 24: Even though the 2040 General Plan will provide the land use and planning blueprint for the entire County for the next 20 years, the land use impacts analysis is a mere seven pages. This alone indicates that the impact analysis is so truncated as to be meaningless. Further, regarding analysis of Impact 4.11-

O5-83

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 29

13, there are presumably a number of plans/policies adopted for purposes of environmental protection that were not considered in the DEIR—the DEIR lists a mere handful of plans and policies. In most EIRs, this analysis is much more thorough.

O5-83
 cont.

O. Mineral and Petroleum Resources

Background Report p. 8-71: The Background Report Drastically Underestimates Known, Recoverable Oil and Gas Reserves Mischaracterizes Oil and Gas as Not Within the Definition of “Mineral Resources.” It does not appear that the County considered Aera’s historic production and known reserves. This critical omission causes the DEIR to underestimate County-wide oil and gas reserves. Additionally, it appears that the County eschewed accepted methodological practices in estimating oil and gas reserves so as to further underestimate the volume of and value of these known recoverable resources. Finally, the DEIR appears to treat oil and gas as a resource separate and apart from aggregate mineral resources (such as sand and gravel) for purposes of determining the consequences of adopting GP 2040. Under CEQA, the DEIR must fully and fairly disclose whether adoption of GP 2040 will result in the loss of availability of a known mineral resources—this includes the loss of oil and gas as well as the loss of sand, gravel or other minerals utilized in concrete production.

O5-84

O5-85

Pages 4.12-1 through 4: The DEIR lacks an adequate description of the existing regulatory setting. The DEIR seems to disclose only those federal and state agencies that regulate pipelines and flaring. This is, at best, only a fraction of the regulatory framework relevant to oil, gas, and mineral production.

O5-86

Pages 4.12-5 through 6: The impact assessment methodology is based on incomplete and inaccurate underlying data. The 2040 General Plan relies upon a four year old map of petroleum field locations, not reserve locations. The boundaries of a field do not indicate the known extent of recoverable sub-surface reserves. This results in a significant underestimate of impacts on extraction.

O5-87

Page 4.12-7: The DEIR makes a bare conclusory statement that the 2040 General Plan is consistent with and will not impair the implementation of any mineral resource goal/policy in any of the Area plans. However, a cursory examination of the County’s North Ventura Avenue Plan (“NVAP”) reveals that this bare assertion is incorrect. The NVAP contemplates new and expanded oilfield development within land specifically zoned for such development. See NVAP at page 12. How is this overarching development consistent with the goals and policies of GP 2040 aimed at phasing out the extraction and production of oil and gas in the County?

O5-88

Page 4.12-8: The DEIR relies upon legally infeasible policies. As discussed earlier, several of the policies relied upon in the DEIR are likely legally infeasible, and therefore cannot provide a basis upon which to analyze impacts. Specifically, Policies

O5-89

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 30

COS-7.2 and 7.3 likely amount to regulatory takings. Under COS-7.3, modification of a previously issued permit would wrongfully subject the permittee to compliance with current development constraints across the entire permit area. In other words, the request to drill one well on a 1000 acre permit site would trigger compliance with all new regulations across the entire site, despite the minor nature of the request. Moreover, Policies COS-7.7 and 7.8 are preempted, as a local agency cannot eliminate the use of trucking of oil or limit flaring to County-defined instances of “testing” or “emergency.” Those activities are governed by state and federal law.

O5-89
 cont.

Page 4.12-10: The DEIR’s conclusions for Impact 4.12-1 are unsupported. The DEIR states that residential and industrial uses will be installed in a major mineral resource zone (MRZ-2), but inexplicably concludes that the impact is less than significant. There are no facts or analysis supporting this conclusion.

O5-90

Page 4.12-11: The DEIR’s conclusion of less than significant with respect to mineral resources is contradicted by the DEIR’s own supporting Background Report. The DEIR concedes that more than half of the 2040 General Plan area is MRZ 3a/b. The DEIR’s Background Report states that such lands have mineral value as follows: “MRZ-3: Areas containing known mineral deposits that may qualify as mineral resources (3a) or areas containing inferred mineral deposits that may qualify as mineral resources (3b). Further exploration work within these areas could result in the reclassification of specific localities into the MRZ-2 category.” The DEIR’s less than significant conclusion is wholly unsupported, as development will necessarily impact MRZ 3 resources, and these zones contain inferred mineral deposits.

O5-91

Page 4.12-12: The DEIR’s reliance on the 2018 County of Los Angeles Report is unfounded. The DEIR proposes the imposition of various measures and policies based on the alleged human health findings contained in a report referred to as “County of Los Angeles. 2018. Public Health Safety Risks of Oil and Gas Facilities in Los Angeles County. Los Angeles County DPH” (hereinafter “2018 County of Los Angeles Report”). The preparers of this report have themselves disputed the validity of the report’s conclusions. As such, the 2018 County of Los Angeles Report does not amount to substantial evidence supporting the DEIR’s imposition of measures and policies to allegedly protect human health.

O5-92

Pages 4.12-11 through 19: The DEIR fails to put forth a good faith effort at mitigating significant impacts to oil and gas resources. The DEIR fairly concludes that 2040 General Plan Policy COS-7.2 will have an adverse and significant and unavoidable impact on oil and gas exploration and production. Additionally, as already noted above, it arguably constitutes a regulatory taking. However, there is no meaningful effort made to mitigate this significant impact. The fundamental purpose of an EIR is to identify ways in which a proposed project’s significant environmental effects can be mitigated or avoided. (Pub. Resources Code, §§ 21002.1(a), 21061.) Therefore,

O5-93

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 31

declaring an impact significant does not absolve a lead agency from identifying and adopting all feasible mitigation measures, if those measures do not reduce impacts to a level of less than significant. Further, the reasonably foreseeable indirect impacts of implementation of Policy COA-7.2 are not evaluated in any way in the DEIR. Foreign importation of oil increases greenhouse gas emissions and air quality degradation. Even if those impacts were to occur outside of the County's boundary, CEQA mandates that the County analyze and disclose these impacts in this DEIR. (See State CEQA Guidelines, § 15358(a)(2).) None of the proposed mitigation measures reduce these potentially significant impacts to less than significant.

O5-93
 cont.

Page 4.12-22: The DEIR fails to analyze and disclose reasonably foreseeable indirect impacts associated with several of the 2040 General Plan's proposed policies. The DEIR ignores the foreseeable adverse consequences associated with large scale installation of oil and gas pipelines, which would include, but not be limited to, soils/geology, hydrology and water quality, cultural and hazards impacts. (See *Laurel Heights Improvement Association v. Regents of Univ. of California* (1988) 47 Cal.3d 376, 396 [EIR must analyze any action if it is a reasonable, foreseeable consequence of the project].) None of the proposed mitigation measures reduce these potentially significant impacts to less than significant.

O5-94

P. Noise and Vibration

Page 4.13-5: The methodology utilized to assess operational impacts fails to consider potential significant increases in traffic projected to occur as a result of the new RHNA allocation in the region and state housing legislation and policies. As discussed in the comments on the Transportation and Traffic Section, this analysis should await the final RHNA numbers and the update of the County Housing Element.

O5-95

Page 4.13-23: The discussion under Impact 4.13-4 lists oil supply facilities among major industrial noise sources. The only support for this assertion is a reference to the Background Report. The Background Report, however, includes no analysis or justification for this conclusion, and the DEIR is likewise devoid of any evidence supporting this conclusion. As such, the DEIR does not, and cannot, demonstrate that oil and gas production generates noise above and beyond the noise levels generated by general industrial activities.

O5-96

Page 4.13-27: County Policy HAZ 9.2 provides for specific noise control measures applicable to new noise generators located near sensitive uses but fails to restrict the development of new sensitive uses adjacent to areas where new noise generators are permitted uses. Policy HAZ 9.2 does not go far enough in mitigating potential noise impacts on sensitive uses. Absent policies addressing the location of new sensitive uses, the County policy can only serve as a limitation on the development of otherwise permitted uses such as oil and gas production uses. Mitigation measures must

O5-97

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 32

have a reasonable relationship or nexus between a project's impacts and the measure or condition that is imposed. (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825; *Dolan v. Tigard* (1994) 512 U.S. 374.) Implementation of this policy may well result in a regulatory taking of property interests to the extent that they would deprive property of investment backed expectations.

O5-97
cont.

Q. Population/Housing

Page 4.14-1: The DEIR omits relevant aspects of the regulatory setting. As with the other analysis sections of the DEIR, a reader cannot be expected to hunt for information buried in a more than 1,000+ page technical appendix when this information is foundational to the environmental analysis. (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 540.) Further, even taking the Background Report into account, there is no discussion of Senate Bill 330, which has significant population and housing repercussions that must be taken into account as part of the DEIR's analysis.

O5-98

Pages 4.14-6 through 8: The DEIR fails to account for the impending RHNA numbers, and this results in improper segmentation and piecemealing. See previous comments on this topic.

O5-99

R. Public Services and Recreation

Page 4.15-1: As with other sections of the DEIR, this section does not reflect the likely increases in population that will result in the upcoming RHNA allocations to the County and to cities within the County. See previous comments on this topic.

O5-100

S. Transportation and Traffic

Page 4.16-4: The VMT estimates in Table 4.16 are not reflective of the additional traffic that will be created by the new RHNA allocations both within the County and in the region and new state legislation and policies that are intended to increase housing production. Regional traffic is significant because the threshold included in the DEIR include regional traffic in the baseline. Projected increases in housing are significant and will generate significant increases in regional VMT which in turn will impact traffic within the unincorporated County.

O5-101

4.16-7 through 8: The proposed thresholds are not really thresholds of significance. The purported threshold that assumes a reduction of VMT by 15% below existing projected levels is really proposed mitigation, not a threshold of significance. Even so, this approach is subject to numerous objections, not the least of which is that it is aspirational social engineering based on stated state goals with respect to GHG reduction and not potential environmental impacts. There is no analysis of the feasibility

O5-102

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 33

of achieving a 15% reduction in VMT on a project-by-project basis. A failure to address the issue of feasibility renders this analysis illusory. There is no substantial evidence to support its feasibility. *See Cleveland Nat'l Forest Foundation v. San Diego Assn of Governments* (2017) 17 Cal.App.5th 413, 433.

O5-102
cont.

Page 4.16-10 through 11: The use of the existing baseline is flawed based on the potential significant increases projected to occur as a result of the new RHNA and state housing legislation and policies. This analysis should await the final RHNA numbers and the update of the County Housing Element. Moreover, this threshold is likely to obsolete in view of the fact that the DEIR notes that this threshold will no longer apply once the Ventura County ISAG VMT thresholds are adopted which is likely to occur prior to June 30, 2020, when VMT analysis becomes mandatory.

O5-103

Page 4.16-12 through 13: The proposed General Plan polices seem to improperly conflate VMT standards with LOS standards. Proposed Policy CTM-1.1 bases an acceptable level of service on VMT impacts yet fails to address previous County policies that base level of service impacts on specified congestion related impacts (LOS standard). Is it the intent of the County to ignore proposed congestion impacts and, if so, how will proposed Policy CTM-1.7 be implemented so as to require discretionary projects to share the cost of added trips and improvements to the road system per the County traffic mitigation program? Under VMT theory congestion is good as it serves to promote reductions in VMT by encouraging high density development and the use of alternative means of transportation. What improvements are contemplated as mitigation?

O5-104

Page 4.16-15: How will the County comply with the provisions of the Congestion Management Program as required by Government Code Section 65088 et seq. Proposed Policies CTM-2.7 and CTM-2.8 contemplate that the County will cooperate with Ventura County Transportation Commission in complying with the provisions of Government Code Section 65088 et seq regarding Congestion Management Programs (CMPs). The management of congestion per the CMP specifically includes the use of LOS standards, not VMT.

O5-105

Page 4.16-23: The DEIR analysis that asserts that the new 2040 General Plan Policy addressing flaring and trucking associated with new discretionary oil and gas wells would result in a potential reduction in VMT in the County is not supported by substantial evidence. This analysis is flawed in that heavy trucks are not among the categories of VMT included in the OPR recommended threshold. (Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018) at page 4).

O5-106

Page 4.16-24: The forecasts set forth in Table 4.16-4 similarly fail to consider likely increases in VMT throughout the region based on the proposed new RHNA

O5-107

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 34

allocations for the County and cities within the County and are not supported by substantial evidence. Table 4.16-4 purports to be a 2040 forecast, but, as with other portions of the DEIR, fails to account for the much higher RHNA numbers that will be applied in the region and as a result fails to provide an adequate basis for the thresholds identified in Table 4.16-5, which in turn results in a default to a finding of significant and unavoidable impacts for impacts 4.16-1 and 2.

O5-107
cont.

T. CUMULATIVE IMPACTS

Aera's comments regarding cumulative impacts are addressed in the individual topics identified above. However, generally, the DEIR fails to adequately consider whether the Project's individual impacts, when considered in the context of other projects proposed within the County, the region, and the individual incorporated cities within the County, results in cumulatively considerable environmental impacts. This includes whether the RHNA numbers that will be assigned not just to the County, but to the individual incorporated cities within the County, will result in new projects, new general plan amendments, new zoning amendments, or other policy changes that, together with the proposed 2040 General Plan, will result in cumulative impacts relating to air quality, greenhouse gases, noise, traffic, aesthetics, mineral resources, and biological impacts, among others.

O5-108

U. ALTERNATIVES

Page 6-1: The Alternatives analysis is flawed in its failure to account for new RHNA allocations and housing legislation. The underlying land use policies are subject to change in the near future as a result of pending increases in the regional RHNA allocations and State housing policy. Like most other sections in the DEIR, it is premature to consider alternatives to the project in advance of the issuance of the final RHNA allocations in the region and an analysis of the impact of State housing policy on land use within the County.

O5-109

Page 6-1: The Alternatives Section is flawed due to the DEIR's failure to adequately disclose and mitigate significant and unavoidable impacts. CEQA requires that public agencies do their best to disclose the actual severity of significant impacts, and implement and enforce all feasible mitigation measures to reduce significant impacts. As described above, this DEIR declares several impacts "significant and unavoidable" without meaningful analysis, or a true good faith examination of feasible mitigation measures. Because CEQA mandates that the project alternatives identified and analyzed in an EIR be based on what can feasibly reduce significant and unavoidable impacts, when those impact analyses are flawed, so too is the alternatives analysis.

O5-110

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager
 February 25, 2020
 Page 35

III. CONCLUSION AND REQUEST FOR RECIRCULATION

As described above, the DEIR is deficient in myriad ways and we respectfully request that it be significantly revised and recirculated, as required by CEQA and the State CEQA Guidelines. Recirculation is required when new information is added to an EIR after notice of public review has already been given, and that new information requires additional review by the public. (Pub. Resources Code, § 21092.1.) Where new information added to an EIR is "significant", recirculation is required. (*Ibid.*) Where new information shows a new impact, a substantial increase in the severity of an impact, a new feasible alternative or mitigation measure, or where the DEIR previously circulated was so fundamentally inadequate and conclusory in nature that public comment was essentially meaningless, the new information added to the EIR is "significant." (*Laurel Heights Improvement Association v. Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112, 1130; State CEQA Guidelines, § 15088.5(a).) Further, where the previously circulated EIR wholesale omitted key information necessary to actually determine what a proposed project's potentially significant impacts would be, recirculation is required. (*Mountain Lion Coalition v. Fish & Game Commission* (1989) 214 Cal.App.3d 1043; *Save Our Peninsula Comm. v. Monterey County Bd. of Supers.* (2001) 87 Cal.App.4th 99, 131.)

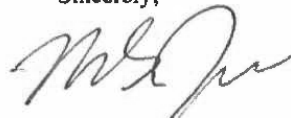
O5-111

Again, Aera appreciates the opportunity to review and comment upon the DEIR, and looks forward to seeing the recirculated report in the near future. As requested, we are providing the name of our point of contact, mailing address and email address as follows:

O5-112

Michele Newell
 3382 N. Ventura Avenue
 Ventura, CA 93001
 E-mail: MLNEWELL@AERAENERGY.COM

Sincerely,



Michael S. James
 Senior Counsel
 Aera Energy, LLC

Letter O5	Aera Energy LLC Michael S. James, Senior Counsel February 27, 2020
----------------------	---

- O5-1 This comment regarding the adequacy of the draft EIR is noted. However, no specific issues related to the content, analysis, conclusions, or overall adequacy of the draft EIR are raised in this comment. Therefore, no further response is provided. Refer to Master Response MR-7 which explains in detail why recirculation of the draft EIR is not required.
- O5-2 The description of the commenting organization's role and operations in Ventura County are noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- O5-3 The commenter's discussion of the purpose and legal requirements of the California Environmental Quality Act (CEQA) is noted. As explained in detail in the responses that follow, the County has prepared this EIR in compliance with applicable regulations.
- O5-4 The comment states that the draft EIR improperly segments the analysis of the 2040 General Plan from the pending update of the County's Housing Element, and improperly piecemeals analysis of the 2040 General Plan implementation actions. In the CEQA context, a project is "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment," including "the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100–65700." (CEQA Guidelines, § 15378(a)). Piecemealing or segmenting means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. This is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a lead agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies. In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis (AEP 2016). As explained in the draft EIR, the 2040 General Plan land use designations would be consistent with land uses and densities/intensities allowed under the current zoning designations for each affected parcel (page 3-4). Moreover, a zoning ordinance implements a general plan by regulating development through specific standards and would not include any integral project components that have not already been evaluated as part of the draft EIR for the 2040 General Plan. Also refer to the response to comment O5-20.

Refer to Master Response MR-3 for discussion of why the draft EIR correctly excludes discussion and analysis of the County's projected housing needs for the 2020 Regional Housing Needs Assessment allocation and 2021-2029 Housing Element update. No improper segmentation has occurred. No revisions to the draft EIR have been made in response to this comment.

O5-5 The comment states that the draft EIR project description does not meet the requirements of CEQA and, thus, the draft EIR should be recirculated. Refer to Master Response MR-2 for discussion of the adequacy of the draft EIR project description. Refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.

O5-6 The comment states that the draft EIR includes little technical analysis or analysis of the feasibility of mitigation measures. The draft EIR analyzes 88 unique impacts. Less than a third of these impacts (27) are found to be significant and unavoidable. Further, feasible mitigation is provided for 75 percent (20) of the 27 significant and unavoidable impacts. For the remaining seven impacts, the draft EIR explains that there is not additional feasible mitigation beyond the regulations in place and the policies and programs incorporated in the 2040 General Plan.

The draft EIR contains a level of specificity commensurate with the level of detail of the program. It would not be appropriate for the draft EIR to presume to analyze the full universe of potential projects that could occur throughout the entire unincorporated plan area over the 20-year plan horizon. Therefore, where there is not substantial evidence to support a less-than-significant conclusion without speculation, the County has reached a significant and unavoidable conclusion. As explained in further detail below, the draft EIR includes an appropriate level of technical detail without improper deferral of analysis and is consistent with the mandates of CEQA.

O5-7 The commenter's opinion that goals and policies of the 2040 General Plan would impair property rights or would be preempted by State law is noted will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a Final 2040 General Plan. This is not a comment on the content or analysis in the draft EIR.

Specific comments regarding the feasibility of mitigation proposed in the draft EIR and other concerns specific to the draft EIR are addressed in the responses to comments that follow.

O5-8 The comment states that the draft EIR does not provide substantial evidence for its significant and unavoidable impact conclusions and, therefore, should not be relied on to permit future streamlining. The draft EIR provides an appropriate level of detail for programmatic analysis of the 2040 General Plan. Refer to response to comment O5-6. Significant and unavoidable impact conclusions are reached where there is not substantial evidence in the record that there is a feasible means of effectively mitigating potential impacts from all projects that could occur in the unincorporated County over the 20-year plan horizon. There are seven out of 88 impacts where there is a significant and unavoidable impact

conclusion and no feasible mitigation is available. The commenter does not offer any specific examples of draft EIR impact analysis sections that are “unsupported by substantial evidence” or any actual feasible mitigation measures that should have been included in the draft EIR to avoid or substantially lessen any significant impacts.

The comment quotes text from Section 1.2.1, “Type and Use of This EIR,” in Chapter 1, “Introduction.” As noted by the commenter, the State CEQA Guidelines (Section 15168(c)) establish that additional environmental documents may not be required for subsequent activities seeking the County’s discretionary approval, if the County determines that all potential effects are within the program EIR scope. If a project could result in new or more severe impacts, a stand-alone CEQA document must be prepared. All subsequent projects would be subject to the mitigation measures in the draft EIR, which would be incorporated in the 2040 General Plan. Notably, and as explained in detail throughout the draft EIR, the County has determined that the mitigation proposed would adequately address the potential project-level impacts in many cases. The County will consider all significant and unavoidable impacts and must adopt a Statement of Overriding Considerations prior to adopting the 2040 General Plan.

Refer to Master Response MR-7 which explains in detail why recirculation of the draft EIR is not required.

- O5-9 The commenter’s dissatisfaction with the presentation of areas of known controversy is noted. However, as approximately half of all letters received on the draft EIR’s Notice of Preparation (NOP) related to these two topics (i.e., climate change and greenhouse gases, and the effects of continued oil and gas extraction), the County determined that they rise above the other 14 topics listed on page 1-4 of the draft EIR as key areas of concern. As illustrated by the issues raised in comment letters on the draft EIR and addressed throughout this final EIR, these remain primary areas of controversy.
- O5-10 The comment states that the draft EIR includes an incomplete list of responsible and trustee agencies. The County has not failed to proceed in a manner required by law. The draft EIR includes a list of potential responsible and trustee agencies. It does not purport to, nor is it required to, provide a complete list of all potential agencies that could have discretionary authority over aspects of implementing the 2040 General Plan or jurisdiction over resources that could be affected by the plan.
- The comment expresses specific concern that the California Geologic Energy Management Division of the California Department of Conservation (CalGEM) and the California Coastal Commission were not listed as responsible agencies; and that the California State Lands Commission, the California Department of Fish and Wildlife (CDFW), California Department of Parks and Recreation, and Ventura County Air Pollution Control District (VCAPCD) were not listed as trustee agencies. However, the California State Lands Commission, CDFW, and California Department of Parks and Recreation are all recognized as trustee agencies in the discussion on page 1-5 of the draft EIR. The California Coastal Commission was not listed as a potential responsible agency because the project

does not include changes to the County's Coastal Area Plan. The Department of Conservation, which includes CalGEM, is listed as a responsible agency. The County has edited the final EIR as follows to clarify that CalGEM is part of the Department of Conservation and that it has responsibility for approving oil and gas well activities (Section 1.4 "Lead, Responsible, and Trustee Agencies" located on page 1-5):

Responsible agencies are agencies other than the lead agency that have discretionary power over carrying out or implementing a specific component of the general plan or for approving a project (such as an annexation) that implements the goals and policies of the general plan. Agencies that may be responsible agencies include: the California Department of Transportation, which has responsibility for approving future improvements to the state highway system; the Department of Conservation, which has responsibility for approving mining Reclamation Plans pursuant to the Surface Mining and Reclamation Act and, through its California Geologic Energy Management Division (CalGEM), responsibility for approving oil and gas wells; and the Local Agency Formation Commission of Ventura County, which has responsibility for approving any annexations within the county that might occur over the life of the 2040 General Plan.

The draft EIR was distributed to potential responsible and trustee State agencies through the Governor's Office of Planning and Research, which provided the draft EIR to 25 state agencies, including the five specifically referenced in the comment. VCAPCD was notified of the draft EIR by the County directly. This satisfies the County's obligation to perform consultation on the draft EIR under Section 15086(a) of the State CEQA Guidelines to consult with, and obtain comments from, responsible agencies, trustee agencies, and any other agencies with legal jurisdiction or authority over resources that may be affected by the project.

- O5-11 Refer to Master Response MR-2 for a discussion of the growth projections used in the draft EIR and refer to Master Response MR-3 for discussion of why the draft EIR correctly excludes discussion and analysis of the County's projected housing needs for the 2020 Regional Housing Needs Assessment allocation and 2021-2029 Housing Element update.
- O5-12 The commenter's opinion about the format of the draft EIR is noted. Refer to Master Response MR-6 for discussion of how the County appropriately uses the Background Report to describe the existing environmental setting in the draft EIR.
- O5-13 The comment states that the areas of controversy are a result of the County's proposed policies regarding oil and gas operations. Refer to response to comment O5-9 regarding identification of areas of controversy. Areas of controversy are related to implementation of the proposed project, not existing conditions.

As acknowledged in this comment, the County has proposed policies in the 2040 General Plan that would specifically affect the future discretionary oil and gas extraction. These policies have been critiqued by commenters as both proposing too many obstacles for oil and gas development and allowing too much oil and gas extraction to occur. As such, the County has determined this is a key area of controversy to consider when evaluating the environmental effects of the 2040 General Plan.

O5-14 The description of the 2040 General Plan provided in Chapter 3, “Project Description,” in the draft EIR satisfies the requirements of CEQA. The project description is only required to include a general description of the project’s technical, economic, and environmental characteristics. Key aspects of the 2040 General Plan, including the land use diagram, are summarized in Chapter 3 and specific policies and implementation used in the analyses in each of the 17 resource sections are provided within the impact discussion. The reader need not refer to the General Plan itself to find important components of the project or analysis. Refer to Master Response MR-2 for detailed discussion of the adequacy of the draft EIR project description. Refer to Master Response MR-6 for discussion of how the County appropriately uses the Background Report to describe the existing environmental setting in the draft EIR.

O5-15 The comment asserts that the description of the project in the draft EIR is inappropriately vague and provides three specific points of confusion to support this statement.

For a discussion of the land use diagram and land use designations, including the number of land use designations, refer to Master Response MR-2. By design, the 2040 General Plan does not result in an increase in the density or intensity allowed on any property. The excerpted text regarding “relatively higher density” has been taken out of context. For example, page 3-14 explains that “the land use diagram of the 2040 General Plan would concentrate future development of relatively higher intensity residential, commercial, mixed use, and industrial land uses within the Existing Community area designation (boundary) and the Urban area designation (boundary).” Therefore, density within these area designations would be higher relative to the land use designations applied in the remainder of the unincorporated county under the 2040 General Plan – not relative to existing conditions.

As explained further in response to comment O5-20, below, establishing the Parks and Recreation land use designation is evaluated throughout the draft EIR as a component of the 2040 General Plan. Beyond the parameters set in the 2040 General Plan (parcels within Existing Community, Area Plans, and Urban Centers within Areas of Interest) it would be inappropriate to speculate about the precise location and timing of subsequent general plan amendments that could utilize this new designation. Also refer to Master Response MR-2 for discussion of the Parks and Recreation land use designation.

O5-16 Chapter 3, “Project Description,” discusses the elements of the 2040 General Plan that promote consistency with the Guidelines for Orderly Development on page 3-8. Also on page 3-8, the document explains that the SOAR initiative’s

“Agricultural, Open Space, and Rural goals and policies are included in the 2040 General Plan with only technical, non-substantive revisions for clarification and internal consistency with the rest of the 2040 General Plan.” The land use diagram’s consistency with SOAR is explained on draft EIR page 3-5. Additional discussion of 2040 General Plan consistency with the Guidelines for Orderly Development and the SOAR initiative are provided in Master Response MR-2.

O5-17 Refer to response to comment O5-14 and Master Response MR-2 regarding the adequacy of the project description.

As explained in Chapter 3, “Project Description,” the 2040 General Plan would “guide future land use and resource decisions within the unincorporated areas of the county.” The topics addressed by policies contained in each of the elements are summarized in the draft EIR. The elements do not expressly “permit or prohibit development.” In the analysis that follows, the effects of implementing the 2040 General Plan are compared to existing (baseline) conditions. CEQA does not permit an evaluation of impacts based on a comparison to the existing general plan. A discussion of potential environmental effects of not adopting the 2040 General Plan and continuing to apply the existing general plan is provided in the discussion of the No Project Alternative in the draft EIR (refer to Section 6.5.1, “Alternative 1: No Project—No General Plan Update,” beginning on page 6-12 of Chapter 6, “Alternatives”).

The land use diagram and potential, future physical development that could occur with implementation of the 2040 General Plan are described. For more information about buildout assumptions and the likely extent of physical development, refer to Master Response MR-2. Also refer to Master Response MR-2 for discussion of how 2040 General Plan policies and implementation programs relevant to each resource topic (specifically, those relevant to the impact analysis performed under the significance criteria for that topic) are identified throughout the draft EIR in Sections 4.1 through 4.17.

O5-18 The comment states that the draft EIR project description does not include an estimate of General Plan buildout, without which the commenter questions how the impacts of such development can be analyzed. The draft EIR project description describes the growth projections used in the 2040 General Plan (pages 3-19 and 3-20). Chapter 4, “Environmental Impact Analysis, describes the assumptions used in the environmental impact analysis of the draft EIR, including the use of growth projections and buildout assumptions to analyze the environmental impacts of 2040 General Plan implementation (pages 4-1 and 4-2). Refer to Master Responses MR-2 for more discussion of the draft EIR growth projections and buildout assumptions.

The comment also expresses concern with the level of information provided in Chapter 3, “Project Description,” regarding the locations where relatively higher density land use could occur. The full sentence on page 3-19 provides key context: “Under the 2040 General Plan relatively higher intensity residential (Very Low Density, Low Density, Medium Density, Residential Planned Development, Coastal Planned Development, Residential Beach), commercial (Commercial and Commercial Planned Development), mixed use, and industrial land use

designations would apply to approximately 1.2 percent of land in the unincorporated county.” The location of these land use designations is depicted on Figures 3-2a and 3-2b, the allowed density, lot size, and lot coverage are provided in Table 3-1. Sufficient information is provided to fully analyze the potential effects of implementing the 2040 General Plan.

O5-19 The comment states that the draft EIR project description does not mention the County’s Local Coastal Program nor its relationship to the 2040 General Plan. Ventura County’s Coastal Area Plan and the Coastal Zoning Ordinance together constitute the "Local Coastal Program" (LCP) for the unincorporated portions of Ventura County’s coastal zone. The primary goal of the LCP is to ensure that the local government's land use plans, zoning ordinances, zoning maps, and implemented actions meet the requirements of, and implement the provisions and policies of, the Coastal Act at the local level. In addition to being an element of Ventura County’s LCP, the Coastal Area Plan is also an Area Plan for the unincorporated coastal portions of Ventura County and, as such, is part of the County's General Plan. However, as explained in Chapter 3, “Project Description,” of the draft General Plan (page 3-10), the Coastal Area Plan was not updated as part of this general plan update. Modification of the LCP is not included in Chapter 3, “Project Description,” because it is not a component of the project under evaluation (i.e., the 2040 General Plan). Because the project does not include changes to the Coastal Area Plan, it is not required to be evaluated in the EIR.

O5-20 The comment asserts that a zoning code update could be a reasonably foreseeable consequence of implementing the 2040 General Plan that was not analyzed in the draft EIR.

Chapter 3, “Project Description,” of the draft EIR offers a detailed explanation of the land use designations proposed in the 2040 General Plan, which refines the existing land use designations to be consistent with existing zoning. As noted by the commenter, page 3-5 of the draft EIR indicates:

There is a new land use designation for “Parks and Recreation,” which provides for parks and recreation facilities and associated recreation uses. There is no land currently in the Parks & Recreation designation. This new designation will be applied to parcels within Existing Community, Area Plans, and Urban Centers within Areas of Interest that provide for parks and recreation facilities and associated recreation uses to serve all residents in Ventura County. A new zone classification titled Parks and Recreation (REC) would also be established for parks and recreational uses in the Non-Coastal Zoning Ordinance and Coastal Zoning Ordinance that would be compatible with this land use designation and separate from the General Plan Update project as part of the 2040 General Plan’s implementation.

There is no land currently in the Parks and Recreation designation. This is a new designation that can be applied to parcels within Existing Community, Area Plans, and Urban Centers within Areas of Interest that provide for parks and recreation facilities and associated recreation uses (refer to page 3-14 of the

draft EIR). The creation of this land use designation and compatible zoning is an element of the 2040 General Plan analyzed throughout the draft EIR. In fact, addition of this land use designation is highlighted as a project element considered in the analysis on page 4-2 of the draft EIR under the subheading “Approach to the Environmental Analysis.” As summarized in Section 4.15, “Parks and Recreation,” of the draft EIR, in addition to establishing the Parks and Recreation land use designation, Policy LU-12.1 “requires the county to support development of parks and recreation facilities with areas designated as Existing Community, Area Plans, or Areas of Interest” (refer to page 4.15-14).

This new land use designation would allow the County to better categorize existing and proposed land uses. It would not change regulatory requirements for establishing parkland (such as the Quimby Act) or result in the direct conversion of land use. Furthermore, creating a zoning designation consistent with this land use would make it possible to apply this land use designation, but would not result in new or additional physical environmental effects beyond the impacts of establishing the land use designation itself.

A zoning ordinance implements a general plan by regulating development through specific standards and would not include any integral project components that have not already been evaluated as part of the draft EIR for the 2040 General Plan. This draft EIR includes a programmatic evaluation of potential adverse physical changes to the environment as a result of forecasted growth and future development under the 2040 General Plan, which includes the construction of new or expanded parks and recreation facilities to serve this growth and development. These environmental impacts are analyzed in Sections 4.1 through 4.17 of this draft EIR. As discussed herein, future development would be subject to applicable laws and regulations, the policies and implementation programs in the 2040 General Plan, and mitigation measures identified throughout this draft EIR. The physical environmental impacts that would result from development of new or expanded parks and recreation facilities are similar to the impacts of other types of future development that would be accommodated by the 2040 General Plan, as evaluated throughout the draft EIR. If a zoning code update is required, the reasonably foreseeable impacts of changes related to the new Parks & Recreation land use designation have been evaluated consistent with the requirements of CEQA. No violation of CEQA statutes or case law have occurred.

O5-21

The comment states that preparation of the draft EIR for the 2040 General Plan before the Housing Element is completed results in improper piecemealing and project segmentation. Refer to Master Response MR-3 for discussion of why the draft EIR correctly excludes discussion and analysis of the County’s projected housing needs for the 2020 Regional Housing Needs Assessment allocation and 2021-2029 Housing Element update. The draft EIR for the 2040 General Plan appropriately described the County’s adopted Housing Element and adequately analyzed conflicts with Regional Housing Needs Assessment (RHNA) requirements. Refer also to response to comment O5-4, above, for a discussion of piecemealing.

- O5-22 Refer to Master Response MR-6, which explains the County’s approach to utilizing the existing setting information in the Background Report. Also, see responses to later comments in this letter, below, that address specific resource topics. For example, response to comment O5-25 provides cross-references to the specific sections of the Background Report that contain the environmental setting pertaining to aesthetics.
- O5-23 Refer to Master Response MR-2 for an explanation of the growth projections and buildout assumptions employed in the draft EIR.
- O5-24 The commenter asserts that several types of regulations and programs need to be described in the regulatory setting. Regarding the regulatory setting for the draft EIR analysis of aesthetics impacts, the draft EIR does describe the regulatory setting for the impact analysis that was conducted. There is no requirement under CEQA for an EIR to describe regulations that are not relevant to the environmental impact analysis provided in the EIR.

Section 4.1, “Aesthetics,” of the draft EIR, under the heading “Regulatory Setting” refers the reader to Section 8.3, “Scenic Resources,” of the Background Report (draft EIR page 4.1-1). This 10-page subsection of the Background Report discusses the Scenic Highway Program, the Coastal Act, and applicable zoning ordinance provisions. The Background Report identifies Highway 33 – Jacinto Reyes Scenic Byway – as a designated scenic byway (page 8-64). A description of the California Scenic Highway System is also provided in Chapter 6, “Transportation and Mobility,” of the Background Report, and maps (Figure 6-5 and Figure 8-8) are provided in the report that identify portions of State highways in Ventura County that have either been designated as part of the California Scenic Highway Program or have been designated as being eligible for program designation.

The commenter also asserts that the aesthetics analysis is inadequate because it does not analyze whether the 2040 General Plan is consistent with the regulatory setting. Section 4.1 of the draft EIR evaluates the aesthetic impacts of the 2040 General Plan using the four thresholds of significance provided on page 4.1-13. These include whether implementation of the 2040 General Plan would:

- ▶ Physically alter a scenic resource (defined as aesthetically pleasing natural physical features) that is visible from a public viewing location (defined as any physical area accessible to the public and from which a scenic resource is visible);
- ▶ Substantially obstruct, degrade, obscure, or adversely affect the character of a scenic vista (defined as a viewshed that includes scenic resources) that is visible from a public viewing location (defined as any physical area accessible to the public and from which a scenic resource is visible);
- ▶ Create a new source of disability glare (a type of glare that ranges from causing temporary incapacity to causing damage to the eye) or discomfort glare (a type of glare that viewers find distracting and objectionable, but does

not cause damage to the eye) for motorists traveling along any road of the County Regional Road Network; or

- ▶ Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The draft EIR analysis of aesthetics impacts does describe in detail the role of the regulatory setting and proposed 2040 General Plan policies and implementation programs in avoiding or substantially lessening potential aesthetics impacts in the analysis performed under each of the thresholds of significance (Impacts 4.1-1 through 4.1-4, pages 4.1-18 through 4.1-24). Further, consistency with applicable regulations would be ensured through the County's discretionary approval of projects which is a standard practice currently in place. The comment does not specifically address the actual aesthetics impact analysis conducted in the draft EIR or the specific impact conclusions reached under any of the thresholds of significance. No further response to this comment can be provided.

Refer to response to comment O5-25 for discussion of the draft EIR analysis of impacts to community character in Section 4.11, "Land Use and Planning," Impact 4.11-1, which evaluates whether 2040 General Plan implementation would result in physical development that is incompatible with land uses, architectural form or style, site design/layout, or density/parcel sizes within Existing Communities. Refer also to Master Response MR-6, which explains the County's approach to utilizing the existing setting information in the Background Report.

O5-25

The comment states that the draft EIR does not include the existing environmental setting, and the Background Report does not adequately describe existing conditions. Consistent with the County's adopted Initial Study Assessment Guidelines (ISAG), the draft EIR evaluates impacts to "community character" as a land use and planning topic that addresses visual aspects of the built environment, as follows. It provides a detailed analysis of whether implementation of the 2040 General Plan would result in physical development that is incompatible with land uses, architectural form or style, site design/layout, or density/parcel sizes within Existing Communities. The basis for this threshold of significance is described on page 4.11-2. This impact analysis is provided in draft EIR Section 4.11, "Land Use and Planning," in Impact 4.11-1 (pages 4.11-18 to 4.11-21). Existing community character is described in Section 3.5, "General Plan and Area Plan Land Use Designations," of the Background Report.

The introduction to Section 4.1, "Aesthetics," in the draft EIR refers the reader to Section 4.11 for a discussion of community character and explains that the analysis in the aesthetics section is focused on "potential impacts on the character of public views" (draft EIR page 4.1-1). Between Section 4.1 and 4.11, the draft EIR addresses impacts to the existing visual character of the unincorporated area, using somewhat different terminology than the commenter. Refer to the response to comment O5-24 for discussion of the draft EIR analysis of aesthetic impacts in Section 4.1, which includes detailed analysis of impacts to existing visual resources, which the County generally refers to as "scenic

resources.” Refer also to Master Response MR-6, which explains the County’s approach to utilizing the existing setting information in the Background Report.

O5-26

The introduction to Section 4.1, “Aesthetics,” in the draft EIR states: “Comments on the notice of preparation included concerns regarding...aesthetic impacts related to oil and gas development. These comments are addressed in this section, as appropriate.”

Although public comments received on the NOP frequently relate to oil and gas development (see response to comment O5-9 regarding areas of controversy), the EIR is intended to evaluate the effects of implementing the 2040 General Plan throughout the entire unincorporated area. For this reason, the draft EIR does not specifically discuss existing oil and gas facilities and their relationship to scenic resources. Nor is this required under CEQA as an agency is charged with evaluating the impacts of a projects on the environment, not existing facilities. The aesthetic impacts of future oil and gas development that could occur during the plan horizon are acknowledged in Impacts 4.1-1, 4.1-3, and 4.1-4. As described on page 4.1-12 of the draft EIR, the environmental setting for the analysis is provided in Section 8.3, “Scenic Resources,” of the Background Report.

O5-27

Thresholds of significance are the benchmark against which projects are evaluated to determine whether physical environmental changes that could be reasonably expected to result from project implementation would be “significant” as determined by the lead agency. The thresholds can be qualitative or quantitative, and the determination of significance can vary based upon context.

Public agencies are encouraged to develop and publish thresholds of significance that are used in the determination of the significance of environmental effects (State CEQA Guidelines, § 15064.7(b)). The current ISAG, last amended by the County in April of 2011, set forth the standard threshold criteria and methodology used in determining whether a project could have a significant effect on the environment. The ISAG were originally adopted in 1992 by the directors of those County agencies/departments responsible for evaluating environmental issues and by the County’s Environmental Quality Advisory Committee following a public outreach process that included public notification and workshops, and appropriate revisions. Similarly, all subsequent amendments to the ISAG have included public notification and review prior to their adoption in accordance with State CEQA Guidelines and the County’s Administrative Supplement to State CEQA Guidelines.

For the purpose of evaluating the potential environmental effects of implementing the 2040 General Plan, the thresholds of significance are based on the ISAG, as well as the checklist presented in Appendix G of the State CEQA Guidelines; best available data; and the applicable regulatory standards of the County and federal and state agencies with jurisdiction over the resources at issue. As explained in Section 4.1, “Environmental Impact Analysis” (page 4-1), and described in detail for each resource analysis, “deviation from the ISAG thresholds, which were established by the County to evaluate the impacts of individual projects, was sometimes necessary to appropriately consider the

programmatic nature of a general plan for the entire unincorporated area, and to incorporate the 2019 revisions to the Appendix G checklist.”

In each of the resource-specific sections of the draft EIR (Sections 4.1 through 4.17), the “Environmental Impacts and Mitigation Measures” subsection identifies the thresholds used to determine the level of significance of the environmental impacts for the resource topic, in accordance with State CEQA Guidelines Section 15126. These thresholds appropriately set the parameters for what is evaluated in the EIR.

As explained in responses to comments O5-24 and O5-25, Section 4.1, “Aesthetics,” in the draft EIR provides a discussion of potential impacts on the character of public views. Page 4.1-13 of the draft EIR explains that the thresholds of significance established in the draft EIR combine the County’s adopted ISAG with the 2019 revisions to the Appendix G checklist. Specifically, Impact 4.1-2 addresses whether implementation of the 2040 General Plan would have a significant aesthetic impact if it would substantially obstruct, degrade, obscure, or adversely affect the character of a scenic vista (defined as a viewshed that includes scenic resources) that is visible from a public viewing location (defined as any physical area accessible to the public and from which a scenic resource is visible).

Potential effects on visual character are discussed in both Impact 4.1-1 (Physically Alter a Scenic Resource that is Visible from a Public Viewing Location) and Impact 4.1-2 (Substantially Obstruct, Degrade, Obscure, or Adversely Affect the Character of a Scenic Vista that is Visible from a Public Viewing Location). Both impacts are determined to be less than significant. As summarized on page 4.1-25, “future development under the 2040 General Plan would not obstruct, degrade, obscure, or adversely affect the character of a scenic vista that is visible from a public viewing location, or adversely affect visual character.”

O5-28

The comment states that the thresholds of significance for agriculture and forestry resources are over inclusive. See response to comment O5-27, above, regarding thresholds of significance. Section 4.2, “Agriculture and Forestry Resources,” in the draft EIR provides a discussion of the project’s potential impacts on agriculture and forestry resources. Pages 4.2-3 and 4.2-4 of the draft EIR explain that the thresholds of significance established in the draft EIR combine the County’s adopted ISAG with the 2019 revisions to the Appendix G checklist. Implementation of the 2040 General Plan would have a significant impact on agricultural and forestry resources if it would

Result in the direct and/or indirect loss Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance (defined as “Farmland” or “Important Farmland” in CEQA, pursuant to guidance in CEQA Section 21095 and State CEQA Guidelines Appendix G). Any project that would result in the direct and/or indirect loss of agricultural soils meeting or exceeding the following criteria would be considered as having a significant impact: [see table provided on page 4.2-4 of the draft EIR]

Thus, while the commenter is correct that CEQA does not include Farmland of Local Importance in its definition of “Farmland” or “Important Farmland,” the County’s adopted ISAG does include Farmland of Local Importance in its threshold of significance criteria (ISAG, page 47).

Potential effects on Important Farmland are discussed under Impact 4.2-1 (Loss of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance). This impact would be potentially significant and mitigation measures are provided (see draft EIR pages 4.2-9 through 4.2-17). Even with mitigation, the draft EIR concludes that the impact would be significant and unavoidable because “[e]stablishing agricultural conservation easements would conserve Important Farmland within the county but would not prevent the loss of existing Important Farmland. There are no actions or policies that the County could feasibly mandate to fully replace the loss of Important Farmland.”

Refer to Master Response MR-5 for discussion of the location of Important Farmland in the unincorporated area and the feasibility of Mitigation Measure AG-2. Refer to Master Response MR-3 for discussion of the County’s regional housing needs and 2021-2029 Housing Element Update.

O5-29

Mitigation Measure AG-1 is clear and enforceable, as described in the draft EIR. This mitigation measure requires the County to condition project-level approvals of discretionary development on Important Farmland to avoid direct loss of Important Farmland to the extent feasibly possible. As explained on page 4.2-17 of the draft EIR, the overall effectiveness of this mitigation measure will depend on the feasibility of avoiding conversion of Farmland at the individual project level. The draft EIR contemplates that there will be indirect and direct loss of Important Farmland in instances where avoiding conversion of Important Farmland is not feasible. Consequently, the draft EIR concludes that even with application of this mitigation measure, in combination with Mitigation Measure AG-2 (which requires project proponents to acquire agricultural conservation easements to provide compensatory mitigation for loss of Important Farmland where avoidance is infeasible), implementation of the 2040 General Plan would result in loss of Important Farmland. As a result, the draft EIR concludes that this impact would be significant and unavoidable.

The case cited commenter, *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260 (“*Preserve Wild Santee*”), at page 281, states that,

while the EIR contains measures to mitigate the loss of Quino [checkerspot butterfly] habitat, the EIR does not describe the actions anticipated for active management of the Quino within the preserve. The EIR also does not specify performance standards or provide other guidelines for the active management requirement.

The court found this mitigation measure to be inadequate because the City improperly deferred formulation of measures to protect Quino habitat. Here, Mitigation Measure AG-1 is distinguishable from the project-level mitigation measure at issue in *Preserve Wild Santee*. Indeed, the *Preserve Wild Santee*

court specifically recognized the amount of detail available at the general plan stage is reduced, stating that, when the:

kinds of impacts for which mitigation is known to be feasible, but where practical considerations prohibit devising such measures early in the planning process (e.g., at the general plan amendment or rezone stage), the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. Where future action to carry a project forward is contingent on devising means to satisfy such criteria, the agency should be able to rely on its commitment as evidence that significant impacts will in fact be mitigated (*Preserve Wild Santee, supra*, at p. 280).

The requirement of Mitigation Measure AG-1 - to require avoidance of direct loss of Important Farmland to the extent feasible - is clearly, readily enforceable and entirely appropriate at this programmatic level of CEQA review.

As stated in Mitigation Measure AG-1 itself, the County will implement this mitigation measure, along with Mitigation Measure AG-2 as needed, by imposing conditions of approval on projects requiring discretionary land use entitlements that could result in a direct loss of Important Farmland. The County has the legal authority to do so based on its constitutional police power derived from Article XI, Section 7 of the California Constitution.

- O5-30 Refer to Master Response MR-5 regarding the feasibility of Mitigation Measure AG-2.
- O5-31 The comment asserts that the amount of construction that would occur under the 2040 General Plan is not included in the draft EIR. Table 4.3-1 of the draft EIR includes all land use development assumptions made to conduct emissions modeling. As described in the methodology on page 4.3-3, "Although the exact timing of construction activity over this period is unknown, for the purposes of modeling, it was assumed that development would occur gradually in equal annual increments over this time period." Appendix A of the draft EIR explicitly defines the assumed amount of development for each year of construction. No revisions to the draft EIR are required.
- O5-32 The comment asserts that air quality impacts are likely undercounted due to the assumed linear progression of construction. As discussed on page 4.3-3 of the draft EIR, "Construction-related emissions are difficult to quantify with a high degree of accuracy at the general plan level because such emissions are dependent on the characteristics and circumstances of future individual development projects that are not known at this time." Impact 4.3-2 concludes that construction-generated air pollutant emissions would be potentially significant and includes mitigation, as required by CEQA. On page 4.3-14, the draft EIR acknowledges that "as actual construction phasing is not known, it is possible that emissions may exceed or be below modeled emissions shown in Table 4.3-2." Further, the draft EIR concludes that "it is likely that emissions would exceed countywide and Ojai Valley thresholds at some point during buildout of the 2040 General Plan" (page 4.3-14). A revision to the construction

emissions modeling would not result in a change to the impact conclusion, which states that: “because ozone precursor emissions could remain above recommended thresholds and the fact that Ventura County is in nonattainment for ozone with respect to the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS), this impact would be significant and unavoidable.” No revisions to the draft EIR are required.

- O5-33 Refer to Master Response MR-2 regarding growth projections and buildout assumptions used in the draft EIR.
- O5-34 Refer to Master Response MR-4 regarding feasibility of 2040 General Plan policies related to oil and gas.
- O5-35 Refer to response to comment O5-40, below, regarding thresholds of significance used in Section 4.3, “Air Quality.”
- O5-36 The comment asserts that adding “to the extent feasible” makes Mitigation Measures AQ-1a and AQ-1b ineffective. However, in this context “feasible” means that this mitigation measure shall be applied to future discretionary projects under the 2040 General Plan when and to the extent it is “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors” as determined by the County in the context of such future projects. This definition is consistent with the definition of “feasible” set forth in CEQA (at Pub. Res. Code § 21066.1) and CEQA Guidelines section 15164. The County will be solely responsible for making this feasibility determination in accordance with CEQA. The text of Mitigation Measures AQ-1a and AQ-1b have been revised in the final EIR; the term “feasible” has been removed from Mitigation Measure AQ-1a and Mitigation Measure AQ-1b has been revised to include this definition. Additionally, Mitigation Measure AQ-1b has also been revised for consistency with the Ventura County Air Pollution Control District’s recommendation that measures to reduce construction-related emissions be incorporated into every project requiring discretionary County approval as explained in response to comment A14-2. Revisions made to Mitigation Measures AQ-1a and AQ-1b are provided below.

Mitigation Measure AQ-1a: New Policy HAZ-X: Construction Air Pollutant Best Management Practices

The County shall include the following new Policy HAZ-X in the 2040 General Plan.

Policy HAZ-X: Construction Air Pollutant Best Management Practices

Discretionary development projects that will generate construction-related air emissions shall be required by the County to incorporate best management practices (BMPs) to reduce emissions. These BMPs shall include the measures recommended by VCAPCD in its Air Quality Assessment Guidelines or otherwise to the extent applicable to the project.

~~The County shall ensure that discretionary development will, to the extent feasible, incorporate best management practices (BMPs) to reduce emissions to be less than applicable thresholds. These BMPs include but are not limited to the most recent VCAPCD recommendations for construction BMPs (per the Air Quality Assessment Guidelines or as otherwise identified by VCAPCD).~~

Mitigation Measure AQ-1b: New Implementation Program HAZ-X: Construction Air Pollutant Best Management Practices

The County shall include the following new implementation program in the 2040 General Plan.

Implementation Program HAZ-X: Construction Air Pollutant Best Management Practices

Implementation Program HAZ-X: Construction Air Pollutant Best Management Practices

~~Applicants for future d~~Discretionary development projects that would will generate construction-related air emissions that exceed applicable thresholds, will shall be required to include, but are not limited to, the following types of emission reduction mitigation measures and potentially others, as recommended by VCAPCD (in its Air Quality Assessment GuidelinesGuidance or otherwise), to the extent feasible and applicable to the project as determined by the County. The types of measures shall include but are not limited to: maintaining equipment per manufacturer specifications; lengthening construction duration to minimize number of vehicle and equipment operating at the same time during the summer months; use of Tier 3 at a minimum, or Tier 4 if commercially available diesel engines in all off-road construction diesel equipment, at a minimum; and, if feasible¹ using electric-powered or other alternative fueled equipment in place of diesel powered equipment (whenever feasible).

1. "Feasible" means that this mitigation measure shall be applied to future discretionary projects under the 2040 General Plan when and to the extent it is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" as determined by the County in the context of such future projects based on substantial evidence. This definition is consistent with the definition of "feasible" set forth in CEQA (Pub. Res. Code, § 21066.1) and the CEQA Guidelines section 15164). The County shall be solely responsible for making this feasibility determination in accordance with CEQA.

Implementation of Mitigation Measures AQ-1a and AQ-1b would be required for future discretionary development under implementation of the 2040 General Plan. Because of the programmatic nature of the 2040 General Plan and the draft EIR, it is unknown at this time the details of future discretionary projects that

may require construction mitigation, to what extent the mitigation would be required, and what specific measures would be applicable and feasible for each individual project. In addition, future discretionary projects would be required to comply with Policy HAZ-10.12, which states: “The County shall require that discretionary development that would have a significant adverse air quality impact shall only be approved if it is conditioned with all reasonable mitigation measures to avoid, minimize or compensate (offset) for the air quality impact. The use of innovative methods and technologies to minimize air pollution impact shall be encouraged in project design.” The County will apply Mitigation Measures AQ-1a and AQ-1b to achieve the provisions of Policy HAZ-10.12.

O5-37

The comment correctly points out that the first two bullets of Mitigation Measure AQ-2b, Implementation Program HAZ-X: Fugitive Dust Best Management Practices, are duplicative. The County agrees with this comment and in response to this comment, Mitigation Measure AQ-2b has been revised to remove the duplicative bullet point (page 4.3-15). Mitigation Measure AQ-2b has also been revised for consistency with the Ventura County Air Pollution Control District’s recommendation that measures to reduce construction-related fugitive dust be incorporated into every project requiring discretionary County approval:

Mitigation Measure AQ-2b: New Implementation Program HAZ-X: Fugitive Dust Best Management Practices

The County shall include the following new implementation program in the 2040 General Plan.

Implementation Program HAZ-X: Fugitive Dust Best Management Practices

~~Applicants for future discretionary development projects that which will generate construction-related fugitive dust emissions that exceed applicable thresholds will~~ shall be required by the County to include, ~~but are not limited to, the types of mitigation dust reduction measures recommended by VCAPCD’s in its Air Quality Assessment Guidelines, or otherwise, to the extent feasible and applicable to the project such as:~~

- ▶ ~~The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excess amounts of dust.~~
- ▶ The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excess amounts of dust.
- ▶ Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of watering (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities.

- ▶ Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:
 - All trucks shall be required to cover their loads as required by California Vehicle Code Section 23114.
 - All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.
- ▶ Graded and/or excavated inactive areas of the construction site shall be monitored by (indicate by whom) at least weekly for dust stabilization. Soil stabilization methods, such as water and roll-compaction, and environmentally-safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area should be seeded and watered until grass growth is evident, or periodically treated with environmentally-safe dust suppressants, to prevent excessive fugitive dust.
- ▶ Signs shall be posted on-site limiting traffic to 15 miles per hour or less.
- ▶ During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by on-site activities and operations from being a nuisance or hazard, either off-site or on-site. The site superintendent/supervisor shall use his/her discretion in conjunction with VCAPCD when winds are excessive.
- ▶ Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.
- ▶ Personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.

O5-38 Regarding the thresholds of significance used in the analysis, refer to response to comment O5-40.

The comment asserts that the draft EIR fails to apply all feasible mitigation to air pollutant emissions and does not explain why additional feasible mitigation measures cannot be identified to reduce impacts to less than significant. The air quality analysis in the draft EIR is consistent with VCAPCD guidance and recommended thresholds. Consistent with VCAPCD guidance, Mitigation Measures AQ-1a, AQ-1b, AQ-2a, and AQ-2b include all feasible construction mitigation. Implementation of the best management practices included in these mitigation measures typically achieves a reduction in particulate matter emissions (both PM₁₀ and PM_{2.5}) of up to 75 percent (Sacramento Metropolitan Air Quality Management District 2020:3-9). Further, the comment does not suggest any additional mitigation measures that could be added to the draft EIR. No additional feasible mitigation has been provided by VCAPCD or the commenter, and no additional feasible mitigation has otherwise been identified, to reduce construction-related impacts. The proposed 2040 General Plan policies are not used to reduce Impact 4.3-3 to a less-than-significant level, as all policies cannot be assumed to successfully reduce individual discretionary projects' emissions below VCAPCD thresholds, particularly the more stringent thresholds for Ojai Valley. Because of the programmatic nature of the draft EIR, it is unknown what individual discretionary projects may require mitigation for operational emissions and to what extent. As stated on page 4.3-18 of the draft EIR: "Policies HAZ-10.5 and HAZ 10.12 would require that discretionary development with significant adverse air quality impacts only be approved if it is conditioned with all reasonable mitigation measures to avoid, minimize or compensate for the impact." The County has revised the language of Policy HAZ-10.12 to replace the reference to "reasonable" mitigation measures with "feasible" mitigation measures as shown in the Ventura County Planning Commission hearing materials for July 16, 2020 (see exhibit for "Planning Division Recommended Revisions to the 2040 General Plan"). To clarify the discussion provided in the draft EIR, the County has made the following revisions to the discussions of Policy HAZ-10.5 and HAZ-10.12 on page 4.3-18:

~~Policies~~ Policy HAZ-10.5 states that the County shall work with applicants for discretionary development projects to incorporate measures to reduce air pollution impacts and greenhouse gas emissions, such as bike facilities, solar water heating, solar space heating, electric appliances and equipment, and zero and near-zero emission vehicles, and HAZ 10.12 would require that discretionary development with significant adverse air quality impacts only be approved if it is conditioned with all feasible ~~reasonable~~ mitigation measures to avoid, minimize or compensate for the impact.

O5-39

The comment seeks additional analysis of health impacts associated with operational emissions. The comment asserts that only one statement is made regarding health impacts associated with reactive organic gases (ROG) and oxides of nitrogen (NO_x) emissions under Impact 4.3-3. In response to this comment, the County has added the following text to Impact 4.3-3 (page 4.3-17) to clarify and expand on the acute and chronic health impacts associated with emissions of ROG and NO_x that exceed VCAPCD thresholds of significance:

As shown in Table 4.3-4, operational activities would result in emissions of ROG and NO_x that exceed the VCAPCD thresholds of significance for both countywide and the Ojai Valley. As discussed in the “Thresholds of Significance” section, VCAPCD developed these thresholds in consideration of achieving and maintaining the NAAQS and CAAQS, which represent concentration limits of criteria air pollutants and precursors needed to adequately protect human health. ~~Therefore, the 2040 General Plan’s contribution to operational criteria air pollutants and precursors could result in greater acute or chronic health impacts compared to existing conditions.~~

The addition of ROG and NO_x, which are precursors to ozone, could result in an increase in ambient concentrations in Ventura County and, moreover, increase the likelihood that ambient concentrations exceed the CAAQS and NAAQS. As summarized in the January 2020 Background Report, human exposure to ozone may cause acute and chronic health impacts including coughing, pulmonary distress, lung inflammation, shortness of breath, and permanent lung impairment. Also, the increase in operational emissions of PM₁₀ could impede air quality planning efforts to bring Ventura County into attainment of the CAAQS for PM₁₀. However, it would be misleading to correlate the levels of criteria air pollutant and precursor emissions associated with implementation of the 2040 General Plan to specific health outcomes to sensitive receptors. While the description of the effects noted above could manifest in the recipient receptors, actual effects on individuals depend on individual factors, such as life stage (e.g., older adults are more sensitive), preexisting cardiovascular or respiratory diseases, and genetic polymorphisms. Even armed with this type of specific medical information (which is confidential to the individual), there are wide ranges of potential health outcomes from exposure to ozone precursors and particulates, from no effect to the effects described above. Therefore, other than determining the types of health effects that could occur, it would be speculative to more specifically correlate exposure to ozone precursors and particulates from the 2040 General Plan to specific health outcomes to receptors. By evaluating emissions of air pollutants against VCAPCD’s thresholds, it is foreseeable that health complications associated with ozone and PM₁₀ exposure could be exacerbated to nearby sensitive receptors by operational emissions.

O5-40 The comment states that the draft EIR does not include an operational threshold for carbon dioxide, PM₁₀, or PM_{2.5}. See response to comment O5-27, above, regarding thresholds of significance. As discussed on page 4.3-5 of the draft EIR, “Specifically, ISAG Section 1 states that the air quality assessment guidelines published by VCAPCD should be used for determining thresholds of significance for air quality impacts.” Regarding the evaluation of particulate matter (both PM₁₀ and PM_{2.5}), VCAPCD’s Air Quality Assessment Guidelines (AQAG) state:

Occasionally, the District may recommend that a project’s potential to affect ambient particulate concentrations be analyzed with an appropriate air pollutant dispersion computer model. The purpose of such an analysis

is to help determine if the amount of dust that will be generated by project-related activities will cause an exceedance of an ambient particulate air quality standard... If the District recommends a particulate modeling analysis, it will provide guidance as to appropriate models and modeling protocols (VCAPCD 2003:6-2).

VCAPCD does not recommend a threshold for every discretionary development project. In neither its NOP scoping comment letter nor its draft EIR comment letter did VCAPCD recommend ambient particulate concentration analysis. However, Mitigation Measures AQ-2a and AQ-2b in the draft EIR aim to reduce fugitive dust emissions associated with construction activities for all future discretionary projects.

Regarding the evaluation of carbon monoxide (CO), VCAPCD has removed its requirement to conduct CO hotspot modeling for discretionary development projects, which was specified in VCAPCD's NOP comment letter for the project (see Appendix A of the draft EIR). VCAPCD stopped monitoring ambient CO levels in early 2004, with the approval of the U.S. Environmental Protection Agency, because Ventura County is in attainment of the NAAQS and CAAQS for CO. The substantial reduction in CO concentrations is due to reductions in CO emissions from mobile sources with the addition of catalytic converters to all vehicles. While CO hotspot modeling was not conducted for this project, it was evaluated for its potential to exceed the CAAQS and NAAQS, which is recommended by VCAPCD. As stated in the AQAG:

The location of a development project is a major factor in determining whether it will cause or be impacted by localized, non-ozone air quality impacts. The potential for adverse localized, non-ozone air quality impacts increases as the distance between the source of such emissions and sensitive populations decreases (VCAPCD 2003:6-1).

Implementation of the 2040 General Plan would result in individual developments throughout the unincorporated area, not in a single location and thus, any CO emissions attributed to individual developments would be highly localized. As noted on page 4.3-20, of the draft EIR, "Ventura County is in attainment for CO and is not projected to exceed CAAQS or NAAQS within the SCCAB..."

Thus, the draft EIR appropriately addressed the project's potential operational impacts related to particulate matter (both PM₁₀ and PM_{2.5}) and CO, per the AQAG published by VCAPCD.

O5-41

The comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopted a final 2040 General Plan. Refer to Master Response MR-4, Section MR-4.A, "County's Authority to Regulate Oil and Gas Development," regarding the policy issues raised by this comment.

- O5-42 The comment requests that the draft EIR state that operational emissions of criteria air pollutant would exceed VCAPCD thresholds prior to the application of mitigation measures. Page 4.3-19 of the draft EIR states: “Because Ventura County is in nonattainment for ozone with respect to the CAAQS and NAAQS and is in nonattainment for PM₁₀ with respect to the CAAQS, future development under the 2040 General Plan could contribute to the existing nonattainment status. This impact would be potentially significant.” Impact 4.3-3 indeed makes a significance determination based on the emissions reported in Table 4.3-4 prior to discussing mitigation. No revisions to the draft EIR are required.
- O5-43 In Section 4.3, “Air Quality,” Impact 4.3-3 (Result in a Net Increase in Long-Term Operational Criteria Air Pollutant and Precursor Emissions That Exceed VCAPCD-Recommended Thresholds) is found to result in a significant and unavoidable impact. Page 4.3-19 of the draft EIR offers this explanation:
- Because Ventura County is in nonattainment for ozone with respect to the CAAQS and NAAQS and is in nonattainment for PM₁₀ with respect to the CAAQS, future development under the 2040 General Plan could contribute to the existing nonattainment status... The 2040 General Plan policies described above require implementation of all feasible mitigation measures for all discretionary development projects. While individual projects may be able to reduce emissions to levels below applicable thresholds, the total emissions attributable to future development under the 2040 General Plan would exceed VCAPCD’s thresholds and would be a considerable contribution to cumulative air pollutants in the region. No additional feasible mitigation is available to reduce this impact.
- The County has demonstrated a good faith effort to identify, evaluate, and mitigate significant impacts. The commenter does not offer any feasible mitigation measures that should be included. There is no improper deferral of mitigation related to increasing emission of criteria air pollutants that exceed VCAPCD thresholds.
- O5-44 Refer to Master Response MR-4, Section MR-4.H, “Buffers (Setback),” regarding the findings and conclusions related to setbacks.
- O5-45 Refer to Master Response MR-6, which explains the County’s approach to utilizing the existing setting information in the Background Report. The comment does not identify what relevant aspects of the regulatory setting are missing from the EIR. Thus, no further response can be provided.
- The second portion of this comment states that there is no single list of sensitive species, but instead there is a list presented in the Background Report (draft EIR Appendix B) and additions to the list included in draft EIR Section 4.1, “Biological Resources.” The Background Report contains full lists of special-status plants and wildlife that may occur in Ventura County based on the best available scientific information in November 2016 (pages 8-32 to 8-44). The draft EIR provides updates to those lists based on updated queries of relevant databases performed during draft EIR preparation in 2019, which resulted in the addition of 75 special-status plant species and 10 special-status wildlife species (refer to

draft EIR Table 4.4-1 starting at page 4.4-2 and Table 4.4-2 starting at page 4.4-7). Discretionary projects under the 2040 General Plan would provide updates to these lists, based on standard practices currently in place, that reflect the best available information at the time the project is proposed and for the relevant project area. It is likely that the number and status of special status plant and wildlife species in the county will change during the approximately 20-year planning period of the 2040 General Plan.

O5-46

The comment states that the draft EIR impermissibly defers analysis of wildlife nursery sites to future analysis. The environmental setting in Section 4.4, “Biological Resources,” discusses native wildlife nursery sites and explains that these sites “are not mapped for the plan area and would need to be identified and evaluated at a project-specific level” (draft EIR page 4.4-10). Analysis is appropriately provided, however, in Section 4.4.2, “Environmental Impacts and Mitigation Measures,” in Impact 4.4-4 (Interfere with Resident or Migratory Wildlife Corridors or Native Wildlife Nursery Sites) beginning on page 4.4-30 of the draft EIR.

Mapping all potential wildlife nursery sites throughout the unincorporated county would be infeasible and unnecessary for evaluation of the 2040 General Plan because these resources are not static and could change during the 20-year plan horizon and the precise location of future development is unknown at this time. Instead, the draft EIR identifies prescriptive mitigation with clear performance criteria to address the potential effects of future discretionary development proposals. Through a proposed implementation program outlined in Mitigation Measure BIO-1, the County would update the Biological Resources Assessment report criteria in the ISAG to evaluate discretionary development that could potentially impact nursery sites. Compensatory mitigation may include restoration of native wildlife nursery sites, preserving the resources through a conservation easement at a sufficient ratio to offset the loss of acreage and habitat function, or purchasing credits at an existing authorized mitigation bank or in lieu fee program (see pages 4.4-23 through 4.4-25 of the draft EIR). As explained on page 4.4-33:

[T]his mitigation measure would routinely reduce project-level impacts to less than significant. However, due to the wide variety of future project types, site conditions, and other circumstances associated with future development, it is possible that there may be instances in which this mitigation measure would not reduce impacts to a less than significant level. Therefore, this impact would be **significant and unavoidable**.

O5-47

Section 4.4, “Biological Resources,” explains that CEQA requires a lead agency to evaluate potential for a project to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. However, because no habitat conservation plans or natural community conservation plans have been adopted within the plan area of the 2040 General Plan, there is no potential for conflict. Therefore, the potential for impact is not evaluated further. Potential for conflict with local policies or ordinances protecting biological resources are evaluated in Impact 4.4-5. Impacts related to potential conflicts with local policies

or ordinances protecting biological resources would be less than significant (draft EIR page 4.4-34).

For clarity, page 4.4-14 is revised as follows:

ISSUES NOT DISCUSSED FURTHER

Consistency with Adopted Habitat Conservation Plans

No habitat conservation plans or natural community conservation plans have been adopted within the plan area of the 2040 General Plan. There would be no impact due to conflict with conservation plans or natural community conservation plans. This issue is not discussed further.

- O5-48 The comment conflates language explaining the typical process of discretionary development approval from the discussion in Section 4.4, “Biological Resources” to mistakenly assert that the draft EIR concludes that impacts to special-status species would be less than significant. In fact, the draft EIR does not conclude that impacts would be less than significant based on compliance with regulations. The draft EIR concludes that impacts on special-status species and habitat (Impact 4.4-1); riparian habitat, sensitive plant communities, Environmentally Sensitive Habitat Areas (ESHA), coastal beaches, sand dunes, and other sensitive natural communities (Impact 4.4-2); wetlands and other waters (Impact 4.4-3); and wildlife corridors and nursery sites (Impact 4.4-4) are all determined to be significant and unavoidable precisely because adherence to local, State, and federal requirements may not result in impacts that are less than significant for all potential discretionary development in the county through 2040.
- O5-49 This comment states that mitigation is not provided to address the impact of invasive nonnative species, which was introduced in Impact 4.4-1 of the draft EIR. Mitigation Measure BIO-1 (New Implementation Program COS-X: Protection of Sensitive Biological Resources) has been edited to incorporate mitigation to prevent the spread of invasive plants, noxious weeds, and invasive wildlife. Refer to response to comment A3-5 for the full revision to Mitigation Measure BIO-1.
- O5-50 The comment states that the draft EIR impermissibly defers responsibility for imposing biological resource mitigation for impacts to riparian habitats to the resource agencies. As discussed above, the draft EIR has not relied on future review by the resource agencies to reduce biological impacts to a less-than-significant level. Refer to response to comment O5-48. The comment references text describing the existing regulatory requirements in the analysis of potential impacts to riparian habitat, sensitive plant communities, ESHA, coastal beaches, sand dunes, and other sensitive natural communities (Impact 4.4-2). The discussion acknowledges the role of the resource agencies in the review and approval of future discretionary development, provides feasible mitigation, and concludes that the impact would be significant and unavoidable because there is a possibility that the mitigation alone will not fully address all impacts “due to the wide variety of future project types, site conditions, and other circumstances associated with future development” (draft EIR page 4.4-28).

- O5-51 This comment states that the draft EIR “implies” that focused surveys for sensitive habitat, avoidance measures, and compensation are required, but that there is no mitigation included that requires it. Impact 4.4-2 on pages 4.4-25 through 4.4-27 includes implementation of Mitigation Measure BIO-1, which is included in full text under Impact 4.4-1 on pages 4.4-23 through 4.4-25. Mitigation Measure BIO-1 includes requirements for reconnaissance-level and focused surveys for sensitive habitats, avoidance measures for these resources, and compensatory mitigation requirements. Impact 4.4-3 and 4.4-4 are handled in the same manner for the respective resources addressed. This issue has been addressed and further response is not required. Refer to response to comment A3-5 for the full text of revised Mitigation Measure BIO-1, which addresses the issues raised by this comment.
- O5-52 Impacts related to historical, archaeological, tribal cultural, and paleontological resources were evaluated on pages 4.5-12 through 4.6-26 of the draft EIR and were determined to be significant and unavoidable. As explained in Impacts 4.5-1 through 4.5-4, protection of resources may not always be feasible, as it is possible that both known and unknown resources could be damaged, altered, or removed as a result of future development under the 2040 General Plan. These significant and unavoidable impact conclusions were determined because it cannot be known at this time, and would be speculative to determine, that implementation of Mitigation Measures CUL-1a, CUL-1b, CUL-1c, CUL-2, CUL-3, CUL-4, or CUL-4 would reduce all potential impacts associated with historical, archaeological, tribal cultural, and paleontological resources to less-than-significant levels. Refer to response to comment O5-6 and O5-8 for additional information related to appropriate level of detail for programmatic analysis of the 2040 General Plan.
- O5-53 The comment asserts that the discussion of environmental settings in the draft EIR energy section and 2040 General Plan are incomplete and does not clearly describe the energy consumption, energy mix, and energy efficiency under the current general plan. The comment also points to an EIR produced by another county as an example of an adequate discussion.
- The draft EIR provides existing natural gas and electricity consumption in the unincorporated county (total and per capita) to inform the analysis conducted in Section 4.6, “Energy.” Refer to Impact 4.6-1 (Result in the Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources or Conflict with or Impede State or Local Plans for Renewable Energy or Energy Efficiency) starting at page 4.6-18. Refer to also Table 4.6-2 (page 4.6-20). The comment does not address what specific information or data are missing from the draft EIR analysis of energy impacts. No further response can be provided.
- O5-54 The comment states that the draft EIR fails to apply two required energy significance thresholds identified in Appendix G of the State CEQA Guidelines. Also, that these thresholds were conflated into a single analysis that concerned only wasteful consumption and did not evaluate conflicts with state and local plans relating to energy.

Both thresholds were applied in a single impact analysis because the state plans and policies for energy efficiency and renewable energy in California are created by the California Energy Commission under authority of the Warren Alquist Act. As stated in the draft EIR, this Act was established to reduce the wasteful, inefficient and unnecessary use of energy resources. Because the terms “wasteful, inefficient and unnecessary” are not explicitly defined in State regulations, the 2040 General Plan’s consistency with policies and plans developed under the Warren Alquist Act, such as the California Energy Commission’s Integrated Energy Policy Report, State energy codes, and Renewable Portfolio Standards indicates that the 2040 General Plan is supporting the state’s vision of actions necessary to abate the wasteful, inefficient and unnecessary consumption of energy resources. The assertion that “no analysis is provided relating whether to 2040 General Plan conflicts with state or local plans relating to energy” is inaccurate. The analysis of Impact 4.6-1 on page 4.6-21 of the draft EIR evaluates the proposed 2040 General Plan’s consistency with the Integrated Energy Policy Report, which is the State’s guiding document on statewide energy resource planning. Page 4.6-22 of the draft EIR evaluates the 2040 General Plan’s consistency with local energy goals adopted by the Ventura County Regional Energy Alliance.

O5-55 The comment asserts that the draft EIR fails to adequately identify policies that will reduce impacts relating to wasteful and inefficient energy consumption and that the energy impact conclusion is unfounded and not supported with evidence. It additionally asserts that there are only two proposed policies (COS-8.7 and COS-U) for ensuring that there is no wasteful or inefficient energy consumption across the entire 2040 General Plan area for the next 20 years.

The energy section was produced in compliance with the thresholds included in Appendix G of the State CEQA Guidelines and the draft EIR impact conclusion of less than significant is supported by substantial evidence, with the draft EIR discussion starting at page 4.6-20 listing numerous policies and programs beyond Policy COS-8.7 and Implementation Program COS-U that support reducing energy waste and inefficiency. The draft EIR does not identify additional policies to “reduce impacts,” as the conclusion is that a less-than-significant impact would result from implementation of the 2040 General Plan. Therefore, no additional response is needed.

O5-56 The comment states that the draft EIR’s conclusions regarding consistency of the 2040 General Plan with statewide renewable energy plans and policies on pages 4.6-20 and 4.6-21 are not supported by substantial evidence because specific policies are not listed or evaluated.

As explained in the draft EIR, the “State’s planning for renewable energy is expressed through laws and regulations that mandate the deployment of renewable and clean energy generation at the building and utility scales” (page 4.6-20). The analysis explains that the 2040 General Plan would not conflict with or hinder the County’s compliance with these regulations. In fact, the analysis provides specific examples of how the 2040 General Plan would support attaining State standards. Specific policies cited in the analysis include the 2019

Building Energy Efficiency Standards, the State's renewable portfolio standards, and local goals set by Ventura County Regional Energy Alliance.

The state's overarching policy for renewable energy is the renewable portfolio standards which apply to electric utilities, not local governments. Renewable energy requirements for new construction are embedded into the mandatory energy code requirements for residential buildings in Title 24 Part 6 of the 2019 California Energy Code, which the County is currently enforcing through its building permit process. Statewide policies for renewable energy are also found in the 2019 Integrated Energy Policy Report, which guides State agency decision making, and within the Integrated Resource Management Plans of electric utilities, which guide decisions made by those entities. These policies and plans are described in the energy analysis found in Section 4.6, "Energy," of the draft EIR. The commenter does not provide any specific examples of other State plans for renewable energy believed to be missing from the analysis. Therefore, no revisions to the draft EIR have been made in response to this comment.

- O5-57 Refer to response to comment O5-53, above, which explains that the environmental setting included in the Background Report and draft EIR is adequate for the draft EIR's analysis of energy impacts. The comment also expresses concerns about the employment data provided for the oil and gas industry in the Background Report. This information is largely outside the scope of the analysis in the draft EIR because economic and social changes are not considered significant effects on the environment. These factors are considered by public agencies together with technological and environmental factors when "deciding whether changes in a project are feasible to reduce or avoid significant effects on the environment identified in the EIR" (State CEQA Guidelines Section 15131[c]). While this information must be in the record to allow the lead agency to consider the factors in reaching a decision, there is no requirement that it be incorporated into the EIR. Refer to Master Response MR-6 for additional discussion about how the Background Report was used to inform the analysis in the draft EIR.
- O5-58 Refer to Master Response MR-6, which explains the County's approach to utilizing the existing setting information in the Background Report. The draft EIR (on page 4.7-1) refers readers to the specific section of the Background Report (i.e., Section 11.1, "Geologic and Seismic Hazards") where the regulatory setting for geologic hazards can be found. The comment does not identify what relevant aspects of the regulatory setting are missing from the EIR. Thus, no further response can be provided.
- O5-59 The comment asserts that the GHG reduction targets derived for the County are not based on substantial evidence and that the 2040 General Plan uses the same reduction targets as the State. Targets for reductions in mass GHG emissions are based on a local emissions inventory. These are aligned with State reduction targets and goals, as addressed further in Master Response MR-1.C.
- O5-60 The comment suggests that two threshold options presented in the GHG analysis of the draft EIR are unsubstantiated and that they are based on 2020 targets that are inappropriate. The two options included in VCAPCD's *Greenhouse Gas*

Thresholds of Significance Options for Land Use Development Projects in Ventura County are described in the draft EIR to set a context for local interpretations of GHG significance thresholds. However, because they are based on 2020 targets, the analysis and impact conclusions of the draft EIR do not rely on either option presented for significance determination. As stated on page 4.8-11 of the draft EIR, “The thresholds used to analyze potential environmental impacts in this draft EIR are based on the criteria set forth in Appendix G, Section VIII with the additional sections of the State CEQA Guidelines described in the previous headings used as indicators to determine consistency with the overarching objectives sought by the criteria.” The significance thresholds used in the draft EIR include whether implementation of the 2040 General Plan would:

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

No revisions to the draft EIR have been made in response to this comment.

O5-61 The comment asserts that Policies COS-7.2, COS-7.4, and COS-7.7 and Implementation Program COS-M are likely preempted by federal law, violate existing property rights or are infeasible, and that the draft EIR analysis of GHG emissions is erroneous because it includes these policies and program. This comment has been noted by the County; however, the comment does not elaborate on which federal law, types of property rights, or indicators of feasibility could potentially be affected by these policies and this program. Nor does the comment explain why the draft EIR GHG emissions analysis is “erroneous” because it includes these policies and this program. The draft EIR properly analyzes the physical environmental consequences of implementation of the 2040 General Plan, including the above-mentioned policies and program. Also refer to Master Response MR-4 regarding the feasibility of 2040 General Plan policies related to oil and gas.

O5-62 The comment questions why GHG reductions are shown for 2030 when the horizon year of the General Plan is 2040. As discussed on page B-13 in Appendix B, “Climate Change,” of the Draft 2040 General Plan, “The GHG Strategy is primarily focused on achieving the 2030 target and making substantial progress in achieving the longer-term post-2030 goals.” This is because the State has only set legislatively mandated GHG reduction targets for 2020 and 2030. The draft EIR provides GHG emissions forecasts (Table 4.8-2) and reduction targets for 2030 and 2040 (Table 4.8-3) but, as described on page 4.8-39 of the draft EIR, “The actual benefit accrued for many of these policies and implementation programs cannot be quantified at this time and in advance of 2040 General Plan adoption because data are not available or the degree to which residences and businesses are likely to participate is unknown.”

The comment also asserts that the 2040 General Plan should be considered for its consistency with the State's reduction targets as applied to 2040. As shown in Table 4.8-3 on page 4.8-7 of the draft EIR, GHG reduction targets were determined in 10-year increments, including 2020, 2030, 2040, and 2050. The 2040 reduction target developed for the County is based on an interpolation between the State-mandated 2030 target pursuant to SB 32 of 2016 and the long-term reduction goal for 2050 pursuant to EO S-3-05. As stated on page 4.8-50 of the draft EIR: "The State has not developed a plan or approach identifying the policies needed to meet the State's post-2030 reduction targets." However, as addressed in Impact 4.8-2 of the draft EIR, the 2040 General Plan is evaluated for its consistency with applicable plans, policies, and regulations for the purpose of reducing GHG emissions. In regards to the State's GHG targets, page 4.8-50 of the draft EIR explains, "Implementation of the 2040 General Plan, in combination with State laws, regulations, and programs, would result in a downward GHG emissions trajectory for the county that supports the Statewide reduction target for 2030 identified in 2017 Scoping Plan and the State's post-2030 reduction goals, including the Executive Order S-3-05 goal of reducing Statewide emissions to 80 percent below 1990 levels by 2050." The draft EIR evaluates the project's consistency with the State's long-term GHG reduction goals. No revisions to the draft EIR have been made in response to this comment.

- O5-63 Refer to Master Response MR-6, which explains the County's approach to utilizing the existing setting information in the Background Report. The draft EIR (on page 4.9-1) refers readers to the specific sections of the Background Report (i.e., Section 3.9, "Other Agency Plans;" Section 6.5, "Goods Movement;" Section 6.6, "Aviation Facilities and Services;" Section 11.3, "Wildfire Hazards;" Section 11.4, "Aviation Hazards;" Section 11.5, "Hazardous Materials;" and Section 12.2, "Climate Change Effects") where the regulatory setting for hazards, hazardous materials, and wildfire can be found. The comment does not identify what relevant aspects of the regulatory setting are missing from the EIR. Thus, no further response can be provided.
- O5-64 The comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. Refer to Master Response MR-4, Section MR-4.A, "County's Authority to Regulate Oil and Gas Development," regarding the policy issues raised by this comment. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O5-65 The comment states that the analysis of Impact 4.9-1 does not consider the existing oil and gas operations and the potential impacts of new County policies. The analysis under Impact 4.9-1 (Create a Significant Hazard to the Public or the Environment Through the Routine Transport, Use, or Disposal of Hazardous Materials or Hazardous Waste) includes text describing the land use diagram of the 2040 General Plan. The percentage of land in the Rural and Open Space designations currently used for oil and gas exploration is not relevant to this discussion because the EIR analyzes the effects of future land uses under the 2040 General Plan.

Similarly, trucking of oil and gas is an existing practice in the County. There is no allegation of impact in the draft EIR. The EIR is not tasked with validating, or providing justification for, land use policies in the 2040 General Plan; rather, the EIR evaluates whether implementation of the 2040 General Plan land use diagram, policies, and implementation programs would result in potential environmental effects.

The physical effects of pipeline construction are evaluated throughout the draft EIR and are within the body of the potential ground disturbance assumed with implementation of the 2040 General Plan. The draft EIR explains that, “(p)roposed policies of the 2040 General Plan addressing flaring and trucking associated with new discretionary oil and gas wells could result in the construction and operation of new pipelines for the conveyance of oil, gas, or produced water.” (page 4.9-12) Although there are constraints on siting linear utilities, they are installed throughout the unincorporated county. For further discussion of the proposal to require new oil and gas wells subject to discretionary approval to use pipelines to transport oil and produced water, refer to Impact 4.12-4 (Result in the Loss of Availability of a Known Petroleum Resource That Would Be of Value to the Region and the Residents of the State) beginning on page 4.12-22 of the draft EIR and Master Response MR-4.

The determination of significance is based on compliance with State law, federal law, and 2040 General Plan policies and implementation programs that would substantially lessen potential impacts related to the use, storage, transport, or disposal of hazardous materials or hazardous waste. As stated in the comment, specific policies and implementation programs in the 2040 General Plan are cited in reaching this conclusion.

The analysis on page 4.9-12 of the draft EIR states:

In addition to existing State and federal laws and permitting processes, the 2040 General Plan would include several policies and implementation programs that would reduce potential impacts related to hazardous materials and hazardous waste. For example, Policies HAZ-5.1, HAZ-5.3, HAZ-5.4, HAZ-5.6, and HAZ-12.3 address hazardous materials by directing the County to manage its own hazardous materials and provide regulatory oversight for discretionary projects and all facilities that store, use, or handle hazardous materials. Policies HAZ-5.2, HAZ-5.5, HAZ-5.8, and HAZ-7.1 provide guidance for the location, operation, and management of discretionary developments, including oil and gas exploration and production sites such that future development would reduce potential impacts to public health and the environment. Implementation Program J protects people and the environment from hazardous materials and waste by requiring all businesses that handle hazardous materials to prepare Hazardous Materials Business Plans and Hazardous Materials Response Plans to ensure that emergency response plans for potential inadvertent release of hazardous materials or waste are maintained and monitored. Implementation Programs K and L require County facilities that could be the source of a marine or onshore oil spill to share their prevention and response plans with regulatory and emergency agencies.

The term “substantial evidence,” as used in the State CEQA Guidelines (Section 15284), means “enough relevant information and reasonable inferences from this information that a fair argument can be made to support the conclusion.” The evaluation in Impact 4.9-1 provides substantial evidence to support the conclusion. No revisions to the draft EIR have been made in response to this comment.

- O5-66 The comment states that Impacts 4.9-2 and 4.9-3 reference County Policies HAZ-5.2, HAZ-5.5, HAZ-5.8, and HAZ-7.1 and Implementation Programs K and L, but does not analyze of how these policies and programs would reduce potential impacts. As described above in response to comment O5-65, these impact determinations are based on compliance with existing regulations in conjunction with the policies and programs proposed in the 2040 General Plan. Both impact discussions state that Policies HAZ-5.2, HAZ-5.5, HAZ-5.8, and HAZ-7.1 provide guidance for the location, operation, and management of discretionary developments, including oil and gas exploration and production sites, that would minimize the potential for adverse effects to people and the environment in the event of accidental spills. The conclusions reached in the draft EIR are supported by substantial evidence, providing decision-makers and the public with the information required by CEQA to support the statutory goals of the CEQA process. No revisions to the draft EIR have been made in response to this comment.
- O5-67 The comment states that the draft EIR does not consider impacts associated with prohibiting development in certain locations and impacts associated with water usage. The analysis of Impact 4.10-1, which begins on page 4.10-6 of the draft EIR, evaluates whether implementation of the 2040 General Plan would decrease the net quantity of a groundwater basin that is overdrafted or result in overdraft of a basin. Policy HAZ-2.1 limits land use in the regulatory floodway to open space, agriculture, or passive to low intensity recreational uses so that the floodway’s principle use is safe conveyance of floodwater. Through Policy HAZ-4.14, the County would not allow development in potential seiche hazard areas unless a geotechnical engineering investigation is performed and appropriate safeguards are incorporated into the project design.
- In both cases, the policies would apply to limited areas within or adjacent to surface waters that would not support substantial development and associated groundwater use. Therefore, an analysis of indirect effects on groundwater withdraw due to implementation of the policies is not included in the draft EIR.
- O5-68 The comment states that the draft EIR does not support its conclusions regarding water quality and overdraft with substantial evidence. Impact 4.10-3, beginning on page 4.10-10 of the draft EIR, evaluates whether implementation of the 2040 General Plan would result in any increase in groundwater extraction in areas where the groundwater basin and/or hydrologic unit condition is not well known or documented and there is evidence of overdraft based upon declining water levels in a well or wells. The analysis that follows provides sufficient evidence to support the less than significant impact conclusion.

Although “a precise, project-level analysis of impacts to underlying groundwater basins of any future development under the 2040 General Plan cannot be performed at this time” due to the “programmatic nature of the 2040 General Plan,” the County notes that “all future development subject to the County’s discretionary approval during the plan horizon of the 2040 General Plan would be analyzed for potential impacts according to CEQA” (see page 4.10-10 of the draft EIR). The analysis continues (draft EIR page 4.10-11),

County Ordinance 4468 prohibits new water wells in the unincorporated county in many groundwater basins, limiting groundwater extraction within the county. These prohibitions would not be removed until GSAs are formed and have completed GSPs per the SGMA (Appendix B). The regulatory framework established by SGMA sets forth requirements under which groundwater basins will be characterized, monitored, and regulated. This is anticipated to substantially reduce the uncertainty of consequences associated with groundwater extraction.

Therefore, the County has based its conclusion on the regulatory framework established by SGMA, the project-level CEQA evaluation required for subsequent projects, and the limited extraction that can occur under Ordinance 4468 prior to adoption of groundwater sustainability plans. These provide relatively prescriptive requirements of discretionary development under the 2040 General Plan to support the conclusion that the plan would not result in groundwater extraction in areas where there is evidence of overdraft.

Refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.

O5-69

The comment asserts that the analysis of Impact 4.10-6 (Impact 4.10-6: Increase Surface Water Consumptive Use (Demand) in a Fully Appropriated Stream Reach, as Designated by SWRCB, or Where Unappropriated Surface Water Is Unavailable) beginning on page 4.10-13 of the draft EIR relies on and “uncertain and unstable water supply,” calling into question the subsequent impact determination. The comment does not provide further specifics about which data is unstable or how that could affect the significance determination. Therefore, a detailed response to this concern cannot be provided.

Note that this threshold is intended to look at potential effect of consumptive use only on fully appropriated stream reaches. As defined in the draft EIR (page 4.10-3), these are streams where “there is insufficient supply, during specified months or year-round, for new water right applications.” The designation of “fully appropriated” is made by SWRCB. The analysis concludes that the impact is less than significant because the appropriation of water occurs at the State level, the County cannot authorize additional consumptive use of these waters. Further, discretionary development is required to demonstrate provision of access to adequate water supply through the permit application process.

For additional discussion of the potential effects of consumptive use, the commenter is referred to Impact 4.10-1 (Directly or Indirectly Decrease the Net Quantity of Groundwater in a Groundwater Basin That Is Overdrafted or Create

an Overdrafted Groundwater Basin) on page 4.10-6 of the draft EIR, Impact 4.10-2 (Result in Net Groundwater Extraction That Causes Overdrafted Basins in Groundwater Basins That Are Not Overdrafted or Are Not in Hydrologic Continuity with an Overdrafted Basin) on page 4.10-9, Impact 4.10-3 9 (Result in Any Increase in Groundwater Extraction in Areas Where the Groundwater Basin and/or Hydrologic Unit Condition Is Not Well Known or Documented and There Is Evidence of Overdraft Based upon Declining Water Levels in a Well or Wells) on page 4.10-10, and Impact 4.10-7 (Increase Surface Water Consumptive Use (Demand) Including Diversion or Dewatering Downstream Reaches, Resulting in an Adverse Impact on One or More of the Beneficial Uses Listed in the Applicable Basin Plan) on page 4.10-15.

- O5-70 The comment states that the draft EIR does not analyze or reconcile the inconsistency between the 2040 General Plan and the Ventura Avenue Plan. As described in Chapter 3, "Project Description," (draft EIR page 3-10) the County assessed the goals, policies, and programs in the existing Area Plans as part of the General Plan update process. The North Ventura Avenue Area Plan was reviewed and assessed to compare the Area Plan goals, policies, and programs with 2040 General Plan goals, policies, and programs to ensure internal consistency. The North Ventura Area Plan is a component of the 2040 General Plan under evaluation in the draft EIR.
- Specific to petroleum resources, the County determined that no policies or programs unique to the North Ventura Avenue Area Plan were relevant to the evaluation of potential effects related to oil and gas under the established thresholds of significance (draft EIR page 4.12-7). Whether an Area Plan contemplates or intends to offer support to any particular industry is outside the scope of the environmental analysis. No revisions to the draft EIR have been made in response to this comment.
- O5-71 Refer to Master Response MR-3 for discussion of why the draft EIR correctly excludes discussion and analysis of the County's projected housing needs for the 2020 Regional Housing Needs Assessment allocation and 2021-2029 Housing Element update.
- O5-72 Refer to Master Response MR-6, which explains the County's approach to utilizing the existing setting information in the Background Report. The draft EIR (on page 4.11-1) refers readers to the specific sections of the Background Report (i.e., Chapter 3, "Land Use," and Section 8.3, "Scenic Resources") where the regulatory setting for land use and planning can be found. The comment does not identify what relevant aspects of the regulatory setting are missing from the EIR. Thus, no further response can be provided.
- O5-73 The comment suggests that there is a lack of evidence to support the assumption provided in the methodology for determining potential land use impacts that "the 2040 General Plan would comply with relevant Guidelines for Orderly Development, greenbelt agreements, and the Save Open Space & Agricultural Resources (SOAR) initiative measure for Ventura County's unincorporated areas" (draft EIR page 4.11-2). However, the comment does not provide

substantial evidence that the County's proposed General Plan would conflict with the County's existing guidelines and agreements.

Subsequent projects under the jurisdiction of the County's discretionary approval would be reviewed for compliance with the 2040 General Plan, as well as relevant Guidelines for Orderly Development, greenbelt agreements, and SOAR. Where regulatory requirements or permitting requirements exist, it is assumed that compliance with these regulations would occur. The draft EIR identifies mitigation measures (i.e., new and revised policies and programs) only where there is not an existing, mandatory permit process or regulatory requirement with clear performance standards and prescriptive actions to address potential environmental effects. Refer also to Master Response MR-2 for discussion of 2040 General Plan consistency with the Guidelines for Orderly Development and SOAR initiative.

- O5-74 Refer to response to comment O5-70. The Area Plans are part of the whole of the project under evaluation. The ISAG threshold requiring an analysis of consistency with applicable Area Plans is designed for project-level review. Here, application of the thresholds would result in a circular analysis of whether the 2040 General Plan is compatible with itself.
- O5-75 The comment states that the draft EIR's land use analysis relies on an unclear project description. The Existing Community and Urban land use designations have been converted to area designations that encompass the more specific land use designations established in the 2040 General Plan. Chapter 3, "Project Description," of the draft EIR (page 3-5) explains that the "current Existing Community and Urban designations were retained as new area designations in the 2040 General Plan." The designations are depicted in Figure 3-3 and defined as key terms on pages 3-21 and 3-22. The Existing Community area designation (2040 General Plan Policy LU-1.2 and policies under Goal LU-3) identifies existing urban residential, commercial, or industrial enclaves located outside areas designated as Urban. This designation recognizes existing land uses in unincorporated areas that have been developed with urban building intensities and urban land uses; contains these enclaves within specific areas to prevent further expansion; and limits the building intensity and land use to previously established levels. The Urban area designation, referred to in the County's SOAR initiative, is used to depict existing and planned urban centers. These include commercial and industrial uses, as well as residential uses where the building intensity is greater than one principal dwelling unit per 2 acres. In the existing General Plan, Urban was a land use designation that described allowable land uses. In the 2040 General Plan, this is an "area" designation that is only used to define a geographic area for purposes of SOAR implementation. These issues are discussed in more detail Master Response MR-2.
- O5-76 Refer to Master Response MR-3 regarding RHNA and the timing of the 2040 General Plan.
- O5-77 The draft EIR analyzes, at a programmatic level, the physical changes that could occur upon implementation of the 2040 General Plan. While policies and programs relevant to each resource topic (specifically, those relevant to the

impact analysis performed under the significance criteria for that topic) are identified throughout the draft EIR in Sections 4.1 through 4.17, the complete draft 2040 General Plan was reviewed in preparation of the draft EIR. Policy LU-4.2 is specifically considered in the analysis of Impact 4.11-1 (Result in Physical Development That Is Incompatible With Land Uses, Architectural Form Or Style, Site Design/Layout, Or Density/Parcel Sizes Within Existing Communities). The policy requires the County to “ensure that zoning designations are consistent with the General Land Use Diagrams.” The physical effects of implementing the land use diagram in the 2040 General Plan are analyzed throughout the draft EIR. Therefore, all reasonably foreseeable direct and indirect impacts of a zoning code consistent with the General Plan Land Use Diagram were evaluated in the draft EIR. No improper segmentation of the project has occurred. Also, refer to response to comment O5-20, which explains that if a zoning ordinance update is required, the reasonably foreseeable impacts of changes related to the new Parks and Recreation land use designation have been evaluated in the draft EIR, consistent with the requirements of CEQA.

O5-78

The comment states that the draft EIR relies on 2040 General Plan Policy LU-17.4 and asserts that this policy is likely inconsistent with vested rights and/or preempted by State or federal law. This policy prohibits the introduction of new incompatible land uses and environmental hazards that would have health implications into or abutting existing residential areas, in particular, within designated disadvantaged communities. In evaluating the feasibility Policy LU-17.4, the County determined that the term “health implications” needed further clarification for policy implementation. Therefore, in response to this comment, the County has revised Policy LU-17.4 to provide clarity on the location of new discretionary projects in the vicinity of residential areas and designated disadvantaged communities and replacing the term “health implications” with “substantial adverse health impacts” on an area’s residents. The revisions to Policy LU-17.4 are provided in the Ventura County Planning Commission hearing materials for July 16, 2020 (see exhibit for “Planning Division Recommended Revisions to the 2040 General Plan”).

The County would apply this policy when considering future, discretionary actions. The policy would not preempt applicable federal or State law. The County’s authority to consider incompatibility and hazards to existing land uses when it considers whether to approve discretionary development is derived from the County’s Non-Coastal Zoning Ordinance (NCZO) and Coastal Zoning Ordinance (CZO). Specifically, NCZO Section 8111-1.2.1.1 states that a permit for any discretionary development shall be granted only if specific factual findings can be made by the appropriate County decision-making authority. The findings in this section include among other findings, the following:

- a. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code;
- b. The proposed development is compatible with the character of surrounding, legally established development;

- c. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses;
- d. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare; and
- e. For Conditional Use Permits only, the proposed development is compatible with existing and potential land uses in the general area where the development is to be located.

In addition, CZO Section 8181-3.5, states a permit for any discretionary development shall be granted only if specific factual findings can be made by the appropriate County decision-making authority including, among other findings, the following:

- a. The proposed development is consistent with the intent and provisions of the County's Certified LCP;
- b. The proposed development is compatible with the character of surrounding development;
- c. The proposed development, if a conditionally permitted use, is compatible with planned land uses in the general area where the development is to be located.
- d. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses; and
- e. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare.

The draft EIR acknowledges Policy LU-17.4 in Section 4.11, "Land Use and Planning," and considers application of the policy, in conjunction with several other policies and existing laws and regulations, in the impact analysis conducted under Impact 4.11-1 (Result in Physical Development That Is Incompatible With Land Uses, Architectural Form Or Style, Site Design/Layout, Or Density/Parcel Sizes Within Existing Communities) and Impact 4.11-2 (Result in Physical Development That Would Divide An Established Community). Policy LU-17.4 is not the sole basis for the impact conclusions in Impact 4.11-1 and Impact 4.11-2. The revisions to Policy LU-17.4 would not change the impact conclusions of Impact 4.11-1 or 4.11-2. Section 4.11 specifically describes oil and gas wells as examples of future development that would be allowed under implementation of the 2040 General Plan (page 4.11-18).

The commenter also states that the draft EIR does not explain why the 2040 General Plan does not include a "similar prohibition" regarding location of new residential land uses adjacent to existing or likely future land dedicated to oil and gas use. CEQA requires evaluation of the environmental effects of a project; it does not require explanation of why components of the project are not included in the project. The reference to a "similar prohibition" on new residential uses is noted and will be forwarded to the decision-making bodies for consideration.

- O5-79 The comment states that the draft EIR does not analyze the land use impacts (and all other impacts) associated with the new 2040 General Plan land use designations. As explained under the heading “2040 General Plan Land Use Designations” beginning on page 3-4 of Chapter 3, “Project Description,” in the draft EIR, “the 2040 General Plan would establish 15 land use designations that provide more detailed information on the types of land uses (e.g., commercial, industrial, residential) that would be allowable within areas currently designated as Existing Community and Urban land use designations” to “clearly distinguish the land uses allowed and set forth maximum development density and intensity standards.”. The remaining four land use designations would be unaffected. Therefore, there would be a total of 19 land use designations under the 2040 General Plan. The project description also explains that the “2040 General Plan land use designations would be consistent with land uses and densities/intensities allowed under the current (2018) zoning designations for each affected parcel” (draft EIR page 3-4). Therefore, there is no potential for incompatibility to address in the analysis. Refer to Master Response MR-2 regarding the 2040 General Plan Land Use diagram for additional discussion.
- O5-80 The commenter asserts the project description is vague and inconsistent and results in unsupported conclusions regarding land use compatibility. The degree of specificity in an EIR project description corresponds to the degree of specificity available for the underlying activity being evaluated (State CEQA Guidelines, § 15146). Project-specific detail is not required for descriptions of general plans and other high-level programs because details about specific subsequent projects typically are not known and will be addressed in future project-specific CEQA documents. When a lead agency is using the tiering process for a large-scale planning approval such as for a general plan, the development of detailed site-specific information about specific projects may not be feasible and can be deferred to future project-specific CEQA documents (CEQA Guidelines, § 15152(c); AEP 2016).
- In the evaluation of Impact 4.11-1 (Result in Physical Development That Is Incompatible With Land Uses, Architectural Form Or Style, Site Design/Layout, Or Density/Parcel Sizes Within Existing Communities), the County enumerates nearly 30 policies included in the 2040 General Plan that support the conclusion that “the 2040 General Plan would not result in physical development that is incompatible with existing land uses, architectural form or style, site design/layout, or density/parcel sizes within existing communities” (draft EIR page 4.11-21).
- Policy LU-4.1, which is a modification of an existing General Plan policy, establishes that the “County shall maintain and implement a Land Use Diagram for purposes of describing the types of allowed land uses by geographic location and the density and/or intensity of allowed uses within each designation.” Policy LU-4.2, also a modification of an existing policy, states that the “County shall ensure that zoning designations are consistent with the General Land Use Diagrams” and sets forth “factors to determine the appropriate zone classification (from among those consistent with the appropriate land use designation).” The commenter is correct that the policies do not establish intensity and density

requirements directly; but they require the County to maintain a Land Use Diagram that illustrates the location of distinct land use designations within the county, and that each land use designation has an established maximum allowed intensity and/or density. Therefore, these policies need to be taken in the context of the information presented in Section 2.2 of the 2040 General Plan. Section 2.2 presents all of the land use designations allowed in the county, and therefore, the Land Use Diagram referenced in Policy LU-4.1. Specifically, the Land Use Diagram relies on the description of density and/or intensity presented on Table 2-2. This supports the draft EIR conclusions regarding land use compatibility.

Relative to the description of future land uses, the draft EIR provides 2040 General Plan Land Use for the Northern County and Southern County in Figures 3-2a and 3-2b, respectively. These draft EIR figures are accompanied by Table 3-2 (pages 3-14 and 3-15), which provides a description of each land use designation and the total acreage and percentage of county land covered by each designation, and a narrative describing the types of future development that would occur countywide under implementation of the 2040 General Plan land use designations (pages 3-14 to 3-19).

Similarly, Policy LU-6.1 is one of many policies in the 2040 General Plan that would reduce potential for conflict with agricultural land uses. Through this new policy, the County would “require non-agricultural land uses adjacent to agricultural uses to incorporate adequate buffers (e.g., fences, setbacks) to limit conflicts with adjoining agricultural operations.” Although the policy does not establish the exact buffer distances, adequacy of which would be determined by the County at the project level, this policy does support the conclusion that the 2040 General Plan would have a less-than-significant impact related to incompatibility with agricultural form or style by providing a mechanism for the County to require these measures.

For the purpose of clarity, the second and third sentences on page 4.11-21 are revised as follows:

For example, Policies LU-4.1 and LU-4.2 would reduce incompatible land uses by requiring that the County specifying densities and/or intensities of allowed uses within each land use designation and maintaining continuity with neighboring zoning, land uses, and parcel sizes. Policies LU-6.1, LU-7.1 through 7.3, and LU-8.1 through LU-8.4 reduce incompatible uses within agricultural areas by requiring specifying buffers for non-agricultural use, and specifying allowable coverage, and allowable uses within those areas.

These revisions clarify the analysis provided in the draft EIR and do not present substantial new information or change the impact conclusions of the draft EIR. Refer to Master Response MR-2 for discussion of the adequacy of the draft EIR project description.

O5-81 The comment states that the draft EIR's analysis and conclusions regarding division of an established community are not based on substantial evidence. Appendix G, question XI.a, evaluates whether a project would physically divide

an established community. This threshold is addressed in Impact 4.11-2. The conclusion reached is not based on a single policy and the draft EIR does consider the effects of infrastructure improvements.

The analysis on page 4.11-22 states, in part: “Future development and other physical changes under the 2040 General Plan have the potential to divide an established community if infrastructure (e.g., roadways, utilities)...are developed within an established community...As described above under Impact 4.11-1, there are numerous policies in the 2040 General Plan that would provide for land use compatibility to ensure that established communities remain intact while accommodating future development and other physical changes that would occur under the 2040 General Plan.”

- O5-82 Refer to Master Response MR-3 for discussion of why the draft EIR correctly excludes discussion and analysis of the County’s projected housing needs for the 2020 Regional Housing Needs Assessment allocation and 2021-2029 Housing Element update.
- O5-83 The comment expresses concern about the length of the draft EIR land use impact analysis. As explained on page 4.11-2 of the draft EIR, implementation of the 2040 General Plan would have a significant impact on land use and planning if it would: result in physical development that is incompatible with existing land uses, architectural form or style, site design/layout, or density/parcel sizes within any communities; result in the physical division of an established community; or cause a significant environmental impact due to a conflict with a regional plan, policy, or program adopted for the purpose of avoiding or mitigating an environmental effect. These thresholds are addressed at an appropriate programmatic level in the draft EIR.
- The comment does not provide specific examples of deficiencies in the analysis. As such, no further response can be provided.
- O5-84 Refer to Master Response MR-6, which explains the County’s approach to utilizing the existing setting information in the Background Report. Refer to Master Response MR-4, Section MR-4.L, “Oil Reserves,” regarding the findings and conclusions related to access to oil reserves.
- O5-85 Refer to Master Response MR-4, Section MR-4.L, “Oil Reserves,” regarding the findings and conclusions related to access to oil reserves. The information in the comment would not alter findings or analysis in the EIR.
- O5-86 The comment asserts that Section 4.12, “Mineral and Petroleum Resources,” lacks an adequate description of the existing regulatory setting; noting that the regulations presented are “only a fraction of” the relevant regulatory framework. The comment does not, however, provide any specific regulations that are absent from the regulatory setting which would inform the analysis or conclusions in the draft EIR. Therefore, no further response can be provided. Note, however, that the County has revised the regulatory setting to include an enhanced discussion of CALGEM’s regulations. Refer to Chapter 3, “Revisions to the Draft EIR.”

O5-87 Refer to Master Response MR-4, Section MR-4.L, “Oil Reserves,” regarding the findings and conclusions related to access to oil reserves. The effects on oil reserves were determined to be significant; information indicating increased reserves would not alter this analysis or findings.

O5-88 The comment states that the draft EIR makes a conclusory statement regarding the 2040 General Plan’s consistency with mineral resource goals and policies in the Area Plans. Refer to response to comment O5-70.

Section III.A. of the North Ventura Avenue Area Plan (NVAP) provides a discussion of the intent and rationale behind the land use designations in the plan. Page 12 of the NVAP, under the heading “6. Oilfield Industrial (Oil Extraction Industrial)” reads, in part:

The new Oilfield Industrial category is intended to designate those areas where oil extraction uses are located. Such uses would include the removal, transfer and storage of crude oil and related products prior to refining...It is the intent that any conversion of oilfield industrial land to industrial uses be subject to the submittal of a master plan of public services for the site, which would evaluate the availability and capacity of public services and the impacts of the conversion on those services and provide programs for mitigating deficiencies. Areas which are converted should be located such that they can be annexed to the City and make adequate provision for access to the remaining oilfields...The 67 acre hillside parcels located south of Shell Road (extended) and east of Ventura Avenue are designated “Oilfield Industrial.” Most of the area is in oil production and is characterized by severe topographic constraints. The oilfield industrial category shall apply only after annexation to the City. The County’s “Open Space” designation, as noted on the General Land Use map (Appendix C), shall control until annexation takes place. All new or expanded oilfield development shall meet County standards for oil drilling and extraction uses until such time as the City may adopt oilfield development standards, and any other requirement that may be necessary to adequately buffer and protect surrounding areas.

The 2040 General Plan would not change the land use designations of the NVAP or require the phase-out of existing oil and gas operations. Furthermore, the 2040 General Plan does not include any new Area Plan, goals, policies, programs or land use designations, inclusive of the NVAP and its planning area. Therefore, this comment does not raise issues that would change the impact conclusions of the draft EIR related to minerals and petroleum resources. Specifically, as described in Section 4.12, “Mineral and Petroleum Resources,” the land use designation would not result in development on or adjacent to existing petroleum extraction sites or areas where petroleum resources are zoned, mapped, or permitted for extraction, which could hamper or preclude access to the resources (refer to Impact 4.12-3 beginning on page 4.12-11 of the draft EIR); nor would it result in the loss of availability of a known petroleum resource that would be of value to the region and the residents of the State (refer to Impact 4.12-4 beginning on page 4.12-22 of the draft EIR).

O5-89 Refer to Master Response MR-4, Section MR-4.A, “County’s Authority to Regulate Oil and Gas Development,” regarding the findings and conclusions related to the feasibility of legally enforcing the policies. Additionally, the commenter asserts that Policies COS-7.7 and 7.8 are preempted, as a local agency cannot eliminate the use of trucking of oil or limit flaring to County-defined instances of “testing” or “emergency” as these activities are governed by State and federal law. Policy COS 7.8 (Gas Collection, Use, and Disposal) as proposed in the 2040 General Plan and revised through draft EIR Mitigation Measure PR-3 allow for flaring or venting in cases of emergency or for testing purposes. However, Policy COS-7.8 in the draft General Plan (page 6-13) does not require that flaring or venting in cases of emergency or for testing be consistent with federal, State, and local regulations. Therefore, should the Board of Supervisors (Board) not to adopt Mitigation Measure PR-3, County staff would recommend revisions to Policy COS-7.8 to ensure consistency with state and federal law outside of the EIR process.

Policy COS 7.7 (Conveyance for Oil and Produced Water) as proposed in the 2040 General Plan (page 6-12) does not allow for trucking in cases of emergency or for testing purposes. Mitigation Measure PR-2 in the draft EIR (page 4.12-31) allows for trucking of crude oil and produced water in cases of emergency or for testing purposes consistent with federal, state and local regulations. The commenter correctly notes that Policy COS-7.7 as proposed in the 2040 General Plan is likely preempted as a local agency cannot eliminate the use of trucking of oil for emergency or testing purposes as required by state and federal law. Therefore, should the Board choose to reject Mitigation Measure PR-2, County staff would recommend revisions to Policy COS-7.8 to ensure consistency with state and federal law outside of the EIR process.

O5-90 The comment states that the draft EIR’s conclusions for Impact 4.12-1 are unsupported. The draft EIR provides substantial evidence to support the significance determination for Impact 4.12-1 (Result in Development on or Adjacent to Existing Mineral Resources Extraction Sites or Areas Where Mineral Resources Are Zoned, Mapped, or Permitted for Extraction, Which Could Hamper or Preclude Extraction of the Resources). After explaining that “MRZ-2 lands are identified in the County’s NCZO with an MRP Overlay...to safeguard future access to the resources, facilitate the long-term supply of mineral resources in the county, and notify landowners and the public of the presence of the resources,” the analysis acknowledges that “there is a band of MRZ-2 designated lands that roughly coincides with the Santa Clara River...which are designated for residential and industrial development in the proposed land use diagram” (refer to draft EIR page 4.12-10).

The discussion on page 4.12-10 goes on to explain that there are two key policies in the 2040 General Plan that would address the potential for discretionary development on lands designated MRZ-2 that could hamper or preclude extraction of mineral resources:

As established in Policy COS-6.4, future discretionary development would continue to be subject to the provisions of the MRP Overlay, and such

development would be prohibited if the use would substantially hamper or preclude access to, or the extraction of, mineral resources.

Pursuant to Policy COS-6.5, the County would promote mineral resource land use capacity by ensuring that discretionary development in areas designated MRZ-2 is compatible with mineral resources extraction and processing activities. Specifically, the County would require an evaluation of the significance of the mineral resources deposits located in the area of a proposed discretionary development and determine whether the use would significantly hamper or preclude access to, or the extraction of, mineral resources; and require discretionary development proposed adjacent to existing mining operations to provide a buffer (based on an evaluation of noise, community character, compatibility, scenic resources, drainage, operating conditions, biological resources, topography, lighting, traffic, operating hours, and air quality) between the development and mining operations to minimize land use incompatibility and avoid nuisance complaints. This review would address discretionary development both on or adjacent to mineral extraction sites and adjacent to principal access roads to existing aggregate extraction or production sites.

- O5-91 The comment states that the draft EIR's impact conclusion for mineral resources is contradicted by the Background Report. The draft EIR provides substantial evidence to support the significance determination for Impact 4.12-2 (Result in the Loss of Availability of a Known Mineral Resource That Would Be of Value to the Region and the Residents of the State). The analysis acknowledges the MRZ-3 lands in the plan area, but determines that "it would be speculative to assess the potential effects of future development in these areas" as a loss of a known mineral resource pursuant to the threshold "because MRZ-3 and MRZ-3a areas have not been established as areas of value to the region or the State" (draft EIR page 4.12-11). The analysis on page 4.12-11 also notes that "Policy COS-6.5 would require future discretionary development to conduct an evaluation to ascertain the significance of the mineral resource deposits located in the area of a proposed discretionary development based on the most current MRZ maps available at the time development is proposed (as updated pursuant to Policy COS-6.2)." Therefore, if MRZ-3 lands are confirmed to have mineral resources and reclassified as MRZ-2 during the 20-year plan horizon, the most current maps would be used in the County's evaluation of discretionary development.
- O5-92 Refer to Master Response MR-4, Section MR-4.E, "Applicability of Reference Studies for Oil and Gas Operations," regarding the validity of relying on this and related reports.
- O5-93 Refer to Master Response MR-4, Section MR-4.D, "Mitigation Measures and the Role of the Board of Supervisors," and Section MR-4.K, "Effects Outside the Study Area," regarding the findings and conclusions related to mitigation measures. The remainder of the comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the Draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-

making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.

- O5-94 The comment states that the draft EIR does not analyze the indirect impacts associated with the 2040 General Plan's proposed policies. As explained in response to comment O5-65, above, the physical effects of pipeline construction that could result from implementation of Policy COS-7.7 and Policy COS-7.8 are evaluated throughout the draft EIR and are within the body of the potential ground disturbance assumed with implementation of the 2040 General Plan. Feasible mitigation has been proposed throughout the EIR that would apply to significant environmental impacts resulting from installation of oil and gas pipelines.
- O5-95 Refer to Master Response MR-2 for discussion of the growth projections and buildout assumptions used in the draft EIR. Refer to Master Response MR-3 regarding RHNA and evaluation of the 2040 General Plan.
- O5-96 The comment states that Impact 4.13-4 lists oil supply facilities among major industrial noise sources but does not support this assertion except for a reference to the Background Report. The draft EIR makes no assertions about the level of noise generated by oil and gas production relative to general industrial activities and does not conclude that oil supply facilities are a "major" source of noise. In framing the discussion of potential for the 2040 General Plan to expose noise-sensitive land uses to operational stationary noise that exceeds applicable standards (Impact 4.13-4, pages 4.13-23 through 4.13-24), the draft EIR summarizes the existing setting provided in the Background Report:
- the primary sources of stationary noise in the county consist of industrial and agricultural operations, and miscellaneous sources...Major industrial noise sources include concrete and rock batch plants, sand and gravel mines, and Pepsi Cola and oil supply facilities. The 2040 General Plan would designate industrial land use areas throughout the county. However, the amount of industrial land use proposed under the 2040 General Plan would be minor, totaling approximately 1,400 acres and less than 1 percent of the total county area.
- Based on compliance with the County's zoning ordinances and policies proposed in the 2040 General Plan, this impact is identified as less than significant. Also refer to response to comment O2-18.
- O5-97 The comment states that General Plan Policy HAZ 9.2 provides for specific noise control measures applicable to new noise generators located near sensitive uses but fails to restrict the development of new sensitive uses adjacent to areas where new noise generators are permitted uses. The analysis of (Impact 4.13-6) Expose Sensitive Receptors to Construction Vibration Levels That Exceed Applicable Standards concludes that:

Although the *Construction Noise Threshold Criteria and Control Plan* would require individual construction projects to include numerous vibration-reducing techniques and minimize exposure at receiving land uses, at this time the location, intensity, and timing of future construction

activities under the 2040 General Plan, as well as relative vibration levels at nearby receptors is unknown. Further no specific policies are in place or proposed that would avoid or minimize potential adverse effects from blasting and/or pile driving activities. Therefore, it cannot be determined if future development under the 2040 General Plan would generate vibration levels that would exceed applicable standards at nearby receptors, and this impact would be **potentially significant**.

Two mitigation measures are proposed, one of which is modification of 2040 General Plan Policy HAZ-9.2 on page 4.13-27 of the draft EIR (Mitigation Measure NOI-2). In this mitigation measure the policy would be revised to add that vibration caused by construction would be evaluated and mitigated. There is a clear nexus between the impact and the mitigation (i.e., policy revision) proposed. There is no clear nexus between the commenter's claims of unfair bias and the analysis or mitigation at hand.

Note, however, that Policy HAZ-9.2 (as proposed in the 2040 General Plan) does include restrictions on new noise-sensitive development, requiring that: "New noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour."

O5-98 Refer to Master Response MR-6, which explains the County's approach to utilizing the existing setting information in the Background Report. The draft EIR (on page 4.14-1) refers readers to the specific sections of the Background Report (i.e., Chapter 2, "Demographics and Economics," and Chapter 5, "Housing") where the regulatory setting for population and housing can be found. The comment does not identify what relevant aspects of the regulatory setting are missing from the EIR. Thus, no further response can be provided.

Senate Bill (SB) 330 was approved by Governor Newsom in October 2019, ten months after the baseline established by release of the notice of preparation for the draft EIR in January 2019. SB 330 is based on the premise that much of the housing needed to fill the statewide deficit has already been planned for by local communities, but is being delayed by local requirements. SB 330 is a 5-year modification to Planning and Zoning Law that cuts the time it takes to obtain building permits, limits fees on housing, and blocks local governments from reducing the number of homes that can be built. Local agencies are prohibited from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings. The act specifies that one way to satisfy that requirement is to make findings that the housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete.

SB 330 does not affect the conclusions of the draft EIR relative to potential to displace affordable house (Impact 4.14-1), induce unplanned population growth (4.14-2), or increase demand for low-income housing that exceeds the unincorporated county's inventory of appropriately designated land (4.14-3). These impacts are all found to be less than significant. The regulatory framework of SB 330 supports these conclusions.

- O5-99 As explained in Master Response MR-3 regarding the Housing Element update and in response to comment O5-4, no improper segmentation has occurred.
- O5-100 Refer to Master Response MR-3 regarding RHNA and the Housing Element update.
- O5-101 The only table on page 4.16-4 of the draft EIR is Table 4.16-1, 2016 Ventura County Boundary-Based VMT Estimates. The information in this table reflects existing baseline conditions; future housing inventory targets established by the updated draft RHNA for the 6th cycle (projection period from June 30, 2021 to October 15, 2029) are not applicable. Refer to Master Response MR-3 for discussion of why the draft EIR correctly excludes discussion and analysis of the unincorporated county's projected housing needs for the 2020 Regional Housing Needs Assessment allocation and 2021-2029 Housing Element update.
- O5-102 The thresholds of significance utilized in the draft EIR are consistent with the guidance provided by the Office of Planning and Research for the establishment CEQA impact thresholds. The transportation impact thresholds used in this draft EIR were developed specifically for the evaluation of the 2040 General Plan and are not intended to apply to subsequent discretionary development. The latter will be addressed through implementation of the 2040 General Plan Implementation Program CTM-B.
- Based on SB 743 legislation and guidance, air quality improvements notwithstanding, using vehicle miles traveled (VMT) as the primary metric for identifying CEQA impacts will promote greater transportation efficiency by facilitating mode shifts from automobiles to more sustainable alternative modes of transportation (i.e., walk, bike, transit), and promote shorter trip lengths (less VMT) due to greater land use efficiency (promotes greater urban/suburban in-fill, mixed use, juxtaposition of compatible land uses and higher density development).
- O5-103 The comment's initial statement appears to conflate the concept of baseline with the projection of future conditions. Establishment of a baseline VMT estimate is required per SB 743. This baseline is independent of any future change, RHNA-related or otherwise.
- It is also important to note the difference between RHNA and projected growth. The analysis in the draft EIR is based on growth projections for the unincorporated county as developed and presented in the Southern California Association of Government's (SCAG's) 2020 Regional Transportation Plan and Sustainable Communities Strategy which included population growth projections for the entire county, both unincorporated and incorporated. This SCAG

projection, based on historic, statistical, and demographic factors, projects the types of growth, including residential growth, that is likely to occur within the county. The Ventura County Transportation Commission transportation model, as used in the draft EIR analysis of traffic impacts, uses the SCAG data for the entire county. Refer to Master Response MR-2 for additional discussion of the growth projections used in the draft EIR.

As part of the RHNA process, the California Department of Housing and Community Development determines the total number of new homes the SCAG region needs to plan for—and how affordable those homes need to be—in order to meet the housing needs of people at all income levels. SCAG, working with member jurisdictions, including the County, then breaks the regional RHNA number down to provide the number of units, by income level, each jurisdiction needs to plan to accommodate.

As part of the Alternatives Report process, the County has demonstrated that it has adequate lands designated for residential use to satisfy future housing needs through the 2040 planning period of the 2040 General Plan. This is an important distinction. The RHNA allocations project only eight years into the future, covering the 6th cycle projection period from June 30, 2021 to October 15, 2029, whereas the 2040 General Plan projects 20 years into the future to the year 2040. Given the overall small increase in population growth of 4 percent expected by 2040 in the unincorporated county (see draft EIR Table 3-3, page 3-19), and given the RHNA numbers only account for 40 percent of the General Plan's timeframe, to claim that the 2040 General Plan does not contain adequate analysis of small deviations that may occur between the preliminary draft RHNA numbers (used during the Alternatives Report process) and final RHNA numbers is not supported by the information provided in this comment.

Relative to the Housing Element, refer to Master Response MR-3 for discussion of why the draft EIR correctly excludes discussion and analysis of the County's projected housing needs for the 2020 Regional Housing Needs Assessment allocation and 2021-2029 Housing Element update.

Relative to the concerns expressed regarding the obsolescence of the draft EIR thresholds of significance, this concern is not relevant to this analysis. The transportation impact thresholds used in this draft EIR were developed specifically for the 2040 General Plan draft EIR and are not intended to apply to subsequent discretionary development reviews. The latter will be addressed by the County through the updated ISAG described in Implementation Program CTM-B.

O5-104 As stated on page 4-16.1 of the draft EIR:

Relative to LOS [level of service] analysis, Section 15064.3 was added to the State CEQA Guidelines effective December 28, 2018 as part of a comprehensive guidelines update and addresses the determination of significance for transportation impacts under CEQA. This section requires that transportation impact analysis be based on VMT instead of a congestion metric (such as LOS) and states that a project's effect on

automobile delay shall not constitute a significant environmental impact. Thus, LOS is not analyzed in this draft EIR.

As noted in the comment, Policy CTM-1.1 addresses VMT standards and their use for CEQA evaluations, and Policy CTM-1.2 addresses mitigation of project-related VMT impacts. In accordance with State law, the County must evaluate transportation-related environmental impacts based on VMT, not LOS.

While the County will use VMT to evaluate impacts under CEQA, the County will continue to require level of service (LOS) evaluations outside of the CEQA process as part of discretionary development review. Though no longer germane to CEQA impact findings, the County will still consider LOS as part of project review and development of conditions of approval. County development fees, as described in the County's Traffic Impact Mitigation Fee Ordinance, will also continue to consider LOS and vehicle trip generation per Policy CTM-1.7 and Implementation Program CMT-A. Note that SB 743 has no bearing on the California Mitigation Fee Act (Government Code, §§ 66000 et seq.).

O5-105 LOS will continue to be monitored on the designated Congestion Management Program (CMP) system as appropriate. The Federal Congestion Management process will also continue to be monitored in Ventura County by SCAG. Note that SB 743 has no bearing on the use of operational performance measures like LOS on the State Congestion Management Program statutes (Government Code, §§ 65088 - 65089.10).

O5-106 Under SB 743, truck-generated VMT is not excluded from the VMT analysis as stated in the comment. According to the OPR Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018), starting at page 4, the advisory does not exclude trucks, but allows them to be included for ease of calculation. The advisory states as follows (emphasis added):

Vehicle Types. Proposed Section 15064.3, subdivision (a), states, "For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project." Here, the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks. ***Heavy-duty truck VMT could be included for modeling convenience and ease of calculation (for example, where models or data provide combined auto and heavy truck VMT).*** For an apples-to-apples comparison, vehicle types considered should be consistent across project assessment, significance thresholds, and mitigation.

In the draft EIR, the County has included truck traffic in the VMT assessment. A reduction in truck traffic will reduce overall VMT and will have a more notable impact on the reduction of emissions in relation to automobiles and light duty trucks.

O5-107 Refer to response to comment O5-103 related to RHNA numbers and this draft EIR. Also, refer to Master Response MR-3 regarding RHNA and the Housing Element update.

- O5-108 The comment expresses an opinion about the adequacy of the cumulative impact assessment and opines that the analysis should include the 2020 RHNA allocation.
- As explained in Section 5.1, “Methods of Analysis,” (draft EIR page 5-1), “CEQA allows the use of either a list of past, present, and probable future projects (including projects outside the control of the lead agency), or a summary of projections in an adopted planning document.” The “discussion examines impacts associated with future development under the 2040 General Plan, plus future development for jurisdictions that neighbor the unincorporated areas of the county, to assess the potential for cumulative impacts from growth in the greater region.”
- The 2020 RHNA numbers have not been adopted and are not an appropriate basis of the cumulative evaluation. Note, however, that the purpose of the RHNA allocation is to ensure housing for the projected population. Therefore, by analyzing the growth projections for unincorporated Ventura County, the incorporated cities, and adjoining counties, the implications of RHNA (i.e., future land disturbance, demand for utilities and public services) have been accounted for. Refer to Master Response MR-3 regarding RHNA and the Housing Element update.
- O5-109 Refer to Master Response MR-3 regarding RHNA and the Housing Element update.
- O5-110 This general comment regarding the adequacy of the draft EIR analysis is noted. However, no specific issues related to the content, analysis, or conclusions of the draft EIR are raised in this comment. Refer to responses to comments O5-1 through O5-109, above, which address feasible mitigation and significant and unavoidable impact conclusions.
- O5-111 Refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.
- O5-112 The comment provides the preferred contact for the organization. The County has noted the information appropriately for future reference.



RECEIVED
FEB 25 2020

Letter
O6

February 24, 2020

BY:

VIA ELECTRONIC MAIL

Ventura County Resource Management Agency, Planning Division
Attn: Susan Curtis, Manager, General Plan Update Section
800 S. Victoria Ave., L #1740
Ventura, CA 93009-1740
GeneralPlanUpdate@ventura.org

Re: Comments on Ventura County 2040 General Plan Draft Environmental Impact Report (State Clearinghouse No. #2019011026)

Dear Ms. Curtis:

On behalf of Aera Energy, LLC ("Aera"), we respectfully submit the enclosed comments on the Draft Environmental Impact Report ("DEIR") prepared for the County of Ventura's ("County") proposed update to its existing General Plan ("GP 2040").

As you may already know, Aera is the largest onshore oil and gas producer in the County, as well as its ninth largest tax-payer. Aera's production operations within the County also generate significant downstream revenue for local businesses. In 2018, Aera's local business expenditures exceeded forty million dollars. Aera's daily production activities involve nearly one hundred full-time employees and several hundred contractors and vendors, all of whom in turn contribute to the long-term economic health and vitality of the County.

Our review of the DEIR has disclosed several categories of concern. As you are aware, the County must disclose and meaningfully evaluate all foreseeable direct and indirect physical consequences of its proposed action—the adoption of GP 2040. Based on our review of the DEIR, it is clear that the County has failed to fulfill its obligation in this regard. For example:

- In evaluating the consequences of adopting GP 2040, the DEIR relies on incomplete, erroneous or scientifically discredited information;
- In evaluating the consequences of adopting GP 2040, the DEIR ignores readily foreseeable impacts and/or misstates the severity of impacts;
- The DEIR proposes mitigation measures, the implementation of which is infeasible for a variety of known technological, legal and economic reasons;
- The DEIR and the Ventura County 2040 General Plan Update Background Report, Revised Public Review Draft January 2020 (hereinafter, "Background

O6-1

Aera Energy LLC • 10000 Ming Avenue • P.O. Box 11164 • Bakersfield, CA 93389-1164 • (661) 665-5000 Fax (661) 665-5065

Ventura County Resource Management Agency, Planning Division
Attn: Susan Curtis, Manager
February 24, 2020
Page 2

Report”) are incomplete with respect to their discussions of the environmental setting and regulatory setting; and

- The DEIR and Background Report fail to disclose and consider the fact that several proposed policies, implementing programs and mitigation measures are preempted by state and federal law and/or cannot be carried out without unlawfully impairing vested property rights.

We address these categories of concern in further detail in the Table of DEIR and Background Report Comments enclosed herewith and incorporated herein by reference.

In an effort to improve the technical and textual accuracy and adequacy of the DEIR and Background Report, as well as the GP 2040 Policies and Goals described therein, we have included several comments, proposed revisions and clarification requests in the enclosed Table of DEIR and Background Report Comments. We ask that this letter and all enclosed materials be included in the record of proceedings in this matter and carefully considered by the County.

Finally, it is our expectation that the extensive comments noted herein will be given the same careful consideration as comments submitted by others outside our industry, given the importance of this document to the current and future residents of Ventura County. It is our expectation that complete and thoughtful responses will be prepared for each of the comments enclosed herewith, and the DEIR will be revised and recirculated accordingly. A mere “comment noted or comment received” will not suffice. We look forward to working with County staff to resolve the issues addressed herein and we further look forward to recirculation of a DEIR that meets the applicable legal standards.

As requested, we are providing the name of our point of contact, mailing address and email address as follows:

William J. Spear III, Manager of Operations
3382 N. Ventura Avenue
Ventura, CA 93001
E-mail: WJSpear@aeraenergy.com

Sincerely,



William J. Spear III
Ventura Manager of Operations
Aera Energy, LLC

O6-1
cont.



Table of DEIR and Background Report Comments

Document & Page No.	Comment/Proposed Revision/Clarification Request	
DEIR: pg. 4.1-16	Policy NV-1.12. The DEIR does not address the consequences of shifting the “scenic approach” designation to Canada Larga and Ventura Ave. Such a shift is expected to conflict with the long terms use objectives of the North Ventura Ave Area Plan, which are industrial in nature.	O6-2
DEIR: pg. 4.1-23	The DEIR does not disclose the impacts associated with implementation of Program J itself, nor does it disclose whether Program J implementation would adversely impact the existing built environment, foreseeable future development or introduce conflicting use pattern objectives. Additionally, the DEIR does not disclose which highways would be affected by implementation, which makes it impossible to evaluate the scope of impact.	O6-3
DEIR: pg. 4.1-23	The DEIR does not acknowledge or address the fact that certain facilities (such as oil and gas drill sites) cannot be sited so they are not readily seen, given known drilling and operational constraints. Such realities should be considered in the DEIR.	
DEIR: pg. 4.1-25	In its discussion of Open Space, the DEIR states that development is “to be sited and designed to prevent significant degradation of a scenic view or vista.” Again, the DEIR does not consider the fact that various authorized uses can only be installed in specific locations, which could foreseeably include installation in a location containing a scenic view or vista.	O6-4
DEIR pg. 4.3-5	Methodology. The DEIR utilizes various definitions of “sensitive receptors” in Section 4.3. The County states that “sensitive receptors are considered to be populations or uses that are more susceptible to the effects of air pollution than the general population”. Therefore, a residence would not be considered a “sensitive receptor”. The DEIR must explain why a typical residence would be excluded from any assessment of toxic air contaminants.	O6-5
DEIR pg. 4.3-6	Thresholds of Significance. The DEIR concludes that there are no known safe concentrations of toxic air contaminants (TAC). The DEIR should provide a reference to scientific studies that support this statement. Everyone in the County is exposed to TACs due to second-hand smoke, products of combustion, etc. Does this mean no one in the County is “safe”? Why would any additional development be allowed in the County under these conditions?	O6-6
DEIR pg. 4.3-8	Policy COS 7.8. The County is proposing a policy that requires gases from new discretionary oil and gas wells to be collected and used in order to minimize flaring. Landfills and wastewater treatment plants commonly employ flares to incinerate gas from those facilities. This policy should be expanded to include any flare associated with a discretionary project. If not, the DEIR should be revised to describe how the pollution from a flare at a landfill or wastewater treatment facility differs from a flare at an oil and gas well.	O6-7
DEIR pg. 4.3-15	Under Impact 4.3-2, the DEIR states that, “Further, as actual construction phasing is not known, it is possible that emissions may exceed or be below modeled emissions shown in Table 4.3-2. Nonetheless, based on conservative modeling, it is likely that emissions would exceed countywide and Ojai Valley thresholds at some point during buildout of the 2040 General Plan.” Yet, the DEIR provides no evidence to support the assumption that emissions would exceed countywide thresholds. Instead, the DEIR discloses that	O6-8

	population growth for the County will be negligible through 2040, which contradicts the assumption that construction associated with such growth would exceed applicable thresholds.	O6-8 cont.
DEIR: pg. 4.3-15	Mitigation Measures AQ-1a and AQ-1b are duplicative. Measure AQ-1b does not provide any mitigation benefits over and above those stated in Measure AQ-1a.	O6-9
DEIR pg. 4.3-16	Mitigation Measure AQ-2a. This mitigation measure requires “[p]re-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations.” Although this mitigation measure will decrease fugitive dust emissions, no analysis is provided in the DEIR regarding the amount of water that will be needed or where the water will be obtained. The DEIR must analyze all potential impacts. This mitigation measure could have substantial impacts on water use and have the unintended consequence of increasing emissions of GHGs, PM2.5, and NOx by having to utilize water trucks. The DEIR needs to be revised and recirculated to analyze these potential impacts.	O6-10
DEIR pg. 4.3-16	Mitigation Measure AQ-2a. This mitigation measure requires “treatment” of various portions of future construction sites within the County to minimize fugitive dust. A treatment option listed is “periodic watering”. Again, this mitigation measure could have substantial impacts on water use and have the unintended consequence of increasing emissions of GHGs, PM2.5, and NOx by having to utilize water trucks. The DEIR needs to be revised and recirculated to analyze these potential impacts.	
DEIR pg. 4.3-16	Mitigation Measure AQ-2a. The DEIR concludes that after mitigation, “criteria air pollutants and precursors would be minimized through the use of the highest rate [sic] diesel engines available”. The highest rated diesel engines as determined by the U.S. Environmental Protection Agency are Tier 4 engines, which offer substantially reduced NOx emissions. Contrary to the statement in the DEIR, none of the mitigation measures listed in Section 4.3 require the use of Tier 4 engines for nonroad diesel-fired construction equipment. The DEIR must clarify whether Tier 4 engines are in fact required to mitigate NOx emissions at all discretionary construction projects.	O6-11
DEIR pg. 4.3-17	The NOx emissions listed in Table 4.3-3 can only be achieved using Tier 4 engines on all nonroad diesel-fired construction equipment. For example, NOx emissions are limited to less than 3.0 g/bhp-hr for a Tier 3 nonroad engine rated between 100 hp and 750 hp. It is not uncommon for construction companies to use diesel equipment rated at 250 hp. operating at a 50% load factor over an 8-hour day, this Tier 3 unit would emit around 7 lb/day of NOx, which is substantially higher than the NOx emissions estimated in Table 4.3-3. The DEIR should specify whether Table 4.3-3 is based on using Tier 4 engines exclusively.	
DEIR pg. 4.3-21	The DEIR relies on the 2005 Land Use Handbook that recommends 500 ft setbacks on highly used roads greater than 50,000 vehicles per day. This 2005 document is now outdated as CARB released their advisory Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways in 2017. The more recent research concludes, “near-roadway pollution exposure had been previously underestimated and that people living as much as 1,000 feet from freeways were being adversely impacted by poor air quality”. The DEIR needs to be updated to reflect this more current research and recirculated to disclose that research to the public and decision makers.	O6-12
DEIR pg. 4.3-21	The DEIR proposes modifying policy COS-7.2 to require new discretionary oil wells be located a minimum of 1,500 ft from a residence and 2,500 ft from a school. As stated in	O6-13

	previous comments, the DEIR allows schools and residences to be sited within 500 ft of a high-traffic freeway. CARB routinely states that diesel exhaust is responsible for 70% of the cancer risk from airborne toxics in California (for example https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts). If 500 ft is sufficient to protect a person from diesel exhaust that accounts for 70% of the cancer risk, how can anyone justify a larger buffer zone around a discretionary oil well due to presumed toxic air contaminants? The existing zoning standards are adequate to protect the public from new oil wells; the imposition of the proposed new policy is not supported by scientific evidence.	O6-13 cont.
DEIR pg. 4.3-22	Policy HAZ-10.X. When describing setback requirements for transportation corridors, residences are included within the discussion of sensitive receptors. As stated above in a preceding comment, the County should more clearly identify when residences are considered sensitive receptors.	O6-14
DEIR: pg. 4.4-2	Recommended textual change shown in bold and underline: “Based on an updated review of the CNDDDB, as well as a search of the California Native Plant Society (CNPS), Inventory of Rare and Endangered Plants of California database, the U.S. Fish and Wildlife Service (USFWS), and the Information for Planning and Consultation database, there are 75 additional special-status plant species known or with potential to occur in Ventura County (Table 4.4-1) (CNDDDB 2019; CNPS 2019; USFWS 2019).”	O6-15
DEIR: pg. 4.4-10	Recommended textual change shown in bold and underline: “the County’s aerial imagery and other relevant biological GIS data layers such as wetlands, waterbodies, vegetation, habitat connectivity and wildlife corridors; and updated CNDDDB, CNPS, Inventory of Rare and Endangered Plants of California database, and USFWS Information for Planning and Consultation database search results (CNDDDB 2019; CNPS 2019; USFWS 2019). ”	O6-16
DEIR: pg. 4.4-14	Recommended textual change shown in bold and underline: “ Based on the review and recommendation of a qualified biologist the County shall identify sensitive biological resources as part of any land use designation change to the General Plan Land Use Diagram or zone designation change to the Zoning Ordinance that would intensify the uses in a given area. The County shall prioritize conservation of areas with sensitive biological resources. (MPSP) [Source: New Policy]” It is critical that a qualified biologist ensure that sensitive biological resources are accurately identified and identification/designation is consistent with base mapping, etc.	O6-17
DEIR: pg. 4.4-15	Recommended textual change shown in bold and underline: “ Consideration of Impacts to Wildlife Movement. When considering proposed discretionary development, County decision-makers the County shall consider the development’s potential project-specific and cumulative impacts on the movement of wildlife on the recommendation of and based on evidence supplied by a qualified biologist at a range of spatial scales including local scales (e.g., hundreds of feet) and regional scales (e.g., tens of miles). (RDR) [Source: Wildlife Corridor Policy 3/19/19]” It is critical that a qualified biologist ensure that sensitive biological resources are accurately identified and identification/designation is consistent with base mapping, etc.	
DEIR: pg. 4.4-16	Recommended textual change shown in bold and underline: “ Policy COS-1.13: Partnerships for Protection of Natural and Biological Resources. The County shall	

	continue to work in partnership with agencies, organizations, <u>property owners, business owners</u> and entities responsible for the protection, management, and enhancement of the county's biological resources.”	
DEIR: pg. 4.4-17	Recommended textual change shown in bold and underline: “ <u>Program A: Standards for Compact Development.</u> The County shall update the Non-Coastal Zoning Ordinance to include development standards for project design that features compact development adjacent to scenic or sensitive biological resources, <u>as determined by a qualified biologist.</u> [Source: New Program]” It is critical that a qualified biologist to ensure that sensitive biological resources are accurately identified and identification/designation is consistent with base mapping, etc.	
DEIR: pg. 4.4-18	Recommended textual change shown in bold and underline: “ <u>Program D: Research Feasibility of Updating Vegetation Maps.</u> In partnership with other natural resource agencies, <u>businesses owners, property owners</u> and organizations, the County shall explore the feasibility of updating vegetation maps for unincorporated areas to facilitate the accurate analysis of potential impacts of development on vegetation communities and other sensitive biological resources.” It is critical that all impacted entities are involved in the partnership of updating vegetation maps.	O6-17 cont.
DEIR: pg. 4.4-18	Recommended textual change shown in bold and underline: “ <u>Program E: Update Non-Coastal Zoning Ordinance Standards for Vegetation Communities.</u> Based on the results of Implementation Program COS-D, (updated vegetation mapping), the County shall develop or modify regulations and development standards to ensure adequate protections for vegetation <u>mapping</u> , if necessary.”	
DEIR: pg. 4.4-18	Recommended textual change shown in bold and underline: “ <u>Program F: Evaluate Increase to Standard Setback from Wetland. A County-approved, qualified biologist</u> shall evaluate whether a standard 200-foot setback from wetlands should apply to development in order to improve water quality, reduce the impacts of flooding and provide adequate protection for sensitive biological resources [Source: New Program]”	
DEIR: pg. 4.4-18	Recommended textual change shown in bold and underline: “ <u>Program H: County Tree Planting Program.</u> The County shall plant at least one thousand <u>native-species</u> trees annually on County property. [Source: New Program].”	
DEIR: pg. 4.4-20	Recommended textual change shown in bold and underline: “The Rural land use designation would allow for low-density and low-intensity land uses such as residential <u>uses es</u> and other rural uses which are maintained in conjunction with agricultural and horticultural uses.”	O6-18
DEIR: pg. 4.4-21	Recommended textual change shown in bold and underline: “. . . invasive, nonnative species), as a result of future development under the 2040 General Plan. Future development under the 2040 General Plan that could result in impacts on biological resources <u>and therefore may</u> require project-specific environmental review <u>under CEQA.</u> ”	O6-19
DEIR: pg. 4.4-31	Recommended textual change shown in bold and underline: “Policies COS-1.7, COS-1.8, COS-1.9, COS-1.10, and COS-1.11 include requirements <u>to requirements</u> for environmental review for projects within 300 feet of wetland habitat, implementation of	O6-20

	100-foot setbacks from wetland habitat, incorporation of protective design features to avoid impacts to riparian habitat.”	O6-20 cont.
DEIR: pg. 4.7-3	Policy Haz 4.2. The DEIR should disclose the location of known, active faults (this information is readily available) and examine the physical consequences of linear infrastructure around same. Since the location of anticipated development and the type of development in such locations is known and disclosed in the DEIR, the rerouting consequences can be considered, quantified and mitigated now.	O6-21
DEIR: pg. 4.7-3	Policy Haz 4.6. This policy potentially interferes with state water board regulations regarding storm water run-off pollution prevention.	O6-22
DEIR: pg. 4.7-4	Policy Haz 4-15. The DEIR assumes, without any credible supporting evidence, that “extraction wells” cause or contribute to land subsidence. It can be shown, by readily available substantial evidence, that rock matrices within the County are not susceptible to land subsidence with proper material balance.	O6-23
DEIR: pg. 4.8-1	Incomplete Regulatory Setting. There is no mention of the California Global Warming Solutions Act of 2006 (AB32), the Regulation for Mandatory Reporting of Greenhouse Gas Emissions (MRR), or State Cap and Trade program in the DEIR. It is imperative that these regulations be identified and discussed in the DEIR (as opposed to being discussed in passing in the 1000+ page Background Report).	O6-24
DEIR pg 4.8-5	The California Air Resources Board (CARB) partnered with Scientific Aviation Inc. to measure methane emissions within California. Their report Statewide Airborne Methane Emissions, Measurement Survey dated May 13, 2019 concludes, “landfill sites were found to be the largest methane emitters on a per site basis”. The report describes how an aircraft flew 18 times around the Toland Road Landfill in Ventura County on October 16, 2017 and another 16 laps on May 14, 2018 measuring methane emissions. Using this data, the report concludes that the methane emissions from the Toland Road Landfill averages 2,364.9 kg/hr, which equates to approximately 20,700 MT/yr of methane. The DEIR assigns methane a global warming potential of 28, so the Toland Road Landfill would average 580,000 MT/yr CO ₂ e based on this CARB sponsored study. The DEIR estimated the GHG emissions from the same landfill to be 22,591 MT CO ₂ e from waste generated from unincorporated Ventura County during 2015 and 74,701 MT CO ₂ e from “waste-in-place”; for a total of 97,292 MT/yr CO ₂ e from the Toland Road Landfill. The DEIR should evaluate the various methods of determining GHG emissions from landfills to inform the readers that the GHG emissions from solid waste could be significantly higher than the estimates provided in the DEIR.	O6-25
DEIR pg. 4.8-5	The GHG emissions from solid waste in the County are further underestimated by ignoring the composting operations within the County. Although a properly operated composting operation can decrease methane emissions from waste, the process is designed to create CO ₂ . The DEIR needs to be updated to account for waste diverted from landfills, which would include composting operations.	O6-26
DEIR pg. 4.8-5	The 2015 baseline GHG inventory for stationary sources is listed as 275,096 MT CO ₂ e in Table 4.8-1. This estimate is described in Appendix D as representing GHG from oil and gas operations and the source is “CARB Mandatory Reporting Rule – 2016 (Latest available as of 11/6/2017)”. Various entities report their GHG emissions to CARB via their Mandatory Reporting Regulation (MRR). The regulation requires that the reported GHG emissions be verified by a third-party approved by CARB. After verification, CARB publishes a list of all entities reporting under the MRR and posts on their website	O6-27

	(https://ww2.arb.ca.gov/mrr-data). This CARB published data shows that only three entities in the County reported in 2016 under the Oil and Gas Production industry sector. These three oil and gas production entities in Ventura County reported a total of 21,702 MT CO ₂ e. To put this in perspective, California State University, Channel Islands reported 84,042 MT CO ₂ e for the same timeframe. Nevertheless, the DEIR erroneously construes oil and gas operations as a major source of GHG emissions in the County. This misleads the public and the decision makers.	O6-27 cont.
DEIR 4.8-5	In lieu of focusing on GHG data specific to the County, the DEIR apparently applies data for the entire State to estimate GHG emissions from the County with no explanation as to why. Oil production and processing techniques vary throughout the State depending on the geologic formation being produced. CARB has recognized this variability and has developed carbon intensity values for the numerous crude oils needed to fuel California. As stated above, a total of three oil and gas production entities in Ventura County reported a total of 21,702 MT CO ₂ e. These three facilities produced approximately 6,570,000 bbls of crude oil in 2016 versus the total crude oil production of 7,729,845 bbls within the County. As such, these three facilities accounted for 85% of Ventura County's oil production. Applying the County's technique of estimating GHG emissions based on the amount of crude oil production, the oil and gas production and processing sector represented approximately 25,500 MT CO ₂ e emissions in 2016, which is significantly less than the GHG baseline estimate listed in the DEIR for stationary sources. The DEIR must explain why it is more accurate to ignore data specific to the County and rely on a generalized dataset.	O6-28
DEIR pg. 4.8-6	The projected GHG emissions from the "solid waste" sector as presented in Table 4.8-2 are more fully described in Appendix D. The methane emission projections for waste-in-place at in service landfills appear to be questionable. For example, the methane emissions from the Toland Road Landfill decreases from 74,701 MT CO ₂ e in 2015 to 66,248 MT CO ₂ e in 2020 for an 11% decrease in GHG emissions. Comparing the Simi Valley Landfill, which emitted 172,093 MT CO ₂ e in 2015 and dropping to 171,552 MT CO ₂ e in 2020 for only a 0.3% decrease. Considering that the Toland Road Landfill is scheduled to remain in service longer than any other landfill, please explain why the GHG emissions from the Toland Road Landfill decrease at much faster rate than the Simi Valley Landfill.	O6-29
DEIR pg. 4.8-6	The GHG projections from stationary sources provided in Table 4.8-2 appear to be based on the County's projections of increasing oil production. In Appendix D, the EIR utilizes a baseline oil production of 8,428,402 bbls/yr in 2015. By 2020, oil production in the County is forecasted to increase to 8,819,019 bbls/yr, accounting for a 4.6% increase in oil production over this five-year span. California provides annual summaries of oil production by county. The most recent report (www.conservation.ca.gov/calgem/pubs_stats/annual_reports/Pages/annual_reports.aspx) published by the Division of Oil, Gas and Geothermal Resources (DOGGR), now the California Geologic Energy Management Division, available is for 2018 and lists oil production in the County as 6,894,516 bbls/yr. Looking back to 2013, the same agency reported oil production from Ventura County as 8,973,076 bbls/yr. As reported by California, oil production in the County dropped 23% over a five-year span from 2013 to 2018, yet the DEIR projects oil production increasing 4.6% during a five-year span from 2015 to 2020. The DEIR needs to clearly describe why the County is projecting a drastic	O6-30

	turnaround in County oil production starting in 2019 and continuing into the foreseeable future. This assumption directly impacts the GHG projections listed in Table 4.8-2 and is not consistent with historical data or commonly available market projections.	O6-30 cont.
DEIR pg. 4.8-6	In the DEIR analysis of Impact 4.12-3, the County concludes that the 2040 General Plan could hamper or preclude access to oil and gas resources. The DEIR considers this impact to be “potentially significant” even after considering available mitigation measures. Section 4.8 of the DEIR needs to be modified to describe how oil production in the County is projected to steadily increase into the foreseeable future, while the DEIR concludes in Section 4.12 that the General Plan could “preclude expansion of existing oil and gas operations, ... thereby hampering or precluding access to the resource.”	O6-31
DEIR pg. 4.8-6	The numerous errors made to overstate the GHG emissions from stationary sources are compounded when making projections in Table 4.8-2 to the point that these estimates cannot be taken seriously. First, the 2015 baseline emissions from stationary sources should be closer to 25,500 MT CO ₂ e using data from the County (as calculated above); not 275,096 MT CO ₂ e based on data from outside the County. Secondly, oil production is contracting in the County and not expanding as assumed in the DEIR. From 2013 through 2018, crude oil production in the County dropped on average 415,700 bbls/yr. Using this trajectory, crude oil production in the County should be closer to 6,100,000 bbls in 2020, as opposed to 8,819,019 bbls projected in the DEIR. Using the same method as utilized in the DEIR to project GHG emissions, the 2020 GHG emissions from stationary sources should be around 20,000 MT CO ₂ e (calculated as 25,500 MT CO ₂ e * 6,100,000 bbls / 7,729,845 bbls)	O6-32
DEIR 4.8-9	In describing the County’s obligation under CEQA, the DEIR states, “a lead agency shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of GHG emission resulting from a project.” As the County has chosen to particularly focus on oil and gas production in this DEIR, the County has fallen short of its obligation to describe the impact on GHG emissions due to the 2040 General Plan. There is consensus that climate change is a global issue. GHG reductions are necessary and the County must play a part, but the County cannot by itself thwart the impacts of climate change. To measure global issues such as climate change, the DEIR should not be geographically confined to County. Crude oil is a worldwide commodity openly traded on exchanges. As the DEIR notes in Section 4.12, only 31% of the crude oil consumed in California is produced in State. Shutting down all oil production in the County will not decrease the market for crude oil. To the contrary, California will just import more crude oil from other countries, with the same portion of the refined products, including gasoline and diesel, being transported to the County’s consumers. Therefore, GHG impacts due to oil and gas production in the County is dependent on the amount of carbon associated with the crude oil produced within the County. CARB publishes Carbon Intensity values for the various crude oil sources under their Low Carbon Fuel Standard Regulation. The most recent published data is from 2018 (https://ww3.arb.ca.gov/fuels/lcfs/crude-oil/2018_crude_average_ci_value_final.pdf). In this report, CARB determined, on an annual average, the Carbon Intensity of the crude oil used in California during 2018 was 12.35 gCO ₂ e/MJ. According to the same report, the crude oil produced from the Ventura Field, the largest oil production field in the County, had a Carbon Intensity of 4.54 gCO ₂ e/MJ. As such, the crude oil from the Ventura Field results in 63% less GHG	O6-33

	emissions than the average crude oil used in California. The DEIR should be revised to describe the climate change benefits realized should the 2040 General Plan promote the continued use and expansion of crude oil produced within the County.	O6-33 cont.
DEIR 4.8-23	Policy COS 7.4. The County is proposing a policy to “require discretionary development for oil and gas exploration and production to use electrically-powered equipment from 100 percent renewable sources and cogeneration, where feasible”. Is it the County’s position that only oil and gas exploration and production development projects contribute GHG emissions? If not, then such a policy should be expanded to include all discretionary development projects. By limiting this policy to oil and gas exploration and production development projects, the County is making an arbitrary determination not based on any facts presented in the record.	
DEIR 4.8-23	Policy COS 7.7. The County is proposing a policy to “require new discretionary oil wells to use pipelines to convey oil and produced water; oil and produced water shall not be trucked.” Numerous development projects can result in increased trucking including warehouses, agricultural processing facilities, military installations, and distribution centers. If the County is concerned with GHG emissions from trucking, why would this proposed policy be limited to new discretionary oil wells? There is no data in the DEIR suggesting that new discretionary oil wells are anticipated to cause a significant increase in GHG emissions due to trucking. The proposed policy should be revised to address discretionary development projects that would actually increase trucking or the County is making an arbitrary determination not based on any facts presented in the record.	O6-34
DEIR 4.8-25	The County is proposing to evaluate the feasibility of establishing a local tax on oil and gas operations. Later in Section 4.8 the DEIR states that increased taxes on oil and gas facilities may reduce GHG emissions. SB32 designates “the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases.” CARB has established a cap-and-trade program to regulate GHG sources, including oil and gas operations. In fact, the County attempts to rely on a GHG emission inventory from CARB in the DEIR to estimate the GHG emissions from stationary sources in the County. These stationary sources purchase GHG allowances during CARB authorized auctions to mitigate their GHG emissions. CARB then invests the auction proceeds to reduce GHG emissions in California. The County cannot usurp authority designated to a State agency.	
DEIR 4.8-25	GP 2040 and the accompanying DEIR does not establish a nexus between county GHG emissions and potentially establishing a local tax on oil and gas operations. As demonstrated in the County’s own documents, the DEIR concludes that stationary sources only contribute 14.5% of the calculated GHG emissions countywide in 2015 (even while overstating stationary source emissions as discussed in other comments). Transportation accounted for 36.5%, solid waste handling was 17.6% and buildings attributed 17%; all greater than the dramatically overstated GHG emissions from stationary sources, while understating GHG emissions from County operated solid waste operations. Why would the County not consider establishing/increasing local taxes on transportation fuels or establishing/increasing gate fees at the County landfills? Both sectors contribute significantly more GHG emissions in the County than oil and gas operations. If taxing an activity reduces GHG emissions from that sector (a highly speculative position), then why would increased taxes/fees from transportation and solid waste disposal not decrease GHG emissions? The County appears to be arbitrarily	O6-35

	burdening a single industry sector by increasing taxes with no regard to the data presented in the DEIR.	O6-35 cont.
DEIR pgs. 4.8-11 through 4.8-37	Multiple 2040 General Plan Policies and Implementation Programs are listed in this section (GHG). However, a significant number of these Policies and Programs have absolutely nothing to do with Greenhouse Gas Emissions or climate change (examples include Policies CTM-2.1, CTM-2.10, CTM-2.19, PFS-4.4, COS-2.10, WR-4.1, Implementation Program J, Implementation Program M, etc.)	O6-36
DEIR pg. 4.8-23	Policy COS 7.4. The DEIR does not consider the consequences of, defects of, or infeasibility of this policy. California and the County are net importers of energy—as an importer, the County cannot necessarily control whether imported energy is provided from 100 renewable sources. Thus, this policy is potentially infeasible to implement.	O6-37
DEIR pg. Pg. 4.8-50	Recommended textual change shown in bold and underline: “... the County cannot meaningfully quantify the effect of all its 2040 General Plan policies and programs on future GHG emissions, and there therefore , it cannot conclude, at this program level of analysis, that future GHG emissions in the county under the 2040 General Plan would be sufficiently reduced to meet the State’s 2030 or post-2030 targets.”	O6-38
DEIR pg. Pg. 4.8-52	Recommended textual change shown in bold and underline: “However, due to the County’s minimal growth, most of the forecast GHG emissions in 2030 and beyond are caused or influenced by from energy use in existing buildings, vehicle use and travel behavior on existing transportation systems, landfilled waste, and agricultural uses where the County has limited authority to enforce stringent actions resulting in GHG reductions beyond what have been already been included in the 2040 General Plan and the mitigation measures identified in Impact 4.8-2.”	O6-39
DEIR pg. 4.9-7	Policy HAZ – 5.5. The DEIR fails to define “alternative technology” for management of hazardous waste. It is unclear whether such technology even exists. Furthermore, the DEIR fails to disclose and evaluate the consequences of onsite treatment of hazardous waste. The location of future development is known, as is the location of future development expected to involve onsite use of hazardous materials (e.g. industrial uses). The foreseeable potential impacts of onsite waste treatment at these locations must be evaluated in the DEIR.	O6-40
DEIR pg. 4.9-24	The term “structure” is undefined for purposes of brush clearing. As a result, a reader of the DEIR cannot determine the scope of physical consequences associated with brush clearing (amount of soil disturbed, amount of vegetation disturbed, impacts to water quality from soil disturbance). Moreover, the DEIR fails to disclose and consider such physical consequences, which may be severe, depending on how the term “structure” is defined.	O6-41
DEIR pg. 4.10-5	“Policy PFS-6.5. Stormwater Drainage Facilities. The County shall require that stormwater drainage facilities are properly designed, sited, constructed, and maintained to efficiently capture and convey runoff for flood protection and groundwater recharge. (RDR).” The DEIR does not define what constitutes “stormwater drainage facilities” (e.g. drain, basin, treatment plant). As such it is impossible to determine the scope of the policy and any associated physical consequences (such as construction disturbance).	O6-42
DEIR pg. 4.10-5	“Policy PFS-6.7. Flood Control and Beach Sand Nourishment. The County shall include beach sand nourishment as an important factor in the design and maintenance of	O6-43

	flood control facilities. (SO) [New Policy]”	
	The DEIR does not define the term “flood control facilities.” Again , this makes it impossible to understand the applicability and scope of this policy.	O6-43 cont.
DEIR pg. 4.10-5	Recommended textual change shown in bold and underline: Policy HAZ-2.1: Principal Floodway Purpose. The County should limit <u>new</u> land use in the regulatory floodway, as identified in the Ventura County Flood Plain Management Ordinance, limited to open space, agriculture, <u>pre-existing structures</u> or passive to low intensity recreational uses, subject to the approval of the County Public Works Agency. The floodway’s principal use should be maintained for safely conveying floodwater away from people and property while protecting ecological functions of the <u>Ventura</u> river. (RDR) [Source: Existing GPP Policy 2.10.2.1, modified].”	O6-44
DEIR pgs. 4.11-7 through 4.11-88	The DEIR’s definition of and treatment of oil and gas resources as separate from/different from mineral resources is a significant error and is inconsistent with superior state/federal law as well as controlling court decisions. The DEIR’s mischaracterization of oil and gas as not amounting to a mineral resource renders all analyses and impact conclusions relating to same legally defective.	O6-45
DEIR pg. 4.11-8	Policy LU 6.1. Agricultural Buffers: The DEIR vaguely describes the imposition of buffers for agricultural uses without any measurable values/distances for these buffers. Thus it is impossible to evaluate the consequences such buffers will have on future adjacent land uses. Moreover, the DEIR is inconsistent with respect to the imposition of buffers at measureable distances for certain uses as opposed to others. Certain, measurable buffer distances (such as the proposed setback for oil and gas production) are imposed, while other uses are subject to no such measureable setbacks. This will result in a nonsensical patchwork of development. Reading the DEIR’s land use section as a whole, a future mineral extraction use in a location zoned for extraction would be held to a measurable setback in terms of future expansion, but a residential use with no measureable setback limitations could be installed immediately adjacent to a mineral extraction use.	O6-46
DEIR pg. 4.11-16	Policy HAZ-2.3. The DEIR fails to disclosure what constitutes an “incompatible land use.” This disclosure cannot be deferred, given that the scope and number of uses deemed “incompatible” will have dramatic physical consequences. If a large number of uses are “incompatible,” then the near-total inability to develop in the flood plain is a direct physical consequence that must be considered now.	O6-47
DEIR pgs. 4.11-1 through 4.11-24	The GP 2040 zoning map/land use map referenced throughout the DEIR’s land use section is not contained in the land use section. A reader has no way to review this section side-by-side with the maps being referenced.	O6-48
DEIR pg. 4.12-8	COS Revised Policy 7.2. As discussed above, the setback criteria proposed with adoption of GP 2040 affects selected, targeted industries. While oil and gas operations cannot expand to within 1500 feet of a “sensitive” use, such “sensitive” uses could certainly expand to within mere feet of existing oil and gas operations. This evidences the fact that this setback measure is not being adopted for a legally proper purpose.	O6-49
DEIR pg. 4.12-8	Policy COS 7.3. This Policy unlawfully impairs vested property rights and disregards well-settle controlling law concerning a mineral owner’s right to recover resources from his or her sub-surface property. All analyses and assumptions flowing from the expected imposition of this policy are fatally flawed.	O6-50

DEIR pg. 4.12-8	Policy COS 7.7. This policy is preempted by state and federal regulations. The DEIR disregards this. All analyses and assumptions flowing from the expected imposition of this policy are fatally flawed.	O6-51
DEIR pg. 4.12-21	The DEIR concedes that the majority of the COS policies to be adopted as part of the proposed GP 2040 are adopted for the express purpose of phasing out local oil and gas production within the County. The DEIR further concedes that the County will, as a direct result of this proposed phase-out, need to import foreign sources of oil and gas, and further acknowledges that the importation of such sources will have a more severe GHG production impact than reliance on local oil and gas resources. The DEIR then unlawfully punts on consideration of that more severe impact by stating that those impacts will occur "outside the GP 2040 plan area." This abdication of responsibility for GHG analysis is not only hypocritical given GP 2040's objective of combating climate change, but also unlawful. The more severe GHG impacts associated with the importation of foreign oil and gas are known and must be considered now. To omit this evaluation is to deprive the public and decision makers of the ability to fully and fairly understand and consider the impacts of adopting GP 2040.	O6-52
DEIR pg. 4.12-21	<p>The DEIR's unsupported conclusions regarding horizontal drilling access are demonstrably false. The DEIR states that: "[w]hile the amended policy would put limitations on the placement of new discretionary oil and gas wells, it would not necessarily prohibit access to the oil and natural gas resources being sought. In resource locations near sensitive land uses, directional drilling (including horizontal drilling) techniques could be utilized.</p> <p>Ample evidence, readily available to the DEIR preparers, disproves the foregoing. The aforementioned GP 2040 Policy (COS 7.2) impairs access to and recovery of approximately 80 million bbls of reserves/resources. The structural makeup of the reservoirs containing these reserves does not allow for horizontal drilling due to an average bed thickness of 2ft. A vertically stacked thinly bedding reservoir would require hundreds of wells to produce the 400-1500ft of interval and this is not economically viable in any historical economic condition. Directional drilling would not be possible to replace all of the reserves/resources due to terrain surrounding this area limiting surface locations as well the reservoir structural need to drill north-south directional paths from east or west locations.</p>	O6-53
DEIR pg. 4.12-27	COS Policy 7.8. This policy is not only preempted, but is also inconsistent with VCAPD rule 54 as it notes that all new well gas would be piped through the same gathering system in existing fields. Outside of running a new pipeline to a different gas processing system, there would be no way to break out the gas from the general field production that goes through the current gathering system through the gas plant, sales point, or flare.	O6-54
DEIR pg. 4.13-14	The elimination of back up alarms on equipment creates a direct, increased safety risk that is not considered in the DEIR.	O6-55
DEIR pgs. 4.13-1 through 4.13-29	The DEIR makes numerous, unsupported assumptions regarding the noise generated by oil and gas operations. Oil and gas operations generate noise equivalent to other industrial uses. The DEIR does not, and cannot, provide evidence demonstrating that oil and gas production generates noise above and beyond the noise levels generated by industrial activities, let alone that it produces objectionable noise.	O6-56

Letter O6	Aera Energy LLC John W. Borchard, Jr., Chief Financial Officer February 27, 2020
----------------------	---

- O6-1 The description of the commenting organization's role and operations in Ventura County are noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required. The comment also summarizes more detailed comments provided elsewhere in the comment letter. Refer to responses to comments O6-2 to O6-56 that address the specific comments identified in this letter.
- O6-2 Policy NV-1.12, as provided on page 4.1-16 of Section 4.1, "Aesthetics," in the draft EIR is an existing policy in the North Ventura Avenue Area Plan. This policy states that the "State and the County of Ventura recognizes Highway 33 as eligible for official designation as a State adopted scenic highway" and explains that the State requires a corridor protection plan before official designation. The policy also states that the portion of Highway 33 considered the "scenic approach" into the City of Ventura may shift if the boundary of the city changes due to incorporation of additional land.
- This policy would not have an adverse effect on scenic resources. Further, given that this policy is part of the North Ventura Avenue Area Plan, it would not conflict with the land use plan or scenic resources specific to this area.
- O6-3 Through Implementation Program J, the County would seek official State Scenic Highway designations for County-designated Scenic Highways. County-designated Scenic Highways are already subject to the Scenic Resources Overlay Zone of the Non-Coastal Zoning Ordinance, which regulates discretionary development that could affect scenic resources. This policy "would increase the protection of scenic resources visible from scenic highways" (draft EIR page 4.1-23); it would not substantially change the development requirements in these areas. There are no reasonably foreseeable indirect adverse effects of this program. Eligible highways are discussed in the Background Report (see page 8-64) and the impact analysis (draft EIR page 4.1-25 and depicted on Figure 8-8 in the Background Report).
- O6-4 The draft EIR acknowledges existing zoning restrictions in the analysis. Page 4.1-23 states:
- Future development within the Scenic Resource Protection Overlay Zone would be required to comply with Section 8109-4.1.5 of the NCZO, described above. Together the NCZO regulations for the Scenic Resource Protection Overlay Zone and 2040 General Plan policies would require future development to not result in physical alteration of scenic resources. In addition, as required by Section 8107-5.5.3, new discretionary oil drill sites and production facilities shall be sited so they are not readily seen.

Similarly, page 4.1-25 indicates that “Section 8109-4.1.5 of the NCZO...requires that all discretionary development within the Scenic Resource Protection Overlay Zone to be sited and designed to prevent significant degradation of a scenic view or vista.” The NCZO requirements are part of the existing conditions and are not a consequence of the 2040 General Plan.

O6-5 The comment claims that the County’s definition of a sensitive receptor would not include a residence. The comment then asks why a typical residence would be excluded from the toxic air contaminant analysis. Specifically, the comment quotes the draft EIR’s definition as “sensitive receptors are considered to be populations or uses that are more susceptible to the effects of air pollutant than the general population.” However, this is only part of the definition for sensitive receptors used in the draft EIR. As stated on page 4.3-5 of the draft EIR, the definition continues to say “... such as long-term health care facilities, rehabilitation centers, retirement homes, convalescent homes, residences, schools, childcare centers, and playgrounds.” The definition of sensitive receptors used for the toxic air contaminant analysis includes residences. No revisions to the draft EIR are required.

O6-6 Thresholds of significance are the benchmark against which projects are evaluated to determine whether physical environmental changes that could be reasonably expected to result from project implementation would be “significant” as determined by the lead agency. The thresholds can be qualitative or quantitative, and the determination of significance can vary based upon context.

Public agencies are encouraged to develop and publish thresholds of significance that are used in the determination of the significance of environmental effects (CEQA Guidelines, § 15064.7(b)). The current Initial Study Assessment Guidelines (ISAG), last amended by the County in April of 2011, set forth the standard threshold criteria and methodology used in determining whether a project could have a significant effect on the environment. The ISAG were originally adopted in 1992 by the directors of those County agencies/departments responsible for evaluating environmental issues and by the County’s Environmental Quality Advisory Committee following a public outreach process that included public notification and workshops, and appropriate revisions. Similarly, all subsequent amendments to the ISAG have included public notification and review prior to their adoption in accordance with the State CEQA Guidelines and the County’s Administrative Supplement to the State CEQA Guidelines.

For the purpose of evaluating the potential environmental effects of implementing the 2040 General Plan, the thresholds of significance are based on the ISAG, as well as the checklist presented in Appendix G of the State CEQA Guidelines; best available data; and the applicable regulatory standards of the County and federal and state agencies with jurisdiction over the resources at issue. As explained in Section 4.1, “Environmental Impact Analysis,” (page 4-1) and described in detail for each resource analysis, “deviation from the ISAG thresholds, was sometimes necessary to appropriately consider the programmatic nature of a general plan for the entire unincorporated area, and to incorporate the 2019 revisions to the Appendix G checklist.”

In each of the resource-specific sections of the draft EIR (Sections 4.1 through 4.17), the “Environmental Impacts and Mitigation Measures” subsection identifies the thresholds used to determine the level of significance of the environmental impacts for the resource topic, in accordance with State CEQA Guidelines Section 15126. These thresholds appropriately set the parameters for what is evaluated in the EIR.

Regarding TAC emissions, the 2040 General Plan was evaluated for its potential to expose the public to substantial TAC emissions that exceed 10 in 1 million for carcinogenic risk, as is presented in on page 4.3-6 of the draft EIR. Impact 4.3-5 evaluates the potential for this threshold to be exceeded. No revisions to the draft EIR are needed.

- O6-7 The comment suggests flares from landfills and wastewater treatment plants be considered in Policy COS-7.8 of the 2040 General Plan. The comment then states that if this addition to Policy COS-7.8 is not considered, then the draft EIR should describe how the pollution from a flare at a landfill or wastewater treatment plants differs from an oil and gas well flare. As discussed on page 4.3-18 of the draft EIR, “Stationary sources, such as boilers, heaters, flares, cement plants, and other types of combustion equipment associated with industrial uses undergo a permitting process by VCAPCD [Ventura County Air Pollution Control District]...Stationary sources are required to implement and comply with applicable VCAPCD rule(s) for their specific operation.” Thus, flares associated with landfills and wastewater treatment plants would be required to comply with VCAPCD rules specific to air pollutant emissions regardless of General Plan policies. No revisions to the draft EIR are needed.
- O6-8 The comment asserts that the draft EIR does not provide evidence to support the assumption made in Impact 4.3-2 that construction emissions would exceed countywide thresholds. As stated on page 4.3-13 of the draft EIR, “construction activities were estimated to occur at a constant rate over the 2040 General Plan horizon period of 20 years. Specific modeling inputs to derive emissions estimates can be found in Appendix C of the draft EIR. Table 4.3-1 of the draft EIR shows the land use assumptions used in the emissions modeling. Based on the modeling conducted and presented in Table 4.3-2, construction-generated NO_x emissions would exceed countywide thresholds, as well as Ojai Valley thresholds. With implementation of Mitigation Measures AQ-1a, AQ-1b, AQ-2a, and AQ-2b, maximum daily construction emissions would be reduced below the countywide threshold but would remain above the Ojai Valley threshold. This is shown in Table 4.3-3 of the draft EIR.
- O6-9 The comment states that Mitigation Measures AQ-1a and AQ-1b are duplicative. While both mitigation measures seek to reduce construction-generated air pollutant emissions, they are different in how they would be included in the 2040 General Plan. Mitigation Measure AQ-1a would be a new policy and Mitigation Measure AQ-1b would be a new implementation program that would carry out the policy included in Mitigation Measure AQ-1a. No revisions to the draft EIR are required.

- O6-10 Refer to Master Response MR-7 regarding recirculation of a draft EIR. The comment asserts that use of water trucks needed to implement Mitigation Measure AQ-2a was not evaluated for its potential impacts to emissions and water use. The amount of water needed to mitigate fugitive dust emissions would depend on the size of the area disturbed, wind speed, season, and other external factors as described on page 4.3-13 of the draft EIR. Additionally, as stated in Mitigation Measure AQ-2a, the use of water trucks would only be required during the primary stages of construction when excavation and grading occurs, which is often one of the shortest phases of construction. Further, water demand during the construction phase is usually substantially less than the average daily demands. Water use is not usually based on total usage, but average daily usage. Because of the programmatic nature of the draft EIR, it is not possible to know individual discretionary project's fugitive dust emissions or demand for water trucks. No revisions to the draft EIR are required.
- O6-11 Refer to response to comment A14-2 explaining that the County has revised Mitigation Measure AQ-1b to require use of Tier 3 or Tier 4 diesel engines in all off-road construction diesel equipment.
- O6-12 Refer to Master Response MR-7 regarding recirculation of a draft EIR. The comment suggests that use of the California Air Resources Board's (CARB's) 2005 Air Quality and Land Use Handbook for siting receptors near high-volume roadways be revised to match CARB's 2017 Technical Advisory: Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways. This advisory states: "the possibility that near-roadway pollution exposure had been previously underestimated and that people living as much as 1,000 feet from freeways were being adversely impacted by poor air quality at night and in the early morning." While the guidance has provided an updated exposure distance, it remains a recommended distance for new development and the draft EIR analysis does not rely on this distance for an impact significance determination. However, in response to this comment, Mitigation Measure AQ-3 is revised to reflect the 1,000-foot setback distance.

Mitigation Measure AQ-3 on page 4.3-22 of the draft EIR is revised as follows:

Mitigation Measure AQ-3: New Policy HAZ-10.X: ~~Setback Requirements~~ Health Risk Assessments for Sensitive Land Uses Near Heavily Traveled Transportation Corridors
The County shall include the following new policy in the 2040 General Plan.

Policy HAZ-10.X: ~~Setback Requirements~~ Health Risk Assessments for Sensitive Land Uses Near Heavily Traveled Transportation Corridors

The County shall require discretionary development for land uses which that include sensitive receptors which are considered to be (populations or uses that are more susceptible to the effects of air pollution than the general population, such as long term health care facilities, rehabilitation centers, retirement homes, convalescent homes, residences, schools, childcare centers, and playgrounds) are be located at least 500 1,000 feet from any freeway or urban road with traffic volumes that exceed 100,000 vehicles per day, or

~~rural roads that exceed~~ 50,000 vehicles per day. New sensitive receptor ~~use~~ structures can be located within ~~500~~ 1,000 feet from a new or existing ~~freeway or urban~~ road with traffic volumes that exceed 100,000 vehicles per day, or rural road with traffic volumes ~~that exceed~~ 50,000 vehicles per day only if a project applicant first prepares a qualified, site-specific health risk assessment (HRA). The HRA shall be conducted in accordance with guidance from VCAPCD and approved by VCAPCD. If the HRA determines that a nearby sensitive receptor would be exposed to an incremental increase in cancer risk greater than 10 in 1 million, then design measures shall be incorporated to reduce the level of risk exposure to less than 10 in 1 million. No further action shall be required if the HRA demonstrates that the level of cancer risk would be less than 10 in 1 million. Project design features that may be considered in an HRA may include, but are not limited to: installing air intakes furthest away from the heavily traveled transportation corridor; installing air filtration (as part of mechanical ventilation systems or stand-alone air cleaner); using air filtration devices rated MERV-13 or higher; requiring ongoing maintenance plans for building HVAC air filtration systems; limiting window openings and window heights on building sides facing the heavily traveled transportation corridor; or permanently sealing windows so they don't open on the side of the building facing the heavily traveled transportation corridor; and installing vegetative barriers, considering height and cover thickness, to create a natural buffer between sensitive receptors and the emissions source. For purposes of this policy, "sensitive receptors" means populations or uses that are more susceptible to the effects of air pollution than the general population such as long-term health care facilities, rehabilitation centers, retirement homes, convalescent homes, residences, schools, childcare centers, and playgrounds.

Refer to response to comment A14-6 for additional discussion of revisions to Mitigation Measure AQ-3.

- O6-13 Refer to Master Response MR-4, Section MR-4.H, "Buffers (Setback)," and Section MR-4.E, "Applicability of Reference Studies for Oil and Gas Operations," regarding the findings and conclusions related to setbacks and to the applicability of reports relied upon for these findings and conclusions.
- O6-14 Refer to response to comment O6-5 regarding the definition of sensitive receptor.
- O6-15 This comment recommends a contextual change to page 4.4-2 of the draft EIR. The recommended contextual change is incorrect, and the original version of the sentence in question is correctly presented. The comment is noted and further response is not required.
- O6-16 This comment recommends a contextual change to page 4.4-10 of the draft EIR. The recommended contextual change is incorrect, and the original version of the

sentence in question is correctly presented. The comment is noted and further response is not required.

- O6-17 The comment provides suggested edits to policies proposed in the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a Final 2040 General Plan.

The 2040 General Plan policies, as written, require that a qualified biologist ensures that sensitive biological resources are accurately identified, and that identification/designation is consistent with base mapping (Policy COS-1.1: Protection of Sensitive Biological Resources).

- O6-18 The comment recommends a text change to page 4.4-20 of the draft EIR to correct a typo. The following paragraph has been edited accordingly.

The Rural land use designation would allow for low-density and low-intensity land uses such as residential uses and other rural uses which are maintained in conjunction with agricultural and horticultural uses or in conjunction with the keeping of farm animals for recreational purposes, such as greenhouses, principal and accessory structures related to agriculture, and also oil and gas wells, and would apply to approximately 0.9 percent of land in the unincorporated county.

- O6-19 This comment recommends a contextual change to page 4.4-21 of the draft EIR. The recommended contextual change is incorrect, and the original version of the sentence in question is correctly presented. The comment is noted and further response is not required.

- O6-20 The comment recommends a text change to page 4.4-31 of the draft EIR to correct a typo. The following paragraph has been edited accordingly.

In addition to existing federal and State laws and permitting processes, the 2040 General Plan includes several policies and implementation programs that would further reduce potential impacts on wildlife corridors and native wildlife nursery sites and require project-level environmental review and mitigation for significant impacts (see “General Plan Update Policies and Implementation Programs,” above). For example, Policies COS-1.1 and COS-1.2 address the protection and consideration of sensitive biological resources, which include wildlife movement corridors and native wildlife nursery site. Because these features are typically considered sensitive biological resources, implementation of Policies COS-1.1 and COS 1.2 would require evaluation of these features during site-specific surveys as well as development of mitigation measures to avoid, minimize, or compensate for impacts. Policies COS-1.7, COS-1.8, COS-1.9, COS-1.10, and COS-1.11 include requirements ~~to requirements~~ for environmental review for projects within 300 feet of wetland habitat, implementation of 100-foot setbacks from wetland habitat, incorporation of protective design features to avoid impacts to riparian habitat, and requirements for

consultation with natural resources agencies for guidance regarding avoidance and minimization of impacts to rare, threatened, or endangered species. These requirements would have an indirect benefit on wildlife movement corridors and native wildlife nursery sites as these features are frequently associated with sensitive biological habitats (e.g., wetlands, riparian corridors). Policies COS-2.2, COS-2.4, COS-2.8, COS-2.9, COS-2.10, COS-2.11 address habitat conservation and protection of fisheries and marine resources within the Coastal Zone. Policies COS-1.3, COS-1.4, and COS-1.5 specifically address impacts on wildlife movement. For instance, the County is required to consider impacts to wildlife movement as part of the discretionary project review process, and the design and maintenance of floodplain improvements including culverts and bridges must be reviewed by a qualified biologist to accommodate feasible wildlife passage measures. Policy COS-9.3 addresses preservation of open space lands for habitat protection and wildlife movement. Development within the county will also be guided by nine Area Plans; however, the policies of these Area Plans do not provide additional or more specific protection for resident or migratory wildlife corridors or native wildlife nursery sites than the 2040 General Plan policies.

O6-21 Policy HAZ-4.2 is presented on page 4.7-3 of the draft EIR as it appears in the 2040 General Plan. Through this policy, the County would:

require that linear projects, including roads, streets, highways, utility conduits, water transmission facilities, and oil and gas pipelines, avoid intersecting active faults to the extent possible. When such locations are unavoidable, the project design shall include measures to minimize the effects of any fault movement.

The policy is cited in the discussion of Impact 4.7-1 as one of the many reasons that implementation of the 2040 General Plan would not expose people or structure to fault rupture hazards, or directly or indirectly cause fault rupture.

The 2040 General Plan establishes a land use plan that identifies the types of development that could occur throughout the plan area. Specific developments proposals cannot be known at this time and examination of the physical consequences of specific infrastructure projects is not possible. However, the physical effects of infrastructure necessary to support anticipated development are evaluated throughout the draft EIR and are within the body of the potential ground disturbance assumed with implementation of the 2040 General Plan.

O6-22 Policy HAZ-4.6 is provided on page 4.7-3 of the draft EIR as it appears in the 2040 General Plan. The County would require discretionary development to minimize the removal of vegetation to protect against soil erosion, debris flows, and landslides. The County's authority does not supersede State regulation; however, minimization of clearing would be determined based on consistency with other applicable regulations.

The comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is

acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adoption of the Final 2040 General Plan.

O6-23 Policy HAZ-4.15 is provided on page 4.7-4 of the draft EIR as it appears in the 2040 General Plan. The policy would require that potential ground surface subsidence be evaluated prior to approval of new oil, gas, water or other extraction well drilling permits and appropriate and sufficient safeguards are incorporated into the project design and facility operation. The draft EIR cites implementation of this policy to support the conclusion that implementation of the 2040 General Plan would have a less-than-significant impact as a result of development expose people or structures to subsidence or cause subsidence if located within a subsidence hazard zone (refer to the discussion of Impact 4.7-6). To this end, if an extraction well could cause or contribute to land subsidence if proper material balance is not employed, this policy would address this condition.

O6-24 The comment requests that the California Global Warming Solutions Act of 2006, the Regulation for Mandatory Reporting of Greenhouse Gas Emissions, and the State's Cap-and-Trade regulation be included in the draft EIR rather than in the Background Report.

The California Global Warming Solutions Act of 2006 is discussed in detail in the Background Report. Refer to Master Response MR-6 for discussion of how the County appropriately uses the Background Report to describe the existing environmental setting in the draft EIR. The County agrees with the addition of the Regulation for Mandatory Reporting of Greenhouse Gas Emissions and the Cap-and-Trade regulation pertaining to GHG emissions sources, like industrial emissions exceeding 25,000 metric tons of carbon dioxide equivalent (MTCO₂e) annually. In response to this comment, the following is added on page 4.8-2:

In 2011, CARB adopted the Cap-and-Trade regulation and created the Cap-and-Trade program. The program covers GHG emissions sources that emit more than 25,000 metric tons of carbon dioxide equivalent per year (MTCO₂e/year) such as refineries, power plants, industrial facilities, and transportation fuels. The Cap-and-Trade program includes an enforceable statewide emissions cap that declines approximately 3 percent annually. CARB distributes allowances, which are tradable permits, equal to the emissions allowed under the cap. Sources that reduce emissions more than their limits can auction carbon allowances to other covered entities through the Cap-and-Trade market. Sources subject to the cap are required to surrender allowances and offsets equal to their emissions at the end of each compliance period (CARB 2012). Stationary sources that emit more than 10,000 MTCO₂e/year are required to report their GHG emissions annually to CARB pursuant to the Mandatory Reporting Regulation but are not required to reduce GHG emissions until the 25,000 MTCO₂e/year cap is exceeded. The Cap-and-Trade program was initially slated to sunset in 2020, but the passage of SB 398 in 2017 extended the program through 2030.

- O6-25 The comment suggests that the GHG emissions associated with landfills in the county are underestimated. The comment provides a citation to a CARB-supported methane emissions study that sought to measure landfill-generated methane from the Toland Road Landfill in the county. Refer to Master Response MR-1.A, which describes an updated calculation for the Toland Road Landfill based upon the availability of new data sources.
- O6-26 The comment suggests including the CO₂ generated from composting facilities operating in the County in the GHG inventory. It also suggests that these facilities are designed to decrease methane emissions but create CO₂ emissions.
- The ICLEI U.S. Community GHG Protocol used by the County and many other jurisdictions to produce GHG inventories does not contain standardized methodologies to estimate fugitive emissions from composting due to the lack of data and guidance. Appendix E of the of the protocol's latest version 1.2 from July 2019 states that the EPA is exploring methods to calculate emissions from composting and the ICLEI guidance will be updated in future editions to reflect the state of science for direct measurements. For lack of a generally accepted method for quantifying GHG emission from this source, it was not included as part of the draft EIR analysis.
- O6-27 The comment asserts that the stationary source emissions estimates of the baseline GHG inventory are incorrect because they do not match the emissions reported in CARB's Mandatory Reporting Rule (MRR), as cited in draft EIR Appendix D. The reference to MRR in draft EIR Appendix D is incorrect. The stationary source emissions were not based on MRR reports. Instead, they were calculated using the County's portion of statewide GHG emissions from oil and gas production scaled by the County's relative production of oil and gas in the state. In response to this comment, reference to the MRR has been removed from draft EIR Appendix D, as provided in Revised Appendix D, Attachment 2 to the final EIR. In addition, these revisions recalculate the stationary source emissions based on county-specific emissions data available from CARB. These changes do not substantially affect the analysis or change the impact conclusions in the draft EIR. Refer to Master Response MR-1.A for additional discussion of the stationary source emissions calculations included in the draft EIR and updated calculations for stationary source emissions included in the final EIR.
- O6-28 The comment states that the draft EIR does not explain why state-level data was used to estimate the county's emissions from oil and gas production in light of facility-level data from MRR for three facilities in the county, and that reliance on State-level data inaccurately reflects the oil and gas emissions in the county. The comment states that the emissions estimated for the oil and gas sector are considerably overestimated.
- MRR data was not considered for the analysis after reviewing the limitations associated with the MRR data. The MRR data only includes facilities that meet the reporting criteria when they emit more than 10,000 MTCO₂e per year and do not include fugitive emissions from oil and gas production. Fugitive emissions are included in CARB's GHG inventory for the oil and gas sector (CARB 2020), and,

to be consistent with the state's GHG inventory, are also included in the County's GHG inventory in order to show consistency with the State's GHG reduction targets.

Also, in contrast to the two facilities identified by the comment, in 2015, the MRR included four petroleum and natural gas extraction facilities in the county:

- ▶ Aera Energy Ventura Basin (opt-in 2014);
- ▶ Aera Energy Ventura Gas Plant;
- ▶ California Resources Production Corporation - SCVGP Gas Plant; and
- ▶ California Resources Production Corporation - Ventura Basin 755.

According to the MRR, these facilities emitted a total of 126,663 MTCO_{2e} in 2015, excluding fugitive emissions (CARB 2019b).

In the final EIR, the county's emissions from oil and gas production have been revised to account for county-specific emissions data from CARB. These changes do not substantially affect the analysis or change the impact conclusions in the draft EIR. Refer to Master Response MR-1.A for additional discussion of the stationary source emissions calculations included in the draft EIR and updated calculations for stationary source emissions included in the final EIR.

O6-29 Comment requests an explanation for the differences in the rate of forecasted decay in waste-in-place emissions between the Toland Road Landfill and the Simi Valley Landfill.

The comment identifies an error in the calculation of the solid waste GHG emissions forecasts for the Simi Valley Landfill and the Toland Road Landfill. These forecasts were incorrectly quantified in the draft EIR. These forecasts have been revised and both forecasts are now based on the decay rates modeled in CARB's Landfill Emissions Tool. These revisions clarify the data used in the draft EIR analysis, but do not substantially change the analysis or conclusions of the draft EIR. Refer to Master Response MR-1.A and the revised Appendix D (Attachment 2 to this final EIR) for further explanation of the methodology used to quantify solid waste emissions.

O6-30 The comment expresses concern over the methods used to forecast emissions from oil and gas production. The comment identifies a discrepancy between the draft EIR's forecast of emissions from oil and gas production and the historical trends in oil and gas production in the county. (Note that references to "gas" in the GHG forecast data corresponds to "associated gas" production. No non-associated gas was reported to be produced in the county between 2008 and 2018.)

In reviewing these calculations, an error was identified associated with the scaling factors used to forecast emissions. Previously in the draft EIR, there was a calculation error in the scaling factor used to forecast emissions through 2040 that was designed to scale emissions by average annual trends in oil and gas production in the county since 2008. The forecasts have also been revised to

incorporate historical oil and gas production in the county starting from 1980, instead of 2008, to provide a more accurate assessment of the overall trends in oil and gas production in the county. Additionally, the calculations have been corrected such that oil-related emissions are scaled by oil production and gas-related emissions are scaled by gas production. A discussion has also been added to further explain the methodology used to forecast oil and gas emissions. A revised version of draft EIR Appendix D that reflects these modifications is provided in Attachment 2 to this final EIR.

Since 1980, oil and gas production in the county has decreased by approximately 60 percent, following an inverted growth curve pattern characteristic of oil production decline. Based on this, the updates to the GHG calculations more accurately reflect the anticipated trends in emissions from the oil and gas industry.

O6-31 The comment notes that the draft EIR analysis under Impact 4.12-3 in Section 4.12, “Minerals and Petroleum Resources,” concludes that the 2040 General Plan could hamper or preclude access to oil and gas resources and suggests that Section 4.8, “Greenhouse Gas Emissions,” in the draft EIR, should be modified to include an explanation of the modeling assumptions in Appendix D to the draft EIR that indicate that oil production would increase in the county. The final EIR revises the methodology to forecast oil production in the county and, using historical oil production data in county starting from 1980 from the California Department of Conservation, anticipates that oil production in the county will decline through 2040, instead of increase. See response to comment O6-30, Master Response MR-1, and the Revised Appendix D in Attachment 2 to the final EIR for further discussion of the revised scaling factors used to forecast GHG emissions from stationary sources.

O6-32 The comment states that the overestimations of the stationary source emissions made in Table 4.8-2 are compounded in the projections. The comment also states that forecasted stationary source emissions should be decreasing relative to 2015 levels, in line with historical trends in oil production in the county. Refer to the response to comment O6-28, which explains the inclusion of fugitive emissions from oil and gas production. Refer Master Response MR-1.A which explains the revisions to the 2015 inventory and forecasted stationary source emissions included in the final EIR. These revisions were made in response to this and other similar comments expressing concern over using State-level data and inappropriate oil production forecasts. Refer to response to comment O6-30 explaining why forecast GHG emissions from stationary sources have been revised to assume a declining trend in future oil and gas production in the county.

Note that revision of the 2015 emissions from stationary sources in the final EIR are higher than those estimated in the draft EIR; however, forecasted emissions are lower and show a declining trend compared to the estimates in the draft EIR. Refer to Master Response MR-1.A and the Revised Appendix D in Attachment 2 to the final EIR for further discussion of the revised methods used to estimate the 2015 and forecasted GHG emissions from stationary sources.

O6-33 The comment suggests that the draft EIR be revised to describe climate change benefits associated with continued and expanded use of crude oil. The comment

asserts that the oil produced in the county has a lower carbon intensity than that of oil produced in other parts of the State. The comment references the Low Carbon Fuel Standard as the driver of the reduction of carbon intensity of oil. This is a State-regulated program that the County does not have authority to revise and implementation of this regulation is not carried out through the CEQA process. The impact of the Low Carbon Fuel Standard regulation is not quantified in the draft EIR analysis as it represents upstream emissions associated with fuel production. No revision to the draft EIR is required in response to this comment.

Refer to response to comment O2-6 and Master Response MR-4.K for a discussion of the potential for GHG emissions from extraction of crude oil outside of the county compared to extraction occurring within the county and whether additional discussion of this potential is appropriate for inclusion in this draft EIR.

- O6-34 The comment addresses Policies COS-7.4 and COS-7.7 of the draft 2040 General Plan and is not related to the adequacy of the draft EIR. Policy COS-7.7 is part of the draft 2040 General Plan and was not identified as a mitigation measure for potentially significant GHG emissions impacts identified in the draft EIR. No further response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O6-35 The comment addresses implementation of Implementation Program M in the Conservation and Open Space Element of the 2040 General Plan, which would require the County to evaluate the feasibility of establishing a local tax on oil and gas operations located in the unincorporated county and asserts that doing so would “usurp” authority designated to a State agency. This comment is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O6-36 The comment states that several policies and programs analyzed in Section 4.8, “Greenhouse Gas Emissions,” in the draft EIR are unrelated to GHG emissions or climate change. The comment cites the following policies and programs: CTM-2.1, CTM-2.10, CTM-2.19, PFS-4.4, COS-2.10, WR-4.1, and Implementation Programs J and M.

The following briefly explains how the identified programs would reduce GHG emissions.

- ▶ Policies CTM-2.1, CTM-2.10, and CTM-2.19: These policies reduce GHG emissions by promoting the use of alternative low-emission modes of transportation, such as bicycling and walking. Physical separation of low-speed and high-speed modes of transportation also promote safety and desirability of those modes over faster automotive transportation.
- ▶ Policies PFS-4.4, COS-2.10, and WR-4.1: The preservation of groundwater resources allows for greater availability of local water resources, which discourages the use of water from more GHG-intensive sources. According to the California Energy Commission, groundwater from wells less than 250 feet

deep is less energy intensive than water sourced from other major sources, such as the State Water Project (California Energy Commission 2006:25). Emissions of GHGs are proportional to electricity use, as long as electricity sources are sourced from non-renewable sources.

- ▶ Implementation Programs J and M: These programs would reduce GHG emissions by promoting the use of alternative fuels (e.g., electricity, biodiesel, biogas) that emit less GHG emissions per unit of energy than their conventional counterparts (e.g., diesel, gasoline, natural gas).

O6-37

The comment asserts that 2040 General Plan Policy COS-7.4 (Electrically-Powered Equipment for Oil and Gas Exploration and Production) is not feasible for the County to implement because the County does not have control over the renewable sources of imported electricity. Policy COS-7.4 states that “the County shall require discretionary development for oil and gas exploration and production to use electrically-powered equipment from 100 percent renewable sources and cogeneration, where feasible, to reduce air pollution and GHG emissions from internal combustion engines and equipment.”

The draft EIR evaluates the physical environmental effects of 2040 General Plan implementation, including its policies and programs, but is not required to analyze the “defects of, or infeasibility of” this policy or other components of the project being analyzed.

Table 4.7 in the draft EIR identifies a list of policies, including Policy COS-7.4, that are not supported by any implementation programs. The conclusion under Impact 4.8-1 (page 4.8-44) explains that such policies do not contain enough specificity to allow for the quantification of any potential GHG reductions. Although this discussion did not specifically address Policy COS-7.4, it did not discount the feasibility of Policy COS-7.4.

The implementation of Policy COS-7.4 could be supported by several means. Under Policy COS-8.4, the Clean Power Alliance targets enrollment of 95 percent of all residential and commercial customers into its Green Choice Program by 2030. This program offers 100 percent renewable electricity. Additionally, Senate Bill 100 establishes a target of 100 percent renewable electricity in the state by 2045. Southern California Edison also offers two renewable energy programs with 100 percent renewable options that businesses can join: the Green Rate Program and the Community Renewables Program. Given these policies and available renewable electricity options, it is feasible for electricity consumers to choose renewably sourced electricity as part of the implementation of Policy COS-7.4. Therefore, this policy is anticipated to reduce GHG emissions, although such reductions cannot be quantified at this time.

O6-38

The comment recommends an edit to the text of the draft EIR. In response, the following edit is made to the discussion on page 4.8-50 in Section 4.8, “Greenhouse Gas Emissions,” of the draft EIR:

However, for these reasons and those described in Impact 4.8-1, the County cannot meaningfully quantify the effect of all its 2040 General Plan

policies and programs on future GHG emissions, and ~~there~~ therefore, it cannot conclude, at this program level of analysis, that future GHG emissions in the county under the 2040 General Plan would be sufficiently reduced to meet the State's 2030 or post-2030 targets.

This edit provides clarification, but does not substantially change the analysis or conclusions of the draft EIR.

- O6-39 The comment recommends an edit to the text of the draft EIR. In response, the following edit is made to the discussion on page 4.8-52 in Section 4.8, "Greenhouse Gas Emissions," of the draft EIR:

However, due to the County's minimal growth, most of the forecast GHG emissions in 2030 and beyond are caused or influenced by ~~from~~ energy use in existing buildings, vehicle use and travel behavior on existing transportation systems, landfilled waste, and agricultural uses where the County has limited authority to enforce stringent actions resulting in GHG reductions beyond what have been already been included in the 2040 General Plan and the mitigation measures identified in Impact 4.8-2.

- O6-40 The comment states that the draft EIR does not provide a definition for "alternative technology" for the management of hazardous waste and therefore fails to disclose an evaluation of the potential impacts due to onsite treatment of hazardous waste. Through Policy HAZ-5.5, the County would "require that hazardous wastes and hazardous materials be managed in such a way that waste reduction through alternative technology is the first priority." This speaks to looking for technological solutions, which would vary based on industry, that result in reduced use and generation of hazardous materials and wastes. The policy does not promote alternative technology to manage said waste; but is intended to reduce the quantity of potentially hazardous materials used and wastes generated. The full policy, as provided on page 4.9-7 of the draft EIR is provided below for reference.

- **Policy HAZ-5.5: Hazardous Waste Reduction at the Source.** The County shall, as part of the discretionary review process, require that hazardous wastes and hazardous materials be managed in such a way that waste reduction through alternative technology is the first priority, followed by recycling and on-site treatment, with disposal as the last resort. (RDR) [*Source: Existing GPP Policy 2.15.1.1, modified*]

Once produced, hazardous wastes are "treated" when the physical, chemical, or biological character or composition of the hazardous waste is changed in a way that removes or reduces its harmful properties or characteristics. In Ventura County, all facilities that generate hazardous waste, except those in the City of Oxnard, are required to obtain a hazardous waste producer's permit from Ventura County Environmental Health Department. The Environmental Health Department conducts routine inspections of facilities that generate hazardous waste to verify compliance with State hazardous waste laws and regulations contained in the California Health and Safety Code. Businesses that treat hazardous waste onsite are required to notify the Environmental Health Department. There are State laws and regulations

pertaining to onsite hazardous waste treatment that are administered through an existing permitting process established by the State of California. For further discussion of these regulations, refer to Section 11.5, “Hazardous Materials,” of the Background Report (pages 11-65 through 11-67).

The draft EIR provides a program-level analysis of the types of development that could occur in the unincorporated county based on implementation of the proposed land use plan and policies. Physical changes that could result from subsequent development pursuant to land use designations established in the 2040 General Plan, implementation of policies and implementation programs identified in the 2040 General Plan, and offsite or indirect development that is necessitated by the 2040 General Plan, are encompassed in this analysis (see “Approach to Environmental Analysis,” page 4-3 of the draft EIR). The reasonably foreseeable effects of Policy HAZ-5.5 are considered in Impacts 4.9-1 through 4.9-4. No revision to the draft EIR is required in response to this comment.

O6-41

The comment references the justification of not providing additional mitigation to address the significant and unavoidable impact identified under Impact 4.9-6 (Expose People to Risk of Wildfire by Locating Development in a High Fire Hazard Area/Fire Hazard Severity Zone or Substantially Impairing an Adopted Emergency Response Plan or Evacuation Plan or Exacerbate Wildfire Risk). Here, the discussion explains that there is an existing regulation in place (VCFPD Ordinance 31, the Ventura County Fire Protection District Fire Hazard Reduction Program) which “requires mandatory 100-feet of brush clearance around structures located in or adjacent to Hazardous Fire Areas” (page 4.9-24 of the draft EIR), and concludes that there could be a significant increase in wildfire hazards despite implementation of this and other regulations, as well as applicable policies and implementation programs proposed in the 2040 General Plan. VCFPD Ordinance 31, Chapter 2 Definitions, defines “Structure” as, “That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.” (Ventura County Fire Code, Section 202).

The draft EIR provides a program-level analysis of the types of development that could occur in the unincorporated county, based on implementation of the proposed land use plan and policies. Physical changes that could result from subsequent development pursuant to land use designations established in the 2040 General Plan, implementation of policies and implementation programs identified in the 2040 General Plan, and offsite or indirect development that is necessitated by the 2040 General Plan, are encompassed in this analysis. For the purpose of this environmental analysis, the types of actions that could result in physical changes to the environment under the 2040 General Plan are referred to collectively as “future development” (see “Approach to Environmental Analysis,” page 4-3 of the draft EIR).

In the analysis of the wildfire impact, the draft EIR (page 4.9-21) explains that:

Public Resources Code Section 4291 and Government Code Section 51182 require property owners in mountainous areas, forest-covered lands, or any land that is covered with flammable material to create, at

minimum, a 100-foot defensible space (or to the property line) around their homes and other structures. Pursuant to VCFPD Ordinance 31, the Ventura County Fire Protection District Fire Hazard Reduction Program requires mandatory 100-feet of brush clearance around structures located in or adjacent to Hazardous Fire Areas.

As explained on page 4.9-2 of the draft EIR, the Ventura County Fire Protection District Ordinance No. 31 was adopted in October of 2019, which updated the versions of the California Fire Code and International Fire Code adopted by reference. The hazard reduction program is further described on page 11-52 of the Background Report. More information about the applicability of, and requirements to, clear brush or vegetative growth from structures, can be found in VCFPD Ordinance 31, Section W105.

The 2040 General Plan would not change the requirement for brush clearing in Hazardous Fire Areas. However, growth that occurs under the plan could increase development in Hazardous Fire Areas that must comply with VCFPD Ordinance 31. The land use diagram establishes the types of development envisioned for areas of the county, while the policies and implementation programs further guide, and provide parameters around, appropriate development. The draft EIR appropriately acknowledges the potential for future development in or adjacent to high and very high Fire Hazard Severity Zones or Hazardous Fire Areas. Future development is considered a potential for land disturbance in the analysis of erosion potential, irrespective of buffer requirements for wildfire hazard reduction.

- O6-42 The draft EIR lists proposed policies as they appear in the draft 2040 General Plan. The EIR does not propose revisions to the draft policies unless necessary to mitigate a potentially significant effect on the environment.

Stormwater drainage facilities would be installed as a component of new development accommodated under the 2040 General Plan, and the County would require that the facilities comply with Policy PFS-6.5: Stormwater Drainage Facilities which states that “The County shall require that stormwater drainage facilities are properly designed, sited, constructed, and maintained to efficiently capture and convey runoff for flood protection and groundwater recharge.” The actual land disturbance required to install and maintain these facilities would be within the greater area of potential land disturbance assumed in the analysis.

As explained above, the draft EIR provides a program-level analysis of the types of development that could occur in the unincorporated county based on implementation of the proposed land use plan and policies. Physical changes that could result from subsequent development pursuant to land use designations established in the 2040 General Plan, implementation of policies and implementation programs identified in the 2040 General Plan, and offsite or indirect development that is necessitated by the 2040 General Plan, are encompassed in this analysis. For the purpose of this environmental analysis, the types of actions that could result in physical changes to the environment under the 2040 General Plan are referred to collectively as “future development” (see “Approach to Environmental Analysis,” page 4-3 of the draft EIR).

- O6-43 The comment addresses implementation of a policy of the 2040 General Plan and is not related to the adequacy of the draft EIR. As described in response to comment O6-42, the draft EIR lists proposed policies as they appear in the draft 2040 General Plan. The EIR does not propose revisions to the language and level of detail provided in the draft policies unless necessary to mitigate an effect on the environment. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adoption of the final 2040 General Plan.
- O6-44 The comment provides suggested edits to a policy proposed in the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a Final 2040 General Plan.
- O6-45 The comment expresses concern that oil and gas have not been considered as mineral resources. The County acknowledges that petroleum is, by definition, a non-renewable mineral resource. The County chose to make a distinction between oil and gas resources and other mineral resources to highlight the discussion for the public.
- The draft EIR evaluates petroleum resources and aggregate resources separately in Section 4.12, “Minerals and Petroleum Resources,” because there are conditions that are unique to each of these mineral resources. The approach in the draft EIR is also consistent with the County’s ISAG. All mineral resources are evaluated at the same level of detail, according to thresholds that combine the ISAG with the sample questions in Appendix G of the State CEQA Guidelines. As explained on page 4.12-6 of the draft EIR, “Appendix G questions XII(a) and XII(b)...are evaluated as separate thresholds for mineral and petroleum resources.” Therefore, all mineral resources have been evaluated pursuant to the appropriate CEQA thresholds.
- O6-46 The comment asserts that the draft EIR vaguely describes the imposition of buffers for agricultural without any measurable values/distances for these buffers. Section 4.11, “Land Use and Planning,” in the draft EIR does not impose buffers on any land use. The draft EIR describes the buffers developed by the County in the 2040 General Plan and evaluates whether there is potential that these buffers could: result in physical development that is incompatible with existing land uses, architectural form or style, site design/layout, or density/parcel sizes within any communities; result in the physical division of an established community; or cause a significant environmental impact due to a conflict with a regional plan, policy, or program adopted for the purpose of avoiding or mitigating an environmental effect. No further response to this comment is required.
- O6-47 Policy HAZ-2.3, as proposed in the 2040 General Plan and provided in the list of policies on page 4.11-16 of the draft EIR, indicates that the County “shall prohibit incompatible land uses and limit discretionary development within floodplains.” The 2040 General Plan (page 12-12) defines the term “incompatible” as:

The characteristic of different uses or activities that are not permitted to be located near each other because it is likely to create conflict. Some

elements affecting compatibility include intensity of occupancy as measured by dwelling units per acre; pedestrian or vehicular traffic generated; volume of goods handled; and environmental effects including noise, vibration, glare, air pollution, or radiation.

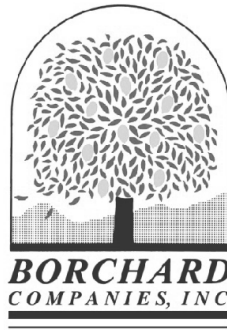
The analysis of incompatible physical development in Impact 4.11-1 explains that “HAZ-2.3 would discourage development of incompatible land uses in areas with designated safety hazards” (page 4.11-21 of the draft EIR). Compatibility would be determined at the project level; however, it is reasonable to assume that the community would benefit if certain critical facilities (i.e., hospitals and fire stations) were located outside of identified floodplains. Reducing physical development within the floodplain would result in positive physical consequences given that such development can increase the severity of flooding and put residents at risk. To the extent that potential development is displaced or moved from an area prone to flooding to an area that is more appropriate, this development would occur consistent with the land use plan and is within the “buildout” assumptions for the 2040 General Plan used in the draft EIR. Further discussion of flooding is provided in Section 4.10, “Hydrology and Water Quality,” of the draft EIR. Note also that this proposed policy is a modification of an existing goal and policy in the current General Plan and is thus not a substantively new policy or concept for the County.

- O6-48 The land use diagram proposed in the 2040 General Plan is provided in Chapter 3, “Project Description,” because it is a key component of the project that is evaluated throughout the draft EIR. Refer to Figures 3-2a and 3-2b. Refer to Master Response MR-2 for discussion of the adequacy of the draft EIR project description including the 2040 General Plan land use diagram.
- O6-49 Refer to Master Response MR-4 regarding the findings and conclusions related to setbacks, and the adequacy of the reports used to derive the findings and conclusions, flaring, pipelines, and horizontal drilling. The remainder of the comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O6-50 Refer to Master Response MR-4 regarding the findings and conclusions related to State pre-emption of local laws, vested rights, intent of the policies related to phasing out of oil and gas, the feasibility of horizontal drilling, and impacts outside the general plan area including GHG impacts.
- O6-51 Refer to Master Response MR-4 regarding the findings and conclusions related to State pre-emption of local laws, vested rights, intent of the policies related to phasing out of oil and gas, the feasibility of horizontal drilling, and impacts outside the general plan area including GHG emissions impacts.
- O6-52 Refer to Master Response MR-4 regarding the findings and conclusions related to State pre-emption of local laws, vested rights, intent of the policies related to phasing out of oil and gas, the feasibility of horizontal drilling, and impacts outside the general plan area including GHG emissions impacts.

- O6-53 Refer to Master Response MR-4, Section MR-4.I, “Directional Drilling,” and Section MR-4.L, “Oil Reserves.” Although the commenter makes specific factual assertions regarding the approximate volume of oil reserves and claims that the subsurface conditions could impair directional drilling, the comment does not explain or cite substantial evidence supporting its asserted facts. As a result, the comment’s accuracy is not known and cannot be independently assessed. Regardless, the comment’s factual assertions, even if accurate, do not affect the analyses or conclusions of the draft EIR and, therefore, no revisions have been made in response to the comment. The comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O6-54 Refer to Master Response MR-4, Section MR-4.A, “County’s Authority to Regulate Oil and Gas Development,” and Section MR-4.B, “Antiquated Permits and Takings,” regarding the findings and conclusions related to State pre-emption of local laws. The comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the Draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O6-55 The analysis in the draft EIR (page 4.13-13) acknowledges that discretionary development in the unincorporated county:
- would be required to comply with the following construction equipment noise control measures identified in the Construction Noise Threshold Criteria and Control Plan, which would substantially lessen construction noise levels. In addition, the permitting agency/department would review the construction noise reduction measures and confirm compliance with the County’s noise threshold criteria.
- One of those existing noise threshold criteria is “All back-up alarms should be disarmed at 8:00 p.m. and not reactivated until 7:00 a.m. on weekdays and 9:00 a.m. on weekends and local holidays. Signal persons and strobe lights must be used during periods when the back-up alarms are disarmed” (draft EIR page 4.13-14). This is not a requirement of the 2040 General Plan or mitigation in the draft EIR, and, therefore, potential safety effects of these existing procedures need not be evaluated in this EIR.
- O6-56 Refer to response to comment O2-18 regarding the analysis of stationary noise sources.

Farm and Investment Operations of

John W. Borchard Trusts
John W. Borchard, Jr.
J. David Borchard
Patricia Borchard Trusts
Cecilia Borchard Trusts
Ernest Borchard Ranch Co., LLC
Knittles Ranch Co.
Greenhills Ranch Co.
John W. Borchard Ranches, Inc.



Suzanne Borchard

2112 Eastman Ave.
Ventura
(805) 639-0998
Fax (805) 639-0898

John W. Borchard, Jr.
Chief Financial Officer
805-386-5716

J. David Borchard
Farm Manager
(805) 444-3283

**Letter
07**

February 27, 2020

VIA ELECTRONIC MAIL: GeneralPlanUpdate@ventura.org

Ventura County Board of Supervisors
Attn: RMA Planning Division
General Plan Update
800 Victoria Avenue L#1740
Ventura, California 93009-1740

Dear Board of Supervisors and Staff:

We are writing this letter to urge the Board of Supervisors to reconsider moving forward with the Draft General Plan EIR. The draft EIR has been accelerated to the point that too many issues and impacts have not been properly addressed or studied. These impacts and the corresponding mitigation measures will have severe impacts to land owners and especially those, like us in the agricultural industry and other productive economic segments.

O7-1

Our family has been involved in the agricultural industry for more than 100 years in Ventura County. We have owned numerous land holdings that remain in the family to this date. We have farmed throughout Ventura County and hope to continue to do so in the future.

O7-2

The Draft EIR is deficient on many levels. CEQA requires that all mitigation measures must be technically and economically feasible. Numerous proposed mitigation measures are neither. We have in the past attempted to identify land and any owners that would be open to sell their development rights for land that was converting from agricultural to commercial use. Not only did we not find anyone that would do so, no one would even quote a price. The only positive response from numerous land owners was that you can buy my property for full market value and then you can do what you want. There is not a project that can be built by adding double land cost to the equation. This was very recently experienced based on proposed policies at LAFCo. These policies were eventually not enacted due to the inability to purchase development rights in an economically feasible manner. This was when LAFCo was contemplating an acre for acre ag preserve. The new policy that is proposed in the 2040 General Plan is requiring 2 acres for every 1 acre of land converted from ag to any other use. This will eliminate the ability to add any new required ag buildings or even farm worker housing. The Draft EIR must study these impacts, since they are not feasible.

O7-3

The Draft EIR also deals with water in a manner that is not properly studied. There is no analysis on increased water costs and diminishing availability of water. Without reasonable water costs and supply, there is no agricultural industry.

O7-4

The General Plan indicates that agriculture is a high priority in the County. However, new policies and requirements in the General Plan add additional mitigation measures that will make ag virtually impossible. These include new setbacks, limiting types of fumigants pesticides and fertilizers. The General Plan also requires that all farm equipment be converted to electric. Again, not feasible. The costs to purchase new pumps, farm equipment and other existing fuel using equipment will increase operational costs to a point that the County crops will not be competitive in the open market. These new mitigation measures are not sufficiently studied and again are not economically feasible.

O7-5

The Draft EIR is extremely difficult to read and understand. The background reports are lacking in depth of what has been studied other than numerous general statements and very poor mapping. Detailed studies must be added to sufficiently identify impacts and the related mitigation measures for both direct and indirect impacts on the agricultural industry. It is our understanding that reports and studies need to be timely prepared. However numerous studies are older than 5 years. Not timely.

O7-6

After devastating wildfires over the last few years, which significantly impacted ag, the General Plan continues to lay out limiting mitigation measures for fire prevention. The Wildlife corridor eliminates any ag operation or fire prevention in the proposed corridor areas. This is also a major concern not studied in the Draft EIR.

O7-7

The Draft EIR for the 2040 General plan does not provide adequate analysis for the expansion of permanent bike paths and pedestrian walking trails throughout the County. These impacts are very severe due to constant conflicts from trail users and ag operations. Spraying, dust, odors from ag operations, along with impacts created by the trail users. These are usually theft, vandalism, litter and pet waste. The proposed mitigation measures require additional setbacks from these trails which renders additional land unusable for ag operations.

O7-8

In addition to the above comments on the agricultural aspects and related land use concerns of the DEIR, the undersigned is also a mineral owner directly interested in the impacts on oil and gas production of the DEIR and related General Plan 2040 proposed provisions. In these documents there is a total failure to address the economic impacts of the various policies proposed in violation of the requirements for this process, including but not limited to the loss of royalty income to a large group of County residents. I join in the detailed comments on the various deficiencies and concerns identified in the DEIR as described in the concurrent submissions on behalf of Aera Energy and other operators delivered this week to the County.

O7-9

Furthermore, for the good of the County, its employees, and its citizens should not the implications to land values, therefore assessed values, therefore property tax collections be considered an unmitigated impact? I would think that Ventura County is a wonderful example of government for the people, all of its people, taxpayers and beneficiaries of government services alike. I would also think that it is irresponsible for the Board of Supervisors to ignore this impact. I have not seen an analysis of economic impacts in the body of the proposed 2040 General Plan DEIR. I think this is a serious omission.

Please look at the long-term consequences of these General Plan policies and mitigation measures. We formally request additional studies and a revised Draft EIR that will properly look at these and many more issues. The DEIR must be corrected with details of the revisions. Then it can be recirculated.

O7-10

Sincerely,

John W. Borchard, Jr.
Chief Financial Officer
Borchard Companies, Inc.

Letter 07	Borchard Companies, Inc John W. Borchard, Jr., Chief Financial Officer February 27, 2020
----------------------	---

- 07-1 This comment regarding the adequacy of the draft EIR is noted. However, no specific issues related to the content, analysis, conclusions, or overall adequacy of the draft EIR are raised in this comment. Therefore, no further response is provided.
- 07-2 The history of the Borchard family is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- 07-3 Refer to Master Response MR-5 regarding the feasibility of Mitigation Measure AG-2.
- 07-4 The comment asserts that the agricultural industry is reliant on “reasonable water costs and supply,” which it asserts are not evaluated in the draft EIR. As explained in the “Methodology” subsection of Section 4.2, “Agriculture and Forestry Resources,” a reduction in available water resources for irrigation is considered an indirect impact on agricultural resources (see page 4.2-3 of the draft EIR). Indirect impacts are evaluated under Impact 4.2-1 (Loss of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance). Consistent with the Initial Study Assessment Guidelines, the subsequent discussion focuses on indirect loss of agricultural soils and land use conflicts. The analysis concludes that the impact to farmland would be significant and unavoidable because “any direct or indirect loss of Important Farmlands would be considered a permanent loss of a valuable resource,” and there “are no actions or policies that the County could feasibly mandate to fully replace the loss of Important Farmland” (see page 4.2-17 of the draft EIR).

Cross reference is provided within this section to Section 4.10, “Hydrology and Water Quality,” of the draft EIR for additional discussion of water resources. For a discussion of groundwater supply, refer to Impact 4.10-1 (Directly or Indirectly Decrease the Net Quantity of Groundwater in a Groundwater Basin That Is Overdrafted or Create an Overdrafted Groundwater Basin). Although there could be an increase in water demand with development that occurs over the more than 20-year planning period for the 2040 General Plan, this impact is found to be less than significant due to compliance with groundwater sustainability plans which require an assessment of the condition of groundwater basins, managing groundwater demand, and undertaking groundwater recharge projects to achieve long-term sustainability; compliance with County Ordinance 4468, which prohibits new wells for the extraction of groundwater in many groundwater basins; and compliance with 2040 General Plan Policy COS-2.10, which requires the County to enhance groundwater management to prevent excessive pumping and reduce saltwater intrusion. For a discussion of surface water, refer to Impact 4.10-7 (Increase Surface Water Consumptive Use (Demand) Including Diversion or Dewatering Downstream Reaches, Resulting in an Adverse Impact on One or

More of the Beneficial Uses Listed in the Applicable Basin Plan). This impact is also considered less than significant because Urban Water Management Plans (UWMPs), which identify and evaluate the reliability and quantity of available water supply sources, would ensure that water supplies are properly managed and, thus, would not result in adverse effects to beneficial uses listed in the applicable Basin Plans, including agriculture. Impact 4.17-4 (Result in Development That Would Adversely Affect Water Supply Quantities during Normal, Single-Dry, and Multiple-Dry Years) (starting at page 4.17-14) evaluates whether sufficient water supplies would be available to serve future development under 2040 General Plan implementation during normal, single-dry, and multiple-dry year scenarios and concludes that this impact would be significant and unavoidable with implementation of Mitigation Measure UTL-1.

Additional discussion of potential indirect effects related to water supply and cost would not change the analysis or conclusions of the draft EIR. No changes to the draft EIR have been made in response to this comment.

O7-5

The comment does not specifically name which policies it is referring to; therefore, the County has interpreted which policies the comment might be referencing based on the content of the comment in a good faith effort to respond to the comment. To clarify, though the comment refers to these policies as “mitigation measures,” they are policies in the proposed General Plan.

Regarding setbacks, Policy LU-6.1 requires that non-agricultural land uses adjacent to agricultural uses to incorporate adequate buffers to limit conflicts with adjoining agricultural operations. While the commenter asserts this is a policy that would hinder agricultural use, the buffer policy is meant to protect agricultural uses from future development. The development subject to County approval would be required to implement buffers, within their land area, and this requirement would not require buffers to be created on existing agricultural operations. As a result, the County does not believe the buffers would hinder agricultural operations as claimed by the commenter.

Regarding fumigants and pesticides, Policy AG-3.2 states that the County shall encourage and support the use of integrated pest management practices to reduce pesticide use and human health risks. Policy AG-3.2 is not associated with any implementation program in the General Plan. Because the policy only requires that the County “encourage” and “support” certain practices, it would not require changes in use. Therefore, the policy would not affect the viability of agriculture in the County.

The County cannot determine which policy the commenter believes affects the use of fertilizer. There are no 2040 General Plan policies that dictate type or use of fertilizer.

To clarify, Policies AG-5.2 and AG-5.3 do not require farm equipment be converted to electric. Refer to response to comment A13-10 regarding these two policies and their potential impacts on agriculture.

O7-6 Refer to Master Response MR-6 for a discussion of the accuracy, timeliness, and level of detail in the Background Report. The comment refers to unspecified “detailed studies that must be added” to identify impacts and mitigation measures for “the agricultural industry” but it is not clear from the comment what the scope of such studies should be or their relation to the draft EIR analysis of agricultural resources impacts in Section 4.2. As a result, no further response can be provided.

O7-7 It is unclear what “limiting mitigation measures for fire prevention” are the subject of this comment. The draft EIR does not include any mitigation measures that are intended to or that would limit wildfire prevention activities anywhere. For a discussion of wildfire hazards, refer to Section 4.8, “Hazards, Hazardous Materials, and Wildfire,” in the draft EIR.

Further, the commenter states that the draft EIR fails to study how the “wildlife corridor” eliminates agricultural operations and fire prevention in corridor areas. Although it is unclear precisely what the “wildlife corridor” refers to, it is assumed that this is a reference to the draft 2040 General Plan Conservation and Open Space Element Policy COS-1.3, Wildlife Corridor Crossing Structures, and Policy COS-1.5, Development within Habitat Connectivity and Wildlife Corridors, analyzed in the draft EIR Section 4.4, “Biological Resources.” The comment does not explain the factual basis for its inaccurate assertion that the 2040 General Plan would “eliminate” agricultural operations or fire prevention in designated wildlife corridor areas. Consequently, a detailed response to the inaccurate assertion is not possible. The draft EIR concludes that Policies COS-1.3 and COS-1.5 would reduce potential direct and indirect impacts on special-status species and habitats, require development to accommodate wildlife passage, and require project-level environmental review and mitigation for significant impacts (page 4.4-22). The Ventura County Fire Protection District Ordinance No. 31 (Ventura County Fire Code) sets forth the requirements for fire prevention, vegetation and brush clearance on properties in the unincorporated area, inclusive of parcels within the Habitat Connectivity and Wildlife Corridors Overlay Zone and Critical Wildlife Passage Areas Overlay Zone (Non-Coastal Zoning Ordinance Sections 8104-7.7 and 8104-7.8).

Development subject to the 2040 General Plan would be required to comply with the Ventura County Fire Code fire prevention requirements within the Habitat Connectivity and Wildlife Corridors and Critical Wildlife Passage Areas Overlay Zones. For a discussion of wildfire hazards, refer to Section 4.8, “Hazards, Hazardous Materials, and Wildfire” in the draft EIR. The draft EIR does not analyze the impact of 2040 General Plan policies on the “elimination” of agricultural operations or fire prevention because, again, no proposed provision of the 2040 General Plan would do so. Note that CEQA requires that the EIR analyze the impact of these policies on the environment, including agricultural resources such as designated agricultural soils. For discussion of impacts to agricultural resources, refer to Section 4.2, “Agriculture and Forestry Resources,” in the draft EIR.

O7-8 The commenter has not specified which general plan policies they are concerned about that expand permanent bike path and pedestrian walking trails. There are several policies that encourage study and development of bicycle and pedestrian routes (e.g., Policy CTM-2.12, Policy CTM-2.13, Policy CTM-2.17, Policy CTM-2.26, Policy CTM-2.27, and Policy CTM-3.5).

Policy LU-6.1 requires that non-agricultural land uses adjacent to agricultural uses to incorporate adequate buffers to limit conflicts with adjoining agricultural operations. To clarify, though the commenter refers to this policy as a “mitigation measure,” it is a policy in the proposed 2040 General Plan. While the commenter asserts this is a policy that would hinder agricultural use, the buffer policy is meant to protect agricultural uses from future development. The development would be required to implement buffers, and this requirement would not require buffers to be created on existing agricultural operations. As a result, the County does not agree that the buffers would hinder agricultural operations as claimed by the commenter. Additionally, see Policy CTM-3.5, which states that “[t]he County shall plan for bicycle network connectivity in rural, agricultural, and open space areas in a way that supports and complements business and agricultural activities in those areas.” This and other policies would be implemented through Implementation Program L, Master Bicycle Network Plan. As a result, the County does not believe the buffers would create land that is unusable for agricultural operations because the policy requires supporting and complementing agricultural activities.

Impact 4.2-2 addresses conflicts of non-agricultural land use with agricultural land use, and focuses on “classified farmland,” which includes lands designated as grazing land, Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance.

While the commenter expresses concern over impacts from trail users on agriculture, such as theft, vandalism, litter, and pet waste, these impacts would not be significant because EIRs are not required to speculate about a project’s environmental impacts (State CEQA Guidelines Section 15145). The comment does not present evidence that, to the extent the 2040 General Plan results in trails adjacent to agricultural lands, the use of such trails would result in degrees of theft, vandalism, litter, and pet waste, such that agricultural uses or operations would cease to exist, although such activities may occur to some degree (e.g., stolen equipment, illegal picking, litter tossed into fields). Recreational trails and pathways are routinely designed to deter trespassing onto private property (e.g., with signs, fencing) and routinely maintained by the owner or operator (e.g., to repair vandalized facilities). Moreover, the plan area includes law enforcement services (e.g., to address theft, vandalism). As a result, a discussion of the impacts of theft, vandalism, litter, and pet waste on agriculture is appropriately excluded from Impact 4.2-2.

O7-9 The comment asserts that the draft EIR does not address economic impacts of various General Plan policies. However, EIRs are not required to treat a project’s economic or social effects as significant effects on the environment (CEQA Guidelines Section 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects

and physical environmental changes. The economic issues raised in this comment would not result in any adverse physical changes to the environment not already addressed in the draft EIR. The commenter refers to letters submitted by Aera Energy and “other operators.” Refer to responses to Letters O5 and O6 submitted by Aera Energy LLC. Also refer to response to comment O2-10.

O7-10

The draft EIR adequately analyzes the potential impacts of implementing the proposed 2040 General Plan policies and provides mitigation measures (where required) to reduce significant impacts.

Refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.



BUILDING INDUSTRY LEGAL DEFENSE FOUNDATION

Letter
O8

February 27, 2020

Chairwoman Kelly Long
Ventura County Board of Supervisors
County Government Hall of Administration
800 S. Victoria Avenue
Ventura, CA 93009

Re: Ventura County General Plan Update

Dear Chairwoman Long,

The Building Industry Legal Defense Foundation (BILD) is a non-profit mutual benefit corporation and a wholly-controlled affiliate of the Building Industry Association of Southern California. BILD provides legal support and litigation services to increase the production of housing to meet the state's urgent need for more housing, and equally urgent need for housing that is actually affordable to hard working Californians.

O8-1

To that end, we want to bring to your attention the following comments and concerns BILD has identified with the proposed Ventura County General Plan Update:

I. VENTURA COUNTY GENERAL PLAN UPDATE COMMENTS

A. Biology

1. Policy COS-1.1 and Draft EIR Mitigation Measure BIO-1 require projects to avoid, minimize and then mitigate impacts to sensitive biological resources, in that order, "when feasible". This policy fails to provide any meaningful standard for determining when it is "feasible" to avoid a resource, and thus gives County staff unbounded discretion to require modifications to projects. These decisions by County staff may conflict with decisions by state and federal natural resource regulators under existing programs that already impose similar standards. For instance, the "404(b)(1) Guidelines" for implementation of Clean Water Act Section 404, at 40 CFR Part 230, require avoidance and minimization of impacts to waters of the United States (including wetland waters) to the extent practicable, and require mitigation for unavoidable impacts. See 40 CFR 230.91(c). "Practicable" means "available and capable of being done after

O8-2

24 Executive Park, Suite 100, Irvine, CA 92614
949.553.9500; BILDFoundation.org

- | | |
|---|-----------------------|
| <p>taking into consideration cost, existing technology, and logistics in light of overall project purposes.” 40 CFR 230.3(q). The Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures) recently adopted by the State Water Resources Control Board include an analogous requirement and an identical definition of “practicable.”</p> | <p>O8-2
cont.</p> |
| <p>2. To avoid unnecessary duplication and potential conflict with decisions by the U.S. Army Corps of Engineers (USACE) and Regional Water Quality Control Boards (RWQCB) under these programs, and with decisions of other agencies under similar programs, Policy COS-1.1 should provide that the County will defer to permitting decisions by state and federal agencies exercising jurisdiction over sensitive resources, including the USACE, RWQCB, U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW), to determine what avoidance, minimization and mitigation of impacts to sensitive biological resources are feasible.</p> | |
| <p>3. Policy COS-1.6 requires discretionary development on hillsides and slopes greater than 20 percent to minimize grading and vegetation removal in order to avoid significant impacts to sensitive biological resources to the extent feasible. Again, the policy fails to provide any guidance regarding the extent to which avoidance will be considered “feasible.” At minimum, the County should adopt a definition of feasibility for purposes of biological resource protection that incorporates the concepts of technical and logistical feasibility, cost, and consistency with the project purposes defined by the project proponent, analogous to the concept of “practicability” used in the 404(b)(1) Guidelines and state Procedures. The definition should state that avoidance is not feasible if it would require engineering or construction techniques that are not commonly used in the industry; if it would impose unreasonable costs on the project; if it would deny the property owner a reasonable opportunity to develop the property consistent with otherwise applicable zoning and land use designations; or if it would create or substantially increase the severity of other significant environmental impacts.</p> | <p>O8-3</p> |
| <p>4. Policy COS-1.7 requires the use of “natural or nature-based” flood control infrastructure, such as wetland restoration, “when feasible”. The policy should clarify that, for flood control infrastructure located within areas subject to the jurisdiction of the USACE, RWQCB or CDFW, the County will defer to decisions of those agencies permitting the installation or modification of flood control infrastructure. Otherwise, the County will apply the definition of “feasible” recommended in the comment on COS-1.6, above.</p> | |
| <p>5. Policy COS-1.8 requires new or modified road crossings of aquatic features and riparian habitats to use bridge columns located outside riparian habitat, “when feasible.” Neither the General Plan nor the Draft</p> | |

EIR provides evidence that bridge columns located in riparian habitat necessarily have adverse effects on sensitive biological resources. In some cases, the lateral extent of riparian habitat may be many hundreds of feet wide, yet much of this area may lack substantial vegetation or other habitat values. Further, construction techniques exist that are capable of minimizing the temporary and permanent impacts of bridge column installation, such as vertical pile installation.

6. The policy should clarify that, for bridge columns located within areas subject to the jurisdiction of the USACE, RWQCB or CDFW, the County will defer to decisions of those agencies permitting the installation, maintenance, repair or replacement of bridge columns or road crossings. Further, the policy should state that the requirement to locate bridge columns outside riparian habitat when feasible applies only where the proposed columns would significantly adversely affect riparian habitat values. Finally, the policy should clarify that removal of existing bridge columns located within riparian habitat is not required when modifying an existing road crossing, and should incorporate the definition of feasibility recommended above.
7. Policy COS-1.9 requires the County to consult with “resource management agencies” including the California Native Plant Society (CNPS) and the National Audubon Society (NAS) during review of discretionary development applications. CNPS and NAS are not resource management agencies and have no legal authority to “consult” on County planning and land use decisions. These organizations should be allowed to comment on proposed development projects like other members of the public.
8. Policy COS-1.11 prohibits development within 100 feet of a wetland, with certain exceptions, and prohibits development that would have a significant impact on a wetland habitat unless mitigation measures are approved that would reduce the impact to a less than significant level. The policy should clarify that the prohibition does not apply to discharges of dredged or fill material to wetlands that are approved by the USACE and/or RWQCB, the agencies with legal jurisdiction over such activities; and that mitigation approved by those agencies for impacts to wetlands will be deemed to reduce permitted impacts to a less than significant level.
9. Draft EIR Mitigation Measure BIO-1 (Implementation Program COS-X) requires avoidance of sensitive habitats, wetlands, other waters, wildlife corridors, etc., “if feasible,” through “no-disturbance buffers” around such sites. The measure should clarify that feasibility of avoidance is determined as described in the recommendations above, including deferring to permitting decisions of the USACE, RWQCB, CDFW and USFWS, and adoption of a definition of feasibility. Further, the measure should more clearly define what is meant by “wildlife corridors,” focusing

O8-3
cont.

O8-4

	on areas demonstrated to be used for wildlife passage, and should clarify that the measure does not require avoidance of all areas designated as part of a wildlife movement corridor overlay zone under the County's wildlife movement corridor ordinance, which covers tens of thousands of acres within the County.	O8-4 cont.
10.	Implementation Program B of the General Plan Update (p. 6-18) requires an update to the County's Initial Study Assessment Guidelines to require that wetland mitigation be "'in kind' (i.e., same type and acreage" and to provide that "[o]n-site restoration and/or replacement shall be preferred wherever possible." In recognition of the fact that compensatory mitigation sites for certain types of wetland habitats may be extremely difficult or impossible to find, this language should provide flexibility to provide mitigation using wetland types that differ from the specific type impacted, provided the mitigation site provides wetland habitat values equal or greater to the impacted wetland. In addition, the preference for on-site mitigation stated in this text is inconsistent with Mitigation Measure BIO-1, which allows mitigation for wetland impacts "within or outside of the project site," or through purchase of credits from a mitigation bank or an in lieu fee program, and conflicts with the USACE's compensatory mitigation regulations, which establish a preference for mitigation banks and in lieu fee programs over permittee-responsible mitigation. The preference for on-site mitigation should be deleted.	O8-5
11.	Implementation Program F of the General Plan Update (p. 6-20) calls for the County to consider increasing the standard wetland setback to 200 feet. This proposal is inconsistent with Policy COS-1.11 and should be deleted.	O8-6
B. Mineral Resources		
1.	Policy COS -7.3 increases setbacks to sensitive uses from discretionary oil wells from 600 to 1500 feet for residences and 2,500 feet for schools. The Mineral Resources section discusses this policy's impact on mineral resource production and concludes that impacts from the new policy are significant and unavoidable as it would hamper and preclude some oil field expansion and access to petroleum resources. This conclusion is after imposition of a mitigation measure that expands the types of uses required to have the minimum setbacks but reduces the school setback to 1,500 feet. Minimum setbacks should not be categorical but should allow for exemptions for smaller setbacks if a health risk analysis demonstrates that impacts are less than significant.	O8-7
2.	Policy COS -7.7 would require the use of pipelines to convey oil and produced water offsite as opposed to trucks, whereas the current zoning code requires use of pipelines except when impractical or infeasible. The DEIR concludes that it may be technologically or economically infeasible for more remote operations (more than two miles from a major oil	O8-8

	transmission line) to meet this requirement. The DEIR notes that “most” oil wells in the County are clustered within two miles of “major oil transmission pipelines.” While the DEIR concludes that loss of oil production would likely be primarily at a small scale and associated with oil operators outside of a two-mile radius of a major oil or gas transmission line, smaller producers within two miles may have difficulty meeting the requirement with more efficiency gained from using trucks. The DEIR concludes that the impact of the policy would be potentially significant but reduced to less than significant by allowing an oil operator to use truck if it can demonstrate that the conveying oil and produced water is via pipeline is infeasible. This mitigation fails to provide a meaningful standard with respect to demonstrating infeasibility.	O8-8 cont.
3.	COS Implementation Program M requires the County to evaluate the feasibility of establishing a local tax on new oil and gas operations. No discussion is provided as to why such a tax would be desirable, what it could be used for or what alternatives to a tax have been considered. COS Implementation Program U requires amendments to the county’s zoning ordinances to require “solar canopies” in parking lots of non-residential projects with floor area greater than 50,000 square feet. This Program does not appear to consider whether solar canopies in parking lots are the most efficient way to impose a solar requirement on new development. It directs a change in law without any consideration of the potential impacts of doing so.	O8-9
C. Agriculture		
1.	There are a number of agricultural policies that require the County to encourage or minimize specified impacts “when feasible” but provide no meaningful standards to determine feasibility. For example, Policy AG-5.2 requires the County to support the transition to electric, renewable or lower emission agricultural equipment “when feasible”. It is unclear how feasibility will be determined such as whether market availability of equipment or some other standard is proposed. Similarly, proposed new policy AG-5.5 encourages using farmland to sequester carbon through various methods “such as reduced tilling, covercropping, composting, biochar, and other activities that both reduce greenhouse gas (GHG) emissions and increase carbon sequestration and storage, when feasible.” Here the policy provides examples but again, provides no meaningful standard to determine feasibility and provides decision makers with unbridled discretion to impose conditions on agricultural operations.	O8-10
2.	The Agriculture Element says “Goals, policies, and implementation programs related to farmworker and farm family housing are included in Chapter 3, Housing Element.” (2040 General Plan Update, pg. 8-2.) However, the Housing Element sections says it will be updated following the receipt of the County’s RHNA numbers and only provides	

	information regarding the process that will be followed to conduct this subsequent update. The County should at least make a reasoned effort to explain how farmworker housing fits into the overall County housing framework and how it relates to the County's RHNA numbers.	O8-10 cont.
3.	Draft EIR Mitigation Measure AG-1, including New Policy AG-X and Implementation Program AG-X, require discretionary development to avoid loss of Important Farmland to the extent feasible, and require permanent preservation of "offsite" farmland through conservation easements to mitigate direct or indirect loss of Important Farmland. The measure should clarify that "offsite" means any qualifying farmland not located within the lost farmland, including farmland that is contiguous with, adjacent to, or part of the same legal parcel as the lost farmland. In addition, the measure should provide that the requirement does not apply to discretionary projects involving agriculture-dependent or agriculture-related uses sited on Important Farmland, such as farm stands, wineries, breweries, and agriculture-tourism facilities, including parking for such uses.	O8-11
D. Land Use		
1.	The 2040 General Plan Update generally maintains the same use restrictions on agricultural and open space land. It also emphasizes a tightening when it comes to making changes to develop uses on such lands. For example, under the discussion in the 2040 General Plan Update of agricultural land policies, it states a County policy direction to "Establish policies and regulations which restrict agricultural land to farming and related uses rather than other development purposes." (2040 General Plan Update, pg. 2-28 and 2-32.) However, there may be desirable complimentary uses to agriculture that could be prohibited by this policy. For example, it is unclear whether a wine tasting room in connection with a vineyard would be considered a farming related use. Care should be taken to assess the overall implications of restrictive land use policies on potentially desired land uses in agricultural areas.	O8-12
2.	Policy LU-6.1 requires non-agricultural land uses adjacent to agricultural uses to "incorporate adequate buffers (e.g. fences, setbacks) to limit conflicts with adjoining agricultural operations." This policy provides an open-ended standard that does not really provide any meaningful guidance to decision makers. For example, the County would have unbridled discretion to determine setbacks leaving development proponents with no meaningful way to determine project parameters.	
3.	Policy "LU-8.5 Farmworker Housing" is a new policy supporting development of farmworker housing: "The County shall support the development of safe and quality farmworker housing that facilitates a reliable labor force and promotes efficient agricultural operations.	

	<p>Housing units shall include a variety of housing types, including group quarters and larger dwelling units that can accommodate a family. (RDR) [Source: New Policy].” Existing policy concerning uses appropriate for the agriculture land use designation include uses “accessory to agriculture” but that policy does not specifically call out farmworker housing. It is unclear whether farmworker housing would be allowed on agricultural land. Future development of farmworker housing on agricultural land should be made explicit.</p>	O8-12 cont.
4.	<p>Policy LU-11.3 requires new commercial and industrial developments to be designed, among other things, to “reduce vehicle miles traveled (VMT)”. (General Plan DEIR, pg. 4.8-11.) However, it is unclear how project design would affect VMT since VMT may be more a function of project location than design. The County should clarify the types of design measures it expects projects to potentially implement to reduce VMT. If the County’s intent is to simply discourage commercial and industrial development in certain parts of the County and to promote it in others, it should just say so.</p>	
5.	<p>Policy COS-4.3 that is referenced in Land Use Element requires all structures and sites designated, or being considered for designation as County Historical landmarks to be preserved as a condition of discretionary development unless the structure is unsafe or deteriorated beyond repair. This absolute mandate that provides a “one-size fits all” approach to potentially historic structures and sites does not recognize that there may be unique circumstances in which such an approach is unwarranted. Under this proposed policy, preservation of structures or sites is mandated if they are “being considered for designation” whether they eventually become designated or not. Such a policy is so open ended it is impossible to assess its potential impacts. CEQA recognizes that an historical resource listed in a local register is presumed to be historically or culturally significant unless a preponderance of evidence demonstrates it is not historically or culturally significant. (CEQA Guidelines, Section 15064.5(a)(2).) By providing an absolute preservation standard, Policy COS-4.3 conflicts with the aforementioned CEQA Guidelines section that allows evidence to be presented and evaluated on the question of whether a resource is historic. There may be circumstances in which removal or alteration of an historical or cultural resource may be desirable or warranted. For example, CEQA also allows for a statement of overriding considerations even if an impact is determined to be significant after all feasible mitigation is applied.</p>	O8-13
E. Population and Housing		
1.	<p>This section discusses RHNA and the County’s inventory of building sites that it claims are sufficient to meet future housings needs, including affordable housing needs. It does not disclose that the County is on the</p>	O8-14

state list of agencies that have not made sufficient progress toward their Above Moderate income RHNA and/or have not submitted the latest Housing Element Annual Progress Report (2018), and are therefore subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining) for proposed developments with at least 10% affordability.

O8-14
cont.

F. Circulation, Transportation and Mobility Element

1. Policies in the Circulation, Transportation and Mobility Element appear to require both Vehicle Miles Traveled (“VMT”) and Level of Service (“LOS”) analysis for discretionary projects. Policy CTM-1.1 requires VMT analysis and Policy CTM-1.4 requires LOS analysis. Policy CTM-1.4 states that the LOS analysis is to evaluate the effects of a project on the roadway system. However, it is unclear why both VMT and LOS would be required in light of SB 743. CEQA Guidelines Section 15064.3, which implements SB 743, provides that vehicle miles traveled is the most appropriate measure of transportation impacts and that “a project’s effect on automobile delay shall not constitute a significant impact.” Pursuant to CEQA Guidelines Section 15064.3, this section, is effective statewide beginning July 1, 2020, with the exception that a lead agency may elect to be governed by the CEQA Guidelines sooner. In light of the direct guidance that has determined that automobile delay will no longer be considered a significant impact, it is unclear why the County would still require LOS evaluation or have any project standards tied to LOS analysis.

O8-15

G. GHGs and Climate Change

1. Policy COS-10-4 Greenhouse Gas Reductions in Existing and New Development provides that the County “shall reduce GHG emissions in both existing and new development through a combination of measures included in the GHG Strategy”. These strategies include “new and modified regulations.” Without identifying what these potential new and modified regulations would entail, it is unclear how they would affect existing business operations, future development and/or the physical environment. While this policy may assume such new regulations would reduce greenhouse gases, issues such as whether the regulations would have secondary impacts leading to significant environmental effects is not known.
2. Additionally, the DEIR would eliminate Implementation Program COS-EE, which provides for streamlined GHG analysis for projects consistent with the General Plan; this seems undesirable since the purpose of program EIRs is in part to streamline future environmental review.

O8-16

BILD respectfully requests clarification or remedy for all points raised herein prior to the adoption of the Ventura County General Plan Update.

Thank you for your thoughtful consideration.

Sincerely,



Adam S. Wood
Administrator
Building Industry Legal Defense Foundation

O8-17

Letter O8	Building Industry Legal Defense Foundation Adam S. Wood, Administrator February 27, 2020
----------------------	---

- O8-1 The description of the role of the commenting organization is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- O8-2 This comment states that the term “when feasible” in Mitigation Measure BIO-1 (New Implementation Program COS-X: Protection of Sensitive Biological Resources) is used without providing a definition or meaningful standard of feasibility. This comment has been addressed through the addition of the term “feasible” defined in the footnote with the definition of “feasibility” to Mitigation Measure BIO-1. Refer to response to comment A3-5 for the full text of revised Mitigation Measure BIO-1, which addresses the issues raised by this comment.
- O8-3 The comment provides suggested edits to policies proposed in the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O8-4 This comment, like comment O8-2, states that the term “if feasible” in Mitigation Measures BIO-1 (New Implementation Program COS-X: Protection of Sensitive Biological Resources) is used without providing a definition or meaningful standard of feasibility. See response to comment O8-2, which explains that the draft EIR has been revised to add a footnote to this mitigation measure to define “feasibility.”

This comment also states that the measure should more clearly define what is meant by “wildlife corridors.” Definitions, description, and discussion of wildlife corridors are provided in Section 4.4-1 “Background Report Setting Updates” and in the Background Report, which is incorporated in the draft EIR by reference. Additionally, the 2040 General Plan Glossary includes a definition for Habitat Connectivity and Wildlife Corridors as “Areas of contiguous natural habitats or undeveloped land of sufficient width to facilitate the movement, migration, foraging, breeding, and dispersal of multiple wildlife or plant species between two or more core habitat areas. The boundaries of the Habitat Connectivity and Wildlife Corridor areas and the Habitat Connectivity and Wildlife Corridors overlay zone are coterminous. This issue has been addressed and further comment is not required.

- O8-5 This comment objects to an update to the County’s Initial Study Assessment Guidelines that requires that wetland mitigation be “in kind” and that “on-site restoration...shall be preferred...” Mitigation Measure BIO-1 includes the option of on-site or off-site restoration, but does not include any limits to this mitigation; thus, this measure is not in conflict with Implementation Program B of the 2040 General Plan’s Conservation and Open Space Element. Further, the comment addresses the 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no additional response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O8-6 The comment provides suggested edits to policies proposed the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O8-7 Refer to Master Response MR-4, Section MR-4.H, “Buffers (Setback),” for discussion of the findings and conclusions related to setbacks.
- O8-8 Refer to Master Response MR-4, Section MR-4.G, “Pipeline Requirements,” regarding the findings and conclusions related to pipelines.
- O8-9 Programs M and U of the Conservation and Open Space Element were developed by the County to implement policies that support the County’s overarching goals, as outlined in the 2040 General Plan. The physical environmental impacts of implementing these policies are evaluated throughout the draft EIR.
- The comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a Final 2040 General Plan.
- O8-10 The comment addresses the 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a Final 2040 General

Plan. Also, refer to Master Response MR-5 regarding the feasibility of Mitigation Measure AG-2 and Master Response MR-3 regarding RHNA numbers.

O8-11 To clarify, Mitigation Measure AG-1 requires that the County include a policy in the General Plan that ensures discretionary development on Important Farmland be conditioned to avoid direct loss of Important Farmland as much as feasibly possible. The conservation easement requirement is found in Mitigation Measure AG-2. Refer to Master Response MR-5 for discussion of the feasibility of Mitigation Measure AG-2.

O8-12 The comment addresses the draft 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.

O8-13 Through Policy COS-4.3, the County would:

require all structures and sites that are designated, or being considered for designation, as County Historical Landmarks to be preserved as a condition of discretionary development, in accordance with the Secretary of the Interior Standards, unless a structure is unsafe or deteriorated beyond repair.

The potential impacts of implementing this policy are evaluated pursuant to CEQA standards throughout the draft EIR. Section 4.5, “Cultural, Tribal Cultural, and Paleontological Resources,” of the draft EIR discusses the potential effects of the 2040 General Plan on historical and cultural resources.

Policy COS-4.3 requires compliance with the Secretary of the Interior’s Standard. As explained on page 4.5-2 of the draft EIR;

The Secretary of the Interior’s Standards for the Treatment of Historic Properties (Secretary’s Standards), codified in 36 CFR 67, provide guidance for working with historic properties. The Secretary’s Standards are used by lead agencies to evaluate proposed rehabilitative work on historic properties. The Secretary’s Standards are a useful analytic tool for understanding and describing the potential impacts of proposed changes to historic resources. Projects that comply with the Secretary’s Standards benefit from a regulatory presumption that they would not result in a significant impact to a historic resource.

The draft EIR includes mitigation that would require project-level evaluation before altering all buildings or structures that are 50 years old or older. Significance would be assessed by a qualified architectural historian using the significance criteria set forth for historic resources under CEQA Guidelines Section 15064.5. With Mitigation Measure CUL-3, evaluation of potentially eligible sites would be undertaken by the project applicant, which would permit a timely determination of eligibility for County Historical Landmark status.

Policy COS-4.3 does not contradict the requirements of CEQA. Moreover, the standards for evaluation of historical resources established by CEQA do not limit a local agency's ability to condition discretionary development.

O8-14

Ventura County's 2019 Annual Progress Report on the status of the General Plan is available online (Ventura County 2020). The purpose of this Annual Progress Report is to summarize building activity and efforts to facilitate affordable housing completed in the previous calendar year. The 2019 annual report reflects the most recent reporting requirements and was accepted by the California Department of Housing and Community Development in April 2020.

A jurisdiction is subject to SB 35 requirements if the number of dwelling units for which it issued building permits is less than its Regional Housing Needs Allocation (RHNA) share by income category for that reporting period. The California Department of Housing and Community Development released its list of jurisdictions which did not make sufficient progress towards meeting their RHNA share using data reported from 2014-2016 in February of 2018. Ninety-seven percent of all cities and counties were identified as not having enough new housing construction to meet their RHNA targets (Ventura County 2020).

The County's success at meeting past RHNA allocations does not affect the conclusions of the draft EIR relative to potential to displace affordable house (Impact 4.14-1), induce unplanned population growth (Impact 4.14-2), or increase demand for low-income housing that exceeds the County's inventory of appropriately designated land (Impact 4.14-3). No changes have been made to the draft EIR in response to this comment.

O8-15

The VMT and LOS standards within the draft 2040 General Plan are consistent with both state law and the state's General Plan Guidelines. While LOS is no longer to be used as a determination of significance under CEQA, the County has the authority under state law to continue to use LOS for establishing and determining discretionary project-level consistency with General Plan policies (i.e., determining whether discretionary development may result in an unacceptable LOS to County roadways), and as the basis for developing discretionary project-level conditions of approval and imposing fees on new development to fund transportation related improvements needed to obtain consistency with applicable General Plan policies. Thus, the County intends to utilize both VMT and LOS standards, and the method by which the County will do so is clearly articulated within the following 2040 General Plan policies:

Policy CTM-1.1: Vehicle Miles Traveled (VMT) Standards and CEQA Evaluation.

The County shall require evaluation of County General Plan land use designation changes, zone changes, and discretionary development for their individual (i.e., project-specific) and cumulative transportation impacts based on Vehicle Miles Traveled (VMT) under the California Environmental Quality Act (CEQA) pursuant to the methodology and thresholds of significance criteria set forth in the County Initial Study Assessment Guidelines.

Policy CTM-1.3: County Level of Service (LOS) Standards

The County shall maintain LOS standards for use as part of the County's transportation planning including the traffic impact mitigation fee program, and the County's review and policy consideration of proposed land use legislation and discretionary development.

In short, the draft 2040 General Plan identifies two standards. VMT would be used to determine CEQA impacts and evaluate air quality impacts and greenhouse gas emissions, and LOS would be used to evaluate and determine the ability of the circulation system to meet the County's mobility needs and standards.

O8-16

The comment notes that 2040 General Plan Policy COS-10.4 provides that the County "shall reduce GHG emissions...through a combination of measures included in the GHG Strategy, which includes new and modified regulations..." and expresses concern about the potential for "secondary impacts leading to significant environmental effects" caused by the new and modified regulations.

2040 General Plan Policy COS-10.4 is a component of the project that was evaluated in the draft EIR. New and modified regulations supporting GHG reducing activities may be considered under Policy COS-10.4 by the County at any time following adoption of the 2040 General Plan. As the commenter notes, the specific details of new or modified regulations that could be identified in the future under this policy are not known at this time and, therefore, it would be inappropriately speculative to analyze the physical environmental effects of such new or modified regulations in the EIR for the 2040 General Plan. An appropriate level of CEQA analysis would occur if determined to be necessary for any such actions identified in the future.

The draft EIR does not rely on implementation of this policy, and any future new or modified regulations under this policy, to support the GHG emissions analysis and impact conclusions in Section 4.8, "Greenhouse Gas Emissions." Also, the draft EIR does analyze the physical environmental effects from implementation of the policies and programs included in the 2040 General Plan, including policies and programs that would reduce GHG emissions from existing and future development.

The comment also indicates that elimination of Implementation Program COS-EE, as identified in the draft EIR "seems undesirable since the purpose of program EIRs is in part to streamline future environmental review." For clarification, Mitigation Measure GHG-3 would not impair the utility of a program EIR for streamlining environmental review of future projects that are consistent with the 2040 General Plan. Mitigation Measure GHG-3 would only eliminate the program for streamlining and tiering subsequent CEQA review of project-level greenhouse gas emissions pursuant to State CEQA Guidelines Section 15183.5. As a result, future projects that tier from this program EIR would need to conduct a project-specific GHG analysis. See Master Response MR-1.C for further discussion.

O8-17

Refer to responses to comments O8-1 through O8-16, above, for responses to the specific comments and concerns raised in this letter.

CALCIMA

California Construction and
Industrial Materials Association

Letter
09

February 27, 2020

Ventura County Resource Management Agency, Planning Division
Attn: Susan Curtis, Manager, General Plan Update Section
800 S. Victoria Ave., L #1740
Ventura, CA 93009-1740

Via e-mail: GeneralPlanUpdate@ventura.org

RE: Ventura County General Plan – Mineral Resources – Draft EIR Comments

Dear Mrs. Curtis:

These comments are offered on behalf of the California Construction and Industrial Materials Association (CalCIMA). CalCIMA is a statewide trade association representing construction and industrial material producers in California. Our members supply mineral resources such as construction aggregate inclusive of sand, gravel, crushed stone, slag, and recycled concrete that build our state's infrastructure, including public roads, rail, and water projects; help build our homes, schools and hospitals; assist in growing crops and feeding livestock; and play a key role in manufacturing wallboard, roofing shingles, paint, low energy light bulbs, and battery technology for electric cars and windmills. Our members develop mineral resources to provide the raw materials necessary to maintain society, and strategically site their operations throughout the state to minimize air quality impacts and greenhouse gas emissions associated with transportation by truck.

09-1

The Draft EIR for the Ventura County 2040 General Plan Update fails to give non-oil and gas mineral resources appropriate attention and analysis for impacts. As such the DEIR is deficient and should be corrected as we detail below. Once corrected, the DEIR should be recirculated for public review.

09-2

Incomplete Regulatory Setting

Neither the DEIR nor the Background report provide a complete and thorough description of the existing, current regulatory setting that oversees the management and production of mineral resources in the County and the State of California. This omission is particularly concerning because the existing General Plan discusses many of these regulatory schemes in great detail, along with the importance of mineral resources, generally, and the mineral resources located in the County, specifically. The EIR and the Background Report only disclose federal and state agencies that regulate pipelines and flaring, which is not applicable to all mineral resources that must be analyzed in an EIR under the CEQA guidelines. The EIR should be revised to include an overview and description of all potential regulations, regulatory bodies, and programs that regulate mineral resources in Ventura County.

09-3

Further, the deletion of policies from the previous general plan which are part of the current regulatory environment and whose removal may negatively impact mineral resources is not included in the current

09-4

regulatory background. Nor is their removal analyzed or quantified. Specifically, existing General Plan Policy 1.4.2 #6 "All General Plan amendments, zone changes, and discretionary developments shall be evaluated for their individual and cumulative impacts on access to and extraction of recognized mineral resources, in compliance with the California Environmental Quality Act," is not included in the revised general plan. Nor is any analysis of how that removal could affect mineral resources, or any explanation for why it's being removed. We remind you that mineral resources are part of the "environment" protected by CEQA.

O9-4
cont.

"Less than Significant" Impact Determination Not Supported

The EIR fails to provide any discussion of non-oil and gas mineral resources in the "environmental setting" discussion in section 4.12 of the EIR. Without an understanding of the regulatory and environmental setting, there is simply no information or data in the EIR to support the County's outright dismissal of impacts to mineral resource production as "less than significant."

O9-5

Further, the EIR fails to actually analyze for direct and indirect impacts to mineral resource zones that will occur as a result of the 2040 General Plan. The County admits that Land Use Designation changes in the 2040 General Plan will result in changes to land uses over known and important mineral reserves. But neither the EIR nor the Background Report provide any information regarding estimated and anticipated "buildout" in terms of acreage, actual location, number of dwelling units, and development density and intensity. These incompatible land uses will significantly impact future mineral resource production and must be evaluated and mitigated for in the EIR.

O9-6

Finally, the determination of impacts on page 4.12-10 is not only completely unsupported, but it is contradicted in the EIR's language. The EIR admits that residential and industrial uses will be installed in the MRZ-2 zone (a major mineral resource zone), but then never provides any quantification of impacts or discusses the extent, location, or intensity of the development within the MRZ-2 zone. This impact is not "less than significant" as development over the MRZ-2 zone will significantly hamper access to these resources. The County's analysis is contrary to ISAG threshold of significance 1., which states that, "Any land use or project activity which is proposed to be located on or immediately adjacent to land zoned Mineral Resource Protection (MRP) overlay zone, or adjacent to a principal access road to an existing aggregate Conditional Use Permit (CUP), and which has the potential to hamper or preclude extraction of or access to the aggregate resources, shall be considered to have a significant adverse impact on the environment."

O9-7

Direct and Indirect Impacts Not Analyzed Or Quantified

The EIR concedes that more than half of the project area to be impacted by the 2040 General Plan is zoned MRZ-3a/b. The County admits in the EIR that areas zoned MRZ 3a/b are those areas with known mineral deposits that lack sufficient detailed information to be labeled MRZ-2. But the EIR fails to conduct any impact determination or analysis of the project on these mineral resources and deposits.

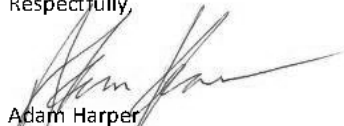
O9-8

The EIR never addresses indirect impacts to mineral resource development that will occur under the 2040 General Plan. As incompatible land uses (such as residential development) occur on or adjacent to mineral production and mineral reserves, compatibility conflicts will increase. Reasonably foreseeable indirect impacts include nuisance complaints, traffic conflicts, theft, vandalism and attempted trespass on mineral production sites. The EIR must analyze and evaluate these impacts on the ability to produce mineral resources in the County.

O9-8
cont.

We appreciate the opportunity to provide comments.

Respectfully,



Adam Harper
Director of Policy Analysis

Letter O9	California Construction and Industrial Materials Association Adam Harper, Director of Policy Analysis February 27, 2020
----------------------	--

- O9-1 The California Construction and Industrial Materials Association's role representing construction and industrial producers in California is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- O9-2 Refer to responses to comments O9-3 through O9-8, below, for responses to the specific comments and concerns about mineral resources raised in this letter.
- Refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.
- O9-3 The comment asserts that Section 4.12, "Mineral and Petroleum Resources," lacks a "complete and thorough" description of the existing regulatory setting. The comment does not, however, provide any specific regulations that are absent from the regulatory setting which would inform the analysis or conclusions in the draft EIR. Therefore, no further response can be provided. Note, however, that the County has revised the regulatory setting to include an enhanced discussion of the California Geologic Energy Management Division's regulations. Refer to Chapter 3, "Revisions to the Draft EIR."
- O9-4 The comment raises concern about differences between the existing general plan (2005) and the proposed 2040 General Plan.
- CEQA requires an evaluation of the project being proposed compared to baseline (existing) conditions, which are generally the existing physical environmental conditions (State CEQA Guidelines 15125[a]). As such, the draft EIR analyzes the potential for substantial adverse changes to the existing environment that could result from implementation of the proposed 2040 General Plan land use diagram, as well as proposed policies and implementation programs. This is the appropriate methodology under CEQA. The analysis in the draft EIR is not intended to provide a comparison of the proposed 2040 General Plan against the existing general plan (2005). This would be a plan-to-plan evaluation, which is specifically prohibited through CEQA and relevant case law. Chapter 6, "Alternatives," of the draft EIR compares the significant environmental effects of the 2040 General Plan to significant environmental effects of the No Project Alternative, in which the existing General Plan (2005) would remain in effect (Section 6.5.1, page 6-12).
- Additionally, the commenter states that removal of existing general plan Policy 1.4.2.6 is of concern. This policy requires evaluation of discretionary actions for their potential to affect access to, and extraction of, recognized mineral resources in compliance with CEQA. The CEQA requirement to evaluate the potential for loss of availability of known mineral resources would continue to be applied and

implemented by the County on a case-by-case basis and would be unaffected by the 2040 General Plan.

- O9-5 Commenter states that the draft EIR fails to provide any discussion of non-oil and gas minerals within the environmental setting portion of Section 4.12 (Mineral and Petroleum Resources). On page 4.12-5, the draft EIR refers the reader to Sections 8.4 (Mineral Resources) and 8.5 (Energy Resources) of the Background Report (draft EIR, Appendix B). Refer to Master Response MR-6, which explains the County's approach to utilizing the existing setting information in the Background Report.
- O9-6 Refer to Master Response MR-2 for an explanation of the land use diagram and buildout assumptions used in the draft EIR. Refer to response to comment O5-90 for a discussion of policies in the 2040 General Plan that would address the potential for discretionary development that could hamper or preclude extraction of mineral resources.
- The potential for the 2040 General Plan to result in development on or adjacent to existing mineral extraction sites, which could hamper or preclude access to the resources, is evaluated in Section 4.12, "Mineral and Petroleum Resources," (Impact 4.12-1).
- O9-7 The impact conclusion on page 4.12-10 relates to Impact 4.12-1 (Result in Development on or Adjacent to Existing Mineral Resources Extraction Sites or Areas Where Mineral Resources Are Zoned, Mapped, or Permitted for Extraction, Which Could Hamper or Preclude Extraction of the Resources). The discussion in the draft EIR provides an appropriate evaluation of potential program impacts. The evaluation is based on Section 3a, thresholds 1 and 2 of the Initial Study Assessment Guidelines, which were modified to consider the programmatic nature of a general plan for the entire unincorporated area (refer to page 4.12-6 of the draft EIR).
- Future discretionary actions would be subject to review using the County's Initial Study Assessment Guidelines and/or other applicable CEQA and State law requirements in place at the time of the proposal. Further, there are policies in the 2040 General Plan that would address the potential for incompatible land use that could occur if the land use diagram were implemented without the policy framework. Refer to response to comment O5-90.
- O9-8 The complete draft 2040 General Plan was reviewed in preparation of the draft EIR. The potential for the 2040 General Plan to generate indirect impacts that could "hamper" mineral resource extraction is evaluated under Impact 4.12-1. As explained on page 4.12-10, Policy COS-6.5 would:
- ...promote mineral resource land use capacity by ensuring that discretionary development in areas designated MRZ-2 is compatible with mineral resources extraction and processing activities. Specifically, the County would require an evaluation of the significance of the mineral resources deposits located in the area of a proposed discretionary development and determine whether the use would significantly hamper or

preclude access to, or the extraction of, mineral resources; and require discretionary development proposed adjacent to existing mining operations to provide a buffer (based on an evaluation of noise, community character, compatibility, scenic resources, drainage, operating conditions, biological resources, topography, lighting, traffic, operating hours, and air quality) between the development and mining operations to minimize land use incompatibility and avoid nuisance complaints. This review would address discretionary development both on or adjacent to mineral extraction sites and adjacent to principal access roads to existing aggregate extraction or production sites.

Policy COS-6.5 is also included in the evaluation of Impact 4.11-1 (Result in Physical Development That Is Incompatible With Land Uses, Architectural Form Or Style, Site Design/Layout, Or Density/Parcel Sizes Within Existing Communities) in Section 4.11, "Land Use and Planning."

The analysis in the draft EIR for Impact 4.12-2 (Result in the Loss of Availability of a Known Mineral Resource That Would Be of Value to the Region and the Residents of the State) acknowledges the MRZ-3 lands in the plan area, but determined that "it would be speculative to assess the potential effects of future development in these areas" as a loss of a known mineral resource pursuant to the threshold "because MRZ-3 and MRZ-3a areas have not been established as areas of value to the region or the State" (draft EIR page 4.12-11). Refer to response to comment O5-91.



California Independent Petroleum Association
 1001 K Street, 6th Floor
 Sacramento, CA 95811
 Phone: (916) 447-1177
 Fax: (916) 447-1144

**Letter
O10**

February 27, 2020

VIA ELECTRONIC DELIVERY

Susan Curtis, Manager, General Plan Section Update
 Ventura County Resource Management Agency, Planning Division
 800 S. Victoria Ave., L#1740
 Ventura, CA 93009
GeneralPlanUpdate@ventura.org

Re: Comments on Ventura County 2040 General Plan Draft Environmental Report (State Clearinghouse No. #2019011026)

Dear Ms. Curtis,

The California Independent Petroleum Association (CIPA) appreciates the opportunity to submit comments on the Draft Environmental Impact Report (DEIR) prepared for the County of Ventura's (County) proposed update to its existing general plan (GP 2040). While we appreciate the County's efforts to comply with the California Environmental Quality Act (CEQA) in preparing the DEIR, our review of the DEIR reveals that it contains numerous legal defects. Many sections of the DEIR must be substantially revised, and the DEIR must be recirculated, before it can be considered for certification.

O10-1

CIPA represents several independent oil and gas producers in the County. CIPA's producer members actively contribute to the County's economic base, provide myriad local employment opportunities and produce oil and gas resources within the County in an environmentally responsible manner.

O10-2

CIPA seeks to promote greater understanding and awareness of the critical role domestic oil and gas production plays in powering the County's vibrant economy. Local oil and natural gas producers provide both the energy and the building blocks of nearly every material that County residents utilize on a daily basis, and we recognize that the affordability, reliability and resilience of those supplies will largely determine whether the County achieves a more vibrant

and inclusive economy, a more equitable society, and continued improvements in environmental quality.	O10-2 cont.
The policies and additional restrictions proposed in the general plan (GP 2040) will devastate the vitality of the County of Ventura by: eliminating thousands of high-paying, middle-class jobs; costing the County tens of billions of dollars; relinquishing tens of millions of dollars in local tax revenues; raising the cost of living for all Ventura residents; and threatening the economy and the livelihoods of Ventura residents by increasing dependence on unreliable foreign sources of oil.	O10-3
The DEIR not only lacks proper analysis on the economic impacts said restrictions and policies will have on the residents of Ventura County, but relies on factually incorrect and underpin assumptions to complete its analysis.	O10-4
For these reasons and many others, we urge the County to revise the DEIR and recirculate before it's considered for certification.	
<u>CEQA COMMENTS:</u>	
1. CIPA joins in the comments submitted by Aera Energy LLC.	
CIPA member Aera Energy LLC has submitted a number of comments concerning the legal adequacy of the DEIR, and CIPA joins in those comments.	O10-5
2. CIPA joins in the comments submitted by Western States Petroleum Association.	
The Western States Petroleum Association (WSPA) has also submitted numerous comments on the DEIR. CIPA joins in those comments as well.	
3. The DEIR's GHG emissions analysis is legally flawed.	
To reduce the production of greenhouse gas (GHG) emissions we must decrease our reliance on energy imports for over 90% of our natural gas, 70% of our oil and 30% of our electricity needs. GP 2040 proposes adoption of policies that will significantly increase Ventura's dependence on imported energy, meaning that Ventura is delegating its environmental leadership to other states, countries and regimes that do not share our environmental, labor, and human rights standards.	O10-6
The DEIR concedes that adoption of GP 2040 will cause the County to rely on imported energy, but fails to quantify, evaluate or propose mitigation for the resulting increase in GHG emissions. In section 4.12, the DEIR states that "the demand for California-produced oil and gas would be satisfied through the importation of additional oil and gas from other countries and Alaska, which in turn could have indirect environmental impacts such as those associated with transporting the oil and gas from outside of Ventura County." This is extremely alarming since	

the increase of imported energy has a clear and direct impact on our environment, much more than from the result of local production. The DEIR makes no attempt to analyze this impact. The DEIR must evaluate this known adverse impact and propose feasible mitigation measures.

O10-6
cont.

4. Factually incorrect and unsupported assumptions underpin much of the DEIR's analysis.

The DEIR assumes that new discretionary permits will be issued for oil and gas wells, but fails to recognize the fact that oil and gas operations within the GP 2040 boundary will continue to operate under, valid and vested entitlements. To the extent the DEIR assumes that such operations will be subject to further discretionary review and the imposition of additional mitigation measures and/or conditions, that assumption is incorrect as a matter of law, and all analysis flowing from it is flawed.

O10-7

GP 2040 Policies COS 7.2 and COS 7.3 are presented in the DEIR as limiting effects on human health. The DEIR cites a County of Los Angeles 2018 report as the basis for assuming that stated limiting effect on human health. What the Draft EIR fails to mention or quantify in any substantial manner, is the fact that the County of Los Angeles 2018 report's conclusions and recommendations lack grounding scientific research. The report lacks objective scientific data from the County of Los Angeles; reviews other jurisdictions outside of California when making recommendations or claims; uses weak, unsubstantiated, misleading language and science; excludes the County of Los Angeles Department of Health's own data and previous studies.

O10-8

The Draft EIR also makes reference to the 2019 City of Los Angeles Oil and Gas Health Report. That report clearly states, "There is a lack of empirical evidence correlating oil and gas operations within the City of Los Angeles to widespread negative health impacts. The lack of evidence of public health impacts from oil and natural gas operations has been demonstrated locally in multiple studies by the Los Angeles County Department of Public Health, the Los Angeles County Oil & Gas Strike Team, the South Coast Air Quality Management District and the comprehensive Kern County Environmental Impact Report and Health Risk Assessment." Lastly, the DEIR relies in part on unsettled legislation, Assembly Bill 345. Assembly Bill 345 is not law and the DEIR cannot treat it as such.

We thank the County for this opportunity to review and comment on the DEIR for GP 2040, and we ask that these comments be included in the record of proceedings in this matter. As set forth above and further articulated in the comments submitted by Aera Energy LLC and WSPA, the DEIR suffers from numerous legal defects. These defects must be cured and the DEIR must be recirculated

O10-9

Sincerely,



Rock Zierman
Chief Executive Officer
California Independent Petroleum Association

Letter O10	California Independent Petroleum Association Rock Zierman, Chief Executive Officer February 27, 2020
-----------------------	---

- O10-1 This comment regarding the adequacy of the draft EIR is noted. However, no specific issues related to the content, analysis, conclusions, or overall adequacy of the draft EIR are raised in this comment. Therefore, no further response is provided. Refer to responses to comments O10-2 through O10-8, below, for responses to the specific comments and concerns raised in this letter.
- Regarding the comment that the draft EIR should be recirculated, refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.
- O10-2 The California Independent Petroleum Association's role representing oil and gas producers and understanding the oil and gas production in the Ventura County economy is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- O10-3 This comment expresses disapproval of the 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a Final 2040 General Plan.
- O10-4 The comment states that the draft EIR does not include an analysis of economic impacts. However, EIRs are not required to treat a project's economic or social effects as significant effects on the environment (State CEQA Guidelines, § 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. The economic issues raised in this comment would not result in any adverse physical changes to the environment not already addressed in the draft EIR.
- The comment also states that the draft EIR relies on factually incorrect assumptions, but it does not provide specific issues related to the content, analysis, conclusions, or overall adequacy of the draft EIR. Therefore, no further response is provided.
- Regarding the comment that the draft EIR should be recirculated, refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.
- O10-5 The commenter refers to letters submitted by Aera Energy LLC and WSPA. See responses to Letters O5, O6, and O37.
- O10-6 The comment states that the draft EIR's GHG emissions analysis is legally flawed and makes assertions related to "imported energy." Refer to response to comment O2-6 regarding GHG emissions and imported energy.

- O10-7 The comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O10-8 Refer to Master Response MR-4, Section MR-4.E, “Applicability of Reference Studies for Oil and Gas Operations,” regarding the validity of relying on this and related reports.
- O10-9 Refer to responses to comments O10-2 through O10-8, above, for responses to the specific comments and concerns raised in this letter.
- Refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Letter
O11

California's native
flora since 1965

24 February 2020

Ventura County Resource Management Agency, Planning Division
Attn: Susan Curtis, Manager, General Plan Update Section
800 S. Victoria Ave., L #1740
Ventura, California 93009-1740
susan.curtis@ventura.org, GeneralPlanUpdate@ventura.org

Re: Request for 90-Day Comment Deadline Extension on the Draft Environmental Impact Report for the County of Ventura Draft 2040 General Plan

Dear Ms. Curtis:

The California Native Plant Society (CNPS) respectfully requests an extension of the comment period for the Draft Environmental Impact Report for the County of Ventura Draft 2040 General Plan (State Clearinghouse No. 2019011026).

The current 45 day comment period imposes a deadline of February 27, 2020, and is inadequate to allow full review of:

- (1) the Draft EIR which covers complex issues in its 598 pages plus six appendices, including a 1,034 page background report and
- (2) the Public Review Draft of the General Plan, which is 463 pages and includes four appendices.

It is simply not possible for CNPS to meaningfully review and comment on these documents in such a short timeframe.

CNPS has a long collaborative history with the Ventura County Planning Division and wishes to ensure that that good relationship is maintained, and that the botanical resources of Ventura County are given the appropriate level of attention it deserves.

Due to the sheer volume and complexity of the materials, we believe an additional 90 days is required. Extending the deadline to May 27, 2020 would allow for a more comprehensive review and more useful comments.

Respectfully,

David L. Magney, CNPS Rare Plant Program Manager
Certified California Consulting Botanist No. 0001

Nicholas Jensen, PhD, CNPS Conservation Scientist

O11-1

**Letter
O11**

California Native Plant Society
David L. Magney, CNPS Rare Plant Program Manager
February 24, 2020

O11-1

The draft EIR was available for a 45-day review period from January 13, 2020, to February 27, 2020, in compliance with CEQA (Pub. Res. Code, § 21091). The commenter's request for extension of the comment period has been noted. No extension of the comment period was granted.



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Calif
flora

Letter
O12

27 February 2020

Ventura County Resource Management Agency, Planning Division
Attn: Susan Curtis, Manager, General Plan Update Section
800 S. Victoria Ave., L #1740
Ventura, California 93009-1740
susan.curtis@ventura.org, GeneralPlanUpdate@ventura.org

**Re: Comments on the Draft Environmental Impact Report for the County of Ventura
Draft 2040 General Plan**

Dear Ms. Curtis:

The California Native Plant Society (CNPS), a membership-based 501(c)(3) nonprofit corporation herein provide these comments on the proposed Ventura County 2040 General Plan (GP) and associated Draft Environmental Impact Report (DEIR). CNPS's comments are focused on the biological resources with the intent to ensure that they are appropriately conserved through land use planning and government actions and management at the discretion of the county.

O12-1

General Comments:

There is no mention of information on the botanical resources of Ventura County that have been developed and made available to the public, such as by the Channel Islands Chapter of the California Native Plant Society (CNPSCI), available online at <http://cnpsci.org/>, and by David Magney for the Ventura County flora (www.venturaflorea.com). The GP mentions information provided by the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS), which is a good starting point; however, so much more detail is available that would be helpful to decisionmakers and the public that the true picture of the incredible biodiversity and species richness found in Ventura County.

For example, there is no mention of bryophyte resources, nor any mention of lichens, which are generally referred to as nonvascular plants. Both of these groups are both diverse and important components of the biological resources of Ventura County.

O12-2

Qualified Biologist – since there are no codified criteria that the VCPD uses consistently to determine who is qualified, CNPS highly recommends that the following be inserted under the definition of a qualified biologist:

Require use of a Certified Consulting Botanist for botanical resource assessments and surveys.

Require use of a Certified Restoration Ecologist or Certified Consulting Botanist for habitat restoration planning, mitigation, or implementation work.

Thresholds of Significance (page 4.4-13) uses the term “substantially”. “Substantially” is an ambiguous term that can be next to impossible to quantify, particularly if the impact appears to be small in some way. Without an actual metric, significant impacts could be considered less-than-significant by some biologists. Using actual numbers would be better, with some means to deviate if sufficient evidence is

O12-3



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Protecting
California's native
flora since 1965

provided to make a reasonable and sound, science-based argument for a different significance threshold number or metric.

For example, impacts to wetland habitat functions is identified as significant, if they are substantial. Measuring the total area of a wetland directly impacted is fairly straightforward; however, measuring the wetland functions that are impacted is more complex, and doing so for indirect impacts is even more challenging. It would be easier and fairer, and more accurate to use a tested assessment method, and set a significance threshold, say a 5% change, to determine if the impact would be significant. The only objective tool currently available to measure wetland functions is the U.S. Army Corps of Engineers' Hydrogeomorphic Assessment Method (HGM), which is described in more detail in comments below.

O12-3
cont.

Policies

Following are the proposed General Plan (GP) Conservation and Open Space Element policies, with CNPS's assessment of their benefit in protecting biological resources and how they could be improved to better meet the stated objectives.

The Public Review Draft Policy Document, Section 6.1 – Biological Resources, provides a **very** general overview that hardly captures the richness, diversity, and uniqueness of the biological resources within Ventura County. At least a bit more information would be beneficial in expressing this fact since so much information about the biological resources of the county is readily available, much of it compiled in each biological assessment performed for every project that has gone through a CEQA assessment.

For example, expand the sentence "Ventura County contains a diverse range of elevations, biogeographic features and ecosystems" with ", which provides a large variety of habitats that supports 321 species of lichens, 97 species of bryophytes, 1,939 **native** vascular plants (Magney 2020 - <http://venturaflora.com/files/vcfloristics.htm>), 338 bird species, 11 amphibian species, 30 reptile species, several freshwater fish species, 50 mammal species, and an unknown (very high) number invertebrate species, but at least 117 species of butterflies."

O12-4

Policy COS-1.1: Protection of Sensitive Biological Resources. The County shall ensure that discretionary development that could potentially impact sensitive biological resources be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures that fully account for the impacted resource. When feasible, mitigation measures should adhere to the following priority: avoid impacts, minimize impacts, and compensate for impacts. If the impacts cannot be reduced to a less than significant level, findings of overriding considerations must be made by the decision-making body.

This policy is good except there is no need or justification to insert "when feasible" regarding how to adhere to approaching mitigation measures for significant impacts. CEQA guidelines already provide the order of preference. The biggest challenge this policy faces is in how a "qualified biologist" is determined (see detailed comments and recommendations below).

Policy COS-1.2: Consideration of Sensitive Biological Resources. The County shall identify sensitive biological resources as part of any land use designation change to the General Plan Land Use Diagram or zone designation change to the Zoning Ordinance that would intensify the



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Protecting
California's native
flora since 1965

uses in a given area. The County shall prioritize conservation of areas with sensitive biological resources.

This policy is good; however, the means and criteria that should be used to determine which biological resources are considered sensitive needs to be defined. This should not be left to the environmental consulting firms hired by project proponents that will almost certainly have an inherent bias against identifying sensitive resources that would harm their client's project interests.

Policy COS-1.7: Balancing Resource Preservation and Flood Protection. The County shall require that discretionary development and County-initiated projects balance the preservation of streams, wetlands, and riparian habitats with the need to adequately protect public safety and property from flooding hazards by incorporating natural or nature-based flood control infrastructure, (e.g., wetland restoration, soil conservation, vegetated levees), when feasible.

CNPS supports this policy.

Policy COS-1.8: Bridge Crossing Design. The County shall require discretionary development that includes new or modified road crossings over streams, wetlands and riparian habitats to include bridging design features with bridge columns located outside the riparian habitat areas, when feasible.

CNPS supports this policy.

Policy COS-1.9: Agency Consultation Regarding Biological Resources. The County shall consult with the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Fish and Wildlife Service, National Audubon Society, California Native Plant Society, National Park Service for development in the Santa Monica Mountains or Oak Park Area, and other resource management agencies, as applicable during the review of discretionary development applications to ensure that impacts to biological resources, including rare, threatened, or endangered species, are avoided or minimized.

O12-4
cont.

This policy is good except consultation should cover the entire county, not just for the Santa Monica Mountains and Oak Park areas. The VCPD staff biologists have in the past convened the biologists from the above listed entities to review various discretionary projects under review to obtain guidance on impacts and mitigation measures. At a minimum, these entities should receive formal notice of all discretionary projects that may impact biological resources so that they have an opportunity to provide comments, on any project anywhere in the county. The VCPD should maintain a list of contacts of biologists with each of these entities as part of this policy.

Policy COS-1.10: Evaluation of Potential Impacts of Discretionary Development on Wetlands. The County shall require discretionary development that is proposed to be located within 300 feet of a wetland to be evaluated by a County-approved biologist for potential impacts on the wetland and its associated habitats pursuant to the applicable provisions of the County's Initial Study Assessment Guidelines.

This policy is good but it should be strengthened by including impacts to wetland functions, not just habitats. Indirect impacts that adversely affect one or more wetland functions needs to be included in



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Protecting
California's native
flora since 1965

this policy. Also, the criteria for determining how the approved biologist is determined needs to be developed (see comments below about qualified biologists and wetland assessment methods).

Policy COS-1.11: Discretionary Development Sited Near Wetlands. The County shall require discretionary development to be sited 100 feet from wetland habitats, except as provided below. The 100-foot setback may be increased or decreased based upon an evaluation and recommendation by a qualified biologist and approval by the decisionmaking body based on factors that include, but may not be limited to, soil type, slope stability, drainage patterns, the potential for discharges that may impair water quality, presence or absence of endangered, threatened or rare plants or animals, direct and indirect effects to wildlife movement, and compatibility of the proposed development with use of the wetland habitat area by wildlife. Discretionary development that would have a significant impact on a wetland habitat shall be prohibited unless mitigation measures are approved that would reduce the impact to a less than significant level. Notwithstanding the foregoing, discretionary development that would have a significant impact on a wetland habitat on land within a designated Existing community may be approved in conjunction with the adoption of a statement of overriding considerations by the decision-making body.

This policy is good except the evaluation must be conducted by a Certified Wetland Scientist or a Certified Consulting Botanist. Since there are no standard or consistent methods used by the County to determine which biologists are actually qualified, such determinations are best made by professional peers, such as certification entities."

Furthermore, the evaluation/assessment should use an objective assessment tool or model, such as the Hydrogeomorphic Assessment Method (HGM) regional models (<https://wetlands.el.erdc.dren.mil/pdfs/wrpde9.pdf>), which have been used successfully in Ventura County in the past using either the Santa Margarita River Riverine HGM model for low gradient streams and rivers or the South Coast Santa Barbara Riverine HGM model for high gradient streams. California Rapid Assessment Method (CRAM) models have only limited applicability in that CRAM does not measure wetland functions, only HGM models do. To determine significance, a percent change in wetland functions is an appropriate and unbiased approach. A 10% change threshold has been used successfully in such assessments in Ventura County using regional HGM models, but a 5% change may be more appropriate since a fully functioning wetland is extremely important for ecosystem health.

Policy COS-1.12: Discretionary Development and Landscaping. The County shall require landscaping associated with discretionary development, or subject to the California Water Efficient Landscape Ordinance (WELO), to be water-efficient and include native, pollinator-friendly plants consistent with WELO guidelines, as applicable. The planting of invasive and watch list plants as inventoried by the California Invasive Plant Council shall be prohibited, unless planted as a commercial agricultural crop or grown as commercial nursery stock.

The WELO ordinance was developed in San Mateo County and calls for 6 inches of compost and 3 inches of mulch in landscaping with the goal of conserving soil moisture from evaporation. This simplistic approach is not necessarily appropriate for landscaping using local native plants, and in many instances will kill them. The policy should be modified to include the development

O12-4
cont.



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Protecting
California's native
flora since 1965

of landscaping guidelines that are appropriate for Ventura County communities and native plants that meet the basic goals of WELO.

Policy COS-1.13: Partnerships for Protection of Natural and Biological Resources. The County shall continue to work in partnership with agencies, organizations, and entities responsible for the protection, management, and enhancement of the county's biological resources.

This policy is good, but listing of the entities would help eliminate potential for failure to notify select groups. Certainly, count CNPS in as both willing and able to work in partnership with the County to implement this policy.

Policy COS-1.14: Ecological Information Programs. The County shall support programs that encourage awareness and respect for the natural environment.

This policy sounds great; however, what level and types of support will the County provide? The policy language needs to go into greater depth on how the County will implement it.

Policy COS-1.15: Countywide Tree Planting. The County shall establish and support a countywide target for the County, cities in Ventura County, agencies, organizations, businesses, and citizens to plant two million trees throughout the county by 2040.

CNPS fully supports this policy, with the proviso that no invasive exotic tree species be planted under this policy, and that native (to Ventura County) tree species should be emphasized and prioritized.

Policy COS-2.1: Beach Erosion. The County shall strive to minimize the risk from the damaging effects of coastal wave hazards and beach erosion and reduce the rate of beach erosion.

CNPS supports this policy. However, how it is implemented is important in that some hardscaping actions could harm coastal biological resources. The County needs to take the bigger, longer-term perspective when deciding what beach erosion control projects are planned and approved. Sea level is rising and there is little the County can do to prevent it. Emphasis should be placed on natural processes, which should take priority over manmade structures (which require expensive maintenance). Furthermore, coastal species need to have places to migrate (inland) to as sea level rises; therefore, migration paths must be either created or maintained to accommodate that migration.

Policy COS-2.2: Beach Nourishment. The County shall support activities that trap or add sand through beach nourishment, dune restoration, and other adaptation strategies to enhance or create beaches in areas susceptible to sea-level rise and coastal flooding.

See comments for Policy COS-2.1 above.

Policy COS-2.4: Mining Activities. The County shall require discretionary development for all mining activities in County streams and rivers to incorporate all feasible measures to mitigate beach sand replenishment impacts.

CNPS supports this policy.

O12-4
cont.



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Protecting
California's native
flora since 1965

Policy COS-2.5: Shoreline Protective Structure Design. The County shall require all shoreline protective structures which alter natural shoreline processes to be designed to eliminate or mitigate adverse impacts on local shoreline sand supplies.

CNPS supports this policy. See comments for Policy COS-2.1 above.

Policy COS-2.9: Estuarine Protections. The County shall support efforts by other agencies and organizations to maintain and enhance estuarine systems in order to protect and enhance coastal fisheries and other marine resources.

CNPS supports this policy.

Policy COS-2.10: Saltwater Intrusion. The County shall work with Federal, State, and local jurisdictions, agencies, and organizations to monitor saltwater intrusion and take proactive steps to reduce intrusion, including:

- working to maintain and restore coastal wetlands buffers;
- enhancing groundwater management to prevent excessive pumping in order to restore groundwater levels needed to reduce saltwater intrusion; and
- implementing mitigation measures to prevent saltwater intrusion into estuaries and groundwater basins including, but not limited to, implementation of reactive barriers and use of pumps to divert saltwater.

CNPS generally supports this policy.

Policy COS-2.11: Dune Vegetation. Discretionary development which would result in the removal of dune vegetation shall be conditioned to replace the vegetation.

CNPS supports this policy. However, it would be preferable to avoid the impact if at all possible. The policy should reflect that avoidance of impacts to dune vegetation is preferred.

Policy COS 9.3: Open Space Preservation. The County shall place a high priority on preserving open space lands for recreation, habitat protection, wildlife movement, flood hazard management, public safety, water resource protection, and overall community benefit.

CNPS supports this policy.

The following California Environmental Quality Act (CEQA) policy language regarding compensatory mitigation: "When there is no other feasible alternative to avoiding an impact to a wetland habitat, the County shall require the discretionary development to provide restoration and/or replacement habitat as compensatory mitigation such that no overall net loss of wetland habitat results from the development. The restoration and/or replacement habitat shall be 'in kind' (i.e. same type and acreage) and provide wetland habitat of comparable biological value. On-site restoration and/or replacement shall be preferred wherever possible. A habitat restoration and/or replacement plan to describe and implement such compensatory mitigation shall be developed in consultation with all agencies that have jurisdiction over the resource.

Implementation Programs

O12-4
cont.



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Protecting
California's native
flora since 1965

- ☐ Program A: Standards for Compact Development. The County shall update the Non-Coastal Zoning Ordinance to include development standards for project design that features compact development adjacent to scenic or sensitive biological resources.

CNPS supports this policy.

- ☐ Program B: Update Initial Study Assessment Guidelines. The County shall update the Initial Study Assessment Guidelines to identify a range of mitigation measures for protected biological resources. This will include updating Section 4, Biological Resources, to include the following California Environmental Quality Act (CEQA) policy language regarding compensatory mitigation: "When there is no other feasible alternative to avoiding an impact to a wetland habitat, the County shall require the discretionary development to provide restoration and/or replacement habitat as compensatory mitigation such that no overall net loss of wetland habitat results from the development. The restoration and/or replacement habitat shall be 'in kind' (i.e. same type and acreage) and provide wetland habitat of comparable biological value. On-site restoration and/or replacement shall be preferred wherever possible. A habitat restoration and/or replacement plan to describe and implement such compensatory mitigation shall be developed in consultation with all agencies that have jurisdiction over the resource.

CNPS supports this policy program.

- ☐ Program C: Update Tree Protection Ordinance. The County shall update existing Tree Protection Regulations in the Non-Coastal Zoning Ordinance to further enhance conservation of our urban forests and the preservation of the County's oak woodland resources. Updates shall include incorporation of Board-adopted recommendations from the Ventura County Oak Woodlands Management Plan (2007), which include tree replacement offsets for ministerial development projects that remove protected trees, revisiting mitigation ratios for tree removal and oak woodland impacts for discretionary development projects. The update shall also evaluate existing protections for invasive, non-native trees and consider the degree to which they provide habitat for a species during critical life stages (e.g., colonial roost sites, breeding sites, etc.). In addition, the evaluation shall also include anticipated effects of climate change on the urban forest environment.

CNPS supports this policy; however, the evaluation for any updates should include Certified Consulting Arborists (particularly those with experience in assessing the functions (not the values) of trees from a habitat/ecological function perspective and Certified Consulting Botanists.

- ☐ Program D: Research Feasibility of Updating Vegetation Maps. In partnership with other natural resource agencies and organizations, the County shall explore the feasibility of updating vegetation maps for unincorporated areas to facilitate the accurate analysis of potential impacts of development on vegetation communities and other sensitive biological resources. If necessary, the County shall develop or modify regulations and development standards to ensure adequate protections for vegetation communities.

There really is no need to "research the feasibility of updating vegetation maps" as there is an ongoing statewide program that CDFW and CNPS have been implementing for over a decade

O12-4
cont.



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Protecting
California's native
flora since 1965

now. The goal is to map all the natural vegetation of the state according to The Manual of California Vegetation classification system. Part of the county has already been so mapped, including the entire Ventura River floodplain (by David Magney Environmental Consulting [DMEC] through Aspen Environmental Group as part of the Matilija Dam Removal project), the Santa Monica Mountains (by CNPS and the National Park Service), the Santa Clara River 500-year floodplain (by TNC through the California State Coastal Conservancy), and a portion of the eastern end of the Santa Susana Mountains (by CNPS). In 2006, DMEC cobbled together all the existing (at that time) vegetation maps for VCPD as a starting point. That map, as a GIS database (which was used as the basis for Figure 8-4 Vegetation Communities on Page 8-27 of Appendix B of the DEIR but not fully credited), was intended to be updated with each vegetation mapping effort for each discretionary project submitted to VCPD, but a lack of funding impeded this effort. This policy should instead focus on identifying means to obtain the funding needed to update the vegetation map of the county in one consistent effort.

The County should collaborate with CDFW and federal land management agencies to obtain funding to update and complete the vegetation mapping of Ventura County.

- ▣ Program E: Update Non-Coastal Zoning Ordinance Standards for Vegetation Communities. Based on the results of Implementation Program COS-D, (updated vegetation mapping), the County shall develop or modify regulations and development standards to ensure adequate protections for vegetation mapping, if necessary.

CNPS supports this policy program.

- ▣ Program F: Evaluate Increase to Standard Setback from Wetland. The County shall evaluate whether a standard 200-foot setback from wetlands should apply to development in order to improve water quality, reduce the impacts of flooding and provide adequate protection for sensitive biological resources.

CNPS supports this policy program; however, the use of the appropriate regional HGM model can answer this basic question on a project-by-project basis. Studies have shown that a 300-foot setback buffer is better to protect many wetland and habitat functions, considerably more for some resources/functions (Robins 2002¹). DMEC's assessment of wetland function impacts for a single-family residence in the Ojai Valley that was to be placed within the County's wetland 100-foot setback zone provided an objective assessment of expected project impacts while also identifying specific mitigation measures that could be adopted that would significantly improve wetland functions onsite (DMEC 2006).

- ▣ Program G: Identification of Critical Habitats. The County shall continue to partner with state and federal agencies to identify those areas of the County that are considered to be

O12-4
cont.

¹ Robins, James D. 2002. Stream Setback Technical Memo. 18 October 2002. Jones & Stokes Associates, Oakland, California. Prepared for Napa County Conservation Development and Planning Department, Napa, California.



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Protecting
California's native
flora since 1965

critical habitats of endangered, threatened or rare species as well as for other significant biological resources.

Unfortunately, since politics too often prevents federal and state agency biologists from formally designating what habitat(s) are critical for listed species (it too often gets bumped up to Washington DC where development lobbyists are most powerful and the local experts recommendations are overruled), the County should include NGOs that have expertise with these listed species in the analyses of what habitats are indeed critical for the species continued existence in Ventura County. Those NGOs include CNPS, Audubon Society, The Wildlife Society, and others. For County planning purposes, the VCPD, through collaboration with agency and NGO expert biologists, should determine what area and habitats meet the definition of Critical Habitat rather than Washington or Sacramento political appointees. The County can use existing definitions for sensitive habitats that are already developed, such as Environmentally Sensitive Habitat (ESHA) for the Coastal Zone or Sensitive Ecological Areas (SEAs) in Los Angeles County.

■ Program H: County Tree Planting Program. The County shall plant at least one thousand trees annually on County property.

This is a great policy; however, planting of invasive exotic tree species should be expressly prohibited. The policy should also be more inclusive as "County property" will likely become saturated with trees in a few years. Requiring trees to be included in landscape plans for all new homes and existing homes that request significant changes would increase the number of trees planted each year.

O12-4
cont.

PFS-12 – To protect life and property through the efficient provision of fire prevention, suppression, and rescue services and facilities.

PFS-12.1 Collaboration Amount Partners. The County shall encourage the Fire Protection District to continue to develop relationships with local, state, and federal agencies and non-profit organizations to collaboratively inform and prepare citizens for wildland fires.

CNPS supports this policy and is willing to collaborate with the Fire Protection District.

PFS-12.4 Consistent Fire Protection Standards for New Development. The County, in coordination with local water agencies and the Fire Protection District, shall require new discretionary development to comply with applicable standards for fire flows and fire protection.

Considerable research has been conducted on what measures are most effective in protecting houses from wildfires, and removing natural vegetation more than 100 feet away is not the solution. Require all new homes and homes being remodeled to incorporate effective measures such as vent screens with 1/16th inch mesh, not allow combustible materials within 3 feet of the home/building, installing rooftop sprinklers that are supported by municipal water supplies or pumped from a well or tank with a battery power backup in case of a power outage.

Planting with local low growing natives, appropriately spaced and maintained is preferable to clearings exotic annual grasses which are prone to fire when dry. Native plants should not be avoided on the assumption of flammability without adequate data and should be encouraged near natural areas. Zone



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Protecting
California's native
flora since 1965

appropriate planting around structures, as described in the CNPS Fire Recovery Guide should be practiced around structures. <https://www.cnps.org/give/priority-initiatives/fire-recovery>

Zone 1: Within 0 - 30 feet of your home.

Make this area and your evacuation route "lean, clean, and green."

- Create a 5-foot no-fuel zone around your house to deter fire under the eaves of your home. (Relocate wood piles, garbage cans, mulch, wooden fences, and flammable plant material.)
- Prevent trees and large shrubs from touching each other or hanging over structures. (Cal Fire currently instructs spacing of at least 10 feet.)
- Remove "laddering" plants that can spread a ground fire up to a tree's crowns.
- Remove loose plant debris from gutters, roofs, and other structures.
- Remove dead or dying trees. (Note: Make sure a tree is actually dead. See page 29.)
- Break up continuous, flammable ground cover (e.g., grasses, mulch) with hardscaping and other fire-resistant features.
- Provide good access to water within 30 feet of your home.

Zone 2: Within 30 - 100 feet of your home, reduce fuels.

- Keep your yard clear of trash, natural debris, and dried grasses.
- Mow grasses before 10 a.m. and avoid mowing on hot, windy days.
- Use low-maintenance plants that require low water and pruning.
- Clear dead and diseased plants. (See page 29 for post-fire care of trees.)
- Create both horizontal and vertical spacing between plants. Avoid laddering understory plants; space trees and shrubs at one or two times their mature height.
- Periodically re-open gaps between plants as plants grow closer together.
- Consider expanding this zone up to 300 feet for steep slopes with flammable shrubs.

These guidelines/prescriptions are more appropriate than thick mulch (which can be flammable) and compost.

Coastal Area Plan Policies

- ▣ Section 30240 Environmentally Sensitive Habitat Areas, Adjacent Developments:
- ▣ ESHA shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- ▣ Development in areas adjacent to ESHA and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

CNPS generally supports these policies; however, additional comments will be provided later.

Oak Park Area Plan

- ▣ Policy 1.3.2.2: Discretionary development shall be located to avoid the loss or damage to healthy mature trees and sensitive plant species, including: Catalina Mariposa Lily, Wind Poppy and Santa Susana ~~Tar Plant~~ Tarplant and other rare or endangered species.

O12-4
cont.



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Protecting
California's native
flora since 1965

This policy is good; however, a mechanism needs to be included to determine what a “healthy mature tree” is. The only commonly used tool available to arborists is focused on assessing trees in the landscape setting and emphasizing hazard risk to humans and property, not the biological and habitat functions mature trees have. Furthermore, this policy should be included in all Area Plans, not just the Oak Park Area Plan.

- ▣ Policy 1.3.2.3: Where applicable, developers shall be required to submit an updated Oak Tree Report, covering all oaks located within 50 feet of any proposed grading or construction. Trees, along with identifying number, health and aesthetic grades, shall be shown on the grading plan.

All assessments of trees should be conducted by a Certified Consulting Arborist, such as by the International Society of Arboriculture. All assessments of impacts to special-status plants should be performed by a California Certified Consulting (or Field) Botanist. A “County-approved qualified biologist” is not sufficient for the reasons previously described. This policy should apply to the entire county, and in each Area Plan.

- ▣ Policy 1.3.2.4: All discretionary development shall comply with the oak tree preservation and mitigation requirements of the adopted Oak Park Development Plans.

Agreed.

Ojai Valley Area Plan

- ▣ Policy 1.4.2.7: Discretionary development ~~which that~~ would result in a significant adverse impact to a Locally Important Plant Community shall be required to replace such Locally Important Plant Community proposed for removal on at least a 1:1 basis and will be required to monitor the success of such planting for a minimum of seven years. In lieu of replacement, developers may dedicate without compensation, acreage containing such Locally Important Plant Community to a government agency or non-profit organization (e.g., a homeowners' association, a land conservancy) provided such entity will provide assurances that the dedicated Locally Important Plant Community acreage will be retained in a permanent undeveloped state. Such dedicated lands shall be at least two times the acreage of the Locally Important Plant Community which is proposed for removal. The form of such dedication may be fee title, conservation easement or other instrument approved by the County.

This policy has some good elements; however, it also has some flaws that need to be corrected. Including a “homeowners’ association” with NGOs that can receive lands for the purposes of mitigating impacts to Locally Important Plant Communities is flawed in that there are very few, if any, homeowners’ associations that have either adequate funds, interest, or expertise to properly manage such property. Some NGOs do, such as land conservancies and some government agencies; however, government agencies, such as the U.S. Forest Service, National Park Service, California Department of Parks and Recreation, to not accept lands with dead restrictions or conservation easements, which are common tools used to protect properties with sensitive resources.

O12-4
cont.



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Protecting
California's native
flora since 1965

Lake Sherwood/Hidden Valley Area Plan

- ▣ Policy 2.1.2.8: No blasting shall be permitted from February 15 through June 30 unless a field survey determines that there are no nesting raptors (other than kestrels) within 1/2 mile of the blasting site or unless studies are conducted to the satisfaction of Ventura County which indicate that blasting in an area will have no significant impact on nesting raptors.

CNPS supports this policy.

- ▣ Policy 2.1.2.9: A field survey by a qualified biologist shall be done prior to destruction or modification of any rocky outcrops. Mitigation measures recommended by the survey shall be implemented.

CNPS supports this policy; however, since this habitat type is very special, the field survey and impact assessment should be performed by a California Certified Consulting Botanist, not just a "qualified biologist" for which there is not clear, defined, and consistent set of criteria to determine their qualifications.

O12-4
cont.

The County shall include the following new implementation program in the 2040 General Plan.

Implementation Program COS-X: Protection of Sensitive Biological Resources

The County shall update the Initial Study Assessment Guidelines, Biological Resources Assessment report criteria to evaluate discretionary development that could potentially impact sensitive biological resources with the following:

- ▣ The qualified biologist shall conduct an initial data review to determine the sensitive biological resources (i.e., special-status plant, special-status wildlife, sensitive habitats [e.g., riparian habitat, sensitive plant communities, ESHA, coastal beaches, sand dunes, other sensitive natural communities], wetlands and other non-wetland waters, native wildlife nursery sites, or wildlife corridors) that have the potential to occur within the project footprint. This will include but not be limited to review of the best available, current data including vegetation mapping data, mapping data from the County and California Coastal Commission, and database searches of the CNDDB and the CNPS Inventory of Rare and Endangered Plants of California.

O12-5

This is a good start; however, there is no mention of searches of databases and checklists for locally rare/Locally Important Species as part of this initial assessment. The Initial data review MUST include the potential for presence onsite or adjacent to the project site for locally rare species as well. Two resources are available to identify locally rare and uncommon native plants of Ventura County, the Ventura County Flora website (www.venturaflora.com) and the CNPSCI website (www.cnpsci.org). A search of Calflora online tool (www.calflora.com) will provide all reported occurrences of all native and naturalized plants using its "What Grows Here" tool. A search of the California Consortium of California Herbaria (CCH on the UC Jepson Herbarium website) will provide links to all accessioned and uploaded voucher specimens that have been deposited into a participating herbarium. Magney's Venturaflora.com website provides a checklist of all known native and naturalized vascular known to occur in Ventura County as well



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Protecting
California's native
flora since 1965

as numerous local plant checklists. These resources should be part of every botanist's pre-site visit review to maximize detection of special-status plants that may occur on the project site.

- The qualified biologist shall conduct a reconnaissance-level survey for sensitive biological resources within the project footprint (including proposed access roads, proposed staging areas, and the immediate vicinity surrounding the project footprint) to determine whether sensitive biological resources identified during the initial data review have potential to occur.

CNPS is extremely concerned that this part of the implementation program is flawed as the timing of the reconnaissance survey and the expertise of the "qualified biologist" are absolutely critical to determining the potential for determining whether there is potential for sensitive biological resources present. Many species are simply not detectable for long periods of each year and almost certainly would not be detected during a reconnaissance-level survey. All site botanical surveys should be floristic in nature, and timed to maximize the opportunities to detect the presence of sensitive species.

- If the reconnaissance-level survey identifies no potential for sensitive biological resources to occur, the applicant will not be subject to additional mitigation measures.

CNPS strongly objects to the element of the implementation program. There are too many instances when even more thorough site surveys have failed to detect sensitive biological resources to simply claim, through a reconnaissance-level survey, that there is no potential for sensitive resources to be present onsite. There are very few circumstances when such a conclusion can be made, and then they should only be made by a Certified Consulting Botanist for botanical resources and a Certified Wildlife Biologist for wildlife resources.

- If sensitive biological resources are observed or determined to have potential to occur within or adjacent to the project footprint during the reconnaissance-level survey, then the following measures shall apply:

Special-Status Species

- If special-status species are observed or determined to have potential to occur within or adjacent to the project footprint, a qualified biologist shall conduct focused or protocol-level surveys for these species where established, current protocols are available (e.g., Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities [CDFW 2018], Staff Report on Burrowing Owl Mitigation [CDFG 2012]). If an established protocol is not available for a special-status species, then the qualified biologist will consult with the County, and CDFW or USFWS, to determine the appropriate survey protocol.

CNPS basically supports this step. However, the consulting biologists should be Certified, not just a "qualified biologist".

- If special-status species are identified during protocol-level surveys, then the County shall require implementation of mitigation measures that fully account for the adversely

O12-5
cont.



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Protecting
California's native
flora since 1965

affected resource. When feasible, mitigation measures should adhere to the following priority: avoid impacts, minimize impacts, and compensate for impacts.

CNPS basically supports this step. However, the consulting biologists should be Certified, not just a "qualified biologist".

- ☐ If impacts on special-status species are unavoidable, then the project proponent shall obtain incidental take authorization from USFWS or CDFW (e.g., for species listed under ESA or CESA) prior to commencing development of the project site, apply minimization measures or other conditions required under incidental take authorization, and shall compensate for impacts to special-status species by acquiring or protecting land that provides habitat function for affected species that is at least equivalent to the habitat function removed or degraded as a result of project implementation; generally at least a 1:1 ratio. Compensation may include purchasing credits from a USFWS- or CDFW-approved mitigation bank or restoring or enhancing habitat within the project site or outside of the project site.

CNPS basically supports this step. However, the consulting biologists should be Certified, not just a "qualified biologist". Avoidance of the impact shall take precedence over other forms of mitigation as translocation of special-status species as mitigation is mostly experimental and what has been done has very low levels of success. For botanical resources, the impact assessment and mitigation plan and measures should be performed by a California Certified Consulting Botanist and by a Certified Wildlife Biologist for wildlife impacts.

O12-5
cont.

These are some of CNPS's comments on the proposed GP update and DEIR; however, additional time is required (and previously requested) to be able to adequately review all the relevant documents and provide substantive and thoughtful comments and suggestions.

O12-6

Please contact me via email at dmagney@cnps.org or by phone at 916/447-2677 ext. 205 if you have any questions.

O12-7

Respectfully,

David L. Magney
California Certified Consulting Botanist #0001
ISA Certified Consulting Arborist #WE-7674
Ventura County Qualified Biologist
Rare Plant Program Manager
California Native Plant Society
2701 K Street, Suite 1
Sacramento, CA 95816

Letter O12	California Native Plant Society David L. Magney, CNPS Rare Plant Program Manager February 27, 2020
-----------------------	---

O12-1 The description of the commenting agency is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.

O12-2 The comment addresses the draft 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a Final 2040 General Plan.

O12-3 Thresholds of significance are the benchmark against which projects are evaluated to determine whether physical environmental changes that could be reasonably expected to result from project implementation would be “significant” as determined by the lead agency. The thresholds can be qualitative or quantitative, and the determination of significance can vary based upon context.

Public agencies are encouraged to develop and publish thresholds of significance that are used in the determination of the significance of environmental effects (State CEQA Guidelines, § 15064.7(b)). The current Initial Study Assessment Guidelines (ISAG), last amended by the County in April of 2011, set forth the standard threshold criteria and methodology used in determining whether a project could have a significant effect on the environment. The ISAG were originally adopted in 1992 by the directors of those County agencies/departments responsible for evaluating environmental issues and by the County’s Environmental Quality Advisory Committee following a public outreach process that included public notification and workshops, and appropriate revisions. Similarly, all subsequent amendments to the ISAG have included public notification and review prior to their adoption in accordance with State CEQA Guidelines and the County’s Administrative Supplement to State CEQA Guidelines.

For the purpose of evaluating the potential environmental effects of implementing the 2040 General Plan, the thresholds of significance are based on the ISAG, as well as the checklist presented in Appendix G of the State CEQA Guidelines; best available data; and the applicable regulatory standards of the County and federal and state agencies with jurisdiction over the resources at issue. As explained in Section 4.1, “Environmental Impact Analysis,” (page 4-1):

...deviation from the ISAG thresholds, which were established by the County to evaluate the impacts of individual projects, was sometimes necessary to appropriately consider the programmatic nature of a general plan for the entire unincorporated area, and to incorporate the 2019 revisions to the Appendix G checklist.

In each of the resource-specific sections of the draft EIR (Sections 4.1 through 4.17), the “Environmental Impacts and Mitigation Measures” subsection identifies the thresholds used to determine the level of significance of the environmental impacts for the resource topic, in accordance with State CEQA Guidelines Section 15126. These thresholds appropriately set the parameters for what is evaluated in the EIR.

The commenter also states that the term “substantially” used in the thresholds of significance are ambiguous and that the use of actual numbers would be more useful for determining impacts. The CEQA and ISAG thresholds are designed to apply to as many situations as possible. An action may result in a “substantial” effect on a biological resource with an extremely limited range or small population size whereas the same project may not result in a “substantial” effect on a resource with a wider distribution or larger population size. Therefore, applying a numeric value to a “substantial” effect may not be appropriate for every project. These nuances would be considered and the determination of whether a biological resource would be “substantially” affected would be made by a qualified biologist at the project level. The biologist at the development project-specific level would take into account the rarity of the resource, the nature of the project, and other project-level details as required under the ISAG.

O12-4 The comment provides suggested edits to policies proposed in the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a Final 2040 General Plan.

O12-5 This comment includes several recommendations for additions to Implementation Program COS-X: Protection of Sensitive Biological Resources (Mitigation Measure BIO-1).

The first recommendation is that databases and checklists for locally rare/Locally Important Species should be included in the initial data review required under Mitigation Measure BIO-1 (New Implementation Program COS-X: Protection of Sensitive Biological Resources). Impact 4.4-1 of the draft EIR on pages 4.4-20 through 4.4-25 includes a definition of special-status species, and explicitly states that Locally Important Plant species are included within this definition:

In addition to those species, CEQA requires analysis of Ventura County’s list of Locally Important Plant and Animal species, which, as of 2017, includes 286 plant species and 13 wildlife species and are included in the Background Report (Appendix B).

However, Mitigation Measure BIO-1 does not reference the Locally Important Species databases mentioned by the commenter. The text of Mitigation Measure BIO-1 has been edited to add these requirements to query these databases, as shown below.

The commenter also expressed concern about the qualifications of the “qualified biologist” referred to in Mitigation Measure BIO-1. The commenter recommends that the qualified biologist should be a “Certified Consulting Botanist” or a “Certified Wildlife Biologist.” Certification of botanists or wildlife biologists is not a typical requirement for a qualified biologist and is not regulated by the resource agencies (e.g., California Department of Fish and Wildlife [CDFW], U.S. Fish and Wildlife Service [USFWS]). For example, many botanists or wildlife biologists have the appropriate qualifications (e.g., education, experience, expertise) to conduct reconnaissance-level, focused, or protocol-level surveys may not also be certified biologists. The text of Mitigation Measure BIO-1 has been edited to add a more specific definition of a qualified biologist, including a reference to the minimum qualifications for biological consultants listed in Attachment 1 to the County of Ventura ISAG, as shown below.

The commenter objects to the use of reconnaissance-level surveys to determine which sensitive biological resources may be present on a project site. The commenter recommends that all botanical surveys should be floristic in nature and timed to maximize detection of plant species. The use of reconnaissance-level surveys to determine the habitat present within a project site, determine the likelihood of occurrence of sensitive resources, and rule out species due to the lack of suitable habitat is the industry standard. If special-status plant surveys are determined to be necessary after the reconnaissance-level survey, these focused surveys will follow CDFW guidelines, as described in Mitigation Measure BIO-1:

... (e.g., Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities [CDFW 2018])...

These guidelines require floristic surveys and surveys conducted during the appropriate bloom period to detect plant species. This issue is addressed in the draft EIR, and further response is not required.

Refer to response to comment A3-5 for the full text of revised Mitigation Measure BIO-1, which addresses the issues raised by this comment.

- O12-6 The draft EIR was available for a 45-day review period from January 13, 2020, to February 27, 2020, in compliance with CEQA (Public Resources Code Section 21091). The commenter’s request for extension of the comment period has been noted. No extension of the comment period was granted.
- O12-7 The comment provides the preferred contact for the organization. The County has noted the information appropriately for future reference.

ALSTON & BIRD

333 South Hope Street, 16th Floor
Los Angeles, CA 90071-1410
213-576-1000 | Fax: 213-576-1100

Letter
013

VIA ELECTRONIC MAIL AND UPS

February 26, 2020

Ventura County Resource Management Agency, Planning Division
Attn: Susan Curtis, Manager, General Plan Update Section
800 S. Victoria Ave., L #1740
Ventura, CA 93009-1740
GeneralPlanUpdate@ventura.org

Re: Comments on Ventura County 2040 General Plan Draft Environmental Report
(State Clearinghouse No. #2019011026)

Dear Ms. Curtis,

California Resources Corporation joins in the comments submitted by Western States Petroleum Association on the Draft Environmental Impact Report for the Ventura County 2040 General Plan ("DEIR"). CRC requests that the DEIR be significantly revised and recirculated, as required by the California Environmental Quality Act, to address the deficiencies raised by these comments.

O13-1

Sincerely,



Matthew C. Wickersham

Alston & Bird LLP

www.alston.com

LEGAL-002006670-1

**Letter
O13**

Alston & Bird
Matthew C. Wickersham
February 26, 2020

O13-1

The commenter refers to letters submitted by Western States Petroleum Association. See responses to Letter O37. Regarding the comment that the draft EIR should be recirculated, refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.

**Letter
014**

To Whom it May Concern,

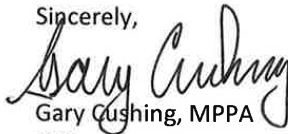
The Camarillo Chamber of Commerce appreciates the efforts that Ventura County puts forth to support the community and make the county a better place to live.

We are always looking for changes in the best interest for businesses in Camarillo. Because of this, there are some changes and additions that should be made to the DEIR. First off, the document is incomplete and lacks support to many of the decisions made on policy changes.

As an association of many businesses and organizations within Ventura County, we are writing to you because we have many worries with the Draft EIR that we find alarming. It would be beneficial to complete the housing element of the document prior to pushing out the EIR as that is a main concern for many citizens in Camarillo and Ventura County. The project description lacks many important details and sections are incomplete. The regional economy is struggling which effects our community members and the policy changes within the document are only making this worse. Ventura County is experiencing a housing crisis due to the economical declines and we need to create beneficial change to continue to support our community.

Thank you for allowing us to express our concerns and for being in support of the comfort and safety of the members of our county. Please complete the unfinished areas of the document and focus on the key points that will benefit our economy.

Sincerely,



Gary Cushing, MPPA
CEO
Chamber of Commerce

O14-1

**Letter
014**

Camarillo Chamber of Commerce
Gary Cushing, MPPA, CEO
February 27, 2020

O14-1

This comment regarding the adequacy of the draft EIR is noted. Refer to Master Response MR-2 for discussion of the adequacy of the draft EIR project description. Refer to Master Response MR-3 for discussion of why the draft EIR correctly excludes discussion and analysis of the County's projected housing needs for the 2020 Regional Housing Needs Assessment allocation and 2021-2029 Housing Element update.



Letter
015

Writer's Email:
nmaguire@fcoplaw.com

Reply to:
Ventura Office

February 26, 2020

Via Email

Ventura County RMA, Planning Division
Attn: Susan Curtis, Manager
General Plan Update Section
800 S. Victoria Ave., L #1740
Ventura, CA 93009-1740
Email: GeneralPlanUpdate@ventura.org
susan.curtis@ventura.org

Re: *Draft Programmatic Environmental Impact Report for the Ventura County 2040
General Plan*

Dear Ms. Curtis:

Please find below our preliminary comments regarding the Draft Environmental Impact Report (DEIR) for the Ventura County 2040 General Plan (General Plan). These comments primarily focus on fundamental or pervasive deficiencies that require substantial revisions to the DEIR. Please also find enclosed additional comments from Carbon California Company's technical staff.

O15-1

Environmental Setting Discussion: Because it is so fundamentally contrary to the informational purposes of CEQA, we anticipate that many commenters will request that the DEIR incorporate the discussion of the project's existing environmental setting into the DEIR itself instead of the current DEIR approach of relying on cross-references to the voluminous

O15-2

VENTURA OFFICE
1050 SOUTH KIMBALL ROAD
VENTURA, CALIFORNIA 93004
PHONE: (805) 659-6800 FACSIMILE: (805) 659-6818

WESTLAKE VILLAGE OFFICE
4550 E. THOUSAND OAKS BLVD., SUITE 250
WESTLAKE VILLAGE, CALIFORNIA 91362
PHONE: (805) 659-6800 FACSIMILE: (805) 379-1744

www.fcoplaw.com

February 26, 2020

Page 2

Appendix B. It is clear that CEQA does not countenance the DEIR's lethargic approach regarding the project's environmental setting. "A number of courts have noted as a general principle that readers should not be forced to sift through appendixes to detect the EIR's environmental analysis." (Kostka & Zischke, Practice Under the California Environmental Quality Act (2d ed Cal CEB) §11.22.)

O15-2
cont.

CEQA contemplates that appendixes will be utilized for "highly technical and specialized analysis and data" (CEQA Guidelines, § 15147), but not for central information like the discussion of a project's environmental setting, which typically forms the baseline by which a project's impacts are measured. (CEQA Guidelines, § 15125(a).) CEQA identifies one limited circumstance where an EIR may incorporate by reference an environmental setting description. (CEQA Guidelines, § 15150(e)(1).) Appendix B does not fall into that exception.

Effect of New Land Use Designations: Table 2-1 provides the maximum density/intensity, minimum lot size, and maximum lot coverage requirements for the General Plan's proposed land use designations. The DEIR notes that some designations retain their previous requirements. The DEIR (p. 2-6) also notes that other designations incorporate requirements from "compatible zoning designation[s]." It is not clear from the existing discussion in the DEIR how that type of incorporation will impact the maximum density/intensity, minimum lot size, and maximum lot coverage requirements for properties within the General Plan area. Please identify – with at least sufficient specificity to analyze the potential environmental impact of such modifications – which properties will see modifications to their maximum density/intensity, minimum lot size, and maximum lot coverage requirements.

O15-3

General Plan Area as Scope of CEQA Review: In several sections of the DEIR, the DEIR limits its analysis of the General Plan's direct and indirect impacts to only the General Plan area (note that this issue is distinct from DEIR Table 5-3's identification of the scope of cumulative impact analyses¹). For example, at page 4.12-21 of the DEIR, the DEIR concludes that the General Plan,

would contribute to a reduction of new oil and gas production in the unincorporated county, and to the extent the new oil and gas that would have been produced in the unincorporated area would also have been consumed in California, the demand for California-produced oil and gas would be satisfied through the importation of additional oil and gas from other countries and Alaska, which in turn could have indirect environmental impacts such as those

O15-4

¹ With that said, the abbreviated parenthetical explanations provided for the scope of the cumulative impacts analyses in Table 5-3 are inadequate under CEQA Guidelines section 15130(b)(3).

February 26, 2020
Page 3

associated with transporting the oil and gas from outside of Ventura County.

Even though the DEIR concludes that the General Plan could potentially adversely impact the environment, the DEIR declines to analyze those impacts because “[s]uch impacts, however, would largely occur outside the 2040 General Plan project area.”

It is fundamental under CEQA that an EIR may not artificially constrain its analysis of direct or indirect impacts based on a project area or an agency’s jurisdictional boundaries. (See *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 387; *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1582–1583; *Napa Citizens for Honest Gov’t v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 369.) While the geographic proximity of an impact may affect the level of specificity required for an EIR’s analysis of an impact, “the purpose of CEQA would be undermined if the appropriate governmental agencies went forward without an awareness of the effects a project will have on areas outside of the boundaries of the project area.” (*Napa Citizens, supra*, 91 Cal.App.4th at p. 369.)

O15-4
cont.

County Sanitation Dist. No. 2 v. County of Kern guides the DEIR’s obligations here. In that case, a County of Kern ordinance prohibited “the application of sewage sludge on land located within the jurisdiction of Kern County.” The sanitation district noted that, as a result of the ordinance, it would have to haul biosolids by truck to a neighboring county and even Arizona. Such hauling would have its own significant, adverse environmental impact arising from increased vehicle emissions. That indirect impact still needed to be analyzed, and mitigated, by the County of Kern, even though it occurred outside the county’s boundary.

Here, the DEIR must analyze the impacts associated with “the importation of additional oil and gas from other countries and Alaska.” The DEIR must also analyze all other impacts that were artificially discounted because they “would largely occur outside the 2040 General Plan project area.”

Project Build-Out Information: Currently, the DEIR typically does not provide, in its impact analyses sections, an adequate level of detail regarding the likely distribution of future development under the General Plan. Although the DEIR is programmatic in nature, “The principle that EIRs can and should make reasonable forecasts is well established in case law.” (Kostka & Zichke, *supra*, § 11.32.) “Predicting the physical changes a project will bring about is an inescapable part of CEQA analysis.” (*County Sanitation Dist. No. 2, supra*, 127 Cal.App.4th at p. 1586; *Planning & Conservation League v. Dept. of Water Resources* (2000) 83 Cal.App.4th 892, 919.) A “lead agency cannot defer its analysis of any significant effect of the general plan to later-tiered EIRs.” (Governor’s Office of Planning and Research, General Plan Guidelines

O15-5

February 26, 2020

Page 4

(2017), p. 271 [citing *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182].²)

Applying those principles here, the DEIR must provide substantially more information regarding the projected build-out under the General Plan, including, with much more specificity, the probable location of the projected development. In *Napa Citizens*, *supra*, 91 Cal.App.4th at p. 370, the Court of Appeal dealt with a similar lack of information and determined that an EIR for a 3,000-acre specific plan must, “in order to fulfill its purpose as an informational document ... identify the number and type of housing units that persons working within the Project area can be anticipated to require, and identify the probable location of those units.”

O15-5
cont.

Despite this obligation, the DEIR typically avoids identifying with any specificity the projected buildout under the General Plan. This is true even for the forecasted development within the 1.2 percent of the County that is comprised of residential, commercial, mixed use, and industrial land uses. That is, the DEIR does not identify how future growth will be distributed among the many areas designated as Existing Community or Urban. The DEIR should identify the Existing Communities and Urban areas and provide a discussion of the potential for, and likelihood of, future development in each. It is not appropriate to generalize, as the DEIR does, diverse areas such as Lake Sherwood, Nyeland Acres, the Ojai Valley, Saticoy, Faria Beach, the Lockwood Valley, and Piru.

The DEIR also avoids identifying projected buildout under the General Plan even though, for the purpose of analyzing transportation and traffic impacts, County staff developed the 2040 Ventura County General Plan Land Use Model to “reflect[] the land use growth assumptions in the proposed Ventura County 2040 General Plan for the unincorporated areas.” (DEIR Appendix F, p. F-2.) Yet, the DEIR does not describe these growth assumptions nor does it utilize those projections throughout the DEIR. Instead, the DEIR is left to state, over and over again, that “[b]ecause of the programmatic nature of the 2040 General Plan, a precise, project-level analysis of the specific effects of future development on special-status species is not possible at this time.” This approach is inadequate even for a programmatic analysis of a general plan.

O15-6

What is more, instead of adopting consistent land use growth assumptions and utilizing them throughout the DEIR, the DEIR actually intentionally misleads the public as to the probable location of future development. For example, as noted at page 3-1 of the DEIR, the Los Padres National Forest and certain adjacent private property (presumably the Lockwood Valley) comprise 574,000 acres and 47 percent of the County’s acreage. (At the outset, please specify the private acreage included in these figures.) Notably, the DEIR designates the Los Padres National Forest as Open Space rather than State, Federal, Other Public Lands despite the fact that the

O15-7

² Chapter 10, CEQA, of the General Plan Guidelines may be located at: http://opr.ca.gov/docs/OPR_C10_final.pdf.

February 26, 2020

Page 5

latter specifically “applies to state-and federally-owned parks, forests, rangelands, coastal resources, and/or recreation areas.”

This is not just an issue of labeling. By recharacterizing the Los Padres National Forest as Open Space, the DEIR misleads the public as to what portions of the County can accommodate future development. This sleight of hand in turn allows the DEIR to imply that future development will be widely dispersed throughout the County. For example, in discussing the General Plan’s growth projections, the DEIR (pp. 2-11, 3-20) states that 56 percent of the “forecast residential development would be spread throughout the approximately 98 percent of the County’s unincorporated areas in agriculture, open space, and rural land use designations.”

As an initial matter, note that CEQA does not allow a project’s impacts to be minimized in this fashion. (See *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 121.) By purporting to disperse the future development and isolating that development’s impacts, the DEIR “runs counter to the combined approach that CEQA cumulative impact law requires.”

Just as importantly, the DEIR’s approach obfuscates the likely location, and impacts, of future development. As noted above, the DEIR includes in its open space area the 574,000-acre Los Padres National Forest. However, even the DEIR (p. 5-6) recognizes elsewhere, “Forest lands, specifically the Los Padres National Forest, are also present in Ventura County; however, forestry resources are concentrated in the national forest, which is protected from future development.” Consequently, forecast residential development will be more concentrated outside of the Los Padres National Forest.

The DEIR’s sleight of hand is also made possible because the DEIR does not analyze the General Plan’s consistency with the Los Padres National Forest Land Management Plan, which may be found at: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5337817.pdf and is hereby incorporated by reference. This omission is particularly glaring because DEIR Appendix B (p. 3-108) specifically acknowledges the Los Padres National Forest Land Management Plan as one of several “plans, policies, and regulations of other agencies that affect growth and development within Ventura County.” Please include an analysis of the General Plan’s consistency with the Los Padres National Forest Land Management Plan, especially if the DEIR maintains the fiction that material development may occur in the National Forest.

Regional Plan Consistency: The DEIR, in its analysis under Impact 4.11-3 (Cause an Environmental Impact Due To A Conflict With A Regional Plan, Policy, or Program), considers the General Plan’s consistency with certain regional plans and programs. The DEIR’s discussion of these plans is already outdated. The DEIR concludes that the General Plan is consistent with SCAG’s 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy. In 2019, SCAG released for public review the Draft Connect SoCal plan, the 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy. SCAG expects to consider adoption

O15-7
cont.

O15-8

February 26, 2020

Page 6

of the final plan in April.³ The DEIR should incorporate updated information in the 2020-2045 RTP/SCS and analyze the General Plan's consistency with the 2020-2045 RTP/SCS.

O15-8
cont.

The DEIR also purports to analyze the General Plan's consistency with the Regional Housing Needs Assessment (RHNA) program. Putting aside for now the improper deferral of the General Plan's housing element and the DEIR's failure to consider the 2020 RHNA updates, the DEIR's land use consistency analysis concludes in a conclusory fashion and without substantial evidence that implementation of the General Plan is consistent with the RHNA. The DEIR does not even discuss or analyze the County's consistency with the 5th cycle RHNA allocations. Please include a discussion regarding whether the County is expected to achieve its target of 1,015 new dwelling units (in the specified income categories) by October 2021.

O15-9

Also, in its discussion of the 6th cycle RHNA allocations, the DEIR states, "As part of this process, SCAG will work with the County and the cities within the county to develop a methodology to distribute the RHNA as determined by HCD." Please update the DEIR to reflect that HCD has approved SCAG's allocation distribution methodology.⁴ The DEIR should also analyze whether the General Plan and its assumptions are consistent with that methodology.

Foreseeable Pipeline Impacts: Section 4.12 of the DEIR purports to analyze the General Plan's impacts on mineral and petroleum resources. In discussing Impact 4.12-4, the DEIR acknowledges that the General Plan will likely require pipelines to be "constructed to meet the requirements in Policies COS-7.7 and COS-7.8." The DEIR states at page 4.12-31 that the "programmatic effects" of new oil, gas, or produced water "are included in the environmental impact analyses of this draft EIR." Please provide cross-references to each such discussion in the DEIR.

However, we also note that the programmatic analyses appear to be illusory for similar reasons as those discussed above with regard to General Plan build-out. DEIR Section 4.4 (biological resources) is illustrative. Section 4.4 recognizes that "[p]roposed policies of the 2040 General Plan addressing flaring and trucking associated with new discretionary oil and gas wells could result in the construction and operation of new pipelines for the conveyance of oil, gas, or produced water." Section 4.4 then states, "Because of the programmatic nature of the 2040 General Plan, a precise, project-level analysis of the specific effects of future development on special-status species is not possible at this time." The DEIR then repeats its cut-and-paste discussion of the Existing Community and Urban areas and notes that "future development," not just pipelines, "could occur in the vicinity of rivers, creeks, and drainages (e.g., Santa Clara

O15-10

³ See: <https://www.connectsocial.org/Pages/details.aspx?list=Announcements&lid=35>.

⁴ See: <http://www.scag.ca.gov/programs/Documents/RHNA/HCD-Review-RC-Approved-Draft-RHNA-Methodology.pdf>.

February 26, 2020

Page 7

River, Ventura River, and tributaries) may be within suitable habitat for” certain identified species.

O15-10
cont.

The DEIR identifies in Figure 4.12-3 the General Plan’s land use designations that allow oil and gas production. The DEIR identifies on several maps the oil fields within the County. The DEIR identifies on several maps the location of oil and gas wells. The DEIR identifies in Figure 4.12-4 the major oil transmission pipelines in the County. The DEIR identifies in Figure 4.12-5 the major gas transmission pipelines in the County. Albeit based on numerous assumptions, the County identifies in Section 4.12 which wells are likely to be able to feasibly connect to a major transmission line. However, despite having all of this information, the DEIR does not continue to connect the dots to identify the reasonably foreseeable location of future pipelines. The DEIR must do so, and it must analyze the potential environmental impacts of those foreseeable physical changes arising from the General Plan.

O15-11

Lastly with regard to Impact 4.12-4, the DEIR spends much of its time analyzing the feasibility of General Plan Policies COS-7.7 and COS-7.8. It does not appear, though, that the DEIR’s feasibility analysis considers the capacity of existing transmission pipelines to accommodate the additional quantities that would be generated by General Plan Policies COS-7.7 and COS-7.8. The DEIR must consider that potential constraint, as it also affects the analysis in the DEIR regarding the General Plan’s potential impacts on the loss of availability of petroleum and mineral resources.

O15-12

State Review Period: As the County is aware, it sent the DEIR to the State Clearinghouse for distribution to the State agencies for review and comment. The Clearinghouse indicates that the review period is January 13th to February 26th. Under Public Resources Code section 21091(c)(2), January 13th may be included as the first day of the 45-day review period so long as the Clearinghouse distributed the DEIR to the State agencies on that day. Unfortunately, the Clearinghouse did not actually distribute the DEIR on January 13th. As the County is aware, CEQA’s procedural requirements must be adhered to strictly. Consequently, the County should recirculate the DEIR for an actual 45-day review period through the Clearinghouse.

O15-13

We appreciate the opportunity to provide these and we look forward to seeing them addressed to ensure that the potential environmental impacts of the 2040 General Plan are properly analyzed in the DEIR, which will assist in streamlining future projects within the County. Please include me on all future noticing for the DEIR or the General Plan itself.

O15-14

Sincerely,
Neal Maguire

NPM/tm
Attachment

**Carbon California's Comments Regarding
Ventura County's Draft Environmental Impact Report
2040 General Plan**

Chapter	Section	Page	Comment	
1. Introduction	1.4 Lead, Responsible, and Trustee Agencies	1-5	Because the DEIR incorporates the Los Padres National Forest into the designated Open Space areas and then analyzes that Open Space area as a whole, the BLM or USFS should be identified in this section and their authority over the National Forest should be discussed. The County must also ensure that it has satisfied any consultation obligations with federal agencies overseeing the Los Padres National Forest. (CEQA Guidelines, § 15086()(a)(3), 15375.)	O15-15
2. Executive Summary	2.2.5 Structure and Content of the General Plan	2-8	Section 65560 of the Government Code, referenced in the <i>Open Space</i> land use description of Table 2-2, defines "Open-space land" as "any parcel or area of land or water that is devoted to an open-space use as defined in this section, and that is designated on a local, regional, or state open-space plan. " Because this definition does not include federal land/forests, the Los Padres National Forest should be calculated under the "State, Federal, Other Public Lands" land use designation.	O15-16
2. Executive Summary	2.2.5 Structure and Content of the General Plan	2-8 2-10	The acreage provided in Table 2-2 for "State, Federal, Other Public Lands" is 8,085 acres (< 1% of total county acreage). However, the Los Padres National Forest is approximately half of the acreage within the County. The land use description on page 2-10 states, "This designation applies to state- and federally-owned parks, forests , rangelands, coastal resources, and/or recreation areas". The acreage from the Los Padres National Forest should be included under this land use designation.	

**Carbon California's Comments Regarding
Ventura County's Draft Environmental Impact Report
2040 General Plan**

2. Executive Summary	2.2.5 Structure and Content of the General Plan	2-40	A table/list of ALL General Plan updates/policies should be provided in the executive summary. Table 2-4 is a list of impacts and policy mitigation measures and is misleading to the public in that it appears to discuss the overall General Plan policies. Having a matrix of all proposed policies indicating impacts to relevant issue areas would provide clarity on the intentions of the General Plan updates.	
3. Project Description	3.4 Structure and Content of the General Plan	3-12	Within the <i>Economic Vitality Element</i> section on page 3-12, it states "[g]oals, policies, and implementation programs in this element pertain to business and employment; creating a diversified economy and fostering strong economic foundations by facilitating the retention, expansion, and attraction of key industries and businesses..." To satisfy, among other items, its requirement to analyze land use consistency, these key industries should be defined in the DEIR by providing a list and analysis of their economic significance in the county and impacts the General Plan updates may impose.	O15-17
4.3. Air Quality	4.3.2 Environmental Impacts and Mitigation Measures	4.3-8 4.3-10	General Plan Policy COS 7.4 states, "The county shall require discretionary development permits for oil and gas exploration and production to use electrically-powered equipment from 100 percent renewable sources and cogeneration, where feasible, to reduce air pollution and greenhouse gas emissions from internal combustion engines and equipment." Policy AG-5.2 states, "The county shall encourage and support the transition to electric- or renewable-powered or lower emission agricultural equipment in place of fossil fuel-powered equipment when feasible."	O15-18

**Carbon California's Comments Regarding
Ventura County's Draft Environmental Impact Report
2040 General Plan**

			The language between these two policies should not differ if they intend to achieve the same goal and project objective, especially if the DEIR is going to identify GHG emissions impacts as significant and unavoidable.	O15-18 cont.
4.3 Air Quality	4.3.2 Environmental Impacts and Mitigation Measures	4.3-11	Implementation Program J referenced on page 4.3-11, states that “[t]he County shall coordinate with the VCAPCD to develop a program to identify funding sources or develop financial or regulatory incentives to encourage the switch to electric or alternatively fueled agricultural equipment, when feasible”. Oil and gas operations should be included in this funding program if they are “required” to use electrically-powered equipment. Alternatively, an implement program, similarly to the one outlined in Implementation Program J, should be integrated into the General Plan to help “encourage and support” the transition to electric/renewable powered equipment for oil and gas operations.	O15-19
4.3 Air Quality	4.3.2 Environmental Impacts and Mitigation Measures	4.3-21 4.3-22	The section regarding <i>Operational Emissions</i> referenced the existing setback requirements for oil and gas wells in the Non-Coastal and Coastal Zoning Ordinances. Currently, the 500-foot setback requirement can be waived by occupants of the sensitive uses. With Policy COS-7.1, can the 1,500-foot setback requirement be waived by occupants? This should be clarified in the analysis.	
4.6 Energy	4.6.2 Environmental Impacts and Mitigation Measures Table 4.6-2	4.6-20	The document states that trends in natural gas consumption within Ventura County are assumed to increase (Table 4.6-2). <i>Implementation Program M: Oil and Gas Tax</i> does not align with the General Plan’s objective to “...promote efficiency and economic vitality” regarding <i>Public Facilities, Services, and Infrastructure</i> .	O15-20

**Carbon California's Comments Regarding
Ventura County's Draft Environmental Impact Report
2040 General Plan**

			This needs to be analyzed with a plan on how the County intends to supply these demands with renewable energy sources.	O15-20 cont.
4.8 Greenhouse Gas Emissions	4.8.2 Environmental Impacts and Mitigation Measures	4.8-47	Page 4.8-47 states, the adoption of a reach code is predicated on approval of a cost-effectiveness study by the CEC. This study should have been conducted prior to the release of the DEIR. This study would be supplemental to this EIR to effectively analyze the social and economic impacts regarding various issue areas throughout the report. For example, will the implementation of new building standards adversely affect the availability of affordable housing? Policies that rely on the approval of this study should be removed from the General Plan updates.	O15-21
4.12 Mineral and Petroleum Resources	4.12.2 Environmental Impacts and Mitigation Measures	4.12-13	The public health study referenced regarding Impact 4.12-3 on page 4.12-13 is from a study conducted in Maryland, where environmental regulations and the overall geographical setting differs greatly. The DEIR contains no substantial evidence as to why this Maryland study is transferable to Ventura County. A localized analysis of the actual exposures and subsequent health impacts of the oil and gas facilities in the Ventura Basin should be required before the county implements a specific set-back requirement.	O15-22
4.12 Mineral and Petroleum Resources	4.12.2 Environmental Impacts and Mitigation Measures Figure 4.12-1 & 4.12-2	4.12-15 4.12-16	The scale of the maps identified in Figure 4.12-1 and 4.12-2 make it difficult to see the scope of wells affected by the setback requirements. Multiple maps should be included in this section displaying a more accurate scale so that the maps are useful to the public to properly see	O15-23

**Carbon California's Comments Regarding
Ventura County's Draft Environmental Impact Report
2040 General Plan**

			the scale of impact. Additionally, a table should be provided identifying the number of wells affected by this policy.	
4.12 Mineral and Petroleum Resources	4.12.2 Environmental Impacts and Mitigation Measures Figure 4.12-1	4.12-15 4.12-18	Subparagraph titled "Significance after Mitigation" on page 4.12-18 states, "NCZO defines schools as educational facilities for pre-college levels of instruction; specifically limited to elementary, middle school and high schools offering full curricula as required by State Law." Colleges, such as Thomas Aquinas College, do not meet this definition but are identified in the map provided in Figure 4.12-1. These Colleges should be removed from the analysis of the maps as they do not apply to this definition of a school.	O15-23 cont.
4.12 Mineral and Petroleum Resources	4.12.2 Environmental Impacts and Mitigation Measures	4.12-21	The fourth paragraph of page 4.12-21 acknowledges that there will be indirect environmental impacts from transporting oil and gas from outside of Ventura County. An in-depth analysis of this should be included in impact analyses sections and in the Cumulative Impacts section of the document. Despite being outside the project plan area, which does not alleviate an EIR's burden to consider a project's impacts, this also does not coincide with the objectives of the project, and the requirements under CEQA, to "mitigate impacts of climate change".	O15-24
4.17 Utilities	4.17.1 Background Report Setting Updates	4.17-1 4.17-2	A table should be provided in this section showcasing the percent of Net MW Reported by fuel type that supports the County of Ventura's various energy demands. In addition to this, an analysis of the feasible projected Net MW that can be supplied by renewable energy sources should be provided.	O15-25

**Carbon California's Comments Regarding
Ventura County's Draft Environmental Impact Report
2040 General Plan**

			Based on the Table 7-8 on page 7-48 of the Background Report, 99% of the total Net MW Reported at Operational Power Facilities in Ventura County in 2016 were fueled by Gas. The projected timeline and plan to decrease gas fueled energy resources at these facilities should be provided in the analysis. This was not addressed nor was it properly analyzed in the Utilities section of the DEIR.	
4.17 Utilities	4.17.2 Environmental Impacts and Mitigation Measures	4.17-10 4.17-11	The policies relating to oil and gas production facilities should be included in this section. Oil and gas production facilities meet the definition of a "utility facility" and the impacts associated with these facilities need to be analyzed. Impact 4.17-1 should be potentially significant and mitigation measures need to be analyzed and provided.	O15-25 cont.

Letter O15	Carbon California Company Neal Maguire February 26, 2020
-----------------------	---

- O15-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required. Refer to responses to comments O15-2 through O15-25, below, for responses to the specific comments and concerns raised in this letter, including those provided by the commenter's technical staff.
- O15-2 Refer to Master Response MR-6 for discussion of how the County appropriately uses the Background Report to describe the existing environmental setting in the draft EIR.
- O15-3 The comment references the brief summary of the project provided in Chapter 2, "Executive Summary," of the draft EIR. For further detail, the commenter is referred to Chapter 3, "Project Description." As stated on page 3-4 of the draft EIR, "[t]he 2040 General Plan land use designations would be consistent with land uses and densities/intensities allowed under the current (2018) zoning designations for each affected parcel." Refer to Master Response MR-2 for discussion of the adequacy of the draft EIR project description.
- O15-4 Refer to Master Response MR-4, Section MR-4.K, "Effects Outside the Study Area," regarding the effects of the 2040 General Plan and increased importation of oil.
- O15-5 Refer to Master Response MR-2 for an explanation of the growth forecast assumptions and buildout assumptions used in the draft EIR. The anticipated physical changes of implementing the land use plan are identified in the draft EIR; analysis is not deferred.

While the County acknowledges that the existing communities are diverse, the requirements of the County's land use designations are consistent, and the analysis is objective. It would be inappropriate to speculate about the preferences of future home builders and assume a disproportionate allocation of housing. Refer to Section 4.14, "Population and Housing," in the draft EIR for a discussion of the potential for the 2040 General Plan to induce substantial population growth or generate demand for new housing that exceeds the County's inventory of appropriately designated land.

The 2040 General Plan directs urban development to existing unincorporated communities. As explained on page 4.14-8 of the draft EIR, modest growth (0.4 percent annually) "would be expected to occur without implementation of the 2040 General Plan. The philosophy of the 2040 General Plan is that the County would be prepared and able to accommodate projected growth, while adhering to policies that define where and how development would occur." As indicated on page 4.14-9 "the physical environmental impacts associated with the growth that

would be accommodated by the 2040 General Plan have been analyzed and disclosed throughout Chapter 4 of this draft EIR.”

- O15-6 Refer to Master Response MR-2 for an explanation of the growth projections and buildout assumptions used in the draft EIR, including their relationship to the 2040 Ventura County General Plan Land Use Model discussed in Appendix F of the draft EIR (page F-2). Also refer to response to comment O5-6 for a discussion of the significant and unavoidable impacts identified in the draft EIR.

The 2040 General Plan provides a regulatory framework for the County when considering future discretionary development. That framework is applied to all lands within the County. It is not possible for the County to anticipate every possible environmental effect of all discretionary development that could be initiated by project proponents over the more than 20-year plan horizon. Rather, under CEQA, lead agencies must be informed of the potential impacts that could occur based on the information known at the time of preparation of the environmental document. The draft EIR explains in detail that the analysis is based on the program of policies and implementation actions presented in the 2040 General Plan. It applies those policies to all lands within the county, and it identifies the range of potential impacts that could occur. The County has, in good faith, evaluated the anticipated effects of typical development based on the growth projections and buildout assumptions and provided all appropriate and feasible mitigation. The commenter offers no evidence to the contrary.

In some cases, such as the potential effects on special-status species noted in the comment, the County concluded that significant impacts could remain for some future projects depending on the individual facts associated with those projects. CEQA does not require the County to speculate about the details of specific impacts that may vary depending upon project type, size, or location. Rather, in accordance with CEQA, the draft EIR provides the overall program of environmental effects and, where impacts would occur, provides mitigation standards that should be implemented and measured for compliance. Given the programmatic nature of this EIR, the County has conducted a good faith effort at full disclosure, providing decision-makers with a sufficiently detailed document to consider the environmental consequences of adopting the 2040 General Plan.

- O15-7 Refer to Master Response MR-2 for an explanation of the project description, growth forecast assumptions, and buildout assumptions used in the draft EIR.

As explained in Chapter 3, “Project Description,” (page 3-20) of the draft EIR, the County is expected to experience a low rate of population growth over the more than 20-year plan horizon; there are 1,281 additional households forecast in the unincorporated areas of Ventura County between 2015 and 2040. Approximately half of these households would be constructed in areas designated for residential, industrial, and mixed land uses. Together, these areas comprise approximately 1 percent of the unincorporated county. The remainder of the development is anticipated to occur throughout the County on lands under other designations. This discussion indicates that 98 percent of the county’s unincorporated area is designated agricultural, open space, and rural.

The commenter notes that the Los Padres National Forest, in which development under the 2040 General Plan would not occur, covers most of the northern half of the County. As a result, the growth would be concentrated in the southern portion of the County. This development pattern is assumed throughout the draft EIR. As explained in the “Approach to Environmental Analysis” (page 4-2 of the draft EIR):

The County...lacks land use authority within incorporated cities and land owned or managed by the state or federal government, such as Los Padres National Forest (which is located in the northern portion of the county and accounts for approximately 574,000 acres, or 47 percent of the county's total land area)...The unincorporated area within the southern portion of plan area under the land use authority of the County is the focus of the environmental analysis in this draft EIR.

The draft EIR does not assume dispersal of development throughout the unincorporated county; it assumes that half of all growth would occur within approximately 1 percent of the land area. This is a concentration of development in existing communities and urban areas. There are no instances where an impact conclusion provided in the draft EIR is based upon the assumption that effects would be dispersed. The cumulative, countywide effects of development pursuant to the proposed land use diagram and policies in the 2040 General Plan in compliance with applicable federal, State, and local regulations have been evaluated throughout.

The northern portion of Ventura County encompassing the Los Padres National Forest, including the privately owned inholdings located within the geographic boundaries of the national forest, is currently designated as Open Space in the existing General Plan (2005). The Board of Supervisors did not direct staff to change the 2040 General Plan Open Space designation. Therefore, the designation of Open Space in the land use diagram is proposed to remain unchanged in the 2040 General Plan relative to the exiting land use diagram (refer to page 3-19 of the draft EIR). Consequently, the comment inaccurately states that the designation of this general geographic area as Open Space is a “recharacterization” that is intended to “intentionally mislead” with respect to development potential. Moreover, as the comment acknowledges, the draft EIR specifically states that development is not anticipated to occur on federally owned land within the Los Padres National Forest. The County proposes to retain the Open Space land use designation of this geographic area to ensure that the relatively small and widely dispersed private inholdings within the geographic boundaries of the Los Padres National Forest – which inholdings would be difficult to separately identify on a land use map – continue to have this existing land use designation.

Because the County lacks land use authority over federally owned land comprising the Los Padres National Forest, and because the County is not proposing to modify the General Plan land use designation for the relatively small and disperses areas of non-federally owned land located adjacent to and within the boundaries of the Los Padres National Forest, there is no potential for the

2040 General Plan to conflict with the Los Padres National Forest Land Management Plan. The commenter cites no substantial evidence to the contrary.

- O15-8 The draft EIR evaluates the 2040 General Plan's potential to cause a significant environmental impact due to a conflict with a regional plan, policy, or program adopted for the purpose of avoiding or mitigating an environmental effect, consistent with Appendix G of the State CEQA Guidelines. The draft 2020-2045 RTP/SCS forecasts were not used in the analysis because they had not been adopted at the time the Notice of Preparation or draft EIR were released.
- On May 7, 2020, the Southern California Association of Government's Regional Council adopted Connect SoCal (2020 - 2045 Regional Transportation Plan/Sustainable Communities Strategy) for federal transportation conformity purposes only. In light of the COVID-19 pandemic, the Regional Council will consider approval of Connect SoCal in its entirety and for all other purposes within 120 days from May 7, 2020. Like the 2016 RTP/SCS, the 2020 RTP/SCS envisions growth concentrated around existing communities and job centers. As discussed in the draft EIR for the 2040 General Plan, this is consistent with the proposed land use diagram, policies, and programs in the 2040 General Plan.
- O15-9 Refer to Master Response MR-3 for discussion of why the draft EIR correctly excludes discussion and analysis of the County's projected housing needs for the 2020 Regional Housing Needs Assessment allocation and 2021-2029 Housing Element update.
- O15-10 The analysis in Section 4.12, "Mineral and Petroleum Resources," on page 4.12-31 of the draft EIR explains that the:
- effects of pipeline construction would be consistent with the overall land disturbance described for physical development anticipated with implementation of the 2040 General Plan...potential environmental impacts from pipeline construction on traffic and circulation, air and water quality, and cultural, archeological and paleontological resources may occur. Additionally, construction activities and risks associated with pipeline operation may result in potential impacts on biological resources; however, NCZO 8107-5.5.5(d) and CZO 8175-5.7.7(e)(3) require pipelines to be routed away from sensitive biological habitats and other areas when feasible.
- Therefore, any impact evaluation that is based on potential for land disturbance encompasses the implementation of these policies within the assumptions of potential land disturbance. As explained in the discussion in Section 4.4, "Biological Resources," which is cited in the comment, the County cannot know if or where petroleum companies would propose to site pipelines over the more than 20-year plan horizon and can only generally assess the types of environmental effects that could occur and provide a prescriptive, performance-based mitigation to address reasonably foreseeable impacts.
- O15-11 Refer to Master Response MR-4, Section MR-4.G, "Pipeline Requirements," regarding the findings and conclusions related to pipelines. The commenter

asserts that the draft EIR should identify the reasonably foreseeable location of future pipelines and analyze the potential environmental impacts of those foreseeable physical changes arising from the 2040 General Plan. The potential locations of future pipelines are unknown because their location depends on numerous market conditions and constraints that are highly uncertain. Mitigation Measure PR-2 recognizes this and specifies that “[t]rucking of crude oil and produced water may only be allowed if the proponent demonstrates that conveying the oil and produced water via pipeline is infeasible.”

O15-12 Refer to Master Response MR-4, Section MR-4.G, “Pipeline Requirements.” Analysis of the potential locations of future pipelines and the resulting capacity needs of the existing pipeline system would be speculative because they will depend on numerous market conditions and constraints that are highly uncertain. Mitigation Measure PR-2 recognizes that the locations are unknown and specifies that “[t]rucking of crude oil and produced water may only be allowed if the proponent demonstrates that conveying the oil and produced water via pipeline is infeasible.”

O15-13 The County provided the draft EIR to the State Clearinghouse on Friday, January 10, 2020 for distribution Monday, January 13, 2020. (Refer to the stamped Notice of Completion available at <https://ceqanet.opr.ca.gov/2019011026/2>.) The County established the public review period as January 13, 2020 through February 27, 2020 in documents submitted to the State Clearinghouse and on the Notice of Availability sent to interested parties. The County considered all submittals through February 27, 2020 in this final EIR.

The County is unaware of any evidence to support the commenter’s claim that State agencies did not receive the draft EIR on January 13th as intended. State CEQA Guidelines Section 21091(c) provides three working days from the determination of completeness to distribution of the draft EIR, and indicates that the first day of the 45-day review period shall be the day that the document is distributed. This same subsection of the State CEQA Guidelines indicates that the State Clearinghouse establishes the period of review and comment by State agencies. The period of review established by the State Clearinghouse for State agencies was January 13, 2020 through February 26, 2020. The County assumes that the State Clearinghouse established this review period in compliance with the applicable regulations and the documents were timely distributed on January 13, 2020.

O15-14 The County has noted the preferred contact for the organization appropriately for future reference.

O15-15 The comment suggests the addition of the Bureau of Land Management or U.S. Forest Service to the discussion of potential responsible and trustee agencies on page 1-5 in Chapter 1, “Introduction,” because the Los Padres National Forest is designated as Open Space in the 2040 General Plan. Responsible and trustee agencies are defined in Public Resource Code Sections 21069 and 21070. Responsible agencies are agencies other than the lead agency that have discretionary power over carrying out or implementing a specific component of the general plan or approving a project (such as an annexation) that implements

the goals and policies of the general plan. Trustee agencies are specifically defined as State agencies with jurisdiction by law over natural resources that could be affected by the project. The draft EIR does not purport to, nor is it required to, provide a complete list of all potential agencies that could have discretionary power over aspects of development that would be implemented under the 2040 General Plan.

As is explained in the 2040 General Plan and the draft EIR, and as reiterated above, the County lacks land use authority over the federally owned land, including that comprising the Los Padres National Forest. The 2040 General Plan does not state or suggest that County-regulated development could occur on any such federally owned land. Moreover, the County has provided the U.S. Forest Service with notification of the draft EIR and solicited comment pursuant to Section 15086 of the State CEQA Guidelines.

- O15-16 Refer to response to comment O15-7, above, for a discussion of why the Los Padres National Forest is designated as Open Space in the 2040 General Plan.
- O15-17 The comment requests two additions to the draft EIR that are not required to satisfy the requirements of CEQA. The comment suggests the addition of a matrix that includes all 2040 General Plan policies and identification of potential impacts by resource category in Chapter 2, "Executive Summary," rather than the summary of impacts and mitigation measures provided in compliance with the CEQA Guidelines Section 15132. While this suggestion is acknowledged as an alternative method of presenting the conclusions of the draft EIR, such a matrix has not been added to the document because it would not facilitate evaluation of the proposed 2040 General Plan as a complete program.
- The comment also suggests that the County's key industries be listed in the draft EIR and an analysis of the 2040 General Plan's economic impacts on those industries should be provided. However, EIRs are not required to treat a project's economic effects as significant effects on the environment (CEQA Guidelines, § 15131). Economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. Although the comment implies that the economic effect would precipitate from land use inconsistencies generated through implementing the 2040 General Plan, there is no substantial evidence to support this claim. For further discussion of land use compatibility, refer to Section 4.11, "Land Use and Planning," in the draft EIR.
- O15-18 The comment provides suggested edits to the policies proposed in the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan. Refer to response to comment A13-10 regarding the impacts of Policy AG-5.2
- O15-19 The comment requests the addition of an implementation program to the 2040 General Plan that would identify funding sources or develop incentive to encourage the oil and gas industry to transition to electrical equipment, similar to

Implementation Program J aimed at facilitating the transition for the agricultural industry. The comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a Final 2040 General Plan.

The comment also requests clarification about the implementation of Policy COS-7.2. Policy COS-7.2 does not include a provision that would permit occupants of nearby sensitive uses to waive the buffer requirement. The analysis of operational emissions in Section 4.3, “Air Quality,” of the draft EIR does not suggest that it does. The analysis cites Policy COS-7.2 as a mechanism for reducing the effects of operational emissions under the 2040 General Plan compared to the existing requirements of the zoning code, indicating that “The proposed setback increases of Policy COS-7.2 would reduce the potential for sensitive receptors at residential dwellings and schools to be exposed to air pollutants including toxic air contaminants associated with new oil wells subject to discretionary approval” (draft EIR page 4.3-22). No revisions to the draft EIR have been made in response to this comment.

O15-20 The comment states that natural gas consumption is assumed to increase in the draft EIR analysis. It also states that Implementation Program COS-M does not align with the 2040 General Plan’s objective to “promote efficiency and economic vitality” and the County should analyze how to supply the projected natural gas demands with renewable energy.

Implementation Program COS-M, which states that the County shall evaluate the feasibility of establishing a local tax on oil and gas operations, is intended to support the County’s efforts to reduce future GHG emissions, which may include the expansion of local renewable energy generation in support of Policy COS-8.1 (Reduce Reliance on Fossil Fuel). Under this policy “the County shall promote the development and use of renewable energy sources (e.g., solar, thermal, wind, tidal, bioenergy) to reduce dependency on petroleum-based energy sources.” Impact 4.8-1, on page 4.8-44 of the draft EIR explains that “the County would evaluate the feasibility of an excise tax on oil and gas operations, which would be intended to partially fund the County’s response to climate change impacts.”

The comment indicates that levying a tax on local oil and gas production “does not align with” the Guiding Principal established for public facilities, services, and infrastructure in the 2040 General Plan and incorporated into this EIR as a project objective to “Invest in facilities, infrastructure, and services, including renewable energy, to promote efficiency and economic vitality, ensure public safety, and improve our quality of life.” While concepts such as economic vitality can be subjective and are best considered outside of the EIR’s analysis of potential physical environmental changes that could result from project implementation, the 2040 General Plan and Program M in the Conservation and Open Space Element do support investment in infrastructure, including renewable energy. For this reason, the County finds that the 2040 General Plan is consistent with this objective.

The 2040 General Plan includes policies and programs that would support meeting the projected energy demands of the unincorporated county with renewable energy sources rather than natural gas. The County does not, however, intend “to supply these demands” with renewable energy, and a plan to do so does not need to be analyzed in the draft EIR. Specific policies in the 2040 General Plan that are analyzed throughout the draft EIR include: Policy COS-8.1, through which the County would promote the development and use of renewable energy resources; Policy COS-8.4, through which the County would continue to serve as an active member of the Clean Power Alliance or similar organization providing local customer access to electricity generated from low carbon renewable energy sources in excess of State requirements; Policy COS-8.5 establishing that the County would work with utility providers to offer residents options to purchase and use renewable energy resources; Policy COS-8.8 encouraging the integration of features that support the generation, transmission, efficient use, and storage of renewable energy sources in discretionary development; and Policy EV-4.4, which establishes that the County will identify appropriate locations to allow for development of renewable energy generation and storage facilities and encourage the development of innovative approaches to renewable.

- O15-21 The comment indicates that the California Energy Commission’s (CEC’s) study of the cost effectiveness of the reach code (which go over and above minimum energy code requirements) and identified in Mitigation Measure GHG-1 should have been performed prior to release of the draft EIR and “would be supplemental to this EIR to effectively analyze social and economic impacts.” The comment further states that policies that rely on approval of this study should be removed from the 2040 General Plan.

The discussion of impact significance after mitigation on page 4.8-47 of Section 4.8, “Greenhouse Gas Emissions,” notes that Mitigation Measure GHG-1 “directs the County to update the building code to include reach codes.” However, the discussion notes that the ultimate decision about implementation of Mitigation Measure GHG-1 is not entirely in the County’s jurisdiction because adoption of a reach code is predicated on approval of a cost-effectiveness study by CEC, pursuant to Public Resources Code Section 25402.1(h)2. For this reason, the proposed mitigation measure was not relied upon to reduce Impact 4.8-1 (Generate GHG Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment) to a less-than-significant level. Although under this mitigation measure a cost-effectiveness study specifically for the County would be submitted to the CEC for review prior to code adoption, this study would likely include analyses already conducted by utilities in 2019 which demonstrate the technical feasibility, cost-effectiveness, GHG and energy reducing potential of reach codes in climate zones covering the County (SCE 2019; PG&E 2019). The County will consider adopting this mitigation measure when making a decision regarding approval of the 2040 General Plan. Although the County has not yet adopted the mitigation that would require development of the reach code, the initial studies cited show favorable economic and energy saving outcomes of reach code implementation for ratepayers that would likely satisfy the prerequisites evaluated by the CEC under Public Resources Code

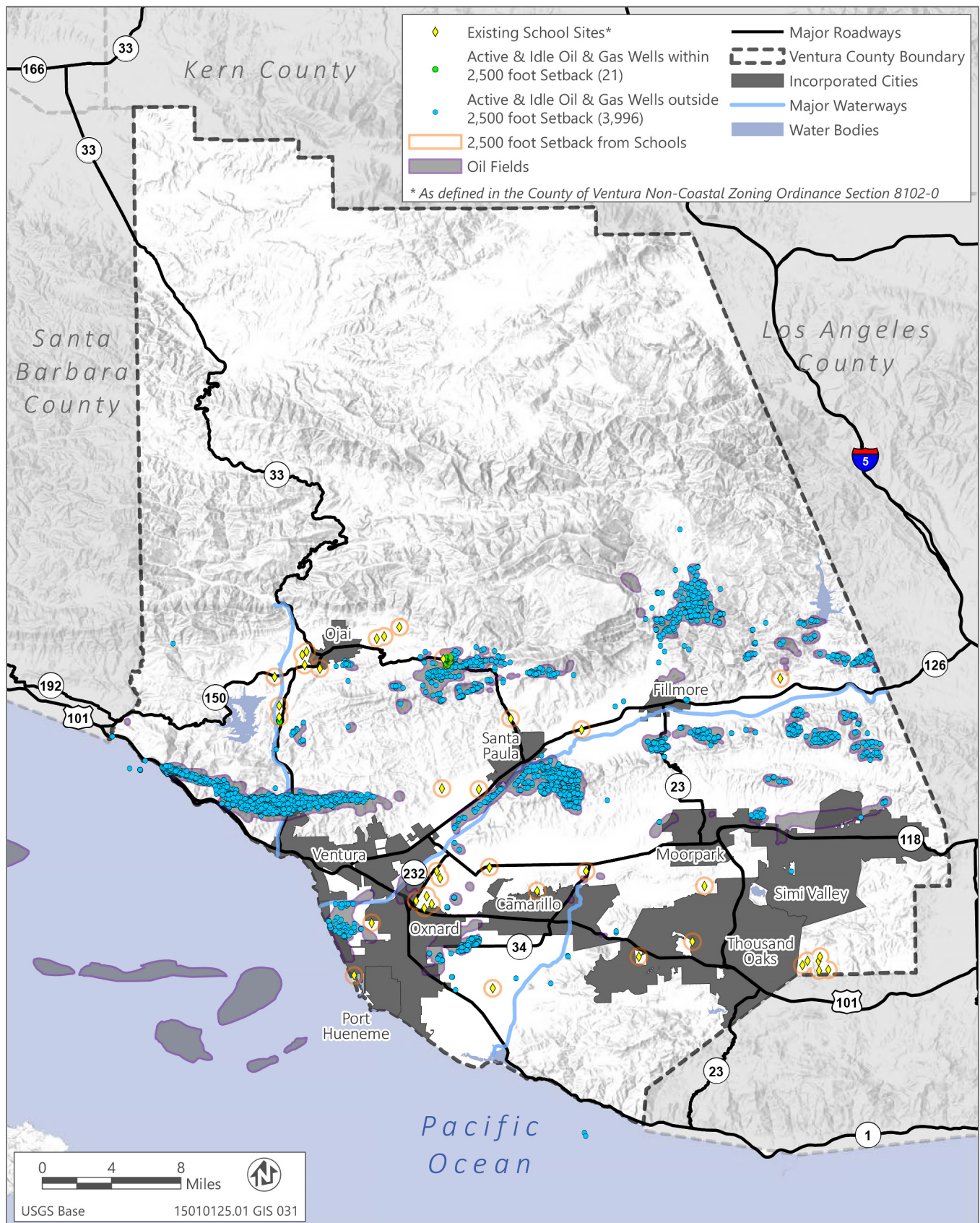
Section 25402.1(h)2. Note that there are no policies in the 2040 General Plan that require approval of the study. Further, the study would not inform the analysis of economic and social impacts in the draft EIR because analysis of these issues is specifically omitted from consideration in an EIR. Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. The EIR has not been revised in response to this comment.

O15-22 Refer to Master Response MR-4, Section MR-4.G, “Pipeline Requirements.” Analysis of the potential locations of future pipelines and the resulting capacity needs of the existing pipeline system would be speculative because they will depend on numerous market conditions and constraints that are highly uncertain. Mitigation Measure PR-2 recognizes that the locations are unknown and specifies that “[t]rucking of crude oil and produced water may only be allowed if the proponent demonstrates that conveying the oil and produced water via pipeline is infeasible.”

O15-23 Refer to Master Response MR-4, Section MR-4.H, “Buffers (Setback),” Section MR-4.E, “Applicability of Reference Studies for Oil and Gas Operations,” and Section MR-4.G, “Pipeline Requirements,” regarding the findings and conclusions related to setbacks, and the adequacy of the reports used to derive the findings and conclusions. Additionally, the commenter notes that Thomas Aquinas College, which does not meet the definition of a school pursuant to Policy COS 7.2, is incorrectly identified in the draft EIR Figure 4.12-1, Oil and Gas Well 2,500-ft Setback from Schools Map (page 4.12-5). Figure 4.12-1 includes the following notation in the legend “As defined in the County of Ventura Non-Coastal Zoning Ordinance Section 8102.” The draft EIR indicates that the Ventura County Non-Coastal Zoning Ordinance (Section 8102-0 defines schools as educational facilities for pre-college levels of instruction; specifically limited to elementary, middle school and high schools offering full curricula as required by State law. The Ventura County Coastal Zoning Ordinance does not include a definition for schools (page 4.12-18). The commenter is correct that Thomas Aquinas College was incorrectly depicted on Figure 4.12-1. Furthermore, the legend on Figure 4.12-1 did not include the full citation for the Section 8102-0 of the Non-Coastal Zoning Ordinance. Figure 4.12-1 has been revised in response to this comment, as shown below.

As a result of the figure revisions made in response to this comment, the last sentence of the second paragraph on page 4.12-14 in Section 4.12, “Mineral and Petroleum Resources,” is revised as follows:

As shown in Figures 4.12-1 and 4.12-2, there are currently 21 ~~23~~ active and idle oil wells within 2,500 feet of existing schools and 715 active and idle oil wells within 1,500 feet of existing dwelling units in the unincorporated county.



Source: Ventura County, 2016; CAL FIRE 2007 (State), 2008 (Local), and 2016 (Federal); USGS, 2013; DOGGR, 2019

Revised Figure 4.12-1 Oil and Gas Well 2,500 foot Setback from Schools

Similarly, the second paragraph on page 4.12-22 is revised to read:

As discussed above, Figure 4.12-3 depicts the oil fields within Ventura County, active and idle oil and gas wells, and the eleven zone classifications which allow for oil and gas exploration and production as a conditionally permitted land use that is potentially compatible with dwelling units and schools. Future oil and gas extraction within compatible zone classifications with minimum parcel sizes of 10,000 and 20,000 square feet may be hampered or access to petroleum reserves precluded as these zones have smaller minimum lot sizes which provide less flexibility in the siting of allowed uses and allow for greater maximum lot coverage which may inhibit compliance with the setback distances prescribed in Policy COS-7.2. Furthermore, as shown in Figures 4.12-1 and 4.12-2, there are currently 21 ~~23~~ active and idle oil wells within 2,500 feet of existing schools and 715 active and idle oil wells within 1,500 feet of existing dwellings in the unincorporated county. Future discretionary expansion of oil production within the setback distances depicted on Figures 4.12-1 and 4.12-2 would be prohibited pursuant to Policy COS-7.2. Policy COS-7.2 could theoretically affect local oil and gas exports and increase the reliance on imports from outside of the 2040 General Plan area. There are no actions or policies that the County could feasibly mandate to fully reduce the impact that Policy COS 7.2 would have on hampering or precluding access to petroleum resources. This impact would remain **significant and unavoidable**.

The remainder of the comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the Draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.

O15-24 Refer to Master Response MR-4, Section MR-4.G, "Pipeline Requirements." Analysis of the potential locations of future pipelines and the resulting capacity needs of the existing pipeline system would be speculative because they will depend on numerous market conditions and constraints that are highly uncertain. Mitigation Measure PR-2 recognizes that the locations are unknown and specifies that "[t]rucking of crude oil and produced water may only be allowed if the proponent demonstrates that conveying the oil and produced water via pipeline is infeasible."

O15-25 The comment raises a series of concerns related to the analysis of energy facilities in Section 4.17, "Utilities." As explained in the draft EIR, this section focuses on gas and electricity facilities that supply energy to consumers. An evaluation of county-wide energy consumption is provided in Section 4.6, "Energy," and an evaluation of effects on the extraction of petroleum resources is provided in Section 4.12, "Minerals and Petroleum Resources."

The comment suggests that information about the fuel sources currently used in the county and the existing capacity to provide renewable energy should be provided in the existing setting to inform the analysis of impacts in Section 4.17,

“Utilities,” in the draft EIR. However, this information is not relevant to the impact evaluation that follows. The transition to renewable resources is discussed in Section 4.6, “Energy.” As explained in the analysis on page 4.6-20, the process is underway. The 2040 General Plan encourages the County to continue to work with local partners to supply electricity and gas produced from renewable sources, building on the “Clean Power Alliance, which currently provides 100 percent carbon-free electricity to 83 percent of eligible utility customers in the unincorporated county, as shown in Table 4.6-1.”

Impact 4.17-1 in Section 4.17, “Utilities,” evaluates the potential for the 2040 General Plan to cause a disruption or rerouting of an existing utility facility. The new policies in the 2040 General Plan related to oil and gas extraction would apply only to new wells and, therefore, are not the subject of this analysis.



CENTER for BIOLOGICAL DIVERSITY

Because life is

Letter
016

February 24, 2020

Sent via email

Ventura County Resource Management Agency, Planning Division
Attn: Susan Curtis, Manager, General Plan Update Section
800 S. Victoria Ave., L #1740
Ventura, California 93009-1740
susan.curtis@ventura.org
GeneralPlanUpdate@ventura.org

Re: Request for 90-Day Comment Deadline Extension on the Draft Environmental Impact Report for the County of Ventura Draft 2040 General Plan

Dear Ms. Curtis:

The Center for Biological Diversity respectfully requests an extension of the comment period for the Draft Environmental Impact Report for the County of Ventura Draft 2040 General Plan (State Clearinghouse No. 2019011026). The current 45 day comment period imposes a deadline of February 27, 2020, and is inadequate to allow full review of (1) the Draft EIR which covers complex issues in its 598 pages plus six appendices, including a 1034 page background report and (2) the Public Review Draft of the General Plan, which is 463 pages and includes four appendices.

O16-1

It is simply not possible for the public to meaningfully review and comment on these documents in such a short timeframe. Due to the sheer volume and complexity of the materials, we believe an additional 90 days is required. Extending the deadline to May 27, 2020 would allow for a more comprehensive review and more useful comments. We therefore respectfully request that you consider extending the comment period an additional 90 days.

Thank you for your attention to this matter.

Sincerely,

J.P. Rose
Urban Wildlands Staff Attorney
Center for Biological Diversity
660 S. Figueroa Street, Suite 1000
Los Angeles, California 90017
jrose@biologicaldiversity.org

Arizona · California · Colorado · Florida · N. Carolina · Nevada · New Mexico · New York · Oregon · Washington, D.C. · La Paz, Mexico

BiologicalDiversity.org

Letter O16	Center for Biological Diversity J.P. Rose, Urban Wildlands Staff Attorney February 24, 2020
-----------------------	--

- O16-1 The draft EIR was available for a 45-day review period from January 13, 2020, to February 27, 2020, in compliance with CEQA (Pub. Res. Code, § 21091). The commenter's request for extension of the comment period has been noted. No extension of the comment period was granted.

From: Offerman, Steve <Steve.Offerman@ventura.org>
Sent: Monday, February 24, 2020 9:43 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Cc: Downing, Clay <clay.downing@ventura.org>
Subject: comment: Draft General Plan 2040

Letter
O17



PO Box 1164
 Ventura, CA 93002-1164
 February 23, 2020

Dear Members of the Ventura County Board of Supervisors:

I write to you today on behalf of the 300 plus members of the Channel Islands Bicycle Club. My goal is twofold:

First, we wish to thank you for your leadership in multi-modal transportation. We cyclists are keenly aware and highly appreciative of the 29 miles of Class II bike lanes recently added to county roads and of the commitment of an unprecedented \$6 million in general funds designated new bike lanes on these same roads. Together, they support a healthier, safer, more active populace and reduce the need for car trips. Thank you.

Second, we wish both to applaud the robust, active transportation elements of the Draft General Plan 2040 and to encourage their implementation. In particular, we support the plan's commitment to policies that allow those who wish to travel on foot or by bike to do so safely, specifically:

- Encouraging bicycling, walking, public transportation and other forms of alternative transportation to reduce vehicle miles traveled, traffic congestion and greenhouse gas emissions.
- Expanding Safe Routes to School.
- Efficient land use patterns to reduce the need for single use car trips.
- Countywide bicycle lanes and trail systems connecting our community.
- Bicycle facility design that prioritizes cyclists' safety and visibility.
- Safe pedestrian crossings.
- Multi-modal choices that make driving alone an option rather than a necessity.
- Separated or buffered pedestrian and bicycle paths along County Road Networks that are designated Overweight Vehicle Corridors and STAA designated Terminal Access Routes.
- Constructing abandoned railroad rights-of-way for active transportation -- particularly the Santa Paula Branch Line Railroad Class 1 Bike Trail.
- Prioritizing an inclusive, regionally connected and consistently signed bicycle network such as that put forth in VCTC's Bicycle Wayfinding Plan. Such a network would connect our towns and important destinations within each community.

We thank you for progress made to date and look forward to a Ventura County that encourages healthier, less polluting living.

Sincerely,

Leslie Ogden

President, Channel Islands Bicycle Club

O17-1

Letter O17	Channel Islands Bicycle Club Leslie Ogden, President February 24, 2020
-----------------------	---

- O17-1 This comment expresses support for the 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a Final 2040 General Plan.



**Letter
018**

25 February 2020

Ventura County Resource Management Agency, Planning Division

Attn: Susan Curtis, Manager, General Plan Update Section

susan.curtis@ventura.org, GeneralPlanUpdate@ventura.org

**Request for a Comment Deadline Extension on the Draft Environmental Impact
Report for the County of Ventura Draft 2040 General Plan**

Dear Ms. Curtis:

It has come to our attention that several prominent environmental groups are having difficulty reviewing the very complex and lengthy General Plan Update EIR and need additional time to prepare informed comments. CFROG Climate First: Replacing Oil & Gas supports those requests and proposes an extension of at least 45 days. To rush through this process would be a disservice to the community.

O18-1

Sincerely,

John Brooks

President CFROG

**Letter
O18**

Climate First: Replacing Oil & Gas
John Brooks, President
February 25, 2020

O18-1

The draft EIR was available for a 45-day review period from January 13, 2020, to February 27, 2020, in compliance with the California Environmental Quality Act (Pub. Res. Code, § 21091). The commenter's request for extension of the comment period has been noted. No extension of the comment period was granted.



CFROG Protecting Our Air, Water, and Climate

**Letter
O19**

#201 940 E Santa Clara Street
Ventura, CA 93003
February, 2020

Comments regarding the suggested mitigation measure for Pipeline Requirement, COS-7.7, Mitigation Measure PR-2

The Ventura County Board of Supervisors, after public discussion and review, approved a new policy, COS-7.7, to require new oil wells to use pipelines to convey oil and produced water offsite (rather than trucking). This new policy is part of the 2040 General Plan. The DEIR for the plan analyzed the policy and found that the requirement for pipelines in COS-7.7 ... *"proposed in the 2040 General Plan that would result in new requirements that would apply to new projects subject to discretionary action by the County that could limit petroleum extraction without placing a physical limitation on location or access."*

The DEIR also found that COS-7.7 could reduce attainment of the following 2040 General Plan Guiding Principle:

***Economic Vitality:** Foster economic and job growth that is responsive to the evolving needs and opportunities of the County's economy and preserves land use compatibility with Naval Base Ventura County and the Port of Hueneme, while enhancing quality of life and promoting environmental sustainability.*

Assumptions in the DEIR leading to the finding regarding economic vitality are based on inadequate and inaccurate information.

Figure 4.12-4 in the DEIR is a map showing conveyance pipelines throughout Ventura County and an arbitrary two-mile boundary around each conveyance pipeline. The map also shows active oil wells within and outside of the two-mile boundary. Based upon the boundary line, the DEIR makes the following assumption: *"For purposes of the following analysis and based on the estimated per mile cost to install pipelines, it is assumed that any existing oil wells located within a 2-mile radius of a major oil or gas transmission pipeline are connected to these transmission lines through smaller gathering or minor pipelines."* (DEIR 4.12-26)

The DEIR goes on to assume that operators inside the two-mile boundary will be able to meet the API gravity requirements of the pipeline operator and those outside of the two-mile boundary would not be able to meet the API requirements. Based upon those assumptions the DEIR analysis concludes: *"Therefore, it is assumed that most operators located beyond the two-mile radius of a major transmission pipeline would not be able to comply with the pipeline requirements of Policy COS-7.7 due to the technological and economic infeasibility of installing lengthier pipelines greater than two-miles from*

O19-1

new oil wells to a major oil transmission line or due to the additional on-site production facilities to process crude oil in order to comply with API gravity thresholds and standards in order to convey oil through a major oil transmission pipeline.”

To support this conclusion the analysis goes on to assume that “The oil operators located beyond the two-mile radius, and in more remote locations, likely consist of smaller oil producing operations that are not extracting a large amount of oil.”

Figure 4.12-4, (DEIR, 4.12-25, map) tells a very different story about operators outside the two-mile boundary according to data from the Conservation California government website <https://maps.conservation.ca.gov/doggr/wellfinder/#/-118.81117/34.45021/12>

The DEIR says there are 472 active oil wells outside the two-mile boundary depicted on Figure 4.12-4. While the Figure is very hard to interpret due to its size and format, it does not show 472 active oil wells outside of the two-mile boundary. The DOGGR wellfinder website shows four discrete clusters (more than 5 active wells) of active oil wells adjacent to and beyond the arbitrary two-mile boundary. One of the largest clusters is the Timber Canyon oil lease between Santa Paula and Upper Ojai and the other is to the northwest of Fillmore in the Sespe oilfield in Ventura County. **Both the Timber Canyon oilfield and the Sespe oilfield are in the Los Padres National Forest where oil wells and facilities are permitted by the BLM.** A coalition of environmental groups and the State of California filed two separate lawsuits in October, 2018, to reinstate the Waste Prevention Rule that significantly affected flaring in the National Forest. The Trump Administration had rolled back that Rule in 2016. It seems unclear if a rule to eliminate trucking of new oil production in Ventura County would affect oil coming across county roads from BLM permitted oil wells, and the issue is not discussed in the DEIR. Since Figure 4.12-4 does not include Forest boundary lines, it is completely unclear what oil wells outside the two-mile boundary may be within the forest, but counted in the 472 active oil wells “depicted” on the Figure.

O19-1
cont.

Carbon California is not a small remote operator that lacks the ability to build additional onsite production facilities to process crude oil in order to comply with transmission pipeline API gravity requirements. Nor is it a small operator that cannot feasibly build an oil pipeline to a transmission sales pipeline. It currently utilizes a gas pipeline from Timber Canyon to the So Cal Gas pipeline, so it is highly likely an oil pipeline could also be constructed.

The second large cluster of active oil wells outside the two-mile boundary is also owned and operated by Carbon California.

The Sespe Oilfield, in the Los Padres Forest, Ventura County, is owned and operated by Carbon California which acquired the land and lease from Seneca in 2018 for 43 million dollars. Carbon has approximately 100 active wells in this field outside of the two-mile boundary. The DOGGR wellfinder interactive map appears to show that all of the active oil wells north of Fillmore are operated by Carbon with the possible exception of one or two individual wells. There is a major transmission pipeline that serves some of the Carbon wells in the Sespe oilfield. There are at least 4 active wastewater injection wells in the field.

Because the DEIR lacks information regarding the ownership of active oil wells, and lacks an analysis of the actual size of oilfields near or outside the two-mile boundary, it is unclear how assumptions could be made about the types of operators, API gravity of produced oil, and assumptions that pipelines would have to be individually constructed over two-miles by small operators.

The remaining two smaller clusters (greater than 5) of active oil wells outside the two-mile boundary are on Sulphur Mountain and above Piru. Termo's facility is on Sulphur Mountain. Termo received a CUP in the 1980's and at the time was required to build a pipeline to transmit oil and gas. Termo built the pipeline and transmits its oil and gas to the transmission pipeline running through Upper Ojai. Termo uses an injection well for its produced water.

The last small cluster of active oil wells outside the two-mile boundary is above Piru. There are approximately 14 active oil wells scattered in the oilfield, operated by two companies, DCOR and AMPLE. According to Figure 4.12-4, approximately 20 active wells inside the two-mile boundary in the same area are assumed to be connected to the main transmission line that runs along Highway 126. The map also shows that 8 of the 14 wells outside the arbitrary two-mile boundary are adjacent to or on the boundary line. It would be highly beneficial to the community of Piru if pipelines were required. The citizens would directly benefit from better air quality, less noise, less truck traffic, and significantly reduced risk of accidents if oil and wastewater is not trucked down the main street of Piru.

All of the oil wells in Oxnard, Ventura, and south-west of Santa Paula are assumed to be connected to pipelines according to Figure 4.12-4 and the DEIR discussion.

O19-1
cont.

Produced Wastewater is often reinjected onsite primarily because the oil fields in Ventura County are older, contain more wells, and are likely to have an unnecessary well that can be used for injection.

The DEIR uses the same unsubstantiated assumptions to argue that wastewater cannot be either reinjected or transmitted via pipeline if the facility is over two-miles from a transmission pipeline. However, the wastewater from the two largest clusters of active oil wells and at least one of the smaller clusters outside the two-mile boundary is already being reinjected onsite.

Operators outside of the two-mile boundary can connect to their own onsite pipelines within the two-mile boundary in most locations

O19-2

Another false assumption in the DEIR is that operators outside the two-mile boundary would have to build their own pipelines from each new oil well all the way to the transmission line. Since there has been significant consolidation of ownership of oil leases in Ventura County in the past five years, most operators outside the boundary who wish to drill new additional oil wells are the same operators inside the boundary line with gathering lines that can be tapped into for conveyance to larger transmission lines. Additionally, current Ventura County zoning ordinances specifically encourage operators to consolidate and share facilities such as pipelines and infrastructure to achieve API oil gravity requirements. (NCZO Sec. 8107-5.5.4 Permittees and

operators should share facilities such as, but not limited to, permit areas, drill sites, access roads, storage, production and processing facilities and pipelines.)

O19-2
cont.

Feasibility Study cited in DEIR showing the economic hardship to an operator to build a pipeline from his drill site is within the two-mile boundary and should be connected to a major conveyance pipeline, according to the DEIR analysis

The DEIR finding assumes that small operators would be protected financially if there was a physical limitation on the location of the requirement for pipelines. That assumption is based on the idea that most small operators are outside of a two-mile boundary around major transmission lines in the County. For evidence, the DEIR included a summary of a feasibility study conducted by Renaissance Petroleum to determine whether or not oil could be transmitted by pipeline from the Nauman drill pad through agricultural land in Oxnard. Figure 4.12-4 (map) clearly shows the Renaissance Petroleum Nauman drill site well within the two-mile boundary of a major transmission pipeline. In fact, the map shows all active wells in the Oxnard area are within the two-mile boundary.

O19-3

Regardless of the feasibility of the pipeline, the expansion permit for Renaissance Petroleum was denied by the Board of Supervisors because of public health concerns based upon its close proximity to a densely populated mobile home park in a disadvantaged neighborhood.

The real number of small operators wishing to drill new oil wells in areas outside of the two-mile boundary whose oil production will be outside of the API gravity requirements and do not have access to facilities to meet those requirements is extremely small. Therefore, the small number should not have a significant impact on the economic prosperity of Ventura County, on jobs or on oil production.

Additionally, **the small amount of oil that will be affected by new policy COS-7.7 will not substantially reduce the regional availability of oil and gas and it would not render any large oilfield inaccessible such as the oilfields Ojai, Oxnard, South Mountain, Santa Paula, or Ventura.**

In the event the county determines they should issue a statement of overriding considerations, the County should determine that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed policy outweigh its significant effects on the environment.

O19-4

CFROG Request the DEIR be amended to find: IMPACT of new policy COS-7.7: LESS THAN SIGNIFICANT

Action required: Withdraw mitigation measure PR-2, find the impact to economic prosperity less than significant, and restore COS-7.7 to the 2040 General Plan as the Board of Supervisors intended.

A local, grassroots organization protecting our water, air, and climate
PO BOX 114 | OJAI, CA 93024 | 805-794-0282 | ED@CFROG.ORG | www.CFROG.org
CFROG is a 501(c)(3) tax-exempt organization

Letter O19	Climate First: Replacing Oil & Gas February 26, 2020
-----------------------	--

- O19-1 Refer to Master Response MR-4.
- O19-2 Refer to Master Response MR-4.
- O19-3 Refer to Master Response MR-4.
- O19-4 Refer to Master Response MR-4.

SHUTE, MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

KEVIN P. BUNDY
Attorney
bundy@smwlaw.com

Letter
020

February 27, 2020

Via E-Mail

Ms. Susan Curtis
Manager, General Plan Update Section
Ventura County Resource Management
Agency, Planning Division
800 S. Victoria Ave., L #1740
Ventura, CA 93009-1740
E-Mail: GeneralPlanUpdate@ventura.org

Re: County of Ventura 2040 General Plan and Draft Environmental
Impact Report – State Clearinghouse No: 2019011026

Dear Ms. Curtis:

This firm represents Climate First: Replacing Oil & Gas (“CFROG”) on matters related to the 2040 General Plan (“the Draft Plan”) and its draft environmental impact report (“DEIR”). As detailed below, the Draft Plan fails to take meaningful, feasible steps to confront climate change. The DEIR also falls far short of the requirements of the California Environmental Quality Act (“CEQA”) (Public Resources Code section 21000 *et seq.*) and CEQA Guidelines (California Code of Regulations, title 14 section 15000 *et seq.*).

As you know, CFROG’s primary concerns include the effect of oil and gas development on Ventura County’s climate, natural resources, and quality of life. Proximity to oil and gas exploration, extraction, processing, and transportation exposes countless County residents to ongoing harm, exacting a tremendous toll on public health and safety. Moreover, the County is already experiencing severe impacts from climate change, and those impacts are likely to intensify in coming years. As CFROG has pointed out in prior letters, overwhelming scientific evidence shows humanity has only a few years remaining in which to dramatically draw down fossil fuel emissions if we are to preserve a decent chance of avoiding even more severe and lasting disruptions.

O20-1

Ms. Susan Curtis
February 27, 2020
Page 2

Unfortunately, like its predecessor, the Draft Plan does little to promote the policy transitions required to meet this challenge. If anything, the Draft Plan's approach to oil and gas policy largely continues a business-as-usual approach to petroleum extraction. This is so despite the Draft Plan's recognition that the County must reduce greenhouse gas emissions by roughly 60 percent over the next 20 years in order to keep up with reductions demanded by state climate policy.

As explained in CFROG's prior comments,¹ although CFROG recognizes the history and economic importance of the County's oil industry, the time for a transition to cleaner alternative sources of energy and economic sustenance is now. With that principle in mind, CFROG previously submitted recommendations of specific policies and programs to be adopted as part of the General Plan, or if they are not adopted, that they be considered as mitigation measures and/or alternatives in the DEIR for the General Plan. We are disappointed that many of CFROG's recommended policies and programs have neither been included in the Plan nor discussed in the DEIR.

O20-1
cont.

The County's General Plan update process is a critically important planning exercise because so much is at stake. The climate change crisis alone mandates a dramatic refocus away from the business-as-usual approach of facilitating oil and gas extraction in the County. A recent analysis of more than a century of temperature data indicates that temperatures from Santa Barbara southward are warming at double the rate of the continental United States. Washington Post, "California climate change: Fires, floods and a fight over free parking," December 5, 2019, attached as Exhibit 1. Ventura County has suffered an average temperature increase of 4.7 degrees Fahrenheit since preindustrial times and ranks as the fastest-warming county in the lower 48 states. *Id.*

While the Draft Plan contains some laudable policies, it nonetheless fails to demonstrate a serious commitment to tackling this ecological and social crisis. Many of

¹ This firm previously submitted comments on the Preliminary Draft General Plan Update ("Preliminary Draft") dated June 5, 2019. In that letter we described many substantive flaws in the Preliminary Draft, many of which the County disregarded in preparing the Draft Plan. We also recommended numerous new and amended policies and asked that they be considered as mitigation measures and/or alternatives in the DEIR; most of these recommendations, however, are not addressed at all in the DEIR. Consequently, most of the comments in the June 5 letter remain applicable to the current Draft Plan and DEIR. Our June 5, 2019 letter and accompanying exhibits and references are therefore incorporated herein by reference.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 3

the Draft Plan's policies are merely advisory and lack the enforceable detail necessary to achieve real greenhouse gas reductions. The DEIR, for its part, proposes to water down many of the Draft Plan's provisions even further.

The Draft Plan and DEIR are out of touch with both climate science and state policy. The State of California has begun active planning for a managed transition away from fossil fuels. The 2019 Budget Act allocated significant funding for studies outlining a long-term reduction in both demand for and supply of fossil fuels, in service of the state's goal of achieving carbon neutrality by 2045. *See* Stats.2019, ch. 23, Item 0555-001-3228 (Assembly Bill No. 74), attached as Exhibit 2. The state has adopted a scope of work for each study and the planning effort is underway. *See* Carbon Neutrality Studies Scope of Work, Studies 1 and 2, attached as Exhibits 3, 4. The Draft Plan's commitment to expanded oil and gas operations in Ventura County is contrary to these statewide efforts and profoundly counterproductive.

The 2040 General Plan update offers a critical opportunity to support statewide and global efforts by shifting away from dependence on oil and gas production and expanding renewable energy production and consumption. Such a shift would have tremendous benefits, including reduced air pollution and greenhouse gas ("GHG") emissions, lower energy consumption, fewer impacts to public health and safety, and greater water quality protection. In other words, a shift in direction would provide either an alternative or a series of mitigation measures that could further reduce or avoid many of the Draft Plan's significant environmental impacts.

Unfortunately, the Draft Plan and DEIR fail to provide for any such shift, and instead assume continued expansion of oil and gas extraction, even as statewide production continues to decline and the rest of California begins to plan for a post-carbon future. Indeed, the DEIR admits the Draft Plan will not achieve the County's fair share of reductions needed to meet either short-term or longer-term state climate goals. The Draft Plan's business-as-usual approach will create long term environmental damage, affecting residents and future generations throughout the region.

Finally, as detailed below, the DEIR fails to meet CEQA's requirements. For example, the DEIR fundamentally fails to identify or analyze credible, feasible mitigation measures or alternatives that could reduce or avoid the Draft Plan's significant environmental impacts. CEQA requires enforceable, concrete commitments to mitigation and consideration of a range of potentially feasible alternative approaches that could avoid significant impacts. The DEIR, in contrast, primarily offers vague, voluntary, and unenforceable policies, particularly with respect to anticipated greenhouse gas emissions.

O20-1
cont.

O20-2

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 4

As a result, the DEIR fails to describe measures that could avoid or substantially lessen the proposed Plan's numerous significant impacts.

O20-2
cont.

I. The County's Climate Action Plan Is Ineffective At Reducing GHG Emissions.

As acknowledged in the DEIR for the Draft Plan, the County has a considerable number of oil and gas operations in the unincorporated areas. Draft Plan at 6-12. These facilities contribute to climate disruption. Further expanding local oil and gas development will add even more carbon to the atmosphere, undercut California's efforts to reduce emissions, and further limit our ability to avoid the worst effects of climate change. The General Plan Update—and, in particular, the provisions of the Plan comprising the County's Greenhouse Gas Strategy or Climate Action Plan ("CAP")—offers an important opportunity to reduce emissions from oil and gas development.

O20-3

Unfortunately, the CAP as described in Appendix B to the Draft Plan largely passes up this opportunity. As explained in more detail below, the CAP presents incomplete and inaccurate data regarding anticipated GHG emissions under the proposed Plan. In addition, the CAP lacks specific, enforceable measures necessary to achieve the established targets and goals for emission reductions. As a result, the CAP is ineffective in reducing anticipated GHG emissions, and the DEIR's conclusions regarding the Draft Plan's climate impacts are without support.

A. The Baseline Inventory of GHG Emissions Is Incomplete and Inaccurate.

As we pointed out in our prior letter on the Preliminary Draft, the baseline inventory of County GHG emissions is the foundation of the CAP. Without a complete and accurate inventory, the County cannot accurately project future business-as-usual ("BAU") emissions or measure the effectiveness of reduction measures in meeting identified targets and goals. Effective policies cannot be built on a flawed inventory. Unfortunately, the CAP inventory remains incomplete, internally inconsistent, and inaccurate.

O20-4

According to the CAP, 2015 stationary source emissions totaled 275,096 MTCO₂e. Draft Plan, Appendix B at B-7 (Table B-2), B-8. This estimate purportedly was derived "by scaling the statewide emissions reported for oil and gas production to the local level using the proportion of oil and gas production in the unincorporated area relative to the statewide total." *Id.* at B-8.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 5

The estimate in the CAP is not clearly supported by data in the DEIR. Appendix D to the DEIR appears to take two different approaches to estimation of stationary source emissions. The first approach (in a spreadsheet entitled “Estimating Ventura County Stationary Source Emissions from Oil and Gas”) estimates a total of 284,693 MTCO₂e. DEIR, Appendix D at 43. The second approach (apparently using two spreadsheets, one entitled “Statewide Stationary Source Emissions from Oil and Gas” and the second entitled “State Report on Well County and Production of Oil, Gas, and Water by County – 2015”) arrives at the “scaled” emissions estimate of 275,096 MTCO₂e discussed in the CAP. DEIR, Appendix D at 44-45. Neither the CAP nor the DEIR appears to explain the discrepancy between the two estimates.

Further inconsistencies in the inventory are similarly unexplained. For example, estimates under the first approach described above show zero emissions from natural gas “fuel combustion” in the County. DEIR, Appendix D at 43. Statewide figures supporting the second approach, however, show that natural gas combustion is by far the single greatest source of CO₂ emissions from the oil and gas sector (13,750,201 MTCO₂e, or 69.4% of statewide total CO₂e emissions). *Id.* at 44. Neither the CAP nor the DEIR appears to contain any evidence that unlike the rest of the state, not a single oil and gas operation in Ventura County consumes natural gas. As we pointed out in our letter on the Preliminary Draft Plan, cyclic steaming and steam flooding operations—which often burn natural gas to generate steam—are currently occurring in the County, including in the Oxnard oilfield. DOGGR 2017 (annual report) at 22 (attached as Exhibit 5) to comments on Preliminary Draft Plan). In fact, the Ventura County Air Pollution Control District recently issued a permit to California Resources Production Corporation authorizing operation of steam generators “fired on PUC Natural gas, with PUC natural gas mixed with produced gas as secondary fuel.” VCAPCD, Part 70 Permit No. 00012, Section No. 2 at 1 (Table No.2) (May 14, 2019), attached as Exhibit 6; *see also* VCAPCD Rule 74.15.B.1(3)(a) (allowing steam generators to use “alternate fuel” only “due to the curtailment of natural gas service to the individual unit by the natural gas supplier” and only during “the period of natural gas curtailment”). Steam generators in Ventura County clearly use natural gas in the production of oil. The inventory’s omission of natural gas combustion emissions is thus inaccurate and unsupported.

O20-4
cont.

The “scaled” estimate of emissions from County oil and gas operations also appears unreasonably low. DEIR Appendix D concludes that Ventura County produces 4.2% of the state’s oil and 5.1% of the state’s associated gas. DEIR, Appendix D at 45. Yet DEIR Appendix D also concludes that Ventura County contributes only about 1.4% of the statewide GHG emissions from oil and gas (275,096 MTCO₂e out of the statewide total of 19,803,975 MTCO₂e). Again, neither the CAP nor the DEIR explains why

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 6

“scaled” Ventura County emissions are so low compared to the volumes of oil and gas produced.

This stark discrepancy further underscores a point we made in our prior comments: the Preliminary Draft Plan failed to explain or provide evidentiary support for the “scaled” estimate, i.e., for calculating Ventura County emissions as a percentage of statewide emissions from the oil and gas sector rather than based on information specific to exploration and production in Ventura County. Neither the CAP nor the DEIR supplies the missing explanation. Local oil and gas operations may or may not be consistent with statewide averages in terms of the energy (and associated emissions) required for extraction. However, additional justification and explanation of this methodological choice, based on information specific to Ventura County, is necessary—particularly in light of the DEIR’s apparent conclusion that County oil and gas emissions are significantly lower than anywhere else in the state, even on a “scaled” basis.

The CAP inventory also continues to omit other sources of GHG emissions from oil and gas production. For example, the inventory does not include emissions from the transport of oil and gas production, particularly freight rail and ocean freight emissions. Draft Plan, Appendix B at B-8. Nor does the inventory include any “downstream” emissions from refining or combustion of County-produced oil and gas. As explained in our prior letter, these emissions should have been included because the County controls activities related to exploration and production of oil and gas. Without these activities, emissions from transportation, refining, and combustion of oil and gas produced in the County would not occur. Where, as here, “downstream” emissions are foreseeable and capable of estimation, they should be disclosed. *Cf. Sierra Club v. Federal Energy Regulatory Com.* (D.C. Cir. 2017) 867 F.3d1357; *Mid States Coalition for Progress v. Surface Transportation Bd.* (8th Cir. 2003) 345 F.3d 520. Nor can the County avoid responsibility for disclosing and analyzing rail and ocean freight emissions simply because it may lack authority to prevent or mitigate the effects of these activities directly. See *Association of Irrigated Residents v. Kern County Bd. of Supervisors* (2017) 17 Cal.App.5th 708, 750-52 (federal preemption of railroad regulation did not extend to responsibility for disclosure and analysis of environmental effects of railroad operations under CEQA).

O20-4
cont.

It is also unclear whether the emissions inventory includes aviation emissions. The DEIR includes emission factors for aviation gas and jet fuel. DEIR, Appendix D at 47 and 49. However, the inventory does not appear to include any emissions from aircraft. *Id.* at 27 and 28. Moreover, although the inventory appears to include some emissions from vessels, harborcraft, and cargo handling equipment (*id.* at 27), it is not clear that the inventory includes all emissions related to operations at the Port of Hueneme.

O20-5

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 7

Finally, recent data collected by the National Aeronautics and Space Administration (“NASA”), indicates that emissions from a handful of sites (or “super emitters”) account for the vast majority of California’s methane emissions. *See*, Bloomberg News article, “NASA Flew Gas Detectors Above California, Found ‘Super Emitters’”, November 7, 2019, attached as Exhibit 7; <https://climate.nasa.gov/news/2930/a-third-of-california-methane-traced-to-a-few-super-emitters/> news article, attached as Exhibit 8; and <https://methane.jpl.nasa.gov/>. Of the “super emitters” identified around the State, oil and gas operations accounted for 26 percent of all source emissions.

Several of these “super emitters” are located in Ventura County. *See* Ventura County Methane Plume Data, attached as Exhibit 9. They include, but are not limited to, the Ventura Oil Field, Rincon Oil Field, Bardsdale Oil Field, and South Mountain Oil Field, which were all mapped as emitting methane plumes. Methane is a greenhouse gas that is at least 85 times more potent than carbon dioxide at trapping heat and contributing to global warming over the 20-year period covered by the General Plan.² Therefore, addressing these emissions is critical for the County to meet emission reduction targets required under State law.

Despite this available data, the County’s Draft Plan and DEIR failed to disclose these emissions, analyze their impacts, or identify feasible measures to ensure emission reductions over the life of the Plan. The result is a CAP that presents flawed baseline data of GHG emissions that undermines the entire planning process. Without an accurate baseline inventory, the DEIR’s projected future emissions from the oil and gas sector (see

O20-6
cont.

² Current scientific evidence concerning the global warming potential of methane over different time scales is discussed in detail in CFROG’s comments on the Preliminary Draft Plan. *See* June 5, 2019 Comments at 16-18 and cited references. Specifically, according to the Intergovernmental Panel on Climate Change’s most recent Assessment Report, methane is 85-87 times more potent than carbon dioxide over a 20-year time period, accounting for climate-carbon feedbacks and additional warming from methane oxidation. Myhre, G., et al., 2013: Anthropogenic and Natural Radiative Forcing at 714 (Table 8.7). In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Available at https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5_Chapter08_FINAL.pdf. An excerpt from the IPCC report is attached as Exhibit 10.

SHUTE, MIHALY
WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 8

DEIR, Appendix D at 45) have no evidentiary basis. Inasmuch as the County permits oil and gas operations in unincorporated lands in the County, the County has an obligation to consider these emissions and take concrete steps to limit them in the future. The failure to do so renders the CAP fatally flawed. A revised CAP must correct this flaw and include a comprehensive inventory of all emissions, including all emissions from oil and gas operations.

O20-6
cont.

B. Emission Forecasts are Inadequately Supported.

Projections of “business as usual” emissions from the oil and gas sector in the CAP and DEIR lack adequate justification and support. The DEIR assumes oil and gas production will increase by more than one million barrels per year between 2015 and 2040. DEIR Appendix D at 45. Stationary sources are projected not only to remain a significant source of emissions in the County, but also to continue increasing, through 2050. Draft Plan at B-10 (Table B-4).

Appendix B appears to use “County-specific demographic” projections—presumably population growth—as the basis for its future emissions projections, although the precise methodology used is not explained. *See* Draft Plan at B-10. The DEIR similarly bases its projections on “growth rates for population, employment and housing” forecast by the Southern California Association of Governments.” DEIR at 4.8-5. Yet neither document explains why stationary source emissions from in-County oil and gas development would be expected to increase due to County population growth. As we noted in our prior comments, the document offers no basis for assuming that local oil and gas development is driven by local population growth in the same manner as transportation or residential or commercial development. Put another way, neither the Draft Plan nor the DEIR offer evidence that local *demand* for oil and gas drives local *production* of oil and gas (or, put another way, that local oil and gas production tracks generic projections of County growth in a linear fashion).

O20-7
cont.

Nor do the Draft Plan or DEIR provide any evidence to support the assumption that County oil and gas production will continue to increase through 2050. *See* DEIR, Appendix D at 45. California production has been declining for many years. *See, e.g.*, U.S. Energy Information Administration, California Field Production of Crude Oil 1980-2018 (attached as Exhibit 3 to June 5, 2019 letter); DOGGR 2017 (attached as Exhibit 2 to June 5, 2019 letter) at 5. The DEIR’s assumptions thus appear contrary to the evidence. To the extent some other assumptions lie behind the projected increase in emissions—for example, that production might increase as a result of new or expanded enhanced oil recovery technologies—Appendix B fails to explain what they are.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 9

In fact, Appendix B's projected increase in production is contrary to state policy and trends. Statewide efforts to decarbonize the electrical grid, electrify the transportation sector, and increase building energy efficiency should reduce local demand for oil and gas significantly over the next several decades. As discussed above, the state is actively planning to transition away from fossil fuels—including reductions in both demand and supply—by 2045. *See* Exhibits 2, 3, 4 [Budget Act; Carbon Neutrality Studies Scope of Work 1 and 2]. Unfortunately, the discussion of statewide legislation and policy that could reduce fossil fuel demand and emissions in coming years (Draft Plan at B-11) is incomplete; for example, it does not include Zero Net Energy improvements to the Building Code or incentives for electric vehicles. Nor does Appendix B mention the state's Short-Lived Climate Pollutant strategy. In short, Appendix B's forecast increase in stationary source emissions lacks adequate support and analysis.

O20-7
cont.

Finally, planning for continued expansion of Ventura County oil and gas production flies in the face of both overwhelming climate science and clear state policy. Nowhere do the Draft Plan or the DEIR adequately disclose or analyze the consequences of this approach or its blatant inconsistency with statewide GHG reduction plans and programs. *See* CEQA Guidelines, § 15125(d).

C. The Draft Plan Presents Vague Measures That Cannot Produce the Necessary Emission Reductions and Improperly Defers Development of Implementation Programs.

Appendix B's most fundamental weakness may be its failure to identify a set of GHG reduction measures that comes anywhere close to achieving the County's desired targets and goals. The Draft Plan offers only a vague assurance that the "County shall reduce GHG emissions" through "combination of measures included in the GHG Strategy" (Draft Plan at B-15; Policy COS-10.4), but never addresses how that "combination of measures" will reduce emissions by the amounts necessary.

O20-8

Indeed, many of the "CAP" measures collected in Appendix B from various other elements of the General Plan represent only soft, unquantifiable commitments to "encourage" or "promote" various actions (see section II.B below for specific examples). Although hortatory, qualitative measures of this sort may be appropriate to supplement more concrete requirements, identification of specific, enforceable measures and quantification of resulting emissions reductions are required to demonstrate consistency with quantitative targets and goals. Enforceable, concrete commitments to mitigation also are required under CEQA. Neither the Draft Plan nor the DEIR contains adequate measures of this kind.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 10

D. The CAP and DEIR Fail to Provide Adequate Mitigation to Reduce the Plan's Emissions.

The DEIR acknowledges that GHG emissions under the proposed Plan would be significant, even with proposed mitigation measures. DEIR at 4.8-49. The DEIR also acknowledges that the Draft Plan would result in future GHG emissions that exceed the State's 2030 and post-2030 targets for emission reduction. DEIR at 4.8-52. However, the DEIR fails to identify feasible mitigation measures that will lessen these significant impacts.

Under CEQA, mitigation measures proposed in an EIR must be "fully enforceable" through permit conditions, agreements, or other legally binding instruments. Pub. Res. Code § 21081.6(b); CEQA Guidelines §15126.4(a)(2). As the DEIR itself admits, a substantial number of the programs and policies proposed in the Plan will not result in quantifiable emissions reductions and thus cannot be counted on to mitigate the Plan's significant GHG impacts. DEIR at 4.8-50. As discussed in more detail in section III.B of this letter below, the programs and policies in the General Plan are unlikely to reduce the Project's impacts because of their voluntary, flexible, and unenforceable nature. Here, the proposed policies are vague and include directory terms like "as appropriate," "where feasible" and "support," rather than mandatory terms like "require," "reduce," and "deny."

O20-9

Moreover, the Draft Plan and DEIR fail to adequately address methane emissions from the oil and gas sector. The Plan includes programs to address methane emissions from the waste (e.g., PFS-L), water (e.g., Program WR-G) and agriculture (e.g., Programs AG-I, AG-J, and AG-K) sectors. DEIR at 4.8-44. The Plan, however, omits policies, programs, or mitigation measures to reduce methane emissions from oil and gas operations. This omission should be corrected through additional mitigation measures that will effectively limit expansion of oil and gas operations in the County and actively transition the County's economy away from fossil fuels. See, sections III B and C of this letter below for specific policy recommendations related to GHG emissions reductions.

O20-10

Finally, the DEIR improperly attempts to avoid responsibility for proposing mitigation by claiming the County has no authority "to enforce measures that may potentially infringe upon private property rights, reduce the economic competitiveness of local businesses, or inhibit the ability for residents to travel between residences, jobs, and amenities." DEIR at 4.8-49; *see also id.* at 4.8-39, 4.8-52. While the County obviously must operate within constitutional limits, the DEIR's attempt to disclaim any authority to control activities within its jurisdiction is overbroad to the point of abdication. For more than a century, courts have recognized that local governments may exercise their police

O20-11

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 11

powers despite resulting impingements upon property rights and economic competitiveness. *See, e.g., Hadacheck v. Sebastian* (1915) 239 U.S. 394, 409-10. Moreover, to the extent the DEIR is claiming that any additional mitigation (particularly with respect to existing land uses) would be legally infeasible, its conclusory statements regarding lack of authority fall far short of CEQA's requirements. *See, e.g., City of San Diego v. Board of Trustees of California State University* (2015) 61 Cal.4th 945, 956 ("An EIR that incorrectly disclaims the power and duty to mitigate identified environmental effects based on erroneous legal assumptions is not sufficient as an informative document.") (internal quotation omitted). "In mitigating the effects of its projects, a public agency has access to all of its discretionary powers . . . includ[ing] such actions as adopting changes to proposed projects, imposing conditions on their approval, adopting plans or ordinances to control a broad class of projects, and choosing alternative projects." *Id.* at 959. The DEIR's attempt to abdicate the County's regulatory and police power authority has no legal basis and cannot support any finding of infeasibility.

O20-11
cont.

The DEIR also appears to conclude that the County may weigh the Draft Plan's asserted economic and other benefits against its environmental consequences without first proposing and adopting all feasible measures to mitigate or avoid significant effects. *See* DEIR at 4.8-49, 4.8-52. This conclusion rests on a misinterpretation of CEQA. An agency must properly find that mitigation and alternatives are infeasible *before* engaging in any balancing of benefits and harms. *See* Pub. Resources Code § 21081(a)(3), (b); CEQA Guidelines § 15092(b)(2). The County may not disclaim its responsibility to develop feasible mitigation by prematurely claiming that the project's benefits outweigh its environmental drawbacks.

O20-12

E. The Draft Plan's "GHG Strategy" Does Not Satisfy the Requirements for CEQA Streamlining.

As pointed out in our prior comments, the Draft Plan (and the portions of the Draft Plan comprising the "GHG Strategy" or CAP) fails to provide any basis for streamlining analysis of the cumulative climate impacts of subsequent projects based on consistency with the General Plan or CAP. *See* CEQA Guidelines § 15183.5. The DEIR correctly proposes to eliminate one express reference to streamlining based on the CAP. The Draft Plan and the County's Initial Study Assessment Guidelines, however, should be revised to make explicit that neither the General Plan nor the CAP contains sufficient specific, enforceable GHG reduction measures to support streamlined CEQA review of future projects.

O20-13

Proposed Implementation Program COS-EE (Draft Plan at B-20) would allow streamlined GHG emissions analysis for projects demonstrating that: the project is

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 12

consistent with current general plan and zoning designations; that the project incorporates all applicable GHG reduction measures in Appendix B to the General Plan; and the project “clearly demonstrates the method, timing, and process for which the project will comply with applicable GHG reduction measures and/or conditions of approval. Draft Plan, Appendix B at B-20 and B-2. As drafted, however, the CAP falls far short of the requirements of CEQA Guidelines section 15183.5. In order to support a determination that CAP consistency eliminates significant climate effects, a CAP must (among other things) clearly demonstrate that its prescribed measures will actually achieve the reductions necessary to attain the CAP’s stated goals. CEQA Guidelines § 15183.5(b)(1)(D). As discussed above, the CAP provides no basis for such a conclusion.

The DEIR proposes a mitigation measure that deletes Implementation Program COS-EE, purportedly on the ground that project-specific review may ensure greater emissions reductions over time than compliance with generic measures in the General Plan and CAP. *See* DEIR at 2-34 and 2-35, MM GHG-3. We agree that Implementation Program COS-EE should be removed from the Draft Plan, and that rigorous review of the climate impacts of future discretionary projects should be required. Until such time as the General Plan identifies policies and programs that lead to quantifiable emission reductions adequate to achieve the Plan’s stated goals, streamlining environmental review would be unlawful. For this reason, CFROG requests not only that Implementation Program COS-EE be deleted, but also that the Draft Plan and CAP be revised (1) to remove other references to streamlined analysis of future projects (*see, e.g.*, Draft Plan at 12-4, B-3, B-5, B-24 to B-24, B-57), and (2) to expressly state that the General Plan and GHG Strategy are neither sufficient nor intended to be used to support streamlined environmental analysis under CEQA Guidelines section 15183.5. The DEIR similarly must be revised to remove references to CEQA streamlining based on the General Plan or CAP. *See, e.g.*, DEIR at 4.8-4.

O20-13
cont.

II. The Draft Plan Must Ensure Lawful Application of Air Quality Thresholds.

As discussed in our June 5, 2019 comments, CFROG strongly supports retaining existing air quality thresholds in the Ojai Valley Area Plan. CFROG is pleased to see that these provisions have been carried forward into the Draft Plan as Goal OV-55 and Policy OV-55.1. Draft Plan at OV-30. However, as CFROG’s prior comments pointed out, the rest of the County is still subject to a much higher air quality threshold. June 5, 2019 Comments at 12. Those prior comments recommended a policy that would commit the County to adopting more stringent air quality thresholds outside the Ojai Planning Area. *Id.* That policy should be considered as an additional mitigation measure for the Draft Plan’s impacts on air quality.

O20-14

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 13

Furthermore, all County air quality thresholds must be interpreted and applied in a manner consistent with CEQA. Our June 5, 2019 comments detailed the ways in which the current Air Quality Assessment Guidelines violate CEQA. June 5, 2019 Comments at 6-10. For this reason, CFROG appreciates the clarifications in Policy HAZ-10.11. In keeping with the revised policy, both the Air Quality Assessment Guidelines and the Initial Study Assessment Guidelines must be revised in a manner that reflects CEQA's requirements as outlined in our June 5, 2019 comments.

O20-15

III. The DEIR for the 2040 General Plan Fails to Comply with CEQA.

A. The DEIR's Proposed Measures to Weaken General Plan GHG Reduction Policies Lack Support.

The Draft Plan includes policies that would reduce GHG emissions from both trucking and flaring associated with oil and gas production. The DEIR proposes "mitigation measures" that would water down both policies, but fails to establish any legal or evidentiary basis for doing so.

1. Mitigation Measure PR-2 (Weakening Pipeline Requirements)

Currently, oil and produced water from local oil wells are largely transported by truck. Trucking these oil production by-products creates safety hazards on County roads, exposes residents to toxic diesel pollution, and causes substantial amounts of greenhouse gas emissions due to truck vehicle miles travelled. In response to direction from the County Board of Supervisors, the Draft Plan includes Policy COS-7.7: Conveyance for Oil and Produced Water, which addresses this problem by requiring newly permitted oil wells to use pipelines instead of trucks to transport oil and produced water.

O20-16

The DEIR concludes that, because oil operators located beyond a two-mile radius of a major oil transmission pipeline are likely small producers not extracting a large amount of oil, the added costs to these oil companies of constructing pipeline connections make this policy infeasible to implement and may lead to a loss of petroleum resources. DEIR at 4.12-26. The DEIR therefore proposes Mitigation Measure PR-2, which would revise Policy COS-7.7 to allow trucking if the project proponent demonstrates that conveying water or gas by pipeline would be infeasible. *Id.* at 4.12-31. There are numerous flaws with the DEIR's approach.

First, the DEIR provides no evidence that the cost of constructing pipelines would make continued extraction economically impractical. *See Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1352, 1357 (evidence must show

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 14

alternative is economically impracticable, not merely more expensive, to support finding of infeasibility). The DEIR cites one project that would have required a 6- to 10-mile pipeline as an example (DEIR at 4.12-23 to 4.12-24), but it provides no comprehensive economic analysis or other evidence to support its assumption that all operators more than two miles from an existing pipeline likely would have to transport oil and water by truck. *See id.* at 4.12-25 to 4.12-26. Therefore, the DEIR's proposal lacks the evidentiary support CEQA requires.

The DEIR's assumption that all operators located more than two miles from a pipeline are "smaller oil producing operations that are not extracting a large amount of oil" (DEIR at 4.12-26) particularly lacks factual support. Indeed, a review of oil and gas wells located in Ventura County on the California Geologic Energy Management Division ("CalGEM", formerly DOGGR) website provides evidence to the contrary. For example, two of the largest clusters of active oil wells outside the two-mile radius from major transmission lines in the County are in the Timber Canyon oilfield and in the Sespe oilfield. *See*, <https://maps.conservation.ca.gov/doggr/wellfinder/#/-119.00532/34.42770/12> and DEIR at 4.12-25, Figure 4.12-4. Carbon California owns both the Timber Canyon and Sespe oilfields and operates oil wells in both fields. *See* Carbon Energy Corporation Corporate Overview 2019, at 13 attached as Exhibit 11. Carbon California does not fit the profile of a "smaller oil producing operations that are not extracting a large amount of oil." DEIR at 4.12-26. As indicated in a 2019 Air Pollution Control District filing, Carbon California represented that it produces \$300,000 of oil a month or 12% of Carbon's total California production income at Timber Canyon alone. Ventura County Air Pollution Control District, Order Granting Interim Variance, Hearing Board Case No. 878 at 4 (August 26, 2019), attached as Exhibit 12. A revised analysis must evaluate ownership of existing wells outside the two-mile radius from transmission lines, the existing number of wells that already reinject their waste water into wells or already transmit it via pipeline, and the degree to which oil operators can reasonably be expected to consolidate operations to make construction of new transmission lines feasible.

O20-16
cont.

Second, the DEIR provides no criteria for determining whether a project applicant has adequately demonstrated that conveying oil and water by pipeline is infeasible. Instead, Mitigation Measure PR-2 would delegate the feasibility finding to unnamed planning staff. Under CEQA, the lead agency has to determine the feasibility of a project (or by extension, mitigation measures associated with the project) by making written, public findings when the project is approved. Pub. Resources Code § 21081(a); CEQA Guidelines §§ 15091, 15092. CEQA prohibits delegation of the responsibility to adopt findings regarding the feasibility of mitigation. CEQA Guidelines § 15025(b)(2). The

O20-17

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 15

revised policy would delegate far more than the simple responsibility to implement mitigation. Rather, Mitigation Measure PR-2 would require County staff to make fundamental policy decisions that affect County residents' public and social health—decisions CEQA requires the County itself to make, in written findings on the record, supported by substantial evidence.

Third, and relatedly, Mitigation Measure PR-2 violate CEQA by improperly deferring formulation of mitigation. Again, the measure permits County staff to allow trucking of oil and produced water if “the proponent demonstrates” that conveyance by pipeline is infeasible. DEIR at 4.12-31. However, as noted above, the measure does not specify any criteria for infeasibility and provides no specific requirements for analysis or documentation related to feasibility. Absent any explicit criteria, County staff could allow trucking of oil and produced water whenever oil producers simply *claim* infeasibility—benefiting oil company profits while exacerbating climate change and saddling County residents with toxic air emissions and safety hazards. Indeed, just this week, the California Court of Appeal invalidated a mitigation measure that required applicants to take certain actions “to the extent feasible,” finding the measure both improperly deferred and inconsistent with CEQA’s purpose. *See King & Gardiner Farms, LLC v. County of Kern*, No. F077656 (Cal. App. 5 Dist., filed Feb. 25, 2020), slip op. at 40-41.

O20-17
cont.

Generally, mitigation measures should not be deferred nor findings of feasibility delegated to staff. CEQA Guidelines, §§ 15126.4(a)(1)(B), 15025(b)(2). A lead agency may legally defer mitigation under CEQA only if it (1) “adopt[s] specific performance criteria that the mitigation measures were required to satisfy”; (2) shows that “practical considerations prevented the formulation of mitigation measures at the usual time in the planning process;” (3) “commit[s] itself to formulating the mitigation measures in the future.” *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 736.) With respect to the proposed revisions to Policy COS-7.7, the County fails to meet any of these requirements.

In sum, as revised by Mitigation Measure PR-2, Policy COS-7.7 would provide no guidance or concrete performance standards on how feasibility determinations must be made. Staff’s determinations, made long after the approval of the Draft Plan, would take place out of public view and without a hearing. “[P]ublic participation is an essential part of the CEQA process.” *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 467 (internal quotation omitted). Delegating fundamental feasibility findings to unelected staff, without any criteria or performance standards, violates CEQA.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 16

2. Mitigation Measure PR-3 (Weakening Gas Collection Requirements and Flaring Limitations)

Mitigation Measure PR-3 suffers from the same fundamental deficiencies as Mitigation Measure PR-2, discussed above. Mitigation Measure PR-3 would revise Policy COS-7.8: Limited Gas Collection, Use, and Disposal. This policy as proposed in the Draft Plan requires that gases from all new discretionary oil and gas wells be collected for use, sale or proper disposal. Draft Plan, Appendix B at 6-13. The DEIR concludes that Policy COS-7.8 could prove too costly for new discretionary oil and gas wells located outside of a two-mile radius of a major gas transmission pipeline. DEIR at 4.12-30. The DEIR therefore proposes a mitigation measure that revises Policy COS-7.8 to allow flaring and venting outside of emergency situations if the proponent ‘demonstrates’ that conducting operations without flaring is deemed infeasible. *Id.* But here too, the DEIR fails to provide evidentiary support for its assumptions, improperly delegates fundamental feasibility findings to unelected staff, and improperly defers mitigation by failing to provide criteria or performance standards for evaluating claims of infeasibility. For the same reasons discussed above in connection with Mitigation Measure PR-2, the DEIR’s approach does not comport with CEQA.

O20-17
cont.

In sum, Mitigation Measures PR-2 and PR-3 provide no specific performance criteria that prescribe how the mitigation measure’s goals will be met, let alone provide adequate direction for County staff. As proposed, the mitigation measures would create a loophole allowing oil companies to escape compliance with Policies COS-7.7 and 7.8 simply by claiming that the cost of a pipeline connection or of gas collection is too high. Because Mitigation Measures PR-2 and PR-3 have no concrete performance standards for determinations of feasibility or how the measures’ goals can be achieved, offer no reason as to why the mitigation could not have been developed, and commit only to the most illusory of measures, mitigation is improperly deferred.

Accordingly, the County should maintain both policies as recommended by the Board of Supervisors and as presented in the Draft Plan. All newly permitted discretionary oil wells should be required to convey oil and produced water via pipelines, and all gases produced from new discretionary oil and gas wells should be collected for use, sale or proper disposal.

B. Merely Hortatory General Plan Policies Are Inadequate as Mitigation for CEQA Purposes.

Mitigation measures proposed in an EIR must be “fully enforceable” through permit conditions, agreements, or other legally binding instruments. Pub. Res. Code §

O20-18

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 17

21081.6(b); CEQA Guidelines § 15126.4(a)(2). Many of the General Plan’s policies and programs relied on to mitigate impacts related to GHG emissions are vague, optional, directory, or otherwise unenforceable. These policies should be made mandatory. A few examples—out of numerous instances—include the following:

- LU-11.4 Sustainable Technologies: *The County shall encourage discretionary development on commercial and industrial- designated land to incorporate sustainable technologies....* Draft Plan Appendix B at B-31. (This policy is optional and unenforceable; the word “require” should replace “encourage.”)
- LU-18.5 Participation in Climate Change Planning: *The County shall encourage stakeholders in designated disadvantaged communities who are vulnerable to sea level rise or other climate change impacts to have the opportunity to learn about and participate in the decision-making process for adaptation planning within Ventura County.* Draft Plan Appendix B at B-32. (This policy is optional and unenforceable; the word “encourage” should be replaced with “provide opportunities for”; this policy should have an accompanying implementation program that specifies the sort of opportunities the County will provide to facilitate public participation.)
- PFS-2.1 Sustainable Plans and Operations: *The County shall encourage energy efficiency, greenhouse gas reduction features, and resiliency planning into County facility and service plans and operations.* Draft Plan Appendix B at B -43. (This policy is optional and unenforceable; the word “require” should replace “encourage.”)
- COS-7.4 Electrically-Powered Equipment for Oil and Gas Exploration and Production. *The County shall require discretionary development for oil and gas exploration and production to use electrically-powered equipment from 100 percent renewable sources and cogeneration, where feasible....* Draft Plan Appendix B at B -49. (This policy is vague and unenforceable, improperly delegates feasibility findings to staff, and provides no criteria or performance standard for determining feasibility.)
- Program AG-K: *reduce the amount of water that needs to be treated, pumped and conveyed, which requires the use of energy”* Draft Plan at 4.8-41. (This policy is vague and unenforceable as it provides no guidance as to

O20-18
cont.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 18

quantities that could be treated, specific treatment methods, or other information on how the County would implement this program.)

Related Implementation Program K: Water-Saving Irrigation Techniques Program is equally unenforceable as it directs the County only to collaborate with and support the UC Cooperative Extension Office educational programs and does not require the agency to take any specific action.

- COS-M Oil and Gas Tax: *The County shall evaluate the feasibility of establishing a local tax on oil and gas operations located in the unincorporated county.* Draft Plan Appendix B at B53. (This policy is vague, unenforceable and voluntary as it does not commit the County to taking any concrete steps toward implementing a tax beyond evaluating its feasibility. The policy should be revised to state “The County shall, by January 1, 2022, evaluate the feasibility of establishing a local tax on oil and gas operations located in the unincorporated county, and if the County determines any such tax is feasible, it shall, by January 1, 2023, develop and propose such a tax measure for voter approval.”)
- HAZ-10.1: Air Pollutant Reduction Consistent with the General Plan: The County shall strive to reduce air pollutants from stationary and mobile sources to protect human health and welfare, focusing efforts on shifting patterns and practices that contribute to the areas with the highest pollution exposures and health impacts. Draft Plan Appendix B at B59. (This policy is optional and unenforceable; the words “achieve substantial reductions of” should replace “strive to reduce.”)

O20-18
cont.

A general plan’s goals and policies are frequently somewhat vague and aspirational. However, the County may rely on such policies to mitigate environmental impacts under CEQA *only if* they represent firm, enforceable commitments. *See Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 358 (citing *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 377). CEQA requires that mitigation measures actually be implemented—not merely adopted and then disregarded. *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1186-87; *Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.

Here, the proposed Plan’s vague and noncommittal policies and programs (and policies for which no implementation programs are identified) do not enforceably commit

O20-19

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 19

the County to specific actions and thus fail to mitigate impacts. Moreover, DEIR proposed Mitigation Measure GHG-4 (New Implementation Program HAZ-X: Greenhouse Gas Reduction Policy Enhancement) fails to remedy the aforementioned failures. Mitigation Measure GHG-4 directs the Climate Emergency Council, to be established under Policy COS-CC, to develop subprograms that “may” include expansions to programs in the General Plan. DEIR at 4.8-47. Aside from the fact that the measure itself indicates that expansion of emission reduction programs is uncertain through use of the word “may,” this mitigation measure again defers identification of feasible, effective measures needed to reduce significant impacts. As discussed above, this approach is unlawful. CEQA Guidelines, §§ 15126.4(a)(1)(B).

O20-19
cont.

Because the DEIR cannot ensure that the referenced policies will in fact be implemented to mitigate the proposed Plan’s impacts, and because the proposed mitigation further defers identification of mitigation, the policies and measures cannot serve as CEQA mitigation. *See Anderson First*, 130 Cal.App.4th at 1186-87.

C. The DEIR Has An Obligation to Consider Additional General Plan Policies That Would Mitigate the Significant Environmental Effects of Oil and Gas Development.

As indicated in our earlier comments, CFROG is concerned about the effects of oil and gas drilling on communities within the County and more broadly. The drilling and maintenance of oil and gas wells contribute to: local air pollution, climate change, contamination of water supplies, and risks to public health and safety. To this end, the County General Plan should do more to ensure protection of the County’s natural resources and to preserve quality of life for all the County’s residents.

O20-20

1. Land Use Element

a. Climate and Public Health Alternative: Prohibit New Oil and Gas Development

Continued and expanded oil and gas production runs counter to the state’s 2030 and 2050 GHG reduction goals. *See* Health & Safety Code §§ 38550, 38566; Executive Order S-3-05. Expanded production also runs directly counter to state efforts to reduce both demand and supply of fossil fuels and to achieve carbon neutrality by 2045. Accordingly, in its comments on the Preliminary Draft Plan, CFROG recommended policies that would prohibit new oil and gas development in the County. *See* June 5, 2019 Comments at 3-5.

O20-21

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 20

As those policies were not evaluated in the DEIR, CFROG once again proposes that the following new policies³ be added to the General Plan Land Use Element as mitigation measures and/or as part of a “Climate and Public Health Alternative” that would reduce the significant impacts of oil and gas development:

Policy LU-xx Prohibition of New Oil and Gas Extraction. The development, construction, installation, or use of any new facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, for petroleum extraction is prohibited on all lands within the County’s unincorporated area as a reasonable means of reducing greenhouse gas emissions and protecting the health and welfare of residents consistent with federal and state law.

Existing oil and gas operations would become nonconforming uses under this policy. Those uses, in turn, should be phased out according to a schedule that acknowledges vested rights and constitutional limitations while simultaneously supporting statewide efforts to reduce both supply and demand of fossil fuels. CFROG thus recommends that the following policies and implementation program be added to the General Plan, again either as mitigation measures or as part of an alternative that would reduce significant environmental impacts:

Policy LU-xx Existing Oil and Gas Facilities. Oil and gas extraction land uses lawfully existing on [the effective date of the General Plan Update] may continue as nonconforming uses to the extent allowed under State and local law until they are phased out pursuant to Policy LU-xx. Such uses, while they are continuing, shall not be enlarged, increased, extended, or otherwise expanded or intensified.

Policy LU-xx Phase-Out of Nonconforming Oil and Gas Operations. Nonconforming oil and gas extraction land uses shall be terminated within the shortest period of time necessary to ensure recovery of capital investments and compliance with constitutional limitations.

Implementation Program LU-X: To implement Policies LU-xx, xx, and xx [Prohibition, Existing Facilities, and Phase-Out], on or before January 1, 2022, the County shall develop and propose for adoption an ordinance providing for amortization of non-conforming oil and gas land uses, notice and hearing requirements, and any other provisions necessary to phase out such uses in a manner consistent with state and federal

³ The policies proposed in this letter are substantively equivalent to the policies proposed in CFROG’s June 5, 2019 Comments, although the specific wording of some proposals has been revised.

O20-21
cont.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 21

law. The ordinance shall contain provisions sufficient to ensure that all non-conforming oil and gas uses will be discontinued no later than 2045 unless discontinuance is expressly prohibited or precluded by state or federal law.

O20-21
cont.

b. Discretionary Review and Permitting

In the absence of a complete prohibition on new wells, the County should require all new oil wells and proposed expansions at existing facilities to obtain discretionary permits. As discussed in our prior comments, under current Ventura County policies and practices, the vast majority of oil and gas development in the County is not subject to local CEQA review or conformance with current County policies and regulations. This is because the County requires only a zoning clearance for any additional oil wells drilled within the extensive areas covered by antiquated special use permits. Under current County practices, these zoning clearances are considered to be ministerial and thus do not trigger CEQA's environmental review and mitigation requirements. We also understand that the County has not been requiring compliance with updated regulations for these clearances.

CFROG appreciates that the Board of Supervisors recently directed County staff to prepare an ordinance requiring discretionary review of new and expanded oil and gas operations at facilities subject to antiquated special use permits. However, CFROG strongly believes that a policy requiring such review should be included in the General Plan.

O20-22

The Draft Plan includes policies requiring new or modified *discretionary* oil and gas development to comply with current policies, standards, and conditions (Policy COS-7.3) and for new discretionary oil and gas development to use electrically-powered equipment (Policy COS-7.4) and to restore and revegetate the site after production (Policy COS-7.5). However, these policies apply only if a Project is subject to issuance of a discretionary permit. Because the Draft Plan does not require discretionary review for all new and expanded oil and gas operations, the Draft Plan and its DEIR fail to ensure that such operations will comply with new policies and programs to reduce GHG emissions, as well as address other impacts.

CFROG proposes the following policies to ensure that any new or expanded wells undergo discretionary review.

Policy LU-xx Renewal of Oil and Gas Facility Permits. All applications for renewal of oil and gas facility permits shall undergo discretionary review and shall be subject to updated air emissions requirements and other standards and conditions related

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 22

to oil and gas operations. Terms of renewed permits shall be limited in duration to the reasonably expected life of the wells.

Policy LU-xx Expansion of Existing Oil and Gas Operations. Proposed changes to or expansions of existing oil and gas sites, facilities, or activities shall undergo discretionary review to ensure compliance with updated regulations and appropriate environmental review pursuant to the California Environmental Quality Act.

Policy LU-xx Discretionary Review of All New Wells. Discretionary review shall be required for the drilling or construction of any new well, and for the re-drilling or deepening of any existing well, unless any such drilling, construction, re-drilling, or deepening is specifically identified by location and number or specifically authorized in an active discretionary permit. Policy LU-xx Inspection and Monitoring of Oil and Gas Facilities. Approved expansions of existing oil and gas operations shall be conditioned to require monitoring through installation of continuous emission monitoring systems (CEMS) for air quality emissions and continuous effluent quality monitoring system (CEQMS) for water pollution to detect emissions and plumes in real time.

These proposed policies are intended not only to support adoption of the ordinance that the Board of Supervisors directed staff to develop in September 2019, but also to reinforce existing County Code provisions requiring new oil and gas development to be authorized by a discretionary conditional use permit. *See* Non-Coastal Zoning Ordinance [“NCZO”], §§ 8105-4 and 8105-5, “Mineral Resource Development,” and “Oil and Gas Exploration and Production”; Coastal Zoning Ordinance [“CZO”], § 8174-5, under heading “Oil and Gas: Exploration and Production”). Similarly, these policies would support County Code provisions requiring discretionary approval in through permit modification for any material change to an existing permit. *See* NCZO, § 8111-6.1; CZO, § 8181-10.4.) These policies would reduce the overall impacts of oil and gas development by ensuring discretionary review, and site-specific mitigation and monitoring following CEQA review.

O20-22
cont.

Likewise, we propose the following General Plan policy to address oil and gas facility operations and expansions under Antiquated Conditional Use Permits.

Policy LU-xx Oil and Gas Facilities Operating with Antiquated Conditional Use Permits. All oil and gas exploration and production operations, including legally existing operations lacking discretionary permits under the County Zoning Ordinance, are automatically subject to all requirements of the County Zoning Ordinance, General Plan, and other local regulations and standards relating to oil and gas exploration, extraction,

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 23

and production, except to the extent that application of such regulations or standards would impair a vested right under state law.

This policy is feasible as evidenced by County Counsel’s position⁴ regarding the feasibility of amending the County Code to include a provision requiring antiquated conditional use permits to be and consistent with the Board’s direction to staff to update the County Code accordingly. Letter Report from County Counsel, Leroy Smith, to the County Board of Supervisors dated September 10, 2019, at 4, attached as Exhibit 13.

O20-22
cont.

Finally, CFROG previously proposed a policy that would prohibit extreme extraction methods like well stimulation treatments (including fracking) and cyclic steaming for tar sands production. June 5, 2019 Comments at 6. The DEIR did not evaluate this proposed policy. This policy should be evaluated as a mitigation measure for air quality, greenhouse gases, toxic and seismic hazards, and water quality and supply, all of which are adversely affected by extreme extraction.

O20-23

Policy LU-xx Prohibit Extreme Extraction. The development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile or fixed, accessory or principal, for well stimulation treatments, cyclic steaming, and steam flooding are prohibited on all lands within the County’s unincorporated area.

2. Conservation and Open Space Element

a. Oil and Gas Resources

The Conservation and Open Space Element’s proposed policies related to oil and gas resources are also lacking specificity and enforceability. CFROG proposes the revisions to the following proposed General Plan policies:

COS-7.5 Restoration and Revegetation of Sites Used for Oil and Gas Exploration, Extraction, and Production. The County shall require that discretionary development for oil and gas exploration activities and all existing oil and gas development undergoing permit review be conditioned to require the restoration and revegetation of the site if the exploration does not result in oil and gas production facilities or when production activities are terminated.

O20-24

⁴ “The County has a good legal argument that it can, in general, require newly proposed oil and gas development under antiquated permits to obtain authorization through a discretionary permit modification.” See Exhibit 13, at 4.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 24

COS-7.6 Abandoned Oil and Gas Well Identification. The County shall evaluate discretionary development to identify any abandoned oil and gas wells ~~on the project site~~ on all oil and gas operation sites.

In addition, CFROG proposes the following new policies be added to the Conservation and Open Space Element:

Policy COS-xx Nonconforming Oil and Gas Operations. The County shall actively work to discontinue nonconforming oil and gas extraction uses.

Policy COS-xx Review of Existing Permits. The County shall review all oil and gas permits that are 10 years or older to ensure that they are compliant with current standards and regulations to the maximum extent permitted by law.

Policy COS-xx Abandoned Oil and Gas Well Remediation. To prevent contamination of groundwater and leaks to the surface, the County shall require all abandoned oil and gas wells to be cleared of all equipment, plugged, capped and fully remediated in accordance with State and federal requirements within 60 days of ceasing operations.

Policy COS-xx Reuse of Abandoned Oil Fields. The County shall require the reclamation of abandoned oil fields to productive second uses.

Policy COS-xx Off-shore Oil Drilling. The County shall oppose any proposals for new or expanded off-shore oil drilling in the vicinity of Ventura County.

b. Energy Resource Conservation

CFROG recommends the following revisions to the proposed Energy Resource Conservation Policies:

Policy COS-8.1 Reduce Reliance on Fossil Fuels. The County shall promote the development and use of renewable energy resources (e.g., solar, thermal, wind, tidal, bioenergy, hydroelectricity) to reduce dependency on petroleum-based energy sources by developing and implementing incentives for alternative energy development and use.

Policy COS-8.7 Sustainable Building Practices. The County shall ~~promote~~ establish and require sustainable building practices that incorporate a “whole systems”

O20-24
cont.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 25

approach for design and construction that consumes less energy, water, and other nonrenewable resources, such as by facilitating passive ventilation and effective use of daylight.

Policy COS-8.8 Renewable Energy Features in Discretionary Development. The County shall ~~encourage~~ require the integration of features that support the generation, transmission, efficient use, and storage of renewable energy sources in discretionary development.

Policy COS-8.9 Urban Tree Canopy Improvements for Energy Conservation. The County shall ~~encourage~~ require all discretionary development to include the planting of shade trees on each property and within parking areas to reduce radiation heat production.

In addition, CFROG proposes that the County add the following new policies related to energy resource conservation to further reduce GHG emissions:

Policy COS-xx Carbon-free Economy. The County will prioritize and facilitate a rapid transition to a carbon-free economy countywide.

Policy COS-xx Non-fossil Fuels for County Facilities and Fleets. The County will actively pursue a rapid transition to a diversity of non-fossil fuel alternatives for all County facilities and vehicle fleets.

Policy COS-xx Non-fossil Fuels Manufacturing and Distribution. The County will actively pursue, through the development of incentives and streamlined permit review, increasing a diversity of renewable energy manufacturing and distribution facilities countywide.

O20-24
cont.

3. Hazards and Safety Element

The Draft Plan's Hazards and Public Safety element recognizes the threats being faced by the County, particularly climate change and seismic activity. Unfortunately, as CFROG pointed out in prior comments, the measures outlined in the Draft Plan are insufficient to protect County residents from these inevitable hazards and other adverse effects of oil and gas activity.

O20-25

a. Protection from Seismic Hazards.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 26

The Draft Plan fails to provide adequate protection from identified hazards related to oil and gas pipelines. Specifically, Policy HAZ-4.2 requires oil and gas pipelines to avoid intersecting active faults to the extent possible. However, the policy includes no specific measures for pipelines that must cross a fault line to address steps that must be taken to prevent spills from ruptured lines. CFROG suggests additional policies for the County to consider that would address this omission:

Policy HAZ-xx Safety Standards for Cross Fault Line Pipelines. Gas or crude oil transmission and distribution pipelines which cross active or potentially active fault lines shall be subject to additional safety standards, including emergency shutoff capabilities.

Similarly, in proposed Policy HAZ-4.8, the County attempts to prohibit hazardous material storage facilities within areas prone to severe ground shaking. Yet, there is no mention of the detrimental effects of “fracking” or the injection of wastewater into underground geological formations for storage and disposal. Numerous studies have linked fracking to increased seismic activity. In a county crisscrossed by numerous active and potentially active faults, it is only reasonable for the County to consider the effects of fracking on increasing the likelihood of seismic events and the potential dangers associated with this method of resource extraction.

O20-25
cont.

Additionally, the injection of wastewater into underground formations is also linked to increased seismic events, which could trigger a leak within the formation, which in turn may endanger the groundwater quality in the County. *See*, <https://www.usgs.gov/faqs/does-production-natural-gas-shales-cause-earthquakes-if-so-how-are-earthquakes-related-these> ; “The 2013–2016 induced earthquakes in Harper and Sumner Counties, southern Kansas,” Bulletin of the Seismological Society of America. Justin L. Rubinstein, William L. Ellsworth, and Sara L. Dougherty, available at <https://pubs.er.usgs.gov/publication/70195671> , abstract attached as Exhibit 14; *see also* “Studies link earthquakes to fracking in the Central and Eastern US,” Seismological Society of America, ScienceDaily April 26, 2019, available at <https://www.sciencedaily.com/releases/2019/04/190426110601.htm> , attached as Exhibit 15. Thus, we recommend the County add a policy requiring any fracking or wastewater disposal project to study the potential impacts of triggering seismic events and the impacts if a seismic event does occur. Such activities should not be allowed without a thorough understanding of the potential consequences and with plans in place to limit those negative consequences. To this extent, CFROG suggests adding a new policy to ensure that all injection into subsurface formations is done with a substantial understanding of the potential effects.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 27

Policy HAZ-xx Seismic and Geotechnical Studies for Well Injection. Require that applicant provide additional seismic and other geotechnical studies which demonstrate that there will be no increased risk of earthquakes, subsidence or related geologic issues resulting from extraction, drilling or injection activities, when within a fault zone.

O20-25
cont.

b. Compliance with Local, State, and Federal Regulations and Standards.

Proposed Policy HAZ-7.1 requires all discretionary permits for proposed oil and gas exploration and production projects to comply with local, state, and federal oil spill prevention regulations. This is insufficient. The County must do more to ensure its residents are safe and the environment protected from oil and gas exploration and production projects. As mentioned above, the County must include specific and quantifiable mitigation measures for existing development as well. While the policy contemplates compliance with local standards, the County does not have any standards in place to supplement federal and state regulations to address the specific problems being faced in Ventura County.

Additionally, state and federal regulations have changed and been updated. If a conditional use permit has been issued more than five years ago, the County should require inspection and enforcement of the existing conditions and evaluation if imposing new conditions would significantly improve the safety of such projects. Permits for operations involving hazardous substances also should be subject to discretionary renewal. To that end, CFROG suggests the County include the following policies in the draft plan:

O20-26

Policy HAZ-xx Maintain Compliance with Local, State, and Federal Oil Spill Prevention Regulations. Review all oil exploration and production development which has been approved more than five (5) years prior to the effective date of this General Plan for consistency with applicable local, state, and federal oil spill prevention regulations. Establish mitigation activities as needed to maintain the standards and conditions required when the permit was issued.

Policy HAZ-xx Review of Permits Involving Hazardous Materials. Permits for any oil exploration and production projects, and associated production facilities, involving the transport or use of hazardous materials must be effective for no longer than five years, and must be reviewed and either renewed, further conditioned, or denied prior to expiration.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 28

c. Increased Bonding Requirements to Ensure Proper Plugging and Abandonment, and Remediation of Oil Production and Exploration Sites.

Based on the wide array of impacts associated with oil and gas development, CFROG suggests that the County increase the bonding requirement to cover potential negative consequences from spills, failure to properly plug and abandon wells, and failure to properly remediate and restore the well site to other beneficial uses. The increased bonding requirement should be linked to proper plugging and abandonment after extraction has been finished. The oil and gas producers should plug the well and implement an abandonment plan. Such plans should be required prior to approval of the discretionary development and must be followed in the event that the well is deemed inactive. Additionally, the Hazards element fails to address the potential dangers associated with improperly abandoned wells. This omission creates a risk of leaks and spills that could harm County residents that may encounter an abandoned oil and gas well unknowingly. CFROG suggests the draft General Plan include a new policy to increase the bonding requirement as a condition of approval to ensure proper plugging, abandonment, and remediation of oil and gas production and exploration sites.

Policy HAZ-xx Increased Bonding Requirement and Remediation Plans. Enforce decommissioning and abandonment standards for oil extraction and exploration projects as a condition of approval. Require applicants to include a cost estimate for decommissioning and site restoration work following the cessation of extraction activities, and to post a bond for the estimated amount. Conduct an inspection after decommissioning and site restoration to ensure that all remediation activities have been satisfactorily completed. Require operators to dismantle all structures that cannot be effectively reused, and to recycle all materials as much as possible. Require that all hazardous waste, including electronics or toxic materials, is disposed of in accordance with applicable health and environmental safety standards.

O20-26
cont.

d. Inspection and Enforcement of Existing CUP Conditions.

With technological advances and changes to state and federal oil and gas exploration and production regulations, the County should prioritize inspection and enforcement of the conditions of approval for existing oil and gas exploration and production sites. This is particularly true with respect to safety and oil spill prevention measures. To this effect, CFROG suggests including a new policy to inspect oil pipelines and enforce existing CUP conditions.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 29

Policy HAZ-xx Annual Inspection and Enforcement of Existing CUP Conditions. Require annual inspections and enforcement of CUP conditions, including ensuring the most up to date spill prevention and safety technology.

e. Real-Time Detection and Monitoring of Emissions and Plumes.

CFROG suggests the County add a policy to the Draft Plan to require monitoring of oil and gas exploration and production sites, including the pipelines used to convey the oil and gas, through the use of cameras or other technology to detect emissions and plumes in real time:

Policy HAZ-xx Inspection and Monitoring of Oil and Gas Facilities. New discretionary oil and gas development and any proposed expansion of or changes to existing oil and gas operations shall be conditioned to require monitoring through installation of continuous emission monitoring systems (CEMS) for air quality emissions and continuous effluent quality monitoring system (CEQMS) for water pollution, or equivalent monitoring measures (including but not limited to thermal imaging cameras) capable of detecting and recording emissions and plumes in real time.

O20-26
cont.

f. Pipeline Inventory and Maintenance Records.

The Draft Plan indicates that oil and gas transport lines have been mapped on the County's GIS. Draft Plan at 7-21. In addition to mapping these facilities, however, the County should also keep accurate records of maintenance and control technology for these pipelines. It is important to track the age of the pipelines and the technology installed on these pipelines to prevent spills from ruptures. By having this information at hand, the County will have the tools to prioritize specific pipelines for maintenance, and in a seismic event, the ability to identify the pipelines requiring immediate attention. Also, if one pipeline fails, by comparing the age and technology on the pipeline, the County can identify those other pipelines in similar conditions that will need to be replaced prior to another failure. CFROG suggests the addition of a new policy to require oil and gas producers to furnish the County with the relevant records on the maintenance and technology installed on those pipelines.

Policy HAZ-xx (Pipeline Inventory and Maintenance Records). Require all oil and gas producers with active pipelines to furnish the County with accurate and up to date maintenance and safety technology records.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 30

IV. The DEIR's Proposed Buffer Requirements For Oil and Gas Operations Are Insufficient to Protect Public Health.

The Draft Plan proposes setbacks from oil and gas operations to protect sensitive receptors from toxic pollutants. Draft Plan at 6-12. Proposed General Plan policy COS-7.2: Oil Well Distance Criteria would require new discretionary oil wells to be located 1,500 from residences and 2,500 feet from schools. DEIR Mitigation Measure PR-1 proposes revisions to this policy to limit the buffer to 1,500 feet from all sensitive receptors. DEIR at 2-40 and 4.12-18. The GPU DEIR indicates that there are currently 23 active and idle oil wells within 2,500 feet of schools and 715 active wells within 1,500 feet of homes in the County. DEIR at 4.12-14.

O20-27

A number of recent studies and literature reviews have discussed impacts from oil and gas development, including emissions of criteria and toxic air pollutants, water pollution, noise, light, and biological hazards like Valley Fever.⁵ Many of these studies provide a foundation supporting the establishment of setbacks and for imposing setbacks of at least 2,500 feet from oil and gas operations.

For example, a literature review conducted by Nicole J. Wong, MPH, suggests that far greater setback distances are necessary to protect against adverse health outcomes,

⁵ In addition to the studies discussed in detail below, numerous studies and literature reviews have detailed harm from fracking and other forms of oil and gas development. See, e.g., Concerned Health Professionals of NY and Physicians for Social Responsibility, *Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking (Unconventional Gas and Oil Extraction)* (6th ed. June 2019), attached as Exhibit 16; Kristina Marusic, *After a decade of research, here's what scientists know about the health impacts of fracking*, Environmental Health News (April 15, 2019), available at <https://www.ehn.org/health-impacts-of-fracking-2634432607.html> (visited Feb. 25, 2020). Notably, although these studies focused on the health effects of fracking, a comprehensive review of well stimulation techniques (including fracking) by the California Council on Science and Technology ("CCST") concluded that "[a]ll forms of oil and gas development, not just that enabled by well stimulation, may cause similar public health risks." Seth D. C. Shonkoff, et al., *Chapter Six: Potential Impacts of well Stimulation on Human Health in California*, in Jane C. S. Long, et al., California Council on Science and Technology, *An Independent Scientific Assessment of Well Stimulation in California, Volume II: Potential Environmental Impacts of Hydraulic Fracturing and Acid Stimulation at 375* (updated July 2016), available at <https://ccst.us/wp-content/uploads/160708-sb4-vol-II-6-1.pdf> (visited Feb. 25, 2020).

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 31

particularly from exposure to air pollutants.⁶ Based on studies showing adverse health effects from air and water pollution at distances well over one-half mile, Ms. Wong concluded that “a 2,500-foot setback recommendation is on the *lower end* of the range of distances where research has determined harmful health and quality of life impacts of toxic emissions and exposures.”⁷

In another example, a study⁸ considered the minimum distance that might be required in case of a blow-out or explosion event by investigating historical evacuation data. This study determined that the average evacuation zone for such incidences is 0.8 miles, or 4,224 feet.⁹ In addition, the Environmental Health Project (EHP), a public health organization consisting of a consortium of experts in environmental studies and public health, agreed that 1.0 to 1.25-mile distance (6,600 feet) from unconventional oil and gas development (i.e., fracking) is an acceptable minimum to protect human health. Additionally, the study recommends greater setback distances for settings where vulnerable subpopulations might gather, such as schools, day care centers, and hospitals.

O20-27
cont.

In sum, these recent reviews, and the numerous scientific studies considered therein, provide scientific and factual support for development of setbacks in excess of 2,500 feet. An setback of at least 2,500 feet is necessary to protect the health and safety of County residents.

Mitigation Measure PR-1 properly expands the list of “sensitive use structures” to which Policy COS-7.2 would apply. DEIR at 4.12-18. However, the measure would reduce the buffer distance from schools from 2,500 feet to 1,500 feet. As discussed above, ample scientific information indicates that a 1,500-foot buffer is likely insufficient to protect public health and safety.

⁶ Nicole J. Wong, MPH, *Existing Scientific Literature on Setback Distances from Oil and Gas Development Sites* (version 2, Nov. 2017), available at <http://www.stand.la/research--reports.html>, attached as Exhibit 17.

⁷ *Id.* at 1; see also *id.* at 6 (Table 1) (comparing distances at which several studies documented potential adverse health outcomes with 2,500-foot proposed setback distance) (emphasis added).

⁸ Haley, M., McCawley, M., Epstein, A. C., Arrington, B., & Bjerke, E. F. (2016). *Adequacy of current state setbacks for directional high-volume hydraulic fracturing in the Marcellus, Barnett, and Niobrara Shale Plays*. ENVIRONMENTAL HEALTH PERSPECTIVES, 124(9), 1323, available at <https://ehp.niehs.nih.gov/doi/full/10.1289/ehp.1510547>

⁹ *Id.* at 3.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 32

In particular, reducing the proposed buffer distance from schools as proposed in Mitigation Measure PR-1 would be both unsupported and unwise. Children are often outdoors at schools, daycare centers, and recreation facilities, where they can be exposed to significant hazards. For example, on March 6, 2006, a small earthquake caused a break in an idle well bore in Upper Ojai, causing oily brine to flow to the surface for months. *See* DOGGR, 2006 Annual Report of the State Oil & Gas Supervisor at 26 (2007), excerpt attached as Exhibit 18; *see also* The Next Big One, VC Reporter (Aug. 22, 2013), at <https://vcreporter.com/2013/08/the-next-big-one/> (visited Feb. 25, 2020); Jhon Arbelaez, Shaye Wolf, and Andrew Grinberg, On Shaky Ground: Fracking, Acidizing, and Increased Earthquake Risk in California at 13 (March 2014), attached as Exhibit 19. Drilling near schools and daycares could expose many more children to similar (or far worse) hazards. Therefore, CFROG respectfully requests that the County revise Policy COS-7.2 to require a minimum setback distance of 2,500 feet from *all* sensitive receptors, including schools, daycares, residences, and medical facilities.

O20-27
cont.

Finally, Policy COS-7.2 would apply only to “new discretionary oil and gas wells.” DEIR at 4.12-18; Draft Plan at 6-12.¹⁰ The proposed policy thus leaves numerous residents with no protection from existing oil and gas wells. *See* DEIR at 4.12-16 (Figure 4.12-2). Although CFROG recognizes that some of these existing wells may be subject to vested rights, existing operations should nonetheless be amortized and phased out as soon as legally possible.

Accordingly, the County should evaluate an additional mitigation measure consisting of the following policy and implementation program:

O20-28

Policy COS-xx Phase-Out of Existing Oil and Gas Operations Near Sensitive Uses. Existing oil and gas exploration and production activities located closer than the minimum distance from sensitive use structures established by Policy COS-7.2 shall be terminated within the shortest period of time possible, consistent with protection of any vested rights and applicable constitutional limitations.

Implementation Program COS-X: To implement Policy COS-xx [Phase-Out], on or before January 1, 2023, the County shall develop and propose for adoption an ordinance providing for amortization of existing oil and gas exploration and production

¹⁰ As proposed in the Draft Plan, Policy COS-7.2 applies only to “oil wells,” while in the DEIR, the policy would apply to “oil and gas wells.” The policy clearly should apply to both oil and gas wells.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 33

activities located closer than the minimum distance from sensitive use structures established by Policy COS-7.2, notice and hearing requirements, and any other provisions necessary to phase out such uses as quickly as possible in a manner consistent with state and federal law.

O20-28
cont.

V. The DEIR Improperly Eliminated and Failed to Analyze Alternatives That Would Reduce or Avoid Significant Impacts.

The DEIR does not comply with the requirements of CEQA because it fails to undertake a legally sufficient study of alternatives to the Project. A proper analysis of alternatives is essential to comply with CEQA's mandate that, where feasible, significant environmental damage be avoided. Pub. Resources Code § 21002 (projects should not be approved if there are feasible alternatives that would substantially lessen environmental impacts); CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(f). The primary purpose of CEQA's alternatives requirement is to explore options that will reduce or avoid adverse impacts on the environment. *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1089. Therefore, the discussion of alternatives must focus on project alternatives that are capable of avoiding or substantially lessening the significant effects of the project, even if such alternatives would impede to some degree the attainment of the project objectives or would be more costly. CEQA Guidelines § 15126.6(b); *see also Watsonville Pilots*, 183 Cal.App.4th at 1089 ("[T]he key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts").

O20-29

As a preliminary matter, the DEIR's failure to disclose the extent and severity of the Project's climate impacts necessarily distorts the document's analysis of Project alternatives. As a result, the alternatives are evaluated against an inaccurate representation of the Project's impacts. Proper identification and analysis of alternatives is impossible until Project impacts are fully disclosed. Moreover, as discussed above, the document's analysis is incomplete and/or inaccurate so that it is simply not possible to conduct a comparative evaluation of the Project's and the alternatives' impacts.

In any case, the DEIR improperly circumscribes its analysis of potential Project alternatives and makes no serious attempt to describe an alternative that avoids or substantially minimizes the climate impacts of the Project. Comments on the Notice of Preparation for the EIR, including comments from CFROG, urged the County to analyze alternatives that would reduce oil and gas production. CFROG also requested that the County add policies and programs that would achieve similar purposes in its comments on the Preliminary Draft Plan. See June 5, 2019 Comments at 3-5, 25-30.

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 34

The DEIR identifies three alternatives that would address climate impacts related to GHG emissions. These include: the Limit Active and Idle Wells and Reduce Oil Well Emissions Alternative, the Eliminate or Reduce Existing Oil and Gas Wells or Production Alternative, and the Carbon Neutrality Alternative. As discussed in more detail below, the DEIR, however, declined to evaluate any of these proposals as alternatives, and instead rejected them all as infeasible. The DEIR's refusal to evaluate these additional policies, either as alternatives or mitigation measures, was improper.

A. Alternatives That Would Reduce Oil and Gas Production Were Improperly Rejected.

The DEIR rejected alternatives that would limit oil and gas production on two grounds. First, the DEIR found such alternatives "focuse[d] on one specific land use and [did] not comprehensively address most of the basic project objectives." DEIR at 6-9. Yet the DEIR does not identify a single project objective that would not be met by an alternative that provides a comprehensive plan for development in the County while simultaneously reducing reliance on oil and gas exploration and production. Such an alternative would still satisfy most if not all of the objectives listed in the DEIR. It would also avoid or substantially lessen significant impacts of oil and gas development. Nothing in CEQA contemplates or permits elimination of an alternative that meets most project objectives solely on the basis that it would reduce environmental impacts associated with a subset of land uses. And even if CEQA did preclude analysis of alternatives that primarily focus on a subset of land uses, the alternatives' provisions still could serve as mitigation measures for the significant effects of those land uses. Either way, the DEIR fails to justify its elimination of these provisions from detailed consideration.

O20-30

Second, the DEIR claims eliminating or reducing existing oil and gas operations would "present legal and economic feasibility issues." DEIR at 6-9. This claim, however, is entirely conclusory and lacks any supporting explanation or analysis. It is also wrong.

Reducing both new and existing oil and gas operations in the County is legally feasible. Nearly a century of case law confirms that local governments may determine where oil and gas operations occur, and may even prohibit such operations altogether. *See, e.g., Higgins v. Santa Monica* (1964) 62 Cal.2d 24; *Beverly Oil*, 40 Cal.2d 552; *Pacific Palisades Assn. v. City of Huntington Beach* (1925) 196 Cal. 211; *Hermosa Beach Stop Oil Coalition*, 86 Cal.App.4th 534; *Friel v. Los Angeles County* (1959) 172 Cal.App.2d 142. A 1976 opinion of the Attorney General (59 Ops. Cal. Atty. Gen. 461) suggested that while some local attempts to regulate the precise manner of oil and gas production might be preempted, local governments generally retain their traditional authority to control land use and protect public health; the Attorney General concluded in

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 35

this context that an ordinance completely prohibiting oil and gas development probably would *not* be preempted. *See id.* at 478, 484.

Moreover, although many existing oil and gas wells in the County may be subject to vested rights, the County may constitutionally require the elimination of vested nonconforming land uses provided owners and operators are given an opportunity to come into compliance during a reasonable amortization period commensurate with the investment involved. *National Advertising Co. v. County of Monterey* (1970) 1 Cal.3d 875, 879. California courts have long recognized amortization periods as valid means to balance the competing interests of a property owner's property rights and a local agency's need to implement zoning changes to benefit public health and welfare. *Gage*, 127 Cal.App.2d at 460; *see also United Bus. Com. v. City of San Diego* (1979) 91 Cal.App.3d 156, 180 (reasonable amortization period satisfies due process requirements); *Livingston Rock and Gravel Co. v. Los Angeles* (1954) 43 Cal.2d 121, 126-28. Other jurisdictions follow this exact approach; for example, the Los Angeles Planning and Zoning Code currently provides a 20-year amortization period for termination of nonconforming oil and gas operations. L.A. Municipal Code § 12.23(C)(4). The DEIR has not demonstrated that reduction or elimination of existing operations is legally infeasible, and thus fails to comply with CEQA as a matter of law. *See City of San Diego v. Board of Trustees of California State University* (2015) 61 Cal.4th 945, 956.

O20-30
cont.

Finally, although the DEIR cites unspecified "economic infeasibility issues," it fails to provide any evidence or analysis to back up its conclusions. An EIR must contain facts and analysis, not just the "bare conclusions of a public agency." *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736 (quoting *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831.)

B. The DEIR Improperly Disclaims the County's Authority to Fight Climate Change.

The DEIR omits detailed consideration of a "carbon neutrality" alternative based primarily on the assumption that the County lacks the authority and the ability to undertake the fundamental changes necessary to avoid the very worst impacts of climate disruption. DEIR at 6-10 to 6-12. Nobody disputes that confronting the climate crisis will require daunting social and economic transformations. Yet this entire section of the DEIR effectively claims that solving the problem is too difficult, too expensive, and ultimately someone else's responsibility. Simply throwing up our hands and allowing the climate crisis to overtake our communities, however, should never be an option.

O20-31

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 36

Nobody would argue that the County must create a carbon-free economy all on its own. The point, rather, is that prompt and decisive action at all levels of government will be necessary to achieve this goal. The DEIR recites a litany of necessary actions, but it makes no effort to distinguish which actions lie wholly or partially within the County's control. The fact that a "coordinated effort of multiple levels of government" may be needed (DEIR at 6-11) does not provide the County with an excuse to claim it has no responsibility to participate. Nor does the DEIR's weak complaint that taking actions within the County's control (such as improving public transit) "may have financial constraints" (*id.*) suffice to demonstrate that all such actions are infeasible. The California Supreme Court has twice rejected public agencies' attempts to disclaim their portion of responsibility for mitigation that required coordination among different agencies and levels of government based on unsupported claims of legal infeasibility. *See City of San Diego*, 61 Cal.4th 945; *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341.

O20-31
cont.

A "carbon neutral" alternative would consist of actions the County could take in implementing its General Plan. The DEIR paints a caricature of such an alternative in order to reject it. Whatever the effort required, failure to work toward and achieve a carbon-free economy by mid-century will expose Ventura County to almost incalculable social and economic damage. The County cannot wait until 2040 or beyond for someone else to do the hard work. It has to start now, with a frank and serious look at alternatives that would commit the County to doing its fair share to avoid catastrophe.

VI. Conclusion

We appreciate your consideration of these comments. CFROG looks forward to continuing to work with the Planning Commission, Board of Supervisors, and County staff throughout the General Plan Update process.

O20-32

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Kevin P. Bundy

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 37

Attachments:

Exhibit 1 Washington Post, “California climate change: Fires, floods and a fight over free parking,” December 5, 2019

Exhibit 2 Stats.2019, ch. 23, Item 0555-001-3228 (Budget Act - Assembly Bill No. 74)

Exhibit 3 Carbon Neutrality Studies Scope of Work, Study 1

Exhibit 4 Carbon Neutrality Studies Scope of Work, Study 2

Exhibit 5 DOGGR 2017 (annual report)

Exhibit 6 Ventura County Air Pollution Control District, Part 70 Permit No. 00012, Section No. 2 at 1 (Table No.2) (May 14, 2019)

Exhibit 7 Bloomberg News, “NASA Flew Gas Detectors Above California, Found ‘Super Emitters’”, November 7, 2019

Exhibit 8 “A Third of California Methane Traced to a Few Super-Emitters,”
<https://climate.nasa.gov/news...>

Exhibit 9 Myhre, G., et al., 2013: Anthropogenic and Natural Radiative Forcing. In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press

Exhibit 10 Ventura County Methane Plum Data

Exhibit 11 Carbon Energy Corporation Corporate Overview 2019

Exhibit 12 Ventura County Air Pollution Control District, Order Granting Interim Variance, Hearing Board Case No. 878

Exhibit 13 Letter Report from County Counsel, Leroy Smith, to the County Board of Supervisors

Exhibit 14 “The 2013–2016 induced earthquakes in Harper and Sumner Counties, southern Kansas” Bulletin of the Seismological Society of America. Justin L. Rubinstein, William L. Ellsworth, and Sara L. Dougherty [abstract]

O20-33

SHUTE, MIHALY
& WEINBERGER LLP

Ms. Susan Curtis
February 27, 2020
Page 38

Exhibit 15 “Studies Link earthquakes to fracking in the Central and Eastern US, ”
Seismological Society of America. Science Daily April 26, 2019

Exhibit 16 Concerned Health Professionals of NY and Physicians for Social
Responsibility, *Compendium of Scientific, Medical, and Media Findings Demonstrating
Risks and Harms of Fracking (Unconventional Gas and Oil Extraction)* (6th ed. June
2019)

Exhibit 17 Nicole J. Wong, MPH, *Existing Scientific Literature on Setback Distances
from Oil and Gas Development Sites* (version 2, Nov. 2017)

Exhibit 18 DOGGR 2006 Annual Report of the State Oil & Gas Supervisor at 26 (2007)
[excerpt]

Exhibit 19 Jhon Arbelaez, Shaye Wolf, and Andrew Grinberg, On Shaky Ground:
Fracking, Acidizing, and Increased Earthquake Risk in California (March 2014)

O20-33
cont.

cc: Climate First: Replacing Oil & Gas

SHUTE, MIHALY
& WEINBERGER LLP

Letter O20	Climate First: Replacing Oil & Gas Kevin P. Bundy, Shute, Mihaly & Weinberger LLP February 27, 2020
-----------------------	--

- O20-1 The comment summarizes more detailed comments provided elsewhere in the comment letter. Refer to responses to comments O20-2 through O20-33 regarding the draft EIR’s analysis of greenhouse gas (GHG) emissions, use of air quality thresholds, compliance with California Environmental Quality Act (CEQA), proposed 2040 General Plan policies, oil and gas operations, and project alternatives, as well as other issues.
- The County acknowledges Climate First: Replacing Oil & Gas’s June 5, 2019, letter on the 2040 General Plan, which was reviewed and considered in preparation of the draft EIR. Where concerns raised in the June 5, 2019 letter are reiterated in this letter, they are responded to below. With respect to the 2040 General Plan’s approach to oil and gas policies and the suggestion that a “shift in direction” relative to petroleum extraction should be considered as an alternative or series of mitigation measures to reduce impacts identified in the EIR, refer to the discussion of project alternatives that would limit active and idle wells to reduce emissions (Section 4.4.4) and eliminate or reduce existing oil and gas wells (Section 6.4.5).
- O20-2 The comment asserts that the draft EIR fails to meet CEQA requirements and summarizes more detailed comments regarding mitigation measures and alternatives provided elsewhere in the comment letter. Refer to responses to comments O20-3 through O20-33, below, regarding feasible mitigation measures and alternatives to reduce the project’s significant impacts.
- O20-3 The comment asserts that the 2040 General Plan largely fails to reduce GHG emissions, presents incomplete and inaccurate GHG data, and lacks specific, enforceable measures to achieve GHG emission reductions. Refer to Master Response MR-1.A for discussion of the accounting of baseline and forecast GHG emissions from oil and gas development in the 2040 General Plan and draft EIR, and policies and programs of the 2040 General Plan related to GHG emissions reduction. Refer also to the response to comment O20-8 for discussion of the draft EIR’s detailed quantitative and qualitative analysis of the 118 policies and 45 implementation programs included in the 2040 General Plan to reduce GHG emissions in the county and the seven feasible mitigation measures included in the draft EIR to address the potentially significant GHG impacts of the 2040 General Plan and achieve additional GHG emissions reductions.
- O20-4 This comment expresses concern with the completeness and accuracy of the baseline GHG inventory, particularly regarding emissions associated with oil and gas production. The comment identifies numerical inconsistencies between the 2015 stationary source emissions estimates within pages 43 to 45 in Appendix D of the draft EIR. The 2015 emissions estimates on page 43 in Appendix D incorrectly used global warming potential factors from IPCC’s Fourth Assessment Report. However, these values were not linked to the final results. All other

emissions estimates use global warming potentials from IPCC's Fifth Assessment Report. Per this and other similar comments, the stationary source emissions estimates have been revised. These revisions are discussed in Master Response MR-1 and revisions to draft EIR Appendix D in Attachment 2 to the final EIR.

The comment also expresses concern that natural gas combustion emissions from the oil and gas sector are not being properly accounted for because natural gas combustion is a major source of CO₂ emissions from the oil and gas sector in the state. According to the State's annual oil and gas reports, no natural gas was produced from Ventura County in 2015 (California Department of Conservation 2015). However, associated gas is produced in the county as part of crude oil production. Emissions from associated gas combustion are included in the county's inventory. Associated gas is natural gas that is produced as a by-product of crude oil production, rather than directly mined. Thus, the scope of emissions analyzed in the EIR properly accounts for all relevant emissions from oil and gas production in the county.

The comment also expresses concern that the county's oil and gas emissions are too low when compared to the county's percentage of oil and gas production in the State; and that the inventory does not include emissions related to the transport of oil and gas production. Per this and other similar comments, the quantification of emissions from oil and gas production have been revised to use county-specific emissions data from a 2007 CARB oil and gas survey, which was then scaled to 2015 and future years based on the county's oil production in 2015 and anticipated production in future years. Forecasted oil production was revised, based on responses to other comments, to reflect production trends beginning from 1980. Refer to Master Response MR-1.A and revisions made to Appendix D of the draft EIR as shown in Attachment 2 of the final EIR. Attachment 2 includes a more detailed discussion of the methodology used to quantify the oil and gas emissions inventory and forecast, including a discussion of the scope of oil and gas emissions included in the inventory.

The comment also expresses concern that aviation emissions are excluded from the inventory. The communitywide GHG inventory does not include emissions associated with aviation, as emissions associated with interstate commercial transport are addressed through federal agency planning. The U.S. Federal Aviation Administration's (FAA's) Office of Energy and Environment works collaboratively with the International Civil Aviation Organization, as well as its Committee on Aviation Environmental Protection, to address aviation's impact on the environment. The FAA supports the policy work of the International Civil Aviation Organization and the technical work conducted by the Committee on Aviation Environmental Protection in partnership with the Department of State, Environmental Protection Agency, and other federal agencies. For more information, refer to the U.S. Aviation GHG Reduction Plan (FAA 2015).

The comment also expresses concern that it is unclear whether emissions from operations at the Port of Hueneme are included in the inventory. The Port is located within the City of Port Hueneme's incorporated boundary, part of a

special district (Oxnard Harbor District), and the inventory does not include emissions related to operations at the Port of Hueneme.

O20-5 This comment addresses the accounting of emissions from aviation industry and operations at the Port of Hueneme in the baseline GHG inventory.

The communitywide GHG inventory does not include emissions associated with aviation, as emissions associated with interstate commercial transport are addressed through federal agency planning. The UFAA's Office of Energy and Environment works collaboratively with the International Civil Aviation Organization (ICAO), as well as its Committee on Aviation Environmental Protection, to address aviation's impact on the environment. The FAA supports the policy work of the International Civil Aviation Organization and the technical work conducted by the Committee on Aviation Environmental Protection in partnership with the Department of State, Environmental Protection Agency, and other federal agencies. For more information, refer to the U.S. Aviation GHG Reduction Plan (FAA 2015).

The Port is located within the City of Port Hueneme's incorporated boundary, part of a special district (Oxnard Harbor District), and the inventory does not include emissions related to operations at the Port of Hueneme.

A revised version of draft EIR Appendix D is provided in Attachment 2 to this final EIR, which clarifies that the following activities were not included in the GHG inventory: airport ground support equipment, commercial harbor craft, cargo handling equipment, military, and ocean-going vessels.

O20-6 The comment asserts that "super emitters" contribute to GHG emissions in Ventura County and that the draft EIR and 2040 General Plan fail to disclose these emissions, analyze their impacts, or identify emission reduction measures for them. Refer to Master Response MR-1.A for a discussion about the consideration of "super emitters" in the draft EIR analysis. As explained in the master response, the GHG emissions inventory was produced using the 2013 ICLEI U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions, the latest version available at the time of publication. This is an industry standard protocol used by local governments throughout the United States for quantification of communitywide GHG emission. "Super emitters" were not included in the inventory because they are not a component of this protocol and there is lack of scientific consensus on a technical definition of these sources. Refer to response to comment O6-30 for a discussion of the basis for projections specific to the oil and gas sector. The 2040 General Plan does not provide flawed baseline data that has undermined the planning process. Master Response MR-1.B provides further discussion of the emissions targets established by the County and the relationship to State goals. No revisions to the 2040 General Plan or draft EIR have been made in response to this comment.

O20-7 The comment states that projections of "business as usual" emissions from the oil and gas sector in the 2040 General Plan and draft EIR lack adequate justification, and speculates that projections for this activity were based upon population, employment and housing as they were for other sectors. This is not

accurate. As shown in the “Assumptions” section of Appendix D to the draft EIR (page 52) and in the revised version of draft EIR Appendix D in Attachment 2 to the final EIR, forecasted emissions from oil and gas production were scaled from the projected increase of oil production in the county through 2050.

The comment suggests that the increase in local oil and gas production runs counter to California’s trends of grid decarbonization, electrified transportation and increased building energy efficiency in California. While some oil and gas generated is used within California, it is also sold into national and international markets for refinement and consumption that are not influenced by California’s policy preferences for grid decarbonization, electric vehicles, and building energy efficiency. Additionally, natural gas is the main fossil fuel used within buildings and for statewide electricity generation. According to the California Energy Commission, oil and petroleum-based fuels accounted for just 0.16 percent of the state’s total electric system generation in 2018 (CEC 2019). State policies concerning these activities would have a negligible effect on local oil production.

As explained in response to comment O6-30, there was a calculation error in the scaling factor used to forecast emissions through 2050 in Appendix D to the draft EIR. In response to this and other similar comments, the calculations for stationary source inventory emissions and forecasts have been completely revised in the final EIR and are included in the revised version of draft EIR Appendix D in Attachment 2 to this final EIR. The updates to the GHG calculations more accurately reflect the anticipated trends in emissions from the oil and gas industry. Refer to Master Response MR-1.A and the Revised Appendix D for additional discussion of the revisions made to the stationary source emissions inventory and forecast.

These revised emissions estimates would not change the impact conclusions of the draft EIR. As described in Section 4.8, “Greenhouse Gas Emissions,” of the draft EIR, future GHG emissions in the county would be on a downward trajectory compatible with State plans, policies, and regulations that would also result in GHG reductions in the county; however, due to uncertainty regarding regulatory reductions in the transportation sector and the County’s minimal growth, Impact 4.8-1 (Generate GHG Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment) and Impact 4.8-2 (Conflict with an Applicable Plan, Policy, or Regulation for the Purpose of Reducing the Emissions of GHGs) would remain significant and unavoidable.

The comment also points to two draft scopes of work between the University of California and the Governor as evidence that the State is actively transitioning away from fossil fuels. These scopes describe a feasibility study to be conducted in the future by researchers, not an officially adopted State plan. The comment gives two examples of statewide legislation and policies said to be missing from the GHG forecast, Zero Net Energy (ZNE) improvements to the building code, and the state’s Short-Lived Climate Pollution Strategy. It is correct that ZNE was not considered as one of the legislative reductions in the GHG forecasting. The commenter’s description of ZNE as “improvements to the building code” is not an accurate characterization, and conflates the State’s aspirational goals for ZNE buildings established 12 years ago under an Energy Efficiency Strategic Plan

(Engage 360 2011) with the actual building code requirements that have been more recently adopted in California Energy Code Title 24 Part 6. In 2008, the California Energy Commission and California Public Utilities Commission established ZNE as a “goal” for all new residential buildings by 2020 and new commercial buildings by 2030 and later developed a series of Action Plans identifying actions needed to achieve this goal. However, incorporation of residential ZNE requirements into the 2019 California Energy Code, effective January 1, 2020 did not occur and was substituted with a rooftop solar ordinance offsetting the electric load of homes, falling short of the original ZNE goal (NRDC 2018). While ZNE may become a code requirement in the future, the timing and shape that these code requirements will take remains uncertain and were thus incorporated into the 2040 General Plan as a policy under COS-8.6, Zero Net Energy and Zero Net Carbon Buildings, rather than assumed as a statewide mandate for purposes of calculating GHG emission forecasts for the draft EIR.

The comment states that Appendix D of the draft EIR does not mention the State’s Short-Lived Climate Pollution Strategy. Senate Bill 1383, which is a component of the State’s the Short-Lived Climate Pollution Strategy is listed on the fourth row down on page 29 of the Appendix D to the draft EIR. Senate Bill 1383 addresses organic waste diversion to reduce methane emissions from waste decomposition. Organic waste reduction regulations pursuant to the Short-Lived Climate Pollution Strategy were also among the State laws analyzed as part of the relevant State policies for the 2040 General Plan. Table B-5 of the 2040 General Plan identifies which plans were considered.

For a discussion of the 2040 General Plan’s consistency with of the State’s 2017 Climate Change Scoping Plan, see Master Response MR-1.B.

O20-8

The comment asserts that the measures included in the 2040 General Plan do not meet the County’s GHG reduction targets and goals. The comment is correct and the draft EIR acknowledges on page 4.8-49 that, “(w)ith the modest amount of forecast future growth in the county, substantial GHG reductions would need to be derived from measures targeting existing development, infrastructure, and associated activity levels... While the County encourages and promotes the reduction of or changes to these activities contributing to GHG emissions, it does not have the authority to enforce measures that may potentially infringe upon private property rights, reduce the economic competitiveness of local businesses, or inhibit the ability for residents to travel between residences, jobs, and amenities.”

The comment also states that the 2040 General Plan and draft EIR do not include enforceable, concrete commitments to mitigation as required under CEQA. The comment asserts further that “enforceable measures and quantification” are “required to demonstrate consistency with” targets and goals. This is not accurate.

The 2040 General Plan does include measurable targets for GHG reductions for 2030, 2040, and 2050 that are aligned with the State’s legislative GHG reduction targets and other reduction goals (page 4.8-6). Where feasible, the draft EIR estimates the anticipated emissions reductions from certain measures (displayed

in Table 4.8-1) using Intergovernmental Panel on Climate Change's Global Warming Potential values from the most recent Fifth Assessment Report. In preparing the GHG analysis provided in the draft EIR, the County considered, and included references to, the proposed 2040 General Plan policies and implementation programs most applicable to the analysis. As explained in the methodology subsection in Section 4.8, "Greenhouse Gas Emissions," (page 4.8-7), the analyses evaluate whether the GHG reduction benefits of these policies and programs are supported by substantial evidence. Substantial evidence leading to estimates of GHG emissions resulting from implementation of the 2040 General Plan include both qualitative and quantitative assessments, consistent with Section 15064.4(a) of the State CEQA Guidelines. The draft EIR includes a detailed quantitative and qualitative analysis of the 118 policies and 45 implementation programs included in the 2040 General Plan to reduce GHG emissions in the county (pages 4.8-37 to 4.8-45).

Table 4.8-5 summarizes the policies and programs that would have quantifiable GHG reductions by 2030 (page 4.8-39). Implementation of the quantified policies and programs in Table 4.8-5 would collectively provide reductions of 151,903 MTCO_{2e} by 2030, an approximate 9 percent reduction from forecast 2030 levels and 30 percent of the reductions needed to meet a target of 1,113,972 MT CO_{2e} for consistency with emissions targets identified in Policy COS-10.2 (41 percent below 2015 levels by 2030). An additional 361,250 MTCO_{2e} of reductions would be needed to close the gap with the 2030 target (page 4.8-40).

Note that revisions made to draft EIR Appendix D shown in Attachment 2 to this final EIR have resulted in slight modification of these numbers, refer to Chapter 3, "Revisions to the Draft EIR." It is now estimated that 242,748 MTCO_{2e} of reductions would be needed to close the gap with the 2030 target.

Other policies and programs of the 2040 General Plan would also result in GHG reductions, but specific amounts cannot be determined at this time as described on page 4.8-39. Qualitative analysis of the GHG reduction benefits of 43 programs included in the 2040 General Plan to reduce GHG emissions is provided in Table 4.8-6 (pages 4.8-40 to 4.8-43). The draft EIR also includes seven feasible mitigation measures that address the potentially significant GHG emissions impacts of the 2040 General Plan (draft EIR pages 4.8-45 to 4.8-47). Thus, the draft EIR correctly identifies and considers 2040 General Plan policies and programs in the GHG emissions analysis conducted in the draft EIR and correctly includes feasible and enforceable mitigation measures in the draft EIR analysis of GHG emissions. Mitigation Measures GHG-1, GHG-2, GHG-4, CTM-1, CTM-2, and CTM-3 would reduce GHG emissions. However, as noted on page 4.8-49 of the draft EIR, "Most of the GHG reduction policies and implementation programs included in the 2040 General Plan, and the mitigation measures identified above, are targeted to future development (as opposed to existing development), because these are the activities where the County has the greatest ability to enforce regulations, ordinances, and design standards." The 2040 General Plan policies and recommended mitigation measures would not be sufficient to reduce GHG emissions to the established 2030 and 2040 reduction target because the policies, while supportive of future GHG reductions, do not

contain enough specificity for their numeric contribution to the established 2030 and 2040 targets to be quantified. The draft EIR (page 4.8-52) explains that:

“No additional feasible mitigation has been identified at this time beyond the mitigation measures identified above and the policies and implementation programs of the 2040 General Plan. Under the 2040 General Plan future GHG emissions in the county would be on a downward trajectory compatible with State plans, policies, and regulations that would also result in GHG reductions in the county.”

In Impact GHG-2 (page 4.8-50), the draft EIR explains that the 2040 General Plan includes several implementation programs with a quantifiable effect on future GHG emissions, and a substantial number of additional programs and policies in every GHG emission sector that would result in further GHG emissions, although their effect on GHG emissions cannot be quantified at this program level of analysis. The 2040 General Plan policies and programs complement the main area of local government influence over GHG emissions, including renewable energy and energy efficiency, land use decisions, and local transportation infrastructure and policy. The available information that can be quantified demonstrates that future emissions in the county would be on a downward trajectory through 2050. Qualitative evidence shows that the many policies and programs that cannot be quantified at this time would lead to further GHG reductions and additional progress toward State GHG reduction targets. However, for these reasons and those described in Impact 4.8-1, the County cannot meaningfully quantify the effect of all its 2040 General Plan policies and programs on future GHG emissions, and therefore, it cannot conclude, at this program level of analysis, that future GHG emissions in the county under the 2040 General Plan would be sufficiently reduced to meet the State’s 2030 or post-2030 targets. No revision to the draft EIR is required in response to this comment.

O20-9 The comment asserts that the draft EIR did not identify feasible mitigation measures for significant GHG emissions impacts. Refer to Master Response MR-1.C for discussion of the feasible mitigation measures included in the draft EIR to reduce the 2040 General Plan’s significant GHG emissions impacts.

O20-10 The comment states that the 2040 General Plan and draft EIR do not adequately address methane emissions from the oil and gas sector by omitting policies, programs, or mitigation measures to reduce methane emissions from oil and gas operations. A series of recommendations are made by the commenter in comments and addressed in response to comments O20-18, O20-19, O20-20, O20-21, O20-22, O20-23, O20-24, O20-25, and O20-26.

As stated in the “Regulatory Setting” subsection of Section 4.8, “Greenhouse Gas Emissions,” of the draft EIR, methane emissions are regulated through CARB’s GHG Regulations for Crude Oil and Natural Gas with local assistance from the Ventura County Air Pollution Control District (VCAPCD). These regulations, adopted in 2018, require reporting and retrofitting of existing wells to reduce methane emissions in existing operations. The regulations also apply to new oil and gas wells requiring permits from VCAPCD. Thus, the 2040 General

Plan and draft EIR do not include policies, programs, or mitigation measures for methane emissions.

O20-11

The comment asserts that the draft EIR attempts to avoid responsibility for proposing mitigation. As described in response to comment O20-8, the draft EIR proposes seven mitigation measures to reduce the significant GHG emissions impacts of the 2040 General Plan. The conclusion that impacts would be significant and unavoidable was reached primarily because (1) the 2040 General Plan is intended to guide future development, which comprises a limited share of the projected GHG emissions and (2) effectiveness of many proposed implementation programs cannot be reliably quantified at this program level of analysis, although the draft EIR provides qualitative evidence to demonstrate that these types of programs achieve GHG reductions.

The sentence from the draft EIR that is quoted in this comment was not intended to express that the County has a general lack of legal authority to implement any specific mitigation measure addressing GHG emissions or climate change. Rather, the sentence was intended to list factors that the County may consider in determining whether any such mitigation measure is “feasible” pursuant to the California Environmental Quality Act in accordance with the balancing process that is referenced in the draft EIR’s following sentence.

The second paragraph on page 4.8-49 of the draft EIR is revised as follows:

With the modest amount of forecast future growth in the county, substantial GHG reductions would need to be derived from measures targeting existing development, infrastructure, and associated activity levels. Most emissions that are forecast to occur in the county are from energy use in existing buildings, vehicle use and travel behavior influenced by the existing land use pattern and transportation systems, landfilled waste, and established agricultural operations. While the County encourages and promotes the reduction of or changes to these activities contributing to GHG emissions, it may decide that certain mitigation measures are infeasible based, for example, on their ~~does not have the authority to enforce measures that may potentially infringement upon~~ private property rights, reduction in the economic competitiveness of local businesses, or inhibition on the ability for residents to travel between residences, jobs, and amenities. Pursuant to Section 15093 of the State CEQA Guidelines, CEQA requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable. These factors are considered by the decision-making body of the lead agency following certification of the EIR and prior to making a decision about whether to approve the project ~~constrain the ability for the County to reduce GHG emissions from existing activities through additional mitigation measures.~~

O20-12 This comment asserts that the draft EIR appears to conclude that the County may weigh the benefits of the 2040 General Plan against its environmental consequences without first proposing and adopting all feasible measures to mitigate or avoid significant impacts.

There are two impacts (Impact 4.8-1 and Impact 4.8-2) evaluated in draft EIR Section 4.8, “Greenhouse Gas Emissions.” The draft EIR finds that the 2040 General Plan could result in significant and unavoidable effects in both impact discussions, despite application of seven mitigation measures.

As part of a detailed discussion of impact significance after mitigation, the County references the role of decision-makers in balancing effects on the environment against economic and other factors is in discussion in the subsection “Significance after Mitigation” on pages 4.8-49 and 4.8-52. Here, the County explains that most of the forecast GHG emissions in 2030 and beyond are caused or influenced by energy use in existing buildings, vehicle use and travel behavior on existing transportation systems, landfilled waste, and agricultural uses. It is the obligation of the decision-making body of the lead agency that chooses to approve a project for which an EIR has been certified to determine if there are considerations that make additional mitigation infeasible. Because most emissions are expected to be generated from existing uses, effective mitigation would mandate changes that “may reduce the economic productivity of established businesses, and/or impose limitations on technologies available for agricultural production, transportation, and construction.” Further, “the County has limited authority to enforce stringent actions resulting in GHG reductions beyond what have been already been included in the 2040 General Plan” and proposed as mitigation measures in the draft EIR. This is a description of CEQA procedure and is provided after the draft EIR environmental analysis and consideration of feasible mitigation measures. The draft EIR does not include a premature proclamation that the project’s benefits outweigh its environmental impacts or otherwise “disclaim its responsibility to develop feasible mitigation by prematurely claiming that the project’s benefits outweigh its environmental drawbacks.” Refer also to response to comment O20-11, which clarifies the statement of factors that may be considered by the County after certification of the final EIR and when considering project approval on page 4.8-49.

O20-13 The comment states that the 2040 General Plan fails to provide any basis for streamlining analyses of cumulative GHG impacts in CEQA associated with subsequent projects. It states that neither the 2040 General Plan nor the CAP contains sufficient specific, enforceable GHG reduction measures to support streamlined CEQA review of future projects CEQA Guidelines section 15183.5 and that this should be made more explicit in the 2040 General Plan.

The draft EIR includes Mitigation Measure GHG-3, which would eliminate Implementation Program COS-EE. As explained on page 4.8-48 of the draft EIR, this could reduce potential GHG emissions reductions because design features or alternatives for individual projects cannot all be evaluated in a programmatic EIR at a county-wide scale, and because the types of emerging technologies that could be available when projects are proposed over the next two decades cannot be determined at this time. Mitigation Measure GHG-3 specifies that the CEQA

streamlining provision proposed as COS-EE in the 2040 General Plan be removed, and that the potential GHG emissions impacts of future, discretionary projects be reviewed in accordance with the most recent adopted version of the Initial Study Assessment Guidelines (ISAG) at the time of project-level environmental review.

The comment suggests adding a statement to the 2040 General Plan clarifying this approach and removing references to the streamlining provisions of Section 15183.5. The County agrees and has removed references to tiering and streamlining the GHG analysis for projects subject to environmental review pursuant to Section 15183.5 of the State CEQA Guidelines in the 2040 General Plan on pages 12-4, B-3, B-5, B-24 to B-25 and B-57. Specifically, in Chapter 12, “Glossary and Acronyms,” the definition of streamlining under the California Environmental Quality Act (CEQA) on page 12-4 will be revised to remove, “or tiering and streamlining GHG emissions analysis for projects consistent with a climate action plan or GHG reduction plan, per CEQA Guidelines Section 15183.5” from the parenthetical example. The introduction to, and text of, Table B-1 beginning on page B-3 has been modified. Implementation Program COS-EE has been removed from Table B-9 and the corresponding explanation of COS-EE implementation from pages B-24 through B-25 has been deleted. Finally, Implementation Program COS-EE has been removed from Table B-9 on page B-57. These changes are provided in the Ventura County Planning Commission hearing materials for July 16, 2020 (see exhibit for “Planning Division Recommended Revisions to the 2040 General Plan”).

These changes do not affect the analysis or conclusions of the EIR. No revisions to the draft EIR have been made in response to this comment.

O20-14

The comment recommends that a new mitigation measure be considered that would require all discretionary projects in the county to use the Ojai Valley thresholds pursuant to the Ventura County Air Pollution Control District (VCAPCD) Air Quality Assessment Guidelines (AQAG) when undergoing CEQA review. The threshold of significance for daily ROG and NO_x emissions in the Ojai Valley which is referenced in the Ojai Valley Area Plan, applies to sources that are not permitted by VCAPCD, and were added to the VCAPCD’s Air Quality Assessment Guidelines in 1989. The reference to this threshold was thereafter added to the Ojai Valley Area Plan in 1995. Currently the VCAPCD recommends two different thresholds for ROG and NO_x emissions for individual discretionary projects: 5 pound per day for Ojai Valley and 25 pound per day for the remainder of the county for both ROG and NO_x, for emissions from sources that are not permitted by VCAPCD. As discussed on page 4.3-6 of the draft EIR, “In consideration of new and more stringent NAAQS and CAAQS adopted since 2000, VCAPCD identified numerical thresholds for project-generated emissions of ozone precursors that would determine whether a project’s non-VCAPCD permitted emissions would result in a cumulative, regional contribution (i.e., significant) to the baseline nonattainment status of Ventura County.” Also discussed on page 4.3-6 of the draft EIR, “CEQA-related air quality thresholds of significance are tied to achieving or maintaining attainment designations with the NAAQS and CAAQS, which are scientifically substantiated, numerical

concentrations of criteria air pollutants considered to be protective of human health.”

The comment does not provide reasoning for why reducing the countywide threshold would improve air quality or reduce public health risk. The adoption of the Ojai Valley thresholds for the rest of the county would not in and of itself result in reduced air quality emissions as a threshold is not inherently a mitigation measure. As discussed on page 4.3-18, “Policies HAZ-10.05 and HAZ-10.12 would require that discretionary development with significant adverse air quality impacts only be approved if it is conditioned with all reasonable mitigation measures to avoid, minimize or compensate for the impact.” A reduction in the air quality thresholds would not reduce air quality emissions or reduce air quality impacts. As such, this suggested mitigation measure is not included in the EIR and no revisions to the EIR are needed.

O20-15 This comment asserts that the VCAPCD’s AQAG violate CEQA and that both the AQAG and the County’s ISAG must be revised in a manner that reflects CEQA’s requirements. Refer to response to comment O5-27 regarding thresholds of significance. As referenced in the comment, a June 5, 2019 letter submitted by the commenter claimed that the AQAG guidelines were unlawful because a discretionary project’s total emissions should exclude permitted stationary sources when comparing the project to the recommended thresholds for significance determination. The letter claims that only non-permitted sources are counted toward the threshold while permitted sources from the same project are ignored. This is an incorrect interpretation of the VCAPCD guidance. As stated on page 5-9 of the AQAG, “Air emissions from any project-related stationary air emissions sources that do not require permits from the District should be estimated and included in total project emissions... Air emissions from a wide range of stationary sources are controlled through the District’s air pollution permit program. The District permit program mitigates emission increases from stationary sources by requiring emission control devices, emission process limits, and emission offsets.” All discretionary projects’ emissions are evaluated pursuant to the VCAPCD guidance, whether through the numeric thresholds or the permitting process. This guidance is consistent with other air districts throughout the state, including the Bay Area Air Quality Management District and the Sacramento Metropolitan Air Quality Management District.

The comment also asserts that the air quality thresholds used in the draft EIR must be consistent with CEQA requirements. As explained on page 4.3-5 of the draft EIR, “To develop thresholds of significance for this section of the draft EIR, the County has deviated from the ISAG threshold criteria, where appropriate, to appropriately consider the programmatic nature of a general plan for the entire unincorporated area and to incorporate the 2019 revisions to the Appendix G checklist.” Page 4.3-6 provides a bulleted list of the thresholds used in the air quality analysis, which are consistent with CEQA requirements. No revisions to the draft EIR are needed.

O20-16 Refer to Master Response MR-4 regarding the draft EIR analysis and conclusions related to setbacks, pipelines, flaring, and the adequacy of the reports cited in the draft EIR analysis of impacts to petroleum resources. With

respect to the earthquake risk, the cited Report of the Oil and Gas Supervisor indicates that the process of well repair began soon after the event.

The commenter also identifies a typographical error in Policy COS-7.2, as provided in Mitigation Measure PR-1 on page 4.12-18 of the draft EIR, which incorrectly indicates that this policy applies to gas wells. The 2040 General Plan, Conservation and Open Space Element includes Policy COS-7.2: Oil Well Distance Criteria which states, “The County shall require new discretionary oil wells to be located a minimum of 1,500 feet from residential dwellings and 2,500 from any school,” (page 6-12). Further, the draft EIR accurately identifies Policy COS-7.2 on page 4.12-8. Oil wells are commonly referred to as oil and gas wells based on that fact that they frequently produce both oil and gas. The draft EIR Policy COS 7.2 in Mitigation Measure PR-1 included reference to gas wells, which is not consistent with Policy COS-7.2 in the 2040 General Plan. The inclusion of gas wells in Mitigation Measure PR-1 was completed in error. Therefore, in response to this comment, Policy COS 7.2 in Mitigation Measure PR-1 has been revised on page 4.12-18 to delete the reference to gas wells as follows:

Mitigation Measure PR-1: Revised Policy COS-7.2: Oil Well Distance Criteria.

The County shall include the following revised policy in the 2040 General Plan.

COS-7.2: Oil Well Distance Criteria

The County shall require that new discretionary oil ~~and gas~~ wells to ~~be located~~ be sited a minimum of 1,500 feet from ~~the well head to residential dwellings dwelling units and 2,500 from any school sensitive use structures which include dwellings, childcare facilities, hospitals, health clinics, and school property lines.~~

O20-17

The comment provides an argument to support the assertion that draft EIR Mitigation Measure PR-2 and Mitigation Measure PR-3, which would modify Policy COS-7.7 and Policy COS-7.8 proposed in the 2040 General Plan to reduce the effects on availability of petroleum resources identified in the EIR analysis, are inadequate mitigation measures under CEQA. Specifically, the comment asserts that these mitigation measures are improperly deferred, do not provide guidance or concrete performance standards on how feasibility determinations must be made, and would take place out of public view and without a hearing.

In this case, the environmental impact under evaluation in the draft EIR is whether implementation of the 2040 General Plan would result in the loss of availability of a known petroleum resource that would be of value to the region and the residents of the State (Impact 4.12-4). The analysis finds that the County’s proposed policies (COS-7.7 and COS-7.8), while potentially beneficial in other ways, would result in the loss of availability of known petroleum resources in some cases, which the draft EIR concludes is a potentially significant impact. As mitigation, the draft EIR modifies these policies in Mitigation Measures PR-2 and PR-3 to establish a standard by which the

requirements set forth in these policies would be adhered unless they result in the loss of availability of known petroleum resource.

Specifically, the proposed revision to COS-7.7 in Mitigation Measure PR-2 would replace the condition that “oil and produced water shall not be trucked” with language acknowledging that requiring exclusive use of pipelines for conveying oil and produced water would be technologically or economically infeasible in certain cases and therefore, result in the loss of availability of known petroleum resource. With Mitigation Measure PR-2, the County could allow trucking of crude oil and produced water, and therefore, avoid loss of availability of a known petroleum resource “if the proponent demonstrates that conveying the oil and produced water via pipeline is infeasible.” Similarly, in Policy COS-7.8, the condition that “flaring and venting shall not be allowed” is revised in Mitigation Measure PR-3 to state that flaring and venting may be allowed, and therefore avoid the loss of availability of a known petroleum resource “if the proponent demonstrates that conducting operations without flaring or venting is infeasible.”

Therefore, Mitigation Measures PR-2 and PR-3 would clearly commit the County to mitigation that would avoid or substantially lessen the loss of availability of petroleum resources: the measures set forth standards by which the County would be able to approve new discretionary oil wells (Mitigation Measure PR-2) and oil and gas wells (Mitigation Measure PR-3) where the County has determined that requirements to convey crude oil or processed water (Mitigation Measure PR-2) and/or restrict flaring or venting (Mitigation Measure PR-3) would be infeasible and therefore, result in the loss of availability of known petroleum resources if still required.

In the cases cited by the commenter, mitigation was found to be ineffective because it included an “if feasible” clause such that implementation was not guaranteed and the decision about mitigation was deferred. In Mitigation Measures PR-2 and PR-3, “if feasible” is the mitigation because it allows the County to consider all proposals and does not limit the potential for extraction at the program level. Whether the County’s future project-level analysis determines that the requirements of COS-7.7 and COS-7.8 are or are not feasible is immaterial to the adequacy of Mitigation Measures PR-2 and PR-3 presented in the draft EIR. Allowing project proponents to demonstrate infeasibility of these policies, subject to approval by the County, means that new discretionary wells for which the requirements are infeasible could still operate and access available petroleum resources. There is no deferral of mitigation for impacts of the 2040 General Plan. Further, it is precisely the authority and function of the County’s Planning Division to review and consider future discretionary development proposals. This includes conducting appropriate project-level CEQA analysis with the requisite public participation.

The commenter is incorrect in asserting that the application of these policies would occur administratively without a public hearing. Under the County’s zoning ordinances, a public hearing is required for all discretionary permit requests that would be subject to the policies. Consequently, every County decision applying the policies would occur at a public hearing.

These measures have been revised as shown below to clarify the definition of feasible and that the County is responsible for approving feasibility determinations prepared by project proponents.

Mitigation Measure PR-2: Revised Policy COS-7.7: Limited Conveyance for Oil and Produced Water.

The County shall include the following revised policy in the 2040 General Plan.

Policy COS-7.7: Limited Conveyance for Oil and Produced

Water. The County shall require new discretionary oil wells to use pipelines to convey crude oil and produced water, if feasible.¹ ~~oil and produced water shall not be trucked.~~ Trucking of crude oil and produced water may only be allowed if the proponent demonstrates, subject to approval by the County, that conveying the oil and produced water via pipeline is infeasible. In addition, trucking of crude oil and produced water is allowed in cases of emergency and for testing purposes consistent with federal, state and local regulations.

1. "Feasible" means that this mitigation measure shall be applied to future discretionary projects under the 2040 General Plan when and to the extent it is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" as determined by the County in the context of such future projects based on substantial evidence. This definition is consistent with the definition of "feasible" set forth in CEQA (Pub. Res. Code, § 21066.1) and the CEQA Guidelines (§ 15164). The County shall be solely responsible for making this feasibility determination in accordance with CEQA.

Mitigation Measure PR-3: Revised Policy COS-7.8: Limited Gas Collection, Use, and Disposal. The County shall include the following revised policy in the 2040 General Plan.

Revised Policy COS-7.8: Limited Gas Collection, Use, and

Disposal. The County shall require that gases emitted from all new discretionary oil and gas wells be collected and used or removed for sale or proper disposal, if feasible.¹ ~~Flaring or venting shall may~~ only be allowed if the proponent demonstrates, subject to approval by the County, that conducting operations without flaring or venting is infeasible. In addition, flaring or venting is allowed in cases of emergency or and for testing purposes consistent with federal, State, and local regulations.

1. "Feasible" means that this mitigation measure shall be applied to future discretionary projects under the 2040 General Plan when and to the extent it is "capable of being accomplished in a successful manner within a reasonable period of time, taking into

account economic, environmental, legal, social, and technological factors” as determined by the County in the context of such future projects based on substantial evidence. This definition is consistent with the definition of “feasible” set forth in CEQA (Pub. Res. Code, § 21066.1) and the CEQA Guidelines (§ 15164). The County shall be solely responsible for making this feasibility determination in accordance with CEQA.

O20-18 This comment cites CEQA’s requirements that mitigation measures in an EIR be “fully enforceable” and then asserts that many policies and programs of the 2040 General Plan “relied on to mitigate” GHG emissions impacts are unenforceable and should be made mandatory. The comment appears to assert that policies included in the 2040 General Plan do not meet CEQA requirements for mitigation measures in an EIR.

In preparing the GHG analysis provided in the draft EIR, the County considered, and included references to the proposed 2040 General Plan policies and implementation programs most applicable to the analysis. As explained in the methodology subsection in Section 4.8, “Greenhouse Gas Emissions,” (page 4.8-7), the analyses evaluate whether the GHG reduction benefits of these policies and programs are supported by substantial evidence. Substantial evidence leading to estimates of GHG emissions resulting from implementation of the 2040 General Plan include both qualitative and quantitative assessments, consistent with Section 15064.4(a) of the State CEQA Guidelines. See Master Response MR-1-C for a description of the policies, programs, and measures included in the 2040 General Plan and draft EIR.

O20-19 The comment states that the 2040 General Plan has vague and unenforceable policies and programs that do not commit the County to specific actions and, thus, fail to mitigate impacts. The comment points out that some policies in the 2040 General Plan do not have associated implementation programs. It then describes Mitigation Measure GHG-4, which seeks to align these policies with additional programs through a stakeholder process as “unlawful” because it cannot serve as CEQA mitigation.

The case cited in the comment, *Anderson First*, concerns mitigation for traffic impacts in an EIR involving a gas station project. While mitigation at an individual project level can be expected to incorporate a high degree of specificity in the design requirements as mitigation, a general plan relies on policies and programs to guide future decision making over a larger scale, hence the analysis of the draft EIR as a programmatic document. As such, flexibility is provided within the 2040 General Plan for additional programs to be developed with stakeholder input that support implementation of the 2040 General Plan’s established policies.

The Climate Emergency Council established under COS-CC is intended to advise the Board of Supervisors on the latest science concerning climate change and potential actions that can be implemented. Addressing climate change is a grand challenge for communities that requires ongoing attention. Through the GHG Reduction Policy Enhancement Program proposed under Mitigation Measure GHG-4, the Climate Emergency Council would take on an additional

role of recommending programs to the Board of Supervisors, consistent with policies adopted as part of the 2040 General Plan.

For clarity, the County has revised Mitigation Measure GHG-4 to clarify the scope of its Greenhouse Gas Reduction Policy Enhancement Program and to clarify the membership and scope of the Climate Emergency Council. The full text of revised Mitigation Measure GHG-4 is provided below:

Mitigation Measure GHG-4: New Implementation Program COS-X HAZ-X: Greenhouse Gas Reduction Policy Enhancement Program and Revised Implementation Program COS-CC: Climate Emergency Council

The County shall include the following new implementation program in the 2040 General Plan.

Implementation Program COS-X HAZ-X: Greenhouse Gas Reduction Policy Enhancement Program

The Climate Emergency Council (CEC) that would be established under COS-CC shall develop recommended subprograms which implement the 52 policies identified in Table 4.8-7 of the draft EIR that do not have associated implementation programs in the 2040 General Plan. Any recommendations that would require amendments to the General Plan, including any subprograms that may include expansions to programs already proposed in the 2040 General Plan, shall be provided to the County Planning Director. The Planning Director shall include the recommendation in a report for consideration by the Planning Commission and Board of Supervisors. This report shall be presented to the Board of Supervisors.

For any additional future policies that may be adopted as part of the County's Greenhouse Gas (GHG) Reduction Strategy (2040 General Plan, Policy COS-10.1), the CEC may recommend new subprograms. The CEC shall demonstrate in the materials submitted to the Board of Supervisors that the proposed subprograms and policies would result in quantifiable GHG emission reductions that further the County's progress towards achieving the 2030, 2040, and 2050 GHG reduction targets and goals established in the 2040 General Plan. The GHG emission reduction policy topics that may be considered and analyzed by the CEC for recommendation to the Board of Supervisors are identified in the Table 4.8-7 and include but are not limited to the following:

- ▶ Sustainable Technologies;
- ▶ Regional Bicycle Infrastructure;
- ▶ Funding and Maintenance for Sidewalks;
- ▶ Amtrak Service Improvements;
- ▶ Routine Use of Alternative Transportation Options;
- ▶ Permeable Pavement;
- ▶ Facilities for Emerging Technologies;
- ▶ Electric Vehicle Charging Stations;

- ▶ Neighborhood Electric Vehicles;
- ▶ Shared Mobility Operations;
- ▶ Sustainable Community Facility Design;
- ▶ Energy Efficient Facility Construction, Purchases, Leases, Retrofits, and Expansions;
- ▶ Agricultural Waste Reuse;
- ▶ Value-Added Alternatives to Waste Disposal;
- ▶ Smart Grid Development;
- ▶ Consistent Fire Protection Standards for New Development;
- ▶ Soil Productivity;
- ▶ Incentives for Energy Efficiency;
- ▶ Battery Energy Storage Systems;
- ▶ Air Pollutant Reduction;
- ▶ Air Pollution Impact Mitigation Measures for Discretionary Development;
- ▶ Transportation Control Measures Programs;
- ▶ Alternative Transportation Modes;
- ▶ Urban Greening;
- ▶ Integrated Pest Management Practices;
- ▶ Technological Innovation; and
- ▶ Renewable Energy Facilities.

The CEC's recommended GHG reduction subprograms and policies shall be presented to the Planning Commission for review and recommendation to the Board of Supervisors, and then to the Board of Supervisors for consideration and approval, no later than 2025. The Board of Supervisors shall have sole authority to adopt (including as modified) and direct the County's implementation of the subprograms and policies that are developed and recommended by the CEC. Any CEC recommendation that would require amendments to the 2040 General Plan, County ordinances, policies or regulations shall be processed and approved by the County in accordance with all applicable legal requirements.

~~Any recommendations that would require amendments to the General Plan, including any subprograms that may include expansions to programs already proposed in the 2040 General Plan, shall be provided to the County Planning Director. The Planning Director shall include the recommendation in a report for consideration by the Planning Commission and Board of Supervisors. This report shall be presented to the Board of Supervisors by 2025.~~

The County shall also include the following revised implementation program in the 2040 General Plan.

Implementation Program COS-CC: Climate Emergency Council
The County shall establish a Climate Emergency Council (CEC) by a resolution of the Board of Supervisors to advise the Board of Supervisors on climate action planning and implementation of the Climate Action Plan (CAP) goals, policies, and programs.

The County agency or department responsible for implementation of this program shall draft, administer, and maintain the CEC bylaws. Initial establishment of the CEC and its bylaws shall include the following terms, duties, and membership composition:

- ▶ Term of each member is two years. At the conclusion of a term, a CEC member may be re-appointed or re-selected, as applicable, for a consecutive term by the appointing authority.
- ▶ Duties of the CEC members include attendance at duly called meetings; review, in advance, of all written material provided in preparation for CEC meetings; serve and participate on committees and/or sub-committees; and contribute to the CEC's advisory recommendations to the Board of Supervisors;
- ▶ The officers of the CEC shall be Chairperson and Vice-Chairperson.
 - Officers shall be elected annually at regular meeting each year by CEC members. Nomination shall be made from the floor. Election shall be by simple majority.
 - Officers shall serve a one-year term. An officer may be re-elected, but no individual shall serve more than three full consecutive terms in the same office. No member shall hold more than one office at a time.
 - The Chairperson shall preside at all meetings of the CEC, sign all correspondence, reports, and other materials produced by the CEC, and perform any and all other duties prescribed by the CEC from time to time. The Chairperson may serve as an ex-officio member of all committees.
 - The Vice-Chairperson shall represent the Chairperson and/or substitute in performance of the Chairperson during their absence.
- ▶ Membership of the CEC shall be comprised of the following:
 - One person representing each Supervisorial District who has demonstrated interest in and knowledge of climate action planning shall be nominated by each of the five members of the Board of Supervisors, and confirmed by a majority of the Board of Supervisors resulting in a total of five Supervisorial District representatives;
 - One resident from each of the designated disadvantaged communities identified in the 2040 General Plan who has demonstrated an understanding of their community's needs as well as an interest in and knowledge of climate action

planning shall be appointed by a majority of the Board of Supervisors; and

- Two additional at-large members who have demonstrated special interest, competence, experience, or knowledge in climate action planning shall be selected by a majority of the CEC members.
- Each member is entitled to one vote on each matter submitted to a vote of the CEC.

References within the draft EIR version of Mitigation Measure GHG-4 referring to Planning Director approval of amendments to the 2040 General Plan have been deleted. It is accurate, however, to note that the specifics of the programs developed by the Climate Emergency Council cannot be known at this time. As explained in the “Significance After Mitigation” subsection (draft EIR page 4.8-48): “Mitigation Measure GHG-4 could result in additional GHG emission reductions by prompting the County to explore subprograms based on the recommendations of a Climate Emergency Council that support the policies and implementation programs of the 2040 General Plan. This approach would allow the County to develop programs and actions with increased specificity using the latest available research, tools, and methodologies available in the evolving field of climate action planning and GHG reduction.” The comment offers no suggestions for evaluation.

Mitigation Measure GHG-4 would create a new program that creates an important role for local stakeholders within the County whose expertise and perspectives will be highly valued. This represents a good-faith effort by the County to continue to evaluate ways to address emissions in the unincorporated county. Specific reductions in GHG emissions cannot be attributed to this mitigation measure, however, and Impacts 4.8-1 and 4.8-2 remain significant and unavoidable.

O20-20 The comment summarizes more detailed comments provided elsewhere in the comment letter. Refer to responses to comments O20-21 through O20-26, regarding proposed 2040 General Plan policies.

O20-21 The comment proposes that certain new policies be added to the Land Use Element of the 2040 General Plan as “mitigation measures and/or as part of a ‘Climate and Public Health Alternative’ that would reduce the significant impacts of oil and gas development.” Policies proposed in this comment would: “prohibit new oil and gas extraction on all lands within the County’s unincorporated area” to reduce GHG emissions and protect public health and welfare; make existing oil and gas operations become nonconforming uses that would be phased out according to a specified schedule; terminate all nonconforming existing oil and gas operations in the shortest time period necessary and no later than 2045 unless prohibited by State or federal law.

Refer to Master Response MR-4.J, “Potential to Stop Issuing Permits for New Wells (Phase Out Oil and Gas Operations),” for a discussion on mitigation measures in the form of new General Plan policies to phase out existing oil and gas facilities. Refer to Section 6.4.4, “Limit Active and Idle Wells and Reduce Oil

Well Emissions Alternative,” (draft EIR page 6-8) and Section 6.4.5, “Eliminate or Reduce Existing Oil and Gas Wells or Production Alternative,” (draft EIR page 6-9) for a discussion of alternatives to the proposed 2040 General Plan that would limit increases in the number of active and idle wells in the county (Section 6.4.4) and eliminate or greatly reduce the number of existing oil and gas wells in the county, and/or the amount of oil and gas extracted from existing wells in the county (Section 6.4.5).

As explained in the draft EIR (Section 6.4.4), the alternative to limit increases in the number of active and idle wells was considered but rejected from further evaluation because major elements of an alternative to limit increases in the number of new discretionary oil and gas wells are included in the 2040 General Plan, including policies COS-7.2 regarding buffer distances from residential dwellings and schools, COS-7.8 regarding use of pipelines to convey oil and produced water, and COS-7.9 regarding collection of gases instead of flaring.

The draft EIR explains that an alternative that would eliminate or greatly reduce the number of existing wells (Section 6.4.5) was rejected from further evaluation because it focuses on one specific land use and does not comprehensively address most of the basic project objectives. This alternative would also present economic feasibility issues that could be implicated by County efforts to eliminate or reduce production from existing oil and gas wells (page 6-9), which would need to occur over an extended time period in order to be legally feasible.

The commenter’s request that mitigation measures in the form of new General Plan policies that would prohibit new oil and gas extraction on all lands within the county’s unincorporated area are not a component of the project under evaluation (i.e., the 2040 General Plan). The existence of these existing oil and gas facilities are part of the baseline as considered in the evaluation of environmental impacts in the draft EIR. Impacts resulting from the change that implementation of the 2040 General Plan on baseline conditions are evaluated in the draft EIR with corresponding mitigation measures to lessen significant environmental impacts, where applicable. As such, the commenter’s proposed policies have not been identified as potential mitigation measures in the draft EIR.

O20-22

The comment suggests that additional policies related to oil and gas operations should be incorporated into the 2040 General Plan to require that all new or expanded wells undergo discretionary review and CEQA review and that oil and gas facilities operating with antiquated conditional use permits be subject to the County Zoning Ordinance, 2040 General Plan, and other local regulations and standards. As noted in the comment, the Board of Supervisors has directed staff to prepare an ordinance expanding the discretionary approval requirements for expansion of existing oil and gas facilities. This is occurring as a process separate from the 2040 General Plan. If implemented, more future activities would be considered discretionary and would be subject to the requirements of the policies proposed in the 2040 General Plan.

The comment also asserts that not requiring discretionary review for all new and expanded oil and gas operations in the 2040 General Plan means that the draft EIR “fail(s) to ensure” that new and expanded oil and gas operations “will comply with

new policies and programs to reduce GHG emissions and address other impacts.” The analysis in the draft EIR assumes that the 2040 General Plan policies will apply only to discretionary wells permits. The 2040 General Plan and draft EIR have no obligation to ensure that actions under established permits subject to ministerial review meet the same requirements proposed for discretionary actions.

The impact analysis conducted in the draft EIR evaluates the effects that 2040 General Plan policies and programs would have on future GHG emissions associated with 2040 General Plan implementation, including oil and gas extraction-related emissions associated with 2040 General Plan implementation. This comment is not otherwise related to the adequacy of the draft EIR, as it does not demonstrate how the policies proposed would address significant impacts identified in the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan. Refer to Section 4.12, “Mineral and Petroleum Resources,” in the draft EIR for a discussion of the potential for the 2040 General Plan to affect petroleum and mineral resources.

O20-23 The comment requests evaluation of a policy that would prohibit certain oil and gas extraction methods, such as well stimulation and cyclic steaming, as a mitigation measure, because these extraction methods could adversely affect air quality, greenhouse gas emissions, toxic and seismic hazards, and water quality. Note, however, that these types of oil and gas extraction methods have not been identified in the draft EIR as resulting in any potentially significant impacts associated with implementation of the 2040 General Plan. Therefore, because no significant impacts were identified, it would not be appropriate for the County to identify prohibitions on these activities as mitigation measures in the draft EIR for the 2040 General Plan. The specific effects and merits of proposed oil and gas extraction methods will be evaluated during project-level permit review of new discretionary oil and gas wells conducted by California Geologic Energy Management Division (CalGEM, formerly DOGGR) and the County. Refer to Chapter 3, “Revisions to the Draft EIR,” which includes additions to Section 4.12.1, “Background Report Setting Updates,” in the draft EIR for additional information about the responsibilities and jurisdiction of CalGEM and the County regarding petroleum extraction methods and procedures. As explained in this section, CalGEM has regulatory authority over well stimulation and underground injection. The County lacks legal authority to directly regulate or prohibit well stimulation, cyclic steaming, and other subsurface oil and gas production methods due to State law preemption. Consequently, this policy would be legally infeasible. Refer to Master Response MR-4.A for further discussion of the County’s authority to regulate oil and gas development.

O20-24 The comment suggests revisions to policies included in the Conservation and Open Space Element and additional policies related to petroleum extraction and energy use be added to the 2040 General Plan. This comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.

The new and revised policies related to oil and gas resources are not evaluated in this final EIR because they would not directly address significant impacts

identified in the draft EIR. Similarly, the proposed revisions to energy-related policies are not evaluated in detail because Section 4.6, “Energy,” of the draft EIR concludes that the 2040 General Plan would not result in wasteful, inefficient, or unnecessary consumption of energy or conflict with or impede State or Local Plans for Renewable Energy or Energy Efficiency. As a result, no mitigation is required. In addition, although Policies COS-8.1, COS-8.7, COS-8.8, and COS-8.9 are listed for context in Section 4.8, “Greenhouse Gas Emissions,” of the draft EIR, they are not relied upon in the analysis and the proposed revisions would not substantially reduce identified impacts. The commenter’s three new policies presented as energy resource conservation measures to further reduce GHG emissions are discussed in greater detail below.

► ***Commenter’s Policy COS-xx, Carbon-free Economy. The County will prioritize and facilitate a rapid transition to a carbon-free economy countywide.***

- It is unclear what actions would be taken to “prioritize” and “facilitate” a transition to a carbon free economy. Without clear performance criteria, it would not be possible to gauge whether this measure is effectively implemented or what, if any, effect on the potential for the 2040 General Plan to generate GHG emissions would result. For this reason, this policy has not been considered as mitigation for the impacts identified in Section 4.8 of the draft EIR.

Note that the 2040 General Plan includes policies supportive of reducing use of nonrenewable energy resources. For example, through Policy COS-8.6, the County would support the transition to zero net carbon for new buildings. In addition, the draft EIR evaluated Zero Net Energy Buildings Alternative in the draft EIR that focuses on creating incentive programs to encourage the retrofit of existing buildings, which account for the majority of GHG emissions in the county. As discussed in Chapter 6, “Alternatives,” modest reductions in GHG emissions would be anticipated because “building emissions would account for a relatively small fraction of the County’s greenhouse gas inventory and forecast and the County’s authority is limited” (draft EIR page 6-21).

► ***Commenter’s Policy COS-xx, Non-fossil Fuels for County Facilities and Fleets. The County will actively pursue a rapid transition to a diversity of non-fossil fuel alternatives for all County facilities and vehicle fleets.***

- This policy would not effectively mitigate impacts identified in the draft EIR because it is duplicative of policies already considered in the analysis. As identified in Section 4.8 of the draft EIR, alternative fuel vehicle purchases would be prioritized through Policy PFS-2.6 and renewable energy features would be encouraged in all discretionary development (Policy COS-8.8). Through Conservation and Open Space Element Implementation Program COS-T, the County would continue to review its energy consumption

performance and implement programs designed to increase energy efficiency in County-owned buildings, including investigating and implementing new energy technologies such as solar and fuel cells.

- ▶ ***Commenter's Policy COS-xx, Non-fossil Fuels Manufacturing and Distribution. The County will actively pursue, through the development of incentives and streamlined permit review, increasing a diversity of renewable energy manufacturing and distribution facilities countywide.***
 - This policy would not effectively mitigate impacts identified in the draft EIR because it is duplicative of policies already considered in the analysis. As identified in Section 4.8 of the draft EIR, the County would work to decarbonize communitywide electricity supply through Policy COS-8.5. Conservation and Open Space Element Implementation Program Q would incentivize the development of the Renewable Energy Priority Zone sites. To do so “the County shall consider waiving permit fees and providing a reduction on the annual property tax assessment for the portion of land used for renewable energy generation or storage.” Further, through Policy EV-4.4, the County would “identify appropriate locations to allow for development of renewable energy generation and storage facilities and encourage the development of innovative approaches to renewable energy deployment, including solar power, wind power, wave energy, distributed power systems and micro-grids, and other appropriate renewable sources and storage and distribution system.”

The comment also references potential GHG mitigation measures not included in the 2040 General Plan and draft EIR. Refer to response to comments O1-29 and O20-30 for mitigation measures considered for the 2040 General Plan and draft EIR that were determined to be infeasible. Response to comment O20-08 further addresses enforcement measures and mitigation as required under CEQA.

The draft EIR includes an analysis of 118 policies and 45 implementation programs included in the 2040 General Plan to reduce GHG emissions in the county (pages 4.8-37 to 4.8-45). Moreover, Section 4.8, “Greenhouse Gas Emissions,” of the draft EIR includes seven feasible mitigation measures that meet CEQA requirements and address the potentially significant GHG emission impacts of the 2040 General Plan (draft EIR pages 4.8-45 to 4.8-47). Thus, the draft EIR correctly identifies and considers feasible and enforceable mitigation measures to reduce GHG emissions.

O20-25

The comment suggests that additional policies should be incorporated into the 2040 General Plan that would impose additional (undefined) County safety standards for oil and gas pipelines that traverse fault lines and require “seismic and other geotechnical studies” that evaluate proposed injection wells at the County-level. The comment is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan. Refer to Section 4.7, “Geologic Hazards,” in

the draft EIR for a discussion of the potential for the 2040 General Plan to expose people or structures to significant seismic ground shaking.

O20-26 The comment suggests additional policies that could be considered in the 2040 General Plan to support established State and federal regulations related to petroleum extraction, use and transport of hazardous materials, and remediation of abandoned well sites. The comment is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.

O20-27 Refer to response to comment O20-16.

O20-28 Refer to response to comment O20-16.

O20-29 This comment asserts that the draft EIR analysis of alternatives does not comply with CEQA and that the draft EIR's "failure to disclose the extent and severity of the Project's climate impacts distorts the document's analysis of Project alternatives." The draft EIR provides a legally sufficient study of alternatives. In Chapter 6, "Alternatives," the draft EIR explains the County's obligation. Section 15126.6(a) of the State CEQA Guidelines requires EIRs to describe "... a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a range of potentially feasible alternatives that will avoid or substantially lessen the significant adverse impacts of a project, and foster informed decision making and public participation. An EIR is not required to consider alternatives that are infeasible."

With respect to the draft EIR analysis of GHG emissions impacts, as established in the above responses, the County provided a reasoned analysis of GHG impacts, which concluded that the 2040 General Plan would result in significant and unavoidable GHG-related impacts because it cannot be determined at this program level of analysis that future GHG emissions in the unincorporated county would meet State 2030 and post-2030 targets for GHG reduction (Impact 4.8-1 and Impact 4.8-2). Based on the conclusion that these impacts would be significant, the County considered alternatives to the 2040 General Plan in the draft EIR that would avoid or substantially lessen the effects while supporting the Guiding Principles contained in Section 1.2 of the 2040 General Plan.

As described in response to comment O20-21, two alternatives that principally would limit oil and gas extraction were considered in the draft EIR but dismissed from detailed evaluation. Also refer to the response to comment O20-30.

O20-30 As noted by the commenter, three alternatives that could reduce GHG impacts were dismissed from further analysis. However, the three alternatives that were selected for detailed analysis in the draft EIR (Alternative 2: Existing Community and Urban Area Designations Alternative, Alternative 3: Dense Cores Alternative, and Alternative 4: Zero Net Energy Buildings Alternative) would each lessen the

significant GHG emissions impacts of the 2040 General Plan, although not to a less than significant level.

The commenter provides no evidence to indicate that an alternative general plan that includes either further restrictions of oil and gas production or that prohibits the land use would avoid or substantially lessen any of the significant effects caused by implementation of the 2040 General Plan as proposed. It should be noted, that in the 2015 GHG inventory oil and gas production only accounts for 16.3 percent of GHG emissions within the county (Attachment 2 to the final EIR). Further, policies addressing existing oil and gas wells would not address environmental impacts associated with implementation of the 2040 General Plan. In addition, the draft EIR does not identify significant impacts attributable to future oil and gas extraction specifically that would warrant such a targeted alternative. Refer to the response to comment O20-21 explaining the reasons why the “Limit Active and Idle Wells and Reduce Oil Well Emissions Alternative,” (draft EIR page 6-8) and the “Eliminate or Reduce Existing Oil and Gas Wells or Production Alternative,” (draft EIR page 6-9) were rejected from detailed consideration in the draft EIR. Refer to response to comment O20-31 for discussion of the “Carbon Neutrality Alternative” and the reasons why it was rejected from further evaluation in the draft EIR (starting at draft EIR page 6-9). Also refer to Master Response MR-4, Section MR-4.J, “Potential to Stop Issuing Permits for New Wells (Phase Out Oil and Gas Operations),” and MR-4.A, “County’s Authority to Regulate Oil and Gas Development,” for response to the comment’s assertion that reducing both new and existing oil and gas operations in the County is legally feasible and discussion of the County’s authority to regulate oil and gas development.

As described in response to comment O20-21, alternatives that principally would limit oil and gas extraction were considered in the draft EIR but dismissed from detailed evaluation. Also, as previously noted in Section 4.8 of the draft EIR, due to regulations adopted in 2018, methane emissions from oil and gas extraction are regulated through CARB’s GHG Regulations for Crude Oil and Natural Gas with local assistance from the VCAPCD. These regulations require reporting and retrofitting of existing wells to reduce methane emissions in existing operations. The regulations also apply to new oil and gas wells requiring permits from VCAPCD. Additionally, CalGEM has jurisdiction over nearly 101,300 wells throughout the State that are defined as active or idle oil producers. The recently established Idle Well Program has created mandates for idle oil and gas wells that include a compliance schedule to test for leaks and plug and abandon wells, engineering analysis for wells and enhanced idle well management plans.

The draft EIR includes policies and implementation programs to reduce GHG emissions in the county (pages 4.8-37 to 4.8-45), and mitigation measures that meet CEQA requirements and address the potentially significant GHG emission impacts of the 2040 General Plan (draft EIR pages 4.8-45 to 4.8-47). Thus, the draft EIR correctly identifies and considers 2040 General Plan policies and programs in the GHG emissions analysis conducted in the draft EIR and correctly includes feasible and enforceable mitigation measures in the draft EIR analysis of GHG emissions.

O20-31 The comment states that the draft EIR improperly disclaims the County's authority to fight climate change, asserting that the draft EIR omits detailed consideration of a project alternative focused on "carbon neutrality."

The draft EIR provides a robust discussion of the reasons that the Carbon Neutrality Alternative is dismissed. Although carbon neutrality is often used colloquially to describe activities that do not substantially contribute to release of GHGs, by definition, such an alternative would require a mechanism to ensure that any carbon emissions are accounted for and offset (usually through purchase of credits) or wholly eliminate the release of carbon dioxide from all existing and future land use and activities in the unincorporated county. Achieving carbon neutrality would require "transformational changes to all aspects of society" that "are outside of the County's or any individual local government's ability to directly control or effect" (draft EIR page 6-10).

This alternative would require "[m]ajor changes to lifestyles and behaviors of individual residents and businesses...either as a result of major government intervention or in tandem with it" (draft EIR page 6-11). The discussion in the draft EIR describes many obstacles to implementing this alternative, which include mandating retrofit of existing homes, creating new employment opportunities, and eliminating fossil fuel consumption in existing buildings. The County concluded that requiring carbon neutrality for the entire unincorporated county would be infeasible due to the County's limited authority to mandate such changes, particularly to existing structures and employment sectors, the significant private and public costs to implement, and because of the County's lack of legal authority to implement and potential infringement on property rights.

However, please note that the 2040 General Plan does include policies and implementation programs to achieve GHG reductions and the draft EIR includes detailed discussion (pages 4.8-37 to 4.8-52) of how implementation of the 2040 General Plan would put the County's future emissions on a downward trajectory and would be consistent with and supportive of a larger State, national, or international effort to achieve carbon neutrality (for discussion of the 2040 General Plan's policies and implementation programs to reduce GHG emissions refer to Section 4.8, "Greenhouse Gas Emissions"). Further, Alternative 4, which is evaluated in detail, is the Zero Net Energy Building Alternative. This alternative focuses on creating incentive programs to encourage the retrofit of existing buildings, which account for the majority of GHG emissions in the county. Alternatives 2 and 3, also evaluated in detail in the draft EIR, would reduce the significant GHG emissions impacts of the 2040 General Plan through creation of more compact development pattern and integration of land uses relative to the 2040 General Plan, which would reduce the number and length of single occupancy vehicle trips, and support notable increases in walking, biking, use of public transit, and other alternatives to driving.

O20-32 This comment is a concluding statement and does not raise a significant environmental issue for which a response is required.

- O20-33 The comment references attachments to the main body of the letter. The County has reviewed the attachments and determined that they do not contain comment on the content or conclusions of the draft EIR, nor do they raise any significant environmental issues for which a response is required. All comment letters submitted to the County on the draft EIR are provided with complete attachments in Attachment 1 to this final EIR.

MusickPeeler

ATTORNEYS AT LAW

LAURA K. MCAVOY
l.mcavoy@musickpeeler.com
(805) 418-3115

2801 TOWNSGATE ROAD, SUITE 200
WESTLAKE VILLAGE, CALIFORNIA 91361

TELEPHONE: (805) 418-3100
FACSIMILE: (805) 418-3101
WWW.MUSICKPEELER.COM

LOS ANGELES
ORANGE COUNTY
SAN DIEGO
SAN FRANCISCO
SANTA BARBARA COUNTY
VENTURA COUNTY

**Letter
021**

FILE NO.: 13084.021

February 25, 2020

VIA ELECTRONIC MAIL: GeneralPlanUpdate@ventura.org

Ventura County Board of Supervisors
Attn: Susan Curtis, Manager, General Plan Update Section
General Plan Update
800 South Victoria Avenue L#1740
Ventura, CA 93009-1740

Re: Comments on Ventura County 2040 General Plan Draft Environmental Impact Report (State Clearinghouse No. #2019011026)

Dear Ms. Curtis:

On behalf of Coast Ranch Family, LLC ("Coast"), I write to you with comments concerning the Draft Environmental Impact Report for the 2040 General Plan ("DEIR"). Coast is a significant landowner and mineral owner in Ventura County and the lessor under operating oil and gas leases. Upon review of the DEIR, we conclude that it is deficient in a number of ways and we respectfully request that the DEIR be significantly revised and recirculated as required by the California Environmental Quality Act and the corresponding State CEQA guidelines.

O21-1

Rather than repeat all of the deficiencies, we hereby incorporate by reference the detailed commentaries supplied to you by Aera Energy, LLC substantially concurrently with this letter as well as the comments from the Western States Petroleum Association and other operators of producing fields in Ventura County.

O21-2

From an overview perspective, the single biggest defect is the failure to consider the economic consequences of various policies contained within the Draft Ventura County 2040 General Plan as depicted in the DEIR. The loss of royalty income to a significant number of lessors, the significant increased cost to the economy should oil and gas production be further negatively impacted, the loss of property tax revenue to the County, the failure to address the feasibility or more appropriately said the infeasibility of many of the measures contained in the DEIR, etc. render the DEIR as materially deficient and therefore in violation of CEQA.

O21-3

We tried to be respectful of your time by not just repeating the detailed comments otherwise provided as referenced above, but please be assured that does not mean that those

O21-4

Musick, Peeler & Garrett LLP

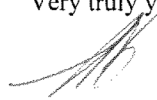
MusickPeeler

Ventura County Board of Supervisors
February 25, 2020
Page 2

comments are not significant and require deep attention in the form of a curing of the legal deficiencies and of recirculation of the DEIR prior to any approval of the 2040 General Plan. | O21-4 cont.

Thank you for your attention to these comments.

Very truly yours,



Laura K. McAvoy
for MUSICK, PEELER & GARRETT LLP

LKM:srk
cc: Coast Ranch Family, LLC
1203509.1

Musick, Peeler & Garrett LLP

Letter O21	Coast Ranch Family LLC Laura K. McAvoy, Musick, Peeler, & Garrett LLP February 25, 2020
-----------------------	--

- O21-1 The description of Coast's role and operations in Ventura County are noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- Refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.
- O21-2 The commenter refers to letters submitted by Aera Energy, Western States Petroleum Association (WSPA), and "other operators." Refer to responses to Letters O5 and O6 (from Aera Energy LLC) and O37 (from WSPA).
- O21-3 The comment asserts that the draft EIR failed to consider economic consequences associated with policies in the 2040 General Plan. However, EIRs are not required to treat a project's economic or social effects as significant effects on the environment (State CEQA Guidelines, § 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. The economic issues raised in this comment would not result in any adverse physical changes to the environment not already addressed in the draft EIR. Also refer to the response to comment O2-10.
- O21-4 The commenter refers to letters submitted by Aera Energy, WSPA, and "other operators." Refer to responses to Letters O5 and O6 (from Aera Energy LLC) and O37 (from WSPA).
- Refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.



Community
Environmental
Council

26 West Anapamu St., 2nd Floor, Santa Barbara, CA 93101
tel: 805.963.0583 fax: 805.962.9080 • www.cecsb.org

Letter
022

Board of Directors

President

John H. Steed

Vice President

Catherine Brozowski

Treasurer

Kathy Yeung

Secretary

Charles Newman

Members At-Large

Nadra Ehrman

Carolyn Fitzgerald

Laura Francis

Adam Green

Karl Hutterer

Bruce Kendall

Kim Kimbell

Barbara S. Lindemann

Elliott MacDougall

Pat McElroy

David N. Pellow

Board Members Emeritus

Marc McGinnes

Paul Relis

Selma Rubin

CEO

Sigrid Wright

President's Council

Dennis Allen

Diane Boss

Laura Capps

Jon Clark

Hal Conklin

Dave Davis

Carla Frisk

Dick Jensen

Ivor John

John Jostes

Mike Noling

Paul Relis

Michel Saint-Sulpice

Leanne Schlinger

Elizabeth Wagner

Sally Warner-Arnett

Partnership Council

Megan Birney

Karen Brill

Linda Cheresch

Christine DeVries

Kristin Hogue

Dawn Milcham

Wendy Read

Aaron Ritter

Missy Robertson

Stan Roden

Bret A. Stone

Jacob Tell

Sally Terrell

Michelle Weinman

Deborah Williams

February 27, 2020

Board of Supervisors, Ventura County
Ventura County Government Center
Hall of Administration
800 S. Victoria Avenue
Ventura, CA 93009

Re: Ventura County 2040 General Plan: Draft Environmental Impact Report

Dear Chair Bennett and Supervisors,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Ventura County General Plan Update. The Community Environmental Council (CEC) is working with dozens of partners on many climate solution projects throughout Ventura County, including electric vehicle readiness, energy efficiency planning, renewable energy and energy storage development, food waste reduction, and carbon farming and sequestration activities.

Ventura County is the fastest warming county in the lower 48 United States, and is already experiencing a range of devastating and expensive impacts¹. While language in the DEIR is careful to point out that federal policy lacks support for strong emissions regulation and that most local GHG emissions will come from current development, the State of California is leading with innovative programs to drive down emissions and the County should implement the most effective local policies that will curb emissions, mitigate impacts, and build community resilience in the current climate crisis.

CEC strongly urges the County to set higher carbon reduction goals, as well as incorporate a carbon neutrality goal at or before 2045, as guided by Executive Order B-55-18, mandating that California reaches carbon neutrality by 2045. CEC suggests the County of Ventura adopt a similar goal as the County of Santa Barbara, planning for a 50% reduction of greenhouse gas emissions from 1990 levels by 2030. CEC also encourages the County to set aggressive carbon neutrality goals, such as the City of San Luis Obispo's current Climate Action Plan seeking carbon neutrality by 2035.

¹ <https://www.washingtonpost.com/graphics/2019/national/climate-environment/climate-change-california/>

Q22-1

Q22-2



26 West Anapamu St., 2nd Floor, Santa Barbara, CA 93101
tel: 805.963.0583 fax: 805.962.9080 • www.cecsb.org

As acknowledged in the draft General Plan (page 4.8-40), the County will not reach the goal of reducing emissions to 41.3% of 2015 baseline levels by 2030 through the policies outlined. Although the County's goal is to reach the 2030 goals for GHG emissions reductions, the DEIR only quantifies approximately 30% of those emissions reductions and leaves the rest to mostly voluntary actions. Further, the DEIR indicates that the climate impacts of GHG emissions resulting from growth over the next 20 years will be "significant and unavoidable", yet presents very few quantifiable mitigation actions to reduce them. As a result, the County is at a very high risk for failing to meet its own GHG emissions reduction goals, the state's goals of Carbon Neutrality by 2045, and for experiencing increased climate impacts.

O22-2
cont.

In response, CEC suggests modifying existing policies or creating new policies to include more quantifiable targets to support the following:

- An oil and gas tax on new and existing operations that seeks to slowly phase out oil and gas production by 2045, in line with State carbon neutrality goals, while creating revenue to fund climate action programs
- Parking and pricing policies that disincentivize driving
- Electrification of light duty and medium-heavy duty vehicles
- Increased zero-emissions vehicle miles traveled
- Electrification of the county fleet
- An actionable food waste reduction plan that supports SB 1383
- An unincorporated county zero waste goal
- Restrictions on new oil and gas development
- Elimination of existing oil and gas operations within environmental justice communities
- Programs to sequester carbon in our natural and working lands

O22-3

Adopting these enforceable policies will have a measurable impact that can be accurately assessed in the EIR.

In 2019, CEC partnered with the Ventura County Regional Energy Alliance and the Ventura County Air Pollution Control District to develop an Electric Vehicle Readiness Blueprint² that outlined targets and strategies for a county-wide transition to zero emissions vehicles in-line with State mandates. We suggest that the County refer to this document as a reasonable guide for setting policy goals with quantifiable impacts. The County can leverage its role as an employer of approximately 8,000 people to enact measures such as building charging stations at all county facilities and establishing programs to help employees adopt EVs at a faster rate than the general population.

The County can lead by example by emulating the State's mandates for zero emissions vehicles in its general services department³. The County can also look to the City of San Luis Obispo's goal of replacing

² <https://www.vcenergy.org/electric-vehicle-blueprint/>

³ <https://green.ca.gov/fleet/about/initiatives/>



26 West Anapamu St., 2nd Floor, Santa Barbara, CA 93101
tel: 805.963.0583 fax: 805.962.9080 • www.cecsb.org

40% of VMT with electric miles by 2030 for setting its own similar target in the unincorporated County areas.

As it stands, Appendix B is not an actionable climate action plan. It kicks the can down the road by proposing a Climate Emergency Council (CEC), established under COS-CC, to consider future policies. Instead, actionable policies should be included by the County through this planning process.

O22-3
cont.

CEC would like to recognize the efforts of the general plan team to incorporate Environmental Justice themes throughout the draft General Plan; however, there is a glaring lack of accountability to Ventura County's environmental justice and frontline communities in the DEIR as well as a lack of prioritizing projects that would correct these historic injustices. Specifically, there is no analysis or mitigation strategy to support the plan's Environmental Justice guiding principle to "...protect disadvantaged communities from a disproportionate burden posed by toxic exposure and risk...". Failure to deeply analyze which communities face disproportionate impacts, beyond the SB 244 definition of a "disadvantaged unincorporated community" creates a gap in addressing their needs outside of the parameters of basic environmental protection outlined in LU-17.3.

O22-4

CEC recommends that the County establish a more substantial, locally relevant definition of an Environmental Justice Community with both qualitative and quantitative elements. The County should also prioritize specific mitigation measures for disproportionately impacted communities, or set enhanced mitigated measures for growth in those communities, and incorporate them into the EIR.

While the draft plan and draft EIR are stated to be in line with state mandates for GHG emissions reductions, they fall short of meeting the bold and drastic changes needed to help our communities be truly adaptive and resilient. The draft General Plan fails to adequately mitigate for climate change impacts, finding a significant and avoidable impact. Other communities have adopted more complete Climate Action Plans that calculate mitigation measure that allow these agencies to reduce their emissions in line with State goals. The County of Ventura's planning fails in these areas and needs significant revision before the EIR can be certified and the General Plan adopted.

O22-5

Sincerely,

Sigrid Wright

Executive Director, Community Environmental Council

Letter O22	Community Environmental Council Sigrid Wright, Executive Director February 27, 2020
-----------------------	--

- O22-1 The description of the Community Environmental Council's role and the climate change background in Ventura County are noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- O22-2 The comment recommends setting higher carbon reduction goals and a carbon neutrality goal for the 2040 General Plan consistent with executive orders and goals set by the County of Santa Barbara and the City of San Luis Obispo. Refer to Master Response MR-1 for discussion of how the County established its GHG reduction target for 2030 and reduction goals for 2040 and 2050 in alignment with State targets and goals.
- O22-3 The comment recommends a series of new or modified policies. Each of the recommendations was considered as follows:
- ▶ An oil and gas tax on new and existing operations that seeks to slowly phase out oil and gas production by 2045, in line with State carbon neutrality goals, while creating revenue to fund climate action programs
 - Refer to Comment Response O2-12.
 - ▶ Parking and pricing policies that disincentivize driving
 - Refer to Comment Response 01-19.
 - ▶ Electrification of light duty and medium-heavy duty vehicles
 - Supported through the expansion of EV charging stations and neighborhood EVs in LU-11.3, CTM-6.5, CTM-6.6, and PFS-2.8.
 - ▶ Increased zero-emissions vehicle miles traveled (VMT)
 - The 2040 General Plan Circulation, Transportation and Mobility Element seeks to reduce VMT from all types of vehicles, in compliance with Senate Bill 743.
 - ▶ Electrification of the County fleet
 - Program PSF-F calls for the County to provide support for the use of electric vehicles and would provide charging for these vehicles at County facilities.
 - ▶ An actionable food waste reduction plan that supports Senate Bill 1383
 - Program PSF-L Food Waste Recovery is an action that would support the intent of this recommendation. Under this program the County shall

provide educational and informational materials to restaurants, grocery stores, and other food providers, as part of food handler permitting, to support donation of safe, unused food to non-profit service agencies.

- ▶ An unincorporated county zero waste goal
 - Refer to comment response O1-19.
- ▶ Restrictions on new oil and gas development
 - Refer to Master Responses MR-1 and MR-4.
- ▶ Elimination of existing oil and gas operations within environmental justice communities
 - Refer to Master Responses MR-1 and MR-4.
- ▶ Programs to sequester carbon in our natural and working lands
 - Refer to 2040 General Plan Policy AG-5.5 and AG-L Carbon Farming Practices which describes several potential actions that the County would support to increase carbon sequestration and directs the County to initiate such programs. Policies COS-C and COS-H also support sequestration through tree planting. Impact discussion 4.8-2, page 4.8-51 states “as part of future monitoring activities, the County may also consider new technologies that support GHG reduction or CO2 sequestration and determine the potential application of these within the county.”

O22-4 The comment states that the draft EIR does not include analysis or mitigation to support the 2040 General Plan’s Environmental Justice guiding principle and define a locally relevant definition of an “Environmental Justice Community.” Environmental justice is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. However, EIRs are not required to treat a project’s economic or social effects as significant effects on the environment (CEQA Guidelines, § 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. The social issues raised in this comment would not result in any adverse physical changes to the environment not already addressed in the draft EIR.

O22-5 Refer to Master Response MR-1 for discussion of the draft EIR’s significant and unavoidable impact conclusions for GHG emissions (Impacts 4.8-1 and 4.8-2) and the feasible mitigation measures included in the draft EIR to address the significant GHG emissions impacts of the 2040 General Plan.



Letter
023

LiUNA! LABORERS'
LOCAL 585
Feel the Power

February 27, 2020

Susan Curtis, Manager, General Plan Section Update
Ventura County Resource Management Agency, Planning Division
800 S. Victoria Ave., L #1740
Ventura, California 93009

Re: General Plan Update Draft Environmental Impact Report Comments

Dear Ms. Curtis,

We represent workers in Ventura County through the Tri-Counties Building & Construction Trade Unions, LiUNA Local 585, International Brotherhood of Electrical Workers (IBEW 952), and Southwest Carpenters.

Our organization advocates for local government policies that support the rights of workers, their families and communities. We advocate for policies that support a strong economy that provides robust opportunities for a skilled, well-trained workforce. We are committed to fight against policies that restrict the ability to work in the high-paying jobs that afford our members lifetime career opportunities.

O23-1

The Draft Environmental Impact Review (DEIR) does not sufficiently evaluate the impacts that the General Plan policies will have on jobs and the economy. It falls short of addressing the housing crisis facing Ventura County. It does not do enough to address the need for increasing housing supply in the county.

O23-2

The General Plan Update disproportionately targets the local oil and gas industry that have worked in Ventura County for decades. The DEIR underrepresents the number of workers who would be impacted by the oil and gas policies outlined in the General Plan.

We represent a diverse group of workers who depend on high-paying jobs with upward mobility and benefits for our families. The suggestion that our members should re-train from a specialized skill they have dedicated their career to is objectionable. The DEIR must address the salary differences and opportunities between the suggested green jobs of a carbon neutral economy and those currently held by the skilled workforce.

Our primary goal is to ensure our members' jobs and families are protected. Upon review of the General Plan Update it is clear that jobs will be impacted and in some cases eliminated and that is not reflected in this iteration of the DEIR.

We respectfully ask that the county revises and recirculates the DEIR and takes the time to thoughtfully analyze the impacts these policies will have on working families. The General Plan is a critical factor in the county's economic success. It should encourage economic growth and opportunity for working people.

O23-3

Sincerely,

Martin Rodriguez
President
Tri-Counties Building & Construction Trades Council

Tony Skinner
Executive Secretary-Treasurer
Tri-Counties Building & Construction Trades Council

Jeff Bode
Business Manager
International Brotherhood of Electrical Workers Local 952

Anthony Mireles
Business Manager
LiUNA Laborers Local 585

Mercy Urrea
Southwest Regional Council of Carpenters

Letter O23	Laborers' International Union of North America Martin Rodriguez, President, Tri-Counties Building & Construction Trades Council Tony Skinner, Executive Secretary-Treasurer, Tri-Counties Building & Construction Trades Council Jeff Bode, Business Manager, International Brotherhood of Electrical Workers Local 952 Anthony Mireles, Business Manager, LiUNA Laborers Local 585 Mercy Urrea, Southwest Regional Council of Carpenters February 27, 2020
-----------------------	--

- O23-1 The description of the role of the commenting organization is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- O23-2 The comment generally asserts that the draft EIR provides an insufficient evaluation of the impacts of the 2040 General Plan on jobs and the economy and does not address the need for increased housing in the county. EIRs are not required to treat a project's economic or social effects as significant effects on the environment (State CEQA Guidelines, § 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. The comment does not establish a connection between impacts on jobs and the economy and any adverse physical changes to the environment not already addressed in the draft EIR. Therefore, any evaluation of these impacts would be considered speculative under the California Environmental Quality Act and the County correctly excluded such analysis from the draft EIR.
- Housing and the potential for the 2040 General Plan to contribute to demand for housing that cannot be accommodated by the land use designations established in the land use diagram is evaluated in Section 4.14, "Population and Housing," in the draft EIR. Specifically, the analysis on page 4.14-10 indicates: "While an increase in employment opportunities within the plan area is expected during the 2040 planning horizon, the county has adequate capacity to meet the current Regional Housing Needs Assessment allocation for housing in all household income categories. In addition, policies and programs within the 2040 General Plan would ensure that housing needs, including future housing needs for the projected increase in low-income employment would be met." No changes to the draft EIR have been made in response to this comment.
- O23-3 The comment expresses concern that the draft EIR underrepresents the number of workers that would be affected by the oil and gas policies in the 2040 General Plan and that the draft EIR does not address impacts related to loss of jobs in the oil and gas industry. However, EIRs are not required to treat a project's economic or social effects as significant effects on the environment (CEQA Guidelines, § 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. The economic issues raised in this comment would not

result in any adverse physical changes to the environment not already addressed in the draft EIR.

Refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.



February 24, 2020

Letter
024

Susan Curtis, Manager, General Plan Section Update
Ventura County Resource Management Agency, Planning Division
800 S. Victoria Ave., L #1740
Ventura, California 93009

Via email: GeneralPlanUpdate@ventura.org

Re: General Plan Update Draft Environmental Impact Report Comments

Dear Ms. Curtis,

The Oxnard Chamber of Commerce advocates for policies that will lead to both economic growth and a stronger community. The Chamber works on behalf of over 500 businesses and organizations that employ more than 30,000 people. We promote the business and economic well-being of Oxnard's diverse community to benefit enterprises, large and small. The Chamber advocates for public policies that continue the creation and retention of jobs in order to promote a healthy Oxnard economy.

O24-1

We appreciate the opportunity to comment on the General Plan's Draft Environmental Impact Report (DEIR). This collaboration allows the Chamber to continue to support policies that will create both a sustainable energy future and a growing economy for our region.

One of the overarching concerns with the DEIR is the lack of specificity related to how the environment is actually protected by these proposals. This is in part due to the descriptions surrounding many of the suggested policies being very vague and lacking sufficient details. Not only does this make these projects more difficult to explain and comprehend, but it also allows for more room for error when attempting to implement such projects.

O24-2

Additionally, the analysis surrounding the various projections and forecasts in the DEIR is often flawed, biased, and misleading as part of a larger effort to discredit Ventura oil and gas producers who make significant contributions to the County. In section 6.4.6, Carbon Neutrality, the rejection is appropriate. However, it severely understates the number of individuals employed in the oil and gas industry. Would the DEIR consider adding jobs that would be impacted by a complete shutdown? It should consider service employees, contractors, accountants, food service vendors. Jobs in the oil and gas industry are high paying and cannot simply be replaced with a mass quantity of green energy jobs. A proper comparison of salaries would be important to fully understand the impacts of the proposed policies.

O24-3

Furthermore, in 2018, the industry provided more than \$56 million to state and local taxes, of which \$21 million that went to supporting Ventura County schools and public safety agencies. The DEIR did not address where this significant portion of the budget would be addressed.

Housing is perhaps the most important issue facing Ventura County. The DEIR does not sufficiently address solutions to this issue and the potential impacts of its proposals. Implementation Program AG-X, Mitigation Measure GHG-1, or Policy COS-6.5 are all items that impact the availability of affordable housing. The General Plan outlines policies that limit the construction and development of new affordable housing. Why is Implementation Haz X not considered a hindrance to building more affordable housing? A suitable alternative would continue to allow natural gas since it is the most affordable and reliable heat source for low-income houses. The DEIR does not take into consideration sky high electricity bills as the alternative to natural gas.

O24-4

Residents have entrusted the Planning Department with this process. The DEIR has the potential to play a significant role in creating a sustainable economic future, but only if it is carefully tailored to the greater needs of Ventura County. We urge you to revise and recirculate it to the public.

O24-5

Sincerely,



Nancy Lindholm
President/CEO

**Letter
O24**

Oxnard Chamber of Commerce
Nancy Lindholm, President/CEO
February 24, 2020

- O24-1 The description of Oxnard Chamber of Commerce’s role in the county is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- O24-2 The comment asserts that the draft EIR lacks sufficient detail regarding “suggested policies” and how the environment is “actually protected by these proposals” and states that this causes “these projects (to be) more difficult to explain and comprehend” and “room for error when attempting to implement such projects.” No specific references or examples are provided to support this claim. The draft EIR analyzes, at a programmatic level, the physical environmental changes that could occur upon implementation of the 2040 General Plan and provides sufficient specificity regarding the environmental protections anticipated to result from the proposed policies and programs of the 2040 General Plan. Where the benefits of the policies and programs are unclear or otherwise not supported by substantial evidence, they have not been relied upon as the basis for impact significance conclusions in the draft EIR. Refer to Master Response MR-2 for more explanation of how policies and programs of the 2040 General Plan are evaluated in the impact analysis conducted in the draft EIR.
- O24-3 The comment claims that the analysis in the draft EIR is “flawed, biased, and misleading” and serves a greater initiative to “discredit Ventura oil and gas producers.” The only substantiation provided is the lack of specific information about the quantity and salary of individuals employed in the oil and gas industry and the taxes paid by the oil and gas industry in the draft EIR explanation of why the Carbon Neutrality Alternative was dismissed from detailed analysis in the

draft EIR. The draft EIR acknowledges that individuals employed in the oil and gas industry could be displaced by this alternative and the County has limited authority to set aside jobs in the renewable energy sector specifically for these employees. Further detail is not necessary to support the dismissal of the alternative.

Note that EIRs are not required to treat a project's economic or social effects as significant effects on the environment (State CEQA Guidelines, § 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. The issues raised in this comment would not result in any adverse physical changes to the environment not already addressed in the draft EIR.

O24-4

The comment describes the importance of housing in the county, states that the draft EIR “does not sufficiently address solutions” to the issue of housing, and asserts that the draft EIR does not sufficiently address impacts to affordable housing, including impacts from Mitigation Measure AG-2 (Implementation Program AG-X) regarding agricultural conservation easements to offset loss of Important Farmland, Mitigation Measure GHG-1 (Implementation Program HAZ-X), which would prohibit natural gas infrastructure in new residential development, and Policy COS-6.5, which requires an evaluation of mineral resources where discretionary development is proposed on land identified on the current mineral resource zone maps by the California Geological Survey and requires setbacks from existing mining operations (2040 General Plan, Section 6.5 Soil and Mineral Resources, page 6-11). The comment specifically refers to natural gas as the “most affordable” heat source for low-income households and the “sky high” cost of electricity.

The population and housing effects of the proposed 2040 General Plan policies are evaluated in the draft EIR in Section 4.14, “Population and Housing.” Using the significance thresholds provided in the State CEQA Guidelines and adopted in the County's Initial Study Assessment Guidelines, the draft EIR analysis of housing impacts addresses whether implementation of the 2040 General Plan would eliminate three or more existing affordable housing units or displace substantial numbers of people or housing units (Impact 4.14-1 starting at page 4.14-5) and result in low-income employment opportunities that could generate demand for new housing that exceeds the County's inventory of land to develop low-income housing (Impact 4.14-3 starting on page 4.14-9). The draft EIR concludes that these impacts would be less than significant because implementation of the 2040 General Plan would not displace substantial numbers of housing units, including affordable housing units, and because the 2040 General Plan includes policies and programs to provide adequate provision of low-income housing for projected increases in low-income employment opportunities through 2040. The implementation of these two mitigation measures and 2040 General Plan policy would not result in direct or indirect impacts on affordable housing that are not already analyzed in the draft EIR.

The draft EIR is not required to analyze how implementation of the above policies would affect the affordability or cost of housing. As discussed above, EIRs are not required to treat a project's economic or social effects as significant effects

on the environment (State CEQA Guidelines, § 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. In addition, a Lead Agency need not speculate about environmental impacts (State CEQA Guidelines, § 15145). The comment does not provide any facts or evidence regarding how the 2040 General Plan would affect the cost of housing or the “affordability” of housing; these economic impacts are speculative and not reasonably foreseeable. Moreover, any physical impacts resulting from such economic impacts cannot be defined and are not reasonably foreseeable. Evaluation of these impacts of the two mitigation measures and General Plan policy on the cost of housing or affordable housing was correctly excluded from the impact analysis conducted in the draft EIR.

O24-5 Refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.



BOARD OF HARBOR COMMISSIONERS
 Jess Ramirez President
 Jason T. Hodge Vice President
 Mary Anne Rooney Secretary
 Jess Herrera Commissioner
 Celina Zacarias Commissioner

**Letter
025**

PORT MANAGEMENT
 Kristin Decas CEO & Port Director

Foreign Trade Zone #205



WORLD TRADE CENTER®
 OXNARD

February 27, 2020

Ms. Susan Curtis
 General Plan Update Manager
 County of Ventura
 800 S. Victoria Ave.
 Ventura, CA 93009

**RE: Comment on Draft Environmental Impact Report for the County of Ventura
 Draft 2040 General Plan**

Dear Ms. Curtis,

The Port of Hueneme appreciates the opportunity to comment on the *Draft EIR* for the County's *2040 General Plan*. The inclusion and thoroughness exhibited throughout this document is appreciated. The Port applauds the detailed work of County staff, and the deliberate inclusion of economic vitality spurring sustainable development within our County.

O25-1

We respectfully submit the following comment:

1. Pg. 4.13-29 Impact 4.13-7 Expose Noise-Sensitive Land Uses to Railroad Noise and Vibration that Exceeds Applicable Standards

We ask the County to revise this section to clarify that the costs associated with measuring noise levels surrounding railways for the 2040 General Plan Policies – HAZ-9.2 and HAZ-9.6 will not be placed on the owner or operator of the railroad.

O25-2

We suggest the following text to clarify:

“However, 2040 General Plan Policies-HAZ-9.2 and HAZ-9.6 would ensure indoor noise levels in habitable rooms do not exceed 45 dBA CNEL and outdoor noise levels do not exceed 60 dBA L10 and would require an acoustical analysis to determine noise levels and provide appropriate reduction measures. *Costs associated with measuring these noise levels will not be the burden of the railroad owner, nor operator.* As required by 2040 General Plan Policy HAZ-9.1, the County would

P.O. Box 608 • 333 Ponomo Street • Port Hueneme, CA 93044-0608 • 805-488-3677 • 805-488-2620 fax



prohibit discretionary development which would be impacted by noise that cannot be reduced to meet the standards prescribed in Policy HAZ-9.2.”

O25-2
cont.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristin Decas'.

Kristin Decas
CEO & Port Director

The Port of Hueneme
Oxnard Harbor District

Letter O25	Port of Hueneme: Oxnard Harbor District Kristin Decas, CEO & Port Director February 27, 2020
-----------------------	---

- O25-1 This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- O25-2 The comment requests that the draft EIR be edited to state that railroad owners and operators would not be responsible for costs associated with measuring railroad noise levels in responses to Policies HAZ-9.2 and HAZ-9.6 proposed in the 2040 General Plan. This comment about the entity responsible for bearing certain costs in response to policies of the 2040 General Plan is noted but is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

Renaissance Petroleum, LLC

P.O. Box 20456
Bakersfield, CA 93390-0456
Phone 661-324-9901 / Fax 661-324-9902

Letter
026

February 26, 2020

By: Email only

Ms. Susan Curtis
General Plan Update Manager
Ventura County Planning Division
800 S. Victoria Ave.,
Ventura, CA 93009

Re: Comments to Draft EIR to Ventura County General Plan

Dear Ms. Curtis,

I find redundancy and flaws in the description and analysis of the 2040 General Plan released January 13, 2020 (Draft EIR) that significantly impact potential policy changes. I will specifically address two proposed new policy items associated with Section 4.12, Mineral and Petroleum Resources.

O26-1

1. On page 4.2-8, the Draft EIR is proposing “**new policy**” as described as COS-7.2 (revised page 4.12-18): Oil Well Distance Criteria. Under this new policy the “*County shall require that new discretionary oil and gas wells be sited a minimum of 1,500 feet from the well head to sensitive use structures which include dwellings, childcare facilities, hospitals, health clinics, and school property lines.*” In light of the “significant and unavoidable” impact that COS-7.2 (DEIA page 4.12-22) would have on hampering or precluding access to petroleum resources in Ventura County and potentially exposing the County to liability for damages associated with precluding landowners the right to enjoy the benefit of the development of their mineral resources, the County should suspend the inclusion COS-7.2 until the State legislature has had the opportunity to deal with the matter and develop policy (i.e. AB345) which most probably will be in conflict with any form of COS-7.2 that the County develops.

In the last several years there has been an abundance of information published by setback advocates concerning setbacks from oil and gas production facilities. Health related studies of populations living in the vicinity of an oil and gas production facility are not conclusive, and may be significantly biased by knowledge that a facility, previously unknown, is “discovered” to exist. From my own review of the published sources, none conclusively establish an appropriate setback distance and, because wells and facilities differ, not one size fits all. A steam injection related facility on the Oxnard Plain is significantly different from a light oil and gas facility on the Oxnard Plain; both oil and gas, but each has radically differing impacts. The former having the lingering smell of tainted rotten eggs and the latter no noticeable emissions impacts at all. The majority of the published studies used by both the Los Angeles County and California Council on Science and Technology that were cited as support in the Draft EIR were performed in areas outside of California (i.e. TX, CO, PA etc.) where the regulatory requirements for emissions from oil and gas facilities are significantly less stringent than those required in California, of which the APCD in Ventura County has been ahead of the pack for over a decade.

O26-2

In conclusion, suspending action of a setback requirement until the State has generated policy is a prudent course of action given the uncertainty associated with the implantation of COS-7.2 and the potential liability that the County could be exposed to in the future. Lastly, existing Ventura County policy has not been demonstrated to be inadequate.

Oil & Gas Exploration – Exploration Management – New Business Development

2. On page 4.2-8, the Draft EIR is proposing “**new policy**” as described as COS-7.7 (revised page 4.12-31): Conveyance for Oil and Produced Water. Under this new policy the “*County shall require new discretionary oil wells to use pipelines to convey crude oil and produced water, if feasible. Trucking of crude oil and produced water may only be allowed if the proponent demonstrates that conveying the oil and produced water via pipeline is infeasible. In addition, trucking of crude oil and produced water is allowed in cases of emergency and for testing purposes consistent with federal, state and local regulations.*” The current VCNCZO establishes oil development guidelines and states that “An applicant should use the guidelines in the design of the project and anticipate their use as permit conditions, unless the applicant can demonstrate that they are not feasible or practicable” (VCNCZO §8107-5.5.) and further states that “Pipelines should be used to transport petroleum products off-site to promote traffic safety and air quality” (VCNCZO §8107-5.5.a).

O26-3

As stated in the above, the requirement to utilize pipelines to transport petroleum products is based on the feasibility and practicality of utilizing a pipeline as oppose to other sources of transportation such as trucking. Feasibility and practicality include the economic feasibility of a pipeline in support of a project. I am cited on page 4.12-23 of the DEIR analysis where my firm, Renaissance Petroleum, LLC (RenPet), provided Ventura County an economic evaluation for the interconnection of RenPet’s Cabrillo Oil Field to a pipeline to transport crude oil. The DEIR correctly summarizes the findings that such a project would be uneconomic.

Figure 4.12-4 of the Draft EIR is fatally flawed. The map purportedly displays “Major Oil Transmission Pipelines” in yellow and includes an orange “2 Mile Setback” in an effort to show the proximity of the majority of the oil production in Ventura County to crude oil pipelines. As a significant flaw, the lines shown as yellow on Figure 4.12-4 **include gas transmission lines**. These gas transmission lines represent the majority of the “Major Oil Transmission Pipelines” shown on the map. Please refer to the Grand Jury sourced map attached to my 2016 memo for an accurate presentation of crude oil transmission pipelines in Ventura County (see attached). There is significantly less access to a crude oil pipeline than Figure 4.12-4 and its setback distance suggests, and south of SR 101 there is very limited access. The implantation of COS-7.7 could strand significant crude oil resources located south of SR 101 to the financial detriment of the landowners in this area and Ventura County. As a result, what is characterized as a potentially significant impact (DEIR page 4.12-31) **should be elevated to a significant impact, based on the flawed map included in the DEIR as Figure 4.12-4.**

O26-4

Thank you very much for your consideration of my comments.

Respectfully submitted,



Marc Wade Traut
President

Attachment MWT memo to file 12-22-2016

Letter O26	Renaissance Petroleum, LLC Marc Wade Traut, President February 26, 2020
-----------------------	--

- O26-1 The comment summarizes more detailed comments provided elsewhere in the comment letter. See responses to comments O26-2 through O26-4, below, regarding proposed 2040 General Plan policies.
- O26-2 Refer to Master Response MR-4 for discussion regarding 2040 General Plan Policy COS-7.2, which would require that new discretionary oil and gas wells be located a minimum of 1,500 feet from residential dwellings and 2,500 feet from any school.
- O26-3 Refer to Master Response MR-4 for discussion regarding 2040 General Plan Policy COS-7.7, which would require new discretionary oil wells to use pipelines to convey oil and produced water; oil and produced water shall not be allowed to be trucked for new discretionary oil wells.
- O26-4 The comment asserts that the Figure 4-12.4 (Major Oil Transmission Pipelines Map in the draft EIR inaccurately depicts both oil and gas transmission lines. Figure 4-12.4 (draft EIR page 4.12-25) depicts the major oil transmission pipelines in the County as reported by the following Geographic Information System (GIS) mapping layers: CAL FIRE 2007 (State), 2008 (Local), and 2016 (Federal); USGS, 2013; DOGGR, 2019. Similarly, Figure 4.12-5 Major Gas Transmission Pipelines Map includes the major gas transmission pipelines in the County as reported by the following GIS mapping layers: CAL FIRE 2007 (State), 2008 (Local), and 2016 (Federal); USGS, 2013; DOGGR, 2019; VCAPCD, 2017. These figures depict the individual oil (Figure 4-12.4) and gas (Figure 4-12.5) transmission pipelines as reported by the agencies responsible for providing regulatory oversight and GIS mapping layers mapping layers to local jurisdictions. Therefore, both figures depict the best available data for oil and gas transmission pipelines in the county. No revisions to the draft EIR have been made in response to this comment.



6/21/2019
 Susan Curtis
 RMA Planning Division, General Plan Update
 800 South Victoria Avenue., L #1740
 Ventura, CA 93009-1740

RE: Ventura County 2040 General Plan Update and Climate Action Plan

Dear Ms. Curtis,

SoCalGas appreciates the opportunity to submit comments on County's Preliminary Public Review Draft General Plan (Draft Plan). We have been continually engaged in the development of the Draft Plan and further appreciate the opportunities to attend public workshops, planning commission meetings, and participate in online surveys as means to submit feedback throughout the planning process. We believe this document will provide valuable direction for the County to pursue effective, long-term sustainable planning goals. SoCalGas especially supports the County's direction to pursue policies that promote furtherance of renewable energy development and expansion while also contributing to regional and local resiliency. We support many of the policies currently included in the Draft Plan and look forward to partnering with the County to achieve these ambitious strategies and actions. We do believe the Draft Plan could benefit from active identification and incorporation of the following takeaways:

- **The Draft Plan can be greatly enhanced by pursuing significant synergies between production and use of renewable natural gas (RNG) and the County's renewable energy goals, waste reduction/diversion targets, and emission reduction strategies.**
- **Because the pipeline system that delivers RNG is inherently resilient to aboveground climate events, it can greatly help increase the resiliency of County infrastructure and operations to climate hazards and impacts.**

O27-1

Most prominently, we are excited at the potential opportunities that exist between the county's waste reduction and diversion targets, as stated in the Draft Plan, and development and use of RNG resources that can drive and incentivize their attainment. RNG can be produced from existing waste streams within the County, including organic waste, green waste, and agricultural waste. This aligns with the goals of Strategy PFS-5.5 – "support the beneficial reuse of agricultural wastes...such as energy generation" and PFS-5.6 – "promote value-added alternatives to solid waste management, such as...energy." Further, the organic waste diversion incentives generated by RNG production would also help the County achieve the organic waste diversion targets mandated under SB 1383. Similarly, use of existing waste

resources to produce RNG aligns with the County's emphasis to increase the use of renewable energy as stated in Policy COS-8 and its supporting strategies that advocate promoting development and use of renewable energy resources (including bioenergy) and transitioning to zero net energy buildings (Strategies COS-8.1 and 8.5, respectively). We are ecstatic to see that such synergies are acknowledged in the GHG Mitigation and Climate Adaptation Measures in the County's Draft Climate Action Plan, Appendix B of the Draft Plan, such as in Policy AG-L which prompts the County to develop a program to coordinate public-private local investment in biogas control systems.

Because RNG is produced from existing methane sources that are otherwise being emitted into the air, unabated, capturing these emissions to produce RNG helps reduce both regional and local methane and GHG emissions. As a short-lived climate pollutant, methane has a greater global warming potential than carbon dioxide—specifically, methane is approximately 28 times more potent than carbon dioxide in the atmosphere^{1,2}. From a lifecycle perspective, because RNG production removes a greater quantity of more potent GHG emissions from the air than what it produces at end uses, its production is a **carbon negative process**, and can be used to offset other uses that cannot achieve carbon neutrality. As the County is aware, SoCalGas recently filed a request with the California Public Utilities Commission seeking to offer RNG to all customers, which would have significant potential to significantly reduce both local and regional GHG emissions. In fact, replacing only 20% of existing natural gas supply with RNG achieves the same emissions reductions as electrifying the entire building sector by 2030, but at one-third of the cost.³ For these reasons, we recommend that the Draft Plan include additional policies and supportive strategies to promote both production and use of RNG as an incentive mechanism to enhance organic waste reduction/diversion, in addition to use as a renewable fuel option for decarbonizing the building and transportation sectors.

O27-1
cont.

The underground natural gas system is more resilient than the aboveground electric system

Use of RNG as a renewable energy source also has synergies with County resilience goals and targets. As stated at the recent Planning Commission General Plan Update Workshop on June 13th, 2019, County staff directly acknowledged the dual importance of decarbonizing energy supplies but while also keeping in mind the critical importance of energy reliability. As we know, the impacts of global climate change are set to continually increase in severity, which will result in more severe wildfires, storms, and floods. Wildfire risk, specifically, is one of the most prominent climate change hazards facing the County, especially as just over the past two years Southern California has experienced two of the largest wildfires in the State's history that burned millions of acres and destroyed thousands of homes and property, a significant portion of which occurred within Ventura County. To this end, SoCalGas supports the draft policies

¹ IPCC. Global Warming Potential Values https://www.ghgprotocol.org/sites/default/files/ghgp/Global-Warming-Potential-Values%20%28Feb%2016%202016%29_1.pdf

² California Air Resources Board (CARB). Understanding Global Warming Potentials. <https://www.epa.gov/ghgemissions/understanding-global-warming-potentials>

³ PR Newswire. New Study Advises Policymakers to Consider Renewable Natural Gas for Low-Carbon Buildings Strategy. August 8, 2018. <https://www.prnewswire.com/news-releases/new-study-advises-policymakers-to-consider-renewable-natural-gas-for-low-carbon-buildings-strategy-300691318.html>

aimed at enhancing local adaptive capacity such as Policy HAZ-11.4, which supports education and outreach efforts to inform local communities about climate change impacts, and Policy HAZ-P, which aims to identify critical infrastructure vulnerable to extreme heat.

As seen in the recent wildfires and mudslides that ravaged Southern California, energy system vulnerability is a significant factor that affects local resilience to such hazards. As the electric system is almost entirely aboveground, it is significantly more exposed to threats and, when impacted, can not only leave hundreds to thousands of residents without power at their homes, but also affect operation of critical facilities. For example, in 2017 the Thomas Fire damaged electric power lines throughout the City of Ventura. Because the City's water pumps to supply water to firefighters ran on electricity without any other form of backup power, firefighters were unable to get water from the pumps to put out burning residences⁴. If the water pumps had been connected to a backup power system, such as a natural gas generator, firefighters would have been able to access the water.

In contrast, as the natural gas system is mostly underground, it is very resilient to extreme weather events. For example, in 2012, after Superstorm Sandy, the entire natural gas system in the Northeast was essentially intact, allowing residents to support back-up generators, cook, and keep warm. Businesses with natural gas-powered fuel cells were able to operate and compressed natural gas (CNG) buses in New Jersey were used to shuttle residents to safety⁵. Further, when Hurricane Harvey temporarily disabled almost 30% of the nation's refining capacity, CNG shuttles were able to continue operating, and hospitals that had on-site combined heat and power systems were able to provide urgently needed medical attention, despite flooding. These examples demonstrate the critical role natural gas infrastructure can play in supporting local and regional energy supply resilience in the face of extreme climate events and use of renewable natural gas can achieve additional co-benefits in reducing GHG emissions.

SoCalGas has been engaging with stakeholders and consultants to conduct case studies and risk assessments of the natural gas system with the intent to demonstrate the security and resilience of our system. SoCalGas intends to use this information to help local and regional cities and counties undertake similar efforts to identify system and infrastructure vulnerability. We also offer our annual Climate Adaptation and Resilience Grant⁶ to local cities and counties to help fund efforts to update and develop local adaptation and resilience plans. We greatly appreciate recognition of our grant in the Draft Climate Action Plan and encourage the County to apply during this year's application period.

O27-1
cont.

⁴ ICF. Case Studies of Natural Gas Sector Resilience Following Four Climate-Related Disasters in 2017. <https://www.socalgas.com/1443742022576/SoCalGas-Case-Studies.pdf>

⁵ https://www.energy.gov/eere/articles/5-ways-alternative-fuels-aid-response-hurricanes-and-natural-disasters?utm_source=EERE+Weekly+Digest+of+Clean+Energy+News&utm_campaign=f048cbec65-EMAIL_CAMPAIGN_2017_09_25&utm_medium=email&utm_term=0_96dffafa2f-f048cbec65-34678197

⁶ SoCalGas Climate Adaptation and Resiliency Planning Grant Program. <https://www.socalgas.com/smart-energy/sustainability-at-socalgas/climate-grant>

Looking forward, we believe renewable natural gas will play an important role in the County's renewable energy plans and help it achieve State GHG emission reduction goals, organic waste diversion goals, as well as climate resiliency goals. Decarbonizing our natural gas delivery system keeps intact the inherent energy efficiencies of direct uses of natural gas, at lower carbon-content, while also demonstrating synergies with County waste reduction goals by boosting efforts to enhance organic waste management and recycling. SoCalGas appreciates the opportunities provided by the County to engage throughout the formation of this Draft Plan and hopes to continue communication for the duration of the planning process. If you have any questions, please do not hesitate to reach out via telephone or email. Thank you!

O27-1
cont.

Sincerely,



Jennifer Pezda, MESM
Environmental Policy Advisor
Southern California Gas Company

Letter O27	SoCalGas Jennifer Pezda, MESM, Environmental Policy Advisor February 27, 2020
-----------------------	--

- O27-1 The comment addresses the draft 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.



Letter
028

Dean
Director of Policy, Strategy and Engagement

Southern California Gas Company
Strategy & Engagement
555 W. Fifth Street, GCT 21C5
Los Angeles, CA 90013

Tel: 213.244.3010
Mobile: 213.220-1121
DHaines@socalgas.com

Susan Curtis
Manager, General Plan Update Section
Ventura County Resource Management Agency, Planning Division
800 South Victoria Avenue, L #1740
Ventura, CA 93009-1740

RE: County of Ventura – Draft 2040 General Plan Update EIR

Dear Ms. Curtis,

Southern California Gas Company appreciates the opportunity to submit comments on the Draft 2040 General Plan EIR (“DEIR”) and believes the document will provide valuable direction for the County to pursue effective, long-term development goals, as well as enhance local sustainability objectives. In particular, we support proposed policies that encourage beneficial reuse of County-generated waste for energy generation. Such policies have great potential to help reduce County GHG emissions, especially from agriculture and human waste streams.

O28-1

However, SoCalGas is concerned by one of the County’s proposed mitigation measures: MM GHG-1: New Implementation HAZ-X: Prohibit Natural Gas Infrastructure in New Residential Development:

Implementation Program HAZ-X: Prohibit Natural Gas Infrastructure in New Residential Development – To support the proposed reach codes under COS-S, the 2040 General Plan shall include a new program in the Hazards and Safety element that prohibits the installation of new natural gas infrastructure in new residential construction through amendments to the Ventura County Building Code. This program shall also be extended to include commercial building types such as offices, retail buildings, and hotels where the use of natural gas is not critical to business operations and contain appliances that can be feasibility substituted with electricity powered equivalents.” (pg. 4.8-45-46).

O28-2

While we support the County’s attempt to reduce emissions associated with buildings, this mitigation measure is technology-restrictive, may actually increase emissions and will limit the County’s ability to explore other innovative approaches to achieve emissions reductions in the future without deleveraging residents and businesses to hedge themselves against climate risks such as wildfires and household rising energy costs.

This type of ban would contravene California state law and policy as it relates to the availability of natural gas as a resource for residents and to the provision of a reliable and resilient energy supply. In addition, such a ban raises concerns under federal law.

Further, the DEIR's analysis and treatment of MM GHG-1 is legally flawed under the California Environmental Quality Act ("CEQA"). First, the DEIR fails to consider, discuss or analyze the environmental effects of implementing MM GHG-1. Second, the County cannot rely on MM GHG-1 to mitigate GHG impacts caused by the 2040 General Plan because MM GHG-1 is "infeasible" under CEQA. Lastly, by finding that climate change impacts would remain significant and unavoidable even with implementation of MMs GHG-1 through GHG-3, the County has neglected to consider other GHG emission reduction strategies as potential mitigation in the DEIR.

O28-2
cont.

1. The DEIR Fails to Analyze the Environmental Impacts Associated with MM GHG-1

CEQA Guidelines section 15126.4(a)(1)(D) provides that, if a mitigation measure would itself cause significant environmental impacts, those impacts must be discussed in the EIR.¹ Here, the DEIR discusses what MM GHG-1 would consist of (*i.e.*, implementation of programs to prohibit natural gas infrastructure in new residential development, otherwise known as "Reach Codes"), notes that MM GHG-1 would implement Policy COS-8.6, which "will encourage zero net carbon emissions building design, which was assumed for quantifying GHG reduction benefits of the program", and states that implementation of a Reach Code will be predicated on a "cost-effectiveness study" by the California Energy Commission ("CEC").² However, the DEIR fails to discuss the potential environmental effects from implementing a Reach Code that bans or restricts natural gas in residential and/or commercial buildings.

O28-3

Substantial evidence indicates that adopting and implementing MM GHG-1 and Reach Codes could lead to the following significant environmental impacts under CEQA.

- ***Utilities and Service Systems*** – In the CEQA Guidelines Appendix G checklist,³ section "XIX. Utilities and Service Systems" asks whether proposed projects would "[r]equire or result in the relocation or construction of new or expanded water, wastewater treatment or storage drainage, *electric power*, ... facilities, the construction or relocation of which *could* cause significant environmental effects."

¹ 14 Cal Code Regs. § 15126.4(a)(1)(D); *see also Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1027; *Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986; *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 400 (mitigation measures employed to prevent downstream flooding associated with reservoir project may themselves have a significant environmental impact, but was not analyzed); *Gray v. Cty. of Madera* (2008) 167 Cal.App.4th 1099, 1118 (EIR did not address potentially significant impacts associated with water quality mitigation measures).

² DEIR at 4.8-47.

³ *See* Governor's Office of Planning and Research, Final Adopted Text of Revisions for CEQA Guidelines, http://resources.ca.gov/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf.

Adoption and implementation of a Reach Code would require new buildings to either be all-electric or, if mixed-fuel, likely subject to higher levels of energy efficiency than all-electric buildings. It is reasonably foreseeable that some developers will choose to develop buildings with all-electric energy, which will increase the demand for electricity; however, there is no analysis in the DEIR as to whether (i) the local grid has the generating resources and capacity to meet such increased demand for electricity, or (ii) whether the local public utility or load-serving entity has sufficient distribution or transmission assets to provide increased service in a safe and reliable manner.⁴ The DEIR fails to quantify increased electricity demand, how many additional generation, distribution or transmission assets may be needed to facilitate this increased demand, or how the construction or relocation of such assets could impact the environment.⁵

The need to substantially overbuild local power systems when natural gas is not used as a base load means that a much greater amount of land, habitat and related physical resources will be impacted by solar and wind generation facilities. In a scenario where natural gas is banned across the state, new solar arrays and wind farms will need to be fabricated, transported to, and installed throughout California at more than five times the historical rate of deployment every year for the next 25 years.⁶ This deployment will significantly impact the physical environment across California. The fabrication, transportation and construction of the required generation facilities will also generate GHG emissions that would have cumulative climate change impacts.

In addition, as more electric energy is utilized new transmission capacity must be fabricated, transported to and installed throughout the state to connect with thousands of miles of new nationwide transmission lines. Additional transmission facilities will have significant impacts to the physical environment and result in aesthetic and potentially cultural impacts. The fabrication, transportation, and construction of new transmission equipment and capacity will also generate GHG emissions.

Because renewable generation is intermittent, California will also be required to increase power storage capacity to unprecedented levels if natural gas is banned. Additionally, California would need to dramatically increase hydropower capacity by increasing the size of state reservoirs by as much as 100 times above current levels. Battery storage on this scale would have significant hazardous materials, human health,

O28-3
cont.

⁴ See, e.g., Pub. Res. Code § 451 ("Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in Section 54.1 of the Civil Code, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.").

⁵ Cf. *California Clean Energy Comm. v. City of Woodland* (2014) 225 Cal.App.4th 173, 208 (EIR for shopping center lacked required energy analysis despite stating, among other things, that existing facilities were sufficient to serve the project: "In addition, a substation, multiple utility lines (60 kV, 115 kV, and 230 kV), and gas transmission lines exist in the area to serve the buildout of the proposed project.").

⁶ Clean Air Task Force, Comments On SB 100 Joint Agency Report - Charting a Path to a 100% Clean Energy Future, September 19, 2019, <https://efiling.energy.ca.gov/GetDocument.aspx?tn=229800&DocumentContentId=61244> (CATF 2019).

fire, fire suppression, and policing services, GHG emissions, and physical impacts. The construction of new hydropower storage would similarly have significant air quality, aquatic plant, animal and habitat, land, GHG emissions, water and hydrology, public safety, and other impacts.

CEQA caselaw holds that EIRs must consider the effects of changes to the environment that can result from an expansion of facilities, services, or utilities to serve the project.⁷ Here, DEIR Chapter 4.17 does not cross-reference MM GHG-1 and fails to discuss how implementation of MM GHG-1 may lead to expanded facilities, services or utilities that would be necessary in the future when a Reach Code is adopted.

O28-3
cont.

- **Greenhouse Gas (GHG) Impacts** – Implementation of a Reach Code under MM GHG-1 is predicated on the assumption that 100% electrified buildings are more energy-efficient and have a smaller carbon footprint than buildings with gas-powered appliances. Yet, multiple, independent studies demonstrate that such an assumption is not accurate.

- In May 2019, the U.S. Department of Commerce, National Institute of Standards and Technology (“NIST”) published a study of the energy use, environmental impacts, and economic performance of residential buildings using either electricity or natural gas for space and domestic water heating. The analysis was based on a single-family home meeting all applicable building code requirements in Maryland. The NIST research concluded that a natural gas-heated home is more economical, results in “lower environmental impacts across numerous impact categories,” including lower GHG emissions, has a faster heating response time and generates a greater level of indoor comfort than an all-electric residence. In particular, GHG emissions were found to be higher because of the greater amount of fuels required to produce electricity for home use compared with the use of natural gas equipment in a residence.⁸
- Although California has a larger proportion of renewable utility-scale energy than Maryland, consistent with the NIST study the CEC has also shown that, on average, natural gas generates substantially lower GHG emissions than electrical building use in California. As shown below, in 2018 the CEC estimated that electricity use in buildings produces a greater level of GHG emissions than natural gas about 60 percent of the year in California.⁹ Natural gas results in lower GHG emissions during a significant majority of all morning and evening hours in all months, the periods of highest residential energy demand. The significantly lower GHG emissions from natural gas use in California buildings

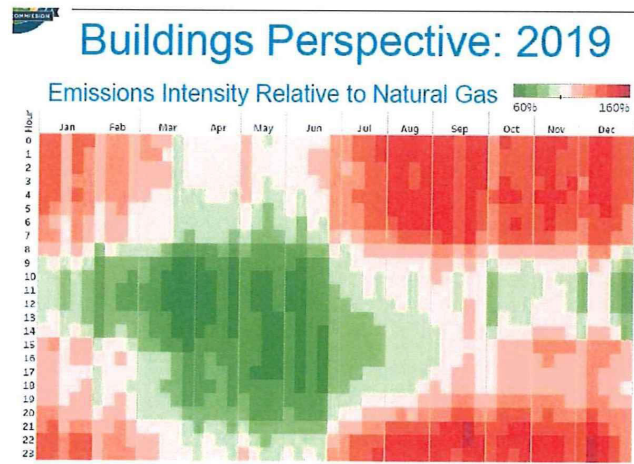
O28-4

⁷ *Goleta Union Sch. Dist. v. Regents of Univ. of Cal.* (1995) 37 Cal.App.4th 1025; *El Dorado Union High Sch. Dist. v. City of Placerville* (1983) 144 Cal.App.3d 123.

⁸ E. O’Rear, D. Webb, J. Kneifel and C. O’Fallon. *Gas vs electric: Heating system fuel source implications on low-energy single-family dwelling sustainability performance*. Journal of Building Engineering. September 2019 issue. Full text available at https://tsapps.nist.gov/publication/get_pdf.cfm?pub_id=926046.

⁹ CEC, Building Decarbonization, 2018 Update – Integrated Energy Policy Report, Presentation by M. Brook at June 14 2018 IEPR Workshop at 16, <https://efiling.energy.ca.gov/GetDocument.aspx?tn=223817>.

reflects the fact that, except during daytime hours from about March to June, intermittent solar and wind is insufficient to meet in-state building energy demand. When intermittent renewable energy is not available, electrical generation is less efficient and produces a greater level of GHG emissions than natural gas use in California buildings.



O28-4
cont.

- Other researchers have also questioned whether requiring all electric buildings might, however unintentionally, result in higher GHG emissions. Household energy demand tends to peak in the morning and evening hours, when residents are preparing to leave for or returning from work, school or other activities and when intermittent renewable power, particularly solar, is unavailable. At these times, electric supplies must be produced from other sources, including natural gas-fired power plants. Converting fuels, such as natural gas, to electricity to meet home demands is less efficient than directly using natural gas. As a result, a Stanford University researcher has estimated that when renewable power is unavailable, such as during the evening hours, residential electricity consumption produces *three times* more GHG emissions than natural gas.¹⁰
- The County cannot assume that, over time, GHG emissions from electrical generation will be reduced during peak morning and evening periods when natural gas is currently a lower emission energy source in the state. Recent studies indicate that even if additional intermittent wind and solar generation capacity is deployed, gas-fired electrical facilities will almost certainly remain essential to stabilize the state's power grid. The gas-fired generators serving the state, however, may be forced to increasingly operate as short-term inefficient

¹⁰ See Anthony R. Kavscek, *Is a natural gas ban an 'antidote to climate change'?*, San Jose Mercury News (Nov. 12, 2019), https://mercurynews-ca.newsmemory.com/?publink=754c8d2e3_13411ac. Professor Kavscek is a member of the Energy Resources Engineering faculty at Stanford University.

“peaker plants” which are known to emit more GHG emissions.¹¹ Thus, it is far from clear that an all-electric building mandate will reduce GHG emissions.

The DEIR must disclose and acknowledge potential GHG impacts that could occur from shifting building energy use from natural gas to electric power given reasonably foreseeable conditions in which electrical energy consumption would produce more GHG emissions than natural gas building use.

O28-4
cont.

- **Energy Impacts** – Under the CEQA Appendix G Checklist, a project may involve a significant environmental impact if it would result in “wasteful” or “inefficient” energy consumption. MM GHG-1 seeks to prohibit the installation of new natural gas infrastructure in new residential construction. But nowhere does the DEIR discuss how that may result in either (i) a failure to use already captured natural gas, or (ii) the expenditure of additional energy to transport or divert natural gas elsewhere. Studies have shown that low carbon natural gas may continue to be a viable resource in assisting the state with reaching its climate goals, and should continue to be utilized in typically hard to electrify thermal applications in residential, commercial and industrial uses.¹² Specifically, Renewable Natural Gas (“RNG”), or biomethane, can be produced from biomass wastes (e.g. forest, agriculture, waste water and food and green waste) and then processed to inject into existing pipelines. Because its production removes more potent greenhouse gas from the air (methane) compared to what is produced when used (carbon dioxide), RNG production can be carbon negative from a lifecycle perspective. The County cannot determine whether full electrification policies will have unintended consequences of “wasteful” or “inefficient” energy use, without first analyzing these impacts in the DEIR.

O28-5

- **Public Health and Safety** – In an era of increasingly dry and warm climates, and increased population in the wildfire urban interface along with build out of electrical infrastructure that could be an ignition source to serve population growth, California wildfires are occurring at increased frequencies and severities. Each of the three California investor-owned utilities adhere to wildfire mitigation plans (“WMP”) submitted to and approved by the California Public Utilities Commission (“CPUC”) — which establish internal mechanisms and protocols for de-energization events, also known as Public Service Power Shutoffs (“PSPS”). PG&E’s most recent PSPS event (occurring on October 6, 2019) impacted over 728,980 customers in 35 counties across the Sacramento Valley, Sierra Foothills, North Bay, South Bay, East Bay, Central Coast,

O28-6

¹¹ See, e.g., Mark Thurber, *Gas-fired generation in a high- renewables world*, Stanford University School of Earth, Energy & Environmental Sciences and Precourt Institute for Energy Natural Gas Initiative, NGI Research Brief (June 2018), https://ngi.stanford.edu/sites/g/files/sbiybj14406/f/NGI_Brief_2018-06_R3_Thurber.pdf.

¹² Energy + Environmental Economics, *Decarbonizing Pipeline Gas to Help Meet California’s 2050 Greenhouse Gas Reduction Goal* (Jan. 2005), https://www.ethree.com/wp-content/uploads/2017/02/E3_Decarbonizing_Pipeline_01-27-2015.pdf.

and parts of Southern California.¹³ Southern California Edison (“SCE”)— the investor-owned utility whose service territory includes the County — is likewise obligated to implement PSPS protocols in certain circumstances giving risk to wildfires and has done so on numerous occasions in 2019 and 2020. For example, on November 15-17, 2019, SCE instituted a PSPS event that was initially estimated to impact 31,975 customers on 48 circuits across four counties (including the County), although had a much smaller impact than originally considered.

It is evident that increasing the amount of power needed from the electrical grid, such as by reducing the use of natural gas and increasing the use of electricity, will only exacerbate these problems. Until that time, however, PSPS events will be the “new norm,” both in Northern and Southern California. In addition to the large-scale economic losses that customers suffer as a result of a PSPS event, public safety issues can also arise due to several factors. These include loss of power at critical medical facilities, added strain on first responder services (such as local police departments and EMTs), loss of school days, and disruption of critical city infrastructure during emergency responses (such as traffic lights). Although MM GHG-1 will contribute to an overloaded grid and exacerbate the economic and safety implications from future, likely PSPS events; the DEIR mentions none of these issues.

The County should consider how increased deployment of other technologies, such as microgrids and energy storage projects, can help achieve decarbonization and resiliency goals. A 2018 CEC report found that microgrid projects offer a number of “value propositions,” including renewable energy integration, grid resiliency, and carbon reductions.¹⁴ The CEC report concluded that microgrid projects align with the state’s Renewables Portfolio Standard and GHG reduction mandates.¹⁵ The County should analyze the effectiveness of these mitigation options instead of a ban on natural gas.

- ***Impacts on Biological Resources, Water Quality and Noise Stemming From Additional Renewable Generating Resources*** – As stated above, the County has not demonstrated how adopting and implementing MM GHG-1 will impact existing electricity demand. In other words, no evidence exists to support the notion that existing or future electricity load could meet energy demands if natural gas infrastructure is banned for all future residential construction. Rather, it is reasonably foreseeable that new renewable energy resources will be needed, in addition to those required under the California Renewables Portfolio Standard (“RPS”), to meet new building electrification policies. The CEC’s 2019 *California Energy Efficiency Action Plan Staff Report* acknowledges that statewide

O28-6
cont.

O28-7

¹³ PG&E, “Public Safety Power Shutoff (PSPS) Report to the CPUC Oct. 9-12, 2019 De-Energization Event” (Oct. 25, 2019), at https://www.pge.com/pge_global/common/pdfs/safety/emergency-preparedness/natural-disaster/wildfires/PSPS-Report-Letter-10.09.19.pdf.

¹⁴ Asmus, Peter, Adam Forni, and Laura Vogel. Navigant Consulting, Inc. 2017. *Microgrid Analysis and Case Study Report*. California Energy Commission. Publication Number: CEC-500-2018-022, <https://ww2.energy.ca.gov/2018publications/CEC-500-2018-022/CEC-500-2018-022.pdf>

¹⁵ *Id.* at ii.

building electrification efforts “will seek to increase the share of renewable generation on the electricity grid....”¹⁶

The DEIR does not analyze how development of foreseeable additional renewable generating resources will impact the environment. Because it is likely that the County can determine with particularity the amount of MW or MWh that will be needed to fully implement MM GHG-1 in years to come, an accompanying analysis of generating resources and their potential environmental impacts must be provided. These renewable resource facilities are known to have their own environmental impacts associated with construction and operation, including but not limited to, impacts on federal and California sensitive species, water quality and quantity, nearby noise receptors, and project-related air quality impacts.

O28-7
cont.

Because such commercial-scale facilities might be located outside the County does not insulate the County from its obligation to consider the indirect environmental impacts from MM GHG-1. Indeed, “the purpose of CEQA would be undermined if the appropriate governmental agencies went forward without an awareness of the effects a project will have on areas outside of the boundaries of the project area.”¹⁷ It is well-settled that “the project area does not define the relevant environment for purposes of CEQA when a project's environmental effects will be felt outside the project area.”¹⁸

- **Environmental Justice** – “Environmental justice” is defined as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” Gov. Code § 65040.12(e). An Attorney General report defines “fairness” in this context to mean that “the benefits of a healthy environment should be available to everyone, and the burdens of pollution should not be focused on sensitive populations or on communities that already are experiencing its adverse effects.” “In addition, though CEQA’s main purpose is to evaluate whether a project may have a significant effect on the physical environment, “human beings are an integral part of the environment.”

O28-8

The CEQA Guidelines state that “[e]conomic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant.” Here, MM GHG-1 would require the construction of new electric infrastructure, including within the County, to supply the electricity necessary to support a natural gas ban. This

¹⁶ California Energy Commission, 2019 Energy Efficiency Action Plan Draft Staff Report, <https://efiling.energy.ca.gov/getdocument.aspx?tn=229496>.

¹⁷ *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 369.

¹⁸ *County Sanitation Dist. No. 2 of Los Angeles County v. County of Kern* (2005) 127 Cal.App.4th 1544, 1582–1583.

physical change to the environment will lead to cost increases for ratepayers, an economic impact which must be considered under CEQA.

Before the County can adopt MM GHG-1, the DEIR must consider the impact it will have on customer affordability and ratepayers. About 90 percent of residential energy consumers in Southern California use natural gas for space and water heating, and ratepayers prefer a choice in how they heat their homes and cook their food. Further, according to a 2018 study produced by Navigant Consulting on behalf of the California Building Industry Association, switching to all-electric appliances could cost single-family homeowners in Southern California “over \$7,200 and increase energy costs by up to \$388 per year.” Low-income customers would be the most burdened by the costs of building electrification.

Thus, as a resulting of adopting MM GHG-1, the County will have effectively established an unnecessary energy policy that will disproportionately impact its disadvantaged communities. Under CEQA, the County cannot gloss over this potential impact.

Given the substantial evidence that adopting and implementing MM GHG-1 will result in potential significant environmental impacts, the County is required to undertake proper CEQA review of such impacts, including both the direct and indirect environmental impacts stemming therefrom.

O28-8
cont.

2. MM GHG-1 is Not “Feasible” under CEQA

Pursuant to CEQA Guidelines section 15126.4(a)(1), an EIR must “describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.” “Feasible” means “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”¹⁹ Courts do not defer to an agency’s determination that mitigation measures will work when their efficacy is not apparent and there is no evidence in the record showing they will be effective.²⁰ Here, there is no evidence that MM GHG-1 is feasible as a means to mitigate GHG-related impacts associated with the 2040 General Plan. In fact, evidence demonstrates that natural gas bans are environmentally, economically and technologically infeasible.

O28-9

Intermittent Renewable Generation Inhibits Feasibility of a Natural Gas Ban

Since 2015, several studies have evaluated the results of multiple assessments of national and California decarbonization strategies and options.²¹ Other studies have considered the power

¹⁹ CEQA Guidelines § 15364.

²⁰ See, e.g., *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1168; *Communities for a Better Env’t v. City of Richmond* (2010) 184 Cal.App.4th 70, 95; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1116-17.

²¹ See, e.g., P. Loftus et al., A critical review of global decarbonization scenarios: what do they tell us about feasibility?, WIREs Climate Change, January/February 2015, https://www.researchgate.net/publication/267875650_A_critical_review_of_global_decarbonization_scenarios_w

system and costs associated with relying solely on intermittent renewable power for decarbonization, in contrast with approaches that also utilize fossil fuels with CCS or renewable natural gas (“RNG”).²² These studies consistently conclude that renewable generation without a reliable baseload power source cannot achieve deep carbonization, will require installing massive amounts of additional generation and distribution facilities, and will be unaffordable.

- Relying on variable renewable sources such as wind, hydroelectric and solar to decarbonize will require the fabrication, installation and operation of approximately 3 to 10 times the level of solar and wind facilities that would be required if a reliable lower-carbon energy source was also utilized.²³ This overbuilding is required as intermittent power cannot achieve its nominal nameplate capacity—100 megawatts of solar or wind power will produce approximately 20-40 percent of capacity per year compared with approximately 90 percent capacity rates for natural gas. Thus, a much larger power system must be built to produce enough energy.
- As the percentage of intermittent renewable power serving a community increases, the amount of energy that is “curtailed” or wasted because it is not produced when needed can approach 40 percent of total generation.²⁴ Due to the timing mismatch between demand and the availability of solar and wind power, wind and solar would be unable to meet about 30 percent of California’s annual energy demand.²⁵ As a result, massive electrical power storage must be constructed, installed and operated

O28-9
cont.

[hat do they tell us about feasibility A critical review of global decarbonization scenarios](#) (analysis of 17 decarbonization studies); J. Jenkins et al., Deep decarbonization of the electric power sector: insights from recent literature, Energy Innovation Reform Project, March 2017, <https://www.innovationreform.org/wp-content/uploads/2018/02/EIRP-Deep-Decarb-Lit-Review-Jenkins-Thernstrom-March-2017.pdf> (analysis of 30 decarbonization studies); S. Brick, Renewables and decarbonization: studies of California, Wisconsin and Germany, The Electricity Journal, 2016, https://www.researchgate.net/publication/299380869_Renewables_and_decarbonization_Studies_of_California_Wisconsin_and_Germany/fulltext/57dc15a408ae4e6f18469f9d/299380869_Renewables_and_decarbonization_Studies_of_California_Wisconsin_and_Germany.pdf?origin=publication_detail (analysis of California, Wisconsin and German studies); and J. Jenkins et al., Getting to zero-carbon emissions in the electric power sector, Joule, 2018, <https://www.sciencedirect.com/science/article/pii/S2542435118305622> (analysis of 40 studies).

²² See, e.g., N. Sepulveda et al, The role of firm low-carbon electricity resources in deep decarbonization of power generation, Joule, November 2018,

<https://www.sciencedirect.com/science/article/pii/S2542435118303866?via%3Dihub> and B. Frew et al., Flexibility mechanisms and pathways to a highly renewable US electricity future, Energy, 2016, <https://web.stanford.edu/group/efmh/jacobson/Articles/Other/16-Frew-Energy.pdf>.

²³ See, e.g., P. Loftus et al., A critical review of global decarbonization scenarios: what do they tell us about feasibility?, WIREs Climate Change, January/February 2015, https://www.researchgate.net/publication/267875650_A_critical_review_of_global_decarbonization_scenarios_what_do_they_tell_us_about_feasibility and J. Jenkins et al., Deep decarbonization of the electric power sector insights from recent literature, Energy Innovation Reform Project, March 2017, <https://www.innovationreform.org/wp-content/uploads/2018/02/EIRP-Deep-Decarb-Lit-Review-Jenkins-Thernstrom-March-2017.pdf>.

²⁴ J. Jenkins et al, Getting to zero-carbon emissions in the electric power sector, Joule, 2018, <https://www.sciencedirect.com/science/article/pii/S2542435118305622> based on

²⁵ CATF 2019.

to capture a community's surplus intermittent power generation. In California alone, storing surplus generation would require batteries with an instantaneous capacity "larger than the generating capacity of the entire US electric grid." Even assuming battery storage costs fall dramatically to \$80 per megawatt, California communities would be required to pay about \$2.9 trillion to secure the necessary power storage.²⁶

- To increase the reliability of intermittent renewable energy, significant new large-scale transmission will be required to "knit together diverse wind, sun and hydro resources" including as much as "a twenty-fold increase in US transmission capacity and interties for very high renewable energy scenarios, according to the National Renewable Energy Laboratory."²⁷
- Due to the need for overbuilding, energy storage increases, and new transmission capacity, decarbonization using intermittent renewables without reliable low-carbon power sources would be unattainably expensive. The cost of electricity generation in California has been estimated to rise from about \$58 per megawatt hour with 60 percent renewable generation to \$389 using 80 percent renewable power, and an astonishing \$1,402 per megawatt hour at 100 percent renewable levels even assuming that the cost of wind, solar and storage falls substantially.²⁸ Other studies have estimated that California communities would pay more than \$1,600 per megawatt hour using 100 percent renewable power.²⁹

O28-9
cont.

A Natural Gas Ban is Economically Infeasible for Customers

According to 2019 survey data published by the U.S. Energy Information Agency, the average household in California currently consumes about 7 megawatt hours of energy at a cost of approximately \$1,000 (\$0.14 per kilowatt hour). Published estimates indicate that California electrical generation costs could rise by 8 to 24 times current levels with 60 percent renewable power, higher utilization of renewables than at present. California households would also use more electrical power over time for transportation and other needs under a 100 percent renewable power scenario. Assuming that the average household electrical demand increases to 10 megawatt hours per year,³⁰ and that prices do not significantly increase until renewable use reaches 80 to 100 percent of total generation, the average California household electric bill

O28-10

²⁶ CATF 2019.

²⁷ CATF 2019.

²⁸ CATF 2019.

²⁹ J. Temple, The \$2.5 trillion reason we can't rely on batteries to clean up the grid, MIT Technology Review, July 27, 2018, <https://www.technologyreview.com/s/611683/the-25-trillion-reason-we-cant-rely-on-batteries-to-clean-up-the-grid/>.

³⁰ EIA, *How much electricity does an American home use?* (Oct. 2, 2019), <https://www.eia.gov/tools/faqs/faq.php?id=97&t=3> (explaining that in 2018, the average annual electricity consumption for a U.S. residential utility customer was 10,972 kWh).

would increase to about \$8,000 per year at 80 percent renewable use, and to about \$24,000 per year with 100 percent renewable use.

Annual cost increases of this magnitude could be expected to stimulate significant population relocation to lower cost communities. Physical relocation, including the use of larger, high emission vehicles, could have significant impacts on air quality, population and housing. High household energy costs would also have significant health and safety impacts, including higher mortality and illness rates for vulnerable populations due to the inability to heat or cool homes. Direct relocation GHG emissions, and additional emissions that could occur from the movement of large amounts of households to lower cost communities with higher average household emission rates could also generate significant cumulative climate change impacts.

O28-10
cont.

Higher electrical power costs could also result in the relocation, or failure to open and operate businesses in the state and the relocation of these activities to lower cost, higher-emission communities. As discussed in a January 2020 report by the California Legislative Analyst's Office, California communities already have disproportionately higher energy costs than most of the U.S. compared with marginal generation expenses. Consequently, higher costs associated with 100 percent renewable energy could generate significant GHG impacts.

3. The DEIR Finds that GHG Impact 4.8-1 Will Remain Significant and Unavoidable, but Does So Without Considering Other Feasible and Effective GHG Mitigation

Under CEQA, a lead agency may not adopt a project unless it has eliminated or substantially lessened all significant effects on the environment, or determined that remaining significant effects are acceptable due to overriding considerations.³¹ Here, the County concluded that, with the implementation of all identified GHG mitigation measures, Impact 4.8-1 would remain significant and unavoidable.³² However, the County cannot adopt this finding without implementation all feasible mitigation measures.³³ While it is true that "an EIR need not analyze 'every imaginable alternative or mitigation measure' ..., " it "must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible."³⁴

O28-11

SoCalGas urges the County to consider other GHG emission-reduction strategies that are scalable and easier to implement, more resilient and more affordable. Specifically, the use of renewable gases such as hydrogen and renewable natural gas (RNG), are low carbon to negative fuels that can dramatically reduce county greenhouse gas emissions and provide optionality and flexibility for the energy system.

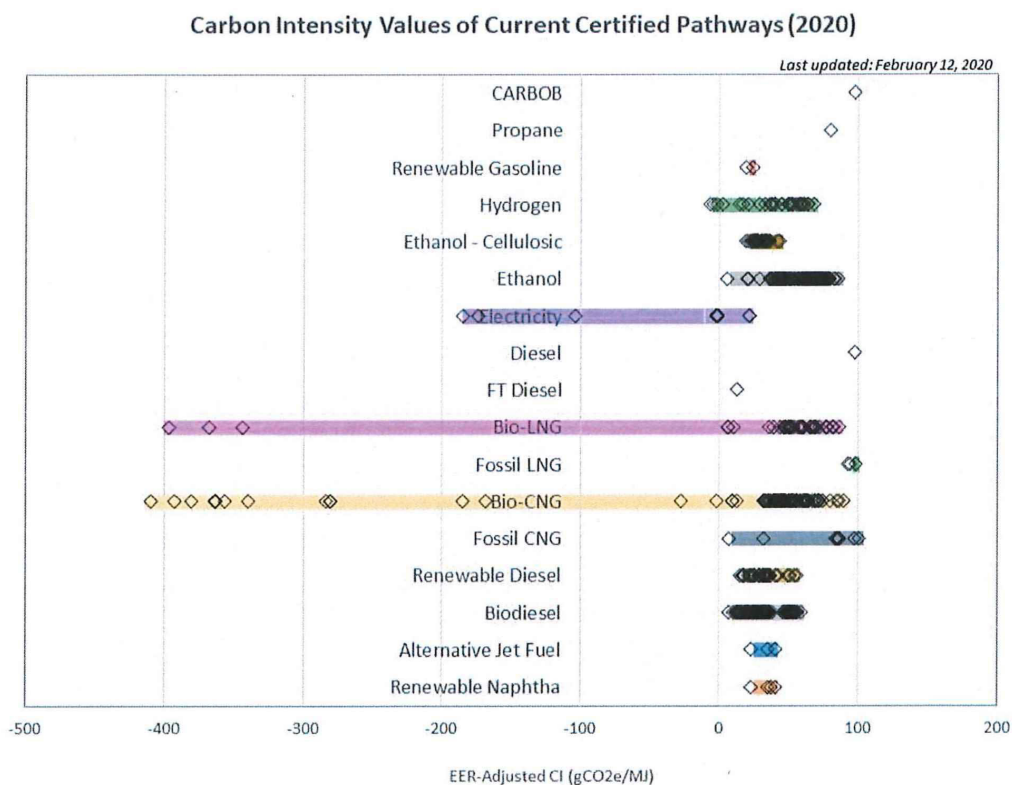
³¹ Pub. Res. Code. § 15092(b).

³² DEIR at 4.8-49.

³³ Guidelines §§ 15043(a), 15092(b).

³⁴ *Los Angeles Unified Sch. Dist. v. City of Los Angeles* (1997) 58 Cal. App. 4th 1019, 1029; citing *San Francisco Ecology Center v. City and County of San Francisco* (1975) 48 Cal.App.3d 584, 596 (EIR did not respond to School District's suggestion that air conditioning and filtering might prove feasible means of reducing air quality impacts under proposed plan).

As stated in our prior comment letter for the General Plan Update (attached), RNG, or biomethane, can be produced from a variety of waste resources (e.g. agricultural waste, forest biomass, waste water, and landfills) and then processed to meet pipeline specifications. Further, green hydrogen can be produced from excess solar and wind power generated when demand is low. The hydrogen can then be stored for later use in hydrogen fueling stations, be used for electric generation in fuel cells, and/or blended into the gas pipeline system to decarbonize gas supply which benefits all sectors. This technology, called Power-to-Gas, has been demonstrated in numerous pilot projects, including UC Irvine.³⁵



O28-11
cont.

36

Renewable Gases Can Achieve Numerous Co-Benefits

Because most production of renewable natural gas removes methane from the air and converts it to carbon dioxide when used, RNG production can be significantly carbon negative from a

³⁵ UCI Samueli School of Engineering. UCI and SoCalGas Partner to Design "Advanced Energy Community." December 2017. Available at: <https://engineering.uci.edu/news/2017/12/uci-and-socalgas-partner-design-advanced-energy-community>

³⁶ California Air Resources Board. LCFS Certified Pathway Carbon Intensities. February 2020. Available at: <https://ww2.arb.ca.gov/resources/documents/lcfs-pathway-certified-carbon-intensities>

lifecycle perspective. Renewable gases can also achieve numerous co-benefits by helping the energy system be more flexible and work across sectors. For example, conversion of dead trees or other forest waste to renewable gases can dramatically reduce wildfire risks. The Power to Gas concept that can convert excess renewable electricity to hydrogen and store it for months instead of hours as in the case with batteries enables extension of the renewable energy for long durations to meet demand. Finally, renewable gases can reduce greenhouse gases in hard to decarbonize sectors such as agriculture and industry which form the economic engine of California. As the County is aware, SoCalGas is working towards the goal of replacing 5% of our natural gas supply with RNG by 2022, and 20% by 2030.

The CPUC is evaluating the levels of hydrogen that can be blended into the natural gas system. Just last month, Lawrence Livermore National Labs issued a study of how California can get to carbon neutrality by leveraging the gas pipelines and their rights-of-way to convey hydrogen and carbon dioxide.³⁷ In fact, the most cost-effective carbon negative solution is to convert biomass waste to hydrogen and sequester the carbon via pipelines using the rights-of-ways of the natural gas system. In addition, studies show that replacing roughly 16% of SoCalGas throughput with RNG achieves the same emissions reductions as electrifying the entire building sector by 2030.³⁸

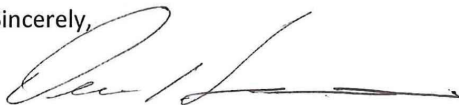
O28-11
cont.

Inclusion of RNG as a mitigation strategy also aligns with policies already included in the Draft General Plan. In particular, policies PFS-5.4, PFS-5.5, PFS-5.6, and COS-8.1 all support reuse of waste resources for energy generation as well as replacement of fossil fuels with renewable energy resources, including bioenergy. Accordingly, the use of renewable gases as a mitigation measure seems a natural complement to these policies, whereas a ban on gas infrastructure seems counterproductive. Therefore, we encourage the County to replace Mitigation Measure GHG-1: Prohibit Natural Gas in New Residential Construction, with an alternative mitigation measure that is performance-based, technology neutral and allows for flexibility in use of renewable fuels to help achieve emissions reductions.

We appreciate the opportunity to submit comments on the DEIR and look forward to working with the County as a valuable energy partner to achieve their environmental goals. If you have any questions, please do not hesitate to reach out via telephone or email.

O28-12

Sincerely,



Deanna Haines
Director Policy, Strategy and Environment

³⁷ Lawrence Livermore National Laboratory. Getting to Neutral. January 2020. Available at: https://www-gs.llnl.gov/content/assets/docs/energy/Getting_to_Neutral.pdf

³⁸ Navigant Consulting, Gas Strategies for a Low-Carbon California Future (April 2018).

Letter O28	SoCalGas Deanna Haines, Director Policy, Strategy and Environment February 27, 2020
-----------------------	--

O28-1 This comment expresses support for the 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

O28-2 The comment states that SoCalGas is concerned about draft EIR Mitigation Measure GHG-1 (New Implementation Program HAZ-X: Prohibit Natural Gas Infrastructure in New Residential Development), which is described as being technology restrictive, and limits residents and businesses from hedging against wildfire and energy costs. It also states that a ban would contravene State law and raises concerns under federal law, though no specific laws are cited. These concerns are acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a Final 2040 General Plan.

The comment states that Mitigation Measure GHG-1 is legally flawed under the California Environmental Quality Act (CEQA) because it does not consider, discuss, or analyze the environmental effects of implementing the measure and asserts this measure is infeasible. The comment also states that the draft EIR “neglected to consider” other mitigation measures for the significant and unavoidable greenhouse gas (GHG) emissions impacts identified in the draft EIR. These concerns are addressed in detail in responses to comments O28-3 through O28-8, below.

The California Environmental Quality Act (CEQA) requires that an EIR identify potentially feasible mitigation to address significant environmental impacts. The ultimate determination of mitigation feasibility is made by the lead agency, in this case the County, at the time a decision is rendered about whether to approve the project. Although the comment suggests that additional GHG reduction strategies should be considered in the draft EIR, no specific suggestions are provided; therefore, no further analysis can be provided. Note, however, that the significance conclusions for Impacts 4.8-1 and 4.8-2 do not rely only on Mitigation Measures GHG-1, GHG-2, and GHG-3. Mitigation Measure GHG-4 is also proposed, as well as Mitigation Measures CTM-1, CTM-2, and CTM-3. Mitigation Measure GHG-4 would require that the Climate Emergency Council develop recommended subprograms to implement policies that do not have associated implementation programs in the 2040 General Plan.

O28-3 The comment states that the draft EIR “fails to discuss the potential environmental effects from implementing a Reach Code that bans or restricts natural gas,” as outlined in Mitigation Measure GHG-1. In addition, the comment asserts that implementation of Mitigation Measure GHG-1 could result in significant environmental impacts, which are discussed below and in response to

comments O28-4 through O28-8. Here the comment claims that there is substantial evidence that adopting and implementing Mitigation Measure GHG-1 could lead to significant environmental effects related to utilities and service systems.

Mitigation Measure GHG-1 is proposed in Section 4.8, “Greenhouse Gas Emissions,” to address GHG emissions associated with new residential and specified types of commercial construction. It would result in a new program in the Hazards and Safety Element of the 2040 General Plan that prohibits the installation of new natural gas infrastructure in new residential construction through amendments to the Ventura County Building Code. Mitigation Measure GHG-1 also would apply to new commercial construction such as offices, retail buildings, and hotels where the use of natural gas is not critical to business operations and appliances can be feasibly substituted with electricity powered equivalents.

For clarification, the language of Mitigation Measure GHG-1 beginning on page 4.8-45 of the draft EIR is revised as follows:

Mitigation Measure GHG-1: New Implementation Program HAZ-X: Prohibit Natural Gas Infrastructure in New Residential and New Commercial Development

The County shall include the following new implementation program in the 2040 General Plan.

Implementation Program HAZ-X: Prohibit Natural Gas Infrastructure in New Residential and New Commercial Development

To support the proposed reach codes under COS-S, the 2040 General Plan shall include a new program in the Hazards and Safety element that prohibits the installation of new natural gas infrastructure in new residential development ~~construction~~ through amendments to the Ventura County Building Code. This program shall also be extended to include new-commercial development building types such as including but not limited to offices, retail buildings, and hotels. ~~where the use of natural gas is not critical to business operations and contain appliances that can be feasibility substituted with electricity powered equivalents.~~ The County ~~shall allow~~ may exempt certain new commercial development ~~to be exempt~~ from these requirements ~~where the County can make upon making findings based on substantial evidence that supports why the use of natural gas is critical to business operations, and that it is not feasible¹ to replace critical appliances or equipment with electricity powered equivalents.~~ This program shall be completed no later than 2023.

1. “Feasible” means that this mitigation measure shall be applied to future discretionary projects under the 2040 General Plan when and to the extent it is “capable of being accomplished in a successful manner within a reasonable period of time, taking into account

economic, environmental, legal, social, and technological factors” as determined by the County in the context of such future projects based on substantial evidence. This definition is consistent with the definition of “feasible” set forth in CEQA (Pub. Res. Code, § 21066.1) and the CEQA Guidelines (§ 15164). The County shall be solely responsible for making this feasibility determination in accordance with CEQA.

The comment states that a developer’s choice to construct all electric buildings could cause an increase in electricity demand that may not be supported by local generation or transmission and distribution resources. The comment points to the possibility of a statewide natural gas ban necessitating the construction of new capacity for power systems, expanding transmission lines, and increasing hydropower by 100 times existing capacity if natural gas is banned statewide. The comment speculates about the indirect effects of fabricating and constructing new infrastructure to support the energy demands of new construction due to a policy that prohibits the installation of natural gas infrastructure to serve development under the 2040 General Plan. Contrary to the commenter’s assertion, these are not reasonably foreseeable outcomes of the mitigation measure and the County is not obligated under CEQA to speculate about these potential effects.

Regarding new residential construction, Ventura County’s forecast for residential development is anticipated growth by 1,281 units between 2015 and 2040, which would comprise approximately 3 percent of the County’s overall housing stock in 2040. With respect to commercial development, the draft EIR estimates that by 2040 implementation of the 2040 General Plan would result in 284,821 square feet of mixed retail development and 535,714 square feet of general office building development. But the energy needs of residential and commercial buildings will be minimal, even if designed as all-electric buildings. For example, under the 2019 California Energy Code, effective January 1, 2020, new residential buildings are required to install solar panels sized to offset electric loads. The performance pathway for code compliance also allows for the specification of on-site battery storage systems that capture the renewable energy generated during non-peak hours and makes this electricity available during peak hours, minimizing grid demand. These battery storage technologies are identified as features encouraged by the County for new development under Policy COS-8.8. Zero Net Energy buildings supported under Policy COS-8.6 would require very little grid-sourced electricity, with the California Energy Commission’s definition of the Zero Net Energy Code Building being “one where the net amount of energy produced by on-site renewable energy resources is equal to the value of the energy consumed annually by the building (CEC 2013).

Regarding new commercial construction, a transition to all-electric office, retail and hotel buildings would switch some of the energy load of these facilities from natural gas to electricity, but that switch would not require additional generation or transmission and distribution resources beyond what would already be provided to these buildings under a mixed-fuel design. An incremental increase in electricity consumption as opposed to natural gas would help electric utilities

with the disposition of excess electricity generated during the day. Overgeneration of electricity between 9:00 a.m. and 5:00 p.m. is an existing and forecasted issue for California's electrical grid, resulting from the increased penetration of distributed and utility-scale photovoltaic renewable energy systems (CAISO 2016).

Under current conditions, the ramping up of electricity generation to account for the difference between low and peak energy loads throughout the day is achieved by operating fossil-fuel-based peaking power plants, which increases the carbon intensity of the supplied electricity. While energy storage systems are being incentivized at the building scale and mandated at the utility scale to reduce these effects, shifting building energy loads to take advantage of abundant solar generated electricity during the middle of the day is another important strategy for smoothing this energy demand/supply curve (Piette 2017).

The retail and office commercial building types covered under Mitigation Measure GHG-1 are occupied by business with typical 9:00 a.m. to 5:00 p.m. business hours, where increasing the electrical load during these times would take advantage of this excess grid capacity. An analysis of simulated energy load profiles for small and medium size retail and office buildings in California by Lawrence Berkeley National Laboratories confirms that energy use is concentrated between these hours (Hong et al 2017).

Hotels, which are also covered under Mitigation Measure GHG-1, are distinct in that they have high energy demands throughout the day, because they function as both a business activity during the day and temporary lodging for travelers in the evening. Load profiles for hotels fluctuate by season, due to variations in occupancy, but there are no extreme peaks or troughs in electricity demand observed throughout the year. These relatively flat load profiles indicate that adding additional electricity consumption through an all-electric design would be unlikely to result in major spikes in electricity demand that are incompatible with the excess renewables-based electricity available through California's grid. (Placet 2010).

Moreover, as explained below, this comment does not raise any issues requiring analysis in an EIR that have not already been addressed in the draft EIR. Notably, Mitigation Measure GHG-1 would apply to new construction only. To the extent this mitigation measure prohibiting natural gas in new residential construction would result in the need for new electric infrastructure, the physical consequences of constructing electric transmission facilities to new development is considered throughout the draft EIR as a component of the "future development" described in the "Approach to the Environmental Analysis" section (page 4-2 of the draft EIR). Also refer to Section 4.17, "Utilities," for analysis of the potential significant environmental impacts associated with the relocation or construction of new or expanded electric power infrastructure to serve increased demand under implementation of the 2040 General Plan (Impact 4.17-2 starting at page 4.17-11). The draft EIR already includes an adequate discussion of physical impacts associated with the construction of new or expanded electric power infrastructure.

Because the location and characteristics of future development subject to the 2040 General Plan are not known, and electricity supply, demand, and capacity are not static and would evolve over the life of the 2040 General Plan, analysis of the grid and distribution system capacity to meet demand generated by Mitigation Measure GHG-1 cannot be evaluated at this time. However, as discussed above, the increased demand is expected to be relatively small, and likely within the planning margin of the applicable utilities. Furthermore, the physical consequences of constructing electric transmission facilities to new development is considered throughout the draft EIR as a component of the “future development.”

O28-4 The comment states that all-electric homes may produce more GHG emissions than mixed fuel homes. The National Institute of Standards and Technology study, based in Maryland, is incomparable to conditions in the county because the study is located in a different climate zone with increased heating needs compared to California and has different carbon intensities associated with electricity consumption. Furthermore, a 2016 study by Hong and Howarth cited within the National Institute of Standards and Technology report found that “natural gas had a larger negative impact on direct GHG emissions than high efficiency electric heat pumps when used for domestic water heating across both coal and natural gas produced electricity.” The County’s participation in a community choice energy program offering electricity sourced from 100 percent renewable sources also makes the local setting incomparable to the California Energy Commission study cited in the comment. This study is based on a comparison of natural gas and electricity emissions that assumes electricity will be sourced from significantly less renewable and zero carbon sources that would occur under existing State law (e.g., Senate Bill 100). As shown in Appendix B to the 2040 General Plan, the GHG forecast takes into account State requirements to achieve 60 percent renewable electricity by 2030 and 100 percent of electricity from renewable or zero carbon sources by 2045. Because of the County’s participation in the community choice energy program offering 100 percent renewable electricity sources, and due to the substantial GHG reductions from Senate Bill 100 during the horizon of the 2040 General Plan, the draft EIR analysis accurately assumes that implementation of Mitigation Measure GHG-1 would result in GHG reductions. Increases in GHG emissions are not a reasonably foreseeable result of the implementation of Mitigation Measure GHG-1. No further response to this comment is required.

O28-5 The comment states the draft EIR energy analysis failed to analyze the potential energy impacts of Mitigation Measure GHG-1 from the perspective of wasteful or inefficient energy consumption per Appendix G of the State CEQA Guidelines. Concerns mentioned include “a failure to use already captured natural gas” or the “expenditure of additional energy to transport or divert natural gas elsewhere.” It is not clear from the comment which sources of already captured natural gas are being referenced or why natural gas would continue to be captured if there were decreasing demand or need for it. For one, by definition the “failure” to use natural gas cannot be considered wasteful or inefficient consumption of natural gas; there is no natural gas consumption if there is a “failure” to use it. In addition, the comment does not provide any evidence for why prohibiting natural

gas in new residential and commercial discretionary development in the county would result in the expenditure of energy to transport or divert natural gas elsewhere, or even if it did, why such energy expenditure would be wasteful, inefficient, and unnecessary to such an extent that a significant impact would result. Providing any further analysis of this issue would be speculative and CEQA does not require that an EIR engage in analysis that is too speculative (State CEQA Guidelines Section 15145). No further response is required.

In addition, while “wasteful” and “inefficient” energy use comprise two parts of the Appendix G Energy threshold, there is a third component not mentioned in the comment and that is “unnecessary.” It is arguably unnecessary to consume natural gas simply because it is available or might be diverted to another market. For example, California’s building energy efficiency standards and retrofit programs have served for decades to reduce electricity and natural gas consumption in buildings, despite ample in-state capacity to produce these resources.

The comment also indicates that renewable natural gas (RNG) or biomethane can be produced from biomass wastes and injected into existing pipelines. This potential is acknowledged in the 2040 General Plan through inclusion of Implementation Program AG-M (Biogas Control Systems) and Policy COS-8.1 (Reduce Reliance on Fossil Fuels) which call for the County to promote the development and use of renewable energy resources including bioenergy. The potential to inject biomethane into existing pipelines is supported by the County and viewed as an opportunity to reduce the carbon intensity of existing mixed-fuel building stock with natural gas connections, particularly in commercial buildings where retrofitting to all-electric may be challenging. However, the comment does not provide any details about RNG becoming a meaningful energy source available in the plan area by 2040, the horizon year for the 2040 General Plan.

- O28-6 The comment states that Mitigation Measure GHG-1 will contribute to an “overloaded” electrical grid and will exacerbate the economic and safety effects from likely future Public Service Power Shutoffs, initiated by electric utilities for wildfire safety. This issue is not exclusive to all-electric homes and would affect mixed-fuel homes too. Appliances using natural gas such as space and water heating also require electricity to function. The main advantage mixed-fuel homes have is the ability in some cases to run a gas-powered stove during an outage. Additionally, homeowners and businesses burdened with long-term outages may resort to the installation of backup electricity generators supplied by natural gas lines. Installation of these features may occur without appropriate permits, raising concerns about air quality and noise, if installed in residential neighborhoods. To prevent power interruption, economic loss, and public safety “issues” described in the comment, all-electric facilities can feature battery storage systems as encouraged under Policy COS-8.8. These systems can be configured to provide emergency electricity backup and do not generate on-site emissions. Note that the economic and social effects of Public Service Power Shutoffs are not physical environmental impacts of the 2040 General Plan that require analysis in the EIR. Refer to response to comment O28-3, for further discussion of the

potential for Mitigation Measure GHG-1 to affect operation of existing electricity infrastructure.

The comment recommends microgrids as a technology that can help achieve decarbonization and resilience goals. The County agrees, which is why microgrids are identified under Policy EV-4.4: Renewable Energy Facilities. This policy states that the County shall identify appropriate locations to allow for development of renewable energy generation and storage facilities and encourage the development of innovative approaches to renewable energy deployment, including solar power, wind power, wave energy, distributed power systems and micro-grids, and other appropriate renewable sources and storage and distribution systems. The County acknowledges that microgrids and energy storage projects can help achieve decarbonization and resiliency goals and considers these technologies complementary to Mitigation Measure GHG-1.

O28-7 The comment states that the County should provide more information on the increase of electricity consumption associated with Mitigation Measure GHG-1. It states that no evidence exists to support the notion that existing or future electricity load could meet energy demands if natural gas infrastructure is banned for all future residential construction, and that new renewable energy resources will be needed to meet the state's electrification policies. Refer to response to comment O28-3 for a discussion of the potential for implementation of Mitigation Measure GHG-1 to increase electric demand to such an extent that new renewable generating resources will be required.

O28-8 The comment describes the term "environmental justice," expresses dissatisfaction with the discussion of Mitigation Measure GHG-1, which would prohibit use of natural gas in new residential construction, and suggests that the social and economic implications of implementing the measure should be evaluated in the draft EIR. Specifically, the comment asserts that the implementation of this mitigation measure would require increased demand for electricity to such an extent that the construction of new electric infrastructure would be required, and that the physical construction of such infrastructure would increase ratepayer costs, which it asserts is an economic impact that must be considered under CEQA.

However, as noted in the commenter's citation of the State CEQA Guidelines, EIRs are not required to consider economic or social effects, including environmental justice effects, unless there is a clear link between those economic or social effects and physical environmental changes. Specifically, "An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes" (CEQA Guidelines, § 15131(a)).

Here, the commenter does not establish a link between economic or social effects of Mitigation Measure GHG-1 and physical environmental changes. Rather, the comment does the opposite. It states that this measure would have physical

environmental impacts associated with construction of new electric infrastructure, that these physical impacts have economic impacts (increased ratepayer costs), and that these economic impacts should be evaluated in the draft EIR. The comment does not connect these economic impacts to physical environmental changes, and therefore these economic impacts are not required to be analyzed in the EIR. As explained below, this comment does not raise any issues requiring analysis in an EIR that have not already been addressed in the draft EIR.

Notably, Mitigation Measure GHG-1 would apply to new construction only. To the extent this mitigation measure prohibiting natural gas in new residential construction would result in the need for new electric infrastructure, the physical consequences of constructing electric transmission facilities to new development is considered throughout the draft EIR as a component of the “future development” described in the “Approach to the Environmental Analysis” section (page 4-2 of the draft EIR). Also refer to Section 4.17, “Utilities,” for analysis of the potential significant environmental impacts associated with the relocation or construction of new or expanded electric power infrastructure to serve increased demand under implementation of the 2040 General Plan (Impact 4.17-2 starting at page 4.17-11). The draft EIR already includes an adequate discussion of physical impacts associated with the construction of new or expanded electric power infrastructure.

The comment is correct in implying that the County’s decision-making bodies can consider economic and other factors when deciding whether to adopt the proposed mitigation as a component of the findings required by Section 15091 of the State CEQA Guidelines. Section 15131(c) of the State CEQA Guidelines provides that “Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project.” The draft EIR correctly excludes analysis of the economic impacts raised in this comment and no further response is required.

O28-9

The comment asserts that Mitigation Measure GHG-1 is infeasible under CEQA. Mitigation Measure GHG-1 seeks to reduce GHG emissions by eliminating new natural gas infrastructure associated with new residential and commercial development. The limit on natural gas infrastructure would not apply to existing pipelines or end uses in existing buildings throughout the county. The comment’s assertion that eliminating natural gas is environmentally, economically, and technologically infeasible is incorrect for the reasons provided below. The comment provides discussion of using “intermittent” sources of renewable power to achieve decarbonization goals but does not explain how this information relates to the feasibility of Mitigation Measure GHG-1.

The California Energy Codes and Standards, a statewide utility program, released several cost-effectiveness studies for residential and nonresidential building types constructed under the current (2019) California building code (Title

24, Parts 6 and 11). The objective of the residential study “is to identify cost-effective, non-preempted performance targets for both single family and low-rise multifamily prototypes, under both mixed fuel and all-electric cases, to support the design of local ordinances requiring new low-rise residential buildings to exceed the minimum state requirements” (California Energy Codes and Standards 2019a). The nonresidential study “documents cost-effective combinations of measures that exceed the minimum state requirements for design in newly-constructed nonresidential buildings” (California Energy Codes and Standards 2019b:1). The studies examine all climate zones in the state. Ventura County spans three climate zones (6, 8, and 9). The cost effectiveness is determined for both utility bill impacts (On-Bill), and time dependent valuation (TDV). The On-Bill metric “values energy based upon estimated site energy usage and customer on-bill savings using electricity and natural gas utility rate schedules over a 30-year duration accounting for discount rate and energy cost inflation.” TDV “is the ‘societal value or cost’ of energy use including the cost of providing energy during peak periods of demand, as well as grid transmission and distribution impacts” (California Energy Codes and Standards 2019b:1).

The results of the residential study are summarized here (California Energy Codes and Standards 2019a:33-34):

Based on typical cost assumptions arrived at for this analysis, the lifetime equipment costs for the single family code compliant all-electric option are approximately \$5,350 less than the mixed fuel code compliant option. Cost savings are entirely due to the elimination of gas infrastructure, which was assumed to be a savings of \$5,750...The all-electric code compliant option is cost-effective based on the On-Bill approach for single family homes in Climate Zones 6 through 9, 10 (SCE/SoCalGas territory only), and 15. (p. 33). If the same costs used for the On-Bill approach are also used for the TDV approach (incorporating the Utility Gas Main Extensions rules 50% refund and appliance allowance deduction), the all-electric code compliant option is cost-effective in Climate Zones 6 through 10.

Lifetime costs for the multifamily code compliant all-electric option are approximately \$2,300 less than the mixed fuel code compliant option, entirely due to the elimination of gas infrastructure...The all-electric code compliant option is cost-effective based on the On-Bill approach for multifamily in Climate Zones 6 through 9, 10 and 14 (SCE/SoCalGas territory only), and 15.

With respect to new commercial buildings, the nonresidential cost-effectiveness study found that all-electric medium offices, medium retail, and small hotels were cost effective for Climate Zones 6, 8, and 9. The approximately southern half of Ventura County is located in Climate Zones 6 and 9 (CEC 1995). The study also stated that: “Avoiding the installation of natural gas infrastructure results in significant cost savings and is a primary factor toward cost-effective outcomes in all-electric designs, even with necessary increases in electrical capacity” (California Energy Codes and Standards 2019b:58).

These studies demonstrate that all-electric residential and commercial buildings can be found to be both technologically and economically feasible for the 2019 California Building Code (Title 24, Parts 6 and 11). Additionally, the County would not be the first or only jurisdiction to adopt such requirements. The Cities of Menlo Park, Berkeley, and San Jose have adopted either Reach Codes for new construction that require electrification in all feasible instances and/or bans on new natural gas infrastructure serving new residential and nonresidential buildings. No revision to the draft EIR is required in response to this comment.

- O28-10 The comment asserts that Mitigation Measure GHG-1 will result in significant environmental impacts, including higher GHG emissions because it will result in electricity rate increases that will prompt residents and businesses to relocate to places that have higher emissions. This conjecture of indirect environmental effects is not supported by substantial evidence. Any evaluation of these impacts would be considered speculative under CEQA and is therefore not required in an EIR.
- Refer to responses to comments O15-21 and O28-9, which describe a recent statewide cost-effectiveness study for reach codes that includes results showing the feasibility of all-electric building construction in Climate Zones covering Ventura County.
- O28-11 This comment requests that the County consider hydrogen and RNG as mitigation measures for the significant GHG emissions impacts identified in the draft EIR. Refer to the response to comment O28-5 for discussion of how the 2040 General Plan supports use of renewable gases like biomethane or RNG. Note, however, that the comment does not suggest or identify any feasible measures related to the use of RNG or hydrogen that the County could implement to reduce future GHG emissions under the 2040 General Plan. Also refer to Master Response MR-1 explaining that the EIR properly includes feasible mitigation measures for the significant and unavoidable GHG emissions impacts identified in Impact 4.8-1 and Impact 4.8-2.
- O28-12 The County has noted the commenter's contact information appropriately for future reference.



Letter
O29

26 February 2020

To: Susan Curtis
800 S. Victoria
Ventura, CA 93003
Susan.Curtis@ventura.org

Re: Public Comments on Ventura County General Plan Update DEIR
From: Ventura Citizens for Hillside Preservation (VCHP)

VCHP Public Comments on General Plan Update DEIR

The General Plan Update section on “Climate Change and Greenhouse Gas Emissions Reduction” begins:

“Climate change is a global problem caused by the cumulative warming effects of greenhouse gas (GHG) emissions. Governments at all levels, non-governmental agencies, and private citizens and businesses are now acting to mitigate GHG emissions as quickly as possible to reduce or avoid the most catastrophic effects of climate change.”

The above statement is good. It clearly acknowledges that these GHG emissions are harming the Earth's environment. Because this General Plan Update will guide our County's development and actions for the next 20 *critical climate change* years, it is paramount that we set strong policies in this Plan and in our Climate Action Plan (CAP). We need enforceable policies that can quantify, measure, monitor and reduce greenhouse gas emissions, both existing and projected, over a specified time period in order to meet the state mandated greenhouse Gas (GHG) emission reduction goals.

The Los Angeles Sustainability Plan has defined objectives aimed at meeting the goals of the Paris Climate Agreement that Ventura County should emulate, such as:

“By eliminating fossil fuel production in the county, including drilling, production and refining, the county will protect its residents from harmful local pollution that inequitably burdens low-income communities and communities of color.”

and

“Collaborate with DOGGR and unincorporated communities and affected cities to develop a sunset strategy for all oil and gas operations that prioritizes disadvantaged communities.”

We know that climate change is caused by fossil fuel production and consumption, yet our Climate Action Plan (CAP) only addresses consumption by encouraging electric fuel vehicles and clean power for homes and businesses, etc. Unfortunately, the CAP does not have a concrete plan to reduce and/or phase out production-related fossil fuel pollution. Ventura County is the third largest oil and gas producing county in California. It is imperative that we must do *our* part in the fight against worldwide climate change. We must set rigorous policies in this General Plan Update to reduce oil and gas production pollution and set goals to phase out fossil fuel production. We must create strong and

O29-1

measurable CAP policies that have genuine force and effectiveness that can address the adverse environmental impacts of future projects. If our policies have no teeth, then future GHG emitting projects will slide by based on “compliance” with an inadequate CAP. Consider the following policies from the California Environmental Quality Act (CEQA) and employ them to improve and strengthen our CAP policies.

CEQA 15183.5(b)

Plans for the Reduction of Greenhouse Gas Emissions. Public agencies may choose to analyze and mitigate significant greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions or similar document. A plan to reduce greenhouse gas emissions may be used in a cumulative impacts analysis as set forth below.

Pursuant to sections 15064(h)(3) and 15130(d), a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously adopted plan or mitigation program under specified circumstances.

- (1) Plan Elements. A plan for the reduction of greenhouse gas emissions should:
 - (A) Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;
 - (B) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;
 - (C) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;
 - (D) Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
 - (E) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels;
 - (F) Be adopted in a public process following environmental review.
- (2) Use with Later Activities. A plan for the reduction of greenhouse gas emissions, once adopted following certification of an EIR or adoption of an environmental document, may be used in the cumulative impacts analysis of later projects. An environmental document that relies on a greenhouse gas reduction plan for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project. If there is substantial evidence that the effects of a particular project may be cumulatively considerable notwithstanding the project's compliance with the specified requirements in the plan for the reduction of greenhouse gas emissions, an EIR must be prepared for the project

O29-1
cont.

Specific Changes for the Draft Environmental Impact Report:

Buffer Requirements – The proposed buffers for locating oil and gas facilities a safe distance from schools and homes are inadequate. Studies show adverse public health impacts occur if oil and gas facilities are located within a half a mile of homes and schools.

Action Needed: The buffer requirements should be increased from the currently proposed 1,500 feet to at least 2,500 feet.

Trucking vs. Pipeline – Currently oil and produced water from local oil wells are mainly transported by truck. Trucking creates safety hazards on county roads, exposes residents to toxic diesel/particulate pollution, and causes substantial amounts of greenhouse gas emissions. Draft General Plan Policy

O29-2

O29-3

COS-7.7 attempts to address this problem by requiring newly permitted oil wells to use pipelines instead of trucks to transport oil and produced water. Unfortunately, the DEIR undermines Policy COS-7.7 by concluding that the costs of constructing pipeline connections may make this policy infeasible because it may lead to a loss of petroleum resources. Trucking would be allowed if pipelines are deemed infeasible. This would create a costs-are-too-high loophole big enough for oil companies to drive hundreds of thousands diesel trucks through. The reality here is the climate change cost is too high for the planet and its future generations to not enforce the use of pipelines instead of trucking.

O29-3
cont.

Action Needed: Maintain Policy COS-7.7 as recommended by the Board of Supervisors: All newly permitted discretionary oil wells are *required* to convey oil and produced water via pipelines instead of trucking.

Flaring – Draft General Plan Policy COS-7.8 requires gases from all new discretionary oil and gas wells to be collected and used, or removed for sale or proper disposal, instead of being flared or vented to the atmosphere. The policy would allow flaring only in cases of emergency or for testing purposes. This is important because venting and flaring release both toxic gases and powerful climate pollutants like methane into the atmosphere. The DEIR, however, undermines this policy by concluding the added costs of treating the gas on site or constructing pipeline connections would make this requirement infeasible because it may lead to a loss of petroleum resources. Flaring, then, would be allowed if conveyance by pipeline is deemed infeasible. This creates another loophole that allows oil producers to simply claim that the cost is too high. Without more stringent policies, flaring in Ventura County will continue. We are either part of the solution or we are part of the problem – let's be part of the solution.

O29-4

Action Needed: Maintain Policy COS-7.8 as recommended by the Board of Supervisors, so that all newly permitted discretionary oil wells are *required* to collect gases and use or remove them for sale or proper disposal instead of flaring or venting. Flaring should be allowed only in cases of emergency or for testing purposes.

Climate Action Plan – The draft General Plan and the DEIR conclude that the county's greenhouse gas emissions would have significant impacts. However, the Climate Action Plan proposed as part of the General Plan is inadequate and will not reduce emissions in a meaningful way. Most of the proposed Climate Action Plan policies are vague and aspirational, using words like “encourage” and “support” rather than “require” measurable reductions in climate change causing pollution.

Climate Action Plan policies must result in measurable, enforceable reductions sufficient to meet California's climate goals. This is important because the General Plan and related Climate Action Plan can be used to streamline approval of future development projects. If we do not create loophole-proof General Plan and CAP policies, then the adverse environmental consequences of future projects — including discretionary oil and gas development — may not be properly assessed because applicants can simply claim that their projects are consistent with the Climate Action Plan. In other words, if the Climate Action Plan consists mostly of vague, voluntary, or otherwise unenforceable policies, then future projects could easily claim CAP compliance to evade proper environmental review.

O29-5

Action Needed: Revise the Climate Action Plan and corresponding policies in the General Plan to achieve measurable, enforceable reductions in greenhouse gas emissions.

Greenhouse Gas “Super-Emitters” – A recent NASA study documents that several Ventura County facilities, including oil and gas operations, are “super-emitters” of powerful climate pollutants. Stationary source emissions, including those from oil and gas operations, make up approximately 26 percent of all emissions in California. The General Plan must include strong policies to detect and curb emissions from these “super-emitters.”

O29-6

Action Needed: The county should adopt the strongest possible measures to ensure that greenhouse gas emissions are curbed to protect air quality and to ensure a safe, sustainable future for all county residents.

Further, the General Plan Update DEIR must include a strong defense of the five-pound air emissions limit for the Ojai Valley. It is widely known that air pollutants do not respect arbitrary human boundary lines. It is locally known that, because of the predominant onshore air flow patterns, air pollutants from Ventura, Casitas Springs, and Oakview often end up trapped by the surrounding mountains in the Ojai Valley air basin. This creates unhealthful conditions in this air basin for humans and other living things.

O29-7

Action Needed: All projects subject to CEQA review must include an evaluation of the totality of air emissions in order to understand and mitigate the impacts to local air quality.

A few concluding comments on the “Climate Change and Greenhouse Gas Emissions Reduction” section of the General Plan Update. We all understand that climate change is already causing severe adverse impacts both locally and around the world. We all understand that this General Plan Update will guide our county for the next 20 years. Given this, it absolutely critical that our Climate Action Plan can quantify, measure, and definitively determine whether a project's incremental contribution to a cumulative effect is or is not cumulatively significant. The CAP and General Plan Policies must be strong and enforceable and the County must establish a mechanism to monitor the plan's progress toward achieving reduced emission levels as well as require amendment if the plan is not achieving specified levels.

O29-8

VCHP would additionally like to offer these few additional public comments:

Conservation and Open Space Element -- under COS-1.10 the Discretionary Development Proposed Near Wetlands it states:

“The County shall require discretionary development that is proposed to be located within 300 feet of a wetland to be evaluated by a County-approved biologist for potential impacts on the wetland and its associated habitats. Discretionary development that would have a significant impact on the wetland habitat shall be prohibited unless mitigation measures are adopted that would reduce the impact to a less than significant level; or for lands designated “Urban” or “Existing Community”, a statement of overriding considerations is adopted by the decision-making body. (RDR) [Source: Existing GPP Policy 1.5.2.3 modified]”

Below this COS-1.10 is this boxed note:

“The County may consider revising the above policy to allow the decision-making body to adopt a CEQA Statement of Overriding Consideration for significant environmental impacts for all areas of the unincorporated County, thereby providing the opportunity to balance a project’s impacts against its potential economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits.”

O29-9

Policy COS-1.10 should not be revised to soften its intent. Allowing “the decision-making body to adopt a CEQA Statement of Overriding Consideration for significant environmental impacts” could send the wrong message about the County's commitment to environmental resource protection.

6.10 Implementation Policies – In section B “*Update Initial Study Assessment Guidelines*” it states:

“The County shall update the Initial Study Assessment Guidelines to identify a range of mitigation measures for protected biological resources. This will include updating Section 4, Biological Resources, to include the following California Environmental Quality Act (CEQA) policy language regarding compensatory mitigation: “When there is no other feasible alternative to avoiding an impact to a wetland habitat, the County shall require the discretionary development to provide restoration and/or replacement habitat as compensatory mitigation such that no overall net loss of wetland habitat results from the development. The restoration and/or

replacement habitat shall be "in kind" (i.e. same type and acreage) and provide wetland habitat of comparable biological value. On-site restoration and/or replacement shall be preferred wherever possible. A habitat restoration and/or replacement plan to describe and implement such compensatory mitigation shall be developed in consultation with all agencies that have jurisdiction over the resource." [Source: Existing GPP Policy 1.5.2.4, modified]"

VCHP strongly supports this kind of update to the Initial Study Assessment Guidelines.

In section F "*Evaluate Increase to Standard Setback from Wetland*" it states:

"The County shall evaluate whether a standards 200-foot setback from wetlands should apply to development in order to improve water quality, reduce the impacts of flooding and provide adequate protection for sensitive biological resources [Source: New Program]"

O29-9
cont.

VCHP strongly supports increasing the standards setback from wetlands for development to improve water quality, reduce impacts of flooding and provide adequate protection for sensitive biological resources.

Thank you for your time and attention to these public comments. Additionally, thank you for all of your and County Staff's hard work in getting the General Plan Update to this point.

Sincerely,

Ventura Citizens for Hillside Preservation

Diane Underhill, President
Kathy Bremer, Vice Presidents
Will Thompson, Treasurer
Leslie Purcell, Secretary
Carol Lindberg, Board Member
Norene Charnofsky, Board Member
Jim Hines, Board Member

VCHP is a 501(c)(4) nonprofit organization with the following mission statement: "To preserve Ventura's hillsides, open space, river watersheds, and quality of life by actively participating in and influencing the public planning process as well as supporting like-minded public officials, political candidates and ballot measures."

Letter O29	Ventura Citizens for Hillside Preservation February 27, 2020
-----------------------	--

- O29-1 The comment asserts the importance of a Climate Action Plan (CAP), makes recommendations from the Los Angeles Sustainability Plan, and asserts that the draft 2040 General Plan does not have a “concrete plan to reduce and/or phase out production-related fossil fuel pollution.” The comment goes on to cite and recommend consideration of policies from the California Environmental Quality Act (CEQA) Guidelines. Refer to Master Response MR-1 for a discussion of the goals and targets established in the 2040 General Plan relative to State goals. Refer to Master Response MR-4 for a discussion of the commenter’s suggestion to phase out existing oil and gas production through the 2040 General Plan.
- Note that the draft EIR includes mitigation that would remove Program COS-EE, which is the program proposed in the 2040 General Plan to establish an avenue for tiering and streamlining the GHG analysis for projects subject to environmental review pursuant to Section 15183.5 of the State CEQA Guidelines. Future projects would not “slide by” based on compliance with the 2040 General Plan. Refer to response to comment O8-16 for further discussion.
- O29-2 Refer to Master Response MR-4, Section MR-4.H, “Buffers (Setback),” and Section MR-4.E, “Applicability of Reference Studies for Oil and Gas Operations,” regarding the findings and conclusions related to setbacks and the adequacy of the reports relied upon for the findings and conclusions in the draft EIR.
- O29-3 Refer to Master Response MR-4, Section MR-4.G, “Pipeline Requirements,” regarding the findings and conclusions related to pipelines.
- O29-4 Refer to Master Response MR-4, Section MR-4.F, “Flaring,” regarding the findings and conclusions related to flaring.
- O29-5 The comment suggests that the CAP should be revised to include measurable, enforceable reductions in GHG emissions. Refer to Master Response MR-1 for a discussion of how the GHG emission reductions for the policies and programs in the 2040 General Plan have been modeled. The draft EIR’s analysis of GHG emissions correctly identifies and considers 2040 General Plan policies and programs and includes feasible and enforceable mitigation measures.
- O29-6 The comment notes recent evidence that oil and gas production facilities can be “super emitters” of GHG emissions and suggests that the County “adopt the strongest possible measures” to curb the release of GHG emissions. The comment is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan. Refer also to Master Response MR-1 for an explanation of why “super emitters” are not evaluated in the GHG inventory.
- O29-7 Refer to the response to comment O20-15.

O29-8 The commenter's opinions about the content of Section 6.9, "Climate Change and Greenhouse Gas Emissions Reduction," in the 2040 General Plan are noted. The comment is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.

Note that there is a mechanism to monitor and manage the performance of the climate action planning components of the 2040 General Plan. Implementation Program AA in the Conservation and Open Space Element of the 2040 General Plan would require updates to the GHG emissions inventory to track GHG reduction performance at 5-year intervals. With implementation of Mitigation Measure GHG-3, the CEQA streamlining provision proposed as Program COS-EE in the 2040 General Plan be removed, and the potential GHG emissions impacts of future, discretionary projects would be reviewed in accordance with the most recent adopted version of the ISAGs at the time of project-level environmental review. Refer to Master Response MR-1 for additional discussion of the GHG forecasts and targets associated with the 2040 General Plan.

O29-9 The comment addresses policies and programs of the draft 2040 General Plan and is not related to the adequacy of the draft EIR. Therefore, no response is required. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

Dear Ms. Curtis:

Regarding the proposed VC2040 General Plan, we request the County to include how the agency would establish a preponderance of evidence that the resource is not archaeologically or culturally significant. How would this be done and could it be appealed?

The number of archaeological sites in Ventura County is decreasing at a rapid rate and the definition of archaeological significance should be revised, "that all Native American archaeological sites, should be considered significant since the prehistoric identity of the Indigenous groups is tied solely to archaeological evidence." Loss of any sites would irrevocably result in loss of significant portions of their culture.

Thank you for your consideration.

Respectfully,

Julie Swift
President-Elect
Ventura County Archaeological Society
VCAS.arch@gmail.com or julie_swift@ymail.com <https://www.venturacountyarchaeologicalsociety.com>

Letter
O30

O30-1

**Letter
O30****Ventura County Archaeological Society**

Julie Swift, President-Elect

February 27, 2020

O30-1

The comment inquires as to how the County would “establish a preponderance of evidence” that an archaeological or cultural resource is significant, asserts that archaeological sites in Ventura County are “decreasing at a rapid rate” and suggests a revised definition of “archaeological significance.”

The California Environmental Quality Act requires public agencies to consider the effects of their actions on both “historical resources” and “unique archaeological resources.” Public Resources Codes Section 21083.2(g) defines “unique archaeological resource” as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: (1) contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information, (2) has a special and particular quality such as being the oldest of its type or the best available example of its type, and/or (3) is directly associated with a scientifically recognized important prehistoric or historic event or person. In regard to the commenter’s inquiry as to how the County would establish a “preponderance of evidence” that archaeological cultural material is significant, a qualified archaeologist meeting Secretary of the Interior’s Professional Qualification Standards in archaeology is the only individual qualified to determine if an artifact meets the definition of “unique archaeological resource.” As described on page 4.5-15 of the draft EIR, implementation of Mitigation Measure CUL-1a, would require that all discretionary development projects be assessed for potential tribal, cultural, historical, paleontological, and archaeological resources by a qualified professional.

Impact 4.5-1 identifies Mitigation Measures CUL-1a, CUL-1b, and CUL-1c on pages 4.5-15 through 4.15-16 of the draft EIR. These mitigation measures would require that discretionary development projects protect existing resources, avoid potential impacts to the maximum extent feasible, and implement feasible mitigation measures to reduce impacts to less than significant. Further, Mitigation Measure CUL-2, identified on page 4.5-19 of the draft EIR, and mitigation measures CUL-4 and CUL-5, described on page 4.5-23 would require identification of culturally sensitive sites, tribal consultation, and avoidance and preservation of tribal cultural resources. However, the draft EIR discloses that future development resulting from the 2040 General Plan could uncover previously unknown archaeological and tribal cultural resources during project-level construction activities, the discovery of which may result in damage, destruction, or changes in significance of the resource. For these reasons, the draft EIR determined that impacts to both archaeological and tribal cultural resources would be significant and unavoidable. Regarding the commenter’s reference to Native American sites, these are addressed under Public Resources Code Section 21074’s definition for tribal cultural resources. Public Resources Code Section 21074 states “tribal cultural resources” are either of the following:

- 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1 [of the Public Resources Code].
- 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1 [of the Public Resources Code]. In applying the criteria set forth in subdivision (c) of Section 5024.1 [of the Public Resources Code] for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- c) A historical resource described in Section 21084.1 [of the Public Resources Code], a unique archaeological resource as defined in subdivision (g) of Section 21083.2 [of the Public Resources Code], or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 [of the Public Resources Code] may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

In regard to the commenter’s suggestion to provide a revised definition of “archaeological significance,” this would require amending the State Public Resources Code which the County lacks legal authority to do and is beyond the scope of this draft EIR. No further response can be provided.



Letter
O31

February 26, 2020

Susan Curtis, Manager, General Plan Section Update
Ventura County Resource Management Agency, Planning Division
800 S. Victoria Ave., L #1740
Ventura, California 93009

via email: GeneralPlanUpdate@ventura.org

Re: General Plan Update Draft Environmental Impact Report Comments

Dear Ms. Curtis,

The Ventura Chamber of Commerce (Chamber) is the leading business organization in the City of Ventura and serves to support a strong local economy through its stewardship of city policy and business development. The Chamber represents more than 700 businesses of varying sizes and industries who work together with local leaders to foster business development and job creation. We believe in stimulating and sustaining growth for Ventura businesses and the regional economy so that we have strong schools and a high quality of life for Ventura residents.

As the County moves through its General Plan Update Process, we appreciate the opportunity to provide comments on the Draft Environmental Impact Report (DEIR). We believe strongly that working together to shape our county's future is of the utmost importance.

After review of the DEIR, the Chamber urges the County to address the following components:

- Economic Vitality
- Affordable Housing

Economic Vitality - Economic vitality is a critical component and core principle of Ventura County's future. In fact, economic vitality is the second principle in the County's Vision Statement. Unfortunately, the DEIR falls short of providing a thorough analysis of how each policy impacts the economic vitality of the County. The scope of the report is limited to County costs and does not reflect the impacts that will be felt by residents. This is critical to ensure the regional economy is not put at risk.

O31-1

O31-2



Housing Affordability – The Ventura County Star recently published an article that cites low housing supply and lacking wage growth as the defining factors for the county’s housing market over the last decade. Rent had increased 45% in the last ten years, and the median home price is now near \$600,000 according to Zillow. The DEIR does not address the serious affordability crisis Ventura County residents face, specifically related to housing. Rushing the document creates a situation that excludes coordination from Southern California Association of Governments (SCAG) and the Regional Housing Need Allocation numbers that are not expected to be finalized until October 2020. The DEIR asserts that an estimate will be released in February 2020. At a minimum, the DEIR should be revised to include the estimated numbers. The Housing Element is incomplete without this data. Considering housing is the top issue facing the state of California and Ventura, the DEIR must include an accurate impact analysis.

O31-3

The DEIR process does not need to be rushed. We urge you to take the time to revise the DEIR and recirculate it to the public again and focus on economic vitality and housing.

O31-4

Thank you,

Stephanie Caldwell
President & CEO
Ventura Chamber of Commerce

Letter O31	Ventura County Chamber of Commerce Stephanie Caldwell, President & CEO February 26, 2020
-----------------------	---

- O31-1 The description of the role and responsibilities of the commenting organization is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required. See responses to comments O31-2 and O31-3, below, regarding economic impacts and affordable housing.
- O31-2 The comment suggests that the draft EIR should evaluate impacts to “economic vitality.” However, EIRs are not required to treat a project’s economic or social effects as significant effects on the environment (State CEQA Guidelines, § 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. The comment does not provide evidence that implementing the 2040 General Plan would result in any adverse physical changes to the environment, including any physical environmental changes as a result of economic or social effects, not already addressed in the draft EIR.
- O31-3 Refer to Master Response MR-3, which explains the relationship between the 2040 General Plan, the impending Regional Housing Needs Assessment allocation, and the subsequent update to the Housing Element. Refer to the response to comment O24-4 for discussion of the draft EIR analysis of impacts to housing including affordable housing in Section 4.14, “Population and Housing.”
- O31-4 Refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.



**Ventura County CoLAB
Board of Directors & Officers**

John Hecht, Sespe Consulting
Chairman

Mark Mooring, Buon Gusto Farms
Vice Chairman

Bud Sloan, Sloan Ranches
President

Jurgen Gramckow, Southland Sod
Vice President

Lynn Gray Jensen, Jensen Design & Survey
Secretary

John Lamb, Camlam Farms
Treasurer

Richard Atmore, R.A. Atmore & Sons
Membership Director

Bill Camarillo, Agromin
Director

Tim Cohen, Rancho Temescal
Director

Patrick Loughman,
Lowthorp Richards Attorneys
Director

Neal Maguire,
Ferguson, Case, Orr, Patterson
Director

Jeff Nobriga, California Resources Corp.,
Director

Tony Skinner, IBEW Local 952
Director

Alex Teague, Limoneira
Director

Andy Waters, Waters Family Farms
Director

**Letter
O32**

February 25, 2020

Ventura County Resource Management Agency, Planning Division
Attn: Susan Curtis, Manager, General Plan Update Section
800 S. Victoria Ave., L #1740
Ventura, CA 93009-1740

Re: 2040 General Plan Draft Environmental Impact Report

Dear Ms. Curtis:

Thank you for the opportunity to provide our comments on the 2040 General Plan Draft Environmental Impact Report (EIR). Ventura County CoLAB represents over 500 members consisting of citizens, labor organizations, businesses and agricultural interests in Ventura County. We have been actively participating in the 2040 General Plan Update process and hope that you will give our comments on the EIR full consideration as you move forward with your response.

O32-1

CoLAB has identified several significant concerns with the EIR. As you are aware, the County has an obligation under the California Environmental Quality Act (CEQA) to disclose, thoroughly analyze and quantify all reasonably foreseeable impacts of a project (here, defined as the implementation of the 2040 General Plan), and propose feasible mitigation measures to reduce these impacts.

While we understand that programmatic-EIRs are necessarily broader in scope than project-specific EIRs, all EIRs must comply with CEQA guidelines, including the requirement that all required information be included in the EIR to support any analysis of impacts. In addition, CEQA guidelines specifically state that the agency cannot defer, or "push off" to a future project-specific analysis, the determination of reasonably foreseeable impacts in the programmatic EIR (15152(b)).

O32-2

In a 2014 ruling, the California Court of Appeal upheld the CEQA standard, stating "Designating an EIR as a program EIR ... does not by itself decrease the level of analysis otherwise required in the EIR. All EIRs must cover the same general content. The level of specificity of an EIR is determined by the nature of the project and the "rule of reason," rather than any semantic label accorded to the EIR."

The 2040 General Plan EIR, as written, does not meet CEQA standards and must be revised and recirculated.

O32-3

General Comments

- There are glaring inconsistencies of policies in the 2040 General Plan. The 2040 General Plan contains policies that conflict, are infeasible, are vague and ineffective, or attempt to pre-emptively seize authority that the County does not have. Any analysis of impacts in the EIR that relies upon such flawed policies for significance determination is deficient and unsupportable.

As an example, this EIR applies policies that “encourage” or “discourage” behaviors as evidence of reducing an impact to “less than significant.” But the EIR does not provide success metrics for any “encourage/discourage” policies. Nor does the EIR contain any discussion that differentiates as to what level of “encourage/discourage” compliance led to the determination that the impact was reduced to “less than significant”; likewise, the level of “encourage/discourage” non-compliance that would lead to a determination of “significant.”

O32-4

- CEQA defines the project as the "whole of an action" subject to a public agency's approval or funding "that may result either directly or indirectly in physical changes to the environment." However, throughout the document, the EIR fails to analyze or discuss *all* policies and programs that will result in impacts.

As an example: The EIR does not discuss and consider the complete implementation of the 2040 General Plan (including all policies or programs that will increase vegetation fuel loads) in the analysis and determination of wildfire impacts. In another section, the EIR does not evaluate the implementation of the 2040 General Plan (including buildout under the Land Use Designations, which will increase competition for water supply) in the analysis and determination of impacts on agricultural land.

O32-5

“Cherry-picking” select portions of the whole project for impact analysis and determination does not meet the CEQA standards. The EIR must be revised to analyze and disclose the impacts of the whole project, which is the entire 2040 General Plan.

Project Description

- The 2040 General Plan and EIR are inconsistent in their description of the project. The EIR does not provide a complete list of all policies and programs in the 2040 General Plan (example: LU-11.X). The EIR does not describe or identify which policies and programs of the 2040 General Plan are meant to replace or modify which policies and programs in the existing General Plan. The EIR also does not identify which existing General Plan policies and programs are being removed as part of this project. Without this information (perhaps provided as a matrix outlining additions, modifications, updates, and replacements), the EIR does not provide the reader with information necessary to evaluate or understand the County's analysis of impacts.

O32-6

Page 3 of 18

- The Project Description does not provide sufficient information necessary to analyze and determine impacts. The EIR provides only a vague description of the Land Use Designations that will exist under the 2040 General Plan, and vague statements of “buildout” allowing “relatively higher intensity” residential, commercial and industrial land uses. Neither the EIR nor the Background Report provide information regarding estimated and anticipated “buildout” in terms of acreage, actual location, number of dwelling units, and development density and intensity. The EIR contains no information regarding the amount, timing, and final anticipated buildout under the 2040 General Plan. While the lack of information may be due to the EIR being completed prior to the issuance of Regional Housing Needs Allocation numbers from the State, such vague and meaningless information does not meet the CEQA standard for analysis and determination of impacts.

O32-7

In addition, there are conflicting and confusing statements throughout the EIR about the anticipated “buildout” under the 2040 General Plan. In one section, the EIR states that development anticipated under the 2040 General Plan Land Use Designations will be “consistent with densities and intensities” allowed under current zoning. And in another section, the EIR states that development will be “relatively higher” in density and intensity than current. Without consistent, detailed, and accurate information regarding the anticipated buildout under the 2040 General Plan, the impact analyses in the EIR are flawed and incomplete and must be revised.

Background Report and supporting Appendices

Throughout the EIR, the reader is referred to the Background Report and Appendices for all data and technical information used in the analyses of impacts. In actuality, many sections of the Background Report contain only general, outdated, incomplete, and, at times, incorrect information. In some instances, information and data conflict between different Appendices. Unsupported, erroneous, outdated and conflicting information should not be used for impact analysis.

- Example: Outdated information

All data (whether in prose or tabulated form) in Chapter 9 of the Background Report is grossly outdated. This includes readily accessible data, such as crop reports. Current data on crops and crop production is publicly available and can be downloaded from the County’s own Agricultural Commissioner’s Office website.

O32-8

Providing “older data” is helpful to evaluate historic trends. However, in every section, the EIR refers the reader to the Background Report for the project’s “current” conditions.

The Background Report must be updated with the most current data available. Failure to disclose and apply current and timely information and data in the analysis of impacts renders the analyses in the EIR incomplete, at best.

Page 4 of 18

- Example: Incorrect data:
 Page 2-54 states "...[the oil and gas] industry supported 3,211 direct jobs and over \$652 million in labor income in Ventura County" (*emphasis added*). Yet these numbers directly conflict with the uncited statement on page 8-80: "there were 431 employees working in Ventura County [for oil and gas]..." (*emphasis added*). Which of these numbers (if any) is correct and represents the "current conditions" for the project?

The Background Report must contain correct and factual data to support the analysis of impacts in the EIR.

O32-8
cont.
- Example: Conflicting data
 Page 2-54 of the Background Report states "Production throughout the state had been declining since the 1980s, as oil reserves in the state have diminished. In recent years, the drilling of oil wells and well stimulation (including hydraulic fracturing), has been reduced in response to current oil prices." And page 8-74 of the Background Report states: "this level of production represents a 42 percent decrease in production from 1987 levels" (*emphasis added*). Yet Appendix D: GHG applies calculations that assume an anticipated future increase of over 1 million barrels of production. Appendix D does not provide references or citations as to what information the County may have that supports an increase in reserves and production.

Page 9-34 of the Background Report states that 85% of all agricultural products are exported out of the County, with 60% being exported to foreign lands. Yet only a few sentences later, the Background Report describes the exportation of Ventura County agricultural products as a "small niche." 85% does not align with either "small" or "niche" and the use of this phrase needs to be corrected or clarified.

O32-9
- Example: Poor quality information
 The maps provided in the EIR and the Background Report are of such small size, low resolution and insufficient detail that they do not provide the reader with the information necessary to evaluate or determine impacts or to determine which parcels or areas may be impacted. In some instances, the maps are blurry and notations on the map are illegible (such as Figure 9-7).

For example, Figure 11-11 is of such poor resolution and detail that it is impossible for the reader to determine where actual urban-wildfire risk interface areas may exist for any parcel or specific area. Figure 11-11 is significantly smaller than 8.5X11 and is of such great scale of distance that the entire County appears bright red and does not provide enough detail for any meaningful analysis of impacts.

O32-10
- Example: Vague or missing information
 The Background Report does not provide any information about Land Conservation Act (LCA) contract trends. Without an understanding of how contract numbers may be

O32-11

Ventura County Coalition of Labor, Agriculture and Business / 1672 Donlon Street, Ventura, CA 93003 / 805-633-2260 / info@colabvc.org

Page 5 of 18

increasing or decreasing, or whether the specific agricultural “use types” (i.e., row crop, orchards, grazing, etc.) of lands under LCA contract has been shifting over time, the Background report lacks the information necessary to evaluate impacts to LCA contracted lands.

O32-11
cont.

Section 4.1:

- Regulatory Setting:

The Regulatory Setting of this section provides a good overview of the lighting restrictions in County’s Zoning Ordinances. However, the EIR does not reference other regulations and regulatory bodies that may affect aesthetic resources or recognize that impacts to aesthetics is not limited solely to lights. This section should be revised to include an overview and description of all potential regulations, regulatory bodies, and programs that may affect aesthetics as a whole (for example: State Historic Preservation Programs, Scenic highway and Byway Programs, Homeowners Associations within the unincorporated area, Building Codes, etc.)

O32-12

- Impact 4.1-3 (Create glare for motorists) and Impact 4.1-4 (Create impacting day or night views)

The EIR does not analyze all applicable and appropriate 2040 General Plan policies for impacts. Policies HAZ-10.5, HAZ-11.7 (solar reflective roofs), HAZ-11.9 (promoting “cool pavement”) and Implementation Program U (Solar Canopies) all have reasonably foreseeable significant impacts that are not disclosed or analyzed in the EIR. The EIR should be updated to analyze the impacts of the whole of the project.

O32-13

- Proposed mitigation measure AES-1: The EIR does not evaluate the technologic and economic feasibility of this mitigation measure, including whether this mitigation measure would foreseeably create compliance difficulties with policies HAZ-10.5 and HAZ-11.7.

O32-14

Section 4.2

- The EIR does not disclose or analyze the impacts of the most significant issues facing agriculture in Ventura County: lack of economic sustainability, lack of farmworker housing, increased regulatory demands on normal farming practices, increased competition for water resources, and increased compatibility conflicts with non-ag land uses. This issues all significantly impact the conversion of agricultural land to non-agricultural uses.

O32-15

The 2040 General Plan will directly and indirectly magnify these issues. Yet the EIR either fails to analyze these issues or dismisses them as “less than significant” without supporting evidence for the determination.

Page 6 of 18

- Regulatory Setting

Neither the EIR nor the Background Report provide any information regarding the recent Hemp Cultivation restrictions imposed by the County. A thorough discussion of all setbacks and restrictions on normal farming practices should be included in the EIR and use in the analysis and determination of impacts.

O32-16

- Proposed mitigation AG-2:

This mitigation measure is infeasible and must be removed from the EIR.

As the County is already aware, CEQA requires that all mitigation proposed in an EIR be feasible and that feasibility take into account economic, environmental, social, and technological factors. In 2016, Supervisor Linda Parks proposed a mitigation measure at the Local Agency Formation Commission. Supervisor Parks' mitigation measure was identical to AG-2, with one notable exception: she proposed a 1-to-1 replacement requirement and this EIR proposes 2-to-1 replacement. At that meeting, County Counsel, Michael Walker, informed Supervisor Parks that her proposed mitigation measure was economically infeasible and could not be included in an EIR. Mr. Walker cited several court decisions to support his statement, including *Masonite v. Mendocino* and *City of Irvine v. County of Orange*. In *City of Irvine v. County of Orange*, the Court found that the "sheer astronomical expense of land support the finding of the EIR that the purchase of agricultural conservation easements is a non-starter." And the requirements in AG-2 go well beyond what Supervisor Parks had proposed.

Even without the question of economics, mitigation measure AG-2 still does not meet the CEQA standard for feasibility. In the discussion of this mitigation measure, the following information is not included in the EIR:

O32-17

- Whether there is sufficient land available for purchase/conservation easement for each farmland category;
- Any information that could constitute a "plan" for management of farmland in conservation easements;
- An analysis of direct and indirect impacts caused by this mitigation measure (including impacts associated with land use compatibility conflicts and increased urban-ag-interface);
- Whether the smallest possible mitigation acreage required will achieve the minimum to ensure viability of agriculture on the parcel; and,
- Whether the proposed mitigation is in conflict with other ordinances and regulations, such as the County's Zoning Ordinance and the County's minimum lot sizes.

Furthermore, CEQA guidelines require that all mitigation measures proposed in an EIR must be shown to reduce impacts. An infeasible mitigation measure, by definition, cannot and will not reduce impacts.

Page 7 of 18

Mitigation Measure AG-2 must be removed and the EIR revised to propose feasible alternative mitigation measures. CoLAB has proposed several alternative mitigation measures in this letter for you to consider.

O32-17
cont.

- Water Supply

On page 4.2-5, the EIR states "the General Plan would not result in any other changes that due to location and nature would result in conversion of farmland." This statement is refuted only a few sentences later when the EIR acknowledges the impacts of both economic burdens and decrease in water supply for irrigation.

Both the EIR and the Background Report fail to discuss or provide any information regarding projected water demand that will occur as a result of the project. But the EIR admits in the Methodology discussion of this section that a decrease in water supply for irrigation will be an indirect impact of the 2040 General Plan. Reducing water for irrigation will convert agricultural land to non-agricultural uses and cause a loss of topsoil, resulting in addition loss of agricultural land. This reasonably foreseeable indirect impact must be analyzed, and mitigation measures proposed that preserve the ability of agriculture to irrigate agricultural land at sufficient volumes to keep lands in active crop production and protect loss of topsoil from wind erosion.

O32-18

- Other direct and indirect impacts to agriculture not analyzed in this EIR

- Neither the EIR nor the Background Report provide information regarding estimated and anticipated "buildout" under the 2040 General Plan in terms of acreage, actual location, number of dwelling units, and development density and intensity. As the EIR is anticipated to be completed prior to the County receiving the Regional Housing Needs Allocation number, the EIR simply does not have the data necessary to conduct the analysis required under CEQA to determine either where or what the full extent of potential impact on agricultural lands from increased urban-ag interface.

O32-19

- The EIR does not analyze impacts from any policies in the 2040 General Plan related to bicycle network expansion. Policies such as CTM-3.3, CTM-3.4, CTM-3.5, CTM-3.6, CTM-3.7, CTM-2.12 and Implementation Program L support the expansion of the County bicycle path network. These policies will result in bicycle paths on or immediately adjacent to agricultural lands.

CEQA demands that the EIR analyze the whole of the project, which necessitates the analysis of these policies for their direct and indirect impacts on conversion of agricultural land and on establishing non-agricultural uses adjacent to agricultural lands. The EIR must be revised to include this analysis and then recirculated.

O32-20

Proposed mitigation: Protect agricultural land from direct and indirect impacts (such as physical loss of agricultural land converted to a bicycle path, urban-ag interface encroachment and compatibility conflicts) by establishing setbacks on non-AE zoned

Page 8 of 18

lands that will prohibit the construction of bike paths, public trails, and sensitive receptors within 2000' of any land zoned AE.

O32-20
cont.

- The EIR does not analyze the direct and indirect impacts of policies that support transportation improvements such as roadway widening on the loss of agricultural land. On page 4.1-28 the EIR states that implementation of the 2040 General Plan will create increased traffic volumes and page 4.3 of the EIR states that the increased traffic will result in "physical changes...necessitated by the 2040 General Plan (e.g., new facilities, infrastructure upgrades)".

The Background Report includes the County's buildout plans for future roadway widening and improvements to address the increased traffic caused by the project. These roadway improvements are cited in the section 4.16-1 and referenced in the EIR determination of impacts.

O32-21

Some of the locations identified for roadway widening and improvements will result in the conversion of agricultural land to non-agricultural uses and the conversion of agricultural land due to the loss of topsoil, particularly in the Victoria and Olivas Park Road areas. Yet the EIR has failed to analyze this significant impact or proposed mitigation to reduce it.

CEQA demands that the EIR analyze the whole of the project, which necessitates the analysis of policies supporting roadway expansion for their direct and indirect impacts on conversion of agricultural land and on establishing non-agricultural uses adjacent to agricultural lands. The EIR must be revised to include this analysis and then recirculated.

- Page 4.2-13 of the EIR states "[Policy] AG-2.3 maintains the Right-to-Farm Ordinance to protect agricultural land uses from conflicts with non-agricultural uses, as well as to help land purchasers and residents understand the potential for nuisance, (e.g., dust, noise, odors) that may occur as the natural result of living in or near agricultural areas...These sections of the code protect farmers engaged in agricultural activity from public nuisance claims...This protects the farming community, including Important Farmlands and farms less than 10 acres, from developments that would inhibit their ability to continue agricultural production."

Page 4.2-17 of the EIR states: "Residential growth in areas nearby agricultural lands has the potential to result in land use conflicts. Residential land uses are generally more sensitive and prone to conflict with adjacent agricultural land uses than commercial or industrial land uses. The placement of sensitive land uses, such as residences and schools, nearby classified farmland can negatively impact both uses due to conflict including odor nuisances and noise from agriculture machinery. The countywide Right-to-Farm Ordinance protects existing agricultural and farming operations from conflicts attributed to residential development...Therefore, the

O32-22

Ventura County Coalition of Labor, Agriculture and Business / 1672 Donlon Street, Ventura, CA 93003 / 805-633-2260 / info@colabvc.org

potential for conflicts would be minimal. This impact would be less than significant”
(emphasis added).

The determination in the EIR is not supported by factual evidence. Both historic and current County actions demonstrate that, contrary to the EIR’s assertion, the County creates new restrictions and ordinances on agriculture and farming operations solely because of “conflicts attributed to residential development.” The recent interim urgency ordinance restricting hemp cultivation is one such example.

In light of the current actions of the County and the Board of Supervisors to place severe setbacks on hemp cultivation and create economic injury to farmers, the EIR’s assertion that the County will utilize the Right to Farm Ordinance to protect agricultural operations from nuisance complaints is unsubstantiated by factual evidence. This determination analysis is flawed. The EIR must conduct a thorough analysis of impacts to agriculture from the increase in nuisance complaints that will arise from implementation of the project.

Proposed mitigation: Strengthen the Right to Farm Ordinance to prevent nuisance complaints from being used as the sole basis to justify the creation or expansion of setbacks or regulatory restrictions on normal farming practices.

- The EIR omits any analysis of direct and indirect impacts of economic sustainability on conversion of agricultural lands.

The EIR asserts that there are “existing mechanisms in place to support the preservation of agriculture” and reduce significant impacts to the environment. As stated in the EIR, one of these mechanisms is the Save Open Space and Agricultural Resources (SOAR) initiative. SOAR recognizes that “for agriculture to be sustainable in Ventura County, it must remain economically viable” and mandates that the County “promote the economic viability of agricultural lands by assisting agricultural producers and establishing zoning policies that support long term investment in agriculture” as a method of reducing the conversion of agricultural lands to non-agricultural uses.

Yet no analyses of the impact of Policy AG-5.2 (transition to electric- or renewable-powered equipment) and AG-5.3 (transition to electric- or renewable-powered irrigation pumps) were provided in the EIR. These policies will adversely impact the economic sustainability of agriculture by increasing costs of normal farming operations. Agricultural profitability has a direct impact on the conversion of agricultural lands to non-agricultural uses, as recognized in the EIR’s discussion of LCA contracts. The EIR should analyze the impacts of economic sustainability on the conversion and loss of agricultural land and propose mitigation measures to reduce this impact.

O32-22
cont.

O32-23

In addition, the EIR does not analyze other impacts from the project that will decrease economic sustainability for agriculture and result in conversion of agricultural lands to non-agricultural uses. The project will cause increased urban-ag interface. It is well acknowledged that as non-agricultural land uses expand, compatibility conflicts with normal farming operations increase (*San Diego County General Plan EIR, Napa County General Plan EIR*). Reasonably foreseeable indirect impacts include nuisance complaints, traffic conflicts, theft, vandalism and trespass on agricultural lands.

These impacts decrease the economic stability and sustainability, as agricultural operations are subjected to restrictions on normal operations, setbacks and cultivation restrictions, and increased security costs. Agricultural profitability has a direct impact on the conversion of agricultural lands to non-agricultural uses, as recognized in the EIR's discussion of LCA contracts. The EIR should analyze the impacts of economic sustainability on the conversion and loss of agricultural land. The significant impact of conversion of agricultural lands to non-agricultural uses due to profitability is best reduced by mitigation measures that support a network of economic sustainability and stability for local farming. One potential proposed measure is outlined below.

O32-23
cont.

Propose mitigation:

Page 9-3 of the Background Report states that the "current trend is for 'locally' grown" products. The Background Report goes on to acknowledge there are limited opportunities for this in Ventura County due to the lack of processing operations. Agricultural Processing should be a growth industry that supports economic sustainability for agriculture in Ventura County. This can be facilitated by mitigation measures that expand the ability of local growers to build processing facilities, as well as permit more types of processing, such as additives and bottling.

The definition of "pre-processing" in the Non-Coastal Zoning Ordinance must be expanded to create opportunities for long-term economic viability for agriculture. With very minor changes in the NCZO to the term "pre-processing", the County would create more options for bagged and juice box products that would foster more options for field processing of avocados, lemons and strawberries into guacamole, lemonade and purees.

O32-24

The current total allowable acreage for processing countywide is limited to 12 acres. Increasing the allowable acreage to a minimum of 100 acres would better support the needs for pre-processing in the County.

- Determination of Impact 4.2-3

In the discussion supporting the determination of "less than significant" impacts, the EIR does not rely on data or actual information, but rather in vague descriptors. On page

O32-25

4.2-19, the EIR states that “these impacts will only occur in a small area. On page 4.2-20, the EIR uses the phrase “most areas.”

The use of vague descriptors like "small" and "most" fail to convey any information about the actual impact. Use of these descriptors (rather than actual data such as acreage and residential density and intensity adjacent to LCA contracted lands) precludes any ability to analyze this impact. By relying on vague and meaningless terms for determination of impacts, the EIR does not actually disclose any information about the impact itself. To meet CEQA standard and guidelines, the actual acreage, location and intensity of urban-ag interface must be evaluated in the EIR to determine both significance of impact and quantification.

O32-25
cont.

Neither the EIR nor the Background Report provide information regarding estimated and anticipated “buildout” under the 2040 General Plan in terms of acreage, actual location, number of dwelling units, and development density and intensity. As the EIR is anticipated to be completed prior to the County receiving the Regional Housing Needs Allocation number, the EIR simply does not have the data necessary to conduct the analysis required under CEQA to determine either where or what the full extent of potential impact on agricultural lands from increased urban-ag interface.

O32-26

Section 4.5

- The EIR does not analyze either the feasibility of or significant impacts caused by Mitigation Measure CUL-1C on the County’s GHG/Zero Net Energy/Carbon/Energy Efficiency goals. This mitigation measure modifies Implementation Program COS-X to require that all houses constructed in 1970 and earlier must undergo historic evaluation before upgrades can be made. “Upgrades” include modifications required or “encouraged” in the 2040 General Plan, such as the installation of solar panels, reflective roofs, updating windows and doors to more energy efficient models, and potentially wiring and electrical upgrades to support conversion to all electric appliances. In order to meet GHG, zero net carbon, zero net energy, energy efficiency and energy conservation goals and directives in the project, the County must rely on residents to complete these upgrades. But this mitigation measure discourages (and in some cases will effectively prevent) residents from upgrading their homes. The impact of this mitigation measure on the County’s ability to achieve the projects goals, policies and programs must be analyzed.

O32-27

Section 4.8

- Mitigation Measure GHG-1
Both the EIR and the Background Report fail to disclose and provide any information regarding Ventura County’s existing and on-going energy supply conditions, which include "public safety shutdowns" of large sections of the electrical grid. County residents have suffered through extended electrical power outages that prevented the

O32-28

Page 12 of 18

use of any electrical appliances (including hot water heaters, HVAC systems, and cooking appliances).

By prohibiting natural gas infrastructure, the County is removing residents' access to non-electric utilities. This will subject Ventura County residents to extended periods without hot water, heat, and the ability to cook food. A thorough and complete analysis of impacts would reveal that this mitigation measure presents a public health and safety risk. While not specifically discussed in the CEQA guidelines, common sense would demand that any mitigation measure that creates or amplifies a public health and safety risk is infeasible.

O32-28
cont.

In addition, the EIR does not analyze the reasonably foreseeable impact of this mitigation measure on increasing GHG emissions. Many residents who will be forced to have only electric appliances will utilize fossil-fuel powered generators to run those appliances during power shutdowns. The surge of generator sales and use related to the California power outages is discussed in depth in the Wall Street Journal, Fox Business, CNBC, LA Times, and the San Francisco Chronicle. While some residents may use solar (battery stored) power, the EIR has provided no information about how many residents are anticipated to convert to solar and this "assumption" cannot be applied in the determination of significance of this impact.

Section 4.9

- Determination of significance for Impact 4.9-1 and Impact 4.9-2

The EIR does not include Policy CTM-6.4 in its impact analysis. Furthermore, neither Policy LU-11.X nor Implementation Program LU-Program X are mentioned or analyzed for impacts anywhere in the EIR. Yet the EIR has determined, without having conducted a complete and thorough analysis of the entire project, that the impact will be less than significant.

As the 2040 General Plan policies do not place any restrictions on or specify what types of alternative energy production shall be allowed, the EIR must analyze any and all reasonably potential production types. This includes those types that require the use and disposal of chemicals. According to the US EPA, common chemicals used in alternative energy production include hydrochloric acid, copper, silicon, and cadmium, among many others— all of which are considered both hazardous materials and hazardous wastes.

O32-29

CEQA demands that the EIR analyze the whole of the project, which necessitates the analysis of these policies for their direct and indirect impacts on hazardous materials and hazardous waste risks. The EIR must be revised to include this analysis and then recirculated.

- Impact 4.9-6

I O32-30

The EIR acknowledges that “managing fuel through activities such as vegetation removal and controlled burns, the County and other agencies would be directly reducing the chance of wildfire as well as fuels that would feed wildfires...” (*emphasis added*).

CoLAB agrees with the County’s assertion that the removal of vegetation reduces the impact of wildfire risk. By the same logic, and with no evidence to the contrary in either the EIR or the Background Report, increasing vegetation shall increase the impact of wildfire risk. However, the EIR does not analyze the impacts of policies COS-3.2, COS-1.15, Implementation Program COS-H and Implementation Program COS-C and others which increase fuel load and vegetation that “feed wildfires.”

CEQA demands that the EIR analyze the whole of the project, which necessitates the analysis of these policies for their direct and indirect impacts on wildfire risks. The EIR must be revised to include this analysis and then recirculated.

O32-30
cont.

- The EIR states “...the County shall discourage the building of homes in very high fire severity zones. By discouraging development in these areas, the County seeks to reduce the incidence of wildfire and minimize wildfire effects.” But the County has failed provide information that proves this policy will actually reduce impacts, as required under CEQA. Neither the EIR nor Background Report contain any information this is necessary to determine how - and to what extent - this policy will reduce impacts. The EIR does not provide any analysis or information to determine the County’s anticipated compliance goal for these “encourage/discourage” policies. Without such data, the EIR does not provide evidence that the policies will indeed reduce impacts.

O32-31

- The Background Report provides data on the locations and potential locations of hazardous materials and hazardous wastes in Ventura County (pg. 11-68 and 69) But this information is never applied in the EIR analysis for impacts 4.9-1, 2, and 3. There is no discussion, description of locations, or map evaluating potential areas of development under the Land Use designations in the 2040 General Plan against the known locations of hazardous materials and hazardous wastes. Yet, the EIR has determined, without actually conducting such an analysis, that impacts will be less than significant.

O32-32

This impact determination is premature. The EIR must analyze the potential “buildout” under the Land Use Designations in the 2040 General Plan against the known locations of hazardous materials and waste.

Section 4.10

The EIR does not evaluate the impacts of Land Use Designations and policies that will force planned growth into existing Industrial and Commercial lands on their exposure to flood hazards (Impact 4.10-13).

O32-33

Page 14 of 18

The Background Report contains an erroneous map that misrepresents the potential overlap of Industrial and Commercially designated areas with designated flood hazard areas. The area delineated as “floodplain” in Figure 3-7 does not correlate with Ventura County GIS data. Ventura County GIS data provides information that supports the determination that the policies in the 2040 General Plan will create a significant impact, as there are industrial and commercial parcels within the flood hazard zone. CoLAB has attached both Figure 3-7 and a map (Figure A) from the County View’s website, created with the County’s GIS data for comparison.

O32-33
cont.Section 4.11

The EIR does not analyze policies in the 2040 General Plan that will require solar installation, reflective roofs, and other improvements in their analysis for Impact 4.11-1. As Ventura County has many neighborhoods and residential areas with distinct architectural styles, these policies will have a significant impact on compatibility with existing architectural form and style and must be analyzed.

O32-34

Section 4.12

- Page 4.12-11 and 12: CEQA intends for this impact analysis is to determine and quantify the impact of the project on the ability to access reserves. Yet this section primarily evaluates the perceived impact of oil and gas production on local populations. While we support the County’s willingness to conduct supplemental impact analysis in the EIR, the County still has an obligation under CEQA to conduct the actual analysis required. The County’s analysis of Impact 4.12-3 does not meet the intent and standard of review under CEQA. The EIR must be revised to include the CEQA required analysis, which is whether the allowable buildout and other policies in the 2040 General Plan will hamper access to reserves.

O32-35

- Regulatory setting

Both the Background Report and the EIR do not contain a complete and thorough overview and summary of the regulatory setting applicable to this section. Several agencies, regulations and ordinances have been excluded from this section of the EIR, such as CalGEM, CalOSHA, California Highway Patrol, Ventura County Environmental Health, California Department of Fish and Wildlife, US Coast Guard, US EPA, Regional Water Quality Control Board, State Water Resources Board, and many others.

O32-36

This section should be revised to include an overview and description of all potential regulations, regulatory bodies, and programs that may affect mineral and petroleum resources.

- The EIR states that the Area Plans were “reviewed for policies and implementation programs specific to these areas that would potentially have impacts on the environment with respect to mineral and petroleum resources” and that “the 2040

O32-37

Page 15 of 18

General Plan would not result in substantive changes to Area Plan policies and implementation programs related to mineral and petroleum resources.” This statement is unsupported and erroneous, as the North Avenue Area Plan has several policies that would be impacted by the General Plan, including (but not limited to):

- pg. 5 where the applicability of land use designations to oilfield activities is discussed and evaluated;
- pg. 9-10 and Appendix G which discuss the relation of transportation improvements and bike path expansion on the oilfield activities;
- pg. 11 which analyzes oilfield activities on the "general character" of the area; and so on...).

O32-37
cont.

Contrary to the assertion in the EIR, the policies in the 2040 General Plan would have a significant impact on the North Ventura Avenue Area Plan and the EIR must include the Area Plans in the impact analysis.

- On page 4.12-9, the EIR states that Land Use Designation changes would result in potential changes to surrounding land uses near oil reserves. But the EIR does not quantify this impact. Neither the EIR nor the Background Report provide information regarding estimated and anticipated “buildout” in terms of acreage, actual location, number of dwelling units, and development density and intensity. As the EIR is anticipated to be completed prior to the County receiving the Regional Housing Needs Allocation number, the EIR simply does not have the data necessary to conduct the analysis required under CEQA to determine either where or what the full extent of potential impact on lands adjacent to or overlaying mineral reserves.
- The EIR provides only a vague description of the Land Use Designations that will exist under the 2040 General Plan, and vague statements of “buildout” allowing “relatively higher intensity” residential, commercial and industrial land uses. Neither the EIR nor the Background Report provide information regarding estimated and anticipated “buildout” in terms of acreage, actual location, number of dwelling units, and development density and intensity. The EIR contains no information regarding the amount, timing, and final anticipated buildout under the 2040 General Plan. While the lack of information may be due to the EIR being completed prior to the issuance of Regional Housing Needs Allocation numbers from the State, such vague and meaningless information does not meet the CEQA standard for analysis and determination of impacts.
- The EIR also has not analyzed or determined the indirect impacts on access to reserves. As residential and urban densities increase near or adjacent to mineral reserves, urban-mineral development compatibility conflicts increase. Reasonably foreseeable indirect impacts include nuisance complaints, theft, vandalism and attempted trespass on lands overlaying reserves.

O32-38

O32-39

Page 16 of 18

As these conflicts increase, the County has historically placed restrictions and setbacks on lands overlaying reserves (for example, policies in the 2040 General Plan to expand existing setbacks on lands overlaying reserves). As the resulting setbacks and restrictions will hamper access to reserves and resources, the indirect impacts caused by the Land Use Designations in the 2040 General Plan must be evaluated and mitigation to reduce impacts must be considered.

O32-39
cont.Section 4.13

- Proposed Mitigation Measure NOI-1 recommends the creation of Policy HAZ-X which will require the installation of noise control measures, which “may include vegetation.” The EIR does not analyze the significant impact of this mitigation measure on Impact 4.9-6 (wildfire risk).

Vegetative noise reduction buffers are well-studied, and many reputable experts have developed planting and vegetation density guidelines that must be followed to actually create a measurable reduction in traffic noise. Unfortunately, these vegetative noise reduction buffers require density and distribution of brush that conflicts with the requirements for vegetation clearance in most Fire Codes. The EIR must evaluate the feasibility of this mitigation measure as written, including whether this mitigation measure conflicts with any existing County regulation or ordinance. This mitigation measure must also be fully analyzed for any and all impacts it will cause (such as increased wildfire risk).

O32-40

CEQA guidelines provide the legal and administrative standards for all environmental impact analyses. The 2040 General Plan EIR does not meet CEQA standards on many levels. CoLAB sincerely hopes that the County will put forth a good faith effort to address and correct the issues identified not just in our comment letter, but in all comment letters received and will recirculate an EIR that meets all legal standards. Our shared goal is a strong 2040 General Plan that supports Ventura County’s agricultural community, its residents, and long-term economic stability.

O32-41

Sincerely,



Louise Lampara
Executive Director

Attachment

Letter O32	Ventura County Coalition of Labor, Agriculture and Business Louise Lampara, Executive Director February 25, 2020
O32-1	<p>The description of the commenting organization and its participation in the 2040 General Plan process is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.</p>
O32-2	<p>The comment correctly describes the County’s obligation under the California Environmental Quality Act (CEQA) to analyze and disclose the reasonably foreseeable effects of implementing the 2040 General Plan. The draft EIR provides an appropriate level of detail for programmatic analysis of the 2040 General Plan. Refer to response to comment O5-6. Significant and unavoidable impact conclusions are reached where there is not substantial evidence in the record that there is a feasible means of effectively mitigating potential impacts from all projects that could occur in the unincorporated county over the 20-year plan horizon. There are seven out of 88 impacts where there is a significant and unavoidable impact conclusion and no feasible mitigation is available. This comment does not offer any specific examples of draft EIR impact analysis sections that are deferred or any actual feasible mitigation measures that should have been included in the draft EIR to avoid or substantially lessen any significant impacts. No further response is required.</p>
O32-3	<p>Refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.</p>
O32-4	<p>The comment summarizes more detailed comments provided elsewhere in the comment letter. See responses to comments O32-6 through O32-40, below, regarding the commenter’s specific comments related to the draft EIR analysis of the proposed 2040 General Plan policies and how impact conclusions were made.</p>
O32-5	<p>This comment asserts that the draft EIR does not analyze “all” policies and programs included in the 2040 General Plan and that the draft EIR project description is inconsistent with the 2040 General Plan because the EIR project description “does not include a complete list of all policies and programs in the 2040 General Plan.” Refer to Master Response MR-2 for discussion of how the level of detail on the 2040 General Plan included in the draft EIR project description meet CEQA requirements and description of how the draft EIR considered and applied the policies and programs of the 2040 General Plan in the analysis of environmental impacts.</p>
	<p>The analysis of project-specific environmental impacts is divided into 17 resource sections in the draft EIR. In each resource section, the “Environmental Impacts and Mitigation Measures” subsection includes a list of policies and implementation programs from the 2040 General Plan that are related to the resource and the applicable thresholds of significance analyzed in that section. This summation of key policies and programs resulted in concerns expressed by the commenter that the full range of potential effects of policies and programs</p>

proposed in the draft 2040 General Plan were not evaluated in the draft EIR, resulting in unevaluated indirect impacts. While selected policies and programs are provided to facilitate review of key issues, they are not intended to limit the scope of the subsequent impact analysis. As explained in the “Approach to Environmental Analysis” (page 4-3 of the draft EIR):

Adverse physical impacts to the environment associated with implementation of the 2040 General Plan are the focus of this environmental analysis. Physical changes could result from subsequent development pursuant to land use designations established in the 2040 General Plan, implementation of policies and implementation programs identified in the 2040 General Plan, and offsite or indirect development that is necessitated by the 2040 General Plan (e.g., new facilities, infrastructure upgrades). For the purpose of this environmental analysis, the types of actions that could result in physical changes to the environment under the 2040 General Plan are referred to collectively as “future development.”

The comment states that the draft EIR does not discuss and consider 2040 General Plan policies or programs that will increase vegetation fuel loads in the analysis of wildfire impacts. However, by analyzing the entire “program,” the draft EIR does address the direct and indirect impacts of 2040 General Plan policies related to vegetation fuel loads (see Impact 4.9-6 [expose people to risk of wildfire] in the draft EIR). No new or substantially more severe significant wildfire impacts that were not already included in the draft EIR would occur as a result of issues raised in this comment. Also, see response to comment O32-30, below, regarding direct and indirect effects of proposed 2040 General Plan policies related to wildfire risks.

The comment states that the draft EIR does not evaluate the impacts of 2040 General Plan buildout related to increased competition for water supply. By analyzing the entire “program,” the draft EIR addresses the direct and indirect impact of 2040 General Plan policies related to water supply (see Impact 4.17-4 [adverse effects to available water supplies] in the draft EIR). Moreover, the analysis conducted in Impact 4.17-4 is based in part on estimates of future water demand increases resulting from forecast growth accommodated by 2040 General Plan implementation (draft EIR page 4.17-15 to 4.17-16). No new or substantially more severe significant impacts that were not already included in the draft EIR would occur as a result of the issues raised in this comment. Also, see response to comment O32-18, below, regarding direct and indirect effects of proposed 2040 General Plan policies related to water supply. Also refer to Master Response MR-2 for discussion of how growth projections and buildout assumptions were used in the draft EIR.

Also, see responses to comments O32-6 through O32-40, below, regarding the commenter’s specific comments related to the draft EIR’s analysis of the “whole of the action,” including all of the proposed 2040 General Plan policies.

- O32-6 The comment states that the draft EIR does not describe differences between the existing 2005 General Plan and the proposed 2040 General Plan and asserts

that the draft EIR impact analysis cannot be evaluated or understood. CEQA requires an evaluation of the project being proposed compared to baseline (existing) conditions, which are generally the existing physical environmental conditions (CEQA Guidelines, § 15125(a)). As such, the draft EIR analyzes the potential for substantial adverse changes to the existing environment that could result from implementation of the proposed 2040 General Plan land use diagram, as well as proposed policies and implementation programs. The analysis in the draft EIR is not intended to provide a comparison of the proposed 2040 General Plan against the 2005 General Plan; such a comparison would not be appropriate under CEQA.

O32-7 This comment addresses the level of detail provided in the draft EIR project description, the description of the 2040 General Plan land use designations in the draft EIR, the description and use of buildout assumptions in the draft EIR, and the 2020 Regional Housing Needs Assessment allocation.

Refer to Master Response MR-2 for discussion of the draft EIR project description, including the description of the 2040 General Plan land use designations, and for discussion of the buildout assumptions and growth projections used in the draft EIR. Refer to Master Response MR-3 for discussion of why the draft EIR correctly excludes discussion and analysis of the County's projected housing needs for the 2020 Regional Housing Needs Assessment allocation and 2021-2029 Housing Element update.

O32-8 The commenter indicates that more recent data about crop production is available and that further study of existing agricultural operations would better inform the analysis of direct and indirect impacts of the 2040 General Plan on agriculture. The thresholds used to evaluate the effects of implementing the 2040 General Plan on agriculture are explained in Section 4.2, "Agriculture and Forestry Resources" (pages 4.2-3 through 4.2-5). The thresholds used to determine the significance of the 2040 General Plan's impacts are based on the County's Initial Study Assessment Guidelines (ISAG), which include threshold criteria to assist in the evaluation of significant impacts for individual projects. As explained in the draft EIR, to develop thresholds of significance, the County deviated from the ISAG threshold criteria, where appropriate, to consider the programmatic nature of a general plan for the entire unincorporated area and to incorporate the 2019 revisions to the Appendix G checklist. Specifically, implementation of the 2040 General Plan would have a significant impact on agricultural resources if it would: result in the direct and/or indirect loss Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance; result in incompatibilities with adjacent land uses due to addition of nonagricultural structures or uses in proximity to classified farmland; or conflict with existing zoning for agricultural use or a Land Conservation Act (LCA) contract.

The evaluation of the potential significance of impacts pursuant to these thresholds is not predicated on an understanding of the various and changing dynamics of local crop production, export, or sales. As explained in the "Methodology" subsection (page 4.2-3 of the draft EIR), the EIR analysis considers whether future development under the 2040 General Plan could result in loss of agricultural

resources or conversion of agricultural resources to non-agricultural uses or result in indirect loss of agricultural resources by allowing for non-agricultural land uses adjacent to classified farmland. The analysis also evaluates the potential for conflicts between the 2040 General Plan land use designations and properties with existing zoning for agricultural use and Williamson Act contracts. To determine whether implementation of the 2040 General Plan would result in adverse impacts on agricultural and forest resources, the proposed land use diagram was compared to the location of existing agricultural and forestry resources, including Important Farmland Inventory Maps, LCA contract maps, and the County's aerial imagery.

The commenter does not explain why providing more recent statistics about crop production and value would change the analysis and conclusions of the EIR in a fundamental way. No additional update or revision to the Background Report is required. Refer to Master Response MR-6 for discussion of how the County appropriately uses the Background Report to describe the existing environmental setting in the draft EIR.

The comment also refers to a description in the Background Report asserting that there are incorrect data related to the reporting of oil and gas industry supported jobs versus the number of employees working in Ventura County for the oil and gas industry.

The thresholds used to evaluate the effects of implementing the 2040 General Plan on mineral and petroleum resources are explained in Section 4.12, "Mineral and Petroleum Resources" (beginning on page 4.12-6). The thresholds used to determine the significance of the 2040 General Plan's impacts are based on the County's ISAG, which include threshold criteria to assist in the evaluation of significant impacts for individual projects. As explained in the draft EIR, to develop thresholds of significance, the County deviated from the ISAG threshold criteria, where appropriate, to consider the programmatic nature of a general plan for the entire unincorporated area and to incorporate the 2019 revisions to the Appendix G checklist. Specifically, implementation of the 2040 General Plan would have a significant impact on mineral and petroleum resources if it would:

- ▶ Result in any land use, project activity, or development, which is on or adjacent to existing mineral resources extraction sites, immediately adjacent to land zoned Mineral Resource Protection (MRP) overlay zone or land mapped for mineral resources, or adjacent to a principal access road to an existing aggregate extraction or production site, and as a result could hamper or preclude extraction of the resources.
- ▶ Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.
- ▶ Result in development on or adjacent to existing petroleum extraction sites or areas where petroleum resources are zoned, mapped, or permitted for extraction, which could hamper or preclude access to the resources.

- ▶ Result in the loss of availability of a known petroleum resource that would be of value to the region and the residents of the State.

The evaluation of potentially significant impacts pursuant to these thresholds is not predicated on an understanding of the various and changing dynamics of oil and gas industry jobs. As explained in the “Methodology” subsection (page 4.12-5 of the draft EIR), the draft EIR analysis evaluates the potential conflicts between the 2040 General Plan and the State mineral resource zones mapped by the California Division of Mines and Geology [now known as the California Geological Survey]) and County MRP overlay zone described in the Background Report. The potential for physical changes as a result of 2040 General Plan implementation within identified mineral resource zones (was determined using geographic information system software. Specifically, the analysis focused on MRZ-2 lands, which are identified in the County’s Non Coastal Zoning Ordinance with an MRP overlay. Consistent with ISAG Section 3a, any land use proposed on or immediately adjacent to land zoned in the MRP overlay designation or adjacent to a principal access road to a property with the boundaries of an existing conditional use permit for mineral (e.g., aggregate) resources extraction is considered to have the potential to hamper or preclude access to mineral resources.

Similarly, the evaluation of impacts on petroleum resources is based on the petroleum resources map (Figure 8-10 in the Background Report) and well data published by the State Division of Oil, Gas, and Geothermal Resources. These resources were compared to the proposed land use diagram in the geographic information system software to assess the overall proximity of future development under 2040 General Plan implementation to identified resource areas (i.e., oil fields and wells). Consistent with ISAG Section 3b, any land use designation that could result in development on or immediately adjacent to any known petroleum resource area, or adjacent to a principal access road to a property with an existing use permit for petroleum exploration and production, is considered to have the potential to hamper or preclude access to petroleum resources. The evaluation is program-level and identifies potential effects of 2040 General Plan implementation relative to existing conditions, based on reasonable inference and using readily available information.

The commenter does not explain why providing more recent statistics about oil and gas jobs and employees in the County of Ventura would change the analysis and conclusions of the draft EIR. No additional update or revision to the Background Report is required. Refer to Master Response MR-6 for discussion of how the County appropriately uses the Background Report to describe the existing environmental setting in the draft EIR.

O32-9

The comment notes that the Background Report suggests a trend toward reductions in oil production, but Appendix D to the draft EIR assumed an increase in production. As explained in responses to comments O6-30 and O20-7, the upward trend shown in Appendix D was the artifact of a calculation error that occurred when scaling the data. Appendix D has been revised and is included as Attachment 2 to this final EIR.

This correction eliminates the inconsistency noted by the commenter but does not affect the analysis or conclusions in the draft EIR.

- O32-10 The comments on the Background Report's description of the export of agricultural products locally and regionally as a small niche in the county's agricultural economy is noted. This description is not related to the adequacy of the draft EIR and no further response is required. Figure 9-7 is provided in the Background Report (page 9-15) to support the statement on page 9-13 that "(m)ost water used for agriculture in Ventura County is extracted from three watersheds: Ventura River, Calleguas Creek, and Santa Clara River." The location of these watersheds is identified on Figure 9-7. No further level of detail, such as for specific parcels, is required on the topic of watersheds from agricultural water is sourced to evaluate or determine the impacts of 2040 General Plan implementation.

The comment also states that Background Report Figure 11-11 does not identify fire hazard areas for any parcel or specific area. This figure does identify fire hazard areas for the plan, which is adequate to support the analysis wildfire impacts in the draft EIR. Wildfire is addressed in Impact 4.9-6 (Expose People to Risk of Wildfire by Locating Development in a High Fire Hazard Area/Fire Hazard Severity Zone or Substantially Impairing an Adopted Emergency Response Plan or Evacuation Plan or Exacerbate Wildfire Risk). The analysis concludes that implementation of the 2040 General Plan would expose people or structures to a significant and unavoidable risk of loss, injury, or death involving wildland fires, and exacerbate wildfire risk because it would accommodate future development in or adjacent to high and very high fire hazard severity zones (FHSZs) or Hazardous Fire Areas.

Refer to Master Response MR-6 for discussion of how the County appropriately uses the Background Report to describe the existing environmental setting in the draft EIR, including discussion on the level of detail and scale of information.

- O32-11 Information on LCA contract trends is provided in Chapter 9, "Agriculture," of the Background Report. Information on LCA contracts in 2017 is provided on page 9-42 of the Background Report. Information on Open Space LCA contracts in 2015 is provided on page 9-44 of the Background Report. On page 9-45, the Background Report explains that 12 contracts were undergoing the Notice of Non-Renewal of the Entire Contract (ENNR) process. The Background Report explains:

As of 2015, Ventura County had 12 contracts undergoing the ENNR process that have been recorded with the County since 2008. The total acreage under these 12 contracts that will come out of the Program by 2024 totals 861 acres. Five of the 12 contracts totaling 226.61 acres, will expire in 2020, while the remaining seven contracts totaling 634.32 acres will expire in 2024.

Impacts related to LCA contracts are addressed in Impact 4.2-3 (starting at page 4.2-18). Note that the environmental baseline for determining impacts is generally the time at which the Notice of Preparation is released (CEQA

Guidelines, § 15125(a)(1)). As a result, the information provided about LCA trends is for informational purposes, rather than for establishing the baseline for assessing impacts under Impact 4.2-3.

O32-12 Page 8-65 of the Background Report includes the regulatory setting for scenic resources within Ventura County. Within this section, regulatory information is incorporated from the following resources: State Scenic Highways Program, Coastal Act, 2005 Ventura County General Plan (which includes county-wide and area-specific scenic resource goals, policies, and programs), 2011 Initial Study Assessment Guidelines, 2016 Coastal Zoning Ordinance, 2015 Ventura County Non-Coastal Zoning Ordinance, and the Local Scenic Highway Protection Program. In addition to these resources, the Background Report also identifies known scenic resource areas within the county. Further, Section 4.1, “Aesthetics, Scenic Resources, and Light Pollution,” of the draft EIR incorporates additional regulatory setting information that was not provided in the Background Report. This additional regulatory setting can be reviewed on pages 4.1-1 through 4.1-12 of the draft EIR. Both the draft EIR and Background Report include sufficient scenic resource regulatory information to adequately evaluate scenic resource impacts in the draft EIR. Refer to Master Response MR-6 which explains that the draft EIR includes regulatory setting relevant to the impact analysis conducted and it not required to describe regulation setting that is not pertinent to the analysis provided in the EIR.

O32-13 This comment asserts that specified policies of the 2040 General Plan would result in significant aesthetic impacts not disclosed in the draft EIR under Impact 4.1-3 (creation of disability glare for motorists) and Impact 4.1-4 (creation of light and glare affecting day or nighttime views), but it does not provide any specifics on how the analysis is lacking.

The analysis of project-specific environmental impacts is divided into 17 resource sections in the draft EIR. In each resource section, the “Environmental Impacts and Mitigation Measures” subsection includes a list of policies and implementation programs from the 2040 General Plan that are related to the resource and the applicable thresholds of significance. This summation of key policies and programs does not mean that the full range of potential effects of policies and programs proposed in the draft 2040 General Plan were not evaluated in the draft EIR. While selected policies and programs are provided to facilitate review of key issues, they are not intended to limit the scope of the subsequent impact analysis. As explained in the “Approach to Environmental Analysis” (page 4-3 of the draft EIR):

Adverse physical impacts to the environment associated with implementation of the 2040 General Plan are the focus of this environmental analysis. Physical changes could result from subsequent development pursuant to land use designations established in the 2040 General Plan, implementation of policies and implementation programs identified in the 2040 General Plan, and offsite or indirect development that is necessitated by the 2040 General Plan (e.g., new facilities, infrastructure upgrades). For the purpose of this environmental analysis, the types of actions that could result in physical changes to the

environment under the 2040 General Plan are referred to collectively as “future development.”

By analyzing the entire “program,” the draft EIR addresses the direct and indirect impacts of Policies HAZ-10.5, HAZ-11.7, HAZ-11.9 (see Impacts 4.1-3 [creation of disability glare for motorists] and 4.1-4 [creation of light and glare affecting day or nighttime views] in the draft EIR) to the extent required under CEQA.

Policy HAZ-10.5 and Implementation Program U would not have impacts related to light and glare. Policy HAZ-10.5 requires the County to work with applicants to incorporate facilities into their project to reduce air pollution and greenhouse gas emissions. The named facilities are “bike facilities, solar water heating, solar space heating, ...electric appliances and equipment, and the use of zero and/or near zero emission vehicles and other measures...” Note that solar water heating and solar space heating are generally passive solar systems rather than systems that use photovoltaic panels. Program U requires that the County develop an incentive program to promote passive solar home design and the use of green roofs and rooftop gardens. Therefore, none of the facilities named in the policy or implementation program would result in impacts related to light and glare.

Policy HAZ-11.7 requires that the County encourage development to include retrofits that improve building performance, which can include using solar-reflective white roofs and solar panels. Policy HAZ-11.9 requires that the County encourage urban greening techniques, such as cool pavement. Although neither policy requires any particular retrofit or technique be implemented, reflective roofs and cool pavement may produce glare. Solar panels generally aim to absorb sunlight and therefore do not reflect much light. These potential impacts are accounted for in Impacts 4.1-3 and 4.1-4, which evaluate the potential for development under the General Plan to result in new light and glare. For example, Impact 4.1-3 contemplates “future discretionary developments [that] propose reflective building materials” on page 4.1-27. Impact 4.1-4 refers to “light from new residential developments” on page 4.1-28.

The draft EIR therefore covers the potential impacts that could occur as a result of the policies and implementation program brought up by the commenter. Further, the comment offers no evidence to support how the analysis is inadequate; therefore, no additional response can be provided.

O32-14

The comment asserts that the draft EIR does not evaluate the technologic and economic feasibility of Mitigation Measure AES-1. As described in the draft EIR, this mitigation would establish an implementation program through which applicants for future discretionary development projects that include use of reflective surfaces that could produce glare and that the County determines would potentially be visible to motorists traveling along the County Regional Road Network would be required to submit a detailed site plan and list of project materials to the County for review and approval. If the County determines that the project would include materials that would produce disability or discomfort glare for motorists, the County would either require the use of alternative materials, or require that the applicant submit a study demonstrating that the project would not introduce a source of substantial glare. The comment suggests

that the draft EIR should include an evaluation of the economic and technologic feasibility of the measure, as well as potential to conflict with other policies in the 2040 General Plan. Specifically, the comment suggests potential for conflict with HAZ-10.5, through which the County would work with applicants to explore solar heating options, and HAZ-11.7, which would encourage similar retrofits to existing buildings. In these cases, the requirement to evaluate and address glare generated along the County Regional Road Network would supersede the County's encouragement of building elements where they are found to generate such impacts at the project-level.

The draft EIR does not need to evaluate the potential economic implications of the mitigation measure. The lead agency can, however, consider these factors when deciding whether to adopt the proposed mitigation as a component of the Findings required in Section 15091 of the State CEQA Guidelines. Section 15131(c) of the State CEQA Guidelines provides that "Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project."

O32-15

The comment states the draft EIR does not analyze the following agriculture-related issues: lack of economic sustainability, lack of farmworker housing, increased regulatory demands, increased competition for water resources, and increased conflicts with non-agricultural land uses. However, the draft EIR correctly omits analysis of these existing issues affecting farmland in the county. CEQA is concerned with direct and indirect physical changes in the environment that would result from implementation of the 2040 General Plan (State CEQA Guidelines, § 15358(b)). CEQA Guidelines Section 15126.2(a) explains that "[a]n EIR shall identify and focus on the significant effects of the proposed project on the environment." Therefore, only the impacts of agricultural changes caused by adoption of the General Plan need to be addressed in the EIR. The draft EIR appropriately focuses on the direct and indirect impacts that implementation of the 2040 General Plan would have on agricultural resources by evaluating the effects of the project:

- ▶ Impact 4.2-1 evaluates the potential for implementation of the General Plan to result in direct or indirect loss of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance.
- ▶ Impact 4.2-2 evaluates whether implementation of the General Plan would result in classified farmland being located near nonagricultural land uses or projects.
- ▶ Impact 4.2-3 evaluates whether implementation of the General Plan would conflict with LCA contracts or agricultural preserves.

Moreover, EIRs are not required to treat a project's economic or social effects as significant effects on the environment (State CEQA Guidelines, § 15131). Social

and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. The economic issues raised in this comment would not result in any adverse physical changes to the environment not already addressed in the draft EIR.

The comment also asserts that the draft EIR does not address “increased compatibility conflicts” from non-agricultural uses, but in fact the draft EIR does analyze the potential for development under the 2040 General Plan to result in conflicts with classified farmland in Impact 4.2-2 (starting at page 4.2-17) and conflicts with LCA contracts and agricultural preserves in Impact 4.2-3 (starting at page 4.2-18).

The other issues raised by the commenter are addressed in the draft EIR. For example, housing is addressed in Section 4.14, “Population and Housing” (see Impacts 4.14-1 and 4.14-3, which specifically address affordable and low-income housing); water supply is addressed in Section 4.17, “Utilities” (see Impact 4.17-4, which addresses adverse effects related to available water supplies); and Section 4.2, “Agriculture and Forestry Resources” (see Impact 4.2-2, which addresses land use conflicts between agricultural and non-agricultural land). Each of these impact conclusions is supported by substantial evidence.

O32-16 The comment states neither the draft EIR nor the Background Report provide information regarding the County’s recent hemp cultivation restrictions. For this response to comment, it is presumed the commenter is referring to Ventura County Urgency Ordinance 4558.

CEQA does not have a specific mandate for regulatory setting. CEQA Guidelines Section 15125 refers to the environmental setting section of an EIR more generally, albeit with a focus on describing the physical conditions. As a general maxim for the setting, Section 15125(a) states that “[t]he description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives.” The draft EIR applies this principle to the regulatory setting. Responses to comments A13-3 and A13-8 provide discussions of why Urgency Ordinance 4558 does not play a part in the analysis of impacts of the 2040 General Plan. As such, Urgency Ordinance 4558 is appropriately excluded from the draft EIR and Background Report.

O32-17 Refer to Master Response MR-5 regarding the feasibility of Mitigation Measure AG-2. Regarding the commenter’s suggested alternative mitigation measures, see responses to comments throughout this letter than pertain to mitigation measures.

O32-18 Contrary to the commenter’s claim, the draft EIR does not conclude in the methodology subsection of Section 4.2, “Agriculture and Forestry Resources,” that a decrease in water supply would be an indirect impact of the 2040 General Plan. The draft EIR instead states on page 4.2-3:

Examples of indirect losses of agricultural resources due to land use conflicts include: decreased solar access due to building heights from

nonagricultural uses, dust exposure from construction or ongoing operations, and a reduction in available water resources for irrigation.

Also, refer to response to comment A13-11 for a further discussion of available water resources for irrigation.

O32-19 The comment states that neither the draft EIR nor Background Report provide information regarding buildout under the 2040 General Plan. Further, the comment states that because the draft EIR is being completed before the County receives Regional Housing Needs Assessment (RHNA) data, the draft EIR analysis is inadequate. Refer to Master Responses MR-2 and MR-3 for additional information related to the 2040 General Plan buildout assumptions and RHNA, respectively.

O32-20 Refer to response to comment O7-8 regarding potential incompatibilities with adjacent bicycle paths. The potential for development under the 2040 General Plan to directly cause conversion of Important Farmland to nonagricultural use is addressed in Impact 4.2-1. The draft EIR concludes that impacts would be significant and unavoidable, even after implementation of Mitigation Measures AG-1 and AG-2. This conclusion covers future development undertaken pursuant to the 2040 General Plan, including impacts from development of bicycle paths. As explained in the “Approach to Environmental Analysis” (page 4-3 of the draft EIR):

Adverse physical impacts to the environment associated with implementation of the 2040 General Plan are the focus of this environmental analysis. Physical changes could result from subsequent development pursuant to land use designations established in the 2040 General Plan, implementation of policies and implementation programs identified in the 2040 General Plan, and offsite or indirect development that is necessitated by the 2040 General Plan (e.g., new facilities, infrastructure upgrades). For the purpose of this environmental analysis, the types of actions that could result in physical changes to the environment under the 2040 General Plan are referred to collectively as “future development.”

Refer to response to comment O7-8 for discussion of indirect agricultural resources impacts of bicycle and pedestrian trail users.

O32-21 This comment asserts that the draft EIR does not analyze the impacts of roadway widening improvements on the loss of agricultural land. The potential for development under the 2040 General Plan to directly cause conversion of Important Farmland to nonagricultural use is addressed in Impact 4.2-1. The draft EIR concludes that impacts would be significant and unavoidable, even after implementation of Mitigation Measures AG-1 and AG-2. Discussions specific to topsoil loss are included on pages 4.2-12 and 4.2-15 of the draft EIR. This conclusion covers all development undertaken pursuant to the 2040 General Plan and, therefore, includes development of roadways. As explained in the “Approach to Environmental Analysis” (page 4-3 of the draft EIR):

Adverse physical impacts to the environment associated with implementation of the 2040 General Plan are the focus of this environmental analysis. Physical changes could result from subsequent development pursuant to land use designations established in the 2040 General Plan, implementation of policies and implementation programs identified in the 2040 General Plan, and offsite or indirect development that is necessitated by the 2040 General Plan (e.g., new facilities, infrastructure upgrades). For the purpose of this environmental analysis, the types of actions that could result in physical changes to the environment under the 2040 General Plan are referred to collectively as “future development.”

Also refer to Master Response MR-2 for discussion of how the level of detail on the 2040 General Plan included in the draft EIR project description meet CEQA requirements and description of how the draft EIR analyzed the 2040 General Plan in the analysis of environmental impacts.

- O32-22 The comment states that the impact conclusion for Impact 4.2-2 (Result in Classified Farmland Near Any Nonagricultural Land Use or Project) is not supported by factual evidence in light of the recent actions by the County to place restrictions on hemp cultivation pursuant to Ventura County Urgency Ordinance 4558. Refer to response to comment A13-8 regarding Urgency Ordinance 4558. Refer to response to comment A13-12 regarding the suggestion to include mitigation that requires strengthening the Right-to-Farm ordinance.
- O32-23 The draft EIR correctly omits a discussion of direct and indirect effects of economic sustainability on conversion of agricultural lands. First, CEQA does not require an evaluation of economic impacts of a project unless they result in a physical change in the environment (State CEQA Guidelines, § 15131(a)). Therefore, the potential for the 2040 General Plan to increase costs of farming operations is not, by itself, an impact under CEQA. Indirect effects such as physical impacts resulting from an economic effect are defined as those that “are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable” (State CEQA Guidelines, § 15358). Therefore, any physical impacts emanating from economic impacts are indirect impacts appropriately considered under CEQA. However, the County is not aware of any evidence that supports the idea that the 2040 General Plan would so injure the sustainability of agriculture such that it would convert agricultural land to non-agricultural uses. For detailed discussions of specific policies raised in other comments, refer to response to comment A13-10 regarding the impacts of Policy Ag-5.2 and Policy AG-5.3. Refer to response to comment O7-8 regarding potential impacts related to theft and vandalism. Refer to draft EIR Impact 4.2-2 and Impact 4.2-3 for a discussion of nuisance issues that can arise from conflicts between agricultural and non-agricultural land uses; discussions of nuisance complaints can be found on pages 4.2-17 and 4.2-19 of the draft EIR. The commenter raises the issue of “traffic conflicts” but does not specify what those conflicts might be. Therefore, only a general response needs to be provided. Roadways, including roadways subject to heavy traffic use, are commonly adjacent to agricultural parcels. For example, in Ventura County, SR-126 is

adjacent to agricultural uses. The County is therefore unaware of evidence to support that there are traffic conflicts that would be so severe and widespread so as to result in cessation of agriculture adjacent to roadways. Similar to theft and vandalism as discussed in response to comment O7-8, the County is not aware of evidence that trespass on agricultural lands due to adjacent non-agricultural land uses can be so severe that they would result in adverse effects such as cessation of agriculture. Refer to response to comment O7-5 regarding setbacks.

Overall, the County is not aware of evidence that these impacts would be so severe so as to affect the economic viability of agricultural operations and result in conversion to non-agricultural use. The draft EIR analysis is adequate under CEQA.

O32-24 The comment suggests that the draft EIR should consider expanding the potential for the agricultural processing facilities through modification of the zoning ordinance as mitigation in the draft EIR. Although there is a significant and unavoidable impact related to loss of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance identified in the draft EIR (Impact 4.2-1), expansion of agricultural processing opportunities would not address this impact. For this reason, the suggestion has not been incorporated into the draft EIR.

O32-25 The comment is critical of the use of “vague descriptors” to make conclusions about the extent of impacts to LCA contracts and agricultural preserves. The analysis of Impact 4.2-3 (Conflict with Williamson Act Contracts or Agricultural Preserves) in the draft EIR is based on substantial evidence and an appropriate level of detail. The impact discussion does not include the statement that “these impacts will only occur in a small area.” The phrase “most areas” is used in the evaluation in the context of the reasonable inference that compliance with the County’s Agricultural/Urban Buffer Policy would occur – which requires a 300-foot setback with limited exceptions. As provided on page 4.2-20:

Most areas with a Residential, Mixed Use, Commercial, or Industrial land use designation under the 2040 General Plan would be located at least 300-feet from existing agriculture. Maintenance of the 300-foot buffer would minimize land use conflicts, as defined in the buffer policy. Reduction of land use conflicts encourages property owners to maintain their LCA contracts and AGP designations.

The impact evaluation is not impermissibly vague and provides sufficient detail to support the conclusion. CEQA standards and guidelines do not require quantification of impacts where the precise type and location of future development relative agricultural preserves cannot be known.

The draft EIR explains that the “County is responsible for ensuring that discretionary development adjacent to agriculturally designated lands does not conflict with agricultural use of those lands, which includes protection of agricultural land under LCA contracts and designated as AGP” (draft EIR page 4.2-19) and identifies relevant regulations and 2040 General Plan policies that are protective of agricultural preserves. As summarized on page 4.2-20:

No direct land use conflicts with existing LCA contracts would occur as a result of the land use diagram of the 2040 General Plan because it would not change the land use designation of any land under an existing LCA contract. No environmental impacts associated with residential development adjacent to any land under LCA/Williamson Act Contracts and AGP are expected to occur due to the protections and guidelines established in policies and programs that limit conflicts with agricultural uses and establishment of buffers between most agricultural and nonagricultural uses.

- O32-26 The comment states that neither the draft EIR nor Background Report provide information regarding buildout under the 2040 General Plan. Further, the comment states that because the draft EIR is being completed before the County receives RHNA data, the draft EIR analysis is inadequate. Refer to Master Responses MR-2 and MR-3 for additional information related to the 2040 General Plan buildout assumptions and RHNA, respectively.
- O32-27 As described on page 4.5-16 of the draft EIR, Mitigation Measure CUL-1c would apply solely to discretionary projects. As stated in Section 15356 of the CEQA Guidelines, “discretionary project” means a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity. Residential home upgrades would not generally constitute a discretionary project. For those residential structures that have been determined to be historical resources, home improvements such as installation of solar, reroofing, and window replacements, would be covered under the Ventura County Cultural Heritage Board Ordinance and are not limited by the 2040 General Plan. No further response is required.
- O32-28 The comment asserts that Mitigation Measure GHG-1 could exacerbate existing electrical supply conditions, resulting in effects to public health and safety, and may increase net GHG emissions due to use of generators during power outages. For a general discussion of these concerns and the minimal energy demand associated with forgoing natural gas service to some new development, refer to response to comment O28-3. Refer to response to comment O28-4 for discussion of the potential for Mitigation Measure GHG-1 to increase GHG emissions. Response to comment O28-6 provides a discussion of the potential for Mitigation Measure GHG-1 to contribute to power outages that result in economic effects.
- O32-29 The comment asserts 2040 General Plan Policy CTM-6.4 (Facilities for Emerging Technologies) is not included in the draft EIR impact analysis and refers to the analysis of hazardous materials impacts in Impact 4.9-1 and 4.9-2. This policy states that: “The County shall support the development of alternative fueling stations (e.g., electric and hydrogen) and vehicle-to-infrastructure (V2I) technology for emerging technologies.” The 2040 General Plan does not include a Policy LU-11.X nor a Land Use Implementation Program X, which are also referred to in this comment.

This program EIR evaluates the reasonably foreseeable environmental effects of implementing the 2040 General Plan. The analysis of project-specific environmental impacts is divided into 17 resource sections in the draft EIR. In

each resource section, the “Environmental Impacts and Mitigation Measures” subsection includes a list of policies and implementation programs from the 2040 General Plan that are related to the resource and the applicable thresholds of significance. This summation of key policies and programs resulted in concerns expressed by the commenter that the full range of potential effects of policies and programs proposed in the draft 2040 General Plan were not evaluated in the draft EIR, resulting in unevaluated indirect impacts. While selected policies and programs are provided to facilitate review of key issues, they are not intended to limit the scope of the subsequent impact analysis. As explained in the “Approach to Environmental Analysis” (page 4-3 of the draft EIR):

Adverse physical impacts to the environment associated with implementation of the 2040 General Plan are the focus of this environmental analysis. Physical changes could result from subsequent development pursuant to land use designations established in the 2040 General Plan, implementation of policies and implementation programs identified in the 2040 General Plan, and offsite or indirect development that is necessitated by the 2040 General Plan (e.g., new facilities, infrastructure upgrades). For the purpose of this environmental analysis, the types of actions that could result in physical changes to the environment under the 2040 General Plan are referred to collectively as “future development.” As the commenter notes, Impact 4.9-1 (Create a Significant Hazard to the Public or the Environment Through the Routine Transport, Use, or Disposal of Hazardous Materials or Hazardous Waste) and Impact 4.9-2 (Create a Significant Hazard to the Public or the Environment Through the Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials or Hazardous Waste into the Environment) were found to be less than significant in light of existing federal and State regulations that govern the use, transport, and disposal of hazardous materials and wastes. This determination was reached by analyzing the complete program of actions outlined in the 2040 General Plan. In doing so, the draft EIR addresses potential effects of policies and programs supporting production and use of alternative fuels (e.g., electric and hydrogen) on public health and safety. The commenter does not provide evidence to demonstrate that these policies could result in an impact not considered in the analysis, or that the potential for significant hazard to the public and the environment is not addressed through established regulations.

The discussion of Impact 4.9-1 discloses that implementation of the 2040 General Plan would accommodate future development that could involve “the use, storage, disposal and transportation of hazardous materials or hazardous waste” (see page 4.9-12 of the draft EIR), and Impact 4.9-2 discusses the potential for implementation of the 2040 General Plan to “accommodate an increase in activities that commonly store, use, and dispose of hazardous materials and hazardous waste” (see page 4.9-14 of the draft EIR). However, the draft EIR concludes that this impact would be less than significant because “County activities and discretionary development would be required to comply with State law, federal law, and 2040 General Plan policies and implementation programs that would substantially lessen potential impacts.”

The federal Occupational Safety and Health Administration has identified potential hazards in biofuels production and handling related to fire and explosion, chemical reactivity, and toxicity. These types of hazards are not uncommon in industrial areas and are subject to regulations that pertain to safely managing highly hazardous chemicals (29 Code of Federal Regulations [CFR] § 1910.119) and facilities handling flammable or combustible liquids (29 CFR § 1910.106). Siting and operating alternative fueling stations would also be subject to State and local permitting.

Refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.

O32-30

This comment asserts that the draft EIR does not analyze the wildfire-related impacts of specified 2040 General Plan policies and programs that the commenter contends would increase fuel load and vegetation and “feed wildfires.” In Impact 4.9-6 (Expose People to Risk of Wildfire by Locating Development in a High Fire Hazard Area/Fire Hazard Severity Zone or Substantially Impairing an Adopted Emergency Response Plan or Evacuation Plan or Exacerbate Wildfire Risk), the analysis is focused on whether people would be exposed to wildfire because the 2040 General Plan would allow development in areas with a known potential for wildfire hazard area, exacerbate wildfire risk, or impair implementation of an established response plan. The analysis (page 4.9-23 of the draft EIR) refers to Policy HAZ-1.8, which requires the County to collaborate with federal agencies to manage fuel on federally owned or managed lands within the county. In doing so, the analysis states that “the County and other agencies would be directly reducing the chance of wildfire as well as fuels that would feed wildfires.”

The comment expresses concern that any addition of vegetation would, by contrast, exacerbate wildfire risk. Policy COS-1.15 would establish a county-wide target of planting two million trees by 2040. Through Implementation Program H the County would plant at least 1,000 trees annually. Policy COS-3.2 would encourage planting trees and the protection of existing urban forests and woodlands, and Implementation Program C would further enhance conservation of urban forests and oak woodlands through update of the existing Tree Protection Regulations in the Non-Coastal Zoning Ordinance.

This program EIR evaluates the reasonably foreseeable environmental effects of implementing the 2040 General Plan. The analysis of project-specific environmental impacts is divided into 17 resource sections in the draft EIR. In each resource section, the “Environmental Impacts and Mitigation Measures” subsection includes a list of policies and implementation programs from the 2040 General Plan that are related to the resource and the applicable thresholds of significance. This summation of key policies and programs resulted in concerns expressed by the commenter that the full range of potential effects of policies and programs proposed in the draft 2040 General Plan were not evaluated in the draft EIR, resulting in unevaluated indirect impacts. While selected policies and programs are provided to facilitate review of key issues, they are not intended to limit the scope of the subsequent impact analysis. As explained in the “Approach to Environmental Analysis” (page 4-3 of the draft EIR):

Adverse physical impacts to the environment associated with implementation of the 2040 General Plan are the focus of this environmental analysis. Physical changes could result from subsequent development pursuant to land use designations established in the 2040 General Plan, implementation of policies and implementation programs identified in the 2040 General Plan, and offsite or indirect development that is necessitated by the 2040 General Plan (e.g., new facilities, infrastructure upgrades). For the purpose of this environmental analysis, the types of actions that could result in physical changes to the environment under the 2040 General Plan are referred to collectively as “future development.”

The County acknowledges that the tree planting policies noted by the commenter have the potential to increase the density of, and exposure to, wooded areas. Therefore, in consultation with the Ventura County Fire Protection District, Policy COS-1.15 and Policy COS-3.2 have been revised as shown in the Ventura County Planning Commission hearing materials for July 16, 2020 (see exhibit for “Planning Division Recommended Revisions to the 2040 General Plan”).

In addition, all tree planting and protection would be subject to existing federal, state, and local regulations adopted for the purpose of minimizing the hazard associated with wildfire. For example, the Ventura County Community Wildfire Protection Plan (CWPP) reduces hazardous fuels throughout the County and provide measures to reduce structural ignitability in at-risk communities. The Fire Hazard Reduction Program requires mandatory 100-feet of brush clearance around structures located in or adjacent to Hazardous Fire Areas.

Planting trees and encouraging urban forests would not substantially increase the severity of this significant and unavoidable impact beyond what has been disclosed in the draft EIR.

Refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.

O32-31

The comment asserts that the draft EIR wildfire impact analysis does not explain how the County will discourage the building of homes in very high fire severity zones. The analysis of potential wildfire impacts first evaluates the wildfire hazard in the county and discusses key regulations that would reduce the hazard. Then, the analysis outlines 2040 General Plan policies that would also address the potential for future development accommodated by the general plan land use diagram or implementation of 2040 General Plan policies and implementation programs to substantially influence this risk. Policy HAZ-1.5, which discourages building of homes in very high fire severity zones, is one of the many policies addressed in this discussion. As pointed out by the commenter, discouraging alone does not measurably reduce the potential for exposure to wildland fire. That is one reason why the analysis concludes that “implementation of the 2040 General Plan could result in development that exacerbates the potential for wildfires to occur and the resulting adverse environmental effects that are associated with these events” (draft EIR page

4.9-24). Before concluding that the impact would be significant and unavoidable, the draft EIR explains that (page 4.9-24):

The County has adopted and implemented programs to minimize wildfire risks including the MHMP. In addition, the Ventura County CWPP reduces hazardous fuels throughout the County and provide measures to reduce structural ignitability in at-risk communities. The Fire Hazard Reduction Program requires mandatory 100-feet of brush clearance around structures located in or adjacent to Hazardous Fire Areas. Many communities also have adopted their own emergency response plans. The 2040 General Plan includes a suite of policies and implementation programs that address a full spectrum of wildfire prevention standards for new development including vegetation management, fire suppression equipment, discouraging development in fire hazard areas, and education programs to prevent wildfires. Finally, existing federal and State building code standards, including the recently-adopted 2019 fire code, would require future development to be designed to minimize fire risk. Because the effects of a wildfire are not limited to development within high FHSZs but can easily spread to adjacent communities, any development in or adjacent to a designated FHSZs or near wildland areas is at risk for wildfire. While compliance with federal, State, and local requirements would limit risk, this risk cannot be completely eliminated. No other additional policies or programs are available that could eliminate the potential for wildfires or their environmental effects to occur because the only way to fully mitigate additional exposure of people to wildfire or exacerbation of wildfire risk is to prohibit all development in or near any areas that are at risk for wildfire. Based on the topography and vegetation characteristics of the county, very few if any such areas exist. Further, many existing developed areas already pose a wildfire risk because of their proximity to wildland areas. The County has undertaken a substantial effort to implement policies and implementation programs that would protect people and structures from the risk of wildfires while at the same time promoting the economic growth of the County. No additional feasible policies or implementation programs are available to reduce the risk of wildfire exposure, exacerbation, or resulting adverse environmental effects to less than significant.

O32-32

This comment states that the draft EIR “must analyze the potential ‘buildout’” of the 2040 General Plan “against the known locations of hazardous materials and waste.” This program EIR has been prepared in a manner consistent with CEQA statute. As explained in Section 1.2.1, “Type and Use of This EIR,” of the draft EIR (page 1-2), “[b]y its nature, a program EIR considers the overall effects associated with implementing a program (such as a general plan) and does not, and is not intended to, examine individual projects that may be implemented pursuant to the general plan.”

Overlaying the location of all hazardous materials and waste sites in the State and local databases on the land use diagram for the 2040 General Plan, which is intended to focus growth in areas with existing residential, commercial, and/or

industrial uses that are currently within the Existing Community area designation (boundary) and the Urban area designation (boundary) is not required and would not be germane to the analyses in Impacts 4.9-1, 4.9-2, or 4.9-3. These impacts determine whether the 2040 General Plan would create a significant hazard to the public or the environment due to: routine transport, use, or disposal of hazardous materials; reasonably foreseeable accidents that would release hazardous materials; or release of hazardous emissions near a school. The precise location of potential environmental hazards would fluctuate over the 20-year plan horizon. The specific sites that handle potentially hazardous materials would change (underground fuel storage tanks could be removed, new industrial uses could be introduced), sites of legacy contamination could be remediated, and new spills could occur or be discovered. At the plan level, the analysis assumes that certain land uses are more likely to be associated with hazardous materials and wastes and concludes that existing State and federal regulations, supported by proposed 2040 General Plan policies and implementation programs, provide sufficient protection to address significant hazards without additional mitigation. Refer also to Master Response MR-2 for further discussion of the land use plan and how “buildout” was used in the analysis.

The draft EIR analysis does consider the relative presence of documented hazardous materials and wastes sites. This information is appropriately included under Impact 4.9-4 (Create a Significant Hazard Due to Location on a Site Which is Included on a List of Hazardous Materials Sites). As summarized on page 4.9-16 of Section 4.9, “Hazards, Hazardous Materials, and Wildfire,” in the draft EIR:

As described in Section 11.5, “Hazardous Materials,” of the Background Report, there were 300 hazardous materials sites in the county, as of November 2016 (Appendix B:11-64). Of that number, 27 were permitted underground storage tanks, 273 have undergone or are undergoing hazardous materials remediation, and one site contains a leaking underground storage tank (LUST) and is undergoing assessment (Appendix B 2018:11-64). Of the 273 sites that have or may undergo remediation, 162 have been designated as “Completed-Case Closed,” including landfill sites and LUST sites (Appendix B:11-64). The Background Report also discusses ongoing hazardous waste cleanup sites in the county, including the Halaco Superfund site, Santa Susana Field Lab, USA Petrochem, and the Talley facility (Appendix B:11-69, 11-70).

On page 4.9-17 of the draft EIR, the analysis concludes:

Implementation of the 2040 General Plan could result in future development on or near a site identified in one of the regulatory databases, compiled pursuant to Government Code Section 65962.5, including those sites discussed above and identified in Section 11.5, “Hazardous Materials,” of the Background Report. Federal and state regulations exist that prevent or reduce hazards to the public and environment from existing hazardous waste sites or hazardous substances release sites. These regulations include the Occupational Safety and Health Act; the Comprehensive Environmental Response, Compensation, and Liability Act; the Superfund Amendments and Reauthorization Act Title III; the Resource Conservation

and Recovery Act; and the Toxic Substances Control Act. These regulations protect people and the environment through guidelines that require proper storage and handling, business and environmental management plans, spill contingency plans, employee and public noticing, and other emergency preventive and response measures to minimize the risk of accidental releases and related environmental effects. 2040 General Plan Policy HAZ-5.7 requires project applicants to indicate the presence of any hazardous wastes on a project site and demonstrate that the waste site is properly closed, pursuant to all applicable state and federal laws. Policies HAZ-5.2, HAZ-5.5, HAZ-5.8, and HAZ-7.1 provide guidance for the location, operation, and management of discretionary developments, including oil and gas exploration and production sites to minimize the potential for affecting people and the environment. While implementation of the 2040 General Plan could potentially accommodate future development on or near sites included on a list of hazardous waste sites or hazardous substances release sites, compliance with federal and state laws and regulations, as well as 2040 General Plan policies, would ensure that development would occur on sites that have been properly closed and remediated such that no remaining hazards from past contamination would remain.

As discussed above, the precise location of future hazardous materials use or remediation is beyond the scope of this EIR and would be addressed at a project level. Future projects should rely on contemporary database searches to assess the potential presence of hazards and hazardous materials. Programmatically, there is no indication that the policies, implementation programs, and land use diagram of the 2040 General Plan would result in significant hazards to human health or the environment due to compliance with applicable regulations. Providing additional detail about the existing locations of known sites of hazardous materials release would not meaningfully change the analysis or conclusions in the draft EIR. No revisions to the draft EIR have been made in response to this comment.

- O32-33 This comment addresses the draft EIR analysis of flood exposure (Impact 4.10-13) and a map of flood hazard areas included in the Background Report. The proposed land use diagram of the 2040 General Plan would guide future development of relatively higher intensity residential, commercial, mixed use, and industrial land uses to the Existing Community area designation (boundary) and the Urban area designation (boundary). While it is true that these are areas of the County with existing development, the 2040 General Plan does not include policies that will, as asserted by the commenter, “force planned growth into existing commercial and industrial lands.” For further discussion of the land use plan and growth projections, refer to Master Response MR-2.

The discussion of Impact 4.10-13 (Be Located in a Mapped Area of Flood Hazards) is provided for informational purposes only. As disclosed in the draft EIR, the discussion is neither mandated by CEQA nor subject to its requirements. Development could occur in areas that are susceptible to flood hazards, as mapped by FEMA and the Ventura County Watershed Protection District. The draft EIR explains that there are policies incorporated in the 2040 General Plan that

would reduce potential impacts related to flooding, such as policies that limit development in these areas and require flood control infrastructure. The discussion of flood hazards is based on the information and mapping in Section 11.2, “Flood Hazards,” of the Background Report, including Figure 11-4 (Special Flood Hazard Areas), Figure 11-5, (Countywide Dam Failure Inundation Areas) and Figure 11-6 (Individual Dam Failure Inundation Areas).

The commenter provided a copy of the North Ventura Avenue Area Plan (Figure 3-17 of the Background Report) and expressed concern that the areas designated as “Floodplain” are not the same as the flood hazard areas shown in the County’s online mapping. As explained on page 3-47 of the Background Report, Figure 3-17 shows the existing North Ventura Avenue Area Plan land use designations. The Background Report also explains that the Floodplain land use designation is applied to land in the 100-year floodplain of the Ventura River. The North Ventura Area Plan (page NV-10), which is a component of the 2040 General Plan, indicates that the “underlying land use designations outside the floodway but within the 100 Year Floodplain are “Industrial,” generally located north of Shell Road or south of Gosnell Bend, and “Oilfield Industrial,” generally located north of Gosnell and south of Shell Road.” Further, the 2040 General Plan (Table 11-1, page 11-4) indicates that the Floodplain area plan land use designation is consistent with an Industrial General Plan land use designation.

The maps cited by the commenter show separate designations that are not in conflict. The draft EIR discloses that development could occur in floodplains but does not reach a significance determination because exposure of a project to environmental hazards are not considered significant effects unless a project exacerbates the risks from such hazards.

- O32-34 This comment asserts that the 2040 General Plan includes policies that will “require” solar installation, reflective roofs, and other improvements and these policies will have significant impacts due to incompatibility with existing architectural form and style that were not analyzed in the draft EIR in Impact 4.11-1.

Impact 4.11-1 (Result in Physical Development That Is Incompatible With Land Uses, Architectural Form Or Style, Site Design/Layout, Or Density/Parcel Sizes Within Existing Communities) considers potential impacts affecting architecture and style in three categories: historic character, architecture, and public spaces and explains that Section 2.4 of the Land Use Element of the 2040 General Plan includes policies that encourage discretionary development to be designed to maintain the distinctive character of unincorporated communities and to be compatible with neighboring uses (see draft EIR page 4.11-20). Policy LU-16.1 encourages discretionary development to be designed to maintain the distinctive character of unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses. As described on page 4.11-21 of the draft EIR, policies and programs in the 2040 General Plan would not result in physical development that is incompatible with existing land uses, architectural form or style, site design/layout, or density/parcel sizes within existing communities. Impacts were determined to be less than significant and therefore, no mitigation is required.

The 2040 General Plan also includes policies that encourage development to include sustainable, green building design features. These include Policy PFS-2.2, through which the County would encourage the incorporation of sustainable design features, including reflective roofing, in community facilities to reduce environmental impacts and Policy HAZ-11.7, which requires that the County encourage development to include retrofits that improve building performance, which can include using solar-reflective white roofs and solar panels. Policy HAZ-11.9 requires that the County encourage urban greening techniques, such as cool pavement. These policies do not “require” installation of reflective roofs, solar, or other features as asserted by the commenter.

These potential impacts are accounted for in Impact 4.11-1, which evaluates the potential for the 2040 General Plan to result in physical development that is incompatible with existing land uses, architectural form or style. The draft EIR therefore covers the potential impacts that could occur as a result of the policies brought up by the commenter. Further, the comment offers no evidence to support how the analysis is inadequate; therefore, no additional response can be provided.

O32-35

The comment asserts that Impact 4.12-3 of the draft EIR must be revised to include CEQA required analysis, which is whether the 2040 General Plan will hamper access to reserves. The comment states that the County’s analysis of Impact 4.12-3 does not meet the intent and standard of review under CEQA, but does not provide any evidence to support this claim. However, Impact 4.12-2, in Section 4.12, “Mineral and Petroleum Resources” of the draft EIR, evaluates whether implementation of the 2040 General Plan would result in development on or adjacent to existing petroleum resources extraction sites or areas where petroleum resources are zoned, mapped, or permitted for extraction, which could hamper or preclude access to the resource (pages 4.12-11 to 4.12-18). The detailed analysis concludes that 2040 General Plan “Policy COS-7.2 would notably increase the existing setback requirements for new oil and gas wells such that future residential development or new schools could preclude expansion of existing oil and gas operations, as well as drilling of new discretionary wells, thereby hampering or precluding access to the resource.” (page 4.12-18) This is identified as a potentially significant impact. The methodology and thresholds used to conduct the analysis of Impact 4.12-3 are described in detail in Section 4.12 (page 4.12-5 to 4.12-7). Because the comment does not identify any specific reasons to support its assertions, no further response can be provided.

O32-36

The commenter indicates that the Background Report should include regulatory information that goes beyond consideration of the laws and regulations pertaining to petroleum development. The Background Report Section 8.4, “Mineral Resources,” Section 8.5, “Energy Resources,” and Section 10.2 “Legal and Regulatory Framework for Water Management (Class II Underground Injection Control Program),” provide relevant regulatory information necessary for understanding and evaluating the impacts of the 2040 General Plan on petroleum resources. Additionally, draft EIR Section 4.12.1, “Background Report Setting Updates,” includes additional information laws and regulations that

pertain to petroleum development. This includes federal laws and regulations related to gas pipelines, State laws and regulations related to the California Pipeline Safety Act of 1981, Ventura County Air Pollution Control District (VCAPCD) Rule No. 71.1 – Crude Oil Production and Separation and Rule No. 54 – Sulfur Compounds, VCAPCD Primary (Non-Emergency) Flares, VCAPCD Emergency Flares, and VCAPCD Permitted Flare Variances, and Non-Coastal and Coastal Zoning Ordinances. Note also, that the County has revised the regulatory setting to include an enhanced discussion of CALGEM's regulations. Refer to Chapter 3, "Revisions to the Draft EIR."

- O32-37 The comment addresses the North Ventura Avenue Area Plan (NVAP) policies related to mineral and petroleum resources and the 2040 General Plan. The commenter asserts that the draft 2040 General Plan policies will impact the NVAP policies related to mineral and petroleum resources. The commenter provides references to content on NVAP pages 5, 9, 10, and 11; however, the commenter incorrectly identifies the information on these pages as including policies. Page 5 of the NVAP identifies the existing land use designation of Industrial and Oilfield Industrial and describes the specific uses and rationale for this land use designation. Pages 9 and 10 of the NVAP describe the City of Ventura's Circulation Element with a discussion of the development requirements of the oilfield industrial area pursuant to the City. Page 11 of the NVAP presents Section A(1) Intent and Rationale for Land Use Designation, General Character. The general character of the North Ventura Planning Area is described indicating "Given the stability of the existing residential areas and the importance of oilfield development, the overriding intent of the land use designations in this area are to protect the quality and integrity of the existing residential neighborhoods, to provide the expansion and upgrading of the industrial areas, and to project scenic vistas and environmental quality of the hills and river." The commenter addresses the NVAP and implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O32-38 The comment states that the draft EIR does not quantify changes to land uses near oil reserves and that neither the draft EIR nor Background Report provide information regarding buildout under the 2040 General Plan. Further, the comment states that because the draft EIR is being completed before the County receives RHNA data, the draft EIR analysis of impacts to mineral reserves is inadequate. Refer to Master Responses MR-2 for additional information related to the 2040 General Plan land use designations and buildout assumptions and Master Response MR-3 regarding the 2020 RHNA. Refer to responses to comments O5-90 and O5-91 for discussion of the draft EIR analysis of impacts to mineral resources in Impact 4.12-1 and 4.12-2.
- O32-39 Refer to Master Response MR-4, Section MR-4.H, "Buffers (Setback)," and MR-4.I, "Directional Drilling," regarding the findings and conclusions related to setbacks and indirect impacts on reserves (directional drilling). The remainder of the comment addresses implementation of the 2040 General Plan and is not

related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.

O32-40

Section 15126.4 of the CEQA Guidelines states “an EIR shall describe feasible measures which could minimize significant adverse impacts.” Mitigation Measure NOI-1 provides a list of noise control measures that may be implemented to reduce project-generated traffic noise. Mitigation Measure NOI-1 recommends considering vegetation but does not prescribe increased vegetation. Impact 4.9-6 on page 4.9-19 of the draft EIR recognizes exposure of people to risk by wildfire due to the location of development in a High Fire Hazard Area/Fire Hazard Severity Zone as a significant and unavoidable impact. However, federal, State, and local plans and regulations would reduce the risk of wildfire in the plan area by requiring vegetation management and compliance with applicable building codes that require access to adequate fire suppression infrastructure and specify the materials and construction methods for protection against exterior wildfire exposure. All recommended measures, including increased vegetation, would be subject to existing codes and regulations. Any increased vegetation would adhere to the requirements for landscaping outlined in the County’s applicable zoning ordinance (see, e.g., Non-Coastal Zoning Ordinance, § 8108.5.14), the County’s Encroachment Work Standards (see Section 12319 of the Ventura County Ordinance Code), and the Ventura County Fire Code (see Section 5111 of the Ventura County Ordinance Code, which incorporates by reference the Ventura County Fire Code, which is set forth in Ventura County Fire Protection District Ordinance No. 31, see Appendix W Fire Hazard Reduction and Vegetation Management), as applicable, at the time of implementation and would be enforced through conditions of approval and/or site planning.

The Ventura County Fire Protection District Ordinance No. 31 Code, Section W105.1 requires any person owning, leasing, controlling, operating or maintaining any building in, upon, or adjoining any Hazardous Fire Area, and any person owning, leasing or controlling any land adjacent to such buildings, shall maintain an effective firebreak made by removing and clearing away, all combustible material on their property for a distance not less than 100 feet from all portions of the building. Additionally, Section W105.1.5 prohibits mulch and wood chips within 5-feet of structures subject to Section W105.1. Section W105.1.7 requires any portion of a tree or shrub that extends within 10 feet horizontally or vertically of a chimney or stovepipe shall be removed in any Hazardous Fire Area, Section W105.1.7 requires any portion of a tree or shrub that extends within 10 feet horizontally or vertically of a chimney or stovepipe shall be removed in Hazardous Fire Areas. In addition, the 2040 General Plan includes a suite of policies and implementation programs that address a full spectrum of wildfire prevention standards for new development including vegetation management, fire suppression equipment, discouraging development in fire hazard areas, and education programs to prevent wildfires. It should be noted that wildlife corridors are subject to all existing fire prevention regulations of the Ventura County Fire Protection District.

Mitigation Measure NOI-1 is consistent with the CEQA Guidelines and would be implemented in compliance with all applicable codes and regulations with respect to wildfire risk.

- O32-41 The comment summarizes more detailed comments provided elsewhere in the comment letter. Refer to responses to comments O32-1 to O32-40, above, that address the specific comments identified in this letter. Also, refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.



The voice of business since 1949!

VCEDA's Mission Statement: To advocate for policies, legislation and programs that support business and a vital economy as the foundation for a vibrant quality of life in Ventura County.

Letter
O33

FEB 24 2020

EXECUTIVE BOARD
 Chair: Michele Newell, Aera Energy LLC
 Vice Chair: Vlad Vaiman, Ph.D., California Lutheran University
 Secretary: Amy Fonzo, California Resources Corporation
 Treasurer: Mike Silacci, AT&T
 Policy Committee Chair: Sandy Smith, Sespe Consulting, Inc.
 Kristlin Decas, The Port of Heuneme
 Randall George, Myers Widders Gibson Jones & Feingold LLP
 Marta Golding Brown, Ex Officio, Ventura County Association of Realtors
 Maggie Kestly, Mid Valley Properties
 Stacy A. Roscoe, Lifetime Member

DIRECTORS
 Bill Camarillo, Agromin
 John Chamberlain, Limoneira Company
 Robert Congelliere, A to Z Law
 Nan Drake, E.J. Harrison & Sons Inc.
 Mike Durocher, Arthur J. Gallagher & Co.
 Rebecca Evans, Ventura County Workforce Development Board
 Lorena Gomez, Coastal Occupational Medical Group
 Rudy Gonzales, Southern California Edison
 Eric Hanson, United Way of Ventura County
 Blake Kreutz, Citizen Business Bank
 John Krist, Farm Bureau of Ventura County
 Jacque McMillan, Metropolitan Water District of So. Cal.
 Jim Meaney, CBRE
 William Mitchell, Ventura Energy Storage
 Tracy Perez, Manpower
 Melissa Sayer, Matilija Law
 Mike Smith, Waste Management
 Greg Van Ness, Tolman & Wiker Insurance Services LLC
 Maria Ventura, Southern California Gas
 Matthew Welsh, Amgen
 Celina Zacarias, CSU Channel Islands
 Peter Zierhut, Haas Automation

LIFETIME
 Ellen Brown
 Suzanne Chadwick
 Marc Charney
 Henry Dubroff, Pacific Coast Business Times
 Mitchell Kahn
 H. Edwin Lyon
 Stacy A. Roscoe

EX-OFFICIO
 William Buenger, World Affairs Council
 Ron Golden, Ventura County Taxpayers Association
 Marta Golding Brown, Ventura County Association of Realtors
 Darren Kettle, VC Transportation Commission
 Captain Kirk Lagerquist, Naval Base Ventura County
 Bruce Stenslie, EDC-VC

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager, General Plan Update Section
 800 South Victoria Avenue, L#1740
 Ventura, CA 93009-1740

Re: Comments on Ventura County General Plan DEIR

Dear Ms. Curtis:

On September 10, 2019, over the objection of the Ventura County Economic Development Association (VCEDA), your board voted 3-2 against taking a closer look at how new policies and programs proposed within the new General Plan will impact our regional economy and Ventura County residents. They voted to limit the economic analysis to only a handful of programs and solely on their impact to County departmental budgets – which is in no way a complete impact analysis.

In the months that have followed that decision, numerous additional policies and programs have found their way into the draft document – all proposed by members of the Board of Supervisors, and all without vetting through the advisory committees meant to provide oversight and input into revising the County's General Plan. As has been the case throughout this process, their impacts lack adequate study.

VCEDA had hoped that the draft General Plan's DEIR would address this lack of analysis. Unfortunately, that is not the case. Therefore, **we respectfully request that the DEIR be re-circulated so that further study and analysis might take place** to address the following comments:

3.0 Project Description

3-4 Proposed General Plan Organization

The DEIR explains that the GPU establishes 15 new land use designations, the DEIR states, without support or analysis, that these designations "would be consistent with land uses and densities/intensities allowed under the current (2018) zoning designations for each affected parcel." But what does this mean? That the existing zoning designations are at or below the densities and intensities allowed by the new GPU designations? Or that the new GPU designations would not permit any additional density or intensity than the existing zoning designations? These are two wholly different things and the project description is so vague that a reader cannot determine which is occurring.

VENTURA COUNTY ECONOMIC DEVELOPMENT ASSOCIATION
 PO BOX 2744 • CAMARILLO, CALIFORNIA 93011 • PHONE: 805.676-1332 • EMAIL: INFO@VCEDA.ORG • WWW.VCEDA.ORG

Relatedly, on page 3-5, the DEIR states that “minimum” lot sizes permitted in the zoning code will be maintained, but makes no mention of maximum lot sizes.

There are statements throughout the DEIR that allude to the GPU permitting “relatively higher intensity residential, commercial, mixed use, and industrial land uses within the Existing Community area designation and the Urban area designation” – yet nowhere in the Project Description is this expressly explained. How intense and dense? Where? What amount additional buildout will be accommodated?

O33-3
cont.

3-6 and 7 Land Use Planning and Growth Management

It is apparent that the County is seeking to look to its cities to accommodate growth. This approach will necessarily increase environmental impacts within the cities and no analysis of these reasonably foreseeable potential impacts is included in the DEIR.

O33-4

3-11 Housing Element

The use of the existing Housing Element as a “placeholder” is a significant flaw in the Amendment and DEIR analysis. The County is well aware that the increase in the RHNA allocation that is known to occur will significantly affect most of the other elements of the General Plan and the environmental analysis.

O33-5

Not only does the decision to exclude the pending housing element result in improper piecemealing (see comment above), inclusion of a “placeholder” element results in a meaningless, inaccurate, and incomplete Project Description.

3-19 Land Use Diagram

Project Description implies that the new General Plan designations will increase density and intensity, but provide no details as to where or by how much. The DEIR reads, “Under the 2040 General Plan relatively higher intensity residential [], commercial [], mixed use and industrial land use designations would apply to approximately 1.2 percent of land in the unincorporated county.” How much higher? Where? Figures 3-2a and 3-2b are at such a large scale, it is impossible to tell where the designations are, let alone how they differ from what currently exists or in what locations additional density and intensity will be permitted. How much more development can occur as a result of these changes and what will be the potential impacts of this change? A reader has no way of knowing.

O33-6

4.0 Environmental Analysis

4-1 Approach to Environmental Analysis

CEQA does not permit an agency to bury required information, that forms the cornerstone of the analysis, in a 1,000+ page appendix. The DEIR says, “The reader is referred to the Background Report for all other setting information.” Yet the BR is more than 1,000 pages long, not counting any appendices, and is not organized in a way that coincides with the chapters of the DEIR.

O33-7

Background Report 3-89 to 3-90 and 3-97

Improper segmentation. Concedes that the County cannot meet post 2020 housing growth needs and commercial growth needs (see also BR 3-134), concedes that “up-zoning” would be required to meet SCAG plan housing obligations. DEIR is devoid of any analysis regarding this apparent conflict. The “up-zoning” needs to be analyzed as part of this project and this analysis.

O33-8

As noted elsewhere, the underlying development potential methodology utilizes outdated (2014) RHNA numbers which effectively masks the disparity between “potential” and actual development that will take place through horizon 2040. (Burying the magnitude of land use impact)

4.11 Land Use and Planning**4.11 Thresholds of Significance**

Failure to analyze internal inconsistency, or consistency between the updated GP and the existing Area Plans that are not amended. The DEIR states that Threshold 25(1) of the ISAG asks whether the project is consistent with the community character policies and development standards in the Ventura County General Plan goals, policies and programs, or applicable Area Plan. The DEIR goes on to explain that this threshold will not be considered in this DEIR because “this draft EIR is an evaluation of an update to the Ventura County General Plan goals, policies and programs, and Area Plans under which future projects would be evaluated.” However, failing to analyze this threshold means that there is no analysis of internal consistency. The Project Description chapter of the DEIR explains that very few changes are made to the Area Plans, therefore the Land Use & Planning chapter of the DEIR should consider whether the changes in the land use designations are consistent with all policies that are unchanged. See comment above regarding the Ventura Avenue Plan’s protection and expansion of oil field uses.

O33-9

4.11-3 Issues Not Discussed Further

Failure to analyze internal inconsistency, or consistency between the updated GP and the existing Area Plans that are not amended. Relatedly, regarding the unchanged Area Plans, the DEIR states, without support or analysis, that “[t]he Area Plan policies and implementation programs related to these issues are consistent with the 2040 General Plan policies and implementation programs, which are addressed in the following impact discussions. Therefore, the environmental effects of the Area Plan goals and policies are not addressed separately in this section.”

4.11-4 2040 General Plan Policies and Implementation Programs

Improper segmentation. Policy LU-1.3 states that the County will work with SCAG “to direct state regional housing needs allocations predominantly to cities...” What does this mean? The RHNA methodology is already available and estimates a significant number of new units to be accommodated within the unincorporated county. Further, cities are likely to push back on their significantly higher RHNA allocations, and push those units out to the County such that the final number will likely be even greater. For all these reasons, and the ones identified in our comments on the Project Description, the entirety of the GPU should be paused until the RHNA allocations are finalized.

O33-10

See also comments above regarding Background Report pp. 3-89 to 3-90, 3-97.

O33-10
cont.

4.11-18 Impact 4.11-1

Failure to analyze the land use impacts (and all other impacts) associated with the new land use designations. GP 2040 creates 13 new land use categories (or 15 – see below comment regarding inconsistency within the DEIR on the Project Description) with distinct development standards—yet there is no real analysis of how the installation of 13/15 new use classes that did not previously exist would not create a conflict with uses established pursuant to the previous 6 use classes under GP 2005. Notably, the DEIR concedes that the new land use classifications will result in development at a higher intensity in locations where residential, commercial, and industrial uses exist. Yet there is no explanation of how this intensification will be accomplished to avoid incompatibility. (As has been the case throughout the DEIR, Section 4.11 consists of a laundry list of LU policies, but, when it comes to explaining the role those policies play in avoiding or mitigating a potential impact (e.g. incompatible uses), the DEIR fails to provide that critical explanation/analysis)

O33-11

4.11-19 Impact 4.11.1

Vague and inconsistent project description. The analysis describes the GPU as establishing 13 new land use designations, but the Project Description says there are 15 (see page 2-6).

4.11-21 Impact 4.11-1

Vague and inconsistent project description – unsupported conclusions in the analysis regarding compatibility. The DEIR states that “Policies LU-4.1 and LU-4.2 would reduce incompatible land uses by specifying densities and/or intensities of allowed uses within each land use designation and maintaining continuity with neighboring zoning, land uses, and parcel sizes.” But neither of these policies do this, or specify densities or intensities in any way.

O33-12

4.11-22 Impact 4.11-3

DEIR cannot conclude that the GPU is consistent with the RHNA when the GPU includes only a “placeholder housing element” and improperly segments the Housing Element and accommodation of the RHNA from its Project Description and the analyses contained in the DEIR. The DEIR states that “Implementation of the 2040 General Plan policies and programs listed above, coordination of the RHNA with housing element updates, and compliance with applicable regulations would ensure that development under the 2040 General Plan is consistent with the RHNA.” This essentially argues that the GP is consistent with the RHNA because the County will change the GP in the very near future to accommodate the RHNA. This is nonsensical. For all the reasons provided in our comments on the Project Description, the RHNA, which is imminent and the County’s own estimate will be released while the DEIR is out for public review in the month of February, accommodating the RHNA may likely require changing the designations identified in the GPU and the analysis of the same provided in this DEIR. This is exactly why CEQA prohibits improper segmentation of related projects.

O33-13

4.14 Population and Housing**4.14-1 Regulatory Setting, Environmental Setting**

DEIR excludes all relevant discussion regarding both regulatory setting and environmental setting, and instead forces a reader to find the information buried in the BR.

O33-14

No discussion is provided regarding SB 330 (Housing Crisis Act of 2019).

4.14-6 through 8, Impact 4.14-1

See piecemealing comments above. This impact addresses the County's ability to accommodate its imminent RHNA allocation. The discussion explains how "it is anticipated that the County will have to identify additional land that would meet state standards for lower-income inventory site requirements" and that "identifying sufficient sites for this next [RHNA] cycle will be a challenge."

O33-15

But the draft RHNA numbers are already available, and per the DEIR's text, will be finalized while the DEIR is out for public review. The RHNA sites should be identified and considered as part of this DEIR. Knowing that land will be imminently re-designated in the near future, as part of the Housing Element Update, makes the analysis in the DEIR meaningless.

6.0 Alternatives**6.6 Environmentally Superior Alternative**

The Dense Cores Alternative is selected as the environmentally superior alternative. The analysis fails to consider whether this alternative is feasible given the land available for development in the Existing Community and Urban land use categories. It also fails to address the impacts on surrounding cities. Significant concentration of population and housing adjacent to existing cities has the potential to create significant effects in those cities. This is not considered.

O33-16

As noted in this letter's introduction, given the breadth of impacts not studied, nor impacts with suggested mitigation measures, VCEDA respectfully requests a re-circulation and distribution of the DEIR in the hopes that additional analysis will address these deficiencies.

O33-17

You may contact me directly if you have questions specific to the comments listed above, or if you require a more detailed analysis.

Sincerely,



Sandy E. Smith
VCEDA Policy Chair

Letter O33	Ventura County Economic Development Association Sandy E. Smith, VCEDA Policy Chair February 27, 2020
-----------------------	---

- O33-1 This comment is introductory in nature and provides background information related to the commenter's concern regarding new economic policies and programs. The comment states that new policies and programs introduced within the 2040 General Plan lack adequate study. The comment does not identify specific policies and programs, nor does it raise a significant environmental issue for which a response is required. Therefore, an informed response cannot be provided.
- O33-2 The comment generally states that the draft EIR does not provide an economic analysis of the impacts of the proposed 2040 General Plan policies and programs. However, EIRs are not required to treat a project's economic or social effects as significant effects on the environment (State CEQA Guidelines, § 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. This comment does not link or attempt to link economic impacts to any adverse physical changes to the environment not already addressed in the draft EIR.
- Regarding the comment that the draft EIR should be recirculated, refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.
- O33-3 Refer to Master Response MR-2 for description of the 2040 General Plan land use designations, growth projections, and buildout assumptions.
- O33-4 The comment states that the County is looking to its cities to accommodate growth and that the draft EIR does not evaluate the impacts of growth within cities. In explaining the planning context in Section 3.2.2, "Relationship to Other Plans and Regulations," of the draft EIR (page 3-7) the project description indicates that the "County is dedicated to directing urban development to cities and existing unincorporated communities to preserve its working and rural landscapes, agricultural lands, scenic vistas, natural resources, and recreational opportunities." As explained further on page 3-8, this is in reference to the established Guidelines for Orderly Development that the County, cities within the county, and the Ventura Local Agency Formation Commission (adopted to direct urban-level development and services to the incorporated areas. The 2040 General Plan would not generate unplanned growth within the incorporated cities that would result in impacts that have not been evaluated in the draft EIR. The 2040 General Plan would accommodate future development within the unincorporated area; the physical environmental impacts of such growth are evaluated in the draft EIR.

- O33-5 Refer to Master Response MR-3 for discussion of why the draft EIR correctly excludes discussion and analysis of the County's projected housing needs for the 2020 Regional Housing Needs Assessment allocation and 2021-2029 Housing Element update
- O33-6 For a discussion of the land use diagram and land use designations, refer to Master Response MR-2. By design, the 2040 General Plan does not result in an increase in the density or intensity allowed on any property. The excerpted text regarding "relatively higher density" has been taken out of context. For example, page 3-14 explains that "the land use diagram of the 2040 General Plan would concentrate future development of relatively higher intensity residential, commercial, mixed use, and industrial land uses within the Existing Community area designation (boundary) and the Urban area designation (boundary)." Therefore, density allowed within these area designations would be higher relative to the land use designations applied in the remainder of the unincorporated county under the 2040 General Plan – not relative to what is allowed under existing land use designations.
- O33-7 Refer to Master Response MR-6, which explains the County's approach to utilizing the existing setting information in the Background Report.
- O33-8 Refer to Master Response MR-3 for discussion of why the draft EIR correctly excludes discussion and analysis of the County's projected housing needs for the 2020 Regional Housing Needs Assessment allocation and 2021-2029 Housing Element update
- O33-9 The comment suggests that Section 4.11, "Land Use," in the draft EIR should evaluate the 2040 General Plan and the Area Plans for "internal inconsistency." See response to comment O5-74. An EIR is not required to analyze a project, in this case the 2040 General Plan, for internal consistency. Moreover, the 2040 General Plan is not internally inconsistent. As explained in Section 3.4, "Structure and Content of the General Plan," the County assessed the goals, policies, and programs in the existing General Plan and the Area Plans as part of the 2040 General Plan update process (draft EIR page 3-10). There are nine Area Plans that are part of the 2040 General Plan. The goals, policies, and programs of an Area Plan are designed to supplement, not duplicate, the General Plan.

As explained in the draft EIR (page 3.10):

As part of the General Plan update process, the County assessed the goals, policies, and programs in the existing General Plan and the County Area Plans. Seven of the Area Plans (El Rio/Del Norte, Lake Sherwood/Hidden Valley, North Ventura Avenue, Oak Park, Ojai Valley, Piru, and Thousand Oaks) would be refined as part of the 2040 General Plan. These seven Area Plans were reviewed and assessed to compare the Area Plan goals, policies, and programs with 2040 General Plan goals, policies, and programs to ensure internal consistency. The proposed refinements typically take the form of applying a common writing style and order of presentation to each Area Plan while maintaining the original intent. A few policies are proposed for removal from individual Area Plans

and incorporation into one of the 2040 General Plan elements. This change would maintain the policy and broadened its coverage from a single Area Plan to the entire unincorporated county. All changes proposed in the 2040 General Plan are presented in a legislative format that tracks the changes made.

The remaining two Area Plans (Coastal and Saticoy) were not updated as part of the 2040 General Plan process.

The comment also asserts that the draft EIR does not support the statement that Area Plan policies and programs related to land use and planning issues are consistent with 2040 General Plan policies and programs and therefore Area Plan policies are not addressed separately. However, the comment does not provide any example of an Area Plan policy or program that should have been included in the draft EIR analysis of land use and planning impacts and why. No further response to this comment can be provided.

- O33-10 Refer to Master Response MR-3 for discussion of why the draft EIR correctly excludes discussion and analysis of the County’s projected housing needs for the 2020 Regional Housing Needs Assessment allocation and 2021-2029 Housing Element update.
- O33-11 Refer to response to comment O5-79 for a discussion of the land use designations in the 2040 General Plan and the relationship to the existing designations. Also refer to Master Response MR-2.
- O33-12 Refer to Master Response MR-2 for information related to the land use plan and land use designations identified within the 2040 General Plan.
- O33-13 Refer to Master Response MR-3 for discussion of why the draft EIR correctly excludes discussion and analysis of the County’s projected housing needs for the 2020 Regional Housing Needs Assessment allocation and 2021-2029 Housing Element update
- O33-14 Refer to Master Response MR-6, which explains the County’s approach to utilizing the existing setting information in the Background Report. The draft EIR (on page 4.14-1) refers readers to the specific sections of the Background Report (i.e., Chapter 2, “Demographics and Economics,” and Chapter 5, “Housing”) where the regulatory setting for population and housing can be found. Also, refer to response to comment O5-98 for a discussion of Senate Bill 330.
- O33-15 Refer to Master Response MR-3 for discussion of why the draft EIR correctly excludes discussion and analysis of the County’s projected housing needs for the 2020 Regional Housing Needs Assessment allocation and 2021-2029 Housing Element update.
- O33-16 The comment states that the analysis of Alternative 3 does not address the feasibility of this alternative nor its potential impacts on surrounding cities. Regarding feasibility, as explained in the draft EIR (page 6-2), an EIR must contain discussion of potentially feasible alternatives, and the ultimate

determination as to whether an alternative is feasible or infeasible will be made by the County Board of Supervisors (Pub. Res. Code, §§ 21081.5 and 21081(a)(3)). State CEQA Guidelines Section 15126.6(c) provide that the range of potential alternatives for the project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. As described in Section 6.5.3 (page 6-18), Alternative 3 would avoid or lessen significant impacts of the 2040 General Plan and would meet all of its project objectives.

The evaluation of Alternative 3, on pages 6-18 through 6-19 of the draft EIR, describes the potential impacts to existing communities and developed areas of the county. As described on page 6-18 of the draft EIR, effects associated with implementation of Alternative 3 could include increases in infill development, displacement of housing, and short- and long-term air quality and noise impacts in existing community and urban areas. Further, implementation of Alternative 3 would result in concentrated urbanization such that changes in the character of existing developed areas occur. In addition to possible effects previously described, Alternative 3 would be more likely to expose new and existing sensitive uses to unacceptable levels of traffic noise and could result in impacts to existing public facilities and infrastructure. The analysis of Alternative 3 correctly focuses on providing analysis of the significant environmental impacts of Alternative 3 to facilitate meaningful evaluation and comparison with the impacts of the 2040 General Plan (CEQA Guidelines, § 15126.6(d)). Thus, the potential impacts of Alternative 3 are appropriately analyzed in the draft EIR.

- O33-17 Specific comments regarding the adequacy of the draft EIR are addressed in the responses to comments throughout this letter. Also, refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.



Letter
O34

February 25, 2020

Susan Curtis, Manager, General Plan Section Update
Ventura County Resource Management Agency, Planning Division
800 S. Victoria Ave., L #1740
Ventura, California 93009

via email: GeneralPlanUpdate@ventura.org

Re: General Plan Update Draft Environmental Impact Report Public Comments

Dear Ms. Curtis,

The Ventura County Taxpayers' Association (VCTA) is a non-partisan 501(c)(4) organization emphasizing issues that affect Ventura County. We inform taxpayers, promote the wise use of public funds, oppose waste, advise public officials regarding issues of concern to taxpayers and recommend positions that will best serve the taxpayers' interests.

O34-1

Economic Vitality is a critical component of the County's future. Throughout the entire stakeholder process, Economic Vitality has been a crucial element in the General Plan process. It must be considered under every policy. In Section 3.2.1 Alternatives Report, Vision Statement and Guiding Principles, Economic Vitality is the second principle in the Vision Statement.

With this in mind, it is concerning that there is no real economic impact analysis included in the Draft Environmental Impact Report (DEIR) document. Many of these new policies and programs contain language that mandates the County spend local tax dollars. To compound this, several new policies and programs will likely have a negative impact on Ventura County's tax revenue and jobs and will result in increased costs to county residents. Creating policies without an understanding of how taxpayers will be affected is not only irresponsible, it is a bad faith gesture to taxpayers. It is imperative that the County conduct an economic impact analysis and incorporate it into the DEIR.

O34-2

This ECONOMIC IMPACT ANALYSIS must include a breakdown of the fiscal implications of each policy and program on:

- Local TAX REVENUE as it relates to public safety, social services and education
- Direct and indirect JOBS
- OUT OF POCKET living expenses to Ventura County residents

All of the proposals in the General Plan document have major implications for taxpayers and I urge the Board to keep working people in mind as we look to our future.

David Grau
President, Ventura County Taxpayers Association

Letter O34	Ventura County Taxpayers Association David Grau, President February 25, 2020
-----------------------	---

- O34-1 The description and role the commenting organization is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- O34-2 The comment states that the draft EIR does not include an economic impact analysis. However, EIRs are not required to treat a project's economic or social effects as significant effects on the environment (State CEQA Guidelines, § 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. The economic issues raised in this comment would not result in any adverse physical changes to the environment not already addressed in the draft EIR.



Ventura County Transportation Commission

Letter
O35

February 27, 2020

Ventura County Resource Management Agency, Planning Division
Attn: Susan Curtis, Manager, General Plan Update Section
800 S. Victoria Avenue, L #1740
Ventura, California 93009-1740

Subject: Draft Environmental Impact Report for the County of Ventura Draft 2040 General Plan

Dear Ms. Curtis,

Thank you for the opportunity to review and comment on the County of Ventura Draft 2040 General Plan and Environmental Impact Report (EIR), dated January 2020. Ventura County Transportation Commission (VCTC) acknowledges the County of Ventura for your efforts to improve circulation and mobility in Ventura County through the General Plan Update.

VCTC acknowledges the Draft 2040 General Plan and EIR for the many goals, policies, and programs that seek to address vehicle miles traveled (VMT) through sound planning, investments in complete streets and active transportation, and support for safe and efficient roadway and multimodal transportation system improvements. In particular, Goal CTM-2 (Integrated Multimodal Transportation System) and its corresponding policies incorporate State and regional transportation planning priorities such as safe routes to school and transportation system connectivity. Goal CTM-3 (Bicycle Network) and its policies also help to meet regional and countywide goals to establish an accessible and interconnected bicycle network, informed by the VCTC Wayfinding Study. Goal CTM-4 provides for additional measures to reduce VMT through support for alternative transportation, increased vehicle occupancy, and use of public transit.

O35-1

With regards to Policies CTM-1.11 (Safe and Efficient Goods Movement) and CTM-1.12 (Surface Transportation Assistance Act Planning), VCTC respectfully requests the addition of VCTC as a coordinating agency along with Caltrans and the cities. With support from Caltrans, the Southern California Association of Governments (SCAG), and the Port of Hueneme, VCTC currently has a Freight Corridor Study underway to improve safety and efficiency of goods movement across the County.

O35-2

VCTC staff have reviewed Section 4.16 (Transportation and Traffic) of the Draft EIR and found the methodology, analysis, and thresholds of significance with respect to VMT to reasonably conform to the recommended standards established by the Governor's Office of Planning and Research. However, the EIR could better explain why multiple data sources were used and the process for selection of those various data sets used to calculate VMT. Replication of the VMT calculation methodology presented in the EIR may be complicated at the project level given the large number of data sources.

O35-3

950 County Square Dr., Suite 207 • Ventura, California 93003 • (805) 642-1591 • fax (805) 642-4860 • www.goventura.org

Ventura County Resource Management Agency, Planning Division
February 27, 2020
Page Two

VCTC continues to research and consider our role as the regional transportation planning agency in implementation of Senate Bill 743 and support for our member jurisdictions. Given the Draft General Plan and EIR reliance on VCTC's Ventura County Transportation Model (VCTM) to calculate baseline and future VMT, we respectfully request that the County of Ventura coordinate with VCTC as the County develops its process for project-level impact analysis to determine whether and how the VCTM would be used. The EIR does not specify a process or methodology for VCTM use for project-level analysis. The level of model use has the potential to affect the demand for and requirements of VCTC resources.

Despite the aforementioned efforts to reduce the environmental impact of transportation and traffic contained in the 2040 General Plan, the Draft EIR identifies significant and unavoidable environmental impacts associated with VMT and County roadway standards and safety. These identified impacts reflect the importance of countywide and regional planning efforts and investments to facilitate safe, efficient, multimodal, and alternative transportation options across Ventura County and Southern California. The Draft 2040 General Plan recognizes this need in Goal CTM-7 (Funding for Transportation Facility and Service Needs) and policies to support local, State and Federal funding for transportation.

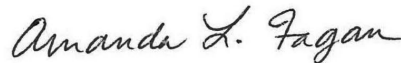
O35-4

The County of Ventura has further opportunities to address these impacts by linking housing and transportation through the forthcoming update to the General Plan Housing Element and by collaborating with the cities to create and maintain vibrant, desirable places to live, work, and play, reflected in the 2040 General Plan Vision and Guiding Principles and in alignment with the SCAG Regional Transportation Plan / Sustainable Communities Strategy.

Should you have any questions concerning this review, please contact me at (805) 642-1591 (ext. 103) or by email at: afagan@goventura.org.

O35-5

Sincerely,



Amanda Fagan
Director of Planning and Policy

Letter O35	Ventura County Transportation Commission Amanda Fagan, Director of Planning and Policy February 27, 2020
O35-1	The information summarizing the proposed 2040 General Plan goals, policies, and programs is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
O35-2	The comment provides suggested edits to policies proposed in the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.
O35-3	<p>In addition to the Ventura County Transportation Commission (VCTC) countywide travel model, the analysis performed as part of this draft EIR used multiple data sources including the Highway Performance Monitoring System boundary-based vehicle miles traveled (VMT), Longitudinal Employment and Housing Dynamic data, and model output from the Santa Barbara Association of Governments regional travel demand model. These data sets were used to ensure that the full length of trips that either start or end in Ventura County was fully addressed. These data sets support development of full trip-length greenhouse gas (GHG) on-road mobile source emission estimates under baseline and future year conditions as part of the draft EIR in accordance with state guidance.</p> <p>The procedures described in the draft EIR for addressing the requirements of Senate Bill (743 were developed specifically for this draft EIR and are not intended to apply to subsequent discretionary development reviews. The latter will be addressed through the updated Initial Study Assessment Guidelines described in Implementation Program CTM-B. It is anticipated that the County will work closely with VCTC in developing a process for project-level impact analysis as part of Implementation Program CTM-B.</p>
O35-4	<p>Refer to response to comment O35-3 regarding transportation modelling and continued coordination with VCTC.</p> <p>The comment also addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.</p> <p>Relative to the comment concerning the future update of the Housing Element, the County will coordinate with VCTC as part of the Housing Element update process, which is on a separate timeline from the 2040 General Plan update based on State requirements for update timing which covers the planning period from 2021 through 2029.</p>
O35-5	The comment provides the preferred contact for the organization. The County has noted the information appropriately for future reference.



Unleashing Nature's Potential

Letter
O36

Friday, February 21, 2020.

RMA Planning Division
800 Victoria Avenue, L #1740
Ventura CA 93009-1740

RE: Flawed General Plan Environmental Impact Report (EIR)

To Whom It May Concern:

Vertical Wellness, a California-based farming operation, would like to formally submit our position that as written, the 2040 General Plan Environmental Impact Report (EIR) was a rushed job that is severely flawed and inadequate, and must be corrected and recirculated to protect a fair and compliant planning process for Ventura County.

O36-1

There are several issues with the General Plan that Vertical Wellness believes severely and negatively impacts the welfare of local agriculture here in Ventura County, including our own operations.

The California Environmental Quality Control Act (CEQA) requires that all proposed mitigation be technically and economically feasible. **The EIR does not meet this standard.** For example, AG-2 proposes that any project that either directly or indirectly results in the loss of farmland must obtain and place into perpetual agricultural preservation twice the total of the farmland loss. The county has not conducted any sort of feasibility report, which if conducted, would likely show that this standard is unrealistic in terms of economic feasibility for farmers. Furthermore, there are no details on how the county will implement or monitor this program, especially taking into account they are not the local experts in agriculture. You can be certain, however, that if this mitigation measure is put into effect, Vertical Wellness will likely find it economically infeasible to operate in Ventura County.

O36-2

CEQA also requires that the mitigation not make the impacts worse. **The EIR does not meet this standard.** For example, shortage of farm worker housing was identified as one of the biggest issues facing ag in Ventura County. However, farm operators like Vertical Wellness will have no incentive to build more farm housing and alleviate the shortage if we are forced to purchase considerable additional land for preservation on top of the house building costs. You are essentially punishing responsible operators who are trying in good faith to help mitigate the problem.

CEQA requires that the EIR contain enough detailed information to allow the reader to understand and evaluate the County's impact analysis. **The EIR does not meet this standard.** The EIR and accompanying background report are filled with errors, vague statements, outdated information and conflicting ideas. As written, Vertical Wellness would be utterly lost and confused with how to comply with issues that should be clear to follow like water supply for irrigation.

O36-3


Most recently, Vertical Wellness has been dealing with the financial loss associated with the new Hemp Ordinance that impedes our ability to grow Hemp this upcoming season. The County's own Right to Farm Ordinance has carried absolutely no weight with the County. Instead, it has been completely dismissed. Thus, the County's assumption in the EIR that the Right to Farm Ordinance would reduce impacts to Ag to "less than significant" and will suddenly prevent the County from creating or expanding more setbacks and operational restrictions on agriculture is completely unsupported. In light of the current actions of the County and the Board of Supervisors to place severe set-backs on hemp cultivation and create economic injury to farmers, for the EIR to assert that the County will utilize the Right to Farm Ordinance to protect agricultural operations from nuisance complaints is misguided and inappropriate, at best. All analysis flowing from the County's erroneous assumption are flawed. The analysis of impacts to Ag from nuisance complaints must be corrected and the EIR recirculated.

O36-4

The EIR is a flawed document that has failed to achieve its primary purpose. In no way is it a tool of disclosure of all impacts caused by the 2040 General Plan. Vertical Wellness urges the County to take the time to correct and re-circulate the EIR instead of continuing to shortcut the process to the detriment of the community members.

O36-5

Thank you,


Elyse Kaplan
Corporate Counsel

Letter O36	Vertical Wellness Elyse Kaplan, Corporate Counsel February 21, 2020
-----------------------	--

O36-1 This comment regarding the adequacy of the draft EIR is noted. However, no specific issues related to the content, analysis, conclusions, or overall adequacy of the draft EIR are raised in this comment. Therefore, no further response is provided. Also, refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.

This comment also expresses disapproval of the 2040 General Plan, which is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

- O36-2 The comment states that the draft EIR does not meet the California Environmental Quality Act (CEQA) standards that mitigation must be technically and economically feasible. Refer to Master Response MR-5 for a discussion of the feasibility of Mitigation Measure AG-2.
- Further, the comment incorrectly states that CEQA prohibits a mitigation measure from causing or exacerbating an environmental impact. To clarify, while CEQA requires identification of feasible measures that could minimize significant adverse impacts, there is no blanket requirement in CEQA that mitigation not make impacts worse or result in its own impacts. To the contrary, CEQA contemplates and addresses a scenario in which a mitigation measure itself may result in a significant impact (State CEQA Guidelines, §15126.4(a)(1)(D)) and requires that the EIR describe the environmental impacts associated with the mitigation, which was appropriately considered in the draft EIR. The comment also expresses concern about the shortage of farmworker housing and impacts of implementing Mitigation Measure AG-2 related to incentives to build more farmworker housing. Refer to Master Response MR-5 for discussion of applicability of Mitigation Measure AG-2 to farmworker housing.
- O36-3 Refer to Master Response MR-6 for discussion of how the County appropriately uses the Background Report to describe the existing environmental setting in the draft EIR. The comment regarding the general adequacy of the draft EIR and Background Report is noted. However, no specific issues related to the content, analysis, conclusions, or overall adequacy of the draft EIR and Background Report are raised in this comment. Therefore, no further response is provided. Water supply is addressed in the draft EIR in Section 4.17, "Utilities," and in the Background Report in Chapter 10, "Water Resources."
- O36-4 The comment states that the County's assumption that the Right-to-Farm Ordinance would reduce agriculture impacts to less-than-significant and would prevent the County from creating or expanding more setbacks and operational restrictions on agriculture is unsupported. Refer to responses to comments A13-8 and O32-22 for a discussion of this issue. For the reasons provided in these referenced responses, the impact conclusion for Impact 4.2-2 (Result in Classified Farmland Near Any Nonagricultural Land Use or Project) in the draft EIR is supported by substantial evidence and no revisions are warranted. Also, refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.
- O36-5 Refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.



Letter
O37

Ben Oakley
California Coastal Region Manager

February 27, 2020

Susan Curtis, Manager, General Plan Section Update
Ventura County Resource Management Agency, Planning Division
800 S. Victoria Ave., L #1740
Ventura, California 93009

via email: GeneralPlanUpdate@ventura.org

Re: General Plan Update Draft Environmental Impact Report Comments

Dear Ms. Curtis,

The Western States Petroleum Association (WSPA) is a non-profit trade association that represents companies, including oil and gas producers in Ventura County, that account for the bulk of petroleum exploration, production, refining, transportation and marketing in the five western states of Arizona, California, Nevada, Oregon, and Washington. WSPA is dedicated to ensuring that Americans continue to have reliable access to petroleum products through policies that are socially, economically, and environmentally responsible. We deliver reliable and safe products that sustain our way of life and drive economic opportunity.

O37-1

WSPA appreciates this opportunity to continue our engagement in the Ventura County General Plan Update (GPU) process in support of policies that will create the most sustainable energy future for our community, region, and nation. To that end, we have reviewed the GPU Draft Environmental Impact Report (DEIR) and have the following comments:

GENERAL COMMENTS

WSPA is concerned about the adequacy of the DEIR to properly inform the public, responsible officials, and governmental agencies of the potential environmental impacts of the Ventura County GPU. According to case law, the EIR is at “the heart of the California Environmental Quality Act” (CEQA) (*County of Inyo v. Yorty*, 32 Cal.App.3d 795 (California Court of Appeal for the Third District 1973-06-05)). Preparation of an adequate EIR is necessary “not only to protect the environment but also to demonstrate to the public that it is being protected.” (CEQA Guidelines § 15003(b)).

O37-2

The DEIR fails to serve this essential purpose because:

- The Project Description is vague, unclear, and lacks any meaningful details
- The alternatives analysis is fundamentally flawed and misleading.
- Various identified General Plan policies are infeasible or preempted.
- The summary description of “areas of known controversy” is biased.

Ventura County Resource Management Agency
February 27, 2020
Page | 2

- The DEIR identifies climate change as a “key area of concern” but makes a fundamentally flawed and misleading GHG emissions forecast which serves as the primary driver for various associated policies.
- Information that forms the cornerstone of the various analyses is missing and/or buried in a 1,000+ page appendix.
- The DEIR fails to fully analyze the environmental impacts of various proposed policies and/or is unclear what assumptions are being applied in the environmental analyses.
- The DEIR uses prejudicial language and features a pervasive bias against Ventura County oil and gas producers throughout but offers scant or misleading evidence to justify this position.
- The DEIR features targets and policies that are not based on substantial evidence and violate CEQA case law.
- Preparation of a Final EIR without incorporating the February 2020 release of Regional Housing Needs Assessment (RHNA) requirements will result in improper piecemealing and project segmentation.
- Several proposed policies amount to unconstitutional property rights violations.

O37-2
cont.

The correction of these and other deficiencies discussed below will result in “significant new information” being added to the EIR and will require recirculation (CEQA Guidelines § 15088.5) because numerous sections of the DEIR are so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment have been precluded (*Mountain Lion Coalition v. Fish & Game Com.*(1989) 214 Cal.App.3d 1043).

Please see below for specific comments on the various DEIR sections in support of our general comments:

INTRODUCTION

1. **Areas of Known Controversy (page 1-4) – Biased description of “areas of known controversy.”**
The DEIR states that the key areas of concern identified during the Notice of Preparation (NOP) process “focused on two primary areas of concern: (1) climate change and greenhouse gases; and (2) the effects of continued oil and gas extraction...” But of the comments included in Appendix A, less than half focused on these issues exclusively. The summary also ignores comments regarding property rights, density, air quality, cultural, hydrology, and hazards which were also brought up in just as many letters as issues relating to oil and gas. Because the “areas of known controversy” section informs and drives the policies and narrative in every subsection of the DEIR, this bias permeates the entire document as will be discussed further below.

O37-3

EXECUTIVE SUMMARY

2. **Growth Projections (page 2-11) – The conservative growth projections presented in Table 2-3 will be at odds with the pending RHNA allocations** and as a result much of the amendment will be out of date in October when the final allocations are made. Please see Comment 4 below for further discussion on this topic.

O37-4

PROJECT DESCRIPTION

3. **Guiding Principles (page 3-4): Protecting the economic vitality of Ventura County is**

O37-5

Ventura County Resource Management Agency
February 27, 2020
Page | 3

paramount. “Economic vitality” is the second principle referenced in the Vision Statement after quality of life. All proposed policies should be reviewed carefully with regards to the potential negative impact on Economic Vitality to ensure this core principle is not threatened.

O37-5
cont.

In support of this principle, the Background Report should accurately reflect the positive economic value the oil and gas industry has on Ventura County through accurate employment statistics as well as an expanded review of its economic contributions.

On page 8-80, the Background Report states, “According to the U.S. Census Bureau, there were 431 employees working in Ventura County for the oil and gas extraction establishment in 2014.” The number of employees in the sector was presumably determined by searching the U.S. Census Bureau database by county and by the following North American Industry Classification System (NAICS) codes:

- 2111 – Oil and Gas Extraction
- 211120 – Crude Petroleum Extraction
- 211130 – Natural Gas Extraction

However, such a method will result in a dramatic underestimate of oil and gas sector employment. A more recent and publicly available study titled “Economic and Tax Revenue Impacts of Oil Production in Ventura County” prepared by Capital Matrix Consulting in late 2017 (see Attachment 1) indicates the Ventura County oil and gas industry:

O37-6

- Has 900 workers directly employed
 - Direct and indirect employment is expected to be between 2,100 and 3,000 by 2023
- Provided \$760 million in economic output in 2018
- Provided \$56 million in state and local taxes, of which:
 - \$21 million goes to local jurisdictions within Ventura County supporting schools, and public safety agencies.

The Background Report should be revised to more accurately reflect the significant positive economic impact the oil and gas industry has in Ventura County, and pursuant to CEQA Guidelines § 15131(c), this information should help guide the lead agency’s determination whether policies proposed in the GPU are “feasible.”

- 4. Housing Element (page 3-7) – Preparing an EIR for the GPU before the Housing Element is completed results in improper piecemealing and project segmentation:** The DEIR states that draft RHNA numbers will be released in February 2020, which is during the public review period for the DEIR. Accommodation of the County’s RHNA could lead to the re-designation of one or several parcels within the County, or the revision/deletion/addition of general plan goals and policies. Therefore, it should be considered as part of this project and analyzed in this DEIR.

O37-7

Yet the DEIR explains that the RHNA component of the project will be addressed as part of the Housing Element that will occur subsequent to the adoption of the 2040 General Plan. In fact, on page 3-6, the DEIR even expressly explains that the GPU and the RHNA/Housing Element (HE) are two parts of the same land use “alternative” identified through the community

Ventura County Resource Management Agency
February 27, 2020
Page | 4

outreach for this GPU. Separating the GPU from the RHNA/HE results in an incomplete and inaccurate project description. Had the GPU and the RHNA/HE been analyzed together, the analysis might show that certain aspects of the GPU are infeasible or will have greater impacts than are described in this DEIR. Excluding half of the project from analysis in this DEIR is a both a procedural and a substantive error (*Bozung v. Local Agency Formation Commission* (1975) 13 Cal. 3d 263).

O37-7
cont.

5. **General Plan Elements (page 3-10 through 3-12) – Project Description lacks any meaningful details:** The “brief summary” provided for each element of the 2040 General Plan, which should provide the basis for the analysis in each DEIR analysis, is completely generic. The descriptions in no way inform a reader of what each element does, or the types of goals, policies, and programs that are established in each. Further there is no summary of what, if anything, is changing in each element, when compared to the existing General Plan. Without this detail, the project description is essentially meaningless.

Even without detailing every single policy included in the GPU, the Project Description should at the very least identify policy highlights and ordinances that the GPU directs the County to draft and adopt, and describe the type and extent of physical development to be constructed under the GPU pursuant to CEQA Guidelines § 15124. Here, there is not even a basic table showing potential buildout (acreages, units, square footage, etc. associated with each designation and/or geographical area) or comparing existing against projected development.

O37-8

Further, there is no mention of the County’s Local Coastal Program (LCP), and whether there will be revisions to the LCP.

ENVIRONMENTAL IMPACT ANALYSIS

6. **Approach to Environmental Analysis (page 4-1) – CEQA does not permit an agency to bury required information, that forms the cornerstone of the analysis, in a 1,000+ page appendix:** The DEIR states, “The reader is referred to the Background Report for all other setting information.” Yet the BR is more than 1,000 pages long, not counting any appendices, and is not organized in a way that coincides with the chapters of the DEIR (CEQA Guidelines § 15147).

O37-9

7. **Approach to Environmental Analysis (page 4-2) – Unclear what assumptions are being applied in the environmental analyses:** The DEIR states that analysis “is based on buildout of the plan area” but nowhere in the Project Description does it actually identify what buildout would be. The DEIR goes on to say that this is the basis of the analysis “even though buildout is not anticipated to occur within the planning horizon.” So, what is anticipated to occur within the planning horizon? These are key pieces of information that must be disclosed—without doing so a reader has no way to consider whether the environmental analysis conclusions are reasonable.

O37-10

AGRICULTURE AND FORESTRY RESOURCES

8. **Implementation Program AG-X (page 4.2-7):** The DEIR should include a feasibility study on Implementation Program AG-X: Establish an Agricultural Conservation Easement. The proposed program begs several unanswered questions: Are there landowners willing to serve as

O37-11

Ventura County Resource Management Agency
February 27, 2020
Page | 5

Agriculture Conservation Easement “banks”? If the 2040 General Plan is implemented as currently written, how many acres of agricultural lands would need to be offset? What is the projected price per acre given the anticipated supply and demand?

O37-11
cont.

The potential impacts of Implementation Program AG-X: Establish an Agricultural Conservation Easement must be analyzed in Section 4.14 Population and Housing since the program will impact the affordability of the housing supply.

AIR QUALITY

- 9. General Plan Policies and Implementation Programs (page 4.3-8) – Several identified General Plan policies are infeasible or preempted:** The air quality analysis seems to rely upon several policies that are likely preempted by state or federal law, violate existing private property rights, or are simply infeasible. These include policies COS-7.1, 7.3, 7.4, 7.7, and 7.8. Taking credit for policies that are more than likely to be either struck down or that are simply infeasible (CEQA Guidelines § 15126.4(a)(1)) results in an erroneous analysis, not based upon substantial evidence.

O37-12

ENERGY

- 10. Environmental Setting (page 4.6-4) – The environmental setting/environmental baseline narrative is inadequate:** The background report and the DEIR environmental setting do not present a clear, informative picture of what is going on in terms of energy consumption, energy mix and energy efficiency in the County happening now under the current general plan as required pursuant to CEQA Guidelines § 15125. As such it is impossible to judge whether implementation of the 2040 GP will have a beneficial, adverse or neutral impact on energy resources. Also, as previously specified in Comment 6 above, the DEIR should contain all relevant information necessary to inform the public. The agency may not simply refer the reader to a 1,000+ page appendix.

O37-13

GEOLOGIC HAZARDS

- 11. Policy HAZ-4.1 (page 4.7-3):** Policy HAZ-4.1 conflicts with Policy COS-7.7 Policy HAZ-4.1 should be included in Minerals and Petroleum Resources section impact analysis since it has the potential to “result in the loss of availability of a known petroleum resource that would be of value to the region and residents of the State.”
- 12. Policy HAZ-4.15 (page 4.7-4):** Given the long history of oil and gas production in Ventura County, subsidence evaluation should be limited to those areas with known subsidence issues. Policy HAZ-4.15 should be included in Minerals and Petroleum Resources section impact analysis since it has the “potential to result in the loss of availability of a known petroleum resource that would be of value to the region and residents of the State.”
- 13. Policy P-60.2 (page 4.7-5):** “Cost effective” is a subjective standard, this policy could potentially be over-applied to limit any proposed development. Policy P-60.2 should be included in Minerals and Petroleum Resources section impact analysis since it has the “potential to result in the loss of availability of a known petroleum resource that would be of value to the region and

O37-14

Ventura County Resource Management Agency
February 27, 2020
Page | 6

residents of the State.”

I O37-14
cont.

GREENHOUSE GAS EMISSIONS

14. Projections (page 4.8-5): The DEIR should include a narrative explaining the assumptions and methods used for forecasting emissions for each sector included in Table 4.8-2. The reader must reference both Appendix D – GHG Calculations and General Plan Appendix B: Climate Change in order to infer what assumptions were made. Please see Comment 6 for further discussion on the need to have information that forms the cornerstone of the analysis in the DEIR and not in multiple appendices.

O37-15

15. Projections (page 4.8-5): According to General Plan Appendix B: Climate Change, GHG emissions from the Stationary Source sector (i.e., oil and gas industry) were estimated “by scaling the statewide emissions reported for oil and gas production to the local level using the proportion of oil and gas production in the unincorporated area relative to the statewide total.” This method overestimates GHG emissions from Ventura County because it ignores the Carbon Intensity (CI) values of crude oil available for every source of crude oil supplied to California refineries pursuant to CARB’s Low Carbon Fuel Standard (LCFS) program (<https://ww3.arb.ca.gov/fuels/lcfs/crude-oil/crude-oil.htm>).

Carbon intensity varies depending on a variety of factors including production methods, field properties, fluid properties, production practices, processing practices, land use impacts, and crude oil transport, to name a few. Generally speaking, Ventura County crude oil has low CI values relative to crude oil produced in other California oilfields and global oilfields from which California imports most of the crude oil the state consumes (https://ww3.arb.ca.gov/fuels/lcfs/crude-oil/2018_crude_average_ci_value_final.pdf).

O37-16

The DEIR should account for relative CI of crude oil when estimating GHG emissions from the oil and gas sector. Please see Comment 19 for further information on relative CI of Ventura County crude oil.

16. Projections (page 4.8-5): The DEIR presents a fundamentally flawed and misleading GHG emissions forecast which serves as the primary driver for related policies targeting the oil and gas industry. As discussed in Comment 15 above, emissions from the Stationary Source sector (i.e., oil and gas industry) were estimated “by scaling the statewide emissions reported for oil and gas production to the local level using the proportion of oil and gas production in the unincorporated area relative to the statewide total.” In other words, the forecast emissions are directly proportional to the oil production forecast; the higher the forecast production, the higher the forecast emissions.

O37-17

However, the “Oil and Gas Production Forecast” found in Appendix D – GHG Calculations inexplicably models increasing production through 2050, from 8.43 million barrels in 2015 to nearly 9.5 million barrels in 2050. Such a production forecast flies in the face of the historic Ventura County oil production data (see Figure 1 – Historic Ventura County Oil Production Trend, source: https://www.conservation.ca.gov/calgem/pubs_stats/annual_reports/Pages/annual_reports.aspx; also see Attachment 2 – Historic Ventura County Production Data 1980 to Present).

Ventura County Resource Management Agency
February 27, 2020
Page | 7

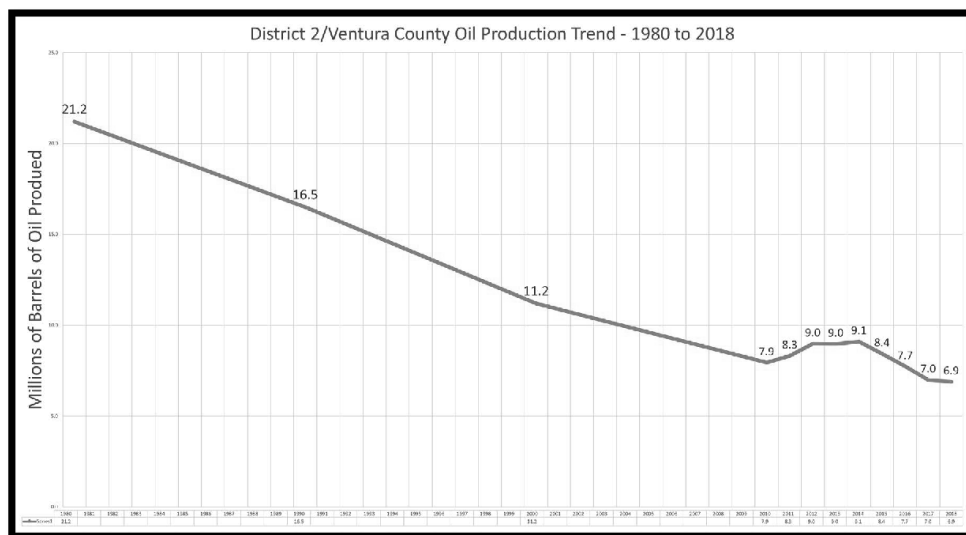


Figure 1 - Historic Ventura County Oil Production Trend

The actual data indicate a steady decline in production looking back 35 years from 2015, which mirrors the forward-looking timeline in the Oil and Gas Production Forecast. This long-term historic trend is recognized in the GPU Background Report section on Petroleum Reserves (page 8-74):

*"In 2015, oil production in Ventura County reached 9,131,781 barrels. This level of production represents a **42 percent decrease in production from 1987 levels**" (emphasis added).*

The Oil and Gas Production Forecast also ignores the latest actual data available from 2015 through 2018, which further reinforce the historic decline trend. Based on the latest production data available in 2018, the DEIR is already on track to overestimate 2020 production by nearly 2 million barrels per year, or roughly 63,000 MT CO₂e assuming 0.0326 MT CO₂e/barrel produced, the ratio utilized in the DEIR calculations for 2015:

$$\text{Scaled Emissions (275,096 MT CO}_2\text{e)} / \text{Ventura County Oil Production (8,428,402 barrels)} \\ = 0.0326 \text{ MT CO}_2\text{e/Barrel}$$

The Stationary Source emission forecast presented in Table 4.8-2 (see Figure 2 below) is not based upon substantial evidence and is inconsistent with the long-term historic trends.

A more realistic Stationary Source emission forecast would be consistent with the long-term decline trend of oil and gas production in the county and would be consistent with every other

O37-17
cont.

Ventura County Resource Management Agency
February 27, 2020
Page | 8

Sector forecast in Table 4.8-2, which are projected to either remain flat or decrease between 12% and 36% by 2050. Such a realistic forecast would support a balanced approach to encouraging further GHG emission reductions across all sectors of the County.

Table 4.8-2 Forecast GHG Emissions for Unincorporated Ventura County 2020 to 2050

Sector	Forecast Emissions ¹ (MT CO ₂ e)			
	2020	2030	2040	2050
Agriculture	256,223	248,882	241,541	234,200
Building Energy	308,629	285,079	225,567	197,996
Off Road Equipment	52	52	52	52
Solid Waste	302,811	278,381	270,289	262,560
Stationary Source	287,845	314,526	343,679	375,535
Transportation	625,263	487,058	446,355	450,232
Water and Wastewater	13,148	13,148	13,148	13,148
Total	1,793,971	1,627,124	1,540,630	1,533,723

Notes: MT CO₂e = metric tons of carbon dioxide equivalents, comprised of carbon dioxide, methane, and nitrous oxides. ¹Includes legislative reductions from State and federal programs.
Source: Ascent Environmental, 2019

Annotations for 2050 vs 2020:

- Agriculture: 12% Decrease
- Building Energy: 36% Decrease
- Off Road Equipment: No change
- Solid Waste: 13% Decrease
- Stationary Source: 30% Increase
- Transportation: 28% Decrease
- Water and Wastewater: No change

O37-17
cont.

Figure 2 – DEIR Table 4.8-2 Forecast GHG Emissions 2020 to 2050

Instead, the DEIR incorrectly singles out the oil and gas industry as the only sector expected to see increasing GHG emissions through 2050 by a whopping 30%. This glaring disparity in forecast emissions from the oil and gas industry forms the basis for the various GHG reduction policies that aggressively target Ventura County's oil and gas industry including COS-7.2, COS-7.4, COS-7.7, COS-8.1, and Implementation Program M: Oil and Gas Tax.

In preparing the Forecast GHG Emissions for Unincorporated Ventura County, the County did not “use its best efforts to find out and disclose all that it reasonably can” in accordance with CEQA Guidelines § 15144 on forecasting since it didn’t even consider data that the County itself had compiled in the Background Report or oil production information available at the same source the County used to collect the 2015 baseline data.

The Forecast GHG Emissions for Unincorporated Ventura County must be revised to appropriately reflect the long term trend of declining emissions in the oil and gas sector, and policies that target the oil and gas industry based on the false premise of increasing GHG emissions in the sector must be removed from consideration in the EIR.

This revision alone constitutes “significant new information” that must be added to the EIR requiring recirculation per CEQA Guidelines § 15088.5 considering climate change and greenhouse gases were identified by the DEIR as “key areas of concern” in the Areas of Known Controversy section (page 1-4). The GHG section of the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment have been precluded (*Mountain Lion Coalition v. Fish & Game Com.*(1989) 214 Cal.App.3d 1043).

O37-18

17. Targets (page 4.8-6) – DEIR targets are not based on substantial evidence and violate CEQA case law: The DEIR explains that the Climate Action Plan (CAP) developed as part of the General

O37-19

Ventura County Resource Management Agency
February 27, 2020
Page | 9

Plan applies the same targets to Ventura County as the State has adopted for all of California. This approach wholly ignores regional differences, which is an approach to local CAPs that courts have struck down in myriad cases. Courts have explained that local reduction goals cannot be based on statewide metrics and instead must explain why applying statewide data and reduction targets is appropriate for setting the metrics in the local region (here, Ventura County). (*Center for Biological Diversity v. Cal. Dept. of Fish & Wildlife ("Newhall Ranch")* (2015) 62 Cal.4th 204). Here, there is absolutely no substantial evidence supporting the application of the 40% and 80% statewide targets to Ventura County.

O37-19
cont.

18. General Plan Policies and Implementation Programs (page 4.8-11 through 4.8-37) – Several identified General Plan policies are infeasible or preempted: The GHG analysis relies upon several policies that are likely preempted by state or federal law, violate existing private property rights, or are simply infeasible. These include policies COS-7.2, 7.4, and 7.7, and implementation program M (oil and gas operations tax). Taking credit for policies that are more than likely to be either struck down or that are simply infeasible results in an erroneous analysis, not based upon substantial evidence.

O37-20

19. Policy COS-7.2 (page 4.8-23) – The DEIR assumes Policy COS-7.2 will result in lower GHG emissions but provides no evidence to justify this assumption: In section 4.12, the DEIR comes to the correct conclusion that as a result of the proposed policies “the demand for California-produced oil and gas would be satisfied through the importation of additional oil and gas from other countries and Alaska, which in turn could have indirect environmental impacts such as those associated with transporting the oil and gas from outside of Ventura County.” After making this conclusion, the DEIR makes no further attempt to analyze the environmental impact of the proposed policy since the impacts would “largely occur outside of the 2040 General Plan project area.”

This is not a legitimate justification to avoid analyzing the environmental impacts of the proposed policy on climate change since this impact is inherently global in scope as the DEIR itself acknowledges in Cumulative Impacts section 5.2.8 (page 5-11):

“Climate change is an inherently cumulative issue and relates to development in the region, California, and, most of all, the world. Therefore, the impacts discussed in Section 4.8, “Greenhouse Gas Emissions,” are also the cumulative effects of implementation of future development under the 2040 General Plan.”

O37-21

The DEIR must analyze the impact of Policy COS-7.2 in accordance with the appropriate global geographic scope of the Greenhouse Gas and Climate Change environmental issue area. Furthermore, in accordance with CEQA Guidelines § 15146, the “degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described.” In the case of Policy COS-7.2, the DEIR proposes a policy with a high degree of specificity, while offering an analysis that falls far short of the CEQA standard. This analysis does not exemplify a lead agency’s “best efforts to find out and disclose all that it reasonably can” (CEQA Guidelines § 15144).

The “indirect impacts...associated with transporting the oil and gas from outside of Ventura

Ventura County Resource Management Agency
February 27, 2020
Page | 10

County” are quantified for each source of crude oil to California refineries and published by CARB pursuant to the LCFS Crude Oil Life Cycle Assessment program as CI values (<https://ww3.arb.ca.gov/fuels/lcfs/crude-oil/crude-oil.htm>).

The volume weighted average CI of Ventura County crude oil for 2018, the latest data available, is 4.41 grams CO₂e/MJ, which is much lower than the California state average of 12.35 grams CO₂e/MJ (see Table -1 below; also see Attachment 3 for 2018 CI data as reported by CARB):

Ventura County Field	CI (g/MJ)	2018 Production (Barrels)
Bardsdale	3.47	149,900
Big Mountain	4.65	17,665
Holser	3.80	14,162
Montalvo, West	2.65	280,077
Oak Park	3.01	9,969
Oakridge	3.46	99,675
Ojai	4.94	245,226
Oxnard	5.39	360,708
Ramona	4.47	30,465
Rincon	4.88	235,485
San Miguelito	5.25	330,190
Santa Clara Avenue	3.53	32,746
Santa Susana	5.29	7,167
Saticoy	3.68	34,314
Sespe	3.98	335,009
Shiells Canyon	5.07	50,589
South Mountain	3.58	452,341
Tapo Canyon, South	3.08	7,563
Temescal	3.40	53,416
Timber Canyon	4.74	16,513
Torrey Canyon	3.52	77,568
Ventura	4.54	4,038,762
West Mountain	3.53	12,718
Ventura County Volume Weighted Average	4.41	
California Volume Weighted Average	12.35	

Figure 3 - Ventura vs. California Volume Weighted Average CI Values

Given that California’s demand for crude oil far exceeds its in-state supply (source: <https://www.eia.gov/state/analysis.php?sid=CA>), any curtailment of Ventura County crude oil production through the implementation of Policies COS-7.2, COS-7.4, COS-7.7, COS-8.1, and Implementation Program M: Oil and Gas Tax will likely be replaced by crude oil with much higher CI values, closer to the California Volume Weighted Average CI. Proposed Policies COS-7.2, COS-7.4, COS-7.7, COS-8.1, and Implementation Program M: Oil and Gas Tax will actually result in increased global GHG emissions.

The GHG section of the DEIR must be revised to include the potential negative impacts of Policies COS-7.2, COS-7.4, COS-7.7, COS-8.1, and Implementation Program M: Oil and Gas Tax on climate change with proposed appropriate mitigation measures for these impacts. Alternatively, the County may recognize that these policies do more harm than good to our climate and remove them from consideration in the EIR.

O37-21
cont.

Ventura County Resource Management Agency
February 27, 2020
Page | 11

Indeed, other lead agencies have included such analyses of relative CI values of crude supplies (Santa Barbara County, February 2019, ERG West Cat Canyon Revitalization Plan Final Environmental Impact Report <http://countyofsb.org/plnDev/projects/energy/ERGWestCC.sbc>) as published pursuant to CARB's LCFS program

O37-21
cont.

This revision alone constitutes "significant new information" that must be added to the EIR requiring recirculation per CEQA Guidelines § 15088.5 considering climate change and greenhouse gases were identified by the DEIR as "key areas of concern" in the Areas of Known Controversy section (page 1-4). The GHG section of the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment have been precluded (*Mountain Lion Coalition v. Fish & Game Com.*(1989) 214 Cal.App.3d 1043).

O37-22

20. **Policy COS-7.4 (page 4.8-23) – Policy COS-7.4 is not based on substantial evidence:** In mandating electrically powered equipment for oil and gas exploration and production, the DEIR appears to target the oil and gas industry when compared to policies aimed at other industries.

The mandatory language in Policy COS-7.4 stands in stark contrast to similar agriculture and construction-related policies which merely "encourage and support the transition to electric, renewable, or lower emission equipment" (Policy AG-5.2 and 5.3) or "encourage the use of high-efficiency internal combustion engines or electric-powered equipment." (page 4.6-17 and 19).

Emissions from mobile equipment are the same whether from the construction industry, agriculture industry, or oil industry and the DEIR provides no evidence to justify the different treatment. Such arbitrary policies reveal a pervasive bias against Ventura County oil and gas producers throughout the GPU and DEIR while offering scant or misleading evidence to justify this position.

21. **Policy COS-9.1 and COS-9.3 (page 4.8-24) – Policies COS-9.1 and COS-9.3 conflict with policies COS-7.2, COS-7.4, COS-7.7, COS-8.1, and Implementation Program M: Oil and Gas Tax** since open space lands currently used for oil and gas production are better able to resist development pressure and conversion.

O37-23

22. **Implementation Program M: Oil and Gas Tax (page 4.8-25) – not based on substantial evidence:** the DEIR should provide evidence that the policies that may result in reduced local oil and gas production will actually reduce global GHG emissions. It is not clear that this assumption is well-founded since, generally speaking, CI values of Ventura County produced crude oil are relatively lower than crude oil produced in other California fields and global oilfields from which California imports most of the crude oil the state consumes as discussed more extensively in Comments 15 and 19 above.

23. **Implementation Programs HAZ-A and HAZ-B (page 4.8-44) – Implementation Programs HAZ-A and HAZ-B potentially conflict with policies COS-7.2, COS-7.4, COS-7.7, COS-8.1, and Implementation Program M: Oil and Gas Tax** since oilfield roads and facilities can provide fire-breaks and wildfire response capabilities in support of the Implementation Programs HAZ-A and HAZ-B.

Ventura County Resource Management Agency
February 27, 2020
Page | 12

- 24. Mitigation Measure GHG-1: Prohibit Natural Gas Infrastructure in New Residential Development (page 4.8-45)** – Impacts from this policy must be analyzed in 4.14 Population and Housing since similar ordinances approved in California municipalities (e.g., San Luis Obispo) include “in-lieu fees” ranging from \$6,000 for a single-family residence up to nearly \$88,549 for large offices, thereby decreasing the affordability of the housing supply (source: <https://www.slocity.org/home/showdocument?id=23868>; <https://www.sanluisobispo.com/news/local/environment/article234680472.html>).

O37-24

HAZARDS, HAZARDOUS MATERIALS AND WILDFIRE

- 25. Policy HAZ-5.2 (page 4.9-7)** – “Disproportionally impacts Designated Disadvantaged Communities” creates a subjective standard without citing a source for the designation.
- 26. Policy HAZ-6.8 (page 4.9-8) – not based on substantial evidence:** The DEIR provides no evidence to support the policy of allowing only “energy production from renewable resources” rather than allowing energy production from any sources. What evidence suggests that renewable resources (such as bio-methane) are any safer than non-renewable resources? Policy HAZ-6.8 is further evidence of the pervasive bias against the oil and gas industry throughout the DEIR.
- 27. Policy HAZ-6.8 (page 4.9-8):** Policy HAZ-6.8 should be included in Minerals and Petroleum Resources section impact analysis since it has the potential to “result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.”

O37-25

O37-26

LAND USE PLANNING

- 28. 2040 General Plan Policies and Implementation Programs (page 4.11-3) – vague and unclear project description:** Policy LU-1.2: Area Designations describes the “Urban” and “Existing Community” area designations. But the DEIR Section 3 Project Description states that these designations are being replaced by “15 land use designations that provide more detailed information on the types of land uses” (page 3-4), which is inconsistent with Policy LU-1.2 Area Designations. This inconsistency further muddles a Project Description that already lacks any meaningful details as Comment 5 above explains.
- The same comment applies to Policy LU-2.1 and LU-3.1 through 3.3. Why are these policies considered part of the 2040 General Plan if one of the salient features of the 2040 General Plan is to replace these general designations with more specific designations?
- 29. Issues not Discussed Further (page 4.11-3):** Contrary to the narrative in the “Issues Not Discussed Further” section, the General Plan will have significant impacts to the North Ventura Avenue and Piru communities due to the numerous Mineral and Petroleum proposed policy changes including Policies COS-6.3, COS-6.4, COS-6.5, COS-7.2, COS-7.7, and COS-7.8, which will result in substantial changes and impacts to land use programs and planning in those communities. For example, the North Avenue Plan evaluates the applicability of land use designations to oilfield activities on page 5, analyzes oilfield activities on the “general character” of the area on page 11, etc. These potentially significant impacts to these communities must be

O37-27

O37-28

Ventura County Resource Management Agency
February 27, 2020
Page | 13

analyzed in the EIR in order to avoid project piecemealing (<i>Bozung v. Local Agency Formation Commission</i> (1975) 13 Cal. 3d 263).	O37-28 cont.
30. Policy COS-6.5 (page 4.11-16): Existing permits and policies do not require discretionary review of compatible mineral extraction including oil and gas. Any new discretionary evaluation to ascertain the significance of the mineral resources deposit would be redundant. Existing production and petroleum reserve studies have proven the existence of mineral deposits for extraction of oil and gas.	O37-29
31. Policy COS-6.5 (page 4.11-16): An analysis of Policy COS-6.5 should be included in 4.14 Population and Housing as it has the potential to impact the ability to meet affordable housing requirements since real estate development could be limited by the policy.	O37-30
32. Impact 4.11-1 (page 4.11-18): recommend changing text “oil and gas wells” to “oil and gas production” in both 2 nd and 3 rd paragraphs. Gathering lines for conveyance of oil, gas, and/or produced water are exempt and as such, are not subject to discretionary review. Each new or existing well, permissible under an approved and existing permit, is a vested right, not subject to any further discretionary review. See Comment 48 for further discussion on this topic.	O37-31
33. Impact 4.11-1 (page 4.11-21): The change in land use designations and new requirements for discretionary review would turn existing permitting of ministerial actions into discretionary permits. Contrary to the DEIR findings for Impact 4.11-1, such a change is a Class II Significant Impact requiring mitigation.	O37-32
MINERAL AND PETROLEUM RESOURCES	
34. Regulatory Setting (page 4.12-1 to 4.12-4) – incomplete regulatory setting: The DEIR focuses primarily on State and federal agencies that regulate pipelines and flaring, which compose a small fraction of the comprehensive regulatory oversight for oil and gas operations in California. Please see Attachment 4 – Oil and Gas Regulatory Setting for a comprehensive list.	O37-33
35. Methodology (page 4.12-5 to 4.12-6) – flawed impact assessment: The petroleum resources map referenced in the DEIR (Figure 8-10 in the Background Report) is a 2016 map of “Petroleum Fields” which reflect the general location of petroleum reserves but do not indicate the <u>known</u> extent of recoverable sub-surface reserves which typically extend well beyond the boundaries indicated in Figure 8-10. This results in a potentially significant underestimate of the impact with regards to “the loss of availability of a known petroleum resource that would be of value to the region and residents of the State.”	O37-34
Furthermore, the total reserves potentially impacted using the above methodology, estimated in the Background Report at 246,141,000 barrels (Background Report page 8-74) is likely an underestimate of the actual county petroleum resources since there’s no indication which resource classes were included in the estimate.	O37-35
In accordance with the Society of Petroleum Engineers (SPE) Petroleum Resources Management System (PRMS), the industry standard, petroleum resources are classified as “discovered and undiscovered” and further defined recoverable resources classes include: “Production, Reserves,	

Ventura County Resource Management Agency
February 27, 2020
Page | 14

Contingent Resources, and Prospective Resources, as well as Unrecoverable Petroleum” (source: https://www.spe.org/en/industry/reserves/?mkt_tok=eyJpIjoiTVRCbE56TTFZVGhoWmpNNClslNQiOiJMTDdvcckhnSk1IOWtZy0hUOTE0MkdQQ3FINE0wNkF6YktnSIRObEp1amJMUmFVZU1PNmIKeJlxOGJXejVGWHc3WHFIWHR2QXZsdTFYY1BIUIN6NTJhbDVjNng1U2pEMzVYVWlwvZVBVcGMrOUl0OUZsQmZcLytUbVFJZm0wOUJiM2U3In0%253D).

O37-35
cont.

The county oil reserves estimate should include a narrative describing the resource classes included in the estimated reserves and the document should be revised accordingly.

36. Policies COS-7.2 and COS-7.3 (page 4.12-13) – not based on substantial evidence: The DEIR states that policies COS-7.2 and COS-7.3 are proposed to limit effects on human health and references the 2018 Los Angeles County Department of Public Health (DPH) report as justification for the policies (County of Los Angeles. 2018. *Public Health Safety Risks of Oil and Gas Facilities in Los Angeles County*. Los Angeles County DPH).

The 2018 DPH report in turn references several studies that were also cited in the DEIR as justification for policies COS-7.2 and COS-7.3 (California Council on Science and Technology and Lawrence Berkley National Laboratory. 2015. *An Independent Scientific Assessment of Well Stimulation in California*).

However, a review of the 2018 DPH report found that the report’s conclusions and recommendations lack grounding in scientific research. According to the review, the referenced report:

- Lacks the objective scientific data from Los Angeles County operations to support its own conclusions and recommendations,
- Reviews other jurisdictions outside of California when making recommendations or claims,
- Uses weak and unsubstantiated science,
- Uses misleading language,
- Excludes DPH’s own data and previous studies,
- Recommends new regulations without addressing and enforcing current regulations in place (See Attachment 5 – 3/21/2018 DPH Report Comment Letter regarding the 2018 DPH Report for further discussion of the report’s shortcomings).

O37-36

So controversial were the 2018 DPH Report’s findings and DPH’s response to the aforementioned 3/21/2018 comment letter that Los Angeles County Department of Regional Planning’s technical consultant, MRS Environmental Inc., who was responsible for reviewing “early drafts of the DPH Report” and providing “hundreds of comments on the Report,” sent a 5/8/2018 letter to DPH clarifying that:

*“our comments were in some cases accepted, in others partially accepted, and in many instances disregarded. MRS continues to believe that the **DPH Report includes many inaccurate and misleading statements**” (emphasis added);*

And that:

Ventura County Resource Management Agency
February 27, 2020
Page | 15

“MRS does not endorse, support or agree with the DPH Report in its final form”
(emphasis added, see Attachment 6 – 5/8/2018 MRS Letter to DPH).

The referenced 2018 DPH and Associated Reports do not provide suitable evidence that meets “danger to the public/public nuisance” standards required for permit revocation or modification of vested permits that Policies COS-7.2 and COS-7.3 attempt to implement. Please see Comment 48 below for further discussion of vested rights.

- 37. Policies COS-7.2 and COS-7.3 (page 4.12-13) – narrative conflicts with other DEIR findings:** The narrative in support of Policies COS-7.2 and COS-7.3 is inconsistent with the DEIR’s own findings for “Impact 4.9-2: Create a Significant Hazard to the Public or the Environment Through the Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials or Hazardous Waste into the Environment” (page 4.9-13) wherein the DEIR states that with regards to the potential release of hazardous materials or waste, including from “oil and gas exploration and production sites,” through policies HAZ-5.1, HAZ-5.2, HAZ-5.3, HAZ-5.4, HAZ-5.5, HAZ-5.6, HAZ-5.8, HAZ-7.1, HAZ-12.3, and Implementation Programs K and L, the:

“impact related to an accidental hazardous materials or waste stream release would be less than significant”

No further mitigation measures are indicated. If the impacts related to an accidental hazardous materials or waste stream release (including releases from oil and gas facilities) is less than significant, why are policies COS-7.2 and COS-7.3 necessary? The DEIR makes no attempt to reconcile these conflicting narratives.

O37-36
cont.

- 38. Policies COS-7.2 and COS-7.3 (page 4.12-13) – narrative conflicts with other DEIR findings:** The narrative in support of Policies COS-7.2 and COS-7.3 is inconsistent with the DEIR’s own findings for “Impact 4.9-3: Emit Hazardous Emissions or Handle Hazardous Materials Within One-Quarter Mile of an Existing or Proposed School” (page 4.9-14). The DEIR states that with regards to the “potential for hazardous materials usage or handling to be located within 0.25 mile of an existing or proposed school, compliance with federal and State regulations pertaining to hazardous wastes,” including from “oil and gas exploration and production sites,” through adherence to Health and Safety Code Section 25536(a), California Government Code Section 6580.2, Policies HAZ-5.1, HAZ-5.2, HAZ-5.3, HAZ-5.4, HAZ-5.5, HAZ-5.6, HAZ-5.8, HAZ-7.1, HAZ-12.3, and Implementation Programs K and L, the impacts would be less than significant:

“potential for hazardous materials usage or handling to be located within 0.25 mile of an existing or proposed school, compliance with federal and State regulations pertaining to hazardous wastes, as well as 2040 General Plan policies and implementation programs discussed above, would substantially lessen adverse public health and safety impacts. This impact would be less than significant.”

No further mitigation measures are indicated. If the impacts related to hazardous materials usage or handling (including usage or handling at oil and gas facilities) located within 0.25 mile of a school is less than significant, why are policies COS-7.2 and COS-7.3 necessary? The DEIR makes no attempt to reconcile these conflicting narratives.

Ventura County Resource Management Agency
February 27, 2020
Page | 16

39. Mitigation PR-1 (page 4.12-18) – relies in part on unsettled legislation: The DEIR references AB 345 in support of Mitigation PR-1. AB 345 is invalid data that cannot be used in an EIR analysis until it is settled law. AB 345 is not law. O37-37

40. Mitigation PR-1 (page 4.12-18): Because Policy COS-7.2 mandates separation between structures, they are reciprocal and prevent development in both directions. As such, impacts from this policy must be analyzed in DEIR Section 4.14 Population and Housing since the policy will potentially impact the availability of affordable housing. O37-38

41. Policies COS-7.2 and COS-7.3 (page 4.12-19) – not based on substantial evidence: The DEIR also references the 2019 City of Los Angeles report (*City of Los Angeles. 2019 (July). Oil and Gas Health Report*) in support of policy COS-7.2. The DEIR states that the City of Los Angeles report recommends a minimum setback as well as “best available emission control technologies and operational management approaches.”

However, the DEIR entirely ignores the other findings of the 2019 City of Los Angeles report including the following statement recognizing the lack of evidence of public health impacts from oil and gas operations (page 145 of the report):

*“There is a lack of empirical evidence correlating oil and gas operations within the City of Los Angeles to widespread negative health impacts. **The lack of evidence of public health impacts from oil and natural gas operations has been demonstrated locally in multiple studies** by the Los Angeles County Department of Public Health, the Los Angeles County Oil & Gas Strike Team, the South Coast Air Quality Management District and the comprehensive Kern County Environmental Impact Report and Health Risk Assessment” (emphasis added).* O37-39

And the statement explicitly dismissing (page 145 of the report):

“Any public panic or belief in a widespread public health crisis.”

And the statement estimating the staggering expenses that will be incurred if such unnecessary setbacks are implemented in the City of Los Angeles (page 146 of the report):

*“If a surface setback distance is established, it could conservatively cost the City of Los Angeles at least \$148 million for existing oil and gas production and **up to \$97.6 billion in lost property values** by mineral rights owners” (emphasis added).*

The referenced 2019 City of Los Angeles Report does not provide suitable evidence that meets “danger to the public/public nuisance” standards required for permit revocation or modification of vested permits that Policies COS-7.2 and COS-7.3 attempt to implement. Please see Comment 48 below for further discussion of vested rights.

42. Mitigation PR-1 (page 4.12-21): Directional drilling is a method that cannot be used in all situations given reservoir dynamics, fault positioning and other geologic constraints and cannot be relied upon to mitigate the setback requirements. While it is a useful drilling technique, it is O37-40

Ventura County Resource Management Agency
February 27, 2020
Page | 17

not always a viable option and thereby cannot be relied upon as mitigation of the setback requirement.

O37-40
cont.

43. Use of Term “Discretionary Wells” (various pages): The DEIR states throughout that all new wells are discretionary, thereby ignoring the fact that there are numerous existing conditional use permits that are vested and allow for ministerial zoning clearance for new wells.

O37-41

44. Mitigation PR-1 (page 4.12-21): The DEIR comes to the correct conclusion that as a result of the proposed policies “the demand for California-produced oil and gas would be satisfied through the importation of additional oil and gas from other countries and Alaska, which in turn could have indirect environmental impacts such as those associated with transporting the oil and gas from outside of Ventura County.” After making this conclusion, the DEIR makes no further attempt to analyze the environmental impact of the proposed policy since the impacts would “largely occur outside of the 2040 General Plan project area.”

O37-42

The DEIR must analyze impact of Policy COS-7.2 in accordance with the appropriate global geographic scope of the Greenhouse Gas and Climate Change environmental issue area. Please see Comment 19 for further discussion.

45. Impact 4.12-4 (page 4.12-22) – uses prejudicial language: The use of the term “antiquated” use permits is not only prejudicial and opinion, it is factually incorrect and ultimately irrelevant. There exist older conditional and special use permits that were properly approved by the County’s discretionary decision-makers (Board of Supervisors) at a public hearing. As such, they are valid permits and vested in their permitted uses. Whether anyone deems such permits to be “antiquated” is ultimately irrelevant; they nevertheless convey a vested right to operate. See further discussion of vested rights under Comment 48 below.

O37-43

46. Impact 4.12-4/Policy COS-7.7 (page 4.12-23) – ignores its own conclusion of infeasibility: the DEIR states that proposed Policy COS-7.7 provides “potential environmental benefits in the form of increased traffic safety, fewer toxic air contaminants and reduced greenhouse gas emissions,” then proceeds to use the next several pages to explain why the proposed policy is likely infeasible:

- “There are a **variety of logistical challenges** associated with piping crude oil”
- “Existing oil pipelines in the county are privately owned.”
- “The interconnection agreement is subject to agreement between oil operator and pipeline owner”
- “The study concluded that the initial production rate [required for economic feasibility] was **more than 16 times the annual production peak**”
- “For many smaller volume operators in the county, the payback period for constructing a crude oil pipeline could **render the investment in pipeline construction infeasible**”
- The pipeline operator “reserves the right to reject any and all shipments of oil” that do not meet specifications.
- “Meeting these thresholds and standards may require oil operators to install additional on-site production facilities to process the crude oil in order to meet API gravity thresholds, which **may not be technologically or economically feasible to install.**”

O37-44

Ventura County Resource Management Agency
February 27, 2020
Page | 18

- “Oil operators may not be able to comply with requirements of Policy COS-7.7...due to the **technological and economic infeasibility** of installing Class II injection wells”

The DEIR itself concludes that Policy COS-7.7 is infeasible. The question is why, after coming to this conclusion, did it remain in the DEIR? Impact 4.12-4 must be revised to acknowledge that Policy COS-7.7 is infeasible, and for that reason, be removed from the consideration in the EIR.

This revision alone constitutes “significant new information” that must be added to the EIR requiring recirculation per CEQA Guidelines § 15088.5. The Impact 4.12-4 section of the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment have been precluded (*Mountain Lion Coalition v. Fish & Game Com.*(1989) 214 Cal.App.3d 1043).

O37-44
cont.

47. Impact 4.12-4/Policy COS-7.8 (page 4.12-27) – ignores its own conclusion of infeasibility: the DEIR states that proposed Policy COS-7.8 provides “potential environmental benefits in the form of increased traffic safety, fewer toxic air contaminants and reduced greenhouse gas emissions,” then proceeds to use the next several pages to explain why the proposed policy is likely infeasible and amounts to a de facto ban on oil and gas activity:

- “There are several challenges involved with injecting gas into the intrastate transmission network.”
- “There is **no guarantee that SoCalGas would accept the gas** generated by the wells.
- “The study concluded that alternatives to the facility’s existing practice of continuous primary flaring...**would not support the costs** associated with transporting the gas to market...”
- “operators beyond the two-mile radius of a major gas transmission pipeline **would not be able to comply with the pipeline requirements of Policy COS-7.8 due to the technical or economic infeasibility.**”
- “Policy COS-7.8 could effectively prohibit the development of new discretionary oil and gas wells located outside of a two-mile radius of a major gas transmission pipeline.”

O37-45

And the DEIR presents no evidence to justify the arbitrary 2-mile feasibility demarcation. The DEIR simply makes two bold assumptions:

1. “Oil wells located within a 2-mile radius of a major oil or gas transmission pipeline are connected to these transmission lines through smaller gathering or minor pipelines.”
2. “Operators have the ability to meet the API gravity thresholds and standards required to convey their oil through a major oil transmission pipeline.”

The DEIR acknowledges Policy COS-7.8 will “effectively prohibit the development of new discretionary oil and gas wells” and the prohibition may either apply to wells outside of the 2-mile radius only, or throughout the entire county, depending on the accuracy of the aforementioned assumptions, for which no substantiating evidence is provided. The lead agency can and must do better than this when proposing policies of this scale and consequence.

Ventura County Resource Management Agency
February 27, 2020
Page | 19

Impact 4.12-4 must be revised to acknowledge that Policy COS-7.8 is infeasible and is a de facto ban on oil and gas activities in Ventura County, and for that reason, must be removed from consideration in the EIR.

This revision alone constitutes “significant new information” that must be added to the EIR requiring recirculation per CEQA Guidelines § 15088.5. The Impact 4.12-4 section of the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment have been precluded (*Mountain Lion Coalition v. Fish & Game Com.*(1989) 214 Cal.App.3d 1043).

O37-45
cont.

48. Impact 4.12-4/Policy COS-7.7 and COS-7.8 (page 4.12-31): The DEIR concludes that Policies COS-7.7 and COS-7.8:

*“would mandate infrastructure that may **be technologically or economically infeasible** to install;” (emphasis added)*

And that the policies would:

“render a substantial quantity of petroleum resources inaccessible.”

The DEIR’s own narrative describes Policies COS-7.7 and COS-7.8 as infeasible and what amount to an unconstitutional taking under the law, which the DEIR defends by noting the County’s willingness to engage in other unconstitutional behavior involving zoning ordinance modifications (page 4.12-22):

“The County is considering amending its zoning ordinances to similarly require a discretionary permit modification to authorize new oil and gas developments under “antiquated” use permits.”

O37-46

In doing so, the County ignores its own County Counsel’s 2014 “Legal Analysis on Antiquated Oilfield Conditional Use Permits” memorandum (see Attachment 7 – 2014 Ventura County Counsel Vested Rights Memo) wherein the County Counsel advised:

“The vested right in a permit entitles the permit holder significant and heightened judicial protections from revocation, imposition of new regulations, and changes to the permit.”

“The vested rights doctrine and constitutional principles of due process prevent a county from a general exercise of its police power to add modern conditions to antiquated oilfield permits just for the sake of improving their operation for the general welfare.”

By its own account, the County recognizes that Policies COS-7.7 and COS-7.8 are infeasible and unconstitutional. A county’s General Plan update process is no place to engage in such legal antics. Impact 4.12-4 must be revised to acknowledge that Policies COS-7.7 and COS-7.8 are infeasible and unconstitutional, and for those reasons, must be removed from consideration in the EIR.

Ventura County Resource Management Agency
February 27, 2020
Page | 20

This revision alone constitutes “significant new information” that must be added to the EIR requiring recirculation per CEQA Guidelines § 15088.5. The Impact 4.12-4 section of the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment have been precluded (*Mountain Lion Coalition v. Fish & Game Com.*(1989) 214 Cal.App.3d 1043).

O37-46
cont.

ALTERNATIVES

49. 6.4 Alternatives Considered But Not Evaluated Further (page 6-7) – fundamentally flawed and misleading alternatives analysis: As correctly noted on page 6-7, the EIR should “identify any alternatives that were considered by the lead agency, but were rejected during the planning or scoping process and briefly explain the reasons underlying the lead agency’s determination” pursuant to CEQA Guidelines Section 15126.6(c). The DEIR subsequently identifies two project alternatives that were “considered but not evaluated further”:

- 6.4.4 Limit Active and Idle Wells and Reduce Oil Well Emissions Alternative
- 6.4.5 Eliminate or Reduce Existing Oil and Gas Wells or Production Alternative

For 6.4.4, the DEIR states that “this alternative was rejected from detailed consideration in the draft EIR for the following reasons,” but doesn’t provide any reason for rejection. Rather, it proceeds to explain how “major elements of this alternative are included in the 2040 General Plan” including:

- “several policies that would have the effect of limiting increases in the number of new discretionary oil and gas wells in the county”
- “Policy COS-7.2 would require that new oil wells subject to discretionary approval are located a minimum of 1,500 feet from residential dwellings and 2,500 feet from any school.”
- “The substantial increases in setback requirements for new wells subject to discretionary permitting established by this policy would likely reduce the number of new discretionary oil and gas wells by prohibiting new discretionary wells within certain areas.”
- “policies...that would reduce the number of new discretionary oil and gas wells without placing a physical limitation on location or access” (Policies COS-7.8 and COS-7.9) which:
- “**could make new oil and gas wells subject to the County’s discretionary approval process infeasible**” (emphasis added).

O37-47

In the first paragraph on page 6-9, the DEIR doesn’t list a single actual reason for rejection because, as it carefully outlines above, it accepted every policy that would achieve the proposed “Limit Active and Idle Wells and Reduce Oil Well Emissions Alternative.” Contrary to the DEIR’s narrative, Alternative 6.4.4 was not rejected.

The second paragraph on page 6-9 begins by saying (not having yet listed a single reason for rejection):

*“This alternative was **also** rejected from detailed consideration in the draft EIR because it focuses on one specific land use and does not comprehensively address most of the basic*

Ventura County Resource Management Agency
February 27, 2020
Page | 21

project objectives” (emphasis added).

Here, the DEIR acknowledges that it would be inappropriate to focus solely on one specific land use, even though, by accepting every policy that would achieve the alternative and as evidenced by the pervasive bias against the oil and gas industry throughout the document, that is precisely what the GPU intends to accomplish.

For 6.4.5, the DEIR states that in response to NOP comments recommending that the “County take actions to eliminate or greatly reduce the number of existing oil and gas wells” (please see Comment 1 for discussion of the biased description of “areas of known controversy”), this alternative was:

“likewise rejected from detailed consideration in the draft EIR.”

And that:

“This alternative would also present legal and economic feasibility issues that could be implicated by County efforts to reduce production from existing oil and gas wells.”

In this statement, the DEIR attempts to draw a fine line between protecting the vested nature of existing permits and operations (as the Ventura County Counsel so accurately described in the aforementioned 2014 “Legal Analysis on Antiquated Oilfield Conditional Use Permit” memorandum – see Attachment 7) and “new discretionary oil and gas wells” which it perceives as fair game. Meanwhile, the DEIR shines a light on the County’s efforts to undermine the very vested rights it purports to protect by “rejecting” Alternative 6.4.5, when it says (page 4.12-22, as previously noted under Comment 48 above):

“The County is considering amending its zoning ordinances to similarly require a discretionary permit modification to authorize new oil and gas developments under “antiquated” use permits”

Through the DEIR alternatives analysis narrative, the County implicates itself in its attempt to trample on the constitutional property rights of its residents, while making a mockery of the alternatives analysis prescribed by CEQA. With a wink and nod to the commenter who proposed Alternatives 6.4.4 and 6.4.5, “Citizens For Responsible Oil & Gas,” the County purports to “reject” the alternatives while including every “major element” of the alternative in the 2040 GPU.

The reality is that Alternatives 6.4.4 and 6.4.5 were not rejected at all. The Alternatives Analysis is not a good faith “consideration and discussion of alternatives to the proposed project” as required by CEQA Guidelines 15126.6. It is fundamentally flawed, misleading and must be revised appropriately.

This revision alone constitutes “significant new information” that must be added to the EIR requiring recirculation per CEQA Guidelines § 15088.5. The Alternatives Analysis of the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public

O37-47
cont.

Ventura County Resource Management Agency
February 27, 2020
Page | 22

review and comment have been precluded (*Mountain Lion Coalition v. Fish & Game Com.*(1989) 214 Cal.App.3d 1043).

O37-47
cont.

Again, WSPA appreciates this opportunity to continue our engagement in the Ventura County General Plan Update (GPU) process in support of policies that will create the most sustainable energy future for our community, region, and nation. It is our sincere hope that the extensive comments noted herein on one of the most important documents guiding the future of Ventura County will be evaluated in good faith, with reasoned analysis, and at a level of detail that corresponds with the submitted comments in accordance with CEQA Guidelines § 15088(b).

O37-48

We submit these comments with all due respect and look forward to working collaboratively with the County of Ventura and the many stakeholders in the GPU process.

Sincerely,



Cc: Susan Curtis, Ventura County
Kim Prillhart, Ventura County
Dave Ward, Ventura County

Letter O37	Western States Petroleum Association Ben Oakley, California Coastal Region Manager February 27, 2020
-----------------------	---

- O37-1 The description of the role of the commenting organization is noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- This comment letter contains multiple references to attachments to the main body of the letter. The County has reviewed the attachments and determined that they do not contain comment on the content or conclusions of the draft EIR, nor do they raise any significant environmental issues for which a response is required. All comment letters submitted to the County on the draft EIR are provided with complete attachments in Attachment 1 to this final EIR.
- O37-2 The comment summarizes more detailed comments provided elsewhere in the comment letter. See responses to comments O37-3 through O37-47 regarding the adequacy of the draft EIR.
- O37-3 See response to comment O5-9 regarding identification of areas of controversy. Areas of controversy are related to implementation of the proposed project and were identified through the California Environmental Quality Act (CEQA) process. They did not inform or drive the policies under analysis.
- O37-4 Refer to Master Response MR-2 for a discussion of population projections and Master Response MR-2 for discussion of the Regional Housing Needs Assessment (RHNA).
- O37-5 The comment suggests that the draft EIR should evaluate impacts to economic vitality. However, EIRs are not required to treat a project's economic or social effects as significant effects on the environment (State CEQA Guidelines, § 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. The comment does not provide evidence that implementing the 2040 General Plan would result in any adverse physical changes to the environment not already addressed in the draft EIR. Also refer to the response to comment O31-2.
- O37-6 The comment expresses specific concerns about the economic and employment data provided for the oil and gas industry in the Background Report. This information is largely outside the scope of the analysis in the draft EIR.
- As described in Section 4.12, "Mineral and Petroleum Resources," of the draft EIR (page 4.12-6), the thresholds used to determine the significance of the 2040 General Plan's impacts are based on a combination of the County of Ventura's adopted Initial Study Assessment Guidelines (ISAG) and Appendix G to the State CEQA Guidelines. The ISAG thresholds regarding development that could hamper or preclude access to petroleum resources are evaluated together, with language to emphasize that the analysis is relative to existing conditions, and the

CEQA threshold related to availability of mineral resources was added as a separate threshold. The analysis found that the 2040 General Plan could impede access to petroleum resources or result in the loss of known petroleum reserves. Mitigation measures are proposed that would reduce draft 2040 General Plan restrictions on well distancing, trucking of produced oil and gas, and flaring. With these policy revisions, the potential for the project to hamper or preclude access to petroleum resources was identified as significant and unavoidable. However, the loss of availability of a known petroleum resource that would be of value to the region and the residents of the State would be less than significant because the mitigation would allow the County's approval of new oil and gas wells that utilize flaring or venting of produced gas and/or trucking of oil and produced water in situations where there is no feasible alternative.

Economic and social changes are not considered significant effects on the environment. These factors are considered by public agencies together with technological and environmental factors when "deciding whether changes in a project are feasible to reduce or avoid significant effects on the environment identified in the EIR" (State CEQA Guidelines, § 15131(c)). While this information must be in the record to allow the lead agency to consider the factors in reaching a decision, there is no requirement that it be incorporated into the EIR. Therefore, while considerations including the quantity of individuals employed in the oil and gas industry and the economic output of the sector do provide an overview of conditions in the County that may inform the County's policy decisions, they are not imperative to the analysis of whether implementation of the 2040 General Plan would result in conditions that limit access to petroleum resources.

Further, economic conditions are relevant where the decision-making body is deciding whether changes in a project are feasible to reduce or avoid significant effects. In this case, illustrating the monetary value of the petroleum industry to the County provides support for the mitigation in the draft EIR to reduce the setback proposed in Policy COS-7.2 by implementing Mitigation Measure PR-1. Therefore, the analysis and conclusions in the draft EIR would be unaffected.

For these reasons, the suggested additions and revisions to the Background Report are not required.

- O37-7 Refer to Master Response MR-3 regarding RHNA and the Housing Element update process.
- O37-8 Refer to Master Responses MR-2 and MR-3 for information related to CEQA requirements of a project description.
- O37-9 Refer to Master Response MR-6 for discussion of how the County appropriately uses the Background Report to describe the existing environmental setting in the draft EIR.
- O37-10 As provided on page 4-2 of the draft EIR, the evaluation of environmental impacts focuses on the potential impacts of development within unincorporated areas of the county under the General Plan through 2040. Growth forecasts anticipated within the county are described within Table 3-3, on page 3-20 of the

draft EIR, and were estimated for 2020, 2030, and 2040 using county-specific demographic projections prepared by the Southern California Association of Governments for the 2020 Regional Transportation Plan and Sustainable Communities Strategy (SCAG 2017). As previously stated, build-out of the plan area consists of future development occurring in unincorporated areas of the County, as further depicted in Figures 3-2a and 3-2b. On page 3-20 of the draft EIR, the following is provided: Based on the similarities between the land use diagrams of the existing General Plan and 2040 General Plan and other factors influencing development, the County anticipates that allocation of future residential development would substantially follow historical trends with implementation of the 2040 General Plan. For example, to the extent historical residential development trends continue into the future, approximately 564 of the 1,281 additional households forecast in the unincorporated county between 2015 and 2040 (see Table 3-3) would be developed within areas of the county designated for residential, industrial, and mixed land uses. Further, the analyses evaluate the effectiveness of the 2040 General Plan policies and programs in avoiding or reducing the potential impacts of 2040 General Plan implementation.

For additional information, please refer to Master Response MR-2 and MR-3 regarding the CEQA definition of a project and CEQA requirements for a project description.

O37-11 Refer to Master Response MR-5 for a discussion of the feasibility of Mitigation Measure AG-2.

The comment also states that the potential impacts of implementing Implementation Program AG-X: Establish an Agricultural Conservation Easement (included in Mitigation Measure AG-2) should be analyzed in the draft EIR in Section 4.14, "Population and Housing," because this program would affect the affordability of the housing supply. This analysis has not been added to the draft EIR because there is no evidence that Mitigation Measure AG-2 would affect the future cost of housing and, in addition, there is not a clear link between such unestablished increased housing costs and any adverse physical changes to the environment that require analysis in this EIR. A lead agency need not speculate about environmental impacts (CEQA Guidelines, § 15145) and EIRs are not required to treat a project's economic or social effects as significant effects on the environment (State CEQA Guidelines, § 15131). With limited exceptions, under the County's existing and proposed General Plan land use designations and the Save Open Space and Agricultural Resources initiative, appreciable housing development could not occur on the types of classified farmland the development of which would be subject to Mitigation Measure AG-2. Consequently, this mitigation measure could not logically increase the cost of new housing at the programmatic level, let alone lead to any related environmental impact that would require analysis in this draft EIR. The comment provides no substantial evidence to the contrary.

O37-12 Refer to Master Response MR-4 regarding the feasibility of implementing proposed 2040 General Plan policies related to oil and gas.

O37-13 The comment asserts that the draft EIR does not provide “an informative picture” of “energy consumption, energy mix and energy efficiency” that is “happening now under the current general plan.” However, the draft EIR does provide existing natural gas and electricity consumption in the county (total and per capita) to inform the analysis conducted in Impact 4.6-1 (Result in the Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources or Conflict with or Impede State or Local Plans for Renewable Energy or Energy Efficiency) in Section 4.6, “Energy,” (starting at page 4.6-18). Refer to Table 4.6-2 (page 4.6-20). The comment does not address what specific information or data are missing from the draft EIR analysis of energy impacts. No further response can be provided. Refer to Master Response MR-6 for discussion of how the County appropriately uses the Background Report to describe the existing environmental setting in the draft EIR.

The County has effectively and adequately analyzed the potential for implementation of the 2040 General Plan to result in wasteful, inefficient, or unnecessary consumption of energy, consistent with the 2019 revisions to Appendix G checklist questions VI.a and VI.b, as explained on page 4.6-6 of the draft EIR. There is no requirement to “judge whether implementation of the 2040 GP will have a beneficial, adverse or neutral impact on energy resources” as asserted by the commenter. See also Section 4.17, “Utilities,” in the draft EIR, which includes a discussion of the potential for the 2040 General Plan to require the expansion of energy infrastructure.

O37-14 The comment asserts that the 2040 General Plan Policies HAZ-4.1, HAZ-4.15, and Piru Area Plan Policy P-60.2 should be included in the analysis of whether the 2040 General Plan would result in the loss of availability of a known petroleum resource that would be of value to the region and residents of the State (draft EIR Impact 4.12-4).

Policy HAZ-4.1 would prohibit habitable discretionary development in Earthquake Fault-Rupture Hazard Zones unless a geologic investigation is performed and appropriate and sufficient safeguards, based on this investigation, are incorporated into the project design. The comment does not explain or address why this policy addressing habitable development in Earthquake Fault-Rupture Hazard Zones would result in the loss of a known petroleum resource of value to the region and residents of the State. This policy would not change the draft EIR impact conclusion for Impact 4.12-4 and no revisions to the draft EIR have been made in response.

Through Policy HAZ-4.15 the County would require that potential ground surface subsidence be evaluated prior to approval of new oil, gas, water or other extraction well drilling permits and appropriate and sufficient safeguards are incorporated into the project design and facility operation. The comment does not explain or address why requiring the evaluation of and sufficient safeguards for ground surface subsidence would result in the loss of a known petroleum resource of value to the region and residents of the State. This policy would not change the draft EIR impact conclusion for Impact 4.12-4 and no revisions to the draft EIR have been made in response.

Piru Area Plan Policy P-60.2 explains that the County shall prohibit development in seismic and geologic hazard areas where hazards cannot be mitigated without significant adverse environmental effects or where public expenditures for mitigating would not be cost-effective. This policy applies to the Piru Area Plan. The comment asserts that “cost effective” is a subjective standard, and then speculates that as a result, this policy could potentially be over-applied to limit any proposed development. The comment does not present any substantial evidence in support of its assertion that a policy to prohibit development in seismic and geologic hazard areas within the Piru Area Plan, subject to the specific conditions described in P-60.2, would be “over-applied” by the County to limit “any” proposed development in the unincorporated county, including, presumably, new discretionary oil and gas development. This policy would not change the draft EIR impact conclusion for Impact 4.12-4 and no revisions to the draft EIR have been made in response.

- O37-15 The comment requests that the draft EIR include a summary of the technical assumptions and methods used in the GHG modeling so that the reader need not refer to the appendices to “infer what assumptions were made.” For clarification, note that the calculations used to prepare Appendix B of the 2040 General Plan, including GHG forecasting, were included in Appendix D of the draft EIR. It is not necessary for the reader to refer to both appendices when reviewing the draft EIR.

In its definition of an “Environmental Impact Report,” Public Resources Code Section 21061 explains that where “information or data relevant” to an EIR “is a matter of public record or generally available to the public (it) need not be repeated in its entirety” in an EIR “but may be specifically cited as the source for conclusions” so long as it is “briefly described,” its relationship to the EIR explained, and available for public inspection. In this instance, the information and data relied upon in the draft EIR are briefly described in Section 4.8, “Greenhouse Gas Emissions,” of the draft EIR and the modeling was made available in the draft EIR as Appendix D, on the same 2040 General Plan webpage where the draft EIR and other project materials were published, and as a component of every printed copy distributed for public review. Consistent with Section 15147 of the State CEQA Guidelines, the summarized information contained in the draft EIR is “sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public.”

The assumptions included in Appendix D to the draft EIR for the GHG emissions inventory and projections are summarized in in the “Methodology,” subsection of Section 4.8, “Greenhouse Gas Emissions,” on pages 4.8-4 through 4.8-6 of the draft EIR. As noted by the commenter, Table 4.8-2 provides forecast emissions by sector, which inform the analysis that follows. The underlying assumptions used to formulate these projections have not been provided but are appropriately noted in Appendix D to the draft EIR. The EIR is intended as a public disclosure document that can be readily comprehended by the lay person; as such, it is necessary and appropriate to summarize the results of the technical modeling.

Note that a revised version of draft EIR Appendix D is included as Attachment 2 to this final EIR. Appendix D has been revised to include more explicit data on

the methods used to quantify emissions, especially as they relate to oil and gas and solid waste emissions. Refer to Master Response MR-1 and responses to comments O6-27 through O6-31 for a discussion of these revisions.

- O37-16 The comment states that the draft EIR should account for the relative carbon intensity value of crude oil produced in Ventura County. Refer to responses to comments O2-6 and O6-33 regarding whether additional discussion of the potential for GHG emissions from extraction of crude oil outside of the county compared to extraction occurring within the county is appropriate for inclusion in this draft EIR, and whether the inventory and forecasts used in the draft EIR should account for the carbon intensity of crude oil production.
- O37-17 The comment notes that the Background Report suggests a trend toward reductions in oil production, but Appendix D to the draft EIR assumed an increase in production. As explained in responses to comments O6-30 and O20-7, the upward trend shown in Appendix D was the artifact of a calculation error that occurred when scaling the data. Appendix D has been revised and is included as Attachment 2 to this final EIR. This correction eliminates the inconsistency noted by the commenter but does not affect the analysis or conclusions in the draft EIR. Refer to Master Response MR-1 for additional discussion.
- The comment also states that the draft EIR “singles out the oil and gas industry” by including Policies COS-7.2, COS-7.4, COS-7.7, and COS-8.1, as well as Implementation Program COS-M. Note, however, that these policies and program were proposed by the County as part of the 2040 General Plan. The draft EIR evaluates the environmental effects of these policies and programs; it does propose them. Refer to Master Response MR-4 for further discussion of the policies related to the oil and gas industry that have been proposed in the 2040 General Plan.
- O37-18 The comment states that forecast GHG emissions for unincorporated Ventura County should be removed from consideration in the EIR. See response to comment O37-17, above, regarding the appropriate use of this data in the draft EIR. Also, refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.
- O37-19 The comment asserts that the draft EIR targets violate CEQA case law and are not based on substantial evidence. Refer to Master Response MR-1 for discussion regarding GHG reduction target setting and alignment with State targets.
- O37-20 The comment asserts that Policies COS-7.2, COS-7.4, and COS-7.7 and Implementation Program COS-M are likely preempted by federal law, violate existing property rights or are infeasible. This comment as been noted by the County; however, the comment does not elaborate on which federal law, types of property rights, or indicators of feasibility could potentially be affected by these policies and programs. The draft EIR properly analyzes the physical environmental consequences of implementation of the 2040 General Plan, including the above-mentioned policies and program. Refer to Master Response

MR-4 for further discussion of the County's authority to regulate oil and gas development.

- O37-21 The comment asserts that the draft EIR assumes that the 2040 General Plan Policy COS-7.2 will result in lower GHG emissions but does not provide evidence to justify this assumption.

In draft EIR Section 4.8, "Greenhouse Gas Emissions," Policy COS-7.2 is listed in Table 4.8-7 (page 4.8-45), which lists 52 policies from the 2040 General Plan that are intended to result in GHG reductions, but are not associated with implementation programs that would put these policies into action. Policy COS-7.2 is listed in this table but is not otherwise referenced in Section 4.8 as resulting in GHG reductions. Moreover, this policy was not modeled in the GHG forecast to result in any measurable decrease in GHG emissions (refer to draft EIR Table 4.8-5 [pages 4.8-39 to 4.8-40] draft EIR Appendix D).

As discussed Master Response MR-4, Policy COS-7.2 would reduce the potential for sensitive receptors at residential dwellings and schools to be exposed to air pollutants including toxic air contaminants associated with new oil and gas wells. Reductions in GHG emissions are not described as a result of Policy COS-7.2 in the draft EIR, MR-4, or elsewhere in the final EIR.

Policy COS-7.2 was inadvertently included in Table 4.8-7 in the draft EIR, and the County has corrected this error in the final EIR to remove Policy COS-7.2 from Table 4.8-7, as shown below (page 4.8-45):

Table 4.8-7 GHG-Reducing Policies Not Associated with Implementation Programs

GP Policy Element	Policy
Land Use	LU-11.3, LU-11.4, LU-16.5, LU-16.9, LU-18.5
Circulation, Transportation	CTM-2.5, CTM-2.6, CTM-2.7, CTM-2.8, CTM-2.9, CTM-2.11, CTM-2.17, CTM-2.22, CTM-2.24, CTM-2.25, CTM-2.27, CTM-6.1, CTM-6.3, CTM-6.4, CTM-6.5, CTM-6.6, CTM-6.7
Public Facilities	PFS-1.10, PFS-2.2, PFS-2.3, PFS-2.6, PFS-5.5, PFS-5.6, PFS-6.4, PFS-7.2, PFS-7.6, PFS-12.4
Conservation	COS-1.13, COS-2.10, COS-3.3, COS-5.3, COS-7.2 , COS-7.4, COS-7.8, COS-8.2, COS-8.3, COS-8.4, COS-8.10, COS-9.1, COS-9.3
Hazard	HAZ-10.1, HAZ-1.3, HAZ-1.4, HAZ-10.1, HAZ-10.5, HAZ-10.6, HAZ-10.7, HAZ-10.8, HAZ-11.9
Agriculture	AG-1.1, AG-3.2, AG-4.3, AG-4.4
Water	WR-4.4, WR-6.1, WR-6.2, WR-6.3
Economic Vitality	EV-4.4

Further, the comment notes that the discussion of potential effects of the revisions to Policy COS-7.2 proposed in Mitigation Measure PR-1 in Section 4.12, "Mineral and Petroleum Resources," of the draft EIR indicates that the

revised policy may increase the import of oil and gas, but does not speculate further about the potential environmental effects that could occur outside of the planning area as a result. The comment questions the validity of this approach based on the statement in Chapter 5, “Cumulative Impacts,” that the GHG impacts discussed in Section 4.8, “Greenhouse Gas Emissions,” are cumulative because climate change “is an inherently cumulative issue.” The comment also asserts that the 2040 General Plan (specifically, Policies COS-7.2, COS-7.4, COS-7.7, and COS-8.1, and Implementation Program COS-M) would result in an increase in global GHG emissions due to the relative carbon intensity of oil production outside of Ventura County and suggests that this increase should be evaluated in the draft EIR.

Refer to Master Response MR-4 for discussion of environmental effects of oil importation from outside the study area. Also refer to responses to comments O2-6 and O6-33 for information on carbon intensity of oil and gas production from various sources. As explained in these responses, it would not be appropriate for the EIR to consider potential emissions resulting from increased imports of oil and gas. No revisions to the draft EIR have been made in response to this comment.

- O37-22 The comment references suggested revisions to the draft EIR that were presented in comment O37-21, above, and states that these revisions constitute “significant new information” requiring recirculation of the draft EIR. See response to comment O37-21, above, regarding the appropriate consideration of Policies COS-7.2, COS-7.4, COS-7.7, COS-8.1, and Implementation Program M in the draft EIR. Also, refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.
- O37-23 The comment identifies a series policies and implementation programs that are proposed in the 2040 General Plan and identified in the analysis in Section 4.8, “Greenhouse Gas Emissions,” of the draft EIR because of their potential to reduce GHG emissions. The County’s justification and motivation to propose these policies and programs is wholly outside the scope of the analysis required by CEQA. There is no relevant substantial evidence standard for the policies and implementation programs included in the 2040 General Plan. The commenter’s concern about the potential for conflict between the policies and programs in the 2040 General Plan and disapproval of policies in the 2040 General Plan are acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.
- O37-24 The comment suggests that the effect of Mitigation Measure GHG-1, which would prohibit natural gas infrastructure in new residential and commercial development, on the cost of new housing must analyzed in draft EIR Section 4.14, “Population and Housing,” citing the City of San Luis Obispo as an example of where an in-lieu fee can be paid if developers opt to continue to construct mixed-fuel buildings. Note that Mitigation Measure GHG-1 does not include a similar in-lieu fee provision. Further, there is no indication that home builders, if given the option, would choose to pay an in-lieu fee and proceed to add the cost onto the price of new homes.

The population and housing effects of the proposed 2040 General Plan policies are evaluated in the draft EIR in Section 4.14, "Population and Housing." Using the significance thresholds provided in the State CEQA Guidelines and adopted in the County's ISAG, the draft EIR analysis of housing impacts addresses whether implementation of the 2040 General Plan would eliminate three or more existing affordable housing units or displace substantial numbers of people or housing units (Impact 4.14-1 starting at page 4.14-5) and result in low-income employment opportunities that could generate demand for new housing that exceeds the County's inventory of land to develop low-income housing (Impact 4.14-3 starting on page 4.14-9). The draft EIR concludes that these impacts would be less than significant because implementation of the 2040 General Plan would not displace substantial numbers of housing units including affordable housing units, and because the 2040 General Plan includes policies and programs to provide adequate provision of low-income housing for projected increases in low-income employment opportunities through 2040. The implementation of these two mitigation measures and 2040 General Plan policy would not result in direct or indirect impacts on affordable housing that are not already analyzed in the draft EIR.

Refer to response to comment O24-4 for description of the analysis of population and housing impacts conducted in the draft EIR, which include analysis of whether implementation of the 2040 General Plan would eliminate three or more existing affordable housing units or displace substantial numbers of people or housing units (Impact 4.14-1 starting at page 4.14-5) and result in low-income employment opportunities that could generate demand for new housing that exceeds the County's inventory of land to develop low-income housing (Impact 4.14-3 starting on page 4.14-9). The implementation of Mitigation Measure GHG-1 would not result in direct or indirect impacts on affordable housing that are not already analyzed in the draft EIR.

Analysis of the potential costs of Mitigation Measure GHG-1 on the cost of housing has not been added to the draft EIR due to the uncertainty embedded in these assumptions and because there is not a clear link between the potential for increased housing costs and any adverse physical changes to the environment not already addressed in the draft EIR. The commenter's concern about the potential for Mitigation Measure GHG-1 to affect housing affordability is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

O37-25 Refer to response to comment O37-23, above, regarding the proposed 2040 General Plan policies not being subject to a substantial evidence standard under CEQA. The comment expresses an opinion about 2040 General Plan policies and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

O37-26 The comment asserts that 2040 General Plan Policy HAZ-6.8 (Airport Safety Zones) should be evaluated in Section 4.12, "Mineral and Petroleum Resources,"

in the draft EIR because it has potential to result in the loss of availability of a known mineral resource. Through this policy, the County would designate land within Airport Safety Zones as Agricultural or Open Space in the General Plan land use diagram “and limit such land to the following uses: Agriculture and agricultural operations; cemeteries; Energy production from renewable resources; Mineral resources development; Public utility facilities; Temporary storage of building materials; Waste treatment and disposal; or Water production and distribution facilities.” It is not clear how allowing mineral resource development within Airport Safety Zones would result in the loss of availability of a known mineral resource. No revisions to the draft EIR have been made in response this comment.

O37-27 Refer to response to comment O5-75 and Master Response MR-2 for discussion of how the Urban and Existing Community area designations relate to the land use designations and policies established in the 2040 General Plan.

O37-28 The comment cites text from draft EIR Section 4.11, “Land Use and Planning,” which explains that the Area Plans do not contain unique policies relevant to the analysis of potential land use and planning effects under the established thresholds of significance. The comment further asserts that the following 2040 General Plan policies will result in “substantial changes and impacts to land use programs and planning” in the North Ventura Avenue and Piru communities:

Policy COS-6.3, which promotes the local extraction of mineral resources locally, Policy COS-6.4, which prohibits discretionary development within Mineral Resource Zones that would significantly hamper or preclude access to or the extraction of mineral resources, Policy COS-6.5 addressing compatibility of discretionary development with mineral resources extraction and processing, Policy COS-7.2 requiring that new discretionary oil wells be setback from residential dwellings and schools, Policy COS-7.7 regarding pipeline conveyance of oil and produced water for new discretionary oil wells, and Policy COS-7.8, which prohibits flaring at new discretionary oil and gas wells except in cases of emergency or for testing purposes.

As described in Chapter 3, “Project Description” (draft EIR page 3-10), the County assessed the goals, policies, and programs in the existing Area Plans as part of the 2040 General Plan update process. During preparation of the 2040 General Plan the North Ventura Avenue Area Plan and Piru Area Plan were reviewed and assessed to compare the Area Plan goals, policies, and programs with 2040 General Plan goals, policies, and programs to ensure internal consistency. The North Ventura Area Plan and Piru Area Plan are components of the 2040 General Plan under evaluation in the draft EIR. Therefore, no piecemealing has occurred as asserted by the comment.

The draft EIR evaluates the land use and planning impacts of the 2040 General Plan in Section 4.11, “Land Use and Planning,” including whether it would result in physical development incompatible with existing land uses, architectural form and style, site design/layout, or density/parcel sizes within any community (Impact 4.11-1, page 4.11-18); the physical division of an established community (Impact 4.11-2, page 4.11-21); and a significant environmental impact due to a

conflict with a regional plan, policy, or program adopted for the purpose of avoiding or mitigating an environmental effect (Impact 4.11-3, page 4.11-22). The issues raised in this comment could not result in a significant environmental impact due to a plan conflict under Impact 4.11-3 because the Area Plans referenced are part of the 2040 General Plan. The comment does not explain how the 2040 General Plan policies it cites would result in significant impacts in these communities and whether or how such impacts would differ from the draft EIR impact conclusions. No further response is required and no revisions to the draft EIR have been made in response to this comment.

O37-29 The comment addresses policies proposed in the 2040 General Plan and is not related to the adequacy of the draft EIR. Policy COS-6.5 would apply to new discretionary development that is proposed in areas where there is mapping to suggest that mineral resources are present. It would require a study to determine “if the use would significantly hamper or preclude access to the extraction of mineral resources” and establishment of appropriate buffers from existing mining to avoid land use conflicts. The commenter’s notes about petroleum reserve studies conducted for existing extraction activities are not relevant to the application of the policy. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration before making a decision on adopting a Final 2040 General Plan.

O37-30 This comment asserts that the draft EIR should evaluate the potential impacts of Policy COS-6.5 on affordable housing requirements in Section 4.14, “Population and Housing.” Refer to the response to comment O37-29 for description of this policy.

Refer to response to comment O24-4 for description of the analysis of population and housing impacts conducted in the draft EIR, which include analysis of whether implementation of the 2040 General Plan would eliminate three or more existing affordable housing units or displace substantial numbers of people or housing units (Impact 4.14-1 starting at page 4.14-5) and result in low-income employment opportunities that could generate demand for new housing that exceeds the County’s inventory of land to develop low-income housing (Impact 4.14-3 starting on page 4.14-9). Because Policy COS-6.5 would require that discretionary development not hamper or preclude access to the extraction of mineral resources it would not result in impacts to housing, including affordable housing, under Impacts 4.14-1 to 4.14-3). Also refer to Master Response MR-3 explaining that the 2040 General Plan is in compliance with RHNA requirements and State housing law.

O37-31 The commenter recommends that the text referring to “oil and gas wells” related to Impact 4.11-1 (Result in Physical Development That Is Incompatible With Land Uses, Architectural Form Or Style, Site Design/Layout, Or Density/Parcel Sizes Within Existing Communities) in the draft EIR on page 4.11-18 be changed to “oil and gas production” in the second and third paragraphs. These paragraphs discuss the allowed uses in the County’s zoning ordinance for Rural, Open Space and Agricultural zone classifications. Specifically, pursuant to the Non-Coastal Zoning Ordinance Section 8105-4, Permitted Uses in Open Space, Agricultural, Residential and Special Purpose zones (page 5-4), oil and gas

exploration and production is a compatible land use allowed in these zone classifications, with a Conditional Use Permit. In response to this comment, the draft EIR, Section 4.11, "Land Use Planning," (page 4.11-18), will be revised as follows:

The Rural land use designation would allow for low-density and low-intensity land uses such as residential estates and other rural uses which are maintained in conjunction with agricultural and horticultural uses or in conjunction with the keeping of farm animals for recreational purposes, greenhouses, as principal and accessory structures related to agriculture, and also oil and gas ~~wells~~ exploration and production, all of which would apply to approximately 0.9 percent of land in the unincorporated county.

Approximately 97.1 percent of the unincorporated county would remain designated as either Open Space (approximately 88 percent) or Agriculture (approximately 9 percent) under the 2040 General Plan. The Open Space land use designation would allow low intensity development with a minimum parcel size of 10 acres and 1 dwelling unit per parcel. Other uses could include composting operations, greenhouses, correctional institutions, fire stations, and oil and gas ~~wells~~ exploration and production. The Agriculture land use designation would allow for development of one dwelling unit per parcel and a minimum parcel size of 40 acres. Other uses could include greenhouses, as principal and accessory structures related to agriculture, and composting operations. Proposed policies of the 2040 General Plan addressing flaring and trucking associated with new discretionary oil and gas wells could result in the construction and operation of new pipelines for the conveyance of oil, gas, or produced water.

These changes do not change the conclusions or findings of the draft EIR; therefore, no further changes are needed to address this comment.

O37-32

The comment references page 4.11-21 in the draft EIR and states that "the change in land use designations and new requirements for discretionary review would turn existing ministerial actions into discretionary permits" and that this change is "a Class II Significant Impact" under Impact 4.11-1. It is not clear from review of this comment or from review of draft EIR page 4.11-21 what "change in land use designations" and "new requirements for discretionary review" the commenter is referring to. The reference to a "Class II Significant Impact" is also unclear. The draft EIR impact analysis conducted for Impact 4.11-1 is summarized below. No further response to the issues raised in this comment can be provided.

Impact 4.11-1 requires evaluation of whether implementation of the 2040 General Plan would result in physical development that is incompatible with existing land uses, architectural form or style, site design/layout, or density/parcel sizes within any communities. As described on page 4.11-19 of the draft EIR, by making refinements to the Existing Community and Urban land use designations of the existing general plan, the 2040 General Plan would more clearly distinguish among land uses allowed within each designation and set forth maximum

development density and intensity standards. Further, the refined land use designations of the 2040 General Plan would result in future development that is compatible with the land uses, densities, and parcel sizes of existing communities. Therefore, as described on page 4.11-21 of the draft EIR, policies and programs in the 2040 General Plan would not result in physical development that is incompatible with existing land uses, architectural form or style, site design/layout, or density/parcel sizes within existing communities. Impacts were determined to be less than significant and therefore, no mitigation is required.

- O37-33 The comment asserts that Section 4.12, “Mineral and Petroleum Resources,” provides an “incomplete” regulatory setting; noting that the regulations presented are “a small fraction of the comprehensive regulatory oversight for oil and gas operations in California.” The comment refers to Attachment 4 to the main body of the letter, which provides a 15-page list of regulations. The comment does not, however, provide any evidence that specific regulations are absent from the regulatory setting that would inform the analysis or conclusions in the draft EIR. The County is not required to include a complete accounting of all regulations that pertain to the petroleum industry in the draft EIR. The State CEQA Guidelines, Section 15125 indicate that “the environmental setting shall be no longer than is necessary to provide an understanding of the significant environmental effects of the proposed project and its alternatives.” Therefore, no revisions to the draft EIR have been made in response to this comment. Note, however, that the County has revised the regulatory setting to include an enhanced discussion of CALGEM’s regulations. Refer to Chapter 3, “Revisions to the Draft EIR.”

All comment letters submitted to the County on the draft EIR are provided with complete attachments in Attachment 1 to this final EIR.

- O37-34 The comment states that the draft EIR includes a “potentially significant underestimate” of the loss of availability of a known petroleum resource of value to the region and residents of the State because Background Report Figure 8-10 maps petroleum fields, which do not correspond to the known extent of recoverable reserves. Although the commenter makes specific factual assertions regarding the known existence of oil reserves not reflected in the Background Report Figure 8-10, the comment does not explain or cite substantial evidence supporting its asserted facts. As a result, the comment’s accuracy is not known and cannot be independently assessed. Regardless, the comment’s factual assertions, even if accurate, do not affect the analyses or conclusions of the draft EIR and therefore no revisions have been made in response to the comment. Refer to Master Response MR-4, Section MR-4.L, “Oilfield Reserves,” regarding the findings and conclusions related to access to oil reserves.

Figure 8-10 is referenced in the analysis of the potential for the 2040 General Plan to result in development near mapped petroleum resources (Impact 4.12-3 beginning on page 4.12-11). As explained in the draft EIR, this impact would be significant and unavoidable because there are no actions or policies that the County could feasibly mandate to fully reduce the impact that Policy COS 7.2 would have on hampering or precluding access to petroleum resources (see draft EIR page 4.12-22). Expanding the analysis to include a map of the full extent of

potential petroleum reserves would not substantially affect the analysis or conclusions of the draft EIR; although it demonstrates that reserves may extend beyond the oil fields mapped used in the analysis, which could reduce the anticipated effect on access to petroleum reserves. The analysis of loss of availability of a known petroleum resources in Impact 4.12-4 (beginning on page 4.12-22 of the draft EIR) similarly relies on mapped petroleum fields. To the extent actual petroleum reserves are larger than depicted in the mapping, this could reduce the anticipated effect of the 2040 General Plan by permitting further flexibility in well siting and access to pipelines. Therefore, reliance on maps of petroleum fields has not resulted in an underestimate of impacts.

- O37-35 Refer to Master Response MR-4, Section MR-4.L, “Oil Reserves,” for a discussion of the estimated reserves in Ventura County.
- O37-36 Refer to Master Response MR-4, Section MR-4.H, “Buffers (Setback),” and Section MR-4.E, “Applicability of Reference Studies for Oil and Gas Operations,” regarding the findings and conclusions related to setbacks and the adequacy of the reports relied upon for these findings and conclusions. With respect to the commenter’s raising the potential for inconsistency in treatment of hazards, Section 4.9, “Hazards, Hazardous Materials, and Wildfire,” in the draft EIR addresses specifically the threat of upset and accident conditions, while Policies COS-7.2 and COS-7.3 address the risks associated with air quality and safety conditions during normal operations. The remainder of the comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.
- O37-37 The comment notes that page 4.12-18 in Section 4.12, “Mineral and Petroleum Resources,” mentions Assembly Bill 345 and inaccurately states that Mitigation Measure “relies” on this proposed legislation. In fact, page 4.12-18 is the analysis of Impact 4.12-3 (Result in Development on or Adjacent to Existing Petroleum Resources Extraction Sites or Areas Where Petroleum Resources Are Zoned, Mapped, or Permitted for Extraction, Which Could Hamper or Preclude Access to the Resources). The analysis of the 2040 General Plan, which includes setback requirements in Policy COS-7.2, on page 4.12-18 describes the setback requirements in the bill and accurately notes:
- The bill was removed from the docket for the 2019 legislative session but will be eligible for consideration again in 2020. The above discussion presents the potential benefits of the proposed setback policies designed to protect sensitive receptors from adverse health and safety outcomes related to nearby oil and gas development.
- Therefore, Assembly Bill 345 informs the discussion. It has not been applied as if adopted regulation. No revisions to the draft EIR have been made in response to this comment.
- O37-38 The comment suggests that Policy COS-7.2 would result in a reciprocal buffer requirement that would apply to both new discretionary oil wells and other

development, including housing. It asserts that the draft EIR should analyze the impacts of the buffer requirement for housing on the availability of affordable housing. However, the language of Policy COS-7.2 does not support the comment's claims. For one, the policy requires that new discretionary oil wells be located specified distances from residential dwellings and schools; it does not apply to the location of new residential dwellings or housing. Policy COS-7.2 states: "The County shall require new discretionary oil wells to be located a minimum of 1,500 feet from residential dwellings and 2,500 from any school." As revised through Mitigation Measure PR-1 in the draft EIR, the policy would read: "The County shall require that new discretionary oil and gas wells be sited a minimum of 1,500 feet from the well head to sensitive use structures which include dwellings, childcare facilities, hospitals, health clinics, and school property lines."

Moreover, requiring new discretionary oil wells to be located certain distances from existing residential dwellings and schools would not affect or limit existing or new affordable housing. Specifically, it would not eliminate existing affordable housing (Impact 4.14-1), induce substantial unplanned growth (Impact 4.14-2), or result in low-income employment that could generate demand for new housing that exceeds the County's inventory of land to develop low-income housing (Impact 4.14-3). For these reasons, no revisions have been made to the draft EIR in response to this comment.

- O37-39 Refer to Master Response MR-4, Section MR-4.E, "Applicability of Reference Studies for Oil and Gas Operations," regarding the validity of relying on this and related reports.
- O37-40 Refer to Master Response MR-4, Section MR-4.I, "Directional Drilling," regarding the findings and conclusions of the draft EIR related to directional drilling.
- O37-41 Refer to Master Response MR-4, Section MR-4.B, "Antiquated Permits and Takings," regarding vested rights and takings of private property.
- O37-42 Refer to Master Response MR-4 for Oil and Gas, Section MR-4.K, "Effects Outside the Study Area," regarding the findings and conclusions related to analysis of effects outside the study area.
- O37-43 Refer to Master Response MR-4, Section MR-4.B, "Antiquated Permits and Takings," regarding antiquated permits, vested rights, and takings of private property.
- O37-44 Refer to Master Response MR-4, Section MR-4.D, "Mitigation Measures and the Role of the Board of Supervisors," and Section MR-4.G, "Pipeline Requirements," regarding the findings and conclusions related to pipelines.
- O37-45 The comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. Refer to Master Response MR-4, Section MR-4.F, "Flaring," regarding the findings and conclusions related to flaring. Additionally, the commenter indicates that the draft EIR provides no substantial evidence for the assertion that Policy COS-7.8 could effectively prohibit new discretionary oil and gas wells throughout the county.

The draft EIR (pages 4.12-24 to 25) presents an assumption for purposes of the EIR analysis that any existing oil wells located within a 2-mile radius of a major oil or gas transmission pipeline could be connected to these transmission lines through smaller gathering or minor pipelines. Furthermore, it assumes that these facilities have the operational ability to meet the American Petroleum Institute (API) gravity thresholds and standards required to convey their oil through a major oil transmission pipeline.

Conversely, it is also assumed that the 472 active and idle oil wells (Figure 4.12-4, page 4-12-25) located outside the 2-mile radius of a major transmission pipeline are not connected to these lines. And that these oil operators would not have the operational ability to meet the API gravity thresholds and standards required to convey their oil through a major oil transmission pipeline. Therefore, it is assumed that most operators located beyond the 2-mile radius of a major transmission pipeline would not be able to comply with the pipeline requirements of Policy COS-7.7 due to the technological and economic infeasibility of installing lengthier pipelines greater than 2 miles from new oil wells to a major oil transmission lines or due to the additional on-site production facilities to process crude oil in order to comply with API gravity thresholds and standards in order to convey oil through a major oil transmission pipeline.

The draft EIR also acknowledges that the 3,545 active and idle oil wells (Figure 4.12-4, page 4-12-25) located within the 2-mile radius of a major oil transmission pipelines represent a larger clustering of these operations which is likely a function of greater opportunities for oil extraction and technological or economically feasible access to a major oil transmission line. However, those oil operators within the 2-mile radius of a major oil transmission pipeline may be effectively prohibited by Policy COS-7.7 if connection to existing smaller gathering or minor pipelines, which can connect to a major oil transmission pipeline, or additional on-site production facilities to process crude oil in order to comply with API gravity thresholds and standards in order to convey oil through a major oil transmission pipeline, are not technologically or economically feasible.

The draft EIR acknowledges and discloses that Policy COS-7.7 may prohibit the development of new oil and gas wells in the unincorporated areas of the county and cause a potentially significant under Impact 4.12-4 (Result in the Loss of Availability of a Known Petroleum Resource That Would Be of Value to the Region and the Residents of the State) on page 4.12-22. The draft EIR also indicates that with implementation of Mitigation Measure PR-2 (Revised Policy COS-7.7: Limited Conveyance for Oil and Produced Water), this impact would be reduced to less than significant. Based on the analysis presented in the draft EIR and Mitigation Measure PR-2 which would reduce this impact to less than significant, the commenter's assertions do not affect the findings of the EIR and no additional changes are required.

Additional comments from this letter are acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopted a Final 2040 General Plan.

O37-46 Refer to Master Response MR-4, Section MR-4.A, “County’s Authority to Regulate Oil and Gas Development,” and Section MR-4.B, “Antiquated Permits and Takings,” regarding policy issues, police power preemption, antiquated permits, vested rights and takings of private raised by this comment. The remainder of the comment addresses implementation of the 2040 General Plan and is not related to the adequacy of the draft EIR. This comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration prior to making a decision on adopting a final 2040 General Plan.

O37-47 This comment addresses the draft EIR’s discussion of two alternatives considered but rejected from further evaluation: Section 6.4.4, Limit Active and Idle Wells and Reduce Oil Well Emissions Alternative, and Section 6.4.5, Eliminate or Reduce Existing Oil and Gas Wells or Production Alternative. The comment states that the draft EIR analysis of alternatives considered but not evaluated further is not adequate because the rationale for rejection of alternatives is not provided. Thus, the commenter concludes that the draft EIR should be recirculated.

Regarding the Limit Active and Idle Wells and Reduce Oil Well Emissions Alternative, the comment references the draft EIR discussion of reasons the alternative was rejected from detailed consideration (page 6-9), which states that it was rejected, in part, because major elements of this alternative are already included in the 2040 General Plan, including Policies COS-7.2, COS-7.8, and COS-7.9. Policy COS-7.2 would require that new oil wells subject to discretionary approval are located a minimum of 1,500 feet from residential dwellings and 2,500 feet from any school. Policy COS-7.8 would require oil wells to use pipelines to convey oil and produced water (rather than trucking) and Policy COS-7.9 would require that gases emitted from all new discretionary oil and gas wells are collected and used or removed for sale or proper disposal (rather than flaring) except for cases of emergency or for testing purposes.

After referencing the draft EIR discussion of reasons the alternatives was rejected, the commenter then asserts that the Limit Active and Idle Wells and Reduce Oil Well Emissions Alternative was not actually rejected from further consideration in the draft EIR, and that the draft EIR does not provide any reasons for rejection of this alternative, because the 2040 General Plan includes major elements of this alternative. This is not the case. The draft EIR properly rejects this alternative from further consideration in the analysis of alternatives to the 2040 General Plan (Chapter 6), in part, because of its similarity to the 2040 General Plan. The draft EIR does not dispute that the 2040 General Plan includes major elements of the Limit Active and Idle Wells and Reduce Oil Well Emissions Alternative, rather it explicitly acknowledges this. This alternative was also rejected from detailed consideration in the draft EIR because it focuses on one specific land use and does not comprehensively address most of the basic project objectives (draft EIR page 6-9).

Regarding the Eliminate or Reduce Existing Oil and Gas Wells or Production Alternative, the comment references draft EIR discussion of the reasons for rejection and feasibility issues and provides commentary on what the draft EIR

“attempts” to do with this discussion. The comment asserts that the reasons for rejection of this alternative are at odds with an ongoing effort by the County that is separate from the 2040 General Plan to consider amending its zoning ordinances to require a discretionary permit modification to authorize new oil and gas developments under antiquated use permits. These comments addressing the Eliminate or Reduce Existing Oil and Gas Wells or Production Alternative are not related to the adequacy of the draft EIR and no revisions to the draft EIR are required. Contrary to the commenter’s statement, the alternatives analysis in the draft EIR meets CEQA requirements. Also, refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.

O37-48 This comment is a concluding statement and does not raise a significant environmental issue for which a response is required.



February 27, 2020

Susan Curtis, Manager, General Plan Section Update
Ventura County Resource Management Agency, Planning Division
800 S. Victoria Ave., L #1740
Ventura, California 93009

RE: General Plan Update Draft Environmental Impact Report Comment – Economic Impact of
General Plan Policies

Via email: GeneralPlanUpdate@ventura.org

Dear Ms. Curtis:

The Western States Petroleum Association (WSPA) and the California Independent Petroleum Association (CIPA) are non-profit trade associations that represent member companies who produce the vast majority of petroleum products in California. Our member companies deliver reliable and safe products that sustain our way of life and drive economic opportunity.

WSPA & CIPA also represent the interests of Ventura residents throughout the County who depend on affordable, reliable and sustainable energy. We need to power the needs of the County's vibrant economy while supporting upward mobility for disadvantaged communities, many of whom suffer from high electricity rates, high gas prices, and high cost of living.

We appreciate the opportunity to submit this joint letter on behalf of our member companies and all Ventura residents in support of policies that are socially, economically, and environmentally responsible.

The oil and gas (O&G) production industry has been an economic force in Ventura County for more than a century. The industry is responsible for \$36 million in state taxes and \$20 million in local taxes annually in Ventura County. The local taxes support school districts, public safety, and other vital services within the County.

O38-1

*CIPA | 1001 K Street, 6th Floor
Sacramento, CA 95814*

*WSPA | 1415 L Street, Suite 900
Sacramento, CA 95814*

Ventura County Resource Management Agency
 February 27, 2020
 Page 2

Crude oil production in the County totaled 6.9 million barrels in 2018, making Ventura the fourth largest oil producing county in California.¹ This production, which accounts for slightly over 4 percent of the statewide total, plays an important role in reducing California's dependence on oil from remote foreign sources in the Middle East and South America – countries that do not apply California's stringent safety, labor, human rights and environmental standards.

O38-1
 cont.

Ventura County oil and natural gas producers are proud to employ thousands of highly trained residents who safely and responsibly operate critical energy infrastructure across the County under the world's most stringent safety, labor and environmental standards. Ventura's oil and natural gas are produced under the strictest environmental standards on the planet. The industry is overseen by more than 20 federal, state and local government agencies.

The Draft Environmental Impact Report (DEIR) lacks an analysis on the economic impact the policies included in the General Plan Update (GPU) will have on the communities of Ventura County. Ventura County's GPU will significantly shape the ability of business to invest and grow in the County over the next 20 years. This update will affect employment opportunities, tax revenues and public services in the County for a generation.

Specifically, the GPU has six provisions directly affecting the oil and gas production industry that will cumulatively have a major negative economic impact on County residents, workers, and tax revenues:

1. Requires County to evaluate the feasibility of a local tax on new oil and gas operations located in the unincorporated county (COS 8.1)
2. Imposes a 1,500-foot setback from sensitive land uses for new wells (COS 7.2)
3. Requires new development to be powered by electricity from 100% renewable sources, if feasible (COS 7.4)
4. Prohibits trucking of crude oil or produced water from new wells except for emergencies and testing. (COS 7.7)
5. Restricts flaring of natural gas on new wells except for emergencies and testing. (COS 7.8)
6. Requires evaluations of WST and EOR projects for seismic, groundwater, greenhouse gas emission, and other impacts. (COS 7.4)

O38-2

The provisions mentioned above, taken together, will eliminate a large portion of the projected 2,700 jobs and \$28 million per year in local revenues projected to be attributable to the industry by 2031. The loss in local revenues would put at risk funding for schools, public safety, and other vital government services. In support of these projections, we respectfully submit the

¹ Natural gas production in the County totaled a 6.2 billion cubic feet in 2018 (1.1 million barrels of oil equivalent), just under 4 percent of the statewide total. All of the gas is "associated gas," produced along with oil extraction.

Ventura County Resource Management Agency
February 27, 2020
Page 3

attached study of the “*Impact of Ventura County’s General Plan Update on the Oil and Gas Production Industry*” prepared by Capitol Matrix Consulting (2020).

We ask that you include an economic impact analysis of the six policies in the GPU DEIR. We also urge you to consider the serious economic ramifications of the proposed GPU provisions as you evaluate their feasibility in accordance with CEQA Guidelines § 15131.

038-2
cont.

Sincerely,



Cathy Reheis-Boyd
President
Western States Petroleum Association



Rock Zierman
Chief Executive Officer
California Independent Petroleum Association

w/Attachment

Letter O38	Western States Petroleum Association and California Independent Petroleum Association Cathy Reheis-Boyd, President February 27, 2020
-----------------------	---

- O38-1 The description of the role of the commenting organization and the economic importance of the oil and gas industry in Ventura County are noted. This comment is introductory in nature and does not raise a significant environmental issue for which a response is required.
- O38-2 The comment states that the draft EIR does not include analysis of the economic impacts of the proposed 2040 General Plan policies. However, EIRs are not required to treat a project's economic or social effects as significant effects on the environment (State CEQA Guidelines, § 15131). Social and economic effects need only be considered in an EIR where there is a clear link between those economic or social effects and physical environmental changes. The economic issues raised in this comment would not result in any adverse physical changes to the environment not already addressed in the draft EIR.
- The comment also references an attachment to the main body of the letter. The County has reviewed the attachment(s) and determined that they do not contain comment on the content or conclusions of the draft EIR, nor do they raise any significant environmental issues for which a response is required. All comment letters submitted to the County on the draft EIR are provided with complete attachments in Attachment 1 to this final EIR.



February 25, 2020

Letter O39

Ventura County Resource Management Agency, Planning Division
 Attn: Susan Curtis, Manager, General Plan Update Section
 800 S. Victoria Ave., L #1740
 Ventura, California 93009-1740
susan.curtis@ventura.org
GeneralPlanUpdate@ventura.org

**Request for 90-Day Comment Deadline Extension on the Draft Environmental Impact
 Report for the County of Ventura Draft 2040 General Plan**

Dear Susan Curtis,

The Wishtooyo Chumash Foundation respectfully requests an extension of the comment period for the Draft Environmental Impact Report for the County of Ventura Draft 2040 General Plan (State Clearinghouse No. 2019011026). The 45 day comment period, ending February 27th, imposes an inadequate deadline for the public to properly review the (1) Draft EIR which covers complicated issues in 598 pages and six appendices, and (2) the Draft General Plan which is 463 pages and four appendices.

O39-1

In order for The Wishtooyo Foundation to meaningfully review the Draft General Plan and DEIR and ensure there are no significant potential impacts to natural cultural resources and the environment, we request that the County of Ventura extend the deadline to May 27th, 2020. This extended deadline will allow for a more comprehensive review of the Draft General Plan and DEIR.

Thank you for your consideration.

Respectfully,

Tevin Schmitt
 Watershed Scientist
 Wishtooyo Chumash Foundation
tschmitt@wishtooyo.org

Letter O39	Wishtooyo Chumash Foundation Tevin Schmitt, Watershed Scientist February 25, 2020
-----------------------	--

O39-1

The draft EIR was available for a 45-day review period from January 13, 2020, to February 27, 2020, in compliance with the California Environmental Quality Act (Pub. Res. Code, § 21091). The commenter's request for extension of the comment period has been noted. No extension of the comment period was granted.

Noelle C Burkey
 Chief Executive Officer
 The Wood-Claeysens Foundation
 P.O. Box 30586
 Santa Barbara CA 93130-0586

Letter
 O40

February 21, 2020

Attn: RMA Planning Division
 General Plan Update
 800 S. Victoria Avenue, L#1740
 Ventura, CA 93009-1740

Dear Planning Division:

I have serious concerns about some of the language in the Draft EIR.

Page 2-17 Ag Mitigation AG-2

Loss of farmland, requires purchase of like kind land at 2-1 ratio to be placed into a conservation easement. This is not practical. There is very little land available in the County for sale and this would be cost prohibitive. Was this the intent? Needs additional discussion and evaluation.

O40-1

The EIR recognizes that "water for irrigation will be reduced as a result of the implementation of the 2040 General Plan."

Since there is no actual policy that states "we will reduce water for irrigation," the County did not analyze this impact. Although they state the impact will occur as a direct RESULT of their policies. Simply not acceptable.

The Courts are extremely clear that the EIR must analyze for all reasonably foreseeable impact that result from implementation of the "project."

O40-2

Additionally, the intent of CEQA EIR impact analysis is to evaluate the potential impact of development/policies on future access to oil reserves. However, Section 4.12 primarily evaluates the impact of oil and gas production on H&S. The County's analysis does not meet the intent and standard of review for CEQA.

In summary, CEQA mandates that the EIR contain sufficient detailed data to allow the reader to understand and evaluate the County's impact analysis. The EIR and its 1,000-page Background Report and filled with errors, vague statements and outdated information. All the information is older than 2015. The maps in the EIR and Background Report are not legible and therefore not useful.

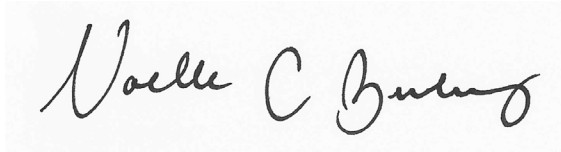
O40-3

I urge you to take the time to correct and recirculate the EIR.

O40-4

Thank you.

Sincerely,



Noelle C Burkey
 Chief Executive Officer
 The Wood-Claeysens Foundation

**Letter
O40****The Wood-Claeyssens Foundation**

Noelle C Burkey, Chief Executive Officer

February 21, 2020

- O40-1 Refer to Master Response MR-5 for a discussion of the feasibility of Mitigation Measure AG-2.
- O40-2 The text provided by the commenter in quotes—“water for irrigation will be reduced as a result of the implementation of the 2040 General Plan”—is not found on page 2-17 of the draft EIR. The quoted text is also not found in Section 4.2, “Agriculture and Forestry Resources.” The quoted text does not accurately reflect the conclusions of the draft EIR. Refer to response to comment A13-11.
- The comment also includes the incorrect assertion that Section 4.11, “Minerals and Petroleum Resources,” does not evaluate the effects of the 2040 General Plan on access to oil reserves. Refer to the discussion of Impact 4.12-3 (Result in Development on or Adjacent to Existing Petroleum Resources Extraction Sites or Areas Where Petroleum Resources Are Zoned, Mapped, or Permitted for Extraction, Which Could Hamper or Preclude Access to the Resources) beginning on page 4.12-11 of the draft EIR.
- O40-3 Refer to Master Response MR-6 for discussion of how the County appropriately uses the Background Report to describe the existing environmental setting in the draft EIR.
- O40-4 The comment requests that the County correct and recirculate the draft EIR. For the reasons provided in responses to comments O40-1 through O40-3, above, the draft EIR is adequate. Also, refer to Master Response MR-7, which explains in detail why recirculation of the draft EIR is not required.