



## LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT

December 6, 2010

Sent via e-mail: [jadams@cityofwhittier.org](mailto:jadams@cityofwhittier.org)

Mr. Jeffery Adams  
Planning Services Manager  
City of Whittier  
13230 Penn Street  
Whittier, California 90602

Dear Mr. Adams:

### CITY OF WHITTIER MAIN OIL FIELD DEVELOPMENT PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT COMMENT LETTER

Thank you for the opportunity for the Los Angeles County Regional Park and Open Space District (District) to respond to the City of Whittier's (City) Draft Environmental Impact Report (EIR) addressing the proposed Whittier Main Oil Field Development Project (proposed project). The District is providing these comments in its capacity as a Responsible Agency, as defined by the California Environmental Quality Act (CEQA). The District was created with the approval of the Safe Neighborhood Parks Proposition A (1992 Proposition) in the November 3, 1992, General Election. The 1992 Proposition authorized an annual assessment on nearly all of the then 2.25 million parcels of real property in the County. The 1992 Proposition funded \$540 million for the acquisition, restoration, or rehabilitation of real property for parks and park safety, senior recreation facilities, gang prevention, beaches, recreation, community or cultural facilities, trails, wildlife habitats, or natural lands, and funded maintenance and servicing of those projects.<sup>1</sup> In 1996, the County's voters approved another Safe Neighborhood Parks Proposition A (1996 Proposition) to fund an additional \$319 million of parks and recreation projects and additional funds for maintenance and servicing of those projects.<sup>2</sup> Collectively, the two propositions are known as Proposition A.

The land under consideration for development was purchased by the City using grant monies authorized pursuant to the 1992 Proposition, specifically, nine million three hundred thousand dollars (\$9,300,000) was allocated to the City of Whittier for acquisition of natural lands and development of related facilities in the Whittier Hills.<sup>3</sup> Further, as part of the forty million dollars (\$40,000,000) allocated under the 1992 Proposition to the Santa Monica Mountains Conservancy for the acquisition of park and open space land:

<sup>1</sup> Los Angeles County Regional Park and Open Space District. Accessed 5 November 2010. Available at: [http://openspacedistrict.lacounty.info/cms1\\_033119.asp](http://openspacedistrict.lacounty.info/cms1_033119.asp)

<sup>2</sup> Los Angeles County Regional Park and Open Space District. Accessed 5 November 2010. Available at: [http://openspacedistrict.lacounty.info/cms1\\_033119.asp](http://openspacedistrict.lacounty.info/cms1_033119.asp)

<sup>3</sup> County of Los Angeles. Accessed 5 November 2010. 1992 Proposition. Available at: [http://openspacedistrict.lacounty.info/cms1\\_033687.pdf](http://openspacedistrict.lacounty.info/cms1_033687.pdf)

Mr. Jeffery Adams  
December 6, 2010  
Page 2

"...not less than seven million dollars (\$7,000,000) shall be expended in the Whittier Hills; prior to the expenditure of such funds the Conservancy shall enter into a joint powers agreement with the City of Whittier in order to facilitate the preservation of park and open space lands."<sup>4</sup>

In 1996, the voters of the County of Los Angeles approved the 1996 Proposition to provide an additional two million five hundred thousand dollars (\$2,500,000) to the City for the acquisition of natural lands within the Whittier Hills Wilderness area for preservation of wildlife and natural lands and to provide public access and trails, to be expended by the Whittier-Puente Hills Conservation Authority.

In 2008, the City of Whittier leased 1,290 acres within the Whittier Hills to Matrix Oil Corporation for development of an oil field subject to completing an analysis pursuant to CEQA. The City has now released a Draft EIR for public review that analyzes the development of 7 acres within the Whittier Hills Wilderness Area as an oil field. However, the project, for the purposes of the EIR, needs to consider the potential impacts of the lease agreement with Matrix Oil Corporation that would open 1,290 acres of the Whittier Hills Wilderness Area to mining, oil, and natural gas extraction and related activities. The District was constrained in its ability to review the Draft EIR based on Section 15002(h) of the State CEQA Guidelines, which states:

CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project would cause a substantial adverse change in the environment, the governmental agency must respond to the information.

Since the Draft EIR, incorrectly limits the scope of analysis to the direct impacts of the oil field site and associated staging areas rather than the direct, indirect, and cumulative impacts of all activities that could result from the lease, the District has insufficient information to determine the full extent to which the original intended purpose of the park and open space lands for preservation of wildlife and natural lands has been compromised. In addition, the Draft EIR for the proposed Whittier Main Oil Field Development Project, dated October 2010, contains inconsistencies and potential inadequacies in analyzing the impacts to the issue areas listed in Appendix G to the State CEQA Guidelines.

Oil field development and appurtenant transmission and operations and maintenance activities would be incompatible with the specified use of lands acquired with Proposition A grant monies, and would constitute a disposal of the property that would be required to conform to procedures set forth in Proposition A, the project Grant Agreement and the District's *Procedural Guide for the Specified Project*, and the Per Parcel Discretionary and Excess Funds Grant Programs. As indicated in Appendix G to the State CEQA Guidelines, such an action constitutes a significant adverse impact related to land use that is required to be disclosed to the public and to the City of Whittier Planning Commission and City Council for their consideration in the land use decision-making

---

<sup>4</sup> County of Los Angeles. Accessed 5 November 2010. 1992 Proposition. Available at: [http://openspacedistrict.lacounty.info/cms1\\_033687.pdf](http://openspacedistrict.lacounty.info/cms1_033687.pdf)

Mr. Jeffery Adams  
December 6, 2010  
Page 3

process. The District's comments are expressly provided in their capacity as a Responsible Agency whose mission requires the appropriate granting, administration, and monitoring of grant monies provided pursuant to Proposition A to ensure that the specified goals approved by the voters of the County of Los Angeles are achieved, specifically in this case, the preservation, restoration, and rehabilitation of real property to serve as wildlife habitat and natural habitats and to provide public access and trails, to be held in perpetuity.

The District believes that the City of Whittier and the applicant, Matrix Oil Corporation, have failed to comply with the spirit of CEQA in the design of the proposed project and meaningful mitigation measures and project alternatives. Should the City of Whittier determine the consideration of an oil field development to be an action that warrants consideration, the District strongly urges the City of Whittier and the applicant to engage in a meaningful project planning effort. Specifically, the City of Whittier and the applicant should convene a working group with representatives of the U.S. Army Corp of Engineers (USACOE); the U.S. Fish and Wildlife Service (USFWS); the California Department of Fish and Game (CDFG); the Department of Oil, Gas and Geothermal Resources (DOGGR); and the District to identify development scenarios while minimizing environmental impacts.

The District has organized and presented its comments, in accordance with the organization of the October 2010 Draft EIR, and respectfully requests the opportunity to meet with the City and the applicant to identify opportunities for avoiding, reducing, and compensating for the direct, indirect, and cumulative effects of the proposed.

## **EXECUTIVE SUMMARY**

### **Proposed Project Environmental Impacts and Mitigation (Pages ES-8 to ES-9)**

The Draft EIR adequately summarizes biological resources that are likely to occur at the proposed project site and vicinity. However, the Draft EIR does not adequately summarize the biological resources likely to be impacted by the proposed project. As required by the State CEQA Guidelines, the EIR needs to consider mitigation measures that are capable of avoiding, minimizing, and compensating for the loss of habitat. In addition, the EIR must consider an alternative that is capable of meeting most of the basic objectives of the project and avoiding significant impacts to biological resources. Specifically, the EIR needs to consider an alternative where the oil field would be located and developed outside the Puente Hills Landfill Native Habitat Preserve (Preserve) and alternatives to the proposed project.

The Draft EIR concludes that the proposed project will result in significant and unavoidable effects to biological resources with regard to the wildlife corridor at the East Well Site. However, the EIR does not disclose the anticipated adverse impacts with regard to the function of core habitat in the Preserve, which is located within close proximity to the proposed project site.

The proposed East Well Site affects the primary biological resource, the Colima Road Wildlife Tunnel. This resource cannot be mitigated under the proposed project because the development and operation of the East Well Site would substantially impact wildlife movement (primarily terrestrial mammals). The Resource Management Plan (RMP) discusses wildlife movement corridors

Mr. Jeffery Adams  
December 6, 2010  
Page 4

and habitat fragmentation effects in the Preserve.<sup>5</sup> The location of the proposed project along and near the southern boundary of the Preserve adjacent to or close to developed areas of the City of Whittier would reduce habitat fragmentation effects on the biota.

The proposed project site has intermediate amounts of sensitive and indicator species. The southern boundary of the Core Habitat Area of the entire Preserve is La Cañada Verde, northwest of the Arroyo Pescadero Trailhead, located within 1 to 2 miles of the Colima Road Wildlife Tunnel. This tunnel is a major wildlife corridor (and nursery site for several species of terrestrial mammals), as documented in the Draft EIR. The Draft EIR concludes that the proposed project will result in significant and unavoidable effects to biological resources with regard to the wildlife corridor at the East Well Site. However, the EIR does not disclose the anticipated adverse impacts with regard to the function of core habitat in the Preserve, which is located within close proximity to the proposed project site. Section 15126.4(a) of the State CEQA Guidelines requires the consideration of all feasible mitigation measures to avoid, reduce, or compensate for the significant adverse impacts of the project. In addition, Section 15126.6(b) of the State CEQA Guidelines requires that wherever the project would result in unavoidable significant impacts that alternatives be developed that are capable of avoiding significant impacts and meeting most of the basic objectives of the project. The Draft EIR fails to provide mitigation measures that would avoid, reduce, or compensate to impacts to biological resources to below the level of significance or an alternative development scenario capable of reducing impacts to biological resources to below the level of significance.

In particular, the EIR needs to consider mitigation measures that first address opportunities to offset the loss of habitat functions and values through restoration and enhancement of on-site habitat resources. A quantitative habitat quality assessment should be included to document the ability of restoration and enhancement measures to achieve "no net loss" of habitat functions or values. As the grant monies were originally designated of land conservation, it would appear prudent to quantify the total area of impact, including the direct, indirect, and cumulative effects, and provide for a land acquisition mitigation measure such that there is no net loss in the size of the conservation area.

The construction activity required by the project applicant within the Preserve would presumably be interpreted by the USFWS as major construction activity, requiring a Biological Assessment. Section 3.5.2 (Sensitive Wildlife Species) of the RMP referred to in the Draft EIR states that four pairs and wandering juveniles of coastal California gnatcatcher (*Polioptila californica californica*) were discovered in portions of the Preserve in 2005. The proposed project removes coastal sage scrub habitat for one pair of coastal California gnatcatcher and also affects other sections of habitat for wandering individuals.

The Draft EIR conclusions regarding the ability to mitigate impacts to coastal sage scrub habitat and the State and federally threatened coastal California gnatcatcher to below the level of significance are not supported by substantial evidence. The Draft EIR defers the development of mitigation by indicating that the applicant will obtain a USFWS Incidental Take Permit but fails to provide a

---

<sup>5</sup> Puente Hills Landfill Native Habitat Preservation Authority. 26 July 2007. *Resource Management Plan*. Available at: <http://www.habitatauthority.org/pdf/RMP/Final%20RMP%20July%202007.pdf>

Mr. Jeffery Adams  
December 6, 2010  
Page 5

qualitative or quantitative analysis of the loss of habitat functions and values, and a land use acquisition and restoration scenario that is capable of compensating for the loss of habitat functions and values in a manner that there would be no net loss of functions or values. Therefore, the Draft EIR fails to provide the District with sufficient information to determine if it is feasible to reduce impacts to the coastal California gnatcatcher to below the level of significance. In addition, there is no evidence in the record that the applicant has developed or submitted a Biological Assessment pursuant to Section 7 of the federal Endangered Species Act (ESA) or Section 2081 Incidental Take Permit package pursuant to Section 2081 (b) of the California ESA. At a minimum, the Draft EIR should include a discussion of the initiation of consultation between the applicant and the USFWS and CDFG, and that the development of the required supporting documents is on a parallel course with the EIR for the project.

As required by Section 15126.6(b) of the State CEQA Guidelines, the EIR must consider an alternative that is capable of avoiding impacts to the coastal California gnatcatcher, at a minimum two alternatives should be considered: (1) development of the oil field outside the limits of the Preserve, and (2) development at a location within the Preserve that avoids direct, indirect, and cumulative impacts to coastal California gnatcatcher.

#### **Comparison of Proposed Project and Alternatives (Pages ES-15 to ES-18)**

Table ES-1, *Proposed Project Versus Alternative Sites – Significant Unavoidable Impacts*, should list all feasible alternatives to the proposed project. The Draft EIR must clarify differences in significant unavoidable impacts between the proposed project and alternatives to the proposed project. Table ES-1 needs to include all alternatives, including the Lambert Railroad Right-of-Way Alignment Alternative, Landfill Road Alternative, and Integrated Truck Loading Facility Alternative.

#### **Consolidated Central Site Alternative (Pages ES-16 to ES-17)**

The statement, "Biological impacts would be reduced from a significant unavoidable impact because there would no longer be any development near the wildlife corridor tunnel under Colima Road," should be modified because it does not consider as a significant unavoidable impact elimination of one breeding pair and several other individuals of the federally threatened coastal California gnatcatcher from coastal sage scrub habitat, which is to be cleared by the proposed development.

As required by Section 15086 of the State CEQA Guidelines, the City of Whittier must initiate and substantially complete consultation with the USFWS and CDFG pursuant to Section 7 of the federal ESA and Section 2081 (b) of the California ESA, respectively for impacts to California gnatcatcher. The District will need the information regarding the requirements to either avoid or compensate for impacts to the coastal California gnatcatcher and its habitat to consider the requirements associated with disposition of the subject lands and the feasibility of achieving "no net loss" of habitat functions and values through either an on-site or off-site alternative that avoids impacts.

Mr. Jeffery Adams  
December 6, 2010  
Page 6

**Environmentally Superior Alternative (Pages ES-18 and ES-19)**

As required pursuant to Section 15126.6(e)(2) of the State CEQA Guidelines, the Draft EIR must identify the Action Alternative that constitutes the Environmentally Superior Alternative. The Draft EIR incorrectly refers to portions of alternatives in making the designation of the Environmentally Superior Alternative. The Draft EIR needs to craft a single alternative that meets most of the basic objectives of the project and is capable of avoiding significant impacts associated with the proposed project, including, but not limited to, air quality (staged construction to avoid construction impacts and use of Best Available Technology to minimize operational impacts), biological resources (avoids all direct, indirect, and cumulative impacts to coastal California gnatcatcher and suitable habitat), hazards and hazardous materials (use of containment systems), and avoidance of all streambed crossings.

**First and Second Paragraphs (Page ES-19)**

The first paragraph on page ES-19 states:

The Consolidated Upper Colima Site does not eliminate the East Well Site and retains impacts to the wildlife corridor tunnel. For this reason, the Consolidated Central Site, which produces the fewest number of significant unavoidable impacts, is the preferred alternative site to the proposed project.

The second paragraph on page ES-19 states:

The impacts of the proposed Project access road can be effectively reduced by utilizing the Landfill Road Alternative, which moves vehicle traffic away from recreational areas and from residences.... Therefore, the Landfill Road Alternative is the environmentally preferred access route.

These statements are confusing. First, the Consolidated Central Site is identified as the preferred environmental alternative site to the proposed project, then the Landfill Road Site is identified as the preferred environmental access route to the proposed project site, thus combining traits of both alternative sites as the Environmentally Superior Alternative.

The City's land use decision-making process would be better served by an alternative that combines successful avoidance strategies into a single alternative. Similarly, the District in its role as a Responsible Agency would advise the City to consider the alternative that successfully avoids and minimizes significant effects to the designated use of the lands and associated environmental resources. Based on the information contained in the Draft EIR, the "no project" alternative appears to be the Environmentally Superior Alternative. The EIR appears to have failed to accurately characterize an alternative that is capable of achieving most of the basic objectives of the project and avoiding the significant effects of the project.

Mr. Jeffery Adams  
December 6, 2010  
Page 7

**Third and Fourth Paragraphs (Page ES-19)**

The third paragraph on page ES-19 states:

The integrated truck loading facility and the Lambert Railroad right-of-way pipeline route both present advantages over the proposed Project components and are selected as the environmentally preferred components.

The fourth paragraph on page ES-19 states:

Therefore, the environmentally preferred alternative is the Consolidated Central Site with the Landfill Road Access, an Integrated Truck Loading Facility, and the Lambert Railroad Right-of-Way Pipeline. This combination of alternatives still produces six significant, unavoidable impacts....

The entire Environmentally Superior Alternative section needs an expanded Table ES-1, accompanied by detailed maps for each of the alternatives that complement the text, and re-analysis.

**Table ES-3, Less Than Significant with Mitigation Impacts – Biological Resources (Page ES-28)**

Mitigation Measure BIO-1a proposes a mitigation ratio of 2:1 for permanent loss of 2.73 acres (3.42 acres, including temporary loss) of coastal sage scrub habitat to be replaced by restoration of degraded habitat. The 2.73 acres out of a total of 845.31 acres is a loss of 0.3 percent of this habitat within the Preserve. The rationale for this mitigation ratio is not explained. Further, coastal sage scrub habitat at this location has been designated as critical habitat for the coastal California gnatcatcher. Consultation with the USFWS and subsequent terms and conditions of an Incidental Take Permit pursuant to Section 7 of the Federal ESA for the project may require a much higher mitigation ratio than a 2:1 mitigation ratio for loss of 2.73 acres of critical habitat for the coastal California gnatcatcher.

Mitigation Measure BIO-1d proposes consultation with USFWS to obtain an Incidental Take Permit pursuant to Section 7 of the federal ESA to cover the proposed project's "take" of the California gnatcatcher and its sensitive habitat. Additionally, the project applicant should consult with CDFG for an incidental take permit pursuant to Section 2081 (b) of the California ESA. The project applicant should not have deferred these consultations. These consultations should already have taken place and their results placed into the administrative record in this Draft EIR. There is insufficient substantial evidence to support the conclusion that the impacts to coastal sage scrub and the coastal California gnatcatcher can be reduced to below the level of significance.

Mitigation Measure BIO-2a proposes a mitigation ratio of 3:1 for permanent loss of 0.10 acre (0.12 acre, including temporary loss) of riparian habitat to be replaced by restoration of degraded habitat. This section should provide a brief rationale for proposing a 3:1 mitigation ratio for removal and replacement of riparian habitat. In addition, it should be clarified if this mitigation has this been recommended or agreed to by the agencies.

## **SECTION 2.0 PROJECT DESCRIPTION**

Section 15002(h) of the State of CEQA Guidelines states:

CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project would cause substantial adverse changes in the environment, the governmental agency must respond to the information....

The City owns approximately 1,290 acres of the 3,869-acre Preserve and the associated mineral rights. The proposed project intends to convert approximately 7 acres of the Preserve currently zoned for open space to oil field activities. The land use intended by the proposed project is inconsistent with the existing land use as open space. The City of Whittier acquired its portion of the Preserve through grant funds provided by the 1992 Proposition. It is imperative that the Draft EIR address available remedies to avoid the impacts that could result from the land use deviating from the Preserve adopted in order to accommodate the proposed project. As open space being proposed for conversion to oil field activities, the District is considered to be a Responsible Agency pursuant to CEQA. As a Responsible Agency, the District must have adequate time to review and comment on the Draft EIR.

### **General Comments**

- The Project Description states that the proposed project would involve drilling wells and producing oil and gas from the project site, which comprises approximately 7 acres of the property owned by the City of Whittier that is part of the Preserve. In actuality, the project and all of the project alternatives will use significantly more area due to the development of access roads and right-of-ways for underground pipelines needed for oil and gas transmission, electrical power, and sewer and water.
- Project oil and gas production and processing operations are expected to be physically located at three different locations, referred to as "sites". These sites are the West Well Site (approximately 1.1 acres), the Central Well Site (approximately 3.8 acres), and the East Well Site (approximately 1.1 acres). In addition, a crude oil truck loading facility will be located directly east of the Central Site and accessed through a new road connecting to Colima Road. Roads, pipelines, and electrical conduit corridors, called the "backbone", will be constructed to connect the production sites, the processing facility and the oil truck loading facility. Electrical and pipeline interconnections will be made to the Southern California Edison grid, the Southern California Gas Company pipeline, and the Suburban Water District system. Oil and gas pipeline connections of approximately 3 miles will be constructed to connect the oil field to the existing Crimson Pipeline System at La Mirada Boulevard and Leffingwell Road and the project to the Gas Company pipeline tie-in located at the intersection of Colima Road and Lambert Road. Of the 1,290 acres owned by the City of Whittier within the Preserve, the Whittier Main



Oil Field Project will need significantly more land for pads to support the proposed oil and gas production and processing facilities. Additional land may have to be temporarily disturbed to construct the pads and pipelines.

- The pipeline construction within the County of Los Angeles unincorporated land would result in significant impacts within 250 feet of the construction area.<sup>6</sup> The construction of the remainder of the project, which is situated within the City of Whittier, would potentially result in impacts when: (1) within 450 feet of a neighborhood park; (2) when within 800 feet of a school; (3) or within 1,420 feet of a residence.<sup>7</sup> As a result, the total acreage of the impacted area could potentially be as much as 855 acres (Figure PD-1, *Total Acreage of Potentially Impacted Area*).
- Regarding the lease agreement, the City leased the entire 1,290 acres to Matrix Oil. The lease indicates that Matrix Oil can ask for additional drill sites. There is no cap on the amount of drill sites. Section 6.6 of the lease states:

In the event that Lessee has drilled six wells on the Leased Lands, then Lessee shall have the right to request from Lessor one or more additional drill sites, subject to Lessee applying for and obtaining a Conditional Use Permit and obtaining a release of any such additional sites from protected area status from the Los Angeles County Proposition A District. Lessor may in its sole discretion, and for any reason, deny or grant Lessee the right to construct any such additional sites.<sup>8</sup>

#### **List of Agencies Expected to Use EIR**

The Project Description does not include "...a list of agencies that are expected to use the EIR in their decision making..." as specified pursuant to Section 15124(d)(1)(A) of the State CEQA Guidelines.

#### **List of Permits and Other Approvals**

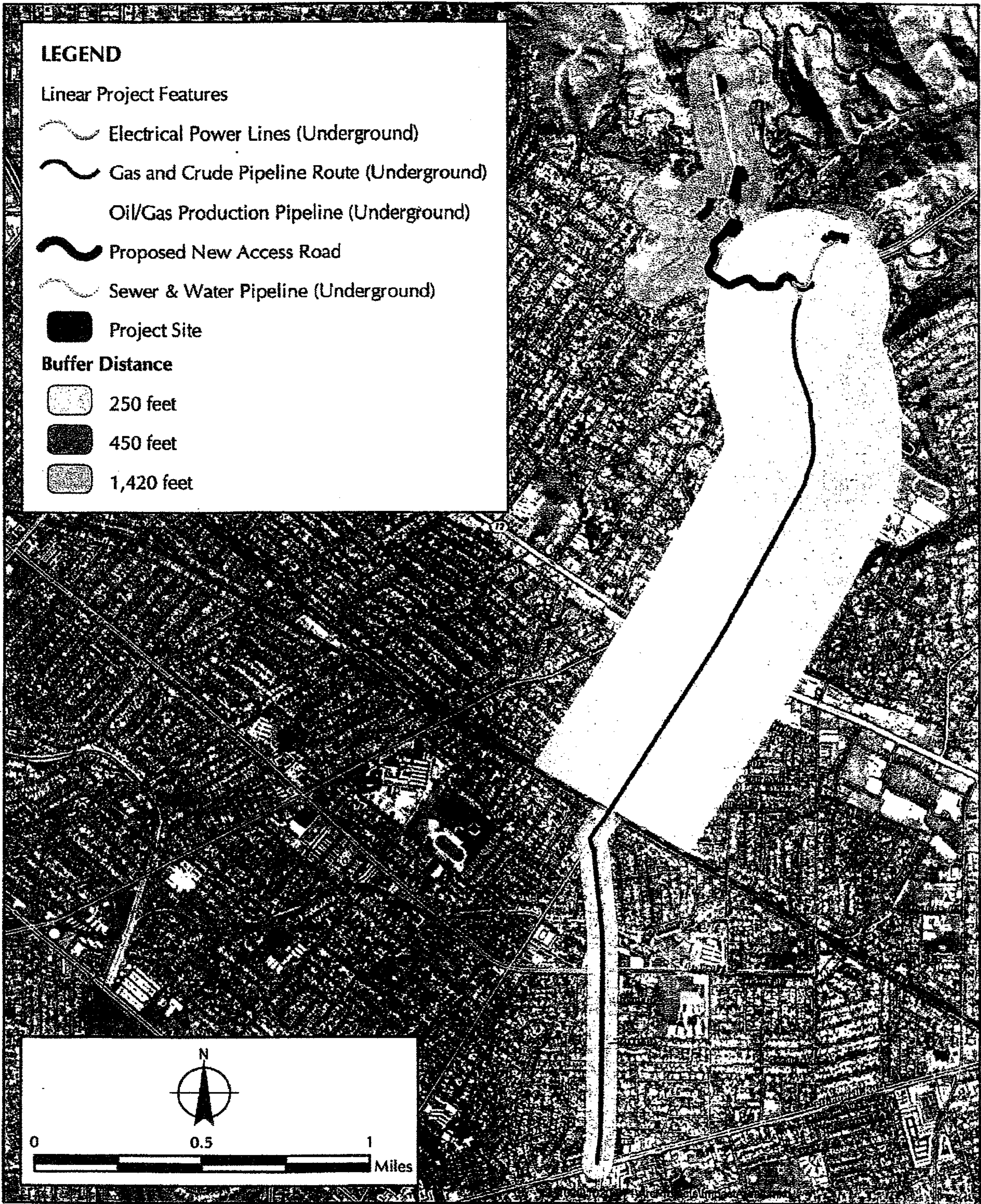
The Project Description does not include "...a list of permits and other approvals required to implement the project..." as specified pursuant to Section 15124(d)(1)(B) of the State CEQA Guidelines.

---

<sup>6</sup> County of Los Angeles. 1978. *Noise Control Ordinance of the County of Los Angeles*. Ordinance 11778, Section 2 (Article 1, Section 101); Ordinance 11773, Section 2 (Article 1, Section 101). Chapter 12.68. Available at: <http://ordlink.com/codes/lacounty/index.htm>

<sup>7</sup> City of Whittier. Adopted 1993. *City of Whittier General Plan*. Whittier, CA.

<sup>8</sup> City of Whittier Agenda Report. October 28, 2008. Available at: <http://www.cityofwhittier.org/pdfs/Mineral-Info/Mineral-Info-AgendaReport.pdf>



**FIGURE PD-1**  
Total Acreage of Potentially Impacted Area

Mr. Jeffery Adams  
December 6, 2010  
Page 10

### **List of Related Environmental Review and Consultation Requirements**

The Project Description does not include "...a list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies..." pursuant to Section 15124(d)(1)(C) of the State CEQA Guidelines.

### **SECTION 4.1 AIR QUALITY**

#### **Section 4.1.3, Insufficient Details Regarding Localized Significance Thresholds (Page 4.1-25)**

Section 4.1.3 provides a description of the localized significance thresholds developed by the South Coast Air Quality Management District (SCAQMD), but does not describe the sensitive receptors that were evaluated in the air quality analysis for the proposed project. The footnote to Table 4.1-8 notes that the localized emission analysis for the proposed project assumes a 100-meter receptor distance, but Section 4.1 does not explain why this distance was chosen. Section 4.1 should include a list of sensitive receptors and their distance from the proposed project site in order to ensure that air quality impacts on sensitive receptors are correctly evaluated.

Section 4.1.3 does not provide an explanation of why a 2-acre site was used to evaluate localized emission impacts during both construction and operation. The District believes that the area of impact that should be evaluated for air quality impacts includes the entirety of the proposed project site, which is noted in the Project Description to be 7 acres. SCAQMD recommends that proposed projects larger than 5 acres in area undergo air dispersion modeling to determine localized air quality impacts.<sup>9</sup> The applicant should provide evidence to support the decision to use a 2-acre site to evaluate localized emission impacts or should consider performing dispersion modeling for the 7-acre proposed project site.

#### **Section 4.1.4.2, Operational Impacts (Page 4.1-33)**

The District is concerned that residents and other sensitive receptors located in the vicinity of the proposed project would be exposed to significant operational NO<sub>x</sub> emissions from the oil field operations. Page 4.1-33 concludes that operational impacts would be less than significant with mitigation; however, Table 4.1-9 shows that operational emissions during drilling would greatly exceed the SCAQMD localized thresholds for NO<sub>x</sub> and particulate matter. The applicant should demonstrate how the specified mitigation measures would lower localized emissions of NO<sub>x</sub> and particulate matter to below the level of significance or conclude that impacts during operation will remain as significant and unavoidable. Operational NO<sub>x</sub> emissions during drilling greatly exceed any of the daily NO<sub>x</sub> emissions during construction, which were determined to result in a significant unavoidable impact. It is important to note that emission offsets, as described in Mitigation Measure AQ-2a, would not reduce operational emission levels at sensitive receptors. In accordance with Section 15126.4(a) of the State CEQA Guidelines, the Draft EIR must identify feasible mitigation measures to ensure that operational impacts, particularly impacts at sensitive receptors, are reduced to below the level of significance.

---

<sup>9</sup> South Coast Air Quality Management District. Accessed 19 November 2010. Localized Significance Thresholds. Web Site. Available at: <http://www.aqmd.gov/ceqa/handbook/lst/lst.html>

Such mitigation measures must at a minimum all potentially feasible actions provided for consideration in the SCAQMD CEQA Handbook:

- Replacing diesel-fired drilling rig engines with natural gas-fired drilling rig engines,
- Using fuel additives,
- Using gas turbines rather than internal combustion engines for compressors,
- Reducing the number of drilling rigs,
- Installing selective catalytic reduction on drilling rig engines,
- Using electric drilling rigs,
- Implementing electric compression,
- Requiring centralization of production facilities to reduce truck traffic,
- Adopting cleaner technologies on completion activities, and other ancillary sources;
- Implementing advancements in drilling technology; and
- Reducing the pace of development.

#### **Section 4.1.4.4, Greenhouse Gas Emissions (Page 4.1-38)**

The Draft EIR uses the SCAQMD threshold of 10,000 metric tons CO<sub>2e</sub> to determine the significance of the proposed project in relation to greenhouse gas (GHG) emissions but does not explain why this threshold was chosen for the proposed project. The interim GHG threshold approved by SCAQMD applies only to industrial (stationary source) projects where SCAQMD is the lead agency.<sup>10</sup>

The Draft EIR does not discuss whether the proposed project would be consistent with adopted plans, policies, or regulations adopted for the purpose of reducing GHG emissions (Checklist question VII(a) in Appendix G of the State CEQA Guidelines). The District is concerned that implementation of the proposed project would be inconsistent with the County's commitment to monitoring, reporting, and reducing GHG emissions in accordance with the goals of Assembly Bill (AB) 32.

As required by Section 15126.4(a) of the State CEQA Guidelines, adequate mitigation must be considered to avoid, reduce, and compensate for impacts to reduce them to below the level of significance to the maximum extent practicable. Although a mitigation measure for GHG emissions (AQ-4) is provided, the last sentence in Section 4.1.4.4 states that "the ability to implement some of these measures is uncertain". Section 15126.4(a) of the State CEQA Guidelines states that mitigation measures must be "feasible" and "fully enforceable". It is recommended that the EIR include specific, feasible, and enforceable mitigation measures for reducing GHG emissions, such as those that are recommended by the California Office of Attorney General. In the publication entitled *The California Environmental Quality Act Addressing Global Warming Impacts at the Local Agency Level*, the Office of Attorney General directs public agencies to take a leadership role in integrating sustainability into public projects by providing 52 project-level mitigation measures

---

<sup>10</sup> South Coast Air Quality Management District. 5 December 2009. Board Meeting Data, Agenda No. 31. Available at: <http://www.aqmd.gov/hb/2008/December/081231a.htm>

