

Downing, Clay

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Saturday, January 25, 2020 2:02 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

dawn kuznkowski

Contact Information:

2361 Calle Malvon Thousand Oaks CA 91360

Comment On:

resources/open space/conservation

Your Comment:

I am very concerned that Ventura County is not taking drastic enough steps to protect our drinking water, and air quality from contamination from the oil industry. In a time of drought we should have a moratorium on fracking. Flaring is contaminating our air and it's avoidable and there are solutions. Sadly it's business as usual even though our air quality and water quality are continually suffering from the oil industry. We need forward thinking in our general plan to tackle climate change and really make a measurable difference. Please phase out fossil fuel production, maintain policy COS-7.8 and protect our finite water supply, and our air quality. Thank you. Dawn Kuznkowski

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Monday, January 27, 2020 10:24 AM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Katharine S Simmons

Contact Information:

kay56094@gmail.com

Comment On:

New Draft Environmental Impact Report

Your Comment:

According to a recent study of data by the Washington Post Ventura County ranks as the fastest-warming county in the Lower 48 states.

It is critical that Ventura County gets its climate policies RIGHT in the General Plan Update. The draft plan as currently written fails to meet requirements for streamlined CEQA review.

Please take the following actions:

- 1. Buffers should be increased from the currently 1,500 feet to 2,500 feet
- 2. 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
- 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. Revise the Climate Action Plan and corresponding policies in the General Plan to achieve measurable, enforceable reductions in greenhouse gas emissions
- 5. 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

I2-1
I2-2
I2-3

Thank you for your time and attention to this most important issue.

Katharine Simmons

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Tuesday, January 28, 2020 8:38 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Kristen Kessler

Contact Information:

kess4652@gmail.com

Comment On:

Gen. Plan Update and DEIR

Your Comment:

The General Plan Update does not set strong enough goals to reduce GHG emissions, and should follow the example of the L.A. Sustainability Plan.

The DEIR should allow oil and water to be transported by pipelines instead of diesel trucks to reduce air pollution in vulnerable communities.

Flaring should no longer be allowed, except in emergencies or testing.

Oil and gas facilities in the county listed as "superemitters" should no longer be allowed to operate.

Ventura County is the fastest warming county in the lower 48 states. The provisions in the draft plan are inadequate to address this warming trend.

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Saturday, February 1, 2020 9:44 AM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Karen Socher

Contact Information:

kssocher@hotmail.com

Comment On:

All of it

Your Comment:

I feel we should set policy driven by reducing climate change and the draft update does not provide enough emissions reduction.

We can and should do better.

The CAP addresses the consumption side by encouraging electric fuel vehicles and clean power for homes and businesses. It does not address the production side at all. Ventura County is the third largest oil and gas producing county in California. As such, we must do our part to reduce oil production through thoughtful, rigorous policy to phase out production.

This CAP will set the policies that will drive land use decisions and projects that affecting GHG emissions for the next 20 years. The planet depends on each county, municipality and country to do this right.

We need an expert team that will produce a plan that will meet the greenhouse gas emission reduction goals.

The General Plan needs to reduce emissions that harm people and the planet.

The Los Angeles Sustainability Plan, aimed at meeting the goals of the Paris Climate Agreement, has clear and bold goals: "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 this comes from the second largest oil-producing county in California. We need a similar goal for Ventura County.

Another goal from the LA Plan: "Collaborate with DOGGR and unincorporated communities and affected cities to develop a sunset strategy for all oil and gas operations that prioritizes disadvantaged communities." Ventura County needs to do the same.

Climate change is caused by fossil fuel production and consumption.

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Sunday, February 2, 2020 11:08 AM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Polly Nelson

Contact Information:

pollynelson4@gmail.com

Comment On:

Buffer Requirements, Trucking vs. Pipeline, Flaring, Climate Action Plan, Greenhouse Gas "Super- Emitters, Ojai

Your Comment:

*Buffer Requirements – Buffers should be increased from the currently proposed 1,500 feet to 2,500 feet.

*Trucking vs. Pipeline - 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.

*Flaring – 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 – 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” – 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.

*For Ojai - The 2040 General Plan must include a strong defense of the five-pound air emissions limit for the Ojai Valley. 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.

3152 Shad Court
Simi Valley, CA 93063
February 5, 2020

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

Re: The 2040 General Plan Update's Draft Environmental
Impact Report's Public Review Period.

Dear Ms. Curtis:

The following comments, questions, and suggestions address Section 4.9(Hazards, Hazardous Materials and Wildfire) of the Draft EIR's Chapter 4(Environmental Setting, Impacts, and Mitigation Measures). My concerns come not from the study of or employment in these fields, but from life's experiences: years of attending Santa Susana Field Laboratory(Rocketdyne) meetings, addressing City, County, State and Federal government emergency plans, and following wildfire incidents since 2003 in the news on television, newspapers, and now the Internet. More devastating than the devastation left behind by the extraordinary disasters is the public's perception that first responders will always rise to the occasion to save lives, property, businesses, jobs, ecosystems, and California!!!! Nothing could be further from the truth!!!!

#1 - Pages 4.9-2 and 4.9-3, while the Thomas Fire(2017) and Woolsey Fire(2018) are mentioned, so should the the Hill Fire(2018), and the October 30, 2019 Easy Fire be included in the 2040 General Plan Update! Overwhelming stress on first responders has been attributed to the major incidents occurring: all at once, back-to-back, during hurricane strength winds, and in an all year fire season!!!!

#2 - Page 4.9-2, the Ventura County Fire Apparatus Access Code "establishes the minimum and cumulative design and maintenance standards for emergency fire access roads"!!!! First responders will be able to truly respond effectively to and keep people and property safe when maximum standards are the norm!!!!

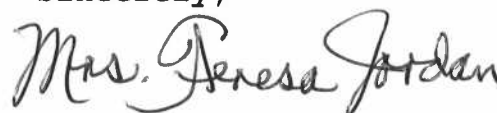
- #3 - Page 4.9-6, Policy HAZ-1.1, the City of Simi Valley back in the 1990's required a Fire Safety Plan for the Big Sky development project. The County must require similar planning documents for proposed development in high fire risk areas!!!!
- #4 - Page 4.9-6, Policy HAZ-1.2, the Ventura County Fire Department's defensible space clear zones is 100', in some cases 200'. Devastating fires show this does not limit the damage from flying embers!!!! In the California Governor's Office 2004 Blue Ribbon Fire Commission's Westlake Village hearing a more comprehensive defensible space was 400'!!!! The Ventura County Fire Department's Fire Hazard Reduction Program(FHRP) must be implemented twice or three times a year to be effective!!!! Are grants available to those property owners who cannot afford additional clean-ups? Include public donations made through Go Fund Me type programs, or by check!!!!
- #5 - Page 4.9-6, Policy HAZ-1.3, are controlled burns truly going to be undertaken? Such clearings would have limited the devastation from the Thomas Fire in Ventura County and Santa Barbara Counties!!!! Was this the same case with the Hill and Woolsey Fires?
- #6 - Page 4.9-6, Policy HAZ-1.4, while I concur with having a Notice of Fire Hazard recorded "with the County Recorder for all new discretionary entitlements(including subdivisions and land use permits) within areas designated as Hazardous Fire Areas by the Ventura County Fire Department or High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection(CAL FIRE)" more has to be done to inform the public of this! What information is contained in a Notice of Fire Hazard? What law makes the NOTICE a legal document?
- #7 - Page 4.9-6, Policy HAZ-1.5, see COMMENTS 2, 3 and 4! In updates of the County's EOP and the Multi-Hazard Mitigation Plan, the "Team" must include County Planning Commission, and SSFL representatives!!!! Require water trucks on large lots!!!! Such vehicle was instrumental during the 2003 Simi Fire in saving a family's life!!!! Is the County's Emergency Operations Plan truly updated on a tri-annual basis? Evacuation routes must never be second guessed!!!!

- #8 - Page 4.9-6, Policy HAZ-1.6, *New Policy*, I concur!
Because people think that "fire safe" means safety
the education programs and information must state
"fire wise"!!!!
- #9 - Page 4.9-6, Policy HAZ-1.7, *New Policy*, I concur!
- #10 - Page 4.9-6, Policy HAZ-1.8, *New Policy*, I concur!
Update of the Santa Monica Mountains Community
Wildfire Protection Plan adopted in 2013 was
supposed to be updated in 2018!!!! What is the
update status of this crucial document?
- #11 - Page 4.9-7, Policy HAZ-5.2, in January, I learned
about the closed Tierra Rejada Landfill's Easy Fire
damage to the gas extraction system(methane), flare
controls, etc.! I have not found the Landfill in
the 2040 General Plan Update and 2018 Background
Report! Because the Landfill's Consortium partners
(4) share costs equally for after closure permit
work, and now for the Easy Fire Emergency repairs
(\$548,554 each), the "66-acre site located 1 mile
west of Madera Road and north of Tierra Rejada Road
along the Arroyo Simi must be included in the 2040
General Plan Update!!!!
- #12 - Page 4.9-7, Policy HAZ-5.3, *New Policy*, I concur!
- #13 - Page 4.9-7, Policy HAZ-5.4, *New Policy*, I concur!
- #14 - Page 4.9-7, Policy HAZ-5.7, *modified*, I concur!
Because the Tierra Rejada Landfill's waste footprint
is 26 acres, it's quite possible that future
development could occur on the 66-acre site!!!!
- #15 - Page 4.9-9, Policy HAZ-12.1, *modified*, I concur with
two means of access! I do not concur with deviation
policy for a single proposed access road!!!!
- #16 - Page 4.9-9, Policy HAZ-12.2, *modified*, the update to
the Ventura County Emergency Operations Plan must
state "tri-annually"!!!! The update to the Ventura
County Hazard Mitigation Plan must state "every
five years"!!!!

- #17 - Page 4.9-9, Policy HAZ-12.3, *modified*, interesting that public safety or emergency service facilities should not be sited in the areas listed without hazard mitigation, yet there is no mention of Open Space areas in light of Page 4.9-11 (bottom of page) which allows fire stations in the Open Space land use designation!!!!
- #18 - Page 4.9-20, what is the status of the MHMP's "new vegetation management program that provides vegetation management services to elderly, disabled, or low-income property owners who lack the resources to remove flammable vegetation from around their homes" mitigation strategy? Do mobile homes qualify? First responders going door-to-door to alert people during a fire incident must always be utilized even in the age of technological communications!!!!
- #19 - Because the 2040 General Plan Update's January 2018 Background Report has been "Revised" for January 2020, the name "Santa Felica" (Dam) must be corrected to read "Santa Felicia" on Page 11-29, Figure 11-6, Individual Dam Failure Inundation Areas!!!!

Ms. Curtis, I kindly request a written response from County staff to my letter. Thank you.

Sincerely,



Mrs. Teresa Jordan

Enclosures:

January 27, 2020, Letter to the Simi Valley City Council, Agenda Item 8A. (2 Pages)

January 30, 2020, Letter to the Ventura County Board of Supervisors, Agenda Item 31. (3 Pages)

January 21, 2020, Letter to the Ventura County Board of Supervisors, Agenda Items 39 and 40. (2 Pages)

RECEIVED
CITY OF SIMI VALLEY 3152 Shad Court
Simi Valley, CA 93063
2020 JAN 27 AM 10:36 January 27, 2020

OFFICE OF CITY CLERK
BY *Linda Northell*

Simi Valley City Council
Simi Valley City Hall
2929 Tapo Canyon Road
Simi Valley, CA 93063

Re: Agenda Item 8A (Approval of Funding for Emergency Work Performed and Planned at the Tierra Rejada Landfill and Approval of a Supplemental Budget Request).

Dear Members of the Council:

I am writing because I have concerns regarding the closed Tierra Rejada Landfill site's gas extraction system, and the flare controls!!!!

Members of the Council, shortly after the October 30, 2019 Easy Fire I heard from a constituent of yours, who had driven home on Tierra Rejada Road, that there was another fire!!!! Even though my family was mourning the death of a loved one, I Googled fires around Tierra Rejada Road but found no reports of any additional incidents!!!! While the Staff Report validates your constituent's story, the information paints a very shocking picture!!!!

It is stated on Page 6 (Staff Report) that "Following the Easy Fire, staff" "responded to several small surface fires that continued to burn on the site for a few days"!!!! "These surface fires were confined to small areas approximately eight feet by eight feet and to the upper six inches of the surface. Their behavior was more of a slow, smoldering event right at the surface rather than the active flames that consumed the brush onsite on the first day"!!!! "Staff, through the help of contractors, dug out the shallow surface fires, extinguishing them with water, and repaired the areas with moist conditioned soil"!!!! "Active monitoring continued around these hot spots for several days to verify that ground temperatures were normal. Environmental monitoring of the gas wells in the vicinity of these areas was conducted to verify that the fire had not entered the landfill's buried waste mass"!!!! Several small surface fires burning for a few days is alarming!!!!

QUESTIONS

1. Was the flare active before and during the Easy Fire?
2. Did the flare contribute to the Easy Fire's intensity from the closed Tierra Rejada Landfill and beyond?
3. Did the small flames, and surface fires pose any danger to the drivers and property owners in the vicinity of the Tierra Rejada Landfill's 66-acre site? How many small fires were there? How many days did this occur?
4. Does the flare pose any fire danger in and of itself?
5. Do we have a health problem because of the methane gas?
6. Can the flare system resist hurricane strength winds?
7. Where are the Tierra Rejada Landfill documents kept?

Members of the Council, the City should have alerted the public to the presence of these fires!!!!

Members of the Council, I kindly request that the Police Department's Emergency Services' Emergency Plan Website Page be updated ASAP to reflect the 2020 Tentative Schedule!!!!

Members of the Council, I kindly request a written response from City staff to this letter. Thank you.

Sincerely,


Teresa Jordan

Enclosure:

January 21, 2020, Letter to the Ventura County Board of Supervisors Agenda Items 39 and 40 (Hill and Woolsey Fires After-Action Reports). (2 Pages)

County of Ventura

3152 Shad Court
Simi Valley, CA 93063
January 30, 2020

JAN 30 2020

Clerk of the Board

Ventura County Board of Supervisors
Hall of Administration
800 S. Victoria Avenue
Ventura, CA 93009

Re: Agenda Item Authorization for the Integrated Waste Management Division of the Public Works Agency to Pay the Ventura Regional Sanitation District \$548,554 from the Solid Waste Trust Fund for Easy Fire-Related Repair Costs at the Tierra Rejada Landfill; and Authorization for the Auditor-Controller to Process the Necessary Budgetary Transactions; Supervisorial District No.4.

Dear Members of the Board:

On January 27, 2020, I submitted a letter to the City of Simi Valley City Council for its January 27, 2020 meeting to fund the Tierra Rejada Landfill emergency work (Agenda Item 8A). The following is a list of topics discussed by the City Council members and City staff during the Agenda Item:

- City's fire insurance coverage.
- CAL OES and FEMA are not met.
- Causes of the Easy Fire.
- Fire Department's fire incident report.
- Letter submitted by Teresa Jordan.
- Health issues from methane gas.
- Location of Tierra Rejada Landfill records.
- Fire protection priority for the landfill.
- Fire response to the Reagan Presidential Library.
- The loss of family homes.
- Fire Department considered the site brush clearance.
- Fire Department probably not know landfill was there.
- Place signage on the landfill site.
- Visiting firefighters do not know landfill is there.
- Put fencing around the landfill site.
- Include the landfill on County maps.
- Notify the public regarding such activity.

Members of the Board, on January 29, 2020, I read the Ventura Regional Sanitation District's December 19, 2019 Special Meeting Staff Report for the Emergency Wildfire Response at the Closed Bailard and Tierra Rejada Landfills (Agenda Item 5). The information for the Bailard Landfill (Page 2) stated "In order to help fund the remediation work from this unexpected fire event, VRSD is pursuing potential funding from insurance" (Olivas Fire, October 11, 2019).

QUESTIONS

1. Why was no insurance information given for the Tierra Rejada Landfill?
2. Do each of the Consortium partners have to pursue potential funding from their own insurance carriers?
3. Is the landfill site on the Fire Department's mapping system (Robby to the Rescue's "Who sends resources when a fire breaks out?" video covers the computer based dispatch system in Camarillo)?
4. Is the computer based dispatch system the same as the Automated Vehicle Locating system (AVL), or is it one type of activity in the facility?
5. How many surface fires were on the Tierra Rejada Landfill?
6. How many days did it take to put out the small fires?
7. Does the methane gas pose a health risk?
8. Was the flare active before the Easy Fire?
9. Does the flare pose any fire danger in and of itself?
10. Can the flare system resist hurricane strength winds?
11. Would fencing around the landfill site impact the wildlife corridor?

Members of the Board, investigations must be conducted on the cause of: 1. the errors on the location of the 2017 Thomas Fire in your 2018 Resolutions, 2. the errors in the

November 9, 2018 Sheriff Office's Emergency Proclamation's Hill Fire location, and Hill and Woolsey Fires incident date, and 3. the Sheriff Office's November 1, 2019 Emergency Proclamation's misleading information for the Easy Fire's location!!!! Crucial legal documents must be error free!!!!

Members of the Board, I kindly request a written response to this letter from County staff. Thank you.

Sincerely,



Teresa Jordan

Enclosure:

January 27, 2020, Letter to the Simi Valley City Council.
(2 Pages)

3152 Shad Court
Simi Valley, CA 93063
January 21, 2020

Ventura County Board of Supervisors
Hall of Administration
800 S. Victoria Avenue
Ventura, CA 93009

Re: Agenda Items 39 (Receive and File the Hill and Woolsey Fires Emergency Response After-Action Review Report), and 40 (Receive and File the 2019 Hill and Woolsey Fire Recovery Review Report; Approve the Improvement Plan Contained Within the Report; and Provide Recommendations and Direction to Staff to Incorporate into the Improvement Plan).

Dear Members of the Board:

It is unfortunate that for the past 2 years my concerns, comments, and suggestions regarding wildfire incidents have fallen on deaf ears!!!!

It is offensive that fire incidents' after-action reports expect the people (homeowners, residents, and business and property owners) to do more to help fight "mega" fires when all populations throughout the Nation are unaware that:

- #1 - For decades, state and local governments were supposed to include in their emergency plans' updates "WORST CASE" scenarios!!!!
- #2 - For years, the Country has experienced drought conditions throughout the States!
- #3 - For years, the United States has been experiencing an unprecedented shortage of firefighters!!!!

Members of the Board, it is unfortunate that County staff never responded to my extremely crucial questions made in my letters on the County's 2018 General Plan Update's chapters mentioning "wildfires", "Ventura County Fire Department" and "Ventura County Fire Protection District"!!!!

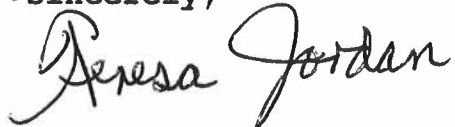
Members of the Board, it is unfortunate that the County never corrected the December 4, 2017 Thomas Fire incident location error in your Resolutions (brought to your attention in my many 2018 letters), because you approved major errors in the Sheriff Office's November 9, 2018 Hill and Woolsey Fires Emergency Proclamation which stated "the Hill Fire originated in the vicinity of Santa Susana Road and Hill Canyon on April 8, 2018 at 2:06 p.m., and the Woolsey Fire which originated in the unincorporated area of Simi Valley the same day at 2:26 p.m. at which time the Ventura County Board of Supervisors was not in session, and said conditions constitute a local emergency as defined in Government Code section 8558, subdivision (c)" (my January 4, 2019 letter, Agenda Item 39)!!!! The November 1, 2019 Sheriff Office's Emergency Proclamation for the Simi Valley Easy Fire incident location stated "that started in the vicinity of Tierra Rejada Park in Simi Valley at 6:10 a.m. on October 30, 2019, subsequently referred to as the Easy Fire" was misleading!!!! Because the City of Moorpark has a Tierra Rejada Park, the CAL FIRE incident information should have been provided!!!!

Members of the Board, answers to my questions, and corrections to the emergency related documents you approved would have been helpful in limiting the loss of jobs, lives, property, and ecosystems; and help limit the disruption that Ventura and Los Angeles counties' communities experienced!!!!

Members of the Board, please heed all recommendations in the November 11, 2019 City of Thousand Oaks, the November 17, 2019 County of Los Angeles, and the January 2020 Ventura County after-action response plans; in the January 2020 Ventura County Hill & Woolsey Fires Recovery After-Action Review; and in the December 2019 California Auditor's California Is Not Adequately Prepared to Protect Its Most Vulnerable Residents From Natural Disasters REPORT (#2019-103)!

Members of the Board, I kindly request that County staff respond to my April 29, 2019 letter (Agenda Item 24, the 2019 Ventura County Disaster Recovery Plan). Thank you.

Sincerely,



Teresa Jordan

Dulanie Ellis-La Barre
206 So. Blanche St., Ojai, CA 93023

REC'D FEB 06 2020

February 3, 2020

RMA Planning Division, General Plan Update
800 So. Victoria Ave., L#1740
Ventura, CA 93009-1740

According to a recent study of data by the Washington Post, with an average temperature increase of 2.6 degrees Celsius since preindustrial times, **Ventura ranks as the fastest-warming county in the Lower 48 states.** The effects of climate change have impacted Ventura County profoundly — from the wildfires which have raged out of control to coastal infrastructure now threatened by sea-level rise.

We need to do better ... faster! Years of committee meetings must translate into action now. **The Climate Action Plan (CAP) is seriously incomplete** and lacks the technical and scientific input needed for a meaningful CAP. We are calling for a sense of urgency and an "all-hands-on-deck" effort to get it right. The county should contract immediately with a team like those employed by the city and county of Los Angeles in order to produce a robust plan capable of meeting the greenhouse Gas (GHG) emission reduction goals. At the same time, we must strengthen individual policies in the General Plan.

Climate change is caused by fossil fuel production and consumption. **Ventura County is the third largest oil and gas-producing county in California.** As such, we must do our part to reduce oil production through thoughtful, rigorous policy to phase out production.

This CAP will set the policies that will drive land use decisions and projects that affecting GHG emissions for the next 20 years. The planet depends on each county, municipality and country to do this right.

Climate Action Plan policies must result in measurable, enforceable reductions sufficient to meet California's climate goals. We've had enough of vague, inspirational slogans like "encouraging" or "supporting" green policies, but little to no actions on the ground.

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 time for rubber-stamping oil and gas projects needs to end. We need to phase out these "super-emitters" fossil fuel operations in Ventura County. We have plenty of sun and wind to build energy grids upon, creating new green jobs.

The Ojai Valley, where I live, is known for airflow patterns that lock in airborne pollutants during the day, trapped in the Valley. The 2040 General Plan must strongly **defend the 5-pound air emissions limit for the Ojai Valley.** And buffers between oil and gas facilities and residential and schools should be increased from 1,500 to 2,500'.

805-640-1133 Fax: 805-640-7899 Cell: 805-798-0158
dulanie@sbcglobal.net

Dulanie Ellis-La Barre
206 So. Blanche St., Ojai, CA 93023

Flaring is another, frankly, insane practice in today's climate change crisis. It should be allowed only in case of emergencies or testing purposes. The new General Plan **MUST maintain Policy COS-7.8**, as recommended by the Board of Supervisors, so that wells are required to collect gases and use or remove them. The complaint about addressing this being "too costly" from the fossil fuel industry has always, and will always, be their excuse and failure to help right this self-caused crisis. ***Frankly, Ventura County should immediately begin phasing out all fossil fuel development and production, given that we are the fastest warming county in the entire country!***

Fracking must be abandoned in Ventura County - if for no other reasons than FRACKING REQUIRES ENORMOUS USE OF WATER and contaminates aquifers. The droughts are only going to get worse, we cannot afford to destroy our water sources because of fracking - not to mention the role fracking plays in prompting earthquakes. We have enough to worry about without encouraging more earthquakes in Southern California.

Ventura County, for all its beauty and fertility of land and sea, has been in bed with the oil and gas industry, in the drilling and agricultural pesticides, for far too long and at great cost to our home environment and the future of life as we know it in Ventura County.

For example:

- A 2-day 'heat bomb' last year wiped out the avocado and citrus harvests In Ojai
- Rivers are drying up: Ventura has been over-drafting their water supply from the Ventura River at Foster Park for years and is blaming Ojai (who cut their water use by 40%)
- With sea level rise, we can expect saltwater intrusion (already a problem) to inundate the Oxnard Plain and devastate food production.
- Oxnard and Ventura coastal residential areas and harbors will be flooded.
- The Navy base is already trying to prepare for sea rise and impact to military abilities
- Wildfire storms will continue to devastate wild lands and our communities

Climate change is no longer theory. Our General Plan must be a robust response. We must implement rigorous, measurable, immediate steps in our General Plan if we are to the very real challenges we face.

With great expectation that you will respond favorably, we remain,
Sincerely yours,

Dulanie & Douglas La Barre



805-640-1133 Fax: 805-640-7899 Cell: 805-798-0158
dulanie@sbcglobal.net

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Sunday, February 9, 2020 7:03 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Jeannette Welling

Contact Information:

2450 Pleasant Way Unit Gm Thousand Oaks, CA 91362

Comment On:

Draft Environmental Impact Report

Your Comment:

Buffers should be increased from the currently proposed 1,500 feet to 2,500 feet.

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.

The DEIR would allow flaring if conveyance by pipeline is deemed infeasible, creating another loophole that could allow oil producers to simply claim that the cost is too high and continue with business as usual.

Revise the Climate Action Plan and corresponding policies in the General Plan to achieve measurable, enforceable reductions in greenhouse gas emissions.

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.

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Monday, February 10, 2020 8:09 AM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

John Brooks

Contact Information:

None

Comment On:

Draft EIR

Your Comment:

The Climate Action Plan isn't good enough.

Ventura County needs a Climate Action Plan with measurable targets and outcomes, as a separate document.

Policies set in the GenPlan are not measurable or enforceable. Language used in the plan, such as policies that "encourage" and "support" action, are not sufficient to drive the kind of change necessary to meet greenhouse gas reduction targets.

I am calling for a separate Climate Action Plan to fill the gaps in the draft General Plan: The county decided not to have a separate Climate element of the General Plan, and instead integrated climate-related policies into the other elements, such as "Land Use" and "Housing." Climate policies are included among these different sections, and compiled in Appendix B of the Plan. Climate was not the primary focus or concern, and these groups lacked the expertise to put forward adequate, science-backed climate policy to guide the next 20 years.

Bigger Buffer Requirements

The current plan allows for oil and gas facilities to be located too close to schools and homes.

The current draft plan sets a 1500 ft minimum between oil & gas facilities and homes and schools. This is completely inadequate. The negative health impacts of emissions can be seen as much as a mile away from facilities. We are demanding a minimum 2500 ft. (~half a mile) distance from schools and homes for new oil & gas projects.

We must Stop Trucking Oil

All newly permitted oil wells should be required to transport oil & wastewater via pipelines, not trucks.

Most of the oil and wastewater produced from drilling is transported by trucks. These trucks go through or near our neighborhoods carrying hazardous materials, emitting toxic air pollution, and contributing significantly to the addition of greenhouse gases. The current plan protects oil companies by giving them the loophole to default to additional trucking, instead of installing pipelines if oil companies claim the cost of pipeline connection is too high.

The wasteful Flares must stop

I am calling for no new flares in Ventura County.

Flares waste a finite natural resource that can be used for energy production. Venting and flaring release toxic gases and powerful climate pollutants like methane into the atmosphere. Under the proposed general plan oil companies would

be allowed to continue venting and flaring without restrictions, if they claim the added cost of treating gas on-site or constructing pipeline connections is too high; this technicality lets oil companies carry on with business as usual. Instead, join us in insisting that flaring and venting in all new oil wells be prohibited, except in cases of emergency or testing purposes.

Thank you

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Monday, February 10, 2020 9:42 AM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Rain Perry

Contact Information:

mizzperry@gmail.com

Comment On:

draft for public comment of 2040 general plan

Your Comment:

Buffers should be increased from the currently proposed 1,500 feet to 2,500 feet.

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.

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.

Revise the Climate Action Plan and corresponding policies in the General Plan to achieve measurable, enforceable reductions in greenhouse gas emissions.

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.

Simmons, Carrie

From: Swift, Rebecca
Sent: Friday, February 14, 2020 4:46 PM
To: General Plan Update
Cc: Bennett, Steve
Subject: watershed

In light of the litigation the city of Ventura has began as a counter suit against the Santa Barbara Channel Keepers, I am EXTREMELY concerned that the County of Ventura should also be very worried. I reside in the County of Ventura, work for the County of Ventura and was served by the City Of Ventura. With all the overlap of city and county PLEASE review any and all watershed documents that may have been proposed and placed on the "back burner" in anticipation that this issue will eventually include the County Of Ventura. Water rights, clean water availability, federal government, State and local ordinances do have to be considered as we look forward to the year 2040

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Friday, February 14, 2020 11:52 AM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Susan Chapin

Contact Information:

8056493506

Comment On:

Draft Environmental Impact Report

Your Comment:

revise the Climate Action Plan and corresponding policies in the General Plan to achieve measurable, enforceable reductions in greenhouse gas emissions. 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.

Simmons, Carrie

From: John Brooks <johnbrooks69@gmail.com>
Sent: Monday, February 17, 2020 1:01 PM
To: General Plan Update
Subject: One more thing

This preface by Oxnard resident Steve Nash sums up the feelings of many that the EIR is not sufficient:
“The entire assumption of a General Plan and its supporting documentation is to have a forward-looking plan to deal with land use, potential significant impacts and their mitigation measures within a geographical area.

It is my belief, and the belief of many others, that climate disruption caused by greenhouse gas emissions is the primary concern that has to be addressed in this type of document. Any plan that attempts to provide a framework for mitigating significant impacts that does not place climate change at the very forefront of significant impacts is a deeply flawed document and doomed to fulfill its “raison d’etre” which, ultimately, is to secure a safe and prosperous future for the residents and the environment under its jurisdiction.”

Get busy formulating a real climate action plan!

John Brooks
Oak View

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Tuesday, February 18, 2020 12:21 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

John Cloonan

Contact Information:

johncloonan@yahoo.com

Comment On:

The responsibility of the Board decision to support the constituents not commerce.

Your Comment:

Sunday, February 16, 2020

Re: Draft General Plan and DEIR

Ventura County Board of Supervisors:

I am urging you to take meaningful action on the above documents coming before you that are schedule to have the public comments close this 27th.

Your physical and mental health and the health of your constituents as well as others in California, and indeed our global family are at stake when you make your decisions. Meaningful, measurable enforceable reductions to meet California's climate goals are necessary.

California's perspective, guidelines and procedures are antiquated as are our County's own. It is necessary for you as individuals and as a Board, to take serious and bold measures to reel in the oil industry. Oil has had its day and stockholders have benefitted nicely. Ventura County and its citizens have benefitted from the oil industry, also. But the County, State, and Nation have suffered the health and climate consequences of lax regulation. Even if technology finds a "clean burn" solution - the end of oil can be expected.

The Los Angeles Sustainability Plan, aimed at meeting the goals of the Paris Climate Agreement, has clear and bold goals: "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 this comes from the second largest oil-producing county in California. We need a similar goal for Ventura County.

I realize there are challenges you all face in this threading the needle legal world. It falls to you to do so for the sake of

those with lives on the line in a polluted world. We will all ultimately benefit from measurable, enforceable reductions sufficient to meet California's climate goals. It is clear to me, and I suspect to you in your personal quiet times of contemplation, that in the final analysis, there is an overriding benefit to the population of this county for the adoption of the strongest possible measures to insure that greenhouse gas emissions are curbed to protect air quality and to ensure a safe, sustainable future for all county residents.

All the best.

John

John Cloonan
31 N Laurel St #1
Ventura, CA 93001-5066
johncloonan@yahoo.com

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 19, 2020 1:30 PM
To: Simmons, Carrie
Subject: FW: Please make strong climate policy!

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Christopher Tull <info@email.actionnetwork.org>
Sent: Wednesday, February 19, 2020 9:46 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Please make strong climate policy!

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Susan Curtis,

Dear Ventura County Board of Supervisors and Planning Department,

Climate issues are something I feel worried about. Ventura County is warming faster than any county in the nation. Our ocean is acidifying faster. Drought and floods have hit us worse, and we can expect more extreme weather. I want strong climate policy and a goal to be carbon neutral by 2045.

My family and community are counting on you to make a strong plan that helps us mitigate climate impacts. With tipping points accelerating, we cannot go halfway! We want courageous leadership to set goals we can hang our hopes and efforts on.

First, it is necessary that all greenhouse gas emissions be counted based on the most current science.

I want policies like a sunset plan for oil and gas production, decarbonization of transportation and buildings, zero waste, incentives for regenerative agriculture and water management, and effective benchmarks for reducing emissions from tailpipes.

I want an EIR that covers major climate impacts and a systematic plan that will assure carbon neutrality no later than 2045.

Thank you—

Christopher Tull

ctull17@gmail.com

446 Deodar Ave.

Oxnard, California 93030

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Wednesday, February 19, 2020 4:40 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Jim Whitney

Contact Information:

jim.whitney@yahoo.com

Comment On:

the draft environmental impact report.

Your Comment:

The buffers for locating oil and gas facilities a safe distance from schools and homes are inadequate. Studies show adverse health impacts from oil and gas facilities at distances of at least half a mile. Buffers should be increased from the current proposal of 1,500 feet to 2,500 feet.

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Wednesday, February 19, 2020 4:45 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Jim Whitney

Contact Information:

jim.whitney@yahoo.com

Comment On:

the draft environmental impact report.

Your Comment:

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.

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Wednesday, February 19, 2020 4:58 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Jim Whitney

Contact Information:

jim.whitney@yahoo.com

Comment On:

the draft environmental impact report.

Your Comment:

Revise the Climate Action Plan and corresponding policies in the General Plan to achieve measurable, enforceable reductions in greenhouse gas emissions.

/Users/Blackfoot/Desktop/Screen Shot 2020-02-19 at 4.53.21 PM.png

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Wednesday, February 19, 2020 5:02 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Jim Whitney

Contact Information:

jim.whitney@yahoo.com

Comment On:

the draft environmental impact report.

Your Comment:

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.



The voice of business since 1949!

VCEDA's Mission Statement: To advocate for policies, legislation and programs that stimulate business and a vital economy as the foundation for a vibrant quality of life in Ventura County.

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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.

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?

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.

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.

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.

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.

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.

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.

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.

See also comments above regarding Background Report pp. 3-89 to 3-90, 3-97.

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)

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.

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.

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.

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."

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.

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.

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

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Thursday, February 20, 2020 7:41 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Christina Pasetta

Contact Information:

Christina.pasetta@patagonia.com

Comment On:

Oil and Gas buffer zone minimums

Your Comment:

2500 feet is still too close to people and shared spaces for these polluting and destroying entities but that is the minimum we can demand as a buffer zone for these oil and gas extractive and explorative practices.

No more oil.

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Thursday, February 20, 2020 10:36 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Leah Kolt

Contact Information:

Dendub22@gmail.com

Comment On:

draft plan

Your Comment:

The proposed 1500 ft minimum between oil & gas facilities, homes and schools is way too close for comfort and safety .
At least a mile is needed to outdistance the emissions.

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Friday, February 21, 2020 12:53 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Nina Danza

Contact Information:

prettycheapjewelry@gmail.com

Comment On:

EIR and draft plan

Your Comment:

Provide a computation of all GHG emissions in ONE EASY TO FIND LOCATION OF THE PLAN. Include everything! err on the side of overestimating and not omitting sources. CHANGE GOALS and MITIGATION MEASURE SO THE State reaches carbon neutrality by 2045. THE USA IS NOT A LEADER for climate change. CALIFORNIA has that role for our country and VENTURA COUNTY has the money and citizen support to fill that role. DO NOT weaken our state with a poor climate change element in the general plan.

Simmons, Carrie

From: Curtis, Susan
Sent: Monday, February 24, 2020 10:39 AM
To: Simmons, Carrie
Subject: FW: Climate change has impacts!

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Pamela Holley-Wilcox <info@email.actionnetwork.org>
Sent: Friday, February 21, 2020 5:30 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Climate change has impacts!

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Susan Curtis,

Dear Ventura County Board of Supervisors and Planning Department,

Ventura County is warming faster than any county in the nation. Our ocean is acidifying faster. We can also expect more extreme weather, producing both droughts (with associated wildfire risk) and floods.

My family and community are counting on you to ensure that the draft EIR addresses the full scope of environmental impacts and mitigations.

This means that all greenhouse gas emissions must be counted based on the most current science.

I favor using a wide variety of methods to mitigate climate impacts, like a sunset plan for oil and gas production, decarbonization of transportation and buildings, zero waste, incentives for regenerative agriculture and water management, and reducing emissions from tailpipes.

I want an EIR that covers major climate impacts via a comprehensive and systematic plan. This is important to me because I care about the world my grandchildren will inhabit. That world will be shaped by the planning you do now.

Thank you.

Pamela Holley-Wilcox

pamelahw@icloud.com

4013 Galapagos Way

Oxnard, California 93035

Simmons, Carrie

From: Curtis, Susan
Sent: Monday, February 24, 2020 10:39 AM
To: Simmons, Carrie
Subject: FW: Climate change has environmental impacts!

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
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Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Fiona Bremner <info@email.actionnetwork.org>
Sent: Friday, February 21, 2020 4:58 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Climate change has environmental impacts!

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Susan Curtis,

Dear Ventura County Board of Supervisors and Planning Department,

Climate issues are something I feel worried about. Ventura County is warming faster than any county in the nation. Our ocean is acidifying faster. Drought and floods have hit us worse, and we can expect more extreme weather.

My family and community are counting on you to assure analysis of the full scope of environmental impacts and mitigations in the Draft EIR.

First, it is necessary that all greenhouse gas emissions be counted based on the most current science.

There are many ways to mitigate climate impacts, like a sunset plan for oil and gas production, decarbonization of transportation and buildings, zero waste, incentives for regenerative agriculture and water management, and reducing emissions from tailpipes.

I want an EIR that covers major climate impacts via a systematic plan.

In addition, I feel the plan should restore the decisions of the Board of Supervisors to require that all new wells collect gases rather than flare or vent and also that gas-fueled lawn and garden equipment should be banned.

Thank you—

Fiona Bremner

Fiona Bremner

fbremner@rocketmail.com

418 S. Dos Caminos

Ventura, California 93003

Simmons, Carrie

From: Curtis, Susan
Sent: Monday, February 24, 2020 10:40 AM
To: Simmons, Carrie
Subject: FW: Climate change has environmental impacts!

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Mark Mendelsohn <info@email.actionnetwork.org>
Sent: Friday, February 21, 2020 3:23 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Climate change has environmental impacts!

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Susan Curtis,

Dear Ventura County Board of Supervisors and Planning Department,

Climate issues are something I feel worried about. Ventura County is warming faster than any county in the nation. Our ocean is acidifying faster. Drought and floods have hit us worse, and we can expect more extreme weather.

My family and community are counting on you to assure analysis of the full scope of environmental impacts and mitigations in the Draft EIR.

First, it is necessary that all greenhouse gas emissions be counted based on the most current science.

There are many ways to mitigate climate impacts, like a sunset plan for oil and gas production, decarbonization of transportation and buildings, zero waste, incentives for regenerative agriculture and water management, and reducing emissions from tailpipes.

I want an EIR that covers major climate impacts via a systematic plan.

Thank you—

Mark Mendelsohn

mmendels33@gmail.com

8076 Crystal PI

Ventura, California 93004

Simmons, Carrie

From: Curtis, Susan
Sent: Monday, February 24, 2020 10:41 AM
To: Simmons, Carrie
Subject: FW: general plan

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: richard@range-realty.com <richard@range-realty.com>
Sent: Friday, February 21, 2020 8:10 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: general plan

Greetings,

The County General Plan proposed does not address the conflict with CEQA, EIR, Fire Department, insurance companies, and Costal Plan regarding brush clearance for fire protection. Specifically, a house on a ridge requires much more, buy hundreds of feet, clearance than a house on the flat.

Ask the homeowners on Mipoloma Road that lost their houses.

Richard Gray, Broker
Range Realty

415 E. High St.
Moorpark, CA 93021
805-529-6626

DRE 00933987

Simmons, Carrie

From: Josep Volpe <bluesurfvan@gmail.com>
Sent: Saturday, February 22, 2020 10:43 AM
To: General Plan Update
Subject: Comment on future policies

Please consider that we are facing a much worse future for all our health if we continue to put profits for the petroleum industry before people's' health. That is not to say there is not room for plenty of income and profits to be made. Just please do it sensibly with renewable energy. Stop all fracking immediately. Push for electric vehicles. Improve public transportation. Encourage bicycle use, etc. You know how to do it. It will just take the political will to stand up to the petroleum industry that is harming everyone in Ventura County, let alone the entire planet.

Thank you for listening to reason.
Sincerely,
Mary Volpe

Simmons, Carrie

From: Harmony Eckberg <harmonyeckberg@yahoo.com>
Sent: Saturday, February 22, 2020 11:58 AM
To: General Plan Update
Subject: Comments on new Draft Environmental Impact Report

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Ventura County must protect our quality of life with bold action on climate in its General Plan Update. This document sets the policies that drive all land-use decisions for the next 20 years, but the current draft is completely inadequate in addressing the climate crisis.

A recent [report](#) in the Washington Post confirmed that we are the fastest-warming county in the continental U.S.

We have seen the catastrophic effect of a warming world in the fierce winds that whipped the Thomas and Woolsey fires out of control and we will not forget the suffering it caused our families and neighbors.

Climate change is caused by fossil fuel production and consumption. We must do our part to reduce oil production through thoughtful, rigorous policy to phase it out.

Your written comments will let the Board of Supervisors know your concerns...if you don't write, they won't know.

Buffer Requirements – The proposed buffers for locating oil and gas facilities a safe distance from schools and homes are inadequate. Studies show adverse health impacts from oil and gas facilities at distances of at least half a mile.

Action Needed: Buffers should be increased from the currently proposed 1,500 feet to 2,500 feet.

Trucking vs. Pipeline – Currently, oil and produced water from local oil wells are mostly transported by truck. Trucking creates safety hazards on county roads, exposes residents to toxic diesel pollution, and causes substantial amounts of greenhouse gas emissions. Draft General Plan Policy 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.

However, the DEIR attempts to undermine Policy COS-7.7, concluding that the added costs of constructing pipeline connections make this policy infeasible and may lead to a loss of petroleum resources. The DEIR proposes to allow trucking if pipelines are deemed infeasible. This would create a loophole allowing oil companies to simply claim that the cost of a pipeline connection is too high.

Action Needed: 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.

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 to the atmosphere.

The DEIR tries to undermine this policy, too. It concludes that the added costs of treating the gas on site or constructing pipeline connections would make this requirement infeasible and may lead to a loss of petroleum resources. The DEIR instead would allow flaring if conveyance by pipeline is deemed infeasible, creating another loophole that could allow oil producers to simply claim that the cost is too high and continue with business as usual.

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 proposed Climate Action Plan policies are vague and aspirational, relying on noncommittal assurances that the county will “encourage” and “support” change rather than clearly require measurable reductions in climate 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. The county may not carefully analyze the climate consequences of future projects — including discretionary oil and gas development — if those projects claim they’re consistent with the Climate Action Plan. If the Climate Action Plan consists mostly of vague, voluntary, or otherwise unenforceable policies, future projects could easily be found consistent and could evade proper environmental review.

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.”

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.

Sincerely,

Harmony Eckberg

Simmons, Carrie

From: Michael Shapiro <michael@michaeljshapiro.com>
Sent: Saturday, February 22, 2020 12:32 PM
To: General Plan Update
Subject: My Comments Re: County's Draft Climate Action portion of the proposed County General Plan

To Whom It May Concern -

I must strongly express my objections to the latest draft of Ventura County's Draft Climate Action Plan part of the proposed new General Plan. Frankly - this draft is shockingly flawed given the ample input that has already been presented by countless non-profit organizations and citizens who have been participating in the meetings sponsored by the County in order to build and organize a broad consensus of agreement.

One of the most striking parts was a chart that illustrated where the County foresaw future oil & gas extraction projects but — tragically — omitted any similar chart/schematic for where foresaw significant set-aside spaces for where an ambitious (for example) Green Industrial Park might be developed to manufacture alternative, clean-green energy-producing jobs, i.e., wind-turbines and/or solar-panel manufacturing. That omission is preposterous given the level of alarm bells already sounding that warn us about climate change in general, and how Ventura County specifically has been “heating-up” faster than all the other California counties.

No where in the current draft has the “consumption side” of oil and gas and the necessity that significant reduction of same must be taken into account. It simply can't be “business as usual” when it comes to the future consumption and use of dangerous fossil fuels. And if significant consumption reduction is favored, then that goal should be reflected in the amount of future oil and gas production - which must also have significant reductions and certainly not maintain current levels or even worse — expand output. This is dangerous and unacceptable to any citizen who cares about combatting climate change.

Finally — no where did I read that the so-called FIVE POUND LIMIT for the Ojai Valley was being preserved. The health and welfare of the Ojai Valley depends on this limit to be maintained and enforced throughout the duration of any new 20-Year General Plan. To do otherwise could be considered criminal and would signal an obvious intentional effort to ignore the health and welfare of the County citizens that choose to reside in the greater Ojai Valley.

These above are but several of the deficiencies discovered in the latest County Draft of the new Twenty-Year General Plan. Your draft seems to me to be entirely incomplete and inadequate and it's painfully obvious that it greatly favors the oil and gas extraction industry when it comes to combatting adverse local and global climate changes now taking place at an alarmingly accelerating rate. We must do much-much better! Back to the drawing boards!

Sincerely -

Michael J. Shapiro

805-889-7105

Michael Shapiro
michael@michaeljshapiro.com

Simmons, Carrie

From: Richard Gould <rickgould11@me.com>
Sent: Saturday, February 22, 2020 2:13 PM
To: General Plan Update
Subject: Carbon emissions

Take the bull by the horns;
Set the carbon emissions levels at lower levels than ever before. Invite other Cities to be bold with us.
It will cost jobs in the short run but slow the devastating Heating of. Land and ocean Sent from my iPhoneL

Simmons, Carrie

From: Tom Erickson <tomatbob@yahoo.com>
Sent: Saturday, February 22, 2020 4:29 PM
To: General Plan Update
Subject: Decisively addressing the climate crisis

Greetings. As a long-time Ventura County resident, I wanted to be sure to let you know how worried I am about the climate crisis. The news is so bleak, and decisions made for our general plan are going to be crucial for our lives. Please do everytihng you can to phase out oil and gas production and consumption as soon as possible, and accelerate the cleanup of toxic sites. The time for dithering on this is way past!

Thank you, Tom Erickson

Simmons, Carrie

From: Curtis, Susan
Sent: Monday, February 24, 2020 10:38 AM
To: Simmons, Carrie
Subject: FW: Climate change has environmental impacts!

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Noah Aist <info@email.actionnetwork.org>
Sent: Saturday, February 22, 2020 11:50 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Climate change has environmental impacts!

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Susan Curtis,

Dear Ventura County Board of Supervisors and Planning Department,

Climate issues are something I feel worried about. Ventura County is warming faster than any county in the nation. Our ocean is acidifying faster. Drought and floods have hit us worse, and we can expect more extreme weather.

My family and community are counting on you to assure analysis of the full scope of environmental impacts and mitigations in the Draft EIR.

First, it is necessary that all greenhouse gas emissions be counted based on the most current science.

There are many ways to mitigate climate impacts, like a sunset plan for oil and gas production, decarbonization of transportation and buildings, zero waste, incentives for regenerative agriculture and water management, and reducing emissions from tailpipes.

I want an EIR that covers major climate impacts via a systematic plan.

Thank you—

Noah Aist

aistnoah8@gmail.com

8892 Tacoma Street

Ventura, California 93004

Simmons, Carrie

From: Curtis, Susan
Sent: Monday, February 24, 2020 10:38 AM
To: Simmons, Carrie
Subject: FW: Climate change has environmental impacts!

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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From: Ally Gialketsis <info@email.actionnetwork.org>
Sent: Saturday, February 22, 2020 7:04 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Climate change has environmental impacts!

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Susan Curtis,

Dear Ventura County Board of Supervisors and Planning Department,

Climate issues are something I feel worried about. Ventura County is warming faster than any county in the nation. Our ocean is acidifying faster. Drought and floods have hit us worse, and we can expect more extreme weather.

My family and community are counting on you to assure analysis of the full scope of environmental impacts and mitigations in the Draft EIR.

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I want an EIR that covers major climate impacts via a systematic plan.

Thank you—

Ally Gialketsis

agialketsis@gmail.com

380 Teloma Drive

Ventura, California 93003

Simmons, Carrie

From: Shelley DuPratt <shdupratt@gmail.com>
Sent: Sunday, February 23, 2020 7:51 AM
To: General Plan Update
Subject: General Plan 2040

To Whom It May Concern,

Climate change is here, its effects are already evident in our county. The General Plan update fails to provide enough emissions reduction to meet the state-mandated goals. A robust plan, with the help of technical and scientific input, needs to be included for the 2040 General Plan, including a strong defense of the five pound air emissions limit for the Ojai Valley.

Sincerely,
Michele DuPratt
Ojai, CA

Simmons, Carrie

From: Emily Hirsch <emilyrenehirsch@gmail.com>
Sent: Sunday, February 23, 2020 8:00 AM
To: General Plan Update
Subject: General Plan 2040

To Whom It May Concern,

The effects of climate change are overwhelmingly evident in our county. The General Plan update does not provide high enough emissions reduction to meet the state-mandated goals. A stronger plan, with the help of technical and scientific input, needs to be included for the 2040 General Plan, including a strong defense of the five pound air emissions limit for the Ojai Valley.

Thank you,
Emily
Ojai, CA

Simmons, Carrie

From: P. Lyn Middleton <plyn.pspace@gmail.com>
Sent: Sunday, February 23, 2020 3:36 PM
To: General Plan Update
Subject: P.LynMiddleton/Climate

As a ventura county resident, here below are what I copied and what I see that needs done. Cfrog says it all. I agree! See Below. We need to do everything to help our world.

Thank you, P. Lyn Middleton/ 204 N. Blanche Street / Ojai CA 93023

Buffer Requirements – The proposed buffers for locating oil and gas facilities a safe distance from schools and homes are inadequate. Studies show adverse health impacts from oil and gas facilities at distances of at least half a mile.

Action Needed: Buffers should be increased from the currently proposed 1,500 feet to 2,500 feet.

Trucking vs. Pipeline – Currently, oil and produced water from local oil wells are mostly transported by truck. Trucking creates safety hazards on county roads, exposes residents to toxic diesel pollution, and causes substantial amounts of greenhouse gas emissions. Draft General Plan Policy 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.

However, the DEIR attempts to undermine Policy COS-7.7, concluding that the added costs of constructing pipeline connections make this policy infeasible and may lead to a loss of petroleum resources. The DEIR proposes to allow trucking if pipelines are deemed infeasible. This would create a loophole allowing oil companies to simply claim that the cost of a pipeline connection is too high.

Action Needed: 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.

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 to the atmosphere.

The DEIR tries to undermine this policy, too. It concludes that the added costs of treating the gas on site or constructing pipeline connections would make this requirement infeasible and may lead to a loss of petroleum resources. The DEIR instead would allow flaring if conveyance by pipeline is deemed infeasible, creating another loophole that could allow oil producers to simply claim that the cost is too high and continue with business as usual.

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 proposed Climate Action Plan policies are vague and aspirational,

relying on noncommittal assurances that the county will “encourage” and “support” change rather than clearly require measurable reductions in climate 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. The county may not carefully analyze the climate consequences of future projects — including discretionary oil and gas development — if those projects claim they’re consistent with the Climate Action Plan. If the Climate Action Plan consists mostly of vague, voluntary, or otherwise unenforceable policies, future projects could easily be found consistent and could evade proper environmental review.

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.”

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.

For Ojai residents:

The 2040 General Plan must include a strong defense of the five-pound air emissions limit for the Ojai Valley. 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.

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Sunday, February 23, 2020 4:53 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Thomas McCormick

Contact Information:

tom3ojai@gmail.com

Comment On:

Appendix B. Climate Change

Your Comment:

NASA, working with the California Air Resources Board using InfraRed sensing while flying over California have determined that a third of California methane emissions can be traced to super emitters in the oil industry. In Ventura County, NASA has identified five methane super emitters at oil facilities. The General Plan must include regulation to eliminate methane emissions.

Simmons, Carrie

From: Curtis, Susan
Sent: Monday, February 24, 2020 10:36 AM
To: Simmons, Carrie
Subject: FW: Climate change has environmental impacts!

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
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Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Martina Gallegos <info@email.actionnetwork.org>
Sent: Sunday, February 23, 2020 10:10 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Climate change has environmental impacts!

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Susan Curtis,

Dear Ventura County Board of Supervisors and Planning Department,

Climate issues are something I feel worried about. Ventura County is warming faster than any county in the nation. Our ocean is acidifying faster. Drought and floods have hit us worse, and we can expect more extreme weather.

My family and community are counting on you to assure analysis of the full scope of environmental impacts and mitigations in the Draft EIR.

First, it is necessary that all greenhouse gas emissions be counted based on the most current science.

There are many ways to mitigate climate impacts, like a sunset plan for oil and gas production, decarbonization of transportation and buildings, zero waste, incentives for regenerative agriculture and water management, and reducing emissions from tailpipes.

I want an EIR that covers major climate impacts via a systematic plan.

Thank you—

Martina Gallegos

Martina Gallegos

Coyo123@icloud.com

532 Paseo Nogales

Oxnard , California 93030

Simmons, Carrie

From: Curtis, Susan
Sent: Monday, February 24, 2020 10:37 AM
To: Simmons, Carrie
Subject: FW: We're in a Climate Emergency!

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
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For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Clint Fultz <info@email.actionnetwork.org>
Sent: Sunday, February 23, 2020 8:18 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: We're in a Climate Emergency!

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Susan Curtis,

Dear Ventura County Board of Supervisors and Planning Department,

Climate issues are something I am deeply about. Ventura County is warming faster than any county in the nation. Our ocean is acidifying faster. Drought and floods have hit us worse, and we can expect more extreme weather.

My family and community are counting on you to assure analysis of the full scope of environmental impacts and mitigations in the Draft EIR.

First, it is necessary that all greenhouse gas emissions be counted based on the most current science.

There are many ways to mitigate climate impacts, like a sunset plan for oil and gas production, decarbonization of transportation and buildings, zero waste, incentives for regenerative agriculture and water management and supporting HR763 The Energy Innovation and Carbon Dividend Act.

We want an EIR that covers major climate impacts via a systematic plan.

Thank you—

Clint Fultz

Clint Fultz

djbelieve@protonmail.com

787 St Charles Dr Apt 8

Thousand Oaks , California 91360

Simmons, Carrie

From: Curtis, Susan
Sent: Monday, February 24, 2020 10:37 AM
To: Simmons, Carrie
Subject: FW: Comment re: Draft VC2040 General Plan

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
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From: Barbara Leighton <beleighton@yahoo.com>
Sent: Sunday, February 23, 2020 8:08 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Comment re: Draft VC2040 General Plan

To: Ventura County Board of Supervisors

From: Barbara Leighton
4102 Greenwood St.
Newbury Park, CA 91320

As a resident of Ventura County, I am very concerned about the future of our region and life on earth due to worsening climate change impacts.

Ventura County's General Plan is an opportunity to address these serious threats to human health and safety. If business as usual continues, impacts are bound to quicken the pace of becoming more and more severe. This is the time to make beneficial changes before conditions worsen – both locally and globally.

I agree with recommendations made by CFROG and the 350 Ventura County Climate Hub!

We need to muster our strength to shape a better future for generations to come. If we work together, I believe we can overcome the obstacles that block a thriving life-filled future.

Thank you for taking time to consider this matter carefully.

Simmons, Carrie

From: Curtis, Susan
Sent: Monday, February 24, 2020 10:37 AM
To: Simmons, Carrie
Subject: FW: VC2040 General Plan Comments

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Gordon Clint <ghclint@yahoo.com>
Sent: Sunday, February 23, 2020 3:50 PM
To: ClerkoftheBoard, ClerkoftheBoard <ClerkoftheBoard@ventura.org>
Cc: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: VC2040 General Plan Comments

To: Board of Supervisors
cc: Susan Curtis
From: Gordon Clint
4102 Greenwood Street
Newbury Park, CA 91320

I am signing on to this letter because I care about the deteriorating condition of my County and planet. We must approve a plan that will provide a just and sustainable future. Please strengthen the climate aspects of the 2040 General Plan consistent with the following concerns:

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."

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. 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.

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.

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.

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.

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:

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.

2. Air Quality: The emissions impacts from exceeding criteria pollutant thresholds and also greenhouse gases seem significant and can be mitigated.

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.

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.

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.

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.

7. Hydrology and Water Quality: Impacts from climate change and poor land management 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 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.

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.

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.

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.

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.

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.

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.

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.

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.
2. CTM 3-9 to widen SR 118 has a significant environmental impact.
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.
4. Parking programs should be included in ways that reduce single-occupancy car trips.

Public Facilities, Services, and Infrastructure:

1. Enroll residents in a program to reduce CO2 emissions in their neighborhoods. Ex: Cool Block or Transition Streets.
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.
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
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.
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.

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.

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

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 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.

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.

Simmons, Carrie

From: garry star <gstar42@hotmail.com>
Sent: Monday, February 24, 2020 9:55 AM
To: General Plan Update
Subject: Climate Action Plan (CAP) is seriously incomplete

Buffers should be increased from the currently proposed 1,500 feet to 2,500 feet. 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.

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.

Revise the Climate Action Plan and corresponding policies in the General Plan to achieve measurable, enforceable reductions in greenhouse gas emissions.

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.

Simmons, Carrie

From: Curtis, Susan
Sent: Monday, February 24, 2020 9:45 AM
To: Simmons, Carrie
Subject: FW: comment: Draft General Plan 2040

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

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



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

Simmons, Carrie

From: Karen Lindberg <k.lindberg5@verizon.net>
Sent: Monday, February 24, 2020 11:42 AM
To: General Plan Update
Subject: General plan /Environmental impact plan- comments

Hi,

I am a citizen that is deeply concerned about the impact of climate change on our county. I have noticed we have many oil wells in our county. I think our action plan should be aggressive like the LA plan and the Paris agreement. We need to have a goal of eliminating fossil fuel production in the county, including drilling, production and refining.

Also I agree with the following policies:

1. 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.
2. Flaring should be allowed only in cases of emergency or for testing purposes.
3. Revise the Climate Action Plan and corresponding policies in the General Plan to achieve measurable, enforceable reductions in greenhouse gas emissions.

Thank you,

Karen Lindberg and John Tarascio, Newbury Park residents
1207 Knollwood Drive,
Newbury Park, CA 91320



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.

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

Comments on Draft 2040 County General Plan and DEIR

Bruce Smith, AICP
3457 San Pablo St.
Ventura, CA 93003
February 24, 2020

The following are my comments based on my cursory review of the Draft 2040 General Plan and DEIR:

DRAFT 2040 COUNTY GENERAL PLAN:

Land Use and Community Character Element:

LU-3.3 Range of Uses in the Existing Community Designation (pg. 2-12):

This policy states in part: ...*"The County shall allow the appropriate zoning, population densities, and building intensities based on the adopted Area Plan or, where no Area Plan exists, by the applicable Existing Community Map contained in Appendix A.*

Because of the degree of specificity on the Existing Community Maps, the County shall require a General Plan amendment for any zone change within an Existing Community."

(Emphasis added)

It appears that the zoning maps and population density and building intensity tables for Existing Communities of the current General plan have not been included in Appendix A of the Draft General Plan. As such, the requirement for a General Plan amendment for any zone change within an Existing Community would be without legal basis, since there would be nothing to amend in the Draft General Plan. Although it could be argued that a zone change that is inconsistent with Table 2-1 of the proposed General Plan would require a General Plan Amendment, such zone changes could be potentially inconsistent with the Guidelines for Orderly Development (retain land uses and development at pre-established levels) and could cause potential impacts that have not been discussed in the DEIR.

Having no building intensity standards for Existing Communities would be inconsistent with the requirements of existing California General Plan law since these areas would have no building intensity standards (i.e., maximum lot coverage). (See comments regarding Table 2-2).

Table 2-1 General Plan Land Use Designations and Zoning Compatibility Matrix

(pg. 2-19):

As I stated in my May 2019 comments on the Preliminary Draft, the RA (Rural Agriculture) zone is not compatible with the Agricultural designation and should be eliminated therefrom. The RA zone predates the adoption of the Agricultural designation of the current General Plan, is listed under the heading of “Rural Residential Zones” in the Non-Coastal Zoning Ordinance, and allows many land uses that are incompatible with the purpose of the Agricultural designation. For example, the RA zone allows:

- Assembly Uses
- Intermediate and Residential Care of 7 or More Persons
- Cemeteries and Accessory Crematories, Columbaria and Mausoleums
- Cultural Heritage Sites with Historic Repository
- Colleges and universities
- Schools, elementary and secondary (boarding and nonboarding)
- Correctional Institutions
- Libraries
- Mobilehome Parks
- Camps
- Campgrounds
- Golf Courses and/or Driving Ranges
- Recreational Vehicle Parks
- Retreats
- Recyclables Collection Centers

Failure to eliminate the RA Zone from the Agricultural designation will potentially cause significant adverse impacts regarding the loss of agricultural soils/crops, is growth inducing, and is inconsistent with the purpose and intent of the SOAR Ordinance. The Draft EIR does not currently discuss or analyzed these impacts.

If for some reason the County seeks to allow the RA zone under the ECU-Agricultural designation (not subject to SOAR), then the purpose and intent should be clearly stated and any potential impacts discussed in the EIR.

Table 2-2 Land Use Designations and General Development Standards (Pg. 2-21)

As I stated in my May 2019 comments on the Preliminary Draft, this table contains no maximum lot coverage standards for the urban Residential Designations and contains a footnote stating: “*Maximum lot coverage is per appropriate County Zoning classification.*” However, the Non-Coastal Zoning Ordinance states that the Maximum Percentage of Building Coverage standard for each zone is: “*As determined by the General Plan or Applicable Area Plan.*” With the exception of the Saticoy Area Plan, all

Area Plans and Existing Communities not covered by an Area Plan currently contain maximum lot coverage standards. Moreover, this table fails to make reference to LU-10.3 Maximum Lot Coverage Nonconforming Lots (pg. 2-39). Therefore, this table needs to be corrected to make reference to maximum lot coverage standards contained in the Area Plans, Existing Community tables of the current countywide General Plan, and LU-10.3.

In addition, it appears that the zoning maps and population density and building intensity tables of each of the Existing Communities outside of an Area Plan of the current countywide General Plan have been eliminated in the proposed General Plan. This creates an inconsistency with State General Plan law since the Existing Community areas outside of an Area Plan would have no building intensity standards (see preceding comment regarding policy LU-3.3) and makes the Draft General Plan internally inconsistent. Therefore, these zoning maps and population density and building intensity tables should be added to either Appendix A, or an expanded Chapter 11 to address both Area Plans and Existing Communities.

ECU-Rural (ECU-R) (pg. 2-28), first paragraph is confusing and subject to misinterpretation, and should be modified to read:

This designation applies within the boundaries of an Existing Community designated area and provides a physical transition between the outer edges of an Existing Community or Urban Area and nearly adjacent ~~a~~Agricultural and ~~o~~Open ~~s~~Space designated areas and uses. ~~The ECU-Rural designation generally applies to the outer edges of Existing Community and Urban Areas and~~ around sensitive natural resources within the boundaries of an Existing Community designated area. Typical building types include large-lot single family homes in a rural setting.

PARKS & RECREATION LAND USE DESIGNATION (pg. 2-44) – *“This designation provides for parks and recreation facilities and associated recreation uses. The Parks and Recreation (PR) designation is only allowed in areas designated as Existing Community, Area Plans, or Areas of Interest under Policy LU-1.2.”* (Emphasis added)

This land use designation is apparently being created as a place saver for; 1) a future General Plan Amendment to actually designate specific properties with this designation and 2) a future Zoning Ordinance amendment to create a “REC” zone which would governing uses and development/operational standards.

Since the designation 1) only has a general description of allowed land uses (*parks and recreation facilities and associated recreation uses*), 2) the only development standard is *5% maximum lot coverage*, and 3) the designation is *allowed in areas designated Community, Area Plans, or Areas of Interest*, it is unclear how this designation is intended to be used. If the purpose is to change the land use designation of existing or planned parks and recreational facilities from Open Space, Agricultural, Rural, Existing Community and/or Urban designations to Parks and Recreation(PR), then that should be clearly stated. Moreover, the text of the Draft General Plan and Background Report should clearly state the current problem that the PR designation is intended to solve. In addition, it is unclear how the PR designation and the REC zoning would be consistent with the SOAR Ordinance on lands that are currently designated Open Space, Agricultural or Rural.

If the unstated purpose of the PR designation is that it should only be applied to lands that are currently designated Existing Community or Urban, then the reference to Area Plans should be qualified by Unincorporated Urban Center of said Plans. In addition, since the reference to Areas of Interest would mean that most of the south half of the County would be eligible for re-designation from Agricultural, Open Space and Rural to PR, such re-designations would generally require a countywide vote under the provisions of the SOAR Ordinance. Unless this is clearly the Board's intent, the reference to Areas of Interest should be eliminated.

LU-12.1 Parks and Recreational Facilities (pg. 2-46).

"The County shall support the development of parks and recreation facilities within areas designated as Existing Community, Area Plans, or Areas of Interest."

My comments regarding PARKS & RECREATION LAND USE DESIGNATION above, also apply to this policy. In addition, this policy seems overly broad in that a proposed park and recreational facility may have significant adverse, un-mitigatable impacts such as the loss of agricultural soils or the loss of natural resources. This policy, as worded, may prevent the County from denying such a project. The DEIR does not discuss these potential impacts.

Chapter 11 – Area Plans:

The last paragraph on page 11-1 states: *"Table 11-1 shows the compatibility between land use designations in the countywide General Plan and Area Plans. The solid squares indicate a directly compatible relationship between the two designations, and the empty square indicates limited compatibility because of a restriction from the development standards."*

State law requires that a General Plan (including Area Plans) be internally consistent. Table 11-1 is replete with errors and needs to be comprehensively reviewed and corrected, especially in light of the zoning compatibility matrix of each Area Plan and Table 2-1 of the Draft countywide General Plan. As an example, the table incorrectly shows several Urban Residential designations of the Area Plans to be directly compatible with the Rural, ECU-Rural, Agricultural, ECU Agricultural, Open Space, and ECU-Open Space designations of the countywide General Plan. In addition, the table incorrectly shows Rural Residential Designations of the Area Plans to be directly compatible with the Agricultural, ECU-Agricultural, Open Space, and ECU-Open Space designations of the countywide General Plan. Additionally, the Open Space designations of the Area Plans are incorrectly shown as being directly compatible with the Agricultural and ECU-Agricultural designations of the countywide General Plan. Other inconsistencies exist within the table as well.

Neither the text of Chapter 11 nor Table 11-2 explains what is generally or precisely meant by “...empty square indicates limited compatibility because of a restriction from the development standards.” Without explanation, this phrase is meaningless.”

Unless Table 2-1 is corrected, the proposed General Plan will be internally inconsistent, exposing the County to a significant legal challenge in court.

Appendices:

Appendix A - Area Plan and Existing Community Land Use Maps:

As I stated in my comments on Table 2-2, Appendix A should make reference to maximum lot coverage standards contained in the Area Plans, and include the maximum lot coverage standards of each of the Existing Communities in the current countywide General Plan.

General Comment regarding maps: Because of the scale of many of the maps, the Existing Community boundaries and land use designations within the Existing Community areas are unreadable and cannot be checked for accuracy. In addition, many of the land use designation labels on the maps are misplaced or unclear as to what parcels they apply to.

Figure A-2: General Plan Land Use Diagram - Lake Sherwood/Hidden Valley Area Plan: This map shows land use designations of some of the Existing Community areas that are within the Thousand Oaks Area Plan, which is confusing.

Figure A-8: General Plan Land Use Diagram - Thousand Oaks Area Plan: This map shows land use designations of some of the Existing Community areas that are within the Lake Sherwood/Hidden Valley Area Plan, which is confusing. In addition, the labels for land use designations within the Camarillo Area of Interest are unnecessary.

Figure A-21: General Plan Land Use Diagram - North Simi Valley: It is unclear what parcels the ECU-Open Space designation applies to since it is in an area that is outside of an Existing Community.

Figure A-23: General Plan Land Use Diagram - Santa Susana: The boundaries of the Existing Community along the north and northwest are confusing.

DRAFT ENVIRONMENTAL IMPACT REPORT:

6.5.2 Alternative 2: Existing Community and Urban Area Designations Alternative (pg. 6-15):

Third paragraph states in part that *“Very Low Density or Low Density Residential lands outside of the Existing Community area designation (boundary) and Urban area designation (boundary) would remain the same as under the 2040 General Plan.”* (emphasis added). This is incorrect since the Very Low Density and Low Density Residential designations are only consistent with the Existing Community and Urban area designations, and are inconsistent with Rural, Agricultural and Open Space designations. Therefore, this sentence should be removed.

Pg. 6-16, Second paragraph, first sentence:

This sentence states: *“In addition, this alternative would employ policy incentives and disincentives to focus future population, housing, and employment growth within the Urban and Existing Community area designations.”* The feasibility and effectiveness of these incentives and disincentives is highly questionable, especially the transfer of development rights from Rural, Agricultural and Open Space designated lands.

Pg. 6-16, Fourth paragraph, first sentence:

“Overall population growth, housing, and employment projections for this alternative would be the same as under the 2040 General Plan.” This sentence is confusing in light of the next sentence of the paragraph that states that this alternative: *“... would result in substantially higher rates of population and job growth within these area designations relative to the 2040 General Plan.”* Therefore, the first sentence should be deleted.

Comparison of Significant Environmental Effects (pg. 6-16)

First sentence states: *“This alternative would focus new development (e.g., more housing units, increase commercial square footage) anticipated to result from population growth that is forecast to occur over the life of the 2040 General Plan within a smaller disturbance footprint.”* (emphasis added). This statement is illogical since the Draft 2040 General Plan’s Very Low Density and Low Density Residential designated areas would be changed to more intense land use designations, which would result in greater disturbances to the existing physical and planned environment.

Many of the other positive effects of this alternative seem to be based on the expectation of transfer of development rights from Rural, Agricultural and Open Space designated lands; however, there is no quantification of impacts and the benefits are based on an incentive that is highly speculative.

6.5.3 Alternative 3: Dense Cores Alternative

This alternative suffers from the same deficiencies as the preceding alternative: there is no quantification of impacts and the benefits are based on an incentive that is highly speculative.



February 24, 2020

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

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



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.
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.
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.
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.
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?
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.
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

	population growth for the County will be negligible through 2040, which contradicts the assumption that construction associated with such growth would exceed applicable thresholds.
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.
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.
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.
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.
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

	<p>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.</p>
DEIR pg. 4.3-22	<p>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.</p>
DEIR: pg. 4.4-2	<p>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).”</p>
DEIR: pg. 4.4-10	<p>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).”</p>
DEIR: pg. 4.4-14	<p>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]”</p> <p>It is critical that a qualified biologist ensure that sensitive biological resources are accurately identified and identification/designation is consistent with base mapping, etc.</p>
DEIR: pg. 4.4-15	<p>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]”</p> <p>It is critical that a qualified biologist ensure that sensitive biological resources are accurately identified and identification/designation is consistent with base mapping, etc.</p>
DEIR: pg. 4.4-16	<p>Recommended textual change shown in bold and underline: “Policy COS-1.13: Partnerships for Protection of Natural and Biological Resources. The County shall</p>

	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: “ 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, <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: “ Program D: Research Feasibility of Updating Vegetation Maps. 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.
DEIR: pg. 4.4-18	Recommended textual change shown in bold and underline: “ 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 <u>mapping</u> , if necessary.”
DEIR: pg. 4.4-18	Recommended textual change shown in bold and underline: “ Program F: Evaluate Increase to Standard Setback from Wetland. <u>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: “ Program H: County Tree Planting Program. 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.”
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> ”
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

	100-foot setbacks from wetland habitat, incorporation of protective design features to avoid impacts to riparian habitat.”
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.
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.
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.
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).
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.
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.
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

	<p>(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 CO₂e. To put this in perspective, California State University, Channel Islands reported 84,042 MT CO₂e 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.</p>
DEIR 4.8-5	<p>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 CO₂e. 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 CO₂e 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.</p>
DEIR pg. 4.8-6	<p>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 CO₂e in 2015 to 66,248 MT CO₂e in 2020 for an 11% decrease in GHG emissions. Comparing the Simi Valley Landfill, which emitted 172,093 MT CO₂e in 2015 and dropping to 171,552 MT CO₂e 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.</p>
DEIR pg. 4.8-6	<p>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</p>

	<p>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.</p>
DEIR pg. 4.8-6	<p>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.”</p>
DEIR pg. 4.8-6	<p>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 CO₂e using data from the County (as calculated above); not 275,096 MT CO₂e 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 CO₂e (calculated as 25,500 MT CO₂e * 6,100,000 bbls / 7,729,845 bbls)</p>
DEIR 4.8-9	<p>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 gCO₂e/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 gCO₂e/MJ. As such, the crude oil from the Ventura Field results in 63% less GHG</p>

	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.
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.
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

	burdening a single industry sector by increasing taxes with no regard to the data presented in the DEIR.
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.)
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.
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 <u>there therefore</u> , 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.”
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 <u>from</u> 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.”
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.
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.
DEIR pg. 4.10-5	<p>“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).”</p> <p>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).</p>
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

	<p>flood control facilities. (SO) <i>[New Policy]</i>”</p> <p>The DEIR does not define the term “flood control facilities.” Again , this makes it impossible to understand the applicability and scope of this policy.</p>
DEIR pg. 4.10-5	<p>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) <i>[Source: Existing GPP Policy 2.10.2.1, modified].</i>”</p>
DEIR pgs. 4.11-7 through 4.11-88	<p>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.</p>
DEIR pg. 4.11-8	<p>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.</p>
DEIR pg. 4.11-16	<p>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.</p>
DEIR pgs. 4.11-1 through 4.11-24	<p>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.</p>
DEIR pg. 4.12-8	<p>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.</p>
DEIR pg. 4.12-8	<p>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.</p>

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.
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.
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>
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.
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.
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.



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



City of Camarillo

601 Carmen Drive • P.O. Box 248 • Camarillo, CA 93011-0248

February 21, 2020

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

RE: Response to Ventura County 2040 General Plan EIR (SCH No. #2019011026)

Dear Ms. Curtis:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for the Ventura County 2040 General Plan that has been prepared by the County of Ventura for public review pursuant to the California Environmental Quality Act (CEQA) Guidelines. After reviewing the EIR, we submit the following comments for your consideration.

Agricultural Land and Buffers to Protect Sensitive Receptors

City's Position: The EIR should require buffers around City jurisdictions and require farming techniques that will protect existing sensitive receptors from strong, unpleasant odors associated with hemp farming.

Reasoning: The EIR only addresses agricultural odors from the standpoint of ensuring that new sensitive receptors are not placed in proximity to existing agricultural uses without providing disclosure to new uses and that it does not limit the right to farm. The EIR should address odor impacts associated with types of agricultural crops – and how they are farmed – that may have a substantial odor impact on existing sensitive receptors. The County should ensure that existing sensitive receptors will not be adversely impacted based on the introduction of new types of crops being farmed such as industrial hemp.

Very Low Density Residential (VLDR)

City's Position: To ensure that development in the County adjacent to development in the City is compatible, the VLDR designation should have a maximum density of three units per acre.

Reasoning: The General Plan Land Use Element proposes a land use category of predominantly Very Low Density Residential (VLDR) within the Camarillo Sphere of Influence north of the City limits. Page 2-21 of the County Land Use and Community Character Element indicates this designation would have a maximum density of four dwelling units per acre with a minimum lot size of 10,000 square feet. This is in conflict with Page 2-36, which indicates the VLDR designation has a maximum density of three dwelling units per acre. The City of Camarillo

General Plan Land Use Element designates this area in the Sphere of Influence, north of the City limits, as Rural Density Residential (2.5 dwelling units per acre). This is consistent with the designation of most of the land that is in the City adjacent to the City boundary line, which is designated Rural Density Residential.

Local Infrastructure

City's Position: Policies in the County General Plan should ensure new development on County land within and adjacent to the City Sphere of Influence is compatible with surrounding land uses in the City and that the use will not adversely impact local infrastructure.

Reasoning: The increase in density and 10,000 square foot minimum lot size in the VLDR designation adjacent to City limits within the City's Sphere of Influence needs to be analyzed in the EIR with respect to land use compatibility with adjacent development within the City, and impacts on City utilities and streets, as these areas may be annexed and connected to City infrastructure.

Wireless Communication Facilities

City's Position: The General Plan should encourage cooperation between the County and Cities for the proper placement and design of wireless communication facilities.

Reasoning: The City has provided comments to the County to oppose the placement of an 80-foot tall mono-Eucalyptus along Pleasant Valley Road at Bridgehampton Way, which divides the City and County boundaries. Pleasant Valley Road is a designated scenic corridor in the Camarillo General Plan Community Design Element and the proposed wireless facility would not be consistent with the City General Plan. The County should have policies discouraging new macro wireless facilities adjacent to City boundaries, unless they are stealth and consistent with height structures in the surrounding area. The County General Plan should have policies to ensure new wireless facilities are properly sited and designed to avoid land use incompatibility; that it will not be inconsistent with the City General Plan; and that it will not result in an adverse aesthetic impact.

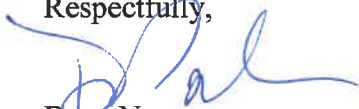
SCAG Data Forecasts

City's Position: The County should use data consistent with the SCAG population forecasts.

Reasoning: Table 5-2 – Forecasted Growth of Incorporated Cities within Ventura County indicates Camarillo's population to be 79,900 in 2040. The City has verified that SCAG has incorporated the data provided to SCAG during the Local Input Process for the 2020 RTP/SCS. The population forecasts that are being used by SCAG are: 75,240 in 2035 and 76,093 in 2045.

Thank you, once again, for the opportunity to comment.

Respectfully,



Dave Norman
City Manager

Simmons, Carrie

From: Curtis, Susan
Sent: Monday, February 24, 2020 1:46 PM
To: Simmons, Carrie
Subject: FW: TOTALLY FRUSTRATED TRYING TO SUBMIT A COMMENT ONLINE!!!

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Norene Charnofsky <ncharnofsky@gmail.com>
Sent: Monday, February 24, 2020 12:51 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: TOTALLY FRUSTRATED TRYING TO SUBMIT A COMMENT ONLINE!!!

Dear Ms. Curtis:

I have written a comment about the Climate Action Plan proposed in the General Plan Update and tried mightily to submit it as an online comment. I have repeatedly failed in cracking the code that proves I'm human (I guess that is what it's trying to prove.). I keep coming up "invalid".

HOW FRUSTRATING. Now I have to write the message all over again. I hope you can help me get it to the Board of Supervisors or to whomever it should go to! Thank you so much. **Someone should check that code. I bet a lot of people have just given up!!!**

TO WHOM IT MAY CONCERN;

Regarding the Climate Action Plan in the General Plan Update, I agree with the comments submitted by the organization CFROG.

Especially, I feel that the Climate Action Plan policies must result in measurable, enforceable reductions in pollution, sufficient to meet the climate goals of our State. If the Climate Action Plan is vague, voluntary or not enforceable, future projects might "skate by" and avoid proper environmental review.

The Climate Action Plan and corresponding policies in the General Plan must require specific, measurable, enforceable reductions in greenhouse gas emissions.

Thank you for your attention to this crucially important matter!

Sincerely,
Norene Charnofsky
10180 Norwalk St.
Ventura, CA 93004

Nova Clite
275 N. Kalorama Street, #303A
Ventura, CA 93001

February 24, 2020

RE: Comments on Ventura County draft General Plan, Draft EIR, Draft Climate Action Plan

According to a recent study of data by the Washington Post, with an average temperature increase of 2.6 degrees Celsius since preindustrial times, Ventura ranks as the fastest-warming county in the Lower 48 states. It is critical that Ventura County gets its climate policies right in the General Plan Update which extends to 2040 – if the proposed plan is accepted as is, we'll be getting nothing less than a guarantee for a climate crisis by the next plan update.

My comments are about specific issues related to the oil and gas industry operations in our County that the draft plan and EIR inadequately address, or completely overlook.

Flaring at Oil and Gas Facilities

Flaring is a poorly regulated and controlled process that releases toxic and greenhouse gases into the atmosphere. The draft EIR puts substantial weight on the costs to industry for controlling flaring, including alternative means for transporting the gases. The draft EIR *DOES NOT CONSIDER* the costs and societal impacts of climate change of allowing greenhouse and toxic gas releases from oil and gas facilities. Rather, the draft EIR treats climate change mitigation as a nice wish-list item best ignored, perhaps just too complicated for the authors to consider seriously.

Methane Releases Not Addressed:

The draft EIR does not consider the potential impacts, including the public health and economic impacts, due to climate change forcing by releases of greenhouse gases to the atmosphere. Climate change mitigation is treated as a nice but non-consequential “wish list” item rather than a real and necessary goal for long-term management of oil and gas production in the County. The EIR considers short-term costs to oil producers more important than the future insurmountable costs that would be incurred by all Ventura County residents in the face of uncontrolled warming, drought, and sea level rise (proposed revised policies COS-7.7 and COS-7.8). The Ventura County Climate Action Plan must include immediate, robust action to mitigate climate change. Stringent controls on proposed new oil and gas well development should be imposed to prevent release of greenhouse gases, prevent flaring, require monitoring and mitigation of methane releases. To do less is to place the short-term profits of a non-sustainable extractive industry over the long-term health and well-being of Ventura and State of California residents.

According to NASA's Jet Propulsion Laboratory's methane source finder website (<https://earthdata.nasa.gov/esds/competitive-programs/access/msf>), based on data collected during State of California funded fly-over surveys during 2016-2017, Ventura County is a significant source of methane leaks to the atmosphere. Methane is 85 times more potent at trapping heat in the atmosphere as compared to carbon dioxide, therefore the County's Climate Action Plan must address methane leaks

to protect human health and the environment. Ventura County methane sources include oil and gas production wellfields and related facilities as well as landfills.

The draft Environmental Impact Report mentions methane once and with no consideration of the climate change impact or the need to mitigate this potent greenhouse gas. The State-funded NASA data were available to the consultant writing the EIR; there is absolutely no excuse to ignore these data in the EIR or CAP. All potential methane leak sources within Ventura County must be inventoried and addressed as part of the Climate Action Plan, including permit modifications requiring monitoring, leak mitigation action requirements, strict deadlines for addressing methane leaks, and reporting to authorities and the general public.

Abandoned Oil/Gas Wells and Cost to Taxpayers Not Addressed

Abandoned oil and gas wells are a big problem in the State of California and Ventura County that will cost the taxpayer millions of dollars. In its report released January 23, 2020 (<https://ccst.us/reports/orphan-wells-in-california/>), the California Council on Science and Technology (CCST) announced:

“Responding to a request from the Division of Oil, Gas, and Geothermal Resources, now the California Geologic Energy Management Division (CalGEM), under the California Department of Conservation, the California Council on Science and Technology (CCST) conducted a study entitled “Orphan Wells in California: An Initial Assessment of the State’s Potential Liabilities to Plug and Decommission Orphan Oil and Gas Wells.” Orphan wells are wells that have no known responsible operator or no financially viable operator capable of plugging the well and decommissioning the well’s production facilities. An active or idle well can potentially become an orphan well when deserted by a financially insolvent operator. Responsibilities for plugging and decommissioning these wells may ultimately fall to the State. As the United States’ fourth largest producer of crude oil and fifteenth of natural gas, with approximately 107,000 active and idle wells in the state, the issue of ensuring that resources exist to properly plug and decommission every well is significant for California.

The CCST report uses broad categorizations to screen for wells that may already be orphaned or that are at high risk of becoming orphan wells soon. The analysis finds that 5,540 wells in California may already have no viable operator, and that the potential net liability for the State appears to be about \$500 million, after subtracting available bonds. An additional 69,425 economically marginal and idle wells could become orphaned in the future.”

Abandoned wells pose a significant potential source of greenhouse emissions, toxic and flammable gas leaks, groundwater pollution, and other hazards. The LA Times and Center for Public Integrity published their investigation into this matter on February 6, 2020 (<https://www.latimes.com/projects/california-oil-well-drilling-idle-cleanup/#nt=lik0promoLarge-7030col1-7030col1>).

“The Times/Public Integrity investigation found that bonds posted to the state by California’s seven largest drillers, which account for more than 75% of oil and gas wells, amount to about \$230, on average, for every well they must decommission. Other bonds held by federal and local regulators don’t significantly raise those amounts.

Comments on Ventura County draft General Plan, Draft EIR, Draft Climate Action Plan
February 24, 2020

By contrast, the average per-well cost for capping wells and dismantling associated surface infrastructure in California is between \$40,000 and \$152,000, depending on whether a well is in a rural or urban area, according to a study released in January by the California Council on Science and Technology.”

There is a shocking number of abandoned or idle wells in Ventura County, many near residents (see interactive map in LA Times article). The General Plan Update must include provisions requiring oil and gas producers to fully-fund and properly abandon non-producing wells. Permits should strictly prohibit the transference of low-producing wells from large profitable companies to small limited liability corporations, which subsequently file for bankruptcy. Especially alarming is the reported costs for decommissioning offshore oil facilities which will be in the billions of dollars and have long-term impacts to Ventura County’s natural environment and fisheries if not properly addressed.

The California oil industry is in rapid decline and climate change is upon us – NOW is the time to require the industry take full responsibility for oil and gas production facilities and wells for the full lifespan of the facility.

The County Board needs to pull back the draft Climate Action Plan and enter a more robust and effective planning process to address this existential threat. The Climate Action Plan must be based on sound science, not a weak “environmental impact report” that takes better care of a dying industry than the people of Ventura County.

Thank you,

[signed]

Nova Clite, PG (CA #8482)
nova3773@gmail.com

Simmons, Carrie

From: Barb Miller <b.miller@verizon.net>
Sent: Monday, February 24, 2020 2:48 PM
To: General Plan Update
Subject: General Plan

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Dear Board of Supervisors:

No doubt about it. Climate change is here. According to [a recent study](#) of data by the Washington Post, with an average temperature increase of 2.6 degrees Celsius since preindustrial times, Ventura ranks as the fastest-warming county in the Lower 48 states.

However the good news is that General Plan Update gives us all the opportunity to begin workable and effective plans to mitigate it.

It is imperative that The Climate Action Plan (CAP) include the technical and scientific input needed for a meaningful CAP from teams qualified in solving the problem and able to produce a robust plan capable of meeting the greenhouse Gas (GHG) emission reduction goals.

Much of Climate change is caused by fossil fuel production and consumption. Ventura County needs to meet the goals of the Paris Climate Agreement, eliminating fossil fuel production and protecting its residents from harmful local pollution.

It's not going to be easy, but it's not easy to watch our county burn from climate change induced drought, or flood as a result of global warming. The crisis is upon us but so is the opportunity. I urge you to develop a general plan based on science and faces the crisis from climate change.

Thank you,

Barb Miller
313 Manzanita St.
Camarillo, C 93012

b.miller@verizon.net

February 24, 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 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.

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.

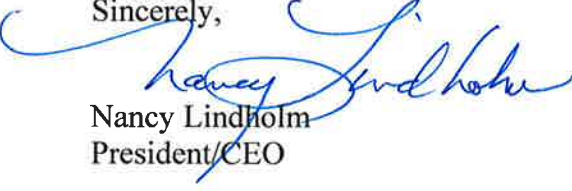
Additionally, the analysis surrounding the various projections and forecasts in the DEIR is often flawed, biased, and misleading as part of a larger effort to discredit Ventura oil and gas producers who make significant contributions to the County. In section 6.4.6, Carbon Neutrality, the rejection is 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.

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.

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.

Sincerely,



Nancy Lindholm
President/CEO

Simmons, Carrie

From: Michelle Danna <mdanna@cityofcamarillo.org>
Sent: Monday, February 24, 2020 3:11 PM
To: General Plan Update
Subject: Response to Ventura County 2040 General Plan EIR (SCH No. #2019011026)
Attachments: 2020 02-21-20 VC2020 General Plan EIR Comments.pdf

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Dear Ms. Curtis:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (EIR). We submit the attached comments for your consideration.

Kind regards,
Michelle



Michelle Glueckert D'Anna, Community Relations Officer

City of Camarillo | 601 Carmen Drive | Camarillo, CA 93010

P [\(805\) 388-5370](tel:8053885370) | F (805) 383-5631

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City of Camarillo

601 Carmen Drive • P.O. Box 248 • Camarillo, CA 93011-0248

February 21, 2020

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

RE: Response to Ventura County 2040 General Plan EIR (SCH No. #2019011026)

Dear Ms. Curtis:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for the Ventura County 2040 General Plan that has been prepared by the County of Ventura for public review pursuant to the California Environmental Quality Act (CEQA) Guidelines. After reviewing the EIR, we submit the following comments for your consideration.

Agricultural Land and Buffers to Protect Sensitive Receptors

City's Position: The EIR should require buffers around City jurisdictions and require farming techniques that will protect existing sensitive receptors from strong, unpleasant odors associated with hemp farming.

Reasoning: The EIR only addresses agricultural odors from the standpoint of ensuring that new sensitive receptors are not placed in proximity to existing agricultural uses without providing disclosure to new uses and that it does not limit the right to farm. The EIR should address odor impacts associated with types of agricultural crops – and how they are farmed – that may have a substantial odor impact on existing sensitive receptors. The County should ensure that existing sensitive receptors will not be adversely impacted based on the introduction of new types of crops being farmed such as industrial hemp.

Very Low Density Residential (VLDR)

City's Position: To ensure that development in the County adjacent to development in the City is compatible, the VLDR designation should have a maximum density of three units per acre.

Reasoning: The General Plan Land Use Element proposes a land use category of predominantly Very Low Density Residential (VLDR) within the Camarillo Sphere of Influence north of the City limits. Page 2-21 of the County Land Use and Community Character Element indicates this designation would have a maximum density of four dwelling units per acre with a minimum lot size of 10,000 square feet. This is in conflict with Page 2-36, which indicates the VLDR designation has a maximum density of three dwelling units per acre. The City of Camarillo

General Plan Land Use Element designates this area in the Sphere of Influence, north of the City limits, as Rural Density Residential (2.5 dwelling units per acre). This is consistent with the designation of most of the land that is in the City adjacent to the City boundary line, which is designated Rural Density Residential.

Local Infrastructure

City's Position: Policies in the County General Plan should ensure new development on County land within and adjacent to the City Sphere of Influence is compatible with surrounding land uses in the City and that the use will not adversely impact local infrastructure.

Reasoning: The increase in density and 10,000 square foot minimum lot size in the VLDR designation adjacent to City limits within the City's Sphere of Influence needs to be analyzed in the EIR with respect to land use compatibility with adjacent development within the City, and impacts on City utilities and streets, as these areas may be annexed and connected to City infrastructure.

Wireless Communication Facilities

City's Position: The General Plan should encourage cooperation between the County and Cities for the proper placement and design of wireless communication facilities.

Reasoning: The City has provided comments to the County to oppose the placement of an 80-foot tall mono-Eucalyptus along Pleasant Valley Road at Bridgehampton Way, which divides the City and County boundaries. Pleasant Valley Road is a designated scenic corridor in the Camarillo General Plan Community Design Element and the proposed wireless facility would not be consistent with the City General Plan. The County should have policies discouraging new macro wireless facilities adjacent to City boundaries, unless they are stealth and consistent with height structures in the surrounding area. The County General Plan should have policies to ensure new wireless facilities are properly sited and designed to avoid land use incompatibility; that it will not be inconsistent with the City General Plan; and that it will not result in an adverse aesthetic impact.

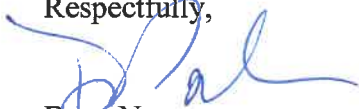
SCAG Data Forecasts

City's Position: The County should use data consistent with the SCAG population forecasts.

Reasoning: Table 5-2 – Forecasted Growth of Incorporated Cities within Ventura County indicates Camarillo's population to be 79,900 in 2040. The City has verified that SCAG has incorporated the data provided to SCAG during the Local Input Process for the 2020 RTP/SCS. The population forecasts that are being used by SCAG are: 75,240 in 2035 and 76,093 in 2045.

Thank you, once again, for the opportunity to comment.

Respectfully,



Dave Norman
City Manager

Simmons, Carrie

From: Newell ML (Michele) at Aera <MLNewell@aeraenergy.com>
Sent: Monday, February 24, 2020 12:30 PM
To: Curtis, Susan; General Plan Update
Cc: Spear WJ (William) at Aera
Subject: Aera comments on General Plan Update
Attachments: Aera Energy LLC - Technical Comments on General Plan 2040 DEIR - 02-24-2020 FINAL.pdf

Importance: High

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Ms. Curtis:

On behalf of Aera Energy LLC, please see the attached letter presenting comments on the General Plan 2040 Draft Environmental Impact Report. Please ensure that these comments are made part of the record of proceedings.

If you have questions, please reach out to Will Spear, Aera's Manager of Operations. His contact information is on the letter and he is also cc'd on this e-mail. Thank you.

Sincerely,

Michele Newell

Public Affairs

Aera Energy LLC

Office - 805-648-8202

FAX – 805-648-8205

MLNEWELL@AERAENERGY.COM

Sign up to receive Aera news and updates at www.aeraenergy.com

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February 24, 2020

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

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



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.
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.
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.
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.
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?
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.
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

	population growth for the County will be negligible through 2040, which contradicts the assumption that construction associated with such growth would exceed applicable thresholds.
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.
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.
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.
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.
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

	<p>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.</p>
DEIR pg. 4.3-22	<p>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.</p>
DEIR: pg. 4.4-2	<p>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).”</p>
DEIR: pg. 4.4-10	<p>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).”</p>
DEIR: pg. 4.4-14	<p>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]”</p> <p>It is critical that a qualified biologist ensure that sensitive biological resources are accurately identified and identification/designation is consistent with base mapping, etc.</p>
DEIR: pg. 4.4-15	<p>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]”</p> <p>It is critical that a qualified biologist ensure that sensitive biological resources are accurately identified and identification/designation is consistent with base mapping, etc.</p>
DEIR: pg. 4.4-16	<p>Recommended textual change shown in bold and underline: “Policy COS-1.13: Partnerships for Protection of Natural and Biological Resources. The County shall</p>

	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: “ 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, <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: “ Program D: Research Feasibility of Updating Vegetation Maps. 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.
DEIR: pg. 4.4-18	Recommended textual change shown in bold and underline: “ 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 <u>mapping</u> , if necessary.”
DEIR: pg. 4.4-18	Recommended textual change shown in bold and underline: “ Program F: Evaluate Increase to Standard Setback from Wetland. <u>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: “ Program H: County Tree Planting Program. 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.”
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> ”
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

	100-foot setbacks from wetland habitat, incorporation of protective design features to avoid impacts to riparian habitat.”
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.
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.
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.
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).
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.
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.
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

	<p>(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 CO₂e. To put this in perspective, California State University, Channel Islands reported 84,042 MT CO₂e 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.</p>
DEIR 4.8-5	<p>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 CO₂e. 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 CO₂e 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.</p>
DEIR pg. 4.8-6	<p>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 CO₂e in 2015 to 66,248 MT CO₂e in 2020 for an 11% decrease in GHG emissions. Comparing the Simi Valley Landfill, which emitted 172,093 MT CO₂e in 2015 and dropping to 171,552 MT CO₂e 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.</p>
DEIR pg. 4.8-6	<p>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</p>

	<p>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.</p>
DEIR pg. 4.8-6	<p>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.”</p>
DEIR pg. 4.8-6	<p>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 CO₂e using data from the County (as calculated above); not 275,096 MT CO₂e 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 CO₂e (calculated as 25,500 MT CO₂e * 6,100,000 bbls / 7,729,845 bbls)</p>
DEIR 4.8-9	<p>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 gCO₂e/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 gCO₂e/MJ. As such, the crude oil from the Ventura Field results in 63% less GHG</p>

	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.
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.
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

	burdening a single industry sector by increasing taxes with no regard to the data presented in the DEIR.
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.)
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.
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 <u>there therefore</u> , 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.”
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 <u>from</u> 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.”
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.
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.
DEIR pg. 4.10-5	<p>“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).”</p> <p>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).</p>
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

	<p>flood control facilities. (SO) <i>[New Policy]</i>”</p> <p>The DEIR does not define the term “flood control facilities.” Again , this makes it impossible to understand the applicability and scope of this policy.</p>
DEIR pg. 4.10-5	<p>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) <i>[Source: Existing GPP Policy 2.10.2.1, modified].</i>”</p>
DEIR pgs. 4.11-7 through 4.11-88	<p>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.</p>
DEIR pg. 4.11-8	<p>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.</p>
DEIR pg. 4.11-16	<p>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.</p>
DEIR pgs. 4.11-1 through 4.11-24	<p>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.</p>
DEIR pg. 4.12-8	<p>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.</p>
DEIR pg. 4.12-8	<p>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.</p>

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.
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.
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>
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.
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.
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.

Simmons, Carrie

From: Curtis, Susan
Sent: Monday, February 24, 2020 1:46 PM
To: Simmons, Carrie
Subject: FW: General Plan DEIR comment extension request
Attachments: CNPS-ExtensionRequest-VCGP2040DEIR-20200224.pdf

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: David Magney <dmagney@cnps.org>
Sent: Monday, February 24, 2020 12:48 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>; General Plan Update <GeneralPlanUpdate@ventura.org>
Cc: Nick Jensen <njensen@cnps.org>; Kipp Callahan <kipp.callahan@gmail.com>
Subject: General Plan DEIR comment extension request

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Please find attached the California Native Plant Society's request for an extension of the comment period for the Ventura County General Plan 2040 DEIR.
Thank you for your consideration,

--

David L. Magney, [CCB-0001](#)
Rare Plant Program Manager
Chair, Board of Certification
California Native Plant Society
2707 K Street, Suite 1
Sacramento, CA 95816
916/447-CNPS ext. 205
www.cnps.org
dmagney@cnps.org



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

Comments on Draft 2040 County General Plan and DEIR

Bruce Smith, AICP
3457 San Pablo St.
Ventura, CA 93003
February 24, 2020

The following are my comments based on my cursory review of the Draft 2040 General Plan and DEIR:

DRAFT 2040 COUNTY GENERAL PLAN:

Land Use and Community Character Element:

LU-3.3 Range of Uses in the Existing Community Designation (pg. 2-12):

This policy states in part: ...*"The County shall allow the appropriate zoning, population densities, and building intensities based on the adopted Area Plan or, where no Area Plan exists, by the applicable Existing Community Map contained in Appendix A.*

Because of the degree of specificity on the Existing Community Maps, the County shall require a General Plan amendment for any zone change within an Existing Community."

(Emphasis added)

It appears that the zoning maps and population density and building intensity tables for Existing Communities of the current General plan have not been included in Appendix A of the Draft General Plan. As such, the requirement for a General Plan amendment for any zone change within an Existing Community would be without legal basis, since there would be nothing to amend in the Draft General Plan. Although it could be argued that a zone change that is inconsistent with Table 2-1 of the proposed General Plan would require a General Plan Amendment, such zone changes could be potentially inconsistent with the Guidelines for Orderly Development (retain land uses and development at pre-established levels) and could cause potential impacts that have not been discussed in the DEIR.

Having no building intensity standards for Existing Communities would be inconsistent with the requirements of existing California General Plan law since these areas would have no building intensity standards (i.e., maximum lot coverage). (See comments regarding Table 2-2).

Table 2-1 General Plan Land Use Designations and Zoning Compatibility Matrix

(pg. 2-19):

As I stated in my May 2019 comments on the Preliminary Draft, the RA (Rural Agriculture) zone is not compatible with the Agricultural designation and should be eliminated therefrom. The RA zone predates the adoption of the Agricultural designation of the current General Plan, is listed under the heading of “Rural Residential Zones” in the Non-Coastal Zoning Ordinance, and allows many land uses that are incompatible with the purpose of the Agricultural designation. For example, the RA zone allows:

- Assembly Uses
- Intermediate and Residential Care of 7 or More Persons
- Cemeteries and Accessory Crematories, Columbaria and Mausoleums
- Cultural Heritage Sites with Historic Repository
- Colleges and universities
- Schools, elementary and secondary (boarding and nonboarding)
- Correctional Institutions
- Libraries
- Mobilehome Parks
- Camps
- Campgrounds
- Golf Courses and/or Driving Ranges
- Recreational Vehicle Parks
- Retreats
- Recyclables Collection Centers

Failure to eliminate the RA Zone from the Agricultural designation will potentially cause significant adverse impacts regarding the loss of agricultural soils/crops, is growth inducing, and is inconsistent with the purpose and intent of the SOAR Ordinance. The Draft EIR does not currently discuss or analyzed these impacts.

If for some reason the County seeks to allow the RA zone under the ECU-Agricultural designation (not subject to SOAR), then the purpose and intent should be clearly stated and any potential impacts discussed in the EIR.

Table 2-2 Land Use Designations and General Development Standards (Pg. 2-21)

As I stated in my May 2019 comments on the Preliminary Draft, this table contains no maximum lot coverage standards for the urban Residential Designations and contains a footnote stating: “*Maximum lot coverage is per appropriate County Zoning classification.*” However, the Non-Coastal Zoning Ordinance states that the Maximum Percentage of Building Coverage standard for each zone is: “*As determined by the General Plan or Applicable Area Plan.*” With the exception of the Saticoy Area Plan, all

Area Plans and Existing Communities not covered by an Area Plan currently contain maximum lot coverage standards. Moreover, this table fails to make reference to LU-10.3 Maximum Lot Coverage Nonconforming Lots (pg. 2-39). Therefore, this table needs to be corrected to make reference to maximum lot coverage standards contained in the Area Plans, Existing Community tables of the current countywide General Plan, and LU-10.3.

In addition, it appears that the zoning maps and population density and building intensity tables of each of the Existing Communities outside of an Area Plan of the current countywide General Plan have been eliminated in the proposed General Plan. This creates an inconsistency with State General Plan law since the Existing Community areas outside of an Area Plan would have no building intensity standards (see preceding comment regarding policy LU-3.3) and makes the Draft General Plan internally inconsistent. Therefore, these zoning maps and population density and building intensity tables should be added to either Appendix A, or an expanded Chapter 11 to address both Area Plans and Existing Communities.

ECU-Rural (ECU-R) (pg. 2-28), first paragraph is confusing and subject to misinterpretation, and should be modified to read:

This designation applies within the boundaries of an Existing Community designated area and provides a physical transition between the outer edges of an Existing Community or Urban Area and nearly adjacent ~~a~~Agricultural and ~~o~~Open ~~s~~Space designated areas and uses. ~~The ECU-Rural designation generally applies to the outer edges of Existing Community and Urban Areas and~~ around sensitive natural resources within the boundaries of an Existing Community designated area. Typical building types include large-lot single family homes in a rural setting.

PARKS & RECREATION LAND USE DESIGNATION (pg. 2-44) – *“This designation provides for parks and recreation facilities and associated recreation uses. The Parks and Recreation (PR) designation is only allowed in areas designated as Existing Community, Area Plans, or Areas of Interest under Policy LU-1.2.”* (Emphasis added)

This land use designation is apparently being created as a place saver for; 1) a future General Plan Amendment to actually designate specific properties with this designation and 2) a future Zoning Ordinance amendment to create a “REC” zone which would governing uses and development/operational standards.

Since the designation 1) only has a general description of allowed land uses (*parks and recreation facilities and associated recreation uses*), 2) the only development standard is *5% maximum lot coverage*, and 3) the designation is *allowed in areas designated Community, Area Plans, or Areas of Interest*, it is unclear how this designation is intended to be used. If the purpose is to change the land use designation of existing or planned parks and recreational facilities from Open Space, Agricultural, Rural, Existing Community and/or Urban designations to Parks and Recreation(PR), then that should be clearly stated. Moreover, the text of the Draft General Plan and Background Report should clearly state the current problem that the PR designation is intended to solve. In addition, it is unclear how the PR designation and the REC zoning would be consistent with the SOAR Ordinance on lands that are currently designated Open Space, Agricultural or Rural.

If the unstated purpose of the PR designation is that it should only be applied to lands that are currently designated Existing Community or Urban, then the reference to Area Plans should be qualified by Unincorporated Urban Center of said Plans. In addition, since the reference to Areas of Interest would mean that most of the south half of the County would be eligible for re-designation from Agricultural, Open Space and Rural to PR, such re-designations would generally require a countywide vote under the provisions of the SOAR Ordinance. Unless this is clearly the Board's intent, the reference to Areas of Interest should be eliminated.

LU-12.1 Parks and Recreational Facilities (pg. 2-46).

"The County shall support the development of parks and recreation facilities within areas designated as Existing Community, Area Plans, or Areas of Interest."

My comments regarding PARKS & RECREATION LAND USE DESIGNATION above, also apply to this policy. In addition, this policy seems overly broad in that a proposed park and recreational facility may have significant adverse, un-mitigatable impacts such as the loss of agricultural soils or the loss of natural resources. This policy, as worded, may prevent the County from denying such a project. The DEIR does not discuss these potential impacts.

Chapter 11 – Area Plans:

The last paragraph on page 11-1 states: *"Table 11-1 shows the compatibility between land use designations in the countywide General Plan and Area Plans. The solid squares indicate a directly compatible relationship between the two designations, and the empty square indicates limited compatibility because of a restriction from the development standards."*

State law requires that a General Plan (including Area Plans) be internally consistent. Table 11-1 is replete with errors and needs to be comprehensively reviewed and corrected, especially in light of the zoning compatibility matrix of each Area Plan and Table 2-1 of the Draft countywide General Plan. As an example, the table incorrectly shows several Urban Residential designations of the Area Plans to be directly compatible with the Rural, ECU-Rural, Agricultural, ECU Agricultural, Open Space, and ECU-Open Space designations of the countywide General Plan. In addition, the table incorrectly shows Rural Residential Designations of the Area Plans to be directly compatible with the Agricultural, ECU-Agricultural, Open Space, and ECU-Open Space designations of the countywide General Plan. Additionally, the Open Space designations of the Area Plans are incorrectly shown as being directly compatible with the Agricultural and ECU-Agricultural designations of the countywide General Plan. Other inconsistencies exist within the table as well.

Neither the text of Chapter 11 nor Table 11-2 explains what is generally or precisely meant by “...empty square indicates limited compatibility because of a restriction from the development standards.” Without explanation, this phrase is meaningless.”

Unless Table 2-1 is corrected, the proposed General Plan will be internally inconsistent, exposing the County to a significant legal challenge in court.

Appendices:

Appendix A - Area Plan and Existing Community Land Use Maps:

As I stated in my comments on Table 2-2, Appendix A should make reference to maximum lot coverage standards contained in the Area Plans, and include the maximum lot coverage standards of each of the Existing Communities in the current countywide General Plan.

General Comment regarding maps: Because of the scale of many of the maps, the Existing Community boundaries and land use designations within the Existing Community areas are unreadable and cannot be checked for accuracy. In addition, many of the land use designation labels on the maps are misplaced or unclear as to what parcels they apply to.

Figure A-2: General Plan Land Use Diagram - Lake Sherwood/Hidden Valley Area Plan: This map shows land use designations of some of the Existing Community areas that are within the Thousand Oaks Area Plan, which is confusing.

Figure A-8: General Plan Land Use Diagram - Thousand Oaks Area Plan: This map shows land use designations of some of the Existing Community areas that are within the Lake Sherwood/Hidden Valley Area Plan, which is confusing. In addition, the labels for land use designations within the Camarillo Area of Interest are unnecessary.

Figure A-21: General Plan Land Use Diagram - North Simi Valley: It is unclear what parcels the ECU-Open Space designation applies to since it is in an area that is outside of an Existing Community.

Figure A-23: General Plan Land Use Diagram - Santa Susana: The boundaries of the Existing Community along the north and northwest are confusing.

DRAFT ENVIRONMENTAL IMPACT REPORT:

6.5.2 Alternative 2: Existing Community and Urban Area Designations Alternative (pg. 6-15):

Third paragraph states in part that *“Very Low Density or Low Density Residential lands outside of the Existing Community area designation (boundary) and Urban area designation (boundary) would remain the same as under the 2040 General Plan.”* (emphasis added). This is incorrect since the Very Low Density and Low Density Residential designations are only consistent with the Existing Community and Urban area designations, and are inconsistent with Rural, Agricultural and Open Space designations. Therefore, this sentence should be removed.

Pg. 6-16, Second paragraph, first sentence:

This sentence states: *“In addition, this alternative would employ policy incentives and disincentives to focus future population, housing, and employment growth within the Urban and Existing Community area designations.”* The feasibility and effectiveness of these incentives and disincentives is highly questionable, especially the transfer of development rights from Rural, Agricultural and Open Space designated lands.

Pg. 6-16, Fourth paragraph, first sentence:

“Overall population growth, housing, and employment projections for this alternative would be the same as under the 2040 General Plan.” This sentence is confusing in light of the next sentence of the paragraph that states that this alternative: *“... would result in substantially higher rates of population and job growth within these area designations relative to the 2040 General Plan.”* Therefore, the first sentence should be deleted.

Comparison of Significant Environmental Effects (pg. 6-16)

First sentence states: *“This alternative would focus new development (e.g., more housing units, increase commercial square footage) anticipated to result from population growth that is forecast to occur over the life of the 2040 General Plan within a smaller disturbance footprint.”* (emphasis added). This statement is illogical since the Draft 2040 General Plan’s Very Low Density and Low Density Residential designated areas would be changed to more intense land use designations, which would result in greater disturbances to the existing physical and planned environment.

Many of the other positive effects of this alternative seem to be based on the expectation of transfer of development rights from Rural, Agricultural and Open Space designated lands; however, there is no quantification of impacts and the benefits are based on an incentive that is highly speculative.

6.5.3 Alternative 3: Dense Cores Alternative

This alternative suffers from the same deficiencies as the preceding alternative: there is no quantification of impacts and the benefits are based on an incentive that is highly speculative.

Simmons, Carrie

From: Newell ML (Michele) at Aera <MLNewell@aeraenergy.com>
Sent: Monday, February 24, 2020 6:52 PM
To: Curtis, Susan; General Plan Update
Cc: James MS (Michael) at Aera
Subject: Aera Energy CEQA comments - DEIR
Attachments: Aera Energy LLC - CEQA Comments on General Plan 2040 DEIR - 02-24-2020 Final.pdf

Importance: High

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Ms. Curtis

On behalf of Aera Energy LLC, please see the attached letter presenting additional comments on the General Plan 2040 Draft Environmental Impact Report. Please ensure that these comments are made part of the record of proceedings.

If you have questions, please reach out to Michael James, Aera's Senior Counsel. His contact information is on the letter and he is also cc'd on this e-mail. Thank you.

Michele Newell

Public Affairs Specialist
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February 24, 2020

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 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.

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.

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.)

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

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.)

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.

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].)

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].)

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.

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.)

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.

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

Ventura County Resource Management Agency, Planning Division
Attn: Susan Curtis, Manager
February 24, 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.)

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.

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.

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.

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.

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?

These details are required now in this DEIR to analyze the potential impacts of this new designation.

- 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.
- 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 will actually do 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.
- 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?
- 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.

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

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.)

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.)

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.

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.)

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.

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

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.

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.

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.

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

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

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.

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.

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.

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.

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.

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

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].)

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].)

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].)

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.

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].)

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].)

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.

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

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].)

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.)

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.)

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.

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

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.)

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.

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.)

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.)

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-

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.

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.

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].)

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.

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

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].)

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.

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.

Page 4.5-21: The DEIR concludes that the impact on historical 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 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.

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.

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.

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.

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.

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.

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

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.)

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.

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.

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

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].)

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.

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.

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].)

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

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.

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.)

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.

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

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.

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.

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.

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.

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.)

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.

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.

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.)

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

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.

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 Sonora* (2007) 155 Cal.App.4th 1214.)

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.

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.)

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.

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.

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.)

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-

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.

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.

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.

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.

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?

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

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.

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.

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.

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”). There 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.

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,

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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

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.

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.

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?

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.

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).

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

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.

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.

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 a 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.

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.

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.)

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:

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

Sincerely,



Michael S. James
Senior Counsel
Aera Energy LLC

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Monday, February 24, 2020 7:38 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Christina Pasetta

Contact Information:

Christina.Pasetta@patagonia.com

Comment On:

No flares that will be wasteful and pollute our air.

Your Comment:

Flares are wasteful and polluting. End this practice and do the real work of deconstructing this infrastructure.

Simmons, Carrie

From: J.P. Rose <JRose@biologicaldiversity.org>
Sent: Monday, February 24, 2020 12:09 PM
To: Curtis, Susan; General Plan Update
Subject: Request for 90-Day Comment Deadline Extension on the Draft EIR for the 2040 General Plan
Attachments: Request for Extension of Comment Deadline 2-24-2020.pdf
Importance: High

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Dear Ms. Curtis,

Please see the attached letter requesting a 90-day extension on the comment period for the Draft Environmental Impact Report for the County of Ventura Draft 2040 General Plan.

Please respond at your earliest convenience, and thank you for your attention to this matter!

-J.P.

J.P. Rose
Urban Wildlands Staff Attorney
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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.

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

February 25, 2020 - **via email**
P.O. Box 5119
Ventura, CA 93005-0119

Ms. Susan Curtis, susan.curtis@ventura.org
Ventura County Resource Management Agency, Planning Division
800 S. Victoria Ave., L #1740
Ventura, CA 93009-1740

Subject: Comments on the Draft Environmental Impact Report for the 2040 Ventura County General Plan Update (Planning Division Case Number PL17-0141)

Dear Ms. Curtis:

My name is Donald Price and I am an environmental engineer retired from the Ventura County Air Pollution Control District. Please accept the following comments regarding the Draft Environmental Impact Report (DEIR) for the 2040 Ventura County General Plan Update.

- 1) The frequency of Greenhouse Gas (GHG) Strategy Implementation and Monitoring reports and GHG emission inventory updates have been extended beyond agreed limits.

DEIR, January 2020, 2040 General Plan Implementation Programs, Conservation and Open Space Element (COS), Page 4.8-27:

Implementation Program Z: Public Reporting on GHG Strategy Progress. The County shall prepare public reports on the results of GHG Strategy implementation and monitoring and present these reports to the Board of Supervisors. The first report shall be submitted to the Board of Supervisors two years after the approval of the General Plan, after which the Board of Supervisors will determine the appropriate reporting interval. The County shall also present a more detailed progress report to the Board of Supervisors, including results of the latest GHG inventory update, every five years.

Implementation Program AA: GHG Inventory Updates. The County shall update the County's GHG emissions inventory at least every five years.

The above reflects a significant change in the schedule for preparation of GHG Strategy Implementation and Monitoring reports and GHG emission inventory updates based on the last known discussion of the subject by the Board of Supervisors on August 6, 2019.

Appendix B: Climate Change, May, 2019, Table B-9, Page B-17:

V - Public Reporting on GHG Strategy Progress

The County shall prepare public reports on the results of GHG Strategy implementation and monitoring and present these reports to the Board of Supervisors at least annually. The County shall also present a more detailed progress report to the Board of

Supervisors, including results of the latest GHG inventory update, at least every five years. *[Source: New Program]*

As noted in Program V above, GHG Strategy Implementation and Monitoring reports were scheduled annually in the Preliminary Draft General Plan Update. GHG emission inventory updates were proposed every five years. However, on August 6, 2019, Supervisor Bennett made it clear that five years between GHG emission inventory updates is not acceptable.

August 6, 2019, Board of Supervisors, Supervisor Bennett, [interpretation added]:

“In another place in the plan, we are going to have an annual update; it already says we’re going to have an annual update. It’s just not a greenhouse gas emissions inventory update. We will have an update... We will have it annually...”

“At the same time, waiting 5 years [for a GHG emission inventory update] seems like a long time. One though I had was, everybody’s going to want that first early check... At the 2 year mark, let’s have our first attempt; let’s see where we are. And then actually say it’s up to the Board to decide how often they want to do it after that. So, you don’t lock it in and say five years, and have everybody go ‘this Board’s just gonna ignore this’ because it’s every five years...”

“I think we’ve got to give everybody confidence that the first greenhouse gas emissions inventory [update] is going to happen fairly promptly, and you don’t set a five-year precedent.”

I agree with Supervisor Bennett; five years is too long to wait for a GHG emission inventory update. As I interpret his remarks, the first GHG inventory update should be done within two years of General Plan adoption, after which the Board will decide GHG inventory update frequency. At no time did the discussion involve the GHG annual implementation and monitoring report. I can find no further Board discussion or activity on this issue, so I do not know if the Board approved, modified or abandoned Supervisor Bennett’s proposal.

Nevertheless, I support GHG emission inventory updates every two years, as proposed by both Supervisor Bennett (for the initial report) and the Planning Commission.

- 2) The proposed Climate Action Plan (CAP) will never meet either the 2030 or 2040 GHG emission reduction targets.

As noted in Table 4.8-3 below, Ventura County GHG emission reduction targets have been calculated for the years 2020, 2030, 2040 and 2050. Also included are the GHG reductions needed to meet the targets, calculated from the baseline 2015 GHG emission levels for Ventura County. However, based on estimated emission reductions from “quantified” GHG reduction programs, neither the 2030 or 2040 targets will be met.

Implementation of the quantified policies and programs in Table 4.8-5 would collectively provide reductions of 151,903 MTCO₂e 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 CO₂e for consistency with emissions targets identified in Policy COS-10.2 (41 percent below 2015 levels by 2030). An additional 361,250 MT [metric tons per year] CO₂e of reductions would be needed to close the gap with the 2030 target.

The shortfall for 2040 is 644,032 MT CO₂e per year. See table from Appendix D below.

DEIR, January, 2020, Page 4.8-7

Greenhouse Gas Emissions

Table 4.8-3 2040 General Plan Target Reduction from 2015 Baseline Emissions Levels, 2020 to 2050

	2020	2030	2040	2050
Target Percentage Below 2015 Baseline GHG Emission Levels	2.1%	41.3%	60.9%	80.4%
GHG Emissions Target (MT CO ₂ e)	1,856,620	1,113,972	742,648	371,324
GHG Reductions Needed from Forecast GHG Emissions to Meet Targets (MT CO ₂ e)	-62,649	513,153	797,982	1,162,398

Notes: the negative number for GHG reductions in 2020 means that the forecast GHG emissions for 2020 will be below the 2020 target.

Source: Ascent Environmental, 2019

Appendix D, issued January, 2020, GHG Calculation Summary, unmarked chart on page 2

GHG Gap Analysis (MT CO ₂ e / YEAR)		
SECTOR	2030	2040
Building Energy Total	285,079	225,567
Transportation Total	487,058	446,355
Solid Waste Total	278,381	270,289
Water and Wastewater Total	13,148	13,148
Off Road Equipment Total	52	52
Agriculture Total	248,882	241,541
Stationary Source Total	314,526	343,679
Legislatively Adjusted GHG Emissions Total	1,627,124	1,540,630
Target for Consistency with State Climate Policies	1,113,972	742,648
Reductions Needed to meet GPU Targets	513153	797982
CTM-B	-3454	-5111
CTM-C	-47231	-78405
COS-S	-2019	-3367
COS-8.4	-59972	-20445
COS-W	-5042	-6677
COS-H	-354	-708
AG-H	-33830	-39236
Quantified Reductions	(151,903)	(153,950)
Gap Remaining	361,250	644,032

“Quantified” GHG emission reductions are described in Table 4.8-5 (and the Appendix D table above). Table 4.8-6 lists CAP programs with “qualitative” GHG reduction benefits.

Table 4.8-6 provides an overview of 2040 General Plan programs that would result in additional GHG emissions reductions, and achieve additional progress toward meeting the 2030 GHG reduction target.

Forty-three (43) programs are listed in Table 4.8-6. Of these, I believe only twelve (12) may result in measurable GHG emission reductions. These are:

Program	Description	Monitoring Procedure
AG-I/J	Transition farm water pumps from diesel to electric	Count new electric pumps
COS-M	Tax Oil and Gas facilities	Track oil and gas production
COS-P	Energy Reach Codes	Track projects. Track Title 24 compliance
COS-S	All electric new residential with solar	Track projects. Track Title 24 compliance
COS-T	Energy efficiency in county owned buildings	Track projects
HAZ-Q/W	Local zero carbon energy generation	Track projects
HAZ T/U/V	Energy efficiency in new construction	Track projects. Track Title 24 compliance
PFS-A	Energy efficiency in county owned buildings	Track projects

In addition, Table 4.8-7 (Page 4.8-45) lists 52 GHG emission reduction policies with NO implementation program. Measurable emission reductions from these policies are unlikely.

DEIR, January 2020, Page 4.8-52

Additionally, longer term GHG reduction goals beyond 2030 established by State executive orders would necessitate additional or more stringent GHG reduction policies and programs beyond what is presented in the 2040 General Plan...Although the 2040 General Plan would not conflict with State GHG reduction targets and recommended local actions established in the 2017 Scoping Plan, and the 2040 General Plan would set future GHG emissions on a downward trajectory consistent with State reduction targets, it cannot be determined at this program level of analysis that future emissions within the county meet State 2030 and post-2030 targets for GHG reduction. Therefore, this impact would be **significant and unavoidable**.

This means that it is likely to be completely impossible for Ventura County to achieve its future GHG emission reduction goals with the proposed climate action plan. The cooperation of every agency in the county (local, state or federal) with a stake in energy efficiency, transportation, water use, and air pollution will be required to meet our GHG emission reduction goals.

- 3) The prohibition on new natural gas infrastructure may be premature; it may be possible to distribute hydrogen for fuel cell electric vehicles through this delivery system

DEIR, January 2020, Page 4.8-46

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.

No one is more interested in closing down the fossil fuel industry and transitioning to 100 percent clean renewable energy than I am. However, in the future, blending hydrogen into natural gas pipeline networks (or distributing pure hydrogen through these networks) may be possible. This would enable fuel cell electric vehicle (FCEV) fueling at homes or businesses. Fuel cells produce only electricity and water and FCEVs may be an important transportation alternative in the future. Blending would eliminate the cost of building dedicated hydrogen pipelines for this purpose. There are issues with the process (like safety, material durability and integrity management, leakage, downstream extraction) that are likely to be overcome. Therefore, it may be premature to ban new natural gas pipeline infrastructure.

For more information, see the following paper from the National Renewable Energy Laboratory:
"Blending Hydrogen into Natural Gas Pipeline Networks: A Review of Key Issues"
Authors: M. W. Melaina, O. Antonia, and M. Penev
NREL/TP-5600-51995, March 2013

- 4) I appreciate that a climate action plan is included in the 2020 General Plan. However, it is unlikely that this plan will prevent serious sea level rise, increased heat, increased fire, and water shortages in Ventura County between now and 2100. The IPCC clearly warn that we have only a few years to make a transition away from fossil fuel use if we are to have any chance of avoiding devastating climate impacts. Transitioning to clean renewable energy is essential.

Thank you for your consideration.

Signed,



Donald R. Price (drp@cefogg.com)

c: Clerk of the Board, clerkoftheboard@ventura.org
GeneralPlanUpdate@ventura.org

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 3:26 PM
To: Simmons, Carrie
Subject: FW: 2040 General Plan Draft EIR Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



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From: Sue Poland <suepoland@sbcglobal.net>
Sent: Tuesday, February 25, 2020 3:25 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 General Plan Draft EIR Comment

Dear County Board of Supervisors,

I have grave concerns about the General Plan EIR and the way it's being pushed through with an incredibly brief review period.

Among my concerns are provisions that would affect all of us who own or live in older homes... Namely: The County failed to analyze the impact of solar installation and net zero energy modifications on historic resources. Proposed Mitigation Measure CUL-1C (Impl Program COS-X) demands that "before altering or otherwise affecting a building or structure 50 years old or older..." the applicant must retain a qualified architectural historian. This means everyone who has a house built in 1970 or older who wants to upgrade to more energy efficient standards must first consult with and get a report/approval from an architectural historian. This will include improvements that the County is claiming to "encourage" such as solar installation, energy efficient windows, etc.

Clearly this requirement will either delay or put an end to people moving to more energy efficiency building standards in their homes, which will, in turn, impact the County's ability to achieve their goals

for net-zero carbon building and GHG emissions. As the owner of a simple home initially built in 1940, this would be an unreasonably burdensome requirement.

Thank you for giving this point full consideration. I look forward to hearing your response to this particular item.

Sincerely,

Susan Poland
Oak View

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 3:36 PM
To: Simmons, Carrie
Subject: FW: 2040 General Plan Draft EIR Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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From: Marshall C. Milligan <mcmilligan@gmail.com>
Sent: Tuesday, February 25, 2020 3:32 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>; General Plan Update <GeneralPlanUpdate@ventura.org>
Subject: 2040 General Plan Draft EIR Comment

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:

My family has owned for generations and continues to own agricultural properties in Ventura County, including mineral rights under a number of currently and previously owned parcels. I'm writing to you as an owner of mineral rights in Ventura County.

The 2040 General Plan Draft EIR fails to give proper analysis to mineral resources and must be corrected to more adequately and fairly assess the impact of the proposed general plan on owners of mineral rights.

Neither the EIR nor the Background Report provide a complete and thorough description of the existing regulations affecting the management and production of mineral resources in the County and the State of California. 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 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.

The EIR fails to analyze the direct and indirect impacts to mineral resource development 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 the anticipated “buildout” in terms of acreage, actual location, number of dwelling units, and development density and intensity.

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 develop and manage mineral resources in the County.

Gaps in the 2040 General Plan Draft EIR must be corrected, and the Draft EIR recirculated, to fairly present the foreseeable impacts on owners of mineral rights in the County.

Sincerely,

Marshall C. Milligan

805-570-0332

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 3:26 PM
To: Simmons, Carrie
Subject: FW: Letter re: Draft EIR
Attachments: Ag & Oil letter to County (Noelle C Burkey).docx; Ag & Oil letter to County (Noelle C Burkey).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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From: WCF (Office) <office@woodclaeysensfoundation.org>
Sent: Tuesday, February 25, 2020 3:21 PM
To: llampara@colabvc.org
Cc: Ron Bowman <ron@l-binc.com>; Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Letter re: Draft EIR

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Please see the attached letter for my comments regarding the Draft EIR for the county's General Plan. I am including a Microsoft Word document as well as a PDF version.

Sincerely,

Noelle Burkey

Chief Executive Officer
The Wood-Claeysens Foundation



office@woodclaeysensfoundation.org
the Wood-Claeyssens foundation
T: [805-966-0543](tel:805-966-0543) F: [805-966-1415](tel:805-966-1415)
www.woodclaeysensfoundation.org

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Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

Noelle C Burkey
Chief Executive Officer
The Wood-Claeysens Foundation
P.O. Box 30586
Santa Barbara CA 93130-0586

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.

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.”

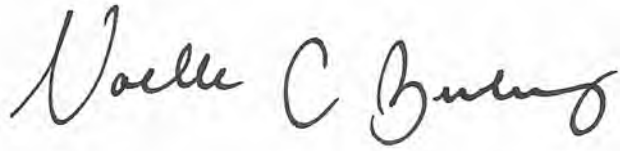
Additionally, the intent of CEQA EIR impact analysis is to evaluate the potential impact of development/policies on future access to oil reserves. However, Section 4.12 primarily evaluates the impact of oil and gas production on H&S. The County's analysis does not meet the intent and standard of review 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.

I urge you to take the time to correct and recirculate the EIR.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Noelle C. Burkey". The signature is written in a cursive style with a large initial 'N' and a distinct 'C' before the last name.

Noelle C Burkey
Chief Executive Officer
The Wood-Claeyssens Foundation



Board of Supervisors:

My Name is Michael Penrod and I have worked in commercial/ residential real estate development and land use advising for many years in Ventura County. My family and I love Ventura County and are so lucky to call such a beautiful place our home. However, we have some worries regarding the current Draft EIR and feel that changes need to be implemented in order to better serve Ventura County.

As someone who advises landowners on land use, I can confidently say that there is a substantial amount of evidence to why the document is not ready for prime time. The DEIR has not been given the thorough consideration it deserves and is resulting in an incomplete policy analysis. Though I understand the efforts to mitigate serious challenges facing Ventura County, this document as it is currently is incomplete. The housing element is not even completed, yet the DEIR is being pushed out.

The Ag conservation policy as proposed in the General Plan Update is not only infeasible, it is overstepping the intent of SOAR that has been voter approved twice in the last over 25 years. If this policy was in place, very few projects would have been able to navigate the purchase of development rights. It creates an inflated land value that will eliminate any economic returns for smart and quality growth. Basically, it could double the land costs which will only punish the residents by greatly increasing housing costs. We have, in the past, attempted to seek potential land owners that would consider selling their future development rights and was not able to find one land owner that would even consider the concept. CEQA requires that any mitigation measure must be feasible and reasonable. This is neither.

The future of Ventura is greatly hindered based on the lack of housing, both market rate and affordable. This impacts all employers so much that a significant amount of very good companies have and continue to relocate out of our County for economic reasons. Any communities that don't grow gentrifies and eventually stagnates to the point of fiscal disaster for the local governments. Just look at the City of Santa Paula that didn't expand for over 30 years and the financial impact on the City and it's services for their residents.

This is a very serious and important document that the County should be taking the appropriate amount of time to ensure it is whole and complete.

Please revise and recirculate the draft to identify these issues and make the assumptions clearer. Thank you in advance for considering my concerns.

A handwritten signature in black ink, appearing to read "Michael Penrod". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Penrod".

Michael Penrod, Partner
Parkstone Companies

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 4:26 PM
To: Simmons, Carrie
Subject: FW: Board of Supervisors Letter
Attachments: 20200225160533739.pdf

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
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Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



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From: Mike Penrod <m.penrod@parkstoneinc.com>
Sent: Tuesday, February 25, 2020 4:12 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: FW: Board of Supervisors Letter

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Sent by mail also.

Mike Penrod
Parkstone Companies
860 Hampshire Road, Suite U
Westlake Village, CA 91361
m.penrod@parkstoneinc.com
805-373-8808 ext: 105

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 4:26 PM
To: Simmons, Carrie
Subject: FW: Comments on draft General Plan

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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From: Aubrey Sloan <asloan5119@gmail.com>
Sent: Tuesday, February 25, 2020 4:14 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Comments on draft General Plan

Ventura County RMA Planning Division,

I'd like to start by thanking the staff for putting this complicated document together and for receiving my input. My name is Aubrey E."Bud" Sloan, I am a local rancher with a significant stake in the outcome of this draft. My main concerns are the potential negative impacts on our county's history: local agriculture.

After reviewing the draft EIR, I found Background Report on agriculture to be inadequate, vague and using outdated information. Many of the tables and figures, such as Fig 9-6, table 9-7 are using old data. While this older data can be important in providing background, the EIR references the Background Report as the current conditions, despite this data not being more current than 2015. The Background Report must be updated to reflect current data.

There is also an issue with the map (Fig 9-7) which is of such poor quality that it cannot be used to show any information. This map must be replaced with a higher quality map.

Another major area that leaves the Background Report and document as inadequate is the lack of information around project water demand, supply and pumping costs. This is left out of the Background Report and the entire EIR. This must include analysis on the effects of increased competition of water supplies due to development planning in the General Plan.

I ask that these issues be taken into consideration and addresses appropriately.

Thank you,
Aubrey E."Bud" Sloan

Simmons, Carrie

From: Kurtz, Sandra <S.Kurtz@musickpeeler.com>
Sent: Tuesday, February 25, 2020 2:51 PM
To: General Plan Update
Cc: McAvoy, Laura
Subject: Comments on 2040 DEIR
Attachments: Scan.pdf

Follow Up Flag: Follow up
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Ms. Curtis, please see attached comment letter and confirm receipt.

Thank you.

Sandra Kurtz
Assistant to Laura K. McAvoy

MusickPeeler

Musick, Peeler & Garrett LLP
2801 Townsgate Road Suite 200
Westlake Village, California 91361

s.kurtz@musickpeeler.com
www.musickpeeler.com

T (805) 418-3108
F (805) 418-3101

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From: noreply@musickpeeler.com [mailto:noreply@musickpeeler.com]
Sent: Tuesday, February 25, 2020 2:48 PM
To: Kurtz, Sandra
Subject: Scan attached 00000.010

Scan attached

Laura K. McAvoy
40 Encino Avenue
Camarillo, CA 93010

February 25, 2020

Ventura County Board of Supervisors
Attn: Susan Curtis, Manager, General Plan Update Section
800 South Victoria Avenue, L#1740
Ventura, CA 93009-1740

I'm writing to you as a resident of the County concerned about the viability of the oil and gas industry in Ventura County.

The 2040 General Plan Draft EIR fails to give proper analysis to oil and gas mineral resources.

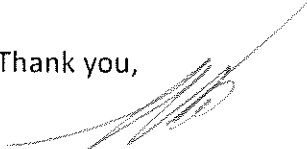
Neither the EIR nor the Background report provide a complete and thorough description of the existing, current regulatory setting that oversees the management and production of mineral resources in the County and the State of California. The EIR and the Background Report only disclose federal and state agencies that regulate pipelines and flaring, which is not applicable to all mineral resources that must be analyzed in an EIR under 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.

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.

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.

The Draft EIR is lacks critical analysis and must be corrected and recirculated to ensure a fair process for Ventura County residents.

Thank you,



Simmons, Carrie

From: Kurtz, Sandra <S.Kurtz@musickpeeler.com>
Sent: Tuesday, February 25, 2020 2:52 PM
To: General Plan Update
Subject: Ventura General Plan 2040 DEIR
Attachments: Scan.pdf

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Ms. Curtis, attached is a letter in opposition to the 2040 DEIR.

Please confirm receipt.

Sandra Kurtz
Assistant to Laura K. McAvoy

MusickPeeler

Musick, Peeler & Garrett LLP
2801 Townsgate Road Suite 200
Westlake Village, California 91361

s.kurtz@musickpeeler.com
www.musickpeeler.com

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F (805) 418-3101

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From: noreply@musickpeeler.com [mailto:noreply@musickpeeler.com]
Sent: Tuesday, February 25, 2020 2:48 PM
To: Kurtz, Sandra
Subject: Scan attached 00000.010

Scan attached

Robert & Sandra Kurtz
187 Stanislaus Avenue
Ventura, CA 93004

February 25, 2020

Ventura County Board of Supervisors
Attn: Susan Curtis, Manager, General Plan Update Section
800 South Victoria Avenue, L#1740
Ventura, CA 93009-1740

I'm writing to you as a resident of the County concerned about the viability of the oil and gas industry in Ventura County.

The 2040 General Plan Draft EIR fails to give proper analysis to oil and gas mineral resources.

Neither the EIR 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. 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 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.

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.

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.

The Draft EIR is lacks critical analysis and must be corrected and recirculated to ensure a fair process for Ventura County residents.

Thank you,

Robert & Sandra Kurtz

Simmons, Carrie

From: Lizzy Martinez <emchambers@aol.com>
Sent: Tuesday, February 25, 2020 2:57 PM
To: General Plan Update
Subject: 2040 General Plan Draft EIR Comment McLoughlin Property - aka Olivas Lands

Follow Up Flag: Follow up
Flag Status: Flagged

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

Dear Ms. Curtis:

I am writing to call your attention to significant flaws in the process, data, and conclusions of the Ventura County General Plan, Draft EIR, and supplemental documents.

My great grandfather, Mark McLoughlin (1843-1914), was a true Ventura County pioneer, purchasing his first 318 acres of undeveloped land in Ventura County in 1875. He was a hard-working visionary, revered by his community. With his son—my grandfather, James Patrick McLoughlin—he raised livestock and farmed the land, providing jobs and feeding the growing towns of Oxnard and Ventura.

Our land, in a vitally important location on Olivas Park Drive across from the Ventura Marina, has been in the family, and part of the economic fabric of the community, for 100 years. And we want it to be part of the future of this community, with a flourishing economy, a thriving job market, and unsurpassed quality of life for its residents.

But the General Plan and DEIR do not describe a viable path for us as landowners going forward.

I will begin with some specific issues regarding language in the Coastal Area Plan, 4-82-83 and 4-94-95. Part of our land is located in the Central Coastal Zone, adjacent to the Ventura Marina, on Olivas Park Drive at Harbor Blvd. The only conclusion the Plan draws about our land is the statement that, “unlike the Preble area, services are not readily

available to the Olivas lands.” This is false. Our property has access to all utilities, water, main roads, and the freeway. Indeed, easements on our property serve surrounding areas with utilities.

The Plan also claims that our property is “not included in the City’s sanitation district because of problems with water pressure.” This language is irrelevant and incorrect. There is no evidence that there are water pressure issues, and the sanitation district’s pipelines actually traverse our property.

While we do not know the original source of these misstatements, such misrepresentations—now repeated in the Plan—threaten to diminish the value of our land in relation to the Preble property. And, of course, they undermine the goal and the value of the Plan itself.

The General Plan also speaks of the widening of Olivas Park Drive, our southern boundary. This would have a direct impact on our property. But the Plan does not address how this would happen or how it would affect our land.

Damaging misstatements about our property also appear in the DEIR. Contrary to the portrayal in the DEIR, our property has significant infrastructure in place, as well as prime accessibility to the highway and the harbor. In fact, with easy access to the marina and beach community, and with the railroad as part of our eastern boundary, our land is uniquely suited to be an important part of future economic development in the area. We are entitled to have all these matters corrected.

I would also like to raise some additional concerns:

1. The General Plan and DEIR continue to ignore the 28% increase in the homeless population in our community.
2. According to the General Plan, if we were to build an acre of low income / worker housing we would need to buy two replacement acres of same Ag land to be placed into perpetual agricultural preservation. This is unrealistic and infeasible, and certainly not in line with the State government’s housing policies.
3. The EIR does not adequately address the enormous “indirect impacts” that will occur as a result of implementing the General Plan, calling them “less than significant.”
4. The General Plan contains policies that will increase the costs of normal farming operations, making it difficult for farming to remain profitable.
5. The Plan does not adequately evaluate the impacts of increased competition for water in our community.

The EIR is a flawed document, full of errors, that does not disclose all impacts, direct and indirect, caused by the General Plan. It was obviously rushed—completed in six weeks. It is inaccurate and incomplete, and fails to provide members of the community with the information that they are legally entitled to. This EIR should be corrected and reconsidered, and a reasonable time period should be allowed for meaningful and thoughtful community input.

Sincerely,
Elizabeth Chambers Martinez and Family
Great Granddaughter of Mark McLoughlin

Simmons, Carrie

From: Marshall C. Milligan <mcmilligan@gmail.com>
Sent: Tuesday, February 25, 2020 3:32 PM
To: Curtis, Susan; General Plan Update
Subject: 2040 General Plan Draft EIR Comment

Follow Up Flag: Follow up
Flag Status: Flagged

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:

My family has owned for generations and continues to own agricultural properties in Ventura County, including mineral rights under a number of currently and previously owned parcels. I'm writing to you as an owner of mineral rights in Ventura County.

The 2040 General Plan Draft EIR fails to give proper analysis to mineral resources and must be corrected to more adequately and fairly assess the impact of the proposed general plan on owners of mineral rights.

Neither the EIR nor the Background Report provide a complete and thorough description of the existing regulations affecting the management and production of mineral resources in the County and the State of California. 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 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.

The EIR fails to analyze the direct and indirect impacts to mineral resource development 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 the anticipated "buildout" in terms of acreage, actual location, number of dwelling units, and development density and intensity.

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 develop and manage mineral resources in the County.

Gaps in the 2040 General Plan Draft EIR must be corrected, and the Draft EIR recirculated, to fairly present the foreseeable impacts on owners of mineral rights in the County.

Sincerely,

Marshall C. Milligan

805-570-0332

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 4:57 PM
To: Simmons, Carrie
Subject: FW: 2040 General Plan Draft EIR Comment

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: lisa eklund <eklundproperties@gmail.com>
Sent: Tuesday, February 25, 2020 4:50 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 General Plan Draft EIR Comment

The DEIR does not account for or include reliable information about some of the key challenges facing Ventura County, primarily housing. The Ventura County regional economy is struggling. According to the Ventura County Civic Alliance 2019 State of the Region Report, the region continues to struggle with "anemic" economic growth. The report's author, Tony Biasotti, told reporters that "the fact remains that Ventura County's economy is either in recession or very close to recession the last few years." According to the Center for Economic Research and Forecasting at California Lutheran University, Ventura County's economic output shrank in 2016 and 2017 when adjusted for inflation. The region's economic output was projected to contract again in 2018.

The DEIR fails to recognize or address the serious affordability crisis Ventura County residents face. According to Census Bureau data and Ventura County Star reporting, more than 35,000 people left the region between 2013 and 2017, citing affordability concerns.

These issues need to be addressed when considering our options to create plans for our future. As it is now, this document fails to properly and accurately address these issues and should therefore be corrected to include this information for recirculation.

Thank you,
Lisa, Eklund

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 4:57 PM
To: Simmons, Carrie
Subject: FW: County General Plan Response

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
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For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Dave Chambers <davechambers911@gmail.com>
Sent: Tuesday, February 25, 2020 4:53 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: County General Plan Response

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

Dear Ms. Curtis:

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5. The Plan does not adequately evaluate the impacts of increased competition for water in our community.

The EIR is a flawed document, full of errors, that does not disclose all impacts, direct and indirect, caused by the General Plan. It was obviously rushed—completed in six weeks. It is inaccurate and incomplete, and fails to provide members of the community with the information that they are legally entitled to. This EIR should be corrected and reconsidered, and a reasonable time period should be allowed for meaningful and thoughtful community input.

Sincerely,

Dave Chambers



~~FEB 25 2020~~

FEB 25 2020

February 25, 2020

Ventura County CoLAB
Board of Directors & Officers

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Andy Waters, Waters Family Farms
Director

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.

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)).

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.

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 unsupported.

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.”

- 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.

“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.

- 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.

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.

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.

- 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.

- 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.

- 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.

- 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

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.

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.)

- 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.

- 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.

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.

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.

- 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.

- 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:

- 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.

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.

- 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.

- 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.
- 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.

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

lands that will prohibit the construction of bike paths, public trails, and sensitive receptors within 2000' of any land zoned AE.

- 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.

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

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.

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.

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.

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

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.

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.

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.

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

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.

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.

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

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.

- 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.
- 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.

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).

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.

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.

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.
- 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.

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

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...).

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.

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.


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).

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.

Sincerely,



Louise Lampara
Executive Director

Attachment

Figure 3-7: North Ventura Avenue Area Plan (source: Appendix B: Ventura County 2040 General Plan Update Background Report, Revised Public Review Draft January 2020)

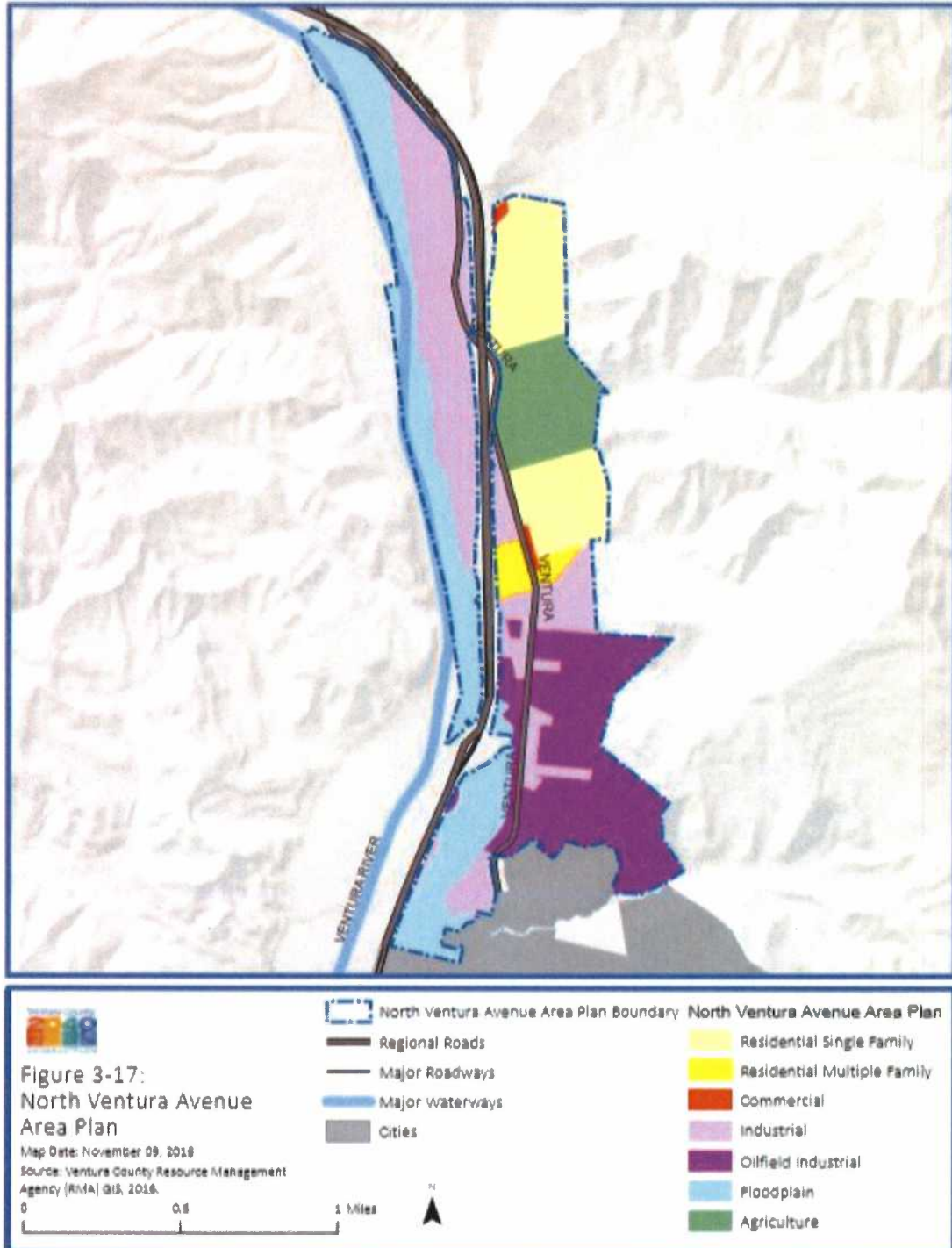
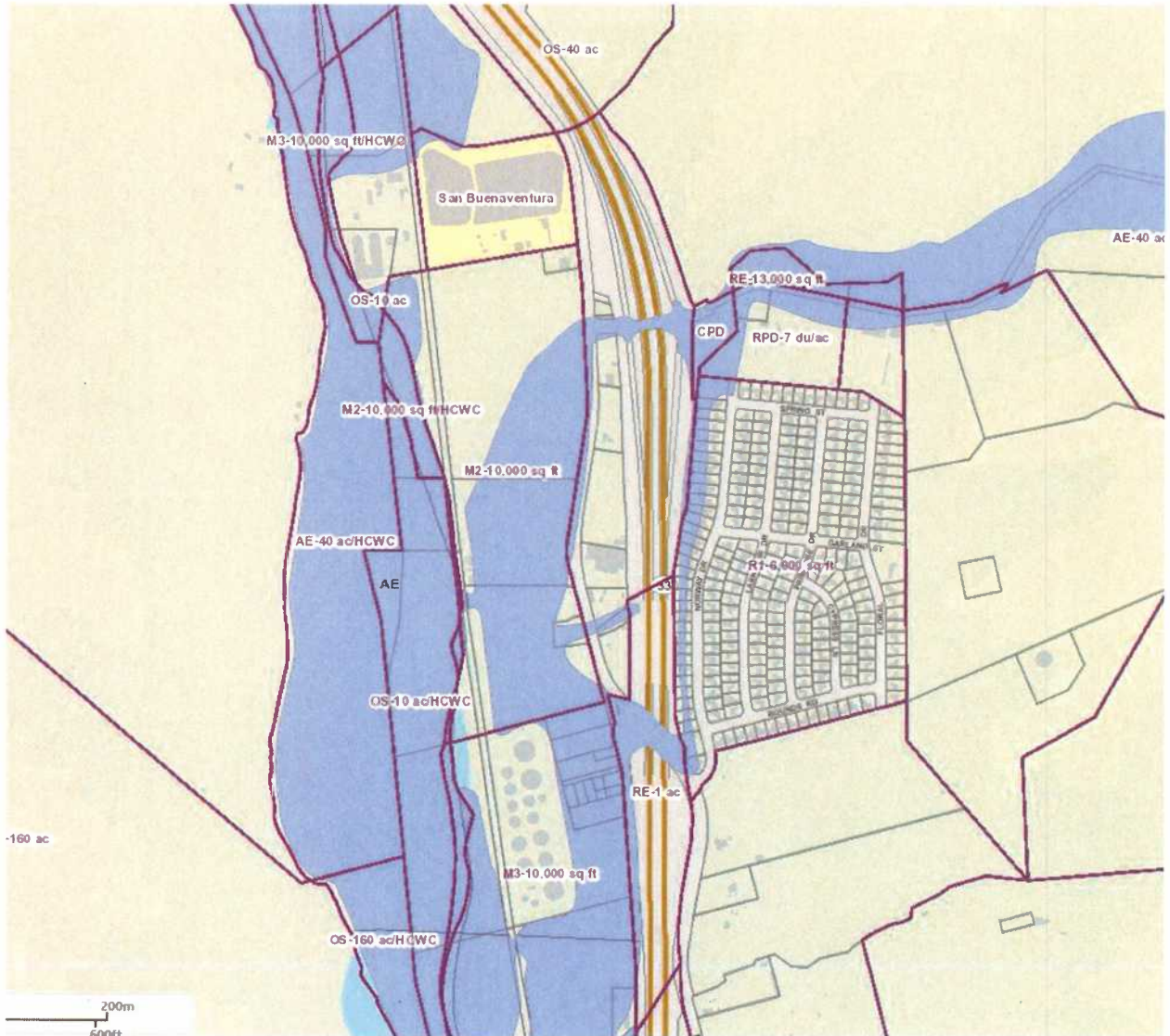


Figure 1: Overlay of flood hazard zones (blue/purple shading) and industrial zoned parcels (as labeled) from Ventura County GIS data (source: <https://maps.ventura.org/countyview/>)



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

FEB 25 2020

Re: Comments on Ventura County General Plan DEIR

Dear Ms. Curtis:

I represent and serve on the McLoughlin Family Committee, a group of family members that own approximately 300 acres of agricultural property off of Olivas Park Road in the County of Ventura, in proximity to the City of Ventura.

The McLoughlin family has farmed this land for generations. It remains our desire to continue this legacy. However, in the face of never-ending changes to the regulatory environment, we again find ourselves attempting to ascertain how new policies and programs as proposed in the draft 2040 General Plan will impact and challenge our ability to serve as stewards of this heritage.

It had been our hope that the DEIR would provide some clarity and insight into how the new policies and programs within the revised General Plan would impact our farming operation. However, that is not the case. Simply said, we believe the General Plan Update and subsequent Environmental Impact Report fail to adequately analyze or study impacts on the farming industry.

With that said, we would like to specifically present the following:

- The Background report Table 6-26: Transportation Department Planned Capital Projects lists sections of roadways the County plans for expanded capacity or widening, along with the scope of those enhancements. It also covers in length the plan to add bike paths and bike lanes in accordance with existing County wayfarer plans. However, the DEIR never analyzes the loss of farmland resulting from these changes in infrastructure – it's not even mentioned as a possibility in the DEIR.

Olivas Park Road between Victoria and Harbor is listed as one of the areas planned for road widening, a stretch of roadway that borders the entire eastern portion of our farmland and property. While the impact on our farming operation and financial losses due to property loss are clearly quantifiable, the report fails to list or quantify these impacts.

- In Section 3-8, The DEIR states that because there will be no "substantive" change to the agricultural, open space, or rural designations, the General Plan Update (GPU) will be consistent with SOAR. However, no further details beyond this conclusory statement is provided. There is no way for the reader to come to his or her own conclusion on whether the GPU will result in inconsistencies with SOAR that might lead to physical environmental impacts. There is no description of the changes to the Agriculture, Open Space, and Rural policies to determine whether they are in fact non-substantive.

Given the length and breath of the Draft General Plan update and CEQA analysis, we made an attempt to focus our initial review and subsequent comments to issues specific to agriculture and farming. However, it's clear that the 2040 General Plan will impact the Ventura County local economy across

sectors – all of which influence the ability to live and work in this region. The DEIR's lack of analysis of those economic impacts, calls into question the legitimacy of both the draft General Plan update, and the CEQA analysis. As such, we respectfully request that the DEIR be recirculated in the hopes that further study will resolve these shortcomings.

I appreciate your consideration.

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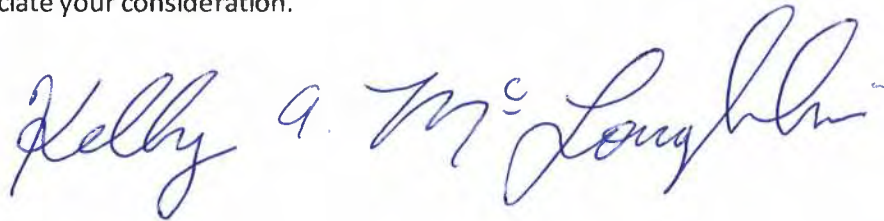
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It had been our hope that the DEIR would provide some clarity and insight into how the new policies and programs within the revised General Plan would impact our farming operation. However, that is not the case. Simply said, we believe the General Plan Update and subsequent Environmental Impact Report fail to adequately analyze or study impacts on the farming industry.

With that said, we would like to specifically present the following:

- The Background report Table 6-26: Transportation Department Planned Capital Projects lists sections of roadways the County plans for expanded capacity or widening, along with the scope of those enhancements. It also covers in length the plan to add bike paths and bike lanes in accordance with existing County wayfarer plans. However, the DEIR never analyzes the loss of farmland resulting from these changes in infrastructure – it's not even mentioned as a possibility in the DEIR.

Olivas Park Road between Victoria and Harbor is listed as one of the areas planned for road widening, a stretch of roadway that borders the entire eastern portion of our farmland and property. While the impact on our farming operation and financial losses due to property loss are clearly quantifiable, the report fails to list or quantify these impacts.

- In Section 3-8, The DEIR states that because there will be no “substantive” change to the agricultural, open space, or rural designations, the General Plan Update (GPU) will be consistent with SOAR. However, no further details beyond this conclusory statement is provided. There is no way for the reader to come to his or her own conclusion on whether the GPU will result in inconsistencies with SOAR that might lead to physical environmental impacts. There is no description of the changes to the Agriculture, Open Space, and Rural policies to determine whether they are in fact non-substantive.

Given the length and breath of the Draft General Plan update and CEQA analysis, we made an attempt to focus our initial review and subsequent comments to issues specific to agriculture and farming. However, it's clear that the 2040 General Plan will impact the Ventura County local economy across

sectors – all of which influence the ability to live and work in this region. The DEIR's lack of analysis of those economic impacts, calls into question the legitimacy of both the draft General Plan update, and the CEQA analysis. As such, we respectfully request that the DEIR be recirculated in the hopes that further study will resolve these shortcomings.

I appreciate your consideration.

A handwritten signature in cursive script that reads "Mary McLaughlin Feiss". The signature is written in black ink and is centered on the page.

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:

I represent and serve on the McLoughlin Family Committee, a group of family members that own approximately 300 acres of agricultural property off of Olivas Park Road in the County of Ventura, in proximity to the City of Ventura.

The McLoughlin family has farmed this land for generations. It remains our desire to continue this legacy. However, in the face of never-ending changes to the regulatory environment, we again find ourselves attempting to ascertain how new policies and programs as proposed in the draft 2040 General Plan will impact and challenge our ability to serve as stewards of this heritage.

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Olivas Park Road between Victoria and Harbor is listed as one of the areas planned for road widening, a stretch of roadway that borders the entire eastern portion of our farmland and property. While the impact on our farming operation and financial losses due to property loss are clearly quantifiable, the report fails to list or quantify these impacts.

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I appreciate your consideration.

A handwritten signature in blue ink that reads "Mawri L. McLaughlin". The signature is written in a cursive style with a large, stylized initial "M".

LBTH INC

5574-B Everglades

Ventura, CA 93003

(805) 642-6881

February 20, 2020

FEB 25 2020

Attn: RMA Planning Division
General Plan Update
800 S. Victoria Avenue, L#1740
Ventura, CA 93009-1740

Dear County of Ventura:

Thank you for inviting comments on the EIR. I am an engineer by trade and have been an operator of LBTH oil field for over 30 years. My experience and knowledge of the oil and gas industry conflicts with critical conclusions in the EIR and I implore the County to revisit the data sources that is being relied on to make major impacts on our County.

I refer you to Page 2-54, the Market Outlook forecasted price per bbl which was pulled from old data taken at market low in 2017. Chapter 8, pages 8-74, "The County's oil reserves are estimated by the State Division of Oil and Gas and Geothermal Resources at 246,141,100 barrels". This calculation does not correctly apply the definition of "reserves", nor does the County discuss what types of data was included or excluded in obtaining that number.

Page 8-74, presents an incomplete and inaccurate description of how and why wells are idled. It implies that the entire industry "shuts down" when the market goes low. "Crude oil prices influence the level of production and well drilling activity in the County's oil fields. When prices are low, wells are placed in idle status and few or no new wells are drilled".

Additionally, on Page 2-54, "Production throughout the State had been declining since the 1980's, 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". Page 8-74 "This level of production represents a 43% decrease in production from 1987 levels (15,659,398 barrels)".

However, Appendix D: GHJ applies base calculations that claim an anticipated future increase of over 1 million barrels of production, without providing references as to what data they have to support this potential increase in reserves and oil production.

Conflicting data and incorrect data in a report that is to govern the future. I urge you to stop and review for consistency and actual valid data before moving forward.

Sincerely,

A handwritten signature in cursive script that reads "R. W. Bowman" followed by a checkmark.

R W Bowman, PhD, PE

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 8:09 AM
To: Simmons, Carrie
Subject: FW: Please review
Attachments: J vavoni.pdf

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: John Vanoni <john@vanoniag.com>
Sent: Tuesday, February 25, 2020 5:31 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Please review

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

For your review,

--

John Vanoni, President

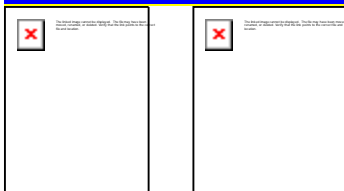
Vanoni Ag Construction, Inc.
Somis, CA 93066

Office: 805-988-8894

Fax: 805-988-8092

Cell: 805-368-2898

[Check out our website!](#)



Susan Curtis,

The EIR admits that increased fuel loads directly impacts wildfire risk. The County writes in the EIR 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..."

However, the County failed to 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."

The County has not conducted a full and complete analysis on the General Plan policies that will increase wildfire risk. Furthermore, they have failed to offer any mitigation to reduce this risk.

This needs to be addressed, revised and recirculated.

Thank you for your time

Sincerely John Vanoni
Vanoni AG. Construction Inc.

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 8:07 AM
To: Simmons, Carrie
Subject: FW: 2040 General Plan Draft EIR Comment

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: mike poland <polandml@hotmail.com>
Sent: Tuesday, February 25, 2020 5:17 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 General Plan Draft EIR Comment

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Dear Board of Supervisors,

The more I investigate this document, the more problems become apparent to me.

With this proposal, Ventura County has failed to adequately analyze for impacts to farmland.

For example: the EIR has policies that will create and expand the bike paths and pedestrian trails throughout the County, which is a good thing. However, some of these proposed areas are in or adjacent to existing ag land and the County failed to analyze potential impacts on this ag land from these projects.

These projects will result in the direct loss of ag land in at least two ways. First, by paving a bike lane or path and second, the indirect loss of ag land through increasing public access to working ag areas which will encourage and increase theft, vandalism and trespassing.

In addition, as the public has more access to working farmlands, there will be an increase of complaints of odors, dust, noise, etc.

Ventura County agriculture produced about \$2 Billion in product in 2018 – it is vital to our local economy. The County must protect our local agriculture land from encroachment caused by increasing public access across these working farmlands. Please propose a mitigation measure to establish a set-back (on non-ag land) that prevents the construction of any bike path network or public trail on or adjacent to ag lands.

I look forward to hearing your thoughtful response.

Thank you,

Michael L. Poland

Sent from [Mail](#) for Windows 10

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 8:07 AM
To: Simmons, Carrie
Subject: FW: Comments re General Plan/EIR
Attachments: page1image1665632.png; page3image3743440.png; page3image3766944.png; page4image1774048.jpeg; page3image3744272.png; page4image1774048.jpeg; page2image1668752.png; page3image3766736.png

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Dave Chambers <davechambers911@gmail.com>
Sent: Tuesday, February 25, 2020 5:17 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Comments re General Plan/EIR

Sanger Hedrick, Chair
Agricultural Policy Advisory Committee (APAC) County of Ventura
800 S. Victoria Blvd.
Ventura, CA 93003

Re: 2040 General Plan Environmental Impact Report (EIR)

Dear Mr. Hedrick and Honorable Members of APAC:

Thank you for the opportunity to provide comments following today's presentation by Ventura County Planning staff on the 2040 General Plan EIR.

There are several issues with the 2040 General Plan EIR that CoLAB believes will negatively impact the viability of local agriculture.

Proposed mitigation measure AG-2: The County 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. This

mitigation measure is infeasible. Contrary to statements made by County Planning staff today at the APAC meeting, the California Environmental Quality Act (CEQA) requires that all mitigation proposed in an EIR be feasible. CEQA Section 21061.1 defines feasible as “capable of being accomplished in a successful manner within a reasonable period of time, ” (*emphasis added*). All mitigation measures proposed in an EIR must be shown to reduce impacts and an infeasible mitigation measure, by definition, cannot and will not reduce impacts.

The EIR does not provide evidence of any of the following:

1. 1) Whether there is sufficient land available for purchase/conservation easement for each farmland category;
2. 2) The cost per acre to purchase each category of farmland;
3. 3) The anticipated cost of establishing a conservation easement for each category of farmland;
4. 4) The anticipated cost associated with managing each category of farmland under a conservation easement;
5. 5) The anticipated cost associated with monitoring these mitigation parcels scattered throughout the County and who will bear that cost;
6. 6) Any information that could constitute a “plan” for management of farmland in conservation easements;

February 19, 2020



[Ventura County Coalition of Labor, Agriculture and Business / 1672 Donlon Street, Ventura, CA 93003 / 805-633-2260 / info@colabvc.org](#)

Page 2 of 4

7. 7) An analysis of direct and indirect impacts caused by this mitigation measure (including impacts associated with LU compatibility conflicts and increased urban-ag-interface);
8. 8) Whether the smallest possible mitigation acreage required will achieve the minimum to ensure viability of agriculture on the parcel; and
9. 9) 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.

The County is already aware that this proposed mitigation measure is infeasible. On March 24, 2016, at a Local Agency Formation Commission (LAFCo) hearing, Supervisor Linda Parks attempted to establish an “Agricultural Mitigation Measure” through the LAFCo project approval process. The mitigation measure would have required the 1-to-1 purchase of local farmland (half of what is proposed in the 2040 General Plan EIR) to replace farmland that would be impacted by any proposed development. Ventura County Counsel, Michael Walker, informed both LAFCo and Supervisor

Parks that the proposed mitigation measure did not meet the standard for economic feasibility, and, for that and other reasons, LAFCo could not adopt Supervisor Park's proposed mitigation measure. He referenced a 2015 legal decision, *City of Irvine v. County of Orange*, in which the Court stated, "the sheer astronomical expense of land supports the finding of the EIR that the purchase of an agricultural conservation easement is a non-starter."

In addition to being infeasible, CoLAB does not believe that this mitigation measure will reduce impacts on agricultural land, as it does not address the actual issues that will impact farmland under the 2040 General Plan: lack of economic sustainability, the increasing regulatory demands on agriculture, increased competition for water resources, and increased compatibility conflicts from development.

Indirect Impacts

The EIR dismisses "indirect impacts" that will occur as a result of implementing the 2040 General Plan as "less than significant."

Page 4.2-13 of the EIR states "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 potential for conflicts would be minimal. This impact would be less than significant" (*emphasis added*).

This is simply not true. Historic and recent County actions have shown that the County has and will continue to create new restrictions and ordinances that have a significant impact on existing agricultural



Ventura County Coalition of Labor, Agriculture and Business / 1672 Donlon Street, Ventura, CA 93003 / 805-633-2260 / info@colabvc.org

Page 3 of 4

and farming operations because of conflicts attributed to residential development. The recent interim

urgency ordinance restricting hemp cultivation is one such example.

Contrary to statements made today by Ventura County Planning staff, an EIR, whether it is labeled as "programmatic" or "project", must analyze all reasonably foreseeable consequences of the action that is proposed. For the 2040 General Plan EIR, the action proposed is the implementation of all policies and programs within. Therefore, if the implementation of a policy in the 2040 General Plan will result in an impact, that impact must be analyzed. For example, the 2040 General Plan contains land use designation changes that will increase allowable housing density near agricultural land. It is reasonably foreseeable that more houses will create more compatibility conflicts with normal farming operations. The impact of these compatibility conflicts must be addressed in the EIR.

In 2014, the California Court of Appeal stated in a ruling that "[T]he fact that this EIR is labeled a 'project' rather than a 'program' EIR matters little....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.”

It is CoLAB’s opinion that indirect impacts from increasing urban-ag interface are SIGNIFICANT and cannot be dismissed in the EIR.

Direct and indirect impacts of increased costs

The 2040 General Plan has policies that will increase the costs of normal farming operations. CoLAB believes that the most effective way to minimize conversion of agricultural land to non-agricultural uses is to take active measures to allow farming to remain profitable. And even the County admits that reducing the cost of farming reduces conversion of agricultural land in their discussion of the Williamson Act in Chapter 4.2 of the EIR.

But the County fails to analyze direct and indirect impacts of 2040 General Plan policies that will increase the cost of normal farming operations, such as:

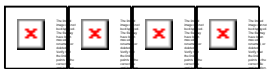
- Policy AG-5.2: Electric- or Renewable-Powered Agricultural Equipment. The County shall encourage and support the transition to electric- or renewable-powered or lower emission agricultural equipment in place of fossil fuel-powered equipment when feasible.
- Policy AG-5.3: Electric- or Renewable-Powered Irrigation Pumps. The County shall encourage farmers to convert fossil fuel-powered irrigation pumps to systems powered by electric or renewable energy sources, such as solar power, and encourage electric utilities to eliminate or reduce standby charges.

Direct and indirect impacts of increased competition for water resources

The County fails to evaluate the impact of increased competition for water resources caused by development allowed in the 2040 General Plan on either the conversion of agricultural land or the loss of agricultural lands through the loss of topsoil.

The EIR states on page 4.2-3 that “...a reduction in available water resources for irrigation” is an example of indirect impacts on agricultural land due to loss of topsoil from increased wind and water erosion.

But the County fails to analyze or propose mitigation measures to address this significant impact.



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Page 4 of 4

APAC is the expert charged with advising County decision-makers on agricultural issues in Ventura County. And the County should be seeking guidance from APAC about the actual issues that will impact farmland under the 2040 General Plan: lack of economic sustainability, the increasing regulatory demands on agriculture, increased competition for water resources, and increased compatibility conflicts from development.

CoLAB encourages APAC to provide guidance to the County on appropriate and effective mitigation measures to prevent the conversion of agricultural land to non-agricultural uses. These may include:

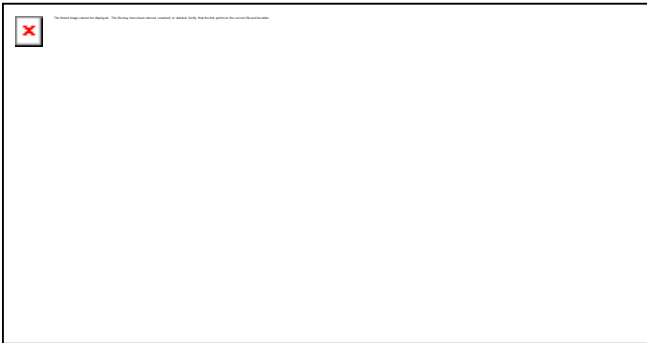
- 1) Strengthen the Right-to-Farm ordinance to prevent nuisance complaints from being used to justify the creation or expansion of setbacks or regulatory restrictions on normal farming practices;
- 2) Expand the Land Conservation Act Program to include Open Space zoned properties that are engaged in farming (including grazing); and

- 3. 3) Protect agricultural land from urban-ag interface encroachment and compatibility conflicts by establishing setbacks on NON-AE-zoned land that will restrict the construction of bike paths, public trails, and sensitive receptors within 2000' of any land zoned A/E.

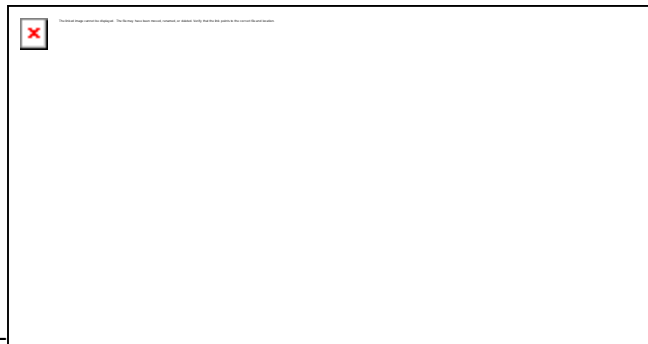
Thank you again for the opportunity to provide comments on this issue. We appreciate your consideration and leadership at this time.

Sincerely,

Louise Lampara Executive Director



In support of this letter- Dave Holroyd Chambers



In support of this letter-

In support of this letter-
Beverly Chambers de Nicola

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 8:08 AM
To: Simmons, Carrie
Subject: FW: Response to General Plan/EIR Comments

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
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Ventura County General Plan Update. Join the conversation at VC2040.org
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From: Dave Chambers <davechambers911@gmail.com>
Sent: Tuesday, February 25, 2020 5:19 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Response to General Plan/EIR Comments

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:

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The McLoughlin family has farmed this land for generations. It remains our desire to continue this legacy. However, in the face of never-ending changes to the regulatory environment, we again find ourselves attempting to ascertain how new policies and programs as proposed in the draft 2040 General Plan will impact and challenge our ability to serve as stewards of this heritage.

It had been our hope that the DEIR would provide some clarity and insight into how the new policies and programs within the revised General Plan would impact our farming operation. However, that is not the case. Simply said, we believe the General Plan Update and subsequent Environmental Impact Report fail to adequately analyze or study impacts on the farming industry.

With that said, we would like to specifically present the following:

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I appreciate your consideration.

Laura McAvoy

I support this letter-
Dave Holroyd Chambers

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 8:09 AM
To: Simmons, Carrie
Subject: FW: Ventura County general plan and climate change

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division P. (805) 654-2497 | F. (805) 654-2509
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Ventura County General Plan Update. Join the conversation at VC2040.org For online permits and property information, visit VC Citizen Access

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-----Original Message-----

From: Geoffrey Dann <gdann@mac.com>
Sent: Tuesday, February 25, 2020 9:11 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Ventura County general plan and climate change

Ms Curtis -

Others have written more thoroughly on this subject than I can, so I am just adding my voice.

Ventura County should be a national leader to mitigate the effects of climate change, to stop or reverse climate change, to move us to long-term sustainable ways of life, to reverse the last century of "better living through chemistry".

Ventura County has abundant natural resources and human resources to make these things happen.

thanks

Geoffrey Dann

184 N Wake Forest Ave, Ventura 93003

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 8:10 AM
To: Simmons, Carrie
Subject: FW: Comments on County General Plan/EIR

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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From: Edward Chambers <echambers41@gmail.com>
Sent: Tuesday, February 25, 2020 9:44 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Comments on County General Plan/EIR

Dear Ms. Curtis:

I am writing to call your attention to significant flaws in the process, data, and conclusions of the Ventura County General Plan, Draft EIR, and supplemental documents.

My great grandfather, Mark McLoughlin (1843-1914), was a true Ventura County pioneer, purchasing his first 318 acres of undeveloped land in Ventura County in 1875. He was a hard-working visionary, revered by his community. With his son—my grandfather, James Patrick McLoughlin—he raised livestock and farmed the land, providing jobs and feeding the growing towns of Oxnard and Ventura.

Our land, in a vitally important location on Olivas Park Drive across from the Ventura Marina, has been in the family, and part of the economic fabric of the community, for 100 years. And we want it to be part of the future of this community, with a flourishing economy, a thriving job market, and unsurpassed quality of life for its residents.

But the General Plan and DEIR do not describe a viable path for us as landowners going forward.

I will begin with some specific issues regarding language in the Coastal Area Plan, 4-82-83 and 4-94-95. Part of our land is located in the Central Coastal Zone, adjacent to the Ventura Marina, on Olivas Park Drive at Harbor Blvd. The only conclusion the Plan draws about our land is the statement that, “unlike the Preble area, services are not readily available to the Olivas lands.” This is false. Our property has access to all utilities, water, main roads, and the freeway. Indeed, easements on our property serve surrounding areas with utilities.

The Plan also claims that our property is “not included in the City’s sanitation district because of problems with water pressure.” This language is irrelevant and incorrect. There is no evidence that there are water pressure issues, and the sanitation district’s pipelines actually traverse our property.

While we do not know the original source of these misstatements, such misrepresentations—now repeated in the Plan—threaten to diminish the value of our land in relation to the Preble property. And, of course, they undermine the goal and the value of the Plan itself.

The General Plan also speaks of the widening of Olivas Park Drive, our southern boundary. This would have a direct impact on our property. But the Plan does not address how this would happen or how it would affect our land.

Damaging misstatements about our property also appear in the DEIR. Contrary to the portrayal in the DEIR, our property has significant infrastructure in place, as well as prime accessibility to the highway and the harbor. In fact, with easy access to the marina and beach community, and with the railroad as part of our eastern boundary, our land is uniquely suited to be an important part of future economic development in the area. We are entitled to have all these matters corrected.

I would also like to raise some additional concerns:

1. The General Plan and DEIR continue to ignore the 28% increase in the homeless population in our community.

2. According to the General Plan, if we were to build an acre of low income / worker housing we would need to buy two replacement acres of same Ag land to be placed into perpetual agricultural preservation. This is unrealistic and infeasible, and certainly not in line with the State government's housing policies.

3. The EIR does not adequately address the enormous "indirect impacts" that will occur as a result of implementing the General Plan, calling them "less than significant."

4. The General Plan contains policies that will increase the costs of normal farming operations, making it difficult for farming to remain profitable.

5. The Plan does not adequately evaluate the impacts of increased competition for water in our community.

The EIR is a flawed document, full of errors, that does not disclose all impacts, direct and indirect, caused by the General Plan. It was obviously rushed—completed in six weeks. It is inaccurate and incomplete, and fails to provide members of the community with the information that they are legally entitled to. This EIR should be corrected and reconsidered, and a reasonable time period should be allowed for meaningful and thoughtful community input.

Sincerely,

Edward Chambers, MD

Simmons, Carrie

From: Keith Barrow <kfbarrow@gmail.com>
Sent: Tuesday, February 25, 2020 6:30 PM
To: General Plan Update
Subject: General Plan Update
Attachments: EIR Letter- final.pdf

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

VIA ELECTRONIC MAIL: GeneralPlanUpdate@ventura.org

February 25, 2020

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.

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.

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 were 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 economical 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.

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.

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 the conversion of all farm equipment to be all 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.

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.

After numerous 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.

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.

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.

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.

Sincerely,

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Tuesday, February 25, 2020 8:38 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

You have a NEW Comment

Name:

Thomas L Erickson

Contact Information:

tomatbob@yahoo.com

Comment On:

proposals

Your Comment:

Please ensure that all flaring and venting in all new oil wells is prohibited, except in cases of emergency or testing purposes. Thank you.



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

Copy sent via email: GeneralPlanUpdate@ventura.org

SUBJECT: Ventura County 2040 General Plan (SCH # 2019011026); Draft Environmental Impact Report (EIR)

Dear Ms. Curtis:

Thank you for including the Department of Conservation's Division of Mine Reclamation (Division) in the environmental review process for the Ventura County 2040 General Plan Draft EIR. The project as described in the Draft EIR proposes to update the County of Ventura's 2040 General Plan and will identify the goals, policies, and implementation programs that will guide future decisions concerning a variety of issues, including but not limited to land use, climate change, agriculture, transportation, hazards, public facilities, health and safety, environmental justice, and resource conservation.

The Division has review responsibilities associated with lead agency implementation of the Surface Mining and Reclamation Act of 1975 (SMARA; Public Resources Code [PRC] Section 2710 et seq.). SMARA provides a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed. The Division's primary focus is on existing surface mining operations and the return of those mined lands to a usable and safe condition while giving consideration to environmental and recreational values; however, the Division also addresses issues related to abandoned (pre-1976) legacy mines.

The Division has reviewed the subject Draft EIR pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines and offers these comments.

1. The Division recommends editing Section 1.4: Lead, Responsible, and Trustee Agencies (Page 1-5) from, "...the Department of Conservation, which has responsibility for approving mining Reclamation Plans..." to "...the Department of Conservation, which has responsibility for reviewing and commenting on surface mine Reclamation Plans...", as this better reflects the Division's role and SMARA statutes (PRC Section 2772.1).

2. The County should consider updating surface mining ordinances, which were last certified by the State Mining and Geology Board on November 10, 1999. As a result of Assembly Bill 1142 and Senate Bill 209, significant statutory changes to SMARA went into effect January 1, 2017. These changes provided updates to the statutes governing approval of reclamation plans and financial assurances. Additionally, during the recent Lead Agency Review and Assistance (LARA) Program review, the Division recommended the County update their surface mining ordinance.

PRC Section 2774(a) states that "[E]very lead agency shall adopt ordinances in accordance with state policy that establish procedures for the review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations... [T]he ordinances shall establish procedures ...to ensure that the ordinances continue to be in accordance with state policy." Additionally, PRC Section 2757 states that the SMARA statutes "shall be used as standards by lead agencies in preparing specific and general plans, including the conservation and land use elements of the general plan and zoning ordinances."

Please include the Division on the distribution list for this project and send the Division any subsequent project documents (e.g., hearing notices or supplemental environmental documents), as well as a copy of the certified final Environmental Impact Report, to the address below, attention to Carol E. Atkins, Division of Mine Reclamation.

If you have any questions, please contact either of us at (916) 323-9198.

Sincerely,



Carol E. Atkins, Manager
Environmental Services Unit



Paul Fry, Manager
Engineering and Geology Unit

cc (sent by email):

State Clearinghouse (state.clearinghouse@opr.ca.gov)

Department of Conservation, Office of Legislative and Regulatory Affairs
(OLRA@conservation.ca.gov)



The voice of business since 1949!

VCEDA's Mission Statement: To advocate for policies, legislation and programs that stimulate business and a vital economy as the foundation for a vibrant quality of life in Ventura County.

FEB 24 2020

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

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Marta Golding Brown, Ventura County Association of Realtors
Darren Kettle, VC Transportation Commission
Captain Kirk Lagerquist, Naval Base Ventura County
Bruce Stenslie, EDC-VC

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.

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?

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.

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.

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.

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.

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.

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.

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.

See also comments above regarding Background Report pp. 3-89 to 3-90, 3-97.

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)

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.

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.

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.

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."

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.

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.

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

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 10:17 AM
To: Simmons, Carrie
Subject: FW: Serious Environmental Concerns for Ventura County

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcрма.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

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

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

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 10:30 AM
To: Simmons, Carrie
Subject: FW: better test

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
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For online permits and property information, visit [VC Citizen Access](#)



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From: John Brooks <johnbrooks69@gmail.com>
Sent: Tuesday, February 25, 2020 10:29 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>; General Plan Update <GeneralPlanUpdate@ventura.org>
Subject: Fwd: better test



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.

Sincerely,

John Brooks

President CFROG

Simmons, Carrie

From: John Brooks <johnbrooks69@gmail.com>
Sent: Tuesday, February 25, 2020 10:29 AM
To: Curtis, Susan; General Plan Update
Subject: Fwd: better test



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:

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Sincerely,

John Brooks

President CFROG

Simmons, Carrie

From: Chad Christensen <ccinsbv@gmail.com>
Sent: Tuesday, February 25, 2020 11:24 AM
To: General Plan Update
Subject: VenCo 2040 General Plan Update
Attachments: VenCo 2040 GP Update.docx

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Hello,

Please find attached a comment letter regarding the County of Ventura 2040 General Plan Update.

Best regards,
Chad Christensen
3173 Strathmore Drive
Ventura, CA 93003

February 25, 2020

Ventura County Resource Management Agency, Planning Division
ATTN Susan Curtis, Manager, General Plan Update Section
800 South Victoria Avenue, L #1740
Ventura, California 93009-1740

County of Ventura Draft Programmatic Environmental Impact Report for the Draft 2040
General Plan Update

Dear Ms. Curtis,

The County of Ventura (County) is in a unique position to be updating the County's primary planning document through 2040 as the impacts of climate change are becoming more severe. The Draft Environmental Impact Report (DEIR) fails to recognize the true impacts of climate change already occurring. The County is already experiencing a 2.6°C increase in average temperature from historical records. We are soon to re-enter drought conditions following the driest February on record. We are still recovering from two of the state's largest wildfires in modern history. We must act now, and we must act boldly.

The DEIR fails to provide enough emissions reductions to meet, or meaningfully contribute to, the California state mandated climate goals. The DEIR fails to include a Climate Action Plan with measurable targets and goals to ensure County stakeholders are informed about progress, achievements and accurate analysis of shortcomings. Language used in the proposed 2040 General Plan update such as "encourage" or "support" rather than "require" or "mandate" is insufficient and meaningless to meet acknowledged greenhouse gas reduction targets.

The DEIR is based on a wholly inadequate inventory of county emissions. The inventory was conducted from top down rather than bottom up and fails to include, or even consider, a significant portion of present emissions. Studies published recently indicate significant under-assessment of greenhouse gases, especially methane, from current fossil fuel extraction and production sources that must be included in the DEIR analysis.

Because the County is one of the leading producers of fossil fuels in the state, and therefore in the nation, including fossil fuel facilities NASA documents as greenhouse gas "super emitters," the County must act now, and act boldly. Approval of the proposed DEIR would be a failure of the County's moral and fiduciary responsibility.

Therefore, to act responsibly, the County must:

- 1) Declare a climate emergency and direct all County government offices to incorporate climate change mitigation, to the extent feasible, in all activities,

- 2) Create a Climate Action Plan 2020-2040 with measurable targets and outcomes as a separate document from the General Plan update,
- 3) Set clear climate action goals and mandate enforceable climate policies based on the declaration of a climate emergency and Climate Action Plan 2020-2040, and
- 4) As part of the Climate Action Plan 2020-2040, set five-year interval targets beginning with 2025 to immediately begin the reduction of the County's contribution to the climate emergency.
 - a. Initial five-year (2025) emergency climate goals:
 - i. Begin the elimination of fossil fuel extraction and production within the County by immediately prohibiting operation of fossil fuel facilities within one-mile buffer zones of schools, public parks, mobile home parks, medical facilities, or any residential zones,
 - ii. Wind down discretionary oil and gas production by 10% per year to zero production in the County by 2030 starting with fossil fuel facilities within above one-mile buffer zones,
 - iii. Prohibit flaring and venting from any fossil fuel infrastructure before 2025,
 - iv. Implement a policy to coordinate with the California Department of Transportation (Caltrans) and the Ventura County Transportation Commission (VCTC) to cease all freeway, highway and road infrastructure expansion projects by 2025,
 - v. Implement a policy to coordinate with Caltrans and VCTC to use the existing 101 Freeway, Highway 126, and Highway 23/118 corridors to build light rail for inter-city and inter-county commuting by 2040,
 - vi. Implement a policy to expand existing rail infrastructure for multi-track capacity by 2040,
 - vii. Implement a policy requiring all public transportation (buses, shuttles, and all County vehicles) to be fully electric vehicles by 2030,
 - viii. Implement a County policy to prioritize walking and bicycling by connecting communities outside incorporated city limits with adequate walkways, bike lanes, and buffers from vehicle traffic,
 - ix. Implement a policy to coordinate with contracted refuse companies to divert all pre- and post-consumer food waste into the "green waste" stream for composting all County-derived food waste by 2025,

- x. Implement an agricultural policy requiring a transition to 100% regenerative farming including carbon sequestration and soil nutrient management plans by 2030,
- xi. Transition all small gas engines used in agriculture to electric models or diesel engines running on biodiesel produced from as locally-sourced waste vegetable oil as possible by 2030,
- xii. Implement a policy to transition all small, non-farm gas engines (i.e. blowers, mowers, trimmers, etc.) to electric models by 2025,
- xiii. Implement policies to facilitate distributed renewable energy generation and storage,
- xiv. Direct the County's Resource Management Agency to study the potential to repurpose existing gas infrastructure as conduit for undergrounding electrical and communication lines by 2025,
- xv. Direct the County's Chief Financial Officer to study the potential of public banking to finance County divestment from fossil fuels and investment in sustainable energy systems by 2025, and
- xvi. Implement a policy to include existing fossil fuel industry workers in the County's responsible transition to clean, renewable energy infrastructure.

Whatever price tag you want to envision for these proposals, it pales in comparison to the pending costs of sea level rise, soil degradation and crop failure, increased asthma and other heat-exacerbated medical conditions, and the shortsighted failures of free market economics and *laisse faire* County governance to deal with climate change. To delay action, to delay investment, will only cause greater harm and increased costs for us all.

Respectfully,

Chad Christensen
Ventura, CA

Simmons, Carrie

From: David Grau <dv.grau@gmail.com>
Sent: Tuesday, February 25, 2020 11:45 AM
To: General Plan Update
Subject: General Plan Update
Attachments: Taxpayers Assoc. Letter Gen Plan 2.24.pdf

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Dear Ms Curtis,

Please consider our comments related to the General Plan Update Draft EIR.

David Grau
President - VCTA



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.

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.

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

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 12:26 PM
To: Simmons, Carrie
Subject: FW: Climate change has environmental impacts!

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Lara Shellenbarger <info@email.actionnetwork.org>
Sent: Monday, February 24, 2020 4:59 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Climate change has environmental impacts!

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Susan Curtis,

Dear Ventura County Board of Supervisors and Planning Department,

Climate change is THE existential threat, not just to the United States, but to the human race. Every level of government must take this into account and do what is necessary to stop the emission of carbon dioxide and methane. And to encourage the use of energy sources like solar, wind, and nuclear power. Specifically, it will be difficult, if not impossible, to reach a zero carbon economy without using nuclear power in a transition phase. There are modern nuclear powerplant designs that are much safer than coal and oil fired power plants. Government should encourage their deployment.

Brent Meeker

Lara Shellenbarger

meeker.lara@gmail.com

104 Catalina Dr

Camarillo, California 93010

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 1:01 PM
To: Simmons, Carrie
Subject: FW: 2040 General Plan Draft EIR comment

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Fred J Ferro <fferro@naicapital.com>
Sent: Tuesday, February 25, 2020 12:44 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 General Plan Draft EIR comment

ATTN: Planning Division

Thank you for your time in preparing this document and for receiving my comments. My name is Fred J. Ferro and I have serious concerns about areas related to our local oil and gas industry. The DEIR contains false and ill-advised policies affecting the local oil and gas industry without proper evidence and analysis.

The policy COS-7.4 mandates the electrically powered equipment be used for oil and gas exploration and production. The DEIR makes this mandate of the oil and gas industry but does not apply this mandate to other industries. First of all, that is blatant in its disregard of an industry that provides thousands of high-paying jobs and provides tax revenues that support vital community services and local education. This mandate that is unfairly targeted to oil and gas should be further analyzed for economic impacts.

Furthermore, preventing a permitted land use such as extraction of energy resources would be a public taking. The DEIR needs to correct this failure to recognize and analyze the public taking as a result of these policies.

These policies must be corrected and further studied is this document is to be considered complete. Upon further analyzing these issues, the document will need to be recirculated instead of rushed through. Similarly, more recent available County Ag Commissioners data could and should have been used for discussion of the impacts of proposed changes affecting the local agricultural industry.

Thank you for your time,

Fred J.Ferro

Fred J Ferro | Vice President

300 Esplanade Dr., Suite #1660, Oxnard, CA 93036
fferro@naicapital.com | CalBRE Lic # 00873828

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Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 12:11 PM
To: Simmons, Carrie
Subject: FW: Aera Energy CEQA comments - DEIR
Attachments: Aera Energy LLC - CEQA Comments on General Plan 2040 DEIR - 02-24-2020 Final.pdf

Importance: High

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Newell ML (Michele) at Aera <MLNewell@aeraenergy.com>
Sent: Monday, February 24, 2020 6:52 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>; General Plan Update <GeneralPlanUpdate@ventura.org>
Cc: James MS (Michael) at Aera <MSJames@aeraenergy.com>
Subject: Aera Energy CEQA comments - DEIR
Importance: High

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Ms. Curtis

On behalf of Aera Energy LLC, please see the attached letter presenting additional comments on the General Plan 2040 Draft Environmental Impact Report. Please ensure that these comments are made part of the record of proceedings.

If you have questions, please reach out to Michael James, Aera's Senior Counsel. His contact information is on the letter and he is also cc'd on this e-mail. Thank you.

Michele Newell

Public Affairs Specialist
Aera Energy LLC



Office - 805-648-8202

FAX – 805-648-8205

MLNEWELL@AERAENERGY.COM

www.aeraenergy.com



February 24, 2020

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 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.

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.

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.)

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

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.)

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.

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].)

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].)

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.

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.)

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.

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

Ventura County Resource Management Agency, Planning Division
Attn: Susan Curtis, Manager
February 24, 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.)

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.

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.

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.

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.

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?

These details are required now in this DEIR to analyze the potential impacts of this new designation.

- 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.
- 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 will actually do 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.
- 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?
- 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.

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

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.)

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.)

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.

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.)

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.

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

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.

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.

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.

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

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

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.

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.

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.

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.

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.

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

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].)

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].)

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].)

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.

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].)

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].)

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.

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

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].)

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.)

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.)

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.

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

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.)

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.

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.)

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.)

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-

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.

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.

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].)

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.

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

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].)

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.

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.

Page 4.5-21: The DEIR concludes that the impact on historical 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 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.

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.

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.

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.

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.

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.

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

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.)

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.

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.

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

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].)

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.

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.

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].)

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

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.

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.)

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.

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

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.

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.

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.

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.

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.)

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.

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.

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.)

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

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.

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 Sonora* (2007) 155 Cal.App.4th 1214.)

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.

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.)

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.

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.

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.)

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-

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.

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.

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.

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.

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?

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

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.

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.

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.

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”). There 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.

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,

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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

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.

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.

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?

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.

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).

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

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.

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.

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 a 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.

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.

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.)

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:

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

Sincerely,



Michael S. James
Senior Counsel
Aera Energy LLC

Simmons, Carrie

From: Kurtz, Sandra <S.Kurtz@musickpeeler.com>
Sent: Tuesday, February 25, 2020 1:46 PM
To: General Plan Update
Cc: McAvoy, Laura
Subject: Comments on Ventura County 2040 General Plan DEIR
Attachments: 2040 General Plan.pdf

Importance: High

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Dear Ms. Curtis, attached is a comment letter on behalf of Coast Ranch Family, LLC. Kindly confirm receipt of this letter.

Regards,

Sandra Kurtz
Assistant to Laura K. McAvoy

MusickPeeler

Musick, Peeler & Garrett LLP
2801 Townsgate Road Suite 200
Westlake Village, California 91361

s.kurtz@musickpeeler.com
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MusickPeeler

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LOS ANGELES
ORANGE COUNTY
SAN DIEGO
SAN FRANCISCO
SANTA BARBARA COUNTY
VENTURA COUNTY

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.

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.

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.

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

MusickPeeler

Ventura County Board of Supervisors

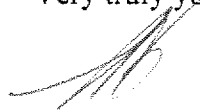
February 25, 2020

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.

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

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 1:54 PM
To: Simmons, Carrie
Subject: FW: Request for 90-Day Comment Deadline Extension on the DEIR for the Draft 2040 General Plan
Attachments: Request for 90 day Comment Period Extension_Wishtoyo.pdf

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Tevin Schmitt <tevin.wishtoyo@gmail.com>
Sent: Tuesday, February 25, 2020 1:36 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Request for 90-Day Comment Deadline Extension on the DEIR for the Draft 2040 General Plan

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Good afternoon Susan,

Please see attached letter requesting the extension of the comment period for the DEIR for the County of Ventura Draft 2040 General Plan.

Thank you for your consideration,

Tevin Schmitt
Watershed Scientist
Wishtoyo Chumash Foundation



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, 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 Wishtoyo 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.

In order for The Wishtoyo 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,

A handwritten signature in black ink that reads "Tevin Schmitt". The signature is written in a cursive style.

Tevin Schmitt
Watershed Scientist
Wishtoyo Chumash Foundation
tschmitt@wishtoyo.org

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 2:21 PM
To: Simmons, Carrie
Subject: FW: 2040 General Plan Draft EIR Comments

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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From: Margo Ferris <margoferris@gmail.com>
Sent: Tuesday, February 25, 2020 2:07 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 General Plan Draft EIR Comments

To: RMA Planning Division:

Thank you for your work on this DEIR, it takes time and dedication to get the document to this point. There are a few areas that are lacking in evidence and analysis when concerning the local oil and gas industry. I would like to see these serious issues addressed and corrected for a recirculated DEIR.

The proposed oil and gas setback policies are unnecessary, lack justification, and will only make the Ventura County homeless crisis worse. Multiple studies have failed to demonstrate negative public health effects as a result of oil and gas operations in California. The state which has the most stringent environmental standards for operations.

The DEIR relies too heavily on the unsettled legislation-AB 345- and incorrectly assumes that direction drilling is a viable setback mitigation option.

These misguided and flawed policies truly need to be corrected for a recirculated DEIR.

Thank You, Margo Ferris

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 2:21 PM
To: Simmons, Carrie
Subject: FW: COMMENT LETTER RE DRAFT DEIR TO COUNTY GENERAL PLAN 2020-2040
Attachments: DRAFT COMMENT LETTER.docx

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Margot Davis <wally97@hotmail.com>
Sent: Tuesday, February 25, 2020 2:20 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>; Margot Davis <wally97@hotmail.com>
Subject: COMMENT LETTER RE DRAFT DEIR TO COUNTY GENERAL PLAN 2020-2040

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COMMENT LETTER RE DRAFT DEIR TO COUNTY GENERAL PLAN UPDATE 2020-2040

February 25, 2020

TO WHOM IT MAY CONCERN:

The DEIR fails to recognize the true impact of climate change. It fails to declare the existing state of climate emergency that the general plan must be formulated to address in 2020-2040. It fails to provide enough emissions reduction to meet, or even make a sizeable dent in, the California state mandated climate goals. It fails to include a CLIMATE ACTION PLAN with measurable targets and goals as a separate document as requested by CFROG, 350 and other climate activists.

The policies set in the general plan are not measurable or enforceable. Language used in the plan such as “encourage” or “support” rather than “require” or “mandate” is weak, insufficient and meaningless to meet acknowledged greenhouse gas reduction targets.

Furthermore, crucially, in the first place the DEIR is based on a wholly inadequate inventory of existing county emissions. The inventory was conducted from top down rather than bottom up and fails to include, or even consider, a significant portion of present emissions.

To the best of my information Ventura County is the third largest producer of fossil fuels of all California counties and California is the largest producer of fossil fuels of all the states. This can be said to place a high fiduciary duty on Ventura County, owed to the rest of life on planet Earth, to drastically reduce its greenhouse gas emissions (fossil fuel production) in the next five years.

ACTION NEEDED

- 1) Recognize and declare the global climate emergency as it exists in Ventura County today.
- 2) Reassess and make a complete bottom to top inventory of Ventura County greenhouse gas emissions at present.
- 3) Create a CLIMATE ACTION PLAN 2020-2040 with measurable targets and outcomes as a separate document.
- 4) Set clear climate action goals and mandate enforceable climate policies based on 1) and 2) above.
- 5) Rather than aim at 2040, start by aiming at 2025 and 2030, recognizing the urgency declared. As part of the CLIMATE ACTION PLAN include five and ten year climate emergency goals to be reached by 2025 and 2030.

FIVE AND TEN YEAR EMERGENCY CLIMATE GOALS

- A) Decrease total county greenhouse gas emissions that have been newly inventoried by 20% per year to zero emissions by 2025.
- B) Wind down existing discretionary oil and gas production 10% per year to zero fossil fuel production in Ventura County by 2030. Achieve this goal by starting with oil and gas facilities located within one mile buffer zones of schools, public parks, mobile home parks and homes.

- C) Flaring and venting toxic gases and climate pollutants like methane into the atmosphere by prohibited before 2025.
- D) All small gas engines used in agriculture and landscape businesses, as well as by private citizens (leaf blowers, edgers, mowers, hedge trimmers, etc.) which do not at all curb emissions, be banned and replaced by electric models before 2025. County should subsidize this transition to the extent possible by securing state, federal or private grant clean energy funding.
- E) Implement an agricultural policy in Ventura County requiring a transition to 100% regenerative farming, eliminating toxic pesticide use and including carbon sequestration by 2030.
- F) Implement a county policy requiring transition to full electric vehicles for all public transportation (buses, trolleys, county and municipal vehicles) by 2025.
- G) Implement a policy working with existing oil and gas industry facilities to train laid off workers and bring clean energy jobs and electric vehicle production to Ventura County.
- H) GREENHOUSE GAS SUPER EMITTERS : A recent NASA study documents that several Ventura County facilities, including oil and gas operations, make up approximately 26% of all emissions in California. The CLIMATE ACTION PLAN must include strong policies to detect and curb emissions from these super emitters by 2030.

Respectfully submitted,

Margot Davis

148 West Simpson

Ventura, CA 93001

Simmons, Carrie

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Sent: Tuesday, February 25, 2020 2:21 PM
To: Simmons, Carrie
Subject: FW: COMMENT LETTER RE DRAFT DEIR TO COUNTY GENERAL PLAN 2020-2040
Attachments: DRAFT COMMENT LETTER.docx

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COMMENT LETTER RE DRAFT DEIR TO COUNTY GENERAL PLAN UPDATE 2020-2040

February 25, 2020

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Respectfully submitted,

Margot Davis

148 West Simpson

Ventura, CA 93001



RECEIVED
FEB 25 2020

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.

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.

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.)

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

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.)

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.

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].)

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].)

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.

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.)

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.

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

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.)

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.

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.

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.

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.

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?

These details are required now in this DEIR to analyze the potential impacts of this new designation.

- 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.
- 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 will actually do 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.
- 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?
- 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.

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

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.)

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.)

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.

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.)

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.

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

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.

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.

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.

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

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

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.

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.

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.

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.

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.

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

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].)

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].)

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].)

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.

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].)

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].)

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.

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

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].)

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.)

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.)

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.

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

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.)

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.

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.)

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.)

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-

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.

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.

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].)

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.

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

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].)

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.

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.

Page 4.5-21: The DEIR concludes that the impact on historical 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 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.

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.

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.

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.

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.

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.

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

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.)

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.

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.

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

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].)

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.

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.

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].)

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

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.

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.)

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.

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

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.

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.

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.

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.

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.)

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.

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.

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.)

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

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.

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 Sonora* (2007) 155 Cal.App.4th 1214.)

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.

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.)

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.

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.

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.)

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-

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.

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.

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.

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.

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?

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

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.

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.

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.

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”). There 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.

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,

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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

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.

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.

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?

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.

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).

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

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.

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.

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.

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.

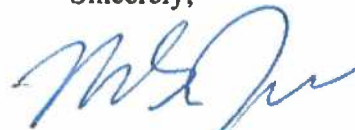
III. CONCLUSION AND REQUEST FOR RECIRCULATION

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.)

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:

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

Sincerely,



Michael S. James
Senior Counsel
Aera Energy, LLC



RECEIVED
FEB 25 2020

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

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



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.
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.
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.
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.
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?
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.
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

	population growth for the County will be negligible through 2040, which contradicts the assumption that construction associated with such growth would exceed applicable thresholds.
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.
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.
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.
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.
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

	<p>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.</p>
DEIR pg. 4.3-22	<p>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.</p>
DEIR: pg. 4.4-2	<p>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).”</p>
DEIR: pg. 4.4-10	<p>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).”</p>
DEIR: pg. 4.4-14	<p>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]”</p> <p>It is critical that a qualified biologist ensure that sensitive biological resources are accurately identified and identification/designation is consistent with base mapping, etc.</p>
DEIR: pg. 4.4-15	<p>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]”</p> <p>It is critical that a qualified biologist ensure that sensitive biological resources are accurately identified and identification/designation is consistent with base mapping, etc.</p>
DEIR: pg. 4.4-16	<p>Recommended textual change shown in bold and underline: “Policy COS-1.13: Partnerships for Protection of Natural and Biological Resources. The County shall</p>

	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.
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.</u> <u>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.”
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> ”
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

	100-foot setbacks from wetland habitat, incorporation of protective design features to avoid impacts to riparian habitat.”
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.
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.
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.
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).
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.
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.
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

	<p>(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 CO₂e. To put this in perspective, California State University, Channel Islands reported 84,042 MT CO₂e 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.</p>
DEIR 4.8-5	<p>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 CO₂e. 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 CO₂e 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.</p>
DEIR pg. 4.8-6	<p>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 CO₂e in 2015 to 66,248 MT CO₂e in 2020 for an 11% decrease in GHG emissions. Comparing the Simi Valley Landfill, which emitted 172,093 MT CO₂e in 2015 and dropping to 171,552 MT CO₂e 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.</p>
DEIR pg. 4.8-6	<p>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</p>

	<p>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.</p>
DEIR pg. 4.8-6	<p>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.”</p>
DEIR pg. 4.8-6	<p>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 CO₂e using data from the County (as calculated above); not 275,096 MT CO₂e 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 CO₂e (calculated as 25,500 MT CO₂e * 6,100,000 bbls / 7,729,845 bbls)</p>
DEIR 4.8-9	<p>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 gCO₂e/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 gCO₂e/MJ. As such, the crude oil from the Ventura Field results in 63% less GHG</p>

	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.
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.
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

	burdening a single industry sector by increasing taxes with no regard to the data presented in the DEIR.
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.)
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.
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 <u>there therefore</u> , 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.”
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 <u>from</u> 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.”
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.
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.
DEIR pg. 4.10-5	<p>“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).”</p> <p>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).</p>
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

	<p>flood control facilities. (SO) <i>[New Policy]</i>”</p> <p>The DEIR does not define the term “flood control facilities.” Again , this makes it impossible to understand the applicability and scope of this policy.</p>
DEIR pg. 4.10-5	<p>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) <i>[Source: Existing GPP Policy 2.10.2.1, modified].</i>”</p>
DEIR pgs. 4.11-7 through 4.11-88	<p>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.</p>
DEIR pg. 4.11-8	<p>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.</p>
DEIR pg. 4.11-16	<p>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.</p>
DEIR pgs. 4.11-1 through 4.11-24	<p>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.</p>
DEIR pg. 4.12-8	<p>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.</p>
DEIR pg. 4.12-8	<p>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.</p>

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.
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.
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>
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.
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.
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.

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 2:46 PM
To: Simmons, Carrie
Subject: FW: 2040 General Plan Draft EIR Comment

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Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
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Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



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From: 805countrysquire@gmail.com <805countrysquire@gmail.com>
Sent: Tuesday, February 25, 2020 2:35 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 General Plan Draft EIR Comment

VC Planning,

You may have remembered a news story in the VC Star about my wife and I defending our Tierra Rejada home from the Easy Fire in 2019. My wife and I did this, alone, without assistance of the VC Fire Dept due to the fact that they were busy protecting the Reagan Library. We know firsthand the potential destruction of wildfires. But more importantly, we understand the role of vegetation buffers and wildfire fuel control. Part of the reason my wife and I were able to stand our ground and successfully defend our home from the flames was due to the fact that we had regularly cut and disposed of vegetation FARTHER than the 100-foot barrier required by the County or that will be permitted to be done with the aid of mechanized equipment. We have been told that we were "lucky". No, we were prepared, but our ability to continue that preparation will be severely hampered with these new regulations.

In Part 4.9 of the EIR, the County talks about how increased fuel loads will increase risk of wildfires. But then the County fails to talk about Policies COS-3.2, COS-1.15, Implementation Program COS-H, and Implementation Program COS-C which will increase fuel load and vegetation.

Please revise the DEIR so that it accurately identifies and mitigates wildfire risks. Help me save my home from the next wildfire.

Best Regards

Chuck

Chuck Carmichael
Country Squire
The End of the Road
15664 LaPeyre Road
Moorpark, CA 93021

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Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 2:57 PM
To: Simmons, Carrie
Subject: FW: County General Plan/EIR Comments

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Flag Status: Flagged

Susan Curtis | Manager
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From: Don and Beverly Denicola <de.nicola@cox.net>
Sent: Tuesday, February 25, 2020 2:52 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: County General Plan/EIR Comments

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:

I represent and serve on the McLoughlin Family Committee, a group of family members that own approximately 300 acres of agricultural property off of Olivas Park Road in the County of Ventura, in proximity to the City of Ventura.

The McLoughlin family has farmed this land for generations. It remains our desire to continue this legacy. However, in the face of never-ending changes to the regulatory environment, we again find ourselves attempting to ascertain how new policies and programs as proposed in the draft 2040 General Plan will impact and challenge our ability to serve as stewards of this heritage.

It had been our hope that the DEIR would provide some clarity and insight into how the new policies and programs within the revised General Plan would impact our farming operation. However, that is not the case. Simply said, we believe the General Plan Update and subsequent Environmental Impact Report fail to adequately analyze or study impacts on the farming industry.

With that said, we would like to specifically present the following:

- The Background report Table 6-26: Transportation Department Planned Capital Projects lists sections of roadways the County plans for expanded capacity or widening, along with the scope of those enhancements. It also covers in length the plan to add bike paths and bike lanes in accordance with existing County wayfarer plans. However, the DEIR never analyzes the loss of farmland resulting from these changes in infrastructure – it’s not even mentioned as a possibility in the DEIR.

Olivas Park Road between Victoria and Harbor is listed as one of the areas planned for road widening, a stretch of roadway that borders the entire eastern portion of our farmland and property. While the impact on our farming operation and financial losses due to property loss are clearly quantifiable, the report fails to list or quantify these impacts.

- In Section 3-8, The DEIR states that because there will be no “substantive” change to the agricultural, open space, or rural designations, the General Plan Update (GPU) will be consistent with SOAR. However, no further details beyond this conclusory statement is provided. There is no way for the reader to come to his or her own conclusion on whether the GPU will result in inconsistencies with SOAR that might lead to physical environmental impacts. There is no description of the changes to the Agriculture, Open Space, and Rural policies to determine whether they are in fact non-substantive.

Given the length and breath of the Draft General Plan update and CEQA analysis, we made an attempt to focus our initial review and subsequent comments to issues specific to agriculture and farming. However, it’s clear that the 2040 General Plan will impact the Ventura County local economy across sectors – all of which influence the ability to live and work in this region. The DEIR’s lack of analysis of those economic impacts, calls into question the legitimacy of both the

draft General Plan update, and the CEQA analysis. As such, we respectfully request that the DEIR be recirculated in the hopes that further study will resolve these shortcomings.

I appreciate your consideration.

Laura McAvoy

I support this letter-
Beverly Chambers de Nicola

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 2:57 PM
To: Simmons, Carrie
Subject: FW: Comments on General Plan/EIR

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Susan Curtis | Manager
General Plan Update Section
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From: Don and Beverly Denicola <de.nicola@cox.net>
Sent: Tuesday, February 25, 2020 2:54 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Comments on General Plan/EIR

Sanger Hedrick, Chair
Agricultural Policy Advisory Committee (APAC) County of Ventura
800 S. Victoria Blvd.
Ventura, CA 93003

Re: 2040 General Plan Environmental Impact Report (EIR)

Dear Mr. Hedrick and Honorable Members of APAC:

Thank you for the opportunity to provide comments following today's presentation by Ventura County Planning staff on the 2040 General Plan EIR.

There are several issues with the 2040 General Plan EIR that CoLAB believes will negatively impact the viability of local agriculture.

Proposed mitigation measure AG-2: The County 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. This

mitigation measure is infeasible. Contrary to statements made by County Planning staff today at the APAC meeting, the California Environmental Quality Act (CEQA) requires that all mitigation proposed in an EIR be feasible. CEQA Section 21061.1 defines feasible as “capable of being accomplished in a successful manner within a reasonable period of time, ” (*emphasis added*). All mitigation measures proposed in an EIR must be shown to reduce impacts and an infeasible mitigation measure, by definition, cannot and will not reduce impacts.

The EIR does not provide evidence of any of the following:

1. 1) Whether there is sufficient land available for purchase/conservation easement for each farmland category;
2. 2) The cost per acre to purchase each category of farmland;
3. 3) The anticipated cost of establishing a conservation easement for each category of farmland;
4. 4) The anticipated cost associated with managing each category of farmland under a conservation easement;
5. 5) The anticipated cost associated with monitoring these mitigation parcels scattered throughout the County and who will bear that cost;
6. 6) Any information that could constitute a “plan” for management of farmland in conservation easements;

February 19, 2020

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Page 2 of 4

7. 7) An analysis of direct and indirect impacts caused by this mitigation measure (including impacts associated with LU compatibility conflicts and increased urban-ag-interface);
8. 8) Whether the smallest possible mitigation acreage required will achieve the minimum to ensure viability of agriculture on the parcel; and
9. 9) 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.

The County is already aware that this proposed mitigation measure is infeasible. On March 24, 2016, at a Local Agency Formation Commission (LAFCo) hearing, Supervisor Linda Parks attempted to establish an “Agricultural Mitigation Measure” through the LAFCo project approval process. The mitigation measure would have required the 1-to-1 purchase of local farmland (half of what is proposed in the 2040 General Plan EIR) to replace farmland that would be impacted by any proposed development. Ventura County Counsel, Michael Walker, informed both LAFCo and Supervisor Parks that the proposed mitigation measure did not meet the standard for economic feasibility, and, for that and other

reasons, LAFCo could not adopt Supervisor Park’s proposed mitigation measure. He referenced a 2015 legal decision, *City of Irvine v. County of Orange*, in which the Court stated, “the sheer astronomical expense of land supports the finding of the EIR that the purchase of an agricultural conservation easement is a non-starter.”

In addition to being infeasible, CoLAB does not believe that this mitigation measure will reduce impacts on agricultural land, as it does not address the actual issues that will impact farmland under the 2040 General Plan: lack of economic sustainability, the increasing regulatory demands on agriculture, increased competition for water resources, and increased compatibility conflicts from development.

Indirect Impacts

The EIR dismisses “indirect impacts” that will occur as a result of implementing the 2040 General Plan as “less than significant.”

Page 4.2-13 of the EIR states “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 potential for conflicts would be minimal. This impact would be less than significant**” (*emphasis added*).

This is simply not true. Historic and recent County actions have shown that the County has and will continue to create new restrictions and ordinances that have a significant impact on existing agricultural

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Page 3 of 4

and farming operations because of conflicts attributed to residential development. The recent interim

urgency ordinance restricting hemp cultivation is one such example.

Contrary to statements made today by Ventura County Planning staff, an EIR, whether it is labeled as “programmatic” or “project”, must analyze all reasonably foreseeable consequences of the action that is proposed. For the 2040 General Plan EIR, the action proposed is the implementation of all policies and programs within. Therefore, if the implementation of a policy in the 2040 General Plan will result in an impact, that impact must be analyzed. For example, the 2040 General Plan contains land use designation changes that will increase allowable housing density near agricultural land. It is reasonably foreseeable that more houses will create more compatibility conflicts with normal farming operations. The impact of these compatibility conflicts must be addressed in the EIR.

In 2014, the California Court of Appeal stated in a ruling that “[T]he fact that this EIR is labeled a ‘project’ rather than a ‘program’ EIR matters little....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.”

It is CoLAB's opinion that indirect impacts from increasing urban-ag interface are SIGNIFICANT and cannot be dismissed in the EIR.

Direct and indirect impacts of increased costs

The 2040 General Plan has policies that will increase the costs of normal farming operations. CoLAB believes that the most effective way to minimize conversion of agricultural land to non-agricultural uses is to take active measures to allow farming to remain profitable. And even the County admits that reducing the cost of farming reduces conversion of agricultural land in their discussion of the Williamson Act in Chapter 4.2 of the EIR.

But the County fails to analyze direct and indirect impacts of 2040 General Plan policies that will increase the cost of normal farming operations, such as:

- Policy AG-5.2: Electric- or Renewable-Powered Agricultural Equipment. 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.
- Policy AG-5.3: Electric- or Renewable-Powered Irrigation Pumps. The County shall encourage farmers to convert fossil fuel-powered irrigation pumps to systems powered by electric or renewable energy sources, such as solar power, and encourage electric utilities to eliminate or reduce standby charges.

Direct and indirect impacts of increased competition for water resources

The County fails to evaluate the impact of increased competition for water resources caused by development allowed in the 2040 General Plan on either the conversion of agricultural land or the loss of agricultural lands through the loss of topsoil.

The EIR states on page 4.2-3 that "...a reduction in available water resources for irrigation" is an example of indirect impacts on agricultural land due to loss of topsoil from increased wind and water erosion. But the County fails to analyze or propose mitigation measures to address this significant impact.

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Page 4 of 4

APAC is the expert charged with advising County decision-makers on agricultural issues in Ventura County. And the County should be seeking guidance from APAC about the actual issues that will impact farmland under the 2040 General Plan: lack of economic sustainability, the increasing regulatory demands on agriculture, increased competition for water resources, and increased compatibility conflicts from development.

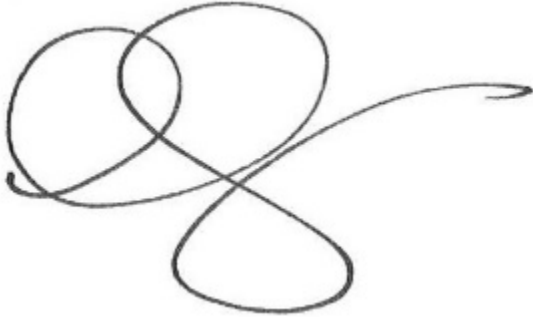
CoLAB encourages APAC to provide guidance to the County on appropriate and effective mitigation measures to prevent the conversion of agricultural land to non-agricultural uses. These may include:

- 1) Strengthen the Right-to-Farm ordinance to prevent nuisance complaints from being used to justify the creation or expansion of setbacks or regulatory restrictions on normal farming practices;
- 2) Expand the Land Conservation Act Program to include Open Space zoned properties that are engaged in farming (including grazing); and
- 3) Protect agricultural land from urban-ag interface encroachment and compatibility conflicts by establishing setbacks on NON-AE-zoned land that will restrict the construction of bike paths, public trails, and sensitive receptors within 2000' of any land zoned A/E.

Thank you again for the opportunity to provide comments on this issue. We appreciate your consideration and leadership at this time.

Sincerely,

Louise Lampara Executive Director

A handwritten signature in black ink, consisting of several overlapping loops and a long, sweeping tail that ends in a small hook.

In support of this letter-
Beverly Chambers de Nicola

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 2:57 PM
To: Simmons, Carrie
Subject: FW: 2040 General Plan Draft EIR Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
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Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Mike Maulhardt <mike.maulhardt@gmail.com>
Sent: Tuesday, February 25, 2020 2:55 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Cc: Michael Joseph Maulhardt <mike.maulhardt@gmail.com>
Subject: 2040 General Plan Draft EIR Comment

Dear Ms. Curtis,

I understand the county did not conduct the CEQA required analysis for impacts that will hamper access to petroleum reserves.

CEQA is very clear that the intent of the impact analysis required here is to evaluate the potential impact of the General Plan on the future access to petroleum reserves.

Yet the County does not do this. Instead, the County provides a long discussion of the potential health and safety impacts that may occur near oil and gas production. While this "optional", not required "analysis is

admirable, the County has failed to comply with CEQA requirements for this analysis. The County must redo this analysis, this time following CEQA intent, and the EIR must be recirculated.

The County must conduct an analysis that meets the CEQA standard by evaluating the impact of future development under the General Plan on the ability to access reserves. The analysis outlined in the EIR has no bearing as the county failed to meet the CEQA standard.

Mike Maulhardt
Gus H. Maulhardt Associates
Since 1886

--

Mike Maulhardt
4213 Dogwood Place
Davis, CA 95618
530-758-3813 home
530-304-4459 cell
mike.maulhardt@gmail.com

Simmons, Carrie

From: Downing, Clay
Sent: Tuesday, February 25, 2020 3:02 PM
To: Simmons, Carrie
Subject: FW: General Plan / EIR Comments

Follow Up Flag: Follow up
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FYI

From: Curtis, Susan <Susan.Curtis@ventura.org>
Sent: Tuesday, February 25, 2020 2:56 PM
To: Downing, Clay <clay.downing@ventura.org>
Subject: FW: General Plan / EIR Comments

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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From: Don and Beverly Denicola <de.nicola@cox.net>
Sent: Tuesday, February 25, 2020 2:50 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: General Plan / EIR Comments

To: Susan Curtis-

County failed to evaluate mitigation measure for feasibility- 500' set back for "sensitive receptors" from freeways and high traffic roads.

Mitigation Measure AQ-3 (Policy HAZ10-X) creates a minimum 500' set back for "sensitive receptors" from freeways and high traffic roads. Yet the County states in the Land Use section of the EIR that "the majority of the anticipated build out will be within the freeway corridors."

Has the County completed a "buildout study" to ensure that the establishment of this set back still leaves enough room for development to occur? Will this mitigation measure be economically feasible?

Beverly Chambers de Nicola

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 3:19 PM
To: Simmons, Carrie
Subject: FW: Comments on County General Plan/EIR

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Don and Beverly Denicola <de.nicola@cox.net>
Sent: Tuesday, February 25, 2020 2:57 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Cc: Jimmy & Jane Chambers <costacasas@gmail.com>
Subject: Comments on County General Plan/EIR

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

Dear Ms. Curtis:

I am writing to call your attention to significant flaws in the process, data, and conclusions of the Ventura County General Plan, Draft EIR, and supplemental documents.

My great grandfather, Mark McLoughlin (1843-1914), was a true Ventura County pioneer, purchasing his first 318 acres of undeveloped land in Ventura County in 1875. He was a hard-working visionary, revered by his community. With his son—my grandfather, James Patrick McLoughlin—he raised livestock and farmed the land, providing jobs and feeding the growing towns of Oxnard and Ventura.

Our land, in a vitally important location on Olivas Park Drive across from the Ventura Marina, has been in the family, and part of the economic fabric of the community, for 100 years. And we want it to be part of the future of this community, with a flourishing economy, a thriving job market, and unsurpassed quality of life for its residents.

But the General Plan and DEIR do not describe a viable path for us as landowners going forward.

I will begin with some specific issues regarding language in the Coastal Area Plan, 4-82-83 and 4-94-95. Part of our land is located in the Central Coastal Zone, adjacent to the Ventura Marina, on Olivas Park Drive at Harbor Blvd. The only conclusion the Plan draws about our land is the statement that, “unlike the Preble area, services are not readily available to the Olivas lands.” This is false. Our property has access to all utilities, water, main roads, and the freeway. Indeed, easements on our property serve surrounding areas with utilities.

The Plan also claims that our property is “not included in the City’s sanitation district because of problems with water pressure.” This language is irrelevant and incorrect. There is no evidence that there are water pressure issues, and the sanitation district’s pipelines actually traverse our property.

While we do not know the original source of these misstatements, such misrepresentations—now repeated in the Plan—threaten to diminish the value of our land in relation to the Preble property. And, of course, they undermine the goal and the value of the Plan itself.

The General Plan also speaks of the widening of Olivas Park Drive, our southern boundary. This would have a direct impact on our property. But the Plan does not address how this would happen or how it would affect our land.

Damaging misstatements about our property also appear in the DEIR. Contrary to the portrayal in the DEIR, our property has significant infrastructure in place, as well as prime accessibility to the highway and the harbor. In fact, with easy access to the marina and beach community, and with the railroad as part of our eastern

boundary, our land is uniquely suited to be an important part of future economic development in the area. We are entitled to have all these matters corrected.

I would also like to raise some additional concerns:

1. The General Plan and DEIR continue to ignore the 28% increase in the homeless population in our community.
2. According to the General Plan, if we were to build an acre of low income / worker housing we would need to buy two replacement acres of same Ag land to be placed into perpetual agricultural preservation. This is unrealistic and infeasible, and certainly not in line with the State government's housing policies.
3. The EIR does not adequately address the enormous "indirect impacts" that will occur as a result of implementing the General Plan, calling them "less than significant."
4. The General Plan contains policies that will increase the costs of normal farming operations, making it difficult for farming to remain profitable.
5. The Plan does not adequately evaluate the impacts of increased competition for water in our community.

The EIR is a flawed document, full of errors, that does not disclose all impacts, direct and indirect, caused by the General Plan. It was obviously rushed—completed in six weeks. It is inaccurate and incomplete, and fails to provide members of the community with the information that they are legally entitled to. This EIR should be corrected and reconsidered, and a reasonable time period should be allowed for meaningful and thoughtful community input.

Sincerely,

Beverly Chambers de Nicola

Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 3:20 PM
To: Simmons, Carrie
Subject: FW: 2040 General Plan Draft EIR comment

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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From: Michelle Kenney <michelle@ladolcevita1901.com>
Sent: Tuesday, February 25, 2020 3:03 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 General Plan Draft EIR comment

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

To whom it may concern,

My name is Michelle Kenney. I am the head chef and owner of La Dolce Vita 1901. As a small business owner in Ventura I have concerns about some of the more flawed elements of the DEIR as it currently is written that lack proper analysis. In my business I must be thorough and have a solid understanding of the laws that govern my business. I ask that this document hold that same standard.

This DEIR is based on incomplete policy analysis, attempts to hide important information in violation of CEQA, and fails to recognize when policies are preempted by State and Federal law. The DEIR attempts to hide important information and fails to support its claims with credible evidence. The DEIR currently buries required information that forms the cornerstone of its analyses in a 1,000 plus page appendix. This is obviously in violation of CEQA.

I want this DEIR to be open and accessible and not hide information. Please make these corrections for recirculation.

Thank you,
Michelle Kenney
Owner, Executive Chef

The Place To Be Newsletter

La Dolce Vita 1901

RESTAURANT ◊ CATERING ◊ SPEAKEASY
Heritage Square
740 South B. Street | Oxnard, CA 93030
(805) 486-6878 | LaDolceVita1901.com



Simmons, Carrie

From: Curtis, Susan
Sent: Tuesday, February 25, 2020 3:26 PM
To: Simmons, Carrie
Subject: FW: Flawed Ventura County General Plan

Follow Up Flag: Follow up
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Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Stan Chambers <Stan@stanchambers.com>
Sent: Tuesday, February 25, 2020 3:23 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Flawed Ventura County General Plan

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Dear Ms. Curtis:

I am writing to call your attention to significant flaws in the process, data, and conclusions of the Ventura County General Plan, Draft EIR, and supplemental documents.

My great- great grandfather, Mark McLoughlin (1843-1914), was a true Ventura County pioneer, purchasing his first 318 acres of undeveloped land in Ventura County in 1875. He was a hard-working visionary, revered by his community. With his son—my great grandfather, James Patrick McLoughlin—he raised livestock and farmed the land, providing jobs and feeding the growing towns of Oxnard and Ventura.

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I will begin with some specific issues regarding language in the Coastal Area Plan, 4-82-83 and 4-94-95. Part of our land is located in the Central Coastal Zone, adjacent to the Ventura Marina, on Olivas Park Drive at Harbor Blvd. The only conclusion the Plan draws about our land is the statement that, “unlike the Preble area, services are not readily available to the Olivas lands.” This is false. Our property has access to all utilities, water, main roads, and the freeway. Indeed, easements on our property serve surrounding areas with utilities.

The Plan also claims that our property is “not included in the City’s sanitation district because of problems with water pressure.” This language is irrelevant and incorrect. There is no evidence that there are water pressure issues, and the sanitation district’s pipelines actually traverse our property.

While we do not know the original source of these misstatements, such misrepresentations—now repeated in the Plan—threaten to diminish the value of our land in relation to the Preble property. And, of course, they undermine the goal and the value of the Plan itself.

The General Plan also speaks of the widening of Olivas Park Drive, our southern boundary. This would have a direct impact on our property. But the Plan does not address how this would happen or how it would affect our land.

Damaging misstatements about our property also appear in the DEIR. Contrary to the portrayal in the DEIR, our property has significant infrastructure in place, as well as prime accessibility to the highway and the harbor. In fact, with easy access to the marina and beach community, and with the railroad as part of our eastern boundary, our land is uniquely suited to be an important part of future economic development in the area. We are entitled to have all these matters corrected.

I would also like to raise some additional concerns:

1. The General Plan and DEIR continue to ignore the 28% increase in the homeless population in our community.

2. According to the General Plan, if we were to build an acre of low income / worker housing we would need to buy two replacement acres of same Ag land to be placed into perpetual agricultural preservation. This is unrealistic and infeasible, and certainly not in line with the State government's housing policies.

3. The EIR does not adequately address the enormous "indirect impacts" that will occur as a result of implementing the General Plan, calling them "less than significant."

4. The General Plan contains policies that will increase the costs of normal farming operations, making it difficult for farming to remain profitable.

5. The Plan does not adequately evaluate the impacts of increased competition for water in our community.

The EIR is a flawed document, full of errors, that does not disclose all impacts, direct and indirect, caused by the General Plan. It was obviously rushed—completed in six weeks. It is inaccurate and incomplete, and fails to provide members of the community with the information that they are legally entitled to. This EIR should be corrected and reconsidered, and a reasonable time period should be allowed for meaningful and thoughtful community input.

--
Sincerely,



Stan Chambers

Broker Associate | Lic# 01356002

(760) 505-8008

Stan@StanChambers.com

www.StanChambers.com



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Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 8:10 AM
To: Simmons, Carrie
Subject: FW: 2040 General plan comment

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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From: Bill Miller <wamsranch@aol.com>
Sent: Wednesday, February 26, 2020 12:29 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 General plan comment

Ventura County fails to adequately analyze for impacts to farmland.

The EIR has policies that will create and expand the bike paths and pedestrian trails throughout the County. Some of these proposed areas are in or adjacent to existing ag land. But the County failed to analyze impacts on ag land from these projects.

These projects will result in the direct loss of ag land (through paving a bike land or path) and in the indirect loss of ag land through increasing public access to working ag lands and encouraging theft, vandalism, and trespassing.

In addition, as the public has more access to working farmlands, there will be an increase of complaints of odors, dust, noise, etc.

The County must protect ag land from encroachment caused by increasing public access across ag lands- propose a mitigation measure to establish a set-back (on non-ag land) that prevents the construction of any bike path network or public trail on or adjacent to ag lands.

Sincerely, William A. "Bill" Miller

*When we have socialism...what is
your fair share of what someone
else has worked for?*

Simmons, Carrie

From: Barrera, Baron@Wildlife <Baron.Barrera@Wildlife.ca.gov>
Sent: Wednesday, February 26, 2020 4:36 PM
To: General Plan Update
Cc: Curtis, Susan; Gibson, Steve@Wildlife; Wilson-Olgin, Erinn@Wildlife; Rodriguez, Randy@Wildlife; Warmuth, Brock@Wildlife; Santonil, Malinda@Wildlife; Scott.Morgan@opr.ca.gov
Subject: FW: California Department of Fish and Wildlife -- Avalon Homes Subdivision (DEIR) Comment Letter
Attachments: Ventura County GPU_CDFW Comment Letter.pdf

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Hello,

Attached are California Department of Fish and Wildlife (CDFW) comments on the Ventura County General Plan Update Project (DEIR). Feel free to contact me at (562-431-8053) or Baron.Barrera@wildlife.ca.gov if you have any questions. A hard copy will also be send to you in the mail.

Regards,

Baron Barrera, M.S.

Environmental Scientist

California Department of Fish and Wildlife
South Coast Region
4665 Lampson Ave., Suite C
Los Alamitos, CA 90720
(858) 354-4114



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 26, 2020

Mrs. Susan Curtis
Ventura County
800 South Victoria Lane
Ventura, CA 93009

Subject: Draft Environmental Impact Report for the Ventura County 2040 General Plan Update, Ventura County

Dear Mrs. Susan Curtis:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Draft Environmental Impact Report (DEIR) for the Ventura County 2040 General Plan Update (GPU). Thank you for the opportunity to provide comments and recommendations regarding those activities detailed in the GPU that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the GPU that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. Further, CDFW understands that future development projects may be tiered off this environmental document. As such, future development projects, as detailed in the GPU, will be collectively referred to as "Projects." This is not to say that each comment below is relevant to each of the Projects discussed in the GPU, but that the comments listed below should be considered when a specified project may impact any of the biological resources discussed below.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 *et seq.*). Likewise, to the extent implementation of the GPU as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 *et seq.*), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 *et seq.*), CDFW recommends the GPU proponent obtain appropriate authorization under the Fish and Game Code, as necessary.

Project Description and Summary

Objective: The County of Ventura is undertaking a comprehensive update of its General Plan. The County's current General Plan was most recently updated in 2005 and has not been comprehensively updated since 1988. The GPU is anticipated to be adopted in 2020 and will set forth the County's vision of its future and express the goals, policies, and implementation programs that will guide future decisions concerning a variety of issues, including land use, health and safety, and resource conservation out to the year 2040. In addition, all area plans, specific plans, subdivisions, public works projects, and zoning decisions must be found to be consistent with the direction provided in the County's General Plan.

Location: Ventura County (county-wide).

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the County in adequately identifying, avoiding, and/or mitigating Projects' (as detailed in the GPU) significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

Project Description and Related Impact Shortcoming

Comment #1: Impacts to Special-Status Plant Species

Issue: The summation of incremental impacts from the Projects and land use strategies, disclosed in the GPU, may result in a significant cumulative impact with regards to biological resources. Further, the Projects may contribute to an increase in habitat fragmentation and development upon native habitats.

Specific impact: CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3 and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21-80 occurrences of this community in existence in California, S2 has 6-20 occurrences, and S1 has less than 6 occurrences. The Projects may have direct or indirect effects to these sensitive species.

Why impact would occur: The implementation of Projects may include grading, vegetation clearing for construction, road maintenance, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive plant species.

Evidence impact would be significant: Impacts to special status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to these sensitive plant species will result in a project(s) continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends including avoidance, minimization, and/or mitigation measure language articulating the need to perform focused surveys for sensitive/rare plants on-site and disclosing the results prior to the implementation of Projects. Based on the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, 2018)

(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>), a qualified biologist should “conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting.” Final CEQA documentation, for a specified project, should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from project-related direct and indirect impacts.

Mitigation Measure #2: In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the State (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at <http://vegetation.cnps.org/>. To determine the rarity ranking of vegetation communities on a specific project site(s), the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.

Mitigation Measure #3: CDFW recommends avoiding any sensitive natural communities found within or near Projects. If avoidance is not feasible, mitigating at a ratio of no less than 5:1 for impacts to S3 ranked communities and 7:1 for S2 communities should be implemented. This ratio is for the acreage and the individual plants that comprise each unique community. All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (Assembly Bill 1094; Government Code, §§ 65965-65968).

Comment #2: Survey Protocols for Special-Status Wildlife

Issue: There is no mention of protocol surveys for special-status wildlife. Projects proposed to occur within the geographical limits of the GPU may impact special status species. As such, we recommend including special-status protocol survey language as an avoidance, minimization and/or mitigation measure(s).

Why impacts would occur: A lack of protocol surveys will likely lead to impacts to a variety of sensitive species. Protocol surveys are necessary to identify listed species and supporting habitat necessary for their survival.

Evidence impact would be significant: Ground clearing and construction activities could lead to the direct mortality of a listed species or species of special concern (SSC). The loss of occupied habitat could yield a loss of foraging potential, nesting sites, basking sites, or refugia

and would constitute a significant impact absent appropriate mitigation. CDFW considers impacts to CESA-listed and Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends that Projects follow appropriate survey protocol for a given species. The survey(s) should be performed based on the species found, or likely to occur, on a respective project site(s), the mitigative response to which will vary.

The following mitigation measures are suggested by CDFW for impacts to reptiles:

Mitigation Measure #1: To mitigate impacts to SSC, CDFW recommends focused surveys for the species. Surveys should typically be scheduled when these animals are most likely to be encountered, usually conducted between June and July. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on-site in appropriate habitat suitable for each of these species. Suitable habitat consists of areas of sandy, loose and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.

Mitigation Measure #2: In consultation with qualified biologist familiar with the life history of each of the SSC, a relocation plan (Plan) should be developed. The Plan should include, but not be limited to, the timing and location of the surveys that will be conducted for this species, identify the locations where more intensive survey efforts will be conducted (based on high habitat suitability); identify the habitat and conditions in any proposed relocation site(s); the methods that will be utilized for trapping and relocating the individuals of this species; and the documentation/recording of the number of animals relocated. CDFW recommends the Plan be submitted to the Lead Agency for approval 60 days prior to any ground disturbing activities within potentially occupied habitat.

Mitigation Measure #3: If construction is to occur during the low activity period (generally December through February), surveys should be conducted prior to this period, if possible. Exclusion fencing should be placed to limit the potential for re-colonization of the site prior to construction. CDFW further recommends a qualified biologist be present during ground-disturbing activities immediately adjacent to or within habitat, which supports populations of this species.

The following mitigation measures are suggested by CDFW for impacts to nesting birds:

Mitigation Measure #1: To protect nesting birds that may occur on-site, CDFW recommends that the final environmental document for Projects (as necessary) include a measure that no construction shall occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist shall complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests shall be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction.

The following mitigation measures are suggested by CDFW for impacts to raptors:

Mitigation Measure #1: To protect nesting birds that may occur on-site, CDFW recommends that the final environmental document, for each project (as necessary), include a measure that no construction shall occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist shall complete surveys for nesting bird activity the orders *Falconiformes* and *Strigiformes* (raptors and owls) within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests shall be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction. Pursuant to FGC Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey.

Mitigation Measure #2: CDFW cannot authorize the take of any fully protected species as defined by state law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515). CDFW has advised the Permittee that take of any species designated as fully protected under the Fish and Game Code is prohibited. CDFW recognizes that certain fully-protected species are documented to occur on, or in, the vicinity of project areas, or that such species have some potential to occur on, or in, the vicinity of project areas, due to the presence of suitable habitat.

The following mitigation measures are suggested by CDFW for impacts to bats:

Mitigation Measure #1: The CEQA document should provide a discussion of potential impacts to bats, which may occur as a result from the construction and/or operation of Projects. The language should adequately disclose potential impacts and identify appropriate avoidance and mitigation measures.

Mitigation Measure #2: Measures to mitigate impacts to bats should include pre-construction surveys to detect species, use of bat roost installations, and preparation of a bat protection and relocation plan to be submitted to CDFW for approval prior to commencement of project activities, as necessary.

Comment #3: Impacts to CESA-Listed Species

Issue: There are multiple listed species with the potential to occur within the GPU footprint.

Specific Impacts: Projects related activities, such as grading, road construction, or housing construction could lead to the direct or indirect mortality of listed animal and/or plant species.

Why impact would occur: Take of special status plant species, including ESA and CESA-listed species, may occur without adequate detection, avoidance and mitigation measures.

Evidence impacts would be significant: CDFW considers adverse impacts to special status species protected by CESA and the federal Endangered Species Act (ESA, 16 U.S.C. §1531 *et*

seq.), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any state endangered, threatened, candidate species, or listed rare plant species pursuant to the NPPA that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Take is defined in Section 86 of the Fish and Game Code as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”. Projects may result in substantial adverse effects, either directly or through habitat modifications, on a species protected under CESA.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: If Projects will result in take of a plant or animal species designated as rare, endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the proponent seek appropriate take authorization under CESA prior to project implementation. Appropriate authorization from CDFW may include an ITP or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. [b], [c]). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain CESA authorization. Revisions to the Fish and Game Code, effective January 1998, may require CDFW issue a separate CEQA document for the issuance of an ITP unless the project(s) CEQA document addresses all impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the fully mitigated requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP.

Comment #4: Impacts to Streams

Issue: As indicated in the Hydrology/Water Quality section of the DEIR, Projects may result in impacts to State Waters. As such, the Department offers the following measures for activities that may result in significant impacts to State Waters. The following language supports streams subject to notification under Fish and Game code section 1600 *et seq.*

Specific impacts: Projects may result in the loss of streams and associated watershed function and biological diversity. Grading and construction activities will likely alter the topography, and thus the hydrology, of a Projects site.

Why impacts would occur: Ground disturbing activities from grading and filling, water diversions and dewatering would physically remove or otherwise alter existing streams or their function and associated riparian habitat. Downstream waters and associated biological resources beyond a project(s) development footprint may also be impacted by Projects related releases of sediment and altered watershed effects.

Evidence impacts would be significant: Projects may substantially adversely affect the existing stream pattern of the site through the alteration or diversion of a stream, which absent specific mitigation, could result in substantial erosion or siltation on-site or off-site.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Projects may result in the alteration of streams. For any such activities, the project applicant (or “entity”) must provide written notification to CDFW pursuant to section

1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at www.wildlife.ca.gov/habcon/1600.

CDFW's issuance of an LSA for Project that are subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for a project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, project specific CEQA documents should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.

Mitigation Measure #2: Any LSA permit issued for Projects by CDFW may include additional measures protective of streambeds on and downstream of the project. The LSA may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA may include the following: avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection and management of mitigation lands in perpetuity.

Comment #5: Potential Land Use Changes Specific to Cannabis

Issue: If the County allows the cultivation of cannabis in the future through the General Plan Update or otherwise CDFW recommends the following procedures and measures to minimize impacts from cannabis cultivation.

To obtain a state license to cultivate cannabis, written verification that a 1600 streambed agreement is not needed or that one has been obtained is required. Some of the issues CDFW has been challenged with during the review of cannabis cultivation applications included:

- Shallows wells, diversions and other conveyance facilities and potential effects to surface flows, riparian habitat resources that are needed for wildlife species such as steelhead, least Bell's vireo, southwestern willow flycatcher and yellow-billed cuckoo.
- Conversion of native habitat to cultivation with no replacement habitat conserved and managed in perpetuity.
- Inadequate identification and mapping of the full extent of stream resources on-site.
- Buffers and setbacks from streams that may not be sufficient over time to protect existing wildlife habitat.
- Need to integrate surveys for and impacts to plants from conversion of natural land to cultivation.

Filing Fees

Projects, as proposed in the GPU, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

Mrs. Susan Curtis
Ventura County
February 26, 2020
Page 8 of 13

We appreciate the opportunity to comment on the GPU to assist Ventura County in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines; § 15073(e)]. If you have any questions or comments regarding this letter, please contact Baron Barrera, Environmental Scientist, at Baron.Barrera@wildlife.ca.gov or (858) 354-4114.

Sincerely,



Erinn Wilson
Environmental Program Manager I

cc: CDFW

Steve Gibson – Los Alamitos
Baron Barrera – Los Alamitos
Brock Warmuth – Los Alamitos
Randy Rodriguez – Los Alamitos
Malinda Santonil – Los Alamitos

Susan Curtis – (Ventura County)

Scott Morgan (State Clearinghouse)

References:

California Department of Fish and Wildlife [CDFW]. March 20,2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <https://www.wildlife.ca.gov/Conservation/Plants>).

National Research Council. 1995. *Science and the Endangered Species Act*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/4978>.

Sawyer, J.O., Keeler Wolf, T., and Evens J.M. 2008. A manual of California Vegetation, 2nd ed. ISBN 978 0 943460 49 9.

The following table includes suggested language for the Project’s Mitigation and Monitoring Reporting Program.

	Mitigation Measure	Timing and Methods	Responsible Parties
1	<p>Comment #1, MM #1.</p> <p>CDFW recommends including avoidance, minimization, and/or mitigation measure language articulating the need to perform focused surveys for sensitive/rare plants on-site and disclosing the results prior to the implementation of Projects. Final CEQA documentation, for a specified project, should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from project-related direct and indirect impacts.</p>	<p>Timing: Prior to Construction</p> <p>Methods: A qualified biologist should “conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting.”</p> <p>Final CEQA documentation, for a specified project, should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from project-related direct and indirect impacts. For more specific information, reference the following:</p> <p><i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</i> (CDFW, 2018) https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959).</p>	<p>Implementation: County of Ventura</p> <p>Monitoring and Reporting: County of Ventura</p>

	Mitigation Measure	Timing and Methods	Responsible Parties
2	<p>Comment #1, MM #2. In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and association-based classification of unique vegetation stands.</p>	<p>Timing: Prior to Construction</p> <p>Methods: To determine the rarity ranking of vegetation communities on a specific project site(s), the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.</p>	<p>Implementation: County of Ventura</p> <p>Monitoring and Reporting: County of Ventura</p>
	<p>Comment #1, MM #3. Avoid any sensitive natural communities found within or near Projects. If avoidance is not feasible, mitigating at a ratio of no less than 5:1 for impacts to S3 ranked communities and 7:1 for S2 communities should be implemented. This ratio is for the acreage and the individual plants that comprise each unique community.</p>	<p>Timing: Relevant for all Phases</p> <p>Methods: All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (Assembly Bill 1094; Government Code, §§ 65965-65968).</p>	<p>Implementation: County of Ventura</p> <p>Monitoring and Reporting: County of Ventura</p>

	Mitigation Measure	Timing and Methods	Responsible Parties
3	<p>Comment #2, MM #1. Projects shall adhere to appropriate survey protocol for a given species.</p>	<p>Timing: Prior to Construction</p> <p>Methods: To mitigate impacts to SSC, CDFW recommends focused surveys for the species. Surveys should typically be scheduled when these animals are most likely to be encountered, usually conducted between June and July. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on-site in appropriate habitat suitable for each of these species. Suitable habitat consists of areas of sandy, loose and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands. For more specific information (e.g. special-status wildlife, reptiles, nesting birds, and bats), please see language detailed in the comments above.</p>	<p>Implementation: County of Ventura</p> <p>Monitoring and Reporting: County of Ventura</p>

	Mitigation Measure	Timing and Methods	Responsible Parties
4	<p>Comment #3, MM #1. Avoid adverse impacts to special status species protected by CESA and the ESA.</p>	<p>Timing: Prior to Construction</p> <p>Methods: The Project(s) proponent shall seek appropriate take authorization under CESA prior to project implementation. Appropriate authorization from CDFW may include an ITP or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. [b], [c]). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain CESA authorization. Revisions to the Fish and Game Code, effective January 1998, may require CDFW issue a separate CEQA document for the issuance of an ITP unless the project(s) CEQA document addresses all impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the fully mitigated requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP.</p>	<p>Implementation: County of Ventura</p> <p>Monitoring and Reporting: County of Ventura</p>

	Mitigation Measure	Timing and Methods	Responsible Parties
5	<p>Comment #4, MM #1. Avoid adverse impacts to streams, associated watershed function, and subsequent biological diversity.</p>	<p>Timing: Prior to Construction</p> <p>Methods: Projects may result in the alteration of streams. For any such activities, the project entity must provide written notification to CDFW pursuant to section 1600 <i>et seq.</i> of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a LSA with the applicant is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at www.wildlife.ca.gov/habcon/1600.</p>	<p>Implementation: County of Ventura</p> <p>Monitoring and Reporting: County of Ventura</p>

Simmons, Carrie

From: Stephanie Caldwell <stephanie@ventura-chamber.org>
Sent: Wednesday, February 26, 2020 4:56 PM
To: General Plan Update
Subject: DEIR Comments - Receipt Requested
Attachments: DEIR Comments Ventura Chamber.pdf

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

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.

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.

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.

Thank you,

Stephanie Caldwell

President & CEO



Ventura Chamber of Commerce

505 Poli Street, 2nd Floor | Ventura, CA 93001

Tel (805) 643-7222 x14 | Fax (805) 653-8015

stephanie@ventura-chamber.org

www.VenturaChamber.com





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,

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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.

Thank you,

A handwritten signature in black ink, appearing to read "Stephanie Caldwell", is positioned above the typed name.

Stephanie Caldwell
President & CEO
Ventura Chamber of Commerce

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 8:09 AM
To: Simmons, Carrie
Subject: FW: General Plan/EIR Comments

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Dave Chambers <davechambers911@gmail.com>
Sent: Tuesday, February 25, 2020 5:20 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: General Plan/EIR Comments

To: Susan Curtis-

County failed to evaluate mitigation measure for feasibility- 500' set back for "sensitive receptors" from freeways and high traffic roads.

-

Mitigation Measure AQ-3 (Policy HAZ10-X) creates a minimum 500' set back for "sensitive receptors" from freeways and high traffic roads. Yet the County states in the Land Use section of the EIR that "the majority of the anticipated build out will be within the freeway corridors."

Has the County completed a "buildout study" to ensure that the establishment of this set back still leaves enough room for development to occur? Will this mitigation measure be economically feasible?

Dave Holroyd Chambers

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 3:44 PM
To: Simmons, Carrie
Subject: FW: County General Plan/EIR Comments

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Bob & Anna Chambers <lacostachambers@gmail.com>
Sent: Wednesday, February 26, 2020 1:46 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: County General Plan/EIR Comments

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:

-

I represent and serve on the McLoughlin Family Committee, a group of family members that own approximately 300 acres of agricultural property off of Olivas Park Road in the County of Ventura, in proximity to the City of Ventura.

-

The McLoughlin family has farmed this land for generations. It remains our desire to continue this legacy. However, in the face of never-ending changes to the regulatory environment, we again find ourselves attempting to ascertain how new policies and programs as proposed in the draft 2040 General Plan will impact and challenge our ability to serve as stewards of this heritage.

-

It had been our hope that the DEIR would provide some clarity and insight into how the new policies and programs within the revised General Plan would impact our farming operation. However, that is not the case. Simply said, we believe the General Plan Update and subsequent Environmental Impact Report fail to adequately analyze or study impacts on the farming industry.

-

With that said, we would like to specifically present the following:

-

- The Background report Table 6-26: Transportation Department Planned Capital Projects lists sections of roadways the County plans for expanded capacity or widening, along with the scope of those enhancements. It also covers in length the plan to add bike paths and bike lanes in accordance with existing County wayfarer plans. However, the DEIR never analyzes the loss of farmland resulting from these changes in infrastructure – it’s not even mentioned as a possibility in the DEIR.

-

Olivas Park Road between Victoria and Harbor is listed as one of the areas planned for road widening, a stretch of roadway that borders the entire eastern portion of our farmland and property. While the impact on our farming operation and financial losses due to property loss are clearly quantifiable, the report fails to list or quantify these impacts.

-

- In Section 3-8, The DEIR states that because there will be no “substantive” change to the agricultural, open space, or rural designations, the General Plan Update (GPU) will be consistent with SOAR. However, no further details beyond this conclusory statement is provided. There is no way for the reader to come to his or her own conclusion on whether the GPU will result in inconsistencies with SOAR that might lead to physical environmental impacts. There is no description of the changes to the Agriculture, Open Space, and Rural policies to determine whether they are in fact non-substantive.

-

Given the length and breath of the Draft General Plan update and CEQA analysis, we made an attempt to focus our initial review and subsequent comments to issues specific to agriculture and

farming. However, it's clear that the 2040 General Plan will impact the Ventura County local economy across sectors – all of which influence the ability to live and work in this region. The DEIR's lack of analysis of those economic impacts, calls into question the legitimacy of both the draft General Plan update, and the CEQA analysis. As such, we respectfully request that the DEIR be recirculated in the hopes that further study will resolve these shortcomings.

-

I appreciate your consideration.

Laura McAvoy

I support this letter-
Robert M. Chambers

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 5:14 PM
To: Simmons, Carrie
Subject: FW: VC 2040 Draft General Plan & EIR

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: ClerkoftheBoard, ClerkoftheBoard <ClerkoftheBoard@ventura.org>
Sent: Wednesday, February 26, 2020 4:20 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: FW: VC 2040 Draft General Plan & EIR

No sure you received this one.

Lori

From: Mary Freed [<mailto:msmfreed@gmail.com>]
Sent: Wednesday, February 26, 2020 1:04 PM
To: ClerkoftheBoard, ClerkoftheBoard <ClerkoftheBoard@ventura.org>
Subject: VC 2040 Draft General Plan & EIR

We need much stronger measures to protect Ventura County from increasingly rapid and negative climate changes than the current proposals in this draft general plan. Suggestions are worthless. If we want positive climate changes the County must require them. Start with changing the County vehicle fleet to all electric. Stop all oil extraction in the county. Develop a workable public transit system county wide. Provide incentives for farmers to change to organic and regenerative methods. Make this plan tough enough to actually make a dent in climate changes.
Mary Freed, Thousand Oaks

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 5:14 PM
To: Simmons, Carrie
Subject: FW: 2040 General Plan Draft EIR Comment McLoughlin Property - aka Olivas Lands

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Lizzy Martinez <emchambers@aol.com>
Sent: Wednesday, February 26, 2020 4:24 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 General Plan Draft EIR Comment McLoughlin Property - aka Olivas Lands

Sent from my iPhone

Begin forwarded message:

From: Lizzy Martinez <emchambers@aol.com>
Date: February 25, 2020 at 2:56:54 PM PST
To: GeneralPlanUpdate@ventura.org
Subject: 2040 General Plan Draft EIR Comment McLoughlin Property - aka Olivas Lands

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

Dear Ms. Curtis:

I am writing to call your attention to significant flaws in the process, data, and conclusions of the Ventura County General Plan, Draft EIR, and supplemental documents.

My great grandfather, Mark McLoughlin (1843-1914), was a true Ventura County pioneer, purchasing his first 318 acres of undeveloped land in Ventura County in 1875. He was a hard-working visionary, revered by his community. With his son—my grandfather, James Patrick McLoughlin—he raised livestock and farmed the land, providing jobs and feeding the growing towns of Oxnard and Ventura.

Our land, in a vitally important location on Olivas Park Drive across from the Ventura Marina, has been in the family, and part of the economic fabric of the community, for 100 years. And we want it to be part of the future of this community, with a flourishing economy, a thriving jobmarket, and unsurpassed quality of life for its residents.

But the General Plan and DEIR do not describe a viable path for us as landowners going forward.

I will begin with some specific issues regarding language in the Coastal Area Plan, 4-82-83 and 4-94-95. Part of our land is located in the Central Coastal Zone, adjacent to the Ventura Marina, on Olivas Park Drive at Harbor Blvd. The only conclusion the Plan draws about our land is the statement that, “unlike the Preble area, services are not readily available to the Olivas lands.” This is false. Our property has access to all utilities, water, main roads, and the freeway. Indeed, easements on our property serve surrounding areas with utilities.

The Plan also claims that our property is “not included in the City’s sanitation district because of problems with water pressure.” This language is irrelevant and incorrect. There is no evidence that there are water pressure issues, and the sanitation district’s pipelines actually traverse our property.

While we do not know the original source of these misstatements, such misrepresentations—now repeated in the Plan—threaten to diminish the value of our land in relation to the Preble property. And, of course, they undermine the goal and the value of the Plan itself.

The General Plan also speaks of the widening of Olivas Park Drive, our southern boundary. This would have a direct impact on our property. But the Plan does not address how this would happen or how it would affect our land.

Damaging misstatements about our property also appear in the DEIR. Contrary to the portrayal in the DEIR, our property has significant infrastructure in place, as well as prime accessibility to the highway and the harbor. In fact, with easy access to the marina and beach community, and with the railroad as part of our eastern boundary, our land is uniquely suited to be an important part of future economic development in the area. We are entitled to have all these matters corrected.

I would also like to raise some additional concerns:

1. The General Plan and DEIR continue to ignore the 28% increase in the homeless population in our community.
2. According to the General Plan, if we were to build an acre of low income / worker housing we would need to buy two replacement acres of same Ag land to be placed into perpetual agricultural preservation. This is unrealistic and infeasible, and certainly not in line with the State government's housing policies.
3. The EIR does not adequately address the enormous "indirect impacts" that will occur as a result of implementing the General Plan, calling them "less than significant."
4. The General Plan contains policies that will increase the costs of normal farming operations, making it difficult for farming to remain profitable.
5. The Plan does not adequately evaluate the impacts of increased competition for water in our community.

The EIR is a flawed document, full of errors, that does not disclose all impacts, direct and indirect, caused by the General Plan. It was obviously rushed—completed in six weeks. It is inaccurate and incomplete, and fails to provide members of the community with the information that they are legally entitled to. This EIR should be corrected and reconsidered, and a reasonable time period should be allowed for meaningful and thoughtful community input.

Sincerely,
Elizabeth Chambers Martinez and Family
Great Granddaughter of Mark McLoughlin

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Wednesday, February 26, 2020 6:57 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

Follow Up Flag: Follow up
Flag Status: Flagged

You have a NEW Comment

Name:

Teal Rowe

Contact Information:

teal@tealrowe.com

Comment On:

Climate Action Plan

Your Comment:

I believe that adopting CFROG's recommendations for the climate action plan (CAP) is a must~ Please add this to the 2040 General Plan Update. Thank you

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Wednesday, February 26, 2020 7:43 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

Follow Up Flag: Follow up
Flag Status: Flagged

You have a NEW Comment

Name:

Monica Gray

Contact Information:

momama08@gmail.com

Comment On:

Climate Action Plan

Your Comment:

Please do more to help reduce greenhouse gas emissions and food waste. Focus on regenerative agriculture and creating more incentives for people to take advantage of veteran farmer programs. Feed hungry people, reduce food waste, and incentivize volunteering to glean fruit with Food Forward and Food Share by County employees. Please support " Get Fresh VC," my effort to feed hungry college students, reduce food waste, and teach valuable skills in food recovery. Rotting food does us no good, and we can recapture this produce and restore value and create community goodwill at the same time.

Simmons, Carrie

From: S. Colome <sdcolome@gmail.com>
Sent: Wednesday, February 26, 2020 7:48 PM
To: Curtis, Susan; General Plan Update
Subject: Comment Letter on DEIR and 2040 GenPlan Draft
Attachments: Comment Letter on the Draft Environmental Impact Report.docx

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Hello Susan,

Please find attached comments I was able to produce in the time allotted. More can be said as the document is lengthy and complex. To facilitate public review the County should have provided revisions to the draft GenPlan in legislative format in the interest of greater transparency. It was a challenge and time-consuming to search out changes from the prior draft and identify responses by County to public comments made in the revised draft. The GHG calculations and tables in Appendix D were also left uncollated and are impossible to validate without access to the "proprietary" model.

My comments focus on the attempt by County to embed a CAP in the GenPlan, and on the DEIR sections that address the CAP. I am sorry to be so critical, but I am afraid the County has completely failed to produce a viable CAP.

Regards,

Steven Colome, ScD

Comment Letter on the Draft Environmental Impact Report (DEIR) for the Ventura County Draft 2040 General Plan

**Statement of Dr. Steven Colomé,
February 26, 2020**

Climate is the defining challenge of the 21st Century-UC Berkeley¹

I conducted a preliminary review of the Draft EIR for the County's 2020-2040 General Plan (GenPlan) Update, focusing on the goals, policies, and implementation plans for the Climate Action Plan (CAP) currently incorporated into the draft GenPlan. I do not find that the County has adequately addressed deficiencies in the process, content or promised corrections from earlier drafts of the plan. Consequently, the Draft EIR is deficient in meeting the greenhouse gas (GHG) reduction goals of the State, and even the County's own stated GenPlan goals. Therefore, the County cannot claim that a CAP is yet contained as part of the GenPlan.

The next decade is critical for turning around the global reliance on fossil fuels; and this is an essential period for doing all that can be done at every level of government to combat the crisis that is already upon us.

An EIR is intended as an informational document to provide decision-makers with a factual basis for their decisions. An EIR must describe existing conditions clearly and accurately, evaluate the potential impacts of the project (in this case the General Plan Update), identify and quantify cumulative impacts, evaluate alternatives, and mitigate significant impacts.

I am not pleased to report that the DEIR has failed on each and every one of these expectations.

General Plans are required by the State of California and represent the guiding land use document, sometimes referred to as the 'constitution', for cities and counties. All land-use policies, ordinances and regulations must be consistent with the General Plan.² California has recently included an option for municipalities and counties to include a Climate Action Plan (CAP) into a GenPlan; and Ventura County (VC) has attempted to develop such a plan during their GenPlan Update process.

The problem is that the CAP incorporated into the County draft plan, and accompanying DEIR, fail to make the necessary hard choices and do not contain or describe an acceptable CAP.

¹ <https://vcresearch.berkeley.edu/energy>

² <http://opr.ca.gov/planning/general-plan/guidelines.html>

Failure of the County's Draft GenPlan and CAP:

- The global climate challenge requires that we take an “all hands-on deck” approach to reducing greenhouse gases (GHG) at every level of government.
- The current policies in the draft GenPlan, and proposed CAP, are inadequate to meet our County's proportional contribution and needed commitment to addressing the climate crisis. The draft CAP will not adequately contribute toward making the County carbon neutral or meeting the clear goals for GHG emission reductions contained in the draft GenPlan.
- The draft CAP made no attempt to seek input from the ‘deep bench’ of climate expertise that we have in California, including many of the key members of the IPCC.³
- The draft CAP lacks sufficient metrics for evaluating whether the goals of the plan are being met. Policies should have clear action terms like: “by 2024 90,000 native trees shall be planted”. Instead, as an example from Chapter 6 on *Conservation and Open Space*, a draft CAP policy (COS3.2) reads: “The County shall encourage the protection of urban forests and native woodlands, savannahs, and tree canopy along State or County designated scenic roadways.” There are too many “shall encourage” clauses within the CAP policies and this language does not provide clear policy direction or evaluation standards; leading to qualitative policies that are impossible to measure and evaluate.
- The draft CAP barely mentions oil and gas production in VC, which is the third largest producer of fossil fuels in CA on a BTU basis, behind only Kern and LA Counties. The GenPlan and DEIR need more complete description of the oil and gas production activity in Ventura County, including the CO₂ equivalent emission of these fuels that are, to a large extent, transported out of the county to refineries in other jurisdictions.
- This oil and gas (O&G) production takes place under county permits and must be included in the emission inventory.
- To meet the GHG emission reduction goals it will be necessary to show the systematic reduction of this portion of the County's inventory. This substantial source of GHG emission is ignored in the present DEIR and GenPlan draft. There is no good excuse for this omission, which has been pointed out in prior public comments.
- When we properly count the ‘downstream’ use and combustion of fossil fuels extracted in the county, our GHG ‘footprint’ almost triples. These downstream GHG emissions must be counted in the emission inventory and a commitment must be made to wind down this activity by the end of the GenPlan period in 2040. The planet demands it.
- Methane emissions are improperly handled in the DEIR and CAP and consequently appropriate policy options have not been made available to County decision makers⁴.

³ See Attachment 1

⁴ See Attachment 2

- The emission inventory not only uses a scientifically inappropriate GWP value of methane for policy development, but the County has missed important emission sources and source strengths—as recently identified by JPL and NASA.⁵
- NOP and other public comments made during the GenPlan development suggested that the county reduce O&G production by 10%/year in order to systematically and consistently match the reduction in production with the necessary reduction in consumption of fossil fuels to meet state and county GHG emission goals. This approach was wrongly rejected by the County in 6.4.4 (pg 6-8) based on unquantified emission reductions claimed to derive from alternate policies. None of the listed alternate policies and programs contained in the County response in 6.4.4 represent anything near the needed gradual and consistent winding down of production activity.
- The problem with not directly addressing the wind-down of O&G production is that even more drastic and economically consequential remedies will be required when it is recognized that the current draft policies are insufficient to meet goals, and when the county realizes that the expected 2030-2050 GHG reductions will not be met.
- It is better to immediately confront that future and begin the logical, necessary and systematic process of reducing simultaneously the production and consumption of fossil fuels. **The economic and environmental consequences of delay far exceed the immediate costs of planning and implementing a rational and gradual cessation of O & G production.** This must be an integral part of a CAP for a County like ours and is essential to avoid unnecessary future disruption and even greater costs.
- The current emission inventory is upside down and is derived from a top-down utility-centric approach to calculating GHG emissions. This led to missing controllable emission sources and the incorrect calculation of impacts from key sources. For example, the extent of methane leaks throughout the County is seriously underreported.⁶ A new, bottoms-up emission inventory conducted by a competent and qualified outside engineering, scientific and planning team is needed in order to develop meaningful and cost-effective emission reduction strategies. These issues are complicated and require expert input.
- In Chapter 10 on *Economic Vitality* the county embraces clean energy in the most modest and inadequate way. For example, policy EV4.2 states that the county “shall support the development” of green technologies. By contrast LA County and City are aggressively attempting to attract and promote green energy jobs. Again, measurable standards are needed to evaluate progress. The county should strive to be a state-wide and national leader in clean energy and not a laggard and follower.
- VC should commit to adding two clean energy jobs for every job lost in the oil patch; and the county should provide for a just employment transition by insuring that current oil and gas workers are able to remain on the job while production is gradually decreased,

⁵ See Attachment 3

⁶ <https://www.jpl.nasa.gov/news/news.php?feature=7535>

well fields are shut in and the fields are restored to a condition where final closure and land rehabilitation is accomplished. Retraining should also be provided to transition any displaced oil workers into the faster-growing opportunities in the clean energy sector.

- Existing buildings should be incentivized to improve energy efficiency and convert to all-electric appliances.

These factors add up to the current plan being totally inadequate to justify the label of a Climate Action Plan. It is too late in the process to salvage and develop a proper CAP in the time remaining to adopt the EIR and approve the General Plan before the end of this year.

All references to a CAP currently included within the GenPlan should be deleted (e.g., P. 2-5 of the Executive Summary: “The 2040 General Plan also includes a Climate Action Plan....”) The seven quantified GHG policies listed in *Appendix D: GHG Calculations* in the GHG Gap Analysis table, are insufficient to constitute mitigation strategies under a county general plan and fail to meet the GenPlan goals and state mandates for GHG emission reduction. Due to poorly constructed and unenforceable policies, only these seven policies were available to attempt a crude quantitative Gap Analysis. Unfortunately, that quantitative analysis is mostly wishful thinking and could not be made to ensure the County would meet GHG reduction goals.

While the County extolled that the GenPlan contains 118 climate-related policies, only slightly less than half are associated with implementation programs and the policies are so weak as to be qualitative and without quantifiable GHG reduction. As has been pointed out in earlier public comments, the qualitative measures are not sufficient to meet the climate goals and fail to demonstrate a commitment on the part of the County to seriously attempt to meet our share of GHG emission reduction. Instead, we should be leaders showing the way for other jurisdictions, particularly since we are on the front lines of the climate crisis with wildfires, droughts and sea-level rise.

A viable option for the County is to concurrently undertake a two-to-three-year project to develop a serious CAP using the scientific, planning and legal expertise that abounds in this state in order to produce an acceptable Climate Action Plan. The County should develop a plan that we can proudly promote, and that has us meeting our moral and ethical contribution to the global climate challenges.

The project to develop a proper CAP should be undertaken as a mitigation to the currently inadequate DEIR and failure to demonstrate an ability to meet state climate goals. The remaining portions of the draft GenPlan could then proceed to approval during the current year as a new and technically competent team with advanced engineering, scientific, planning and legal skill are brought in to develop a CAP capable of demonstrating that the County will meet and exceed its obligations under CEQA and take a leadership role in the climate crisis that is now upon us.

Attachment 1

Climate Policy and Science Programs in California

We have less than a decade to ensure the habitability of our planet. Policy decisions to prevent the untenable costs of inaction rely on the best scientific, legal and planning minds.

We do not have to go far in order to access some of the leading scholars on the causes, technical solutions and adaptation to climate change. California has several of the world-leading institutions working on solutions to this global challenge.

Climate change and the current climate crisis is one of the most complex environmental challenges the world has ever faced. If Ventura County does not give climate status the highest attention, utilizing the tremendous technical and scientific skill we have within driving distance of this county, the General Plan is guaranteed to be out of date before it is even approved. That unfortunately appears to be the case.

A partial listing of resources that Ventura County could and should access as it develops General Plan policies to reduce the County's contribution to GHG and plan for changes to the climate and environment we cannot control. Unfortunately, the County has yet to tap the deep bench of expertise this state has to offer.

UC San Diego/Scripps Institute – Center for Climate Change Impacts and Adaptation

<https://scripps.ucsd.edu/centers/adaptation/>

Scripps has been a world-leader in climate science since the early 1960s with scientific giants including Drs. Charles David Keeling and Roger Revelle. That tradition continues to this day with the Center's mission statement: *"to build interdisciplinary partnerships to advance climate change science and test adaptation solutions."*

UC Irvine

"Addressing the urgent challenges we face in air and water quality, human health, climate change, as well as green technology through the integration of research, education, and outreach." The foci of this group of scholars encompasses atmospheric chemistry, climate modeling, fuel cells and combustion technologies, and health effects.

<http://airuci.uci.edu/>

https://scienceandtechnology.jpl.nasa.gov/people/e_rignot

<https://www.ess.uci.edu/~sjdavis/>

UC Riverside/Global Climate and Environmental Change – Dept of Earth Sciences

<https://earthsciences.ucr.edu/gcec.html>

"The decisions about climate change society makes in the next decade will determine the habitability of our planet." The focus of this group is to rigorously measure changes in the environment caused by climate alteration.

Caltech-Environmental Science and Engineering

<http://ese.caltech.edu/>

“The Environmental Science and Engineering (ESE) program reaches across traditional disciplinary boundaries in its aim to provide a comprehensive understanding of our complex environment and offer efficient and effective engineering solutions to environmental problems... Research and teaching in Environmental Science and Engineering (ESE) span the large scales of global climate variations, the local scales of urban air pollution, and the microscales of microbial ecosystems.” With over 20 faculty the program focuses on the science and engineering of atmospheric chemistry and climate effects.

UCLA-Institute of Environmental Sustainability/Center for Climate Science

“UCLA’s Center for Climate Science enables real-world climate change problem-solving by leveraging fine-scale projections of future climate to conduct interdisciplinary climate impacts research of practical use to stakeholders.” They are working to ensure water sustainability in light of climate change, are conducting regional climate assessments, and evaluating the future of drought and fire, and vulnerability of the electric grid to rising temperatures.

<https://www.ioes.ucla.edu/climate/>

<https://law.ucla.edu/centers/environmental-law/emmett-institute-on-climate-change-and-the-environment/about/>

<https://law.ucla.edu/faculty/faculty-profiles/ann-e-carlson/>

Jet Propulsion Laboratory (JPL) Center for Climate Sciences

<https://climatesciences.jpl.nasa.gov/>

“JPL is leading a project for NASA that will bring satellite observations into a format that will make them easy to compare with climate models.” Investigators at JPL work closely with other scientists and engineers in the NASA Global Climate Change program: <https://climate.nasa.gov/>

UC Santa Barbara Marine Science Institute (MSI)/Climate Change Science and the Bren School of Environmental Science and Management

<http://msi.ucsb.edu/people/climate-change-science> <https://www.bren.ucsb.edu/>

“Research in climate change science at MSI examines how climate change has affected ocean and freshwater conditions in the past as well as how it is likely to affect them in the future..... Anthropogenic climate change has been called “the great moral challenge of our century,” and the greenhouse gases emitted by our consumption of fossil fuels are its primary driver. Mitigating or adapting to climate change will require a fundamental transformation of humanity’s systems of energy production and consumption.”

Stanford University Earth Sciences/Climate Solutions

“Stanford Earth faculty work across disciplines—and at the interface of atmosphere, ocean, land, and ice systems—to characterize climate changes as well as potential responses and outcomes that matter to people.” The School has program in limiting and adapting to climate change---two areas central to Ventura County’s General Plan Update.

“From coastal communities adjusting to sea level rise to farmers struggling with drought or extreme temperatures, people are having to respond to new pressures and vulnerabilities in the places they live and work.” Faculty across all seven schools at the University are currently doing research related to energy, climate and economic vitality through the Stanford Woods Institute fo the Environment <https://woods.stanford.edu/research/focal-areas/climate> where it is recognized that *“Climate change is one of the most complex environmental challenges the world faces today.”*

Precourt Institute for Energy <https://energy.stanford.edu/about/about-us>

“Stanford University's Precourt Institute for Energy concentrates the full talents of the university on energy research and education, from basic science and technology, to policy and business.” The Precourt Institute draws on experts and resources across the university to help accelerate the transition to an affordable, low-carbon energy system for the world. More than [200 Stanford faculty members and staff scientists](#) in dozens of academic departments, independent labs and research programs work on energy-related problems. The Precourt Institute is the focal point at Stanford for scholars, business leaders, policymakers and others seeking solutions to the world’s most difficult energy challenges. “

and other interdisciplinary programs at the University:

<https://earth.stanford.edu/earth-matters/climate-change>

<https://woods.stanford.edu/people/michael-wara>

<https://law.stanford.edu/directory/michael-wara/>

<https://publicpolicy.stanford.edu/people/michael-wara>

<https://law.stanford.edu/steyer-taylor-center-for-energy-policy-and-finance/our-people/#slsnav-past-fellows>

<https://profiles.stanford.edu/noah-diffenbaugh>

UC Berkeley, Energy, Climate & Environment

<https://vcresearch.berkeley.edu/energy>

“Energy is the defining challenge of the 21st century. Leading the way on finding solutions to some of the most important global challenges, UC Berkeley and Berkeley Lab are pooling their vast expertise to help achieve an affordable, sustainable and clean supply of global energy.

Faculty and researchers at UC Berkeley and the Berkeley Lab are developing renewable and sustainable energy sources, advancing new technologies to help curb energy demand, understanding the implications for climate change and the environment, and formulating appropriate and timely policy responses.”

Their programs are organized around the Climate Readiness Institute and the Berkeley Energy and Climate Institute in addition to programs throughout the University.

UC Davis/Science & Climate: Climate Change from Science to Solutions

<https://climatechange.ucdavis.edu/news/>

<https://www.ess.uci.edu/~sjdavis/>

With a major emphasis on ways in which agriculture can contribute to climate solutions, UC Davis has a lot to offer Ventura County. Their research ranges from renewable energy solutions to responsible land use, creating flood resistant coastlines, and helping species adapt.

“When we think of climate change solutions, what typically comes to mind is the transportation we use, the lights in our home, the buildings we power and the food we eat. Rarely do we think about the ground beneath our feet..... Solutions are actions that work: They address causes, lessen impacts, raise awareness and even create new opportunities. California offers one example of how solutions can involve and benefit multiple parties. The state demonstrates that strong economic growth is compatible with strong actions to limit global warming and related risks.”

ATTACHMENT 2

Global Warming Potential (GWP) for Methane

The County Staff and Consultants appear to misunderstand the proper use of global warming potential (GWP) values for methane (natural gas) and the implications of its proper use for climate-related policies.

The US EPA, California Air Resources Board and Intergovernmental Panel on Climate Change (IPCC) all advocate use of a consistent GWP for *accounting purposes* in inventory development. This is essential if we are to compare cross-sectional progress. For example, comparing emissions from the US and EU. A consistent value is also important for temporal comparisons. Again, for example, to track the progress of emission reductions over time in California.

However, failure to properly account for the ‘true’ short-term global warming potential of methane leads to missed emission-reduction opportunities and policies. That is because the accounting convention for emission inventories is not based on the current scientific understanding of the near-term climate impacts from methane emissions. Control of methane sources today provides a powerful short-term mechanism for reducing climate impacts when understood in the context of a proper timeframe that is on the order of the atmospheric lifetime of this gas.

It is useful to review the relevant section from AR5:

“Global warming potential (GWP) is a relative measure of how much heat a [greenhouse gas](#) traps in the atmosphere. It compares the amount of heat trapped by a certain mass of the [gas](#) in question to the amount of heat trapped by a similar mass of [carbon dioxide](#). A GWP is calculated over a specific time interval, commonly 20, 100 or 500 years. GWP is expressed as a factor of carbon dioxide (whose GWP is standardized to 1). In the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, [methane](#) has a lifetime of 12.4 years and with climate-carbon feedbacks a global warming potential of 86 over 20 years and 34 over 100 years in response to emissions. User related choices such as the time horizon can greatly affect the numerical values obtained for carbon dioxide equivalents. For a change in time horizon from 20 to 100 years, the GWP for methane decreases by a factor of approximately 3.⁷ The substances subject to restrictions under the [Kyoto protocol](#) either are rapidly increasing their concentrations in [Earth's atmosphere](#) or have a large GWP”. GWP values and lifetimes from 2013 IPCC AR5 p714⁷

⁷ <http://www.climatechange2013.org/report/full-report/>

The County staff and climate consultant insisted during development of the GenPlan on using an outdated global warming potential for methane, claiming that emission inventories were mandated to be based on the outdated IPCC Second Assessment Report (SAR) GWP value of 21x the potency of CO₂, (based on a 100-year timeframe). The County continued to insist on use the outdated SAR value of 21 through most of the GenPlan deliberations based on the false claim that a GWP value of 21 was required by CARB and was part of a (nonexistent) *EPA Mandatory Rule*. What is ignored by that logic is that the only reason for this convention is to be able to compare ‘apples to apples’ from jurisdiction to jurisdiction and over time within a single jurisdiction. This outdated value is only an *accounting* convenience and does not reflect current scientific understanding.

Responding to NOP comments, the staff and consultants finally updated their use of the 100-year value for methane to be consistent with the AR5 IPCC GWP value of 28x the potency of CO₂ in the DEIR⁸:

“GWP values apply a weight to gases that have been determined by scientific studies to have increased GHG effects relative to the most common GHG, carbon dioxide (CO) [sic]. These weighted gasses are combined with CO [sic] to form a common unit of measurement called CO₂e. For this analysis GWP values of 28 for methane and 265 for nitrous oxide were used for consistency with AR5 (Myhre et. al 2013).” Pages 4.8.4-5, DEIR

Unfortunately, the GWP value of 28 is still only an *accounting* value. Policy, however, should and must be based on science. The ‘real’ impact of methane on climate is approaching four times the *accounting* value used by the County and its consultant.

The reason this is important for the DEIR and draft GenPlan is that numerous sources of methane are permitted and regulated by the County, including oil & gas production, landfills, and wastewater treatment facilities.

Turning to *Appendix D: GHG Calculations* of the DEIR, it is unclear from the unannotated tables what GHG value was used in the quantitative modeling, as numerous values are given throughout the tables⁹.

For example:

- The *Assumptions* table in Appendix D references the IPCC Fifth Report GWP value of 28 but does not indicate whether that is the value that is used in the model (a clear reason why a proprietary model is totally inappropriate for use in this public process). The DEIR states that the value of 28 was used but there is no way for an outside reviewer to verify that fact, especially when tables in Appendix D contain several different 100-year and 20-year GWP values.
- Further, the cited IPCC value of 28 is for a 100-year timeframe while the atmospheric lifetime for methane is on the order of 7 to 10 years compared with up to 200 years for carbon dioxide. Therefore, using a 100-year timeframe for methane’s GWP is appropriate for *inventory*

⁸ https://www.ghgprotocol.org/sites/default/files/ghgp/Global-Warming-Potential-Values%20%28Feb%2016%202016%29_1.pdf

⁹ This is an example of why it is completely inappropriate for the County to have allowed their environmental consultant to produce results using a proprietary model which the consultants refused to make available for verification of inputs, outputs and model execution.

accounting purposes only but completely inappropriate for development of CAP policies and GHG mitigation strategies – **climate policies must be based on methane science and not on an accounting convention designed to provide useful comparisons and promote tracking evaluations.**

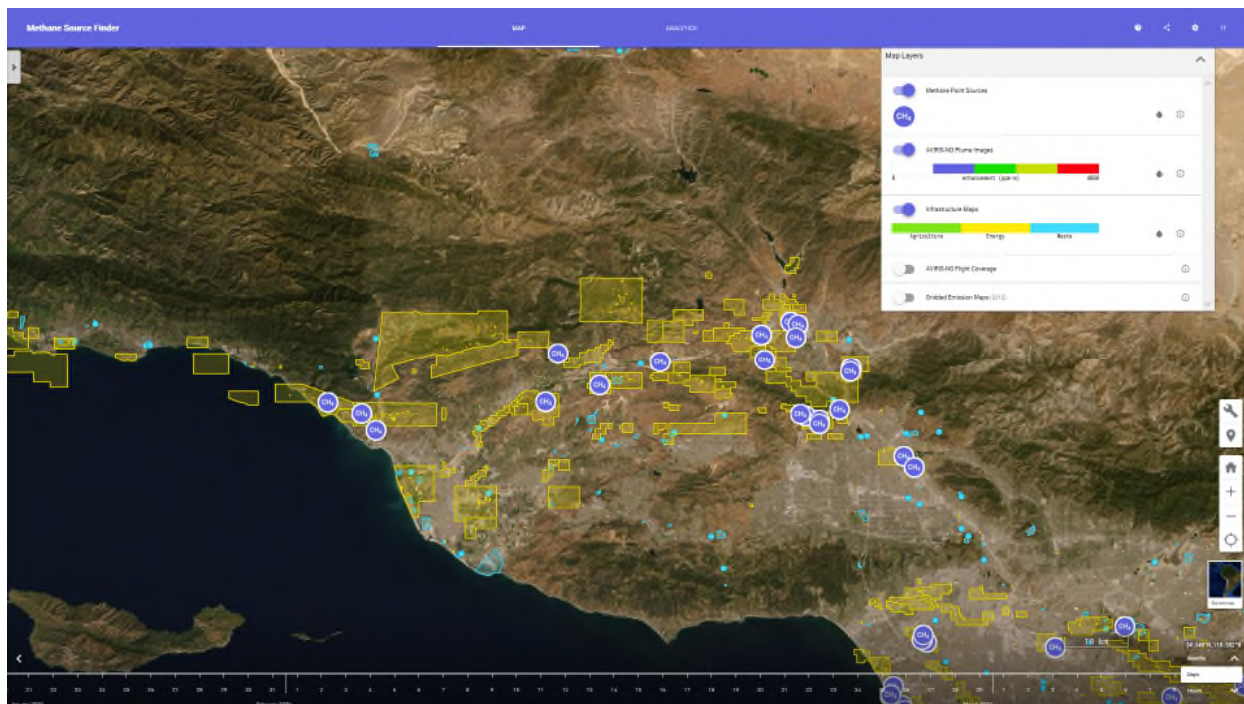
- A more appropriate and scientifically valid GWP value for policy evaluation is between 85 and 100 (consistent with the atmospheric methane lifetime). Use of this scientifically appropriate value has dramatic implications for the climate impacts and mitigation strategies within Ventura County. A simple sensitivity analysis within this range of GWP values would direct the county decision-makers to appropriate and necessary policies to mitigate those impacts.
- Much later in Appendix D in the table on *Residential Wastewater Methods*, the GWP for methane is given again as 21. So, which was used in the modeling? Once more, this points out the inappropriateness of the county allowing the consultant to build and rely upon a proprietary model.
- Similarly, in the table on *Stationary CH₄ from Incomplete Combustion of Digester Gas*, the GWP for methane is given as 21.
- Further into Appendix D on the *Conversions and GWP* table the IPCC Fifth Assessment value of 28 (100-year timeframe) is listed along with the IPCC Second Assessment Value of 21 and the Fifth Assessment 20-year value of 84. The actual value in the Fifth Assessment was presented as a range of 84-87 for 20 years.¹⁰
- This illustrates the problem with the County having allowed the environmental consultant to provide GHG data that is processed through a proprietary model. This is inconsistent with transparency and integrity of data used for making public policy. If a competent reviewer cannot look under the hood of a model to inspect the engine and evaluate its veracity, there is no way to trust the model results. As all modelers know, it's garbage-in-garbage-out, and without being able to check the engine, there is no way to know whether the model itself is valid.
- As has been suggested by several reviewers, the consultants should have included a clear sensitivity analysis of GHG emissions using alternate GWP values for methane. A reasonable sensitivity range would be to use a GWP value of 28 and 100. I can state with confidence that County decision-makers would need to consider additional methane reduction policies if they were to evaluate the implications for the higher GWP.
- As a result, the County is sorely deficient in policies within the draft GenPlan to address the various control options available for methane.

¹⁰ <https://www.epa.gov/ghgemissions/understanding-global-warming-potentials>

ATTACHMENT 3

Methane: Missed Emission Inventory Sources

NASA/JPL has recently completed a multi-year study with remote measurement of methane emissions throughout the state of California.¹¹ Ventura County is shown as having numerous ‘hot spot’ sources of methane associated with facilities under permit and regulation by the County. Prior public comments have identified missed sources of this GHG during the GenPlan review process.



An article published last week in the prestigious scientific journal *Nature* indicates that anthropogenic (man-made) emissions are likely to be up to 40% higher than previously estimated.¹² From that article:

“Atmospheric methane (CH₄) is a potent greenhouse gas, and its mole fraction has more than doubled since the preindustrial era. Fossil fuel extraction and use are among the largest anthropogenic sources of CH₄ emissions, but the precise magnitude of these contributions is a subject of debate.... This result indicates that anthropogenic fossil CH₄ emissions are underestimated by about 38 to 58 teragrams CH₄ per year, or about 25 to 40 per cent of recent estimates.”

¹¹ <https://methane.jpl.nasa.gov>

¹² <https://www.nature.com/articles/s41586-020-1991-8>

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Wednesday, February 26, 2020 8:05 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

Follow Up Flag: Follow up
Flag Status: Flagged

You have a NEW Comment

Name:

Linda Harmon

Contact Information:

Lhart413@roadrunner.com

Comment On:

I think both are involved in overseeing environmental issues.

Your Comment:

Please look to the continued work of CFROG and follow their recommendations concerning the environment and management of oil and gas extraction. We need to stop encouraging the fossil fuel industry to exploit the area for profit while endangering local, national and worldwide concerns.

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Wednesday, February 26, 2020 8:26 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

Follow Up Flag: Follow up
Flag Status: Flagged

You have a NEW Comment

Name:

Jennifer Johnson

Contact Information:

Jstrong12712@gmail.com

Comment On:

Climate action plan

Your Comment:

we need a Climate Action Plan with measurable targets and outcomes!

The current draft General Plan won't help Ventura County meet its climate goals. The policies are not measurable or enforceable, and are not sufficient to drive the kind of change necessary to meet greenhouse gas reduction targets. The County needs to step up, and time is running out to address the climate crisis.

Simmons, Carrie

From: Andy Ehrhart <andy.ehrhart@yahoo.com>
Sent: Wednesday, February 26, 2020 9:40 PM
To: General Plan Update
Subject: Attn RMA Planning Division - General Plan Update
Attachments: EIR Letter- final.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Andy Ehrhart
5785 East Hampton Way
Fresno, CA 93727
559-779-9505

Andy

VIA ELECTRONIC MAIL: GeneralPlanUpdate@ventura.org

February 25, 2020

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.

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.

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 were 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 economical 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.

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.

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 the conversion of all farm equipment to be all 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.

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.

After numerous 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.

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.

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.

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.

Sincerely, Andy Ehrhart

Simmons, Carrie

From: General Plan Update
Sent: Wednesday, February 26, 2020 9:57 AM
To: Andy Ehrhart
Subject: RE: Attn RMA Planning Division - General Plan Update

Good Morning Andy,

We were unable to open the attachment you have submitted via email. You may provide input prior to the close of this public comment period, which ends at **5:00 P.M. on Thursday, February 27, 2020**. Please re-send your attachment in a PDF or word document format, or see below for additional options.

You may hand deliver to:

- County of Ventura, Resource Management Agency, Planning Division Public Counter
3d Floor, Hall of Administration, 800 S. Victoria Avenue, Ventura, CA, 93009
Between the hours of 7:30 a.m. and 4:30 p.m., Monday through Friday

You may submit written comments to:

- 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

You may submit comments online at:

- <https://vc2040.org/review/comment-form>

You may submit via email to:

- GeneralPlanUpdate@ventura.org
- Please include your name or the name of a contact person, your agency or organization (if applicable), U.S. mail and if applicable, email address.

For more information, contact Susan Curtis, General Plan Update Manager at (805) 654-2497 or by email at susan.curtis@ventura.org.

Thank you

From: Andy Ehrhart <andy.ehrhart@yahoo.com>
Sent: Tuesday, February 25, 2020 7:22 PM
To: General Plan Update <GeneralPlanUpdate@ventura.org>
Subject: Attn RMA Planning Division - General Plan Update

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Andy

Simmons, Carrie

From: Elizabeth S <esiboldi@gmail.com>
Sent: Wednesday, February 26, 2020 10:17 PM
To: General Plan Update; Curtis, Susan
Subject: General Plan Comments
Attachments: CC - VenCo GP Update.pdf

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February 26, 2020

Ventura County Resource Management Agency, Planning Division ATTN Susan Curtis, Manager,
General Plan Update Section
800 South Victoria Avenue, L #1740
Ventura, California 93009-1740

County of Ventura Draft Programmatic Environmental Impact Report for the draft 2040 General Plan Update

Dear Ms. Curtis,

The County of Ventura (County) is in a unique position to be updating the County's primary planning document through 2040 as the impacts of climate change are becoming more severe. The Draft Environmental Impact Report (DEIR) fails to recognize the true impacts of climate change already occurring. The County is already experiencing a 2°C increase in average temperature from historical records. We are soon to re-enter drought conditions following the driest February on record. We are still recovering from two of the state's largest wildfires in modern history. We must act now, and we must act boldly.

The DEIR fails to provide enough emissions reduction to meet, or meaningfully contribute to, the California state mandated climate goals. The DEIR fails to include a Climate Action Plan with measurable targets and goals to ensure County stakeholders are informed about progress, achievements and accurate analysis of shortcomings. Language used in the [plan] such as "encourage" or "support" rather than "require" or "mandate" is insufficient and meaningless to meet acknowledged greenhouse gas reduction targets.

The DEIR is based on a wholly inadequate inventory of county emissions. The inventory was conducted from top down rather than bottom up and fails to include, or even consider, a significant portion of present emissions. Recent published studies indicate significant under-assessment of greenhouse gases, especially methane, from current fossil fuel extraction and production that must be included in the DEIR analysis.

Because the County is one of the leading producers of fossil fuels in the state, and therefore in the nation, including fossil fuel facilities NASA documents as greenhouse gas “super emitters,” the County must act now, and act boldly. Approval of the proposed DEIR would be a failure of the County’s moral and fiduciary responsibility.

Therefore, to act responsibly, the County must:

- 1) Declare a climate emergency and direct all County government offices to incorporate climate change mitigation, to the extent feasible, in all activities,
- 2) Create a Climate Action Plan 2020-2040 with measurable targets and outcomes as a separate document from the General Plan update,
- 3) Set clear climate action goals and mandate enforceable climate policies based on the declaration of a climate emergency and Climate Action Plan 2020-2040, and
- 4) As part of the Climate Action Plan 2020-2040, set five-year interval targets beginning with 2025 to immediately begin the reduction of the County’s contribution to the climate emergency.

a.

ii.

Initial five-year (2025) emergency climate goals:

Begin the elimination of fossil fuel extraction and production with the County by immediately prohibiting operation of fossil fuel facilities within one-mile buffer zones of schools, public parks, mobile home parks, medical facilities, or any residential zones,

Wind down discretionary oil and gas production by 10% per year to zero production in the County by 2030 starting with fossil fuel facilities within above one-mile buffer zones,

i.

- iii. Prohibit flaring and venting from any fossil fuel infrastructure before 2025,
- iv. Implement a policy to coordinate with the California Department of Transportation (Caltrans) and the Ventura County Transportation Commission (VCTC) to cease all freeway, highway and road infrastructure expansion projects by 2025,
- v. Implement a policy to coordinate with Caltrans and VCTC to use the existing 101 Freeway and Highway 126 corridors to build light rail for inter-city and inter-county commuting by 2040,
- vi. Implement a policy to expand existing rail infrastructure for multi-track capacity by 2040,
- vii. Implement a policy to coordinate with contracted refuse companies to divert all pre- and post-consumer food waste into the “green waste” stream for composting all County-derived food waste by 2025,
- viii. Implement an agricultural policy requiring a transition to 100% regenerative farming including carbon sequestration and soil nutrient management plans by 2030,
- ix. Transition all small gas engines used in agriculture to electric models or diesel engines running on biodiesel produced from as locally-sourced waste vegetable oil as possible by 2030,
- x. Implement a policy to transition all small, non-farm gas engines (i.e. blowers, mowers, trimmers, etc.) to electric models by 2025,
- xi. Implement a policy requiring all public transportation (buses, shuttles, and all County vehicles) to be fully electric vehicles by 2030,

- xii. Implement a County policy to prioritize walking and bicycling by connecting communities outside incorporated city limits with adequate sidewalks, bike lanes, and/or buffers from vehicle traffic,
- xiii. Implement policies to facilitate distributed renewable energy generation and storage,
- xiv. Study the potential to repurpose existing gas infrastructure as conduit for undergrounding electrical and communication lines,
- xv. Study the potential of public banking to finance County divestment from fossil fuels and investment in sustainable energy systems, and
- xvi. Implement a policy to work with existing fossil fuel industry workers to transition into clean energy jobs supporting clean energy infrastructure in the County.

Whatever price tag you want to envision for these proposals, it pales in comparison to the pending costs of sea level rise, soil degradation and crop failure, increased asthma and other heat-exasperated medical conditions, and the shortsighted failures of free market economics and *laisse faire* County governance to deal with climate change. To delay action, to delay investment, will only cause greater harm and increased costs for us all.

Respectfully,

Elizabeth Siboldi
553 N Ventura Ave Apt E Ventura, CA 93001

February 26, 2020

Ventura County Resource Management Agency, Planning Division
ATTN Susan Curtis, Manager, General Plan Update Section
800 South Victoria Avenue, L #1740
Ventura, California 93009-1740

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 - ii. Wind down discretionary oil and gas production by 10% per year to zero production in the County by 2030 starting with fossil fuel facilities within above one-mile buffer zones,
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 - iv. Implement a policy to coordinate with the California Department of Transportation (Caltrans) and the Ventura County Transportation Commission (VCTC) to cease all freeway, highway and road infrastructure expansion projects by 2025,
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Respectfully,

Elizabeth Siboldi
553 N Ventura Ave Apt E
Ventura, CA 93001

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Wednesday, February 26, 2020 10:18 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

Follow Up Flag: Follow up
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You have a NEW Comment

Name:

Elizabeth Siboldi

Contact Information:

esiboldi@gmail.com

Comment On:

Climate Action Plan

Your Comment:

February 26, 2020

Ventura County Resource Management Agency, Planning Division ATTN Susan Curtis, Manager, General Plan Update Section

800 South Victoria Avenue, L #1740

Ventura, California 93009-1740

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Respectfully,

Elizabeth Siboldi

553 N Ventura Ave Apt E Ventura, CA 93001

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Wednesday, February 26, 2020 10:50 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

Follow Up Flag: Follow up
Flag Status: Flagged

You have a NEW Comment

Name:

Jimmy Young

Contact Information:

805.570.9002

Comment On:

Climate Action Plan

Your Comment:

Please, please do your best to create a master plan with strong environmental vision and leadership. Please give it measurable parameters and TEATH! Please hold all poluters accoubtable and lead our coubty forward.

Simmons, Carrie

From: Neal P. Maguire <nmaguire@fcoplaw.com>
Sent: Wednesday, February 26, 2020 11:13 PM
To: General Plan Update; Curtis, Susan
Cc: Jane Farkas
Subject: Draft Programmatic Environmental Impact Report for the Ventura County 2040 General Plan
Attachments: Final Letter.pdf
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Please find attached our comment letter regarding the 2040 General Plan Draft EIR.

Neal Maguire
Ferguson Case Orr Paterson LLP



Writer's Email:
nmauire@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.

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

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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.)

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.

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

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).

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.)

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

(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.”

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.

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

² Chapter 10, CEQA, of the General Plan Guidelines may be located at: http://opr.ca.gov/docs/OPR_C10_final.pdf.

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

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.

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.

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

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>.

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River, Ventura River, and tributaries) may be within suitable habitat for” certain identified species.

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.

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.

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.

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.

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 is has satisfied any consultation obligations with federal agencies overseeing the Los Padres National Forest. (CEQA Guidelines, § 15086()(a)(3), 15375.)
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.
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.

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<p>2. Executive Summary</p>	<p>2.2.5 Structure and Content of the General Plan</p>	<p>2-40</p>	<p>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.</p>
<p>3. Project Description</p>	<p>3.4 Structure and Content of the General Plan</p>	<p>3-12</p>	<p>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.</p>
<p>4.3. Air Quality</p>	<p>4.3.2 Environmental Impacts and Mitigation Measures</p>	<p>4.3-8 4.3-10</p>	<p>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.”</p> <p>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.”</p>

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			<p>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.</p>
<p>4.3 Air Quality</p>	<p>4.3.2 Environmental Impacts and Mitigation Measures</p>	<p>4.3-11</p>	<p>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” .</p> <p>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.</p>
<p>4.3 Air Quality</p>	<p>4.3.2 Environmental Impacts and Mitigation Measures</p>	<p>4.3-21 4.3-22</p>	<p>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.</p>
<p>4.6 Energy</p>	<p>4.6.2 Environmental Impacts and Mitigation Measures Table 4.6-2</p>	<p>4.6-20</p>	<p>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>.</p>

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4.8 Greenhouse Gas Emissions			This needs to be analyzed with a plan on how the County intends to supply these demands with renewable energy sources.
4.8.2 Environmental Impacts and Mitigation Measures	4.8-47		<p>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?</p> <p>Policies that rely on the approval of this study should be removed from the General Plan updates.</p>
4.12 Mineral and Petroleum Resources	4.12.2 Environmental Impacts and Mitigation Measures	4.12-13	<p>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.</p>
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	<p>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</p>

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			<p>the scale of impact. Additionally, a table should be provided identifying the number of wells affected by this policy.</p>
<p>4.12 Mineral and Petroleum Resources</p>	<p>4.12.2 Environmental Impacts and Mitigation Measures Figure 4.12-1</p>	<p>4.12-15 4.12-18</p>	<p>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. Theses Colleges should be removed from the analysis of the maps as they do not apply to this definition of a school.</p>
<p>4.12 Mineral and Petroleum Resources</p>	<p>4.12.2 Environmental Impacts and Mitigation Measures</p>	<p>4.12-21</p>	<p>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” .</p>
<p>4.17 Utilities</p>	<p>4.17.1 Background Report Setting Updates</p>	<p>4.17-1 4.17-2</p>	<p>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.</p>

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			<p>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.</p>
<p>4.17 Utilities</p>	<p>4.17.2 Environmental Impacts and Mitigation Measures</p>	<p>4.17-10 4.17-11</p>	<p>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.</p> <p>Impact 4.17-1 should be potentially significant and mitigation measures need to be analyzed and provided.</p>

Simmons, Carrie

From: James Brehm <james.b.brehm@gmail.com>
Sent: Wednesday, February 26, 2020 11:45 PM
To: Curtis, Susan; General Plan Update
Subject: 2040 General Plan Update - Public Comment
Attachments: Letter to Ventura County Regarding Climate Action Plan.pdf

Follow Up Flag: Follow up
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February 26, 2020

Ventura County Resource Management Agency, Planning Division
ATTN Susan Curtis, Manager, General Plan Update Section
800 South Victoria Avenue, L #1740
Ventura, California 93009-1740

Regarding a Climate Action Plan for the draft 2040 General Plan Update

To Ms. Curtis and the General Planning Committee,

I am extremely alarmed by the lack of foresight the current draft of the 2040 General Plan update. Climate change is coming to Ventura. Specifically, our county has warmed more than any in the lower-48 states with an average increase of 2.6°C as of December 2019.* Maybe you are unaware of the science. If we do not drastically alter our course we can expect to witness the following effects by 2100:

- A conservative estimate of 1.8-3.6 feet and possibly up to 10 feet of sea level rise
- Larger, more frequent wildfires
- Water and food shortages from drought and crop failure
- Ocean acidification and increased oxygen-free 'dead zones' which will threaten the existence of all marine life as we know it
- Mass extinction of life on Earth, collapse of ecosystems.
- Increased disease
- Failure of economic markets
- Mass migration of "climate refugees"

Get on the right side of history and prove in this General Plan that you value our children more than oil money. Now is the time to act. Those who came before us were not aware of the problem, and those who come after us will be unable to do anything about it. **Now is the only time.** Though there is reference to a Climate Action Plan in the General Plan, it has no teeth. It has no deadlines, it has no actionable goals, and it sits next to policies like this one:

"Through Policy COS-6.2, the County would maintain maps of mineral deposits identified by the State Geologist as having regional or statewide significance and any additional deposits as may be

identified by the County . . . the purpose of this overlay zone is 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."

[https://vcrma.org/vc2040.org/images/Draft_EIR - Jan. 2020/VCGPU-EIR_4.12_Minerals_Petroleum.pdf](https://vcrma.org/vc2040.org/images/Draft_EIR_-_Jan._2020/VCGPU-EIR_4.12_Minerals_Petroleum.pdf)

We really can't compromise here. This is about survival. Scientific fact: if we (humans) completely halt all new drilling for oil and just suck dry the reserves we're already tapped into, and burn just that, we will be sent over the threshold for catastrophic, feedback loop global warming. It will mean the end of civilization as we know it. This is not worth any amount of money. We must not permit any new extraction, and we must have a plan to draw down the extraction that is already occurring within Ventura County.

I am not writing this because I am an environmentalist, I am writing this because I demand that you protect the future of my children.

Respectfully,

James Brehm
553 North Ventura Ave, Apt E
Ventura, CA 93001
631-875-0514

*If you'd like any references for any of the facts in this letter, I will gladly supply upon request.

**Also, please let me know if there's anything else I can do to help make these changes happen besides sending this message. I am willing to put as much energy as necessary into this if it would help.

February 26, 2020

Ventura County Resource Management Agency, Planning Division
ATTN Susan Curtis, Manager, General Plan Update Section
800 South Victoria Avenue, L #1740
Ventura, California 93009-1740

Regarding a Climate Action Plan for the draft 2040 General Plan Update

To the General Plan Committee, or whomever it may concern,

I am extremely alarmed by the lack of foresight the current draft of the 2040 General Plan update. Climate change is coming to Ventura. Specifically, our county has warmed more than any in the lower-48 states with an average increase of 2.6°C as of December 2019.* Maybe you are unaware of the science. If we do not drastically alter our course we can expect to witness the following effects by 2100:

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- Failure of economic markets
- Mass migration of "climate refugees"

Get on the right side of history and prove in this General Plan that you value our children more than oil money. Now is the time to act. Those who came before us were not aware of the problem, and those who come after us will be unable to do anything about it. **Now is the only time.** Though there is reference to a Climate Action Plan in the General Plan, it has no teeth. It has no deadlines, it has no actionable goals, and it sits next to policies like this one:

"Through Policy COS-6.2, the County would maintain maps of mineral deposits identified by the State Geologist as having regional or statewide significance and any additional

deposits as may be identified by the County . . . the purpose of this overlay zone is 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."

[https://vcrma.org/vc2040.org/images/Draft_EIR - Jan. 2020/VCGPU-EIR 4.12 Minerals Petroleum.pdf](https://vcrma.org/vc2040.org/images/Draft_EIR_-_Jan._2020/VCGPU-EIR_4.12_Mineral_Petroleum.pdf)

We really can't compromise here. This is about survival. Scientific fact: if we (humans) completely halt all new drilling for oil and just suck dry the reserves we're already tapped into, and burn just that, we will be sent over the threshold for catastrophic, feedback loop global warming. It will mean the end of civilization as we know it. This is not worth any amount of money. We must not permit any new extraction, and we must have a plan to draw down the extraction that is already occurring within Ventura County.

I am not writing this because I am an environmentalist, I am writing this because I demand that you protect the future of my children.

Respectfully,

James Brehm
553 North Ventura Ave, Apt E
Ventura, CA 93001
631-875-0514

*If you'd like any references for any of the facts in this letter, I will gladly supply upon request.

**Also, please let me know if there's anything I can do to help make these changes happen besides sending this message. I am willing to put as much energy as necessary into this if it would help.

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Wednesday, February 26, 2020 11:55 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

Follow Up Flag: Follow up
Flag Status: Flagged

You have a NEW Comment

Name:

James Brehm

Contact Information:

james.b.brehm@gmail.com

Comment On:

Draft Environmental Impact Report

Your Comment:

To the General Plan Committee, or whomever it may concern,

I am extremely alarmed by the lack of foresight in the current draft of the 2040 General Plan update. Climate change is coming to Ventura. Specifically, our county has warmed more than any in the lower-48 states with an average increase of 2.6°C as of December 2019.* Maybe you are unaware of the science. If we do not drastically alter our course we can expect to witness the following effects by 2100:

- A conservative estimate of 1.8-3.6 feet and possibly up to 10 feet of sea level rise
- Larger, more frequent wildfires
- Water and food shortages from drought and crop failure
- Ocean acidification and increased oxygen-free 'dead zones' which will threaten the existence of all marine life as we know it
- Mass extinction of life on Earth, collapse of ecosystems.
- Increased disease
- Failure of economic markets
- Mass migration of "climate refugees"

Get on the right side of history and prove in this General Plan that you value our children more than oil money. Now is the time to act. Those who came before us were not aware of the problem, and those who come after us will be unable to do anything about it. Now is the only time. Though there is reference to a Climate Action Plan in the General Plan, it has no teeth. It has no deadlines, it has no actionable goals, and it sits next to policies like this one:

"Through Policy COS-6.2, the County would maintain maps of mineral deposits identified by the State Geologist as

having regional or statewide significance and any additional deposits as may be identified by the County . . . the purpose of this overlay zone is 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."

https://vcrma.org/vc2040.org/images/Draft_EIR_-_Jan._2020/VCGPU-EIR_4.12_Minerals__Petroleum.pdf

We really can't compromise here. This is about survival. Scientific fact: if we (humans) completely halt all new drilling for oil and just suck dry the reserves we're already tapped into, and burn just that, we will be sent over the threshold for catastrophic, feedback loop global warming. It will mean the end of civilization as we know it. This is not worth any amount of money. We must not permit any new extraction, and we must have a plan to draw down the extraction that is already occurring within Ventura County.

I am not writing this because I am an environmentalist, I am writing this because I demand that you protect the future of my children.

Respectfully,

James Brehm
631-875-0514

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 7:52 AM
To: Simmons, Carrie
Subject: FW: General Plan and EIR

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
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Ventura County General Plan Update. Join the conversation at VC2040.org
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From: Kristen Kessler <kess4652@gmail.com>
Sent: Wednesday, February 26, 2020 10:57 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: General Plan and EIR

Dear Ms. Curtis,

I am writing to express my concerns about the current draft of the General Plan and the Environmental Impact Report. The plan has some laudable goals, but they are aspirational and unenforceable.

We should have a sunset plan for oil and gas production. Oil should be transported by pipeline instead of trucks. Flaring should be prohibited, except for testing purposes.

We need to invest in green buildings, green jobs, and renewable energy. The time for business as usual is over. Our county is the fastest warming county in the lower forty-eight states. We need a strong general plan that addresses the climate crisis we face.

Thank you,
Kristen Kessler
Ventura

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 7:53 AM
To: Simmons, Carrie
Subject: FW: Public Comments General Plan Update DEIR
Attachments: VCHP Public Comments County GP DEIR.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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visit VC Citizen Access

Pursuant to the California Public Records Act, email messages retained by the County may constitute public records
subject to disclosure.

-----Original Message-----

From: Diane Underhill <dunderhill@sbcglobal.net>
Sent: Thursday, February 27, 2020 12:22 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Cc: Kathy Bremer <kcbremer@gmail.com>; Carol Lindberg <lindbergcd@msn.com>; Norene Charnofsky
<ncharnofsky@gmail.com>; Purcell Leslie <lesliepurcell@gmail.com>; Thompson Will <wily2@icloud.com>; Hines Jim
<jhcasitas@gmail.com>; Diane Underhill <dunderhill@sbcglobal.net>
Subject: Public Comments General Plan Update DEIR

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Dear Susan,

Please find the attached public comments on the Ventura County General Plan Update DEIR.

Thank you,
Diane Underhill, President
Ventura Citizens for Hillside Preservation

1585 E Thompson Blvd.
Ventura, CA 93001
805.643.1065
dunderhill@sbcglobal.net



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

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

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

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.

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.

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.

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.”

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.

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 is 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.

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.”

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]”

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.”

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 7:55 AM
To: Simmons, Carrie
Subject: FW: Climate change has environmental impacts! Let's create a more resilient plan.

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
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Ventura County General Plan Update. Join the conversation at VC2040.org
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From: Keelan Dann <info@email.actionnetwork.org>
Sent: Wednesday, February 26, 2020 5:44 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Climate change has environmental impacts! Let's create a more resilient plan.

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Susan Curtis,

Dear Ventura County Board of Supervisors and Planning Department,

Thank you for your care in ushering our community into a more resilient future. It must take great effort some days in this time of such rapid change where in your profession maybe you are facing issues your predecessors never had to consider. As a young adult in this world, I can relate. My peers and I are used to frequent climate anxiety dreams, pollution in our lungs, and digitally witnessing stories of climate disasters around the world, yet daily we have to ask

each other to show up, adjust our plans, and figure out how to be a resilient community. It takes attention but we see the capacity that you and we have to create a more thriving plan together.

As an ecologist and environmental educator I have seen first hand how the climate crisis is effecting our ecosystems, homes, neighbors, and youths. We are counting on you to assure analysis of the full scope of environmental impacts and mitigations in the Draft EIR.

First, it is necessary that all greenhouse gas emissions be counted based on the most current science.

Additionally, there are many ways to mitigate climate impacts, like a sunset plan for oil and gas production, decarbonization of transportation and buildings, zero waste, incentives for regenerative agriculture and water management, and reducing emissions from tailpipes.

I want an EIR that covers major climate impacts via a systematic plan.

Thank you—

Keelan Dann

keelan_dann@yahoo.com

Ventura, California 93003

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 7:56 AM
To: Simmons, Carrie
Subject: FW: Comments on Ventura County General Plan DEIR
Attachments: Letter to General Plan.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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From: Stan Chambers <stan@aquamagazine.com>
Sent: Wednesday, February 26, 2020 7:10 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Comments on Ventura County General Plan DEIR

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Please find attached my agreement to the following letter on behalf of the McLoughlin Ranch.

--

Stan Chambers
Account Executive

AQUA | the business magazine for spa & pool professionals

22 E. Mifflin St. Suite 910 | Madison, WI 53703 | aquamagazine.com
P 949.253.8725 | F 608.249.1153

Dear Ms. Curtis:

I represent and serve on the McLoughlin Family Committee, a group of family members that own approximately 300 acres of agricultural property off of Olivas Park Road in the County of Ventura, in proximity to the City of Ventura.

The McLoughlin family has farmed this land for generations. It remains our desire to continue this legacy. However, in the face of never-ending changes to the regulatory environment, we again find ourselves attempting to ascertain how new policies and programs as proposed in the draft 2040 General Plan will impact and challenge our ability to serve as stewards of this heritage.

It had been our hope that the DEIR would provide some clarity and insight into how the new policies and programs within the revised General Plan would impact our farming operation. However, that is not the case. Simply said, we believe the General Plan Update and subsequent Environmental Impact Report fail to adequately analyze or study impacts on the farming industry.

With that said, we would like to specifically present the following:

- The Background report Table 6-26: Transportation Department Planned Capital Projects lists sections of roadways the County plans for expanded capacity or widening, along with the scope of those enhancements. It also covers in length the plan to add bike paths and bike lanes in accordance with existing County wayfarer plans. However, the DEIR never analyzes the loss of farmland resulting from these changes in infrastructure – it's not even mentioned as a possibility in the DEIR.

Olivas Park Road between Victoria and Harbor is listed as one of the areas planned for road widening, a stretch of roadway that borders the entire eastern portion of our farmland and property. While the impact on our farming operation and financial losses due to property loss are clearly quantifiable, the report fails to list or quantify these impacts.

- In Section 3-8, The DEIR states that because there will be no “substantive” change to the agricultural, open space, or rural designations, the General Plan Update (GPU) will be consistent with SOAR. However, no further details beyond this conclusory statement is provided. There is no way for the reader to come to his or her own conclusion on whether the GPU will result in inconsistencies with SOAR that might lead to physical environmental impacts. There is no description of the changes

to the Agriculture, Open Space, and Rural policies to determine whether they are in fact non-substantive.

Given the length and breath of the Draft General Plan update and CEQA analysis, we made an attempt to focus our initial review and subsequent comments to issues specific to agriculture and farming. However, it's clear that the 2040 General Plan will impact the Ventura County local economy across sectors – all of which influence the ability to live and work in this region. The DEIR's lack of analysis of those economic impacts, calls into question the legitimacy of both the draft General Plan update, and the CEQA analysis. As such, we respectfully request that the DEIR be recirculated in the hopes that further study will resolve these shortcomings.

I appreciate your consideration.

Laura McAvoy

I support this letter-

Stanley Holroyd Chambers III

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 7:56 AM
To: Simmons, Carrie
Subject: FW: 2040 General Plan Draft EIR Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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From: JOSEPH LAMPARA <jlamp56@msn.com>
Sent: Wednesday, February 26, 2020 8:02 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 General Plan Draft EIR Comment

Dear Ms. Curtis:

CEQA guidelines require the Lead Agency to require FEASIBLE mitigation measures to lessen or avoid significant effects on the environment. The agency does not have unlimited authority to impose mitigation measures.

Per CEQA guidelines: Mitigation measures must be feasible. Feasibility analysis must include evidence and data that the additional costs or lost profitability are not sufficiently severe as to render "it impractical to proceed with the project." The Courts have determined that if the costs of the mitigation or alternative are so great that a reasonably prudent person would not proceed with the project, this mitigation measure is deemed unfeasible.

Example:

Proposed Mitigation Measure AG-2 (Implementation Program AG-X): The County has failed to disclose and analyze the following:

- 1) Whether there is sufficient land available for purchase/conservation easement for each farmland category;
- 2) The cost per acre to purchase each category of farmland;
- 3) The anticipated cost of establishing a conservation easement for each category of farmland;
- 4) The anticipated cost associated with managing each category of farmland under a conservation easement;
- 5) The anticipated cost associated with monitoring these mitigation parcels scattered throughout the County and who will bear that cost;
- 6) any information that could constitute a "plan" for management of farmland in conservation easements;
- 7) An analysis of direct and indirect impacts caused by this mitigation measure (including impacts associated with LU compatibility conflicts and increased urban-ag-interface);
- 8) Whether the smallest possible mitigation acreage required will achieve the minimum to ensure viability of agriculture on the parcel;
- 9) An analysis of potential conflicts with existing ordinances and statutes (such as the Non-Coastal Zoning Ordinance) to ensure that the smallest possible required mitigation acreage required does not conflict with the County's minimum lot sizes.

Respectfully,

Joseph Lampara

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 7:56 AM
To: Simmons, Carrie
Subject: FW: BILD Comment Letter - Ventura County General Plan
Attachments: BILD Comment Letter - Ventura General Plan.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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From: awood@bildfoundation.org <awood@bildfoundation.org>
Sent: Wednesday, February 26, 2020 8:05 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: BILD Comment Letter - Ventura County General Plan

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Hi Susan,

Please see the attached document for the official comments from the Building Industry Legal Defense Foundation regarding the Ventura County General Plan Update. I would like this letter to be included as part of the record.

Thank you.

-Adam

Adam S. Wood
Building Industry Legal Defense Foundation
24 Executive Park, Suite 100
Irvine, CA 92614
Office: 949.553.9500
Direct: 949.777.3860

www.BILDFoundation.org

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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.

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

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.”

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.
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.
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.
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

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

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.

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.
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.

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.
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

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.

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.

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.
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.

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.

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.
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."

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.

4. 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.
5. 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.

E. Population and Housing

1. 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

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.

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.

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.

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,

A handwritten signature in black ink, appearing to read 'A. Wood', with a stylized flourish at the end.

Adam S. Wood
Administrator
Building Industry Legal Defense Foundation

Gloria Valladolid
1129 Maricopa Hwy B-251
Ojai Ca 93023

REC'D FEB 26 2020

February 22, 2020

Ventura County Resource Management
Agency, Planning Division
800 S. Victoria Ave., L #1740
Ventura, CA 93009-1740

**Re: Preliminary Draft General Plan Update
(Planning Division Case Number PL17-0141)**

Here are my comments and recommendations regarding the Preliminary Draft General Plan Update ("Preliminary Draft").

I agree with CFROG's comments. Therefore, include me as a strong citizen supporter of their comment letter. Ditto to their recommendations to the EIR.

Sincerely



Gloria Valladolid

Simmons, Carrie

From: Curtis, Susan
Sent: Monday, March 2, 2020 8:48 AM
To: Simmons, Carrie
Subject: FW: Amendment to Ventura County General Plan Environmental Impact Report
Attachments: 2020_02_26_22_37_09.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



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From: Zaragoza, John <John.Zaragoza@ventura.org>
Sent: Friday, February 28, 2020 4:13 PM
To: Prillhart, Kim <Kim.Prillhart@ventura.org>; Curtis, Susan <Susan.Curtis@ventura.org>; Ward, Dave <Dave.Ward@ventura.org>
Subject: FW: Amendment to Ventura County General Plan Environmental Impact Report

FYI

From: Tina Rasnow <tina@rasnowpeak.com>
Sent: Wednesday, February 26, 2020 10:49 PM
To: ClerkoftheBoard, ClerkoftheBoard <ClerkoftheBoard@ventura.org>; Bennett, Steve <Steve.Bennett@ventura.org>; Parks, Linda <Linda.Parks@ventura.org>; Zaragoza, John <John.Zaragoza@ventura.org>; Long, Kelly <kelly.long@ventura.org>; Supervisor Huber <Supervisor.Huber@ventura.org>
Cc: brian rasnow <brian@rasnowpeak.com>
Subject: Amendment to Ventura County General Plan Environmental Impact Report

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Dear Clerk of the Board and Honorable Members of the Board of Supervisors,

Attached please find the letter from our family regarding the proposed amendment to the Ventura County General Plan and EIR relative thereto. Our family recently completed the donation of almost half of our ranch in the Santa Monica Mountains to the Conejo Open Space Conservation Agency, so we hope that our actions provide credibility to our words. Respectfully,

Tina Rasnow



Tina Rasnow
1000 So. Ventu Park Rd.
Newbury Park, CA 91320
cell: 805-236-0266

tina@rasnowpeak.com
www.rasnowpeak.com



Tina Rasnow (805) 236-0266

February 26, 2020

Ventura County Board of Supervisors
Hall of Administration
800 South Victoria Ave.
Ventura, CA 93009

Re: General Plan Amendment Environmental Impact Report

Dear Honorable Members of the Board of Supervisors:

We are heartened to see more comprehensive environmental protection measures included in the General Plan objectives, as outlined in the Environmental Impact Report, but disappointed that so much focus is still placed on aesthetics as opposed to true health and safety concerns. We also feel that the General Plan Amendment falls short of tackling the full extent of the climate crisis and its likely impact on Ventura County. The new General Plan should provide a blueprint to guide us into the future, but in elevating aesthetics to equal standing with true health and safety issues, it fails as a roadmap to navigate the growing environmental and social challenges of the future.

1. For example, when it comes to telecommunications towers, the emphasis on disguising or hiding them, including protecting the view of the ridgelines, does a great disservice to community health, because cell towers are safest when located away from people. Ridgelines that provide excellent coverage, but are not located near schools, businesses or homes are an ideal location for telecommunications towers, far safer than flagpoles, church steeples, and strip mall facades. This is particularly true as the cell phone carriers migrate to 5G which emits far more EMF and RF than the earlier versions of transmission.

2. While maintaining open space is important, the SOAR initiative allows those with existing homes to veto new development, particularly low income and affordable housing, which is desperately needed to provide shelter for our service worker sector. If lower wage earners cannot afford to live near where they work, the commute required increases congestion and air pollution, deteriorating the quality of life for the whole community.

3. Given that the General Plan is projected to take us to 2040, and the existential threat the climate crisis poses, we think far more needs to be done to cease fossil fuel extraction and transition to 100% renewables in the short term. We need to have a comprehensive public transit system based on renewable energy, methods for harvesting rain water so

less storm water runoff goes to the sea, and planning on what portions of our coast line we may have to abandon to sea level rise.

4. The book, *Drawdown: The Most Comprehensive Plan Ever Proposed to Reverse Global Warming*, edited by Paul Hawken (Penguin Books, 2017), compiles the results of research from hundreds of the world's top scientists and climate experts, and identifies specific actions that governments and local communities can take to reverse global warming. Our General Plan should incorporate those drawdown solutions that can be undertaken on a local level, many of which are surprisingly simple. For example, reduced food waste and encouraging people to adopt a more plant-rich diet can have a profound effect on reducing green house gasses. So can good family planning clinics and incentives to reduce procreation rates. A most effective and inexpensive drawdown action would be to implement regenerative agricultural methods here in Ventura County. By transitioning away from chemical fertilizer and pesticide use, no-till land management, and building soil with organic material, including biochar, we can sequester carbon in the soil while building its quality and productivity, eliminating contamination of ground and surface water, and improving air quality.

5. We do not have to invent solutions to address the current and growing environmental and social challenges. Other forward thinking regions are tackling these challenges and can provide us with a template that can be tailored to our own local conditions. For example, on Salt Spring Island in British Columbia, the community is faced with a housing crisis similar to our own in Ventura County. Strict development restrictions and limited residential units have priced housing beyond the reach of many residents. Meror Krayenhoff, a global consultant on rammed earth building methods and featured on *The Nature of Things* with David Suzuki, suggested that a compliance driven, as opposed to vision driven, policy paradigm can result in anarchic, subversive response when the populace thumbs their noses at regulations that don't represent the will and needs of the population. He proposes a number of innovative solutions, including encouraging the use of local, renewable materials in building. Ventura County, with access to rock, sand, straw bales and other renewables, can become a beacon for permitted home building solutions for the rest of California, and the nation. Green projects could get reduced permitting fees and priority in the permit queue, with a single point advisor. For example, composting toilets should not only be permitted, but encouraged, as it is wasteful in the extreme to use precious potable water to flush away human waste.

6. We suggest Ventura County consider concepts implemented elsewhere, such as Seattle granting a 25-30% increase in allowable floor area and increased height limits for Living Building Challenge ("LBC") projects (See <https://living-future.org/lbc/>); or New Zealand's SIREWALL community center project, which made approval contingent upon demonstrating reconciliation with Maoris, training opportunities for youth, a high environmental standard that the community (of all ages) supported, that it would elevate the well-being of the community, and encourage responsible tourism. (See https://www.nzherald.co.nz/northern-advocate/news/article.cfm?c_id=1503450&objectid=12076863)

7. Ventura County can embrace LBC requirements that buildings be net positive in terms of water, energy, sewage and liquid waste, and contain no red-listed toxic materials, express beauty in terms of spirit, inspiration, and education, create health and happiness through such things as biophilia, among other inspiring attributes.

8. While the General Plan is intended to cover the length of a generation, it would not be at all unsound to at least contemplate the next seven generations, consistent with indigenous cultural tradition. Measuring progress with such a long term view will require a different framework than juggling one climate or housing emergency after another. Priorities and decision-making can be measured in a rational and holistic manner, with careful thought for the generations yet to come.

9. The General Plan should explicitly reflect the County's Climate Action Plan and its evolution. Achieving net zero CO2 emissions (and sequestration) will require a rapid ending to oil and natural gas extraction (and certainly no expansion, no granting new leases, new pipeline permits, etc. It should encourage green energy generation and storage in both distributed and centralized manners.

10. Wildfires are clearly changing in their severity and nature. The County should lead in research and experimentation with methods of fire protection and damage mitigation, such as (un)controlled small burns, and unconventional methods advocated by <http://californiachaparral.com> – including ember barriers and sprinklers, which are more effective and ecologically sound than enormous denuded hillsides.

11. Our General Plan needs to steer our county toward good land and resource stewardship. To recap, aesthetics play far too important a role in our land use planning, particularly because “beauty is in the eye of the beholder,” and what one person sees as creative genius, another sees as a monstrosity. Land use regulations should be focused on environmental safeguards that protect air, water, and soil while at the same time meeting the food and shelter needs of our communities.

12. As Meror Krayenhoff has stated, “We are in a time when the scale of the emergencies we face need to be addressed with solutions of a corresponding scale. These emergencies also have urgency. . . . [W]ithout governance that can act with pace, boldness, courage and the power to implement, we are wasting our time.” We hope that Ventura County acts with such pace and boldness to adopt a General Plan that guides us in a new direction of carbon drawdown, while promoting innovation in design, building, and conservation for generations to come.

Thank you for your kind consideration.

Sincerely,

Handwritten signatures of Tina Rasnow and Brian Rasnow in black ink.

Tina Rasnow and Dr. Brian Rasnow on behalf of the
Rasnow Family

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 8:30 AM
To: Simmons, Carrie
Subject: FW: 2040 General Plan Draft EIR Comment

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: chris raymond <raymond.chrisj@gmail.com>
Sent: Wednesday, February 26, 2020 3:16 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Cc: chris@rinconstrategies.com; llampara@colabvc.org
Subject: 2040 General Plan Draft EIR Comment

The County did not conduct complete analysis on impacts of creating a new source of glare for motorists.

The General Plan contains policies that require installation of solar panels and the creation of "reflective" roof tops.

Policy PFS-2.2: Sustainable Community Facility Design. The County shall encourage the incorporation of sustainable design features in community facilities to reduce energy demand and environmental impacts, such as reflective roofing, permeable pavement, and incorporation of shade trees.

Implementation Program U: Solar Canopies in Non-Residential Projects. The County shall amend the County's Coastal and Non-Coastal Zoning Ordinances to require parking lots for new non-residential construction projects, with floor area of greater than 50,000 square feet, to include solar canopies.

Yet these policies were not analyzed for impact even though they will both create new sources of glare.

Even with Mitigation Measure AES-1 (requiring that materials that reduce glare be used), how do you have a "reflective" roof and use "reduced glare" materials? By the very definition of "reflective", glare will be produced.

Also, has the County evaluated whether "non-glare" solar panels are technologically or economically feasible?

FEB 28 2020

MAR 3 2020 1:15

RMA Planning Division
General Plan Update
800 Victoria Ave, L# 1740
Ventura, CA 93009-1740

23 February 2020

Dear Ms. Susan Curtis;

I am writing to you for the purpose of commenting on the EIR for 2040 which was recently released in the fall of 2019. A County's General Plan is one of the most important documents that a County produces. This document is flawed in so many ways which is due to the reality, EIR's take 12-18 months to complete and this one was finished in 6 weeks!! I have selected just a few issues, however, I want to state this entire EIR has failed to achieve its primary purpose, in sooooo many ways.

BACKGROUND REPORTS (BR)

BR's are the basis of data used for analysis of impacts. The EIR refers throughout to the the BR as the source of data and technical information used in the analysis of impacts.

The EIR states that the BR contains substantive information used to conduct impact analysis. However, the BR actually only contains general, incomplete and often incorrect or generalized information that cannot be applied to the impact analysis. The BR fails to provide adequate technical information to be utilized as the County claims.

The maps provided in the EIR and the Background Report are of such low resolution and detail that they do not provide the reader with the information necessary to evaluate or determine impacts or even to determine which parcels or areas may lack sufficient site exposure for solar installations to be effective or feasible. Much of the data in the BR is outdated.

EXAMPLES:

1. Map 9-7 is of such poor quality and resolution that it is impossible to read the words. A map of such poor resolution and quality does not meet the CEQA standard of providing adequate information so the reader can evaluate the County's analysis of impacts.
2. All the tables in the Ag Chapter contain outdated information- the most recent data cited is from 2015.

County fails to address the true impact on agriculture (lack of processing facilities and operations decreases economic sustainability of local ag.)

In the BR, the County admits that while "Current trend is for locally grown" products, there are very limited opportunities for this in Ventura County due to the lack of processing facilities.

Processing operations are restricted because of County policies and regulations. The EIR did not analyze the impact of lack of processing facilities on agriculture. The County did not propose any mitigation measures to reduce this impact.

PROPOSE MITIGATION MEASURE:

Allow for the construction and operation of agricultural processing facilities. The mitigation measure will reduce the impact of conversion of ag lands to non-ag uses by improving long term economic-sustainability for agriculture.

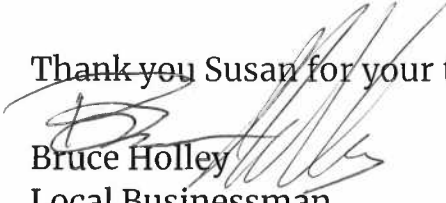
COUNTY FAILS TO ANALYZE & REDUCE THE IMPACTS OF "ACTUAL" ISSUES.

Actual issues impacting agriculture in Ventura County that contribute to the conversion of ag land:

1. Water
2. Economics (extremely expensive are to do ag)
3. Lack of farmworker supply and housing
4. Increased regulatory burden from increasing compatibility issues from urban/ag interface

County analyzed **NONE** of these issues and proposed no mitigation to address any of these issues.

Thank you Susan for your time.


Bruce Holley
Local Businessman
Oxnard, CA

FEB 28 2020

VIA ELECTRONIC MAIL: GeneralPlanUpdate@ventura.org

February 25, 2020

Ventura County Board of Supervisors

Attn: RMA Planning Division

General Plan Update

800 Victoria Avenue L#1740

Ventura, California 93009-1740

NAR 3:20 PM 1:15

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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.

Sincerely,

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FEB 28 2020

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FEB 28 2020

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General Plan Update
800 Victoria Ave, L# 1740
Ventura, CA 93009-1740

25 February 2020

Dear Ms. Susan Curtis;

The 2040 General Plan Environmental Impact Report (EIR) has been released for public comment. The County rushed to complete this analysis! Usually EIR's take 12-18 months or more. The County finished theirs in 6 weeks. The quality of the EIR reflects that timeline.

There are so many extremely flawed and deficient analyses throughout the EIR, however I am a small business owner and have other responsibilities. time only permits me just a few comments.

- A) The county failed to analyze the impact of mitigation measure NOI-1 on wildfire risks. Milt Measure NOI-1 (policy HAZ-X) demands that noise reduction measures must be installed to reduce sound near sensitive receptors near roads.

This mitigation measures states "noise control measures may include increased vegetation..."

HOWEVER, the County did not evaluate the feasibility of this mitigation measure. Vegetative noise control barriers have very precise technical standards for height, weight, AND SOLID BRUSH DENSITY FROM GROUND TO TOP. The required brush density for vegetation to actually reduce noise often conflicts with Fire Code requirements for brush reduction below certain heights.

If the County wishes to encourage vegetation noise buffers, then this mitigation measure needs to be evaluated for impacts to wildfire risk.

- B) County failed to evaluate the impact of policies that restrict energy choice on health and safety.

Policy COS-8.11:

Improve Energy Conservation Awareness. The County shall encourage community members to conserve energy and reduce greenhouse gas emissions and increase awareness about energy efficiency and climate change and adaptation.

Further, to conduct targeted outreach to homeowners and contractors to encourage installation of electric appliances upon routine replacement of natural gas appliances and heaters and provide information regarding financial incentives.

The Background Report fails to include pertinent data regarding Ventura County's existing energy source and supply condition, which include "public safety shutdown" of large sections of the electrical grid. County residents have suffered through extended power outages that prevent the use of electrical appliances (including hot water heaters, HVAC systems, and cooking appliances).

The County has failed miserably to consider existing conditions and failed to analyze the impact of this policy on public health and safety.

C) The County did not conduct the CEQA required analysis for impacts.

CEQA is very clear that the intent of the impact analysis required here is to evaluate the potential impact of the General Plan on future access to the petroleum reserves.

Yet the County DID NOT DO THIS. Instead the County provides a long discussion of the potential health and safety impacts that may occur near oil and gas production. While this "optional, not required" analysis is admirable, the County has failed to comply with CEQA requirements for this analysis. The County MUST redo this analysis, this time following the CEQA intent, and the EIR must be recirculated.

Legalese:

The County MUST conduct an analysis that meets CEQA standard by evaluating the impact of future development under the General Plan on the ability to access reserves. The analysis outlined in the EIR has no bearing as the County failed to meet the CEQA standard.

Thank you,


Patsy Turner, Small Business Owner
Oxnard, CA

FEB 28 2020

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February 25, 2020

Ventura County Board of Supervisors

Attn: RMA Planning Division

General Plan Update

800 Victoria Avenue L#1740

Ventura, California 93009-1740

MAR 3 '20 PM 1:18

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.

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.

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 were 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 economical 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.

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.

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 the conversion of all farm equipment to be all 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.

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.

After numerous 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.

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.

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.

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.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark R. ...". The signature is fluid and cursive, written in a dark blue or purple ink.

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 8:30 AM
To: Simmons, Carrie
Subject: FW: County GP Comment Letter - McLoughlin Family Committee (002 A)
Attachments: County GP Comment Letter - McLoughlin Family Committee (002 A).docx

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Mary Victoria Taylor <MaryVictoria.Taylor@jserra.org>
Sent: Wednesday, February 26, 2020 6:04 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: County GP Comment Letter - McLoughlin Family Committee (002 A)

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Please open this letter and print as it pertains to the McLoughlin Family Committee.

Thank you very much.

Sincerely,

Mary Victoria Taylor

949.429.9802

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:

I am a part of the McLoughlin Family. We have been farming in Ventura County for approximately 150 years. We currently own 300 acres of agricultural property off of Olivas Park Road in the County of Ventura near the Ventura Marina on Harbor Rd, in proximity to the City of Ventura.

The McLoughlin family has farmed this land and other parcels for generations going back to 1863. It remains our desire to continue this legacy, however, in the face of never-ending changes to the regulatory environment, we again find ourselves attempting to ascertain how new policies and programs as proposed in the draft 2040 General Plan will impact and challenge our ability to serve as stewards of this heritage.

It had been our hope that the DEIR would provide some clarity and insight into how the new policies and programs within the revised General Plan would impact our farming operation. That, however, is not the case. Simply said, we believe the General Plan Update and subsequent Environmental Impact Report fail to adequately analyze or study impacts on the farming industry.

With that said, we would like to specifically present the following:

- The Background report Table 6-26: Transportation Department Planned Capital Projects lists sections of roadways the County plans for expanded capacity or widening, along with the scope of those enhancements. It also covers in length the plan to add bike paths and bike lanes in accordance with existing County wayfarer plans. The DEIR, however, never analyzes the loss of farmland resulting from these changes in infrastructure – it's not even mentioned as a possibility in the DEIR.

Olivas Park Road between Victoria and Harbor is listed as one of the areas planned for road widening, a stretch of roadway that borders the entire eastern portion of our farmland and property. While the impact on our farming operation and financial losses due to property loss are clearly quantifiable, the report fails to list or quantify these impacts.

- In Section 3-8, The DEIR states that because there will be no “substantive” change to the agricultural, open space, or rural designations, the General Plan Update (GPU) will be consistent with SOAR. No further details beyond this conclusory statement are provided. There is no way for the reader to come to his or her own conclusion on whether the GPU will result in inconsistencies with SOAR that might lead to physical environmental impacts. There is no description of the changes to the Agriculture, Open Space, and Rural policies to determine whether they are in fact non-substantive.

Given the length and breath of the Draft General Plan update and CEQA analysis, we made an attempt to focus our initial review and subsequent comments to issues specific to agriculture and farming. It's clear that the 2040 General Plan will impact the Ventura County local economy across sectors – all of which influence the ability to live and work in this region. The DEIR's lack of analysis of those economic impacts, calls into question the legitimacy of both the draft General Plan update, and the CEQA analysis. As such, we respectfully request that the DEIR be recirculated in the hopes that further study will resolve these shortcomings.

I appreciate your consideration.

Sincerely,

Mary Victoria Taylor

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 8:31 AM
To: Simmons, Carrie
Subject: FW: 2040 General Plan Draft EIR Comment

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
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Ventura County General Plan Update. Join the conversation at VC2040.org
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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: M Vanoni <mvanoni@sbcglobal.net>
Sent: Wednesday, February 26, 2020 6:40 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 General Plan Draft EIR Comment

Ventura County - RMA Planning Division

The DEIR is based on incomplete analysis of policies, contains several false and ill-advised policies, and fails to understand key challenges related to Ventura County.

Background Report is inaccurate, vague, and contains outdated information that is so poor it cannot be used for analysis.

Fig 11-11 is of such poor resolution and detail that it is impossible to determine where urban-wildfire interface areas may exist for any parcel. Providing a map of such poor resolution that the entire county is "colored in" does not provide useful data that can be used for any kind of impact analysis.

Map 9-7 in the Ag Chapter is blurry and the text is impossible to read. Maps like this violate the intent of CEQA as the reader is not given clear and applicable data with which to evaluate the County's impact analysis.

Please do what is best for Ventura County and halt this flawed document which does not achieve (and negatively affects) its primary purpose, which is to be a tool of disclosure of all impacts caused by the 2040 General Plan.

Mary Vanoni

Farmer

Past President of California Women for Agriculture, Ventura County Chapter

Simmons, Carrie

From: Steven Nash <mrswn@hotmail.com>
Sent: Wednesday, February 26, 2020 6:41 AM
To: General Plan Update
Subject: Comments on the Draft Environmental Impact Report for the Ventura County 2040 General Plan.

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

The entire assumption of a General Plan and its supporting documentation is to have a forward-looking plan to deal with land use, potential significant impacts and their mitigation measures within a geographical area. It is my belief, and the belief of many others, that climate disruption caused by greenhouse gas emissions is the primary concern that has to be addressed in this type of document. Any plan that attempts to provide a framework for mitigating significant impacts that does not place climate change at the very forefront of significant impacts is a deeply flawed document and is doomed to fulfill its "raison d'etre" which, ultimately, is to secure a safe and prosperous future for the residents and protect the physical environment under its jurisdiction.

The corrective action is to acknowledge the primacy of climate change and the devastating impacts that will be most severely felt in Ventura County. Climate change is caused by fossil fuel production and consumption. We must do our part to reduce oil production through thoughtful, rigorous policy to phase it out. All Goals and Policies incorporated within a General Plan must have annual quantifiable metrics and measurables that lead to a complete cessation of hydrocarbon extraction practices within the county and the elimination of hydrocarbon usage by a date certain.

Pg. 4.3-7, Policy PFS-2.5: County Employee Trip Reduction. The County shall encourage its employees to reduce the number and distance of single-occupancy vehicle work trips.

> What is the goal and how does the County plan on achieving it and in what time frame?

Pg. 4.3-8, Policy PFS-2.6: County Alternative Fuel Vehicle Purchases. The County shall review market-available technologies for alternative fuel vehicles and prioritize purchase of vehicles to reduce greenhouse gas emissions where economically feasible.

> What is the goal and how does the County plan on achieving it and in what time frame?

Pg. 4.3-8, Policy COS-8.1: Reduce Reliance on Fossil Fuels. 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.

> What is the goal and how does the County plan on achieving it and in what time frame?

Pg. 4.3-8, Policy COS-8.6: Zero Net Energy and Zero Net Carbon Buildings. The County shall support the transition to zero net energy and zero net carbon buildings, including the electrification of new buildings.

> What is the goal and how does the County plan on achieving it and in what time frame?

Pg. 4.3-9, Policy HAZ-10.5: Air Pollution Impact Mitigation Measures for Discretionary Development. The County shall work with applicants for discretionary development projects to incorporate bike facilities, solar water heating, solar space heating, incorporation of electric appliances and equipment, and the use of zero and/or near zero emission vehicles and other measures to reduce air pollution impacts and reduce greenhouse gas emissions.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame?

Pg. 4.3-10, Policy HAZ-10.7: Fuel Efficient County Vehicles. When purchasing new County vehicles, the County shall give strong preference to fuel efficient vehicles, include the use of zero emission vehicles when feasible.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame?

Pg. 4.3-10, Policy AG-5.3: Electric- or Renewable-Powered Irrigation Pumps. The County shall encourage farmers to convert fossil fuel-powered irrigation pumps to systems powered by electric or renewable energy sources, such as solar power, and encourage electric utilities to eliminate or reduce stand-by charges.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame?

Pg. 4.6-6, For the purpose of this Draft EIR, implementation of the impact on energy resources would be significant if implementation of the 2040 General Plan would: Result in the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation that would cause a potentially significant effect on the environment. Conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

> Include "Not meet a 100% renewable energy economy by 2045."

Pg. 4.6-7, Policy LU-11.4: Sustainable Technologies. The County shall encourage discretionary development on commercial- and industrial- designated land to incorporate sustainable technologies, including energy- and water-efficient practices and low- or zero-carbon practices.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame?

Pg. 4.6-8, Policy CTM-2.12: Countywide Bicycle Lane and Trail System. The County shall coordinate with the cities in the county and Ventura County Transportation Commission (VCTC) to plan and implement a system of bicycle lanes and multi-use trails that link the cities, unincorporated communities, schools including colleges and universities, commercial/retail, employment centers, health care service facilities, public transportation, and other points of interest.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame?

Pg. 4.6-13, Policy PFS-7.6: Smart Grid Development. The County shall work with utility providers to implement smart grid technologies as part of new developments and infrastructure projects.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame? All large projects will incorporate a micro-grid with solar and battery storage technology.

Pg. 4.6-13, Policy COS-7.7: Conveyance for Oil and Produced Water. The County shall require new discretionary oil wells to use pipelines to convey oil and produced water; oil and produced water shall not be trucked.

> All produced water shall be treated on-site so as not unfairly burden disadvantaged and communities of color that have had to accept this toxic waste in the past.

Pg. 4.6-13, 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.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame and by what date-certain?

Pg. 4.6-15, Implementation Program R: Performance-Based Building Code for Green Building. The County shall update the Building Code to establish performance-based standards that incentivize green building techniques.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame and by what date-certain?

Pg. 4.6-17, Policy WR-3.1: Non-Potable Water Use. The County shall encourage the use of nonpotable water, such as tertiary treated wastewater and household graywater, for industrial, agricultural, environmental, and landscaping needs consistent with appropriate regulations.

> Currently meaningless as written. What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame and by what date-certain?

Pg. 4.8-1, Executive Order (EO) B-55-18, which calls for California to achieve carbon neutrality by 2045 and achieve and maintain net negative GHG emissions thereafter.

> To provide consistency with the time frame of the General Plan, Ventura County should be carbon neutral by 2040, if not sooner.

Pg. 4.8-11, For the purpose of this draft EIR, implementation of the 2040 General Plan would have a significant GHG emissions impact if it 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.

> If there is no actual program to measure GHG from all sources, nor scheduled, implementable reduction protocols that result in carbon neutrality by a date certain then this is meaningless. What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame and by what date-certain?

Pg. 4.8-12, Implementation Program P: Annual General Plan Implementation Review. The County shall review the General Plan annually, focusing on the status and progress of program implementation. The County shall prepare a report to the Board of Supervisors summarizing the status of implementation programs and any recommendations for General Plan amendments.

> What are the metrics and measurables and in what time frame and by what date-certain will Program P be fully realized?

Pg. 4.8-22, Implementation Program K: Coordination on Large Onsite Wastewater Treatment Systems Repairs. The County shall coordinate with the Los Angeles Regional Water Quality Control Board to address compliance and repair issues for large onsite wastewater treatment systems (over 5,000 gallons) and package treatment systems.

> Wastewater infrastructure is a source of GHG emissions, especially methane. How will these emissions be measured and mitigated/reduced/eliminated?

Pg. 4.8-23, Policy COS-7.2: Oil Well Distance Criteria. 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.

> Why the discrepancy? Make the distance a uniform 2,500 feet.

Pg. 4.8-23, Policy COS-8.6: Zero Net Energy and Zero Net Carbon Buildings. The County shall support the transition to zero net energy and zero net carbon buildings, including electrification of new buildings.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame and by what date-certain?

Pg. 4.8-24, Policy COS-10.2: Community Greenhouse Gas Emissions Reduction Target for 2030. The County shall achieve a community-wide GHG emissions reduction target of 41 percent below 2015 levels by 2030.

> What are the annual goals and how does the County plan on achieving it via metrics and measurables and in what time frame and by what date-certain?

Pg. 4.8-27, Implementation Program U: Solar Canopies in Non-Residential Projects. The County shall amend the County's Coastal and Non-Coastal Zoning Ordinances to require parking lots for new non-residential construction projects, with floor area of greater than 50,000 square feet, to include solar canopies.

> Eliminate the floor area requirement and go with a percentage such as 90% of the parking area shall have canopy solar.

Pg. 4.8-27/28, Implementation Program DD: Budget and Staffing Plan for CAP Implementation. The CEO shall, within six months from the adoption of the General Plan Update and Climate Action Plan, present to the Board of Supervisors a proposed budget and staffing plan Greenhouse Gas Emissions Ventura County 4.8-28 2040 General Plan Draft Environmental Impact Report (including qualified technical consultants) to implement the Climate Action Plan, and shall update the budget and staffing plan each year.

> Include a citizen advisory committee, also.

Pg. 4.8-32, Implementation Program Q: Standards for Solar Photovoltaic (PV) Carports in County Lots. The County shall establish standards for inclusion of solar PV carports in County-owned parking lots.

> Implement a 90% coverage by canopy solar by date certain.

Pg. 4.8-32, Include the following, "Work with the Clean Power Alliance to plan, permit and build all possible opportunities to implement the CPA's "Local Programs" mandate."

Pg. 4.8-33, Policy AG-5. 5: Carbon Farming Practices. The County shall encourage and support the efforts of resource conservation districts, farmers, and other stakeholders to expand carbon farming practices, such as reduced tilling, cover-cropping, composting, biochar, and other activities that both reduce GHG emissions and increase carbon sequestration and storage, when feasible.

> Include "regenerative farming".

Pg. 5-11, 5.2.8 Greenhouse Gas Emissions, Thus, the 2040 General Plan's incremental contribution to cumulatively significant climate change effects would be cumulatively considerable.

> Unacceptable conclusion.

The Los Angeles Sustainability Plan, aimed at meeting the goals of the Paris Climate Agreement, has clear and bold goals: "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." We should demand no less from our DEIR/General Plan.

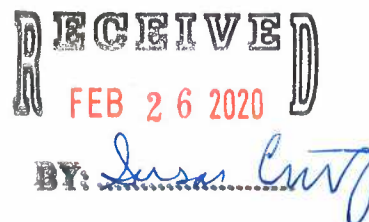
Action Needed: The county should adopt the strongest possible measures to ensure that greenhouse gas emissions are curbed to protect air quality and to ensure a safe, sustainable future for all county residents.

Therefore, in my opinion, this DEIR is inadequate, missing disclosure of plan impacts, lacking in meaningful and enforceable policies (e.g., substituting "shall" with "should"), incompletely quantified, and lacking mitigations for cumulative and incremental impacts.

Thank you for your time and consideration.

Steve Nash
2211 Laurel Valley Place
Oxnard, CA 93036
805-485-3626

Laura K. McAvoy
40 Encino Avenue
Camarillo, CA 93010



February 25, 2020

Ventura County Board of Supervisors
Attn: Susan Curtis, Manager, General Plan Update Section
800 South Victoria Avenue, L#1740
Ventura, CA 93009-1740

I'm writing to you as a resident of the County concerned about the viability of the oil and gas industry in Ventura County.

The 2040 General Plan Draft EIR fails to give proper analysis to oil and gas mineral resources.

Neither the EIR 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. 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 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.

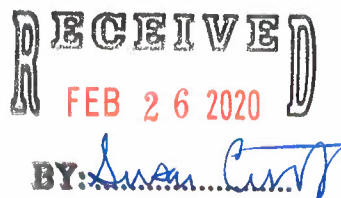
The EIR fails to actually analyze for direct and indirect impacts to mineral resource zones that will occur as a result of the 2040 General Plan. The County admits that Land Use Designation changes in the 2040 General Plan will result in changes to land uses OVER known and important mineral reserves. 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.

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.

The Draft EIR is lacks critical analysis and must be corrected and recirculated to ensure a fair process for Ventura County residents.

Thank you,

Robert & Sandra Kurtz
187 Stanislaus Avenue
Ventura, CA 93004



February 25, 2020

Ventura County Board of Supervisors
Attn: Susan Curtis, Manager, General Plan Update Section
800 South Victoria Avenue, L#1740
Ventura, CA 93009-1740

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Thank you,

Robert & Sandra Kurtz

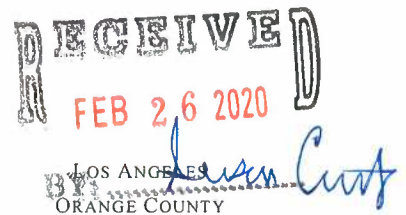
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ATTORNEYS AT LAW

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LOS ANGELES
ORANGE COUNTY
SAN DIEGO
SAN FRANCISCO
SANTA BARBARA COUNTY
VENTURA COUNTY

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.

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.

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.

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

MusickPeeler

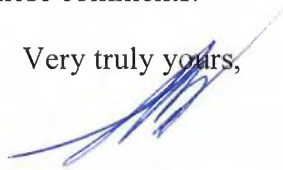
RECEIVED
FEB 26 2020
BY: *Susan Cuts*

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.

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

Simmons, Carrie

From: John Brooks <johnbrooks69@gmail.com>
Sent: Wednesday, February 26, 2020 9:23 AM
To: Curtis, Susan; General Plan Update
Subject: Comments on Draft EIR

Dear Ventura County-

These comments written by Steve Nash and used with his permission are so wonderfully specific to the concerns that I have over the lack of concrete climate action that I am presenting them here as ideas I share.

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](#)

The entire assumption of a General Plan and its supporting documentation is to have a forward-looking plan to deal with land use, potential significant impacts and their mitigation measures within a geographical area.

It is my belief, and the belief of many others, that climate disruption caused by greenhouse gas emissions is the primary concern that has to be addressed in this type of document. Any plan that attempts to provide a framework for mitigating significant impacts that does not place climate change at the very forefront of significant impacts is a deeply flawed document and is doomed to fulfill its “raison d'etre” which, ultimately, is to secure a safe and prosperous future for the residents and protect the physical environment under its jurisdiction.

The corrective action is to acknowledge the primacy of climate change and the devastating impacts that will be most severely felt in Ventura County. Climate change is caused by fossil fuel production and consumption. We must do our part to reduce oil production through thoughtful, rigorous policy to phase it out. All Goals and Policies incorporated within a General Plan must have annual quantifiable metrics and measurables that lead to a complete cessation of hydrocarbon extraction practices within the county and the elimination of hydrocarbon usage by a date certain.

Pg. 4.3-7, Policy PFS-2.5: County Employee Trip Reduction. The County shall encourage its employees to reduce the number and distance of single-occupancy vehicle work trips.

> What is the goal and how does the County plan on achieving it and in what time frame?

Pg. 4.3-8, Policy PFS-2.6: County Alternative Fuel Vehicle Purchases. The County shall review market-available technologies for alternative fuel vehicles and prioritize purchase of vehicles to reduce greenhouse gas emissions where economically feasible.

> What is the goal and how does the County plan on achieving it and in what time frame?

Pg. 4.3-8, Policy COS-8.1: Reduce Reliance on Fossil Fuels. 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.

> What is the goal and how does the County plan on achieving it and in what time frame?

Pg. 4.3-8, Policy COS-8.6: Zero Net Energy and Zero Net Carbon Buildings. The County shall support the transition to zero net energy and zero net carbon buildings, including the electrification of new buildings.

> What is the goal and how does the County plan on achieving it and in what time frame?

Pg. 4.3-9, Policy HAZ-10.5: Air Pollution Impact Mitigation Measures for Discretionary Development. The County shall work with applicants for discretionary development projects to incorporate bike facilities, solar water heating, solar space heating, incorporation of electric appliances and equipment, and the use of zero and/or near zero emission vehicles and other measures to reduce air pollution impacts and reduce greenhouse gas emissions.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame?

Pg. 4.3-10, Policy HAZ-10.7: Fuel Efficient County Vehicles. When purchasing new County vehicles, the County shall give strong preference to fuel efficient vehicles, include the use of zero emission vehicles when feasible.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame?

Pg. 4.3-10, Policy AG-5.3: Electric- or Renewable-Powered Irrigation Pumps. The County shall encourage farmers to convert fossil fuel-powered irrigation pumps to systems powered by electric or renewable energy sources, such as solar power, and encourage electric utilities to eliminate or reduce stand-by charges.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame?

Pg. 4.6-6, For the purpose of this Draft EIR, implementation of the impact on energy resources would be significant if implementation of the 2040 General Plan would: Result in the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation that would cause a potentially significant effect on the environment. Conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

> Include "Not meet a 100% renewable energy economy by 2045."

Pg. 4.6-7, Policy LU-11.4: Sustainable Technologies. The County shall encourage discretionary development on commercial- and industrial- designated land to incorporate sustainable technologies, including energy- and water-efficient practices and low- or zero-carbon practices.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame?

Pg. 4.6-8, Policy CTM-2.12: Countywide Bicycle Lane and Trail System. The County shall coordinate with the cities in the county and Ventura County Transportation Commission (VCTC) to plan and implement a system of bicycle lanes and multi-use trails that link the cities, unincorporated communities, schools including colleges and universities, commercial/retail, employment centers, health care service facilities, public transportation, and other points of interest.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame?

Pg. 4.6-13, Policy PFS-7.6: Smart Grid Development. The County shall work with utility providers to implement smart grid technologies as part of new developments and infrastructure projects.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame?
All large projects will incorporate a micro-grid with solar and battery storage technology.

Pg. 4.6-13, Policy COS-7.7: Conveyance for Oil and Produced Water. The County shall require new discretionary oil wells to use pipelines to convey oil and produced water; oil and produced water shall not be trucked.

> All produced water shall be treated on-site so as not unfairly burden disadvantaged and communities of color that have had to accept this toxic waste in the past.

Pg. 4.6-13, 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.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame and by what date-certain?

Pg. 4.6-15, Implementation Program R: Performance-Based Building Code for Green Building. The County shall update the Building Code to establish performance-based standards that incentivize green building techniques.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame and by what date-certain?

Pg. 4.6-17, Policy WR-3.1: Non-Potable Water Use. The County shall encourage the use of nonpotable water, such as tertiary treated wastewater and household graywater, for industrial, agricultural, environmental, and landscaping needs consistent with appropriate regulations.

> Currently meaningless as written. What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame and by what date-certain?

Pg. 4.8-1, Executive Order (EO) B-55-18, which calls for California to achieve carbon neutrality by 2045 and achieve and maintain net negative GHG emissions thereafter.

> To provide consistency with the time frame of the General Plan, Ventura County should be carbon neutral by 2040, if not sooner.

Pg. 4.8-11, For the purpose of this draft EIR, implementation of the 2040 General Plan would have a significant GHG emissions impact if it 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.

> If there is no actual program to measure GHG from all sources, nor scheduled, implementable reduction protocols that result in carbon neutrality by a date certain then this is meaningless. What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame and by what date-certain?

Pg. 4.8-12, Implementation Program P: Annual General Plan Implementation Review. The County shall review the General Plan annually, focusing on the status and progress of program implementation. The County shall prepare a report to the Board of Supervisors summarizing the status of implementation programs and any recommendations for General Plan amendments.

> What are the metrics and measurables and in what time frame and by what date-certain will Program P be fully realized?

Pg. 4.8-22, Implementation Program K: Coordination on Large Onsite Wastewater Treatment Systems Repairs. The County shall coordinate with the Los Angeles Regional Water Quality Control Board to address compliance and repair issues for large onsite wastewater treatment systems (over 5,000 gallons) and package treatment systems.

> Wastewater infrastructure is a source of GHG emissions, especially methane. How will these emissions be measured and mitigated/reduced/eliminated?

Pg. 4.8-23, Policy COS-7.2: Oil Well Distance Criteria. 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.

> Why the discrepancy? Make the distance a uniform 2,500 feet.

Pg. 4.8-23, Policy COS-8.6: Zero Net Energy and Zero Net Carbon Buildings. The County shall support the transition to zero net energy and zero net carbon buildings, including electrification of new buildings.

> What is the goal and how does the County plan on achieving it via metrics and measurables and in what time frame and by what date-certain?

Pg. 4.8-24, Policy COS-10.2: Community Greenhouse Gas Emissions Reduction Target for 2030. The County shall achieve a community-wide GHG emissions reduction target of 41 percent below 2015 levels by 2030.

> What are the annual goals and how does the County plan on achieving it via metrics and measurables and in what time frame and by what date-certain?

Pg. 4.8-27, Implementation Program U: Solar Canopies in Non-Residential Projects. The County shall amend the County's Coastal and Non-Coastal Zoning Ordinances to require parking lots for new non-residential construction projects, with floor area of greater than 50,000 square feet, to include solar canopies.

> Eliminate the floor area requirement and go with a percentage such as 90% of the parking area shall have canopy solar.

Pg. 4.8-27/28, Implementation Program DD: Budget and Staffing Plan for CAP Implementation. The CEO shall, within six months from the adoption of the General Plan Update and Climate Action Plan, present to the Board of Supervisors a proposed budget and staffing plan Greenhouse Gas Emissions Ventura County 4.8-28 2040 General Plan Draft Environmental Impact Report (including qualified technical consultants) to implement the Climate Action Plan, and shall update the budget and staffing plan each year.

> Include a citizen advisory committee, also.

Pg. 4.8-32, Implementation Program Q: Standards for Solar Photovoltaic (PV) Carports in County Lots. The County shall establish standards for inclusion of solar PV carports in County-owned parking lots.

> Implement a 90% coverage by canopy solar by date certain.

Pg. 4.8-32, Include the following, "Work with the Clean Power Alliance to plan, permit and build all possible opportunities to implement the CPA's "Local Programs" mandate."

Pg. 4.8-33, Policy AG-5. 5: Carbon Farming Practices. The County shall encourage and support the efforts of resource conservation districts, farmers, and other stakeholders to expand carbon farming practices, such as reduced tilling, cover-cropping, composting, biochar, and other activities that both reduce GHG emissions and increase carbon sequestration and storage, when feasible.

> Include "regenerative farming".

Pg. 5-11, 5.2.8 Greenhouse Gas Emissions, Thus, the 2040 General Plan's incremental contribution to cumulatively significant climate change effects would be cumulatively considerable.

> Unacceptable conclusion.

The Los Angeles Sustainability Plan, aimed at meeting the goals of the Paris Climate Agreement, has clear and bold goals: “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.” We should demand no less from our DEIR/General Plan.

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.

Therefore, in my opinion, this DEIR is inadequate, missing disclosure of plan impacts, lacking in meaningful and enforceable policies (e.g., substituting "shall" with "should"), incompletely quantified, and lacking mitigations for cumulative and incremental impacts.

Thank you for your time and consideration.

By Steve Nash

Endorsed by
John Brooks
Oak View

Simmons, Carrie

From: CFROG <cfrogvc@gmail.com>
Sent: Wednesday, February 26, 2020 11:11 AM
To: Curtis, Susan; General Plan Update
Subject: CFROG comments on General Plan Draft EIR
Attachments: attachment 1.docx

Follow Up Flag: Follow up
Flag Status: Flagged

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>
> Here are the comments
>
>
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#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*

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.

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.

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

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.)

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.

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.

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

Simmons, Carrie

From: Luis Gomez <gomez@ojaicity.org>
Sent: Wednesday, February 26, 2020 11:12 AM
To: General Plan Update
Subject: City of Ojai- 2040 County General Plan Update – EIR Comments
Attachments: County General Plan Update – EIR Comments.pdf

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Dear Ms. Curtis,

On behalf of Ojai City Manager James Vega, attached you may find a letter containing the City's EIR comments relating to the 2040 County General Plan. If you have any questions or if can be of assistance, please feel free to contact me.

Kind Regards,

Luis Gomez
Office Specialist II
City Manager's Office
401 S. Ventura Street, Ojai CA 93023
(805) 646-5581 x103
gomez@ojaicity.org



OFFICE OF THE CITY MANAGER

James Vega, City Manager 401 S.

Ventura Street, Ojai, CA 93023

February 26, 2020

Ventura County Board of Supervisors
800 S. Victoria Avenue
Ventura, CA 93009

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 County General Plan Update – EIR Comments

Honorable Board Members and Ms. Curtis:

The Ojai City Council is very concerned about air pollution and the effects of Climate Change on our city and its residents. We are experiencing the drastic effects of Climate Change, as evidenced by the Thomas Fire, water shortages, and the persistent drought. We have adopted a Climate Emergency resolution and have created a Climate Emergency Mobilization Committee to make recommendations to council on actions the City can take to reduce emissions of greenhouse gases and remove them from the atmosphere.

Accordingly, we are submitting the following comments.

1. In September, the Board of Supervisors approved a number of General Plan policies and programs designed to achieve unincorporated Ventura County's fair share of greenhouse gas emission reductions in line with the State's reduction targets (41.3% reduction of 2015 emissions by 2030, 61.9% reduction by 2040, and 80.4% reduction by 2050). However, in the draft EIR, is the statement "...the County... 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."

We find this conclusion to be unacceptable. As proposed, the General Plan has failed to accomplish its own stated objective – achieving the County's fair share of GHG emission reductions. This must be remedied. We are experiencing a Climate Emergency in Ventura County

and County government must do its fair share to deal with it. General Plan policies should clearly demonstrate that the County will meet or exceed State and County GHG emission reductions. Failure to make this demonstration is a serious flaw in the draft EIR and draft General Plan.

2. One of the major source categories of air pollution and greenhouse gas emissions affecting Ojai is the oil and gas industry. Ojai is downwind of many O&G sources in both the Ojai Valley and Ventura River Valley.

The Board of Supervisors in September approved two important new policies that are intended to reduce negative impacts of the O&G industry, particularly with respect to air pollution, climate change, and other public health and safety impacts:

Policy COS-7.7: Conveyance for Oil and Produced Water. The County shall require new discretionary oil wells to use pipelines to convey oil and produced water; oil and produced water shall not be trucked

Policy COS-7.8: Gas Collection, Use, and Disposal. The County shall require that gases emitted from all new discretionary oil and gas wells shall be collected and used or removed for sale or proper disposal. Flaring or venting shall only be allowed in cases of emergency or for testing purposes.

With respect to these two policies, staff and their consultant have stated that the two policies would result in an impact (loss of availability of a known petroleum resource that would be of value to the region and residents of the state), and to mitigate that impact staff have proposed to change the two policies (by adding mitigation measures PR-2 and PR-3) so as to allow flaring and trucking of oil and produced water. Incredibly, the proposed mitigation measures would effectively cancel out the two policies adopted by the Board, and would cancel out the benefits of the original policies in reducing air pollution and greenhouse gas emissions, and providing other health and safety benefits.

We strongly recommend that mitigation measures PR-2 and PR-3 be rejected and removed from the EIR, and that the original policies COS-7.7 and COS-7.8 adopted by the Board be retained.

3. The greenhouse gas emission inventory in the EIR is flawed, and does not accurately provide an inventory of greenhouse gases in the County. As an example, realistic methane global warming potential and industrial energy uses were not accurately documented. Comprehensively addressing Climate Change requires starting with an accurate emission inventory. We recommend that the County contract with the APCD or a qualified outside consultant to produce a more accurate and valid GHG emission inventory.

In summary, we strongly recommend that the Board of Supervisors exercise leadership on behalf of the citizens of the County and take a stand in these matters, and communicate with the County staff in the strongest manner possible the City of Ojai's opposition to what we consider to be the County staff's inappropriate attempt to use administrative maneuvers to subvert policies passed by duly elected officials – your Board of Supervisors.

Climate Change is upon us. It is time to act aggressively.

Thank you for the opportunity to comment.

Sincerely,



James Vega,
City Manager

cc: Ojai City Council
Camarillo City Council
Fillmore City Council
Moorpark City Council
Oxnard City Council
Port Hueneme City Council
Santa Paula City Council
Simi Valley City Council
Thousand Oaks City Council
Ventura City Council

Simmons, Carrie

From: VC2040.org Comments <alan.brown@ventura.org>
Sent: Wednesday, February 26, 2020 12:32 PM
To: Downing, Clay; General Plan Update; Curtis, Susan; Sussman, Shelley
Cc: Brown, Alan

Follow Up Flag: Follow up
Flag Status: Flagged

You have a NEW Comment

Name:

Christine Brennan

Contact Information:

christinebrennan65@me.com

Comment On:

climate Action Plan

Your Comment:

I am a 30 year resident of Ojai. I am currently a board member of Ojai Trees a nonprofit tree planting organization. I am alarmed at the current climate change rate and fully endorse CFROG additions to the plan. Climate change is caused by fossil fuel production and consumption. The CAP addresses the consumption side by merely encouraging, but not requiring, electric fuel vehicles and clean power for homes and businesses. But Ventura County is the third largest oil and gas producing county in California. As such, we must do our part to reduce oil production through thoughtful, rigorous policy to phase it out. This is not addressed.

Simmons, Carrie

From: Lisa Woodburn <LisaW@JDSCIVIL.COM>
Sent: Wednesday, February 26, 2020 12:40 PM
To: General Plan Update
Subject: Comments on County GP Update Draft EIR

Follow Up Flag: Follow up
Flag Status: Flagged

I would like to offer the following comments:

Mitigation Measure AG-2: New Implementation Program AG-X: Establish an Agricultural Conservation Easement: This Mitigation Measure is unfeasible and unnecessary and unforeseen consequences of implementing this mitigation measure have not been identified. There are many existing programs and policies in Ventura County that prohibits the conversion of agricultural land for urban development. SOAR, the LCA Contract program, the Initial Study Assessment Guidelines and Guidelines for Orderly Development are all programs that protect against the loss of agricultural land in Ventura County. To add a policy that would require the purchasing of offsite farmland on a 2:1 ratio (acres preserved : acres converted) through the establishment of an offsite agricultural conservation easement for all discretionary development over a certain size is unfeasible and unnecessary.

I am currently involved in a farmworker housing project that would be subject to this mitigation measure policy. In order to develop 360 units of much needed farmworker housing in the County, we are impacting just over 18 acres of prime farmland. We will be processing an EIR because of the significant loss of ag soils as identified in the County's Initial Study Assessment Guidelines and will be requesting that the Board of Supervisors adopts overriding considerations due to the dire need for farmworker housing in Ventura County. If mitigation measure AG-2 was in effect, this project would not be moving forward due to the extreme financial burden it would place on the non-profit housing developer of this project. I cannot imagine any farmworker housing complex project being able to absorb the financial burden associated with mitigation measure AG-2.

The other issue I have with this mitigation measure is that it is applicable to all land use designations in the County with an important farmland inventory classification. There could be land in the County located in an urban area but is currently farmed and is therefore classified as important farmland inventory. Therefore it could be designated Urban and zoned for some type of urban development, but because it has not developed yet, that property owner will be burdened with this mitigation measure.

In short, I urge the Board of Supervisors to not adopt mitigation measure AG-X. It will lead to impacts on important development needed to keep agriculture viable in Ventura County such as Farmworker Housing Complexes and Preliminary Packing Facilities.

Sincerely,

Lisa Woodburn, Planning Manager
Jensen Design & Survey, Inc.

M 805.654.6977 | D 805.633.2251 | F 805.633.2351
1672 Donlon St. Ventura, CA 93003

lisaw@jds civil.com | www.jds civil.com

Simmons, Carrie

From: June Behar <beharjune@gmail.com>
Sent: Wednesday, February 26, 2020 1:17 PM
To: General Plan Update
Subject: Comments on General Plan Update

I am a resident of Upper Ojai, unincorporated Ventura County, at 12048 Sulphur Mountain Road, Ojai CA 93023. Please add this material to the public comments on the VC2040 General Plan Update:

Setting policy to deal with climate change in Ventura County requires expert scientific and technical input so that the Climate Action Plan (CAP) is meaningful and can achieve significant greenhouse gas emission reduction goals. VC should contract with an experienced consulting team as Los Angeles City and County have done in order to improve emissions reduction efforts here and meet state climate goals.

Ventura's General Plan Update should include the goal of eliminating fossil fuel production in the County, including drilling, production and refining, in order to reduce pollution. Phasing out production should include policy measures, strict enforcement of regulations, and the closing of loopholes that, for example, would allow trucking of oil and produced water if oil companies claim pipeline construction costs are too high. Maintain Policy COS-7.7 and Policy COS-7.8 as recommended by the VC Board of Supervisors.

Climate Action Plan policies must be able to produce measurable and enforceable emission reductions instead of asking for voluntary actions from the County's oil and gas operators. Revise this plan to ensure that greenhouse gas emissions and groundwater pollution will be curbed, starting immediately. In particular, maintain and defend the five-pound air emissions limit for the Ojai Valley, and force projects subject to CEQA review to fully evaluate TOTAL air emissions and require strict mitigation of local air quality impacts.

In conclusion, it is critical that Ventura County adopt climate policies for the future based on expert study and experience; provide for strong and rigorous evaluation of potential adverse impacts in all projects, and enforce regulations without allowing loopholes. We longtime property owners and our families, the future generations of our population, deserve no less.

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 12:42 PM
To: Simmons, Carrie
Subject: FW: Comments on General Plan/EIR

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Mary Chambers Moro <maryellen.moro@verizon.net>
Sent: Wednesday, February 26, 2020 11:37 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Cc: James Chambers <costacasas@gmail.com>
Subject: Comments on General Plan/EIR

Dear Ms. Curtis:

I am writing to call your attention to significant flaws in the process, data, and conclusions of the Ventura County General Plan, Draft EIR, and supplemental documents.

My great grandfather, Mark McLoughlin (1843-1914), was a true Ventura County pioneer, purchasing his first 318 acres of undeveloped land in Ventura County in 1875. He was a hard-working visionary, revered by his community. With his son—my grandfather, James Patrick McLoughlin—he

raised livestock and farmed the land, providing jobs and feeding the growing towns of Oxnard and Ventura.

Our land, in a vitally important location on Olivas Park Drive across from the Ventura Marina, has been in the family, and part of the economic fabric of the community, for 100 years. And we want it to be part of the future of this community, with a flourishing economy, a thriving job market, and unsurpassed quality of life for its residents.

But the General Plan and DEIR do not describe a viable path for us as landowners going forward.

I will begin with some specific issues regarding language in the Coastal Area Plan, 4-82-83 and 4-94-95. Part of our land is located in the Central Coastal Zone, adjacent to the Ventura Marina, on Olivas Park Drive at Harbor Blvd. The only conclusion the Plan draws about our land is the statement that, “unlike the Preble area, services are not readily available to the Olivas lands.” This is false. Our property has access to all utilities, water, main roads, and the freeway. Indeed, easements on our property serve surrounding areas with utilities.

The Plan also claims that our property is “not included in the City’s sanitation district because of problems with water pressure.” This language is irrelevant and incorrect. There is no evidence that there are water pressure issues, and the sanitation district’s pipelines actually traverse our property.

While we do not know the original source of these misstatements, such misrepresentations—now repeated in the Plan—threaten to diminish the value of our land in relation to the Preble property. And, of course, they undermine the goal and the value of the Plan itself.

The General Plan also speaks of the widening of Olivas Park Drive, our southern boundary. This would have a direct impact on our property. But the Plan does not address how this would happen or how it would affect our land.

Damaging misstatements about our property also appear in the DEIR. Contrary to the portrayal in the DEIR, our property has significant infrastructure in place, as well as prime accessibility to the highway and the harbor. In fact, with easy access to the marina and beach community, and with the railroad as part of our eastern boundary, our land is uniquely suited to be an important part of future economic development in the area. We are entitled to have all these matters corrected.

I would also like to raise some additional concerns:

1. The General Plan and DEIR continue to ignore the 28% increase in the homeless population in our community.
2. According to the General Plan, if we were to build an acre of low income / worker housing we would need to buy two replacement acres of same Ag land to be placed into perpetual agricultural preservation. This is unrealistic and infeasible, and certainly not in line with the State government's housing policies.
3. The EIR does not adequately address the enormous "indirect impacts" that will occur as a result of implementing the General Plan, calling them "less than significant."
4. The General Plan contains policies that will increase the costs of normal farming operations, making it difficult for farming to remain profitable.
5. The Plan does not adequately evaluate the impacts of increased competition for water in our community.

The EIR is a flawed document, full of errors, that does not disclose all impacts, direct and indirect, caused by the General Plan. It was obviously

rushed—completed in six weeks. It is inaccurate and incomplete, and fails to provide members of the community with the information that they are legally entitled to. This EIR should be corrected and reconsidered, and a reasonable time period should be allowed for meaningful and thoughtful community input.

Sincerely,

Mary Chambers Moro

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 12:43 PM
To: Simmons, Carrie
Subject: FW: Comments on General Plan/EIR

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Mary Chambers Moro <maryellen.moro@verizon.net>
Sent: Wednesday, February 26, 2020 11:45 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Comments on General Plan/EIR

Sanger Hedrick, Chair
Agricultural Policy Advisory Committee (APAC) County of Ventura
800 S. Victoria Blvd.
Ventura, CA 93003

Re: 2040 General Plan Environmental Impact Report (EIR)

Dear Mr. Hedrick and Honorable Members of APAC:

Thank you for the opportunity to provide comments following today's presentation by Ventura County Planning staff on the 2040 General Plan EIR.

There are several issues with the 2040 General Plan EIR that CoLAB believes will negatively impact the viability of local agriculture.

Proposed mitigation measure AG-2: The County 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. This mitigation measure is infeasible. Contrary to statements made by County Planning staff today at the APAC meeting, the California Environmental Quality Act (CEQA) requires that all mitigation proposed in an EIR be feasible. CEQA Section 21061.1 defines feasible as “capable of being accomplished in a successful manner within a reasonable period of time,

” (*emphasis added*). All mitigation measures proposed in an EIR must be shown to reduce impacts and an infeasible mitigation measure, by definition, cannot and will not reduce impacts.

The EIR does not provide evidence of any of the following:

1. 1) Whether there is sufficient land available for purchase/conservation easement for each farmland category;
2. 2) The cost per acre to purchase each category of farmland;
3. 3) The anticipated cost of establishing a conservation easement for each category of farmland;
4. 4) The anticipated cost associated with managing each category of farmland under a conservation easement;
5. 5) The anticipated cost associated with monitoring these mitigation parcels scattered throughout the County and who will bear that cost;
6. 6) Any information that could constitute a “plan” for management of farmland in conservation easements;

February 19, 2020

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Page 2 of 4

7. 7) An analysis of direct and indirect impacts caused by this mitigation measure (including impacts associated with LU compatibility conflicts and increased urban-ag-interface);
8. 8) Whether the smallest possible mitigation acreage required will achieve the minimum to ensure viability of agriculture on the parcel; and
9. 9) 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.

The County is already aware that this proposed mitigation measure is infeasible. On March 24, 2016, at a Local Agency Formation Commission (LAFCo) hearing, Supervisor Linda Parks attempted to establish

an “Agricultural Mitigation Measure” through the LAFCo project approval process. The mitigation measure would have required the 1-to-1 purchase of local farmland (half of what is proposed in the 2040 General Plan EIR) to replace farmland that would be impacted by any proposed development. Ventura County Counsel, Michael Walker, informed both LAFCo and Supervisor Parks that the proposed mitigation measure did not meet the standard for economic feasibility, and, for that and other reasons, LAFCo could not adopt Supervisor Park’s proposed mitigation measure. He referenced a 2015 legal decision, *City of Irvine v. County of Orange*, in which the Court stated, “the sheer astronomical expense of land supports the finding of the EIR that the purchase of an agricultural conservation easement is a non-starter.”

In addition to being infeasible, CoLAB does not believe that this mitigation measure will reduce impacts on agricultural land, as it does not address the actual issues that will impact farmland under the 2040 General Plan: lack of economic sustainability, the increasing regulatory demands on agriculture, increased competition for water resources, and increased compatibility conflicts from development.

Indirect Impacts

The EIR dismisses “indirect impacts” that will occur as a result of implementing the 2040 General Plan as “less than significant.”

Page 4.2-13 of the EIR states “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 potential for conflicts would be minimal. This impact would be less than significant**” (*emphasis added*).

This is simply not true. Historic and recent County actions have shown that the County has and will continue to create new restrictions and ordinances that have a significant impact on existing agricultural

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Page 3 of 4

and farming operations because of conflicts attributed to residential development. The recent interim urgency ordinance restricting hemp cultivation is one such example.

Contrary to statements made today by Ventura County Planning staff, an EIR, whether it is labeled as “programmatic” or “project”, must analyze all reasonably foreseeable consequences of the action that is proposed. For the 2040 General Plan EIR, the action proposed is the implementation of all policies and

programs within. Therefore, if the implementation of a policy in the 2040 General Plan will result in an impact, that impact must be analyzed. For example, the 2040 General Plan contains land use designation changes that will increase allowable housing density near agricultural land. It is reasonably foreseeable that more houses will create more compatibility conflicts with normal farming operations. The impact of these compatibility conflicts must be addressed in the EIR.

In 2014, the California Court of Appeal stated in a ruling that “[T]he fact that this EIR is labeled a ‘project’ rather than a ‘program’ EIR matters little....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.”

It is CoLAB’s opinion that indirect impacts from increasing urban-ag interface are SIGNIFICANT and cannot be dismissed in the EIR.

Direct and indirect impacts of increased costs

The 2040 General Plan has policies that will increase the costs of normal farming operations. CoLAB believes that the most effective way to minimize conversion of agricultural land to non-agricultural uses is to take active measures to allow farming to remain profitable. And even the County admits that reducing the cost of farming reduces conversion of agricultural land in their discussion of the Williamson Act in Chapter 4.2 of the EIR.

But the County fails to analyze direct and indirect impacts of 2040 General Plan policies that will increase the cost of normal farming operations, such as:

- Policy AG-5.2: Electric- or Renewable-Powered Agricultural Equipment. 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.
- Policy AG-5.3: Electric- or Renewable-Powered Irrigation Pumps. The County shall encourage farmers to convert fossil fuel-powered irrigation pumps to systems powered by electric or renewable energy sources, such as solar power, and encourage electric utilities to eliminate or reduce standby charges.

Direct and indirect impacts of increased competition for water resources

The County fails to evaluate the impact of increased competition for water resources caused by development allowed in the 2040 General Plan on either the conversion of agricultural land or the loss of agricultural lands through the loss of topsoil.

The EIR states on page 4.2-3 that “...a reduction in available water resources for irrigation” is an example of indirect impacts on agricultural land due to loss of topsoil from increased wind and water erosion.

But the County fails to analyze or propose mitigation measures to address this significant impact.

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APAC is the expert charged with advising County decision-makers on agricultural issues in Ventura County. And the County should be seeking guidance from APAC about the actual issues that will impact farmland under the 2040 General Plan: lack of economic sustainability, the increasing regulatory demands on agriculture, increased competition for water resources, and increased compatibility conflicts from development.

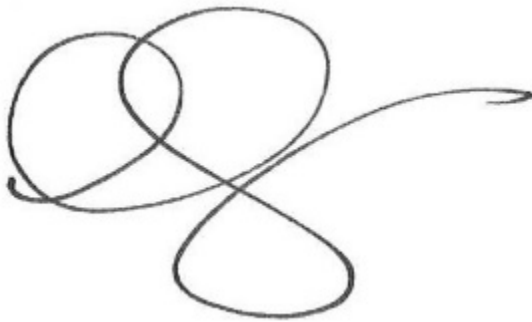
CoLAB encourages APAC to provide guidance to the County on appropriate and effective mitigation measures to prevent the conversion of agricultural land to non-agricultural uses. These may include:

1. 1) Strengthen the Right-to-Farm ordinance to prevent nuisance complaints from being used to justify the creation or expansion of setbacks or regulatory restrictions on normal farming practices;
2. 2) Expand the Land Conservation Act Program to include Open Space zoned properties that are engaged in farming (including grazing); and
3. 3) Protect agricultural land from urban-ag interface encroachment and compatibility conflicts by establishing setbacks on NON-AE-zoned land that will restrict the construction of bike paths, public trails, and sensitive receptors within 2000' of any land zoned A/E.

Thank you again for the opportunity to provide comments on this issue. We appreciate your consideration and leadership at this time.

Sincerely,

Louise Lampara Executive Director

A handwritten signature in black ink, consisting of several overlapping loops and a long, thin tail extending to the right.

In support of this letter-
Mary Chambers Moro

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 12:43 PM
To: Simmons, Carrie
Subject: FW: 2040 General Plan Draft EIR Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Alda Perry <aldaperry@gmail.com>
Sent: Wednesday, February 26, 2020 12:35 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 General Plan Draft EIR Comment

To: Ms Susan Curtis

Ventura County's proposed 2040 General Plan is based on a flawed and deficient analysis of the impacts this proposal will have on agriculture, water supplies, and wildfire risk. State law, under the California Environmental Quality Act (CEQA), requires an "environmental impact report" (EIR) be prepared to evaluate and analyze the impact of the proposed changes. The County has not complied with CEQA because of its reliance on an inadequate and hurriedly compiled EIR.

A few of the "big issues:"

- 1) CEQA requires that any mitigation measures proposed in the EIR be technically and economically feasible. But many of the County's proposed mitigation measures are infeasible.
- 2) CEQA requires that the EIR use accurate and detailed data in the analysis. But the EIR and its 1000+page Background Report are filled with errors, vague statements and outdated information.
- 3) CEQA demands that any policies that increase wildfire risk be analyzed. Yet the EIR doesn't even mention policies from the General Plan that will significantly increase fuel load in high fire risk areas.

4) CEQA requires that both direct and indirect impacts be analyzed. Yet the County simply fails to analyze the impact of competition for water supplies on agriculture, even though the EIR admits that the increased development resulting from the General Plan will result in less water for irrigation.

A significant **indirect** impact required to be addressed by CEQA has not been analyzed in the development of the new General Plan. The County failed to analyze or propose mitigation for any indirect significant impacts on agriculture from the buildout that will occur from the 2040 General Plan.

As a resident of Ventura County and a committed Ventura County farmer^[1] for over 40 years, and a member of a Ventura County farming family for over 150 years, I have seen that complaints from encroaching urban uses will mandate changes in normal farming practices. This most recent example of this is the new hemp cultivation set back.

As population grows, there will be more and more complaints of dust, odors, water use, types of crops grown. There will be more theft and vandalism^[2] - which increases costs to the farmer and cause the County to pass new rules that put more restrictions on agriculture.

The County did not discuss these indirect impacts in their analysis, and they did not propose any mitigation to reduce this impact. The County needs to fully evaluation how encroaching development will impact the long-term sustainability of agriculture in the County and propose mitigation that addresses impacts in a way that reduces restrictions on agriculture.

Based on the substantial flaws and deficiencies of the EIR relied on by the County in its design of the new General Plan, as a citizen and farmer, I demand that the County correct and re-circulate the EIR.

Thank you for your attention to my concerns.

Alda L. Perry

^[1] Our ranch has been contracted with the County for many years under the Williamson Act.

^[2] Just last month our ranch suffered an avocado theft. See Crime Report Number 20-8138. In recent years we have has our well disabled **twice** in a thief's effort to steal the copper wiring that runs from the electrical box to the submersible pump approximately 700 feet in the ground. Before that we had several hundred feet of chain-link fencing ripped out by a vandal who stole a neighbor's tractor and ran it into the fence. Our ranch is in a very remote area, yet we still suffer from encroaching "civilization."

--

Please note my new email is"

aldaperry@gmail.com

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 1:12 PM
To: Simmons, Carrie
Subject: FW: Ventura General Plan Review-Deadline Extension Request

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Lin, Alan S@DOT <alan.lin@dot.ca.gov>
Sent: Tuesday, February 25, 2020 10:36 AM
To: Downing, Clay <clay.downing@ventura.org>
Cc: Duong, Frances M@DOT <Frances.Duong@dot.ca.gov>; Edmonson, Miya R@DOT <miya.edmonson@dot.ca.gov>
Subject: Ventura General Plan Review-Deadline Extension Request

Clay,

Per our phone conversation today and discussion with management, we would like to request an extension to send Caltrans comment letter. Please extension CEQA deadline to March 18, 2020 if possible.

All future correspondences should send to Ms. Miya Edmonson, Branch Chief, for review.

Thank you!

Alan Lin, P.E.
Project Coordinator
State of California
Department of Transportation
District 7, Office of Transportation Planning
Mail Station 16
100 South Main Street

Los Angeles, CA 90012
(213) 897-8391 Office
(213) 897-1337 Fax

Simmons, Carrie

From: Dan Drugan <DDrugan@calleguas.com>
Sent: Wednesday, February 26, 2020 2:05 PM
To: General Plan Update
Cc: Goff, Tony; Jennifer Lancaster
Subject: Calleguas MWD Comment Letter on Ventura County 2040 General Plan
Attachments: 2020-02-26_CMWD_VC_2040_DEIR_Comment_Ltr.pdf

Importance: High

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Good afternoon,

Please see the attached comment letter from Calleguas on the draft Ventura County 2040 General Plan. If you have any questions, feel free to contact me directly.

Best,

Dan Drugan
Calleguas MWD
(805) 579-7185 Office
(818) 515-6461 Cell

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ANTHONY GOFF
GENERAL MANAGER

web site: www.calleguas.com

2100 OLSEN ROAD • THOUSAND OAKS, CALIFORNIA 91360-6800 805/526-9323 • FAX: 805/522-5730

February 24, 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

Dear Ms. Curtis:

Calleguas Municipal Water District (Calleguas) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR; SCH# 2019011026) for the Ventura County 2040 General Plan, released for public review on January 13, 2020.

Calleguas is one of twenty-six member agencies of the Metropolitan Water District of Southern California (Metropolitan) and the primary urban water supplier in Ventura County, providing potable water service to three quarters of County's population. Through 19 retail water agencies and companies, Calleguas provides water to the cities of Oxnard, Camarillo, Moorpark, Simi Valley, Thousand Oaks, and Port Hueneme as well as surrounding areas of unincorporated Ventura County.

The Water Resources Element of the General Plan includes new and updated policies regarding water use efficiency, conservation, and supply in unincorporated Ventura County, including those areas within Calleguas' service area. We support these policies that encourage water conservation and water use efficiency, and regional collaboration and diversifying water sources to ensure a reliable supply of potable water while protecting water quality and environmental resources.

We offer the following specific comments regarding water resources:

Background Report (Appendix B of the DEIR)

The Background Report provides the basis for the environmental setting presented in the DEIR. However, there are several technical clarifications that should be made with regard to Calleguas' service area and retail water purveyors.

On page 10-47 (Figure 10-4, Water Purveyors in Santa Clara River Watershed), “Calleguas Wholesale District” is identified with Casitas as the supplier and Sisar MWC as the Water Company. Casitas is not a supplier to Calleguas, and Sisar MWC is not a Calleguas purveyor.

On page 10-59 (Figure 10-5, Water Purveyors in Calleguas Creek Watershed), several of the Water Companies listed for Calleguas either no longer exist or are not member retail purveyors of Calleguas. Please review the Calleguas 2015 Urban Water Management Plan for the current list of member purveyors (Section 3.0 System Description): <http://www.calleguas.com/images/docs-documents-reports/cmwdfinal2015uwmp.pdf>. Note that Figure 10-5 also includes the Oxnard Plain, a subwatershed of the Santa Clara River.

Lake Sherwood/Hidden Valley Area Plan

The proposed Lake Sherwood/Hidden Valley Area Plan contains several policies that address water supply. LS-58.2 (Water System Service Area) states that the water system serving the Lake Sherwood Community shall be sized to only serve the Lake Sherwood Community and existing or replacement single-family dwellings outside the Lake Sherwood Community which will be directly connected by a private lateral water line. LS 58.3 (Water Distribution System Sizing) requires that the water distribution system for the Lake Sherwood Community must be sized no larger than necessary to serve the community (see also Goal LS-60). However, LS 58.4 (Requirement for Publicly Operated Water Supplier) states: “The County shall require discretionary development to be served by a publicly operated water supplier. The County shall require all facilities to meet or exceed County Waterworks Standards.” This appears to conflict with LS-58.2, LS-58.3, and LS-60. Discretionary development within the Area Plan that is outside of the Lake Sherwood Community may need to be annexed to Calleguas and Metropolitan in order to access imported water via our local publicly operated water purveyor, Ventura County Waterworks District 38. Further, if existing properties within the Plan Area but outside of the Lake Sherwood Community wish to receive imported water due to issues with the quality or quantity of available groundwater, Policies LS-58.2 and LS-58.3 may present an obstacle for them to do so. Allowing property owners to pursue annexation to Calleguas and Metropolitan in order to access imported water would support Goal LS-64 (To protect against overdrafting of the area’s groundwater basins). It would also support General Plan Policies WR-1.1 (Sustainable Water Supply), WR-1.3 (Portfolio of Water Sources), and WR-1.4 (State Water Sources).

Ideally, a comprehensive planning effort should be undertaken by stakeholders to understand the water issues facing Hidden Valley. A piecemeal approach toward annexation of parcels and an area plan that restricts extension of water utility service are not prudent pathways to achieve future development goals.

Draft EIR Section 4.17 (Utilities)

Table 4.17-2 (Existing Water Supplies and Demands) segments water providers, supplies, and annual water demands by each major watershed within the County. The report states that “the small portion of the Malibu Creek Watershed that falls in Ventura County is included with the

information on the Calleguas Creek Watershed for the purposes of this document.” This table should include Ventura County Waterworks District No. 38 under “Municipal Water Suppliers” for the Calleguas Creek.

Annual water demands characterized in Table 4.17-2 may be significantly higher than current water agency forecasts. New statewide water use efficiency regulations – also known as *Make Water Conservation a California Way of Life* – will soon be implemented. Each year, starting in 2023, retail water agencies will be held responsible for ensuring their system-wide, aggregate water use falls within a calculated water budget. Under the new law, the State may assess penalties on water suppliers that don’t meet their objectives beginning in 2027. We recommend the DEIR reference the upcoming water efficiency standards that will be developed by Department of Water Resources and the State Water Resources Control Board.

We appreciate the opportunity to comment on the DEIR for the Ventura County 2040 General Plan. Should you have any questions regarding these comments, please do not hesitate to contact me at (805) 579-7185 or by email at ddrugan@calleguas.com. We look forward to reviewing the Final EIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Drugan". The signature is written in a cursive, flowing style.

Dan Drugan
Manager of Resources

cc: Anthony Goff, General Manager
Jennifer Lancaster, Principal Resource Specialist

Simmons, Carrie

From: Louise Lampara <llampara@colabvc.org>
Sent: Wednesday, February 26, 2020 2:10 PM
To: Curtis, Susan; General Plan Update
Subject: Electronic copy of CoLAB comments on the 2040 General Plan EIR
Attachments: CoLAB Letter EIR Comments_ FINAL.pdf

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Hard copy with wet signature was hand delivered to Ventura County Planning yesterday, February 25, 2020 at approximately 3 p.m. Electronic copy attached for your review.

Please confirm receipt. And thank you for considering our comments.

Louise

“Collaboration for Sensible Regulatory Solutions”

Louise Lampara
Executive Director
Ventura County Coalition of Labor Agriculture and Business
Phone (805) 633-2257
Cell (805)797-5679
Email: llampara@colabvc.org
Website: www.colabvc.org



Celebrating 10 years of advocacy: 2010 - 2020

February 25, 2020

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Jeff Nobriga, California Resources Corp.,
Director

Tony Skinner, IBEW Local 952
Director

Alex Teague, Limoneira
Director

Andy Waters, Waters Family Farms
Director

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.

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)).

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.

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.”

- 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.

“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.

- 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.

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.

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.

- 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.

- 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.

- 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.

- 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

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.

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.)

- 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.

- 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.

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.

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.

- 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.
- 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:

- 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.

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.

- 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.

- 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.
- 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.

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

lands that will prohibit the construction of bike paths, public trails, and sensitive receptors within 2000' of any land zoned AE.

- 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.

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

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.

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.

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.

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

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.

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.

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.

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

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.

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.

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

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.

- 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.
- 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.

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).

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.

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.

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.

- 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.

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

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...).

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.

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.

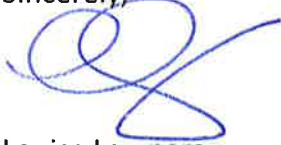
Section 4.13

- 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).

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.

Sincerely,



Louise Lampara
Executive Director

Attachment

Figure 3-7: North Ventura Avenue Area Plan (source: Appendix B: Ventura County 2040 General Plan Update Background Report, Revised Public Review Draft January 2020)

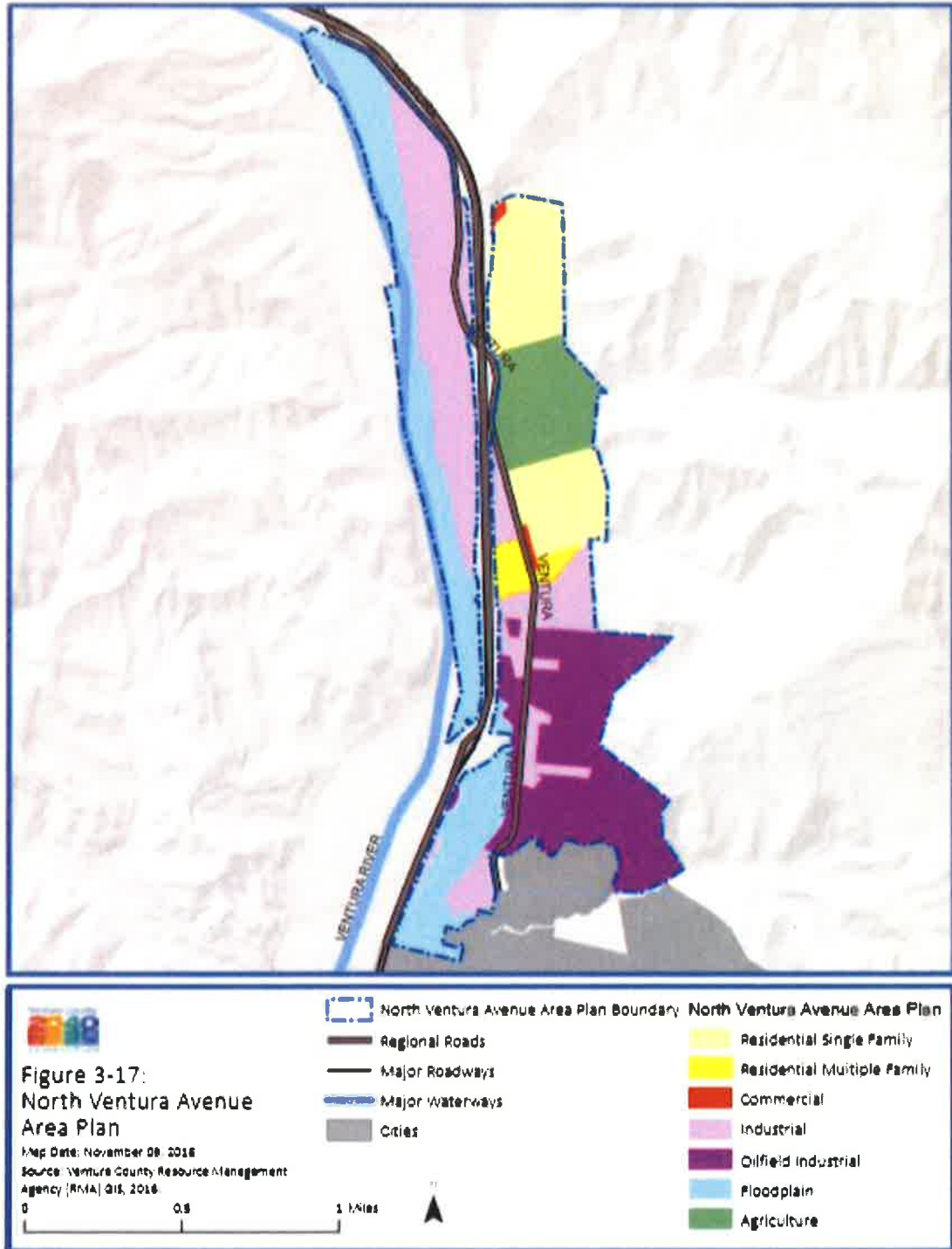
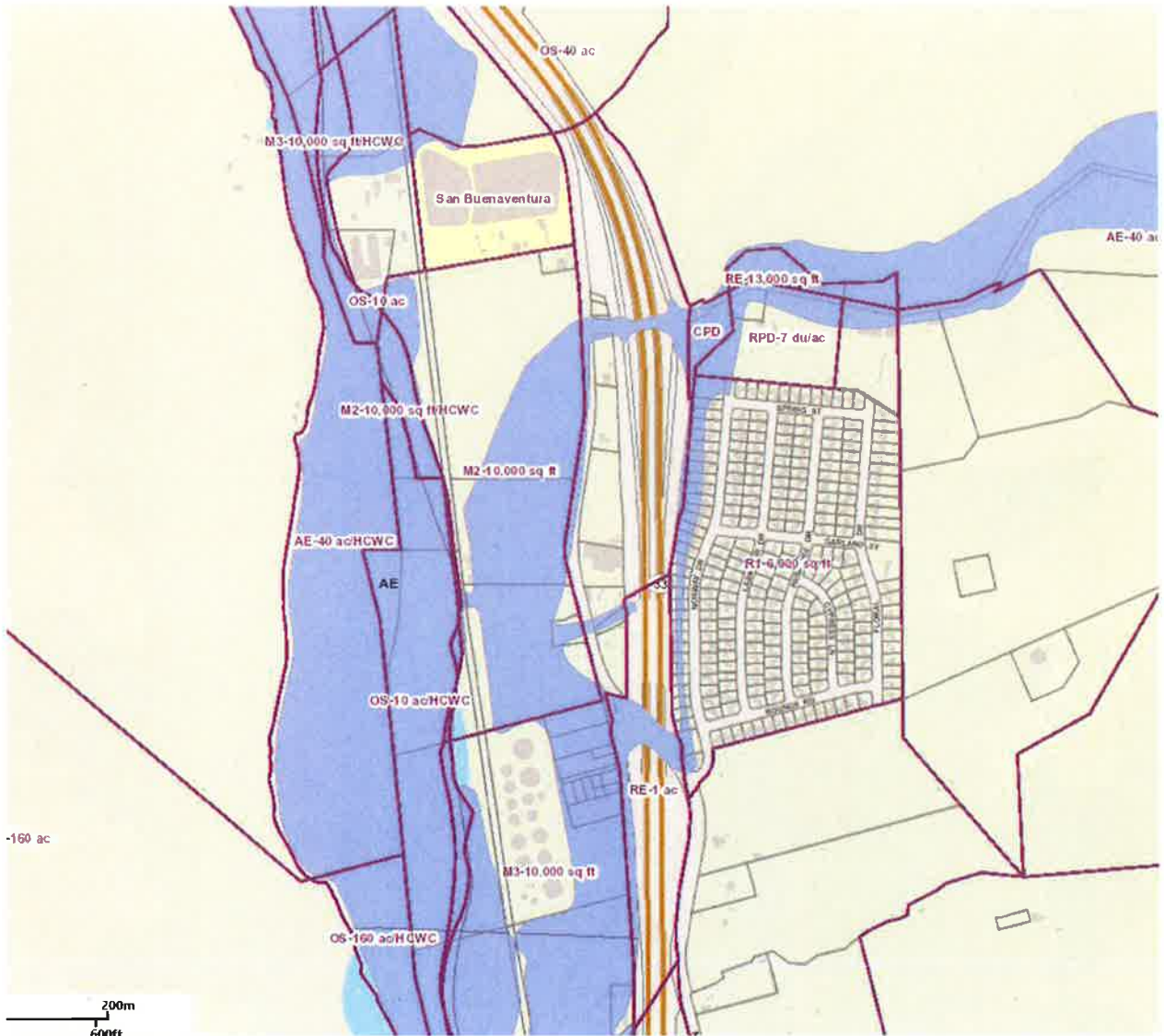


Figure 1: Overlay of flood hazard zones (blue/purple shading) and industrial zoned parcels (as labeled) from Ventura County GIS data (source: <https://maps.ventura.org/countyview/>)



Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 4:03 PM
To: Simmons, Carrie
Subject: FW: GPU EIR Comments
Attachments: GPUEIRCOMMENTS202001.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Phil White <philbranco@gmail.com>
Sent: Wednesday, February 26, 2020 3:54 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>; Prillhart, Kim <Kim.Prillhart@ventura.org>; Ward, Dave <Dave.Ward@ventura.org>
Subject: GPU EIR Comments

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Good afternoon Kim, Susan, and Dave,

Attached are my comments on the EIR. Thank you for the opportunity to comment.

Phil White

February 20, 2020

To: Ventura County Planning Department

From: Phil White, Ojai

Subject: Comments on the 2040 GPU EIR

Thank you for the opportunity to comment on the EIR. As a member of the Planning Commission, I have followed closely the development of the General Plan Update for the past three years. I am familiar with the General Plan's contents and attended the public hearings where the policies and programs were discussed and adopted. My comments are mine alone and do not reflect the positions of the Planning Commission.

1. Executive Summary - Page 2-14. "...the net Zero Net Energy Alternative is proposed to address the county's contribution to GHG emissions."

The concept of Zero Net Energy while once at the forefront is now behind the times since it allows continuation of natural gas combustion. The current focus of dealing with Global Warming / Climate Change is an emphasis on Zero Carbon, and if the General Plan has an alternative focusing on building energy use, it needs to be Zero Carbon, not Zero Net Energy. The language needs to be modified to make this change.

2. Executive Summary – Page 2-33 – Impact 4.8-1 – Mitigation Measure GHG-1- Reach Code.

The proposed language talks about prohibiting new natural gas infrastructure in new residential construction. In fact, Program COS-S is not limited to new residential construction, nor are the underlying policies COS-8.6 and 8.7. While reach codes will logically apply first to new construction, there needs to be planning under this program to extend to eventual retrofits of existing buildings of all types. The language needs to be modified to add this comprehensive planning.

3. Executive Summary – Page 2-34 – Impact 4.8-1 – Mitigation Measure GHG-2

The proposed language deals with energy savings, and while that is commendable, a comprehensive plan dealing with Global Warming / Climate Change needs to emphasize reducing carbon emissions. Also, the proposed language covers buildings of 25,000 square feet or more and doesn't include discussion of non-building sources of GHG. This is short-sighted. Since dealing with the Climate Emergency requires a comprehensive approach, the program needs to cover buildings and other sources regardless of size. The language needs to be modified to add these points.

4. Executive Summary – Page 2-35 and 36 – 4.8-1 – Mitigation Measure GHG-3

I concur that the General Plan should not include tiering and streamlining. The uncertainty of the incomplete GHG emission inventory alone dictates that tiering and streamlining don't make sense.

5. Executive Summary – Page 2-35 – Mitigation Measure GHG-4

I concur that the proposed program makes sense. However, it must be acknowledged that the Climate Emergency Council will likely come up with more than 52 policies for addressing GHG reductions. For example, a recent LA Times report documents the enormous number of abandoned oil and gas wells in the State and in Ventura County. These abandoned wells are sources of methane leaks which contribute to Global Warming / Climate Change. This is an example of a new policy area that is likely needed to address the County's contributions to Climate Change. The language in GHG-4 needs to be modified to add that point and create that flexibility.

6. Executive Summary – Page 2-39 – Mitigation Measure PR-1

The proposed language, purportedly implementing adopted policy COS-7.2, deals with setbacks from oil and gas wells to sensitive receptors including residences and schools. While I concur with the addition of added language covering childcare facilities, hospitals, and health clinics, I am very bothered to see the proposed language removing the 2500 foot criterion adopted by the Board of Supervisors in September. I think it is outrageous for staff and the consultant to use the EIR process to try to undo specific policies adopted by the Board of Supervisors in public hearings. The already adopted 2500 foot limit needs to be reinstated.

7. Biological Resources – Pages 4.4-14 – 17

Several important adopted policies affecting biological resources are omitted from this section. Policy WR-7.1 Water for the Environment, Policy PFS-6.6 Natural Drainage Courses, and Policy PFS-6.7 Flood Control and Beach Sand Nourishment each make important contributions to protecting biological resources. This section needs to be modified to include them.

8. Mineral and Petroleum Resources – Chapter 4.12

In adopting policies in the General Plan, the Planning Commission and the Board of Supervisors considered balancing the development and conservation of oil and gas resources with economic, health, safety, social and environmental protection values.

For example, the oil and gas industry is a large source of air pollution and greenhouse gas emissions and it is a source of health issues, water contamination, and environmental injustice. Reasonable limitations imposed on oil and gas development to reduce these impacts were considered in the development of the General Plan and the Board of Supervisors adopted a number of policies intended to reduce these impacts while still allowing responsible development.

The text in this chapter has been written with a strong emphasis on protecting the extraction of petroleum resources while downplaying the consequent air pollution, climate change, water contamination, health impacts, and environmental injustice. This bias needs to be eliminated in the EIR. The EIR should reflect the balanced intent of the policies adopted by the Board of Supervisors.

9. Mineral and Petroleum Resources – Page 4.12-31 – Mitigation Measures PR-2 and PR-3

The Board of Supervisors in September approved adoption of Policies COS-7.7 and COS-7.8 to reduce the impacts of new oil and gas development on air pollution, greenhouse gas emissions, environmental justice, and other health and safety concerns. Those two policies were designed to balance the responsible development and conservation of oil and gas resources with the need to reduce the environmental, health, and social impacts of that development.

I was very disturbed to see that County staff and their consultant have, by proposing Mitigation Measures PR-2 and PR-3, attempted to effectively undo and cancel the policies adopted by the Board. I think it is outrageous for staff and the consultant to use the EIR process to try to undo specific policies adopted by the Board of Supervisors in public hearings. Proposed Mitigation Measures PR-2 and PR-3 need to be rejected and the original Policies COS-7.7 and COS-7.8 reinstated.

10. Appendix D – GHG Calculations

Ventura County is faced with developing a Climate Action Plan to accomplish its fair share of reducing greenhouse gases to meet State and International targets. The first step in developing the plan is to accurately summarize the existing emissions of greenhouses gases; particularly carbon dioxide and methane. What is presented in Appendix D does not do that.

During the public hearings on the General Plan before the Planning Commission and the Board of Supervisors, it was repeatedly pointed out that the County's consultant had failed to accurately prepare an inventory of greenhouse gas emissions. The inventory in the EIR still does not do so. Two examples of deficiencies are the failure to calculate emissions from large industrial sources, and the failure to address the realistic global warming potential of methane.

Whether it is done as part of the EIR or not, the County will need an accurate GHG emissions inventory. I suggest hiring the Ventura County APCD to prepare it.

Thank you for the opportunity to present comments on the EIR. I sincerely hope my comments are useful.

Phil White

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 3:49 PM
To: Simmons, Carrie
Subject: FW: Climate change has environmental impacts!

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Robin Munson <info@email.actionnetwork.org>
Sent: Wednesday, February 26, 2020 3:23 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Climate change has environmental impacts!

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Susan Curtis,

Dear Ventura County Board of Supervisors and Planning Department,

Climate issues are something I feel worried about. Ventura County is warming faster than any county in the nation. Our ocean is acidifying faster. Drought and floods have hit us worse, and we can expect more extreme weather.

My family and community are counting on you to assure analysis of the full scope of environmental impacts and mitigations in the Draft EIR.

First, it is necessary that all greenhouse gas emissions be counted based on the most current science.

There are many ways to mitigate climate impacts, like a sunset plan for oil and gas production, decarbonization of transportation and buildings, zero waste, incentives for regenerative agriculture and water management, and reducing emissions from tailpipes.

I want an EIR that covers major climate impacts via a systematic plan.

Thank you—

Robin Munson

robin.munson@gmail.com

1405 Donegal Way

Oxnard, California 93035

Simmons, Carrie

From: Curtis, Susan
Sent: Wednesday, February 26, 2020 3:44 PM
To: Simmons, Carrie
Subject: FW: General Plan / EIR Comments

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Bob & Anna Chambers <lacostachambers@gmail.com>
Sent: Wednesday, February 26, 2020 1:44 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: General Plan / EIR Comments

To: Susan Curtis-

County failed to evaluate mitigation measure for feasibility- 500' set back for "sensitive receptors" from freeways and high traffic roads.

Mitigation Measure AQ-3 (Policy HAZ10-X) creates a minimum 500' set back for "sensitive receptors" from freeways and high traffic roads. Yet the County states in the Land Use section of the EIR that "the majority of the anticipated build out will be within the freeway corridors."

Has the County completed a "buildout study" to ensure that the establishment of this set back still leaves enough room for development to occur? Will this mitigation measure be economically feasible?

Simmons, Carrie

From: gmnn33a@prodigy.net
Sent: Wednesday, February 26, 2020 3:51 PM
To: General Plan Update
Subject: Re: General Plan Update Draft EIR Comments
Attachments: RO DEIR Letter Draft (1).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Ms. Curtis:

Please find attached my letter concerning the above.

Thank you,

Dennis Reynolds
Royalty Owner
gmnn33a@prodigy.net

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 Comments

Dear Ms. Curtis,

We are royalty owners who have lived in Ventura County for 71 years. We support continued local oil and natural gas production. Royalty and mineral rights owners have a legally vested interest in mineral rights. We have many concerns regarding the economic impact of the Draft Environmental Impact Report (DEIR).

Upon further review of the DEIR, we believe that the document has a bias against local oil and gas producers. COS-7.2 mandates a 2,500-foot setback for oil and gas wells in the unincorporated areas of the County. This arbitrary setback does little to safeguard public health and safety. It does however lead to an unavoidable shutdown of many existing oil operations. The DEIR itself states that, "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". It is of concern to us that this new policy would leave the County vulnerable to millions of dollars in lawsuits if passed.

The DEIR neglects to accurately assess the financial impact of setbacks on the County. The DEIR cites Assembly Bill 345 to support the new setback policy. This is inappropriate given that AB 345 is stalled in the state legislature last year. The legislature's analysis of AB 345 estimated a loss of up to \$3.5 billion in revenue from reserves in the setback zone, and that the bill was so draconian that it would likely lead to lawsuits. It is not the policy Ventura County should be looking to model.

The City of Los Angeles Department of Public Works Office of Petroleum and Natural Gas Administration recently published a report that concluded: "The estimated potential cost to the City of establishing a setback distance on existing operations is \$724 million, which includes the minimum value of the current oil production, land value costs, well abandonment costs, environmental clean-up costs and five years of litigation expenses." Future operations subject to setback policies could be as high as \$97.6 billion in compensation for the future value of mineral rights owed from takings litigation.

The DEIR does not consider minimum value of the current oil production, land value costs, well abandonment costs, environmental clean-up costs and five years of litigation expenses like the City of Los Angeles Department of Public Works Office of Petroleum and Natural Gas Administration report. The true cost of setbacks is missing from this DEIR.

Any effort to infringe upon legally vested rights is concerning. We believe local energy production contributes to a vibrant economy and provides an affordable reliable energy source for the state. Ventura County is lucky to have this natural resource. The DEIR should be revised and recirculated to accurately reflect oil and gas revenue as it pertains to mineral rights owners.

Sincerely,

Dennis Reynolds

Dennis Reynolds
Royalty Owner

P.O. Box 1776
Camarillo CA 93011

Simmons, Carrie

From: Niz, Kim <Kim.Niz@alston.com>
Sent: Wednesday, February 26, 2020 3:53 PM
To: General Plan Update
Cc: Wickersham, Matt
Subject: Comments on Ventura County 2040 General Plan Draft Environmental Report (State Clearinghouse No. #2019011026)
Attachments: 2020-02-26 Ltr. to VCRMA Susan Curtis from M. Wickersham Re Ventura.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

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SENT ON BEHALF OF MATTHEW C. WICKERSHAM:

Kim S. Niz
Legal Administrative Assistant
ALSTON & BIRD
333 South Hope Street
Los Angeles, CA 90071
213-576-1096 (O)
Kim.Niz@alston.com

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ALSTON & BIRD

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Los Angeles, CA 90071-1410
213-576-1000 | Fax: 213-576-1100

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.

Sincerely,



Matthew C. Wickersham

Simmons, Carrie

From: Ben Oakley <boakley@wspa.org>
Sent: Wednesday, February 26, 2020 4:19 PM
To: General Plan Update
Cc: Curtis, Susan; Ward, Dave; Prillhart, Kim; Ben Oakley
Subject: Ventura County GPU DEIR - WSPA Comment Letter
Attachments: VC GPU DEIR Comment Letter - WSPA 2-27-20.pdf

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To Whom It May Concern:

Please see the attached comment letter on the Ventura County General Plan Update Draft Environmental Impact Report. Please acknowledge receipt of this transmittal at your earliest convenience.

Regards,

Ben Oakley
Manager, California Coastal Region



C 805.714.6973
boakley@wspa.org



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.

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)).

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.

- 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.

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 (page1-4) – 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.

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.

PROJECT DESCRIPTION

- 3. Guiding Principles (page 3-4): Protecting the economic vitality of Ventura County is**

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.

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:

- 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.

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

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).

- 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.

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).
- 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.

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

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?

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.

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.

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

residents of the State.”

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.
- 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).

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.

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).

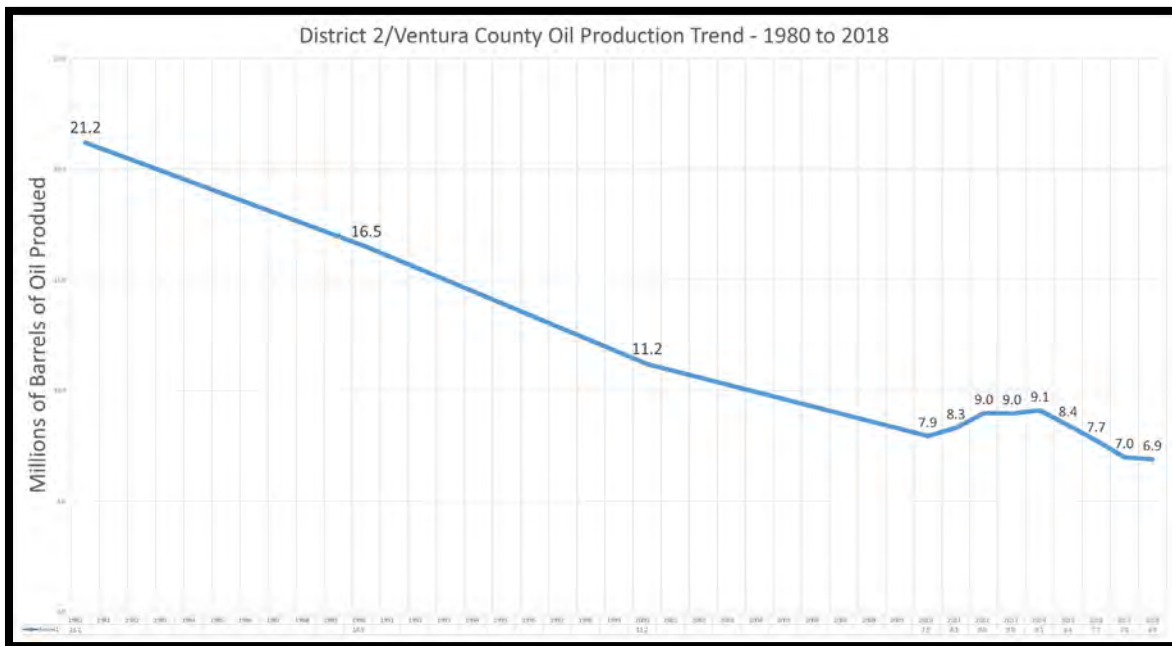


Figure 1 - Historic Ventura County Oil Production Trend

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

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.

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

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).

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

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.

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.

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.”

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

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.

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

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).

- 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.

- 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.

- 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>).

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.”

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

analyzed in the EIR in order to avoid project piecemealing (*Bozung v. Local Agency Formation Commission* (1975) 13 Cal. 3d 263).

- 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.
- 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.
- 32. Impact 4.11-1 (page 4.11-18):** recommend changing text “oil and gas wells” to “oil and gas production” in both 2nd and 3rd 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.
- 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.

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.
- 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 known 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.”

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.

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,

Contingent Resources, and Prospective Resources, as well as Unrecoverable Petroleum” (source: https://www.spe.org/en/industry/reserves/?mkt_tok=eyJpIjoiTVRCbE56TTFZVGhoWmpNNClsluQiOiJMTDdvckhnSk1IOWtzY0hUOTE0MkdQQ3FINE0wNkF6YktnSIRObEp1amJMUmFVZU1PNmlK ejlxOGJXe jVGWHc3WHFIWHR2QXZsdTFYY1BIUIN6NTJhbDVjNng1U2pEMzVYWlwwZVBVcGMrOU IOOUZsQmZclYtUbVFJZm0wOUJiM2U3In0%253D).

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).

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:

“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.

- 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.

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.

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.

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).*

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

not always a viable option and thereby cannot be relied upon as mitigation of the setback requirement.

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.

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.”

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.

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.**”*

- *“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).

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.”*

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.

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).

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.”

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.

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).

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).

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*

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

review and comment have been precluded (*Mountain Lion Coalition v. Fish & Game Com.*(1989) 214 Cal.App.3d 1043).

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).

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,

A handwritten signature in blue ink, appearing to read "Bridget", is positioned below the "Sincerely," text.

Cc: Susan Curtis, Ventura County
Kim Prillhart, Ventura County
Dave Ward, Ventura County

ATTACHMENT 1

ECONOMIC AND TAX REVENUE IMPACTS OF OIL PRODUCTION IN VENTURA COUNTY

Economic and Tax Revenue Impacts of Oil Production in Ventura County

December 2017

Prepared For:
Californians for Energy Independence

Prepared By:
Capital Matrix Consulting

About the Authors

Brad Williams, the lead author of this report, joined Capitol Matrix Consulting (CMC) in 2011, after serving in various positions in California state government for 33 years. Mr. Williams worked for over a decade as the chief economist for the Legislative Analyst's Office, where he was considered one of the state's top experts on the tax system, the California economy, and government revenues. He was recognized by the Wall Street Journal as the most accurate forecaster of the California economy in the 1990s, and has authored numerous studies related to taxation and the economic impacts of policy proposals. Immediately prior to joining CMC, Mr. Williams served as a consultant to the Assembly Appropriations Committee, where he advised leadership of the majority party on proposed legislation relating to taxation, local government, labor, and banking.

Mike Genest founded Capitol Matrix Consulting (originally Genest Consulting) in 2010 after concluding a 32-year career in state government, which culminated as Director of the California Department of Finance (DOF) under Governor Arnold Schwarzenegger. Prior to his four-year stint as the Governor's chief fiscal policy advisor, Mr. Genest held top analytical and leadership positions in both the executive and legislative branches of government. These included Undersecretary of the Health and Human Services Agency, Staff Director of the Senate Republican Fiscal Office, Chief of Administration of the California Department of Corrections and Rehabilitation, and Director of the Social Services section of California's Legislative Analyst's Office.

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Executive Summary

The oil and gas industry has been operating in Ventura County (“County”) for over 100 years. It has been, and continues to be, a positive economic force in Ventura, supporting middle-class jobs (many of them in blue-collar occupations) that have been otherwise fleeing the region. Though the industry is highly regulated, there is growing interest among activist groups to ban production in Ventura County and other jurisdictions throughout the state. In view of this interest, Capitol Matrix Consulting has been commissioned by Californians for Energy Independence to estimate the contributions of the oil production industry to Ventura County’s economy and to state and local revenues. Information about the industry and our key findings are summarized below.

Oil and gas production in Ventura County. Oil production in the County totaled 7.7 million barrels in 2016, which represents 4 percent of California’s statewide total.¹ Natural gas production totaled about 7.0 million cubic feet (MMcf) in 2016. Most natural gas production in the County is associated with oil extraction. Some of this associated gas is used internally by companies for power and cogeneration (thus offsetting producer’s costs). The rest is sold to local utilities or Southern California Gas.

Workers employed by the industry. About 900 workers were directly employed in the County’s oil and gas production industry in 2016 (the most recent full year for which data are available). These jobs:

- Are high-paying, with the average wage in industry totaling just over \$115,000 per year – more than double the average in the rest of the private-sector in the County.
- Include workers in a variety of professional and technical fields.
- Provide vocational opportunities for workers with high school degrees, and have helped fill a void in middle-class jobs created by long-term declines in the finance, construction, and manufacturing industries in the County.

Industry’s effect on Ventura’s economy and government revenues. The oil and gas industry has a disproportionately positive impact on the region’s economy and state and local revenues. This reflects the enormous value of oil and gas reserves, the high wage payments in the industry, and the large amount of purchases made by oil producers from other local businesses. Taking into account the direct and multiplier effects of the industry (using the methodology and assumptions described in the *Broader Economic and Fiscal Impacts on Ventura County* section of the report) we estimate that oil and gas production has the following impacts:

¹ Of the total 7.7 million in oil production, 200,000 came from subsea formations on State Lands that are accessed entirely from onshore facilities.

- **Ventura Economy in 2018:** The oil and gas extraction industry in the County will account for \$760 million in economic output, \$474 million in gross regional product, 2,100 jobs, \$180 million in labor income, and over \$50 million in royalty and lease payments to mineral rights owners.
- **State and local tax revenues in 2018.** The industry is currently responsible for \$56 million in state and local taxes and fees, of which about \$35 million goes to state government and \$21 million goes to local jurisdictions within Ventura County. A large component of the local revenue is the property tax, which is applied to the value of oil and gas reserves. Oil and gas producers have historically been among the top four or five property tax payers in the County.
- **Perspective on 2018 estimates.** One important caveat to our economic and tax revenue estimates for 2018 is that they are being made when crude oil prices coming off a cyclical low point, and hence oil revenues, reserve valuations, and company expenditures are depressed.² To demonstrate how low these impacts are relative to the past and (likely) the future, we estimated the direct and indirect effects of the oil and gas production industry on employment and taxes going back to 2014 (based partly on actual employment and tax data for the direct impacts) and going forward to 2023 (using assumptions outlined in the *Broader Economic and Fiscal Impacts on Ventura County* section of the report). We found:
 - Employment directly and indirectly related to oil and gas production was about 3,100 in 2014 when oil prices peaked. This was 48 percent higher than current level of 2,100. Based on current and projected future increases in oil prices, we estimate that employment related to oil and gas production will rebound during the next several years, exceeding 3,000 jobs by 2023.
 - State and local tax revenues directly and indirectly related to oil production totaled \$89 million in 2014-15. This was 59 percent higher than the estimated 2018-19 level of \$56 million. Based on our long-term oil price projections, we estimate that tax payments attributable to the industry will rise to \$76 million by 2023. Of this total, \$47 million will be from state taxes and \$29 million from local taxes.

Impact of oil and gas production-related revenues on local government budgets. Twenty-nine million in local taxes is quite significant in the context of the cost pressures and relatively limited amount of discretionary funds (i.e. funds that

² The major decline since 2014 is tied to four main factors: (1) a slowdown in emerging market economies, particularly in China; (2) sharply rising U.S. shale production that persisted even after prices declined; (3) recent increases in crude production in Iran following the lifting of sanctions; and (4) until recently, the lack of output reductions among OPEC countries, whose members maintained production to both (a) avoid losses in market share and (b) drive U.S. shale producers out of business. Looking ahead, most forecasts anticipate, to varying degrees, an upswing in prices as supplies ease and global demand picks up. On the supply side, OPEC finally curtailed production beginning in late 2016 and renewed the restraints until 2018. The recent drops in exploration and new development spending by major producers imply less new supplies coming on line in future years to replace depleted reserves. On the demand side, energy consumption is rising and economic growth is improving in both developed and emerging markets, which implies further increases in consumption in the coming years.

are not earmarked for specific purposes) available to local governments within Ventura County to address budget challenges. Like many other cities and counties in California, local governments in Ventura County face budget pressures from a variety of quarters. These include unfunded pension liabilities, state mandates, and added costs related to state/local realignment of financial responsibilities for health, social services, and public safety programs. The loss of revenues due to curtailment or elimination of oil and gas production in the County would significantly reduce the limited amount of discretionary funds available to cover these budget pressures.

Estimated value of oil and gas fields in Ventura County. Finally, we estimate the total value of proven oil reserves in Ventura County is between \$650 million and \$1.6 billion, depending on future crude oil prices. Measures banning or restricting production from these fields would result in a major loss in value to oil producers and mineral rights owners in the County, and could put the County at risk of major liability associated with subsequent “takings” lawsuits seeking recovery for lost future profits from oil production.

Introduction

Oil and gas production has been an important source of economic activity in Ventura County for over 100 years. The industry has a disproportionately positive impact on economic activity and taxes paid to state and local government in the region. For example, it is an important source of high-paying, middle-class jobs that otherwise have been disappearing from Ventura County. The industry also has strong multiplier effects related to expenditures by oil producers and their employees, which boost jobs and income in supplying businesses throughout the region.

The industry is highly regulated by multiple state and federal agencies, including the California State Department of Conservation, Division of Oil, Gas & Geothermal Resources (DOGGR). It is also subject to Ventura County's detailed land use permitting requirements.

California imports over two-thirds of its oil, 90% of its natural gas and almost one-third of its electricity. Despite these factors, there is a growing interest among activist groups to ban oil and gas production in the region. Such a ban would reduce California crude oil supplies by about 4 percent and make the State more dependent on out-of-state and foreign oil produced under less stringent safety, labor and environmental standards. Aside from the negative environmental and economic consequences of greater foreign oil dependence, the elimination of local oil production would have serious economic consequences in terms of jobs, income, tax revenues, energy reliability and wealth in Ventura County.

Given these concerns, Capitol Matrix Consulting was commissioned by Californians for Energy Independence to estimate the direct and indirect economic contributions the oil and gas production industry makes to Ventura County.

Unlike some previous studies of economic impacts in the region, our current analysis focuses solely on upstream production activities. Thus, the economic and tax impacts shown in this report are smaller than these past studies, which have focused on both upstream and downstream operations. (Downstream operations include refineries, storage, distribution networks, and gasoline stations.) In particular, our estimates of state and local taxes are focused on those related directly and indirectly to crude oil production in the County. They do not include the larger retail sales and excise taxes imposed on retail sales gasoline and other refined products made from that crude oil.

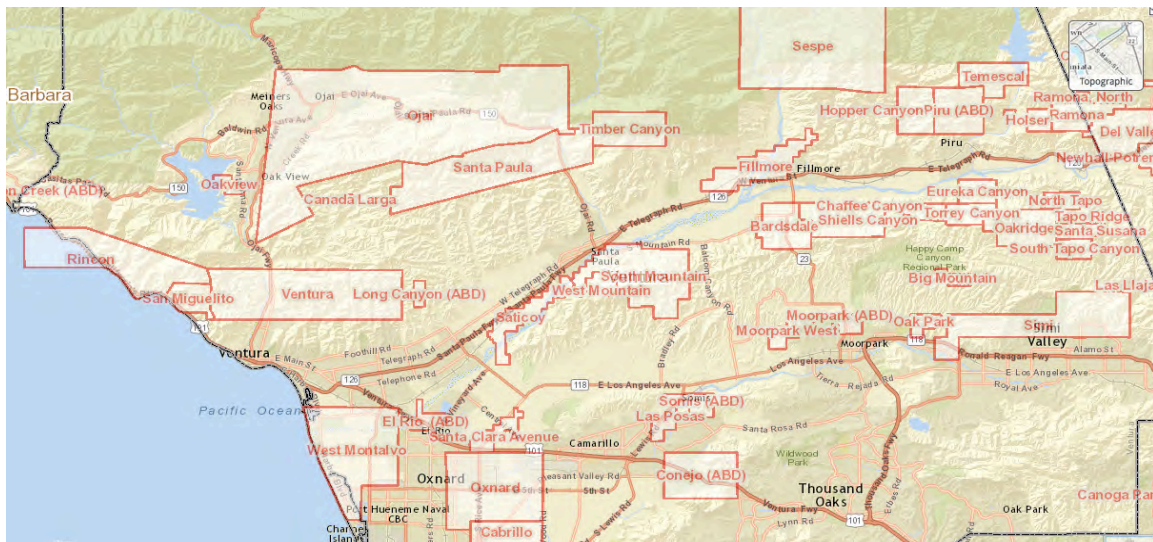
Economic and Tax Revenue Impacts of Oil Production in Ventura County

Our analysis focuses on the impacts of the oil production industry on the economy and tax revenues in Ventura County. It does not address the broader impacts that Ventura County oil production has on the California economy. It is worth noting, however, that a loss of 4 percent of statewide oil production would have significant consequences for the California petroleum markets. For example, it would make California more dependent on foreign crude oil, with the majority coming from Saudi Arabia, Kuwait and Ecuador. The greater dependence on foreign sources would have negative environmental consequences associated with operating practices abroad and long-distance oil shipments. It would also empower countries that do not apply California's human rights standards. Over time, the loss of domestic production would put the state at greater risk of foreign supply disruptions and make the state vulnerable to higher petroleum prices.

Background

Ventura County has been a significant source of statewide oil production for many years. The County sits on a rich oil basin – an area that is so prolific that oil seeps can be spotted in the Ojai Field, and naturally occurring tar balls can be found in the ocean offshore from the County. Though some production can be traced back to the mid-1800s, significant oil production in Ventura County began with the discovery of the South Mountain Oil Field in 1916 and the Ventura Avenue Oil Field in 1919. These were followed by discoveries of the Rincon field, the adjacent San Miguelito field in 1931, and several others in subsequent years. The last major onshore oil field discovery was Saticoy Field in 1955, with discoveries in subsequent years related to small fields, or extensions to existing oil fields. Consequently, the great majority of production today is from conventional fields that have been in production for well over 60 years. Figure 1 shows the location of the oil and gas fields in the County.³

Figure 1
Oil Fields in Ventura County



Most oil and gas fields experienced peak production decades ago. In order to recover more of the oil in place from these mature fields and make the most efficient use of existing facilities, producers frequently rely on water flooding and steam injection techniques. The incremental volume of oil associated with these enhanced recovery techniques accounts for over three-quarters of total production in the County.⁴

³ Source: California Department of Conservation, Division of Oil, Gas, and Geothermal, GIS Mapping. Well Finder. <https://maps.conservation.ca.gov/doggr/wellfinder/#openModal>

⁴ Water flooding and steam injection are used frequently in California to improve oil flow in mature fields, such as those in Ventura County. Water flooding involves injection of produced water into oil reservoirs to increase help oil flow more freely into producing wells. Steam injection introduces heat to the reservoir, causing the oil's viscosity to drop and allowing it to flow more freely into producing wells. These techniques are distinct from hydraulic fracturing, which involves the injection of water, proppants (usually sand), and a small volume of additives into a well at high pressure to create fractures and increase the permeability of the target reservoir. About 11 percent of all active wells in Ventura County have been hydraulically fractured, the majority of them decades ago.

Top Oil Fields and Producers

In 2016, production in Ventura County fields totaled 7.7 million barrels of oil, which amounted to 4 percent of California’s total oil production during the year.⁵ According to the California Department of Conservation Division of Oil, Gas, and Geothermal Resources (DOGGR), there were 2,455 active wells in Ventura County as of October 2017. These wells are operated by 39 companies, working in 35 oil and gas fields in the County.

Figure 2 shows the top-producing field in the County is the Ventura Oil Field, which is the 10th largest in the State, and spans 4,300 acres in an unincorporated area northwest of the City of Ventura. The next largest fields are Oxnard, South Mountain, Sespe, San Miguelito, and Montalvo.

Figure 2
Top Oil and Gas Fields in Ventura County
Ranked by 2016 Oil Production

Oil Field	Oil Produced (Thousands of Barrels)	Net Gas Produced (Thousands of BOE*)
Ventura	4,506	420
South Mountain	542	112
Oxnard	433	3
Sespe	373	150
San Miguelito	367	51
Montalvo	325	30
Rincon	220	33

BOE stands for “barrels of oil equivalent,” a term often used to summarize the amount of energy in natural gas that is equivalent to that found in one barrel of crude oil. We are using the conversion factor of 6,000 cubic feet of natural gas equals 1 BOE.

⁵ Source: “2016 Report of Oil and Gas Production Statistics.” California Department of Conservation, Division of Oil, Gas, and Geothermal Resources. About 7.0 MMcf (1.2 million barrels of oil equivalent) in natural gas was also produced in the County during the year. The great majority is “associated” gas, which is extracted in conjunction with oil. A significant portion of associated gas is not put on the market, but rather is used internally to support steam and power generation in the oil fields. Thus, the economic impacts of associated gas production are partly reflected as industry output and partly as a reduction in production costs for oil producers.

Economic and Tax Revenue Impacts of Oil Production in Ventura County

Two companies presently account for 86 percent of Ventura County’s oil production (see Figure 3). The largest operator is Aera Energy LLC (“Aera”), which is a joint venture between Shell Oil Company and Exxon Mobil. Aera is the sole operator in Ventura Field, and thus was responsible for 100 percent of the field’s 4.5 million barrels of annual oil production in 2016. California Resources Corporation (CRC) is the second largest producer, accounting for over 2.2 million barrels of production in 2016. CRC has active wells in 18 oil fields in the County, with significant production in the South Mountain, San Miguelito, Rincon and Montalvo fields.⁶ The remaining oil production in 2016 was attributable to several operators, including Seneca Resources Corporation and ABA Energy Corporation.

Figure 3
2016 Top Oil Producers in Ventura County

Producer	Total Barrels (In Thousands)
Aera Energy, LLC	4,506
California Resources Production Corporation	2,155
Seneca Resources Corporation	366
ABA Energy Corporation	244
Vaquero	31
Other	420
Grand total	7,722

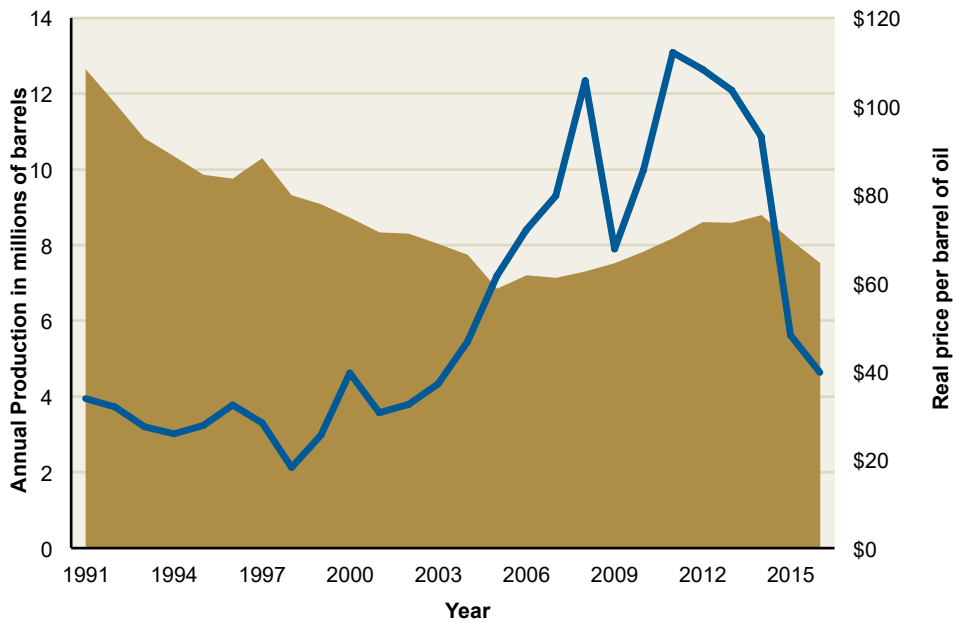
Recent Production

Oil production is influenced by oil prices in the global markets. As shown in Figure 4, production in Ventura County declined steadily from 1990 through the early 2000s when oil prices were generally low, but rebounded when oil prices started to rise in 2005. During the 8-year period from 2005 to 2013, world oil prices (in constant 2015 prices) jumped from \$61 to \$103 per barrel, and oil production in Ventura County rose from 6.9 million barrels to 8.6 million barrels annually.⁷ The increased production was due to investments aimed primarily at extracting more oil from existing oil fields through additional drilling, restoration of marginal wells, and installation of enhanced oil recovery (EOR) systems like water flooding and steam flooding. The sharp decline in oil prices during the subsequent three years led to corresponding reductions in oil production in the County. As noted below, we believe that oil production bottomed out in 2017, and will start to recover in 2018.

⁶ Source: California Department of Conservation, Division of Oil, Gas, and Geothermal – Well Search. <https://secure.conservation.ca.gov/WellSearch88>.

⁷ Source: Oil prices are from the U.S. Energy Information Administration, and represent the inflation-adjusted price of imported crude oil. <https://www.eia.gov/outlooks/steo/realprices/>. Production data is from the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources. <https://secure.conservation.ca.gov/WellSearch>.

Figure 4
Annual Oil Production and Prices in Ventura County
(1991 to 2016)



Employment, Wages, and Occupational Patterns

The oil and gas production-related industries directly supported 900 jobs in Ventura County during 2016. As shown in Figure 5, the total includes 465 workers employed by oil producers. It also includes 32 workers employed by companies providing drilling services, and 198 workers in companies providing other support services to the oil producers on a contract basis. These other support services include surveying, excavation, the testing and maintenance of wells, and inspection and operation of field gathering lines. They also include workers involved in construction and maintenance of facilities, many of whom are union members in the Building and Construction Trades.

The total also includes 76 workers involved in oil and gas pipeline construction, and 129 self-employed independent contractors, mostly providing field support services discussed above. The industries account for \$79 million in wage payments in the County.⁸

⁸ Employment and wage data is from the *Quarterly Census of Employment and Wages*, California Employment Development Department. <http://www.labormarketinfo.edd.ca.gov/qcew/qcew-select.asp>. Field estimates of self employed independent contractors from the U.S. Census Bureau, Non-employer statistics. <https://www.census.gov/programs-surveys/nonemployer-statistics.html>.

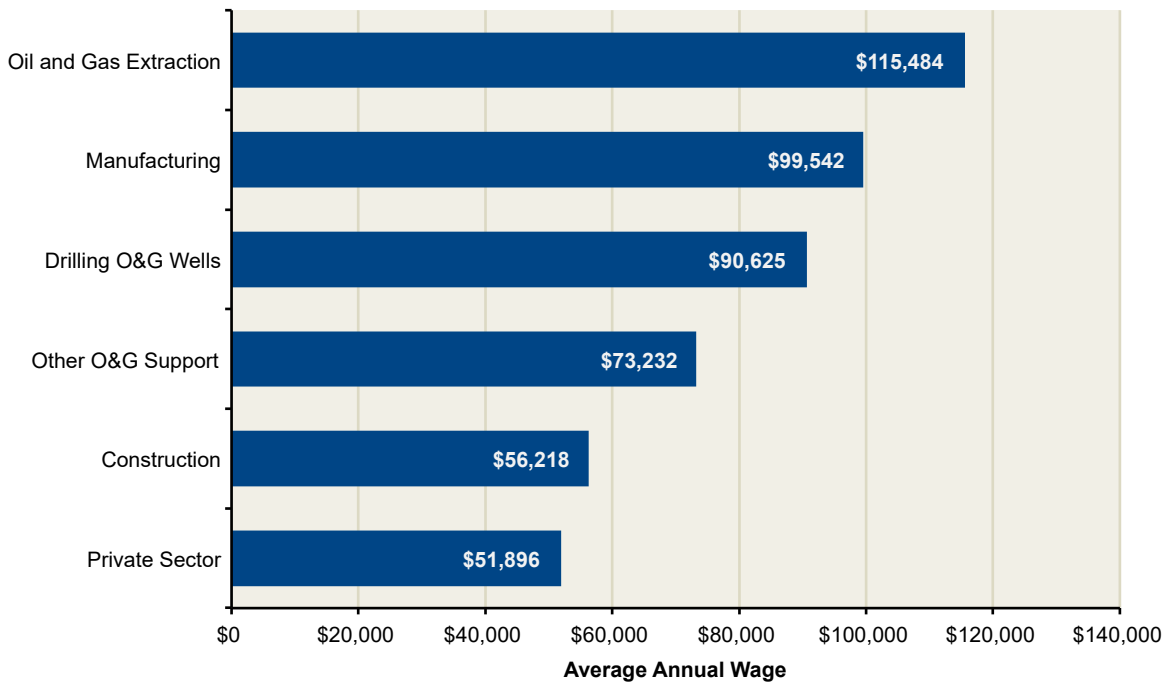
Figure 5
Employment and Wages in Oil and Gas Production Industry
2016

Oil and Gas Industries	Ventura County Employment	Annual Wages (\$ Millions)	Average Annual Wage
Extraction	465	\$53.7	\$115,484
Support Activities:			
Drilling	32	2.9	90,625
Other	198	14.5	73,232
Pipelines construction	76	4.3	56,579
Total	771	\$76.4	\$99,092
Self employed independent contractors	129	\$3.9	\$30,233
Grand total	900	\$79.3	\$88,111

Comparison of wages paid to other industries. As indicated in Figure 6, the \$115,484 average pay for the oil and gas extraction industry is more than double the average pay for both the rest of the private sector, and for the Construction Industry (also a major employer of skilled technical jobs). The average pay is also 16 percent higher than the region’s manufacturing sector. The industry is one of the few in the County that pays wages that are high enough to enable a family to afford a median priced home in the region (\$634,000 in October 2017).⁹

⁹ Assuming a 10 percent down payment and an interest rate of 3.8% on a 30-year mortgage, annual payments on a median priced \$634,000 home would be \$32,167, or slightly less than one-third of the average \$99,000 employee salary in the oil extraction and support industries.

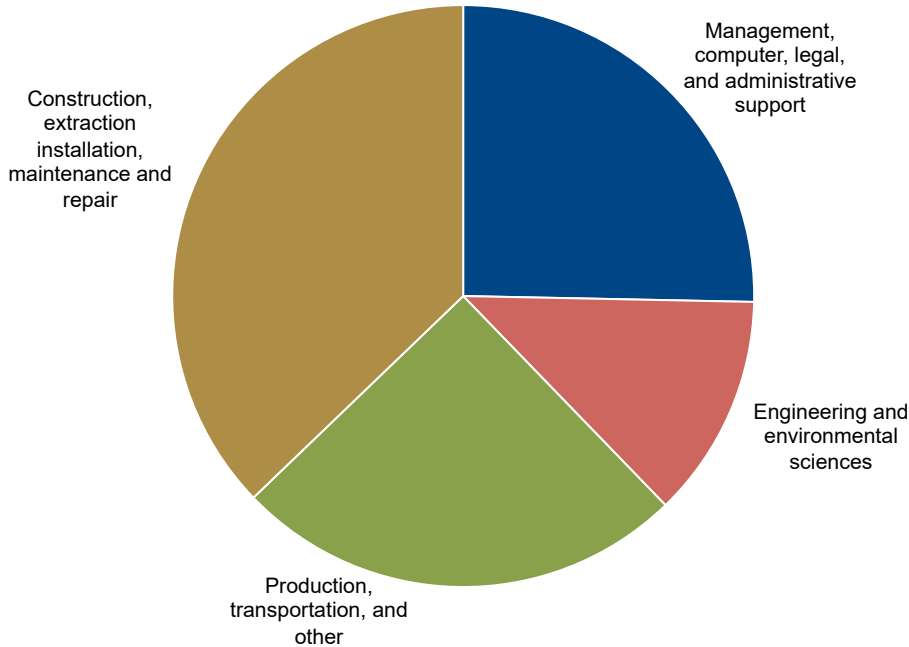
Figure 6
Ventura County Average Annual Wage by Industry



Occupational distribution. The oil and gas production and support industries employ a workforce with a diverse set of skills and educational backgrounds. As shown in Figure 7, 62 percent of total jobs the industry are in in construction, extraction, installation, maintenance, repair, and transportation occupations.¹⁰ The other 38 percent are in management and professional occupations.

¹⁰ Source: U.S. Department of Labor, Bureau of Labor Statistics Industry-Occupation Data Matrix. https://www.bls.gov/emp/ep_table_109.htm

Figure 7
Occupation Breakout of Oil and Gas Production-Related Industries

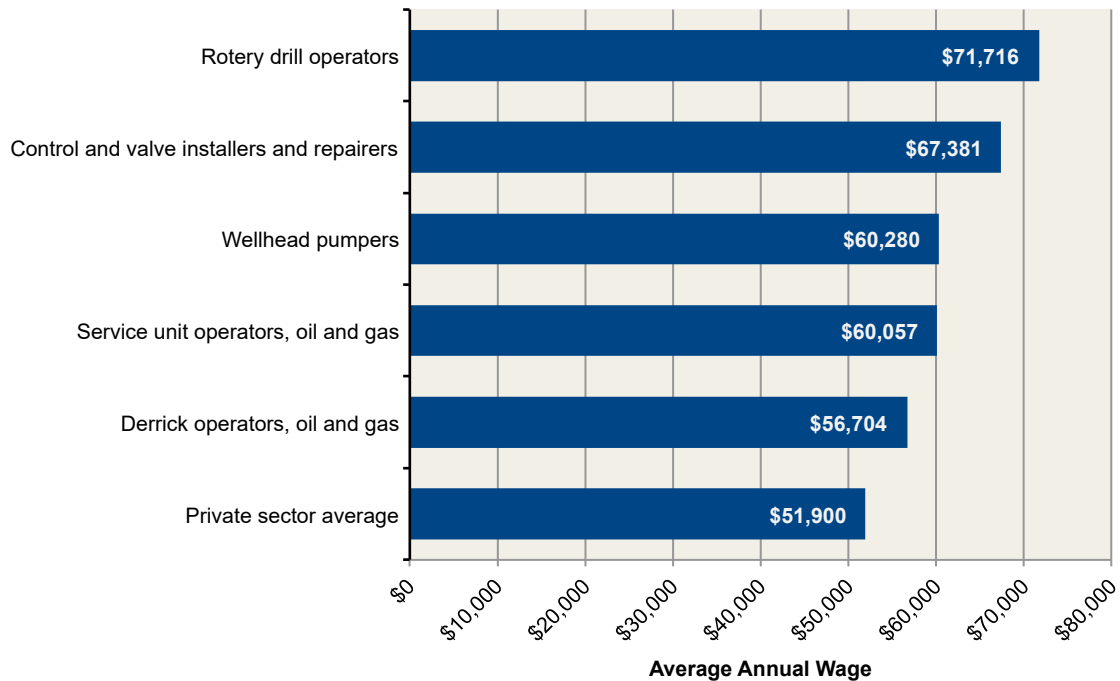


The industry is an important source of well-paying blue collar jobs, most of which are available to individuals with high-school degrees (see Figure 8). According to data from the California Employment Development Department, the average annual pay rates for derrick operators (\$56,704), service unit operators (\$60,057), rotary drill operators (\$71,716) and wellhead pumpers (\$60,280) all exceeded the average for all private sector jobs in the County (\$51,900) in the first quarter of 2017.¹¹ The pay rates are sharply higher than the \$40,000 per-year average for occupations in Ventura County requiring a high school degree or less.¹²

¹¹ Source: "Occupational Employment (May 2016) and Wage (2017 – 1st Quarter) Data. Occupational Employment Statistics (OES) Survey Results." Oxnard-Thousand Oaks-Ventura MSA. Ventura County. Released June 2017. <http://www.labormarketinfo.edd.ca.gov/data/oes-employment-and-wages.html#OES>

¹² Source: "Employment Projections by Industry and Occupations, Ventura County." Employment Development Department. <http://www.labormarketinfo.edd.ca.gov/data/employment-projections.html#Long>

Figure 8
Average Pay, Selected Blue-Collar Jobs in Oil and Gas Mining and Support Industries, Ventura County

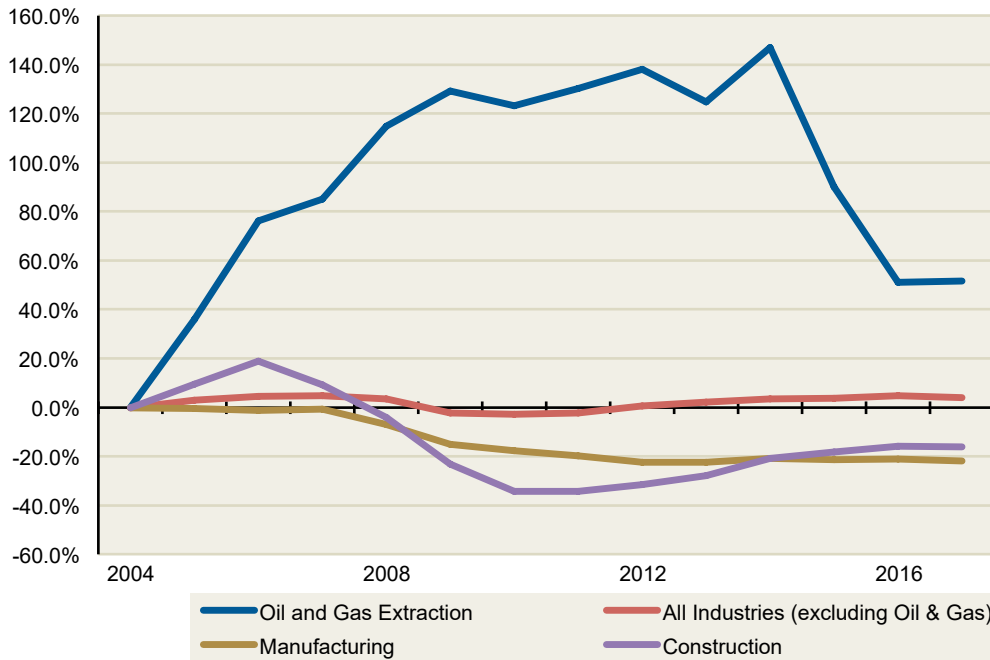


Above-average salaries also extend into the professional and managerial ranks. As one example, the average salary for a petroleum engineer in Ventura County is \$142,000 per year. This compares to \$97,000 for biomedical engineers, \$113,000 for electrical engineers, and \$106,000 for civil engineers.

Recent industry performance. Although subject to ups and downs due to changes in the world market for crude petroleum, the oil and gas production industry has been a stabilizing force in the Ventura County economy. Despite recent declines, it remains one of the few industries providing high-paying, middle-class jobs that have experienced job growth during this century. In this regard, it has offset some of the large losses experienced in the County’s finance, construction, and manufacturing sectors.

As indicated in Figure 9, jobs in the oil and gas industry increased by over 55 percent between 2004 and 2016. This is in stark contrast to near zero growth in Ventura County’s private sector, and the over 15-percent declines in its manufacturing and construction industries. The strong cumulative growth since 2004 has occurred despite the recent downturn in oil prices and production activity.

Figure 9
Cumulative Percent Change in Jobs: 2004-2016
Ventura County



Looking ahead, we expect oil and gas extraction to be one of the few high-paying industries in Ventura County to experience above-average job growth over the next decade. The majority of new jobs created outside of this industry are projected to be in retail trade, office, administrative, food preparation, managerial, and transportation occupations, which collectively have an average wage of less than \$40,000 per year in 2017.¹³

In sum, the oil and gas industry is an important part of the Ventura County economy, supporting jobs in a wide range of high-paying occupations. In addition, it boosts other industries through its large purchases of materials and services from businesses located in the region. We discuss the full impacts of the oil and gas industry on Ventura’s broader economy in the following section.

¹³ Ibid.

Broader Economic and Fiscal Impacts on Ventura County

In this section, we measure the full (direct and multiplier) economic and fiscal impacts of the oil and gas industry on Ventura County. We have prepared detailed estimates for the 2018, as well as aggregated estimates of employment and taxes going back to 2014 and going forward to 2023. (The retrospective estimates are based partly on actual data for employment and key taxes imposed on oil and gas producers, along with our IMPLAN-based multiplier estimates.)

Sources of Economic Impacts

The oil production industry generates economic activity in Ventura County through three main channels.

- The first is the output, employment, royalties and wages paid by the oil producers and companies providing on-site support services. These are referred to as direct impacts.
- The second is economic activity generated by local businesses that supply goods and services to the oil producers and their field contractors. These include suppliers of energy, engineering services, equipment, and repair and maintenance services. Economic activity generated by these supplying businesses is referred to as indirect impacts.
- The third is business activity that is generated by purchases of goods and services by the households of employees working for oil producers and their suppliers. These are referred to as induced impacts. These expenditures boost sales, jobs and wages in a wide range of industries, including restaurants, retail establishments, real estate offices, entertainment venues, and professional services.

Methodology

Our estimates of the three channels of impacts are based on a multi-step process that uses as a starting point historical information regarding oil production, employment, wage payments, royalty payments, purchases of materials and services, and taxes paid.

We developed this information from a combination of data supplied by oil producers and a variety of public sources. Examples of public data include: company expenditure data from SEC 10(k) annual filings; production data from the State Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR); oil price data from the U.S. Energy Information Agency (EIA); and employment and wage data from the California Employment Development Department's (EDD) Quarterly Census of Employment and Wages. We also developed information on average local tax rates by reviewing budget data from government agencies operating within Ventura County.

Economic and Tax Revenue Impacts of Oil Production in Ventura County

From these inputs, we estimated direct output, employment, wages, and taxes for 2018. We then estimated the multiplier effects of company expenditures on the broader economy, using the IMPLAN input-output model for Ventura County (see box below).

We also developed estimates of employment and tax revenues back to 2014 and forward to 2023. Our estimates for past years are based partly on actual employment and tax data. Our projections for future years are based on financial and regression-based models that translate key assumptions about oil prices, production and costs into estimates of employment, income, and tax payments.

Assumptions

Some of the key assumptions for our multi-year projection are as follows:

- **Oil prices.** Our estimates assume crude oil prices received by Ventura County producers will be consistent with the average of EIA's January 2017 long-term "reference" forecast and the World Bank's April 2017 projections.¹⁴ We specifically assume that prices (in constant 2018 dollars) to average \$60 per barrel in 2018, \$66 per barrel in 2020, and \$70 per barrel by 2023.
- **Oil production.** We assume that oil production in Ventura will total 7.8 million barrels in 2018, rising modestly to slightly over 8 million barrels by 2023. Over this period, natural declines in well production are slightly more than offset by (1) the reactivation of temporarily idled low-production wells and (2) investments in new wells and enhanced recovery operations, both of which occur as crude oil prices rise.
- **Production-related expenditures.** We assume oil production costs of \$26 per barrel for operational expenditures and \$10 per barrel for capital expenditures in 2018. We project that these per-barrel costs will increase by an inflation-adjusted rate of 4 percent per year between 2018 and 2023, as companies boost expenditures for operations and new investments in response to higher oil prices.
- **Percent of spending going to local households and businesses.** We assume that about 75 percent of total company expenditures will go to employees and business contractors located within Ventura County and the remaining 25 percent will go to businesses located outside the County. Most of the 25 percent going outside the County is related to capital expenditures for equipment, which is largely produced outside of California.
- **Employment and Income.** We estimate that employment in the oil and gas production related industries will average 940 during 2018, up

¹⁴ Source of EIA forecast is "Annual Energy Outlook, 2017. Table: Total Energy Supply, Disposition, and Price Summary." <https://www.eia.gov/outlooks/aeo/data/browser/#/?id=1-AEO2017&cases=ref2017&sourcekey=0>. Source of World Bank forecast is "World Bank Commodities Price Forecast (Nominal U.S. Dollars.) Released April 2017." <http://pubdocs.worldbank.org/en/662641493046964412/CMO-April-2017-Forecasts.pdf>

modestly from 900 in 2016.¹⁵ Our estimates take into account quarterly job and wage data available from EDD through the second quarter of 2017, which we extrapolated to 2018 based on recent oil price developments.

IMPLAN Input-Output Model

IMPLAN is an input-output modeling system that enables users to calculate the direct, indirect, and induced effects of output and/or spending in one industry on other industries located within a geographical region (national, state, county, metropolitan statistical area, or zip code). IMPLAN is widely used by academic institutions, federal, state, and local government agencies, and private companies for economic impact analyses. The model is based on benchmark U.S. input-output accounts produced by the U.S. Bureau of Economic Analysis (BEA). These accounts describe commodity inputs that are used by each industry to produce its output, the commodities produced by each industry, and the use of commodities by final consumers. The relationships in the national accounts are then modified by IMPLAN for each local region to take into account such factors as the relative size of the region's various industrial sectors. Based on these inter-industry tables, IMPLAN calculates a total requirements table, which estimates the full impacts (including multiplier effects) of a given change in output in one industry on all other industries in the economy.

Results For 2018

Economic Impacts. We estimate total output supported directly and indirectly by the oil and gas production industry will total \$760 million in 2018. The industry will also support about \$474 million in gross regional product,¹⁶ 2,100 jobs, and \$180 million in labor income during the year.

These totals include direct effects related to output, employment, and wages paid payments by oil producers, plus multiplier effects generated by the purchases made by oil producers of fuel, materials, and services from other businesses (indirect effects). The totals also reflect the impacts of purchases by households of employees working for oil producers and their suppliers (induced effects).

In addition to these totals, oil producers are expected to pay more than \$50 million in royalty and lease payments to owners of oil and gas mineral rights in Ventura County. A portion of these payments will be spent locally on goods and services, further boosting economic activity in the region.

¹⁵ The direct impact of 875 jobs shown in Figure 10 is equal to 940 total jobs in the oil and gas production related industries excluding 65 jobs in oil and gas pipeline construction. A portion of the construction jobs are included in the indirect impact row of Figure 10.

¹⁶ Economic output is the annual value of sales generated by the oil production industry and its suppliers. Gross regional product is akin to the widely cited U.S. gross domestic product. It is equal to the "value added" by the oil and gas production industry and each of its suppliers. Value added for each industry is equal to its total economic output minus the cost of its inputs (i.e. purchases from other industries). In the case of oil and gas production, these inputs include, for example, energy purchased from utilities to power its wells and maintenance services purchased from contractors needed to keep the wells operating. By backing out the cost of inputs, gross regional product avoids "double counting" of raw materials, parts, and business services used as products that are assembled, distributed and ultimately sold on the retail market.

Economic and Tax Revenue Impacts of Oil Production in Ventura County

As shown in Figure 10, the employment multiplier associated with the oil extraction industry is 2.4, implying that each job in the oil and gas industry supports more than one additional job in other industries within the County. The job multiplier for oil and gas production compares to median of about 1.8 for all industries in Ventura County. The above-average multiplier is partly due to the high wages paid by oil and gas producers, which generate substantial household income that is spent in the local economy. It also reflects the large amount of purchases made by oil and gas producers from other businesses in the local region.

Businesses supported by expenditures by oil and gas producers (and their employees) encompass a wide range of industries, including engineering services, maintenance and repair construction, wholesale and retail trade, finance, real estate, and professional and personal services.

Figure 10
Economic Impact of Oil and Gas Extraction on Ventura in 2018
(Dollars in Millions)

Type of Impact	Economic Output	Gross Regional Product	Number of Jobs	Labor Income
Direct	\$523	\$323	875	\$80
Indirect	120	81	355	61
Induced	117	70	870	39
Total	\$760	\$474	2,100	\$180
Multiplier	1.5	1.5	2.4	2.3

Revenue impacts. We estimate that oil and gas producers in Ventura account directly and indirectly for about \$56 million in annual taxes paid to state and local governments. Of this total, slightly over \$35 million is related to taxes and fees paid to the State (a significant portion of which is distributed back to cities and counties to support public safety, health, and social services programs), and slightly over \$21 million is related to taxes and fees collected by local governments and used to support local programs.

As indicated in Figure 11, major state tax and fee levies include: corporate income taxes; personal income taxes on royalties paid to mineral rights owners and wages paid to employees; sales taxes on oil producers' purchases of materials, fuels, and equipment; and the DOGGR administrative fee to support a variety of regulatory activities.

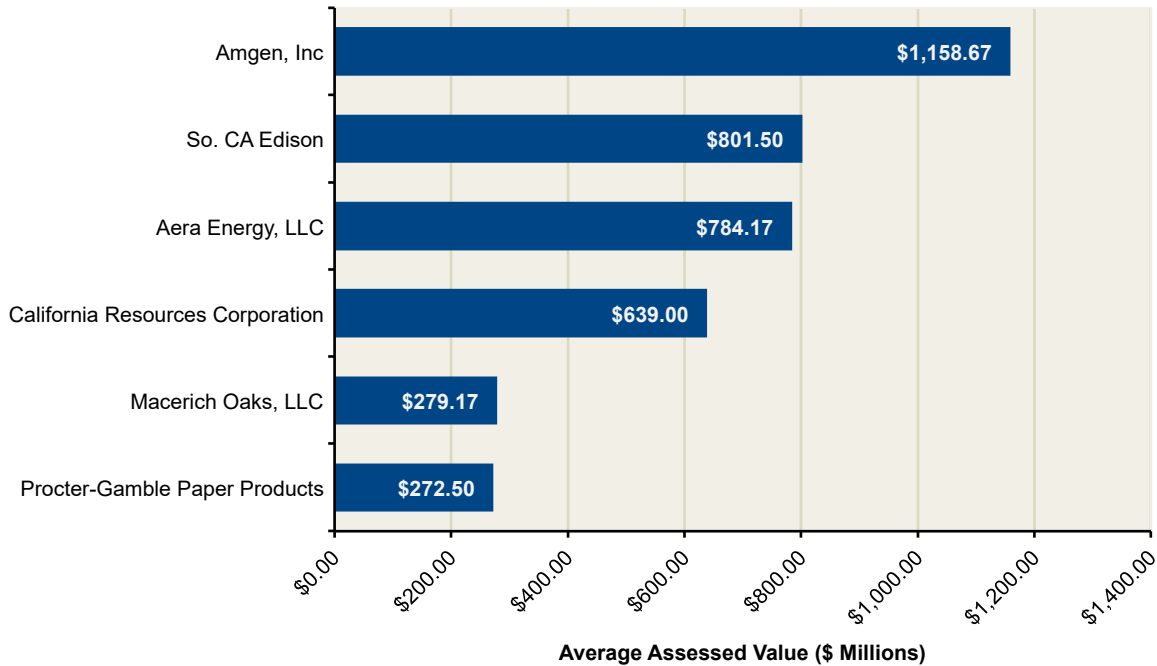
Figure 11
Taxes Paid To State and Local Governments in 2018-19

Tax Source	Total Amount (In Thousands)	Per Barrel Amount
Direct:		
State		
Corporation Tax	\$8,500	\$1.10
Personal income	4,140	0.54
Sales	5,265	0.68
DOGGR	4,439	0.57
Total	\$22,344	\$2.89
Local:		
Property	\$14,215	\$1.84
Sales	1,185	0.15
Business License/other	404	0.05
Total	\$15,804	\$2.05
Indirect:		
State	\$13,007	\$1.68
Local	5,203	0.67
Total	\$18,210	\$2.36
Combined, Direct and Indirect		
State	\$ 35,351	\$4.58
Local	21,007	2.72
Total	\$56,358	\$7.30

The largest local tax is the property tax, which is applied to the value of oil reserves and company facilities. Though recent declines in oil prices have reduced taxes from this source, oil producers have frequently been among the largest taxpayers in the County. As shown in Figure 12, Aera Energy, LLC and California Resources Corporation were the third and fourth largest property taxpayers in the County, respectively, during the five-year period ending in 2015-16.¹⁷

¹⁷ Source: County of Ventura, Principal Property Tax Payers, Current Fiscal Year (Unaudited).” In *Comprehensive Financial Report, Ventura County* for fiscal years 2010-11 through 2015-16. <http://www.ventura.org/auditor-controller/comprehensive-annual-financial-report-2011>

Figure 12
Top 6 Property Taxpayers in Ventura County, Average Assessed Valuation, 2010-11 through 2015-16



Other sources of local revenues are the local portion of the sales tax and a variety of business license taxes and fees levied by local jurisdictions in the County. These totals do not include routine environmental fees, well-permitting fees, or other regulatory fees where the proceeds are intended to offset the direct cost of governmental review and enforcement.

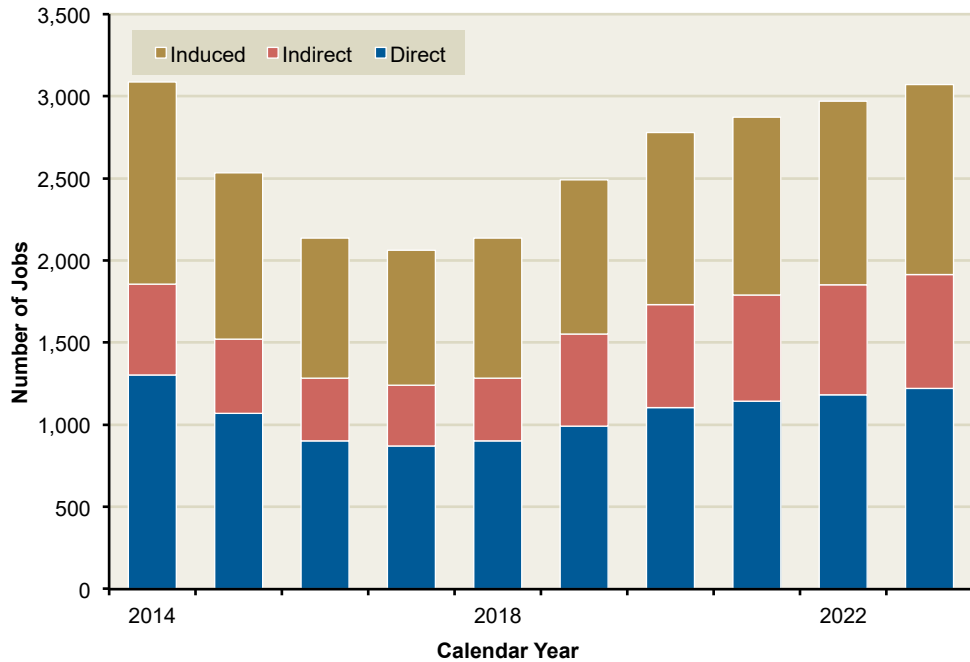
In addition to the taxes levied directly on oil producers, mineral rights owners, and employees, the industry generates a considerable amount of tax revenue indirectly, as expenditures by oil companies, the households of their employees, their vendors, and mineral right owners generate additional sales, jobs, and income throughout the region. We estimate these multiplier effects result in an additional \$18 million in state and local taxes per year.

Perspectives On Our 2018 Estimates

The above economic- and revenue-impact estimates are for 2018, a period when oil prices, investment, revenues, and reserve valuations are coming off a cyclical low point for the industry. To provide some perspective on how these estimates compare to past actual levels and future projections, we reviewed actual industry employment and tax collections in the four prior years, and made estimates of these two measures through 2023 based on current projections of crude oil prices. We then calculated the multipliers effects using the IMPLAN model described above.

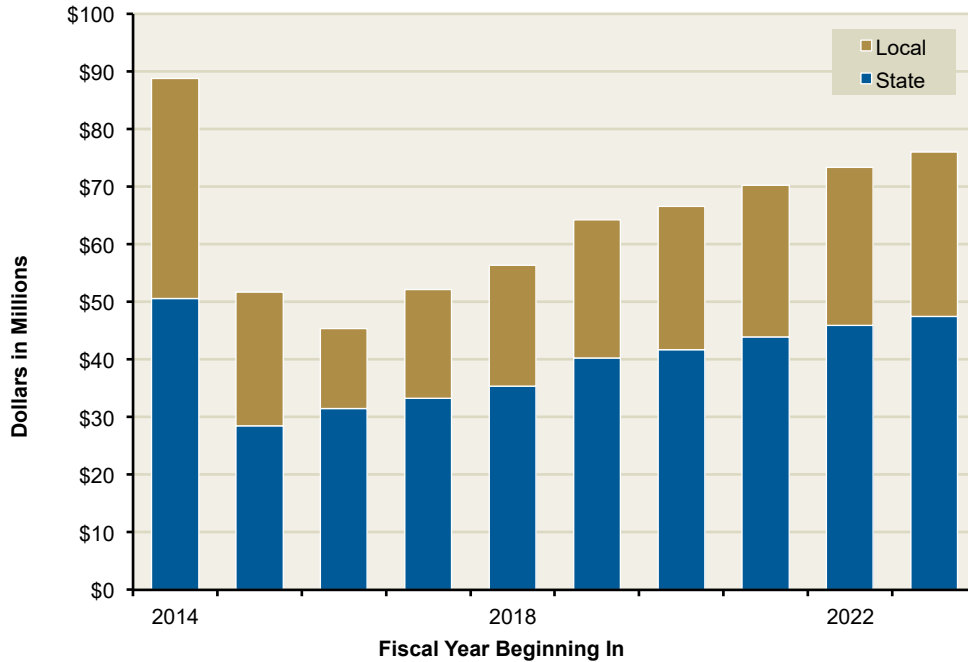
Employment. Figure 13 shows that employment directly and indirectly related to crude oil production was nearly 3,100 in 2014, about 48 percent above 2018 levels. Employment fell sharply in the following two years, as oil prices plunged and company investments in new wells and field development were sharply curtailed. After stabilizing in 2017, we expect employment to turn upward in 2018 and continue to expand during the next several years, as oil prices rise and companies renew investments in field operations. As indicated in Figure 13, we estimate that employment directly and indirectly related to oil and gas extraction will exceed 3,000 by 2023-24.

Figure 13
Employment Related to Oil and Gas Production in Ventura County



State and local taxes. As is the case with employment, state and local taxes related to the oil and gas production industry were much higher in the recent past. Specifically, we estimate that industry-related tax revenues were \$89 million in 2014-15, or 59 percent higher than today. The higher tax revenues reflected much stronger levels of operator revenues, purchases of taxable goods, and oil and gas reserve values subject to property taxation during 2014. As indicated in Figure 14, revenues fell in the subsequent three years, in line with declining oil prices. After bottoming out at \$45 million in 2016-17 they began to recover in 2017-18, and are expected to reach \$56 million in 2018-19. We expect that state and local taxes will rise further in subsequent years. Reflecting higher taxes on oil reserves, company expenditures, and oil revenues, we estimate that industry-related tax revenues will reach \$76 million by 2023-24. Of this total, \$47 million is related to state taxes and \$29 million is related to local taxes.

Figure 14
State and Local Taxes Directly and Indirectly Related to Oil and Gas Production in Ventura County



Impacts on State and Local Budgets

In Ventura County, the revenues attributable to the oil and gas production industry take on increased importance when considered in the context of two key factors:

- One, most revenues received by local governments (particularly for County government) are intergovernmental transfers and other dedicated revenue sources that are earmarked by law for specific purposes. The tax revenues we have identified are largely discretionary funds that can be allocated to address local government’s highest priorities.
- Two, local governments in Ventura County, like those throughout California, face major budget pressures related to employee pensions, health, social services, and other mandatory costs. In this context, every dollar counts.

Pension costs represent a major challenge. All ten cities located in Ventura County are members of the California Public Employee Retirement System (CalPERS). This is significant because CalPERS faces a major unfunded liability due to past investment shortfalls, a recently adopted reduction to its assumed future investment returns from 7.5 percent to 7.0 percent, and a variety of other factors. Based on CalPERS' most recent actuarial projections, annual pension contributions for the 10 cities combined will increase by over \$15 million between 2017-18 and 2022-23.¹⁸

Realignment and other state requirements put pressure on County costs. Ventura County employees are members of a separate pension system that does not presently face the same upward pressure on employer contributions as CalPERS members.¹⁹ The County also has a balanced budget with significant reserves.²⁰ However, the County faces future cost pressures from state mandates and state-local realignment of financial responsibilities for public safety, health, and social services programs. It will also face higher pension costs in future years if investment returns fall below its actuarial assumption of 7.5 percent per year, or if the County follows the lead of CalPERS and lowers its assumed rate of return.

Economic downturn is also a risk. Local government budgets are highly sensitive to changing economic conditions in California. A recession in the next few years would be accompanied by reduced local revenues, reduced subventions from the state (due to its own budget shortfalls) and rising costs for safety-net programs. As noted earlier, oil and gas revenues have been a stabilizing influence in past downturns, and we expect them to provide a cushion against future revenue downturns as well.

In summary, tax revenues attributable to the oil and gas industry represent an important source of discretionary funds available to local governments. The loss of these funds would have a significant impact on local budgets within the County, particularly if the economy were to slow.

¹⁸ Source: "Public Agency Actuarial Valuation Reports." California Public Employee Retirement System. <https://www.calpers.ca.gov/page/employers/actuarial-services/employer-contributions/public-agency-actuarial-valuation-reports>

¹⁹ County employees are covered by the Ventura County Employees' Retirement Association (VCERA) – a county pension system that is separate from CalPERS. See "Ventura County Employees' Retirement Association. Actuarial Valuation and Review as of June 30, 2016." <https://www.vcera.org/sites/main/files/file-attachments/actuarialvaluationjune302016.pdf>

²⁰ Source: "2017-18 Adopted Budget." County of Ventura, County Executive Office. http://vcportal.ventura.org/CEO/docs/publications/FY2017-18_Adopted_Budget.pdf

Economic Value of Ventura Oil Fields

Aside from the economic activity associated with annual production, the oil and gas reserves themselves represent a major source of wealth to Ventura County. The value of these reserves can be measured by estimating the present value of after-tax cash flows (i.e. annual revenues minus operational and investment costs) generated from all future extraction of oil from these reserves. The actual value depends on several factors, the most important of which is the future price of crude oil. To provide a reasonable range of potential values, we have performed calculations based on three price scenarios.

- A lower-end forecast that is consistent with the April 2017 projection made by the World Bank. Under this projection, crude oil prices (expressed in constant 2018 dollars) rise from then-current levels to \$59 per barrel in 2020. The oil prices remain stagnant thereafter, averaging \$60 per barrel in 2025, and just \$62 per barrel by 2030.
- A moderate-price forecast, which is an average of the EIA and World Bank projections. Under this forecast, crude oil prices (expressed in constant 2018 dollars) rise to \$66 per barrel in 2020, \$73 per barrel in 2025, and \$78 per barrel in 2030. (This forecast was used as the basis for our out-year projections of employment and tax revenues attributable to the oil and gas industry.)
- A high-end forecast, which is consistent with the EIA long-term projection made in January 2017. Under this projection, crude oil prices (expressed in constant 2018 dollars) rise from current levels to \$74 per barrel by 2020, \$86 per barrel by 2030, and \$94 per barrel by 2040.

As shown in Figure 15, we estimate that reserves would be worth \$650 million under the low-end oil price forecast, \$1.1 billion under the moderate price forecast, and \$1.6 billion under the high-end price forecast. In all cases, future local measures restricting or eliminating oil production would greatly diminish the value of these reserves. This would result in a major loss in employment and in wealth to mineral rights owners and producers in the County. It could also result in a major liability to the County if mineral rights owners and producers were to prevail in “takings” lawsuits.²¹ At a minimum the County would face millions of dollars in litigation costs defending against such lawsuits. If the plaintiffs were to prevail, the County would be required to pay the companies and owners of the mineral rights affected by the initiative the present value of the lost profits from the oil and gas that would no longer be recovered in these fields.

²¹ Under the “takings” theory, a county-imposed or voter-imposed ban on production would result in the “taking” by government of a valuable asset owned by oil companies and mineral rights owners. As compensation, the County would be required to pay the affected entities an amount equal to the present value of the lost profits from the oil and gas that would no longer be recovered from the Ventura County oil fields.

Figure 15
Estimated Value of Oil and Gas Fields in Ventura County Under Alternative Crude Oil Price Forecasts

Crude Oil Price Forecast	Present Value of Future Oil and Gas Production In Ventura County (\$ Millions)
Low (World Bank)	\$650
Average of World Bank and EIA	\$1,100
High (EIA)	\$1,600

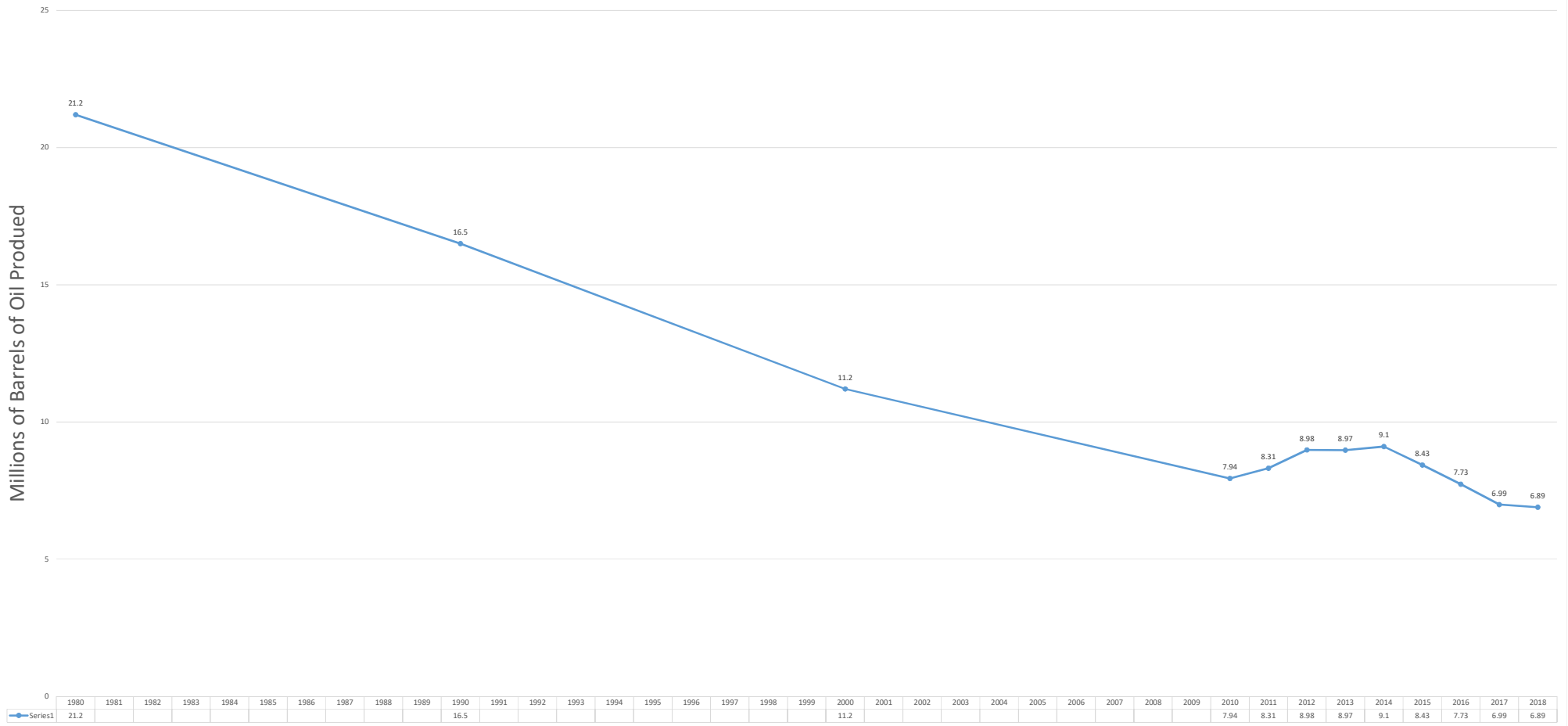
Conclusion

Oil and gas production is an important source of high-paying jobs, economic activity, and tax revenues in Ventura County. The industry has an outsized positive effect on the County's economy and tax revenues, due to the considerable amount of payments by oil producers for employee and contractor wages, and other purchases of goods and services needed to maintain oil production. We expect these contributions to rise in future years as the oil market improves. Future measures that ban oil production in the County would be counterproductive, in that they would eliminate these economic- and tax-related benefits, increase statewide dependence oil imports from remote sources (to the detriment of the environment and California's petroleum markets) and put the County at risk of major liability associated with "takings" lawsuits.

ATTACHMENT 2

**HISTORIC VENTURA COUNTY OIL PRODUCTION DATA
1980 TO PRESENT**

District 2/Ventura County Oil Production Trend - 1980 to 2018



stored in a saltwater aquifer by means of five, injection-withdrawal wells. In 1980, 273,859 barrels of LPG were injected and 166,091 barrels of LPG were withdrawn. Available LPG in storage is estimated at 568,800 barrels.

Subsidence Abatement

In 1980, through the joint efforts of the Division of Oil and Gas, the City of Long Beach, and several oil operators, an extensive program was initiated that greatly increased water injection in Fault Blocks II through VI in the Wilmington subsidence area. The increase has reversed a trend of renewed subsidence that developed over the last several years from low injection rates.

During 1980, injection in Fault Blocks II through VI increased by about 27,000 barrels per day. Projected fu-

ture injection increases for 1981 are about 63,000 barrels per day.

Additional injection activity took place through new wells, redrills, conversions, reworked wells, and stimulation activities.

The results of this increased injection are illustrated in Figure 2. The central areas of Fault Blocks II through VI have rebounded from 0.05 to 0.175 feet during the year, although a few areas of localized elevation losses remain. Rebound continues to occur in the westernmost portions of the field and, in varying degrees, in the easternmost portion.

Maximum elevation loss, about 0.20 feet on Island White (THUMS), was probably due to insufficient injection in the area. Revisions to the general waterflood plan should help to stabilize the few remaining areas where elevation losses were recorded.

DISTRICT NO. 2



Production

Oil production from the 54 active fields in District 2 was 21.2 million barrels during 1980, compared with 22.0 million barrels during 1979, a decrease of 4 percent. Ventura oil field led the district in oil production with 7.1 million barrels, followed by San Miguelito with 2.3 million barrels, and Rincon with 1.8 million barrels. The most significant changes in field performances were a 592 thousand barrel decrease in Ventura oil field, a 258 thousand barrel decrease in Rincon oil field, and 217 thousand barrel increase in Ojai oil field.

Gas production in 1980 totaled 25.9 billion cubic feet, compared with 24.8 billion cubic feet in 1979, an increase of 4 percent. Ventura, Rincon, and Ojai oil fields were the largest natural gas producers, producing 3.5, 2.9, and 2.4 billion cubic feet of gas, respectively.

Drilling Activity

During 1980, 131 new wells were drilled in District 2 compared with 107 in 1979, an increase of 22 percent. Drilling activity increased in 1980 for the third consecutive year, resulting in a cumulative 3 year increase of 82 percent.

Sespe oil field led the district with 18 wells drilled, followed by Ojai with 17, and Placerita with 9. Total footage drilled during 1980 was 654,051 feet compared with 539,080 feet in 1979. Redrill footage in 1980 totaled 45,035 feet, a 12 percent decrease from 1979.

Exploratory activity during 1980 increased 46 percent from that of 1979, with 35 prospect wells drilled, 9 of which were completed to production. Discoveries included nine new pools or extensions in Chaffee Canyon, Del Valle, Moorpark West, Ojai, Shiells Canyon, South Mountain, and Tapo Ridge fields.*

*See Oil and Gas Discoveries table.

Chaffee Canyon Field Reactivated - New Pool Discovery

In October 1980, Occidental Petroleum, Inc. discovered an oil pool in Chaffee Canyon field (an abandoned gas field) with the completion of well, "Ventura Realty" 344-1 (Photo 1). Casing was cemented at 8,493 feet and perforated from 6,904 to 7,760 feet. Initial production after formation fracturing was 314 barrels of 38.4° API gravity oil and 775 Mcf of gas per day.

Production is from Eocene strata in the upthrown block north of the Oakridge fault. The producing zone is structurally separated by the fault system from an abandoned gas well 4,500 feet to the northeast, which comprised the old gas field. This well had produced 11 million cubic feet of gas from the Pico Formation (Pliocene) at a depth of 8,712 feet.

Before the field name was officially adopted, Wiley Canyon, East Chaffee, and Los Robles had been used to identify the discovery.



Photo 1. Drilling rig on the drill site of well Occidental Petroleum, Inc. "Ventura Realty" 1, the discovery well of Chaffee Canyon oil field. Photo by Fred Taylor.

changing land-use patterns. When the sites were constructed in the mid-1950s, they were part of the undeveloped back lot of Twentieth Century Fox movie studios. High-rise office buildings and parking structures will be built on this land.

The Cities of Huntington Beach and Newport Beach were awarded an additional \$125,000 under the Methane Gas Hazards Reduction Act. The cities used the funds to install several gas vents in areas prone to methane gas seepage. Studies indicate the gas is biogenic in origin, a result of bacterial action.

Environmental Awards

On March 22, 1991, M. G. Mefferd, State Oil and Gas Supervisor, presented the division's Outstanding Oilfield Lease and Facility Maintenance Awards for 1990. Bruce Manley and Mrs. Katherine Manley accepted the award

for Manley Oil Company's wells, 1A, 2A, and 3A in Los Angeles field (Photo 1a). Lawrence Rinehart and Raymond Ringwald accepted the award for Chevron USA Inc.'s Packard Drill Site, in Beverly Hills field (Photo 1b). Harold Lang and William Buss accepted the award for the Southern California Gas Company "Block" and "Townsite" leases in Playa del Rey field (Photo 1c).

A special award for 10 years of Outstanding Oilfield Lease and Facility Maintenance was presented to Zan Harlich and Ed Sheehy, of McFarland Energy, Inc., for the "Bixby A" lease in Seal Beach oil field. The care taken to maintain the lease (then under the operation of Conoco) was first recognized by the division in 1981 (Photo 1d).

Letters of commendation were sent to 12 prior recipients of the Outstanding Oilfield Lease and Facility Maintenance Award, acknowledging their continued outstanding maintenance activities on leases in 11 oil fields in 1990 (Table 1c).

DISTRICT NO. 2

Patrick J. Kinnear, District Deputy



Production

Oil production from the 50 active oil fields in District 2 dropped from 16.9 million barrels in 1989 to **16.5 million barrels in 1990**. This represents a 65 percent production decrease from the all-time high of 46.7 million barrels of oil produced in 1958.

Eleven district fields had oil production increases in 1990. Placerita field had the largest production increase, 136,000 barrels or 24 percent, due primarily to an increase in steaming activity. The largest oil producers were Ventura field with 6.5 million barrels, San Miguelito field with 1.9 million barrels, and Sespe field with 1.2 million barrels. Although Sespe field was third in the district in total oil production, it also had the most significant decrease in oil production, down 158,000 barrels from 1989 levels.

District 2 gas production in 1990 totaled 20.5 billion cubic feet, a decrease from the 21.6 billion cubic feet produced in 1989. Fifteen of the 44 active fields that produced natural gas had production increases in 1990.

Enhanced Oil Recovery

The 1990 incremental oil production from enhanced recovery projects in the district totaled about 8 million barrels, or about 48.5 percent of the total amount of oil produced from all district fields. This amount represents an 8.1 percent increase from the 1989 total. Two new waterflood projects and one new steamflood project were approved in 1990 (Table 2a).

Waterflood

Waterflooding continued to be the dominant method of enhanced oil recovery in the district, accounting for about 7 million barrels, or 87.5 percent of the district's total incremental production. In 1990, about 80 million barrels of water was injected in 17 fields through 425 active injection wells. Ventura, Rincon, and San Miguelito fields include 34 separate waterflood projects that accounted for 95 percent of all the water injected and 87 percent of the total incremental oil produced in District 2.

DISTRICT NO. 2

Patrick J. Kinnear, District Deputy, Ventura



PROFILE FOR 2000

Active fields:	45
Oil produced:	11.2 million barrels
Gas produced (net):	
Associated gas	10.4 billion cubic feet
Nonassociated gas	38.0 million cubic feet
Number of producing wells:	
Oil	2,316
Gas	4
Number of wells:	
Drilled	7
Completed	0
Redrilled	4
Plugged & abandoned	98
Number of notices filed:	
Drill new wells	8
Rework existing wells	123
Plug & abandon wells	100
Number of permits issued:	
Drill new wells	7
Rework existing wells	109
Plug & abandon wells	98
Supplementary	77
Number of inspections:	
Performed	5,283
Reports issued	167
Incremental oil produced:	6.6 million barrels
Thermal	1.4 million barrels
Waterflood	5.3 million barrels

PROGRAM HIGHLIGHTS:

PLUGGING AND ABANDONMENT

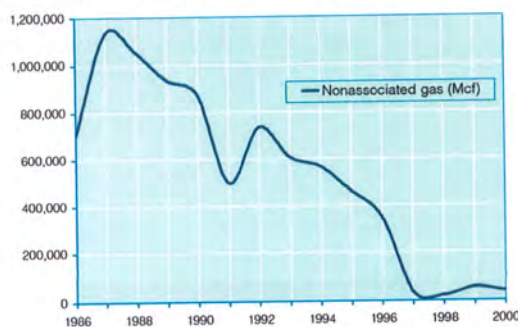
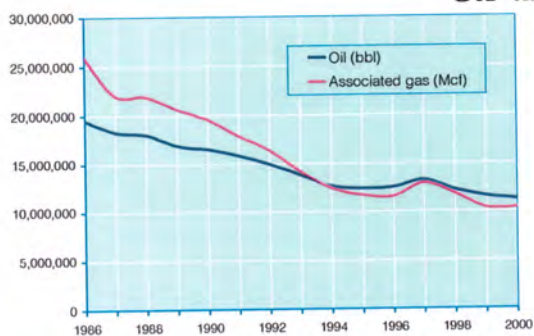
Simi Oil Field (Old Area)

Discovered in 1901, the Old Area of Simi oil field produced about 4.2 million barrels of oil and 1.7 billion cubic feet of natural gas. Condor Oil Company, the last operator of record, left as deserted 24 wells in the field. The Department of Conservation issued a formal order and plugged and abandoned the wells. A significant amount of surface equipment and oilfield junk was removed, as well.

El Rio Oil Field

After a formal order was issued to Deuel Petroleum California, Inc., the Department of Conservation abandoned well "Montalvo Ranch" 1, the last well in El Rio oil field. Cumulative production for El Rio field was 378,000 barrels of oil and 185 million cubic feet of natural gas.

OIL AND GAS PRODUCTION



Year	Oil (bbl)	Net associated gas (Mcf)	Nonassociated gas (Mcf)
1986	19,464,896	25,999,227	703,433
1987	18,300,330	22,073,407	1,134,320
1988	17,988,439	21,932,484	1,052,330
1989	16,880,543	20,656,098	934,810
1990	16,482,881	19,587,640	872,593
1991	15,815,206	17,904,624	497,311
1992	14,895,748	16,402,280	735,201
1993	13,787,071	14,213,537	606,666
1994	12,613,164	12,469,762	564,623
1995	12,342,248	11,738,634	458,656
1996	12,486,450	11,597,405	345,159
1997	13,194,798	12,962,291	34,558
1998	12,189,842	11,853,939	21,431
1999	11,545,906	10,410,400	53,046
2000	11,212,806	10,371,356	38,040

**PRODUCING WELLS AND PRODUCTION
OF OIL, GAS, AND WATER BY COUNTY - 2010***

COUNTY NAME	NUMBER OF WELLS				OIL PRODUCTION (bbl)	NET GAS PRODUCTION (McF)			WATER PRODUCTION (bbl)
	OIL		GAS			ASSOCIATED (from oil zones)	NONASSOCIATED (from gas zones)	TOTAL	
	P R O D	S H T N	P R O D	S H T N					
Alameda	6	1	0	0	16,035	0	0	0	49,038
Butte	0	0	9	2	0	0	46,611	46,611	143
Colusa	0	0	233	115	0	0	9,110,310	9,110,310	109,171
Contra Costa	0	0	26	19	a/ 0	0	1,955,277	1,955,277	19,750
Fresno	1,950	1,489	2	3	6,169,987	981,192	7,122	988,314	76,824,000
Glenn	0	0	270	62	0	0	11,773,101	11,773,101	106,458
Humboldt	0	3	32	20	0	0	786,279	786,279	9,657
Kern	41,537	15,198	181	119	b/ 148,097,816	159,958,314	3,197,072	163,155,386	1,716,027,843
Kings	159	167	1	1	101,382	134,132	129,342	263,474	282,870
Lassen	0	0	0	6	0	0	0	0	0
Los Angeles	3,276	1,506	9	19	c/ 23,894,597	16,567,498	100,959	16,668,457	768,783,059
Madera	0	0	12	20	0	0	1,742,035	1,742,035	9,213
Merced	0	0	2	1	0	0	252,940	252,940	26
Monterey	535	645	0	0	6,209,878	1,584,539	0	1,584,539	113,725,858
Orange	1,036	515	0	0	4,401,871	1,818,847	0	1,818,847	73,371,602
Riverside	0	3	0	1	0	0	0	0	0
Sacramento	0	0	128	82	d/ 0	0	11,464,339	11,464,339	128,552
San Benito	21	14	2	4	8,536	8,176	12,201	20,377	121,563
San Bernardino	18	20	0	0	8,413	60	0	60	1,316
San Joaquin	0	0	62	83	0	0	4,155,836	4,155,836	90,591
San Luis Obispo	135	218	0	0	486,200	-1,954	0	-1,954	7,779,480
San Mateo	14	9	0	0	2,551	0	0	0	4,528
Santa Barbara	935	1,192	2	2	e/ 3,407,854	2,616,555	79,828	2,696,383	83,738,141
Santa Clara	10	3	0	0	22,844	5,760	0	5,760	18,473
Solano	0	0	140	134	f/ 0	0	9,896,949	9,896,949	221,543
Stanislaus	0	0	2	0	0	0	518,738	518,738	0
Sutter	0	0	307	120	0	0	12,996,685	12,996,685	137,277
Tehama	0	0	120	39	0	0	2,150,715	2,150,715	112,647
Tulare	70	9	0	13	48,717	0	0	0	4,082,952
Ventura	1,692	1,277	0	4	7,944,456	7,951,650	0	7,951,650	60,711,045
Yolo	0	0	26	65	0	0	881,359	881,359	15,806
Yuba	0	0	1	0	0	0	2,334	2,334	0
STATE TOTALS	51,394	22,269	1,567	936	200,821,137	191,624,769	71,260,032	262,884,801	2,906,482,602

- * Does not include federal OCS figures.
a/ Produced 1,402 barrels of condensate from gas fields or zones.
b/ Produced 30,936 barrels of condensate from gas fields or zones.
c/ Produced 5,004 barrels of condensate from gas fields or zones.
d/ Produced 18,837 barrels of condensate from gas fields or zones.
e/ Produced 1,916 barrels of condensate from gas fields or zones.
f/ Produced 13,936 barrels of condensate from gas fields or zones.

**PRODUCING WELLS AND PRODUCTION
OF OIL, GAS, AND WATER BY COUNTY - 2011***

COUNTY NAME	NUMBER OF WELLS		OIL PRODUCTION (bbl)*	NET GAS PRODUCTION (Mcf)			WATER PRODUCTION (bbl)
	ACTIVE	SHUT IN		ASSOCIATED (from oil zones)	NONASSOCIATED (from gas zones)	TOTAL	
Alameda	6	1	14,858	0	0	0	50,360
Butte	9	2	0	0	41,787	41,787	223
Colusa	230	123	0	0	11,841,247	11,841,247	110,208
Contra Costa	27	18	1,305	0	1,156,434	1,156,434	13,807
Fresno	1,963	1,554	6,048,407	954,057	0	954,057	75,196,412
Glenn	273	55	0	0	9,997,205	9,997,205	98,872
Humboldt	28	27	0	0	641,799	641,799	7,475
Kern	42,159	15,691	142,991,052	148,259,992	3,115,332	151,375,324	1,728,794,462
Kings	160	176	110,026	380,093	302,043	682,136	469,644
Los Angeles	3,751	1,564	23,730,151	15,095,858	292,027	15,387,885	780,176,314
Madera	12	19	0	0	1,430,711	1,430,711	6,818
Merced	1	2	0	0	81,121	81,121	0
Monterey	609	568	7,125,968	1,319,481	0	1,319,481	119,527,903
Orange	1,036	484	4,220,714	1,965,658	0	1,965,658	70,721,268
Sacramento	128	79	19,187	0	8,348,464	8,348,464	92,362
San Benito	22	18	5,196	26,154	12,138	38,292	23,480
San Bernardino	18	20	12,427	70	0	70	3,229
San Joaquin	55	90	0	0	3,209,005	3,209,005	63,101
San Luis Obispo	130	217	442,903	91,850	0	91,850	7,573,428
San Mateo	11	12	1,355	4,662	0	4,662	3,090
Santa Barbara	1,083	1,072	3,642,688	2,885,009	583	2,885,592	93,432,074
Santa Clara	13	2	29,212	5,467	0	5,467	23,828
Solano	122	145	13,418	0	6,991,056	6,991,056	109,550
Stanislaus	2	0	0	0	632,737	632,737	54,456
Sutter	299	121	2	0	13,168,881	13,168,881	146,491
Tehama	121	42	0	0	2,392,799	2,392,799	35,704
Tulare	74	20	48,584	0	0	0	4,504,335
Ventura	1,708	1,278	8,308,059	7,676,656	0	7,676,656	63,477,467
Yolo	25	62	362	0	386,332	386,332	2,716
Yuba	1	0	0	0	1,816	1,816	0
STATE TOTAL	54,076	23,462	196,765,874	178,665,007	64,043,517	242,708,524	2,944,719,077

* Includes condensate from gas fields, gas zones and gas storage wells.

**WELL COUNTS AND PRODUCTION OF OIL, GAS,
AND WATER BY COUNTY - 2012**

County	Well Count *		Oil Production (bb) **	Net Gas Production			Water Production (bb)
	Active	Inactive		Associated Gas (Mcf)	Nonassociated Gas (Mcf)	Total Gas (Mcf)	
Alameda.	6	1	14,601	0	0	0	46,052
Butte.	26	1	0	0	51,839	51,839	420
Colusa	225	129	0	0	9,886,381	9,886,381	104,561
Contra Costa	45	17	454	0	843,518	843,518	8,764
Fresno	1,946	1,571	5,992,763	714,642	357	714,999	66,040,632
Glenn.	259	60	0	0	8,521,530	8,521,530	80,390
Humboldt	26	29	0	0	638,124	638,124	7,420
Kern	42,875	15,803	141,481,290	160,638,575	2,904,518	163,543,093	1,828,374,391
Kings	175	188	137,127	190,197	153,748	343,945	908,558
Los Angeles	3,690	1,552	24,130,729	18,275,394	241,297	18,516,691	798,857,241
Madera	23	18	0	0	967,873	967,873	1,656
Merced	0	3	0	0	0	0	0
Monterey	657	562	7,433,840	1,204,142	0	1,204,142	116,288,726
Orange	1,041	464	4,383,546	2,006,620	0	2,006,620	79,058,939
Sacramento	112	100	21,085	0	8,796,121	8,796,121	141,912
San Benito	18	23	5,007	46,929	7,155	54,084	1,669
San Bernardino	20	18	10,595	111	0	111	2,671
San Joaquin	157	94	184	0	2,970,015	2,970,015	67,689
San Luis Obispo	120	228	414,582	858,768	0	858,768	7,241,378
San Mateo	10	13	1,294	4,675	0	4,675	2,561
Santa Barbara	1,170	1,042	4,595,018	3,274,524	101	3,274,625	105,330,847
Santa Clara	13	2	40,006	39,598	0	39,598	24,765
Solano	126	148	9,932	0	4,796,836	4,796,836	89,955
Stanislaus	2	0	0	0	616,623	616,623	32,201
Sutter	289	130	0	0	10,499,715	10,499,715	114,525
Tehama	111	39	0	0	1,727,083	1,727,083	16,436
Tulare	75	20	48,142	0	0	0	3,954,749
Ventura	1,743	1,263	8,977,459	8,411,316	8,411,316	16,822,632	66,299,114
Yolo	25	56	578	0	229,860	229,860	2,314
Yuba	1	0	0	0	1,006	1,006	0
TOTAL	54,986	23,574	197,698,232	195,665,491	62,265,016	257,930,507	3,073,100,536

* includes well count from Oil & Gas (OG), Dry Gas (DG) and Gas Storage (GS)

** Includes condensate produced from from Dry Gas (DG) and Gas Storage (GS)

**WELL COUNTS AND PRODUCTION OF OIL, GAS
AND WATER BY COUNTY - 2013**

County	Well Count *		Oil Production (bbl)**	Net Gas Production			Water Production (bbl)
	Active	Inactive		Associated Gas (Mcf)	Nonassociated Gas (Mcf)	Total Gas (Mcf)	
Alameda	6	1	12,088	0	0	0	43,395
Butte	9	1	0	0	43,290	43,290	114
Colusa	210	146	0	0	6,609,876	6,609,876	89,600
Contra Costa	18	20	223	0	490,680	490,680	7,324
Fresno	1,963	1,628	5,941,962	509,279	0	509,279	60,980,437
Glenn	244	73	0	0	5,974,377	5,974,377	61,446
Humboldt	24	31	0	0	545,048	545,048	8,183
Kern	43,568	15,863	141,585,620	137,798,323	2,575,574	140,373,897	1,789,002,860
Kings	167	173	117,315	94,474	0	94,474	908,828
Lassen	0	6	0	0	0	0	0
Los Angeles	3,750	1,575	24,662,715	13,245,850	22,814	13,268,664	845,332,492
Madera	8	14	0	0	991,308	991,308	3,866
Merced	0	2	0	0	0	0	0
Monterey	691	531	7,412,829	1,122,834	0	1,122,834	112,847,620
Orange	1,046	444	4,487,945	2,088,906	0	2,088,906	90,686,170
Riverside	0	4	0	0	0	0	0
Sacramento	97	112	22,283	0	8,396,355	8,396,355	234,328
San Benito	20	21	5,676	4,604	9,246	13,850	57,601
San Bernardino	26	12	12,508	290	0	290	5,703
San Joaquin.	46	98	181	0	2,599,486	2,599,486	45,287
San Luis Obispo	190	155	420,733	0	0	0	8,504,905
San Mateo	6	17	716	1,188	0	1,188	190
Santa Barbara	1,208	952	6,025,389	3,973,238	29	3,973,267	115,239,152
Santa Clara	13	2	35,510	8,436	0	8,436	21,560
Solano	96	144	6,346	0	3,474,851	3,474,851	71,088
Stanislaus	1	1	0	0	482,553	482,553	31,744
Sutter	265	156	0	0	7,619,771	7,619,771	82,007
Tehama	104	46	0	0	1,367,795	1,367,795	20,952
Tulare	80	19	49,021	0	0	0	4,590,108
Ventura	1,755	1,277	8,973,076	8,275,223	0	8,275,223	66,705,153
Yolo	15	56	297	0	163,880	163,880	3,672
Yuba	1	0	0	0	793	793	0
TOTAL	55,627	23,580	199,772,433	167,122,645	41,367,726	208,490,371	3,095,585,785

Produced 7/25/14

* Includes well count from Oil & Gas (OG), Dry Gas (DG) and Gas Storage (GS).

** Includes condensate produced from Dry Gas (DG) and Gas Storage (GS).

WELL COUNT AND PRODUCTION OF OIL, GAS AND WATER BY COUNTY - 2014

County	Well Count*		Oil Production (bbl)**	Net Gas Production			Water Production (bbl)
	Active	Inactive		Associated Gas (Mcf)	Non-associated Gas (Mcf)	Total Gas (Mcf)	
Alameda	6	1	12,538	0	0	0	47,614
Butte	26	1	0	0	24,125	24,125	1,718
Colusa	209	158	0	0	6,030,785	6,030,785	76,357
Contra Costa	38	18	146	0	369,599	369,599	8,742
Fresno	2,098	1,578	6,557,889	543,118	2,634	545,752	78,126,043
Glenn	229	95	0	0	4,871,650	4,871,650	80,391
Humboldt	25	32	0	0	532,057	532,057	8,913
Kern	44,518	15,908	145,697,818	158,889,037	2,327,330	161,216,367	1,883,838,717
Kings	185	205	165,080	127,244	0	127,244	903,937
Lassen		5	0	0	0	0	0
Los Angeles	3,993	1,633	24,449,696	14,888,764	32,775	14,921,539	867,947,666
Madera	19	18	0	0	839,076	839,076	69,084
Merced		2	0	0	0	0	0
Monterey	747	497	7,713,512	1,015,927	0	1,015,927	117,314,411
Orange	1,043	445	3,813,457	2,038,032	0	2,038,032	79,679,485
Riverside		4	0	0	0	0	0
Sacramento	95	111	17,793	0	7,146,233	7,146,233	250,357
San Benito	18	24	11,641	14,212	0	14,212	78,441
San Bernardino	27	11	11,655	500	0	500	9,207
San Joaquin	144	86	0	0	2,283,516	2,283,516	93,832
San Luis Obispo	231	140	471,831	829,322	0	829,322	10,564,853
San Mateo	10	3	621	343	0	343	125
Santa Barbara	1,193	969	5,751,663	4,428,768	0	4,428,768	120,466,156
Santa Clara	13	2	32,284	30,712	0	30,712	25,261
Solano	103	146	5,985	0	2,889,266	2,889,266	72,509
Stanislaus	1	1	0	0	13,558	13,558	0
Sutter	247	170	1	0	6,004,898	6,004,898	88,440
Tehama	104	47	0	0	1,238,849	1,238,849	24,819
Tulare	78	21	46,974	0	0	0	4,723,798
Ventura	1,760	1,271	9,101,060	8,558,641	0	8,558,641	63,263,842
Yolo	26	54	252	0	223,139	223,139	3,396
Yuba	1	0	0	0	735	735	0
TOTAL	57,187	23,656	203,861,896	191,364,620	34,830,225	226,194,845	3,227,768,114

* Includes Oil & Gas (OG), Dry Gas (DG) and Gas Storage (GS)

** Includes condensate from Dry Gas (DG) and Gas Storage (GS)

**WELL COUNT AND PRODUCTION OF
OIL, GAS AND WATER BY COUNTY - 2015**

County	Well Count*		Oil Produced (bbls)**	Net Gas Production			Water Produced (bbls)
	Active	Inactive		Associated Gas (Mcf)	Non Associated Gas (Mcf)	Total Net Gas (Mcf)	
Alameda	6	2	9,687	847	0	847	30,156
Butte	26	1	0	0	11,054	11,054	87
Colusa	188	176	0	0	4,157,952	4,157,952	59,722
Contra Costa	38	23	93	0	333,759	333,759	7,418
Fresno	2,113	1,597	7,232,606	477,027	3,381	480,408	81,983,297
Glenn	235	96	0	0	4,010,048	4,010,048	81,658
Humboldt	25	33	0	0	468,543	468,543	8,700
Kern	44,284	16,643	144,472,957	129,102,663	1,842,826	130,945,489	1,991,303,876
Kings	181	207	271,000	219,930	0	219,930	706,767
Lassen	0	5	0	0	0	0	0
Los Angeles	3,885	1,736	23,808,695	17,015,642	225,814	17,241,456	913,784,022
Madera	18	18	0	0	637,923	637,923	1,070
Merced	0	2	0	0	0	0	0
Monterey	729	522	8,100,648	1,022,578	0	1,022,578	125,737,028
Orange	1,030	455	4,667,014	2,530,180	0	2,530,180	105,367,969
Riverside	0	4	0	0	0	0	0
Sacramento	92	114	11,805	0	5,558,920	5,558,920	211,853
San Benito	20	25	14,813	18,791	0	18,791	102,474
San Bernardino	25	13	8,000	695	0	695	7,479
San Joaquin	141	88	0	0	1,829,324	1,829,324	87,139
San Luis Obispo	231	129	536,845	174,226	0	174,226	11,533,722
San Mateo	2	11	75	0	0	0	3
Santa Barbara	1,129	1,028	4,338,695	3,065,153	1,158	3,066,311	113,516,855
Santa Clara	13	2	26,784	8,363	0	8,363	26,243
Solano	99	146	4,707	0	2,559,654	2,559,654	66,004
Stanislaus	1	1	0	0	61,332	61,332	35
Sutter	237	182	0	0	4,833,949	4,833,949	71,961
Tehama	99	51	0	0	1,239,748	1,239,748	23,813
Tulare	75	15	39,237	0	0	0	3,783,973
Ventura	1,705	1,303	8,428,402	8,231,282	0	8,231,282	59,853,491
Yolo	25	56	170	0	171,736	171,736	2,476
Yuba	1	0	0	0	1,131	1,131	0
TOTAL	56,653	24,684	201,972,233	161,867,377	27,948,252	189,815,629	3,408,359,291

*Includes Oil & Gas (OG), Dry Gas (DG) and Gas Storage (GS)

** Includes condensate from Dry Gas (DG) and Gas Storage (GS)



**State of California Department of Conservation
Division of Oil, Gas and Geothermal Resources**

WELL COUNT AND PRODUCTION OF OIL, GAS, AND WATER BY COUNTY – 2016

County	Well Count*		Oil Produced (bbl)**	Net Gas Production			Water Produced (bbl)
	Active	In Active		Associated Gas (Mcf)	Non Associated Gas (Mcf)	Total Net Gas (Mcf)	
Alameda	6	2	9,543	953	0	953	21,746
Butte	20	7	0	0	348	348	0
Colusa	179	179	5	0	3,289,568	3,289,568	45,476
Contra Costa	28	28	59	0	130,892	130,892	845
Fresno	1,975	1,706	6,850,958	517,810	0	517,810	83,038,255
Glenn	213	97	0	0	3,106,674	3,106,674	60,030
Humboldt	26	29	0		438,045	438,045	9,250
Kern	42,045	18,297	134,114,693	111,238,469	1,776,471	113,014,940	1,883,756,057
Kings	167	178	150,289	74,538	1,459	75,997	728,021
Lassen	0	6	0	0	0	0	0
Los Angeles	3,468	1,850	21,323,159	9,345,430	181,813	9,527,243	889,587,148
Madera	18	18	0	0	506,607	506,607	1,100
Merced	0	2	0	0	0	0	0
Monterey	67	464	8,188,312	1,057,795	0	1,057,795	122,261,786
Orange	980	488	4,332,500	2,522,193	1,738,627	4,260,820	101,193,139
Riverside	0	4	0	0	0	0	0
Sacramento	78	128	9,660	0	4,281,529	4,281,529	219,556
San Benito	21	24	15,231	20,858	0	20,858	49,583
San Bernardino	24	14	8,002	720	0	720	8,635
San Joaquin	140	91	0	0	1,499,649	1,499,649	66,079
San Luis Obispo	219	131	610,031	588,024	0	588,024	11,278,093
San Mateo	2	21	80	0	0	0	6
Santa Barbara	1,037	1,121	3,258,284	2,263,716	120,671	2,384,387	94,387,530
Santa Clara	14	1	24,557	9,013	0	9,013	31,535
Solano	89	155	2,818	0	2,163,316	2,163,316	90,043
Stanislaus	1	1	0	0	31,733	31,733	49
Sutter	223	193	0	0	4,043,575	4,043,575	49,432
Tehama	96	54	0	0	831,543	831,543	16,449
Tulare	56	34	32,274	0	0	0	3,196,124
Ventura	3,224	2,484	7,729,845	4,049,625	0	4,049,625	55,766,230
Yolo	24	54	163	0	172,936	172,936	2,677
Yuba	1	0	0	0	514	514	0

**WELL COUNT AND PRODUCTION OF OIL, GAS, AND WATER
BY COUNTY
2017**

County	Well Count *		Oil Produced (bbl)	Net Gas Production			Water Produced (bbl)
	Active	Inactive		Associated Gas (Mcf)	Non Associated Gas (Mcf)	Total Net Gas (Mcf)	
Alameda	6	2	8,715	644	0	644	24,641
Butte	16	11	0	0	0	0	228
Colusa	168	187	0	0	2,896,306	2,896,306	48,338
Contra Costa	22	31	55	0	81,830	81,830	527
Fresno	1,984	1,713	7,067,233	513,253	0	513,253	84,628,645
Glenn	200	108	0	0	3,282,766	3,282,766	64,718
Humboldt	26	29	0	0	417,445	417,445	7,073
Kern	40,480	19,827	123,752,181	113,176,503	1,467,923	114,644,426	1,814,628,049
Kings	145	201	116,331	94,504	0	94,504	452,863
Lassen	0	6	0	0	0	0	0
Los Angeles	3,359	1911	19,814,335	9,664,202	6,971	9,671,173	872,605,322
Madera	18	14	0	0	407,416	407,416	1,447
Merced	0	2	0	0	0	0	0
Monterey	690	413	7,476,885	1,015,500	0	1,015,500	133,743,294
Orange	948	521	3,942,372	1,834,760	0	1,834,760	97,278,397
Riverside	0	4	0	0	0	0	0
Sacramento	90	119	9,543	0	3,783,160	3,783,160	210,687
San Benito	19	28	749,700	6,743,776	0	6,743,776	1,409,283
San Bernadino	18	20	7,865	5,130	0	5,130	3,496
San Joaquin	134	96	0	0	1,341,882	1,341,882	64,513
San Luis Obispo	216	131	604,308	490,570	0	490,570	11,323,809
San Mateo	2	22	52	0	0	0	0
Santa Barbara	974	1,190	3,469,843	2,388,151	448	2,388,599	95,115,827
Santa Clara	14	1	23,656	1,014	0	1,014	29,832
Solano	87	148	1,993	0	1,701,755	1,701,755	55,853
Stanislaus	1	1	0	0	29	29	0
Sutter	220	195	0	0	4,052,655	4,052,655	60,641
Tehama	87	65	0	0	747,455	747,455	10,118
Tulare	59	28	28,515	0	0	0	2,839,638
Ventura	1,383	1,636	6,988,161	6,503,659	0	6,503,659	53,058,123
Yolo	23	55	79	0	81,090	81,090	340
Yuba	1	0	0	0	874	874	0
Total	51,390	28,715	174,061,822	142,431,666	20,270,005	162,701,671	3,167,665,702

Oil, Gas, and Water Production and Well Count by County - 2018

County Name	Well Count		Oil Production	Gas Production			Water Production
	Active	In Active	Oil & Condensate Produced (bbl)	Associated Gross Gas Produced (Mcf)	Non Associated Gross Gas (Mcf)	Total Gross Gas (Mcf)	Water Produced (bbl)
Alameda	6	2	4,918	456	0	456	13,190
Butte	17	10	0	0	0	0	699
Colusa	159	199	1,142	0	2,661,107	2,661,107	61,266
Contra Costa	22	35	22,553	2,631	80,632	83,262	43,079
Fresno	2,013	1,821	6,827,497	705,201	0	705,201	74,936,305
Glenn	199	114	0	0	2,775,534	2,775,534	63,582
Humboldt	24	31	0	0	391,790	391,790	6,802
Kern	41,332	21,771	113,141,827	139,402,486	1,159,911	140,562,397	1,870,847,938
Kings	128	225	110,602	101,314	0	101,314	453,262
Lassen	-	6	0	0	0	0	0
Los Angeles	2,750	1,757	12,033,058	7,117,546	10,151	7,127,697	489,047,440
Los Angeles Offshore	1,005	300	6,567,527	2,458,907	0	2,458,907	352,879,812
Madera	18	16	0	0	335,982	335,982	19,489
Merced	-	2	0	0	0	0	0
Monterey	753	468	8,397,784	986,321	0	986,321	142,368,128
Orange	859	511	2,593,489	1,054,389	0	1,054,389	55,250,791
Orange Offshore	135	107	1,136,681	475,002	0	475,002	38,351,110
Riverside	-	4	0	0	0	0	0
Sacramento	87	127	13,069	0	3,804,460	3,804,460	212,485
San Benito	18	29	15,462	23,189	0	23,189	70,670
San	26	12	10,621	27,410	0	27,410	1,904
San Joaquin	131	101	0	0	1,129,064	1,129,064	82,817
San Luis Obispo	214	144	595,313	580,818	0	580,818	10,887,003
San Mateo	2	22	46	0	0	0	0
Santa Barbara	1,053	1,133	3,314,390	2,716,958	537	2,717,495	98,465,029
Santa Barbara Offshore	1	25	0	0	0	0	0
Santa Clara	14	4	19,281	17,545	0	17,545	19,691
Solano	86	157	6,566	0	1,913,117	1,913,117	129,834
Stanislaus	-	2	0	0	0	0	0
Sutter	220	196	0	0	3,588,446	3,588,446	72,978
Tehama	88	64	0	0	688,572	688,572	11,670
Tulare	62	28	34,492	0	0	0	2,874,186
Ventura	1,403	1,615	6,894,516	6,239,856	0	6,239,856	57,687,658
Ventura Offshore	15	38	16,601	14,343	0	14,343	27,693
Yolo	22	56	0	0	37,063	37,063	7
Yuba	1	-	0	0	273	273	0
Total	52,863	31,132	161,757,435	161,924,370	18,576,638	180,501,008	3,194,886,516

State of California, Dept. of Conservation, Division of Oil, Gas, and Geothermal Resources, October 2018

ATTACHMENT 3

2018 CRUDE AVERAGE CARBON INTENSITY VALUE

Calculation of 2018 Crude Average Carbon Intensity Value

Posting: Each year, pursuant to section 95489(b)(3) of the Low Carbon Fuel Standard (LCFS) Regulation,¹ CARB posts the Annual Crude Average carbon intensity calculation at the CARB-LCFS website for public comment. Written comments shall be accepted for 15 calendar days following the date on which the analysis was posted. Only comments related to potential factual or methodological errors in the posted Annual Crude Average carbon intensity value may be considered. CARB will evaluate the comments received, and may request in writing additional information or clarification from the commenters. Commenters shall have 10 days to respond to these requests. CARB evaluated the comments received within the comment period, and is posting the final Annual Crude Average carbon intensity value.²

Calculation of 2016, 2017 and 2018 Annual Crude Average Carbon Intensity Values:

Table 1 below shows California crude volumes and Annual Crude Average carbon intensity values for 2016, 2017 and 2018.³ Table 2 shows the breakdown of the sources of crude oil supplied to California refineries during 2018 as well as the carbon intensity values assigned to these crude sources.⁴ All crude oil produced in and offshore of California during 2018 was assumed to be refined in California. The volume contributions for California produced crudes are based on oil production data obtained from the California Department of Conservation.⁵ The volume contributions for California federal offshore crudes are based on oil production data obtained from the Bureau of Safety and Environmental Enforcement.⁶ The volume contributions of imported crudes are based on oil supply data submitted by refineries as part of annual LCFS reporting. The annual crude average carbon intensity values are a volume-weighted average of the carbon intensities for the crudes supplied in a given year.

Table 1: Crude Volumes and Annual Crude Average Carbon Intensity Values

Year	2016	2017	2018
CI (gCO _{2e} /MJ)	12.14	11.93	12.35
Volume (bbl)	582,101,235	621,246,732	624,127,435

Calculation of California Baseline Crude Average Carbon Intensity:

$CI_{BaselineCrudeAve}$ is the California Baseline Crude Average carbon intensity value, in gCO_{2e}/MJ, attributed to the production and transport of the crude oil supplied as

¹ The LCFS regulation is published at California Code of Regulations (CCR), title 17, sections 95480-95503. Subsequent section references are to CCR title 17.

² Comments and CARB responses are contained in the appendix to this document.

³ Carbon intensity values for 2016 and 2017 are from Table 9 of the LCFS regulation [Low Carbon Fuels Standard](#). Volumes for 2016 and 2017 are from Calculation of the 2017 Crude Average Carbon Intensity Value [Calculation of 2017 Crude Average Carbon Intensity Value](#)

⁴ Crude carbon intensity values are from Table 9 of the LCFS regulation [Low Carbon Fuels Standard](#). These carbon intensity values are based on oil field data from the year 2015.

⁵ California Department of Conservation, 2018 Report of California Oil and Gas Production Statistics. [2018 Annual Report of CA Oil and Gas Production](#).

⁶ Bureau of Safety and Environmental Enforcement website [BSEE Pacific Production](#) (accessed May 2, 2019).

petroleum feedstock to California refineries during the baseline calendar year, 2010, and is calculated by the following formula for the 2018 compliance period:

$$CI_{BaselineCrudeAve} = \frac{[11.98 \times 582,101,235 + 11.98 \times 621,246,732 + 11.78 \times 624,127,435]}{[582,101,235 + 621,246,732 + 624,127,435]}$$

$$CI_{BaselineCrudeAve} = 11.91$$

Calculation of Three-Year California Crude Average Carbon Intensity:

$CI_{2018CrudeAve}$ is the Three-year California Crude Average carbon intensity value, in gCO₂e/MJ, attributed to the production and transport of the crude oil supplied as petroleum feedstock to California refineries during the most recent three calendar years (2016, 2017 and 2018), and is calculated by the following formula:

$$CI_{2018CrudeAve} = \frac{[12.14 \times 582,101,235 + 11.93 \times 621,246,732 + 12.35 \times 624,127,435]}{[582,101,235 + 621,246,732 + 624,127,435]}$$

$$CI_{2018CrudeAve} = 12.14$$

Summary: The Three-year California Crude Average carbon intensity of 12.14 gCO₂e/MJ is greater than the California Baseline Crude Average carbon intensity of 11.91 gCO₂e/MJ plus 0.10 gCO₂e/MJ. Therefore, pursuant to sections 95489(a) and (b) of the LCFS regulation, incremental deficits of $0.23 \times E^{XD} \times C$ for CARBOB or diesel will be added to each affected regulated party's compliance obligation for the annual compliance period of 2020, where E^{XD} is the amount of fuel energy, in MJ, from CARBOB or diesel, as defined in section 95489(a), and $C = 1.0 \times 10^{-6} \frac{MT}{g CO_2 e}$.

Table 2: 2018 Refinery Crude Supply

Country/State	Crude Name	CI (g/MJ)*	2018 Volume (bbl)
	2018 Volume Weighted Average CI	12.35	624,127,435
Angola	Clov	7.31	15,622
	Dalia	8.90	2,522,982
	Gimboa	8.86	822,027
	Girassol	9.95	93,989
	Greater Plutonio	8.72	1,004,932
	Nemba	9.08	942,080
	Pazflor	8.02	4,821,795
Argentina	Escalante	10.15	1,772,197
Australia	Pyrenees	8.24	6,568
Brazil	Atlanta	11.78	658,824
	Frade	5.63	1,002,884
	Iracema (Cernambi)	5.54	6,031,213
	Lula	6.24	9,290,082
	Mero	11.78	502,121
	Ostra	5.65	3,070,178
	Peregrino	4.16	623,038
	Sapinhua	6.00	7,342,701
	Tubarao Martelo	5.37	727,064
Brunei	Seria Light Export Blend	11.78	194,914
Canada	Access Western Blend	15.15	1,776,677
	Albian Heavy Synthetic (all grades)	23.68	868,227
	Burnaby Blend	11.78	278,000
	Christina Dilbit Blend	12.71	327,314
	Cold Lake	17.87	4,875,687
	Fort Hills	11.78	681,348
	Kearl Lake	12.89	3,046,505
	Mixed Sweet	8.11	79,064
	Peace River Sour	8.11	3,250
	Surmont Heavy Blend	22.48	1,485,537
	Syncrude Synthetic (all grades)	31.62	371,605
	Western Canadian Select	19.04	182,451
Colombia	Acordionero	6.96	325,884
	Castilla	10.55	4,739,922
	Chaza	11.78	1,816,689
	Puerto Bahia	11.78	365,442
	South Blend	9.25	1,347,224
	Vasconia	9.62	37,540,768

Country/State	Crude Name	CI (g/MJ)*	2018 Volume (bbl)
Ecuador	Napo	8.31	21,851,807
	Oriente	10.07	31,593,153
Equatorial Guinea	Zafiro	20.56	3,850,536
Ghana	Ten Blend	8.08	3,155,969
Iraq	Basra Light	13.45	30,808,908
Kuwait	Kuwait	10.56	19,671,534
Mexico	Maya	7.85	18,504,160
Nigeria	Antan	21.98	2,117
	Bonga	5.06	1,870,925
	Forcados	8.97	1,928,189
Oman	Oman	13.32	112,128
Peru	Pirana	8.43	261,510
Russia	CPC Blend	11.78	1,299,450
	ESPO	11.55	792,718
	Sokol	6.94	3,504,791
	Vityaz	9.60	400,544
Saudi Arabia	Arab Extra Light	9.41	20,059,988
	Arab Light	9.23	87,299,942
	Arab Medium	8.72	21,004,457
	Arab Heavy	7.92	230,100
Trinidad	Calypso	7.41	99,550
	Molo	11.78	551,366
UAE	Upper Zakum	7.96	75,844
UK	North Sea Kraken	11.78	788,353
Venezuela	Hamaca	23.04	547,870
	Hamaca DCO	10.02	669,250
	Santa Barbara	17.32	2,170
US Alaska	ANS	15.91	83,471,217
US New Mexico	Four Corners	11.11	932,754
US Texas	West Texas Intermediate	11.93	467,041
US Utah	Covenant	4.43	52,139
	Utah Sweet	6.92	768,597
US California*	Aliso Canyon	4.94	51,171
	Ant Hill	20.81	21,154
	Antelope Hills	2.84	87,793
	Antelope Hills, North	24.75	245,887
	Arroyo Grande	31.11	533,059
	Asphalto	8.01	165,721
	Bandini	3.09	9,144

Country/State	Crude Name	CI (g/MJ)*	2018 Volume (bbl)
	Bardsdale	3.47	149,900
	Barham Ranch	4.15	80,927
	Beer Nose	3.98	9,164
	Belgian Anticline	5.01	30,930
	Bellevue	5.95	24,666
	Bellevue, West	6.60	53,053
	Belmont, Offshore	5.12	449,731
	Belridge, North	4.11	1,762,905
	Belridge, South	17.09	20,915,436
	Beverly Hills	5.41	316,472
	Big Mountain	4.65	17,665
	Blackwells Corner	3.07	22,741
	Brea-Olinda	3.59	1,037,187
	Brentwood	11.78	22,474
	Buena Vista	7.44	1,298,257
	Burrel	29.43	7,389
	Cabrillo	4.14	18,414
	Cal Canal Gas	11.78	19,940
	Canal	4.40	14,404
	Canfield Ranch	4.53	65,430
	Carneros Creek	4.06	13,633
	Cascade	3.00	91,419
	Casmalia	10.26	122,251
	Castaic Hills	2.68	6,593
	Cat Canyon	7.83	1,434,234
	Cheviot Hills	3.49	37,892
	Chico-Martinez	48.13	33,369
	Cienaga Canyon	5.78	9,661
	Coalinga	25.81	6,340,065
	Coles Levee, N	4.09	83,841
	Coles Levee, S	5.87	51,479
	Comanche	5.03	13,445
	Coyote, East	5.96	172,882
	Cuyama, South	14.70	189,386
	Cymric	15.69	12,970,618
	Deer Creek	11.51	33,822
	Del Valle	5.78	29,471
	Devils Den	7.51	8,381
	Dominguez	3.57	22,334

Country/State	Crude Name	CI (g/MJ)*	2018 Volume (bbl)
	Edison	14.53	588,931
	El Segundo	4.38	20,524
	Elk Hills	8.02	8,574,673
	Fruitvale	3.75	387,402
	Greeley	7.91	148,442
	Hasley Canyon	2.25	27,790
	Helm	3.99	83,493
	Holser	3.80	14,162
	Honor Rancho	3.43	27,292
	Huntington Beach	6.62	1,906,809
	Hyperion	1.90	10,755
	Inglewood	10.06	1,977,358
	Jacalitos	2.72	89,640
	Jasmin	16.59	138,580
	Kern Bluff	12.54	35,641
	Kern Front	35.68	3,471,459
	Kern River	15.09	16,386,354
	Kettleman Middle Dome	3.93	16,740
	Kettleman North Dome	3.42	108,532
	Landslide	12.53	35,544
	Las Cienegas	4.96	173,097
	Livermore	2.66	4,918
	Lompoc	28.45	261,123
	Long Beach	5.48	1,265,165
	Long Beach Airport	4.92	7,660
	Los Angeles Downtown	5.89	41,778
	Los Angeles, East	14.71	182,283
	Lost Hills	12.99	9,658,387
	Lost Hills, Northwest	5.36	6,385
	Lynch Canyon	23.10	215,515
	Mahala	4.99	10,200
	McCool Ranch	9.59	8,624
	McDonald Anticline	4.33	49,495
	McKittrick	25.31	2,619,856
	Midway-Sunset	29.33	20,655,818
	Montalvo, West	2.65	280,077
	Montebello	17.03	394,874
	Monument Junction	4.95	81,423

Country/State	Crude Name	CI (g/MJ)*	2018 Volume (bbl)
	Mount Poso	3.71	1,612,717
	Mountain View	3.97	78,434
	Newhall-Potrero	3.66	52,575
	Newport, West	5.21	76,706
	Oak Canyon	4.04	16,693
	Oak Park	3.01	9,969
	Oakridge	3.46	99,675
	Oat Mountain	3.17	54,744
	Ojai	4.94	245,226
	Olive	1.82	47,657
	Orcutt	11.76	891,061
	Oxnard	5.39	360,708
	Paloma	4.88	13,535
	Placerita	32.78	566,594
	Playa Del Rey	6.87	27,736
	Pleito	2.09	670,322
	Poso Creek	21.96	5,130,861
	Pyramid Hills	3.36	43,176
	Railroad Gap	7.08	113,586
	Raisin City	9.13	135,582
	Ramona	4.47	30,465
	Richfield	4.75	188,696
	Rincon	4.88	235,485
	Rio Bravo	6.98	206,396
	Rio Viejo	2.74	45,767
	Riverdale	3.8	68,126
	Rose	2.91	217,810
	Rosecrans	5.76	123,214
	Rosecrans, South	3.54	8,373
	Rosedale	2.35	13,053
	Rosedale Ranch	8.32	115,156
	Round Mountain	24.04	2,567,799
	Russell Ranch	8.58	46,965
	Salt Lake	3.18	19,627
	Salt Lake, South	6.34	3,696
	San Ardo	26.42	8,173,645
	San Miguelito	5.25	330,190
	San Vicente	3.22	139,819
	Sansinena	3.21	200,496

Country/State	Crude Name	CI (g/MJ)*	2018 Volume (bbl)
	Santa Clara Avenue	3.53	32,746
	Santa Fe Springs	12.53	690,628
	Santa Maria Valley	4.80	80,452
	Santa Susana	5.29	7,167
	Sargent	4.00	19,281
	Saticoy	3.68	34,314
	Sawtelle	2.56	148,911
	Seal Beach	5.19	392,210
	Semitropic	4.30	24,908
	Sespe	3.98	335,009
	Shafter, North	3.32	450,403
	Shiells Canyon	5.07	50,589
	South Mountain	3.58	452,341
	Stockdale	2.18	100,108
	Tapia	6.92	10,651
	Tapo Canyon, South	3.08	7,563
	Tejon	13.77	222,511
	Tejon Hills	9.39	8,026
	Tejon, North	5.63	29,230
	Temescal	3.40	53,416
	Ten Section	7.50	64,685
	Timber Canyon	4.74	16,513
	Torrance	3.99	368,052
	Torrey Canyon	3.52	77,568
	Union Avenue	5.58	9,159
	Vallecitos	4.53	13,421
	Ventura	4.54	4,038,762
	Wayside Canyon	2.36	1,177
	West Mountain	3.53	12,718
	Wheeler Ridge	2.8	57,814
	White Wolf	1.92	11,423
	Whittier	3.71	80,406
	Wilmington	8.31	10,818,132
	Yowlumne	13.9	135,336
	Zaca	9.53	168,052
US Federal OCS	Beta	1.59	1,831,734
	Carpinteria	3.28	298,411
	Dos Cuadras	4.57	891,895
	Hueneme	4.67	56,873

Country/State	Crude Name	CI (g/MJ)*	2018 Volume (bbl)
	Point Pedernales	8.26	1,305,249
	Santa Clara	2.46	488,785

*CI values from Table 9 of the LCFS regulation are based on oil field operational data from the year 2015

Appendix: Responses to comments

Comment: see comment at

[Comment 6 for Comments on Crude Oil analysis for LCFS](#)

Response:

This comment is not related to the Annual Crude Average CI calculation.

Comment: see comment at

[Comment 7 for Comments on Crude Oil analysis for LCFS](#)

Response: The commenter suggests that emission reduction activities at California oil fields such as solar electricity projects should be accounted for in the calculation of the Annual Crude Average CI.

In calculating the Annual Crude Average CI, the LCFS regulation requires the use of CI values approved through a formal regulatory process. These CI values are listed in Table 9 of the regulation text. The crude CI values used to calculate the 2018 Crude Average CI were approved as part of the 2018 LCFS regulatory amendment process and are based on oil field production data from the year 2015. Staff is unaware of any solar electricity projects implemented at California oil fields at that time. Since 2016, staff is aware of two solar electricity projects that have been implemented at the Midway Sunset oil field. Greenhouse gas reductions from these projects will be accounted for in calculating updated CI values for Table 9 as part of the next LCFS amendment cycle.

ATTACHMENT 4

OIL & GAS REGULATORY SETTING



SUMMARY OF FEDERAL AND CALIFORNIA OIL AND GAS REGULATORY PROGRAMS FOCUSED ON WORKERS AND COMMUNITIES

Occupational Health, Safety and Industrial Hygiene

PRIMARY REGULATORS



Compressed Air Systems and Equipment

Safe work practices required for the handling, use, storage and transportation of compressed gas equipment and cylinders and air receivers

California Code of Regulations (CCR) , Title 8, Chapter 4, Subchapter 7, Group 9, Articles 76-79 – Compressed Gas and Air Equipment

CCR, Title 8, Chapter 4, Subchapter 7, Group 2, Article 7, Section 3304 – Miscellaneous Use of Compressed Cylinder Gas

CCR, Title 8, Chapter 4, subchapter 7, Section 4650 – Storage, Handling, and Use of Cylinders

CCR, Title 8, Chapter 4, Subchapter 7 – General Industry Safety Orders, Group 10, Articles 80 – 88 – Gas Systems for Welding and Cutting

Confined Space Entry

Program required that identifies confined space areas, entry procedures and permit requirements and training

CCR, Title 8, Chapter 4, Subchapter 7, General Industry Safety Orders, Group 16, Article 108, Sections 5156- 5158 - Permit Required Confined Space Entry

CCR, Title 8, Chapter 4, Subchapter 14 – Petroleum Safety Orders – Drilling and Production, Article 7, Section 6528 & 6529 – Confined Spaces

CCR, Title 8, Chapter 4, Subchapter 15 – Petroleum Safety Orders – Refining, Transportation, and Handling, Article 11, Section 6816 – Blinding or isolating of pipe lines and equipment for entry

Contractor Safety

Program required for selection and management of contractors

CCR, Title 8, Subchapter 7 – General Industry Safety Orders – Section 6509 – Contractors

CCR, Title 8 – Section 5006.1 – Mobile Crane and Tower Crane-Operator Qualifications and Certification CCR, Title 8 – Section 5189(h)

Drilling and/or Well Servicing Operations

Standards and safe work practices that apply to equipment and operations used in drilling and well servicing

CCR, Title 8, Subchapter 14 – Petroleum Safety Orders – Drilling and Production – Sections 6500 thru 6693

Electrical Safety

Standards and safe work practices required for handling certain electrical equipment, including personal protective equipment (PPE), work permit requirements, isolation and training⁵

CCR, Title 8, Subchapter 5, Electrical Safety Orders, Group 1 - Electrical Safety Orders, Group 1

CCR, Title 8, Subchapter 5, Electrical Safety Orders, Group 2 – High-Voltage Electrical Safety Orders, Group 2

CCR, Title 8, Subchapter 14 – Petroleum Safety Orders – Drilling and Production, Article 6, Section 6527 – Electrical Equipment

Energy Isolation

Lockout/tagout procedure required to ensure proper isolation of energy sources, including training

CCR, Title 8, - Subchapter 5, Electrical Safety Orders, Group 1, Article 3, Section 2320.5

CCR, Title 8, Subchapter 14 – Petroleum Safety Orders – Drilling and Production, Article 10, Section 6536 – Opening and Blinding Pipelines and Equipment

CCR, Title 8, Section 3314

CCR, Title 8, Section 5189

Ergonomics

Safe work practices required to prevent repetitive motion injuries or musculoskeletal disorders, including employee awareness training and equipment

CCR, Title 8, Chapter 4, Subchapter 7 – General Industry Safety Orders, Group 15, Article 106, Section 5110 – Repetitive Motion Injuries

Continued

Excavation and Trenching

Safe work practices and equipment required for excavation and trenching, including utility clearance, shoring, work permit requirements and training

CCR, Title 8, Subchapter 4, Construction Safety Orders, Article 6, Section 1541 – Excavations California Code of Regulations – Subchapter 2, Section 341 - Permit Requirements

Fall Protection

Safe work practices required for access to aisles, walkways, scaffolds, ladders, and walking and working surfaces procedures, including equipment and training for working at heights of 6’ or greater

CCR, Title 8, Subchapter 7, General Industry Safety Orders, Group 1, Article 4, Sections 3270 - 3280 – Access, Work Space and Work Areas

CCR, Title 8, Subchapter 14 1– Petroleum Safety Orders – Drilling and Production, Article 22, Section 6580 – Safety Belts and Lanyards

CCR, Title 8, Subchapter 4, Construction Safety Orders, Article 24, Sections 1669-1672 – Fall Protection
CCR, Title 8, Subchapter 4, Articles 16-25, Sections 3210-14

Flammable Materials

Safe work practices for use and handling of flammable materials

CCR, Title 8, Subchapter 7, Group 20, Article 135 – Flammable Liquids, Gases and Vapors

CCR, Title 8, Subchapter 14, Petroleum Safety Orders, Article 46 – Liquid Loading and Unloading.

Gas and Vapor Testing

Safe work practices required to identify areas where hazardous gases may be present and establish procedures, including monitoring and training, for worker protection in affected areas

CCR, Title 8, Subchapter 14, - Petroleum Safety Orders – Drilling and Production, Article 8, Section 6531 – Gas and Vapor Testing

Hand and Portable Powered Tools

Safe work practices to ensure testing and inspection of hand and portable power tools and training in their proper use

CCR, Title 8, Subchapter 7 – General Industry Safety Orders, Group 3, Article 20, Sections 3555 - 3564 – Hand & Portable Powered Tools and Equipment

CCR, Title 8, Subchapter 14 – Petroleum Safety Orders – Drilling and Production, Article 44, Section 6646 – Miscellaneous Tools and Equipment

Hazard Communication Program

Program required to inform and train employees regarding materials used in the workplace, their potential hazards, proper storage and handling, and other safeguards, including Safety Data Sheets, labels, PPE and emergency response

CCR, Title 8, C.O.S.H. Regulations, Article 5, Section 339 – Hazardous Substance List

CCR, Title 8, Subchapter 7 – General Industry Safety Orders, Group 16, Article 109 – Hazardous Substances and Processes

CCR, Title 8, Subchapter 7 – General Industry Safety Orders, Group 16, Article 109, Section 5194 – Control of Hazardous Substances

CCR, Title 8, Subchapter 14 – Petroleum Safety Orders – Drilling and Production, Article 12, Section 6542 – Hazardous Substances

CCR, Title 22 Sections 12000-14000 (Prop 65)

Hearing Protection

Program required to identify areas and tasks with high noise, including PPE, training and engineering controls as warranted

CCR, Title 8, Chapter 4, Subchapter 7- General Industry Safety Orders, Group 15, Article 105, Sections 5095- 5100 – Control of Noise Exposure

Heat Stress

Safe work practices to provide training and protection from heat illness

CCR, Title 8, Chapter 4, Subchapter 7 – General Industry Safety Orders, Group 15, Article 10, Section 3395 – Heat Illness

CCR, Title 8, Section 1524

CCR, Title 8, Section 3363

Occupational Health, Safety and Industrial Hygiene

Continued

Hot Work

System is required to control workplace hazards associated with hot work, including procedures, safety precautions and training

CCR, Title 8, Subchapter 7 – General Industry Safety Orders, Group 11, Article 90 – Electric Welding, Cutting & Heating
CCR, Title 8, Subchapter 7 – General Industry Safety Orders, Group 10 – Gas Systems for Welding and Cutting
CCR, Title 8, Subchapter 14 – Petroleum Safety Orders – Drilling and Production, Article 8, Section 6531 – Gas and Vapor Testing
CCR, Title 8, Subchapter 14 – Petroleum Safety Orders, Article 6, Section 6521 – Hazardous Areas
CCR, Title 8, Section 1536. Ventilation Requirements for Welding, Brazing, and Cutting
CCR, Title 8 – Section 5189(K) Hot Work Permit

Injury & Illness Prevention Plan

Plan required to prevent injury and illness, including training

CCR, Title 8, Chapter 4, Subchapter 7, Group 1, Article 3203 – Group 1, General Physical Conditions

Injury & Illness Reporting

Occupational injuries and illnesses must be recorded under federal and state regulations

49 CFR Part 191, 192, 195 (DOT reporting)
CCR, Title 8, Chapter 3.2, Subchapter 2, Article 1, Section 340 – Posting Requirements of the Cal-OSHA Notice
CCR, Title 8, Chapter 3.2, Subchapter 2, Article 1, Section 342 – Reporting Work-Connected Injuries
CCR, Title 8, Chapter 7, Subchapter 1, Article 2, Section 14300 – Log and Summary of Occupational Injuries or Illnesses
CCR, Title 8, Chapter 4, Subchapter 7- General Industry Safety Orders, Group 16, Article 109, Section 5189(m)

Lighting

Provide working areas, stairways, aisles, passageways work benches and machines with adequate illumination

CCR, Title 8, Subchapter 7 – General Industry Safety Orders, Group 2, Article 7, Section 3317 – Illumination

Machine Guarding

Safe work practices required to ensure that equipment is properly guarded and that the machine is operated only when machine guarding is in place

CCR, Title 8, Subchapter 14 – Petroleum Safety Orders – Drilling and Production:
– Article 35, Section 6622 – Guarding
– Article 37, Section 6631 – Guarding
– Article 39, Section 6636 – Guarding Sheaves

Material Handling, Storage and Loading

Safe work practices required to prevent injuries and incidents during the handling, loading and storage of materials

CCR, Title 8, Subchapter 14 – Petroleum Safety Orders – Drilling and Production, Article 47, Section 6655 – General Safety
CCR Title 8, Subchapter 14 – Petroleum Safety Orders – Drilling and Production, Article 45, Section 6648 – Storage and Handling of Pipe
CCR, Title 8, Subchapter 14 – Petroleum Safety Orders – Drilling and Production – Article 45, Section 6663 – Hoists and Hoisting
CCR, Title 8, Subchapter 7 – General Industry Safety Orders, Group 16, Article 109, – Hazardous Substances and Processes
CCR, Title 8, Subchapter 7, General Industry Safety Orders, Group 1, Article 6 – Powered Platforms and Equipment
CCR, Title 8, Subchapter 7, General Industry Safety Orders, Group 4, Articles 23 through 27 – General Mobile Equipment and Auxiliaries
CCR, Title 8, Section 344.60 - Licensing of Certifiers of Cranes and Derricks–Requirements
CCR, Title 8, General Industrial Safety Orders, Sections 4884 - 5049 – Cranes and Other Hoisting Equipment
CCR, Title 8, Subchapter 4. Construction Safety Orders, Sections 1635.1 – 1655

Occupational Health, Safety and Industrial Hygiene

Continued

Medical and First Aid

Safe work practices required for providing medical care, first aid and supplies, including training and availability of supplies

CCR, Title 8, Subchapter 7 – General Industry Safety Orders, Group 2, Article 10, Section 3400 – Medical Services and First Aid
CCR, Title 8, Subchapter 14 – Petroleum Safety Orders – Drilling and Production, Article 4, Section 6511 & 6512 – First Aid & Medical Services
CCR, Title 8, Subchapter 7 – General Industry Safety Orders Group 16, Article 109, Section 5193 – Bloodborne Pathogens

Personal Protective Equipment (PPE)

Operations must be evaluated and PPE requirements determined, including selection, use, care and employee training

CCR, Title 8, Subchapter 7 – General Industry Safety Orders, Group 2, Article 10, Sections 3380 - 3390 – Personal Safety Devices and Safeguards
CCR, Title 8, Subchapter 14 – Petroleum Safety Orders – Drilling and Production, Article 5, Section 6513 – Clothing

Respiratory Protection and Ventilation

Program required to identify work areas or tasks requiring respiratory protection, specify proper selection, use and maintenance of protective equipment, and provide for training, medical evaluations and fit testing

CCR, Title 8, Subchapter 7 – General Industry Safety Orders, Group 16, Article 107, Section 5141 – Control of Harmful Exposures to Workers
CCR, Title 8, Subchapter 7 - General Industry Safety Orders, Group 16, Article 107, Section 5151 - Control of Hazardous Substances
CCR, Title 8, Subchapter 7 – General Industry Safety Orders, Article 107, Section 5144 – Respiratory Protection
CCR, Title 8, C.O.S.H. Regulations, Article 5, Section 339 – Hazardous Substance List
CCR, Title 8, Subchapter 4, Construction Safety Orders, Article 4, Section 1529 – Asbestos
CCR, Title 8, Section 5208
SCAQMD Rule 1403 – Asbestos emissions from demolition or renovation activities
CCR, Title 8, Subchapter 4 – Construction Safety Orders, Article 4, Section 1532.1 – Lead

Transportation on Public Roads

Federal & state regulations govern the labeling, storage and transportation of hazardous materials

49 CFR Part 172, 173, 178 & 179
California Motor Vehicle Code

Water Supply and Sanitation

Safe work practices including potable water supply and clean and sanitary workplaces, washing facilities and change rooms

CCR, Title 8, Section 1524 – Water Supply
CCR, Title 8, Section 3395
CCR, Title 8, Subchapter 7 – General Industry Safety Orders, Article 9, Sections 3360 - 3367 – Water Supply, Toilet rooms, Sanitation, Change Rooms

Protection of Air Quality

PRIMARY REGULATORS



South Coast AQMD



New Source Review for Air Permitting

New Source Review permit applications must be submitted to obtain a permit to construct (PTC) and permit to operate (PTO) for all new, modified or relocated equipment

SCAQMD Regulations I-IV
 SCAQMD Regulation XIII-XIV
 SCAQMD Rule 1401 – Toxic air contaminants for new or modified sources
 Federal Clean Air Act

Prevention of Significant Deterioration in Air Permitting

Air permit applications must be screened for PSD applicability, to determine if new emissions from a major new source or major modification of an existing source will not cause or contribute to exceedance of any National Ambient Air Quality Standards

SCAQMD Regulations I-IV SCAQMD Regulation XVII
 SCAQMD Rule 1701 – Prevention of Significant Deterioration
 SCAQMD Rule 1714 – Prevention of Significant Deterioration for Greenhouse Gases Federal Clean Air Act

Clean Air Act Title V Permit and Operating Requirements

Clean Air Act Title V Permits must be obtained from SCAQMD for any major stationary sources – a facility that has the potential to emit any criteria pollutant or hazardous air pollutant at or above specified levels

SCAQMD Regulations I, II, III, IV & XIV
 SCAQMD Regulation XX
 SCAQMD Regulation XXX
 SCAQMD Rule 3001 – Title V Permits
 Federal Clean Air Act

Clean Air Act Title III Permits

Clean Air Act Title III Permits must be obtained for sources of hazardous air pollutants (HAP) > 10 tons per year for any one HAP or > 25 tons per year for any combination of HAPs

SCAQMD Regulations I-IV SCAQMD Regulation X
 Federal Clean Air Act

State Operating Air Permits

Permits to operate are required from the SCAQMD (Rules 201 and 203) and CARB for applicable stationary and portable sources at operating locations, depending on NOx emissions

SCAQMD Regulations I, II, III, IV & XIV
 SCAQMD Rule 201
 SCAQMD Rule 203

Air Toxics Hot Spots Act Reporting and Health Risk Assessments

Requires facilities to report use of emission of potentially toxic materials, and perform a health risk assessment

Health & Safety Code Section 44300 - 44394
 CCR, Title 17, Section 93300.5 and CARB Emissions Inventory Criteria and Guidelines Report
 SCAQMD Rule 1401 – New Source Review of Toxic Air Contaminants
 SCAQMD Rule 1402 – Control of Toxic Air Contaminants from Existing Sources

AB 617 Community Air Quality Monitoring

New air monitoring program in disadvantaged communities that authorizes CARB to require fence-line monitoring and Best Available Retrofit Control Technology (BARCT) on industrial sources

Health & Safety Code Section 42705.5

Study of Neighborhood Air near Petroleum Sources

New air monitoring program by CARB in the vicinity of oil & gas production facilities

Health & Safety Code Section 42705.5

Emissions Inventory and Reporting

Emissions must be monitored or estimated and reported on an annual or quarterly basis to the SCAQMD under several regulatory programs

SCAQMD Regulations I-IV
SCAQMD Regulations XX
SCAQMD Regulations XXX
SCAQMD Rules 218, 1110.2 and 2012 – Monitoring and reporting emissions for gas engines
SCAQMD Rule 1148.1 – Oil and Gas Production Wells – Inspection and reporting of emissions from well cellars
SCAQMD Rule 1149 – Storage Tank Cleaning and Degassing
SCAQMD Rule 1166 – VOC Emissions from Decontamination of Soil
SCAQMD Rule 1173 and 1176 – Fugitive emissions

Chemical Use Inventory and Operational Reporting on Well Drilling, Completion and Maintenance

Requires notification of drilling, completion and well servicing activities, and submission of chemical usage inventory, reporting of combustion equipment usage and annual emissions estimates associated with drilling and well servicing

SCAQMD Regulation I, II, III, IV
SCAQMD Rule 1148.2

Air Quality Analysis, Modeling, Source Testing, Monitoring & Reporting

- Summary: State and Federal regulations require air quality analysis, modeling, source testing and monitoring and reporting. Prior to permitting new projects, emissions are evaluated using techniques such as engineering data, projected volumes and operating conditions and modeling.
- Source testing is required on combustion sources as described in individual air permits.
- For major sources, continuous emissions monitoring systems may be required for certain criteria pollutants, with quarterly and annual emissions reporting to the SCAQMD.

SCAQMD Regulations I-IV
SCAQMD Rule 109 – Recordkeeping for VOC emissions
SCAQMD Rule 218 – Continuous Emission Monitors
SCAQMD Rule 430 – Identification of notification requirements for equipment breakdown (for non-RECLAIM equipment)
SCAQMD Rule 463 – Storage of Organic Liquids
SCAQMD Rule 1107 – Coating of Metal Parts and Products
SCAQMD Rule 1113 – Architectural Coatings
SCAQMD Rule 1118.1 – Emissions from Non-Refinery Flares
SCAQMD Rule 1148.1 – Oil and Gas Production Wells
SCAQMD Rule 1148.2 – Notification and Reporting for Oil and Gas Wells and Chemical Suppliers
SCAQMD Rule 1149 – Storage Tank Cleaning and Degassing
SCAQMD Rule 1166 – Emissions from Soil Remediation
SCAQMD Rule 1168 – Adhesives and Sealants
SCAQMD Rule 1171 – Solvent Cleaning Operations
SCAQMD Rule 1173 – Control of VOC Leaks and Releases from Components at Petroleum and Chemical Plants
SCAQMD Rule 1176 – VOC Emissions from Wastewater Systems
SCAQMD Rule 2012 – Monitoring, Reporting and Recordkeeping for NOx Emissions

Continued

Air Emission Controls, Operating Parameters, and Performance Standards

Air permits for stationary sources identify and require the facility to install Maximum Achievable Control Technology (MACT), Best Available Control Technology (BACT) and Lowest Achievable Emission Reduction (LAER) on new, modified or relocated emission sources.

These permits typically require tanks, separators, compressors, pressure vessels and other oil and gas production facilities to be connected to vapor recovery systems and to high-efficiency flares to reduce air emissions

SCAQMD Regulation XIII
SCAQMD Regulation XXX
SCAQMD Rule 201 – Permit to Construct
SCAQMD Rule 203 – Permit to Operate
SCAQMD Rule 463 – Organic Liquid Storage
SCAQMD Rule 1303 – Best Available Control Technology

Leak Detection and Repair

Leak Detection and Repair (LDAR) programs are required from fittings, valves and components, including quarterly inspections, monitoring and reporting

SCAQMD Rule 1173 – Control of VOC Leaks and Releases from Components at Petroleum and Chemical Plants
SCAQMD Rule 1176 – VOC Emissions from Wastewater Systems

Emissions Reporting for Breakdowns or Upset Conditions

Breakdown of permitted air pollution emitting or control equipment must be promptly reported. Repairs must be completed within 24 hours, or the unit shut down. Emissions during an upset must be estimated and reported, and a written report must be submitted to the SCAQMD within 7 days after a breakdown condition.

SCAQMD Regulations I-IV
SCAQMD Rule 430 (Non-RECLAIM permits)
SCAQMD Rule 2004 (RECLAIM permits)

Crude Oil Well Cellars and Tanks

Well cellars must be kept free of hydrocarbon liquids Tanks must be operated vapor tight (<1,000 ppm)
Fixed roof organic liquid storage tanks with a capacity of 471 bbl or greater must be equipped with a 95% efficient vapor collection and control system

SCAQMD Rule 463 – Storage of Organic Liquids
SCAQMD Rule 1148.1 – Oil & Gas Production Wells
SCAQMD Rule 1148.2 – Notification and Reporting for Oil and Gas Wells and Chemical Suppliers
SCAQMD Rule 1176 – VOC Emissions from Wastewater Systems

Internal Combustion Engines in Stationary Equipment

Stationary equipment with internal combustion engines rated 50 hp or greater must obtain an air permit and is subject to additional emission controls and reporting. Equipment with a lower rating does not require a specific permit but must meet certain emission limitations.

SCAQMD Regulations I-IV
SCAQMD Rule 219 – Equipment Not Requiring a Written Permit
SCAQMD Rule 401 – Visible Emissions
SCAQMD Rule 431.1 – Sulfur Content in Gaseous Fuels
SCAQMD Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines
SCAQMD Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines
SCAQMD Rule 1472 – Requirements for Facilities with Multiple Stationary Emergency Standby Diesel-Fueled
Internal Combustion Engines

Continued

Painting and Sandblasting

Painting and sandblasting require a permit by rule, with emission limitations and associated recordkeeping

SCAQMD Regulations I-IV
SCAQMD Rule 109 - Recordkeeping for VOC Emissions SCAQMD Rule 1106
SCAQMD Rule 1107
SCAQMD Rule 1113
SCAQMD Rule 1140

Emission Reduction Credits (ERCs)

Air permit applications for new or modified facilities above certain thresholds must offset additional emissions by acquiring and surrendering Emissions Reduction Credits (ERCs).

SCAQMD Regulation XIII

Methane Emissions

Specific leak detection and repair and retrofitting of equipment is required from certain wells, separators and tank systems, pumps, compressors and associated equipment

CCR, Title 17, Division 3, Chapter 1, Subchapter 10 - Climate Change, Article 4, Sections 96556 - 95677 – Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities

Greenhouse Gas Emissions

Emissions of greenhouse gases above specific thresholds or from major sources of criteria pollutants require federal and state permits. Certain oil & gas facilities are required to reporting greenhouse gas emissions annually and to acquire and surrender greenhouse gas emission allowances or offsets.

CCR, Title 17, Division 3, Chapter 1, Subchapter 10, Article 2 - Mandatory Greenhouse Gas Reporting - Section 95101(b)

CCR Title 17, Division 3, Chapter 1, Subchapter 10 - Climate Change, Article 5, Subarticle 7 - Compliance Requirements for Covered Entities -Section 95850 - 95856

Process Safety Management

PRIMARY REGULATORS



Process Safety Management

Process safety program required for facilities that store quantities of hazardous materials above certain thresholds. Required program elements for the covered process include:

- Process safety information such as safety data sheets, facility technical information
- Process Hazard Analysis
- Training and awareness of employees and contractors
- Pre-Start Up Safety Review
- Mechanical Integrity program for process components
- Hot Work Permit
- Management of Change Incident Investigation
- Emergency Preparedness & Response
- Injury and Illness Prevention Program with inspections of the covered process
- Employee Participation

Risk Management Planning

Requires facilities that store quantities of hazardous materials above certain thresholds to prepare and submit a Risk Management Plan, including an emergency response program, employee participation and training, process safety metrics

CCCR, Title 8, Division 1, Chapter 4, Subchapter 8, Group 16, Article 109 – Section 5189 – Cal/OSHA Process Safety Management Regulations

29 CFR Part 1910.119 – Federal OSHA Process Safety Management Regulations

CCR, Title 19, Division 2, Chapter 4.5, Section 2755.5 - 2785.1– California Accidental Release Prevention Program (OES)

40 CFR Part 68 – U.S. EPA Risk Management Planning Regulations

Mechanical Integrity

PRIMARY REGULATORS



Division of Oil, Gas, and Geothermal Resources



U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration



Maintenance of Controls and Monitoring Systems

Requires inspection and maintenance of control and monitoring systems in facilities handling threshold quantities of hazardous materials

CCR, Title 8, Division 1, Chapter 4, Subchapter 8, Group 16, Article 109 – Section 5189 – Cal/OSHA Process Safety Management Regulations
29 CFR Section 1910.119 – Federal OSHA Process Safety Management Regulations
CCR, Title 19, Division 2, Chapter 4.5, Section 2755.5 - 2785.1– California Accidental Release Prevention Program (OES)
40 CFR Part 68 – U.S. EPA Risk Management Planning Regulations

Maintenance of Alarms

Requires inspection and maintenance of alarm systems

CCR, Title 8, Chapter 4, Subchapter 7 (General Safety Orders), Group 27, Article 165 – Employee Alarm Systems

Maintenance of Detection Systems

Requires calibration, inspection and maintenance of gas detection systems

CCR, Title 8, Subchapter 14, - Petroleum Safety Orders – Drilling and Production, Article 8, Section 6531 – Gas and Vapor Testing

Maintenance of Electrical Systems

Requires inspection and maintenance of electrical systems

CCR, Title 8, Chapter 4, Chapter 4, Subchapter 5 – Electrical Safety Orders

Maintenance of Emergency Shutdown Systems

Requires inspection and maintenance of emergency shutdown systems in facilities handling threshold quantities of hazardous materials

CCR, Title 8, Division 1, Chapter 4, Subchapter 8, Group 16, Article 109 – Section 5189 – Cal/OSHA Process Safety Management Regulations
29 CFR Section 1910.119 – Federal OSHA Process Safety Management Regulations
CCR, Title 19, Division 2, Chapter 4.5, Section 2755.5 - 2785.1– California Accidental Release Prevention Program (OES)
40 CFR Part 68 – U.S. EPA Risk Management Planning Regulations

Maintenance of Fixed Fire Suppression Systems

Requires inspection and maintenance of fixed fire suppression systems

CCR, Title 8, Section 6175 – Fixed Fire Extinguishing Systems
CCR, Title 8, Section 6165 – Standpipe and Hose Systems

Maintenance of Passive Fire Protection

Requires inspection and maintenance of passive fire protection

CCR, Title 8, Subchapter 7, General Industry Safety Orders, Group 27 – Fire Protection
CCR, Title 8, Subchapter 14 – Petroleum Safety Orders – Drilling and Production, Article 6, Section 6518 - 6527 – Fires and Explosions
CCR, Title 8, Chapter 4, Subchapter 7 (General Safety Orders), Group 1, Article 2, Section 3221 – Fire Prevention Plan
CCR, Title 8, Chapter 4, Subchapter 14 (Petroleum Safety Orders), Article 6, Section 6519 – Fire Protection and Fire Fighting Equipment
California Fire Code, Article 80

Maintenance of Portable Fire Suppression Equipment

Requires inspection and maintenance of portable fire suppression equipment

CCR, Title 8, Chapter 4, Chapter 4, Subchapter 7 (General Safety Orders), Group 1, Article 2, Section 3221 – Fire Prevention Plan
CCR, Title 8, Chapter 4, Chapter 4, Subchapter 7 (General Safety Orders), Group 27, Sections 6150 - 6184 – Fire Protection
CCR, Title 8, Chapter 4, Subchapter 14 (Petroleum Safety Orders), Article 6, Section 6519 - Fire Protection and Fire Fighting Equipment
California Fire Code, Article 80

Maintenance of Compressors

Requires inspection and maintenance of compressors

CCR, Title 8, Chapter 4, Subchapter 7 (General Industry Safety Orders), Group 2, Article 7 (Miscellaneous Safe Practices), Section 3328 – Machinery and Equipment
CCR, Title 8, Chapter 4, Subchapter 14 (Petroleum Safety Orders, Drilling and Production), Article 16 – Gas Compressors and Engines
CCR, Title 8, Chapter 4, Subchapter 15 (Petroleum Safety Orders, Transportation), Article 21 – Gas Compressors and Engines
CCR, Title 8, Chapter 4, Subchapter 7 (General Industry Safety Orders), Group 3, Article 17, Section 3518 – Air Compressors

Maintenance of Pumps

Requires inspection and maintenance of pumps

CCR, Title 8, Chapter 4, Subchapter 7 (General Industry Safety Orders), Group 2, Article 7 (Miscellaneous Safe Practices), Section 3328 – Machinery and Equipment
CCR, Title 8, Chapter 4, Subchapter 7 (General Safety Orders), Group 6 – Power Transmission Equipment, Prime Movers, Machines and Machine Parts
CCR, Title 8, Chapter 4, Subchapter 14 (Petroleum Safety Orders, Drilling), Article 38 – Pumps and Pump Pressure Relief Devices
CCR, Title 8, Chapter 4, Subchapter 15 (Petroleum Safety Orders, Transportation), Article 16, Section 6844 – Pumps

Maintenance of Valves

Requires inspection and maintenance of valves

CCR, Title 8, Chapter 4, Subchapter 7 (General Industry Safety Orders), Group 2, Article 7, Section 3321 – Identification of Piping
CCR, Title 8, Chapter 4, Subchapter 14 (Petroleum Safety Orders, Drilling & Production), Article 9, Section 6533 – Pipe Lines, Fittings & Valves
CCR, Title 8, Subchapter 15 (Petroleum Safety Orders, Transportation), Article 16, Section 6845 – Piping, Fitting & Valves

Maintenance of Piping Systems

Requires inspection and maintenance of piping systems

CCR, Title 8, Chapter 4, Subchapter 7 (General Industry Safety Orders), Group 2, Article 7, Section 3321 – Identification of Piping
CCR, Title 8, Chapter 4, Subchapter 7 (General Industry Safety Orders), Group 2, Article 7, Section 3329 – Pipe Lines
CCR, Title 8, Chapter 4, Subchapter 14 (Petroleum Safety Orders, Drilling & Production), Article 9, Section 6533 – Pipe Lines, Fittings & Valves
CCR, Title 8, Chapter 4, Subchapter 15 (Petroleum Safety Orders, Transportation), Article 16, Section 6845 – Piping, Fittings & Valves

Maintenance of Relief Devices

Requires inspection and maintenance of relief devices

CCR, Title 8, Chapter 4, Subchapter 1, Article 3 (Air Tanks) Section 465: Safety Devices and Systems
CCR, Title 8, Chapter 4, Subchapter 14 (Petroleum Safety Orders, Drilling), Article 15, Sections 6551, 6552 & 6634 – Unfired Pressure Vessels, Boilers, and Fired Pressure Vessels and Pressure Relief Devices
CCR, Title 8, Chapter 4, Subchapter 14 (Petroleum Safety Orders, Drilling & Production), Article 38, Section 6634 – Pumps and Pump Pressure Relief Devices
CCR, Title 8, Chapter 4, Subchapter 15 (Petroleum Safety Orders, Transportation), Article 18, Sections 6857 - 6858 – Unfired Pressure Vessels, Boilers, and Fired Pressure Vessels and Pressure Relief Valves

Mechanical Integrity

Continued

Mechanical Integrity of Storage Tanks

DOGGR regulates mechanical integrity inspections and maintenance of above ground oil & gas production storage tanks, with additional requirements for tank within 300 feet of residences and other sensitive land uses

Public Resources Code Sections 3106 and 3270

CCR, Title 8, Chapter 4, Chapter 4, Subchapter 7 (General Safety Orders), Group 20, Article 145 – Tank Storage

CCR, Title 8, Chapter 4, Subchapter 14 (Petroleum Safety Orders, Drilling), Article 14, Sections 6456 - 6457 – Reservoirs and Stationary Tanks

CCR, Title 8, Chapter 4, Subchapter 14 (Petroleum Safety Orders, Drilling), Article 17 – Identification of Wells and Equipment

CCR, Title 8, Chapter 4, Subchapter 15 (Petroleum Safety Orders, Transportation), Article 9 – Tanks and Reservoirs

CCR, Title 14, Division 2, Chapter 4, Subchapter 2, Article 3, Section 1773 – Production Facilities Containment, Maintenance, and Testing

CCR, Title 14, Division 2, Chapter 4, Subchapter 2, Article 3, Section 1777 – Maintenance and Monitoring of Production Facilities, Safety Systems, and Equipment

Mechanical Integrity of Boilers & Pressure Vessels

Requires mechanical integrity inspection and maintenance of boilers and pressure vessels

CCR, Title 8, Chapter 4, Subchapter 1 – Unfired Pressure Vessel Safety Orders CCR, Title 8, Chapter 4, Subchapter 1, Article 3 – Air Tanks

CCR, Title 8, Chapter 4, Subchapter 14 (Petroleum Safety Orders, Drilling), Article 15, Sections 6551 - 6552 – Unfired Pressure Vessels, Boilers, and Fired Pressure Vessels and Pressure Relief Devices

CCR, Title 8, Chapter 4, Subchapter 14 (Petroleum Safety Orders, Drilling and Production), Article 17, Section 6556 – Identification of Wells and Equipment

CCR, Title 8, Chapter 4, Subchapter 15 (Petroleum Safety Orders, Transportation), Article 18, Sections 6857 - 6858 – Unfired Pressure Vessels, Boilers, and Fired Pressure Vessels and Pressure Relief Valves

CCR, Title 8, Chapter 4, Circular Letter PV-2006-4 – Standard for Acceptance of Non-Code Boilers and Pressure Vessels

CCR, Title 8, Subchapter 14 – Petroleum Safety Orders – Drilling and Production, Article 3, Sections 461 - 466 – Air Tanks

Pipeline Integrity Management

Federal & state regulations require pipeline integrity management plans for natural gas and crude oil pipelines including, among numerous other requirements, the installation of leak detection technology, automatic shutoff systems, or remote controlled sectionalized block valves or any combination of these technologies on new or replacement pipelines and retrofitting certain existing pipelines, and increased integrity testing for both jurisdictional pipelines and gas gathering lines within 300 feet of residences and other sensitive land uses.

49 CFR Part 192 – Transportation of Natural and Other Gas by Pipeline

49 CFR Part 195 – Transportation of Hazardous Liquids by Pipeline

Government Code Sections 51010-51019.1 (Elder Pipeline Safety Act and AB 864)

Public Resources Code Sections 3270.5 and 3270.6 and Health & Safety Code Section 101042 (AB 1420)

CCR, Title 8, Chapter 4, Subchapter 7 (General Industry Safety Orders), Group 2, Article 7, Section 3321 – Identification of Piping

CCR, Title 8, Chapter 4, Subchapter 7 (General Industry Safety Orders), Group 2, Article 7, Section 3329 – Pipe Lines

CCR, Title 8, Chapter 4, Subchapter 14 (Petroleum Safety Orders, Drilling & Production), Article 9, Section 6533 – Pipe Lines, Fittings & Valves

CCR, Title 8, Chapter 4, Subchapter 15 (Petroleum Safety Orders, Transportation), Article 16, Section 6845 – Piping, Fittings & Valves

CCR, Title 14, Division 2, Chapter 4, Subchapter 2, Article 3, Section 1774 – Oilfield Facilities and Equipment Maintenance

Emergency Preparedness & Response

PRIMARY REGULATORS



Hazardous Materials Business Plan

Requires facilities that handle hazardous materials above a threshold quantity to submit an annual Hazardous Materials Business Plan to the CUPA and prepare a site map, develop an emergency response plan, and implement a training program for employees

California Health and Safety Code Division 20, Chapter 6.11, Sections 25500 - 25520
CCR, Title 19, Division 2, Chapter 4, Article 4
40 CFR Part 370.25

Release Reporting

The facility is required to make timely notifications of reportable releases

CCR, Title 14, Section 1722
CCR, Title 19, Section 2703

Spill Prevention Control & Countermeasure Plan

- Facilities required to have a Spill Prevention Control and Countermeasure (SPCC) Plan that provides for containment measures, inspection, notification and response in the event of a spill, including reporting, contingency planning, training and drills, incident command and safety.
- Agencies participate in annual tabletop drills with periodic full boom deployment exercises to ensure experienced personnel are ready in the event of a spill or release.
- A certified "Oil Spill Response Organization" is under contract to respond to spills, if additional resources are needed.
- The facility must provide a certificate of financial responsibility to address the costs of an oil spill.

40 CFR Part 112
California Oil Spill Prevention and Response Act (SB 2040)
Oil Pollution Control Act of 1990 overlaps with the state's Lempert-Keene-Seastrand Oil Spill Prevention Response Act
California Water Code 13271 – Release to Navigable Waters
CCR, Title 14, Sections 790 - 820.02 and 877-880 – Oil Spill Prevention and Response Planning
CCR, Title 14 Sections 1722 and 1773.1

Emergency Action Plan

Facilities required to have an Emergency Action Plan including notification, evacuation, account for personnel, marking of exits, training and drills, and incident command.

49 CFR Part 192.615 – Emergency Plans
49 CFR Part 194 – Response Plans for Onshore Oil Pipelines
49 CFR Part 192.605 and 49 CFR Part 195.403 – Emergency Response Training
49 CFR Part 195.402 – Procedural Manual for Operations, Maintenance, and Emergencies
CCR, Title 8, Subchapter 7, General Industry Safety Orders, Group 16, Article 109, Section 5192 – Hazardous Waste Operations and Emergency Response
CCR, Title 8, Subchapter 7, Section 3220 – Emergency Action Plans
CCR, Title 8, Subchapter 14 – Petroleum Safety Orders – Drilling and Production, Article 21, Section 6579 – Access to and Exit from Derrick and Rig Floor

Subsurface Operations

PRIMARY REGULATORS



Division of Oil, Gas, and Geothermal Resources



State and Regional

Permitting of Subsurface Operations

State regulations specify requirements for permitting, drilling, completion, servicing, plugging and abandonment of all oil and gas wells, with additional safety measures required for operations within 300 feet of residences and other sensitive land uses.

A Notice of Intent must be filed before commencing any operation permanently altering the casing of a well. Additional permits or approvals are required for well stimulation, with involvement of other state agencies.

Public Resources Code Section 3203

Oil & Gas Well Testing

Well integrity testing is required in a manner and frequency approved by DOGGR

CCR, Title 14, Sections 1724 et seq and 1748
CCR, Title 14, Section 1772 et seq

Fluid Injection

Fluid injection requires specific permits or approvals with detailed submissions to multiple agencies, monitoring of injection pressures, periodic testing of injection wells and detailed reporting of water sources and disposition

40 CFR Parts 144, 145, 146 & 148
CCR, Title 14, Sections 1724 et seq and 1748
Public Resources Code Section 3227 (SB 1281)
Health and Safety Code 25159 – 25159.25 (Prop 65)

Groundwater Monitoring

Groundwater monitoring is required for well stimulation operations in areas with protected water, and well stimulation requires additional permits and approvals from multiple agencies

Public Resources Code Sections 3150 - 3161 (SB 4)
CCR, Title 14, Division 2, Chapter 4, Subchapter 2, Article 4, Sections 1781-1789

Idle Well Management

Requires additional testing of idle wells and planned abandonment of long-term idle wells, with payment of additional fees

Public Resources Code Sections 3202 - 3208.1 (AB 2729)
CCR, Title 14, Section 1772 et seq

Additional Water Quality Protection

PRIMARY REGULATORS



Division of Oil, Gas, and Geothermal Resources



State and Regional



Maintenance of Well Cellars

Well grating, cellar boards and flooring must be maintained in good condition and kept drained of fluids
Sumps must be covered to prevent entry of wildlife

CCR, Title 14, Section 1774 – Oilfield Facilities and Equipment
CCR, Title 14, Section 1770 – Sumps

Protection of Water Quality

The facility must obtain a permit prior to discharging from any point source any pollutant to waters of the State, including storm water from industrial or construction sites

Clean Water Act Section 404 40 CFR Part 122.26
Health & Safety Code Sections 25249.5 - 25249-13

Waste Disposal

Federal and state regulations require that waste be characterized and disposed at an approved disposal site and preparation of waste minimization and pollution prevention plans

40 CFR Part 260
Health & Safety Code, Division 20, Chapter 6.5, Sections 25100 - 25259
CCR, Title 22, Section 66250 - 67100
CCR, Title 14, Sections 17301 - 17350

ATTACHMENT 5

3/21/2018 DPH REPORT COMMENT LETTER



DATE: March 21, 2018

TO: Uduak-Joe Ntuk, Petroleum Administrator, City of Los Angeles

FROM: Rock Zierman, CEO, California Independent Petroleum Association

RE: Los Angeles County Department of Public Health's Report on Public Health and Safety Risks of Oil and Gas Facilities in Los Angeles County

As Los Angeles Basin oil and gas producers, we fully understand the public has questions surrounding our operations. People want to know that their natural resources are being produced safely and that our government agencies take their regulatory responsibilities seriously. We also fully understand that natural resources are foundational to our economy, our national security, and our way of life. Nowhere do these two drivers – safe, responsible production alongside growing public demand – express themselves more fully than in Los Angeles. Oil production facilities in operation for more than a century are now surrounded by dense urban development and that neighboring community expects operational excellence. Operators desire the community to be informed and reasonable in its expectations. We can achieve both.

As you review the DPH Report, we urge you to also consider the decades of research and studies conducted by regulatory agencies throughout the State of California, as well as other academic researchers. That body of work speaks to the safety of oil and natural gas production under California's leading environmental standards.

As-written, the DPH Report's conclusions and recommendations lack grounding in scientific research. Specifically, the DPH Report:

- Lacks objective scientific data from LA County operations to support its own conclusions and recommendations,
- Relies on other jurisdictions outside of California when making recommendations or claims,
- Uses weak and unsubstantiated science,
- Uses misleading language,
- Ignores DPH's own data and previous studies,
- Recommends new regulations without addressing and enforcing current regulations in place, and
- Fails to recommend leveraging existing statewide funds and programs that would provide an inclusive urban air monitoring study in the summer of 2018.

Before policymakers adopt changes that will disrupt the local economy without actually improving public health, we would urge you to base your decisions on science. Here are some key data points to consider:



DPH Report lacks objective scientific data from LA County operations to support its own conclusions and recommendations.

- The report repeatedly acknowledges that studies have not shown a causal relationship between oil and gas facilities in LA County and adverse health effects.
- The report then dismisses the lack of a causal relationship with LA County operations, claiming “limitations of epidemiological studies,” “predicted effects,” “limited associations” and “lack of data.” Rather than asking the State to collect further data through the Study of Neighborhood Air Near Petroleum Sources (SNAPS) program, the report then recommends imposing significant new requirements on urban oil and gas operations. In doing so, the report ignores that its own LA County Oil and Gas Strike Team inspections of dozens of operations did not find safety or operational issues such as those observed at AllenCo and Firmin Street near downtown Los Angeles.
- The report implies criticism of Long Beach, Signal Hill and other cities with 300-foot setbacks, without noting their decades of direct operation and close oversight of oil and gas fields.
- As continuous examples and reports have shown, all aspects of LA County oil and gas operations are highly regulated. Therefore, mentioning “chemicals” is misleading as there is no context given to quantities or concentrations used, the equipment in which they are used, and the regulatory limits imposed on their use. The County’s own Fire Department oversees industrial chemical usage, including that associated with our operations.
- Unlike the Strike Team report, the DPH report did not include technically qualified or licensed experts on oil and gas well drilling, well stimulation or petroleum production. The list of report authors does not include any California-licensed engineers or geologists, or experienced petroleum engineers.

When comparing LA County oil and gas production to other jurisdictions, DPH chose to focus on distant states with vastly different operations and ignore the experience of local governments like Long Beach, Signal Hill and Kern County, which already have rigorous regulatory oversight over the industry.

- DPH based its report primarily on a literature review and phone calls with jurisdictions outside California.
- DPH presented a summary of setback distances adopted by various jurisdictions around the country, like Colorado and Texas, but just showing the setback is misleading. DPH did not acknowledge or describe the substantial differences in both oil and gas operations and regulatory standards between those jurisdictions and LA County operations. For example, none of the out-of-state jurisdictions have the emission controls in place required in the South Coast AQMD, so those jurisdictions are not directly applicable to operations in LA County.



- The discussion of setback distances in conjunction with other mitigation measures suggests LA County is considering a multifaceted approach to new ordinances, but acknowledges that some aspects of production are under the jurisdiction of other agencies such as DOGGR.
- While there are always limitations to studies, DPH reported that the available epidemiology studies could not support a conclusion “whether or not living near oil and gas activities is associated with long term health impacts.”
- One study that was a part of the epidemiological review drew health impact conclusions from those living near development in the Amazon Basin, which doesn’t have the same access to quality healthcare or stringent regulations in place as LA County.
- Areas that don’t apply California’s leading safety, labor and environmental standards were referenced, and in fact given more weight by DPH than studies in California.
- These other areas like Colorado and Texas operate high-pressure gas wells unlike LA’s low-pressure oil wells, a significant and important difference.
- Most of these areas are generally rural, unlike the regulations already in place in urban drilling sites.
- Additionally, we were surprised to learn that DPH contacted the State of Maryland, which is not a major oil and gas producing state, and yet ignored the Cities of Long Beach and Signal Hill when inquiring about setbacks.

DPH excludes its own data and previous studies.

- The report never mentions DPH’s comprehensive 2011 Community Health Assessment of the Inglewood Field, which found the health of residents near the field to be similar to the health of residents throughout Los Angeles County.
- The Strike Team conducted an audit and inspection of 557 wells and 15 oil and gas facilities in Los Angeles County during 2017 and noted that health risks were considered low, however DPH largely ignored the Strike Team findings in its report and recommendations.

DPH recommends new regulations without addressing and enforcing current regulations in place.

- The report should have been more direct and candid about the extensive oversight already applied to oil and gas production in LA County.
- In Long Beach, for example, the City is the operator of the Wilmington Field, and 26 federal, state and local agencies oversee production from safety, drilling, facilities, chemical use and emissions control to emergency response.
- California regulators know more about local oil and gas operations than they do about almost any other type of facility or operation – whether private or governmental. In fact, in the report’s discussion of risks and chemicals, oil and gas operations are not exceptional. DPH could have substituted hospitals, universities, county and utility maintenance yards, water treatment and sanitation



facilities, airports, and bioscience, aerospace and manufacturing facilities for “oil and gas facilities” in the report and draw the same conclusions.

- These other facilities routinely use and store large quantities of chemicals that are potentially hazardous.
- Most of these facilities are regulated by fewer agencies than oil and gas facilities.
- Many of these are also closer to residences than oil and gas wells.

DPH did not leverage existing statewide funds to conduct an inclusive air monitoring study.

- The report references the California Air Resources Board’s community sampling program – called SNAPS or Study of Neighborhood Air Near Petroleum Sources. SNAPS is fully funded by taxes on industry like greenhouse gas allowances, and CARB is currently selecting statewide locations to sample this summer. We were surprised that DPH didn’t specifically request that CARB prioritize urban LA sites for air sampling, including the two case studies – AllenCo and Firmin Street – as well as Southern California’s largest open petroleum seep at the La Brea Tar Pits.
- Leveraging the State’s SNAPS program would be a quick way to:
 - Close data gaps identified by DPH in the next few months,
 - Reduce the speculative nature of the report’s comments on air quality and,
 - Identify what additional measures, if any, may actually be warranted to address emissions in the community, whatever the sources.
- We hope the County will constructively leverage the existing, fully-funded SNAPS program to answer questions posed by the DPH report and identify ways to improve air quality in urban areas, from whatever source, and use the SNAPS sampling data to prioritize verified emissions sources for additional review and mitigation.

The report closely evaluates and describes the Department’s concerns about two urban sites (AllenCo and Firmin Street) from 2013-2016, both of which were closed by regulatory agencies.

- Similar concerns were not found in the Strike Team’s inspections of hundreds of wells from other operators in 2017 by the Public Health, Regional Planning and Fire Departments.
- Even at AllenCo, DPH’s own investigation noted that about 46 percent of local residents were not even aware of their proximity to an oil production site, casting doubt on the level of disturbance from these operations. However, DPH’s report extrapolated the AllenCo and Firmin issues to all wells in urban residential areas County-wide.
- The County should focus on the dense urban sites where concerns have been raised, not try to cast a broad net over all wells across the County, and should expressly exclude oil and gas operations already closely regulated by cities like Long Beach and Signal Hill.



- Having the SNAPS results will help the County to prioritize resources and operations for further study, rather than applying a one-size-fits-all approach that the report seems to suggest and that runs counter to the Strike Team findings.

The report does not consider that the oil and gas operations, including the drilling of wells and construction of tanks and other facilities, preceded the building and of nearby structures.

- It is important to recognize that oil and gas wells and facilities did not move into the dense residential areas identified by the DPH, but rather housing was built around them as a result of land use decisions by the city.
- With the current regulations that are enforced and adhered to, the Strike Team concluded that “the risk levels were considered low for risks associated with hydrogen sulfide gas, operating pressure, and drilling frequency.

It is important to note that oil production has been part of the history of Los Angeles County for more than 100 years. The industry is regulated by more than 26 local, state and federal agencies, and operates under the strictest safety and environmental regulations in the world. Oil production continues to play an instrumental role in sustaining the region’s middle class, and generates more than \$1.8 billion for our local economy, including more than \$200 million in state and local taxes. That money is used on key public services including education and public health and safety.

Additionally, California produces only 28% of the oil and gas it consumes and imports the rest. New restrictions on oil and gas production in Los Angeles means California will need to tanker in more imported oil into its busy ports from foreign countries with abysmal human rights records and few environmental protections to support its energy demands.

On a final note, local oil and gas producers in LA County and City comply with extensive and stringent emission regulations enforced by the South Coast Air Quality Management District (SCAQMD). These regulations are specifically designed to protect public health and safety by controlling air emissions and odors for people living and working near production facilities. Given that these producers already abide by the already strictest environmental controls in the nation, the addition of these unnecessary further restrictive measures would most likely adversely impact their business and the local economy.

CIPA is committed to working with the city to bolster public understanding of our operations. CIPA represents the major oil producers with operations within the CITY/COUNTY including Sentinel Peak Resources, California Resources Corporation, E&B Natural Resources, Signal Hill Petroleum, Termo, Brea Canyon, Breitburn Energy, and Pacific Coast Energy Corporation.

ATTACHMENT 6

5/8/2018 MRS LETTER TO DPH



MRS Environmental Inc.

May 8, 2018

Cyrus Rangan, Director
Toxicology and Environmental Assessment
Los Angeles County Department of Public Health
695 S. Vermont Avenue,
South Tower, 14th Floor,
Los Angeles, CA 90005

Re: Review of DPH letter to CIPA

Dear Dr. Rangan:

MRS Environmental has reviewed your April 26, 2018 letter to the California Independent Petroleum Association (CIPA) that provides a response to CIPA's comments on the Department of Public Health (DPH) Report on Public Health and Safety Risks of Oil and Gas Facilities in Los Angeles County. In that letter, DPH makes certain assertions that are of concern to MRS Environmental about the DPH Report and the potential for the public to be misled in regard to MRS's involvement in said report. In an attempt to clarify potential misconceptions that may emanate from your letter, MRS would like to make the record clear by stating that while we reviewed various early drafts of the DPH Report, at the request of the Department of Regional Planning, and provided hundreds of comments on the Report; 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. MRS wants to make the record clear that MRS did not serve as a technical expert or preparer of the DPH Report. Furthermore, MRS does not endorse, support or agree with the DPH Report in its final form.

If you have any questions, please do not hesitate to call me at 805.289.3930. I can also be reached by email at luis.perez@mrsenv.com.

Best Regards,

A handwritten signature in black ink, appearing to read "Luis F. Perez". The signature is fluid and cursive, with a prominent initial "L" and "P".

Luis F. Perez
Senior Project Manager

cc: Angelo Bellomo, DPH
Rock Zierman, CIPA
Amy Bodek, DRP
Elaine Lemke, County Counsel

ATTACHMENT 7

2014 VENTURA COUNTY COUNSEL VESTED RIGHTS MEMO

**MEMORANDUM
COUNTY OF VENTURA
COUNTY COUNSEL'S OFFICE**

**LEGAL ANALYSIS OF ANTIQUATED OILFIELD
CONDITIONAL USE PERMITS**

The County of Ventura's ("County") ability to impose new conditions on antiquated oilfield permits is very limited. Because of the vested rights doctrine and constitutional protections afforded these permits, the County can impose new, narrowly tailored conditions on these permits only when a compelling public necessity, such as danger, harm or public nuisance, or significant violations exist, and not through an ordinary exercise of the police power for the general welfare.

If an antiquated oilfield permit contains open-ended conditions that allow for future requirements or modifications to the permit, the permit language might provide a limited basis for new conditions based on the terms of the permit. Older permits do not contain such language, and imposition of new conditions under this theory would require detailed analysis of each permit's terms and the conditions sought.

ANALYSIS

A. BACKGROUND

The drilling of wells for oil and gas production has been continuously subject to a permit from the County since the adoption of the County's first zoning ordinance in 1947. (Ventura Co. Ord. No. 412, §16 II.10., adopted March 18, 1947.)

Over time, the zoning ordinance has become more stringent in its regulation of oil and gas exploration and production and the conditions imposed on use permits have become more stringent. The language authorizing the oil and gas exploration and production use in permits, as well as conditions on the permits, vary greatly depending on when the use permit was first issued or later modified at the permittee's request.

The County's ordinance provisions for oil permits must be interpreted in a manner consistent with constitutional requirements, as analyzed below.

B. VESTED RIGHTS AND PERMIT MODIFICATIONS

A county may, under its police power, impose new requirements on an antiquated oilfield conditional use permit when a modification to the permit is sought by the

permittee. In such instances a county has broad powers to apply new modern conditions to a permittee-initiated request, subject to principles of reasonable relationship, essential nexus, rough proportionality and preemption. (See Gov. Code, § 65909; *Nollan v. California Coastal Com'n* (1987) 483 U.S. 825 [107 S.Ct. 3141]; *Dolan v. City of Tigard* (1994) 512 U.S. 374 [114 S.Ct. 2309]; *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1618-1624.)

Vested rights limit the power of a county to impose new, more restrictive zoning regulations, new conditions and other use limitations on a property owner after a certain point in the approval process or after actual development has occurred. (See *City of Claremont v. Kruse* (2009) 177 Cal.App.4th 1153, 1179 [holding that zoning moratorium may operate retroactively to require denial of pending applications or nullify permits issued but not utilized, but may not operate retroactively to divest permittee of vested rights previously acquired].)

In *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, the California Supreme Court stated the vested rights doctrine as applied to land use as follows:

“[I]f a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government, he acquires a vested right to complete construction in accordance with the terms of the permit. [Citations.] Once a landowner has secured a vested right the government may not, by virtue of a change in the zoning laws, prohibit construction authorized by the permit upon which he relied.” (*Id.* at p. 791.)

The vested rights doctrine protects a permit holder’s right not only to construct, but also to use the premises as authorized by the permit. (*County of San Diego v. McClurken* (1951) 37 Cal.2d 683, 691.) Also, for purposes of analyzing the scope of a vested right to operate a business, a business cannot be broken down into components and vested rights recognized for less than the entire business operation. (See *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 565-566 [indicating there is “no authority for refusing to recognize a vested right to continue a component of a business that itself has a vested right to continue using the land on which it is located for operation of the business.”].)

The vested rights rule is grounded upon the constitutional principle that a vested right is a property right which may not be taken without due process of law or just

compensation. (*Urban Renewal Agency v. California Coastal Zone Conservation Com.* (1975) 15 Cal.3d 577, 583-584.) When a conditional use permit has been issued and then relied upon by the permittee, giving rise to a vested right, the permit becomes immunized from impairment or revocation by subsequent government action. This rule is subject to the qualification that such a vested right, while immune from divestment through ordinary police power regulations, may be impaired or revoked if the use authorized or conducted under the permit constitutes a menace to public health and safety or a public nuisance. (*Highland Development Co. v. City of Los Angeles* (1985) 170 Cal.App.3d 169, 186.) Thus, a vested right creates a property right in the permit holder which cannot be terminated or impaired by the imposition of new conditions *at all*, unless constitutional requirements addressing the permittee's rights of due process are met. (See *Washington v. Glucksberg* (1997) 521 U.S. 702, 721-722 [117 S.Ct. 2258]; *Kerley Industries, Inc. v. Pima County* (9th Cir. 1986) 785 F.2d 1444, 1446.)

There are both procedural and substantive due process constitutional requirements that apply to governmental interference with such rights. The procedural requirements include notice to the permittee, a hearing on the termination of the permit or impairment of the permit through modified conditions, findings based on evidence received at the hearing and a decision based on the findings. (See *Trans-Oceanic Oil Corp. v. Santa Barbara* (1948) 85 Cal.App.2d 776, 797; *Topanga Assn. For a Scenic Community* (1974) 11 Cal.3d 506, 511.)^{1/} The substantive due process requirements are that vested rights cannot be terminated or impaired by ordinary police power regulations, and can be revoked or impaired (such as by new conditions imposed by a county) *only* to serve a "compelling state interest," such as a harm, danger or menace to public health and safety or public nuisance, and that the government's interference with the vested right be

^{1/} "The fourteenth amendment to the constitution of the United States provides that no person shall be deprived of life, liberty, or property, without due process of law. Article I, Section 1, of the constitution of California, provides that all men have certain inalienable rights, among them being those of enjoying liberty and possessing and protecting property, and section 13 thereof provides that no person shall be deprived of life, liberty, or property, without due process of law. The deprivation of such right without due process of law would be a violation of these provisions. The meaning of this is that no one can be deprived thereof without notice and an opportunity for a hearing before some tribunal authorized to determine the question. . . ." (*Trans-Oceanic Oil Corp. v. Santa Barbara, supra*, 85 Cal.App.2d at p. 796.)

narrowly tailored to address the compelling interest and its magnitude. (See *Washington v. Glucksberg*, *supra*, 521 U.S. at p. 721.)

These principles are best explained by the two following cases.

In *Davidson v. County of San Diego* (1996) 49 Cal.App.4th 639 (“*Davidson*”), the court addressed an attempt by the county to impose a new 650-foot setback requirement on a property owner that had a vested right to a building permit for a crematorium without the new setback. The court explained that:

“Vested rights, of course, may be impaired ‘with due process of law’ . . .” (*Davidson*, *supra*, 49 Cal.App.4th at p. 648.)

“The vested rights doctrine in the land use context ‘is subject . . . to the qualification that such a vested right, *while immune from divestment through ordinary police power regulations, may be impaired or revoked if the use authorized or conducted thereunder constitutes a menace to the public health and safety or a public nuisance.* [Citations.]’ (*Highland Development Co. v. City of Los Angeles* (1985) 170 Cal.App.3d 169, 186 [] (italics added), disapproved on other grounds in *Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 743, fn. 11 [].) Public welfare demands may even require the complete destruction of vested property rights. (*Sunset Amusement Co. v. Board of Police Commissioners* (1972) 7 Cal.3d 64, 80 [].)” (*Davidson*, *supra*, at p. 649.)

“The constitutional question, on principle, therefore, would seem to be, not whether a vested right is impaired [by a change in the law], but whether such a change reasonably could be believed to be sufficiently necessary to the public welfare as to justify the impairment.” (*Davidson*, *supra*, at p. 649.)

“Probably the single most important factor to be considered in determining whether a particular impairment is constitutionally permissible is the nature and extent of the impairment. “The severity of the impairment measures the height of the hurdle the . . . legislation must clear.” ’ [Citations.] Other important factors to be considered are the nature, importance and urgency of the interest to be served by the challenged legislation; and whether the legislation was appropriately tailored and limited to the situation necessitating its enactment. [Citations.]” (*Davidson*, *supra*, at p. 649.)

The court concluded that, while the usual exercises of the police power in the land use context are not so directly related to danger or potential danger to the health and safety (such as down-zoning of uses, lot densities and height requirements) to be applied to the property owner's permit, it was conceivable that the 650-foot setback requirement could be applied to the crematorium project, but only if the county could demonstrate that such a setback was necessary to prevent the operation of the crematorium from being a danger or nuisance to the public. (*Davidson, supra*, at p. 650.)

Similarly, in *O'Hagen v. Board of Zoning Adjustment* (1971) 19 Cal.App.3d 151, ("*O'Hagen*"), the court reviewed a city's revocation of a use permit for the operation of a drive-in restaurant for which the permittee held a vested right under an ordinance which allowed revocation of permits "for violation of conditions and other good cause upon notice and hearing." The court stated that:

"Once a use permit has been properly issued the power of a municipality to revoke it is limited. (*Trans-Oceanic Oil Corp. v. Santa Barbara [supra]*,] 85 Cal.App.2d [at p.] 783 [].) Of course, if the permittee does nothing beyond obtaining the permit it may be revoked. (*Trans-Oceanic Oil Corp. v. Santa Barbara, supra*.) Where a permit has been properly obtained and in reliance thereon the permittee has incurred material expense, he acquires a vested property right to the protection of which he is entitled. (*Trans-Oceanic Oil Corp. v. Santa Barbara, supra*, at pp. 784-787; *Dobbins v. Los Angeles* [(1904)] 195 U.S. 223, 239 [[] 25 S.Ct. 18]; *Jones v. City of Los Angeles* [(1930)] 211 Cal. 304, 309-312 []; see *Brougher v. Board of Public Works* [(1928)] 205 Cal. 426, 433-434 [].) When a permittee has acquired such a vested right it may be revoked if the permittee fails to comply with reasonable terms or conditions expressed in the permit granted (*Trans-Oceanic Oil Corp. v. Santa Barbara, supra*, at p. 783; *Brougher v. Board of Public Works, supra*, at p. 433) or *if there is a compelling public necessity*. (*Jones v. City of Los Angeles, supra*, at p. 314; see *Lawton v. Steele* [(1894)] 152 U.S. 133, 137 [[] 14 S.Ct. 499].") (*O'Hagen, supra*, 19 Cal.App.3d at p. 158, italics added.)

The court further explained that procedurally:

"The constitutional requirements are met with respect to the right of revocation for good cause when notice is given to the licensee or permittee of the charges made against him and he has been given an opportunity to be heard in his defense." (*O'Hagen, supra*, at p. 160.)

And that substantively:

“[I]n order to justify the interference with the constitutional right to carry on a lawful business it must appear that the interests of the public generally require such interference and that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals. (*Lawton v. Steele, supra*, 152 U.S. [at p.] 137 [].)

As observed in *Lawton*, ‘The legislature may not, under the guise of protecting the public interests, arbitrarily interfere with private business, or impose unusual and unnecessary restrictions upon lawful occupations.’ (At p. 137 []; see *Dobbins v. Los Angeles, supra*, 195 U.S. [at p.] 236 [].)” (*O’Hagen, supra*, at p. 159.)

“In the present case we perceive that since plaintiff acquired a vested right in the use permit we must equate the term ‘good cause’ with ‘compelling public necessity.’ Such ‘compelling public necessity,’ in turn, must be viewed in the context of a public nuisance, i.e., whether the operation of plaintiff’s drive-in restaurant constituted a public nuisance in fact. If it did constitute a nuisance in fact, our inquiry is then directed to whether there was a compelling necessity warranting the revocation of the use permit.” (*O’Hagen, supra*, at p. 161.)

The court then indicated that conditions should be imposed on the permit to eliminate any public nuisance, if possible, rather than to prohibit the business operations by revocation of the permit. (*O’Hagen, supra*, at p. 165.)

Moreover, permits subject to vested rights are afforded special judicial protection by the courts when there is judicial review of the governmental decision to impair or revoke them. Longstanding vested rights under a use permit are generally treated as creating “fundamental vested rights” to use the property in the manner specified in the conditions for purposes of judicial review. This results in the court applying an “independent judgment” standard of review, rather than the more deferential “substantial evidence” standard of review ordinarily applied to land use decisions. (See *Malibu Mountains Recreation, Inc. v. County of Los Angeles* (1998) 67 Cal.App.4th 359, 368-370; *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1526.) So, after affording the government’s findings a presumption of correctness, the court may, upon reviewing the record, exercise its own judgment in making its own findings and reach a different decision from that of the government. (See *Fukuda v. City of Angels* (1999)

20 Cal.App.4th 805, 819). Thus, these fundamental vested rights enjoy “heightened protection against government interference” under the due process clause. (*Washington v. Glucksberg, supra*, 521 U.S. at p. 720.)

Consistent with the above case law, a county must establish the facts and make its decision justifying any modification of conditions or revocation of an antiquated oilfield permit on the basis of harm, danger or menace to the public health and safety or public nuisance.

The vested right in a permit entitles a permit holder significant and heightened judicial protections from revocation, imposition of new regulations, and changes to the permit. To impose new conditions on antiquated permits, a public agency has to demonstrate that for each condition it imposed, there was a danger or menace to public health and safety or public nuisance causing public concern that was addressed by the new condition in a manner commensurate to the level of public concern. 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.

In addition to the harm/nuisance qualification on the exercise of a vested right, there are other limitations to vested rights. The rights which may vest are no greater than those specifically granted by the permit and its conditions. (*Santa Monica Pines, Ltd. v. Rent Control Board* (1984) 35 Cal.3d 858, 866; *Metropolitan Outdoor Advertising Corp. v. City of Santa Ana* (1994) 23 Cal.App.4th 1401, 1401-1404.) Accordingly, a vested right may be modified or revoked for cause if the permit holder fails to comply with the conditions in the permit. (*O’Hagen, supra*, at p. 158.)

While violation of conditions or laws do provide a basis for permit revocation or modification separate from the “danger to the public/public nuisance” basis, courts continue to apply the heightened scrutiny to the government’s actions revoking or impairing permits on the bases of noncompliance with conditions or violations of law. The court decisions indicate that where failure to comply is extensive and alternative remedies are not feasible, revocation of a permit can be justified. (See *Malibu Mountains Recreation, Inc. v. County of Los Angeles, supra*, 67 Cal.App.4th at p. 359 [involving longtime, multiple uses that violated underlying zoning ordinance and failure to engage in initially allowed use].) However, heightened scrutiny arising out of the vested right in the permit and its due process protections would require a county to “narrowly tailor” its action, and when alternative remedies can achieve compliance with permit conditions, the county would need to pursue such alternatives to revocation if feasible.

(See *Korean American Legal Advocacy Foundation v. City of Los Angeles* (1994) 23 Cal.App.4th 376, 391-393, fn. 5 [indicating that harsh remedy of revocation requires strictest adherence to principles of due process and that alternative remedies to revocation (such as additional conditions or controls) that achieve goal of eliminating violations ought to be pursued if feasible].)

Another qualification on the exercise of a vested right is the existence of open-ended conditions in a vested permit which contemplate future limitations. Such open-ended conditions may restrict the permit holder's vested right when those limitations are subsequently enacted.

For example, in *Russ Bldg. Partnership v. City and County of San Francisco* (1988) 44 Cal.3d 839, 846, a developer was ordered to pay a transit impact development fee enacted after the permit was issued and substantial construction had commenced, based on a permit condition that required future participation in some type of transportation funding. The post-permit issued transit development fee was found by the court to be within the scope of the condition originally imposed and was properly applied to the permittee on this basis.

109454
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Palmer E

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 7:53 AM
To: Simmons, Carrie
Subject: FW: Number 3--Fwd: County General Plan/EIR Comments

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)



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From: Daniel Chambers <danchambers55@gmail.com>
Sent: Thursday, February 27, 2020 12:35 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Fwd: Number 3--Fwd: County General Plan/EIR Comments

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:

I represent and serve on the McLoughlin Family Committee, a group of family members that own approximately 300 acres of agricultural property off of Olivas Park Road in the County of Ventura, in proximity to the City of Ventura.

The McLoughlin family has farmed this land for generations. It remains our desire to continue this legacy. However, in the face of never-ending changes to the regulatory environment, we again find ourselves attempting to ascertain how new policies and programs as proposed in the draft 2040 General Plan will impact and challenge our ability to serve as stewards of this heritage.

It had been our hope that the DEIR would provide some clarity and insight into how the new policies and programs within the revised General Plan would impact our farming operation. However, that is not the case. Simply said, we believe the General Plan Update and subsequent Environmental Impact Report fail to adequately analyze or study impacts on the farming industry.

With that said, we would like to specifically present the following:

- The Background report Table 6-26: Transportation Department Planned Capital Projects lists sections of roadways the County plans for expanded capacity or widening, along with the scope of those enhancements. It also covers in length the plan to add bike paths and bike lanes in accordance with existing County wayfarer plans. However, the DEIR never analyzes the loss of farmland resulting from these changes in infrastructure – it’s not even mentioned as a possibility in the DEIR.

Olivas Park Road between Victoria and Harbor is listed as one of the areas planned for road widening, a stretch of roadway that borders the entire eastern portion of our farmland and property. While the impact on our farming operation and financial losses due to property loss are clearly quantifiable, the report fails to list or quantify these impacts.

- In Section 3-8, The DEIR states that because there will be no “substantive” change to the agricultural, open space, or rural designations, the General Plan Update (GPU) will be consistent with SOAR. However, no further details beyond this conclusory statement is provided. There is no way for the reader to come to his or her own conclusion on whether the GPU will result in inconsistencies with SOAR that might lead to physical environmental impacts. There is no description of the changes to the Agriculture, Open Space, and Rural policies to determine whether they are in fact non-substantive.

Given the length and breath of the Draft General Plan update and CEQA analysis, we made an attempt to focus our initial review and subsequent comments to issues specific to agriculture and

farming. However, it's clear that the 2040 General Plan will impact the Ventura County local economy across sectors – all of which influence the ability to live and work in this region. The DEIR's lack of analysis of those economic impacts, calls into question the legitimacy of both the draft General Plan update, and the CEQA analysis. As such, we respectfully request that the DEIR be recirculated in the hopes that further study will resolve these shortcomings.

I appreciate your consideration.

Laura McAvoy

I, Daniel James Chambers, fully support the content of this letter.

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 11:41 AM
To: Simmons, Carrie
Subject: FW: Comments on General Plan/EIR

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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Ventura County General Plan Update. Join the conversation at VC2040.org
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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Katie Mcmonigle <katiemcmonigle.vb@gmail.com>
Sent: Thursday, February 27, 2020 10:13 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Cc: de.nicola@cox.net
Subject: Comments on General Plan/EIR

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

Dear Ms. Curtis:

I am writing to call your attention to significant flaws in the process, data, and conclusions of the Ventura County General Plan, Draft EIR, and supplemental documents.

My great great grandfather, Mark McLoughlin (1843-1914), was a true Ventura County pioneer, purchasing his first 318 acres of undeveloped land in Ventura County in 1875. He was a hard-working visionary, revered by his community. With his son—my great grandfather, James Patrick McLoughlin—he raised livestock and farmed the land, providing jobs and feeding the growing towns of Oxnard and Ventura.

Our land, in a vitally important location on Olivas Park Drive across from the Ventura Marina, has been in the family, and part of the economic fabric of the community, for 100 years. And we want it to be part of the future of this community, with a flourishing economy, a thriving job market, and unsurpassed quality of life for its residents.

But the General Plan and DEIR do not describe a viable path for us as landowners going forward.

I will begin with some specific issues regarding language in the Coastal Area Plan, 4-82-83 and 4-94-95. Part of our land is located in the Central Coastal Zone, adjacent to the Ventura Marina, on Olivas Park Drive at Harbor Blvd. The only conclusion the Plan draws about our land is the statement that, “unlike the Preble area, services are not readily available to the Olivas lands.” This is false. Our property has access to all utilities, water, main roads, and the freeway. Indeed, easements on our property serve surrounding areas with utilities.

The Plan also claims that our property is “not included in the City’s sanitation district because of problems with water pressure.” This language is irrelevant and incorrect. There is no evidence that there are water pressure issues, and the sanitation district’s pipelines actually traverse our property.

While we do not know the original source of these misstatements, such misrepresentations—now repeated in the Plan—threaten to diminish the value of our land in relation to the Preble property. And, of course, they undermine the goal and the value of the Plan itself.

The General Plan also speaks of the widening of Olivas Park Drive, our southern boundary. This would have a direct impact on our property. But the Plan does not address how this would happen or how it would affect our land.

Damaging misstatements about our property also appear in the DEIR. Contrary to the portrayal in the DEIR, our property has significant infrastructure in place, as well as prime accessibility to the highway and the harbor. In fact, with easy access to the marina and beach community, and with the railroad as part of our eastern boundary, our land is uniquely suited to be an important part of future economic development in the area. We are entitled to have all these matters corrected.

I would also like to raise some additional concerns:

1. The General Plan and DEIR continue to ignore the 28% increase in the homeless population in our community.
2. According to the General Plan, if we were to build an acre of low income/worker housing we would need to buy two replacement acres of same Ag land to be placed into perpetual agricultural preservation. This is unrealistic and infeasible, and certainly not in line with the State government’s housing policies.
3. The EIR does not adequately address the enormous “indirect impacts” that will occur as a result of implementing the General Plan, calling them “less than significant.”

4. The General Plan contains policies that will increase the costs of normal farming operations, making it difficult for farming to remain profitable.

5. The Plan does not adequately evaluate the impacts of increased competition for water in our community.

The EIR is a flawed document, full of errors, that does not disclose all impacts, direct and indirect, caused by the General Plan. It was obviously rushed—completed in six weeks. It is inaccurate and incomplete, and fails to provide members of the community with the information that they are legally entitled to. This EIR should be corrected and reconsidered, and a reasonable time period should be allowed for meaningful and thoughtful community input.

Sincerely,

Mary Katherine Chambers McMonigle

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 11:41 AM
To: Simmons, Carrie
Subject: FW: Comments on General Plan/EIR

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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From: Michael/Maggie McMonigle <mmmcmonigle@gmail.com>
Sent: Thursday, February 27, 2020 10:24 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Cc: Don and Bev de Nicola <de.nicola@cox.net>
Subject: Comments on General Plan/EIR

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

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Sincerely,

Margaret Chambers McMonigle

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 11:42 AM
To: Simmons, Carrie
Subject: FW: Comments on General Plan/EIR

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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From: Margaret McMonigle <mmmcmonigle@sbcglobal.net>
Sent: Thursday, February 27, 2020 10:34 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Cc: Don and Beverly Denicola <de.nicola@cox.net>
Subject: Comments on General Plan/EIR

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

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Sincerely,

Edward Michael McMonigle

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 11:42 AM
To: Simmons, Carrie
Subject: FW: 2040 Ventura County plan
Attachments: County GP Comment Letter - McLoughlin Family Committee.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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From: Kelley Raymond <kelray08@sbcglobal.net>
Sent: Thursday, February 27, 2020 11:28 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 Ventura County plan

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Please see attached letter.
Sincerely,
Kelley Raymond
McLoughlin Ranch

Sent from my iPhone

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

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- The Background report Table 6-26: Transportation Department Planned Capital Projects lists sections of roadways the County plans for expanded capacity or widening, along with the scope of those enhancements. It also covers in length the plan to add bike paths and bike lanes in accordance with existing County wayfarer plans. However, the DEIR never analyzes the loss of farmland resulting from these changes in infrastructure – it's not even mentioned as a possibility in the DEIR.

Olivas Park Road between Victoria and Harbor is listed as one of the areas planned for road widening, a stretch of roadway that borders the entire eastern portion of our farmland and property. While the impact on our farming operation and financial losses due to property loss are clearly quantifiable, the report fails to list or quantify these impacts.

- In Section 3-8, The DEIR states that because there will be no “substantive” change to the agricultural, open space, or rural designations, the General Plan Update (GPU) will be consistent with SOAR. However, no further details beyond this conclusory statement is provided. There is no way for the reader to come to his or her own conclusion on whether the GPU will result in inconsistencies with SOAR that might lead to physical environmental impacts. There is no description of the changes to the Agriculture, Open Space, and Rural policies to determine whether they are in fact non-substantive.

Given the length and breath of the Draft General Plan update and CEQA analysis, we made an attempt to focus our initial review and subsequent comments to issues specific to agriculture and farming. However, it's clear that the 2040 General Plan will impact the Ventura County local economy across

sectors – all of which influence the ability to live and work in this region. The DEIR’s lack of analysis of those economic impacts, calls into question the legitimacy of both the draft General Plan update, and the CEQA analysis. As such, we respectfully request that the DEIR be recirculated in the hopes that further study will resolve these shortcomings.

I appreciate your consideration.

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 1:10 PM
To: Simmons, Carrie
Subject: FW: 2040 General Plan EIR
Attachments: 2040 General Plan EIR.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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From: Bob & Anna Chambers <lacostachambers@gmail.com>
Sent: Thursday, February 27, 2020 11:51 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 General Plan EIR

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I support the attached letter.

Robert M Chambers



February 19, 2020

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Director

Tony Skinner, IBEW Local 952
Director

Alex Teague, Limoneira
Director

Andy Waters, Waters Family Farms
Director

Sanger Hedrick, Chair
Agricultural Policy Advisory Committee (APAC)
County of Ventura
800 S. Victoria Blvd.
Ventura, CA 93003

Re: 2040 General Plan Environmental Impact Report (EIR)

Dear Mr. Hedrick and Honorable Members of APAC:

Thank you for the opportunity to provide comments following today's presentation by Ventura County Planning staff on the 2040 General Plan EIR.

There are several issues with the 2040 General Plan EIR that CoLAB believes will negatively impact the viability of local agriculture.

Proposed mitigation measure AG-2: The County 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. This mitigation measure is infeasible. Contrary to statements made by County Planning staff today at the APAC meeting, the California Environmental Quality Act (CEQA) requires that all mitigation proposed in an EIR be feasible. CEQA Section 21061.1 defines feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (*emphasis added*). All mitigation measures proposed in an EIR must be shown to reduce impacts and an infeasible mitigation measure, by definition, cannot and will not reduce impacts.

The EIR does not provide evidence of any of the following:

- 1) Whether there is sufficient land available for purchase/conservation easement for each farmland category;
- 2) The cost per acre to purchase each category of farmland;
- 3) The anticipated cost of establishing a conservation easement for each category of farmland;
- 4) The anticipated cost associated with managing each category of farmland under a conservation easement;
- 5) The anticipated cost associated with monitoring these mitigation parcels scattered throughout the County and who will bear that cost;
- 6) Any information that could constitute a "plan" for management of farmland in conservation easements;

- 7) An analysis of direct and indirect impacts caused by this mitigation measure (including impacts associated with LU compatibility conflicts and increased urban-ag-interface);
- 8) Whether the smallest possible mitigation acreage required will achieve the minimum to ensure viability of agriculture on the parcel; and
- 9) 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.

The County is already aware that this proposed mitigation measure is infeasible. On March 24, 2016, at a Local Agency Formation Commission (LAFCo) hearing, Supervisor Linda Parks attempted to establish an "Agricultural Mitigation Measure" through the LAFCo project approval process. The mitigation measure would have required the 1-to-1 purchase of local farmland (half of what is proposed in the 2040 General Plan EIR) to replace farmland that would be impacted by any proposed development. Ventura County Counsel, Michael Walker, informed both LAFCo and Supervisor Parks that the proposed mitigation measure did not meet the standard for economic feasibility, and, for that and other reasons, LAFCo could not adopt Supervisor Park's proposed mitigation measure. He referenced a 2015 legal decision, *City of Irvine v. County of Orange*, in which the Court stated, "the sheer astronomical expense of land supports the finding of the EIR that the purchase of an agricultural conservation easement is a non-starter."

In addition to being infeasible, CoLAB does not believe that this mitigation measure will reduce impacts on agricultural land, as it does not address the actual issues that will impact farmland under the 2040 General Plan: lack of economic sustainability, the increasing regulatory demands on agriculture, increased competition for water resources, and increased compatibility conflicts from development.

Indirect Impacts

The EIR dismisses "indirect impacts" that will occur as a result of implementing the 2040 General Plan as "less than significant."

Page 4.2-13 of the EIR states "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 potential for conflicts would be minimal. This impact would be less than significant**" (*emphasis added*).

This is simply not true. Historic and recent County actions have shown that the County has and will continue to create new restrictions and ordinances that have a significant impact on existing agricultural

and farming operations because of conflicts attributed to residential development. The recent interim urgency ordinance restricting hemp cultivation is one such example.

Contrary to statements made today by Ventura County Planning staff, an EIR, whether it is labeled as “programmatically” or “project”, must analyze all reasonably foreseeable consequences of the action that is proposed. For the 2040 General Plan EIR, the action proposed is the implementation of all policies and programs within. Therefore, if the implementation of a policy in the 2040 General Plan will result in an impact, that impact must be analyzed. For example, the 2040 General Plan contains land use designation changes that will increase allowable housing density near agricultural land. It is reasonably foreseeable that more houses will create more compatibility conflicts with normal farming operations. The impact of these compatibility conflicts must be addressed in the EIR.

In 2014, the California Court of Appeal stated in a ruling that “[T]he fact that this EIR is labeled a ‘project’ rather than a ‘program’ EIR matters little....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.”

It is CoLAB’s opinion that indirect impacts from increasing urban-ag interface are SIGNIFICANT and cannot be dismissed in the EIR.

Direct and indirect impacts of increased costs

The 2040 General Plan has policies that will increase the costs of normal farming operations. CoLAB believes that the most effective way to minimize conversion of agricultural land to non-agricultural uses is to take active measures to allow farming to remain profitable. And even the County admits that reducing the cost of farming reduces conversion of agricultural land in their discussion of the Williamson Act in Chapter 4.2 of the EIR.

But the County fails to analyze direct and indirect impacts of 2040 General Plan policies that will increase the cost of normal farming operations, such as:

- Policy AG-5.2: Electric- or Renewable-Powered Agricultural Equipment. 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.
- Policy AG-5.3: Electric- or Renewable-Powered Irrigation Pumps. The County shall encourage farmers to convert fossil fuel-powered irrigation pumps to systems powered by electric or renewable energy sources, such as solar power, and encourage electric utilities to eliminate or reduce standby charges.

Direct and indirect impacts of increased competition for water resources

The County fails to evaluate the impact of increased competition for water resources caused by development allowed in the 2040 General Plan on either the conversion of agricultural land or the loss of agricultural lands through the loss of topsoil.

The EIR states on page 4.2-3 that “...a reduction in available water resources for irrigation” is an example of indirect impacts on agricultural land due to loss of topsoil from increased wind and water erosion. But the County fails to analyze or propose mitigation measures to address this significant impact.

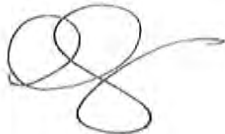
APAC is the expert charged with advising County decision-makers on agricultural issues in Ventura County. And the County should be seeking guidance from APAC about the actual issues that will impact farmland under the 2040 General Plan: lack of economic sustainability, the increasing regulatory demands on agriculture, increased competition for water resources, and increased compatibility conflicts from development.

CoLAB encourages APAC to provide guidance to the County on appropriate and effective mitigation measures to prevent the conversion of agricultural land to non-agricultural uses. These may include:

- 1) Strengthen the Right-to-Farm ordinance to prevent nuisance complaints from being used to justify the creation or expansion of setbacks or regulatory restrictions on normal farming practices;
- 2) Expand the Land Conservation Act Program to include Open Space zoned properties that are engaged in farming (including grazing); and
- 3) Protect agricultural land from urban-ag interface encroachment and compatibility conflicts by establishing setbacks on NON-AE-zoned land that will restrict the construction of bike paths, public trails, and sensitive receptors within 2000' of any land zoned A/E.

Thank you again for the opportunity to provide comments on this issue. We appreciate your consideration and leadership at this time.

Sincerely,



Louise Lampara
Executive Director

I support this letter —
Robert M. Chambers

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 1:10 PM
To: Simmons, Carrie
Subject: FW: Comments on Ventura County General Plan DEIR
Attachments: Comments on VC Gen Plan DEIR.pdf

Follow Up Flag: Follow up
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Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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Sent: Thursday, February 27, 2020 11:51 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Comments on Ventura County General Plan DEIR

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I support the attached letter.

Robert M Chambers

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:

I represent and serve on the McLoughlin Family Committee, a group of family members that own approximately 300 acres of agricultural property off of Olivas Park Road in the County of Ventura, in proximity to the City of Ventura.

The McLoughlin family has farmed this land for generations. It remains our desire to continue this legacy. However, in the face of never-ending changes to the regulatory environment, we again find ourselves attempting to ascertain how new policies and programs as proposed in the draft 2040 General Plan will impact and challenge our ability to serve as stewards of this heritage.

It had been our hope that the DEIR would provide some clarity and insight into how the new policies and programs within the revised General Plan would impact our farming operation. However, that is not the case. Simply said, we believe the General Plan Update and subsequent Environmental Impact Report fail to adequately analyze or study impacts on the farming industry.

With that said, we would like to specifically present the following:

- The Background report Table 6-26: Transportation Department Planned Capital Projects lists sections of roadways the County plans for expanded capacity or widening, along with the scope of those enhancements. It also covers in length the plan to add bike paths and bike lanes in accordance with existing County wayfarer plans. However, the DEIR never analyzes the loss of farmland resulting from these changes in infrastructure – it's not even mentioned as a possibility in the DEIR.

Olivas Park Road between Victoria and Harbor is listed as one of the areas planned for road widening, a stretch of roadway that borders the entire eastern portion of our farmland and property. While the impact on our farming operation and financial losses due to property loss are clearly quantifiable, the report fails to list or quantify these impacts.

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sectors – all of which influence the ability to live and work in this region. The DEIR's lack of analysis of those economic impacts, calls into question the legitimacy of both the draft General Plan update, and the CEQA analysis. As such, we respectfully request that the DEIR be recirculated in the hopes that further study will resolve these shortcomings.

I appreciate your consideration.

I support this letter -
Robert M. Chambers

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 1:11 PM
To: Simmons, Carrie
Subject: FW: Ventura County General Plan flaws
Attachments: VC Gen Plan flaws.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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Ventura County General Plan Update. Join the conversation at VC2040.org
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From: Bob & Anna Chambers <lacostachambers@gmail.com>
Sent: Thursday, February 27, 2020 11:52 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Ventura County General Plan flaws

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I support the attached letter.

Robert M Chambers

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

Dear Ms. Curtis:

I am writing to call your attention to significant flaws in the process, data, and conclusions of the Ventura County General Plan, Draft EIR, and supplemental documents.

My great grandfather, Mark McLoughlin (1843-1914), was a true Ventura County pioneer, purchasing his first 318 acres of undeveloped land in Ventura County in 1875. He was a hard-working visionary, revered by his community. With his son—my grandfather, James Patrick McLoughlin—he raised livestock and farmed the land, providing jobs and feeding the growing towns of Oxnard and Ventura.

Our land, in a vitally important location on Olivas Park Drive across from the Ventura Marina, has been in the family, and part of the economic fabric of the community, for 100 years. And we want it to be part of the future of this community, with a flourishing economy, a thriving job market, and unsurpassed quality of life for its residents.

But the General Plan and DEIR do not describe a viable path for us as landowners going forward.

I will begin with some specific issues regarding language in the Coastal Area Plan, 4-82-83 and 4-94-95. Part of our land is located in the Central Coastal Zone, adjacent to the Ventura Marina, on Olivas Park Drive at Harbor Blvd. The only conclusion the Plan draws about our land is the statement that, "unlike the Preble area, services are not readily available to the Olivas lands." This is false. Our property has access to all utilities, water, main roads, and the freeway. Indeed, easements on our property serve surrounding areas with utilities.

The Plan also claims that our property is "not included in the City's sanitation district because of problems with water pressure." This language is irrelevant and incorrect. There is no evidence that there are water pressure issues, and the sanitation district's pipelines actually traverse our property.

While we do not know the original source of these misstatements, such misrepresentations—now repeated in the Plan—threaten to diminish the value of our land in relation to the Preble property. And, of course, they undermine the goal and the value of the Plan itself.

The General Plan also speaks of the widening of Olivas Park Drive, our southern boundary. This would have a direct impact on our property. But the Plan does not address how this would happen or how it would affect our land.

Damaging misstatements about our property also appear in the DEIR. Contrary to the portrayal in the DEIR, our property has significant infrastructure in place, as well as prime accessibility to the highway and the harbor. In fact, with easy access to the marina and beach community, and with the railroad as part of our eastern boundary, our land is uniquely suited to be an important part of future economic development in the area. We are entitled to have all these matters corrected.

I would also like to raise some additional concerns:

1. The General Plan and DEIR continue to ignore the 28% increase in the homeless population in our community.
2. According to the General Plan, if we were to build an acre of low income / worker housing we would need to buy two replacement acres of same Ag land to be placed into perpetual agricultural preservation. This is unrealistic and infeasible, and certainly not in line with the State government's housing policies.
3. The EIR does not adequately address the enormous "indirect impacts" that will occur as a result of implementing the General Plan, calling them "less than significant."
4. The General Plan contains policies that will increase the costs of normal farming operations, making it difficult for farming to remain profitable.
5. The Plan does not adequately evaluate the impacts of increased competition for water in our community.

The EIR is a flawed document, full of errors, that does not disclose all impacts, direct and indirect, caused by the General Plan. It was obviously rushed—completed in six weeks. It is inaccurate and incomplete, and fails to provide members of the community with the information that they are legally entitled to. This EIR should be corrected and reconsidered, and a reasonable time period should be allowed for meaningful and thoughtful community input.

Sincerely,

I support this letter -
Robert M. Chambers

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 1:11 PM
To: Simmons, Carrie
Subject: FW: [EXTERNAL] Fwd: Ventura Letter for the kids to sign
Attachments: Ventura Letter for the kids to sign.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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From: Taylor, Marie <Marie.Taylor@providence.org>
Sent: Thursday, February 27, 2020 11:49 AM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: FW: [EXTERNAL] Fwd: Ventura Letter for the kids to sign

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Ms. Curtis,

I appreciate the value of your time and request your attention to the following letter. I am one of the many of the McLoughlin family members. My family has been tied to this land for many years and I have a great deal of interest preserving this land for our family and future generations. My daughter's middle name is McLoughlin as we are very proud of our family heritage. I understand that as population exponentially increases additional roadways need to be created to provide access for all, however, I believe that there are options. Please consider the impact that the current plans will have on our family.

Sincerely,
Marie Taylor

This message is intended for the sole use of the addressee, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the addressee you are hereby notified that you may not use, copy, disclose, or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete this message.

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:

I am a part of the McLoughlin Family. We have been farming in Ventura County for approximately 150 years. We currently own 300 acres of agricultural property off of Olivas Park Road in the County of Ventura near the Ventura Marina on Harbor Rd, in proximity to the City of Ventura.

The McLoughlin family has farmed this land and other parcels for generations going back to 1863. It remains our desire to continue this legacy, however, in the face of never-ending changes to the regulatory environment, we again find ourselves attempting to ascertain how new policies and programs as proposed in the draft 2040 General Plan will impact and challenge our ability to serve as stewards of this heritage.

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I appreciate your consideration.
Sincerely,

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 1:11 PM
To: Simmons, Carrie
Subject: FW: VCTC Comments on Draft 2040 General Plan and EIR
Attachments: VCTC Comments on Ventura County Draft 2040 General Plan and EIR_02.27.2020.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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From: Amanda Fagan <afagan@goventura.org>
Sent: Thursday, February 27, 2020 12:06 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Cc: Downing, Clay <clay.downing@ventura.org>
Subject: VCTC Comments on Draft 2040 General Plan and EIR

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Susan,

Please see attached comments from VCTC on the Ventura County Draft 2040 General Plan and Environmental Impact Report.

Best of luck as you finalize the Draft General Plan and move forward through the adoption process!

Kind regards,

Amanda Fagan
Director of Planning and Policy
Ventura County Transportation Commission
950 County Square Drive, Suite 207
Ventura, CA 93003
Ph. (805) 642-1591 ext. 103

afagan@goventura.org

www.goventura.org



Ventura County
Transportation
Commission



Ventura County Transportation Commission

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.

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.

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.

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.

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.

Sincerely,



Amanda Fagan
Director of Planning and Policy

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 1:11 PM
To: Simmons, Carrie
Subject: FW: 2040 General Plan Draft EIR Comment
Attachments: 0154_001.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Visit the Planning Division website at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Gary Cushing <ceo@camarillochamber.org>
Sent: Thursday, February 27, 2020 12:16 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 General Plan Draft EIR Comment

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Susan:

Please see attached comment letter.

Thanks,

Gary

To Whom it May Concern,

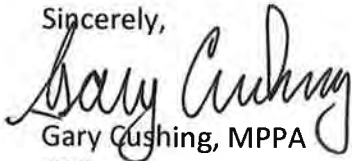
The Camarillo Chamber of Commerce appreciates the efforts that Ventura County puts forth to support the community and make the county a better place to live.

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,

A handwritten signature in black ink that reads "Gary Cushing". The signature is written in a cursive style with a large, prominent "G" and "C".

Gary Cushing, MPPA

CEO

Chamber of Commerce

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 1:12 PM
To: Simmons, Carrie
Subject: FW: Ventura County plan 2020

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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From: Jenn Foster <jenniferfoster7317@yahoo.com>
Sent: Thursday, February 27, 2020 12:43 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Ventura County plan 2020

Hello,

I would urge 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, by whom would it be done, and could any decisions 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.

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 1:12 PM
To: Simmons, Carrie
Subject: FW: Draft EIR 2040 County General Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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From: Margaret K <kimball58@gmail.com>
Sent: Thursday, February 27, 2020 12:45 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Draft EIR 2040 County General Plan

Attn: Board of Supervisors

As you review the Draft EIR for the County 2040 General Plan, I hope you pay close attention to some serious problems evident in the current draft. I have highlighted a few below.

As a farmer affected by the Thomas Fire in December 2017, I find it astonishing that the EIR makes no mention of policies from the proposed General Plan that will significantly increase fuel load in high fire risk areas. Watching houses burn one after another, seeing orchards so seriously damaged the only recourse was to remove and replace all trees, and listening to friends, family members, and others recount the horrors of losing valued possessions and livelihoods, I am appalled that this proposed General Plan contains policies that will once again put this county at severe risk. CEQA demands that policies that increase risk from wildfire be analyzed. Where is this done?

Over and over I read how Supervisors in this county value agriculture. Yet, the County has failed to analyze the impact on agriculture of competition for water supplies. Where is the analysis when the EIR admits increased development resulting from the General Plan will result in less water for irrigation? And WHY is data older than 2015 used in the Agriculture chapter? This does not speak to an understanding of farming in this county. Experts have long lauded this county for effective water management long before it was ever mandated by state regulation. And that water management was undertaken by FARMERS.

Mitigation Measure AG-2 requires small development projects to purchase farmland to preserve in perpetuity. The County and Supervisors are well aware this mitigation measure is infeasible. County Counsel stated that a similar measure proposed at LAFCO in 2016 was infeasible and could not be included in an EIR. That has not changed.

Please approach this important document thoughtfully for ALL constituencies in the county.

Margaret Kimball
Kimball McPheron Ranch

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 1:12 PM
To: Simmons, Carrie
Subject: FW: General Plan / EIR Comments

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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From: Anna Chambers <achambers316@gmail.com>
Sent: Thursday, February 27, 2020 1:01 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: General Plan / EIR Comments

To: Susan Curtis-

County failed to evaluate mitigation measure for feasibility- 500' set back for "sensitive receptors" from freeways and high traffic roads.

Mitigation Measure AQ-3 (Policy HAZ10-X) creates a minimum 500' set back for "sensitive receptors" from freeways and high traffic roads. Yet the County states in the Land Use section of the EIR that "the majority of the anticipated build out will be within the freeway corridors."

Has the County completed a "buildout study" to ensure that the establishment of this set back still leaves enough room for development to occur? Will this mitigation measure be economically feasible?

I support this letter -

Anna M. Chambers

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 1:12 PM
To: Simmons, Carrie
Subject: FW: 2040 General Plan EIR
Attachments: 2040 Gen Plan EIR.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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From: Anna Chambers <achambers316@gmail.com>
Sent: Thursday, February 27, 2020 1:03 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: 2040 General Plan EIR

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I support the attached letter.

Anna M. Chambers



February 19, 2020

Sanger Hedrick, Chair
Agricultural Policy Advisory Committee (APAC)
County of Ventura
800 S. Victoria Blvd.
Ventura, CA 93003

Re: 2040 General Plan Environmental Impact Report (EIR)

Dear Mr. Hedrick and Honorable Members of APAC:

Thank you for the opportunity to provide comments following today's presentation by Ventura County Planning staff on the 2040 General Plan EIR.

There are several issues with the 2040 General Plan EIR that CoLAB believes will negatively impact the viability of local agriculture.

Proposed mitigation measure AG-2: The County 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. This mitigation measure is infeasible. Contrary to statements made by County Planning staff today at the APAC meeting, the California Environmental Quality Act (CEQA) requires that all mitigation proposed in an EIR be feasible. CEQA Section 21061.1 defines feasible as "capable of being accomplished in a successful manner within a reasonable period of time, **taking into account economic, environmental, social, and technological factors**" (*emphasis added*). All mitigation measures proposed in an EIR must be shown to reduce impacts and an infeasible mitigation measure, by definition, cannot and will not reduce impacts.

The EIR does not provide evidence of any of the following:

- 1) Whether there is sufficient land available for purchase/conservation easement for each farmland category;
- 2) The cost per acre to purchase each category of farmland;
- 3) The anticipated cost of establishing a conservation easement for each category of farmland;
- 4) The anticipated cost associated with managing each category of farmland under a conservation easement;
- 5) The anticipated cost associated with monitoring these mitigation parcels scattered throughout the County and who will bear that cost;
- 6) Any information that could constitute a "plan" for management of farmland in conservation easements;

**Ventura County CoLAB
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Director

Andy Waters, Waters Family Farms
Director

- 7) An analysis of direct and indirect impacts caused by this mitigation measure (including impacts associated with LU compatibility conflicts and increased urban-ag-interface);
- 8) Whether the smallest possible mitigation acreage required will achieve the minimum to ensure viability of agriculture on the parcel; and
- 9) 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.

The County is already aware that this proposed mitigation measure is infeasible. On March 24, 2016, at a Local Agency Formation Commission (LAFCo) hearing, Supervisor Linda Parks attempted to establish an "Agricultural Mitigation Measure" through the LAFCo project approval process. The mitigation measure would have required the 1-to-1 purchase of local farmland (half of what is proposed in the 2040 General Plan EIR) to replace farmland that would be impacted by any proposed development. Ventura County Counsel, Michael Walker, informed both LAFCo and Supervisor Parks that the proposed mitigation measure did not meet the standard for economic feasibility, and, for that and other reasons, LAFCo could not adopt Supervisor Park's proposed mitigation measure. He referenced a 2015 legal decision, *City of Irvine v. County of Orange*, in which the Court stated, "the sheer astronomical expense of land supports the finding of the EIR that the purchase of an agricultural conservation easement is a non-starter."

In addition to being infeasible, CoLAB does not believe that this mitigation measure will reduce impacts on agricultural land, as it does not address the actual issues that will impact farmland under the 2040 General Plan: lack of economic sustainability, the increasing regulatory demands on agriculture, increased competition for water resources, and increased compatibility conflicts from development.

Indirect Impacts

The EIR dismisses "indirect impacts" that will occur as a result of implementing the 2040 General Plan as "less than significant."

Page 4.2-13 of the EIR states "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 potential for conflicts would be minimal. This impact would be less than significant" (*emphasis added*).

This is simply not true. Historic and recent County actions have shown that the County has and will continue to create new restrictions and ordinances that have a significant impact on existing agricultural

and farming operations because of conflicts attributed to residential development. The recent interim urgency ordinance restricting hemp cultivation is one such example.

Contrary to statements made today by Ventura County Planning staff, an EIR, whether it is labeled as "programmatic" or "project", must analyze all reasonably foreseeable consequences of the action that is proposed. For the 2040 General Plan EIR, the action proposed is the implementation of all policies and programs within. Therefore, if the implementation of a policy in the 2040 General Plan will result in an impact, that impact must be analyzed. For example, the 2040 General Plan contains land use designation changes that will increase allowable housing density near agricultural land. It is reasonably foreseeable that more houses will create more compatibility conflicts with normal farming operations. The impact of these compatibility conflicts must be addressed in the EIR.

In 2014, the California Court of Appeal stated in a ruling that "[T]he fact that this EIR is labeled a 'project' rather than a 'program' EIR matters little.... 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."

It is CoLAB's opinion that indirect impacts from increasing urban-ag interface are SIGNIFICANT and cannot be dismissed in the EIR.

Direct and indirect impacts of increased costs

The 2040 General Plan has policies that will increase the costs of normal farming operations. CoLAB believes that the most effective way to minimize conversion of agricultural land to non-agricultural uses is to take active measures to allow farming to remain profitable. And even the County admits that reducing the cost of farming reduces conversion of agricultural land in their discussion of the Williamson Act in Chapter 4.2 of the EIR.

But the County fails to analyze direct and indirect impacts of 2040 General Plan policies that will increase the cost of normal farming operations, such as:

- Policy AG-5.2: Electric- or Renewable-Powered Agricultural Equipment. 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.
- Policy AG-5.3: Electric- or Renewable-Powered Irrigation Pumps. The County shall encourage farmers to convert fossil fuel-powered irrigation pumps to systems powered by electric or renewable energy sources, such as solar power, and encourage electric utilities to eliminate or reduce standby charges.

Direct and indirect impacts of increased competition for water resources

The County fails to evaluate the impact of increased competition for water resources caused by development allowed in the 2040 General Plan on either the conversion of agricultural land or the loss of agricultural lands through the loss of topsoil.

The EIR states on page 4.2-3 that "...a reduction in available water resources for irrigation" is an example of indirect impacts on agricultural land due to loss of topsoil from increased wind and water erosion. But the County fails to analyze or propose mitigation measures to address this significant impact.

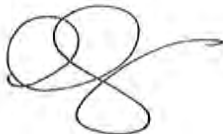
APAC is the expert charged with advising County decision-makers on agricultural issues in Ventura County. And the County should be seeking guidance from APAC about the actual issues that will impact farmland under the 2040 General Plan: lack of economic sustainability, the increasing regulatory demands on agriculture, increased competition for water resources, and increased compatibility conflicts from development.

CoLAB encourages APAC to provide guidance to the County on appropriate and effective mitigation measures to prevent the conversion of agricultural land to non-agricultural uses. These may include:

- 1) Strengthen the Right-to-Farm ordinance to prevent nuisance complaints from being used to justify the creation or expansion of setbacks or regulatory restrictions on normal farming practices;
- 2) Expand the Land Conservation Act Program to include Open Space zoned properties that are engaged in farming (including grazing); and
- 3) Protect agricultural land from urban-ag interface encroachment and compatibility conflicts by establishing setbacks on NON-AE-zoned land that will restrict the construction of bike paths, public trails, and sensitive receptors within 2000' of any land zoned A/E.

Thank you again for the opportunity to provide comments on this issue. We appreciate your consideration and leadership at this time.

Sincerely,



Louise Lampara
Executive Director

I support this letter -
Anna M. Chambers

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 1:12 PM
To: Simmons, Carrie
Subject: FW: Comments on VC Gen Plan DEIR
Attachments: Comments on VC Gen Plan DEIR.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
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From: Anna Chambers <achambers316@gmail.com>
Sent: Thursday, February 27, 2020 1:03 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: Comments on VC Gen Plan DEIR

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I support the attached letter.

Anna M Chambers

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:

I represent and serve on the McLoughlin Family Committee, a group of family members that own approximately 300 acres of agricultural property off of Olivas Park Road in the County of Ventura, in proximity to the City of Ventura.

The McLoughlin family has farmed this land for generations. It remains our desire to continue this legacy. However, in the face of never-ending changes to the regulatory environment, we again find ourselves attempting to ascertain how new policies and programs as proposed in the draft 2040 General Plan will impact and challenge our ability to serve as stewards of this heritage.

It had been our hope that the DEIR would provide some clarity and insight into how the new policies and programs within the revised General Plan would impact our farming operation. However, that is not the case. Simply said, we believe the General Plan Update and subsequent Environmental Impact Report fail to adequately analyze or study impacts on the farming industry.

With that said, we would like to specifically present the following:

- The Background report Table 6-26: Transportation Department Planned Capital Projects lists sections of roadways the County plans for expanded capacity or widening, along with the scope of those enhancements. It also covers in length the plan to add bike paths and bike lanes in accordance with existing County wayfarer plans. However, the DEIR never analyzes the loss of farmland resulting from these changes in infrastructure – it's not even mentioned as a possibility in the DEIR.

Olivas Park Road between Victoria and Harbor is listed as one of the areas planned for road widening, a stretch of roadway that borders the entire eastern portion of our farmland and property. While the impact on our farming operation and financial losses due to property loss are clearly quantifiable, the report fails to list or quantify these impacts.

- In Section 3-8, The DEIR states that because there will be no "substantive" change to the agricultural, open space, or rural designations, the General Plan Update (GPU) will be consistent with SOAR. However, no further details beyond this conclusory statement is provided. There is no way for the reader to come to his or her own conclusion on whether the GPU will result in inconsistencies with SOAR that might lead to physical environmental impacts. There is no description of the changes to the Agriculture, Open Space, and Rural policies to determine whether they are in fact non-substantive.

Given the length and breath of the Draft General Plan update and CEQA analysis, we made an attempt to focus our initial review and subsequent comments to issues specific to agriculture and farming. However, it's clear that the 2040 General Plan will impact the Ventura County local economy across

sectors – all of which influence the ability to live and work in this region. The DEIR’s lack of analysis of those economic impacts, calls into question the legitimacy of both the draft General Plan update, and the CEQA analysis. As such, we respectfully request that the DEIR be recirculated in the hopes that further study will resolve these shortcomings.

I appreciate your consideration.

I support this letter -
Anna M Chambers

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 1:13 PM
To: Simmons, Carrie
Subject: FW: VC Gen Plan DEIR flaws
Attachments: VC Gen Plan DEIR flaws.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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From: Anna Chambers <achambers316@gmail.com>
Sent: Thursday, February 27, 2020 1:04 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: VC Gen Plan DEIR flaws

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I support the attached letter.

Anna M. Chambers

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

Dear Ms. Curtis:

I am writing to call your attention to significant flaws in the process, data, and conclusions of the Ventura County General Plan, Draft EIR, and supplemental documents.

My great grandfather, Mark McLoughlin (1843-1914), was a true Ventura County pioneer, purchasing his first 318 acres of undeveloped land in Ventura County in 1875. He was a hard-working visionary, revered by his community. With his son—my grandfather, James Patrick McLoughlin—he raised livestock and farmed the land, providing jobs and feeding the growing towns of Oxnard and Ventura.

Our land, in a vitally important location on Olivas Park Drive across from the Ventura Marina, has been in the family, and part of the economic fabric of the community, for 100 years. And we want it to be part of the future of this community, with a flourishing economy, a thriving job market, and unsurpassed quality of life for its residents.

But the General Plan and DEIR do not describe a viable path for us as landowners going forward.

I will begin with some specific issues regarding language in the Coastal Area Plan, 4-82-83 and 4-94-95. Part of our land is located in the Central Coastal Zone, adjacent to the Ventura Marina, on Olivas Park Drive at Harbor Blvd. The only conclusion the Plan draws about our land is the statement that, "unlike the Preble area, services are not readily available to the Olivas lands." This is false. Our property has access to all utilities, water, main roads, and the freeway. Indeed, easements on our property serve surrounding areas with utilities.

The Plan also claims that our property is "not included in the City's sanitation district because of problems with water pressure." This language is irrelevant and incorrect. There is no evidence that there are water pressure issues, and the sanitation district's pipelines actually traverse our property.

While we do not know the original source of these misstatements, such misrepresentations—now repeated in the Plan—threaten to diminish the value of our land in relation to the Preble property. And, of course, they undermine the goal and the value of the Plan itself.

The General Plan also speaks of the widening of Olivas Park Drive, our southern boundary. This would have a direct impact on our property. But the Plan does not address how this would happen or how it would affect our land.

Damaging misstatements about our property also appear in the DEIR. Contrary to the portrayal in the DEIR, our property has significant infrastructure in place, as well as prime accessibility to the highway and the harbor. In fact, with easy access to the marina and beach community, and with the railroad as part of our eastern boundary, our land is uniquely suited to be an important part of future economic development in the area. We are entitled to have all these matters corrected.

I would also like to raise some additional concerns:

1. The General Plan and DEIR continue to ignore the 28% increase in the homeless population in our community.
2. According to the General Plan, if we were to build an acre of low income / worker housing we would need to buy two replacement acres of same Ag land to be placed into perpetual agricultural preservation. This is unrealistic and infeasible, and certainly not in line with the State government's housing policies.
3. The EIR does not adequately address the enormous "indirect impacts" that will occur as a result of implementing the General Plan, calling them "less than significant."
4. The General Plan contains policies that will increase the costs of normal farming operations, making it difficult for farming to remain profitable.
5. The Plan does not adequately evaluate the impacts of increased competition for water in our community.

The EIR is a flawed document, full of errors, that does not disclose all impacts, direct and indirect, caused by the General Plan. It was obviously rushed—completed in six weeks. It is inaccurate and incomplete, and fails to provide members of the community with the information that they are legally entitled to. This EIR should be corrected and reconsidered, and a reasonable time period should be allowed for meaningful and thoughtful community input.

Sincerely,

I support this letter -
Anna M Chambers

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 1:13 PM
To: Simmons, Carrie
Subject: FW: VC Gen Plan DEIR flaws
Attachments: VC Gen Plan DEIR flaws.pdf

Follow Up Flag: Follow up
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From: Anna Chambers <achambers316@gmail.com>
Sent: Thursday, February 27, 2020 1:04 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Subject: VC Gen Plan DEIR flaws

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I support the attached letter.

Anna M. Chambers

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

Dear Ms. Curtis:

I am writing to call your attention to significant flaws in the process, data, and conclusions of the Ventura County General Plan, Draft EIR, and supplemental documents.

My great grandfather, Mark McLoughlin (1843-1914), was a true Ventura County pioneer, purchasing his first 318 acres of undeveloped land in Ventura County in 1875. He was a hard-working visionary, revered by his community. With his son—my grandfather, James Patrick McLoughlin—he raised livestock and farmed the land, providing jobs and feeding the growing towns of Oxnard and Ventura.

Our land, in a vitally important location on Olivas Park Drive across from the Ventura Marina, has been in the family, and part of the economic fabric of the community, for 100 years. And we want it to be part of the future of this community, with a flourishing economy, a thriving job market, and unsurpassed quality of life for its residents.

But the General Plan and DEIR do not describe a viable path for us as landowners going forward.

I will begin with some specific issues regarding language in the Coastal Area Plan, 4-82-83 and 4-94-95. Part of our land is located in the Central Coastal Zone, adjacent to the Ventura Marina, on Olivas Park Drive at Harbor Blvd. The only conclusion the Plan draws about our land is the statement that, "unlike the Preble area, services are not readily available to the Olivas lands." This is false. Our property has access to all utilities, water, main roads, and the freeway. Indeed, easements on our property serve surrounding areas with utilities.

The Plan also claims that our property is "not included in the City's sanitation district because of problems with water pressure." This language is irrelevant and incorrect. There is no evidence that there are water pressure issues, and the sanitation district's pipelines actually traverse our property.

While we do not know the original source of these misstatements, such misrepresentations—now repeated in the Plan—threaten to diminish the value of our land in relation to the Preble property. And, of course, they undermine the goal and the value of the Plan itself.

The General Plan also speaks of the widening of Olivas Park Drive, our southern boundary. This would have a direct impact on our property. But the Plan does not address how this would happen or how it would affect our land.

Damaging misstatements about our property also appear in the DEIR. Contrary to the portrayal in the DEIR, our property has significant infrastructure in place, as well as prime accessibility to the highway and the harbor. In fact, with easy access to the marina and beach community, and with the railroad as part of our eastern boundary, our land is uniquely suited to be an important part of future economic development in the area. We are entitled to have all these matters corrected.

I would also like to raise some additional concerns:

1. The General Plan and DEIR continue to ignore the 28% increase in the homeless population in our community.
2. According to the General Plan, if we were to build an acre of low income / worker housing we would need to buy two replacement acres of same Ag land to be placed into perpetual agricultural preservation. This is unrealistic and infeasible, and certainly not in line with the State government's housing policies.
3. The EIR does not adequately address the enormous "indirect impacts" that will occur as a result of implementing the General Plan, calling them "less than significant."
4. The General Plan contains policies that will increase the costs of normal farming operations, making it difficult for farming to remain profitable.
5. The Plan does not adequately evaluate the impacts of increased competition for water in our community.

The EIR is a flawed document, full of errors, that does not disclose all impacts, direct and indirect, caused by the General Plan. It was obviously rushed—completed in six weeks. It is inaccurate and incomplete, and fails to provide members of the community with the information that they are legally entitled to. This EIR should be corrected and reconsidered, and a reasonable time period should be allowed for meaningful and thoughtful community input.

Sincerely,

I support this letter -
Anna M Chambers

Simmons, Carrie

From: Downing, Clay
Sent: Thursday, February 27, 2020 1:45 PM
To: Simmons, Carrie; General Plan Update
Subject: FW: Comments on Ventura County General Plan DEIR
Attachments: Comments on VC Gen Plan DEIR.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Carrie,

Please see the attached public comment and retain for our records unless you already received separately from Susan.
Best,

Clay Downing, MPPA | Associate Planner
Permit Administration and General Plan Update Sections
Clay.Downing@ventura.org



Ventura County Resource Management Agency | Planning Division
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Office 805.650.4047

Additional Planning Division information is available at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit VC Citizen Access

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From: Curtis, Susan <Susan.Curtis@ventura.org>
Sent: Thursday, February 27, 2020 1:10 PM
To: Downing, Clay <clay.downing@ventura.org>
Subject: FW: Comments on Ventura County General Plan DEIR

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

Ventura County Resource Management Agency | Planning Division
P. (805) 654-2497 | F. (805) 654-2509



800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740

Visit the Planning Division website at vcrma.org/planning

Ventura County General Plan Update. Join the conversation at VC2040.org

For online permits and property information, visit [VC Citizen Access](#)

Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Bob & Anna Chambers <lacostachambers@gmail.com>

Sent: Thursday, February 27, 2020 11:51 AM

To: Curtis, Susan <Susan.Curtis@ventura.org>

Subject: Comments on Ventura County General Plan DEIR

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I support the attached letter.

Robert M Chambers

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:

I represent and serve on the McLoughlin Family Committee, a group of family members that own approximately 300 acres of agricultural property off of Olivas Park Road in the County of Ventura, in proximity to the City of Ventura.

The McLoughlin family has farmed this land for generations. It remains our desire to continue this legacy. However, in the face of never-ending changes to the regulatory environment, we again find ourselves attempting to ascertain how new policies and programs as proposed in the draft 2040 General Plan will impact and challenge our ability to serve as stewards of this heritage.

It had been our hope that the DEIR would provide some clarity and insight into how the new policies and programs within the revised General Plan would impact our farming operation. However, that is not the case. Simply said, we believe the General Plan Update and subsequent Environmental Impact Report fail to adequately analyze or study impacts on the farming industry.

With that said, we would like to specifically present the following:

- The Background report Table 6-26: Transportation Department Planned Capital Projects lists sections of roadways the County plans for expanded capacity or widening, along with the scope of those enhancements. It also covers in length the plan to add bike paths and bike lanes in accordance with existing County wayfarer plans. However, the DEIR never analyzes the loss of farmland resulting from these changes in infrastructure – it's not even mentioned as a possibility in the DEIR.

Olivas Park Road between Victoria and Harbor is listed as one of the areas planned for road widening, a stretch of roadway that borders the entire eastern portion of our farmland and property. While the impact on our farming operation and financial losses due to property loss are clearly quantifiable, the report fails to list or quantify these impacts.

- In Section 3-8, The DEIR states that because there will be no "substantive" change to the agricultural, open space, or rural designations, the General Plan Update (GPU) will be consistent with SOAR. However, no further details beyond this conclusory statement is provided. There is no way for the reader to come to his or her own conclusion on whether the GPU will result in inconsistencies with SOAR that might lead to physical environmental impacts. There is no description of the changes to the Agriculture, Open Space, and Rural policies to determine whether they are in fact non-substantive.

Given the length and breath of the Draft General Plan update and CEQA analysis, we made an attempt to focus our initial review and subsequent comments to issues specific to agriculture and farming. However, it's clear that the 2040 General Plan will impact the Ventura County local economy across

sectors – all of which influence the ability to live and work in this region. The DEIR's lack of analysis of those economic impacts, calls into question the legitimacy of both the draft General Plan update, and the CEQA analysis. As such, we respectfully request that the DEIR be recirculated in the hopes that further study will resolve these shortcomings.

I appreciate your consideration.

I support this letter -
Robert M. Chambers

Simmons, Carrie

From: Curtis, Susan
Sent: Thursday, February 27, 2020 1:55 PM
To: Simmons, Carrie
Subject: FW: VC2040 Public Comment
Attachments: VC2040 Background report comments_Tessa Salzman_2-27-2020.docx; VC2040 Background report comments_Tessa Salzman_2-27-2020.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Susan Curtis | Manager
General Plan Update Section
susan.curtis@ventura.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Tessa Salzman <tessajsalzman@gmail.com>
Sent: Thursday, February 27, 2020 1:53 PM
To: Curtis, Susan <Susan.Curtis@ventura.org>
Cc: ClerkoftheBoard, ClerkoftheBoard <ClerkoftheBoard@ventura.org>
Subject: VC2040 Public Comment

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Hi Susan,

Please acknowledge receipt of my comments on the Background Report, draft General Plan and draft EIR.

Thank you for incorporating these comments into your General Plan Update process. PDF and word document attached.

--
Tessa Salzman
Food Sourcing Director, Food Share
M.S. Food Systems Policy and Planning
[707 845 5846](tel:7078455846)

Date: February 27, 2020
Re: Comment on VC 2040
To: Susan Curtis & the Ventura County Planning Department,

My comments focus on the Agriculture Element of the General Plan regarding issues that need to be discussed in Background Report under Existing Conditions or more thoroughly addressed in the draft EIR. I offer policy solutions to address each issue area, which should be included in the General Plan.

Given the state of climate change, the State's mandate to climate action planning, and the fact that Ventura ranks the fastest warming county in the lower 48 states¹, policy for climate change mitigation and adaptation that outlines a supportive transition and requires action is essential.

I also want to note that I have a deep respect for the farmers of Ventura County and work closely with many of the largest growers in Ventura County including Driscolls, Boskovich, and Deardorff. I understand the challenges they face every day regarding food safety standards, pest management, soil management, unpredictable markets, unpredictable and changing weather patterns, the cost of land, and labor management. Given that Ventura County is 57% agricultural land, I also acknowledge the unique potential we have to mitigate climate by adopting new practices and managing agriculture as part of a larger eco-system.

1. Pesticide and nutrient management:

Issues missing from report

- Annual pounds pesticide used in Ventura County
 - One study from 2009 shows pesticides and nutrients found above benchmark rates.²
- Amount and location of use of artificial nitrogen, which is a significant driver of agricultural greenhouse gas emissions in manufacture, transport and oxidizing of soil carbon³
 - The proposed greenhouse gas inventory shows no decrease in nitrogen use.
- Nutrient leaching into groundwater as well as storm water runoff into ocean
- Reliance on applicant to have considered alternative pest management strategies when applying to use regulated materials.
- Limited expertise to provide science-based guidance about the range of alternatives to application of synthetic pesticides and benefits of alternatives

¹ Scott Wilson, *Fires, floods and free parking: California's unending fight against climate change* (2019). <https://www.washingtonpost.com/graphics/2019/national/climate-environment/climate-change-california/>

² Salvatore S. Mangiafico, *Nutrients and Pesticides in Stormwater Runoff* (2009). (<https://journals.ashs.org/horttech/view/journals/horttech/19/2/article-p360.xml>)

³ Rushan Chai, *Greenhouse gas emissions from synthetic nitrogen* (2019). <https://cbmjournal.biomedcentral.com/articles/10.1186/s13021-019-0133-9>

- Some growers choose synthetic pesticides as first approach to pest management because they lack knowledge, expertise, curiosity, or motivation to question prevailing norms
- Some growers may rely on the advice of consultants who have a conflict of interest because they make their living selling pesticides
 - The University of California definition of Integrated Pest Management (IPM) needs to be the default policy in the General Plan that begins with preventive measures and biologically based approaches
 - IPM needs to be mainstream and discussed in the General Plan as the strategy to be used by all growers, not just for “alternative, sustainable” or “innovative” farmers. Pest management, with a specific focus on IPM, should be a separate goal in the Ag Element.
- Unknown cumulative effects of single pesticides used over time and multiple pesticides used simultaneously
 - Particularly with respect to the impact on farmworkers and neighboring receptors (residents, schools, hospitals, etc.)
- Decrease in biodiversity and resulting decline in ecosystem function
- Impacts of Roundup and other herbicides, which can have a material cost in orchards of +/- \$400 per acre not including labor.
 - Round impacts include killing plants and beneficial fungi that give soil tilth, particularly toxic to the beneficial bacteria that help plants grow; active ingredient glyphosate harms metabolic functioning in gut linings of all organisms
 - Limited awareness of how to design weeds out with mulch, cover crops, native plants that create plant communities that allow no space;
 - Limited awareness about studies, which prove carcinogenicity. Even when used according to label, many herbicides and pesticides are not safe to ecosystems, waterway, children, etc.
- Practices for building soil health, which is impacted by the use of all synthetic inputs, need to be outlined and assessed.
 - Healthy soil retains more water, is more effective in managing invasive pests and plants, and is less susceptible to erosion.
- Background Report does outline the reasons our county is susceptible to more agricultural pests and disease (Port Hueneme imports, proximity to urban LA, mild climate, diverse crops, etc)
 - This provides justification for a sharp assessment and action plan for preventive forms of pest management instead of a reactionary approach as problems arise.
 - Ex: Asian citrus psyllid (ACP) = threat to citrus; Glassy winged sharpshooter (GWSS); Invasive Shot Hole Borer, Polyphagous Shot Hole Borer; Fusarium wilt on celery and cilantro

Solutions & Policy guidance

- The top two resources I recommend drawing from are here:
 - Roadmap for Integrated Pest Management https://www.cdpr.ca.gov/docs/pestmgt/ipm_roadmap.pdf
 - Roadmap to an Organic California: Policy Report <https://www.ccof.org/roadmap-organic-california>

- Run off should be limited by reducing the use of certain herbicides and pesticides and by preventing soil erosion and retaining onsite eroded sediments that could contain residual pesticide; increase rain water infiltration through building soil health
- IPM solutions; ban glyphosate and other toxic herbicides, toxic synthetic pesticides from public landscape management. There are many local governments which have already adopted such policy⁴
- County Agriculture Commissioner has a large role in supporting local agriculture practices and the County should invest in Ag Commission staff with relevant expertise
- As outlined in a report by UCLA Law⁵, the Ag Commissioner should:
 - Assure consideration of alternatives to synthetic pesticides
 - Collaborate with the CA Department of Pesticide Regulation to track, study and advise regarding cumulative effects. Please see report for more detail.
- Ventura County Agricultural Commission issues permits to pesticide applicators; they are responsible for pest detection, management, and prevention and should engage in documented discussion as part of their permit process about IPM
 - IPM offers a pest management system that prevents outbreaks, saves farmers money and builds ecological systems instead of degrading them. It primarily supports the Sustainability Goal #5. IPM is misplaced in the Niche and Specialty Agriculture Goal #3. The General Plan should be updated to reflect the relevance and feasibility of this management approach.
- The narrative that pesticides (used outside of an IPM strategy) are needed for food security within the County is unsubstantiated. Omit Policy AG 4.4 to frame all pest management policy under IPM.

2. Ag land as a resource

Issues to consider

- The impacts of tillage and exposed soil are not addressed in this report. These aspects of our farming system in Ventura County create an environment susceptible to erosion, nutrient and water runoff, less water retention, less carbon sequestration potential
- Between 2004 and 2016, land designated as Prime Farmland decreased by 6,216 acres or 13.17 percent, according to the Background Report
 - Important Farmland declined by approximately 7.5 percent (p9-9)
 - Impacts of farmland conversion to the environment include less permeable land, less potential carbon sequestration, less potential ecosystem services
- The impact of local agricultural practices such as pesticide & NPK use, tilling, monoculture, and bare soil that lack cover crops, on the changing quality and condition over time of Important Farmland.
 - These factors all lead to the degradation of soil quality, water retention, biological ecosystems, and economic vitality of the agriculture sector

⁴ Gosia Wozniacka, *Community-Led Efforts to Ban Glyphosate in Public Spaces Pick up Speed* (2019). <https://civileats.com/2019/12/17/community-led-efforts-to-ban-glyphosate-in-public-spaces-pick-up-speed/>

⁵ Tim Malloy, *Governance on the Ground*. <https://law.ucla.edu/centers/environmental-law/emmett-institute-on-climate-change-and-the-environment/publications/governance-on-the-ground/>

- Rates and causes of local erosion should be discussed.

Policy solutions

- Identify, develop and promote technical and financial support for building healthy soil.
- Collaborate with our local Cooperative Extension
- Funding is available for farmers through CDFA's Healthy Soils Program
<https://www.cdfa.ca.gov/oefi/healthysouils/>

3. Food Security

Issues to consider

- The lack of institutional or community attention to barriers to food security
- Supply chains are vulnerable to road damage from earthquakes, extreme weather events and floods.
- Exporting 60% of county production to foreign countries impacts their capacity to achieve food security. Exporting increases greenhouse gas emissions.
- Address the carbon footprint and quality as well as food security implications from 85% of food consumed in Ventura County being sourced outside the County.

Policy solutions

- Identify and remove barriers to marketing and increased consumption of local agriculture products; strengthen Policy AG-4.1 to localize food supply
- Adopt the Good Food Purchasing Program at the City level and include school districts in these efforts. <https://goodfoodpurchasing.org/>
- Require a growing measurable proportion of food purchased by county hospital, jail and cafeteria be from local sources
- Encourage and recognize school districts and businesses that steadily increase procurement of products grown in the county
- Assure that buy-local policy includes all agriculture products, not just fresh produce

4. Water

Issues to consider

- Background Report does not discuss surface water and ground water quality or contamination baseline data or impacts on ecosystems, humans and agriculture
 - This report should include existing levels of sediment, agricultural inputs including nutrients and pesticides, and other pollutants from other industries such as chloride and other salts.
- Report acknowledges that drought reduced crop values in the 2013-2014, which was the 2nd lowest rainfall since 1930
 - Specific farm and soil management practices can improve soil health and water retention
- Ag water sources in 2013: Only 4.2% was recycled water, according to the Background Report
- Report outlines how many gallons of water are used to grow 1 pound food of various crops, but does not include how much of our water is exported to other countries in agriculture products

- Ag water sources: Surface water 8.8%
 - Diverting surface water causes ecosystem damage and reduces river flow
- This report lacks an assessment of and commentary on over-fertilization and excess irrigation. UCCE should be consulted for relevant studies such as excess nitrogen in strawberries by local advisor Andre S. Biscaro.
- It should be noted if and when there is a lack of available data from UCCE, CDFA, and other resource agencies in order to help shape their research agenda priorities.

Policy solutions

- Increase water efficiency and retention through building healthy soil, which means encouraging cover crops, low or no till, crop rotation and reducing inputs.
- Establish measurable and enforceable goals for water conservation and use of recycled water for all sectors
- Increase infrastructure and ability to use more recycled water throughout the County.
- Support growers with financial and technical resources to adopt practices that retain more water

5. Regulatory setting

- There are 7 Area plans in our county, which are listed in the Background Report and contain goals and policies related to agricultural resources.
 - These Area Plans should consider environmental impact review and hyper localized mitigations for the affected area.
- According to the Background Report:
 - The Farmland Protection Policy Act is a federal law to minimize loss of prime agricultural land.
 - The Farmland Mapping and Monitoring Program requires counties to report land converted to or from agricultural land every two years
 - We should be tracking and monitoring the causes and outcomes of loss that occurs in Ventura County.
 - The causes should be addressed thoroughly in the Land Use Element.
 - The climate impacts of this loss should be better understood, discussed and mitigated.

6. General comments & recommendations

- The Background Report and draft EIR lack a discussion of how to build healthy soils and their important role in climate change mitigation, as well as water supply, reducing drought, and reducing flooding. The benefits to farmers and local ecosystems and biodiversity are also essential factors to highlight.
- The Background Report outlines that buying local commodities has gained traction in recent years due to climate change concerns and its potential effects on crop production.
 - Therefore, the structure of our local markets and supply chains must be included in this discussion.
 - Mitigations should center on building out our regional supply chain infrastructure to increase local sales (only 15% of our local production is currently consumed within County)

- Food security and long-term economic stability are weakened by long-distance exports. Regional export of agricultural products also reduces local consumption and misses the opportunity for local economic development
- Greenhouse gas emissions inventory does not cover emissions associated with exports and imports
- Section 9.2 Agricultural Production; Existing Conditions discusses weather patterns such as average temperature and moisture
 - This section lacks a discussion of climatic changes over time. Ventura is fastest warming county in lower 48 states⁶. The unpredictable changes occurring at a faster rate than even before will require agile adaptation and mitigation of further climate change specifically through preventative pest management and practices that retain water.
- All figures and tables should be current: Table 9-8 Top 10 Commodity Sales and subsequent tables are 2015 data. 2018 data is available.

Summary of Recommendations

- IPM is about prevention instead of treating the symptoms and should be the most predominate pest management strategy in our County.
- Create infrastructure for consideration of alternatives and cumulative effects of pesticides.
- Adopt programs and policies for building soil health
- Consider all barriers to food security
- Assess water quality as indicator of all land management practices
- Assess energy and water embodied in exports
- Reference the resources included in this policy recommendation letter, specifically regarding a roadmap moving forward towards IPM and organic.

If we do not consider all of these factors, which contribute to and exacerbate climate change, then the factors that are considered and outlined in the Existing Conditions section will soon be obsolete.

Thank you for your consideration. Please feel free to reach out with questions or for further discussion.

Submitted by
 Tessa Salzman
 M.S. Agriculture, Food & Environment Policy
 M.A. Urban & Environmental Policy & Planning
 707-845-5846
 tessajsalzman@gmail.com
 Ventura, CA 93001

⁶ Scott Wilson, *Fires, floods and free parking: California's unending fight against climate change* (2019).