

**MINUTES  
WHITTIER CITY COUNCIL  
ADJOURNED SPECIAL MEETING  
RADISSON HOTEL BALLROOM  
7320 GREENLEAF AVENUE  
NOVEMBER 15, 2011**

**1. CALL TO ORDER:**

The Whittier City Council met in an Adjourned Special Session on November 15, 2011. Mayor Warner called the meeting to order at 5:35 p.m. in the Radisson Hotel Ballroom, 7320 Greenleaf Avenue, Whittier, California.

**2. ROLL CALL:**

**COUNCIL MEMBERS PRESENT:** J. Greg Nordbak, Council Member  
Joe Vinatieri, Council Member  
Bob Henderson, Council Member  
Owen Newcomer, Mayor Pro Tem  
Cathy Warner, Mayor

**OTHER OFFICIALS PRESENT:** Stephen W. Helvey, City Manager  
Jeffrey W. Collier, Chief Assistant City  
Manager  
Richard D. Jones, City Attorney (7:18 p.m.)  
Kathryn A. Marshall, City Clerk-Treasurer

**3. PLEDGE OF ALLEGIANCE:**

City Manager Helvey led the Pledge of Allegiance.

**4. ORAL COMMUNICATIONS:** None

**5. CONTINUED PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP09-004 AND ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE SCH2010011049); APPLICANT: MATRIX OIL CORPORATION; CITY-OWNED PROPERTY WITHIN THE PUENTE HILLS LANDFILL NATIVE HABITAT PRESERVATION AUTHORITY AREA GENERALLY LOCATED NORTH OF MAR VISTA STREET AND WEST OF COLIMA ROAD IN THE CITY OF WHITTIER**

[A verbatim transcript is attached and made a part of these Minutes.]

**6. ADJOURNMENT:**

Mayor Warner adjourned the City Council meeting at 10:02 p.m. to Monday, November 21, 2011 at 5:30 p.m. in the Council Chamber at Whittier City Hall, 13230 Penn Street, Whittier, California.

Respectfully submitted:

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Kathryn A. Marshall  
City Clerk-Treasurer

In The Matter Of: )  
 )  
WHITTIER CITY COUNCIL )  
REDEVELOPMENT AGENCY )  
PUBLIC HEARING )  
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TRANSCRIPT OF PROCEEDINGS  
Whittier, California  
Tuesday, November 15, 2011

Reported by:  
Dianne G. Slockbower  
CSR No. 10676

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3 In The Matter Of:     )  
  )  
4 WHITTIER CITY COUNCIL     )  
REDEVELOPMENT AGENCY     )  
5 PUBLIC HEARING             )  
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10            Transcript of Proceedings taken  
11 before Dianne G. Slockbower, a Certified  
12 Shorthand Reporter for the State of  
13 California, with principal office in the  
14 County of Orange, commencing at  
15 5:34 p.m., Tuesday, November 15, 2011,  
16 at the Radisson Hotel, 7320 Greenleaf  
17 Avenue, Whittier, California.  
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3 PUBLIC COMMENT                           10  
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5 REBUTTAL                                   82  
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9                            E X H I B I T S  
10    (None)  
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1                            Whittier, California, Tuesday, November 15, 2011  
2    5:34 p.m. - 10:01 p.m.  
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4                            MAYOR WARNER: We're ready to begin our  
5 meeting this evening. This is the Whittier City Council  
6 adjourned special meeting, and we would like to welcome  
7 you, and we will begin with roll call, please.  
8                            MS. MARSHALL: Council Member Nordbak.  
9                            COUNCIL MEMBER NORDBAK: Here.  
10                           MS. MARSHALL: Council Member Vinatieri.  
11                           COUNCIL MEMBER VINATIERI: Here.  
12                           MS. MARSHALL: Council Member Henderson.  
13                           COUNCIL MEMBER HENDERSON: Here.  
14                           MS. MARSHALL: Mayor Pro Tem Newcomer.  
15                           MAYOR PRO TEM NEWCOMER: Here.  
16                           MS. MARSHALL: Mayor Warner.  
17                           MAYOR WARNER: Here.  
18                           And I apologize to the gentleman that asked me  
19 how I was this evening and I said good morning. So I  
20 didn't realize it was evening. And I'd ask that -- Steve  
21 Helvey is going to lead us in the pledge, please.  
22                           MR. HELVEY: Sure.  
23                           Could you join me in the Pledge of Allegiance,  
24 please.  
25                           (Whereupon all stood and recited the Pledge of

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1 Allegiance.)  
2                           MAYOR WARNER: At this time, I'd like to ask  
3 City Clerk Katherine Marshall if you have additional  
4 information to present into the record.  
5                           MS. MARSHALL: Thank you, Mayor Warner.  
6                           Tonight I'd like to input into the record, the  
7 transcripts of the Planning Commission's discussion on  
8 the Whittier Main Oil Field development project, CUP  
9 09-004. There were four meetings, October 19, 2011;  
10 October 20, 2011; October 24, 2011; October 25, 2011; and  
11 those will be available to the council and to the public.  
12                           In addition to that, there are a number of items  
13 of correspondence we received -- we had an update last  
14 night.  
15                           A letter and DVD from Susan O'Carroll of  
16 Parental Planning and Environmental Services dated  
17 November 14, 2011; comments from Craig Lebow;  
18 Los Angeles County Department of Health Services article  
19 on childhood asthma dated October 2004; Air Pollution and  
20 Asthma in children article dated March 2001 submitted by  
21 Eve Mancias; an e-mail from Carol Bucher dated  
22 November 11, 2011; a letter from Ian McMillan South Coast  
23 Air Quality District dated November 8, 2011; e-mail from  
24 Ray Schmitz dated November 15th, 2011; e-mail from  
25 Mr. and Mrs. Harold McGuinness dated November 15, 2011;

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<p>1 e-mail from Eli Bulie dated November 15, 2011; comments  2 from Dave -- excuse me -- Dan Castaranna dated  3 November 15, 2011, and an e-mail from Arella Perez dated  4 November 15, 2011.</p> <p>5 That brings us up-to-date. Thank you, Mayor  6 Warner.</p> <p>7 MAYOR WARNER: Thank you. And that's up through  8 the beginning of our meeting tonight; is that correct?</p> <p>9 MS. MARSHALL: Yes, ma'am.</p> <p>10 MAYOR WARNER: Thank you.</p> <p>11 So, I feel like the person on Southwest Airlines  12 when they always read that stuff before each flight, but  13 please bear with us.</p> <p>14 As we continue this public hearing, I would like  15 to outline several procedures to make sure each  16 individual who wishes to speak is heard. When you  17 arrived this evening you were offered a speaker card.  18 The card is intended to assist our court reporter in  19 transcribing the proceedings of this hearing. When you  20 come up to speak at the podium, we request that you turn  21 in a speaker card that is filled out to one of the staff  22 members seated near the podium.</p> <p>23 When speaking at the podium we ask that you  24 speak in a normal pace and in a normal tone of voice.  25 The microphones are set to accommodate a normal tone of</p> <p style="text-align: right;">6</p>	<p>1 Please remain seated during the hearings. The  2 Los Angeles County Fire Department has asked that we keep  3 aisle ways and exit corridors clear so we can comply with  4 the fire code. Therefore, it will be necessary for all  5 guests in the room to remain seated at all times unless  6 you are in the process of entering or exiting the room.</p> <p>7 City staff members, consultants and members of  8 the television crew will not always be seated as there is  9 a need for them to perform logistical functions related  10 to the meeting. If you need to speak with others during  11 the meeting, we request that you leave the hearing room  12 to continue your conversation outside, so as to not  13 distract those around you.</p> <p>14 Once again, it will be necessary for staff  15 members to have periodic conversations with one another  16 for logistical purposes in facilitating the meeting.</p> <p>17 If you have signs that you would like to display  18 during the hearing, out of courtesy for others in the  19 audience we ask that you not wave your sign or hold it up  20 in the manner that may block the view of those behind  21 you. If members of the public wish to use a video camera  22 to record the proceedings or use a camera to take  23 pictures of the proceedings during the hearing, we ask  24 that you use one of the designated areas on either side  25 of the room for this purpose. No flash photography will</p> <p style="text-align: right;">8</p>
<p>1 voice. Speaking too loudly will skew the audio portion  2 of the television recording; speaking too rapidly will  3 make it difficult for your testimony to be recorded by  4 our court reporter.</p> <p>5 We will need to take periodic breaks during the  6 evening to accommodate our court reporter.</p> <p>7 As with our normal public hearing process,  8 speakers will be given three minutes to provide  9 testimony. To help you determine when you need to  10 summarize your comments there is a lighting system  11 similar to the one we have in the City Council Chambers.  12 It is located on the table in front of the Council. You  13 will see a green light two minutes into your testimony, a  14 flashing green light will occur for the next 30 seconds,  15 and then a yellow light will appear for your last 30  16 seconds, followed by a red light to indicate your time is  17 up.</p> <p>18 When you see the yellow light, please begin to  19 summarize your comments. When the red light is  20 displayed, I will ask that you complete your sentence so  21 the next speaker can begin.</p> <p>22 The Council wishes to hear what each person has  23 to say. If you wish, you may indicate whether or not you  24 agree with the points raised by those speaking before  25 you.</p> <p style="text-align: right;">7</p>	<p>1 be allowed.</p> <p>2 Members of the press with full press credentials  3 that are visible may have general access to the room.</p> <p>4 Out of respect for others in the audience that  5 may have an opposing view from your own, we request that  6 you refrain from applause, cheering, booing, or making  7 other comments from the audience which may disrupt the  8 flow of the meeting.</p> <p>9 We will ask that those speaking line up five  10 persons in each of the two podiums. At the conclusion of  11 receiving public testimony in accordance with our public  12 hearing procedure, the Applicant will be permitted to  13 offer a rebuttal to those points raised in opposition.</p> <p>14 After the rebuttal, City Staff and the  15 environmental consultant may present additional  16 clarification regarding points raised during the  17 testimony and the Council will then have the opportunity  18 to ask questions, deliberate, and then make a  19 determination on the final EIR and CUP application.</p> <p>20 The action on the final EIR is either certify or  21 not certify the final EIR. The action options regarding  22 the CUP application would be to either approve, approve  23 with modifications, or to deny the application.</p> <p>24 And last night when we started with our public  25 comment, we started with the opposition, so tonight we'll</p> <p style="text-align: right;">9</p>

<p>1 start with those in favor of the project. If there are  2 ten individuals here that are in favor of the project, we  3 would invite you to line up five at each podium. And we  4 are ready to hear your comments.</p> <p>5 Good evening.</p> <p>6 CHUCK TIGHE: Good evening. My name is Chuck  7 Tighe, and I live at 7814 California Avenue in Whittier.  8 We've lived in this home, which we built, since  9 December 7th, 1960, it will soon be 51 years.</p> <p>10 We're the second house from the hills, and our  11 boys and I would frequently hike up there watching all  12 the active oil well activity. So all of our family well  13 remembers all about what went on until Chevron stopped  14 the drilling activity and removed all of the equipment.</p> <p>15 In all of the years of the Chevron operation and  16 that we've lived in our home, did we ever experience any  17 of the negatives of noise, dust, odors, illness, et  18 cetera, that the no drilling folks would have you  19 believe. I see none of these negatives happening were  20 drilling to happen again. Whittier can simply use the  21 income and I heartily support the drilling activities.  22 Thank you.</p> <p>23 MAYOR WARNER: Thank you.  24 Good evening.  25 DICK KIECHLER: My name is Dick Kiechler, I live</p> <p style="text-align: right;">10</p>	<p>1 the project to, you know, through the landfill down Penn.  2 That just doesn't seem logical to me, but I don't  3 understand all of the problems with that either.</p> <p>4 This is a very positive project for the City of  5 Whittier as it will benefit the community as a whole in a  6 very positive way, especially economically. The  7 infusions of moneys into our parks, infrastructure and  8 uptown area is to name but a few.</p> <p>9 Having been raised in Whittier, attended  10 Whittier High School, Whittier College, as well as having  11 three businesses in the uptown area, I truly look forward  12 to what this project can mean to my city.</p> <p>13 I also feel that with all the potential upgrades  14 to the City, that home prices could also seek a  15 tremendous amount of increase, as the increase in the  16 quality of life that the City projects could bring.</p> <p>17 With all this being said, it's my hope and  18 desire that you will pass the project. Thank you.</p> <p>19 MAYOR WARNER: Thank you.  20 Good evening.  21 JOHN PEEL: Good evening. John Peel, 13554  22 Broadway. I live up near Turnbull Canyon and I  23 probably -- if you ask my family, they would say I spend  24 an inordinate amount of time in the Whittier hills on a  25 regular basis and have for quite sometime.</p> <p style="text-align: right;">12</p>
<p>1 on Bronte Street near the intersection of Bronte and  2 Bacon in the Heights within two blocks of the open  3 spaces. We've enjoyed living in this house since 1975,  4 and I've done what I could to beautify my house. I have  5 planted 45 Coastal Redwoods which are now giant trees,  6 and we enjoy these, and we support the activities that  7 Whittier is attempting to put forward to increase the  8 income of the City. Thank you.</p> <p>9 MAYOR WARNER: Thank you.  10 Good evening.</p> <p>11 JERRY MORGAN: I'm Jerry Morgan of 14227 Bronte  12 Drive. I have lived there for 37 years, born and raised  13 in Whittier.</p> <p>14 May I just say and I -- in some respects I  15 almost hate to bring it up, but in the Mar Vista Heights  16 area, you know, we were kind of vandalized a little bit.  17 And I just think that's a sad situation that we would  18 have to come to that. But on the positive side, I am  19 very much in favor of the project. I've been extremely  20 pleased with all the upgrades that Matrix has tried to  21 make to make it even more environmentally friendly.</p> <p>22 The one issue that I would like to see, though,  23 that I think would really help environmentally, is if  24 there's any way to have the trucks ingress, egress  25 somewhat on Colima rather than going all the way through</p> <p style="text-align: right;">11</p>	<p>1 I have been very excited over the years about  2 the progress that has been made in our hills. Coming to  3 Whittier in 1970 I remember what it was like going up  4 Turnbull Canyon or going up behind the college and how  5 things were up there back in those days. I was reading a  6 little bit today on-line to find out that it was -- it  7 will be 16 years ago next month that the largest projects  8 of purchasing the land up in the Whittier hills was  9 concluded. But there were many little projects that took  10 place along the way. And many folks that are still on  11 the City Council right now, especially Bob Henderson,  12 have made all of this possible. Special projects that  13 were involved, the YMCA for all -- some people around the  14 City don't really understand all those things that took  15 place. They remember the big projects, but they don't  16 remember all the little ones.</p> <p>17 And so when this project first came up, I was  18 completely and totally against it. I felt like we had  19 come so far. But then as the information came out, and  20 we started looking into the -- what was going to happen  21 in the hills, it wasn't the return of what I call the  22 grasshoppers of the hills. We weren't going to be having  23 open pumping, the technology has changed a lot over the  24 years. And I think my biggest disappointment with what  25 has been presented by the opposition to this plan, this</p> <p style="text-align: right;">13</p>

<p>1 idea, is that there is somehow this repetitive notion 2 that the technology hasn't changed since back in the 3 '40s.</p> <p>4 Well, I think we're all thankful that the 5 technology has changed. It was really only in the last 6 eight years that we have been able to return to walk onto 7 some of that property that was bought 16 years ago. Why 8 did it take so long? Because the old technology made a 9 mess out of the hills. These are not hills that have -- 10 that are pristine, have been sitting up there unused and 11 untouched for 50 years. They're still recovering from 12 what was done before. But the new technology is not 13 going to cause those problems. And I really hope that 14 when we get done with this, because I know I have friends 15 on one side and I've got a lot of friends on the other, 16 that we will unite as a small town, look at this as a 17 plus for all of us, and that you will take on your 18 responsibility with this opportunity as a City Council 19 and make it so this project happens and we will be able 20 to have some revenue for the years to come that will help 21 everyone who lives in this City. Thank you very much for 22 all your efforts.</p> <p>23 MAYOR WARNER: Thank you. 24 Good evening. 25 JIM EMERY: Good evening. I'm Jim Emery. I'm</p> <p style="text-align: right;">14</p>	<p>1 benefit of not only myself but to all of Whittier. Thank 2 you.</p> <p>3 MAYOR WARNER: Thank you. 4 Are there any others wishing to speak in favor 5 of the project? At this time we'll invite those wishing 6 to speak in opposition to the project to step forward. 7 Good evening.</p> <p>8 VALORIE SHATYNSKI: Good evening. Valorie 9 Shatynski, I live on Penn Street. Thank you, several of 10 you today, for your help on Penn Street with some of the 11 issues we had with traffic. And my usual mantra that I 12 just have a request from our families and neighbors is 13 that we would hope that in the conditional use permit and 14 throughout whatever the efforts are that result from your 15 decision making, that there's a coherent, enforceable 16 traffic plan and that we be involved as a neighborhood. 17 And I'm talking about all neighborhoods, not just Penn 18 Street, that are impacted by this project, and that we be 19 involved in the process.</p> <p>20 I know that it's painful to work with us 21 sometimes, but we have our lifelong quality -- quality of 22 life issues and I think they're equally valid to all of 23 the other pluses that we see as a community, various of 24 us, with this project or not. 25 Ultimately, what we would like to feel is that</p> <p style="text-align: right;">16</p>
<p>1 also a lifelong Whittier-ite, born and raised here, 2 graduated Whittier College. I've been a real estate 3 broker here in town for 45 plus years.</p> <p>4 As a kid growing up we lived at basically 5 Mar Vista and Michigan Avenue. I would play in those 6 hills, actually climb on the oil derricks as a young 7 person, and then I became a newspaper boy for the 8 Whittier Daily News and for four years I rode my bicycle 9 from Mar Vista to the hills, from Bacon to Catalina, all 10 the way past the normal houses into the three homes that 11 were there owned by Chevron for their live-in help.</p> <p>12 We're all still surviving, we're all still here. 13 Those days of the old dirty, noisy type of oil derricks 14 have all changed with the technology.</p> <p>15 As a real estate broker I've watched the areas 16 of Mar Vista Heights and Friendly Hills and the basic 17 rest of Whittier, these areas have not suffered 18 value-wise at all. If anything, they've out appreciated 19 the other parts of Whittier. Our City needs this revenue 20 to improve our city. We have a great city, but it could 21 be so much better if we had more money to work with. It 22 would increase property values even more and it would 23 make the city more desirable and make the sale of homes 24 better.</p> <p>25 So I strongly endorse this project to the</p> <p style="text-align: right;">15</p>	<p>1 our neighborhood is important, and that the residents 2 there, although there are a lot of renters, with us 3 homeowners scattered in, do matter to the City and that 4 our quality of life is considered. So, basically, we 5 would just like to see a traffic plan process that we're 6 at least -- you know, transparent where we can hear 7 what's being planned and how that's going to evolve. 8 Because there are a number of issues about traffic 9 feeding into the area of the neighborhood. It's not just 10 on Penn, but Mar Vista and other access areas that trucks 11 and traffic related to the project and other uses might 12 use.</p> <p>13 Mike spoke last night and I brought a copy of 14 his letter for you for the record, and he did want me to 15 mention that he felt sort of offended by the Matrix ad 16 that came in our mailbox and didn't feel that clean 17 drilling was really a great representation. But my one 18 comment about this piece is that it was originally 19 published in the newspaper with no notation that it was 20 an opp ed piece, that -- it does say that in the mailer. 21 But I think that those things need to be carefully 22 represented and we appreciate your allowing us to have 23 more time to speak with you before the project.</p> <p>24 MAYOR WARNER: Thank you for your comments. 25 Good evening.</p> <p style="text-align: right;">17</p>

<p>1 ISAAC CHU: Good evening. My name is Isaac Chu.  2 I'm a resident of Whittier. I wish to read some comments  3 that I prepared and e-mailed yesterday.  4 It's my desire to convey to Whittier City  5 Council and people of Whittier that the Matrix drilling  6 project will impair the transition of Whittier from a  7 fossil fuel dependent town to long term energy  8 resilience. Whittier needs to take advantage of its  9 fiscal crisis as an opportunity to look for long term  10 ways to develop and sustain itself, not look to oil  11 companies to prolong the inevitable end of the fossil  12 fuel age, which we all know is coming.  13 As an outside for profit corporation, Matrix  14 will ensure the bulk of any money generated by the wells  15 will leave the community. Why can't Whittier be an  16 innovator in green business, green jobs, training and  17 other ways to invest in human capital rather than just  18 another municipality to rush to exhaust its remaining  19 natural resources. Extracting Whittier's remaining oil  20 reserves is a lot like clear cutting trees on a preserve,  21 except that trees will grow back, whereas fossil fuels  22 will not replenish themselves. They are a non-renewable  23 resource. Once it's gone, it's gone, and the only people  24 who will have benefitted are oil companies and their  25 allies. Meanwhile, Whittier and surrounding communities</p> <p style="text-align: right;">18</p>	<p>1 within ourselves, our own community leaders so devoid of  2 creative solutions that we have to resort in eating our  3 seed corn. Why is the City not developing an action plan  4 for an oil well that eventually and inevitably run dry.  5 By depleting a non-renewable resource we would definitely  6 be building Whittier's future on sinking sand.  7 Any remaining fuel in the Whittier Hills should  8 be saved --  9 MAYOR WARNER: Thank you. Thank you, Isaac.  10 Thank you for your comments. Thank you.  11 ISAAC CHU: I have one more sentence.  12 MAYOR WARNER: Your time is up. Thank you very  13 much for your comments.  14 And you may go ahead.  15 TERESA WIEN: My name is Teresa Wien and I live  16 in Whittier. I won't take up much time here, but I do  17 have one simple question, and I would like to ask each of  18 you to answer this question when it's appropriate. Why  19 not take this issue to vote for the people, with the  20 people. You have the power to do that. It could be an  21 advisory vote or you could make an approval of the  22 project contingent upon agreement by the voters in the  23 city elections in April. This issue is dividing our  24 community and the passions have led people to say some  25 ugly things about each other and about you on the</p> <p style="text-align: right;">20</p>
<p>1 will be left holding the bag on toxified air and polluted  2 aquifers. A polluted aquifer stays polluted and cannot  3 be remediated.  4 Extended pipes in a seismic prone region is a  5 recipe for disaster. According to the revised  6 environmental impact report, dated October 2011, toxic  7 materials and greenhouse gas exceeding its official  8 safety threshold during construction activities as well  9 as impacts to the groundwater and quality resulting from  10 leakage of crude oil cannot, and I repeat, cannot be  11 mitigated to less than significant levels.  12 Proposed odor suppressant sprays and mitigation  13 measures proposed, like chemical disbursements employed  14 by another drilling company in recent memory have the  15 effects of covering up the signs but not the effects of  16 drilling. Will we continue to exploit and exhaust or  17 will we look for realistic solutions. If we had no other  18 easy energy sources, would we resort to cutting down  19 Whittier's trees.  20 This drilling initiative has close parallels to  21 an example that I wish to bring up involving Easter  22 Island. Easter Islanders resorted to cutting down their  23 last trees for fuel, and desperate travelers slaughtering  24 their horses and mules also comes to mind.  25 Have we no creative resources to draw from</p> <p style="text-align: right;">19</p>	<p>1 council. Why not settle this the way we settle things in  2 America, by having a vote of the people.  3 Some speakers have expressed their impression  4 that this has been a deciding factor in back rooms,  5 behind closed doors. Why not banish that thought by  6 opening up the doors and the windows and letting everyone  7 in the community have their say, not at a public hearing  8 but at the ballot box. After all, these hills belong to  9 the people of Whittier, not the City Council, and it is  10 the people that will experience the impacts, risks and/or  11 benefits of this project. So why not simply ask them if  12 that's what they want. I respectfully urge that each of  13 you answer that question when you have the opportunity  14 during this hearing. Thank you.  15 MAYOR WARNER: Thank you for your comments.  16 Good evening.  17 CAROLE HASTINGS-PRESS: Good evening. My name  18 is Carole Hastings-Press.  19 MAYOR WARNER: Just a second, we'll go this way  20 and then we'll come back over here.  21 ANDREA BELLAMY: Good evening. My name is a  22 Andrea Bellamy and I live in Whittier.  23 It seems that the Whittier City Council has gone  24 down this path with tunnel vision, choosing to ignore  25 scientific data and the wishes of the vast majority of</p> <p style="text-align: right;">21</p>

<p>1 the public. Rather, they cling to their position in  2 spite of the consequences, unwilling to admit the  3 possibility that in their haste and quest for money this  4 whole (inaudible) was an ill advised undertaking from the  5 start.</p> <p>6 After spending hundreds of thousands of dollars  7 on legal maneuvers defending this position, what else  8 could the City have spent that money on? Perhaps  9 extending library hours and more after school programs.  10 Do you believe that this is in the spirit of Prop A? Do  11 you honestly believe Prop A would have passed if it  12 clearly stated that oil drilling could resume at a future  13 date?</p> <p>14 As stated by several speakers, there is no  15 guarantee that Whittier will get more than a small share  16 of any income, if any at all. It's also noted in Prop A  17 that any income that may flow from that has to be used  18 specifically for parks. So now you think you can go to  19 court and have that changed as well? Yet, we will assume  20 all of the risk. I ask you being known as an oil town  21 while most cities are priding themselves on being  22 greener, is this really the legacy that you want to  23 leave? Thank you.</p> <p>24 MAYOR WARNER: Thank you.  25 Please, good evening.</p> <p style="text-align: right;">22</p>	<p>1 kept my compass are those hills. I was excited when we  2 bought the -- the friends over here bought that -- helped  3 the City buy that property, and I was extremely excited  4 when we opened up Sycamore Canyon.</p> <p>5 If there is any drilling, I am totally opposed;  6 especially coming in from Sycamore Canyon. If you  7 haven't been there, you don't know what I'm talking  8 about. And I hope everyone here will take that walk.  9 Thank you.</p> <p>10 MAYOR WARNER: Thank you.  11 Good evening.  12 PEGGY LUNA: Good evening. My name is Peggy  13 Luna and I live on Penn Street in Whittier, and I am  14 opposed to the oil drilling. But I came before you once  15 before several months ago to say that I felt  16 unrepresented by this Council within our street and our  17 neighborhood, and I continue to this day.</p> <p>18 I just sent an e-mail out regarding our traffic  19 concern with the asphalt trucks going up and down Penn  20 Street. The traffic is a concern because in the EIR it  21 spoke that there wasn't -- wouldn't really be a  22 significant impact. But yet when you question the  23 writers and the analysis that was done on this piece, it  24 was one day, down at the end of Penn in a car that did a  25 manual count about one hour before 7 and from 5:00 to an</p> <p style="text-align: right;">24</p>
<p>1 CAROLE HASTINGS-PRESS: Good evening. My name  2 is Carole Hastings-Press. I've lived in Whittier since  3 1952 when my parents purchased a home two houses north of  4 Cal High. I've lived here my entire life and own two  5 homes here. I currently live just south of Witwood at  6 15564 Ditmar Drive.</p> <p>7 The thing I remember most about growing up in  8 Whittier was the times my brother and I went in the  9 drainage ditch behind the track that we lived in and we  10 went under Lambert and up into the hills where we found a  11 grove of trees with a huge amount of leaves and some  12 other boys had brought some cardboard and we slid down  13 like we were in a hill of snow.</p> <p>14 When my brother signed up for Vietnam, he signed  15 up here in Whittier. When he came home with no leg and  16 PTSD, there was no place to escape. There was no place  17 to walk in the hills like we did when we were kids. Now  18 if we go up Sycamore Canyon, you can go up there as a  19 disabled person, you can take in the peacefulness and  20 energy that comes from nature.</p> <p>21 I was there Saturday afternoon with one of my  22 daughters. You can smell the putrid smell of that one  23 oil well, you can see the pool of oil that looks like a  24 La Brea tar pit.</p> <p>25 The thing that has kept me in Whittier and has</p> <p style="text-align: right;">23</p>	<p>1 hour afterwards. And it's absurd to think that that was  2 an accurate assessment of Penn coming up and down the  3 street. There's many feeder streets off of Penn and in  4 those feeder streets, people avoid going down to Painter,  5 I'm one of them. I go down College and then cut over to  6 La Puerta to get to Painter. So the traffic assessments  7 that they did was not accurate.</p> <p>8 And also that the -- one of the comments in the  9 environmental justice section is using old census data;  10 2010 is available and yet this assessment went back ten  11 years ago. We can all think ten years ago of how our  12 economic changes within the country, within our own  13 community and within our own household has changed  14 dramatically within ten years. And it is absurd, again,  15 to think that there have been no changes. And it almost  16 appears as though it's trying to cover up the impact to  17 our neighborhood.</p> <p>18 There's been studies and studies done, about low  19 income multi-ethnic neighborhoods who are impacted and  20 affected by toxic environmental hazard. It's in those  21 low income communities that I assume we are considered  22 because it moved -- the project moved from one part of  23 Whittier that is considered a more affluent section to  24 the central part which is considered a less affluent  25 section. And I'm appalled by this and feeling abused</p> <p style="text-align: right;">25</p>

<p>1 when I have no recourse to come out to. You are my  2 recourse and yet you don't represent my interest or the  3 interest of my neighbors and I'm very disappointed with  4 this process.  5 My son is 16 years old --  6 MAYOR WARNER: Thank you for your comments.  7 Thank you.  8 Good evening.  9 CELESTE ZABALA: Thank you very much. My name  10 is Celeste Zabala. I am a resident of Pico Rivera but I  11 am also a small business owner here in Whittier. My  12 family and I own a small business, we came four years ago  13 from the city of Maywood, so we're doing much better here  14 in Whittier.  15 I just feel that the disruption of traffic -- we  16 have customers in Hacienda Heights, La Habra, La Mirada.  17 It would be hard I think on all the small businesses here  18 in Whittier to have this oil project. And I'm also a  19 grandmother -- two granddaughters who go to school here  20 in Whittier. I'm concerned about their health,  21 environmental impact, and I also do believe that you  22 should bring this to a ballot to the good citizens of  23 Whittier. Thank you very much.  24 MAYOR WARNER: Thank you.  25 Good evening.</p> <p style="text-align: right;">26</p>	<p>1 in Whittier, some of them a dozen times or more. And we  2 all did this. We gave our time, we gave our energy and  3 what money we could afford, because we wanted a little  4 piece of wide open space for our community, and for those  5 who came after us. We did it for Whittier's future.  6 The oiling drilling advocates sign say that they  7 support Whittier's future. At first when I heard about  8 the drilling I decided to keep an open mind and study the  9 proposal because I too care about Whittier's future. I  10 received quite a shock when I read what was actually  11 being proposed. I guess it all comes down to what kind  12 of future do you want for Whittier.  13 We worked to ensure that we would have an oasis  14 for our citizens in the middle of a wasteland. In our  15 giddy days of victory, we thought that there were  16 adequate protections on our piece of the corridor to keep  17 it safe in the future. But as John Mueller said, Nothing  18 dollarable is ever safe. And now we have to save the  19 hills again.  20 We did decades of work to create the preserve.  21 Now the drilling advocates seem to be telling us, too bad  22 about your decades of work, we've changed our minds. I  23 don't think you can do that. It isn't fair and I'm  24 hoping it's not legal.  25 And I have one comment I'd like to make to the</p> <p style="text-align: right;">28</p>
<p>1 PAM REED: Hi, my name is Pam Reed, I'm going to  2 read this. I've been a citizen of Whittier since 1976  3 and a few days after I moved here, I received a mailing  4 from a group of Whittier citizens who are organizing a  5 movement to save the Whittier Hills from development. I  6 moved here because I loved the hills, so I joined the  7 movement, and I didn't realize at the time that saving  8 the hills would occupy a huge chunk of the next 25 years  9 of my life.  10 If you were not a part of the movement, it would  11 be impossible to imagine the hours of work done by the  12 large numbers of citizens to create our section of the  13 wilderness corridor -- the wildlife corridor. Year after  14 year we dedicated ourselves to getting pro hills  15 candidates elected to city, county, and state office,  16 educating the public, getting the voters support for bond  17 issues that would provide funds for the project. We made  18 telephone banks, we stood on street corners, we put up  19 signs, and we talked to friends and neighbors, we stood  20 in front of markets and handed out flyers, we set out to  21 community events, we stuffed envelopes, we walked door to  22 door to door for 25 years. We didn't have much money,  23 but we had an inexhaustible amount of dedication to the  24 project and plenty of community support.  25 I'm pretty sure that I've walked every precinct</p> <p style="text-align: right;">27</p>	<p>1 anti-drilling folks who are all here. There are a lot of  2 save the hills old timers who have stood on the side  3 lines in this battle and we are disgusted by the vicious  4 personal attacks that are being leveled against  5 Bob Henderson by some people. You can disagree with Bob  6 about this project and you can tell him so, but knock off  7 the vitreal. Because if it wasn't for Bob, I doubt that  8 we would even be having this meeting tonight. There  9 wouldn't be anything left up there to save. Thank you.  10 MAYOR WARNER: Thank you.  11 Good evening.  12 RICHARD VEYNA: Good evening. My name is  13 Richard Veyna. I've been a resident of Whittier for 28  14 years. I live on the Colima Freeway.  15 I'm very much against this project. The people,  16 you know, it could be said that the people of Friendly  17 Hills are not being affected, it's not true. Colima's  18 slated to become more of a freeway, there's constant  19 accidents there with heavy traffic, with 18-wheelers, and  20 I think that we can be opening ourselves up to possible  21 fatalities.  22 In addition to that, Matrix Oil and this project  23 plans to dig a trench right in front of my driveway.  24 This is going to affect traffic throughout, you know, the  25 entire Southland. I mean, Armageddon</p> <p style="text-align: right;">29</p>

1 would be nothing in comparison to what would happen if  
2 you tore up Colima and the people on the other side of  
3 the hill could not traverse and vice versa.  
4 You're looking at reducing it down to two lanes  
5 for an undeterminate amount of money, of time. You're  
6 admitting to the fact that Matrix said they're going to  
7 provide us with income, but there's no projections as to  
8 how many millions of dollars we're supposed to receive  
9 per year. I don't see any graphs saying the first year  
10 we should get so much. I think these are empty promises,  
11 and I think that the officers of the city of Whittier  
12 need to consider that they need to serve the interests of  
13 the population of Whittier, not a special interest.  
14 And that should be kept in mind because as we  
15 all know the city officials of the city are almost under  
16 a microscope considering what has happened to other  
17 cities in the Southland. Thank you.  
18 MAYOR WARNER: Thank you.  
19 Good evening.  
20 ROBERT RUBIO: Hello, my name Bob Rubio. We've  
21 been here in Whittier since '66. We have two of our  
22 three children who live here with our grandchildren. I'd  
23 like to start off by recalling one of the first meetings  
24 I attended over at City Hall where somebody on the  
25 Board -- Council mentioned that, oh, you voted -- all you

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1 people here voted for us council members and now we have  
2 the vote to move forward -- Whittier forward.  
3 Well, I think we have to be aware that, you  
4 know, the voters didn't give the Council carte blanche on  
5 our lives. Because, you know, you got to remember Bell,  
6 Vernon, Irwindale, a lot of these cities that were just  
7 run over because the -- such a majority didn't have a say  
8 in it. And all we're doing is asking you now to listen.  
9 Because, you know, as all votes mature, you know, it's  
10 the majority that should be the winners.  
11 Secondly, I would like to say that, you know,  
12 you always hear we love -- we love our country, we love  
13 America. Well, you can filter this down to the state and  
14 to the city because we love Whittier. What is Whittier?  
15 Without the individuals here in this room including, you  
16 know, everyone, everybody in the city. If we took  
17 everybody out of the city what would we have? Streets  
18 and empty houses and empty land, empty parks, everything,  
19 you know. So the people, the human element, is something  
20 we have to consider. And this is -- this is what is the  
21 human -- what do we want? We want the -- we want clean  
22 environment, we want safe streets, congested free. We  
23 want a beautiful city, with open spaces. You know, if  
24 you look at from Whittier to Los Angeles you've got  
25 concrete, concrete, concrete, concrete, busy streets,

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1 crowds. I mean, one of the reasons we've been here, and  
2 one of the reasons we decided to live here is we didn't  
3 want to be far away from the L.A. area, was because we  
4 had all this country style, semi-country style living and  
5 this openness and this freedom and this cleanliness. But  
6 this thing is going to change all of this if we go  
7 forward.  
8 And lastly, I'd just like to mention a little  
9 bit about money. You know, there's been a lot of talk  
10 about money being behind this, you know, for all the good  
11 reasons and for all the bad reasons. And we should be  
12 talking about -- again, I wanted to go back to this  
13 loving the country, you know, loving the city. We got --  
14 this is -- rolls over to both my areas here --  
15 MAYOR WARNER: Thank you very much for your  
16 comments. Thank you. Before we -- you can step up. And  
17 I just want to double check before you start, see if  
18 there's anyone else that would like to speak in support  
19 of the project. We've had ten opposed, so feel free to  
20 stay right there and we'll have those in support, please  
21 line up, anyone in support.  
22 Good evening.  
23 JEFFREY SEAN MCDONOUGH: Good evening. I've  
24 lived in Whittier 53 some odd years. I remember off of  
25 Colima --

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1 MAYOR WARNER: Would you mind giving us your  
2 name, sir, for the record.  
3 JEFFREY SEAN MCDONOUGH: Jeffrey Sean McDonough.  
4 MAYOR WARNER: Thank you.  
5 JEFFREY SEAN MCDONOUGH: Off of Colima, there's  
6 Avocado Crest and as a child I used to go up there and  
7 it's all hillside and then the housing tracks moved in,  
8 progress. We need to progress and create jobs. I'm all  
9 in support of the oil drilling and everything for that.  
10 MAYOR WARNER: Thank you.  
11 Anyone else wishing to speak in favor of the  
12 project, please continue.  
13 LORRY KENNEDY: I just want to thank you for  
14 continuing this. I was here last night. And so thank  
15 you. My concerns all of which have been --  
16 MAYOR WARNER: Can you give us your name,  
17 please.  
18 LORRY KENNEDY: Lorry Kennedy.  
19 MAYOR WARNER: Thank you.  
20 LORRY KENNEDY: My concerns all of which have  
21 already been raised I think expertly by the opposition  
22 far out weigh any potential gain, even money. To me,  
23 cash isn't worth the threatened losses that we face,  
24 considering the seriousness of this project if you do,  
25 the ripple effects, all the downsides, I think the one

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1 gain which is money should be guaranteed and it's not.  
 2 To make your best decision on behalf of the  
 3 people of Whittier you need independent counsel on the  
 4 FEIR and the project's financial projection. A group  
 5 that has nothing to gain by its recommendation or  
 6 findings.  
 7 Having Matrix respond to this and other concerns  
 8 is not sufficient. Talk is cheap, kind of like a  
 9 Kardashian wedding vow. Matrix will say whatever you  
 10 need to hear. The truth is in the documents which are  
 11 currently inadequate. One speaker last night began to  
 12 reference a lunch with an L.A. city councilman, but was  
 13 unable to finish. He later quoted the councilman as  
 14 saying he was grateful to this project because Whittier  
 15 would fund L.A.'s infrastructure. So the pie gets  
 16 smaller. And in addition to the shaky status of how  
 17 funds will be distributed, another issue lies  
 18 undiscussed, if you vote yes and lawsuits are filed and  
 19 the project goes down, the City will have to pay all of  
 20 the legal fees. So the windfall for which some are so  
 21 eager to trade our hills for, besides being less than  
 22 expected or not guaranteed could end up being an IOU.  
 23 Tonight is our last night and I'm begging you to  
 24 just be sure, to be 110 percent sure, that you're making  
 25 the right decision. You're dancing with the bear and the

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1 bear will tell you when to stop.  
 2 MAYOR WARNER: Good evening.  
 3 BERKELEY STEWART: I'm Berkeley Stewart, and I  
 4 grew up in a farm in Arkansas and lived in Dallas, New  
 5 York City and Whittier now for 20 years. We moved here  
 6 basically because of the hills. Even though we're in the  
 7 middle of this huge urban Los Angeles area, it feels like  
 8 you have some elbow room and the air smells fresh.  
 9 This is my statement, I want to repeat something  
 10 said by Paul Bennett the managing partner of IDEO, a  
 11 phenomenally successful global design practice, The  
 12 future cannot be designed in Excel.  
 13 I am confident that this Council has managed the  
 14 City's resources in a manner they honestly felt was  
 15 responsible and in many, if not most cases, they were.  
 16 But times have changed dramatically in the last 20 years.  
 17 We've past into a new century, we've past into a new  
 18 geologic period from the whole seen to the anthroposcene.  
 19 And sadly the chance that humanity will avert  
 20 catastrophic climatic impacts has dropped sharply, more  
 21 this year.  
 22 Remember the old story about the golden goose?  
 23 At the seeming mercy of millions of dollars Matrix has  
 24 spent on lobbying and advertising we are about to  
 25 stupidly sell off our goose. We are pawning off our

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1 crown jewels instead of biting the bullet and honestly  
 2 taking up a bold fight to create a new future, not based  
 3 on the fossil resources bitter end is in sight and the  
 4 production and use of which will not only further  
 5 conditions already overwhelming us, but increase the  
 6 toxins in our air, reduce the value of our precious hills  
 7 and debase our bucolic neighborhoods.  
 8 We should have people up here who are  
 9 formulating a 50-year collective commitment to advancing  
 10 the equity, respecting culture, history and environment  
 11 in designing resource allocation to produce multiple  
 12 benefits and new kind of prosperity based on sound growth  
 13 and a Renaissance of old-fashioned ideas bolstered with  
 14 modern technology and urgent creativity, with five years'  
 15 strategic action plans and goal based budgeting. Instead  
 16 we are settled with a patriarchal and feeble council that  
 17 will almost assuredly ignore the uproar around it and  
 18 with a decision which will be a mockery of democracy  
 19 position us way behind the curve of current accepted  
 20 thoughts about what is required to robustly face a future  
 21 of uncertainty and risk. It is taking the lazy way out  
 22 to create income for our community, which is not at all  
 23 even guaranteed.  
 24 Our children and grandchildren will look back on  
 25 this moment as a tragic failure of vision, a time of

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1 somnolence and distraction. A time when their parents  
 2 and grandparents could have been bold and gritty and  
 3 fought for something clearly critical for the well-being  
 4 of the future and instead gave their mostly dull and  
 5 silent consent to the frittering away of their  
 6 inheritance and future well-being.  
 7 MAYOR WARNER: Thank you, thank you for your  
 8 comments. Your time is up. Thank you for your comments.  
 9 Would the next speaker step up, please. Would  
 10 you please step up, the next speaker, please.  
 11 Good evening.  
 12 ROMI RUBIO: Good evening. Thank you for the  
 13 opportunity -- excuse me -- to speak as is our right as  
 14 American citizens, which is wonderful to have. I would  
 15 like to say that I was very --  
 16 MAYOR WARNER: And did you give us your name,  
 17 please.  
 18 ROMI RUBIO: Excuse me, yes. My name is Romi  
 19 Rubio. I've been a Whittier resident for over four  
 20 years.  
 21 MAYOR WARNER: Okay. And, Romi, we're going to  
 22 pause just for a second, you won't -- it won't go against  
 23 you. I'd like to ask the last two speakers, would you  
 24 mind coming over to this podium, please. And number two  
 25 and three, please feel free to stay right there. Thank

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<p>1 you.</p> <p>2 Okay, please continue.</p> <p>3 ROMI RUBIO: Yes, thank you. I was very</p> <p>4 happy -- my heart was happy to hear the council members</p> <p>5 yesterday, most especially you, Mayor, that you were</p> <p>6 speaking about our soldiers that are dying and have died</p> <p>7 and come back the way that they do for our right to speak</p> <p>8 and to be able to do this. So I was very happy to hear</p> <p>9 that.</p> <p>10 Just as I'm happy to also not really necessarily</p> <p>11 counter something because I don't believe in character</p> <p>12 assassination, I don't think that gets anybody anywhere.</p> <p>13 But I've been here for a few meetings and I've heard some</p> <p>14 speakers say something like the people that are</p> <p>15 pro-drilling need to be educated and need to do research</p> <p>16 and the like. And then actually say it's not about me,</p> <p>17 me, me, this is about us, this is our community.</p> <p>18 Certainly it's not about me. It's about all of us</p> <p>19 whether you're pro or you're not. Because if something</p> <p>20 happened I'm sure gas masks won't only be given to people</p> <p>21 that didn't want the drilling versus people that want to</p> <p>22 drill. And I know that's an extreme thing.</p> <p>23 But anyway, I'm representing, I'm sure, people</p> <p>24 that really don't want to get up and say anything, but</p> <p>25 that are here, which is called a silent majority. And I</p> <p style="text-align: right;">38</p>	<p>1 oil under the streets of Whittier was far too compelling</p> <p>2 to pass up. Forty years later the millions turned out to</p> <p>3 be tens of thousands and our neighborhood is still</p> <p>4 begging for you to relieve the noise generated by the</p> <p>5 over rigs at the wells. I've stood before you countless</p> <p>6 times in the last 20 years addressing this very same</p> <p>7 subject. As you know, these over rigs pull the thousands</p> <p>8 of feet of heavy casing pipe by sliding a steel yoke up</p> <p>9 until it hits the flange at the top. This simultaneously</p> <p>10 lifts the pipe into the air and rings it like an enormous</p> <p>11 bell. City ordinances do not require soundproofing on</p> <p>12 these rigs because they're temporary mobile units and the</p> <p>13 duration is less than 30 days.</p> <p>14 You've seen movies of these rigs which Matrix</p> <p>15 attempted to dismiss by claiming bird calls would drowned</p> <p>16 out the massive carillon at 350 feet. I and every house</p> <p>17 in the neighborhood can tell you firsthand that the rigs</p> <p>18 are very loud and clear at 1200 feet. The rigs are</p> <p>19 present on Honolulu Terrace eight months out of the year</p> <p>20 to service the 14 rigs. The 60 or more proposed wells</p> <p>21 can be expected to have more than one rig present every</p> <p>22 day of the year by those numbers.</p> <p>23 Adding insult to injury, rather than requiring</p> <p>24 this long-term noise problem to be addressed, it is being</p> <p>25 mitigated in the EIR by raising the noise limit. Our</p> <p style="text-align: right;">40</p>
<p>1 am very much opposed to this drilling, really for two</p> <p>2 reasons. One of them is that our -- I believe the hills</p> <p>3 are sacred, they don't really belong to a person. It's</p> <p>4 Mother Earth that belongs to all of us. And second, of</p> <p>5 course, is health reasons. Our citizens of the future,</p> <p>6 our children, won't have the best type of air that they</p> <p>7 could have if we go on with this. Thank you very much.</p> <p>8 MAYOR WARNER: Thank you.</p> <p>9 Good evening.</p> <p>10 JOHN YOUNG: Good evening, Council. My name is</p> <p>11 John Young, as I'm sure you're aware.</p> <p>12 I want to start by saying how distressed I am at</p> <p>13 how much contention this whole issue has caused this</p> <p>14 community and the rift that has developed as a result. I</p> <p>15 had always felt that we strove to work together to create</p> <p>16 a community and this is causing damage. And I think no</p> <p>17 matter what the outcome, the damage will outweigh the</p> <p>18 benefits. But that's not totally what I came to say.</p> <p>19 What I came to say relates to the Honolulu</p> <p>20 Terrace site. And as you know, I live on Honolulu</p> <p>21 Terrace, and before the drilling occurred there in 1970,</p> <p>22 people in the area fought to keep it out. Their biggest</p> <p>23 concern was the noise. Concessions were made in the CUP</p> <p>24 for soundproofing of the drilling derrick and the project</p> <p>25 was approved. The promise of millions of royalties for</p> <p style="text-align: right;">39</p>	<p>1 most special sensitive needs children at Mar Vista School</p> <p>2 and hundreds of homes which will be affected cannot just</p> <p>3 be outweighed, once again, by insecured promises of</p> <p>4 riches.</p> <p>5 Don't make the same choice your predecessors</p> <p>6 did. Life shows us again and again that the return will</p> <p>7 be far less than we think and the cost much greater.</p> <p>8 MAYOR WARNER: Thank you very much. Thank you</p> <p>9 for your comments.</p> <p>10 Good evening.</p> <p>11 YVONNE WATSON: Good evening. My name is Yvonne</p> <p>12 Watson, and I'm the chief researcher for the Save the</p> <p>13 Montebello Hills Task Force of the Sierra Club Angeles</p> <p>14 Chapter. Tonight I'm here speaking as an individual.</p> <p>15 I am against this project in the hills, this oil</p> <p>16 development project because before I was a resident of</p> <p>17 Montebello I was a resident of Whittier, and I lived in</p> <p>18 the Southwestern portion of Whittier near the Santa Fe</p> <p>19 Springs oil field. And for many, many years as a child</p> <p>20 we could smell the oil field from where I lived. We</p> <p>21 could see the flares at night as they flared off the</p> <p>22 gases from that oil field. And it wasn't until I began</p> <p>23 working with the Sierra Club that I discovered a report</p> <p>24 on that particular oil field where they had done studies</p> <p>25 and determined that 75 percent of the wells in the</p> <p style="text-align: right;">41</p>

<p>1 Santa Fe Springs oil field had been leaking toxic gases 2 into the atmosphere and into the surrounding community. 3 And nobody in my community was ever notified about those 4 risks. And we continue to breathe those toxins and 5 those -- whatever else might have been in the air. And I 6 find that very unconscionable that there was a whole 7 community, especially a community mostly Hispanic at that 8 time, that was being exposed to these toxic wastes and 9 nobody told us.</p> <p>10 Several people in my family have died from 11 cancer. I myself have neurological illnesses that can be 12 traced to possibly being exposed to things as a child. 13 I'd like to remind this body that oil well drilling 14 releases BTEX chemicals which are benzene, ethylbenzene, 15 toluene and xylene. These can lead to anemia, blood 16 cancers, such as leukemia, which is what my grandfather 17 died from, other forms of cancer, my other grandfather 18 died of stomach cancer. I myself suffer from severe 19 anemia along with other reproductive problems. And this 20 is what you will possibly be exposing children living 21 near this project. This stuff gets into the atmosphere 22 and disburse. And it's -- many cases some of these 23 exposure levels are very small, over a long duration of 24 time. So when people say that, well, we've lived here 25 all our lives, we've had no problems, wait another ten,</p> <p style="text-align: right;">42</p>	<p>1 on this with regard to drilling, the oil wells, because I 2 am involved with EMTA, I intend to get involved regarding 3 the extension to the Metro, the gold line to the city of 4 Whittier, that's another story. My thing is I am against 5 it because, A, I sincerely believe -- I know the language 6 is in Prop A that let the constituents decide one way or 7 the other. I sincerely believe it's unfair for the 8 council members to decide the fate of the city of 9 Whittier regarding it's revenue, the windfall, and I 10 don't believe -- sincerely believe we're going to get a 11 windfall. Because I remember when we -- the citizens of 12 the state of California voted for the lottery and to this 13 day I know a lot of people that are teachers, 14 administrators who work with -- the Whittier district and 15 also Montebello, and there's nothing -- revenue coming in 16 from the lottery. And that's the way I feel now about 17 this. If there's going to be any moneys coming, it's 18 just going to be crumbs that fall off the table. And I 19 would hate to see the City of Whittier get stuck with 20 something -- investing all this time, money and energy to 21 -- it's going to be a negative effect. Thank you so much 22 for your time and courtesy.</p> <p>23 MAYOR WARNER: Thank you. 24 Good evening. Please, go ahead. 25 SAUL SAHAGUN: Yes, hello. My name is</p> <p style="text-align: right;">44</p>
<p>1 twenty years and then come back and tell me you have no 2 problems.</p> <p>3 Children and the elderly are the most at risk. 4 They often have the highest exposure levels because they 5 spend most time in the area being exposed to these 6 things.</p> <p>7 And I'd also like to remind everyone here in 8 Whittier that this is a problem that is global and is not 9 just limited to this small city. The EPA right now is 10 considering in 2012 removing the exemption that the oil 11 and gas industry enjoys regarding hydrogen sulfide. So 12 now when there is a release of hydrogen sulfide gas, they 13 will have to report it.</p> <p>14 MAYOR WARNER: Thank you. Thank you for your 15 comments. 16 Good evening.</p> <p>17 ARMANDO YBARRA: Good evening, my name is 18 Armando Ybarra. My home address is 6049 Acacia Avenue. 19 I formally lived in Montebello, I've been a resident of 20 Whittier for 15 years and I (inaudible) later regarding 21 the Montebello Hills. I used to run cross country there, 22 there was a lot of oil derricks there and there was a lot 23 of horses, cows, and so on, and I still -- here, in 24 Whittier, I utilize the hills to go hiking, jogging. And 25 the thing that bothers me about this, I got involved late</p> <p style="text-align: right;">43</p>	<p>1 Saul Sahagun and I'd like to speak Spanish for all our 2 Spanish speaking constituents that aren't taking into 3 consideration through Matrix, they haven't been provided 4 with any -- anything in Spanish, so they're just 5 forgotten. But when it comes time to vote, hopefully 6 remember so.</p> <p>7 (Mr. Sahagun proceeds to speak in Spanish.) 8 SAUL SAHAGUN: Like I said, Whittier is very 9 beautiful, that's why we live here. Let's not destroy 10 the beauty and environment just for promises that we 11 don't know we will get. I hope to walk with my child 12 later on when she goes up in the hills and their 13 grandchildren also. I don't want to give that up for 14 false promises and neither should you. You might live 15 here, your family might live here, but what do you want 16 to leave for them in the future? Money? No, money 17 erodes, it's gone, but the beauty stays forever. That's 18 what you should be.</p> <p>19 This is what it is about, the beauty and the 20 pristine and not -- the environment we have. Money 21 should not be an issue, okay? Look for your money 22 through other means. Just look at the hills and that's 23 why you live here, isn't it? Remember that.</p> <p>24 MAYOR WARNER: Thank you. Sir. 25 SAUL SAHAGUN: For the record, can you please</p> <p style="text-align: right;">45</p>

<p>1 transcribe it in English for the people that don't know.  2 MAYOR WARNER: I have a question for you.  3 SAUL SAHAGUN: Yes.  4 MAYOR WARNER: Do you have your comments written  5 in English?  6 SAUL SAHAGUN: No I don't, no.  7 MAYOR WARNER: Okay, if you would like to submit  8 them in English we'll be happy to receive them.  9 SAUL SAHAGUN: No, you can transcribe them like  10 the law says you have to transcribe them. Thank you very  11 much.  12 MAYOR WARNER: Ms. Barlow, can you comment?  13 MS. BARLOW: If the court reporter could  14 transcribe it in Spanish -- no, we're not legally  15 required to do that.  16 MAYOR WARNER: Ms. Barlow, from a legal  17 perspective -- thank you, sir.  18 From a legal perspective can you address that in  19 regards to comments and the different languages.  20 MS. BARLOW: Normally we do ask that speakers  21 speak in English because they are addressing the council  22 and not other members of the public. And all the members  23 of the council speak English. It would have been  24 preferable had we had a translation from the speaker, so  25 the court reporter could include that in the record. If</p> <p style="text-align: right;">46</p>	<p>1 that you're facing in weighing and balancing all of this.  2 And I realize the preparers of the EIR, and I would refer  3 you to table ES1, could not weight in any way one factor  4 over another, but I'm asking you to do, in fact, what is  5 your duty and because you know us, you're here in the  6 community, you know the needs of the community, that's  7 why you are where you are to weigh and balance these  8 impacts. What I'm asking you to do is to -- the proposed  9 project versus the Deer Loop or called the Loop Trail  10 Project is to weigh and balance. I ask that you give  11 less significance and you give to the aesthetic of the  12 recreational aspects when it comes to the Deer Loop Trail  13 than you do to the biological impacts. The Deer Loop  14 Trail does not require, if you use that proposal, that  15 you go through the core of the habitat. However, should  16 you use the proposed project you must go through the  17 core. I've reviewed Appendix A and in some detail that  18 portion of the EIR dealing with the impact on the  19 wildlife corridor. There will be a spot between 40 and  20 46 feet including the brush clearance areas, that will  21 have to be used. Now, there is an existing road but that  22 kind of impact can be totally avoided by the use of the  23 Loop Trail. And you should give great weight to the  24 biological aspects. And as to the proposed project it  25 will have great weight and effect those living on</p> <p style="text-align: right;">48</p>
<p>1 it becomes necessary, we can have it translated and  2 included in the record at a later time. But right now  3 it's -- other than his verbal -- the recording in  4 Spanish, that's what we have.  5 MAYOR WARNER: Okay. And is there a legal  6 requirement in regards to providing the translation?  7 MS. BARLOW: No, he didn't request that we  8 provide a translator.  9 MAYOR WARNER: Okay. Thank you.  10 Before we continue with our speaker several of  11 you have come in since we have started. And right now we  12 are taking speakers that are in opposition to the  13 project, so if you are in opposition we invite you to  14 line up equally at both podiums.  15 Also, we just want to remind you that if you had  16 an opportunity to previously speak, either last week on  17 Tuesday or Wednesday or if you had an opportunity to  18 speak last night, you would receive one opportunity over  19 the course of the four days. So we can continue.  20 Dave, go ahead and step up.  21 DAVID DICKERSON: Buenos noches.  22 MAYOR WARNER: I'm sorry --  23 DAVID DICKERSON: I'm Dave Dickerson. I live  24 about a thousand feet from the -- one of the proposed  25 alternatives, Loop Trail. I understand the difficulties</p> <p style="text-align: right;">47</p>	<p>1 Penn Street. There you should give great weight to the  2 aesthetic and recreational because the people on Penn  3 Street and uptown Whittier are having these trucks going  4 through their residential area versus a truck coming off  5 of Colima, a major area, is something that you now must  6 weigh and balance. I am asking that you not put the  7 trail through the core area and that instead the  8 alternative be used. And if you do weigh and balance,  9 you eliminate some of the unavoidable aspects that are  10 noted here. You can merely eliminate the aesthetic and  11 recreational limits.  12 MAYOR WARNER: Thank you, Dave.  13 DAVID DICKERSON: You're well come.  14 MAYOR WARNER: Thank you for your comments.  15 We'd like to invite -- are you all together?  16 Are all three of you together? Young man, feel free to  17 step up and then we'd like to invite you to step over to  18 this podium, if you would please, the last lady in line.  19 And please go ahead, young man.  20 STEVEN ESPINOZA: Hi, my name is Steven Espinoza  21 and I want to say that I think drilling in Friendly Hills  22 is not a very good idea because, one, all the animals are  23 going to be scared away and no one -- and me and my dad  24 like to hike and look at the animals and have a fun time  25 and bond and it's kind of our bonding place. But by</p> <p style="text-align: right;">49</p>

1 drilling all that beauty is going to go away and it's  
2 going to be kind of like the man said, crumbs. And  
3 Whittier is known for its beauty pretty much. Because  
4 we're small place but it's a beautiful place at the same  
5 time. So by you guys drilling, it's not going to look  
6 like anything, it's just going to look just like a normal  
7 city. And we have animals, deers, it's kind of -- lots  
8 of people have hobbies looking at the animals and  
9 watching them have fun and run free. But they're going  
10 to be going away once they hear the trucks and all the  
11 drilling noises, and they're going to get frightened and  
12 they might not even come back. So by doing that,  
13 Whittier's not going to be anything pretty much. So I  
14 hope you guys hear what I'm trying to say, but if you  
15 guys try not to drill in Whittier because everyone likes  
16 to hike, run, but they're not going to have much to run  
17 in if it's all with caution signs, holes in there. Thank  
18 you.

19 MAYOR WARNER: Thank you. You did a very nice  
20 job. Young man, you did a very nice job. That was a  
21 good presentation.

22 Good evening.

23 JOSIE ROSEN: Good evening that's a tough one to  
24 follow. I'm Josie Rosen, I've been here in Whittier  
25 since 1953. A shout out to my mom and dad.

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1 I've been teaching -- this is my 36th year of  
2 teaching. And with regards to that school -- and  
3 teaching's a really tough job and it would really be hard  
4 if -- if I were teaching hypersensitive kids and they  
5 were exposed to those -- constantly exposed to the smell  
6 and the sounds of oil drilling.

7 Another concern I have is Penn Street. I'm not  
8 the best driver and so I kind of avoid it, because it's  
9 very narrow. Are some of the cars going to have to be  
10 removed? How are you going to get those trucks down  
11 Penn? And from Penn where are they going to go? What  
12 off-ramp are they headed to? I haven't been to any of  
13 these meetings, so I don't know, but you do. What  
14 populations will be impacted, you know, the off-ramps,  
15 the on-ramps.

16 Another concern I have is the earthquake  
17 concern. And somebody here said with regards to the  
18 earthquake that -- and I could have heard it wrong --  
19 that they were going to call Cal Tech -- maybe there's  
20 more to that plan, I would hope. Because I think Lucy  
21 and Kate would be real busy if there were really a big  
22 one.

23 And there are going to be 60 jobs, but for whom?  
24 Is it going to be for people from Whittier? And another  
25 question I have is the money, can't we just ask L.A.

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1 County how much money we're going to be given? I don't  
2 know. These are just questions I have, but I think  
3 that's an okay question to ask them before we continue on  
4 this endeavor. So that's it.

5 MAYOR WARNER: Thank you.

6 Good evening. Please step up to the microphone.

7 AMBER OROZCO: Good evening. My name is  
8 Amber Orozco and I'm a third year student at Whittier  
9 College. I just want to first say that I believe the  
10 Whittier drilling project is a short-term solution to  
11 economic development for the city of Whittier. I just  
12 think that if oil drilling projects were the answers to  
13 economic development for cities, then wouldn't every city  
14 do that? Also, as I said, I'm a student at Whittier  
15 College and there are many different green initiatives  
16 the college has taken on. One thing is there's a  
17 recycling program and also there's a new garden outside  
18 one of the dorm halls. And so there's different things  
19 that Whittier College is doing to accept that, you know,  
20 there's a new (inaudible) happening around the world, and  
21 I think Whittier should do that too.

22 And, also, I believe that if the drilling were  
23 to occur then it could possibly affect the diversity of  
24 students who do attend Whittier College. I know for a  
25 fact that if I was looking at admission to Whittier

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1 College and I knew drilling was happening in the hills, I  
2 would have to rethink my consideration to going to  
3 Whittier College which saddens me greatly, but it affects  
4 my morals to attend a school that accepts drilling as a  
5 possible economic development. So thank you.

6 MAYOR WARNER: Thank you for your comments.

7 Before we continue are there any others that are  
8 in favor of the project that which to address the  
9 Council?

10 From this point on, whoever wishes to address  
11 the Council may step up if you haven't already done so  
12 one of the previous nights. And we'll just ask you to  
13 come up five at a time and line up on both sides of the  
14 room that, would be great.

15 Please, go ahead.

16 EMILY BALZA: Hi, my name is Emily Balza. I'm a  
17 third year student at Whittier College as well. I'm from  
18 Montebello originally, and I am an Oiler from Montebello  
19 High School and I grew up with an oil rig as my mascot,  
20 you could say, Ollie the Oiler. And I didn't really know  
21 about much about what that meant until I left, actually,  
22 and I became a student at Whittier.

23 My city right now is not doing that great with  
24 all the drilling initiatives they have taken. The  
25 property value of my own home and the homes around it

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<p>1 have gone done. I've never seen more than one home for  2 sale near my house on Poplar and now there's several. I  3 go back every so often to walk my dogs all the time.  4 Concerning the Whittier hill drilling project,  5 it seems much like what we talk about in class,  6 Expansionist Theory, just because you can do it, doesn't  7 always mean you should. If there's any sci-fi films you  8 can look to, you can watch Terminator, that didn't turn  9 out well. Wally -- Wally is a good example of what we  10 should avoid. I don't think there's ever been a movie  11 saying that oil projects like this can turn out well.  12 Technology is really invasive, especially for  13 drilling projects and it can be risky, just like the  14 fracking projects they've done in the Marcellus Shale in  15 the East Coast. The project seemed well and they voted  16 in and everything. Fracking is where you use hydraulics  17 and chemical water to blast out the gases that you can  18 use from land. And it turns out all the surrounding  19 areas where the public water has reached are now  20 contaminated and it's gone so far as to make public --  21 general public homes have their water be flammable. And  22 that is recent, that just happened a few months ago.  23 Like my friend Amber had said, hundreds of  24 students, international students, choose Whittier because  25 of what they see on our website of our beautiful hills,</p> <p style="text-align: right;">54</p>	<p>1 a proposed five-year monitoring and repair, and the  2 seismically induced ground shaking. However, there was  3 no specific answer given by Mr. Perez on how they would  4 monitor and repair the work. Who will be designated to  5 conduct and monitor or oversight?  6 A Matrix representative cited an example and  7 indicated that trucks would not be allowed to idle for  8 more than five minutes. However, who will be designated  9 to monitor and ensure that this will not be done? The  10 trucks designated to be utilized will be on residential  11 streets. However, how will that impact the integrity of  12 not only the streets, but who will be responsible for the  13 upgrade or the repair. The trucks that they propose to  14 use are oversized and will be traveling on narrow roads  15 which will directly impact the current residents  16 traveling to and from their homes. Isn't this a  17 violation of the City's own ordinance?  18 Matrix stipulates that they will not be  19 utilizing the hydro-fracking technique. However, what  20 technique will be utilized? If you frack, the ground  21 provides more of a conduit for water to be breached  22 causing cracks in bedrock, which in turn causes conduits  23 for the aquafir. How is Matrix going to ensure that the  24 aquafir is protected if they inadvertently cause more of  25 a breach? What other options does Matrix propose? Are</p> <p style="text-align: right;">56</p>
<p>1 our beautiful surroundings. And it seems ironic to give  2 that up for money.  3 The Los Angeles -- if you're looking to be -- to  4 look for money, Los Angeles is a booming economy, where  5 there's a green movement happening and there's innovation  6 and people looking for different solutions just like at  7 our Whittier campus. If you look at the city of Whittier  8 logo behind you, those hills are beautiful. Are we going  9 to start putting some oil rigs on that as well? I don't  10 think so.  11 So I don't think money should ever be the  12 answer. As a poor college student, you'd think I'd want  13 there to be more money around here, but definitely not.  14 <b>MAYOR WARNER:</b> Thank you very much.  15 Good evening.  16 <b>RACHEL NICKLESEN:</b> My name is Rachel  17 Nicklesen. I've been a Whittier resident since  18 August 1987, before the October 1987 earthquake. And I'm  19 here to voice my opposition to the proposed project.  20 City Council, as you all know is an elected body  21 to represent the constituents, which are the people of  22 Whittier. I believe the proposed request is not  23 beneficial to the residents in any way. In a prior  24 meeting, Council Member Stone and Murray posed important  25 questions and concerns to Mr. Perez from Matrix regarding</p> <p style="text-align: right;">55</p>	<p>1 they going to use multiple holes or a possible  2 surfactant. Councilman Stone and Murray's questions  3 raise valid concerns. The EIR, specifically ES45 Impact  4 GR8, indicates waste water injection could activate  5 earthquakes along nearby faults. Each and every member  6 of this council is responsible to the residents of  7 Whittier. We are your constituents, not Matrix.  8 Ultimately, we the people, the residents of Whittier,  9 will hold this council liable for any problems that may  10 occur as a result of this decision. We have done our due  11 diligence, that's obvious, and request that you do your  12 due diligence. With so many unanswered questions it  13 would be negligent to approve the proposed project.  14 <b>MAYOR WARNER:</b> Thank you. Thank you for your  15 comments.  16 Please step up. Good evening.  17 <b>ANTHONY MARTINEZ:</b> Good evening. My name  18 Anthony Martinez, I'm a resident of Whittier. I have 22  19 years of experience working on sites contaminated by all  20 sorts of uses from dry cleaners, to gas stations, to oil  21 fields, including spills from active oil wells and  22 pipelines. And when these leaks happen, they happen at  23 inconvenient places and at inconvenient times. This is  24 what this project is bringing Whittier's future.  25 The project and the access road are</p> <p style="text-align: right;">57</p>

<p>1 uncomfortably close to homes and several schools,  2 including one for special needs children. And I don't  3 think that the City Council should really be endorsing  4 such a project. The grading, noise and additional air  5 pollution will impact this whole city and the people who  6 live in it for decades. This is a -- this is an  7 industrial project and does not belong in Whittier.  8 Sixty wells will take years of continuous drilling and  9 will require decades of continuous maintenance work.  10 There's going to be a work over drill rig maintaining  11 these 52 wells constantly, and the noises that's  12 resulting from that, as well as there would be additional  13 pollution coming from the equipment to operate those.</p> <p>14 Matrix will do the bare minimum required. They  15 will not do anything state of the art or innovative.  16 That's not what oil companies do. In my 20 years plus of  17 experience working with them, that's not -- what their --  18 what motivates them is money. And I'm afraid if the city  19 of Whittier, whatever you may think right now, will be  20 completely incapable of changing that.</p> <p>21 Finally, we've heard their promises about  22 bringing jobs to Whittier. With all the work that three  23 drafts of an EIR that have come through, the thousands  24 and thousands of pages, I'm not sure how many Whittier  25 residents even had any ability to work on that project.</p> <p style="text-align: right;">58</p>	<p>1 there not being a pipeline to So Cal Gas. And my  2 question on the new project is from the time the  3 developer dug until the time that the pipeline is  4 completed, will there need to be flaring to take care of  5 any gas that might be pumped during that time. My  6 understanding also is that Matrix reached some kind of a  7 settlement which allowed them to exceed the number of  8 allowed days for flaring and I'm hoping that it won't be  9 the case in the future that Matrix can simply pay to  10 continue to pollute the air.</p> <p>11 Also, just with regard to the odors, I saw the  12 rebuttal that said, Myth Sycamore Canyon facility issues  13 Power Point presentation and it stated that opponents did  14 not present any expert or agency analysis on results of  15 drilling operations that indicated any problems were  16 occurring. My dictionary defines an expert as someone  17 having special knowledge derived from experience. So I  18 am an expert. I've had to close my living room door on  19 numerous occasions to keep the intense fumes from coming  20 in my living room door, where I can otherwise enjoy the  21 nice breeze blowing through my living room. Also, when  22 I've taken walks around my block, I really literally had  23 to stop and turn back around because of the intense odor  24 coming from the facility. Another bullet point on that  25 same presentation stated that flaring was not a</p> <p style="text-align: right;">60</p>
<p>1 I see consultants from Santa Barbara County, I see  2 consultants from Orange County, Riverside County. I saw  3 one company in L.A. County, they're not in Whittier. So  4 I think that their empty promises about bringing jobs to  5 Whittier have already shown the true side of Matrix Oil  6 and this whole project. So please vote no.</p> <p>7 MAYOR WARNER: Thank you.  8 At this time the Council will take a break.  9 (Brief recess taken.)</p> <p>10 MAYOR WARNER: And the lady that was in line  11 over here. We're going to start over here.  12 Good evening.</p> <p>13 JOANN DURAN: Good evening. My name is  14 Joann Duran. I live in Whittier, specifically in  15 Showcase Village condominiums adjacent to the Sycamore  16 Canyon oil project. And my main concerns have to do with  17 the air quality and the use of flaring. I discovered  18 that Matrix was supplying \$30,000 for clearing in excess  19 of 58 days in 2008 and 2010. And if it weren't for my  20 neighbor, Neil, who painstakingly logged the days of  21 flaring, that might not have been discovered. So I would  22 just urge you to make sure that there's some kind of  23 monitoring system in place to prevent the same thing from  24 happening in the new project.  25 Flaring occurred from, what I understood, from</p> <p style="text-align: right;">59</p>	<p>1 significant source of odors from flaring of natural gas.  2 I would ask what expert made that determination 'cause it  3 certainly didn't come from anyone who lives nearby the  4 site.</p> <p>5 Also, on that presentation it stated that the  6 HOA president indicated that many or most of the  7 residents are not aware of the wells. I was at that  8 interview and taken directly from that interview, what  9 she said was that if we walked over to Tierra Nevarra,  10 there are people there who probably don't even know there  11 are oil wells. The truth is of the 109 units in our  12 complex, Tierra Nevarra is the furthest from the project  13 and it only has nine units.</p> <p>14 That same presentation states that the  15 association receives royalties from the project. I look  16 at our annual statements and that simply is not true.</p> <p>17 In light of Matrix's lack of abiding by  18 restrictions in place and minimizing of the impact as  19 evident in the misinformation it has presented to you, I  20 urge you to check their facts to make sure you're being  21 presented with the truth before you make your final  22 decision. Because once it's made, you will not be able  23 to turn back.</p> <p>24 MAYOR WARNER: Thank you. Thank you for your  25 comments.</p> <p style="text-align: right;">61</p>

1 Please step up.  
 2 JOANN SARACHMAN: Good evening. I'm Joanne  
 3 Sarachman. I've been a resident of Whittier for  
 4 41 years. I was thrilled, as many people were, on  
 5 October 10th of this year, when the National Park Service  
 6 recognized Puente Hills as a nationally significant area  
 7 that represents natural and cultural resources that are  
 8 not adequately represented in the national park system or  
 9 protected by any other managing entity.  
 10 Residents of Whittier have recognized the  
 11 uniqueness of our hills for many, many years. And we've  
 12 been so proud that our city officials were so proactive  
 13 in protecting them. So much energy was poured into  
 14 finding the means to purchase the hillside property as it  
 15 became available. City Council was led by very capable  
 16 environmentalists who also led community organizations  
 17 and individuals in this quest to purchase the properties  
 18 to save them, and along with them the local wildlife and  
 19 provide recreational facilities or opportunities for  
 20 residents.  
 21 A particular area was considered so crucial to  
 22 the mission of the movement that it was restricted to all  
 23 but members of the Habitat Authority staff and was  
 24 referred to as the core habitat. The current proposed  
 25 drilling in the core habitat area contradicts the mission

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1 of the habitat authority, which is dedicated to the  
 2 acquisition restoration and management of open space in  
 3 Puente Hills for the preservation of land and perpetuity  
 4 with primary purpose to protect the biological diversity.  
 5 Now the site has been chosen for drilling --  
 6 drilling project that requires a road, already there, a  
 7 small road, already there, be widened for access and that  
 8 that road will bisect the core habitat area. This will  
 9 really fragment the wildlife corridor. And this hasn't  
 10 really been addressed adequately in the final EIR.  
 11 I'm just going to skip over the rest. I'm going  
 12 to leave copies of this for you, but as I looked over the  
 13 FEIR, it seemed that it was glossing over issues of  
 14 biological and environmental importance, it did not  
 15 answer questions that were asked in the DEIR. We ask  
 16 that you really consider this and not accept the FEIR  
 17 until there's adequate clarification of the issues that  
 18 were addressed and brought up in the DEIR. Thank you.  
 19 MAYOR WARNER: Thank you. Good evening.  
 20 LARRY YOUNG: Good evening. My name is Larry  
 21 Young. My wife and I have been in Whittier for over  
 22 46 years. We've been on Friends Avenue for most of that  
 23 time. We also hail from oil country. My wife grew up in  
 24 a county that had literally hundreds, hundreds and  
 25 hundreds, and thousands of oil wells. I also worked in

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1 type of an area, an oil well. Believe me, the benefits  
 2 to the public as a whole, far exceeded any of the  
 3 negative aspects.  
 4 And as far as the environment is concerned, when  
 5 the oil wells went dry, they were sealed up and they're  
 6 raising corn on them now. Thank you very much.  
 7 MAYOR WARNER: Thank you for your comments.  
 8 Please, go ahead. If there's anyone else  
 9 wishing to address the Council, please step up, if you  
 10 would, please.  
 11 Go ahead, Bill.  
 12 REV. BILL MILLER: Yes. I'm Bill Miller. I've  
 13 been a resident for 14 years in Whittier. I'm a United  
 14 Methodist minister. I know many of you, I know you as  
 15 people whose decisions are informed by many of you deeply  
 16 rooted in faith communities and that's important to me.  
 17 We face a situation of addiction. We are  
 18 addicted to oil in this country, in this civilization.  
 19 If we were an addictive group, Alcoholics Anonymous, I  
 20 might begin by saying, My name is Bill and I came here in  
 21 a car. Because we all need to confess that we are a part  
 22 of that addiction.  
 23 I don't know if we can ask -- dare to ask  
 24 where's the leading of the Spirit, the leading of God in  
 25 dealing with an issue so controversial and so political

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1 as this issue is. No one can presume to know. We  
 2 approach the leading of the Spirit with humility. But  
 3 there's so many things on my mind as I think about the  
 4 whole issue of where we find the leading of God on this  
 5 kind of controversial issue. And I dare to say that it's  
 6 important to seek it in our prayers.  
 7 I spent two weekends ago, spent some time with  
 8 several prophetic voices in the church; John Cobb from  
 9 the seminary in Claremont, Dean Freudenberger, an  
 10 agronomist, and Bill McKibbin who teaches an adult class  
 11 in the Methodist church in Vermont. They are out of the  
 12 great prophetic tradition of the church, Amos and Josea  
 13 and Jeremiah, they're great prophetic voices. And the  
 14 mood of that gathering in Claremont two weeks ago was one  
 15 of deep mourning, deep mourning, about the kind of world  
 16 that we are creating. By mid century perhaps, three  
 17 levels of increase in sea level and unbelievable  
 18 increases in temperature, the kind of thing that surely  
 19 is a threat to civilization as we know it. The church is  
 20 called to deal with truth --  
 21 MAYOR WARNER: Thank you, Bill.  
 22 THE WITNESS: -- and to seek hope.  
 23 MAYOR WARNER: Thank you for your comments,  
 24 appreciate it.  
 25 Good evening.

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1 ROSEMARIE JOYCE: Good evening. I'm Rosemarie  
 2 Joyce. I'm pleased to have the time to talk to you about  
 3 this project. I don't know about the movement of the  
 4 spirit but I do know that staff has done a lot of work in  
 5 presenting some information to you, but their openness  
 6 and giving us the time to speak is very appreciated.  
 7 I was at the Planning Committee meetings and I  
 8 heard statements over and over again about the benefits  
 9 outweigh the negative effects and the benefits were  
 10 identified as financial. I'd say that during my tenure  
 11 at Rio Hondo College, if staff had brought to me a  
 12 project like this I would say it's not ready. I would  
 13 say, an independent investigation needs to be done, an  
 14 analysis about the financial cost. And it's understood  
 15 that a contractor is not going to give you an independent  
 16 analysis. So I'm asking you to please consider that.  
 17 Thank you.  
 18 MAYOR WARNER: Thank you. Thank you.  
 19 Do we have any speakers that would like to  
 20 address the Council, please.  
 21 Take your time, sir.  
 22 JOHN FANTZ: Hi everybody. I'm John Fantz -- I  
 23 don't think I need a mic, do I?  
 24 MAYOR WARNER: We need that for our recording  
 25 devices. Thank you.

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1 JOHN FANTZ: I'm also known as Santa Claus. And  
 2 nobody's been naughty here, have they? You know, we're  
 3 all on different pages. My good friend, the Reverend  
 4 Bill Miller, is on a different page than I am, but we  
 5 like each other, don't we, Bill?  
 6 BILL MILLER: Yeah.  
 7 JOHN FANTZ: Yeah. But we're in the same book,  
 8 the book of John Greenleaf Whittier. I was born here in  
 9 this town 1936 and I want all you good Republicans to  
 10 know that was around the time that that great Democrat  
 11 Roosevelt gave us social security. May he rest in peace.  
 12 Get a shot of this cameraman.  
 13 I was going through my scrapbook the other day  
 14 and low and behold I found the Whittier Daily News 1945.  
 15 The headline reads, Victory in Europe. We got the Nazis.  
 16 Old Hitler, he'd had it. And look at the logo that was  
 17 on the Whittier news, John Greenleaf Whittier's right  
 18 here in front, surrounded by orange trees and low and  
 19 behold, my goodness, there's a big oil well, bigger than  
 20 the one that's up there in the Whittier -- Whittier city  
 21 logo. That's a big one -- oil derrick. And I used to  
 22 play on those derricks with my buddies. That was in the  
 23 days we could roam around Whittier in the alleys and  
 24 whatnot, not get into trouble, mom never locked the front  
 25 or back door. And I'm 76 now, and oh, my grandson says,

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1 Grandpa, what is like to be retired? And I said, well,  
 2 every day is Sunday and I don't go to church. Did Bill  
 3 hear that? I don't know.  
 4 At any rate, you know, my grandfather came from  
 5 England in 1891, he worked in the Whittier -- in the  
 6 hills, he worked on this wooden derricks. They didn't  
 7 have the strict regulations we have now. I don't know of  
 8 any mishaps that took place. And I'm sorry they didn't  
 9 leave one of those wells as a museum piece, 'cause they  
 10 were -- they were beautiful in their ugliness. And they  
 11 helped Whittier. Whittier was an oil town.  
 12 Old Mrs. Bailey, her son worked for my dad, dad  
 13 had Greenleaf distributors Don Fantz, maybe some of you  
 14 remember Don Fantz in Whittier, for years. And my mother  
 15 was born in Santa Fe Springs in a chicken coop lying in  
 16 newspaper they were poor. But I was at Murphy's Memorial  
 17 Hospital, Comstock Avenue.  
 18 MAYOR WARNER: Thank you, sir.  
 19 JOHN FANTZ: Thank you very much.  
 20 MAYOR WARNER: Good evening. Will you step up  
 21 to the mic, please. Thank you.  
 22 RENEE RUBIO: Hi, good evening. My name is  
 23 Renee Rubio. And I live at 8444 La Sierra Avenue. And  
 24 I'd just like to begin by reading something a friend,  
 25 Elena Mendeline, had some words that she was not able to

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1 complete. And I'd like to just start by doing that for  
 2 her, as I strongly share her sentiments.  
 3 For the past year, I have followed this project  
 4 closely by reading the project scope documents, the DEIR,  
 5 the FEIR and attending all public meetings. I also  
 6 attended the Planning Commission meetings all four days.  
 7 I have concluded the risks of the project are greater  
 8 than the benefits. However, the main reason I am  
 9 speaking here is because there have been no discussions  
 10 about the oil and gas processing plants and the gas  
 11 extraction process. I am shocked that the Planning  
 12 Commission granted Matrix the CUP without describing or  
 13 questioning them -- the CUP -- about this important  
 14 component of the project. I am also troubled by the fact  
 15 that during the Planning Commission meetings, Marine  
 16 Research Specialist did not present any information  
 17 concerning gas extraction and the processing plants, even  
 18 though they were given unlimited time to discuss the  
 19 project. I do not understand how the CUP was granted  
 20 when part of the project were completely overlooked.  
 21 Finally, I would like to tell you that I  
 22 purchased my home in Whittier 16 years ago because of the  
 23 hills. Whittier is unique because of these hills.  
 24 There's no other city in Los Angeles like it. Had oil  
 25 drilling traffic congestion and oil trucks been a part of

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<p>1 the Whittier landscape I would have not purchased my 2 home.</p> <p>3 As for myself, I've been a resident here 4 since -- well, my parents brought me here in 1966. And I 5 moved away to Long Beach for a brief period of time. And 6 it's a wonderful city, I've shared before the Planning 7 Commission that -- the one downfall that we didn't enjoy 8 about living in Long Beach is everywhere that you look is 9 oil. There's a stench. I know it's a different type of 10 a processing that would come here, but there are 11 similarities. And the whole industry is just palpable. 12 So I oppose the project because of that.</p> <p>13 I'm also very concerned about what Elena -- what 14 I just read to you about the gas line on Colima. I don't 15 understand how we could ever think of doing this to our 16 neighbors. This would be just feet in front of people's 17 door steps. And I just hope that you are -- can really, 18 really take an honest look about that and I hope that 19 these -- our neighbors aren't expendable and I just think 20 it's -- yes, there's a lot of nostalgia and it's very 21 interesting to hear the other side --</p> <p>22 MAYOR WARNER: Thank you. Thank you for your 23 comments.</p> <p>24 Before our next speaker begins, I would like to 25 comment that it appears as though we are coming to the</p> <p style="text-align: right;">70</p>	<p>1 could go on with more examples, but I won't.</p> <p>2 We don't have a rush hour on Penn Street.</p> <p>3 Instead we have a constant stream of huge buses, trash 4 trucks, delivery trucks, park goers, people attending 5 athletic events, and sometimes even residents. There is 6 no particular peak traffic time on Penn maybe except for 7 the athletic events of the college, but there's no 8 off-peak time either. There used to be, but not anymore 9 and the traffic generated by this project is only going 10 to make it worse, especially during the construction 11 phase, which is something I'm particularly worried about.</p> <p>12 In several places, in both the EIR and the 13 responses to comment letters, the amount of traffic that 14 will be generated on Penn, Painter, Hadley, et cetera, is 15 downplayed because it is temporary. One response in 16 Appendix M states, The construction phase traffic on Penn 17 will probably be comparable to when the Whittier area 18 community church did it's most recent reconstruction 19 project, and I can tell you that was awful. On a daily 20 basis trucks were parked way down Penn Street idling 21 their engines, inching their way to the landfill. We 22 didn't complain at that time because we did know it was 23 temporary, we can accept that. The worst of it only 24 lasted a few weeks, as I recall. In contrast, the 25 temporary construction phase for this project is</p> <p style="text-align: right;">72</p>
<p>1 end of public comment. I don't see anyone else lined up. 2 So if there is anyone else that would like to address the 3 council, we'd like to ask that there be five speakers at 4 each podium. So if you have not had an opportunity in 5 the last three days, please feel free to step up in one 6 of the lines and go ahead.</p> <p>7 PAULA VANNUCCI: Good evening, Council members 8 and Mayor. My name is Paula Vannucci. I'm a resident of 9 Whittier and I am against drilling for oil in the 10 Whittier hills. There are many reasons I am against the 11 project, but as a resident of Penn Street I'm going to 12 confine myself to protesting the use of this residential 13 street for this industrial project. I also was born in 14 Whittier, and I do love this town.</p> <p>15 Over and over in the EIR I read how impacted 16 Mar Vista and Colima Streets are which is why Penn Street 17 was chosen as the alternative access route. And during 18 rush hour that is a really terribly impacted 19 intersection. But about 10:35 on a Tuesday morning, not 20 so much. However, you can come to Penn Street at twelve 21 midnight and find a large bus disgorging 20 to 30 22 athletes and the fifteen cars that are there to pick them 23 up. You can come by at 9 a.m. on Friday and not be able 24 to cross the street because of all the tons of people 25 letting people off to go use the Whittier College gym. I</p> <p style="text-align: right;">71</p>	<p>1 estimated by the EIR to be at least two-and-a-half years, 2 which as we know construction could become three. And 3 unfortunately, during the entire construction phase there 4 are no effective mitigation traffic measures for Penn 5 Street. There are no limits on the type or number of 6 vehicles allowed nor as far as I can tell are there 7 restrictions on the time of day or night, pretty much 8 anything goes because it's all temporary. But does the 9 whole 1,290 acres is under lease to Matrix, and there is 10 no limit on how many CUPs can be granted or how many 11 wells can be drilled, isn't it possible that the 12 construction phase could go on for many, many years. In 13 effect, couldn't construction go on indefinitely. Are 14 there any safeguards against such a thing happening.</p> <p>15 I will close with this. The folks at Marine 16 Research Specialists totally dismissed the concerns of 17 Penn Street residents when they prepared the EIR. I'm 18 here to ask you --</p> <p>19 MAYOR WARNER: Thank you for your comments. 20 Thank you. Thank you.</p> <p>21 Roy, please step up to the microphone.</p> <p>22 MAYOR WARNER: Good evening.</p> <p>23 ROY MCKEE: Good evening, Council. My name is 24 Roy McKee, I live in Whittier. Tonight I'm going to give 25 everybody a little history of what's been going on and</p> <p style="text-align: right;">73</p>

<p>1 where this started.</p> <p>2 I believe this project started as a result of a</p> <p>3 dispute between McFarland Energy and Chevron Oil</p> <p>4 regarding the abandonment of wells 13, 15 and 16 that</p> <p>5 were buried in the City's landfill. Chevron Oil</p> <p>6 quitclaimed the property to the City. That explains</p> <p>7 Steve Helvey City Manager's newsletter in August 25, 2006</p> <p>8 where he states, let me tell you about a man named Jed.</p> <p>9 I won't go into details of that, but he also states that</p> <p>10 Matrix owed him a freebee to take a look at some mineral</p> <p>11 rights. Mr. McCaskey then later says in a May 19th</p> <p>12 article 2010. In 2006 Matrix approached the City to</p> <p>13 potentially develop certain city land near the city's</p> <p>14 landfill. So did Helvey ask Matrix or did Matrix ask</p> <p>15 Helvey? Someone's not telling the truth.</p> <p>16 Now, August 14, 2011 in an article June 2006,</p> <p>17 Matrix now partners up with Clayton Williams Energy, how</p> <p>18 coincidental.</p> <p>19 November 27, 2007, city of Whittier signs a</p> <p>20 letter of intent with Matrix Oil on the Whittier Main</p> <p>21 Field Project. They refer to it as AMI. That's area of</p> <p>22 mutual interest. Apparently Matrix was able to develop</p> <p>23 proprietary information about the oil field and didn't</p> <p>24 have to share it with anyone. So how could anyone else</p> <p>25 bid on the project.</p> <p style="text-align: right;">74</p>	<p>1 Mr. Helvey and Henderson. I urge you, please, read the</p> <p>2 documents that the City has signed and come to your own</p> <p>3 conclusion.</p> <p>4 MAYOR WARNER: Thank you, Ryan. Thank you for</p> <p>5 your comments.</p> <p>6 Good evening.</p> <p>7 HERIBERTO DIAZ: Good evening, Eddie Diaz,</p> <p>8 Whittier resident. And I want to address the conditional</p> <p>9 use standard -- conditional use permit standard. The</p> <p>10 Council has no factual basis for concluding that the</p> <p>11 project site is adequate in size, shape and topography.</p> <p>12 The lease provides that no conditional use permit will be</p> <p>13 granted until the property is released, by the</p> <p>14 Proposition A open space district. Similar language is</p> <p>15 in the Grant A Agreement.</p> <p>16 So as you sit here today, you have no idea</p> <p>17 whether the District will release seven acres, 44 acres</p> <p>18 affected by the project or the estimated 300 acres that</p> <p>19 have been estimated by the County or the 1290 acres that</p> <p>20 MRS admitted but was not analyzed by the EIR or zero</p> <p>21 acres.</p> <p>22 The EIR suffers from the same defects. You</p> <p>23 cannot find that the site has sufficient access, largely</p> <p>24 because you don't know what land or where the land is</p> <p>25 that might be released by the District, if at all. You</p> <p style="text-align: right;">76</p>
<p>1 January '08, October '08, e-mails flying back</p> <p>2 and forth between city, Matrix, Clayton Williams Energy,</p> <p>3 and these -- the oil companies worked together on the</p> <p>4 lease and other aspects of the oil project. There were</p> <p>5 even concerns of what would happen if Matrix did not get</p> <p>6 the deal. Please go on our website and read those</p> <p>7 e-mails.</p> <p>8 The next question regarding money, the city, the</p> <p>9 community, has been deceived into thinking there's a</p> <p>10 windfall. Kirk Peterson, Chief of Staff of supervisor</p> <p>11 Don Kanabi e-mailed Steve Helvey on December 9, 2009, he</p> <p>12 says, this is a policy issue for open space district. In</p> <p>13 a letter from Russ Gulney of the District Park and Rec,</p> <p>14 he said the money will go to open spaces.</p> <p>15 Let's talk about the safety of the children and</p> <p>16 Mar Vista. At one of the MRS meetings this year I asked</p> <p>17 about the blast mitigation, no response. Do you realize</p> <p>18 if there's a pressure blast from the proposed Matrix</p> <p>19 facility what impact it will have on those children. If</p> <p>20 they're in a classroom and the blast is strong enough to</p> <p>21 blow out those windows, do you know where those shards of</p> <p>22 glass are going? I'll let your imagination answer that</p> <p>23 question. In my opinion, it's very clear Mr. Vinatieri</p> <p>24 Mr. Newcomer and Ms. Warner has little knowledge or</p> <p>25 involvement on this project. This has done through</p> <p style="text-align: right;">75</p>	<p>1 cannot find that the project is compatible with open</p> <p>2 space uses as those uses are defined by State law that</p> <p>3 authorized Proposition A funding. This definition does</p> <p>4 not permit oil drilling and does not provide for a</p> <p>5 conditional use permit process. But legislature has</p> <p>6 occupied the field in this area and the CUP process is</p> <p>7 preempted by the state law.</p> <p>8 Mr. Norbak, I too am disappointed that politics</p> <p>9 has found its way into this process, as you mentioned the</p> <p>10 other night. But let me remind you that the politics</p> <p>11 started back in 2008 with a backroom deal that included</p> <p>12 Matrix, your political consultant Mac McFarland and Bob</p> <p>13 Henderson. Since then this Council has moved in a</p> <p>14 straight line toward approval of this project, including</p> <p>15 prematurely setting this hearing on the CUP while you</p> <p>16 still have the votes on the Council to approve the</p> <p>17 project.</p> <p>18 So let me say a word about politics to our</p> <p>19 residents. If you moved here within the last 25 years,</p> <p>20 if you are a long-term resident, a business owner or you</p> <p>21 own real estate and feel you've been silenced by fear of</p> <p>22 retribution by the City Council, if you desire a council</p> <p>23 that does not hide behind legal advice of its attorney to</p> <p>24 say what it means and mean what it says, if you believe</p> <p>25 in true representative government, if you have concerns</p> <p style="text-align: right;">77</p>

<p>1 that Matrix and Clayton Williams will be running this  2 City Council, then it's time to look for new leadership  3 in Whittier. If you believe you're qualified to run for  4 City Council and can make an effective run at it, we want  5 to hear from you on the Whittier open space, on the  6 Whittier hills oil watch organization website. Please  7 contact us, we'd like to support your efforts and perhaps  8 assist in those efforts. Thank you.</p> <p>9 MAYOR WARNER: Thank you.</p> <p>10 If there's -- we have one last speaker. Is  11 there anyone else that would like to address the council  12 in addition to this young man? If you would like to  13 address the council and haven't done so thus far please  14 step up to the podium.</p> <p>15 Good evening.</p> <p>16 KEENAN ROARK: Good evening. Hello. I thank  17 you for having this extra meeting I know this wasn't on  18 the agenda. I'm Keenan Roark, my family owns Half Off  19 Books in Uptown. I hold the position as secretary for  20 the Uptown Association, and I'm also a standing chamber  21 member. I do have to clarify that I'm not speaking in  22 any sort of, you know, office or official capacity but  23 merely as a local resident.</p> <p>24 I know that this was a community built brick by  25 brick and stone by stone. It's a strong community. That</p> <p style="text-align: right;">78</p>	<p>1 involved and technology has moved us past our need for  2 oil, then we will also be very happy about it. And I  3 hope in that future we can be not divided but working  4 together.</p> <p>5 MAYOR WARNER: Thanks Keenan.</p> <p>6 KEENAN ROARK: Thank you.</p> <p>7 MAYOR WARNER: Is there anyone else wishing to  8 address the Council? Anyone else?</p> <p>9 MAYOR PRO TEM NEWCOMER: Seeing that, I would  10 move that we close public comments.</p> <p>11 MAYOR WARNER: And before we vote, Mr. Jones,  12 advise us.</p> <p>13 MR. JONES: Well, we've heard all the testimony  14 that's going to be heard. We will then close the public  15 comment portion, we would then go on to the rebuttal  16 stage. That process is allowing that Matrix, as the  17 Applicant, could then present a rebuttal to those people  18 who testified in opposition to their position.</p> <p>19 MAYOR WARNER: Okay. Are we ready for a vote?  20 Roll call, please.</p> <p>21 MS. MARSHALL: Council Member Nordbak.  22 COUNCIL MEMBER NORDBAK: Aye.  23 MS. MARSHALL: Council Member Vinatieri.  24 COUNCIL MEMBER VINATIERI: Aye.  25 MS. MARSHALL: Council Member Henderson.</p> <p style="text-align: right;">80</p>
<p>1 is why we chose to relocate here from the Midwest, that  2 is why we continue to put extra time into the community  3 and not just to improve our store, but to also improve  4 what we do here.</p> <p>5 I am very divided on this issue. I've heard  6 both sides, I've heard a lot of feedback from our  7 customers. I know there that are a lot of strong  8 feelings with this. The thing that I know is that if  9 we're going to get anywhere in the future, we all need to  10 work together. And I see a lot of division on this issue  11 and that's when I get a little upset and I think that's  12 when we forget that we are all human and that we all want  13 good things for the City. I think that the biggest and  14 most relevant piece of information to come out of this  15 that really spurred me to come and speak tonight is the  16 statistic that 17 to 3 people were not supporting the oil  17 situation, the drilling as it currently is. That just  18 said to me that people need more information. I think  19 fear and, you know, lack of support often come from a  20 lack of information. I think that there is no  21 time crunch here to really take advantage of what could  22 be taken advantage of.</p> <p>23 If in 25 years we have a city that is, again, an  24 oil city and prospering, I think we'll all be very happy  25 about it. I think if in 25 years we don't have oil</p> <p style="text-align: right;">79</p>	<p>1 COUNCIL MEMBER HENDERSON: Aye.  2 MS. MARSHALL: Mayor Pro Tem Newcomer.  3 MAYOR PRO TEM NEWCOMER: Aye.  4 MS. MARSHALL: Mayor Warner.  5 MAYOR WARNER: Aye.</p> <p>6 As far as the process now, do we have an  7 anticipated amount of time that Matrix will be allowed  8 for their rebuttal? What's the plan, Steve?</p> <p>9 MR. HELVEY: No, they can address any of the  10 issues. I don't think they plan to take a lot of time,  11 at least that's what I've been told. We could allow them  12 time to assimilate the comments made tonight into their  13 rebuttal if they need extra time, but I'm looking to the  14 Matrix table now.</p> <p>15 Are you prepared to go forward with a rebuttal  16 at this time? So they are prepared to move forward if  17 you are ready for them.</p> <p>18 MS. MARSHALL: And before we get to that state I  19 just want to interject, we do have additional letters  20 submitted tonight from Michael Shatynski.</p> <p>21 MAYOR WARNER: Okay. And that takes us to  22 current up until this time period right now.</p> <p>23 MS. MARSHALL: Everything I received. Thank  24 you.</p> <p>25 MAYOR WARNER: Okay. I'm going to defer to our</p> <p style="text-align: right;">81</p>

<p>1 court reporter, so if we anticipate, what, no greater 2 than an hour are we thinking? 3 MAYOR PRO TEM NEWCOMER: Do you have an estimate 4 of how long your rebuttal will take? 5 MR. MCCASKEY: Approximately 20 minutes. 6 MAYOR WARNER: So we'd be good to continue, 7 okay. All right. Any other instructions from staff or 8 attorney? Okay. 9 10 REBUTTAL 11 MR. MCCASKEY: Good evening. First slide 12 please. 13 I think while they're their getting the slide up, I want 14 to introduce -- of course, I'm Mike McCaskey, Matrix Oil. 15 I have 32 years of experience in the oil and gas industry 16 working for large firms, small independent firms, 17 consultants to firms, both oil and gas and in the 18 environmental industry. I've worked in the -- for three 19 to four years in the Los Angeles area in the 20 environmental industry, consulting and doing work with 21 the agencies on remediation and site assessment with all 22 the local agencies and the County Department of Public 23 Works and wanted to just put that in the record. My 24 background is in geology and a certified geologist 25 masters degree from Texas A&amp;M and feel that the -- along</p> <p style="text-align: right;">82</p>	<p>1 project, we would be able to work with modern engineering 2 and build a completely new type of oil and gas facility 3 that is state of the art. 4 So with that, we move forward and entered into a 5 lease contact. Of course, it provides a long term 6 opportunity for royalty money to the City. It's a very 7 unique contract with a 30 percent starting base royalty 8 to the City. Of course, that is also to the City/County. 9 We know that the City has complete rights to the oil. 10 And we feel it will increase the tax base and, of course, 11 provide increased property taxes both of the City and 12 County. 13 One of our initial goals, and it's still our 14 goal, is to bring the field back up to the production 15 that it was when the -- when Chevron abandoned the field, 16 which was a thousand barrels a day. We felt that was an 17 attainable goal. We want to do that with the utmost 18 safety and protection of the environment. And we felt 19 that we could take that production up with newer 20 technology of deviated or lateral drilling from initially 21 three sites and then finally one site to -- with three to 22 eight wells up to that level. Of course, we were asked 23 and provided an estimate of the royalty. This was also 24 analyzed by the City, with an independent firm on the 25 economics to bring seven-and-a-half million or so</p> <p style="text-align: right;">84</p>
<p>1 with my partners, we bring a lot of technical experience 2 to this project. We do have a partner that is a long 3 term partner for us that's as excited as we are about 4 this project as a long term project. They bring 5 technical abilities and also capital as an investment 6 partner to the project and Matrix is running the project 7 as the operator -- operator of record with the State 8 should this project move forward. 9 I'd like to cover our vision statement. We did 10 start on this project a few years ago, and I just want to 11 emphasize that at that time because of our experience 12 with California projects, we felt that it was, of course, 13 a very unique project, and the City's unique resource. 14 We felt that it had many components, and it's outlined 15 here in this first point, to bring important benefits to 16 the preserve, to the environment and to the City and its 17 residents and also provide us with an opportunity to 18 expand our operations from Whittier to a larger area in 19 Whittier and bring a tremendous potential project for the 20 City. We felt that it was an opportunity to build a new 21 facility. I want to emphasize that most of the oil and 22 gas fields in the Los Angeles area were developed and 23 with the infrastructure built in the '50s, '60s, '70s, 24 30, 40, 50-year old technologies. And we felt that as 25 this project evolved, particularly with approval of the</p> <p style="text-align: right;">83</p>	<p>1 annually to the City as a royalty. 2 I want to emphasize here that -- many speakers 3 have said the MRS is Matrix either employees or 4 consultants, that's not the case. The environmental 5 analysis of this project, as well as the economic 6 analysis provided to the City, was provided by firms 7 hired by the City, independent firms that were vetted by 8 the City through their process of hiring contractors and 9 those companies were not managed or directed by us 10 Of course, the permit will allow 52 oil wells 11 should we drill that many. I want to remind everyone 12 there's a testing phase. We don't know that we'll drill 13 52 oil wells. There is a limit of production, and if the 14 production goes up to the maximum potential, we list that 15 annual amount of -- at today's oil price with the very 16 significant amount of royalty that would go to the City 17 of 70 million a year. That's off of the ten thousand 18 barrels a day of projected production under the permit. 19 The next slide please. We designed this 20 presentation to address concerns. These concerns are -- 21 main concerns are listed here. Primarily, there's flaws 22 or myths relative to the project that were presented in 23 the video. The assertion the biology environment will 24 suffer, there's many traffic concerns on Penn Street, 25 there's issues related to safety, and then finally many</p> <p style="text-align: right;">85</p>

<p>1 folks stating that the project is not going to create 2 local jobs or help the economy.</p> <p>3 Next please. We don't mind -- we presented this 4 before -- we don't mind covering it because it's just 5 basic facts on our project. There's statements that our 6 project is not adhering to the lease contract, that we 7 have larger than a seven-acre site plan. I want to 8 testify that every project that we've -- conceptual site 9 plan in the various EIRs, has been seven acres or less. 10 We initially had three sites and the consolidated site is 11 also seven acres or less. This is a part of the lease 12 contract that's a surface agreement in the contract that 13 allows up to seven acres of a constructed facility. So 14 our site is seven acres.</p> <p>15 We feel that the analysis of the biology done 16 was very extensive by the EIR firm. There's an assertion 17 that the biology of the preserve will be harmed. We feel 18 that there will be no significant impact per the analysis 19 of the EIR and there's many mitigation requirements. 20 There's in excess of 100 mitigation requirements and many 21 of those will improve the preserve and fund preservation 22 and restoration projects. And we're very much looking 23 forward participating with City and the Puente Habitat 24 authorities staff on those projects.</p> <p>25 Next please. Go back one, I want to finish the</p> <p style="text-align: right;">86</p>	<p>1 soil hauling. And we think we covered some of that both 2 in the Planning Commission and maybe in some of the 3 questions last week. But there is no soil hauling which 4 eliminates over 9,000 vehicle trips and many months of 5 construction activity.</p> <p>6 The EIR presents a temporary parking aspect next 7 to the ranger station. I believe they provided a 8 four-acre area. We prefer off-site parking and we prefer 9 van pooling. And we know that the details of that will 10 need to be worked out and approved by the city in a 11 traffic plan. But it's our desire and objective to -- 12 for the various phases of the project when workers are 13 coming in and out to be done in a coordinated and 14 thoughtful way with van pooling which would cut -- and 15 this point here -- our estimate is 80 percent of vehicles 16 if people were going in and out in single vehicles, 17 coming and going from the site, we would moderate that 18 with a traffic plan to specific ingress and egress times, 19 using vans and off-site parking.</p> <p>20 Of course, relative to our trucks on Penn we're 21 encouraged that the City has mentioned, and this has to 22 be worked out, a plan to limit the trash trucks, relative 23 to our traffic. So I think that that's encouraging for a 24 net zero effect, developed per EIR mitigation to offset 25 our traffic down Penn. And we'd like to mention that the</p> <p style="text-align: right;">88</p>
<p>1 last two points. We're going to cover some of the 2 aspects of the site plan which was chosen for many 3 reasons, but there are some abandoned wells, there's an 4 assertion that it's dangerous to drill around abandoned 5 wells. In fact, this is done all the time in the Los 6 Angeles area. There's many oil fields, there's many 7 wells drilled every year in the older fields which have 8 many more wells than are present here. There's no 9 negative impacts. In fact, this is strictly reviewed by 10 the State which is listed here as DOGGR the Division of 11 Oil and Gas Geothermal Resources. They approve and 12 review every well plan location in respect to existing 13 wells or abandoned wells.</p> <p>14 There's another assertion that our project, 15 Appendix O, the site plan there, it requires review and 16 recirculation. In our opinion, the Appendix O presents 17 only project refinements. The location of the 18 consolidated site and the equipment there, the drill rig 19 was moved but the gas plant was shifted, but the analysis 20 by MRS -- and they may speak to this -- is a minor 21 modification and does not require a recirculation of the 22 EIR.</p> <p>23 Next please. We worked hard on our -- over the 24 years, to address traffic. The Project O site plan, 25 which is a seven-acre site plan eliminates the extensive</p> <p style="text-align: right;">87</p>	<p>1 traffic calculations are the worst case, taking maximum 2 amounts of estimated activity, soil hauling and 3 everything else into consideration, we feel that with our 4 final plan we'll be way under the estimates of the 5 traffic that are presented in the EIR which will have -- 6 be worked out, of course, in a City approved traffic 7 plan. So we're confident we'll come underneath and 8 continue to reduce the traffic concerns.</p> <p>9 Next please. There's quite a bit of audit 10 frequency relative to safety on our projects. We -- I 11 just wanted to review this. All of our major work 12 projects which are, for instance, well work overs, I 13 think one of the residents mentioned we have a well work 14 over unit eight months out of the year at Honolulu 15 Terrace, that's actually an exaggeration. It's actually 16 more three to four days per month through the year. But 17 projects like that which we define as a major work 18 project, all have initial safety plan reviews on site by 19 our operations staff and all of the activities are 20 supervised. We have annual City audits of our facilities 21 with the city of Whittier. The annual -- County of L.A. 22 Fire Department also inspects our sites, as well as the 23 Department of Oil and Gas audits of our two facilities. 24 We expect all of these programs to continue and actually 25 increase relative to our proposed project. We have</p> <p style="text-align: right;">89</p>

<p>1 quarterly agency utility inspections both with the AQMD,  2 So Cal Gas. We have -- and work frequently as the  3 property owner in Sycamore Canyon with the Puente habitat  4 ecologists and staff as well as the park ranger visits  5 the site. And we -- because of what we've read in the  6 EIR and expect, many, many more plans outside of these to  7 be developed both for audits and safety relative to the  8 proposed project to work on all phases of the project.  9 Next please. This is a -- elaborates a bit on  10 the last slide. We're under, of course, all Cal OSHA  11 rules. The safety briefings before jobs, we want to  12 emphasize our wells all have both master shut-off  13 switches and individual shut-off -- or shut-down valves  14 for individual wells. The -- our pipeline is managed  15 under a management plan. We expect our proposed pipeline  16 to also be part of a city franchise managed plan as well  17 as L.A. County. The So Cal Gas, of course, manages and  18 we have auto shut down relative to that, both in our  19 Sycamore Canyon site and we expect So Cal Gas to be  20 involved with our line going down Colima. The -- we do  21 H2S monitoring and we want to mention that their -- this  22 trend of oil fields all along the Whittier fault do not  23 have H2S but we still monitor for it. In all of our  24 drilling that we've done at Sycamore, we tested for H2S  25 during the drilling of those wells.</p> <p style="text-align: right;">90</p>	<p>1 the fault and we know that over the life of all of these  2 wells there's been no documentation of wells being  3 sheared or problems associated with these wells.  4 Next please. And why is that? The wells, of  5 course, consist of a steel casing and concrete in the  6 ground, from top to bottom. When an earthquake happens  7 you've got ground movement, the well moves along with the  8 surrounding rock layers. I tried to describe this the  9 other night, maybe not as effectively, but the movement  10 of the earth, of course, moves the well and the  11 surrounding rock layers and there's no resulting damage  12 to the wells due to the strength of the concrete steel  13 along with the surrounding bedrock. If there is some  14 damage to a well, and in my experience as a geologist  15 over 30 years, this happened in the early 1980s, with a  16 Union oil field in Ojai, the production and pressure drop  17 in the well and the well stops producing. The well is  18 then shut down for evaluation and repair. So this is not  19 a dangerous event. How are we going to monitor this  20 potential problem at our site. We'll be placing a  21 seismograph which monitors earth movement which will  22 allow notification to our site through Cal Tech which  23 actually provides the seismograph data to allow for rapid  24 shutdowns of wells during seismic events to ensure  25 safety. So even though there's thousands of wells around</p> <p style="text-align: right;">92</p>
<p>1 Next please. Quite a bit of comments about  2 earthquakes and fault safety. We'd like to review this  3 as it's an important topic. We -- we want to assert that  4 the drilling of wells near or through faults is a safe  5 standard industry process. Los Angeles has many oil  6 fields, including Whittier, and every one of those fields  7 associated with both major and minor faults. The process  8 is safe, it's done every year, every month in  9 Los Angeles. There's no science that contradicts that  10 this is not a safe practice. The Department of Oil and  11 Gas reviews all well plans and allows drilling in and  12 around faults. I want to emphasize at this point by  13 mentioning that the Whittier fault which runs 30 to  14 40 miles at length has over 2,000 wells that have been  15 drilled along the fault from Whittier to Brea. There's  16 several major fields. These wells have been drilled  17 since 1890 there's many, many active wells that still  18 remain along the fault and through the fault. The reason  19 for this is that the oil fields exist because the fault  20 is there oils migrated into place and is trapped against  21 the fault. So the fields have been developed, like many  22 of the oil fields in Los Angeles, in and around major  23 faults. We operate wells along the fault, many of the  24 wells from Honolulu Terrace to Sycamore Canyon produce  25 oil from above and below it. And we drill wells through</p> <p style="text-align: right;">91</p>	<p>1 faults in both Los Angeles and along the Whittier fault,  2 this is not a dangerous situation and our 60 wells -- our  3 proposed 60 wells will be safe.  4 Next please. This is one of our objectives in  5 the project is to provide jobs local economy. I believe  6 there's several folks that criticized us for using other  7 vendors, Santa Barbara or a Ventura based environmental  8 firm and others. We, of course, didn't hire the  9 environmental firm. So we'd like to just state that the  10 assertions the project will not add jobs are false. We  11 currently use local workers on our operations and we  12 emphasize local recruiting for project operations. When  13 we -- if we do get a CUP to move ahead on various  14 projects, we'll contact the local companies to bid. We  15 are excited about the opportunity to provide that kind of  16 economy for Whittier. We expect after testing and  17 determining how large the project will be, as many as 25  18 local people could directly be hired, and indirectly we  19 would employ up to 50 subcontract vendor companies. And  20 what kind of jobs would be involved; from electrical to  21 welding to others, landscaping, oil field workers, office  22 personnel, procurement, which we hope to do out of  23 Whittier, traffic monitoring, environmental compliance,  24 environmental assessment, safety compliance and, of  25 course, general construction. All these jobs have to be</p> <p style="text-align: right;">93</p>

<p>1 defined relative to the type of project that's going to  2 be designed, but there's many opportunities for local  3 companies and people with skills to work on this. So we  4 look forward to working on that with the local people.  5 Next please. Various topics also brought up as  6 questions are these three are, there's an alternative  7 project that was listing a site in the landfill. We have  8 a topic we'd like to cover on one of the three impacts  9 relative to aesthetics, recreation and -- involving  10 seeing the top of the rig, so why can't we use a shorter  11 rig. And finally there's assertions made in several  12 presentations that the DOG -- DOGGR doesn't allow for  13 drilling around or building over abandoned wells. Let's  14 go to the first one, the landfill alternative. We'd like  15 to speak of using the landfill, we've taken site  16 inspections up there. And first of all, I'll show you a  17 figure, the surface and sub surface of the landfill is  18 outside of our lease, and that has important  19 ramifications. Because of that -- and we can't drill  20 outside anywhere of the lease boundary. We can't drill  21 either through or under the landfill without a lease. So  22 as you'll see in the next slide, the drilling is not  23 allowed through the landfill or under it.  24 Another important part -- oh, here's the slide.  25 If you'll look at the landfill and the yellow line around</p> <p style="text-align: right;">94</p>	<p>1 answer. The Division of Oil and Gas has what's called an  2 approved Whittier Field Rules under DOGGR which specify  3 how wells are drilled and cased to protect groundwater.  4 And that doesn't include going through the first several  5 hundred feet of municipal waste and trying to figure out  6 how to drill through the base of the landfill which is --  7 under Federal permitting has various strict restrictions  8 for protecting groundwater with its membrane and  9 everything underneath it. So I just want to mention that  10 that is a complete unknown and it's in our estimates the  11 Division of Oil and Gas would not permit wells in such a  12 situation.  13 The drill targets also from the landfill are in  14 excess of one to two miles away that would be developing  15 the oil field. And that's an allowable distance, it's  16 not counting the 5,000 to 6,000 feet down. So with the  17 current project with the rig that we plan could not reach  18 those targets.  19 Next please. We'll go past that one.  20 Quite a number of questions on can a shorter rig  21 be used. There's a new technology rig called a Top  22 Drive. It's an 85-foot high rig. It's called a single.  23 In that in the 85 feet they're not putting three strands  24 of drill pipe together, they're using one single standard  25 drill pipe. The rig is automated. Right now in</p> <p style="text-align: right;">96</p>
<p>1 it, the various green squares are part of the city lease  2 which is 1290 acres, the green. The landfill is not part  3 of that acreage. The yellow line is the lease boundary  4 and the various small circles are the assessor parcel  5 numbers relative to title and legal descriptions of those  6 parcels for how the land is deeded. But the City lease  7 and inside the landfill, we wouldn't be able to drill in  8 any direction with a site in the landfill. It's also not  9 inside the oil field that we're going to test and  10 develop. The -- I'd like to mention that there's, by the  11 State law, there's a 75 foot offset requirement, we can't  12 drill within 75 feet of the lease line, and the road  13 which runs up and through the landfill is where we did  14 many inspections looking for potential site. There's two  15 possible spots along that road to place a facility. And  16 those -- the area of those two spots are one acre for  17 each area. They're not connected. The restriction for  18 us there is that one acre site will not allow for the  19 program that is going to be required for optimal  20 development of the field. The third point -- and I don't  21 need the other slide, you can leave this -- permitting  22 with the State of California to drill through solid  23 compacted waste in the landfill and through the  24 protective membrane of the landfill is unknown. We don't  25 know -- and we've researched this and not found an</p> <p style="text-align: right;">95</p>	<p>1 California there are two of these rigs. There are only  2 two, and they're owned by Ensign Drilling. They're  3 leased in a minimum 36-month contract to Oxidental.  4 There aren't any others. We've checked with -- we've  5 worked with both with Ensign -- MTI is the other company  6 in California that provides rigs. They don't have this  7 type of a rig and I've also verified that they would  8 potentially provide one if they could get one ordered and  9 built, which we have no determined time of how long that  10 would take. And it would only be available on a minimum  11 contract of 36 months. They do this because if someone  12 leases it for that long it's going to pay them for the  13 rig. 'Cause the minimum lease costs are at \$24,000 a day  14 is in excess of 26 million to set up a contract to use  15 this kind of rig. And since there's only two in  16 California, they're not available. Of course, the second  17 bullet here, relative to our test period, which will be a  18 three to four-month period of using a rig, this is not  19 feasible. We're going to be -- we've -- the third point  20 here, our test period, we picked 125-foot rig 'cause that  21 allows us to safely and quickly drill the 4,000 to  22 8,000-foot test wells. We -- this is a standard rig in  23 California, it's 125 feet. It also allows us to drill  24 these test wells in a shorter drilling period than a  25 smaller rig. There are smaller rigs than 125 feet, but</p> <p style="text-align: right;">97</p>

<p>1 they're not -- they're lower powered, they don't have the 2 capabilities to drill the test well that we want to drill 3 and also they take longer, so adding to emissions and 4 also impacts.</p> <p>5 I'd like to finally state here that, you know, 6 after the testing phase and during development, and this 7 is a few years out, we'll continue to evaluate smaller 8 rigs, one, if they're commercially available and, two, if 9 they're suitable for drilling the wells we want to drill 10 safely and effectively.</p> <p>11 Next please. Quite a number of points here on 12 abandoned wells, made the first point there's concerns of 13 drilling and/or building near and around the well. Of 14 course, the State allows for this. This is the first 15 fact. This happens all the time, every year, and our 16 plan would be no different. We would submit well plans 17 and also data on the abandoned wells, and they'd be 18 reviewed and approved in the state of California. But 19 one of the advantages we have is that all the abandoned 20 well locations and preserves are known. We've mapped and 21 provided -- gotten information on them and we have the 22 records -- all of the records of available well records 23 both from the State and from Chevron. The -- in our 24 review of wells -- they were abandoned in the '90s -- 25 they were abandoned in the modern standards and that's</p> <p style="text-align: right;">98</p>	<p>1 review process. Our wells in and around all these other 2 wells were approved and also drilled safely without 3 contacting or colliding with wells under the ground.</p> <p>4 The -- getting into construction around old 5 wells, of course, the State reviews their Engineering 6 Departments -- your building plans. And there's quite a 7 review process there. The City will be also reviewing 8 the building plans, and there will be inspections of the 9 old wells and all of this will be taken into effect to 10 build safely over -- in and around the approximately 11 twelve -- there's twelve by our current review of our 12 maps, we have to go out in the seven acres and completely 13 check this number, but we think we'll be dealing with 14 twelve abandoned wells in the seven acres, and we think 15 it will be a safe process.</p> <p>16 And the last slide, please. Just kind of 17 closing, I mean, we started on this a few years ago and 18 there's been quite a bit of analysis. We just think this 19 is an amazing opportunity for us and for all of Whittier. 20 We can -- I've heard a few comments by those, why don't 21 other cities do this. There are no other cities that own 22 this much of an oil field, both with the surface and the 23 minerals. And there are plenty of cities that would like 24 to do this. We've been contacted with inquiries, can you 25 develop a project like this -- like you're doing there</p> <p style="text-align: right;">100</p>
<p>1 using -- pulling equipment out of the wells and using 2 cement from top to bottom to plug -- plug in abandoned 3 wells. They're also witnessed by the State, certified by 4 reports, they're available on each of the wells.</p> <p>5 We know as our plan moves forward, this next 6 point, that prior to drilling our test wells, we will 7 further inspect the proposed site and this would be with 8 an additional environmental and geotechnical assessment, 9 which would be analyzing, locating the wells around the 10 proposed site and then also inspecting for leaks that are 11 abandoned 20 years ago and also doing site assessment 12 borings around these abandoned wells and providing that 13 report to the City to -- as part of our building plan.</p> <p>14 We'd like to point out we've -- we have drilled 15 in and around abandoned wells. We've drilled 16 seven (inaudible) with state oversight in a preserve. 17 There's a number of, of course, active wells, 27 to be -- 18 lateral wells or wells that were near or within proximity 19 to the wells we drilled, and also about 20 abandoned 20 wells.</p> <p>21 What you do is you provide analysis to the State 22 of what's called the Collision Avoidance, it's a detailed 23 analysis the State reviews your well plan and the plan 24 and location of all other wells in and around your 25 proposed drill well. So there's quite an extensive</p> <p style="text-align: right;">99</p>	<p>1 for us. So we feel -- and in my 30 years, I haven't seen 2 anything like this, my partners would back me up on this, 3 this is amazing opportunity for Whittier, and all its 4 residents. It's, of course, a life -- a long life 5 benefit. There's been different numbers used, but ours 6 is a 25-year contract. It's not a 50-year contract or a 7 hundred years. I think we want to mention 25 years is 8 long life. It will have many, many benefits for the 9 community and to the environment.</p> <p>10 There was a terrific point made the other night 11 by one of the speakers, we feel that this is an 12 incredible education opportunity. We'll have a state of 13 the art site. There will also be many remediations and 14 mitigation projects in the habitat relative to biology 15 and restoration and improvements in the habitat. So it's 16 quite a project for all and particularly for young 17 people. And so we urge, of course, full approval of the 18 project, and we want to thank everyone for a chance to 19 present the project and thank all of the folks that I've 20 met over the last year and a half. I've met about a 21 thousand residents, I've attended many, many meetings and 22 we'll be having many, many more meetings, I'm sure, if 23 the project moves forward. So, thank you.</p> <p>24 MAYOR WARNER: Thank you, Mike. 25 Mr. Jones, our next step?</p> <p style="text-align: right;">101</p>

1 MAYOR PRO TEM NEWCOMER: At this time it's  
 2 appropriate to close the public hearing and begin council  
 3 questions or deliberations.  
 4 MAYOR WARNER: May I have a motion to close  
 5 public hearing?  
 6 COUNCIL MEMBER NORDBAK: So moved.  
 7 MAYOR PRO TEM NEWCOMER: So moved.  
 8 COUNCIL MEMBER VINATIERI: Second.  
 9 MAYOR WARNER: Roll call.  
 10 MS. MARSHALL: Council Member Nordbak.  
 11 COUNCIL MEMBER NORDBAK: Aye.  
 12 MS. MARSHALL: Council Member Vinatieri.  
 13 COUNCIL MEMBER VINATIERI: Aye.  
 14 MS. MARSHALL: Council Member Henderson.  
 15 COUNCIL MEMBER HENDERSON: Aye.  
 16 MS. MARSHALL: Mayor Pro Tem Newcomer.  
 17 MAYOR PRO TEM NEWCOMER: Aye.  
 18 MS. MARSHALL: Mayor Warner.  
 19 MAYOR WARNER: Aye.  
 20 So that we can continue our questions through  
 21 the end of our time tonight, which is 10:00, let's take a  
 22 break now to accommodate our court reporter and then when  
 23 we come back we'll go 'til 10.  
 24 (Recess taken.)  
 25 MAYOR WARNER: Okay. We're ready to resume our

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1 meeting. Just as a reminder we are looking at 10:00 for  
 2 adjourning to the next night.  
 3 So, Mr. Jones.  
 4 MR. JONES: Yes, in speaking with my partner  
 5 regarding the public hearing process, normally we close  
 6 the public hearing as we did a few minutes ago at the  
 7 conclusion of the rebuttal. However, the Council has  
 8 indicated a number of questions they wanted to ask of the  
 9 experts that are present here and we think that for  
 10 purposes of the record that their responses should be  
 11 part of that public record and therefore we would make a  
 12 recommendation that we reopen the public hearing for  
 13 purposes of allowing their testimony to be part of the  
 14 public record as they respond to your questions this  
 15 evening. At the conclusion of your questions, we will  
 16 then close the public hearing again and bring it back to  
 17 deliberation by the Council. So we actually need a  
 18 motion to reopen the public hearing for purposes of  
 19 including questions and response for public record.  
 20 MAYOR WARNER: Any comments from the Council  
 21 before we enter into a motion?  
 22 COUNCIL MEMBER NORDBAK: Just a question, Mr.  
 23 Jones, so we're opening the public hearing, not for  
 24 public testimony, but simply for the Council's questions  
 25 to be on the record of the public.

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1 MR. JONES: The answer is, yes, and it's really  
 2 a technical issue and that is that should we be in  
 3 litigation, part of the process is to establish what the  
 4 public record is and where is the public record within  
 5 the public hearing process. And so we want to make sure  
 6 the comments made by our experts in response to questions  
 7 is clearly within that public record for purpose of  
 8 litigation.  
 9 COUNCIL MEMBER NORDBAK: What if something new  
 10 comes up and the public's ability to respond?  
 11 MR. JONES: If a new area comes in that has not  
 12 been previously deliberated by and which is indeed new  
 13 information, then you would have to reopen the public  
 14 comment portion as to that new information only, and they  
 15 could make comment only upon that new information, if  
 16 they've not already had the chance, if it's truly new  
 17 information.  
 18 MAYOR WARNER: Any other questions?  
 19 COUNCIL MEMBER HENDERSON: The new information  
 20 would have to be something that was not included in the  
 21 FEIR or the conditions that were recommended?  
 22 MR. JONES: It might be in the answers, yes, but  
 23 it's something that's not currently part of the public  
 24 record.  
 25 MAYOR WARNER: Any other questions?

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1 May I have a motion?  
 2 MAYOR PRO TEM NEWCOMER: So moved to reopen.  
 3 MAYOR WARNER: Second, please.  
 4 COUNCIL MEMBER HENDERSON: For the purposes of  
 5 including expert comments --  
 6 THE COURT REPORTER: I'm sorry, I --  
 7 COUNCIL MEMBER HENDERSON: -- I'll second that  
 8 motion.  
 9 MAYOR WARNER: Roll call, please.  
 10 MS. MARSHALL: Council Member Nordbak.  
 11 COUNCIL MEMBER NORDBAK: Aye.  
 12 MS. MARSHALL: Council member Vinatieri.  
 13 COUNCIL MEMBER VINATIERI: Aye.  
 14 Ms. MARSHALL: Council member Henderson.  
 15 COUNCIL MEMBER HENDERSON: Aye.  
 16 MS. MARSHALL: Mayor Pro Tem Newcomer.  
 17 MAYOR PRO TEM NEWCOMER: Aye.  
 18 MS. MARSHALL: Mayor Warner.  
 19 MAYOR WARNER: Aye.  
 20 All right. Mr. Jones, next step, please.  
 21 MR. JONES: It is now Ms. Barlow's opportunity  
 22 to give a staff report.  
 23 MR. HELVEY: I have made available to members of  
 24 the Council and the City Clerk has made available to the  
 25 public, a staff report dated today from the Community

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<p>1 Development Department taking into account some of the  2 letters that have been submitted as a part of the EIR  3 process. It's a twenty-eight page staff report. And,  4 again, Ms. Barlow is prepared to walk you through it and  5 highlight any issues that you need to be aware of before  6 you start your questions.</p> <p>7 MAYOR WARNER: Ms. Barlow.</p> <p>8 MS. BARLOW: Thank you very much, Mayor Warner,  9 members of the Council. This supplemental report really  10 is designed to provide you with a detailed response to  11 some of the issues that have been raised in some of  12 the both public comment and written comment that has been  13 submitted to you on this item. I will try to summarize  14 these issues, as I know you'll have an opportunity to  15 review this in full.</p> <p>16 First of all, I do want to point out that many  17 of the pages are a draft conservation easement which is  18 the subject of one of the draft conditions that was  19 previously approved by the Planning Commission and I did  20 want you to be aware of that and have that before you so  21 you could consider it.</p> <p>22 We have a number of areas that were raised in  23 questions, both environmental issues and legal issues,  24 and I know that the gentlemen from MRS are here to answer  25 your questions and also to add any additional information</p> <p style="text-align: right;">106</p>	<p>1 EIR in the biological resources section. And again the  2 impacted area appears to be 5.49 acres around the  3 facility site, not the larger area that was raised in  4 some of the comments and in the letter.</p> <p>5 There are -- the report goes through discussion  6 of a number of the mitigation measures that are  7 specifically designed to address the impacts or potential  8 impacts that were studied in the EIR and were raised in  9 the comments and also talks about some of the temporary  10 nature of the construction during these impacts.</p> <p>11 There's a discussion of transportation and  12 circulation impacts. Again, these were all studies in  13 the EIR, and recommended improvements to the  14 intersections were proposed in the mitigation measures  15 including modifications to Catalina, Mar Vista Street  16 intersection, limits on parking on Catalina Avenue during  17 testing and coordination with the Whittier College to  18 reduce impacts as a result of the events at the college.</p> <p>19 There is an average of 20 vehicle trips per day  20 that are estimated and mitigation measures requiring  21 carpooling that will reduce those trips significantly.</p> <p>22 We also address some impacts on visual  23 resources, they are significant and unavoidable, but  24 there are a number of mitigation measures that are  25 included in the EIR to minimize those impacts to the</p> <p style="text-align: right;">108</p>
<p>1 which they feel needs to be entered into the record to  2 respond to some of the comment.</p> <p>3 But, first of all, we wanted to talk about the  4 contention that there is actually 335 acres impacted by  5 the proposed project rather than the seven acres or  6 44 acres or number of different acreage that has been  7 thrown around. Basically what MRS is indicating there's  8 a total of 44 acres that will be restored. There are  9 actually 28.1 acres and 5.49 acres of critical habitat  10 that could be disturbed. So you're getting 44 acres of  11 restoration with -- what is that -- 35 roughly acres  12 being disturbed, not 335.</p> <p>13 MAYOR WARNER: If Council has questions as we  14 move along, should they ask you for clarification on this  15 report?</p> <p>16 MS. BARLOW: On the environmental issues I think  17 those questions best be directed to MRS. In terms of the  18 legal issues, those are the issues that we would be happy  19 to answer.</p> <p>20 MAYOR WARNER: Okay.</p> <p>21 MS. BARLOW: We also have some information that  22 the air emissions and the issues regarding the SCAQMD  23 thresholds, dust emissions, odor impacts, there are also  24 a number of issues raised about noise and specifically  25 impacts to the Gnatcatcher, those were addressed in the</p> <p style="text-align: right;">107</p>	<p>1 extent possible. Obviously, to the extent that Matrix is  2 able to use a shorter drilling rig after the test phase,  3 that would reduce those visual impacts and perhaps  4 eliminate them.</p> <p>5 COUNCIL MEMBER NORDBAK: Were we asking  6 questions as we went along or are we waiting?</p> <p>7 MS. BARLOW: I would recommend that you wait  8 until we've just gone through the summary and if you have  9 specific issues you can address those.</p> <p>10 COUNCIL MEMBER NORDBAK: Okay. A little slower  11 so I can make my notes.</p> <p>12 MS. BARLOW: I'd be happy to do that.</p> <p>13 COUNCIL MEMBER NORDBAK: Thanks.</p> <p>14 MS. BARLOW: We did also address some issues  15 raised by Mashoot Maholly (phonetic) and Weinberger  16 letter on behalf of The Hills For Everyone group that  17 discussion begins on page four of your -- of gender  18 report rather.</p> <p>19 One comment that was raised several times was  20 about the sufficiency of our responses to the comments.  21 There were several folks who submitted comment to the  22 original EIR for the original proposed project and were  23 believing that we should have responded to all of those  24 comments. In fact, because of the changes to the  25 project, it was not necessary or appropriate to respond</p> <p style="text-align: right;">109</p>

<p>1 to all of the original comments on the first EIR. We 2 did, however, respond to all of the written comments to 3 the EIR which is for the project before you this evening, 4 as it was revised.</p> <p>5 All of those, including original comment 6 letters, have been included in the EIR in the appendix 7 and all of the responses are also in the appendix to the 8 EIR.</p> <p>9 A number of commentors, including Mashoot 10 Maholly, indicated that they believe that a recirculation 11 of the EIR was required because of the project 12 modifications in Appendix O. I think we said it before 13 but we wanted to address it in as much detail as we 14 could. Staff does not believe that recirculation was 15 required, because none of the criteria for significant 16 new information was triggered by the appendix O and the 17 project modifications. There are no significant 18 environmental impacts new as a result of the information 19 in Appendix O. There was no substantial increase in 20 severity of any environmental impact because of 21 mitigation measures or changes in Appendix O. There was 22 no new feasible project alternative or mitigation measure 23 that was different from others previously analyzed 24 because of those modifications. And the draft EIR was 25 sufficient in our view and allowed for meaningful public</p> <p style="text-align: right;">110</p>	<p>1 but we wanted to make sure that it was clear there are a 2 number of policies in your -- in your General Plan. Some 3 of them are overarching policies and then there are 4 individual smaller points that go toward that goal, that 5 policy goal, that are identified in the General Plan.</p> <p>6 First, I want to say in response to the comments 7 that were made, that we should amend the general plan 8 before you go forward with this project. One of the 9 issues we've talked about in the past is that the due 10 process rights of both the public and the Applicant. The 11 Applicant has a due process right to have its CUP 12 application considered under existing law and the 13 existing General Plan. It would not be appropriate, and 14 I don't think it would be defensible, to take the 15 position that we could not review and act upon their CUP 16 application until a new General Plan was done. Your 17 general plan is current and we believe that you are -- it 18 is appropriate and necessary to take action without doing 19 an amendment to the General Plan or a new General Plan 20 specifically.</p> <p>21 The EIR does discuss the inconsistencies between 22 the proposed project and the applicable General Plan. We 23 are supposed to identify any inconsistencies or apparent 24 inconsistencies and discuss how those consistencies or 25 inconsistencies can be addressed through mitigation</p> <p style="text-align: right;">112</p>
<p>1 review. So we did not believe as a matter of law or 2 informational purposes under CEQA that recirculation was 3 required.</p> <p>4 A number of issues regarding consistency with 5 zoning and general plan and the R, C, M have been raised 6 as well. I first want to address the Zoning Code. 7 Again, we addressed this both at the Planning Commission 8 and I think previously but we wanted to make sure that it 9 was clear in writing that the way our Zoning Code is 10 structured any use that is specifically called out in a 11 specific zone is -- as a permitted use, can be done as a 12 matter of right. Anything that is not specifically 13 called out for that zone would -- and not precluded in 14 that zone, would have to receive the CUP.</p> <p>15 In our code the open space zone does not 16 preclude or permit by right oil drilling. Instead, we 17 have a section in our code that allows for a conditional 18 use permit for any use like oil drilling, that is not a 19 principally permitted use and is not a prohibited use. 20 For those uses a CUP is required that's what this process 21 has been about. So you can, consistent with the zoning 22 code, issue a CUP if you should choose to do that.</p> <p>23 There were also issues raised regarding the 24 General Plan Policies and consistency with those. 25 There's a detailed discussion of this issue in the EIR,</p> <p style="text-align: right;">111</p>	<p>1 measures, but ultimately it is the City Council that 2 determines whether the project as proposed with its 3 conditions and mitigation measures is consistent with 4 your general plan on the whole.</p> <p>5 We looked at some very specific areas that were 6 raised in the commentary regarding consistency issues 7 with the General Plan on the preservation of open space, 8 protecting existing wildlife habitat, and some 9 transportation issues in this report.</p> <p>10 We believe that with the -- based upon the 11 evidence that is currently before you, the project as 12 mitigated does protect existing wildlife habitat and 13 offers an opportunity to enhance that habitat and expand 14 open space and preserve open space. And, in fact, to 15 provide a source of revenue to do additional mitigation 16 in the hills area to make it more accessible and preserve 17 it for the community.</p> <p>18 So we believe that the evidence exists, should 19 the Council choose to determine that the project as 20 proposed, as mitigated, is consistent with the General 21 Plan and with those policies. And we've given you a 22 detailed explanation in response to Mashoot Maholly 23 (phonetic) letter regarding their claim that there's an 24 inconsistency with Policy 2.6 on road widening and on the 25 use of roads and traffic in the city. We believe, again,</p> <p style="text-align: right;">113</p>

<p>1 that you can find consistency with your general plan with  2 the project as it is proposed and mitigated for the  3 reasons identified.</p> <p>4 Finally there have been concerns expressed  5 regarding resource management plan consistency, RMP, for  6 the habitat. There's a discussion in the EIR pages  7 4.2-63 through 4.2-65 detailing imposition of mitigation  8 that we believe consistency with the RMP is satisfied.</p> <p>9 Again, ultimately, you are the arbiters of  10 whether or not this project is consistent with your  11 general plan. You are required to make a finding of  12 consistency as part of both the CUP approval and as part  13 of the of State law. Because of the requirement that any  14 project you approve must be consistent with your general  15 plan.</p> <p>16 We also discuss in this report responses to a  17 number of governing agencies and local citizens on the  18 project setting. And the fact that there were how the  19 baseline was established for the environmental resources,  20 the studies that were done, the surveys that were done,  21 and the preparers I know are prepared to answer any  22 questions you may have about that.</p> <p>23 There's also a discussion about biological  24 resources. The draftee treated all species listed as  25 threatened or endangered or formally recognized by the</p> <p style="text-align: right;">114</p>	<p>1 Road. That's also required as part of the mitigation  2 measures. And the impacts of that trenching are both  3 discussed in biology and air quality sections and other  4 issue areas mitigation measure impacts in the EIR.</p> <p>5 There's also a discussion about cumulative  6 impacts. There was a contention that we had not  7 adequately addressed cumulative impacts, but the EIR  8 preparers did, in fact, consider the cumulative impacts  9 with this project with other projects and that is why  10 they have recommended various mitigation measures  11 including those that relate to the Sycamore Valley  12 project. I think there was a contention that you don't  13 have jurisdiction over that. In terms of mitigation  14 measures to address cumulative impacts you, in fact, have  15 the ability to require those mitigation impacts be done.</p> <p>16 We also have addressed the landfill alternative  17 impact. There were both environmental legal issues  18 relating to this. In terms of the environmental issues,  19 it was not rejected from the screening analysis. I think  20 there was contention that we basically didn't analyze  21 this alternative properly. That's simply not the case.  22 There are a number of issues addressed in the EIR  23 regarding the feasibility, the impacts, this was fully  24 studied in the EIR. And I know that, again, the EIR  25 preparers are fully prepared to address issues with</p> <p style="text-align: right;">116</p>
<p>1 State of California as being species of special concern.  2 And in evaluating that they have considered all of the  3 special status taxa -- I love that word -- that are  4 mentioned in the comments, and they will detail for you  5 in the report all of the biological reports that were  6 prepared and that were reviewed by them in assessing  7 impacts to biology for this area.</p> <p>8 GHG emissions were the subject of many comments  9 as well. There is the potential as noted in the EIR for  10 GHG exceeding the SCAQMD thresholds during construction  11 activities. They've identified a number of mitigation  12 measures. The difficulty here is that we don't have a  13 certainty in the form of an agreement that it requires  14 purchases of offsets and so on. We don't know that these  15 thresholds are going to be exceeded, but there certainly  16 is that possibility. And for that reason CEQA requires  17 that we consider the worst case scenario. The EIR  18 identifies a number of measures that could be adopted and  19 program requirements that would reduce GHG emissions.  20 However, it remains a significant and unavoidable impact  21 as identified in the EIR, and that's thoroughly addressed  22 in Appendix M in the EIR.</p> <p>23 There is a discussion of trenching associated  24 with installation of water supply lines on Ocean View --  25 I'm sorry -- for the Ocean View reservoir or along Colima</p> <p style="text-align: right;">115</p>	<p>1 respect to the environmental issues on the landfill.  2 You've heard from the project proponent about  3 the feasibility issues from their perspective of why the  4 landfill alternative is infeasible. We can tell you that  5 from a legal perspective we also were not able to confirm  6 that there would be any legal ability to obtain permits  7 to do drilling in the landfill area. And if that was  8 available, there's absolutely no idea of how long that  9 might take.</p> <p>10 Certainly there are also issues with respect to  11 the landfill operations that may affect feasibility of  12 that alternative from your perspective. The landfill  13 certainly would be impacted if you were to have the oil  14 drilling be at site.</p> <p>15 In terms of the range of alternatives, we have  16 addressed that. In a nutshell, the EIR does not have to  17 consider every conservable alternative. We believe that  18 from an environmental and legal perspective we have  19 offered and analyzed and discussed a very reasonable  20 range of alternatives to the project for your  21 consideration.</p> <p>22 Now, we had some other legal issues that came up  23 in response to a number of commentators, those include  24 Proposition A issues, Public Trust Doctrine and so on.  25 And I'd like to just kind of summarize those if I could</p> <p style="text-align: right;">117</p>

<p>1 before we move on to having MRS answer your questions on 2 environmental issues.</p> <p>3 The Proposition A decision, we've heard a lot 4 about the fact that you can't approve the project because 5 it's not consistent with Proposition A. Proposition A 6 specifically provided for the possibility that land 7 acquired with Proposition A funds would in fact be used 8 for other purposes at some point in the future. It 9 provides a mechanism for providing replacement land to 10 the District, should that occur and that mechanism is 11 underway. We have been working with the District and the 12 County on that issue, certain discussions, in order to 13 have appraisals done and so on, and that's been underway 14 for sometime. We also have provided to you an opinion 15 from Carlyle Hall and also from Esther Feldman's group 16 regarding that issue and those documents are considered 17 part of this record. We will have to reimburse -- if 18 this project goes forward, there will be have to be a 19 reimbursement for the seven acres of land, at least that 20 will be the surface area that will be taken out of 21 service, if you will. And presumably that land will be 22 replaced. What we certainly hope to do is to replace 23 that land with a -- with higher habitat value land, even 24 more land if that is necessary. Likewise, the Public 25 Trust Doctrine has been raised as an impediment. We do</p> <p style="text-align: right;">118</p>	<p>1 and mitigation measures. You are not looking at the 2 project site as it exists today.</p> <p>3 The mitigation measures and conditions of 4 approval that have been previously approved by the 5 Planning Commission and are recommended for you, if you 6 do approve the project, really take into account the fact 7 that certain improvements will need to be made. So this 8 finding for access, for example, would be based upon the 9 project as it is proposed with mitigation.</p> <p>10 Yes, access will have to be improved. That does 11 not mean that you cannot find that with that improvement 12 of access that the project should not be approved. You 13 will have to make those findings, and if you are 14 satisfied based upon the evidence in the record that you 15 can make those findings, we believe that the record would 16 support that at this point.</p> <p>17 There was an issue raised about the use of funds 18 from the lease. Frankly, that is a legal issue, it's 19 really not an issue relating to the project specifically 20 nor is the CUP that is before you tonight. However, 21 Mr. Hall's opinion, with which we agree, does indicate 22 that the oil and gas revenues for this land our sub 23 surface rights that they belong to the city of Whittier 24 which is the owner of the land and we believe there's 25 substantial legal authority to support that position, and</p> <p style="text-align: right;">120</p>
<p>1 not believe that is the case. There is much case law 2 which indicates that you can consistent with the Public 3 Trust Doctrine lease or use park lands like this, open 4 space lands for similar uses without violating the Public 5 Trust Doctrine. Ultimately, it is your decision about 6 what is in the best interest of the public. This is a 7 very small surface area of the 1290-acre preserve, and we 8 believe that the law supports your ability to authorize 9 the CUP should you choose to do that. We have also heard 10 from several commentors, both in writing and verbally, 11 that you cannot make the required five findings to 12 approve a CUP here.</p> <p>13 Several of the commentors have basically 14 indicated that because the access roads would have to be 15 improved, that you can't make the finding of that there 16 was adequate access to the site. Several have commented 17 that you can't make the finding that the site proposed is 18 adequate in size, shape and topography because the issues 19 with the Prop A District have not been entirely worked 20 out. We do not believe that is correct.</p> <p>21 In terms of the access, I think perhaps the 22 commenter was not taking into account the fact that when 23 you are considering whether you can make the findings 24 that are required by your Code to grant the CUP, you are 25 looking at the project as it is modified by conditions</p> <p style="text-align: right;">119</p>	<p>1 we are presently in the process of discussing that issue 2 with the proposition district. I know that the letter 3 from Mr. Sagway (phonetic) the Director of the Department 4 of Public Parks and Recreation from January 2010 was 5 offered to you by Ms. Skapik. We do not believe that 6 that letter really changes anything. With due respect to 7 the director, like Mr. Helvey, he is staff, ultimately 8 the decision is made by the Board, the District, and by 9 you as the Council, as to what the agreement between you 10 means and how funds will be allocated. Ultimately, if 11 necessary, that decision could be made by a Court. 12 However, the letter from the director certainly is not 13 the be all and the end all of what will happen with those 14 funds.</p> <p>15 In terms of the conservation easements, we have 16 reviewed the documents that have been provided and I know 17 Mr. Henderson has a lot of personal knowledge, 18 particularly with respect to the Chevron easement. 19 First, I want to clarify for you that although you had a 20 number of deeds and easement documents presented to you, 21 those relating to the Unical parcels are really not 22 relevant to your consideration of the CUP. Because the 23 property for the project site is within the Chevron land, 24 not within the Unical site that was -- that was, in fact, 25 subject to a conservation -- partial conservation.</p> <p style="text-align: right;">121</p>

<p>1 The Chevron situation is somewhat different.  2 What actually happened was that Chevron entered into a  3 declaration of its intent to, at some point in the  4 future, designate a certain number of acres, I believe it  5 was 600 acres, rather than the (inaudible) acres as a  6 conservation area. And they did that because they wanted  7 to be able to take credit for -- with the U.S. Department  8 of Fish and Game and Fish and Wildlife for habitat  9 restoration and conservation value.</p> <p>10 That intent and the document that was recorded  11 reflected basically a reservation of Chevron's rights for  12 a limited period of time, in which they could identify --  13 clearly identify specific easement boundaries in order to  14 get the credit that they were trying to get from the fish  15 and wildlife and U.S. Department of Fish and Game. And  16 after that designated period of time, that reservation  17 that they made to do that conservation basically ceased  18 to exist. And that's exactly what happened. They did  19 not, in fact, record a final conservation easement with  20 those designated boundaries that they had given  21 themselves the right to do within the time period. And,  22 in fact, there is not a conservation easement over the  23 area in question.</p> <p>24 However, I know that there's at least one of you  25 who would certainly like to see that happen. And for --</p> <p style="text-align: right;">122</p>	<p>1 significant level. With that, I know that the EIR  2 consultants remain available to answer any and all  3 environmental questions you have and staff is also  4 available to answer any additional questions you may  5 have.</p> <p>6 MAYOR WARNER: So shall we start going through  7 the document and just go through it page by, page  8 whatever?</p> <p>9 MAYOR PRO TEM NEWCOMER: Start with this  10 document.</p> <p>11 MAYOR WARNER: That's what I'm asking. Shall we  12 start going through this document Kim has just described  13 to us, and if we have questions on this document, page by  14 page --</p> <p>15 MAYOR PRO TEM NEWCOMER: Sounds good to me.</p> <p>16 MAYOR WARNER: -- as they come up; does that  17 sound all right?</p> <p>18 COUNCIL MEMBER NORDBAK: Let me first add that  19 was a great staff report, it wiped out a lot of my  20 questions. I appreciate it.</p> <p>21 MAYOR WARNER: Okay. So the first page is not  22 stamped, but it's the first page. Any questions on that  23 page? And stamped page two, any questions?</p> <p>24 COUNCIL MEMBER VINATIERI: I've got a question.  25 It indicates here the number indicated by the L.A. county</p> <p style="text-align: right;">124</p>
<p>1 to that end, a draft conservation easement has been  2 presented to you. And I believe it is in a form which  3 Habitat Authority would likely approve, and which I  4 believe the Applicant has seen and would not object to.</p> <p>5 That would basically place conservation  6 easement, if it's approved, over all the 1290-acre  7 preserve site excepting only the surface area that will  8 be used for this specific project.</p> <p>9 And I hope that would answer questions about  10 whether other CUPs might be granted in the future for  11 other areas of the preserve. But if it doesn't, I think  12 you'll ask them and we'll do our best.</p> <p>13 Finally, there were some responses from the  14 consultants, Peter Jhan letter -- John -- thank you --  15 dated November 9th. Those comments had been previously  16 made at the Planning Commission and during the EIR,  17 mitigation measures have been incorporated into the EIR  18 and its conditions of approval to address those. And I  19 believe that there's discussion in here about why it's  20 not prudent to do double wall pipeline along the  21 entire -- entire pipeline along Colima because of the  22 curve nature of it and so on.</p> <p>23 But the fact is that what has been recommended  24 in the EIR for mitigation with respect to the pipeline,  25 we believe that reduces impacts to a less than</p> <p style="text-align: right;">123</p>	<p>1 park district is 335 acres. And it's suppositional here  2 that it's based on (inaudible) et cetera, 300 feet from  3 all roadways. This is a critical issue. We need to  4 know, it seems to me, where the park district is coming  5 up with the numbers. Because I'm hearing different  6 numbers this evening; I've heard seven acres, I've heard  7 40 acres, now we got this 335, and this issue comes up  8 again later in support. How are we going to tie down  9 what the number is, where they get their --</p> <p>10 MS. BARLOW: Well, I can't speak to where the  11 District got their number because they didn't really tell  12 us, unless you look at that map that they submitted that  13 has a big circle. But I think that Mr. Perez or  14 Mr. Chittic can probably answer the question or perhaps  15 the biologist.</p> <p>16 MR. CHITTIC: Madam Mayor, members of the City  17 Council, I tried to duplicate what the Parks Department  18 did, and it appeared that they had taken 800 feet from  19 the actual seven-acre project site and then also 300 feet  20 from the entire north access road, as well as 300 feet  21 from the Loop Fire Trail Road, and I got approximately  22 335 acres. But one of the questions that I had back to  23 them was how -- what exactly they did to generate those  24 numbers.</p> <p>25 COUNCIL MEMBER VINATIERI: So you proffered that</p> <p style="text-align: right;">125</p>

<p>1 to them?</p> <p>2 MR. CHITTIC: My question was passed on when we</p> <p>3 were working on this to Ms. Barlow, and I'm not sure</p> <p>4 whether it actually went back -- I haven't heard anything</p> <p>5 back from the park, so.</p> <p>6 COUNCIL MEMBER VINATIERI: Do we have a time</p> <p>7 frame on when -- can I get that number?</p> <p>8 MS. BARLOW: I don't. I'm sorry, I'm -- I don't</p> <p>9 have a time frame on when we might get that number.</p> <p>10 COUNCIL MEMBER VINATIERI: So it's essentially</p> <p>11 in their court at this point in time?</p> <p>12 MR. JONES: I think it's also important to</p> <p>13 recognize that number in that document is their number,</p> <p>14 their document. What you have before you is also what's</p> <p>15 prepared by our consultants, they're our numbers. So the</p> <p>16 representation by our consultants reflect the numbers</p> <p>17 that you've calculated and determined. Anybody is</p> <p>18 welcome to submit additional information and you can rely</p> <p>19 upon it depending upon what weight you want to give it</p> <p>20 based upon your particular position.</p> <p>21 COUNCIL MEMBER VINATIERI: Thank you.</p> <p>22 MAYOR PRO TEM NEWCOMER: Question about whether</p> <p>23 this would be appropriate question at this time. This is</p> <p>24 dealing with the 335 acres. We also had information</p> <p>25 presented with visuals that question the seven-acre</p> <p style="text-align: right;">126</p>	<p>1 will be affected by the project during construction,</p> <p>2 during some of the fuel modification zones and so on,</p> <p>3 came out to 28.1 acres of land, and 6.9 acres of that</p> <p>4 correspond to the pad area consistent with less than</p> <p>5 seven acres for the lease agreement.</p> <p>6 COUNCIL MEMBER HENDERSON: Luis, of the 28.1</p> <p>7 acres, is that correct, what's the amount that is going</p> <p>8 to be mitigated for or restored after temporary</p> <p>9 disruption?</p> <p>10 MR. PEREZ: Like I said, we have -- we do have a</p> <p>11 slide which shows -- that breaks down all of that. So we</p> <p>12 can put that up, we can try to find it for you very</p> <p>13 quickly. I believe it's 44 point -- let's see -- it's a</p> <p>14 little -- it's slightly more than 44 acres that would be</p> <p>15 rehabilitated or restored as a result of the different</p> <p>16 ratios that you have to apply based on the different</p> <p>17 types of habitat and the requirements with those habitats</p> <p>18 as far as restoration.</p> <p>19 COUNCIL MEMBER HENDERSON: Well, I guess what I</p> <p>20 was trying to get to is to resolve that to a number of</p> <p>21 the permanent disturbances of the site. Obviously, the</p> <p>22 seven acres is a permanent disturbance. If there is any</p> <p>23 widening of the road, that's a permanent disturbance,</p> <p>24 that portion. And the others are fuel mod areas,</p> <p>25 primarily, that will be mitigated on a one-to-one basis,</p> <p style="text-align: right;">128</p>
<p>1 assertion. Would it be appropriate to ask for</p> <p>2 clarification on how the visual looked bigger, but yet</p> <p>3 isn't or clarification on whether or not we have a</p> <p>4 6.9-acre proposal.</p> <p>5 MR. PEREZ: Madam Chair, Council Members, Luis</p> <p>6 Perez, project manager with MRS.</p> <p>7 We have done a series of calculations to</p> <p>8 ascertain what the actual size of the pad is. It is</p> <p>9 6.9 acres. It is less than the seven acres. There are a</p> <p>10 number of previous iterations of the project, all of</p> <p>11 which are under seven acres. So all that has been</p> <p>12 corroborated. The only thing that I wanted to add is</p> <p>13 that from the previous discussion we obviously disagree</p> <p>14 as to the amount of land that will be impacted with what</p> <p>15 the County Parks District is asserting at this point.</p> <p>16 The acreage that will be impacted we have disclosed. We</p> <p>17 have a series of tables that we can share with you, that</p> <p>18 we can show you. I think we showed those the first day,</p> <p>19 the first night we were here. We can go back to those</p> <p>20 and show you how we arrived at the data through all the</p> <p>21 biological habitats that were affected as a result of the</p> <p>22 impacts and the different areas of the project, so you</p> <p>23 can get a better idea as to how we arrived at that, if</p> <p>24 you need that.</p> <p>25 But the final point is the total acreage that</p> <p style="text-align: right;">127</p>	<p>1 I believe, unless it's in a -- disturbing coastal sage</p> <p>2 shrub then it will be the three to one acreage?</p> <p>3 MR. PEREZ: Right.</p> <p>4 COUNCIL MEMBER HENDERSON: Okay. So I was</p> <p>5 trying to get it down to that level. It has to do with</p> <p>6 the whole Prop A issue, and if you don't have that</p> <p>7 calculation now, I'm wondering if you can make it.</p> <p>8 I understand that the staging area will be</p> <p>9 completely restored and also be mitigated for a one to</p> <p>10 one ratio?</p> <p>11 MR. PEREZ: Yes, and each area that is affected</p> <p>12 what we have done, and if you go back to the</p> <p>13 environmental document, you will find figures that have</p> <p>14 actually delineated the type of habitat that is in every</p> <p>15 particular area of the project site. Those are based on</p> <p>16 many years that the habitat authority has conducted</p> <p>17 surveys out at the property. We used all that</p> <p>18 information and put it into our geographical information</p> <p>19 system to compile that data and break down the exact type</p> <p>20 of habitat of -- you know, it's not an exact science, but</p> <p>21 the most predominant type of habitat that you would have</p> <p>22 in any specific area, it's kind of a complicated figure</p> <p>23 to look at, it has a lot of different colors in it, but</p> <p>24 it provides you with the fairly exact allocation of those</p> <p>25 habitats. And then as you superimpose the project, you</p> <p style="text-align: right;">129</p>

<p>1 can then take out those portions and those portions 2 within those specific habitats to determine what is 3 affected. 4 Then based on that, we have a table up now on 5 the Power Point that shows you what the different impacts 6 are, different acreage impacts from different parts of 7 the project, including the areas that will be affected by 8 the 60 decibel area for habitat purposes only. And those 9 are to be replaced on the one-to-one basis. But you have 10 a full breakdown here based on the mitigation measures, 11 the ratios for those mitigation measures, and then a 12 total acreage to be restored as a result of those. 13 COUNCIL MEMBER HENDERSON: Right, I understand 14 that. I just would like to get it broken down that way. 15 Because I think there's some areas if they're mitigated 16 for should not be counted as a permanent disturbance. If 17 they are not mitigated for -- for example, if we did not 18 mitigate for the fuel modification areas, then they would 19 be considered to be a permanent disturbance under the 20 Prop A rule. So if we could get that calculation broken 21 down to that kind of level, it would be very, very 22 helpful. 23 MR. PEREZ: We can certainly provide that. 24 MAYOR WARNER: And I'm wondering, Steve, I'm 25 assuming we have a staff member that's going to make</p> <p style="text-align: right;">130</p>	<p>1 this particular document. Okay? 2 COUNCIL MEMBER HENDERSON: Just ask if anybody 3 has any objections or any questions about any page. 4 MAYOR WARNER: All right. Let's go to page four 5 and -- 6 COUNCIL MEMBER NORDBAK: Transportation 7 circulation. 8 MAYOR WARNER: Go ahead. 9 COUNCIL MEMBER NORDBAK: Second paragraph, I'm 10 just -- I want to make sure I understand it correctly. 11 It starts comparing truck trips per well as per truck 12 trips per day. So the bottom number is, are we ending up 13 with an average of 20 trips per day or is that supposed 14 to be 20 trips per well per day. 15 MR. CHITTIC: Madam Mayor, Members of the City 16 Council, the question that was asked in the comment 17 letter was discussing trips per well. So that's what we 18 started discussing was trips per well, 198. They quoted 19 a number that was substantially higher than 198. So the 20 trips per well was to contrast and demonstrate what we 21 feel the number per well is. And then the 20 per day is 22 on a per day basis. Which is what was used throughout 23 the EIR, per day basis. 24 COUNCIL MEMBER NORDBAK: So we're looking at 20 25 trips per day and we think that will be mitigated with</p> <p style="text-align: right;">132</p>
<p>1 notes of these things that we're going to want to have 2 come back to us? 3 MR. HELVEY: Yes, we will have our own little 4 list. 5 MAYOR WARNER: Okay. Further discussion on this 6 section? Okay. Should we go on to air emissions? 7 Anyone have questions on this section? 8 MAYOR PRO TEM NEWCOMER: I do have one question 9 and it's of what we can do. It talks about possibly 10 exceeding a threshold. Do we have the ability as a CUP 11 or any other method for that matter to require a 12 particular goal to be met, leaving flexible on the method 13 of reaching that goal? 14 MS. BARLOW: Yes. 15 MAYOR PRO TEM NEWCOMER: Okay, thank you. 16 MS. BARLOW: Yes, we do. 17 MAYOR WARNER: Further questions on this 18 document, air emissions? Let's go onto noise. Stamped 19 page three. We need to remind the audience that the 20 questions that we're going through right now are not our 21 only questions. These are our questions that pertain to 22 this particular document. I know several of us have a 23 series of questions from our other documents, we have 24 questions earmarked from public comment. So this -- 25 right now we're pretty much addressing the questions from</p> <p style="text-align: right;">131</p>	<p>1 the van pooling -- or reduced? 2 MR. CHITTIC: That's correct. 3 COUNCIL MEMBER NORDBAK: Okay. Thank you. 4 MAYOR WARNER: Okay. Other questions on stamped 5 page four? 6 I have a question. Kim, when you were reviewing 7 the sufficiency of responses to comments, you kept saying 8 we responded. When you're saying we, do you mean MRS or 9 do you mean our staff or both entities? 10 MS. BARLOW: I mean both. 11 MAYOR WARNER: Okay. Any other questions on 12 stamp page four? We'll go to page five, any questions 13 there? 14 COUNCIL MEMBER VINATIERI: I've got a question. 15 With respect to recirculation, I note here on item four 16 it says, The draft EIR was so fundamentally and basically 17 inadequate, et cetera. I want to make sure I'm clear on 18 this. The draft EIR we're talking about is the basis for 19 the FEIR; am I correct? 20 MS. BARLOW: That's correct. 21 COUNCIL MEMBER VINATIERI: So -- but we also, I 22 think we talked about this the first day, there's 23 actually been two draft EIRs. There was one and then it 24 was decided to go back and redo it so there became a 25 second DEIR.</p> <p style="text-align: right;">133</p>

<p>1 MS. BARLOW: That's correct. We are speaking 2 here only of a second DEIR because the project was 3 changed, obviously, to the consolidated site, the 4 identified environmentalist superior alternative from the 5 first go around. 6 COUNCIL MEMBER VINATIERI: Thank you. 7 MAYOR WARNER: Page six, any questions? Page 8 seven, any questions? 9 Kim, when you were talking about the General 10 Plan, I thought I heard you say we would need to amend 11 the General Plan before we go forward with this project, 12 but then as you were concluding your comment in that 13 section I thought I heard you say the opposite. 14 MS. BARLOW: I apologize if I misspoke. I think 15 it was intention by a speaker that we should do a new 16 general plan and our position is that not only don't you 17 need to do that, but that it would be inappropriate to 18 defer action on the Applicant's proposal for due process 19 reasons until such a process could be done. 20 MAYOR WARNER: All right. So what's the 21 position of staff on the need to amend our current 22 general plan? 23 MS. BARLOW: We don't believe that there's any 24 need for amendment of the general plan. There are a 25 number of issues that are identified in the EIR where</p> <p style="text-align: right;">134</p>	<p>1 this in the EIR is significantly greater than in the 2 brief staff report that we were able to provide to you. 3 But, in essence, we will be requiring that the Applicant, 4 if the project is approved, would come up with a -- with 5 a traffic plan that would be reviewed in detail with 6 staff to ensure that every possible step is taken to 7 minimize impacts and that appropriate procedures were put 8 into place to work with the college. 9 MR. JONES: I think it's a (inaudible ) step 10 process here. And that is that it's your role to 11 establish the condition by which -- how are you going to 12 operate. It then becomes part of staff's job to be sure 13 that the implementation part of that with the appropriate 14 checks and balances exist, so that the implementation 15 portion matches the goal or the conditions established by 16 Council. But the process level is your level establishes 17 the condition, the staff and Applicant would have to 18 implement with the appropriate checks and balances. 19 COUNCIL MEMBER HENDERSON: The development of 20 that traffic plan, would it also be a time where the 21 possibility of substitution of trash trucks for equipment 22 by Matrix could be imposed? 23 MS. BARLOW: It could be done then, you could, 24 depending on how you worded the condition of approval, we 25 might do it now. I think there's a condition of approval</p> <p style="text-align: right;">136</p>
<p>1 project impacts are addressed as to whether or not they 2 comply with goals and policies of your general plan. 3 MAYOR WARNER: Okay. 4 MS. BARLOW: We believe that as condition that 5 you can make the finding that the project as conditioned 6 is consistent with your general plan. 7 MAYOR WARNER: Okay. Further down -- well, the 8 last paragraph about halfway through, you discuss with 9 measures designed to minimize truck trips through the 10 residential streets, requirements for carpooling, speed 11 limits, requiring coordination with Whittier College. 12 That concerns me, and maybe there's further detail in the 13 CUP or in other documents in regards to what it means to 14 require coordination with Whittier College. Who's going 15 to do the coordination? Who's going to oversee it? What 16 does that coordination going to entail? And the reason I 17 bring this up is in general, we have a good relationship 18 with Whittier College overall. But when we really drill 19 down into detail there are some areas where we have some 20 challenges in coordinating efforts. Most specifically in 21 regards to Penn Street. And I realize the college is 22 going through some construction, et cetera, et cetera, 23 but I do have a concern. So is there further 24 clarification about that elsewhere? 25 MS. BARLOW: I'm sure that the discussion of</p> <p style="text-align: right;">135</p>	<p>1 that the Planning Commission approved that would require 2 payment of offsets of landfill income. I know that that 3 was certainly one of the ways that we were looking at 4 mitigating the trash. And I think Mr. Perez has 5 something to add. 6 MR. PEREZ: Madam Mayor, if I may, this is a 7 mitigation measure the transportation circulation section 8 of the EIR, and it's TIF, if you want to follow along 9 with that. And it has, as a main statement, is to 10 implement a Penn Street traffic program in coordination 11 with the City. And it includes eleven different items, 12 fairly specific about traffic levels and periods of heavy 13 traffic along Penn Street. So to address that item 14 number five talks about alternative parking locations and 15 routes with Whittier College events. It also talks about 16 implementing safety improvements including enhanced 17 pedestrian crosswalks and signage. I know that many 18 statements were made throughout tonight and other nights 19 about not including any mitigation for Penn Street, so I 20 think it should be very clear that there are eleven items 21 here, I would not read them all for you. They also 22 include restrictions on the timing of the traffic through 23 the street to be able to eliminate problems through the 24 peak moments in time when the traffic is occurring. And 25 there is also a requirement to identify the sources of</p> <p style="text-align: right;">137</p>

<p>1 landfill traffic and ensuring that the proposed project  2 truck traffic during operations does not increase average  3 truck traffic levels on Penn Street. Which is the one  4 that I think people were talking about earlier.</p> <p>5 MAYOR WARNER: Okay, and then in the next  6 sentence it says, The project seems to contribute to the  7 provision of safe, efficient, et cetera, et cetera.  8 Words like that drive me crazy because they don't  9 quantify. So should I be concerned about that in this  10 staff report or should I just look to the conditions of  11 approval or the EIR for more specificity?</p> <p>12 MS. BARLOW: No, actually, we use that word  13 because it seems to us that way. Ultimately, the  14 decision about whether it does or doesn't is up to you as  15 the decision makers on consistency.</p> <p>16 MAYOR WARNER: So your opinion is that it does?  17 MS. BARLOW: Indeed.</p> <p>18 MAYOR WARNER: All right. Thank you.</p> <p>19 COUNCIL MEMBER VINATIERI: I have a follow-up to  20 that, Cathy, I also have it marked in my follow-up here.</p> <p>21</p> <p>22 Mr. Perez, I appreciate you pointing this out to  23 mitigation number T1F, as in Frank, where you talk about  24 Penn Street traffic program. One of the issues that came  25 up tonight, I think we heard from a couple residents, was</p> <p style="text-align: right;">138</p>	<p>1 buy mitigation credits to the extent that it exceeded the  2 threshold limit.</p> <p>3 MS. BARLOW: I'll address that in terms of the  4 contract. Yes, they did provide us with a copy of that  5 contract. However, it doesn't -- the contract itself  6 does not require them to buy any particular amount of  7 credits from the company, and there's nothing in there  8 that tells us what triggers that purchase. You know, if  9 we get to X level we will buy. And so for that reason we  10 could not say that the certainty of that happening was  11 sufficient to eliminate the possibility of an impact  12 there.</p> <p>13 COUNCIL MEMBER HENDERSON: Okay. So how would  14 we condition a requirement if we wish to do that? Would  15 it be possibly that it would be a required mitigation  16 measure under CEQA or a CUP requirement under conditions?</p> <p>17 MS. BARLOW: Well, right now there are already  18 mitigation measures that address various steps that they  19 can and should take.</p> <p>20 COUNCIL MEMBER HENDERSON: Yes, but it doesn't  21 require them to. So, therefore, it still becomes a  22 significant unmitigatable impact and there's no reason  23 for that. I don't think I need to make a decision to do,  24 for example, a resolution of overriding consideration,  25 when I know that there's easy solution to it. So how do</p> <p style="text-align: right;">140</p>
<p>1 some type of interaction with those residents in terms of  2 this traffic study. Is there going to be a provision in  3 the mitigation measure to consult with the residents on  4 that street relative to the traffic study?</p> <p>5 MR. PEREZ: I don't think it specifically states  6 that. But it's certainly something that Council members  7 can add to the mitigation measure in your final  8 deliberation. So I don't see a problem with adding that  9 to it.</p> <p>10 COUNCIL MEMBER VINATIERI: Thank you.</p> <p>11 MAYOR WARNER: Questions on page eight? Page  12 nine?</p> <p>13 So Kim, this word taxa, does that have anything  14 to do with taxonomy.</p> <p>15 MS. BARLOW: I think Mr. Perez put that word in  16 there, I'll let him address that.</p> <p>17 MR. PEREZ: Yes, it does. We have Ted Mullen  18 who's our project biologist -- yes, the answer is yes.</p> <p>19 MAYOR WARNER: Okay. I just haven't heard taxa  20 but I know taxonomy. All right. Page ten, questions?</p> <p>21 COUNCIL MEMBER HENDERSON: Yes, I have some  22 questions regarding the greenhouse gas emissions issue.  23 I'm not quite sure what you're saying here, Kim, as  24 respects the mitigation of those. I believe Matrix made  25 the case that they had signed the contract to be able to</p> <p style="text-align: right;">139</p>	<p>1 I condition it so that it has to be done?</p> <p>2 MR. PEREZ: I'll try giving you an answer. If I  3 get in trouble, Greg will come up here and save me.</p> <p>4 A couple of things, just backtracking a little  5 bit, in the evaluation of the greenhouse gas impacts,  6 what we do is we always look at the worst case scenario.  7 And a classic example of that is that we -- operating we  8 make the calculations assuming that there will be  9 400 hours of flaring that would occur throughout a year  10 because that's the maximum amount that Matrix would be  11 allowed to do. Those are a significant contribution to  12 the greenhouse gas exceedance of the threshold that we  13 have identified in the environmental document. It's  14 quite possible they won't use the 400 hours of flaring  15 and so thereby not exceeding the threshold. As far as  16 the environmental document is concerned, we have to  17 identify what the worst case scenario is. And in that,  18 we have identified it to be with the class one impact  19 very significant unavoidable impact, because it is likely  20 to exceed it when we consider the thresholds. And we  21 consider the worst case scenario.</p> <p>22 Within the mitigation measures that we have  23 included for that particular significant impact, we have  24 included a -- sort of a menu of things that they can do  25 to offset those impacts. If they're able to meet that,</p> <p style="text-align: right;">141</p>

<p>1 if they're able to, in the analysis, in the final  2 analysis, it may be that for the purposes of the  3 environmental document, for the purposes of your  4 approval, you may have to do an overriding consideration  5 for it. But in the actual field and during operations,  6 those impacts may not materialize.</p> <p>7 COUNCIL MEMBER HENDERSON: Well, I understand  8 that, but I guess I'm being dense here. But I just  9 really don't understand that situation. Why would I not  10 put a condition in there that to the extent that they  11 exceeded the threshold, it was a requirement that they  12 have to buy the mitigation credits to offset that.</p> <p>13 MAYOR WARNER: So then if it doesn't exceed the  14 threshold --</p> <p>15 COUNCIL MEMBER HENDERSON: Then they don't have  16 to buy it. But if I put that condition in, I know that  17 it's going to be covered and it will not become an actual  18 impact.</p> <p>19 MR. PEREZ: And I think you can do that. You  20 can come to a final condition that says you must offset  21 all the emissions that exceed the threshold.</p> <p>22 COUNCIL MEMBER HENDERSON: But would I do that  23 as a condition or would I do that as a mitigation  24 measure?</p> <p>25 MR. PEREZ: It's already part of your mitigation</p> <p style="text-align: right;">142</p>	<p>1 And yet you won't do it on the greenhouse gases. I'm  2 just at a total loss as to why it's not appropriate under  3 CEQA to have a condition that requires them -- even if  4 you give them a list and say you will have to do some of  5 these mitigations in order to do it because we know that  6 it's easily done. I mean, I can condition, I guess, that  7 they had to put a certain amount of solar panels up to  8 get the necessary offsets. I know that that could be  9 done, I know that they can be bought for a certain amount  10 of money and they can be installed. So why can't I put a  11 condition in there to get rid of this situation so that I  12 don't have to play the game of saying that there needs to  13 be overriding consideration because there's no way to  14 solve this problem when I know darn well that there is.  15 It just doesn't make sense in comparison to all the other  16 ones that you require them to do time after time. And I  17 understand that there must be a problem here, you guys  18 are experts, you're not trying to kid us, but I need to  19 understand it. Because it's a very difficult situation  20 for me to have a situation where I know I can control and  21 I'm being told that I would have to -- if I want to  22 approve this document I would have to override  23 consideration. I'm just lost.</p> <p>24 COUNCIL MEMBER VINATIERI: I have a question on  25 this, this same issue, Bob. Let me direct everyone's</p> <p style="text-align: right;">144</p>
<p>1 measures. The thing that happens is that we're not able  2 to certify that they're going to be able to obtain all of  3 the emission offsets that would be exceeded as part of  4 the impact that we're looking at. We don't have any --  5 we don't have anything that has been proposed, for  6 example, that they will plant X number of trees or that  7 they would retire other equipment from service from  8 elsewhere within the general area or that they would buy  9 offsets as they're intending to do with their contract,  10 that they have signed with the company to offset them.  11 We haven't seen detailed information with the specificity  12 that will give us the assurance that, in fact, they will  13 offset that impact.</p> <p>14 MAYOR WARNER: Kim?</p> <p>15 MS. BARLOW: If I could, yeah. I think what  16 that means is that for purposes of the EIR you would  17 still need to adopt the statement of overriding  18 considerations, but for purposes of your CUP you can  19 impose and should impose a condition that requires that  20 they offset any exceedance by contracts or by other steps  21 that are approved.</p> <p>22 COUNCIL MEMBER HENDERSON: I'm really lost.  23 Because so often in your mitigation you require them to  24 have, for example, certain levels of diesels to offset a  25 possible nox emissions, for example, and stuff like that.</p> <p style="text-align: right;">143</p>	<p>1 attention to page 201 in our materials because this is AQ  2 Air Quality 4 talks about specifically greenhouse gas  3 emissions and. It talks about --</p> <p>4 COUNCIL MEMBER HENDERSON: Where you at?  5 COUNCIL MEMBER VINATIERI: Bates stamp 201.  6 It's the actual mitigation. And it says here  7 specifically, Operations GHG emission levels shall be  8 quantified and report to the City -- air quality -- and  9 if emissions exceed the threshold, GHG emission reduction  10 program shall be implemented to reduce emissions to  11 lessen the threshold 10,000 metric tons, et cetera.</p> <p>12 So, I guess, the question, Bob, is relative to  13 what you're concerned about, is not -- does not this  14 language here take care of the concern that you're  15 articulating right now?</p> <p>16 MAYOR WARNER: Tell us what paragraph you're on.  17 You're under B?</p> <p>18 COUNCIL MEMBER VINATIERI: AQ4 at the top.  19 MAYOR WARNER: Okay.  20 COUNCIL MEMBER VINATIERI: This is the actual  21 finding.</p> <p>22 MAYOR WARNER: So question is to staff, does  23 this work? And do you need to research it more and bring  24 it back to us?  25 MR. PEREZ: I think we can come to an answer</p> <p style="text-align: right;">145</p>

<p>1 here. A couple of things. One is this is language that  2 is given to us and the process of preparing an EIR,  3 particularly with regards to air quality emissions, is  4 done in consultation with the South Coast AQMD. And so  5 they feel that for the exceedance of this threshold that  6 this is the language that they like to see in the  7 mitigation measure. I presume that if -- if you wanted  8 to, you could say that they have to meet it just as  9 Mr. Henderson suggests. And if they don't, they would be  10 in violation of the permit, and there would be other  11 consequences that happen if they happen not to meet it.  12 But the bottom line is that you do have the  13 instrument of compliance to try to use it so that they  14 can comply with the specific requirements of the offsets.  15 It so happens that for the EIR purposes, we rely on the  16 AQMD, the regulating agency for it, they're not  17 necessarily sure that offsets are available in the  18 general vicinity which is what they like to see for  19 offsets for greenhouse gases and so therefore if the  20 language is what it is.  21 MAYOR WARNER: But in the CUP we can have  22 greater specificity?  23 MS. BARLOW: Yes, I'm very confident that you  24 can as a condition of approval require that the Applicant  25 mitigate to offset any exceedance of the GHG by whatever</p> <p style="text-align: right;">146</p>	<p>1 MAYOR WARNER: Greg, did you have a question?  2 COUNCIL MEMBER NORDBAK: Yeah, I was just  3 questioning about this, if there was any answer to the  4 question upon the trenching of the pipelines on Colima  5 outside of the preserve and how that is going to be dealt  6 with the residents that live on Colima.  7 MR. PEREZ: There are some requirements within  8 transportation circulation for a preparation of a plan.  9 These are under impact T2, I believe, and they discuss  10 how you have to provide information to neighbors when  11 there's going to be closures of one lane of Colima Road  12 and a number of other requirements that are part of that;  13 for both information for how the closures would occur,  14 the times of the day that it would avoid to avoid peek  15 hours and so on and so forth.  16 Typically, construction of the pipeline is very  17 similar to when you're putting utilities through a street  18 and they do provide some inconveniences for land owners  19 and residents of the area and those are typically short  20 in period. We foresee that perhaps any given area would  21 be disturbed for about a week or so, and then they move  22 on to the next step. It's a costly endeavor and we know  23 that the pipeline builders would go as fast as they can  24 during that time because it's a -- it's economics. They  25 want to be finished as quickly as possible. So they're</p> <p style="text-align: right;">148</p>
<p>1 methods are identified in the EIR or that otherwise might  2 be available.  3 COUNCIL MEMBER HENDERSON: That's fine. I'd be  4 happy if you could come up with a condition for that for  5 discussion. I mean, I'm not saying that Council --  6 MAYOR WARNER: And I don't want to use the word  7 mitigate, but would that then deal with the issue that  8 he's raising?  9 MS. BARLOW: I think it would. I think it's  10 really in this particular instance, although we believe  11 that you can condition it to ensure that that threshold  12 isn't ultimately exceeded because of the SCQAMDs  13 particular requirements and goals, I'm not -- I still  14 feel that we might need to adopt the statement of  15 overriding considerations even with that condition.  16 MAYOR WARNER: We also have to keep in mind that  17 that's a moving target, since we just approved all the  18 new --  19 MS. BARLOW: Indeed.  20 MAYOR WARNER: Right. Any more questions on  21 page ten? Okay. We're at 9:54 just so everybody knows.  22 Page 11, any questions?  23 COUNCIL MEMBER HENDERSON: Just a quick typo  24 bottom paragraph, it's Sycamore Canyon, not Sycamore  25 Valley.</p> <p style="text-align: right;">147</p>	<p>1 not going to be there longer than they have to be. It is  2 an inconvenience for the residents probably no more than  3 a week during any given time during construction of the  4 pipeline. We did suggest in the environmental document  5 as part of the environmental superior alternative, the  6 use of a corridor that would avoid some of it; La Mirada  7 Boulevard in particular by using the Lambert Road and  8 then onto the Southern California Railroad right-of-way  9 there. So that it could avoid a portion of those  10 2.8 miles of road.  11 COUNCIL MEMBER NORDBAK: Thank you.  12 MAYOR WARNER: Do we know if that pipeline is  13 going to be on the east or west side of Colima?  14 MR. PEREZ: I don't think we know that. We  15 don't have that information yet. Usually you would try  16 to go in areas that are currently being used for other  17 corridors, for other telecommunications or utilities and  18 also try to disturb the area the least amount possible.  19 So all those things would have to be taken into  20 consideration.  21 MAYOR WARNER: Page 11, we're good. Page 12?  22 Page 13. 14.  23 COUNCIL MEMBER VINATIERI: I have a question on  24 14.  25 This goes back, once again, and I think this is</p> <p style="text-align: right;">149</p>

1 for you, Kim. Item ten, this goes back to my question  
 2 regarding are we talking 330 acres as per the Proposition  
 3 A District or exactly what -- I think that this language  
 4 here does this cover the concern that whatever the number  
 5 is that they come up with it covers this also?  
 6 MS. BARLOW: Well, that's something that we're  
 7 working through with the district, but yes, that is what  
 8 we believe, that the area taken out of Proposition A use  
 9 is really what is at issue here. We certainly don't  
 10 think it's 335 acres.  
 11 MAYOR WARNER: Okay. Anything else on 14? 15?  
 12 COUNCIL MEMBER VINATIERI: And that's the same  
 13 issue on 15 under Public Trust; I know we had the  
 14 discussion based upon -- I think it was -- was it the  
 15 Harter case --  
 16 MS. BARLOW: Yes.  
 17 COUNCIL MEMBER VINATIERI: -- where, was it two  
 18 percent, as I recall, was deemed to be the minimum or  
 19 five percent or whatever it was?  
 20 MS. BARLOW: In that case I think it was a  
 21 little bit -- about five percent. Our case is I think  
 22 less than two percent.  
 23 COUNCIL MEMBER VINATIERI: Well, certainly if  
 24 it's seven acres.  
 25 MS. BARLOW: Yes.

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1 COUNCIL MEMBER VINATIERI: The question is if  
 2 it's 300 acres, that's the question.  
 3 MS. BARLOW: I understand.  
 4 COUNCIL MEMBER VINATIERI: You know where I'm  
 5 going?  
 6 MS. BARLOW: I do.  
 7 COUNCIL MEMBER VINATIERI: Thank you.  
 8 MAYOR WARNER: 16? 17?  
 9 We are at 10:00. I know you would love to get  
 10 through this document tonight, but I think we may have a  
 11 bit of a longer discussion on the conservation easement.  
 12 So per our agreement of going from 5:30 to 10, I'd like  
 13 to suggest that we -- give me the correct verbiage,  
 14 Kathryn, adjourn to --  
 15 MS. MARSHALL: I'm going to refer to Ms. Barlow  
 16 Are we going to adjourn to Monday the 21st at 6:30 and  
 17 continue public hearing?  
 18 MS. BARLOW: Yes, we would be continuing the  
 19 public hearing for the limited purpose that Council has  
 20 identified for their questions and answers and we would  
 21 be adjourning to Monday the 21st at 6:30 p.m.  
 22 MAYOR PRO TEM NEWCOMER: Let me ask a question.  
 23 What's -- would my colleagues be willing to start at  
 24 5:30?  
 25 COUNCIL MEMBER NORDBAK: Let me ask a different

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1 question and I'll answer your question. Can we adjourn  
 2 back to our council chambers?  
 3 MS. BARLOW: We'll be adjourning to the council  
 4 chambers on Monday.  
 5 COUNCIL MEMBER NORDBAK: Perfect, then I'll come  
 6 at 5:30.  
 7 MAYOR WARNER: Joe?  
 8 COUNCIL MEMBER VINATIERI: The question is 5:30?  
 9 MAYOR WARNER: 5:30.  
 10 COUNCIL MEMBER VINATIERI: 5:30 works. What  
 11 time are we going to stop?  
 12 COUNCIL MEMBER NORDBAK: 6:30.  
 13 MAYOR WARNER: Well, keep in mind that we have a  
 14 regular council meeting the next night on Tuesday night.  
 15 Let's stick to 5:30.  
 16 COUNCIL MEMBER HENDERSON: I'm fine.  
 17 MAYOR WARNER: Okay. And I'm fine, but you're  
 18 contingent on stopping time.  
 19 COUNCIL MEMBER VINATIERI: I'd like to stop at  
 20 10:00, as much as we have another council meeting the  
 21 next night.  
 22 MAYOR WARNER: I know. Let's just see. Greg,  
 23 any time?  
 24 COUNCIL MEMBER NORDBAK: Ten is fine.  
 25 MAYOR PRO TEM NEWCOMER: My preference would be

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1 to leave it flexible depending on how close we think we  
 2 are to a good stopping spot instead of having a rigid  
 3 time.  
 4 COUNCIL MEMBER NORDBAK: But we're meeting the  
 5 next night anyway.  
 6 MAYOR WARNER: Bob, ending time?  
 7 COUNCIL MEMBER HENDERSON: Well, I think it's  
 8 really important that we do our very utmost to get  
 9 through it Monday night so staff has a chance to review  
 10 it and put it in the best form so that we can meet early  
 11 on Tuesday and take whatever kind of final action we need  
 12 to take.  
 13 I'd hate to start getting it over because we're  
 14 going to get into the holidays, if it starts rolling past  
 15 that, and I know there are people taking vacations and  
 16 one thing or another it's probably going to get really  
 17 messy. So if we had to go to 11 o'clock and we could get  
 18 finished, I would be willing to stay 'til 11 o'clock.  
 19 MAYOR WARNER: I would be willing to work until  
 20 11. And as I've told you before, research shows after 11  
 21 we don't make good decisions.  
 22 COUNCIL MEMBER NORDBAK: I've made some of the  
 23 best decisions of my life after 11.  
 24 MAYOR WARNER: I don't want to ask anymore about  
 25 that.

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1 COUNCIL MEMBER NORDBAK: I decided to run for  
2 Council early in the evening.

3 MAYOR WARNER: We're 5:30 to approximately 11 or  
4 earlier on Monday night back at the council chambers.

5 And you've stated the correct verbiage as far as  
6 the adjourning --

7 MS. BARLOW: Adjourning the public hearing and  
8 adjourning to Monday the 21st at 5:30 p.m. at the  
9 Whittier City Council Chambers.

10 MR. JONES: Let's make it absolutely clear. On  
11 Monday we are at the City Council Chambers.

12 MAYOR WARNER: Right. Thank you.

13 UNIDENTIFIED MAN: Can I inquire when the staff  
14 report will be posted to the website?

15 MS. MARSHALL: We'll be doing that tomorrow  
16 morning, Madam Mayor, we'll post it to the website  
17 tomorrow. I haven't had a chance to scan it in.

18 UNIDENTIFIED MAN: Thank you.

19  
20 CERTIFICATION

21 OF

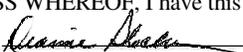
22 CERTIFIED SHORTHAND REPORTER

23  
24 I, the undersigned, a Certified Shorthand  
25 Reporter of the State of California do hereby certify:

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1 That the foregoing proceedings were taken  
2 before me at the time and place herein set forth;  
3 that any witnesses in the foregoing proceedings, prior  
4 to testifying, were placed under oath; that a verbatim  
5 record of the proceedings was made by me using machine  
6 shorthand which was thereafter transcribed under my  
7 direction; further, that the foregoing is an accurate  
8 transcription thereof.

9 I further certify that I am neither  
10 financially interested in the action nor a relative or  
11 employee of any attorney of any of the parties.

12 IN WITNESS WHEREOF, I have this day  
13 subscribed my name  

14  
15 Dated: \_\_\_\_\_

16  
17 Certificate Number: 10676

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