

Appendix I

Notice of Preparation, Scoping Document,
Comments, and Responses

**NOTICE OF PREPARATION
AND PUBLIC SCOPING MEETINGS**

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report (SCH# 2010011049) and Public Scoping Meeting

Notice is hereby given that the City of Whittier Community Development Department will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified below. We need to know your views as to the scope and content of the environmental information to be prepared for the proposed Project. Please note that an earlier NOP and Public Draft EIR had been prepared for an earlier version of this Project.

PROJECT TITLE: Whittier Main Oil Field Development Project

PROJECT APPLICANT: Matrix Oil Corporation, 104 W. Anapamu, Suite C, Santa Barbara, CA 93101.

PROJECT LOCATION: Located on City owned land within the Puente Hills Landfill Native Habitat Preservation Authority, generally located north of Mar Vista Street and west of Colima Road.

PROJECT DESCRIPTION: The Project is a revision to the previous Oilfield project, described in the DEIR (submitted for public review 10/6/2010 through 12/6/2010). The revised Project incorporates aspects of the environmentally superior project alternative and is being proposed by the applicant in order to reduce areas of disturbance and potentially significant environmental impacts. The revised Project will consist of wells, oil processing, gas plant, oil and gas pipelines, and oil truck loading facilities, to be located within portions of the 1,290-acre City owned Whittier Main Field, now part of the Authority Habitat Preserve. The oil and gas production and processing facilities will be physically located at a central Consolidated Site within the Whittier Main Oil Field. The site encompasses approximately 6.9 acres.

SCOPING MEETINGS: Pursuant to Section 21083.9 of the Public Resources Code, two Scoping Meetings will be held, one for the general public and one for responsible public agencies. The purpose of the Scoping Meetings is to discuss the proposed project EIR and assist the City in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in the EIR. The Scoping Meetings will be held at the times, date and place indicated below:

General Public Scoping Meeting:

Time: 6:30 – 7:30 p.m.

Date: May 5, 2011

Place: Community Center Theater, 7630 Washington Ave., Whittier, California 90602.

Responsible Public Agency Scoping Meeting:

Time: 4:00 – 5:00 p.m.

Date: May 5, 2011

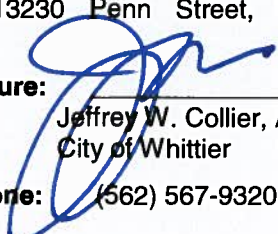
Place: Community Center Theater, 7630 Washington Ave., Whittier, California 90602.

The general public and responsible public agencies are invited to attend the scoping meeting and/or review and comment on the project Initial Study.

A copy of the NOP and Scoping Document describing the project, location, and the potential environmental effects is available at the City Community Development Department at 13230 Penn Street, Whittier, California 90602, or online at: www.cityofwhittier.org. Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice. Please send your response to Mr. Jeffery Adams, Planning Services Manager, 13230 Penn Street, Whittier, California 90602 or via email to jadams@whittierch.org.

Date: April 25, 2011

Signature:



Jeffrey W. Collier, Assistant City Manager
City of Whittier

Telephone: (562) 567-9320

**Notice of Preparation and Scoping Document for an
Environmental Impact Report (EIR)
for the
Whittier Main Oil Field Development Project
*REVISED***

California Environmental Quality Act (CEQA) Lead Agency
City of Whittier
Community Development Department

Contact

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April 20, 2011

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1.0 Introduction

The City of Whittier will be the lead agency and will prepare a revised Environmental Impact Report (EIR) for the Project described herein. This EIR is being prepared consistent with Section 15088.5 of the California Environmental Quality Act (CEQA) Guidelines, that govern recirculation of an EIR prior to certification. Although not required by Section 15088.5 of the CEQA Guidelines, the City of Whittier is sending this Notice of Preparation and Scoping Document (NOP) to responsible agencies, trustee agencies responsible for natural resources affected by the Project, federal agencies that may be involved in permitting or approving the Project, and interested persons. Consistent with Section 15082 of the CEQA Guidelines, within 30 days after receiving this NOP, each agency is requested to provide the City of Whittier with specific details about the scope and content of the environmental information to be contained in the EIR related to that agency's area of statutory responsibility. The NOP is also being sent to interested persons to solicit input from the public as to the scope of the EIR. Scoping hearings will be held to receive comments on the NOP from agencies and from interested members of the public. Agencies and members of the public can also comment in writing on the scope of the document.

CEQA Guidelines Section 15082 requires that the NOP provide a description of the Project, including the location, and a summary of the potential environmental effects. This NOP is in response to a revision to the originally proposed Project by Matrix, which was the subject of a previous NOP in January 2010. A Public Draft EIR was written for that Project under SCH #2010011049 and the Project was subsequently revised by Matrix, which is now the subject of this NOP.

The City owns approximately 1,290 acres of former oil fields in the hills north of the developed areas of the City. This area was commonly known as the Whittier Main Field, which produced oil for more than 100 years as an active oil field and drilled about 550 wells in that time until the early 1990s. The majority of the land encompassing the oil field was purchased from Chevron and Unocal with Measure A funds in order to preserve the land as open space and wildlife habitat. The land is currently managed for the City by the Puente Hills Landfill Native Habitat Preservation Authority (Authority), a joint powers agency whose members include the City of Whittier, County of Los Angeles, and Los Angeles County Sanitation Districts. On October 28, 2008, the City awarded a lease to Matrix Oil Corporation that could permit resumption of oil and gas extraction from the site. The agreement leases the City's mineral rights underlying the Whittier Main Field to Matrix and provides that subject to a conditional use permit and numerous contractual provisions, Matrix could have certain rights, including drilling exploratory oil wells and extracting oil, gas, and other hydrocarbons from the land. In exchange for these rights, the project could generate a substantial long-term income stream for the City and for the preservation and enhancement of the Preserve's ecological resources and native habitat. Matrix Oil Corp., the operator of the Whittier Main Oil Field and the Applicant, has submitted a Conditional Use Permit (CUP) application to the City of Whittier to drill for the purpose of exploration and production of remaining oil and gas reserves at the site.

In order to assist the City evaluate the suitability of the Matrix CUP application, the EIR will assess the environmental impacts of future drilling and operational activities in the area and, where appropriate, develop mitigation measures to reduce potentially significant impacts. These

mitigation measures can then be incorporated as conditions of approval for the CUP to be considered by the City.

Table 1.1 Project Details

Project Information	
Project Title	Whittier Main Oil Field Project
Case Number	CUP09-004, DRP09-015
Lead Agency	City of Whittier, 13230 Penn Street, Whittier, California 90602-1772.
Contact Person	Jeff Adams, City of Whittier, Community Development Department, (562) 567-9320
Applicant	Matrix Oil Corporation, 104 W. Anapamu, Suite C, Santa Barbara, CA 93101, (805) 884-9000
General Plan Designation	Open Space
Zoning Designation	Open Space
Site Size	Project oil and gas production and processing operations are expected to be physically located at a single site. This site is approximately 6.9 acres and will contain wells, processing equipment and a truck loading facility. Electrical and pipeline interconnections will be made to the Southern California Edison grid, the Southern California Gas Company pipeline and the City of Whittier Water District system. Oil and gas pipeline connections of approximately 2.8 miles will be constructed to connect the oil field to the existing Crimson Oil Pipeline System at La Mirada Boulevard and Leffingwell Road and tie to the Gas Company pipeline tie-in located at the intersection of Colima Road and Lambert Road. Of the 1,290 acres owned by the City of Whittier within the Preserve, the Whittier Main Oil Field Project will need a total of approximately 6.9 acres for pads to support the proposed oil and gas production and processing facilities.
Project Location	Located on City owned land within the Puente Hills Landfill Native Habitat Preservation Authority, generally located north of Mar Vista Street and west of Colima Road. (See Figure 2-1, Whittier Main Oil Field Vicinity Map).
Assessor Parcel Numbers	8137-028-900, 8137-021-907, 8137-021-902, 8137-021-908, 8139-021-909, 8289-007-908, 8138-033-914, 8138-033-915, 8138-033-913, 8289-007-909, 8289-007-907, 8138-032-901, 8289-021-904, 8289-021-903, 8291-005-900, 8291-004-900, 8289-020-900, 8291-003-901.
Access	Vehicular access is planned from north Catalina St. off of Mar Vista Ave. and from the existing North Access Road through an existing access through the Savage Canyon Landfill. Access to the Landfill would occur through the entrance on Penn Street.
Latitude and Longitude	33°56'54.82" N and 118°00'23.96"W

2.0 Proposed Project Description

The Project is a revision to the previous Oilfield project, described in the Draft Environmental Impact Report (SCH# 2010011049), previously distributed for public review from October 6, 2020 through December 6, 2010. The revised Project incorporates aspects of the environmentally superior project alternative and is being proposed by the applicant in order to reduce areas of disturbance and potentially significant environmental impacts.

As proposed, the revised Project (Project), when fully developed, will consist of wells, an oil processing plant, a gas plant, oil and gas pipelines, and a oil truck loading facility, to be located within portions of the 1,290-acre City owned Whittier Main Field, now part of the Authority Habitat Preserve. The oil and gas production and processing facilities will be physically located at one site within the Whittier Main Oil Field (see Figure 2-2). This Project Site is approximately 6.9 acres. An additional 6 acres may be temporarily disturbed for construction and grading of the site.

The Project Site is generally located in the area of the Central Consolidated Site, identified as the environmentally superior alternative in the previous Oilfield project Draft EIR. The Project Site will contain well cellars, well test stations, and liquid and gas separating equipment. In addition, the site will contain the oil processing facility and gas plant. Roads, pipelines, and power poles would be constructed. Electrical and pipeline interconnections would be made to the Southern California Edison (SCE) grid and the City of Whittier Sewer and Water District systems. Access to the Project would be both from Catalina Avenue and along the North Access roadway from Penn Street through the landfill property and through the Preserve to the Project Site. For vehicles two tons and under, the Project Site would be accessed through Catalina Avenue. For vehicles larger than two tons, the Penn Street entrance and the landfill road would be used to access the site through the North Access Road (see Figure 2-2.) Approximately 3 miles of the North Access roadway would have to be aligned, stabilized and widened to safely accept vehicles. In addition, approximately 700 feet of new roadway would have to be built to access the well pad area located within the Project Site and approximately 1,800 feet of existing asphalt road within the Preserve adjacent to the Project Site would have to be realigned.

Two methods for transporting the marketable crude oil are proposed by Matrix. One method would be via the Truck Loading Facility located inside the Project Site area, where the oil would be loaded onto oil tanker trucks and transported through the North Access Road to a nearby receiving terminal and then be transferred into the Crimson Pipeline System. This oil transportation method would be used during the testing phase of the Project until the permanent oil pipeline is constructed and during rare periods in the event the pipeline system is shut down.

The second oil transportation method would transfer the marketable crude oil by pipeline from the Project Site to the existing Crimson Pipeline System. This would involve building an oil pipeline from the Project Site under existing roadways through the Preserve to Colima Road and then through a new 2.8-mile pipeline connecting to a tie-in point at Leffingwell Road and La Mirada Boulevard. (See Figure 2-3.) The Crimson Pipeline System would transport the crude to the ConocoPhillips Refinery in Wilmington. This pipeline would be constructed at the same time and in the same trench as the natural gas line, which would follow the same route to tie into the Southern California Gas Company (SCGC) line at the intersection of Colima and Lambert

Roads. Oil transportation via pipeline would occur for the duration of the project except for brief and rare periods when the pipeline or refinery are temporarily shut down for maintenance, in which case oil would be temporarily transported via truck from the Truck Loading Facility.

A new gas pipeline would also be built next to the oil pipeline from the Project Site under existing roadway through the Preserve to Colima Road. From Colima Road the gas pipeline would follow the oil pipeline to the SCGC line interconnection at Lambert Road. In addition, during the Drilling and Testing Phase and during the Design and Construction Phase, a gas pipeline could be constructed above ground next to the landfill road from the Project Site to the landfill to be connected to the City of Whittier pipeline system.

The proposed Project would involve three distinct development phases. The first phase, the Drilling and Testing Phase, would involve drilling three test wells at the Project Site and assessing the quality and quantity of oil and gas produced. Assuming successful testing, the second phase, the Design and Construction Phase, would involve the installation of gas and oil processing and crude transportation facilities.

The third phase, the Operations and Maintenance Phase, would involve drilling of the remaining wells (total of up to 60 wells), as well as the operation and maintenance of the gas and oil facilities and the wells, which would involve well workovers and occasional well re-drilling.

3.0 Scope of the Environmental Impact Report

Matrix Oil Corporation, the applicant for the Whittier Main Oil Field, has submitted a revised application to the City of Whittier for a CUP and Development Review Permit (DRP). As such, these applications are the discretionary actions required to permit the proposed Project as defined by CEQA.

The EIR will assess the impacts of exploratory and production drilling and operational activities in the Whittier Main Oil Field and, where appropriate, develop mitigation measures to reduce significant impacts. These mitigation measures will then be used in developing the conditions of approval and requirements that would be part of the discretionary action the City could take on the Project.

The City of Whittier and the EIR consultant had previously prepared a Public Draft EIR for an earlier version of the Project. It is expected that the same issue areas analyzed previously would also be analyzed as part of this Revised Draft EIR. The analysis in the EIR for each of these issue areas will address the environmental baseline, the impacts associated with the exploratory and possible production drilling and operational activities, cumulative impacts, and mitigation monitoring. The mitigation monitoring plan will include the requirements, the responsible agencies and the timelines for each mitigation measure.

Figure 2-1 Whittier Main Oil Field Vicinity Map

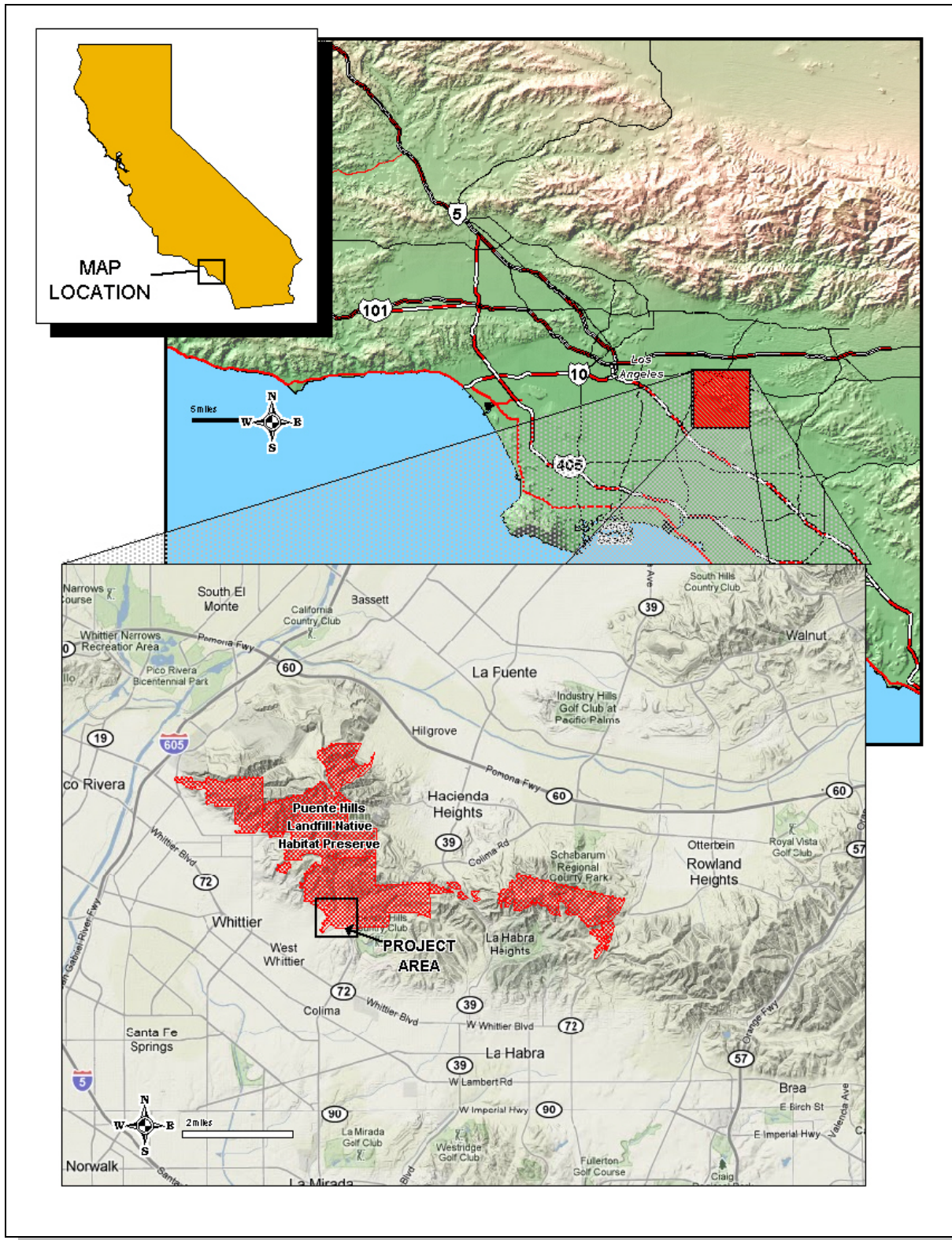


Figure 2-2 Proposed Project Site Locations

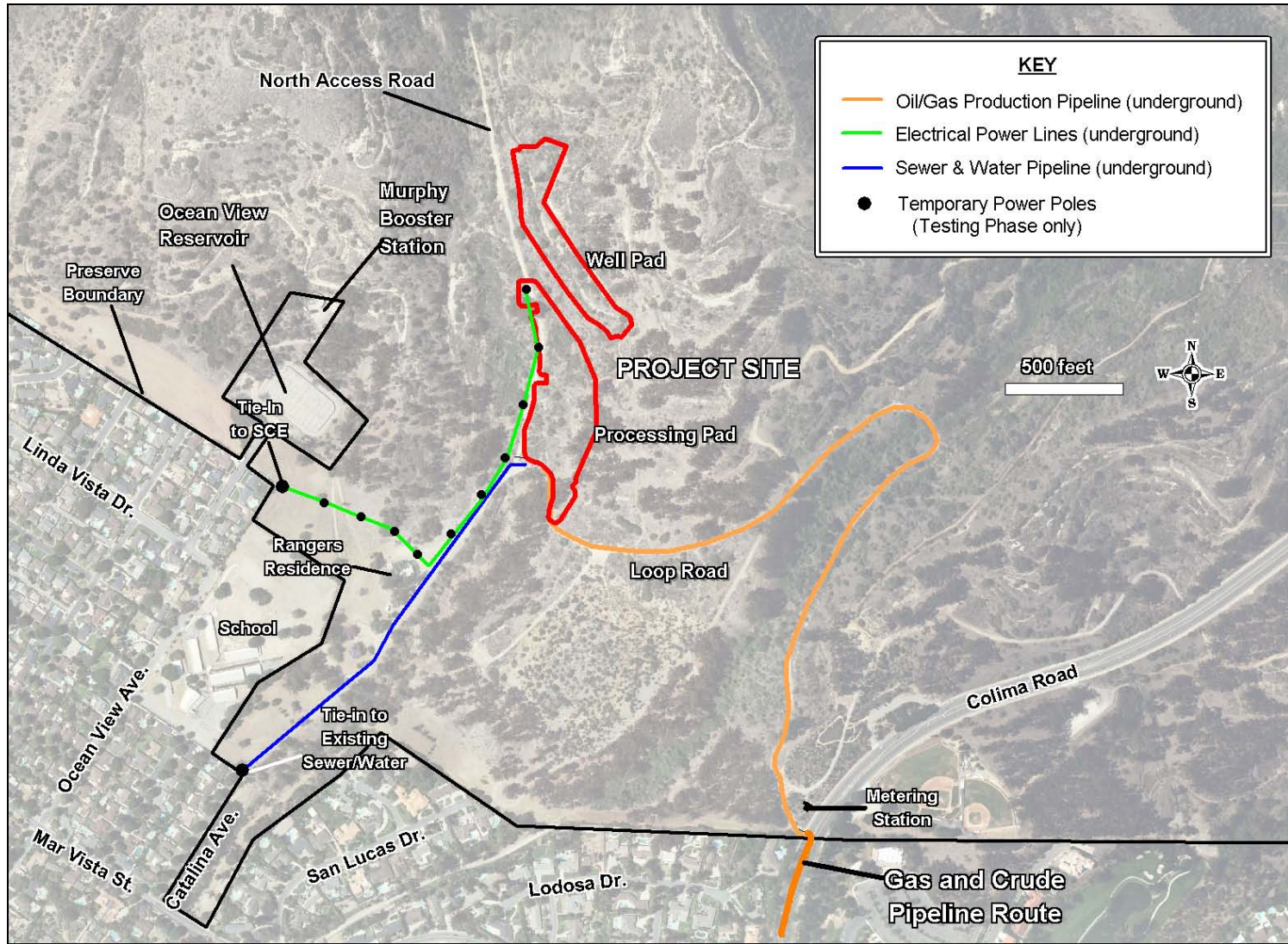
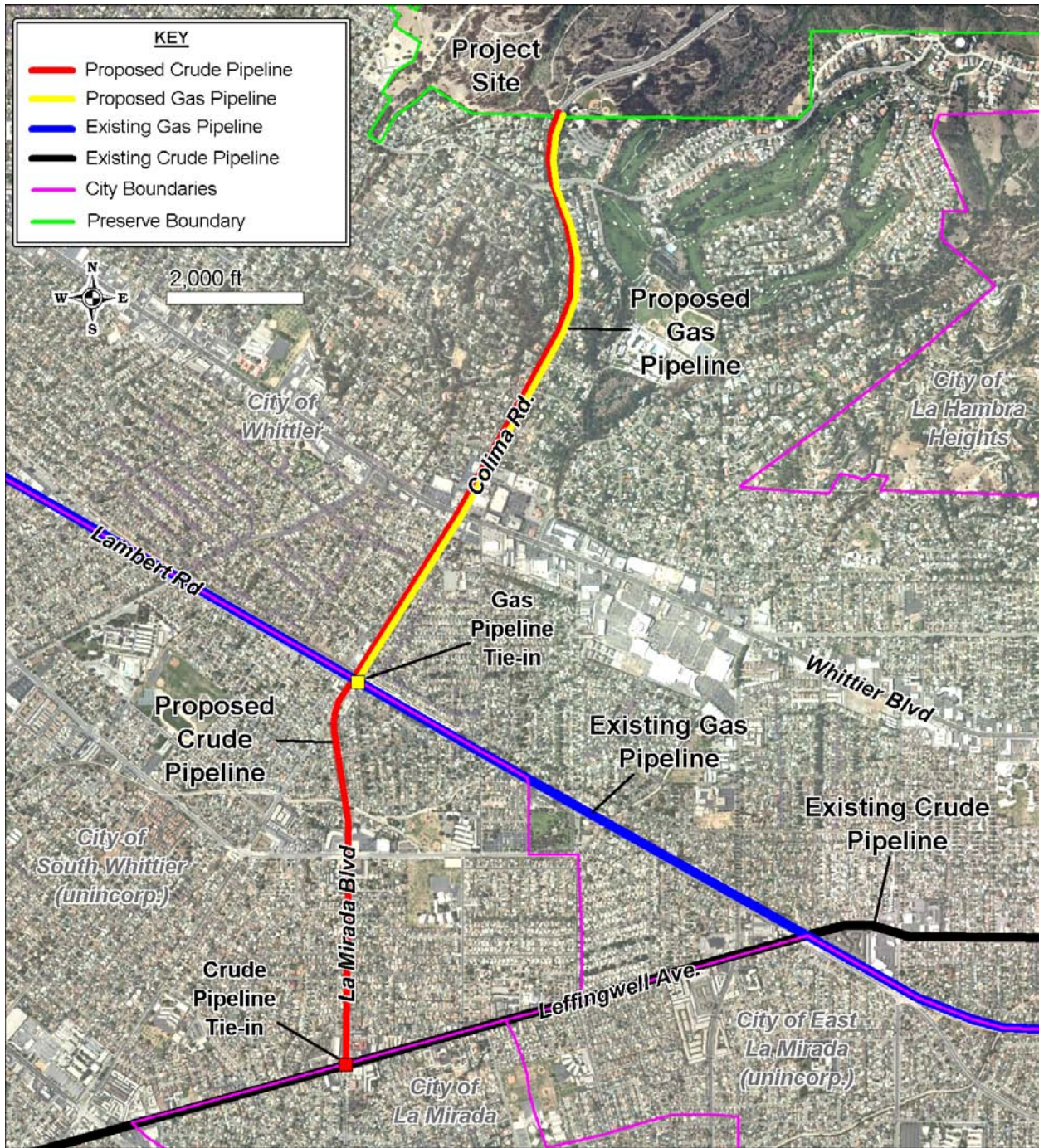


Figure 2-3 Proposed Pipeline Routes



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors that would be potentially affected by this Project, involve Air Quality, Biological Resources, Risk Of Upset, Hazards & Hazardous Materials, Geological Resources, Noise and Vibration, Aesthetics and Visual Resources, Transportation and Circulation, Hydrology and Water Resources, Cultural Resources and Archaeology, Wastewater, Land Use and Policy Consistency Analysis, Fire Protection and Emergency Services, Public Services and Utilities, Recreation, Energy and Mineral Resources, and Environmental Justice. These environmental factors are generally discussed below.

Air Quality

The construction and operation of the proposed Project would contribute to an increase in air quality emissions for which the region is in non-attainment. As such, air quality impacts from construction and operation of the new facilities will be evaluated using the thresholds of significance established by the SCAQMD. Short-term emissions would result from the use of drilling, grading and construction equipment, gas flaring, and trips generated by construction workers and haul/material delivery trucks. Long-term emissions would result predominately from the drilling and facility operations and truck transport, as well as from employees travelling to and from the site. These emissions could result in the violation of air quality standards or the exceedance of air quality thresholds of significance, which may contribute to an existing or projected air quality violation. Therefore, air quality impacts will be evaluated in the EIR to determine the level of significance of the short- and long-term impacts. Regional toxic air contaminant concentrations and trends will also be characterized based on available data from the SCAQMD, specifically the MATES III study. These various sources will be aggregated into a comprehensive database to characterize site-specific background conditions for pollutants.

The EIR will also assess emissions of greenhouse gasses (GHG) for all construction activities and operations. GHG emissions will be quantified in the same manner as criteria pollutants, with emission factors and tabulated in columns next to the criteria pollutants. The EIR will evaluate GHGs including carbon dioxide (from combustion), methane (from combustion and fugitive emissions), nitrous oxide, and hydrofluorocarbons. The EIR will also assess GHG emissions from both direct (located on-site) and indirect (from mobile sources and electricity generation) sources and will address life-cycle issues such as transportation.

Sensitive receptors, including nearby residences to the south and west are located in the immediate vicinity of the Project site. Construction of the proposed Project may expose these sensitive receptors to increased pollutant concentrations. This issue will be analyzed in the EIR.

Some objectionable odors may be temporarily created during construction activities, such as paving, tar, or diesel exhaust. These odors would likely occur in localized areas during Project construction. Some odors may occur as part of the oil and gas production at the site, but could be significantly diminished by the proposed underground concrete cellars for the oil wells. Other odors generated by the Project include exhaust from trucks travelling to and from the site. The EIR will include an assessment of odor generated by the Project, an assessment of violations and

complaints at other oil fields, and an analysis of the potential sources of odors and their frequencies.

Biological Resources

Surveys were conducted in accordance with the current California Native Plant Society Botanical Survey Guidelines dated June 2001. These surveys did not identify federal or state listed or otherwise sensitive plants within the areas slated for Project development.

The general Project area is known to contain California gnatcatchers (*Polioptila californica*). The California gnatcatcher is a federally and state listed species. In 2005, at least three gnatcatcher pairs were present in a restoration area within the Preserve, east of Colima Road and one pair was found in lower Sycamore Canyon; scattered single birds observed late in the season are best considered wandering juveniles. However, protocol surveys of the areas slated for Project development found no nesting of gnatcatchers.

The proposed Project has the potential to temporarily impact the California gnatcatcher, yellow warbler, yellow breasted chat and San Diego dessert woodrat and their critical habitat during the construction and development activities. Therefore, further analysis of potential impacts to these species and their critical habitat will be included in the EIR.

Development of the site could also impact coastal sage scrub, which has been designated critical habitat for the California gnatcatcher. Equally, potential oil spills from Project related activities could cause impacts to riparian habitats. These impacts could be significant and therefore, will be evaluated in the EIR.

Although the Habitat Preserve area is surrounded on most sides by urban development, the Preserve is considered essential to wildlife migratory corridors. Development of the area could interfere with the movement of wildlife species at the site such as resident birds and other small mammals. The development footprint could restrict resident wildlife from moving through the various portions of the permanent open space areas. Therefore, this issue will be analyzed in the EIR.

Risks, Hazards and Hazardous Materials

Analysis of potential impacts associated with accidental releases from the oil and gas operations will be included in the EIR. A hazardous materials/risk of upset analysis will be included in the EIR to evaluate the potential changes in risk associated with the proposed activities and alternatives. The analysis will utilize established risk guidelines to evaluate the significance of potential incremental risk increases/decreases associated with the proposed Project and alternatives. The analysis will focus on evaluating the proposed production, processing, and storage, use and transportation of hazardous materials.

The significance of potential impacts will be quantified using significance criteria for public safety. These criteria would be used for potential toxic exposure, fires, and explosions as well as transportation risk. Mitigation measures will be proposed, where possible, to reduce the impact to a level of insignificance.

The facility will also have truck traffic related to the use of natural gas odorant at the odorant station and potential truck trips of propane if that is required by the gas plant. These trips will be added by the EIR to the truck trips associated with crude oil transportation.

The EIR will evaluate potential Project impacts associated with hazardous emissions, materials, substances, or waste within one-quarter mile of an existing school.

Geological Resources

The Whittier Main Oil Field is part of a larger oil producing trend that lies along the Whittier Fault Complex that runs southeast from Monterey Park through Montebello, Whittier, La Habra, Brea and Yorba Linda. The seismically active nature of these faults could be a potentially significant impact to the Project due to ground shaking, fault rupture, liquefaction, lateral spreading and seismic settlement. Therefore, further analysis of potential impacts associated with earthquake faults, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, will be included in the EIR. There are a number of regionally active faults and buried thrust faults that could produce strong seismic ground shaking at the Project site. The proximity of the Project site to these active faults will likely result in ground shaking during moderate to severe seismic events. Therefore, further analysis of potential impacts associated with seismic ground shaking will be included in the EIR.

Analysis of potential impacts associated with seismic-related ground failure including liquefaction and seismically induced landslides will be included in the EIR. Analysis of potential impacts associated with landslides and slope instability will be included in the EIR. Evaluation of potential impacts associated with soil erosion would need to be conducted as part of the EIR.

Overall, the Project site does not exhibit characteristics that would result in a high potential for geotechnical hazards. However, given the potential for these geotechnical issues and potential hazards that could affect Project development, further analysis of these potential impacts will be included in an EIR. Finally, further analysis of potential impacts associated with expansive soil will be included in the EIR.

Noise

Construction and operation activities for the proposed Project and alternatives would potentially increase noise levels in the vicinity of the site and along transportation corridors. A noise study will be prepared as part of the EIR to determine expected Project construction and operation noise levels. The noise impact analysis will focus on construction, drilling, operations, and transportation related noise impacts to communities located near the construction sites and along transportation routes between the construction site and area freeways. In addition, as truck and vehicle traffic levels would increase along the transportation routes, the consequential increases in noise will be assessed. The EIR will assess this level of traffic increase for noise impacts.

The impact discussion for this Project will identify any noticeable change in the existing noise levels that would result from construction and operation activities and the significance of that change. A change of 3 dBA is generally regarded as the threshold of noticeable change in an ambient noise environment. The EIR will estimate noise generated by equipment using existing databases on noise levels as available from the EPA and other sources.

Aesthetics

The EIR will review the proposed Project for impacts to aesthetics resources. The new facilities would be constructed within the Whittier Main Field. They could be visible from a variety of locations, including nearby residential areas and public roads. In addition, there may also be impacts to distal views of the Puente Hills. The proposed drilling rig could be as high as 144 feet (typical large scale drilling rig size from ground level) and highly visible from a number of public viewing locations. The EIR will include a viewshed analysis to determine the locations from which processing equipment, tanks and drilling rigs might be visible.

Increased night lighting due to the proposed Project may have significant night time impacts. The EIR will estimate the extent of illumination generated by the Project facilities on the surrounding area. While the safety lighting required for night operations is mandatory and would be shielded, the increased light glare could also generate impacts. Potential impacts of lighting to wildlife will also be addressed in the Biological Resources section of the EIR.

Transportation/Traffic

Traffic generated by the Project would be from worker-related commuter traffic, trucks used for delivering construction equipment, trucks used for delivering and hauling construction materials and wastes, and trucks used to transport the crude oil to refineries during exploratory drilling and pipeline construction. The EIR will assess traffic related impacts from these vehicular trips. Although construction impacts may be relatively short-term, the workers' vehicles and trucks hauling equipment and material traveling to and from the site could have an adverse effect on traffic flow and safety. The effect of workers' vehicles parked in the Project vicinity is another temporary but potentially significant impact.

The EIR will evaluate the three Project phases, Drilling and Testing; Design and Construction; and Operations and Maintenance, in the analysis. The Project is required to comply with the City of Whittier's roadway safety design standards. However, proposed Project truck loading area ingress and egress and truck transportation routes could create roadway hazards, including sharp curves and intersection hazards. To assess impacts relative to road design hazards, the EIR will evaluate this issue.

Hydrology and Water Resources

The EIR will evaluate the potential for the Project to violate any water quality standards or waste discharge requirements. Project development and operation could impact groundwater conditions. The EIR will evaluate these potential impacts.

Although the Project will include the construction of erosion control and siltation control devices, the evaluation of the grading plan and effectiveness of proposed erosion control improvements planned for incorporation into the Project will be evaluated in the EIR.

The Project will result in an increase in surface runoff due to an increase in impervious surfaces resulting from the construction of well pads, roads, and other improvements. Further analysis of potential impacts associated with water runoff will be included in the EIR.

The proposed Project could introduce additional sources of polluted runoff as a result of potential oil spills or other upset conditions. Protection of water quality will be evaluated in the EIR.

Cultural Resources

The EIR will include a Phase 1 Cultural Resources Survey for the proposed Project site, in addition to other areas that may involve below ground disturbance as a result of Project development. Accordingly, a records search, site survey, and cultural resources technical report will be included in the EIR. Mitigation measures will be provided to address potential impacts to unknown cultural resources if such resources are found during the construction activities. The EIR will include an assessment of potential Project impacts relative to paleontological resources. Finally, the EIR will include an assessment of potential Project impacts relative to human remains.

Wastewater

During drilling operations, liquid slurry of drilling “mud” will be collected on site within bermed basins which would be protected by impermeable membrane. The wastewater section addresses potential proposed Project impacts on waste discharge requirements or the Los Angeles Basin Plan criteria for wastewater systems; surface and groundwater quality; and the wastewater service provider.

Land Use and Policy Consistency

Oil and gas production is allowed by the City of Whittier within all zone districts with a conditional use permit. The Habitat Preserve RMP provides a blueprint for the management and use of the Preserve.

A land use and policy consistency analysis of the Project relative to the City General Plan and Habitat Preserve RMP will be included in the EIR to determine direct and indirect impacts associated with the Project activities in terms of effects on existing, planned, and future land uses in the Project vicinity. This section would build on the impact analysis from other issue areas to determine consistency and potential incompatibilities with surrounding land uses.

The EIR will establish the baseline setting and identify the governing land use policies and ordinances. The EIR will then assess the proposed Project’s potential impacts and compatibility with the existing and potential future land uses in the area.

The Puente Hills Landfill Native Habitat Preservation Authority adopted a RMP for the Habitat Preserve in July of 2007. The RMP provides a comprehensive, long-term management plan for the Preserve. The proposed Project could conflict with the provisions of the RMP and the EIR will include analysis of potential impacts that may occur as a result of conflicts with the RMP.

Fire Protection and Emergency Services

This section addresses the fire protection and emergency response resources related to the proposed Project. These resources include the existing services and capabilities of nearby fire departments and the systems and design of the proposed facilities and their associated pipelines. The emergencies that would require summoning these available resources include fire, oil spill, hazardous substance release, and other events that could lead to these emergency situations, such as earthquake, traffic accident, and pipeline rupture.

The proposed Project will require the preparation of an emergency response plan. The plan would need to include adequate access for emergency response and firefighting equipment to the

various development sites. All of the roads within the development would need to be evaluated to ensure they would allow for emergency vehicle access. Further evaluation of potential impacts associated with emergency response will be included in the EIR.

The Project site is within the Puente Hills Preserve, which is subject to wildland fires. The Puente Hills have burned repeatedly in historic times, and the frequency and intervals between fires are likely reflected by the current vegetation on site. Exploratory drilling, construction and oil operation activities could spark a wildland fire that could impact portions of the surrounding residential developments. This issue will be evaluated in the EIR, and applicable mitigations measures to reduce the likelihood of wildland fires resulting from the oil and gas operations will be identified.

Public Services and Utilities

The EIR will describe how sanitation service will be provided at the field office at the Project site. Water for drilling, construction, operations, fire protection and domestic consumption will be provided by Suburban Water Systems. The EIR will evaluate whether available water supplies are adequate to meet Project requirements.

Construction of the proposed Project would generate solid waste both from construction and from solid waste generated by the drilling and production activities. The EIR will identify the landfill(s) that would serve the Project and if there is adequate capacity to serve Project requirements. Project solid waste plans will be required to comply with governmental regulations. The EIR will identify the appropriate regulations and evaluate Project compliance, including compliance with requirements for recycling and transport and disposal of hazardous solid waste.

Recreation

The Project site is located in a natural preserve area that provides outdoor recreational opportunities. The proposed Project may negatively impact the Habitat Preserve's recreational resources, including interference with trails. The EIR will examine potential Project recreational impacts. It will establish the baseline setting and governing policies relative to recreational facilities in the Preserve. The EIR will then assess the proposed Project's potential impacts and compatibility with the existing and potential future recreational uses in the area. Recreational opportunities could be impacted by Project noise, odors, visual obtrusions, traffic, physical obstructions, and accidental oil spills precluding use of resources and visually soiling the affected areas. Further, an oil spill, even when cleaned up, can result in a negative public perception of the recreational resources.

Energy and Mineral Resources

The Project as proposed includes exploration and production of oil and gas from the Project area. With the development of any oil and gas resource, a large amount of energy is consumed and produced. Drilling operations, processing, and transportation require electricity and diesel fuel. Energy is produced in the form of natural gas and oil, which is refined to produce gasoline, diesel fuel, jet fuel, and other fuels. The EIR will assess these impacts focusing both on mineral consumption, and energy use and production. The overall approach to this section will be to determine the amount of existing oil and gas supplies expected to be consumed by the Project, the increased consumption of energy that be required for the proposed Project, and the amount of

energy from natural gas and crude oil that would be produced by the Project. This section will provide a discussion of the current crude and natural gas balance in California and how the proposed Project production could affect this balance.

Environmental Justice

The EIR will include an analysis of potential Environmental Justice impacts that could occur as a result of the Project. This section will analyze the distributional patterns of high-minority and low-income populations on a regional basis and characterizes the distribution of such populations adjacent to the Whittier Oil Field and the potential future development activities. This analysis will primarily focus on whether the potential future development impacts would affect areas of high-minority populations and low-income communities disproportionately and thus create an adverse environmental justice impact. Potential environmental justice impacts will be quantified. This information will be used to evaluate whether the proposed Project would unduly burden the affected communities and industries.

4.0 Alternatives to the Proposed Project

The California Environmental Quality Act, Section 15126.6, requires an EIR to describe a reasonable range of alternatives to a Project or to the location of a Project which could feasibly attain its basic objectives and evaluate the comparative merits of the alternatives. CEQA Guidelines Section 15126.6 provides direction for the discussion of alternatives to the proposed Project.

The proposed Project is to conduct exploratory drilling and if successful, continue oil and gas production at the Whittier Main Oil Field. Proposed alternatives would include:

No Project Alternative

Under the No Project Alternative, the Project would not move forward and the area envisioned for development would continue as part of the existing Habitat Preserve.

Alternative Drilling and Production Sites

With this alternative, alternate locations for the proposed drilling sites are analyzed for potential reduction of environmental impacts.

Alternative Access Roads

With this alternative, alternate locations for access to the Project Site, including ingress and egress, are analyzed for potential reduction of environmental impacts.

Pipeline Alternative Routes

Another possible alternative is for Matrix to construct a pipeline connection down Colima Road to Lambert Road and onto the railroad right-of-way along Lambert Road to a tie-in to the Crimson Pipeline at the intersection of Lambert Road and Leffingwell Road. Other potentially suitable alternative routes would also be considered and analyzed as appropriate.

Other alternatives may be identified as part of the scoping process for the EIR.

KELLY LYTTON & WILLIAMS LLP

LAWYERS

1801 CENTURY PARK EAST

SUITE 1450

LOS ANGELES, CALIFORNIA 90067

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BRUCE P. VANN
(1955-2004)

TIMOTHY P. FURLONG
(1946-1988)

VIA EMAIL AND U.S. MAIL

April 28, 2011

Jeffery S. Adams
Planning Services Manager
City of Whittier
13230 Penn Street
Whittier, CA 90602

RE: Whittier Main Oil Field
Development Project Revised
Draft EIR

Dear Mr. Adams:

As you know, Matrix Oil Company ("Matrix") has decided to pursue the Consolidated Central Site Alternative as the Whittier Main Oil Field Development Project ("the Project") and we are advised that the City intends to issue a Revised Draft EIR focusing on this alternative. Because Matrix wishes the revised document to be as clear and fully informational as possible, we respectfully request that the City consider adding the following:

1. In the discussion of the Landfill Road Alternative, disclose the need for limited improvements to the existing road to accommodate vehicles and equipment associated with the operation, and the potential for use of the existing road to impact biological resources, including wildlife movement, due to increased traffic on the road. However, it should also be noted in the EIR document that impacts will be considerably less than for construction of a new access road.
2. Calculate and disclose in easily comparable fashion the approximate impacts to vegetation communities and critical habitat for each of the alternatives.

Matrix-1

Matrix-2

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MAY - 2 2011
Community Development

Jeffery S. Adams
 City of Whittier
 April 28, 2011
 Page 2

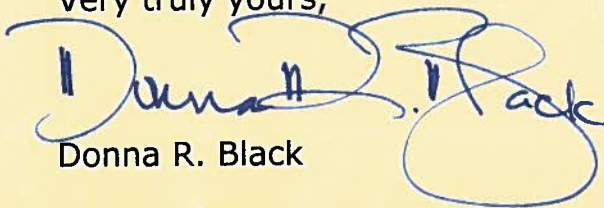
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|----|--|----------|
| 3. | <p>In Table ES-3, on page ES-30 of the EIR, change language for the impact listed as BIO.5 to state the specific impact rather than the general threshold. It is unclear how implementation of other mitigation measures will reduce the impact to a level below significance.</p> | Matrix-3 |
| 4. | <p>The land use section (EIR, page 4.11-23) defers the determination of consistency with the RMP to a future consistency analysis by decision-makers. That consistency analysis will almost certainly demonstrate that the project is inconsistent with several goals. Because the provision of funding to the Preserve does not offset inconsistency with the RMP goals, it may be necessary to modify the land use and executive summary sections to acknowledge impacts associated with inconsistency with the adopted RMP as potentially significant. To avoid this, we recommend proposing an amendment to the plan to allow limited oil extraction in exchange for ongoing funding as a mitigation measure or as a feature of the project. However, if amending the RMP is outside the control of the City, it may be necessary to conclude that the impacts are significant and unavoidable even if an amendment is proposed.</p> | Matrix-4 |
| 5. | <p>MM BIO-1a requires restoration of degraded habitat within the Preserve. If it is acceptable to the City and the resource agencies to include a provision for payment of an in-lieu fee to obtain appropriate mitigation credits, we recommend including that as an additional option to ensure that it can be considered during permit negotiations.</p> | Matrix-5 |
| 6. | <p>MM GR-1e and MM GR-2c require that the applicant "cease any drilling and production activities" following any seismic event that generates a ground acceleration of fifteen percent of gravity. It is not reasonable, possible, or safe to immediately halt all activities, nor is this a requirement imposed on any other operating oil field in the area. The language should be modified to say "non-essential" activities.</p> | Matrix-6 |

Jeffery S. Adams
City of Whittier
April 28, 2011
Page 3

7. It would be helpful to update the cultural resources technical report to ensure that the area including the Landfill Road has been sufficiently evaluated, if this can be done expeditiously. Matrix-7
8. In **MM GR-6a**, specify that the project design must conform to the recommendations within the geotechnical evaluation, and that the evaluation should occur prior to completion of the final project design. Matrix-8
9. In Table 4.2-3 (page 4.2-35), the term "Streambed" is applied to riparian habitats. It is unclear whether this implies CDFG-jurisdictional streambed or just generally areas within the banks of a stream. Add a footnote to explain, or use another term. Also, it is confusing to have values of 0.00 included in the table – consider deleting areas that are not affected or clarify if impacts are less than 0.01 per acre. Matrix-9

Thank you for considering the foregoing suggestions.

Very truly yours,



Donna R. Black

Cc: Jeffrey Collier
Kimberly Hall Barlow, Esq.
Joann Lombardo

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
	Applicant	
Matrix-1	2.0, 4.2.4, 6.2	Landfill Road
Matrix-2	6.2	Vegetation impact acreage
Matrix-3	4.2	Table ES-3 impact language
Matrix-4	4.11	4.11, inconsistency with RMP
Matrix-5	4.2	MM BIO-1a
Matrix-6	4.4.5	MM GR-1e and GR-2c
Matrix-7	4.9 and Appendix F	Cultural resources report to include Landfill Road
Matrix-8	4.4.5	MMGR-6a
Matrix-9	4.2	Table 4.2-3 'streambed' definition



City of La Habra

"A Caring Community"

ADMINISTRATIVE BUILDING

201 E. La Habra Boulevard
Post Office Box 337
La Habra, CA 90633-0785
Office: (562) 905-9701
Fax: (562) 905-9781

May 31, 2011

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

RECEIVED

JUN - 2 2011

Community Development

Re: Notice of Preparation of Draft Environmental Impact Report
Whittier Main Oil Field Development Project

Dear Mr. Adams,

Thank you for the opportunity to review the Notice of Preparation (NOP) for the project known as "Whittier Main Oil Field Development Project". As you are aware, CEQA allows potentially affected agencies to comment on proposed projects that may cause significant environmental impacts to their community. Given the nature of the project, the following are the concerns of the City of La Habra:

The NOP indicated that the EIR will assess traffic related impacts due to construction activity and the project truck transportation routes. We have concerns regarding potential truck circulation impacts on roadways in La Habra and that the EIR should address these concerns. Truck traffic should be conditioned to utilize the roadway system within the City of Whittier and the 605 and 60 freeways, which would eliminate the impact to La Habra.

CLH-1

We are prepared to assist you in addressing the above concerns. We would request that a copy of the environmental impact report, when it becomes available, be forwarded to the City of La Habra for review. Additional comments may be generated based on that review.

If you should have any questions, please feel free to contact me at (562) 905-9724.

Sincerely,

Carlos Jaramillo
Deputy Director of Community Development

cc: Don Hannah, City Manager
Jennifer Cervantez, Assistant City Manager
Michael Haack, Director of Community Development



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

STEPHEN R. MAGUIN
Chief Engineer and General Manager

May 19, 2011

File No: 18-00.04-00

Mr. Jeffery Adams
Planning Services Manager
Planning Division
City of Whittier
13230 Penn Street
Whittier, CA 90602-1772

Dear Mr. Adams:

Whittier Main Oil Field Development Project

The County Sanitation Districts of Los Angeles County (Districts) received a Revised Notice of Preparation of a Draft Environmental Impact Report for the subject project on January 22, 2010. The proposed development is located within the jurisdictional boundaries of District No. 18. We offer the following comments regarding sewerage service:

- 1. Previous comments submitted by the Districts in correspondence dated February 26, 2010 (copy enclosed), still apply to the subject project with the following updated information.
2. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' Laurel Avenue Trunk Sewer, located in Laurel Avenue at Oak Street. This 10-inch diameter trunk sewer has a design capacity of 2.2 million gallons per day (mgd) and conveyed a peak flow of 0.3 mgd when last measured in 2009.
3. The Los Coyotes Water Reclamation Plant currently processes an average flow of 21.7 mgd.

CSDLAC-1

CSDLAC-2

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

Very truly yours,

Stephen R. Maguin

Adriana Raza (handwritten signature)

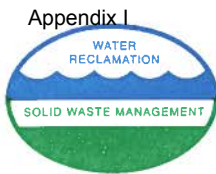
Adriana Raza
Customer Service Specialist
Facilities Planning Department



AR:ar

Enclosure

c: M. Tremblay



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

STEPHEN R. MAGUIN
Chief Engineer and General Manager

February 26, 2010

File No: 18-00.04-00

Mr. Jeffrey Adams, Planning Services Manager
Community Development
13230 Penn Street
Whittier, CA 90602

Dear Mr. Adams:

Whittier Main Oil Field Development Project

The County Sanitation Districts of Los Angeles County (Districts) received a Notice of Preparation of a Draft Environmental Impact Report for the subject project on January 22, 2010. The proposed development is located within the jurisdictional boundaries of District No. 18. We offer the following comments regarding sewerage service:

1. The proposed project may impact existing and/or proposed Districts' trunk sewers over which it will be constructed. Existing and proposed Districts' trunk sewers are located directly under and/or cross directly beneath the proposed project alignment. The Districts cannot issue a detailed response to or permit construction of the proposed project until project plans and specifications that incorporate Districts' sewer lines are submitted. In order to prepare these plans, you will need to submit a map of the proposed project alignment, when available, to the attention of Ms. Martha Tremblay of the Districts' Sewer Design Section at the address shown above. The Districts will then provide you with the plans for all Districts' facilities that will be impacted by the proposed project. Then, when revised plans that incorporate our sewers have been prepared, please submit copies of the same for our review and comment.
2. In order to estimate the volume of wastewater the project will generate, a copy of the Districts' average wastewater generation factor is available online. Go to www.lacsd.org, Information Center, Will Serve Program, Obtain Will Serve Letter, and click on the appropriate link on page 2.
3. The wastewater generated by the proposed project will be treated at the Los Coyotes Water Reclamation Plant located in the City of Cerritos, which has a design capacity of 37.5 mgd and currently processes an average flow of 26.8 mgd.
4. The Districts are authorized by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' Sewerage System or increasing the strength or quantity of wastewater attributable to a particular parcel or operation already connected. This connection fee is a capital facilities fee that is imposed in an amount sufficient to construct an incremental expansion of the Sewerage System to accommodate the proposed project. Payment of a connection fee will be required before a permit to connect to the sewer is

Mr. Jeffrey Adams

-2-

February 26, 2010

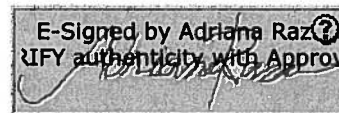
issued. For a copy of the Connection Fee Information Sheet, go to www.lacsd.org, Information Center, Will Serve Program, Obtain Will Serve Letter, and click on the appropriate link on page 2. For more specific information regarding the connection fee application procedure and fees, please contact the Connection Fee Counter at extension 2727.

5. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the design capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise you that the Districts intend to provide this service up to the levels that are legally permitted and to inform you of the currently existing capacity and any proposed expansion of the Districts' facilities.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

Very truly yours,

Stephen R. Maguin



Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR:ar

c: M Tremblay



Puente Hills Landfill
Native Habitat Preservation Authority

RECEIVED

MAY 27 2011

PLANNING DEPT.

May 26, 2011

Jeff Adams
City of Whittier, Community Development
13230 Penn Street
Whittier, CA 90602-1772

Re: Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the Whittier Main Oil Field Development Project (Revised, Dated April 20, 2011)

Dear Mr. Adams:

The Puente Hills Landfill Native Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the NOP for the Whittier Main Oil Field Development Project and for the availability of information about the project throughout the planning process.

The Habitat Authority is a joint powers authority established pursuant to California Government Code Section 6500 et seq. with a Board of Directors consisting of the City of Whittier, County of Los Angeles, Sanitation Districts of Los Angeles County, and the Hacienda Heights Improvement Association. According to our mission, the Habitat Authority is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect the biological diversity. Additionally, the agency will endeavor to provide opportunities for outdoor education and low-impact recreation. The Habitat Authority's jurisdiction extends within eastern Los Angeles County approximately from the intersection of the 605 and 60 Freeways in the west to Harbor Boulevard in the east.

According to the Property Acquisition and Maintenance Agreement between Whittier, the Whittier Puente Hills Conservation Authority and the Habitat Authority, dated August 1997, the Habitat Authority manages the City-owned open space including that upon which the proposed project is located. Overall, the Habitat Authority manages over 3,800 acres, of which 1,756 acres is owned by the City of Whittier. Additionally, the City and the Habitat Authority entered into an Agreement for Professional Services dated March 2008 at the City's request, for the Habitat Authority staff to provide feedback and direction regarding the project design for how to minimize impacts to the Preserve.



The proposed project site is described as being within 1,290 acres of the Whittier Main Oil Field, and is located within the Preserve. The project involves development of an oil and gas production and processing facility within the lease area known as the Whittier Main Oil Field. The portion of the project located within the Preserve involves one site consisting of oil drilling pads, processing facilities, and a truck loading facility (6.9 acres), new oil and gas pipelines (2.8 miles), realignment of 1,800 feet of existing roads, and construction of 700 feet of new roads (approximately three miles, most of which is located within the Preserve's Core Habitat area), temporary disturbance of an additional six acres for construction, and fire safety required fuel modification zones (undefined acreage).

Overall, the Habitat Authority manages over 3,860 acres of public open space, representing a public investment of over \$48.5 million for acquisition and approximately \$3.2 million for restoration. Land managed by this agency is for biological preservation purposes. Its sustainability is biologically dependent on the nearby and adjacent open space lands. When drafting the DEIR please include analysis of economic impacts, and the importance of keeping the biological integrity of open space land within the project area intact so it does not diminish the biological value of land this agency owns/manages.

The following are comments on specific sections of the NOP.

Proposed Project Description

In order to assess all of the potential impacts from the totality of the proposed project, please include in the DEIR a detailed timeline of the test drilling, construction, operation and ongoing well drilling activities over the duration of the lease agreement. The timeline should include the anticipated Project end date. It should also clearly indicate the time and duration of impacts from the Project. If the Project timeline includes design and permit activities which are not expected to cause impacts, please indicate that separately as well. If the lease is extended at some point in the future, a new environmental impact report is recommended to assess impacts of continued oil and gas activities.

HA-1

Please be sure to include a figure in the DEIR that illustrates all road improvements and Fire Department-required brush clearance to each side of the roadway, as well as accounts for their acreage and associated impacts in the analyses of the DEIR. In looking at Figure 2-2, it is unclear where road improvements will occur.

HA-2

The acreage from the roads and pipelines should also be included in the total project acreage, as the planned use for the roads will be a change from the current use and these will be permanent impacts. Also, please include in the DEIR calculated acres of each habitat type that will be permanently impacted by annual fuel modification activities required by the Los Angeles County Fire Department, including around project facilities and along project roads and pipeline routes.

HA-3

The NOP project description notes that the proposed access route for two-ton trucks is the North Access Road. However, most mid-sized and large pick-up trucks weigh two tons or more. Therefore, please specify in the DEIR the length and height of typical two-ton trucks

expected to be used for the Project, as well as decibel noise levels expected to be generated by the types of trucks that are anticipated to be used during all Project phases, and please also include a detailed breakdown of how many of each type of vehicle will use the North Access Road and how many will use Catalina Avenue per day during all Project phases.

HA-4

Page 28 of the revised Conditional Use Permit application notes that during the operational phase “vehicle traffic for drilling would be the same as for the test wells” – please clarify if this means that traffic will use Catalina Avenue. On the same page, it notes that “heavy equipment would approach the Project Site via the new access road from Colima Road” during the operational phase; however, since there is no “new access road” under the current Proposed Project, please clarify if this means that heavy equipment would access the site from Catalina Avenue and please define “heavy equipment”.

HA-5

Please also clarify in the DEIR how many linear feet or miles of each roadway will require realignment, stabilization and/or widening, as it is unclear in the NOP. For example, the NOP notes that “1,800 feet of existing asphalt road within the Preserve adjacent to the Project Site would have to be realigned” (page 3, end of third paragraph) but it is unclear as to which road this is referring to, and whether this is included in the three miles of North Access Road that would require realignment, stabilization and/or widening. Proposed trail and road modifications should be clearly and separately shown on a Circulation Plan.

HA-6

The NOP project description notes that the oil and gas pipelines would be buried under “existing roadways through the Preserve”; however, these are actually public trails (the Arroyo Pescadero and Deer Loop Trails), that also function as maintenance, patrol and emergency access routes. Please include in the DEIR a description of all improvements that would be required for these trails to accommodate the new pipelines, including required fuel modification along the sides, installation of grates for inspection (which should be designed to prevent entrapment of wildlife), frequency and method of inspection by personnel, and any features designed to improve safety for trail users (such as speed bumps). Please also include measures to protect wildlife during construction, such as closing any open trenches at the end of each work day to prevent wildlife from becoming trapped.

HA-7

Please make sure that figures in the DEIR include a legend and clarify the heights of the retaining walls. The Refined Consolidated Site map (available on the City’s website dated May 5, 2011) only appears to show the Consolidated Site, but does not show other proposed Project elements such as the North Access Road; the DEIR needs to include a site plan for the entire Project. In addition, maps in the DEIR should address comments made by the Los Angeles County Fire Department in their comment letter on the previous DEIR, requiring that roads be a minimum of 28 feet wide, that turning radii are not less than 32 feet, and that the minimum brush clearance on each side of the roadway is 10 feet.

HA-8

Air Quality

Please consider requiring the project to use electric and/or hybrid equipment and vehicles, which will not only decrease air pollutants but will also decrease noise impacts. In addition, carpooling of personnel should be considered to reduce vehicle trips, which would also decrease air pollutants and decrease noise, roadkill and human-presence impacts to wildlife.

HA-9

Finally, please include in the DEIR habitat restoration as a means of mitigating for greenhouse gas impacts, as native vegetation has been shown to sequester carbon and is now commonly used as mitigation for such impacts; calculations showing the amount and type of vegetation to be planted to mitigate for specific increases in greenhouse gases should be included in the DEIR, if proposed.

HA-10

Biological Resources

Please address and consider incorporating into the DEIR applicable mitigation ideas presented by the Habitat Authority in its response letter dated December 1, 2010 to the previous DEIR for the original version of the Project. Many of those same suggested mitigation measures most likely will also apply to this revised Project.

HA-11

Biological Resources: *Special Status Species*

The Preserve exists to maintain and restore what remains of native grasslands, coastal sage scrub, riparian scrub, and oak woodland that existed in abundance in the past, but now are rare. The Puente Hills are among the last known habitats in the Los Angeles area for animals that are considered California Species of Special Concern and/or that are nearly extinct in the Los Angeles area. For example, the pending development of the Montebello Hills could cause the federally-listed coastal California gnatcatcher pairs (*Polioptila californica*) located in that important “core” population to migrate to larger habitat areas such as the Puente Hills.

The NOP notes the presence of several special status wildlife species within the project area, including the yellow warbler (*Dendroica peteicha*), yellow breasted chat (*Icteria virens*), and San Diego desert woodrat (*Neotoma lepida intermedia*). However, several other special status species have also been noted within or near the project area, including bats (western mastiff bat, *Eumops perotis californicus*; hoary bat, *Lasiurus cinereus*; western red bat, *Lasiurus blossevillii*; and western yellow bat, *Lasiurus xanthinus*) (Remington 2006), coastal western whiptail (*Aspidoscelis tigris stejnegeri*) (Cooper 2008), and western spadefoot toad (*Spea hammondi*) (Bill Romo, LACFD, pers. comm.). Given the diversity of habitat types in this area and the lack of regular human disturbance, it is likely that other sensitive species occur here as well. Impacts to sensitive species with potential to occur here, not only those documented as present, should be evaluated and mitigated in the DEIR. In addition, the NOP incorrectly states that the federally-listed coastal California gnatcatcher (not a state-listed species, as incorrectly stated in the NOP) has not been found nesting on-site; during protocol surveys conducted in 2010, a nesting pair of gnatcatchers was found occupying a territory bisected by the proposed North Access Road. And although surveys to date have not shown the presence of the federal- and state-listed least Bell’s vireo (*Vireo bellii pusillus*), suitable habitat exists in proximity to the project area. Since survey results for these two listed species are only valid for one year, and given the presence of suitable habitat for these species, additional protocol surveys will be needed as a mitigation measure prior to construction activities to confirm their absence.

HA-12

Impacts to special status bird species from the proposed project should be examined beyond just physical habitat removal or disturbance to nesting activities. The proposed project has the potential to permanently alter the dynamics and composition of the bird community in this area, which has been noted as being overwhelmingly intact with a relative scarcity of urban-adapted species such as house sparrows and American crows (Cooper 2008). The construction and operation of the Project will create disturbance within adjacent habitat areas, facilitating the presence of more urban-adapted species and driving away more secretive, native bird species currently present in higher numbers in this area, such as wren-tit and California thrasher (Cooper 2008). With few preserved and undisturbed areas remaining, such birds will be forced to compete with existing populations in other areas, possibly reducing their numbers or restricting their range in the Puente Hills. The potential for such substantial adverse impacts need to be fully evaluated and mitigated.

HA-13

The NOP notes that impacts to sensitive wildlife species will only occur during the construction and development phase of the Project, and that these impacts will be temporary. However, substantial adverse impacts may also occur during the test drilling phase as well as the operational phase due to indirect impacts such as noise, lighting, roadkill, fires or oil spills. These impacts must all be evaluated for the operational phase as well as the testing and construction phases. The NOP does not address what the lifespan of the Project is. Please address this in the DEIR. The NOP notes that up to 60 total wells are anticipated over the life of the Project, but most of these would be drilled after the construction phase and would actually occur in the operational phase. The NOP notes that each well would take up to 30 days to drill at 24 hours per day which, extrapolated over time, could result in approximately five years of disturbance from drilling in total. Given that the lease can be renewed, it is conceivable that new wells could be drilled regularly in perpetuity. This regular, long-term disturbance must be evaluated as part of the operational phase and as a potentially permanent impact.

HA-14

The Habitat Authority recommends that the DEIR provide analysis regarding how different wildlife species react differently to human disturbances. Some species are known to adapt well to human development and activity, while others are known to avoid it. For example, coyotes are known to be very adaptable, often taking advantage of human development, and seem to adapt readily to increased human activity levels. However, other species, like bobcats, are known to generally avoid areas of human development and are more sensitive to increases in human activity. The Preserve and Core Habitat are intended to be a refuge that supports a diversity of wildlife; please have the DEIR analyze whether the proposed project will impact the ability of the Preserve and Core Habitat to serve this purpose.

HA-15

Biological Resources: *Indirect Impacts*

The Habitat Authority is concerned not only about the direct impacts from Project construction and drilling activities, but also from indirect “edge effects”, such as noise and lighting, which often extend far beyond the physical boundaries of a developed site. Although, per discussions with the City, we understand that the Project will have temporary sound-proofing and light-proofing measures at each site during the test drilling phase and permanent structures after that, the Habitat Authority believes that these issues are of primary

importance and, therefore, must be carefully analyzed in the DEIR. Currently, these edge effects are mostly confined to the existing edges of the Preserve adjacent to developed areas. The widest parts of the Preserve, including the Core Habitat where the Project is proposed, suffer the least amount of edge effects from surrounding urban development. In other words, the Project Area (site and road) is located within the portion of the Preserve where the largest contiguous block of habitat is the most buffered from urban development. However, the proposed project would introduce development into the Preserve, thereby extending this edge and associated edge effects deeper into the Preserve.

Biological Resources: *Noise*

Noise is of particular concern regarding resident wildlife, not only during testing and construction, but also during long-term operations; this includes the drilling of new wells, the use of service drill rigs, and other maintenance activities such as driving on roads. In addition to noise associated with the drilling of new wells, the use of service drill rigs, and other maintenance activities such as driving on roads, long-term operation of the facilities could alter the baseline ambient noise level surrounding each site due to the constant “hum” from the operation of associated equipment. Long-term, operational ambient noise levels, even if they are still lower than the acceptable decibel thresholds, could still have an adverse effect on resident wildlife behavior. Noise impacts can cause wildlife to avoid certain areas, reducing the overall habitat available for daily activities, as well as for movement and dispersal. Noise impacts can also cause stress, resulting in decreased health and breeding success, and sometimes resulting in nest abandonment by birds. Noise impacts have the potential to affect not only the immediate area of drilling and construction activity, but also have the potential to exist in La Canada Verde canyon along the North Access Road, disturbing wildlife beyond physical project limits. In other portions of the Preserve, such as in Arroyo San Miguel east of Colima Road, common noises from residential areas such as barking dogs and leaf blowers can be easily heard more than a quarter mile away. Noises from the proposed project, if not completely sound-proofed, are likely to be exponentially louder, thereby affecting a very large area surrounding the project site itself. Noise levels are generally recommended at 60 decibels (dB), but a lower threshold should be considered for this Project, such as 45 dB, given the sensitivity of the habitat in the proposed project vicinity. Higher noise levels may result in significant impacts throughout La Canada Verde and beyond during wildlife breeding seasons, as it could cause excess stress on parents, and during juvenile dispersal season, as individuals may avoid the Project area and/or surrounding vicinity. Studies have shown that some wildlife species near oil extraction activities have increased levels of stress hormones, which can negatively affect reproduction (Wyoming Fish and Game 2010), and shift use areas away from oil pads and roads (Sawyer 2009; Dyer 2001). Please have the DEIR describe the measures proposed to reduce noise to the surrounding habitat from drilling, construction, and operational activities including well workovers and redrills. Such measures should include the use of enclosed structures for drill rigs in addition to noise blankets or sound walls, as have been previously discussed in conversations with the Habitat Authority.

The NOP notes that a noise study will be prepared as part of the DEIR. Please include in this study how noise levels from the Project (including the use of the roads) will increase in the

Preserve, not only in residential neighborhoods near the Project. Please also include in the noise impact analysis what noise levels would be from vehicles under certain conditions, including driving up steep slopes, braking while driving down steep slopes, vehicle noises from back-up warning indicators, as well as how certain conditions (topography, weather) can increase the distance that sound travels. Please include in the analysis how the increase in noise is anticipated to affect wildlife in the short- and long-term. Please also differentiate between “noticeable” noise levels for humans as opposed to different wildlife species, and whether significance thresholds should be different. For example, mammals have noise sensitivities ranging from less than 10 Hz to 150 kHz (with sensitivity at -20 dB), but birds have sensitivities ranging from 100 Hz to 8-10 kHz (with sensitivity at 0-10 dB) (Federal Highway Administration 2004). Many species rely on sound for detecting prey or predators, and a recent study has found that a one-dB increase in background sound level results in 89 percent of the original detection distance [an 11 percent reduction] and 79 percent of the original listening area [a 21 percent reduction], and increases of up to three dB correspond to a 50 percent loss of listening area (Barber 2009). Please make this section easily understandable for the layperson not skilled in acoustic engineering.

HA-18

Please also evaluate the potential impacts to wildlife from increased vibration during drilling. The previous DEIR noted that vibration from drilling would be significant and unavoidable, even at locations within 700 feet of the drilling site (pg. 4.5-35). Such edge effects have the potential to cause animals to avoid areas both within and near developments, especially species that are the most sensitive to human disturbance, such as bobcats.

HA-19

Biological Resources: *Light*

The Habitat Authority is also concerned about the effect of lighting associated with the project. The NOP notes that test drilling and new well drilling will occur 24-hours per day, which will presumably require the use of night-lighting during these activities; the extent and intensity of such lighting must be evaluated for its potential impacts on sensitive wildlife and wildlife movement. Although the NOP states “shielded” lighting is proposed by the project during the operational phase, such lighting will result in a permanent increase in ambient lighting around the facilities. Potential impacts from any increased lighting must be evaluated in regard to wildlife activity, particularly given the crepuscular or nocturnal behavior of many mammal species on the Preserve (coyote, bobcat, deer, and bats). Increased lighting has been cited in numerous studies as affecting wildlife behavior, and this could be of particular concern in an area which has not experienced any artificial night lighting for nearly two decades or possibly more.

HA-20

Some species adapt to the increased presence of humans by shifting toward primarily nocturnal activities; however, the proposed project will introduce night lighting and activity during all hours of the day and night. Also, it is not clear from the NOP whether there will be nighttime use of the North Access Road which goes through the Core Habitat, an area set aside to provide a refuge for wildlife free from human activity. Please evaluate these impacts in the DEIR and provide appropriate mitigation measures for significant impacts, which may include using green lights for night lighting to avoid impacts to birds (Poot et. al., 2008).

HA-21

Please consider the inclusion of a nighttime visual simulation of the proposed Project to include in the analysis for potential light impacts to wildlife.

HA-22

Biological Resources: *Roads*

Please have the DEIR evaluate the effects of and possible mitigation measures for Project vehicles and equipment driving on the trails during all Project phases. Some larger mammals such as coyotes preferentially use roads/trails for movement, and risk being hit by vehicles or having their movement restricted as a result of increased use of the roads. Smaller wildlife, particularly rodents, amphibians, snakes, and lizards, will likely be at increased risk of being hit by vehicles during their dispersal, making the use of these roads a possible barrier to their movement and dispersal. This may be of particular concern during rainstorms when amphibians mate and disperse, or during morning hours when reptiles sun themselves in open areas, often on roads. The DEIR will need to identify the maximum number of single-direction trips required on the roads during all Project phases, both day and night, as part of this impact evaluation. Also, please include in the DEIR the current baseline of traffic levels on the North Access Road within the Preserve, which is approximately three round trips per week, and how that will change under the proposed project during all phases. Please consider the use of traffic monitoring devices as a part of a potential mitigation measure to insure that vehicle usage does not exceed the amount analyzed in the DEIR.

HA-23

Biological Resources: *Other*

Please include in the DEIR analysis about window glass, if part of the Project design, within the wildland areas and its potential hazard to birds which may strike the glass if they are not able to detect it. Glass windows whenever utilized should be set at 20 to 40 degrees from vertical, consist of non-reflective glass, or given some treatment so that birds may detect the hazard and avoid it.

HA-24

Please include in the DEIR an assessment of how the geographic configuration of the proposed facilities and their required fuel modification zones (potentially up to 200 feet wide), walls and fencing, and dust generation will impact the habitat as well as impact the potential to enhance biodiversity in the area. Please also include in the DEIR measures to avoid possible impacts to avifauna connected with annual fuel modification clearance.

HA-25

Please analyze in the DEIR potential impacts to birds and bats from the use of bermed basins of the Project.

HA-26

Biological Resources: *Increased Hazards*

Another major concern is regarding the potential for the Project to increase hazards to the Preserve, such as causing wildfires or resulting in an oil spill. It has been noted that pipeline ruptures occur with such frequency that they should be considered as anticipated impacts (Cooper 2008), and the increase in equipment at the site has the potential to increase the already-high fire threat in the Hills. Such hazards have the potential to occur during all Project phases, and may have significant, long-term impacts on plants and wildlife not only

adjacent to Project activities but throughout the entire Preserve. The NOP states that an oil spill could impact riparian habitat, but the DEIR should analyze potential impacts from an oil spill to all habitat types and the species within them. Please make sure that an emergency response plan required as mitigation includes measures for wildlife rescue and rehabilitation, as well as clean-up and habitat restoration. Impacts resulting from the clean-up following such hazardous events also have the potential to impact natural resources on the Preserve and should be addressed.

HA-27

Also, the NOP notes that criteria for public safety will be used in the impact analysis regarding potential toxic exposures; the DEIR should also conduct a similar analysis for potential toxic exposures for plants and wildlife, since the Project will be located within a Habitat Preserve set aside specifically for their protection.

HA-28

Biological Resources: *Wildlife Movement and Habitat Connectivity*

The NOP notes that the Preserve is essential to wildlife migratory corridors, and that development of the area may interfere with the movement of wildlife such as resident birds and other small mammals (page 10). However, the Project may also interfere with movement of medium and large mammal species, such as bobcats, which have been documented as having high activity levels in the Project vicinity compared to other portions of the Preserve (Haas 2000, Habitat Authority 2010). The DEIR must thoroughly explore the potentially significant impacts from the Project on wildlife movement and migration, during all phases of the Project. The Project site and City property are part of the larger Puente-Chino Hills Wildlife Corridor, widely recognized for its regional importance for wildlife movement. The importance of the Corridor is not solely for migration, which is generally defined as seasonal movements of individuals or groups. Corridors, particularly in areas where they constitute the only remaining natural habitat, are critical for daily wildlife movement needs such as hunting, as well seasonal movement needs such as during reproduction and for juvenile dispersal (such as the juvenile gnatcatcher observed dispersing through the project area in 2008 and 2009). In order for a corridor to maintain its function, it not only needs to provide physical space for wildlife to move through, but also needs to support the elements necessary for individuals or groups to persist over time to maintain connections between populations and promote genetic exchange and diversity. In addition, corridors must function to allow for movement and persistence during hazardous events such as wildfires. The Project has the potential to disrupt critical Corridor functions by effectively narrowing the width of the Corridor, through both direct physical impacts and more widespread indirect impacts (such as increased human presence, noise and light along the North Access Road and at the drilling and processing sites), which could interfere with small-scale and large-scale movement. Such interference with the Corridor could affect wildlife populations throughout the entire Preserve, and this potential impact must be evaluated.

HA-29

Also, please have the DEIR evaluate whether wildlife avoidance of the Project facilities and roads could cause wildlife movement to shift away from the nearby Colima Road Underpass (currently the only safe place for wildlife to cross Colima Road) and possibly shift toward the northern portion of Colima Road, where there is a historic roadkill "hot spot" for medium and large mammals. Several studies have noted that wildlife shift use areas in response to

human activities including oil pads and roads (Sawyer 2009; Dyer 2001). Any further contribution to roadkill at this location could have a significant impact on wildlife movement throughout the entire Puente-Chino Hills Wildlife Corridor. If found to be potentially significant, possible mitigation measures could include the construction of a wildlife overpass or underpass at this location, in addition to closure of the Colima Road Underpass to recreational activity. Such measures, would serve to enhance the overall project vicinity for wildlife movement and habitat connectivity throughout the corridor, even if not found to directly mitigate for a significant impact to wildlife movement.. A recent study has shown that even common reptile and bird species that are in habitat fragments which are relatively close and were separated relatively recently have begun to show distinct genetic differentiation due to a lack of gene flow (Delaney, et. al. 2010); this may also be occurring in habitat fragments on either side of Colima Road. Creation of an overpass or underpass could help restore gene flow and habitat connectivity, possibly mitigating for indirect project impacts such as edge effects and fragmentation in the Core Habitat from the oil facility and use of the North Access Road. These Project activities would fragment the block of habitat that is the largest and most buffered from existing edge effects along the Preserve's boundary, and introduce additional edge effects into the interior of the Core Habitat. The restoration of habitat connectivity and wildlife movement across Colima Road could also result in a net benefit for the Preserve, facilitating long-term preservation and enhancement of the Preserve's ecological resources, one of the stated objectives of the Project according to the previous DEIR.

HA-30

Please include in the DEIR analysis and proposed mitigation for impacts to reptiles and amphibians whose migration pathways across roads will be negatively impacted by the new usage level proposed on the trails within the Preserve. Please explore in the DEIR a possible mitigation measure to install reptile and amphibian crossing culverts at appropriate locations along Project roads used within the Preserve.

HA-31

Biological Resources: *Wildlife Nursery*

Another issue that is often overlooked but may be particularly relevant for this project is the potential for it to impede the use of a native wildlife nursery site. Nursery sites are generally considered to be areas that are preferentially utilized by wildlife for the rearing of young. In an area surrounded by urban development, the areas farthest from such development and most protected from human disturbance are likely to be preferred by wildlife to safely rear their young. This may be one reason why this area (the eastern portion of the area between Colima Road and Turnbull Canyon Road) had the highest indices of bobcats observed in the Corridor, and the second-highest observations of deer (Haas 2000). It is also the area where bobcat kittens tend to be seen (Cooper 2008). The introduction of new disturbance activities on a long-term basis have the potential to impede the use of this area as a wildlife nursery site by many different species, which could result in a significant impact that could affect other parts of the Preserve. This potential impact must be analyzed in the DEIR.

HA-32

Biological Resources: *Core Habitat*

Please include in the DEIR evaluation of the Project impacts to the overall function of the Core Habitat in relation to the over 3,800 acres of the Preserve as a whole, as designated in the Habitat Authority's Resource Management Plan (RMP) as well as the Core Habitat's role in supporting the Puente-Chino Hills Wildlife Corridor. The RMP defines "core habitat" as "an area that can sustain a population of plants or animals...(and that) provide food, shelter, a place to safely reproduce, and depending on how large the habitat, a place for young to disperse." The need for a core habitat area was endorsed by members of the Scientific Panel Members, composed of federal and state agencies, universities, and environmental groups during development of the RMP. La Canada Verde was chosen as the core habitat because it was an area that had been closed off from the public for a prolonged period of time, resulting in a relatively undisturbed area for wildlife. The RMP states that La Canada Verde "currently provides undisturbed breeding habitat for wildlife and native vegetation, which is recovering in the absence of human disturbance." In addition, this is one of the widest portions of the Corridor, so its internal portions suffer less from edge effects as discussed previously. Also, as mentioned above, this area (the eastern portion of the area between Colima Road and Turnbull Canyon Road) showed the highest indices of bobcats observed in the Corridor, and the second-highest observations of deer (Haas 2000). Also, the Core Habitat is likely even more important for wildlife due to ever-increasing public use of the adjacent Arroyo Pescadero Trail, as well as other popular trails in the Preserve such as in Turnbull Canyon. If the Project has the potential to significantly impact the function of the Core Habitat, mitigation may include designating another part of the Preserve as a Core Habitat Management Zone which, per the RMP includes, but is not limited to, "those areas that have not been opened to the public, and would generally remain off-limits for the sole purpose of providing undisturbed habitat for wildlife, which contributes to sustaining the overall ecological health of the Habitat Authority's jurisdiction." Such areas could be other wide portions of the Preserve and/or areas with high species diversity or sensitive species where public access can be prevented. Alternate core habitat areas could be determined through a telemetry study using GPS tracking collars for a key indicator species, such as bobcats, which may show other areas with high activity levels. Depending on impacts, mitigation could also include the permanent, temporary or seasonal closure of the adjacent Arroyo Pescadero area to public recreation, giving wildlife a place of refuge during their potential avoidance of the Project area and vicinity. High levels of human recreation have been shown to impact some wildlife species, particularly bobcats, and such impacts when considered with Project impacts could result in a cumulatively considerable adverse impact.

HA-33

The impact analysis in the DEIR would be better served by avoiding discussion about the value of the natural resources in relation to past oil activities as a way to dismiss the significance of impacts from the proposed project. Although substantial impacts occurred to the area during previous oil exploration activities, such activities ceased in the early 1990s, and the habitat in this area has begun to recover such that many of the old roads and other landscape scars are almost undetectable. Current resident wildlife populations are many generations removed from such activities and are now adapted to the relatively undisturbed, quiet conditions present within the Preserve. Therefore, please consider evaluation in the DEIR regarding project impacts based on existing conditions, not those that occurred in the past.

HA-34

Given that the Project is proposed within a habitat preserve, and within the Core Habitat which was established specifically as a refuge for wildlife that would remain undisturbed by human activity, the burden of proof rests with the DEIR analysis to show how the Project will not significantly impact wildlife. The existing conditions are such that any development or substantial increase in human activity should be assumed to have a significant impact, unless a thorough analysis can demonstrate otherwise. Such a rigorous level of analysis is conducted for other environmental issue areas, such as noise and traffic, and the same is also warranted for biological resources. This should include an exhaustive analysis of scientific research regarding how wildlife is affected by development and human activity, and what types of mitigation, if any, have been proven to successfully reduce the significance of such impacts. The value of the Preserve is too great to make assumptions about the lack of impacts to wildlife, given the potential ramifications if the assumption is wrong. In the absence of such information, a study should be required that would examine the effects of such development activities to wildlife, using a key indicator species such as bobcats, that could be used to inform additional mitigation measures as well as serve to inform future projects to help maintain wildlife species populations in other habitat preserves.

HA-35

Biological Resources: *Cumulative Impacts*

The cumulative impacts analysis must address potentially significant impacts to natural resources throughout the entire Preserve when considered with other projects within or near the Preserve, including current recreation activities and the impact this may already be having on wildlife. Such projects should not only include current or proposed projects, but should also consider the effects of past projects. Such projects over time have resulted in a substantial loss of natural habitat in the Puente Hills, and the fragmentation and deterioration of remaining habitat due to roads, utilities, and edge effects. The potentially significant impacts from the proposed project must be considered with the detrimental effects these other projects have had, or will have, on the remaining natural habitat within the Preserve.

HA-36

Risk, Hazards and Hazards Materials

To further secure the proposed project site, please consider including in the DEIR discussion requiring increasing the height of the fence that separates the Preserve from the adjacent school. Occasionally, children's toys are found on the Preserve side of the fence, requiring retrieval efforts. A higher or improved fence may reduce any potential conflicts with the oil and gas operations.

HA-37

Please include in the DEIR discussion regarding the potential for spillage from oil storage and transport and the methods to reduce or eliminate these hazards. The Spill Prevention, Control and Countermeasure Plan proposed should address how to reduce, respond to and mitigate for potential spills and accidental releases into the surrounding wildlands and near the on-site ranger residence. This Plan should be presented as part of the DEIR process, not as a condition of performance not subject to public review. Also, any straw wattles or hay bales should be certified as sterile or "weed free" so as to not introduce additional invasive weedy species into the Preserve.

HA-38

Geology and Soils

The project site is located very near to the active Whittier Earthquake Fault and ground movement could affect proposed facilities. Rupture of a gas pipeline and holding tanks could have dramatic consequences. Also, as a result of years of grading of well pads under Chevron ownership, much of the topography in the canyons is artificial. The terraces and broad fans were filled from these grading operations. This can be seen in the manner in which the creek has sought to re-establish its natural grade over the years, leaving behind the wide fill terraces. Since this is not engineered fill, any structures built on the fill will require extraordinary foundations to resist the impacts of earth movements, whether from earthquake or expansive soils. The DEIR should fully describe earth movement hazards at the proposed consolidated facility.

HA-39

Noise

Please include in the DEIR analysis the potential for significant negative noise and vibration impacts to the ranger residence at the Project location. The residence is owned by the Mountains Recreation and Conservation Authority, a state agency that the Habitat Authority contracts with for ranger services, and is occupied by two California Peace Officers. We understand that there will be noise-proofing of the Project; however, the current location of the residence will be surrounded by construction and next to operational activities of the proposed project. The DEIR should analyze the consistency of Project activities with an occupied residence, and offer appropriate mitigation measures such as relocating and, if necessary, replacing the residence, as well as providing alternative housing during the test drilling phase.

HA-40

Potential biological noise-related impacts were previously addressed in the Biological Resources section.

Aesthetics

Please include in the DEIR an analysis of the construction and post-construction views from the trail user's perspectives, especially those from the Arroyo Pescadero Loop Trail, Deer Loop Trail, the parking lot of the Arroyo Pescadero Trailhead (the visitor's first/last impressions of their outdoor experience) and from the overlook interpretive panels at the top of this Trailhead.

HA-41

Please include in the Aesthetics section of the DEIR detailed photo simulations or artistic renderings of the proposed project facilities during all phases of the Project. These should not only include viewpoints from public roads, but also from the publicly accessible trails that would be located near or adjacent to Project facilities. Visuals for the proposed operational phase should include the presence of a drill rig to accurately account for the new wells that will continue to be drilled with regularity during this phase. As recommended previously under Biological Resources, please consider a visual simulation of nighttime conditions to demonstrate night lighting conditions under the proposed Project to analyze impacts to wildlife.

HA-42

Traffic

Please include analysis in the DEIR regarding all elements of traffic associated with the Project using Penn Street, Colima Road and Catalina Street, and propose alternatives and mitigation to reduce these impacts. In the traffic analysis, local street lane capacities should be utilized. Please include in the DEIR detailed reasons why one route is being selected over another.

HA-43

The NOP states that “the effect of workers' vehicles parked in the Project vicinity is another temporary but potentially significant impact” (page 12). Please make sure that the DEIR identifies areas where Project personnel will park (on or off-site), and that it provides analysis regarding mitigation for the impacts (e.g. compaction, dust, fluids leakage, noise, removal of vegetation).

HA-44

Also, please make sure that any traffic analysis for the Operation and Maintenance phase of the project includes the regular use of vehicles for well workovers and re-drills, which will occur throughout the life of the facility, and the many thousands of trips necessary to export 149,000 cubic yards of excess cut from grading activities.

HA-45

The traffic counts should also take into account any trucks used to dispose of solid waste, especially if they go to the Savage Canyon Landfill using the North Access Road. Similarly, any trips by vehicles used to service port-o-potties during any Project phases should be included in the analysis.

HA-46

Please include clear language in the traffic analysis of the DEIR as to whether vehicular round trips or single trips are being discussed.

HA-47

Hydrology and Water Quality

Please analyze potential impacts from drainage and runoff into blue-line streams within the Preserve, and the potential for impacts due to increased runoff resulting from the introduction of additional impervious surfaces. The Habitat Authority is concerned about potentially adverse effects from Project runoff to the surrounding habitat and streams. Specifically, the NOP states that runoff will discharge into the surrounding open space areas. Such discharge could result in erosion leading to habitat impacts, and siltation which could impair water and habitat quality downstream of such runoff. Runoff may also contain contaminants that could be harmful to plants and wildlife on the Preserve. The significance of such impacts, especially relating to natural resources, should be fully evaluated in the DEIR and mitigated if significant. Mitigation should consider that no hydraulic runoff be allowed to exit the site and enter natural areas, and may include diversion of runoff into a self-contained system and/or vegetated bioswales to filter runoff.

HA-48

Wastewater

The NOP states that drilling “mud” will be collected on site within bermed basins (page 13). Please note the location of such basins on a map in the DEIR, and include an impact analysis for the potential impacts to wildlife from accidental exposure, and mitigation measures that would be required to reduce such risks.

HA-49

Land Use and Planning

The proposed project conflicts with the spirit and intent, as well as with the policies and goals of the Habitat Authority’s Resource Management Plan (RMP). We agree with the NOP that the DEIR should include an analysis of the potential impacts from the potential conflicts with that document. In particular, those conflicts are explored in Part II of the memo drafted by former Habitat Authority Ecologist Dan Cooper, dated April 17, 2008 which is attached for your convenience.

HA-50

Also, please include in the DEIR an analysis of the potential for conflict or consistency with Los Angeles County’s proposed update of their General Plan which currently recommends designating lands within the Preserve as a Significant Ecological Area; whether or not this designation applies to the City-owned parcels, having the rest of the Preserve under this future designation could increase the perceived regional value of its open space. Furthermore, the U.S. Fish and Wildlife Service designated coastal sage scrub in the Puente Hills as *critical habitat* for the federally-threatened California gnatcatcher; the DEIR should include analysis regarding the potential conflicts with that designation.

HA-51

Additionally, as the City knows, resolution still needs to be sought for the land use conflicts associated with the funding source for the acquisition of the site location, Los Angeles County Proposition A. Please include this analysis in the DEIR.

HA-52

Fire Protection and Emergency Services

The Habitat Authority supports the efforts to analyze in the DEIR fire hazard impacts to the Preserve and surrounding residential community. Please consider a possible mitigation measure involving a compressed air foam unit, truck and garage for storage on-site to be available for emergency response in the case of a wildland fire. We are available to provide an accurate fire history to assist with the DEIR analysis.

HA-53

Public Services

As mentioned earlier, the Project will have the potential to start wildland fires, which needs to be addressed in the DEIR. The DEIR should analyze the Project’s potential to significantly impact ranger services provided to the Preserve. The rangers will have more demands placed on them associated with increased activity within the Preserve, including but not limited to increased duties of ensuring Preserve visitor safety, general fire safety and ensuring gates are closed/open.

HA-54

As mentioned earlier, the Project has the potential to negatively impact the ranger residence at its current location; please include analysis in the DEIR regarding potential impacts that may affect the function of the ranger residence, and offer mitigation as appropriate.

HA-55

Recreation

The proposed project has the potential to significantly impact recreational activities of the Preserve. The Arroyo Pescadero Trailhead is the third-busiest trailhead of the Preserve according to a visitor user survey conducted for the Habitat Authority by USC (Martino 2006). (The survey was conducted when the Arroyo Pescadero Loop Trail sustained damage from flooding and was partially closed, so the actual use may be at a higher rate.) The survey concluded that 176 people visited the Trailhead over a four-day survey period.

The survey further found that 56 percent of all visitors surveyed cited enjoyment of scenic beauty as a reason for their visit, and 60 percent cited experiencing nature as a reason for their visit (Martino, 2006). Given that the Preserve represents one of the last remaining intact habitat areas in the region, and its proximity to dense residential areas, its recreational value is high as a place of natural escape and rejuvenation. At any stage of the Project, the visitors' experience on the trails will be altered from the current conditions. Potentially significant impacts to visitors on trails accessible from the Arroyo Pescadero Trailhead involves, but is not limited to noise, hazards and aesthetics. Please include in the DEIR analysis of ways to avoid, minimize, reduce or mitigate for these impacts.

HA-56

For safety purposes, the Trailhead may need to be closed for public use during the construction of the oil and gas pipelines which would be buried directly under the public trail. The potential conflict of these activities with visitor use is of serious concern. Precautions and protocols need to be established to reduce potential conflicts of the pipeline construction and ongoing maintenance with daily users of the Trailhead. All of these potentially significant recreational impacts should be fully analyzed in the DEIR.

HA-57

Additionally, a high percentage of Habitat Authority-sponsored interpretive (educational) programming occurs at this trailhead because of its central location, the outdoor seating area installed by National Park Service's resident artists at the top of the Loop Trail, and because it has a bathroom facility. Interpretive activity from last fiscal year revealed that about 40% (1,093 participants) of all Preserve interpretive programming participation (2,732 individuals) occurred at this trailhead. The trail closures, noise, other trail disturbances of the Project, and the Project's potential mitigation measures for biological impacts will affect the Habitat Authority's outreach efforts. Please include analysis regarding potential negative impacts to outdoor educational (interpretive) programming and applicable mitigation.

HA-58

Alternatives

In addition to the alternatives described in the NOP, the Habitat Authority would like to see alternatives that would reduce potentially significant impacts to the natural resources within the Preserve by reducing the current proposed amount of habitat fragmentation, reducing the project footprint, and considering designs that avoid, minimize or mitigate for urban edge effects.

HA-59

There should be an off-site alternative that would remove all oil extraction facilities and activities from the Preserve, as this would likely eliminate or substantially reduce all adverse impacts to natural resources from the Project. Given that Biological Resources are the key element of the DEIR analysis, and given the proposed project location within a habitat preserve, an off-site alternative that accesses the oil reserve is necessary. If an alternative site is located on the Preserve, please consider one that is not located within the Core Habitat as well as one that does not impact the Colima Road Underpass.

HA-60

The Habitat Authority also encourages an analysis of alternative access road routes, whereby Catalina Avenue would be the only access road for all Project activities and the North Access Road would not be used for any Project activities. The use of Catalina Avenue reduces the amount of disturbance within the Core Habitat, and would significantly reduce the further intrusion of development and associated edge effects into the Habitat. The alternatives analysis should include a detailed comparison of traffic, noise, and habitat impacts from the proposed project (using Catalina Avenue for vehicles less than two tons and the North Access Road for vehicles over two tons) and an alternative using only Catalina Avenue for all vehicles.

HA-61

Conclusion

Overall, please consider having the DEIR analyze short- and long-term impacts the to the operations, biological functioning and recreational functioning of the Preserve, and offer ways to either avoid, minimize or mitigate for impacts. Since some impacts to the Preserve may be unknown at this time, the DEIR should consider ongoing surveying and monitoring activities and mechanisms for corrective measures of potential biological impacts currently unforeseen. In addition, it is important that the DEIR clearly explain how thresholds of significance were developed or adapted for each issue area, and that the use of more restrictive or conservative thresholds be considered for the impact analysis due to the high degree of sensitivity within and surrounding the proposed project area.

Thank you for your consideration, and please continue to keep the Habitat Authority on the mailing list for this project. Also, please refer to our previous letters dated February 4, 2010 and December 1, 2010 for suggested mitigation measures for consideration in the DEIR. Please do not hesitate to contact me at (562) 945-9003 for discussion.

Sincerely,


Andrea Gullo
Executive Director

References

Barber, J.R., et. al. 2009. The Costs of Chronic Noise Exposure for Terrestrial Organisms. *Trends in Ecology and Evolution*, 25(3), 180-189.

Cooper, D. 2008. Memo: Re-opening "Former Chevron/Core Habitat" to oil exploration, dated April 17, 2008.

Delaney, K.S., Riley, S.P.D., and R.N. Fisher. 2010. A Rapid, Strong, and Convergent Genetic Response to Urban Habitat Fragmentation in Four Divergent and Widespread Vertebrates. *PLoS ONE*, 5:9.

Dyer, S.J., O'Neill, J.P., Wasel, S.M., and Boutin, S. 2001. Avoidance of Industrial Development by Woodland Caribou. *The Journal of Wildlife Management*, Vol. 65, No. 3, pp. 531-542

Federal Highway Administration, U.S. Department of Transportation. 2004. Synthesis of Noise Effects on Wildlife Populations. Publication No. FHWA-HEP-06-016. September 2004.

Haas, C. 2000. Distribution, Relative Abundance, and Roadway Underpass Responses of Carnivores throughout the Puente-Chino Hills. California State Polytechnic University, Pomona, California. Masters Thesis.

Haas, C., G. Turschak. 2002. Responses of Large and Medium-Bodied Mammals to Recreation Activities: The Colima Road Underpass. U.S. Geological Survey, Western Ecological Research Center, Corona, California.

Habitat Authority (Puente Hills Landfill Native Habitat Preservation Authority). 2010. Changes in Large and Medium-bodied Mammal Activity Following Eight Years of Recreation and Other Activities: The Colima Road Underpass and Vicinity. Prepared by Shannon Lucas. November 30, 2010.

Martino, D., T. Longcore, and J. Wolch. 2006. Park Visitor User Survey for the Puente Hills Landfill Native Habitat Preservation Authority. University of Southern California, Center for Sustainable Cities, Los Angeles, California.

Poot, H., Ens, B.J., de Vries, H., Donners, M.A.H., Wernand, M.R., and Marquenie, J.M. 2008. Green Light for Nocturnally Migrating Birds. *Ecology and Society*, Vol. 13, No. 2, pp. 47.

Remington, S. 2006. Bat Surveys of the Puente Hills, Los Angeles County, California. Costa Mesa, California.

Sawyer, H., R. Nielson, and D. Strickland. 2009. Sublette Mule Deer Study (Phase II): Final Report 2007. Western Ecosystems Technology, Inc. Cheyenne, Wyoming, USA.

Personal Communication. William Romo, Deputy Forester, Los Angeles County Fire Department. October 27, 2009.

Wyoming Game and Fish Department. 2010. Recommendations for Development of Oil and Gas Resources Within Important Wildlife Habitats.

**C: Board of Directors
Advisory Committee**



LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT

May 26, 2011

Sent via email: jadams@cityofwhittier.org

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

Dear Mr. Adams:

CITY OF WHITTIER MAIN OIL FIELD DEVELOPMENT PROJECT REVISED NOTICE OF PREPARATION AND SCOPING DOCUMENT COMMENT LETTER

Thank you for the opportunity for the Los Angeles County Regional Park and Open Space District (District) to respond to the City of Whittier's (City) Notice of Preparation and Scoping Document for an Environmental Impact Report (EIR) addressing the revised proposed Whittier Main Oil Field Development Project (proposed project). The District appreciated the opportunity to meet with the City to review the comments on May 19, 2011.

The District is providing these comments in its capacity as a Responsible Agency, as defined by the California Environmental Quality Act (CEQA). The District is submitting this comment letter to assist that the City in preparing a technically and procedurally adequate CEQA document for the proposed project that can be used to support the District's related decision-making process. The District provided extensive comments (Enclosure) on the Draft EIR for the Whittier Main Oil Field Development Project circulated for public review in the fall 2010. The District would continue to request that the City ensure that the spirit and scope of the earlier comments are considered during the preparation of the EIR. In particular, the District requests that the EIR for the revised proposed project should provide a comprehensive analysis of the direct, indirect, and cumulative impacts of all activities that could result from the project and identify opportunities for avoiding, reducing, and compensating for any identified impacts (CEQA Guidelines §15126.4(a)). The EIR should include an analysis of a range of reasonable alternatives to the project that would feasibly attain most of the basic

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objectives of the project, but would avoid or substantially lessen any of the significant effects of the project (CEQA Guidelines §15126.6(a)).

Oil field development, appurtenant transmission, operations and maintenance activities would be incompatible with the specified use of lands acquired with Safe Neighborhood Parks Proposition of 1992 (Proposition A) grant monies and would constitute a disposal of the property and/or the generation of non-recreational income that would be required to conform to procedures set forth in Proposition A, the project Grant Agreement and the District's Procedural Guide for the Specified Project, and the Per Parcel Discretionary and Excess Funds Grant Programs¹. As indicated in Appendix G to the State CEQA Guidelines, such an action constitutes a significant adverse impact related to land use that is required to be disclosed to the public and to the City of Whittier Planning Commission and City Council for their consideration in the land use decision-making process. The District's comments are expressly provided in their capacity as a Responsible Agency whose mission requires the appropriate granting, administration, and monitoring of grant monies provided pursuant to Proposition A to ensure that the specified goals approved by the voters of the County of Los Angeles are achieved, specifically in this case, the preservation, restoration, and rehabilitation of real property to serve as wildlife habitat and natural habitats and to provide public access and trails, to be held in perpetuity.

The District has organized and presented its comments, in accordance with the anticipated organization of the EIR. The District remains available to consult with the City and the applicant to identify opportunities for avoiding, reducing, and compensating for the direct, indirect, and cumulative effects of the proposed project, particularly in relation to lands acquired with Proposition A funds.

SPIRIT AND INTENT OF CEQA

At the most basic level, the EIR needs to demonstrate compliance with the process set forth in the State CEQA Guidelines; the EIR should also show that the applicant has acted in accordance with the goals of CEQA. Section 15002(f) of the State CEQA Guidelines makes clear that:

An environmental impact report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage.

The EIR should fully examine the potential for each alternative to reduce significant impacts to the environment.

LACRPOSD-1

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PROJECT DESCRIPTION

It is imperative that the project description for the EIR provide a clear delineation of all areas that would be directly and/or indirectly affected by the proposed project. For example, the project description should describe and graphically depict the area that will be permanently and temporarily impacted by the drilling site and the development of access roads and rights-of-way for underground pipelines needed for oil and gas transmission, electrical power, and sewer and water. The conceptual site plan for the proposed project should also show any areas that will require a fuel modification by the Fire Department, as well as any areas proposed for revegetation, or any eucalyptus trees proposed for removal. The project description would be best supported by a series of small-scale maps that allow the reader to understand the relationship of all elements of the project to surrounding land uses, the City of Whittier boundary, and the Puente Hills Preserve (Preserve) boundary. The small-scale map should be further articulated in a series of large-scale maps that allow the reader to see the extent of temporary and permanent impacts of each element of the project. To meet the needs of the District, the project description should include a map describing the project site, the physical boundary of the land purchased with Proposition A funds, the boundary of the Preserve, the Assessor Parcel Numbers (APNs), the distance to the City, existing roads, and improvements to these roads. A comprehensive project description that clearly quantifies the areas of temporary and permanent impacts and the number of acres of Proposition A land proposed for disposal will aid the District and the Board of Supervisors in making an informed decision.

LACRPOSD-2

The project description should also include a clear discussion of the guidelines for Proposition A lands and the procedures and consequences related to the disposal of lands.

LACRPOSD-3

AESTHETICS

The District requests that the EIR clearly describe where project elements would be located in relation to publicly accessible viewing locations both within the Preserve and outside of the boundaries of the Preserve and provide a sight-line analysis. The visibility analysis should take into consideration the removal of eucalyptus trees within the proposed project property and evaluate visual and lighting impacts upon the nearest residents and other sensitive receptors. The EIR should identify opportunities for avoiding, reducing, and compensating for any identified impacts to aesthetics and visual resources.

LACRPOSD-4

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AIR QUALITY

The District requests that the EIR clearly define potential direct, indirect, and cumulative air quality impacts of the proposed project, including impacts on nearby residents and other sensitive receptors, and identify opportunities for avoiding, reducing, and compensating for any identified impacts.

LACRPOSD-5

The District believes that the entirety of the proposed project site should be evaluated for air quality impacts, including the drilling site and the access roads. Construction impacts should include the development of underground pipelines needed for oil and gas transmission, electrical power, and sewer and water. As the proposed project is larger than 5 acres, the applicant should consider performing air dispersion modeling to determine localized air quality impacts.²

LACRPOSD-6

In accordance with Section 15126.4(a) of the State CEQA Guidelines, the Draft EIR should identify feasible mitigation measures to ensure that operational impacts, particularly impacts at sensitive receptors, are reduced to the maximum extent feasible.

LACRPOSD-7

BIOLOGICAL RESOURCES

The District requests that the EIR clearly define potential direct, indirect, and cumulative biological resources impacts of the proposed project, including impacts on relevant to adopted conservation and planning programs, sensitive, threatened and endangered species (i.e., California gnatcatcher), impacts to the resident bobcat population in the Puente Hills Landfill Reserve, impacts related to the potential removal of up to 200 eucalyptus trees which may provide habitat for Monarch butterflies, receptors, and identify opportunities for avoiding, reducing, and compensating for any identified impacts.

LACRPOSD-8

As required by Section 15126.6(b) of the State CEQA Guidelines, the District requests that the EIR consider an alternative that is capable of avoiding impacts to the coastal California gnatcatcher, at a minimum two alternatives should be considered: (1) development of the oil field outside the limits of the Preserve, and (2) development at a location within the Preserve that avoids direct, indirect, and cumulative impacts to coastal California gnatcatcher, including a habitat restoration plan that can be qualitatively and quantitatively evaluated to demonstrate no net loss of habitat functions or values.

LACRPOSD-9

CULTURAL RESOURCES

The District requests that the EIR include a Phase 1 Cultural Resources survey for the proposed project site, in addition to other areas that may involve below ground

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disturbance as a result of Project development. A records search, site survey, and cultural resources technical report should be included. In addition, the EIR should include a discussion of Native American consultation.

LACRPOSD-10

As required by Section 15126.6(b) of the State CEQA Guidelines, the District requests that the EIR provide mitigation measures to address potential impacts to unknown cultural resources if such resources are found during construction activities.

LACRPOSD-11

ENERGY AND MINERAL RESOURCES

The District requests that the EIR evaluate potential direct, indirect, and cumulative energy and mineral resources impacts of the proposed project, and identify opportunities for avoiding, reducing, and compensating for any identified impacts.

LACRPOSD-12

ENVIRONMENTAL JUSTICE

The District requests that the EIR evaluate potential direct, indirect, and cumulative environmental justice impacts of the proposed project, and identify opportunities for avoiding, reducing, and compensating for any identified impacts.

LACRPOSD-13

FIRE PROTECTION AND EMERGENCY SERVICES

The District requests that the EIR evaluate potential direct, indirect, and cumulative fire protection and emergency services impacts of the proposed project, and identify opportunities for avoiding, reducing, and compensating for any identified impacts. The EIR should clearly define the areas of the proposed project that will be cleared to provide a fuel modification zone, as required by the Fire Department, as such fire clearance activities further reduce the quality of the land for the intended land uses of open space conservation and recreation.

LACRPOSD-14

GEOLOGICAL RESOURCES

The District requests that the EIR discuss site-specific geologic conditions and clearly define potential direct, indirect, and cumulative geological resources impacts of the proposed project, and identify opportunities for avoiding, reducing, and compensating for any identified impacts.

LACRPOSD-15

GREENHOUSE GAS EMISSIONS

The District requests that the EIR clearly define the significance thresholds selected for the evaluation of greenhouse gas emissions and explain why the thresholds were chosen for the proposed project.

LACRPOSD-16

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As required by Section 15126.4(a) of the State CEQA Guidelines, adequate mitigation should be considered to avoid, reduce, and compensate for impacts to the maximum extent practicable. It is recommended that the EIR include specific, feasible, and enforceable mitigation measures for reducing GHG emissions, such as those that are recommended by the California Office of Attorney General. In the publication entitled *The California Environmental Quality Act Addressing Global Warming Impacts at the Local Agency Level*, the Office of Attorney General directs public agencies to take a leadership role in integrating sustainability into public projects by providing 52 project-level mitigation measures for consideration in the development of projects.³ The applicant should consider off-site mitigation measures for greenhouse gas emissions, such as providing solar panels in parking lots at locations within the City.

LACRPOSD-17

HAZARDS AND HAZARDOUS MATERIALS

The District requests that the EIR clearly define potential direct, indirect, and cumulative hazardous materials impacts of the proposed project, as posed in State CEQA Guidelines Appendix G, Section VIII, Hazards and Hazardous Materials, including: (1) risks to all schools less than one-half mile of the proposed project site; (2) evaluation of the location of the project site under a flight path for the Los Angeles International Airport (LAX); (3) whether the proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and (4) determination as to whether the proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands.

LACRPOSD-18

The District requests that the EIR clearly define and discuss incorporation of Fuel Modification Zones beyond the oil field area. The District also requests that the EIR discuss the potential fire impacts related to the numerous eucalyptus trees that exist on the proposed project site.

LACRPOSD-19

In accordance with Section 15126.4(a) of the State CEQA Guidelines the EIR should identify feasible mitigation measures to ensure that significant impacts to the public and the environment from the release of hazardous materials, substances and waste, and the transport of hazardous materials are reduced to the maximum extent feasible.

LACRPOSD-20

HYDROLOGY AND WATER RESOURCES

The EIR should compare existing and proposed drainage patterns and flow rates within the proposed project area and evaluate the grading required for access road, pads, well cellars, and trenching for utilities. The EIR should include a jurisdictional delineation for

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drainages and wetlands that are potentially subject to the jurisdiction of the California Department of Fish and Game or the U.S. Army Corps of Engineers; where such effects are identified to be significant, mitigation should be provided to demonstrate that there is no net loss of habitat functions or values. The EIR should include sufficient substantial evidence to demonstrate the feasibility of the proposed mitigation plan and demonstrate whether the proposed project would have any net effects on jurisdictional waters.

LACRPOSD-21

LAND USE AND PLANNING

The EIR should include substantial evidence to make an appropriate evaluation of the proposed project's impacts related to land use and planning. As many of the affected lands were purchased with Proposition A funds, the EIR land use assessment should include a detailed analysis of Proposition A, including the procedures for the disposal of lands. The land use section of the EIR should quantify the number of acres that would be disposed and discuss the consistency of the proposed project with Proposition A and other relevant plans, goals, and policies.

LACRPOSD-22

The EIR should disclose the incompatibility of the proposed oil field development, including the proposed oil and gas pipeline, with the intended open space conservation and recreation uses of the lands purchased with Proposition A funds.

LACRPOSD-23

Pursuant to Section 15002(h)(2) of the State CEQA Guidelines, the City has the responsibility to evaluate and fully consider imposing conditions for project approval that would protect the environment from significant impacts related to land use and planning. Any inconsistencies with the City General Plan Land Use element or other relevant plans, goals, and policies, should be addressed and proper mitigation measures provided.

LACRPOSD-24

NOISE

The District requests that the EIR provide noise contour lines for all activities required to support construction, operations, and maintenance of the proposed project, including potential direct, indirect, and cumulative noise impacts. The EIR should also identify opportunities for avoiding, reducing, and compensating for significant impacts.

LACRPOSD-25

PUBLIC SERVICES AND UTILITIES

The District requests that the EIR evaluate potential direct, indirect, and cumulative public services impacts of the proposed project, and identify opportunities for avoiding, reducing, and compensating for any identified impacts. The EIR should evaluate the amount of water required for construction and operation of the proposed project and

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LACRPOSD-26

document the reasoning for why a water supply assessment was or was not prepared for the proposed project. The EIR should determine the extent of impacts on the existing utility infrastructure and whether the existing infrastructure would support the development of the proposed project.

RECREATION

The EIR should address the goals, policies, and regulations relevant to the management of recreational resources in the City. The District requests that the recreation section clearly define what areas of the project site would be closed to public access during construction or any subsequent closure potentially resulting from the operation and maintenance of the proposed project and the duration of the anticipated closures. If the proposed project would restrict public access to recreational facilities, such as trails, the EIR should state the distance to the nearest alternative recreational facilities that the public could access within the City.

LACRPOSD-27

TRANSPORTATION AND TRAFFIC

All necessary elements of the proposed project should be described in the EIR, including all areas where construction activities would occur. Information on where construction traffic would access the various construction areas, amount of construction traffic, effects of construction along all the roadway segments including restriction of parking, turning movements, and reduction in number of lanes, if any, along the roadway segments as well as at intersections, should be clearly provided so that a complete estimation of project's impacts on the overall transportation system can be made. The dimensions of the pipelines, their construction zones, and pipeline connections should be discussed in the EIR in order to determine the extent of and level of significance of traffic impacts during pipeline construction. A clear sequence of all construction activities, on- and off-site including the magnitude of construction and their time period should be provided so that a clear and complete evaluation of magnitude as well as the time period of construction can be properly estimated.

LACRPOSD-28

UTILITIES (WASTEWATER)

The District requests that the EIR evaluate potential direct, indirect, and cumulative wastewater impacts of the proposed project, and identify opportunities for avoiding, reducing, and compensating for any identified significant impacts.

LACRPOSD-29

ALTERNATIVES TO THE PROPOSED PROJECT

The EIR should include an analysis of a range of reasonable alternatives to the project that would feasibly attain most of the basic objectives of the project, but would avoid or

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substantially lessen any of the significant effects of the project in accordance (CEQA Guidelines §15126.6(a).) All project components should be described for each alternative so that alternatives can be adequately compared. The District requests that the EIR provides a matrix that qualitatively and quantitatively characterizes the impacts of the proposed project in comparison with the impacts of each alternative. To meet the needs of the District, the EIR should include analysis of at least one off-site alternative that would not require the disposal of Proposition A lands and would move project elements away from residences and habitat areas. Section 15126.6(b) of the State CEQA Guidelines indicates that "the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening and significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." The EIR should include substantial evidence to demonstrate the feasibility of each alternative.

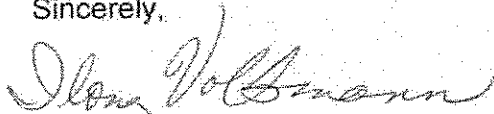
LACRPOSD-30

CONCLUSION

The District appreciates the opportunity to inform the City of the scope of the analyses that will be required to support its related decision-making process for the use of lands purchased with Proposition A funds. The intent of these comments is limited to ensuring the preparation of a technically and procedurally adequate EIR. Any decision to be undertaken by the District in relation to the proposed project cannot proceed until the District has certified that the EIR is technically and procedurally adequate to support its decision-making process. Please know that we remain available to assist the City in the characterization of lands purchased with Proposition A funds, impact analysis, development of mitigation measures, and refining feasible project alternatives. If you have any questions, please contact Ms. Joan Rupert at 213-351-5126 or by email at: jrupert@parks.lacounty.gov.

Thank you again for the opportunity to provide input on this project.

Sincerely,



Ilona Volkmann
District Administrator

Enclosure: Los Angeles County Regional Park and Open Spaces District Letter of
Comment on Draft Environmental Impact Report for Whittier Oil Field
Development dated December 6, 2010

Revised NOP Comment Letter.doc

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¹Los Angeles County Regional Park and Open Space District. Accessed 5 November 2010. Available at: http://openspacedistrict.lacounty.info/cms1_033119.asp

²South Coast Air Quality Management District. Accessed 19 November 2010. Localized Significance Thresholds. Web Site. Available at: <http://www.aqmd.gov/ceqa/handbook/lst.html>

³California Department of Justice Office of the Attorney General. Updated 9 December 2008. *The California Environmental Quality Act Addressing Global Warming Impacts at the Local Agency Level*. Sacramento, CA.

Jennifer McDevitt

From: jadams@cityofwhittier.org
Sent: Thursday, May 26, 2011 4:40 PM
To: Jennifer McDevitt
Cc: Luis Perez; joann@jalcps.com
Subject: LACO Open Space Comment Letter
Attachments: LACo Open Space comments 052611.pdf

Greetings:

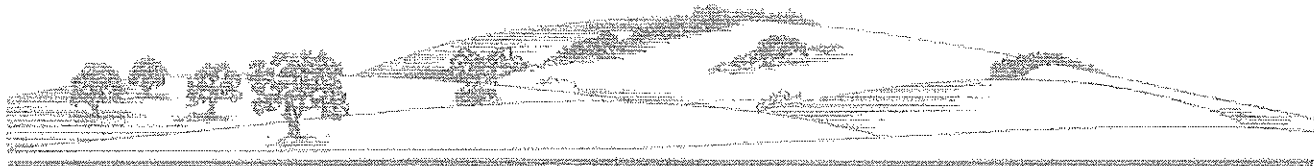
Joan Rupert called and wanted to mention a couple of things relative to their letter. The letter itself is only 9 pages, the remainder is the previous letter and comments.

Also, since there were a couple of items not discussed in our meeting, she wanted to specifically point out the Hazardous Materials Section, regarding "the fuel modification areas beyond the oilfield". I believe the "oil field" means the consolidated site. The other item was under Hydrology, and the request to include the jurisdictional delineation.

Thanks

Jeffery S. Adams
Planning Services Manager
City of Whittier
13230 Penn Street
Whittier, CA. 90602
562.567.9341 Voice
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jadams@cityofwhittier.org

ENCLOSURE



LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT

December 6, 2010

Sent via e-mail: jadams@cityofwhittier.org

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

Dear Mr. Adams:

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

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

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

¹ Los Angeles County Regional Park and Open Space District. Accessed 5 November 2010. Available at: http://openspacedistrict.lacounty.info/cms1_033119.asp

² Los Angeles County Regional Park and Open Space District. Accessed 5 November 2010. Available at: http://openspacedistrict.lacounty.info/cms1_033119.asp

³ County of Los Angeles. Accessed 5 November 2010. 1992 Proposition. Available at: http://openspacedistrict.lacounty.info/cms1_033687.pdf

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

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

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

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

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

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

⁴ County of Los Angeles. Accessed 5 November 2010. 1992 Proposition. Available at: http://openspacedistrict.lacounty.info/cms1_033687.pdf

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

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

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

EXECUTIVE SUMMARY

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

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

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

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

Mr. Jeffery Adams
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Page 4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

First and Second Paragraphs (Page ES-19)

The first paragraph on page ES-19 states:

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

The second paragraph on page ES-19 states:

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

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

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

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Third and Fourth Paragraphs (Page ES-19)

The third paragraph on page ES-19 states:

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

The fourth paragraph on page ES-19 states:

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

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

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

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

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

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

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SECTION 2.0 PROJECT DESCRIPTION

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

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

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

General Comments

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

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

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

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

List of Agencies Expected to Use EIR

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

List of Permits and Other Approvals

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

⁶ County of Los Angeles. 1978. *Noise Control Ordinance of the County of Los Angeles*. Ordinance 11778, Section 2 (Article 1, Section 101); Ordinance 11773, Section 2 (Article 1, Section 101). Chapter 12.08. Available at: <http://ordlink.com/codes/lacounty/index.htm>

⁷ City of Whittier. Adopted 1993. *City of Whittier General Plan*. Whittier, CA.

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

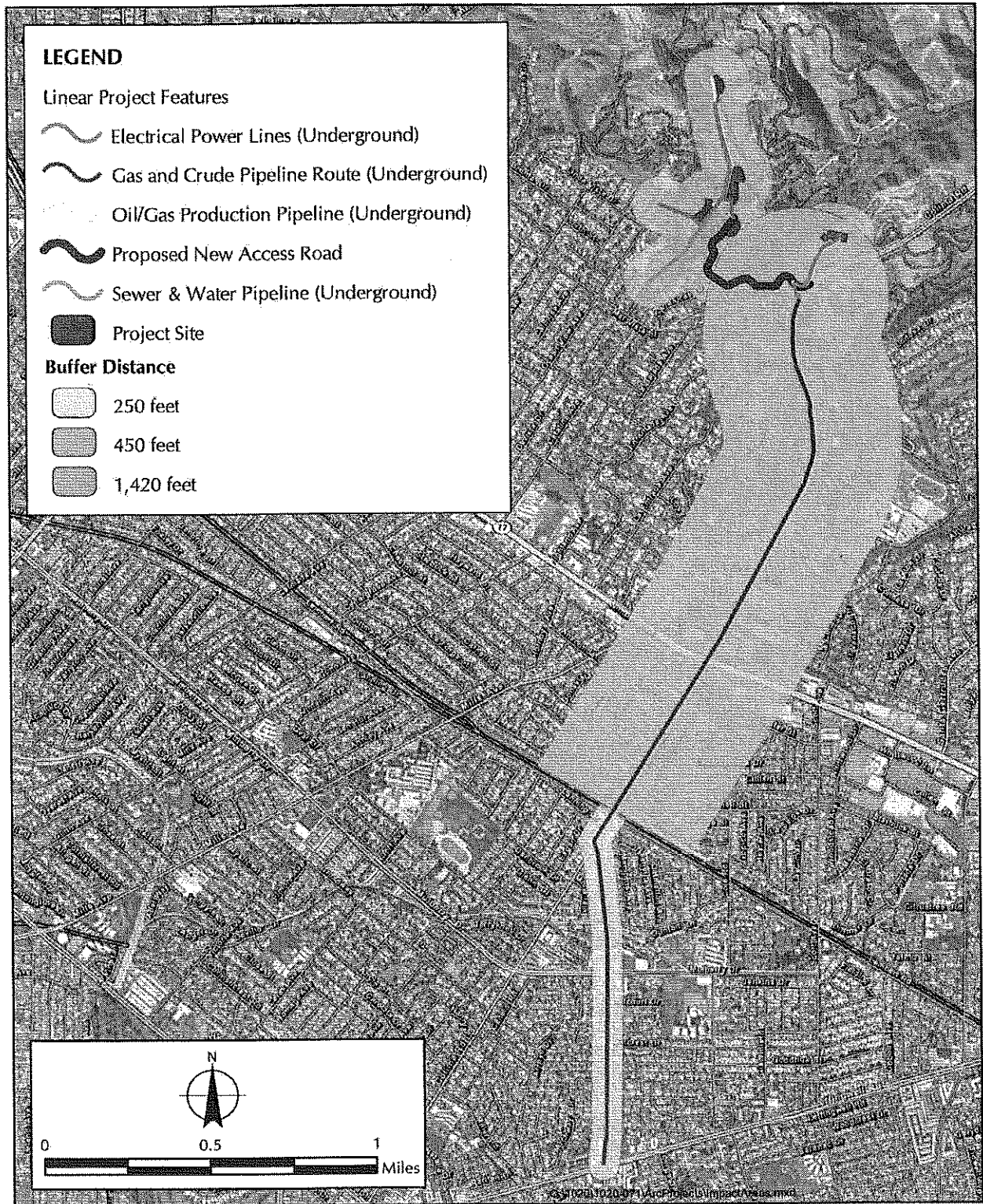


FIGURE PD-1
Total Acreage of Potentially Impacted Area

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List of Related Environmental Review and Consultation Requirements

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

SECTION 4.1 AIR QUALITY

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

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

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

Section 4.1.4.2, Operational Impacts (Page 4.1-33)

The District is concerned that residents and other sensitive receptors located in the vicinity of the proposed project would be exposed to significant operational NO_x emissions from the oil field operations. Page 4.1-33 concludes that operational impacts would be less than significant with mitigation; however, Table 4.1-9 shows that operational emissions during drilling would greatly exceed the SCAQMD localized thresholds for NO_x and particulate matter. The applicant should demonstrate how the specified mitigation measures would lower localized emissions of NO_x and particulate matter to below the level of significance or conclude that impacts during operation will remain as significant and unavoidable. Operational NO_x emissions during drilling greatly exceed any of the daily NO_x emissions during construction, which were determined to result in a significant unavoidable impact. It is important to note that emission offsets, as described in Mitigation Measure AQ-2a, would not reduce operational emission levels at sensitive receptors. In accordance with Section 15126.4(a) of the State CEQA Guidelines, the Draft EIR must identify feasible mitigation measures to ensure that operational impacts, particularly impacts at sensitive receptors, are reduced to below the level of significance.

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

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

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

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

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

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

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

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

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for consideration in the development of projects.¹¹ Some of the project-level mitigation measures that may be applicable for the proposed project include, but are not limited to, the following:

- Provide education on energy efficiency.
- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Limit idling time for commercial vehicles, including delivery and construction vehicles.
- Use low or zero-emission vehicles, including construction vehicles.

Mitigation could also include the measures suggested previously for reducing air quality impacts upon sensitive receptors:

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

Section 4.1.6, Mitigation Measure AQ-1a (Page 4.1-43)

In order to minimize fugitive dust impacts at sensitive receptors, additional mitigation for fugitive dust should be included in the Fugitive Dust Control Plan, such as ceasing construction activities on unpaved roads during windy conditions and appointing a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM₁₀ generation.

Section 4.1.6, Mitigation Measure AQ-1d (Page 4.1-44)

In order to minimize air quality impacts at sensitive receptors, Mitigation Measure AQ-1d should be expanded to include requirements for off-road diesel-powered equipment to be turned off when not in use, maintained in good operating condition and in proposed tune per manufacturers' specifications, and to meet Tier 4 emission standards after January 1, 2015.

¹¹ California Department of Justice Office of the Attorney General. Updated 9 December 2008. *The California Environmental Quality Act Addressing Global Warming Impacts at the Local Agency Level*. Sacramento, CA.

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SECTION 4.2 BIOLOGICAL RESOURCES

General

Section 4.11, Land Use and Policy Consistency Analysis, discusses the proposed project's conflicts with existing ordinances, plans, and permit requirements. It is clear from this discussion that the proposed project is in direct conflict with the City's General Plan and Municipal Code and with the Preserve's RMP. The General Plan designates the project site as open space of "high sensitivity" and the project site is zoned as Open Space under the Municipal Code. Therefore, reintroduction of oil exploration to the project site would conflict with Sections 18.09.010, 18.09.020, and 18.09.030 of the Whittier Municipal Code.

Consistent with threshold significance criteria in Appendix G of the State CEQA Guidelines, an impact would be considered significant if project implementation would result in a conflict with the provisions of an adopted Habitat Conservation Planning program, Natural Community Conservation Planning program, or other approved local, regional, or state Habitat Conservation Planning program.

While, oil and gas exploration and production are also allowed with a conditional use permit under Section 18.52.030, it is clear that implementation of the proposed project would conflict with various goals and objectives of the RMP, especially concerning activities identified as permissible within the Core Habitat Zone of the Preserve (including the western half of the project site), which the RMP limits to "authorized biological survey and some restoration and/or invasive species removal, but no unsupervised public access." Additionally, the eastern half of the site lies within the RMP Preservation Management Zone, which only allows for "existing passive, low-impact recreation."

Therefore, it is unclear as to how implementing Mitigation Measures BIO-1 through BIO-4 would reduce the proposed project's conflicts with local habitat conservation planning program policies and ordinances to a less than significant level. Except for Mitigation Measure BIO-2b, which requires the project proponent to obtain all applicable federal and state permits and agreements, the mitigation program specified in this EIR does not effectively address the anticipated effects of the proposed project in the context of direct conflicts with existing ordinances, plans, and permit requirements.

Pages 4.2-1 to 4.2-3

This section presents information on biological resources potentially affected by implementation of the proposed project. The information includes 2008–2010 surveys and review of earlier work, including literature from the general region and literature cited in the RMP.¹² The appropriate biological surveys were undertaken, except no current surveys were undertaken for bats. The only

¹² Puente Hills Landfill Native Habitat Preservation Authority. 26 July 2007. *Resource Management Plan*. Available at: <http://www.habitatauthority.org/pdf/RMP/Final%20RMP%20July%202007.pdf>

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bat surveys were one year of general surveys for the Puente Hills from 2005–2006 (also 2004).¹³ These bat surveys did not cover the exact area of the proposed project site. An increasing body of literature on bats since the California Energy Commission / CDFG Guidelines¹⁴ were published have emphasized that bats can be vulnerable to impacts from infrastructures associated with project developments, at wind farms, but also at other types of development. The proposed project has development structures that potentially may place bats at risk. The Draft EIR should provide additional information on the likely impacts to bats from tall structures such as the drill rig masts at each of the proposed well pad sites. It would have been useful to conduct bat surveys in 2010 at the exact proposed project site to obtain detailed site-specific information including location of any bat roosts or hibernacula, rather than presume presence of special status bats at the project site based on general surveys of the Puente Hills. General bat surveys should be considered in 2011 to remedy this omission.

Section 4.2.1.2, Sensitive Biological Resources and Processes (Pages 4.2-1 to 4.2-3)

The Draft EIR states that supplemental surveys for special status wildlife species are being conducted to evaluate their presence and absence along the alignment of the proposed entry road off Colima Road. As specified in Section 15151 of the State CEQA Guidelines, the EIR is required to be prepared with sufficient degree of analysis to provide decision-makers with information that enables them to make a decision that intelligently takes account of environmental consequences. The absence of data regarding the presence or absence of special status species significantly hinders the District's ability to make determinations regarding the scope and magnitude of the potential effect of the project on such species. In the absence of such surveys, all species for which suitable habitat is present should be assumed to be present, and mitigation measures developed and presented to demonstrate that it would be feasible to mitigate for such impacts. Surveys should be completed for all special status plant and wildlife species, including bats, and provided to the City and all other Trustee and Responsible Agencies to inform the decision-making process.

Section 4.2.4, Project Impacts and Mitigation Measures (Pages 4.2-34 to 4.2-38)

The Draft EIR does not adequately summarize the biological resources likely to be impacted by the proposed project. As required by Section 15124.6(a) of the State CEQA Guidelines, the EIR needs to consider mitigation measures that are capable of avoiding, minimizing, and compensating for the loss of habitat. In addition, Section 15126.6(b) of the State CEQA Guidelines requires that the EIR consider an alternative that is capable of meeting most of the basic objectives of the project and avoiding significant impacts to biological resources. Specifically the EIR needs to consider an alternative where the oil field would be located and developed outside the Preserve and alternatives to the proposed project.

¹³ Puente Hills Landfill Native Habitat Preservation Authority. 26 July 2007. *Resource Management Plan*. Available at: <http://www.habitatauthority.org/pdf/RMP/Final%20RMP%20July%202007.pdf>

¹⁴ California Energy Commission, and California Department of Fish and Game. October 2007. *California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development*. Commission Final Report. California Energy Commission, Renewables Committee, and Energy Facilities Siting Division, and California Department of Fish and Game, Resources Management and Policy Division. CEC-700-2007-008-CMF. Sacramento, CA.

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

The proposed East Well Site affects the primary biological resource, the Colima Road Wildlife Tunnel. This resource cannot be mitigated under the proposed project because the development and operation of the East Well Site would substantially impact wildlife movement (primarily terrestrial mammals). The RMP discusses wildlife movement corridors and habitat fragmentation effects in the Preserve.¹⁵ The location of the proposed project along and near the southern boundary of the Preserve adjacent to or close to developed areas of the City of Whittier would reduce habitat fragmentation effects on the biota.

The proposed project site has intermediate amounts of sensitive and indicator species. The southern boundary of the Core Habitat Area of the entire Preserve is La Cañada Verde, northwest of the Arroyo Pescadero Trailhead, located within 1 to 2 miles of the Colima Road Wildlife Tunnel. This tunnel is a major wildlife corridor (and nursery site for several species of terrestrial mammals), as documented in the Draft EIR. The Draft EIR does not explain how significant and unavoidable effects on biological resources from adverse impacts to the wildlife corridor will minimize impacts to the function of core habitat in the Preserve. None of the mitigation measures included in the Draft EIR address this issue. The EIR needs to consider mitigation measures that first address opportunities to offset the loss of habitat functions and values through restoration and enhancement of on-site habitat resources. A quantitative habitat quality assessment should be included to document the ability of restoration and enhancement measures to achieve "no net loss" of habitat functions or values. As the grant monies were originally designated for land conservation, it would appear prudent to quantify the total area of impact, including the direct, indirect, and cumulative effects, and provide for a land acquisition mitigation measure such that there is no net loss in the size of the conservation area.

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

The Draft EIR conclusions regarding the ability to mitigate impacts to coastal sage scrub habitat and the State- and federally threatened coastal California gnatcatcher to below the level of significance are not supported by substantial evidence. The Draft EIR defers the development of mitigation by indicating that the applicant will obtain a USFWS Incidental Take Permit. However, there is no evidence in the record that the applicant has developed or submitted a Biological Assessment pursuant to Section 7 of the federal ESA or Section 2081 Incidental Take Permit package pursuant

¹⁵ Puente Hills Landfill Native Habitat Preservation Authority. 26 July 2007. *Resource Management Plan*. Available at: <http://www.habitatauthority.org/pdf/RMP/Final%20RMP%20July%202007.pdf>

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to Section 2081 (b) of the California ESA. At a minimum, the Draft EIR should include a discussion of the initiation of consultation between the applicant and the USFWS and CDFG, and that the development of the required supporting documents is on a parallel course with the EIR for the project.

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

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

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

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

Section 4.2.6, Cumulative Impacts and Mitigation Measures

Natural open space lands in the project vicinity are highly constrained by surrounding intensive development, and the habitat that is preserved is fragmented by numerous existing roads. Habitat fragmentation can result in a variety of alterations from the existing ecosystem functions including: changes in interspecies dynamics, providing opportunities for aggressive generalist species to out-compete or over-hunt other species; and genetic isolation, which can limit a population's adaptability to changed environmental conditions. Implementation of the proposed project would further fragment and isolate many areas of open space from adjacent upland and riparian habitats

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located immediately to the west, east, south, and north, and reduce the effective size of core areas within the Preserve.

The cumulative impacts section needs to provide additional information on the significance of the proposed project's incremental contribution to habitat fragmentation. It is unclear as to how the mitigation measures identified in the EIR are designed to "bolster the ecological resilience of the Preserve in the Project vicinity, counteracting the adverse effects of the proposed Project, both considered alone and in the context of contributions to cumulatively considerable impacts of other planned Projects." While Mitigation Measures BIO-1a through BIO-1e and BIO-2a and BIO-2b would increase the quality of existing habitats through greater than equal-area replacement of sensitive habitat types, these measures are ineffective in preventing or reducing further incremental habitat fragmentation that would result from implementation of the proposed project in the context of contributions to cumulatively considerable impacts of other existing and planned projects.

SECTION 4.3 SAFETY, RISK OF UPSET, AND HAZARDOUS MATERIALS

Issue 1: Insufficient Analysis

With regard to impact significance criteria, the responses to the questions posed in State CEQA Guidelines Appendix G, Section VIII, *Hazards and Hazardous Materials*, the Draft EIR was remiss in relation to four issues:

- Identification and analysis of two existing pre-schools that are located less than one-quarter mile from the proposed project site at the time of the analysis: (1) Whittier Area Co-Op Education Pre-school and (2) the Mar Vista Early Childhood Pre-school. These pre-schools are located on the same campus at 8036 South Ocean View Avenue approximately 0.1 mile south of the proposed project. The nearest school identified in the Draft EIR is Ocean View Elementary School located at 14359 Ocean View Avenue approximately 0.9 mile south of the proposed project.
- Evaluation of the location of the project site under a flight path for the Los Angeles International Airport (LAX). Frequent airplane traffic crosses over the project site. Although these flights cross the site at high elevations, there is some probability that an airplane crash could occur over or on the project site. Such an occurrence could create a fire and the potential release of petrochemical contaminants, which would result in a safety hazard for people residing or working in the project area.
- Rendering a determination as to whether the proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Rendering a determination as to whether the proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands.

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As a result of deficiencies of the analysis, the Draft EIR did not develop mitigation measures for the corresponding issue areas:

- Hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed schools
- The proposed project site being located in the flight path of LAX
- The development of an emergency response plan or emergency evacuation plan in case of accidental release or leak of oil and gas
- The location of the proposed project in an area which is subject to wildland fires

Issue 2: Mitigation Measures

Section 4.3.5, Project Impacts and Mitigation Measures (Page 4.3-64)

Mitigation Measure SR-1 itemizes the site security measures to minimize the risk to the public associated with accidental releases from well drilling and oil and gas processing operations. However, additional mitigation measures are needed to address the procedures that would be necessary in the event that accidental releases actually occur and how these mitigation measures would minimize the risk to public and the environment. Examples of these types of mitigation measures would be:

- The installation of impermeable berms around process tanks to limit the area impacted by accidental releases and to prevent accidental release from impacting any surrounding environmentally sensitive areas, the nearby residential areas, and nearby sensitive receptors such as pre-schools
- The use of double-walled piping to minimize exposure of nearby residential areas, sensitive receptors such as pre-schools, and environmentally sensitive habitats from accidental releases and leaks
- The use of leak detection monitoring devices for all oil field process pipelines installed in the interstitial space between the double-walled piping to act as an early warning system to detect leaks
- For process tanks and single-walled piping that are not near residential areas, sensitive receptors, or environmentally sensitive habitats, visual inspections of aboveground tanks and piping should be performed on a regular frequent basis to identify and repair accidental leaks
- Sufficient area clearance immediately surrounding the well sites, truck loading area, and access roads to minimize the potential for fires to occur

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SECTION 4.4 GEOLOGICAL RESOURCES

The following comments have been provided by Leighton Consulting, Inc., based on a focused evaluation of the Geological Resources section of the Draft EIR. These comments are directed mostly on the factors that affect the project's impacts, mitigation measures, and the resulting potential residual significant impacts.

General Comments

With regard to impact significance criteria, the responses to the questions posed in State CEQA Guidelines Appendix G, Section VI, *Geology and Soils*, the Draft EIR failed to discuss site-specific geologic conditions.

In general, the geological resources portion of the Draft EIR provides a relatively detailed discussion of typical geologic hazards present for hillside development projects in southern California. The text provides a relatively good general description of seismic and geotechnical hazards including fault rupture, seismic shaking, liquefaction, compressible soils, slope stability, and landslides and erosion. However, information about specific geologic conditions on site appears lacking. There is little discussion about specific geologic conditions expected in the area of the proposed well sites, access roads, and loading areas. It does not appear that much study of the specific site has been conducted.

As an example, the text provides several paragraphs to describe liquefaction and liquefaction analysis; however, little or no information is provided about site specific conditions. The last two sentences of the liquefaction discussion state that the "...site is not located within a liquefaction zone delineated by the Department of Conservation Seismic Hazards Zones Map (April, 1998). However, onsite investigation and soil testing did not perform a liquefaction analysis to assess liquefaction." In actuality, the Seismic Hazard Zone Map for the Whittier Quadrangles does show portions of the Central Well Site and the Western Well Site in areas mapped as potentially liquefiable.¹⁶

It is difficult to evaluate the geologic conditions of the project based on the geological resources portion of the Draft EIR, because little or no site specific information is provided in the text or with the figures.

Section 4.4.1.2, Regional Geologic Setting (Page 4.4-1)

The Regional Geologic Map (Figure 4.4.1, page 4.4-3) used in the Draft EIR to illustrate the site geologic conditions is based on a State of California Geologic Map. This is a very small-scale map showing the general geologic conditions across the state. This map is not suitable for use in showing site-specific or even regional geologic conditions in an area covering about 7 acres. Other maps showing more detailed geologic conditions are available and should be considered to illustrate the site and regional geologic conditions.

¹⁶ California Geological Survey. Revised 25 March 1999. Seismic Hazards Zones Official Map, Whittier Quadrangle. Sacramento, CA.

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Section 4.4.1.3, Local Geologic Setting (Page 4.4-2)

A previous site investigation was apparently conducted for the project. However, the scope of that study seems quite limited. A study by Heathcote (2009) is briefly discussed. The subsurface portion of this investigation was apparently conducted with 14 hand auger borings to a maximum depth of 17 feet. While detailed design level geotechnical studies are not always required as part of project planning, the limited investigation conducted by Heathcote does not seem to have developed much useful site-specific information or at least it is not presented in the Draft EIR. Deep hollow stem auger borings and large-diameter bucket auger borings are typically required to evaluate the subsurface soil and slope stability conditions on a hillside site. Such an investigation should be conducted to better evaluate the site conditions.

The geologic conditions in the area of the well sites and proposed new access roads should be discussed in more detail. A site-specific geologic map showing the limits of the proposed project and the geologic conditions should be provided. The text talks about artificial fill, alluvial soil, landslide debris, and bedrock. A geologic map showing the distribution of these units would help illustrate the conditions and help demonstrate the impact of the geology on the proposed improvements. The analysis should address if any landslides are present near the proposed improvements and the limits of the artificial fill. In addition, complete removal of artificial fill and landslide debris may be required (as a stated mitigation measure); it would be good to know where these geologic units are with respect to the proposed improvements.

Although no site-specific geologic map was provided in the Draft EIR, a review was conducted of geologic reports and maps covering the area by Dibblee and Yerkes.^{17,18} These maps cover portions of the Western Puente Hills and include the area of the proposed project. These maps show the geologic units and topography in much better detail than the state map and could be used as a basis or starting point for a site-specific geologic map when combined with on-site geologic mapping.

Section 4.4.1.4, Seismic Hazards and Ground Rupture (Pages 4.4-6 and 4.4-7)

Several active and potentially active faults have been mapped in the near vicinity of the project and are noted in the text of the Draft EIR. One of the most significant nearby faults is the Whittier Fault. Table 4.4.1 (page 4.4-7) notes the Whittier Fault is approximately 2 miles away. In actuality, however, the Whittier Fault has been mapped about 1,200 feet north of the East Well Site.^{19,20} In

¹⁷ Dibblee, T.W.J. March 2001. Geologic Map of the Whittier and La Habra Quadrangles (Western Puente Hills) Los Angeles and Orange Counties, California, Dibblee Geological Foundation Map #74.

¹⁸ Yerkes, R.F. 1972. *Geology and Mineral Resources of the Western Puente Hills Area, Southern California*, USGS Professional Paper 420-C.

¹⁹ California Geologic Survey. Effective 1 November 1991. Special Studies Zones Map for the La Habra Quadrangles, Revised Official Map.

²⁰ Leighton and Associates, Inc. 6 August 1992. Preliminary Geologic Map, Whittier Hills Properties in East Whittier, Los Angeles County, California, Project No. 2900389-03.

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addition, Yerkes (1972) maps two faults trending toward the East and West Well Sites. These faults should be reviewed and such local fault conditions should be considered in the analysis.

One of the most significant seismic risks in Southern California is the Puente Hills Blind Thrust fault. Blind thrust faults are briefly alluded to in the text (page 4.4-6) but are not discussed. The Puente Hills Blind Thrust has been mapped under the site and under most of the eastern Los Angeles Basin.²¹ Uplift of the Puente Hills is believed to result at least in part from movement along this fault. The Whittier Narrows Earthquake of 1987 is also considered to have resulted from movement along a blind thrust fault.²² Movement along the fault is considered to be one of the most significant risks of seismic shaking in the area. Considering it poses such a significant seismic risk to the site, additional review and analysis of the Puente Hills Blind Thrust fault appears warranted.

Ground Shaking (Page 4.4-7)

Ground shaking is discussed and historical earthquake analysis with EQSEARCH was reportedly conducted. However, the results of that analysis are not discussed. In addition, seismicity in accordance with the current California Building Code (CBC) requirements were not addressed. Peak Horizontal Ground Accelerations provided in Table 4.4-1 should consider current CBC requirements.

Liquefaction (Page 4.4-9 and 4.4-10)

As previously noted, the site has been mapped in an area potentially susceptible to liquefaction. Areas on site where liquefaction is a potential concern should be identified.

Earthquake-Induced Landslides (Page 4.4-13)

The text describes a potential for rock fall. The Fernando Formation bedrock is not generally considered prone to rock fall. Rock falls are more common in hard bedrock areas where igneous and metamorphic rocks and steep boulder strewn slopes predominate. Soil slips and bedrock landslides are more common in the sedimentary bedrock units on site. The discussion of seismically induced landslides should be updated to include a discussion of these types of landslides, as they are more likely to occur within the Fernando Formation and overlying soil deposits. Portions of the site have been mapped as potentially subject to seismically induced landslides.^{23,24} These areas should be identified.

²¹ Shaw, J.H., Plesch, A., Dolan, J.F., Pratt, T.L., and Flore, P. December 2002. "Puente Hills Blind-Thrust System, Los Angeles, California." In *Bulletin of the Seismological Society of America*, Volume 92, Number 8.

²² Davis, T.L., Namson, J., and Yerkes, R.F. 1989. "A Cross Section of the Los Angeles Area: Seismically Active Fold and Thrust Belt, the 1987 Whittier Narrows Earthquake and Earthquake Hazard." In *Journal of Geophysical Research*, Volume 94, No. B7, p. 9,644.

²³ California Geological Survey. Revised 15 April 1998. Seismic Hazards Zones Official Map, La Habra Quadrangle. Sacramento, CA.

²⁴ California Geological Survey. Revised 25 March 1999. Seismic Hazards Zones Official Map, Whittier Quadrangle. Sacramento, CA.

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The reference Wilson and Keefer (1985) is cited for the rock fall discussion. However, no reference is listed.

Section 4.4.1.5, Geotechnical Hazards (Page 4.4-13)

The Draft EIR defines expansive soils, hydroconsolidation (more commonly termed collapse), subsidence, existing fills, groundwater, compressible soils, slope stability and landslides, and slope deformation and other geotechnical concerns. However, no-site specific information is provided, and no indication is given as to whether these potential hazards are present on site or not.

Leighton and Associates conducted a planning level study for the Whittier Main field in 1992. Based on a review of aerial photographs, existing maps and surface geologic mapping, that study identified fault, landslides, surficial soils, artificial fill, and other hazards on site. This data was to be used for planning of a proposed development project. Landslides and faults identified in that study are present in the vicinity of the planned East Well Site. Artificial fill was identified in the area of all three well sites and the truck loading area. As a minimum, a limited site-specific geotechnical study should be conducted for this project to evaluate what geotechnical hazards are expected on site with respect to the proposed improvements and to aid in developing recommendations to mitigate those hazards.

Section 4.4.4, Project Impacts and Mitigation Measures (Page 4.4-20)

The Draft EIR includes 31 mitigation measures. Because of the limited analysis of the actual site conditions, it appears that mitigation measures are presented for "what if" conditions. For example, rather than evaluating whether landslides are present in the project area, a mitigation measure is presented just in case one landslide area is present. Conversely, other mitigation measures that should have been discussed, such as fault rupture potential, were omitted. The Whittier Fault is mapped only 1,200 feet north of the site (not 2 miles as stated in the Draft EIR) and Yerkes has mapped faults trending toward two of the well sites. As such, an evaluation of the activity of these faults and the potential for surface rupture on the site should be conducted.

A more detailed geotechnical investigation of the site should be performed and the site conditions evaluated in more detail. The mitigation measures should be updated and revised based on the results of this investigation.

Implementation of the recommended mitigation measures is likely to increase the project footprint and the area disturbed by the project. For example, Mitigation Measure G-3b includes possible removal of potentially liquefiable soils and replacement with compacted fill to mitigate the potential for liquefaction. If liquefiable soils are 20 to 30 feet in depth, the excavation typically must extend laterally beyond the structure footprint twice the depth of the excavation (a 1:1 projection out from the building to provide support and a 1:1 projection back to the surface for a safe temporary construction slope).

Mitigation Measures GR-5b, GR-6b, and GR-7b also include measures that may include removal of uncontrolled fill, landslides, and slope materials to provide a stable site. Depending on the site

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conditions, such removals could require grading outside the limits of the well sites and access roads shown in the project description and, thus, result in disturbance to additional open space areas. A landslide has been previously identified below the East Well Site that may require remedial grading.²⁵ Estimates of the remedial grading required should be developed now so the full impact of the remedial measures may be evaluated.

Several of the mitigation measures require geotechnical analysis and submittal of geotechnical reports to address specific geotechnical hazards. The City is the reviewing agency for these reports, although Los Angeles County and California Code requirements are specified. It is suggested that the geotechnical reports be prepared in accordance with the County of Los Angeles Department of Public Works Manual for Preparation of Geotechnical Reports.²⁶ The submitted reports should be reviewed for conformance to applicable codes and standards. The review should be conducted either by an agency, such as the Los Angeles County Engineering Geology and Soils Engineering Sections, or a third party consultant familiar with geotechnical engineering, engineering geology and hillside development.

SECTION 4.5 NOISE AND VIBRATION

Comment 1: Inconsistency with Construction Noise Significance Criteria

The County of Los Angeles' noise standards for construction were discussed in the regulatory framework, but in the Significance Criteria the only condition in which construction noise was indicated to be considered significant was if construction activities were to occur outside of the City of Whittier Municipal Code timeframe of 7 a.m. to 6 p.m. weekdays or 8 a.m. to 5 p.m. on Saturdays (page 4.5-20).

It was indicated in the noise section that portions of the project (i.e., the pipeline) would be within County of Los Angeles unincorporated area (page 4.5-13). However, County noise standards for construction were not utilized to evaluate the noise impacts of these project elements. The analysis of the pipeline construction noise states, "Construction of the pipeline along Colima Road would generate noise at nearby residences. This would be considered a significant impact if the construction traffic occurred outside of the City Municipal Code allowed hours for construction" (page 4.5-22). To determine the noise impacts of a proposed project, Appendix G to the State CEQA Guidelines asks if a project would result in, "Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?" Therefore, it is recommended that the noise impacts of the construction of the proposed project that are within the County of Los Angeles be analyzed in relation to the County of Los Angeles' noise standards for construction noise.

²⁵ Leighton and Associates, Inc. 6 August 1992. Preliminary Geologic Map, Whittier Hills Properties in East Whittier, Los Angeles County, California, Project No. 2900389-03.

²⁶ County of Los Angeles Department of Public Works. July 2010. *Manual for Preparation of Geotechnical Reports*. Available at: <http://ladpw.org/services/publications.cfm>

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Comment 2: Lack of Discussion of Feasibility of Mitigation Measure for Construction Noise at Ranger Residence

The section indicates that the Ranger Residence would experience noise levels that exceed the City of Whittier General Plan allowable levels. The mitigation measure to reduce noise impacts at the Ranger Residence, Mitigation Measure n1-c, indicates that the Applicant shall work with the Preserve Authority to relocate the Ranger Residence to an area that is not subject to impacts (page 4.5-22). It is unclear whether coordination has already taken place with the Preserve Authority and whether the Preserve Authority would be amenable to relocating the Ranger Residence. Section 15126.4 of the State CEQA Guidelines indicates that, "If a mitigation measure would cause on or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed." The noise section does not discuss whether the relocation of the Ranger Residence would result in any new impacts. It is recommended that the noise section include a discussion of the function of the Ranger Residence and a discussion of whether the relocation of the Ranger Residence would result in any new significant effects.

Comment 3: Contradictory Statements Regarding Whether Noise from Operation of the Proposed Project Would Be Significant and Unavoidable Impact

In the discussion of noise from project operations, it is stated that noise from operation of the proposed project would be a significant and unavoidable impact:

Project operations would increase CNEL levels at multiple locations and the maximum hour noise levels would increase by more than 3 to 5 dBA at most locations, exceeding the limits defined in the General Plan and the thresholds. This would be a significant and unavoidable impact (page 4.5-38).

However, in the Residual Impacts section for noise from project operations indicates that, with mitigation, the impacts would be less than significant (page 4.5-40). It is recommended that noise from operation of the proposed project be revisited to determine whether the impacts would be less than significant.

SECTION 4.6 AESTHETICS AND VISUAL RESOURCES

Inadequate Information in Figures

Figure 4.6-1, *Viewing Locations* (page 4.6-4), does not indicate where project elements would be located in relation to the critical viewing locations. It is recommended that the figure be revised to identify project elements in the figure and show where they are located in relation to critical viewing locations.

Night-Lighting

The analysis of night lighting comes to the conclusion that the flashing red light that would be installed on the top of the drilling rig would not be a significant illumination impact because it

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would be less than the level that would be significant (page 4.6-31). In the discussion of Illumination, the Draft EIR indicates that, "If an area is relatively dark with minimal night lighting, then the addition of even a single strong light could produce impacts on receptors, particularly if those receptors are a residential area" (page 4.6-13). To determine the aesthetic impacts of a proposed project, Appendix G to the State CEQA Guidelines asks if a project would, "Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?" Given that the drilling rig would be in a location with generally no lighting, the installation of a flashing red light may provide a sufficient contrast to the existing conditions to be considered a significant impact. In any case, the evaluation of significance of the flashing red light should not be based on the luminance level it would be expected to generate, but on the visibility of the light and its potential for altering nighttime views from nearby viewsheds.

No Mitigation for Cumulative Impacts

Section 4.6.5, *Cumulative Impacts and Mitigation Measures*, identifies the potential removal of eucalyptus trees to reduce wildfire risk as a potential significant visual resource impact because the trees provide extensive shielding of proposed project equipment; however, no mitigation measures are identified (page 4.6-33). The project applicant and the City of Whittier should consider mitigating this impact by coordinating with the County of Los Angeles Fire Department and the City of Whittier to develop a different strategy to reduce wildfire risk that will either not remove or will replace the eucalyptus trees that would screen the proposed project from nearby viewsheds. As required by Section 15126.4 (a) of the State CEQA Guidelines, the EIR must identify mitigation measures for each significant environmental effect identified in the EIR. Therefore, a mitigation measure should be proposed for a scenario in which eucalyptus trees are removed. A recommended mitigation measure would be the planting native trees or shrubs around visible project elements to provide screening, similar to the already included Mitigation Measure AE-1a.

SECTION 4.7 TRANSPORTATION AND CIRCULATION

The following comments have been provided by Raju Associates, Inc., traffic engineers, based on a focused evaluation of the Transportation and Circulation Section and the supporting Traffic Study (Appendix E, *Traffic Impact Analysis for Whittier Hills Oil Fields, prepared by Overland Traffic Consultants, Inc., May 2010*), as well as the Transportation and Circulation impact portion of the Alternatives Analysis section of the Draft EIR. These comments are directed mostly on the factors that affect the project's impacts, mitigation measures, and the resulting potential residual significant impacts.

General Comments

Inadequate overall project description for traffic analysis. The proposed project should be presented with all necessary elements including all areas where construction activities would occur. Information on where construction traffic would access the various construction areas, amount of construction traffic, effects of construction along all the roadway segments including restriction of parking, turning movements, and reduction in number of lanes, if any, along the roadway segments as well as at intersections, should be clearly provided so that a complete estimation of project's impacts on the overall transportation system can be made.

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Inadequate project description of specific components for traffic analysis. It appears that the Transportation and Circulation section and the Traffic Impact Study (Appendix E) do not provide a complete enumeration of all the effects of the proposed project including additional construction trips, restricted parking, and reduced number of travel lanes where construction activities outside the project site are anticipated to occur. The specific effects of the proposed project's 2.8-mile pipeline connection to the Crimson Pipeline System via a tie-in at Leffingwell Road and La Mirada Boulevard during the construction phase have not been discussed.

Inadequate estimation of construction effects. It is not clear what the extent or limits of construction effects are for the pipeline construction and tie-in to the Crimson Pipeline System components of the proposed project. The dimensions of the pipelines, their construction zones, and pipeline connections are not discussed in the EIR and therefore, it is not possible to estimate if restriction of travel lanes, turn lanes, and parking along Colima Road and La Mirada Boulevard would be required to facilitate that construction. Further, the extent of these impacts and their level of significance cannot be estimated without a clear definition of the proposed project's components (from a traffic evaluation perspective).

Potential underestimation of traffic impacts. It appears that the trip generation of the proposed project's components and phases has no basis. The project description does not provide enough construction detail to estimate the magnitude of proposed project construction activities and consequently, estimate the level of construction worker and truck traffic. A clear sequence of all construction activities, on- and off-site including the magnitude of construction and their time period should be provided so that a clear and complete evaluation of magnitude as well as the time period of construction can be properly estimated. Additionally, the traffic impact study (Appendix E, Chapter 4, *Project Traffic Generation*, page 14) provides an assumption for a passenger-car-equivalent (PCE) value of 2.0 for all trucks "to account for the additional space and time for turning movements and start-up that trucks take". The Highway Capacity Manual provides very detailed information on PCEs. Per the HCM, PCEs are dependent on a number of factors, the primary ones being the type of terrain (level, rolling, or mountainous) and length of grade, and the PCEs for trucks in this area would have to be greater than 2.0 (2.5 to 3.0). Therefore, the number of PCEs used in the trip generation for the project phases are low, and consequently the trip generation and project's effects are underestimated.

Inadequate Scope of Traffic Study. It appears that the proposed project consists of construction activities along Colima Road and La Mirada Boulevard to Leffingwell Road to build the pipeline and tie-in to the existing Crimson Pipeline System. This construction would include traffic effects at numerous critical intersections namely Colima Road at Lambert Road, Colima Road at La Mirada Boulevard, La Mirada at Mulberry Road, and La Mirada Boulevard and Leffingwell Road. Yet these intersections have not been analyzed in the Traffic Impact Study (Appendix E) and consequently, the Transportation and Circulation section of the EIR. Additionally, the project study area includes four Congestion Management Program (CMP) arterial monitoring locations: Whittier Boulevard at Norwalk Boulevard, Whittier Boulevard at Painter Avenue, Whittier Boulevard at Colima Road, and Colima Road at Hacienda Boulevard. The study has analyzed only two of these locations and would need to include the other two. Further, two additional CMP Freeway Monitoring locations in the study area should also be included in the CMP analysis.

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Erroneous Analysis Assumptions in the Traffic Impact Study and the Draft EIR. It appears that the Overland Traffic Consultants' traffic study analyzed twelve (12) intersections as part of the project's traffic impact evaluation. Specific lane geometry assumptions have been made in the intersection capacity analysis (as is reflected in the Appendix E Figure titled "Roadway and Intersection characteristics" as well as in the analysis worksheets) at these 12 locations. These intersection lane geometric assumptions do not reflect reality or represent what is currently on the ground (based on field observations) at 6 of the 12 intersections analyzed in the report. These errors could change the results and consequently, the impacts at these intersections.

Deficient Methodology of Roadway Segment Analysis and Under Estimation of Impacts. The Roadway Segment Analyses presented in the Transportation and Circulation section of the Draft EIR (Tables 4.7-10, 4.7-20, 4.7-21, 4.7-27, 4.7-28, 4.7-29, and 4.7-30) have been evaluated without any consideration of direction flow of traffic on these roadway segments during peak hours, contrary to standards of practice. The peak hour directional splits along these roadways are such that there is substantial difference in traffic volumes along the two directions of any roadway segment and consequently, the operation of the roadway segment in the peak direction of travel. Many roadways are congested only in the peak direction of travel during peak hours and the analysis presented does not take this into account. Further, the magnitude of project traffic added to these roadway segments and consequently, its impacts, is also very directional (see Figure E-34 and E-35 of Appendix E). The aggregation of the effects of project's traffic in both directions (provided in the Report Tables 4.7-19 to 21 and 4.7-27 to 29) presents a skewed and reduced representation of actual project traffic impacts.

Section 4.7.4.5, Project Impacts Mitigation Measures

Page 4.7-28 of the Draft EIR states: "Under worst-case conditions, significant impacts would occur at the intersections of Colima Road and Whittier Boulevard, and at Colima Road and Mar Vista Street, and at the street segment on Mar Vista Street west of Colima Road. The impacts would occur during temporary Phase 1 and Phase 2." In order to alleviate these impacts, the report recommends Mitigation Measures T-1a, T-1b, T-1c, T-1d, and T-1e.

- Mitigation Measure T-1a recommends provision of re-striping to provide northbound and southbound left- and shared-through right-turn lanes. There are two issues associated with this mitigation measure as noted here. The two legs of Catalina Street are not aligned at this intersection, thereby making this location equivalent to two closely spaced T-intersections. The north leg of Catalina Street is located approximately 150 feet west of the T-intersection at Mar Vista Street and the south leg of Catalina Street. By re-striping the south and north approaches to have a left-turn lane and a shared-through right-turn lane, the through movements at these T-intersections would have to turn left onto Mar Vista Street from both north and south Catalina Streets and since there is only one receiving lane along Mar Vista Street, the mitigation measure as proposed is infeasible. If the intent of the mitigation measure is to separate the right- and left-turn movements at the two T-intersections of Catalina Street at Mar Vista Street, then the two north and south approaches would have to be re-striped to provide separate right- and left-turn

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lanes. The second issue with this mitigation measure is that it calls for parking restriction immediately north of intersection. This would cause a secondary impact in the form of loss of parking spaces in a residential area adjacent to the intersection. This impact has not been disclosed in the Transportation and Circulation section of the Draft EIR.

- Mitigation Measure T-1b at Colima Road and Whittier Boulevard calls for installation of northbound and southbound right-turn overlaps along with eastbound and westbound left-turn phases. The northbound and southbound right-turn overlaps (along Colima Road) already exist today. In other words, this mitigation measure is already existing in the field and therefore, not available for future implementation and mitigation credit.
- Mitigation Measures T-1c and T-1d call for the following: "Limit project-related traffic at Mar Vista and Catalina to non-peak hours, and limit Phase 2 truck and employee access". The issue with this mitigation measure is one of implementation and effectiveness from a practical standpoint. It is unclear from the Draft EIR Mitigation Measures T-1c and T-1d descriptions on page 4.7-29 as to what the specific action or meaning of the mitigation measure is. These mitigation measures are not practical from an implementation and monitoring perspective – just posting signs stating that construction-related traffic cannot access the site during specific times of the day from a specific location will not effectively cause that to happen. Unless specific construction times are restricted, the specific times of construction traffic restriction along specific roadways may not be possible to implement / monitor / enforce. Further, to limit Phase 2 construction employees and truck access via Catalina and Mar Vista Streets may also not be physically possible to implement and/or enforce. Given these considerations, residual significant impacts during Phase 2 would most likely remain at the intersection of Mar Vista and Catalina Streets and along the Mar Vista Street segment west of Colima Street.

Page 4.7-30 of the Draft EIR states that:

Pipeline construction along Colima Road and La Mirada Boulevard could potentially cause traffic impacts that temporarily reduce the capacity of street system, resulting in substantial increase in the v/c ratio on roads and LOS, or congestion at intersections; inhibit emergency response by paramedic, fire, ambulance, and police vehicles; affect existing roadside parking; inhibit access to private and commercial driveways.

Section 4.7 goes on to list Mitigation Measure T-2 with an extensive list of 14 different traffic management measures. This impact statement and the recommended mitigation measure completely lack specificity. First of all, there is no quantitative analysis of construction traffic associated with the pipeline construction in the Section 4.7, *Transportation and Circulation*, of the Draft EIR or Appendix E to arrive at these broad impact and mitigation measures' effectiveness conclusions. The duration and extent of construction activities on-street along Colima Road and La Mirada Boulevard including critical intersections affected need to be clearly stated. Additionally,

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both qualitative and quantitative enumeration of the effects on travel lanes, turn lanes, use of parking spaces, availability of vehicular and pedestrian access to affected properties along these streets, bus stops, bus operations, and then identification of significant impacts at specific locations along these streets and intersections due to the same, need to be provided. Finally, an evaluation of these specific mitigation measures to address the specific traffic and parking impacts noted above needs to be provided, along with a detailed effectiveness analysis. Without clear enumeration of the location, magnitude, and significance of specific types of impacts (traffic, parking, bus stop, pedestrian, bike, and access impacts) and the effectiveness of the specific mitigation measures' elements in alleviating those impacts, a blanket determination of the residual level of significance cannot be made in such broad terms, particularly for a 2.8-mile pipeline construction element that potentially could affect several major arterials and CMP intersections. A nexus between impacts, mitigation measures, effectiveness, and consequently, the residual significant impacts should be established in the EIR. Section 4.7.4.5 does not provide a clear definition or specification of impacts and corresponding mitigation measures associated with the 2.8-mile pipeline construction element of the proposed project.

Section 4.7.5.1, Cumulative Impacts and Mitigation Measures (Page 4.7-47)

This section (similar to the Project Impacts and Mitigation Measures Section) does not include the effects of one of the proposed project elements, Pipeline Construction along Colima Road and La Mirada Boulevard, in the assessment of cumulative impacts and consequently, the mitigation measures. The study should address the cumulative effects including all the potential effects (lane closures, restriction of turns, parking, etc.) of all components of the proposed project. Therefore, the cumulative impacts are under-estimated. The cumulative impacts evaluation needs to be updated to include all the relevant comments noted on the project impacts section, above.

This section includes mitigation measures at various significantly impacted intersections identified in the study. The mitigation measures offer payment of fair-share contribution towards widening and improving intersections, street segments, signal system improvements, and lane re-striping improvements. The physical feasibility of these improvements has not been established although the mitigation measure descriptions do state whether a specific improvement can be implemented within existing right-of-way or not. However, there is no discussion or preliminary conceptual analysis of the extent of width and length of physical widening and consequently, the amount of right-of-way needed. The actual potential availability of this right-of-way need and hence, the improvement's technical feasibility has not been established. In other words, the potential possibility of implementation of these mitigation measures have not been determined or assessed in this section. The potential secondary impacts, if any, (e.g., land-use or right-of-way) resulting from these cumulative mitigation measures have not been addressed in the EIR.

This section includes signal system improvement for "overlaps" at intersections (#10 and #12). These "overlaps" already exist in the field and therefore, there is no mitigation measure at these locations.

This section includes a striping modification mitigation measure at intersection no. 9 (Three Palms Drive and Hacienda Boulevard). This mitigation calls for different use of the same lane at the

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intersection during AM and PM peak hours. This is not a feasible mitigation measure, since it is not a practical implementable solution.

This section includes a segment cumulative improvement description for Mar Vista Street west of Colima Road that calls for removal of traffic calming measures such as "bulge outs" along Mar Vista Street, although the exact same improvement has been discarded as "infeasible" in another section of the report (see discussion of residual impacts on page 4.7-29, third paragraph starting with "limiting traffic to non-peak hours... where it states "Temporary elimination of the bulge-outs was determined to be infeasible."). Yet, in the cumulative improvements section (Section 4.7.5.1, page 4.7-47), there is the use of an already determined "infeasible" improvement to reduce the cumulative traffic impact. This inconsistency leads to the conclusion that there would be residual cumulative significant impacts due to the proposed project along Mar Vista Street west of Colima Road.

Section 4.7.6, Mitigation Monitoring Plan (Page 4.7-48)

This section includes a table showing all the mitigation measures, requirements, compliance verification method, timing, and responsible party. The mitigation requirements and compliance methods do not correlate with the descriptions for Mitigation Measures T-1c and T-1d. The mitigation measures do not involve any form of capacity improvements or access enhancements and therefore, do not comply to the requirements or compliance verification noted in the table. Limits on usage and operation would not only require verification at the time of implementation but also require constant monitoring and enforcement. These requirements have not been discussed in the table. The same issue applies to Mitigation Measure T-2a, for various items where compliance with specific traffic control plans, construction time periods, preparation and use of construction zones, and consequent reduction of capacities through lane closures and other restrictions would need to be monitored and enforced throughout the course of construction of the pipeline, tie-in, and re-construction of the pavement along Colima Road and La Mirada Boulevard.

SECTION 4.8 HYDROLOGY AND WATER RESOURCES

The following comments have been provided by Psomas, based on a focused evaluation of the Hydrology and Water Resources section of the Draft EIR. These comments are directed mostly on the factors that affect the project's impacts, mitigation measures, and the resulting potential residual significant impacts.

General Comments

This section lacks a hydrology study that would compare existing and proposed drainage patterns and flow rates. This analysis is necessary because the location and sizing of potential mitigation measures, such as detention basins, can affect the project description and project boundary and can invoke other environmental impacts.

A project hydrology study may demonstrate the need for additional storm drain facilities to ensure existing and proposed flow rates and velocities are similar and do not create a significant impact.

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Project impact numbers WR.1, WR.2, WR.3, and WR.4 describe the phase of the impact to occur during drilling, testing, and construction. However, because the project will exist in perpetuity, the phase of "post construction" should be added to the list of project phases for these project impacts.

Section 4.8.2.2, Reference to NPDES within SWRCB Section (Page 4.8-4)

Parallel to the other policies and regulations mentioned in this section, the State Water Resources Control Board section should include a reference to the Construction General Permit Order 2009-0009-DWQ, the regulation for storm water discharges from construction sites.

Section 4.8.4, Analysis of Potential Increases in Storm Runoff Lacking Appropriate Detail (Page 4.8-6)

The second paragraph of this section states that the "...the overall increase of impervious surface is expected to be minimal and would not alter downstream 100-year flood hazard areas. Any increase in runoff could be mitigated onsite to avoid any slight decrease in downstream storm drain facility capacity." Without a hydrology study based on the County of Los Angeles methodology, it is difficult to verify the accuracy of this conclusion and the capital flood should not be the only storm event investigated.

Section 4.8.4, Mitigation Measure WR-1c (Page 4.8-7)

Catch basin inserts are good at catching trash and debris. However, "filter technology" is so general that some filters would not be appropriate to capture other pollutants of concern, such as suspended sediment and potentially oil. It is recommended that filter technology be further specified to silt fence, straw wattle, or absorbent materials for example.

Section 4.8.4, Impact # WR.2 (Page 4.8-7)

This section describes the grading for access road, pads, and well cellars. However, because the project site is in a hillside area and because there will be trenching for water and oil line pipes, the trenching for utilities should be noted as one of the construction activities. This is important because during construction of utility trenches in hillside areas, these trenches can become conduits for storm runoff and can create large amounts of erosion. Potential mitigation measures during construction of trenches could include installation of check dams, additional desilting basins, and possibly temporary redirection of flow.

Section 4.8.4, Impact # WR.3 (Page 4.8-9)

The paragraph that follows the impact description of WR.3 discusses the consequences of increased imperviousness. It should also be noted that changing the hydrologic boundaries and redirecting runoff can also result in higher runoff volume and higher peak flows. This is important because it may be a more significant factor for this project, rather than the minimal increase in impervious area.

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SECTION 4.11 LAND USE AND PLANNING

General Comments

Listed below are observations and concerns regarding the analysis found within the Draft EIR. Overall the land use section of the Draft EIR lacks specificity and proper detail to make an appropriate evaluation of the proposed project's impacts. The Draft EIR land use assessment displays weakness in the following areas:

- Insufficient analysis with respect to Proposition A
- Deferred analysis with respect to project impact conclusions
- Inconsistent characterization of significant and unavoidable impacts

The following is a list of several land use issues that should be reconsidered by both the project applicant consultant team and the City of Whittier.

The Draft EIR did adequately summarize the land use impacts that are likely to occur at the proposed project site and vicinity. The Draft EIR did not focus the analysis of the potential impacts to land uses with the implementation of the proposed project's crude oil and gas pipelines. The proposed project should have evaluated the potential incompatibility of oil field development with the specific land uses along the proposed oil and gas pipeline. Sensitive receptors along the pipeline should have been identified and the potential of risk of upset and land use incompatibility should have been analyzed.

At the most basic level, the Draft EIR needs to demonstrate compliance with the process set forth in the State CEQA Guidelines; the Draft EIR must also show that the applicant has acted in accordance with the goals of CEQA. Section 15002(f) of the State CEQA Guidelines makes clear that:

An environmental impact report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage.

The Draft EIR failed to address the potential significant environmental impacts related to land use (including the identification of sensitive land uses and receptors) along the proposed pipeline routes.

Deferred Analysis with Respect to Project Impact Conclusions (Page 4.11-20)

When evaluating if the project is consistent with General Plan policies and regulations, the Draft EIR defers the project impact conclusion to the decision-makers and then proceeds to state that mitigation measures in other resources areas would result in no significant impact to land use. This conclusion is not logical given that the proposed project would result in significant and unavoidable impacts to visual resources and noise (page 4.11-20, second to the last paragraph under Residual Impacts, and page 4.11-21, third paragraph). The analysis fails to address the

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question regarding the proposed project's consistency with the exiting plans and regulations (i.e., Proposition A, etc.).

Insufficient Conclusions regarding Project Consistency (Page 4.11-24)

Page 4.11-24 (entire policy consistency analysis subsection), the Draft EIR mischaracterizes the project's consistency with the various plans, goals, and policies. In numerous places within the document (beginning on Page 4.11-24), the document misrepresents the proposed project's conflict with local policy. Table 1, *Sampling of Draft EIR Inconsistency with Plan, Policies, and Goals*, below presents a brief sampling of these errors. As noted in column two of the table (Draft EIR Policy Analysis), the Draft EIR presents non-committal conclusions regarding the project consistency with the General Plan, goals and policies.

TABLE 1
SAMPLING OF DRAFT EIR INCONSISTENCY WITH PLAN, POLICIES, AND GOALS

Policy	Draft EIR Policy Analysis	District Evaluation of Draft EIR Policy Analysis	District Brief Analysis
City of Whittier General Plan			
Policy 5.1: Develop and retain parks and recreation areas throughout the City to serve the greatest number of residents.	Consistency Analysis: The proposed project is within the City-owned portion of the Preserve. The proposed project would utilize portions of the existing Arroyo Pescadero Trailhead, thereby impacting portions of each of the three trails. However, mitigation measures developed for Section 4.14, Recreation, could offset some of the associated impacts to recreation. Therefore, the proposed project <u>may be consistent</u> with this policy.	Conflict	The proposed project is in direct conflict with the City's General Plan Policy 5.1. The proposed project by its very nature eliminates parkland in an established Preserve. The intent of the policy is to preserve parks and recreation and the proposed project would eliminate at least 7 acres of open space and park land and impact an exiting trailhead, therefore, the proposed project conflicts with this policy.
Goal 6: Encourage the retention and development of parkways, median strips, green belts, bike trails, and other open landscape areas, which provide scenic variety	Consistency Analysis: The proposed project is within an area with important ecological resources as identified in the Resource Management Plan. The potential for oils spills	Conflict	The proposed project does not retain or preserve open space, recreational areas or trails. The project would be located within an important ecological resource area and would

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TABLE 1
SAMPLING OF DRAFT EIR INCONSISTENCY WITH PLAN, POLICIES, AND GOALS,
Continued

Policy	Draft EIR Policy Analysis	District Evaluation of Draft EIR Policy Analysis	District Brief Analysis
and aesthetic improvement.	<p>during drilling and production and from the oil and gas pipeline is a primary concern affecting these resources. Section 4.2, Biological Resources, discusses biological impacts of oil spills. Mitigation measures developed for Section 4.2 would minimize these impacts.</p> <p>The proposed project would utilize portions of the existing Arroyo Pescadero Trailhead, thereby impacting portions of each of the three trails used for recreational activities. However, mitigation measures developed for Section 4.14, Recreation, <u>could</u> offset some of the associated impacts to recreation. Therefore, the <u>proposed Project may</u> be consistent with this policy.</p>		<p>reduce the amount of open space, recreational areas or trails. The purpose of mitigation measures are to offset the impact(s) a project may have. The fact that the policy analysis can not quantify if the mitigation measures (referenced in Section 4.14) are effective at reducing the impact to less than significant presents an inconclusive evaluation. Specific word choices such as "could" and "may" are used which are not definitive as describing or evaluating the project's impact.</p>
<p>Policy 6.4: Promote the preservation of important ecological resources within the planning area through a variety of means, including setting aside areas for open space, trails, and recreational uses.</p>	<p>Consistency Analysis: The proposed project is within an area with important ecological resources as identified in the Resource Management Plan. The potential for oils spills during drilling and production and from the oil and gas pipeline is a primary concern</p>	<p>Conflict</p>	<p>The same analysis is presented under Goal 6 and for Policy 6.4. The proposed project does not promote the preservation of important ecological resources. The proposed project by its very nature eliminates parkland in an established Preserve; the</p>

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TABLE 1
SAMPLING OF DRAFT EIR INCONSISTENCY WITH PLAN, POLICIES, AND GOALS,
Continued

Policy	Draft EIR Policy Analysis	District Evaluation of Draft EIR Policy Analysis	District Brief Analysis
	<p>affecting these resources. Section 4.2, Biological Resources, discusses biological impacts of oil spills. Mitigation measures developed for Section 4.2 would minimize these impacts.</p> <p>The proposed project would utilize portions of the existing Arroyo Pescadero Trailhead, thereby impacting portions of each of the three trails used for recreational activities. However, mitigation measures developed for Section 4.14, Recreation, <u>could</u> offset some of the associated impacts to recreation. Therefore, the proposed Project <u>may be consistent</u> with this policy.</p>		<p>project site is designated as Preservation Management and Core Habitat Zones in the RMP; therefore, the project is inconsistency with the goal and intent of Policy 6.4. Additionally, the fact that the policy analysis can not quantify if the mitigation measures referenced are effective at reducing the project's impact to less than significant presents an inconclusive evaluation. Specific word choices such as "could" and "may" are used, which are not definitive as describing or evaluating the project's impact.</p>

Pursuant to Section 15002(h)(2) of the State CEQA Guidelines, the City of Whittier has the responsibility to evaluate and fully consider imposing conditions for project approval that would protect the environment from significant impacts related to land use and planning. No specific, feasible mitigation measures were provided for land use and planning, even though the analysis in the Draft EIR indicates that the proposed project would be inconsistent with various policies in the City of Whittier's General Plan. As stated in Section 15003(f) of the State CEQA Guidelines, the project applicant has an obligation to afford the "fullest possible protection to the environment within the reasonable scope of the statutory language." Inconsistencies with the City of Whittier General Plan Land Use element should be addressed and proper mitigation measures provided.

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Section 4.11, Characterization of Significant and Unavoidable Impacts (Pages 4.11-20- 4.11-22)

Section 15002(h) of the State of California Environmental Quality Act (CEQA) Guidelines states:

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

The Draft EIR conclusions regarding the ability to mitigate impacts to land use below the level of significance are not supported by substantial evidence. Page 4.11-22 (last paragraph) of the Draft EIR states:

Implementation of mitigation measures throughout all other issue areas within the document, particularly Air Quality, Biology, Water Resources, Noise, and Aesthetics and Visual Resources would reduce impacts to less than significant with mitigation. However, aesthetic impacts would remain significant after mitigation and create incompatibility issues that are detailed in impact LU.2.

However, this characterization of impacts is not correct. As stated on page 4.11-20 (third paragraph), Impact LU.2, the project's drilling activities would increase noise levels that would be incompatible with adjacent land uses and impacts would be significant and unavoidable after incorporation of mitigation.

Insufficient Proposition A Analysis (Page 4.11-22)

Page 4.11-22 (under Impact LU.6) states "The proposed Project conflicts with adopted land use plans, policies, ordinances, habitat conservation plans, or planning efforts to protect the recreational resources of the area," however, there is no analysis on the relationship and interaction between the funds used under Proposition A to acquire the proposed project site, the regulations and procedural requirements of Proposition A, and the proposed project's potential conflict. Specifically, the proposed project should have been evaluated with the following sections of the 1992 Proposition.

Section 16. (a) stipulates that no funds authorized under Section 8 may be disbursed to any recipient unless the recipient agrees:

- (1) To maintain and operate in perpetuity the property acquired, developed, improved, rehabilitated or restored with the funds. With the approval of the granting agency, the recipient or its successors in interest in the property may transfer the responsibility to maintain and operate the property in accordance with this Section.

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- (2) To use the property only for the purposes of this order and to make no other use, sale, or disposition of the property, except as provided in subdivision (b) of this Section 16.²⁷

- (b) If the use of the property acquired through grants pursuant to this order is changed to one other than a use permitted under the category from which the funds were provided, or the property is sold or otherwise disposed of, an amount equal to the (1) amount of the grant, (2) the fair market value of the real property, or (3) the proceeds from the portion of such property acquired, developed, improved, rehabilitated or restored with the grant, whichever is greater, shall be used by the recipient, subject to subdivision a of this Section, for a purpose authorized in that category or shall be reimbursed to the Parks Fund and be available for appropriation only for a use authorized in that category. If the property sold or otherwise disposed of is less than the entire interest in the property originally acquired, developed, improved, rehabilitated or restored with the grant, an amount equal to the proceeds or the fair market value of the property interest sold or otherwise disposed of, whichever is greater, shall be used by the grantee, subject to subdivision (a) of this Section, for a purpose authorized in that category or shall be reimbursed to the Parks Fund and be available for appropriation only for a use authorized in that category.²⁸

Specified Use of the Grant Money

None of the mitigation measures included in the land use section of the Draft EIR addresses the impact of the land lost (a minimum of a 7 acres reduction) within the Preserve. As the grant monies were originally designated for land conservation, it would appear prudent to quantify the total area of impact, including the direct, indirect, and cumulative effects and provide for a land acquisition mitigation measure such that there is no net loss in the size of the conservation area. Section 16 of the 1992 Proposition states the following:

Section 16. (a) requires that no funds authorized under Section 8 may be disbursed to any recipient unless the recipient agrees:

- (1) To maintain and operate in perpetuity the property acquired, developed, improved, rehabilitated or restored with the funds. With the approval of the granting agency, the recipient or its successors in interest in the property may transfer the responsibility to maintain and operate the property in accordance with this Section.

²⁷ County of Los Angeles. Accessed 8 November 2010. 1992 Proposition. Available at: http://openspacedistrict.lacounty.info/cms1_033687.pdf

²⁸ County of Los Angeles. Accessed 8 November 2010. 1992 Proposition. Available at: http://openspacedistrict.lacounty.info/cms1_033687.pdf

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- (2) To use the property only for the purposes of this order and to make no other use, sale, or disposition of the property, except as provided in subdivision (b) of this Section 16.²⁹
- (b) If the use of the property acquired through grants pursuant to this order is changed to one other than a use permitted under the category from which the funds were provided, or the property is sold or otherwise disposed of, an amount equal to the (1) amount of the grant, (2) the fair market value of the real property, or (3) the proceeds from the portion of such property acquired, developed, improved, rehabilitated or restored with the grant, whichever is greater, shall be used by the recipient, subject to subdivision a of this Section, for a purpose authorized in that category or shall be reimbursed to the Parks Fund and be available for appropriation only for a use authorized in that category. If the property sold or otherwise disposed of is less than the entire interest in the property originally acquired, developed, improved, rehabilitated or restored with the grant, an amount equal to the proceeds or the fair market value of the property interest sold or otherwise disposed of, whichever is greater, shall be used by the grantee, subject to subdivision (a) of this Section, for a purpose authorized in that category or shall be reimbursed to the Parks Fund and be available for appropriation only for a use authorized in that category.³⁰

Section 17 (b) states that for the purposes of the order, acquisition may include gifts, purchases, leases, easements, the exercise of eminent domain if expressly authorized, the transfer or exchange of property of like value, transfers of development rights or credits, and purchases of development rights and other interests.³¹

Procedural Provisions of the Disposal of the Lands

The Procedural Guide assists agencies in the application and administration of grant funds allocated in the Safe Neighborhood Parks Propositions of 1992 [Sections 8(a)(1), 8(a)(2), 8(b)(1), 8(b)(2), and 8(d)] and 1996 [Sections 3(a)(1), 3(b), 3(c)(1), and 3(c)(2) and 24].³² The Draft EIR Land Use section has not specified how the project will meet the Procedural Guide.

A resolution of any disposal of property affecting the drilling for oil on the subject property may include considering some of the proceeds to be derived from the oil operation as non-recreational income. Section (3)(B)(7) of the Procedural Guide outlines the process:

²⁹ County of Los Angeles. Accessed 8 November 2010. 1992 Proposition. Available at: http://openspacedistrict.lacounty.info/cms1_033687.pdf

³⁰ County of Los Angeles. Accessed 8 November 2010. 1992 Proposition. Available at: http://openspacedistrict.lacounty.info/cms1_033687.pdf

³¹ County of Los Angeles. Accessed 8 November 2010. 1992 Proposition. Available at: http://openspacedistrict.lacounty.info/cms1_033687.pdf

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III.B.7. Use of Income

Any income accruing from the intended recreational uses of a Project may be spent at the Grantee's discretion, consistent with the Grantee's normal procedure.

If the Grantee earns any gross income from non-recreational use of a Project (such as rental from agricultural or concession leases), the Grantee must use the funds for recreation development or additional acquisition, operation, or maintenance at the Project site, unless the District approves otherwise.

Gross income that accrues to a Project during and/or as a part of Project development, from sources other than the intended use(s), also must be used for further development of that particular Project.

If the gross income and earned interest are not used for additional acquisition, development, operation, programming, or maintenance of the Project, and the District has not approved another use of such income, then the Grantee must return such income and interest to the District, or the District will reduce the amount of the Grant by the amount of such income and interest.

Gross income includes the fair market value of real property, personal property, and personal services received in exchange for non-recreational activity conducted on the land acquired and/or developed.

Public Park Preservation Act of 1971 (Public Resources Code Section 5400-5409)

According to the Public Park Preservation Act of 1971, a "public park" includes only a park operated by a public agency. Per Section 5400.6 of the Act, "operating entity" means the entity owning the park land and the facilities thereon. The Draft EIR has not analyzed or explained how the proposed project would comply with Sections 5401, and 5405 of the Park Preservation Act, as provided below:

5401. (a) No city, city and county, county, public district, or agency of the state, including any division, department or agency of the state government, or public utility, shall acquire (by purchase, exchange, condemnation, or otherwise) any real property, which property is in use as a public park at the time of such acquisition, for the purpose of utilizing such property for any nonpark purpose, unless the acquiring entity pays or transfers to the legislative body of the entity operating the park sufficient compensation or land, or both, as required by the provisions of this chapter to enable the operating entity to replace the park land and the facilities thereon' (b) Where the operating entity and the acquiring entity are one and the same, the entity is subject to the provisions of this chapter pertaining to both operating and acquiring entities, and the entity is, as acquiring entity, required to make funds or land, or both, available pursuant to Section 5405 or 5407.2, and, as

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operating entity, required to acquire or improve park lands and facilities pursuant to Sections 5404, 5407, 5407.1, and 5407.2.

The Draft EIR did not evaluate how the proposed project would comply with the requirements of Section 5405 pertaining to the mitigation requirements for the disposal of lands:

5405. Unless the provisions of Section 5407.2 are applicable, the amount of compensation or land, or both, required by this chapter for the taking of the park land and facilities shall be equal to one of the following: (a) The cost of acquiring substitute park land of comparable characteristics and of substantially equal size located in an area which would allow for use of the substitute park land and facilities by generally the same persons who used the existing park land and facilities, and the cost of acquiring substitute facilities of the same type and number, plus the cost of development of such substitute park land, including the placing of such substitute facilities thereon; (b) Substitute park land of comparable characteristics and of substantially equal size located in an area which would allow for use of the substitute park land by generally the same persons who used the existing park land, and the cost of acquiring substitute facilities of the same type and number, plus the cost of development of such substitute park land, including the placing of such substitute facilities thereon; (c) Any combination of substitute park land and compensation in an amount sufficient to provide substitute park land of comparable characteristics and of substantially equal size located in an area which would allow for use of the substitute park land and facilities by generally the same persons who used the existing park land and facilities, and to provide substitute facilities of the same type and number, plus the cost of development of such substitute park land, including the placing of such substitute facilities thereon.

SECTION 4.14 RECREATION

Section 4.14.2, Regulatory Setting (Page 4.14-5)

The Regulatory Setting does not address the County of Los Angeles Department of Parks and Recreation's Strategic Management Asset Plan for 2020 and its goals. The County of Los Angeles Department of Parks and Recreation's Strategic Management Asset Plan for 2020 outlines recreation goals for the County of Los Angeles.

Section 4.14.3, Significance Criteria (Page 4.14-8)

The Draft EIR states the significance criteria for the proposed project are based on the "California Environmental Quality Act (CEQA) guidelines and previous Environmental Impact Reports on regional energy projects."³³ However, the significance criteria presented is not consistent with the CEQA significance criteria.

³³ City of Whittier. October 2010. *Whittier Main Oil Field Development Project Environmental Impact Report, Public Draft*. Prepared by: Marine Research Specialists, Ventura, CA.

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Section 4.14.4, Project Impacts and Mitigation Measures (Page 4.14-9)

Consequently, the project impacts do not address how the proposed project would potentially impact recreation in regards to meeting the goals of the Strategic Management Asset Plan for 2020.

The proposed project would not meet the goals of the Strategic Management Asset Plan for 2020. Mitigation measures should be included to ensure the recreation goals of the Strategic Management Asset Plan for 2020 are met.

The Draft EIR states the proposed project site will prohibit user access to three of the Arroyo Pescadero Trailheads and the Deer Loop Trail. Mitigation Measures (REC-1a and REC-1b) in the section state the Applicant shall construct and maintain a pedestrian trail. As the proposed project is impacting more than one trail, mitigation measures should be added to address construction and maintenance of more than one pedestrian trail.

The Draft EIR offers Mitigation Measure REC-1a as "The Applicant shall construct and maintain a pedestrian trail...."³⁴ Though the mitigation measure states maintenance will be included in the proposed project, the mitigation measure does not state the kind of maintenance that will be provided. The mitigation measure should include specific measures the City will take to maintain trails for recreational uses.

The Draft EIR states that Mitigation Measures REC-1a and REC-1b will ensure the construction and maintenance of a pedestrian trail. However, the trails that will be impacted by the proposed project (the Arroyo Pescadero Trailheads and the Deer Loop Trail) are multi-use trails for hiking, pets on leash, and horseback riding. Mitigation measures should be added to address construction and maintenance of multi-use trails.

Section 4.14.5, Cumulative Impacts and Mitigation Measures (Page 4.14-12)

The Cumulative Impacts and Mitigation Measures section states that, "none of the proposed residential, commercial, or institutional projects listed in Section 3.0, Cumulative Projects Description would impact recreation at the Preserve."³⁵ However, in Section 15130, Discussion of Cumulative Impacts, in CEQA,³⁶ cumulative impacts are defined as impacts that are created as a result of a combination of the proposed project evaluated in the EIR with other projects. In this Draft EIR, the cumulative impacts did not include the impacts the proposed project has on the Preserve. The cumulative impacts should include the impacts the proposed project has on the Preserve in addition to the proposed residential, commercial, or institutional projects listed in Section 3.0, *Cumulative Projects Description*.

³⁴ City of Whittier. October 2010. *Whittier Main Oil Field Development Project Environmental Impact Report, Public Draft*. Prepared by: Marine Research Specialists, Ventura, CA.

³⁵ City of Whittier. October 2010. *Whittier Main Oil Field Development Project Environmental Impact Report, Public Draft*. Prepared by: Marine Research Specialists, Ventura, CA.

³⁶ Association of Environmental Professionals. 2010. *2010 California Environmental Quality Act (CEQA) Statute and Guidelines*. Available at:
<http://www.califaep.org/resources/Documents/FINAL%20CEQA%20Handbook%20HighQuality.pdf>

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SECTION 5.0 WHITTIER PROJECT ALTERNATIVES ANALYSIS

Section 5.1, Description of Alternatives and Screening Analysis

On page 5.2, the viable alternatives to the proposed project discussion needs to be presented with all necessary elements including a preferred access road so that the total impacts of the alternative can be equally compared to the total impacts of the proposed project. The Draft EIR configuration of "groups" of alternatives (Alternative Drilling and Production Sites; Alternative Access Roads; Alternative Truck Loading Facilities; and Alternative Pipeline Routes) does not permit this. It is necessary to have all project components described for each alternative because the total impacts for the alternative are compared to the total impacts of the proposed project and the alternative is either screened out or kept for further detailed analysis and comparison to the proposed project.

Screening out of alternatives "Savage Canyon Landfill" and "La Habra Pipeline": Considering the benefits of each of these alternatives for moving project elements away from residences and habitat areas, the screening analysis data is too general to adequately make a determination of the viability of these alternatives. Section 15126.6(b) of the State CEQA Guidelines indicates that "the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening and significant effects of the project, *even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.*" The Draft EIR lacks concrete data with references that demonstrates and reinforces the decision to eliminate these alternatives from further consideration.

Transportation and Circulation

Alternatives analyses do not provide any quantitative evaluation of the specific transportation related impacts of the various components of the proposed project, although some of these alternatives have been designed for their construction traffic to utilize different access points as well as different external streets to reach the regional street system. Some of the conclusions as they relate to traffic impacts are subjective since no quantitative evaluation of the affected roadways that are different for some of these alternatives than those of the proposed project (since access roadways to the facilities on site would be different for these alternatives compared to the proposed project) are provided. As such, there is no basis for making conclusions (less or more transportation impacts in comparison to the proposed project as shown in Tables 5-1 and 5-2, pages 5-22 and 5-24, respectively, of Section 5.0) since there is no description of level or magnitude of construction activity associated with these alternatives, in comparison to the proposed project and consequently, the number of trips that these alternatives produce and their effect on the access and other external roadway system elements. More information relative to specific potentially impacted locations, their level of significance and a comparison to the proposed project's impacts at the same or different locations should be provided in an updated alternatives analysis section of the EIR.

The alternatives section lacks hydrology studies for viable alternative projects to compare existing and proposed drainage patterns and flow rates. This analysis is necessary because the magnitude and location of new roadways and truck loading facilities, and the sizing of potential mitigation

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measures such as detention basins, can vary from project to project. This could affect the project description and project boundary and can invoke other environmental impacts.

The full range of environmental impacts associated with alternative pipeline alignments has not been described and evaluated. For example, potential crossing utility conflicts may add impacts and corresponding mitigation measures. This is important because utility relocations may have secondary impacts such as temporary impacts to traffic.

Insufficient Alternative Figures for Analysis (Page 5-3)

The use of aerial photography for the Section 5.0 figures is very useful for showing locations of residences, previously disturbed areas, and vegetation. However, the alternatives section of the report lacks a figure that delineates the approximate limits of the oil reservoir area in the Preserve, details the topographic contours of the project area, and places the location of the Whittier Fault. The District needs this information to fully evaluate the proposed alternatives and their locations. Without such a figure, it is difficult to determine the physical constraints for oil extraction and placement of supporting project elements. Comparative analysis of the alternatives would also benefit from such a figure.

Alternative Figures Lacking Appropriate Detail for Evaluation (Page 5-4)

While Figure 5-1, *Location of Alternatives and Access Roads*, is useful for placing the location of each of the consolidated alternatives in the project area, each of the alternatives should have its own figure that shows the preferred access route, trucking facility, processing facilities and pipeline locations for each. The reader has to rely on textual description of the alternatives, making it difficult to compare the total impacts of alternatives equally to the proposed project in its entirety when deciding whether to screen the alternative out or to keep it for further analysis.

Section 5.1.2.1, Consolidated Central Site (Page 5-6)

Figure 5-2, *Consolidated Central Site*, does not show the location of the trucking facility, pipelines, and access roads that would be used for this alternative.

Section 5.1.2.2, Savage Canyon Landfill Site (Page 5-7)

Consolidating drilling and processing operations to the landfill area, an industrial disturbed site, would reduce and/or eliminate many of the significant impacts of the proposed project. However, the Draft EIR indicates that in order to meet project economic goals (i.e., "reach sufficient quantities of oil"), drilling at the landfill location would need to be supplemented with the East Well Site (page 5-9). In light of the many advantages of the Central Consolidated Landfill Alternative, the Draft EIR should provide more definitive data to indicate that the landfill site drilling area alone would not meet the project economic goals. In addition, Section 15126.6(b) of the State CEQA Guidelines indicates that "the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening and significant effects of the project, even if these alternatives would impede to some degree the attainment of the

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project objectives, or would be more costly." The text does not provide clear evidence that the landfill area alone as a drilling site would be insufficient for meeting project goals.

Section 5.1.2.2, Savage Canyon Landfill Site (Page 5-9)

There is a lack of evidence and references in this section that document the determination that this alternative is "speculative". Regarding land use issues, "...the land use impacts under this alternative would require significant amendments to the existing landfill permits with the State that could take a long time to achieve. It is also unknown whether such an activity would even be approvable within the constraints of landfill operations and state and federal regulations." The Draft EIR does not indicate specifically what these feasibility issues are or provide any data or references that demonstrate that these issues have been sufficiently vetted.

At the most basic level, the Draft EIR needs to demonstrate compliance with the process set forth in the State CEQA Guidelines; the Draft EIR must also show that the applicant has acted in accordance with the goals of CEQA. Section 15002(f) of the State CEQA Guidelines makes clear that:

An environmental impact report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage.

The Draft EIR should have fully examined the potential for this alternative to reduce significant impacts to the environment. The Draft EIR failed to address the amendments needed to dismiss this alternative as infeasible.

Section 5.1.2.4, Consolidated Upper Colima Road Site (Page 5-11)

The Consolidated Upper Colima Road Site is retained as a viable alternative, however, the text on page 5-11 lacks an adequate description of the alternative. It is not clear where the processing and trucking facilities would be located in the description of this alternative and these facilities are not depicted on Figure 5-4, *Upper Colima Road Consolidated Site*.

Section 5.1.3.2, Landfill Road Access (Page 5-14)

The text does not indicate if the existing landfill access road located within the Preserve is paved and if "improvements" include paving. If the road is not paved and would remain unpaved, the impacts concerning dust generation for 24 to 55 vehicle trips per day need to be calculated and evaluated.

Section 5.1.4, Alternative Truck Loading Facility Sites (Pages 5-17 to 5-18)

This section should provide a figure that indicates the location of the five loading facility alternatives in order to make the evaluation of the impacts related to safety and risk of upset easier

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to accomplish and to understand why an alternative truck loading facility was retained for further analysis or not.

Section 5.1.5.2, La Habra Heights Alignment Pipeline Alternative (Pages 5-20 and 5-21)

This alternative would avoid the traffic and safety problems associated with constructing in an existing roadway through residential areas. The alternative is dropped for the following generalized reason: "However, the status of pipelines in the La Habra Heights area is uncertain at this time and the feasibility of utilizing these pipelines is unknown."

There is no data or references to verify that this alternative was sufficiently researched. Due to the fact that many significant impacts involving traffic, noise, and construction near residences would be avoided, the District recommends the status of the pipelines in the La Habra Heights area and the feasibility of using these pipelines be determined before eliminating this alternative from further analysis.

Section 5.1.5, Alternative Pipeline Alignments (Page 5-21)

Table 5-1, Alternative Screening Analysis – Increase or Decrease in Impacts Relative to Proposed Project Production and Processing Facilities (Page 5-23)

This table does not provide information regarding the relative impacts of the Savage Landfill Canyon consolidated facility as compared to the proposed project. This table should indicate that this alternative would have lesser impacts to residences and sensitive receptors because it would be located at a greater distance away. This alternative would likely have similar spill risks as the proposed project, however, the risk of spills or other releases as a result of drilling and processing activities would be limited to a relatively smaller area.

Table 5-2, Alternative Screening Analysis – Increase or Decrease in Impacts Relative to Proposed Project Access Road, Truck Loading Facility, and Pipeline Alignment Alternatives (Page 5-24)

This table indicates that Catalina Avenue access road would have more impacts related to safety than the proposed project. However, the discussion in Section 5.1.3.3, *Catalina Avenue Access (C)*, provided on page 5-16 regarding impacts that are more than the proposed project does not provide information to support this opinion given in the table.

SECTION 6.0 COMPARISON OF PROPOSED PROJECT AND ALTERNATIVES

General Comments

As in Section 5.0, Section 6.0 does not provide complete alternatives with all of the project elements of the proposed project. A complete alternative for the environmentally preferred alternative is not assembled until the end of Section 6.0, by pairing project components after comparisons have been completed.

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The level of analysis for the Consolidated Central Site Alternative and Upper Colima Road Alternative varies significantly for some resources issues such as aesthetics, noise, traffic, and others. All alternatives must be analyzed to a similar level for comparison to the proposed project.

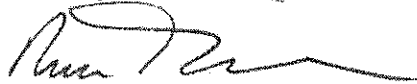
Section 6.3.1.7, page 6-87, of the EIR appears to have failed to accurately characterize an alternative that is capable of achieving most of the basic objectives of the project and avoiding the significant effects of the project. There are six significant and unavoidable effects that the environmentally preferred alternative would have if constructed.

APPENDIX C BIOLOGICAL REPORTS

The faunal list includes several avian special-status species (including two raptors) that are not included in the Draft EIR. These three avian species are: northern harrier (*Circus cyaneus*), Swainson's hawk (*Buteo swainsoni*), and olive-sided flycatcher (*Contopus cooperi*). The location of these species with respect to the proposed project site should be noted.

Thank you for your attention to these comments on these important issues pertaining to the Draft EIR for the proposed Whittier Oil Field Development Project. If you have any questions, please contact Ms. Joan Rupert of my staff at 213-351-5126 or by e-mail at jrupert@parks.lacounty.gov.

Sincerely,



Russ Guiney
Director, Parks and Recreation



San Gabriel & Lower Los Angeles RIVERS AND MOUNTAINS CONSERVANCY

California Natural Resources Agency

Governing Board of the Conservancy

Frank Colonna, Chair
Environmental Public Member
Dan Arrighi, Vice Chair
Central Basin Water Association

Linda Adams
California Environmental Protection Agency

Denis Bertone
San Gabriel Valley Council of Governments

Barbara Carrera
San Gabriel Valley Water Association

John Laird, Secretary
California Natural Resources Agency

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Angeles National Forest
US Forest Service

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Los Angeles County Department of Public Works

Interim Executive Officer
Valorie Shatynski

May 25, 2011

Jeffery Adams, Director of Community Development
City of Whittier, Community Development
13230 Penn Street
Whittier, CA 90602-1772

RE: *REVISED* Notice of Preparation and Scoping Document for an Environmental Impact Report for the Whittier Main Oil Field Development Project

Dear Mr. Adams:

The San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) is grateful for the opportunity to provide comments on the Draft Environmental Impact Report for the Whittier Main Oil Field Development Project. The RMC was established as an independent State agency within the Resources Agency of the State of California to preserve open space and provide for low-impact recreation and educational uses, wildlife and habitat restoration and protection, and watershed improvements.

The goals of the RMC are described in "Common Ground", the Conservancy's Watershed and Open Space Plan (found at <http://www.rmc.ca.gov/plan/intro.html>). **The Plan presents a simple vision for the future: restore balance between natural and human systems in the watersheds.** The centerpiece of the Plan is a series of Guiding Principles that cities, federal, state and local agencies, communities, groups and individuals can use to plan preservation, restoration and establishment of future open space, water resources, and habitat projects. More than 60 cities in Los Angeles County have adopted this document.

The RMC reviewed and commented on the environmental documents for the above-mentioned project previously distributed last year. The City of Whittier has recently decided to repeat the environmental review process using the project alternative that was found in the original environmental impact report to be the environmentally superior project alternative. The following are the comments for the re-circulated Notice of Preparation.

Please address and consider incorporating into the DEIR applicable mitigation and comment ideas presented by the RMC in its response letter dated December 6, 2010 to the previous DEIR for the original version of the project. Many of these same suggested mitigation measures and comments will also apply to this revised project.

Project Description

The project site is part of a regional corridor, which forms a critical buffer of remaining open space between the San Gabriel Valley and the coastal plain of Orange County. The neighboring Montebello Hills, together with the Whittier Narrows Recreation Area, represent perhaps the most important ecological reserve left on the floor of the Los Angeles Basin. The combination of native habitats in close proximity (coastal sage scrub, chaparral, oak woodland, riparian, freshwater marsh), and the relatively large extent of these habitats makes this area an extremely high priority to the RMC. Because these habitats are all found in the proposed project area, the DEIR needs to fully analyze the cumulative impacts to the corridor from this project.

RMC-1

When drafting the DEIR, please include an analysis for cumulative impacts including the Tehachapi Renewable Transmission Project, which will result in significant impacts to sensitive species and habitats throughout the region similar to those from the proposed project. The DEIR should also include all of the potential impacts from the totality of the proposed project, a detailed timeline of the test drilling, construction, operation and ongoing well drilling activities over the duration of the lease agreement.

RMC-2

RMC-3

The project, except a "No Project Alternative", will interfere with dispersal and movement of wildlife through and within the preserve. Continued operations and mineral extraction maintenance activities will extend these impacts for the life of the operations in the project areas. These impacts must be addressed fully in the DEIR.

RMC-4

The total project acreage should include the acreage from access roads and pipelines, as the planned use for roads is a change to form the current use, and these will be permanent impacts. Please include a figure in the DEIR that illustrates all road improvements as well as account for their acreage, and associated impacts in the analyses of the DEIR. The current figure, 2-2 is unclear where road improvements on existing roads would occur.

RMC-5

The DEIR also needs to include the calculated acres of each type of habitat that will be permanently impacted by annual fuel modification activities required by the Los Angeles County Fire Department, including acreage around all project facilities and along roads and pipeline routes.

RMC-6

In order for the public, the City, and other agencies to regularly access updates and other information regarding the project, the RMC requests that a website and/or similar tools be developed to distribute information about the project through the life of the project. This tool should be proactive in its notifications as well as reactive, allowing comments to come through it during the environmental process and through the duration of lease agreement with the City for the proposed uses. These tools should also include methods of notification to segments of the population that do not have internet access and is non-English speaking, as the project does impact these communities.

RMC-7

Project Construction

When drafting the DEIR please include a multi-disciplined analysis that minimally includes noise, light, air quality and biological resources assessment for the staging areas, pulling and/or access locations, as well as all roads and pipelines, and clearly identify if the construction will be phased. Minimally, construction noise and vibrations from drilling, construction, and transportation should be mitigated for residents living in or near the project area, as well as the completed phases. Additionally, the staging locations could have a potentially significant impact throughout the length of the lease agreements on residents living in or near the project area. These impacts should be analyzed and mitigated.

RMC-8

The NOP project description notes that the proposed access route for trucks two tons or larger is the North Access Road (more commonly known as a residential arterial street, Penn Street, which connects to the gated road to the Savage Canyon Landfill). Please specify the length and height of the various trucks two tons or more, expected to be used for the project. Also, include the expected decibel noise levels and air pollutants expected to be generated by them in the DEIR during all project phases. In addition, please include a detailed breakdown of how many of each type of vehicle will use the North Access Road and Catalina Avenue during all phases of the project per day, and the times of day for these uses. Further, detail how other types of traffic uses in these residential areas will be managed throughout the life of the project to protect the health and safety of the residents and users of these streets.

RMC-9

The RMC is concerned about on-site impacts of all of the mineral extraction and/or processing, and related activities, including hydraulic fracturing, construction, maintenance, pipeline installation, movement of equipment and maintenance/repair vehicles, and equipment. Impacts of these activities, including light pollution, noise, air quality impacts, and traffic on the affected part of the Wildlife Corridor, should be quantified, analyzed, and mitigations planned. While these impacts would be greatest during the early stages of the project, they would continue for the life of the project. These impacts must be addressed in the new DEIR. The effects and timelines of these impacts over the potential life of the project must be included, analyzed, and mitigated.

RMC-10

When drafting the DEIR, please include an impact analysis regarding noxious and invasive plants, and the mitigation measures to be utilized to remove them and keep the native habitat robust. This must also include impacts of construction while managing the noxious and invasive plants. The plan should mandate a mitigation strategy to control these noxious and invasive plants during construction, and the construction BMP's should address any mitigation measures. The project will occur in areas heavily infested with noxious and invasive plants, and practices should be employed to ensure the noxious and invasive plants are not transported to other sites or areas.

RMC-11

The NOP project description notes that the oil and gas pipelines would be buried under "existing roadways through the Preserve"; however, these are actually public trails known as the Arroyo Pescadero and Deer Loop Trails. These trails also function as maintenance, patrol, and emergency access routes. Please include in the DEIR a description of all improvements that would be required for these trails to accommodate all

proposed uses and pipelines, including required fuel modification along the edges, installation of grates for inspection (which should be designed to prevent entrapment of wildlife), frequency and method of inspection by personnel, and any features designed to improve safety for trail users (such as speed bumps). Also, please include measures to protect wildlife during construction, such as closing any open trenches at the end of each work day to prevent wildlife from becoming trapped.

RMC-12

Air Quality

Please consider requiring the project to use electric and/or hybrid equipment and vehicles, which will decrease air pollutants and noise impacts. Also, mitigation measures should also include the requirement that the contractor incentivize construction workers to carpool to help reduce emissions impacts. All vehicles should be restricted from idling in excess of five minutes. Reduction of trips will decrease animal road-kill and minimize the exposure of wildlife to humans and human activities. In addition, please include a habitat restoration plan in the DEIR. This will serve many purposes, including mitigation for greenhouse gas impacts, as native vegetation has been shown to sequester carbon and is now commonly used as mitigation for such impacts. Calculations showing the amount and type of vegetation to be planted to mitigate for specific increases in greenhouse gases should be included in the DEIR, if proposed.

RMC-13

Biological Resources

The preferred alternative would remain within the core habitat area, and may result in more significant impacts to the habitat, wildlife, and wildlife movement than the previously described project. This alternative places facilities farther into the preserve habitat area, allowing noise and vibration impacts from oil and mineral extraction activities to penetrate further into the preserve. These impacts may not be able to be reduced to a less than significant impact even with the mitigation measures. The project, as proposed, will have enormous adverse impacts on coastal California gnatcatcher individuals and designated critical habitat for the species. When drafting the DEIR, please include further analysis of the U.S. Fish and Wildlife Service designation of the coastal sage scrub in the Puente Hills as *critical habitat* for the federally threatened California gnatcatcher and the DEIR should include analysis regarding the potential conflicts with that designation.

RMC-14

Impacts to special status bird species from the proposed project should be examined beyond just physical habitat removal or disturbance to nesting activities. The proposed project has the potential to permanently alter the dynamics and composition of the bird community in this area, which has been noted as being overwhelmingly intact with a relative scarcity of urban-adapted species such as house sparrows and American crows (Cooper 2008). The construction and operation of the project will create disturbance within adjacent habitat areas; facilitating the presence of more urban-adapted species and driving away more secretive, native bird species currently present in higher numbers in this area, such as wren and California thrasher (Cooper 2008). With few preserved and undisturbed areas remaining, such birds will be forced to compete with existing populations in other areas, possibly reducing their numbers or restricting their range in the Puente Hills. The potential for such substantial adverse impacts need to be fully evaluated and mitigated for the entire life of the lease agreements and /or life span of the project whichever is longer.

RMC-15

Further, the Biological Opinion issued by the U.S. Fish and Wildlife Service must be included as an appendix to the DEIR to ensure full consistency of mitigation/conservation measures and a full disclosure of the impact analysis that lead to their determination that the project would not result in "jeopardy" to the species.

RMC-16

When drafting the DEIR, please include an analysis of economic impacts, and the importance of keeping the biological integrity of open space land within the project area intact so it does not diminish the biological value of the land.

RMC-17

When drafting the DEIR, please include an analysis of a non-wasting endowment fund which addresses the real costs regarding the management and long-term maintenance of the land. The non-wasting endowment fund should include the development of fire protection buffers, data collection, annual surveys to determine success of habitat created, and other experts such as a Land Manager, restoration specialists and ecologists. These costs will be incurred by the designated agency to manage the land in perpetuity, and will prove to be problematic for any public agency to adequately address the operations and maintenance of the land.

RMC-18

Additionally, nesting birds should be protected, if found. We recommend that any proposed construction should be avoided during the known established nesting periods of species of concern, or protected species. Trees should be monitored on a regular basis for 30 days prior to any disturbance to ensure that no nesting is occurring.

RMC-19

The RMC recommends that the DEIR provide analysis regarding how different wildlife species react to human disturbances. Some species are known to adapt well to human development and activity, while others are known to avoid it. For example, coyotes are known to be very adaptable, often taking advantage of human development, and seem to adapt readily to increased human activity levels. However, other species, like bobcats, are known to generally avoid areas of human development and are more sensitive to increases in human activity. The Preserve and Core Habitat is intended to be a refuge that supports a diversity of wildlife. Also, please have the DEIR analyze whether the proposed project will impact the ability of the Preserve and Core Habitat to serve this purpose.

RMC-20

The RMC is concerned not only about the direct impacts from project construction and all mineral extraction and processing activities, but also from indirect "edge effects", such as noise and lighting, which often extend far beyond the physical boundaries of a developed site. Although standard industry practices are to have temporary sound-proofing and light-proofing measures at each site during the test drilling phase and permanent structures after that, the RMC believes that these issues are of primary importance and, therefore, must be carefully analyzed in the DEIR. Currently, these edge effects are mostly confined to the existing edges of the Preserve adjacent to developed areas. The widest parts of the preserve, including the Core Habitat where the project is proposed, suffer the least amount of edge effects from surrounding urban development. In other words, the project area (site and road) is located within the portion of the preserve where the largest contiguous block of habitat is the most buffered from urban development. However, the proposed project would introduce development into the preserve, thereby extending this edge and associated edge effects further into the preserve.

RMC-21

The NOP notes that a noise study will be prepared as part of the DEIR. Please include in the study how noise levels from the Project (including the use of the roads) will increase in

the preserve, not only in residential neighborhoods near the project, and used as through-access to the project. Please include noise impact analysis showing noise levels from vehicles operating under certain conditions, including driving up steep slopes, braking while driving down steep slopes, vehicle noises from back-up warning indicators, as well as how certain conditions (topography, weather) can increase the distance that sound travels. Also, please include in the analysis how the increase in noise is anticipated to affect wildlife in the short and long-term. In addition, please differentiate between "noticeable" noise levels for humans as opposed to different wildlife species, and whether significance thresholds should be different. For example, mammals have noise sensitivities ranging from less than 10 Hz to 150 kHz (with sensitivity at -20 dB), but birds have sensitivities ranging from 100 Hz to 2 kHz (with sensitivity at 0-10 dB) (Federal 251 Highway Administration 2004). Many species rely on sound for detecting prey or predators, and a recent study has found that a one dB increase in background sound level results in 89 percent of the original detection distance and 79 percent of the original listening area, and increases of up to three dB correspond to a 50 percent loss of listening area (Barber 2(09). Further, please make this section easily understandable for the layperson not skilled in acoustic engineering.

RMC-22

Please evaluate the potential impacts to wildlife from increase vibration during drilling and/or other mineral extraction and any repair and/or maintenance activities. The previous DEIR noted that vibration from drilling would be significant and unavoidable, even at locations within 700 feet of the drilling site (pg. 4.5-35). Such edge effects have the potential to cause animals to avoid areas both within and near developments, especially species that are the most sensitive to human disturbance, such as bobcats.

RMC-23

Please include in the DEIR, an assessment of how the geographic configuration of the proposed facilities and their required fuel modification setbacks (potentially up to 200 feet), walls and fencing, and dust generation will impact the habitat as well as impact the potential to enhance biodiversity in the area. Also, please include in the DEIR, measures to avoid possible impacts to avifauna connected with annual fuel modification clearance.

RMC-24

Hydrology & Water Quality

Given the substantial increase in water demand and continued uses required for the life of this project. The DEIR should identify measures to reduce water consumption, monitor existing water consumption, and implement further reductions in the future. Measures such as water recycling and water conservation practices should be identified. The DEIR should address impacts to the development due to the severe water shortage in Southern California. The site does not contain an identified source of reclaimed water; therefore claims regarding this issue are problematic.

In order to support a more sustainable development that addresses some of the issues mentioned above, the RMC encourages projects that comply with existing water quality standards and waste discharge regulations set forth by the United States Environmental Protection Agency (EPA), the State Department of Health Services (DHS), the Regional Water Quality Control Board, and the Los Angeles County Health Department. The RMC supports development strategies that incorporate Low Impact Development Principles, and encourages the City and developer to integrate these elements into its design where possible.

RMC-25

Key Principles of Low Impact Development - A number of key principles characterize low impact development:

- Decentralize and micromanage urban runoff to integrate water management throughout the watershed.
- Preserve or mimic the ecosystem's natural hydrologic functions and cycles.
- Emphasize a distributed, not concentrated, control of stormwater.
- Account for a site's topographic features in its design.
- Reduce impervious ground cover and building footprint.
- Maximize infiltration on-site. (Current stormwater practices do just the opposite—they aim to move water off site as quickly as possible.)
- If infiltration is not possible, then capture water for filtration and/or reuse.

Geology and Soils

Analysis of earthquake hazards must be included. Geological Resources discussion in the 2010 DEIR did not consider potential effects of an earthquake on the Puente Hills Thrust Fault. Studies indicate that the four past earthquakes discovered to have occurred along the fault had magnitudes between M 7.2 and 7.5 in the last 11,000 years, a higher Mw than any nearby fault listed on Table 4.4 of the DEIR, 2010. The estimated maximum peak ground acceleration in the project area due to the Puente Hills Thrust must be included. Impacts to the surrounding residential areas should be identified, and mitigation measures should reflect the highest ground accelerations that could be expected.

RMC-26

Land Use

While the RMC acknowledges the importance of protecting critical habitat and supports such measures within this project, RMC also promotes public access to trails and low impact recreation, where feasible. Any approved project should address and support public access as well as appropriate closed areas for habitat preservation. Planning for these connections, buffers, and corridors will be critical to ensure that these opportunities are available as the region continues to grow, and natural and recreational resources become scarcer within our urban communities.

RMC-27

Viewsheds from Colima and Arroyo Pescadero Park will be impacted throughout the life of the project; this will affect popular recreational trails within the general area. These impacts should be included in the DEIR, and proposed mitigations stated for consideration by the public.

RMC-28

Another major concern is regarding the potential for the project to increase hazards to the "321 Preserve", such as, causing wildfires or resulting in an oil spill. It has been noted that pipeline ruptures occur with such frequency that they should be considered as anticipated impacts (Cooper 2008), and the increase in equipment at the site has the potential to increase the already high fire threat in the hills. Such hazards have the potential to occur during all project phases, and may have significant, long-term impacts on plants and wildlife not only adjacent to project activities, but throughout the entire preserve. The NOP states that an oil spill could impact riparian habitat, but the DEIR should analyze potential impacts from an oil spill to all habitat types, and the species within them. Please make sure that an Emergency Response Plan required as mitigation includes measures for wildlife rescue and rehabilitation, as well as funding and procedures for clean up and

RMC-29

habitat restoration. Impacts resulting from the clean-up following such hazardous events also have the potential to impact natural resources on the preserve and should be addressed.

The NOP notes that criteria for public safety will be used in the impact analysis regarding potential toxic exposures. The DEIR should also conduct a similar analysis for potential toxic exposures for plants and wildlife, since the project will be located within a Habitat Preserve set aside specifically for recovery and protection of the habitat.

RMC-30

Please include in the DEIR, an analysis of the potential for conflict or consistency with Los Angeles County's proposed update of their General Plan which currently recommends designating lands within the Preserve as a Significant Ecological Area; whether or not this designation applies to the City owned parcels, having the rest of the Preserve under this future designation could increase the perceived regional value of the overall open space.

RMC-31

Recreation

The re-circulated Notice of Preparation did not include an educational component and this comment was not addressed in the previous DEIR. The RMC recommends the proposed project include an educational component in the form of placement of interpretative signage along the trails and adjacent sidewalk or other educational elements, which will educate the public on the function of the mineral extraction and the surrounding habitat, including information on the Puente Chino Hills. These interpretive signage or other educational elements will encourage stewardship and protection of the existing natural resources.

RMC-32

The NOP should consider impacts to recreation, as a result of closing the Arroyo Pescadero trailhead during all project-related activities. Closing the trailhead should be considered for visitor safety, and help protect the biological integrity of the Preserve. This potential closure will result in a new significant impact to recreation which must be mitigated. The City should consider enhancing recreational experiences elsewhere at Whittier trailheads to mitigate for this significant recreational impact.

RMC-33

Project Alternatives

In addition to the alternatives described in the NOP, the RMC supports the examination of alternatives that would reduce potentially significant impacts to the natural resources within the Preserve by reducing the current proposed amount of habitat fragmentation, reducing the project footprint, and considering designs that avoid, minimize or mitigate for urban edge effects.

RMC-34

There should be an off-site alternative that would remove all oil extraction facilities and activities from the preserve, as this would likely eliminate or substantially reduce all adverse impacts to natural resources from the project. Given that Biological Resources are the key element of the DEIR analysis, and given the proposed project location within a habitat Preserve, an off-site alternative that accesses the oil reserve is necessary. If an alternative site is located on the preserve, please consider one that is not located within the Core Habitat.

RMC-35

The RMC also requests an analysis of alternative access road routes whereby residential areas are avoided for all project activities, and in particular, the North Access Road would not be used for any project activities. Alternative access which reduces the amount of disturbance within the Core Habitat, and which would significantly reduce the further intrusion of development and associated edge effects into the habitat are recommended. The alternatives analysis should include a detailed comparison of traffic, noise, and habitat impacts from the proposed Project (using Catalina Avenue for vehicles less than two tons and the North Access Road for vehicles over two tons) and an alternative(s) using non-residential areas for all vehicles.

RMC-36

The RMC agrees and reaffirms Puente Hills Landfill Native Habitat Preservation Authority's comments for the NOP of the Draft Environmental Impact Report for the Whittier Main Oil Field Development Project dated May 26, 2011.

Thank you for your consideration of these comments. If you have any questions, please contact me at 626-815-1019 ext 100, or via email, vshatynski@rmc.ca.gov.

Sincerely,



Valorie Shatynski,
Interim Executive Officer

VS:lt/jb



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

May 6, 2011

Jeffery Adams
Planning Services Manager
City of Whittier
13230 Penn Street
Whittier, CA 90602

RECEIVED
MAY - 9 2011
Community Development

Notice of Preparation of a CEQA Document for the Whittier Main Oil Field Development Project

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft environmental impact report (EIR). Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. The lead agency may wish to consider using land use emissions estimating software such as URBEMIS 2007 or the recently released CalEEMod. These models are available on the SCAQMD Website at: <http://www.aqmd.gov/ceqa/models.html>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM_{2.5} emissions from construction and operational activities and processes. In connection with developing PM_{2.5} calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD requests that the lead agency quantify PM_{2.5} emissions and compare the results to the recommended PM_{2.5} significance thresholds. Guidance for calculating PM_{2.5} emissions and PM_{2.5} significance thresholds can be found at the following internet address: http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html.

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA

document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment (“Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis”) can be found on the SCAQMD’s CEQA web pages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

SCAQMD-1

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD’s CEQA web pages at the following internet address: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html Additionally, SCAQMD’s Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD’s Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/aqguide/aqguide.html>. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board’s Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB’s Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD’s Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD’s World Wide Web Homepage (<http://www.aqmd.gov>).

SCAQMD-2

Project Specific Comments

The lead agency is encouraged to review the previous comment letter from AQMD staff submitted on December 10, 2010 (attached) for the original Draft EIR and to apply any relevant comments to the analysis in the revised Draft EIR. Comments that may be applicable to the proposed revised project include those relating to calculation methodologies and suggested mitigation measures.

The SCAQMD is willing to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. If you have any questions regarding this letter, please call Ian MacMillan, Program Supervisor, CEQA Section, at (909) 396-3244.

Sincerely,



Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM
LAC110426-05
Control Number

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
	Government Agency	
SCAQMD-1	1.0, 4.0	air mitigation
SCAQMD-2	4.0	previous comments
CSDLAC-1	4.10.1.1	Wastewater – project flow
CSDLAC-2	4.10.1.1	Wastewater - Los Coyotes Plant
LACRPOSD-1	6.0, 8.0	Spirit and Intent of CEQA
LACRPOSD-2	Figures 2-1, 2-2, 2-5, 2-6, 2-7 and Appendix A	PD – delineate impacted areas
LACRPOSD-3	The DEIR will analyze all potential environmental impacts as required by law. The DEIR should be sufficient for any public agency to assess all potential environmental impacts of the project as mitigated, and to use in connection with any required permitting actions. Analysis of other issues is not appropriate in the DEIR, but may be included in the administrative record as a whole for the project	PD – Prop A land guidelines
LACRPOSD-4	4.6.1.1 & Figure 4.6-1	Aesthetics – location of equipment, eucalyptus removal
LACRPOSD-5	4.1.4	Air -
LACRPOSD-6	4.1.4.1	Air – include impacts from sites and roads
LACRPOSD-7	4.1.4	Air – operational impact MM
LACRPOSD-8	4.2.8	Bio -
LACRPOSD-9	6.0	Bio – alternatives to protect gnatcatcher
LACRPOSD-10	4.9.1.3, Appendix F	Cultural – Phase 1 survey
LACRPOSD-11	4.9.4	Cultural –
LACRPOSD-12	4.15.4	Energy –
LACRPOSD-13	4.16.4	Env. Just. -
LACRPOSD-14	4.12.4, Figure 2-6	Fire – FMZ
LACRPOSD-15	4.4.5	Geo -
LACRPOSD-16	4.1.3	GHG – sig thresholds
LACRPOSD-17	4.1.4.4	GHG – MM
LACRPOSD-18	4.3.5	Risk – school, LAX, emergency plans, fires
LACRPOSD-19	2.0, 4.2, 4.12	Risk – FMZ
LACRPOSD-20	4.3.5	Risk – hazmat
LACRPOSD-21	4.2, 4.8	Water – drainage, flow
LACRPOSD-22	The DEIR will analyze all potential environmental impacts as required by law. The DEIR should be sufficient for any public agency to assess all potential environmental impacts of the project as mitigated, and to use in connection with any required permitting actions. Analysis of other issues is not appropriate in the DEIR, but may be included in the administrative record as a whole for the project	Land Use – Prop A procedures
LACRPOSD-23	4.11.5	Land Use – consistency with Prop A conservation
LACRPOSD-24	4.11.4	Land Use -

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
LACRPOSD-25	4.5.3	Noise -
LACRPOSD-26	4.8.4, 4.10, 4.13.4	Public Services – water supply assessment
LACRPOSD-27	4.14.4	Recreation – areas closed during construction
LACRPOSD-28	2.3, 4.7.4.5	Traffic – construction traffic
LACRPOSD-29	4.10.4	Wastewater -
LACRPOSD-30	5.0, 6.0	Alternatives – matrix comparing alts and Project
LACRPOSD-31	4.3.4	Risk – FMZ beyond oil field
LACRPOSD-32	4.2	Water – include jurisdictional delineation
HA- 1	Figure 2-12	PD – Timeline
HA-2	Figure 2-6, Figure 2-8	PD – map road improvements and FMZ
HA-3	2.0	PD – acreage include roads and pipelines
HA-4	2.0	PD – routes for 2-ton trucks
HA-5	2.0	PD – operational traffic
HA-6	2.0	PD – measurement of roadway modifications
HA-7	2.3, 4.14.4	PD – trail modifications for pipeline
HA-8	2.0 figures, Appendix A	PD – figures include legends and height of walls
HA-9	4.1.4	Air – hybrid vehicles
HA- 10	4.1.4, 2.4.2	Air – habitat restoration to mitigation GHG
HA-11	4.2.4	Bio – HA MM suggestions
HA-12	4.2, Table 4.2-2, Figure 4.2-3, Appendix C	Bio – Special Status Species – more surveys
HA-13	4.2.4	Bio – Special Status Species – birds
HA-14	2.0	Bio – Special Status Species – impacts during testing, operational phases; lifespan of project
HA-15	4.2.4	Bio – Special Status Species – analyze diff species’ reactions to human disturbance
HA-16	4.2.4	Bio – Indirect Impacts – edge effects
HA-17	4.2.4	Bio – Noise – measures to reduce noise

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
HA-18	4.2.1.2, 4.2.4, 4.5.3	Bio – Noise – noise survey
HA- 19	4.2.4, 4.5.3	Bio – Noise – vibrations impacts
HA-20	4.2.4, 4.6.4	Bio – Light – increased ambient light impacts
HA-21	4.2.4, 4.6.4	Bio – Light – night lighting
HA-22	4.6.4	Bio – Light – include nighttime visual simulation
HA-23	4.2.1.2, 4.2.4	Bio – Roads – wildlife on roads/trails
HA-24	Minimal window glass would be at the project site.	Bio – window glass
HA-25	Table 4.2-3, 4.2.4	Bio – facilities and FMZ impact on habitat
HA-26	4.2.4	Bio – bermed basin impacts on birds, bats
HA-27	4.2.4, 4.3.5	Bio – Increased Hazards – wildfires, oil spills
HA- 28	4.1.4	Bio – Increased Hazards – toxic exposures for plants, wildlife
HA-29	4.2.1.2, 4.2.4	Bio – Wildlife Movement – impacts to corridor
HA-30	4.2.1.2, 4.2.4	Bio – Wildlife Movement – wildlife avoidance of facilities
HA-31	Additional mitigation requiring reptile crossing culverts not added.	Bio – Wildlife Movement – reptiles, amphibians migration pathways
HA-32	4.2.4	Bio – Wildlife Nursery –
HA-33	4.2.4	Bio – Core Habitat – impacts to overall function of CH
HA-34	4.2.4	Bio – Core Habitat –
HA-35	4.2.4, 4.11.5	Bio – Core Habitat – wildlife refuge
HA-36	4.2.6	Bio – Cumulative Impacts – current recreation impacts
HA- 37	School fencing is outside the scope of the EIR.	Risk – fence height b/w Preserve & school
HA-38	4.3.5	Risk – spills from storage and transportation
HA-39	4.3.5, 4.4.5	Geo – rupture of pipeline, tanks
HA-40	4.5.3	Noise – impacts on ranger residence
HA-41	4.6.4	Aesthetics – impacts from trail user’s perspective

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
HA-42	4.6.4	Aesthetics – detailed photo simulations of all phases
HA-43	4.7.4	Traffic – all traffic impacts on Penn, Colima, Catalinal; explanation for route selection
HA-44	2.3, 4.7.4	Traffic – Project parking
HA-45	2.3	Traffic – include workover and redrill traffic
HA-46	2.3, 4.7.4	Traffic – solid-waste disposal trucks
HA-47	2.3, 4.7.4	Traffic – clarify round and single trips
HA-48	4.2, 4.8.4	Water – drainage and runoff impacts
HA-49	4.8.4	Wastewater – map bermed basins and analyze impacts
HA-50	4.11.5.2	Land Use – inconsistency with RMP
HA-51	Outside of scope – not yet approved	Land Use – analyze consistency with proposed General Plan update
HA-52	Outside of scope	Land Use – Prop A conflicts
HA-53	4.12.4	Fire – MM for compressed air foam unit, emergency vehicle garage
HA-54	4.12.4	Public Services – wildland fire impacts on ranger services
HA-55	4.3.4, 4.12.4	Public Services – impacts and MM for ranger residence
HA-56	4.14.4	Recreation – reduce impacts to trail users
HA-57	4.14.4	Recreation – trail closures
HA-58	4.14.4	Recreation – impacts to outdoor education, interpretive programming
HA-59	5.0, 6.0	Alternatives – alt that reduce habitat fragmentation, project footprint, edge effects
HA-60	5.0, 6.0	Alternatives – offsite alt
CLH	2.0, 4.7.4	Traffic impacts

PETITION – OPPOSING USE OF PENN STREET AS ACCESS TO WHITTIER OIL
DRILLING SITE

In Response to the Whittier Main Oil Field Development Project
Environmental Impact Report Public Draft, October 2010

A petition of PENN STREET RESIDENTS AND BUSINESSES

Addressed to Whittier City Council and Jeff Adams, Community Development Department,
City of Whittier

WE THE UNDERSIGNED WOULD LIKE TO BRING YOUR ATTENTION TO THE
FOLLOWING PROBLEM, WITH RECOMMENDATION(S):

Penn Street is a high density, diverse working class neighborhood. We represent a broad range of the City's population ranging from lower to middle income strata. As such, residents and businesses have historically not represented themselves and their interests to the City regarding various cumulative uses of Penn Street which significantly impact our health, safety and quality of life. This is an issue of Environmental Justice, Safety and Hazard, and Health Risk for Penn Street constituents.

1. Inadequate parking for multifamily residential apartments:

Penn Street has over 500 residents between Painter Street and the entrance to the landfill. Particularly east of Painter suffers from inadequate parking as a result of the City allowing multifamily residential development without requiring parking as needed by the density allowed. It is not uncommon for Penn Street residents to not be able to park in front of where we live.

2. City Landfill and trash trucks:

Penn Street is used as the primary access for the City Landfill and all related activities, including trucks importing dirt, sometimes in excess of 250 trucks per day. Some of those trucks are extra heavy and our houses rattle with it and have suffered cracks in our foundations and walls.

3. Penn Park traffic and parking:

Penn Street bears the burden of traffic to and from Penn Park. On weekends the Park is heavily used for parties and large gatherings; and all those people fill up the few parking spaces and the cars park on Penn Street. People using Penn Park have had to search for parking a couple blocks away.

4. Whittier College has a severe problem with inadequate parking:

Whittier College is leasing the fields and facilities to local high schools and colleges and has frequent events and games of their own which all the traffic and parking issues spill onto Penn Street and have for many years. To compound this impact Whittier College has concurrently blocked traffic through the campus due to construction, resulting in Penn Street becoming, more of, the parking lot for Monday and Tuesday night practices, Friday night and Saturday practices and games. There have

been accidents related to this use alone in the past few months. With this upgrade to the Sports Complex currently being developed they really need to put in a major parking area for a significant amount of cars and buses for visitors. It is not always all about sporting events; they have other events as well.

5. Penn Street short-cut traffic at rush hours:

In addition to adjoining neighborhoods on Canyon Drive, Canyon Crest Road and Summit Drive which use Penn Street, there is a large volume of rush hour short-cut traffic from Mar Vista up College and down Penn Street. These cars travel fast, and accidents have occurred on Penn between College and Earlham as a result.

There is also a lot of foot traffic as well due to the college, park and neighborhood. You will see many people walking their dogs, people with baby strollers and small children, as well as people walking to the college and to Uptown.

6. Penn Street wasn't even the first choice:

Due to the complaints of neighborhoods of higher socio-economic status and much lower density, Penn Street has been singled out as the alternative preferred access for the oil operations construction and long term access activities, allegedly, because it was thought that we won't notice.

Penn St. residents were NEVER notified of the proposed project. The City must send out notification of the project to all residents living on Penn St.

Having oil trucks in addition to everything mentioned above is nothing more than an assault on Penn Street. We feel it is just too much to burden us with.

7. Restricted parking on Penn Street:

A council member publicly disclosed that ALL parking will be restricted on Penn Street, from Pickering to the land fill, to allow SAFE uses. This restriction is IMPRACTIAL and places an undue hardship on the residents and businesses.

8. Decreased home values:

The increased truck traffic will decrease the value of homes on Penn St. The oil truck traffic will industrialize a residential neighborhood.

9. Increased air pollution:

The EIR clearly states that there will be an increase in pollution associated with the truck traffic. Penn St. residents should not be exposed to these pollutants! Further, the Penn St. access to the oil facility is by far the longest route, thereby causing even more pollution in our city neighborhoods, and impacts to the habitat in our hills.

STATEMENT OF PETITION

The undersigned people request that NO oil project construction and/or long term operations vehicular access be allowed via Penn Street. The oil company and the City must find a way to access its resources in a way that does NOT create further impacts to our SAFETY, health, and quality of life.

PSRB-1

More in-depth study of the cumulative impacts of uses of Penn Street must be considered thoroughly in the EIR process. We **request that this neighborhood be considered for the actual humanity contained in it**, appropriately. This includes deeper consideration in Section 4.3, Safety, Risk of Upset, and Section 4.1 Air Quality, and also Section 4.16.4 Environmental Justice, where the document acknowledges that “the future potential development could disproportionately impact minority populations,” (page 4.16-8).

PSRB-2

Impacts to this neighborhood of **over 500 residents should not be considered insignificant** by our City Council, regardless of the statistics chosen to validate this approach.

If Penn Street is still considered, mitigation of impacts for Penn Street ON Penn Street should be included, and we hereby **request disclosure of a COMPLETE traffic plan for this street** in advance of adoption of the Final EIR and review of such with the residents, including implementation of safety measures such as, but not limited to, signage, enhanced pedestrian crosswalks to protect our children, enforcement of speed limits, alternative routing of all special events (i.e., sporting events and practices at Whittier College, weddings and large gatherings at Penn Park, etc...)

PSRB-3

We also **request physical mitigation of the impacts** of noise, vibration and air quality due to the cumulative traffic, including soundproofing of windows, added vegetation buffers, increased street sweeping, timely repairs by the City of damage to roads, sidewalks and driveways, etc.

PSRB-4

We further request that this oil project in its entirety from production to transportation be **fully insured for a catastrophic natural or human event/subsidence/toxic contamination/combustive or explosive failure and funds be set up for medical and property needs for residents along the access route**. In the event that a resident is in need of medical services or there is damage to property, that there will be funds available to pay for this. This is in an effort to get the medical attention quickly without having to engage in years of legal action. It should be noted that people requesting compensation for quick medical attention be able to go to their own physician and not the company doctor chosen by the oil company and its affiliates. This is in no way a substitute for individual or collective lawsuits regarding death, injury, or damage, but merely a way for people to get medical and other attention quickly if a tanker truck overturns, a well explodes, a pipeline ruptures, or any other potential event related to this oil project in any way. There must be a reasonable and responsive process in place for handling these contingencies.

PSRB-5

We also **request advance notice from the City of any changes to traffic levels** and any other potential added uses of Penn Street for any purpose.

PSRB-6

We also **request that the lead agency (City Council) engage with the Penn Street** neighborhood in a constructive manner to address the various issues stated above.

PSRB-7



San Gabriel Valley Task Force Puente-Chino Hills Task Force

Draft Comments on Whittier Oil Drilling Project Scoping

The San Gabriel Valley and Puente-Chino Hills Task Forces of the Angeles Chapter of the Sierra Club have read the Notice of Preparation and Scoping Document for an Environmental Impact Report (EIR) for the Whittier Main Oil Field Development Project *REVISED*. We jointly submit the following comments in response to the scoping process prior to preparation of a new Draft Environmental Report on proposed renewed oil drilling in Whittier.

The San Gabriel Valley Task Force was created to address environmental issues in the San Gabriel Valley. The focus of the San Gabriel Valley Task Force is on potential enhancements of natural areas, open space and recreational opportunities within the San Gabriel Valley, the watersheds of the San Gabriel River and the Rio Hondo, the foothills of the San Gabriel Mountains, and the hills defining the margins of the Valley. We support the enhancement of the wildlife corridor managed by the Native Habitat Authority and protection of open-space and recreational activities in the Puente-Chino Hills.

The mission of the Puente-Chino Hills Task Force is to work towards the preservation and biological integrity of the Puente-Chino Hills Wildlife Corridor which extends from the Whittier Narrows to the Santa Ana Mountains, as well as providing open-space and recreational activities within the Puente-Chino Hills.

The Sierra Club believes that “no leasing, renewing of unworked leases, development facilities such as pipelines, or disruptive exploratory work such as drilling should be allowed in existing or potential conservation system units where these activities could lead to the destruction of the values the systems were designed to protect” (Sierra Club, National Policy). In addition, since these lands were purchased with Proposition A funds, it is required that the lands remain as open space in perpetuity unless there is an appropriate land exchange. However, because environmental evaluation required by CEQA, we submit the following comments.

Task Forces have great concern about the new proposal to consolidate drilling and processing with access for vehicles two tons and under through Catalina Avenue while vehicles larger than two tons would use the Penn Street entrance and the landfill road to access the site through the North Access Road.

- SC-1 • **Consolidated Central Site and Savage Canyon Landfill Road:** This proposal was deemed the most environmentally preferred alternative in the 2010 DEIR. **Impacts of this proposal must be thoroughly studied.** Simply “consolidating” the impacts to one area, which has already been the site of restoration efforts, negates all efforts and resources already expended to mitigate the damage caused by past oil drilling. In addition, there has been a great deal of work by volunteer groups or other park and resource agencies to restore the area that will be disrupted or destroyed. Construction and production activities will disrupt movements of wildlife through this area. **All these impacts must be evaluated.**
- SC-2 • **Savage Canyon Landfill road:** **The impacts of using this road to access the consolidated site must be fully addressed.** The route is currently dirt, narrow and not suitable for truck traffic. The use of an existing road around Savage Canyon Landfill to the Consolidated Site would eliminate the need for the new access road. However, as noted in the NOP, 3 miles of the existing North Access road would need to be widened and stabilized to safely accommodate vehicles, 700 feet of new roadway would be built to

access the well pad, and approximately 1,800 feet of existing asphalt road within the Preserve adjacent to the Project Site would have to be realigned. In addition, the impacts of the above-ground gas pipeline along the road during the Design and Construction phase need to be studied **The Task Forces are very alarmed at the impacts on special status species by required permanent upgrading, widening and extension of roads with associated fuel modification clearings on each side.**

- SC-3 • The USFWS designates the Project Site and associated roads as critical habitat for the federally threatened coastal California Gnatcatcher. The only reported breeding pair of gnatcatchers in the Core Habitat is adjacent to this road. Improvement of this road and fuel modification requirements would result in the removal of occupied gnatcatcher habitat. The project would permanently destroy Coastal Sage Scrub and riparian habitat for this protected species. In addition several other “special status species” are or could be present on the sites. This requires the permanent removal of some of the best quality native vegetation in the Core Habitat Area for the lifespan of the project—violating the mandate for protection of such resources in the Preserve. **Biological baseline studies must be required before any project area disturbance takes place.**
- SC-4 • **Impacts of the project to residents on Catalina Avenue must be addressed fully.**
- SC-5 • **Access to the site via Penn Street:** The Task Force is very concerned about the new proposal to access the consolidated site via Penn Street. Penn Street is currently residential, narrow, congested both night and day and is inadequate to passage of large trucks required for the proposed project. Penn Street is lined on both sides by cars at all hours and is in a densely populated area with a mix of single and multiple family dwelling units. Passage of trucks through the area currently is difficult. There is a public park and Whittier College facilities (gymnasium and swim stadium) on Penn Street associated with daily activity and special events with limited parking. Athletic events at Whittier College add traffic and parking burdens to the area. With the proposed project there will be increased danger to children, students, parents and the general public. The addition of trucks hauling drilling equipment, supplies, and personnel through this area will exacerbate already difficult noise, congestion, and hazardous conditions. This street currently provides access to the landfill with the daily passing of garbage trucks. **The additional traffic burden of drilling operations to the current activity over years must be fully addressed, not only for the environmental impact of the proposed project but the cumulative impacts to current activities that strain the quality of life in that neighborhood.**
- SC-6 • The project, except a “No Project Alternative”, will interfere with **dispersal and movement of wildlife through and within the Preserve.** Continued drilling and well maintenance will extend these impacts for the life of oil operations in the project areas. **These impacts must be addressed fully.**
- SC-7 • The Task Force is concerned about on-site impacts of drilling, hydraulic fracturing, construction, maintenance, and pipeline installation, including light pollution, noise, air quality impacts, and traffic on the affected part of the Wildlife Corridor. While these impacts would be greatest during early stages of the project, they would continue for the life of the project. **These impacts must be addressed in the new DEIR. The effects and timelines for impacts over the potential life of the project must be included.**
- SC-8 • **Impacts from Vibrations from drilling, construction and transportation may exceed significance levels. (DEIR, 2010, pg. 4.5-35).** Drilling takes place 24 hours a day with night lighting and vibrations; this will impact activities of nocturnal animals both large (i.e. bobcats, coyotes) and small (i.e. various species of bats). Maintenance of wells would cause impacts throughout the life of the oil operations in the Preserve. The proposed oil drilling and production contradicts the mission statement of the Puente Hills Landfill Native Habitat Preservation Authority which is “dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity with the primary purpose to protect the biological diversity”. **Any impacts with the Habitat Authority RMP must be included.**
- **Discussions of Geological Resources in the 2010 DEIR were wholly inadequate.** Although long descriptions of conditions that could exist are included, little site or no specific data is given for various geological hazards for

the proposal or alternatives. Site specific studies must be done for the Central Consolidated Site Alternative. **Documentation of geological hazards and site characteristics must be included.**

- **Analysis of earthquake hazards must be included.** Geological Resources discussion in the 2010 DEIR did not consider potential effects of an earthquake on the Puente Hills Thrust Fault. Studies indicate that the four past earthquakes discovered to have occurred along the fault had magnitudes between M 7.2 and 7.5 in the last 11,000 years, a higher M_w than any nearby fault listed on Table 4.4 of the DEIR, 2010. The estimated maximum peak ground acceleration in the project area due to the Puente Hills Thrust must be included. **Mitigation measures should reflect the highest ground accelerations that could be expected.**

- **The disposal of drilling fluids and formation water must be discussed.** Accidental spills of toxic drilling muds, fluids, or oil, including contaminated formation water are a possibility. Such accidents could endanger the flora and fauna of this important habitat, impact special status species, and affect surrounding residential areas. **The handling of these materials and impacts, both during daily operations and during an accidental spill must be evaluated.**

- The Preserve is currently within a proposed Los Angeles County Significant Ecological Area. **Proposed activities must be compatible with SEA designation.**

- The **increased risk of fires** cannot be avoided since potential ignition sources are inherent in mechanical and electrical equipment as well as with human activities associated with clearing all vegetation from pad areas and along roads. While it is normal for chaparral areas to burn from natural causes within 50-100 year time spans, the increased frequency of fire escaping even to just a portion of the Preserve could lead to permanent changes in the habitat as well as risk to nearby residential areas. **Fire hazards must be addressed.**

- The project, and the products of the project, will contribute to greenhouse gas emissions and to global warming. **This will lead to cumulative GHG and global warming impacts. These must be addressed by the DEIR.**

- Impacts to the Preserve Core Habitat could degrade the Puente-Chino Hills Wildlife Corridor due to fragmentation of habitat. **These must be analyzed in the DEIR.**

- **The analysis of cumulative impacts was not adequate in the 2010 DEIR.** CEQA requires study of past, current and planned future projects that may cumulatively affect the region's environment. Major losses of habitat have occurred in this area due to housing development, local landfills, golf courses and cemeteries. The Tehachapi Renewable Transmission project will take place during proposed oil development. Potential development of the Aera property would have major impacts to connectivity along the Puente-Chino Hills Wildlife Corridor. The National Park Service is currently studying the feasibility of creating a national recreation area that potentially could include the Puente-Chino Hills. **The Whittier Hills Oil project would degrade the potential of this area to be included in such a federally designated national recreation area. These cumulative impacts must be fully addressed.**

- Recreational use of the trails and outdoor education will be interrupted during this project-- development that would particularly affect Arroyo Pescadero and the Core area. The major activity in the Preserve is hiking. This area is heavily used by hikers, equestrians, bicyclists and Habitat Authority educational programs. The oil development and production will diminish the quality of outdoor recreation due to noise which will exceed General Plan levels, vibrations, exhaust, and dust generated for the life of the project. The public uses this area to escape from the noise and disturbance of the urban environment—not to encounter noise of drilling, trucks etc. All of these impacts must be thoroughly addressed.

- **The DEIR should include an off-site alternative and alternate access roads, including an alternative using Catalina Avenue only.** It is not enough to only study alternatives on core habitat land.

- **Viewsheds from Colima and Arroyo Pescadero Park** will be impacted throughout the life of the project; this will affect popular recreational trails within the general area. **These impacts should be included in the DEIR.**

SC-18

The City has an obligation to require whatever mitigations are necessary. Although we do not believe this project should be approved, if it is considered further by the City of Whittier:

- **Mitigation for habitat disruption must begin before damage from the new project occurs. These mitigations must be fully described.** The Consolidated Site is currently utilized habitat and would be limited during all phases of oil/gas exploration and development.

SC-19

- As mitigation to prevent damage to the Preserve, **funding from Matrix must be required for hiring Habitat Authority staff equivalent to two full time equivalent positions which specialize in compliance monitoring to monitor all project activities.**

SC-20

- **Funding from Matrix must be included to train oil company and contract workers** on this project about the environmental/biological concerns associated with the Preserve.

SC-21

- **Funding from Matrix should be designated for community and educational outreach programs in the Preserve to account for the loss of recreational and educational opportunities due to this project.**

SC-22

- Requirements must be included to minimize auto and truck traffic through carpooling of workers and to limit, as much as possible, truck traffic through neighborhoods and to address parking issues within the Preserve or community. There should be strict limits established on the number of allowed vehicle trips, with meaningful monitoring and fines if limits are exceeded.

SC-23

- As mitigation for loss of Core Habitat, funds from this project should be stipulated for Preserve management and purchase of lands before the project is started to complete the continuity of the Puente-Chino Hills Wildlife Corridor.

SC-24

- Up-front funding for emergency response and cleanup of any toxic materials should be included for the life of the project. Funding should also be included for cleanup and restoration of the entire project after completion.

SC-25

- Conservation easements should be put on all Habitat Authority lands which are owned by the City.

SC-26

We respectfully submit these comments.

Joan Licari, Chair
San Gabriel Valley Task Force
Angeles Chapter of Sierra Club

Eric Johnson, Chair
Puente-Chino Hills Task Force
Angeles Chapter of Sierra Club

WHITTIER AREA AUDUBON



May 25, 2011

Jeff Adams
Planning Services Manager
City of Whittier
13230 Penn St.
Whittier, CA 90602

Mr. Adams,

Whittier Audubon appreciates the opportunity to comment on the “Notice of Preparation and Scoping Document for an Environmental Impact Report (EIR) for the Whittier Main Oil Field Development Project, Revised” (the NOP), released April 25, 2011.

Whittier Audubon believes that the following topics and issues should be thoroughly described, analyzed and discussed in the Draft EIR (DEIR):

1. Total habitat to be affected: The DEIR should discuss the habitat to be permanently and/or temporarily disturbed during each phase of the project, with time-lines, acreage, habitat type, length of disruption. This must clearly indicate one-time and on-going disruption from road stabilization, widening and re-alignment, from construction, from operations, from temporary and permanent connections to utilities (water, electrical, sewer, etc.) and from fuel modification zones and impacts (along the roads, drilling areas, operations facilities, and pipelines within the Habitat Preserve), as well direct construction areas. An overall projected time-line of the project (all phases) would be very helpful in understanding the overall picture of habitat disturbance and destruction.
2. Vehicle round trips: The DEIR should give the number of vehicle round trips on the landfill and other roads during all phases of the proposed project, the impact of this traffic on wildlife in the area of the roads, and how this can be mitigated in an area identified by the Habitat Authority as a Core Habitat Zone (Habitat Authority Resource Management Plan, 2007, pp. 70-72; DEIR pp. 4.2-30 to 31), which currently “provides undisturbed breeding habitat for wildlife and native vegetation, which is recovering in the absence of human disturbance.” The discussion of impacts and mitigation should include data from surveys and studies conducted to

WAA-1

WAA-2

determine how the road (and the area to be disturbed along it during construction and on-going fuel modification) is currently used for nursery and foraging by various species.

Page 7 of the revised CUP application states that approximately 87,500 cubic yards of soil excavated during grading would be transported off site, either to the Savage Canyon Landfill or elsewhere, during a 6-month period. With the stated capacity of each dump truck at about 16 cubic yards of soil, this adds up to about 5,469 truckloads, or an average of over 30 per day. With this and the additional construction and drilling-related traffic, the draft EIR should address the expected rate of traffic on the roads (for example, how many vehicles per hour), and how will this affect wildlife in the core habitat, especially if these levels of traffic occur during any part of the breeding season.

WAA-3

Table 2 on page 15 of the revised CUP application shows a quantity of 5 dump trucks, operating 8 hours per day. The draft EIR should explain whether these 5 dump trucks will each make 6 round trips per day filled with excavated soil. If soil has to be transported further than the Savage Canyon landfill, will more trucks be required? If stabilization of the landfill road is happening concurrently with construction of the gas and oil processing plant facilities, (as stated on p.16 of the revised CUP application) the draft EIR should address how much of the dump truck traffic will transport soil to the landfill or other location via the Catalina access and how much via the landfill road.

WAA-4

Table 8 on page 28 of the revised CUP application shows 14 round trips for Trucks on a peak day during Grading and Earthwork Activity of the Construction Phase. The draft EIR will need to address the apparent discrepancy between this figure and the number of truckloads required to remove the amount of excavated soil stated on p. 7.

WAA-5

3. Noise: The DEIR should discuss impacts on wildlife of noise from drilling up to 60 wells over an initial 5-year period (24 hours a day), with ongoing re-drilling for about 3 months each year for the life of the project.

WAA-6

4. Vibration: The DEIR should discuss impacts on wildlife of vibration from drilling up to 60 wells over an initial 5-year period (24 hours a day), with ongoing re-drilling for about 3 months each year for the life of the project.

WAA-7

5. Core Habitat: Impacts on the core-habitat and its designated function as a breeding habitat for wildlife and native vegetation, and how this could be mitigated in areas contiguous with the existing core habitat, or with another equivalent-size replacement core habitat in the same general area of the Preserve. Any mitigation areas must provide habitat of the same type as is disturbed or destroyed by the project.

WAA-8

6. All types of wildlife: Impacts and mitigation should address all types of wildlife, including insects, reptiles and amphibians, birds, and mammals, as well as plants, in the affected areas, as these are all inter-connected in the ecology of an area.

WAA-9

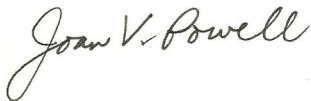
7. Above-ground pipeline: Page 4 of the NOP states that an above-ground gas pipeline could be constructed next to the landfill road, to connect to the City of Whittier pipeline system. The EIR must indicated the impacts of construction and on-going operation of this above-ground gas pipeline, should it be built. For example, would there be an increase in the acreage affected by fuel-modification requirements if this pipeline is constructed, and how would this affect plant and wildlife in the area?

WAA-10

8. Bermed basins: The DEIR must discuss how bermed basin areas for drilling mud, drilling water, concrete slurry, wastewater, and other fluids will be designed to prevent wildlife access, so that wildlife are not harmed by toxicity of the fluids, or trapped in a basin. For example, will the impermeable material lining the pond be so slippery that any animal walking on it will fall into the pond will be unable to extricate itself?

WAA-11

Sincerely,



Joan V. Powell
Conservation Chair, Whittier Area Audubon Society
joan.powell@att.net

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
	Organization	
WAA-1	4.2.4	Disturbed habitat acreage
WAA-2	2.3.3.4, 4.2.4	Vehicle round trips, impact on wildlife
WAA-3	4.2.4, 4.7.4	Revised round trips and impacts on wildlife
WAA-4	2.3, 4.7.4	Soil truck trips
WAA-5	2.3, 4.7.4	truck trips
WAA-6	4.2.4	Noise impacts on wildlife
WAA-7	4.2.4	Vibration impacts on wildlife
WAA-8	4.2.4	Impacts on core habitat
WAA-9	4.2.4	Impacts on all kinds of wildlife
WAA-10	4.2.4	Impacts of aboveground pipeline
WAA-11	4.8.4	Bermed basin impacts on wildlife
RMC-1	4.2.4	Biological resources impacts
RMC-2	4.2.6	Tehachapi project
RMC-3	4.1 through 4.16	Impacts
RMC-4	4.2.4	Wildlife impacts
RMC-5	2.0, Figure 2-6, 4.2.4, Figure 4.2-2 & Appendix A	Road improvements & impacts
RMC-6	Table 4.2-3	List of acres impacted
RMC-7	Outside of scope	Project website
RMC-8	4.1 through 4.16	Construction impacts
RMC-9	2.3, 4.1.4, 4.5.3	Vehicle details, air & noise impacts
RMC-10	4.1.4, 4.5.3, 4.6.4, 4.7.4	Air, noise, light & traffic impacts
RMC-11	4.2.4	Noxious & invasive plant impacts
RMC-12	4.2.4, 4.14.4,	Impacts to recreational trails
RMC-13	4.1.4, 4.2.4, 4.7.4.5	Air & bio impacts; carpooling; electric engines
RMC-14	4.2.4	Critical habitat analysis
RMC-15	4.2.4	Bio – impacts to special status birds
RMC-16	Appendix C	Biological reports
RMC-17	Appendix H	Economic impacts
RMC-18	Outside of scope	Non-wasting endowment fund
RMC-19	4.2.4	Nesting periods
RMC-20	4.2.4	Wildlife impacts
RMC-21	4.5.3, 4.6.4	Noise & lighting impacts
RMC-22	4.5.3	Noise impacts
RMC-23	4.5.3	Vibration impacts

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
RMC-24	4.5.3, 4.8.4	Habitat impacts
RMC-25	4.4, 4.8.4, 4.10.4, 4.13.4	Water resources & wastewater impacts
RMC-26	4.4.5	Geology and soils impacts & mitigation
RMC-27	4.14.4	Recreational impacts & mitigation
RMC-28	4.6.4	Viewshed impacts & mitigation
RMC-29	4.3.4	Hazards impacts & mitigation
RMC-30	Emissions of air pollutants would be well below levels that could impact plants except under accidental release situations (see section 4.3). Section 4.2 examines air pollutant impacts including cancer and acute/chronic impacts on humans.	Toxic exposure impacts to biological resources
RMC-31	Outside of scope – not yet approved	Policy consistency
RMC-32	4.14.4	Educational component
RMC-33	4.14.4	Trailhead impacts & mitigation
RMC-34	5.0	Alternatives – reduce impacts to habitat fragmentation, footprint, edge effect
RMC-35	5.0	Alternatives – offsite alt
RMC-36	5.0	Alternatives – alt access routes
SC-1	5.0, 6.0	Impacts of Consolidated Site on previous restoration in area
SC-2	4.2.4, 4.7.4	Landfill Road – fully address impacts
SC-3	4.2.1, 4.2.4	Bio – special status species, baseline study needed
SC-4	4.7.4	Impacts on Catalina Ave. residents
SC-5	4.7.4	Penn St. access impacts
SC-6	4.2.4	Bio - Project will interfere will dispersal and movement of wildlife
SC-7	4.2.4	Bio – analyze impacts of duration of Project onwildlife
SC-8	4.2.4, 4.5.3, 4.11.5.2	Bio – vibration impacts exceed thresholds; consistency with RMP
SC-9	4.4.5	Geo – site-specific data missing
SC-10	4.4.5	Geo – earthquake hazards
SC-11	4.2.4, 4.8.4	Wastewater/Risk (?) – disposal of drilling fluids, produced water

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
SC-12	Outside of scope – not yet approved	Bio – activities must comply with Significant Ecological Area designation
SC-13	4.3.5, 4.12.4	Fires – risk unavoidable
SC-14	4.1.4	Air – GHG impacts
SC-15	4.2.4	Bio- impacts from fragmentation of habitat
SC-16	4.14.4	Recreation – impacts of interrupting recreational use
SC-17	5.0	Alternatives – consider offsite alternative, alternative access
SC-18	4.6.4	Aesthetics – viewsheds from Colima and Arroyo Pescadero Park
SC-19	4.2.4	Bio- MM for habitat disruption must begin immediately
SC-20	8.0	Matrix should fund 2 compliance monitors
SC-21	Outside of scope	Matrix should fund training about bio concerns
SC-22	Outside of scope	Matrix should fund community, educational programming
SC-23	4.7.4	MM should include carpooling, parking restrictions, and enforcement
SC-24	Outside of scope	Matrix should contribute funds for Preserve management
SC-25	Outside of scope	Up-front funding for emergency response and cleanup
SC-26	Outside of scope	Conservation easements on all HA lands owned by City
PSRB-1	4.7.4, 5.0	Support No Project Alternative
PSRB-2	4.7.4	Penn Street cumulative impacts related to safety, air quality, and environmental justice
PSRB-3	4.7.4	Penn Street traffic study
PSRB-4	4.3.4, 4.1.4, 4.16.4	Noise, vibrations & air mitigation
PSRB-5	4.7.4.4	Project insurance
PSRB-6	4.5.3, 4.1.4	Notice of traffic level

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
		changes
PSRB-7	Outside of scope	City Council engage with Penn St. neighborhood

Mineral Extract Scoping Doc comments- Elise Abrego 051911

From: eabrego [eabrego@earthlink.net]

Sent: Thursday, May 19, 2011 4:49 PM

To: Jeff Adams

Subject: Mineral Extraction Scoping Document comments

Dear Mr. Adams

Please make sure that the DEIR for this project uses a secluded nature preserve as the baseline for sound measurement and NOT A PUBLIC PARK like it did last time. This is a quiet preserve and it is not comparable to Michigan or Parnell Park.

AbregoE-1

Please also be sure to include an analysis of the impact (such as sound, visual, and recreational) on the entire preserve to have the construction and maintenance trucks driving through it.

AbregoE-2

Please also consider the safety of the children who enter and exit cars on Penn to visit Penn Park. The additional traffic and large size of the proposed vehicles creates additional hazards for Penn Park visitors and small children and should be analyzed. And please be sure the analysis is done during normal park visiting hours. Summer hours, when the park is especially busy, should also be evaluated.

AbregoE-3

The DEIR should also correctly identify the 1290 acres as the Open Space Preserve that it IS, and NOT the Whittier Main Field/Whittier Mail Oil Field. The NOP Scoping document calls the 1290 acres - Whittier Main Field/Oil Field - what it WAS known as. However, since it is NO LONGER the Whittier Main Oil Field, but the Whittier Hills Preserve, it needs to be correctly labeled. It is deceiving to call it Whittier Main Oil Field. The land IS a Preserve.

AbregoE-4

Thank you

Elise Abrego

Brad Cambell Email with Comment Documents 052411
From: Brad Campbell [pennstreetfamily@yahoo.com]
Sent: Tuesday, May 24, 2011 12:09 PM
To: Jeff Adams
Subject: Fw: Public Comment Documents
Attachments: Matrix Oil_City of Whittier_Community Concerns_1.doc; DMEC_Comments-WhittierOilDEIR-20101105-9.pdf

--- On Tue, 5/24/11, Brad Campbell <pennstreetfamily@yahoo.com> wrote:

> From: Brad Campbell <pennstreetfamily@yahoo.com>
> Subject: Public Comment Documents
> To: jadams@whittierch.or
> Cc: "Brad Campbell" <pennstreetfamily@yahoo.com>
> Date: Tuesday, May 24, 2011, 11:25 AM
> Dear Mr. Adams,

> Please accept the following two attached documents, entitled "Comments on Whittier Main Oil Field Development Project EIR" and "Matrix Oil_City of Whittier_Community Concerns" as my public comment for the Environmental Impact Report (EIR) for the Whittier Main Oil Field Development.

> In addition to the comments included in the document entitled, "Matrix Oil_City of Whittier_Community Concerns", I would ask the following for the document entitled "Comments on Whittier Main Oil Field Development Project EIR":

> Specifically, I would like ANY and ALL sections of the report entitled "Comments on Whittier Main Oil Field Development Project EIR" that have been identified by DMEC as inadequate to satisfy CEQA regulations reviewed by the city and responded to, as part of the DEIR review process.

CampbellB-1

> Additionally, any section of the report that suggests that additional studies or evaluation be done, I would like treated in a similar fashion.

CampbellB-2

> I would request that the city address and respond to any section (s) of the report that finds any error with any of the methodologies used by the preparing agency.

CampbellB-3

> As well, I would request that the city specifically address and respond to any mitigation findings found by DMEC to be inadequate or in need of additional study.

CampbellB-4

> Finally, I note that my original submittal of the document entitled, "Comments on Whittier Main Oil Field Development Project EIR" required a response and comments under CEQA guidelines from the City of Whittier and no such response or comments were received.

CampbellB-5

> Thank you,
>
> Brad Campbell
> Whittier resident

Mr. Jeffery Adams
Planning Services Manager
13230 Penn Street
Whittier, CA 90602
Email: jadams@whittierch.org

May 23, 2001

RE: PUBLIC CONCERNS

Scope and Content of Notice of Preparation and Scoping Document for an Environmental Impact Report (EIR) for the Whittier Mail Oil Field Development Project REVISED – April 20, 2011:

Dear Mr. Adams,

Please accept the following as my concerns with regard to the above.

PUBLIC CONCERNS:

Communication:

During the General Public Scoping Meeting on May 5, 2011, it was clearly apparent that the City's communication is lacking about the meeting. Home owners/residents along Penn Street, Catalina, Mar Vista, and Colima did not all receive appropriate notices of this meeting and therefore had their rights limited to provide concerns regarding the partnership of Matrix Oil and the City of Whittier. Proper notice was not received by the residence most impacted. It was discussed at the Scoping Meeting with Jeffery Adams, Planning Services Manager, who suggested that we, concerned citizens, provide him with addresses and email address of citizens that would like to voice a concern. While this is a way to obtain address information it certainly is not the most effective way. Even without proper notification received the public is still held to a deadline date of 30 days from April 25, 2011, Notice of Preparation and Public Scoping Meetings. Due to the notification problems of the City's communication, there was a request made to allow the public more time to respond to the DEIR and provide public concerns and issues. No response to the request and we are now held to a 20 day deadline for comments on the DEIR.

CampbellB-6

Multi-ethnicity impact has not been considered with the communication that has been provided by the City and Marine Research Specialists. It has been requested to include notices in other languages of our diverse community, but to date that has not occurred. Many individuals are unaware of the City's efforts and impacts that will be made due English not being the predominant language (Chinese, Armenian, Spanish, etc.).

CampbellB-7

Scope of the EIR:

The scope of the EIR is very limited and identifies only a few streets impacted in the urban areas of Whittier. All citizens of Whittier are impacted by this proposed project and I request analyses and information to be view by all of Whittier, because it is all of Whittier that will be impacted. The impacts will include but not limited to noise, traffic, exhaust, odor that the wind will over enormous areas of Whittier and beyond, property and automobile damage, vibrations of heavy equipment will impact all citizens and wildlife. For example vehicles do not magically appear on Penn Street, but must come from some route (Whittier Blvd., Washington Blvd., Hadley, Painter, etc.) that gets them from their starting position and to their ending position. Currently the scope is limited in the EIR to Penn Street, Colima Road, and Catalina Avenue as described in your Proposed Project Description dated April 2011. This is not acceptable and requires further analysis of this issue and should be included in the EIR.

CampbellB-8

Aesthetics/Visual Impact:

The EIR is inadequate and incomplete in that it fails to provide information regarding the effect upon the project site's microclimate that would be caused by the reduction in the project site elevation and the hills. The EIR also fails to provide an analysis as to how the changes in the microclimate that would be caused by the proposed project would affect the flora and fauna (plants and animals specific to the region) of the project site and its surroundings, which are a visual resource. The tactile sensations experienced by persons in and around the subject site such as changes in moisture in the air, temperature changes, odor, emissions, and other. The EIR must include a section providing the above listed information and analysis.

CampbellB-9

The EIR acknowledges impacts to the background view of undeveloped hillsides and protected habitat of the Puente Hills Landfill Native Habitat Preservation Authority.

The Visual Impact maps provided in the NOP (April 2011) are insufficient and inaccurate to clearly see the impact to the area. The Project describes power poles, power lines and above ground pipeline that was not part of the initial interact map on the PowerPoint presentation at the Scoping meeting dated May 5, 2011. A more accurate method of projecting the area is needed to determine the impact.

CampbellB-10

Inadequate Range of Alternatives:

The EIR should include information and analysis on a range of alternatives instead of a densely populated urban community and nationally recognized wildlife preserve. Alternatives should include a reduced drilling alternative, a no-project alternative that prohibits all new drilling activities in the Whittier Main Oil Field.

CampbellB-11

Look for alternatives to reduce human health, social and economic impacts resulting from the physical impacts on the environment of the Whittier Main Oil Field.

CampbellB-12

Alternative access should include access from Colima without impacting the Habitat Preserve and the densely populated urban community of Whittier.

CampbellB-13

Inadequate Identification of Transportation Impact:

The Proposed Project Description identifies two methods for transporting the oil that are proposed by Matrix. There is no mention as to the expected number of oil carrying vessels that will be impacting our community. Information and analyses need to include the expected number of vehicles, weight of load in addition vehicle weight, both empty loads and full loads, and the route that will be taken to the Whittier Main Oil Field.

According to the scoping meeting of May 5, 2011, Luis Perez, Senior Project Manager for Marine Research Specialists, technology is so advanced that the amount of oil extraction that is expected by Matrix is already known. If the expected amount of oil is known then including this analysis will not be difficult, because without this number we do not really know what depth of impact our densely populated streets/community will have.

CampbellB-14

The vehicles should include all oil transportation vehicles, construction vehicles, emergency vehicles, testing equipment transportation, maintenance vehicles, etc. All vehicles that access to oil fields and through the Habitat Preserve for any purpose as part of the construction and operation of the Whittier Main Oil Field/Matrix Oil partnership are to be included in the EIR along the expected weight of all such vehicles and routes to be taken.

Impacts to Roads:

EIR should include an analysis and information on road conditions and the impact to our community for related damages and repairs. The analysis should include a suggested source to fix and eliminate all damage to the roads caused by weight and excessive use on any Whittier roads to and from the Whittier Main Oil Field/Habitat Preserve caused by the construction and operation of the mineral extraction. The road repair costs should not come from increased taxes or creative accounting imposed upon the citizens of Whittier. A commitment is needed on the amount of time it will take to fix damaged roads.

CampbellB-15

Analysis and information is required on the alternate routes that will be used by Matrix oil to access Whittier Main Oil Field. This should include for example: If Penn Street is closed due to repairs what alternative access road will be used. This is also another example of why the scope of the NOP and Scoping Document for an EIR should be more comprehensive to include those alternative densely populated routes.

CampbellB-16

The EIR should suggest alternative routes to limit the damage to our urban community and Habitat Preserve.

CampbellB-17

Property and Automobile Damage:

An analysis is needed on the EIR of property and automobile damage that will be sustained by accessing on the densely populated Penn Street and other streets of access routes that will be used by Matrix Oil.

Damage to vehicles along Penn Street/Catalina Street will also occur to from the material falling from the equipment that will hit windshields, chip the paint of cars, cause flat tires from sharp material falling off of trucks, to actual impacts while trying to avoid those people who are walking in the street where no sidewalks are available and also from those who chose not to use the sidewalks.

CampbellB-18

Damage to the residents' property is an imminent fact, the analysis should include information and mitigating options on the damage that will be sustained by using Penn Street and or Catalina as the preferred interior access road to the Whittier Main Oil Field and through the Habitat Preserve.

Excess traffic also causes damage to the homes by the vibrations that will occur. Property damage might include structural damage, plumbing problems from debris being dislodged in the pipes, cracked windows, sidewalk fractures, etc., a damage analysis is needed in the EIR.

Air Quality:

The NOP (April 2011) does acknowledge that the proposed Project would contribute to an increase in air quality from construction and operation of...these emissions could result in the violation of air quality standards and evaluate both the long- and short-term impacts. Sensitive receptors will be used to the south and west residences near the Project site. Information is needed to include the specific number, type of receptors, record methods with various times, to record air contaminants, and location of the specific monitoring identified by a map. This information is necessary to know if this method is adequate for the area that needs to be covered. The analysis should also record the exhaust also caused by vehicles used for the Project.

CampbellB-19

Odor needs to be fully evaluated with wind being a factor that can carry the odor over several miles of area that will impact our City and those neighboring cities.

CampbellB-20

Alternative Air Quality tracking processes need to be included/analyzed and determine the best method to ensure the citizens, flora, and fauna (plants and animals specific to the region) are will protected and an emergency protocol of how notification of dangerous levels will be made.

CampbellB-21

Outside agencies should also be part of the EIR to be a monitoring factor of air quality control that provides monthly updates to the City for public viewing and access.

CampbellB-22

Information and analysis is required.

Expansion:

An analysis and information is needed in relationship to any expansion beyond the initial drilling operations that includes further impacts to our City and the environment. The analysis should include a no expansion alternative. Information and analysis is required.

CampbellB-23

Risks, Hazards and Hazardous Materials:

Exploration for and production of oil has major detrimental impacts to soils, surface and ground waters, and the local ecosystems in the United States. These impacts arise primarily from the improper disposal of enormous volumes of saline water produced with oil and gas, from accidental hydrocarbon and produced water releases, and from abandoned oil wells that were not correctly sealed. It is equally important to understand the long-term and short-term effects of produced water and hydrocarbon releases from these sites in order fully assess the impact to our community and wildlife. Information and analysis is required.

CampbellB-24

Human Health Risk Assessment:

Human health risk assessment estimates rely on parameters such as environmental concentrations, body weight, absorption by the body, exposure scenario, and certainly several other parameters. Information and analysis is required on impact to human health and the health of a human fetus. It is well know that vehicle exhaust and oil/gas extraction has disease causing properties that can be slowing growing in nature. An epidemiological analysis is required to determine the health of the citizens of Whittier of past oil/gas extraction efforts and the impact that was made.

A current epidemiological study is also necessary to determine the health conditions that currently affect those citizens living on Penn Street due to the stress and current traffic exhaust accumulates in this area. A projected analysis can then be provided and the anticipated human health risk to those most impacted on the Matrix Oil and City of Whittier partnership and the exposure to chemicals caused by extraction efforts including the transportation and dispersion patterns.

CampbellB-25

FYI...The American Academy of Pediatrics and the American Nurses Association, for example, are now suing the EPA over mercury regulations they contend will allow "subtle but irreversible" brain damage in fetuses.

Traffic/Parking:

Penn Street has over 500 residents between Painter Street and the entrance to the landfill. Penn Street, particularly east of Painter, suffers from inadequate parking as a result of the City allowing multifamily residential development without requiring parking as needed by the density allowed. Penn Street is used as the primary access for the City landfill and all related activities, including trucks importing dirt, sometimes in excess of 250 trucks per day.

Penn Street bears the burden of traffic to and from Penn Park, rush hour short-cut traffic, and more recently, an exponential increase of traffic related to changes in operations at Whittier College. Whittier College has upgraded the sports complex, and is now leasing the fields to local high schools and sports clubs for practices and competition. To

compound this impact to Penn Street, Whittier College has concurrently blocked traffic through the campus due to construction, resulting in Penn Street becoming the parking lot for Monday and Tuesday night practices, Friday night and Saturday practices and games. There have been accidents related to this use alone in the past few months without the proposed access to the Whittier Main Oil Field. Traffic does not just include cars and trucks, you analysis should include the school buses, Tour Coaches, Banquet Vehicles, Ice cream trucks, limousines (used for weddings, quinceañera, etc.), all of which can be doubled park and in the red no parking zones. Analysis should be taken during the busiest times when Whittier College is in full sessions during the fall and spring semesters, during the weekend days/afternoons, Friday evenings during the public school year, etc. Please do not provide analysis of this situation by obtaining information of traffic and parking concerns at 2:00am, thank you.

CampbellB-26

Parking restriction now enforced on Penn Street places hardships on the residence and businesses, making it anymore restrictive will place an even more dramatic hardship then is necessary due to the Whittier Main Oil Field Development Project. Where are homeowners and renters to park especially when the construction phase will by 24 hours a day, 7 days a week?

Biological Resources:

Animal studies have shown that exposure to high levels of PAHs can lead to reproductive problems, skin problems and problems with the immune system but these affects have not been seen in humans. Information and a specific analysis should be included on the health conditions that the fauna will be exposed to as their biology is different from humans. The plant life also will be impacted by the exhaust and damage the Project will cause.

CampbellB-27

The reproductive habits of the wildlife and flora found in the area also needs an analysis to assess the impacts the Project will make, including reproductive cycles, migratory patterns of the birds and butterflies.

CampbellB-28

Road going through the landfill and Habitat might require grading down to mineral soil and partial brush clearance of 30 feet on either side. That should have a huge impact on the core increasing edge effect and reducing the area that is available for wildlife nurseries. More information and analysis is required about the actual road requirements and the impact to the wildlife nurseries and the soil.

CampbellB-29

Information and analysis is required.

Water:

California is currently not in a drought situation; this is the first time in a decade or two that drought conditions are not a concern. Amazing as that is we certainly know drought conditions can change drastically from year to year. During the Scoping Meeting of May 5, 2011, it was mentioned that 10,000 gallons per day for 2.5 years will be used just during the Construction Phase. It was not mentioned where this water is coming from it could be transported in or will using of the City of Whittier's water resources. An analysis and information is needed on the water impacts to the City and to the Habitat

CampbellB-30

Preserve. With such volume of water the analysis should include environmental impacts that will occur to the flora and fauna of the Habitat. The analysis should also include how much expected water will be used once the oil/gas extraction is in operation.

It is my understanding that produced water extracted during oil and gas production includes formation water, injected water, small volumes of condensed water, and any chemical added during the oil/water separation process. Produced water contains both organic and inorganic constituents. The toxicity and persistence of polycyclic aromatic hydrocarbons (PAHs) in produced water is of particular environmental concern. Information and an analysis should be provided on the effects of the produced water and the toxicity that will be exposed to the community and health impacts to human, flora, fauna and soil. Produced water contains several potential toxic metals, small amounts of radionuclides, as well as industrial additives.

The analysis should describes the origin of pollutants, their fate and transport in the environment, and exposure pathways also include alternative storage of toxic water

CampbellB-31

FYI...Boffetta et al. (1997) reported human skin cancer and Armstrong et al. (2004) reported human lung and bladder cancer, associated with PAHs with different exposure pathways.

The U.S. Environmental Protection Agency (USEPA) I believe defined 16 main PAHs as the Priority Pollutant PAHs: naphtalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthen, pyrene, benz(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(a)pyrene, dibenz(a,h),anthracene, indeno(1,2,3-cd)pyrene, and benzo(ghi)perylene (USEPA 2007).

Toxicities/Health:

Toxic chemicals associated with the Project need to be assessed as to the amount of exposure that the community will have. The chemicals are not simply those produced by the oil/gas extraction, but also those chemicals used for testing and treatment of the equipment used for containment, storage and extraction. Some of the more common chemicals found in petroleum products are the following that should also be included in the EIR. Information and analysis is required.

BETX chemicals: (n) a group of chemicals found in petroleum products that have been linked to serious health effects in humans.

Benzene: a known human carcinogen. Benzene has been linked to anemia, leukemia, and other blood cancers.

Ethylbenzene: a possible human carcinogen. It has been shown to cause hearing loss, neurological effects and kidney damage in lab animals.

Toluene: not currently classified as carcinogenic. It can affect the nervous system causing tiredness, confusion, weakness, memory loss, nausea, loss of

appetite, “drunk-like” actions and hearing and vision problems. High level exposure to toluene can damage the kidneys.

CampbellB-32

Xylene: not currently classified as carcinogenic. At high levels, xylene can cause headaches, dizziness, problems with muscle coordination, skin irritation, irritation of the eyes, nose and throat, breathing problems, delayed reaction time, memory problems, upset stomach and may cause changes in the liver and kidneys. At very high levels, it can cause unconsciousness or death.

hydrogen sulfide (H₂S): (n) a corrosive, flammable gas with a characteristic “rotten egg” smell that is derived from sour gas. It tends to accumulate in low lying and confined spaces. Low doses and long term exposure can cause eye irritation, sore throat, cough, nausea, headaches, fatigue and shortness of breath. Brief exposure to a high dose can lead to neurological damage, loss of consciousness or death

particulate matter: (n) a mix of very small particles and liquid droplets which can include nitrates, sulfates, organic chemicals, metals, soil or dust. Health effects vary with the size of the particles. Very fine particles have the worst effect because they can lodge in the lungs or be absorbed into the bloodstream. Particulate matter has been linked to respiratory problems, asthma, chronic bronchitis, irregular heartbeat, nonfatal heart attack and premature death in people with heart or lung disease

polycyclic aromatic hydrocarbons (PAHs): (n) a group of more than 100 chemicals formed by incomplete burning. The most common source of exposure is breathing smoke from wildfires, coal fires, automobile exhaust, cigarettes, or by eating grilled foods. PAHs are found in coal tar, crude oil, creosote, and roofing tar.

Waste Disposal:

Insufficient information is provided on the waste disposal and processes that will impact the community and Habitat. Information and analysis is required.

CampbellB-33

FIRE Protection and Emergency Services:

We live in Southern California with known fire risks and local earthquake faults. The NOP (April 2011) acknowledges these types of catastrophes and will require the preparation of an emergency response plan (ERP). The ERP is concerned with adequate access for emergency response and firefighting equipment to the various development sites. This is good to see, but in addition there is no mention of a notification system to the residence should an explosion, sabotage or terrorist event occur. Information and analysis is required.

CampbellB-34

MATRIX Oil is Finished:

The NOP (April 2011) does not include an analysis or information on the exit plan when Matrix Oil leaves the area. This should be included in the EIR and what safety and restoration efforts will be needed and who the responsible party for costs will be. Information and analysis is required.

CampbellB-35

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5 November 2010

Andrea Gullo
Executive Director
Puente Hills Landfill Native Habitat Preservation Authority
7702 Washington Avenue, Suite C
Whittier, CA 90602

Subject: Comments on Whittier Main Oil Field Development Project EIR

Dear Andrea:

Per your request, David Magney Environmental Consulting (DMEC) is providing these comments on the City of Whittier's Main Oil Field Development Project Draft Environmental Impact Report (DEIR), focusing on project related impacts to biological resources.

DMEC has been in business since July 1997, specializing in biological resource assessments, CEQA/NEPA, wetlands permitting and mitigation planning, and vegetation mapping. DMEC is owned by Mr. David L. Magney.

David L. Magney, President of DMEC, is a biologist and geographer, specializing in botanical resources and wetlands. Mr. Magney has been consulting full time since 1985, working for Dames & Moore, Jones & Stokes Associates, Fugro West, Inc., and ENSR before establishing DMEC. Mr. Magney is considered an expert on the flora of Ventura and Santa Barbara Counties, and has been "certified" as a qualified biologist by Ventura County Planning Division, Los Angeles County Regional Planning (SEATAC), and Santa Barbara County. He serves on the Los Angeles County Environmental Review Board, and is the City of Rancho Palos Verdes' Consulting Biologist, and has served as an Expert Witness as a botanist for the U.S. Department of Justice. Mr. Magney's CV is available at www.magney.org. Mr. Magney has worked extensively in Los Angeles County.

David M. Brown, Biologist/Zoologist, has over 10 years experience in biological studies and environmental consulting. He has experience conducting botanical surveys in central and southern California. Mr. Brown was a team member conducting floristic surveys of 62,000 acres of the Tejon Ranch in Kern and Los Angeles Counties and on The Wildlands Conservancy's Wind Wolves Preserve in southern Kern County. Mr. Brown has mapped and described natural vegetation, assessing project-related impacts to natural habitats, and mapped the distributions and occurrences of special-status plant species. He has conducted biological surveys in Kern, Los Angeles, Sacramento, and Ventura Counties for a variety of projects and participated in surveys for the Yellow-billed Cuckoo along the Santa Clara River in Ventura County. Mr. Brown has experience in preparing Initial Study Biological Assessments, biological constraint analyses, and revegetation plans, and has critically reviewed CEQA assessment documents for several projects in Ventura, Santa Barbara, and Los Angeles Counties.

Prior to joining DMEC, Mr. Brown has worked as a field biologist for Sugnet & Associates, conducting wetland delineations in vernal pool and palustrine wetland habitats, and assisted with designing and constructing wetland reserves. Mr. Brown has also taught and been a lecturer in biology at UCLA, and served as an internship coordinator for the UCLA Center for Community Learning. He also served as an



environmental policy intern at Environment Now in Santa Monica. He earned a Bachelor of Science degree in Zoology, University of California, Davis in 1993, and a Master of Science degree in Ecology, UC Davis in 1997.

DMEC’s review of the biological resources section of the DEIR, and associated documents, has identified several issues and biological resources that were not adequately evaluated or considered by the City. This letter provides some background information about the California Environmental Quality Act (CEQA) and biological resources of the Puente Hills Landfill Native Habitat Preserve (Preserve) and Los Angeles Region that are directly relevant to the issues DMEC has identified as inadequate to satisfy CEQA regulations. Below is a table of contents of the contents of this letter.

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PERTINENT CEQA CONCEPTS AND POLICIES

Selected sections of CEQA are quoted below to support DMEC's contentions regarding specific deficiencies in the DEIR. Specific parts are emphasized in **bold typeface** to illustrate clearly the requirements of CEQA. As illustrated below, CEQA is clear in its intent to protect the environment over the long term and to make the public fully aware of the changes to the environment that a project would have. CEQA requires that all significant impacts to the environment either be avoided, and if avoidance is not possible, that the impacts be minimized and mitigated. Even when an impact cannot be fully mitigated, the decisionmakers do not have the authority to simply state that mitigation is infeasible, but must require mitigation to the extent feasible and make findings of overriding consideration for unmitigatable impacts to permit projects that it believes are more important regardless of the damage to the environment.

General Concepts

“Section 15002. General Concepts.

(a) Basic Purposes of CEQA. The basic purposes of CEQA are to:

- (1) Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
- (2) Identify the ways that environmental damage can be avoided or significantly reduced.
- (3) **Prevent significant, avoidable damage to the environment** by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

(g) Significant Effect on the Environment. A significant effect on the environment is defined as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project. (See: Section 15382.) Further, when an EIR identifies a significant effect, the government agency approving the project must make findings on whether the adverse environmental effects have been substantially reduced or if not, why not. (See: Section 15091.)

(h) Methods for Protecting the Environment. CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project would cause substantial adverse changes in the environment, the governmental agency must respond to the information by one or more of the following methods:

- (1) Changing a proposed project
- (2) **Imposing conditions on the approval** of the project;
- (3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;
- (4) **Choosing an alternative** way of meeting the same need;
- (5) Disapproving the project;
- (6) Finding that changing or altering the project is not feasible;

(7) Finding that the unavoidable significant environmental damage is acceptable as provided in Section 15093.”

CEQA Policies

Section 15003, Policies, states, “In addition to the policies declared by the Legislature concerning environmental protection and administration of CEQA in Sections 21000, 21001, 21002, and 21002.1 of the Public Resources Code, the courts of this state have declared the following policies to be implicit in CEQA:

- (a) The EIR requirement is the heart of CEQA. (*County of Inyo v. Yorty*, 32 Cal. App. 3d 795.)
- (b) The EIR serves not only to **protect the environment** but also to demonstrate to the public that it is being protected. (*County of Inyo v. Yorty*, 32 Cal. App. 3d 795.)
- (c) The EIR is to **inform** other governmental agencies and the public generally of the **environmental impact** of a proposed project. (*No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68.)
- (d) The EIR is to demonstrate to an apprehensive citizenry that the **agency has**, in fact, **analyzed** and considered the **ecological implications** of its action. (*People ex rel. Department of Public Works v. Bosio*, 47 Cal. App. 3d 495.)
- (e) The EIR process will enable the public to determine the environmental and economic values of their elected and appointed officials thus allowing for appropriate action come election day should a majority of the voters disagree. (*People v. County of Kern*, 39 Cal. App. 3d 830.)
- (f) **CEQA was intended** to be interpreted in such manner as to **afford the fullest possible protection to the environment** within the reasonable scope of the statutory language. (*Friends of Mammoth v. Board of Supervisors*, 8 Cal. 3d 247.)
- (g) The **purpose of CEQA** is not to generate paper, but to **compel government** at all levels to **make decisions with environmental consequences in mind**. (*Bozung v. LAFCO* (1975) 13 Cal.3d 263)
- (h) The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect. (*Citizens Assoc. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151)
- (i) CEQA does not require technical perfection in an EIR, but rather adequacy, **completeness**, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR’s environmental conclusions, but only determines if the EIR is sufficient as an informational document. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692)
- (j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (*Laurel Heights Improvement Assoc. v. Regents of U.C.* (1993) 6 Cal.4th 1112 and *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553)”

CEQA Definitions of Special-status Species

Below is the part of the CEQA Guidelines that define special-status species that should be considered in a project impact assessment. Those parts in **bold typeface** are added for emphasis and related directly to the reasons why parts of the DEIR are inadequate.

“15380. ENDANGERED, RARE OR THREATENED SPECIES

- (a) “Species” as used in this section means a species or subspecies of animal or plant or a variety of plant.
- (b) A species of animal or plant is:
 - (1) “Endangered” when its **survival and reproduction in the wild are in immediate jeopardy** from one or more causes, including **loss of habitat, change in habitat**, overexploitation, predation, competition, disease, or other factors; or
 - (2) “Rare” when either:
 - (A) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or
 - (B) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered “threatened” as that term is used in the Federal Endangered Species Act.
- (c) A species of animal or plant shall be presumed to be endangered, rare or threatened, as it is listed in:
 - (1) Sections 670.2 or 670.5, Title 14, California Code of Regulations; or
 - (2) Title 50, Code of Federal Regulations Section 17.11 or 17.12 pursuant to the Federal Endangered Species Act as rare, threatened, or endangered.
- (d) A **species** not included in any listing identified in subdivision (c) **shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the criteria in subdivision (b).**
- (e) This definition shall not include any species of the Class Insecta which is a pest whose protection under the provisions of CEQA would present an overwhelming and overriding risk to man as determined by:
 - (1) The Director of Food and Agriculture with regard to economic pests; or
 - (2) The Director of Health Services with regard to health risks.”

CEQA § 21001. Additional Legislative Intent

CEQA § 21001, Additional Legislative Intent, states, “The Legislature further finds and declares that it is the policy of the state to:

- (a) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.
- (b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.
- (c) Prevent the elimination of fish or wildlife species due to man’s activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.”

The assessment of a project’s environmental impacts under CEQA must take these intentions into consideration, regardless of whether they are further explained or described in the CEQA Guidelines.

SPECIFIC ASPECTS OF THE PRESERVE THAT MUST BE CONSIDERED

Below are several important functions or aspects of the Preserve that must be considered when making any project or management decision affecting the Preserve or parts of the Preserve. Since the project site is located within the second largest parcel within the Preserve and has been considered such an important part of the integrity of the Preserve, the City's parcel must be viewed in context with the whole Preserve. The particular functions of the Preserve that the City's parcel is important for includes its importance for conserving viable wildlife populations in the Puente Hills, within the Los Angeles region, and conserving viable stands of coastal sage scrub habitats in the region, which are known to support special-status species. Each of these functions are described below.

Importance of the Preserve for Conserving Viable Wildlife Populations in the Puente Hills

The Preserve is ecologically important for conserving viable populations of wildlife in the Puente Hills region because it provides core habitat for many species. As defined in the Resource Management Plan for the Preserve (p. 72), core habitat is an area that can sustain a population of plants or animals by providing food, shelter, and a place to safely reproduce. By providing core habitat, the Preserve serves as a "wildlife nursery" for wildlife species like Mule Deer and Bobcat by allowing them to reproduce away from ecological edge effects like noise, unnatural lighting, and disturbance by humans and domestic animals. Research on Bobcats (Riley 2006¹) demonstrates that they avoid areas of human disturbance. Without the ecological function of core habitat in the Preserve buffering them from human disturbance, it is possible that Bobcats and other wildlife species sensitive to human disturbance would not be able to reproduce in the Puente Hills region. In this event, viable populations of these species would disappear from the Puente Hills region. The core habitat of the Preserve has the highest known population of Bobcats in the Preserve area (Haas and Crooks 1999², Lucas 2010³), providing evidence that this area is an important habitat for supporting the viability of this species in the Puente Hills region.

The core habitat of the Preserve provides habitat for many species of invertebrates that may also disappear without the ecological benefits that the core habitat provides (i.e. adequate food and shelter, buffer from human disturbance/presence). For example, some groups of invertebrates, such as the Mygalomorphae (trapdoor spiders and their kin), have very long life spans (20-30 years) and specific habitat requirements (Bond et al. 2006⁴). Disturbances to these habitats may result in local population extinctions, which in turn may lead to regional extirpation (Bond et al. 2006). Since there are many endemic Mygalomorph species in the Los Angeles Basin, and most of the historic habitats have already been destroyed by urban and industrial development, the remaining habitats and populations are vital to the continued existence of local endemic Mygalomorph species. Bond et al. (2006) point to two species of *Apomastus* that are threatened with extinction by habitat disturbance and loss. The core habitat of the Preserve is one of the last areas in the region where these species likely persist. Similarly, the core habitat of the Preserve likely provides essential

¹ Riley, S.P.D. 2006. Spatial Ecology of Bobcats and Gray Foxes in Urban and Rural Zones of a National Park. *Journal of Wildlife Management* 70(5): 1425-1435.

² Haas, C.D., and K. Crooks. 1999. Carnivore abundance and distribution throughout the Puente/Chino Hills. Final Report. Prepared for The Mountains Recreation and Conservation Authority and State of California Department of Transportation.

³ Shanon Lucas, Ecologist, Puente Hills Native Habitat Authority, 2010, unpublished data.

⁴ Bond, J.E., D.A. Beamer, T. Lamb, and M. Hedin. 2006. Combining Genetic and Geospatial Analyses to Infer Population Extinction in Mygalomorph Spiders Endemic to the Los Angeles Region. June. *Animal Conservation* 9:145-157.

habitat for the persistence of several native land snails (Magney 2009⁵) and butterfly species (Resource Management Plan 2007, Mattoni 1990⁶).

Importance of the Preserve for Conserving Viable Wildlife Populations in the Los Angeles Region

The Preserve plays an important ecological role in preserving viable wildlife populations in the larger region surrounding the Puente Hills. The Resource Management Plan (2007) notes (Page 9, first paragraph): “The Preserve is an integral part of the Puente-Chino Hills Wildlife Corridor, an unbroken zone of natural habitat extending nearly 31 miles from the Cleveland National Forest in Orange County to the west end of the Puente Hills above Whittier Narrows. ...Biologically, this area preserves a microcosm of the California Floristic Province, an identified biodiversity hot spot in North America and a genetic reserve for the continent. As a result, the Preserve is regionally and globally significant as a prime example of this unique habitat web, yet it occurs in an area that is almost completely surrounded by existing development, with the attendant human influences. Remaining corridors of undeveloped land within the Puente-Chino Hills provide a rare opportunity to preserve a functional ecosystem. This wildlife corridor provides food, cover, breeding grounds, refugia in the event of a large disturbance, contributes to species diversity, dispersal routes for juveniles, home ranges, and the transfer of genetic material, which help maintain healthy populations. Corridors are important in sustaining populations of both animals and plants. The Preserve consists of the western portion of the Puente Hills, comprising large areas of important habitat and wildlife resources.”

The Preserve specifically contains one of the most critical road crossing structures for wildlife in the Puente-Chino Wildlife Corridor, the Colima Service Tunnel (used by Bobcat, Mule Deer, Coyote, and other species to cross under Colima Road between San Miguel Canyon and the Whittier Hills) (Conservation Biology Institute 2005⁷).

Importance of the Preserve for Conserving Viable Stands of Coastal Sage Scrub Habitat in the Puente Hills Region

Coastal Scrub in Los Angeles County is considered to be a “community at risk” due to the cumulative loss of approximately 90% of this habitat type across its range in California (Davis et al. 1995⁸), similar in magnitude to the cumulative 95% loss of California’s wetlands. Research in Coastal Scrub ecosystems has demonstrated that isolated fragments of less than 1 km² (10-100 ha) will lose their native vertebrate species within a few decades (Fleishmann and Murphy 1993⁹). Alberts et al. (1993¹⁰) showed that fragmentation of

⁵ Magney, D.L. 2009. Terrestrial Snails of Los Angeles County. 20 August 2009. David Magney Environmental Consulting, Ojai, California. Published through the Sespe Institute (www.sespeinstitute.com)

⁶ Mattoni, Rudi. 1990. Butterflies of Greater Los Angeles. The Center for the Conservation of Biodiversity/Lepidoptera Research Foundation, Inc. Beverly Hills, California.

⁷ Conservation Biology Institute. 2005. Maintaining Ecological Connectivity Across the “Missing Middle” of the Puente-Chino Hills Wildlife Corridor. July. Corvallis, Oregon.

⁸ Davis, F.W., P.A. Stine, D.M. Stoms, M.I. Borchert, and A.D. Hollander. 1995. Gap Analysis of the Actual Vegetation of California: 1. The Southwestern Region. *Madroño* 42(1):40-78.

⁹ Fleishmann, D., and D. D. Murphy. 1993. A review of the biology of the coastal sage scrub. Stanford, CA: Center for Conservation Biology, Department of Biological Sciences, Stanford University. Unpublished report, May 10 update

Coastal Scrub into small patches leads to disruption of the ecosystem and eventual elimination of many native species. Approximately one hundred (100) special-status plant and animal species are obligately or facultatively dependent on Coastal Scrub habitat (O'Leary et al. 1994¹¹).

The Preserve protects intact stands of coastal sage scrub and thus many of the species dependent on this community, including the Coastal California Gnatcatcher. The Puente Hills has been designated as Critical Habitat for the Coastal California Gnatcatcher (Federal Register 72(243):72041), which states, "Habitat within this unit is being designated because it was occupied at the time of listing, is currently occupied, and contains all of the features essential to the conservation of the coastal California gnatcatcher (PCEs 1 and 2 [primary constituent elements]). Additionally, this unit [Unit 9] provides for connectivity and genetic interchange among core populations and contains large blocks of high-quality habitat capable of supporting persistent populations of coastal California gnatcatchers. The PCEs contained within this unit may require special management considerations or protection to minimize impacts associated with habitat type conversion and degradation occurring in conjunction with urban and agricultural development." Unit 9 includes the Puente Hills.

SPECIFIC AREAS OF DEIR DEFICIENCY RELATED TO BIOLOGICAL RESOURCES OF THE PRESERVE

The sections below identify specific biological resources known or expected to occur on the project site that were not identified or adequately assessed in the DEIR.

Biodiversity is Not Adequately Assessed in the DEIR

Dwyer and Murphy (1995¹²) note that CEQA requires the state to "preserve for future generations representatives of all plant and animal communities". They also note that specific language defining rare and endangered plants and animals exists in CEQA (Section 15380), and that "animals or plants that are even suspected of being rare or at risk must be considered in a CEQA Environmental Impact Report". A reasonable interpretation of this CEQA requirement is that one of the objectives of CEQA, in regards to biological resources, is to protect biodiversity. This general objective can be overwhelming and difficult to quantify, and has often been ignored, as in the case with the Whittier Oil Main Project DEIR. The loss of local biodiversity is "exceedingly important" from an ecological and evolutionary perspective (Bond et al. 2006¹³). This is because population extinction [including local extinctions] disrupts fundamental evolutionary and evolutionary processes, which impacts future potential for evolutionary response and change.

¹⁰ Alberts, A.C., A.D. Richman, D. Tran, R. Sauajot, C. McCalvin, and D.T. Bolger. 1993. Effects of Habitat Fragmentation on Populations of Native and Exotic Plants in Southern California Coastal Scrub. Pages 103- 110 in J.E. Keeley, editor. *Proceedings of the Symposium on the Interface Between Ecology and Land Development in California*. Southern California Academy of Sciences, Los Angeles, California.

¹¹ O'Leary, J.F.; S.A. Desimone, and D.D. Murphy et al. 1994. Bibliographies on Coastal Sage Scrub and Related Malacophyllous Shrublands of Other Mediterranean Type Climates. *California Wildlife Conservation Bulletin* No. 10.

¹² Dwyer, L.E., and D.D. Murphy. 1995. Fulfilling the Promise: Reconsidering and Reforming the California Endangered Species Act. *Natural Resources Journal* 35:735-770

¹³ Bond, J.E., D.A. Beamer, T. Lamb, and M. Hedin. 2006. Combining Genetic and Geospatial Analyses to Infer Population Extinction in Mygalomorph Spiders Endemic to the Los Angeles Region. June. *Animal Conservation* 9:145-157.

For example, some groups of invertebrates, such as the Mygalomorphae (trapdoor spiders and their kin), have very long life spans (compared to many invertebrate species), with most species having very specific habitat requirements (Bond et al. 2006). Disturbances to these habitats may result in local population extinctions, which in turn may lead to regional extirpation/extinction. Since there are many endemic Mygalomorph species in the Los Angeles Basin, and most of the historic habitats have already been destroyed by urban and industrial development, the remaining habitats and populations are vital to the continued existence of local endemic Mygalomorph species. Bond et al. (2006) point to two species of *Apomastus* that are threatened with extinction by habitat disturbance and loss.

The DEIR assesses project impacts to vascular plants and vertebrate animals; however, the City has not done any assessments of non-vascular plants or invertebrate animals. These groups are very important components of biodiversity and should be assessed as part of the CEQA review. Comments on specific groups that should be assessed are discussed below.

Nonvascular Plants Not Surveyed

Nonvascular plants, including bryophytes (mosses, liverworts, and hornworts) and lichens are important components of California's biodiversity, even though these taxonomic groups of plants are small in size. Several species of nonvascular plants are considered rare. The project assessment should have considered the effects it would have on nonvascular plants.

Bryophytes Not Assessed

While the bryophyte flora of Los Angeles County is not well known, significant efforts have been made to document the bryophyte flora for portions of the County, such as for the Santa Monica Mountains (Sagar & Wilson 2007¹⁴). The moss flora of California was recently published (Malcolm et al. 2009¹⁵), which documents all the moss taxa known to occur in the state at the time of that publication.

A preliminary checklist of bryophytes known or likely to occur in Los Angeles County has been published by the Sespe Institute (Magney and Huff 2010¹⁶). This checklist includes 207 mosses, liverworts, and hornworts that are known or likely to occur in Los Angeles County. It also indicates taxa that are rare in the county.

It does not appear that any effort was made to assess the project impacts on the bryophyte flora. No mention is made anywhere in the DEIR or technical appendices of either literature or field surveys to assess their (bryophytes) baseline status on the property. With no baseline status assessed then no impacts of the project on the non-vascular plant flora is possible and this significant aspect of the biota is completely ignored.

The CNDDDB tracks 29 bryophyte taxa (CNDDDB 2010¹⁷), up from 28 in 2004¹⁸, with more species almost certainly to be added in the near future as more data are submitted. DMEC recently found a potentially

¹⁴ Sagar, T., and P. Wilson. 2007. Bryophytes of the Santa Monica Mountains. In *Flora and Ecology of the Santa Monica Mountains*, edited by D.A. Knapp. Southern California Botanists, Fullerton, California.

¹⁵ Malcolm, B., N. Malcolm, J. Shevock, and D. Norris. *California Mosses*. Micro-Optics Press, Nelson, New Zealand.

¹⁶ Magney, D.L., and C.L. Huff. Preliminary Checklist of Los Angeles County Bryophytes. 16 March 2010. Sespe Institute, Inc., Ojai, California. <http://www.sespeinstitute.com>.

¹⁷ California Natural Diversity Database (CNDDDB). 2010. Special Plants, Bryophytes, and Lichens List. July. California Department of Fish and Game, Biogeographic Data Branch, Sacramento, California. <http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/SPPlants.pdf>.

undescribed species of *Syntrichia* moss in Ventura County (T. Hallingbäck pers. comm.¹⁹), and there are new records of at least five moss species in the Santa Monica Mountains not previously known in the Southwest (floristic) Region of California (Wishner 2008²⁰, 2009²¹). These are examples of why it is necessary to conduct surveys for bryophytes as part of the CEQA environmental review process. It is possible that one or more species of rare bryophytes occur on the Puente Hills Preserve and impacts to them may be considered significant. Lacking ANY surveys for bryophytes precludes any ability to perform an adequate impact assessment.

The DEIR is inadequate in that it failed to assess project-related impacts to the bryophyte flora or special-status bryophytes that have potential to occur onsite.

Lichens Not Assessed

There is no evidence that any effort was made to assess the project impacts on the lichen flora. No mention is made of either literature or field surveys to assess their baseline status on the property. With no baseline status assessed then no impacts of the project on the non-vascular plant flora is possible and this significant aspect of the biota is completely ignored.

The CNDDDB tracks nine (9) lichen taxa (CNDDDB 2010²²), up from six (6) in 2004²³, with more species almost certainly to be added in the near future as more data are submitted based on recent research on California lichens (Magney 1999²⁴, Knudsen 2005a²⁵, Knudsen 2005b²⁶, Knudsen & Magney 2006²⁷, Knudsen & La Doux 2006²⁸, Knudsen 2008a²⁹, Knudsen 2008b³⁰, and Kocourková & Knudsen 2008³¹).

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- ¹⁸ California Natural Diversity Database (CNDDDB). 2004. Special Vascular Plants, Bryophytes, and Lichens List. September. California Department of Fish and Game, Biogeographic Data Branch, Sacramento, California.
- ¹⁹ Hallingbäck, Tomas. Bryologist, Swedish University of Agricultural Sciences, ArtDatabanken, P. O. Box 7007, SE-750 07 Uppsala, SWEDEN, email: tomas.hallingback@artdata.slu.se, 22 May 2009 regarding identity of *Syntrichia* moss found at Mandalay Beach, Oxnard, California.
- ²⁰ Wishner, C. 2008. Bryophyte Inventory – Ash-Hidden Valley. 23 July 2008. Prepared for David Magney Environmental Consulting, Ojai, California. 12 pages. Chicago Park, California.
- ²¹ Wishner, C. 2009. Bryophyte Inventory: Plot Plan RPPT 2008-00190, APN 4448-018-018, Tuna Canyon Road, Topanga (Dix Canyon), Santa Monica Mountains, County of Los Angeles, California. Chicago Park, California. Prepared for: Will Wild, Caballero Ranch Homes, Mission Hills, California.
- ²² California Natural Diversity Database (CNDDDB). 2010. Special Plants, Bryophytes, and Lichens List. July. California Department of Fish and Game, Biogeographic Data Branch, Sacramento, California. <http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/SPPlants.pdf>.
- ²³ California Natural Diversity Database (CNDDDB). 2004. Special Vascular Plants, Bryophytes, and Lichens List. September. California Department of Fish and Game, Biogeographic Data Branch, Sacramento, California.
- ²⁴ Magney, D.L. 1999. Preliminary List of Rare California Lichens. *California Lichen Society Bulletin* 6(2):22-27. See <http://128.32.109.44/red.html> or http://ucjeps.berkeley.edu/rlmoe/cals6_2.html.
- ²⁵ Knudsen, Kerry. 2005a. Lichens of the Santa Monica Mountains, Part One. *Opuscula Philolichenum* 2:27-36. <http://clade.acnatsci.org/lendemerpaper6.pdf>
- ²⁶ Knudsen, Kerry. 2005b. Biodiversity of Lichens at Palomar Mountain State Park, California. 11 July 2005. Herbarium, University of California, Riverside. Prepared for California Department of Parks and Recreation, Sacramento, California.
- ²⁷ Knudsen, K., and D.L. Magney. 2006. Rare Lichen Habitats and Rare Lichen Species of Ventura County, California. January 2006. *Opuscula Philolichenum* 3:49-52.
- ²⁸ Knudsen, Kerry, and Tasha La Doux. 2006. Lichen Flora of the Southwestern Mojave Desert: Key's Ranch, Joshua Tree National Park, San Bernardino County, California, USA. *Evansia* 22(3):103-109.
- ²⁹ Knudsen, Kerry. 2008a. Biodiversity of Lichens and Lichenicolous Fungi at Cabrillo National Monument. June 2008. Herbarium, University of California, Riverside. Prepared for U.S. Dept. of Interior, National Park Service, San Diego, California.

DMEC recently found a potentially undescribed species of *Placopyrenium* lichen in Ventura County (Kerry Knudsen pers. comm.³²). Knudsen recorded at least 63 lichen species in the Santa Monica Mountains, some of which were not previously known in the Southwest (floristic) Region of California (Knudsen 2005a). These are examples of why it is necessary to conduct surveys for lichens at the project site as part of the CEQA environmental review process. It is quite possible that one or more species of rare lichen occur on the Preserve and impacts to them may be considered significant. Lacking ANY surveys for lichens precludes any ability to perform an adequate impact assessment.

The DEIR is inadequate in that it failed to assess project-related impacts to special-status lichens that have potential to occur onsite.

Invertebrates Not Surveyed or Assessed

Invertebrates are the largest group of animal (wildlife) species in the world, including California. There are more insects (a subset of invertebrates) than any other group of animals, and invertebrates represent a large component of the biodiversity of the project site.

Pages 4.2-1 through 4.2-3 of the DEIR list the wildlife and plant surveys that were conducted on the preserve between 1999 and 2010. There do not appear to have been any surveys of potential special-status invertebrate species performed as part of the CEQA review process as there is no survey data on the any invertebrate species within the DEIR.

There are at least two invertebrate groups, butterflies and terrestrial mollusks, which potentially have species of special conservation concern present on the Preserve that could be impacted by the project. The significance of project impacts on the persistence of these species should be assessed as part of the CEQA assessment. That assessment has not occurred as part of the current DEIR and should be required to complete the impact assessment of the proposed project on invertebrates.

Two species of invertebrates are discussed below as specific examples.

Meloe ajax, a rare blister beetle from chaparral in southwestern Riverside County (Pinto 1998³³) is just one example of the insect biodiversity of the Los Angeles region, where new species are discovered. It is entirely possible that one or more undescribed species of invertebrates, in particular, insects, occur in the Puente Hills.

Apomastus kristenae, a species of trapdoor spider, is known from the Puente Hills. Due to the isolation of local populations and the Mygalomorph's reproductive traits, local population extirpations will result in local genotype extinctions (Bond et al. 2006³⁴). Therefore, it is imperative that any populations of

³⁰ Knudsen, Kerry. 2008b. Biodiversity of Lichens on San Miguel Island. Herbarium, University of California, Riverside. Prepared for U.S. Dept. of Interior, National Park Service, Ventura, California.

³¹ Kocourková, Jana, and Kerry Knudsen. 2008. Four New Lichenicolous Fungi from North America. *Evansia* 25(2):62-64.

³² Knudsen, Kerry. Lichenologist, Curator of Lichen Herbarium, University of California at Riverside. Emails dated 31 May and 10 June 2008, and 12 March and 11 August 2009 regarding rare lichens, including *Placopyrenium* sp. nova found on the Ash property in Hidden Valley, and *Placocarpus americanus* (new species) found in the Conejo Valley in the Santa Monica Mountains.

³³ Pinto, John D. 1998. A New *Meloe* Linnaeus (Coleoptera: Meloidae, Meloinae) from Southern California Chaparral: A Rare and Endangered Blister Beetle or Simply Secretive? *The Coleopterists Bulletin* 52(4):378-385.

³⁴ Bond, J.E., D.A. Beamer, T. Lamb, and M. Hedin. 2006. Combining Genetic and Geospatial Analyses to Infer Population Extinction in Mygalomorph Spiders Endemic to the Los Angeles Region. June. *Animal Conservation* 9:145-157.



Apomastus kristenae on or near the project site be located and measures to avoid negative impacts to them must be implemented to protect this, and other rare species of invertebrates.

Butterfly Species of Potential Conservation Concern on the Preserve

The populations of several species of butterflies have declined in numbers in the Greater Los Angeles region (defined as the coastal plain and low mountains of Los Angeles County) and disappeared from extensive parts of their former range (Mattoni 1990³⁵). The Resource Management Plan (RMP) of the Habitat Authority (2007) lists several butterfly species observed or potentially occurring on the Preserve (RMP Appendix, Pages 150-151). There are four (4) butterfly species observed or potentially occurring on the preserve identified by Mattoni (1990) as being in population decline and potentially in need of conservation. These species and their food/host plants are:

Butterfly Species	Food/Host Plant
Hanford's Sulfur (<i>Colias alexandra hanfordii</i>) [observed on Preserve; not identified to subspecies in RMP, assumed to potentially be subspecies <i>hanfordii</i> based on geography]	Rattlepod/Milkvetch/Locoweed (<i>Astragalus</i> species). 3 species present on Preserve.
California Ringlet (<i>Coenonympha tullia californica</i>) [potentially occurs on Preserve; not identified to subspecies in RMP, assumed to be subspecies <i>californica</i> based on geography]	Native bunch grasses (<i>Achnatherum</i> , <i>Elymus/Leymus</i> , <i>Melica</i> , <i>Nassella</i>). 5 species present on Preserve.
Monarch (<i>Danaus plexippus</i>) [observed on Preserve]	Milkweeds (<i>Asclepias</i> species). 4 species present on Preserve.
Lorquin's Admiral (<i>Liminitis lorquini lorquini</i>) [observed on Preserve; not identified to subspecies in RMP, assumed to potentially be subspecies <i>lorquini</i> based on geography]	Willows (<i>Salix</i> species). 3 species present on Preserve.

The population status of each of these species is defined in Mattoni (1990) as “declining”. Mattoni observes that there is a need to gather accurate data on these species in the hope that the decline of these species can be mitigated.

No butterfly surveys were conducted for the Whittier Oil Project DEIR. Butterflies are important indicator species for ecosystem function of the preserve and the project impacts on these declining butterfly species should be assessed. Winter concentrations of the Monarch Butterfly are considered to be a California Special Animal, tracked by CNDDDB (2009³⁶). The RMP lists the presence of winter concentrations of Monarch Butterflies as unknown (RMP Appendix page 180). Surveys should be conducted for the potential presence of winter concentrations of the Monarch Butterfly.

A practical method for assessing project impacts on the butterfly species of concern is to determine whether any patches of their food/host plants will be affected by the project. If a significant portion of the species' food plant onsite has project impacts (e.g. grading, alteration of soil), then appropriate mitigation (e.g. plant restoration) can be implemented.

³⁵ Mattoni, Rudi. 1990. Butterflies of Greater Los Angeles. The Center for the Conservation of Biodiversity/Lepidoptera Research Foundation, Inc. Beverly Hills, California.

³⁶ California Natural Diversity Database (CNDDDB). 2009. Special Animals. March. California Department of Fish and Game, Biogeographic Data Branch, Sacramento, California.

Terrestrial Mollusk Species of Potential Conservation Concern on the Preserve

There have not been any surveys focused on terrestrial mollusks even though California Department of Fish and Game's (CDFG) Natural Diversity Database (CNDDDB) lists 56 mollusk (Gastropoda) species as sensitive species (CNDDDB 2004³⁷) and up to 104 mollusk taxa by early 2006 (CNDDDB 2006³⁸). This number remains approximately the same for the 2009 version of CNDDDB's list (CNDDDB 2009³⁹).

SPECIAL-STATUS MOLLUSKS NOT ASSESSED

The native terrestrial mollusks known to occur in Los Angeles County (excluding those occurring only on Santa Catalina and San Clemente Islands) include:

- *Anadenulus cockerelli**
- *Catinella rehderi*
- *Catinella vermeta*
- *Cochlicopa lubrica*
- *Deroceras monentolophus**
- *Glyptostoma gabrielse**
- *Haplotrema caelatum**
- *Hawaiiia minuscula*
- *Helminthoglypta fontiphila**
- *Helminthoglypta petricola sangabrielis**
- *Helminthoglypta petricola zechae**
- *Helminthoglypta traskii pacoimensis*
- *Helminthoglypta traskii traskii** (sensitive species – CNDDDB 2009)
- *Helminthoglypta tudiculata angelena**
- *Helminthoglypta tudiculata convicta**
- *Helminthoglypta tudiculata imperforata**
- *Helminthoglypta uvasana*
- *Helminthoglypta vasquezii*
- *Herpeteros angelus**
- *Hesperarion hemphilli**
- *Oxyloma sillimani**
- *Paralaoma caputspinulae*
- *Pristiloma gabrielinum**
- *Punctum californicum*
- *Punctum minutissimum*
- *Sterkia hemphilli*
- *Zonitoides arboreus*

³⁷ California Natural Diversity Database (CNDDDB). 2004. Special Animals. August. California Department of Fish and Game, Wildlife and Habitat Data Analysis Branch, Sacramento, California.

³⁸ California Natural Diversity Database (CNDDDB). 2006. Special Animals. February. (Quarterly publication, mimeo.) California Department of Fish and Game, Biogeographic Data Branch, Sacramento, California.

³⁹ California Natural Diversity Database (CNDDDB). 2009. Special Animals. March. California Department of Fish and Game, Biogeographic Data Branch, Sacramento, California.

Those that are rare (meeting the criteria identified by CEQA Guidelines Section 15380) are in bold typeface. Those rare terrestrial species that have potential to occur on the Preserve, based on general proximity and habitat suitability (Magney 2009⁴⁰) are designated with an asterisk (*). Of the 38 native terrestrial mollusks known to occur in Los Angeles County, 28 occur on the mainland and are listed above. One species is currently tracked by the CNDDDB (2009), *Helminthoglypta traskii* ssp. *traskii*, has high potential to occur in the Puente Hills due to the proximity to known occurrences. Most of the other mainland taxa certainly qualify as rare and should be considered as such (Magney 2009), regardless of the fact that the CNDDDB has not yet added them to their list.

Helminthoglypta is a relatively large genus of terrestrial land snails found throughout California (Roth and Sadeghain 2003⁴¹). *Helminthoglypta* species (Shoulderband snails) almost certainly occur on the Preserve, as this genus of terrestrial snail occurs in a number of natural habitats throughout California. There are 104 species of *Helminthoglypta* known to occur in California, with 26 Gastropoda taxa (species and subspecies) known to occur in mainland Los Angeles County and 12 Gastropoda species known to occur in adjacent Ventura County (Roth and Sadeghain 2003, Magney 2005⁴², 2009⁴³). Of these, 12 species (taxa) are considered sensitive by the CNDDDB (2004). By 2006, CNDDDB listed 18 species of *Helminthoglypta* and 104 mollusk taxa, as sensitive (CNDDDB 2006⁴⁴), and the same number of *Helminthoglypta* but 110 mollusk taxa by early 2009 (CNDDDB 2009a⁴⁵). This regular increase in the number of mollusks considered rare by the CNDDDB is a reflection of the new data becoming available about this interesting and important group of wildlife species, which have often been ignored or given very little attention by the resource agencies and environmental consultants (mostly because of their lack of knowledge with this group).

Since the likelihood of one or more species of rare terrestrial mollusks being present on the preserve is high, focused surveys for them should have been part of the assessment of biological resources. The DEIR is inadequate in that it failed to assess project-related impacts to special-status mollusks that have potential to occur onsite.

QUANTIFYING BIODIVERSITY ON THE PRESERVE

Biodiversity is vitally important to the health and vitality to all ecosystems. While difficult to accurately and completely document, there are metrics available that can serve as a basic measure of biodiversity in the Preserve and the project site. An effort to calculate the overall biodiversity of the Preserve should be made

⁴⁰ Magney, D.L. 2009. Terrestrial Snails of Los Angeles County. 20 August 2009. David Magney Environmental Consulting, Ojai, California. Published through the Sespe Institute (www.sespeinstitute.com)

⁴¹ Roth, Barry, and Patricia S. Sadeghain. 2003. Checklist of the Land Snails and Slugs of California. (Santa Barbara Museum of Natural History Contributions in Science No. 3.) Santa Barbara, California.

⁴² Magney, D.L. 2005. Atlas of California Native Terrestrial Snails in Ventura County. 16 March 2005. David Magney Environmental Consulting, Ojai, California. Prepared for County of Ventura, Resource Management Agency, Planning Division. Ventura, California.

⁴³ Magney, D.L. 2009. Terrestrial Snails of Los Angeles County. 20 August 2009. David Magney Environmental Consulting, Ojai, California. Published through the Sespe Institute (www.sespeinstitute.com)

⁴⁴ California Natural Diversity Database (CNDDDB). 2006. Special Animals. February. (Quarterly publication, mimeo.) California Department of Fish and Game, Biogeographic Data Branch, Sacramento, California.

⁴⁵ California Natural Diversity Database (CNDDDB). 2009a. Special Animals. March. California Department of Fish and Game, Biogeographic Data Branch, Sacramento, California.

as part of the CEQA assessment. The following metrics may be used to quantify overall biodiversity of the Preserve and project site (REWHC 2000⁴⁶):

Species Richness (S) - the total number of different organisms present. It does not take into account the proportion and distribution of each subspecies within a zone.

Simpson Index (D) - a measurement that accounts for the richness and the percent of each subspecies from a biodiversity sample within a zone. The index assumes that the proportion of individuals in an area indicate their importance to diversity.

Shannon-Wiener index (H) - Similar to the Simpson's index, this measurement takes into account subspecies richness and proportion of each subspecies within a zone. The index comes from information science. It has also been called the Shannon index and the Shannon-Weaver index in the ecological literature.

One of these metrics could be used to determine a quantitative measure of diversity present, and can be used to identify potential impacts to biodiversity caused by of the proposed project. Performing at least a minimal assessment of the biodiversity of the Preserve and project site, before and after project implementation, may provide some important insights into how the proposed project, or alternatives, may affect biodiversity onsite and in the Preserve.

MITIGATION MEASURES ARE INADEQUATE

Below is an assessment of several of the DEIR mitigation measures, which are generally lacking in sufficient detail to be feasible (i.e. successful).

Special-Status Plant Species Assessment and Mitigation in DEIR

Table 4.2-1, Special-status Plants, on Page 4.2-10 of the DEIR states that all the special-status plants considered as potentially occurring onsite are “considered absent” because they were not observed during the botanical field surveys of the Preserve. There are many variables why any one species may not be detectable during one or several years. The EIR preparer’s conclusions that these species are absent are erroneous. These plant taxa should be considered as potentially present if suitable habitat is present, even if the likelihood may be low. The lack of observations cannot disprove that special-status plants species may germinate and be present on the project site in years with favorable growing conditions.

DMEC recommends that supplemental seasonal field surveys for special-status plant species should be conducted prior to site disturbance activities associated with the proposed project in order to clearly determine if special-status plants species exist in the project footprint. If special-status plants species are found within the development footprint, the exact locations and numbers of plants must be clearly marked. A qualified botanist familiar with the flora of the Preserve region should conduct the surveys.

If special-status plants species are found within the project footprint by the supplemental plant surveys, they should be avoided by construction activities to the maximum extent possible. If avoidance is not possible then as many seeds as possible from populations within the grading areas shall be salvaged and planted in preserve areas. Rancho Santa Ana Botanic Garden is an appropriate facility to conduct the salvage,

⁴⁶ <http://www.rewhc.org/biomeasures.shtml>

storage, and ongoing propagation of these special-status plant species. If possible, translocation of the rare plants should occur onsite or if no suitable location is available, then an offsite location could be used. A suitable translocation site on the parcel would need to be identified and a detailed mitigation plan specific to that impacted species would need to be prepared by a qualified restoration botanist.

Mitigation Measures BIO-1 and BIO-2

Pages 4.2-37 & 38 (last paragraph) of the DEIR discuss Mitigation Measure BIO-1a concerning restoration of coastal sage scrub habitat. The DEIR directs that there will be a minimum 2:1 areal replacement of coastal sage scrub habitat. Restoring 5.46 acres of degraded habitats onsite into coastal sage scrub would compensate for the project's permanent loss of 2.73 acres of coastal sage scrub habitat.

Page 4.2-39 (second paragraph) of the DEIR discusses Mitigation Measure BIO-2a concerning restoration of riparian habitat. The DEIR directs that there will be a 3:1 areal replacement of riparian habitat.

It is not clear why different areal replacement ratios are applied to coastal sage scrub and riparian habitats. Both of these habitats are sensitive habitats under similar conservation threats, and the DEIR uses the exact same rationale for both coastal sage scrub (Page 4.2-28, fourth paragraph) and riparian habitats (Page 4.2-39, fourth paragraph) to explain why the areal replacement ratios are greater than 1:1. The same replacement ratio should be used for coastal sage (i.e. 3:1 for a total replacement of 8.19 acres of habitat) as is used for riparian habitat.

Page 4.2-35 of the DEIR, Table 4.2-3, Areas of Impacted Plant Communities, shows that nine (9) different kinds of coastal sage scrub are going to be impacted by the project. Mitigation Measure 1a needs to specify what types and amounts of each type of coastal sage scrub are going to be restored.

Restoration projects need multi-year monitoring plans to demonstrate that the ecological function of the impacted habitat type is being adequately replaced and that the restoration is working. Mitigation Measures 1a (coastal sage scrub restoration) and 2a (riparian habitat restoration) need to include restoration plans specifying:

- Specific criteria for restoration success including the metrics that will be used to measure that the ecological functions of the restored habitats are adequately replaced;
- Timeframe for monitoring program;
- Enforcement provisions for resolving problems if restoration criteria are not met; and
- Adequate funding for monitoring and restoration remediation if habitat restoration criteria are not met.

Most habitat restoration actions require at least five (5) years before success in meeting establishment criteria can be determined. Advanced planning must occur prior to on-the-ground work to improve mitigation success. Since many habitat restoration projects, usually conducted as required mitigation, fail to meet mitigation objectives, for a wide variety of reasons; therefore, great care must be taken during each step of the process, starting with establishing clear and precise goals and objectives, and criteria that will be used to measure success or failure. The proposed mitigation measures fail to provide the required level of detail to be considered feasible.

Mitigation Measure BIO-3

Pages 4.2-40 & 41 of the DEIR discuss Mitigation Measure BIO-3 concerning potential rupture or leaks of oil wells or pipelines on the Preserve. The proposed mitigation measure is the preparation of an Emergency Response Action Plan (ERPA).

The preparation of a “plan” is not an adequate or acceptable mitigation measure in itself. The mitigation measure must state clear requirements, standards, and criteria that the plan must incorporate. The preparation of the ERPA needs to be accompanied by specific preparations and resources to deal with the contingency of an oil leak into the preserve.

- Adequate financial resources must be demonstrated to be available in the event of a spill. An ERPA contingency escrow fund should be established with resources commensurate with the estimated costs of restoring the ecological function of the preserve.
- The equipment needed to implement the ERPA must be demonstrably stored onsite and proven to be functional at regular intervals.
- The technical expertise needed to implement the ERPA must be demonstrated in the form of annual review of the ERPA and technical drills to make sure that implementation of the ERPA is practicable.
- Shut-off valves must be present in the pipeline at regular intervals in order to contain oil flow in the event of a rupture or leak into the preserve.

Mitigation Measure BIO-4

Mitigation Measure BIO-4 focuses on project-related impacts to wildlife movement; however, it fails to identify several measures that are feasible that could offset at least some of the significance of the impacts related to the proposed project or project alternatives.

A. Inadequate Consideration of Possible Mitigation Measures to Avoid Declaration of “Significant and Unavoidable Impacts to Wildlife Movement”

Page 4.2-41 of the DEIR concludes that the project will have significant and unavoidable impacts on wildlife movement due to development and operation of the proposed East Well pad site.

On Page 6 of their Notice of Preparation Comments, the Habitat Authority specifically requested that several possible mitigation measures be assessed to mitigate for the project impacts of the East Pad site on wildlife movement around the service tunnel. These mitigation options have not been assessed in the DEIR. The proposed mitigation measures that have not been adequately assessed are:

- Re-routing the trail away from the East Well Pad;
- Installing safe passage culverts under internal roads in the project area; and
- Construction of an alternative trail or wildlife overpass in another section of Colima Road.

If the project is to proceed as presented in the DEIR then the above mitigation measures must be assessed for their feasibility to avoid the project impact to wildlife movement. There are clearly feasible solutions

available to mitigate the project impact on wildlife movement. It is not acceptable that these impacts are labeled “unavoidable” in the absence of adequate analysis and mitigation planning.

B. Inadequate Assessment and Consideration of Mitigation Measures for Vibration Impacts of Project on Wildlife Movement and Reproduction

Page 4.5-35 of the DEIR discusses how drilling activities will increase vibration levels in the Preserve and surrounding area. The impacts of vibrations caused by drilling activities in the Preserve are declared to be significant and unavoidable, without any mitigation recommendations to reduce the impacts as much as feasible.

The vibration impacts presented are based on the assumption that vibration levels 100 feet from the drilling would be 0.19 inches per second. This vibration level would exceed the significance criteria of 0.01 inches per second defined by County of Los Angeles Code. The DEIR vibration analysis projects that the vibration impact significance criterion could be exceeded for residences within 700 feet of the drilling site within the Preserve. This vibration impact assessment is based upon vibrations data from a pile driver and sheetpiling (DEIR Table 4.5-4).

The vibration significance assessment is flawed in that a pile driver is used as a proxy for drilling equipment. The measurement of oil drilling vibration is an area of active research (Russell et al. 2008⁴⁷ and the vibration data from oil drilling equipment proposed for the project should be the baseline data to assess drilling vibration impacts.

The vibration impact assessment does not address potential drilling vibration impacts to wildlife species. The project site is within a sensitive area of the Preserve that serves as an important refuge for wildlife reproduction (i.e. as a wildlife nursery). The potential impact of drilling vibrations on the ecological role of the Preserve as a wildlife nursery must be assessed as part of the CEQA review process. The vibrations produced by oil drilling have the potential to disrupt the nesting of migratory birds and other special-status wildlife species. These potential impacts on nesting birds and special-status wildlife species must be assessed in the EIR.

No mitigation measures are proposed for the vibration impact, as it is not assessed beyond the declaration that the impact is significant and unavoidable. Insufficient analysis is presented to support the conclusion that the vibration impacts of drilling in the preserve are unmitigable.

LANDFILL ROAD ALTERNATIVE ANALYSIS

Section 6.1.5.2 of the DEIR (p. 6-42) briefly assesses how the Landfill Road Alternative will affect biological resources in the Preserve. The conclusion of this assessment is that the Landfill Road Alternative will:

- Reduce some impacts to sensitive species and sensitive coastal sage scrub
- Eliminate all impacts to riparian habitats

⁴⁷ Wassell, M.E; Cobern, M.E.; Saheta, V.; Purwanto, A.; and Cerpeda, M. 2008. Active Vibration Damper Improves Performance and Reduces Drilling Cost. *World Oil*. <http://www.rmotc.doe.gov/PDFs/WO.APS.Sept08.pdf>

- Have some potential impacts to wildlife corridors, but that these impacts would be considered mitigable by implementation of mitigation measures BIO-4a (noise mitigation) and BIO-4h (installation of appropriate native screening vegetation around the terminus of the Service Tunnel).

Based on this, the DEIR states that this project alternative is the Environmentally Superior Alternative. The assessment of the Landfill Road Alternative's on the biological resources of the Preserve is incomplete in several areas, which are discussed below.

Effect of Landfill Road on Core Habitat in the Preserve

A. Disruption of Core Habitat as Wildlife Nursery

The DEIR does not assess how the Landfill Road will affect the core habitat of the Preserve. The Landfill Road expansion discussed in the DEIR would introduce a very active disturbance into what is currently core habitat of the Preserve without human disturbance (public access is prohibited). As defined in the Resource Management Plan (P.72), core habitat is an area that can sustain a population of plants or animals by providing food, shelter, and a place to safely reproduce. By providing core habitat, the Preserve serves as a "wildlife nursery" for wildlife species like Mule Deer and Bobcat by allowing them to reproduce away from ecological edge effects like noise, unnatural lighting, and disturbance by humans and domestic animals. Research on Bobcats (Riley 2006⁴⁸) demonstrates that they avoid areas of human disturbance. Without the ecological function of core habitat in the Preserve buffering them from human disturbance, it is possible that Bobcats and other wildlife species sensitive to human disturbance would not be able to reproduce in the Puente Hills region. In this event, viable populations of these species would disappear from the Puente Hills region.

The DEIR asserts the project impact on overall acreage of sensitive coastal sage scrub and riparian habitat may be lessened by the Landfill Road Alternative; however, this alternative would have potentially devastating effects on the viability of wildlife populations to reproduce in the Preserve by disrupting the ecological functions of core habitat as a wildlife nursery. The DEIR must assess the full potential impact of the Landfill Road Alternative on the ecological function of the core habitat as a wildlife nursery.

B. Fragmentation of Core Habitat

The conversion of the current Landfill Road into a permanent road for the proposed project through the core habitat of the Preserve could cause permanent fragmentation of the core habitat. The disruption of wildlife movement patterns caused by this fragmentation could negatively impact viability of wildlife populations by causing the genetic deterioration of populations (Delaney et al. 2010⁴⁹). This is especially true for sensitive invertebrate species that need unfragmented core habitat to persist. The core habitat of the Preserve provides habitat for many species of invertebrates that may also disappear without the ecological benefits that the core habitat provides (i.e. adequate food and shelter, buffer from human disturbance). For

⁴⁸ Riley, S.P.D. 2006. Spatial Ecology of Bobcats and Gray Foxes in Urban and Rural Zones of a National Park. *Journal of Wildlife Management* 70(5): 1425-1435.

⁴⁹ Delaney, KS, S.P.D. Riley, R.N. Fisher. 2010. A Rapid, Strong, and Convergent Genetic Response to Urban Habitat Fragmentation in Four Divergent and Widespread Vertebrates. *PLoS ONE* 5(9):e12767. doi:10.1371/journal.pone.0012767

example, some groups of invertebrates, such as the Mygalomorphae (trapdoor spiders and their kin), have very long life spans (20-30 years) and specific habitat requirements (Bond et al. 2006⁵⁰). Disturbances to these habitats may result in local population extinctions, which in turn may lead to regional extirpation.

The *Helminthoglypta* snails (shoulderband snails) provide a specific example of how fragmentation of the core habitat by the Landfill Road could occur. There are potentially 14 rare species of *Helminthoglypta* snails occurring at the Preserve. These species are endemic to the Los Angeles region. Recent surveys of the Newhall Ranch's Mission Village development project found three species of rare terrestrial *Helminthoglypta* snails that were not previously thought to occur there (Impact Sciences 2010⁵¹). The expansion and operation of the Landfill Road would potentially serve as a barrier to the movement of snails through the core habitat area of the Preserve, as has been demonstrated in other snail species (Baur and Baur 1990⁵²). Fragmentation of a rare *Helminthoglypta* population could disrupt the gene flow within the snail population necessary for persistence of the population. Recent genetics work on lizards demonstrates that fragmentation by road barriers can genetically isolate populations in relatively short time periods (Delaney et al. 2010); the fragmentation of the Preserve's core habitat by the Landfill Road Alternative could have similar effects on animal populations.

The DEIR must assess the full potential impact that the Landfill Road Alternative may have on fragmenting the core habitat of the Preserve, specifically on the ecological persistence of populations of sensitive animal species such as the *Helminthoglypta* snails.

C. Potential Disruption of Bird Breeding by Noise Generated by Use of the Landfill Road

The California Fish and Game Code § 3513 prohibits the take or possession of any nongame migratory bird. The Migratory Bird Treaty Act (16 U.S.C. § 703) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act applies to whole birds, parts of birds, and bird nests and eggs.

On Page 6-45 (Section 6.1.5.5), the DEIR states that during the operation of the Landfill Road, the noise levels measured 50 feet from the road may range from 40 to 72dBA.

The noise generated along the Landfill Road would functionally become permanent during the 30 plus year span of the proposed project. This noise would be a novel disturbance in the core habitat area of the Preserve and could interfere with the nesting of migratory birds. The disruption of migratory bird nesting by project-generated noise could be as a "take" prohibited by the Migratory Bird Treaty Act (16 U.S.C. § 703) and Fish and Game Code (§ 3513).

The DEIR must assess the potential negative impact of noise generated by the Landfill Road Alternative on the nesting success of breeding birds. DMEC recommends that at the very least a zone of 300 feet around the proposed Landfill Road route should be assessed for project-related noise effects on breeding birds. A 300-foot buffer zone is a common distance recommended by CDFG for assessing project impacts on

⁵⁰ Bond, J.E., D.A. Beamer, T. Lamb, and M. Hedin. 2006. Combining Genetic and Geospatial Analyses to Infer Population Extinction in Mygalomorph Spiders Endemic to the Los Angeles Region. June. *Animal Conservation* 9:145-157.

⁵¹ Impact Sciences 2010. Mission Village Draft Environmental Impact Report. (SCH No. 2005051146.) October 2010. Prepared for Los Angeles County Regional Planning, Los Angeles, California. Camarillo, California.

⁵² Baur, A. and B. Baur 1990. Are Roads Barriers to the Dispersal of the Land Snail *Arianta arbustorum*? *Canadian Journal of Zoology* 68:613-617.

breeding birds (e.g. Shasta River FEIR 2008⁵³). We note that the Landfill Road would traverse known Coastal California Gnatcatcher nesting/breeding habitat. While this species has been observed breeding in areas of high noise (e.g. adjacent to airports) (Awbrey et al. 1995⁵⁴), it is not clear that gnatcatchers will continue to breed in areas where substantial novel noise is introduced, as would be the case with noise generated from along the Landfill Road by heavy equipment and vehicles. The specific impact of noise on Coastal California Gnatcatcher breeding in the Landfill Road Alternative Area must also be assessed in the DEIR.

DMEC PROPOSED PROJECT ALTERNATIVE

The primary source of significant adverse impacts to biological resources on the project site and Preserve results from habitat fragmentation, erecting barriers to wildlife movement, and degradation of core habitat resulting from widely disperse project facilities and, with the use of the Landfill Road proposed in the “Environmentally Superior Alternative”, bisecting core habitat. By simply using components of the proposed project and alternatives, a truly environmentally superior alternative can be permitted that would avoid or minimize most of the significant adverse impacts related to reinitiating oil and gas extraction on this property.

Figure 1, DMEC Proposed Project Alternative, illustrates how the project could be developed that would achieve project objectives and minimize adverse impacts to the Preserve and sensitive biological resources using the Preserve.

Basically, DMEC recommends that the site be accessed via Catalina Avenue (as for the Proposed Project), to a consolidated facilities site (as for the Landfill Road Alternative). The Landfill Road and areas near the Colima Road underpass should be avoided do to the importance of the natural habitats along them. The project facilities can be build under façade buildings that would reduce or eliminate noise and light pollution from natural habitats and nearby residences. Such measures are routine practice in urban areas such as Beverly Hills.

These conclude our comments on the DEIR. Please contact DMEC if you have any questions about any of the comments above.

Respectfully,

David L. Magney
President/Biologist

David M. Brown
Wildlife Biologist

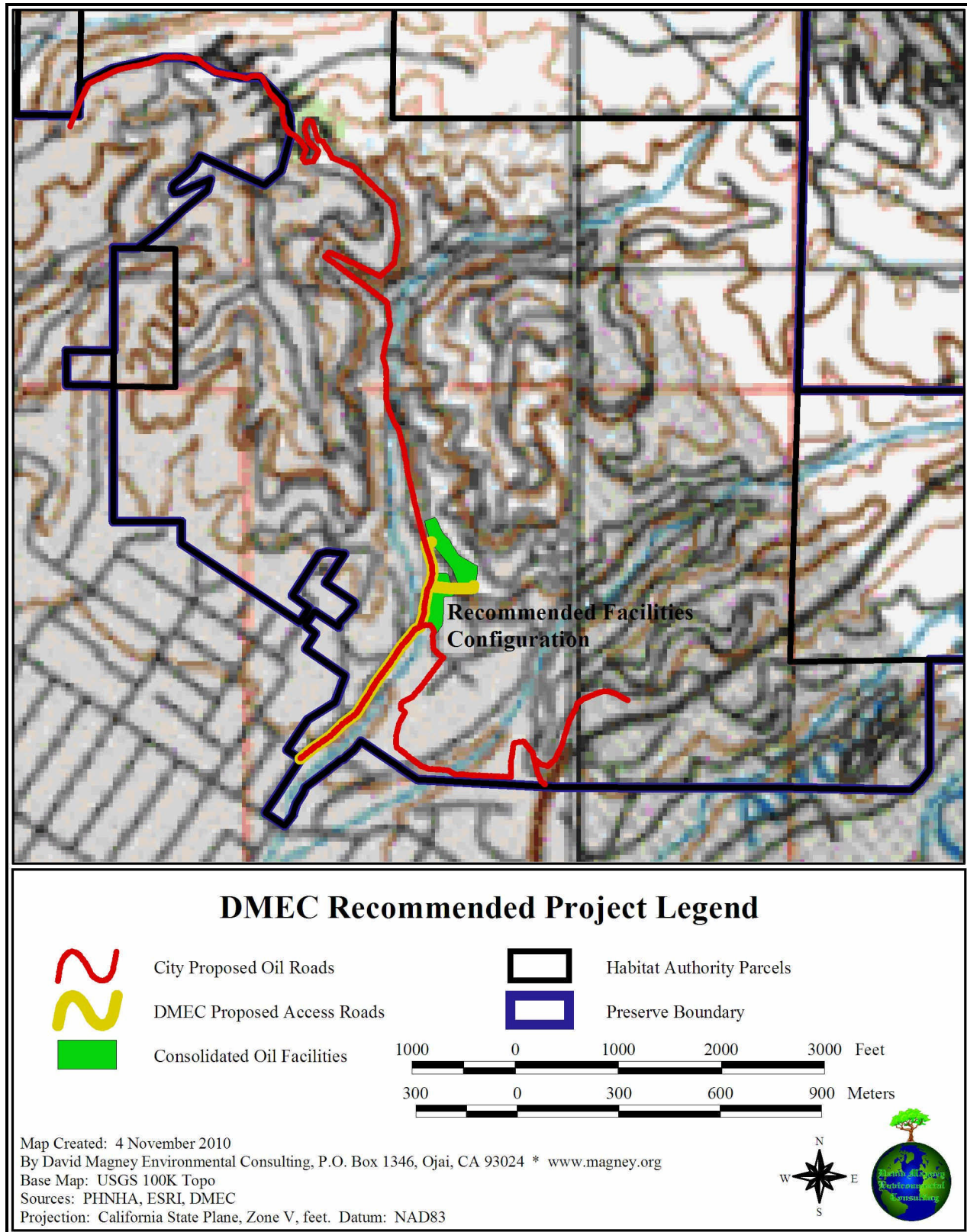
⁵³ California Department of Fish and Game (CDFG). 2008. Shasta River Permitting Final EIR.
<http://www.dfg.ca.gov/regions/1/ShastaScott/ShastaRiverEIR/http://www.dfg.ca.gov/regions/1/ShastaScott/ShastaRiverEIR/>

⁵⁴ Awbrey, F.T., D. Hunsaker, and R. Church. 1995. Acoustical Responses of California Gnatcatchers to Traffic Noise. *Inter-noise* 65: 971-974.



DMEC PN: 10-0151

Figure 1. DMEC Proposed Project Alternative



David C. Cowardin
8562 La Sierra Avenue
Whittier, California 90605
562-698-4131

**Response to April 25, 2011, Notice of Preparation for
Draft Environmental Impact Report (DEIR)
Whittier Main Oil Field Development Project**

I. PROJECT DESCRIPTION

The project description should account for the baseline conditions on the site that include the on-going implementation of another project - the Puente Hills Landfill Native Habitat Preservation Authority's **Resource Management Plan**.

The baseline site conditions should be regarded as "recovering wilderness," not just a former oil field or vacant land. The site plan should show the 20 plus acres that will be graded for construction and roads, as well as brushed for fire protection purposes, all of which would result in permanent alteration of the natural environment. The whole of the project should also include any loss of natural areas resulting from edge effects and loss of wildlife corridors, potentially totaling more than 200 acres.

CowardinD-1

There needs to be a highly detailed time schedule in the project description so that residents and decision makers can know the true significance of the project.

CowardinD-2

The City should adopt as a priority objective of this project the concept of making a maximum effort to protect the "recovering wilderness" and, in particular, the core habitat of the Preserve.

CowardinD-3

The DEIR should state how levels of significance were developed, and the City should always choose lower, more protective thresholds than would normally be considered to support the objectives of the project, as well as those of the City's General Plan.

CowardinD-4

II. RECREATION, AESTHETICS, NOISE AND OTHER HUMAN ISSUES

The DEIR should clearly describe the extent of the disruption or discontinuance of use of the Preserve as a result of the project.

CowardinD-5

It should fully describe and quantify the thresholds for determining the levels of significance in this category since, in the Preserve, the public now enjoys irreplaceable views, as well as quiet and escape from the nearby urban environment.

CowardinD-6

Reliance on noise ordinance standards developed in the '60s and '70s as determinates of significance levels may not be responsive to modern information on noise pollution, nor to accepted norms of quiet in the community (45dB.)

CowardinD-7

III. AIR QUALITY

Short or long-term emissions, such as odors, dust, and NO_x, should be quantified and compared conservatively with ambient levels in the community to determine levels of significance, rather than with regional levels. Location of receptors and micro-climatic influences should be discussed. Mitigation measures should show how and the extent to which levels will be reduced.

CowardinD-8

IV. BIOLOGICAL

Since the Preserve constitutes what remains of native grasslands, coastal sage scrub, riparian scrub, and oak woodland that existed in abundance in the past in the Puente Hills, the core habitat in which the project site is proposed to be located should be considered as **RARE** and, therefore, any changes significant.

CowardinD-9

The DEIR should evaluate how the pending development of the Montebello Hills could cause the listed gnatcatcher pairs located in that important "core" population to migrate to larger habitat areas such as the Puente Hills. Also, it should identify and update information on other protected species that are or were known to inhabit the Puente Hills including California Species of Special Concern and California Fully Protected species. In addition, it should identify other regionally scarce wildlife species that are not on any protected list, but are nonetheless extremely rare now in the Los Angeles area, as a result of the transformation of basin habitats into urban uses.

CowardinD-10

The DEIR needs to assess how the geographic configuration of the industrial facility with its fuel modification setbacks, walls and fencing, dust generation, truck intrusion, lighting requirements, daily operations, and increased edge effects will impact the core habitat (nursery) and the Puente Hills wildlife corridor. Since it could result in degradation of more than 200 acres, the DEIR should address how the project will impact ecological connectivity and biodiversity in the area; and, it should evaluate alternative site configurations that will not create isolated areas where creatures cannot thrive.

CowardinD-11

The DEIR needs to evaluate the impacts of present and future cumulative development in the immediate community and surrounding the Preserve.

CowardinD-12

While not required by CEQA, the study should include an analysis of economic impacts, and the importance of keeping the biological integrity of open space land within the project area intact so it does not diminish the biological value of other land in the Preserve. This is important so that the public understands the full impact of the City's decision.

CowardinD-13

V. GEOLOGY

The DEIR should consider that, as a result of years of grading of well pads under Chevron ownership, the landscape in the Canyons is virtually all man-made. The terraces and broad fans were filled from these grading operations. This can be seen in the manner to which the creeks have sought to re-establish their natural grades over the years leaving behind wide fill terraces. Since this is not engineered fill, any structures will require extraordinary foundations to resist the impacts of earth movements, whether from earthquake or expansive soils. The geologic hazard mitigations should be conservative since the previous DEIR extrapolated potential ground accelerations of over 1g and vertical acceleration of 1.6g.

CowardinD-14

VI. HAZARDS

The site plan should show any facilities designed for the management of oil spills.

CowardinD-15

The site plan should show any facilities designed for the management of flows of storm water and debris.

CowardinD-16

Any odor or release of polluting emissions will be unacceptable to neighbors, not to mention potentially hazardous to biological resources in the Preserve.

CowardinD-17

The site plan should show all natural areas that will be modified for fire protection.

CowardinD-18

VII. TRAFFIC

The DEIR needs to fully describe the extent of traffic changes that will be wrought by this project, including extent and time of duration. It should conservatively deal with the 15,000 potential dump loads (and 30,000 trips) of material exported for site development. It should also include the cumulative effects in connection with other trip generating projects that have or will be developed in the vicinity.

CowardinD-19

The traffic analysis performed in connection with this project should be sensitive to local issues. For example, increased traffic on Penn Street cannot be considered insignificant at any level. For Colima Road, ambient traffic levels should be used as the capacity, rather than its ultimate potential major highway capacity, since for virtually all its length it is a residential street with few major highway characteristics except pavement width and the intersection with Whittier Boulevard.

CowardinD-20

VIII. LAND USE PLANNING

The DEIR should demonstrate that the project is consistent with the goals and policies of the Resources Management Plan and inconsistencies should be rationalized in a statement of overriding consideration available to the public for a reasonable period prior to final decision by the Whittier City Council.

CowardinD-21

Danny M. Espinal
13813 Penn Street

As a resident of 13813 Penn Street since 2004 it saddens me to think that those who have been entrusted to serve the citizens of Whittier continue to push through with the Whittier Oil Field Project despite resident disapproval and environmental groups who see the best case scenario as being no project at all. Our elected officials need only take a short walk up from city hall to those Penn Street residents below Penn Park who will be directly affected to find out how we feel about the proposed site and route. Better yet, maybe the council should revisit the Whittier Daily News article "**Penn Street residents oppose plan to have oil-drilling traffic use their road**" from December 4, 2010 as a reminder of how Penn Street residents DO CARE!

EspinalD-1

The renewal of the lease to allow these oil companies time to come up with a viable plan to drill tells me that this city council will do anything it can to ensure the development of this project. Allowing the oil companies time to develop the plan out of fear of lawsuit is flawed, as the allowance to develop the land for drilling should not have been allowed in the first place.

EspinalD-2

As a Penn Street resident we share our street with families, local schools, and college students who visit Penn Park daily. We share our street with Whittier College student athletes walking to and from the newly opened gymnasium entrance on Penn. We share our street with the many high school and college families who park on Penn to root on their children in the many sporting and school events held at the college. We share our street with joggers, dog walkers, and pedestrians who use the College Avenue/Penn Street shortcut that links Whittier College to residences on Penn and beyond. As you can see there is much to lose with the "**Superior Environmental Alternative**" to the proposed Oil Project.

EspinalD-3

In addition, the proposed route will only add to the traffic issues that Penn Street residents face on a daily basis. We hear and feel the rumblings of every sanitation truck that departs and returns to the facility. We deal with many private citizens hauling trash to the landfill. We face early morning and late afternoon rush hour traffic that use Penn Street, through York Street and College Avenue, as a shortcut to Mar Vista and Painter Avenue. As a result not a day goes by without us hearing a screeching car or truck as they race up and down Penn. Since 2004 we have been witness to two major accidents, one occurring in front of our home, and countless near misses. Now, through the EIR proposal, Penn Street residents will be given the additional burden of closed street parking for home and apartment occupants with the addition of larger trucks, which could pose an environmental hazard to wildlife and Whittier residents. **Is the risk worth the reward?** Especially when one considers the many scary incidences that have occurred throughout the U.S. regarding drilling in proximity to residential areas.

EspinalD-4

This is not just about the financial windfall that will fill Whittier's coffers in order to stabilize a city. As a teacher in Whittier you need not remind me of the budgetary crisis that has affected all Californians. This project is not just about the environmental impact of native species. This is about the loss of a valued livelihood that brought many transplants like myself to find a home in Whittier.

EspinalD-5

The superior project alternative will be to have no project at all.

Danny, Lupe & Zoë Espinal

From: Roy Fewell [wrfewell@gmail.com]
Sent: Sunday, May 22, 2011 10:54 PM
To: Jeff Adams
Cc: rmartinez@cordobacorp.com
Subject: NOP and Scoping Document for Whittier Main Oil Field EIR

Let me begin by extending my thanks to the City of Whittier Community Development Department, lead agency for the Whittier Main Oil Field Project, for this opportunity to comment on the NOP and Scoping Document that was released on April 25, 2011.

A required part of the Environmental Impact Report is a determination of consistency of the proposed project with the City's General Plan. Since the last update of the City's General Plan dates from 1993, this will pose a real challenge for the environmental consultant. The current General Plan clearly establishes a preference for the acquisition and preservation of open spaces, outdoor recreational opportunities, energy conservation, and the maintenance of environmental values. (See Land Use Element pp. 2-10 through 2-11 and Environmental Resource Management Element (ERME) pp. 5-2 through 5-5). As stated in both the Land Use Element and ERME of the General Plan, meeting the goals stated therein and pursuing the Whittier Main Oil Field Drilling Project is, at best, problematic. Indeed, the only mention of oil drilling in the general plan relates to its role in the contamination of the City's ground water resources (ERME p. 5-1) and to the establishment of a policy of working with appropriate agencies to rehabilitate or encourage rehabilitation of former drilling sites for the preservation of natural resources (ERME p. 5-3, policy 1.4).

FewellR&S-1

It could be that an update of the General Plan would show that community values have shifted from the goals stated in the current plan to those of tax avoidance through City investment in oil production and a lowering of environmental values to allow for that investment. Such a clear shift in public sentiment might justify the oil drilling project. We could only know that, however, if the citizenry went through the detailed democratic process of updating the City's General Plan that is mandated under State law. Unless clear consistency with the current General Plan can be shown in the Environmental Report, this project will undermine the process of orderly development in the City of Whittier. We would strongly urge that the City go through that process and establish consistency with a current General Plan prior to the undertaking of such a radical shift in policy.

FewellR&S-2

Sincerely,
Roy and Sheila Fewell
15920 Mar Vista
Whittier, CA 90605

Save Our Community
Non Public benefit Corporation

City of Whittier as Lead agency
Scoping Comments Whittier Oil Project

Dear Sirs

We repeat our scoping comments and comments on the Draft EIR and include them herein by reference.

In addition we would like to bring the Following NEW information.

USGS has released their Multi Agency Task force “ARKSTORM” report.
(Lucy Jones et all Pasadena CA)
The premise is a study of the 1860's storms in California,
(well within the “100 year storm” window considering when 100 year storm maps were generated.)
Evidently it can rain heavily for the proverbial 40 days and 40 nights causing flooding and damage not seen even in 30 plus inch rainfall in Southern California years which are characterized by several storm separated by dry spells.

FluornoyJ-1

For this project we require consideration of landslides, mud, debris, lahar style flows especially from the un-engineered cuts, fills, pads and roads up canyon from the proposed project.

FluornoyJ-2

WE mentioned that a seismic study be completed and would like to point out that more recent studies (“wall to wall” etc) show more frequent and stronger events on the Southern San Andreas with commensurate even longer duration of shaking. Cybershake data should be more readily available.

FluornoyJ-3

This long duration of shaking must be considered in landslide analysis.

Given the above we are even more opposed to any regrading of the road from the land fill and use of that road as a major entry to the project area.

We are in favor of the most direct and shortest route whatever it is
Up Catalina or East to Colima.
We do not see major traffic impacts with pipelines and without tanker trucks and even worker access could be mitigated by car-pooling
Production of pollution would also be minimized compared to a long circuitous route from the Landfill

FluornoyJ-4

We support the Sierra Club and Habitat authority comments.

We look forward to the revised and recirculated DEIR and commend you on your approach to this project.

James Flournoy
Secretary
8655 Landis View Lane Rosemead Ca 91770

Appendix I

From: c ham [ocalham@yahoo.com]
Sent: Tuesday, May 24, 2011 10:21 PM
To: Jeff Adams
Subject: Comments Regarding Notice of Preparation of a Draft Environmental Impact Report (SCH # 2010011049)

My name is Olivia Hamud, 13622 E Penn St, Whittier CA, Homeowner

I offer the following comments/concerns/considerations:

Table 1 Project Details 2.0

Has Southern California Gas Company accepted City's proposal for their purchase of natural gas produced from this project? Does this natural gas meet So Cal Gas Co grade specifications? Does Southern Ca Gas Co current pipelines in the area of proposed transfer of gas from Whittier project meet safety standards/regulations or is this an explosion in the making similar to that which occurred in San Bruno California on 09/09/2010? In the event of an explosion what plans are in proposal to address this situation?

HamudO-1

HamudO-2

2.0 Proposed Project Description

How will the additional 6 acres described as "temporarily disturbed" for construction and grading be restored to natural state. How will wild life of this area be relocated prior to and after construction? Where will they be relocated?

HamudO-3

Methods for transporting the marketable crude oil

EIR should include impact in using Penn St as access road and include alternate route. This stretch of road has been identified by the city of Whittier as a "High Density" area. There is a mixture of single dwelling homes and apartment complexes, narrow street and some homes identified as "historical homes".The large oil tankers are too big for this street. The EIR should include information on the increase in large oil tanker traffic, noise, omission of fumes from large oil tankers, & vibrations caused by large oil tankers (rattles windows, causes cracks, dust all day long).

HamudO-4

What is proposed route of oil tanker once traveling west on Penn St from site. Penn street is not wide enough to allow for tanker to turn right or left onto Painter, Greenleaf or Pickering- without clearly impeding/overtaking other vehicles waiting at red light and the same is true for large tanker traveling north on Painter and wanting to turn right onto Penn st, car stopped at Penn st east of Painter would prevent tanker from turning thus creating additional traffic congestion at that intersection where young children,high school and college students are walking to local campuses.

HamudO-5

4.0 Alternatives to the Proposed Project

Will the EIRspan> consider Slant drilling? (Cost should not be driving force but rather well being of residents & environment)

HamudO-6

How will pollutants/odors released as a result of drilling activity be controlled. How will the escape of toxic gases be handled-Will residents, schools and business be advised before hand on how to react to toxic gases? Will level of toxicity of drill site be continuously monitored even after construction of drilling site completed? Will there be a sufficient number of highly trained employees to monitor toxic gas/fume levels on continuous basis?

HamudO-7

Will entire city of Whittier and surrounding cities impacted by this project be given an opportunity to comment on the EIR, including apartment dwellers, local school administrations/administrators and businesses? Will EIR notification be clearly identified on envelope vs appearing as junk mail from ventura as did 04/25/11 "notice of preparation and public scoping meetings" letter

HamudO-8

Thank you for this opportunity to comment and submit items for your consideration and of my concern.

Olivia C. Hamud.

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

From: krjones [mailto:krjones@pennst.net]

Sent: Wednesday, April 27, 2011 5:26 PM

To: Jeff Adams

Subject: Oil Watch

JonesK-1

Dear Mr. Adams:

The newly designated access road for the oil trucks, Penn Street, seems a very unwise choice. Penn Street is narrow, there are many homes, apartments, and, therefore, children on this street which would seem very dangerous for the community. Upper Penn Street already has parking and traffic problems because of Penn Park, the Whittier College athletic building, and the Savage Canyon Landfill. Lower Penn Street has all the apartments and the parked cars. Is it expected that all these parked cars must be parked some other place as the oil trucks zoom by. Where would a convenient place be so the oil trucks could navigate the street. Is this being considered or will that be decided after the problem exists? It seems there would be a very significant and unfair impact on the Penn Street community.

Katherine Jones

May 24, 2011

Attention: Jeff Adams, Community Development Department
City of Whittier
13230 Penn Street
Whittier, CA 90602
E-Mail: comdev@cityofwhittier.org

Dear Mr. Adams:

We submitted our comments on the Draft Environmental Impact Report for the Whittier Main Oil Field Development Project last December. We appreciate the opportunity to submit our comments again, following the Notice of Preparation and Public Scoping Meetings that occurred last month.

As shared previously, we are a young family that resides on Penn Street. We own our home and have lived in Whittier since 2006. We have two children, one toddler and one infant, both born at Whittier Presbyterian Intercommunity Hospital. We take pride in raising our family in Whittier. We walk to Penn Park, the Central Library and the Uptown Farmers Market on a weekly basis. We attend church locally, shop locally and support community activities as much as we can. We value our relationships with neighbors and friends in Whittier and we've even encouraged family members and friends to move to the area. As residents of Whittier, we understand the value of exploring projects such as the Oil Field Development Project to increase revenues for the City. We trust that our City Council is analyzing and making decisions, not limited to this Project, based on the best interest of the community it is dedicated to serving. In order to share our voice, we submitted our comments regarding the DEIR, specifically the use of the Landfill Road and Penn Street for access to the project sites.

We understand that the revised project focuses on the "environmentally superior project alternative". Access to the project would be from Catalina Avenue and along the North Access roadway from Penn Street through the landfill property and through the Preserve to the project site. While we voiced our concerns previously, we feel more concerned that the revised project targets Penn Street specifically.

Penn Street continues to be heavily travelled from residents to commuters to college and park visitors. Already, there is insufficient parking for all of the tenants/residents; there are trucks travelling up and down Penn Street that are noisy, shake our home, and leave behind debris; and, speed limits are neither obeyed nor enforced. We are concerned that using Penn Street to access the oil project sites will worsen an already existing traffic problem. We look forward to further detail and analysis of the current uses for Penn Street and how these would be impacted by the Oil Project.

As stated previously, over the years, we have come to know many of our neighbors which include various family sizes, mainly working class families, and many renters. We look forward to further detail and analysis of how the populations on Penn Street would be specifically affected (including single family residences, multifamily residences, students and faculty of Whittier College, and businesses and City Hall traffic at the intersection of Penn Street and Painter Avenue) and whether or not there is a disproportionate impact on minority and low income populations, compared to other alternatives.

Moreover, we look forward to further detail and analysis of the following issues:

- Air Quality – Please provide an updated study for Penn Street that addresses (1) cumulative traffic impacts to air quality and (2) the impact of adding several miles of truck traffic from the landfill entrance to the drilling site. LaiM-1
- Biological – Please address the impact of adding several miles of truck traffic from the landfill entrance to the drilling site (that might otherwise be avoided under other project alternatives). LaiM-2
- Safety of Risk Upset and Hazardous Materials – Please address the risk to Penn Street residences, Penn Park visitors, Whittier College students that reside on campus, and College visitors). LaiM-3
- Noise and Vibration – Please address the impact of truck traffic to Penn Street and the residences. LaiM-4
- Transportation and Circulation – Please provide a study of cumulative impacts on Penn Street. LaiM-5
- Fire Protection and Emergency Services – Please address how the increase of hazards will be managed. If the potential for oil spills or wildfires increases, what is the City’s plan to protect and serve residents? How might earthquakes be complicated by active oil activity? LaiM-6
- Public Services and Utilities – Please address how the City will increase enforcement or oversight of project related traffic. LaiM-7
- Recreation – Please address how the Penn Park and Whittier College recreation areas may be impacted. Also, please address how current public trails will be impacted. Will the public still have access to enjoy these trails? Will we be able to do so safely given how the roads/trails will be used for the oil project? LaiM-8

Where risks cannot be avoided, we would like to understand clearly what will be done to mitigate the risks. For example, what are our options if Penn Street residents can no longer park on Penn Street in order to make room for increased truck traffic? If it is determined that increased truck traffic may result in cosmetic, or more significant, damage to our homes, cars, etc., how will we be compensated? If it is possible that our home values may decrease because of oil truck traffic, how will we be compensated? We’d also like to clearly understand the impact this project would have on the long-term health of our children, particularly if oil trucks are driving past our house several times a day. LaiM-9
LaiM-10
LaiM-11

Practically speaking, we feel we need to understand what risks we face so we can make informed decisions about our residence in Whittier. With regard to Penn Street, we hope we can continue to enjoy our family walks to Penn Park, to the Library and to Uptown without having to worry about safety hazards (traffic, health, etc.). With two small children, it is important to us that we raise our family where we feel safe and where we feel heard. If we cannot do so, we will consider relocating.

Kind regards,

Malan Lai & Alecia Lai

April 30, 2011

Mr. Jeffery Adams
Planning Services Manager
13230 Penn Street
Whittier, CA 90602

Dear Mr. Adams,

I am writing this letter in response to the Notice of Preparation and Public Scoping Meetings notice I received April 27, 2011. As a citizen of Whittier, I had numerous concerns regarding inadequacies in the initial DEIR performed by Marine Research Specialists and I am pleased that the public has been asked to provide comment prior to the release of the next one. I ask that a number of issues be addressed when preparing the next document for public review and comment. The items that I feel should be part of the scope and included in this next document are as follows:

1. Determine the true project impact in acres. It has been repeatedly incorrectly stated that the project will affect less than seven acres. This figure does not take into account the true footprint of the project. The following needs to be included in the total acreage:

- a. The amount of habitat that will be affected by the North Access roadway referenced in the Proposed Project Description. Per the Conditional Use Permit, Matrix states that trucks of up to seventy feet in length will be used in this project. Widening this road to accommodate this level of vehicle significantly increases the acreage of this project and this should be included in the next DEIR including a full engineering assessment of what it will encompass.

LaMarcheB-1

- b. The amount of habitat affected by the construction of the pipeline. The pipeline will be buried under approximately one mile of existing wilderness trails. These trails will need to be widened in this process and this needs to be included in the next document. Again, an Engineer's assessment will be needed.

LaMarcheB-2

2. Assess the impacts upon recreation relative to the miles of wilderness trails available to citizens. All project documentation references "1280 acres" owned by the city. In reality, the percentage of wilderness recreational space affected by this project needs to be put in context to the number of miles of accessible trails. The following should be included:

- a. What closures of trails will occur and what percentage this is of the trails currently available to recreational users. Please put this in terms of temporary and permanent closures of public access.

LaMarcheB-3

- b. What percentage of ADA accessible trails will be affected by the building of the pipeline? Deer Loop Trail from the Pescadero trailhead is one of the few handicapped accessible wilderness trails in the city. What will be the closures and disruptions on this trail and the affects upon these users?

LaMarcheB-4

- | | | |
|----|--|--------------|
| 3. | Address the noise levels of the project upon recreational users of the nearby trails. The original DEIR talked about the fact that noise levels would be lessened during the nighttime hours. This is not when people hike these trails, so given the proximity of the project to the Deer Loop hiking trail, what will the noise impacts be and how will they be mitigated? | LaMarcheB-5 |
| 4. | Assess the visual impacts of the project as it relates to recreational users. The original DEIR spoke to visual disturbances for nearby residences, but it never discussed what people hiking existing trails would see. What will hikers see and how will any adverse affects on the wilderness experience be mitigated? | LaMarcheB-6 |
| 5. | Include the building of the access road when referencing the affect the project will have on the California gnatcatcher and coastal sage. The NOP makes the statement that there are no California gnatcatchers in the proposed project area. Having spoken with the Habitat Authority, I have come to understand that one of nine nesting pair in the preserve are very near the proposed North Access Road. In addition, the proposed access road will cut through approximately ¾ mile of coastal sage. I would like to see both of these issues addressed and quantified in the next DEIR. | LaMarcheB-7 |
| 6. | Address any chemicals that will be introduced into the aquifer. Having researched horizontal, (slant) drilling, I understand that water and chemicals (AKA mud) are pushed through the soil with the drill bit to keep it from overheating. I understand that these are pushed through the aquifer prior to a cement casing being inserted to protect soil and water. I would ask that the DEIR fully outline what these chemicals are and what all the potential affects are on the aquifer. | LaMarcheB-8 |
| 7. | Please determine and review the true impact that the additional truck traffic will have upon residential streets that now have GVW restrictions less than the projected weight of the trucks proposed for use in the project. To get a true affect this project will have upon citizens the next DEIR needs to: | |
| a. | Document the exact route that tanker trucks will take to and from the site. The current plans reference access and egress via Catalina Avenue in the initial stage and Penn Street later on. What is not understood at this time is the exact route that the vehicles will take upon leaving these streets. | LaMarcheB-9 |
| b. | What neighborhoods and schools will the tankers pass? | LaMarcheB-10 |
| c. | What are the current GVW restrictions on these streets and will this create excess vibration for nearby housing? Depending upon the specific route, I feel vibration will be a factor and if the DEIR determines that there is, what mitigation measures will be employed? | LaMarcheB-11 |

Again, I appreciate this opportunity to provide input on the initial scoping of the next EIR. I look forward to seeing the above items included in the next DEIR.

Regards,

Bruce LaMarche
8210 Enramada Ave.
Whittier, CA 90605

May 23, 2011

Dear Mr. Jeffery Adams,

I am concerned about the increased traffic and noise In reference to the residents who live on the proposed oil drilling access street-Penn. Penn Street already has the following problems: increased traffic from people who access the park, increased traffic and noise from the trucks that access the dump site, cars that gain speed as they drive down the hill, noise from cars as they accelerate uphill. The residents on this street are also exposed to increased noise and traffic from the activities at the school.

LopezA-1

Penn street has restricted parking for the majority of the day on the south side. In addition, I am not aware of any efforts that the city has made in permanent repairs to the damaged sidewalks from the roots of the pine trees—the sidewalks pose a hazard to pedestrians, especially the elderly and disabled.

LopezA-2

This is a priority for the city to tend to mitigating some of the dangers to residents such as contracting with the transit department to calm the street for the safety of the residents and making permanent

improvements to the sidewalks. This could include efforts such as inserting stop signage or speed bumps as well as removing the divider line which gives some motorists the impression that they are driving on a highway, not on a residential street where children play. These are the kinds of improvements that the city should think of when considering Penn Street, not proposing yet another burden for the residents of this street. Thank you for considering the concerns of the people who live on this street—to whomever will make the decisions about drilling and the impact on the people and environment—please imagine living on Penn Street as you make decisions that have a direct impact on the quality of life for those whom you serve and represent.

LopezA-3

Aurora Lopez, Resident

**MATRIX OIL and CITY OF WHITTIER
OIL DRILLING DEIR REDO**

The superior environmental option according to the current DEIR is to put an industrial operation and a mile long industrial road in a Core Habitat area. In doing so MRS (Marine Research Specialists) states there is no impact to biology that hasn't been disclosed and mitigated. Common sense might suggest that such a claim is probably not true and may not be supported should the city be sued. So what should be in the revised document to avoid a lawsuit the city could lose? Should the city acknowledge that the current preferred site would have impacts to the biology of a Core Habitat that can't be mitigated and simply say there are over riding economic considerations and just drill there anyway? That would probably violate their "no environmental damage" pledge. Should the city acknowledge that an industrial project and road will degrade the Core Habitat Biological values and mitigate by creating a comparable "Core Habitat" elsewhere, say on the AREA property when it comes up for sell? The city may also have another look at the landfill and consolidate some of the other already studied sites to lessen impacts.

On my wish list is that the new DEIR will seek to correct a perception in the former DEIR that esthetics gets more attention than biology, and other very valid considerations. If Whittier wants a project that will be an enormous economic boost to the city why is it hidden away and closed off to the public, Core Habitat area? I think it is great that the City is taking a new look at the impacts of oil drilling with a revised DEIR which should have better supported ideas, and better disclosure of impacts, and more adequate mitigation.

PUBLIC CONCERNS
Scope and Content of Notice of Preparation and Scoping Document for an
Environmental Impact Report (EIR)
for the
Whittier Mail Oil Field Development Project
REVISED – April 20, 2011:

PUBLIC CONCERNS:

Communication:

During the General Public Scoping Meeting on May 5, 2011, it was clearly apparent that the City's communication is lacking about the meeting. Home owners/residents along Penn Street, Catalina, Mar Vista, and Colima did not all receive appropriate notices of this meeting and therefore had their rights limited to provide concerns regarding the partnership of Matrix Oil and the City of Whittier. Proper notice was not received by the residence most impacted. It was discussed at the Scoping Meeting with Jeffery Adams, Planning Services Manager, who suggested that we, concerned citizens, provide him with addresses and email address of citizens that would like to voice a concern. While this is a way to obtain address information it certainly is not the most effective way. Even without proper notification received the public is still held to a deadline date of 30 days from

LunaP-1

April 25, 2011, Notice of Preparation and Public Scoping Meetings. Due to the notification problems of the City's communication, there was a request made to allow the public more time to respond to the DEIR and provide public concerns and issues. No response to the request and we are now held to a 20 day deadline for comments on the DEIR.

Multi-ethnicity impact has not been considered with the communication that has been provided by the City and Marine Research Specialists. It has been requested to include notices in other languages of our diverse community, but to date that has not occurred. Many individuals are unaware of the City's efforts and impacts that will be made due English not being the predominant language (Chinese, Armenian, Spanish, etc.).

LunaP-2

Scope of the EIR:

The scope of the EIR is very limited and identifies only a few streets impacted in the urban areas of Whittier. All citizens of Whittier are impacted by this proposed project and I request analyses and information to be view by all of Whittier, because it is all of Whittier that will be impacted. The impacts will include but not limited to noise, traffic, exhaust, odor that the wind will over enormous areas of Whittier and beyond, property and automobile damage, vibrations of heavy equipment will impact all citizens and wildlife. For example vehicles do not magically appear on Penn Street, but must come from some route (Whittier Blvd., Washington Blvd., Hadley, Painter, etc.) that gets them from their starting position and to their ending position. Currently the scope is limited in the EIR to Penn Street, Colima Road, and Catalina Avenue as described in your Proposed Project Description dated April 2011. This is not acceptable and requires further analysis of this issue and should be included in the EIR.

LunaP-3

Aesthetics/Visual Impact:

The EIR is inadequate and incomplete in that it fails to provide information regarding the effect upon the project site's microclimate that would be caused by the reduction in the project site elevation and the hills. The EIR also fails to provide an analysis as to how the changes in the microclimate that would be caused by the proposed project would affect the flora and fauna (plants and animals specific to the region) of the project site and its surroundings, which are a visual resource. The tactile sensations experienced by persons in and around the subject site such as changes in moisture in the air, temperature changes, odor, emissions, and other. The EIR must include a section providing the above listed information and analysis.

LunaP-4

The EIR acknowledges impacts to the background view of undeveloped hillsides and protected habitat of the Puente Hills Landfill Native Habitat Preservation Authority.

The Visual Impact maps provided in the NOP (April 2011) are insufficient and inaccurate to clearly see the impact to the area. The Project describes power poles, power lines and above ground pipeline that was not part of the initial interact map on the PowerPoint presentation at the Scoping meeting dated May 5, 2011. A more accurate method of projecting the area is needed to determine the impact.

LunaP-5

Inadequate Range of Alternatives:

The EIR should include information and analysis on a range of alternatives instead of a densely populated urban community and nationally recognized wildlife preserve. Alternatives should include a reduced drilling alternative, a no-project alternative that prohibits all new drilling activities in the Whittier Main Oil Field.

LunaP-6

Look for alternatives to reduce human health, social and economic impacts resulting from the physical impacts on the environment of the Whittier Main Oil Field.

LunaP-7

Alternative access should include access from Colima without impacting the Habitat Preserve and the densely populated urban community of Whittier.

LunaP-8

Inadequate Identification of Transportation Impact:

The Proposed Project Description identifies two methods for transporting the oil that are proposed by Matrix. There is no mention as to the expected number of oil carrying vessels that will be impacting our community. Information and analyses need to include the expected number of vehicles, weight of load in addition vehicle weight, both empty loads and full loads, and the route that will be taken to the Whittier Main Oil Field.

According to the scoping meeting of May 5, 2011, Luis Perez, Senior Project Manager for Marine Research Specialists, technology is so advanced that the amount of oil extraction that is expected by Matrix is already known. If the expected amount of oil is known then including this analysis will not be difficult, because without this number we do not really know what depth of impact our densely populated streets/community will have.

LunaP-9

The vehicles should include all oil transportation vehicles, construction vehicles, emergency vehicles, testing equipment transportation, maintenance vehicles, etc. All vehicles that access to oil fields and through the Habitat Preserve for any purpose as part of the construction and operation of the Whittier Main Oil Field/Matrix Oil partnership are to be included in the EIR along the expected weight of all such vehicles and routes to be taken.

Impacts to Roads:

EIR should include an analysis and information on road conditions and the impact to our community for related damages and repairs. The analysis should include a suggested source to fix and eliminate all damage to the roads caused by weight and excessive use on any Whittier roads to and from the Whittier Main Oil Field/Habitat Preserve caused by the construction and operation of the mineral extraction. The road repair costs should not come from increased taxes or creative accounting imposed upon the citizens of Whittier. A commitment is needed on the amount of time it will take to fix damaged roads.

LunaP-10

Analysis and information is required on the alternate routes that will be used by Matrix oil to access Whittier Main Oil Field. This should include for example: If Penn Street is closed due to repairs what alternative access road will be used. This is also another

LunaP-11

example of why the scope of the NOP and Scoping Document for an EIR should be more comprehensive to include those alternative densely populated routes.

The EIR should suggest alternative routes to limit the damage to our urban community and Habitat Preserve.

LunaP-12

Property and Automobile Damage:

An analysis is needed on the EIR of property and automobile damage that will be sustained by accessing on the densely populated Penn Street and other streets of access routes that will be used by Matrix Oil.

Damage to vehicles along Penn Street/Catalina Street will also occur to from the material falling from the equipment that will hit windshields, chip the paint of cars, cause flat tires from sharp material falling off of trucks, to actual impacts while trying to avoid those people who are walking in the street where no sidewalks are available and also from those who chose not to use the sidewalks.

LunaP-13

Damage to the residents' property is an imminent fact, the analysis should include information and mitigating options on the damage that will be sustained by using Penn Street and or Catalina as the preferred interior access road to the Whittier Main Oil Field and through the Habitat Preserve.

Excess traffic also causes damage to the homes by the vibrations that will occur. Property damage might include structural damage, plumbing problems from debris being dislodged in the pipes, cracked windows, sidewalk fractures, etc., a damage analysis is needed in the EIR.

Air Quality:

The NOP (April 2011) does acknowledge that the proposed Project would contribute to an increase in air quality from construction and operation of...these emissions could result in the violation of air quality standards and evaluate both the long- and short-term impacts. Sensitive receptors will be used to the south and west residences near the Project site. Information is needed to include the specific number, type of receptors, record methods with various times, to record air contaminants, and location of the specific monitoring identified by a map. This information is necessary to know if this method is adequate for the area that needs to be covered. The analysis should also record the exhaust also caused by vehicles used for the Project.

LunaP-14

Odor needs to be fully evaluated with wind being a factor that can carry the odor over several miles of area that will impact our City and those neighboring cities.

LunaP-15

Alternative Air Quality tracking processes need to be included/analyzed and determine the best method to ensure the citizens, flora, and fauna (plants and animals specific to the region) are will protected and an emergency protocol of how notification of dangerous levels will be made.

LunaP-16

Outside agencies should also be part of the EIR to be a monitoring factor of air quality control that provides monthly updates to the City for public viewing and access.

LunaP-17

Information and analysis is required.

Expansion:

An analysis and information is needed in relationship to any expansion beyond the initial drilling operations that includes further impacts to our City and the environment. The analysis should include a no expansion alternative. Information and analysis is required.

LunaP-18

Risks, Hazards and Hazardous Materials:

Exploration for and production of oil has major detrimental impacts to soils, surface and ground waters, and the local ecosystems in the United States. These impacts arise primarily from the improper disposal of enormous volumes of saline water produced with oil and gas, from accidental hydrocarbon and produced water releases, and from abandoned oil wells that were not correctly sealed. It is equally important to understand the long-term and short-term effects of produced water and hydrocarbon releases from these sites in order fully assess the impact to our community and wildlife. Information and analysis is required.

LunaP-19

Human Health Risk Assessment:

Human health risk assessment estimates rely on parameters such as environmental concentrations, body weight, absorption by the body, exposure scenario, and certainly several other parameters. Information and analysis is required on impact to human health and the health of a human fetus. It is well know that vehicle exhaust and oil/gas extraction has disease causing properties that can be slowing growing in nature. An epidemiological analysis is required to determine the health of the citizens of Whittier of past oil/gas extraction efforts and the impact that was made.

A current epidemiological study is also necessary to determine the health conditions that currently affect those citizens living on Penn Street due to the stress and current traffic exhaust accumulates in this area. A projected analysis can then be provided and the anticipated human health risk to those most impacted on the Matrix Oil and City of Whittier partnership and the exposure to chemicals caused by extraction efforts including the transportation and dispersion patterns.

LunaP-20

FYI...The American Academy of Pediatrics and the American Nurses Association, for example, are now suing the EPA over mercury regulations they contend will allow "subtle but irreversible" brain damage in fetuses.

Traffic/Parking:

Penn Street has over 500 residents between Painter Street and the entrance to the landfill. Penn Street, particularly east of Painter, suffers from inadequate parking as a result of the City allowing multifamily residential development without requiring parking as needed by the density allowed. Penn Street is used as the primary access for the City landfill and

all related activities, including trucks importing dirt, sometimes in excess of 250 trucks per day.

Penn Street bears the burden of traffic to and from Penn Park, rush hour short-cut traffic, and more recently, an exponential increase of traffic related to changes in operations at Whittier College. Whittier College has upgraded the sports complex, and is now leasing the fields to local high schools and sports clubs for practices and competition. To compound this impact to Penn Street, Whittier College has concurrently blocked traffic through the campus due to construction, resulting in Penn Street becoming the parking lot for Monday and Tuesday night practices, Friday night and Saturday practices and games. There have been accidents related to this use alone in the past few months without the proposed access to the Whittier Main Oil Field. Traffic does not just include cars and trucks, you analysis should include the school buses, Tour Coaches, Banquet Vehicles, Ice cream trucks, limousines (used for weddings, quinceañera, etc.), all of which can be doubled park and in the red no parking zones. Analysis should be taken during the busiest times when Whittier College is in full sessions during the fall and spring semesters, during the weekend days/afternoons, Friday evenings during the public school year, etc. Please do not provide analysis of this situation by obtaining information of traffic and parking concerns at 2:00am, thank you.

LunaP-21

Parking restriction now enforced on Penn Street places hardships on the residence and businesses, making it anymore restrictive will place an even more dramatic hardship then is necessary due to the Whittier Main Oil Field Development Project. Where are homeowners and renters to park especially when the construction phase will by 24 hours a day, 7 days a week?

Biological Resources:

Animal studies have shown that exposure to high levels of PAHs can lead to reproductive problems, skin problems and problems with the immune system but these affects have not been seen in humans. Information and a specific analysis should be included on the health conditions that the fauna will be exposed to as their biology is different from humans. The plant life also will be impacted by the exhaust and damage the Project will cause.

LunaP-22

The reproductive habits of the wildlife and flora found in the area also needs an analysis to assess the impacts the Project will make, including reproductive cycles, migratory patterns of the birds and butterflies.

LunaP-23

Road going through the landfill and Habitat might require grading down to mineral soil and partial brush clearance of 30 feet on either side. That should have a huge impact on the core increasing edge effect and reducing the area that is available for wildlife nurseries. More information and analysis is required about the actual road requirements and the impact to the wildlife nurseries and the soil.

LunaP-24

Information and analysis is required.

Water:

California is currently **not** in a drought situation; this is the first time in a decade or two that drought conditions are not a concern. Amazing as that is we certainly know drought conditions can change drastically from year to year. During the Scoping Meeting of May 5, 2011, it was mentioned that 10,000 gallons per day for 2.5 years will be used **just** during the Construction Phase. It was not mentioned where this water is coming from it could be transported in or will using of the City of Whittier's water resources. An analysis and information is needed on the water impacts to the City and to the Habitat Preserve. With such volume of water the analysis should include environmental impacts that will occur to the flora and fauna of the Habitat. The analysis should also include how much expected water will be used once the oil/gas extraction is in operation.

LunaP-25

It is my understanding that produced water extracted during oil and gas production includes formation water, injected water, small volumes of condensed water, and any chemical added during the oil/water separation process. Produced water contains both organic and inorganic constituents. The toxicity and persistence of polycyclic aromatic hydrocarbons (PAHs) in produced water is of particular environmental concern. Information and an analysis should be provided on the effects of the produced water and the toxicity that will be exposed to the community and health impacts to human, flora, fauna and soil. Produced water contains several potential toxic metals, small amounts of radionuclides, as well as industrial additives.

The analysis should describes the origin of pollutants, their fate and transport in the environment, and exposure pathways also include alternative storage of toxic water

LunaP-26

FYI...Boffetta *et al.* (1997) reported human skin cancer and Armstrong *et al.* (2004) reported human lung and bladder cancer, associated with PAHs with different exposure pathways.

The U.S. Environmental Protection Agency (USEPA) I believe defined 16 main PAHs as the Priority Pollutant PAHs: naphtalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthen, pyrene, benz(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(a)pyrene, dibenz(a,h),anthracene, indeno(1,2,3-cd)pyrene, and benzo(ghi)perylene (USEPA 2007).

Toxicities/Health:

Toxic chemicals associated with the Project need to be assessed as to the amount of exposure that the community will have. The chemicals are not simply those produced by the oil/gas extraction, but also those chemicals used for testing and treatment of the equipment used for containment, storage and extraction. Some of the more common chemicals found in petroleum products are the following that should also be included in the EIR. Information and analysis is required.

BETX chemicals: (n) a group of chemicals found in petroleum products that have been linked to serious health effects in humans.

Benzene: a known human carcinogen. Benzene has been linked to anemia, leukemia, and other blood cancers.

Ethylbenzene: a possible human carcinogen. It has been shown to cause hearing loss, neurological effects and kidney damage in lab animals.

Toluene: not currently classified as carcinogenic. It can affect the nervous system causing tiredness, confusion, weakness, memory loss, nausea, loss of appetite, “drunk-like” actions and hearing and vision problems. High level exposure to toluene can damage the kidneys.

LunaP-27

Xylene: not currently classified as carcinogenic. At high levels, xylene can cause headaches, dizziness, problems with muscle coordination, skin irritation, irritation of the eyes, nose and throat, breathing problems, delayed reaction time, memory problems, upset stomach and may cause changes in the liver and kidneys. At very high levels, it can cause unconsciousness or death.

hydrogen sulfide (H₂S): (n) a corrosive, flammable gas with a characteristic “rotten egg” smell that is derived from sour gas. It tends to accumulate in low lying and confined spaces. Low doses and long term exposure can cause eye irritation, sore throat, cough, nausea, headaches, fatigue and shortness of breath. Brief exposure to a high dose can lead to neurological damage, loss of consciousness or death

particulate matter: (n) a mix of very small particles and liquid droplets which can include nitrates, sulfates, organic chemicals, metals, soil or dust. Health effects vary with the size of the particles. Very fine particles have the worst effect because they can lodge in the lungs or be absorbed into the bloodstream. Particulate matter has been linked to respiratory problems, asthma, chronic bronchitis, irregular heartbeat, nonfatal heart attack and premature death in people with heart or lung disease

polycyclic aromatic hydrocarbons (PAHs): (n) a group of more than 100 chemicals formed by incomplete burning. The most common source of exposure is breathing smoke from wildfires, coal fires, automobile exhaust, cigarettes, or by eating grilled foods. PAHs are found in coal tar, crude oil, creosote, and roofing tar.

Waste Disposal:

Insufficient information is provided on the waste disposal and processes that will impact the community and Habitat. Information and analysis is required.

LunaP-28

FIRE Protection and Emergency Services:

We live in Southern California with known fire risks and local earthquake faults. The NOP (April 2011) acknowledges these types of catastrophes and will require the preparation of an emergency response plan (ERP). The ERP is concerned with adequate access for emergency response and firefighting equipment to the various development sites. This is good to see, but in addition there is no mention of a notification system to the residence should an explosion, sabotage or terrorist event occur. Information and analysis is required.

LunaP-29

MATRIX Oil is Finished:

The NOP (April 2011) does not include an analysis or information on the exit plan when Matrix Oil leaves the area. This should be included in the EIR and what safety and restoration efforts will be needed and who the responsible party for costs will be. Information and analysis is required.

LunaP-30

May 25, 2011

Jeffery Adams
Planning Services Manager
City of Whittier
jadams@whittierch.org

Dear Mr. Adams,

Thank you for the opportunity to comment on the NOP and Scoping Document. Below are my comments which cite the pertinent section, page and paragraph.

1. Section 1.0, pg. 1

MartinezA-1

- a. ¶ 2—"...the project could generate a substantial long-term income stream for the City and for the preservation and enhancement of the Preserve's ecological resources and native habitat." Please provide the costs and sources of revenue currently available for the "preservation and enhancement of the Preserve's ecological resources and native habitat", and an estimate of the additional revenue and how it would be used.

2. Table 1.1, pg. 2

MartinezA-2

- a. Site Size described as 6.9 acres, however, the total area of permanent disturbance/destruction should be described. The well/processing area should include all adjacent roadways and cut slopes immediately adjacent to the pads as they are necessary components of the construction for this project and result in permanent changes to the native habitat.

MartinezA-3

- b. Assessor Parcel Numbers includes one parcel number that according to the Los Angeles Tax Assessor website, is invalid, parcel number 8139-021-909.

MartinezA-4

- c. Latitude and Longitude of the project is given as 33°56'54.82"N and 118°00'23.96"W, which is incorrect unless the project location is being changed to the McDonald's at Colima and Whittier Blvd.

3. Section 2.0, pg. 3

MartinezA-5

- a. ¶ 2—The project description is incorrect. See comment 2.a., above.

MartinezA-6

- b. ¶ 3—Does the 1,800 feet of existing road that will be realigned include the pipeline corridor planned for Loop Road (shown on Figure 2.2)?

MartinezA-7

- c. ¶ 4—Provide operational detail about the Crimson Pipeline System (oil) and Southern California Gas Pipeline, including typical frequency that the pipelines are shut down and the typical duration that they are shut down.

4. Section 2.0, pg. 4

MartinezA-8

- a. ¶ 2—provide construction details for the proposed aboveground gas pipeline, including details of the existing City of Whittier pipeline system and the intended consumer/uses of the gas.

MartinezA-9

- b. ¶ 3—Describe work and equipment necessary for well workovers and re-drilling operations. Also specify the frequency that these operations will be conducted per well.

5. Section 3.0, pg. 4

- MartinezA-10 a. ¶4—This paragraph seems to contradict a councilman’s comments during a meeting in April that the amended CUP approval was not discretionary because Matrix had obtained “property rights” to the oil when the original CUP was approved. Please provide further clarification regarding any current legal claims to the oil/gas that either Matrix or Clayton Williams have at this point.
- MartinezA-11 b. ¶6—Because both the City and the Habitat Authority will receive money from this project, project oversight and enforcement should be provided by some other means.

6. Section 3.0, pg. 9

- MartinezA-12 a. ¶2—“...the proposed Project would contribute to an increase in air quality emissions...” should be changed to “...the proposed Project would contribute to an increase in air pollutant (or air contaminant) emissions...”
- MartinezA-13 b. ¶3—The Draft EIR should include an evaluation of the greenhouse gas emissions resulting from the transportation, refining and consumption of the crude oil and natural gas being produced from this project.
- MartinezA-14 c. ¶4—The list of sensitive receptors to be evaluated must include the school children and all school workers.

7. Section 3.0, pg. 10

- MartinezA-15 a. ¶5—Thre preserve is an essential wildlife corridor for more than just “small mammals”, the Draft EIR should explicitly identify large mammal species such as mountain lions and deer.
- MartinezA-16 b. ¶8—The truck trips for all materials and wastes must be included in the Draft EIR and should have been included in the original Draft EIR. Some explanation should be provided why MRS did not included them in the original Draft EIR.

8. Section 3.0, pg. 11

- MartinezA-17 a. ¶4—A copy of the Geological Hazards map prepared by the State of California should be included in the report. Also, the potential hazards must be evaluated for all aspects of the project including all new and temporary roadways as well as construction/drilling -related temporary staging areas, containment ponds, soil stockpiles, etc.
- MartinezA-18 b. ¶5—The noise study should also evaluate the impact to wildlife within the native habitat preserve.

9. Section 3.0, pg. 12

- MartinezA-19 a. ¶3—Hazardous materials and wastes that are brought to and taken from the project must be included in the evaluation. The potential impact of the construction and operations traffic on Mar Vista School students, teachers, other staff and visitors must be evaluated.
- MartinezA-20 b. ¶8—Surface drainage patterns and construction details must be depicted on a map and areas of significant concern from surface spills and leaks must be identified.

10. Section 3.0, pg. 13

- MartinezA-21 a. ¶1—A licensed archeologist and or paleontologist should be present at all times during the construction period.
- MartinezA-22 b. ¶2—Basins constructed for drilling mud must be shown on a map, with volume, construction details and safety provisions clearly identified. A soil/water sampling plan should also be included to confirm that these basins did not leak or otherwise impact the surrounding area.
- MartinezA-23 c. ¶7—A draft copy of the RMP should be included in the DEIR.

Sincerely,

Anthony F. Martinez
8130 Michigan Ave.
Whittier, CA 90602

Appendix I

From: Mrla, Don (DonMrla) [DonMrla@chevron.com]
Sent: Tuesday, May 24, 2011 6:28 AM
To: Jeff Adams
Subject: Public Comment on Oil Drilling / Penn Street

Jeff,

My name is Don Mrla and I am a homeowner at 13626 Penn Street. My wife and I (plus two children) have lived there since 1998. We try to be involved in the community as much as possible. For example, this past weekend, our church (Whittier Area Community Church) participated in SERVE Weekend with the other churches in Whittier. As the SERVE Coordinator for WACC, we were able to mobilize over 1,000 members in 120 discrete projects that served 40 unique clients in Whittier. In another example, I led an effort with (retired) Sgt. Dan Lowe (WPD, Traffic Bureau), Chris Mogdusku (Traffic Engineer) and Kathy Schmierer (Hoover School principal) to develop and implement a morning traffic/valet plan to greatly increase child safety at our children's school.

I am in support of oil drilling in Whittier. Our natural resources are intended to be used responsibly and in a sustainable way. Do I have a vested interest in the oil industry? Yes, I do. As a 19 year employee of Chevron, I can proudly say that I am part of a new generation of employee that cares both about our environment and our nation's energy security. My neighbors are surprised to hear that I ride my bike to work to reduce gasoline consumption. Or, that I take the Metro (train) to my office in El Segundo. I am all in support of oil drilling if it puts cash into the City's hands.

My issue with the Matrix Oil proposal on the table is the access on Penn Street. We have to understand the impact on each alternative to the entire Whittier community. For example, the impact on trucks accessing the North Access Road via Penn does not end at Painter. The impact ends at the Whittier city line. Every single alternative - if we are to have a good quality decision - much consider everyone impacted by the traffic. The data may show that on average, traffic density will support the incremental oil drilling trucks that will use Penn Street. But, my issue is that the study fails to take into account peak traffic. Garbage trucks using the landfill tend to do so during business hours, Monday through Friday. Although I'd prefer to not have the trucks go by home, the fact is, they were here first and their use of Penn Street is for the benefit of the community. More importantly, however, is that they are on the road during the least hazardous times of the week. To have oil drilling trucks using Penn Street during a weekend or in the evening is a recipe for disaster. Penn Park is very popular. During most weekends, Penn Street from College Avenue all the way to York is packed with visitor's vehicles. Adding to the congestion is when Whittier College has an event.


My only request is that we limit oil drilling vehicle (non-passenger) access to Penn Street during the same times that garbage trucks do. Thank you for reading this and considering my input.

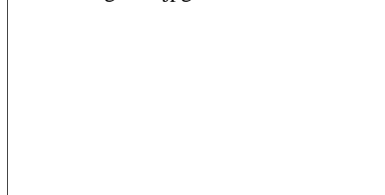
Don Mrla, PE

Design Engineering Pathways Advisor / Competency Leader

Chevron Products Company

El Segundo Refinery
 324 W. El Segundo Blvd.
 El Segundo, CA 90245
 Tel 310 615 5119
 Fax 310 615 5010
donmrla@chevron.com
 Pacific Towers 19th floor, room 19111

 cid:image001.jpg@01CBDDDB5.FDB9



MrlsaD-1

Jon W. Myers
11039 Maple Street
Whittier, CA 90601

May 23, 2011

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

RECEIVED
MAY 24 2011
Community Development

Dear Mr. Adams:

Following are my questions and concerns regarding the proposed oil extraction project which was presented at the public scoping meeting on May 5, 2011.

1. Will market price for the extracted oil and gas be determined on a daily basis? MyersJ-1
2. What will be the usual price adjustment for the produced oil from the daily quoted oil price in the Wall Street Journal? MyersJ-2
3. Will it be necessary to fill in canyons to make a pad for the well cellars, processing facilities, truck loading facility, maintenance equipment, storage area and road upgrades? MyersJ-3
4. If a canyon or other uneven land has to be filled in, where will the dirt come from? MyersJ-4
5. What would be the earliest and latest time that trucks would be allowed to travel or idle on the habitat preserve or surrounding city streets? MyersJ-5
6. If trucks violate the allowed time of day to be traversing or idling on the habitat or city streets, who would enforce it, and what would be the penalty? MyersJ-6
7. On p. 2 of the new CUP application, there is a reference to transporting oil via tanker trucks to a nearby receiving terminal. What is the length of such trucks and what is their weight unloaded, and fully loaded? MyersJ-7
8. What would be done to mitigate the added traffic hazard at Mar Vista Street and Catalina Avenue? There already is a hazard at that intersection as west bound Mar Vista traffic rolls downhill from around a curve, approaching the Catalina intersection very abruptly. MyersJ-8
9. How much of the Prop A preserve habitat land will effectively be removed from the public's use and endangered species' habitat by well cellars, truck loading platforms, processing facility, existing road enhancements, new roads, storage areas, and drilling rigs? MyersJ-9

May 23, 2011
Page 2

10. In the Winter 2011 issue of the Whittier Conservancy newsletter, *the Preservationist*, it is estimated the oil drilling project will last 45 years; is that the likely length of the project?

MyersJ-10

11. Who will pay for repair of city streets damaged by the increased truck traffic?

MyersJ-11

12. If the earthquake fault which runs through the habitat slips and the casings surrounding the water injection pipes break, how will such breakage be detected, and how will the damage be mitigated?

MyersJ-12

13. Will the oil facilities be located on the portion of the preserve which has heretofore been denied to the public because of endangered species occupying the space?

MyersJ-13

14. Couldn't another alternative site to consider as a consolidated central site be at the original Upper Colima site (no. 4 in the original plan)? It would be south of the fault, slant drilling could access the field, trucks would not have to traverse city streets and the habitat would suffer much less scarring. The animal tunnel could be moved to the north, and certain trail heads could be reconfigured. It could also be considered a site from which to drill eastward if and when drilling is allowed east of Colima. Friendly Hills residents would likely object, but would their daily routines be affected as much as Penn Street residents, and residents along Mar Vista Street and Catalina Avenue with the current plan?

MyersJ-14

15. The literature advanced by the City and Matrix Oil refers to the "Whittier Main Oil Field Development Project," which in turn refers to the land as used by previous oil company owners. The more appropriate name should be something like, "Proposition A Habitat Preserve and Open Space Proposed Oil Drilling Project."

MyersJ-15

16. The city council is pursuing efforts to exchange habitat land to be used in drilling, stated to be about 7 acres, for an equivalent size parcel from non Prop. A land. How could such an exchange mitigate for the disruption of the habitat preserve which the consolidated central site and accompanying road enhancements will cause?

MyersJ-16

17. It would be appreciated if the city council members and city manager would be forthcoming about the likely portion of the potential royalty income the City could keep, and the portion to be given up to the County. Or, if the City could keep all of the royalties, how would such a large amount be spent? (see attached calculation of potential royalty income)

MyersJ-17

I look forward to reading the procedures the Environmental Impact Report will suggest to mitigate for the invasion of the habitat preserve with heavy equipment, noise, odor, and the inconvenience and disruption to Whittier residents' daily routines which this project will cause.

May 23, 2011
Page 3

Sincerely,


Jon Myers

**Proposition A Habitat Preserve Oil Project
Possible Whittier Revenue @ \$90/Barrel with Increasing
Assumed Production Levels**

A	B	C	D	E	F	G	H	I	J	K
Assumed Price of Oil per Barrel	Assumed Barrels per Day	Assumed Days of Production during Month	Assumed Barrels per Month (Col. B x's Col. C)	Total Revenue per Month (Col. A x's Col. D)	Whittier's Royalty @ 30% (Col. E x's .30)	Additional \$250,000 Increments Above Revenue of \$1,500,000 per Month	Plus 1.25% for each Additional \$250,000 per month over \$1,500,000 Revenue per Month, Limit 20%	20% Limit on Additional \$250,000 Increments	Total Whittier Revenue per Month (Column F + Lower of Columns H or I)	Total Whittier Royalty Revenue per Year (Col. J x's 12)
\$90.00	100	20	2,000	\$ 180,000	\$ 54,000	-	-	36,000	\$ 54,000	\$ 648,000
90.00	250	20	5,000	450,000	135,000	-	-	90,000	135,000	1,620,000
90.00	500	20	10,000	900,000	270,000	-	-	180,000	270,000	3,240,000
90.00	580	20	11,602	1,044,216	313,265	-	-	208,843	313,265	3,759,178
90.00	700	20	14,000	1,260,000	378,000	-	-	252,000	378,000	4,536,000
90.00	1,000	20	20,000	1,800,000	540,000	1.20	3.125	360,000	543,125	6,517,500
90.00	1,500	20	30,000	2,700,000	810,000	4.80	31.250	540,000	841,250	10,095,000
90.00	2,000	20	40,000	3,600,000	1,080,000	8.40	112.500	720,000	1,192,500	14,310,000
90.00	2,500	20	50,000	4,500,000	1,350,000	12.00	443.750	900,000	1,793,750	21,525,000
90.00	3,000	20	60,000	5,400,000	1,620,000	15.60	575.000	1,080,000	2,195,000	26,340,000
90.00	3,500	20	70,000	6,300,000	1,890,000	19.20	793.750	1,260,000	2,683,750	32,205,000
90.00	4,000	20	80,000	7,200,000	2,160,000	22.80	990.625	1,440,000	3,150,625	37,807,500
90.00	4,500	20	90,000	8,100,000	2,430,000	26.40	1,296.875	1,620,000	3,726,875	44,722,500
90.00	5,000	20	100,000	9,000,000	2,700,000	30.00	1,653.125	1,800,000	4,353.125	52,237,500
90.00	5,500	20	110,000	9,900,000	2,970,000	33.60	1,953.125	1,980,000	4,923.125	59,077,500
90.00	6,000	20	120,000	10,800,000	3,240,000	37.20	2,396.875	2,160,000	5,400,000	64,800,000
90.00	6,500	20	130,000	11,700,000	3,510,000	40.80	2,762.500	2,340,000	5,850,000	70,200,000
90.00	7,000	20	140,000	12,600,000	3,780,000	44.40	3,293.750	2,520,000	6,300,000	75,600,000
90.00	7,500	20	150,000	13,500,000	4,050,000	48.00	3,875.000	2,700,000	6,750,000	81,000,000
90.00	8,000	20	160,000	14,400,000	4,320,000	51.60	4,343.750	2,880,000	7,200,000	86,400,000
90.00	8,500	20	170,000	15,300,000	4,590,000	55.20	5,012.500	3,060,000	7,650,000	91,800,000
90.00	9,000	20	180,000	16,200,000	4,860,000	58.80	5,546.875	3,240,000	8,100,000	97,200,000
90.00	9,500	20	190,000	17,100,000	5,130,000	62.40	6,303.125	3,420,000	8,550,000	102,600,000
90.00	10,000	20	200,000	18,000,000	5,400,000	66.00	7,109.375	3,600,000	9,000,000	108,000,000

Appendix I

From: elaine olmsted [emolmsted90602@yahoo.com]
Sent: Monday, May 23, 2011 3:28 PM
To: Jeff Adams
Subject: Response to proposed oil drilling

OlmstedE-1

As a resident of and homeowner on Penn Street I am responding to the proposal to use Penn Street as an access road to the Matrix Oil drilling site. Once again we residents are called upon to sacrifice our property values and quality of life for the "good" of the Whittier community. And what is our compensation for this selfless act of permitting more large trucks to use our street? A cut in property taxes? Compensation for sinking home values? Timely road improvements addressing the wear and tear of our street? We have heard only what we give. What do we get from the city? Where's the reciprocity from a grateful community?

Michael Gearhart, Elaine Olmsted

OlmstedE-2

Laura Prelesnik Comments 052411

From: LMK [Laura.krueger@gmail.com]
Sent: Tuesday, May 24, 2011 3:30 PM
To: Jeff Adams
Cc: JasonPrelesnik
Subject: Whittier Oil Project Initial Study Comments

Dear Mr. Adams,

Please consider these comments for the Initial Study of the Whittier Main Oil Field Development Project:

1) There is no street called "Landfill Rd." in Whittier. The Savage Canyon Landfill is accessed by Penn St. Please make changes in the document to reflect this change. This was a major oversight in the first document, and I believe it was intentional.

PrelesnikL-1

2) All analysis of traffic along Penn St. should include the cumulative impacts from trash trucks utilizing Penn St., activities occurring at Whittier College, and pedestrian usage from Penn Park.

PrelesnikL-2

3) Emissions of trucks associated with the oil project should be listed and analyzed along with the cumulative effects of trash truck usage on Penn St.

PrelesnikL-3

4) Noise from trucks associated with the oil project should be listed and analyzed along with the cumulative effects of trash truck usage on Penn St.

PrelesnikL-4

5) Parking along Penn St should be analyzed if the proposed oil project is to affect current usage of the street. Where are all the cars going to park if current restrictions on parking change?

PrelesnikL-5

6) A thorough environmental justice analysis should be conducted for the impacted neighborhoods, not just the entire city of Whittier. The population of Penn St is a much different composition than the Catalina St. neighborhood.

PrelesnikL-6

7) A thorough analysis of construction of a road through Hadley St should be considered. It was not fully considered in the previous EIR.

PrelesnikL-7

Thank you for considering these comments.

Laura Prelesnik
13802 Penn St.
Whittier CA 90602

6)

Date: May 25, 2011

From: Mike Shatynski, Resident, 13726 Penn Street

To: Jeff Adams, Planning Services Manager

Subject: Issues and Concerns Regarding Scoping for the Preparation of a Draft EIR (SCH# 2010011049)

Please **address and incorporate into the DEIR applicable mitigation and comment ideas presented by the Penn Street Neighborhood in its Petition response letter on/about December 3, 2010 (attached)** to the previous DEIR for the original version of the project. Many of these same issues require analysis and mitigation measures most likely will also apply to this revised project.

The Penn Street Neighborhood is **overtaxed and substantially impacted by existing uses**. The intended access road through Penn Street adds to already impacts including health and safety, quality of life, air quality, noise, transportation, and all the other issues for analyses that must be considered during the EIR process. **Specific ongoing issues on Penn Street alone include:**

1. **Residences were overbuilt** on Penn Street due to lack of adequate City oversight. Within a two-block stretch of residential street of Penn Street uphill from Painter Ave, there are over 550 residents, 150 residences, and 50 driveways.
2. Commuters use Penn Street for shortcuts to avoid stoplights and Mar Vista congestion. **Rush hour traffic** is excessive and dangerous. There are no traffic calming measures in place.
3. **Landfill truck traffic** is at or exceeds permit conditions. Landfill accepts large quantities of fill dirt and other inert material from **dirt-hauling tractor-trailers** that further impacts Penn Street.
4. A **landfill methane gas line** was installed underground from the landfill to Presbyterian Intercommunity Hospital.
5. **Whittier College is undergoing major construction** and other campus changes that have redirected **student and visitor traffic and associated parking** onto Penn Street.
6. **Whittier College is renting its athletic facilities** to other educational institutions and athletic teams which draws buses and other vehicles with students and spectators to both access the facilities and park along Penn Street and feeder streets.
7. **Penn Park, one of the most popular parks in the City, draws large crowds** of families with children into the neighborhood to transit, park, and visit.

8. **The Fire Department routinely uses Penn Street for access** to work out at the Whittier College track and transits at high rates of speed using fire vehicles including large ladder trucks.

The analysis must consider environmental justice issues specifically relating to the **Penn Street Neighborhood as a distinct neighborhood in the city separate from Central East Whittier, Friendly Hills, or other distinct neighborhoods**. The intent environmental justice guidance from EPA and CalEPA is to protect the health and safety of those who are historically under-represented in the environmental decision-making process – minority, low-income, and indigenous populations – who are most often at risk from environmental hazards. All of the following areas must be analyzed consider the Penn Street neighborhood as a **predominantly minority, lower-income, higher-density neighborhood relative to other potential impacted neighborhoods in the City of Whittier**:

ShatynskiM-1

1. Quality of life
2. Health and safety
3. Air Quality
4. Transportation
5. Noise

To **protect the Penn Street Neighborhood from “disproportionate” and “high and adverse” impacts**, the EIR must conduct a comparative analysis with conditions faced by an appropriate comparison population like those in other directly affected neighborhoods in the City of Whittier.

ShatynskiM-2

As a community within the City of Whittier, the residents of the Penn Street Neighborhood also insist that the analysis needs to **fully disclose the processes and analyze all the impacts of ALL types of activities which will be conducted, not only oil extraction, but “other mineral extraction”, i.e., natural gas extraction.**

ShatynskiM-3

From: Paula Vannucci [rvannucci2@earthlink.net]
Sent: Friday, May 20, 2011 3:31 PM
To: Jeff Adams
Subject: NOP and Scoping Marine Research Services

Mr. Jeffery Adams
Planning Services Manager
City of Whittier
Re: Scoping of new EIR from Marine Research Services

May 20, 2011

Dear Mr. Adams:

After attending the Notice of Preparation and Public Scoping meeting on May 5, 2011, I think I now understand the process that Marine Research Services used to help them complete their previous Environmental Impact Report on the proposed drilling in the Whittier Hills. It had perplexed me why they considered the so-called Landfill Alternative the “environmentally superior alternative”. The EIR also barely mentioned Penn Street, but rather stressed “the entrance to the landfill” as if it existed in a vacuum. I even wondered if anyone from MRS had even spent ten minutes actually driving on or observing the traffic on Penn. It became obvious during the meeting, however, that MRS really didn’t consider the impact of this project on Penn Street or its hundreds of residents, and indeed they may not have even visited Penn Street, but rather just looked at it on a map. They were fixated on the oil-drilling site itself, and that is certainly understandable, as that is where the bulk of the disruptions will take place if this plan goes ahead. But MRS should really widen their outlook on this next EIR and the Mayor and City Council should really try to understand where *all* of the impacts of this project will be felt.

VannucciP-1

First of all, I would like it fully explained why the Penn Street Alternative (not the Landfill Alternative – let’s give it an honest name) is the “environmentally superior” alternative. Looking at a map, the drilling site seems to be less than one mile away from Colima Road, a commercial, 4-lane highway. Meanwhile, the proposed road that is accessed from an entirely residential stretch of Penn Street requires trucks to drive what looks to be 3 or more miles through the landfill and Preserve to get to the site. How is that better, environmentally or otherwise? The previous EIR also stated that this would be such a great alternative because it didn’t impact any nearby residents or recreational areas, but of course it does. The drilling site may be far from those things, but the trucks – everything over 2-tons, which describes even some pick-up trucks – are going to be passing right in front of dozens of homes, hundreds of residents, and an extremely well-used park.

VannucciP-2

Penn Street and its many, many residents will be terribly, negatively impacted by this project. We already deal with numerous garbage trucks on an almost daily basis, and in the past, when there have been other large construction projects in the city (such as the Whittier Area Christian Church expansion), we have had to deal with lines of trucks parked down our street, idling, waiting for their chance to get into the landfill. Residents of Penn also deal with overflow park traffic, and event traffic from Whittier College (just a note - for the previous EIR the traffic study on Penn was conducted in May, when the College is not in full session. For the next EIR, do make sure to do the traffic study in say, October or February, when the college is full of students). In addition, we must now also deal with traffic generated by the construction of the new aquatic center at Whittier College, and the current use of

VannucciP-3

Penn Street as the entrance to the college gym. My front yard has become a de facto parking lot, not only on weekends, but all day every day, with the expected attendant noise, trash and congestion. Although the college construction certainly has an end date, the college has big plans to rent out its new facilities, and I have not heard that they have any plans to build private college parking to accommodate the increased traffic they will be generating. Nor does the City seem to have any plans to restrict parking on Penn to residents only (that would be nice).

VannucciP-4

VannucciP-5

In other words, residents of Penn Street are getting hit from all sides and we’re really tired of it. This is a wholly residential street, and it’s at more than capacity for traffic for such a street, so I believe that MRS, Matrix Oil and the City need to really re-think using Penn Street as an access road to the landfill. It is not the people-friendly way to go.

VannucciP-6

As to the drilling itself, well, when we bought the preserve land with Measure A dollars, we bought it “in order to preserve the land as open space and wildlife habitat.” I don’t believe there was a clause in Measure A that stated “or until oil gets to over \$100 per barrel.” We were just going to protect that land, not only for the animals and plants, but for us, for our enjoyment. Plus, last I looked, oil is now under \$100 a barrel. The price of oil goes down as well as up, so let’s not count on that. I don’t believe we need to drill, and I don’t believe the city of Whittier needs this kind of disruption or divisiveness. The economy will get better in the next 5 years, oil drilling or no. So I still vote for the No Project Alternative.

VannucciP-7

Paula Vannucci

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

From: Cynthia Velasquez [<mailto:cynvel@yahoo.com>]

Sent: Tuesday, May 03, 2011 10:38 AM

To: Jeff Adams

Cc: v.shatynski@verizon.net

Subject: Whittier - Oil drilling and Penn Street

Mr. Adams,

I love living in Whittier. However, I'm deeply concerned that the city is considering a plan for oil drilling within our city limits. I attended my first and only city council meeting a few months back when I received information that Penn Street would most likely be utilized to truck drilling waste from/to the drilling site. My 1st city council meeting because I always felt/thought the City leaders were fair and doing their best to take care of the life we enjoy in this town. However, after attending the meeting and hearing the city leaders interactions with the crowd, I came to the conclusion that decisions have ALREADY been made and there is no use in fighting. So I didn't go back. And for that I am sorry. Because now, the fight is much closer..... the fight is AT MY FRONT DOOR!

I HAVE YET TO COMPLAIN. BUT IM TIRED. Penn street residents shoulder the burden of Penn park, Whittier college and the City dump. I'm positive we ALREADY absorb our share of inconveniences that come with living in a large town such as Whittier. BUT NOW you want to ADD oil trucks too? When is it going to be enough? Have you any idea of the impact? Using Penn street as the main thoroughfare for the drilling is an ill conceived idea and comes with grave consequences for the Penn Street and Whittier residents. I guess none of the city council members ever travel Penn Street and see the family foot traffic that walks the hill daily to reach the playground at Penn park? I'm guessing the city council thinks inhaling all those fumes won't have any impact to their health and safety, right?

- Penn Park We pick up trash/animal feces/graffiti/condoms after the weekend partiers. We struggle to park on our street as the parking spaces are not sufficient to accommodate all park visitors. We live with homeless people sleeping at the park nightly and picking through our trash in the morning.
- Whittier college work on their sports complex has increased the already stretched parking conditions. We have to fight to park in front of our own homes 7 days a week due to the increased traffic and already present parking limitations (no parking 8-5pm 7 days a week on the south side of Penn). Not to mention the increased foot traffic. Some days I think I live on the Whittier BLVD median. It gets that busy.
- City Dump When the church parking lot on Colima was being renovated, the number of trucks utilizing Penn street increased 10x. And nobody noticed at the city that traffic volume was out of control? Or better yet, nobody cared? Trying to cross Penn street and College street is downright dangerous. The trash trucks are very loud all day long. They lose debris and I get to pick it up. Adding Oil trucks only increases the burden. Parking on Penn street you soon realize that your car will be impacted. The large trash trucks kick up small rocks and debris that dents the driver side of parked cars. I never get compensated for the damage.

I have personally walked the block trying to gauge Penn Street resident knowledge levels on this drilling issue. Let me say, I was sad to realize that most of the residents are sorely informed on the matter. As I'm sure you may expect that I am. Truth be told, more information is needed to put our fears to rest. I doubt we can fight this money making machine. And Obviously the health and safety of the Penn street resident is not important enough to the City leaders. At least....that's the message I get! Before the city moves forward with the new EIR process, please send an mailing out to the resident of Penn Street (Painter to Penn park) and tell that what you are planning and how it will affect their quality of

life. Explain to us how much MORE traffic to expect. Tell us what this means to our current Parking restrictions and how you plan to mitigate the traffic impact. Explain the added noisy and air pollution, again how you plan to mitigate. And what should WE the Penn street resident expect in return for this added inconvenience?

VelazquezC-1,2,3

I am just one resident amongst many. I don't have the legal or financial resources that the Catalina or Friendly Hills residents have to fight the city. I don't live in a million dollar home but my health and safety is just as important. Big business always exploits minorities and less affluent areas. I would hate to think the city council is following along and conspiring against its own taxpaying residents! I plan on attending the City council meeting on Thursday, but please forward my email to the City Leaders. I've heard from other residents that the city council is going to focus on Penn street as they think we don't care and know we don't have the resources to fight them like the Catalina Street or Friendly Hills residents do. Nonetheless, tell them we plan on fighting to the best of our ability.....it's on!

Cynthia Velasquez

April 27, 2011

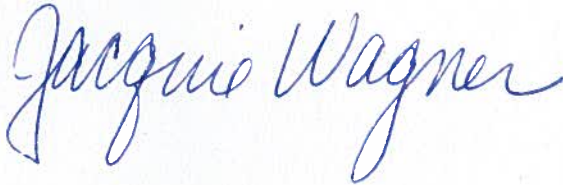
Jeffery Adams
Planning Service Manager
13230 Penn Street
Whittier, CA 90602

RECEIVED
APR 28 2011
Community Development

No drilling! No oil processing! No pipelines! No truck loading facilities!

The traffic on Colima is already a nightmare, not to mention the wide ranging and irreparable harm to our environment.

WagnerJ-1



Jacquie Wagner
15200 Carretera
Whittier, CA 90605

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
	Individuals	
JonesK-1	4.7.4	Penn St. Traffic
EspinalD-1	Outside of scope	Penn St. opposition
EspinalD-2	4.7.4	PD – Lease Renewal
EspinalD-3	4.7.4	Alternatives – ESA
EspinalD-4	4.0	Penn St. Traffic
EspinalD-5	4.2.4, 4.7.4, Appendix H	Biological, Socioeconomics
WagnerJ-1	4.7.4	Colima Rd. traffic
VelazquezC-1	4.7.4	traffic on Penn St.
VelazquezC-2	4.5.3	Noise on Penn St.
VelazquezC-3	4.1.4	Air on Penn St.
LaMarcheB-1	4.2.4	Acreage of North Access Road
LaMarcheB-2	4.14.4	Acreage of pipeline construction
LaMarcheB-3	4.14.4	trail closures
LaMarcheB-4	4.14.4	ADA accessible trail closures
LaMarcheB-5	4.14.4	Noise on recreation
LaMarcheB-6	4.6.4	Visual on recreation
LaMarcheB-7	4.2.4	Building road impact on gnatcatcher and sage
LaMarcheB-8	4.8.4	Chemicals in aquifer
LaMarcheB-9	4.7	Exact Tanker route
LaMarcheB-10	4.7	Route through neighborhoods and schools
LaMarcheB-11	4.5.3	GVW restrictions on streets, vibrations
AbregoE-1	4.5.1.3	Noise baseline
AbregoE-2	4.5.3, 4.6.4, 4.7.4, 4.14.4	Traffic impacts on noise
AbregoE-3	4.7.4	Traffic impacts on safety, children
AbregoE-4	2.0	Project nomenclature
VannucciP-1	4.7.4	ESA
VannucciP-2	4.7.4	Penn St.
VannucciP-3	4.7.4	Penn St. baseline
VannucciP-4	4.7.4	Whittier College baseline
VannucciP-5	4.7.4	Penn St. parking
VannucciP-6	4.7.4	Penn St.
VannucciP-7	Outside of scope	Opposes Project
FewellR&S-1	4.11.5.1	Inconsistency with General Plan
FewellR&S-2	Outside of scope	Update General Plan
LopezA-1	4.7.4.4	Penn St. noise and traffic
LopezA-2	Outside of scope	Sidewalk damage – outside scope of EIR
LopezA-3	4.7.4.4	Penn St. improvements
MartinezA-1	Outside of scope	Revenue

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
MartinezA-2	2.3	Site Size
MartinezA-3	Figure 2-2	Wrong APN #
MartinezA-4	Not identified in DEIR	Wrong lat & long
MartinezA-5	2.3	Site size
MartinezA-6	2.3	Existing road realignment
MartinezA-7	2.0, operational info about Crimson system not available.	Operations info about other pipelines
MartinezA-8	2.3.2.3	Construction info about aboveground gas pipeline
MartinezA-9	2.3.3.2	Workovers and redrills
MartinezA-10	Outside of scope	Matrix property rights
MartinezA-11	8.2	Project oversight
MartinezA-12	4.1	Air wording
MartinezA-13	4.1.4.4	GHG of produced oil and gas
MartinezA-14	4.1.3	School should be sensitive receptor
MartinezA-15	4.2.4, table 4.2-2	Preserve is wildlife corridor for large animals too
MartinezA-16	2.0, Appendix A. Detailed truck trips were included in Appendix A of the original DEIR.	Truck trips for all materials and wastes
MartinezA-17	Regional faults & fault activity map provided (Figure 4.4-3); 4.3.5	Include state Geo map
MartinezA-18	4.2.4	Noise impacts on wildlife
MartinezA-19	4.3.5	HazMat
MartinezA-20	Appendix A	Surface drainage patterns
MartinezA-21	4.9.4	Archeologist and paleontologist present during construction
MartinezA-22	4.8.4	Drilling mud basin details
MartinezA-23	RMP not included	Include RMP in EIR
CowardinD-1	Figure 2-6, Appendix A	Baseline should be “recovering wilderness”
CowardinD-2	Figure 2-10	Detailed timeline/schedule
CowardinD-3	4.2.4	Objective: preserve wilderness
CowardinD-4	All of section 4.0	Determination of significance levels
CowardinD-5	2.3	Disruption of Preserve use is an impact
CowardinD-6	4.6.3, 4.14.3	Recreation, visual thresholds
CowardinD-7	4.5.2	Noise ordinances outdated
CowardinD-8	Outside of scope	Air- community ambient levels
CowardinD-9	4.2.4	Bio – Core habitat is rare
CowardinD-10	4.2.4	Bio – Gnatcatchers

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
CowardinD-11	4.2.4	Bio – Core habitat
CowardinD-12	4.2.6	Bio – Present & future cumulative development
CowardinD-13	Outside of scope	Bio – Economic impacts of biological value of Preserve
CowardinD-14	4.4.5	Geo - Baseline is man-made terrain
CowardinD-15	Appendix A	Risk – map spill mgmt facilities
CowardinD-16	Appendix A	Risk – map storm water mgmt facilities
CowardinD-17	4.1.4	Risk – any odor unacceptable, hazardous
CowardinD-18	2.3	Risk – map all fire mod zones
CowardinD-19	4.7.4.5	Traffic – extent and durations, dump loads, cumulative impacts
CowardinD-20	4.7.4	Traffic – sensitive to local issues
CowardinD-21	4.11.5.2	Land Use – RMP consistency
MyersJ-1	Outside of scope	Daily market price of oil
MyersJ-2	Outside of scope	Oil prices
MyersJ-3	2.3, 4.2.4	Infill canyons?
MyersJ-4	2.3, 4.2.4	Infilled canyon fill
MyersJ-5	2.3, 4.7.4	Traffic – truck travel time restrictions
MyersJ-6	2.3, 4.7.4	Traffic – time restriction enforcement
MyersJ-7	2.3.1.1, 2.3.3.3	Tanker truck specs
MyersJ-8	4.7.4.5	Traffic – MM for Mar Vista and Catalina
MyersJ-9	2.0	Prop A land
MyersJ-10	2.3	PD – Project duration
MyersJ-11	4.7.4	Traffic – payment for street repairs
MyersJ-12	4.4.5, 4.3.4	Geo – fault slip, pipeline break detection
MyersJ-13	2.0, 4.2.4	Bio –endangered species areas
MyersJ-14	5.0, 6.0	Alternative – consolidated site at Upper Colima
MyersJ-15	2.0	PD/Project Name – Oil Field v. Preserve
MyersJ-16	4.2.4	Land swap
MyersJ-17	Outside of scope	Project income recipients, spending
PrelesnikL-1	2.0	PD – Landfill Rd = Penn

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
		St.
PrelesnikL-2	4.7.4	Traffic – cumulative of landfill, college, park traffic
PrelesnikL-3	4.1.4, 4.7.4	Air – cumulative of landfill and project
PrelesnikL-4	4.5.3	Noise – cumulative of landfill and Project
PrelesnikL-5	4.7.4	Traffic – Penn St. parking
PrelesnikL-6	4.16.4	Env Just – Penn St.
PrelesnikL-7	2.0, 4.7.4	Alt- road through Hadley St.
LaiM-1	4.1.4, 4.7.4	Air – cumulative impacts, miles of truck traffic
LaiM-2	4.2.4	Bio – impact of miles of truck traffic
LaiM-3	4.3.5	Risk – impacts on Penn St. residents, College students and visitors
LaiM-4	4.5.3	Noise – impact on Penn St.
LaiM-5	4.7.4.4	Traffic – study cumulative impacts on Penn St.
LaiM-6	4.12.4	Fire – mgmt of hazards, emergency plan, earthquakes
LaiM-7	4.7.4.5	Public Services – Enforce/oversee traffic
LaiM-8	4.14.4	Recreation – Penn Park, College rec areas; public trails
LaiM-9	4.7.4	Traffic – parking on Penn St.
LaiM-10	Appendix H	Socio – home devaluation compensation
LaiM-11	All sections	Risk – long-term health impacts on children
MrlaD-1	4.7.1.3, 4.7.1.4	Traffic – truck time restrictions on Penn St.
HamudO-1	Outside of scope	SCGC agreed to buy gas?
HamudO-2	4.3.4	Risk - Pipeline safety
HamudO-3	4.2.4	Bio – temporarily disturbed area restoration
HamudO-4	4.7.4	Traffic – Penn St.
HamudO-5	2.0	Traffic – taker routes
HamudO-6	2.0	Slant drilling
HamudO-7	4.1.4	Air – pollutatnts/odors
HamudO-8	Outside of scope	Notice
OlmstedE-1	Appendix H	Socio- home devluation compensation

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
OlmstedE-2	4.7.4	Traffic – road improvements/repairs
ShatynskiM-1	4.16.4	Env Just – impacts on Penn St.
ShatynskiM-2	4.16.4	Env Just – impacts on Penn St. neighborhood compared to other neighborhoods
ShatynskiM-3	All sections	Disclosure
CampbellB-1	All sections	All DMEC ‘inadequate’ sections reviewed and responded to
CampbellB-2	All sections and appendices	All recommended additional studies reviewed
CampbellB-3	All sections	All methodology errors reviewed
CampbellB-4	All sections	All DMEC ‘inadequate’ MM reviewed
CampbellB-5	Appendix I of Final Draft	Original comments not responded to
CampbellB-6	Outside of scope	Communication by City
CampbellB-7	Outside of scope	Multi-lingual communication by City
CampbellB-8	4.7.4	Scope of EIR limited – include impacts to more streets
CampbellB-9	4.2.4, 4.6.4	Aesthetics – impacts to microclimate change flora, fauna
CampbellB-10	Figure 2-6, 4.2 figures	Aesthetics – better maps
CampbellB-11	5.0	Alternatives – inadequate range
CampbellB-12	5.0, 6.0	Alternatives – reduce impacts to health, social, economics
CampbellB-13	5.0, 6.0	Alternatives – Colima access
CampbellB-14	2.3, 4.7.4	Traffic - impacts of vehicles carrying oil
CampbellB-15	4.7.4	Traffic – impacts to roads
CampbellB-16	2.3, 4.7.4, 5.0	Traffic – temporary alternate route impacts
CampbellB-17	2.3, 4.7.4, 5.0	Traffic – alternative routes to avoid Preserve
CampbellB-18	4.7.4	Property and Auto Damage
CampbellB-19	4.1.1.2, 4.1.3, 4.1.4	Air – details on sensitive receptors
CampbellB-20	4.1.4	Air – odor and wind evaluated

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
CampbellB-21	4.1.4	Air – analyze alternative tracking processes
CampbellB-22	4.1.4, 8.0	Air – outside agencies should monitor
CampbellB-23	5.0	PD – examine potential Project expansion
CampbellB-24	4.3.4	Risk – damage to soil, surface and ground water, ecosystem from saline produced water impacts
CampbellB-25	Outside of scope	HRA – include epidemiological analysis
CampbellB-26	4.7.4	Traffic – Penn St. parking
CampbellB-27	4.2.4	Bio – PAH impacts on wildlife
CampbellB-28	4.2.4	Bio – impacts to reproductive habits
CampbellB-29	4.2.4	Bio – grading impacts on edge effect
CampbellB-30	4.2.4, 4.8.4	Water – source of water, impacts of water transport on Habitat
CampbellB-31	4.2.4, 4.8.4	Water – produced water PAH impacts
CampbellB-32	4.1.4	Risk – Toxic chemical impacts, BETEX
CampbellB-33	4.2.4, 4.8.4, 4.13.1.2, 4.13.4	Waste – disposal impacts on community and wildlife
CampbellB-34	4.12.4	Fire – notification system
CampbellB-35	2.0	PD – Matrix exit plan
FluornoyJ-1	4.3.5, 4.8.4, 4.12.4	Water- excessive rain, floods
FluornoyJ-2	4.3.5, 4.4.5	Geo – landslides, etc
FluornoyJ-3	4.4	Geo – seismic study, cybershake data
FluornoyJ-4	2.0, 4.7.4	Alternatives – support short route, pipeline
LunaP-1	Outside of scope	Communication by City
LunaP-2	Outside of scope	Multi-lingual communication by City
LunaP-3	4.7.4	Scope of EIR limited – include impacts to more streets
LunaP-4	4.2.4, 4.6.4	Aesthetics – impacts to microclimate change flora, fauna
LunaP-5	Figure 2-6, 4.2 figures	Aesthetics – better maps
LunaP-6	5.0	Alternatives – inadequate range
LunaP-7	5.0, 6.0	Alternatives – reduce

NOP Comments Addressed by DEIR Location		
Comment #	EIR Section Where Issue Addressed	Issue Area
		impacts to health, social, economics
LunaP-8	5.0, 6.0	Alternatives – Colima access
LunaP-9	2.3, 4.7.4	Traffic - impacts of vehicles carrying oil
LunaP-10	4.7.4	Traffic – impacts to roads
LunaP-11	2.3, 4.7.4, 5.0	Traffic – temporary alternate route impacts
LunaP-12	2.3, 4.7.4, 5.0	Traffic – alternative routes to avoid Preserve
LunaP-13	4.7.4	Property and Auto Damage
LunaP-14	4.1.1.2, 4.1.3, 4.1.4	Air – details on sensitive receptors
LunaP-15	4.1.4	Air – odor and wind evaluated
LunaP-16	4.1.4	Air – analyze alternative tracking processes
LunaP-17	4.1.4, 8.0	Air – outside agencies should monitor
LunaP-18	5.0	PD – examine potential Project expansion
LunaP-19	4.3.4	Risk – damage to soil, surface and ground water, ecosystem from saline produced water impacts
LunaP-20	Outside of scope	HRA – include epidemiological analysis
LunaP-21	4.7.4	Traffic – Penn St. parking
LunaP-22	4.2.4	Bio – PAH impacts on wildlife
LunaP-23	4.2.4	Bio – impacts to reproductive habits
LunaP-24	4.2.4	Bio – grading impacts on edge effect
LunaP-25	4.2.4, 4.8.4	Water – source of water, impacts of water transport on Habitat
LunaP-26	4.8.4	Water – produced water PAH impacts
LunaP-27	4.1.4	Risk – Toxic chemical impacts, BETEX
LunaP-28	4.2.4, 4.13.1.2, 4.13.4	Waste – disposal impacts on community and wildlife
LunaP-29	4.12.4	Fire – notification system
LunaP-30	2.0	PD – Matrix exit plan