

By 4-0 vote, Kern's Planning Commission recommends approval of controversial oil and gas permitting changes

By John Cox

Bakersfield Californian, Friday, Feb. 12, 2021

Kern's Planning Commission voted 4-0 Friday, with one abstention, to recommend the county Board of Supervisors reestablish a streamlined oil-and-gas permitting system opposed by environmentalists around the state.

The proceeding had to be carried over to Friday morning after a nearly four-hour meeting Thursday night wasn't long enough to hear a flood of comments from people expressing concerns about oil production's health and environmental impacts, as well as a desire to transition away from petroleum to cleaner forms of energy.

In supporting a return to an over-the-counter permitting system of permits rejected in court almost one year ago, commissioners noted the county is a leader in renewable energy but that such jobs don't come near to replacing the oil industry's employment and tax-revenue benefits.

Commissioner Gregory McGiffney disputed commenters' assertions the oil industry is dying and therefore not worth accommodating with a ministerial permitting system that would provide regulatory certainty in exchange for new fees and mitigation measures protecting the environment and people living near oilfields.

He added that the county's proposal actually increases oilfield regulation and that it won't lead to new drilling unless consumers demand more petroleum-based fuel.

"There won't be more wells drilled if there's not more demand for oil," McGiffney said.

Commissioner Ron Sprague agreed with opponents of the proposal who said things must change — "and things are changing." But he said people still depend on internal-combustion cars, and in Kern County people have coexisted alongside oil production "for many, many years."

The proposal, consisting of a new and extensive environmental review of oilfield operations over 2.3 million miles of unincorporated Kern County plus a new zoning amendment, is expected to be sent to the county Board of Supervisors for consideration next month.

In that sense, the two-session Planning Commission meeting was a mere warmup for the hearing county supervisors will host. But even that is considered less pivotal to the proposal's fate than what may happen in court.

Environmental groups have fought the county system vigorously, and ultimately prevailed in appellate court in February 2020. At the same time, the county has pushed forward with a legal defense funded by the state's oil industry.

The commission's hearing elicited a robust, organized response from environmental and environmental-justice groups in and outside Kern County. Their comments greatly outnumbered statements of support for the industry and the county's proposed permitting system.

The voicemails played late Thursday and continuing Friday morning mostly accused the county of sacrificing the health of "frontline" minority communities living near Kern oilfields. The calls, many of which also warned of accelerating climate change, came from people living in Kern as well as many who identified themselves as residing outside the area.

Local Sierra Club member Sharon Briel said she was concerned about local oil production's negative impacts on air quality.

"It's an equal-opportunity polluter," she said. "We need more green jobs, less fossil fuel."

There were also strong endorsements of local petroleum production, even as those comments were relatively few by comparison.

Stan Eschner, CEO of Bakersfield-based Trio Petroleum LLC, left the commission a voicemail saying local oilfields were generally established before nearby communities sprang up.

"Oilfields have nothing to do with wealth or poverty or what's going on above ground," he said.

The county permitting system's primary architect, top planner Lorelei Oviatt, said after the public hearing concluded Friday that commenters had expressed serious concerns but that all of them had been referenced in the county's environmental review.

"We have not stepped over the serious concerns," she said. "Our issue is that the oil and gas industry has a legal right to extract their minerals and they are part of an ongoing industry."

She acknowledged the planet's climate is changing, "however, an immediate change is not possible," she said.

Planning Commissioner Joe B. Ashley, director of environmental and regulatory affairs at local oil producer California Resources Corp., did not participate in the hearing and recused himself from Friday's vote.

Bakersfield public-relations professional Tracy Leach, who as director of Kern Citizens for Energy has helped organize community support for the county's permitting efforts, said by email she was thrilled by Friday's vote.

She wrote she looks forward to the Board of Supervisors "voting to approve this recommendation so that we can continue providing that much-needed oil and natural gas, protecting our county's 25,000 jobs and producing energy under the highest environmental health and safety standards in the world."

Leach added that when the matter comes before the board, "we will be sure that our elected representatives hear from the overwhelming number of local residents" supporting workers in the industry.

Oil hearing draws comments from both sides of permitting debate

By John Cox

Bakersfield Californian, Thursday, Feb. 11, 2021

Speakers at an online public hearing Thursday night staked out opposing positions on Kern County's proposal to reestablish an over-the-counter system of oil permitting.

But nearly four hours into the proceeding, at close to 11 p.m., the meeting was adjourned until 9 a.m. Friday.

By that point the large majority of comments received were in opposition to the permitting plan. Speakers and voice mails received by the county large blamed local oil production for negative health and climate impacts and urged the county to abandon oil production in favor of clean energy.

"No more oil wells!" said the president of Committee for a Better Shafter, Anabel Marquez, who accused local oil production of poisoning her children's air.

A number of industry supporters did speak up about the economic opportunity oil provides. Some cast doubt on renewable energy's capacity for powering the entire state while others noted the oil industry has generously supported local academic and philanthropic programs.

"Thousands of Latinos have been able to provide for their families" because of jobs in the oil industry, said Jay Tamsi, president and CEO of the Kern County Hispanic Chamber of Commerce.

The county proposal would reestablish an over-the-counter system of oil permits that, until an earlier version was rejected in court almost one year ago, required payment of fees and measures to cushion the environmental impacts of petroleum production in the county's unincorporated areas.

Thursday's proceedings were a warmup for a final vote next month, when the county Board of Supervisors is expected to take up the Planning Commission's recommendations.

But ultimately the system's fate may be decided in court. The county anticipated when it launched the effort in 2012 it would be challenged at every step; for that reason the oil industry promised to cover Kern County government's legal costs. County staff have pledged to revise the environmental review and zoning ordinance as many times as necessary until it passes legal muster.

Environmental clearance is at the heart of the matter. The county doesn't require an oil permit because property owners are allowed to produce oil by right. But some state environmental reviews required for local projects have been found legally deficient.

The industry expects better success with the county's massive review covering every different type of oil above-ground operation across 2.3 million acres on Kern's valley floor. Underground aspects of oilfield work would continue to be reviewed by the state.

Environmental groups contend such a broad review cannot take into account all local conditions and that each individual drilling project should be examined on its own merit.

More broadly, opponents of the measure are against oil production's potential impacts on air and water quality. Many want an economically fair transition to energy free of greenhouse gases tied to climate change.

Activists say proximity to oil operations is to blame for high rates of cancer, asthma, and other chronic illnesses in local minority communities. They presented a petition this week with more than 7,000 signatures calling on the Board of Supervisors and Gov. Gavin Newsom to end the county's permitting push.

A local farming group has also opposed the county's efforts and was part of the legal challenge that led to the system's court loss Feb. 25 and its suspension a month later. The group says the county's system gives oil producers an unfair upper hand in disputes between surface owners and oil companies that possess the underlying mineral rights.

The oil industry notes petroleum production accounts for many thousands of local jobs and some \$80 million per year in property tax payments.

Industry groups say their members abide by some of the strictest drilling regulations on the planet and that if not for local production California's continuing thirst for oil would have to come from overseas, sending jobs and sales to producers overseas with relatively lax standards.

After three years of work by county staff, the county Board of Supervisors in 2015 approved an earlier version of the permitting system. It was immediately challenged in court but not ultimately rejected in court until February 2020.

The permitting system's primary architect, county Community Development Director Lorelei Oviatt, told the commission about a number of revisions to the prior system that she said address the court's ruling a year ago.

The changes include extending a buffer between oilfield operations and "sensitive receptors" like homes to 300 feet from 210 in the earlier version. Also, noise mitigations were toughened, and oil producers wanting to drill on farmland with abandoned petroleum equipment would first have to remove it.

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