Appendix 1

Notice of Preparation

Project Overview & Scope of Analysis
Signed NOP Form
Comments on NOP
NOTICE OF PREPARATION

TO: State Clearinghouse
   Governor's Office of Planning and Research
   1400 Tenth Street
   Sacramento, CA 95812

FROM: Kevin Drude, Energy Specialist
      Santa Barbara County Planning & Development
      123 East Anapamu St.,
      Santa Barbara, CA 93101-2058

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report

PROJECT NAME: Foxen Petroleum Pipeline Project

PROJECT CASE #: 12DVP-00000-00005 and 13EIR-00000-00002

PROJECT APPLICANT: ERG Operating Company

Planning and Development will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified above. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR prepared by our agency when considering your permit or other approval for the project. The Project Overview and Scope of Analysis are contained in the attached materials.

A scoping meeting has been scheduled for Thursday, June 20, 2013 at 6:00 PM in the Santa Barbara County Public Works Conference Room, 620 West Foster Road, Santa Maria CA 93455.

Due to the time limits mandated by State law, your response must be received at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Santa Barbara County Planning & Development, attention Kevin Drude at the address shown above. We will need the name of a contact person in your agency.

Date: June 7, 2013
Planner: Kevin Drude
Division: Energy & Minerals
Telephone: (805) 568-2519

cc: Clerk of the Board (please post for 30 days)

Encl: Location Map
      Project Overview and Scope of Analysis

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Hearing Support Staff (805) 568-2058. Notification at least 48 hours prior to the meeting will enable the Hearing Support Staff to make reasonable arrangements.
I. PROJECT SUMMARY

A. APPLICANT

ERG Operating Company LLC
6082 Cat Canyon Road
Santa Maria, CA 93456

B. LOCATION

The proposed pipeline system would transport crude oil from the ERG Operating Company
(ERG) Cantin Tank battery, located along Foxen Canyon Road northwest of the community of Sisquoc,
north along Foxen Canyon Road approximately 2.9 miles to connect to the existing Phillips 66 Line 300
Sisquoc Pipeline (hereinafter Sisquoc Pipeline) which is located north of Santa Maria Mesa Road (see
vicinity map below). The application involves numerous properties located along Foxen Canyon Road
in the Sisquoc-Garey area, Fifth Supervisorial District.
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<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>Agricultural I, Agricultural II, Light Industrial, Neighborhood Commercial, and Residential (7-R-1) zone districts.</td>
</tr>
</tbody>
</table>

C. REQUEST/DESCRIPTION

Proposed Pipeline Design and Equipment: The applicant proposes to install two (2) insulated eight-inch diameter steel pipelines, each approximately 15,080 linear feet in length. The pipelines would transport crude oil under a pressure ranging from 750-800 psi, and would replace the current practice of trucking daily crude production from the field. Proposed accessory equipment includes two (2) new 10,000 barrel heated shipping tanks, one (1) new 3,000 barrel heated reject tank, one (1) new 5,000 barrel oil storage tank, two (2) new 10,000 barrel emergency storage tanks, one (1) new 10MMBTU/hr tank heater, and on each pipeline, one (1) new Lease Automatic Custody Transfer (LACT) unit, flow meters, a Pig Launch and Retrieval system, and an electrically-driven pump system (LACT charge pumps, shipping pumps, bottoms pumps, etc).

The project includes site preparation for installation of the proposed tanks and equipment, leak containment, various controls and instrumentation, corrosion protection, vapor recovery, temporary construction staging areas, topsoil stockpiling, and other associated facilities and activities. The pipeline would also be equipped with a SCADA leak detection system. The proposed pipelines would be buried approximately four to six feet below grade and include above-grade pipeline markers. Each pipeline would have an intended design capacity for up to 25,000 barrels per day of throughput. The project does not require significant changes to the existing Sisquoc Pipeline other than installing a T-junction connection between the two pipelines. The junction would include a one-way valve such that fluid contained within the Sisquoc Pipeline cannot flow back into the proposed Foxen Petroleum Pipeline. The Sisquoc Pipeline is approved as a common-carrier line with an adequate capacity to accommodate flows from other producers, such as ERG. Custody transfer would take place at this juncture.

Project Location, Access, and Parking: The proposed pipelines would begin at the existing Cantin Tank Battery located approximately half a mile northwest of the town of Sisquoc and six miles east of the City of Santa Maria, in the Cat Canyon Oil Field. Regional access to the Cantin facility is provided by Foxen Canyon Road. Local access to portions of the proposed pipelines which are not located in the County right-of-way would be provided by existing interior oil field roads. The pipelines have been specifically

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1 The connection to the existing Sisquoc Pipeline does not need to be analyzed in the subject EIR because it was analyzed in the Sisquoc Pipeline EIR (91-EIR-08 and Supplemental EIR 92-EIR-13).
Located along existing or historic road routes whenever feasible in order to minimize the need for new grading and disturbance of native habitats. The proposed pipeline route is predominantly located within public rights-of-way but would also traverse private land through acreage which is currently used for row crops, cattle grazing and oil production. The location of the pipelines is summarized as follows:

<table>
<thead>
<tr>
<th>Pipeline Location</th>
<th>Stationing</th>
<th>Linear Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Land (APNs 129-180-013 and 129-180-015)</td>
<td>STA 2+21 to STA 40+50</td>
<td>3,830</td>
</tr>
<tr>
<td>Foxen Canyon Road ROW</td>
<td>STA 40+50 to 142+00</td>
<td>10,150</td>
</tr>
<tr>
<td>Stewart Street ROW</td>
<td>STA 142+00 to 144+12</td>
<td>710</td>
</tr>
<tr>
<td>Andrew Street (Private) ROW</td>
<td>STA 144+12 to 152+00</td>
<td>290</td>
</tr>
<tr>
<td>Santa Maria Mesa Road ROW</td>
<td>STA 152+00 to 153+00</td>
<td>100</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>15,080 feet</td>
</tr>
</tbody>
</table>

No new roads are proposed as part of this project other than equipment access within the oil field. Roads used to access the project sites have an average width of 20 feet and surfaces vary between road base, dirt, and pavement. No new permanent parking is proposed as part of this project. Existing well pads and equipment areas within ERG’s mineral lease areas would be used for temporary construction parking. Since the majority of the pipelines are proposed along existing public or private road right-of-ways the construction process would require the temporary closure of one-lane of traffic. The applicant proposes to reduce the disruption to daily traffic patterns via a Traffic Control Plan, as approved by the County’s Public Works Transportation Division.

**Leak Protection and SCADA Leak Detection System:** Control valves are planned on each of the two pipelines with one set installed at the Cantin Tank Battery location and another at the tie-in point to the Sisquoc Pipeline. The Sisquoc Pipeline tie-in valving would also have a check valve feature, allowing only one-way flow into the Sisquoc Pipeline network. In addition to the valving, the pipeline system also would include a cathodic protection system (sacrificial anode system) designed to protect the pipe material from corrosive surrounding soil. All safety and operational features would be maintained by a state-of-the-art supervisory control and data acquisition (SCADA) system, set up to gather data from points throughout the pipeline route. Data gathered via the SCADA system includes flow rate, temperature, and pressure. Such data would be continuously monitored to identify deviations indicative of a leak or rupture. The SCADA system would be designed to shut the pipeline(s) down when conditions vary beyond pre-set pressure and flow conditions. Alarms would sound alerting operators to abnormal conditions and trigger automatic shut down operations as-needed. The SCADA system would also be monitored by Sisquoc Pipeline operators, and they would also have the ability to initiate a shut down in an emergency situation.

**Pipeline Maintenance, Operation, and Safety:** In compliance with Department of Transportation (DOT) requirements, a Safety, Inspection, Maintenance, Quality Assurance Plan, Pipeline Operation & Maintenance Plan, Operator Qualifications Plan, and Pipeline Integrity Management Plan would be prepared prior to construction/operation ensuring that the pipelines are constructed, operated, and maintained in a safe manner.
Design considerations include:

- Adherence to CFR Title 49 Part 195 “Transportation of Hazardous Liquid by Pipeline” and appropriate sections of API, ANSI, ASME, NEC, UFC, NFPA, and other applicable codes;
- Designing a “smart piggable” pipeline system;
- Including temperature and pressure regulation features and design for seismic loads;
- Performing geotechnical studies and testing during design phase;
- Locating utilities for consideration in selecting final pipeline route and maintaining required clearances; and
- Securing required building permits from Santa Barbara County and consult with State Fire Marshall Pipeline Safety Division.

Safety considerations during construction include:

- Including weld x-ray, mapping, and qualified welding procedures per DOT regulations;
- Hydrotesting per DOT regulations and providing construction records thereof;
- Developing a Storm Water Pollution Prevention Plan;
- OSHA compliance (shoring and bracing, confined space entry, etc.) per California General Industrial Safety Orders;
- Developing an overall construction safety program by licensed construction contractor(s);
- Locating utilities in advance of construction to avoid interference with existing underground improvements;
- Installing (2) tracer tapes above each pipeline; and
- Performing geotechnical testing to verify adherence to construction specifications.

Safety considerations throughout operations and maintenance of the proposed facilities include:

- Maintaining routine and emergency operations plans noting maximum design and operating pressures; regularly test alarm features;
- Performing regular safety training for operations staff; minimum experience requirements by operator classification;
- Designating person(s) responsible for monitoring and implementing inspection and maintenance schedules;
- Conducting routine safety device inspections;
- Conduct confined space entry training per OSHA regulations where needed;
- Coordinated interface with the receiving pipeline system operated by Phillips 66;
- Flow and pressure monitoring;
- Smart pigging at intervals established by regulation and by ERG standards;
- Regular testing and preventative maintenance of cathodic protection system on pipeline; tanks, and other appurtenances;
• Regular crude oil analytical testing;
• Maintaining pipeline markers along route;
• Enrollment in Underground Service Alert utility locating system;
• Maintenance and replacement of equipment and components throughout the life of the project; and
• Recording results of tests and inspections over life of the project and keeping record of dates and extent of any replaced pipeline segments.

ERG has designed a dual pipeline system so that constant operation can be maintained whenever feasible. During maintenance periods, one pipeline would be shut-down while the other continues to operate. However, there may be times when either both ERG pipelines and/or the main Sisquoc Pipeline would need to be completely shut down for maintenance or emergency response. Therefore, ERG proposes to reserve the right to resume truck transportation in the event that the pipeline system becomes inoperable for maintenance, repairs, or emergency operations as detailed below.

Temporary Trucking: The subject site is an existing oil production facility that produces 474,500 barrels per year at an average 1,300 barrels per day. At approximately 160 barrels per truck (based on its weight) this represents an average of approximately 8 truck-loads per day and 2,900 truck-loads per year.

Without the operation of a pipeline, this trucking rate would continue to increase in response to rising field production and may do so up to 3,100 barrels per day (approximately 20 truck-loads per day, 7,300 truck-loads per year) in accordance with its existing Permits-to-Operate issued by the Air Pollution Control District. The proposed pipelines will negate the need for routine trucking of crude except for planned maintenance shutdowns or for an emergency. During emergencies or maintenance shutdown periods, ERG estimates that up to 8,000 barrels per day (50 truck-loads per day) and 300,000 barrels per year (1,875 truck-loads per year) could conceptually be transported by truck.

Grading and Site Disturbance: Construction of the pipelines is estimated to disturb approximately 1.5 to 2 acres from the trenching and boring excavation processes. Approximately 16 to 18 acres of additional land would likely be disturbed by the movement of equipment and temporary placement of spoilings. A typical trenching section would be approximately six feet deep and four to five feet wide. The estimated grading quantities include 43,100 cubic yards of excavation and 27,900 cubic yards of fill. These grading volumes include the trenching, excavation, and backfill of the pipeline and equipment corridor, as well as constructing the containment areas and berms at the Cantin Tank Battery. No permanent, significant changes in topography are proposed as part of the project.

Project Schedule: The applicant proposes to commence construction within approximately 60 days of obtaining the required County and State permits. Construction of the proposed pipeline would take approximately 90 days to complete plus an additional 60 days for construction of the tank battery, LACT units, and Sisquoc Pipeline tie-in point. Pursuant to CDFW permit conditions, site disturbance affecting blue-line streams will be restricted to the dry season (May 1st to December 1st), if feasible. If wet season construction is required, then work in the stream zone may be allowed during the wet season provided there is no standing or flowing water present, and work in the stream zone shall be initiated no sooner than 48 hours after a rainfall event and shall be completed prior to any predicted rain event with at least a
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72-hour clear weather forecast period after expected completion date of any drainage crossing construction. Construction is proposed from 7:00 am to 7:00 pm daily.

Vegetation Removal and Biological Resources: In order to avoid new biological impacts whenever feasible, the proposed project has been specifically located along existing road rights-of-way and in areas which have been previously disturbed by agricultural or oilfield activity with the intent to avoid permanent displacement of native habitat resulting from project construction. Permanent equipment is proposed at either the existing Cantin Tank Battery or within the existing, denuded Sisquoc Pipeline right-of-way and adjacent farm field. The project is estimated to temporarily disturb 0.96 acres of Valley Needlegrass Grassland. For sensitive species, such as Purple Needlegrass, the applicant proposes to salvage plants or seedstock prior to construction and replant the disturbed areas once the pipeline trenches have been backfilled. All vegetation removal and restoration would be carried out in compliance with a Habitat Restoration plan prepared by a County-approved biologist.

Prehistoric and Historic Cultural Resources: A Phase 1 Archaeological Surface Survey was conducted along the pipeline to assess the potential presence of significant prehistoric resources within the project area. That report documents that no such significant resources were found. A portion of the pipeline route passes within close proximity to an historic adobe structure that is estimated to be approximately 150 years in age. The applicant proposes that the project would not have any direct impacts on this structure, and because the pipeline would be placed below ground, that the project also have no visual impact on the historical context of the area.

D. ISSUES

Each specified impact area warrants an objective and systematic discussion that identifies the baseline environmental setting, thresholds of significance, impacts and their severity, and, where the impact is potentially significant, the mitigation measures identified to avoid, reduce or eliminate the impact.

Baseline for Environmental Review
The subject site is an existing oil production facility that produces 474,500 per year at an average 1,300 barrels per day. Produced oil is transported to the Battles Tank Farm via tanker truck. At approximately 160 barrels per truck (based on its weight) this represents an average of approximately 8 trucks per day and 2,900 trucks per year. These existing facilities and operations, and associated noise, emissions, risk of upset, etcetera, constitute the baseline for environmental review. The applicant proposes the installation of two (2) new crude oil sales lines, each with a design capacity of 25,000 barrels per day. The dual system allows at least one pipeline to remain in operation even if the other is down for maintenance or repair.

Hazardous Materials/Risk of Upset
As noted in the Project Description, the pipelines have been specifically located along existing or historic road routes, predominantly located within public rights-of-way but would also traverse private land through acreage which is currently used for row crops, cattle grazing and oil production. During pipeline trench construction, it is possible that soil and/or groundwater contamination may be encountered. Construction activities may have to be discontinued or re-directed until a work plan is
developed that identifies the type, concentration and lateral and vertical extent of the contamination, as well as remedial measures. These actions would be the responsibility of the applicant only if it is determined that the contamination is a result of their operational activities. Otherwise, the regulatory authority would pursue other avenues of site remediation.

The development of the proposed pipeline system could result in operational risks due to the transportation of oil via pipeline. Transportation of crude oil by pipeline, particularly the low API gravity crude oils associated with this project, are not anticipated to produce acute risk impacts, but could result in surface/groundwater and biological impacts as noted below. Additional operational risks could result from the proposed ancillary storage and shipping equipment. To reduce these risks, the applicant included in its project design leak containment, various controls and instrumentation, corrosion protection and vapor recovery. These and additional design safeguards and operational controls should be evaluated to determine the most appropriate and effective risk mitigations.

**Surface/Groundwater Quality**
A major rupture, spill or leak from the oil production facilities and/or the proposed pressurized pipelines could result in a substantial degradation of surface water and groundwater quality. Although the likelihood of a major rupture that releases large volumes of oil into the environment may be low, the impacts could be catastrophic and no measures have been identified thus far that reduce the potential impact to a level of insignificance.

Pipeline oil transportation to the connection at the existing Sisquoc Pipeline 2.9 miles away could result in spills due to geologic hazards, mechanical failure, structural failure, corrosion, or human error. Such spills could result in water quality impacts to numerous creeks, shallow groundwater, and ultimately the Pacific Ocean. Large spills, such as from pipeline or tank ruptures, which spread to surface waters and/or groundwater, may substantially degrade water quality, with potential long-term impacts to beneficial uses and biological resources. In contrast, small leaks or spills, which are contained and remediated quickly, may have minor or negligible impacts. Although the potential for oil spills currently exists at the production facilities and from truck transportation, the proposed pipeline project creates the potential for impacts over a distance of almost three (3) miles and across five (5) intermittent “blue-line” creeks.

**Biological Resources**
A rupture or leak from the proposed oil pipeline system could result in significant impacts to biological resources. Although the potential for oil spills currently exists, the proposed pipeline project could lead to a significant increase in the volumes of oil potentially involved in a leak or spill, as discussed above.

The Biological Assessment prepared by Sage and Associates states that the project would remove almost a full acre of native purple needle grass (County Threshold of Significance is 0.25 acres) and could result in a “take” of the California tiger salamander (CTS) and California Red-legged frog. These are potentially significant impacts. The project also has the potential to impact other special-status plants and animals, including but not limited to nesting hawks, the silverly legless lizard, and the western spade foot toad.
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Air Quality

The applicant has provided greenhouse gas (GHG) emissions calculations for the proposed new facilities, which generate an estimated 4,649 metric tons per year. Those calculations will require peer review, and the EIR air quality analysis will include all project-related air quality emissions.

Traffic

The EIR will include a traffic analysis and proposed traffic control measures for the construction phase of the proposed pipeline, and during post-construction operations, to ensure that impacts to agriculturalists, motorists, bicyclists and pedestrians are minimized, and that access to abutting properties is not blocked. The EIR will also will evaluate the potential impacts of the proposed temporary trucking in terms of safety and the need for traffic improvements. A cap on daily truck trips is anticipated for air quality reasons and may be required for traffic safety reasons.

Other Considerations

Growth Inducement

The proposed project also has growth-inducing potential in that it could accommodate a significant increase in future production, either by the applicant or by other oil producers in the area. Pursuant to County LUDC Section 35.55.060, Oil and Gas Pipelines, the pipeline system would be permitted as common carrier and its design having taken into account the “reasonable, foreseeable needs of other potential shippers in the design...” As such, the project could have growth inducing potential by providing a safer, more economic means of oil transportation than trucking which is the most common mode of oil transportation in the project vicinity. Identification of recently approved, currently proposed and reasonably foreseeable oil development projects within the proposed pipelines general service area will be included in the cumulative projects discussion in the EIR.

Project Alternatives

The EIR will present a reasonable range of Project Alternatives that would reduce or eliminate any project-related significant impacts, and would still feasibly attain most of the basic objectives of the project.
Notice of Preparation

To: State Clearinghouse
Governor's Office of Planning and Research
1400 Tenth Street, Sacramento, CA 95812

From: Kevin Drude
County of Santa Barbara
123 East Anapamu St., Santa Barbara, CA 93101-2058

Subject: Notice of Preparation of a Draft Environmental Impact Report

County of Santa Barbara will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (☐ is ☑️ is not ) attached.

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 Kevin Drude at the address shown above. We will need the name for a contact person in your agency.

Project Title: Foxen Petroleum Pipeline Project

Project Applicant, if any: ERG Operating Company

Date: June 3, 2013

Signature: [Signature]

Title: Energy Specialist

Telephone: 805 568-2519

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.
Speaker: Autumn Jennings
She is concerned about the pipeline route. Why is it going down Foxen Canyon Road and through the town of Garey and down Andrews Road? It is 50 feet from her front door and she is very concerned about this.

Speaker: Joel Jennings
The area [town of Garey] has had flooding issues and if they bury the pipeline on the west side of Foxen Canyon Road, they have graders that grade out the mud. There are field flooding issues and they already have problems with the road. [The EIR] should take into consideration the low-lying areas and thousands of bicyclists that go through the area. They are already up against a lot of abandoned infrastructure as it is. Consider the east side of Foxen Canyon Road. Has ERG approached the landowner [on Anderson Road] about possible purchase [of an easement]. [The pipeline] will be close to drinking water and being buried you can’t visually observe a leak until it makes it to a certain point. With pipeline it doesn’t preclude trucks, it just increases the capacity of the pipeline. Don’t necessarily see less trucks on the road from the project.

Speaker: Rick Michael
Was there even a primary and secondary pipeline route? He has sympathy for the people of Garey. The pipeline route makes a big loop near the Cantin Tank Battery. Draining on the southeast of pipeline is one of the largest drainages. He saw a pipeline break once above it and it went to the ocean. Is the intent from Cantin to the County Road to be 6 feet deep? Recommends an alternate route from the Cantin Tank Battery that does not make such a large loop. Concerned about installation of pipeline during the wet season and where does the Coast Guard come into the picture?
July 5, 2013

Kevin Drude
Santa Barbara County
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

Re: APCD Response to Notice of Preparation of a Draft Environmental Impact Report for Foxen Petroleum Pipeline Project, 12DVP-00000-00005, 13EIR-00000-0002

Dear Mr. Drude:

The Santa Barbara County Air Pollution Control District (APCD) appreciates the opportunity to provide comments on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the referenced case. The proposed project, which consists of installing two 8-inch pipelines of approximately 15,000 feet in length to transport crude oil from the Cantin Lease tank battery to the existing Phillips 66 Line. Proposed accessory equipment includes two 10,000-barrel heated shipping tanks, one 3,000-barrel heated reject tank, one 5,000-barrel oil storage tank, two 10,000-barrel emergency storage tanks, one 10MMBtu/hr tank heater and, on each pipeline, one Lease Automatic Custody Transfer (LACT) unit, flow meters, a pig launch and retrieval system, and an electrically-driven pump system (LACT charge pumps, shipping pumps, bottoms pumps, etc). Also proposed are provisions for temporary trucking in the event that pipelines are shut down for maintenance, for up to 8,000 barrels per day of production or approximately 50 truckloads per day. Grading for the project would consist of disturbance to approximately 2 acres from trenching and boring excavation, with grading quantities of 43,100 cubic yards of excavation and 27,900 cubic yards of fill. The pipeline would span several parcels, following the right-of-ways of Foxen Canyon Road, Stewart Street, Andrew Street, and Santa Maria Mesa Road.

APCD staff has reviewed the NOP of a Draft EIR and concurs that air quality impacts should be addressed in the EIR. APCD’s guidance document, entitled Scope and Content of Air Quality Sections in Environmental Documents (updated December, 2011), is available online at www.sbcapcd.org/apcd/landuse.htm. This document should be referenced for general guidance in assessing air quality impacts in the Draft EIR.

The project will require an APCD permit. Therefore, the APCD is a responsible agency under the California Environmental Quality Act (CEQA), and will rely on the EIR when evaluating APCD permits for proposed equipment. The EIR should include the air pollutant emissions for all proposed equipment to avoid additional CEQA documentation requirements related to APCD permit issuance.

The EIR should evaluate the following potential impacts related to the Foxen Petroleum Pipeline Project:

1. **Existing Setting.** Pages 5 and 6 of the Project Overview include statements that the Cantin Lease produces an average of 1,300 barrels per day and that rising field production may increase up to 3,100 barrels per day in accordance with existing APCD permits. APCD records indicate that the Cantin Lease produced an average of 98 barrels per day in 2011, and the 2012 Permit to Operate #10809R3 indicates that the currently permitted oil production limit at Cantin Lease is 600...
barrels per day. Please revise the stated current production total of 1,300 barrel per day and correct these discrepancies. The project description should indicate all leases that will utilize the proposed pipeline and contribute to the stated total daily product throughput of the proposed pipeline and associated equipment. If the project proposes increasing production rates at Cantin Lease or other nearby leases, all incremental emissions increases at these leases should be analyzed in the EIR as part of the proposed project’s operational emissions. See comment 5(a) of this letter for more detail on environmental baseline. Production increases at other leases may also require modifications to existing APCD permits.

2. **Attainment Status and Consistency with the APCD Clean Air Plan (CAP).** The APCD has posted the most up-to-date attainment status for the County on the APCD website [www.sbcapcd.org/sbc/attainment.htm](http://www.sbcapcd.org/sbc/attainment.htm) and the most recent Clean Air Plan is available at [www.sbcapcd.org/cap.htm](http://www.sbcapcd.org/cap.htm). The website should be consulted for the most up-to-date air quality information prior to the release of the Public Draft EIR.

Commercial or industrial projects will be considered consistent with the CAP if they are consistent with APCD rules and regulations. Large industrial stationary source projects may be found inconsistent if their direct emissions are not considered in the CAP stationary source emission inventory (Section 5.4.2 of APCD’s Scope and Content document).

3. **Construction Impacts.** The EIR should discuss the potential air quality impacts associated with construction activities for the proposed project. APCD’s December, 2011 Scope and Content document, Section 6, presents recommended mitigation measures for fugitive dust and equipment exhaust emissions associated with construction projects. Construction mitigation measures should be enforced as conditions of approval for the project. The EIR should include a Mitigation Monitoring and Reporting Plan that explicitly states the required mitigations and establishes a mechanism for enforcement.

4. **Increase in Emissions from Proposed Project.** The environmental document should present significance thresholds for ozone precursor emissions (reactive organic compounds [ROC], and oxides of nitrogen [NOx]) and particulate matter and determine whether the proposed project will produce emissions in excess of the thresholds. APCD’s Scope and Content document contains the APCD Board-adopted criteria for evaluating the significance of adverse air quality impacts for APCD projects. APCD recommends that County Planning and Development use these, or more stringent, thresholds to determine significance of air quality impacts.

   a. **Existing Setting (Environmental Baseline):** As outlined in CEQA Guidelines Section 15125(a), the environmental analysis must include a description of the physical environmental conditions as they normally exist at the time that the notice of preparation is published. When determining the project baseline, the lead agency should consider long-term fluctuations in the environment such as weather patterns, economic cycles and changes in intensity of uses on the site. The facility’s baseline emissions should be based on a typical operational day for the existing facility equipment and vehicle trips.

   b. **Proposed Project Emissions:** Provide calculations and assumptions for all operating emission sources, including combustion sources, tank calculations and assumptions, loading rack calculations, fugitive emissions calculations, mobile source emissions, and
construction equipment schedule and emissions calculations. Any emissions increase that will result from additional use of existing equipment should be included in the proposed project emissions. The analysis should include emissions associated with unpermitted stationary sources such as heating and cooling equipment. These emissions (termed "area source" emissions) should be included in the operational phase emission evaluation. The emissions associated with the proposed emergency trucking of produced oil should be evaluated as part of the emissions calculations for a reasonable worst case day scenario.

c. Air Quality Impacts Associated with Proposed Project: Stationary and area source emissions must be added to transportation source emissions prior to applying the project-specific thresholds of significance. The EIR should include comparison of the historical operational baseline emissions of the existing mobile, area, and stationary sources ("actual" emissions) to the total proposed operational emissions of the mobile, area, and stationary sources from the proposed facility ("potential to emit"). The difference between the historical emissions and the completed project emissions is the impact of the proposed project for the purpose of CEQA impact analysis. Any emissions increase that will result from additional use of existing equipment should be included in the proposed project emissions.

5. Global Climate Change/Greenhouse Gas impacts. Greenhouse gas (GHG) emissions and global climate change impacts should be addressed in the CEQA document. Global climate change is a cumulative impact; a project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of greenhouse gases.

The California Office of Planning & Research (OPR) developed amendments to the CEQA Guidelines, which were adopted by the California Natural Resources Agency on December 30, 2009 and became effective March 18, 2010. These amendments establish a framework for including global climate change impacts in the CEQA process, and include revisions to the Environmental Checklist Form (Appendix G) as well as to the Energy Conservation appendix (Appendix F). A section §1564.4 was added that provides an approach to assessing impacts from GHGs. For additional information on the SB 97 CEQA Guidelines amendments, visit the Resources Agency’s website at www.ceres.ca.gov/ceqa/guidelines/.

We recommend that all projects subject to CEQA review be considered in the context of GHG emissions and climate change impacts. CEQA documents should include a quantification of GHG emissions from all project sources, direct and indirect, as applicable. The discussion of climate change impacts can be included under cumulative air quality impacts or in its own section.

The EIR should examine how the project can be designed and operated to minimize GHG emissions. Some potential measures include, but are not limited to:

- Leak detection to reduce fugitive emissions
- Minimizing flaring of field gas
- Incorporate high efficiency process equipment such as boilers and heaters
- Reduction in vehicle trips from passenger and haul vehicles

For guidance regarding greenhouse gas analysis for CEQA environmental documents, please refer to the CAPCOA CEQA & Climate Change document. CAPCOA has also published Quantifying
Greenhouse Gas Mitigation Measures, an extensive sector-by-sector compendium of project-specific mitigation measures, including quantification methods to calculate GHG reductions. Both of these documents are available online at www.capcoa.org.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8893 or via email at edg@sbcapcd.org.

Sincerely,

Eric Gage,
Air Quality Specialist
Technology and Environmental Assessment Division

cc: Amber Conway
    Mike Goldman, APCD Engineering Division Manager
    Project File
    TEA Chron File
Mr. Kevin Drude, Project Planner  

Santa Barbara County Planning and Development  
123 E. Anapamu Street  
Santa Barbara, CA 93101

RE: SCH# 2013061011 CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Foxen Petroleum Pipeline Project; located in the Cat Canyon Oilfield about six miles from the City of Santa Maria; Santa Barbara County, California.

Dear Mr. Drude:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3d 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine if a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s). The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

This area is known to the NAHC to be very culturally sensitive.

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10. Contact has been made to the Native American Heritage Commission for a Sacred Lands File Check. A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine
if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Dave Singleton
Program Analyst
(916) 653-6251

CC: State Clearinghouse

Attachment: Native American Contacts list
Native American Contacts
Santa Barbara County
June 12, 2013

Ernestine DeSoto
1311 Salinas Place #5
Santa Barbara, CA 93103
805-636-3963
Chumash

Patrick Tumamait
992 El Camino Corto
Ojai, CA 93023
(805) 640-0481
(805) 216-1253 Cell
Chumash

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks, CA 91362
805 492-7255
(805) 558-1154 - cell
(805) 492-7250 - Fax
folkes9@msn.com
Chumash

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach, CA 93433
(805) 481-2461
(805) 474-4729 Fax
Chumash

Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517
Santa Ynez, CA 93460
varmenta@santaynezchumash.com
(805) 688-7997
(805) 686-9578 Fax
Chumash

John Ruiz
1826 Stanwood Drive
Santa Barbara, CA 93103
(805) 965-8983
Chumash

Santa Ynez Band of Mission Indians
Julie Lynn Tumamait-Stenenslie, Chair
365 North Poli Ave
Ojai, CA 93023
jtumamait@sbcglobal.net
(805) 646-6214
Chumash

Gilbert M. Unzueta Jr.
571 Citation Way
Thousand Oaks, CA 91320
uhuffle@aol.com
(805) 375-7229
Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013061011; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Foxen Petroleum Pipeline Project; located six miles from the City of Santa Maria in the Cat Canyon Oilfield; Santa Barbara County, California.
Native American Contacts  
Santa Barbara County  
June 12, 2013

Owl Clan  
Qun-tan Shup  
48825 Sapaque Road  
Bradley , CA 93426  
mupaka@gmail.com  
(805) 472-9536 phone/fax  
(805) 835-2382 - CELL  
Chumash

Coastal Band of the Chumash Nation  
P.O. Box 4464  
Santa Barbara , CA 93140  
Chumash

Stephen William Miller  
189 Cartagena  
Camarillo , CA 93010  
(805) 484-2439  
Chumash

Charles S. Parra  
P.O. Box 6612  
Oxnard , CA 93031  
(805) 340-3134 (Cell)  
(805) 488-0481 (Home)  
Chumash

Santa Ynez Tribal Elders Council  
Adelina Alva-Padilla, Chair Woman  
P.O. Box 365  
Santa Ynez , CA 93460  
elders@santaynezchumash.org  
(805) 688-8446  
(805) 693-1768 FAX  
Chumash

Santa Ynez Band of Mission Indians  
Tribal Admin/Counsel Sam Cohen  
P.O. Box 517  
Santa Ynez , CA 93460  
info@santaynezchumash.org  
(805) 688-7997  
(805) 686-9578 Fax  
Chumash

Randy Guzman - Folkes  
6471 Cornell Circle  
Moorpark , CA 93021  
ndnRandy@yahoo.com  
(805) 905-1675 - cell  
Chumash  
Fernandeño  
Tataviam  
Shoshone Paiute  
Yaqui

Carol A. Pulido  
165 Mountainview Street  
Oak View , CA 93022  
805-649-2743 (Home)  
Chumash

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Native American Contacts
Santa Barbara County
June 12, 2013

Melissa M. Parra-Hernandez
119 North Balsam Street Chumash
Oxnard, CA 93030 envyy36@yahoo.com
805-983-7964 (805) 248-8463 cell

Frank Arredondo
PO Box 161 Chumash
Santa Barbara, CA 93102 ksenSKU_mu@yahoo.com
805-617-6884 805-893-1459 ksenSKU_mu@yahoo.com

Santa Ynez Tribal Elders Council
Freddie Romero, Cultural Preservation ConsInfo
P.O. Box 365 Chumash
Santa Ynez, CA 93460 805-688-7997, Ext 37
freddyromero1959@yahoo.com

Barbareno/Ventureno Band of Mission Indians
Kathleen Pappo Chumash
2762 Vista Mesa Drive Rancho Palaes Verdes CA 90275
310-831-5295

Barbareno/Ventureno Band of Mission Indians
Raudel Joe Banuelos, Jr. Chumash
331 Mira Flores Court
Camarillo, CA 93012 805-987-5314

Coastal Band of the Chumash Nation
Janet Darlene Garcia Chumash
P.O. Box 4464
Santa Barbara, CA 93140 805-689-9528

Coastal Band of the Chumash Nation
Crystal Baker Chumash
P.O. Box 4464
Santa Barbara, CA 93140 805-689-9528

Barbareno/Ventureno Band of Mission Indians
Michael Cordero Chumash
5246 El Carro Lane Carpinteria, CA 93013 805-684-8281

This list is current only as of the date of this document.

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This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013061101; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Foxen Petroleum Pipeline Project; located six miles from the City of Santa Maria in the Cat Canyon Oilfield; Santa Barbara County, California.
Barbareño Chumash
Ms. Regina Unzueta
125 West Carrillo Street Chumash
Santa Barbara CA 93101
805 570-9530
reginaUnzueta@gmail.com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013061011; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Foxen Petroleum Pipeline Project; located six miles from the City of Santa Maria in the Cat Canyon Oilfield; Santa Barbara County, California.
June 14, 2013

Kevin Drude, Energy Specialist
County of Santa Barbara Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

Dear Mr. Drude,

RE: Foxen Petroleum Pipeline Project

As a long time resident of the Town of Garey I have environmental concerns regarding the location of the proposed pipe line instillation by ERG LLC. I support responsible growth and job development. Therefore, along with my concerns I would like to propose an alternate route that would not impact the natural environment, human environment, or ERG.

The proposed route will pass less than 20 feet from residential water well. Excerpts from the Project Overview and Scope of Analysis do not mitigate my concerns regarding water quality. Hazardous Materials/Risk of Upset section states “groundwater contamination may be encountered; construction could be delayed with undetermined consequences; surface/groundwater and biological impacts could result.” Surface/Groundwater Quality section states “spills could result in water quality impacts to shallow groundwater; large spills, such as pipeline ruptures which spread to surface waters and/or groundwater, may substantially degrade water quality, with potential long-term impacts.” Air Quality section does not provide definitive findings or claims to quality air.

Lack of consumer confidence is support by 4 Notices of Violations issued in January of this year. Those violations, if replicated, could potentially impact the water source and physical well being.

An alternative route would eliminate the impact on the homes by routing behind the town. A portion of the proposed placement is down the abandoned Andrew Street. Andrew Street could be accessed where it intersects Foxen Canyon prior to the Town of Garey. Natural environments would not be disturbed. The terrain has been used by my generation and by my children’s to ride ATV’s. This location is an overgrown access road.

Thank you for your time. I look forward to receiving a response.

Dianne Reasner
Good Morning,
I spoke with you last week regarding the Foxen Petroleum Pipeline Project for ERG. I have two more questions:
1) When is the project expected to begin?
2) What will the impact be on the one Retail on Foxen Canyon Road? The current pipeline route will block all parking options for customers.

Thank you for your time,
Dianne Reasner
direasner@yahoo.com
Dear Ms. Curtis,

RE: Foxen Petroleum Pipeline Project

This is a follow up from my previous letter, my additional questions resulting from our phone conversation, and the Scoping Workshop meeting on June 20, 2013. The only answer received from the Scoping Workshop meeting was a fairly negative response to the possibility of considering the alternative route of traversing the entirety of the abandoned Andrew Street. Therefore my concerns are heightened due to the high possibility of the pipeline being installed through the Town of Garey.

The **Grading and Site Disturbance** section of your Project Overview states, “...additional land would likely be disturbed by the movement of equipment and temporary placement of spoilings. A typical trenching section would be approximately six feet deep and four to five feet wide.” Has the available frontage space adjacent to the homes in the Town of Garey been reviewed? These typical spoilings could potentially drastically impact homes.

The **Hazardous Materials/Risk of Upset** section claims “pipelines have been specifically located along existing or historic road routes, predominantly located within public rights-of-way but would also traverse private land through acreage which is currently used for row crops, cattle grazing and oil productions.” This statement makes no reference to ‘private land through acreage which is currently used for peoples homes’. If ERG maintained their project location as outlined above, they would follow Andrew Street which meets that description.

Has the route truly been reviewed or is ERG regurgitating phrases from past reports? I ask this question because there is also reference to the Cantin Tank Battery being located approximately six miles east of the City of Santa Maria. The Town of Garey is eight miles east of Highway 101, and then there is still at least two more miles to Sisquoc. This location contradicts the Cantin Tank Battery location description within the report of approximately half a mile northwest of the town of Sisquoc and six miles east of the City of Santa Maria. As a home owner on the Foxen Petroleum Pipeline Project route, I am very concerned regarding the validity of the preparation of this project in regards to the chosen location.

Is there a possibility I could meet with you to introduce you to our community and the proposed location of the pipeline past our homes?

Your time is very much appreciated.

Dianne Reasner

Print copy to: Kevin Drude, Energy Specialist, 123 E. Anapamu Street, Santa Barbara, CA 93101
Dear Ms. Curtis,

RE: Foxen Petroleum Pipeline Project

Currently a PG&E Gas line is located in the exact location as the proposed Foxen Petroleum Pipeline route which passes along the front of my home. Since I am not familiar with oil pipeline construction, I must ask, how can the pipeline be placed in the same location as the gas line? This construction does not appear to be safe.

My second comment is in regards to the current grading of the land on the east side of Foxen Canyon Road where the Pipeline is proposed to be buried. Storm water runs along this route, past my home, and through the Town of Garey. I have worked hard to ensure I never did anything to disturb this natural water path. In drastic storms our homes have always remained safe.

Previously I and others had suggested an alternate route of using the entire Andrew Avenue. If this is not a viable option please review a route northeasterly of the Cantin Tank battery. There are so many other options besides impacting a residential community where oil line instillation is detrimental to the environment in which we live.

I look forward to the response to these and my previous questions and concerns.

Sincerely,

Dianne Reasner

Print copy to: Kevin Drude, Energy Specialist, 123 E. Anapamu Street, Santa Barbara, CA 93101
Ms. Curtis,

Thank you for the copy of the phase 1 report.

The Elders still believe that although a phase 1 was completed, it does not give a definitive answer as to the absence or presence of cultural material. Therefore the SYBCI Elders Council would like to see a NA advisor present during all ground disturbance.

The Elders Council also believe that there would be less ground disturbance if the applicant would look at the road that travels N/E from the property. It looks like according to scale that it would require about 1500' of trenching to reach that rd and then it could travel east to Foxen Cyn. Rd.

That alternative would less than half the distance of the proposed route to Foxen Cyn. Rd. and according to the topo map, it looks like there are no extreme slopes. If you could address this, it would be most appreciative.

Freddie Romero
Cultural Preservation Consultant
SYBCI Elders Council
805-688-7997 X37

From: "Curtis, Susan" <scurtis@co.santa-barbara.ca.us>
To: "freddyromero1959@yahoo.com" <freddyromero1959@yahoo.com>
Sent: Wednesday, July 17, 2013 9:39 AM
Subject: Foxen Petroleum Pipeline-Request for Information

Mr. Romero:

Per your July 8, 2013 letter, attached you will find the Phase I Archeology Survey completed by the applicant for the Foxen Petroleum Pipeline Project. The applicant also completed Phase I/Phase II Historical Resources Management Report. I was unable to attach this report as it is too large to send over email. If you would like a copy, please let me know via email and I will send through the postal service.

Thank you and please don’t hesitate to contact me if I can be of further assistance.

Susan Curtis | Senior Planner
Planning and Development Department
Energy and Minerals Division
123 E. Anapamu St.
Santa Barbara, CA 93101-2058
(805) 568-3573
July 8, 2013

Kevin Drude, Energy Specialist  
Santa Barbara County Planning & Development  
123 E. Anapamu St.  
Santa Barbara, Calif. 93101-2058

Re: Foxen Petroleum Pipeline Project  
12DVP-00000-00005 & 13EIR-00000-00002

Mr. Drude,

I have received and reviewed the information for this project on behalf of the SYBCI Elders Council and forward the following comments on their behalf.

We believe that there are alternative routes for this pipeline that would require less ground disturbance or possible impacts to cultural material.

The Elders Council also believes that all ground disturbances for this pipeline should be monitored by a NA representative.

The Elders Council would like to request a copy of all cultural surveys related to this project. If no cultural surveys have been completed on behalf of this project, the Elders Council would recommend to the county that they require the applicant to do so prior to approval of the EIR or approval of any permits.

Should you have any questions, feel free to contact me.

Sincerely,

Freddie Romero  
Cultural Preservation Consultant  
SYBCI Elders Council  
805-688-7997  X4109