

**DRAFT SUPPLEMENTAL RECIRCULATED ENVIRONMENTAL IMPACT REPORT (SREIR)
(OCTOBER 2020)
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
NOTICE OF AVAILABILITY FOR PUBLIC REVIEW**

This is to advise that the Kern County Planning and Natural Resources Department has prepared a Draft Supplemental Recirculated Environmental Impact Report (SREIR) (October 2020) for Revisions to the Kern County Zoning Ordinance – 2020 (A), Focused on Oil and Gas Local Permitting. (SCH 2013081079)

As mandated by State law, the public review period for this document is 45 days.

CEQA Guidelines Section 15088.5 (f) (1) provides that when an Environmental Impact Report (EIR) is recirculated, Kern County, as Lead Agency, may require that reviewers submit new comments on the SREIR, and the lead agency need not to respond to those comments received in the earlier circulation period. Kern County will therefore respond in the Final Supplemental Recirculated EIR to new comments during this comment period and through the Planning Commission and Board of Supervisors hearings. The document and documents referenced in the Draft SREIR (October 2020), are available for review at the Planning and Natural Resources Department, 2700 "M" Street, Suite 100, Bakersfield, CA 93301 by appointment or on the Department website (<https://kernplanning.com/SREIR2020-oil-gas-zoning-revisions/>).

The Kern County Planning and Natural Resources Department will host a virtual public briefing workshop to provide an overview of the document on: **November 10, 2020**, at 1:30 pm., via Microsoft Live Events. Instructions for participating in the virtual public workshop will be available on the Kern County Planning and Natural Resources website (www.kernplanning.com) on November 6, 2020.

A public hearing has been scheduled with the Kern County Planning Commission to receive comments and consider the project for recommendation for approval, conditional approval or denial to the Kern County Board of Supervisors on: **February 11, 2021**, at 7:00 p.m. or soon thereafter, Chambers of the Board of Supervisors, First Floor, Kern County Administrative Center, 1115 Truxtun Avenue, Bakersfield, California. A notice, as required by law will be sent in advance of the hearing and will provide the details for participation. Spanish translation will be provided at the Planning Commission Hearing.

The comment period for this document closes on December 14, 2020.

Project Title: Draft Supplemental Recirculated Environmental Impact Report (October 2020) for Revisions to the Kern County Zoning Ordinance – 2020 (A), Focused on Oil and Gas Local Permitting

Project Location: The Project Boundary (Local Permitting Boundary Area) encompasses 3,700 square miles and generally includes the San Joaquin Valley Floor portion of Kern County up to an elevation of 2,000 feet. The boundary includes: west side -the San Luis Obispo County line, north side - the Kings and Tulare county lines, east and south sides - the 2,000-foot elevation contours, squared off to the nearest section line.

Project Description: The purpose of this Supplemental Recirculated Environmental Impact Report is to provide compliance with CEQA for the reconsideration by the Planning Commission and Board of Supervisors of the Zoning Ordinance revisions focused on Oil and Gas Local Permitting.

The proposed Project is a reconsideration of revisions to various Chapters of Title 19 Kern County Zoning Ordinance to implement a new permit process for oil and gas activities. The revisions include new site development standards and review processes for all oil and gas exploration, extraction, operations, and production activities in unincorporated Kern County by:

Governor's Office of Planning & Research

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- (a) Removing the “Unrestricted Drilling” Section in Chapter 19.98 and updated “Drilling by Ministerial Permit” and “Drilling by Conditional Use Permit” Sections;
- (b) Establishing “Tier Area” maps to address different land uses and zone districts where oil and gas activities occur and are proposed to occur in the future;
- (c) Establishing an Oil and Gas Conformity Review and Minor Activity Review, as part of the “Drilling by Ministerial Permit” Section in Chapter 19.98, to ensure compliance with all applicable Development and Implementation Standards and Conditions;
- (d) Establishing Development and Implementation Standards and Conditions Section in Chapter 19.98;
- (e) Establishing requirements for site plan sign-off by owners of the surface and minerals for split estate ownership;
- (f) Revising additional Chapters of the Zoning Ordinance to ensure consistency with the new requirements of this SREIR. These Chapters include: 19.08 – Interpretations and General Standards, 19.48 – Drilling Island (DI) District, 19.50 – Floodplain Primary District, 19.66 – Petroleum Extraction (PE) Combining District, 19.81 - Outdoor Lighting (Dark Skies Ordinance), 19.88 – Hillside Development, 19.102 – Permit Procedures, and 19.108 – Nonconforming Uses, Structures, and Lots.

Proposed 2020 revisions to Title 19 – Kern County Zoning Ordinance are the same as the ordinance adopted by the Board of Supervisors in November 09, 2015, and implemented until March 25, 2020, with the exception of the following changes:

- Update of names of County departments and State agencies that have changed since 2015, reference to this SREIR, and implementation details.
- Clarification of process for monitoring Split Estate 120 day process.
- Adjustment of Tier Maps for technical geographic information system (GIS) errors identified from 2015 adoption.

Background

The County prepared and circulated a Draft Environmental Impact Report (DEIR) and Final Environmental Impact Report (FEIR) for amendments to Title 19 of the Kern County Zoning Ordinance (Ordinance), Chapter 19.98 (Oil and Gas Production) and related sections of the Ordinance in 2015. The Kern County Board of Supervisors unanimously approved the Ordinance amendments and certified the FEIR on November 9, 2015 (2015 FEIR). Several parties filed lawsuits challenging the adequacy of the certified 2015 FEIR, and the cases were consolidated in the Kern County Superior Court. On April 20, 2018, the Court issued a judgment upholding 2015 FEIR, except for two issues. The judgment did not vacate any portion of the Ordinance or 2015 FEIR. The County subsequently prepared and circulated a Draft Supplemental Environmental Impact Report (2018 SEIR) in response to the judgment. The SEIR was certified by the County Board of Supervisors on December 11, 2018, and was not legally challenged.

Several parties appealed the Superior Court judgment. In October 2019, the Appellate Court rejected constitutional claims against the Ordinance amendments. On February 25, 2020, the Appellate Court issued an opinion that upheld the Superior Court judgment and the adequacy of the certified 2015 FEIR except for “five areas in which the EIR did not comply with CEQA: (1) mitigation of water supply impacts; (2) impacts from PM2.5 emissions; (3) mitigation of conversion of agricultural land; (4) noise impacts; and (5) recirculation of the Multi-Well Health Risk Assessment (MWHRA) for public review and comment.” The opinion set aside the previously approved Ordinance amendments and the certification of the 2015 FEIR. The opinion further directed the County, “in the event it decides to present the Ordinance (in its present or

a modified form) to the Board for approval, to correct the CEQA violations identified in this opinion,” to prepare “a revised EIR correcting the CEQA violations,” and to prepare and publish “responses to the comments received before certifying the revised EIR and reapproving the Ordinance.” The County Board of Supervisors rescinded the approved Ordinance amendments and decertified the 2015 FEIR on May 19, 2020 (Resolution 2020-116). The purpose of this Supplemental Recirculated Environmental Impact Report is to provide compliance for CEQA.

A Draft SREIR (August 2020) was prepared, incorporating agency and public comments received during the NOP/IS and Scoping Process, and circulated August 3, 2020, for a 45 day public review period. This is the second circulation of a DSREIR for this process and incorporates all comments received on the Draft SREIR (August 2020) and the full document circulated August 2020. This SREIR (October 2020) shows all text changes from the earlier SREIR (August 2020) as italics, with text additions underlined and text deletions as strikeouts.

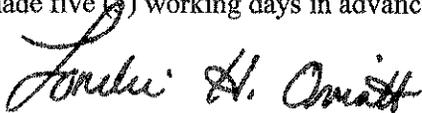
Anticipated Significant Impacts on Environment: Aesthetics, Agricultural Resources, Air Quality; Biological Resources; Cultural Resources, Greenhouse Gas, Energy, Hydrology and Water Quality, Noise, and Utilities and Service Systems.

Document can be viewed online at: <https://kernplanning.com/SREIR2020-oil-gas-zoning-revisions/>

For further information, please contact: Cindi Hoover, Planner III at (661) 862-8629 or hooverc@kerncounty.com

**AMERICANS WITH DISABILITIES ACT
(Government Code Section 54953.2)**

Disabled individuals who need special assistance to attend or participate in a Kern County Planning and Natural Resources virtual workshop may request assistance at the Kern County Planning and Natural Resources Department, 2700 "M" Street, Suite 100, Bakersfield, California 93301, or by calling Cindi Hoover at (661) 862-8629. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting materials available in alternative formats. Requests for assistance should be made five (5) working days in advance whenever possible.



LORELEI OVIATT, AICP, Director
Planning and Natural Resources Department

To be published once only on next available date and as soon as possible

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