

PRINT ON BOARD OF SUPERVISORS LETTERHEAD

June 4, 2019

BLM Director (210)
Attention: Protest Coordinator, WO-210
P.O. Box 71383
Washington, D.C. 20024-1383

RE: Protest of Proposed Resource Management Plan and Amendment and Final Environmental Impact Statement for Oil and Gas Leasing and Development in the Central Coast Field Office

Dear Acting Director Hammond:

On behalf of the Monterey County Board of Supervisors, I am writing in objection to the Administration's efforts that would expand oil and gas leases and permitting well-stimulation techniques, including hydraulic fracturing (commonly known as fracking) on federal lands within Monterey County and the California Central Coast.

On May 9, 2019, the BLM Central Coast Field Office (CCFO) made its Proposed Resource Management Plan Amendment (RMPA) and Final Environmental Impact Statement (EIS) on oil and gas leasing and development available for public comment. The Proposed RMPA/Final EIS considers six alternative approaches, including, for the first time, BLM's Preferred Alternative, Alternative F. Alternative F proposes to permit oil and gas leases on 125,000 acres in the California Central Coast region. Monterey County is one of eleven counties that have been identified by the RMPA/Final EIS for expanded oil and gas operations, including well-stimulation techniques.

Monterey County voters have expressed their concern of potentially dangerous oil recovery techniques as recently as their November of 2016 voter approved ballot measure (Measure Z) prohibiting "development, construction, installation, or use of any facility, appurtenance, or above-ground equipment, whether temporary or permanent, mobile, or fixed, accessory or principal, in support of well stimulation treatments" on all lands within the County's unincorporated areas.¹ "Well stimulation treatments" as defined in the voter measure includes "any treatment of a well designed to enhance oil and gas production or recovery by increasing permeability of the formation,' including, but not limited to hydraulic fracturing treatments and acid well stimulation.

Additionally, on February 13, 2018, the Monterey County Board of Supervisors adopted Resolution No. 18-040 – A Resolution in opposition to the U.S. Interior Department Offshore Oil and Gas Development Proposal.²

Monterey County's Interest in Filing this Protest

The County assumes, and the RMPA/Final EIS acknowledges, that leasing BLM lands and federal mineral estate for oil and gas development may result in impacts within Monterey County and to its residents, including impacts to

¹ Measure Z also prohibited, within the unincorporated areas of the County: (1) land uses supporting oil and gas wastewater injection or oil and gas wastewater impoundment; and (2) drilling of new oil and gas wells. Following a legal challenge, the Monterey County Superior Court struck down the "wastewater injections" and "no new wells" portion of the measure but held that the challenge to the ban on well-stimulation treatments was not ripe for review. Supporters of Measure Z are actively challenging the Superior Court's decision in the California Sixth District Court of Appeal.

² Attachment: Monterey County Board of Supervisors Resolution No. 18-040.

traffic/road infrastructure, water quality, water quantity, aesthetics, hazardous materials exposure, seismic hazards, housing and ocean protection.

Monterey County's specific interests in filing this protest are as follows:

- Monterey County Resource Management Agency (RMA) is responsible for public roads that would or could be impacted by this proposal.
- Monterey County Water Resources Agency (MCWRA) is responsible for maintaining dams and reservoirs that would or could be impacted.
- Monterey County Health Department is responsible for water quality that would or could be impacted. Water is critical to both our citizenry and for the County's largest economic sector, agriculture.

Issues that Monterey County Protests

The primary issues that Monterey County protests related to this proposal are that the RMPA/Final EIS does not adequately address and/or mitigate the potential impacts to County infrastructure (dams and roads), water supply, and water quality. Additionally, the County questions the proposal's viability under Measure Z as approved by Monterey County voters in 2016.

Reason for Protest

The proposal assumes that the need for resources outweighs the impacts to infrastructure, water quality, water supply, and ocean protection for Monterey County residents, businesses and visitors.

Concerns Related to Roads and Bridges

Comments relate to "Transportation and Access" – Section 3.18 (pages 185-189)

BLM manages over 600 miles of roads and trails in the CCFO Planning Area for motorized and the RMPA/Final EIS evaluates potential conflicts with BLM travel management goals or objectives. The analysis of the Alternative F traffic impacts, however, fails to consider impacts to the regional transportation network, including highways, major roads, County roads, rail, and aviation.

Furthermore, the RMPA/Final EIS anticipates that the roads on-site will be maintained according to BLM practice. The RMPA/Final EIS does not however address how potentially significant impact to County and regional facilities will be mitigated. Typically, the County enters road maintenance agreements for mining, heavy industrial, or other industrial uses. Here the County would require a road maintenance agreement with BLM/Operator/Lease(s) as mitigation for potentially significant impacts that would result from leasing lands for this use.

The RMPA/Final EIS acknowledges, based on the 2015 Reasonable Foreseeable Development Scenario that:

“...activities ...may increase traffic on nearby roads. The majority of trips generated would be temporary, occurring primarily during well development and any stimulation treatments. Once operational, each well would generate a negligible amount of daily vehicle trips. The primary impact of concern would be any performance degradation of roadways providing key access to the well sites. Because the location of future wells is unknown, a quantitative trip analysis is not feasible as the utilized roadways are unknown. However, the distance of well sites from major roads will to some extent determine the potential for traffic to change local circulation patterns or degrade local roads and cause congestion problems, especially from heavy-duty trucks. In general, commuting workers and equipment and materials deliveries to each well during development would cause a small increase in the existing volume of traffic on roadways and highways providing local and

regional access. For a well stimulation treatment, the maximum trips generated per well stimulation project would be approximately 51 trips per day (DOC, 2015)." Page.4.18-4.

Monterey County's experience with existing operations in our area has shown there to be truck traffic during existing operation, not just temporary traffic during construction. These impacts can be substantial depending on the capacity and number of the wells in operation.

The RMPA/Final EIS fails to (1) identify and analyze impacts of the construction traffic on County roads and (2) determine and disclose the number and type of oil-well drilling equipment and employee trips anticipated.

The concerns contained in the County's August 20, 2012, comment letter with regard to a proposed U.S. Bureau of Land Management "Environmental Assessment for an Oil and Gas Competitive Lease Sale" (DOI-BLM-CA-0900-2012-40-EA) have not been addressed in the RMPA/Final EIS and are still valid concerns for any of the proposed Alternatives, including Alternative F.³ On October 4, 2013, the County submitted an additional comment letter with regard the U.S. Bureau of Land Management "Notice of Intent to Prepare and EIS for Oil and Gas Leasing and Development on Public Lands and Federal Mineral Estate and Potentially Amend the Hollister Resource Management Plan" (REF130082).⁴

Concerns Related to Nacimiento and San Antonio Dams and Reservoirs

Comments relate to "Surface Water Resources" Section 3.8 (pages 119-125)

The Monterey County Water Resources Agency (MCWRA) has previously reviewed and commented on the practice of hydraulic fracturing in Monterey County as included in the County's July 24, 2012 comment letter in response to the proposed U.S. Bureau of Land Management "Environmental Assessment for an Oil and Gas Competitive Lease Sale" (DOI-BLM-CA-0900-2012-40-EA).⁵ MCWRA's concerns regarding this practice remain as stated in that letter.

Hydraulic fracturing operations within areas of Monterey County identified under this proposal expose Nacimiento and San Antonio Dams and Reservoirs to potentially significant impacts of hydraulic fracturing induced seismic activity from faults in the nearby vicinity. The EIS identifies that there are "*very limited lease areas near the potentially active Rinconada fault*" (4.3.6). As noted by GEI consultants in "*Final Report - Seismic Stability Review of Nacimiento Dam*" (March 2005) the Rinconada Fault, a well-recognized major active fault, is located directly under the San Antonio Dam and has been identified as a "Maximum Considered Earthquake" source. Mitigation measures under the referenced section (4.3.6) include GEO-2 (Prepare an Earthquake Response Plan) and GEO-3 (Prepare a Geotechnical/Geologic Report). GEO-2 and GEO-3 are limiting in that these measures only require the preparation of response plans and geotechnical/geological reports with respect to the proposed drill site. Missing is any requirement for a specific geotechnical/geological evaluation of the potential impact to Nacimiento and San Antonio Dams and Reservoirs, or the need to develop an earthquake response plan for these facilities.

Concerns Related to Water Quality

Comments relate to "Groundwater Resources" – Section 3.7 (pages 95-118)

The Monterey County Health Department, Environmental Health Bureau (EHB) reviewed the Environmental Assessment (EA) and the Proposed RMPA/Final EIS and how they pertain to lease sales.

The EA is tiered to the RMPA/Final EIS. All the potential activities and impacts related to oil and gas leasing, exploration, drilling, development, and production were discussed in the RMPA/Final EIS. Further, the RMPA/Final EIS describes all the potential impacts of these activities and stipulates the conditions and mitigations that would apply to new leases

³ Attached: August 20, 2012 comment letter from the Monterey County Resource Management Agency

⁴ Attached: October 4, 2013 comment letter from the Monterey County Resource Management Agency

⁵ Attached: July 24, 2012 comment letter from the Monterey County Water Resources Agency

and operations on existing leases for approval of Application for Permit to Drill (APD). After reviewing the RMPA/Final EIS and specifically Appendix C which discusses noise, hazardous materials, and water, EHB concludes that measures, mitigations and monitoring guidelines are in place for the protection of water quality.

When and if discretionary permits are applied for these ADP leases, EHB on a site-specific basis, requires specific condition under the Health and Safety Code. These conditions will be included but not limited to, hazardous materials, water quality and noise.

On July 27, 2012, the Monterey County Department of Health submitted a comment letter on the "Environmental Assessment for an Oil and Gas Competitive Lease Sale" (DOI-BLM-CA-0900-2012-40-EA).⁶ The comments provided in that letter remain valid and germane to the current proposal.

Concerns Related to Land Use and Environment

The practice of hydraulic fracturing has potential ramifications to environmental resources. Monterey County has concern for such potential from hydraulic fracturing, including: (1) potential contamination of groundwater, land surface and surface water; (2) the use of hazardous chemical materials and their recovery and disposal; (3) potential effects on air quality; and (4) the potential release of chemicals and vapors that contribute to greenhouse gasses and their effect on climate change. Additional concerns involve the potential permanent effects on subsurface geology and the unknown potential to affect active or dormant fault structures. The County also has great concern regarding the water supply impacts of hydraulic and other well-stimulation techniques. The RMPA/Final EIS fails to appropriately address or analyze where the water to be used in drilling operations will come from (surface or groundwater), if these techniques conflict with agricultural or domestic water supplies, and what its impact on the aquifer will be.

Further, the RMPA/Final EIS acknowledges that climate change will continue to affect water supply and that "water usage for well stimulation would exacerbate the impacts of climate change on groundwater quantity and water supply within the (Central Coast Field Office) Planning Area" but fails to analyze or incorporate any climate change modeling into any Reasonable Foreseeable Development Scenarios.

Previous Documents Submitted by Monterey County Related to this Proposal

Please note that Monterey County has submitted four (4) previous comment letters related to this proposal which are included as attachments to this protest letter.

Protester Information

This protest is submitted by the Monterey County Board of Supervisors. Should you have questions regarding this protest, please contact Nicholas E. Chiulos, Assistant County Administrative Officer, 168 W. Alisal Street, Salinas, CA 93901, (831) 755-5115, chiulosn@co.monterey.ca.us.

Thank you for your consideration of Monterey County's concerns related to this proposal.

Sincerely,

John M. Phillips
Chair, Board of Supervisors

⁶ Attached: July 27, 2012 comment letter from the Monterey County Department of Health

Attachments

- July 24, 2012 comment from Monterey County Water Resources Agency
- July 27, 2012 comment letter from Monterey County Health Department
- August 20, 2012 comment letter from Monterey County Resource Management Agency
- October 4, 2013 comment letter from Monterey County Resource Management Agency
- February 13, 2018 Monterey County Board of Supervisors – Resolution No. 18-040: Resolution in opposition to the U.S. Interior Department Offshore Oil and Gas Development Proposal

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