

Exhibit F

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From: [Patel, Milind@DOC](mailto:Patel.Milind@DOC)
To: [ceqacomment](#)
Cc: [Perez, Jan@DOC](mailto:Perez.Jan@DOC); State.Clearinghouse@opr.ca.gov; OLRA@DOC; [Sison, Erwin@DOC](mailto:Sison,Erwin@DOC)
Subject: Boccone Norman B & Victoria E Igel Co-Trs and Elkhorn Slough Foundation
Date: Tuesday, June 3, 2025 6:17:24 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[SCH2025050246 ElkhornSloughFoundation CalGEM Comment Letter.docx.pdf](#)

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Mary,

Please see attached comment letter regarding the Boccone Norman B & Victoria E Igel Co-Trs and Elkhorn Slough Foundation. SCH #2025050246

Thank you.



Milind Patel

Associate Oil & Gas Engineer

California Department of Conservation

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California
Department of Conservation
Geologic Energy Management Division

Gavin Newsom, Governor
Jennifer Lucchesi, Director
715 P Street, MS 1803
Sacramento, CA. 95814
T: (916) 445-5986

June 2, 2025

County of Monterey

Mary Israel

1441 Schilling Place South Building 2nd Floor

CEQAcomments@countyofmonterey.gov

Assessor Parcel Number(s): 181151009000, 181011022000, 181151008000

Property Owner(s): N/A

Project Location Address: Elkhorn Road and Kirby Road, Castroville

Project Title: Boccone Norman B & Victoria E Igel Co-Trs and Elkhorn Slough Foundation

Public Resources Code (PRC) § 3208.1 establishes re-abandonment responsibility when previously plugged and abandoned oil, gas or geothermal wells will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near previously abandoned oil, gas, and geothermal wells.

The California Geologic Energy Management Division (CalGEM) has received the above-referenced project dated May 20, 2025. To assist local permitting agencies, property owners, and developers in making safe and practical land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides a table of the wells within the parcel boundary or in its vicinity, based on the Division's Well Finder database (link found at the bottom of this letter).

The Division categorically advises against building over, or in any way impeding access to, oil,

gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking at the landowner's expense if there is a need to access a well. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment (consisting of well servicing rig, pumping equipment, pipe trailer) to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure. Impermeable barriers such as asphalt, concrete, and plastic may trap hazardous gases and liquids underneath and could create a safety hazard if built over a well that later develops a leak.

The Division recommends that any well for which access is impeded or built over, against the Division's advice, should be evaluated by a qualified petroleum professional for compliance with the statutory objectives of isolating all hydrocarbon-bearing strata; protecting underground and surface waters; prevention of subsequent damage to life, health, property, and other resources; and prevention of loss of oil, gas, or reservoir energy. The Division recommends that wells that do not meet these standards are abandoned or re-abandoned prior to construction. The well information can be accessed through <https://maps.conservation.ca.gov/doggr/wellfinder/>. PRC § 3208, subdivision (a), provides the primary statutory authority for the Division to oversee adequate abandonment of wells. Additionally, the Division has developed the regulatory guidance for operators to be followed during well abandonment, which are listed within California Code of Regulation, title 14 (CCR) § 1723 and associated sub-sections (for onshore wells), and § 1745 and associated sub-sections (for offshore wells).

There is no guarantee that a well abandoned in compliance with current Division requirements as prescribed by law will not start leaking in the future. Due to the inability to predict all subsurface conditions or changes, it always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current Division requirements as prescribed by law have a lower probability of leaking in the future, however there is no guarantee that such abandoned wells will not leak.

The Division advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations in Latitude and Longitude, NAD 83 decimal format, and leak testing results should be provided to the Division. The Division expects any wells found leaking to be reported to the Division immediately.

PRC § 3208.1 gives the Division the authority to order or permit the re-abandonment of any well

where it has reason to question the integrity of the previous abandonment. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for re-abandonment as:

1. The property owner - If the well was plugged and abandoned in conformance with Division requirements at the time of abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

2. The person or entity causing construction over or near the well - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be re-abandoned, or to follow the advice of the supervisor or district deputy not to undertake construction that impedes access, then the person or entity causing the construction over or near the well shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.

3. The party or parties responsible for disturbing the integrity of the abandonment - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the re-abandonment.

Should any wells require abandonment or re-abandonment, the responsible party must submit a Notice of Intention (NOI) to the Division through WellSTAR. The NOI form can be accessed in the 'Plugging and Abandonment' section of the following link: https://www.conservation.ca.gov/calgem/for_operators. No well work may be performed on any oil, gas, or geothermal well without written approval from the Division. Well work requiring approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other re-abandonment work. The Division also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. CCR §1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below the surface of the ground. If any well needs to be lowered or raised (i.e. casing cut down

or casing riser added) to meet this regulation, a permit from the Division is required before work can start.

The Division makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, the Division recommends that information regarding the below identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.
2. The Division recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

Should you have any questions, or if any wells are encountered that were not part of this letter, contact CalGEM at 916.322.1110 or via email at CalGEMNorthern@conservation.ca.gov.

Sincerely,

May Soe

May Soe
Supervising Oil & Gas Engineer – Northern District

cc: Mary Israel

The wells listed below are reported to be located within and nearby the parcel boundary, and may have future access impeded:

No wells in the project area

06/06/2025

From:
Norman Boccone & Victoria Igel
7510 Rainbow Dr #3
San Jose, CA 95129
Phone: 408-459-8644
email: dropslowly@gmail.com

To:
County of Monterey
Housing & Community Development
Attn: Mary Israel, Supervising Planner
1441 Schilling Pl South 2nd Floor
Salinas, CA 93901

Dear Members of the Monterey County Planning Commission,

We are the owners of the property at 827 Elkhorn Road. We would like to provide comments on the Initial Study for our project, File Numbers PLN220229 & PLN240187.

Background

When we bought the property, the first thing we did was to evaluate the environmental status. We met with USFW, CDFW, and ESF (Elkhorn Slough Foundation). We hired many environmental consultants and paid for a 5-month research study to determine the presence of protected amphibians. Based on feedback from these various entities, and no finding of protected amphibians, we were able to create a plan that had minimal impact on the environment. We continued to work with the environmental consultants and the HCD planning office to make changes to further decrease the environmental impact. Early on, we asked ESF for an easement for our driveway, to save grading and a few landmark trees. At that time, they declined to work with us. We spent about a year finding a plan that would work. One aspect of the plan was that we would put 2.25 acres of land in a conservation easement (1.5 acres for oak woodland; .75 acres of animal habitat).

When we were about to start the Initial Study, ESF agreed to a Lot Line Adjustment so that we could change the driveway path. Although the change meant a delay in the project, and much more money, it decreased the amount of grading and decreased the number of trees to remove, including 3 landmark trees. ESF gave us 0.5 acres that included the driveway path and we gave them 0.9 acres as trade. Since we were doing the Lot Line Adjustment, we also chose to donate another 5 acres. Our idea was that this donation would more than cover the land needed for the conservation easement. Note that the location of the land donated was chosen by ESF.

Clarification for Parking Location

Page 15 says that no parking should be allowed at the upper turnout. This was a requirement before we added the Lot Line Adjustment. Since that property will now be ours, we do not think that there should be a restriction on parking

Information for Water Tanks

The report states that "The Project includes four (4) water tanks of currently unknown size." In the plans there are only 2 - 5000 gallon water tanks as required by MC fire plus a pump and a b/u generator on a concrete pad. The tanks are each 119" dia x 116" high and will be green.

Clarification for Habitat Adaptive Care Program

In some parts of the Initial Study, it specifies that areas of construction and areas of restoration need to be part of the Habitat Adaptive Care Program. In other parts, it seems to refer to the entire property. We will impact .28 acres permanently, and .75 acres temporarily. But the project will not impact 8 to 9 acres of the property. It does not seem correct that we should be required to restore areas that we do not impact. We would like to get clarification on the boundaries for the areas of the Habitat Adaptive Care Program.

Reporting for the Tribal Monitor

The archaeological report stated "The excavation for the water line and septic field will likely have no effect on archaeological resources. No further archaeological investigation regarding the Project is warranted." Therefore, we are not really sure why a tribal monitor is needed. But the current mitigation measure says that a Tribal Monitor is required and that reports should be made daily. For the other mitigation measures, the reports are only done once, after the job is complete. So, if a Tribal Monitor is deemed necessary, are daily reports really required? We think the reporting for the tribal monitor should follow a procedure similar to the other mitigation measures – require a report only at the end, unless something of interest appears.

Length of Monitoring Time for Restoration/Enhancement Areas

In our initial Biotic report, before the LLA application, the recommended time for monitoring restoration/enhancement areas was 5 years (7 years for the trees). The LLA application decreased the environmental impact of the property. Yet, for some reason, when the biotic report was updated to include the LLA, the monitoring of the restoration/enhancement areas was increased to 7 years. No part of the LLA property that we are receiving is in any restoration/enhancement area; it does not make sense that a change that reduces environmental impact would result in increased monitoring. We think the length of monitoring time should revert to the original 5 years, or be less since the change is to benefit the environment.

Necessity of Conservation Scenic Easement

As mentioned above, the initial recommendation from our environmental consultants, before our Lot Line Adjustment with ESF, was 2.25 acres. We chose to donate over 5 acres. To us, it made more sense that the land would be managed by environmental experts, rather than us. Because we are already donating more than twice that amount of land recommended by the biotic reports, we do not think that we should be required to place any more land in conservation easements.

Note: the description in the Initial Study mentions having a place for CRLF dispersal habitat. The land that would be donated for this project is in the Northwest, near the location where the CRLF were found. In fact, two of the places are in the proposed donation area. (See map below). The LLA by itself addresses the concern of CRLF dispersal habitat; we do not think the CSED should be required.

Property Map

Shaded area: proposed donation area

Blue outline: Proposed new property line

Yellow pins: Locations where CRLF were found

Red outline: proposed permanent construction area



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