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July 28, 2014

VIA EMAIL

Santa Barbara County Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101

Re: Board of Supervisors July 29, 2014 Meeting, Departmental Agenda Item 1 (No. 14-00610); CEQA Review for Measure P Implementing Ordinances

Dear Chair Lavagnino and Honorable Members of the Board of Supervisors:

We are writing on behalf of our client, a coalition of Santa Barbara County taxpayers, consumers, and energy producers, to urge the Board to consider carefully the potentially significant environmental impacts under CEQA prior to taking any action on “implementing ordinances and general plan amendments” relating to Measure P. Setting aside the fact that the Board’s action is premature since Measure P has not been adopted, we find it modestly odd that the Board agenda states that the “implementing ordinances and general plan amendments” are exempt from CEQA, but no measures are presently before the Board. As such, there is no basis even to consider the required environmental clearance until staff presents a draft of what is contemplated to the public, and the Board can consider the environmental impacts.

It is clear, however, that the adoption of the implementing ordinances is not exempt from CEQA.

First, the California Supreme Court has explored the issue of whether actions taken subject to initiatives are subject to CEQA and determined that they are. *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165.

Second, it is readily apparent that the implementing ordinances have the potential to create significant environmental impacts. Any process that results in a shutdown of existing oil and gas operations will have significant environmental impacts. Thorough review under CEQA will ensure that the County considers a range of alternatives that will minimize the potential environmental impacts.

In our prior letter to the Board dated May 19, 2014, and the accompanying letter from Environ International Corporation, also dated May 19, 2014, we described the numerous potentially significant environmental impacts that the Initiative would cause. These include

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potential impacts to related to air quality, greenhouse gas emissions, hazards, biological resources, and land use planning. It follows that ordinances or general plan amendments adopted by the County to implement the Initiative's ban, which would be part and parcel of the Initiative and would be part of a single "project" under CEQA, could exacerbate or mitigate these potentially significant effects.

All of these impacts, and certainly others, could result from ordinances or general plan amendments adopted by the County to implement the Initiative. We do not yet know the full extent of these potential impacts, because the scope of the implementing actions is unknown. However, CEQA, the CEQA Guidelines, and California case law are clear that the County must study any proposed implementing ordinances under CEQA before they may be adopted.

For all of these reasons, we respectfully request that you do not adopt any such implementing actions without first subjecting them to a full review under CEQA.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B. Hanelin', with a long, sweeping horizontal line extending to the right.

Benjamin J. Hanelin
of LATHAM & WATKINS LLP

cc: Michael C. Ghizzoni, County Counsel