Sheila de la Guerra Public Comment

LATE DIST #3

From: NED Brandt <nedbrandt@msn.com>
Sent: Monday, October 20, 2025 4:46 PM
To: sbcob
Subject: FW: TWO RESPONSES in Opposition to the Board of Supervisors Move to Abolish Oil & Gas Production...
Attachments: Santa Barbara County Ordinance 10-17-25.pdf

Importance: High

Come on fools. Laura Capps and the rest of you need to pull your head out of the wrong end and wake up. You all are killing the economy and making life even harder but implementing such foolish ordinances. Climate change is real. It's been changing since God made this solar system, or the big bang. Its called "weather". Its gonna keep changing and you all can't stop it by forcing your foolish wills on the public. What's next, Agriculture? You going to kill it too in order to clean up California??

From: Andy Caldwell <andy@colabsbc.org>
Sent: Monday, October 20, 2025 8:50 AM
To: Andy Caldwell <andy@colabsbc.org>
Subject: TWO RESPONSES in Opposition to the Board of Supervisors Move to Abolish Oil & Gas Production...
Importance: High

Dear COLAB Members,

At tomorrow's board meeting, as promised, Laura Capps is attempting to eliminate oil and gas operations in Santa Barbara County by way of initiating an amortization ordinance.

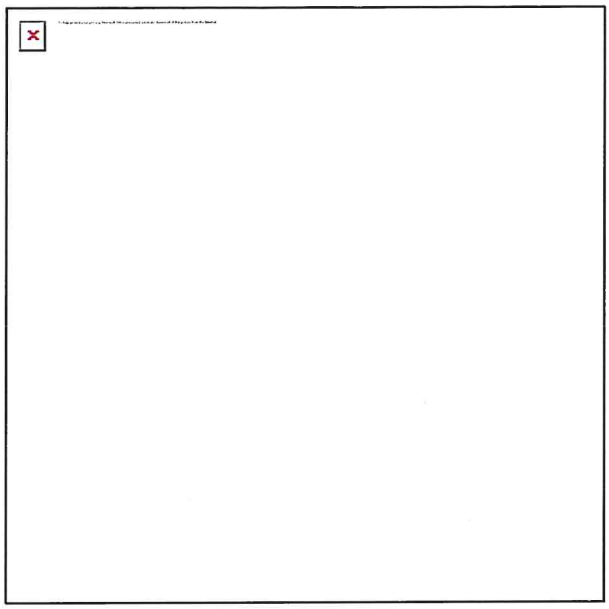
This is as STUPID as it gets. It will cost the county a fortune in developing the ordinance and in defending it in court. Meanwhile, taxpayers and consumers will suffer and so will the environment!

Below is Stoker's info letter and attached is a letter from CIPA. They both reveal the absurdity of this action in terms of legal and economic considerations.

I hope you will get engaged as Stoker has outlined how to do so below.

Thanks,

Andy



Santa Barbara County Taxpayer Advocacy Center

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"The SBCTAC...Fighting for the Taxpayer and Helping our Businesses Succeed..."

)ear friends,

he Santa Barbara County Board of Supervisors will consider taking actions on Tuesday that would end all oil nd gas production in Santa Barbara County. This would have a dire economic financial impact directly on SB :ounty and signifcantly reduce the availability of domestic gasoline in California. This action would not only be ad public policy in terms of the negative impacts to SB County, it would also directly defy directives of Goveno ;avin Newsom for the state to ramp up domestic production of oil & gas so were not dependent on foreign ources.

elow is a letter the SBCTAC has submitted to the Board of Supervisors. I urge you to submit a letter as

ell. You can either cut and paste our letter below and forward the letter with a comment thay you support the omments or you can submit your own personal email. Submit your comments before Monday at 5 pm to the following email address:sbcob@countyofsb.org.

his is a vitally important issue that needs your attention and response. Send you comments today to the oard of Supervisors.

ogether, we are making a difference.

incecerly,
ike Stoker
resident & CEO, SBCTAC

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hairwoman Capps & Honorable Board Members,

n behalf of our over 350 members of the SBCTAC, our organization is strongly opposed to the board's efforts end oil and gas production in Santa Barbara County. While this may be politically popular for several of the oard members, it is bad public policy, contrary to the direction Governor Newsom has recently urged the state support, and will subject the county to potentially hundreds of millions of dollars in financial exposure as a sult of the litigation that is certain to take place if you adopt the options before your board.

efore addressing these two options, I would like to remind the board of the concerns Governor Newsom has xpressed regarding California's lack of energy and the concerns for Californians facing gasoline prices of $8-10 a gallon if California does not change course and work with the oil & gas industry to bring domestic sources

: oil & gas to California pumps. In his letter dated April 21, 2025, to the Vice-Chair of the California Energy ommission, Mr. Siva Gunda, he specifically stated, "…it is imperative that we continue to ensure a safe, fordable and reliable supply of transportation fuels over the next two decades." (For a copy of the entire letter ick this link: https://www.gov.ca.gov/wp-content/uploads/2025/05/Newsom-Gupta-Letter-4.21.pdf)

/ith that directive by Governor Newsom in mind, I would like to address those two options.

ption to authorize staff to initiate work on developing an ordinance to prohibit drilling of new oil & gas ells…

espond to this option with a simple question…Why? Why would you want to abdicate your responsibilities nd discretion to prohibit you from being able to support an oil or gas project that has nominal environmental npacts, can generate hundreds of jobs, provide the county with millions of dollars in property taxes, and can ad to additional benefits to our local schools and lead to the protection of open space? By retaining your scretion, you can consider all the facts and then make the decision your constituents elected you to make.

deed, the voters on several occasions have voted to NOT remove the discretion from the board and opposed forts to impose a blanket ban on oil & gas development. The voters have expressly stated they want the oard of Supervisors to do their job and consider oil & gas projects like you would any other projects. To adopt n ordinance imposing a blanket ban totally ignores the will of the very same voters who elected you into office.

ne SBCTAC asks the board to honor the will of the voters and to retain your discretion so that you can decide ach project on its own merits and keep open the option that projects that make sense and that your nstituents want approved can go forward.

nally, to move in this direction would be completely contrary to the direction the Governor directed above, hich is imperative to the State of California in regards to our energy needs.

ption to initiate work on preparing a Request for Proposals to undertake an amortization study to etermine an appropriate period to phase out existing oil and gas facilities/operations..

eedless to say, this option, if pursued, is completely contrary to the direction Governor Newsom has directed.

owever, more importantly, this option is nowhere near as attainable as you may have been led to believe, and uld, if implemented, subject the county to hundreds of millions of dollars in Taking Claims from all the erators that will certainly pursue damages for the wrongful taking of their vested property rights. If County unsel is doing their job, they have no doubt advised you in Executive Session of these facts.

o shed a realistic light on this issue and what you are contemplating, I would like to share with you what has appened in the City of Los Angeles and County of Los Angeles that pursued the same option you are onsidering today. To oppose the City and County efforts, several interested parties opposing the nplementation of an amortization ordinance retained the well-respected law firm of Manatt, Phelps & Philips to op the ordinance from being implemented.

he results of Manatt's efforts have realized the following.

oth ordinances were the subject of expensive and protracted litigation, and as of today, both ordinances have een rescinded and are no longer in effect.

he LA County ordinance was voluntarily rescinded by the county's Board of Supervisors. The City of LA dinance was voided by LA County Superior Court Judge Curtis Kin. *NOPEC, et al. v. City of Los Angeles*, 23-TCP-00085 (Sept. 6, 2024). Judge Kin ruled that the ordinance was preempted by state law because it npermissibly banned "methods of production in existing wells." *NOPEC*, at 11. Judge Kin found that the City's dinance impermissibly "restricts the [State Oil and Gas] Supervisor's 'express, statutorily-conferred authority decide what oil production methods are suitable in each case," and therefore was implicitly preempted by ublic Resources Code section 3106. *Id.*, at 12. In his ruling, Judge Kin relied on the California Supreme ourt's ruling in *Chevron U.S.A. Inc. v. County of Monterey* (2023) 15 Cal.5th 135, 140 (*Chevron II*), holding at a similar ordinance in Monterey County was likewise preempted. If Santa Barbara County, after wasting undreds of thousands of dollars in amortization studies, goes forward with its own ordinance, you will face xactly the same preemption issue, as I can guarantee you the interested parties will legally challenge the ounty of Santa Barbara, just as they have in the City and County of Los Angeles.

nder Public Resources Code Section 3106(d), *et seq*, the state has vested ***complete*** authority in CalGEM to upervise the drilling, operations, maintenance, and abandonment of wells so as to permit owners or operators wells to utilize all methods and practices known to the oil industry for the purpose of increasing the ultimate covery of underground hydrocarbons and which, in the opinion of the supervisor, are suitable for this purpose each proposed case." Pub. Resources Code § 3106(b). AB 3233 doesn't negate this express vesting of uthority in the State. The County cannot circumvent the preemption issue by relying on AB 3233. The egislature cannot, and has not, made Public Resource Code section 3106 inoperative, nor has it taken the sue out of the State's hands. Judge Kin, and the California Supreme Court in *Chevron II*, found that the upervisor's duty to regulate hydrocarbon extraction and methods and practices was a matter ***statewide*** concern. (This is consistent with exactly what the Governor has directed!) Thus, the Legislature

annot remove jurisdiction over the matter and assign it to cities or counties, as it has improperly attempted to o with AB 3233.

the Board of Supervisors chooses to move forward with the proposed ordinance, the industry will sue, and the w will be overturned – at significant cost to the County.

addition to the preemption issue discussed above, the Board's plan to initiate an amortization study to etermine an appropriate phase-out process for oil and gas operations in the county is fraught with risk. First, s the Board is well aware, such a study will itself cost hundreds of thousands of dollars. However, those undreds of thousands of dollars do not guarantee that the results of the study will protect the County. As just ne example, the City of LA conducted three (3) separate studies, which all reached somewhat different onclusions and still left significant analytical gaps, including the failure to consider transfer of ownership costs, osts of regulatory compliance, or ongoing capital investment, and significant assumptions about operating osts, plugging and abandonment costs, and price forecasts. These major omissions and faulty assumptions ave the City's costly amortization studies open to legal attack, while doing nothing to protect the City from verse condemnation and takings claims by operators who contest the amortization timelines the studies oduced, if and when they are applied to try to force operators to shut down production.

nd ultimately, notwithstanding the preemption issue and all the amortization studies the county may undertake your board ultimately adopts and enforces the amortization ordinance, you will be faced with Taking Claim th Amendment) lawsuits by EVERY existing oil & gas operator. These claims will be in the hundreds of illions of dollars that could literally bankrupt the county. Whether or not a taking has occurred will not be ecided by you, nor by local judges, nor even the California Supreme Court. It will end up going all the way, if ecessary, to the US Supreme Court, which your County Counsel will advise you that the current court and its ecisions have been very supportive of the property owner in Taking Claims.

o you really want to take that risk? The responsible thing to do is to avoid thousands of hours of staff time eing wasted and millions of dollars of taxpayer dollars being spent, and take no action. Allow the existing oil & as operators that have vested rights to continue to operate and retain your discretion on a case-by-case basis decide whether new gas or oil projects should be approved.

incerely,
ike Stoker
resident & CEO,SBCTAC

You are being contacted because of your relationship with Mike Stoker

Our mailing address is:

Year

1012 Palmetto Way, Unit C

Carpinteria, CA 93013

Add us to your address book

Want to change how you receive these emails?

You can update your preferences or unsubscribe from this list.

California Independent Petroleum Association
1001 K Street, 6th Floor
Sacramento, CA 95814
Phone: (916) 447-1177
Fax: (916) 447-1144

CIPA

October 17, 2025

The Honorable Laura Capps
Chair, Santa Barbara County Board of Supervisors
105 E Anapamu Street Santa Barbara, CA 93101

Re: Proposed phase out of permitted oil operations in Santa Barbara County

Dear Supervisor Capps:

The California Independent Petroleum Association (CIPA) submits the following comments on the county's proposed phase out ordinance of permitted oil operations in the county:

1. The proposed ordinance contradicts Governor Newsom's new energy policy

Recently, the state legislature passed and the Governor signed SB 237, a bill designed to increase in-state production of crude. The bill is the result of months of investigation by the California Energy Commission into why California gasoline prices are so high. The conclusion was that the closure of more and more in-state refineries was leading to a volatile market since only eight refineries remained from more than 40 that existed forty years ago and two of those remaining are slated to close in the next year. One of the leading causes of refinery closures is the inability of the refineries to secure in-state sources of crude. Although California has become increasing reliant on foreign imports, there is a maximum capacity of crude local refineries can offload at the ports. If Santa Barbara County and other jurisdictions decrease local production, the new policy will not be able to achieve its desired effect and Santa Barara County will be responsible for exacerbating a failed state energy policy that has harmed California citizens.

2. The proposed ordinance will increase greenhouse gas emissions

Reducing oil and gas production in Santa Barbara County will result in an immediate, foreseeable increase in the importation of foreign oil. Importation of foreign oil results in increased GHG emissions from tanker ships carrying the oil and the oil itself, which is not climate compliant. By contrast, oil produced in California is climate compliant since it is produced in compliance with the state's rigorous GHG cap and trade reduction program. Imported oil is completely exempt from these programs. Additionally, these imports are exempt from California's other strict environmental, labor, and human rights regulations.

California produces only a fraction of the oil consumed by the State. In 2024, California produced an average of 309,000 barrels of oil per day, while consuming more than 1,800,000 barrels per day of fossil fuels, requiring over 75% of California's oil to be imported. Despite the state's efforts to transition to alternative fuels, fossil fuel consumption in California has not decreased. Since California is an "energy island", meaning that it does not have any pipelines that bring crude into the state, oil must be imported via foreign tanker. The largest sources of foreign crude oil into California are from Iraq, Ecuador, Brazil, and Saudi Arabia.

3. The proposed ordinance must be accompanied by a full CEQA EIR

The County failed to consider the significant, unmitigated, and unmitigable environmental impacts of the Ordinance in violation of the California Environmental Quality Act (CEQA). Specifically, the County failed to consider the increases in greenhouse gas (GHG) emissions that will result from Ordinance adoption. These significant impacts include, among other things, impacts to air quality, which are required to be analyzed under CEQA. For example, the increase in foreign oil shipped to California to replace oil that cannot be extracted under the Ordinance will result in an increase in the release of volatile organic compounds (VOCs) and nitrogen oxide (NOx) emissions from tanker ships (and, to a lesser extent, trucks) bringing this oil to California ports and refineries. This is in addition to the increased GHGs cited above.

In addition, CEQA recognizes any limitation on access to mineral resources of local, regional or statewide importance to be an environmental impact, *in and of itself*. Given that the Ordinance will necessarily result in limiting access to mineral resources of local, regional and statewide importance, it cannot be said that the Ordinance provide blanket "assurance" that the environment—*which includes mineral resources*—will be only protected, and not at all impacted. Petroleum and gas reserves in Santa Barbara County constitute a "known mineral resource that would be of value to the region and the residents of the state" the loss of availability of which necessarily results in a significant environmental impact. State CEQA Guidelines, Appendix G, section XII(a). The County's failure to consider or address these impacts requires additional review under CEQA, and makes the Ordinance ineligible for exemption under the Common Sense exemption.

Moreover, such a failure to evaluate material environmental impacts would certainly be grounds for a CEQA challenge if committed by a project sponsor from the oil and gas industry. It is hypocritical for the County to exempt this project from CEQA under one or more categorical exemptions, where the County has consistently required projects by the oil and gas industry to fully and faithfully undertake the highest level of CEQA review, culminating in preparation of Environmental Impact Reports (EIR). Given the significant environmental impacts of the Ordinance, including the foreseeable and material increase in GHG emissions, it is inappropriate for the County to approve the Ordinance under a categorical exemption and avoid conducting the type of in-depth environmental review routinely required of the industry.

4. The proposed ordinance is preempted by federal law

The county is relying upon the protection of AB 3233 to support the proposed ordinance. The purpose of AB 3233 was to overturn a State Supreme Court ruling that ruled that Monterey County could not ban injection wells or regulate downhole operations because those activities are preempted by federal and state law. In 2015, Monterey voters passed Measure Z that banned new produced water injection wells and produced water ponds, phased out existing produced water injection wells and ponds; and banned new oil and gas wells within the county. The Supreme Court ruled in *Chevron U.S.A. Inc. v. County of Monterey* (2023 Cal. LEXIS 4349) that Measure Z went beyond the county's land use authority and sought to prohibit certain oil and gas operations, including Class II injection wells. While the California legislature has changed state law pertaining to the regulation of downhole operations of oil and gas wells, it has no authority to change federal law. The Clean Water Act of 1972 clearly makes permitting of Class II injection wells a federal function. EPA granted the State of California primacy over the UIC program, but that did not include the ability of the state to delegate that authority to any other entity. This has been confirmed by Martha Guzman, former EPA Region 9 Administrator, in the letter she submitted to Representative Vicent Fong on October 11, 2024, "*...the State may not delegate the approved Class II UIC program to another agency without review and approval by the EPA. This would include delegating to another agency the authority to approve or deny UIC Class II permits.*" Accordingly, any application of the proposed ordinance to injection wells by the City of Los Angeles is illegal, since the State does not have the authority to delegate oversight of Class II injection wells to local governments regardless of the passage of AB 3233.

5. The proposed ordinance is an illegal taking of private property

The Ordinance represents an unconstitutional and unlawful taking of private property without just compensation, in contravention of the United States and California Constitutions. The state and federal Constitutions prohibit government from taking private property for public use without just compensation. Cal. Const., art. I, ß 19; U.S. Const., 5th Amend.; *Chicago, Burlington &c. R'd v. Chicago* (1897) 166 U.S. 226, 239 (applying the federal takings clause to the states). In *Penna. Coal Co. v. Mahon* (1922) 260 U.S. 393, 415 (*Penna. Coal*), the United States Supreme Court recognized that a regulation of property that "goes too far" may effect a taking of that property. When a regulation does not result in a physical invasion and does not deprive the property owner of all economic use of the property, a reviewing court must evaluate the regulation in light of the "factors" the high court discussed in *Penn Central Transp. Co. v. New York City* and subsequent cases. *Penn Central* emphasized three factors in particular: (1) "[t]he economic impact of the regulation on the claimant"; (2) "the extent to which the regulation has interfered with distinct investment-backed expectations"; and (3) "the character of the governmental action." *Penn Central Transp. Co. v. New York City* (1978) 438 U.S. 104, 124. Subsequent cases, as well as a close reading of *Penn Central*, indicate other relevant factors such as whether the regulation affects the existing or traditional use of the property and thus interferes with the property owner's "primary expectation" (*id.* at 125, 136), and whether the regulation "permit[s the property owner] . . . to profit [and] . . . to obtain a 'reasonable return' on . . . investment." *Id.* at 136. Under these factors, regulations which significantly limit the uses of private property constitute a taking. Such changes require just compensation, as well as due process and public consultation. This is true, for example, of zoning ordinances which render an existing use nonconforming.

In addition, the United States Supreme Court has definitively established that a land use regulation "goes too far"—amounting to a facial taking of property—where it "denies an owner economically viable use of his land." *Lucas v. SC Coastal Council* (1992) 505 U.S. 1003,1016, citing *Agins v. City of Tiburon* (1980) 447 U.S. 255, 260. This occurs where a regulation, by implementation alone, leaves the property owner without "substantial economic use" of the affected property. *See Maritrans Inc. v. U.S.* (2003) 342 F.3d 1344, 1351-52. A facial taking analysis does not require a fact-based probe as set forth in *Penn Central*. Rather, the dispositive inquiry is "whether the mere enactment of the [regulation] constitutes a taking." *Agins*, 447 U.S. at 295, *abrogated on other grounds*; *see also Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency* (2002) 535 U.S. 302, 318.

The Ordinance would give rise to a claim for just compensation by oil well operators and owners as well as royalty holders. The Ordinance would severely restrict the ability of well operators, owners, and royalty holders to use their property and would materially infringe on their property rights and interests, up to and including completely eliminating the value of those rights. Therefore, the Ordinance constitutes a taking for which compensation must be made. The cost of such compensation could run into the hundreds of millions of dollars, if not greater.

The Ordinance constitutes a violation of the vested rights of oil well operators, owners, and royalty holders. Under *Avco Community Developers, Inc. v. South Coast Regional Commission*, (1976) 17 Cal.3d 785 ("Avco"), where a permit holders make an investment in that permit, they possess vested legal rights. Subsequent case law has clearly concluded that the doctrine of vested rights applies to use permits and the activities authorized thereunder. *See Hansen Brothers Enterprises v. Board of Supervisors*, (1996) 12 Cal.4th 533 ("Hansen"). Post-*Avco* decisions have held that use permits confer vested rights. *HPT IHG-2 Properties Tr. v. City of Anaheim* (2015) 243 Cal. App. 4th 188, 199 (where a CUP has been issued and the landowner has relied on it to its detriment, the landowner has a vested right.); *see also Malibu Mountains Recreation, Inc. v. County of Los Angeles* (1998) 67 Cal.App.4th 359, 367. The scope of the vested rights is the scope of activity authorized under the permit. *Santa Monica*

Pines, Ltd. v. Rent Control Bd. (1984) 35Cal.3d 858, 865. Here, the Ordinance will unlawfully curtail the vested rights related to the oil wells at issue.

6. The proposed ordinance will eliminate jobs and lower the county's tax base

The oil and gas industry pays millions of dollars annual to the county through an Ad Valorem tax on reserves. The county is facing a severe budget deficit, and the loss of millions of additional dollars will only exacerbate the problem. The county will also eliminate high-paying jobs that cannot be replicated by any other industry. 2/3 of all employees in the oil and gas industry do not possess a college degree, but average $123,000 in salary. There are over 1,400 Santa Barbara County residents directly employed by the oil and gas industry and another 5,000 that depend on the industry, which account for over $2 billion of economic activity in the county.

7. The proposed ordinance will increase gasoline prices on California drivers

Because Californian refiners pay $5-$6 more per barrel for foreign imports than in-state production, the more the state becomes reliant on foreign oil, the higher gasoline, diesel, and jet fuel prices will be.

In conclusion, phasing out oil production in Santa Barbara County will increase greenhouse gas emissions, increase other environmental harms, raise gas prices, put people out of work, exacerbate the county's budget deficit, violate CEQA law, violate federal law, and subject the county to expensive litigation that it will lose. For these reasons, the county would be well advised to pause this action and have a dialogue with industry on a better path forward.

Sincerely,

Rock Zierman
CEO