

#3

Ramirez, Angelica

Applicant Public Comment

From: Surmeier, Patrice A <patrice.a.surmeier@exxonmobil.com>
Sent: Monday, March 7, 2022 1:01 PM
To: sbcob; Ybarra, Jacquelynn; Briggs, Errin
Cc: Williams, Das; Hart, Gregg; Hartmann, Joan; Nelson, Bob; Lavagnino, Steve
Subject: EM comment on ExxonMobil Interim Trucking for Santa Ynez Unit Phased Restart Project Board of Supervisors 3 8 22
Attachments: EM to BoS Interim Trucking 3 7 22.pdf
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Good Afternoon,

Attached please find ExxonMobil's comments on the subject project.

Thanks,

Patrice Surmeier, P.E.
Regulatory Restart Lead

ExxonMobil SYU Regulatory Compliance Group
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Exxon Mobil Corporation
12000 Calle Real
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United States



March 7, 2022

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

Re: Hearing to Consider the Planning Commission's Recommendation for Denial of the ExxonMobil Interim Trucking for Santa Ynez Unit Phased Restart Project, Case No. 17RVP-00000-00081, 19 EIR-00000-00001/SCH #2018061035

Dear Board of Supervisors:

Exxon Mobil Corporation ("ExxonMobil") is seeking approval of a revision to Final Development Plan 87-DP-32cz to allow for the construction and operation of a new oil tanker truck loading rack and appurtenant equipment at the ExxonMobil Santa Ynez Unit ("SYU") onshore Las Flores Canyon ("LFC") processing facility that would enable transportation of crude oil produced from ExxonMobil's SYU to the Phillips 66 Santa Maria Pump Station and the Plains Pentland Terminal (the "Project").

The proposed Project would facilitate the phased restart of the SYU facilities by allowing for limited amounts of oil produced by SYU to be trucked from the LFC processing facility to one of two receiving terminals, and would include the construction of truck loading racks at the LFC facility. To be clear, there is no new drilling requested as part of this trucking application. The proposed Project is temporary in that trucking would occur for seven years (or less if a pipeline option becomes available). Trucking would occur seven days per week, 24-hours per day, with no more than 70 trucks leaving the LFC facility within a 24-hour period. The first receiving terminal is the Phillips 66 Santa Maria Pump Station ("SMPS") located at 1560 Battles Road, east of the City of Santa Maria in northern Santa Barbara County. The second receiving terminal is the Plains Pentland Terminal ("Pentland Terminal") which is located at 2311 Basic School Road in Maricopa in Kern County.¹ The Pentland Terminal has access to the crude oil pipeline network in the San Joaquin Valley which can be used to move crude oil north to the Bay Area or south to the Los Angeles Basin. Trucks going to the Pentland Terminal would be limited to 68 trucks per day. The proposed Project would resume oil production at 39% of the baseline period production levels for a daily average crude oil production rate of about 11,200 barrels.

¹ Trucking will be routed to the SMPS as long as it remains in operation; during extended, yet temporary, periods of shutdown, trucking will be routed to the Pentland Terminal. Once the SMPS is permanently shutdown (estimated to occur sometime in 2023) then trucking will be routed solely to the Pentland Terminal. (See Staff Report at 11, Section 5.3).

The Santa Barbara County Planning Commission's ("Planning Commission") recommendation to deny approval of the Project directly contradicts the Santa Barbara County Planning Commission Staff's ("County Staff") original findings and recommendations and is without substantial evidentiary support. As further discussed below, the County Staff's September 8, 2021 Staff Report ("Staff Report") finds that the Project complies with all prerequisites and recommends that the Project be approved.² Importantly, County Staff based its original recommendation on substantial evidence in the record, including the August 2021 Revised Final Supplemental Environmental Impact Report ("SEIR") that contained detailed analysis and determinations from County consultants and state agencies such as the California Department of Transportation ("Caltrans").

The County's SEIR further makes it clear that ExxonMobil has a vested right to restart the SYU facility without further approvals from the County:

The SYU and onshore LFC facilities operate under a County-issued Development Plan 87-DP-32cz which allows for the production of a maximum of 140,000 barrels of dry oil per day, and processing of 87,000 barrels per day of produced water. The SYU Project has undergone several CEQA and National Environmental Policy Act (NEPA) reviews, including a 1984 EIR/EIS and a 1986 SEIR. Both environmental documents addressed the impact of construction and operation of the SYU offshore and onshore facilities.

The County Development Plan 87-DP-32cz was issued in September of 1986. Production started in 1993, and the facilities were in operation until shortly after the shutdown of the Plains All American Pipeline in May of 2015. After the shutdown of the Plains All American Pipeline, the SYU facilities continued to operate for a few weeks in anticipation of a pipeline restart. Once it became clear that the Plains pipelines would be down for an indefinite period, ExxonMobil's facilities were shut-in and placed in a preserved state. The SYU and LFC facilities remain in a preserved state pending the restart of the Plains pipelines or approval of another mode of crude oil transportation. **Although pipeline transportation is not available, ExxonMobil can restart production at the SYU facilities at any time without approval from County decision-makers.**

(SEIR, at pp. ES-8 and ES-9, emphasis added).

Project Objectives

As reflected in the SEIR, the proposed Project's objectives are summarized as follows:

- Temporarily transport limited SYU crude oil production until a pipeline transport option is available, enhancing ExxonMobil's positive community impact in the

² See Staff Report at 2, Section 2.0. "...Recommend that the Board of Supervisors approve the ExxonMobil Modified Interim Trucking Project (Case No. 19RVP-00000-00081), consisting of the proposed project modified by adding two combined alternatives (Trucking to the SMPS-only [while available], and No Trucking During Rainy Periods), subject to the conditions of approval included in Attachment B to this staff report."

region, e.g., increasing production-related tax and local economic revenue and bringing back local jobs.

- Restore a portion of SYU wells and equipment to a desired state of operation to best maintain facility integrity while pipeline transportation options are unavailable.
- Re-establish SYU production in a safe and environmentally responsible manner. Apply experiences from past SYU operations and a previous, successful de-inventory trucking project. Leverage experiences gained from this Project to facilitate a smooth full production restart when a pipeline transport option becomes available.
- Increase energy supply via restart of a local petroleum resource which would serve to reduce demand for imported oil, reducing the risk of marine tanker spills and additional emissions related to foreign imports.

Planning Commission Proceedings

On September 29, 2021, the Planning Commission held a public hearing on the Project. At the hearing, and consistent with its September 8, 2021 Staff Report, County Staff recommended approval of the Project as modified by the following combination of two project alternatives assessed in the SEIR and Final SEIR Revision Letter No. 1: (1) Trucking to the SMPS Only Alternative (while available); and (2) No Trucking During Rainy Periods Alternative.

At the conclusion of the hearing, the Planning Commission in a 3-2 vote stated that it was unable to recommend that the Santa Barbara County Board of Supervisors (“Board of Supervisors”) make the necessary findings to approve the Project. The Planning Commission also determined that it could not recommend a Statement of Overriding Considerations under the California Environmental Quality Act (“CEQA”) which would find that the benefits of the Project outweigh the related environmental impacts. Despite contrary analysis in the SEIR and County Staff’s recommendation otherwise, the Planning Commission directed County Staff to return with Findings for Recommended Denial of the Project for the following items:

Finding 1.7, Statement of Overriding Considerations, and Administrative Findings 2.1 (3 and 5) and 2.2 (c and e):

- streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use; and
- the proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area.

On November 3, 2021, the Planning Commission again voted 3-2 to recommend that the Board of Supervisors deny ExxonMobil’s application based upon the flawed findings above. County Staff included with its Findings for Recommended Denial of the Project an attachment entitled “Attachment A: Findings For Denial” (“Findings For Denial”). The Findings for Denial added

that the Planning Commission could not make a Statement of Overriding Considerations because:

[T]here is not substantial evidence in the record to support a determination that the benefits of the Project outweigh the Project's significant and unmitigable impacts on the environment. For example, the amount of local oil this project would provide would only have a *de minimis* impact on domestic oil use and demand. Additionally, the Applicant did not present substantial evidence to support conclusory statements that the project would increase local jobs or expenditures at local businesses. Therefore, the Planning Commission is unable to make the finding that there is substantial evidence of benefits that could outweigh the significant and unavoidable impact of the project.

(Findings for Denial at p. 1, Section 1.2).

The Planning Commission's Recommendation to Deny the Project Is Unsupported

As stated above, the Planning Commission erroneously determined that the Project will make a *de minimis* impact on domestic oil use and demand. That finding is incorrect and unsupported by the record.

The local oil that would be returned to market by the Project can offset a substantial portion of Santa Barbara County's consumption of foreign oil. As described in the SEIR, the project will result in 4 million barrels of locally produced oil per year entering the California refining market. (See SEIR page 2-11, Table 2-1). This volume of oil can be used to make, for example, 78 million gallons of gasoline and another 58 million gallons of diesel,³ while using the remainder to make other valuable products such as lubricants and asphalt. When state fuel sales are apportioned based on population, this locally-produced oil could supply almost 50% of Santa Barbara's annual gasoline demand and 78% of its diesel demand,^{4,5} considerably reducing the County's reliance on foreign produced oil.

Moreover, as the County's SEIR states, domestic production of oil has numerous benefits. For example, production in the U.S. is subject to more stringent environmental standards, has a lower carbon intensity than foreign-produced oil, and would result in lower greenhouse gas emissions than the tanker ships transporting foreign-produced oil to the United States:

With the shut-in of the SYU facilities in 2015, other sources of crude, likely from foreign or other California or U.S. sources, replaced this supply in the California market. Figure 4.2-2 shows the crude supply sources to California refineries between 2000 and 2017. As this figure shows, the swing crude for California is foreign crude, which has increased

³ Refining crude oil - inputs and outputs - U.S. Energy Information Administration (EIA) <https://www.eia.gov/energyexplained/oil-and-petroleum-products/refining-crude-oil-inputs-and-outputs.php#:~:text=Petroleum%20products%20produced%20from%20one%2042-gallon%20barrel%20of.%20%202.18%20%2015%20more%20rows%20>

⁴ U.S. Census Bureau QuickFacts: California <https://www.census.gov/quickfacts/fact/table/CA/PST045221>

⁵ California Prime Supplier Sales Volumes of Petroleum Products (eia.gov) https://www.eia.gov/dnav/pet/pet_cons_prim_dcu_SCA_a.htm

from 25.7% to 57.5% of total supply to California refineries between 2000 and 2018 (CEC 2019).

The proposed Project would allow for the restart of the LFC facilities and production at the SYU, which would return some of this local crude oil production to the California refinery market. It is likely that the return of SYU crude to the California market would displace some imported foreign crude, thereby reducing GHG emissions from tankering and the use of higher carbon intensity crude oils.

(SEIR at p. 4.2-28 and 29).

The Planning Commission also erroneously found that the Project would have no substantial beneficial impact on jobs. This is not true. Section 6.2.2 of the SEIR discusses employment and states that, in addition to 250 employees and contractors that would be returning to SYU, there will be about 30 new construction jobs, and of course full time truck drivers will be needed, all of whom will likely spend money in the county. This will create an economic ripple effect which can be expected to increase spending at, for example, local truck maintenance and supply businesses, restaurants and shops. For example, in 2014, ExxonMobil expenditures for SYU employee salaries and benefits and to county businesses and local government were in excess of 33 million dollars, including over 1.8 million dollars to local restaurants, hotels, caterers and grocers, over 3.5 million dollars for landscaping and other trade services, and over 0.5 million dollars in professional services. See Attch. 1 for further details.

Further support for the significant economic benefits of the Project can be found in recent letters submitted to this Board recommending Project approval. In their February 25, 2022 letter (Attch. 2), the California Hispanic Chambers of Commerce (CHCC) notes that the SYU operations provided jobs to 200 employees and 130 contract personnel and that “ExxonMobil paid \$45 million in taxes to Santa Barbara County that went directly to local schools, public safety, and other county services.” Additionally, the Santa Barbara South Coast Chamber of Commerce in their March 2, 2022 letter (Attch. 3) states that “Bringing well-paying jobs to our county has always been a top priority for the Chambers of Santa Barbara County and restarting SYU would do just that...SYU’s restart would allow a significant number of employees and contract personnel to return to their homes, restart their lives in the community, and spend local dollars in local business.”

Likewise, the Santa Barbara County Deputy Sheriffs’ Association also points out the need for local jobs and spending and the benefit to County services in its March 1, 2022 letter (Attch. 4) in support of the Project:

“When it comes to public safety, every second counts. And when it comes to making sure law enforcement has the resources it needs to respond, every dollar counts. Reduced funding puts in jeopardy our ability to staff the County, maintain response times and protect all citizens. After nearly seven years, it’s time for SYU to restart operations.

Restoring SYU to full production would inject millions of dollars into the local economy, which will have a positive impact on public safety resources. Restarting SYU could

increase funding for the Fire Department by \$1.07 million annually and for other public safety and local services by \$1.8 million annually.”

The Deputy Sheriffs’ Association further writes, correctly, that crude oil has been delivered to Santa Maria via trucks from other parts of California for years.

By recommending denial of the Project, the Planning Commission turned its back on good paying jobs and, more broadly, the economic needs of Santa Barbara County and the State of California. The fact that this Project will increase local jobs, increase local spending, increase local tax revenues, support first responders and County residents, and increase the economic prosperity of the households that depend on this work should be self-evident. As such, the Project would actually benefit the general welfare, health and safety of the neighborhood.

The Planning Commission Ignored Staff’s Original Recommendation, Which Was Based on Substantial Evidence, and Instead Placed Greater Weight on a Few Unsubstantiated Public Comments

The Staff Report explains that the Project complies with CEQA and local planning requirements and therefore recommended approval:

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend that the Board of Supervisors conditionally approve Case No. 17RVP-00000-00081, marked "Officially Accepted, County of Santa Barbara Planning Commission Attachments A-F (September 29, 2021)", based upon the project's consistency with the Comprehensive Plan, including the Coastal Land Use Plan and the Gaviota Coast Plan, and based on the ability to make the required findings.

The Planning Commission's motion should include the following:

1. Recommend that the Board of Supervisors make the required findings for approval of a modified project as specified in Attachment A to this staff report, including CEQA findings.
2. Recommend that the Board of Supervisors certify the Final SEIR No. 19EIR-00000-00001; SCH# 2018061035 (Attachment C), as modified by the Final SEIR Revision Letter No. 1 dated September 8, 2021 (Attachment D), and adopt the mitigation monitoring program contained in the Conditions of Approval (Attachment B).
3. Recommend that the Board of Supervisors approve the ExxonMobil Modified Interim Trucking Project (Case No. 19RVP-00000-00081), consisting of the proposed project modified by adding two combined alternatives (Trucking to the SMPS-only [while available], and No Trucking During Rainy Periods), subject to the conditions of approval included in Attachment B to this staff report.

(Staff Report at p. 2).

Nevertheless, in stating that it could not make the above findings, the Planning Commission relied upon a few commenters at the September 29 hearing that expressed concerns about aggressive drivers on State Route 166 (“SR 166”) passing slow moving vehicles and trucks. The Planning Commission improperly gave greater weight to these unsubstantiated comments over the detailed expert analyses in the SEIR, the recommendations of Staff, and the traffic data and opinion of state agencies such as Caltrans.

For example, the Staff Report, citing from the SEIR, states:

Transportation and Circulation.

Under cumulative conditions while the SMPS [is] operational, the only roadway or intersection that would have a potentially significant impact is the U.S. Highway 101 Southbound on-ramp/State Route 166 intersection during both AM and PM peak hours. With the implementation of the identified cumulative traffic mitigation measure, which is carried forward as a condition of approval, the Modified Project’s contribution to cumulative traffic impacts would be less than significant with mitigation.

Once the SMPS is permanently shutdown, crude oil trucks currently traveling west on Highway 166 to get to the SMPS would no longer occur. However, it is possible that crude oil trucks currently going to the SMPS from the Santa Maria area could start using the U.S. Highway 101/State Route 166 East interchange to get to the Pentland Terminal. Under this cumulative scenario, the net increase in crude oil trucks using this interchange would be about nine trucks per day. A net increase of nine trucks per day would reduce the cumulative impact at the U.S. Highway 101/State Route 166 East interchange to less than significant after the SMPS is permanently shutdown.

(Staff Report at p. 23).

As for cumulative impacts, the SEIR found:

The approved and pending projects for the cumulative analysis are expected to have a minimal effect on traffic volumes along State Route 166, and would increase the V/C ratio by less than one percent. The proposed Project’s contribution to cumulative traffic impacts along State Route 166 would be less than significant...[and] cumulative oil truck accidents along State Route 166 would be less than significant. Implementation of the Applicant-proposed avoidance and minimization measures, as well as mitigation measure RISK-2 would reduce the likelihood of an accident by about 33%, and would further reduce the Project’s contribution to cumulative safety risk along State Route 166.

(SEIR at p. 4.5-32 and 33).

The analysis in the SEIR demonstrates that SR 166 can safely accommodate the Project. As stated in the paragraph above, the cumulative traffic impact analysis found a net increase of only

nine trucks per day using SR 166 compared to the current baseline once the SMPS is permanently shut down. This amounts to less than one extra truck on the road every two hours over a 24-hour period. The Planning Commission's position is that nine additional trucks per day on SR 166 is detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood based on a few public commenters. Again, this position ignores the substantial evidence in the SEIR and analyses presented by County Staff demonstrating that impacts to traffic are less than significant. Moreover, in the cumulative scenario, approximately 92 trucks that head west on SR 166 to SMPS will be eliminated after SMPS shuts down. (See SEIR at p. 4.5-35). Please note that the 92 trucks currently using SR 166 that will be eliminated may not be following the stringent safety measures that will be imposed on this Project.

Furthermore, County Staff determined that the Project and related mitigation are not detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood. Specifically, Attachment A to the Staff Report says:

2.1 LUDC DEVELOPMENT PLAN FINDINGS

Findings required for all Preliminary or Final Development Plans. In compliance with Subsection 35.82.080.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the review authority shall first make all of the following findings, as applicable:

5. The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area.

Potential public health and safety risks associated with the Modified Interim Trucking Project are discussed in Sections 4.1 and 4.3 of the Final SEIR, incorporated herein by reference, and include health risks associated with toxic air emissions from truck loading equipment and emissions of diesel particulate matter from truck transportation of crude oil. The Final SEIR Section 4.1 (Impact AQ.5) evaluated the project's Health Risk Assessment and concludes that the project's health risks due to toxic air emissions and diesel particulate emissions will be below the cancer and acute and chronic health risk thresholds adopted by the SBCAPCD Board. **Implementation of adopted conditions of approval will ensure the Project will not be detrimental to the comfort, convenience and general welfare of the neighborhood. These measures include vegetation management to improve visibility on Calle Real (Condition XX-6E), restrictions on the use of compression release engine brakes (jake brakes) on Calle Real to reduce noise (Condition XX-6F), limitations on trucking to avoid school bus hours (Condition XX-7C), speed limit restrictions on Calle Real (Condition XX-7D), and crossing guards at the Calle Real/El Capitan State Beach Road intersection on specific weekend days to avoid conflicts with recreational users (Condition XX-6G). Based on the analyses in the Final SEIR and as discussed in Table 6 of the**

September 8, 2021 Planning Commission staff report and incorporated herein by reference, the Planning Commission recommends that the Board of Supervisors finds that the proposed construction and operation of the project will not be detrimental to the health, safety, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

(Attch. A to Staff Report at p. 13 (emphasis added)).

Note that the Staff Report also makes the same finding regarding Section 35-174.7.1 of Article II of the Coastal Zoning Ordinance. (Staff Report at p. 17, Attch. A, section 2.2., entitled “COASTAL ZONING ORDINANCE FINDINGS FOR DEVELOPMENT PLANS”).

The Planning Commission also ignored County Staff’s conclusion that the Project complies with the land use elements in the Staff Report:

- Implementation of oil transportation safety, risk reduction, and spill mitigation measures adopted as conditions of approval of the Project would ensure mitigation of environmental effects of an oil spill to the maximum extent feasible.
- The Project is also consistent with Circulation Element Policy E (discussion below) which constitutes consistency with the roadway and intersection component of LUDP 4.
- Based on the foregoing, the Project is consistent with these Land Use Element, Coastal Land Use Plan, and Coastal Act policies.

(Staff Report Table 6 at pp. 32, 33)

County Staff’s conclusion was based on Section 4.4 of the SEIR which includes analysis showing that the Project complies with the County and Coastal Act policies and the required Land Use Elements. County Staff summarizes this discussion in the Staff Report and states:

6.9 Comprehensive Plan Consistency

The Project would be implemented pursuant to conditions of approval described in Attachment B to the Planning Commission staff report which are incorporated herein by reference, ensuring that the environmental impacts of the interim trucking operations would be mitigated to the maximum extent feasible.

In light of the unavailability of a pipeline, interim trucking of crude oil to the SMPS and Pentland Terminal may be allowed and, as conditioned, the Project is consistent with these County and Coastal Act policies.

(Staff Report at p. 30).

Notably, Caltrans reviewed the Project and did not object.⁶ The traffic analysis in the SEIR demonstrates that SR 166 has the capacity for the trucks and that the Project does not conflict with statewide safety thresholds. The risk of upset is addressed in Section 4.3 of the SEIR and in the Staff Report along with identified mitigation that substantially reduces the risk of upset.⁷ The Planning Commission also received the discussion and recommendations identified in the Staff Report that addressed the detailed analysis regarding traffic and circulation and the County's finding that the Project's impact upon SR 166 would be less than significant. Finally, a petition and comments in support of the Project were presented at the September 29 Planning Commission meeting. The petition (Attch. 5) includes residents that actually live in the closest vicinity to SR 166, and by signing the petition, they are effectively presenting their position that the Project is not a detriment to the comfort, convenience, general welfare, health, and safety of the neighborhood.

Despite this overwhelming evidence, the Planning Commission gave greater weight to the comments of a few public members who expressed concerns with aggressive and impatient drivers passing unsafely on SR 166 and many of whom reside nowhere near the Project, discounting the voluminous record and County Staff's recommendation supporting the safety of the Project. This amounts to a prejudicial abuse of discretion.

At the meeting, former Planning Commissioner Daniel Blough (5th District) expressed concern that denying the Project on the basis of truck traffic and aggressive drivers passing unsafely could set a negative precedent. Former Commissioner Blough suggested that such a denial may mean that projects to transport gasoline, chemicals, pesticides, etc., on County roadways, including SR 166, could not be approved due to concerns with aggressive drivers. The Planning Commission's concern with aggressive drivers should be addressed by the County working with law enforcement to curb aggressive driving rather than penalizing trucking projects that can be safely implemented.

The Board of Supervisors Should Not Follow the Planning Commission's Recommendation

The Planning Commission's recommendation to deny approval of the Project directly contradicts County Staff's analysis and recommendations that were based on the substantial evidence supporting approval. As such, the Planning Commission's recommendation to deny approval is without substantial evidentiary support, and instead is arbitrary and capricious. Thus, the Board should decline to follow the recommendation.

Should the Board follow the Planning Commission's recommendation to deny the Project, the Board would be making an unlawful decision because, among other things, that decision would be unsupported by substantial evidence. (Cal. Code Civ. Proc. §§ 1094.5(b)-(c), 1094.6(a)). "It has been said that 'if the word 'substantial' means anything at all, it clearly implies that such evidence must be of ponderable legal significance. Obviously the word cannot be deemed synonymous with 'any' evidence. It must be reasonable in nature, credible, and of solid value; it must actually be 'substantial' proof of the essentials which the law requires in a particular case.'"

⁶ SEIR Response to Comments Volume II. Caltrans letters dated March 15, 2019 and June 7, 2019.

⁷ The risk of upset analysis addresses potential failure and accidents associated with the crude oil loading operations in LFC, as well as trucking accidents along the proposed truck routes.

(Bank of America v. State Water Resources Control Bd. (1974) 42 Cal.App.3d 198, 213 [citing Estate of Teed (1952) 112 Cal.App.2d 638, 644].)

The evidence relied upon by the Planning Commission does not meet this substantial evidence standard. As explained above, the Planning Commission completely ignored the substantial evidence in the record, including the information provided in the County's SEIR and the Staff Report.

The Planning Commission dismissed the traffic analysis, statewide safety thresholds, and the opinion of Caltrans and transportation engineers that the Project would not exceed any safety or capacity thresholds on SR 166. The Planning Commission, instead, gave greater weight to the limited comments of non-experts expressing non-specific concerns that drivers may pass unsafely on Hwy 166. California courts have routinely struck down such arbitrary government decision-making. (See, e.g., *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 274 ["although local residents may testify to their observations regarding existing traffic conditions, 'in the absence of specific factual foundation in the record, dire predictions by non-experts regarding the consequences of a project do not constitute substantial evidence.'"] [citing *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1417].)

The Board of Supervisors Should Approve the Project and Adopt a Statement of Overriding Considerations

In conclusion, the Planning Commission's recommendation to deny the Project, based solely on the unsubstantiated comments of a few non-expert witnesses about the risks posed by the Project on SR 166, is completely rebutted by the voluminous record to the contrary in the SEIR, including the September 8, 2021 Staff Report. The risk of upset is addressed in the SEIR and Staff Report along with identified mitigation that substantially reduces the risk. The detailed traffic study, statewide accident thresholds, and mitigation measures identified in the SEIR, all provide substantial evidence that SR 166 can safely accommodate the Project. The County Staff's September 8, 2021 report properly recommended approval of the Project, which was based upon the County-prepared SEIR, analyses done by County-retained consultants, and information reviewed and provided by state and local agencies. The Board of Supervisors has the substantive information necessary to support making the findings of overriding considerations, certify the SEIR and approve the Project. Doing so will ensure the Board of Supervisors does not impair ExxonMobil's vested right to operate the Santa Ynez Unit pursuant to its Final Development Plan and prior Coastal Commission approvals. An approval would also be consistent with the Coastal Land Use Plan (republished June 2019), which acknowledges the importance of providing alternative methods of transporting oil:

Oil transportation is one of the key issues associated with oil development in Santa Barbara County...The County should assure that producers have access to competitive markets, however, the County need not provide unlimited flexibility to all producers. Since pipelines are not yet in place and may not be constructed to all refining centers, other methods of oil transportation are

needed for production that precedes pipeline construction and operation and for refining centers not served by pipeline. (Adopted by B/S 6/18/84, Resol. #84-284).

(Coastal Land Use Plan at pp. 66-67).

ExxonMobil, therefore, requests that the Board of Supervisors approve this temporary interim trucking project.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bryan S. Anderson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bryan S. Anderson
Asset Manager
U.S. Conventional – Santa Ynez Unit
ExxonMobil Upstream Oil & Gas

Attachment 1**2014 Santa Ynez Unit Employee and Santa Barbara County Vendor Expenses**

Expense Category	
Meals and Catering with local restaurants, hotels, caterers and grocers	\$ 1,870,227
Emergency preparedness (personnel, vessel, equipment, safety supplies and similar)	\$ 1,635,877
Employee compensation, benefits, travel and meals	\$ 19,273,394
Fuel purchases (marine and vehicle)	\$ 569,168
Professional services (ranging from laboratory to engineering and education)	\$ 529,582
Equipment leasing and purchases (ranging from heavy equipment to event rentals)	\$ 584,515
Purchases (ranging from office furniture to landscaping supplies)	\$ 181,823
Trade Services (ranging from landscaping, building maintenance and janitorial services, vehicle repair and maintenance to waste disposal)	\$ 3,520,018
Leases	\$ 293,270
Local fees, permits and prop tax	\$ 5,351,944
Total employee and SBC vendor expenses	\$ 33,809,818

Attachment 2



February 25, 2022

Santa Barbara County Board of Supervisors
105 East Anapamu Street
Santa Barbara 93101

Re: ExxonMobil – Trucking Permit and Santa Ynez Unit

Dear Supervisors,

The California Hispanic Chambers of Commerce (CHCC) is the largest regional ethnic business organization in the United States, representing the more than 800,000 Hispanic business owners in California. We submit this letter in strong support of the temporary trucking permit application submitted by ExxonMobil will enable the phased restart of its Santa Ynez Unit (SYU).

To put it simply, denying this temporary trucking permit is to deny a permitted business the right to operate under their permit conditions implemented by Santa Barbara County. I urge you to consider the negative impacts that denying this temporary permit could have for businesses trying to find opportunities in your County.

ExxonMobil shut down SYU operations in 2015 after a third-party pipeline rupture. Before the shutdown, ExxonMobil employed over 200 employees and 130 contract personnel at this location, most of them from surrounding communities. Additionally, for the ten years before the shutdown, ExxonMobil paid \$45 million in taxes to Santa Barbara County that went directly to local schools, public safety, and other county services. The CHCC believes the temporary trucking permit and phased restarting the SYU is vital for every working family in the Santa Barbara region.

Approving the temporary trucking permit will bring back local jobs and tax revenues for Santa Barbara schools and emergency services. It will also provide California with energy, which is better for our environment than bringing in oil from overseas.

We strongly support ExxonMobil in its efforts and urge you to recommend the approval of the temporary trucking permit.

Respectfully,



Julian Cañete
President & CEO

Attachment 3



805.967.2500
www.SBSCChamber.com
Mailing Address: 5662 Calle Real #204, Goleta, CA
93117 Visitor Center: 120 State Street, St F, Santa
Barbara, CA 93101

March 2, 2022
Board of Supervisors
Santa Barbara, CA 93101

RE: Support for the SYU Restart Project Temporary Trucking Permit

Dear Board of Supervisors

The Santa Barbara South Coast Chamber reiterates its strong support for the SYU Restart Project and urges the Board of Supervisors to approve the temporary trucking permit. On behalf of the many businesses we represent throughout the County, I ask the Board to be mindful that your vote today could have unintended consequences for *any permitted business* that operates here in Santa Barbara County.

If the Board votes against a temporary trucking permit for a permitted business to operate according to permit conditions set forth by Santa Barbara County, it would set a negative precedent for *any businesses* looking to find opportunities in our county, whether it be trucking or otherwise.

This project has gone through a rigorous environmental review process, and ExxonMobil has demonstrated their commitment to the safety of our communities, its employees, and operations.

Bringing well-paying jobs to our county has always been a top priority for the Chambers of Santa Barbara County and restarting SYU would do just that.

Nearly seven years ago, hundreds of workers and their families were displaced by the pipeline's shutdown. SYU's restart would allow a significant number of employees and contract personnel to return to their homes, restart their lives in the community, and spend local dollars in local businesses.

The Chamber supports the restart of the facility to bring back local jobs and revenues for Santa Barbara's schools and firefighting services. Thank you for your time and consideration on this important issue.

Sincerely,

KRISTEN MILLER | President/CEO
SANTA BARBARA SOUTH COAST CHAMBER OF COMMERCE (805) 967-2500 ext. 108 |
Kristen@SBSCChamber.com

Attachement 4



SANTA BARBARA COUNTY
DEPUTY SHERIFFS' ASSOCIATION
PO BOX 2526, SANTA MARIA, CA 93457

March 1, 2022

Attn: Santa Barbara County Board of Supervisors

On behalf Santa Barbara County Deputy Sheriffs' Association and our members who put their lives on the line every day to keep Santa Barbara County safe, I urge the Board of Supervisors to approve ExxonMobil's temporary trucking permit.

When it comes to public safety, every second counts. And when it comes to making sure law enforcement has the resources it needs to respond, every dollar counts. Reduced funding puts in jeopardy our ability to staff the County, maintain response times and protect all citizens. After nearly seven years, it's time for SYU to restart operations.

Restoring SYU to full production would inject millions of dollars into the local economy, which will have a positive impact on public safety resources. Restarting SYU could increase funding for the Fire Department by \$1.07 million annually and for other public safety and local services by \$1.8 million annually.

Santa Barbara County laws and regulations governing oil production and transportation are among the strictest in the world. The final EIR lays out strict safety and mitigation measures, adherence to which are a condition of the temporary permit. Since 2015, crude oil has been delivered to Santa Maria via trucks from other parts of California. Moreover, trucking will be limited during peak rush hours and will not truck on Calle Real during school bus hours.

For these reasons, Santa Barbara County Deputy Sheriffs' Association urges your strong support of Exxon's temporary trucking permit.

A handwritten signature in black ink that reads "Neil Gowing".

Neil Gowing, President

Santa Barbara County Deputy Sheriffs' Association



SBCDSA.ORG



INFO@SBCDSA.ORG



805.931.6648



I SUPPORT...

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- The temporary transport of crude oil until the pipeline is available, which will bring back local jobs, support public services and restore millions in tax revenues for Santa Barbara County schools, roads and emergency services.
- Producing oil locally under the strictest environmental requirements rather than importing from countries with less environmental and human rights standards.
- Oil transport by truck, when routes are planned with safety in mind and approved by the county.
- Good safety records: ExxonMobil was granted approval by Santa Barbara County in 2016 to use truck transport to empty crude oil storage tanks at LFC, which was completed without incident.
- Returning local jobs and tax revenues to Santa Barbara. Hundreds of local families have been displaced since the pipeline was shutdown.

Jason Korte	<i>Jason Korte</i>	1092 C Palomero Way
PRINT NAME	SIGNATURE	ADDRESS
Laura Studer	<i>Laura Studer</i>	Bx 258 New Cuyama, Ca 93254
PRINT NAME	SIGNATURE	ADDRESS
Ron Seary	<i>Ron Seary</i>	PO Box 72 New Cuyama Ca 93254
PRINT NAME	SIGNATURE	ADDRESS
Sarah Seary	<i>Sarah Seary</i>	" " " " " "
PRINT NAME	SIGNATURE	ADDRESS
ROBERT SEVENS	<i>[Signature]</i>	4804 SISQUOC ST NEW CUYAMA, CA 93256
PRINT NAME	SIGNATURE	ADDRESS
Sharon DAVIS	<i>[Signature]</i>	Cebrian ct New Cuyama, CA 93254
PRINT NAME	SIGNATURE	ADDRESS



I SUPPORT...

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