# MINUTES WHITTIER CITY COUNCIL ADJOURNED SPECIAL MEETING WHITTIER CITY HALL COUNCIL CHAMBER 13230 PENN STREET NOVEMBER 21, 2011

## 1. CALL TO ORDER:

The Whittier City Council met in an Adjourned Special Session on November 21, 2011. Mayor Warner called the meeting to order at 5:37 p.m. in the Council Chamber at Whittier City Hall, 13230 Penn Street, Whittier, California.

### 2. ROLL CALL:

COUNCIL MEMBERS PRESENT: J. Greg Nordbak, Council Member

Joe Vinatieri, Council Member Bob Henderson, Council Member Owen Newcomer, Mayor Pro Tem

Cathy Warner, Mayor

OTHER OFFICIALS PRESENT: Stephen W. Helvey, City Manager

Jeffrey W. Collier, Chief Assistant City

Manager

Richard D. Jones, City Attorney

Kathryn A. Marshall, City Clerk-Treasurer

### 3. PLEDGE OF ALLEGIANCE:

Assistant City Manager Mendez led the Pledge of Allegiance.

- 4. ORAL COMMUNICATIONS: None
- 5. CONTINUED PUBLIC HEARING CONDITIONAL USE PERMIT NO. CUP09-004 AND ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE SCH2010011049); APPLICANT: MATRIX OIL CORPORATION; CITY-OWNED PROPERTY WITHIN THE PUENTE HILLS LANDFILL NATIVE HABITAT PRESERVATION AUTHORITY AREA GENERALLY LOCATED NORTH OF MAR VISTA STREET AND WEST OF COLIMA ROAD IN THE CITY OF WHITTIER

[A verbatim transcript is attached and made a part of these Minutes.]

# 6. ADJOURNMENT:

Mayor Warner adjourned the City Council meeting at 10:53 p.m. to Tuesday, November 22, 2011 at 3:00 p.m. in the Council Chamber at Whittier City Hall, 13230 Penn Street, Whittier.

Respectfully submitted:

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Kathryn A. Marshall City Clerk-Treasurer In The Matter Of:

WHITTIER CITY COUNCIL

REDEVELOPMENT AGENCY

PUBLIC HEARING

)

TRANSCRIPT OF PROCEEDINGS
Whittier, California
Monday, November 21, 2011

Reported by: Dianne G. Slockbower CSR No. 10676

	1	Whittier, California, Monday, November 21, 2011
	2	5:37 p.m 10:52 p.m.
In The Matter Of: )	3	
)	4	
WHITTIER CITY COUNCIL )	5	MAYOR WARNER: Good evening. We're ready to
REDEVELOPMENT AGENCY ) PUBLIC HEARING )	6	begin our adjourned special meeting Whittier City
)	7	Council. Today is November 21st and role call, please.
	8	MS. MARSHALL: Council Member Nordbak.
	9	COUNCIL MEMBER NORDBAK: Here.
	10	MS. MARSHALL: Council Member Vinatieri.
	11	COUNCIL MEMBER VINATIERI: Here.
Transcript of Proceedings taken	12	MS. MARSHALL: Council Member Henderson.
before Dianne G. Slockbower, a Certified	13	COUNCIL MEMBER HENDERSON: Here.
Shorthand Reporter for the State of	14	MS. MARSHALL: Mayor Pro Tem Newcomer.
California, with principal office in the	15	MAYOR PRO TEM NEWCOMER: Here.
County of Orange, commencing at 5:37 p.m., Monday, November 21, 2011,	16	MS. MARSHALL: Mayor Warner.
at the Council Chambers,	17	MAYOR WARNER: Here.
13230 Penn Street, Whittier, California.	18	Nancy, would you lead us in the pledge, please.
102001 cmi succes, winders, cumorina	19	Ms. MENDEZ: Please rise.
	20	(Whereupon the Pledge of Allegiance was
	21	recited.)
	22	MAYOR WARNER: Mr. Helvey, would you announce
	23	the public where we have extra seating in case it's
	24	needed during the meeting, please.
	25	MR. HELVEY: Oh, certainly. Oh, I'm sorry, I
2	2	
INDEX	1	saw the empty seats out here, so I was thinking you just
CITY COUNCIL DELIBERATION AND CONSIDERATION	2	wanted me to have people sit down. No, we do have extra
	3	seating down in the lobby of City Hall there's a
	4	television down there so that you can watch the
	5	proceedings tonight. We are broadcasting live. So if
	6	the room becomes too full, if the officers could direct
	7	them down to the lobby to sit and watch the proceedings,
	8	it would be appreciated.
	9	MAYOR WARNER: Thank you. And Mr. Jones wo
EXHIBITS	10	you address why item number four is on this agenda and
	11	why we are not taking oral communications and then just
(None)	12	review for us where we are in our process.
(1.0.0)	13	MR. JONES: Where we are in the process is that
	1 4	we have concluded the public presentations with respect
	15	to the public hearing process. We have concluded the
	16	rebuttal portion by Matrix Oil Company and is now being
	17	returned to the City Council for their deliberation and
	18	consideration, that would include the various questions
	19	with respect to anything the Council may have of staff or
	20	potentially of Matrix or anybody else who's testified
	21	during the course of these proceedings.
		Secondly, this is an ongoing public hearing that
	17.7	SECONDLY, THIS IS AN ONEOTHE DUDING HEATING MAL
	22	
	23	began a couple weeks ago now and continues from date to

1 last week to this time and place, this location. It is 1 I can tell you from the last version that you had, but we 2 2 part of an ongoing specially noticed public hearing and also added some language at the request of Public Works 3 3 there is by Brown Act requirements no place at this point Department into section five under Grantor's reserved in time for public comment. That will obviously change 4 4 5 as we go back to our regular meeting scheduled tomorrow 5 MAYOR WARNER: Okay now, go back and tell us 6 6 night. There will be a chance for public comments during what document you're referencing. 7 7 that public meeting. MS. BARLOW: This is the draft conservation 8 MAYOR WARNER: Thank you. And I think when we 8 easement, the one that we distributed to you with the 9 last concluded -- I have to find mine -- we were going 9 memo, it was dated November 5th. We had made some 10 over the document that staff had given us; is that 10 changes that we'd agreed to with Matrix on November 8th 11 11 that were relatively minor in nature, but are correct? 12 COUNCIL MEMBER VINATIERI: November 15th memo. 12 incorporated to the draft you'll be receiving tonight. 13 13 MAYOR WARNER: Questions on that document. And MAYOR WARNER: Time out while we find that, all 14 14 I'm going to need a minute to locate it. right? 15 COUNCIL MEMBER NORDBAK: We left off page 17. 15 MAYOR PRO TEM NEWCOMER: The draft easement was 16 MAYOR WARNER: I'll have to find the --16 the second part of the document we're currently going 17 COUNCIL MEMBER NORDBAK: I believe we left off 17 18 18 on page 17. Could have been 16, but I have sticky notes MS. BARLOW: That is correct. 19 19 MAYOR PRO TEM NEWCOMER: Okay. And this on both. 20 COUNCIL MEMBER VINATIERI: I think it was 16. 20 document that we had tonight which has proposed 21 21 MAYOR WARNER: I remember where we left off, we conditions 80, 81, and 82 is --22 were getting ready to talk about the easement, I just 22 MS. BARLOW: That's from Mr. Henderson, and I'm 23 need to find the document. 23 sure he'll be explaining that to you when we talk about 24 24 MAYOR PRO TEM NEWCOMER: I thought we were the conditions. 25 25 The draft conservation easement, as I said we finished with that one. 6 8 1 MAYOR WARNER: No, we got to the --1 did discuss and agree to changes between the Habitat 2 COUNCIL MEMBER VINATIERI: I thought we got 2 Authority and staff and the project proponent on 3 to -- it was 18. 3 November the 8th. And then at the request of public 4 MR. JONES: Ms. Barlow's keeping notes. Ms. 4 works staff we have added to item number five, Grantor's 5 Barlow wants to let you know where you are. 5 Reserve Right, two new subsections F and G. 6 MS. BARLOW: Yes, we did get to the conservation 6 Subsection F would allow for the reservation of 7 easement and as you know we did distribute a revision of 7 the right to use the property for the placement of above 8 ground potable water facility within 500 feet of existing that today. 8 9 COUNCIL MEMBER HENDERSON: Kim, do you have an 9 above ground potable water facility; and G use the 10 10 extra copy of that? property for the placement of underground potable water 11 MAYOR WARNER: Where is that? 11 pipelines and appurtenances within 500 feet of existing 12 12 COUNCIL MEMBER HENDERSON: That's it. potable water facility. That was to ensure that should MAYOR WARNER: Okay, thank you. 13 13 there be a need to replace reservoir or similar 14 1 4 Kim, where is the distribution or the copy that facilities that could be done within the grant of the 15 15 you distributed today? conservation easement. 16 16 MS. BARLOW: I sent it out to you via e-mail but In addition to that, we received a few minor 17 this is --17 changes this afternoon from the Habitat Authority to some 18 MAYOR WARNER: So you're assuming we're home. 18 of the language. I have reviewed that and am comfortable 19 MS. BARLOW: I apologize. Mr. Adams is going to 19 with these changes, I'll be more than happy to go through 20 20 make copies of that right now. them with you. They are relatively minor in nature. 21 MAYOR WARNER: Most of us have worked eight 21 One is the name change for the Habitat Authority 22 22 hours and came straight here, so I apologize. to strike out the words landfill and native, which we 23 MS. BARLOW: It's not a problem. 23 kind of missed in the draft. 24 COUNCIL MEMBER NORDBAK: Some work 12. 24 The second proposed change is on page two under 25 MS. BARLOW: Most of the changes were clean-up, 25 the first condition and restriction, the sentence has 7

1	been added, The term shall expire no later than one year	1	says it's from Ben, is that the one?
2	after completion of the facilities.	2	COUNCIL MEMBER HENDERSON: That's correct.
3	MAYOR PRO TEM NEWCOMER: I need more help, Kim.	3	MAYOR WARNER: Or is that from you?
4	My page numbers are different. So this is item in the	4	MR. HELVEY: No, it's from Ben.
5	covenants number two?	5	MAYOR WARNER: Oh, maybe I do have it.
6	MS. BARLOW: Yes, the first item.	6	COUNCIL MEMBER NORDBAK: Yeah, November 15th.
7	MAYOR PRO TEM NEWCOMER: Number one item	7	MAYOR WARNER: Sorry, I'm not used to working
8	MS. BARLOW: Number one item.	8	all day.
9	MAYOR PRO TEM NEWCOMER: valuable	9	COUNCIL MEMBER HENDERSON: Kind of a stressful
10	consideration?	10	day anyway.
11	MS. BARLOW: Correct. And what the Habitat	11	MAYOR WARNER: Okay. So you guys want to talk
12	Authority has requested that we add is the sentence, The	12	about the conservation easement?
13	term shall expire no later than one year after completion	13	COUNCIL MEMBER HENDERSON: I could give a little
14	of the facilities.	14	background.
15	That is the request is that once the	15	We talked about this very early on that the
16	temporary staging area is finished being used that the	16	intent would be to allow the if the Council votes for
17	conservation easement will then go ahead and apply to	17	it the project would be allowed, but everything outside
18	that area within a year after the facilities are	18	of the outside of the project area, meaning, the actual
19	completed.	19	site itself, the roads and any other easements that are
20	The next change that they have requested is in	20	necessary for the operation of the project, everything
21	item number three prohibited uses, subsection A. The	21	else would be put under a conservation easement which I
22	additional language right after the term agricultural	22	believe the intent is that the Habitat Authority would
23	chemicals in line two of that section. They have	23	hold it and that would prevent any other types of
24	qualified that to say, With the exception of use required	24	activities on the property whatsoever. Whether it was
25	for invasive non-native plant eradication and/or habitat	25	another oil operation, a soccer field, any kind of
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1	restoration. We think that's an appropriate change as	1	industrial use of the property would be prohibited
2	well.	2	outside of that.
3	They have also modified subsection K of section	3	COUNCIL MEMBER NORDBAK: That would cover the
4	three, to change part one from fire breaks to fuel	4	other 1290 acres?
5	modification zones, which we believe is appropriate given	5	COUNCIL MEMBER HENDERSON: That's correct.
6	that the fuel modifications zones are what is discussed	6	Well, the residual part of 190 acres.
7		7	COUNCIL MEMBER NORDBAK: Right.
8	in the mitigation measures.  I've already read you the additional language in	8	COUNCIL MEMBER HONDERSON: And it it shows
9	five. And I believe the only other change is, again, in	9	that that this could not be expanded in any possible
10	the name of the Habitat Authority in the notice section	10	
			Way.
11 12	and with that, that is the conservation easement as it has been negotiated and as staff recommends it.	11 12	COUNCIL MEMBER NORDBAK: And we're talking on the surface, right?
13	_	13	COUNCIL MEMBER HENDERSON: That's right.
	MAYOR WARNER: Kim, I need a copy of that		
14	document that you gave us the other night.	14	Surface rights. Specifically the other issues, as
15	MS. BARLOW: The Staff Report?	15	mentioned to Kim earlier, is that Public Works was
16	MAYOR WARNER: It was the one that you guys gave	16	concerned about the reservoir there that over the next
17	us the last night that we met and we started asking	17	20, 30 years it might have to be replaced and so we've
18	questions about that. That's where we came to the	18	carved out areas where it can be reconstructed within
19	easement.	19	500 feet so that that wouldn't be a problem.
20	MS. BARLOW: Okay. I don't have any additional	20	Also we have added wording in here for
21	copies	21	exceptional situations. For instance, if there was a
22	COUNCIL MEMBER NORDBAK: The November 15th	22	closing of the ability to inject the formation water back
23	document?	23	into the formations, which is possible because the State
2 4	MS. BARLOW: with me.	24	is always upgrading these standards and so on and there's
25	MAYOR WARNER: Wait a minute. Is that it	25	a probation there right now on them, a hold, that they
	11		1:

1 might have to build, for example, a waste line out off of 1 COUNCIL MEMBER VINATIERI: No. 2 2 the property to properly dispose of the waste water and COUNCIL MEMBER HENDERSON: Kim, did you have 3 3 so that was included as well. anything further to outline? 4 COUNCIL MEMBER NORDBAK: I just want to make 4 MS. BARLOW: I'm sorry? 5 5 COUNCIL MEMBER HENDERSON: On the Peter Jahn sure we're on the same page and everything else is clear. 6 6 We're talking about on the potable water. We're talking Letter? 7 7 about the easement that it could be relocated within 500 MS. BARLOW: No, that was primarily the 8 feet -- we're talking about where the existing potable 8 environmental consultants response. 9 water is now, it has nothing to do with drill site. 9 MAYOR WARNER: Okay. As far as continuing 10 COUNCIL MEMBER HENDERSON: That's correct. 10 questions, do you want to ask general questions or do you 11 COUNCIL MEMBER NORDBAK: It's not an expansion 11 want to go to a specific document and go through 12 12 of the drill site, it's strictly relocation of the questions at this point in time? 13 13 potable water that's existing. MS. BARLOW: If I may, Madam Mayor, what we 14 14 COUNCIL MEMBER HENDERSON: Exactly and it's our would like to do as -- sine MRS did prepare a specific 15 15 potable water (inaudible) suburban or any other company. PowerPoint to address some of the issues that had come up 16 COUNCIL MEMBER NORDBAK: I just want to make 16 in the public comments and other issues, and we think it 17 17 sure everybody understands we're not talking anything could be very helpful to you in resolving and answering 18 18 that has to do with the oil property itself. some of your questions. It's a brief presentation, we 19 19 COUNCIL MEMBER HENDERSON: Right, right. would ask that you allow them to give that to you now and 20 COUNCIL MEMBER VINATIERI: I have a question for 20 then resume questioning. 21 21 Kim. MAYOR WARNER: Okay. 22 22 Kim, I noted here on the handout that there's an MR. PEREZ: Madam Mayor, Council Members, good 23 allegation regarding the fact that the project could not 23 evening, Luis Perez with MRS. With me tonight are also 24 24 be approved because of alleged conservation easements Craig Chittic, project engineer, and Ted Mullen project 25 25 over the property. I assume that you disagree with that biologist. 14 16 1 and for that reason we're actually doing this document 1 I think I wanted to start by clarifying 2 here; is that correct? 2 something that has come up a number of times and I think 3 MS. BARLOW: That is correct. 3 it's important to have for the record. 4 4 COUNCIL MEMBER VINATIERI: Thank you. MRS, again, was hired by the City of Whittier to 5 MAYOR WARNER: Okay. Other discussion in 5 complete the environmental document. We do not work for 6 regards to the easement? 6 Matrix, we work directly for the City. I know that there 7 7 MAYOR PRO TEM NEWCOMER: No. have been many misstatements in that regard and 8 MAYOR WARNER: So what page did you guys show we 8 considered it important enough to clarify again. 9 ended on? 9 Another item that I think it's important to put 10 10 COUNCIL MEMBER NORDBAK: 18. on the record is related to MRS's experience with some of 11 MS. BARLOW: That was the last issue that was 11 the oil and gas projects throughout California, both 12 12 addressed in our memo, as I recall. offshore and on-shore. Our company has over a 125 years 13 COUNCIL MEMBER VINATIERI: The last issue was 13 of cumulative experience within our office conducting 14 1 4 actually the Peter Jahn's letter. environmental review for on-shore and offshore oil and 15 COUNCIL MEMBER NORDBAK: Which we haven't talked 15 gas projects. And those projects include -- and I will 16 16 about. not list them here, unless -- if you want to ask us some 17 17 MS. BARLOW: That's correct. questions about those -- but we have worked for the State 18 MAYOR PRO TEM NEWCOMER: Now, that letter starts 18 Land's Commission, we also worked for the Minerals 19 19 on 17, so. Management Service, now the Bureau of Environmental 20 COUNCIL MEMBER HENDERSON: On ours, it's 18. 20 Management. We work for the counties of 21 21 You may have a different version. San Luis Obispo, also the county of Santa Barbara, city 22 MAYOR PRO TEM NEWCOMER: I do indeed. 22 of San Luis Obispo and we have a number of ongoing 23 23 MAYOR WARNER: All right. Does anyone wish to projects with them, and be happy to discuss any and all 24 discuss that item. 24 of those, if you wish. 25 COUNCIL MEMBER NORDBAK: No. 25 We also recently worked for the Department of

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Justice in a trial as expert witnesses; we worked on the behalf of the Department of Justice in a case against a oil company for an offshore project. So just to give you a little bit of an idea of some of the projects that we've worked on.

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So with that, we have a menu of things and I'm going to try to hit some of the items on the left here that you see. The items on the right are items that we have sort of as back pocket to respond to some of your questions if they come up with regards to those issues.

So to get us started, I know that one of the things that have come up repeatedly by members of the public is the issue of toxicity and health risk. And certainly it's an important issue, it's an issue that was thoroughly analyzed in the environmental document. There was a health risk assessment that was conducted as part of the air quality section of the document and it was found not to have any significant environmental impacts that could not be mitigated.

We also took a look, and I presented this information as part of the Planning Commission hearings, but we took a look at a project that existed -- I'm sorry -- that happened recently with the Baldwin Hills which is also a project that we were involved with closely, preparing that environmental document. And

communities. So if anybody was going to be affected presumably it was going to be the folks that are more closely living in that area and living for a period of time. So that was considered to be the study area, those were the selected census tracks.

And what they found was that from 2000 to 2007 the yearly death rate was 731.9 per hundred thousand persons in the oil field communities, and it so happened that for the L.A. County area it was slightly higher. The numbers are provided to you for -- just to give you the information. These are not statistically significant, as you can imagine. So they're fairly consistent, meaning, that there are no -- you're not seeing any significant difference in the death rates between the communities that surround the oil field and the communities in the L.A. County area in general.

COUNCIL MEMBER NORDBAK: Luis, on your area that showed the areas the study took in, how many feet, miles were you talking about in that?

MR. PEREZ: I believe it's one-and-a-half miles.

21 COUNCIL MEMBER NORDBAK: One and a half miles? MR. PEREZ: Yes.

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23 COUNCIL MEMBER NORDBAK: That would take all the 24 way past Lambert, okay.

MAYOR WARNER: And in your study did you

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there were a number of issues there where members of the public felt that an oil field that had been there for over a hundred years could have some impact health-wise to the members of the community in comparison or disproportionately in comparison to the members of the rest of the L.A. basin community.

As a result the Public Health Department conducted a study that was subsequently peer reviewed by USC scientists. And while I would not pretend to be an expert in health issues, what I have here is information that is directly from their assessments that they conducted.

So what they did -- what the County of Public Health Department did is they conducted an analysis of both death rates and patterns and that's based on County death certificates; they did an analysis of rates of low birth weight births and they used a county birth certificates for that; they did analysis of rates of birth defects also, and they used a California birth defects monitoring program; and they did analysis of cancer rates and patterns.

And so what they did is they looked and this figure shows you the location of the Inglewood oil field, also known as the Baldwin Hills area. And what they did is they used a census track data of all the surrounding

mention, forgive me if you did and I didn't notice it, but did you mention the criteria in the study area --

COUNCIL MEMBER NORDBAK: Yeah, I'm just thinking outside.

MAYOR WARNER: -- as opposed to the criteria that we're dealing with?

MR. PEREZ: Yes, and I -- the reason we're bringing this study up is to provide you with a -- this is the only one that is an existing oil field that has been operational for a hundred years where we can provide you with some analogous data. Now, keep in mind that this is an oil field that has been operational for a hundred years, over a thousand wells have been drilled during that period of time. And so the idea is if there was going to be a public health issue, a toxicity issue, it would occur -- or you would see it demonstrated here

in some of the data; either death rates, either cancer

1.8 rates, either birth rates, or so -- or birth defects.

> MAYOR WARNER: So it was a field with a thousand wells, but during this whole process we've heard questions from residents about different types of chemicals, et cetera, et cetera, that can be present or cannot be present. So those things that have been brought up, those actual chemicals that may or may not be present in our particular situation, were those same

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1 types of chemicals present in this field that was 1 death rates between the oil fields and the L.A. County at 2 2 large. Similarly California birth defects monitoring 3 MR. PEREZ: That's correct. Madam Mayor, as I 3 program analyzed all birth defects occurring between 1990 4 mentioned before, we did conduct a specific health risk 4 and 2002, and there were no difference in rates for oil 5 5 assessment for this project -field communities and L.A. County for the 29 categories 6 MAYOR WARNER: Okay. 6 of birth defects. 7 7 MR. PEREZ: -- that analyzes the impacts that And I make a proviso here there were actually 28 8 8 this project specifically would have. of the 29 where there was no difference. There was one 9 MAYOR WARNER: Okay. And I apologize if we 9 where there's a slight difference, not statistically 10 don't remember everything. And I'll just speak for 10 significant, but it wasn't related. It was related to 11 myself, but number one, this isn't my area of expertise, 11 limbs deformities, and there was no co-relation between 12 12 it is yours and I respect your knowledge. And so any type of chemical within the oil field that would 13 13 consequently, you know, I'm not going to remember every cause that type of limb deformity. So just to clarify 14 14 single thing I read and every single thing that has been the slide here. 15 15 said. And so I may re-ask the same questions. So I In addition, there were no elevated rates of 16 16 apologize for that, but it's probably good for our AML, which is -- or three other types of blood related 17 17 residents to hear it as well. cancers for any race or ethnic group, and it's a type of 18 18 MR. PEREZ: That's not a problem at all. cancer that is linked or these three types of cancers, 19 19 MAYOR WARNER: Sometimes I have to put those AML and the other three, are linked to petroleum products 20 20 questions in a different context. So thank you. and those are based on occupational studies. 21 21 MR. PEREZ: Madam Mayor, that's not a problem at MAYOR WARNER: Have there been studies done in 22 all, I'd be happy to answer any questions that I can. 22 other areas of the country with oil fields similar to the 23 COUNCIL MEMBER VINATIERI: Further question, 23 study that you're describing? 24 24 this particular field, when did you do this study? MR. PEREZ: There are a number of studies that 25 25 MR. PEREZ: The study was conducted last year. have been done. 22 24 COUNCIL MEMBER VINATIERI: And in this MAYOR WARNER: Just in general, do you find that 1 1 2 particular field is above ground pumping; is that 2 the results are the same? 3 correct? 3 MR. PEREZ: It depends on the types of 4 4 MR. PEREZ: That's correct. There's above -operation. Again, if you're dealing with an oil drilling 5 again, the similarities -- this is a site that has --5 operation and so we separate those out from something 6 that would have -- if there was going to be an impact, 6 that may be going on at a refinery or something like 7 7 this project would have -- this site would have more that, those are significantly different types of 8 8 impacts than the project that we're looking at. operations. And so we haven't found -- and in fact, a 9 COUNCIL MEMBER VINATIERI: Because of the nature 9 Beverly Hills case was won that did not find any 10 10 of the technology of this project? correlation between the potential cancers or other things 11 11 MR. PEREZ: The nature of the technology, the that were being seen in the community with the oil --12 12 size, the magnitude of the drilling planned that they're with the drilling that was going on there. So that was 13 13 exercising there, you know. What you're looking at in another one that's fairly recent that showed similar 14 1 4 particular are -- are there emissions, is there air information to what we were finding. 1.5 15 quality issues that could be causing potential problems One of the things that we had found in some of 16 16 to the community at large, particularly the community the health risk assessments that have been done is that 17 17 that is in the immediate vicinity of the oil field. your baseline is significantly elevated. And what the 18 COUNCIL MEMBER VINATIERI: Thank you. 18 AQMD has done, it is as a result mostly of particulate 19 19 MR. PEREZ: And so what we're trying to give you matter that comes from diesel emissions, diesel truck 20 20 here is a parallel of sorts, but a bigger project that emissions and that sort of thing. So you're getting a 21 21 has more impacts and then bringing it back to the project lot of cancer rates that are more related to living in 22 22 that we have here. proximity to highways and those are the sort of things 23 23 COUNCIL MEMBER VINATIERI: Thank you. that are going to elevate your cancer risk and mortality 24 MR. PEREZ: So, again, as I was mentioning there 24 rates and so on and so forth. 25 25 was no statistically significant difference in the yearly Okay. So moving out of the health risk issue, I 23 25

1 know that there were a number of comments related to MRS 2 not utilizing the 2010 data from the census versus the 3 2000 data. There were a number of reasons for that. One 4 of them was that when we were conducting the 5 environmental justice analysis the 2010 data wasn't 6 available. In fact, and as you see in the last bullet of 7 the slide there is some 2010 census data for the poverty 8 data in the comparison areas that we wanted to use that 9 was not available. So what we didn't what to do is we 10 did not want to show you a comparison in the 11 environmental justice section of the environmental 12 document that compared apples to oranges. Because we 13 didn't have all the data. So there is the mystery of the

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2000 versus 2010 data.

However, this slide shows you what the changes have been in 2010 data that we have available. And while there has been a decrease in the minority percentage in Whittier in the study area, there has been an increase in Hispanic percentage, not only in the Whittier area but also throughout. And this is a little confusing because people say to me and people were saying this to me as we were having the Radisson discussions for the Planning Commissions, What are you talking about, Hispanics are a minority? And the way the census data, and I'm sure most of you are probably aware of this, is that Hispanic is

are in the mitigation measures for traffic on Penn.

However, because there are no significant and unavoidable impacts, as a result of the project in that particular area, it also follows that there are no environmental justice impacts that disproportionately affect that area of the community, different from what it would affect others in other areas of the same city of Whittier.

MAYOR WARNER: And your standard for measuring significant and unavoidable impacts is what standard?

MR. PEREZ: Well, the standards that we use are the standards that are used for each issue area based on the thresholds of significance that were worked out with the City and that are part of the CEQA guidelines.

MAYOR WARNER: So is a standard in Whittier going to be different from a standard in another community or is it dependent upon the nature of the project?

MR. PEREZ: It doesn't depend on the nature of the project. In the majority of cases the thresholds of significance are adjusted from the CEQA thresholds and in the majority of those they're more stringent than what the CEQA guidelines are for general projects.

So the City has chosen to use some that are more -- the thresholds of significant are more stringent

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not a race, it's an origin. And so Hispanics -- we come in all kinds of different flavors and colors. And so it's hard to describe as one race. There are black Hispanics, there are white Hispanics, there are a number of Hispanics from different races. And so that's why the census now breaks it down in this way.

So we're not trying to hide anything. There is an increase of Hispanics. Hispanics is the largest and most rapid growing population in the United States. And so we do have that information, and that information was taken into consideration as part of the environmental justice analysis.

What we did find in the environmental justice analysis, particularly with regards to Penn Street, is that because there aren't any significant and unavoidable impacts and I know that people are concerned about traffic and the issue comes down to what the level of service is in that particular street. And the level of service continues to be at a -- it's a level of service that allows for the movement of traffic in an easy flow kind of fashion, and it doesn't amount to a significant and unavoidable impact in our analysis. There are some significant impacts that are mitigable. And there are mitigation measures that are included, some of which we discussed last time we met as to what the requirements

than some of the ones that are provided for in the CEQA guidelines that the State provides.

MAYOR WARNER: Thank you.

COUNCIL MEMBER VINATIERI: So as a follow-up to that then, what you're saying is CEQA has certain guidelines as to what constitutes significant; what you have done here is essentially determine significance based not only on the baseline CEQA determination, but you've actually gone above that so as to make something that someplace else might not be significant, in Whittier it is significant for purposes of what you're doing here?

MR. PEREZ: That is partly correct. I think what we have done is where the City had thresholds of significance that the City wanted to impose, that were different and more stringent than the CEQA guidelines we used those. Where there were no others we used the CEQA guidelines. If the City did not have a threshold, then we used the CEQA guidelines.

COUNCIL MEMBER VINATIERI: And the reason for that, I'm assuming from a policy standpoint, 'cause we want to make sure that the guidelines here is what constitutes significant is a notch or two or three above what would normally be the case in other communities or just under CEQA in general; is that correct?

MR. PEREZ: Yes, different jurisdictions choose

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to adopt guidelines or thresholds of significance for certain issues that are specific to their needs and you know, if you live in a community that appreciates, you know, fill in the blank, then your thresholds may be different from other jurisdictions.

COUNCIL MEMBER VINATIERI: Okay.

COUNCIL MEMBER HENDERSON: In general, the rating of streets is a statewide policy, isn't it? I mean --

MR. PEREZ: Yes.

COUNCIL MEMBER HENDERSON: -- there's certain state wide criteria. So we have A, B, C, D, E, F streets and your point is that while -- for example, Mar Vista might be a class F street now, and therefore any additional traffic might be a significant impact in that case. Here is a class A street and we're talking about Penn is a class A street and therefore it flows as well as any streets we have in Whittier.

MR. PEREZ: That's absolutely correct. And some of the designations are related to how many lights or how many sequences does it take for a person to get through a light. Now, if you're at Mar Vista at 5:00 in the afternoon and you're trying to get to Colima Road, it probably takes five or six light changes before you can get through. So it's no surprise that that particular

have added to the -- the document to provide for more caution in doing this. It was -- it's already part of the regulations and it's something that is done fairly regularly throughout California. So we give you a little bit of information there. The city of Whittier also has a resolution 4302 that addresses abandonment requirements and there are no significant impacts after regulations.

This is a bit of a caricature, so please bear with me, and it has to do with a number of geological discussions that have been brought up. This actually depicts some of the formations that are below the project site and also shows where the Whittier fault is located. Where you see that drilling rig -- let's see if I can get my cursor here. So where you see this rig here is the area where generally the project would occur. There was some discussion about whether the project -- the drilling project would traverse any aquifers.

Now, again, this is a caricature and it shows a very thick layer of water here, that is not necessarily how it is in the real world. But we wanted to try to show it to you in a way that was intelligible. And so as you can see, if you start drilling from this particular area because the Fernando formation, this shaley rock formation there, isolates the aquifer above it. And if you start drilling from this area you're not going to

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intersection or that particular road section is at a level of service F. And any additional traffic in that segment will be considered significant and unavoidable. So that's a very good example of that.

MAYOR WARNER: So at any time on Penn Street, if this project were approved, would the designation on the traffic on that street change?

MR. PEREZ: Madam Mayor, no. The level of service does not change adding -- superimposing the traffic that this project will have, will not change the traffic levels in -- on Penn Street.

MAYOR WARNER: Okay.

MR. PEREZ: That's why it was found not to be a significant and unavoidable impact.

There was some issues brought up about well abandonment. And I know the Applicant provided you a response to that effect and there are provisions within the division of oil and gas and geothermal resources for doing construction on top of and the proximity of previously abandoned wells. Some of that information is included both in the risk section, and I believe in the geology section of the environmental document. No additional mitigation was required as part of drilling near the existing abandoned wells because those are provided by regulation. There's nothing that MRS could

traverse, and you're not going to go through those aquifers. In the event that some water was encountered the layers below, those will be isolated by the fact that you would have casing that would be part of those wells. But the -- you know, if you think about how the water that we're talking about would be present within the first thousand feet and the way those geological formations are laid out, this is essentially why you wouldn't have that contamination of aquifers that people seem to be concerned about.

Also, this figure serves to depict the issue of drilling across the Whittier fault. What you show in the red areas is the areas that are potential targets for Matrix as they're going through. Those are the -- presumably some of the pools of oil that they're going to try to go after. It is unlikely that they would drill through the fault for a number of reasons. Mainly because there's probably no oil that they can go and acquire there, but you know they can talk about that some more. We did analyze that as part of the document. We did analyze going through the fault if they had to and we talked about the shearing and then I think one of you was reading off the document as to the -- what happens if the well is sheared and so on. But I think this helps depict a little bit of the geology of the site and how things

are stuck out there.

You don't have to read this, we went through this in quite some detail, but I wanted to just bring it up again, this is directly from the section of CEQA 15088.5 that talks about the requirements for recirculation of a document. Many times this was brought up in the comments that you heard about both the adequacy of the document and also as to whether the document needed to be re circulated as a result of Appendix O information. Some of the things that are here as your guidelines for what constitutes recirculation obviously do not apply to what Appendix O is.

And the main issue is that the project as has been refined in Appendix O serves to reduce environmental impacts and it doesn't change the severity to the point where it would raise the level in any issue area of any impact to go from less than significant to significant and mitigable or from significant and mitigable to significant and unmitigable. And so those are sort of the way -- the ways that you look at these things to try to determine whether you need to recirculate or whether you can add the information and it -- it's just part of the information that you can use for your decision making.

Now, we gave you a little bit of this so I will

we bring that up is because there was some discussion

about bringing in the 125-foot rig only for the purposes

3 of the testing phase and would that constitute a

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4 significant and unavoidable impact. And so if the impact

is short-term, I think we see many construction projects

6 throughout the state. I know in the city of Santa

Barbara they built -- they were fixing the Granada

8 Theater which is a historical building and they had

9 200-foot crane there for two-and-a-half years in the

middle of downtown beautiful Santa Barbara. And you
 never heard a complaint about it because it was temporary

in nature and the expectation was that it was going to go away. And so it didn't constitute a significant and

unavoidable impact, just to give you an example.

MAYOR WARNER: So in our community and I'm not sure of the timing, Jeff or Steve might be able to help us on this, but we have a regional hospital down on Washington Boulevard south of Whittier Boulevard, they built -- when did they build Shannon tower a couple years ago -- and now they're building another tower, and they've had a huge crane there for a long time, haven't they, Jeff?

COUNCIL MEMBER NORDBAK: Eighteen months. It left last month, I think.

MAYOR WARNER: Okay. And as I say prior to that

not belabor this. This is considered refinements and not an alternative. It fits within the project analyzing the EIR, it fits within the envelope of that project that we have in your document. Many cases, many jurisdictions, many decision makers choose to approve a project that is less than what was analyzed in that environmental document and that's perfectly appropriate.

What we do is we create for you a worst case scenario of what are the worst types of influx that could occur as a result of the maximum project, and there are many things that would fit within that that would have lesser impacts. And not because you have lesser impacts you would have to then recirculate. So that's the point of those slides.

There were some questions about visual impacts and the assessment of significance and visual impacts. I think I mentioned before when we did the presentation the first night, that is a very subjective issue and so you go back and you rely on CEQA guidelines and you rely on a number of other things to try to come up with what constitutes a significant and unavoidable impact. And so we -- what we have given you is some information on that. And also we talk about a time frame where, you know, if the impact is short-term, then usually they're not considered to be significant and unavoidable. The reason

they built another tower a couple years ago. So would that be a similar comparison as to what you're addressing in Santa Barbara?

MR. PEREZ: Madam Mayor, exactly. That's how people look at impacts. If they're temporary in nature, they're not considered to be significant and unavoidable.

MAYOR WARNER: Jeff or Steve, did we have citizen complaints about those cranes being there?

MR. COLLIER: Not to my knowledge, no.

MAYOR PRO TEM NEWCOMER: May I ask a clarification on that, is it the testing -- yeah, the testing period that would not be significant or are you saying that during the operation phase where they're drilling as many wells as they decide to up to our limit, would that be considered temporary?

MR. PEREZ: No, I think what I was saying and I think the question that has -- that was brought up was regarding whether if you were using 125-foot rig during the testing phase, which is a three-month or -- it's actually a three-month phase for drilling and then testing which means that the drill rig is gone, then you have, during those three months, that wouldn't constitute a significant and unavoidable impact. When you go and you extend it and go into five years of drilling, it no longer fits within our last bullet, which is one to two

1 years of a temporary situation. 1 to do, look at worst case scenario. But did you make any 2 MAYOR PRO TEM NEWCOMER: Thank you. 2 evaluation about the degree it would be hidden in the 3 3 MR. PEREZ: So Greg put together a visual other two possible sites? 4 4 simulation here that gives you the comparison between the MR. PEREZ: We know it would be less. It would 5 5 125-foot and the 80-foot rig. And the pink dot that you be less than what you're seeing. So this is 6 see near Colima is going to be the point from -- the 6 representative of the worst case scenario that the 7 7 vantage point that we're using to look at the rig. residents would see. 8 So as we move on -- and these are actually --8 COUNCIL MEMBER HENDERSON: I was just trying to 9 you can actually see the balloons. We conducted a 9 figure out -- you talking about -- I think we had a 10 balloon test of the site very early in the morning so the 10 discussion one day about it some time ago, about what's 11 meteorological conditions would allow for low wind and we 11 an intermediate use or one that is not there all the 12 12 could actually see it in a stable place at the exact time. And one scenario I know that Matrix had talked 13 13 location where the rig will be located. And so what you about was the -- some of the literature we've got on this 14 14 see here is the balloons at 125 feet and at 80 feet and is the possibility of using a shorter rig but only drill 15 15 then we have the depiction of what the drill rig would to 4,000 feet on an interim basis, whenever they would 16 16 look like at those same locations. So here you have the have the opportunity to drill shallower wells. Would 17 17 full rig from that vantage point that we pointed to you that affect your analysis at all about significant, 18 earlier in the plot plan and then here you have the 18 non-significant if -- and I don't know this would be the 19 19 case, I'm just trying to figure it out -- if you had a 80-foot rig. And so you see a significant reduction of 20 what you would see as a passerby from that particular 20 situation where you came in, say, with 125-foot rig 21 21 drill, say, three or four wells, then were able to take 22 COUNCIL MEMBER NORDBAK: Luis, do you happen to 22 that away for another six months or so while using the 23 have a view of that if it was green, the same color as 23 shorter rigs and so on, is that kind of analysis or do 24 24 the hills and shrubs? you simply say because this thing would go at least five 25 25 MR. PEREZ: We did not. We did not paint it years if they try and drill the 60 wells, that it would 38 40 green. Obviously if you were to paint it green, it would 1 still be a significant unmitigatable (sic)? 1 2 be subsumed with the background a lot better. 2 MR. PEREZ: I think what we did is we relied on 3 COUNCIL MEMBER NORDBAK: Okay. 3 the project description as given to us in the application 4 COUNCIL MEMBER HENDERSON: Luis, there are three 4 by Matrix which was a continuous drilling plan for five 5 drill pads outlined if they go to the full 60 wells, 5 years. That's what's in the document, that's what was in 6 which one did you test? 6 their project description. So we constrain ourselves to, 7 MR. PEREZ: I think we used the one that would 7 okay, if you're doing a five-year drilling program and 8 be the most visible, the southern one. 8 you're going to be there for those five years, that's 9 COUNCIL MEMBER HENDERSON: The one most 9 what we analyze. 10 10 northerly then. COUNCIL MEMBER HENDERSON: I see. 11 11 MR. PEREZ: Most --MR. PEREZ: We didn't get into the minutia of 12 12 COUNCIL MEMBER HENDERSON: Northerly and all the different permutations that you could have. 13 13 COUNCIL MEMBER HENDERSON: Again, worst case on-site. 14 14 MR. PEREZ: South. scenario. 15 15 COUNCIL MEMBER HENDERSON: No, northerly. MR. PEREZ: We use the worst case scenario. 16 16 MR. PEREZ: Well, north is up --COUNCIL MEMBER HENDERSON: Although, I'm a 17 17 COUNCIL MEMBER HENDERSON: Yes. little concerned about the five-year period of time 18 18 MR. PEREZ: -- and so if you're looking at because in looking at the environmental restrictions that 19 those, those would be less visible because you're looking 19 we've talked about certain times of nesting season and 20 20 at the ones -- that would be farther hidden into the other periods that they should not be drilling on a 21 21 canyon. We looked at the one that was farthest south 24-hour basis. I would guess it is much more likely they 22 22 because that one would be most visible. So we tried to would drill somewhere between six and eight wells a year. 23 23 It seems very difficult to me if you look at the timeline again look at the worst case scenario. to figure out how they could do that. Would that give us 24 COUNCIL MEMBER HENDERSON: I figured you did 24 25 25 'cause that would make sense, that's what you're supposed problems, though, as far as worst case scenario? 39 41

1 MR. PEREZ: I don't think that would give you 1 the one you were mentioning. 2 2 COUNCIL MEMBER NORDBAK: But you could mitigate problems for the worst case scenario. I think the idea 3 3 that by putting trees along there? of staying and going away or having the drill rig, going 4 4 away, coming back, I think it's contemplative within the MR. PEREZ: Yes. 5 5 COUNCIL MEMBER NORDBAK: Okay. environmental document that it would stay there. And we 6 MR. PEREZ: So this is with the 80-foot and then know from other projects that rigs are expensive, 6 7 7 companies are hesitant to let them go because then they I think the one that we talked about and had some 8 8 discussion was a little bit closer there at the end of may not be able to get them back to continue their 9 9 the Loop Trail Road. drilling program. So the idea that a drill rig would be 10 COUNCIL MEMBER HENDERSON: Yeah, that's where secured and then used consistently through the period of 10 11 time that they're going through the drilling program 11 you make the turn and go south. 12 12 is -- it's consistent with other operations in MR. PEREZ: Yes. So what we have here this is 13 13 California. with the trees staying, 'cause this is what is analyzed 14 It would be rare that they would let it go and 14 in Appendix O that the Eucalyptus grove would remain. So 15 15 then -- 'cause they don't have any assurances of when if you have that Eucalyptus grove remaining, you would 16 16 not see it from that particular vantage point. they could get it back and continue the program. So 17 17 COUNCIL MEMBER VINATIERI: Didn't we actually typically that's what we have seen. Matrix may tell you 18 18 differently, I don't know, but that's what we have seen talk about adding some further shrubbery and the like 19 19 along there? in our experience. 20 COUNCIL MEMBER HENDERSON: Okay. Thank you. 20 MR. PEREZ: I think, yes, the landscape plan 21 21 MR. PEREZ: I think we have a couple more just provides for some of that. It seems as if you really 22 visual simulations on this. 22 wouldn't need much there by virtue of what the simulation 23 Again, this is a slightly different location 23 is showing us. 24 24 with the pink dot there, then you have the 125-foot rig. We have been asked and it's been in the 25 25 And then, of course, you can't see it on this one, it's document, it's been in Appendix O, it's depicted in many 42 44 different ways with regards to the acreage that is below the trees there. Then we move slightly up there 1 1 2 2 affected by the project. So here we have another and then we take a look down, and we can barely see the 3 3 top of the rig there. Then, of course, if we go down to depiction of that. It gives you what the pad area is and 4 4 80-foot, you can't see it. I know that the concern is not a concern of the 5 5 environmental document, but there's a concern that it's Again, supportive of the idea that the lesser 6 rig would not be considered a significant and unavoidable 6 regarding the lease. That the lease agreement says that 7 7 the pad area must be seven acres or less. I think here impact. Now we're moving closer here and you can see the 8 8 you can see that the pad areas are 6.9 acres consistent rig there. Again, you know, one of the things that 9 happens with the painting is that if your background is 9 with the lease agreement. Again, this is not related to 10 10 the sky, perhaps the green would be a little bit more the environmental document. The total areas affected, 11 11 prominent. If your background is the hills, then it may 6.9 acres also. Then you have the secondary fire access, 12 12 be better that way. I don't know if you can have a the Loop Trail Road that's 1.7 acres. Then you have the 13 13 permanent fuel modification of both the roads and the two-tone rig or something like that. 14 14 COUNCIL MEMBER VINATIERI: Mr. Perez, my pads and those amount to 7.6 acres. And then 15 15 recollection -- if you go back one slide, please. That's construction disturbed area, which would be restored in 16 16 on the Deer Loop Trail there. And my recollection is place, this is temporary disturbance, so you have 17 17 there was going to be trees planted as you look, what is 4.9 acres of that for a total of 28.1 acres. 18 18 that northwesterly, there's a hole there where we had Then there was something that our biologist 19 19 wanted to include and that is potential noise impacts of talked about the first night there was going to be some 20 20 berming and planting of trees. So is the image that we operations and those encompass an additional 21 21 just looked at if you go forward again, is that really five-and-a-half acres. 22 22 depicted, is that an accurate depiction there? COUNCIL MEMBER HENDERSON: That noise impact 23 23 area, is that the same as the -- what you discussed MR. PEREZ: It is an accurate depiction. I 24 24 think the location that we had was a little closer. It's earlier in the north access road? 25 25 MR. PEREZ: It's -the next one that we have. So this is not a depiction of

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1 COUNCIL MEMBER HENDERSON: Is it for use on that 1 that you actually pulled out all the north access road 2 2 road? 3 3 MR. PEREZ: It's part of that road and also from MR. CHITTIC: For noise impact, yes. 4 4 COUNCIL MEMBER HENDERSON: For noise. And how the operation of the facility itself. 5 COUNCIL MEMBER HENDERSON: Okay. 5 much acreage was that? 6 6 MR. PEREZ: It's actually 5.49 acres, you may MR. CHITTIC: That was a little over eight 7 7 remember that number better. acres, I believe. 8 COUNCIL MEMBER HENDERSON: Yeah, okay, I wanted 8 COUNCIL MEMBER HENDERSON: Could you get that 9 to make clear. Because I think when you originally did 9 for me for later? 10 10 the analysis of prop -- excuse me -- of Appendix O, when MR. CHITTIC: Sure. 11 we removed the 9,000 truck trips -- the 9300 truck trips, 11 COUNCIL MEMBER HENDERSON: Thank you. 12 12 that you also removed the noise impact issue from that, MR. PEREZ: Yeah, I should point out that it was 13 13 the mitigation for that. a fairly noble thing to do to -- it was a new thing to do 14 14 MR. PEREZ: Some of the noise impact was reduced to analyze the noise impacts because -- on wildlife. And 15 15 as a result of the lesser number of truck trips going so that's why the averages are used, the hourly averages 16 16 through that area, but I think because you still have are used, which are typical for how noise analysis is 17 17 some trucks going through there and you have to analyze, conducted elsewhere. It's sort of a new way of looking 18 18 again, the worst case scenario. at things and trying to get at all the potential impacts. 19 19 COUNCIL MEMBER HENDERSON: Well, yeah, I mean, I We do know from other studies that have been 20 was kind of taken aback to see the 70 to 75 decibel on 20 done for the gnatcatchers they are fairly resilient to 21 21 your illustration of the trucks. So that's quite a bit noise. And I think the Montebello oil field is one of 22 outside of the 60 decibel range, so it's definitely going 22 those where they have the highest number of known pairs 23 to have some impact. 23 in California, I think, and they're immediately next to 24 24 MR. PEREZ: Yes, and the impact remain for the oil wells and they're fairly adaptable to that. 25 25 COUNCIL MEMBER HENDERSON: Yeah, the pad areas. 46 48 1 COUNCIL MEMBER HENDERSON: Yeah. gnatcatchers are tough. They'll actually nest under 1 2 MR. PEREZ: So you still have -- you know, a lot 2 landing fields, under jets coming in. They're very 3 of these 5.49 acres come from that. 3 tolerant of noise, not some other things. 4 COUNCIL MEMBER HENDERSON: And can you give me a 4 MR. MULLEN: Good evening, members of the 5 calculation of what you've done for the north access road 5 Council. My name is Ted Mullen. I'm the senior wildlife 6 as far as noise mitigation? 6 biologist. I'd just like to point out the level of 7 MR. PEREZ: You mean, splitting between how that 7 impact that we credited to this project is somewhat a 8 8 5.49 acres -- I think -novel approval. Using noise impacts hasn't -- I haven't 9 MR. CHITTIC: Madam Mayor, members of the City 9 ever done that before; using noise as a criteria for a 10 10 Council, when you reduce truck trips substantially, you loss of habitat is somewhat unusual. And so we already 11 don't have noise impacts along the north access road 11 took a fairly stringent view of loss of habitat. And so 12 12 beyond 60 decibels because it's an hourly average for the being that it was in a preserve, being it was a protected 13 noise. The higher number, the 70 number that we talked 13 area, we already went through a fairly stringent view of 14 1 4 about for trucks, is the instantaneous, the peek level, that. So that 60 decibel contour that we use, it was 15 15 that you experience as the trucks drive by whereas we do actually somewhat novel. And so if you can continue that 16 it on an hourly average. That's what the criteria were 16 up along the access road, means we don't have a great 17 17 used in the EIR. measure now to determine what that level of impact is. 18 COUNCIL MEMBER HENDERSON: I have a bit of a 18 The contour that we use, the 60 decibel, went 19 19 problem with that. Because the problem is, is what you all the way up that road. Then when we removed all the 20 20 get is this sudden noise, this startling situation for truck traffic on it, we still have the level of impact 21 animals. And that's more important than a constant noise 21 around the operational facilities, but nothing along that 22 22 that -- like a pump running or something like that is -road. So I just wanted to point out that we did take a 23 23 at least we found that. They become adapted to constant fairly conservative approach to this loss of habitat. 24 noise. Startling noises are very disruptive to the 24 MAYOR WARNER: Bob? 25 25 habitat and so I would wonder -- so you're telling me COUNCIL MEMBER HENDERSON: Yes, I'm done. 47

MAYOR WARNER: Please continue.

MR. PEREZ: Greg is going to give you the last couple of slides on air quality issues.

MR. CHITTIC: Madam Mayor, members of the City Council, one issue that came up last week was related to greenhouse gas emissions and how we had defined it as significant and unavoidable. And one of the differences that you have with greenhouse gases and the mitigation over other mitigation is the scope and the scale.

For example, this project will generate about 16,000 metric tons per year as a worst case, I emphasize, or about 130,000 tons over the 25-year life of the project.

In order to offset that amount it would take approximately 20,000 solar panels or about a 20-acre solar farm or installing systems on about a thousand homes. Another approach could be the planting of over a million trees planted and managed over 25 years. This is a significantly more challenging program than -- and just purchasing off the shelf catalysts, for example, that you can use on diesel engines that is done very commonly in California or requiring certain construction equipment that are readily available, this is just a substantially more involved program.

Another reason is historical case law. There

been a few e-mails back and forth, so that is a potential program that could be utilized. Although, South Coast hasn't been able to give a definitive answer about that.

4 MAYOR PRO TEM NEWCOMER: May I ask a question,5 Mr. Chittic?

MR. CHITTIC: Sure.

7 MAYOR PRO TEM NEWCOMER: Matrix had mentioned 8 they had a contract to allow purchase of offsets; is that 9 the forestry program or were those offsets of --10 different types of offsets?

MR. CHITTIC: No, those were different types of offsets.

MAYOR PRO TEM NEWCOMER: How would they work?
MR. CHITTIC: There are brokers who will look
for programs where they're doing things like planting
trees and they will utilize those and then turn around
and sell those to somebody like Matrix, for example, so
they act as the in between.

And from my understanding, it wasn't actually a hard and fast contract, it was just an initial stage of agreements. So I feel like they're relatively close, but it's a big enough program requirement that we still need and felt that it needed to stay significant and unavoidable.

MAYOR PRO TEM NEWCOMER: And if I could do one

are recent case law between Communities For A Better Environment versus Richmond was in exactly the same position, but they defined the greenhouse gas impacts to be less than significant with the same sort of come-up-with-a-program-type of issue and that went to court and it was found deficient because of divert mitigation for what it's called.

One of the problems is that mitigation needs to be feasible and have been definitively proven to actually work. And although you can certainly put in solar panels or plant a million trees, you need to actually have an existing program that's doing that, that the Applicant can buy into. Whereas I think that's possible we erred on the side of conservativeness to leave it as significant and unavoidable.

We also had a number of discussions with the South Coast AQMD with this project both at the admin stage and the public stage in terms of comment letters and phone discussions, and that's their preferred approach is to leave greenhouse gases as significant and unavoidable. The South Coast does have a program, though, a forestry program to plant trees in some of the fire areas, and we talked to them about that this last week and that looks potentially feasible. Matrix also touched base with South Coast about that and there have

more then, the distinction being it's now more a contracted concept and what you would need is, I'm going to buy X amount on the 13th of July 2014, and when it got to that level of specificity, then depending on the volume, it might do it, but since we don't have that and wouldn't have that ---

MR. CHITTIC: That's correct.

COUNCIL MEMBER HENDERSON: Greg, did I also understand that even if they were able to utilize the Southern California AQMD offset program, that they still wouldn't want to be found as significant unmitigatable?

MR. CHITTIC: If they had agreements with South Coast, one of the nice things about the AQMD is that they also do the verification and the monitoring, and if they could achieve that agreement then that would be a less than significant impact, yeah.

COUNCIL MEMBER HENDERSON: As I understand it -again, this is a worst case scenario. And it's very
possible that, depending on the amount of drilling
activity and construction activity and so on, that they
could fall below the significant amount, in which case
they wouldn't need to require to purchase it. So this
would be something that perhaps would be better handled
by a condition under the CUP to require them to purchase
necessary offsets whenever they found that they went

1	over, rather than to try to handle it as a CEQA issue,	1	to lose another court case I think is really the bottom
2	right?	2	line analysis. I understand that. I think as long as we
3	MR. CHITTIC: That's correct. It's entirely	3	would accomplish the goal of making sure that we were
4	possible that it would be less than 16 or less than	4	below a significant level in an enforceable way, I think
5	10,000 which is the AQMD threshold. When they actually	5	that's what we want to do. I think that's what our job
6	got to the point of operations and purchased their	6	should be to get it done. And I think that's much more
7	equipment and saw how much fuel was being used, et	7	important than saying it's a significant unmitigatable
8	cetera.	8	impact because we're going to take care of it.
9	COUNCIL MEMBER HENDERSON: Would you if you	9	MAYOR WARNER: So politics have entered into
0	put that in as a condition would you or maybe you	10	COUNCIL MEMBER HENDERSON: Yeah.
1	don't know this answer, but if you had it come up	11	MAYOR WARNER: the situation.
2	before would you put it in that they had to report on	12	Okay, all right.
3	some regular basis or does the AQMD take care of that for	13	COUNCIL MEMBER HENDERSON: And attorneys. Don
4	you? In other words, they have to report to AQMD what	14	ever forget attorneys.
5	their total tonnage is and therefore it would be known to	15	MAYOR WARNER: Yeah, we love them.
6	us to make sure it was enforced?	16	COUNCIL MEMBER HENDERSON: Sorry, Joe.
7	MR. CHITTIC: Yes. They would have to report to	17	COUNCIL MEMBER VINATIERI: Thank you, thank you.
8	the AQMD and that's actually a mitigation measure in the	18	COUNCIL MEMBER NORDBAK: We love some of them.
9	EIR. But they have to do annual reporting both to the	19	MR. CHITTIC: I think that's it for our
0	City and to the AQMD.	20	presentation. Any more questions? Any other questions?
1	COUNCIL MEMBER HENDERSON: Okay. Thank you.	21	MAYOR WARNER: So any more questions of MRS in
2	COUNCIL MEMBER NORDBAK: Greg do you happen to	22	regards to
3	know what how many tons of emissions comes out of a	23	MAYOR PRO TEM NEWCOMER: I have a question, I'm
4	diesel truck annually?	24	not sure if it's MRS but let Greg go.
5	MR. CHITTIC: It would depend on how far it's	25	COUNCIL MEMBER NORDBAK: Yeah, I have an MRS
	54		Ţ
1	driven, of course, but I can generate that number and get	1	question and I just want to make sure I understood it
2	back to you on it.	2	with Luis.
3	COUNCIL MEMBER NORDBAK: Well, I was thinking	3	On the first one you brought up the health risk
ے 4	about the hauls that come out of the Port of Long Beach,	4	was less than significant with the mitigations, that was
5	and I can probably	5	your first slide. And I assume that I don't assume
5 6		6	am I correct that the mitigations are included in your
7	THE COURT REPORTER: Mr. Nordbak, I'm sorry,	7	in this report and those mitigations have been
8	could you speak up?		
	COUNCIL MEMBER NORDBAK: Oh, I'm sorry. I was	8	recommended?
9	trying to figure out if we knew the number of tons coming	9	MR. PEREZ: Yes, those mitigation measures are
0	out of, let's say, a truck hauling out of the Port of	10	included as part of the air quality section.
1	Long Beach doing its runs up and down to the port and to	11	COUNCIL MEMBER NORDBAK: I wanted to make sur
2	the transfer area in Los Angeles per truck.	12	that was the case.
3	MR. CHITTIC: I can look into that and put it in	13	And this isn't a question, it's a comment.
4	some perspective, I mean.	14	While I appreciate you giving your company's biography
5	COUNCIL MEMBER NORDBAK: Thank you.	15	and list of accomplishments, I apologize to you for
6	MAYOR WARNER: So when we were discussing this	16	having to feel you had to do that. Because that was the
7	area before, Bob, I remember you were expressing concerns	17	exact reason why the City Council chose your firm to do
8	as to why this couldn't be made, are you okay with that	18	this. So, thank you.
9	now?	19	MAYOR WARNER: Joe, any further
0	COUNCIL MEMBER HENDERSON: Well, I'm not okay,	20	COUNCIL MEMBER VINATIERI: Not right now.
1	but I think there's actually the problem is that you've	21	MAYOR PRO TEM NEWCOMER: A couple.
	got a court case and you've got Southern California AQMD	22	In the report it mentions one shorter rig. I
		23	think it's the Ensign and it was either 75 or 85-foot rig
3	playing it extremely conservative and saying you're going	23	think it's the Ensign and it was either 75 or 05 footing
2 3 4	playing it extremely conservative and saying you're going to have to say it's significant even if you think you can mitigate it in some other way, just because we don't want	24	I believe it was intended to be a drilling rig, not

1	feasible for the five-year drilling of wells?	1	contract. Our approach has been to set up single year
2	MR. PEREZ: Yes, that was one of the rigs that	2	contracts for a specified number of wells, three, five,
3	we found with Ensign. Whether it's available or not is a	3	seven, to merge our drilling activity in with the biology
4	different question. But Ensign does have a rig that is,	4	constraints, some of the activities recreationally in the
5	I believe, 70 feet tall that could do the kind of	5	area. So we typically don't set up 36-month contracts
5	drilling that they would need for this project. It would	6	because we don't know that we're going to be but in
7	be a regular drill rig.	7	the context of how this has been analyzed, it's
8	MAYOR PRO TEM NEWCOMER: And with that, it would	8	technically possible to set up a long-term contract.
9	be out of site 'cause it's even shorter than the	9	
			MAYOR PRO TEM NEWCOMER: Thank you.
0	maintenance rig that you were showing us.	10	COUNCIL MEMBER NORDBAK: Mr. McCaskey, I though
1 2	MR. PEREZ: That's correct, yes.	11	you had also commented that, A, that it was not
	COUNCIL MEMBER NORDBAK: My understanding is	12	available; and, B, that it might not suit your needs for
3	that rig was not available; is that correct?	13	it because of the depth. I just don't want us to start
4	MAYOR PRO TEM NEWCOMER: And again, this would	14	going down a path of negotiations here and let the people
5	be for the operation phase, which is what, three years	15	involved think that we're approving something. Because I
ō	away from now.	16	want to go worst case scenario here. If it's not
7	MR. MCCASKEY: The shorter	17	available, I don't want to consider it.
3	MAYOR WARNER: Mike, wait just a second. I just	18	MR. McCaskey: Well, right now with the way the
9	want to double check process with Dick.	19	market is in California, we couldn't get the rig, one;
)	Are we fine in having the Applicant respond to	2.0	and two, from our anticipated program we wouldn't have a
L	questions at this point?	21	rig on-site for years on end. We have to use a drilling
2	MR. JONES: Yes.	22	rig and then move that rig out of the way and use a
3	MAYOR WARNER: Okay.	23	smaller what's called a pulling unit to complete and
4	MR. MCCASKEY: The new rig is an automated rig,	24	get the well hooked into the system. So there's a
5	called a Top Drive rig, is not available.	25	there's a bit of a consideration in our project with just
1	COUNCIL MEMBER NORDBAK: That's what I thought.	1	you having one rig on-site at any one time for not
2	MAYOR PRO TEM NEWCOMER: That's the same thing	2	only for noise, but for aspects of vendors and
3	as the Ensign?	3	construction not construction but worker activity.
4	MR. MCCASKEY: Yes.	4	You have two rigs, a drilling rig and a what's called
5	COUNCIL MEMBER NORDBAK: There's two of them, I	5	a production rig, you're going to have twice the amount
5	believe.	6	of people. Our
7	MR. MCCASKEY: Two rigs owned by Ensign. They	7	COUNCIL MEMBER NORDBAK: The reality is we're
8	were built especially for the client. They are assigned	8	looking at 125-foot rig.
9	to a minimum 36-month contract. And for our purposes a	9	MR. MCCASKEY: Well, for testing. If it's
0	three well test program that they're not compatible.	10	determined that we're going to develop shallow zones, we
1	MAYOR PRO TEM NEWCOMER: I understand that. I'm	11	will absolutely bring in a shorter rig, which is called a
2	not thinking about the test periods. I'm thinking about	12	double, an 85-foot rig, and we're happy to have that as a
3	the operational period which is the five-year drilling	13	condition. That wells drilled 4,000 feet or less could
4	window that starts three years from now, would and I	14	be developed with a smaller rig. Our drilling at
5	thought I had heard one of you or your colleagues mention	15	Sycamore Canyon was all done with a smaller rig. And
6	that given that time length, one could be ordered and it	16	those wells are typically 4,000 feet or less.
7	would be available. And so I wanted to check to see	17	COUNCIL MEMBER NORDBAK: Very good. Thank yo
3	whether I heard you correctly. So this would be for the	18	MAYOR WARNER: Bob?
9	operational, not the testing.	19	COUNCIL MEMBER HENDERSON: Why don't we
0	MR. MCCASKEY: The operational phase which is up	20	MAYOR WARNER: Go ahead.
1	to twelve wells a year and has been analyzed as a	21	MAYOR PRO TEM NEWCOMER: One other question,
2	continuous five-year program, it's theoretically possible	22	switching to the traffic on Penn.
3	if the rig were available and if we determine after our	23	MAYOR WARNER: Oh, wait, before you go to
	testing that we were going to drill the 52 wells, for	24	another subject, let's see if there's any other questions
4		147	anomer subject, for sister if there's any other questions
4 5	instance. Then you a client can sign for a multi-year	25	on this subject.

1 COUNCIL MEMBER HENDERSON: Yeah, just because 1 for a maximum of two. No more than one drill rig and no 2 you raised the issue, there was a little confusion in my 2 more than two workover rigs at any given time. So a 3 3 mind as to the condition about the number of rigs on the maximum of two on site at any time. 4 4 COUNCIL MEMBER NORDBAK: With that scenario is site at any one time. I mean, originally it was some big 5 5 number like eight rigs at a time which I think came out that a total of three? 6 6 of Baldwin Hills. But I think it's currently two at a MS. BARLOW: No. Maximum of two. So it could 7 7 time is the conditions. Now, is that appropriate, in be one drill rig and one workover rig or two workover 8 8 other words, is that the pulling rig as well as the main rigs. Never more than one drill rig. 9 9 MAYOR WARNER: That is what is in this current rig and what about possible work overages during the 10 period of time that you're going to be in operation? 10 redline version --11 MR. MCCASKEY: The drilling is, of course, done 11 MS. BARLOW: Yes. 12 12 with the drilling rig. All other work, including MAYOR WARNER: -- listing of the CUP conditions? 13 13 completing a well, running equipment into a well, and MS. BARLOW: Yes, ma'am. 14 14 then what's called workovers is just maintenance of some MAYOR WARNER: We're getting close to the time 15 15 of the older wells, would be done with a workover rig that our court reporter needs a break. So does the 16 16 which is also called a pulling unit. The CUP has Council have any further questions for MRS in regards to 17 17 provisions to allow for two rigs out on the site. their presentation that we just watched? 18 18 There's enough space in the construction design. The MAYOR PRO TEM NEWCOMER: Yes. 19 19 drill area is about two-and-a-half acres, which will --MAYOR WARNER: Regarding the presentation. 20 20 MAYOR PRO TEM NEWCOMER: Well, I think traffic all the work's done in a cellar. Technically, there's 21 21 enough room. As more and more wells are added, the was in there, but I can ask it later. 22 operations crew may need to have a pulling unit out there 22 MAYOR WARNER: Okay. Why don't we go ahead and 23 at the same time that a well is being drilled. 23 take a break now, and then when we come back we'll need 24 24 I believe our approach is going to be to have -to discuss how we want to proceed as far as asking 25 25 and it's good to have that flexibility. Our approach is questions. Like, do we want to go to our different 62 64 1 to have one rig out there because the crew would be 1 documents or just ask general questions. So think about 2 2 that. We can address that and then move forward. Thank twelve to fourteen people at any one time over the day 3 crew versus a night crew. We prefer to have continuous 3 you. 4 4 activity out there, but for biology and noise we'd like (Recess taken.) 5 5 to try to keep it to one rig out there at any one time. MAYOR WARNER: We're going to resume. 6 So I don't know if that really answered --6 And does MRS have anything else they wanted to 7 7 COUNCIL MEMBER HENDERSON: In other words, you 8 would have -- at some potential times you might have to 8 MR. PEREZ: Madam Mayor, a couple of quick 9 have two rigs, one pulling rig, one a -- or a workover 9 things just coming back on some of the questions that 10 10 rig and one the main rig at the same time. were asked during the earlier portion. One was related 11 MR. MCCASKEY: I think in the later stages, say 11 to the area affected by the noise along the north access 12 12 there's 40 wells out there and 30 of them are -- have road. We do have that as part of Appendix O, page 08, 13 been drilled and are producing. And as we add a new well 13 and under 3.2 Biology. And it does say, The noise 1 4 14 there's -- theoretically you could have two rigs out contour analysis in the EIR for the proposed project 15 15 there. There's enough space. We are going to try to describes noise levels higher than 60-DBA on 8.4 acres of 16 16 design the project to have one rig out there at any one native or naturalized habitat located along the north 17 17 access road due to soil hauling activities. 18 COUNCIL MEMBER HENDERSON: Okay, good. But that 18 Now, this was identified in the EIR as a 19 condition would be something that you could live with? 19 potentially significant impact. And with the design 20 20 MR. MCCASKEY: Yes. modification this impact would no longer occur because no 21 21 COUNCIL MEMBER HENDERSON: Okay. off-site soil transfer would have to occur. 22 22 MS. BARLOW: Could I just interject really And then it says, Construction noise levels 23 23 briefly on that issue? The way that it was approved by along the north access road to the design modification 24 the Planning Commission would allow for a maximum of one. 24 would be below 55-DBA average hourly due to construction 25 25 Staff did recommend a change in that language to allow traffic. Now, this doesn't address Mr. Henderson's 63 65

1 concern that there are some instantaneous noises there 1 session. In fact, the analysis was conducted during the 2 and because you're averaging them out, you're getting 2 week preceding finals at the school. So taking that into 3 3 less than the 60-DBA that we had talked about earlier. consideration, we went back to our traffic consultant, 4 4 In fact, it gets to 55-DBA. It's obviously up to Council sub consultant, that worked for us and we took a look at 5 to decide what to do with that, if you want to reinsert 5 all the Whittier College parking. And we counted all 6 the 8.4 acres, that's still part of the mitigation 6 the -- and so what this figure shows is where all the 7 7 measure in that issue area. There was also a question parking is located. And so what we did is we augmented 8 8 that I think Greg is going to address with regards to the baseline numbers that we had collected from that day 9 9 traffic, I believe. to add all the parking spots that could have been 10 MR. CHITTIC: Madam Mayor, members of City 10 occupied that day. And we actually went 11 11 Council, the question in regards to trucks. I wasn't ultraconservative, if you would, with all of those being 12 12 able to get the exact number of miles, but for a hundred occupied, plus the ones that we had measured on that day 13 13 thousand miles for a heavy duty truck would generate to compensate for the fact that the day that we measured 14 14 about 200 metric tons of CO2 equivalent a year. So the potentially could not have been the worst -- the worst 15 15 project would generate the equivalent of about 80 trucks. day. 16 COUNCIL MEMBER NORDBAK: Okay. Thank you. 16 So I just wanted to point that out to you that 17 17 And that was over the lifetime or is that this was something that was part of the public draft that 18 18 annually? was brought to our attention, it was corrected. The 19 19 MR. CHITTIC: That was for one year of truck -impact will still remain less than significant. 20 COUNCIL MEMBER NORDBAK: Thanks. 20 MAYOR WARNER: Any questions from Council on 21 COUNCIL MEMBER HENDERSON: Wait a minute. I 21 this or other matters that we didn't address this 22 22 didn't follow that, Greg, but did I say it was -- tell me evening? 23 again how much metric tons. 23 COUNCIL MEMBER HENDERSON: I have a list. 24 24 MR. CHITTIC: For a single truck --MAYOR WARNER: Well, right, right. 25 25 COUNCIL MEMBER HENDERSON: Yes. COUNCIL MEMBER HENDERSON: So, I mean, but it 66 MR. CHITTIC: -- running a hundred thousand 1 1 depends when you want to get going on --2 miles a year would generate about 200 metric tons of CO2 2 MAYOR WARNER: Right, okay. Thank you very 3 equivalent. 3 much. 4 COUNCIL MEMBER HENDERSON: Okay. I thought you 4 We all may still have some questions and I'm not 5 said ---5 sure what format my colleagues have their questions in. 6 MR. CHITTIC: The project would generate about 6 Do you have them on different documents? Do you 7 7 16,000. So it would be the equivalent of about 80 trucks have them from public speakers? So I want to know what's 8 on an annual basis. 8 your pleasure in how we approach our questions. Or do 9 COUNCIL MEMBER HENDERSON: Right. 9 you have them by subject? How would you like to proceed 10 10 MR. CHITTIC: Assuming they are a hundred at this point? 11 11 COUNCIL MEMBER VINATIERI: The way I've thousand miles a year. 12 COUNCIL MEMBER HENDERSON: Yeah, but you get it 12 organized it and this picks up from the first night that 13 down below the 10,000 significant it would be -- trying 13 we had. I went through the Staff Report and I have a 14 1 4 to figure -- 55, something like that. series of questions on the Staff Report and then as time 15 15 COUNCIL MEMBER NORDBAK: It would be 50. went by, we were given a couple documents last week and 16 16 MR. CHITTIC: Number of trucks, yes. Just a the week before. So I've taken those in the order we've 17 17 perspective about what level of emissions that is. received them. I have questions on some of those 18 MAYOR WARNER: Okay. Do you have anything else 18 documents, including Appendix O, as well as a letter that 19 or is that all of your previous presentation? 19 we received, I think yesterday or over the weekend, 20 MR. PEREZ: The one thing we did not talk about, 20 regarding the -- one of the ecological letters that we 21 21 and if we could go to the slide -- the PowerPoint received. So I just want to kind of go straight through 22 22 presentation, please. it that way. 23 There was a concern that we had done the study 23 MAYOR WARNER: Okay. Greg, any comments on 24 of Penn Street when we did our traffic numbers that we 24 25 25 had done them during a time when school was not in COUNCIL MEMBER NORDBAK: Yeah, I've actually 67

1 listed all my questions per all my notes on each night. 1 MAYOR WARNER: Let's go to the questions. 2 So I would prefer to just let the council members ask 2 Greg, would you like to start? 3 their questions and I will pull mine out as we go along 3 COUNCIL MEMBER NORDBAK: No, I would not. 4 as it relates to that particular question. 4 MAYOR WARNER: Start with Bob. All right. 5 5 MAYOR WARNER: Okay. 6 MAYOR PRO TEM NEWCOMER: Most of mine have been 6 And you know at some point we do need to have a 7 7 asked, I do have some more but any order will work. deliberation about this topic. So let's keep that in 8 MAYOR WARNER: Bob? 8 mind as well. 9 COUNCIL MEMBER HENDERSON: Well, I have three 9 COUNCIL MEMBER HENDERSON: These are addressed 10 pages of different notes. Mainly the conditions or from 10 to MRS. 11 the bio impacts that habitat is particularly focused on. 11 One of the items that we are concerned about is 12 12 THE COURT REPORTER: I'm sorry? the phasing of the restoration. I know that you've said 13 13 COUNCIL MEMBER HENDERSON: I don't think they'll in a reply letter that the Habitat has that alternative, 14 14 take very long to go through because we've got them but I'd like to see that specifically expressed. One of 15 15 pretty well organized, but there are a lot. the problems is that if all the mitigation is done and 16 16 MAYOR WARNER: And I have my documents, I have all of it starts at the time of construction, it really 17 17 them from public speakers and I have them from the CUP is overwhelming. It's about 70 acres, I believe, we'll 18 document. 18 get into that number a little bit later. But we'd like 19 COUNCIL MEMBER NORDBAK: Well, even my questions 19 to have the -- two things. One, that we'd be allowed in 20 on the documents, the CUPs, I've got all my notes the 20 certain cases to start any mitigation at the time it is 21 21 night they when presented. And actually, to be honest established as the project is going to go forward. In 22 with you, a lot of them were answered by the Staff Report 22 other words, if the Applicant is going to be making the 23 on the 15th. And then I had numerous ones again answered 23 permits and so on. There's a few small projects, for 24 24 tonight by MRS's follow-up. So I'm very appreciative. example, the one around the Colima Tunnel. It should be 25 25 I'm probably down to a handful of questions. started as early as possible because that screening 70 72 1 MAYOR WARNER: Okay. Well, if one of you want effect for the animals, which is mentioned there and then 1 2 to start, I guess that would be fine. And then if we're 2 the 25-acre re-vegetation project, some portions of that 3 covering a particular subject area, should we have each 3 need to get going early so that there's less disturbance 4 one of us jump in on that subject area if we have further 4 to the animals once you get to the project. So we'd like 5 questions? 5 to do that. That might give us six months to a year 6 COUNCIL MEMBER NORDBAK: That's the way I'd 6 advance over that. 7 7 Most of the projects could start near 8 MAYOR WARNER: Does that sound okay? I will 8 construction, but to try to do big hunks of land like, 9 tell you right now, 'cause I've got mine in three or four 9 for instance, all of the area between Canada Verde and 10 10 sources, I mean, I'll try to jump in, but after one of Arroyo Pescadero, which is a high priority for us. I've 11 11 asked our ecologist to work out a phasing plan so that it you finishes, I may need to go back to a particular 12 12 document and relook at it and ask. So if we're patient could logically be done and less disruptive to the animal population than just going in and say doing a 30-acre 13 and tolerant with one another --13 14 14 COUNCIL MEMBER NORDBAK: Good luck with that. block of property at one time. 15 15 MAYOR WARNER: I was bragging --COUNCIL MEMBER NORDBAK: Before you answer. 16 COUNCIL MEMBER HENDERSON: Do you know nothing 16 Bob, I have a question. When you're referring 17 17 about this Council? to that it's a priority to us. Are you speaking of --18 18 MAYOR WARNER: I was bragging this weekend --COUNCIL MEMBER HENDERSON: Habitat, I was 19 19 well, actually it was a student called for an interview, speaking of the Habitat. 20 a master student at UCI, last night. I was on the phone 20 COUNCIL MEMBER NORDBAK: I would appreciate you 21 21 with her for three hours, she was asking me how we got don't --22 22 COUNCIL MEMBER HENDERSON: I agree, thanks. along. 23 MAYOR PRO TEM NEWCOMER: Three hours? 23 COUNCIL MEMBER NORDBAK: Thank you. 24 COUNCIL MEMBER NORDBAK: I know, she called me 24 MR. MULLEN: Mr. Henderson, it was our full 25 25 intent that the Habitat Authority would have direct first, I hung up on her after I gave her your number. 71 73

1	contact with all the plans that were going to be created	1	was thinking, to get a baseline, that type of flexible
2	for all the restoration efforts. And Bio 1A specifically	2	study earlier instead of waiting for the
3	requires that all of the plan site preparation,	3	COUNCIL MEMBER HENDERSON: Yeah, you're not
4	implementation, specifications, maintenance, methods,	4	probably going to get a really good baseline on that.
5	performance standards, monitoring methods, documenting,	5	This is more of management tool as pointed out by MRS.
6	all these measures, they will be reviewed and approved by	6	The reason being that there's a permitting process that
7	the Habitat Authority.	7	we have to go through and we actually have to have
8	COUNCIL MEMBER HENDERSON: I know that, but it	8	permission to do those studies. So it could take several
9	also calls specifically for ultimately for most of the	9	months just to do that.
10	mitigation to start at the time of construction. It's	10	MAYOR WARNER: We being the Habitat?
11	specifically spelled out that way.	11	COUNCIL MEMBER HENDERSON: We being the Habitat
12	MR. MULLEN: And there's allowances still,	12	still.
13	though, that that can be modified in the monitoring	13	MAYOR WARNER: Okay. All right. And you say
14	mitigation monitoring plans.	14	there is flexibility for what Mr. Henderson is
15	COUNCIL MEMBER HENDERSON: I'd just like to have	15	articulating?
16	some wording in there so that it's clearer.	16	MR. PEREZ: Madam Mayor, we believe there's
17	MR. MULLEN: Certainly, agreed.	17	flexibility within the mitigation measure to already
18	MAYOR WARNER: So are you suggesting an	18	provide for that. If at some point later in the evening
19	additional item in the CUP?	19	or tomorrow if you take a vote and you want to include
20	COUNCIL MEMBER HENDERSON: No, I think MRS can	20	some modification to that language in the mitigation
21	suggest where to put it. I mean, if you can make a	21	measure in your process of certifying the environmental
22	clarification either in the FEIR or I would think that	22	document, we can add that language.
23	would be more appropriate in the mitigations sequent	23	COUNCIL MEMBER HENDERSON: But you'll have the
24	mitigations for the most part.	24	language ready for us, that's the main thing.
25	MR. PEREZ: Mr. Henderson, I think the language	25	The next item is you have a development of an
23	7.4		The next neith is you have a development of all
_		1.	
1	provides for that latitude. I think if you want a little	1	alternative site to access the Arroyo San Miguel Trail as
2	bit more latitude, then we can try to craft something and	2	part of a biological mitigation measure, Bio 4N. It's
3	come back to you with that that has even more latitude.	3	not a recreation measure, and we would like to have that
4	COUNCIL MEMBER HENDERSON: Yeah, we just want it	4	eliminated.
5	clearer so that nobody misunderstands.	5	MAYOR WARNER: We being?
6	COUNCIL MEMBER NORDBAK: And, again, to clear up	6	COUNCIL MEMBER HENDERSON: We being the Habitat
7	my question, Mr. Henderson, it's not that I'm not	7	I've told you.
8	concerned about the critters, but I don't want anybody to	8	MAYOR WARNER: All right, all right.
9	have the impression that the five of us have had that	9	COUNCIL MEMBER HENDERSON: The reason is that
10	discussion.	10	the access is not advantageous. This is the most we
11	COUNCIL MEMBER HENDERSON: I'll specify I'm	11	have most sensitive species in that canyon, the Arroyo
12	speaking right now only for Habitat and my position as	12	San Miguel. It's a trail that we try to manage for less
13	Chair of Habitat.	13	activity, rather than more. And putting an access site
14	MAYOR PRO TEM NEWCOMER: Bob, can I ask, would	14	in La Habra Heights off our property would be a very
15	it also be appropriate to do the same type of flexible	15	difficult thing to do anyway. We just don't think it's a
16	language for the animal studies that are listed in there	16	good management tool and we'd like to have it eliminated.
17	as well as the restoration or	17	MR. MULLEN: Well, speaking for the biology
18	COUNCIL MEMBER HENDERSON: Well, the you're	18	section, we were trying to reduce recreational use, so
19	talking about the	19	but the recreational access I'm going to have to pass
20	MAYOR PRO TEM NEWCOMER: Movement of the bobcat	20	that on to Luis or Greg in terms of the the reason why
21		21	that access was still permitted and discussed in the
	OOUNCIL MEMBER HENDERSON: The hobest one	22	
2.2	COUNCIL MEMBER HENDERSON: The bobcat one.		Biology section was that they still have recreational
	That wash that needs to make formered as assess	22	
23	That yeah, that needs to move forward as soon as	23	access. However, I think
22 23 24 25	That yeah, that needs to move forward as soon as possible.  MAYOR PRO TEM NEWCOMER: 'Cause that's what I	23 24 25	MR. CHITTIC: One of the reasons that that's in there is that we don't want to lose the recreational

1 access to that area. 1 Habitat Authority. And then it gives you any of the 2 COUNCIL MEMBER HENDERSON: We do. As managers 2 following or equivalent, is the way the mitigation 3 we do. It's over utilized now and to open the -- either 3 measure is written. 4 4 to open the San Miguel parking lot or to allow access So that the idea was, as Greg was saying, we 5 5 through the tunnel or to us, puts more access in from La wanted to preserve what we considered to be a potential 6 Habra Heights is not a good management tool. We're 6 impact to recreational users as a result of imposing this 7 7 suffering from too many peoples and dogs and things now mitigation measure for biological reasons and we wanted 8 8 and we're trying to manage it and still keep recreation to be able to essentially compensate for that, giving you 9 open. But to put another parking lot up there and to do 9 some latitude. And I think, again, if at the end of the 10 that it would require acquiring property, it would 10 night there's some -- or tomorrow there is some language 11 acquire them to pay -- the Applicant to pay for a parking 11 that Council as a whole or majority can vote on --12 12 lot. This is a big ticket item. I think we spent COUNCIL MEMBER HENDERSON: Oh, sure. 13 13 \$600,000 in Arroyo San Miguel when we did that. So it's MR. PEREZ: -- that we can certainly add that to 14 not a cheap or easy thing and it's not adding to the 14 it to reflect that. Now you have to somehow continue to 15 15 have the connectivity between the impact and the benefit of our primary management responsibility which is 16 16 for the animals, but we always try to have passive mitigation. There has to be a mitigation that 17 17 recreation where possible, but you can't overdo it. And compensates for that impact. 18 18 if you overdo it, you're overloading that very sensitive So if there's an impact on recreation from the 19 area, especially with dogs, it's a problem -- even though 19 structure of the environmental document, you still have 20 20 we have an on leash law, we pass out a lot of tickets for to have some sort of mitigation. And so that's why we 21 21 the violations of that and you've got gnatcatchers all wrote it with an equivalent type situation in 22 over that area, so. 22 coordination with the Habitat Authority. I just want to 23 MR. CHITTIC: I think one of the challenges that 23 make sure that we don't run too far afoul of what we have 24 24 we have is when the NOP is issued and in terms of what we found to be an impact, that all of sudden ends up without 25 see is baseline, that there is currently recreational 25 its appropriate mitigation to deal with. 78 1 access through that area. So that's what this EIR was 1 COUNCIL MEMBER HENDERSON: Yeah, one of the real 2 trying to retain was the existing baseline activities. 2 problems that we have, of course, is a lot of these 3 Now, if the Habitat Authority feels like they 3 mitigations are really nice. The problem is they do kind 4 4 want to change that in the future that's -- I'm not sure of put us in a straight jacket in some regards for 5 5 that that's an EIR issue. management, and I can talk about that for a long time 6 MAYOR WARNER: Was that addressed in the letter, 6 with you. 7 7 Bob, from the Habitat Authority? MAYOR WARNER: Bob, before you go on, I just 8 COUNCIL MEMBER HENDERSON: Yes, it was. And the 8 want to clarify and get some clarification from Kim, the 9 reason we're strong about it is if you're going to do it, 9 document that is under Tab G in our blue Staff Report 10 10 it would make a lot more sense -- if you have to have the that we received before we started our hearings, and I 11 baseline activity, and I'll leave that up to your 11 ask -- I just asked Bob about it, the letter from the 12 12 expertise, it would make much more sense to use the Habitat, that had several questions -- stamped page 547. 13 13 San Miguel Trail, but not the current trail because it MS. BARLOW: Yes, ma'am. 14 14 goes right to the end of the tunnel and you don't want MAYOR WARNER: Okay. And I asked Bob, the items 15 15 that activity there. But you could build an alternate that he's bringing up, these are actually all items that 16 16 trail down further towards the Hacienda Heights -- the came from the Habitat Authority and they were introduced 17 17 Friendly Hills homes, and do it that way, but we'd like as part of the public record; is that correct? 18 18 to have that alternative. MS. BARLOW: Yes, ma'am. 19 MR. CHITTIC: That's a good idea, yeah. 19 COUNCIL MEMBER HENDERSON: Yes. And then in 20 20 COUNCIL MEMBER HENDERSON: Okay. return there was a response letter from MRS that this is 21 21 MR. PEREZ: So, if I might, Mr. Henderson, I arising out of that. 22 22 think Bio 4N -- and sorry it took a little while to get MAYOR WARNER: Right, right. And so what Bob is 23 23 to it on my provider -- but it does provide for to doing is just articulating those same issues. 24 24 continue providing recreational access to the San Miguel COUNCIL MEMBER HENDERSON: I am, but in the 25 25 sense that they basically have been denied in the Trails and then it provide for coordination with the 79 81

1 response letter or not answered and I'm trying to get 1 would have to be determined whether So Cal would sign off 2 some clarification on these. 2 on that in an additional feasibility with So Cal Gas, so. 3 3 MAYOR WARNER: Right, right, okay. COUNCIL MEMBER HENDERSON: It's pretty intrusive 4 4 MR. JONES: That clarification comes to you as a and it's been a concern of the Habitat Board from the 5 5 council member? beginning. So we need to find a solution that would make 6 COUNCIL MEMBER HENDERSON: Yes. Okay, we come 6 much less of an impact, I mean, both from recreational 7 7 back and talk about the sound issue in a little bit on impact to -- there's got to be quite a bit of fire 8 the north access road. The other big problem on the 8 clearance as a structure, I would presume, if you have at 9 metered building is a problem for us. I don't know 9 least a hundred foot fire clearance around it. So you 10 10 that -- I never felt really that you've quite understood have a big fuel mod area that would have to be created. 11 11 I don't know about decorative screening because, again, the issues there. Because we're talking about a building 12 12 that would be -- that was described as a 20 by 30-foot the fuel mod question. So it is a concern. I'm -- we 13 13 single story building that would be visible from Colima would -- I would really like to see it in the site if 14 14 you're going to have it. I mean, you have to have it. I Road, would be visible from the Arroyo Pescadero Loop 15 15 Trail, is in the middle of Coastal Sage Scrub, and is -know you have it on your site in Sycamore. 16 16 should require, therefore, a lot of additional MAYOR WARNER: Then do you want some time -- do 17 17 mitigation, as well as, I think you've accounted for the you want -- Mr. Henderson, do you want to go on with your 18 18 Coastal Sage Scrub, but also fuel mod situation. questions and have them come back with a response, Bob 19 19 We had discussed at one point when we became 20 20 COUNCIL MEMBER HENDERSON: Well, that's fine. I aware of this, I think it was in the first -- the EIR, 21 21 whether or not it was possible to move that building. I mean, but this evening, I mean, we need a response. 22 22 MAYOR WARNER: Right. know Matrix was investigating the possibility of doing 23 that, and I wonder if you've been able to proceed anymore 23 MR. MCCASKEY: We could certainly locate it 24 24 about the possibility of putting it on the site rather there. We could also move the site from where MRS placed 25 25 than as a separate stand-alone building up near Colima it relative in their document and actually have it in an 82 84 area where there's no vegetation and also lower -- and 1 Boulevard. 1 2 2 also reduce the visibility without a building being put MR. MCCASKEY: You're asking me, Mr. Henderson? 3 COUNCIL MEMBER HENDERSON: Yes, I am. 3 around it. Our meter at Sycamore Canyon has a small 4 4 fence around it and is -- with plants around them rather MR. MCCASKEY: The gas metering -- the location, 5 there's quite a bit of leeway there. It was placed 5 than a building. So I guess my point is there is 6 initially near Colima, and I believe there's flexibility 6 flexibility. We could look at locating it in the seven 7 7 with the location of that. There's an area, particularly acres and we would also be working with the gas company 8 8 relative to whether they would have to own and manage the along the -- there's a service road there near the 9 parking lot where the -- the gas metering station could 9 pipeline through the Habitat. So that's --10 10 be located rather than in an existing area of vegetation. COUNCIL MEMBER HENDERSON: I imagine you 11 11 would -- you'd probably have to give them a conservation So there's flexibility there. It also doesn't have to be 12 12 all above ground, it can be built low profile with a easement over the -- the problem is in moving it back any 13 13 place between where it was indicated in the seven-acre fence around it and screening. I believe the rendering 14 14 in the EIR was hypothetical, just to have it stand out site is it's going to have to be on road as, far as I can 15 15 just as far as, this is the gas metering and here it is. see. I mean, you're going to have your pipelines running 16 16 We also looked at placing the metering station up Deer Loop -- not the Deer Loop Trail, I'm sorry -- the 17 17 inside the seven acres. It is possible, but the gas --Arroyo Pescadero Loop Trail. And so you're going to want 18 18 So Cal Gas would have to own and manage the pipeline to keep it right near there. 19 19 MR. MCCASKEY: Well, we would put the metering through the habitat over to our seven-acre site. So 20 20 there's certainly an option for that. But in our station inside the seven-acre site. 21 21 feasibility study with So Cal Gas the location of that COUNCIL MEMBER HENDERSON: That would be fine. 22 22 was selected right at Colima where they would own and MR. MCCASKEY: And then the gas company would 23 23 own the line all the way up to it. That's their manage the pipeline under Colima. And then the -- that 24 gives us more flexibility both in putting the pipeline 24 25 25 COUNCIL MEMBER HENDERSON: I understand that. over to our site, and so -- I think we've looked and it

1 And that wouldn't seem to be a problem to us, to the 1 MAYOR PRO TEM NEWCOMER: And I think we as 2 Habitat. But if it's a problem for you, I need to know 2 council members will keep track of the additional CUPs or 3 3 now. the additional items we want included. 4 4 MR. MCCASKEY: Well I don't think it's a problem COUNCIL MEMBER NORDBAK: Along that line, I 5 5 for us. We need to go back to the gas company. These would recommend counsel to -- I mean, legal counsel -- to 6 6 types of things are very flexible and we don't anticipate pay attention and make sure they don't assume something's 7 7 there would be a problem. been agreed upon with all five, before you --8 MAYOR WARNER: So as far as the verbiage 8 MAYOR WARNER: That's why I brought the whole 9 necessary in the documents that we're going to be 9 10 approving, unless there's objection from any of the four 10 COUNCIL MEMBER NORDBAK: -- you get 11 11 clarification. of us, will staff be correcting and/or --12 12 MAYOR PRO TEM NEWCOMER: Well, I think at this MS. BARLOW: We certainly will do that. 13 13 time it would be appropriate for any of us to make MAYOR WARNER: I don't mean to indicate there's 14 14 any objections to that particular item, but I want to comments for staff to have language that could do that 15 15 should the rest of us decide to do it. make sure we're being efficient as far as our process. 16 16 MAYOR WARNER: Right, right. Please continue. 17 17 COUNCIL MEMBER HENDERSON: Okay. There was a MS. BARLOW: That is what we'll do. We'll have 18 18 proposed revisions to mitigation measures and also to condition, number 23, which is a 25-acre restoration 19 19 Conditions of Approval. And in addition, whatever around the tunnel. That's the one that we would like to 20 additional findings we might need to make to address each 20 start at least some portion of that prior and we've 21 21 of the concerns that you are raising and then the entire already talked about if we have the flexibility to do 22 22 that. By the way, that would -- is planned to be a Council can consider whether or not to approve those. 23 MAYOR WARNER: Do you need us to give you a 23 seeded restoration, not using live plants. So that would 24 24 consensus item per item so that you know if you have a be of interest to Matrix, it's a whole lot cheaper. 25 25 consensus on whether or not to move forward? Condition 22, talks about the ranger residence. 86 88 MS. BARLOW: I don't think we need to do that, We have a concern that during construction that that 1 1 2 2 might become a situation where it's very unpleasant for Madam Mayor. 3 MR. JONES: But at some point in time we need 3 the ranger living there and would like to have the option 4 the direction. 4 that if it is a problem that the ranger be moved off-site 5 MAYOR WARNER: So are we going to end up giving 5 during the construction phase, rent a house or something 6 you direction on everything in one fell swoop or do you 6 like that during that period of time. It depends really 7 7 want us to respond? What if four of us just disagree on the -- on the staging and on the material storage. 8 8 with what Bob said? I watched again Mr. McCaskey's comments before 9 9 MS. BARLOW: If there's a clear consensus that the Planning Commission and it looks like you've cut that 10 10 you're not interested in modifying a mitigation measure down quite a bit on the staging area by doing off-site 11 11 or Condition of Approval, certainly it would be helpful staging and it may not be a problem, but we can't require 12 12 to us to know that. But what we would intend to do is a ranger to stay there if it's very noisy and so on, and 13 13 we'd provide you language for each of the different we would need some way to take care of that during that 14 14 issues that are raised and then you could tell us whether period of time. Is that something you guys could accept 1.5 15 incorporate it or not. as a condition? 16 16 MAYOR WARNER: We don't want to go back over the MR. MCCASKEY: I think we're assuming the ranger 17 17 would be relocated with a -- some suitable rental for a whole list again. 18 MAYOR PRO TEM NEWCOMER: I would say we go 18 residence. If it were during that construction activity, 19 19 should it be a problem, we think that's a reasonable through our questions and then at the -- when we're done 20 20 with that, we start the discussion of where we want to request. 21 21 go, do we want to do anything, do we want to --MAYOR WARNER: That's in -- that's articulated 22 22 MS. BARLOW: Yes. in number 22, isn't it, Bob? 23 23 COUNCIL MEMBER HENDERSON: Well, it's 22 -- it MAYOR WARNER: As long as you're keeping track 24 24 of all these things. was actually turned down. I mean, it was said that the, 25 25 MS. BARLOW: We're keeping track. as I recall, maybe I'm confusing it with one of the CEQA 87 89

1 mitigations, but it was not found that there was a 1 to do that at that time or do you need off-site storage? 2 significant enough impact that it be conditioned in the 2 MR. MCCASKEY: I think everything -- we're 3 FEIR. 3 anticipating the area we'll use for test drilling will be 4 COUNCIL MEMBER NORDBAK: So, Bob, you've 4 sufficient for -- it might be two acres, that we'll be 5 5 questioned 6, 8 and now 22, is that correct, and those using everything right at that one spot for the drilling 6 were all turned down, my understanding? 6 of wells, yes. 7 7 COUNCIL MEMBER HENDERSON: Well, they're not COUNCIL MEMBER HENDERSON: Okay, great. 8 8 fully answered in the case, it's probably fair to say. MAYOR WARNER: Before you go on where is the 9 9 MAYOR WARNER: Greg, you're referring to the off-site storage guidelines in any document, where is 10 numbers in the CUP? 10 that specified? 11 COUNCIL MEMBER NORDBAK: I'm referring to 11 MR. PEREZ: Madam Mayor, I think there's a 12 12 numbers in the letter from the Habitat Authority. couple of things that are a little confusing here. One 13 13 MAYOR WARNER: Okay. is within the project description there was a staging 14 COUNCIL MEMBER NORDBAK: On page 548, 549 at 14 area that was identified alongside the area near where 15 15 the ranger's residence is. When MRS looked at that area this point. 16 COUNCIL MEMBER HENDERSON: Well, condition 56 16 for staging there is approximately four acres, and we 17 17 refers to storage and it's a little unclear to us under moved that area farther north to move it away from some 18 18 what conditions. I think your testimony, Mr. McCaskey, sensitive receptors, namely, the school and also from the 19 19 has been that you would basically try to contain ranger's residence. So we have a mitigation measure that 20 20 everything possible within the seven acres, but if it relocates the four acres of staging area and equipment 21 21 became necessary to have other storage we'd like to have storage to that area a little farther away. Now, we have 22 that defined as to the amount, the length of time, and 22 a slide that we can show you that has that location and 23 that sort of thing, so that it's clear. 23 the specifics of that. 24 24 One of the problems is the term that's used What I'm hearing tonight is different from 25 often throughout these conditions is the leased area. 25 what's in the project description that we analyzed in our 90 92 And I'm not sure what that refers to. I would like some 1 document, and I think Matrix is suggesting that they do 1 2 more specificity put in there about what is the leased 2 not need a staging area at all. If that's the case, then 3 area. Obviously, we assume it's the site, the seven 3 a lot of -- many of these things then will no longer be 4 4 acres. And if that's the case, that's something entirely applicable. But I think there has to be some 5 clarification because the original project description, different. If it refers to the lease of the -- under the 5 6 1290-acre lease for oil exploration, then obviously that 6 including a staging area where equipment will be stored 7 7 gets totally out of control and we wouldn't have any overnight, where they would have to have piping, where 8 8 control of where storage areas were put. they would have to have a number of things that they 9 MAYOR WARNER: And so in regards to CUP item 56 9 would use for the construction the following day. And 10 10 that is addressing that, where does it say in any of the then we assume that it was going to operate typically how 11 documents where the off-site -- what the off-site storage 11 most of these projects do where there is a substantial 12 12 guidelines are; is that articulated anywhere? amount of staging that will be required both for the 13 13 MR. MCCASKEY: We're assuming the seven acres construction of the facilities and also for the pipeline 1 4 14 which is -- which should probably be defined as the construction. 15 15 drilling site, production site, is a sufficient size So it should be clarified if there's no need for 16 16 that -- the equipment that we're bringing on for -a staging area of those four acres, then that certainly 17 17 whether it be drilling or well work would be contained changes things from our perspective in the environmental 18 within that fenced area. And off-site leased area is 18 document and what was analyzed and the impacts of 19 19 where we would have other equipment that could -- might our (inaudible). 20 20 be necessary on an interim basis for whatever the phase COUNCIL MEMBER NORDBAK: I would be very 21 of the operation is and could be brought in and used and 21 surprised if Matrix is saying they don't need a staging 22 22 then taken off. So it's -- we're anticipating working area. Could Matrix have a conversation on that? 23 23 all within our seven-acre area. MR. MCCASKEY: Well, I believe that item 56

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talked about oil field storage.

COUNCIL MEMBER NORDBAK: Correct.

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COUNCIL MEMBER HENDERSON: Okay, that's great.

Is that also true during the test drilling, are you able

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1 MR. MCCASKEY: So I was speaking to when our 1 clarification on CUP condition number 56 that says, 2 facility is set up. I believe that the four acres was 2 Storage of equipment, There shall be no storage at the 3 set up as a potential staging area. When we did a 3 oil field of material equipment, machinery or vehicles, 4 4 construction plan and it's worked out with the City, which are not essential to the oil operations. All 5 5 we'll use every measure to have off-site parking, non-essential equipment shall be removed from the oil 6 off-site use rather than using four acres, but I believe 6 field within 30 days from the date they become 7 7 that it's practical to have -- analyze that; and the EIR, non-essential. Unless time extension is granted by the 8 8 it's also practical that when they're initially building Director of Public Works. 9 9 the site, relative the amount of equipment, whether it's Is this talking about four acres or is this 10 four to eight or however number of equipment that will be 10 talking about off-site or both? 11 11 out there, that they're going to start clearing seven MR. MCCASKEY: This is talking about once the 12 12 acres. There isn't a cleared seven-acre site. So seven-acre site is built, then we're not going to be 13 13 they'll be coming in and starting from a certain point. storing vehicles and equipment around outside of that 14 1 4 So I think that having analyzed that, it's not that we seven acres. 15 15 MAYOR WARNER: So I would think this condition anticipate needing it or using it for an extended period 16 16 of time, but once the seven acre site is cleared, there's needs a greater degree of specificity. 17 17 plenty of space to work within that area for not only COUNCIL MEMBER HENDERSON: I think the idea 18 18 building the site up, housing, equipment for drilling, there is just make sure that materials and vehicles and 19 19 and/or staging the potential pipeline work from there equipment are not just left on the site year after year 20 20 rather than using an area over by the residence. if they're not being used. If they need them now, they 21 21 COUNCIL MEMBER NORDBAK: No, I agree. But to can use it and -- but as soon as that becomes something 22 22 get the project going it's my understanding you are going they don't need, for whatever it might be, whatever kind 23 to need a staging area prior 'til you get your pad area. 23 of machinery, it has to get off within that specified 24 24 MR. MCCASKEY: That's right. 25 25 MAYOR WARNER: And will that be off site? MS. BARLOW: If I may, Madam Mayor, this was a 94 96 1 MR. MCCASKEY: We'll have two. We'll have --1 condition that was drafted and recommended by staff and 2 we'll have an off-site area for using equipment, then 2 the condition was exactly what Member Henderson is 3 taking equipment back out; but then the four-acre area, 3 referencing. It was specific to the site after 4 4 whether we use the whole area or not, initially, we would construction during operations and to keep unnecessary 5 5 have two. equipment from being left there indefinitely. 6 MAYOR WARNER: So where is the off-site area 6 MAYOR WARNER: So having heard our discussion is 7 7 going to be? Does off-site mean completely out of the there enough specificity in that condition to make it 8 Habitat or does it mean outside of the seven acres? 8 clear? 9 MR. MCCASKEY: Outside of the Habitat. 9 MS. BARLOW: I think that staff feels that it's 10 10 MAYOR WARNER: Where will that be? sufficiently specific for staff to be able to ensure that 11 MR. MCCASKEY: Well, we haven't located a site 11 it's complied with. 12 12 yet. We would have to get a commercial real estate MAYOR WARNER: Okay. Bob? 13 13 COUNCIL MEMBER HENDERSON: Okay. Condition 58 vendor and find a suitable two-acre, three-acre site 14 14 where we could store vehicles or stage vehicles relative seems like a small thing, but we think it's important, 15 15 to a traffic plan. So we have to find that. it's automated gates. And our experience in Sycamore 16 16 COUNCIL MEMBER NORDBAK: But, Mr. McCaskey, the Canyon has been that it's really difficult to control 17 17 four acres is still inside the plan? access if you leave it up to a particular truck driver 18 18 MR. MCCASKEY: Yes. coming in to make sure he goes back and locks the gate 19 COUNCIL MEMBER NORDBAK: That's the one, Cathy, 19 after he's in and then locks it again when he goes out. 20 20 that's next to the ranger station. Are you going to have the -- is that entry going to be 21 21 MAYOR WARNER: Right. monitored? Is there supposed to be a security guard 22 22 COUNCIL MEMBER NORDBAK: So you're talking about there or anyone else? I think I read someplace that you 23 23 a secondary site, off-site, which could be somewhere, it did have one at Catalina entry. If it is, it would seem 24 24 could be in Pico Rivera, we don't know. like it would be an easy thing for somebody to push a 25 25 MAYOR WARNER: Right. So I'm still looking for button and let them in and out. I don't know if it's 95 97

1 feasible to give everybody a clicker that would operate 1 document. And I think the distinction is one where the 2 2 on it. But it's really important to get those gates only party that could dispute this will be the Applicant. 3 3 closed. We get people wondering in, we've had trash The legal basis for you to require it can only be 4 4 dumped in Sycamore on more than one occasion when the disputed by the Applicant. So if the Applicant 5 5 people come in the gates and dump stuff. So I'd like to acquiesces to that condition for that mitigation measure, 6 6 see the automated gates, unless there's really a reason I think, you know, maybe I'm speaking legal language that 7 7 I shouldn't be speaking, somebody else should be doing 8 MR. MCCASKEY: I think in the initial testing, 8 it. 9 we'll have -- we'll set up a monitor there at the gate to 9 COUNCIL MEMBER HENDERSON: I do it all the time. 10 10 open and close for vehicles and that would be during the MR. PEREZ: I'm overstepping my bounds, I've 11 entire test period. And then if it's possible, working 11 done too much CEQA too long, I think. But that's 12 12 with Habitat Authority relative to the gate, set up essentially what it is. 13 13 something that's more automated. We think that would be COUNCIL MEMBER HENDERSON: Okay. This is a long 14 14 reasonable technology to apply there. So that the gate one, let me just absorb it here for a second. 15 15 is closed and not left open, yes. This goes back to this speed situation in the COUNCIL MEMBER HENDERSON: Okay, good. Going 16 16 north access road again. I believe that Bio 4A dash --17 17 back to that general comment about leased area where Mr. through C, which includes things like noise buffering, 18 18 McCaskey has said that it would just be the actual site light shielding, traffic calming, and ten mile an hour 19 19 speed limit and brakes in the K-rails, the -- there is of the plan, but 70 -- number three in condition 70, 20 that's another problem where you have that leased area of 20 some concern about the ten miles per hour. I think that 21 21 confusion. So I'd like to see all those corrected. you said that they would use engine braking. We did a 2.2 Condition 74 -- I'm sorry, that one was mine. 22 little bit of research and it appears to us that it would 23 Okay. You mentioned, Mr. Perez, that mitigation 23 have to use a J-brake to accomplish that. Can you be 24 24 measures cumulative Bio 1C which is the bobcat study is more specific about that or is that what you consider to 25 25 only recommended. I would like to have a strong be a J-brake? 98 100 MAYOR PRO TEM NEWCOMER: I thought fifteen had recommendation that that actually be implemented as a 1 1 2 2 been replaced. I thought ten had been replaced with condition. If you have problems with it in being in the 3 bio deal, we can put it in the CUP conditions instead, if 3 fifteen. 4 COUNCIL MEMBER HENDERSON: Well, ten is in here you feel better about that. 4 5 MR. PEREZ: Mr. Henderson, I think what we 5 in this mitigation and then later is recommended fifteen. 6 clarified was that our biologists felt that it was 6 And then the Applicant wants fifteen, because they feel 7 7 there are certain parts of the road that are so steep important to have and they recommended it as a mitigation 8 8 that a heavy truck coming down it might not be safe. The measure, but that there was no specific nexus for it when 9 we looked at it that would require it. So it is why it 9 area --10 10 was left as a recommended mitigation measure. And I know MAYOR WARNER: When we had that presentation 11 11 from them on that J-brake thing at the hotel, was there I mentioned this before, the attorneys hate recommended 12 12 mitigation measures because they're not really some kind of a consensus reached at that time as to which 13 13 enforceable per CEQA. So I think the way it would work was the preferred? 14 14 COUNCIL MEMBER HENDERSON: Well, no. I mean, it with the recommended mitigation measures, I believe we 1.5 15 have two others within Water Resources, would be that was a presentation to inform us and it made -- good 16 16 when you take your action that whoever makes the motion, thing -- we still have -- Habitat still has some concerns 17 17 if the motion is for approval of the project, that they about it and I would suggest that maybe a solution would 18 18 would include in the motion the recommended mitigation be that there be a traffic study performed, and if it can 19 19 be shown that there is a true safety issue regarding the measures in the environmental document. 20 20 COUNCIL MEMBER HENDERSON: Okay. But you're certain portions of that -- of that road which is not all 21 21 good with leaving it in the environmental document? extremely steep, just certain portions of it, if it can 22 22 MR. PEREZ: We left it -be shown that there really is a safety situation, then 23 23 COUNCIL MEMBER HENDERSON: As long as we perhaps the 15 miles per hour can be used in that area. 24 24 specifically call it out? But otherwise we would really like to see it cut down. 25 25 It seems like a noise situation and there's no evidence MR. PEREZ: We left it in the environmental

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1 that's been submitted that says that it would be as safe 1 there's still the issue of how it impacts with animals, 2 2 as ten miles per hour for the animals crossing, so. which isn't addressed by noise. 3 3 MAYOR WARNER: Who's responding to this? COUNCIL MEMBER HENDERSON: Well, that's right. 4 4 MR. PEREZ: Mr. Henderson, I think we provided We still have the speed issue and stuff. I just was 5 5 the information that we saw fit. In fact, I think we thinking if possible to have a study and say it really is 6 6 showed that with the 15 mile per hour there would be less safe or not. I mean, we don't want anybody to get hurt 7 7 noise that would occur to the animals. I think, again, obviously, but we also don't want animals to be killed 8 8 at the end of the day in your motion, whoever's making and we don't want a startling situation --9 9 that motion, if they choose to include this, and if you MR. CHITTIC: And we didn't come up with any 10 have sufficient number of votes, I think it's something 10 conclusion about the safety issue, so that's a reasonable 11 that can be changed. But, you know, I don't know what 11 comment. 12 12 else to answer with regards to that particular issue. COUNCIL MEMBER HENDERSON: Okay. So anyway, if 13 13 COUNCIL MEMBER HENDERSON: Yeah, my problem in we can get some wording about possible traffic study and 14 14 particular and our ecologist said that while it's the analyze that and make a decision at a later date based on 15 15 average -- back in that average situation, you have still facts. 16 16 I don't know if you've ever -- there was a have that slamming on of the J-brake that is going to be 17 17 a startling situation to animals and we are concerned comment in here that we -- that our people talked about, 18 18 you had signage on the Colima Tunnel explaining why about that. 19 19 MR. MULLEN: Mr. Henderson, I agree with that, people shouldn't use the tunnel at night in the park, but 20 actually, that -- but I thought that the information 20 at night it's closed. We close it at night, so we can 21 21 presented by Greg demonstrated that the ten mile per hour remove that. 22 speed limit increased the potential for using that 22 You have a -- a program of exotic eradication 23 J-brake which actually increased the potential for that 23 habitat enhancement program which is in the CUP condition 24 24 startling noise. So, in my mind, going up to that 72. We would like to have the Habitat Authority 25 25 15 mile per hour actually reduced that annoying noise implement that program because it's small patches that we 102 104 versus that steady noise at the 15 miles per hour speed. have to go after on a regular basis, and it really 1 1 2 COUNCIL MEMBER HENDERSON: I did -- sorry, if 2 wouldn't make sense to have some outside agency come in 3 that's the interpretation, it wasn't what I heard. What 3 and do that. We would hire, of course, consultants to do 4 I heard was it reduced the average noise. 4 it, but I think it should be changed from implementation. 5 COUNCIL MEMBER NORDBAK: Well, I understood it 5 On the other hand, there's a lot of the habitat 6 that it reduced the high impact noise, the sudden noise. 6 re-vegetation work where while we would like to oversee 7 7 I thought that's why we had -- I thought we'd agreed to the people who are tasked with doing that, it's really 8 8 beyond the capability and staffing level of the Habitat fifteen at that point. 9 COUNCIL MEMBER HENDERSON: We weren't agreeing 9 to actually implement those programs. So that's 10 10 to anything at that point. something we can work out, I think we have the authority 11 MAYOR PRO TEM NEWCOMER: What is the case? 11 either way, but --12 12 MR. CHITTIC: The study shows that the MS. BARLOW: Mr. Henderson, Madam Mayor, if I 13 13 difference in actual engine noise, not J-brake noise, may, are you saying that we need -- that you'd like 14 14 alternative language for condition 72, Member Henderson? between ten and fifteen miles per hour is fairly nominal 15 15 in terms of the peek noise. So what happens is because COUNCIL MEMBER HENDERSON: Just like to make it 16 16 you're moving faster at fifteen miles an hour, your specific that the Habitat Authority itself would 17 17 average noise is then less than it would be at ten miles implement the exotic eradication. 18 18 per hour. But the peek noise is fairly similar. We have MS. BARLOW: And while I interrupted you, I 19 a curve that we can show those noises, if you'd like. 19 would want to point out that as to condition 58 that you 20 20 However, the J-brake noise, they would still be raised, the mitigation monitoring program, SR-1A does 21 21 using a J-brake at fifteen miles an hour as they were at require automatic gates. 22 22 ten miles an hour. And the J-brake noise was a strong COUNCIL MEMBER HENDERSON: Oh, thank you. I 23 23 function of how good their muffler systems were, and we thought that had been turned down. I'm sorry, give me 24 have mitigation that requires them to have good mufflers 24 that number again, will you please. 25 25 and to demonstrate good muffler systems, so. However MS. BARLOW: SR-1A. 103 105

1	COUNCIL MEMBER HENDERSON: Thank you.	1	containment. Those will be the ones that may be above
2	There's a lot of discussion about going above	2	ground within the facility itself. Maybe the condition
3	the 60 decibel levels and sound meters and so on, I'm	3	should better reflect the facility rather than the
4	talking about the whole project. What is the	4	preserve, since it gives the impression as if there will
5	repercussion for if it's found to be done, is that a	5	be pipelines outside of the site outside the
6	management situation, a finding situation, what?	6	processing site. So maybe that's a good modification to
7	MR. PEREZ: I'm sorry, I'm not sure what is the	7	make.
8	repercussion of?	8	MAYOR WARNER: Okay. And I realize as you
9	COUNCIL MEMBER HENDERSON: Yeah, if the	9	stated before, that when you're reading these, when
10	Applicant is required to stay below 60 decibels in	10	Matrix is reading these, and when our professional staff
11	certain areas, and it's stated that there will be noise	11	is reading these Conditions of Approval, because of all
12	monitors and so on to figure that out. What are the	12	of your professional backgrounds you understand and you
13	repercussions if they do go above it, how does it get	13	know what they're saying. But when I'm reading it as a
14	managed out?	14	dental hygienist and as an educator, I have to ask these
15		15	clarifying questions because I don't have your
	MR. PEREZ: Mr. Henderson, I think along the	16	
16	lines of other mitigation measures which would constitute		professional background, so.
17	Conditions of Approval, if the Applicant is found to be	17	MR. PEREZ: Absolutely appropriate.
18	in repeated violation of the permit, I'm sure the City	18	COUNCIL MEMBER HENDERSON: That's why we're all
19	has avenues to do certain things, including stopping the	19	here.
20	project, until they can come within the decibel level	20	MAYOR WARNER: You got it.
21	that they have to comply with.	21	COUNCIL MEMBER HENDERSON: I managed to mark my
22	COUNCIL MEMBER HENDERSON: Thank you. That's a	22	condition I'm not sure I've got the right one it's
23	good answer.	23	condition I think it's 73-2, but it gives Matrix the
24	Under condition 443B, it talks about above	24	option to have storage areas outside the leased area with
25	ground oil pipes. I presume all of these are contained	25	a permit acquired through the Habitat Authority. I guess
	106		108
1	within the site. There are no above ground pipes within	1	the question is, does the Habitat Authority have the
2	the preserve other than in the site itself?	2	option to deny it because there's otherwise there's no
3	MR. MCCASKEY: Yes, there's no	3	limit on the number of temporary storage permits you can
4	MAYOR WARNER: 3B?	4	acquire. And I don't think I think Mr. McCaskey was
5	MR. MCCASKEY: Yes. There's no outside of	5	pretty clear, that they don't really intend to have any
6	the seven acre site everything is underground.	6	temporary storage permits once the facility is
7	COUNCIL MEMBER HENDERSON: Yes, that's what I	7	constructed, but I want to make sure about that.
8		8	COUNCIL MEMBER NORDBAK: Bob, what number you
9	thought, I wanted to make sure.	9	
	MAYOR WARNER: So then why does this condition		On?
10	say, All above ground piping in the preserve if	10	COUNCIL MEMBER HENDERSON: Well, I'm not sure,
11	everything is underground?	11	it's 70 something
12	MR. CHITTIC: Madam Mayor, it just wants to	12	MAYOR WARNER: 73-2.
13	ensure that all piping within the project site is	13	COUNCIL MEMBER HENDERSON: 73-2 okay.
14	contained within berms.	14	Luis, did you think that the intent was that the
15	MAYOR WARNER: It doesn't make sense, but thank	15	Habitat Authority had an option to deny a permit?
16	you for your answer.	16	MR. PEREZ: Mr. Henderson, you know I always
17	COUNCIL MEMBER HENDERSON: Is that because if	17	hesitate to talk about the conditions because they're not
18	there was a leak it would be contained by a berm?	18	something we came up with, we helped and consulted with
19	MR. CHITTIC: That's correct.	19	folks on.
20	MAYOR WARNER: Make sense to you?	20	MAYOR WARNER: Is that a Kim question?
21	COUNCIL MEMBER HENDERSON: Uh-huh.	21	COUNCIL MEMBER HENDERSON: That would be a Kim
22	MR. PEREZ: Madam Mayor, there may be some	22	question.
23	piping that is inside the facility, inside the seven	23	MR. PEREZ: The mitigation measures I take full
24	acres, that is above ground going to a tank or something	24	responsibility for.
25	like that. And so those are required to have secondary	25	COUNCIL MEMBER HENDERSON: Sorry.
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1 MR. PEREZ: The conditions are a little more 1 school hours. 2 difficult. 2 COUNCIL MEMBER HENDERSON: And that works for 3 3 MS. BARLOW: As I understand it, this was a Matrix, 4 4 Mr. McCaskey? condition that was again drafted by staff with -- at the 5 5 MR. MCCASKEY: We've heard the nine to three for request of an input from the Habitat Authority. So we 6 6 were talking about the seven acres in terms of the both directions. 7 7 defined lease area, the surface area. And for temporary MR. COLLIER: Kim, just one point, if we do add 8 staging I think that the idea was that there might be a 8 the emergency provisions, we'll need to identify who will 9 need for that and if there was, the Habitat Authority 9 make a determination of an emergency and it probably 10 would have to approve that and the City would have to 10 should be the City making that determination. 11 11 COUNCIL MEMBER HENDERSON: On page 6 of the City approve that. 12 COUNCIL MEMBER HENDERSON: Okay. But it would 12 Council Staff Report it states that all roads within the 13 13 be -- the permission of the City and the Habitat preserve will be paved. We think you forgot to say 14 14 Authority? except Arroyo Pescadero Loop Trail and Deer Loop Trail. 15 15 MS. BARLOW: Yes. Can this be clarified for the record? 16 COUNCIL MEMBER HENDERSON: Okay. Well, that's 16 MS. BARLOW: I'm sorry, which condition was it? 17 17 COUNCIL MEMBER HENDERSON: Page 6 of the City fine. 'Cause it could be an emergency or something where 18 18 something had to be done and we could find a site for it, Council Staff Report, another document. 19 19 but if it was a requirement then -- things tend to spread MS. BARLOW okay. 20 out, I notice, over the years. And so we would want to 20 MR. CHITTIC: Madam Mayor, members of the City 21 21 Council, that's correct, the Loop Trail will not have to make sure that we had containment on that. 22 MR. JONES: So the language is specific that 22 be paved, so that should be corrected. 23 says Habitat and City approved. 23 COUNCIL MEMBER HENDERSON: Neither one of those, 24 24 COUNCIL MEMBER HENDERSON: Right. right? The Deer Loop Trail, which is the one around the 25 25 Condition 76, restricted times for oil tankers 80-acre site and then the Arroyo Pescadero Loop Trail. 110 112 using Catalina and Penn. The question was is this also MR. CHITTIC: That's correct. 1 1 2 applied to emergencies, I would assume that they would 2 COUNCIL MEMBER HENDERSON: Okay. 3 not but --3 Now, on page twelve of that same report -- oh, 4 MS. BARLOW: This was a condition that was added 4 that's not probably worth going into. It made a 5 at the request of Commissioner Stone on the Planning 5 reference to the fact that the core habitat area was 6 Commission. And I think there's been a request to change 6 degraded and therefore if it was allowed to improve, the 7 the times, but we normally would provide for exceptions 7 implication was it would be allowed to have people in it 8 8 in the case of emergency, we did not specifically do that and that's not the case. That area would tend to always 9 here, but we certainly can do that. 9 be closed for people. 10 COUNCIL MEMBER HENDERSON: Well, I don't care, 10 On page 46 of the city Staff Report A26 at the 11 11 but it would seem like that's something you always put in top. This has to, again, with the same situation about 12 12 to give some kind of flexibility in the case of real the amount of restoration starting at the time of 13 13 emergency. But I did see a note from Matrix, I know that construction. And I think we've already covered that 14 14 they were questioning the time. I think it had to do adequately. 15 15 with just some physical constraints of loading and Okay. Now, on page stamped 573 and 575, the 16 16 unloading those trucks, the three or four trucks. City Council Staff Report which is condition 62-2 and 17 17 MS. BARLOW: Madam Mayor and members of the 64-2, this gets the drill rigs now, but I think those are 18 Council, I believe Matrix had requested that the times 18 now -- we've settled that; maximum two at any one time, 19 19 for Catalina and Penn be consistent, instead of being one large rig, one drilling rig, one -- and up to two or 20 20 from nine to one and nine to three that they both be from up to two pulling rigs or workover rigs at any one time. 21 nine to three. 21 MS. BARLOW: Yes, in fact, I think Mr. Adams may 22 22 MAYOR WARNER: So what was the rational for nine have revised Conditions of Approval or Mr. Collier that 23 23 to one? we did prepare a redline of to address some of the 24 MS. BARLOW: I think you -- unfortunately, you'd 24 concerns that we had heard in the past and that Matrix 25 25 have to ask Mr. Stone. I think he was concerned about had brought to our attention. If Council would like to 111 113

1	have those. We didn't want to have four different	1	COUNCIL MEMBER HENDERSON: Okay. I'd like to go
2	versions of the Conditions of Approval in front of you,	2	back and discuss the noise aspect on the north access
3	but we do have what our thought was, I think, was that	3	road. While I can understand there's a whole lot less
4	we would go through the redline and then just articulate	4	noise
5	for you what the changes were and that is one of them	5	COUNCIL MEMBER NORDBAK: Bob, give us a page we
6	that clears up that number of rigs issue.	6	can play along with you.
7	MAYOR WARNER: The most recent document, CUP	7	COUNCIL MEMBER HENDERSON: I'm sorry. Go to
8	document we have is October 25th and it says redlined.	8	Appendix O. You'll notice that we discussed this
9	MS. BARLOW: Yes. And we have an updated	9	earlier. They removed the one-to-one mitigation for
10	redline.	10	areas impacted by sound. And the logic of that makes
11	MAYOR WARNER: Sorry, all my questions are on	11	some sense in the sense that now you're not going to have
12	this one.	12	six months of trucks hauling dirt out there, some 9300
13	MS. BARLOW: That's all right. And that's why	13	truck trips, which I'd like to thank the Applicant for
14	we didn't pass this out.	14	making that redesign. It's a big improvement in the
15	MAYOR PRO TEM NEWCOMER: Why don't you hold off	15	project. But there still is going to be noise and it
16	on the update of the update. We'll work	16	still is going to be impacted.
17	from the one we got.	17	It would seem to me as though while the ratio
18	MS. BARLOW: No problem. But we have addressed	18	that you're using is probably too extreme for a
19	that in the current version of the Conditions of	19	mitigation measure for this lesser number of trucks and
20	Approval.	20	so on, that it still is going to have an impact and it
21	COUNCIL MEMBER HENDERSON: We did notice that in	21	should be mitigated in some way. You said it was about
22	Bio 1D incidental take gnatcatchers, that it appears that	22	•
		23	eight acres, I believe?
23 24	it's only a one-on-one ratio under Bio 1D, which would be		MR. MULLEN: That is correct, 8.4 acres.
25	highly unlikely, but I guess we can leave that up to the	24 25	COUNCIL MEMBER HENDERSON: I mean, and that was
23	U.S. Fish and Wildlife Service. But we would think that  114	23	for a clearance of how much, do you remember? How many
			<u> </u>
1	it would have to be at least three-to-one as required in	1	feet on the road?
2	the other protective habitat. So do you have a thought	2	MR. MULLEN: It was all based on the 60 decibel
3	about that?	3	contour.
4	MR. MULLEN: The one-to-one is only referring to	4	COUNCIL MEMBER HENDERSON: Do you remember how
5	the noise loss of habitat due to noise. It still is a	5	much feet that is?
6	three-to-one replacement for the loss of the Coastal Sage	6	MR. CHITTIC: Madam, Mayor, members of the City
7	Scrub. So that's accounted for in Bio 1A. So it's still	7	Council, the distance varies depending on the grade of
8	three-to-one for the loss of habitat, but then the noise	8	roadway and what the topology is and such, but we use the
9	impact would be one-to-one.	9	noise models to look at the noise
10	COUNCIL MEMBER HENDERSON: Here you're talking	10	COUNCIL MEMBER HENDERSON: It would seem to me
. – ~	•	11	41: 1 1 4 141 11 10 4
11	incidental take, you're talking about occupying		something in a lesser amount might be reasonable. But
	incidental take, you're talking about occupying gnatcatcher habitat. So I don't think you'll get away	12	· ·
11 12	gnatcatcher habitat. So I don't think you'll get away	1	there should be some recognition of the fact that we're
11 12 13	gnatcatcher habitat. So I don't think you'll get away with that, but we can see, call it one way or the other.	12	there should be some recognition of the fact that we're going to have this startling noise, we're going to have
11 12 13 14	gnatcatcher habitat. So I don't think you'll get away with that, but we can see, call it one way or the other. MR. MULLEN: We were just talking about critical	12 13 14	there should be some recognition of the fact that we're going to have this startling noise, we're going to have these occurrences. Especially, of course, during the
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11 12 13 14 15 16 17 18 19 20 21 22	gnatcatcher habitat. So I don't think you'll get away with that, but we can see, call it one way or the other.  MR. MULLEN: We were just talking about critical habitat for there and that is not actually inhabited habitat. So that's just critical habitat. The species doesn't actually have to be there. So those noise impacts related to just the loss of Coastal Scrub within that 60 decibel contour.  COUNCIL MEMBER HENDERSON: Okay.  MR. MULLEN: But you are correct, the Fish and Wildlife Service will actually apply their own ratio.	12 13 14 15 16 17 18 19 20 21 22	there should be some recognition of the fact that we're going to have this startling noise, we're going to have these occurrences. Especially, of course, during the construction. But I think the one-to-one ratio makes sense to me, but it may be a lesser width of the envelope.  MR. MULLEN: I think that the contour that we used on the 60 decibel contour in terms of the research that we had and the reaction of this particular species was adequate for the operational use. I do agree and Mr. Perez actually pointed out that what we used was an

1 desire. But that's using a different contour number, 1 implement in these cases, Habitat will have to respond or 2 using 55 decibels, than what we used in the rest of the 2 work with the agencies and so on. So it -- it is -- it's 3 3 documents. quite an impact for an agency that really only has three COUNCIL MEMBER HENDERSON: Okay, let me think on 4 4 employees besides the rangers, so. 5 5 that a while longer and I want to discuss that with our MAYOR WARNER: So how -- with the initial amount 6 6 ecologist for a minute. that was proposed, how did the Habitat not come up with 7 7 I'm just about through with these, people. the greater amount initially for doing the scope of work? 8 Okay. One of the troubling things that's come 8 COUNCIL MEMBER HENDERSON: Because, you know, 9 up is many of the FEIR mitigation measures and/or CUP 9 we've been in this for three-and-a-half years now and 10 conditions involve the review of by habitat and/or 10 we've learned that it's a much more complex project than 11 oversight. There's about 40 of them total and I've 11 we ever thought it was. And we have not come back for 12 12 prepared a list of them. any more money even though it's been a real struggle. 13 13 And I think, Kim, I gave those to you, I hope. Shannon Lucas our ecologist has put in just tremendous 14 14 amounts of time, including attending all these hearings, If not, we'll just have to duplicate these during our 15 15 next break, but I thought I gave you an envelope with she's out there tonight, and it's -- but in the future 16 16 them, -- you don't think I did. Well, that's possible, we're going to have to get somebody else in there to 17 17 let me go down and look in the car. backfill her time. So I'm going to suggest that be 18 18 Anyway, there's about 40 of them that we've added. And that is all of my comments. 19 19 MAYOR WARNER: Thank you. detailed here. And the problem that I have with that is 20 that while Matrix is providing money to augment our 20 MS. BARLOW: Mr. Henderson -- I'm sorry, Madam 21 21 staffing from the beginning of this, \$5,000 a month, Mayor. 22 22 MAYOR WARNER: Go ahead. which made -- let us put our ecologists on full-time and 23 she certainly is used up that time on this project, and 23 MS. BARLOW: Mr. Henderson, did you want to 24 24 it's designed to go up to \$7,000 a month when drilling address the three proposed conditions? 25 25 starts. The problem is that this is going to overwhelm COUNCIL MEMBER HENDERSON: Yes, I'm sorry, I 118 120 1 her and we're going to need to do some backfilling of 1 guess I should now. Let me get your revised ones here. 2 employees to cover some of her biological work, how she 2 Well, let me use these. I have three CUP 3 responds to these. And I think it's going to last 3 requirements that I'd like to add conditions, and these 4 4 somewhere around a year to maybe a year and a half at the are major additions, but I really feel that in order to 5 most, but during that period of time it really overwhelms 5 do the right thing by the Habitat that some of these need 6 our staffing. I would like to suggest that we put an 6 to be made. In some cases it's going to be difficult to 7 7 amount of money in there for habitat to do that. And the make in a nexus as Mr. Perez has mentioned in CEQA, but I 8 8 discussions we think that an amount of about \$50,000 think they should go into the -- we've passed those out 9 would be adequate, but I don't like to add things back in 9 to you, but I'll read them through quickly. 10 10 after the fact, but this is just going to be practically First, a land acquisition or re-vegetation fund. 11 11 an impossible situation for this agency to handle it The purpose is to acquire more land for the preserve, if 12 12 from -- if we're going to have to be involved in all possible, to allow animals to move away from disturbance 13 13 these. Each one of these requires reading documents, caused by the project. If after several years it proves 14 1 4 have conversations with agencies in some cases and/or the impossible to purchase such land, then upon action by the 15 15 Applicant and monitors. So I'd like to propose that to Board of Directors in the Habitat Authority, the funds 16 16 my colleagues that we put \$50,000 a year in for up to a could be used to re-vegetate disturbed property, improve 17 17 Habitat to afford more and better foraging opportunities year and a half --1.8 COUNCIL MEMBER VINATIERI: What number is this, 18 for wildlife. 19 19 Bob? Ideally, we'd like to add to the preserve and 20 COUNCIL MEMBER HENDERSON: Well, it's not a 20 give expansion room, widen the amount of the core 21 number, it's just a matter of -- I can pass that down, 21 habitat. And if that can't be done because property is 22 22 I'll have these duplicated for you -- but all these simply not available, and one of the problems is that 23 23 different -- there's just -- throughout the FEIR and oftentimes it's not available except from a willing 24 through the conditions, there's all these things that say 24 seller and we've been negotiating with the lands right 25 25 that Habitat will have to approve, Habitat will have to around the Habitat for years now, over ten years, and if 119 121

1 they don't want to sell, we don't take them by imminent 1 MAYOR WARNER: Or if the property is not 2 domain. So the fund maximum would be \$15 million. The 2 available then it says the funds could be used to 3 way suggested it be handled would be once a test well is 3 re-vegetate disturbed property. 4 4 in production, one percent of the gross proceeds is paid COUNCIL MEMBER HENDERSON: I don't know if 5 5 into the fund and so on for each additional well. everybody understands, but one of the big things you can 6 Thus while the test well phase is in effect, the 6 do to improve the wildlife in an area is to make sure 7 7 amount anticipated would go into the fund would be that you're dealing only with native plants. One of the 8 8 something in the area of 100,000 to \$140,000. That's problems that we have is that much of the property is 9 9 because they can only produce up to 450 barrels a day heavily disturbed either because of the oil operations 10 because of AQMD requirements until such time as the vapor 10 that were there before that introduced non-native, things 11 11 recovery system is installed. like mustard and fennel and caster bean. Or because it 12 12 Obviously at a later date that could possibly go was deliberately brought in things like eucalyptus trees, 13 13 up at a much higher rate, but we think that is the Brazilian peppers. The upper part of Arroyo Pescadero, 14 14 proper mitigation for the whole project and reaches the for example, is probably almost 60 percent covered by 15 15 areas that are heavily discussed by the biological people Brazilian pepper trees, which has absolutely no habitat 16 16 that have commented on this, whether it's the Sierra Club value to native species with the exception perhaps of a 17 17 or the Wildlife Corridor Conservation Authority which few nesting birds. 18 18 also had a similar figure in there or whatever. It would So those really should be replaced and it allows 19 19 be capped at 15 million dollars regardless of the time it much better foraging and develops a very stable kind of 20 20 takes for the funding to be completed. environment. Where we've done it, where we've had the 21 21 MAYOR WARNER: Bob, is this a formal money to do it, it's increased the bio diversity of the 22 22 recommendation of the Habitat Board? animals. And we've gone, for example, in the preserve 23 COUNCIL MEMBER HENDERSON: No, it's not. This 23 from something like five recognized gnatcatchers back 24 24 is from myself and staff working on it. We have not just before we bought the property to someplace -- we're 25 25 tried to take a position on it as the Board. I think now -- in the preserve we're at, I think, 31 including 122 124 it's really a City decision about what they should 1 about nine nesting pairs this last season. So it really 1 2 2 is an improvement. It could be a tremendous benefit to require of the developer. 3 COUNCIL MEMBER VINATIERI: So, Bob, is this in 3 the preserve. 4 4 addition to the money that will be coming to the Habitat COUNCIL MEMBER VINATIERI: Bob, where did you 5 5 Authority for purposes of running the Habitat Authority? get the \$15 million total? Why isn't it one million? 6 COUNCIL MEMBER HENDERSON: Yes. You talking 6 Why isn't it five? Why isn't it ten? 7 7 about money that the City would put up as a portion of COUNCIL MEMBER HENDERSON: We looked at what it 8 their --8 would cost to buy a decent amount of land today. The 9 9 COUNCIL MEMBER VINATIERI: Their budget. problem is the properties that are likely to be acquired 10 10 COUNCIL MEMBER HENDERSON: Yeah. including things, for example, is the property that's on 11 COUNCIL MEMBER VINATIERI: Right. Okay. So 11 the west side across from the Hsi Lai Temple which is 12 12 that particular portion -- I'm trying to remember here owned by certain of the priests there, which they would 13 13 where exactly where it is, but I know a portion of the like to develop is a really great piece of property. 14 14 revenue from the oil would go to fund the Habitat It's about 34 acres. It's right next to gnatcatcher 15 15 Authority for the ongoing operations, in essence to take habitat and yet we have not been able to convince them to 16 16 the place of Puente Hills closing up. sell that property to us for a decade. So we're not 17 17 COUNCIL MEMBER HENDERSON: Yes, it would be for really sure of that. But it looks like that would be --18 them to participate in that and we have not set an amount 18 in order to get something around 35 to 40 acres, probably 19 on that yet. Because it's involved with the County 19 the 15 million is a reasonable figure today. Because 20 20 negotiations as well, but we've talked about an amount in those are fairly small lots, they all have some 21 21 closed session. development potential, and that's how we came up with the 22 22 COUNCIL MEMBER VINATIERI: Okay. And then this figure. It was also the figure that the Wicca ecologist 23 23 amount then is in addition for purposes of acquisition of Paul Edelman came up with as an estimate of what he 24 24 thought it would cost to acquire that kind of land. 25 25 COUNCIL MEMBER HENDERSON: That's correct. MAYOR WARNER: Question for MRS. Were these

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1	issues not addressed in the EIR; the in order to allow	1	Matrix should pay this?
2	animals to move away from any disturbance caused by the	2	COUNCIL MEMBER HENDERSON: That's correct.
3	project, were those issues already addressed in the	3	COUNCIL MEMBER NORDBAK: You know, again, I'm
4	document?	4	just caught off guard here. My concern here, to be
5	MR. PEREZ: Madam Chair, the issues were	5	honest with you, is that we're going to try and increase
6	addressed in the environmental document.	6	the production out of the chicken by choking it. And I'm
7	MAYOR WARNER: And were there mitigation	7	not sure that isn't there a way we can wait and see
8	measures indicated in the document?	8	what the numbers are before we put a condition like this
9	MR. PEREZ: The effects were found to be	9	in? Does this have to be decided now or could this be
10	significant and mitigation was incorporated within the	10	something that came back?
11	specific issues that were found and the impacts that were	11	COUNCIL MEMBER HENDERSON: No, it has to be
12	found and mitigation for the project is provided.	12	decided now.
13	MAYOR WARNER: So	13	Otherwise, you're not going to make it a
14	MAYOR PRO TEM NEWCOMER: Isn't that these are	14	condition of the project and then you have no leverage
15	CUP recommendations instead of EIR mitigation	15	over getting it done.
16	recommendations?	16	Greg, the thing that I fought with this a
17	COUNCIL MEMBER HENDERSON: Yes, that's why I put	17	long time, for example, Wicca wanted to be funded, you
18	them there. Because whether you can actually the	18	know, like a couple of million dollars a year and so on.
19	problem is you're dealing with very large unknowns and	19	I don't think that's reasonable, especially in light of
20	you don't want to err on the in a preserve like this,	20	one of my other conditions. And I think that it still is
21	in a sensitive area, you don't want to make a mistake	21	a relatively small amount of money, I mean, for a very,
22	that you're not providing enough mitigation. I realize	22	very large project like this. It's not like we're
23	it's asking the Applicant to go a lot further than they	23	putting huge amounts in, but you've got a couple years
24	started out thinking they were going to do, but as we've	24	here at least, probably up to three, where it's going to
25	read the comment letters, and I've tried to read all the	25	be about a hundred thousand dollars a year, would be my
	126		128
1	serious comment letters, and almost every biological	1	best guess. If prices go up, it could be up to 140- but
2	group has made this recommendation that there be some	2	it's in that range.
3	kind of mitigation fund set up to buy property to try to	3	COUNCIL MEMBER NORDBAK: I guess you can
4	expand the core habitat. And I think the re-vegetation	4	appreciate my struggling with it, you said you struggled
5	is kind of a bail out if it doesn't work. And I just	5	with it a long time. I've just seen it and I'm
6	think that it's something that we need to make that extra	6	struggling with it. So let's go to something else.
7	mile, to make sure that we are not damaging the preserve.	7	COUNCIL MEMBER HENDERSON: We don't need to make
8	And it's a big step, it's a bold thing, but I think we've	8	a decision on it right now, if you guys want to think
9	given them a reasonable method in order to fund it,	9	about it. We've got all night here, we can come back,
10	rather than, for example, asking them to write a check	10	and have a chance to let it soak in.  MAYOR WARNER: We have questions and I'd like to
11 12	for \$10 million to start the fund off and go from there.	11	MAYOR WARNER: We have questions and I'd like to
	So that's my logic on it and I'd like you to seriously	12	discuss with colleagues. Joe, questions on this item?
13	consider it.	13	COUNCIL MEMBER VINATIERI: No, not at this time.
14	MAYOR WARNER: Go ahead, let's start with Greg	14	MAYOR PRO TEM NEWCOMER: Greg asked my
15	then we'll come down.	15	questions, so.
16	COUNCIL MEMBER NORDBAK: I have a couple	16	MAYOR WARNER: Okay, a couple questions. Why
17	questions. I'm a little I'm caught off guard with	17	was this not presented early on, why did it come up later
18	this, Bob, to be honest with you. We've already talked	18	rather than earlier in the whole process?
19	about money for the habitat, correct? And you're saying	19	COUNCIL MEMBER HENDERSON: Well, really it's in
20	this is money above it?	20	response to just a lot of comments that came in. We
21	COUNCIL MEMBER HENDERSON: Yes.	21	talked about it, didn't know how to do it, Habitat wrote
22	COUNCIL MEMBER NORDBAK: Now, is this money that	22	a comment letter, which you may have read
23	you're proposing to take out of the City?	23	MAYOR WARNER: I did.
24	COUNCIL MEMBER HENDERSON: No.	24	COUNCIL MEMBER HENDERSON: as well as Wicca,
25	COUNCIL MEMBER NORDBAK: Or you're saying that	25	that actually put this out in monetary amounts. It was
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1 fairly obvious to me and to the MRS people right away 1 COUNCIL MEMBER NORDBAK: Bob, I do have a 2 2 that this was probably not a mitigation measure, per se. follow-up 'cause I'm trying to digest this. Earlier when 3 3 It's really a distraction, quite frankly, of something you were going through the -- you had requested that an 4 4 that we think should be done. I think it will go a long additional 50,000 be funded for some program? 5 5 COUNCIL MEMBER HENDERSON: Yeah, it's for the ways to showing some of the environmental organizations 6 6 that we're serious about protecting the habitat and monitoring of the -- all the conditions, the forty 7 7 providing for its long term stability. This money won't conditions that we --8 8 COUNCIL MEMBER NORDBAK: Could that money come be used for running the operation at all. It's strictly an enlargement either in quality of habitat or in the 9 9 out of this money? I'm just trying to justify this 10 10 actual land. somehow. I mean, 'cause now you've got a hundred here, 11 11 MAYOR WARNER: And why would this recommendation another fifty here. 12 12 COUNCIL MEMBER HENDERSON: Well, that is very not come from the Board? You said it came from yourself 13 13 and from staff. short-term. That's basically a year to a year-and-a-half 14 14 COUNCIL MEMBER HENDERSON: Well, I'm the council of funding. 15 15 COUNCIL MEMBER NORDBAK: The fifty is? member and I think it's up to us to make recommendations 16 16 COUNCIL MEMBER HENDERSON: Yeah. It's not an as we study this. I've obviously been heavily emerged in 17 17 it. It really isn't a management issue from Habitat's ongoing fifty, we're not trying to do that. Just trying 18 18 point of view, although certainly the comments by the to get over the hump here and kind of difficult budget 19 19 times to ask my people to do all this work and let Habitat Board and so on encourage these kinds of things. 20 20 But they didn't come up with a specific way to do it. everything else go, so. 21 21 I've been struggling with it for the last couple of COUNCIL MEMBER NORDBAK: Okay. I'll keep 22 months and finally decided on this as about the fifth 22 chewing on it. 23 draft, trying to be fair to the Applicant and at the same 23 COUNCIL MEMBER HENDERSON: Okay. 24 24 providing for the long term protection of the preserve. MAYOR WARNER: All right. So your next one, 25 25 MAYOR WARNER: And I don't mean to put you on Bob? 130 132 the spot, but I need to understand kind of the genesis 1 COUNCIL MEMBER HENDERSON: Yeah, the second one 1 2 and why the organization would not do it through their 2 is, again, something that came out and practically every 3 Board as opposed to you as a council member. 3 environmental group that commented on this thing, it's 4 COUNCIL MEMBER HENDERSON: No, I think it would 4 thought to be very serious by my staff. They -- the 5 be kind of impertinent, actually, for the Board to do it 5 concern is that activity in Canada Verde, which is the 6 but that might be --6 second canyon to the west of -- Arroyo Pescadero is the 7 7 MAYOR WARNER: Well, two concerns that I would next one to the east -- might cause animals to move 8 8 have and again we can have more discussion about it as further north in the upper Canada Verde and Arroyo 9 time goes on, but the fact that mitigations were 9 Pescadero. And the thought about that is you have 10 10 addressed in the EIR and I somewhat see the nexus, but I activity, construction, the running of the plant and so 11 11 share similar thoughts that Greg has articulated in on down at the bottom of Canada Verde and then you have 12 12 regards -- well, I don't know how he described the trucks moving up the north access road. 13 13 chicken, but similar thoughts along those lines. If this causes animals to start migrating away 14 14 COUNCIL MEMBER NORDBAK: It's an old from the north access road, especially sensitive animals 15 15 construction term, you can't choke the chicken -like bobcats, the problem is that they would then be more 16 16 MAYOR WARNER: Again, on the other hand I likely not to use Colima truck tunnel, that they use for 17 17 realize what you're trying to do in regards to the an underpass now. And that's mentioned quite a bit in 18 comment letters. And so this is going to be -- for me 18 just about the issues of it in several of the mitigation 19 this is going to be a difficult decision on this 19 measures that MRS is requiring, trying to cut down the 20 20 particular item and it's -- it's really a matter of amount of activity during construction and things like 21 21 balance between those that have commented and wanting to that, that are problematic. 22 22 assuage their concerns and yet an Applicant who, as we're If they do move further north, then what they're 23 23 getting down the road, you know, we're piling on more and going to do is they're going to try and cross the road 24 more. So anyway, I'll stop that diatribe and we'll go on 24 more towards the Vintage Homes area. Our road kill 25 25 from here. studies have shown that right now this is the greatest 131 133

1 point of danger for animals crossing the road and we have 1 So the EIR does demonstrate that there's an 2 the most kills at that position. If that would increase 2 awful lot of wildlife movement through the area. This 3 substantially, it could be a real problem for species 3 figure also demonstrates that there's a lot of pressure 4 4 survivability. And it's been thought by most of these on the species trying to get through the area. So Colima 5 5 organizations that the -- that an underpass or overpass Road does represent a major constriction point and quite 6 would be most advantageous to survival while crossing 6 a few animals moving through there are impacted by 7 7 Colima Road at this point. Colima Road already. 8 8 The Applicant would pay for the necessary study, The EIR spent quite a bit of time and attention 9 9 the engineering and construction cost of the passageway. on the wildlife corridor issue and identified it as a 10 And it also requires that because it's not part of the 10 significant issue, identified it that the project would 11 EIR study on the oil project, it requires its own CEQA 11 result in impacts to wildlife movement through the area. 12 12 document. But when the Colima tunnel was built in However, the EIR also presented mitigation, and 13 La Habra Heights that project required a mitigated 13 that mitigation in terms of the level of the impact 14 negative declaration, so it's certainly not a big CEQA 14 resulting from the project has been to the EIR's 15 15 issue. The staff has rephased that and put it in as preparers mindset that it's adequately mitigated. 16 16 condition 81 for your consideration. Now, the Colima Road information right there 17 17 MAYOR WARNER: Questions? does demonstrate this movement through that area. The 1.8 COUNCIL MEMBER VINATIERI: Yes. My recollection 18 assertion from many commenters was that the activity is 19 19 was that one of the nights at the hotel we looked at -- I going to direct the wildlife away from Colima Road 20 20 think MRS had a road kill study image that showed that service tunnel. And the service tunnel -- I don't 21 21 certain -- over five year, six-year period, there were know -- do I have a pointer -- right there, so down in 22 certain animals that were hit at certain times, can we 22 this general area right there --23 23 COUNCIL MEMBER VINATIERI: To the right, to it put that back up? 24 24 MAYOR WARNER: Before we do, this may be a bit right. 25 25 of a lengthy discussion and it's time for our court MR. MULLEN: Right there. Sorry. 134 136 reporter to have a break. So I'm sorry to interrupt us So the service tunnel which right now is going 1 1 2 in the middle, but we're going to have to do that and 2 to be -- one of the mitigation measures that we requested 3 we'll come back and then we'll get into this particular 3 and put in the EIR was that that service tunnel habitat 4 items. Thank you. 4 around that area would be improved. In addition, we had 5 (Recess taken.) 5 the service tunnel being closed at specific times during 6 MAYOR WARNER: We're back in session and we will 6 the drilling operations, and in addition the habitat 7 7 get ready to respond. But, Bob, anything else on -replacement within the preserve that was up to the 8 okay, we're on number 81, but go ahead. Bob's going 8 Habitat Authority which would improve the value of some of the habitat surrounding the area there, increasing the 9 to --9 10 10 COUNCIL MEMBER HENDERSON: Okay, I have one value so that wildlife movement issue was adequately 11 final one. 11 mitigated with the -- what was proposed in the EIR. 12 12 MAYOR WARNER: Before we get to that, we're MAYOR WARNER: Why would you close the tunnel? 13 going to ask some questions on 81, but did you have 13 MR. MULLEN: The service tunnel, just to -- not 14 14 close the service tunnel, close access to recreational comments you wanted to make, general comments? 15 15 COUNCIL MEMBER HENDERSON: No, I think I'm fine. use 16 16 MAYOR WARNER: Okay. You can ask a question and COUNCIL MEMBER VINATIERI: Pedestrian. 17 17 I think we're about ready to get a response. MR. MULLEN: Yes, not to the wildlife. 18 18 MR. MULLEN: How do I get this figure up --MAYOR WARNER: Okay. 19 PowerPoint. 19 COUNCIL MEMBER VINATIERI: So, Bob, in light of 20 20 MS. MENDEZ: Oh, I got it. One moment. this up here and your proposal, where are you -- where --21 21 MR. MULLEN: So here we have a figure from the if the study were to prove correct, where would you 22 22 EIR, you don't have to look at all the data there, but indicate that a second tunnel should go? 23 23 you can -- all the points there represent all of the road COUNCIL MEMBER HENDERSON: Well, if you notice, 24 kill data that has been collected for the last decade or 24 the larger wildlife, particularly the deer and bobcat and 25 25 so along Colima Road. so on, tend to accumulate around in the central part of 135 137

1 that. We've actually proposed that Chris Haas, who does 1 MAYOR PRO TEM NEWCOMER: That's what I was 2 2 a lot of this kind of work throughout the country and thinking and the reason I'm bringing that up is it seems 3 3 planned the Harbor Wildlife underpass is an expert on, to me, given the time frame it would take to do it, by 4 4 came up with formulas about how big a tunnel has to be, the time it was done the need for it would have passed. 5 5 for example, in order to get the large animals to go COUNCIL MEMBER HENDERSON: Well, the need might 6 6 not pass if they start moving out of the area and decide through it safely, that he come out and do a study to 7 7 really determine the best spot. But there is a body of that upper Canada Verde is not a good area, not a safe 8 8 thought now that think that's that an overpass is area for them, and start foraging further east. So the 9 9 superior to a tunnel. The reason being that you can idea would be -- 'cause it also takes quite awhile for 10 get -- you can help influence animals that move short 10 the -- before the actual construction operation is in 11 11 distances a lot better on an overpass, in particular the full stead. It should be somewhat concurrent. 12 12 MAYOR PRO TEM NEWCOMER: Okay. gnatcatcher, which doesn't like to fly very far. 13 13 So that would need to be studied really by an MAYOR WARNER: And this particular item from the 14 14 expert and then implemented. But right in that area perspective of the consultants, this item is mitigated; 15 15 is that correct. there's a concentration, again, of the larger animals 16 16 MR. PEREZ: Madam Mayor, yes. I think as Ted right there. We think that if the project does cause an 17 17 impact, the animals will tend to want to move up northern explained, we found there to be impacts to wildlife 18 18 corridors and we found mitigation that adequately part of Canada Verde and Arroyo Pescadero and then they 19 19 mitigated the impact. We did not find -- that was an would be pushed so far up that they will have to come 20 20 back around. And by that time they're up above the item that was brought up during the comment period, 21 21 service tunnel and you'll miss that opportunity. during the public draft comment, it was an item that was 22 22 It may not happen, it's possible, but again, brought up, we found no nexus to require the overpass, 23 23 additional overpass, in the northern part of Colima Road. this is one of these things of you don't want to make the 24 24 So that mitigation that we found is proportionate to the wrong decision and end up with a -- what we call wildlife 25 25 sink where you're just killing animals off because they level of impact. And we felt that additional mitigation 138 140 think this is the only safe way to go. 1 1 would go beyond the proportional impact that was found. 2 COUNCIL MEMBER VINATIERI: What's the cost of 2 MAYOR WARNER: Thank you. And, Bob, your 3 doing a tunnel over an overpass or an overpass? 3 rational again is in response to commenters? 4 COUNCIL MEMBER HENDERSON: It's somewhere around 4 COUNCIL MEMBER HENDERSON: In response to 5 5 a million dollars, probably a million to a million-two, commenters, in response to input from the managers of the 6 based on what we did over at Harbor Boulevard. 6 Habitat that believe they understand it. One of the 7 COUNCIL MEMBER NORDBAK: Wasn't Harbor a 7 comments that came back on their letter was that the --8 million-five? 8 they didn't feel it was balanced because there would be 9 COUNCIL MEMBER HENDERSON: I don't know that it 9 more human activity through the tunnel which would offset was quite that high. I'd have to -- we'd have to get 10 10 any benefit. Of course, we don't allow -- we have not 11 current building and all that. It's -- it would take 11 allowed under underpasses to have any human activity. 12 12 probably several years for it to be constructed, in all It's counterproductive if you have a very sensitive 13 13 fairness. Because there's permitting, there is the CEQA narrow spot to let humans, and especially humans with 14 14 dogs, go into those areas. So this would be a wildlife process, you have come up with, you know, a traffic 15 15 mitigation plan. It worked out very well on Harbor only overpass/underpass. 16 16 Boulevard, we only had to narrow some lanes and we'd do COUNCIL MEMBER NORDBAK: That segues right to my 17 17 it that way. And if it's an overpass, then it's even question, Bob. I had a question for the biologist. Your 18 recommendation is that we close the current tunnel to 18 another situation. But it wouldn't be a quick thing, in 19 19 all fairness, it will take awhile. pedestrians? 20 MAYOR PRO TEM NEWCOMER: Where would be the most 20 MR. MULLEN: To recreational use, yes. 21 21 pressure on the animals being pushed that way, during the COUNCIL MEMBER NORDBAK: And how are we doing 22 22 testing and construction or during the operation? that? 23 23 COUNCIL MEMBER HENDERSON: We think it's during MR. MULLEN: Right now there's signage up there

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or I -- maybe Mr. Henderson can speak to that.

COUNCIL MEMBER NORDBAK: And how's that working

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the construction and -- because you'll have the most

truck traffic at that time and so on.

1 out? 1 we allow full production as outlined in the EIR and in 2 COUNCIL MEMBER HENDERSON: Well, right now it's 2 the conditional use permit to be put into full operation. 3 open to the public. We have actually been talking about 3 Therefore, I propose that we limit production to not 4 4 it for the last eight months or so because of reduced exceed one thousand barrels per day until it can be 5 5 activity by bobcats through the tunnel, if that might be verified that all procedures are being fully implemented 6 being caused by people with dogs, in particular. And 6 as outlined in the EIR and the CUP. 7 7 we've been talking about as a management tool closing it. And I've had the attorneys draft some proposed 8 8 And up until, I think it was 2006, we had a sign language for your consideration. That is proposed 9 9 that nobody could go through the tunnel at all. And in condition 82, which reads as follows: Regardless of the 10 order to try to expand recreation use and so on we 10 phase of the project, the operator shall limit production 11 expanded that and it didn't seem like it had any impact 11 from the project to the maximum of a thousand barrels per 12 12 for some time, but it is an issue now and you'd sign it day until such time that the City Manager shall determine 13 and say that it's illegal to enter that area as we have 13 mitigation measures imposed by the permit are properly 14 other areas where we close them off and rangers would 14 implemented and impacts from the larger quantity of daily 15 15 have to work at that and patrol it on a regular basis, production under consideration can effectively be 16 16 especially at first. But people stay out pretty good if mitigated to the maximum extent feasible using those 17 you have the right signage up and patrol. 17 imposed measures. City Manager's determination is 18 18 COUNCIL MEMBER NORDBAK: Okay. That was my required to be supported by a rational basis. Upon 19 19 question. I'm not a big believer that will work, but we opinion, written notice from the City Manager of such 20 can try it. We've got stop signs I watch people run all 20 determination the operator may increase production up to 21 21 the time too. the maximum amount prescribed by the City Manager's 2.2 COUNCIL MEMBER HENDERSON: Yeah, we get some of 22 decision, but no more than 10,000 barrels per day, so 23 that. 23 long as the operator complies with all conditions and 24 24 MAYOR WARNER: Okay, any more discussion on this mitigation measures. 25 25 item? Oh, I'm sorry. Any more discussion on this item? As we all know, there's a tremendous amount of 142 144 Bob, you have one more? 1 mitigation in here, something in the area of 150 1 2 COUNCIL MEMBER HENDERSON: Yeah, I have one 2 different mitigation requirements that are in the CUP 3 3 more, but before that I think I ought to clarify requirements. All these things are set up to make sure 4 4 something, the City Attorney asked me about it. I may that it's a safe project for the public around it, 5 5 have misspoken when I was talking. I want to make very without disturbance. It is also a lot of mitigation for 6 clear while I'm presenting a lot of the comments by the 6 biological protection both for humans and for animals 7 7 Habitat Authority, they are, as my position as a city throughout the area. But it's really important that all 8 councilman. And I've been persuaded that these are the 8 this gets implemented in a proper manner, so that we can 9 right conditions to impose in order to prevent the -- the 9 be sure that all the right oversight and management are 10 10 environment. in place before we allow the production to go above that. 11 11 But I know sometimes when I get up here and I'm And it's hoped -- I hope that everything is certainly in 12 12 wearing two hats and I'm talking about habitat, I want to place. And there will be a period of time during the 13 13 make sure that's it's not perceived that I'm talking on test well phase and construction that we'll be able to 14 14 behalf of the entire Council. And on the other hand, I make sure that that happens. But it's -- it's one last 15 15 want to make sure that you understand that whatever check to make sure everything is running properly before 16 16 position I take, I take as a councilman here and making we move on. 17 17 the recommendation to my colleagues as something that I MAYOR WARNER: Comments, questions from Council 18 18 believe that we should do. in response to this? Go ahead. 19 MAYOR WARNER: Thank you. 19 COUNCIL MEMBER VINATIERI: Bob, let me -- I 20 COUNCIL MEMBER HENDERSON: Sure. Okay. Final 20 heard what you just said. You're saying that this is, in 21 21 one. Because the production of oil and natural gas is essence, a -- just a further check to make sure that 22 22 taking place in the preserve, I think it's extremely everything is going all right over and above everything 23 23 important as we've talked about with all of the else that's in this document? 24 24 mitigation measures, that we make sure that all COUNCIL MEMBER HENDERSON: That's right. 25 25 procedures of mitigations are properly implemented before Because there's all these different mitigation 143 145

1 measures that have to be put in place, plans, approvals, 1 all clearly spelled out in mitigation monitoring program, 2 all have to be checked off. They've got to be -- in many 2 which includes each mitigation measure and who's 3 cases managers for biological oversight, training 3 responsible for implementing it. So that we're really 4 4 programs for vendors and for staff, public relations sure that what we think will work will actually work. 5 5 officers, basically, that have to be there during And this is something that staff is recommending that the 6 construction, 800 members developed, or some kind of easy 6 Council approve. 7 7 access numbers. All those things have to be implemented. MAYOR WARNER: I'm not sure if I will support 8 8 And while I feel confident that the Applicant can do this or not, but that remains to be seen. But your 9 9 that, I think it's still best to be extremely cautious as verbiage rational basis I understand what you're telling 10 we open up this process. 10 me, but I will tell you that I have a problem with the 11 11 verbiage that is not clear and concise. Whose rational MAYOR WARNER: And what does it mean, Bob, in 12 12 here about two-thirds of the way down when you say the, basis? Based on what? What standard? To me, that's 13 13 City's Manager's determination is required to be just too fuzzy. 14 1 4 supported by a rational basis or maybe I should ask Kim. MR. JONES: Let's go back. Kim can further 15 15 What does that mean rational basis? provide additional explanation, but understand that in 16 MS. BARLOW: What that means is it can't be 16 terms of legal standards, that in terms of the actions of 17 arbitrary. There has to be some reason for the City 17 the City Manager's case they cannot act arbitrarily or 18 18 Manager to decline, to allow the amount of production to capricious. That same standard applies to you in this 19 19 increase from the 1,000 barrels per day to the maximum process with respect to your deliberations in granting 20 amount. 20 the CUP and approving the EIR. Your decisions must be 21 21 MAYOR WARNER: And anywhere in our documents is based on a rational basis, they cannot be done, you know, 22 22 arbitrarily, capriciously or some fashion without there a rubrics set up that shows all these hoops that 23 the Applicant must go through? 23 appropriate findings consistent with the evidence before 24 24 MS. BARLOW: We have a whole list of the you. 25 25 mitigation measures and of course the Conditions of You're putting the same standard as a legal 146 148 1 Approval also. So there's a whole table for that. standard upon the City Manager that as he acts he cannot 1 2 MAYOR WARNER: But is there a list without the 2 act arbitrarily or capriciously but must make a rational 3 descriptions and the explanations? 3 decision based upon the evidence that's presented before 4 4 MS. BARLOW: Of each mitigation measure? him and his ability to articulate, while on a rational 5 MAYOR WARNER: Of each of the items. So like a 5 basis he's making the decision he's making. That then 6 checklist. 6 allows the City Manager to render a decision, explain and 7 7 MR. JONES: I don't mean to define that for you, draw appropriate findings and conclusions based upon the 8 8 but clearly all your mitigation measures and all your CUP evidence in front of him and make that decision. If the 9 conditions are set forth in the documents now. What this 9 oil company or anybody else disagreed with that, then 10 10 is setting forth as a process then is that as we begin to they have the ability to seek judicial relief arguing 11 11 that there's no rational basis. Much like in this go through the implementation phase, that part of the 12 12 checks and balance will be that they'll be a limitation process as you conclude your decision making and reach a 13 in terms of production as we go through this process, and 13 decision that either Matrix or people that are opponents 1 4 14 making sure that those mitigations and those Conditions decide that they disagree with your decision, they can 15 15 of Approval have been addressed. And if there's a sense challenge the process claiming that you're not acting on 16 16 that they have not been addressed on a rational basis the a rational basis, but rather arbitrarily and 17 17 City Manager would not allow additional production or capriciously. 18 would limit production based upon how those conditions 18 So it does have a legal standard. It's just 19 19 are being properly addressed and mitigated. that legal standard is based upon the evidence put before 20 MAYOR WARNER: So this is more of a double check 20 it and the conclusions ultimately reached by the decision 21 everything. Everything really is already stipulated in 21 maker. 22 22 the documents. MAYOR WARNER: So we can't say the City 23 23 MS. BARLOW: It is. It's to allow for the Manager's determination is required to be supported by 24 maximum production but only once the City Manager is 24 completion of the mitigation measures. 25 25 satisfied that the mitigation measures -- and those are MS. BARLOW: With respect we would prefer

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1 that -- the legal language because it does -- even though 1 to answer that one. I really don't know the answer to 2 it's not necessarily as clear to you, it does create a 2 3 3 legal standard. There's a --MAYOR WARNER: As you start to answer that, can 4 MAYOR WARNER: Okay, I get it. 4 you remind us of the -- can you remind us of the number 5 Any other questions or comments on this one, 5 of car and/or truck trips that are anticipated on that 6 Bob? Any other items for us? 6 street once operations begin. 7 COUNCIL MEMBER HENDERSON: I don't have any 7 MR. CHITTIC: You know, in regards to noise from 8 8 additional comments at this time. pavement, Catalina, I believe -- and I might defer to 9 MAYOR WARNER: Okay. Who would like to go next? 9 Chris with Public Works is currently paved with asphalt 10 Greg? 10 which is quieter than what you have on Penn Street which 11 COUNCIL MEMBER NORDBAK: Most of my comments or 11 is concrete style. So I'm not sure that paving Catalina 12 questions are going to be actually in my closing remarks. 12 would do much for noise, but that might not be the same 13 13 I think that the Staff Report we got last week answered answer for Penn Street. 14 14 an awful lot of my questions and I really appreciate Chris? 15 15 MRS's presentation tonight because that took care of more MAYOR WARNER: How many trips or auto trips are 16 16 of them. I do have about a handful of questions, but I proposed on Catalina? 17 17 prefer to wait. MR. CHITTIC: I can check on that. 18 18 MAYOR WARNER: Okay. Joe? MAYOR WARNER: Joe, more questions on that item? 19 COUNCIL MEMBER VINATIERI: Yeah, I'm good to go. 19 COUNCIL MEMBER VINATIERI: Yes. So I asked my 20 MAYOR WARNER: Let us know where you are, what 20 question on that. I'm concerned about noise reduction, 21 21 document. if that's possible. And I think we -- I'm not sure we've 22 COUNCIL MEMBER VINATIERI: Yes. I'm in the 22 had so much testimony, but on Penn Street is there an 23 Staff Report on Bates stamp page 97. This is where I 23 ability to regulate the traffic on Penn Street by 24 24 left off after -- yes, long, long ago and far, far away. reducing the landfill truck traffic such that there would 25 25 And I went through my questions this week -be the same amount of traffic with this project as there 150 152 1 weekend --1 currently is today or could we even regulate it such that 2 COUNCIL MEMBER HENDERSON: I'm sorry, Joe, I'm 2 there might be less truck traffic on Penn Street as a 3 lost, where you are? 3 result of traffic mitigation? 4 4 MAYOR WARNER: 97. COUNCIL MEMBER NORDBAK: Isn't that in the EIR? 5 5 COUNCIL MEMBER HENDERSON: 97, thank you. MR. CHITTIC: Yes. There's a mitigation measure 6 COUNCIL MEMBER VINATIERI: I went through this 6 in the EIR which originated from discussions that we had 7 7 with the landfill and Public Works that indicated their and pulled out a bunch of questions based upon what we 8 8 heard the last couple weeks, but I still have several historical traffic to the landfill has averaged eleven, 9 others and there's going to be some right now that I'm 9 what are called, foreign truck trips a day, which come 10 10 going to throw out in light of what I've heard tonight. from outside the city. And so you could, therefore, 11 11 For example, on 97 I had a question about the theoretically refuse those eleven. And during the 12 ranger residence and I think we've heard the answer on 12 operational phase, the number of truck trips associated 13 13 with the project were to average two to six per day. So that one. 14 14 So let's turn to page Bates stamp 109. This is you could offset it and you could offset it additionally. 15 15 transportation circulation, and I know we've had a long However, I would point out that during 16 16 discussion about the various aspects of this. I had a construction you would exceed eleven on Penn Street and 17 17 question on T1D, as in David, on Catalina Avenue. I'm a so you would -- could offset some of it, but you wouldn't 18 little concerned about whether we should consider -- or 18 be able to offset all of the construction traffic. 19 19 COUNCIL MEMBER VINATIERI: I note here on T1F, let me ask the question of Mr. Perez. 20 20 Mr. Perez, if we put something in here to it says, Seven identifying sources of landfill traffic 21 21 mandate that Catalina be repaved would that help deaden ensuring proposed project truck traffic during 22 22 some of the sound, some of the noise? operations, not construction, does not increase average 23 23 COUNCIL MEMBER NORDBAK: It will give the truck traffic levels. So I do see that in here, and I 24 residents more construction. 24 think we also talked about last week as part of the 25 25 MR. PEREZ: I'm going to ask Mr. Chittic to try traffic -- Penn Street traffic program that's going to 151 153

1 have to take place, making sure or requesting that the 1 going to involve you, come to this meeting. Whatever it 2 2 Penn Street residents have a part of that traffic might be. Whether it's a Parking Commission meeting, a 3 3 program. Townhall Meeting, whatever you're comfortable with, 4 4 So we would have the ability, would we not, to that's fine with me. 5 5 COUNCIL MEMBER VINATIERI: I'd like -- we know put that into the -- as a further mitigation or a further 6 6 way of having the residents to be involved with that who they are, I'd like to contact them. 7 7 which we've heard a lot about in the last week or so. MR. MAGDOSKU: Yes, sir. 8 MR. CHITTIC: Yes. 8 COUNCIL MEMBER VINATIERI: Okay. 9 COUNCIL MEMBER VINATIERI: So we can further 9 MAYOR WARNER: So another question on this 10 condition that. Okay, thank you. 10 matter for our consultant, if I may. You said during the 11 MAYOR WARNER: Before you leave that one, don't 11 construction phase that there would be a higher number of 12 12 sit down yet but question for Kim. trips, what would that be? 13 13 The traffic program then will come back to us in MR. CHITTIC: Appendix O would be as many as 36 14 1 4 the future for our approval? truck trips per day along Penn Street. So that would be 15 MS. BARLOW: I don't believe it's intended to 15 72 one way or --16 16 MAYOR WARNER: What's the proposed mitigation come back to the Council. 17 17 MAYOR WARNER: It just goes down? during that time? 18 18 COUNCIL MEMBER VINATIERI: It says implement. MR. CHITTIC: Well, based on the level of 19 19 MS. BARLOW: However we normally would do a service analysis that doesn't produce a significant 20 20 impact. However, we felt that there could be a traffic program with the traffic engineer and maybe 21 21 Mr. (inaudible) can answer that question. But in terms significant impact if there was some other event going on 22 of incorporating the public in the process, we can 22 at Whittier College or at the park, and so mitigation 23 certainly do that via a Condition of Approval without 23 measure T1F requires a number of things. Some of them 24 24 necessarily changing the mitigation measure. that were just mentioned in terms of coordinating with 25 25 MR. MAGDOSKU: Yes, we want you to feel Whittier College and doing things such as crosswalks and 154 156 1 comfortable. If it has to come back to Council, we would 1 measures such as that. 2 then bring it back to you, but most likely it will stay 2 MAYOR WARNER: And as far as the trash trucks. 3 at staff level. We'll review the trips, review the 3 wasn't there something in there about the trash trucks 4 4 program, review the stakeholders, Whittier College. utilizing a different route to get to the landfill? 5 MAYOR WARNER: How do you involve the folks on 5 MR. CHITTIC: No, not a different route, just 6 6 that foreign trash trucks might be directed to a the street? 7 7 MR. MAGDOSKU: Probably be some sort of letter different landfill. They would still -- all the trucks 8 8 that was sent out. Parking Transportation Commission would still continue to use Penn Street. 9 isn't really appropriate for this. Because this is not a 9 MAYOR WARNER: So during construction if you had 10 10 parking or transportation issue. However, it's a part of 76 truck trips a day, and you had eleven trash trucks, 11 11 the EIR and as their advisory body they are, they can be you'd send those eleven trash trucks elsewhere, but then 12 12 involved in reviewing something or advising staff to go you'd still be having an additional 60 some truck trips a 13 out and contact the residents and they would do that and 13 dav. 14 1 4 as well as work with Whittier College, which is another MR. CHITTIC: Well, there's one way trips and 15 15 entity. then there's roundtrips. So the EIR was consistent with 16 COUNCIL MEMBER VINATIERI: Let me just -- from 16 roundtrips. So there's 36 roundtrips and there would be 17 17 my perspective, I think we need to do a little bit more eleven roundtrips of trash trucks that could be 18 than just writing a letter to some people. We've had 18 displaced. But I want to point out that the EIR only 19 19 specific people come and testify, and I think we know who specifies that mitigation for the operations phase, not 20 20 they are, and I think they need to be notified when we construction phase. 21 21 start doing this traffic plan so they have an opportunity MAYOR WARNER: Right, right, I understand that. 22 22 to be heard and actually have an actual working part of MR. PEREZ: Madam Mayor, part of the point is 23 23 the document. that the construction is a temporary type of impact. And 24 MR. MAGDOSKU: Well, that would be the intent. 24 so it doesn't rise to the same level of impact that you 25 25 The letter would be, Hello, as a part of this, we are have during the operational phase that requires that

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1 level of mitigation. 1 listening very carefully. 2 MAYOR WARNER: And the construction phase is how 2 MR. CHITTIC: Madam Mayor, you did have a 3 long again? 3 question about the Catalina traffic. I have the answer 4 4 MR. PEREZ: It varies depending on what types of to that if you're interested. 5 5 things you're looking at. During the original testing MAYOR WARNER: Okay, please. 6 phase, for example, when they're coming in and doing the 6 MR. CHITTIC: The amount of traffic moving 7 7 testing phase that lasts nine months, that's exclusively through Catalina during the drilling and testing phase 8 through Catalina Avenue. So that doesn't begin to effect 8 will be a peek of 40 vehicles, with a peek of 20 trucks, 9 the area on Penn Street. Only after the reserves are 9 that would will be on the day when we're bringing in all 10 10 proven and the project determine economical then the the drilling equipment. 11 11 construction phase begins. And then during that MAYOR WARNER: So is this just on one day? 12 12 MR. CHITTIC: That's correct. That's the peek construction phase there are still some of the trips that 13 13 will be occurring through Catalina Avenue, but day through Catalina during the drilling and testing 14 14 particularly with regards to car trips versus the truck phase. 15 15 trips that would then be asked to see through the Penn MR. JONES: Again, I think we need to be careful 16 16 Street and landfill. because the implementation phase of this -- construction 17 17 MAYOR WARNER: I do have a concern as well. If is going to go up and down, and so you're not going to 18 18 we do determine that we're moving forward with this whole get constant number of truck traffic, truck traffic per 19 19 project, I have a concern about communication period, but day, whatever, it's going to vary. And so part of the 20 especially communication with those that have made 20 implementation plan is to recognize that and mitigate it 21 21 comments and receiving their input and, you know, as it goes through as the implementation process as 22 22 continuing to work with them. And I'm not sure, is there opposed to the broader concept of creating the condition 23 anywhere in the document, Kim, do you know, that speaks 23 itself at your level. 24 24 to ongoing communication with the residents on Catalina COUNCIL MEMBER VINATIERI: Let's go to Bates 25 25 and on Penn in regards to, okay, starting on Monday, stamp 113. This is item T2 and it's -- I've got a 158 160 we're doing this and you're going to see this many trips 1 1 question regarding thirteen it says, Scheduled 2 average on your street for this many weeks or months. Is 2 construction adjacent to critical land uses so that at 3 that -- any of that required? 3 least one driveway is left unblocked at all hours. What 4 4 MS. BARLOW: Nothing specific, but we would is critical land uses? 5 incorporate that into the traffic plan. 5 MR. PEREZ: Well, I think what we're talking 6 MAYOR WARNER: Okay, all right. 6 about here is residential land uses or businesses. Any 7 COUNCIL MEMBER NORDBAK: Another thing I'd like 7 type of land use that may be affected by traffic closures 8 8 to incorporate into the traffic plan, Kim, is I think it and that sort of thing that could occur during pipeline 9 needs to be specific that no truck traffic for the 9 construction. So the mitigation measure's aimed at 10 10 construction site is allowed south on Catalina Boulevard insuring that you're having some protection during that 11 south of Mar Vista. And that needs to be in the document 11 time. 12 12 itself. You know, it's expected that at any given time 13 MAYOR WARNER: It's okay, they can come on my 13 you're going to be affecting a block for about a week or 1 4 14 street. so during the construction of the pipeline. So notices 1.5 15 MR. JONES: Again, I think it's important to would have to be provided to businesses so that there are 16 16 understand that as you create these conditions, the signs that the businesses will remain open during 17 17 actual implementation is a traffic plan. There's much construction, that certain access during certain times of 18 greater specificity that will be incorporated by your 18 the day may be blocked because of the construction 19 19 City Manager and by traffic people that will take in period. But again, it's considered to be temporary in 20 20 these areas of sensitivity and address those things. nature. I know that we heard a lot comments from members 21 21 That's the implementation stage. of the public about their concern. It is something that 22 22 COUNCIL MEMBER VINATIERI: I think that's why is regularly done throughout California when we see

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utilities being put in or even private projects being put

It's something that's done fairly regularly and it can be

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in, we see it a lot with telecommunications projects.

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we're putting that out there because I'm particularly

MR. JONES: I'm assuming the City Manager is

sensitive to this issue.

done in a way that reduces impacts to the community to the maximum extent feasible.

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COUNCIL MEMBER VINATIERI: I think you indicated last week, if my recollection's correct, that typically these are done as quickly as possible. In other words, they put in a section and they move through it and they're onto the next section fairly quickly. So I'm taking by reading this that that's going to happen in here, and I see some other language in here, and that's going to happen here, but while this is happening at least somebody is not going to be fully blocked in is what I'm concerned about. I heard that from a couple residents who were concerned about that and that's why I'm articulating it right now.

MR. PEREZ: And I think that's the case, yes, plans will be made. When you have a road as wide a Colima Road is you don't need to be blocking driveways or anything like that in order to proceed with the construction project.

MAYOR WARNER: Will any consideration on the Colima Road, the construction there, will any consideration be given to the school schedule for the high school that's right off Colima? And I don't know if there's any flexibility that can be given, but would that be taken into consideration; i.e. summer, school's out,

different provisions, at minimum fifteen different provisions. One of which talks about -- number twelve talks about advanced notification shall be made to affected residents and businesses through public information, such as website or mailings and shall include construction scheduling and identify the pipeline

MAYOR WARNER: And that's all fine and good, but again our neighbors in Hacienda Heights, we don't know how far some of them come from, that's a major artery, you know, coming over, but I'm convinced that it will be addressed. Thank you.

Joe?

COUNCIL MEMBER VINATIERI: Yes, if we could go to Bates stamp 116, please. I want to make sure I understand this under segment nine, Mar Vista Street west of Colima, they're talking about taking out the aesthetically pleasing bump-outs, is that correct? That's the chicane there as you go down through Mar Vista. It says, In order to address potential future cumulative impacts, this segment would need to remove the roadway enhancements.

MR. CHITTIC: Madam Mayor and members of City Council, that wasn't -- wasn't a mitigation that was included in the EIR as part of the cumulative analysis.

that type of thing?

MR. CHITTIC: The EIR doesn't specify that, but that would be incorporated into the traffic plan.

MAYOR WARNER: And also in the traffic plan there's the verbiage in regard to signage over the hill in Hacienda Heights. 'Cause I would imagine if I were a Hacienda Heights resident I would want to know if I'm taking my normal route and coming over the hill that it's going to be a mess.

MR. CHITTIC: Those are all issues that could be incorporated in the plan, although they're not specified in the EIR.

MR. JONES: Again, those are relatively routine things we do automatically anyway. On big projects that's what we do, the signage, try to move projects so we don't create unnecessary blockages dealing with schools and activities of that nature. That's staff level, and that is on big projects we do it anyway.

MAYOR WARNER: Well, I'm glad. I don't want to do it, but I want to make sure it gets done and we've heard speakers address it, so I think it's prudent that we bring it up and make sure we they know we heard their comments.

MR. PEREZ: Madam Mayor, if I may, D2, which is the condition that we're talking about has fourteen

Because when you added all the traffic from all of the cumulative projects, Mar Vista became even worse and so that was one that was added. That would be a fair share type of activity down the road that could increase the flow of traffic on Mar Vista.

COUNCIL MEMBER VINATIERI: So we're not mandating that now, what we're saying is if it appears that there is a problem, then this would be one of the things that could be done to mitigate that?

MR. CHITTIC: Exactly.

COUNCIL MEMBER NORDBAK: Yeah, I don't think you're talking about a permanent take out of it. We spent a lot of time slowing traffic down on Mar Vista. I'd rather see us not go backwards.

COUNCIL MEMBER VINATIERI: So, in other words, what we're saying is it possibly needs to come back and if it does then it goes back after the construction is over. Okay, I'm good with that.

Let's go to the next one. I have a concern about this intersection number three, Hadley Street and Whittier Boulevard, Phase Two, talks about improvement to alter the existing striping and provide two southbound left-turn lanes and a dedicated westbound right-turn lane. And here's the language I'm concerned about, These improvements are not likely to be accommodated with an

1 existing right-of-way, an additional right-of-way may 1 rig floor. 2 need to be acquired. I.e., who's going to buy that 2 I looked at -- I was looking at the mitigation 3 3 property? I mean, we're talking about purchasing requirements here, WR3A, et cetera, I didn't see that 4 4 property here to increase the left-hand turn there. particular requirement in any of these -- these 5 5 Where's that money going to come from? mitigation measures. Is it -- can you show me where it 6 MR. CHITTIC: Madam Mayor, members of the City 6 is in here? 7 7 Council, that's once again a cumulative issue and it MR. PEREZ: I don't know if I can show you 8 8 specifically where it is within the mitigation measure. would be dealt with as part of the fair share analysis 9 9 It may be an artifact of the project description where and the long term, that's how the EIR approached that 10 10 this is the way in which the project will be conducted. 11 11 So if some of this may be language from the project COUNCIL MEMBER VINATIERI: Okay. So when you 12 12 say fair share -- help me. I mean, everyone pays a description rather than a specific mitigation measure. 13 13 little bit of this? COUNCIL MEMBER VINATIERI: So what you're saying 14 14 MR. CHITTIC: That's right, depending on what is it's essentially already in the project. It's just 15 15 that we don't need to specifically articulate it. fraction of the impact it's determined that you have so a 16 16 MR. PEREZ: I think that's correct, yes. number of projects contribute to a fair share program. 17 COUNCIL MEMBER VINATIERI: Okay. And who's 17 COUNCIL MEMBER VINATIERI: Okay. Let's keep 18 going to make that determination? 18 turning here. I'd like to go to Bates stamp 196 and now 19 19 MR. CHITTIC: I believe that's the Public Works. we're into the environmental effects that remain 20 MR. JONES: Public Works. 20 significant and unavoidable after mitigation. The first 21 21 COUNCIL MEMBER VINATIERI: I'm looking for one is the air quality and this is construction 22 22 emissions, and I'm not sure Mr. Perez you can answer this places here that's going to cost the City some money, I 23 really got a little concerned about that. 23 question, but we had the same issue regarding 24 24 MR. MOGDASKU: In Appendix E of the EIR there's construction emissions of the new police building. 25 25 a table. And in that table there's the project fair Anybody at the City, can you tell me what those same 166 168 1 share. So let me take a look at that. This would be the 1 emissions were for when we did the police building? 2 cumulative, correct? So they have an a.m. peek hour fair 2 Anybody? I know we had a big discussion of this and this 3 share, and you notice that and a p.m.; 15 percent, 3 thing was actually shut down for awhile until there was a 4 13 percent. So whatever the cost of that is their 4 legislation -- was that generators? 5 5 percent of that cost would be on the Applicant. The MR. COLLIER: It was emergency generator. 6 rest, yeah, where does it come from. Don't know. 6 COUNCIL MEMBER VINATIERI: I'm trying to see if 7 7 there's any similarity between the emissions at the new But that's like any project, the fair share 8 8 contribution comes in, we put it in the bank. Much like police building from construction. Because there was a 9 PIH did for their work at their facility. So we put it 9 lot of dirt moved on that also, and as well as Whittier 10 10 in the bank and look for a time and go for the Community Church. Okay. That's a point of information. 11 11 improvement when all the money comes in from some sources Let's go to Bates stamp 201. And I appreciated 12 12 applicable. what was done earlier today, I think Mr. Perez, where you 13 COUNCIL MEMBER VINATIERI: Okay. So this 13 talked about South Coast AQMD, and some of the things 14 1 4 essentially is nothing really new. It's just if this that they require. Once again, for purposes of our 15 15 issue comes up that's how it's going to have to be dealt police building, does anybody know what the mitigation 16 16 with? was on the greenhouse gases on that? Anybody? 'Cause I 17 17 MR. MOGDASKU: That is correct. know we had to -- what I'm concerned about is we've just 18 COUNCIL MEMBER VINATIERI: Okay. Thank you. 18 gone through our police building construction a year ago 19 19 Let's go to -- maybe I missed this Bates stamp and I know we did a greenhouse gas thing at that time and 20 20 123. This is under, Degradation of Surface Water I'm trying to get an idea of similarities and 21 21 Quality. Actually, it's on page 124. And I want to make non-similarities between that and this project here. 22 22 sure that here -- there's a discussion here that says, MR. CHITTIC: Just as a note, I'm not familiar 23 23 however -- the last paragraph -- However, a pollution pan with the police building, but generally the procedure is 24 would be installed under the rig floor to contain and 24 with the AQMD is that you amortize the construction of 25 25 the greenhouse gas over 25 years. And then you add in collect any oil based drilling mud that may spill on the 167

the operational emissions. And my guess is the police building would have had quite a few construction emissions but when you amortize them over 25 years, it usually doesn't exceed the threshold.

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MR. COLLIER: I don't recall any exceedances of any of the thresholds. The only issue that we did have was with the generator issue.

COUNCIL MEMBER VINATIERI: Okay. Then I had a question about solar panels and we heard about that today, thank you, already.

Okay. And I did have questions about the aesthetics and we've talked quite a bit about that in terms of height. So those are no longer -- I don't need to talk about those.

Let's go to Bates stamp 208. This is on hydrology water quality and the issue of surface water, ground water, quality degradation. This is -- this is a rupture or a leak during oil operations from pipelines or drilling, et cetera. On page 208 you have a series starting on the first paragraph here, the second -- first full paragraph. You're talking about, I think -- I think I'm getting odds of what the release could be in various scenarios. And I see in the second paragraph, the last sentence it says, The frequency of release of crude oil from proponent storage pumping areas beyond proposed the facility is bermed so you have to have this additional factor that happened. The frequency outside where the pipelines would run through the preserve is quite a bit higher.

COUNCIL MEMBER VINATIERI: So that's what I wanted to get into. So in terms of the actual 6.9-acre area because it's bermed and because of all the other mitigation, the odds of it happening are once every more than a million years. And, of course, this facility, the life of it is about 20 to 30 years, so.

MR. CHITTIC: Right.

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COUNCIL MEMBER VINATIERI: So that's pretty, pretty, pretty remote. Let's go -- it says, The worst case scenario for pipeline rupture would be a rupture at the tie-in along Leffingwell Avenue which would result in complete draining of the pipeline or approximately 3700 barrels back to the preserve boundary.

So explain to me is that -- so because it's all downhill 'til it gets to Leffingwell and if there was a leak down there, then the whole pipeline from Colima where it hits the -- across from the baseball field all the way down, all -- that's possibly is the worst case scenario, that would all leak out down at Leffingwell Road; is my supposition, correct?

25 MR. CHITTIC: That's correct.

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containment would be once every 1,029,469 years.

Can you explain to me what you're saying there? I think I know what you're saying, but can you elucidate it a little bit, please.

MR. CHITTIC: Madam Mayor, members of the City Council, we estimate the frequency of a spill based on failure rates from the industry databases for valves, for piping breaking, for tanks, as well as we incorporate the frequency of an earthquake over or an atmospheric tank over .5 Gs that would cause a failure of the tank. And then all those releases because they're inside a bermed area, you would also have a failure of the berm associated with the earthquake or because they want to drain rain water out of the berm, there are valves that they would go around and occasionally open and drain out. And if there was a mistake made where they left the valve open and then a subsequent spill occurred before they made their regular round again. So you add all those up and you come up with a frequency of a spill. And it's usually done on an annual basis. So it would be a number times ten to the minus six. However, sometimes it's written more simply with the inverse of that will occur every about million years. So the odds of it happening are about one times ten minus six.

And it's quite low within the facility because

COUNCIL MEMBER VINATIERI: And, let's see here, it says. The release of crude oil from piping outside of the containment area is due to a rupture leak at the probability of once every twelve years, but this

5 probability does not necessarily represent large spills.

6 So why does that mean?

> MR. CHITTIC: Well, we essentially look at multiple failure rates of -- failure rates of actually having a large rupture in the pipe where the pipe completely severs itself or a valve completely blows out and you have a large release rate on the orders of multiple barrels per second or so. Those happen in a lower frequency. Then you would have a smaller leak, for example, you develop a pinhole leak or half inch leak in the pipe due to corrosion or somebody poking it, if they were digging in the area or a leak from a valve. And so that frequency of once every twelve years is for the entire length of pipeline, that includes both those larger releases and smaller releases.

COUNCIL MEMBER VINATIERI: So what you're saying then is, or what I understand you're saying, a small release is more likely than a large release, but if you put the two together it's once every twelve years?

MR. CHITTIC: That's correct.

COUNCIL MEMBER VINATIERI: So if the life of

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1 this facility is 20 years or 30 years, you're saying that 1 COUNCIL MEMBER VINATIERI: And that's -- I think 2 there's a possibility that you could have one leak of 2 that's covered here. That's what WR4C is, am I correct 3 3 some sort or two leaks of some sort during that 30-year on that? 4 4 life of the facility; is that correct? MR. CHITTIC: I believe so, yes. 5 5 MR. CHITTIC: That's correct. And it might be a COUNCIL MEMBER VINATIERI: Okay. Okay, the last 6 leak that is contained within a valve box or something, 6 item on this is the next paragraph, it says, The 7 7 for example. Not necessarily a large leak that would run potential for rupture of the well head area during 8 8 into drainages and down into creeks and such. drilling is once every 33 years. And then it says, Blow 9 COUNCIL MEMBER VINATIERI: Okay. 9 out prevention systems are proposed to be used during the 10 COUNCIL MEMBER NORDBAK: You touched on my 10 drilling operations. 11 11 question, so there are secondary cutoff valves all the So when you say once every 33 years, can you 12 12 way down Colima, correct? Automatic cutoff valves if help me out on that, how do you come up with that 13 13 they detect a leak? statistic? 14 14 MR. CHITTIC: From my understanding there's only MR. CHITTIC: The -- we utilize a number of 15 15 a cutoff valve at the site and then where it ties into different databases including the databases being 16 16 the crude oil pump. There are no additional -maintained by DOGGR for the state of California as well 17 COUNCIL MEMBER NORDBAK: Are there any -- is 17 as databases by the Mineral Management Service for 18 18 your statistics based on double line pipes or single? offshore wells, which is a very accurate database. 19 19 MR. CHITTIC: Single line pipe only. Although offshore is not exactly applicable to 20 COUNCIL MEMBER VINATIERI: Okay. So if there 20 onshore, the quality of the database is such that we find 21 21 was a -- let's say there's something that happens at the that one to be very useful. As well as we look at Texas 22 22 corner of Whittier Boulevard and Colima. So it's, I which has a lot of wells in their database. And we 23 don't know, that's maybe halfway down the pipeline. How 23 estimate how frequently there have been uncontrolled 24 24 would Matrix or how would the City know that there's some blowouts and how frequently the blowout preventers work 25 25 kind of leak going on? and don't work. 174 176 COUNCIL MEMBER VINATIERI: Okay, and you MR. CHITTIC: One of the mitigation measures is 1 1 2 to have a leak detection system which has a flow meter at 2 indicate here it says, The safety systems are composed of 3 both ends of a pipeline, so where it leaves the project 3 stack (inaudible) such systems will be placed on each 4 4 wall head during drilling and removed after the well is site and then where it enters the crimson pipeline. And 5 5 those are connected by computer with a centralized established. And that's covered under -- I'm trying to 6 facility that then measures the amount of crude oil going 6 see which condition that was -- that's right, I didn't 7 7 see it under the condition. Is that part of the plan into the pipeline and the amount of crude oil coming out 8 8 that was submitted by Matrix then already so we don't of the pipeline. And that's one means of detecting 9 9 leaks. It can't detect the smallest leaks, but it will have to have a mitigation measure? 10 10 detect the majority of leaks. MR. CHITTIC: Yes, that would be also a DOGGR 11 11 In addition, there are pressure sensors. So if requirement. 12 12 COUNCIL MEMBER VINATIERI: Okay, that's a DOGGR you do have a large rupture that breaks the pipeline, you 13 13 get a quick pressure drop and that also will alert you. requirement, okay. 14 14 Next question. Page 217, Bates stamp 217. So there are leak detection systems. 15 15 COUNCIL MEMBER VINATIERI: Okay. So from a There's a discussion in here regarding going down Lambert 16 16 safety perspective -- I can't bother once every Road, I believe, versus going down La Mirada Boulevard. 17 17 twelve years and that's why I'm asking what that And I -- I'm just going to make an assumption here, to go 18 statistic really means. You have -- in essence, you have 18 down to Lambert Road to tie in at Leffingwell versus to 19 19 go down Colima to La Mirada Boulevard to Leffingwell; to two ways of dealing with a problem. You can see 20 20 go down Lambert, I think I saw in here it's .3 or .4 automatically what happens coming out at Colima Road, for 21 21

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further?

miles further. I guess my question is was that rejected

MR. PEREZ: So I think what we have is a couple

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as a way of doing this because it was a little bit

of different things here. The alternative alignment

example, and then what happens when it goes into crimson

pipeline. I'm assuming is there somebody monitoring that

MR. CHITTIC: Yes, there generally is for this

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24/7.

data system, yes.

allows for it going within an existing railroad right-of-way corridor, which in many other jurisdictions you want to try to utilize an existing corridor versus impacts that you may have on traffic, if you go down Colima Road and La Mirada in this particular case. So in order to reduce those impacts, the recommendation of the environmental document will be to utilize the railroad right-of-way to do that.

Now, I know that there was some questions about specifically using Lambert Road versus using La Mirada and I think the point here is you're going to have .35 miles longer of pipeline and so therefore it doesn't -- you don't get anything out of doing that, you're actually going backwards. You're getting more impact from having .35 more miles if you're putting it specifically within Lambert Road. This is going within the railroad right-of-way.

So it's either you go in the railroad right-of-way or you're able to then continue on on the proposed project which is the La Mirada as proposed by the Applicant.

MS. BARLOW: If I may, I also understand that Lambert Road alternative might involve having to build within the County 'cause that's not all within the city boundaries.

high volume.

MS. BARLOW: That is condition 77.
COUNCIL MEMBER VINATIERI: 77, okay.

Let me go to Bates stamp page 482. And this is
the Conditions of Approval Attachment F as in Frank. And
going through this, I want to make sure, maybe I missed
something here, but on 482 item 4B as in boy, it talks
about retention bases oil field shall be adequately sized

and maintained to handle a hundred year storm event plus
 potential spill. That was taken out. Was that taken out
 at the Planning Commission level? Does anybody recall?

MR. PEREZ: This was a condition that was left over from something different that did not apply to this project. And so it was originally placed in error as part of the conditions and so it was removed.

COUNCIL MEMBER VINATIERI: Okay. I was going to say, 'cause it -- it appeared to me like that's not a bad requirement, why are we pulling it out, but you're saying it was never applicable in the first place. Okay.

Let's go to 489. And this is another one, it's 64-3, annual drilling, redrilling, well abandonment; this is all deleted also, why was this deleted?

MR. PEREZ: For the same reason. This was applicable to a different -- it was borrowed from a different project and it was in error. And if you read

COUNCIL MEMBER VINATIERI: Which is going to be the situation down La Mirada also. So if you go down La Mirada you're in the County, you go down Lambert you're in the County, but you'd have .35 miles further, so that doesn't make a lot of sense.

Okay. Keep going here. I had a -- there was a letter here from -- I think it's been answered -- from Peggy Luna, objections on Penn Street, but I think we've talked about it, and we cleared it up earlier.

I also noticed there was a letter here, a statement was made, I think, last week about fracking and I note that the Applicant through Council indicated that they were good with a CUP condition that said no fracking. And I think -- I believe that's condition 77, it's already in there, am I correct on that?

MS. BARLOW: There was a condition relating to no fracking that was approved by the Planning Commission, yes.

COUNCIL MEMBER VINATIERI: So that condition is in here already?

MS. BARLOW: Yes.

COUNCIL MEMBER VINATIERI: I know that came up last week or the week before, so I wanted to make sure that that was --

COUNCIL MEMBER HENDERSON: No high pressure, no

through some of the requirements, you quickly see that they're not really applicable to this. It's talking about an oil field that has spread out pads throughout a wide area versus a project such as this.

MAYOR WARNER: Same on 490?

MS. BARLOW: Yes.

COUNCIL MEMBER VINATIERI: Yes. Okay, that answers that. Thank you.

Let me go to -- you hit -- we had the redline version of the conditions on page 554 and I think we've taken care of a couple of concerns I have there. Let me go to Attachment I. This is the letter from Matrix to Ms. Barlow. Okay. This is on Bates stamp 588. One of the -- one of the concerns I have is to obviously maximize this project to Whittier from a tax standpoint as much as possible. And I think Mr. McCaskey talked about making sure that the local tax allocation that would come as a result of purchasing various and sundry materials for this project would be allocated for the purpose of Bradley Burns local sales tax would be allocated to this -- to the city of Whittier. I don't see anything in the conditions that provide for that. Are they in the conditions?

And maybe, Kim you're the person I should ask. MS. BARLOW: I'm sorry you're on page 588?

1 COUNCIL MEMBER VINATIERI: Yes. I had gone 1 Applicant did indicate that they intended to do that. 2 2 through and this was the -- this -- this was from Johnny COUNCIL MEMBER VINATIERI: Understood. I'm just 3 3 Jordan president of Matrix Oil. I didn't see anything in wondering if we should put that in here. 4 4 here nor anywhere else making sure that the legal tax MS. BARLOW: Since they've indicated they intend 5 5 goes to the city of Whittier. to do that, I presume they would not object to any such 6 6 MS. BARLOW: I don't recall whether that's in 7 7 our Conditions of Approval or not. If you give me just a MR. MCCASKEY: Are we trading here? 8 8 second, let me look. COUNCIL MEMBER VINATIERI: You're listening. 9 COUNCIL MEMBER VINATIERI: I didn't see it, so 9 COUNCIL MEMBER NORDBAK: Not yet, not yet. 10 that's why I'm asking. 10 COUNCIL MEMBER VINATIERI: You're listening. 11 11 MR. MCCASKEY: We indicated we would look into MAYOR WARNER: Can you continue while she's 12 12 implementing that. I'm not an expert on that, but we looking for that, Joe? 13 COUNCIL MEMBER VINATIERI: Probably -- well, let 13 would do it if it was allowed and easy to do. As far 14 14 me ask the second question, it's similar to that one and as -- I don't know if it's an application to Sacramento 15 15 that is, do we have -- I didn't see anything in the but whatever we would like to do that program. 16 16 conditions that talks about Whittier residents being COUNCIL MEMBER VINATIERI: Nothing in this 17 17 considered for jobs for this particular project. I know program is easy, so I don't like that language. Is it 18 Mr. McCaskey talked about that also, but is there 18 feasible? 19 19 anything in here that says, yes, here's what we're going MR. MCCASKEY: Yes. 20 to do, dah dah dah dah dah. I didn't see that 20 MAYOR WARNER: And you also -- I think you also 21 21 either. indicated, Mike, did you not, that you would be opening a 22 MS. BARLOW: We did add a condition at the 22 local office here in order to facilitate that? 23 Planning Commission, condition number 78, Operators shall 23 MR. MCCASKEY: It's my understanding that the 24 24 work with City staff to adopt a program to encourage procurement would have to be done locally, so we would be 25 25 hiring of local workers for the project. doing it out of a local office. 182 184 COUNCIL MEMBER VINATIERI: That's 78? COUNCIL MEMBER VINATIERI: Correct, yes. 1 1 2 MS. BARLOW: Condition 78. 2 COUNCIL MEMBER NORDBAK: Procurement and 3 COUNCIL MEMBER VINATIERI: I'm sorry, there it 3 delivery. 4 is. That's on Bates stamp 583. So operation will work 4 COUNCIL MEMBER VINATIERI: So we can make that a 5 with city staff to adopt a program to encourage hiring of 5 condition. 6 local workers for the project. Local, meaning, city of 6 The last item here, is there a condition -- and 7 7 Whittier, Whittier County residents, is that what local maybe this is not feasible and it's not reasonable, but 8 means? 8 obviously I'd like to see as many purchases relative to 9 MS. BARLOW: As local as we can get them, I 9 this project done from Whittier or local businesses as 10 10 think. possible. And I think you made that statement last week 11 COUNCIL MEMBER VINATIERI: That sounds like --11 but that's important for me because of the economic 12 12 MAYOR WARNER: Those legal words. aspects of it. 13 COUNCIL MEMBER VINATIERI: Is that kind of like 13 And I guess the question is, Kim, is that 14 14 rational basis? reasonable for a condition or is that more a sense of do 15 15 MAYOR WARNER: I'd say the boundaries of the the right thing kind of thing? 16 city of Whittier. 16 MS. BARLOW: We could try to come up with a 17 17 COUNCIL MEMBER VINATIERI: Well, that might be condition that would be acceptable to the Applicant and 18 18 kind of tight. also legally enforceable. We are making -- you would be 19 MAYOR WARNER: Okay. 19 making, if you approve the project, a statement of 20 COUNCIL MEMBER VINATIERI: Okay. So we do have 20 overriding considerations. Some of those considerations 21 21 something on that. are economic, that conditions could arguably very much be 22 22 Kim, did you see anything on Bradley Burns? rationally related to meeting that goal. 23 23 MS. BARLOW: I don't. Perhaps staff remembers COUNCIL MEMBER VINATIERI: Okay. Thank you. 24 24 that, but -- I remember the discussion coming up, but I Okay, let's keep going here. 25 25 don't remember there being a Condition of Approval. The Appendix O, my concern here was aesthetics and I 183 185 think we've -- Mr. Perez hit a lot of it tonight. I know that when I went out here and looked at the views from the various points of reference I think that were in the EIR, it seems to me the mitigation that we've been talking about certainly goes a long way to dealing with the aesthetic issue. Yeah, I think -- I don't have any questions on that because of the presentation.

Okay, let me go to some of the questions that came up in the last week where I had -- I had questions.

MAYOR WARNER: Are you going to be referencing speakers, Joe?

COUNCIL MEMBER VINATIERI: I do have speakers names, but I --

MAYOR WARNER: I mean, the items that they brought in?

COUNCIL MEMBER VINATIERI: Yes, yes. I'm just -- some of them have been hit tonight. So I'm just going through here, I don't want to belabor it any further.

There was an issue brought up by one of the speakers last week regarding a pressure blast and I was not familiar with that terminology. What is a pressure blast, does anybody know?

MR. CHITTIC: Madam Mayor, members of the City Council, a pressure blast is an over pressure wave that

MR. CHITTIC: Yes, or some oil and gas plants similar to this which are processing crude oil and gas will store their gas liquid and then sell. Those they're selling propane and butane and they'll have large storage and that becomes an issue. However, they're not proposing that.

COUNCIL MEMBER VINATIERI: They're not doing that here?

MR. CHITTIC: No.

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COUNCIL MEMBER VINATIERI: Okay, thank you.

Last item. On the materials that we received from this evening, there's a letter here from Glenn Lukos Associates Regulatory Services and it says that -- it's a letter to the U.S. Fish and Wildlife service results of protocol coastal California gnatcatcher and (inaudible). There's been a lot of discussion about gnatcatcher and I'm turning here to page five of this document. And we had several people, as you recall, talk about the core habitat area. This document -- let me just read this and -- 'cause I'm a little confused now, and I want to make sure I understand it. The document says -- one sentence says, The coastal California gnatcatcher has not been detected nesting in this area during past surveys. However, based on the suitability of habitat to the north and east of the landfill, it's possible gnatcatchers

comes from an explosion of some sort. It's normally associated with fuels, such as propanes or butanes, where they're stored in a container and there's a large sudden release or it's overheated to the point where it explodes and sends a pressure wave out and does a fair amount of damage quite a distance in terms of breaking windows or collapsing people's lungs or various things like that. That was one of the issues that we looked at in the safety and risk analysis.

However, the amount of gas leak was like propane and butane they are going to have are small, because they're going to be blending it right away into the crude oil, as opposed to some facilities which might store 20 or 30 or 60 or a hundred thousand gallons on site. They're not proposing to do that.

So they're going to be processing methane gas but generally when methane gas is released into the open air and there's not confinement such as in a building or within pipe racks or a refinery, you don't get that kind of explosion. You can still have what's called a vapor cloud deflagration where the natural gas will burn and create problems due to the thermal impact, but you don't have this big shock wave that comes from --

COUNCIL MEMBER VINATIERI: So is a pressure blast usually in the context of a refinery?

utilize a broader area of habitat that includes the edge of the landfill.

Then it says here, In September Habitat Authority's ecologists detected two (inaudible) California gnatcatchers on the west side of the access road in the southern portion of the survey area. And then on prior surveys it says, The coastal California gnatcatcher is not detected at or adjacent to this location during the 2011 focus surveys.

So my question is, there's been -- there's been -- I heard it several times from several residents about bisecting the core habitat area and the impact of that on the gnatcatcher. How is that -- is that accurate in light of the document I'm reading here or is -- what is the basis for the statement made by the residents if this document is correct that I'm reading right here.

MR. MULLEN: The document is correct. Lukos actually -- and his cohorts, actually conducted this sensitive species survey on the project site within the preserve and within the core habitat.

Now, separating out what core habitat is from critical habitat and from occupied gnatcatcher habitat, those are three different things. Core habitat was a designation set up by the Habitat Authority, critical habitat is a designation set up by the U.S. Fish and

Wildlife Service and then occupied habitat is what Lukos and their cohorts actually surveyed the area and presented data saying, this species is present in the area and with what occurrences.

And we have several years of data presented from them saying they have evidence that this species has nested in the area.

Now, splitting the core habitat in two is independent of what's happening to the gnatcatcher. The gnatcatcher habitat -- and I showed -- we looked at a figure the other day that -- when I presented, that showed the locations of the different sightings that this species has been observed on the site. And many of those sightings have been proven and actually demonstrated in these reports as just individual birds flying through the area, they're juveniles, they're birds migrating through.

In addition, in 2010 there was absolute evidence of this bird nesting in a family unit in the area right alongside of the road. That is the area that they're talking that is being bisected by the access on the landfill road.

Okay. So some of the comments that we've had that have demonstrated that -- or have, you know, claimed that we're bisecting this, I'll just go back to the -- the knowledge of this species, that they are a species

The Habitat Authority biologists have seen several individuals in the area of the project, but that was -- it was within the timing of the nesting season, but the surveys that were conducted, the protocol surveys did not find any evidence of nesting this last year.

COUNCIL MEMBER VINATIERI: That's it for me.

MAYOR WARNER: I think we need a real quick break for our court reporter. Five, ten, what do you need?

(Recess taken.)

MAYOR WARNER: Okay. At this point we need to have our attorney talk to us about process and timing.

MR. JONES: As you've been aware, we've been trying to figure out schedules, it's been going on for several days. We've looked at various calendars and the reporter is assisting us this evening as well to work things out.

Here's the proposed schedule, so everybody's aware. We're going to conclude very shortly this evening, come back tomorrow at 3 p.m. in the afternoon and conclude what we can conclude at that point in time, we will go until we finish, hopefully.

The 6:30 meeting scheduled for tomorrow night will be continued more than likely to the following Monday. The current schedule because of the holidays

that is accustomed to small territories. It's a species that is accustomed to loud noises and can accommodate that.

We still said in our EIR that there's going to be significant impacts to that particular species. However, they're going to be mitigated. And the Appendix O iteration of the project eliminates the largest impact to that occupied gnatcatcher habitat. By reducing all of the truck traffic up in that area that reduces it. It still doesn't negate it, it doesn't take it away, we still say it's significant. With the additional habitat replacement that we're requiring with the noise, and with the speed reductions, with the monitoring that we're requiring, we've said that we've adequately mitigated for that bisecting of that gnatcatcher habitat.

COUNCIL MEMBER VINATIERI: I was just -- and I recall and I was just interested that in the focus survey in 2011, they didn't detect any -- any gnatcatchers.

MR. MULLEN: That is a very important point. That data didn't come in for the timely fashion so that we could include it in the EIR. But the species was surveyed for again in the 2011 season with the protocol surveys, the biologist conducting that survey did not find nesting activity occurring.

would go -- if we can reconvene tomorrow at 3 p.m. go as long as Council so desires. If we're not completed we will then adjourn and reconvene also on Monday -- the time to be determined.

So right now we're going to go 3:00 tomorrow and go as long as the Council so desires. We will then adjourn to the following Monday. That Monday will then conclude, hopefully, the public hearing process with respect to this issue and we'll then conduct the regular meeting of the City Council as scheduled for tomorrow night. That's hopefully the schedule. But again, we're trying to work it out so everybody's schedule is addressed, plus recognizing the holiday.

So our current plan is to adjourn our meeting, to reconvene at 3 p.m. tomorrow as part of the regular public hearing process that we're already considering.

MAYOR WARNER: Okay. Any questions from Council?

COUNCIL MEMBER NORDBAK: Do we have any public hearings for tomorrow night advertised?

MR. JONES: The answer is no. We do have a couple of big bond issues that we'll be addressing with the contractors. So hopefully we can address those next Monday.

COUNCIL MEMBER NORDBAK: Now, if we cannot get

		Т	
1	those solved tomorrow, could we vote on them tomorrow?	1	OF
2	Just so	2	CERTIFIED SHORTHAND REPORTER
3	MR. JONES: If you open that if you conduct	3	
4	the regular council meeting the answer is yes.	4	I, the undersigned, a Certified Shorthand
5	COUNCIL MEMBER NORDBAK: But that would be	5	Reporter of the State of California do hereby certify:
6	after	6	That the foregoing proceedings were taken
7	MR. JONES: Our advice to you is because when	7	before me at the time and place herein set forth;
8	you have overlapping meetings it becomes very complicated	8	that any witnesses in the foregoing proceedings, prior
9	under the Brown Act. My suggestion is you complete this	9	to testifying, were placed under oath; that a verbatim
10	public hearing process completely, so there's no	10	record of the proceedings was made by me using machine
11	confusion. When we've completed this process we'll then	11	shorthand which was thereafter transcribed under my
12	conduct our regular meeting. Otherwise, you're going to	12	direction; further, that the foregoing is an accurate
13	have some really	13	transcription thereof.
14	COUNCIL MEMBER NORDBAK: My question was	1 4	I further certify that I am neither
15	regarding the contracts.	15	financially interested in the action nor a relative or
16	MR. JONES: And the answer is we're addressing	16	employee of any attorney of any of the parties.
17	those issues, hopefully, to be continued on Monday.	17	IN WITNESS WHEREOF, I have this date where
18	MAYOR WARNER: Okay?	18	subscribed my name Crawne Abelia.
19	MAYOR PRO TEM NEWCOMER: Okay.	19	
20	MAYOR WARNER: With some additional information	20	Dated:
21	that I was just made aware of, it is going to be	21	
22	necessary for us to now give me the correct verbiage.	22	Certificate Number: 10676
23	MR. JONES: We're going to adjourn this meeting	23	
24	to reconvene at 3 p.m. tomorrow.	24	
25	MAYOR WARNER: Tomorrow. Okay.	25	
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_	A DATE OF THE PARTY OF THE PART		
1	MR. JONES: At this location.		
2	MAYOR WARNER: Okay.		
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