

RESOLUTION NO. P.C. 11-30

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WHITTIER, CALIFORNIA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE WHITTIER MAIN OIL FIELD DEVELOPMENT PROJECT; ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

The Planning Commission of the City of Whittier hereby finds and resolves as follows:

Section 1. The project, known as the Whittier Main Oil Field Development Project, is the drilling, exploration and production of oil and gas reserves located on property owned by the City of Whittier that is part of the Puente Hills Landfill Native Habitat Preserve (the "Project"). The Project would occur in three phases, with the first phase consisting of a drilling and testing phase which would involve the drilling of up to three test wells to assess the quality and quantity of oil and natural gas produced. The second phase, known as the design and construction phase, would involve construction of well cellars, the installation of gas and oil processing equipment, and crude transportation facilities. The third phase, known as the operations and maintenance phase, would involve drilling the remaining wells (for a total of up to 60 wells), and the operation and maintenance of the gas and oil facilities and the wells, which would include well workovers and occasional well re-drilling. The Project site would contain the oil and gas drilling and processing facilities on a single pad, which would include the well area, a gas plant area, and an oil plant area consisting of well cellars, well test stations, liquid and gas separating equipment, a truck loading facility, an oil processing facility, and gas plant. The total permanent area required for the pads would be approximately 6.9 acres with an additional 6.5 acres of roadways (most of which currently exist in the area). A fuel modification zone would be required by the Los Angeles County Fire Department which would encompass an additional 6.9 acres. Up to an additional 8.5 acres would be temporarily disturbed for construction and grading of the site. The total impacted area for the Project would be 30.6 acres.

Section 2. In April 2009, Matrix Oil Corporation (the "Applicant") submitted an application for a conditional use permit ("CUP") for an oil drilling, exploration and production project. A Draft Environmental Impact Report for this project was released to the public in October 2010 for a 60-day comment period. After this 60-day comment period, in April 2011, the Applicant amended its CUP application to establish a new project that conformed to the Central Consolidated Site Alternative detailed in the Draft Environmental Impact Report. These revisions resulted in what is now the Project as defined herein.

Section 3. In April 2011, a Notice of Preparation ("NOP") was distributed to various agencies, organizations, and interested persons throughout the City and surrounding area. The proposed Project was described, the scope of the environmental review was identified, and the agencies and the public were invited to review and comment on the NOP.

Section 4. On May 5, 2011, two public scoping meetings were held. The first scoping meeting was held for the general public, and the second scoping meeting was specific to responsible agencies. Both scoping meetings were held in order to obtain input on the scope of environmental review for the Project.

Section 5. In June 2011, a Draft Environmental Impact Report (the "DEIR") was prepared for the Project. In accordance with the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code §21000 *et seq.*) and the State Guidelines (the "Guidelines") (14 Cal. Code Regs. §15000 *et seq.*) promulgated with respect thereto, the City analyzed the Project's potential impacts on the environment.

Section 6. The City circulated the DEIR and the Appendices for the Project to the public and other interested parties for a 45-day comment period, consistent with the 45-day public comment period required by Guidelines Section 15105, from June 6, 2011 to July 21, 2011. Additionally, on June 30, 2011, the City held a public workshop on the DEIR. The City received a total of 132 comment letters on the DEIR.

Section 7. After the DEIR was circulated for public review, and in an effort to be responsive to concerns raised by various commenters, the Applicant proposed project refinements by redesigning the layout and amount of grading required for the Project pads. These changes are discussed and analyzed in Appendix O of the FEIR, which is hereby incorporated by this reference. The design revisions would reduce the amount of grading and result in a reduced overall impact area to the Preserve. Under these changes, the amount of earth moved from the site during Project grading would be reduced from 147,000 yds to zero. The duration of grading would be cut in half, from 24 weeks to 12 weeks. Most significantly, by eliminating soil export, the design modification would eliminate the requirement to transport soils to the Landfill or other destinations, which would eliminate the grading soil export trips resulting in a reduction of 9,313 truck trips during Project grading.

Section 8. The City prepared written responses to all comments received on the DEIR, and those responses to comments are incorporated into the Final Environmental Impact Report (the "Final EIR"). The Responses to Comments were distributed to all public agencies that submitted comments on the DEIR at least 10 days prior to certification of the Final EIR.

Section 9. The Final EIR is comprised of the DEIR dated June 2011 and all appendices thereto, including Appendix O that details the Project refinements, the Comments and Response to Comments on the DEIR, and the Mitigation Monitoring and Reporting Program.

Section 10. The findings made in this Resolution are based upon the information and evidence set forth in the Final EIR and upon other substantial evidence that has been presented at the hearings and in the record of the proceedings. The documents, staff reports, technical studies, appendices, plans, specifications, and other materials that constitute the record of proceedings on which this Resolution is based are on file for public examination during normal business hours at the City of Whittier, City of Whittier City Hall, 13230 Penn Street, Whittier, California 90602. Each of those documents is incorporated herein by reference.

Section 11. The City Council finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the DEIR and the Project.

Section 12. Section 15091 of the State CEQA Guidelines requires that the City, before approving the Project, make one or more of the following written finding(s) for each significant effect identified in the Final EIR accompanied by a brief explanation of the rationale for each finding:

- A. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; or,
- B. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or,
- C. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Section 13. Section 15093 of the State CEQA Guidelines requires that if the Project will cause significant unavoidable adverse impacts, the City must adopt a Statement of Overriding Considerations prior to approving the project. A Statement of Overriding Considerations states that any significant adverse project effects are acceptable if expected project benefits outweigh unavoidable adverse environmental impacts.

Section 14. Environmental impacts identified in the Final EIR that are found to be less than significant and do not require mitigation are described in Exhibit A, Section III attached hereto and incorporated herein by reference.

Section 15. Environmental impacts identified in the Final EIR as potentially significant, but that can be reduced to less than significant levels with mitigation, are described in Exhibit A, Section IV, attached hereto and incorporated herein by reference.

Section 16. Environmental impacts identified in the Final EIR as significant and unavoidable despite the imposition of all feasible mitigation measures are described in Exhibit A, Section V, attached hereto and incorporated herein by reference.

Section 17. Alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Exhibit A, Section VI, attached hereto and incorporated herein by reference.

Section 18. A discussion of the Project benefits and a Statement of Overriding Considerations for the environmental impacts that cannot be fully mitigated to a less than significant level are set forth in Exhibit B, attached hereto and incorporated herein by reference.

Section 19. Public Resources Code section 21081.6 requires the City to prepare and adopt a mitigation monitoring and reporting program for any project for which mitigation measures have been imposed to assure compliance with the adopted mitigation measures. The Mitigation Monitoring and Reporting Program is attached hereto as Exhibit C, and is hereby incorporated herein by reference.

Section 20. Prior to taking action, the Planning Commission reviewed, considered and has exercised its independent judgment on the Final EIR and all of the information and data in the administrative record, and all oral and written testimony presented to it during meetings and hearings and finds that the Final EIR is adequate and was prepared in full compliance with CEQA. No comments or any additional information submitted to the City, including Appendix O, have produced any substantial new information requiring recirculation or additional environmental review of the Project under CEQA.

Section 21. The Planning Commission of the City of Whittier hereby certifies the Final EIR, adopts findings pursuant to the California Environmental Quality Act, as set forth in Exhibit A attached hereto and incorporated herein by reference; adopts the Statement of Overriding Considerations set forth in Exhibit B attached hereto and incorporated herein by reference; adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit C and incorporated herein by reference, and imposes each mitigation measure as a condition of Project approval if the Project is approved. City staff shall implement and monitor the mitigation measures as described in Exhibit C.

PASSED, APPROVED AND ADOPTED by the City of Whittier this ____ day of _____, 2011.

Adopted:

Chair of the Planning Commission

[Signatures continue]

Attest:

_____ [SEAL]

City Clerk

