July 20, 2011

Mr. Jeffrey Adams
City of Whittier
Planning Services Manager
13230 Penn Street
Whittier, CA 90602

RE: Amended Whittier Project Environmental Impact Report Public Draft

Dear Mr. Adams:

Whittier Hills Oil Watch (WHOW sometimes hereinafter "we") submits these comments pursuant to the California Environmental Quality Act which provides the public with the opportunity to officially comment on the Draft EIR (DEIR) for the above proposed project. WHOW firmly believes that CEQA is intended to vet environmental threats caused by proposed public projects and as such CEQA is fundamental to protecting the environment for present and future generations. We express great concern that the current DEIR process is less concerned with vetting environmental issues in the spirit of CEQA and more concerned with meeting the financial goals and objectives of both lessees Matrix and Clayton Williams Energy and the lessor City of Whittier's desire to generate revenues from the mining operations proposed by the oil companies.

WHOW joins in the comment letter submitted by Opens Space Legal Defense Fund and incorporates the same as though fully set out in this comment letter. Additionally, WHOW re-asserts the issues raised in its comment letter to the original DEIR dated December 1, 2010 signed by Dan Duran because most of the same defects plague the current DEIR. WHOW's original copy is appended hereto as Exhibit 1.

It is worth noting that many other comment letters stated the original DEIR was deficient and required redrafting and re-circulating.

WHOW joins in the comment letter submitted to both the original DEIR and comment letters to the current DEIR that assert the following: (1) that the project has not been adequately defined and analyzed under CEQA and should re-circulate or should be abandoned and redrafted in its entirety; or (2) that the "no project alternative is the preferred alternative to proceeding with the project.

Executive Summary

The amended re-circulated DEIR (the current DEIR) continues to evaluate local impacts of removing open space from the County of Los Angeles' inventory of open space lands and disregards project impacts to the assessed property owners throughout the County of Los Angeles that pay an open space district assessment for the benefit of using the Whittier Hills for recreational uses and purposes.

The amended re-circulated DEIR identifies six unavoidable impacts caused by the project which are not acceptable even with the mitigation measures proposed. As stated in the DEIR on page ES-7

> "The proposed Project would generate potentially significant environmental impacts in air quality, biological resources, safety, risk of upset and hazardous materials, geology, noise, aesthetics, traffic, hydrology and water resources, land use, fire protection and recreation.
>
> Significant and unavoidable impacts would remain in air quality, aesthetics, hydrology, land use and recreation."

These six significant and unavoidable impacts along with the twelve potentially significant environmental impacts are explicit findings that point to the no project alternative as being the only logical, feasible, legal and reasonable alternative.

It is WHOW's opinion that approval of CEQA on the proposed project and preferred sites and access roads with the proposed mitigation measures does not objectively assess the data and that the approval would violate the standard set forth by CEQA and is arbitrary and capricious, based on the City of Whittier's inherent self–interest and receiving a 30% royalty.

Biased and Conflicted Analysis

Whittier's biased application of CEQA has been apparent since the original signing of the oil lease in 2008 between the City of Whittier and Matrix Oil/Clayton Williams Energy. The DEIR and the current amended and re-circulated DEIR contain shoddy analysis, result oriented conclusions and slack mitigation measures. Most significantly, the current DEIR ignores overwhelming evidence that the project should not be approved and cannot be properly mitigated.

The DEIR has been designed specifically to reduce Matrix/Clayton Williams financial exposure in implementing the project and for that reason it is fatally flawed. The project proposes to start with three test wells and access off the non-selected access road- Catalina Avenue. These test wells would be exempt from the vast majority of the mitigation measures that are recommended. Instead temporary tanks, rigs and utilities are being used.

> "Oil and water brought to the surface would be briefly stored in temporary tanks and removed daily by 58-foot tanker trucks. Temporary tanks, approximately 12 feet tall by 40 feet long, would hold up to 500 barrels of liquids."

The proper implementation would require that mitigation measures be in place prior to or contemporaneously with commencement of drilling including proper footings, piers and retaining walls. That would also include creating the proper storage wells with liners, the proper transportation pipelines, the full and complete road access from Penn Street, full utilities, complete water and fire hydrants systems and safety measures.

Instead the City allows Matrix/Clayton Williams to use its temporary wildcatter methods with minimal mitigation measures in place, allowing the oil company to save money by not fully committing to the project. This methodology sets CEQA on its head. The same environmental impact will be felt regardless whether the proposed wells are termed "test wells" or "permanent wells" and as such, necessary mitigation measures must be implemented prior to any drilling.

By way of analogy imagine the precedent set by this financial risk reduction approach in the context of a future real estate development that would seek to build the first three homes and see if there is a market for them and then and only then, if it was deemed economically feasible would they put in the roads, utilities and sewers. And if the developer doesn't sell the three homes at a substantial profit, the developer won't put in the roads or utilities or complete the project.

This approach is classic "piece meal" and violates CEQA. It should be mandatory that all the roads, pipelines, utilities, safety measures, retaining walls, piers and footings including mitigation be implemented prior to any drilling or transporting of oil.

If the risk exists of fire, oil spill, noise, air and especially earthquake, then those environmental risks exist during the testing phase and need to be mitigated before any drilling.

If Matrix/Clayton Williams is committed to the project then do it properly from the beginning. The oil wildcatters do not deserve a pass on CEQA standards and mitigation until they find oil.

Geology

The drafters of this DEIR appear to suffer from short term memory loss. In the last eighteen months alone we have all witnessed the devastating energy related calamities surrounding the Gulf oil disaster, the earthquake in Sendai, Japan, the oil pipeline explosion in San Bruno and the recent oil pipeline rupture in Yellowstone National Park. In each of these energy disasters engineers, technicians and energy experts have touted proven technology to protect the public from the disastrous impact of these predictable catastrophes.

We have seen firsthand the blow-out preventers fail miserably. That building nuclear facilities on active blind thrust faults are certifiably insane. That pipeline corrode and explode in residential neighborhoods, and the shut-off valves and early warning systems fail. And that oil pipelines through sensitive habitat like Yellowstone are subject to the same very foreseeable problems that destroy sensitive habitat.

Yet these similar risks are being ignored in Whittier putting all in the City of Whittier at risk. The mitigation measures that are being proposed in this amended and newly re-circulated DEIR are merely recycling failed policies that have proven these so called pundits wrong.

In December 2010 WHOW submitted a comment letter to the Whittier Draft EIR. One of the major objections was that geological studies were not performed on the proposed project site. Given that the proposed project lies on the active Whittier earthquake fault and the Puente Hills Blind Thrust (PHBT) it is unconscionable that a complete geological study was not initially performed.

Los Angeles County Regional Park & Open Space District, Hills for Everyone, Puente Hills Landfill Authority and the Open Space Legal Defense Fund has made similar written comments on the DEIR requesting a geological review. Specifically they asked for the geological studies to be performed, the DEIR to be redrafted, re-circulated and a new comment period allowed.

The new re-circulated DEIR did complete a geology study.

We believe that the geological study if interpreted objectively will render the project and proposed drilling site technically infeasible and a significant risk to the citizens of Whittier.

These bases for the determination that the project and site are technically infeasible are:

1) The DEIR states that there is a high probability of an earthquake.
2) The new DEIR states the proposed site is in a liquefaction zone.
3) The new DEIR states the proposed site is immediately adjacent to a landslide zone.
4) The new DEIR states that the proposed site is one half miles from the Whittier Fault.
5) The DEIR understates that the maximum ground acceleration is 0.476 (g).
6) The DEIR recommends drilling sites and eliminates alternatives without sufficient due diligence and information.
7) The DEIR failed to assess the potential damages and losses as a result of an earthquake.
8) The DEIR improperly defers a hydrology study until after the approval of the CEQA and CUP
9) The DEIR cannot provide valid mitigation measures given the existing geological hazards.
10) The known direct consequences of an earthquake are understated both for the likelihood of the next significant event and for vertical acceleration.

1) The DEIR states there is a high probability of an earthquake.

The new DEIR addresses the probability of an earthquake in the appendix. Rather than including it in the body of the report a reader is forced to go through the appendix on Geology which states on page L-15 to find this candid admission.

> **"Within the last 60 years at least 60 events of magnitude 5.0 or greater have occurred in the Southern California region. There is a high probability that other significant events will occur in this century. Potential hazards from earthquakes in the project area include ground shaking, fault rupture, liquefaction, lateral spreading and seismic settlement."**

The potential hazards in the project area cannot be mitigated. However, more protection by exceeding the minimum code requirements is not suggested by the DEIR.

In 2007 a report organized by the Southern California Earthquake Center, the US Geological Survey and the California Geological Center conducted a three year study titled the Uniform California Earthquake Rupture Forecast (UCERF).

"According to the new forecast, California has a 99.7% chance of having a magnitude 6.7 or larger earthquake in the next 30 years. The likelihood of an even more powerful quake of magnitude 7.5 or greater in the next 30 years is 46%."

A probability of 99.7% is a near certainty. The Whittier Fault is an active fault. As is the Puente Hills Blind Thrust that produced a 4.8 earthquake in Montebello in 1989, and a 4.4 earthquake in Pico Rivera in 2010 and the Whittier 5.9 earthquake in 1987 .

We all know the enormous damage the city of Whittier suffered from the 5.9 quake. Imagine the consequences of a 6.7 or 7.5 earthquake. Certainly the residents of Whittier need the city to diligently and comparatively assess the earthquake risk of both the Whittier Fault and Puente Hills Blind Thrust and not ignore potential damages of a quake 30 times more powerful than the 5.9 earthquake (eg. about a 6.9).

Richter magnitudes	Description	Earthquake effects	Frequency of occurrence
Less than 2.0	Micro	Micro earthquakes, not felt.[6]	About 8,000 per day
2.0–2.9	Minor	Generally not felt, but recorded.	About 1,000 per day
3.0–3.9		Often felt, but rarely causes damage.	49,000 per year (est.)
4.0–4.9	Light	Noticeable shaking of indoor items, rattling noises. Significant damage unlikely.	6,200 per year (est.)
5.0–5.9	Moderate	Can cause major damage to poorly constructed buildings over small regions. At most slight damage to well-designed buildings.	800 per year
6.0–6.9	Strong	Can be destructive in areas up to about 160 kilometers (100 mi) across in populated areas.	120 per year
7.0–7.9	Major	Can cause serious damage over larger areas.	18 per year
8.0–8.9	Great	Can cause serious damage in areas several hundred kilometers across.	1 per year
9.0–9.9		Devastating in areas several thousand kilometers across.	1 per 20 years
10.0+	Massive	Never recorded, widespread devastation across very large areas; see below for equivalent seismic energy yield.	Extremely rare (Unknown)

11) (*Based on U.S. Geological Survey documents.*)[7]