

ADDITIONAL COMMENTS

POSTED AFTER SEPTEMBER 12, 2013

Pamela Townsend

Subject: IMPT: Oil Production Project - Mtg Agenda, Questions

RECEIVED

SEP 11 2013

COMMUNITY DEV. DEPT.

From: Ken Robertson
Sent: Wednesday, September 11, 2013 5:09 PM
To: 'Barbara Sabo'
Subject: RE: IMPT: Oil Production Project - Mtg Agenda, Questions

Barbara, I will forward to our Environmental Impact Report consultant. While your comments have been submitted past the deadline of the scoping comment period, we should be able to include with all the other questions and comments we received, and which will be responded to.

Ken Robertson

Director, Community Development Department
City of Hermosa Beach
(310) 318-0242

From: Barbara Sabo [mailto:bsabo@jsaboassoc.com]
Sent: Tuesday, September 10, 2013 5:24 PM
To: Ken Robertson
Cc: Kelly@SaferHermosaBeach.com; Darylmcclusky@aol.com; Mark Leafstedt; Ryan Jarus; Sharon Arey; Kaye Thomas; Kaye Thomas; Bryan Robertson/Classic Propt Mgmt
Subject: IMPT: Oil Production Project - Mtg Agenda, Questions
Importance: High

Hi, Ken,

I understand that you are currently seeking public input regarding your studies on the Oil Production Project. As the HOA Secretary for Beachside Condominiums (corner of Valley Drive & Herondo Street), I would like to be able to share your responses to the following questions with our 30 homeowners. I will not be in town again until the end of November, so I shall relay your responses to our HOA Members.

1. Will there be significant ground vibrations either from the excavation project itself or the movement of heavy equipment?
2. If we experience damage to our property (structure or landscaping), who is liable (the City of HB and/or the contractors)? What is the statute of limitations with regard to placing a claim for damages resulting from the Oil Production Project?
3. As Valley Drive is part of the "safe route" for our HB students, what provisions will be made to protect them from increased truck traffic before and after school hours?
4. Will there be increased air pollution in the form of fumes and particulate matter, other than the heavy equipment and truck exhaust?
5. Will there be increased pollution by oil by-products on our beach?
6. Who is liable for the physical effects of the increased air pollution and tar pollution of the beach?
7. How much insurance will the contractor be required to carry, and who is their insurance carrier?
8. If there is a noticeable increase in tar accumulation on the beach, will the City require that the oil production team cease operation and/or clean up all oil debris in the sand?

Thank you in advance for your consideration and response.

Best regards,
Barbara Sabo, Beachside HOA Secretary FY 2013-14
447 Herondo Street #305
Hermosa Beach, CA 90254
(310) 379-8455

To: Ken Robertson, Director, Community Development Department

1315 Valley Drive, Hermosa Beach, CA 90254

Email, K Robertson@hermosabch.org

From Tom Morley

Please enter in administrative record of E&B-Hermosa Oil.

RE: 8-11-13 Comments and suggestions for Hermosa Beach OIL Project EIR.

First: As approved by the voters in Measure E, there is no possible site for this type of project in Hermosa Beach, all sites are equally forbidden.

These Los Angeles County parcel assignments must be considered for an Alternative site for potential Hydrocarbon production and/or City Services relocation and pipelines.

4169-038-901 from Gould to Porter south half of parcel approx 2.0 acres of City owned property should be considered for the Oil Project.

This Alternative meets all of the stated objective as defined by the EIR scoping document , Section 4.0 as stated. **"The Proposed Project is to conduct exploratory drilling and if successful, continue oil and gas production at the Project site in the City of Hermosa Beach."**

This site has the environmentally less damaging advantage of being located farther away from high density residential units due to the roadway buffer and non residential uses on the north, south, and west sides. There are SFR to the east only. There are fewer 'sensitive receptors' subjected to 24 hour exposure to the risks in the hazard footprint vs. the City Yard. Many of the other people nearby are transient and would have relatively short exposure to the hazard footprint.

The Alternate site proposed does not require the relocation of the City Yard and eliminates the environmental impact of digging, loading and hauling of 9000 cubic yards of toxic soil and will prevent the airborne toxic dust and particulates in that soil. The remainder of the impacts of relocating the city yard is completely avoided. The city yard is a required City service which remains functioning in its existing place, thus eliminating one entire neighborhood from the additional environmental impact. If one of the alternative sites for the Oil Project is determined less environmentally damaging or the 'no project' alternative is selected then the existing city yard site retains its potential opportunity to be decentralized and then be sold as 20 or more residential building parcels for approximately \$30 to \$40 million dollars, double the settlement penalty.

This Alternative will significantly reduce the residential traffic environmental impact because it will bypass all of the residential traffic routes and provide a more direct route for the proposed 750,000 vehicle trips due to being located at Gould/Artesia and Valley, 1000 feet from truck routes of PCH on route to Artesia. The reduced truck traffic will

eliminate or significantly reduce environmental impacts to our most vulnerable and precious 'sensitive receptors' walking to school and to sports fields.

This alternative will not, contrary to the proposed site, be adjacent to a protected Federal Endangered species and State protected habitat area thus completely eliminating the environmental impact to our cherished State preserve.

General comments on this suggestion;

Per the CEQA Environmental Checklist; All answers must take into account the whole of the action involved, including off-site as well as on-site, cumulative as well as Project level, indirect as well as direct, and cumulative operational impacts.

The Alternative submitted herein is for a specific parcel or portion of a parcel or combination of parcels which may or may not be owned by the Lead Agency or any of the City's past, present or future Lessees or assigned parties to such Lease.

I request;

This EIR abides by the CEQA guidance to not permit previous events, actions and City considerations or approvals influence the full consideration of this Alternative.

That this EIR complies with CEQA and only allow the use of previous analysis documents to the extent the circumstances remain substantially the same as they relate to the alternative, which in this case would not include 5 year old or 20 year old documents, because of CEQA's requirement that EIR's investigation must be done as close to the project proposal date as possible.

That this Alternative, irrespective of current use, is fully researched and considered as the potentially the less environmentally damaging option for potential Hydrocarbon production and/or City Services relocation and pipelines, including changes in Size, configuration, accessory processing inclusion, production capacity , production rate, pipelines and interconnections,. Precise factual particularization of the baseline conditions of this site must be open to analysis and proof during the CEQA process.

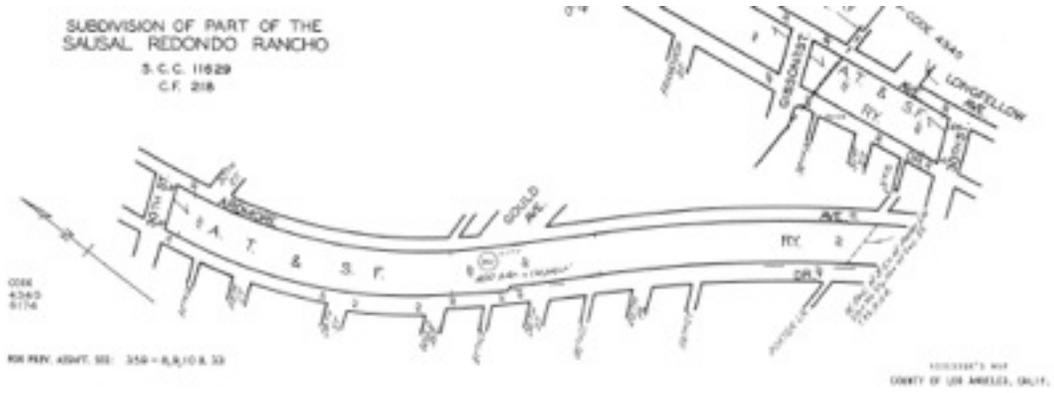
That CEQA guidance to consider changes to the projects original proposed design elements, including size and capabilities, *even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly*, must be considered to prevent substantial adverse effects on human beings, either directly or indirectly.

That consideration of economic costs or outcomes of the Alternatives be excluded from your environmental consideration per CEQA Section 15126.6 (b)

That additional information explaining the choice of alternatives be included in the administrative record.

That the Lead Agency notify properties in writing per CEQA for an area of 500 feet from this Alternative that the EIR is considering Hydrocarbon, Oil and Gas Drilling, recovery and production, pre-processing, separation, First stage refining, trucking and pipelines and/or City services for a site in their scope of potential concern.

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To: Ken Robertson, Director, Community Development Department

1315 Valley Drive, Hermosa Beach, CA 90254

Email, K Robertson@hermosabvh.org

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4181-004-900 plus contiguous lot -901 .44 acres and

4181-005-900 plus contiguous lot -901 1.87 ac

Total 2.31 acres of City owned property should be considered for the Oil Project.

This Alternative meets the entire stated objective as defined by the EIR scoping document, Section 4.0 as stated. **"The Proposed Project is to conduct exploratory drilling and if successful, continue oil and gas production at the Project site in the City of Hermosa Beach."**

This site has the environmentally less damaging advantage of being located farther away from high density residential units than the City Yard. The south and east sides of these suggested properties are not residential and the north side is SFR only, so therefore there are fewer 'sensitive receptors' subjected to 24 hour exposure to the risks. Most of the other people nearby are transient and would have relatively short exposure to the hazard footprint.

The Alternate site proposed does not require the relocation of the City Yard and eliminates the environmental impact of digging, loading and hauling of 9000 cubic yards of toxic soil and will prevent the airborne toxic dust and particulates in that soil. The remainder of the impacts of relocating the city yard is completely avoided. The city yard is a required City service which remains functioning in its existing place, thus eliminating one entire neighborhood from the additional environmental impact from two neighborhoods down to only one. If one of the alternative sites for the Oil Project is determined less environmentally damaging or the 'no project' alternative is selected then the existing city yard site retains its potential opportunity to be decentralized and then be sold as 20 or more residential building parcels for approximately \$30 to \$40 million dollars, double the settlement penalty.

This alternative will not, contrary to the proposed site, be adjacent to a protected Federal Endangered species and State protected habitat area thus completely eliminating the environmental impact to our cherished State preserve.

This Alternative will significantly reduce the residential traffic environmental impact because it will bypass most of the residential traffic routes and provide a more direct route for the 750,000 vehicle trips proposed due to being located a few hundred feet from Gould which is 500 meters from the major truck routes at Gould-Artesia and PCH. The reduced truck traffic will reduce environmental impacts to our most vulnerable and precious 'sensitive receptors' on a children's walk to school and to sports fields.

General comments on this suggestion;

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CODE
4383

FOR PDL ACCT. 98-164-S & S2



CODE
4345

FOR PDL ACCT. 98-164-S2



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4181-034-900 Total 1.24 acres of City owned property should be considered for the Oil Project. This site has the additional advantage of the potential to expand the design elements to include a portion of an additional adjacent City owned vacant parcel to the south see 4181-035-900.

This Alternative meets all of the stated objective as defined by the EIR scoping document, Section 4.0 as stated. **"The Proposed Project is to conduct exploratory drilling and if successful, continue oil and gas production at the Project site in the City of Hermosa Beach."**

This site has the environmentally less damaging advantage of having no residences to the north, south and west sides of this suggested property so therefore there are fewer 'sensitive receptors' subjected to 24 hour exposure to the risks. There are residences on the east and their safety can be protected by increased setbacks and reduced hazard footprints. Many of the other people nearby are transient and would have relatively short exposure to the hazard footprint.

The Alternate site proposed does not require the relocation of the City Yard and eliminates the environmental impact of digging, loading and hauling of 9000 cubic yards of toxic soil and will prevent the airborne toxic dust and particulates in that soil. The remainder of the impacts of relocating the city yard is completely avoided. The city yard is a required City service which remains functioning in its existing place, thus eliminating one entire neighborhood from the additional environmental impact from two neighborhoods down to only one. If one of the alternative sites for the Oil Project is determined less environmentally damaging or the 'no project' alternative is selected then the existing city yard site retains its potential opportunity to be decentralized and then be sold as 20 or more residential building parcels for approximately \$30 to \$40 million dollars, double the settlement penalty.

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Email, K Robertson@hermosabch.org

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These Los Angeles County parcel assignments must be considered for an Alternative site for potential Hydrocarbon production and/or City Services relocation and pipelines.

4182-029-902 plus contiguous lot 4182-029-903 3.6 acres

Total 3.6 acres of City owned property should be considered for the Oil Project.

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This site has the environmentally less damaging advantage of being located farther away from high density residential units than the City Yard. The north and east sides of these suggested properties are not residential and the south side is SFR only, limiting the number if people at risk, so therefore there are fewer 'sensitive receptors' subjected to 24 hour exposure to the risks. Most of the other people nearby are transient and would have relatively short exposure to the hazard footprint.

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This alternative will not, contrary to the proposed site, be adjacent to a protected Federal Endangered species and State protected habitat area thus completely eliminating the

environmental impact to our cherished State preserve.

This Alternative will significantly reduce the residential traffic environmental impact because it will bypass all of the residential traffic routes and provide a more direct route for the 750,000 vehicle trips proposed due to being located a few hundred feet from Gould which is 500 meters from the major truck routes at Gould-Artesia and PCH. The reduced truck traffic will reduce environmental impacts to our most vulnerable and precious 'sensitive receptors' on a children's walk to school and to sports fields.

General comments on this suggestion;

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CGRS
4340

FOR MORE ASMT. SEE 159 - 356.36

SHAKESPEARE
M.B. 9-190

00001100-1 MAP
COUNTY OF LOS ANGELES, CALIF.

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Email, K Robertson@hermosabvh.org

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4182-030-900 plus contiguous lots -901 -902 -903 2.42 acres and

4182-029-902 and -903 3.6 acres

Total 6.0 acres of City owned property should be considered for the Oil Project and the city yard at the same site.

This Alternative meets all of the stated objective as defined by the EIR scoping document , Section 4.0 as stated. **"The Proposed Project is to conduct exploratory drilling and if successful, continue oil and gas production at the Project site in the City of Hermosa Beach."**

This site has the environmentally less damaging advantage of being located farther away from high density residential units than the City Yard. The north and east sides of these suggested properties are not residential and the south side is SFR only, so therefore there are fewer 'sensitive receptors' subjected to 24 hour exposure to the risks. Most of the other people nearby are transient and would have relatively short exposure to the hazard footprint.

This alternative will not, contrary to the proposed site, be adjacent to a protected Federal Endangered species and State protected habitat area thus completely eliminating the environmental impact to our cherished State preserve.

The Alternate site proposed does not require the use of the City Yard for Oil production, thus it eliminates the environmental impact of digging, loading and hauling of 9000 cubic yards of toxic soil and will prevent the airborne toxic dust and particulates in that soil. This option has the benefit of eliminating one entire neighborhood from the additional environmental impact reducing from two neighborhoods down to only one. If this combined site is accepted for the Oil Project then the existing city yard site retains its

potential opportunity to sold as 20 or more residential building parcels for approximately \$30 to \$40 million dollars, double the settlement penalty.

This Alternative will significantly reduce the residential traffic environmental impact because it will bypass all of the residential traffic routes and provide a more direct route for the 750,000 vehicle trips proposed due to being located a few hundred feet from Gould which is 500 meters from the major truck routes at Gould-Artesia and PCH. The reduced truck traffic will reduce environmental impacts to our most vulnerable and precious 'sensitive receptors' on a children's walk to school and to sports fields.

General comments on this suggestion;

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I request that CEQA guidance to consider changes to the projects original proposed design elements, including size and capabilities, *even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly*, must be considered to prevent substantial adverse effects on human beings, either directly or indirectly. I further request that consideration of economic costs or outcomes of the Alternatives be excluded from your environmental consideration per CEQA Section 15126.6 (b)

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This site has the unique benefit of showcasing and enshrining the largest heavy industrial operation ever considered by Hermosa Beach and the source of the funding for all City Services long imagined by the City leadership in 1975, 1985, 1990, 1992, 1993, 1994, 1998, and now 2013.

4182 30
SCALE 1" = 50'

SECTION 30
COUNTY OF LOS ANGELES, CALIF.



4182 29
SCALE 1" = 50'

SECTION 29
COUNTY OF LOS ANGELES, CALIF.



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4183-001-901 from 19th to Pier 8.0 acres of City owned property should be considered for the Oil Project. I suggest the southernmost 2 acres in this parcel, on the northside of the Pier, would have the least impact to 24 hour residents.

This Alternative meets the entire stated objective as defined by the EIR scoping, Section 4.0 **"The Proposed Project is to conduct exploratory drilling and if successful, continue oil and gas production at the Project site in the City of Hermosa Beach."**

This site has the environmentally less damaging advantage of being located farther away from high density residential units than the project proposal. The hazard footprint areas on the north, south, east and west sides are not residential. This alternative eliminates or dramatically limits the number of 'sensitive receptors' subjected to 24 hour exposure to the risks in the hazard footprint vs. the City Yard. Most of the other people nearby are transient and would have relatively short exposure to the hazard footprint.

The Alternate site proposed does not require the relocation of the City Yard and eliminates the environmental impact of digging, loading and hauling of 9000 cubic yards of toxic soil and will prevent the airborne toxic dust and particulates from that soil. The remainder of the impacts of relocating the city yard is completely avoided. The city yard is a required City service which remains functioning in its existing place, thus eliminating one entire neighborhood from the additional environmental impact. If one of the alternative sites for the Oil Project is determined less environmentally damaging or the 'no project' alternative is selected then the existing city yard site retains its potential opportunity to be decentralized and then be sold as 20 or more residential building parcels for approximately \$30 to \$40 million dollars, double the settlement penalty.

This Alternative will significantly reduce the residential traffic environmental impact because it will bypass all of the residential traffic routes and provide a direct truck route for the proposed 750,000 vehicle trips due to being located on the business route at Pier Ave, a short distance to truck routes on Pier and PCH and in route to Artesia and

Herondo. The eliminated environmental impact of residential truck traffic will assure the protection of our most vulnerable and precious 'sensitive receptors' walking to school and to parks.

This alternative will not, contrary to the proposed site, be adjacent to a protected Federal Endangered species and State protected habitat area thus completely eliminating the environmental impact to our cherished State preserve.

General comments on this suggestion;

Per the CEQA Environmental Checklist; All answers must take into account the whole of the action involved, including off-site as well as on-site, cumulative as well as Project level, indirect as well as direct, and cumulative operational impacts.

The Alternative submitted herein is for a specific parcel or portion of a parcel or combination of parcels which may or may not be owned by the Lead Agency or any of the City's past, present or future Lessees or assigned parties to such Lease.

I request;

This EIR abides by the CEQA guidance to not permit previous events, actions and City considerations or approvals influence the full consideration of this Alternative.

That this EIR complies with CEQA and only allow the use of previous analysis documents to the extent the circumstances remain substantially the same as they relate to the alternative, which in this case would not include 5 year old or 20 year old documents, because of CEQA's requirement that EIR's investigation must be done as close to the project proposal date as possible.

That this Alternative, irrespective of current use, is fully researched and considered as the potentially the less environmentally damaging option for potential Hydrocarbon production and/or City Services relocation and pipelines, including changes in Size, configuration, accessory processing inclusion, production capacity , production rate, pipelines and interconnections,. Precise factual particularization of the baseline conditions of this site must be open to analysis and proof during the CEQA process.

That CEQA guidance to consider changes to the projects original proposed design elements, including size and capabilities, *even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly*, must be considered to prevent substantial adverse effects on human beings, either directly or indirectly.

That consideration of economic costs or outcomes of the Alternatives be excluded from your environmental consideration per CEQA Section 15126.6 (b)

That additional information explaining the choice of alternatives be included in the administrative record.

That the Lead Agency notify properties in writing per CEQA for an area of 500 feet from this Alternative that the EIR is considering Hydrocarbon, Oil and Gas Drilling, recovery and production, pre-processing, separation, First stage refining, trucking and pipelines and/or City services for a site in their scope of potential concern.

To: Ken Robertson, Director, Community Development Department

1315 Valley Drive, Hermosa Beach, CA 90254

Email, K Robertson@hermosabch.org

From Tom Morley

Please enter in administrative record of E&B-Hermosa Oil.

RE: 8-11-13 Comments and suggestions for Hermosa Beach OIL Project EIR.

First: As approved by the voters in Measure E, there is no possible site for this type of project in Hermosa Beach, all sites are equally forbidden.

These Los Angeles County parcel assignments must be considered for an Alternative site for potential Hydrocarbon production and/or City Services relocation and pipelines.

4183-004-903 .85 Total acres of City owned property should be considered for the Oil Project. This site can be combined with a portion of the City owned property to the west in order to accommodate a reconfiguration of the proposed project design, per CEQA.

This Alternative meets all of the stated objective as defined by the EIR scoping document , Section 4.0 as stated. **"The Proposed Project is to conduct exploratory drilling and if successful, continue oil and gas production at the Project site in the City of Hermosa Beach."**

This site has the environmentally less damaging advantage of being located farther away from high density residential units than the City Yard. The west side of this suggested property is not residential so therefore there are fewer 'sensitive receptors' subjected to 24 hour exposure to the risks in contrast to the proposal. Many of the other people nearby are transient and would have relatively short exposure to the hazard footprint.

The Alternate site proposed does not require the relocation of the City Yard and eliminates the environmental impact of digging, loading and hauling of 9000 cubic yards of toxic soil and will prevent the airborne toxic dust and particulates in that soil. The remainder of the impacts of relocating the city yard is completely avoided. The city yard is a required City service which remains functioning in its existing place, thus eliminating one entire neighborhood from the additional environmental impact from two neighborhoods down to only one. If one of the alternative sites for the Oil Project is determined less environmentally damaging or the 'no project' alternative is selected then the existing city yard site retains its potential opportunity to be decentralized and then be sold as 20 or more residential building parcels for approximately \$30 to \$40 million dollars, double the settlement penalty.

This alternative will not, contrary to the proposed site, be adjacent to a protected Federal

Endangered species and State protected habitat area thus completely eliminating the environmental impact to our cherished State preserve.

This Alternative will significantly reduce the residential traffic environmental impact because it will bypass all of the residential traffic routes and provide a more direct route for the 750,000 vehicle trips proposed due to being located right off of Pier Ave. as a business route to the major truck routes on Pier Ave. and PCH on route to Artesia and Herondo. The reduced truck traffic on a children's walk to school path and two sports fields will reduce environmental impacts to our most vulnerable and precious 'sensitive receptors'.

General comments on this suggestion;

Per the CEQA Environmental Checklist; All answers must take into account the whole of the action involved, including off-site as well as on-site, cumulative as well as Project level, indirect as well as direct, and cumulative operational impacts.

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4187-001-902 from 6th to Pier 7.0 acres of City owned property should be considered for the Oil Project. The 2 acres on the southside of the Pier would have the least impact to 24 hour residents.

This Alternative meets the entire stated objective as defined by the EIR scoping, Section 4.0 **"The Proposed Project is to conduct exploratory drilling and if successful, continue oil and gas production at the Project site in the City of Hermosa Beach."**

This site has the environmentally less damaging advantage of being located farther away from high density residential units due to the non residential uses on the east. This site has clearance to the North, south, and west sides that is not residential or light manufacturing workers. There are also no adjacent residential to the east. This alternative dramatically limits the number of 'sensitive receptors' subjected to 24 hour exposure to the risks in the hazard footprint vs. the City Yard. Most of the other people nearby are transient and would have relatively short exposure to the hazard footprint.

The Alternate site proposed does not require the relocation of the City Yard and eliminates the environmental impact of digging, loading and hauling of 9000 cubic yards of toxic soil and will prevent the airborne toxic dust and particulates from that soil. The remainder of the impacts of relocating the city yard is completely avoided. The city yard is a required City service which remains functioning in its existing place, thus eliminating one entire neighborhood from the additional environmental impact. If one of the alternative sites for the Oil Project is determined less environmentally damaging or the 'no project' alternative is selected then the existing city yard site retains its potential opportunity to be decentralized and then be sold as 20 or more residential building parcels for approximately \$30 to \$40 million dollars, double the settlement penalty.

This Alternative will significantly reduce the residential traffic environmental impact because it will bypass all of the residential traffic routes and provide a direct truck route for the proposed 750,000 vehicle trips due to being redirected thru the business access on

the truck route at Pier Ave, a short distance to PCH and the routes to Artesia and Herondo. The eliminated environmental impact of residential truck traffic will assure the protection of our most vulnerable 'sensitive receptors' walking to school and to parks.

General comments on this suggestion;

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4187 1
SCALE 1" = 400'

2003



RANCHO SALDAL REDONDO P 1-507-508

1000
4340

710 705X 4284X 640
281 - 1
438 - 1



RECORDS MAP
FRONT OF 1000 4284X 640

To: Ken Robertson, Director, Community Development Department

1315 Valley Drive, Hermosa Beach, CA 90254

Email, K Robertson@hermosabvh.org

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This Los Angeles County parcel assignment must be considered for an Alternative site for potential Hydrocarbon production and/or City Services relocation and pipelines.

4187-005-902 Total 1.37 acres of City owned property should be considered for the Oil Project and/or City yard. Additional addition of .35 acres in nearby parcels two blocks away see 4183-002-900, -901, 902 and -903 and also 4183-013-900 two lots could also be considered for possible project redesign.

This Alternative meets the entire stated objective as defined by the EIR scoping document, Section 4.0 as stated. **"The Proposed Project is to conduct exploratory drilling and if successful, continue oil and gas production at the Project site in the City of Hermosa Beach."**

This site has the environmentally less damaging advantage of being located farther away from high density residential units than the City Yard. The north, south, east and west sides of this suggested property is not adjacent to residential of any kind so therefore there are fewer 'sensitive receptors' subjected to 24 hour exposure to the risks. Most of the other people nearby are transient and would have relatively short exposure to the hazard footprint.

The Alternate site proposed does not require the relocation of the City Yard and eliminates the environmental impact of digging, loading and hauling of 9000 cubic yards of toxic soil and will prevent the airborne toxic dust and particulates in that soil. The remainder of the impacts of relocating the city yard is completely avoided. The city yard is a required City service which remains functioning in its existing place, thus eliminating one entire neighborhood from the additional environmental impact from two neighborhoods down to only one. If one of the alternative sites for the Oil Project is determined less environmentally damaging or the 'no project' alternative is selected then the existing city yard site retains its potential opportunity to be decentralized and then be sold as 20 or more residential building parcels for approximately \$30 to \$40 million dollars, double the settlement penalty.

This alternative will not, contrary to the proposed site, be adjacent to a protected Federal Endangered species and State protected habitat area thus completely eliminating the environmental impact to our cherished State preserve.

This Alternative will completely eliminate the residential traffic environmental impact because it will bypass all of the residential traffic routes and provide a more direct route for the 750,000 vehicle trips proposed due to being located on the major truck routes on Pier, PCH, Herondo and Artesia. This adjacency to multi lane roads will also eliminate the environmental impacts and the risk of impeding evacuees from dense south side neighborhoods in the case of tsunami and earthquake or from fire, explosion and deadly H2S gas releases in the Hazard footprint of the Oil project. The reduced truck traffic will reduce environmental impacts on a children's walk to school and two sports fields to our most vulnerable and precious 'sensitive receptors'.

General comments on this suggestion;

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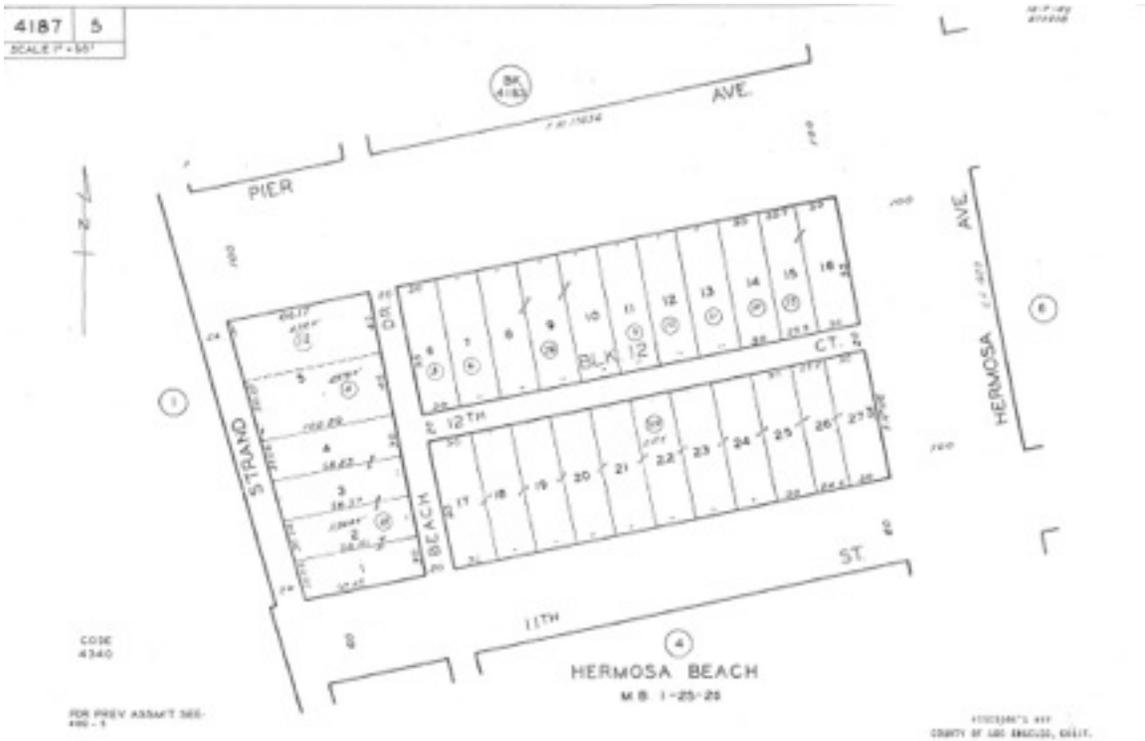
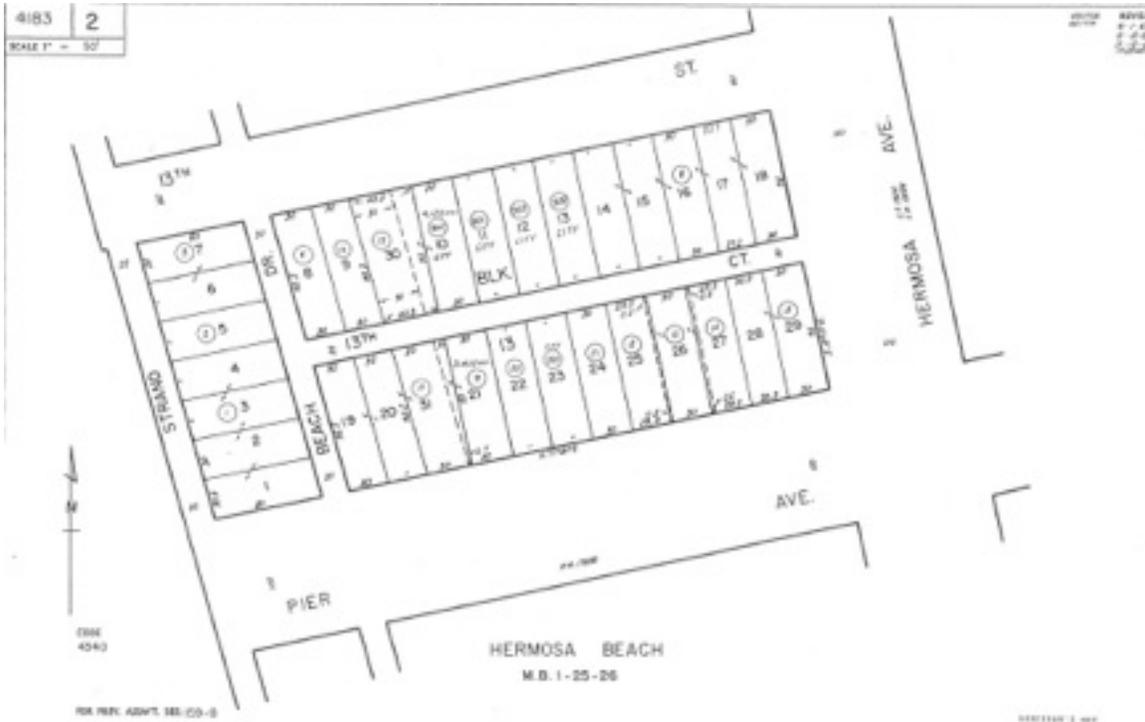
That CEQA guidance to consider changes to the projects original proposed design elements, including size and capabilities, *even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly*, must be considered to prevent substantial adverse effects on human beings, either directly or indirectly.

That consideration of economic costs or outcomes of the Alternatives be excluded from your environmental consideration per CEQA Section 15126.6 (b)

That additional information explaining the choice of alternatives be included in the administrative record.

That the Lead Agency notify properties in writing per CEQA for an area of 500 feet from this

Alternative that the EIR is considering Hydrocarbon, Oil and Gas Drilling, recovery and production, pre-processing, separation, First stage refining, trucking and pipelines and/or City services for a site in their scope of potential concern.



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Email, K Robertson@hermosabch.org

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Please enter in administrative record of E&B-Hermosa Oil.

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First: As approved by the voters in Measure E, there is no possible site for this type of project in Hermosa Beach, all sites are equally forbidden.

These Los Angeles County parcel assignments must be considered for an Alternative site for potential Hydrocarbon production and/or City Services relocation and pipelines.

4187-020-904 plus contiguous lots -903 -905 -906 -907 and sheets 2,3,4, and 5

Total 5.6 acres of City owned property should be considered for the Oil Project.

This Alternative meets all of the stated objective as defined by the EIR scoping document, Section 4.0 as stated. **"The Proposed Project is to conduct exploratory drilling and if successful, continue oil and gas production at the Project site in the City of Hermosa Beach."**

If this site is adequate for the proposed City Services relocation then it must be seriously considered for the Oil Project itself. The 1.2 acres designated for the relocation can be combined with other areas on the acreage, such as the parking spaces, in order to allow a reconfiguration of the proposed design, as required by CEQA. This site has the environmentally less damaging advantage of impacting a limited number of high density residential units as compared to the City Yard. The north and east sides of these suggested properties are not residential so therefore there are fewer 'sensitive receptors' subjected to 24 hour exposure to the risks. Most of the other people nearby are transient and would have relatively short exposure to the hazard footprint.

The Alternate site proposed does not require the relocation of the City Yard and eliminates the environmental impact of digging, loading and hauling of 9000 cubic yards of toxic soil and will prevent the airborne toxic dust and particulates in that soil. The remainder of the impacts of relocating the city yard is completely avoided. The city yard is a required City service which remains functioning in its existing place, thus eliminating one entire neighborhood from the additional environmental impact from two neighborhoods down to only one. If one of the alternative sites for the Oil Project is determined less environmentally damaging or the 'no project' alternative is selected then

the existing city yard site retains its potential opportunity to be decentralized and then be sold as 20 or more residential building parcels for approximately \$30 to \$40 million dollars, double the settlement penalty.

This alternative will not, contrary to the proposed site, be adjacent to a protected Federal Endangered species and State protected habitat area thus completely eliminating the environmental impact to our cherished State preserve.

This Alternative will completely eliminate the residential traffic environmental impact because it will bypass all of the residential traffic routes and provide a more direct route for the 750,000 vehicle trips proposed due to being located on the major truck routes on Pier, PCH, connecting to Herondo and Artesia. This adjacency to multi lane roads will also eliminate the environmental impacts and the risk of impeding evacuees from dense south side neighborhoods in the case of tsunami and earthquake or from fire, explosion and deadly H2S gas releases in the Hazard footprint of the Oil project. The reduced truck traffic will reduce environmental impacts on a children's walk to school path and two sports fields to our most vulnerable and precious 'sensitive receptors'.

This site has the unique benefit of showcasing and enshrining the largest heavy industrial operation ever considered by Hermosa Beach and the source of the funding for all City Services long imagined by the City leadership in 1975, 1985, 1990, 1992, 1993, 1994, 1998, and now 2013

General comments on this suggestion;

Per the CEQA Environmental Checklist; All answers must take into account the whole of the action involved, including off-site as well as on-site, cumulative as well as Project level, indirect as well as direct, and cumulative operational impacts.

The Alternative submitted herein is for a specific parcel or portion of a parcel or combination of parcels which may or may not be owned by the Lead Agency or any of the City's past, present or future Lessees or assigned parties to such Lease.

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4187-023-900 Total 2.95 acres of City owned property should be considered for the Oil Project. The north locations of this parcel would easily accommodate the Oil Project and many of the City Services while reducing or eliminating most of the risk to people, in the hazard footprint.

This Alternative meets all of the stated objective as defined by the EIR scoping document, Section 4.0 as stated. **"The Proposed Project is to conduct exploratory drilling and if successful, continue oil and gas production at the Project site in the City of Hermosa Beach."**

This site has the environmentally less damaging advantage of being located farther away from high density residential units than at the City Yard and most areas within the entire city. This site has a considerable distance to the north, south, east and west sides of this suggested property is not adjacent to residential so therefore there are fewer 'sensitive receptors' subjected to 24 hour exposure to the risks. There are residences on the east and only near the south half of this large parcel can be avoided or distanced from the most dangerous project activities by modification of design elements. Many of the other people nearby are transient and would have relatively short exposure to the hazard footprint.

The Alternate site proposed does not require the relocation of the City Yard and eliminates the environmental impact of digging, loading and hauling of 9000 cubic yards of toxic soil and will prevent the airborne toxic dust and particulates in that soil. The remainder of the impacts of relocating the city yard is completely avoided. The city yard is a required City service which remains functioning in its existing place, thus eliminating one entire neighborhood from the additional environmental impact from two neighborhoods down to only one. If one of the alternative sites for the Oil Project is determined less environmentally damaging or the 'no project' alternative is selected then the existing city yard site retains its potential opportunity to be decentralized and then be

sold as 20 or more residential building parcels for approximately \$30 to \$40 million dollars, double the settlement penalty.

This Alternative will significantly reduce the residential traffic environmental impact because it will bypass all of the residential traffic routes and provide a more direct route for the 750,000 vehicle trips proposed due to being located right on the truck route at Pier Ave. and PCH on route to Artesia and Herondo. Avoiding the truck traffic in the original proposal will eliminate or reduce environmental impacts on a children's walk to school and two sports fields to our most vulnerable and precious 'sensitive receptors'.

This alternative will not, contrary to the proposed site, be adjacent to a protected Federal Endangered species and State protected habitat area thus completely eliminating the environmental impact to our cherished State preserve.

General comments on this suggestion;

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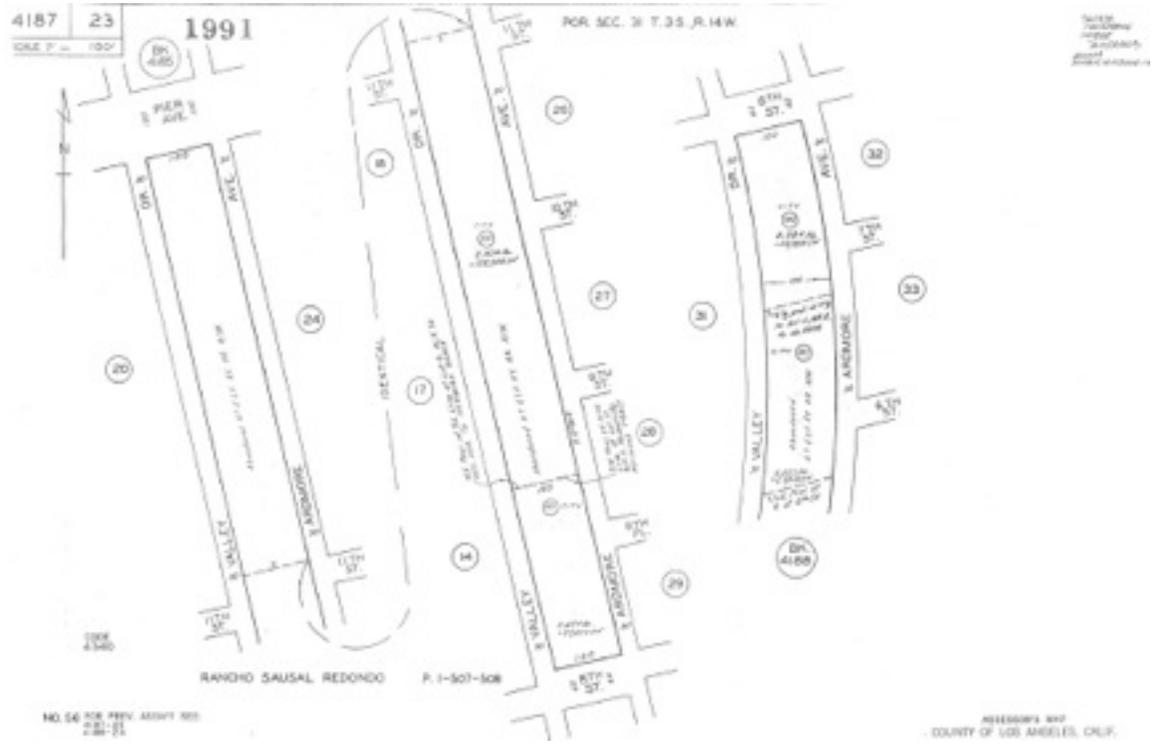
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4169-038-901 from Gould to Porter south half of parcel approx 2.0 acres of City owned property should be considered for the Oil Project.

This Alternative meets all of the stated objective as defined by the EIR scoping document , Section 4.0 as stated. **"The Proposed Project is to conduct exploratory drilling and if successful, continue oil and gas production at the Project site in the City of Hermosa Beach."**

This site has the environmentally less damaging advantage of being located farther away from high density residential units due to the roadway buffer and non residential uses on the north, south, and west sides. There are SFR to the east only. There are fewer 'sensitive receptors' subjected to 24 hour exposure to the risks in the hazard footprint vs. the City Yard. Many of the other people nearby are transient and would have relatively short exposure to the hazard footprint.

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This Alternative will significantly reduce the residential traffic environmental impact because it will bypass all of the residential traffic routes and provide a more direct route for the proposed 750,000 vehicle trips due to being located at Gould/Artesia and Valley, 1000 feet from truck routes of PCH on route to Artesia. The reduced truck traffic will

eliminate or significantly reduce environmental impacts to our most vulnerable and precious 'sensitive receptors' walking to school.

This alternative will not, contrary to the proposed site, be adjacent to a protected Federal Endangered species and State protected habitat area thus completely eliminating the environmental impact to our cherished State preserve.

General comments on this suggestion;

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That this Alternative, irrespective of current use, is fully researched and considered as the potentially the less environmentally damaging option for potential Hydrocarbon production and/or City Services relocation and pipelines, including changes in Size, configuration, accessory processing inclusion, production capacity , production rate, pipelines and interconnections,. Precise factual particularization of the baseline conditions of this site must be open to analysis and proof during the CEQA process.

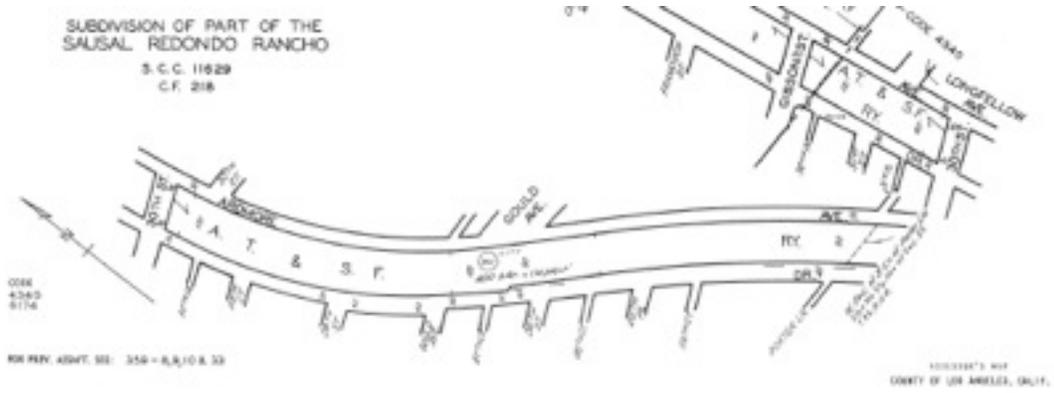
That CEQA guidance to consider changes to the projects original proposed design elements, including size and capabilities, *even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly*, must be considered to prevent substantial adverse effects on human beings, either directly or indirectly.

That consideration of economic costs or outcomes of the Alternatives be excluded from your environmental consideration per CEQA Section 15126.6 (b)

That additional information explaining the choice of alternatives be included in the administrative record.

That the Lead Agency notify properties in writing per CEQA for an area of 500 feet from this Alternative that the EIR is considering Hydrocarbon, Oil and Gas Drilling, recovery and production, pre-processing, separation, First stage refining, trucking and pipelines and/or City services for a site in their scope of potential concern.

SUBDIVISION OF PART OF THE
SALISAL REDONDO RANCHO
S.C.C. 11629
C.F. 218



To: Ken Robertson, Director, Community Development Department

1315 Valley Drive, Hermosa Beach, CA 90254

Email, K Robertson@hermosabch.org

From Tom Morley

Please enter in administrative record of E&B-Hermosa Oil.

RE: 8-11-13 Comments and suggestions for Hermosa Beach OIL Project EIR.

First: As approved by the voters in Measure E, there is no possible site for this type of project in Hermosa Beach, all sites are equally forbidden.

These Los Angeles County parcel assignments must be considered for an Alternative site for potential Hydrocarbon production and/or City Services relocation and pipelines.

4187-024-902 Total 5.50 acres of City owned property should be considered for the Oil Project requirements. There are several sections on this parcel without buildings which are greater than one acre. The west locations of this parcel would easily accommodate the Oil Project and many of the City Services while reducing or eliminating most of the risk to residences and workers (i.e. people), in the hazard footprint. The south-westerly 125 ft x 475 ft portion of this parcel is 1.37 acres and would be my preference for the Oil Project configuration, if any, because it only removes 50 parking spaces and 4 tennis courts.

This Alternative meets all of the stated objective as defined by the EIR scoping document, Section 4.0 as stated. **"The Proposed Project is to conduct exploratory drilling and if successful, continue oil and gas production at the Project site in the City of Hermosa Beach."**

This site has the environmentally less damaging advantage of being located farther away from high density residential units than the City Yard and most areas within the entire city. This site has an increased distance to the north, east and west sides of this suggested property that is not residential, and to the south of my suggested portion is adjacent to 3 homes, so therefore there are fewer 'sensitive receptors' subjected to 24 hour exposure to the risks. Many of the other people nearby are transient and would have relatively short exposure to the hazard footprint.

The Alternate site proposed does not require the relocation of the City Yard and eliminates the environmental impact of digging, loading and hauling of 9000 cubic yards of toxic soil and will prevent the airborne toxic dust and particulates in that soil. The remainder of the impacts of relocating the city yard is completely avoided. The city yard is a required City service which remains functioning in its existing place, thus eliminating one entire neighborhood from the additional environmental impact from two neighborhoods down to only one. If one of the alternative sites for the Oil Project is determined less environmentally damaging or the 'no project' alternative is selected then

the existing city yard site retains its potential opportunity to be decentralized and then be sold as 20 or more residential building parcels for approximately \$30 to \$40 million dollars, double the settlement penalty.

This Alternative will significantly reduce the residential traffic environmental impact because it will bypass all of the residential traffic routes and provide a more direct route for the 750,000 vehicle trips proposed due to being located right on the truck route at Pier Ave. and PCH on route to Artesia and Herondo. The reduced truck traffic on a children's walk to school path and two sports fields will reduce environmental impacts to our most vulnerable and precious 'sensitive receptors'.

This alternative will not, contrary to the proposed site, be adjacent to a protected Federal Endangered species and State protected habitat area thus completely eliminating the environmental impact to our cherished State preserve.

General comments on this suggestion;

Per the CEQA Environmental Checklist; All answers must take into account the whole of the action involved, including off-site as well as on-site, cumulative as well as Project level, indirect as well as direct, and cumulative operational impacts.

The Alternative submitted herein is for a specific parcel or portion of a parcel or combination of parcels which may or may not be owned by the Lead Agency or any of the City's past, present or future Lessees or assigned parties to such Lease.

I request;

This EIR abides by the CEQA guidance to not permit previous events, actions and City considerations or approvals influence the full consideration of this Alternative.

That this EIR complies with CEQA and only allow the use of previous analysis documents to the extent the circumstances remain substantially the same as they relate to the alternative, which in this case would not include 5 year old or 20 year old documents, because of CEQA's requirement that EIR's investigation must be done as close to the project proposal date as possible.

That this Alternative, irrespective of current use, is fully researched and considered as the potentially the less environmentally damaging option for potential Hydrocarbon production and/or City Services relocation and pipelines, including changes in Size, configuration, accessory processing inclusion, production capacity, production rate, pipelines and interconnections,. Precise factual particularization of the baseline conditions of this site must be open to analysis and proof during the CEQA process.

That CEQA guidance to consider changes to the projects original proposed design elements, including size and capabilities, *even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly*, must be considered to prevent substantial adverse effects on human beings, either directly or indirectly.

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That additional information explaining the choice of alternatives be included in the administrative record.

To: Ken Robertson, Director, Community Development Department

1315 Valley Drive, Hermosa Beach, CA 90254

Email, K Robertson@hermosabch.org

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First: As approved by the voters in Measure E, there is no possible site for this type of project in Hermosa Beach, all sites are equally forbidden.

These Los Angeles County parcel assignments must be considered for an Alternative site for potential Hydrocarbon production and/or City Services relocation and pipelines.

4188-001-901 from 6th to south border 9.0 acres of City owned property should be considered for the Oil Project. The southernmost 2 acres would provide the most favorable avoidance of aesthetic environmental impacts.

This Alternative meets all of the stated objective as defined by the EIR scoping, Section 4.0 **"The Proposed Project is to conduct exploratory drilling and if successful, continue oil and gas production at the Project site in the City of Hermosa Beach."**

This site has the environmentally less damaging advantage of being located farther away from high density residential units. This site has complete clearance to the North and West sides that is not occupied by residential or light manufacturing workers. There is residential to the east and one structure to the south which could be protected from the hazard footprint by extended setbacks. This alternative dramatically limits the number of 'sensitive receptors' subjected to 24 hour exposure to the risks in the hazard footprint vs. the City Yard. Most of the other people nearby are transient and would have relatively short exposure to the hazard footprint.

The Alternate site proposed does not require the relocation of the City Yard and eliminates the environmental impact of digging, loading and hauling of 9000 cubic yards of toxic soil and will prevent the airborne toxic dust and particulates from that soil. The remainder of the impacts of relocating the city yard is completely avoided. The city yard is a required City service which remains functioning in its existing place, thus eliminating one entire neighborhood from the additional environmental impact. If one of the alternative sites for the Oil Project is determined less environmentally damaging or the 'no project' alternative is selected then the existing city yard site could still be decentralized and then be cleaned and sold as 20 or more residential building parcels for approximately \$30 to \$40 million dollars, double the settlement penalty.

With agreement with Redondo Beach to allow site entry thru the adjacent parking lot, this Alternative will completely eliminates the residential traffic environmental impact because it will bypass all of the residential traffic routes and provide a direct truck route for the proposed 750,000 vehicle trips due to being located on the truck route at Herondo.

The eliminated environmental impact of residential truck traffic will assure the protection of our most vulnerable and precious 'sensitive receptors' walking to school and to parks.

General comments on this suggestion;

Per the CEQA Environmental Checklist; All answers must take into account the whole of the action involved, including off-site as well as on-site, cumulative as well as Project level, indirect as well as direct, and cumulative operational impacts.

The Alternative submitted herein is for a specific parcel or portion of a parcel or combination of parcels which may or may not be owned by the Lead Agency or any of the City's past, present or future Lessees or assigned parties to such Lease.

I request;

This EIR abides by the CEQA guidance to not permit previous events, actions and City considerations or approvals influence the full consideration of this Alternative.

That this EIR complies with CEQA and only allow the use of previous analysis documents to the extent the circumstances remain substantially the same as they relate to the alternative, which in this case would not include 5 year old or 20 year old documents, because of CEQA's requirement that EIR's investigation must be done as close to the project proposal date as possible.

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That consideration of economic costs or outcomes of the Alternatives be excluded from your environmental consideration per CEQA Section 15126.6 (b)

That additional information explaining the choice of alternatives be included in the administrative record.

That the Lead Agency notify properties in writing per CEQA for an area of 500 feet from this Alternative that the EIR is considering Hydrocarbon, Oil and Gas Drilling, recovery and production, pre-processing, separation, First stage refining, trucking and pipelines and/or City services for a site in their scope of potential concern.

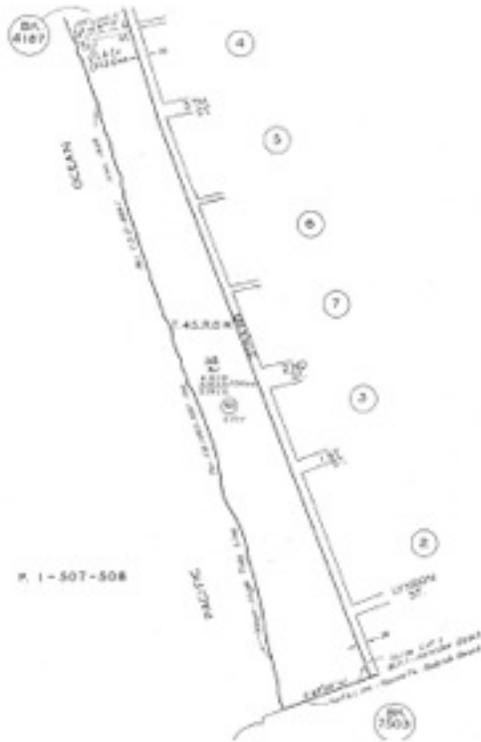
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SCALE = 250'



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ASSIGNED BY
COUNTY OF LOS ANGELES, CALIF.

To: Ken Robertson, Director, Community Development Department

1315 Valley Drive, Hermosa Beach, CA 90254

Email, K Robertson@hermosabch.org

From Tom Morley

Please enter in administrative record of E&B-Hermosa Oil.

RE: 8-11-13 Comments and suggestions for Hermosa Beach OIL Project EIR.

As approved by the voters in Measure E, there is no possible site for Oil projects in Hermosa Beach, all sites are equally forbidden.

These Los Angeles County parcel assignment must be considered for an Alternative site for potential Hydrocarbon production and/or City Services relocation and pipelines.

4160-25-902 22,500sq and

4160-25-903 12,500sq and

4160-26-900 17,620sq and

4185-23-904 12,500sq and

4186-027-900 3,628sq and

4186-018-900 2275sq and

4188-026-900 12,500sq

4188-026-901 1,750sq

4188-026-902 4,670sq

Total 88,943 sqft = 2.08 acres of City owned property should be considered to replace many of the uses currently accommodated by the existing city yard. Combining these small parcels may be sufficient area for all of the varied distributed city services, storage and recycling and parking which do not need to be consolidated to one site.

This Alternative proposal is adjacent to fewer residential units and limits exposure to fewer sides of the project thus significantly reducing the environmental impact.

This alternative will allow some of the city yard services to be performed on sites which do not impair revenue streams loss from the storage unit business. Also the community needs storage units close to home and there are not other proposed site locations for those services.

If one of the alternative sites for the Oil Project is determined less environmentally damaging or the 'no project' alternative is selected the alternate sites proposed still allows the relocation of the City Yard but it also eliminates the environmental impact of digging, loading and hauling of 9000 cubic yards of toxic soil and will prevent the airborne toxic

dust and particulates from that soil. The existing city yard site could still be decentralized and then be cleaned and sold as 20 or more residential building parcels for approximately \$30 to \$40 million dollars, double the settlement penalty.

There may be a considerably less environmental impact by using these options as opposed to the impact of a large consolidated City Services complex and the impact on adjacent high density residential units and businesses.

General comments on this suggestion;

Per the CEQA Environmental Checklist; All answers must take into account the whole of the action involved, including off-site as well as on-site, cumulative as well as Project level, indirect as well as direct, and cumulative operational impacts.

The Alternative submitted herein is for a specific parcel or portion of a parcel or combination of parcels which may or may not be owned by the Lead Agency or any of the City's past, present or future Lessees or assigned parties to such Lease.

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Additional information explaining the choice of alternatives be included in the administrative record.

That this EIR complies with CEQA and only allow the use of previous analysis documents to the extent the circumstances remain substantially the same as they relate to the alternative, which in this case would not include 5 year old or 20 year old documents, because of CEQA's requirement that EIR's investigation must be done as close to the project proposal date as possible.

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To: Ken Robertson, Director,
Community Development Department
1315 Valley Drive, Hermosa Beach, CA 90254
Email, Kroberson@hermosabch.org

From Tom Morley

RE: 08-11-13 Suggestions for Hermosa Beach OIL Project EIR.
Reply 1; please enter in administrative record of E&B-Hermosa Oil.

I'll preface with words of wisdom; Per 160 Cal.App.3d 1178 Civ. 13886

"As our prior decisions have been at pains to emphasize, CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process. Accordingly, gauging the completeness and legal adequacy of the EIR and its detailed project description is only possible after the CEQA process has been completed. "

The guiding criterion in public decisions must (b) take all action necessary to provide the people of this state with clean air and water, *enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise* and (d) Ensure that the long-term protection of the environment, *consistent with the provision of a decent home and suitable living environment for every Californian* .21001.

Every citizen has a responsibility to contribute to the preservation and enhancement of the environment....so that major consideration is given to preventing environmental damage, while providing a decent home *and satisfying* living environment for every Californian. 21000

This EIR must be terminated prior to expending more valuable public resources.

I protest the consideration of any site within the City limits of Hermosa Beach in this EIR for any Oil Project because it is clear to all that the voters of Hermosa Beach approved Measure E which removed, after 10 years, the only historical exceptions to the Citywide ban on Oil Drilling since 1932. Measure E is confirmed by the courts to apply to past and future Hydrocarbon production projects thus making this EIR unable to ever be legally approved or denied. Projects can only be carried out or approved at the discretion of a public agency if the project is otherwise permissible under applicable laws and regulations. 21001.1 (c).

This Scoping Document appears to have been prepared in close consultation with the applicant which may not be legal unless E&B complied with PRC Section 21153. (a) A request by the project applicant for early consultation shall be made not later than 30 days after the date that the determination required by Section 21080.1 was made with respect to the project.

21080.1. (a) The lead agency shall be responsible for determining whether an environmental impact report, a negative declaration, or a mitigated negative declaration shall be required for any project which is subject to this division. That determination shall be final and conclusive on all persons, including responsible agencies, unless challenged as provided in Section 21167. (b) In the case of a project described in subdivision (c) of Section 21065, the lead agency shall, upon the request of a potential applicant, provide for consultation prior to the filing of the application regarding the range of actions, potential alternatives, mitigation measures, and any potential and significant effects on the environment of the project.

Please provide time-stamped proof that E&B initiated the request within the 30 day maximum timeframe, or alternatively, instruct the City, its EIR consultant and their subcontractors to immediately cease all CEQA related consultation with the project proponent.

EIR's must comply with CEQA and only allow the use of previous analysis documents to the extent the circumstances remain substantially the same as they relate to the alternative, which in this case would not include 5 year old or 20 year old documents, because of CEQA's requirement that EIR's investigation must be done as close to the project proposal date as possible. Those old documents are not close in time to the project proposal and are irrelevant to the present instance.

Per the Scoping document, Scope of the EIR, CEQA Environmental Checklist (5); "Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration." There is no valid previous EIR (tiering, program or other) which foresees this Applicant's proposed project. The Scoping Introduction states "The Applicant proposes to construct and operate the Proposed Project within the following existing entitlements: (sic 1993 CUP, 1992 Lease and 2012 settlement)". CEQA does not apply to *Projects which a public agency rejects or disapproves*. 21080. (b). The previous similar project was rejected 15 years ago and therefore the previous 23 years old EIR and CUP for that project should not be used to contribute to this EIR which is an unrelated environmental investigation. I request that this EIR process restrains and removes any reliance on, or reference to, any agreements, documents and related 20 year old CUP's, permits, Oil Codes, zoning, general plan, local use plans, hazards studies and other various studies associated to any previously considered similar projects or to any previous considerations of new uses for the City Yard site. Projects and uses which have been previously rejected by the City Council and banned by a vote of the people will, if

considered here, muddy the waters while tainting the required independent review and judgment of decision makers. 21082.1. Findings in this EIR must be based on substantial evidence in this record 21081.5 not on extrapolations from outdated previously defeated efforts which are not relevant and/or some imagined reliance on future changes in the law, especially those requiring a vote of the people. This EIR process already fails the CEQA test of independent review 21082.1 and to consider a project that is otherwise permissible under applicable laws and regulations 21002.1 (c) and S151402 Ct.App. 2/8 B185656. "If, as a practical matter, the agency has foreclosed any meaningful option to going forward with the project, then for purposes of CEQA the agency has 'approved' the project...in substance, though it reserved some of the project's design details for later environmental analysis and final decision." An EIR is an informational document which shall be considered by every public agency prior to its approval or disapproval of a project 21061 and the reliance on other decades old terminated project documents or work product relegates this EIR to a post hoc rationalization of a specific site use.

The EIR Scoping process must stop now and not restart until the potential EIR can be in compliance with all laws 21001.1, and provide a project description of objectives that considers an undetermined site and/or all potential sites within the region rather than a specific pre-determined site. Finally, because of the 1995 Measure E approval, the only legal course of action would be to delay the EIR until there is not a legal ban on the stated 'project objective' in this City.

Please see my additional submissions for my best attempt at Alternate suggestions.

Respectfully, Tom Morley

To: Ken Robertson, Director,
Community Development Department
1315 Valley Drive, Hermosa Beach, CA 90254
Email, K Robertson@hermosabch.org

From Tom Morley

RE: 08-11-13 Suggestions for Hermosa Beach OIL Project EIR.
Reply 2; please enter in administrative record of E&B-Hermosa Oil.

I'll preface with words of wisdom; Per 160 Cal.App.3d 1178 Civ. 13886

"As our prior decisions have been at pains to emphasize, CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process. Accordingly, gauging the completeness and legal adequacy of the EIR and its detailed project description is only possible after the CEQA process has been completed. "

The guiding criterion in public decisions must (b) take all action necessary to provide the people of this state with clean air and water, *enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise* and (d) Ensure that the long-term protection of the environment, *consistent with the provision of a decent home and suitable living environment for every Californian* .21001.

Every citizen has a responsibility to contribute to the preservation and enhancement of the environment....so that major consideration is given to preventing environmental damage, while providing a decent home *and satisfying* living environment for every Californian. 21000

Alternate proposals, Basic Objective

The Scoping document Introduction states "Section 4.0 identifies a preliminary list of alternatives to the Proposed Project to be considered in the Draft EIR." This is false because there are no alternatives listed. I request that the alternatives Section 4.0 be rewritten and reintroduced to the public for an additional 30 day Scoping period and that contributors before the 8/12/13 deadline get an opportunity to revise and extend the submissions.

A clearly written statement of objectives sought by the proposed project is required to help the lead agency (and the public) develop a reasonable range of alternatives to evaluate in the EIR. 15124 (b). Information relevant to the significant effects of a project.... shall be made available as soon as possible by lead agencies, other public agencies, and interested persons and organizations. 21003.1 (b). The only objective provided to guide the public in contributing suggestions for Alternatives in the Scoping document is as follows from Section 4.0 alternatives: "The Proposed Project is to conduct exploratory drilling and if successful, continue oil and gas production at the Project site in the City of Hermosa Beach." I am forced to assume that the 'Project site' is the FIER selected site.

It is the lead agency's responsibility to give the public unbiased directions toward providing comments which contribute to the design of the DEIR, not for the public to rely upon the predisposed biased position of the project proponents application. Further, it is not the public's responsibility to assume on our own what the project objectives entail based on Scoping section 2.0 Project Description or any other project proponent document. While the public was provided a link in the Scoping Introduction, we should not be and were not instructed by the Scoping document to independently seek out a better statement of objectives. I am reluctant to use a six point objective section (4) in the E&B Planning Application to form my analysis of Alternative location, size and scope of all of the elements in the DIER. I have no way of understanding if my Alternate proposal, which meets five of six, i.e. most of the applicants objectives list, would comply with the Scoping documents stated criteria of "*which would feasibly attain most of the basic objectives of the project*" or "... *attain most of the basic objectives of the project ...*" I also have no information in the Scoping document, Alternatives Section to derive a conclusion that my proposed alternative project size or scope, which meets five of six i.e. most of the applicants objectives list, will conform to the statement "*that a reduced project alternative would meet many of the Applicant's project Objectives*". Therefore, I submit at this point that my public spoken comments at the community Scoping presentation be entered into the administrative record as an additional alternative to reduce the size and scope to the minimum production effort to pay the cities limited uses for the revenue in the tidelands trust and for City parks based on historical spending.

The Scoping document is manipulative because it suggests limits to the discussion of alternative suggestions to those which "feasibly attain most of the basic objectives of the project" without explaining the terms. The Scoping guidance is misleading towards alternatives (4.0) because it neglects to mention the requirements to consider other locations with alternative designs which may be more costly alternatives or alternate size/scope/scale of site uses.

15126.2 (b) Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented. Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are *impacts that cannot be alleviated without imposing an alternative design*, their implications and the

reasons why the project is being proposed, notwithstanding their effect, should be described.

15126.6 (b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, *even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.*

This error by omission dissuades the public opportunity to suggest those types of alternatives. The document must define ‘most’, ‘basic’ and ‘objective’ This can only be read as a precommitment to the one site and one project design being mandated based on the 20 year old CUP from a rejected project acting as the design for the Planning application.

The scoping document is misleading and bias towards the proposed project by stating the only criteria for alternate site consideration "which could feasibly attain its basic objectives" by not notifying the public of the following;

15126.6 (e)(1) Feasibility. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or **regulatory limitations**, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives. **Note: Measure E is a regulatory limitation banning drilling in the entire City of HB.**

While I appreciate the statement in the Scoping document “alternate locations for the proposed drilling sites will be analyzed” it is still impossible to determine if a submission will be considered feasible based on the other criteria highlighted in the document.

If a citizen were to suggest alternatives with the presented one sentence statement of objectives then there is a high likelihood that the alternative would be rejected. This proposition taints the waters prior to the public’s ability to voice our concerns and share our insights to improvements which protect the environment.

Since this new project is the matter in hand, I can't risk missing the opportunity to have my voice heard on alternatives, be it under protest. However, I am unable to determine the proper construction of an Alternate proposal that will pass muster with the lead agency's determination of "feasible" and "most" and "basic objectives" and therefore have my submission considered for full evaluation in the DIER.

As approved by the voters in Measure E, there is no possible site for this type of project in Hermosa Beach, all sites are equally forbidden.

This EIR must be terminated prior to expending more valuable public resources.

Please see my additional submissions for my best attempt at Alternate suggestions.

Respectfully, Tom Morley

RECEIVED

SEP 23 2013

To: Ken Robertson,
From: Tom Morley

COMMUNITY DEV. DEPT.

Please consider this a submission to the Oil EIR Scoping and confirm.
If that is not possible please notify me that I will need to submit this to the Oil Cost/
Benefit Analysis Scoping and the administrative record.

While reviewing the Lease No. 2 provided on Herмосabch.org I noticed that there are activities allowed by an Oil Operator which are not addressed in the EIR Scoping document. I am submitting this now in hope that it may protect the City from an EIR sufficiency dispute.

In reviewing the lease I notice Exhibit E is not attached, please provide via email.

Please consider all of these approved and potential activities as if they will be performed in order to provide a complete investigation of the potential significant impacts of any Oil Project as contemplated and agreed per the terms of the Lease.

Note; this is good reason to have a new CUP which conforms to the mitigations in the new EIR before the vote. There are no limitations in the settlement agreement to prevent the new CUP and in fact the Agreement contemplates changes to the CUP in Definitions 2." ...the CUP, as it may be modified from time to time in the course of implementing the Lease".

A.

1. TERM AND PURPOSE OF LEASE

(a) ... The City may authorize, the Lessee commences and prosecutes with reasonable diligence, drilling, deepening, repairing, re-drilling, injecting and disposing of water or other operations for restoring production of oil or gas from the leased lands and/or the adjacent lands drilled from the Drill Site and

(b) The City hereby leases, lets and demises the leased lands unto Lessee for a term of thirty-five (35) years (the "Term") commencing from the Lease date or so long as the Lessee is diligently conducting, producing, drilling, deepening, repairing, re-drilling or other necessary lease or well maintenance operations on the leased lands or adjacent lands.

and from definitions 1 The term "drilling operations" shall include any of the following; Actual drilling in the ground, logging or surveying the well bore, coring, sidewall sampling or coring, drill stem or formation testing, carrying on fishing operations, running and cementing protection or production casing, running tubing, perforating, milling casing, reaming, setting whip-stock for re-drilling, conducting operations to stop lost circulation and actual plugging and abandonment of the well.

Per revenue projection by E&B, 80% of estimated volume is in the first 10 years.

Over time, all Oil operations have lower production from the initial well development and will implement procedures to improve the well or to seek out another productive area. This could include abandonment of the first borehole and the drilling of a replacement well bottom location. Re-drilling is similar to initial Drilling and is more intensive than workover of a well and requires different equipment and more time than a workover. In our case this will be true for all oil and gas wells. The EIR must include a detailed description of 'workover' and specify how many days the workover rig will remain erect during the 15 times per year it is allowed to be transported to the site. The EIR Scoping only mentions the 90 day limit to workover operations which may only include the hours that pipe is being moved. The definition of workover operations does not presently include the definition or 'restoring production' allowed in the Lease. The EIR must evaluate the environmental impact of these activities, including but not limited to drilling, deepening, repairing, re-drilling, injecting and disposing of water or other operations for restoring production of oil or gas.

The EIR must add all of these and evaluate the environmental impact of the allowance for 'or other operations for restoring production'. This evaluation should include the Cities blank check for 'other' and evaluate the Hydrocarbon industry practices of 'directional drilling, explosive fracking, chemical fracking, hydraulic fracking, acid processes (acidation) and other similar stimulation and restoration processes not listed here. The Oil operator has already stated that they will utilize hydraulic fracturing for initial well completion in the new Bercha report, Subsidence section but they did not include that process in the EIR Scoping document or the Project Application and for this reason and the 'restoring production' reason this investigation must be completed in the EIR.

B.

Section 3. Royalty (c) (except gas used for lease operations or re-injected into the leased lands, or which is vented and flared gas because of no available market.

The EIR must evaluate the environmental impact of Gas being reinjected or flared rather than sold based on the Lease terms to allow Gas to be re-injected into the leased lands, or which is vented and flared gas because of no available market.

Additionally the EIR must investigate risks and project specified equipment related to:

1. TERM AND PURPOSE OF LEASE (f). This Lease does not give the Lessee the privilege or right to store gas within the geological zones underlying the leased lands nor any other privilege or right not expressly stated.

Unfortunately, the City 'expressly stated' and allows for the re-injection of Gas in Section 3, Royalty (c).

Section 3. Royalty (d).- At the City's option, subject the provisions of Section 6 below, the Lessee shall deliver to the city in kind, at the gas separator, and in lieu of money royalty.

The EIR must evaluate the environmental impact of the City taking product in lieu of

money and the storage, sale, redistribution and consumption while identifying the equipment used to refine and deliver the Gas.

Section 3. Royalty (e).....City shall have the right to use Lessee's shipping pipeline, at City's risk and without charge, to ship City's in kind oil production.

The EIR must evaluate the environmental impact of the City taking product in lieu of money and the storage, sale, redistribution and consumption while identifying the equipment used to refine and deliver the Oil to the pipeline.

Note: section 6. APPROVAL OF SALES CONTRACTS AND TAXING ROYALTY IN KIND (c)....The City shall thereupon assume the full responsibility for taking its royalty in kind and timely making disposition thereof as herein above provided during such period.

Section 3. Royalty (f) In the event that in the reasonable judgment of - Lessee, it shall be necessary to use diluents in its producing operations or to clean, treat or dehydrate the oil produced from any wells drilled into the above described lands, Lessee may clean, treat or dehydrate the same.....

The EIR must evaluate the environmental impact of the possibility of this event of using diluents in its producing operations' and identify and evaluate the safety and impacts of each diluent while describing the equipment and process for such use.

9. PRODUCTION FOR LEASE OPERATIONS (a) The Lessee may use oil produced from the Lessee's wells drilled into the leased lands or adjacent lands for lease operations (b) The Lessee may use gas produced from the Lessee's wells drilled into the leased lands or adjacent lands, or gas received currently in exchange for gas so produced, for the following purposes only: fuel, gas lift, injection into oil sands from which the well or wells may be producing and re-injection into the leased lands.

The EIR must evaluate the environmental impact of the possibility of this event of the use of produced GAS 'for Lease Operations' and confirm and describe the equipment and processes used in the limited permitted uses of 'the following purposes only: fuel, gas lift, injection into oil sands from which the well or wells may be producing and re-injection into the leased lands.

The EIR must confirm and mitigate if there are other products and uses proposed for onsite uses of produced product or similar commercial products.

C.

8. PRODUCTION FACILITIES: MEASUREMENT OP PRODUCTION: RIGHT TO COMMINGLE

(a) After completion of construction, the Lessee shall provide .to City "as-built" drawings showing the exact location of all facilities and pipeline.

12. EXPLORATION AND DEVELOPMENT OBLIGATIONS

(b) 1. Lessee shall prepare and submit to City in conjunction with its application for a conditional use permit, an adequate conceptual project description which shall include a

plot plan and description of the equipment and facilities which shall be located on the Drill Site (i) During the Exploration Phase and the Testing Phase, and (ii)... Final plans for the project shall be consistent with concept plans approved by the City in the issuance of a conditional use permit.

This is the core of CEQA compliance; The EIR must investigate a fixed plan in order to give the public proper information to comment and add their wisdom and experience. The EIR must evaluate the environmental impact of the actual as to be built project site plans for all and each Project Phase, rather than proposed plans, projected plans or plans to be determined after some project phase. Additional phases for re-drilling, replacement wells and production enhancement in later years must also be evaluated. This fixed plan must also must be the foundation for an new and any amended CUP for this significantly different project than the one used as a guide for the previous CUP 20 years ago..

D.

12. EXPLORATION AND DEVELOPMENT OBLIGATIONS

(a) ...in accordance with the generally accepted good oil field practices, the provisions-of this Lease and any conditions of approval in applicable City permits.

The EIR must evaluate the project under stricter densely populated urban standards not common oilfield practices.

(c) (1) Lessee shall continue with the drilling of such well until all the potential producing objectives `as shown in Exhibit "E" have been encountered...' What is the definition of "until all the potential producing objectives `as shown in Exhibit "E" have been encountered" Where is Exhibit E? It's not at bottom of the Lease after 'D'. What are the "potential producing objectives"?

Is this going to allow more wells if wells are low producers?

The EIR must evaluate the environmental impact in the case of replacement wells being drilled if the original wells are less than economically desirable.

16. UNITIZATIONSubject to the requirements of Public Resources Code S6879, City and Lessee may mutually determine to combine, pool or unitize the leased lands with other lands not subject to this Lease and lying within the jurisdiction of the City to insure that the ultimate recovery of oil or gas will be increased, or that oil or gas will be protected from unreasonable waste

The EIR must consider the significance to the environment and if greater impact would occur if the Operator sold off 'units', which could allow more wells, with their own fresh 35 year terms, especially near the end of the 35 year lease.

12. EXPLORATION AND DEVELOPMENT OBLIGATIONS

The EIR must also evaluate the Phases of the project in consideration at least two timeframes, the Project Application timeframe and the allowed Lease Time Frame and the additional incentives specified as Time Credits as agreed by the City. There are different durations in the Lease as compared to the EIR Scoping document and therefore

the separate analysis would change the impact and the mitigation measures. By my calculation, the Lease provides almost four times longer timeframe than the time period identified in the EIR Scoping document (permit completion to final well). The EIR must also investigate the impact of the fact that portion of the 11 years allowed by the Lease, if not used initially, is available to the Operator to use any time within the remainder of the term or the lease or extended production term for use in re-drilling or replacement well drilling. The EIR must also review in light of the fact this would also apply to future 'unit' assignees with extended lease years, Per section 16. The 20 year old CUP alternate timeframes are not relevant to this significantly different project application as that application is the reason this is a new EIR rather than a Supplemental EIR based on the 23 year old EIR.

12. EXPLORATION AND DEVELOPMENT OBLIGATIONS

(a) If the exploratory well or wells indicate that production testing is warranted in the opinion of Lessee, then Lessee shall proceed with the "Testing Phase" during which Lessee shall conduct production tests on the exploratory well(s) for a period of up to two hundred seventy (270) days following the completion of the last exploratory well drilled and

(c) If all permits...have been obtained... Lessee shall promptly proceed...and...diligently prosecute the drilling of the exploratory well which is described in Exhibit "E" (Where is the text of Exhibit E and will it be included in the Draft EIR?)

(c) 1 ... Once the well has been drilled to its objective depth...

Lessee shall, within one hundred twenty (120) days of the cessation of drilling operations (as defined below), ... (i) commence with the actual drilling of a second exploratory well

(c) 2 ... should Lessee elect to timely proceed with the drilling of a second exploratory well, then upon the cessation of drilling operations, Lessee shall likewise have a period of one hundred twenty (120) days within which to either (i). commence with the actual Lease terms for compliance to Public Policy and laws.

(c) 3 In the event Lessee timely commences with the actual drilling of the third exploratory well, then upon the cessation of drilling operations, Lessee shall have a period of thirty (30) days within which to either (i) commence and deliver written notice of Lessee's election to commence with the Testing Phase.

(d) 2 ...the Development and Production Phase shall automatically commence upon the delivery to the City of written notice from Lessee that it is proceeding with the Development and Production Phase, or upon two hundred seventy (270) days from and after the date of commencement of the Testing Phase, whichever occurs first.

(e) 1 During the Development and Production Phase which shall continue throughout the remaining term of the Lease

(e) 2 The continuous drilling requirement shall start upon one hundred twenty (120) days after commencement of the Development and Production Phase. Lessee shall commence with the drilling of a well within said 120-day period... Thereafter, Lessee shall continuously conduct drilling operations from the Drill Site using one string of tools for wells bottomed on the leased lands or on adjoining lands under lease to Lessee, allowing

no more than one hundred twenty (120) days to elapse between the cessation of drilling operations for one well and the commencement of drilling operations for the next, until the leased lands have been fully drilled..."

The EIR must consider the significance to the environment of a longer drilling period as allowed by the Lease in comparison to the allowed time agreed to in the Lease.

(390 days for the first three wells, 270 day allowed gap before production phase, 120 days to start drilling in production phase, and 120 days for each well for the completion of 27 more wells, or 3240 days (This calculates to 3630 days or 10 years for drilling and 390 day gap between 3rd well completion and 4th well start, for a total of 4020 days or 11 years total from attainment of permits to completion of all wells). This is almost four times longer than the time period identified in the EIR Scoping document.

E.

12. EXPLORATION AND DEVELOPMENT OBLIGATIONS (the "Credit Period")

(e) 3 If Lessee commences with the actual drilling of any well prior to the last day of the 120-day period commencing from the cessation of drilling operations on the immediately preceding well, Lessee shall receive a credit for the period between the actual date of commencement of drilling for such well and the date the 120-day period would have expired, and that number of days shall constitute a credit period (the "Credit Period").

Lessee may add days to the Credit Period in similar fashion by commencing with actual drilling of subsequent wells sooner than the last day of the 120-day period allowed between wells under this Section. The days comprising the Credit Period may be used and applied by Lessee at any time, and from time to time, with respect to the drilling of any subsequent well or wells under this Lease to extend for any number of days, up to the total amount of days then comprising the Credit Period....

The EIR must consider the significance to the environment and sensitive receptors (people, pets and nature) of a longer drilling period as allowed by the Lease due to the lack of restrictions in the Lease for the use of these drilling day credits anytime within the entire term of the 35 year Lease. The EIR Scoping document must include additional drilling Phases in the out years for all possible uses of these additional drilling day opportunities, including but not limited to re-drilling, extending original wells, replacement wells for non-productive or depleted zones, addition of new technology to add multiple bottom well pickups to well strings, modifications to original plans to allow more than 30 wells and/or expansion of access to the original lease area to include adjacent areas (as contemplated in all the adjacent lands references found in the Lease).

F.

12. EXPLORATION AND DEVELOPMENT OBLIGATIONS

The EIR must consider the significance to the environment of a limit of 30 wells including water wells, the specific limit of 21 wells in the tidelands, the mandatory well spacing in only two specified strata and the protection well requirements and others. The EIR must compare and contrast the project design as presented in the EIR Scoping

document with the Lease mandates. Maps should be developed which identify each of the 20 acre 40 acre and 160 acre drill bottom opportunities as noted in 12(f) 1,2 and 3 below as well as the protection well requirements in (g)2((a and b).

The EIR should consider the route of well borings required to reach the designated map locations and should evaluate the consistency with the ability of the Oil Operator to access the identified potential bottom hole locations based on the Townlot locations identified in the Settlement agreement and based on the Lease Section 15.

15. COMPLIANCE WITH LAWS AND OTHER OPERATIONAL CONTROLS

c. The Lessee is aware that the City of Hermosa Beach does not own any rights, easements or covenants allowing the Lessee to drill from the authorized Drill Site to the tidelands. The Lessee shall obtain such rights so as to be able to drill from the said Drill Site

12. EXPLORATION AND DEVELOPMENT OBLIGATIONS

(f). Lessee has been or will be restricted- by permit conditions to the operation of no more than thirty (30) wells from the Drill site, and several of the well slots at the Drill Site have been allocated to the drilling of adjacent lands under lease to Lessee. The leased lands shall be fully drilled when Lessee has satisfied the well spacing requirements set forth immediately below. However, notwithstanding those well spacing requirements, the City and Lessee agree that the leased lands shall be deemed to be fully drilled at such time as Lessee has drilled a total of twenty-one (21) wells which are bottomed on the leased lands in the tidelands.

(f)...Lessee shall be obligated to continuously drill wells to each separate commercial oil or gas zone...until Lessee has drilled the number of wells on the leased lands as stated[b1] . herein and in accordance with the following:

(1) At least one (1) well for the production of oil into each twenty (20) acres of the leased lands overlying such commercial oil zone (defined below) where the bottom of the lowest productive interval of the well as completed for production is at a vertical depth of less than six thousand (6,000) feet beneath the surface of the earth.

(2) At least one (1) well for the production of oil into each forty (40) acres of the leased lands overlying such commercial oil zone where the bottom of the lowest productive interval of the well as completed for production is at a vertical depth in excess of six thousand (6,000) feet beneath the surface of the earth.

(3) At least one (1) well for the production of gas or gas condensate from any commercial gas zone (defined below) into each one hundred sixty (160) acres, or a major fraction thereof, of the leased lands overlying such commercial gas zone.

(4) The well spacing requirements of this subsection f. shall apply separately to each separate oil or gas zone capable of producing oil and/or gas in commercial quantities to the extent the same exists and is productive within the leased lands....

(g)2((a) With respect to any well which is producing oil or oil and associated gas in commercial quantities (i.e., a volume of production reasonably estimated to be sufficient to allow Lessee to cover the cost of drilling, completing, equipping and operating the well, plus a reasonable return on investment from Lessee's share of

production) with any part of its producing interval within three hundred thirty (330) feet from the exterior boundary of the lands then subject to this Lease, Lessee shall, within one hundred twenty (120) days from the date such well is determined to be capable of commercial production, or: within one hundred twenty (120) days after commencement of the Development and Production Phase, whichever occurs last, commence and diligently prosecute the drilling and completion of a protection well to be located so that the producing interval thereof is situated within three hundred thirty (330) feet from the point on the exterior boundary of such leased lands which is nearest to the productive interval of the commercial producing well on adjoining lands which is to be offset; provided, however, that Lessee shall have no obligation to drill such a protection well if a well already exists on the leased lands within that location.

(g)2((b) With respect to any well which is producing gas and/or gas condensate in commercial quantities with any part of its producing interval within one thousand three hundred twenty feet (1,320) feet from the exterior boundary of the lands then subject to this Lease, Lessee shall, within one hundred twenty (120) days from the date such well is determined to be capable of commercial production, or within one hundred twenty (120) days after commencement of the Development and Production Phase, whichever occurs last, commence and diligently prosecute the drilling and completion of a protection well to be located so that the producing interval thereof is situated within one thousand three hundred twenty (1,320) feet from the point on the exterior boundary of such leased lands which is nearest to the productive interval of the commercial producing well on adjoining lands which is to be offset; provided, however, that Lessee shall have no obligation to drill such a protection well if a well already exists on the leased lands within that location

The EIR must consider the significance to the environment based on a map of the entire impacted project area onshore and offshore which specifically defines the bottom hole locations or perforation strings designed to comply with the Lease. The EIR must consider the application of all 10 years of drilling days allowed by the Lease while considering the field map. The EIR must consider if the Project design in the EIR Scoping document is sufficient to accommodate the mandated well spacing in the Lease. Note two zones; Definitions 3. ...By way of example of what is intended to constitute a zone, the parties currently expect that there are two zones potentially productive of oil and/or gas under the leased lands, the so-called "Main Zone" and the "Del Amo Zone.

G.

15. COMPLIANCE WITH LAWS AND OTHER OPERATIONAL CONTROLS

The Lessee shall comply with all laws, rules and regulations of the United States, of the State of California and its political subdivisions, and of the City of Hermosa Beach applicable to the Lessee's operations, including, but not limited to, the applicable provisions of Divisions 3 and 6 of the Public Resources Code and the regulations of the

Division of Oil and Gas and State Lands Commission. The Lessee shall also comply with any special operating requirements set forth in a conditional use permit issued by the City.

The EIR must consider the compliance to all laws. CEQA mitigations should be used to create an all new CUP for this significantly different project from the slant drilling project analyzed in the prior EIR 23 years ago. If it was not significantly modified, this would be a Supplemental EIR to the prior project.

This EIR must specify each and every local law, zoning, general plan and Ordinance (including the Oil Code and CUP) on which such approval relied upon the 1984 vote for exceptions to the citywide Oil Production ban and justify the reversal of that reliance by Measure E as applied to the Lease requirements in Section 15. The EIR should advise the City on code replacement or new City regulations which would not rely on the 1984 vote and therefore apply mitigations by specifying specific changes to law, zoning, general plan and Ordinance (including the Oil Code and CUP). The old unlawful codes can not be used while Oil drilling is illegal citywide and an EIR can not be based on future votes.

H.

The EIR must consider the mitigations in light of the following lease section 16 and the two SLC required additions (b and c) to this section. The EIR must pay particular attention to the subsidence requirement.

16. UNITIZATION

Subject to the requirements of Public Resources Code 6879, City and Lessee may mutually determine to combine, pool or unitize the leased lands with other lands not subject to this Lease and lying within the jurisdiction of the City to insure that the ultimate recovery of oil or gas will be increased, or that oil or gas will be protected from unreasonable waste, or that subsidence of the leased lands or abutting lands may be arrested or ameliorated. The City and Lessee may enter into agreements to unite with others owning or operating lands not belonging to the City, including lands belonging to the State of California and the United States, in operating under a cooperative or unit plan of development or operation for the pool or field or any part thereof.

Such agreements may establish, change or revoke any drilling and production requirements of this Lease, may permit apportionment of production, and may make such regulations concerning the institution and operation of any cooperative or unit plan that the parties deem necessary or proper for the protection of their interests. Each such agreement shall provide that any impairment of the public trust for commerce, navigation or fisheries to which the leased lands are subject is prohibited.

In the event of the occurrence of subsidence of the leased lands or abutting lands, the parties hereto agree to unitize within one (1) year from the occurrence of such in order to arrest or ameliorate such subsidence.

I.

The EIR must address Section 17 of the Lease and determine environmental mitigations.

17. PREVENTION OF WASTE The Lessee shall use all reasonable precautions to prevent waste of oil and gas in the leased lands and to prevent the entrance of water through wells drilled to the oil or gas-bearing strata that may damage or destroy the oil or gas deposits.

J.

The EIR must determine if sufficient financial ability of the Oil Operator to perform the project mitigations as provided by the limits within Section 18 of the Lease and all subsections and if the City must have enforcement measures in a new CUP.

18. LIABILITY. INSURANCE AND INDEMNIFICATION

a. The Lessee shall be liable to the City for all damage to any reservoir underlying the leased lands and any loss of oil, gas or other hydrocarbon substances to the extent that they are caused by a breach of any provisions of this Lease, whether such breach occurs either through negligence of the Lessee or by intentional violation of the express terms of any provision of this Lease, or by non-compliance with any applicable statutes or regulations by the Lessee, its employees servants, agents or contractors. Nothing in this Lease shall diminish any other rights or remedies which the city may have in connection with any such breach. Note; see Lease for all subsections.

K.

The EIR must investigate all of the environmental impacts and mitigations for the project in light the Lease Section 19. Particular focus should be in mitigating 'urban' wellsite, production, storage, pre-processing and product transport in addition to procedures included "in accordance with generally accepted good oil field practices".

19. OPERATIONAL STANDARDS

a. The Lessee shall exercise reasonable diligence in the operation of the wells while their products can be obtained in paying quantities and shall not unreasonably or unnecessarily suspend operations. All operations shall be conducted in a proper and worker like manner, in accordance with generally accepted good oil field practices and with regard for the protection of the safety and health of workers and the adjoining and adjacent community.

The EIR must determine if the Project description includes all the elements of section 19 (b) and determine if the description is adequate considering the Lease agreement allowing technology changes in the future. Limitations or mitigations are not enough to ensure the CEQA required fixed design to be considered in an EIR. A variable project does not allow the public to properly comment upon, and add their experience and wisdom, which would beneficially protect the environment. Please have the EIR define and mitigate "operations by methods now known or unknown for the purpose of benefiting or facilitating the drilling"

19. OPERATIONAL STANDARDS

b. Lessee shall have the right hereunder to conduct operations by methods now known or

unknown for the purpose of benefiting or facilitating the drilling for or production of oil, gas and other hydrocarbons by or through a well or wells in the leased lands and/or the adjacent lands together with the right to drill wells or use existing wells for the purpose of injecting into said lands, water or other substances produced from the leased land or other lands.

L.

The EIR must determine if the cleanup of the site as noted in the Lease section 20 is part of the Project Proposal. The cleanup and other physical activities contemplated in section 20 must be completely reviewed for environmental impacts and mitigations, particularly the restoration of the site for future uses, including residential possibilities.

20. CANCELLATION AND TERMINATION

(a) ...In the event of cancellation, the Lessee shall have the right to retain any drilling or producing wells as to which no default exists, together with the minimum acreage around any such wells required to comply with the well spacing requirements as provided in Section 12 above and those rights of way into or through the leased lands that are reasonably necessary to enable the Lessee to drill and operate any such wells.

(e). The City's right to terminate this Lease as a result of environmental clean-up and remediation costs exceeding an initial amount of \$50,000, shall be subject to Lessee agreeing in writing to assume and pay such excess costs up to an additional amount not to exceed \$50,000. Said payment by Lessee of said excess costs shall not be a recoverable cost by Lessee. In the event that Lessee determines not to assume such excess costs, then this Lease shall terminate. Should the total cost of clean-up and remediation exceed the amount of \$100,000, Lessee shall have the option to further advance such additional amounts above the aggregate \$100,000 as necessary to complete the clean-up and remediation of the Drill Site.

The parties hereto expressly agree that Lessee shall have the right to discontinue funding for clean-up and remediation activities at any time. In such event, Lessee shall terminate this Lease and return possession of the Drill Site to the City without further liability for clean-up and remediation, if Lessee determines, in its sole discretion, that the cost of such clean-up and remediation makes the project economically infeasible to continue.

M.

The EIR must consider the potential environmental impacts of the operation of section 21 of the Lease. Dangers of suspension of operations must be considered for mitigations and additional safety equipment and security measures as may be required to protect an attractive nuisance which an unattended heavy industrial project presents. Further investigation should provide safety mitigations for resumption of operations.

21. SUSPENSION OF OPERATIONS

a. The City may temporarily suspend production or any other operation by the Lessee under this Lease whenever the City finds that the operation, unless suspended, would pose an immediate and serious threat to life, health, property or natural resources. The

suspension shall be effective immediately upon either oral or written notice given in writing by the City Manager or his designee to the Lessee. Any oral notice shall be followed by written confirmation within ten (10) days from the City. The City shall lift the suspension when the City finds, on the basis of evidence submitted by the Lessee or otherwise available, that resumption of the suspended operation or operations would no longer pose an immediate and serious threat to life, health, property or natural resources. If the City orders suspension of operations because their continuation would cause or aggravate subsidence in the leased lands or other properties, the operations shall be resumed only in compliance with a City approved program for subsidence prevention.

N.

22. POLLUTION AND CONTAMINATION OF WATERS PROHIBITED

The EIR must investigate the environmental impact of section 22 of the Lease. Particularly consider the disposal of water which should include mitigation stronger than the State code allowing oil products in the water. PRC Section 6873(b) .

(a). Pollution and contamination of City waters, impairment of and interference with bathing, fishing or navigation in City waters, and impairment of and interference with developed shoreline recreational or residential areas are prohibited. No oil, tar, residuary product of oil or any refuse of any kind from any well or works shall be deposited on or allowed to pass into City waters. If any refuse capable of snagging or otherwise interfering with any type of fishing gear is deposited on or allowed to pass into City waters, the Lessee shall promptly report the incident to the City and submit to the City a map showing the exact location of the refuse. The permission given in section 6873(b) of the Public Resources Code for the deposit in state waters of water not containing any hydrocarbons or vegetable or animal matter and drill cuttings and drilling mud which are free of oil and materials that are deleterious to marine life, shall not supersede any restrictions on the deposit of such substances which are contained in this Lease.

O.

The EIR must investigate the environmental risks and safety risk ramifications of the City exercising its option to operate the wells, per section 26 of the Lease and/or the Operators the placement of the wells in condition for suspension.

26. QUITCLAIM The Lessee may at any time make a written quitclaim of all rights under this Lease or of any portion of the leased lands comprising a ten-acre parcel or multiple thereof in a compact form, or of any separate or distinct zone or geological horizon or portion thereof underlying a ten-acre parcel of multiple thereof in a compact form. The quitclaim shall be effective when it is filed with the City subject to the continued obligation of the Lessee to pay all accrued royalties and to abandon all wells drilled into the leased lands or in the zones or horizons to be quitclaimed in accordance with the terms of this Lease and the regulations of the City. At the option of the City, the Lessee may be required to place all such wells in condition for suspension -instead of abandoning them. In the event of suspension, the City shall have the option to operate or

cause the operation of such wells. The Lessee shall then be released from all drilling and other obligations thereafter accruing under the Lease with respect to the lands, zones or horizons quitclaimed. However, the quitclaim shall not release the Lessee or its surety from any liability for breach of any obligation of this Lease with respect to which the Lessee is in default at the time of the filing of the quitclaim, except for the liability or obligation to conduct drilling or production operations on or with respect to the quitclaimed lands.

P.

The EIR must investigate the environmental impacts of section 25 of the Lease and verify the project application details the shutdown process and condition of the surrendered site.

25. SURRENDER OF LEASED LANDS

At the expiration of this Lease or upon its sooner quitclaim or termination, the Lessee shall surrender the leased lands and the Drill Site and all improvements on them in good condition, or the City may provide that the Lessee shall remove some or all of the structures and other fixtures placed upon the Drill Site and transfer to city, in whole or in part, the Drill Site in a clean, cleared and suitable condition for reuse at no cost to the City. The Lessee shall not be denied the right to remove any drilling, development and production equipment having a reuse or salvage value, provided that in the event the City exercises its option to Operate any well, as provided in Section 25, above, the City shall have the right to purchase said drilling, development and production equipment at salvage value.

Q.

The EIR must investigate the environmental impacts of section 27 of the Lease.

Does the project as described in the EIR scoping include specifics of these potentialities? Does the City have the legal right to give easements to an Oil Operation considering 1995 Measure E?

27... RESERVATIONS TO CITY

The City reserves the right to grant, upon its own terms, joint or several easements or rights of way upon, through or in the leased lands as may be necessary or appropriate and consistent with the Lease, and the right to allow, upon its own terms, the continued use of any existing easement or right of way upon, through or in the leased lands. The City also reserves the right to lease, sell or otherwise dispose of whatever transferable interest it may have in the surface of the leased lands, subject to the reasonable use by the Lessee of the surface for Lease - operations if surface use is allowed by the terms of this Lease. Any such easements or encumbrances on the Drill Site shall not unreasonably interfere with the operations of the Lessee.

R.

Does the EIR Scoping project description and Project Application concur with the Lease project descriptions? What description was used for the tidelands?

Please find and provide the 1957 meets and bounds specifying the tidelands area. The EIR must verify that the well bottoms of the 21 maximum wells bottomed in the tidelands as identified in the Lease must comply with 1957 specification as submitted on maps by Michael Schubach to the SLC in April 1993. The 21 well tidelands well count limit in the Lease depends on the correct 1957 measurement from parcels to MHTD which can be extrapolated by comparison to established parcel sizes on adjacent lots on eastern side.

EXHIBIT A

PROPERTY DESCRIPTION

A. Description of Tide and Submerged Lands. All tide and submerged lands within the present boundaries of the City of Hermosa Beach situated below the line of the mean high tide of the Pacific Ocean and extending seaward one (1) nautical mile[b1] .

B. Description of the Uplands. All of that certain strip of land in the County of Los Angeles, California, lying and being between the ocean front lot line as shown in the original plat of the City of Hermosa Beach (said ocean front lot line being the same as the west property line of all lots facing the ocean) and the line of high tide, and between the North and South lines produced of Hermosa Beach as per map thereof recorded in the office of the County Recorder of Los Angeles, California, in Book One (I) of Maps at Pages 25 and 26, together with all other lands owned by the City of Hermosa Beach and within the boundaries of said city, below a depth of five hundred (500) feet from the surface thereof.

Description of the Drill Site. The Drill Site is located on the property known as the "City Maintenance Yard", as shown on the Drill Site Map and as more specifically described as follows: Lots 11 through 18 of Block R; Lots 11 through 18 of Block U; the vacated portion of Bard Street between the easterly prolongation of the northerly line of Lot 11, Block U and the northerly right-of-way line of 6th Street; and the vacated portion of Lot A between the easterly prolongation of the southerly line of Lot 18, Block R; Tract 2002 as recorded in Book 22 Maps Pages 154-155, county records.

Thank you for the opportunity to be heard in consideration of CEQA guidelines.

Tom Morley