



**Main Office Phone:**  
310 - 798-2400  
**Direct Dial:**  
310-798-2412

**Carstens, Black & Minter LLP**  
2200 Pacific Coast Highway, Suite 318  
Hermosa Beach, CA 90254  
[www.cbcearthlaw.com](http://www.cbcearthlaw.com)

**Michelle N. Black**  
Email Address:  
[mnb@cbcearthlaw.com](mailto:mnb@cbcearthlaw.com)

June 24, 2024

Via email [sbcob@countyofsb.org](mailto:sbcob@countyofsb.org)

Santa Barbara County Supervisors  
105 East Anapamu Street, 4th Floor  
Santa Barbara 93101

**Re: 2030 Climate Action Plan  
Exclusion of Emissions of Oil and Gas Emissions**

Honorable Supervisors,

We submit these comments on behalf of the Santa Barbara-Ventura Chapter of the Sierra Club. Climate change is the preeminent issue of our time, touching every aspect of the environment and of our lives. The Club appreciates the County's efforts to update the Climate Action Plan (CAP). If implemented, the CAP will help the County reduce carbon emissions (of emissions included within the CAP) by a necessary 50 percent by 2030. Unfortunately, the County CAP's greenhouse gas inventory excludes one of the largest sources of greenhouse gas emissions in the County: those generated by oil and gas facilities. The CAP's exclusion of these emissions has several consequences. The exclusion of one of the County's largest sources of emissions renders the CAP far less effective than needed to combat climate change, while, at the same time, inflating its impact. The exclusion of oil and gas emissions prevents the CAP from achieving the County's goal of approving a CEQA-compliant CAP. The County will not be able to rely on the CAP to streamline future Project approvals, and the funds used to produce the CAP will have been wasted. The Sierra Club and its members urge you to direct staff to include these important emissions in the CAP's greenhouse gas emission inventory.

**I. Oil and Gas Emissions Must be Included in the Climate Action Plan Greenhouse Gas Emissions Inventory.**

The purpose of a Climate Action Plan is to provide a roadmap for reducing a jurisdiction's greenhouse gas emissions. First, the jurisdiction

inventories its greenhouse gas emissions. Next, it develops strategies to reduce those emissions. Last, and most importantly, it implements the policies that will result in those emissions reductions. A CAP cannot be effective without a complete and accurate inventory of greenhouse gas emissions. For example, the U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions recommends including “Any physical process inside the jurisdictional boundary that releases GHG emissions into the atmosphere.” (ICLEI US Community GHG Protocols, p. 15, <https://icleiusa.org/us-community-protocol/>. ) The World Resource Institute’s Global Protocol states an inventory should include all “emissions occurring as a result of activities and consumption patterns of the city.” (Global Protocol for Community-Scale Greenhouse Gas Inventories, p. 29, [https://ghgprotocol.org/sites/default/files/standards/GPC\\_Full\\_MASTER\\_RW\\_v7.pdf](https://ghgprotocol.org/sites/default/files/standards/GPC_Full_MASTER_RW_v7.pdf).)

For this reason, oil and gas emissions are commonly included in greenhouse gas inventories, including those of Ventura and Los Angeles Counties. (See, [https://docs.vcrma.org/images/pdf/planning/plans/Draft\\_EIR\\_Apdx\\_D\\_GHG\\_Data.pdf](https://docs.vcrma.org/images/pdf/planning/plans/Draft_EIR_Apdx_D_GHG_Data.pdf) [Ventura County Climate Action Plan Emissions Inventory]; [https://planning.lacounty.gov/wp-content/uploads/2023/03/LA\\_County\\_2045-CAP\\_Rev\\_Public\\_Draft\\_March\\_2023\\_Chapters.pdf](https://planning.lacounty.gov/wp-content/uploads/2023/03/LA_County_2045-CAP_Rev_Public_Draft_March_2023_Chapters.pdf), beginning at p. 2-1 [Los Angeles County Climate Action Plan].) Without this information, the CAP emissions inventory would be incomplete. California Courts recently deemed the Sonoma County CAP in violation of the California Environmental Quality Act (CEQA) because its “inventory of greenhouse gas emissions is based on insufficient information.” (*California Riverwatch vs. County of Sonoma* (2017) Sonoma County Superior Court Case No. SCV-259242.)

## **II. Excluding Oil and Gas Facilities Obscures the Impact of the CAP.**

Without an accurate accounting of the County’s true greenhouse gas emissions, the claimed reductions from the CAP lack meaning. While a 50 percent reduction of any amount of greenhouse gas emissions is helpful in combating the worst effects of climate change, the County cannot truly say it has reduced half of its emissions unless it has included the emissions from oil and gas facilities in the inventory.

This is, in part, because oil and gas production is one of the County's largest sources of greenhouse gas emissions. In 2018, 13 percent of the County's greenhouse gas emissions derived from oil and gas production. Oil and gas production emits more greenhouse gas emissions than the County's electricity use. If the Exxon facilities come back online, oil and gas emissions would make up nearly one-third of the County's inventory.

Ignoring the County's oil and gas emissions means that the reductions obtained under the CAP will inflate the County's success in reducing its total, actual, greenhouse gas emissions. And it will hide from County decision makers, and the public, how far the County will still have to go to reach its goal of reducing emissions to 50 percent below 2018 levels.

### **III. The County Exercises Regulatory Control Over Oil and Gas Facilities.**

Despite agreement regarding the need for an accurate and complete emissions inventory, the draft CAP excludes stationary source emissions from oil and gas facilities "because the County lacks primary regulatory control over many of these facilities." (2030 Climate Action Plan, p. 22.) This rationale does not support the County's exclusion.

Preliminarily, if the County excluded all emission sources that might be subject to State or Federal regulations, there would be no emissions left to include in the CAP. Thus, the existence of State and federal regulations for oil and gas facilities does not prevent the inclusion of their emissions into the CAP. Again, the Counties of Ventura and Los Angeles include oil and gas emissions in their emissions inventories despite not having primary regulatory control.

Beyond this, the County influences oil and gas emissions within its borders. The CAP explicitly recognizes this, stating, "The County does have a role to play in overseeing the oil and gas operations within its jurisdiction." (2030 Climate Action Plan, pp. 40, 78.) On the next page, the CAP lists regulatory actions taken by the City and County of Los Angeles to reduce oil production and use. (*Id.* p. 80.) Ventura County's CAP requires electrification and prohibits the venting and flaring of natural gas, when feasible. While Ventura's CAP was litigated, its direct regulation of oil and

gas production remained, even after the litigation settled. The County of Ventura will effectively reduce emissions in the oil and gas sector.

Santa Barbara County, too, regulates and permits oil and gas facilities. The County has set a GHG threshold of significance, and it has considered emissions in permitting decisions. Discussions at the June 27, 2023 Board of Supervisors meeting concerning the draft Climate Action Plan showed unanimous agreement that County actions have reduced oil and gas emissions.

Moreover, the draft CAP emissions inventory already includes several categories of emissions not directly regulated by the County. For example, 49 percent of the County's emissions inventory consists of emissions produced by on-road vehicle trips, including cars and trucks. (2030 Climate Action Plan, p. 22.) Clearly, the County lacks exclusive regulatory control over the purchase or use of most vehicles in the County. Even so, the CAP contains a variety of goals, policies, and strategies to reduce emissions in the County's largest emissions sector. These goals and strategies include increasing the share of EV passenger vehicles in the County to 90 percent by 2045, increasing EV commercial vehicles to 75 percent by 2045, and installing 375 publicly available EV chargers. (2030 Climate Action Plan, p. 30.)

#### **IV. The CAP Will Not be CEQA-Qualified and Cannot be Relied Upon for CEQA Streamlining.**

The draft Climate Action Plan is clear that it is intended to be "CEQA-qualified." (2030 Climate Action Plan, p. 22.) The CAP explains that this means, "the CAP provides the County with the ability to streamline the environmental review process of future development projects. This can reduce the time and financial burden during the environmental review process while simultaneously spurring emissions reductions." (*Id.* at p. 10.)

The County intends to adopt a CAP that can be used by future development projects to avoid future CEQA review. If a future development project is consistent with a CEQA-qualified CAP, then that project would not need to conduct its own greenhouse gas analysis or adopt separate mitigation to reduce greenhouse gas emissions. (CEQA Guidelines Section 15183.5(b)(2).) However, the CAP will not be CEQA-compliant such that future projects can rely on it if it is incomplete.

As the draft CAP explains, a CEQA-compliant CAP must:

- a. Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;
- b. Establish a level below which GHG emissions from activities covered by the plan would not be cumulatively significant;
- c. Identify and analyze the GHG emissions resulting from specific actions or categories of actions;
- d. Specify measures or a group of measures that substantial evidence demonstrates would collectively achieve the specified emissions level;
- e. Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and
- f. Be adopted in a public process following environmental review.

By omitting the emissions of the oil and gas production sector, the CAP fails to “Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area” as required by Section 15183.5(b)(1)(A). This section does not exclude any sector of emissions.

Section 15183.5(b)(2), concerning a CAP's “Use with later Activities” provides, “If there is substantial evidence that the effects of a particular project may be cumulatively considerable notwithstanding the project's compliance with the specified requirements in the plan for the reduction of greenhouse gas emissions, an EIR must be prepared for the project.” Greenhouse gas emissions are an inherently cumulative problem. The exclusion of oil and gas facility emissions from the CAP does not mean they disappear for purposes of CEQA cumulative impacts analysis. The exclusion,

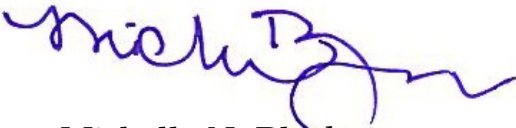
however, does mean that any future development project would still need to do a cumulative impacts analysis that considers the project’s impacts along with those of existing oil and gas emissions.

Unless the CAP emissions inventory is revised, any future project that relies on consistency with the CAP to support a finding of no significant greenhouse gas impacts, under CEQA, would be vulnerable to legal challenge.

**Conclusion**

The Santa Barbara-Ventura Chapter of the Sierra Club supports the County’s efforts to reduce greenhouse gas emissions. However, the 2030 Climate Action Plan will not truly achieve the County’s goal of reducing emissions by 50 percent and cannot serve as a CEQA-compliant CAP as the County intends unless the emissions inventory is amended to include the oil and gas sector. We respectfully request that you direct staff to include emissions from oil and gas production and processing before proceeding with adoption of the CAP.

Sincerely,



Michelle N. Black  
Douglas P. Carstens