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**Comment Letter L51**  
**Department of Conservation**  
**February 11, 2014**

NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR. GOVERNOR



**DEPARTMENT OF CONSERVATION**

**DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES**

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February 11, 2014

RECEIVED  
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COUNTY OF ORANGE

Mr. Kevin Canning  
Orange County Public Works  
300 North Flower Street  
Santa Ana, CA 92702

Dear Mr. Canning:

DRAFT ENVIRONMENTAL IMPACT REPORT: ESPERANZA HILLS PROJECT,  
ORANGE COUNTY, CA

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division), Cypress office, has reviewed the above referenced project. Our comments are as follows.

Your proposed project is located within the administrative boundaries of the Esperanza field and Orange County. Based on Figures 4-8 and 5-67 of the DEIR document, there are three active oil wells and four abandoned oil wells within the proposed project boundaries. The Division has the following additional comments, summarized in the table below:

DEIR Page Number	DEIR Statement	Comment
5-290	...three "active" wells, and four "inactive or previously abandoned" wells...	The active wells include: "CRA Texas A.U.W.C." 1 (059-05526), "Reeves" 2 (059-05532), and "Reeves" 3 (059-20333). Plugged and abandoned wells include "Anaheim Union Water Co." 2 (059-00069), "Westpet-Texas A.U.W.C." 2 (059-05527), "Anaheim Union Water Co." 3 (059-05530), and "Anaheim Union Water Co." 1 (059-00883).
5-290	It is unknown if the well casings remain intact below the ground surface or how the wells are capped.	The Division maintains information regarding the depths of cement plugs, mud, and casings of active and abandoned oil or gas wells. Complete records for many wells are available

L51-1

L51-2

*The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.*

**Response to  
Comment Letter L51  
Department of Conservation  
February 11, 2014**

- L51-1 The County acknowledges receipt of a letter from the California Department of Conservation (DOGGR) dated February 11, 2014. The letter was received after the close of the public comment period but responses are provided herein. A detailed summary of DOGGR Database well lease names is found on page 13 in the Phase 1 Environmental Site Assessment Report (Appendix I of the DEIR) consistent with the information presented in in the first row of the table on page 1 of the DOGGR comment letter.
- L51-2 Mitigation Measure Haz-2 requires the preparation of a Phase II Environmental Site Assessment (ESA) to be reviewed and approved by the Manager of OC Planning to identify the abandoned well locations prior to issuance of grading permits. All DOGGR available records will be researched in the preparation of the Phase II ESA.

Kevin Canning  
February 11, 2014  
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		through the Internet. Records of other wells can be obtained through a public records request.	L51-2 <i>cont'd</i>
5-294	Table 5-7-5 below provides a summary of field observations of the on-site oil wells.	Specify whether the field observations were obtained at the active wells, the abandoned wells, or both.	L51-3
5-331	DOGGR provides regulations regarding placement of structures on abandoned oil well sites.	Untrue statement. The laws most relevant to development following well abandonment are Division 3, Chapter 1, 3208 and 3208.1.	L51-4
5-332	In the event the oil wells are closed, a Remedial Action Plan (RAP) will be prepared consistent with state law to address appropriate remedial measures required by the closure(s).	Note that the Division oversees well abandonment to the point of a final well site inspection. California Code of Regulations, Title 14, Chapter 4, Section 1776 specifies conditions for well site and lease restoration. These activities are conducted under the oversight of the Division.	L51-5
5-334	Prior to the closure of any existing oil wells, the Project Applicant shall ensure that the operator of the oil wells prepare an RAP to address appropriate measures for closure consistent with state law.	Note that the Division oversees well abandonment to the point of a final well site inspection. California Code of Regulations, Title 14, Chapter 4, Section 1776 specifies conditions for well site and lease restoration. These activities are conducted under the oversight of the Division.	L51-6
5-337	Mitigation includes a Combustible Gas/Methane Assessment Study to assess release of combustible gas/methane, implementation of a Methane Control Plan if a measurable quantity of methane is detected...	The County should partner with the Division should hazardous quantities of methane be detected near active or abandoned wellheads. Dependent upon site-specific conditions, the appropriate mitigation measure may include well re-abandonment.	L51-7
5-412	The operation and closure of the oil facilities is subject to Orange County Oil Code, Sections 7-8-1 through 7-8-53 of the Orange County Code of Ordinances.	California laws for the conservation of oil and gas, Chapter 1, 3106, specifies the role of the Division in supervising the drilling, operation, maintenance, and abandonment of tanks and facilities attendant to oil and gas production.	L51-8
9-12	Hazards and Hazardous Materials	See comments regarding pages 5-332, 5-334, and 5-337, above.	L51-9

- L51-3 As noted on page 14 of the Phase I ESA, representatives from American Geotechnical, Inc. visited the site and conducted field observations of three active wells, four previously abandoned wells, five storage tanks, and numerous runs of active and abandoned oil conveyance piping.
- L51-4 Pursuant to the comment and to clarify the regulations that DOGGR implements concerning well operation and abandonment, refer to *California Public Resources Code*, Division 3, Chapter 1, Article 4, §3208 and §3208.1. Section 3208 establishes regulations and criteria for properly abandoning wells by requiring that steps be taken to isolate all oil-bearing or gas-bearing strata encountered in the well and to prevent subsequent damage to life, health, property, and other resources to the satisfaction of final inspection by the DOGGR. Section 3208.1 establishes criteria and regulations concerning well re-abandonment. Well re-abandonment can occur when the property owner on which a previously abandoned well is located proposes construction on the property that would impact the abandoned well. DOGGR consultation and final inspection concerning well re-abandonment is required prior to disturbance due to construction in the area of wells. Mitigation Measure Haz-4 requires the preparation and Remedial Action Plan (RAP) consistent with State law.
- L51-5 Refer to response to Comment L51-4.
- L51-6 Refer to response to Comment L51-4.
- L51-7 The Orange County Oil Code, Sections 7-8-1 through 7-8-53, requires the written evidence of DOGGR approval and compliance with state law of any well abandonment pursuant to Section 7-8-40 prior to Orange County approval. Since written approval by DOGGR is a requirement of Orange County Oil Code consistent with state law, the intent of the comment is incorporated into the Mitigation Measure Haz-1.
- L51-8 Page 5-412 Land Use and Planning (Section 5.9) is revised pursuant to the comment to add a reference to the applicable *California Public Resources Code* that specifies the role of DOGGR in supervising the drilling, operation, maintenance, and abandonment of tanks and facilities associated to oil and gas production. The intent of the DEIR remains the same.
- The operation and closure of the oil facilities is subject to [California Public Resources Code, Division 3, Chapter 1, Article 4, Section 3106 and](#) the Orange County Code, Oil Code, Section 7-8-1 through 7-8-53 of the Orange County Code of Ordinances.
- L51-9 Refer to responses to Comments L51-4 and L51-7.

Kevin Canning  
February 11, 2014  
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The Division is mandated by Section 3106 of the Public Resources Code (PRC) to supervise the drilling, operation, maintenance, and plugging and abandonment of wells for the purpose of preventing: (1) damage to life, health, property, and natural resources; (2) damage to underground and surface waters suitable for irrigation or domestic use; (3) loss of oil, gas, or reservoir energy; and (4) damage to oil and gas deposits by infiltrating water and other causes. Furthermore, the PRC vests in the State Oil and Gas Supervisor (Supervisor) the authority to regulate the manner of drilling, operation, maintenance, and abandonment of oil and gas wells so as to conserve, protect, and prevent waste of these resources, while at the same time encouraging operators to apply viable methods for the purpose of increasing the ultimate recovery of oil and gas.

L51-10

The scope and content of information that is germane to the Division's responsibility are contained in Section 3000 et seq. of the Public Resources Code (PRC), and administrative regulations under Title 14, Division 2, Chapter 4 of the California Code of Regulations.

If any structure is to be located over or in the proximity of a previously plugged and abandoned well, the well may need to be plugged to current Division specifications. Section 3208.1 of the Public Resources Code (PRC) authorizes the State Oil and Gas Supervisor (Supervisor) to order the reabandonment of any previously plugged and abandoned well when construction of any structure over or in the proximity of the well could result in a hazard.

L51-11

An operator must have a bond on file with the Division before certain well operations are allowed to begin. The purpose of the bond is to secure the state against all losses, charges, and expenses incurred by it to obtain such compliance by the principal named in the bond. The operator must also designate an agent, residing in the state, to receive and accept service of all orders, notices, and processes of the Supervisor or any court of law.

L51-12

Written approval from the Supervisor is required prior to changing the physical condition of any well. The operator's notice of intent (notice) to perform any well operation is reviewed on engineering and geological basis. For new wells and the altering of existing wells, approval of the proposal depends primarily on the following: protecting all subsurface hydrocarbons and fresh waters; protection of the environment; using adequate blowout prevention equipment; and utilizing approved drilling and cementing techniques.

The Division must be notified to witness or inspect all operations specified in the approval of any notice. This includes tests and inspections of blowout-prevention equipment, reservoir and freshwater protection measures, and well-plugging operations.

L51-13

The Division recommends that adequate safety measures be taken by the project manager to prevent people from gaining unauthorized access to oilfield equipment. Safety shut-down devices on wells and other oilfield equipment must be considered when appropriate.

L51-14

- L51-10 Information regarding DOGGR mandates and its role in the supervision of wells is noted. The information presented in the comment is consistent with the Mitigation Measures Haz-1, Haz-3, and Haz-4.
- L51-11 Information on previously plugged and abandoned wells and applicable State law is noted. The information presented in the comment is consistent with the Mitigation Measures Haz-1, Haz-3, and Haz-4.
- L51-12 The County of Orange Oil Code requires bonds pursuant to section 7-8-32 consistent with State law. The County of Orange Oil Code, section 7-8-30 and 7-8-40 requires evidence of written approval by DOGGR prior to any change to physical condition of any well.
- L51-13 State requirements for notice to witness all operations specified in the permit to change the physical condition of any well is required in Mitigation Measure Haz-4, which requires the preparation of a Remedial Action Plan (RAP) prior to the closure of any existing well.
- L51-14 State requirements for adequate safety measures to prevent unauthorized access to oilfield equipment specified in the permit to change the physical condition of any well is required in Mitigation Measure Haz-4, which requires the preparation of a RAP prior to the closure of any existing well.

Kevin Canning  
February 11, 2014  
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If any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's Cypress district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

L51-15

Sincerely,



Kathleen M. Andrews  
Associate Oil & Gas Engineer – Facilities



- L51-15 State requirements for plugged and abandoned wells that are damaged during excavation as specified in the permit to change the physical condition of any well is required in Mitigation Measure Haz-4 which requires the preparation of a RAP prior to the closure of any existing well.

**Comment Letter L52**  
**Constance Spenger**  
**April 2, 2014**

120 Olivia Lane  
Big Pine, California 93513  
April 2, 2014

Kevin Canning, Contract Planner  
OC Planning  
PO Box 4048  
Santa Ana, 92702-4048

Re: Esperanza Hills Draft Environmental Impact Report, Project No. PA 120037  
State Clearinghouse 2012121017

Dear Mr. Canning:

**Executive summary:**

An intact occurrence of Braunton's milk-vetch exists on the above project site. Braunton's milk-vetch is a very rare wild plant, of interest to science because of its unique biology and distribution. It grows naturally where the microclimate is favorable to firestorms, even after development of the site. Half of the world's remaining Braunton's milk-vetch has already been lost to development. The only mitigation is preservation in situ, with at least a ¼ mile wide buffer zone to ensure pollinator survival.

**Qualifications:**

I prepared an update on Braunton's milk-vetch (*Astragalus brauntonii*) for The Nature Conservancy in the 1980s. I visited every metapopulation of Braunton's milk-vetch, including the Paratype locality, one of two sites where the plant was first found and described. I examined maps of all the occurrences.<sup>i</sup>

I observed the life cycle of two occurrences of Braunton's milk-vetch, from the time between fires, when only one or two plants grew, to post-fire seedlings. By four or five years of age, a few hundred four-foot high plants reached maturity. The Braunton's milk-vetch senesced (grew old) and died out as the chaparral grew again and overtopped them.

**Natural History:**

Braunton's milk-vetch grows on ridgelines on calcium-rich soil. Its seeds remain in the soil from 20 to 90 years, until the next wildfire. Between fires an occasional seed may have its scarification requirements met by scraping on rocks, and thus be able to germinate. Some seeds may be carried by water downhill, to sprout below the parent population.

The presence of *Astragalus Brauntonii* indicates that wildfires averaging every 57 years or so are a natural certainty. This is likely to have something to do with the microclimate at these locations. *Astragalus brauntonii* locations are prone to burn even after they have been developed. At the Paratype<sup>ii</sup> locality above West Hollywood,<sup>iii</sup> the Lookout Mountain Avenue fire in Laurel Canyon destroyed 38 homes and damaged many others on July 10, 1959, and the Hillside Avenue fire destroyed or damaged 29 homes on September 16, 1979. One of the major disasters of the previous century in the Los

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COUNTY OF ORANGE

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Spenger, Esperanza DEIR, PA 120037, April 2, 2014

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**Response to  
Comment Letter L52  
Constance Spenger  
April 2, 2014**

L51-1 The County acknowledges receipt of a letter from Constance Spenger dated April 2, 2014, which is past the February 5, 2014 close of the public review period. Therefore, this letter is considered late. However, the County has included the following as its response to Ms. Spenger.

The commenter provides historical and mitigation information specifically related to Braunton's milk-vetch, a special status designated species plant. No specific comments were provided regarding the Proposed Project or environmental issues or concerns related to Braunton's milk-vetch. Section 5.3- Biological Resources in the DEIR provides a complete analysis of Braunton's milk-vetch, along with other special status species that occur on the Project site. The commenter is further referred to the following letters and responses: L3-3, L3-5, L3-15, L3-21, L4-2, L4-7, L5-, L11-15, and L11-16.

Angeles Basin, the Baldwin Hills fire of July 1985 consumed the area above Cienega, where Braunton's milk-vetch likely once grew.<sup>iv</sup>

Little more than half the original populations and numbers of Braunton's milk-vetch plants survive today. However, Braunton's milk-vetch should not be transplanted as a mitigation measure, because its biological requirements are intricately linked with the habitat where it is found. For instance, Braunton's milk-vetch grows in soil rich in calcium. In nature, these calcareous formations are thousands of feet thick. It would be impossible to artificially duplicate the viability of a natural site.

**Appropriate mitigation**

The only mitigation is preservation of the entire Braunton's milk-vetch occurrence in situ, with at least ¼ mile of natural land surrounding it to provide for the leaf-cutter bees (Megachilids), which are its chief pollinator.

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<sup>i</sup> Braunton's milk-vetch is a very rare plant that grows in four widely separated areas, called metapopulations. These metapopulations are comprised of a number of areas where up to a few hundred Braunton's milk-vetch plants are found, called occurrences. Two occurrences on a ridgeline are called a site. Some web sites call the occurrences populations, and do not differentiate between parent populations and wash-down areas, which are less likely to survive over the long term.

<sup>ii</sup> The specimen from which a plant species was first described is called the Type. When the species is first described from two different localities, one is called the Paratype.

<sup>iii</sup> West Hollywood: Braunton's specimen is labeled "Above Sherman," the old name for West Hollywood. Sherman was an early railroad magnate.

<sup>iv</sup> Cienega specimen: This was likely a wash-down individual from the Baldwin Hills.

Yours truly,

*Constance Spenger*

Constance Spenger  
(Mrs. Robert)