

Lorelei H. Oviatt, AICP, Director
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2323
Phone: (661) 862-8600
Fax: (661) 862-8601 TTY Relay 1-800-735-2929
Email: planning@kerncounty.com
Web Address: <http://kernplanning.com/>



**PLANNING AND NATURAL
RESOURCES DEPARTMENT**

Planning
Community Development
Administrative Operations

February 28, 2020

File: Oil and Gas Permitting

To: Interested parties

Re: Notification – Oil and Gas Permit Process Suspension

On Tuesday February 25, 2020 the Fifth District Court of Appeals issued a decision (King and Gardiner Farms, LLC et al vs Kern County et al) on the California Environmental Quality Act (CEQA) lawsuit on the Kern County Local Permitting for Oil and Gas Final Environmental Impact Report.

This decision directed that the ordinance will not be in effect 30 days after the date of the filing of the decision, which will be Wednesday, March 25, 2020. Issuance of any actions on Kern County Oil and Gas permits will end at 11:59 p.m. on March 25, 2020. Any permits issued with full mitigation fees paid before the March 25, 2020 date have been declared valid by the court.

On March 26, 2020 the previous “by –right” and conditional use permit process will be in effect but no coverage under CEQA can be provided for processing a conditional use permit and there is no permit or review required by this department under that ordinance, however there are setbacks that are still required.

When submitting permits until March 25, 2020 please take note of the following:

- A complete application includes all required materials and payment of the Kern County Permit fees for acceptance for processing.
- **Submittal of any permits after March 17, 2020 at 5:00 is at the risk of the applicant as there may not be sufficient time to process for both approval and issuance of a permit.**
- Any split estate lands in Tier 2, 3 or 5 areas that have not been submitted and started processing as of the date of this letter, and that require a 120 day permit process can not be submitted as the court has ordered the county to cease processing in 30 days. Specific questions on this issue should be directed to Dennis Mc Namara, Division Chief and not individual oil and gas staff.
- Any wells in Tier 4 requiring a Conditional Use Permit will still require a Conditional Use Permit under the reestablished ordinance but will require individual evaluation for processing for compliance with CEQA. Specific questions on this issue should be directed to Dennis Mc Namara, Division Chief and not individual oil and gas staff.

- One year extensions of time will be granted for any issued permit. An issued permit means that all mitigation fees have been paid and a job card has been issued. All requests for a one year extension of time must submit an application and have an attached job card for that permit or permits. Any granted one year extension will start from the end of the original one year issued permit expiration. An extension cannot be requested for a permit that has not been issued yet.
- Approval of a permit and issuance of a job card is not guaranteed. Full compliance with the permit requirements and full payment of all fees and mitigation will continue to be the standard of review.
- Any previously approved project that did not pay the full fees and has not been issued a job card, must complete the process by March 25, 2020. Please note that funds must actually be received and receipted by 11:59 p.m. on March 25, 2020 and cannot be accepted after that time and date to have a valid permit.
- All issued permits must have a permit from CalGEM to commence drilling. Please contact CalGEM for information on their permit process.
- Staff will be working on all permits issued as the first priority. General questions about the court ruling or older permits should be directed to Dennis Mc Namara, Division Chief for Permitting, McnamaraD@kerncountv.com.

Sincerely,



Lorelei H. Oviatt, AICP
Director

cc: CalGEM
San Joaquin Valley Air Pollution Control District
WSPA
CIPA