# **Judge orders Kern to halt oil permitting pending court review**

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**Body**

Oct. 8—***Kern*** government has been ordered to stop issuing oilfield permits until late April at the earliest, when a judge will decide whether the latest version of the county's controversial ***oil***-and-gas zoning ordinance complies with the terms of a court order last year that had halted such permitting.

But in a win for local ***oil*** producers, the ruling Wednesday by ***Kern*** County Superior Court Judge Gregory Pulskamp upheld permits issued by the county after the Board of Supervisors voted unanimously March 8 to approve the revised ordinance.

In halting ***Kern***'s permitting activity and scheduling an April 28 court hearing on the matter, Pulskamp found that county officials lacked authority to "unilaterally determine" that the ordinance's newer iteration satisfied the California Environmental Quality Act requirements of a court ruling in February 2000 that led to the suspension of new permits.

The ruling does not necessarily mean local ***oil*** producers won't be able to get new permits from the state, which were generally the only approvals required prior to the adoption of ***Kern***'s original ***oil*** and gas ordinance in late 2015. But Wednesday's order does end, at least temporarily, the county's collection of air-quality fees meant to help offset local drilling's emissions.

County officials have long acknowledged that the fate of their industry-funded, over-the-counter permitting system would be decided in court. The ordinance has been attacked by environmentalists, and in a more limited sense, by local farming and even ***oil*** interests.

Last year, an appellate court determined the original county ordinance had failed to fully examine or mitigate impacts on air quality, water supply, ag land conversion and noise. In response, the county undertook a supplemental environmental review, and revisions to its permitting ordinance, that it said addressed the deficiencies.

Both versions of ***Kern***'s permitting structure forced ***oil*** producers to take steps to cushion the environmental and health impacts of drilling. Part of the reason the ***oil*** industry has supported the ordinance is that environmental reviews required at the state level have come slowly and are seen as vulnerable to legal challenges.

Environmental and environmental-justice groups contend that the county's review of the ordinance's impacts was faulty and that rather than perform a blanket assessment of ***oil***'s local effects, the county should look more narrowly at individual ***oil*** projects.

Opponents of the county ordinance welcomed Pulskamp's ruling, while an industry group said it needed more time to review the situation. Meanwhile, the county expressed confidence the court will uphold its latest version of the permitting ordinance.

Lorelei Oviatt, ***Kern***'s community development director and a key architect of the county ***oil***-and-gas ordinance, confirmed by email that the county stopped issuing oilfield permits upon receiving the ruling at 3 p.m. Wednesday. She added that the county continues to support "our essential energy industries in providing power for all of California."

"***Kern*** County is confident our supplemental (environmental review approved by county supervisors in March) will be found valid in accordance with (CEQA) at the court's April 2022 hearing," she wrote.

A spokesman for the Western States Petroleum Association trade group said only that it was "reviewing the ruling and due to the active litigation we do not have further comment at this time."

Several groups opposed to the ordinance criticized the county's imposition of the newer ordinance without full court approval.

"Given the consequences for our air, water, health and quality of life, it makes perfect sense that the county must show that it corrected its mistakes before issuing permits," Estela Escoto, president of Committee for a Better Arvin, said in a news release.

***Kern*** farmer Keith Gardiner said in the same release that he was heartened by the ruling, and that "the county was out of bounds to issue any drilling permits before the court decides if it has complied with CEQA."

Added a senior attorney with the Natural Resources Defense Council, "It shouldn't have taken a judge's decision to explain to the county that court orders need to be obeyed, and county officials aren't above the law."

Pulskamp's ruling allowed ***oil*** and gas permits issued by the county since March to remain in place because, he wrote, the county and local ***oil*** producers had been prejudiced by the plaintiffs' failure to act sooner. He found that invalidating recent permits would cause "severe logistical and economic harm."

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