# **Kern County Communities Win Reprieve with Court Ruling on Oil & Gas Permitting**

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**Body**

New York: Natural Resources Defense Council has issued the following press release:

The ***Kern*** County Superior Court released its decision yesterday ordering ***Kern*** County to stop issuing ***oil*** and gas permits until the Court determines that the County has fixed the legal problems in the County ’ s 2015 ***oil*** and gas ordinance.

Local environmental groups and a local farmer filed lawsuits on the heels of the ***Kern*** County Board of Supervisors ’ approval of a second iteration of the ***Kern*** ***oil*** and gas ordinance earlier this year, under which the County began issuing ***oil*** and gas permits without first confirming with the Court that the County fully addressed its previous violations of the state ’ s foundational environmental law.

In February 2020, the Fifth District Court of Appeal ruled that the County must rescind its original 2015 ***oil*** and gas ordinance and cease issuing permits because the County failed to adequately analyze or mitigate significant impacts upon air quality, water supply, agricultural land conversion, and noise. The Court also faulted the County for providing the public with too little time to review a health risk assessment that was released a mere five business days before the 2015 ordinance was adopted. Following the Court of Appeal ’ s decision, the Superior Court in June 2020 issued an order specifying that the County must refrain from reviewing and approving permits until and unless the ***oil*** and gas ordinance is readopted lawfully.

With the Superior Court ’ s order still in place and two new lawsuits filed challenging the lawfulness of the County ’ s readopted ordinance, lawyers for frontline community groups, environmental groups, and a local farmer argued that the County wrongly skipped the showing of legal compliance that is required before it renews permitting activity.

The Court agreed, ruling that the County “did not have authority to unilaterally determine” that its readopted ordinance complied with the law such that ***oil*** and gas permitting may resume. The Court therefore ordered the County “to immediately suspend operation of the ordinance” and “to cease reviewing and approving ***oil*** and gas permits” under the ordinance until and unless the Court reviews the County ’ s actions and determines they meet the requirements of the California Environmental Quality Act. The Court ’ s ruling does not affect existing permits.

Below, ***Kern*** community members who are petitioners and the attorneys working on the case offer some statements regarding the court ’ s ruling:

“The ordinance was already struck down once because the County did not do enough to disclose, let alone reduce the harmful impacts of ***oil*** and gas development on our communities. ” said Estela Escoto, President of Committee for a Better Arvin. “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. ”

“We are heartened that the court stopped the County ’ s illegal permitting. ” stated Keith Gardiner, Manager of King and Gardiner Farms. “The County was out of bounds to issue any drilling permits before the court decides if it has complied with CEQA. ”

'The County never had any business issuing permits after the Court of Appeals clearly instructed them not to,” said Ann Alexander, a senior attorney with NRDC (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.'

'***Kern*** County's plan to fast track tens of thousands of new ***oil*** and gas wells would be a disaster for communities that are already overburdened by the worst air pollution in the country,' said Mercedes Macias, Senior Organizer in ***Kern*** County for the Sierra Club. 'We're glad to see the court hold the County accountable for its reckless and illegal issuance of these permits before the court has signed off, and now we urge Governor Newsom to take action to protect frontline communities by enacting setbacks and halting state-level permitting.'

“Now that the court has stopped ***Kern*** County from issuing permits in defiance of the court order, it ’ s up to Gov. Newsom to do his part and halt state approvals,” said Hollin Kretzmann, an attorney at the Center for Biological Diversity ’ s Climate Law Institute. “On the heels of the state ’ s most recent offshore ***oil*** spill disaster, it would be unconscionable to keep expanding California ’ s onshore ***oil*** drilling. ”

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