# **Opponents look forward, back after ruling on Kern oil permitting**

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**Body**

Nov. 4—One day after a judge ruled ***Kern*** County may resume local ***oil*** permitting, people on both sides of the case looked forward to what may lie ahead — increased oilfield activity, possible appellate outcomes, potential regulatory intervention — and revisited how the litigation has held up drilling while also changing operational standards.

Through it all ran the question of whether years of litigation have come to an end, despite the filing this week of at least two plaintiffs appeals. There was a hope among industry players and county government Thursday that a series of lawsuits originally filed in 2015 may have finally played out.

One local ***oil*** producer expressed doubt, however: Long Beach-based producer California Resources Corp. noted as part of its third-quarter earnings announcement Thursday that Wednesday's decision by ***Kern*** County Superior Court Judge Gregory A. Pulskamp is subject to appeal. It stated there remains "some potential for future disruptions" to county oilfield permitting.

Executive Vice President and COO Shawn M. Kerns said by email the company was "very encouraged" by the ruling. The company hopes to restart permits it has on hold and looks to finally filing for permits it was forced to delay, he wrote, adding, "We remain cautiously optimistic that the permitting process will return to normalized activity in 2023."

On the opposite side, Senior Attorney Hollin Kretzmann with the Center for Biological Diversity pledged to continue fighting through the appeals process. Calling on state regulators to intervene on behalf of public health and the environment, he said, "They should use that authority to the fullest."

There was no response Thursday to a request for comment placed with the California Geologic Energy Management Division, which as the state's primary ***oil*** regulatory agency took over local ***oil*** permitting — though not as efficiently as the industry would have liked — after the county's review work was halted in October 2021 by Pulskamp's order.

Board of Supervisors Chairman Zack Scrivner interpreted Wednesday's ruling as concluding, after years of review and public hearings, that the county's work is "legally valid, and that ***Kern*** County has done this right."

***Kern*** remains committed, he said by email, to upholding the most environmentally protective rules on ***oil*** and gas exploration and extraction in California.

"Until the consumer demand for fossil fuels stops in California," Scrivner stated, "***Kern*** County will continue to work to produce the fuel that consumers need, as well as jobs and economic benefits that support our communities and essential public services, while we also continue to lead all other counties in this state in development of renewable energy, further building our position as the clean energy capital of California."

One of the lawsuit's primary plaintiffs, Shafter-area almond grower Keith Gardiner, said by email the case was never about winning or losing but about protecting farmland and the community. While he does not object to local ***oil*** production, he added, "drilling must be done in a safe, farm-friendly manner that respects the environment and protects surrounding communities."

Gardiner and his legal team emphasized that the case forced changes to the county's streamlined ***oil*** permitting process, including a requirement that ***oil*** companies remove their unused ***oil*** equipment and that one acre of equivalent farmland be restored for each acre lost to drilling.

One of his attorneys, Rachel B. Hooper at the San Francisco law firm Shute, Mihaly & Weinberger LLP, added that an appeal filed by Gardiner's V Lions Farming argues that the county must adopt additional mitigation to address the county permitting ordinance's impacts on farmland.

She predicted the appellate court will weigh whether the county must force ***oil*** producers to fund ag conservation agreements. Other questions the court will have to consider, Hooper added, concern the ordinance's effects on public health, air quality and water supply.

Staff attorney Dan Ress with the Center on Race, Poverty & the Environment, which has also appealed Pulskamp's ruling, said his group believes the county's actions still fail to protect residents and communities as state law requires.

Bakersfield ***oil*** producer Aera Energy LLC issued a statement that it applauds the court for restoring the county's authority to issue permits. The company expressed hope the ruling "finally lays to rest this issue" and allows for the business stability it needs to continue producing ***oil*** and gas Californians rely on daily while also providing good-paying jobs.

Executive Vice President and COO Fernando Araujo at Dallas-based Berry Corp. said by email the local ***oil*** producer is hopeful the court decision will expedite the entire permitting process, leading to increased drilling and production under the world's strongest environmental protections.

"That's good news for Californians, for ***Kern*** County residents specifically, and for the county's tax base," Araujo wrote.

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