# **Sierra Club: California Court Rules Kern County Oil, Gas Permitting Scheme Illegal**

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**Body**

The Sierra Club issued the following news release:

A California appeals court ruled (https://biologicaldiversity.org/programs/climate\_law\_institute/pdfs/24-03-07-***Kern***-SREIR-Decision.pdf) unanimously today that ***Kern*** County violated the law by using a flawed environmental review for its local ***oil*** and gas ordinance designed to fast-track permitting. This is the second time the court has ruled that the county's rubberstamping of ***oil*** and gas permits violates the state's foundational environmental law.

As a result, ***Kern*** County has been directed to set aside its permitting ordinance, and county officials will remain prohibited from issuing local permits for ***oil*** and gas projects. If it tries to move forward a third time, ***Kern*** County will have to adopt a new ordinance and redo its environmental review to comply with the California Environmental Quality Act, or CEQA.

"The court's decision today was a hard-won victory, and we are grateful that the court saw the county's actions for what they were -- dangerous and illegal," said Anabel Marquez, president of Committee for a Better Shafter. "The codependence between ***Kern*** and the ***oil*** and gas industry may persist in other ways, but we will continue to be thorns in their sides, fighting for the clean air, water and land that we deserve."

The court previously halted local ***oil*** and gas permitting in 2020. In its prior decision, the court found that the county violated CEQA -- California's bedrock environmental protection and community right-to-know law -- by failing to adequately assess and mitigate the harms of ***oil*** and gas activities to air, water, health and farmland.

Today the court ruled that an almost identical ordinance adopted in 2021, with only modest changes in its environmental review, was also invalid. In particular, the court found the county's study of cancer risks from living near multiple wells to be legally deficient. The court disapproved of the county's analysis, which assessed the impacts of drilling 1,000 feet or further away from a sensitive location, even though the county intended to allow drilling as close as 210 feet from a home and 300 feet from a school.

The court also faulted the county's failure to adequately evaluate and address the ***oil*** and gas industry's use of water, which is expected to lower groundwater levels in local wells across the county, especially in disadvantaged communities.

And for the ***oil*** and gas industry's significant impacts on farmland, the court ruled that county officials improperly dismissed the possibility of using agricultural conservation easements to combat the ***oil*** and gas industry's conversion of farmland for drilling.

"Today's ruling sends a clear signal that cutting corners to drill won't be tolerated at the expense of ***Kern***'s air, water and soil," said Mercedes Macias, a ***Kern*** County organizer with the Sierra Club. "The county's attempts to shirk its responsibility to protect the health and safety of ***Kern*** residents have been thwarted again, and the Sierra Club and our partners applaud the court's decision that will block this latest attempt to greenlight projects without adequate safeguards or accountability."

"Fortunately, the court recognized that environmental review is written into our state law for a reason," said Ann Alexander, a senior attorney at NRDC (Natural Resources Defense Council). "It's obvious that ***Kern*** County is willing to flout the law on a serial basis to appease a dying industry, and we're glad the court did not let them get away with it."

"The court saw right through the county's deceptive tactics on ***oil*** industry pollution and prevented an end run around the state's fundamental public protections," said Hollin Kretzmann, an attorney at the Center for Biological Diversity's Climate Law Institute. "***Kern*** County is hell-bent on squeezing every last drop of ***oil*** out of the ground, no matter the consequences. It's vital that every permit gets a rigorous review to protect public health and our environment from this dirty and dangerous industry."

"We've been arguing for years on behalf of our clients and the communities most directly impacted by ***oil*** and gas extraction in ***Kern*** County" said Colin O'Brien, an attorney at Earthjustice. "The laws designed to protect communities and the environment from one of the state's most destructive industries can only work if they are enforced. This decision sends a clear message that fossil fuel companies in California are not above the law."

In 2015 ***Kern*** County initially adopted its ***oil*** industry-written ordinance designed to fast-track tens of thousands of new wells in the county for decades.

After the court ordered ***Kern*** County to scrap its original ordinance and environmental review in 2020, ***Kern*** adopted a new ordinance and review in 2021. A group of community organizations -- Committee for a Better Arvin, Committee for a Better Shafter, and Comite Progreso de Lamont -- (represented by the Center on Race, Poverty & the Environment) sued the county together with Natural Resources Defense Council and the Sierra Club (represented by Earthjustice, and with NRDC also representing itself) and the Center for Biological Diversity.

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About the Sierra Club

The Sierra Club is America's largest and most influential grassroots environmental organization, with millions of members and supporters. In addition to protecting every person's right to get outdoors and access the healing power of nature, the Sierra Club works to promote clean energy, safeguard the health of our communities, protect wildlife, and preserve our remaining wild places through grassroots activism, public education, lobbying, and legal action. For more information, visit www.sierraclub.org.

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Original text here: https://www.sierraclub.org/press-releases/2024/03/california-court-rules-***kern***-county-***oil***-gas-permitting-scheme-illegal

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