



December 19th, 2014

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Contra Costa County Public Works Department

Attn: David Kramer

255 Glacier Dr.

Martinez, CA 94553

RE: Potential Impacts of Sunset Explorations Inc. Subsurface Lease of Upper Sand Creek Basin

Dear Contra Costa County Public Works Department,

Save Mount Diablo (SMD) is a non-profit conservation organization founded in 1971 which acquires land for addition to parks on and around Mount Diablo and monitors land use planning which might affect protected lands. We build trails, restore habitat, and are involved in environmental education. In 1971 there was just one park on Mount Diablo totaling 6,778 acres; today there are almost 50 parks and preserves around Mount Diablo totaling 110,000 acres. We include more than 8,000 donors and supporters.

Thank you for reaching out and discussing our concerns related to the potential Sunset Explorations Inc. subsurface lease of the Upper Sand Creek Basin, owned by Contra Costa County.

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As discussed during our meeting on Thursday December 11th, 2014 please see below a list of items included in the oil and gas lease that we believe could potentially cause impacts to the environment, and as such be subject to CEQA.

The materials provided to the public aren't sufficient to understand the scope of the proposed action, it's relation to the larger coordinated drilling program and possible cumulative impacts.

A summary of existing permits and CEQA review that have already been completed related to this drilling program would be very useful in determining what environmental review, if any, would be necessary for this proposal.

Although the applicant claimed at our meeting that the county property would simply be subject to offsite slant drilling and therefore there couldn't possibly be any impacts, in fact the proposed oil and gas lease includes a variety of clauses which suggest otherwise, such as possible remediation, effects of releases, subsidence, noise, etc.

He also suggested that whether the county participated with this lease or not, it would not affect his drilling plans.

He referred to a variety of existing and proposed permits and various CEQA compliance that may have taken place on more than 1,000 acres. While impacts on the County's small acreage or of various other parcels on which drills might be located might be less than significant, overall impacts cumulatively might be significant. CEQA discourages "piecemealing" of project review, and supports review at the earliest stages of overall programs.

As we mentioned in our letter dated December 2nd, according to the documents attached to the lease the county has decided that the lease is not subject to CEQA, pursuant to Section 15061(b)(3) of the CEQA Guidelines. However that exemption doesn't apply here where there are numerous potentially significant environmental effects that could be caused by oil and gas exploration on the property.

The purpose of this potential execution of a subsurface oil and gas lease with Sunset Explorations Inc. is to allow oil and gas drilling. A number of environmental impacts could result from this including, but not limited to:

1. Loss of potential habitat for threatened species including California tiger salamander, California red-legged frog and San Joaquin kit fox.
2. Contamination of groundwater and Sand Creek.
3. Changing the hydrology of Sand Creek.
4. Contamination of the air and potential impacts to nearby sensitive receptors (the area that would be subject to the lease is near a hospital and medical high school).
5. Emission of greenhouse gases.
6. Cumulative impacts when considered together with the approved neighboring Aviano development and proposed Antioch Promenade development—or of other existing or contemplated drilling permits such as the ones Mr. Nunn referred to at our meeting on a total of approximately 1000 acres.
7. Compliance with the Antioch General Plan should be examined.
8. The potential for impacts to soil stability and seismicity.
9. Aesthetic impacts of drilling infrastructure in this generally flat area.

Our meeting didn't convince us that these potential impacts aren't still potentially significant. From the materials we've examined, we still can't tell.

As we stated at the meeting, the oil and gas lease agreement attached to the county staff report refers to a number of Potential sources of impact. You asked us to submit a letter detailing these concerns.

While the agreement might include a variety of boiler plate, which might or might not be germane to this project or parcel, it nonetheless refers to a variety of potential impacts. In the absence of a defined project description, program summary or previous permitting, land use plan compliance and CEQA review, we can't tell whether these potential impacts are likely.

Clause 3: "...Lessee shall provide the District with drawings that show the exact location of any pipeline that is planned to be, or has been, installed on the Leased Land."

- a. So the potential exists for a pipeline to be installed on the Leased Land? That would clearly be subject to CEQA review and might have surface impacts.

Clause 14: "Lessee shall pool the Leased Land with adjoining land into one pooled unit containing no more than 320 acres..."

- a. The applicant stated that more than 1,000 acres of land have been leased. There is the potential for a cumulative significant impact under CEQA, where each project/lease/drill site reviewed individually may not be significant by itself.

Clause 21b: "...any Hazardous Materials placed or released thereon by the Lessee..."

- a. The lease contemplates that toxics might be released on the County parcel, intentionally or by accident. This should call for CEQA review.

Clause 23a: "...operation, unless suspended, would pose an immediate and serious threat to life, health, property, the environment or natural resources...continuation would or might cause or aggravate subsidence of the Leased Land..."

- a. The agreement contemplates environmental impacts, such as subsidence, which might have surface impacts, or might result in changes in the geological situation which might affect water, hydrology, surface fractures, etc. These should be considered.

Clause 23b: "...prevent waste of oil or gas..."

- a. The agreement contemplates waste oil or gas. These potential impacts should be discussed and reviewed.

Clause 25a: "...any remediation required...eliminate subsidence..."

- a. The agreement contemplates remediation or subsidence. These potential impacts should be discussed and reviewed.

Clause 30: "noise levels associated with...operations..."


- a. The agreement contemplates noise impacts. These potential impacts should be discussed and reviewed.

These are the items in the proposed subsurface oil and gas lease agreement that made us question whether or not there would be impacts associated with the subsurface lease and whether therefore this action should be subject to CEQA review.

As we stated previously and at the meeting, we don't have an opinion about whether this is a good or bad project, or has significant impacts. There isn't enough information being provided to the public to tell.

A summary of existing permits and CEQA review that has already been completed related to this proposal would be very useful in determining what environmental review, if any, would be necessary for this proposal.

Regards,

A handwritten signature in cursive script, appearing to read "Juan Pablo Galván".

Juan Pablo Galván
Land Use Planner