



**NOTICE TO OPERATORS**  
2021-06

November 2, 2021

**DOCUMENTING CEQA COMPLIANCE FOR PROPOSED OPERATIONS  
IN KERN COUNTY**

On October 22, 2021, the court in *Vaquero Energy Inc. v. County of Kern*, Kern County Superior Court Nos. BCV-15-101645-GP, -10053-GP, and 100536-GP, ordered Kern County to suspend operation of the March 2021 Revisions to the Kern County Zoning Ordinance (the "2021 Ordinance"), and to cease reviewing and approving oil and gas permits under the 2021 Ordinance unless and until the court determines that the 2021 Ordinance complies with CEQA requirements. The court stated, "[t]his order shall not impact the validity of the permits issued under the 2021 Ordinance on or before October 6, 2021, at 3:00 p.m." The court's order did not address how Responsible Agencies governed by Public Resources Code section 21167.3 should proceed.

This Notice is to inform operators of the following:

1. For notices of intent (NOIs) and other applications submitted to CalGEM with job cards issued by Kern County under the 2021 Ordinance, CalGEM will continue its CEQA review process as a Responsible Agency under CEQA. However, under Public Resources Code section 21167.3(a), CalGEM's approval of the NOI or application would be conditional. The conditional approval allows the operator to proceed only if the court determines that the supplemental environmental impact report supporting the 2021 Ordinance complies with CEQA. Operators who submit an NOI or application with a job card that was issued by Kern County between April 7, 2021, and 3 p.m. on October 6, 2021, should answer "yes" to the question, "[d]id the Local Agency prepare an environmental document for the project?," and may list Kern County as the Lead Agency, when responding to the CEQA Information step appearing in the WellSTAR system application process.
2. Operators who submit an NOI or application without a job card issued by Kern County should answer "no" when responding to the CEQA Information step, "[d]id the Local Agency prepare an environmental document for the project?" appearing in the WellSTAR system application process. CalGEM will act as the Lead Agency under CEQA for these submissions.
3. Operators who submitted an NOI or application for CalGEM approval with a job card issued by Kern County between April 7, 2021, and 3 p.m. on October 6, 2021, may withdraw it if they do not wish to receive a conditional permit. If the NOI or application is resubmitted without a job card, CalGEM will act as the Lead Agency under CEQA for that submission under Paragraph 2 of this Notice.

A handwritten signature in blue ink, appearing to read "Uduak-Joe Ntuk". The signature is fluid and cursive, with a prominent loop at the end.

**Uduak-Joe Ntuk**  
State Oil and Gas Supervisor