CONE FEE TRUST COMMENTS/REQUESTED CHANGES TO THE JUNE 2014 DEIR AND RDGP ISSUES BY THE COUNTY OF LOS ANGELES

I. Land Use Designations:

A. Section IV Land Use Legends.

The DEIR and RFGP propose to designate surface parcels within the IOF (seemingly those surface parcels only owned by the Los Angeles Department of Water and Power (LADWP) as "Public and Semi-Public (P)." The LADWP's use rights are for the operation and maintenance of high-voltage power lines, but those rights, for example, appear quite limited in scope and duration with owners having granted limited use easements which, upon termination, revert fully to the owners; other limited use rights derive from other recorded records which do not support any conversion of the LADWP's narrow and specific use in the IOF to a public (park, trail, general access) use.

In CFT's view, the proposed P land use designation for the surface of the land is dissonant with the existing vested rights of the IOF owners and the oil and gas operators as well as the owners' private property rights. As currently drafted, and without the explicit references to the IOF and its non-public uses, third parties are likely to mis-interpret the drafted use description as somehow permitting the right to cause trails or other public access uses on designated utility land that is used by easement. The breadth of the P description is inapplicable to the LADWP power-line utility easement and it is neither the intent or purpose of those easements to permit any conversion thereof as an easement for public use. Moreover, from obvious health and safety and security points of view, such potential "public uses" are counter-intuitive to the mineral and oil and gas uses of the IOF and the owners' rights to use their private property. The proposed P language should expressly reference the IOF and be revised as follows (see bold, italics language below):

"Purpose: Public and semi-public facilities and community-serving uses, including public buildings and campuses, schools, hospitals, cemeteries, and fairgrounds; airports and other major transportation facilities.

Other major public facilities, including planned facilities that may be public-serving but generally not publicly accessible, such as landfills,

solid and liquid waste disposal sites, multiple use stormwater treatment facilities, and major utilities.

In the event that the public or semi-public use of mapped facilities is terminated, alternative uses that are compatible with the surrounding development, in keeping with community character, are permitted.

With respect to the P designated area within the Inglewood Oil Field (see, Chapter 6, Table 6.2, p. 78), and notwithstanding the above descriptions, (1) mineral and gas and oil production uses (including those currently in use and or hereafter permitted) are expressly permitted within the IOF and within said P designated area, (2) the IOF is private property and not designated open space, and (3) other than for the LADWP's operation and maintenance of high-voltage power lines, the P use descriptions (set forth above) do not apply to the P designated area in the IOF and are not permitted."

B. Special Management Areas/Open Space.

In the "Special Management Areas" section, CFT views this general description of Open Space Areas as including private property as potentially misleading. Specifically, the drafted clause states (with the proposed additional language in bold, italics):

"**Open Space Resource Areas**
Open Space Resource Areas refer to public and private lands, and waters that are preserved in perpetuity or for long-term open space and recreational uses. Existing open spaces in the unincorporated areas include County parks and beaches, conservancy lands, state parklands, and federal lands. Open spaces can also include deed-restricted open space parcels and easements. ***The County acknowledges that there exists private property within the county (which has, for example, A-2 and MR designations) which is neither Open Space or an Open Space Resource Area (e.g., the Inglewood Oil Field and the private property comprising same).*** Open Space Resource Areas are described in greater detail in the Conservation and Natural Resources Element."

While CFT does not believe that the County is attempting to recharacterize the IOF and its private property as an "Open Space Resource Area" or "Open Space," to eliminate the risk of any public confusion on the subject, CFT requests the above bold/italics language be added to the clause above.

C. IOF Zoning Designation

The draft County documents refer to the zoning of the IOF as Mineral Resources (MR) and Heavy Agriculture (A-2). Consistent with the comments of other IOF owners, we kindly request that the County confirm the designation(s) for the IOF and any differences between said designations. In addition, we request that the County amend the designations to include "and activities related to the drilling for and production of oil and gas and related mineral resource development, and such other existing and/or compatible uses within the activities permitted in such zone."

II. Park

In addition to DEIR page 5.15-17, the DEIR and RDGP make reference to park considerations and acquisitions. As we have indicated previously, the IOF is private property and is not now or is intended to be designated or referred to, even hypothetically, as a future park or future acquisition site for a park or other recreational uses/activities. For example, the "New Park Opportunities" bullet point on page 5.15-17 should be amended to state:

"…Study the possibility of developing multi-benefit parks and trails in areas, such as floodway channels, power line alignments ***(where not otherwise limited by existing easement terms or underlying uses (or otherwise prohibited by this Plan or private property rights))***, major water and sewer easements, flood basins and impoundment areas, and transportation of rights of ways ***where such multi-benefit parks and trails can be safely accommodated taking into account existing or future anticipated uses and without violating private property rights.***"

In addition, as previously discussed, the DEIR and RDGP should remove any suggestion or reference to "One Big Park" or other plans or studies to convert the IOF (or any portion therof) to parkland, park grounds, trails or such other "uses." Such terminology or references to "plans" (or diagrams or other charts purporting to indicate such park, etc.) uses in the IOF would also subject the County to inverse condemnation and/or other claims and damages. Further, because the IOF is private property, and not open space, any references to such park uses would be misleading and contrary to the facts.

CONE FEE TRUST

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VIA EMAIL & US MAIL

August 7, 2014
Ms. Connie Chung, AICP
Supervising Regional Planner
Department of Regional Planning
320 West Temple Street, Room 1356
Los Angeles, CA 90012

Re: **Comments on the draft Environmental Impact Report (DEIR) for the 2014 Revised Draft General Plan 2035 (RDGP)**

Dear Ms. Chung:

We are writing to you in response to several provisions in the DEIR issued on June 19, 2014 in the interest of protecting our rights as a private landowner in the Inglewood Oil Field (IOF) located in Los Angeles County.

The Cone Fee Trust (CFT) owns approximately 34 acres in the IOF and we work diligently to protect our rights as a private landowner including, without limitation, all rights attendant to the oil and gas production and use rights concerning our land and all other uses developed and being developed. The Inglewood Oil Field (IOF) is and has been regulated by the strictest Community Standard District (CSD) in our country. The CSD was the product of nearly two years of County review and study, extensive public comment and review, extraordinary and detailed factual and operational presentations by the oil and gas operator at the IOF and a myriad of drafts before final adoption by the County Board of Supervisors. The oil and gas operators (PXP and now, Freeport McMoRan Oil and Gas) have diligently complied and proactively worked with the County and the governing agencies to ensure that the CSD's provisions are and have been satisfied. Hence, and while CFT greatly appreciates the County's consideration and implementation of many of our comments during the General Plan process, we remain very concerned that the current DEIR and RDGP are inconsistent with the CSD, would lead to potential disputes regarding the rights of the owners and operators at the IOF which are already vested and protected and not subject to usurpation by any agency or other affiliate and, consequently, give rise to needless litigation involving the County, third parties and the IOF ownership and operators. Respectfully, the DEIR and RDGP should clearly stipulate that the CSD governs the oil and gas operations at the IOF, that the IOF property remains private property and is not "open space" or "designated open space" and that in the event of any conflict between the DEIR and the RDGP, on the one hand, and the CSD and the private property rights of the IOF ownership, on the other hand, the CSD and the private property rights of the IOF owners controls.

The General Plan and corresponding DEIR do not protect our rights as land owners of oil and gas producing private property in the RDGP or the EIR various portions of the sections of these two documents including but not limited to the Preservation / Conservation / Protection sections, the Westside Planning Area, and the New Park Opportunities section.

Please consider and kindly adopt our attached specific comments so that the County can avoid contradicting the CSD and otherwise exposing the County to potential inverse condemnation claims by the IOF ownership and litigation by those in the public who will attempt to use the County's EIR and GP (if not corrected) as a springboard for needless and costly litigation. We believe that the attached changes, and the comments of Freeport McMoRan and other IOF owners, are well grounded and should be adopted and put the DEIR and the RDGP in the right direction. Thank you and the entire team for considering our comments and all the hard work that you have all contributed to this incredible process.

Sincerely,

Liz Gosnell, Trust Agent
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Enclosure