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**Response to Public Meeting Comments**  
**Draft ExxonMobil Interim Trucking for Santa Ynez Unit (SYU) Phased Restart Project**  
**May 6, 2019**

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The County of Santa Barbara issued a Draft SEIR on April 12, 2019. The public comment period on the Draft SEIR ran through June 4, 2019. A public meeting was held on Monday, May 6, 2019 at the Santa Barbara County Administration Building, Board of Supervisors Hearing Room, Fourth Floor, 105 E. Anapamu Street, Santa Barbara and at the Betteravia Government Center, Board of Supervisors' Hearing Room, 511 East Lakeside Parkway, Santa Maria (via teleconference) to take public comment on the Draft SEIR.

Presented below are responses to the comments received at the public meeting. There was a total of 50 speakers who provided verbal comments at the meeting. Copies of the speaker sign-up sheets for the meeting are provided at the end of this section.

Many of the comments provided at this meeting were not related to environmental issues associated with the Draft SEIR, but rather were general statements in support or opposition to the proposed Project. Responses to these types of statements are not required under CEQA, so no response is provided below. The SEIR is a disclosure document for the County decision makers, responsible agencies, interest groups, and the public. The Planning Commission and Board of Supervisors maintain approval jurisdiction over the Project and the public hearing process provides a forum for these decision-makers to determine the merits of the proposed Project.

Listed below is the summary of comments received and the associated response. In many cases the same comment was provided by different individuals. These comments have been grouped into one summary comment and response, as CEQA Guidelines Section 15132(b) allows for comments received on the Draft EIR to be presented in summary form.

In addition, many of the speakers at the May 6<sup>th</sup> public meeting provided written comments on the Draft SEIR. Written comments received on the Draft SEIR have been responded to in writing as part of the document's response to comments. Two comment letters were received as part of the public meeting. These letters have also been included in the document's response to comments.

***The scope of the proposed Project should have included the restart of the SYU facilities.***

Full shutdown and restart of the SYU facilities have been a normal part of the historical operation of the SYU facilities. The last full shutdown and restart of the SYU facilities occurred in 2012. At least every three years the SYU facilities are fully shutdown for maintenance and inspections (i.e., turnaround). This has been occurring for the entire operating life of the SYU facilities.

Certain maintenance items can only be done when the facilities are fully shutdown. Historically, these facility turnarounds have lasted up to four weeks in length. During these turnarounds, various pieces of equipment are cleaned of all hydrocarbons so that maintenance and inspections can occur. The shutdown and restart of the SYU facilities are allowed as part of the operating permits issued by Santa Barbara County and the SBCAPCD. Therefore, the restart of the SYU facilities are part of the normal operating process for the SYU facilities and would be considered part of the 2012-2014 baseline.

Condition I-10 of Development Permit 87-DP-32cz (as modified in February 2003), which covers the operations of the SYU facilities, allows the County to order a shutdown. It also provides procedures to dissolve such an order. There is no time limit on how long such a shutdown may need to take to address the County's concerns. The permit contemplates ceasing operations for untold periods of time while such an order is in effect, allowing operations to resume once that order is dissolved.

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The air permits for the SYU facility that have been issued by the SBCAPCD establish the maximum emissions levels that are allowed for the operation of the SYU facilities. Part 70 Operating Permit 5651/Permit to Operate 5651-R6 (April 2018) covering the SYU Project states in Section 1.6.5 that "Normal facility operations include periods of startup, shutdown and turnaround". As such, startup of the SYU facilities is included in the air permits. Emissions are not allowed to exceed the emission limits in the permits. The air permits of the SYU facilities also address startup provisions for specific pieces of equipment such as the turbines (Section 2.1.4.5.1 of Part 70 Operating Permit 5651/PTO 5651-R6).

***The baseline for the proposed Project should have been post-Shutdown of the Plains Pipeline so the impact of operation of all SYU facilities is covered.***

The purpose of an EIR is to identify the project's significant effects on the environment and indicate the manner in which those significant effects can be mitigated or avoided (California Public Resources Code § 21002.1(a)). In addition, "to decide whether a given project's environmental effects are likely to be significant, the Lead Agency must use some measure of the environment's state absent the project, a measure sometimes referred to as the 'baseline' for environmental analysis" (Communities for a Better Environment, supra, 48 Cal.4th at p. 315.).

An EIR typically evaluates the potential physical changes to the environment by comparing existing physical conditions (i.e., the baseline) with the physical conditions that are predicted to exist with the implementation of the proposed Project. The difference between these two sets of physical conditions is the relevant physical change to the environment. After the project's predicted environmental effects have been quantified, one can then determine whether those environmental effects are "significant" for purposes of CEQA. Thus, the baseline is a fundamental component of the analysis used to determine whether a proposed project may cause environmental effects and, if so, whether those effects are significant.

The County has discretion when determining the appropriate baseline based on the facts of the project as long as there is substantial evidence in the record to support the determination (Communities for a Better Environment v. South Coast Air Quality Management District (2010) 48 Cal.App.4th 310, 336.) . CEQA Guideline § 15125(a) provides the "environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."

For the proposed Project, the Applicant has an entitlement to operate the SYU, including their existing platforms and onshore facilities, but is not currently doing so; the Applicant has indicated an intent to do so in the future when a mode of crude oil transportation becomes available. These facts take the project out of the "normal" situation and allow for consideration of other facts to support the Lead Agency's baseline determination.

CEQA Guidelines § 15125(a) further states the following:

*"Generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence."*

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The SYU facilities operate under a County issued Development Plan 87-DP-32cz that allow for the production of a maximum of 140,000 barrels of oil per day. The SYU Project has undergone several CEQA and NEPA reviews, including a 1984 EIR/EIS and a 1986 SEIR. Both environmental documents addressed the impact of construction and operation of both the SYU offshore and onshore facilities. Under the County permit, ExxonMobil maintains the ability to restart the SYU facilities at any time without discretionary approval by a County decision maker.

To allow for a straightforward assessment of the proposed crude oil trucking Project impacts, and to avoid confusing the impacts of the proposed Project with the permitted operations of the existing SYU facilities, the baseline for purposes of environmental review was considered to be the physical environmental conditions as of 2018, with an operational baseline of the average of the last full three years of facility operations prior to the SYU shut-in (2012-2014). The average crude oil production rate from 2012 - 2014 was about 28,400 barrels per day, which is less than the historical average production rate for the past 19 years (48,866 barrels per day), and is well less than the permitted limit of 140,000 barrels per day of crude oil.

In *Association of Irrigated Residents v. Kern County Bd. of Supervisors*, the California Court of Appeal considered the appropriate baseline for analyzing a proposed expanded and updated refinery operation, although the refinery had ceased operations at the time of the NOP ((2017)17 Cal.App.5th 708.). The court's analysis considered:

- 1) Whether existing conditions include an operational facility; and
- 2) Whether the chosen baseline provides a realistic measure of the baseline physical conditions created by those operations.

The court answered the first question in the affirmative because:

- 1) An operating refinery was permitted, and those permits were still in effect;
- 2) The refinery actually did historically operate at the baseline levels chosen;
- 3) The operations had undergone previous CEQA review; and
- 4) The refinery could resume operations without another discretionary approval.

The court also affirmatively answered question two (2) because the chosen baseline reflected operations that actually occurred and was reasonable compared to other possible historical baselines.

As discussed above and in the SEIR, the selection of the Project baseline meets all the required tests established by the California Court of Appeal, which include the following:

- 1) The SYU facilities are permitted to operate and can resume operation at any time without another discretionary approval.
- 2) The Draft SEIR used historical SYU operations that were actually achieved and that were lower than the peak historical levels and well less than the permitted levels.
- 3) The SYU operations previously underwent CEQA review.
- 4) The operational years used conservative estimated impacts (i.e., the baseline is not inflated by choosing years in the far-flung past that would have resulted in a higher baseline).

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Therefore, the adjustment of the baseline to account for the operations of the SYU facilities is appropriate and supported by the substantial evidence discussed above and in the SEIR.

***SEIR Needs to Address Climate Change Impacts.***

Section 4.2, *Climate Change/Greenhouse Gas Emissions*, addresses the impacts of the proposed Project on climate change. The impact analysis found that the greenhouse gas (GHG) emissions from the proposed Project would result in a significant impact to climate change. Mitigation measures were identified that would reduce the impact of the GHG emissions on climate change to less than significant levels.

***County did not conduct Consultation with Native Americans as required by AB52.***

The County sent formal notification to all AB 52-CEQA tribes pursuant to Public Resources Code (PRC § 21080.3.1) on April 11, 2018. No request was received for consultation.

***It is reasonably foreseeable that the proposed Project would last longer than seven years.***

The Applicant has stated that the trucking project would last until the Plains Pipeline 901/903 system is back in operations or seven years, whichever is shorter. The Plains Replacement Pipeline Project is currently undergoing separate environmental review, and if approved, is expected to be in operation in four to seven years. Therefore, it is speculative to assume that the proposed trucking Project would be in operation for more than seven years. If in the future, the Applicant would want to truck for more than seven years, they would have to apply to the County of Santa Barbara for an amended permit. Any new application would need to undergo subsequent environmental review.

***Need to evaluate renewable energy sources as an alternative to the proposed Project.***

The underlying purpose of the proposed Project is to allow for re-establishment of crude oil production from the SYU facilities. While crude oil is a type of energy source, it is different from electrical power that is generated by alternative energy sources such as wind and solar and provides energy to different end-users. While the Renewable Energy Alternatives would provide electricity that could be added to the grid, including use for electric cars, the crude oil in California is used primarily to produce gasoline, diesel fuel, and jet fuel. As such, the Renewable Energy Alternatives do not meet the Applicant's underlying purpose of the proposed Project. The SEIR is a disclosure document for the County decision makers, responsible agencies, interest groups, and public. The County's hearing process provides the forum to determine if the proposed Project or any of its alternatives warrant the potential impacts, benefits (jobs and taxes), and if a proposed project is consistent with desired County direction.

An EIR is not required to include alternatives that are not feasible. The term "feasible" is defined in CEQA Guidelines § 15364 as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" (see Public Resources Code § 21061.1). CEQA Guidelines § 15126.6(f)(1) provides additional factors that may be taken into account when addressing the feasibility of alternatives. These factors include site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries; and whether the proponent can reasonably acquire, control, or otherwise have access to potential alternative sites.

Notwithstanding the fact that the Renewable Energy Alternatives would not meet the underlying objectives of the Project, it is not at all clear that a solar or wind facility is feasible alternative since it

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could not be accomplished in a reasonable period of time (it would like take more than seven years to design, permit and construct), and it is speculative at best to assume that the Applicant could reasonably acquire control or otherwise have access to alternative sites in the County that would be suitable for wind or solar installations and be of sufficient size (approximately 6,650 acres as discussed in Section 2.7.2.4).

There are also several regulatory issues that affect the feasibility of renewable energy alternatives as outlined in the County of Santa Barbara Strategic Energy Plan (2019). These include the fact that the County Land Use and Development Code limits Utility-scale solar photovoltaic projects to only the Cuyama Valley, Agricultural Land under the Williamson Act cannot be use for utility-scale renewable projects, and Utility-scale renewable energy project are prohibited in coastal areas (Santa Barbara County, 2019). A number of these regulatory hurdles could be overcome by modifications to County ordinances and rules. However, this would require time to process the regulatory changes.

***No Trucking During Rainy Period Alternative does not do much to reduce probability of a truck accident.***

The SEIR does not assume that the No Trucking During Rainy Day Alternative would reduce the frequency of a truck accident. Section 5.2.3.3 of the SEIR states the following: “It is likely that not trucking during periods of heavy rain would reduce the likelihood of a truck accident since overall accidents tend to be higher during wet conditions. However, the accident data for trucks is not detailed enough to determine the effects due to wet weather. Therefore, no adjustment has been made to the accident rate”.

The advantage of the No Trucking During Rainy Day Alternative is that it could reduce the severity of the impacts of an oil spill. Spills that occurred near drainages or waterways during a rain event could be transported more readily downstream increasing the severity of the impacts to biological and water resources. As discussed in Section 4.3.1.5, the truck transportation routes cross many perennial streams and major drainages. In the event of a spill that enters these waterways, there could be impacts to water quality and the aquatic habitat. Some of the creeks that could be affected by an oil spill flow into major waterways such as the Santa Ynez River, Cuyama River, Santa Maria River, and Twitchell Reservoir. If the oil spill occurred during periods when these creeks and drainages and storm drain systems were flowing, it is possible that oil could enter these major waterways and impact biological and water resources. Under the No Trucking During Rainy Periods Alternative, the probability of a spill impacting waterways would be reduced since it would be less likely that the spilled oil would be transported via the rainwater into nearby creeks and other drainages.

***Bus Stop on Calle Real needs to be addressed in SEIR.***

Section 4.5, *Transportation and Circulation*, discusses the bus stop on Calle Real. Impact TR.3 specifically addresses the bus stop and children using the area for coming and going to school. A mitigation measure is included that would not allow trucks to use Calle Real during periods when school busses are scheduled to be present.

***Proposed Caltrans Refugio Bridge Replacement Project needs to be addressed in the SEIR.***

The proposed Caltrans Bridge Replacement Project located along US Highway 101 near Refugio State Beach has been added to the list of cumulative projects evaluated in the SEIR. In addition, possible Project impacts from the use of the US Highway 101/ El Capitan interchange have been added to the SEIR to address potential impacts to this intersection during times when the US Highway 101/ Refugio

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Road interchange may not be available due to bridge construction activities. Appendix D contains a summary of the Caltrans Refugio Bridge Replacement Project that was developed in cooperation with Caltrans.

***Need to mitigate all air and GHG emissions.***

Mitigation measures are included in Section 4.1, *Air Quality*, and Section 4.2, *Climate Change /Greenhouse Gas Emissions*, for any proposed Project emission levels that exceed the Santa Barbara County Air Quality and GHG significance thresholds. These mitigation measures require that emission offsets or other approved emission reductions be put in place to offset the proposed Project emissions to below the Santa Barbara County Air Quality and GHG significance thresholds. Section 4.4 (Land Use and Policy Consistency Analysis) recommends additional mitigation that would require emission offsets or other approved emission reductions for the entire amount of the proposed Project emissions, not just below the level of the thresholds. This would assure that Project air and GHG emissions are mitigated to the maximum extent feasible.

***Need to address truck safety on State Route 166.***

As discussed in the Traffic and Circulation Study (See Appendix D.1), the rate of accidents on State Route 166 between the US Highway 101 interchange and the State Route 33 South Junction is slightly higher than the California statewide average for similar facilities (accident rate=0.82; statewide average rate=0.70). The Caltrans significance test shows that the number of accidents required to be statistically significant is 175 accidents within the three year period. The number that occurred was 167 accidents. Therefore, based upon the Caltrans criteria, the slightly higher baseline accident rate is not considered statistically significant. The expected number of additional accidents for 86 round trips per day for the cumulative oil trucks has been estimated at 4.57 accidents over a three year period, based upon the Project specific accident rates provided in Appendix C.1. This increase in accidents would still be below the statistically significant baseline threshold of 175 accidents over a three year period. Also, the proposed trucking Project would have a limited duration of no more than seven years. Therefore, cumulative oil truck accidents along State Route 166 would be less than significant.

The approved and pending cumulative projects are expected to have a minimal effect on traffic volumes along State Route 166. Construction traffic from the proposed Plains Replacement Pipeline Project is expected to generate as many as 206 daily trips for each of the construction spreads. One of the spreads would be accessed primarily from State Route 166. Construction along this spread has been estimated to take about one year. The proposed ExxonMobil Interim Trucking Project would increase the V/C ratio along State Route 166 by less than 0.03 and would be below the County's cumulative impact threshold. Based upon the County's significance thresholds, the proposed Project's contribution to cumulative traffic impacts along State Route 166 would be less than significant. Therefore, cumulative mitigation is not required. The cumulative traffic impacts are discussed further in Section 4.5.5 of the SEIR.

Also, it is likely that most of the proposed Project oil trucks will go to the SMPS, which would reduce the baseline trucks that are currently traveling from the east to the SMPS via State Route 166. This would serve to reduce overall oil truck traffic along State Route 166. As discussed in the Land Use Section (Section 4.4), trucking impacts along State Route 166 from the proposed Project impacts can be reduced by requiring the use of the Trucking to the SMPS Only Alternative.

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***SEIR needs to look at entrance to U.S. Highway 101 at bottom of Corral Canyon so trucks do not have to use Calle Real.***

The alternative was looked at the SEIR and was eliminated from further consideration (see Section 2.7.2.6). The Caltrans Highway Design Manual, Chapter 500 covers the requirements for traffic interchanges. This document specifies that the minimum interchange spacing shall be two miles outside of urban areas. The placement of a new interchange at mouth of Las Flores Canyon would result in a spacing of less than two miles between interchanges. The distance from the southern edge of Calle Real to the northern edge of U.S. Highway 101 is about 85 feet. It is likely that the curve needed for the entrance ramp would require more than the 85 feet to meet the Caltrans design requirements. This alternative would require funding, additional permits, and environmental review which would likely take four to ten years or more, which is longer than the proposed Project's timeframe, and the anticipated time for the Plains Replacement Pipeline to become available.

Based upon the Caltrans requirements for the installation of new interchanges to freeways, it is unlikely that a new interchange across from the entrance road to the LFC facility would be permitted by Caltrans. Also, Caltrans typically looks at the need for new interchanges based upon traffic levels at the adjacent interchanges. Both adjacent interchanges operate at acceptable levels of service. Therefore, this alternative has been dropped from further consideration.

***Air toxic exposure to farm workers along truck routes needs to be addressed in the SEIR.***

Impact AQ.5 in Section 4.1, *Air Quality*, addresses the impacts of truck emission air toxics on public health, which would include farm workers that are working near the proposed truck routes. The analysis uses a health risk assessment (HRA) following the guidelines established by the California Office of Environmental Health Hazards Assessment. The HRA determined that the impacts from trucking on areas near the roadways would be less than significant, primarily due to the use of newer trucks (model year 2017) that present substantially lower diesel particulate emissions than previous years.



# SPEAKER SIGN-UP

Name:	John Douglas
Organization:	TCM

Name:	Irene Cooke
Organization:	TCM / 350SB

Name:	Linda Kuy
Organization:	EDC

Name:	Jonathan Ullman
Organization:	Sierra Club Los Padres Chapter

Name:	Marsie Hall
Organization:	EDC

Name:	Phil McKenna
Organization:	GAVIDA COAST CONSERVANCY

Name:	Lauren Lakena
Organization:	EDC

Name:	Kristen Mansell
Organization:	Center for Biological Diversity

Name:	Carla Frisk
Organization:	Get Oil out!

Name:	LAD HANDELMAN
Organization:	Self

Name:	Tevin Schmitt
Organization:	Wishoyo Foundation

Name:	Linda Seals
Organization:	Self

Name:	Michael Meredith
Organization:	Self

Name:	Nelson Rosenbalt
Organization:	Self

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Name:	Drew Warranis
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Organization:	Brinderson

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Name:	Erik Baker
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Organization:	Royalty Holders

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Name:	Patrice Summeler
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Organization:	<del>SUNNY</del> Movement

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Name:	CHRIS BURDICK
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Name:	Did not speak John Hoshlitzner
Organization:	Pacific Petroleum

Name:	Roberta Parkinson
Organization:	



# SPEAKER SIGN-UP

Name:	Geoffrey Allen
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Name:	<del>Kevin Smith</del>
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Organization:	Goleta Chamber

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Organization:	Individual

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Organization:	<del>NARCO</del>

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Organization:	SB Taxpayers Assoc.

# SPEAKER SIGN-UP

Name:	ANDY Catwell
Organization:	COLAB

Name:	<del>Karen Britt</del>
Organization:	<del>Climate Reality Project</del>

Name:	Theo LeQuessne
Organization:	Student / 350.org

Name:	Kevin Armstrong
Organization:	350

Name:	Karen Brill
Organization:	Climate Reality Project

Name:	Bryan Palmero
Organization:	CEA

Name:	Scott Glover <sup>Did not speak</sup>
Organization:	Performance Fitness Concepts

Name:	Les Freeman
Organization:	

Name:	<del>LAD Hardiman</del>
Organization:	<del>350</del>

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Organization:	

Name:	Ken Hough
Organization:	SBCAN

Name:	Brett Randall
Organization:	ExxonMobil

Name:	Dave Phillips
Organization:	Suez Water Technologies

Name:	
Organization:	



# SPEAKER SIGN-UP

Name:	<del>Betsy Rando</del>
Organization:	

Name:	Katie Davis
Organization:	Sierra Club

Name:	Jing Wan
Organization:	ExxonMobil

Name:	Erin Morgan
Organization:	

Name:	Tom Becker
Organization:	ExxonMobil

Name:	Ana Rosa Rizo-Centeno
Organization:	Food & Water Watch

Name:	Jeff Patterson
Organization:	ExxonMobil

Name:	Gail Osheroff
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Name:	Danny Zaragoza
Organization:	LIVNA

Name:	Jeremias Salazar
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Name:	ROLAND HOLLIDAY
Organization:	OST CRANE SERVICE

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Name:	<del>Kristen Miller</del>
Organization:	<del>Goleta Chamber</del>

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Organization:	

# SPEAKER SIGN-UP

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Organization:	SBCK

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Name:	Brigitta VanDerRaay
Organization:	Climate

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Organization:	

Name:	<del>Jack Litz</del>
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# SPEAKER SIGN-UP

Name:	Andy Caldwell
Organization:	COLAB

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Organization:	

Name:	Roy REED
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Name:	Ken Hough
Organization:	SBCAM

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