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20 *Attorneys for Petitioner Center for Biological Diversity*

21 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
22 **COUNTY OF ALAMEDA**

23 CENTER FOR BIOLOGICAL DIVERSITY, a
24 non-profit organization,

25 Petitioner,

26 v.

27 CALIFORNIA GEOLOGIC ENERGY
28 MANAGEMENT DIVISION, a political
subdivision of the State of California, and
DOES 1–20, inclusive,

Respondents,

SHADOW WOLF ENERGY, LLC, a Nevada
limited liability company; CALIFORNIA
RESOURCES ELK HILLS, LLC, a Delaware
limited liability company; and DOES 21–40,
inclusive,

Real Parties in Interest.

Case No.:

(California Environmental Quality Act)

**VERIFIED PETITION FOR WRIT OF
MANDATE**

[Code Civ. Proc., 1085, 1094.5; California
Environmental Quality Act, Pub. Resources
Code, §§ 21000, et seq.; Public Resources
Code, §§ 3000, et seq.]

1 Petitioner Center for Biological Diversity brings this action on its own behalf, on behalf
2 of its members, on behalf of the general public, and in the public interest, and alleges as follows:

3 **I. INTRODUCTION**

4 1. The California Department of Conservation, Geologic Energy Management
5 Division (“CalGEM” or “Respondent”) consistently fails to live up to its obligations under the
6 California Environmental Quality Act (“CEQA”) and California Public Resources Code when it
7 permits new oil drilling projects without any opportunity for public comment and without
8 independent environmental review.

9 2. One way that CalGEM evades its responsibilities under CEQA is by relying on
10 the antiquated, inapplicable, and inadequate environmental reviews of other agencies.

11 3. In November 2022, CalGEM permitted nine new oil and gas wells in the Placerita
12 oilfield in Los Angeles County (the “Placerita wells”) and eight new oil and gas wells in the Elk
13 Hills oilfield in Kern County (the “Elk Hills wells”).

14 4. CalGEM did not post any notice before permitting these new wells. Instead, only
15 after it had approved these wells, it posted Notices of Determination, indicating that it had
16 fulfilled its CEQA obligations by deferring entirely to environmental analyses conducted long
17 ago—a 1991 Mitigated Negative Declaration certified by the City of Santa Clarita for the
18 Placerita wells and a 1997 Environmental Impact Statement and Report certified by the
19 Department of Energy and Kern County for the Elk Hills wells.

20 5. These quarter-century-old analyses are deficient in several respects. Critically,
21 they address the environmental consequences of drilling a specific number of wells in the
22 oilfields. But in the intervening time since the analyses were certified, more wells have been
23 drilled than were contemplated in the analyses. CalGEM therefore cannot rely on these analyses
24 when authorizing additional wells. CalGEM must initiate a new environmental review process.

25 6. In addition, CalGEM’s authority to regulate oil and gas drilling has expanded as
26 new information has emerged about the significant harms that oil drilling poses to the health of
27 nearby communities, to wildlife, and to our climate. A large and growing body of scientific
28 research—including local, state, and federal governments’ own studies—concludes that oil and

1 gas activities cause significant harms to public health and the environment. Oil and gas
2 production causes air and water pollution, destroys large areas of habitat, sickens nearby
3 communities, and adds substantial amounts of greenhouse gases to the atmosphere.

4 7. Since the 1990s, the circumstances in the Placerita and Elk Hills oilfields have
5 also changed. In Santa Clarita, for example, a new high school and housing developments were
6 constructed in the 2000s. Those sensitive receptors are within a close distance to the wells
7 CalGEM recently permitted. CalGEM itself has since commissioned a study of health effects and
8 concluded that the risk of adverse health outcomes significantly increases when oil and gas
9 development occur close to sensitive receptors.

10 8. CalGEM's after-the-fact notices for new drilling approvals for the Placerita wells
11 and the Elk Hills wells do not include findings related to the adequacy of the underlying
12 environmental analyses. The notices also do not include any evaluation of additional measures
13 that could mitigate the significant harms of drilling. The notices provide inconsistent information
14 about when the underlying reviews were conducted and do not include any information about
15 where those reviews may be found.¹ These notice practices are wholly inconsistent with CEQA's
16 purpose to disclose to decision makers and the public the significant environmental harms of
17 proposed projects under consideration and to mitigate those harms before approval.

18 9. The seventeen new oil and gas well approvals at issue in this petition are
19 examples of CalGEM's broader pattern and practice of inadequate CEQA review. Petitioner has
20

21 ¹ The notices for the Placerita oilfield wells first indicate that the underlying analysis was
22 conducted in 2011, but the notices later provide a certification date of January 3, 1991. *See*
23 *Notice of Determination OG SWE 102022-201, SCH Number 2022110083, available at*
24 *<https://ceqanet.opr.ca.gov/2022110083>* (Nov. 4, 2022); *Notice of Determination OG SWE*
25 *102022-201, SCH Number 2022110448, available at <https://ceqanet.opr.ca.gov/2022110448>*
26 *(Nov. 18, 2022)*. Neither the Placerita nor Elk Hills oilfield notices include information about
27 where the underlying environmental document may be found. *See id.*; *Notice of Determination*
28 *OG California Resources 092022-202, SCH Number 1996121013, available at*
<https://ceqanet.opr.ca.gov/1996121013/31> (Nov. 2, 2022); *Notice of Determination OG*
California Resources 092022-203, SCH Number 1996121013, available at
<https://ceqanet.opr.ca.gov/1996121013/32> (Nov. 2, 2022); *Notice of Determination OG*
California Resources 102022-201, SCH Number 1996121013, available at
<https://ceqanet.opr.ca.gov/1996121013/33> (Nov. 2, 2022).

1 a case pending in Alameda Superior Court seeking to stop this pattern and practice of
2 rubberstamping permits to drill oil wells without adequate CEQA review. *See Center for*
3 *Biological Diversity v. Cal. Geologic Energy Management* Division (Alameda Cty. Super. Ct.,
4 filed Feb. 21, 2021) Case No. RG 21090952. Because that case does not seek to invalidate any
5 particular permit approval, this petition is necessary to invalidate the permits issued for new
6 drilling in the Placerita and Elk Hills oilfields until and unless CalGEM completes the required
7 environmental review.

8 II. PARTIES

9 10. Petitioner CENTER FOR BIOLOGICAL DIVERSITY (“the Center” or
10 “Petitioner”) is a non-profit organization with offices in California and throughout the United
11 States. The Center is actively involved in environmental protection issues throughout California
12 and North America. The Center has over 89,000 members, including over 18,000 members who
13 reside in California, over 1,600 in Alameda County, and more than 3,900 throughout Los
14 Angeles and Kern Counties. The Center’s mission includes protecting and restoring habitat and
15 populations of imperiled species, reducing greenhouse gas pollution to preserve a safe climate,
16 and protecting air quality, water quality, and public health.

17 11. The Center’s members and staff include individuals who live, work, and recreate
18 in areas threatened by the adverse impacts of oil drilling in the Placerita and Elk Hills oilfields,
19 including members who are particularly interested in protecting the many native, imperiled, and
20 sensitive species and their habitats that may be affected by oil drilling. Members and staff
21 include those who regularly use and intend to continue to use the areas affected by the oil and
22 gas well approvals at issue here.

23 12. The pollution caused by oil and gas development poses a risk to the health and
24 safety of the Center’s members and staff. Members and staff in California also suffer harm from
25 the effects of climate change fueled by oil and gas production.

26 13. The Center, its members, and its staff also depend on the rights that CEQA’s
27 public notice, hearing, and commenting requirements provide to advocate for stronger
28 environmental protection and inform the public and decision-makers about the harms of oil and

1 gas development.

2 14. The Center, its members, and its staff are directly and adversely affected by
3 CalGEM's approval of the oil and gas permits at issue here in violation of CEQA. Unless the
4 relief requested in this case is granted, they will continue to be adversely affected and irreparably
5 injured by the failure of CalGEM to comply with the law when it approved oil and gas permits in
6 the Placerita and Elk Hills oilfields.

7 15. Respondent CALIFORNIA DEPARTMENT OF CONSERVATION,
8 GEOLOGIC ENERGY MANAGEMENT DIVISION ("CalGEM") is an agency of the state of
9 California headquartered in Sacramento, California. CalGEM is charged with supervising the
10 drilling, operation, maintenance, and plugging and abandonment of oil and gas wells throughout
11 California. CalGEM approved the permits and issued the notices that are the subject of this
12 action.

13 16. On information and belief, Real Party in Interest SHADOW WOLF ENERGY,
14 LLC ("Shadow Wolf") is the owner and operator of the oil and gas wells that CalGEM recently
15 permitted in the Placerita oilfield. Shadow Wolf is a Nevada limited liability company. Shadow
16 Wolf was incorporated in 2021 and it took over ownership and operation of wells in the Placerita
17 oilfield from Berry Petroleum Company, LLC. The coordinate location information for the nine
18 wells CalGEM recently permitted in the Placerita oilfield is listed in Exhibit A to this Petition.

19 17. On information and belief, Real Party in Interest CALIFORNIA RESOURCES
20 ELK HILLS, LLC ("California Resources Elk Hills") is the owner and operator of the oil and
21 gas wells that CalGEM recently permitted in the Elk Hills oilfield. California Resources Elk
22 Hills is a Delaware limited liability company. California Resources Elk Hills is a subsidiary of
23 California Resources Corporation, which spun off from Occidental Petroleum Corporation in
24 2014, filed for bankruptcy in July 2020, and completed financial restructuring and emerged from
25 bankruptcy in October 2020. The coordinate location information for the eight wells CalGEM
26 recently permitted in the Elk Hills oilfield is listed in Exhibit A to this Petition.

27 18. The true names and capacities of DOES 1 through 40, inclusive, are unknown to
28 Petitioner. Petitioner will amend this Petition to set forth the true names and capacities of said

1 Doe parties when they have been ascertained.

2 **III. JURISDICTION AND VENUE**

3 19. This Court has jurisdiction to issue a writ of mandate to set aside CalGEM's
4 decisions under Code of Civil Procedure section 1085 or, in the alternative, section 1094.5.

5 20. Judicial review is governed under Public Resources Code sections 21167 and
6 21168.5, or, in the alternative, section 21168.

7 21. Venue is proper in this Court under Code of Civil Procedure sections 395 and
8 401(1) because CalGEM is a state agency and the California Attorney General has an office in
9 Alameda County.

10 22. This action is timely filed within 30 days of CalGEM filing notices of
11 determination with the Office of Planning and Research for the approvals, in accordance with
12 Public Resources Code section 21167, subdivision (e), California Code of Regulations, title 14,
13 section 15096, subdivision (i), California Code of Regulations, title 14, section 15094,
14 subdivision (g), and California Code of Regulations, title 14, section 15075, subdivision (g).²

15 23. Petitioner has provided written notice of its intent to file this petition to CalGEM
16 as required by Public Resources Code section 21167.5 and provides the notice and proof of
17 service as Exhibit B, as required by Public Resources Code section 21167.5.

18 24. Petitioner has served the Attorney General with a copy of the Petition along with
19 a notice of filing, in compliance with Public Resources Code section 21167.7 and Code of Civil
20 Procedure section 388, and provides the notice and proof of service as Exhibit C.

21 25. Petitioner has complied with the requirements of Public Resources Code section
22 21167.6 by concurrently notifying Respondent of Petitioner's request to prepare the record of
23 administrative proceedings relating to this action. A copy of the Petitioner's Election to Prepare
24 the Administrative Record of Proceedings is attached as Exhibit D.

25 26. Petitioner has performed any and all conditions precedent to filing this instant
26 action and has exhausted any and all available administrative remedies to the extent required by

27 _____
28 ² CEQA Guidelines are codified in title 14, section 15000 et seq. of the California Code of
Regulations; all references to "CEQA Guidelines" refer to these sections in title 14.

1 law.

2 27. Petitioner does not have a plain, speedy, or adequate remedy at law because
3 Petitioner and its members will be irreparably harmed by the ensuing environmental damage
4 caused by CalGEM's permitting of the Placerita wells and the Elk Hills wells in violation of
5 CEQA and the California Public Resources Code.

6 **IV. STATEMENT OF FACTS**

7 **A. Environmental Setting**

8 28. The Placerita oilfield is located in Santa Clarita, in northern Los Angeles County,
9 north of Placerita Canyon Road and west of Sierra Highway.

10 29. In 1991, the City of Santa Clarita certified a 14-page negative declaration for a
11 new project to add 99 oil wells to the Placerita oilfield, which at that time contained 113 wells.
12 The negative declaration noted that the area was designated as very low and low density
13 residential in City plans. Oak trees and blue line streams were identified on the site but the
14 negative declaration concluded that the placement of the new wells would avoid impacts to those
15 resources.

16 30. Some areas bordering the Placerita oilfield continue to be low and very low
17 density residential areas: Quigley Canyon Open Space adjoins the western part of the field, and
18 across the Antelope Valley Freeway to the east lies Placerita Canyon State Park. Other areas,
19 however, have changed. In the 2000s, the City constructed a major arterial highway—Golden
20 Valley Road—from the Antelope Valley Freeway to an extension of Newhall Ranch Road,
21 providing an east-west link through the heart of the City. The road abuts the oilfield and
22 developments have sprung up along it, including Golden Valley High School and residential
23 neighborhoods north of the oilfield.³

24 _____
25 ³ Final Traffic Report for the Proposed Golden Valley Road and Newhall Ranch Road Projects in
26 the City of Santa Clarita, [https://www.santa-clarita.com/home/showpublisheddocument/3334/
635835750691630000](https://www.santa-clarita.com/home/showpublisheddocument/3334/635835750691630000) (May 5, 2005); *see also* City of Santa Clarita, Golden Valley Road Phase
27 I Project Number: S3016, [https://www.santa-clarita.com/home/showpublisheddocument/1672/
635835750691630000](https://www.santa-clarita.com/home/showpublisheddocument/1672/635835750691630000); Golden Valley Road Extension and High School Construction Notice of
28 Determination, *available at*: <https://ceqanet.opr.ca.gov/1998071076/3> (July 2, 1999).

1 31. The City of Santa Clarita is within the South Coast Air Basin, which is in
2 “extreme” nonattainment of various air quality standards established under the federal Clean Air
3 Act to protect public health and the environment, including ground-level ozone (smog).⁴

4 32. The Placerita oilfield is also the site of the largest plugging and abandonment
5 project in CalGEM’s history. Fifty-six oil wells that CalGEM determined were “presumed
6 orphaned” by prior operators were prioritized for remediation, at an estimated cost of \$3.3
7 million, based on multiple risk factors, including proximity to residences and shallow
8 groundwater.⁵

9 33. The Elk Hills oilfield is located in Kern County, approximately 26 miles west of
10 Bakersfield between the communities of Taft, Tupman, Buttonwillow, and McKittrick.

11 34. In 1997, the U.S. Department of Energy and Kern County certified a
12 Supplemental Environmental Impact Statement / Program Environmental Impact Report when
13 the federal government solicited bids for the sale of its interests in the Naval Petroleum Reserve
14 that existed in the oilfield. The environmental analysis considered the impacts that could occur
15 due to accelerated levels of development, including up to 628 new wells drilled through 2034.
16 Those wells would be additive to the 2,504 active wells that existed in the oilfield in 1995 and
17 360 abandoned wells.

18 35. The 1997 analysis identified several imperiled species that would be foreseeably
19 harmed by oil and gas development, including the San Joaquin kit fox, giant kangaroo rat, blunt
20 nosed leopard lizard, San Joaquin antelope squirrel, San Joaquin woolly threads, and Kern
21 mallow. Potential kit fox dens have been identified in close proximity to oil and gas operations in

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23 ⁴ United States Environmental Protection Agency, *Green Book: Current Nonattainment Counties*
24 *for All Criteria Pollutants*, <https://www3.epa.gov/airquality/greenbook/ancl.html> (last updated
25 Oct. 31, 2022). Ozone forms when volatile organic compounds (VOCs) react with nitrogen
26 oxides (NOx) in the presence of sunlight. Ozone compromises lung function in children and
27 causes negative health effects, such as coughing, burning eyes, asthma attacks, and heightened
28 risk of heart attacks.

⁵ California Department of Conservation, CalGEM to Oversee Plugging and Abandonment of 56
Oil and Gas Wells and Associated Facilities in Los Angeles County,
[https://www.conservation.ca.gov/index/Pages/News/CalGEM-Oversee-Plugging-Abandonment-
56-Oil-Gas-Wells-LA-County.aspx](https://www.conservation.ca.gov/index/Pages/News/CalGEM-Oversee-Plugging-Abandonment-56-Oil-Gas-Wells-LA-County.aspx) (last visited Nov. 24, 2022).

1 the field. In addition, the California Department of Fish and Wildlife has documented violations
2 of Endangered Species Act permit conditions in the oilfield. California Resources Elk Hills has
3 previously conducted activities in violation of permit requirements.

4 36. The Elk Hills oilfield is within the San Joaquin Valley Air Basin, which maintains
5 the worst designation for ozone pollution and has yet to attain the 1997 PM2.5 National Ambient
6 Air Quality Standard.⁶

7 37. Due to injection activities, there is a risk of surface expressions in the oilfield;
8 these occur when steam injected under pressure to produce oil breaks through natural geologic
9 barriers and comes to the surface. The latest surface expression in the Elk Hills oilfield was
10 reported in June 2022.⁷ Oil and gas activities also occur near creek beds. At least two oil spills in
11 the oilfield have affected dry creek beds in the last two years.⁸

12 38. Occidental Petroleum Corporation was the highest bidder for the federal
13 government's interests in the Naval Petroleum Preserve. After California Resources Corporation
14 was spun off from Occidental, California Resources Elk Hills started operating in the field.

15 39. California Resources Corporation's financial problems led it to declare
16 bankruptcy in 2020. Through the bankruptcy proceeding, California Resources Corporation shed
17 more than \$5 billion in debt, and emerged from bankruptcy later that year.⁹ Post-bankruptcy, the
18 company's bonding level remains inadequate to cover the cost of remediating the more than
19 16,500 wells that California Resources Corporation and its affiliates operate throughout the state,
20 including more than 7,000 wells that have been idle for two years or more.

21 ⁶ United States Environmental Protection Agency, *Green Book: Current Nonattainment Counties*
22 *for All Criteria Pollutants*, <https://www3.epa.gov/airquality/greenbook/ancl.html> (last updated
23 Oct. 31, 2022).

24 ⁷ California Department of Conservation, Oil Field Surface Expressions,
25 <https://www.conservation.ca.gov/calgem/Pages/Surface-Expressions.aspx> (last visited Nov. 26,
26 2022).

27 ⁸ Governor's Office Emergency Services Hazardous Spill Reports
28 <https://w3.calema.ca.gov/operational/mal haz.nsf/f1841a103c102734882563e200760c4a/e295a9ae54bf697f882586ed00762a16?OpenDocument&Highlight=0,Elk,Hills> (June 7, 2021),
<https://w3.calema.ca.gov/operational/mal haz.nsf/f1841a103c102734882563e200760c4a/e8760b44155198518825888c00668b08?OpenDocument&Highlight=0,Elk,Hills> (June 27, 2022).

⁹ *In re California Resources Corp.* No. 20-33568(DRJ) (B.R. S.D. Tex., filed Jul. 15, 2020).

1 40. Although operators are legally responsible for plugging their wells and restoring
2 the surface area, in reality many operators attempt to walk away from these duties after well
3 production declines. Some use bankruptcy to evade these costs, leaving the state to clean up sites
4 using public funds.

5 41. According to a recent CalGEM analysis, the average cost to plug a well in
6 California is \$111,000.¹⁰ This means California Resources Corporation would need to set aside
7 more than \$1.8 billion to complete plugging and abandonment of its wells to reduce the risk of
8 air and water pollution from idled wells. An independent panel of scientists has warned that
9 California’s operators have only set aside a small fraction of financial resources necessary to
10 plug the state’s wells.¹¹ On information and belief, in 2020, California Resources Corporation
11 had \$17.25 million in active bonds.

12 **B. Harms of Oil Production Activities**

13 42. CalGEM’s issuance of a drilling permit allows a well to be drilled and oil to be
14 produced. Production activities create a host of environmental and health harms and risks,
15 including air pollution, greenhouse gas emissions, harm to wildlife and habitat, water usage, and
16 water pollution.

17 43. CalGEM issues permits for particular well types. Operators often locate oil and
18 gas production wells near steam or water flood injection wells, where operators use “enhanced
19 oil recovery” techniques in which they pump steam, water, and gas into injection wells to
20 increase the flow of oil and gas to the surface. The pressure and heat involved in the injection
21 process can cause additional adverse impacts, including risks to groundwater, air quality, soil,
22 and climate.

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24
25 ¹⁰ Legislative Analyst’s Office 2022-23 Budget Report, Oil Well Abandonment and
26 Remediation, p. 1, *available at* <https://lao.ca.gov/reports/2022/4508/oil-well-abandonment-remediation-013122.pdf> (Jan. 2022).

27 ¹¹ See California Council on Science and Technology, Orphan Wells in California, p. 27, Table 8
28 (estimating costs of plugging to exceed \$9.2 billion, compared to only \$107 million in bonding set aside), *available at* <https://ccst.us/wp-content/uploads/CCST-Orphan-Wells-in-California-An-Initial-Assessment.pdf> (Jan. 2020).

1 44. Air pollutants and greenhouse gases are emitted in many stages of oil and gas
2 production, including drilling, well completion, well maintenance, transportation, and waste
3 disposal. Engines used to construct and drill wells, to pump oil and gas and other materials, and
4 to run the trucks used to transport people and materials, all release harmful air pollutants like
5 particulate matter and greenhouse gases.

6 45. Additional sources of air pollution include volatile organic compounds (“VOCs”)
7 and other hazardous air pollutants. VOCs can react in the atmosphere to form ozone and small
8 particulate matter, which can cause respiratory ailments such as asthma and bronchitis, heart
9 attacks, and even premature death. These impacts are especially severe in the San Joaquin Valley
10 and Los Angeles air basins, which already experience some of the worse ozone and particulate
11 matter air pollution in the nation.

12 46. Oil drilling can also release toxic chemicals, such as benzene, toluene,
13 ethylbenzene, xylene, radioactive materials, hydrogen sulfide, arsenic and mercury. The
14 hydrocarbons extracted from the ground during oil production can contain heavy metals such as
15 lead, mercury, and arsenic. The extracted petroleum also includes polycyclic aromatic
16 hydrocarbons, some of which are carcinogenic or otherwise harmful to human health.

17 47. Exposure to air pollution from oil and gas activity is associated with significant
18 adverse health effects, including respiratory, cardiovascular, neurologic, and pulmonary
19 illnesses, damage to the nervous system, immune system, and endocrine system, increased rates
20 of birth defects and cancer, and harm to eyes, skin, and other sensory organs.

21 48. Mounting scientific evidence shows living in close proximity to oil and gas
22 development results in higher rates of asthma and other respiratory ailments, cancer, and adverse
23 birth outcomes.

24 49. Oil and gas activities in California also emit significant amounts of greenhouse
25 gases such as carbon dioxide and methane—a gas that traps over 80 times more heat than carbon
26 dioxide over 20 years. Greenhouse gas emissions from the extraction stage alone account for
27 4.1% of California’s total greenhouse gas emissions. Refining fossil fuel accounts for an
28

1 additional 7.0%, and combustion of fossil fuels in the transportation sector accounts for 41 % of
2 statewide greenhouse gas emissions.

3 50. The greenhouse gas emissions associated with California oil and gas production
4 have increased in recent decades as more energy is required to extract oil in aging fields.

5 51. Methane leakage from oil and gas wells also contributes to greenhouse gas
6 emissions. There have been several recent leaks in Kern County and Los Angeles from long term
7 idle wells.

8 52. Oil production often requires use of large volumes of fresh water. Water usage is
9 a major issue in California due to significant drought and water shortages. Water withdrawal for
10 oil production can affect the availability of water for other uses.

11 53. The disposal of the vast quantities of wastewater left behind when oil is extracted
12 poses additional risks and harms. The water used during oil drilling and produced during the
13 drilling process may contain salts, toxic metals, and other substances, and must be disposed of
14 properly to protect groundwater sources and prevent unwanted exposure to the contaminated
15 water. Wastewater is often stored in waste pits and injected into disposal wells. Wastewater
16 disposal has resulted in documented cases of groundwater contamination.

17 54. Oil and gas activities have caused numerous large-scale spills in California.
18 Operators have spilled tens of millions of gallons of oil and toxic wastewater, resulting in soil
19 contamination, air pollution, and wildlife fatalities. Steam injection can also create pathways
20 between the oil and the surface, resulting in so-called “surface expressions” that spill oil and
21 wastewater.

22 55. Oil production is an intense industrial activity that can harm plants and animals by
23 destroying, disturbing, or fragmenting habitat; injuring or killing wildlife through vehicle strikes;
24 exposing species to oil and chemicals via spills, pits, and sumps; causing harmful noise, light,
25 and vibration pollution; introducing invasive species; and by driving climate change.

26 56. Oil and gas permitting also adds to the inventory of wells that must be properly
27 plugged and abandoned in the future. Unplugged wells serve as conduits for contamination and
28 fugitive gas leaks. California has tens of thousands of unplugged idle wells that pose a risk to

1 groundwater, air, and climate if left unaddressed. By one estimate, roughly two-thirds of idle
2 wells in California are leaking methane.¹²

3 57. The risk of damage from idle and deserted wells is a growing concern. Although
4 companies are legally required to pay for the costs of plugging their wells, the state does not
5 currently require companies to set aside bonds that cover the full cost of remediating a well and
6 the state does not impose a deadline for plugging idle wells. Thousands of wells remain
7 unplugged indefinitely, and oil wells can become orphaned if the companies responsible for them
8 fail to meet their obligations.

9 58. Oil and gas projects result in significant cumulative environmental impacts as
10 well. New oil and gas activity adds to existing air pollution, greenhouse gas emissions, and water
11 pollution. Studies also indicate that cumulative drilling can contribute to subsidence and seismic
12 activity in California.

13 **C. CalGEM’s Regulation of Oil and Gas**

14 59. CalGEM is the main regulator of oil and gas activity in California. CalGEM must
15 supervise oil and gas well drilling, operation, maintenance, and abandonment activities “so as to
16 prevent, as far as possible, damage to life, health, property, and natural resources.” Pub. Res.
17 Code § 3106(a). Effective January 1, 2020, the Public Resources Code further declares that the
18 purpose of this oversight is to “protect[] public health and safety and environmental quality,
19 including reduction and mitigation of greenhouse gas emissions associated with the development
20 of hydrocarbon and geothermal resources in a manner that meets the energy needs of the state.”
21 *Id.* § 3011(a). Relatedly, CalGEM is “tasked with advancing California’s goal to become carbon-
22 neutral by 2045.”¹³

23 60. CalGEM determines whether to allow proposed oil and gas activities to proceed,
24 and which conditions to impose on the activities if they are approved. Operators are required to

25
26 ¹² See Lebel, E.D., Methane Emissions from Abandoned Oil and Gas Wells in California,
27 *Environ. Sci. & Technol.*, 54, 22, 14617 – 14626, *available at*
<https://pubs.acs.org/doi/abs/10.1021/acs.est.0c05279> (Oct. 2020).

28 ¹³ California Department of Conservation, Oil and Gas,
<https://www.conservation.ca.gov/calgem/Pages/Oil-and-Gas.aspx> (last visited Nov. 23, 2022).

1 obtain a permit from CalGEM in order to conduct drilling activities in the state. Pub. Res. Code
2 §§ 3000 *et seq.*

3 61. CalGEM may impose conditions on permits and exercises its discretion to craft
4 what it deems to be appropriate safety standards for construction and operational activities.

5 62. CalGEM also retains authority to inspect, monitor, impose additional conditions
6 upon, or cease operations.

7 63. Over time, as the dangers of oil and gas production have become better
8 understood, the Legislature has expanded CalGEM’s regulatory authority, including by
9 supplementing additional duties over specific operations such as well stimulation treatment,
10 injection, and wastewater disposal.

11 64. In 2017, lawmakers passed legislation declaring orphan and hazardous wells a
12 nuisance and declaring a state policy that polluters pay the costs of abating such nuisances. *Id.*
13 § 3250. That was followed in 2019 by legislation that allows CalGEM to require security up to
14 \$30 million to cover the cost of plugging, abandonment, and remediation of well sites in order to
15 lower the risk that operators will desert wells or that their wells may pose a threat to life, health,
16 and property. *Id.* § 3205.3.

17 65. The legislature has also directed CalGEM to look more closely at the application
18 documentation operators submit before approving new permits. As of January 2022, CalGEM
19 “shall require a copy of the local land use authorization” that actually “supports the installation
20 of a well at the time an operator submits the notice of intention for the well.” *Id.* § 3203.5.

21 66. Finally, to “fulfill its recently strengthened mission to protect public health,
22 safety, and the environment, [CalGEM] is currently undertaking a process to update public
23 health and safety protections for communities near oil and gas production operations.”¹⁴ The
24 proposed rule, which was developed based on input from a panel of public health experts,
25 prohibits new oil and gas wells within 3,200 feet of homes and schools to protect public health.¹⁵

26 _____
27 ¹⁴ California Department of Conservation, Public Health Rulemaking,
28 <https://www.conservation.ca.gov/calgem/Pages/Public-Health.aspx> (last visited Nov. 23, 2022).

¹⁵ *Id.*

1 Senate Bill 1137 (2022) codifies the setback distance proposed in CalGEM’s rulemaking, with
2 an implementation date of January 1, 2023.

3 **D. Required Environmental Review**

4 67. When permitting oil and gas wells, CalGEM has a nondiscretionary duty to
5 comply with CEQA, a comprehensive statute designed to provide for long-term protection of the
6 environment. Pub. Res. Code §§ 21001(d), 21080(a); 14 Cal. Code Regs. §§ 1681 *et seq.*

7 68. One of the fundamental purposes of the CEQA process is to provide the
8 decisionmakers and the public in general with detailed information about the impacts a proposed
9 project will likely have on the environment in order to balance the project’s benefits against its
10 environmental costs, consider appropriate mitigation measures, and properly weigh project
11 alternatives. CEQA Guidelines § 15002.

12 69. For oil and gas projects for which no other public agency has conducted an
13 environmental review, CalGEM acts as the “lead agency.” Subject to certain limited statutory
14 and categorical exemptions, CEQA requires lead agencies to, at minimum, conduct an initial
15 study on any project that “may have a significant effect on the environment.” CEQA Guidelines
16 § 15063(a). This study must examine all significant direct, indirect, and cumulative impacts of
17 the proposed project. Where an agency determines that, after an initial study, the project may
18 have a significant impact on the environment, or if the project contributes to cumulative impacts,
19 the lead agency must prepare an Environmental Impact Report. *Id.* § 15064(f) & (h).
20 Alternatively, if an agency determines that a proposed project would not have a significant
21 impact on the environment, it may adopt a Negative Declaration. Pub. Res. Code §§ 21064,
22 21080(c).

23 70. Where a separate agency has previously elected to serve as the lead agency for a
24 project, CalGEM must conduct an independent review to determine whether the underlying
25 environmental review properly covers the scope of the currently proposed project. CalGEM must
26 assume the role of the lead agency where the previous review did not cover the project as
27 currently proposed. CEQA Guidelines § 15052(a).

28 71. Even where the scope of the project is encompassed in the underlying review,

1 CalGEM must still conduct a subsequent environmental review when circumstances have
2 changed or new, important information becomes available. *Id.* §§ 15162-63.

3 72. Circumstances under which new review is necessary include where there is no
4 relevant environmental analysis, where the relevant environmental analysis is inadequate, where
5 there are substantial changes to a project, where there are substantial changes to the
6 circumstances under which the project is undertaken that increase the severity of impacts or
7 cause new impacts, or where there is new information of substantial importance about significant
8 impacts, mitigation, or project alternatives. *Id.* §§ 15052(a), 15162.

9 73. Even in instances where an underlying environmental may be relied upon, the
10 secondary or “responsible agency” must still adhere to CEQA’s requirements. Pub. Res. Code
11 §§ 21002.1(b), 21081; CEQA Guidelines §§ 15091, 15096, 15381.

12 74. Where CalGEM acts as a responsible agency, it must record independent findings
13 and statements of fact, consider if there are feasible alternatives, and mitigate and avoid the
14 direct or indirect environmental effects of the parts of a project it approves. Pub. Res. Code §§
15 21002.1(b), 21081; CEQA Guidelines §§ 15091, 15096.

16 75. When a lead agency makes a decision to carry out or approve a project on the
17 basis of an environmental impact report or negative declaration, it must file a notice of
18 determination. CEQA Guidelines §§ 15075, 15094. Responsible agencies also “should” file
19 notices of determination when they reach a decision to approve a project. *Id.* § 15096(i). Filing a
20 notice of determination triggers a 30-day statute of limitations. Pub. Res. Code § 21167(e);
21 CEQA Guidelines §§ 15094(g), 15075(g).

22 76. When CalGEM posts notices of determination, the agency must comply with the
23 notice requirements intended to inform the public and fulfill the transparency and informed
24 decision-making goals of CEQA. *See* CEQA Guidelines §§ 15096(i), 15075, 15094.

25 **E. Recent Permit Approvals in the Placerita Oilfield**

26 77. Since the beginning of November 2022, CalGEM has issued nine Permits to
27 Conduct Well Operations allowing Shadow Wolf to drill nine new oil and gas production wells
28 in the Placerita oilfield. A list of these wells, including their identifying numbers and locations is

1 included in Exhibit A to this Petition.

2 78. CalGEM has discretion to modify permit conditions and here imposed certain
3 conditions related to, among other things, the specifications of blowout prevention equipment,
4 the materials to be used, witnessing, and surveys and practice drills.

5 79. CalGEM subsequently filed Notices of Determination, which state that CalGEM
6 acted as a “Responsible Agency” under CEQA and relied upon an older analysis of the City of
7 Santa Clarita. The Notices were signed by the same CalGEM staff member who signed the
8 Notices associated with the Elk Hills approvals that are at issue in this petition.

9 80. The Notices include conflicting information about when the underlying analysis
10 of the City of Santa Clarita was conducted, including a descriptor that the year was 2011 or that
11 the year was 1991.

12 81. The Notices indicate the original project approved by the City of Santa Clarita
13 was for “drilling 99 new oil wells and related improvements within an existing oilfield,” that
14 mitigation was included in the Negative Declaration, and that a mitigation monitoring and
15 reporting plan was adopted for the project when first approved by the City of Santa Clarita.

16 82. No other documents are attached with the notices, no information is provided
17 about where the environmental analysis prepared by Santa Clarita may be located, and no
18 findings or discussion of mitigation are included.

19 83. CalGEM’s online WellSTAR database includes documents submitted with the
20 new drilling permit applications, including the Negative Declaration prepared by the City of
21 Santa Clarita, confirming it was certified in January 1991.

22 84. The 1991 Negative Declaration authorized 99 new oil wells and noted that 113
23 wells existed in the oilfield at the time the analysis was conducted.

24 85. The Negative Declaration contained no mitigation monitoring and reporting plan.
25 It states mitigation measures “are not attached.”

26 86. The Negative Declaration notes that there is the potential for significant impacts
27 in several areas, including to air, noise, and risk of upset and hazards.

28

1 87. Impacts are said to be avoided through placement of the wells and compliance
2 with state and local regulatory requirements.

3 88. The Negative Declaration does not mention greenhouse gas emissions. It also
4 does not mention nearby houses or a nearby school. It does not discuss impacts specific to
5 particular kinds of wells, such as production wells or enhanced oil recovery injection wells. It
6 does not discuss the risks of idle wells.

7 89. CalGEM’s online WellSTAR database also includes the application and “over-
8 the-counter” permits for the wells from the City of Santa Clarita. One of the applications and
9 Santa Clarita permits for five wells includes a photograph showing the location of the wells will
10 be located less than 3,200 feet from homes and a school. The other application and Santa Clarita
11 permit for four wells includes a photograph showing the location of the wells will be located less
12 than 3,200 feet from homes.

13 90. The applications state that water usage is estimated to be 1,000 or 7,500 gallons
14 per well, depending on the well. The applications include conflicting information about waste
15 generation—the application cover sheets state “no waste will be generated,” but the safety plan
16 attachments state drill cuttings and mud will be stored onsite then later sampled and disposed of.

17 91. The applications and Santa Clarita permits include tables with the number of
18 active, idle, and plugged and abandoned oil wells currently drilled in the oilfield. CalGEM also
19 maintains a list of all wells in California. While the number of wells drilled in the Placerita
20 oilfield varies between information sources, in all instances the number of wells drilled and
21 approved today exceeds the 212 well number covered in the 1991 Negative Declaration (99 new
22 wells and 113 existing wells).

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Table 1: Placerita Oilfield Well Numbers

	Shadow Wolf Oct. Application (Before Nov. Approval)	CalGEM Database ¹⁶ Placerita Oilfield, Shadow Wolf Well Numbers (After Nov. Approval)
Active Wells	149 ¹⁷	147
Idle Wells	167 ¹⁸	167
New Wells		9
TOTAL Wells	316	323
TOTAL Wells Considered in 1991 Environmental Review (99 New, 113 Existing)	212	212
Wells in Exceedance of Total Considered (%)	104 (149%)	111 (152%)
Wells “Spudded” Since 1991 + Wells Recently Permitted ¹⁹		129
New Wells Considered in 1991 Environmental Review		99
“Spudded” and Newly Permitted Wells in Exceedance of New Wells Considered (%)		30 (130%)

F. Recent Permit Approvals in the Elk Hills Oilfield

92. Since the beginning of November 2022, CalGEM has issued eight permits to Conduct Well Operations allowing California Resources Elk Hills to drill eight new oil and gas production wells in the Elk Hills oilfield. A list of these wells, including their identifying numbers and locations is included in Exhibit A to this Petition.

93. CalGEM has discretion to modify permit conditions and here imposed certain conditions related to, among other things, the specifications of blowout prevention equipment, the materials to be used, and surveys.

¹⁶ See California Department of Conservation, GIS Mapping, <https://www.conservation.ca.gov/calgem/maps> (last visited Nov. 26, 2022) (The All Wells csv file “provides oil and gas well locations and associated records covering the entire state published by the California Department of Conservation, Geologic Energy Management Division”). The numbers in Table 1 can be viewed after filtering for the Placerita oilfield and Shadow Wolf operator.

¹⁷ The application cover letter says there are 175 active wells, but 149 are included in the application exhibits.

¹⁸ The application cover letter says there are 144 idle wells, but 167 are included in the application exhibits.

¹⁹ The number of wells spudded since 1991 may be an underestimate as there is no date of spudding listed for many wells.

1 94. CalGEM subsequently filed Notices of Determination, which state that CalGEM
2 acted as a “Responsible Agency” under CEQA and relied upon the 1997 analysis. The Notices
3 were signed by the same CalGEM staff member who signed the Notices associated with the
4 Placerita approvals that are at issue in this petition.

5 95. The notices indicate the original project approved in the late 1990s “allows
6 exploratory and development drilling in the Elk Hills Oil Field,” that mitigation was included in
7 an environmental impact report, that mitigation measures were made a condition of approval,
8 and that a mitigation monitoring and reporting plan was adopted for the project when first
9 approved.

10 96. No other documents are attached with the notices, no information is provided
11 about where the environmental analysis prepared in 1997 may be located, and no findings or
12 discussion of mitigation are included.

13 97. CalGEM’s online WellSTAR database includes documents submitted with the
14 new drilling permit applications, including the 1997 Draft Supplemental Environmental Impact
15 Statement / Program Environmental Impact Report prepared by the U.S. Department of Energy
16 and Kern County. There is no final report uploaded to the database.

17 98. According to that 1997 draft analysis, in 1995, there were 2,504 active wells in
18 the Elk Hills oilfield and 360 abandoned wells.

19 99. The 1997 draft analysis considers impacts associated with the preferred (and
20 ultimately selected) “Commercial Development Case,” which includes a maximum of 628 new
21 wells drilled through 2034.

22 100. Assumptions and analysis of environmental impacts relate to this specific number
23 of new wells. For example, the affected acreage, which relates to biological and cultural
24 resources impacts, is tied to the number of wells. Waste streams associated with spent drilling
25 fluid, air emissions associated with construction, and water resource demands are also tied to the
26 number of wells.

27 101. There are currently more than 3,132 active wells in the Elk Hills oilfield, and
28 more than 628 wells have been drilled since 1997.

Table 2: Elk Hills Oilfield Well Numbers²⁰

	CalGEM Database Elk Hills Oilfield, California Resources Elk Hills Well Numbers (After November Approval)
Active Wells	3,554
Idle Wells	1,621
New Wells (Including 8 Recently Permitted)	309
TOTAL Wells	5,484
TOTAL Wells Considered in 1997 Environmental Review (628 New, 2,504 Existing)	3,132
Wells in Exceedance of Total Considered (%)	2,352 (175%)
Wells “Spudded” Since 1998 + “New” Wells, Including 8 Recently Permitted	2,064
New Wells Considered in 1997 Environmental Review	628
“Spudded” and Newly Permitted Wells in Exceedance of New Wells Considered (%)	1,436 (329%)

102. The 1997 draft and final environmental analyses do not mention greenhouse gas emissions.

103. The 1997 draft environmental analysis indicates that impacts related to biological resources, cultural resources, air resources, oil spills, and water resources as well as cumulative impacts can be avoided largely through compliance with state and local regulatory requirements. Specific mitigation measures to be made a condition of project approval are not listed, however. The Department of Energy requested that bidders later identify mitigation measures included in the analysis that they would be willing to commit to in bids for the purchase of the oilfield assets.²¹ The draft 1997 environmental analysis at 2.2-2 notes that CalGEM is “responsible for assuring that the permitting of activities . . . is consistent with CEQA’s requirements. This would

²⁰ See California Department of Conservation, GIS Mapping, <https://www.conservation.ca.gov/calgem/maps> (last visited Nov. 26, 2022) (All Wells csv file “provides oil and gas well locations and associated records covering the entire state published by the California Department of Conservation, Geologic Energy Management Division.”). The numbers in Table 2 can be viewed after filtering for the Elk Hills oilfield and California Resources Elk Hills operator. The number of wells spudded since January 1998 may be an underestimate as there is no date of spudding listed for many wells.

²¹ U.S. Department of Energy and Kern County, Final Supplemental Environmental Impact Statement / Program Environmental Impact Report, p. S-2, *available at* <https://www.energy.gov/sites/default/files/EIS-0158-S2-FEIS-1997.pdf> (Oct. 1997).

1 include assuring the implementation by the new operator with any mitigating measures included
2 in this SEIS/PEIR.”

3 **G. Petitioner’s Comments**

4 104. Petitioner has repeatedly put CalGEM on notice that its reliance on the
5 inadequate, outdated environmental analyses of other “lead agencies” violates CEQA.

6 105. In May 2020, the Center sent a letter alerting CalGEM that its practice of relying
7 on an invalidated Kern County Environmental Impact Report when permitting new drilling
8 activities in that county violates CEQA. In November 2020, the Center followed up with a letter
9 alerting CalGEM that its broader practice of relying on outdated permits and environmental
10 reviews violated CEQA. The Center specifically notified CalGEM that it needs to analyze
11 whether older environmental review documents encompass new drilling requests and to consider
12 new information showing significant environmental harm attributable to drilling projects.

13 106. The Center’s comments documented new information that was not known and
14 could not have been known at the time of the dated approvals related to the scope and severity of
15 the environmental impacts across multiple categories, including air, health, climate, water, and
16 species. For example, the comments included references to updated information about: impacts
17 of climate change and the attribution to fossil fuels; impacts of surface expressions and spills; the
18 prevalence of methane leaks and new detection and prevention technologies; health impacts
19 associated with living near oil drilling; where certain rare, threatened, and endangered species
20 are located in relation to projects; the fiscal burden to state and the environmental impacts that
21 come with unplugged and/or improperly plugged and remediated wells. The Center’s comments
22 also emphasized new statutory obligations that support increased CalGEM oversight to protect
23 public health and the environment.

24 107. The Center made clear that its November 2020 comments apply to all currently
25 pending and future applications for drilling. The Center submitted a blanket comment letter for
26 future permit applications because CalGEM typically approves permits with no notice and no
27 comment period specific to individual permit approvals, making it impossible for the public to
28 comment on specific permit applications prior to CalGEM’s approval.

1 108. The issue of CalGEM’s general reliance on inadequate prior environmental
2 review without conducting its own CEQA analysis is part of the Center’s pending case in
3 Alameda Superior Court seeking to stop CalGEM’s pattern and practice of approving permits to
4 drill oil wells without adequate CEQA review. *See Center for Biological Diversity v. Cal.*
5 *Geologic Energy Management Division* (Alameda Cty. Super. Ct., filed Feb. 21, 2021) Case No.
6 RG 21090952. Judge Grillo denied Motions for Judgment on the Pleadings from CalGEM and
7 Intervenor in that case in December 2021, allowing case to move forward. The case is currently
8 in the discovery phase and the parties have engaged in settlement discussions.

9 109. The CalGEM approvals for the Placerita and Elk Hills oilfields at issue in this
10 case occurred after the Center filed the pattern and practice suit, but further illustrate CalGEM’s
11 continuing pattern of CEQA violations in its role as a responsible agency and, therefore, are
12 related to the pending pattern and practice action. Here, the Center seeks injunctive and
13 declaratory relief to remedy individual CEQA violations in connection with CalGEM’s recent
14 Placerita and Elk Hills oilfield approvals.

15
16 **FIRST CAUSE OF ACTION**
17 **(Violations of CEQA as Against CalGEM and Shadow Wolf – Public Resources Section**
18 **21000, et seq. and 14 Cal. Code Regs. section 15000 et seq.)**

19 110. Petitioner incorporates herein by reference the allegations contained in the
20 foregoing paragraphs.

21 111. CalGEM violated CEQA by approving the new well permits in the Placerita
22 oilfield listed in Exhibit A without adequate environmental review and documentation.

23 CalGEM’s CEQA violations include the following:

24 a. Failure to assume the role of lead agency and comply with the duties of a lead
25 agency, in that:

26 i. Where a responsible agency is called upon to grant an approval for a project
27 subject to CEQA for which another public agency was the lead agency, the
28 responsible agency shall assume the role of the lead agency where (i) new
 information or changed circumstances require additional CEQA review, (ii) the

1 original lead agency has granted final approval of the project, and (iii) the time
2 to challenge that original agency approval has expired. CEQA Guidelines §
3 15052(a). Upon assuming lead agency status, the former responsible agency
4 assumes the duties of the lead agency, *id.* § 15052, including the duty to prepare
5 a subsequent or supplemental CEQA document under CEQA Guidelines
6 sections 15162-63.

7 ii. CalGEM violated CEQA by failing to assume lead agency status and, instead,
8 relied for its approval of the Placerita oilfield wells included in Exhibit A on an
9 outdated, inadequate, and inapplicable CEQA document.

10 iii. The prior CEQA document is inadequate for at least two reasons: (1) the
11 number of wells covered by the prior CEQA document and approvals has
12 already been exceeded, and (2) the prior CEQA document does not consider or
13 disclose subsequent changes in the project or its circumstances and relevant new
14 information concerning significant impacts that was not known and could not
15 have been known at the time at the time of the previous CEQA review. CalGEM
16 therefore cannot rely upon the review to approve yet more wells. Before
17 CalGEM may proceed with the approvals, therefore, it must assume lead agency
18 status and prepare subsequent or supplemental CEQA review.

19 b. Failure to adequately consider the environmental analyses prepared by the lead
20 agency and make necessary findings about significant impacts, in that:

21 i. In claiming to act as a responsible agency, CalGEM violated CEQA by failing
22 to consider the underlying environmental review prepared by the lead agency
23 and reach its own conclusions on whether and how to approve the Placerita
24 oilfield wells included in Exhibit A. CalGEM did not comply with its duties to
25 consider the environmental effects of the project(s) or to make findings for each
26 significant impact and make a statement of overriding considerations, as
27 necessary. Pub. Res. Code § 21081; CEQA Guidelines §§ 15091, 15096(a), (f)
28 & (h).

1 c. Failure to consider, discuss, and adopt project changes, alternatives, and mitigation
2 measures to minimize significant environmental impacts, in that:

3 i. CalGEM violated CEQA by failing to consider feasible alternatives or
4 mitigation measures and avoid the direct or indirect environmental effects of the
5 Placerita oilfield wells included in Exhibit A that the agency approved. Pub.
6 Res. Code §§ 21002.1, 21081; CEQA Guidelines §§ 15091, 15096(a) & (g).

7 d. Failure to file legally adequate Notices of Determination:

8 i. CalGEM's Notices of Determination failed to accurately identify the projects
9 and their locations; failed to accurately identify the date on which the lead and
10 responsible agencies approved the projects; failed to accurately identify whether
11 mitigation measures were made a condition of approval of the projects and
12 whether a mitigation monitoring plan or program was adopted; failed to include
13 the address where a copy of the environmental documents prepared by the lead
14 agency and record of approval may be examined. CEQA Guidelines §§
15 15096(i), 15075, 15094.

16 112. CalGEM committed a prejudicial abuse of discretion, failed to proceed in the
17 manner required by law, and acted without substantial evidentiary support when it filed Notices
18 of Determination that did not comply with the CEQA Guidelines and properly inform the public
19 about the project. Pub. Res. Code § 21168.5 and/or 21168.

20 SECOND CAUSE OF ACTION

21 (Violations of CEQA as Against CalGEM and California Resources Elk Hills – Public 22 Resources Section 21000, *et seq.* and 14 Cal. Code Regs. section 15000 *et seq.*)

23 113. Petitioner incorporates herein by reference the allegations contained in the
24 foregoing paragraphs.

25 114. CalGEM violated CEQA by approving the new well permits in the Elk Hills
26 oilfield listed in Exhibit A without adequate environmental review and documentation.

27 CalGEM's CEQA violations include the following:

28 a. Failure to assume the role of lead agency and comply with the duties of a lead
agency, in that:

1 i. Where a responsible agency is called upon to grant an approval for a project
2 subject to CEQA for which another public agency was the lead agency, the
3 responsible agency shall assume the role of the lead agency where (i) new
4 information or changed circumstances require additional CEQA review, (ii) the
5 original lead agency has granted final approval of the project, and (iii) the time
6 to challenge that original agency approval has expired. CEQA Guidelines §
7 15052(a). Upon assuming lead agency status, the former responsible agency
8 assumes the duties of the lead agency, *id.* § 15052, including the duty to prepare
9 a subsequent or supplemental CEQA document under CEQA Guidelines
10 sections 15162-63.

11 ii. CalGEM violated CEQA by failing to assume lead agency status and, instead,
12 relied for its approval of the Elk Hills oilfield wells included in Exhibit A on an
13 outdated, inadequate, and inapplicable CEQA document.

14 iii. The prior CEQA document is inadequate for at least two reasons: (1) the
15 number of wells covered by the prior CEQA document and approvals has
16 already been exceeded, and (2) the prior CEQA document does not consider or
17 disclose subsequent changes in the project or its circumstances and relevant new
18 information concerning significant impacts that was not known and could not
19 have been known at the time at the time of the previous CEQA review. CalGEM
20 therefore cannot rely upon the review to approve yet more wells. Before
21 CalGEM may proceed with the approvals, therefore, it must assume lead agency
22 status and prepare subsequent or supplemental CEQA review.

23 b. Failure to adequately consider the environmental analyses prepared by the lead
24 agency and make necessary findings about significant impacts, in that:

25 i. In claiming to act as a responsible agency, CalGEM violated CEQA by failing
26 to consider the underlying environmental review prepared by the lead agency
27 and reach its own conclusions on whether and how to approve the Elk Hills
28 oilfield wells included in Exhibit A. CalGEM did not comply with its duties to

1 consider the environmental effects of the project(s) or to make findings for each
2 significant impact and make a statement of overriding considerations, as
3 necessary. Pub. Res. Code § 21081; CEQA Guidelines §§ 15091, 15096(a), (f)
4 & (h).

5 c. Failure to consider, discuss, and adopt project changes, alternatives, and mitigation
6 measures to minimize significant environmental impacts, in that:

7 i. CalGEM violated CEQA by failing to consider feasible alternatives or
8 mitigation measures and avoid the direct or indirect environmental effects of the
9 Elk Hills oilfield wells included in Exhibit A that the agency approved. Pub.
10 Res. Code §§ 21002.1, 21081; CEQA Guidelines §§ 15091, 15096(a) & (g).

11 d. Failure to file legally adequate Notices of Determination:

12 i. CalGEM's Notices of Determination failed to accurately identify the projects
13 and their locations; failed to accurately identify the date on which the lead and
14 responsible agencies approved the projects; failed to accurately identify whether
15 mitigation measures were made a condition of approval of the projects and
16 whether a mitigation monitoring plan or program was adopted; failed to include
17 the address where a copy of the environmental documents prepared by the lead
18 agency and record of approval may be examined. CEQA Guidelines §§
19 15096(i), 15075, 15094.

20 115. CalGEM committed a prejudicial abuse of discretion, failed to proceed in the
21 manner required by law, and acted without substantial evidentiary support when it filed Notices
22 of Determination that did not comply with the CEQA Guidelines and properly inform the public
23 about the project. Pub. Res. Code § 21168.5 and/or 21168.

24 **THIRD CAUSE OF ACTION**
25 **(Violations of Public Resources Code as Against CalGEM – Failure to Require Adequate**
26 **Documentation Before Permit Approval – Public Resources Section 3000, et seq.)**

27 116. Petitioner incorporates herein by reference the allegations contained in the
28 foregoing paragraphs.

1 117. CalGEM violated the requirements of the California Public Resources Code when
2 it approved the wells included in Exhibit A without demanding operators provide local land use
3 authorizations that support the installation of the wells. Pub. Res. Code § 3203.5.

4 118. CalGEM committed a prejudicial abuse of discretion, failed to proceed in the
5 manner required by law, and acted without substantial evidentiary support when it approved
6 permits without adequate documentation.

7 119. CalGEM's failure to comply with its mandatory duty under Pub. Res. Code §
8 3203.5 is actionable under California Code of Civil Procedure section 1085 because Petitioner
9 has no other adequate remedy at law.

10 **V. PRAYER FOR RELIEF**

11 WHEREFORE, Petitioner prays for entry of judgment as follows:

12 1. For a writ of mandate or peremptory writ pursuant to Code of Civil Procedure section
13 1085, or in the alternative, section 1094.5, to:

14 A. Declare that CalGEM has violated CEQA in approving the permits for the wells
15 listed in Exhibit A.

16 B. Declare that CalGEM has violated California Public Resources Code section
17 3203.5 in approving the permits for the wells listed in Exhibit A.

18 C. Direct CalGEM to vacate and set aside the approvals to drill the wells listed in
19 Exhibit A until CalGEM complies with its obligations under CEQA and the
20 California Public Resources Code.

21 D. Direct CalGEM to refrain from granting any further approvals in the Placerita and
22 Elk Hills oilfields unless and until CalGEM complies with its obligations under
23 CEQA and the California Public Resources Code.

24 2. For entry of injunctive relief prohibiting CalGEM and the Real Parties in Interest from
25 drilling and operating the wells listed in Exhibit A until CalGEM complies with the
26 requirements of CEQA and the California Public Resources Code.

27 3. For Petitioners' fees and costs, including reasonable attorneys' fees and costs, as
28 authorized by Code of Civil Procedure section 1021.5 and any other applicable

1 provisions of law.

2 4. For such other legal and equitable relief as this Court deems appropriate and just.

3
4 Respectfully Submitted,

5
6 

7 DATED: December 1, 2022

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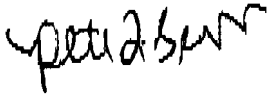
22 *Attorneys for Petitioner Center for Biological*
23 *Diversity*

1 **VERIFICATION**

2
3 I, Peter Galvin, hereby declare:

4 I am the Director of Programs for Petitioner Center for Biological Diversity, a non-profit
5 corporation with offices in Oakland, California. I have read the foregoing petition and am
6 familiar with its contents. The facts alleged in it are true to my personal knowledge and belief.

7 I declare under penalty of perjury under the laws of the State of California that the above
8 is true and correct and that this verification is executed on this 1st day of December 2022 in
9 Shelter Cove, California.

10
11 

12 _____
13 Peter Galvin
14 Director of Programs
15 Center for Biological Diversity

Exhibit A

Exhibit A: List of Wells CalGEM Permitted in the Placerita and Elk Hills Oilfields

	API No.	Oilfield	Permit to Operate Issued Date	CEQA Notice Filing Date	CEQA Notice URL	Well Coordinates
1	403730583	Placerita	11/1/2022	11/4/2022	https://ceqanet.opr.ca.gov/2022110083	34.395408, -118.496499
2	403730584	Placerita	11/1/2022	11/4/2022	https://ceqanet.opr.ca.gov/2022110083	34.395353, -118.49683
3	403730585	Placerita	11/1/2022	11/4/2022	https://ceqanet.opr.ca.gov/2022110083	34.395142, -118.496379
4	403730587	Placerita	11/1/2022	11/4/2022	https://ceqanet.opr.ca.gov/2022110083	34.395247, -118.496606
5	403730586	Placerita	11/1/2022	11/4/2022	https://ceqanet.opr.ca.gov/2022110083	34.39509, -118.496706
6	403730589	Placerita	11/15/2022	11/18/2022	https://ceqanet.opr.ca.gov/2022110448	34.38041, -118.49887
7	403730588	Placerita	11/15/2022	11/18/2022	https://ceqanet.opr.ca.gov/2022110448	34.38025, -118.49918
8	403730590	Placerita	11/15/2022	11/18/2022	https://ceqanet.opr.ca.gov/2022110448	34.38411, -118.49944
9	403730591	Placerita	11/16/2022	11/18/2022	https://ceqanet.opr.ca.gov/2022110448	34.38046, -118.4991
10	403069650	Elk Hills	11/2/2022	11/2/2022	https://ceqanet.opr.ca.gov/1996121013/33	35.253751, -119.421137
11	403069649	Elk Hills	11/2/2022	11/2/2022	https://ceqanet.opr.ca.gov/1996121013/33	35.290844, -119.419696
12	403069647	Elk Hills	11/2/2022	11/2/2022	https://ceqanet.opr.ca.gov/1996121013/33	35.286973, -119.393415
13	403069648	Elk Hills	11/2/2022	11/2/2022	https://ceqanet.opr.ca.gov/1996121013/33	35.257849, -119.453693
14	403069651	Elk Hills	11/2/2022	11/2/2022	https://ceqanet.opr.ca.gov/1996121013/33	35.27818, -119.36096
15	403069652	Elk Hills	11/2/2022	11/2/2022	https://ceqanet.opr.ca.gov/1996121013/33	35.266193, -119.470244
16	403069645	Elk Hills	11/2/2022	11/2/2022	https://ceqanet.opr.ca.gov/1996121013/31	35.256199, -119.447018
17	403069646	Elk Hills	11/2/2022	11/2/2022	https://ceqanet.opr.ca.gov/1996121013/32	35.255429, -119.449734

Exhibit B



November 29, 2022

Via US Certified Mail & Email, Return Receipt Requested

Uduak-Joe Ntuk
State Oil and Gas Supervisor
California Geologic Energy Management Division
715 P Street, MS 1803
Sacramento, CA 95814
PRA@conservation.ca.gov

Re: *Notice of Commencement of Action Under the California Environmental Quality Act*

Dear Supervisor Ntuk:

Please take notice that on or before December 1, 2022, the Center for Biological Diversity (“Petitioner”) intends to commence a legal action in Alameda County Superior Court against the California Department of Conservation, Geologic Energy Management Division (“CalGEM”). The action is for a writ of mandate and complaint for declaratory and injunctive relief to vacate and set aside CalGEM’s approval of nine new oil and gas wells in the Placerita oilfield and eight new oil and gas wells in the Elk Hills oilfield.¹

This notice is provided pursuant to Public Resources Code § 21167.5. The action will be based upon CalGEM’s failure to comply with the California Environmental Quality Act (Public Resources Code § 21000, *et seq.*) and other provisions of law. Please contact me immediately if you need clarification or wish to discuss this notice further.

Sincerely,

Elizabeth Jones
Senior Attorney
Center for Biological Diversity

Cc: California Department of Conservation Chief Counsel

¹ These approvals are listed in the following Notices of Determination filed by CalGEM:
<https://ceqanet.opr.ca.gov/2022110083>, <https://ceqanet.opr.ca.gov/2022110448>,
<https://ceqanet.opr.ca.gov/1996121013/31>, <https://ceqanet.opr.ca.gov/1996121013/32>,
<https://ceqanet.opr.ca.gov/1996121013/33>.

PROOF OF SERVICE

I, Sylvia Regan, hereby declare:

I am over the age of 18 years, not a party to this action, and employed by the Center for Biological Diversity in the County of Alameda, State of California. My business and mailing address is 1212 Broadway, Suite 800, Oakland, CA 94612. My email address is sregan@biologicaldiversity.org

On November 29, 2022, I served copies of the following document described as:

NOTICE OF COMMENCEMENT OF ACTION UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT

(X) VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED by enclosing the document(s) in a sealed envelope or package addressed to the person(s) set forth below and depositing the sealed envelope with the United States Postal Service, with the postage fully prepaid, following this organization's ordinary practices with which I am readily familiar.

(X) VIA EMAIL by causing the document(s) to be sent to the person(s) at the email address(es) listed below.

Uduak-Joe Ntuk
State Oil and Gas Supervisor
California Geologic Energy Management Division
715 P Street, MS 1803
Sacramento, CA 95814
PRA@conservation.ca.gov
Uduak-Joe.Ntuk@conservation.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true, correct and executed on November 29, 2022 at Oakland, California.



Sylvia Regan

7020 3160 0002 0189 3765

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CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

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Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.22
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage
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Total Postage and Fees
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NOV 29 2022

Postmark Here

BYRON RUMFORD STATION

Sent To Supervisor Wade-Joe Wade Calif. Geological Energy Mgmt Div

Street and Apt. No., or PO Box No.
715 P Street, MS 1803

City, State, ZIP+4®
Sacramento, CA 95814

Exhibit C



December 1, 2022

Via First Class Mail & E-Mail

Mr. Rob Bonta, Attorney General
Office of the Attorney General
Attn: CEQA Coordinator, Environmental Section
1300 "I" Street
Sacramento, CA 95814-2919
Email: CEQA@doj.ca.gov

Re: *Notice of Commencement of Legal Action Alleging Environmental Harm*

To the Attorney General of the State of California:

Pursuant to California Public Resources Code section 21167.7 and California Code of Civil Procedure section 388, I hereby notify you that the Center for Biological Diversity will file an action in Alameda County Superior Court against the California Department of Conservation, Geologic Energy Management Division ("CalGEM"). The action is for a writ of mandate to vacate and set aside CalGEM's approval of nine new oil and gas wells in the Placerita oilfield and eight new oil and gas wells in the Elk Hills oilfield.¹

The action will be based upon CalGEM's failure to comply with the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*) and other provisions of law. Petitioner alleges environmental harms that could affect the public generally and the natural resources of the state.

I have enclosed a copy of the Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief to be filed on December 1, 2022.

Please provide a letter acknowledging receipt of this notice.

Sincerely,

Elizabeth Jones
Attorney for Petitioner

Enclosure: Verified Petition for Writ of Mandate

¹ These approvals are listed in the following Notices of Determination filed by CalGEM:
<https://ceqanet.opr.ca.gov/2022110083>, <https://ceqanet.opr.ca.gov/2022110448>,
<https://ceqanet.opr.ca.gov/1996121013/31>, <https://ceqanet.opr.ca.gov/1996121013/32>,
<https://ceqanet.opr.ca.gov/1996121013/33>.

PROOF OF SERVICE

I, Sylvia Regan, hereby declare:

I am over the age of 18 years, not a party to this action, and employed by the Center for Biological Diversity in the County of Alameda, State of California. My business and mailing address is 1212 Broadway, Suite 800, Oakland, CA 94612. My email address is sregan@biologicaldiversity.org

On December 1, 2022, I served copies of the following document described as:

**NOTICE OF COMMENCEMENT OF ACTION UNDER CALIFORNIA
ENVIRONMENTAL QUALITY ACT**

(X) VIA FIRST CLASS MAIL by enclosing the document(s) in a sealed envelope or package addressed to the person(s) set forth below and depositing the sealed envelope with the United States Postal Service, with the postage fully prepaid, following this organization's ordinary practices with which I am readily familiar.

(X) VIA EMAIL by causing the document(s) to be sent to the person(s) at the email address(es) listed below.

CEQA Coordinator
Office of the Attorney General
Environmental Section
1300 "I" Street
Sacramento, CA 95814-2919
CEQA@doj.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true, correct and executed on December 1, 2022 at Oakland, California.



Sylvia Regan

Exhibit D

1 Elizabeth Jones, CA Bar No. 326118
2 Hollin Kretzmann, CA Bar No. 290054
3 Kassia Siegel, CA Bar No. 209497
4 CENTER FOR BIOLOGICAL DIVERSITY
5 1212 Broadway, Suite 800
6 Oakland, CA 94612
7 ljones@biologicaldiversity.org
8 hkretzmann@biologicaldiversity.org
9 ksiegel@biologicaldiversity.org
10 Tel: (310) 365-9281
11 Fax: (510) 844-7150

8 Deborah A. Sivas, CA Bar No. 135446
9 ENVIRONMENTAL LAW CLINIC
10 Mills Legal Clinic at Stanford Law School
11 559 Nathan Abbott Way
12 Stanford, CA 94305-8610
13 dsivas@stanford.edu
14 Tel: (650) 723-0325
15 Fax: (650) 723-4426

13 *Attorneys for Petitioner Center for Biological Diversity*

14 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF ALAMEDA**

16 CENTER FOR BIOLOGICAL DIVERSITY, a
17 non-profit organization,

18 Petitioner,

19 v.

20 CALIFORNIA GEOLOGIC ENERGY
21 MANAGEMENT DIVISION, a political
22 subdivision of the State of California, and
23 DOES 1–20, inclusive,

24 Respondents,

24 SHADOW WOLF ENERGY, LLC, a Nevada
25 limited liability company; CALIFORNIA
26 RESOURCES ELK HILLS, LLC, a Delaware
27 limited liability company; and DOES 21–40,
28 inclusive,

Real Parties in Interest.

Case No.:

(California Environmental Quality Act)

**PETITIONER’S NOTICE OF ELECTION
TO PREPARE THE ADMINISTRATIVE
RECORD**

[Pub. Res. Code § 21167.6(b)(2)]

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that, pursuant to California Public Resources Code section
3 21167.6(b)(2), Petitioner CENTER FOR BIOLOGICAL DIVERSITY hereby elects to prepare
4 the record of proceedings before Respondent CALIFORNIA GEOLOGIC ENERGY
5 MANAGEMENT DIVISION, relating to the subject of the above-captioned action, or to pursue
6 an alternative method of record preparation following further discussion with Respondent.

7 The record will be organized chronologically, paginated consecutively, and indexed so
8 that each document may be clearly identified as to its contents and source, in a form and format
9 consistent with California Rules of Court Rule 3.2205 and County of Alameda Superior Court
10 Local Rule 3.330.

11
12 Respectfully Submitted,

13
14 

15 DATED: December 1, 2022

16 Elizabeth Jones
17 Hollin Kretzmann
18 Kassia Siegel
19 Center for Biological Diversity
20 1212 Broadway, Suite 800
21 Oakland, CA 94612
22 ljones@biologicaldiversity.org
23 hkretzmann@biologicaldiversity.org
24 ksiegel@biologicaldiversity.org

25 Deborah Sivas
26 Environmental Law Clinic
27 Mills Legal Clinic at Stanford Law School
28 599 Nathan Abbot Way
dsivas@stanford.edu

Attorneys for Petitioner Center for Biological Diversity