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SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

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CITY OF GOLETA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA BARBARA, SOUTH COUNTY

CITY OF GOLETA,

Petitioner,

v.

CALIFORNIA STATE LANDS
COMMISSION,

Respondent,

VENOCO INCORPORATED, and DOES 1
through 25,

Real Party In Interest.

CASE NO.: 1486629

Action Filed: January 16, 2015

**PETITION FOR WRIT OF
MANDATE FOR VIOLATION OF
THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT**

(California Environmental Quality Act
("CEQA") Pub. Resources Code § 21000
et seq.; Cal. Code Civ. Proc. § 1085)

Trial Date:
Time:
Dept.:
Judge:

VIA FAX

Petitioner City of Goleta alleges as follows:

INTRODUCTION

1. The City of Goleta (“petitioner” or “City”) seeks a writ of mandate directing respondent California State Lands Commission (“respondent” or “Commission”) to vacate its decision to approve the State Lease PRC 421 Recommissioning Project (“Project”) and to certify an Environmental Impact Report (“EIR”) for the Project.

2. State Oil and Gas Lease PRC 421 is located on the southern coast of California, adjacent to the City of Goleta. The Lease PRC 421 wells are located on side by side piers partially within the City and in the Pacific Ocean surf zone, in the midst of sensitive ecological habitat and significant recreational amenities. The wells were shut down in 1994 following an onshore oil spill on the nearby Sandpiper Golf Course, near the coastal bluffs. Since that time, the wells and piers have been idle, and have deteriorated significantly due to their location in the harsh intertidal surf zone along Haskell’s Beach. Venoco now proposes to return the aging Lease PRC 421 wells and associated infrastructure to oil production, and to process the crude oil at the Ellwood Onshore Facility (“EOF”), located in the City of Goleta. The almost 50-year-old EOF is located in an area zoned for recreation, and has been a legal non-conforming use since 1991. Lease PRC 421 product has never been processed at the EOF. The City of Goleta, which has land use jurisdiction over the facility, has consistently taken the position that such activity would be inconsistent with the EOF’s non-conforming use status, as well as inimical to public health, safety and the environment. The City is currently adopting an ordinance to terminate legal non-conforming uses within its boundaries, and will likely schedule a public hearing to consider termination of the EOF sometime in 2015. Despite the nonconforming status of the EOF and the City’s continued opposition to its use to process oil from Lease PRC 421, the Commission has consistently refused to consider a Project alternative that does not utilize this aging facility, in spite of repeated requests by the City, environmental organizations and other concerned stakeholders that it do so.

3. As detailed herein, the Commission abused its discretion under CEQA by certifying an EIR that was legally inadequate to support its approval of the Project. Petitioner brings this action pursuant to Code of Civil Procedure § 1085 and Public Resources Code §§ 21167 and 21168.5, seeking an order from this Court directing the Commission to comply with CEQA and to adequately evaluate and mitigate the Project's impacts to the environment, the City and its residents.

PARTIES

4. Petitioner City of Goleta is a general law city duly incorporated under the laws of the State of California. The City has jurisdiction over the landward portions of the Project, and is a responsible agency under CEQA. The City brings this action on behalf of itself as a municipal entity and on behalf of its citizens and the general public.

5. Respondent California State Lands Commission is a public entity vested with certain regulatory powers pursuant to the laws contained in Division 6, Part 2 of the Public Resources Code. Among these powers, the Commission has authority to make and renew leases for the extraction and removal of oil and gas deposits on state lands. The Commission served as the lead agency in the preparation and certification of the EIR and approved the Project.

6. Real party in interest Venoco, Inc. (“Venoco”) is a private Delaware corporation doing business in California that engages in the acquisition, exploration and development of oil and natural gas properties, the majority of which are located in California. Venoco was founded in 1992 in Carpinteria, California, where it maintains a regional office. Venoco’s corporate headquarters are located in Denver, Colorado. Venoco owns the Lease PRC 421 piers and the EOF. Venoco also owns easements across the Sandpiper Golf Course for the access road from the EOF to the Lease PRC 421 piers and for the pipelines from Platform Holly and Lease PRC 421. Venoco submitted the application for the Project that is the subject of this action.

7. Does 1-25 are persons presently unknown to petitioner who hold some interest in the Project that is the subject of this action or in the property on which the

1 Project will be located that qualifies them as necessary or indispensable parties to this
2 action. Petitioner is presently unaware of the existence of any such persons, but will
3 amend the petition to name said persons as real parties in interest when and if the identity
4 and capacity of any such persons becomes known.

5 **PROJECT HISTORY AND GENERAL ALLEGATIONS**

6 8. This action concerns the Commission's December 17, 2014 approval of
7 Venoco's proposal to return offshore State Oil and Gas Lease No. PRC 421 to oil
8 production using an existing shoreline well (Well 421-2) which has been shut-in since
9 1994, and to process that crude oil for the first time at the EOF in the City of Goleta.

10 9. The Project occupies two shoreline piers – Piers 421-1 and 421-2 – located
11 approximately 325 feet apart in the Pacific Ocean surf zone southeast of Haskell's Beach
12 in Goleta, in the midst of sensitive intertidal habitat surrounded by significant public
13 recreational activities, facilities and residential areas, including the Ellwood School, the
14 Sandpiper Golf Course and the Bacara Resort. The piers are located on separate concrete
15 caissons totaling approximately 10,000 square feet. The piers provide access and support
16 for the two Lease PRC 421 wells.

17 10. Well 421-2, located off the coast in tide and submerged lands, will be
18 returned to production using Pier 421-2. Although historically, Well 421-1 was used for
19 water and gas separation and injection from Well 421-2, the oil produced from Well 421-
20 2 will be instead processed for the first time at the EOF, a non-conforming use, also
21 located in Goleta. The EOF has historically been used to process oil and gas from
22 Platform Holly, an offshore oil rig located two miles off the coast of Goleta in the Santa
23 Barbara Channel. Product from Lease PRC 421 has never been processed at the EOF.
24 Venoco estimates that upon its return to production in 2015, the productive life of Well
25 421-2 is at least 20 years. Because Well 421-1 will no longer be used as part of the
26 production process, it will be decommissioned and abandoned as part of the Project, and
27 Pier 421-1 will be removed.

28 11. The Project access road, located adjacent to an Environmentally Sensitive

1 Habitat Area (“ESHA”) at the foot of Goleta’s coastal bluffs, originates near the EOF and
2 provides access to the two shoreline piers. The access road extends from the EOF for
3 500 feet across the adjacent Sandpiper Golf course and then turns east and extends
4 approximately 1,300 feet along the beach to the Lease PRC 421 piers.

5 12. Lease PRC 421 oil and gas will be delivered to the EOF through an existing
6 6-inch pipeline. The pipeline will be extended, repaired and lined to provide protection
7 for a new 3-inch flowline that will transport emulsion (a mix of oil, gas and water) to the
8 EOF from Well 421-2. New sections of pipeline will be installed at either end of the
9 existing line – one connecting Piers 421-1 and 421-2, and the other extending the line
10 inside the EOF. Oil, gas and water from Lease PRC 421 will be commingled with oil and
11 gas from Platform Holly within the EOF before being processed at the EOF and
12 transported to market.

13 13. Improvements and modifications to the non-conforming EOF will include
14 the installation of new pressure sensors, pressure gauges and a flowmeter sensor to
15 monitor production from Lease PRC 421, a programmable logic controller, motor
16 controller, variable speed drive, transformer and electrical motor control panel, power
17 and communication cables, and a surveillance camera.

18 14. The Project’s reliance on the EOF for processing oil and gas from Lease
19 PRC 421 violates the City’s General Plan and Coastal Land Use Plan (“GP/CLUP”) as
20 well as its Coastal Zoning Ordinance (“CZO”). Specifically, GP/CLUP Policy LU 9.2(b)
21 notes the City’s intent to terminate the long-term use of the EOF for oil and gas
22 processing, while GP/CLUP Policy LU 10.1(b) states that “[t]he Venoco EOF site is an
23 inappropriate location for processing of oil and gas because of the public safety and
24 environmental hazards associated with this type of use and its close proximity to
25 residential neighborhoods, Ellwood School, Bacara Resort, and environmentally sensitive
26 habitat.” The CZO prohibits any existing building or structure on a non-conforming use
27 from being enlarged, extended, reconstructed, moved or structurally altered. (CZO § 35-
28 161.)

1 15. The Project's reliance on the EOF for processing also is inconsistent with
2 County of Santa Barbara's 1987 consolidation policy for onshore oil and gas processing
3 facilities and the rezoning of the EOL from Industrial to Recreational use by the County
4 in 1991. Venoco was aware of the limitations on its use of the EOF when it purchased
5 the facility in 1997, at which time the EOF was located within the unincorporated
6 County. When Goleta was incorporated in 2002, the EOF was zoned as Open
7 Space/Active Recreation.

8 16. The EIR acknowledges that the EOF is currently operating as a non-
9 conforming use and that the City of Goleta will determine whether oil and gas from
10 Lease PRC 421 may be processed at the EOF. However, the City has consistently
11 advised the Commission of its opposition to processing Lease PRC 421 oil and gas at the
12 EOF, and is taking steps to consider termination of the facility as a non-conforming use.

13 17. On December 16, 2014, prior to the Commission's public hearing on the
14 Project, the Goleta City Council introduced an ordinance to establish Citywide non-
15 conforming use termination procedures and authorized setting a hearing to formally
16 consider termination of the EOF. The City requested at the December 17, 2014 hearing
17 that the Commission continue its consideration of the Project until after the City's EOF
18 termination hearing. The Commission rejected this request.

19 18. State Lease PRC 421 contains approximately 68.48 acres of tide and
20 submerged lands and overlays a portion of the offshore Ellwood Oil Field ("Ellwood
21 field") which runs parallel to the Santa Barbara County coast, including Goleta, and is
22 approximately four miles long by one-half mile wide. The original oil and gas lease
23 (Lease No. 89) was issued in 1929, and was terminated and reissued by the Commission
24 to the Bankline Oil Company as Lease PRC 421 on October 22, 1949. Since 1949, the
25 Commission has reassigned the lease several times, most recently to Venoco in 1997.

26 19. The two existing Lease PRC 421 piers are the last remaining production
27 structures associated with the prolific oil development of the Ellwood Oil Field that
28 occurred from the late 1920s to the 1990s.

1 20. Construction of the Lease PRC 421 piers was completed in 1930. A total
2 of nine wells were drilled within Lease PRC 421 into the Vaqueros Reservoir (a portion
3 of the Ellwood Oil Field) which is the source of the oil produced from Lease PRC 421.
4 By the mid-1950s, all but two Lease PRC 421 wells (Wells 421-1 and 421-2) were
5 plugged and abandoned. By the end of 1993, Well 421-2 was the only producing well in
6 the Ellwood Oil Field.

7 21. Until 1994, production from Lease PRC 421 was processed on Piers 421-1
8 and 421-2 and sent directly to the Ellwood Marine Terminal (“EMT”), located on the
9 Santa Barbara County coast next to the University of California at Santa Barbara. The
10 EMT, constructed in 1929, was originally used to transport crude oil from onshore wells
11 and, more recently, EMT barges were used to transport oil produced from Platform Holly
12 to refineries in the San Francisco Bay and Los Angeles/Long Beach regions. Marine
13 barging from the EMT officially ceased in February 2012, after completion of the Line
14 96 Modification Project, a nine-mile extension of the Line 96 oil transportation pipeline
15 which connects the EOF to the Plains Pipeline system.

16 22. In May 1994, after an onshore oil spill from the pipeline connecting the
17 Lease PRC 421 piers with Line 96, production from the 421 wells was curtailed by
18 Venoco’s predecessor Mobil Oil and operations were shut down. Mobil Oil subsequently
19 repaired the pipeline and remediated the contaminated soil. In 1997, Mobil sold the lease
20 and the Ellwood Facilities, including the piers, the EMT, the EOF, and Platform Holly, to
21 Venoco.

22 23. There have been numerous problems with the Lease PRC 421 wells and
23 piers since Venoco’s acquisition of the lease in 1997. In November 2000, the Santa
24 Barbara County Air Quality Control District (“APCD”) detected a methane gas leak at
25 Well 421-1 and an oil leak at Well 421-2. Subsequent inspections revealed the poor
26 condition of the wells’ infrastructure and the risk of an oil release to the surrounding
27 sensitive marine environment. The County (which had jurisdiction over the landward
28 components of Lease PRC 421 prior to Goleta’s formation in 2002) and the California

1 Coastal Commission (“CCC”) approved emergency permits for a series of improvements
2 and repairs in 2001 to stabilize both Lease PRC 421 wells.

3 24. On January 19, 2004, after a series of severe winter storms, a large section
4 of the Pier 421-1 caisson wall sheared off and fell into the surf. Venoco constructed a
5 new wall and removed fallen debris from the beach pursuant to permits issued by the
6 City, the U.S. Army Corps of Engineers (“USACE”) and the CCC.

7 25. In November 2010, routine Commission inspections revealed that the ocean
8 side of the Pier 421-2 caisson structure was rapidly deteriorating due to continual wave
9 action and was in need of immediate repair. Venoco installed a new wall face pursuant to
10 emergency permits granted by the City, the CCC and the USACE.

11 26. In February 2012, at the Commission’s direction, Venoco removed 72
12 redundant pilings from the piers that had become a threat to public safety.

13 27. In 2012, Venoco completed the Line 96 Modification Project. Line 96,
14 which has historically transported Platform Holly oil processed at the EOF, will also
15 transport Lease PRC 421 oil from the EOF to market.

16 28. In May 2004, Venoco submitted applications to the Commission, the City
17 and the CCC to recommission Lease PRC 421. Commission staff issued a Notice of
18 Preparation (“NOP”) on June 3, 2005 to solicit written and verbal comments on the scope
19 of the EIR.

20 29. The City and the Commission share jurisdiction over the Project site, due to
21 the Project’s location both above and below the Mean High Tide Line (“MHTL”). The
22 421 wells and pier segments below the MHTL are under the Commission’s jurisdiction,
23 while the landward components of the Project, including the portion of the piers above
24 the MHTL, the EOF, associated oil pipelines and flow lines, and an access road
25 extending from the EOF to the piers, are within Goleta’s jurisdiction. The CCC, which
26 also regulates the use of land and water in the coastal zone, must issue a Coastal
27 Development Permit (“CDP”) for the Project. Due to the involvement of multiple
28 agencies in Project approval, the Commission, the City, the County of Santa Barbara and

1 the CCC entered into a Memorandum of Understanding (“MOU”) on September 11,
2 2006 in which the parties agreed to collaborate on preparation of an EIR for the Project.

3 30. Under the MOU, the four agencies formed a Joint Review Panel (“JRP”)
4 for the Project, composed of one representative from each agency While the Commission
5 was the lead agency for purposes of EIR preparation and certification, the Commission
6 was required to keep the other JRP members fully informed of all EIR-related issues and
7 consult closely with other JRP members throughout the preparation of the EIR. The
8 MOU reflects this agreement, requiring that decisions by JRP members relative to the
9 EIR be made by consensus whenever possible, and that the EIR comprehensively reflect
10 the concerns of the JRP members.

11 31. On September 4, 2007, a Draft EIR was released for public review.
12 However, due to major changes in the Project, the Commission suspended EIR
13 preparation in December 2007. It did not respond to comments on the September 2007
14 Draft EIR, and did not prepare a Final EIR.

15 32. In January 2013, Commission staff and Venoco agreed to restart the EIR
16 process and a new NOP was issued on March 6, 2013. After issuance of the March 6,
17 2013 NOP, Venoco modified the Project to propose that Lease PRC 421 oil be processed
18 within the EOF, rather than on the piers as originally proposed. The NOP was revised
19 accordingly and recirculated on March 26, 2013, and staff held two scoping meetings in
20 Goleta on April 3, 2013. The City submitted a comment letter on the NOP and attended
21 the scoping meetings.

22 33. On October 18, 2013, a Revised Draft EIR was released for public review.
23 The City submitted a comment letter and appeared at public meetings held in Goleta on
24 December 11, 2013. On January 30, 2014, the Final EIR was posed on the
25 Commission’s website and made available for public review.

26 34. The Commission conducted a public hearing on the Project and the Final
27 EIR on April 23, 2014 in Los Angeles. Representatives of the City, environmental
28 organizations and members of the public attended the hearing to express their concerns

1 and opposition to the Project and state why the Final EIR was legally inadequate.

2 35. At the conclusion of the hearing, the Commission deferred action on the
3 Final EIR and directed staff to analyze the Las Flores Canyon Alternative, review the
4 repressurization discussion, land use discussion and greenhouse gas (“GHG”) mitigation
5 measures, and recirculate the EIR.

6 36. On July 24, 2014, a Recirculated Draft EIR was released for public review.
7 The City submitted a comment letter expressing its concerns about the Project, and
8 appeared at public meetings held in Goleta on September 15, 2014. On November 7,
9 2014, the Final EIR was posted on the Commission’s website and made available for
10 public review. A public hearing was scheduled on the Project on December 17, 2014 in
11 Newport Beach, California, 150 miles south of the City.

12 37. After publication of the Final EIR, the City formally requested that the
13 Commission continue the hearing until the first quarter of 2015 due to short notice,
14 scheduling in the middle of the December holidays, and distance from the City, all of
15 which making it difficult for citizens and interested parties to participate.

16 38. The Commission denied the City’s request, and conducted a public hearing
17 on the Project on December 17, 2014 in Newport Beach. Representatives of the City and
18 representatives of environmental organizations appeared at the Commission hearing to
19 express their opposition to the Project and state why the Final EIR was legally inadequate
20 to support the Commission’s approval. These representatives also requested that, as an
21 alternative to denial, the Commission postpone its consideration of the Project until after
22 the City holds a hearing on termination of the non-conforming EOF.

23 39. The public hearing on the Project took less than one hour.

24 40. The Commission declined to postpone its consideration of the Project, and
25 approved it unanimously with little discussion. Prior to the vote, the Commission
26 indicated its belief that no EIR prepared for the Project could avoid a legal challenge, and
27 that there was nothing staff could do vis á vis the EIR to satisfy the City.

28 41. A Notice of Determination for the Project was filed by the Commission on

1 December 18, 2014 and posted by the Governor's Office of Planning and Research on
2 the same day.

3 42. Petitioner has exhausted all available administrative remedies. All
4 objections to the Project and the Commission's actions raised in this Petition were timely
5 raised in the administrative proceedings before the Commission by the City or by other
6 persons objecting to the Project.

7 43. Petitioner has complied with Public Resources Code section 21167.5 by
8 providing the Commission with its notice of intention to commence this action. A copy
9 of that notice, together with proof of service, is attached as Exhibit A.

10 44. Petitioner has no administrative remedy and has no plain, speedy, or
11 adequate remedy in the ordinary course of law unless this Court grants this Petition.

12 45. Petitioner, the citizens of the City, and the public generally, will suffer
13 substantial harm from the Project in the form of direct and long term harm to the physical
14 and aesthetic environment of the City, impacts to sensitive terrestrial and marine habitat
15 and public recreational resources and immediate long term social, economic, and
16 environmental impacts associated with continued concentration of oil and gas production
17 within the City. Petitioner and the general public will also suffer irreparable harm if the
18 Project described in this Petition is commenced during pendency of this action. Such
19 irreparable harm includes, but is not limited to, impacts to public safety, irreversible
20 damage to sensitive habitat areas, species and the marine environment, and impacts to
21 public scenic and recreational resources.

22 **CAUSE OF ACTION**

23 *(Violations of CEQA: Pub. Resources Code § 21000 et seq.)*

24 *(All Parties)*

25 46. Petitioner, by this reference, incorporates into this cause of action the
26 allegations of paragraphs 1 through 45 as if fully set forth herein.

27 47. The Commission is, like all other public agencies, subject to the
28 requirements of CEQA. CEQA requires a lead agency to fully analyze the environmental

1 impacts that may occur as a result of actions it approves, and to refrain from approving
2 projects with significant environmental effects for which there are feasible alternatives or
3 mitigation measures.

4 48. The Commission violated CEQA by certifying an EIR for the Project that is
5 legally deficient and fails to comply with the requirements of CEQA and the CEQA
6 Guidelines in the respects discussed below.

7 49. Inadequate Project Description. The EIR's project description lacks
8 sufficient detail to permit the Commission, responsible agencies and the general public to
9 analyze the Project's significant environmental effects. The project description does not
10 provide adequate detail regarding repairs to a 25-foot section of pipeline located along
11 the sensitive coastal bluff to allow analysis of impacts to surrounding biological
12 resources, nor does it provide a reliable statement of the duration for the lifespan of the
13 Project. Because the life of the Project dictates the severity of the risks and impacts to
14 the affected environment and community, this failure constitutes a fatal flaw in the
15 document. This failure also leads to the EIR's failure to identify modifications and
16 improvements at the EOF that may be necessary to support an extended lifespan.

17 50. The project description and impact analysis in the EIR also fail to address
18 the final decommissioning and abandonment of Lease PRC 421, a critical element of the
19 project, although the EIR itself recognizes that these activities are required by Venoco's
20 lease and therefore are clearly foreseeable. The EIR's failure to identify and analyze a
21 significant portion of the Project leads to a severe understatement of the Project's
22 environmental effects.

23 51. The EIR's project description is further deficient in that it fails to include
24 all components of the Project. In particular, the project description does not include
25 information regarding the locations of staging and other work areas that will be used
26 during Project construction, decommissioning and restoration work, once again resulting
27 in an understatement of impacts.

28 52. The project description fails to provide a statement of objectives that reflect

1 the underlying purpose of the Project as required by CEQA Guidelines § 15124(b).
2 Rather, the EIR's single project objective describes the Project – processing Lease PRC
3 421 production at the EOF – rather than setting forth its purpose. The objective is
4 impermissibly narrow, precluding the Commission from implementing reasonable
5 alternatives to the Project.

6 53. Outdated Baseline Data and Deferred Analysis of Impacts. The NOP was
7 published in 2013. The EIR consistently relies on outdated baseline data that does not
8 accurately characterize existing conditions or allow accurate assessment of the impacts of
9 the Project. Instead of presenting up-to-date information which reflects existing
10 conditions on the Project site, the EIR impermissibly defers its analysis of the Project's
11 impacts by allowing current information on site conditions to be collected later as part of
12 Project mitigation measures. By deferring the required analysis to sometime after Project
13 approval, the EIR violates the primary purpose of CEQA: That decision-makers and the
14 public be informed of the environmental impacts of their proposed actions prior to
15 approving a project.

16 54. The safety chapter's discussion of existing conditions relies upon a
17 structural engineering report conducted in 2000. It notes that major improvements were
18 performed on the piers in 2004 and 2011. The EIR fails to describe these improvements,
19 how they may have changed the condition of the piers, or why, in the absence of updated
20 site information, the engineering review is still representative of existing conditions.

21 55. The EIR concedes that it does not have sufficient information to ascertain
22 the stability of the Project piers, caissons and seawall, and that an engineering analysis of
23 the Project design has not been conducted, but concludes, with no supporting evidence,
24 that the analysis conducted for the 2005 Draft EIR is generally applicable. The EIR
25 concludes that necessary baseline information for analysis of the Project's impacts will be
26 supplemented through the implementation of mitigation measure MM S-2a, which
27 requires Venoco to develop design plans accounting for wave loading conditions.

28 56. Similarly, mitigation measure MM S-3 defers design of Project seawall

1 improvements necessary to support the Project access road, pipelines and power cables
2 through the production life under after Project approval, even though such information is
3 necessary to establish baseline conditions for the EIR's analysis of the Project's safety-
4 related impacts.

5 57. The EIR contains no discussion of the EOF's existing condition in regard to
6 safety, despite the Project's use of this facility for processing of crude oil. Instead, it
7 describes Venoco's existing security, accident prevention and response capabilities at the
8 Lease PRC 421 facilities only, which don't include the EOF since Lease PRC 421 oil has
9 never been processed there. Notably, while backup oil storage at the EOF is limited to
10 less than one day of production at Platform Holly, the EIR fails to discuss the length of
11 time it would take Platform Holly, the product of which is processed at the EOF, to shut
12 down. This omission results in an underestimation of safety impacts.

13 58. The EIR's discussion of sensitive receptors and populations in the Project
14 area provides no indication as to whether the information is current, and the level of
15 detail provided is not remotely sufficient to form a basis to analyze the Project's safety
16 impacts to sensitive resources and habitats, not to mention human beings working or
17 residing in close proximity to the site.

18 59. The EIR's discussion of oil-related contamination is similarly flawed. The
19 discussion of the existing setting references operational and abandonment practices
20 associated with early oil and gas development, simply stating that "present conditions
21 may have unknown or unquantified oil-related contamination as a result of this earlier
22 development." The EIR makes no attempt to evaluate existing conditions, apparently
23 concluding that its impact assessment can proceed without an understanding of
24 conditions at the Project site.

25 60. The EIR's discussion of existing conditions of repressurization of the
26 Vaqueros Reservoir is similarly deficient. While engaging in substantial discussion
27 about repressurization, the EIR ultimately concedes that it does not have sufficient
28 baseline data to evaluate the impacts of repressurization. Despite acknowledging this

1 flaw, the EIR concludes that Project implementation, which would include
2 repressurization monitoring, would result in a beneficial impact. This conclusion is
3 completely unsupported by substantial evidence in the record.

4 61. The EIR's analysis of impacts to geological resources is deficient as it fails
5 to provide an up-to-date discussion of existing conditions and defers investigation of the
6 Project's existing setting to further studies to be performed as Project mitigation
7 measures. Specifically, MM GEO-1a defers evaluation of existing conditions at the Pier
8 421-2 caisson to after Project approval; MM GEO-1b defers field verification of
9 subsurface conditions at the 421-2 caisson until after Project approval; MM GEO-3
10 defers soil evaluation within and beneath Pier 421-2 caisson, seawall, revetment and
11 access road until after Project approval; MM GEO-4b defers evaluation of cyclic wind
12 and wave action on structural components until after Project approval; and MM GEO-4c
13 defers evaluation of depth of scour and erosion during the lifetime of the Project until
14 after Project approval.

15 62. The hazardous materials baseline discussion relies almost exclusively on
16 studies to be performed as part of Project mitigation measures. The EIR concedes that
17 based on past operations, contaminated soil, sediment, groundwater or surface water may
18 exist within Project construction areas, but instead of identifying that media as part of the
19 existing setting and comparing the impacts of the Project, the EIR defers its study of
20 baseline contamination until after Project approval. Specifically, MM HAZ-1b requires
21 preparation of a Phase I Environmental Site Assessment to "gain a better understanding
22 of the study area and its potential to have additional, previously unknown releases of
23 hazardous materials or other environmental concerns..." The basic understanding of the
24 study area required by the measure is what CEQA mandates, at minimum, for an EIR's
25 baseline discussion. The discussion of Impact HAZ-2 suffers from a similar flaw,
26 namely, the lack of analysis of baseline conditions, including whether contaminated
27 sediment is contained within the caisson structure that would infiltrate to the surrounding
28 environment. This analysis is instead deferred to future studies to be performed as

1 mitigation measures MM GEO-4a and 4d.

2 63. The EIR's water quality analysis also uses outdated baseline information in
3 its existing setting discussion and defers the collection of updated information to Project
4 mitigation measures. The water quality chapter correctly identifies the EIR's baseline
5 year as 2013, but goes on to describe existing conditions on the Project site based on
6 outdated sources. It is not possible to accurately identify the Project's impacts to water
7 quality in the absence of adequate baseline data.

8 64. The EIR's analysis of impacts to marine biological resources states that its
9 discussion of environmental setting "is based primarily on existing literature, but has
10 been augmented with the authors' personal experience in the Project area." However,
11 personal experience, even that of an expert, cannot substitute for comprehensive up-to-
12 date studies and surveys of the flora and fauna currently on the Project site. Consistent
13 with the EIR's statement, no new data was collected regarding existing marine resources,
14 and the document contains no evidence that the old information relied upon in the
15 analysis is representative of existing conditions. Even the EIR's discussion of sensitive
16 marine species relies on older data from an unrelated 2005 study. Instead of performing
17 new studies and surveys to replace this dated material, the EIR impermissibly defers the
18 analysis of biological resource impacts by allowing site surveys to be performed as part
19 of project mitigation.

20 65. The EIR also fails to discuss baseline conditions in the estuary habitats of
21 the Bell Canyon Creek Lagoon, Devereux Slough, and Tecolote Creek, which it
22 recognizes as the areas "most vulnerable" to a Project-related oil spill.

23 66. The EIR's analysis of terrestrial biological resources relies on outdated
24 baseline data, deferring preparation of a wetland delineation and habitat and special status
25 species surveys until sometime after Project approval. In the absence of data on the
26 existing Project site conditions, the EIR relies on outdated information for its analysis,
27 including the City's 2004 General Plan Conservation Element, the Commission's 2009
28 Ellwood Marine Terminal Lease Renewal EIR, and two Mitigated Negative Declarations

1 prepared by Goleta and the County of Santa Barbara in 2006 and 2001, respectively. The
2 EIR does not explain how this outdated information is representative of conditions at the
3 time of the 2013 NOP nor does it explain how the information relates to the Project site.
4 The EIR cites data from the 2004 and 2009 documents with no explanation of how the
5 projects described and analyzed in those documents relate to the Project, whether there is
6 geographic overlap, or whether, in fact, they relate at all.

7 67. The EIR's analysis of fire protection impacts relies on 2006 baseline data
8 for station personnel, equipment, and response time and contains no explanation as to
9 why the data is representative of existing conditions.

10 68. The EIR concedes that the baseline data used in its analysis of traffic
11 impacts relies primarily on the 2004 data and analysis contained in the EMT Lease
12 Renewal EIR, and more recent data from the City's 2006 GP/CLUP EIR. The EIR does
13 not explain how this almost 10-year-old data can possibly be representative of existing
14 conditions. It also fails to include baseline data for the realigned Hollister Avenue
15 interchanges with Highway 101, noting that new traffic counts are not available. The
16 EIR points out that most roads and intersections in the Project vicinity operate at an
17 acceptable LOS, but provides no evidence in support of an argument that existing
18 conditions in 2013 are identical to those in 2004.

19 69. The EIR uses baseline noise data from 2005 in its analysis, and does not
20 explain why such data is representative of existing conditions. The EIR identifies the
21 Sandpiper Golf Course and the Bacara Resort as the nearest noise receptors to the
22 Project, but identifies daytime noise levels only. The EIR includes no baseline data
23 regarding evening, night or CNEL at Bacara and Sandpiper even though it identifies
24 these sites as the nearest sensitive human receptors to the Project. The EIR also fails to
25 analyze and identify the baseline conditions of other sensitive receptors, namely schools
26 and residences, although it includes these receptors on Figure 4.11-2.

27 70. Improper Thresholds of Significance and Inadequate Analysis of the
28 Project's Impacts on the Environment. The EIR's analysis of Project construction

1 emissions utilized a threshold of significance that applies only to operational emissions.
2 Appendix G of the CEQA Guidelines lists four air quality significance criteria that should
3 have been used in the EIR's analysis, but were not.

4 71. The EIR fails to apply the significance criteria set forth in the Marine
5 Biological Resources chapter in its analysis. Specifically, the EIR does not analyze
6 impacts to threatened, endangered or candidate species, nor does it analyze permanent
7 ecosystem changes, prolonged disturbance to or destruction of habitat, impacts to
8 migration or fish or wildlife, or a substantial loss in the population or habitat of any
9 native fish, wildlife or vegetation. Instead, the EIR analyzes a series of general impacts
10 to marine resources such as noise and oil spills.

11 72. The water quality analysis also fails to measure the Project's impacts
12 against its identified thresholds, and provides no rationale in support of its approach. The
13 significance criteria set forth in this chapter state that impacts to water quality would be
14 considered significant if contaminant concentrations within the Channel Islands National
15 Marine Sanctuary or the Channel coastal wetland measurably increased; if water quality
16 objectives or criteria in the Central Coast Basin Plan, California Ocean Plan or Proposed
17 California Toxics Rule are violated; if Project operations change background levels of
18 chemical constituents; or if contaminant levels in the water column increase such that
19 harm to marine organisms would occur. However, the Project's impacts are not
20 measured against these identified thresholds, and the criteria are never discussed again.
21 There is no discussion in the analysis regarding whether contaminant concentrations
22 would measurably increase or, for that matter, what a measureable increase would be.
23 The objectives and criteria in the Basin Plan, Ocean Plan and Proposed Toxics Rule are
24 not set forth in the chapter, and therefore it is impossible to tell if they would be violated.

25 73. The EIR's analysis of the Project's visual impacts is also deficient, due to
26 its failure to measure the Project's impacts against the stated significance criteria.
27 Instead, the EIR sets forth only a series of general statements about the visual impacts of
28 construction, oil spills, pier removal and pier modifications.

1 74. The EIR’s air quality and greenhouse gas analysis is deficient for its failure
2 to evaluate whether the Project exposes sensitive receptors to substantial pollutant
3 concentrations. The environmental setting discussion fails to describe the location of
4 sensitive receptors in relation to the location of project construction and operation, and
5 the impact analysis does not describe toxic air contaminant emissions increases. The EIR
6 also fails to correlate increased project emissions with health effects. Preparation of a
7 health risk assessment is improperly deferred until after Project approval.

8 75. The EIR fails to disclose that GHG impacts would be significant prior to
9 mitigation and is equivocal in regard to whether GHG emissions from burning oil from
10 the Project would exacerbate environmental hazards such as sea level rise and the
11 resulting inundation of coastal areas, including the Project site.

12 76. The EIR is also deficient for its failure to discuss the physical impacts
13 associated with future sea level rise, despite the Project’s location in the surf zone, which
14 renders it highly vulnerable to naturally occurring events, including storms and extreme
15 high tides. This omission is particularly glaring given that the Project will result in
16 significant unavoidable impacts related to the release of oil and hazardous materials,
17 which would likely be exacerbated by higher seas and their attendant effects.

18 77. The EIR fails to evaluate the Project’s inconsistency with City plans,
19 policies and ordinances concerning the future use of the EOF, although it is clear that the
20 use of the EOF to process Lease PRC 421 product would result in environmental effects
21 directly relating to these inconsistencies.

22 78. The EIR also summarily concludes that impacts to ongoing recreational
23 activities during Project construction will be insignificant due to their short-term nature
24 and because the Project will apply best management practices (“BMPs”) to ensure that
25 activities are not unduly disrupted. The EIR does not explain how the referenced BMPs
26 would reduce the identified impacts, nor does it acknowledge that loss of recreational
27 areas could be significant if there are no surrounding areas to accommodate the
28 recreational needs of area residents and visitors.

1 79. The EIR’s transportation analysis lacks sufficient data to support its finding
2 of no significance. It acknowledges that Venoco has not prepared a traffic management
3 plan and that “precise estimates” of construction-related traffic are unavailable, based its
4 analysis on data from past repair projects at the piers. The EIR does not explain why
5 traffic data from these projects is representative of the traffic the Project is likely to
6 generate, but nonetheless concludes that impacts related to traffic would be insignificant
7 with implementation of mitigation measures MM TR-1a and -1b, both of which are
8 impermissibly deferred.

9 80. The EIR’s conclusion that Project noise would generally not exceed
10 existing levels is unsupported by substantial evidence, particularly given the EIR’s failure
11 to accurately identify existing noise levels. The EIR concedes that short-term
12 construction noise would periodically exceed the threshold for the beach area directly
13 adjacent to the Project site, but that this impact would be “adverse but less than
14 significant.” The EIR provides no evidentiary support for this unusual conclusion,
15 perhaps assuming erroneously, as in other EIR chapters, that short-term impacts are not
16 significant under CEQA.

17 81. The EIR fails to analyze the potentially significant energy implications of
18 the Project as required by CEQA Guidelines Appendix F, and omits even a cursory
19 discussion or analysis of the Project’s energy impacts.

20 82. Inadequate Cumulative Impact Analysis. The EIR’s cumulative impacts
21 methodology is flawed due to its failure to include past or present projects in the analysis.
22 This approach results in the omission of operations at Platform Holly from the
23 cumulative impact analysis, though they will continue during the life of the Project
24 (Venoco’s current prediction for Holly’s life is 2055) and will contribute to cumulative
25 impacts.

26 83. The EIR also fails to “define the geographic scope of the area affected by
27 the cumulative effect and provide a reasonable explanation for the geographic limitation
28 used” as required by CEQA Guidelines § 15130(b)(1)(B).) Instead, the EIR simply

1 identifies a single “cumulative projects study area” as those projects on-shore, near-shore
2 and off-shore along the Ellwood coast.

3 84. Many of the EIR’s cumulative analyses, including hazardous materials,
4 geological resources, land use, transportation, noise and public services fail to include the
5 list of related projects it considered when reaching its conclusion, including, at most, only
6 passing references to “nearby projects” or “other projects in the area.”

7 85. Other cumulative analyses, including biological resources and water
8 quality, fail to include key related projects, resulting in an understatement of oil spill risk
9 impacts, and the associated harm to sensitive habitat and species as well as to marine
10 water quality.

11 86. The EIR’s analysis of cumulative safety impacts fails to include the South
12 Ellwood Field Project, which would add 5,327 acres to State Lease PRC 3242.1 and
13 allow Venoco to re-drill up to six wells from Platform Holly into the new lease area,
14 substantially increasing the amount of Platform Holly crude emulsion transported to the
15 EOF for processing.

16 87. The cumulative safety impact analysis also fails to identify whether the
17 combined impact of the Project and other projects is significant, and whether the
18 Project’s incremental impact is cumulatively considerable. The EIR also fails to present
19 mitigation measures to reduce the Project’s incremental contribution to less than
20 significant. While the Project-specific analysis of safety impacts consider nine distinct
21 safety impacts, the cumulative analysis considers only the increased risk of oil spill,
22 excluding any analysis of increased risk of fire and exposure of the public to safety
23 hazards without explanation or evidentiary support.

24 88. Other individual cumulative resource analyses in the EIR are similarly
25 deficient. The EIR’s air quality cumulative analysis erroneously concludes that the
26 Project’s contribution is less than significant because it is “negligible,” failing to
27 acknowledge that a project’s contribution to cumulative impacts can often be
28 cumulatively considerable even if its incremental contribution is small and less than

1 significant. The EIR's analyses of hazardous materials and transportation-related
2 cumulative impacts suffer from the same flaw.

3 89. The EIR's analyses of cumulative impacts fail to provide substantial
4 evidence in support of numerous conclusions that the Project's contribution to
5 cumulative impacts would not be cumulatively considerable, including air quality and
6 greenhouse gases, safety, energy, hazardous materials, geological resources and traffic.
7 In particular, the geological resources analysis fails to provide evidence in support of its
8 conclusion that implementation of the Project and related projects would not increase the
9 likelihood of earthquakes, despite expert evidence to the contrary.

10 90. The geological resources and hazardous materials cumulative impact
11 analyses further conclude that impacts would be less than significant through the
12 Project's adherence to applicable codes and regulations, but provide no substantial
13 evidence in support of this rationale.

14 91. The EIR's analysis of GHG emissions fails to disclose that Project
15 emissions would be cumulatively considerable prior to mitigation.

16 92. The cumulative analyses of land use and noise impacts fail to consider
17 whether short-term impacts from Project construction would be cumulatively
18 considerable. The noise analysis concedes that if nearby projects were implemented
19 concurrently with the Project, the Project would contribute to cumulative noise impacts,
20 but fails to require mitigation for this significant effect.

21 93. The analysis of cumulative impacts to aesthetic and visual resources fails to
22 reach a significance conclusion.

23 94. The EIR fails to analyze the Project's cumulative impact on energy and
24 mineral resources.

25 95. Inadequate and Impermissibly Deferred Mitigation. The EIR's air quality
26 and greenhouse gas mitigation measures are legally inadequate. Mitigation measure MM
27 AQ-1b requires implementation of series of diesel emission reduction measures of
28 unknown effectiveness and feasibility, and fails to include a performance standard.

1 Mitigation measure MM AQ-4 allows Venoco to defer preparation of a specific
2 mitigation plan until after Project approval, in violation of the requirement that
3 formulation of specific mitigation measures not be deferred if it is feasible to identify
4 them in the EIR.

5 96. The EIR also defers mitigation requirements for safety impacts, without
6 imposing performance standards, identifying options to mitigate the identified impact, or
7 explaining why the identified plans could not be prepared and evaluated prior to EIR
8 certification and Project approval. Specifically, mitigation measures MM S-4b, S-4e, S-
9 5b, and S-5c defer the preparation of oil spill contingency plans, risk assessments and the
10 like until after Project approval, depriving decision makers and the public of the
11 opportunity to assess their effectiveness.

12 97. The EIR's marine biological resources mitigation measures, including MM
13 MBIO-4a (requiring Venoco to update its South Ellwood Field Oil Spill Contingency
14 Plan after Project approval), and MM MBIO-4b (requiring it to develop a bird protection
15 plan after Project approval) also impermissibly defer formulation of necessary details.
16 Neither measure contains performance standards or a menu of specific options to meet
17 such standards. They instead state only, in very general terms, that the plans shall
18 include "measures," "methods" and/or "procedures" to accomplish the goal of the
19 mitigation.

20 98. The terrestrial biological resources mitigation measures are similarly
21 flawed, all impermissibly deferring the preparation of various key plans until after Project
22 approval. Mitigation measures MM TBIO-2a and TBIO-2b require Venoco to revise and
23 update Oil Spill Contingency Plans to address protection of biological resources and
24 habitat. Mitigation measure MM TBIO-1c requires submittal of a restoration plan until
25 after Project approval, but fails to include performance criteria or mitigation options.
26 There is no valid reason for complete formulation of these measures to be deferred.
27 Studies of existing conditions on the Project site should be performed as part of the EIR
28 so that analysis of Project impacts can be undertaken, and specific enforceable mitigation

1 measures imposed to mitigate identified Project impacts.

2 99. Mitigation measure MM TBIO-1f requires undefined “biological
3 enhancement activities” to be undertaken by the applicant “where possible.” This
4 measure is so vague that it is impossible to gauge its effectiveness.

5 100. Mitigation measure MM WQ-2 defers preparation of a wetland delineation
6 until after Project approval, despite the EIR’s concession that additional wetlands may be
7 present that could be impacted by Project activities. Mitigation measures MM WQ-1a
8 and -1b also impermissibly defer mitigation of Project impacts by failing to explain how
9 compliance with the plans they mandate will mitigate impacts to water quality, and by
10 failing to include a list of options for mitigation. Mitigation measure MM WQ-3b suffers
11 from similar flaws.

12 101. The majority of the geological resources mitigation measures in the EIR are
13 impermissibly deferred due to their failure to provide performance standards or a menu of
14 mitigation options, including mitigation measures MM GEO-1a, GEO-1b, GEO-3, GEO-
15 4a, GEO-4b, and GEO-4c. The EIR contains no rationale for its deferral of these
16 measures.

17 102. Mitigation measure MM PS-2 requires Venoco to prepare a fire prevention
18 plan after Project approval, depriving decision makers and the public of the opportunity
19 to evaluate whether this future plan will adequately mitigate the public safety impacts of
20 re-starting oil and gas production at Lease PRC 421. The EIR contains no rationale for
21 deferring preparation of this plan, and MM PS-2 contains no performance standard, nor a
22 list of mitigation options with which to meet such a standard.

23 103. Mitigation measure MM TR-1a requires Venoco to prepare and implement
24 a Construction Traffic Control Plan, but fails to include a performance standard and a list
25 of mitigation options to ensure that construction traffic-related impacts would be
26 mitigated. Mitigation measure MM TR-1b is similarly flawed.

27 104. Inadequate Analysis of Project Alternatives. The EIR fails to present a
28 reasonable range of alternatives to the Project by presenting a single narrow Project

1 objective which includes processing oil at the EOF only. The EIR is very clear that one
2 of the Project's goals is to reduce pressure in the Vaqueros Reservoir and repeatedly
3 notes that leakage risk can be reduced by resuming withdrawals from Well 421-2. The
4 EIR does not, however, include depressurization as an objective of the Project, thereby
5 failing to evaluate alternatives which could achieve this objective while reducing or
6 avoiding the Project's significant effects.

7 105. The impermissibly narrow Project objective also precludes consideration of
8 viable alternatives which do not include processing at the EOF, despite numerous
9 requests by the City that the Commission consider an alternative that brings the Lease
10 PRC 421 product onshore at a different location, and transmits it directly to Las Flores
11 Canyon for processing. Such an alternative would avoid use of the aging and non-
12 conforming EOF, and the attendant public safety impacts of processing oil adjacent to
13 sensitive habitat, recreational areas, and residences.

14 106. The EIR fails to meaningfully evaluate other alternatives that could reduce
15 or avoid the Project's significant effects, including the City's proposal to consider a
16 variation of the Condensed Production Schedule Alternative that would increase the
17 pump-rate out of the existing well, resulting in an expedited extraction process that would
18 reduce the Project's long-term risk of oil spills and associated impacts to water, land use,
19 aesthetics, safety and biological resources. This alternative would also eliminate the need
20 for a new well and the attendant short-term construction impacts.

21 107. The EIR also improperly eliminated the Drilling from Platform Holly
22 Alternative from full consideration in the EIR, although this alternative would reduce or
23 eliminate many of the Project's impacts, including impacts to the City, wetlands and
24 ESHA, as well as safety impacts associated with oil and gas activities in the surf zone
25 where wave activity has already damaged the well caissons and piers.

26 108. The EIR's analysis of the no-project alternative fails to include the required
27 discussion of baseline conditions against which to analyze its impacts.

28 109. The EIR fails to include sufficient information about the No

1 Production/Quitclaim Alternative to permit informed comparison with the Project.
2 Specifically, the EIR's discussion of this alternative fails to consider the impacts of the
3 future decommissioning of Lease PRC 421. It also fails to analyze impacts of pressure-
4 testing, although it acknowledges that the Commission may need to contract with an
5 operator to temporarily produce the reservoir in order to conduct pressure-testing.

6 110. The EIR's discussion of the Las Flores Canyon Alternative is similarly
7 inadequate, as it continues to include use of the aging EOF, despite numerous requests by
8 the City for a Project alternative that does not rely on this facility, currently the subject of
9 a March 2015 termination hearing by the City. The EIR also fails to consider an offshore
10 route for this alternative that would avoid land use conflicts, as well as impacts to
11 biological resources.

12 111. Other Legal Deficiencies. The EIR improperly incorporates the Line 96
13 Modification Project EIR, prepared in 2011, by reference. Rather than relying on the
14 Line 96 EIR for background or technical information, the EIR relies on the document for
15 analysis and mitigation of all impacts in what it refers to as the Project's "secondary
16 study area," defined as the area surrounding the Line 96 pipeline. Although Line 96 will
17 be used to transport Lease PRC 421 product to market from the EOF, and therefore is an
18 integral component of the Project, the EIR fails to engage in actual analysis of the
19 Project's Line 96-related impacts. Instead, it relies fully on the Line 96 EIR's baseline
20 discussion, analysis and mitigation to reach the conclusion that all impacts were fully
21 addressed.

22 112. The EIR's incorporation of the EMT Lease Renewal EIR by reference is
23 similarly flawed.

24 113. The Project Mitigation Monitoring Program ("MMP") omits a series of
25 mitigation measures incorporated by reference from the Line 96 Modification Project
26 EIR, violating the requirements of Public Resources Code section 21081.6 and the
27 requirement that mitigation measures be fully enforceable.
28

1 **PRAYER FOR RELIEF**

2 WHEREFORE, petitioner prays for the following relief:

3 1. For a temporary restraining order and preliminary injunction restraining
4 respondent and real party in interest from taking any action to carry out the Project
5 pending a hearing on the merits;

6 2. For a peremptory writ of mandate directing respondent to:

7 a. Vacate and set aside the December 17, 2014 approval of the Project
8 described herein, and all related approvals;

9 b. Suspend all activity under the Project that could result in any change
10 or alteration in the physical environment until respondent has taken all actions necessary to
11 bring the approval into compliance with CEQA; and

12 c. Prepare, circulate and consider a legally adequate EIR, prior to any
13 subsequent action taken to approve the Project.

14 3. For statutory costs of suit;

15 4. For an award of attorneys' fees under Code of Civil Procedure section
16 1021.5; and

17 5. For such other and further relief as the Court may deem just and proper.
18
19

20 DATED: January 14, 2015

THE SOHAGI LAW GROUP, PLC

21
22 By: Margaret M. Sohagi

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Philip A. Seymour
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CITY OF GOLETA

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January 12, 2015

VIA ELECTRONIC AND U.S. MAIL

Seth.Blackmon@slc.ca.gov

Seth E. Blackmon, Attorney
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825

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

Dear Mr. Blackmon:

Please take notice that, pursuant to Public Resources Code § 21167.5, the City of Goleta intends to file a petition for writ of mandate under the provisions of the California Environmental Quality Act against respondent California State Lands Commission ("Commission") and real party in interest Venoco, Inc. (collectively, "Respondents") challenging the Commission's December 17, 2014 approval of the State Lease PRC 421 Recommissioning Project ("Project") and its certification of an Environmental Impact Report ("EIR") for the Project.

The petition will seek a temporary restraining order and preliminary injunction restraining Respondents from taking any action to carry out the Project pending a hearing on the merits; and a peremptory writ of mandate directing the Commission to: (1) vacate and set aside the December 17, 2014 approval of the Project and certification of the EIR, and all related approvals; (2) suspend all activity under the Project approval that could result in any change or alteration in the physical environment until Respondents have taken all actions necessary to bring the approval into compliance with CEQA; and (3) prepare, circulate and consider a legally adequate EIR prior to any subsequent action taken to approve the Project. The petition will also seek statutory costs of suit; an award of attorneys'

Seth E. Blackmon, Attorney
California State Lands Commission
January 12, 2015
Page 2

fees under Code of Civil Procedure section 1021.5; and such other and further relief as the Court may deem just and proper.

Very truly yours,



MARGARET MOORE SOHAGI
for THE SOHAGI LAW GROUP, PLC

CC: Mark Meier, General Counsel, *State Lands Commission*
(Mark.Meier@slc.ca.gov)
Michelle Greene, City Manager, *City of Goleta*
(MGreene@cityofgoleta.org)
Tim Giles, City Attorney, *City of Goleta*
(TGiles@cityofgoleta.org)

Cheron McAleece

From: Cheron McAleece
Sent: Monday, January 12, 2015 4:29 PM
To: 'Blackmon, Seth@SLC'
Cc: 'Mark.Meier@slc.ca.gov'; 'MGreene@cityofgoleta.org'; 'TGiles@cityofgoleta.org'; Margaret Moore Sohagi (msohagi@sohagi.com); Phil Seymour; Alison L. Krumbein (akrumbein@sohagi.com)
Subject: Notice of Commencement of Action
Attachments: 150112 Notice of Commencement of Action.pdf

Tracking:	Recipient	Read
	'Blackmon, Seth@SLC'	
	'Mark.Meier@slc.ca.gov'	
	'MGreene@cityofgoleta.org'	
	'TGiles@cityofgoleta.org'	
	Margaret Moore Sohagi (msohagi@sohagi.com)	
	Phil Seymour	
	Alison L. Krumbein (akrumbein@sohagi.com)	Read: 1/12/2015 4:30 PM
	Margaret Sohagi	Read: 1/12/2015 5:15 PM

Attached please find a the Notice of Commencement of Action on behalf of the City of Goleta. A hard copy of the Notice has been sent via U.S. Mail. Please do not hesitate to contact our office with any questions or comments.

Cheron J. McAleece
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Cheron McAleece

From: Meier, Mark@SLC <Mark.Meier@slc.ca.gov>
To: Cheron McAleece
Sent: Monday, January 12, 2015 5:30 PM
Subject: Read: Notice of Commencement of Action

Your message

To: Meier, Mark@SLC
Subject: Notice of Commencement of Action
Sent: Monday, January 12, 2015 4:28:52 PM (UTC-08:00) Pacific Time (US & Canada)

was read on Monday, January 12, 2015 5:30:29 PM (UTC-08:00) Pacific Time (US & Canada).

Cheron McAleece

From: Blackmon, Seth@SLC <Seth.Blackmon@slc.ca.gov>
To: Cheron McAleece
Sent: Monday, January 12, 2015 4:31 PM
Subject: Read: Notice of Commencement of Action

Your message

To: Blackmon, Seth@SLC
Subject: Notice of Commencement of Action
Sent: Monday, January 12, 2015 4:28:52 PM (UTC-08:00) Pacific Time (US & Canada)

was read on Monday, January 12, 2015 4:30:37 PM (UTC-08:00) Pacific Time (US & Canada).