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12
13 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

14 COMMITTEE FOR A BETTER SHAFTER,
DELANO GUARDIANS, COMITÉ PROGRESO
15 DE LAMONT, CENTRAL CALIFORNIA
ENVIRONMENTAL JUSTICE NETWORK,
16 SIERRA CLUB, and CENTER FOR
BIOLOGICAL DIVERSITY,

17
18 Petitioners,

19 v.

20 COUNTY OF KERN, BOARD OF
SUPERVISORS OF THE COUNTY OF KERN,
and DOES 1-20,

21
22 Respondents.

23 CALIFORNIA RESOURCES CORPORATION
and DOES 21-40,

24
25 Real Parties in Interest.
26
27
28

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Kern County Superior Court
By Alexandra Valles, Deputy

Case No. BCV-24-104003

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
INJUNCTIVE RELIEF**

Code Civ. Proc., §§ 1085, 1094.5;
Pub. Resources Code, § 21000 et seq.

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1 **INTRODUCTION**

2 1. This Verified Petition for Writ of Mandate and Complaint for Injunctive Relief
3 (“Petition”) challenges the October 21, 2024 decision of the Board of Supervisors of the County of Kern
4 to approve the Carbon TerraVault I project (“TerraVault I” or “Project”). As explained below, the
5 actions of Respondents (collectively, “the County”) in approving the Project, certifying an inadequate
6 Final Environmental Impact Report (“Final EIR”), and adopting related findings and a statement of
7 overriding considerations violated the California Environmental Quality Act (“CEQA”), Public
8 Resources Code section 21000 et seq., and the CEQA Guidelines, 14 California Code of Regulations
9 section 15000 et seq.

10 2. TerraVault I will be the first carbon capture and storage (“CCS”) project of its kind in
11 California. Proposed and paid for by California Resources Corporation (“CRC”), the largest oil and gas
12 company in the state, the Project proposes to capture millions of tons of carbon dioxide (“CO₂” or
13 “carbon”) over 26 years for storage underneath the 110-year-old Elk Hills oil field in Kern County.
14 Working together, the County and CRC have designed TerraVault I to include facilities and
15 infrastructure that will capture, compress, and transport CO₂ via 11 miles of new pipelines to multiple
16 wells in the Elk Hills field that will inject the CO₂ underground at very high pressures. TerraVault I is
17 the first of six underground CO₂ storage “vaults” CRC is planning across California.

18 3. Once in operation, the County claims the initial source of CO₂ for TerraVault I will be
19 pre-combustion natural gas from Elk Hills that is processed at the field’s natural gas processing and
20 power plants. But because the pre-combustion gas will only account for 10 percent of the Project’s total
21 storage capacity at most, the County and CRC have also opened the door to a range of future potential
22 carbon sources that could be built from scratch to send CO₂ to TerraVault I. These sources include
23 hydrogen, cement, and steel production facilities and gasoline plants that may not otherwise be built but
24 for TerraVault I. By extending the life of the Elk Hills oil field years longer than necessary and
25 incentivizing a massive build-out of new industrial facilities in the County, TerraVault I flies in the face
26 of the core purpose and objective of CCS projects—to meaningfully reduce greenhouse gas emissions
27 from industrial activity like fossil fuel development in order to reverse the climate crisis.

1 4. Given the novelty of the Project and its long-term consequences to Kern County and the
2 entire state, it is critical that the County fully analyze and mitigate the wide array of potential impacts
3 and carefully consider any potential project alternatives as required by CEQA. Yet the County fails to do
4 so. The Final EIR fails to adequately analyze or mitigate TerraVault I’s numerous significant and
5 unavoidable impacts to air quality, greenhouse gases, energy use, local geology, pipeline safety, water
6 supply, and biological resources, among other issues, or analyze a reasonable range of alternatives to the
7 Project that are less environmentally harmful—in a region where frontline communities already bear the
8 brunt of many polluting industries.

9 5. The County is also advancing TerraVault I while failing to analyze any of its potential
10 carbon sources as part of the Project’s significant and unavoidable impacts. CCS projects are
11 inextricably intertwined with, and in fact cannot exist without, their carbon sources. This critical
12 omission in the County’s description and environmental analysis for the Project violates CEQA.

13 6. In addition, the County’s analysis reveals that TerraVault I cannot satisfy the most
14 important expectation for all CCS projects—permanent underground storage of CO₂ in perpetuity. The
15 Project’s location in one of the oldest and largest oil fields in the U.S., where over 7,500 existing
16 wellbores puncture the surface, significantly increases the risk of CO₂ leaks into the air or precious local
17 groundwater resources. Experts confirm that existing wells in developed oil and gas fields serve as the
18 single most common leakage path for CO₂ in CCS projects like this one, and that risk is particularly
19 acute in the Elk Hills oil field due to the large number of wells. Thus, mere weeks before the Project’s
20 final approval, County staff outright admitted they are “not recommending any conditions on this project
21 that ensures the [permanent storage] of the CO₂” and that the Final EIR “is clear that CO₂ may be vented
22 [or leaked].”

23 7. Carbon leaks, among other impacts from TerraVault I, pose serious environmental, public
24 health, and safety dangers to Kern County residents, particularly in communities like Buttonwillow,
25 Tupman, Taft, McKittrick, and Bakersfield that surround the Elk Hills field. These communities are
26 primarily made up of people of color, low-income people, and people who are linguistically isolated,
27 who are already overburdened by pollution compared to the rest of the state. They cannot afford the
28

1 additional pollution TerraVault I will cause or serve as a sacrifice zone for projects that will further
2 entrench fossil fuels in their communities.

3 8. Despite repeated attempts for years by Petitioners and other members of the public to
4 alert the County to the gravity of these impacts and the deficiencies of its environmental review, the
5 County failed to adequately disclose, analyze, and mitigate these and other foreseeable environmental
6 impacts before approving TerraVault I. The County’s findings and statement of overriding
7 considerations, adopted in connection with the Project, are also invalid both because they unlawfully
8 purport to override impacts that can and should have been analyzed and mitigated more fully, and
9 because they are not based on substantial evidence supporting either the purported benefits of the Project
10 nor the environmental effects being outweighed, including, inter alia, the adverse economic
11 consequences of such effects.

12 9. For all these reasons, Petitioners request a writ of mandate directing the County to vacate
13 and set aside its approval of the TerraVault I Project, certification of the Final EIR, and adoption of
14 related findings and statement of overriding considerations.

15 **PARTIES**

16 10. Petitioner COMMITTEE FOR A BETTER SHAFTER (“CBS”) is a 501(c)(3) nonprofit
17 organization based in Kern County whose members reside and, in some cases, own property in Shafter,
18 California, population of approximately 20,000. CBS has twelve full-time members and thirty families
19 that partner in its community garden. CBS’s mission is to advocate for environmental health, support the
20 development of economically and environmentally sustainable jobs, develop and promote community
21 garden projects, and support community development programs in south San Joaquin Valley and
22 Shafter. In addition, CBS strives to empower community members to be active and involved in civic
23 engagement. CBS and its members actively engage on climate issues, particularly the issue of oil and
24 gas development, locally, regionally, and statewide. CBS developed and sustains a community garden in
25 Shafter. Members and community gardener participants are especially concerned about water, soil, and
26 air pollution from oil and gas wells contaminating their crops because multiple wells are located less
27 than 2,000 feet away. CBS, whose volunteers and members all live in Kern County, is concerned with
28 the health of local residents and the impacts that the TerraVault I Project will have on their communities.

1 11. Petitioner DELANO GUARDIANS is an unincorporated association that represents
2 residents of Delano who reside and, in some cases, own property in Delano, California, population of
3 approximately 51,000, and areas in northern Kern County. The Delano Guardians has five board
4 members and serves two hundred residents. The Delano Guardians’ mission is to advocate for the health
5 and well-being of Delano and Kern County residents. The Delano Guardians are concerned with the
6 impacts of oil and gas production in the region, and organize their residents and community members
7 for improved local air quality, clean water, and local infrastructure improvements. The Delano
8 Guardians has actively advocated for increased civic engagement within Delano, especially with climate
9 justice issues, focusing on reducing indoor and outdoor air pollution and greenhouse gas emissions. The
10 Delano Guardians, whose volunteers and members all live in Kern County, is concerned with the health
11 of local residents and the impacts that the TerraVault I Project will have on their communities.

12 12. Petitioner COMITÉ PROGRESO DE LAMONT (“CPL”) is an unincorporated
13 association that represents residents of Lamont, California, who reside and, in some cases, own property
14 in Lamont, with a population of approximately 14,000. CPL is comprised of six officers and
15 approximately one hundred members. CPL’s mission is to achieve a healthy environment and to
16 improve local communities’ quality of life through collective resident and community advocacy. CPL
17 has advocated alongside other community groups in the Kern County budget process to increase
18 infrastructure investments in local communities. As a result of its collective advocacy, Kern County has
19 invested more than \$140 million into community infrastructure projects across Kern, including four
20 miles of sidewalks in Lamont to improve pedestrian mobility and a \$9 million investment in Lamont
21 Park to improve access to green spaces and increase shaded gathering spaces for residents. CPL also
22 works to hold local polluting industries accountable using tools such as community benefits agreements
23 to avoid or minimize community impacts and require direct community investments. CPL, whose
24 members and volunteers all reside in Kern County, is concerned with the health of local residents and
25 the impacts that the Terravault I Project will have on their communities.

26 13. Petitioner CENTRAL CALIFORNIA ENVIRONMENTAL JUSTICE NETWORK
27 (“CCEJN”) is a 501(c)(3) nonprofit organization based in the San Joaquin Valley, California, including
28 Kern County, with the mission to empower Valley communities and secure their children’s future by

1 eliminating negative environmental impacts in low-income communities and communities of color.
2 CCEJN supports grassroots leadership to promote environmental health education, community
3 organizing, and dialogue among rural, underserved communities of color in the San Joaquin Valley.
4 CCEJN actively works to educate Kern County residents about the impacts of oil and gas development;
5 to improve County residents' ability to identify and monitor oil and gas-related pollution, including by
6 collecting information about potential community health threats by documenting toxic air pollution from
7 oil and gas development sites in the San Joaquin Valley; and to advocate for systemic change that
8 prioritizes the health of fenceline communities.

9 14. Petitioner SIERRA CLUB is a national nonprofit organization with sixty-seven chapters
10 and more than 613,000 members dedicated to exploring, enjoying, and protecting the wild places of the
11 earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to
12 educating and enlisting humanity to protect and restore the quality of the natural and human
13 environment; and to using all lawful means to carry out these objectives. Sierra Club's Kern-Kaweah
14 Chapter has over 1,160 members. The Sierra Club has been actively working in California, including in
15 Kern County, to address the serious threats to public health and the environment posed by the lack of
16 oversight and safeguards for oil and gas drilling activities. Sierra Club members live, work, and recreate
17 in Kern County and are affected by the TerraVault I Project as a consequence.

18 15. Petitioner CENTER FOR BIOLOGICAL DIVERSITY ("CBD") is a nonprofit
19 environmental organization that works through science, law, and policy to advocate for increased
20 protections for California species and their habitats, a livable climate, and healthy communities. CBD's
21 Climate Law Institute works to reduce greenhouse gas emissions and other air pollutants, conserve
22 natural resources, and minimize the public health risks facing communities exposed to industrial
23 pollution. Specific objectives include addressing the adverse impacts of oil and gas operations to
24 climate, water, air, wildlife, public health, and environmental justice. CBD has more than 79,000
25 members nationwide, including more than 17,000 members who reside in California, about 125 of
26 whom live in Kern County. CBD's members and staff include individuals who live, work, and recreate
27 in areas threatened by the TerraVault I Project and related oil and gas development in the County. CBD,
28 its members, and staff have ongoing recreational, scientific, and educational interests harmed by

1 TerraVault I. Members and staff include those who are particularly interested in protecting the many
2 native, imperiled, and sensitive species and their habitats that may be affected by TerraVault I. Members
3 and staff also include those who regularly use and intend to continue to use the areas affected by the
4 Project approval at issue here.

5 16. Petitioners participated extensively in the administrative process Kern County followed
6 to develop and approve the TerraVault I Project. Petitioners testified at hearings and submitted
7 comments identifying deficiencies in the County’s environmental review that are part of the County’s
8 record of its decision to approve the Project and the Final EIR.

9 17. Respondent COUNTY OF KERN (also “Kern County”), a political subdivision of the
10 State of California, is responsible for regulating and controlling land use in the unincorporated territory
11 of Kern County, including, but not limited to, implementing and complying with the provisions of
12 CEQA and the CEQA Guidelines. Kern County is the “lead agency” for purposes of Public Resources
13 Code section 21067, with principal responsibility for conducting environmental review and approving
14 TerraVault I.

15 18. Respondent BOARD OF SUPERVISORS OF THE COUNTY OF KERN (“Board”) is
16 the duly elected legislative body for Kern County responsible for compliance with CEQA and the
17 CEQA Guidelines. The Board of Supervisors approved TerraVault I, certified the Final EIR, and made
18 related findings pursuant to CEQA on October 21, 2024, and filed its Notice of Determination for these
19 actions on October 22, 2024.

20 19. As noted above, “the County” refers to all Respondents. As used herein, it also refers to
21 all boards, departments, and commissions, including the Board of Supervisors, Planning and Natural
22 Resources Department, and Planning Commission.

23 20. Petitioners do not know the true names and capacities, whether individual, corporate,
24 associate, or otherwise, of Respondents DOE 1 through DOE 20, inclusive, and therefore sue said
25 Respondents under fictitious names. Petitioners will amend this Petition to show their true names and
26 capacities when they are known.

27 21. Real Party in Interest CALIFORNIA RESOURCES CORPORATION (“CRC”) is a
28 publicly traded crude petroleum and natural gas company operating in California. The County’s October

1 22, 2024 Notice of Determination for the TerraVault I Project identifies CRC as “Applicant, or
2 sponsoring agency or department.”

3 22. Petitioners do not know the true names and capacities, whether individual, corporate,
4 associate or otherwise, of Real Parties in Interest DOE 21 through DOE 40, inclusive, and therefore sue
5 said Real Parties under fictitious names. Petitioners will amend this Petition to show their true names
6 and capacities when they are known.

7 **JURISDICTION AND VENUE**

8 23. This Court has jurisdiction over the matters alleged in this Petition pursuant to Code of
9 Civil Procedure sections 1085 and 1094.5, and Public Resources Code sections 21168, 21168.5, and
10 21168.9.

11 24. Because this is an action or proceeding against a county, venue is proper in this Court
12 pursuant to Code of Civil Procedure section 394, subdivision (a). Moreover, the TerraVault I Project is
13 located in Kern County, Respondents approved the Project in Kern County, and the environmental harm
14 caused by the Project will be felt in Kern County. As such, venue is proper in this Court because the
15 cause of action alleged in this Petition arose in Kern County.

16 25. In accordance with Public Resources Code section 21167, subdivision (c), this Petition
17 has been filed within 30 days of the County’s Notice of Determination approving the Project and
18 certifying the Final EIR, which was approved on October 21, 2024 and posted by the Kern County Clerk
19 on October 22, 2024.

20 26. Petitioners have complied with Public Resources Code section 21167.5 by serving a
21 written notice on November 19, 2024 of Petitioners’ intention to commence this action against
22 Respondents. A copy of this written notice and proof of service is attached as Exhibit A to this Petition.

23 27. Petitioners are complying with the requirements of Public Resources Code section
24 21167.6 by concurrently filing a notice of its election to prepare the administrative record for this action.

25 28. Petitioners will promptly send a copy of the Petition to the California Attorney General,
26 thereby complying with the requirements of Public Resources Code section 21167.7.

27 29. Petitioners have performed any and all conditions precedent to filing this instant action
28 and have exhausted any and all available administrative remedies to the extent required by law.

1 30. Petitioners have no plain, speedy, or adequate remedy in the course of ordinary law
2 unless this Court grants the requested writ of mandate to require Respondents to set aside their approval
3 of the Project and the Final EIR. In the absence of such remedies, Respondents' approvals will remain in
4 effect in violation of State law.

5 31. The maintenance of this action is for the purpose of enforcing important public policies
6 of the State of California with respect to the protection of the environment under CEQA. The
7 maintenance and prosecution of this action will confer a substantial benefit upon the public by
8 protecting the public from environmental and public health harms alleged in this Petition. Petitioners are
9 acting as private attorneys general to enforce these public policies and prevent such harm.

10 STATEMENT OF FACTS

11 I. The Community and Environmental Setting

12 32. Kern County has long been home to the state's oil and gas industry. Many of the largest
13 and most productive oil and gas fields in the U.S. are located within its borders.

14 33. In the Final EIR the County prepared for the TerraVault I Project, the County delineates a
15 "project area" stretching across 9,104 surface acres within the Elk Hills oil and gas field, which is
16 wholly owned and operated by CRC. Discovered in 1911, Elk Hills is approximately 47,800 acres total
17 and one of the oldest and largest fields in the country, with more than 7,500 wells drilled to various
18 depths over the decades. The field is surrounded by communities including Buttonwillow to the north,
19 Taft to the south, McKittrick to the west, and Tupman and Bakersfield to the east. McKittrick
20 Elementary School is 4.5 miles from the Project site and the nearest residence is 4.4 miles.

21 34. Oil and gas production is a significant driver of the region's air pollution crisis. Kern
22 County is one of the most air-polluted regions in the nation. The County is located within the San
23 Joaquin Valley air basin, which has been designated a nonattainment area for federal fine particulate
24 matter ("PM_{2.5}") standards. According to the American Lung Association's 2024 "State of the Air"
25 Report, Kern County experiences the worst 24-hour levels of PM_{2.5} nationally and the second worst
26 annual PM_{2.5} levels. The County is not expected to meet federal standards by even 2032. The Report also
27 identifies Bakersfield as the most polluted city in the U.S. for daily and annual levels of PM_{2.5} pollution
28 and the third most polluted for ozone. Currently available evidence indicates there is no safe level of

1 exposure to PM_{2.5} and even low levels of PM_{2.5}, far below current levels in the County, are associated
2 with increases in premature mortality, adverse birth outcomes, cardiovascular disease, chronic lung
3 disease, asthma, dementia, and other poor health outcomes.

4 35. Kern County is also on the frontlines of climate change, and the environmental problems
5 facing the County are expected to worsen in the coming years. The County is expected to see more hot
6 days, which will cause an increase in ground-level ozone formation and related health problems.
7 Additionally, as air quality worsens with climate change, residents will be subjected to worsening
8 drought conditions. Oil and gas production and combustion in particular dominate as significant sources
9 of greenhouse gas emissions and are primary drivers of climate change. Continued drilling and operation
10 of fossil fuel facilities only creates a reinforcing loop of worsening air quality and water scarcity.

11 36. Kern County, and Elk Hills in particular, is in one of the most seismically active areas in
12 the state, with numerous earthquake faults running through the region. High seismic hazards increase the
13 risk of CO₂ leaks from existing oil and gas wells that can serve as a significant leakage pathway from
14 underground storage reservoirs. At Elk Hills, over 350 active, idle, and abandoned wells directly overlie
15 the Project's surface area, and thousands of other wells litter the rest of the field, providing opportunities
16 for CO₂ to escape from the Project's storage reservoirs. High pressure injection and storage of CO₂ can
17 also, in turn, increase the risk of inducing earthquakes in the region.

18 37. These environmental problems are particularly burdensome because Kern County's
19 population is majority Hispanic, with a higher percentage of linguistically isolated and pollution
20 burdened communities than other parts of California. Roughly 20 percent of County households are
21 designated as Spanish speaking with limited English proficiency. Over 60 percent of residents nearest to
22 the TerraVault I Project site are Hispanic and disproportionately impacted by existing oil and gas
23 operations, including from the Elk Hills field. The census tract where the Project is located already faces
24 one of the highest pollution burdens in the state (96th percentile) as well as challenges posed by
25 unemployment (89th percentile), poverty (86th percentile), and linguistic isolation (83rd percentile).

26 38. The Elk Hills oil field and surrounding area is known to support high densities of species
27 protected by state and federal law. The California Department of Fish and Wildlife has specifically
28 identified several species known to be supported in the area through prior biological surveys, including

1 the fully protected blunt-nosed leopard lizard, as well as the giant kangaroo rat, San Joaquin kit fox,
2 Swainson’s hawk, San Joaquin antelope squirrel, American badger, short-nosed kangaroo rat, burrowing
3 owl, California glossy snake, and California jewelflower.

4 **II. Carbon Capture and Storage and the TerraVault I Project**

5 39. CCS projects claim to reduce emissions from point sources, like industrial facilities and
6 power plants, by capturing emissions at the source and injecting the CO₂ underground for permanent
7 storage. The CCS technology is attached to the source and is therefore inextricably intertwined with the
8 facility it is meant to capture CO₂ from. By capturing CO₂ before it enters the atmosphere and
9 guaranteeing it stays underground in storage reservoirs in perpetuity, project proponents claim CCS can
10 meaningfully reduce greenhouse gas emissions from industrial facilities and other polluting sources and
11 help reverse the climate crisis.

12 40. The TerraVault I CCS Project is a first-of-its kind project for permanent underground
13 CO₂ storage in California, and a harbinger of numerous other CCS projects that will be proposed in the
14 state in the coming years. The oil company CRC is proposing TerraVault I as the first of six
15 underground storage vaults it is planning across the San Joaquin Valley and Sacramento basins. In
16 addition, CRC’s new subsidiary Aera Energy, LLC (“Aera”) is proposing a similar CCS project called
17 CarbonFrontier in the nearby South Belridge oil field in Kern County.

18 41. TerraVault I proposes to inject approximately 49 million metric tons of CO₂ for storage
19 underground in the 110-year-old Elk Hills oil and gas field. The Project consists of adding new CCS
20 equipment to the existing natural gas processing plant and power plant supporting the Elk Hills field,
21 pressurizing the captured CO₂ via new compression facilities, transporting the CO₂ via 11 miles of new
22 underground pipelines to the storage sites in the field, injecting the compressed CO₂ underground via six
23 high-pressure injection wells (three will be newly drilled, three will be converted from existing
24 extraction wells), and monitoring the injected CO₂ via ten carbon monitoring wells and six seismic
25 monitoring wells that are all converted from existing extraction wells. CO₂ will be stored in two
26 underground reservoirs stretching across 9,104 surface acres of the Elk Hills field in perpetuity.
27 Injection is expected to occur for at least the first 26 years of the Project, or through 2051.

1 42. The CCS equipment will use chemical solvents to remove CO₂ from pre-combustion
2 natural gas from Elk Hills that is processed at the field’s natural gas processing and power plants. The
3 County claims the pre-combustion natural gas is the only known carbon source for the Project at this
4 time and expected to provide, at most, about 10 percent of the total 49 million metric ton storage
5 capacity that the County approved for the Project. As a result, the County’s Final EIR for the Project
6 included a long and broad list of “future sources” that may also send CO₂ for storage at TerraVault I,
7 including industries like hydrogen production, biomass carbon removal and storage, cement and steel
8 production, oil field gas streams, power plants, and alternative fuel production—all of which have their
9 own additional emissions impacts. TerraVault I has already entered into “carbon dioxide management
10 agreements” with some of these industries to build entirely new facilities in Kern County to serve as
11 sources, including a hydrogen plant, a gasoline plant, and a waste-to-energy production plant.

12 43. For purposes of its CEQA review, the County defined the TerraVault I “Project” as
13 encompassing the CCS equipment, compression facility, pipelines, injection and monitoring wells, and
14 the full 49 million metric tons of CO₂ storage capacity in the two underground reservoirs. The County
15 did not fully analyze the carbon sources as part of the Project, particularly any of the “future sources.”

16 44. Together with the existing and new facilities that will be built to serve as its sources,
17 TerraVault I encompasses significant development of CCS infrastructure and other industrial activities
18 as part of the Project. This build-out, along with the federal and state financial incentives increasingly
19 available for CCS projects like TerraVault I, will enable the Elk Hills field and the fossil fuel facilities
20 supporting it to continue operating decades into the future.

21 45. TerraVault I is therefore key to CRC’s long-term business plan for Elk Hills and the
22 financial health of the company. The company has a history of financial problems and bankruptcy,
23 starting with its launch in 2014 as a spinoff of troubled Occidental Petroleum. In July 2024, CRC
24 merged with Aera, becoming the largest oil and gas operator in the state.

25 **III. The County’s Environmental Review Process and Project Approval for**
26 **TerraVault I**

27 **A. The December 2023 Draft EIR**

28 46. On or about March 4, 2022, the County issued a Notice of Preparation of a Draft

1 Environmental Impact Report (“Draft EIR”) for the TerraVault I Project. Petitioners CBD, CCEJN, and
2 Sierra Club submitted comments to the County in response to the Notice of Preparation.

3 47. In their comments, Petitioners urged the County to reconsider approving the Project
4 given the lack of data to support it is a viable tool for greenhouse gas emissions reductions, and the
5 abundance of research documenting the environmental and public health risks of using CCS in an
6 existing oil and gas field. Petitioners explained the multiple potential impacts of the Project, and asked
7 the County to carefully analyze these impacts and properly consider Project alternatives. Petitioners
8 further highlighted the troubled financial history of CRC and the additional risks this history posed for
9 the Project.

10 48. On or about December 19, 2023, the County released the initial Draft EIR for the Project
11 and set the public comment deadline for February 12, 2024. The County set this initial deadline despite
12 the massive length of the Draft EIR—approximately 5,600 pages including multiple appendices. The
13 Draft EIR acknowledged the Project will cause an array of significant and unavoidable impacts to air
14 quality, greenhouse gases, energy use, geology and soils, water supply, biological resources, and noise,
15 among other impacts.

16 49. Due to the novelty of the Project as the first CCS project of its kind in the state, and the
17 length of the Draft EIR, Petitioners requested a 45-day extension of the comment period. The County
18 never formally responded to the request.

19 50. On or about January 17, 2024, the County issued a Notice of Extension that extended the
20 comment deadline on the Draft EIR to March 1, 2024. The County stated it provided the extension due
21 to a textual error in the document and published an updated version of the Draft EIR. Petitioners
22 previously alerted the County to this textual error.

23 51. Between January 17, 2024 and February 28, 2024, the County conducted four public
24 workshops in communities surrounding the Elk Hills field to receive comments on the Project. The
25 workshops were conducted jointly with the U.S. Environmental Protection Agency (“EPA”) as part of
26 EPA’s decision on whether the Project will receive a “Class VI” permit for geologic carbon storage via
27 its authority under the Safe Drinking Water Act. CCS projects like TerraVault I cannot inject CO₂
28 underground without a Class VI permit.

1 52. Petitioners and numerous individuals and organizations provided comments at all four
2 public workshops highlighting deficiencies in the Draft EIR and the TerraVault I Project.

3 53. On March 1, 2024, Petitioners submitted a comment letter to the County on the Draft
4 EIR. Incorporated into the letter were expert reports from Ron Sahu, PhD, QEP, CEM; Dominic
5 DiGiulio, PhD; and Richard Kuprewicz, on air quality, geologic impacts, and pipeline hazards,
6 respectively.

7 54. Petitioners’ comment letter identified critical flaws in the Draft EIR. Petitioners
8 explained that the Draft EIR violated CEQA because it failed to properly define the Project and its scope
9 to include its carbon sources, adequately analyze and mitigate growth-inducing impacts, employ
10 appropriate Project objectives, and properly consider alternatives to the Project. Petitioners further
11 explained that the Draft EIR also failed to adequately analyze and mitigate numerous foreseeable
12 environmental impacts and cumulative impacts, including to air quality, greenhouse gases, energy use,
13 geology, pipeline hazards, water supply, and biological resources in the County. Petitioners stressed that
14 as the first EIR prepared for a CCS project in California, the document fell far short of establishing
15 appropriate standards and safeguards for any future CCS projects.

16 55. The County initially scheduled a hearing before the Kern County Planning Commission
17 to consider the Project on March 28, 2024. In response to significant public comments submitted on the
18 Draft EIR, the County continued this hearing to August 22, 2024.

19 **B. The June 2024 Recirculated Draft EIR**

20 56. On or about June 4, 2024, the County issued a Notice of Availability of a Recirculated
21 Draft EIR (“Recirculated Draft EIR”) for the Project. The Notice stated that the public must submit new
22 comments on the Recirculated Draft EIR and that the County would not be responding to any comments
23 received on the December 2023 Draft EIR. The Recirculated Draft EIR did not meaningfully change
24 compared to the December 2023 Draft EIR, other than adding a list of potential “future sources” of
25 carbon and a related land use mitigation measure in response to comments from Petitioners and the
26 public explaining that carbon sources must be analyzed with the Project. These changes were general
27 and cursory and failed to address the concerns raised.

1 57. The County set the comment deadline on the Recirculated Draft EIR to July 18, 2024. No
2 other public workshops were scheduled.

3 58. On June 21, 2024, Petitioners submitted a letter to the County regarding public
4 participation issues in the County’s CEQA review process for the Project. Petitioners acknowledged the
5 County’s efforts to make its CEQA process more accessible, but urged the County to remove key
6 obstacles that impaired community members from fully participating, particularly the large number of
7 monolingual Spanish speakers in the region. Petitioners requested that the County improve its efforts to
8 clearly explain which agencies would be accepting comments and in what form in any future public
9 workshops.

10 59. The County received over 2,200 comments from individuals, interested parties, public
11 agencies, and other organizations on the Recirculated Draft EIR.

12 60. On July 18, 2024, Petitioners submitted a comment letter to the County on the
13 Recirculated Draft EIR. Incorporated into the letter were additional expert reports from Ron Sahu,
14 Dominic DiGiulio, and Richard Kuprewicz on air quality, geologic impacts, and pipeline hazards,
15 respectively. The letter and reports explained that the Recirculated Draft EIR, like the original Draft
16 EIR, failed to correct the errors identified in Petitioners’ initial comments or otherwise comply with
17 CEQA in the following respects:

18 a. With respect to the project description: The Recirculated Draft EIR, like the
19 December 2023 Draft EIR before it, failed to properly define the Project or provide an accurate,
20 stable, and finite project description. Despite the fact TerraVault I is a CO₂ storage project that is
21 reliant on, and designed for, other facilities to supply it with CO₂ for storage, the Recirculated Draft
22 EIR failed to fully disclose and analyze the potential impacts from the Project’s sources, particularly
23 future sources. This failure to properly include and analyze the whole of the action infected the
24 Recirculated Draft EIR’s analysis and prevented decision-makers from meaningfully assessing and
25 mitigating the Project’s impacts and evaluating alternatives.

26 b. Petitioners noted that despite adding a short section on future CO₂ sources for the
27 Project and including a “future sources” list of industries and operations that can send CO₂ for
28 storage at TerraVault I, the Recirculated Draft EIR still failed to properly disclose and analyze the

1 reasonably foreseeable consequences of the Project and engaged in impermissible piecemealing that
2 did not fully consider known CO₂ sources as part of the Project’s scope. The Recirculated Draft EIR
3 also failed to disclose all meaningful information regarding these future sources, failed to disclose or
4 analyze the sources’ potential impacts, and failed to explain how and why these source types were
5 approved to send CO₂ into the Project. Petitioners further pointed out that while the Recirculated
6 Draft EIR claimed it only seeks approval for one “initial source” for the Project, the County is
7 seeking to approve two large storage reservoirs with the capacity for more than ten times the amount
8 of CO₂ the initial source will provide, and the rest of the Project’s facilities are also designed to
9 accommodate additional sources. These flaws undermine the core purpose of the Project—to reduce
10 greenhouse gas emissions—and indicate the Project may instead actually *increase* emissions in the
11 County by facilitating continued fossil fuel extraction and combustion from Elk Hills and future
12 carbon sources. The Recirculated Draft EIR also failed to disclose and analyze other important
13 Project information, including the impacts of CRC’s merger with Aera, which is proposing a similar
14 CCS project called CarbonFrontier only nine miles away from the Project.

15 c. With respect to project objectives: The Recirculated Draft EIR still failed to provide
16 an adequate set of project objectives by copying verbatim and relying solely on the objectives
17 provided by the Project proponent CRC.

18 d. With respect to project alternatives: The Recirculated Draft EIR continued to fail to
19 adequately analyze a reasonable range of alternatives that would substantially lessen the significant
20 environmental effects of the Project. First, Petitioners explained that the Recirculated Draft EIR’s
21 reliance on an improper project description, objectives, and assessment of project impacts infected
22 its entire alternatives analysis. Second, the Recirculated Draft EIR failed to adequately consider, or
23 arbitrarily dismissed, a reasonable range of alternatives, like reducing or eliminating oil extraction
24 from the Elk Hills field. Third, the Recirculated Draft EIR’s discussion of the “no project”
25 alternative failed to provide information about the environmental consequences reasonably expected
26 to occur if the Project would not go forward. The Recirculated Draft EIR failed to contrast the
27 impacts of the proposed Project with the impacts of the no-project alternative with specificity across
28 all impact categories. Finally, the Recirculated Draft EIR’s discussion of the two “action”

1 alternatives to the Project were cursory and lacking in specificity, evidence, and support. The
2 Recirculated Draft EIR provided no meaningful analysis of either the features or impacts of these
3 alternatives, making it impossible to compare the Project's impacts with the alternatives' impacts.

4 e. With respect to the project's environmental impacts and setting: The Recirculated
5 Draft EIR still failed to adequately disclose or analyze the Project's environmental impacts,
6 including, but not limited to, the Project's impacts on air quality, greenhouse gases, energy use,
7 geology, pipeline hazards, water supply, biological resources, and land use. The Recirculated Draft
8 EIR also failed to provide substantial evidence for its analysis and conclusions, failed to establish the
9 proper baseline environmental setting, and relied on assumptions that were unsupported, faulty, and
10 internally contradicting.

11 f. With respect to air quality: The Recirculated Draft EIR still failed to adequately
12 disclose and analyze the Project's air quality impacts because it did not describe or analyze impacts
13 from heavy-duty truck traffic associated with the Project, failed to properly address the revised
14 federal standard for PM_{2.5}, failed to disclose the full dangers posed by increased PM_{2.5} emissions,
15 and contradicted prior statements regarding nearby sensitive receptors. The County's air quality
16 analysis continued to be premised on unexplained and faulty assumptions, including assumptions
17 regarding emissions estimates and expected Project activities.

18 g. Petitioners further raised that the Recirculated Draft EIR impermissibly deferred air
19 quality mitigation measures, or required additional conditions to ensure their effectiveness. For
20 example, the measure requiring fence line monitoring of air pollutants unlawfully deferred
21 mitigation because it failed to include performance standards to develop the monitoring or institute
22 mitigation if the monitoring detected pollution.

23 h. Petitioners also highlighted that the Recirculated Draft EIR failed to adopt all
24 feasible mitigation to address fugitive dust and Valley Fever, and to protect sensitive receptors. It
25 further failed to adopt all feasible mitigations for cumulatively significant net increases in air
26 pollutants for which Kern County is in nonattainment of federal standards.

27 i. With respect to greenhouse gas emissions: Like the December 2023 Draft EIR, the
28 Recirculated Draft EIR failed to adequately disclose and analyze the Project's climate impacts by

1 relying on CO₂ injection data that encompassed additional sources beyond the initial source of pre-
2 combustion Elk Hills gas, while at the same time claiming these sources are too speculative to
3 enable analysis of their impacts. The analysis relied on a false premise that the Project’s CO₂ sources
4 will come from “essential but hard to decarbonize” industries, an assumption that the Recirculated
5 Draft EIR did not define and often contradicted by its own terms. The analysis also failed to disclose
6 the Project’s potential generation of offset credits that may allow CRC to use generated credits to
7 cover its emissions from other projects elsewhere. Petitioners explained the County must therefore
8 analyze offset credit generation as part of its greenhouse gas analysis. Finally, the Recirculated Draft
9 EIR failed to account for the whole Project’s lifespan, inexplicably stopping the analysis at 20 years
10 of operations, despite the Project’s lifespan of at least 26 years.

11 j. Petitioners further pointed out the Recirculated Draft EIR lacked evidence to support
12 its underlying assumption that injected CO₂ will remain in the ground permanently—a tenet central
13 to the stated purpose of the Project. The Recirculated Draft EIR’s analysis failed to rely on a clear
14 standard to support the assumption that storage would be permanent and, more importantly, the
15 permanence assumption was not supported by the evidence and was instead contradicted by it.
16 Petitioners’ expert report from Dominic DiGiulio explained that permanent retention of CO₂ was not
17 credible because the Recirculated Draft EIR failed to account for the large number of wellbore
18 penetrations in the Elk Hills field, the high pressure of storage, the fact CO₂ will primarily be stored
19 in the least secure form as a supercritical fluid, and the elevated risk of seismic activity in the
20 vicinity of the Project area.

21 k. Petitioners also highlighted that the Recirculated Draft EIR’s proposed greenhouse
22 gas mitigation measures violated CEQA. The proposed measures were not supported by the
23 evidence, were ineffective and impermissibly deferred, and relied heavily on existing regulations
24 from other agencies without analysis to show these regulations will in fact address the Project’s
25 climate impacts. For example, mitigation measure (“MM”) 4.8-1, which purported to establish a
26 monitoring program, only reiterated monitoring requirements under EPA’s Class VI permitting
27 requirements. But EPA’s Class VI permit is issued under the Safe Drinking Water Act, which
28 governs EPA’s authority to develop regulations to protect U.S. underground drinking water from

1 endangerment. EPA’s Class VI regulations therefore cannot and do not cover all relevant aspects of
2 monitoring for CO₂ leakage into the *atmosphere*. MM 4.8-6 purported to offset any greenhouse gas
3 operational emissions “associated with” the Project’s capture facility and with emissions from future
4 CO₂-sending sources using the unreliable tool of emission credits. The measure failed to set any
5 performance standards or include any language to guarantee the measure will be effective and
6 enforceable.

7 1. With respect to energy use: The Recirculated Draft EIR still neglected to adequately
8 disclose and analyze the Project’s impacts to energy resources. The energy analysis failed to use the
9 proper threshold under CEQA, which requires an evaluation of whether a project is energy-efficient.
10 The analysis was also unsupported by the evidence because, among other things, it failed to evaluate
11 the Project’s overall relationship to energy consumption or to include any meaningful discussion of
12 the Project’s CO₂ sources and their energy impacts. The analysis further failed to disclose and
13 analyze whether and to what extent the Project will facilitate development and use of fossil fuel
14 infrastructure or extend the life of existing fossil fuel CO₂-emitting industries that will store carbon
15 at TerraVault I.

16 m. With respect to geologic impacts: The Recirculated Draft EIR continued to fail to
17 properly analyze the Project’s geologic risks by not fully accounting for the significant risk of leaks
18 due to existing wellbores at the Elk Hills field. Petitioners’ comment letter and the accompanying
19 expert report of Dominic DiGiulio highlighted that leakage of CO₂ from wellbores is widely
20 considered to be one of the most significant leakage pathways for geologic storage of CO₂ and that
21 the risk of leaks at Elk Hills could be catastrophic. They also pointed out that the Recirculated Draft
22 EIR failed to disclose critical details about the Project, including information required to properly
23 assess the integrity of a large number of existing wellbores at Elk Hills and the likelihood of leaks
24 from the Project site. Finally, the Recirculated Draft EIR inappropriately narrowed its impact
25 analysis to the bounds of the Elk Hills field without considering broader leakage risks, and dismissed
26 and underestimated the high risk of natural and induced earthquakes in the area on wells in the field.

27 n. The Recirculated Draft EIR also failed to adequately mitigate the Project’s geologic
28 risks. Petitioners explained that mitigation measures were vague and indefinite, missing performance

1 standards, and largely unenforceable. Some measures required compliance with existing regulations
2 from other agencies, like the Building Code or the state oil and gas regulatory agency’s requirements
3 for oil well drilling, without describing what those requirements are and how they would reduce the
4 Project’s geologic impacts to less than significant. Finally, the proposed measures did not represent
5 all feasible mitigation for the impacts of serious earthquakes and ground shaking in the region, or
6 unstable soil or land that could result in landslides, subsidence, liquefaction, or collapse. Petitioners
7 suggested numerous additional feasible mitigation measures that the County should adopt to address
8 the Project’s serious impacts.

9 o. In addition to their comments, Petitioners resubmitted a letter from California
10 Geological Survey (“CGS”) on the December 2023 Draft EIR, in which CGS expressed numerous
11 serious concerns about geologic impacts of the Project. Among other impacts, CGS explained that
12 the Recirculated Draft EIR did not account for the risk of unmapped earthquake faults in the Project
13 area, provided no documentation that there have been no gas leaks at the surface of the Elk Hills
14 field, failed to support its characterization of the geology of Elk Hills or the integrity of the
15 thousands of existing wells in the field, and contained inconsistencies regarding the number of wells
16 in the field compared to the number considered as part of the geologic impacts analysis.

17 p. With respect to pipeline safety: The Recirculated Draft EIR still failed to adequately
18 analyze and mitigate CO₂ pipeline safety hazards. The Recirculated Draft EIR improperly dismissed
19 prior pipeline incidents in the County and elsewhere and left out critical details needed to understand
20 the County’s pipeline analysis, like the state of the CO₂ or its purity level, which inform which
21 federal, state, and local regulations apply. The Recirculated Draft EIR still failed to adopt all
22 feasible, effective, and enforceable mitigation measures for these hazards, and several measures
23 were vague and illegally deferred mitigation. The County also neglected to consider a setback
24 distance that separated the pipelines from nearby communities.

25 q. With respect to water supply: The Recirculated Draft EIR continued to fail to
26 adequately analyze and mitigate water supply impacts. Petitioners explained the Recirculated Draft
27 EIR’s description of the County’s environmental and regulatory setting is inadequate as it failed to
28 disclose basic facts about water supply in Kern County. As a result, the Recirculated Draft EIR

1 underestimated the Project’s impacts. The County’s analysis also demonstrated contradictory,
2 inaccurate, and misleading statements where it failed to clearly explain the source or amount of
3 water that will be used by the Project. Finally, the Recirculated Draft EIR failed to adopt all feasible
4 mitigation for the Project’s cumulative impacts on water supply.

5 r. With respect to biological resources: The Recirculated Draft EIR continued to fail to
6 adequately analyze and mitigate impacts on biological resources in and near Elk Hills. Petitioners
7 explained that the Recirculated Draft EIR still failed to properly account for the threatened,
8 endangered, and sensitive animal and plant species in the Project area, both by ignoring data on these
9 species and by ignoring comments from the public and from expert agencies like the California
10 Department of Fish and Wildlife, which also commented on the potential for such species to exist in
11 the area. The Recirculated Draft EIR’s analysis of biological resources failed to demonstrate it was
12 supported by the evidence, as it failed to account for construction impacts and relied on deficient
13 reconnaissance surveys without properly justifying the use of such limited surveys. In addition, the
14 Incidental Take Permit issued to CRC to cover species take in Elk Hills does not appear to include
15 Project activity as a type of activity covered by the permit, and does not include the full range of
16 species that could be harmed by the Project.

17 s. The Recirculated Draft EIR still failed to properly mitigate the Project’s impacts on
18 biological resources. Many species-specific mitigation measures lacked support, ignored scientific
19 evidence and expert agency recommendations, and failed to adhere to legal requirements. Some
20 measures also impermissibly deferred mitigation.

21 t. With respect to land use: Petitioners addressed a new mitigation measure, MM 4.11-
22 7, the County added to the Recirculated Draft EIR. MM 4.11-7 limited future CO₂ sources for the
23 Project to specific industries, industrial sources, and fossil fuel facilities and types, and required that
24 all sources be located in Kern County. Petitioners pointed out that the Recirculated Draft EIR failed
25 to disclose the land use impacts this measure would mitigate or demonstrate how it would do so.
26 Moreover, Petitioners explained that the measure was both vague to the point of being meaningless
27 and unenforceable, using inappropriate terms like “reasonable and feasible mitigation” as
28 performance standards.

1 u. With respect to growth-inducing impacts: The Recirculated Draft EIR continued to
2 fail to disclose, analyze, and mitigate the impacts from economic growth in the County fostered by
3 the Project’s incentive to build CCS-related development.

4 v. With respect to cumulative impacts: The Recirculated Draft EIR continued to fail to
5 analyze and mitigate the Project’s numerous significant and unavoidable cumulative impacts.
6 Petitioners noted that the project description section of the Recirculated Draft EIR listed under
7 “Cumulative Projects” several projects in the County but provided hardly any information or
8 analysis regarding these projects, nor did it factor those projects in its decision-making on the
9 Project. Most of the listed projects were never mentioned in the Recirculated Draft EIR beyond this
10 list, let alone analyzed for their cumulative impacts. For example, the Recirculated Draft EIR did not
11 analyze or attempt to mitigate potential cumulative impacts from Aera’s CarbonFrontier CCS project
12 in a nearby oil field. In particular, Petitioners noted that the Recirculated Draft EIR failed to analyze
13 cumulative impacts from probable future sources of carbon. These probable future sources include a
14 hydrogen plant, a gasoline plant, a waste-to-energy conversion plant, and other projects that were
15 included in various carbon dioxide management agreements CRC signed with developers and
16 disclosed in its concurrent application to EPA for Class VI injection permits for the Project.
17 Petitioners also highlighted that certain sources like the hydrogen plant are, at a minimum, not only
18 “reasonably probable future” projects, but also future projects “where the applicant has devoted
19 significant time and financial resources to prepare for any regulatory review.”

20 61. Repeatedly throughout various comment letters, Petitioners and other members of the
21 public stated that the Recirculated Draft EIR lacked substantial evidence to support its conclusions and
22 was therefore inadequate under CEQA.

23 62. On or about August 9, 2024, the County issued a notice that it would be continuing the
24 August 22, 2024 hearing before the Planning Commission to September 12, 2024.

25 **C. The Final EIR and the County’s Response to Public Comments**

26 63. On or about August 30, 2024, the County issued a Final EIR responding to public
27 comments on the Recirculated Draft EIR and containing appendices with five new reports not previously
28 available to the public. The Final EIR indicates that the County made only minimal changes to the

1 Recirculated Draft EIR, failing to remedy most of the deficiencies identified by Petitioners and other
2 commenters.

3 64. The reports included analyses doubling down on the air quality, greenhouse gas, and
4 energy use-related conclusions in the Recirculated Draft EIR, and providing information on the
5 economic feasibility of the Project, the regulatory framework for CCS projects in California, seismic
6 monitoring for the Project, and the risks of CO₂ leaks from the Project’s pipelines and existing wells at
7 Elk Hills.

8 65. On or about September 6, 2024, the County released a staff report ahead of the
9 September 12, 2024 Kern County Planning Commission hearing on the Project. The staff report
10 contained several revisions to the Final EIR along with the County’s proposed findings of fact and
11 statement of overriding considerations to be adopted with the approval of the Project. The staff report
12 also acknowledged, for the first time, that the County “is not recommending any conditions on this
13 project that ensures the [permanent storage] of the CO₂” and that the Final EIR “is clear that CO₂ may
14 be vented [or leaked].”

15 66. On September 12, 2024, the Planning Commission held a hearing at which it
16 recommended that the Board of Supervisors certify the Final EIR and approve the Project. Petitioners
17 provided oral comments at the hearing reiterating concerns from their written comments on the
18 Recirculated Draft EIR. Petitioners were joined by many members of the public who similarly urged the
19 County to address the deficiencies in its CEQA analysis and reject the Project in its current form.

20 67. On or about September 13, 2024, the County issued a notice scheduling a hearing before
21 the Kern County Board of Supervisors for a final vote on the Project and the Final EIR.

22 68. On October 16, 2024, Petitioners submitted a comment letter to the County and Board of
23 Supervisors on the Final EIR that incorporated by reference their comments on the Recirculated Draft
24 EIR. Incorporated into the letter were additional expert reports from Dominic DiGiulio and Richard
25 Kuprewicz on geologic, greenhouse gas, and pipeline safety impacts. The letter and expert reports
26 explained that the Final EIR, like the Recirculated Draft EIR, failed to correct the errors identified in
27 Petitioners’ comments or otherwise comply with CEQA in the following respects:

1 a. With respect to the project description: The Final EIR is still inadequate under CEQA
2 because it still fails to properly describe and analyze CO₂ sources that may send CO₂ for storage in
3 the Project and to assess these sources’ respective impacts together with other Project impacts,
4 which could result in the Project contravening its core purpose and ultimately increasing emissions.

5 b. The Final EIR relies on a new economic report that purports to show the Project is
6 “financially viable” even with just the Elk Hills pre-combustion natural gas as an initial source.
7 Financial viability is irrelevant under CEQA to the question of whether the County properly
8 described and analyzed all Project impacts, including from its carbon sources. The County also fails
9 to show the Project has “independent utility” from its sources or to explain why the Project is
10 seeking approval for 49 million metric tons of CO₂ storage space when its initial carbon source only
11 accounts for 10 percent of that storage.

12 c. Petitioners also emphasized that the County fails to provide any analysis regarding
13 the Project’s “future sources” list, why it allows certain types of industries as carbon sources, and the
14 environmental impacts of allowing these industries to send CO₂ to the Project.

15 d. With respect to project objectives: The Final EIR still fails to provide an adequate set
16 of project objectives that inform the public of the Project’s public, rather than private CRC-
17 sponsored, objectives.

18 e. With respect to project alternatives: The Final EIR does not correct any of the flaws
19 Petitioners identified in the Recirculated Draft EIR’s alternatives analysis.

20 f. With respect to air quality: The Final EIR still fails to properly address the issue of
21 emissions from transport of CO₂ from new industrial sources to the Project, fails to properly update
22 the Final EIR to reflect the new federal standards for PM_{2.5}, and still fails to disclose the full danger
23 posed by increased PM_{2.5} emissions in Kern County’s already overburdened communities. The Final
24 EIR also continues to violate CEQA by failing to adopt all feasible mitigation for the Project’s air
25 quality impacts, including measures aimed at protecting nearby sensitive receptors. For example, the
26 mitigation measure requiring fence line monitoring of air pollutants continues to be unlawfully
27 deferred, as it still lacks any performance standards to develop the monitoring and to institute
28 mitigation when the monitoring detects significant pollution. The County’s response argued it can

1 rely on other regulatory requirements, but failed to show these requirements include any relevant
2 performance standards.

3 g. With respect to greenhouse gases: The Final EIR continues to fail to adequately
4 analyze and mitigate the Project's climate impacts. Rather than address Petitioners' comments on the
5 Recirculated Draft EIR, the County doubles down on its faulty assumptions and conclusions.
6 Petitioners pointed out that the Final EIR and its new reports demonstrate that the emissions
7 standards the Project is using to determine whether CO₂ will be permanently stored underground are
8 inappropriate and, critically, cannot show the Project will meet those standards. Among other issues,
9 the Final EIR still fails to account for potential carbon leaks from the numerous wells at Elk Hills, or
10 to provide evidence to support the assumption that CO₂ will be retained permanently in the ground,
11 undermining the whole purpose of the Project and endangering local communities. The County also
12 continues to argue EPA oversight will guarantee permanent CO₂ retention underground at Elk Hills,
13 while admitting that EPA's authority is limited to addressing leaks to groundwater, not leaks to air.

14 h. The Final EIR makes no attempt to conduct a proper cumulative impacts analysis for
15 greenhouse gases, and erroneously claims that the lack of other currently operating CCS projects
16 prevents the County from analyzing the cumulative impacts of the Project's CO₂ sources. Petitioners
17 pointed out that most, if not all, of the types of carbon sources for the Project are already operating
18 throughout the state and can provide relevant information to conduct a complete analysis.
19 Furthermore, the Final EIR dismisses the fact that potential CO₂ sources like the hydrogen project
20 were undergoing their own environmental review by the County, while the nearby CarbonFrontier
21 project is proposed by a subsidiary of the project proponent for TerraVault I and already at the EIR
22 stage, thereby the County has access to information and analysis for a cumulative impacts review.
23 The County also continues to fail to analyze the cumulative impacts of extending the life of fossil
24 fuel extraction operations at Elk Hills, including its public health impacts on nearby
25 disproportionately impacted communities.

26 i. The Final EIR and its new reports also fail to address the multiple flaws Petitioners
27 pointed out in the Project's greenhouse gas mitigation measures. Among other issues, MM 4.8-1
28 continues to rely on existing regulations by other agencies that do not address the Project's

1 greenhouse gas impacts, especially with regard to CO₂ leakage into the atmosphere. Despite its
2 persistent reliance on EPA’s Class VI regulations to address the risk of leaks from the Project, the
3 County also admits that the Class VI regulations only address leaks that endanger underground
4 sources of drinking water, not greenhouse gas impacts from leaks. The County also continues to fail
5 to adopt all feasible mitigation measures, like requirements to demonstrate the large number of
6 existing wells at Elk Hills will maintain their integrity and not cause leaks.

7 j. With respect to energy use: Petitioners noted that the Final EIR’s argument that CCS
8 projects are needed to achieve the State’s climate goals, thus the Project’s energy use “is not
9 considered to be wasteful or unnecessary,” is not supported by substantial evidence. The Final EIR
10 also rests its energy analysis on the distinction that reducing fossil fuel reliance is a California state
11 policy, not a County policy, ignoring that CEQA does not recognize this distinction.

12 k. With respect to geologic impacts: The Final EIR continues to dismiss the impacts of
13 natural and induced seismicity in the region on the Project, despite the significant body of research
14 and data submitted by Petitioners, experts, and expert agencies like CGS. Petitioners also highlighted
15 that a recent major leak at a monitoring well associated with the first CO₂ injection well permitted in
16 the U.S. by EPA demonstrates the Project’s serious risks and the County’s misplaced reliance on
17 other agencies’ regulations to address Project leaks.

18 l. With respect to pipeline safety: The Final EIR continues to fail to adequately analyze
19 and mitigate the Project’s pipeline safety hazards, and its analysis of the maximum distance of a
20 potential CO₂ leak is not supported by substantial evidence. The County still does not provide
21 critical information needed to determine the state of the CO₂ during transport, which obscures the
22 applicable federal, state, and local regulations applicable to the Project. The few limited proposed
23 mitigation measures continue to be vague, ineffective, unenforceable, and impermissibly deferred.
24 The update to the County’s emergency notification system is also flawed and is not supported by the
25 evidence.

26 m. With respect to water supply: The Final EIR continues to fail to meaningfully respond
27 to Petitioners’ comments on the issue and to correct the flaws indicated in their comments.

28

1 n. With respect to biological resources: While the Final EIR includes several updates to
2 the biological resources analysis and mitigation measures, it still fails to correct significant flaws.
3 The County fails to properly analyze the impacts on protected species, even after expert agencies
4 pointed out the continuing flaws in its analysis. The County also still fails to mitigate the Project's
5 nighttime drilling activities, and MM 4.4-11 unlawfully defers the creation of a Worker
6 Environmental Awareness Program. In addition, the County did not address that the Incidental Take
7 Permit issued to CRC to cover species take in Elk Hills does not appear to include Project activity as
8 a type of activity covered by the permit, and does not include the full range of species that could be
9 harmed by the Project.

10 o. With respect to land use: While the County explains the impacts it is seeking to
11 mitigate with MM 4.11-7, the measure still does not require what the County argues it does, and it is
12 still vague and unenforceable.

13 p. With respect to growth-inducing impacts: The Final EIR still fails to disclose,
14 analyze, and mitigate the impacts from economic growth in the County fostered by the Project's
15 incentive to build CCS-related development.

16 q. With respect to cumulative impacts: The Final EIR continues to fail to adequately
17 analyze and mitigate the Project's cumulative impacts. The County still fails to conduct a proper
18 cumulative impacts analysis that addresses potential CO₂ sources for the Project, stating instead that
19 it will analyze each source individually in the future via separate environmental reviews that
20 piecemeal the cumulative impacts of the Project.

21 69. Petitioners also noted that the County's proposed statement of overriding considerations
22 violates CEQA. The statement is unsupported by substantial evidence in that it, inter alia, fails to
23 demonstrate that the Project will achieve its main objectives to store CO₂ permanently in the ground and
24 cause a net reduction in greenhouse gas emissions, fails to demonstrate the Project will contribute to
25 new jobs and investment in the County, and fails to identify any benefits to the Project beyond
26 perpetuating the oil industry. The statement is also invalid due to the County's failure to adopt multiple
27 feasible mitigation measures proposed by Petitioners, their experts, other agencies, and the public.
28

1 70. On or about October 18, 2024, the County released an additional staff report for the
2 October 21, 2024 Board of Supervisors hearing on the Project and Final EIR that specifically addressed
3 issues raised in Petitioners’ comment letter on the Final EIR, but did not recommend any substantive
4 changes. The staff report reiterated the County’s acknowledgment that it “is not recommending any
5 conditions on this project that ensures the [permanent storage] of the CO₂” and that the Final EIR “is
6 clear that CO₂ may be vented [or leaked].”

7 71. On October 21, 2024, the County Board of Supervisors conducted a public hearing on
8 the Final EIR for the Project. Despite concerns expressed by Petitioners, residents, and other members of
9 the public, the Board of Supervisors certified the Final EIR, approved the Project, and adopted related
10 findings and a statement of overriding considerations. Petitioners appeared at the hearing to protest the
11 Board’s actions as violating CEQA.

12 72. On or about October 22, 2024, the County filed a Notice of Determination for the Project.

13 **FIRST CAUSE OF ACTION**
14 **(Violations of CEQA: Inadequate Final EIR, Findings of Fact, and Statement of**
15 **Overriding Considerations)**

16 73. Petitioners hereby reallege and incorporate by reference the allegations contained in the
17 preceding paragraphs.

18 **I. Applicable CEQA Requirements**

19 74. CEQA, Public Resources Code sections 21000–21177, is a comprehensive statute
20 designed “to prevent[] environmental damage, while providing a decent home and satisfying living
21 environment for every Californian.” (Pub. Resources Code, § 21000, subd. (g).) Given its broad goals,
22 the California Supreme Court has held that CEQA must be interpreted “to afford the fullest possible
23 protection to the environment within the reasonable scope of the statutory language.” (*Friends of*
24 *Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259.)

25 75. Under CEQA, agencies must ensure that the environmental consequences of proposed
26 projects are disclosed, considered, and feasibly avoided at the earliest opportunity. CEQA requires the
27 lead agency for a project with the potential to cause significant environmental impacts to prepare an EIR
28 that complies with the requirements of the statute, including, but not limited to, the requirement to

1 analyze the project’s potentially significant environment impacts. (Pub. Resources Code, §§ 21002.1,
2 subd. (a), 21080, subd. (d).) The EIR must provide sufficient environmental analysis to ensure that the
3 decision-makers and the public can intelligently consider environmental consequences of the proposed
4 project. (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 405.)

5 76. An EIR must “provide the public with an accurate, stable and finite description of the
6 project.” (*Washoe Meadows Community. v. Dept. of Parks & Recreation* (2017) 17 Cal.App.5th 277,
7 285.) “[A] project description that gives conflicting signals to decision makers and the public about the
8 nature and scope of the project is fundamentally inadequate and misleading.” (*Id.* at p. 287.)

9 77. Under CEQA, a “project” is defined as the whole of an action that has the potential to
10 cause direct or indirect physical changes to the environment. (CEQA Guidelines, § 15378, subd. (a);
11 *Habitat Watershed Caretakers v. City of Santa Cruz* (2013) Cal.App.4th 1277, 1297.) A project
12 description that omits integral components of the full project may result in an EIR that fails to disclose
13 all the impacts of the project. (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d
14 818, 829.)

15 78. An EIR “must delineate environmental conditions prevailing absent the project, defining
16 a ‘baseline’ against which predicted effects can be described and quantified.” (*Neighbors for Smart Rail*
17 *v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 447.) An EIR’s description of
18 this environmental setting should be sufficiently comprehensive to allow the project’s significant
19 impacts “to be considered in the full environmental context.” (CEQA Guidelines, § 15125, subd. (c).)

20 79. An EIR must disclose and analyze the direct and the reasonably foreseeable indirect
21 environmental impacts of a proposed project if they are significant. (CEQA Guidelines, §§ 15126.2,
22 15064, subd. (d)(3).) “[A] sufficient discussion of significant impacts requires not merely a
23 determination of whether an impact is significant, but some effort to explain the nature and magnitude of
24 the impact.” (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 519.)

25 80. An EIR must include a detailed statement setting forth the growth-inducing impacts of
26 the proposed project, including the ways in which the proposed project could foster economic or
27 population growth. (Pub. Resources Code, § 21100, subd. (b)(5); CEQA Guidelines, § 15126.2, subd.
28 (e).)

1 81. Under CEQA, a proper analysis of alternatives is essential to comply with the Act’s
2 mandate that significant environmental impacts be avoided or substantially lessened where feasible. A
3 public agency should not approve a project as proposed if there are feasible alternatives available that
4 would substantially lessen any significant effects that the project would have on the environment. (Pub.
5 Resources Code, § 21002; CEQA Guidelines, §§ 15002, subd. (a)(3), 15021, subd. (a)(2), 15126, subd.
6 (f); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443–45.)

7 82. An EIR must discuss a cumulative impact if a project’s incremental effect combined with
8 the effects of other projects is “cumulatively considerable.” (CEQA Guidelines, § 15130, subd. (a).) The
9 discussion of cumulative impacts must be more than “a conclusion utterly devoid of any reasoned
10 analysis.” (*Whitman v. Bd. of Supervisors* (1979) 88 Cal.App.3d 397, 411.)

11 83. CEQA also mandates that the lead agency identify feasible mitigation measures that will
12 reduce or avoid a project’s significant environmental impacts. (Pub. Resources Code, §§ 21002,
13 21002.1, subd. (b).) Even where a public agency cannot completely eliminate a project’s significant
14 impacts, CEQA requires that it nonetheless reduce those impacts to the extent feasible. (*Sierra Club*,
15 *supra*, 6 Cal.5th at pp. 524–25.)

16 84. An EIR must respond to comments making specific suggestions for mitigating a
17 significant impact unless the suggested mitigation is “facially infeasible.” (*L.A. Unified School Dist. v.*
18 *City of L.A.* (1997) 58 Cal.App.4th 1019, 1029.) If an agency rejects a suggested measure as infeasible,
19 the rejection must be supported by substantial evidence and free of legal error. (Pub. Resources Code, §
20 21168.5.)

21 85. CEQA instructs that “[a] public agency shall provide that measures to mitigate or avoid
22 significant effects on the environment are fully enforceable through permit conditions, agreements, or
23 other measures.” (Pub. Resources Code, § 21081.6, subd. (b).) The agency must assure that its
24 mitigation is “effective” and will “present a viable solution” to mitigating the adverse effect. (*Gray v.*
25 *County of Madera* (2008) 167 Cal.App.4th 1099, 1116.) The EIR must include facts and analysis to
26 support its conclusions regarding the effect of its mitigation measures. (*Sierra Club, supra*, 6 Cal.5th at
27 p. 522 [“The EIR must accurately reflect the net health effect of proposed air quality mitigation
28

1 measures”], citing *Cleveland Nat. Forest Foundation v. San Diego Assn. of Governments* (2017) 3
2 Cal.5th 497, 514.)

3 86. CEQA prohibits a lead agency from approving a project with significant environmental
4 effects unless it has made written findings for each of those effects, accompanied by an explanation of
5 the rationale for each finding. (Pub. Resources Code, § 21081, subd. (a).) These findings must support
6 the ultimate decision, be based on substantial evidence in the record, and trace the analytical route
7 between the evidence in the record and the agency’s conclusions.

8 87. CEQA provides that where a project’s significant environmental effects cannot feasibly
9 be mitigated, the lead agency may still approve the project if it finds that “specific overriding economic,
10 legal, social, technological or other benefits of the project outweigh the significant effects on the
11 environment.” (Pub. Resources Code, § 21081, subd. (b).) However, an agency’s statement of overriding
12 considerations constitutes an abuse of discretion where it is not supported by substantial evidence. (*Id.* §
13 21168.5; CEQA Guidelines, § 15093, subd. (b).) The statement’s core “purposes are undermined if its
14 conclusions are based on misrepresentations of the contents of the EIR or it misleads the reader about
15 the relative magnitude of the impacts and benefits the agency has considered.” (*Woodward Park*
16 *Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 718.)

17 88. An agency’s statement of overriding considerations provides “a proper basis for
18 approving a project despite the existence of unmitigated environmental effects, only when the measures
19 necessary to mitigate or avoid those effects have properly been found to be infeasible.” (*City of Marina*
20 *v. Bd. of Trustees of Cal. State Univ.* (2006) 39 Cal.4th 341, 368.) Where an agency improperly
21 determines that significant impacts cannot feasibly be mitigated, it “necessarily follows” that the
22 statement of overriding consideration is invalid. (*Ibid.*)

23 89. Under CEQA, when a lead agency recirculates an EIR it must summarize the revisions
24 made to the previously circulated draft EIR, in the revised EIR or by an attachment to the revised EIR.
25 (CEQA Guidelines, § 15088.5, subd. (g).)

26 90. Among CEQA’s basic purposes are to “[i]nform . . . the public about the potential,
27 significant environmental effects of proposed activities” and to “[d]isclose to the public the reasons why
28 a governmental agency approved the project in the manner the agency chose if significant environmental

1 effects are involved.” (CEQA Guidelines, § 15002, subds. (a)(1), (a)(4).) “Public participation is an
2 essential part of the CEQA process.” (*Id.*, § 15201.)

3 **II. Failure of Final EIR to Comply with CEQA**

4 91. Respondents violated CEQA by certifying a Final EIR in connection with the TerraVault
5 I Project that fails to comply with the requirements of CEQA and the CEQA Guidelines. The Final
6 EIR’s legal inadequacies and violations of CEQA include, but are not limited to:

7 a. The Final EIR lacks an accurate, stable, and finite project description, and engages in
8 impermissible piecemealing.

9 b. The Final EIR fails to provide an adequate set of project objectives.

10 c. The Final EIR fails to adequately analyze a reasonable range of alternatives that
11 would substantially lessen the significant environmental effects of the Project.

12 d. The Final EIR fails to accurately describe the environmental setting for the Project,
13 thus hindering a proper analysis of Project impacts and preventing the public from understanding its
14 potential impacts.

15 e. The Final EIR fails to adequately disclose or analyze the Project’s environmental
16 impacts, even after Petitioners and the public identified numerous analytical deficiencies. The
17 deficiencies in the County’s analysis include, but are not limited to, its analysis of Project impacts on
18 air quality, greenhouse gases, energy use, geology, pipeline hazards, water supply, biological
19 resources, and land use.

20 f. The Final EIR fails to adequately disclose, analyze, and mitigate growth-inducing
21 impacts.

22 g. The Final EIR fails to adequately disclose, analyze, and mitigate cumulatively
23 considerable impacts of the Project. The cumulative impacts analysis of the Project fails to include
24 “probable future projects” that could serve as CO₂ sources, and is unsupported, faulty, and internally
25 contradictory.

26 h. The Final EIR fails to adequately mitigate the Project’s impacts. The County relies on
27 vague, ineffective, unenforceable, and unlawfully deferred mitigation measures. The County also
28 fails to impose other feasible, effective, and legally required mitigation measures. The deficiencies

1 include, but are not limited to, the mitigation measures for air quality, greenhouse gases, energy use,
2 geology, pipeline safety, water supply, biological resources, and land use impacts.

3 i. The Final EIR fails to adequately respond to comments on the EIR, including, but not
4 limited to, ignoring or dismissing in a cursory fashion Petitioners' and the public's comments, expert
5 reports, and recommendations for feasible mitigation measures and alternatives.

6 92. As a result of these actions, Respondents prejudicially abused their discretion by failing
7 to proceed in the manner required by law and by failing to act on the basis of substantial evidence.

8 Accordingly, Respondents' certification of the Final EIR and approval of the Project must be set aside.

9
10 **III. Failure of County's Findings of Fact and Statement of Overriding
Considerations to Comply with CEQA**

11 93. Respondents also violated CEQA and the CEQA Guidelines by adopting findings of fact
12 and a statement of overriding considerations in connection with the TerraVault I Project that are invalid.
13 Because the County's analysis of impacts and feasible mitigation is flawed, and it improperly declined
14 to implement mitigation that could have reduced the identified significant environmental impacts,
15 including, but not limited to, impacts to air quality, greenhouse gases, energy use, geology, pipeline
16 hazards, water supply, biological resources, and land use, its override findings are necessarily flawed as
17 well. The County cannot simply "override" impacts where it has failed to adopt feasible mitigation to
18 mitigate them. Moreover, the findings are conclusory and unsupported by substantial evidence in that
19 they, inter alia, fail to describe the actual impact of the Project on the environment, fail to quantify the
20 cost and magnitude of impacts being overridden, and are grounded in demonstrably flawed and deficient
21 data and analysis.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Petitioners pray for judgment as follows:

24 94. For alternative and peremptory writs of mandate directing Respondents to vacate and set
25 aside their approval of the Project, certification of the Final EIR, and adoption of findings of fact and a
26 statement of overriding considerations in connection with their approval of the Project;

27 95. For alternative and peremptory writs of mandate directing Respondents to comply with
28 CEQA and the CEQA Guidelines, and to take any other action as required by Public Resources Code

1 section 21168.9 or otherwise required by law;

2 96. For a temporary stay, temporary restraining order, and preliminary and permanent
3 injunctions restraining Respondents and Real Parties in Interest and their representative agents, servants,
4 and employees, and all others acting in concert with Respondents or Real Parties in Interest on their
5 behalf, from taking any action to implement the Project pending full compliance with the requirements
6 of CEQA and the CEQA Guidelines;

7 97. For costs of the suit;

8 98. For Petitioners' attorneys' fees as authorized by Code of Civil Procedure section 1021.5
9 and/or other provisions of law; and

10 99. For such other and further relief as the Court deems just and proper.

11
12 Date: November 20, 2024



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22 *Attorneys for Petitioner Center for Biological
23 Diversity*

1 **VERIFICATION**

2 I, Gordon Nipp, hereby declare:

3 I am the Vice Chair of the Kern-Kaweah Chapter of the Sierra Club. Sierra Club is one of
4 the Petitioners in this action and I am authorized to execute this verification on Petitioners'
5 behalf. The facts alleged in the above Petition and Complaint are true to my personal knowledge
6 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 fifteenth day of November 2024 at
9 Bakersfield, California.

10 

11 Gordon Nipp

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Exhibit A



CALIFORNIA REGIONAL OFFICE | SAN FRANCISCO

50 CALIFORNIA ST. SUITE 500

SAN FRANCISCO, CA 94111

T: 415.217-2000

F: 415.217-2040

Via E-Mail and First-Class Mail

November 19, 2024

County of Kern
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caomailbox@kerncounty.com

Kathleen Krause
Clerk of the Board of Supervisors
County of Kern
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Lorelei Oviatt
Director
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Resources Department
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Re: Notice of Commencement of CEQA Litigation

To Whom It May Concern:

This letter is to notify you that the Committee for a Better Shafter, Delano Guardians, Comité Progreso de Lamont, Central California Environmental Justice Network, Sierra Club, and Center for Biological Diversity (together, “Petitioners”) will file suit against the County of Kern and the Board of Supervisors of the County of Kern (together, “the County”) for failure to observe the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 et seq., and the CEQA Guidelines, California Code of Regulations section 15000 et seq., in the administrative process that culminated in the County’s approval of the Carbon TerraVault I Carbon Capture and Storage Project (State Clearinghouse No. 2022030180) (“Project”), certification of the Final Environmental Impact Report for the Project, and adoption of Findings of Fact and a Statement of Overriding Considerations in connection with the Project.

This notice is given pursuant to Public Resources Code section 21167.5.

Sincerely,

Michelle Ghafar
EARTHJUSTICE

*Counsel for Petitioners Central California
Environmental Justice Network and Sierra
Club*



Grecia Orozco
Natalia Ospina
CENTER ON RACE, POVERTY & THE
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*Counsel for Petitioners Committee for a
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Victoria Bogdan Tejeda

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David Pettit
CENTER FOR BIOLOGICAL DIVERSITY
*Counsel for Petitioner Center for Biological
Diversity*

1 **PROOF OF SERVICE**

2 *Committee for a Better Shafter et al. v. County of Kern et al.*

3 **Superior Court of the State of California – County of Kern**

4 At the time of service, I was over 18 years of age and **not a party to this action**. I am
5 employed in the County of San Francisco, State of California. My business address is 50 California
6 Street, Suite 500, San Francisco, CA 94111.

7 On November 19, 2024, I served a true copy of the following document described as:

8 **NOTICE OF COMMENCEMENT OF CEQA LITIGATION**

9 on the parties in this action as follows:

10 County of Kern
11 1115 Truxtun Avenue, 5th Floor
12 Bakersfield, CA 93301
caomailbox@kerncounty.com

13 Kathleen Krause
14 Clerk of the Board of Supervisors
15 County of Kern
16 1115 Truxtun Avenue, 5th floor
17 Bakersfield, CA 93301
clerkofboard@kerncounty.com

18 Lorelei Oviatt
19 Director
20 Kern County Planning & Natural Resources Department
21 2700 M Street, Suite 100
22 Bakersfield, CA 93301
loreleio@kerncounty.com
planning@kerncounty.com

23 **BY MAIL:** I enclosed the document in a sealed envelope or package addressed to the
24 persons at the addresses listed above and deposited the sealed envelope with the United States Postal
25 Service, with the postage fully prepaid. I am employed in the county where the mailing occurred.
26 The envelope was placed in the mail at 1 Embarcadero Center, Suite SL12, San Francisco, CA
27 94111.

1 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document to
2 be sent from the e-mail address frodriguez@earthjustice.org to the persons at the email addresses
3 listed above. I did not receive, within a reasonable time after the transmission, any electronic
4 message or other indication that the transmission was unsuccessful.

5 I declare under penalty of perjury under the laws of the State of California that the foregoing
6 is true and correct.

7 Executed on November 20, 2024, at Pleasant Hill, California.

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Firenze Rodriguez
Firenze Rodriguez