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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA
SOUTH COUNTY REGION**

CENTER FOR BIOLOGICAL DIVERSITY
and WISHTOYO FOUNDATION,

Petitioners/Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF
FORESTRY AND FIRE PROTECTION;
OFFICE OF THE STATE FIRE MARSHAL;
DANIEL BERLANT, in his official capacity
as State Fire Marshal; and DOES 1 through
10, inclusive,

Respondents/Defendants.

SABLE OFFSHORE CORP., a Delaware
Corporation, PACIFIC PIPELINE
COMPANY, a Delaware Corporation, and
DOES 11 through 20, inclusive,

Real Parties in Interest.

Case No.: 25CV02244

**PETITIONERS' EX PARTE
APPLICATION FOR AN
ADMINISTRATIVE STAY OR, IN THE
ALTERNATIVE, AN ORDER TO SHOW
CAUSE WHY A PRELIMINARY
INJUNCTION SHOULD NOT BE
GRANTED AND TEMPORARY
RESTRAINING ORDER;
MEMORANDUM OF POINTS AND
AUTHORITIES**

[Filed Concurrently with Request for
Judicial Notice; Declarations of Julie
Teel Simmonds, Kara Clauser, Richard
B. Kuprewicz, Blake Kopcho, Brady
Bradshaw, Jeff Miller, and Tevin
Schmitt; and (Proposed) Orders]

Date: June 3, 2025
Time: 8:30 a.m.
Dept: 4
Judge: Hon. Donna D. Geck

[Action Filed: April 15, 2025]

EX PARTE APPLICATION

TO THE HONORABLE COURT, ALL PARTIES, AND ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on June 3, 2025, at 8:30 a.m. or as soon thereafter as the matter may be heard in Department 4 of the Superior Court of Santa Barbara, located at 1100 Anacapa Street, Santa Barbara, California 93121, Petitioners Center for Biological Diversity and Wishtoyo Foundation (Petitioners) will apply *ex parte* for an immediate administrative stay of Respondents/Defendants California Department of Forestry and Fire Protection and its Office of the State Fire Marshal's (collectively Cal Fire) issuance of waivers from pipeline safety requirements to Sable for the Las Flores Pipeline System (State Waivers), a pre-requisite for restarting the pipelines. In the alternative, Petitioners will seek (1) an order to show cause why a preliminary injunction should not be issued to prohibit Cal Fire from issuing any further authorizations for the Las Flores Pipeline System and to prohibit Real Parties in Interest Sable Offshore Corp. and its wholly-owned subsidiary Pacific Pipeline Company (collectively, Sable) from reliance on or actions taken pursuant to the State Waivers and from restarting the Las Flores Pipeline System to transport oil from the Santa Ynez Unit (SYU) pending judgment on the merits of this case and (2) a temporary restraining order prohibiting the same pending any preliminary injunction hearing.

Good cause and exigency exist because Sable has announced that it restarted oil production at the SYU and that it has satisfied the "final operational condition to restart the Onshore Pipeline." (*See* Declaration of Julie Teel Simmonds ¶¶ 2–4, Exs. 1–3. (Teel Decl.)) Additionally, an administrative stay or preliminary relief is in the public interest. Authorizing the restart of failed, ten-years-idled pipelines despite their lack of effective corrosion-prevention systems and inherent structural flaws will irreparably harm the Petitioners' members and the public's interest in informed decisionmaking with public participation and in preventing imminent impacts from the improper restart of SYU oil production and transport, including the risk of another devastating oil spill. The balance of harms tips sharply in favor of Petitioners and protecting California's irreplaceable resources from a rushed restart of this pipeline system—without environmental and procedural safeguards—ten years after its catastrophic failure.

As set forth in the attached Memorandum of Points and Authorities, the SYU has not produced oil since the 2015 Refugio Beach Oil Spill, when Line CA-324 (then called Line 901) ruptured due to

1 massive external corrosion, spilling what is now believed to be upwards of 450,000 gallons of oil and
2 resulting in the deaths of hundreds of wild animals and the closure of fisheries and beaches. The direct
3 and proximate cause of the rupture was the pipeline’s inherently flawed design, which prevented
4 federally mandated corrosion-prevention measures from working properly. Nonetheless, Cal Fire issued
5 State Waivers for the SYU restart proposal (Project) exempting Sable’s pipelines from compliance with
6 certain pipeline safety mandates without the required environmental and pipeline safety review, public
7 participation, and reasoned findings and decisions.

8 On May 19, 2025, the ten-year anniversary of the 2015 oil spill disaster, Sable publicly reported
9 it resumed production from the SYU the previous Friday, storing the oil at the onshore Las Flores
10 Canyon processing facilities with plans to resume use of the corrosion prone Las Flores Pipeline System
11 in a matter of weeks. (*See* Teel Decl. ¶ 2, Ex. 1.) In its effort to restart oil production and transport using
12 the very same pipelines that have already ruptured and caused massive irreparable harm, Sable has
13 received several cease-and-desist orders and other notices of violation or potential violation, including a
14 Cease-and-Desist Order, Restoration Order, and \$18 million penalty from the California Coastal
15 Commission. (*See* Teel Decl., ¶ 5, Ex. 4.) Nevertheless, Sable continued conducting work in an effort to
16 restart the pipelines by the second quarter of 2025.

17 Given Sable’s aggressive timeline and approach, preliminary relief is necessary to preserve the
18 status quo and allow this Court to resolve the questions raised in this litigation. Restarting oil production
19 and transport through this pipeline system prior to the resolution of this litigation will jeopardize public
20 health and safety and prejudice the consideration of adequate mitigation measures and alternatives—
21 including the alternative of not allowing the pipelines to restart at all due to their dangerous design
22 flaws—and will entirely undercut the CEQA and pipeline safety law processes.

23 Pursuant to California Rule of Court 3.1202(b), Petitioners have made no previous application
24 for similar relief. (Teel Decl., ¶ 30.) Further, pursuant to California Rules of Court 3.1203 and 3.1204(a),
25 California Code of Civil Procedure section 527(c), and Local Rule 1009, notice of this Application and
26 when it would be presented was provided to Respondents/Defendants and Real Parties in Interest on
27 June 2, 2025. (*See* Teel Decl., ¶ 28.) At the time of submitting these documents to the filing service for
28 filing and service, Respondents/Defendants and Real Parties in Interest had not yet responded to indicate

1 if they will attend the June 3 hearing on this Application or will oppose the requested relief. Petitioners
2 expect that Respondents/Defendants and Real Parties in Interest will appear and oppose the application.
3 (*See id.* ¶ 29.) Pursuant to California Rule of Court 3.1202(a), contact information for counsel for
4 Respondents/Defendants and potential counsel Real Parties in Interest is provided below:

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23
24 This *Ex Parte* Application is made pursuant to California Code of Civil Procedure sections 526,
25 527, and 1094.5(g), and California Rule of Court 3.1150. The application is based on Petitioners'
26 Verified Petition for Writ of Mandate and Complaint; the attached Memorandum of Points and
27 Authorities; the accompanying Declarations of Julie Teel Simmonds, Kara Clauser, Richard B.
28 Kuprewicz, Blake Kopcho, Brady Bradshaw, Jeffrey Miller, and Tevin Schmitt; the accompanying

1 Request for Judicial Notice; and such further evidence and argument that the Court may consider at or
2 before the hearing on this Application.

3
4 Dated: June 2, 2025

Respectfully submitted,

5
6 /s/ Julie Teel Simmonds

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1 **MEMORANDUM OF POINTS OF AUTHORITIES**

2 Ten years to the day after the devastating Refugio Oil Spill of 2015, Sable Offshore Corp.
3 (Sable) publicly announced the restart of oil production at the Santa Ynez Unit (SYU) and anticipated
4 oil sales from the Las Flores Pipeline System this summer. Petitioners Center for Biological Diversity
5 (Center) and Wishtoyo Foundation (Wishtoyo) (collectively, Petitioners) are before the Court to ensure
6 any such restart cannot occur until this case’s California Environmental Quality Act (CEQA) and
7 pipeline safety law claims are decided on the merits. The Las Flores Pipeline System is defectively
8 designed and corrosion prone. When it failed in 2015 due to its defective coating, insulation, and
9 cathodic protection system, three options were laid out in a Consent Decree: abandon the failed
10 pipelines; build replacement pipelines; or restart the pipelines if all legal requirements could be met. Yet
11 Respondents California Department of Forestry and Fire Protection and its Office of the State Fire
12 Marshal (collectively Cal Fire) never conducted a CEQA process for this SYU restart project (Project)
13 when approving it, nor did they comply with pipeline safety procedures or mandates. Restarting these
14 defectively designed and corrosion-prone pipelines has major implications that have never been
15 analyzed. Now is the time to ensure, through the requested relief, that the proper procedures and
16 requirements are followed to prevent environmental harm and protect public safety before it is too late.

17 **STATEMENT OF FACTS**

18 **I. OVERVIEW OF THE LAS FLORES PIPELINE SYSTEM**

19 In 1986, Santa Barbara County approved the Celeron/All American Pipeline Project to transport
20 oil from the SYU. (Petitioners’ Verified Petition for Writ of Mandate (Petition) at ¶ 35.) Line 901/CA-
21 324, which became operational in 1992, is a 24-inch diameter, buried, insulated pipeline that extends
22 just under eleven miles in length from storage tanks in Las Flores Canyon to the Gaviota Pumping
23 Station. (*Id.* at ¶ 39) Line 903/CA-325, which became operational in 1991, is a 30-inch diameter pipeline
24 that extends approximately 128 miles in length from Gaviota to the Emidio Pump Station. (*Id.* at ¶ 40.)

25 The Las Flores Pipeline System starts at 150 feet of elevation, rising to close to 3,000 feet before
26 dropping to approximately 690 feet at its Pentland Station terminus. (Petition at ¶ 43.) The required
27 operating temperatures to transport heavy crude oil across that elevation profile are uniquely high and
28 accelerate external pipeline corrosion. (*Ibid.*) The approximately 125-mile pipeline system crosses three

California counties: Santa Barbara, San Luis Obispo, and Kern. (*Id.* at ¶ 44.) The pipeline system also crosses unusually sensitive areas, as well as active faults, sensitive groundwater basins, drinking water aquifers, flood plains, residential areas, and numerous streams, creeks and rivers. (*Id.* at ¶¶ 45–48.)

II. REFUGIO OIL SPILL AND PIPELINE FAILURE REPORT

On May 19, 2015, Line 901/CA-324 ruptured and caused one of the most disastrous oil spills in California history. (Petition at ¶ 50.) The corroded pipeline spilled what is now believed to be over 450,000 gallons of oil, killing hundreds of birds and mammals and closing fisheries and beaches. (*Id.* at ¶ 51.) A wide variety of nearshore fish species were impacted by the spill, including surfperch and grunion, which were spawning during the spill. The spill also impacted a wide variety of coastal habitats and species protected under the federal and state Endangered Species Acts. (*Ibid.*)

The Pipeline and Hazardous Materials Safety Administration’s (PHMSA) Failure Report for the spill concluded that the direct cause of the failure was “progressive external corrosion” under the pipeline’s coating system. (Petition at ¶ 54; Teel Decl., ¶ 6, Ex. 5 at p. 67.) The Report also confirmed that problems were not confined to the failure site and there was pervasive corrosion and metal loss throughout the Pipeline System. (Petition at ¶ 53.; Teel Decl., ¶ 7, Ex. 5 at p. 66)

Further, the Failure Report noted that water had been trapped inside the pipeline’s foam insulation, “indicating that the integrity of the coating system had been compromised.” (Teel Decl., ¶ 6, Ex. 5 at p. 67) The Report ultimately found that the pipelines’ cathodic protection (CP) system was “not effective in preventing corrosion from occurring beneath the pipeline’s coating/insulation system.” (*Id.* at p. 56.) Additionally, the Failure Report noted that this CP system “cannot protect” the insulated steel pipelines when the coating becomes compromised. (*Id.* at p. 67.)

III. TRANSFER TO SABLE AND EFFORTS TO RESTART

On February 14, 2024, Sable closed on a Purchase and Sale Agreement with ExxonMobil Corporation and Mobil Pacific Pipeline Company to acquire the SYU assets as well as the outstanding shares of Pacific Offshore Pipeline Company and Pacific Pipeline Company. (Petition at ¶ 64.) According to the terms of the acquisition, if production of oil and gas does not restart from SYU by January 1, 2026, the assets revert to ExxonMobil Corporation. (*Ibid.*)

While its predecessors once pursued building new, replacement pipelines, Sable is not pursuing a

1 pipeline replacement project for the Las Flores Pipeline System and is instead trying to restart SYU
2 activities using the old, extensively corroded, already-failed onshore pipeline system. (Petition at ¶ 66.)
3 Sable identified 121 “anomalies” where work is required before it can even attempt to restart the
4 pipeline system, (*id.* at ¶ 67), which Sable says it has now completed. (Teel Decl. ¶ 3, Ex. 2 at p. 36.)

5 Pursuant to the Consent Decree entered into by the former owner/operator of the pipeline system
6 and numerous governmental entities, if restart is chosen over the other two options noted in the Consent
7 Decree (pipeline replacement and pipeline abandonment), the operator “shall apply for a State Waiver
8 through [Cal Fire] for the limited effectiveness of cathodic protection,” which “must [be] receive[ed] . . .
9 prior to restarting.” (Teel Decl. ¶ 7, Ex. 6 at p. 78.)

10 On April 24, 2024, Sable applied for the State Waivers from Cal Fire to restart the pipelines even
11 though the thermally insulated pipeline’s cathodic protection has “limited effectiveness” and has
12 corrosion of or along its longitudinal seam. (Teel Decl. ¶ 8, Ex. 7.) On December 17, 2024, Cal Fire
13 issued the State Waivers without conducting any environmental review or providing a public comment
14 or hearing opportunity. (*Id.* at ¶¶ 9-10, Exs. 8, 9.) Amongst other measures proposed to try to offset the
15 pipelines’ inherent defects, the State Waivers contemplate over 190 digs and excavations over the next
16 ten years to attempt to verify the results of in-line inspections. (*Id.*).

17 ARGUMENT

18 I. LEGAL STANDARD

19 Courts may stay the operation of an administrative decision pending judgment if doing so is in
20 the public interest. (Code Civ. Proc., § 1094.5, subd. (g).) In fact, whether the stay would be against the
21 public interest should be the *only* factor informing the Court’s decision. (*See Canyon Crest Conservancy*
22 *v. County of Los Angeles* (2020) 46 Cal.App.5th 398, 407 [court “not required to make any additional
23 findings” aside from “finding that granting a stay would not be against the public interest”]; *see also Bd.*
24 *of Medical Quality Assurance v. Superior Court* (1980) 114 Cal.App.3d 272, 276.)

25 Similarly, Courts may grant temporary restraining orders on *ex parte* notice to maintain the
26 status quo solely upon showings that the applicant informed the opposing party when and where the
27 application would be made and that “[i]t appears from facts shown by affidavit or by the verified
28 complaint that great or irreparable injury will result to the applicant before the matter can be heard on

notice.” (Code Civ. Proc., § 527, subd. (c).) “The general purpose of [preliminary relief] is to preserve the status quo pending a determination on the merits of the action.” (*Tulare Lake Canal Co. v. Stratford Public Utility Dist.* (2023) 92 Cal.App.5th 380, 396 (hereafter *Tulare*).)

Finally, courts may grant a preliminary injunction when “it appears by the complaint or affidavits that the commission or continuance of some act during the litigation would produce waste, or great or irreparable injury, to a party to the action.” (Code Civ. Proc., § 526, subd. (a).) The test for interim relief involves consideration of two interrelated factors: “the likelihood that the plaintiff will prevail on the merits at trial” and “the interim harm that the plaintiff is likely to sustain if the injunction were denied as compared to the harm that the defendant is likely to suffer if the preliminary injunction were issued.” (*Anderson v. County of Santa Barbara* (2023) 94 Cal. App. 5th 554, 567–68, quoting *Best Friends Animal Society v. Macerich Westside Pavilion Property LLC* (2011) 193 Cal.App.4th 168, 174.)

This determination “must be guided by a ‘mix’ of the potential-merit and interim-harm factors” because “the greater the plaintiff’s showing on one, the less must be shown on the other to support an injunction.” (*Butt v. State of California* (1992) 4 Cal.4th 668, 678, citing *King v. Meese* (1987) 43 Cal.3d 1217, 1227–28.) “The ultimate goal of any test to be used in deciding whether a preliminary injunction should issue is to minimize the harm which an erroneous interim decision may cause.” (*White v. Davis* (2003) 30 Cal.4th 528, 554, quoting *IT Corp. v. County of Imperial* (1983) 35 Cal.3d 63, 73.) While the mere possibility of harm is insufficient to justify a preliminary injunction, movants are “not required to wait until they have suffered *actual harm* before they apply for an injunction but may seek injunctive relief against the *threatened infringement* of their rights.” (*Costa Mesa City Employees Assn. v. City of Costa Mesa* (2012) 209 Cal.App.4th 298, 305, quoting (*Maria P. v. Riles* (1987) 43 Cal.3d 1281, 1292.)

II. THE PUBLIC INTEREST FAVORS PROTECTING IRREPLACEABLE RESOURCES AND ENSURING PUBLIC SAFETY

The basic purposes of CEQA are to “(1) [i]nform governmental decision makers and the public about the potential, significant environmental effects of proposed activities[;] (2) [i]dentify ways that environmental damage can be avoided or significantly reduced[;] (3) [p]revent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures[;]. . . . [and] (4) [d]isclose to the public the reasons why a governmental agency approved the

project in the manner the agency chose” (Cal. Code Regs., tit. 14, § 15002, subd. (a).) Similarly, pipeline safety laws “provide adequate protection against risks to life and property posed by pipeline transportation and pipeline facilities” (49 U.S.C. § 60102, subd. (a)(1)), ensure “public safety,” and prevent “the probability of injury or damage.” (Gov. Code, § 51011, subd. (b).)

The public interests at the very core of CEQA and pipeline safety laws—establishing informed decisionmaking, ensuring public safety, and preventing avoidable environmental damage—are each significantly jeopardized here and necessitate an administrative stay or preliminary relief. Petitioners urge this Court to grant the requested relief to prevent potential irreparable damage before it is too late.

A. The Public Will Suffer Irreparable Harm Absent Preliminary Relief

The public interest in ensuring informed decisionmaking and disclosure of agency reasoning are critical here given the strong public interests this Project affects. (*See* Bradshaw Decl., ¶ 19 [“It’s deeply alarming that [Cal Fire] has shut out the public’s participation. If [they] had conducted a public hearing on the waivers, I would have attended to object to the intolerable risk of another oil spill”]; *see also* Schmitt Decl. at ¶ 10 [“actions like this betray public trust in government agencies”].) The health and safety of Californians along the pipeline route and the area’s sensitive resources are threatened by Cal Fire’s decision to waive pipeline safety requirements and allow Sable to start transporting oil through the defective, corrosion-prone pipeline system without any environmental review and public input.

A lack of agency CEQA review about the potential significant environmental effects of a project conclusively establishes harm to the public interest in informed decisionmaking. (*Tulare, supra*, at pp. 409.) Indeed, harm to the public interests in informed decisionmaking and public disclosure are precisely “the types of public interests that must be considered in evaluating the relative balance of harms from granting or denying a preliminary injunction.” (*Id.* at p. 411; *see also Saltonstall v. City of Sacramento* (2014) 231 Cal.App.4th 837, 854, quoting *O’Connell v. Superior Court* (2006) 141 Cal.App.4th 1452, 1471 [“It is well established that when injunctive relief is sought, consideration of public policy is not only permissible but mandatory”].)

Here, the public is irreparably harmed by a lack of informed decisionmaking and opportunity for public participation because it led to a foregone conclusion of just a single course of action—authorizing the restart of oil transport through defective pipelines that lack otherwise-required corrosion-prevention

1 and remediation measures—without the requisite consideration of impacts, alternatives, mitigation
2 measures, and public input. (*See* Pub. Res. Code, § 21002; Petition at ¶ 128.) If the pipelines are allowed
3 to restart before this case is resolved and without public notice, any CEQA and pipeline safety review
4 ultimately ordered by this Court would “likely become nothing more than post hoc rationalizations to
5 support action already taken.” (*Tulare, supra*, at p. 416, quoting *Laurel Heights Improvement Assn. v.*
6 *Regents of Univ. of California* (1988) 47 Cal.3d 376, 392.) An administrative stay or preliminary relief
7 is necessary to protect the integrity of the review processes required here.

8 **B. The Risk of Pipeline Rupture is Substantial and Has Intolerable Consequences**

9 An administrative stay or preliminary relief is also necessary to protect the public interest and the
10 interests of Petitioners’ members in preventing the irreparable environmental harm of another oil spill.
11 Upon a finding that activities “will prejudice the consideration or implementation of particular
12 mitigation measures or alternatives to the project,” CEQA *requires* courts to enjoin project activities
13 “that could result in an adverse change or alteration to the physical environment, until the public agency
14 has taken any actions that may be necessary to bring the determination, finding, or decision into
15 compliance” with CEQA. (Pub. Res. Code, § 21168.9, subd. (a)(2).)

16 As noted by pipeline safety expert Richard Kuprewicz, whose December 20, 2024, and February
17 21 2025, reports were provided to Cal Fire on December 23, 2024, and March 2, 2025, respectively
18 (Teel Decl. ¶¶ 11-12, Exs. 10–11), the Las Flores Pipeline System is unusually dangerous given its
19 inherent design flaws. (Kuprewicz Decl., ¶ 8.) The greatest threat to the integrity and safety of the
20 pipelines is from external corrosion due to the poor design of the pipelines that render cathodic
21 protections ineffective at reducing or preventing failure from external corrosion. (*Ibid.*) Without such
22 protections, the pipelines are at particularly high risk of spilling again for the additional reason that the
23 high temperature at which the pipeline system must operate across its hilly route accelerates corrosion.
24 (*Id.* at ¶¶ 8, 10.) Pipeline integrity management tools like those included in the State Waivers have a
25 significant margin for error, are not a substitute for proper pipeline design or effective cathodic
26 protections, and create an illusion of safety. (*Ibid.*) Thus, the poorly designed pipelines cannot be made
27 as safe as new pipelines that have properly functioning cathodic protections. (*Id.* at ¶ 11.)

28 Because the Las Flores Pipeline System has already ruptured once, the consequences of a spill

1 are already well known. The 2015 Refugio Beach Oil Spill damaged approximately 1,500 acres of
2 shoreline habitat and 2,200 acres of subtidal and fish habitats; it killed at least 558 birds and 232 marine
3 mammals; and it resulted in over 140,000 lost user days in Santa Barbara and Ventura counties. (*See*
4 Teel Decl. ¶ 13, Ex. 12 at p. 163.) The estimated monetary value of these natural resources damages was
5 \$22.3 million. (*Id.* at p. 179.) And as of 2023, the aggregate total costs of the spill incurred by the
6 pipeline owner were approximately \$750 million. (*See id.* at ¶ 14, Ex. 13 at p. 183.) Preliminary relief is
7 necessary to prevent such devastating environmental harm from occurring again.

8 Beyond the coastline, another oil spill could also irreparably harm the significant amount of
9 wildlife and people all along the approximately 125-mile pipeline routes. The pipelines pass through a
10 populated suburban neighborhood in the city of Buellton, close to schools, parks, and dozens of
11 residential homes. (Petition at ¶ 48.) Moreover, there are at least five designated critical habitats and
12 occurrences of at least sixteen federally and state-listed threatened and endangered species along the
13 pipeline routes. (Clauser Decl., ¶ 5, Ex. 1.) Finally, the pipelines cross countless streams in addition to
14 the Santa Ynez River, Sisquoc River, and Cuyama River, jeopardizing water quality. (*Id.* at ¶ 6, Ex. 2;
15 Petition at ¶ 46.) If the pipelines were to rupture, there would be devastating health and safety impacts to
16 California residents, natural resources, and biodiversity. Such risks are only compounded by the
17 pipelines' crossing of more than a dozen quaternary faults (Clauser Decl., ¶ 7, Ex. 3), elevation levels
18 exceeding 2,500 feet (*id.* at ¶ 8, Ex. 4), high wildfire hazard severity zones (*id.*, ¶ 9, Ex. 5), and public
19 lands like state parks and refuges (*id.* at ¶ 10, Ex. 6).

20 Another oil spill would also irreparably harm Petitioners and their members' interests in the
21 environment and wildlife that inhabits it. For example, Center member Blake Kopcho lives in Santa
22 Barbara and enjoys hiking, surfing, scuba diving, sailing, and spending time in and around the ocean,
23 beach, and bluffs. (Kopcho Decl., ¶ 4) He regularly surfs, hikes, sails, scuba dives, camps, and watches
24 wildlife all along the Santa Barbara Channel and Gaviota coast, including the Channel Islands. (*Id.* at
25 ¶¶ 7–18.) The area's importance to Mr. Kopcho cannot be overstated. (*E.g., id.* at ¶ 18 [“Many of the best
26 moments of my life have been spent surfing, sailing, and diving in the Santa Barbara Channel. These
27 activities are a central part of my life”].) If the pipelines restart and another spill occurs, Mr. Kopcho
28 would be irreparably harmed by being prevented from hiking, surfing, diving, and otherwise recreating

1 along Santa Barbara’s coast, depriving him of the physical and mental benefits of connecting with the
2 natural world. He also expressed concern that the Project will negatively impact his health and climate.
3 (*Id.* at ¶¶ 19–27.) Center member Brady Bradshaw has similar recreational interests that would be
4 irreparably damaged by another oil spill. (*See* Bradshaw Decl., ¶ 20 [“My freediving, swimming, and
5 ocean-based spiritual practices are a core part of who I am and are central to my wellbeing”].)

6 Similarly, Wishtoyo member and Watershed Scientist Tevin Schmitt would be irreparably
7 harmed by another oil spill. Mr. Schmitt’s “interests, passions, volunteer efforts, hobbies, and ability to
8 conduct [his] responsibilities as Watershed Scientist all depend on a clean environment with thriving
9 wildlife.” (Schmitt Decl., ¶ 15.) He is an avid birder who regularly leads educational hikes to teach the
10 public about local ecology and bird identification in the Ventura and Santa Barbara area and will likely
11 be leading a hike this upcoming fall at Emma Wood State Beach, Ormond Beach/Wetlands, or the Santa
12 Clara River Estuary/McGrath State Beach, all of which were impacted by the 2015 oil spill. (Schmitt
13 Decl., ¶¶ 6–8.) Birding is particularly important for Mr. Schmitt as he is “enthralled by the evolution of
14 flight, the mastery of terrestrial and marine ecological niches, and their song.” (*Id.* at ¶ 6.) He also
15 regularly enjoys birding, camping, fishing, and game hunting in Los Padres National Forest, “the closest
16 and most accessible national forest in the region” which sections of the pipelines cross. (*Id.* at ¶ 14.)
17 “The looming threat of an oil spill from these facilities, as well as construction and associated pollution
18 and greenhouse gas emissions, have negative impacts on my ability to recreate and enjoy the aesthetic
19 beauty of these forested lands.” (*Ibid.*) Center member Jeffrey Miller—a conservationist and avid
20 birdwatcher who regularly visits Carrizo Plain National Monument, Gaviota State Park, and Los Padres
21 National Forest for birdwatching, nature photography, and conservation purposes—similarly would be
22 irreparably harmed should restart and another spill occur. (Miller Decl., ¶¶ 8–11, 17 [“My interests in
23 the Los Padres National Forest, Carrizo Plain, and the many rare species they support are at imminent
24 risk of harm the minute oil starts flowing through the pipelines”].)

25 Operation of these faulty, decades-old pipelines places California’s sensitive habitat and
26 residents in grave danger, as the impacts of another oil spill would be long-term, and in some cases
27 permanent. The ongoing risk of irreparable harm to the Center’s members and the public weighs heavily
28 in favor of an administrative stay or preliminary injunctive relief.

1 **C. The Project Has Significant Unassessed Environmental Impacts**

2 Beyond the risk of oil spills, restarting SYU oil production and transport will cause other
3 significant environmental impacts that have gone entirely unassessed. For example, restarting the SYU
4 activities will have significant greenhouse gas and air pollution impacts. Before it shut down in 2015,
5 the Las Flores Canyon onshore facilities that processed oil and gas from the SYU were Santa Barbara
6 County’s largest source of greenhouse gas emissions. (Teel Decl. ¶ 14, Ex. 14 at p. 195.) It contributed
7 55 percent of Santa Barbara County’s total greenhouse gas emissions. (*Id.*)

8 Additionally, the construction work associated with restarting the SYU also imposes significant
9 unassessed air pollution, noise, aesthetics, and biological resource impacts. There has already been
10 observed excavation with heavy equipment in the coastal zone; removal of major vegetation; and
11 installation of fill material within wetlands. Work was conducted during the breeding season for the
12 southern California steelhead and the California red legged frog and damaged sensitive species habitat.
13 (Teel Decl. ¶ 5, Ex. 4 at p. 42, 46.) These same kinds of impacts are likely to continue in the future given
14 the State Waivers’ requirement of extensive digs and excavations.

15 The ongoing risk of irreparable harm from significant unmitigated environmental impacts
16 stemming from the Project absent any environmental review also weighs heavily in favor of an
17 administrative stay or preliminary injunctive relief.

18 **D. Sable Has Begun Oil Production and the Risk of Harm Is Imminent**

19 Sable announced its intent to restart the Las Flores Pipeline System in the second quarter of
20 2025. (*See* Teel Decl. ¶ 19, Ex. 18 at p. 228.) On May 9, 2025, Sable obtained a right-of-entry from the
21 Department of Parks and Recreation to conduct work on eighteen (18) discrete pipeline anomaly sites
22 and complete what it said was the only remaining work needed to restart the pipelines. (*See* Teel Decl.
23 ¶ 16, Ex. 15 at p. 203.) On May 19, Sable announced it restarted production at the SYU on May 15,
24 producing and transporting oil to two onshore storage tanks, despite the lack of requisite
25 communications with public agencies and approval to return the pipelines to service. (Teel Decl. ¶ 2, 4,
26 Exs. 1, 3; *id.* at ¶ 17, Ex. 16.) Sable also stated it finished all anomaly work and hydrotesting and
27 anticipates oil sales from the SYU using the Pipeline System in July 2025. (Teel Decl. ¶ 3, Ex. 2, p. 12.)

28 On May 28, 2025, a preliminary injunction was granted to the California Coastal Commission,

1 which restrains Sable from committing any further violation of the Commission’s April 10, 2025 cease
2 and desist order. (Teel Decl. ¶ 18, Ex. 17.) However, the injunction does not explicitly enjoin Sable from
3 restarting the pipelines, and Sable has expressed its continued intention to do so in short order. (*Id.*) The
4 requested relief is necessary given that oil could start flowing through the pipelines any day—with no
5 notice to Petitioners or the public, opportunity for public involvement, or informed decisionmaking—
6 leaving great risks to the environment and public interests, health, and safety. (Teel Decl. ¶ 27, Ex. 23.)

7 **E. Any Harm to Sable Is Minimal Compared to the Public Interest Harms at Stake**

8 This Court has ample discretion to determine that enjoining the State Waivers and protecting the
9 status quo of non-operational pipelines pending resolution of the merits more strongly serves the public
10 interest than does protecting Sable and its shareholders from any alleged harms from delay.¹ (*See, e.g.,*
11 *People v. Uber Technologies, Inc.* (2020) 56 Cal.App.5th 266, 312–13 [“rectifying . . . irreparable harm
12 shown by the People more strongly serves the public interest than protecting. . . shareholders”].) Indeed,
13 any potential harm to shareholders that Sable alleges underscores the importance of granting preliminary
14 relief in this case. Oil flowing through the Las Flores Pipeline System will carry with it the exact
15 “bureaucratic and financial momentum” that preliminary injunctive relief is designed to prevent. (*See*
16 *Laurel Heights v. Regents, supra*, 47 Cal.3d at p. 395.)

17 Even if the Court determines Petitioners are unlikely to prevail on the merits, the balance of
18 harms still weighs in favor of granting preliminary relief. Ensuring meaningful environmental and
19 pipeline safety review to prevent avoidable harms certainly outweighs the harm of a mere *delay* in
20 Sable’s ability to profit. The pipelines have been shut-in for a full decade since the 2015 rupture, so
21 pausing restart for a few more months pending a decision on the merits is a minor imposition on a
22 company that has publicly acknowledged numerous risk factors. This includes warnings that “[m]any of
23 these risks are heightened . . . [since the] equipment has been shut-in for more than eight years,” and that
24 “[t]here is no assurance that we will be successful in satisfying [permitting] obligations and
25 requirements and restarting production . . . in a timely manner.” (*See* Teel Decl. ¶ 20, Ex. 19.)

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28 ¹ As noted above, the Court need only consider the public interest and not the balance of harms for determining
whether to grant an administrative stay. (*See Canyon Crest Conservancy, supra*, 46 Cal.App.5th at 407.)

1 **III. PETITIONERS ARE LIKELY TO PREVAIL ON THE MERITS**

2 **A. Pipeline Safety Law Violations**

3 Petitioners' first and second causes of action challenge Cal Fire's failure to comply with state
4 and federal pipeline safety laws when issuing the State Waivers. First, Petitioners are likely to prevail on
5 their claims that Cal Fire violated pipeline safety laws by issuing the State Waivers without any public
6 notice and hearing or environmental review, as required.² (49 U.S.C. § 60118, subd. (c)(1)(B); Petition
7 at ¶ 101.) Indeed, Petitioners only discovered that Cal Fire issued the State Waivers through Sable's
8 December 17, 2024 U.S. Securities and Exchange Commission filing. (Petition at ¶ 71.)

9 Second, Petitioners are likely to prevail on their claim that Cal Fire violated state pipeline safety
10 laws by failing to "include a discussion of those factors that the State Fire Marshal considers significant
11 to the granting of the exemption." (Gov. Code, § 51011, subd. (c).) The State Waivers fail to provide
12 any findings or analysis justifying the decisions. (Petition at ¶ 123.) Instead, they blanketly declare
13 (1) Sable provided Cal Fire with certain proposed measures to mitigate the risk of corrosion and (2) Cal
14 Fire safety engineers reviewed the provided materials and were in communication with PHMSA to
15 incorporate PHMSA's recommends. (Teel Decl. ¶¶ 9-10, Exs. 8-9, at p. 118, 134.) Thus, the State
16 Waivers contain no discussion of the risks that restarting pipelines with defective external coating and
17 cathodic protections poses. The Waivers do not, for example, discuss the pipelines' continued
18 vulnerability to corrosion, the implications of the high temperatures the pipelines must operate at to
19 move the crude oil through hilly terrain, the shortcomings of inline inspection technologies and
20 hydrotesting, or the threats to unusually sensitive areas which the pipelines cross. (Kuprewicz Decl.,
21 ¶¶ 8, 10; Petition at ¶ 46.)

22 Third, Petitioners are likely to prevail on their claims that Cal Fire failed to establish (1) "the
23 waiver[s] [are] not inconsistent with pipeline safety" (49 U.S.C. § 60118, subd. (c)(1)(A)) or (2) "the
24 risk to public safety is slight and the probability of injury or damage remote." (Gov. Code, § 51011,
25 subd. (b).) As noted above, Cal Fire did not provide *any* analysis or discussion of how the measures
26 mentioned in the State Waivers are consistent with pipeline and public safety. Among pipeline safety

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28 ²Cal Fire may only waive compliance with a safety standard "in the same way and to the same extent the
Secretary [of Transportation] may waive compliance." (49 U.S.C. § 60118, subd. (d).)

expert Richard Kuprewicz’s findings, (1) the poorly designed Las Flores Pipeline System is not equipped with cathodic protections capable of effectively preventing external corrosion and ruptures; (2) the high temperatures at which the Las Flores Pipeline System must operate significantly accelerate all forms of external pipeline corrosion and heighten the risk of pipeline failure; (3) current inline inspection technologies and methodologies upon which the State Waivers rely cannot adequately assess all forms of external corrosion threats (such as cracking and pitting) that most likely exist within the Las Flores Pipeline System; (4) segments at risk of corrosion-related cracking (i.e., stress corrosion cracking or selective seam corrosion cracking) are at the highest risk of failure; (5) the proposed hydrotests were insufficient to detect certain types of corrosion; (6) the Las Flores Pipeline System cannot be made to be as safe as a new pipeline; (7) pipeline integrity management tools are not a substitute for proper pipeline design or effective cathodic protections; and (8) without effective cathodic protections, the pipeline is at particularly high risk of spilling again. (Kuprewicz Decl., ¶¶ 8, 10.)

In sum, the State Waivers do not address the pipeline safety, public health, or environmental risks of restarting this pipeline system in its current condition without the otherwise required corrosion prevention measures. Instead, the State Waivers focus on monitoring and other backend mitigation measures without acknowledging the important tradeoffs. Absent analysis and inclusion of all pertinent information, Cal Fire cannot credibly opine, let alone establish, the State Waivers are consistent with pipeline safety or that the probability of injury and public safety risks is slight or remote.

B. CEQA Violations

Petitioners are also likely to prevail on their CEQA claims. Cal Fire violated CEQA by issuing the State Waivers without preparing *any* environmental documentation or providing any public notice or public comment opportunity for the Project. Cal Fire therefore failed CEQA’s core objectives to provide decisionmakers and the public with detailed information about potentially significant environmental impacts and to avoid or mitigate those impacts. (Cal. Code Regs. tit. 14, § 15002, subd. (a).)

Cal Fire had an affirmative duty to conduct CEQA review for the Project when it issued the State Waivers. CEQA applies to discretionary projects approved by public agencies. (Pub. Res. Code, § 21080, subd. (a).) CEQA broadly defines a “project” to include actions that may cause direct or indirect physical changes to the environment. (Pub. Res. Code, § 21065.) This includes activities that

1 “involve[] the issuance of a lease, permit, license, certificate, or other entitlement for use by a public
2 agency.” (*Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690, 701, revd. on other grounds in
3 *Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171; Pub. Res. Code,
4 § 21065.)

5 The “term ‘project’ refers to the activity which is being approved and which may be subject to
6 several discretionary approvals by governmental agencies. The term ‘project’ does not mean each
7 separate governmental approval.” (Cal. Code Regs. tit. 14, § 15378, subd. (c); *see also Citizens for a*
8 *Megaplex-Free Alameda v. City of Alameda* (2007) 149 Cal.App.4th 91, 106.) Thus, Cal Fire’s issuance
9 of the State Waiver for the Project required CEQA review as they constitute an issuance of permits by a
10 state agency which have significant potential to cause physical environmental changes like water and air
11 pollution and damage to wildlife habitat—particularly given the pipelines’ condition, history, and
12 likelihood of future spills and ruptures. (Petition at ¶ 6; Teel Decl. ¶ 21, Ex. 20, p. 186 [restarting the
13 pipelines “could result in an oil spill once a year and a rupture once every four years”].)

14 Further, Cal Fire’s issuance of the State Waivers was a discretionary action. Cal Fire was under
15 no obligation to issue the Waivers, as evidenced by the other options laid out in the Consent Decree.
16 (Teel Decl. ¶ 7, Ex. 6 at p. 78.) The statutory provisions governing waivers that “may” (not must) be
17 issued by Cal Fire in certain narrow instances, are also rife with discretionary language. (*See, e.g.*, 49
18 U.S.C. § 60118, subd. (d) [“the State authority may waive compliance”]; Gov. § Code, 51011, subd. (b)
19 [“The State Fire Marshal may exempt the application of regulations” if “the risk to public safety is slight
20 and the probability of injury or damage remote.”]) And in fact, Cal Fire exercised significant discretion
21 in determining whether and how to allow the pipelines to restart in the absence of required pipeline
22 safety features when it chose conditions to include in the State Waivers, including over 190 digs and
23 excavations over the next ten years that will attempt to validate inline inspection tool accuracy and inline
24 inspection results. (Petition at ¶ 83; Teel Decl. ¶¶ 9-10, Exs. 8-9, at 124, n. 6, 140, n. 6.)

25 No CEQA exemption applies. In Cal Fire’s responsible agency letter to Petitioners, it stated that
26 it does not “view this as a project under CEQA and/or categorically exempt from CEQA.” (Teel Decl.
27 ¶ 22, Ex. 21.) While Cal Fire did not invoke any specific exemption, it is clear that restarting defective
28

1 pipelines by waiving pipeline safety requirements is not, for example, a repair or minor alteration to an
2 existing facility involving negligible or no expansion of use. (Cal. Code Regs. tit. 14, § 15301.)

3 Additionally, there is no applicable CEQA exemption since “[o]nly those projects having no
4 significant effect on the environment are categorically exempt from CEQA review. If a project may have
5 a significant effect on the environment, CEQA review must occur.” (*Salmon Protection & Watershed*
6 *Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1099); *Azusa Land Reclamation Co. v. Main*
7 *San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1195 [a determination that a project
8 “pose[s] a threat to groundwater, air quality and public health. . . provides confirmation that [the project]
9 do[es] not constitute a suitable class of properties for a categorical exemption”].) The waiver of pipeline
10 safety measures to restart a failed pipeline system and its connected infrastructure certainly may have
11 significant environmental effects, including anticipated future oil spills and attendant impacts on air,
12 water, biological, and cultural resources. Cal Fire’s approval of the State Waivers for the Project absent
13 any public process or environmental review was a plain violation of its CEQA duties.

14 Furthermore, at a minimum, a Subsequent EIR is required because the Project meets each of the
15 three individual triggering conditions. (Pub. Res. Code, § 21166 [requiring subsequent review where: (1)
16 substantial changes in the project require major revisions to the EIR; (2) substantial changes to the
17 project circumstances require major revisions; and (3) new information becomes available which was
18 not and could not have been known at the time the EIR was certified].) The restart deviates significantly
19 from the 1985 EIR’s contemplated 30-year service life pipeline with a proper and functioning cathodic
20 protection system which went on to catastrophically fail. (Petition at ¶ 9; Teel Decl. ¶ 23, Ex. 22.)

21 **IV. NO BOND SHOULD BE REQUIRED**

22 No bond is statutorily required in association with an administrative stay. (*See* Code Civ. Proc.,
23 § 1094.5, subd. (g).) Additionally, this Court has the power to waive or set only a nominal bond to
24 secure preliminary relief when equitable principles require. (*See Conover v. Hall* (1974) 11 Cal.3d 842,
25 846–47.) The Code of Civil Procedure authorizes complete waiver of a bond, subject to the court’s
26 discretion, providing, “the court shall take into consideration all factors it deems relevant, including but
27 not limited to the character of the action or proceeding, the nature of the beneficiary, whether public or
28 private, and the potential harm to the beneficiary” (Code Civ. Proc., § 995.240.)

1 Requiring more than a nominal bond in this case would stifle the intent of CEQA and pipeline
2 safety laws by effectively denying Petitioners of their right to judicial review of Cal Fire’s actions. (*See*
3 *Mangini v. J.G. Durand* (1994) 31 Cal.App.4th 214, 217 [“Any bond other than a nominal one could
4 ‘effectively deny access to judicial review’ or ‘close the courthouse door in public interest litigation by
5 imposing a burdensome security requirement on plaintiffs who otherwise have standing’ to raise an
6 environmental challenge; *see also City of South Pasadena v. Slater* (C.D. Cal. 1999) 56 F.Supp.2d 1106,
7 1148 [“courts routinely impose either no bond or a minimal bond in public environmental cases”].)

8 Petitioners are organizations whose only interest in this lawsuit is to protect California’s
9 sensitive coast and natural resources as well as the wildlife and people who inhabit it. They have no
10 financial interest in this case and seek no damages; they simply seek environmental protection and the
11 enforcement of public duties. Waiving or setting only a nominal bond would protect the public interest
12 by preventing the premature and irretrievable commitment to a single course of action—environmentally
13 damaging oil activities using defective pipelines without CEQA or pipeline safety review.

14 Moreover, the enormous cost of failing to conduct environmental review and ensure pipeline
15 safety, thereby risking another disastrous spill, outweighs any purported or delayed cost to Sable. (*See*
16 *Natural Resources Defense Council, Inc. v. Morton* (D.D.C. 1971) 337 F. Supp. 167, 169 [“the public
17 interest will be far more gravely damaged by failure . . . to rigorously and consistently enforce [review
18 requirements] than by any harm which could possibly result from delaying [a] lease sale long enough to
19 resolve the important legal issues presented”].) In fact, as Sable is not yet authorized to transport (and
20 thus sell) the oil it is prematurely producing (Teel Decl., ¶ 2, Ex. 1, p. 12), there are no damages to bond.

21 CONCLUSION

22 For the foregoing reasons, Petitioners respectfully urge the Court to issue an immediate
23 administrative stay of the State Waivers or, alternatively, to issue an order to show cause why a
24 preliminary injunction should not be issued and a temporary restraining order prohibiting Cal Fire from
25 issuing any further Project approvals and Sable from transporting oil onshore pending an injunction
26 hearing and judgment on the case. Such measures are imperative to ensure that environmental review,
27 public participation, and pipeline safety requirements are adhered to rather than allowing Cal Fire to
28 blanketly waive pipeline safety requirements for failed and idled pipelines that pose rupture risks.

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Respectfully submitted,

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