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10 Attorneys for Real Parties in Interest
11 WESTERN STATES PETROLEUM ASSOCIATION and
12 INDEPENDENT OIL PRODUCERS' AGENCY

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF KERN

15 VAQUERO ENERGY INC., a California
16 corporation; and HUNTER EDISON OIL
17 DEVELOPMENT LIMITED PARTNERSHIP, a
18 California limited partnership,

19 Petitioners and Plaintiffs,

20 v.

21 COUNTY OF KERN; KERN COUNTY BOARD OF
22 SUPERVISORS; and DOES 1 TO 10,

23 Respondents.

24 CALIFORNIA INDEPENDENT PETROLEUM
25 ASSOCIATION, a California non-profit mutual benefit
26 corporation; INDEPENDENT OIL PRODUCERS'
27 AGENCY, a California corporation; WESTERN
28 STATES PETROLEUM ASSOCIATION, a California
non-profit mutual benefit corporation; and DOES 11-20,

Real Parties in Interest.

Case No.: BCV-15-101645-EB (lead case), consolidated with BCV-14-101666-EB and BCV-15-101679-EB

VERIFIED ANSWER OF REAL PARTIES IN INTEREST WESTERN STATES PETROLEUM ASSOCIATION AND INDEPENDENT OIL PRODUCERS' AGENCY TO VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF BY COMMITTEE FOR A BETTER ARVIN, ET AL.

Real Parties in Interest Western States Petroleum Association and Independent Oil Producers' Agency ("Industry Groups") answer the Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition") filed herein by Petitioners and Plaintiffs Committee for a Better Arvin, Committee for a Better Shafter, Greenfield Walking

1 Group, Natural Resources Defense Council, Sierra Club, and Center for Biological Diversity
2 (“Petitioners”) as follows:

3 1. Answering paragraph 1, Industry Groups aver that the Petition speaks for itself;
4 aver that the actions taken by the County’s Planning and Community Development Department,
5 Planning Commission, and Board of Supervisors (together, the “County”) approving amendments
6 to Chapter 19.98 and other chapters of the Kern County Zoning Ordinance (the “Zoning
7 Ordinance”) and certifying the Final Environmental Impact Report (“EIR”) for the project are
8 reflected in resolutions approved by the County and other documents contained in the
9 administrative record which speak for themselves; admit that Industry Groups, as project
10 applicants, reimbursed costs incurred by the County for environmental review as required by the
11 County; deny the allegations of the last sentence thereof; and, except as admitted or averred, deny
12 all remaining allegations of paragraph 1.

13 2. Answering paragraph 2, Industry Groups aver that the EIR, the Zoning Ordinance,
14 and related documents are contained in the administrative record and speak for themselves; admit
15 that the project area covers approximately 2.3 million acres and the project includes oil and gas
16 development as described in the Zoning Ordinance, EIR, and related documents contained in the
17 administrative record which speak for themselves; and, except as averred, deny all allegations of
18 paragraph 2.

19 3. Answering paragraph 3, Industry Groups aver that the California Environmental
20 Quality Act (“CEQA”) speaks for itself; and except as averred, deny all allegations of paragraph
21 3.

22 4. Answering paragraph 4, Industry Groups aver that the EIR air quality analysis and
23 related documents are contained in the administrative record and speak for themselves; aver that
24 the allegations of paragraph 4 do not fully and accurately characterize the EIR and mitigation
25 measures with respect to air quality; and except as admitted or averred, deny the allegations of
26 paragraph 4.

27 5. Answering paragraph 5, Industry Groups admit that drought conditions and water
28 supply constraints exist in the state, including the project area, as described in the EIR, CEQA

1 findings, and related documents; aver that the Zoning Ordinance, the EIR water supply and water
2 quality analysis and other documents contained in the administrative record speak for themselves;
3 aver that the allegations of paragraph 5 do not fully and accurately characterize the EIR and
4 mitigation measures with respect to water supply and water quality; and except as admitted or
5 averred, deny all allegations of paragraph 5.

6 6. Answering paragraph 6, Industry Groups aver that the EIR, the Zoning Ordinance,
7 CEQA findings, and related documents are contained in the administrative record and speak for
8 themselves; and except as averred, deny all allegations of paragraph 6.

9 7. Answering paragraph 7, Industry Groups aver that the Kern County General Plan
10 and the Metropolitan Bakersfield General Plan speak for themselves; and except as averred, deny
11 all allegations of paragraph 7.

12 8. Answering paragraph 8, Industry Groups aver that the Zoning Ordinance, the EIR,
13 including written and oral public comments and County responses thereto, and related documents
14 are contained in the administrative record and speak for themselves; aver that the County fully
15 complied with CEQA's public participation requirements and that the allegations of paragraph 8
16 do not fully and accurately characterize the administrative record, which speaks for itself; and
17 except as averred, deny all allegations of paragraph 8.

18 9. Answering paragraph 9, Industry Groups aver that public notices, CEQA
19 documents, public comments and the County's responses on these subjects are contained in the
20 administrative record, which speaks for itself; and except as averred, deny the allegations of
21 paragraph 9.

22 10. Answering paragraph 10, Industry Groups deny the allegations thereof.

23 11. Answering paragraph 11, Industry Groups aver that environmental review and
24 mitigation for the project are sufficient and comply with CEQA; and as to the remaining
25 allegations state that they have no information or belief on the subjects thereof sufficient to enable
26 them to answer, and basing their denial on that ground, deny the allegations thereof.

27 12. Answering paragraph 12, Industry Groups state that they have no information or
28 belief on the subjects thereof sufficient to enable them to answer, and basing their denial on that

1 ground, deny the allegations thereof.

2 13. Answering paragraph 13, Industry Groups state that they have no information or
3 belief on the subjects thereof sufficient to enable them to answer, and basing their denial on that
4 ground, deny the allegations thereof.

5 14. Answering paragraph 14, Industry Groups deny that oil and gas activities pose
6 serious threats to public health and the environment; deny that parts of Kern County are
7 threatened by oil and gas activities the Zoning Ordinance authorizes; and except as denied, state
8 that they have no information or belief on the subjects thereof sufficient to enable them to answer,
9 and basing their denial on that ground, deny the allegations of paragraph 14.

10 15. Answering paragraph 15, Industry Groups deny that lack of oversight or
11 safeguards for oil and gas activities poses serious threats to public health and the environment;
12 and except as denied, state that they have no information or belief on the subjects thereof
13 sufficient to enable them to answer, and basing their denial on that ground, deny the allegations of
14 paragraph 15.

15 16. Answering paragraph 16, Industry Groups deny that the Zoning Ordinance will
16 detrimentally impact species and habitats found in Kern County's oil and gas fields; and except as
17 denied, state that they have no information or belief on the subjects thereof sufficient to enable
18 them to answer, and basing their denial on that ground, deny the allegations of paragraph 16.

19 17. Answering paragraph 17, Industry Groups deny that the EIR contains deficiencies;
20 admit that Petitioners submitted scoping comments and comments on the Draft and Final EIR,
21 and aver that said written and oral public comments are contained in the administrative record and
22 speak for themselves.

23 18. Answering paragraph 18, Industry Groups deny that this action is in the public
24 interest; and as to the remaining allegations state that they have no information or belief on the
25 subjects thereof sufficient to enable them to answer, and basing their denial on that ground, deny
26 the allegations of paragraph 18.

27 19. Answering paragraph 19, Industry Groups admit the allegations thereof.

28 20. Answering paragraph 20, Industry Groups admit the allegations thereof.

- 1 21. Answering paragraph 21, Industry Groups aver that the administrative record
2 speaks for itself; and, except as averred, admit the allegations thereof.
- 3 22. Answering paragraph 22, Industry Groups aver that the administrative record
4 speaks for itself; and, except as averred, admit the allegations thereof.
- 5 23. Answering paragraph 23, Industry Groups aver that the Petition and the definition
6 of “County” used therein speak for themselves.
- 7 24. Answering paragraph 24, Industry Groups admit the allegations thereof and aver
8 that WSPA, a non-profit trade association, is an advocate for the oil and gas industry in
9 California, whose essential mission is to help its members provide adequate, reliable, and
10 affordable sources of energy.
- 11 25. Answering paragraph 25, Industry Groups admit the allegations thereof.
- 12 26. Answering paragraph 26, Industry Groups admit the allegations thereof.
- 13 27. Answering paragraph 27, Industry Groups aver that the Notice of Determination is
14 contained in the administrative record and speaks for itself.
- 15 28. Answering paragraph 28, Industry Groups state that they have no information or
16 belief on the subjects sufficient to enable them to answer, and basing their denial on that ground,
17 deny the allegations thereof.
- 18 29. Answering paragraph 29, Industry Groups admit that this Court has jurisdiction
19 over the matters alleged in the Petition; and aver that the remaining allegations of paragraph 29
20 are legal contentions for which no response is required. To the extent any response is required to
21 the remaining allegations of paragraph 29, Industry Groups deny such allegations.
- 22 30. Answering paragraph 30, Industry Groups admit that venue is proper in this Court;
23 and aver that the Code of Civil Procedure speaks for itself.
- 24 31. Answering paragraph 31, Industry Groups aver, on information and belief, that the
25 Petition was filed on or about December 10, 2015; and aver that the CEQA Guidelines speak for
26 themselves.
- 27 32. Answering paragraph 32, Industry Groups aver that Public Resources Code section
28 21167.5 and Attachment A to the Petition speak for themselves; and except as averred, state they

1 have no information or belief on the subjects sufficient to enable them to answer, and basing their
2 denial on that ground, deny the allegations of paragraph 32.

3 33. Answering paragraph 33, Industry Groups admit Petitioners filed concurrently
4 with the Petition a notice of election to prepare the record of administrative proceedings relating
5 to this action; and aver that Public Resources Code section 21167.6 speaks for itself.

6 34. Answering paragraph 34, Industry Groups aver that Public Resources Code section
7 21167.7 and Attachment B to the Petition speak for themselves; and except as averred, state they
8 have no information or belief on the subjects sufficient to enable them to answer, and basing their
9 denial on that ground, deny the allegations of paragraph 34.

10 35. Answering paragraph 35, Industry Groups aver that the allegations of paragraph 35
11 are legal contentions and conclusions for which no response is required; and further state they
12 have no information or belief on the subjects sufficient to enable them to answer, and basing their
13 denial on that ground, deny the allegations thereof.

14 36. Answering paragraph 36, Industry Groups deny the allegations thereof.

15 37. Answering paragraph 37, Industry Groups admit the allegations of the first
16 sentence thereof; and aver that the County is ecologically diverse as described in the EIR, which
17 is contained in the administrative record and speaks for itself.

18 38. Answering paragraph 38, as to the first sentence thereof, Industry Groups admit
19 that, as described in the EIR based on Kern County census information, the County has a total
20 population of approximately 848,204; as to the second sentence, deny the allegations thereof; and
21 as to the third sentence thereof, state they have no information or belief on the subjects sufficient
22 to enable them to answer, and basing their denial on that ground, deny the allegations thereof.

23 39. Answering paragraph 39, on information and belief, Industry Groups admit the
24 allegations thereof.

25 40. Answering paragraph 40, Industry Groups admit the 3,700-square mile project
26 area is predominantly located in the western portion of the County in the San Joaquin Valley, as
27 described in the EIR which is contained in the administrative record and speaks for itself; and
28 admit the allegations of the second sentence thereof.

1 41. Answering paragraph 41, Industry Groups aver that the map in Figure 3-1 of the
2 Draft EIR is included in the administrative record and speaks for itself; and except as averred,
3 admit the allegations of paragraph 41.

4 42. Answering paragraph 42, on information and belief, Industry Groups admit the
5 allegations thereof.

6 43. Answering paragraph 43, Industry Groups admit that western Kern County
7 currently contains approximately 76 active oil and gas production fields; and admit the remaining
8 allegations of paragraph 43, as described in the EIR which is contained in the administrative
9 record and speaks for itself.

10 44. Answering paragraph 44, Industry Groups admit the San Joaquin Valley Air Basin
11 has been designated nonattainment/extreme for federal ozone and nonattainment/severe for state
12 ozone standards, and nonattainment for state particulate matter and federal (fine) particulate
13 matter; and except as admitted, aver that the description of air quality conditions contained in the
14 EIR speaks for itself.

15 45. Answering paragraph 45, Industry Groups aver that the EIR and other documents
16 contained in the administrative record speak for themselves; and except as averred, state they
17 have no information or belief on the subjects sufficient to enable them to answer, and basing their
18 denial on that ground, deny the allegations of paragraph 45.

19 46. Answering paragraph 46, Industry Groups admit that the state and Kern County
20 are experiencing drought conditions; aver that the new state groundwater planning law and related
21 classifications speak for themselves; and as to remaining allegations, aver that the water supply
22 analysis for the project is contained in the EIR, the CEQA findings and other documents
23 contained in the administrative record which speak for themselves.

24 47. Answering paragraph 47, Industry Groups deny the allegations thereof; and aver
25 that water supply and subsidence issues are analyzed in the EIR and related documents contained
26 in the administrative record, which speak for themselves.

27 48. Answering paragraph 48, Industry Groups admit that the southwestern willow
28 flycatcher, San Joaquin kit fox, blunt nosed leopard lizard and California condor inhabit Kern

1 County as described in the EIR that is contained in the administrative record and speaks for itself;
2 admit that the Bitter Creek National Wildlife Refuge is located in the County; and aver that the
3 first sentence of paragraph 48 mischaracterizes the special status species occurring within the
4 project area, as described in the EIR that is contained in the administrative record and speaks for
5 itself; and, except as admitted and averred, deny the allegations of paragraph 48.

6 49. Answering paragraph 49, Industry Groups admit that, in response to a request from
7 Industry Groups, on January 22, 2013, the Board of Supervisors directed Planning and
8 Community Development Department staff to proceed with processing amendments to the
9 Zoning Ordinance to include additional provisions for local oil and gas local permitting, as
10 described in the EIR, CEQA findings, application materials, and other documents contained in the
11 administrative record which speak for themselves; admit that Industry Groups, as project
12 applicants, reimbursed costs incurred by the County for environmental review as required by the
13 County; and, except as admitted, deny the allegations of paragraph 49.

14 50. Answering paragraph 50, Industry Groups admit that Planning and Community
15 Development Department staff, with technical input from Industry Groups and others as
16 requested by the staff, developed provisions for local oil and gas local permitting as described in
17 the EIR, CEQA findings, application materials, and other documents contained in the
18 administrative record which speak for themselves; aver that the Zoning Ordinance and related
19 documents are contained in the administrative record and speak for themselves; and except as
20 admitted or averred, deny the allegations of paragraph 50.

21 51. Answering paragraph 51, Industry Groups admit that amendments to the Zoning
22 Ordinance, together with the implementation of future oil and gas activities expected to be
23 undertaken pursuant to the amended Zoning Ordinance, is the "project" considered in the EIR as
24 described in the EIR and other documents contained in the administrative record which speak for
25 themselves; aver that the EIR, the Zoning Ordinance, and other documents contained in the
26 administrative record speak for themselves; and except as admitted or averred, deny the
27 allegations of paragraph 51.

28 52. Answering paragraph 52, Industry Groups admit that the Zoning Ordinance

1 authorizes oil and gas exploration and production activities as described therein; and aver that the
2 Zoning Ordinance and related documents are contained in the administrative record and speak for
3 themselves.

4 53. Answering paragraph 53, Industry Groups deny the allegations thereof. Industry
5 Groups further aver that the EIR for the project analyzes environmental and health risks, is
6 contained in the administrative record and speaks for itself.

7 54. Answering paragraph 54, Industry Groups aver that the air quality analysis and
8 health risk assessments for the project and related documents are contained in the EIR and
9 administrative record and speak for themselves; and except as averred, deny the allegations of
10 paragraph 54.

11 55. Answering paragraph 55, Industry Groups aver that the Zoning Ordinance, the
12 EIR, and related documents are contained in the administrative record and speak for themselves;
13 and except as averred, deny the allegations of paragraph 55.

14 56. Answering paragraph 56, Industry Groups aver that the Zoning Ordinance, the
15 EIR, and related documents are contained in the administrative record and speak for themselves;
16 admit that, as described in the EIR, the California Department of Conservation, Division of Oil,
17 Gas and Geothermal Resources (“DOGGR”) ordered 23 injection wells to cease operations as of
18 March 2015 and ordered closure of an additional 33 injection wells in October 2015; and except
19 as averred, deny all allegations of paragraph 56.

20 57. Answering paragraph 57, Industry Groups aver that injection well and water
21 supply issues are analyzed in the EIR and related documents contained in the administrative
22 record, which speak for themselves; and except as averred, deny the allegations thereof.

23 58. Answering paragraph 58, Industry Groups aver that injection well and subsidence
24 issues are analyzed in the EIR and related documents contained in the administrative record,
25 which speak for themselves; aver that, unrelated to the Zoning Ordinance, DOGGR monitors
26 subsidence in oil and gas fields and regulates withdrawal and re-pressurizing in each field; and
27 except as averred, deny the allegations of paragraph 58.

28 59. Answering paragraph 59, Industry Groups aver that noise and light issues are

1 analyzed in the EIR and related documents contained in the administrative record, which speak
2 for themselves; and except as averred, deny the allegations of paragraph 59.

3 60. Answering paragraph 60, Industry Groups aver that that biological resource issues
4 are analyzed in the EIR and related documents contained in the administrative record, which
5 speak for themselves; and except as averred, deny the allegations of paragraph 60.

6 61. Answering paragraph 61, Industry Groups aver that the EIR and related documents
7 and accompanying findings are contained in the administrative record and speak for themselves;
8 and except as averred, deny the allegations of paragraph 61.

9 62. Answering paragraph 62, Industry Groups aver that the EIR and related documents
10 and accompanying findings are contained in the administrative record and speak for themselves;
11 and except as averred, deny the allegations of paragraph 62.

12 63. Answering paragraph 63, Industry Groups admit the allegations thereof.

13 64. Answering paragraph 64, Industry Groups aver that public notices and the Initial
14 Study are contained in the administrative record, which speaks for itself; and except as averred,
15 admit the allegations of paragraph 64.

16 65. Answering paragraph 65, Industry Groups aver that public notices and the Draft
17 EIR are contained in the administrative record, which speaks for itself; aver that the County
18 extended the comment period to September 11, 2015, despite no legal obligation to do so; and
19 except as averred, admit the allegations of paragraph 65.

20 66. Answering paragraph 66, Industry Groups aver that the referenced comment letters
21 are contained in the administrative record and speak for themselves; aver that on July 29, 2015,
22 the Planning and Community Development Department extended the comment period from
23 August 24, 2015 to September 11, 2015; and except as averred, admit the allegations of paragraph
24 66.

25 67. Answering paragraph 67, Industry Groups admit the allegations thereof, except
26 that the comment period was 65 calendar days.

27 68. Answering paragraph 68, Industry Groups admit that Petitioners submitted
28 comments on the Draft EIR, and aver that said comments with attachments are contained in the

1 administrative record and speak for themselves; and except as averred, deny the allegations of
2 paragraph 68.

3 69. Answering paragraph 69, Industry Groups aver that Petitioners' comments and the
4 EIR are contained in the administrative record and speak for themselves; and except as averred,
5 deny the allegations of paragraph 69.

6 70. Answering paragraph 70, Industry Groups aver that Petitioners' comments are
7 contained in the administrative record and speak for themselves; and except as averred, deny all
8 allegations of paragraph 70.

9 71. Answering paragraph 71, Industry Groups aver that Petitioners' comments and the
10 Zoning Ordinance are contained in the administrative record and speak for themselves; admit that
11 the County disagrees with Petitioners; and except as averred or admitted, deny all allegations of
12 paragraph 71.

13 72. Answering paragraph 72, Industry Groups aver that Petitioners' comments and the
14 EIR are contained in the administrative record and speak for themselves; and except as averred,
15 deny all allegations of paragraph 72.

16 73. Answering paragraph 73, Industry Groups aver that Petitioners' comments and the
17 EIR are contained in the administrative record and speak for themselves; and except as averred,
18 deny all allegations of paragraph 73.

19 74. Answering paragraph 74, Industry Groups aver that comments by other
20 commenters and the EIR are contained in the administrative record and speak for themselves;
21 aver that California's Planning and Zoning Law, the County's General Plan, and the Bakersfield
22 Metropolitan Area General Plan speak for themselves; and except as averred, deny all allegations
23 of paragraph 74.

24 75. Answering paragraph 75, Industry Groups admit the allegations of paragraph 75.

25 76. Answering paragraph 76, Industry Groups aver that a transcript of the October 5,
26 2015 Planning Commission hearing is contained in the administrative record and speaks for itself;
27 and except as averred, admit the allegations of paragraph 76.

28 77. Answering paragraph 77, Industry Groups aver that the consolidated Final EIR

1 Chapter 12 (“Chapter 12”) was posted on the County website on October 29, 2015; aver that
2 Chapter 12, related documents, and the Final EIR are contained in the administrative record and
3 speak for themselves; and except as averred, deny the allegations thereof.

4 78. Answering paragraph 78, Industry Groups aver that Chapter 12 of the Final EIR,
5 with appendices thereto, was posted on the County website on October 29, 2015; aver that the
6 EIR, including health risk assessments and related documents, are contained in the administrative
7 record and speak for themselves; and except as averred, deny all allegations of paragraph 78.

8 79. Answering paragraph 79, Industry Groups admit that the Chapter 12 of the Final
9 EIR, with appendices thereto, was posted on the County website on October 29, 2015; aver that
10 said documents are contained in the administrative record and speak for themselves; and except
11 as admitted or averred, deny all allegations of paragraph 79.

12 80. Answering paragraph 80, Industry Groups aver that Petitioners’ written comments
13 and attachments thereto, as well as the Final EIR and related documents, are contained in the
14 administrative record and speak for themselves; aver that a transcript of the November 9, 2015
15 Board of Supervisors hearing is contained in the administrative record and speaks for itself; aver
16 further that the California Council on Science and Technology scientific assessment speaks for
17 itself; admit that Chapter 12 of the EIR requires new oil and gas wells to be a minimum of 210
18 feet from the closest sensitive receptor, as described in the EIR, which speaks for itself; and
19 except as admitted or averred, deny all allegations of paragraph 80.

20 81. Answering paragraph 81, Industry Groups aver that Petitioners’ comments and the
21 EIR and the Zoning Ordinance are contained in the administrative record and speak for
22 themselves; and except as averred, deny all allegations of paragraph 81.

23 82. Answering paragraph 82, Industry Groups aver that a transcript of the November
24 9, 2015 Board of Supervisors hearing and minutes thereof are contained in the administrative
25 record and speak for themselves; aver that at said hearing, the Board adopted Resolution 2015-
26 298 which certified the EIR, adopted the findings of fact, statement of overriding considerations,
27 and mitigation, monitoring, and reporting program, and enacted Ordinance G-8605 amending
28 portions of the Zoning Ordinance; and except as averred, admit the allegations of paragraph 82.

1 83. Answering paragraph 83, Industry Groups aver that the Zoning Ordinance and the
2 EIR are contained in the administrative record and speak for themselves; and except as averred,
3 admit the allegations thereof.

4 84. Answering paragraph 84, Industry Groups aver that the Final EIR and
5 administrative record speak for themselves; and except as averred, deny the allegations of
6 paragraph 84.

7 85. Answering paragraph 85, Industry Groups aver that the EIR, the air quality
8 analysis therein, and related documents are contained in the administrative record and speak for
9 themselves; and except as averred, deny the allegations of paragraph 85.

10 86. Answering paragraph 86, Industry Groups admit that the EIR contains the quoted
11 statements in the first sentence of paragraph 86; aver that that water supply issues are analyzed in
12 the EIR and related documents contained in the administrative record, which speak for
13 themselves; and except as averred, deny the allegations of paragraph 86.

14 87. Answering paragraph 87, Industry Groups aver that the hydrology and water
15 quality analysis in the EIR is contained in the administrative record and speaks for itself; and
16 except as averred, deny the allegations thereof.

17 88. Answering paragraph 88, Industry Groups aver that cumulative impacts analysis as
18 required by CEQA is included the EIR and related documents which are contained in the
19 administrative record and speak for themselves; and except as averred, state that they have no
20 information or belief on the subjects thereof sufficient to enable them to answer, and basing their
21 denial on that ground, deny the allegations of paragraph 88.

22 89. Answering paragraph 89, Industry Groups deny the allegations thereof.

23 90. Answering paragraph 90, Industry Groups aver that the EIR, the Zoning
24 Ordinance, and the administrative record speak for themselves; and except as averred, admit the
25 allegations thereof.

26 91. Answering paragraph 91, Industry Groups incorporate by reference and re-allege
27 their responses to paragraphs 1 through 90, inclusive, as though fully set forth herein.

28 92. Answering paragraph 92, and each subparagraph, Industry Groups aver that the

1 allegations thereof are legal contentions and conclusions for which no response is required; aver
2 that the Zoning Ordinance and the EIR, including public comments and responses thereto, are
3 contained in the administrative record and speak for themselves and that the provisions of CEQA
4 speaks for themselves; and except as averred, deny all allegations of paragraph 92.

5 93. Answering paragraph 93, Industry Groups aver that Petitioners' contentions and
6 allegations in the Petition speak for themselves; aver that the Zoning Ordinance is contained in
7 the administrative record and speaks for itself; and except as averred, deny the allegations of
8 paragraph 93.

9 94. Answering paragraph 94, Industry Groups incorporate by reference and re-allege
10 their responses to paragraphs 1 through 93, inclusive, as though fully set forth herein.

11 95. Answering paragraph 95, Industry Groups aver that the provisions of California's
12 Planning and Zoning Law speak for themselves.

13 96. Answering paragraph 96, Industry Groups aver that the allegations thereof are
14 legal contentions and conclusions for which no response is required; aver that the Zoning
15 Ordinance is contained in the administrative record and speaks for itself; and that the Kern
16 County General Plan and the Metropolitan Bakersfield General Plan speak for themselves; and
17 except as averred, deny the allegations of paragraph 96.

18 97. Answering paragraph 97, Industry Groups aver that Petitioners' contentions and
19 allegations in the Petition speak for themselves; aver that the Zoning Ordinance is contained in
20 the administrative record and speaks for itself; and except as averred, deny the allegations of
21 paragraph 97.

22 98. Industry Groups deny each and every allegation of the Petition not addressed
23 above.

24
25 **RELIEF REQUESTED**

26 Answering Petitioners' Prayer for Relief, Industry Groups deny that Petitioners are
27 entitled to the relief sought or to any relief whatsoever.

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DEFENSES

As separate and distinct defenses to the Petition as a whole, and to each cause of action set forth therein, Industry Groups allege as follows:

FIRST DEFENSE

(Failure to State a Cause of Action)

The Petition fails to allege facts sufficient to state a cause of action upon which relief may be granted.

SECOND DEFENSE

(Failure to Exhaust Administrative Remedies)

To the extent Petitioners seek to raise issues in this action that were not presented to Respondents prior to Respondents' approval of the project, Petitioners failed to exhaust available administrative remedies that are a prerequisite to the filing and prosecution of this action.

THIRD DEFENSE

(Statutory Bar)

The Petition, and each and every purported cause of action alleged therein, is barred, in whole or in part, by Code of Civil Procedure section 526, subdivision (b)(4) and Civil Code section 3423, subdivision (d).

FOURTH DEFENSE

(Undiscovered Defenses Reserved)

The allegations of the Petition and each cause of action are set forth in conclusory or uncertain terms, thereby precluding Industry Groups from fully anticipating all defenses that may be applicable; accordingly, the right to add additional defenses is hereby reserved.

PRAYER FOR RELIEF

WHEREFORE, Industry Groups pray that judgment be entered as follows:

1. That the Petition, and all relief requested therein, be denied and dismissed with prejudice in its entirety;
2. That Petitioners take nothing by their Petition, and that judgment be entered in favor of Defendants and Respondents and Industry Groups, and against Petitioners;

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- 3 That Industry Groups be awarded their costs of suit; and
- 4 For such further relief as the Court deems just and proper.

Dated: October 13, 2016

PILLSBURY WINTHROP SHAW
PITTMAN LLP
NORMAN F. CARLIN
BLAINE I. GREEN



By: _____
NORMAN F. CARLIN

Attorneys for Real Parties in Interest
Western States Petroleum Association
and Independent Oil Producers' Agency

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VERIFICATION

I, Catherine Reheis-Boyd, declare as follows:

I am the President of Western States Petroleum Association, one of the Real Parties in Interest ("Real Parties") in this action and I am authorized to execute this verification on Real Parties' behalf. I declare that I have read the foregoing VERIFIED ANSWER OF REAL PARTIES IN INTEREST WESTERN STATES PETROLEUM AND INDEPENDENT OIL PRODUCERS' AGENCY TO VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF BY COMMITTEE FOR A BETTER ARVIN, ET AL. and know the contents thereof. I declare that the information stated therein is true of my own knowledge, except as to matters stated on information and belief, and as to those matters I believe them to be true.

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

Executed this 13th day of October, 2016, at Sacramento, California.


Catherine Reheis-Boyd

PROOF OF SERVICE BY ELECTRONIC TRANSMISSION

I, Susan Macken, the undersigned, hereby declare as follows:

1. I am over the age of 18 years and am not a party to the within cause. I am employed by Pillsbury Winthrop Shaw Pittman LLP in the County of County, State of California.

2. My email and business addresses are susie.macken@pillsburylaw.com; Four Embarcadero Center, 22nd Floor, San Francisco, CA 94111-5998.

3. My mailing address is P.O. Box 2824, San Francisco, CA 94126-2824.

4. On October 17, 2016, at Four Embarcadero Center, 22nd Floor, San Francisco, CA 94111-5998, a true copy of the attached document titled exactly **VERIFIED ANSWER OF REAL PARTIES IN INTEREST WESTERN STATES PETROLEUM ASSOCIATION AND INDEPENDENT OIL PRODUCERS' AGENCY TO VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF BY COMMITTEE FOR A BETTER ARVIN, ET AL.**, by sending it via electronic transmission to the following persons at the electronic mail addresses so in so indicated:

[See Attached Service List]

I declare under penalty of perjury that the foregoing is true and correct. Executed this 17th day of October, 2016, at San Francisco, California.


Susan Macken

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