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9 *Attorneys for Petitioner Center for Biological*  
10 *Diversity*

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF MONTEREY**

13 CENTER FOR BIOLOGICAL DIVERSITY, a  
14 nonprofit organization,

15 Petitioner and Plaintiff,

16 v.

17 COUNTY OF MONTEREY, a municipal  
corporation, MONTEREY COUNTY BOARD  
18 OF SUPERVISORS, and DOES 1 through 25,  
inclusive,

19 Respondents and Defendants,

20 TRIO PETROLEUM, LLC,

21 Real Party in Interest.

ELECTRONICALLY FILED BY  
Superior Court of California,  
County of Monterey  
On 5/3/2018 10:59 AM  
By: Janet Nicholson, Deputy

Case No. 18CV001585

**PETITION FOR WRIT OF MANDATE**

(Cal. Environmental Quality Act, § 21168 and  
Cal. Code of Civil Procedure, § 1094.5.)

Trial Date: None set

1 **INTRODUCTION**

2 1. The Center for Biological Diversity (“Petitioner”) hereby petitions this Court for a  
3 Writ of Mandate pursuant to California Code of Civil Procedure section 1094.5 and California  
4 Public Resources Code section declaring that Respondents Monterey County Board of  
5 Supervisors and Monterey County (collectively, the “County”) violated the California  
6 Environmental Quality Act (“CEQA”), California Public Resources Code §§ 21000 *et seq.*, in  
7 approving a Conditional Use Permit (PLN160146) for four exploratory wells in Monterey County  
8 (the “Project”) on April 3, 2018.

9 2. The project applicant, Trio Petroleum, LLC (“Trio” or the “Applicant”) proposed  
10 to drill four new exploratory wells in the Hames Valley area of Monterey County with the  
11 expectation that those wells would produce commercially profitable amounts of oil. Each new  
12 well would be located on a separate worksite.

13 3. The aim of the Project is to turn Hames Valley into a new area for commercially  
14 viable oil production by drilling dozens of new wells to pump petroleum from the subsurface and  
15 transport the product to refineries. The Project will utilize numerous hazardous chemicals in  
16 support of drilling, well completion and maintenance, and production. Initiating oil production  
17 activities will also increase traffic, air and water pollution, and noise and light disturbance.

18 4. These activities jeopardize the area’s groundwater, surface water, air quality,  
19 climate, and habitat, which support dozens of special status species, including fully protected  
20 species under state law.

21 5. Though Petitioner and the Monterey County Planning Commission raised such  
22 concerns, these foreseeable impacts were omitted in the incomplete and inadequate Initial Study  
23 of the environmental impacts associated with the Project and were ignored by the Board of  
24 Supervisors when it approved the Project.

25 6. The County and the Initial Study improperly isolate the impact from the four  
26 “exploratory” wells from the reasonably foreseeable impacts from future wells drilled on those  
27 sites. This sort of “piecemealing” artificially minimizes the environmental impacts of the Project  
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1 by willfully ignoring the harm that may result if and when Trio’s exploratory wells confirm  
2 commercially producible volumes of petroleum, prompting the addition of dozens more wells in  
3 the area that has been heretofore undisturbed by oil and gas activity.

4           7.       Given the infrastructure investment necessary for the Project and the explicit  
5 “testing” purpose of the Project, the County’s approval of the first phase Conditional Use Permit  
6 will create irreversible momentum for expanded long-term production. Because future phases of  
7 the project are probable and reasonably foreseeable, CEQA requires that the County analyze the  
8 Project’s potential cumulative environmental impacts from future development. In particular,  
9 long-term production would likely involve the drilling of numerous additional wells, the repeated  
10 use of acid washing, and the production of a significant amount of oil. The County’s failures to  
11 identify, disclose, and evaluate impacts from those reasonably foreseeable future activities is  
12 contrary to CEQA.

13           8.       In approving the Project under these circumstances, the County violated the  
14 requirements of CEQA and California Code of Regulations, tit.14, sections 15000 *et seq.*  
15 (hereinafter “CEQA Guidelines”), which provide that the County must prepare, consider, and  
16 certify an environmental impact report (“EIR”) prior to the approval of any project that may have  
17 a significant impact on the environment. CEQA requires the preparation of an EIR whenever  
18 there is a “fair argument” that the project may have significant direct, indirect, and cumulative  
19 impacts on the environment. The County’s failure to prepare an EIR prior to its approval of Trio’s  
20 Project, despite the existence of substantial evidence that the Project may have significant adverse  
21 effects on the environment, including on air resources, water resources, human health and safety,  
22 and wildlife, constitutes a prejudicial abuse of discretion.

23           9.       Petitioner has no adequate remedy at law for the County’s failure to discharge its  
24 clear legal duties under CEQA. Accordingly, Petitioner seeks a peremptory writ of mandate  
25 setting aside the County’s certification of the Mitigated Negative Declaration and approval of the  
26 Conditional Use Permit for the Project and enjoining any activity pursuant to the Project approval  
27 until the County prepares, considers, and certifies a legally adequate EIR. Issuance of the  
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1 requested relief will confer a significant benefit on the public and will result in the enforcement of  
2 important public rights, including the public’s right to disclosure of the potentially significant  
3 direct, indirect, and cumulative impacts from the Project and the public’s right to ensure that the  
4 County only approve projects that are consistent with the state’s environmental laws.

5 **JURISDICTION AND VENUE**

6 10. This Court has jurisdiction under section 1094.5 of the California Code of Civil  
7 Procedure and section 21168 of the California Public Resources Code.

8 11. Venue is proper under section 393 of the Civil Code of Procedure because the  
9 cause of this action arose in Monterey County and direct effects of the County’s action will occur  
10 in Monterey County.

11 **PARTIES**

12 12. Petitioner CENTER FOR BIOLOGICAL DIVERSITY (“the Center”) is a  
13 nonprofit, public interest environmental organization dedicated to the protection of native species  
14 and their habitats through science, policy, and environmental law. The Center’s Climate Law  
15 Institute works to reduce greenhouse gas emissions and other air pollutants to protect biological  
16 diversity, the environment, and public health. Specific objectives include ensuring that the  
17 impacts of oil and gas operations – encompassing the climate, environmental, and public health  
18 impacts of operations themselves, as well as the combustion of the produced oil and gas – are  
19 accurately accounted for, considered, and mitigated if approved in accordance with science and  
20 applicable law. The Center has more than 40,000 members, including members who reside in  
21 Monterey County. Center members have recreational, scientific, and educational interests in the  
22 region at issue, and are particularly interested in protecting the native, imperiled, and sensitive  
23 species and their habitats that the Project may affect. The Center’s members therefore will be  
24 directly and adversely affected by the County’s approval of the Project, issuance of a conditional  
25 use permit, and adoption of the Initial Study and Mitigated Negative Declaration. Also, the Center  
26 participated extensively in the administrative process resulting in the County’s approval of the  
27 Project, submitting multiple comment letters, appealing the Planning Commission’s approval of  
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1 the Conditional Use Permit and Negative Declaration to the Board of Supervisors, and appearing  
2 before the Board of Supervisors during the public hearing on the Center's appeal.

3 13. Respondent MONTEREY COUNTY is a political subdivision of the State of  
4 California and is responsible for the approval of the Conditional Use Permit and adoption of the  
5 Mitigated Negative Declaration.

6 14. Respondent BOARD OF SUPERVISORS OF MONTEREY COUNTY is the  
7 body that supervises the operation of the Monterey County government and is responsible for the  
8 approval of the Conditional Use Permit and adoption of the Mitigated Negative Declaration.

9 15. Real Party in Interest TRIO PETROLEUM LLC is an oil and gas company  
10 headquartered in Bakersfield, California and is the Project applicant and proposed operator, as  
11 well as the and designated permittee under the Conditional Use Permit.

#### 12 **BACKGROUND**

13 16. On July 1, 2016, Trio submitted an application for a conditional use permit to the  
14 Monterey County Planning Commission seeking approval to drill four (4) new exploratory wells  
15 in Hames Valley, each well requiring its own well site.

##### 16 *The Project Area*

17 17. The four proposed well sites are located on land zoned as Farmlands or Permanent  
18 Grazing in southern Monterey County.

19 18. The Project area contains non-native grasslands as well as oak woodland. An  
20 ephemeral stream is present 50 feet from one of the proposed well sites. The San Antonio River is  
21 located 0.3 miles south of the Project site.

22 19. The area serves as habitat for a wide variety of plant and animal species. A total of  
23 41 special status plant species and 18 special status wildlife species are known to or have the  
24 potential to occur within the vicinity of the Project sites.

25 20. One such species is the golden eagle, a fully protected species under state law. A  
26 golden eagle was sighted at the project location, yet the biological opinion relied upon by the  
27 County does not contain this information.

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1           21.     The Project is within the North Central Coast Air Basin (NCCAB). The NCCAB is  
2 designated in nonattainment-transitional for the state ozone standard, and nonattainment for the  
3 state coarse particulate matter (PM10) standard.

4           *The Proposed Project*

5           22.     According to Trio’s application, each exploratory well site would contain a drilling  
6 rig over 100 feet tall, an open pit to collect drilling fluid and drill cuttings, and other apparatuses  
7 necessary to drill the wells.

8           23.     Each site would require over 450 hours of continuous drilling and involve the  
9 transportation, storage, use, and disposal of hazardous chemicals, many of which are unknown.

10          24.     Trio anticipates that the four exploratory wells will lead to more wells and  
11 expanded oil and gas activity. At the December 13, 2017 Planning Commission hearing, the  
12 representative for Trio stated, “these sites are probably going to be housing maybe 3 to 6 wells  
13 each...and those wells will be going to different places in that anticline.”<sup>1</sup> He added, “We are  
14 going to locate multiple wells on those sites in the development situation.... That will be the end  
15 result, hopefully.”<sup>2</sup>

16          25.     Trio has estimated that the area may contain “hundreds of millions of barrels of  
17 recoverable oil and significant recoverable natural gas.”

18          26.     Trio plans to use hazardous materials to aid in the drilling process, and will store  
19 these chemicals on site. Trio’s Project will also utilize “acid wash” as part of the Project.

20          27.     Wastewater from the Project, which contains harmful chemicals, would be  
21 collected and trucked to a separate disposal site.

22           *The Initial Study and Mitigated Negative Declaration*

23          28.     In response to the Trio’s application for a conditional use permit, the Planning  
24 Commission staff prepared an Initial Study of the environmental impacts and a Mitigated  
25 Negative Declaration (IS-MND) that asserted that after certain mitigation measures were

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27 <sup>1</sup> Monterey County Planning Commission Public Hearing, Dec. 13, 2017, Agenda Item #4, Testimony of Trio  
Petroleum representative, video available at

28 [http://monterey.granicus.com/MediaPlayer.php?view\\_id=14&clip\\_id=3501](http://monterey.granicus.com/MediaPlayer.php?view_id=14&clip_id=3501)

<sup>2</sup> Id.

1 implemented, there would be no significant impacts as a result of Trio’s proposed project.

2 29. The IS-MND analyzed the environmental impact only from the 4 proposed wells.  
3 It asserted that further production was too “speculative” to analyze. This critical omission renders  
4 the IS-MND deeply flawed and fundamentally unreliable as an information document.

5 30. Expanded oil and gas production in Hames Valley will result in significant impacts  
6 for water quality, air quality, biological resources, and greenhouse gas emissions. Such expansion  
7 is not speculative, but instead, is highly probable and constitutes the stated intent and purpose of  
8 the Project. Trio has made statements to the Planning Commission that it anticipates expanded oil  
9 production in the area after the exploratory wells are completed. Thus, the approval of the  
10 Conditional Use Permit at issue here is the key decision point, creating irreversible momentum  
11 for long-term commercial oil production and necessitating consideration of the environmental  
12 impacts that may accompany such probable future project activities.

13 31. The County also failed to consider the greenhouse gas emissions that will result  
14 from the refining and combustion of the heavy oil that will likely be produced and sold by the  
15 Project (in addition to oil produced as part of long-term commercial production).

16 32. The IS-MND also provides inadequate analysis of the foreseeable impacts that  
17 would result from using harmful chemicals in the oil drilling and production products. While it  
18 mentions that hazardous materials will be stored and used as part of the operations, there is  
19 neither a comprehensive list of chemicals, nor disclosure of their adverse health impacts.

20 33. The IS-MND also omits analysis of the cumulative impacts of the proposed wells  
21 in Hames Valley when combined with the thousands of existing oil and gas wells in the county.

22 34. The IS-MND erroneously concluded that Trio’s project would result in less than  
23 significant impacts for, *inter alia*, aesthetics, agricultural and forest resources, geology/soils,  
24 greenhouse gas emissions, hazardous materials, hydrology/water quality, land use/planning,  
25 noise, and transportation/traffic. The IS-MND also stated incorrectly that impacts to air quality  
26 and biological resources would be less than significant after mitigation measures.

27 35. For example, while disclosing that acid washing will occur, the IS-MND contains  
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1 no analysis of how these operations will impact air or water quality.

2 36. The Project is also likely impact water quality because the wastewater produced  
3 with oil contains chemicals harmful to human health. The IS-MND does not analyze the impacts  
4 of wastewater disposal. The application only mentions that wastewater will be trucked to a  
5 separate facility. There is no acknowledgement of the risk of spills and accidents that come with  
6 storing and transporting this toxic-laden waste fluid. There is also no assessment of the impacts  
7 on water once this fluid is disposed of.

8 37. The IS-MND's conclusion that the impacts to biological resources will be less than  
9 significant is not supported by the evidence. While the well pads may only constitute a  
10 disturbance of 5.8 acres, noise, light, vibration, air, and water pollution do not stop at the  
11 boundary of the worksite. There is also inadequate evidence to support the conclusion that the  
12 golden eagle will not be harmed. While the Planning Commission staff noted the golden eagle  
13 sighting, the IS-MND lacks an adequate analysis of the potential impacts of this Project on the  
14 golden eagle population in the area.

15 *The Planning Commission Denial*

16 38. The Planning Commission held a hearing on the proposed Project on December  
17 13, 2017. The Planning Commission found the Project to be not in the interests of Monterey  
18 County, and ordered the staff to prepare a resolution denying the application and prepare findings  
19 that accurately reflect the threats to public health and safety and the environment posed by Trio's  
20 proposed Project.

21 39. On January 30, 2018, Petitioner submitted comments urging the Planning  
22 Commission to adopt the revised resolution denying the Application.

23 40. On January 31, 2018, after hearing comments from Trio and the public, the  
24 Planning Commission found, *inter alia*, that oil and gas activities were injurious to the public  
25 welfare, including groundwater quality and climate, and there were no counterbalancing benefits  
26 of the Project that would offset the adverse impacts. The Planning Commission voted 6-3 to deny  
27 the Application and adopt Resolution No. 18-008 and its findings to support its decision.  
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1 41. On February 13, Trio appealed the Planning Commission's denial.

2 *The County's Approval*

3 42. On April 3, 2018, the Board of Supervisors held a hearing on Trio's appeal of the  
4 Planning Commission decision.

5 43. Petitioners again submitted comments opposing the Project highlighting the legal  
6 deficiencies of approving the project without adequate environmental review. Petitioners also  
7 spoke at the hearing, urging the Board not to overturn the Planning Commission's decision.

8 44. Ultimately, the Board voted to reverse the Planning Commission's decision,  
9 approve the project, adopt the IS-MND, and issue a conditional use permit to Trio.

10 45. Following the County's issuance of a Notice of Determination for the Project,  
11 Petitioners filed this timely petition.

12 **Notices to the Attorney General and County**

13 46. Petitioners have complied with Public Resources Code section 21167.7 by filing a  
14 copy of this petitioner with the California Attorney General's Office. A copy of that notice is  
15 attached as Exhibit A.

16 47. Petitioners have complied with Public Resources Code section 21167.5 by  
17 providing the County with notice of intention to commence the action. A copy of that notice is  
18 attached as Exhibit B.

19 48. Petitioners elect to exercise their right to prepare the administrative record for this  
20 action. A copy of that election is attached as Exhibit C.

21 **CLAIM FOR RELIEF**

22 49. Petitioners incorporate all previous paragraphs as if fully set forth herein.

23 50. The Project is a project within the meaning of CEQA.

24 51. The County's approval of the Conditional Use Permit for the Project was a  
25 discretionary action subject to CEQA.

26 52. CEQA requires the County, in considering whether to prepare an EIR, to assess the  
27 environmental effects of all reasonably foreseeable probable phases of a project and to include in  
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1 its analysis, among other things, a description of the project and the environmental setting; an  
2 evaluation and disclosure of the direct, indirect, and cumulative environmental effects of the  
3 project; and reasonable mitigation measures to avoid or minimize the project's significant  
4 environmental effects. Cal. Code Regs., tit. 14, § 15063.

5 53. The County must prepare an EIR if a fair argument can be made on the basis of  
6 substantial evidence in the record that the Project may have a significant adverse environmental  
7 impact. The County must prepare an EIR under such circumstances even if evidence also exists to  
8 the contrary.

9 54. Furthermore, the existence of serious public controversy concerning the  
10 environmental effect of a project in itself indicates that preparation of an EIR is needed.  
11 Numerous members of the public voiced opposition to the Project and called for the need for  
12 environmental review.

13 55. The adequacy of the County's review in preparing the Initial Study and Mitigated  
14 Negative Declaration is reviewed for abuse of discretion. Abuse of discretion is established if the  
15 agency has not proceeded in a manner required by law, the decision is not supported by the  
16 findings, or the findings are not supported by substantial evidence in the record. Code Civ. Proc.  
17 § 1094.5(b).

18 56. The County abused its discretion by segmenting the project and preparing an  
19 Initial Study and Mitigated Negative Declaration, rather than an EIR, for approval of the  
20 Conditional Use Permit that did not fulfill the requirements of CEQA. In particular, the Initial  
21 Study and Mitigated Negative Declaration did not evaluate and disclose the reasonably  
22 foreseeable direct, indirect, and cumulative environmental effects of the Project and of probable  
23 future phases of the Project as required by CEQA, including as follows:

- 24 a. **Failure to Consider All Phases of the Project:** the record demonstrates that  
25 the County abused its discretion by improperly piecemealing the stages of the  
26 Project and failing to consider and evaluate the reasonably foreseeable  
27 environmental impacts of expanded oil and gas development in and around  
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1 Hames Valley.

2 b. **Failure to Accurately Describe the Project:** The record demonstrates that the  
3 County abused its discretion by failing to fully and properly describe the  
4 Project

5 c. **Failure to Disclose and Explain Environmental Effects.** The County abused  
6 its discretion by failing to adequately disclose and evaluate the Project's  
7 impact on/from:

8 i. Air quality;

9 ii. Biological resources;

10 iii. Greenhouse gas emissions;

11 iv. Water quality;

12 v. Acid washing, drilling, well maintenance, well completion, and other  
13 processes that employ harmful chemicals;

14 vi. Enhanced oil recovery, or other extraction techniques that are not  
15 prohibited under the Conditional Use Permit

16 vii. Wastewater disposal;

17 viii. Cumulative impacts of this project with other existing and planned  
18 projects in the County;

19 ix. Refining and combustion of the produced oil and gas.

20 57. The County violated CEQA by not analyzing these impacts because a fair  
21 argument can be made that the Project may result in significant impacts in each of these areas.

22 58. Respondents' failure to comply with its legal obligations under CEQA constitutes  
23 a prejudicial abuse of discretion actionable under California Public Resources Code section  
24 21168 and California Code of Civil Procedure section 1094.5.

25 59. Petitioner raised these issues and concerns during the administrative process,  
26 submitting multiple comment letters together with supporting references and providing oral  
27 testimony at the County's public hearing.


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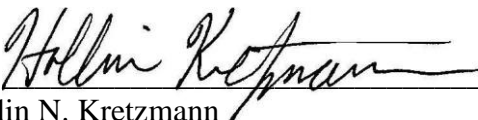
1 **PRAYER FOR RELIEF**

2 WHEREFORE, Petitioners pray for entry of judgment as follows:

- 3 1. For a peremptory writ of mandate setting aside and voiding the County’s approval of the  
4 Conditional Use Permit and adoption of the Mitigated Negative Declaration for the  
5 Project;
- 6 2. For injunctive relief prohibiting Respondents and Real Parties in Interest from proceeding  
7 with any actions pursuant to the Conditional Use Permit pending full compliance with  
8 CEQA;
- 9 3. For Petitioner’s costs and attorneys’ fees pursuant to California Code of Civil Procedure  
10 section 1021.5; and
- 11 4. For other and further relief as the Court finds proper.

12  
13 DATED: May 3, 2018

14 By:   
15 Deborah A. Sivas  
16 ENVIRONMENTAL LAW CLINIC  
17 Mills Legal Clinic at Stanford Law School

18 By:   
19 Hollin N. Kretzmann  
20 CENTER FOR BIOLOGICAL DIVERSITY

21 *Attorneys for Petitioner CENTER FOR BIOLOGICAL*  
22 *DIVERSITY*

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**VERIFICATION**

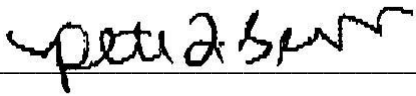
I, Peter Galvin, declare:

1. I am the Director of Programs for Center for Biological Diversity and in that capacity, I am authorized to make decisions on the organization’s behalf. I make this verification on behalf of Petitioner Center for Biological Diversity, in the above-captioned action.

2. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDAMUS [CCP SECTION 1085 OR 1094.5].

3. I am informed and believe that the matters stated therein are true and correct and on that basis alleged them to be true.

4. I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California, and that this Verification is executed on this 2nd day of May 2018, at Shelter Cove, California.

By:   
Peter Galvin

# EXHIBIT A

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8 Facsimile: (510) 844-7150

9 *Attorneys for Petitioner Center for Biological*  
10 *Diversity*

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF MONTEREY**

13 CENTER FOR BIOLOGICAL DIVERSITY,  
a nonprofit organization,

14 Petitioner,

15 v.

16 COUNTY OF MONTEREY, a municipal  
17 corporation, MONTEREY COUNTY BOARD  
OF SUPERVISORS OF MONTEREY  
18 COUNTY, and DOES 1 through 25, inclusive,

19 Respondents,

20 TRIO PETROLEUM, LLC,

21 Real Party in Interest.

Case No. \_\_\_\_\_

**NOTICE TO ATTORNEY GENERAL**

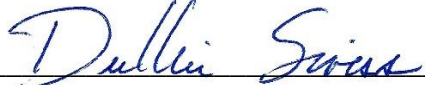
22  
23 **To the Attorney General of the State of California:**


24 **PLEASE TAKE NOTICE, under Public Resources Code § 21167.7 and Code of Civil**  
25 **Procedure § 388, that on May 3, 2018, CENTER FOR BIOLOGICAL DIVERSITY filed a**  
26 **petition for writ of mandate against COUNTY OF MONTEREY and MONTEREY**  
27 **COUNTY BOARD OF SUPERVISORS in MONTEREY COUNTY SUPERIOR COURT.**  
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The petition alleges that COUNTY OF MONTEREY and MONTEREY COUNTY BOARD OF SUPERVISORS violated the California Environmental Quality Act by approving a conditional use permit for four (4) exploratory wells in Monterey County on April 3, 2018 without legally mandated environmental review. A copy of the petition is attached to this notice.

DATED: May 3, 2018

By:   
Deborah A. Sivas  
Alicia E. Thesing  
ENVIRONMENTAL LAW CLINIC  
Mills Legal Clinic at Stanford Law School

  
Hollin N. Kretzmann  
CENTER FOR BIOLOGICAL DIVERSITY

*Attorneys for Petitioner CENTER FOR BIOLOGICAL DIVERSITY*



# EXHIBIT B

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9 *Attorneys for Petitioner Center for Biological*  
10 *Diversity*

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF MONTEREY**

13 CENTER FOR BIOLOGICAL DIVERSITY,  
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14 Petitioner,

15 v.

16 COUNTY OF MONTEREY, a municipal  
17 corporation, MONTEREY COUNTY BOARD  
OF SUPERVISORS, and DOES 1 through 25,  
18 inclusive,

19 Respondents,

20 TRIO PETROLEUM, LLC,

21 Real Party in Interest.

Case No. \_\_\_\_\_

**NOTICE OF INTENT TO FILE CEQA  
PETITION**

(Cal. Environmental Quality Act, § 21168 and  
Cal. Code of Civil Procedure, § 1094.5.)

Trial Date: None set

22  
23 **TO COUNTY OF MONTEREY and MONTEREY COUNTY BOARD OF**  
24 **SUPERVISORS:**

25 **PLEASE TAKE NOTICE, under Public Resources Code §21167.5, that CENTER FOR**  
26 **BIOLOGICAL DIVERSITY intends to file a petition under the provisions of the California**  
27 **Environmental Quality Act against respondent, COUNTY OF MONTEREY and**  
28

1 **MONTEREY COUNTY BOARD OF SUPERVISORS, challenging its approval of a**  
2 **conditional use permit (PLN160146) for four (4) exploratory wells in Monterey County on**  
3 **April 3, 2018.**

4 **The petition will seek the following relief:**

- 5 1. For a peremptory writ of mandate setting aside and voiding the County's approval of the  
6 Conditional Use Permit and adoption of the Mitigated Negative Declaration for the  
7 Project;
- 8 2. For injunctive relief prohibiting Respondents and Real Parties in Interest from proceeding  
9 with any actions pursuant to the Conditional Use Permit pending full compliance with  
10 CEQA;
- 11 3. For Petitioner's costs and attorneys' fees pursuant to California Code of Civil Procedure  
12 section 1021.5; and
- 13 4. For other and further relief as the Court finds proper.

14 **A copy of the petition to be filed by petitioner is attached to this notice.**

15 DATED: May 2, 2018

16 By:



17 Deborah A. Sivas  
18 ENVIRONMENTAL LAW CLINIC  
19 Mills Legal Clinic at Stanford Law School



20 Hollin N. Kretzmann  
21 CENTER FOR BIOLOGICAL DIVERSITY  
22 *Attorneys for Petitioner CENTER FOR*  
23 *BIOLOGICAL DIVERSITY*

# EXHIBIT C

1 Deborah A. Sivas, Bar No. 135446  
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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF MONTEREY**

13 CENTER FOR BIOLOGICAL DIVERSITY, a  
nonprofit organization,

14 Petitioner,

15 v.

16 COUNTY OF MONTEREY, a municipal  
17 corporation, MONTEREY COUNTY BOARD  
OF SUPERVISORS and DOES 1 through 25,  
18 inclusive,

19 Respondents,

20 TRIO PETROLEUM, LLC,

21 Real Party in Interest.

Case No. \_\_\_\_\_

**NOTICE OF INTENT TO PREPARE THE  
ADMINISTRATIVE RECORD**

(Cal. Environmental Quality Act, § 21168 and  
Cal. Code of Civil Procedure, § 1094.5.)

Trial Date: None set

22  
23 **TO RESPONDENT COUNTY OF MONTEREY and MONTEREY COUNTY**  
24 **BOARD OF SUPERVISORS:**


25 In the above-captioned action (the “Action”), Petitioner Center for Biological Diversity  
26 petitions this Court for a Writ of Mandate directed to Respondents County of Monterey and  
27 Monterey County Board of Supervisors. Petitioner challenge Respondents’ approval of a  
28


1 Conditional Use Permit (PLN160146) for four (4) exploratory wells in Monterey County (the  
2 “Project”) on April 3, 2018. Petitioner seek a determination that Respondents’ approval of the  
3 Project is invalid and void and fails to satisfy the requirements of the California Environmental  
4 Quality Act (“CEQA”), Public Resources Code section 21000 *et seq.*, and the CEQA Guidelines,  
5 Title 14, California Code of Regulations, section 15000 *et seq.*

6 Pursuant to Public Resources Code section 21167.6(b)(2), Petitioner hereby elects to  
7 prepare the record of proceedings related to the Action. The record will be organized  
8 chronologically, paginated, consecutively, and indexed so that each document may be clearly  
9 identified as to its contents and source, in a form and format consistent with California Rules of  
10 Court, Rule 3.2205.

11 Petitioner will include in the record of proceedings all documents, including transcripts,  
12 minutes of meetings, notices, correspondence, reports, studies, proposed decisions, final drafts,  
13 and any other documents or records relating to Respondents’ determination to approve the  
14 Project.

15  
16 DATED: May 3, 2018

17 By:   
18 Deborah A. Sivas  
19 ENVIRONMENTAL LAW CLINIC  
20 Mills Legal Clinic at Stanford Law School

21   
22 Hollin N. Kretzmann  
23 CENTER FOR BIOLOGICAL DIVERSITY  
24 *Attorneys for Petitioner* CENTER FOR  
25 BIOLOGICAL DIVERSITY