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11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

13 CENTER FOR BIOLOGICAL
14 DIVERSITY,

15 *Plaintiff,*

16 v.

17 DEBRA HAALAND, Secretary of the
18 Interior; BUREAU OF OCEAN ENERGY
19 MANAGEMENT, DOUGLAS BOREN,
20 Pacific Regional Director of the Bureau of
21 Ocean Energy Management,

22 *Defendants.*

Case No.

**COMPLAINT FOR DECLARATORY
AND OTHER RELIEF**

**(Outer Continental Shelf Lands Act, 43
U.S.C. § 1331, et seq.; Administrative
Procedure Act, 5 U.S.C. § 551, et seq.)**

23 **INTRODUCTION**

24 1. In this case, Plaintiff Center for Biological Diversity challenges the failure
25 of Defendants the Secretary of the U.S. Department of the Interior, Bureau of Ocean
26 Energy Management, and Douglas Boren, the Pacific Region Director of the Bureau of
27 Ocean Energy Management (collectively, the “Bureau”) to comply with the Outer
28 Continental Shelf Lands Act (“OCSLA”), 43 U.S.C. § 1331, et seq., and the

1 Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701–706, in authorizing and
2 managing offshore oil and gas activities at the Beta Unit off Huntington Beach on the
3 Pacific Outer Continental Shelf (“OCS”).

4 2. Offshore oil and gas drilling is inherently dangerous. It causes oil spills that
5 kill a wide variety of wildlife, toxic air pollution that harms frontline communities,
6 habitat destruction, and greenhouse gas pollution that exacerbates the climate crisis,
7 among many other problems. And while all offshore drilling is treacherous, the age of
8 the infrastructure off California—some of which has been littering the Pacific Ocean for
9 over half-a-century—heightens the numerous inherent risks. Indeed, much of this
10 infrastructure has outlived its expected lifespan and is well beyond the age scientists say
11 significantly increase the risk of oil spills.

12 3. This reality was highlighted all-too-well late last year when a pipeline
13 connected to Platform Elly in the Beta Unit ruptured and spilled tens of thousands of
14 gallons of oil into the ocean. The spill fouled sensitive marine, beach, and wetland
15 habitat; forced closure of fisheries; and harmed and killed birds, fish, plants,
16 invertebrates, and marine mammals.

17 4. OCSLA—the primary statute governing drilling in federal waters—
18 contains several provisions that seek to minimize the harms from such activity and
19 ensure offshore drilling is balanced “with protection of the human, marine, and coastal
20 environments[.]” 43 U.S.C. § 1802(2).

21 5. These provisions include the non-discretionary mandate that the Bureau
22 periodically review approved development and production plans to ensure operations
23 under such plans do not cause undue “serious harm or damage to life (including fish and
24 other aquatic life), . . . to the national security or defense, or to the marine, coastal or
25 human environments,” among other standards. *Id.* § 1351(h)(3), 1351(a)(1)(D). The
26 statute specifies that “[s]uch review shall be based upon changes in available
27 information and other onshore or offshore conditions affecting or impacted by
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1 development and production pursuant to such plan” and that the Bureau must require
2 revision of a development plan if its “review indicates that the plan should be revised to
3 meet the requirements of [OCSLA.]” *Id.* § 1351(h)(3).

4 6. The offshore platforms in the Beta Unit are operating under development
5 and production plans approved *four decades ago*. But the Bureau has not reviewed the
6 development plans for the platforms in the Beta Unit. As a result, the Bureau is allowing
7 oil companies to operate under these woefully outdated plans despite a host of
8 information demonstrating that those plans do not reflect current science, the scope of
9 activities at the platforms, or environmental and safety standards.

10 7. The Bureau’s ongoing failure to review and require revision of the plans
11 governing the development and production of oil and gas from platforms at the Beta
12 Unit not only threatens the marine environment and coastal communities with more oil
13 spills and toxic pollution, it violates the Bureau’s non-discretionary duty under OCSLA.

14 8. Accordingly, Plaintiff requests an order from the Court declaring the
15 Bureau is in violation of OCSLA and the APA; an order requiring the Bureau come into
16 compliance with its mandatory obligations under OCSLA; and an order prohibiting the
17 Bureau from authorizing new oil and gas activities at the Beta Unit unless and until the
18 Bureaus comply with OCSLA and the APA.

19 **JURISDICTION AND VENUE**

20 9. The Court has jurisdiction over this matter under the citizen suit provision
21 of OCSLA, 43 U.S.C. § 1349(a)(1), (b)(1), and under 28 U.S.C. § 1331 because this
22 action arises pursuant to the laws of the United States. An actual, justiciable controversy
23 now exists between Plaintiff and Defendants, and the requested relief is proper under 28
24 U.S.C. §§ 2201–2202, 5 U.S.C. §§ 701–706, and 43 U.S.C. § 1349(a)(1).

25 10. Venue is proper in this Court under 43 U.S.C. § 1349(b)(1) because some of
26 the Defendants reside in this District and California is the “state nearest the place where
27 the cause of action arose.” Venue is also proper in this Court under 28 U.S.C. § 1391(e)
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1 because some of the Defendants reside in this District and a substantial part of the events
2 or omissions giving rise to Plaintiff's claims occurred in this District.

3 11. Plaintiff provided 60 days' notice of intent to file this suit pursuant to the
4 citizen suit provision of OCSLA, 43 U.S.C. § 1349(a)(2)(A), by letter to Defendants
5 dated November 2, 2021. Defendants have not taken action to remedy their continuing
6 violations by the date of this complaint's filing. Therefore, an actual controversy exists
7 between the parties under 28 U.S.C. § 2201.

8 **PARTIES**

9 **Plaintiff**

10 12. Plaintiff Center for Biological Diversity (the "Center") is a national
11 conservation organization and California nonprofit corporation that advocates for the
12 protection of threatened and endangered species and their habitats through science, law,
13 and policy. The Center's mission also includes protecting air quality, water quality, and
14 public health. The Center has over 89,000 members worldwide, including thousands in
15 California. The Center brings this action on behalf of itself and its members.

16 13. The Center's Oceans Program focuses specifically on conserving marine
17 ecosystems and seeks to ensure that imperiled species such as marine mammals, sea
18 turtles, and fish are properly protected from destructive practices in our oceans. The
19 Oceans Program also works to protect coastal communities from the air pollution, water
20 pollution, and other impacts that result from such practices. In pursuit of this mission,
21 the Center has been actively involved in protecting the California coastal environment
22 from offshore oil and gas drilling activity.

23 14. Plaintiff's members regularly visit California beaches, including Huntington
24 Beach and the waters near the offshore platforms in the Beta Unit, for vocational and
25 recreational activities such as swimming, surfing, kayaking, hiking, fishing, camping,
26 viewing and studying wildlife, and photography. Plaintiff's members derive recreational,
27 spiritual, professional, scientific, educational, and aesthetic benefits from their activities
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1 in these areas. Plaintiff's members intend to continue to use and enjoy these areas
2 frequently and on an ongoing basis in the future.

3 15. Offshore oil and gas drilling activities degrade these habitats and threaten
4 wildlife and the coastal environment. For example, offshore drilling activities increase
5 air pollution that is harmful to public health and discharges wastewater that contaminates
6 the ocean with pollutants that are toxic to marine species. It also requires the shipment of
7 equipment to oil platforms, thereby increasing port and ship traffic, which in turn
8 increases ocean noise and the risk of ship strikes of whales and other marine life.

9 16. Offshore oil and gas activities also cause oil spills. Oil spills have a wide
10 array of lethal and sublethal impacts on marine species, both immediate and long term.
11 Direct impacts to wildlife from exposure to oil can include behavioral alteration, disease,
12 suppressed growth, and death. Oil can also harm wildlife through reduction of key prey
13 species. Oil destroys the water proofing and insulating properties of feathers and fur of
14 birds and mammals, respectively, compromising their buoyancy and ability to
15 thermoregulate. Oil spills can also lead to closures of beaches and recreational and
16 commercial fisheries, causing widespread economic harm. The recent spill from a
17 pipeline connected to a Platform Elly at the Beta Unit killed or harmed over 120
18 animals, including dolphins, sea lions, and snowy plovers.

19 17. The risk of oil spills is especially heightened off California, where oil
20 companies have been drilling from platforms and pipelines installed between 30 to 50
21 years ago. Scientists have determined, for example, that the risk of a spill more than
22 doubles as a pipeline ages from 20 to 40 years.

23 18. Continued oil and gas drilling off California also increases the greenhouse
24 gas emissions driving climate change. Scientists have determined that each barrel of
25 federal California oil left in the ground would equate to roughly half a barrel reduction in
26 net oil consumption, with associated reductions in greenhouse gas emissions.
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1 19. Offshore oil and gas drilling degrades the Center’s members’ recreational,
2 spiritual, scientific, cultural, and aesthetic enjoyment of Huntington Beach, the
3 surrounding waters where offshore drilling occurs at the Beta Unit. It harms water
4 quality and wildlife that they study, fish for, and observe and decreases their ability to
5 view species that are impacted by offshore drilling activities or abandon the area because
6 of these activities.

7 20. For example, one Center member who lives in Santa Barbara regularly
8 recreates in and near beaches in southern California, including in coastal areas and
9 waters near offshore oil platforms in the Beta Unit. He regularly surfs in places like
10 Rincon and Sands Beach near Santa Barbara, Naples on the Gaviota Coast, Jalama
11 Beach near Point Conception, and Oxnard Shores and Silver Strand in Ventura. He goes
12 as often as possible, generally twice a week. He also surfs off Huntington Beach and
13 hikes, sails, and scuba dives on and around the Channel Islands. While on these trips he
14 enjoys looking for and enjoying wildlife in the area, including fur seals, blue whales,
15 humpback whales, black abalone, and other animals. He derives aesthetic, emotional,
16 and physical benefits from these activities that are essential to his well-being. Noise
17 pollution, water pollution, vessel strikes, oil spills, and other impacts from oil and gas
18 drilling activities at the Beta Unit disturb and harm the animals he is interested in seeing
19 and make it less likely he can see these animals in the future. Oil spills like the one from
20 a pipeline connected to Platform Elly—that close beaches or ocean waters—impede his
21 ability to enjoy recreational activities.

22 21. Defendants’ management and authorization of offshore drilling activities at
23 the Beta Unit without proper review of the plans governing such operations means
24 Defendants are failing to adequately protect California’s ocean and already imperiled
25 wildlife, exposing them and the coastal environment to increased risk of harm. Such
26 risks include, but are not limited to, increased risk of death and injury to humpback
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1 whales, fin whales, and other animals from ship strikes; and increased risk of oil spills,
2 which could have devastating environmental and economic consequences.

3 22. The above-described aesthetic, recreational, professional, spiritual, and
4 other interests have been, are being, and will continue to be adversely affected and
5 irreparably injured by Defendants' authorization and management of offshore drilling
6 activity at the Beta Unit on the Pacific Outer Continental Shelf without complying with
7 OCSLA or the APA.

8 23. Plaintiffs are also suffering procedural and informational injuries resulting
9 from the Bureau's failure to review and revise the development and production plans for
10 the Beta Unit. The procedural requirements in OCSLA were designed to promote public
11 participation and information. By not reviewing and requiring revisions to the Beta Unit
12 development and production plans, the Bureau is, for example, depriving the Center and
13 its members of opportunities for public notice and comment on those revisions and the
14 environmental impacts of continued offshore drilling activities at the Beta Unit.

15 24. The Center and its members have no adequate remedy at law and the
16 requested relief is proper. Relief in this case would ensure Defendants examine the
17 existing development and production plans at the Beta Unit and ensure the authorization
18 and management of offshore drilling activity at the Beta Unit complies with relevant
19 law, including OCSLA's requirements that sufficient environmental safeguards are in
20 place and offshore drilling does not cause undue harm. The requested relief could result
21 in additional mitigation and oversight of offshore drilling that would better protect the
22 ocean and imperiled wildlife and alleviate the recreational, aesthetic, spiritual, and other
23 injuries of the Center's members. The requested relief could also result in additional
24 information and procedures that would allow the Center and its members to actively
25 participate in decisionmaking regarding the management and oversight of offshore
26 drilling at the Beta Unit that would alleviate the informational and procedural injuries of
27 the Center's members. An order prohibiting Defendants from authorizing new offshore
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1 drilling activity unless and until Defendants comply with OCSLA and/or the APA would
2 redress the injuries of the Center’s members.

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4 **Defendants**

5 25. Defendant Debra Haaland is the Secretary of the U.S. Department of the
6 Interior and is sued in her official capacity. The Interior Department is responsible for
7 managing and overseeing the development of oil and gas resources on the Outer
8 Continental Shelf in accordance with OCSLA. Secretary Haaland is the official
9 ultimately responsible under federal law for ensuring that the actions and management
10 decisions of the Interior Department and its Bureaus comply with all applicable laws and
11 regulations, including OCSLA and the APA.

12 26. Defendant Bureau of Ocean Energy Management (“BOEM”) is a federal
13 agency within the U.S. Department of the Interior. BOEM is charged with managing the
14 development of offshore resources, including oil exploration, development, and
15 production in federal waters.

16 27. Defendant Douglas Boren is the Pacific Region Director of BOEM and is
17 sued in his official capacity. Mr. Boren has responsibility for implementing and fulfilling
18 BOEM’s duties under OCSLA and the APA.

19 **STATUTORY BACKGROUND**

20 **Outer Continental Shelf Lands Act**

21 28. OCSLA establishes a framework under which the Secretary of the
22 Interior may lease areas of the outer continental shelf (“OCS”) for purposes of exploring
23 and developing the oil and gas deposits of the OCS’s submerged lands. 43 U.S.C.
24 §§ 1331–1356b. The OCS generally begins three miles from shore—the outer boundary
25 of state waters—and extends seaward to the limits of federal jurisdiction. *Id.* § 1331(a).

26 29. There are four separate stages to developing an offshore oil well:

- 27 (1) formulation of a five year leasing plan by the Department of
28 the Interior; (2) lease sales; (3) exploration by the lessees; [and]
(4) development and production. Each stage involves separate
regulatory review that may, but need not, conclude in the transfer

1 to lease purchasers of rights to conduct additional activities on
2 the OCS.

3 *Sec’y of the Interior v. California*, 464 U.S. 312, 337 (1984).

4 30. At the fourth stage, prior to the develop of a well, OCSLA requires lessees
5 to submit development and production plans (“DPPs”) to the Secretary. 43 U.S.C. §
6 1351(a); *Sec’y of the Interior*, 464 U.S. at 337, 340.

7 31. The DPP must include a description of:

8 (1) the specific work to be performed; (2) . . . all facilities and
9 operations located on the [OCS] . . . directly related to the
10 proposed development . . . ; (3) the environmental safeguards to
11 be implemented . . . and how those safeguards will be
12 implemented; (4) all safety standards to be met and how such
13 standards are to be met; (5) an expected rate of development and
14 production and a time schedule for performance; and (6) such
15 other relevant information as the Secretary may by regulation
16 require.

17 43 U.S.C. § 1351(c)(1)–(6).

18 32. OCSLA’s implementing regulations further define the requisite contents
19 of a DPP. In particular, DPPs must also include detailed descriptions of the types,
20 quantity and composition of wastes that will be generated by development and
21 production activities; how such wastes will be disposed of; the frequency, duration and
22 amount of emissions of VOCs and other pollutants that will be generated by
23 development and production activities; and mitigation measures designed to avoid or
24 minimize the take of protected species if there is reason to believe that protected species
25 may be incidentally taken by planned development and production activities, among
26 other information. 30 C.F.R. §§ 550.241–.262.

27 33. OCSLA requires the Secretary to reject a DPP if, inter alia,

28 the lessee fails to demonstrate that he can comply with the
requirements of [OCSLA] or other applicable Federal law . . . ;
if operations threaten national security or national defense; or
if the Secretary determines, because of . . . exceptional

1 resource values in the marine or coastal environment, or other
2 exceptional circumstances, that (i) implementation of the plan
3 would probably cause serious harm or damage to life
4 (including fish and other aquatic life), to property, to any
5 mineral deposits (in areas leased or not leased), to the national
6 security or defense, or to the marine, coastal or human
7 environments, (ii) the threat of harm or damage will not
8 disappear or decrease to an acceptable extent within a
reasonable period of time, and (iii) the advantages of
disapproving the plan outweigh the advantages of
development and production.

9 43 U.S.C. § 1351(h)(1)(A)–(D).

10 34. OCSLA mandates that “[t]he Secretary shall, from time to time, review
11 each [approved DPP].” *Id.* § 1351(h)(3). The reviews “shall be based upon changes in
12 available information and other onshore or offshore conditions” that impact development
13 and production. *Id.*

14 35. OCSLA regulations also require the review of DPPs and state that “[t]he
15 frequency and extent of [such] review[s] will be based on the significance of any
16 changes in available information and onshore or offshore conditions affecting, or
17 affected by, the activities in [an] approved . . . DPP.” 30 C.F.R. § 550.284(a). The
18 regulations state that the Bureau’s Regional Supervisor will conduct such reviews, and
19 that the Regional Supervisor may require companies to submit updated information on
20 their activities as part of that review. *Id.*

21 36. If such review indicates that the DPP should be revised to ensure the plan
22 complies with OCSLA, the Secretary must require such revision. 43 U.S.C. §
23 1351(h)(3).

24 37. OCSLA regulations specifically require revision of DPPs when a
25 company proposes to, inter alia, “[c]hange the type of production or significantly
26 increase the volume of production;” increase the emissions of certain air pollutants to a
27 degree that exceeds the amount specified in the approved plan; or “[s]ignificantly
28 increase the amount of solid or liquid wastes to be handled or discharged[.]” 30 C.F.R. §

1 550.283(a). The regulations also require a company to supplement a DPP when it
2 “propose[s] to conduct activities . . . that require approval of a license or permit which is
3 not described in [the approved DPP].” *Id.* § 550.283(b).

4 38. Finally, OCSLA gives the Secretary the authority to order the suspension
5 of all development and production activities “if there is a threat of serious, irreparable, or
6 immediate harm or damage to life (including fish and other aquatic life) . . . or to the
7 marine, coastal, or human environment,” among other reasons. 43 U.S.C. §
8 1334(a)(1)(B); *see also* 30 C.F.R. § 250.172(b) (OCSLA regulations authorizing
9 suspensions of operations for the same reason).

10 39. Each of these statutory provisions and requirements helps to ensure
11 Congress’s goal in OCSLA that, *inter alia*, “environmental safeguards” are in place and
12 helps “to balance orderly energy resource development with protection of the human,
13 marine, and coastal environments[.]” 43 U.S.C. §§ 1332(3), 1802(2)(B).

14 40. The Secretary has delegated its authority under OCSLA to BOEM and the
15 Bureau of Safety and Environmental Enforcement (“BSEE”). BOEM is responsible for
16 approving and managing DPPs. BSEE is responsible for enforcing safety and
17 environmental regulations, and reviewing and approving drilling permits.

18 **Administrative Procedure Act**

19 41. The APA governs judicial review of federal agency actions. 5 U.S.C.
20 §§ 701–706.

21 42. Under the APA, a person may seek judicial review to “compel agency
22 action unlawfully withheld or unreasonably delayed[.]” *Id.* § 706(1).

23 43. Also under the APA, courts “shall . . . hold unlawful and set aside agency
24 action, findings, and conclusions found to be . . . arbitrary, capricious, an abuse of
25 discretion, or otherwise not in accordance with law” or “without observance of
26 procedure required by law[.]” *Id.* § 706(2)(A), (D).

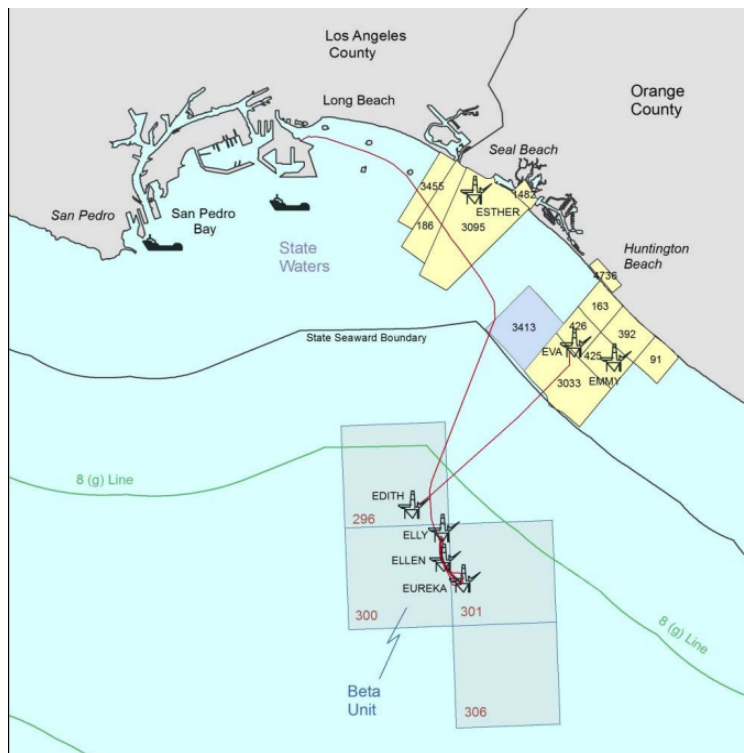
FACTUAL BACKGROUND

Oil and Gas Drilling in the Beta Unit and other Federal Waters off California

44. There are currently 23 platforms on the Pacific OCS from which oil drilling and extraction activities occur at 14 oil and gas fields. Twenty-two of the platforms are production platforms while one of them is a processing platform. Oil companies installed the platforms between 1967 and 1989, and the first production began in 1969.

45. While some of these platforms are on leases that have expired and cannot be renewed, and the platforms will soon enter the decommissioning phase, the platforms drilling from the Beta Unit are not among them.

46. There are three offshore platforms from which drilling at the Beta Unit occurs: Platforms Ellen, Edith, and Eureka. Platform Elly—a processing facility—is also located in the Beta Unit. Platform Ellen was installed in January 1980, Platform Elly was installed in March 1980, Platform Edith was installed in January 1983, and Platform Eureka installed in July 1984. Production began from each of these platforms between January 1981 and March 1985.



The Beta Unit. Map: BSEE



Platforms Ellen and Elly off Huntington Beach. Photo: BSEE

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47. The Bureau's predecessor agency originally approved the DPP for drilling from the Beta Unit from Platform Ellen (and processing at Platform Elly) in 1980 based on a plan submitted in 1977.

48. It subsequently approved another DPP for drilling from Platform Edith in 1981 and a supplemental DPP in 1982; an amendment to the original DPP for the Beta Unit to allow for the installation of Platform Eureka in 1984; and subsequently approved another amendment to allow the drilling of an exploratory well from Platform Eureka in 1985. (Unless otherwise indicated this Complaint refers to these approved DPPs collectively as the "Beta Unit DPPs").

49. The DPP and associated environmental analysis for Platform Edith in the Beta Unit estimated production would cease in 2007 and the wells and platforms would be abandoned in 2008. The DPP and associated environmental analyses for Platform Ellen estimated that peak oil production would occur in about 1986; and that the entire life of the Beta Unit oil field life was 35 years, at which time the platforms and other offshore facilities would be removed, and the wells sealed. The DPP and associated environmental analysis for Platform Eureka stated the platform would be in operation for 30 years. This means that, in approving the DPPs, both the Bureau's predecessor agency

1 and the oil companies expected oil production to end and all offshore platforms to be
2 removed by 2015 at the latest.

3 50. BSEE's database lists dozens of instances of non-compliance with
4 environmental and safety regulations at the platforms in the Beta Unit since 2010 alone.
5 These instances include "various corrosion issues" at Platform Eureka; "various electrical
6 issues thru-out" Platform Ellen; various corrosion and electrical issues at Platform Elly;
7 and unauthorized discharge of pollutants into the ocean from Platform Elly.

8 **The Harms from Offshore Oil and Gas Drilling**

9 51. Oil and gas development and production activities on the Pacific OCS,
10 including at the Beta Unit, have numerous harmful effects on coastal and marine species
11 in California.

12 52. For example, oil and gas drilling exacerbates climate change, which is
13 already threatening many species with extinction. Oil and gas drilling also includes the
14 discharge of drilling muds and cuttings, produced wastewater, and well treatment and
15 workover fluids. The federal government permits platforms off California to discharge
16 more than nine billion gallons of produced wastewater into the ocean each year. These
17 discharges can contain toxic chemicals like benzene, a known carcinogen; heavy metals;
18 and radioactive materials.

19 53. The impacts also include noise pollution from vessel and air traffic,
20 conductor installation and pile driving, and production operations on platforms. Noise
21 pollution can interfere with important biological functions of marine mammals like
22 feeding, mating, and rearing young.

23 54. Vessel traffic from offshore oil and gas activity can also lead to vessel
24 strikes of large whales and other marine animals. Vessel strikes can kill or injure large
25 whales and other animals by causing blunt force trauma, resulting in fractures,
26 hemorrhage, and/or blood clots. Direct propeller strikes can result in fatal blood loss,
27 lacerations, and/or amputations.

1 55. Oil spills are another impact of offshore drilling. Drilling off California has
2 been accompanied by spills and other accidents since its first days, including a spill of
3 more than 2,000 gallons from Platform Hogan in 1968 and the infamous 1969 spill from
4 Platform A in the Santa Barbara Channel that dumped upwards of 4.2 million gallons of
5 oil into the ocean.

6 56. Spills have occurred since. This includes, for example, a May 2015 spill
7 from Line 901 of the Plains All American Pipeline that spewed over 123,000 gallons of
8 crude oil into California's coastal environment, tens of thousands of which spilled into
9 the Pacific Ocean. The pipeline was transporting oil from platforms in the Santa Barbara
10 Channel. Additionally, in October 2021, an offshore pipeline connected to Platform Elly
11 in federal waters off California spilled between 25,000 and 132,000 gallons of oil into the
12 ocean.

13 57. Oil spills can have devastating impacts on a wide variety of wildlife. Oil
14 spills have an array of lethal and sublethal impacts on marine species, both immediate
15 and long-term. Direct impacts to wildlife from exposure to oil include behavioral
16 alteration; suppressed growth; induced or inhibited enzyme systems; reduced immunity to
17 disease and parasites; lesions; tainted flesh; and chronic mortality. Oil can also exert
18 indirect effects on wildlife by reducing key prey species. Oil destroys the waterproofing
19 and insulating properties of feathers and fur of birds and mammals, respectively, thereby
20 compromising their buoyancy and ability to thermoregulate.

21 58. Marine mammals can be exposed to oil externally by swimming in oil and
22 internally by inhaling volatile compounds at the surface, swallowing oil, and consuming
23 oil-contaminated prey. Exposure to toxic fumes from petroleum hydrocarbons during oil
24 spills have been recently linked to mortality in cetaceans, even years after such incidents
25 occur.

26 59. Exposure to crude oil also adversely affects fish at all stages. Early-life
27 stages of fish are particularly sensitive to the effects of toxic oil components such as
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1 polycyclic aromatic hydrocarbons, which can cause larval deformation and death. Adult
2 fish exposed to oil can suffer from reduced growth, enlarged liver, changes in heart and
3 respiration rates, fin erosion, and reproductive impairment. Additionally, fish and sharks
4 are at risk from lethal coating of their gills with oil and declines in and contamination of
5 their food sources. Exposure to crude oil has also been linked to long-term population
6 effects in fish. A study based on 25 years of research demonstrated that embryonic
7 salmon and herring exposed to very low levels of crude oil can develop heart defects that
8 impede their later survival.

9 60. Official reports document that the 2015 Plains pipeline spill killed at least
10 558 dead birds and 232 mammals, including 19 dolphins and over 94 sea lions. A wide
11 variety of nearshore fish species were impacted by the spill, including surfperch and
12 grunion, which were spawning at the time of the spill. The actual number of birds killed
13 is likely to be four times the number of birds recovered. The spill also impacted a variety
14 of coastal habitats including kelp wrack, feather boa kelp, surfgrass, and eelgrass.
15 Humpback whales were seen swimming in the spilled oil.

16 61. The recent Platform Elly pipeline spill in October 2021 killed or injured at
17 least 124 birds and mammals. At the time of the spill, Whale Safe—a technology-
18 powered mapping and analysis tool displaying near real-time whale data for the Santa
19 Barbara Channel—indicated that the presence of humpback whales off southern
20 California was “very high” at the time of the spill. Scientists predict the ecological
21 impacts of these spills will be felt for years to come.

22 62. Oil spills not only harm wildlife, but public health, commercial fisheries,
23 tourism, and recreation. For example, following the 2015 Plains pipeline spill, the
24 California Department of Fish and Wildlife closed 138 square miles of marine waters to
25 fishing and shellfish harvesting, two State Parks were closed, and the Governor declared
26 a state of emergency in Santa Barbara County. And the 2021 Platform Elly pipeline spill
27 closed approximately 650 square miles of marine waters to fishing; closed 45 miles of
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1 shoreline, including Orange County beaches; and caused a noxious odor that affected
2 coastal communities.

3 63. While oil spills occur wherever offshore drilling activities occur, the risk of
4 spills is especially great off California because of the age of the oil and gas infrastructure.

5 64. For example, the Plains pipeline that ruptured in 2015 was built in 1987. The
6 environmental impact statement that the Bureau of Land Management and California
7 State Lands Commission prepared in 1985 for the construction and operation of the
8 Plains pipeline acknowledged that spills happen and determined that the risk of a spill
9 would more than double as the pipeline aged from 20 to 40 years. Many of the offshore
10 pipelines in the Pacific Ocean have reached 40 years of age.

11 65. According to scientists, aging poses risks of corrosion, erosion, and fatigue
12 stress to subsea pipelines. These impacts accelerate over time and can act synergistically
13 to increase the rate of crack propagation. Marine environments are especially known to
14 produce significant corrosion on steel surfaces, and when a steel structure is at or beyond
15 its elastic limit, the rate of corrosion increases 10 to 15 percent. One offshore pipeline
16 study found that after 20 years the annual probability of pipeline failure increases rapidly,
17 equating to a probability of failure of 10 percent to 100 percent per year. Another study
18 covering 1996 to 2010 found that accident incident rates, including spills, increased
19 significantly with the age of infrastructure.

20 66. A recent analysis of federal records from the Pipeline and Hazardous
21 Materials Safety Administration found that from 1986 to July 2021, nearly 1,400 oil and
22 gas pipeline leaks, spills, and other significant incidents in California caused at least \$1.2
23 billion in damages, as well as 230 injuries and 53 deaths.

24 67. Older wells can also lead to oil spills or other accidents. For example, one
25 study found that 30 percent of offshore oil wells in the Gulf of Mexico experienced well
26 casing damage in the first five years after drilling, and damage increased over time to 50
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1 percent after 20 years. Another study determined about five percent of oil and gas wells
2 leak immediately, 50 percent leak after 15 years, and 60 percent leak after 30 years.

3 **New Information on the Impacts of Oil and Gas Drilling Activity at the Beta Unit**

4 68. New information indicates that the development and production plans at the
5 Beta Unit are out of date, increasing the numerous harms inherent in offshore
6 drilling activities.

7 69. For example, the Beta Unit DPPs state that project pipelines would be
8 designed to withstand 100-year storm to prevent movement, designed to prevent
9 corrosion, and that these and other measures make an oil spill unlikely.

10 70. Additionally, a slew of new information (described above) demonstrates that
11 the risk of an oil spill from pipelines and other oil and gas infrastructure significantly
12 increases along with the age of the infrastructure.

13 71. Moreover, as also explained above, the DPPs and associated environmental
14 analysis estimated production from these platforms would cease in 2007 and the wells
15 and platforms would be abandoned in 2008, and by 2015 at the latest. Yet, years later, the
16 platforms are still active and have not been abandoned. This means that the overall level
17 of production—and associated volume of air and water pollution—may be significantly
18 larger and more harmful than provided for in the DPPs.

19 72. Numerous changes have been made on the platforms, including for example
20 the installation of “eight 200-kW Capstone microturbine generators and associated
21 electrical and process support equipment” at Platform Edith. And operators at the Beta
22 Unit are now flaring—emitting 95,226 million cubic feet of gas from January 2015 to
23 August 2018 alone.

24 73. Shipping navigation, traffic, and hazards have changed significantly since
25 the DPPs were approved. The DPP for Platform Ellen notes that “[w]hile the proposed
26 platform development plan is within the Gulf of Santa Catalina Traffic Separation
27 Scheme, it is clear of both traffic lanes and their buffer zones.” The DPP for Platform
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1 Edith also acknowledges that it “is located in the center of the maritime Traffic
2 Separation Scheme”—the shipping lane for Long Beach. Shipping traffic has increased
3 substantially since the platforms were built in shipping lanes. Another significant change
4 is that ships waiting to call on Long Beach Port anchor for extended periods of time and
5 the area around the platforms has become congested. Additionally, ships are much larger
6 requiring heavier anchors and different navigation safety. Adequately studying and
7 analyzing the risks from these changes in ship traffic is especially important given that
8 one theory of the source of the recent pipeline rupture at the Beta Unit is that a ship’s
9 anchor may have moved the pipeline.

10 74. The Beta Unit DPPs also state that the platforms would be designed to
11 withstand a particular wave height and frequency based on historical information
12 regarding storms. However, new information indicates that climate change and ocean
13 warming is increasing the frequency of extreme weather events and is increasing wave
14 power as well. For example, one study determined that ocean warming has caused an
15 increased in wave power by 2.3 percent per year since 1994. Another study found climate
16 change is causing faster winds, leading to larger wind-driven waves.

17 75. The climate crisis is already causing devastating impacts from rising seas
18 and coastal erosion; more destructive hurricanes and wildfires; increasing heatwaves,
19 droughts, and floods; imperiling food and water security; and the collapse of ecosystems.
20 The overwhelming scientific consensus has conclusively determined that without
21 significant, rapid emissions reductions, warming will exceed 1.5 degrees Celsius and will
22 result in catastrophic damage around the world. Every fraction of additional warming
23 above 1.5 degrees Celsius will worsen these harms.

24 76. Drilling off California contributes to the climate emergency. One study
25 estimated, for example, that for each unit of federal oil production cut, other oil supplies
26 would substitute for about half a unit (0.56 QBtu) and net oil consumption would drop by
27 nearly half a unit (0.44 QBtu). This means that every barrel of federal oil left
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1 undeveloped would result in nearly half a barrel reduction in net oil consumption, with
2 associated reductions in greenhouse gas emissions. Another recent study confirms these
3 findings for California. In particular, the study found that for each barrel of California oil
4 left in the ground, only 0.4 to 0.8 barrels would be produced elsewhere, yielding a net
5 reduction in global oil consumption of between 0.6 and 0.2 barrels.

6 77. In November 2021, the Center sent the Bureau a request under the Freedom
7 of Information Act (“FOIA”) seeking all records, from January 1, 2000 to the date the
8 Bureau conducted the search, generated in connection with the DPPs for Platforms Elly,
9 Eureka, and Ellen. In January 2022, the Bureau responded that it had no such records.

10 78. On information and belief, including the Bureau’s response to the Center’s
11 FOIA request, the Bureau has not reviewed the Beta Unit DPPs since they were
12 approved. The Bureau has not required revision of the Beta Unit DPPs since they were
13 approved.

14 **CLAIMS FOR RELIEF**

15 **First Claim for Relief**

16 **Violation of the Outer Continental Shelf Lands Act – Failure to Review DPPs**

17 79. Plaintiff realleges and incorporates the allegations in Paragraph 1 through 78
18 of this Complaint.

19 80. OCSLA mandates that the Bureau “shall, from time to time, review each
20 plan approved under [section 1351 of OCSLA].” 43 U.S.C. § 1351(h)(3).

21 81. On information and belief, the Bureau has failed to review the Beta Unit
22 DPPs for at least the last two decades.

23 82. The Bureau’s failure to review these plans violates OCSLA.

24 83. In the alternative, to the extent the Bureau has conducted such reviews and
25 determined revisions of the Beta Unit DPPs are not required, that determination violates
26 OCSLA. 43 U.S.C. § 1351(h)(3).

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Second Claim for Relief

Violation of the Administrative Procedure Act – Failure to Review DPPs

84. Plaintiff realleges and incorporates the allegations in Paragraph 1 through 78 of this Complaint.

85. OCSLA mandates that the Bureau “shall, from time to time, review each plan approved under [section 1351 of OCSLA].” 43 U.S.C. § 1351(h)(3), and the APA requires a court to “compel agency unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1).

86. On information and belief, the Bureau has failed to review the Beta Unit DPPs for at least the last two decades.

87. The Bureau’s failure to review the Beta Unit DPPs alternatively constitutes agency action that is unreasonably delayed and/or unlawfully withheld under the APA. 5 U.S.C. § 706(1).

88. In the alternative, to the extent the Bureau has conducted such review and determined revisions of the Beta Unit DPPs are not required, that determination alternatively constitutes arbitrary and capricious agency action, agency action “unlawfully withheld or unreasonably delayed,” and/or agency action made “without observance of procedure required by law” under the APA. 5 U.S.C. § 706(1), (2)(A), (D).

REQUEST FOR RELIEF

For the reasons stated above, Plaintiff respectfully requests that this Court

1. Declare that the Bureau’s failure to review each of the Beta Unit DPPs violates OCSLA, 43 U.S.C. § 1351(h)(3); or alternatively, declare that the Bureau’s failure to review each of the Beta Unit DPPs constitutes agency action unlawfully withheld or unreasonably delayed under the APA, 5 U.S.C. § 706(1);

2. In the alternative, declare that the Bureau’s failure to require revision of the

1 Beta Unit DPPs violates OCSLA, 43 U.S.C. § 1351(h)(3); or alternatively, declare that
2 the Bureau's failure to require revision of the Beta Unit DPPs constitutes arbitrary and
3 capricious agency action or agency action unlawfully withheld or unreasonably delayed
4 under the APA, 5 U.S.C. § 706(1), (2).

5 3. Order the Bureau to conduct a review of each of the Beta Unit DPPs;

6 4. Order the Bureau to require revisions of the Beta Unit DPPs;

7 5. Prohibit the Bureaus from authorizing new oil and gas drilling activity at the
8 Beta Unit on the Pacific OCS unless and until the Bureau completes the required reviews
9 of the Beta Unit DPPs;

10 6. Prohibit the Bureaus from authorizing new oil and gas drilling activity at the
11 Beta Unit on the Pacific OCS unless and until the revision of DPPs are completed;

12 7. Award Plaintiff its costs of litigation, including reasonable attorneys' fees; and

13 8. Grant such other relief as the Court deems just and proper.

14
15 Respectfully submitted this 28th day of September 2022,

16
17 /s/ Kristen Monsell

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