

Whittier appeals oil drilling to higher court; more lawsuits to come

By Steve Scauzillo , San Gabriel Valley Tribune

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Whittier oil and gas drilling site in the Whittier Hills show a large hole or well cellar with steel rebar sticking up. An orange excavator is parked near the site of the Whittier oil drilling site located in the Whittier Hills. The judge cancelled the project and ordered all equipment removed. Courtesy photo

Two years since a Superior Court judge stopped a controversial oil-drilling project in the Whittier Hills, the city is taking the fight to a new level.

On Wednesday, the city and its partner, Matrix Oil Corp. will argue for reversal of the injunction at the

Second District Court of Appeal in Los Angeles.

At issue is whether the city can drill for oil in a nature preserve purchased with monies raised through Proposition A, a county ballot measure that has pumped out \$530 million for open space and parklands throughout the county. The Appellate Court would need to throw out Los Angeles Superior Court Judge James Chalfant's rulings in June, October and November 2013 which said the city violated the public trust by drilling on land that was supposed to be set aside as open space and wildlife habitat.

In November, Chalfant seemed to leave the door open for drilling in the habitat near homes in Friendly Hills by saying drilling may be allowed after the agreement between the city and the county open space district runs out July 1, or if the county signs off on the project.

However, at least two other lawsuits have since been filed, further challenging the city's interpretation of Proposition A as a preservation measure that expires after 20 years of implementation.

Los Angeles County, the Board of Supervisors and the Los Angeles County Regional Park and Open Space District have filed a counter-lawsuit that challenge the city's assumption that oil drilling is acceptable in a wildlife preserve purchased with county taxpayer dollars. The lawsuit has a June 25 trial date, according to Scott Kuhn, deputy county counsel, in an email.

The county's lawsuit argues Whittier violated an agreement to keep the land as open space when it bought the land using Prop. A monies: "The property is composed of two tracts of land that are also subject to long-standing deed restrictions that mandate preservation of the land as open space in perpetuity ..." the county complaint states.

Kuhn declined to discuss the case further. Sean Riley, a lawyer hired by the county from Glaser Weil Fink Howard Avchen & Shapiro, said he did not have permission to discuss the case from the Office of County Counsel.

A second lawsuit, filed in December 2012 and amended last year, could be heard in Los Angeles Superior Court after the oral arguments in the Appellate Court on May 20, said Timothy Morris, attorney who represents the Prop. A Protective Association.

The Prop. A Protective Association, or PAPA, consists of county residents who say Whittier's intention to lease a 7-acre portion of the 1,280-acre Whittier Hills Nature Preserve to Matrix for oil drilling is a violation of the ballot measure.

"My clients are still paying off the original Prop. A bonds. They are still being assessed. So now it will be used for oil drilling?" Morris said.

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PAPA's amended lawsuit takes aim at the Mountains Recreation and Conservation Authority. Originally a plaintiff that argued against the oil-drilling project, MRCA settled in August 2013 for \$11.25 million a year in oil revenues from the project, or about \$280 million for the life of the project.

"We are against that settlement between MRCA, city of Whittier and Matrix as a violation of Prop. A and the public trust as determined to be illegal," Morris said.

Whittier residents opposed to the oil drilling project said the city, Matrix and the county have been tight-lipped about the anticipated showdowns in court.

Roy McKee, president of Whittier Hills Oil Watch, said he was not surprised the county was filing additional complaints.

"The county is not going to back down. They made that perfectly clear," McKee said, referring to the Board of Supervisors vote against the project on Oct. 29, 2013. The county indicated that even if grants from Prop. A soon will run out, the preservation of land for open space should continue into perpetuity.

With the case now reaching the appellate court level and with more cases popping up in Superior Court, McKee doesn't see a resolution anytime soon.

"In my opinion, this will be litigated for years. This will not be settled right away," he said.



Steve Scauzillo

Reach the author at Steve.Scauzillo@sgvn.com or follow Steve on Twitter: [@stevscaz](https://twitter.com/stevscaz).

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