

## Environmental groups, state conservancies say Whittier oil project could open other preserves to oil drilling

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### Environmental groups, state conservancies say Whittier oil project could open other preserves to oil drilling

Environmental groups are lining up against the Whittier oil and gas project, saying the precedent-setting case could have repercussions for other preservation lands and parks established as a result of voter-approved state bonds.

The influential Santa Monica Mountains Conservancy, which before last month had stayed out of the issue, is petitioning the court to have the project stopped. The conservancy says the city of Whittier is violating Proposition A after it received \$17.3 million to buy 1,290 acres of the Puente Hills from bond money raised through the 1992 voter-approved ballot measure. The measure called for beefing up parks, creating open space, adding recreation and social programs.

"This is unprecedented, that is my understanding. There is nothing remotely close to this," said Joseph Edmiston, executive director of the SMMC. "Which is why everyone is watching it."

The SMMC is concerned because if Whittier is allowed to drill for gas and oil on about 20 acres of its nature preserve, it could stir oil companies or cities to re-start dormant oil wells under other nature preserves and state parks.

"The SMMC is sitting on a whole bunch of oil. We have land in the Pacific Palisades with oil," Edmiston said, citing an example during an exclusive interview.

Edmiston did not want to talk at length about the precedent that a Whittier oil and gas project in a protected preserve bought with tax dollars would create. He did obliquely mention the fight won by the city of L.A. and environmental groups against Occidental Petroleum in the 1980s to stop oil and gas exploration in the Pacific Palisades, a picturesque part of the coastline between Santa Monica and Malibu that now includes three SMMC-facilitated parks: Will Rogers State Historical Park, Will Rogers State Beach and Temescal Gateway Park.

In November 1988, city of Los Angeles voters approved Proposition 0, which established a no-drill zone 1,000 yards from the mean high tide to the inland bluffs at the Pacific Palisades.

The measure, supported by then City Councilmen Zev Yaroslavsky (now a county supervisor) and Marvin Braude, was passed by nearly 53 percent of the vote. It negated oil and drilling leases given to Occidental Petroleum Corp. by Los Angeles Mayor Tom Bradley and the City Council in 1985. Many at the time said the measure ended a 23-year battle by Occidental to drill for oil beneath the Pacific Palisades and along Pacific Coast Highway.

## **Court to take up case**

Edmiston was reluctant to elaborate about the possible legal and ethical precedent of a successful Whittier project, saying his court filings speak for themselves. Indeed, the SMMC and its partner agency, the Mountains Recreation and Conservation Authority, filed legal action against Whittier and Matrix Oil Corp. and Clayton Williams Energy, Inc. in May. Attorney General Kamala Harris, the lead attorney on the case, has asked the court to grant "preliminary and permanent injunctions," adding that any oil and gas drilling is "in violation of Proposition A."

The Superior Court will hear the case on Wednesday.

Whittier Councilman Bob Henderson, himself a leading environmentalist who has fought to preserve the environmentally significant Puente Hills, is in favor of oil drilling. He said numerous "mitigation measures" inserted on his insistence into the use permit granted by the city of Whittier to Matrix Oil/Clayton Williams will negate the environmental damage and provide a funding stream for the preserve's maintenance. Although estimates vary, the city could realize from \$5 million to \$80 million a year in oil dollars in unfettered city revenues. Others, including a report from attorneys hired by the city, say the county has a say in who receives the oil royalties.

In fact, the city has yet to sign an agreement with the Los Angeles County Regional Park & Open Space District, which administers all Prop. A lands, including the Whittier preserve.

"The District may contend that Whittier is obligated to restrict its use of oil and gas revenues for certain park, open space or recreation purposes - or even that Whittier is required to transfer oil lease revenues to the District's Parks Fund," wrote the law firm of Akin, Gump, Strauss, Hauer and Feld in a legal analysis for the city dated July 2011.

## **Interpretations differ**

Jim Markman, city of Whittier attorney, said Proposition A allows for other uses, such as oil wells, as long as the acreage being used is replaced with the purchase of adjoining open space. "Proposition A provides for these kinds of changes," he said.

In fact, one of Prop. A's authors, Esther Feldman, as part the consulting group Community Conservation Solutions in Los Angeles hired by Whittier, co-wrote a report that said the project will not violate Prop. A.

"We conclude ... the proposed oil and gas project can be carried out in a manner that is consistent with Proposition A ...," the report said.

Henderson, who is also chairman of the Puente Hills Landfill Native Habitat Preservation Authority, which manages the preserve, says any damage to endangered California gnatcatcher habitat or bobcat territory will be countered with land acquisitions. For example, the oil company must give 25 acres for a new animal underpass at Colima Avenue to help bobcats and deer cross to other parts of the preserve, which connects to the Cleveland National Forest in Orange County. Under the agreement, the oil company also will give \$15 million for buying land to replace the 20 acres being used for oil and gas exploration.

While Feldman's group concluded the "subsurface uses would not change the overall surface use of the property as open space and habitat," many environmental groups and local officials disagree with her

conclusion.

Two branches of the Sierra Club, the San Gabriel Valley and the Puente-Chino Hills task forces, both oppose the project.

"Basically, for two reasons. First of all, the national policy of the Sierra Club is to oppose any type of development in a preserved area. Second, it was land that was supposed to be kept in perpetuity from Prop. A funding," said Joan Licari, San Gabriel Valley task force chairwoman.

Licari also said she had never heard of drilling for oil in preserved land. "I am not aware of any other instance of using Prop. A preserves for oil and gas exploration and well drilling," she said.

"There are none in Los Angeles County that I am aware of," said Eddie Diaz, of the Open Space Legal Defense Fund, which also has sued to stop the project. "This would be the first.

"What if other local entities could be able to open up lands for commercial purposes?" Diaz wondered. In fact, Feldman's report also says analysis is needed "because of the potential precedent for similar situations related to Proposition A that may arise in other parts of Los Angeles County in the future."

### **Ethics vs. money**

When Prop. A was approved, bond sales raised \$540 million. Of that, about \$58 million went into San Gabriel Valley and Whittier projects. Smaller amounts went to city projects, such as the renovation of Horsethief Canyon Park in San Dimas.

San Dimas Councilman Denis Bertone says the Prop. A improvements to Horsethief Canyon Park has made it the most popular park in the city.

"If we found oil, I don't think the city of San Dimas would want that park ruined with oil wells," he said. "If this were in San Dimas, I definitely would oppose it," he said.

Bertone, a member of the board of directors of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, also a state conservancy like the SMMC, said the Whittier oil and gas project violates the trust of the people of Los Angeles County.

"When people pass such an ordinance or a ballot measure, they expected it to go toward parks and recreation. They don't expect governments to change midstream. That is how government gets into trouble," he said.

He said while any city council member would want to see more revenues for citizen services, violating the public trust to get there isn't worth it.

"The ethics are more important than the money," Bertone said.

Jeff Collier, Whittier city manager, sees it differently. He said the project will help fund better hiking trails and wildland education for school groups.

"We see it more as a win-win situation," he said.

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