

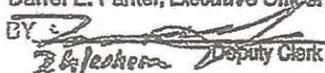
1 THE SUPERIOR COURT, STATE OF CALIFORNIA  
2 IN AND FOR THE COUNTY OF SANTA BARBARA  
3

4 Case No. 1495091

5 THE PEOPLE OF THE STATE OF CALIFORNIA,  
6  
7 Plaintiff,  
8 v.  
9 PLAINS ALL AMERICAN PIPELINE, L.P.,  
10 JAMES COLBY BUCHANAN,  
11 Defendants.

INDICTMENT FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

MAY 16 2016

Darrel E. Parker, Executive Officer  
BY  Deputy Clerk

12 The Grand Jury of the County of Santa Barbara, State of California, accuses the Defendants  
13 of committing, in the County of Santa Barbara, State of California, before the finding of this  
14 Indictment, the following crimes:

15 COUNT 1

16 On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS  
17 ALL AMERICAN PIPELINE, L.P., did commit a crime in violation of Government Code §  
18 8670.64, subdivision (a)(3), a FELONY, in that defendant knowingly engaged in or caused, or  
19 reasonably should have known that he or she was engaging in or causing, the discharge or spill  
20 of oil into the waters of the state, to wit: approximately 140,000 gallons of crude oil discharged  
21 or spilled from a pipeline known as Line 901, some of which entered into the Pacific Ocean, near  
22 Refugio State Beach.

23 COUNT 2

24 On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS  
25 ALL AMERICAN PIPELINE, L.P., did commit a crime in violation of Water Code § 13387,  
26 subdivision (a)(4), a FELONY, in that defendant violated a requirement of Section 301 of the  
27 Clean Water Act, codified at 33 U.S.C. § 1311, subdivision (a), by knowingly discharging a  
28 pollutant to the navigable waters of the United States within the jurisdiction of California, to wit:

1 approximately 140,000 gallons of crude oil discharged by the operation of a pipeline known as  
2 Line 901, some of which entered into the Pacific Ocean, near Refugio State Beach.

3 **COUNT 3**

4 On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS  
5 ALL AMERICAN PIPELINE, L.P., did commit a crime in violation of Penal Code § 374.8,  
6 subdivision (b), a FELONY, in that defendant did knowingly cause a hazardous substance to be  
7 deposited into or upon any road, street, highway, alley or railroad right-of-way, or upon the land  
8 of another, without permission of the owner, or into the waters of this state, to wit:  
9 approximately 140,000 gallons of crude oil discharged by the operation of a pipeline known as  
10 Line 901, some of which entered into the Pacific Ocean, near Refugio State Beach.

11 **COUNT 4**

12 On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS  
13 ALL AMERICAN PIPELINE, L.P. and did commit a crime in violation of Government Code §  
14 8670.64, subdivision (c)(2)(B), a FELONY, in that defendant did knowingly make a false or  
15 misleading oil spill report to the California Office of Emergency Services, regarding the  
16 discharge or spill of approximately 140,000 gallons of crude oil discharged by the operation of a  
17 pipeline known as Line 901, some of which entered into the Pacific Ocean, near Refugio State  
18 Beach.

19 **COUNT 5**

20 On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendants PLAINS  
21 ALL AMERICAN PIPELINE, L.P. and JAMES BUCHANAN did commit a crime in violation  
22 of Government Code § 8670.64, subdivision (c)(2)(A), a MISDEMEANOR, in that each  
23 defendant did knowingly fail to immediately notify the California Office of Emergency Services  
24 in violation of Government Code § 8670.25.5, subdivision (a)(1), after being responsible for the  
25 discharge or threatened discharge of oil into waters of the United States within the jurisdiction of  
26 California, regarding the discharge or spill of approximately 140,000 gallons of crude oil  
27 discharged by the operation of a pipeline known as Line 901, some of which entered into the  
28 Pacific Ocean, near Refugio State Beach.

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COUNT 6

On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendants PLAINS ALL AMERICAN PIPELINE, L.P. and JAMES BUCHANAN did commit a crime in violation of Government Code § 8670.64, subdivision (c)(2)(D), a MISDEMEANOR, in that each defendant did knowingly fail to follow a material provision of an applicable oil contingency plan by failing to call the National Response Center within one hour after confirmation of a pipeline release of oil, to wit: approximately 140,000 gallons of crude oil discharged by the operation of a pipeline known as Line 901, some of which entered into the Pacific Ocean, near Refugio State Beach.

COUNT 7

On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendants PLAINS ALL AMERICAN PIPELINE, L.P. and JAMES BUCHANAN did commit a crime in violation of Health and Safety Code § 25515.3, subdivision (b), a MISDEMEANOR, in that each defendant did knowingly fail, upon discovery, to immediately report any release or threatened release of a hazardous material to the unified program agency and to the Office of Emergency Services in violation of Health and Safety Code § 25510, regarding the discharge or spill of approximately 140,000 gallons of crude oil discharged by the operation of a pipeline known as Line 901 after being responsible for the discharge or threatened discharge of oil into waters of the United States within the jurisdiction of California, some of which entered into the Pacific Ocean, near Refugio State Beach.

COUNT 8

On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P., did commit a crime in violation of Fish and Game Code § 5650, subdivision (a)(1), a MISDEMEANOR, in that defendant did unlawfully deposit, permit to pass into, or place where it could pass into the waters of this state a petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material or substance, to wit: approximately 140,000 gallons of crude oil discharged by the

1 operation of a pipeline known as Line 901, some of which entered into the Pacific Ocean, near  
2 Refugio State Beach.

3 **COUNT 9**

4 On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS  
5 ALL AMERICAN PIPELINE, L.P., did commit a crime in violation of Fish and Game Code §  
6 5650, subdivision (a)(6), a MISDEMEANOR, in that defendant did unlawfully deposit in, permit  
7 to pass into, or place where it could pass into the waters of this state , a substance or material  
8 deleterious to fish, plant life or bird life, to wit: approximately 140,000 gallons of crude oil  
9 discharged by the operation of a pipeline known as Line 901, some of which entered into the  
10 Pacific Ocean, near Refugio State Beach.

11 **COUNT 10**

12 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
13 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
14 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully  
15 take a marine mammal, to wit: a California sea lion, L-0001.

16 **COUNT 11**

17 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
18 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
19 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully  
20 take a marine mammal, to wit: a common dolphin, D-0001.

21 **COUNT 12**

22 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
23 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
24 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully  
25 take a marine mammal, to wit: a common dolphin, D-0002.

26 **COUNT 13**

27 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
28 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish

1 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully  
2 take a marine mammal, to wit: a California sea lion, D-0014.

3 **COUNT 14**

4 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
5 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
6 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully  
7 take a marine mammal, to wit: a California sea lion, D-0022.

8 **COUNT 15**

9 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
10 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
11 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully  
12 take a marine mammal, to wit: a California sea lion, L-0030.

13 **COUNT 16**

14 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
15 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
16 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully  
17 take a marine mammal, to wit: a California sea lion, L-0038.

18 **COUNT 17**

19 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
20 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
21 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully  
22 take marine mammals, to wit: dolphins, seals and sea lions collected by the Oiled Wildlife Care  
23 Network.

24 **COUNT 18**

25 On or between May 19, 2015 to June 3 2015, in the COUNTY OF SANTA BARBARA,  
26 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
27 and Game Code § 4700, subdivision (a)(1), a MISDEMEANOR, in that defendant did  
28 unlawfully take a fully protected mammal, to wit: a northern elephant seal, L-0006.

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**COUNT 19**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 4700, subdivision (a)(1), a MISDEMEANOR, in that defendant did unlawfully take a fully protected mammal, to wit: a northern elephant seal, L-0019.

**COUNT 20**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did unlawfully take a fully protected bird, to wit: a brown pelican, D-0009.

**COUNT 21**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did unlawfully take a fully protected bird, to wit: a brown pelican, D-0012.

**COUNT 22**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did unlawfully take a fully protected bird, to wit: a brown pelican, D-0020.

**COUNT 23**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did unlawfully take a fully protected bird, to wit: a brown pelican, D-0021.

**COUNT 24**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish

1 and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did  
2 unlawfully take a fully protected bird, to wit: a brown pelican, D-0054.

3 **COUNT 25**

4 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
5 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
6 and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did  
7 unlawfully take a fully protected bird, to wit: a brown pelican, D-0055.

8 **COUNT 26**

9 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
10 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
11 and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did  
12 unlawfully take a fully protected bird, to wit: a brown pelican, D-0066.

13 **COUNT 27**

14 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
15 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
16 and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did  
17 unlawfully take a fully protected bird, to wit: a brown pelican, D-0075.

18 **COUNT 28**

19 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
20 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
21 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory  
22 nongame bird, to wit: a loon, D-0007.

23 **COUNT 29**

24 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
25 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
26 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory  
27 nongame bird, to wit: a cormorant, D-0008.

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**COUNT 30**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory nongame bird, to wit: a scoter, D-0013.

**COUNT 31**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory nongame bird, to wit: a loon, D-0019.

**COUNT 32**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory nongame bird, to wit: a gull, D-0023.

**COUNT 33**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did unlawfully take a migratory nongame bird, to wit: a shearwater, D-0028.

**COUNT 34**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory nongame bird, to wit: a shearwater, D-0030.

**COUNT 35**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish

1 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory  
2 nongame bird, to wit: a shearwater, D-0031.

3 **COUNT 36**

4 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
5 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
6 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory  
7 nongame bird, to wit: an auklet, L-0047.

8 **COUNT 37**

9 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
10 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
11 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory  
12 nongame bird; to wit: a loon, D-0051.

13 **COUNT 38**

14 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
15 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
16 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory  
17 nongame bird, to wit: a shearwater, D-0065

18 **COUNT 39**

19 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
20 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
21 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory  
22 nongame bird, to wit: a loon, D-0073.

23  
24 **COUNT 40**

25 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,  
26 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish  
27 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory  
28 nongame bird, to wit: a cormorant, D-0082.

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**COUNT 41**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory nongame bird, to wit: a cormorant, D-0083.

**COUNT 42**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory nongame bird, to wit: a grebe, D-0101.

**COUNT 43**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory game bird, to wit: a tern, D-0102.

**COUNT 44**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take migratory nongame birds, to wit: cormorants, loons, scoters, gulls, shearwaters, auklets, terns and grebes collected by the Oiled Wildlife Care Network during this time period.

**COUNT 45**

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 2000, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully take a bird, mammal, fish, reptile or amphibian.

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COUNT 46

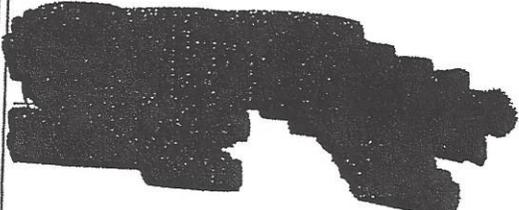
On or by May 19, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Santa Barbara County Code of Ordinances § 25-37, a MISDEMEANOR, in that defendant did unlawfully discharge oil or waste to surface or subsurface waters or land by oil field operations not allowed by authorized permit, ordinance or law, to wit: approximately 140,000 gallons of crude oil discharged or spilled from a pipeline known as Line 901, some of which entered into the Pacific Ocean near Refugio State Beach.

"A TRUE BILL"

This indictment was found within the concurrence of at least twelve of the grand jurors present that received all of the evidence pertinent to the indictment.

DATED: 5-16-16

KAMALA D. HARRIS  
Attorney General, State of California

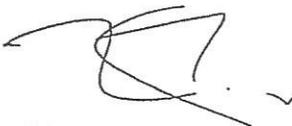


*Brett J. Morris*

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