

1 John Rose (SBN 285819)  
2 CENTER FOR BIOLOGICAL DIVERSITY  
3 660 S. Figueroa Street, Suite 1000  
4 Los Angeles, California 90017  
5 Telephone: (213) 785-5400  
6 Facsimile: (213) 785-5748  
7 jrose@biologicaldiversity.org

8 John Buse (SBN 163156)  
9 Ross Middlemiss (SBN 323737)  
10 CENTER FOR BIOLOGICAL DIVERSITY  
11 1212 Broadway, Suite 800  
12 Oakland, California 94612  
13 Telephone: (510) 844-7100  
14 Facsimile: (510) 844-7150  
15 jbuse@biologicaldiversity.org  
16 rmiddlemiss@biologicaldiversity.org

17 Attorneys for Center for Biological Diversity  
18 and Endangered Habitats League

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
20 **COUNTY OF LOS ANGELES**

21 CENTER FOR BIOLOGICAL DIVERSITY  
22 and ENDANGERED HABITATS LEAGUE,

23 Petitioners,

24 v.

25 COUNTY OF LOS ANGELES; BOARD OF  
26 SUPERVISORS OF THE COUNTY OF LOS  
27 ANGELES; PLANNING COMMISSION OF  
28 THE COUNTY OF LOS ANGELES; LOS  
ANGELES COUNTY DEPARTMENT OF  
REGIONAL PLANNING; and DOES 1  
through 20, inclusive,

Respondents.

NORTHLAKE ASSOCIATES, LLC; NLDP  
ASSOCIATES, LLC; CASTAIC  
DEVELOPMENT PARTNERS, LLC;  
WOODRIDGE CAPITAL PARTNERS, LLC;  
MICHAEL ROSENFELD, an individual; and  
DOES 21 through 40, inclusive,

Real Parties in Interest.

Case No. **19STCP01610**

**VERIFIED PETITION FOR WRIT OF  
MANDATE AND COMPLAINT FOR  
INJUNCTIVE RELIEF**

[Pub. Res. Code § 21000, et seq. (California  
Environmental Quality Act); Code Civ. Proc. §  
1094.5 (§ 1085); Gov. Code § 65300, et seq.  
(California Planning and Zoning Law)]

1 **INTRODUCTION**

2 1. This action challenges the decision of the County of Los Angeles, the Board of  
3 Supervisors of the County of Los Angeles, the Planning Commission of the County of Los Angeles, and  
4 the Los Angeles County Department of Regional Planning (“Respondents”) to approve the Final  
5 Supplemental Environmental Impact Report (“EIR”) and associated project approvals for the Northlake  
6 Specific Plan Project (the “Project”). Proposed by Michael Rosenfeld’s Woodridge Capital Partners, the  
7 Project would place 3,150 dwelling units on over 1,300 acres of very high fire hazard wildlands next to  
8 the Castaic Lake State Recreation Area and the Angeles National Forest.

9 2. Expert agencies strongly criticized the Project proposal and lack of science-based  
10 analysis in the EIR. The Santa Monica Mountains Conservancy—a state agency—concluded that the  
11 Project was “entirely antithetical to modern planning thought, the public good, and to science.” The  
12 California Department of Fish and Wildlife voiced concern that the Project would destroy an “entire  
13 drainage that is directly upstream to habitat supporting the endangered least Bell’s vireo [], the  
14 endangered willow flycatcher [], as well as a main tributary to Castaic Lagoon.”

15 3. Petitioners Center for Biological Diversity and Endangered Habitats League  
16 (“Petitioners”) joined the expert agencies in warning the County that the Project would degrade the  
17 Sierra Madre-Castaic Connection wildlife linkage identified by the South Coast Missing Linkages  
18 Project. This linkage connects the Los Padres and Angeles national forests and is critical to the survival  
19 of local mountain lions, which are already imperiled due to loss of genetic diversity and habitat  
20 fragmentation.

21 4. The Project would put thousands of people in harm’s way. The Project area is designated  
22 by the California Department of Forestry and Fire Protection as a Very High Fire Hazard Severity Zone,  
23 meaning the Project area is at very high risk of wildfires. On the heels of the most destructive and costly  
24 wildfire season in Southern California history, the Board of Supervisors adopted a resolution in  
25 December 2018 acknowledging the “new normal” of more frequent wildfires linked to urban  
26 development in known wildfires areas. But in April 2019, Supervisors Katherine Barger, Janice Hahn,  
27 Hilda Solis, and Mark Ridley-Thomas nonetheless approved the Project, allowing more large-scale  
28



1 The Center, EHL, and their members have a direct and beneficial interest in Respondents' compliance  
2 with CEQA and California Code of Regulations, title 14, section 15000 *et seq.* ("CEQA Guidelines").  
3 The maintenance and prosecution of this action will confer a substantial benefit on the public by  
4 protecting the public from the environmental and other harms alleged herein

5 9. Respondent COUNTY OF LOS ANGELES ("County") is a local governmental agency  
6 and political subdivision of the State of California charged with the authority to regulate and administer  
7 land use activities within its boundaries, subject at all times to the obligations and limitations of all  
8 applicable state, federal, and other laws, including CEQA, the CEQA Guidelines and the California  
9 Planning and Zoning Law. The County acted as the CEQA lead agency for the Project.

10 10. Respondent BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES  
11 ("Board") is the legislative body and the highest administrative body of the County. The Board approved  
12 the Project and certified that the EIR for the Project was adequate under CEQA.

13 11. Respondent PLANNING COMMISSION OF THE COUNTY OF LOS ANGELES  
14 ("Planning Commission") is an advisory body of the Board and also formulates planning policies for the  
15 County. The Planning Commission initially approved the Project and certified the EIR for the Project  
16 before it was administratively appealed by the Center to the Board.

17 12. Respondent LOS ANGELES COUNTY DEPARTMENT OF REGIONAL PLANNING  
18 ("Department") is a department of the County and performs all land use planning functions for  
19 unincorporated areas of the County.

20 13. Petitioners are informed and believe Real Party in Interest NORTHLAKE  
21 ASSOCIATES, LLC ("Northlake Associates") is incorporated in the State of Delaware and does  
22 business in the State of California, and is identified as the applicant for approval of the Project.

23 14. Petitioners are informed and believe that Northlake Associates is owned and managed by  
24 NLDP ASSOCIATES, LLC ("NLDP Associates") which is incorporated in the State of Delaware and  
25 does business in the State of California.



1           21.     Venue for this action properly lies in the Los Angeles County Superior Court because  
2 Respondents and the proposed site of the Project are located in the County. Many of the significant  
3 environmental impacts of the Project that are the subject of this lawsuit would occur in Los Angeles  
4 County, and the Project would impact the interests of Los Angeles County residents.

5           22.     Petitioners have complied with the requirements of Public Resources Code section  
6 21167.5 by serving written notices of Petitioners' intention to commence this action on Respondents on  
7 May 1, 2019. A copy of the written notices and proof of service are attached hereto as Exhibit A.

8           23.     Petitioners have complied with the requirements of Public Resources Code section  
9 21167.6 by concurrently notifying Respondents of Petitioners' election to prepare the record of  
10 administrative proceedings relating to this action. A copy of Petitioners' election to prepare the record of  
11 administrative proceedings is attached hereto as Exhibit B.

12           24.     Each Petitioner has performed any and all conditions precedent to filing this instant  
13 action and has exhausted any and all administrative remedies to the extent required by law, including,  
14 but not limited to, submitting extensive written and oral comments objecting to the approval of the  
15 Project and presenting to Respondents the flaws in their environmental review on, *inter alia*, March 31,  
16 2015, June 15, 2017, February 18, 2018, April 16, 2018, April 18, 2018, April 30, 2018, September 25,  
17 2018, and April 1, 2019.

18           25.     Petitioners have no plain, speedy, or adequate remedy in the course of ordinary law  
19 unless this Court grants the requested writ of mandate to require Respondents to set aside certification of  
20 the EIR and approval of the Project. In the absence of such remedies, Respondents' approval will remain  
21 in effect in violation of state law.

22           26.     This petition is timely filed in accordance with Public Resources Code section 21167 and  
23 CEQA Guidelines section 15112.

1 **GENERAL ALLEGATIONS**

2 **The Proposed Project**

3 27. By this action, Petitioners challenge the decision of Respondents to approve the Project  
4 based upon a legally inadequate EIR and inadequate findings of fact and statement of overriding  
5 considerations.

6 28. The Project is located on 1,307 acres of land in unincorporated Los Angeles County east  
7 of Interstate 5, west of Castaic Lake State Recreation Area (“Castaic Lake SRA”), and north of the  
8 community of Castaic. The Project site is surrounded by the Angeles National Forest and the 8,800 acres  
9 of Castaic Lake SRA.

10 29. The Project location is a home to rare species of wildlife including, but not limited to,  
11 coastal California gnatcatcher, western spadefoot toad, burrowing owl, southwestern willow flycatcher,  
12 Swainson’s hawk, silvery legless lizard, coastal western whiptail, rosy boa, least Bell’s vireo, tri-colored  
13 blackbird, loggerhead shrike, Los Angeles pocket mouse, pallid bat, Townsend’s big-eared bat, western  
14 red bat, western mastiff bat, American badger, white-tailed kite, northern harrier, among others.

15 30. The Project area is within the Sierra Madre-Castaic Connection linkage identified by the  
16 South Coast Missing Linkages Project. This linkage functions as a wildlife linkage and is highly suitable  
17 for regional wildlife movement and connectivity for mountain lions, American badgers, mule deer,  
18 pacific kangaroo rat, California spotted owl, and western pond turtle.

19 31. Grasshopper Canyon traverses the central portion of the Project site and the topography  
20 of the area consists of a steeply sloping ridgeline that runs northwest to southeast along the western  
21 boundary of the site adjacent to Interstate 5. Grasshopper Creek—a “blue-line” designated stream—runs  
22 through Grasshopper Canyon. Elevations on the site range from approximately 2,300 feet above sea  
23 level to 1,250 feet above sea level. Due to the unsuitability of the landscape for development, grading  
24 for the Project would require the removal of 33 million cubic yards of soil. The Project site contains a  
25 mix of sage scrub, grasslands, riparian wetlands, non-riparian wetlands, and vernal pools.

26 32. The Project site is in a Very High Fire Hazard Severity Zone as designated by the  
27 California Department of Forestry and Fire Protection.

1 **Comments on the Draft EIR by Petitioners and Expert Agencies**

2 33. On or about March 24, 2015, the County issued a Notice of Preparation of the Draft EIR  
3 for the Project, in which it notified public agencies and interested individuals that, as a lead agency, it  
4 would be preparing a Draft EIR to analyze the Project’s potentially significant environmental impacts.

5 34. After the Notice of Preparation was issued, numerous agencies submitted letters to the  
6 County warning that the Project would have significant impacts on sensitive biological resources,  
7 regional wildlife movement, and the Santa Clara River.

8 35. In commenting on the Notice of Preparation, the Santa Monica Mountains Conservancy  
9 (“SMMC”) warned that the Project would have adverse impacts to the Santa Clara River watershed and  
10 “the ecological vitality of numerous sections of the Santa Clara River within the Rim of the Valley Trail  
11 Corridor.”

12 36. Likewise, the Ventura County Planning Division noted that the Project sits partially in the  
13 Sierra Madre-Castaic Connection linkage and that the Project has the potential to impact the “contiguity  
14 and persistence of wildlife movement and migration to and from neighboring jurisdictions, such as  
15 Ventura County.”

16 37. The City of Santa Clarita noted that region already suffers from a “jobs/housing  
17 imbalance” and requested that the EIR analyze how this imbalance would impact traffic, air quality and  
18 GHGs in the region.

19 38. On or about May 2, 2016, Respondents completed the Draft EIR and circulated the  
20 document for public comment.

21 39. In commenting on the Draft EIR, the California Department of Fish and Wildlife  
22 (“CDFW”) observed that the Draft EIR did “not appear to include an alternative that reduce[s] the  
23 impacts to the sensitive biological resources on the Project in a biologically meaningful way.” CDFW  
24 also noted that the South Coast Missing Linkages Project identified the project area as “highly suitable  
25 for regional wildlife movement and connectivity including mountain lion (*Puma concolor*), American  
26 badger (*Taxidea taxus*), mule deer (*Odocoileus hemionus*), pacific kangaroo rat (*Dipodomys agilis*),  
27 California spotted owl (*Strix occidentalis*), and western pond turtle (*Actinemys marmorata*)—the latter  
28



1 two being species of special concern.” CDFW objected to the Draft EIR’s conclusion that a “relocation  
2 program” for western spadefoot toads would reduce impacts to a below-significant level.

3 40. SMMC submitted comments on the Draft EIR, questioning whether there was any public  
4 benefit of the project:

5 Where is the public benefit in this proposed project or any of its [] alternative projects? They all  
6 eliminate a watershed, ruin an Interstate viewshed, degrade a State Recreation Area, require  
7 relocating a major oil pipeline onto State Park property, emit greenhouse gases from tens of  
8 millions of cubic yards of grading, and eliminate wildlife access to one of only two wildlife  
9 crossings under southbound I5 for a distance of 10 miles between Castaic Creek and Templin  
10 Highway. **How can Los Angeles County consider a statement of overriding considerations  
11 for a project so injurious to regionally significant public resources?**

12 41. In a letter to the County on June 15, 2017 (the “June 15 Letter”), the Center commented  
13 that the Draft EIR failed to comply with CEQA and other laws and policies in the following respects:

- 14 a. The Draft EIR’s description of the Project does not represent the true scope of the  
15 Project, resulting in a failure to analyze and/or mitigate the full range of significant  
16 impacts from the Project.
- 17 b. The Draft EIR fails to identify or consider adequate measures or alternatives to mitigate  
18 the Project’s significant impacts and improperly rejects the Creek Avoidance Alternative.
- 19 c. The Draft EIR’s analysis of impacts to surface waters is inaccurate and incomplete and  
20 fails to propose mitigation measures to reduce the significant impacts of the Project on  
21 surface waters and aquatic wildlife.
- 22 d. The Draft EIR fails to adequately analyze and/or mitigate the Project’s significant  
23 impacts on groundwater resources.
- 24 e. The Draft EIR fails to adequately analyze and/or mitigate the Project’s significant  
25 growth-inducing impacts.
- 26 f. The Draft EIR fails to adequately analyze and/or mitigate the Project’s significant  
27 impacts on air quality, public health, and sensitive populations.
- 28 g. The Draft EIR fails to adequately analyze and/or mitigate the Project’s significant  
impacts on biological resources, including the western spadefoot toad, silvery legless  
lizard, coastal western whiptail, rosy boa, San Bernardino ring-necked snake,

1 Blaineville’s horned lizard, coast patch-nosed snake, southwestern willow flycatcher,  
2 least Bell’s vireo, coastal California gnatcatcher, among other species. The Draft EIR  
3 fails to adequately analyze impacts on wildlife from noise as well as harmful interactions  
4 between humans and wildlife.

5 h. The Draft EIR fails to establish consistency with the County’s General Plan.

6 i. The Draft EIR fails to adequately analyze and/or mitigate the Project’s significant GHG  
7 impacts.

8 j. The Draft EIR fails to adequately disclose and/or mitigate the Project’s significant traffic  
9 impacts.

10 **Comments on the Final EIR by Petitioners and Expert Agencies**

11 42. On or about January 20, 2018, the County released the Final EIR for the Project, which  
12 included text changes to the Draft EIR and Respondents’ responses to public comments on the Draft  
13 EIR. Respondents’ failure to disclose or analyze the Project’s impacts, as summarized above and  
14 explained in comments from Petitioners and other commenters, persisted in the Final EIR. Furthermore,  
15 the Final EIR failed to adequately address the vast majority of the issues raised by SMMC and CDFW.

16 43. On February 18, 2018, EHL sent an email to the Planning Commission warning that the  
17 Project would worsen the area’s jobs/housing imbalance, destroy intact and sensitive wildlife habitat,  
18 and put people in danger of life-threatening wildfires. EHL urged the Planning Commission to adopt the  
19 no-project alternative.

20 44. On February 21, 2018, the Planning Commission conducted a public hearing on the  
21 Project. After hearing testimony from Real Parties in Interest and members of the public, the Planning  
22 Commission continued the hearing until April 18, 2018.

23 45. On or about April 5, 2018, the County released a 307-page “Supplemental Memo” that  
24 disclosed that revisions to the Project had been made to remove all of the industrial uses and most of the  
25 commercial uses, replacing them with more dwelling units.

1           46. In a letter to the County on April 16, 2018 (the “April 16 Letter”), the Center explained  
2 the ongoing deficiencies in the Final EIR, commenting that the Final EIR and associated project  
3 approval documents failed to comply with CEQA and other laws and policies in the following respects:

- 4           a. The Final EIR fails to adequately disclose and/or mitigate impacts from siting  
5           development in a very high fire hazard severity zone.
- 6           b. The Final EIR fails to demonstrate that a less environmentally damaging project is not  
7           feasible, and fails to contain evidence that the Creek Avoidance Alternative is not  
8           feasible. The Final EIR’s alternatives analysis fails to account for the aesthetic  
9           degradation to Castaic Lake SRA and the resulting economic losses for recreation,  
10          tourism, hiking, fishing, boating, and the film industry. The Final EIR’s alternatives  
11          analysis is deficient because the Project does not meet the EIR’s project objectives.
- 12          c. The Final EIR fails to adequately analyze and/or mitigate impacts on Grasshopper Creek,  
13          Castaic Creek, and the Santa Clara River.
- 14          d. The Final EIR fails to adequately analyze and/or mitigate impacts to special status  
15          wildlife including the western spadefoot toad, southwestern willow flycatcher, least  
16          Bell’s vireo, coastal California gnatcatcher, burrowing owl, grassland habitat, as well as  
17          important habitats such as riparian wetlands, non-riparian wetlands, sage scrub, and  
18          grasslands.
- 19          e. The Final EIR fails to adequately analyze and/or mitigate impacts arising from  
20          rodenticide and pesticide use on foraging raptors, native predators, and scavengers.
- 21          f. The Final EIR fails to adequately analyze and/or mitigate the effects on wildlife of human  
22          activity associated with the Project.
- 23          g. The Final EIR fails to adequately analyze and/or mitigate the Project’s significant  
24          impacts on air quality, public health, and sensitive populations, particularly regarding the  
25          well-documented public health risks of siting homes next to freeways.
- 26          h. The Final EIR fails to adequately analyze and/or mitigate the Project’s significant  
27          impacts on GHGs, including by failing to establish consistency with AB 32 and its  
28

1 implementing policies, plans, and executive orders. The Final EIR's measures to reduce  
2 GHG emissions are vague and unenforceable and do not include all feasible measures,  
3 including "zero net energy" as a condition of project approval.

- 4 i. The Final EIR does not reflect the County's independent judgment.
- 5 j. The Final EIR must be amended and recirculated because the Project was significantly  
6 changed on April 5, 2018 to eliminate industrial uses and replace them with more  
7 dwelling units.
- 8 k. The Final EIR's Statement of Overriding Considerations is inadequate and factually  
9 incorrect.

10 47. On April 17, 2018, SMMC sent a letter commenting on the Final EIR which expressly  
11 incorporated the Center's April 16 Letter by reference and agreed with the deficiencies outlined in the  
12 Center's April 16 Letter.

13 **The Planning Commission's Approval of the EIR**

14 48. During the April 18th hearing, the Center presented additional oral comments on the  
15 deficiencies of the Project and the Final EIR. The Deputy Director of SMMC also informed the  
16 Commission that there were already 20,000 approved unbuilt housing units in the Santa Clarita Valley  
17 where the Project is proposed, such that the Project is about as needed as a "hole in the head." The  
18 Deputy Director also observed that in his 28 years working at SMMC "to shape good outcomes for  
19 projects, **[this project] is the worst fit I have ever seen in working from Whittier to Oxnard.**"

20 49. Nonetheless, the Planning Commission voted 3-1 to approve the Project on April 18,  
21 2018. In voting against the Project, Commissioner Laura Shell of Supervisorial District 3 remarked: "I  
22 will not be supporting this project...The Center for Biological Diversity letter says it for me. They write,  
23 **'The solution to our region's housing shortage is not to pave over blueline streams, evict rare**  
24 **native wildlife, and destroy other irreplaceable natural resources.'** I couldn't agree more. I share  
25 their concern in placing so much residential development close to the freeway when we hear so much  
26 about the impacts of living close to freeways."

1 **Petitioners’ Appeal of the Project and EIR**

2 50. After the Planning Commission approved the Project and EIR, the Center submitted a  
3 timely administrative appeal of the decision on or about April 30, 2018. SMMC as well as the Golden  
4 State Environmental Justice Alliance (“GSEJA”) also submitted administrative appeals. In a September  
5 24, 2018 letter to the Board, SMMC wrote: “The County badly needs additional housing, but the wholly  
6 unnecessary mass grading of streams and mountains that are part of the Public Domain to create mostly  
7 low density, high-cost single-family residences is entirely antithetical to modern planning thought, the  
8 public good, and to science.”

9 51. On September 4, 2018, EHL sent an email to the Board, urging the Board to deny  
10 approval of the Project in light of its environmental costs and lack of community benefits.

11 52. On September 25, 2018, the Board conducted a public hearing on the administrative  
12 appeals. After hearing testimony by the Center, SMMC, and GSEJA, the Board voted 4-1 to indicate its  
13 intent to deny the appeals, with Supervisor Sheila Kuehl abstaining. The Board further indicated its  
14 intent to adopt the Final EIR and approve the Project and directed Planning Department staff to prepare  
15 findings and conditions of approval.

16 53. On the evening of March 28, 2019, the Department published approximately 400 pages  
17 of findings and conditions of approval on the County website, and indicated that the Board would vote  
18 on whether to approve the findings and conditions of approval on April 2, 2019.

19 54. On April 1, 2019, the Center sent a letter (the “April 1 Letter”) to Respondents noting  
20 that the public was unable to review or comment on these documents in any meaningful manner with  
21 only two business days between the Planning Department making them available and the Board voting  
22 on whether to approve these documents. The April 1 Letter also commented that the Final EIR and  
23 associated project approval documents failed to comply with CEQA and other laws and policies in the  
24 following respects:

- 25 a. The Final EIR fails to acknowledge the Board’s Wildfire Analysis Motion, which  
26 recognizes the “new normal” of destructive wildfires in Southern California. The Final  
27 EIR fails to adequately disclose or analyze that (1) developments in fire-prone natural  
28

1 areas that have historically burned have the highest chances of burning; (2) development  
2 in fire-prone areas will lead to more frequent fire in Southern California scrublands; (3)  
3 public safety in developments like Northlake cannot be guaranteed; (4) Northlake  
4 contains insufficient fire safety measures and fire protection plans; (5) increased human  
5 ignitions will increase unnatural levels of smoke; (6) the direct economic impacts of  
6 wildfires are worsening; (7) the devastating environmental, health, social, and economic  
7 costs of poorly-planned developments like Northlake in areas that will burn outweigh any  
8 justification for approving the development.

9 b. The Final EIR fails to adequately analyze and/or mitigate the Project’s impacts on  
10 wildlife connectivity and on local mountain lion populations, which recent studies—  
11 including Gustafson et al. 2018 (the “Gustafson Study”)—demonstrate are highly  
12 imperiled due to habitat fragmentation and poorly sited development.

13 c. The Final EIR fails to adequately analyze and/or mitigate the impacts of the addition of  
14 324 dwelling units to the Project.

15 55. The April 1 Letter urged Respondents to revise and recirculate the Final EIR in light of  
16 the above new information and ongoing deficiencies.

17 56. On April 2, 2019, the Board voted 4-1 to approve the Project and certify the Final EIR  
18 with Supervisor Sheila Kuehl abstaining.

19 57. On April 4, 2019, the County filed the “Notice of Determination” for the Project.

20 **FIRST CAUSE OF ACTION**

21 **Violation of CEQA – Inadequate EIR**

22 **(Public Resources Code § 21000, *et seq.*)**

23 58. Petitioners hereby incorporate by reference each and every allegation set forth above.

24 59. CEQA is designed to ensure that long-term protection of the environment be the guiding  
25 criterion in public decisions. CEQA requires the lead agency for a project with the potential to cause  
26 significant environmental impacts to prepare an EIR that complies with the requirements of the statute,  
27 including, but not limited to, the requirement to analyze the project’s potentially significant  
28

1 environmental impacts. The EIR must provide sufficient environmental analysis such that the  
2 decisionmakers can intelligently consider environmental consequences when acting on the proposed  
3 project. Such analysis must include and rely upon thresholds of significance that are based on substantial  
4 evidence before the decisionmakers. Additionally, the EIR must analyze feasible mitigation measures  
5 and a reasonable range of alternatives to the project.

6 60. CEQA also mandates that the lead agency adopt feasible and enforceable mitigation  
7 measures that would reduce or avoid any of a project's significant environmental impacts. If any of the  
8 project's significant impacts cannot be mitigated to a less than significant level, then CEQA bars the  
9 lead agency from approving a project if a feasible alternative is available that would meet the project's  
10 objectives while avoiding or reducing its significant environmental impacts.

11 61. CEQA requires that substantial evidence in the administrative record support all of the  
12 EIR and agency's findings and conclusions, and that the agency explain how the evidence in the record  
13 supports the conclusions the agency has reached.

14 62. Respondents committed a prejudicial abuse of discretion and failed to proceed in a  
15 manner required by law by relying on an EIR that fails to meet the requirements of CEQA for  
16 disclosure, analysis, and/or mitigation of significant project impacts on biological resources, special  
17 status species, wildlife movement, air quality, public health, GHGs, wildfire hazards, water supplies,  
18 water quality, traffic, aesthetics, noise, and applicable land use policies.

19 63. **Environmental Setting.** The EIR fails to comply with CEQA's requirements to provide  
20 an adequate and accurate description of the environmental setting of the Project area. (CEQA Guidelines  
21 § 15125.) The EIR's description of the environmental setting is inadequate because, but not limited to,  
22 its failure to:

- 23 a. establish that protocol-level surveys were performed on all appropriate species;
- 24 b. adequately disclose the results of all biological surveys conducted on the Project site;
- 25 c. adequately disclose the Project area's importance as a habitat corridor and linkage for  
26 mountain lions and other wildlife;

1 d. compare the Project to the existing conditions at the Project site instead of to hypothetical  
2 conditions outlined in the 1992 Northlake Specific Plan.

3 64. **Project Description.** The EIR does not contain a legally adequate Project description  
4 because, *inter alia*, the Project as defined in the Final EIR is different from the Project that was  
5 eventually approved by the Board. The EIR does not specify when development of “Phase 2” will occur,  
6 rendering the Project description unstable. As a result of the vague and defective project description, the  
7 EIR fails to adequately disclose, analyze and/or mitigate the traffic, air quality, GHG impacts of the  
8 Project, which could significantly change depending upon how (and when) the Project is actually built.

9 65. **Air Quality.** The EIR fails to adequately disclose, analyze and/or mitigate the Project’s  
10 significant and cumulative impacts to air quality. The EIR’s analysis of air quality impacts is inadequate  
11 because, but not limited to, its failure to:

- 12 a. disclose or analyze the impacts of the Project on sensitive populations;
- 13 b. disclose or analyze the public health impacts of siting homes immediately adjacent to a  
14 highway;
- 15 c. adopt all feasible mitigation measures and consider alternatives that would reduce  
16 impacts.

17 66. **Greenhouse Gases.** The EIR fails to adequately disclose, analyze and/or mitigate the  
18 Project’s significant and cumulative GHG impacts. The EIR relies upon an improper significance  
19 threshold when determining the significance of the Project’s GHG emissions. In addition, the EIR’s  
20 GHG mitigation measures are vague, deferred, and/or unenforceable, and fail to set forth specific  
21 numerical reductions in GHG emissions these measures will achieve. The EIR also fails to establish  
22 consistency with AB 32 and applicable state and local plans and policies.

23 67. **Biological Resources.** The EIR fails to adequately disclose, analyze and/or mitigate the  
24 Project’s significant and cumulative impacts to biological resources, including numerous animal and  
25 plant species affected by the Project. Those species include, but are not limited to, coastal California  
26 gnatcatcher, western spadefoot toad, burrowing owl, southwestern willow flycatcher, Swainson’s hawk,  
27 silvery legless lizard, coastal western whiptail, rosy boa, least Bell’s vireo, tri-colored blackbird,



1 loggerhead shrike, Los Angeles pocket mouse, pallid bat, Townsend's big-eared bat, western red bat,  
2 western mastiff bat, American badger, white-tailed kite, northern harrier, among others. The EIR's  
3 biological resources analysis is inadequate because, *inter alia*, the EIR's mitigation measures are vague,  
4 deferred, and/or unenforceable. The EIR also fails to adequately disclose, analyze, and/or mitigate the  
5 Project's significant impacts on habitats and features such as vernal pools, non-riparian wetlands,  
6 riparian wetlands, sage scrub, and grasslands.

7       **68. Impacts on Wildlife Movement.** The EIR fails to adequately disclose, analyze and/or  
8 mitigate the direct, indirect, and cumulative impacts of the Project on wildlife movement. The EIR relies  
9 upon an inaccurate and incomplete assessment of current conditions, which yields a distorted and  
10 inadequate baseline for environmental review. The wildlife corridors that would remain after the Project  
11 is built are functionally inadequate and reflect an unacknowledged loss of wildlife movement  
12 functionality in the region.

13       **69. Impacts on Mountain Lions.** The loss of wildlife movement caused by the Project will  
14 harm local mountain lion populations, including populations in the Santa Monica Mountains and San  
15 Gabriel/San Bernardino Mountains. CEQA defines an impact as significant if the Project may  
16 substantially reduce the habitat of a fish or wildlife species or threaten to eliminate a plant or animal  
17 community. The Project would substantially limit wildlife movement that is important for the survival  
18 and recovery of these lion populations.

19       **70. Fire Safety.** Although the Project site is located in an area designated by the California  
20 Department of Forestry and Fire Protection as a Very High Fire Hazard Severity Zone, Respondents  
21 failed to adopt feasible mitigation measures and alternatives that would reduce or avoid the Project's fire  
22 safety impacts. Among other things, the Respondents failed to fully consider the likelihood that the  
23 Project would increase the risk and intensity of wildfires which will impact human health and safety and  
24 habitat for special status species.

25       **71. Traffic.** The EIR fails to adequately disclose, analyze and/or mitigate the Project's  
26 significant and cumulative traffic impacts.

1           72.       **Water Supplies.** The EIR fails to adequately disclose, analyze and/or mitigate the  
2 Project's significant impacts to water supplies.

3           73.       **Aesthetics.** The EIR fails to adequately disclose, analyze and/or mitigate the Project's  
4 significant impacts to aesthetics.

5           74.       **Growth-inducing impacts.** The EIR fails to adequately disclose, analyze, and/or  
6 mitigate the Project's growth-inducing impacts.

7           75.       **Alternatives.** The EIR fails to provide a selection and discussion of alternatives that  
8 foster informed decision-making and informed public participation. The alternatives analysis in the EIR  
9 does not meet the requirement of a reasonable range of alternatives that lessen the Project's significant  
10 environmental impacts, and does not focus on alternatives that either eliminate adverse impacts or  
11 reduce them to insignificance, even if they would to some degree impede the Project's objectives, as  
12 required by CEQA.

13          76.       **Cumulative Impacts.** The EIR fails to adequately disclose, analyze, or mitigate the  
14 Project's significant cumulative impacts. The EIR fails to consider the full scope of recently-approved or  
15 pending development projects within the County and neighboring jurisdictions that would together  
16 create significant environmental impacts. The cumulative wildfire impacts of the Project together with  
17 the other projects are also ignored. By developing sprawling residential developments far from public  
18 transit and job centers, all of these cumulative projects also contribute significantly to transportation-  
19 related energy consumption.

20          77.       **Land use plan consistency.** The EIR fails to adequately disclose or mitigate  
21 inconsistencies with applicable land use policies, including the County's General Plan and the Santa  
22 Clarita Valley Area Plan.

23          78.       **Responses to Comments.** The responses to comments in the Final EIR fail to meet  
24 CEQA's requirements in that they neither adequately dispose of all the issues raised, nor provide  
25 specific rationale for rejecting suggested Project changes, mitigation measures, or alternatives. CEQA  
26 requires that the lead agency evaluate and respond to all environmental comments on the Draft EIR that  
27 it receives during the public review period. The responses must describe the disposition of the issues  
28

1 raised and must specifically explain reasons for rejecting suggestions and for proceeding without  
2 incorporating the suggestions. The Final EIR’s responses to comments fail to satisfy the requirements of  
3 law.

4 79. **Public Participation.** Respondents failed to provide sufficient time for the public to  
5 review and comment on the final findings of fact and statement of overriding considerations, thereby  
6 undermining CEQA’s goals of informed decision-making and public participation.

7 80. The EIR and associated approvals fail to reflect the independent judgment of  
8 Respondents.

9 81. Based upon each of the foregoing reasons, the EIR is legally defective under CEQA.  
10 Respondents prejudicially abused their discretion in violation of CEQA in approving the Project. As  
11 such, the Court should issue a writ of mandate directing Respondents to set aside the certification of the  
12 EIR and approval of the Project.

13 **SECOND CAUSE OF ACTION**

14 **Violation of CEQA – Inadequate Statement of Overriding Considerations and Findings**

15 **(Public Resources Code § 21000, *et seq.*)**

16 82. Petitioners hereby incorporate by reference each and every allegation set forth above.

17 83. Respondents’ Findings of Fact and Statement of Overriding Considerations violate the  
18 requirements of the CEQA Guidelines. The Findings fail to identify the changes or alterations that are  
19 required to avoid or substantially lessen the Project’s significant environmental effects. (CEQA  
20 Guidelines § 15091(a)(1).) The purported benefits of the Project cited in the Statement of Overriding  
21 Considerations do not outweigh the substantial costs of the Project on public health and the  
22 environment. The Findings and Statement of Overriding Considerations are not supported by substantial  
23 evidence. (CEQA Guidelines, § 15091(b).)

24 84. Where mitigation measures and alternatives to a project are not adopted, the CEQA  
25 findings must identify specific economic, legal, social and technological and other considerations that  
26 make infeasible the adoption of mitigation measures or alternatives. All CEQA findings must be  
27 supported by substantial evidence in the record and must disclose the analytical route by which approval  
28

1 of the Project is justified. The findings regarding the impacts, mitigation measures, and alternatives  
2 relied upon by Respondents' approval of the Project are not supported by substantial evidence in the  
3 record, and the links between evidence and conclusions are not satisfactorily provided.

4 85. Respondents' Findings of Fact and Statement of Overriding Considerations fail to reflect  
5 the independent judgment of Respondents.

6 86. As a result of the foregoing defects, Respondents did not proceed in the manner required  
7 by law, and their decision to approve the Project was not supported by substantial evidence.

8 **THIRD CAUSE OF ACTION**

9 **Violation of CEQA – Failure to Recirculate EIR**

10 **(Public Resources Code § 21000, *et seq.*)**

11 87. Petitioners hereby incorporate by reference each and every allegation set forth above.

12 88. CEQA requires that if significant new information is added to an EIR after a draft EIR is  
13 prepared, but before certification of the final EIR, the EIR must be amended and recirculated for public  
14 review and comment.

15 89. The Supplemental Memo, the Wildfire Analysis Motion, the Gustafson Study, among  
16 other items, amount to either substantial changes in the Project or significant new information that  
17 occurred or were available prior to the Board's April 2, 2019 decision to certify the EIR and approve the  
18 Project as compliant with CEQA.

19 90. Despite the changes to the Project and significant new information, Respondents failed to  
20 recirculate the EIR or any portion of the EIR as required CEQA. As a result of Respondents' failure to  
21 recirculate the EIR, the public and other public agencies were deprived of any meaningful opportunity to  
22 review and comment on the approved Project, its substantial adverse environmental consequences, and  
23 the new information regarding other unanalyzed environmental effects of the Project.

24 91. By failing to amend and recirculate the EIR, Respondents failed to proceed in the manner  
25 required by law, and their decision to approve the Project was not supported by substantial evidence.

1 **FOURTH CAUSE OF ACTION**

2 **Violation of California Planning and Zoning Law**

3 **(Government Code § 65300, et seq.)**

4 92. Petitioners hereby incorporate by reference each and every allegation set forth above.

5 93. The California Planning and Zoning Law provides that the County’s General Plan is a  
6 fundamental land use planning document and serves as the constitution for future development within  
7 the County. Land use actions, including the approvals associated with the Project, must be consistent  
8 with the General Plan.

9 94. The Project is inconsistent with mandatory County General Plan and Santa Clarita Valley  
10 Area Plan policies, including, but not limited to, policies discouraging sprawl and policies discouraging  
11 high density or high intensity development in Very High Fire Hazard Severity Zones, such as the Project  
12 site.

13 95. As a result of the foregoing defects, Respondents did not proceed in the manner required  
14 by law, and their decision to approve the Project was not supported by substantial evidence.

15 WHEREFORE, Petitioners pray for judgment as follows:

16 **PRAAYER FOR RELIEF**

17 1. For a temporary stay, temporary restraining order, and preliminary and permanent  
18 injunctions restraining Respondents and Real Parties in Interest and their agents, servants, and  
19 employees, and all others acting in concert with them or on their behalf, from taking any action to  
20 implement, fund or construct any portion or aspect of the Project, pending full compliance with the  
21 requirements of CEQA, the CEQA Guidelines, and the California Planning and Zoning Law;

22 2. For alternative and preemptory writs of mandate directing Respondents to vacate and set  
23 aside certification of the EIR and approval documents for the Project;

24 3. For alternative and preemptory writs of mandate directing Respondents to comply with  
25 CEQA, the CEQA Guidelines, and the California Planning and Zoning Law, and take any other action  
26 as required by Public Resources Code section 21168.9;

1           4.       For a declaration that Respondents' actions in certifying the EIR and approving the  
2 Project violated CEQA, the CEQA Guidelines, and the California Planning and Zoning Law, and that  
3 the certification and all project approvals are invalid and of no force or effect;

4           5.       For costs of the suit;

5           6.       For attorney's fees as authorized by Code of Civil Procedure section 1021.5 and other  
6 provisions of law; and,

7           7.       For such other and future relief as the Court deems just and proper.

8  
9  
10 DATED: May 1, 2019

CENTER FOR BIOLOGICAL DIVERSITY

11  
12 By:



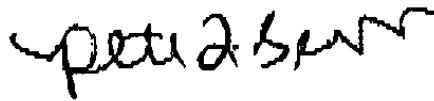
13 \_\_\_\_\_  
14 John Rose  
15 John Buse  
16 Ross Middlemiss

17 Attorneys for Petitioners CENTER FOR  
18 BIOLOGICAL DIVERSITY and ENDANGERED  
19 HABITATS LEAGUE  
20  
21  
22  
23  
24  
25  
26  
27  
28

**VERIFICATION**

I am the Director of Programs for the Center for Biological Diversity, which is a party to this action. I am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing document and know its contents. The matters stated in it are true of my own knowledge except as to those matters that are stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 1st day of May, 2019, in Shelter Cove, California.



# **EXHIBIT A**





***Via FedEx***

May 1, 2019

Los Angeles County Registrar/County Clerk  
c/o Debbie Martin, Chief Deputy  
12400 Imperial Highway  
Norwalk, CA 90650

**Re: Notice of Commencement of Legal Action Pursuant to the California Environmental Quality Act**

Dear Ms. Martin,

The Center for Biological Diversity and Endangered Habitats League (“Petitioners”) intend to commence an action for writ of mandate to vacate and set aside the decision of the County of Los Angeles, the Board of Supervisors of the County of Los Angeles, the Planning Commission of the County of Los Angeles, and the Los Angeles County Department of Regional Planning (“Respondents”) approving the Northlake Specific Plan (the “Project”) and certifying a Supplemental Environmental Impact Report for the Project. Petitioners submit this notice to pursuant to Public Resources Code section 21167.5.

The action will commence on May 1, 2019 and will be based upon on Respondents’ failure to comply with the California Environmental Quality Act (Public Resources Code § 21000 *et seq.*) in adopting the Environmental Impact Report and approving the Project.

Sincerely,

John Rose  
Staff Attorney  
Center for Biological Diversity



***Via FedEx***

May 1, 2019

Los Angeles County Board of Supervisors  
c/o Ms. Celia Zavala, Executive Officer  
500 West Temple Street, Room 383  
Los Angeles, CA 90012

**Re: Notice of Commencement of Legal Action Pursuant to the California Environmental Quality Act**

Dear Los Angeles County Board of Supervisors,

The Center for Biological Diversity and Endangered Habitats League (“Petitioners”) intend to commence an action for writ of mandate to vacate and set aside the decision of the County of Los Angeles, the Board of Supervisors of the County of Los Angeles, the Planning Commission of the County of Los Angeles, and the Los Angeles County Department of Regional Planning (“Respondents”) approving the Northlake Specific Plan (the “Project”) and certifying a Supplemental Environmental Impact Report for the Project. Petitioners submit this notice to pursuant to Public Resources Code section 21167.5.

The action will commence on May 1, 2019 and will be based upon on Respondents’ failure to comply with the California Environmental Quality Act (Public Resources Code § 21000, *et seq.*) in adopting the Environmental Impact Report and approving the Project.

Sincerely,

John Rose  
Staff Attorney  
Center for Biological Diversity



***Via FedEx***

May 1, 2019

County of Los Angeles Planning Commission  
c/o Rosie O. Ruiz, Commission Secretary  
320 West Temple Street, Room 1350  
Los Angeles, CA 90012

**Re: Notice of Commencement of Legal Action Pursuant to the California Environmental Quality Act**

Dear Planning Commission,

The Center for Biological Diversity and Endangered Habitats League (“Petitioners”) intend to commence an action for writ of mandate to vacate and set aside the decision of the County of Los Angeles, the Board of Supervisors of the County of Los Angeles, the Planning Commission of the County of Los Angeles, and the Los Angeles County Department of Regional Planning (“Respondents”) approving the Northlake Specific Plan (the “Project”) and certifying a Supplemental Environmental Impact Report for the Project. Petitioners submit this notice to pursuant to Public Resources Code section 21167.5.

The action will commence on May 1, 2019 and will be based upon on Respondents’ failure to comply with the California Environmental Quality Act (Public Resources Code § 21000 *et seq.*) in adopting the Environmental Impact Report and approving the Project.

Sincerely,

John Rose  
Staff Attorney  
Center for Biological Diversity



***Via FedEx***

May 1, 2019

Ms. Amy J. Bodek, Director  
County of Los Angeles  
Department of Regional Planning  
Hall of Records, 13th Floor, Room 1348  
320 West Temple Street  
Los Angeles, CA 90012

**Re: Notice of Commencement of Legal Action Pursuant to the California Environmental Quality Act**

Dear Ms. Bodek,

The Center for Biological Diversity and Endangered Habitats League (“Petitioners”) intend to commence an action for writ of mandate to vacate and set aside the decision of the County of Los Angeles, the Board of Supervisors of the County of Los Angeles, the Planning Commission of the County of Los Angeles, and the Los Angeles County Department of Regional Planning (“Respondents”) approving the Northlake Specific Plan (the “Project”) and certifying a Supplemental Environmental Impact Report for the Project. Petitioners submit this notice to pursuant to Public Resources Code section 21167.5.

The action will commence on May 1, 2019 and will be based upon on Respondents’ failure to comply with the California Environmental Quality Act (Public Resources Code § 21000 *et seq.*) in adopting the Environmental Impact Report and approving the Project.

Sincerely,

John Rose  
Staff Attorney  
Center for Biological Diversity

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ALAMEDA

3 I am employed in Oakland, California. I am over the age of 18 and not a party to the foregoing action.  
4 My business address is Center for Biological Diversity, 1212 Broadway, Suite 800, Oakland, California  
5 94612. My email address is trettinghouse@biologicaldiversity.org.

6 On May 1, 2019, I served a true and correct copy of the following document(s):

7 **NOTICE OF COMMENCEMENT OF LEGAL ACTION PURSUANT TO CEQA**

8  BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through Center  
9 for Biological Diversity's electronic mail system to the email address(s) shown below.

10  BY FEDERAL EXPRESS: By placing a true and correct copy thereof in sealed envelope(s). Such  
11 envelope(s) were addressed as shown below. Such envelope(s) were deposited for collection and  
12 mailing following ordinary business practices with which I am readily familiar.

<p>13 Los Angeles County Board of Supervisors 14 c/o Ms. Celia Zavala, Executive Officer 15 500 West Temple Street, Room 383 Los Angeles, CA 90012</p>	<p>Los Angeles County Registrar/County Clerk c/o Debbie Martin, Chief Deputy 12400 Imperial Highway Norwalk, CA 90650</p>
<p>16 Ms. Amy J. Bodek, Director 17 County of Los Angeles 18 Department of Regional Planning Hall of Records, 13th Floor, Room 1348 19 320 West Temple Street Los Angeles, CA 90012</p>	<p>County of Los Angeles Planning Commission c/o Rosie O. Ruiz, Commission Secretary 320 West Temple Street, Room 1350 Los Angeles, CA 90012</p>

20  STATE: I declare under penalty of perjury under the law of California that the foregoing is true  
21 and correct.

22 Executed on May 1, 2019 at Oakland, California.



23 \_\_\_\_\_  
24 Theresa Rettinghouse

# **EXHIBIT B**

1 John Rose (SBN 285819)  
2 CENTER FOR BIOLOGICAL DIVERSITY  
3 660 S. Figueroa Street, Suite 1000  
4 Los Angeles, California 90017  
5 Telephone: (213) 785-5400  
6 Facsimile: (213) 785-5748  
7 jrose@biologicaldiversity.org

8 John Buse (SBN 163156)  
9 Ross Middlemiss (SBN 323737)  
10 CENTER FOR BIOLOGICAL DIVERSITY  
11 1212 Broadway, Suite 800  
12 Oakland, California 94612  
13 Telephone: (510) 844-7100  
14 Facsimile: (510) 844-7150  
15 jbuse@biologicaldiversity.org  
16 rmiddlemiss@biologicaldiversity.org

17 Attorneys for Center for Biological Diversity  
18 and Endangered Habitats League

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
20 **COUNTY OF LOS ANGELES**

21 CENTER FOR BIOLOGICAL DIVERSITY  
22 and ENDANGERED HABITATS LEAGUE,

23 Petitioners,

24 v.

25 COUNTY OF LOS ANGELES; BOARD OF  
26 SUPERVISORS OF THE COUNTY OF LOS  
27 ANGELES; PLANNING COMMISSION OF  
28 THE COUNTY OF LOS ANGELES; LOS  
ANGELES COUNTY DEPARTMENT OF  
REGIONAL PLANNING; and DOES 1  
through 20, inclusive,

Respondents.

NORTHLAKE ASSOCIATES, LLC; NLDP  
ASSOCIATES, LLC; CASTAIC  
DEVELOPMENT PARTNERS, LLC;  
WOODRIDGE CAPITAL PARTNERS, LLC;  
MICHAEL ROSENFELD, an individual; and  
DOES 21 through 40, inclusive,

Real Parties in Interest.

Case No.

**PETITIONERS' NOTICE OF ELECTION  
TO PREPARE ADMINISTRATIVE  
RECORD**

[Pub. Res. Code § 21167.6]

1           **TO RESPONDENTS COUNTY OF LOS ANGELES, THE BOARD OF SUPERVISORS**  
2 **OF THE COUNTY OF LOS ANGELES, THE PLANNING COMMISSION OF THE COUNTY**  
3 **OF LOS ANGELES, AND THE LOS ANGELES COUNTY DEPARTMENT OF REGIONAL**  
4 **PLANNING:**

5           In the above-captioned action (the “Action”), Petitioners Center for Biological Diversity and  
6 Endangered Habitats League (“Petitioners”) petition this Court for a Writ of Mandate, directed to the  
7 County of Los Angeles, the Board of Supervisors of the County of Los Angeles, the Planning  
8 Commission of the County of Los Angeles, and the Los Angeles County Department of Regional  
9 Planning (collectively, “Respondents”). Petitioners challenge Respondents’ April 2, 2010 certification of  
10 the Final Supplemental Environmental Impact Report (“EIR”) and associated project approvals for the  
11 Northlake Specific Plan Project (the “Project”). Petitioners seek a determination that Respondents’  
12 approval of the Project is invalid and void and fails to satisfy the requirements of the California  
13 Environmental Quality Act (“CEQA”), Public Resources Code section 21000 *et seq.*, and the CEQA  
14 Guidelines, Title 14, California Code of Regulations, section 15000 *et seq.*

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

19           Petitioners will include in the record of proceedings all documents, including transcripts, minutes  
20 of meetings, notices, correspondence, reports, studies, proposed decisions, final drafts, and any other  
21 documents or records relating to Respondents’ determination to approve the Project.



1 DATED: May 1, 2019

CENTER FOR BIOLOGICAL DIVERSITY

2  
3 By: 

4 \_\_\_\_\_  
5 John Rose  
6 John Buse  
7 Ross Middlemiss

8 Attorneys for Petitioners CENTER FOR  
9 BIOLOGICAL DIVERSITY and ENDANGERED  
10 HABITATS LEAGUE

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28