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**Exempt From Fees Pursuant to
Government Code § 6103.**

10 *Attorneys for People of California*
11 *ex rel. Xavier Becerra, Attorney General*

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF LAKE

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16 **CENTER FOR BIOLOGICAL DIVERSITY**

Case No. CV 421152

17 **Petitioner,**

**PEOPLE'S NOTICE OF MOTION AND
MOTION FOR LEAVE TO INTERVENE;
MEMORANDUM OF POINTS AND
18 AUTHORITIES; SUPPORTING
19 DECLARATION OF ANDREW R.
20 CONTREIRAS**

18 **v.**

19 **COUNTY OF LAKE, BOARD OF
20 SUPERVISORS OF THE COUNTY OF
21 LAKE; and DOES 1-20,**

[CEQA CLAIM]

22 **Respondents.**

[Code Civ. Proc., §§ 387 and 1094.5; Gov.
Code, § 12606; Pub. Resources Code, § 21167]

23 **LOTUSLAND INVESTMENT
24 HOLDINGS, INC.; and DOES 21-40,**

Dept:
Judge:
Action Filed: August 20, 2020

25 **Real Parties in Interest.**

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that the People of the State of California *ex rel.* Xavier Becerra,
3 Attorney General (“People”) move the Court for leave to intervene in the above-captioned action
4 pursuant to Code of Civil Procedure section 387, subdivision (d). The People’s proposed Petition
5 for Writ of Mandate in Intervention (“People’s Petition”) is attached to this motion as Exhibit 1.
6 The People’s Petition challenges approval of a proposed residential and resort development
7 project by Respondents County of Lake, the Lake County Board of Supervisors, and Does 1-20
8 (collectively, “Respondents”) under the California Environmental Quality Act (Pub. Resources
9 Code, §§ 21000 et seq.).

10 This motion is based on the following grounds:

11 1. Pursuant to Government Code section 12606, the People, represented by the Attorney
12 General, have an unconditional right to intervene in any judicial or administrative proceeding in
13 which facts are alleged concerning pollution or adverse environmental effects that could affect the
14 public in general. Such facts are alleged in the current action.

15 2. The People have an unconditional right to intervene and must be permitted to
16 intervene as a matter of right pursuant to Code of Civil Procedure section 387, subdivision (d).

17 3. The People’s motion to intervene is timely and will not impair or impede the prompt
18 resolution of the issues presented in this action.

19 4. Based on the unconditional right of the People to intervene pursuant to Government
20 Code section 12606 and in accordance with Code of Civil Procedure sections 387, subdivision
21 (d), and 388, this Court should grant the People leave to intervene.

22 This motion is based upon this notice, the People’s Petition, the accompanying
23 Memorandum of Points and Authorities, the Declaration of Andrew R. Contreiras in support of
24 the motion, any matters of which the Court may take judicial notice, the pleadings on file with the
25 Court in this action, and such other matters which may be brought to the attention of this Court
26 before or during the hearing of this motion.

1 Dated: February 1, 2021

Respectfully Submitted,

2 XAVIER BECERRA
3 Attorney General of California
4 CHRISTINA BULL ARNDT
5 Supervising Deputy Attorney General



6 ANDREW R. CONTREIRAS
7 Deputy Attorney General
8 *Attorneys for*
9 *People of California*
10 *ex rel. Xavier Becerra, Attorney General*

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1 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**
2 **MOTION FOR INTERVENTION**

3 **INTRODUCTION**

4 The People of the State of California *ex rel.* Xavier Becerra, Attorney General, seek to
5 intervene in this action filed under the California Environmental Quality Act (“CEQA”). The
6 People have an unconditional right to intervene in actions alleging pollution or adverse
7 environmental effects that could affect the public in general. Petitioner Center for Biological
8 Diversity alleges that Respondents violated CEQA when it approved a proposed residential resort
9 development project that will result in adverse environmental impacts, including impacts related
10 to wildfire and greenhouse gas emissions. Therefore, the People should be granted leave to file
11 the proposed Petition.

12 **STATEMENT OF ALLEGED FACTS**

13 On or about August 20, 2020, Petitioner filed a Verified Petition for Writ of Mandate and
14 Complaint for Declaratory and Injunctive Relief (“Initial Petition”). The Initial Petition alleges
15 that Respondents violated CEQA by approving and certifying an Environmental Impact Report
16 (“EIR”) for the Guenoc Valley Mixed Use Planned Development Project (“Project”), which
17 includes a general plan amendment, a new zoning district, a zoning reclassification, subdivision
18 map, and various other approvals. The Project is a proposed resort and residential development
19 that would include up to 850 hotel and resort residential units, 1,400 residential estates, and
20 various luxury resort amenities and accessory uses. The Project would be located on a 16,000-
21 acre (25-square-mile) property in southeastern Lake County that is mostly undeveloped open
22 space and ranch land with some existing vineyards. The Project site is in a very high fire hazard
23 severity zone and has been subject to wildfires throughout its history, including the most recent
24 2020 LNU Complex, August Complex, and Glass Fires, as well as the large-scale 2014 Butts Fire
25 and 2015 Valley Fire. Further, the Project will generate tens of thousands of metric tons of
26 greenhouse gas emissions from electrical and propane usage, mobile transportation, solid waste
27 generation, and other causes.

1 The People move to intervene to ensure that Respondents disclose and mitigate the
2 environmental impacts of the Project in a manner that fully complies with CEQA.

3 **THE PEOPLE SHOULD BE PERMITTED TO INTERVENE**
4 **AS A MATTER OF RIGHT**

5 The standard for intervention as a matter of right provides that the Court “shall, upon
6 timely application, permit a nonparty to intervene in the action or proceeding if . . . [a] provision
7 of law confers an unconditional right to intervene.” (Code Civ. Proc., § 387, subd. (d)(1).) Here,
8 Government Code section 12606 gives the People, through the Attorney General, an
9 unconditional right to intervene: “The Attorney General *shall* be permitted to intervene in any
10 judicial or administrative proceeding in which facts are alleged concerning pollution or adverse
11 environmental effects which could affect the public generally.” (Emphasis added.) Government
12 Code section 12606 must be read in conjunction with Public Resources Code section 21167.7,
13 which requires service of all CEQA pleadings on the Attorney General. (See *Schwartz v. City of*
14 *Rosemead* (1984) 155 Cal.App.3d 547, 561.) CEQA’s service requirement “has the effect of
15 informing that office of the action and permits the Attorney General to lend its power, prestige
16 and resources to secure compliance with CEQA and other environmental laws.” (*Ibid.*) It is well
17 established that “the Attorney General can intervene in an action to enforce compliance with
18 CEQA.” (*Id.* at p. 556, fn.7.)

19 As noted above, the Initial Petition alleges that Respondents violated CEQA, and that the
20 Project will result in wildfire impacts, greenhouse gas emissions, and other adverse
21 environmental impacts. This action constitutes a “judicial . . . proceeding in which facts are
22 alleged concerning pollution or adverse environmental effects which could affect the public
23 generally.” (Gov. Code, § 12606.) The Attorney General, on behalf of the People, therefore has
24 an unconditional right to intervene.

25 **THE MOTION TO INTERVENE IS TIMELY**

26 The People’s motion for leave to intervene under Code of Civil Procedure section 387,
27 subdivision (d), is timely. The proceedings are in an early phase and the parties will not be
28 prejudiced by the People’s intervention at this stage in the proceedings.

1 Code of Civil Procedure section 387, subdivision (d), provides that any right to intervention
2 is dependent upon a “timely application.” This provision “should be liberally construed in favor
3 of intervention.” (*Lindelli v. Town of San Anselmo* (2006) 139 Cal.App.4th 1499, 1505; *Lincoln*
4 *National Life Ins. Co. v. State Bd. of Equalization* (1994) 30 Cal.App.4th 1411, 1423.)

5 Section 387 does not set a statutory time limit on motions to intervene. (*Noya v. A.W.*
6 *Coulter Trucking* (2006) 143 Cal.App.4th 838, 842.) But “it is the general rule that a right to
7 intervene should be asserted within a reasonable time and that the intervener must not be guilty of
8 an unreasonable delay after knowledge of the suit.” (*Allen v. California Water & Tel. Co.* (1947)
9 31 Cal.2d 104, 108.) Intervention is timely unless a party opposing intervention can show
10 prejudice from delay attributable to the filing of a motion to intervene. (*Truck Ins. Exchange v.*
11 *Superior Court* (1997) 60 Cal.App.4th 342, 351.) In *Truck Ins. Exchange*, the court held that a
12 motion to intervene in a lawsuit, which had been pending for four years, was timely when real
13 parties in interest had not shown any prejudice “other than being required to prove their case.”
14 (*Ibid.*)

15 Here, the legal challenge is still in an early phase. The Center for Biological Diversity filed
16 its Initial Petition on August 20, 2020. The California Native Plant Society filed a petition
17 challenging the same Project approval on September 2, 2020, and a Notice of Related Cases was
18 filed on September 8, 2020.¹ The deadline to certify the administrative record on the Initial
19 Petition was December 28, 2020, but the administrative record is not yet complete has not been
20 certified. The next Case Management Conference has not been scheduled, and neither a briefing
21 schedule nor a hearing date has been set. Therefore, the People’s intervention in this action at this
22 time will not prejudice the parties.

23 In addition, the People have acted expeditiously in evaluating participation in this action. In
24 August 2020, Petitioner notified the California Attorney General’s Office of the Initial Petition in
25 compliance with Public Resources Code section 21167.7. Since receiving notice of the petition,
26 the People have spent considerable time and effort reviewing the Initial Petition and related

27 ¹ At this time, the People do not seek intervention in the related action filed by the California
28 Native Plant Society to avoid duplicative filings in related cases that may be consolidated for
litigation.

1 environmental documentation for the Project; evaluating and verifying the various factual and
2 legal allegations; evaluating the public comments and responses, including responses to the
3 Attorney General's comments related to wildfire impacts; and preparing pleadings seeking to
4 intervene in the action. The Attorney General now seeks to exercise his unconditional right to
5 intervene at the early stages of this case as the State's chief law officer and on behalf of the
6 People of California to enforce CEQA and protect the public interest. There has been no
7 unreasonable delay in filing the People's Motion for Intervention.

8
9 **CONCLUSION**

10 The People have an unconditional right to intervene in Case Number CV 421152 and,
11 therefore, the Court should grant the People leave to file the People's Petition.

12 Dated: February 1, 2021

13 Respectfully Submitted,

14 XAVIER BECERRA
15 Attorney General of California
16 CHRISTINA BULL ARNDT
17 Supervising Deputy Attorney General

18 

19 ANDREW R. CONTREIRAS
20 Deputy Attorney General
21 *Attorneys for*
22 *People of California*
23 *ex rel. Xavier Becerra, Attorney General*

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allegations in the petition and environmental documentation, evaluating responses to the Attorney General’s Office’s comments on the environmental documentation, and preparing pleadings seeking to intervene in the action. As a result, the People did not unreasonably delay filing their motion for leave to intervene.

I, Andrew R. Contreiras, declare under penalty of perjury under the laws of the State of California that the above are true and correct. Executed on February 1, 2021, at San Diego, California.



ANDREW R. CONTREIRAS
Deputy Attorney General

Attachment

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2 CHRISTINA BULL ARNDT
Supervising Deputy Attorney General
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**Exempt From Fees Pursuant to
Government Code § 6103.**

10 *Attorneys for People of California*
11 *ex rel. Xavier Becerra, Attorney General*

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF LAKE

15 **CENTER FOR BIOLOGICAL
16 DIVERSITY,**

17 **Petitioner,**

18 **v.**

19 **COUNTY OF LAKE, BOARD OF
20 SUPERVISORS OF THE COUNTY OF
21 LAKE, AND DOES 1-20,**

22 **Respondents.**

23 **LOTUSLAND INVESTMENT
24 HOLDINGS, INC., AND DOES 21-40,**

25 **Real Parties in Interest.**

26 **PEOPLE OF THE STATE OF
27 CALIFORNIA EX REL. XAVIER
BECERRA, ATTORNEY GENERAL**

28 **Intervenor/Petitioner**

Case No. CV 421152

**PEOPLE'S PETITION FOR WRIT OF
MANDATE IN INTERVENTION OF
THE STATE OF CALIFORNIA BY AND
THROUGH ATTORNEY GENERAL
XAVIER BECERRA**

[CEQA CLAIM]

[Code Civ. Proc., §§ 387 and 1094.5; Gov.
Code, § 12606; Pub. Resources Code,
§ 21167]

Dept:
Judge:
Action Filed: August 20, 2020

1
2 **INTRODUCTION**

3 1. The People of the State of California, acting by and through Attorney General Xavier
4 Becerra (“the People”), intervene as of right in this action pursuant to Government Code section
5 12606. The People challenge the adequacy of the environmental review by Respondents the
6 County of Lake, the Lake County Board of Supervisors, and Does 1-20 (collectively,
7 “Respondents”) of the proposed Guenoc Valley Mixed-Use Planned Development Project, a new
8 resort and residential development proposed on 16,000 acres in Lake County (“Project”), under
9 the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 et
10 seq.

11 2. Respondents’ review of the Project’s potential environmental impacts failed to
12 adequately analyze and mitigate wildfire risk, greenhouse gas emissions, and other environmental
13 impacts, as required under CEQA, and failed to provide both decision makers and the public with
14 accurate information regarding the Project’s likely environmental impacts. Respondents’ approval
15 of the Project based on such an inadequate review violates California law and must be overturned.

16 3. On July 21, 2020, Respondents approved the Project and certified an Environmental
17 Impact Report (State Clearinghouse Number 2019049134). The Project approvals include a
18 general plan amendment, a new zoning district, a zoning reclassification, a subdivision map, and
19 various other associated approvals. Proposed by Lotusland Investment Holdings, Inc. (“Real
20 Party”), the Project would be located on a 16,000-acre property in the southeastern portion of
21 Lake County that is mostly undeveloped open space and ranch land. It proposes a high-end, low-
22 density mix of luxury resort and residential estates. In total, the Project would include 1,400
23 residential estates, 450 resort residences, 400 hotel rooms, and 1,350 acres of resort amenities in a
24 low-density configuration.

25 4. The largely undeveloped Project site contains annual grassland and various types of
26 chaparral, conifer, pine, oak woodland, and hardwood. It is located largely within a very high fire
27 hazard severity zone, with moderate and high fire severity zones in a western and northeastern
28 portion. Wildfires have affected the Project site throughout its history—including significant fires

1 in 1952, 1953, 1963, 1976, 1980, 1996, 2006, 2014, 2015, and 2018. In 2015, three separate
2 wildfires burned approximately 171,000 acres of wildland, forest, and residential property,
3 including the location of the Project Site. In 2018, the Ranch, River, and Pawnee Fires
4 collectively burned over 99,000 acres in the area of the Project Site. In 2020, after the County
5 approved and certified the EIR for the Project, the area was again affected by three large scale
6 wildfires: the August Complex, LNU Lightning Complex, and Glass Fire. As experts predict
7 worsening climatic conditions for wildfires in the region due to climate change caused by
8 greenhouse gas emissions, they also warn that low-density development in the wildland-urban
9 interface significantly exacerbates the risk of wildfire ignition and spread.

10 5. Through the environmental review process under CEQA, various organizations and
11 members of the public submitted comments to Lake County regarding inadequacies in the EIR's
12 analysis of wildfire, greenhouse gas emissions, and other environmental impacts. Specifically,
13 these comments provided detailed evidence that the Project's design would exacerbate wildfire
14 risk, would increase the likelihood of wildfire ignition, and lacked adequate opportunities for
15 evacuation in a wildfire. These wildfire impacts were neither adequately analyzed nor mitigated
16 in the EIR. The Attorney General's Office submitted two written comment letters to Lake County
17 identifying deficiencies and omissions in the EIR's analysis of wildfire impacts. However,
18 although Respondents prepared an Errata to the EIR, Respondents failed to adequately respond to
19 the comments or otherwise address the Project's wildfire impacts.

20 6. The Errata to the EIR also, for the first time, added a mitigation measure purporting
21 to reduce the Project's greenhouse gas emissions. However, this mitigation measure merely
22 requires the Project applicant to purchase carbon offsets without (a) accurately evaluating the
23 Project's anticipated emissions or (b) committing to a sufficient number of carbon offsets that are
24 verifiable, additional, enforceable, and quantifiable, as required by CEQA.

25 **ALLEGATIONS SUPPORTING INTERVENTION**

26 7. Pursuant to Government Code section 12606, the People, acting through the Attorney
27 General, intervene in this action, which alleges facts concerning pollution and adverse
28 environmental effects. The Attorney General has an unconditional right pursuant to Government

1 Code section 12606 to “intervene in any judicial or administrative proceeding in which facts are
2 alleged concerning pollution or adverse environmental effects which could affect the public
3 generally.” Intervention is timely in that administrative record has not been lodged, there is no
4 brief schedule, and no hearing date is scheduled. No prejudice will occur to the existing parties
5 from the People’s intervention at this time.

6 **PARTIES**

7 8. The Attorney General, as the chief law enforcement officer of the State of California,
8 has broad independent powers under the California Constitution and the California Government
9 Code to participate in all legal matters in which the State is interested, and he has special and
10 explicit statutory authority to participate in cases involving the protection of California’s
11 environment. (Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12612.) The Attorney
12 General also has a unique and important role in the enforcement of CEQA, as recognized by
13 statute. (Pub. Resources Code, §§ 21167.7, 21177, subd. (d).)

14 9. Petitioner Center for Biological Diversity (“Center”) is a non-profit conservation
15 organization dedicated to the protection of native species and their habitats through science,
16 policy, and environmental law. The Center participated in the administrative process leading up to
17 Project approval, objecting to the inadequacy of the environmental review being undertaken.

18 10. Respondent County of Lake (“County”) is and was, at all relevant times, a political
19 subdivision of the State of California. The County is a local governmental agency charged with
20 regulating and controlling land use and development within the unincorporated areas of the
21 County in compliance with the provisions of state law, including CEQA. The County is the lead
22 agency for the Project under Public Resources Code section 21067.

23 11. Respondent Board of Supervisors of the County of Lake (“Board”) is the legislative
24 and decision-making body of the County of Lake. The Board is responsible for adopting and
25 amending land use regulations, making certain land use decisions, and ensuring its decisions
26 comply with applicable laws. As the decision-making body with the authority to grant Project
27 approval and adopt necessary plan amendments, the Board was responsible for conducting a
28 proper review of the Project’s environmental impacts pursuant to CEQA.

1 12. Does 1 through 20 are persons whose names and identities are unknown to the Center
2 at this time, and the Center therefore sued them under these fictitious names.

3 13. The People are informed and believe, and therefore allege, that Real Party is, and at
4 all times was, the applicant for this Project.

5 14. Does 21 through 40 are persons whose names and identities are unknown to the
6 Center at this time, and the Center therefore sued them under these fictitious names.

7 **JURISDICTION AND VENUE**

8 15. Pursuant to Public Resources Code sections 21168 and California Code of Civil
9 Procedure sections 1085 and 1094.5, this Court has jurisdiction over this matter.

10 16. Venue is appropriate in Lake County Superior Court pursuant to Code of Civil
11 section 394. Respondents' main offices are located in Lake County and the subject Project would
12 be located in Lake County.

13 17. The People have satisfied all statutory prerequisites to filing this action.

14 **BACKGROUND**

15 **Project Review Under CEQA**

16 18. CEQA serves the important purpose of alerting governmental decision makers and
17 the public of a project's potential significant environmental effects before a project is approved
18 and its effects become irreversible. (Cal. Code Regs., tit. 14, 15002, subd. (d).) CEQA requires a
19 lead agency approving a project to conduct an initial study, which assesses whether the project
20 may have a potential significant effect on the environment. (Cal. Code Regs., tit. 14, §§ 15063,
21 subd. (a), 15378.) After conducting the initial study, if there is any substantial evidence in the
22 record that the project may have a significant, direct, indirect, or cumulative effect on the
23 environment, the lead agency must prepare an EIR. (Cal. Code Reg., tit. 14, §15064, subd. (f)(1).)

24 19. An EIR is an informational document intended to provide public agencies and the
25 public in general with detailed information about the effects a proposed project is likely to have
26 on the environment; to identify ways in which significant effects might be minimized; and to
27 assess alternatives to the proposed project. (Pub. Resources Code, § 21061; Cal. Code Regs., tit.
28 14, § 15121, subd. (a).)

1 20. The EIR must identify and analyze potentially significant impacts, including direct
2 and indirect impacts, and must “analyze any significant environmental effects the project might
3 cause or risk exacerbating by bringing development and people into the area affected.” (Cal. Code
4 Regs., tit. 14, § 15126.2, subd. (a).) Specifically, “the EIR should evaluate any potentially
5 significant direct, indirect, or cumulative environmental impacts of locating development in areas
6 susceptible to hazardous conditions (e.g., floodplains, coastlines, *wildfire risk areas*), including
7 both short-term and long-term conditions, as identified in authoritative hazard maps, risk
8 assessments or in land use plans addressing such hazard areas.” (*Ibid.* [emphasis added].)

9 21. CEQA requires an EIR to include an analysis of a project’s potential impacts on
10 wildfire risk. (Pub. Resources Code, § 21083.01.) The Natural Resources Agency promulgated
11 new CEQA Guidelines in 2018 and defined wildfire-related impacts to include: (1) whether a
12 project would expose people or structures, either directly or indirectly, to a significant risk of loss,
13 injury, or death involving wildland fires and (2) whether it would, due to slope, prevailing winds,
14 and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant
15 concentrations from wildfire or the uncontrolled spread of wildfire. (Cal. Code Regs., tit. 14, App.
16 G, subds. IX(g), XX.)

17 22. The Natural Resources Agency “drafted the questions in the new wildfire section to
18 focus on the effects of new projects in creating or exacerbating wildfire risks,” and identified
19 development in the wildland-urban interface, particularly lower-density arrangements, as high-
20 risk development:

21 “[H]ousing arrangement and location strongly influence fire risk, particularly
22 through housing density and spacing, location along the perimeter of development,
23 slope, and fire history. Although high-density structure-structure loss can occur,
24 structures in areas with low- to intermediate- housing density were most likely to
25 burn, potentially due to intermingling with wildland vegetation or difficulty of
26 firefighter access. Fire frequency also tends to be highest at low to intermediate
27 housing density, at least in regions where humans are the primary cause of
28 ignitions.”

1 (California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action:*
2 *Amendments to the State CEQA Guidelines* (Nov. 2018), at p. 87, [https://resources.ca.gov/
3 CNRALegacyFiles/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf](https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf).)

4 23. The EIR must describe all feasible mitigation measures available to mitigate a
5 significant impact and, where several measures are available, the EIR must discuss and explain
6 the basis for selecting a particular measure. (Cal. Code Regs., tit. 14, § 15126.4, subd. (a)(1).)
7 “[P]ublic agencies should not approve projects as proposed if there are feasible alternatives or
8 feasible mitigation measures which will avoid or substantially lessen the significant
9 environmental effects of such projects.” (Pub. Resources Code, § 21002.). Each mitigation
10 measure must be fully enforceable. (Cal. Code Regs., tit. 14, § 15126.4, subd. (a)(2).)

11 24. The EIR must describe a range of reasonable alternatives to the project, or to the
12 location of the project, which would feasibly attain most of the basic objectives of the project but
13 would avoid or substantially lessen any of the significant effects of the project, and evaluate the
14 comparative merits of the alternatives. (Cal. Code Regs., tit. 14, § 15126.6, subd. (a).) The lead
15 agency is responsible for selecting a range of project alternatives for examination and must
16 publicly disclose its reasoning for selecting those alternatives. (*Ibid.*) “[T]he discussion of
17 alternatives must focus on alternatives to the project or its location which are capable of avoiding
18 or substantially lessening any significant effects of the project, *even if these alternatives would*
19 *impede to some degree the attainment of the project objectives, or would be more costly.*” (Cal.
20 Code Regs., tit. 14, § 15126.6, subd. (b) [emphasis added].) The discussion must provide
21 sufficient information about each alternative to allow meaningful evaluation, analysis, and
22 comparison with the proposed project. (Cal. Code Regs., tit. 14, § 15126.6, subd. (d).)

23 25. A lead agency must release the draft EIR for public review, receive public comments,
24 and issue responses to public comments. (Cal. Code Regs., tit. 14, § 15088, subd. (a).) There must
25 be good faith, reasoned analysis in each response; conclusory statements unsupported by factual
26 information will not suffice. (Cal. Code Regs., tit. 14, § 15088, subd. (c).) Specifically, the
27 written responses must “address in detail” environmental issues raised by comments that differ
28

1 from the lead agency’s determination and must give reasons “why specific comments and
2 suggestions were not accepted.” (*Ibid.*)

3 26. A lead agency is required to recirculate an EIR for additional public review when,
4 after the initial public review period, the lead agency adds to the EIR “significant new
5 information,” which includes changes in the project, new data, or other information, that would
6 deprive the public of a meaningful opportunity to comment upon a substantial adverse
7 environmental effect or feasible mitigation measures if the EIR were not recirculated. (Cal. Code
8 Regs., tit. 14, § 15088.5, subd. (a).)

9 **State Responsibility Area Requirements and Planning and Zoning Law**

10 27. The California Board of Forestry and Fire Protection (“Board of Forestry”) is
11 required to designate fire hazard severity zones throughout the state as well as areas of the state
12 where the financial responsibility of preventing and suppressing fires is primarily the
13 responsibility of the state, known as State Responsibility Areas. (Pub. Resources Code, §§ 4202
14 and 4125.)

15 28. The Board of Forestry is also required to adopt regulations implementing minimum
16 fire safety standards that are applicable to State Responsibility Areas and lands designated as very
17 high fire hazard severity zones (“SRA Regulations”). (Pub. Resources Code, § 4290.)

18 29. The SRA Regulations include limits on the length of dead-end roads. (Cal. Code.
19 Regs., tit. 14, § 1273.08.)

20 30. Pursuant to the State’s Planning and Zoning Law, local jurisdictions are required to
21 adopt general plans that outline permissible uses and standards for development within their
22 jurisdiction. Local governments may also adopt specific or area plans, consistent with their
23 general plan, to plan for the development of more limited areas within their jurisdiction. (Gov.
24 Code, §§ 65000 et seq.)

25 31. Lake County has adopted the Middletown Area Plan that applies to the Project. The
26 Area Plan requires that “[r]oads and driveways shall meet CAL FIRE standards and be either
27 looped or double-access to provide escape routes in the event of wildland fire emergencies.”
28 (Middletown Area Plan (August 17, 2010), p. 4-17, Policy 4.3.1d.)

1 **The Project & Environmental Setting**

2 32. The Project is a luxury, low-density resort and residential development proposed on a
3 16,000-acre (25 square mile) property known as the Guenoc Valley Ranch located in southeast
4 Lake County, along the border of Napa County. The Project would include up to 1,400 residential
5 estates, 450 resort residences, 400 hotel rooms, and at least 1,350 acres of resort amenities and
6 accessory uses. The approved Project approvals and certified EIR include entitlements for a first
7 phase of development, which consists of 3,821 acres of development and 2,765 acres of
8 designated open space, and future development phases authorized by amendments to the General
9 Plan and Zoning Code.

10 33. The Project site is within the State Responsibility Area and largely designated as a
11 very high fire hazard severity zone, with some portions of the property in high and moderate fire
12 hazard severity zones. With its high susceptibility to wildfire risk, the area has been affected by
13 wildfires in 1952, 1953, 1963, 1976, 1980, 1996, 2006, 2014, 2015, 2018, and 2020. The
14 frequency, scale, and severity of these wildfires has increased in recent years, exacerbated by
15 climate change and by high-risk development and human activity encroaching into the wildland-
16 urban interface.

17 34. The Project will generate greenhouse gas emissions from electrical and propane
18 usage, mobile transportation and solid waste generation, among other causes. Even with
19 mitigation, the Project will generate tens of thousands of metric tons of greenhouse gas emissions.
20 The Project will also generate higher vehicle miles traveled per capita than the averages for Lake
21 County or the Bay Area region.

22 **Respondents' Environmental Review & Project Approval**

23 35. On or about February 21, 2020, Respondents issued a Draft EIR for the Project,
24 which started a 45-day comment period that was later extended to April 21, 2020. During the
25 public comment period, various stakeholders submitted comments on deficiencies and omissions
26 in the draft EIR's analysis and mitigation of wildfire, greenhouse gas emissions, and other
27 environmental impacts. Specifically, these included comments that the draft EIR lacked adequate
28 analyses on the Project's potential to increase the risk of wildfire ignition and exacerbate wildfire

1 spread, and its failure to evaluate evacuation capacity. These comments also noted that the draft
2 EIR relied almost entirely on a Guenoc Valley Wildfire Prevention Plan lacking in supporting
3 analysis and imposing many vague requirements and voluntary guidance.

4 36. In June 2020, less than two months after the public comment period closed,
5 Respondents issued a Final EIR with Responses to Comments and scheduled a Planning
6 Commission hearing for June 18, 2020. This was an unusually rapid pace to consider and address
7 significant comments on a draft EIR, particularly one for a Project of this scale and significance,
8 and the responses to comments and Final EIR did not directly or adequately address the
9 environmental issues presented in comments from the public and other stakeholders.

10 37. On June 18, 2020, the Planning Commission continued its hearing because
11 Commissioners lacked sufficient time to review the environmental documentation. On June 25,
12 2020, the Planning Commission recommended to the Board approval of the Project and
13 certification of the Final EIR.

14 38. On July 6, 2020, the Attorney General's Office submitted a formal letter to
15 Respondents detailing concerns about the Project's potential impacts on wildfire risk, the lack of
16 analysis in the EIR, and the failure to adequately address these issues in responses to comments.

17 39. On or about July 7, 2020, the Board held a hearing to consider Project approval and
18 certification of the EIR. However, the Real Party requested a continuance to July 21, 2020, to
19 address the environmental issues presented in the Attorney General's Office's letter and to
20 address other stakeholder comments that Respondents did not directly address through the public
21 comment process.

22 40. Less than two weeks later, on Friday, July 17, 2020, and Monday, July 20, 2020,
23 Respondents issued an Errata to the Final EIR, new Responses to Comments, including
24 supplemental responses to other stakeholder comments, an updated Mitigation Monitoring and
25 Reporting Program, updated CEQA Findings of Fact, new Project maps and materials, and a
26 response letter with exhibits from the applicant's attorney. The Errata also contains changes to
27 mitigation measures designed to address impacts from greenhouse gas emissions and other
28

1 impacts, including a new measure requiring the purchase of carbon credits, which had never been
2 proposed or analyzed by Respondents prior.

3 41. On Monday, July 20, 2020, in response to these new environmental documents, the
4 Attorney General’s Office submitted to the County a second comment letter that summarized
5 wildfire impacts that were still not adequately analyzed or mitigated in the supplemental materials
6 and requested that the County provide the Attorney General’s Office and the public a reasonable
7 time to review the supplemental environmental documentation. Respondents provided no written
8 response to the Attorney General’s Office’s second comment letter.

9 42. On July 21, 2020, one day after making all the supplemental materials available to the
10 public, Respondents held their continued Board hearing where the Board approved the Project
11 and certified the Final EIR as amended by the Errata to the Final EIR and other supplemental
12 documents.

13 **FIRST CAUSE OF ACTION**

14 **(Violation of CEQA – Failure to Adequately Analyze Impacts)**
15 **Pub. Resources Code, § 21000 et seq.; Code Civ. Proc., § 1094.5)**

16 43. The allegations in paragraphs 1 through 42 are realleged and incorporated by
17 reference as if set forth in full.

18 44. CEQA mandates that a public agency considering approval of a project that may have
19 a significant effect on the environment prepare an EIR that identifies and analyzes all potentially
20 adverse effects of the project, including reasonably foreseeable direct, indirect, and cumulative
21 impacts from all phases of the project. (Pub. Resources Code, § 21100; Cal. Code Regs., tit. 14,
22 §§ 15126, 15126.2.)

23 45. As an informational and public disclosure document, the purpose of an EIR is to
24 provide the public—as well as the public agency—with detailed information about the Project’s
25 potential impacts and identify ways to avoid or minimize those impacts. (Pub. Resources Code,
26 § 21061; Cal. Code Regs., tit. 14, § 15121, subd. (a).)

27 46. The EIR must analyze any significant environmental effects the project might cause
28 or risk exacerbating by bringing development and people into a hazardous area, including wildfire

1 risk areas. (Cal. Code Regs., tit. 14, § 15126.2, subd. (a).) CEQA requires the EIR to analyze a
2 project’s potential to increase or exacerbate wildfire risk, including the increased risk of wildfire
3 ignition or spread and the sufficiency of evacuation capacity, particularly in a wildfire-prone area.
4 (Pub. Resources Code, § 21083.01; Cal. Code Regs., tit. 14, App. G, subds. IX and XX.) This
5 analysis must disclose the project’s potential wildfire impacts based on its specific design,
6 density, configuration, land uses, location, among other relevant factors. (*Ibid.*; *see also*
7 (California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action:*
8 *Amendments to the State CEQA Guidelines* (Nov. 2018), at p. 87, [https://resources.ca.gov/
9 CNRALegacyFiles/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf](https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf).)

10 47. Respondents’ EIR violates CEQA by failing to adequately analyze the direct, indirect,
11 and cumulative impacts of the Project on wildfire risk. The EIR for the Project fails to adequately
12 analyze and disclose the Project’s potential to increase the risk of wildfire ignition and spread due
13 to its specific land use characteristics and location. It also fails to adequately analyze evacuation
14 in the event of wildfires in the future.

15 48. Respondents’ EIR violates CEQA by failing to adequately analyze and disclose the
16 direct, indirect, and cumulative impacts of the Project on greenhouse gas emissions and climate
17 change.

18 49. Respondents’ action in certifying the EIR and approving the Project without
19 adequately evaluating the Project’s environmental impacts is arbitrary and capricious, lacking in
20 substantial evidence, a prejudicial abuse of discretion, and/or not in accordance with law.
21 Accordingly, Respondents’ certification of the EIR and approval of the Project must be set aside
22 under Code of Civil Procedure section 1094.5 and Public Resources Code section 21168.9.

23 **SECOND CAUSE OF ACTION**

24 **(Violation of CEQA – Failure to Adopt All Feasible Mitigation Measures and Improper**
25 **Adoption of Unenforceable or Deferred Mitigation Measures)**
26 **(Pub. Resources Code, § 21000, et seq.; Code Civ. Proc., § 1094.5)**

27 50. The allegations in paragraphs 1 through 49 are realleged and incorporated by
28 reference as if set forth in full.

1 51. CEQA requires a public agency to “mitigate or avoid the significant effects on the
2 environment of projects that it carries out or approves whenever it is feasible to do so.” (Pub.
3 Resources Code, § 21002.2, subd. (b); Cal. Code Regs., tit. 14, §§ 15021, subd. (a), 15126.4,
4 subd. (a)(2).)

5 52. A lead agency may not approve a project for which there are significant
6 environmental impacts unless the agency finds, supported by substantial evidence, that: (a)
7 mitigation measures have been required of the project which avoid or substantially lessen the
8 significant environmental effects, or (b) mitigation measures are found to be infeasible based on
9 substantial evidence. (Cal. Code Regs., tit. 14, § 15091.)

10 53. CEQA requires that adopted mitigation measures be fully enforceable. (Pub.
11 Resources Code, § 21081.6, subd. (b); Cal. Code Regs., tit. 14, § 15126.4, subd. (a)(2).)

12 54. The formulation of mitigation measures may not be deferred to some future time,
13 except that specific details of a mitigation measure may be developed after project approval when
14 it is impractical and infeasible to include those details in the environmental review and the lead
15 agency “(1) commits itself to the mitigation, (2) adopts specific performance standards the
16 mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly
17 achieve that performance standard[.]” (Cal. Code Regs., tit. 14, § 15126.4, subd. (a)(1)(B).)

18 55. The EIR and Project approvals reference and require implementation of a Wildfire
19 Prevention Plan. However, the Wildfire Prevention Plan itself contains vague standards and
20 voluntary guidance that do not substitute for CEQA mitigation. Petitioners and other commenters,
21 including the Attorney General’s Office, commented that mitigation measures in the EIR are
22 vague and/or unenforceable and proposed additional types of feasible mitigation and/or
23 modifications to the Project to lessen the Project’s environmental impacts, including mitigation
24 measures to reduce impacts related to wildfire and greenhouse gas emissions. However,
25 Respondents failed correct the EIR’s inadequacies in response to these comments.

26 56. Respondents violated CEQA by failing to adopt and incorporate additional mitigation
27 measures or Project modifications to reduce the Project’s environmental impacts, and failing to
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1 make findings, supported by substantial evidence, that additional mitigation measures and Project
2 modifications were infeasible.

3 57. Respondents also violated CEQA by adopting mitigation measures that are vague,
4 unenforceable, or improperly defer mitigation.

5 58. Respondents' actions in failing to adopt all feasible mitigation measures or modify
6 the Project are arbitrary and capricious, lacking in substantial evidence, a prejudicial abuse of
7 discretion, and/or not in accordance with law. Accordingly, Respondents' certification of the EIR
8 and approval of the Project must be set aside under Code of Civil Procedure section 1094.5 and
9 Public Resources Code section 21168.9.

10 **THIRD CAUSE OF ACTION**

11 **(Violation of CEQA – Failure to Consider and Provide Sufficient Information About a** 12 **Reasonable Range of Alternatives, and Improper Rejection of Feasible Alternatives)** 13 **(Pub. Resources Code, § 21000, et seq.; Code Civ. Proc., § 1094.5)**

14 59. The allegations in paragraphs 1 through 58 are realleged and incorporated by
15 reference as if set forth in full.

16 60. CEQA requires that an EIR consider a reasonable range of alternatives to the
17 proposed project. The alternatives must be designed to meet basic project objectives and lessen or
18 avoid significant environmental impacts. (Cal. Code Regs., tit. 14, § 15126.6, subd. (a).)

19 61. A lead agency may not approve a project for which there are significant
20 environmental impacts unless it makes findings supported by substantial evidence that
21 alternatives that lessen or avoid those impacts are infeasible. (Cal. Code Regs., tit. 14, § 15091,
22 subd. (a)(3).) The discussion of alternatives must provide “sufficient information about each
23 alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.”
(Cal. Code Regs., tit. 14, § 15126.6, subd. (d).)

24 62. A lead agency may not approve a project that would result in a significant
25 environmental impact unless the agency determines, supported by substantial evidence, that the
26 significant effects on the environment are unavoidable and acceptable due to overriding
27 considerations. (Cal. Code Regs., tit. 14, § 15092, subd. (b).) Financial or economic infeasibility
28

1 is not supportable solely by a projected reduction of future income potential. (*Uphold Our*
2 *Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600.)

3 63. Respondents violated CEQA by failing to consider and evaluate a reasonable range of
4 alternatives to the Project designed to meet the basic Project’s objectives and lessen the
5 significant impacts of the Project. Respondents’ EIR analyzes only three Project alternatives,
6 including the “No Project” alternative.

7 64. Respondents violated CEQA by failing to provide sufficient information about each
8 alternative, including Alternative C, to allow meaningful evaluation, analysis, and comparison
9 with the Project. Alternative C—the “High Density, Compact Development Alternative”—
10 includes approximately the same number of residential units as the Project, but on a smaller
11 development footprint, nearer to evacuation routes, and with less encroachment into the wildland-
12 urban interface.

13 65. Respondents violated CEQA by approving the Project without sufficient findings,
14 supported by substantial evidence, that the Project alternatives were infeasible or failed to meet
15 basic Project objectives.

16 66. Respondents violated CEQA by rejecting the environmentally superior alternatives—
17 Alternative A (No Project/No Build Alternative) and Alternative C (High Density, Compact
18 Development Alternative)—without substantial evidence supporting infeasibility.

19 67. Respondents’ actions in failing to consider and evaluate a reasonable range of
20 alternatives, failing to provide sufficient information about the selected alternatives to allow
21 meaningful evaluation, analysis, and comparison, and failing to approve the environmentally
22 superior alternative, are arbitrary and capricious, lacking in substantial evidence, a prejudicial
23 abuse of discretion, and/or not in accordance with law. Accordingly, Respondents’ approvals of
24 the project must be set aside under Code of Civil Procedure section 1094.5 and Public Resources
25 Code section 21168.9.

1 **FOURTH CAUSE OF ACTION**
2 **(Violation of CEQA – Failure to Support Overriding Considerations With Substantial**
3 **Evidence)**
4 **(Pub. Resources Code, § 21000 et seq.; Code Civ. Proc., § 1094.5)**

4 68. The allegations in paragraphs 1 through 67 are realleged and incorporated by
5 reference as if set forth in full.

6 69. A lead agency under CEQA may not approve a project with significant environmental
7 impacts unless the agency makes findings supported by substantial evidence that specific
8 overriding economic, legal, social, technological, or other benefits of the project outweigh the
9 significant impacts on the environment. (Pub. Resources Code, § 21081, subd. (b).) The statement
10 of overriding considerations must be supported by substantial evidence in the record. (*Ibid.*; Cal.
11 Code Regs., tit. 14, § 15091.)

12 70. A lead agency may not adopt a statement of overriding considerations unless all
13 feasible mitigation has been imposed on the project, and the agency makes findings supported by
14 substantial evidence that additional mitigation measures are infeasible. (Cal. Code Regs., tit. 14,
15 § 15091.)

16 71. Respondents adopted a statement of overriding considerations at the time of Project
17 approval after finding that the Project would result in significant impacts, including to aesthetics,
18 land use, agriculture, air quality, noise, traffic, and greenhouse gas emissions. Respondents failed
19 to fully disclose the Project's significant adverse impacts on the environment, including to
20 wildfire risk, and therefore, Respondents' findings of overriding considerations lack transparency
21 and are not supported by substantial evidence.

22 72. Respondents fail to explain the bases, with substantial evidence, why the Project's
23 significant impacts are outweighed by the purported benefits of the Project. In addition,
24 Respondents' failure to justify rejection of alternatives that would reduce or avoid the Project's
25 significant environmental impacts violates CEQA's mandate to first mitigate or avoid significant
26 environmental impacts.

1 73. Respondents improperly adopted a statement of overriding considerations when
2 feasible mitigation and alternatives existed to lessen and/or avoid Project impacts. (*See* Cal. Code
3 Regs., tit. 14, § 15092.)

4 74. By approving the Project based on a statement of overriding considerations without
5 adequate analysis of Project impacts, Project alternatives, and feasibility of additional mitigation
6 measures, Respondents circumvented the public disclosure and transparency mandates under
7 CEQA.

8 75. Respondents' actions in approving a statement of overriding considerations are
9 arbitrary and capricious, lacking in substantial evidence, a prejudicial abuse of discretion, and/or
10 not in accordance with law. Accordingly, Respondents' certification of the EIR and approval of
11 the Project must be set aside under Code of Civil Procedure section 1094.5 and Public Resources
12 Code section 21168.9.

13 **FIFTH CAUSE OF ACTION**

14 **(CEQA Violation – Failure to Adequately Analyze the Impacts of the Project's Future** 15 **Phases at a Programmatic Level Prior to Approval)** 16 **(Pub. Resources Code, § 21000 et seq.; Code of Civ. Proc., § 1094.5)**

17 76. The allegations in paragraphs 1 through 75 are realleged and incorporated by
18 reference as if set forth in full.

19 77. A program or programmatic EIR is an EIR “on a series of actions that can be
20 characterized as one large project and are related,” such as a project or plan that involves multiple
21 phases. (Cal. Code Regs., tit. 14, §§ 15165, 15168, subd. (a).) The use of a program EIR to cover
22 a series of actions or a general plan, then later preparing environmental reviews for future
23 narrower projects, is known as “tiering.” (*See* Cal. Code Regs., tit. 14, § 15152.)

24 78. The purposes and advantages of a program EIR include providing “a more exhaustive
25 consideration of effects and alternatives than would be practical in an EIR on an individual
26 action,” ensuring “consideration of cumulative impacts that might be slighted in a case-by-case
27 analysis,” and allowing “the lead agency to consider broad policy alternatives and program-wide
28 mitigation at an early time when the agency has greater flexibility to deal with basic problems or
cumulative impacts.” (Cal. Code Regs., tit. 14, § 15185, subd. (b).)

1 79. Once a lead agency has certified a program EIR, subsequent approvals within the
2 program are examined in light of the program EIR. For example, a lead agency can approve a
3 future project phase “as being within the scope of the project covered by the program EIR” if the
4 lead agency determines that no subsequent environmental review is required. (Cal. Code Regs.,
5 tit. 14, § 15168, subd. (c)(2).) A subsequent EIR is required where substantial changes are
6 proposed to the project, the circumstances around the project have occurred, or new information
7 is available that shows new significant impacts, substantially more severe impacts, or the
8 availability of new mitigation measures that were not discussed in the previous EIR. (Cal. Code
9 Regs., tit. 14, § 15162.) Subsequent environmental reviews may be limited to new environmental
10 impacts and the increased severity of impacts not covered in the program EIR. (*Ibid.*)

11 80. The use of a program EIR to tier an environmental review “does not excuse the lead
12 agency from adequately analyzing reasonably foreseeable significant environmental effects of the
13 project and does not justify deferring such analysis to a later tier EIR or negative declaration.”
14 (Cal. Code Regs., tit. 14, § 15152, subd. (b).) The level of detail in the programmatic EIR should
15 reflect that of the program or plan being approved. (*Ibid.*) Because of the finality of an adopted
16 and certified EIR, later environmental review may be limited to project elements outside the
17 scope defined within the original EIR and any new or more severe environmental impacts not
18 previously disclosed.

19 81. Respondents prepared and certified an EIR that, in addition to covering the “First
20 Phase” of development at a project level, purports to cover “Future Phases” of the Project at a
21 programmatic level. The Program EIR portion, certified by Respondents, lacks adequate analysis,
22 even at a programmatic level, because it does not adequately analyze reasonably foreseeable
23 significant environmental effects at a level of detail mirroring that of the Future Phases. The
24 program-level analysis also relies on supporting documents, project design features, and
25 mitigation measures to reduce wildfire impacts that do not address or apply to the Future Phases.

26 82. By certifying the Program EIR with CEQA findings and significance determinations,
27 Respondents may circumvent substantial environmental analysis by relying on or tiering from this
28 Program EIR to later approve entitlements for the Future Phases.

1 Party also failed to provide the public—and the Board—a reasonable time to review the new
2 analysis.

3 87. Additionally, an attorney for Real Party submitted into the record a letter with
4 supplemental environmental analysis and commitments to Project modifications, which sought to
5 address the Project’s wildfire impacts, one day before the Board hearing. Members of the public,
6 who would be impacted by the increased wildfire risk, had no reasonable opportunity to review
7 this significant new information about the Project in the Errata and the Real Party’s letter prior to
8 the Board hearing.

9 88. The Errata to the Final EIR also imposed a new mitigation measure, without
10 opportunity for reasonable public review and comment, which requires the Real Party to purchase
11 certain carbon offset credits to mitigate the Project’s greenhouse gas emissions.

12 89. Due to Respondents’ failure to recirculate the EIR, the public were deprived of any
13 meaningful opportunity to review and comment on significant new information about Project
14 modifications, new environmental analysis of the Project’s impacts, and new mitigation
15 measures. The draft EIR was so fundamentally and basically inadequate, particularly in its
16 analysis of wildfire impacts, that recirculation was required to disclose impacts and provide the
17 public an opportunity to review and comment on the new information.

18 90. Respondents’ actions in approving the Project and certifying the EIR, without
19 recirculating for public review significant new information about a significant environmental
20 impact, are arbitrary and capricious, lacking in substantial evidence, a prejudicial abuse of
21 discretion, and/or not in accordance with law. Accordingly, Respondents’ approvals of the Project
22 and EIR certification must be set aside under Code of Civil Procedure section 1094.5 and Public
23 Resources Code section 21168.9.

24 **SEVENTH CAUSE OF ACTION**
25 **(Failure to comply with State Responsibility Area Regulations/**
26 **State Planning and Zoning Law)**
27 **(Pub. Resources Code, § 4290; Cal. Code. Regs., tit. 14, § 1273.08; Gov. Code, §§ 65000 et**
28 **seq.)**

27 91. The allegations in paragraphs 1 through 90 are realleged and incorporated by
28 reference as if set forth in full.

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Dated: February 1, 2021

Respectfully Submitted,

XAVIER BECERRA
Attorney General of California
CHRISTINA BULL ARNDT
Supervising Deputy Attorney General



ANDREW R. CONTREIRAS
Deputy Attorney General
*Attorneys for People of the State of
California ex rel. Xavier Becerra, Attorney
General*

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DECLARATION OF SERVICE BY E-MAIL

Case Name: **Center for Biological Diversity v. County of Lake**

Case No.: **CV421152**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On **February 1, 2021**, I served the attached:

**PEOPLE’S NOTICE OF MOTION AND MOTION FOR LEAVE TO INTERVENE;
MEMORANDUM OF POINTS AND AUTHORITIES; SUPPORTING DECLARATION
OF ANDREW R. CONTREIRAS**

**PEOPLE’S PETITION FOR WRIT OF MANDATE IN INTERVENTION OF THE
STATE OF CALIFORNIA BY AND THROUGH ATTORNEY GENERAL XAVIER
BECERRA (Attachment to Notice of Motion and Motion)**


by transmitting a true copy via electronic mail addressed as follows:

<p>Aruna Prabhala Peter J. Broderick Ross Middlemiss CENTER FOR BIOLOGICAL DIVERSITY 1212 Broadway, Suite 800 Oakland, California 94612 aprabhala@biologicaldiversity.org pbroderick@biologicaldiveristy.org rmiddlemiss@biologicaldiversity.org trettinghouse@biologicaldiversity.org <i>Attorneys for Petitioner</i></p>	<p>Anita L. Grant Nicole Johnson OFFICE OF THE COUNTY COUNSEL 255 North Forbes Street Lakeport, CA 95453 Anita.grant@lakecountyca.gov Nicole.johnson@lakecountyca.gov <i>Attorneys for Respondents</i></p>
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I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on **February 1, 2021**, at San Diego, California.

C. Endozo
Declarant



Signature