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5 PROJECT COYOTE and MENDOCINO NONLETHAL WILDLIFE ALLIANCE

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7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF MENDOCINO

10 **PROJECT COYOTE and MENDOCINO**  
11 **NONLETHAL WILDLIFE ALLIANCE,**

12 Petitioners and Plaintiffs,

13 vs.

14 **COUNTY OF MENDOCINO,**

15 Respondent and Defendant.

Civil Case No:

**VERIFIED PETITION FOR WRIT OF  
MANDATE, DECLARATORY AND  
INJUNCTIVE RELIEF, AND  
COMPLAINT**  
(PUB. RES. CODE § 21168.5;  
CODE CIV. PROC. §§ 1085 AND 1094.5)  
[CALIFORNIA ENVIRONMENTAL  
QUALITY ACT]

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18 By this Petition and Complaint (“Petition”), Petitioner/Plaintiff alleges:

19 ***INTRODUCTION***

20  
21 1. Petitioners/plaintiffs PROJECT COYOTE and MENDOCINO NONLETHAL  
22 WILDLIFE ALLIANCE (“Petitioners”) bring this action to challenge respondent County of  
23 Mendocino’s certification of a Final Environmental Impact Report (“FEIR”) and adoption  
24 of an Integrated Wildlife Damage Management Plan (“IWDM”), including a Statement of  
25 Overriding Considerations, on December 17, 2019. These acts by respondent violated the  
26 California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 et  
27

1 seq., and the CEQA Guidelines, California Code of Regulations, Title 14, section 15000 et  
2 seq.

3 2. The County of Mendocino (“Mendocino County”) prejudicially abused its  
4 discretion by failing to proceed as required by CEQA when it certified the FEIR and  
5 adopted an IWDM Program, including a Statement of Overriding Considerations, not  
6 supported by substantial evidence. These violations of law precluded fully informed public  
7 participation and informed decision-making in the CEQA certification and program  
8 adoption process.  
9

10 3. Mendocino County’s certification of a FEIR, and adoption of an IWDM  
11 Program pursuant to a Statement of Overriding Considerations, violates CEQA and will  
12 harm Petitioner and the public, insofar as the public has not been adequately informed of the  
13 environmental impacts and long-term consequences likely to arise from the IWDM  
14 Program, as required by CEQA.  
15  
16

17 ***PARTIES***

18 4. Petitioner PROJECT COYOTE is a non-profit, national coalition of scientists,  
19 educators, ranchers and citizen activists, based in northern California, with active members  
20 residing in Mendocino County.  
21

22 5. Petitioner MENDOCINO NONLETHAL WILDLIFE ALLIANCE  
23 (“MNWA”) is an unincorporated, non-profit, public interest organization located in  
24 Mendocino County, whose adherents are primarily residents of Mendocino County.  
25

26 6. Petitioners challenge Respondent’s failure to adopt an Environmental Impact  
27 Report (“EIR”) that adequately considers, evaluates and mitigates adverse environmental  
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1 impacts - primarily biological and ecological - that are likely to arise from implementation  
2 of the IWDM Program.

3 7. Petitioners participated in the administrative proceedings by timely submitting  
4 written and oral comments, specifically addressing the scientific and legal inadequacies of  
5 the EIR. Petitioners bring this action on behalf of their individual members and the public  
6 at large.  
7

8 8. Petitioners have a direct and beneficial interest in Mendocino County's  
9 compliance with CEQA and with the protection of wildlife within respondent's geographic  
10 boundaries. That interest has been and will continue to be directly and adversely affected by  
11 Respondent's actions challenged herein, which violate provisions of law as set forth in this  
12 Petition. Petitioners will suffer concrete, actual and imminent injury from Respondent's  
13 prejudicial abuse of discretion in certifying the FEIR, as well as from the establishment of  
14 an IWDM Program without full compliance with CEQA requirements.  
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16

17 9. Respondent is a duly organized governmental entity organized under the  
18 Constitution and laws of the State of California, and is responsible for complying with the  
19 laws of the State of California, including CEQA.  
20

### 21 ***STATEMENT OF FACTS***

22 10. For decades, in the name of "predator damage control," Mendocino County  
23 had contracted with a federal agency - USDA-Wildlife Services (WS) - to trap, shoot and  
24 kill thousands of wild animals living in the County, under what was designated as an  
25 Integrated Wildlife Damage Management Plan. WS' own records show that between 1997  
26 and 2017, in Mendocino County alone, WS trappers killed 181 mountain lions (cougars),  
27  
28

1 261 black bears, 235 gray foxes, 112 bobcats and 4,119 coyotes. Non-target species such as  
2 raptors, martens and many companion animals fall victim to WS' lethal approach to wildlife  
3 management. In a deposition, one Mendocino County WS trapper boasted of killing more  
4 than 400 dogs.

5  
6 11. In 2014, a coalition of wildlife advocacy groups sued the County for failing to  
7 study the environmental impacts of their contract with WS, as required by the California  
8 Environmental Quality Act (CEQA). The plaintiffs, led by Project Coyote, argued that the  
9 current practice of killing these wild animals has devastating environmental impacts and that  
10 non-lethal methods of predator control are far more effective and humane.

11  
12 12. The County eventually settled that 2014 lawsuit by agreeing to produce an  
13 Environmental Impact Report ("EIR") to analyze the impacts of their lethal IWDM  
14 Program, as well as the impacts of two non-lethal wildlife management programs.

15  
16 13. On or about June 16, 2015, the Mendocino County Board of Supervisors  
17 ("Board") adopted Resolution 15-098, authorizing: 1) execution of a Cooperative Services  
18 Agreement ("Cooperative Agreement") between Mendocino County and the United States  
19 Department of Agriculture Animal and Plant Health Inspection Service-Wildlife Services  
20 ("Wildlife Services"); and 2) a Work and Financial Plan between Mendocino County and  
21 Wildlife Services for July 1, 2015 - June 30, 2016 ("2015-2016 Work Plan") (collectively,  
22 "Wildlife Services Agreements"). The Board also adopted Resolution No. 15-097, finding  
23 approval of the Wildlife Services Agreements exempt from CEQA.  
24

25  
26 14. On June 22, 2015, Mendocino County issued a Notice of Exemption, finding  
27 that the IWDM Program was categorically exempt under CEQA Guidelines Sections 15307  
28

1 and 15308, and exempt under the “exemption” described by CEQA Guidelines Section  
2 15061(b)(3).

3 15. On July 27, 2015, Animal Legal Defense Fund, other non-profit wildlife  
4 conservation organizations including Project Coyote, and one individual (“ALDF, *et al*”)  
5 filed a Petition and Complaint for Writ of Mandate, Declaratory Relief and Injunctive Relief  
6 in Mendocino County Superior Court (Case No. SCUk-CVPT-14-64916), alleging that: a)  
7 the County’s approval of the Agreement and its determination that the IWDM Program is  
8 exempt from CEQA violated CEQA; and b) the County’s determination that the IWDM  
9 Program was exempt from CEQA breached the terms of a prior settlement agreement  
10 between the Parties, dated April, 2015, which bound the County to “comply with CEQA,”  
11 among other terms.  
12

14 16. On April 26, 2016, ALDF *et al* entered into a settlement agreement with  
15 Mendocino County, which required the County to: a) rescind Resolutions 15-097 and 15-  
16 098; b) withdraw its Notice of Exemption; and c) suspend the IWDM Program, until the  
17 County prepared, and the Board of Supervisors, certified an IWDM Program EIR pursuant  
18 to CEQA, and approved reinstatement of the IWDM Program in reliance upon the IWDM  
19 Program EIR. Respondent agreed not to authorize or fund operations within the scope of  
20 the IWDM Program any organization, entity or individual within the County during the  
21 pendency of this undertaking.  
22

24 17. On August 31, 2018, Respondent issued a “Notice of Preparation of an  
25 Environmental Impact Report for the Proposed Integrated Wildlife Damage Management  
26 Program Project,” and released an Initial Study regarding the scope and content of the  
27

1 pending EIR and the proposed IWDM program. Respondent held a public scoping hearing  
2 on September 18, 2018 to receive input on the Initial Study and the EIR.

3 18. On June 13, 2019, Mendocino County publicized a Draft EIR concerning the  
4 IWDM Project and two alternative nonlethal wildlife damage management programs. The  
5 County provided a 60-day period for public input, with a meeting on July 24 to present the  
6 County's perspective on the EIR process and receive oral public comment on the issue.  
7

8 19. On November 27, 2019, Mendocino County published notice of 1) the  
9 availability of the Final EIR addressing proposed adoption of the IWDM Program and two  
10 nonlethal alternative, and 2) the Board of Supervisors' hearing on December 17, 2019 where  
11 adoption of the IWDM Program would be considered.  
12

13 20. On December 17, 2019, Mendocino County Supervisors certified the EIR by a  
14 4-1 vote, and adopted the IWDM Program, making Findings and a Statement of Overriding  
15 Considerations in support of that decision.  
16

17 21. These most recent actions by Respondent fly in the face of best available  
18 science, which shows that killing predators to reduce predation on livestock, or damage to  
19 crops, is rarely necessary or effective. Such killing may actually increase populations of  
20 coyotes, while negatively impacting apex predator species like mountain lions. The EIR  
21 clearly demonstrates that the proposed lethal IWDM program could have negative impacts  
22 on an already depleted mountain lion population, particularly when factoring in illegal  
23 poaching.  
24

25 22. Respondent's unlawful decision to certify a legally deficient EIR, and to  
26 readopt the lethal IWDM Program is the basis for this Petition and Complaint. Mendocino  
27

1 County should end its current lethal wildlife management program in favor of a locally  
2 administered, humane and environmentally sound non-lethal wildlife management program,  
3 which would remedy human/wildlife conflicts in a way that minimizes damage to resources  
4 yet allows wildlife and the ecosystems they inhabit to self-regulate and thrive.  
5

6 ***PROCEDURAL ALLEGATIONS***

7 23. Petitioners have performed all conditions precedent to filing the instant action  
8 and have exhausted all available administrative remedies to the extent required by law,  
9 including timely submission of written comments and criticisms addressing both the draft  
10 and final environmental impact reviews during the administrative process. Petitioners also  
11 submitted oral comments at public information and input hearings held by Respondent on  
12 July 24 and December 17, 2019.  
13

14 24. Petitioners timely raised every significant substantive and procedural issue  
15 that was known to its members during the review process for this Project, in compliance  
16 with Public Resources Code section 21177. Through various comments, Petitioners  
17 requested that Respondent not certify the FEIR nor adopt the IWDM Program until  
18 Respondent fully complied with CEQA. Therefore, any further attempts at exhaustion  
19 likely would be futile.  
20

21  
22 25. Petitioners have complied with the requirements of Public Resources Code  
23 section 21167.5 by emailing and mailing written notice of the commencement of this action  
24 to Mendocino County on January 17, 2020, prior to filing this petition and complaint. A  
25 copy of the written notice provided to Respondent, with proof of service thereof, is attached  
26 as Exhibit "1".  
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1           26.     Petitioners have complied with the requirements of Public Resources Code  
2 section 21167.7 and Code of Civil Procedure section 388 by mailing a copy of the Petition  
3 and Complaint to the state Attorney General. A copy of the Proof of Service to the Attorney  
4 General is attached as Exhibit “2”.

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6           27.     This Court has jurisdiction over this action pursuant to Code of Civil  
7 Procedure sections 1085 (traditional mandate), and 1094.5 (administrative mandate); Public  
8 Resource Code section 21168.5 (California Environmental Quality Act); and Article VI,  
9 section 10, of the California Constitution.

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11           28.     Venue is proper in Mendocino County, pursuant to Code of Civil Procedure  
12 section 395, because the lead agency, County of Mendocino, has its offices therein and the  
13 actions complained of have occurred and will occur within this County.

14           29.     Petitioners have no plain, speedy or adequate remedy in the ordinary course of  
15 law unless this Court enjoins and mandates that Respondent comply with their duties and set  
16 aside the certification of the EIR and adoption to the IWDM Program. In the absence of  
17 such remedies, Respondent’s certification of the EIR and adoption to the IWDM Program  
18 will remain in effect, in violation of CEQA.

19  
20           30.     If Respondent and its agents are not enjoined from implementing the IWDM  
21 Program, Petitioners will suffer irreparable harm with no adequate remedy at law, insofar as  
22 implementation of the IWDM Program is likely to adversely effect the population of several  
23 predator species in areas of the county where their population is unstudied yet subject to  
24 killing without limit in the absence of meaningful environmental review.

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27           31.     In pursuing this action, which involves enforcement of important rights  
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1 affecting the public interest, Petitioners will confer a substantial benefit on the general  
2 public, citizens of Mendocino County and the State of California, and therefore will be  
3 entitled to attorney's fees and costs pursuant to, inter alia, Code of Civil Procedure section  
4 1021.5.

5  
6 32. This petition is timely filed within all applicable statutes of limitations.

7 33. Petitioners bring this action pursuant to Public Resources Code section  
8 21168.5 and Code of Civil Procedure sections 1085 and 1094.5, which require that an  
9 agency's approval of a Project be set aside if the agency has prejudicially abused its  
10 discretion. Respondent has prejudicially abused their discretion because Respondent has  
11 failed to proceed according to the law, and its adoption of the IWDM Program is not  
12 supported by substantial evidence.  
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14 ***STATEMENT OF LAW***

15  
16 34. CEQA is an integral part of every public agency's decision-making process,  
17 including the issuance of permits Pub. Res. Code § 21006. CEQA was enacted to protect the  
18 environment by establishing administrative procedures to ensure that long-term protection  
19 of the environment shall be the guiding criterion in public decisions.  
20

21 FIRST CAUSE OF ACTION: VIOLATION OF CEQA (Pub. Res. Code, § 21000 et seq.)

22 *The EIR Did Not Adequately Characterize the Environmental Setting/Baseline for the*  
23 *IWDM Project, when It Failed to Consider or Respond to the California Department of Fish*  
*and Wildlife's (CDFW) Request for Additional Studies.*

24 35. CDFW's comments regarding the EIR note that as the lead agency,  
25 Respondents were obligated by CEQA Guidelines section 15063 and California Public  
26 Resources Code section 21080.3 to seek EIR-related recommendations from CDFW,  
27

1 California State Parks, university wildlife and biology programs, and from multiple federal  
2 agencies including U.S. Fish and Wildlife Service and U.S. Forest Service law enforcement  
3 agents (Comment Letter 50-2). Yet in that regard, the County did no more than post a  
4 Notice of Completion of the Notice of Publication (NOP) for the DEIR and recommend that  
5 NOP be provided to the state Coastal Commission and the Department of Conservation.  
6

7 36. Specifically, CDFW noted that the “DEIR would benefit from reference to  
8 [one of several government agencies’] Wildlife Management Plan[s] that would serve as a  
9 baseline for species that are potentially affected by actions proposed” in the DEIR. Such  
10 document “would allow assessment and justification for the overall effectiveness of  
11 management actions proposed [in the FEIR] and in direct and documented proportion to  
12 existing predator populations within the County.” (Comment 50-3, p. 2-274.) Respondent’s  
13 response in the EIR elides this recommendation, claiming without supporting evidence both  
14 that no such wildlife management plan has been prepared, and that the state’s  
15 comprehensive Wildlife Action Plan for the North Coast lacks baseline population data for  
16 species under the purview of the IWDM Program. (See response to Comment 50-3, 2-279.)  
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19 37. CDFW also expressed substantial concerns over the “lack of data for coyote  
20 population dynamics for [1997-2017] and recommends additional research and data to  
21 support a population analysis,” including assessment of “trends in the coyote population and  
22 expected future population trends in sheep.”  
23

24 38. CDFW’s comments pose a key question that is raised repeatedly by various  
25 scientists cited in the EIR: “How can you really demonstrate that control is working or not if  
26 there is no assessment of coyote populations? Is control of predators based on predator  
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1 populations trends or on loss of sheep overall?” (Comment 50-15, p. 2-277.) CDFW poses a  
2 fundamental critique of the IWDM Program: the killing of predators may be useless, if not  
3 downright counterproductive in protecting agricultural resources, while it reduces  
4 biodiversity in specific environments where the Program would operate. Respondent’s  
5 intent to forge ahead in adopting the IWDM Program, despite lack of empirical evidence  
6 that might confirm or contradict its management efforts, is another abuse of discretion.  
7

8         39. In a similar vein, CDFW notes that EIR population data for predators subject  
9 to killing under the IWDM Program involves too small a sample size to allow meaningful  
10 prediction of statistically significant population trends resulting from targeted killing of  
11 predators under IWDM. The state agency also objects that anecdotal communications with  
12 ranchers on that subject are meaningless on that score, noting that establishing a  
13 scientifically valid “population trend data for ... the focal species listed [in the DEIR]  
14 should be a major section of this documents and it is not.” (Comment 50-16, p. 2-277.)  
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16

17         40. This state agency statement calls for a meaningful assessment and response,  
18 yet the County again offers pure speculation and abuses its discretion when it merely  
19 expresses a belief: there is sufficient substantial evidence in the record to support the  
20 conclusion that IWDM activities would not adversely effect the coyote population within  
21 the County, without having more population trend data.” (Response to Comment 50-16, p.  
22 2-285.) Not only coyote populations receive inadequate attention as to potential depletion  
23 over particular landscapes due to IWDM Program implementation; baselines and trends in  
24 black bear, bobcat and gray fox populations go similarly undefined and unanalyzed.  
25  
26

27         41. Lastly, CDFW expressed concerns over the potential impacts of the IWDM  
28

1 Program on wildlife movement across an area as large as Mendocino County and its diverse  
2 habitats, leading the agency to recommend completion of a Wildlife Movement Study  
3 (Comment 50-17, p. 2-277). Respondent deemed that effort both unnecessary and beyond  
4 the scope of the EIR, this time by the artifice of declaring that the property of the person  
5 who would request Wildlife Services' intervention would constitute the entire habitat  
6 needing environmental consideration (see Response to Comment 50-17, p. 2-285).

8 42. CDFW comments offered a series of carefully articulated concerns,  
9 identifying key gaps in the EIR's description and analysis of harmful environmental impacts  
10 upon various wildlife species targeted for killing under the IWDM Program. Respondent's  
11 decision to certify the EIR and adopt the IWDM Program despite knowledge of those  
12 critical matters rendered its decision arbitrary, capricious, unsupported by substantial  
13 evidence and an abuse of discretion.

15 43. Respondent also prejudicially abused its discretion under CEQA in making  
16 such a minimal consultation effort. This barebones consultation effectively limited input  
17 from governmental agencies whose viewpoints on wildlife conflict issues needed to be  
18 heard, especially regarding the two nonlethal alternative programs whose wildlife control  
19 efforts would substantially diverge from lethal methods commonly deployed when USDA-  
20 Wildlife Service was operating in Mendocino County.

23 SECOND CAUSE OF ACTION: VIOLATION OF CEQA (Pub. Res. Code, § 21000 et  
24 seq.)

25 *The EIR Failed to Assess Cumulative, Landscape-Specific Effects the IWDM Program*  
26 *Would Have on Species Subject to Lethal Control.*

27 44. The EIR asserts: "evaluation of the efficacy of direct control methods included

1 in the IWDM Program is beyond the scope of the EIR.” (Response to Comment 10-38, p. 2-  
2 136.)

3 45. This conclusory response to the core CEQA question of a project’s  
4 environmental impact constitutes a prejudicial abuse of discretion that requires rescinding  
5 and revision of the FEIR. Differences in the efficacy of alternative programs for wildlife  
6 damage management will have a substantial impact on the level of biodiversity in the  
7 environment considered in this study, and therefore must be a primary focus of an  
8 environmental impact report.  
9

10 THIRD CAUSE OF ACTION: VIOLATION OF CEQA (Pub. Res. Code, § 21000 et seq.)  
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12 *Respondent failed to make adequate findings pursuant to CEQA section 21081.*

13 46. Under CEQA, a lead agency must not approve or carry out a project where the  
14 certified EIR identifies a significant impact, unless the agency first adopts specific  
15 statutorily defined findings with respect to each significant effect.  
16

17 47. Among the findings approved by Respondent, Finding 4.2-4 provides that “the  
18 County agrees with the characterization in the DEIR with respect to all environmental  
19 effects initially identified as having ‘no’ or a ‘less-than-significant’ impact under the No  
20 Program Baseline Scenario and finds that those impacts have been described accurately in  
21 the EIR, including the question of whether the IWDM Program would ‘[i]nterfere  
22 substantially with the movement of any native resident ... wildlife species or with  
23 established native resident or migratory wildlife corridors, or impede the use of native  
24 wildlife nursery sites.’”  
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27 48. However, the DEIR does not provide a meaningful, adequate examination of  
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1 how native carnivores - particularly cougars, black bears, coyotes and bobcats – move  
2 across the County’s broad and diversified landscapes. Nor does the DEIR give any apparent  
3 consideration to the effect of the IWDM’s lethal control methods on the availability of  
4 viable denning and nursery sites for these four particular species, information which is  
5 imperative for cougars in light of the their disturbingly small local population.  
6

7 49. Respondent failed to make findings required by CEQA in regard to the  
8 potential impact of the IWDM Program upon: a) the movement of four species of native  
9 carnivores across the landscape; and b) the availability of suitable sites for those species to  
10 give birth and raise offspring in numbers that will assure viable populations in the County.  
11 In failing to make findings based on credible evidence, the County violated CEQA and  
12 prejudicially abused its discretion in making these factually unsupported findings.  
13

14 FOURTH CAUSE OF ACTION: VIOLATION OF CEQA (Pub. Res. Code, § 21000 et  
15 seq.)

16 *Respondent failed to adopt a Mitigation Monitoring and Reporting Plan for all changes*  
17 *aimed at mitigating project impacts.*

18 50. If the lead agency requires mitigation in order to reduce a significant effect to  
19 less than significant, the lead agency must adopt a mitigation monitoring and reporting  
20 program (“MMRP”) for the changes made by the project and for conditions of project  
21 approval that are adopted to mitigate or avoid significant impacts. The MMRP must be  
22 designed to ensure that the project’s actual implementation conforms to the project’s  
23 description of how adverse environmental impacts would be mitigated. The agency must  
24 ensure that measures aimed at mitigating or avoiding significant impacts are fully  
25 enforceable through permit conditions, agreements, or other measures as set forth in  
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1 referenced documents that address required mitigation measures.

2           51. The EIR notes that “[a]daptive management is inherent to WS-CA’s  
3 [U.S.D.A. Wildlife Services, California Office] IWDM approach,” which may include  
4 evaluation of “modifications to existing WDM techniques, tools, and systems for the  
5 purpose of improving these techniques and tools.” Section 3.7 of the DEIR contemplates the  
6 need for monitoring this management, including development of data that could be used to  
7 document and monitor program activities. Yet the EIR does not discuss nor does the IWDM  
8 Program contain provisions for a reporting and monitoring plan that would identify and  
9 assess the effectiveness of mitigation measures necessary to reduce the Program’s adverse  
10 effects on the environment.  
11  
12

13           52. In terms of a “Mitigation Monitoring and Reporting Program,” the Draft EIR  
14 offers no information, while the Final EIR provides nothing beyond a one-page table (Final  
15 EIR, p. 4-3) indicating “the improvement measure number, the impact the measure is  
16 designed to address, the measure text, the monitoring agency, implementation schedule, and  
17 an area for sign-off indicating compliance.” This table purports to only reflect  
18 “improvement measures for the No Program Baseline.”  
19  
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21           53. The EIR offers no information, let alone a plan for reporting any monitoring  
22 of IWDM Program activities and their effects on the environment. Nor does it provide even  
23 a hint of subsequent mitigations that might need to be undertaken, in response to incoming  
24 monitoring data, to protect against serious IWDM impacts on biological resources like  
25 significant declines in predator populations. (FEIR, p. 4-2.)  
26

27           54. The only mitigation monitoring measure indicated in Table 4-3 concerns  
28

1 cougars, owing to their unexpectedly low population densities in Mendocino County.  
2 Respondent and CDFW would perform unspecified monitoring “upon receipt of a cougar  
3 depredation complaint,” followed by a tiered-approach that would allow killing of a cougar  
4 after two non-lethal attempts at deterrence, despite the EIR’s finding that documented  
5 cougar populations in Mendocino County are surprisingly low and may be in jeopardy.  
6 Respondent’s abdication of its responsibility to protect cougars from being killed in  
7 unsustainable numbers goes against the weight of substantial evidence, is arbitrary and  
8 capricious and constitutes an abuse of discretion.  
9

10  
11 55. In leaving compliance with its EIR to outside agencies carrying out the  
12 requests of individuals, Respondent failed to require mitigation measures that are actually  
13 enforceable. This MMRP does not require Respondent to make IWD Program activity  
14 conform with permit conditions, contract provisions, agreements, or other measures that  
15 would ensure compliance with the MMRP. (See Resolution 19-422, p. 20.) Indeed, nothing  
16 in the MMRP requires the County to compel contracting agencies even to comply with  
17 MMRP.  
18

19 56. By failing to adopt enforceable mitigation measures and an MMRP for all  
20 mitigation requirements, the County violated CEQA and prejudicially abused its discretion  
21 as lead agency for this project.  
22

23 PRAYER FOR RELIEF

24 WHEREFORE, Petitioners/Plaintiffs pray for relief as follows:

25 1. For a peremptory writ of mandate, directing Respondent to:

26 a. Rescind its EIR;  
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b. Void its adoption of the IWDM Program, which relied upon its statutorily defective EIR;

c. Fully comply with CEQA prior to IWDM approval, and take any other action required pursuant to Public Resources Code section 21168.9;

2. For costs of the suit incurred herein;

3. For attorneys' fees pursuant to section 1021.5 of the Code of Civil Procedure; and

4. For such other and further relief as the Court deems just and proper.

Dated: January 21, 2020

Law Office of Donald L. Lipmanson

*Donald L. Lipmanson*

\_\_\_\_\_  
Donald L. Lipmanson

VERIFICATION

I, DONALD L. LIPMANSON, declare as follows:

1. I am among the Petitioners/Plaintiffs in this action.

2. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT and know the contents thereof. The factual allegations therein are true to the best of my knowledge, except as to those matters stated upon information or belief, and allegations as to those matters I believe 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 on January 21, 2020 at Sebastopol, California.

*Donald L. Lipmanson*

\_\_\_\_\_  
DONALD L. LIPMANSON