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CENTRAL SIERRA ENVIRONMENTAL
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8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF TUOLUMNE**

11 CENTRAL SIERRA ENVIRONMENTAL
RESOURCE CENTER,
12
13 **Petitioner,**
14
15 **v.**
16 COUNTY OF TUOLUMNE, COUNTY
OF TUOLUMNE BOARD OF
SUPERVISORS,
17
18 **Respondents.**

Case No.
**VERIFIED PETITION FOR WRIT OF
MANDATE**
CCP § 1085, CCP § 1094.5; Public
Resources Code § 21000 et seq.
("CEQA"); State Planning & Zoning Law

INTRODUCTION

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1. This action challenges the January 3, 2019 decision of the County of Tuolumne and its Board of Supervisors (collectively, “Respondents”) to approve the Tuolumne County General Plan and Ordinance Amending Tuolumne County Ordinance Code Title 17 (collectively, “Plan”), and to certify the associated Environmental Impact Report (“EIR”). Because of the sprawling rural development authorized by the Plan, the County will experience an 18 percent increase in vehicle miles traveled and greenhouse gas (“GHG”) emissions well above state and local goals. And because the Plan redesignates thousands of acres of agricultural land, significant agricultural impacts and adverse impacts to the County’s precious biological resources will occur. This petition challenges the Board of Supervisors’ reliance on the EIR prepared for the Plan because the County failed to ensure that the EIR disclosed, analyzed, and mitigated the Plan’s many foreseeable impacts as required by the California Environmental Quality Act (“CEQA”), Public Resources Code section 2100 et. seq. and the CEQA Guidelines, Title 14, California Code of Regulations, section 15000 et. seq.

2. The County further failed to adopt an internally consistent Plan. The Plan’s Community Development and Design Element is itself internally inconsistent and conflicts with the Transportation, Agriculture, Utilities, and Climate Change Elements. The Plan contains numerous goals, policies, and implementation programs directed at limiting sprawling rural development, promoting alternative forms of transportation, and limiting GHG emissions. However, the land use map redesignates thousands of acres of land outside of established communities to allow development, directly impeding and frustrating these policies and goals. The County’s adoption of the Plan violates the Planning and Zoning Law, Government Code section 65300 et. seq.

3. Because the Plan prioritized development over all other values, the EIR was not able to evaluate or select a reasonable range of alternatives. In addition, this development pattern sets the County up for failure because it will be unable to meet its GHG emissions reduction targets or adequately protect its agricultural and biological

1 resources. The EIR suggests that adoption of a Climate Action Plan at some future date
2 will reduce GHG emissions below state and local targets, but because the Plan redesignates
3 thousands of acres of land to allow sprawling residential and commercial development, it
4 simply cannot meet these targets. The EIR’s assurances otherwise impermissibly mislead
5 decisionmakers and the public.

6 4. For all these reasons, the County’s approval of the Plan and certification of
7 the EIR violate CEQA and the Planning and Zoning Law and must be overturned.

8 **PARTIES**

9 5. Petitioner Central Sierra Environmental Resource Center (“the Center”) is a
10 California nonprofit organization formed in 1991 to defend water and wildlife across the
11 foothills and forests the Northern Yosemite region of the Central Sierra Nevada from
12 sprawling or inappropriate new development, destruction of habitat, and other threats to
13 open space or wild places. CSERC members live, own property, and/or recreate in
14 Tuolumne County and are affected by the Plan. CSERC and its members are directly,
15 adversely, and irreparably affected, and will continue to be prejudiced by the Plan and its
16 components, as described herein, until and unless this Court provides the relief prayed for
17 in this Petition. The interests that the Center seeks to further in this action are within the
18 purposes and goals of the organization, and the Center and its members have a direct and
19 beneficial interest in Respondents’ compliance with CEQA and the CEQA Guidelines. The
20 maintenance and prosecution of this action will confer a substantial benefit on the public
21 by protecting the public from the environmental and other harms alleged herein.

22 6. Respondent County of Tuolumne, a political subdivision of the State of
23 California, is responsible for regulating and controlling land use in the unincorporated
24 territory of the County, including implementing and complying with the provisions of
25 CEQA. The County is the “lead agency” for the purposes of Public Resources Code
26 Section 21067, with principal responsibility for conducting environmental review of the
27 proposed actions. The County has a duty to comply with CEQA and other state laws.

28 7. Respondent County of Tuolumne Board of Supervisors is the duly elected

1 decision-making body of the County. As the decision-making body, the Board of
2 Supervisors is charged with the responsibilities under CEQA for conducting a proper
3 review of the proposed action's environmental impacts and granting the various approvals
4 necessary for the Plan.

5 JURISDICTION AND VENUE

6 8. This Court has jurisdiction over the matters alleged herein pursuant to Code
7 of Civil Procedures sections 526, 527, 1085, 1087, and 1094.5, and Public Resources Code
8 sections 21168 and 21168.5.

9 9. Venue for this action properly lies in the Superior Court for the State of
10 California in and for the County of Tuolumne pursuant to Code of Civil Procedure section
11 394.

12 10. CSERC has performed any and all conditions precedent to filing the instant
13 action and has exhausted any and all available administrative remedies to the extent
14 possible and required by law. CSERC submitted numerous objections to the approvals for
15 the Plan and the County's EIR.

16 11. Respondents have taken final agency actions with respect to certifying the
17 EIR and granting approvals for the Plan. Respondents have a duty to comply with
18 applicable state laws, including but not limited to CEQA and the Planning and Zoning
19 Law, prior to undertaking the discretionary approvals at issue in this lawsuit. CSERC
20 possesses no effective remedy to challenge the approvals at issue in this action other than
21 by means of this lawsuit.

22 12. On January 30, 2019, CSERC complied with Public Resources Code section
23 21167.5 by emailing and mailing to Respondents a letter stating that CSERC planned to
24 file a Petition for Writ of Mandate seeking to invalidate Respondents' approvals for the
25 Plan. Attached hereto as Exhibit A is a true and correct copy of this letter.

26 13. On January 31, 2019, CSERC is complying with Public Resources Code
27 section 21167.7 and Code of Civil Procedure section 388 by furnishing the Attorney
28 General of the State of California with a copy of the Petition. Attached hereto as Exhibit B

1 is a true and correct copy of the letter transmitting the Petition to the Attorney General.

2 14. Pursuant to Public Resources Code section 21167.6(b)(2), CSERC elects to
3 prepare the record of proceedings in this action. Concurrently with this Petition, CSERC is
4 filing a notice of election to prepare the administrative record.

5 15. CSERC has no plain, speedy, or adequate remedy in the course of ordinary
6 law unless this Court grants the requested writ of mandate to require Respondents to set
7 aside their certification of the EIR and approvals for the Plan. In the absence of such
8 remedies, Respondents' approvals will remain in effect in violation of state law, and the
9 environment and CSERC will be irreparably harmed. No money damages or legal remedy
10 could adequately compensate for that harm.

11 STATEMENT OF FACTS

12 **Tuolumne County's Environmental Setting**

13 16. Tuolumne County is 2,274 square miles, stretching from the mountainous
14 landscape and steep canyons of the High Sierra in the east to the oak-covered foothills and
15 gently undulating plains in the west. Native vegetation and tree cover are important
16 ingredients in the character of the entire County, and the surrounding natural features and
17 resources define the character of the County's established communities. It is a rural
18 county, with just one incorporated community, so the Plan sets the development pattern for
19 nearly all the private property in the County.

20 17. Tuolumne County is home to a variety of rare plants and animals.
21 Approximately 177 special-status species in the County are considered candidate,
22 sensitive, or special status under the Federal Endangered Species Act, the California
23 Endangered Species Act, the California Native Plant Protection Act, or by the California
24 Department of Fish and Wildlife. Vulnerable wildlife includes the Sierra Nevada yellow-
25 legged frog, vernal pool fairy shrimp, yellow-billed cuckoo, Townsend's big-eared bat,
26 San Joaquin kit fox, Hoover's spurge, and large-flowered fiddleneck. The County is also
27 home to 115,010 acres of established oak woodlands that form an essential element of the
28 County's natural character.

1 18. Due to the County's current development pattern, the private automobile is
2 the dominant mode of travel within Tuolumne County. The estimated daily vehicle miles
3 traveled ("VMT") in 2016 was 1,829,654. In 2010, the County's baseline GHG emissions
4 were 782,846 metric tons of CO2 equivalent GHG emissions ("MTCO2e").

5 19. Under the current General Plan, 156,277 acres in unincorporated Tuolumne
6 County are designated as Agricultural land with 120,083 acres currently enrolled in
7 Williamson Act contracts. And in 2016 the value of agricultural commodities produced in
8 Tuolumne County was estimated at approximately \$35.4 million.

9 **The General Plan Update and Environmental Review**

10 20. Beginning in 2015, the County held scoping meetings and workshops
11 regarding the General Plan Update.

12 21. CSERC diligently participated in the Plan's administrative process from the
13 time the County issued its notice of intention to prepare an EIR and begin the planning
14 process for the Plan. In a letter dated September 11, 2015, CSERC urged the County to
15 consider and analyze alternatives that promote conservation and rural values as part of the
16 EIR for the Plan. CSERC hoped that this early participation would help shape a Plan that
17 directed growth toward existing infrastructure and protected the County's incredible
18 natural and agricultural resources.

19 22. The County circulated a Draft EIR for the proposed General Plan Update on
20 December 4, 2015. Rather than assuring the public that the County would promote rural
21 values and protect natural resources, these documents raised significant concerns. For
22 instance, the General Plan Update and associated DEIR focused on minimizing protective
23 and conservation measures. It also failed to include or adequately analyze a reasonable
24 range of alternatives to the proposed update.

25 23. CSERC commented on the Draft EIR and the proposed General Plan Update
26 by letter dated February 2, 2016, detailing the numerous policies that set the County on the
27 wrong path and outlining the flaws in the environmental analysis.

28 24. The County did not respond directly to these comments. Instead, it prepared

1 a Recirculated Draft EIR, based in part on its determination that certain climate change
2 impacts, which had not been adequately addressed in the initial draft, would be significant
3 and unavoidable. This Recirculated DEIR was released on August 27, 2018.

4 25. CSERC provided two lengthy, detailed comment letters, both dated October
5 10, 2018, on the Plan and the Recirculated Draft EIR, documenting the EIR's failure as an
6 informational document.

7 26. While in the past the County has sought to protect its valuable resources
8 through its General Plan, this Plan represents a sharp break from this goal. The County
9 pays lip service to compact development goals, but the environmental review for the Plan
10 falls far short of demonstrating to the public and decisionmakers that the Plan will result in
11 a sustainable policy direction. Instead, the Plan will result in sprawling rural development.
12 In many instances, the Plan weakens the protections afforded by the prior General Plan and
13 redesignates thousands of acres of agricultural land for residential and commercial
14 development even though much land already designated for development under the current
15 General Plan remains vacant and the population has remained static since 2000.
16 Disregarding this fact, the County estimates that population growth authorized in part by
17 the Plan will bring nearly 9,000 people over the forecast period or increase the population
18 by 16 percent.

19 27. As an overarching comment, CSERC noted that many of the EIR's
20 conclusions rest on the inaccurate assumption that future growth will be directed into the
21 identified communities. First, the boundaries of these identified communities do not
22 correlate to actual current or even projected growth, so the County's reliance on
23 development in identified communities to reduce environmental impacts is unfounded.
24 Second, the County improperly concludes that policies that seek to "encourage" growth
25 into identified communities will result in development there rather than on the thousands
26 of acres of redesignated land outside of the actual boundaries of the communities. This
27 flaw tainted the analysis of all of CEQA's issue areas by improperly minimizing the Plan's
28 impacts.

1 28. In addition, CSERC pointed out serious flaws in the EIR’s climate change
2 analysis and mitigation measures.

3 a. The EIR’s analysis of vehicle miles traveled (“VMT”) is flawed.
4 Mobile source emissions remain the largest emissions source associated with projected
5 development under the General Plan Update. Additional daily VMT associated with 2040
6 development would be 323,192, an increase of approximately 18 percent over baseline.
7 This directly contradicts the state’s 2017 Scoping Plan. The EIR fails to disclose and
8 analyze how this contradiction will impede the County’s ability to meet its GHG reduction
9 target. Additionally, as a way of addressing transportation emissions and energy, the
10 County impermissibly relies on the unfunded Regional Transportation Plan and its Rural
11 Sustainable Strategies and fails to adopt all feasible mitigation measures to reduce this
12 impact.

13 b. Development under the Plan is expected to result in 55,478 metric
14 tons of CO₂ equivalent (“MTCO₂e”) GHG emissions per year by 2040 and to have 5.2
15 MTCO₂e/year per service population (residents and employees in the County). This is
16 substantially higher than the statewide service population threshold of 3.1 MTCO₂e/year
17 for 2040.

18 c. CSERC demonstrated that the EIR’s climate change mitigation
19 measures are flawed. For instance, the EIR mistakenly assumes that a series of vague,
20 possible measures for new development outlined in yet-to-be-developed Climate Action
21 Plan will result in significant greenhouse gas emissions reductions. CSERC also
22 demonstrated that the County’s failure to adopt the Climate Action Plan at this point
23 impermissibly deferred the mitigation. The County failed to include a performance
24 standard to govern future actions implementing the mitigation, provide evidence that the
25 future Climate Action Plan would be feasible or efficacious, and show that practical
26 considerations precluded developing the mitigation prior to project approval.

27 29. CSERC also alerted the County that the EIR’s biological resources analysis
28 and mitigation was legally deficient. The EIR’s reliance on state and federal law as

1 mitigation is unsupported and the EIR fails to disclose and mitigate the Plan's cumulative
2 impact on biological resources.

3 30. CSERC noted flaws in the alternatives analysis where the Plan's objectives
4 were so narrowly defined that these objectives prevented the County from considering an
5 adequate range of feasible alternatives.

6 31. Further, CSERC noted internal inconsistencies within the Plan itself in
7 violation of the Planning and Zoning Law.

8 32. The County issued its final recirculated EIR in December 2018.
9 Unfortunately, the County did not take seriously the comments submitted by CSERC and
10 other members of the public. Rather than revise the EIR to comply with CEQA—or
11 modify the Plan to protect the County's environmental resources—the County's response
12 to comments cavalierly brushed aside CSERC's concerns. The Plan then proceeded to
13 public hearings, first before the Planning Commission, and then before the Board of
14 Supervisors. CSERC again raised its concerns to the County at both hearings, reiterating
15 that the final environmental documents did not address the serious CEQA inadequacies.
16 CSERC also submitted a final letter dated January 2, 2019 detailing its continuing
17 concerns.

18 33. Despite the legal errors identified by the CSERC, the Board of Supervisors
19 voted to adopt the Plan and certify the EIR on January 3, 2019. The County filed a Notice
20 of Determination the next day on January 4, 2019.

21 FIRST CAUSE OF ACTION

22 **Violation of CEQA (Public Resources Code § 21000 et seq.)**

23 34. CSERC realleges and incorporates by reference the preceding paragraphs in
24 their entirety.

25 35. CEQA is designed to ensure that government agencies incorporate the goal
26 of long-term protection of the environment into their decisions that may affect the
27 environment. CEQA applies to any discretionary action taken by an agency that may cause
28 a reasonably foreseeable change in the environment.

1 36. In furtherance of its goal of environmental protection, CEQA requires that an
2 agency prepare an EIR for a project whenever substantial evidence in the record supports a
3 fair argument that the project may have a significant impact on the environment. As the
4 cornerstone of the CEQA process, the EIR must disclose and analyze a project's
5 potentially significant environmental impacts. In addition, the EIR also must inform
6 decision-makers and the public of feasible mitigation measures and alternative project
7 designs or elements that would lessen or avoid the project's significant adverse
8 environmental impacts.

9 37. CEQA also mandates that the lead agency adopt all feasible mitigation
10 measures that would reduce or avoid any of the project's significant environmental
11 impacts. If any of the project's significant impacts cannot be mitigated to a less-than-
12 significant level, the project can be approved only if the agency finds that the project's
13 benefits would outweigh its unavoidable impacts.

14 38. Under CEQA, all findings required for any agency's approval of a project
15 must be legally adequate and supported by substantial evidence in the administrative
16 record, and CEQA further requires that an agency provide an explanation of how the
17 evidence in the record supports the conclusions that the agency has reached.

18 39. Respondents violated CEQA by certifying an EIR for the Plan that is
19 inadequate and fails to comply with the requirements of CEQA and the CEQA Guidelines.
20 Among other things, the EIR:

21 a. Improperly assumes that development allowed under the Plan will not
22 generally occur outside of communities. The EIR understates the amount of development
23 outside of communities by using unsubstantiated assumptions regarding the Plan's ability
24 to direct growth, among other errors. The EIR thus disregards the potential environmental
25 impacts associated with the development actually allowed by the Plan.

26 b. So narrowly defines the Plan's objectives that it fails to consider an
27 adequate range of feasible alternatives. Many of the Plan's impacts stem from its
28 promotion of sprawling rural development. And the Plan's objectives to "achieve and

1 enable maximum flexibility for development,” “minimize or eliminate restrictions and
2 requirements that can increase” costs or delays of development, and “allow residents and
3 property owners to use their land to the maximum extent of the law” mean that any
4 alternative that could have reduced impacts by more sustainably structuring future
5 development was rejected as contrary to the Plan’s “fundamental objectives” of
6 development flexibility and elimination of restrictions.

7 c. Fails to adequately disclose, analyze, or mitigate the Plan’s significant
8 impacts on the environment, including but not limited to the Plan’s direct, indirect, and
9 cumulative impacts on climate change, energy, transportation, biological resources, and
10 agriculture:

11 i. the EIR relies on an improperly deferred framework for
12 reducing greenhouse gas emissions and energy use, while also allowing large amounts of
13 sprawling rural development. The Plan would increase VMT by 18 percent above the
14 current baseline because of the growth patterns it promotes and would result in per capita
15 emissions far exceeding the caps set in the 2017 Scoping Plan and adopted by the EIR as a
16 threshold of significance. While the EIR proposes to eventually fully mitigate these
17 impacts through a Climate Action Plan, the way the Plan redesignates and allocates land
18 makes it impossible for the County to achieve the state’s and its GHG reduction targets.
19 And further, the EIR impermissibly defers mitigation for the Plan’s significant climate
20 change impacts by delaying the adoption of a Climate Action Plan;

21 ii. given the Plan’s conflict with state goals for reducing VMT,
22 the EIR fails to adequately disclose, analyze, and mitigate the Plan’s energy,
23 transportation, and climate change impacts related to VMT. The EIR’s reliance on the
24 unfunded Regional Transportation Plan and its Rural Sustainable Strategies is also
25 impermissible;

26 iii. the EIR improperly concludes that impacts to biological
27 resources will be less than significant. The EIR’s reliance on general compliance with state
28 and federal laws fails to acknowledge the limits of mitigation under those laws and their

1 the county. The general plan must contain a statement of development policies, one or
2 more diagrams, and text setting forth objectives, principles, standards, and plan proposals
3 and must include mandatory elements. The general plan serves as a charter for future
4 development to which all other land use decisions must conform.

5 45. In particular, Government Code section 65300.5 requires that a general plan
6 and the elements and parts thereof must comprise an integrated, internally consistent and
7 compatible statement of policies.

8 46. The Plan is internally inconsistent and violates the requirements of
9 Government Code section 65300.5. The Plan's redesignation of thousands of acres of
10 agricultural lands outside of the County's defined communities to residential uses, and
11 hundreds of acres from less-dense residential to higher-density residential, frustrates and
12 impedes the Plan's Transportation, Agriculture, Utilities, and Climate Change Elements, as
13 well as the sustainability policies promoted by the Community and Development Design
14 Element. It is not possible to reconcile the level and type of sprawling growth
15 contemplated by the land use element with the claimed goals of these other elements.

16 47. Respondents' approval of the Plan was thus arbitrary and capricious and a
17 prejudicial abuse of discretion. Because Respondents did not proceed in the manner
18 required by law and their decision was not supported by substantial evidence, the approval
19 of the Plan should be set aside.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Petitioner prays for judgment as follows:

- 22 1. For alternative and peremptory writs of mandate directing Respondents to
23 vacate and set aside their certification of the EIR and approval of the Plan.
- 24 2. For alternative and peremptory writs of mandate directing the Respondents
25 to comply with the requirements of CEQA and the CEQA Guidelines and take any other
26 action as required by Public Resources Code section 21168.9;
- 27 3. For a temporary stay, temporary restraining order, and preliminary and
28 permanent injunctions restraining Respondents and their representative agents, servants,

1 and employees, and all others acting in concert with Respondents on their behalf, from
2 taking any action to implement the Plan pending full compliance with the requirements of
3 CEQA and the CEQA Guidelines;

4 4. For costs of the suit;

5 5. For attorneys' fees under Code of Civil Procedure section 1021.5 and other
6 applicable authority; and

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

8 DATED: January 31, 2019

SHUTE, MIHALY & WEINBERGER LLP

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By: 

ELLISON FOLK
CAITLIN F. BROWN

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Attorneys for Petitioner
CENTRAL SIERRA ENVIRONMENTAL
RESOURCE CENTER

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF TUOLUMNE COUNTY

I, John Buckley, am Director of Central Sierra Environmental Resources Center, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing Petition for Writ of Mandate ("Petition"). I am familiar with its contents. All facts alleged in the above Petition not otherwise supported by exhibits or other documents are true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 29, 2019, at Twain Harte, California.

John Buckley

Print Name of Signatory

John Buckley

Signature

EXHIBIT A

SHUTE, MIHALY
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ELLISON FOLK
Attorney
Folk@smwlaw.com

January 30, 2019

Via E-Mail and U.S. Mail

Deborah Bautista
County Clerk
Tuolumne County
2 S. Green Street, Second Floor
Sonora, California 95370
dbautista@co.tuolumne.ca.us

Re: Notice of Commencement of CEQA and Planning and Zoning Law
Litigation Challenging Approval of the 2018 Tuolumne County
General Plan

Dear Ms. Bautista:

This letter is to notify you that the Central Sierra Environmental Resource Center will file suit against the County of Tuolumne ("County") and its Board of Supervisors for failure to observe the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq., the CEQA Guidelines, California Code of Regulations section 15000 et seq., and state law in connection with its January 3, 2019 approval of the Tuolumne County General Plan ("Plan") and certification of an environmental impact report for the Plan. This notice is given pursuant to Public Resources Code section 21167.5.

Please note that, pursuant to Public Resources Code section 21167.6, the record of proceedings for County's actions includes, among other items, all "internal agency communications, including staff notes and memoranda related to the project or to compliance with [CEQA]." Because all e-mails and other internal communications related to the Plan are part of the administrative record for the lawsuit to be filed by the Central Sierra Environmental Resource Center, the County may not destroy or delete such documents prior to preparation of the record in this case.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk

1 **PROOF OF SERVICE**

2 At the time of service, I was over 18 years of age and **not a party to this action**. I am
3 employed in the County of San Francisco, State of California. My business address is 396 Hayes
4 Street, San Francisco, California 94102.

5 On January 30, 2019, I served true copies of the following document(s) described as:

6 **LETTER TO COUNTY RE NOTICE OF CEQA SUIT**

7 on the parties in this action as follows:


8 Deborah Bautista
9 County Clerk
10 Tuolumne County
11 2 S. Green Street, Second Floor
12 Sonora, California 95370
13 dbautista@co.tuolumne.ca.us

14 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the
15 document(s) to be sent from e-mail address Larkin@smwlaw.com to the persons at the e-mail
16 addresses listed in the Service List. I did not receive, within a reasonable time after the
17 transmission, any electronic message or other indication that the transmission was unsuccessful.

18 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the
19 persons at the addresses listed in the Service List and placed the envelope for collection and
20 mailing, following our ordinary business practices. I am readily familiar with Shute, Mihaly &
21 Weinberger LLP's practice for collecting and processing correspondence for mailing. On the
22 same day that the correspondence is placed for collection and mailing, it is deposited in the
23 ordinary course of business with the United States Postal Service, in a sealed envelope with
24 postage fully prepaid.

25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct.

27 Executed on January 30, 2019, at San Francisco, California.

28 

Patricia Larkin

EXHIBIT B

SHUTE MIHALY
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ELLISON FOLK
Attorney
Folk@smwlaw.com

January 31, 2019

Via U.S. Mail

Attorney General Xavier Becerra
Office of the Attorney General
1300 "I" Street
Sacramento, California 95814

Re: Notice of Filing CEQA Litigation: Central Sierra Environmental
Resource Center v. County of Tuolumne et al.

Dear Attorney General Becerra:

Enclosed please find a copy of the Petition for Writ of Mandate ("Petition") in the above-captioned action. The Petition is provided to you in compliance with Public Resources Code section 21167.7 and Code of Civil Procedure section 388. Please acknowledge receipt in the enclosed prepaid, self-addressed envelope. Thank you.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk

Encl.

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