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7 SCI Center for Conservation Law and Education;
California Rifle & Pistol Association, Incorporated;
8 California Bowmen Hunters/State Archery Association;
HOWL for Wildlife, Inc.; California Deer Association;
and Coalition to Save Catalina Island Deer

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 SAFARI CLUB INTERNATIONAL; SCI
12 CENTER FOR CONSERVATION LAW
& PISTOL ASSOCIATION,
13 INCORPORATED; CALIFORNIA
BOWMEN HUNTERS/STATE ARCHERY
14 ASSOCIATION; HOWL FOR WILDLIFE,
INC.; CALIFORNIA DEER
ASSOCIATION; and COALITION TO
SAVE CATALINA ISLAND DEER,

15 Plaintiffs-Petitioners,

16 v.

17 CALIFORNIA DEPARTMENT OF FISH
AND WILDLIFE; CALIFORNIA
18 DEPARTMENT OF FISH AND
WILDLIFE, SOUTH COAST REGION;
19 and DOES 1-10,

20 Defendants-Respondents.

21 CATALINA ISLAND CONSERVANCY,
Real Party in Interest

Case No.:

**VERIFIED PETITION FOR WRIT OF
MANDATE OR OTHER APPROPRIATE
RELIEF (California Environmental Quality Act,
Pub. Resources Code § 21168.5; Code of Civil
Procedure § 1085)**

CEQA CASE

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4 Petitioners Safari Club International; SCI Center for Conservation Law and Education;
5 California Rifle & Pistol Association, Incorporated; California Bowmen Hunters/State Archery
6 Association; HOWL for Wildlife, Inc.; California Deer Association; and Coalition to Save Catalina
7 Island Deer (“Petitioners”), bring this action for writ of mandate under Code of Civil Procedure section
8 1085 to enforce provisions of the California Environmental Quality Act, Public Resources Code §§
9 21000 et seq., (“CEQA”), on behalf of Petitioners’ interested members and supporters, residents, and the
10 public interest, and allege as follows.

11 **INTRODUCTION**

12 This is an action for a writ of mandate brought pursuant CEQA by various conservation and
13 hunting non-profit organizations to challenge the decision by the California Department of Fish and
14 Wildlife (“CDFW”) and the California Department of Fish and Wildlife, South Coast Region (“Lead
15 Agency”) (together “Respondents) to exempt from CEQA review under Public Resources Code section
16 21080.56 Real Party in Interest Catalina Island Conservancy’s (“Conservancy”) Catalina Island
17 Restoration Project (“Project”). The Project consists of the issuance of a Restoration Management
18 Permit (“RMP”) authorizing, among various other actions, the eradication of mule deer from Santa
19 Catalina Island.

20 Respondents’ exemption determination and approval of the Project were abuses of discretion for
21 several reasons. Initially, the Lead Agency failed to satisfy Section 21080.56’s procedural mandates. It
did not “obtain the concurrence of the Director of Fish and Wildlife” for exempting the Project from
CEQA review, which alone dooms the approval. Without that concurrence, the Director necessarily did
not “document the director’s concurrence using substantial evidence and best available science,” as

1 Section 21080.56 requires. Regardless of the procedural deficiencies, the documentation that the Lead
2 Agency relied on in granting the exemption does not meet that standard. It is the product of a biased,
3 closed-off “process” that ignored valid concerns raised by the public, including Petitioners, about
4 environmental, social, and economic impacts associated with eradicating an entire species from an
5 ecosystem and the methods employed to do so. In any event, the Project does not qualify for an
6 exemption under Section 21080.56 because the eradication of an entire herd of a California native
7 species from a habitat, particularly with the methods being employed under the RMP, is not a project
8 “*exclusively*” for assisting or providing habitat for California native wildlife, as it must be. Finally, the
9 Project either requires, permits, or is indifferent to violations of applicable local, state, and federal law,
10 which Section 21080.56 forbids.

11 As a result, the exemption is invalid, rendering the resulting RMP invalid, at least with respect to
12 the deer eradication/management component. Respondents’ unlawful and improper approval of a CEQA
13 exemption for the Project and issuance of the RMP is prejudicial to Petitioners, as they have an interest
14 in maintaining a deer herd on Catalina Island because Petitioners’ members and supporters use, visit,
15 enjoy, study, photograph, advocate for, and derive benefit from Santa Catalina Island and its wildlife,
16 including mule deer, which they would no longer be able to enjoy if the RMP stands.

17 Because Respondents abused their discretion in exempting the Project from CEQA review,
18 thereby prejudicing Petitioners, Petitioners respectfully request that this Court issue a writ of mandate
19 vacating the RMP and Project authorization entirely, or, alternatively, at least with respect to the deer
20 eradication/management component.

21 **PARTIES**

1. Plaintiff and Petitioner SAFARI CLUB INTERNATIONAL (“SCI”) is a nonprofit membership organization with members and chapters throughout the United States and beyond. SCI’s purposes include advocating for hunters, promoting wildlife conservation, defending sustainable use of wildlife resources, and supporting hunter education and outdoor traditions. SCI and its members have

1 interests in the conservation, maintenance, and lawful, scientifically based management of mule deer as
2 a wildlife resource, including for wildlife observation, education, hunting, and lawful harvest for food.
3 SCI's members and supporters include persons who visit, use, and enjoy Santa Catalina Island and who
4 value the continued existence and lawful management of the Island's deer herd. Respondents' unlawful
5 approval of the Project and authorization of deer eradication on Catalina Island injure those interests.

6 2. SCI CENTER FOR CONSERVATION LAW AND EDUCATION is a 501(c)(3)
7 not-for-profit organization, utilizes SCI's in-house legal counsel, state liaisons, and the "Hunters'
8 Embassy" on Capitol Hill to bolster SCI's mission. Together, these professionals litigate mission-critical
9 cases, educate wildlife commissions and support science-based decision-making at the state level, and
10 educate federal lawmakers and staff about issues of importance to hunting and wildlife conservation.
11 The Center provides a tax-deductible mechanism for Chapters, members, and donors to give directly to
12 SCI's legal battles and public education engagements.

13 3. Plaintiff and Petitioner CALIFORNIA RIFLE & PISTOL ASSOCIATION,
14 INCORPORATED ("CRPA") is a nonprofit membership organization incorporated under the laws of
15 California, with headquarters in Fullerton, California. Among its purposes, CRPA advocates for the
16 rights and interests of California firearm owners, hunters, and sportsmen, and promotes lawful,
17 responsible firearm use, safety, education, and outdoor traditions. CRPA and its members have interests
18 in the lawful, scientifically based management of California wildlife resources, including mule deer, and
19 in preserving opportunities for the beneficial use and enjoyment of those resources, including hunting,
20 outdoor recreation, and related education and advocacy. CRPA's members and supporters include people
21 who visit, use, and enjoy Santa Catalina Island and who value the continued existence and lawful
management of the Island's deer herd. Respondents' unlawful approval of the Project and authorization
of deer eradication on Catalina Island injure those interests.

4. Plaintiff and Petitioner CALIFORNIA BOWMEN HUNTERS/STATE ARCHERY
ASSOCIATION ("CBH/SAA") is a nonprofit organization established in 1964 to promote and defend

1 the interests of target archers and bowhunters throughout California. CBH/SAA provides education,
2 information, advocacy, and support concerning archery, bowhunting, wildlife conservation, and hunting
3 laws and regulations in California. CBH/SAA and its members have interests in the conservation,
4 maintenance, and lawful, scientifically based management of mule deer as a California wildlife resource,
5 including for outdoor recreation, education, wildlife observation, hunting, and lawful harvest for food.
6 CBH/SAA's members and supporters include people who visit, use, and enjoy Santa Catalina Island and
7 who value the continued existence and lawful management of the Island's deer herd. Respondents'
8 unlawful approval of the Project and authorization of deer eradication on Catalina Island injure those
9 interests.

9 5. Plaintiff and Petitioner HOWL FOR WILDLIFE, INC. ("HOWL") is a nonprofit,
10 member organization with headquarters in Pacifica, California. Its mission is to bridge the gap between
11 the public, policymakers, and wildlife biologists—ensuring that important decisions remain rooted in
12 sound research. To that end, Howl advocates for wildlife conservation, hunting, and the rights of
13 sportsmen and women, and educates and mobilizes its members and supporters on issues of wildlife
14 management and outdoor policy. Howl and its members have interests in the lawful, transparent, and
15 scientifically based management of California wildlife resources, including mule deer, and in preserving
16 opportunities for wildlife observation, outdoor recreation, hunting, and related advocacy. Howl's
17 members and supporters include people who visit, use, and enjoy Santa Catalina Island and who value
18 the continued existence and lawful management of the Island's deer herd. Respondents' unlawful
19 approval of the Project and authorization of deer eradication on Catalina Island injure those interests.

20 6. Plaintiff and Petitioner CALIFORNIA DEER ASSOCIATION ("CDA") is a nonprofit
21 organization with chapters and members throughout California. CDA is devoted to the conservation
and stewardship of deer, deer habitat, and California's hunting and wildlife heritage, and it envisions
a diverse and healthy landscape where deer and other wildlife thrive. CDA works to ensure that

1 science-based wildlife management remains at the heart of California’s policy decisions. CDA and its
2 members have direct interests in the conservation, maintenance, and lawful, scientifically based
3 management of mule deer as a California wildlife resource, including for ecological, educational,
4 aesthetic, recreational, and hunting purposes. CDA’s members and supporters include people who
5 visit, use, and enjoy Santa Catalina Island and who value the continued existence and lawful
6 management of the Island’s deer herd. Respondents’ unlawful approval of the Project and
7 authorization of deer eradication on Catalina Island injure those interests.

7 7. Plaintiff and Petitioner COALITION TO SAVE CATALINA ISLAND DEER is an
8 unincorporated association of diverse individuals, including current and former Catalina Island
9 residents, Catalina Island business and property owners, and people who regularly visit Catalina Island
10 and support its tourism-based economy. The Coalition was formed to protect Catalina Island’s mule deer
11 and the Island’s associated cultural, community, environmental, and economic values, and to promote
12 lawful and transparent agency decision-making. The Coalition and its members use, visit, enjoy, and
13 advocate for Santa Catalina Island and its wildlife, including the Island’s deer herd, and are directly
14 aggrieved by Respondents’ unlawful approval of the Project and authorization of deer eradication. The
15 Coalition sues in the name by which it is known under Code of Civil Procedure section 369.5.

16 8. Defendant and Respondent CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
17 (“CDFW”) is an agency of the state of California. It is CDFW’s mission and responsibility to “manage
18 California’s diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for
19 their ecological values and for their use and enjoyment by the public.”¹ CDFW is thus charged with the
20 administration and enforcement of California’s fish and wildlife laws and with the conservation,
21 management, and protection of the State’s wildlife resources. CDFW, acting through its officers,

¹ Available at: <https://wildlife.ca.gov/>, visited March 8, 2026.

1 employees, divisions, and regions, participated in and approved the challenged exemption determination
2 and related Project approvals at issue in this action.

3 1. Defendant and Respondent CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE,
4 SOUTH COAST REGION (“South Coast Region” or “Lead Agency”) is a regional division of CDFW
5 and, on information and belief, the CDFW entity that acted as the Lead Agency for purposes of the
6 challenged statutory exemption determination under Public Resources Code section 21080.56 and that
7 approved and issued the RMP challenged here. The South Coast Region is responsible, in whole or in
part, for the decisions, actions, and omissions alleged herein.

8 2. Real Party in Interest CATALINA ISLAND CONSERVANCY (“Conservancy”) is a
9 501(c)(3) non-profit public benefit corporation with its principal place of business in Long Beach,
10 California. The Conservancy is the applicant for, beneficiary of, and holder of the RMP challenged here.
11 The Conservancy proposed the “Catalina Island Restoration Project,” sought the statutory exemption
12 and related approvals at issue, and claims an interest in the validity of those approvals adverse to
Petitioners.

13 3. Plaintiffs and Petitioners are unaware and genuinely ignorant of the true identities of
14 DOES 1 through 10. Doe Defendants are fictitiously named. The true names and capacities, whether an
15 individual, corporation, heirs, assigns, successor in interest, or otherwise, of the Doe Defendants, are
16 unknown to Plaintiffs and Petitioners at the time of filing of this complaint and petition. Plaintiffs and
17 Petitioners will amend this complaint and petition to show the true names and capacities of these Doe
18 Defendants when the same have been ascertained. Plaintiffs and Petitioners are informed and believe,
19 and on that basis allege, that at all times herein mentioned, Defendants fictitiously designated, and each
20 of them, were the agents, servants, employees, representatives, or other persons or entities acting or
21 purporting to act on Defendants’ behalf or over whom Defendants exercise management and control,
and were at all times herein mentioned within the course and scope of such agency and/or employment

1 Plaintiffs and Petitioners are informed, and believe, and on that basis allege, that each of the Defendants
2 named as DOES 1 through 10 were in some manner acting unlawfully or otherwise responsible for the
3 events and happenings hereinafter alleged.

4 **JURISDICTION AND VENUE**

5 4. This Court has jurisdiction under Code of Civil Procedure sections 1060 and 1085 and
6 Public Resources Code section 21168.5.

7 5. Venue for this action is proper because the Project and its associated impacts are
8 authorized to place in the County of Los Angeles. (Code Civ. Proc., § 393, subd. (b).)

9 6. Respondents have taken final agency actions by approving the Project pursuant to a
10 statutory CEQA exemption found in Public Resources Code section 21080.56. Respondents have a duty
11 to comply with applicable state laws in exercising their discretion to approve the Project at issue in this
12 lawsuit, which duty they have failed to carry out.

13 7. Petitioners have complied with the requirements of Public Resources Code section
14 21167.5 by serving via U.S. Mail a written notice of Petitioner’s intention to commence this action on
15 Respondent on March 4, 2026. A true and correct copy of the written notice and proof of its service is
16 attached hereto as **Exhibit A**.

17 8. Before serving that written notice of their intention to commence this action, Petitioners
18 also notified Respondents of their objections to the Project’s approval via a letter submitted by electronic
19 mail (e-mail) to Respondents’ representatives, Meghan Hertel and Erinn Wison-Olgin, on February 11,
20 2026. A true and correct copy of the letter, including its attachments, is attached hereto as **Exhibit B**.

21 9. Petitioners have complied with the requirements of Public Resources Code section
21167.6 by concurrently notifying Respondents of Petitioners’ request to prepare the record of
administrative proceedings relating to this action. A copy of the Petitioners’ Election to Prepare
Administrative Record of Proceedings is attached hereto as **Exhibit C**.

1 10. Petitioners have performed any and all conditions required of them to file this action.
2 Petitioners were not required to exhaust administrative remedies under Public Resources Code section
3 21177² because “there was no public hearing or other opportunity for members of the public to raise []
4 objections orally or in writing before the approval of the [P]roject . . .” (Pub. Resources Code, § 21177,
5 subd. (e).) “While Public Resources Code section 21080.56 does not include a public comment
6 requirement, CDFW encourages and supports lead agency efforts to meet and confer with interested
7 parties, neighbors, public officials, and California Native American tribes prior to submittal of a SERP
8 concurrence request to CDFW.”³ For some reason Respondents here dismissed their own advice.
9 Instead, they privately proceeded with approval of the Project on the premise that the Project was
10 exempt from CEQA. To be sure, the record lists various “public engagement” activities that the
11 *Conservancy* supposedly engaged in with the public, (**Exhibit ???, Final RMP, pp. 12–13; Restoration**
12 **Workplan, § 5.3, p. 33**), which Petitioners contend are misleading. But what is glaringly absent from the
13 record is *Respondents’* engagement with the public on the Project. That is because there virtually was
14 none.

15 11. The *Conservancy* supposedly submitted its application for the RMP at issue in this matter
16 in September 2025. (**Exhibit ??, Final RMP, p. 13.**) The Lead Agency then submitted its concurrence
17 request to exempt the Project from CEQA on January 12, 2026; a CDFW official (not the Director)
18 purported to issue a concurrence on January 26, 2026; the Lead Agency determined the Project exempt
19 on January 28, 2026, and filed a Notice of Exemption same day; the RMP was issued to the
20 *Conservancy* on January 30, 2026; and CDFW filed a second Notice of Exemption was filed on
21 February 2, 2026. **NOE 2 confirms that the actual reasons for the exemption were identified in the**
January 12, 2026 concurrence request and the concurrence decision. (*Id.* at p. 1.) Respondents did not

² Public Resources Code section 21177 generally provides that an action alleging noncompliance with CEQA may not be maintained unless the alleged grounds for noncompliance were presented to the public agency during any public comment period or public hearing on the project. (Pub. Resources Code, § 21177, subd. (a).)

³ Found at: <https://wildlife.ca.gov/Conservation/Cutting-Green-Tape/SERP/QA#570063372-will-the-public-haveopportunities-to-comment-on-a-project-that-is-utilizing-the-serp-process>, accessed March 8, 2026.

1 provide public notice to Petitioners, or others, to review or address any of these steps. Respondents
2 therefore did not provide a CEQA-compliant public comment period, public hearing, or any other
3 meaningful opportunity for members of the public, including Petitioners, to raise objections to
4 Respondents' reliance on a statutory exemption, the adequacy of the Project's scientific support, the
5 Project's compliance with Public Resources Code section 21080.56, or the Project's compliance with
6 other applicable federal, state, and local law. As a result, Petitioners were not required to exhaust
7 administrative remedies under Public Resources Code section 21177. (Pub. Resources Code, § 21177,
8 subd. (e).)

8 12. The Conservancy's supposed "public engagement" activities do not change that
9 conclusion. First, none of those events constitutes a CEQA-compliant noticed public hearing before the
10 actual decisionmaker ("CDFW") on the approvals at issue here, let alone one with a public comment
11 period, so they are irrelevant under Public Resources Code section 21177. Additionally, virtually none of
12 them was directly related to the specific Project being challenged here. Some background is necessary to
13 understand. The Conservancy has pursued efforts to reduce, remove, or eliminate Catalina's mule deer
14 through various legal and administrative mechanisms over many years before its most recent RMP
15 application. As early as 2000, a deer-management report prepared for the Conservancy identified an
16 eradication objective. (URL? See May 2000), esp. pp. 2, 10–11, 15–16.) After the 2007 Island Fire, the
17 Conservancy sought extraordinary deer-removal authority from CDFW, representing that the herd
18 needed to be substantially reduced. (CITE.) In 2016, the Conservancy submitted to CDFW a Scientific
19 Collecting Permit proposal under Fish & Game Code section [REDACTED], which would allow eradication of
20 deer on Catalina. (CITE.) CDFW rejected that proposal. (Exhibit or URL? See CDFW Permit
21 Rejection Letter, Feb. 16, 2016.) On August 9, 2023, the Conservancy tried again, submitting another
Scientific Collecting Permit application to CDW seeking deer-removal authority, including via aerial
gunning and other methods. (CITE.) That application generated intense public controversy. The

1 Conservancy ultimately withdrew its application in August 2025 but followed it up almost immediately
2 in September 2025 with its application for the RMP being challenged in this matter. In sum, because the
3 Conservancy was pursuing a different type of project, albeit one that included the eradication of deer,
4 until August 2025, all of its purported public engagement efforts before then (which is almost all)
5 concerned that previous, now abandoned project, not the one at issue here. Petitioners thus had no
6 meaningful way to review or comment on the Project before it was proposed or authorized.

7 13. To the extent Petitioners were required to exhaust administrative remedies under any
8 applicable law or doctrine, they have certainly done so with their actions both before and after
9 Respondents' approval of the Project, which were unceremoniously ignored. As explained above, the
10 current Project was initiated only after the Conservancy's previous efforts to eradicate deer did not bear
11 fruit. Responding to those previous efforts, Petitioners and other members of the public continuously
12 and extensively weighed in with objections to the Conservancy's longstanding attempts to eradicate deer
13 from Catalina, as explained in detail below in the Standing section. In sum, the public, including
14 Petitioners, had limited opportunities to provide input on Respondents' approval of the Project but
15 undeniably attempted to put Respondents and the Conservancy on notice that there were meaningful
16 objections to the Project, thereby satisfying any potential duty to exhaust administrative remedies that
17 Petitioners might have.

18 14. Petitioners have served the Attorney General with a copy of this petition along with a
19 notice of its filing, in compliance with California Public Resources Code section 21167.7 and Code of
20 Civil Procedure section 388. That notice of filing to the Attorney General and proof of its service are
21 attached as **Exhibit D**.

15 15. This Petition is timely filed in accordance with Title 14 of the Code of Regulations
(CEQA Guidelines) section 15062(d).

PRIVATE ATTORNEY GENERAL DOCTRINE

1 multi-year deer-eradication program injures those interests by threatening the existence of the deer herd,
2 impairing Petitioners' ability to view, study, enjoy, use, and advocate for those animals, foreclosing
3 lawful harvest opportunities, and undermining Petitioners' interests in lawful and scientifically grounded
4 wildlife management.

5 20. Petitioners also suffered injury as a result of Respondents' lack of public process in
6 authorizing the Project. By proceeding unlawfully under a statutory exemption and without the
7 environmental review and public process required by CEQA, Respondents deprived Petitioners of a
8 meaningful opportunity to evaluate the Project's impacts, test its asserted scientific basis, assess
9 alternatives and mitigation, and participate in a legally adequate decision-making process before
10 approval of a project that undeniably has drastic, irreversible consequences on Catalina's wildlife and
11 ecosystem.

12 21. Petitioners Safari Club International, California Rifle & Pistol Association, Incorporated,
13 California Bowmen Hunters/State Archery Association, HOWL for Wildlife, Inc., and California Deer
14 Association bring this action on behalf of those members and supporters. The interests Petitioners seek
15 to protect are germane to their organizational purposes, and neither the claims asserted nor the relief
16 requested require the participation of individual members.

17 22. Petitioner Coalition to Save Catalina Island Deer is an unincorporated association
18 comprised of individuals including current and former Catalina Island residents, business and property
19 owners, and persons who regularly visit Catalina Island and support its tourism-based economy. The
20 Coalition was formed for the common purposes of protecting Catalina Island's mule deer and the
21 Island's associated cultural, community, environmental, and economic values, and of promoting lawful
and transparent agency decision-making. The Coalition and its members are beneficially interested in
this proceeding and are directly aggrieved by the Project for the reasons alleged herein. The Coalition
sues in the name by which it is known pursuant to Code of Civil Procedure section 369.5.

1 through (d) of Public Resources Code section 21080.56. (Exhibit ##). This submission was not made
2 publicly, so Petitioners, like the rest of the public, were unaware of it at the time.

3 28. The Lead Agency’s January 12, 2026, request for CDFW’s concurrence states that its
4 determination “is based on the information provided by the Conservancy in the attached RMP
5 Application Package.” (CITE.) The NOEs describe the contents of that “Application Package” as
6 consisting of the following four documents: “the RMP application, Catalina Island Restoration Project
7 10-Year Workplan (Workplan), Island Restoration Scientific Assessment (IRSA), and Habitat
8 Restoration and Monitoring Plan (HRMP).” (CITE.) Despite stating that those four documents are
9 attached to and incorporated by the NOEs, none is. Petitioners have tracked down what they believe to
10 be those documents (Exhibit # [a true and correct copy of what is believed to be the RMP application];
11 Exhibit # [a true and correct copy of what is believed to be the Catalina Island Restoration Project
12 10-Year Workplan (“Workplan”)]; Exhibit # [a true and correct copy of what is believed to be the Island
13 Restoration Scientific Assessment (“IRSA”)]; and Exhibit # [a true and correct copy of what is believed
14 to be the Habitat Restoration and Monitoring Plan (“HRMP”)]), which are attached hereto.

15 29. On January 26, 2026, Joshua Grover, Deputy Director of CDFW’s Ecosystem
16 Conservation Division, purported to issue a concurrence decision to exempt the Project under Section
17 21080.56, subdivision (e) (“Concurrence”). (Exhibit ##). While it appears that CDFW posted this
18 Concurrence online when it was made, there was no public outreach about its posting to Petitioners or
19 otherwise.

20 30. On January 28, 2026, the Lead Agency filed a Notice of Exemption (NOE #1) that the
21 Project is exempt from CEQA under Section 21080.56, subdivision (g), notifying the public for the first
time of its decision. (Exhibit ##). According to NOE #1, the Lead Agency considered the Concurrence
to be from “the Director’s designee” and apparently sufficient to satisfy Section 21080.56, subdivision

1 (e)'s requirement that "the director" provide a concurrence without citation to any law or rule that allows
2 for a supposed "designee" to satisfy that requirement. (Exhibit ##).

3 31. On January 30, 2026, the Lead Agency approved the RMP, which authorized the
4 eradication of mule deer from Catalina, and issued it to the Conservancy that same day. (Exhibit ##).

5 32. On February 2, 2026, the Lead Agency filed a second Notice of Exemption (NOE #2) for
6 the purported purpose of complying with CEQA Guidelines section 15062 (Cal. Code Regs., tit. 14, §
7 15062), which requires the Lead Agency to file a NOE within five days after a project's approval.

8 33. The attachments to both NOE #1 and NOE #2 appear to be identical, or essentially
9 identical.

10 34. As a result of the RMP's issuance, the Conservancy is currently permitted to act under the
11 RMP and, on information and belief, is currently taking action under the RMP that Petitioners seek to
12 prevent.

13 LEGAL BACKGROUND

14 35. CEQA is a comprehensive legal regime designed to provide long-term protection of the
15 environment. (Pub. Resources Code, §§ 21000 - 21189.) CEQA exists to, among other things, "[i]nform
16 decision makers and the public about the potential, significant environmental effects of a proposed
17 activities." (Cal. Code Regs., tit. 14, § 15002(a)(1).)

18 36. CEQA declares that it is the policy of California to "[p]revent the elimination of fish or
19 wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below
20 self-perpetuating levels, and preserve for future generations representations of all plant and animal
21 communities and examples of the major periods of California history." (Pub. Resources Code, § 21001.)

37. To that end, CEQA mandates public agencies "to avoid or minimize environmental
damage where feasible." (Cal. Code Regs., tit. 14, § 15021.) They must "give major consideration to
preventing environmental damage" and "should not approve a project as proposed if there are feasible

1 alternatives or mitigation measures available that would substantially lessen any significant effects that
2 the project would have on the environment.” (*Ibid.*; see also Pub. Resources Code, § 21002 [“The
3 Legislature finds and declares that it is the policy of the state that *public agencies should not approve*
4 *projects as proposed if there are feasible alternatives or feasible mitigation measures available which*
5 *would substantially lessen the significant environmental effects of such projects*, and that the procedures
6 required by this division are intended to assist public agencies in systematically identifying both the
7 significant effects of proposed projects and the feasible alternatives or feasible mitigation measures
8 which will avoid or substantially lessen such significant effects.”], italics added.)

8 38. To achieve the objectives of CEQA, “state and local agencies [are required] to disclose
9 and require mitigation of the potentially significant environmental impacts of ‘discretionary’ projects
10 that they may approve.” (*California Environmental Quality Act Informational Flyer*
11 <<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=202608&inline>> (last accessed Mar. 4, 2026).)

11 39. To identify environmental impacts and the means to mitigate them, CEQA requires
12 various sorts of public notice and/or comment periods, notifying and soliciting input and participation
13 from key stakeholders and the general public. This includes, inter alia:

14 a. If the Lead Agency determines that a Negative Declaration (“ND”) or Mitigated
15 Negative Declaration (“MND”) will be used for the project, filing of the Notice of Intent to
16 Adopt ND/MND and notice to relevant agencies and interested organizations and members of the
17 public, (Cal. Code Regs., tit. 14, § 15072, subs. (a)-(b));

18 b. Public comment period for the ND/MND of at least 20 days, or 30 days if a
19 proposed ND/MND is submitted to the State Clearinghouse for review by state agencies, (Pub.
20 Resources Code, § 21091, subd. (b));

21 c. Notice of Preparation (“NOP”) to Responsible Agencies, trustee agencies, the
Office of Planning and Research, relevant federal agencies, and the public that the Lead Agency

1 plans to prepare an Environmental Impact Report (“EIR”) for the project, (Cal. Code Regs.,
2 tit. 14, § 15082);

3 d. Comment and engagement period for NOP of 30 days, (Cal. Code Regs., tit. 14,
4 §§ 15082-15083);

5 e. Notice of Availability (“NOA”) to the public that a Draft EIR is available for
6 review and public comment, (Cal. Code Regs., tit. 14, § 15087, subd. (a));

7 f. Public comment period for Draft EIR of 30-90 days, and response to every
8 comment submitted for the Draft EIR, (Pub. Resources Code, § 21091, subds. (a) & (d); Cal.
9 Code Regs., tit. 14, § 15088).

10 40. Public Resources Code Section 21080.56 provides a Statutory Exemption for Restoration
11 Projects (SERP), creating a streamlined process that avoids CEQA review (and the process for public
12 review and comment described above) for projects that are found to be “exclusively” either “(1) A
13 project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and
14 wildlife, and the habitat upon which they depend”; or “(2) A project to restore or provide habitat for
15 California native fish and wildlife.” (Pub. Resources Code, § 21080.56, subd. (a)(1)-(2).)

16 41. To qualify for a SERP under section 21080.56, the project must “[r]esult[] in long-term
17 net benefits to climate resiliency, biodiversity, and sensitive species recovery,” *and* “[i]nclude[]
18 procedures and ongoing management for the protection of the environment.” (Pub. Resources Code, §
19 21080.56, subd. (c)(1)-(2).)

20 42. “Both the CEQA Lead Agency and the California Department of Fish and Wildlife
21 (CDFW) have specific roles under SERP. For a project to qualify, the CEQA Lead Agency must first
make its own independent determination that the statutory exemption applies. Once the CEQA Lead
Agency has done so, it must then seek concurrence from the CDFW **Director** that the project meets the
qualifying criteria.... The **Director’s concurrence** must be based on substantial evidence and best

1 available science.” (*CEQA Statutory Exemption for Restoration Projects (SERP)*)

2 <<https://wildlife.ca.gov/Conservation/Cutting-Green-Tape/SERP#569973311-things-to-know-before-reg>
3 [uesting](https://wildlife.ca.gov/Conservation/Cutting-Green-Tape/SERP#569973311-things-to-know-before-reg)> (last accessed Mar. 4, 2026), bold added; Pub. Resources Code, § 21080.56, subd. (e).)

4 43. Finally, even if a project otherwise qualifies for a SERP, the project remains “subject to
5 all other applicable federal, state, and local laws and regulations, and shall not weaken or violate any
6 applicable environmental or public health standards.” (Pub. Resources Code, § 21080.56, subd. (f).)

7 44. CDFW is tasked with managing California’s natural resources, *including deer*. Indeed, it
8 is the express policy of the State “to encourage the conservation, restoration, maintenance, and
9 utilization of California’s wild deer populations.” (Fish & Game Code, § 450; see also Fish & Game
10 Code, § 1801 [“It is hereby declared to be the policy of the state to encourage the preservation,
11 conservation, and maintenance of wildlife resources under the jurisdiction and influence of the state.”].)

12 45. Specifically, California aims, among other things:

13 (a) To maintain sufficient populations of all species of wildlife
14 and the habitat necessary to achieve the objectives stated in
15 subdivisions (b), (c), and (d).”

16 (b) To provide for the beneficial use and enjoyment of wildlife by
17 all citizens of the state.

18 (c) To perpetuate all species of wildlife for their intrinsic and
19 ecological values, as well as for their direct benefits to all
20 persons.

21 (d) To provide for aesthetic, educational, and nonappropriative
uses of the various wildlife species.

(e) To maintain diversified recreational uses of wildlife, including
the sport of hunting, as proper uses of certain designated species
of wildlife, subject to regulations consistent with the maintenance
of healthy, viable wildlife resources, the public safety, and a
quality outdoor experience.

(Fish & Game Code, § 1801, subs. (a)-(e).)

46. Petitioners contend, as the City of Avalon stated in its written protest to the Project, that
“the mass elimination of deer . . . would violate the Department’s mandate to preserve and protect these

1 animals for the benefit and enjoyment of the people.” (Exhibit # CITE. Such a drastic endeavor, coupled
2 with the intrusive and unlawful methods that Respondents authorized to carry it out, is precisely the type
3 of project that warrants CEQA review. Rather than adhere to CEQA’s mandates, however, Respondents
4 allowed the Conservancy to bypass them by authorizing the SERP for the Project. Petitioners challenge
5 that decision.

6 47. “In any action or proceeding, other than an action or proceeding under Section 21168, to
7 attack, review, set aside, void or annul a determination, finding, or decision of a public agency on the
8 grounds of noncompliance with this division, the inquiry shall extend only to whether there was a
9 prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in a
10 manner required by law or if the determination or decision is not supported by substantial evidence.”
(Pub. Resources Code, § 21168.5.) Section 21168 does not apply here because this is not an action to
11 review an agency’s decision under CEQA, but to challenge an exemption from CEQA review.

12 **FIRST CAUSE OF ACTION**
13 **FOR A WRIT OF MANDATE**
14 **(Invalid CEQA Exemption)**

15 48. Petitioners reallege Paragraphs 1 through [redacted] and incorporate them as though fully set
16 forth herein.

17 49. As stated *supra*, and as articulated in Petitioners’ and other persons’ and organizations’
18 comments on the Project, issuance of the SERP and RMP was unlawful for the following reasons.

19 **A. The SERP Lacks Required CDFW Director’s Concurrence & Documentation**

20 50. The SERP fails out of the gate because Respondents did not comply with Public
21 Resources Code section 21080.56’s procedural mandates. Subdivision (e) of section 21080.56 requires
the Lead Agency to “obtain the concurrence of the *Director* of Fish and Wildlife for the determinations
required pursuant to subdivisions (a) to (d), inclusive.” Yet, the purported concurrence for the SERP was

1 issued by Joshua Grover, Deputy Director of CDFW’s Ecosystem Conservation Division, not the
2 **Director**. (CITE). The NOE for the Project describes Mr. Grover as the “Director’s *designee*.” (CITE.)
3 The NOE cites no law, regulation, or rule that authorizes a “designee” of the Director to satisfy this
4 requirement. Petitioners are unaware of any such law, regulation, or rule. Nor does the purported
5 concurrence from the supposed “designee” explain the source of his authority to sanction any
6 Tellingly, every other SERP concurrence issued by CDFW since the exemption came into being (over 85
7 total), has been authorized by the actual Director. Because this one was not, it is invalid.

8 51. What’s more, because there was no concurrence from the Director, the Director
9 necessarily did not “document the director’s concurrence using substantial evidence and best available
10 science,” as Section 21080.56(e) demands.

11 52. Because the Lead Agency has failed to obtain “the concurrence of the **Director**” or the
12 Director’s required documentation of the SERP concurrence, Respondents have not satisfied the
13 mandates of Section 21080.56. Respondents have therefore abused their discretion by not proceeding in
14 a manner required by law in deciding to approve the SERP and resulting RMP. That alone dooms both.

14 **B. The Project Does Not Qualify for SERP**

15 53. Even had Respondents satisfied Public Resources Code section 21080.56,
16 subdivision (e)’s procedural mandates, the Project does not qualify for an exemption under section
17 21080.56 in the first place. That exemption is only available to “a project that is exclusively one of the
18 following: (1) A project to conserve, restore, protect, or enhance, and assist in the recovery of California
19 native fish and wildlife, and the habitat upon which they depend; (2) A project to restore or provide
20 habitat for California native fish and wildlife.” (Pub. Resources Code, § 21080.56, subd. (a).) The
21 Project does not meet that standard.

1 54. A project like the one challenged here that purports to eradicate an entire species of
2 California native wildlife (mule deer) from an environment cannot be said to be “*exclusively*” for
3 assisting or providing habitat for California native wildlife. Respondents tacitly acknowledge this
4 dilemma by declaring the mule deer on Catalina to be “non-native” and “invasive” because those deer
5 supposedly only arrived on the island 100 years ago with help from man. (CITE.) Even if that account of
6 the deer’s arrival were true, which Petitioners dispute as not having been scientifically confirmed, the
7 Project documents do not cite any authority that support declaring these specific deer to be “non-native”
8 or “invasive”—because there are not any. To the contrary, mule deer are a California native species, as
9 recognized by California law. (Cal. Fish & Game Code, § 450 [“It is hereby declared to be the policy of
10 the Legislature to encourage the conservation, restoration, maintenance, and utilization of California’s
11 wild deer populations ...”].) Indeed, far from being “invasive,” mule deer have been statutorily declared
12 to be a “game mammal” in the state. (Fish and Game Code § 3950). That designation confirms that deer
13 are not some legally alien organism under California law, but a wildlife resource that the State
14 affirmatively classifies, regulates, and manages for conservation, use, and enjoyment by the public,
15 which entitles it to all sorts of protections. (CITES). That dynamic eviscerates the entire premise of the
16 Project’s (mis)treatment of these mule deer.

15 55. Tellingly, neither Respondents nor the Conservancy consulted the Invasive Species
16 Council of California on this Project, whose sole purpose is to help coordinate and advise state agencies
17 on the best practices for controlling invasive species. (Food & Ag. Code § 7700.) That is because they
18 know mule deer are not invasive. The real reason that the Conservancy tried to affix the “invasive” label
19 to the Catalina deer was a pretext in hopes to finally achieve its goal of eradicating them after years of
20 failed efforts to do so.

20 56. At bottom, the complete eradication of a species from an ecosystem—particularly a
21 legally and socially venerated species like deer on a uniquely venerated ecosystem like Catalina

1 Island—does not qualify as the type of project that is exempt from CEQA review under Section
2 21080.56(a). In any event, the Conservancy’s longstanding desire to eradicate the Catalina mule deer
3 separate from this Project shows that the Project is not “exclusively” for the purposes that Section
4 21080.56(a) sanctions. As a result, the Project requires CEQA review. Indeed, not long ago, just prior to
5 adoption of Section 21080.56, the Conservancy itself acknowledged that its efforts to eradicate the deer
6 would require CEQA review. (Attached hereto as Exhibit ## is a true and correct copy of Catalina Island
7 Climate Resiliency & Restoration Strategy co-authored by the Project Proponent, Lauren Dennhardt,
8 dated December 28, 2022 [p. 8].) To holder otherwise would mean that CDFW has the authority to ...

8 **C. The SERP Is Not Based on the Best Available Science**

9 57. Even assuming the eradication of an entire California native species from an ecosystem is
10 a project contemplated by Public Resources Code section 21080.56, subdivision (a), Respondents’
11 (already invalid) Concurrence cannot be said to be based on “the best available science,” as it must be
12 under section 21080.56, subdivision (e). It lacked the robust scientific rigor and scrutiny from public
13 participation, comments, and hearings associated with CEQA review. (CITE.)

14 58. The Lead Agency’s request for CDFW’s concurrence with the SERP for the Project states
15 that its determination “is based on the information provided by the Conservancy in the attached RMP
16 Application Package.” (CITE.) Petitioners dispute or question many of the findings in those documents,
17 as explained below. But Respondents’ reliance on supposed evidence provided solely by the
18 Conservancy, without affording meaningful opportunity to Petitioners and others to provide evidence
19 that Respondents knew or should have known those parties possessed based on their objections to
20 various aspects of the science made to Respondents, (see [redacted] above), necessarily means that Respondents
21 cannot confirm that the SERP relies on the best available science.

20 59. **Supposed Wildfire Risk Mitigation** – Respondents accepted the Conservancy’s
21 representation that the Project would reduce wildfire risk by promoting recovery of native vegetation

1 and reducing conversion to invasive annual grasslands. (CEQA SERP Concurrence Request, pp. 6,
2 9–10.) But the record does not reflect the reasoned use of the best available science on that question. To
3 the contrary, the lead public official responsible for fire management on Catalina, Los Angeles County
4 Fire Chief Anthony Marrone, advised before the RMP’s approval that complete removal of mule deer
5 from Catalina would *increase* wildfire risk there, not reduce it. (Exhibit ##, Anthony C. Marrone, Fire
6 Chief, Los Angeles County Fire Department, memorandum to Supervisor Janice Hahn re Mule Deer
7 Management on Catalina Island (Jan. 7, 2026).) The SERP documentation does not meaningfully
8 acknowledge, analyze, or reconcile that contrary expert view. On a claimed Project benefit as
9 consequential as wildfire mitigation, Respondents’ failure to grapple with directly conflicting expert
10 input undermines any claim of reliance on the best available science and underscores the importance of
11 CEQA review here.

12 60. That omission is especially significant because wildfire risk is a site-specific fuels and
13 vegetation management question, not a matter that can be resolved by a generalized assumption that
14 browse reduction will necessarily decrease fire danger. California’s wildfire-resilience and
15 fuels-reduction programs emphasize strategic vegetation management, prescribed fire, thinning,
16 clearance, and fuel breaks to alter fire behavior and protect communities. (See CAL FIRE, Fuels
17 Reduction <<https://www.fire.ca.gov/what-we-do/natural-resource-management/fuels-reduction>>;
18 California Wildfire and Forest Resilience Action Plan
19 <[https://wildfiretaskforce.org/wp-content/uploads/2023/04/californiawildfireandforestresilienceactionpla
20 n.pdf](https://wildfiretaskforce.org/wp-content/uploads/2023/04/californiawildfireandforestresilienceactionplan.pdf)>⁴.) Respondents therefore had no reasonable basis to accept the Conservancy’s asserted wildfire
21 benefit at face value without meaningfully addressing the site-specific contrary opinion from the official
charged with managing fire risk on Catalina.

⁴ Of note, CDFW has this very plan linked on its website available at: <https://wildlife.ca.gov/Lands/Wildfire>, last visited March 8, 2026.

1 61. In light of this conflicting expert input regarding wildfire effects, and the Project’s own
2 acknowledgment that Catalina’s vegetation conditions are shaped by multiple interacting factors,
3 Respondents’ conclusory acceptance of wildfire-mitigation benefits cannot be said to be supported by
4 substantial evidence, let alone the best available science. (CEQA SERP Concurrence Request, pp. 6,
5 9–10; Restoration Workplan, Introduction section.)

6 62. **Deer Population Numbers** – The Project’s premise with respect to deer is, at least in
7 part, that their population is excessive. SERP documents claims that the island’s mule deer population
8 numbers around 2,000. (Exhibits ## Final RMP, p. 4 [the population “quickly grew to a herd of over
9 2,000”]; Final RMP, pp. 14–15 [Table 1 listing estimated deer population numbers at 1,771 in 2021,
10 1,800 in 2024, and 2,040 in 2025].) But outdated survey methods and extrapolations were employed to
11 reach that figure, which probably drastically overestimates the Island’s mule deer population. Indeed, on
12 information and belief, the last peer-reviewed deer count available to Respondents was conducted in
13 2021, using spotlight counting methods. (<<https://escholarship.org/uc/item/847923z8>>.) Not long ago,
14 CDFW found this same data insufficient to support the Conservancy’s application for a Scientific
15 Collection Permit. (CITE.) The data remains insufficient to support the SERP exemption. The record
16 does not explain why stale population data, supplemented by unexplained later estimates, constitute the
17 “best available science” for purposes of approving a Project premised in substantial part on deer
18 abundance and its alleged ecological consequences. Nor does the record explain why Respondents relied
19 on spotlight-based counting methods when thermal-drone surveys are generally better suited to steep,
20 rugged, and hard-to-access terrain like Catalina.

21 **63. Any other subjects to challenge re science? Plants?**

 64. What’s more, Respondents have failed to consider the scientific value of maintaining a
mule deer herd that is isolated from other California herds for the purposes of studying and responding
to disease, including Chronic Wasting Disease (“CWD”). According to CDFW itself, CWD is a concern

1 and has been detected in multiple counties in California, including Madera and Inyo.
2 (<<https://wildlife.ca.gov/Conservation/Laboratories/Wildlife-Health/Monitoring/CWD>, visited March 8,
3 2026>). As CDFW’s concern for CWD looms, having a disease-free herd for research and other
4 purposes, such as supplementing affected herds with disease-free deer, grows more important. The
5 SERP documents do not contemplate this scientific address this point.

6 65. In all events, the RMP’s treatment of deer is based on an abandonment of the
7 scientifically-based North American Management Model of Wildlife Conservation. (CITE). That
8 time-tested model contemplates hunting as a critical tool in maintaining healthy wildlife populations and
9 their habitats. The Conservancy claims that evidence shows that hunting is insufficient to address
10 grazing concerns with Catalina deer. (CITE). Even assuming the Conservancy’s data is correct, which
11 Petitioners dispute, that is not a science related problem, but a logistical one, which has been
12 exacerbated by the Conservancy. Indeed, the Conservancy appears to have put its thumb on the scale by
13 erecting barriers to hunters, such as limiting tags, forcing hunters to surrender mainland tags to hunt on
14 Catalina, restricting hunter accommodations, etc. [Cites?]. No scientific evidence shows that increased
15 hunting opportunities are unable to address the issues raised by the RMP with respect to deer. The
16 problem is that the Conservancy will not allow the conditions for proper deer management via hunting
17 in the first place. It cannot restrict hunting and then complain that hunting does not work; particularly
18 when it has been proven to work throughout the country. (CITE evidence?).

19 66. The sidelining from the SERP “process” of Stakeholders, the Invasive Species Council,
20 and other organizations and individuals who are known to have valuable input on this issue, despite
21 efforts by many of them to engage Respondents, coupled with the biased documentation relied on and
the rushed approval of the RMP shows that this “process” was not based on evidence and science, but a
special interest agenda unmoored from real science that did not account for the public interest in the
affected resources.

1 **D. The Project Is Ineligible for SERP Because the Record Fails to Demonstrate**
2 **Compliance with Other Applicable Laws.**

3 67. There is an express limitation on § 21080.56’s statutory exemption for projects: “The
4 project shall remain subject to all other applicable federal, state, and local laws and regulations, and
5 shall not weaken or violate any applicable environmental or public health standards.” (Pub. Resources
6 Code, § 21080.56, subd. (f).) Yet, the administrative record shows that implementation of this Project
7 would necessarily violate various such laws and standards and thus fails this condition.

8 **1. The RMP Violates Local Ordinances**

9 68. The administrative record shows that the Project authorizes and contemplates activities
10 inside Avalon city limits that: (1) necessarily implicate non-preempted municipal police-power
11 regulation concerning wildlife feeding, luring, and public safety; and (2) are expressly conditioned on
12 municipal permitting requirements that the record does not show were obtained. As a result, the Project
13 cannot satisfy section 21080.56, subdivision (f), and the SERP exemption is unavailable.

14 69. The RMP states that “mule deer removal work in Avalon will consist of using bait to
15 attract mule deer,” followed by capture and shooting with tranquilizer darts and subsequent sterilization
16 or euthanasia. ([RMP], p. 8.) The RMP also provides that Avalon operations will include “air rifles”
17 firing “tranquilizer darts” to capture deer. ([RMP], p. 8.) Yet, Avalon Municipal Code prohibits feeding
18 wild animals and luring wildlife within the City. (Avalon Mun. Code, § 6-1.128, subds. (d), (f).) It also
19 prohibits unpermitted discharge of weapons, including air-guns. (Avalon Mun. Code, § 4-5.101.)

20 70. These provisions are classic exercises of local police power intended to reduce
21 human-wildlife conflict, protect pedestrians and traffic safety, and prevent nuisance conditions—matters
traditionally within municipal authority even where the State regulates wildlife take. (See *People v.*
Mueller (1970) 8 Cal.App.3d 949, 954.) That the Project expressly depends on baiting deer within
Avalon city limits, (SERP Concurrence, p. 9; [RMP], p. 8), confirms SERP ineligibility.

1 71. Likewise, while the RMP specifies that a permittee “shall not use any Shooting Device⁵
2 in Avalon unless” the Permittee “has obtained any applicable and legally required permit from the City
3 of Avalon” and has provided a copy to CDFW at least thirty days before use, and complies with all
4 restrictions included in that City permit, ([RMP], p. 29), such permits do not appear in the record. To the
5 contrary, the City of Avalon reported that no such permits had been obtained and that neither CDFW nor
6 the Conservancy provided City officials any notice regarding planned operations within City limits.
7 ([Scott Haskell Campbell Letter to Christian Romberger, Cal. Dep’t of Fish & Wildlife (Feb. 6, 2026)],
8 Exh. [REDACTED].) Based on the City of Avalon’s letter to the Conservancy, the Conservancy is unlikely to
9 obtain such permits. Section 21080.56, subdivision (f) requires the Project to remain subject to all
10 applicable local law. The Project is not SERP-eligible unless the record demonstrates that required
11 municipal authorizations and restrictions exist and will be complied with.

12 72. The RMP asserts that, “[t]o the extent City of Avalon Code section 6-1.128 purports to
13 prohibit” components of the Project as authorized by CDFW, “CDFW’s authorization ... controls over
14 any conflicting ... prohibitions.” ([RMP], p. 29, fn. 11.) CDFW’s position that the RMP “controls over”
15 Avalon Municipal Code provisions underscores the RMP’s defect under section 21080.56, subdivision
16 (f) rather than curing it. Section 21080.56, subdivision (f) does not authorize SERP based on CDFW’s
17 unsupported claim of supremacy over local law. To the contrary, it expressly requires the Project to
18 “remain subject to” all applicable local law and not violate applicable standards. Here, the record
19 demonstrates that the Project includes baiting of and tranquilizer-dart discharge to capture of deer in
20 Avalon in violation of Avalon Municipal Code, and use of shooting devices in Avalon is expressly
21 conditioned on municipal permitting, which permit the Conservancy has not obtained and, As a result,
the Project is not eligible for SERP under section 21080.56, subdivision (f). ([SERP Concurrence], p. 9.)

⁵ The RMP defines “Shooting Device” to include “any firearm, air rifle, dart gun, or any other device that shoots a bullet, dart, or any other projectile through the air.” ([RMP], p. 29.)

1 2. **The RMP Violates State and Federal Water Standards by Authorizing Intensive**
2 **Herbicide Applications on Top-Of-Watershed Locations Linked To Avalon’s**
3 **Freshwater Supply**

4 73. The record establishes that herbicide use for the Project is not incidental but a core
5 restoration method. (CITE.) Workplan authorizes repeated broadcast herbicide applications over
6 multiple years and contemplates escalation to broad-spectrum and broadleaf-specific herbicides. It
7 authorizes broadcast application of Poast® (sethoxydim) and oil adjuvants by “UTV-mounted boom
8 sprayer,” with “two or three applications per growing season ... for three consecutive years,” and further
9 authorizes the potential use of “a broad-spectrum herbicide, such as glyphosate,” or “a broadleaf specific
10 herbicide, such as triclopyr,” depending on post-treatment dynamics. ([Workplan, Herbicide
11 Methodology], p. [REDACTED].) The RMP further states that herbicide application for larger restoration sites
12 “may include helicopter-based application,” with consultation with the Los Angeles County Agricultural
13 Commissioner and additional applicator certifications. ([RMP], p. 6.)

14 74. Despite identifying “increased groundwater replenishment, benefiting Avalon’s
15 freshwater supply” as an anticipated incidental public benefit of the Project, (CEQA SERP Concurrence
16 Request, p. 6), the record establishes that herbicide use is not incidental but a core restoration method.
17 The initial herbicide site was deliberately selected because it is a “high priority top of a watershed
18 location” expected to affect restoration conditions “both downstream and Island-wide.” (Restoration
19 Workplan, pp. 5–6.) The same Workplan authorizes repeated broadcast herbicide applications, including
20 Poast® in the initial phase and, if invasive forbs establish dominance, potential use of glyphosate or
21 triclopyr. The Project materials further contemplate helicopter-based herbicide application at larger
restoration sites. (Restoration Workplan, pp. 5–6, 15; Final RMP, p. 6.) Those features directly implicate
concrete water-quality and public-health compliance questions preserved by Public Resources Code
section 21080.56, subdivision (f), including whether herbicide applications in top-of-watershed areas

1 affecting downstream resources and Avalon’s freshwater supply are covered by, and will comply with,
2 California’s Porter-Cologne Water Quality Control Act, which requires reporting and waste discharge
3 requirements for discharges that could affect waters of the state (Wat. Code, §§ 13260, subd. (a), 13263,
4 subd. (a), 13264, subd. (a)), and, where applicable, the federal Clean Water Act’s NPDES permitting
5 regime (33 U.S.C. § 1342). Yet the CEQA SERP Concurrence Request offers only generalized
6 assurances that herbicide use will comply with California Department of Pesticide Regulation rules and
7 product labels and that erosion will be minimized. (CEQA SERP Concurrence Request, p. 7.) Section
8 21080.56, subdivision (f) requires more than generalized assurances. It requires a demonstrated
9 compliance pathway showing that the Project will remain subject to, and not violate, other applicable
10 environmental and public-health laws. On this record, Respondents did not make that showing.

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**3. The Project allows for unlawful take, harm, harassment, or disturbance of
federally protected species and/or their habitat**

75. Public Resources Code section 21080.56, subdivision (f) requires that the Project remain
subject to all other applicable federal laws and regulations. The Project fails this condition. It
contemplates and authorizes methods that foreseeably implicate federal wildlife protections, including
the Endangered Species Act’s prohibition on unlawful “take” of listed species (16 U.S.C. §
1538(a)(1)(B)); the Migratory Bird Treaty Act’s protections for migratory birds, nests, and eggs (16
U.S.C. § 703(a)); and, where applicable, the Bald and Golden Eagle Protection Act’s prohibitions on
take and disturbance of eagles (16 U.S.C. § 668(a)). Yet the administrative record does not identify,
attach, or otherwise demonstrate the authorizations, consultations, approvals, or other compliance
pathways necessary to lawfully implement the Project under those federal laws.

76. The SERP Concurrence Request Form states that mule deer removal will involve
“aerial/ground net capture,” “dogs for locating invasive Mule deer,” “ground shooting during the day
and night,” “shooting from a ground vehicle,” “baiting,” “thermal detection,” and “euthanasia.” (CEQA

1 SERP Concurrence Request, p. 3.) The RMP Application similarly describes dispatch of deer “via
2 shooting on foot or from a land vehicle ... baiting ... and both daytime and nighttime dispatch,” together
3 with thermal imagery, detection dogs, aerial detection, and capture using nets from air and ground.
4 (RMP Application, p. 11.) These methods create foreseeable pathways for harm, harassment,
5 disturbance, and, where protected species are affected, unlawful take—particularly for nesting birds and
6 other wildlife occupying the same landscape during implementation.

7 77. The HRMP materials confirm that these risks are neither speculative nor remote. The
8 record itself recites the broad federal concept of “take” and recognizes protections extending to
9 migratory birds, including nests and eggs. (HRMP Appendices, p. 728.) The record also includes a
10 Nesting Bird Management Plan with surveys, buffers, and related measures, underscoring that
11 nesting-bird impacts are foreseeable during implementation. (HRMP Appendices, pp. 5, 731.) Despite
12 these acknowledged risks from broad, repeated, and intensive ground and aerial operations over a large
13 landscape footprint, the administrative record does not identify the federal compliance pathway or
14 pathways necessary to ensure the Project remains subject to and compliant with applicable federal law.

15 78. That omission is legally significant. If implementation may affect federally listed species,
16 the record should identify the applicable ESA compliance pathway, including whether any section 7
17 consultation is required if federal agency action is involved, or whether any section 10 authorization is
18 required if otherwise prohibited take may occur. (See 16 U.S.C. §§ 1536, 1539.) If implementation may
19 disturb or take migratory birds, active nests, or eggs, the record should identify how the Project will
20 remain compliant with the MBTA. (16 U.S.C. § 703(a).) If eagle disturbance or take is implicated, the
21 record should identify the applicable BGEPA compliance path. (16 U.S.C. §§ 668(a), 668a; see also 50
C.F.R. pt. 22.) Instead, the record leaves these material federal compliance questions unanswered and
undocumented. (CEQA SERP Concurrence Request, pp. 3–4; RMP Application, p. 11; HRMP
Appendices, p. 728.)

1 79. The RMP Application references United States Fish and Wildlife Service Permit No.
2 ES-090990-3 in connection with monitoring and reporting requirements related to planned activities
3 involving the Catalina Island fox. (RMP Application, p. 11.) The Workplan likewise admits that federal
4 permitting is a prerequisite, stating: “The Conservancy will only conduct monitoring if federal permits
5 through USFWS and CDFW are active.” (Restoration Workplan, p. 19.) In addition, USFWS’s
6 amendment correspondence for Permit No. 090990, an ESA section 10(a)(1)(A) recovery permit, states:
7 “In order for your permit to be valid, you must have all other applicable State and Federal permits in
8 place prior to the commencement of activities authorized by this permit.” (USFWS Permit 090990
9 Amendment Letter, p. 1.)

9 80. These admissions establish that any fox-related federal authority is narrow,
10 activity-specific, and conditioned. Even assuming a valid USFWS recovery permit exists for enumerated
11 fox monitoring, handling, and care activities the Conservancy is already conducting, the record does not
12 demonstrate that such fox-specific authority extends to, authorizes, or otherwise accounts for the distinct
13 take and disturbance risks created by the Project’s broader, multi-year implementation footprint and
14 methods, including island-wide night operations, dog-assisted locating and net capture of deer,
15 vehicle-associated activity, widespread herbicide application, and extensive ground disturbance. Absent
16 that showing, the Project fails section 21080.56, subdivision (f)’s requirement that it remain
17 demonstrably subject to and compliant with applicable federal law, and the SERP exemption is
18 unavailable. (Restoration Workplan, p. 19; USFWS Permit 090990 Amendment Letter, p. 1; HRMP
19 Appendices, p. 728.)

18 **4. The Project Violates California’s Restriction on Wanton Waste of Wildlife**

19 81. California law expressly provides that “No person shall through carelessness or
20 neglect leave any game mammal, exotic game mammal, or game bird that is in that person's possession,
21 or any of the flesh of that animal usually eaten by humans, to go needlessly to waste.” (Fish & G. Code

1 § 4304, subd. (b).) Mule deer are a “game mammal.” (Fish and Game Code § 3950). The Project
2 contemplates mass lethal take of an entire herd of mule deer, yet the record does not demonstrate an
3 enforceable plan to prevent wanton waste or ensure retrieval, salvage, or lawful disposition of carcasses
4 across the Island. It indicates that deer taken near Avalon will be removed and potentially used to feed
5 condors. (CITE.) But it does not establish any comparable retrieval or disposition plan for the remainder
6 of the deer expected to be taken elsewhere. ([RMP], p. [REDACTED].)

7 82. The administrative record does not demonstrate any enforceable, project-wide plan to
8 prevent wanton waste of the mule deer carcasses generated by this mass-removal program. Instead, the
9 record reflects shifting, qualified, and internally inconsistent descriptions of carcass handling. In the
10 RMP, CDFW states: “Carcass handling: remove near roads/trails/public areas; freezer storage; ship
11 off-island; CWD test before leaving; possible provision of meat to condor program/tribal partners.”
12 ([RMP], p. [REDACTED].) The Conservancy’s application materials are similarly equivocal. In one place, the
13 Conservancy states under “Carcas [sic] Utilization” that only “[a] subset” of deer carcasses will be
14 gathered and donated to support the Condor Recovery Program. ([Application Materials], p. [REDACTED].)
15 Elsewhere, the Conservancy states only that meat “may be recovered and used for the California Condor
16 recovery program, depending on funding.” ([Application Materials], p. [REDACTED].) The Workplan likewise
17 indicates that carcass recovery for condor use is contingent and partial, explaining that early carcass
18 harvesting for the condor project is “pending funding,” and that, “[a]s the Project progresses and the
19 work becomes more challenging, carcasses will be moved away from locations visible to the public and
20 left to naturally recycle nutrients back into the environment.” ([Workplan], p. [REDACTED].)

21 83. Public statements by CDFW are to the same effect. At the February 11, 2026 Fish and
Game Commission meeting, Interim Director Valerie Termini stated: “And then the animal waste
component, the meat that will be harvested will be used for the condor recovery program when
feasible.” These shifting and qualified descriptions do not establish a concrete retrieval, salvage, or

1 lawful-disposition plan for the many carcasses expected to result from island-wide, multi-year lethal
2 removal. To the contrary, they indicate that carcass use is partial, discretionary, and funding-dependent,
3 and that many carcasses may simply be abandoned on the landscape once operations become more
4 difficult. Far from establishing compliance with Fish and Game Code section 4304, the record suggests
5 that avoidance of waste is optional, opportunistic, and subordinate to cost and logistics. While an RMP
6 may authorize the take of a mule deer, it does not authorize the wanton waste of their carcasses. On this
7 record, Respondents have not demonstrated compliance with Fish and Game Code section 4304, and
8 SERP is therefore unavailable under Public Resources Code section 21080.56, subdivision (f).

8 * * * *

9 84. Because Public Resources Code section 21080.56, subdivision (f) is an express condition
10 of SERP eligibility, these unresolved and inadequately documented conflicts with other applicable local,
11 state, and federal laws independently preclude Respondents' reliance on the statutory exemption. The
12 record does not demonstrate that the Project will remain subject to, and compliant with, those laws and
13 standards. Respondents therefore failed to proceed in the manner required by law, and their approval of
14 the SERP exemption and issuance of the RMP constitutes a prejudicial abuse of discretion.

14 **D. The Exemption Is Not Based on Substantial Evidence**

15 85. Assuming this Court finds that Respondents have "proceeded in a manner required by
16 law" in approving the SERP under Public Resources Code section 21080.56, despite the points made
17 above, Respondents' issuing of the RMP is still an abuse of discretion because their "decision is not
18 supported by substantial evidence," as it must be. (Pub. Resources Code, § 21168.5.)

18 86. CEQA guidelines provide the following:

19 (a) "Substantial evidence" as used in these guidelines means
20 enough relevant information and reasonable inferences from this
21 information that a fair argument can be made to support a
conclusion, even though other conclusions might also be reached.
Whether a fair argument can be made that the project may have a
significant effect on the environment is to be determined by

1 examining the whole record before the lead agency. Argument,
2 speculation, unsubstantiated opinion or narrative, evidence which
3 is clearly erroneous or inaccurate, or evidence of social or
4 economic impacts which do not contribute to or are not caused by
5 physical impacts on the environment does not constitute
6 substantial evidence.

(b) Substantial evidence shall include facts, reasonable
assumptions predicated upon facts, and expert opinion supported
by facts.

(Cal. Code Regs., tit. 14, § 15384.)

6 87. Respondents do not meet this standard. Petitioners do not merely assert that different
7 conclusions from those of Respondents, as reflected in the NOEs and Concurrence, could have been
8 reached. Rather, Petitioners contend that the Lead Agency did not have relevant information before it to
9 be able to conclude, as it did, that the Project does not require CEQA review where it allows: (1) the
10 eradication of an entire herd of a California native species (mule deer), which is an otherwise protected
11 game mammal, via use of tracking dogs, helicopter-netting, and sharp-shooters; (2) the incidental take of
12 or disturbance pathways for federally protected species; and extensive use of herbicides intentionally
13 directed at water-tables that are the source of drinking water for the population of Catalina.

14 88. Indeed, the documentation that the Lead Agency relied on in granting the RMP is the
15 product of a biased, closed-off “process” that ignored valid concerns raised by Petitioners and others
16 about scientific, environmental, social, and economic impacts associated with eradicating an entire
17 species from an ecosystem. (CITE.)

18 89. the whole record before it because of the closed-off process, or at least did not consider
19 the whole record to the extent it included .

20 90.

21 **E. The Project’s Unlawful Approval Is Prejudicial to Petitioners**

91. Respondents’ approval of the Project is prejudicial to Petitioners because Petitioners’
members and supporters have an interest in the use and enjoyment of the mule deer on Catalina and in
perpetuating wildlife management policy that is based on sound science and the policies of California to

1 hold wildlife, including mule deer, in trust for the benefit of the public. Respondents' improper issuance
2 of the deprives Petitioners and the public of those aims permanently and irreversibly.

3 92. Why the SERP and RMP were rushed through has not been explained and does not
4 appear to have any reasonable justification typically found in a replete administrative record under
5 CEQA; particularly when known interested parties were excluded from the process.

6 93. The CEQA process calls for thoughtful executive guidance to ensure that irreversible
7 decisions regarding wildlife are made with the highest level of public accountability and biological
8 integrity. Rubber-stamping the Conservancy's application displays a troubling disregard for how
9 so-called "invasive" species—species actually native to California—are being characterized, and it risks
10 normalizing lethal removal as a default response to ecological challenges without scientific scrutiny.

11 **PRAYER FOR RELIEF**

12 Wherefore Plaintiffs and Petitioners pray for the following relief:

13 1. Issue a peremptory writ of mandate declaring the SERP invalid and directing Respondent
14 Department to set aside issuance of the RMP, at least with respect to the deer eradication/management
15 component, unless and until the Project undergoes a full and proper CEQA review process and is found
16 compliant;

17 2. Issue a peremptory writ of mandate directing Respondents and Real Party in Interest to
18 suspend all activity in furtherance of the Project, at least with respect to the deer
19 eradication/management component unless and until the Project undergoes a full and proper CEQA
20 review process and is found compliant;

21 3. Issue a stay to suspend the effect of Respondents' approval of the Project, at least with
respect to the deer eradication/management component pending trial on the merits

4. For an award of reasonable costs of suit and attorney's fees under Code of Civil
Procedure section 1021.5 and under any other state law for which such fees and costs are provided; and

