

LAW OFFICES OF DONALD B. MOONEY
DONALD B. MOONEY (SBN 153721)
417 Mace Boulevard, Suite J-334
Davis, California 95618
Telephone: (530) 758-2377
Facsimile: (530) 212-7812
Email: dbmooney@dcn.org

Attorneys for Petitioners
Yolo Land and Water Defense
and Sierra Club

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF YOLO

YOLO LAND AND WATER DEFENSE, an)
unincorporated association; and SIERRA)
CLUB, a California Non-Profit Corporation)

Petitioners)

v.)

COUNTY OF YOLO; YOLO COUNTY)
BOARD OF SUPERVISORS, and DOES 1 to)
20,)

Respondents)

TEICHERT, INC., a California Corporation;)
LJ SHIFLER FAMILY TRUST; and)
DOES 21-40)

Real Parties in Interest.)

Case No. _____

**VERIFIED PETITION FOR
WRIT OF MANDATE**

(CCP §§1085 and 1094.5; California
Environmental Quality Act ("CEQA");

1. By this action Petitioners Yolo Land and Water Defense and Sierra Club (collectively “Petitioners”) petition this Court for a Writ of Mandate, directed to Respondents County of Yolo and Yolo County Board of Supervisors (“Respondents”). Petitioners challenge Respondents’ January 11, 2022 certification of the Environmental Impact Report (“EIR”) for the Teichert Shifler Mining and Reclamation Project and approval of the Project. Petitioners contend that Respondents’ approvals for the Project violate the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.

2. The EIR fails to provide adequate environmental review under CEQA. The EIR fails to adequately disclose, discuss and analyze the Project's impacts to agricultural land from the failure to reclaim agricultural lands back to their original quality and potential impacts on groundwater from the failure to account for and analyze "data gaps" in an impacted groundwater sub-basin. The EIR also fails to adequately disclose, discuss and analyze the Project's impacts associated with the methyl mercury on wildlife and human health, on groundwater impacts; and greenhouse gas emissions and vehicles miles traveled ("VMT").

3. Petitioners seek a determination from this Court that Respondents' approval of the Project is invalid and void and that Environmental Impact Report for the Project fails to satisfy the requirements of CEQA, and the CEQA Guidelines, Title 14, California Code of Regulations, section 15000 et seq.

PARTIES

4. Petitioner Yolo Land and Water Defense is an unincorporated association formed after the approval of the Project. (*See* Pub. Resources Code, § 21177(c).) Yolo Land and Water Defense is established to promote quality local and regional planning, land use and development, as well as to preserve a healthy human and natural environment in the Yolo County area. Yolo Land and Water Defense and its members have a direct and substantial beneficial interest in ensuring that Respondents comply with the laws relating to environmental protection. Yolo Land and Water Defense's members, have long-standing interests in the rural areas adjacent to the Project site, as well as in the surrounding farm community and County as a whole. Yolo Land and Water Defense's environmental, aesthetic,

1 cultural and property interests will be severely injured if the adoption of the Project is not set
2 aside pending full compliance with CEQA and all other laws. Yolo Land and Water Defense's
3 members enjoy the County's and State's natural resources. Yolo Land and Water Defense
4 brings this petition on behalf of all others similarly situated who are too numerous to be named
5 and brought before this Court as petitioners. Yolo Land and Water Defense was formed after
6 Respondents' approval of the Project. (See Pub. Resources Code, § 21177(c).) Yolo Land and
7 Water Defense is within the class of persons and entities beneficially interested in, and
8 aggrieved by, the acts of Respondents as alleged below. Yolo Land and Water Defense's
9 members participated in the administrative processes herein by submitting comment letters and
10 objecting to the Project. Yolo Water and Land Defense has exhausted its remedies.
11 Accordingly, Yolo Water and Land Defense has standing to sue. The interests of Yolo Water
12 and Land Defense and its members will be harmed by the Project unless court action is taken
13 and Petitioner's requested relief is granted.

14 5. Petitioner SIERRA CLUB is a California nonprofit membership organization
15 incorporated under the laws of the State of California in 1892. Currently, the Sierra Club has
16 approximately 820,000 members, approximately 180,000 of whom live in California.
17 Approximately 20,000 members belong to the Sierra Club's Motherlode Chapter, and
18 Motherlode Chapter members live, work, travel and enjoy recreational activities in Yolo
19 County. The Sierra Club functions to educate and enlist people to protect and restore the
20 natural and human environment, to practice and promote responsible use of the earth's
21 ecosystems and resources, to explore, enjoy, and protect wild places, and to use all lawful
22 means to achieve these objectives. The Sierra Club has expressed particular concern for the
23 environment in which its members live, including Yolo County. Sierra Club and its members
24 are adversely affected by the County's failure to comply with the law in approving the Project.
25 Sierra Club and its members objected to approval of the Project and provided written
26 comments on the Project EIR.

27 6. Respondent County of Yolo is a political subdivision of the State of California
28 and a body corporate and politic exercising local government power. County of Yolo is the

1 CEQA "lead agency" for the Project. As lead agency for the Project, the County is responsible
2 for preparation of an environmental document that describes the Project and its impacts, and, if
3 necessary evaluates mitigation measures and/or alternatives to lessen or avoid any significant
4 environmental impacts. The County also has principal responsibility for determining whether
5 projects within its jurisdiction are consistent with applicable land use ordinances and other
6 applicable laws.

7 7. Respondent Board of Supervisors of the County of Yolo is a legislative body duly
8 authorized under the California Constitution and the laws of the State of California to act on
9 behalf of the County of Yolo. Respondent Board of Supervisors of the County of Yolo is
10 responsible for regulating and controlling land use within the County including, but not limited
11 to, implementing and complying with the provisions of CEQA and the CEQA Guidelines, 14
12 California Code of Regulations, title 14, section 15000 *et seq.* (the "Guidelines"), applicable
13 land use ordinances and other laws. As the elected representatives of the people of the County,
14 the Board of Supervisors establishes overall County priorities and sets policy. The Board of
15 Supervisors is the governing body of the County and is ultimately responsible for reviewing
16 and approving or denying the Project

17 9. Real Party in Interest Teichert, Inc. ("Teichert") is a State of California
18 corporation that is authorized to conduct business in the State of California. Teichert
19 Corporation is the applicant for the Project that is being challenged by this Petition. Teichert's
20 address is 3500 American River Drive, Sacramento, CA 95864. P.O. Box 15002, Sacramento,
21 CA 95851.

22 10. Real Party in Interest LJ Shifler Family Trust owns the real property that is the
23 Project site.

24 11. Petitioner is unaware of the true names and identities of DOES 1 through 20 and
25 21 through 40, inclusive, and sue such unnamed Respondents and Real Parties in Interest
26 respectively, by their fictitious names. Petitioner is informed and believes, and based thereon
27 allege, that fictitiously named Respondents and Real Parties in Interest also are responsible for
28 all acts and omissions described above. When the true identities and capacities of Respondents

1 and Real Parties in Interest have been determined, Petitioner will, with leave of Court if
2 necessary, amend this Petition to include such identities and capacities.

3 **JURISDICTION AND VENUE**

4 12. This Court has jurisdiction over the matters alleged in this Petition pursuant to
5 Code of Civil Procedure section 1094.5, and Public Resources Code section 21168. In the
6 alternative, this Court has jurisdiction pursuant to Code of Civil Procedure section 1085 and
7 Public Resources Code section 21168.5.

8 13. Venue for this action properly lies in the Superior Court for the State of
9 California in and for the County of Yolo pursuant to sections 393, 394 and 395 of the Code of
10 Civil Procedure.

11 **BACKGROUND FACTS**

12 **A. THE PROJECT LOCATION**

13 14. The Project site is bounded by Cache Creek to the north, County Road 94B to the
14 west, County Road 22 to the south, and unpaved dirt access roads to the east. The project site
15 consists of 319.3 acres located three miles west of the City of Woodland in unincorporated
16 Yolo County. The Project site contains all, or portions of, the following parcels: 025-120-010,
17 025-120-011, 025-120-032, 025-120-033, 025-430-001, 025-430-002, 025-430-009.

18 15. Surrounding land uses include Teichert's Woodland Plant site to the northeast;
19 Teichert's Storz mining site and the Cache Creek Nature Preserve to the northwest;
20 agricultural; and farm dwellings to the west; the Yolo Fliers Club golf course, the Watts-
21 Woodland Airport and the Wild Wings residential area to the southwest; Monument Hill
22 Memorial Park cemetery and rural residential area to the south; and agricultural lands to the
23 east.

24 **B. THE PROJECT**

25 16. The Project involves the extraction of sand and gravel resources along Lower
26 Cache Creek on 264.1 acres of a 319.3-acre site, with other project-related uses occurring on
27 the remaining 55.2 acres. The Project includes the mining of a maximum of 35,400,000 tons
28 (30,000,000 tons sold) of aggregate resources will occur over a 30-year period at an annual rate

1 not to exceed a maximum of 2,117,648 tons mined per year (1,800,000 tons sold). The Project
2 also includes the transfer of tonnage allocations from the Teichert Esparto and Teichert
3 Schwarzgruber operations to the Teichert Shifler operation. Aggregate excavated from the
4 subject site will be processed at the adjoining Teichert Woodland plant.

5 17. The Project provides for the mining in two phases moving from north to south,
6 commencing with Phase A (61.8 acres) on the north (above the Moore Canal), and Phase B
7 (202.3 acres) on the south (below the Moore Canal).

8 18. The disturbed areas of the site are to be reclaimed for agricultural, habitat, and
9 open space uses. Reclamation of the mined area is proposed in three phases: Phase A - 47.5
10 acres of agricultural land on the north, above the Moore Canal; Phase B - 34.6 acres of
11 agricultural land on the west, south of the canal, and the western half of the lake; and Phase C -
12 31.1 acres of agricultural land on the east, south of the canal; the eastern half of the lake;
13 remaining 55.2 acres of related activity on the project site.

14 19. In total, the Project site would be reclaimed to approximately 119.9 acres of
15 agriculture, 90.9 acres of open water lake, 61.2 acres of grassland and slopes, 24.7 acres of
16 riparian habitat primarily along the lake frontage, 7.1 acres of access roads and the existing
17 canal, and 1.6 acres in oak woodland.

18 **C. THE COUNTY'S ENVIRONMENTAL REVIEW FOR THE PROJECT**

19 20. On December 18, 2020, the County released for public review and comment the
20 Draft EIR for the Project.

21 21. On October 15, 2021, the County released the Final EIR for the Project.

22 **D. THE COUNTY'S APPROVAL OF THE PROJECT**

23 22. On November 10, 2021, the Yolo County Planning Commission Special Hearing
24 on held a public hearing on the Teichert Shifler Mining and Reclamation Project. After the
25 public comment and staff report, the Planning Commission continued the hearing.

26 23. On December 9, 2021 the Planning Commission continued the hearing and
27 recommended approval of a reduced sized Project.
28

1 24. On January 11, 2022, the County Board of Supervisors held a public to review and
2 consider the Final Environmental Impact Report and Project. The Board of Supervisors
3 certified the Final EIR and approved the Project through the following action:

4 a. Approved Resolution No. 22-07 certifying the Final Environmental Impact
5 Report for the Teichert Shifler Mining and Reclamation Project (SCH #2019089053) based on
6 Findings of Fact and a Statement of Overriding Considerations.

7 b. Approved Resolution No. 22-08 approving a General Plan Amendment to
8 extend the Mineral Resources Overlay ("MRO") land use designation over an additional
9 approximately 212 acres in order to cover the entire 319.3-acre project site.

10 c. Approved Zoning Ordinance No. 681.235 to add the Sand and Gravel
11 Overlay ("SG-O") over the entire 319.3-acre project site.

12 d. Approved Off-Channel Surface Mining Permit for maximum term of 30-
13 years (through approximately 2051) to extract a maximum of 35,400,000 tons (30,000,000 tons
14 sold) at a base rate not to exceed 2,117,648 tons mined (1,800,000 tons sold) annually on a
15 mining area not to exceed 264.1 acres at depths of 40 to 110 feet below the ground surface,
16 consistent with mining plan sheets M-01 through M-09, subject to the Conditions of Approval.

17 e. Approved Mining Tonnage Allocation Transfer of 1,176,471 tons mined
18 (1,000,000 tons sold) annually from the Teichert Schwarzgruber operation to the Teichert
19 Shifler operation at completion of the Teichert Schwarzgruber operation.

20 f. Approved Mining Tonnage Allocation Transfer of of 941,177 tons mined
21 (800,000 tons sold) annually from the Teichert Esparto operation to the Teichert Shifler
22 operation at completion of the Teichert Esparto operation.

23 g. Retired the Unallocated Mining Tonnage of 228,392 tons mined (200,000
24 tons sold), previously assigned to the Teichert Esparto operation, to the Cache Creek Area Plan
25 at completion of the Teichert Esparto operation.

26 h. Rejected request to utilized 20 percent exceedance allowed in Section 10.5-
27 405 of the Mining Ordinance, which would authorize the operator to exceed the maximum
28 annual "base" permitted tonnage transferred from the Schwarzgruber approval by up to 20

1 percent, which equates to 235,295 tons mined (200,000 tons sold) in any single calendar year
2 provided the running ten year average does not exceed the maximum permitted base allocation.

3 i. Authorized Mining in the Streamway Influence Zone within 700 feet of,
4 but no closer than 250 feet to, the Cache Creek bank, pursuant to Section 10-4.429(e) of the
5 Mining Ordinance, subject to County approval of a Streambank Stabilization Plan ("SSP") in
6 compliance with Section 10-4.429(e) of the Mining Ordinance, and a Flood Hazard
7 Development Permit ("FHDP") in compliance with Section 8-4.404 of the County Code, which
8 both shall ensure implementation of Teichert Shifler EIR Mitigation Measure 4.8-4(a) requiring
9 reinforcement improvements in the 700-foot streamway influence zone.

10 k. Approved a Reclamation Plan comprised of reclamation plan sheets R-01
11 through R-09 and Reclamation Plan Narrative reflecting reclamation of 319.3 acres to
12 approximately 119.9 acres of agriculture, 90.9 acres of open water lake, 61.2 acres of grassland
13 and slopes, 24.7 acres of riparian habitat primarily along the lake frontage, 13.9 acres in canal
14 and related uses, 7.1 acres in access roads and buffers, 1.6 acres in oak woodland, subject to (and
15 as modified by) conditions of approval.

16 l. Authorized acceptance of additional net gains which provide for Teichert to
17 dedicate to the County the Shifler In-Channel property and the Schwarzgruber lake and habitat
18 property as additional net gains.

19 m. Authorized execution of a Development Agreement (Agreement N0. 20-16)
20 between Yolo County, Teichert, Inc., and LJ Shifler Family Trust documenting, among other
21 items, payment of per-ton fees, implementation of all conditions of approval and EIR mitigation
22 measures, compliance with the spirit and intent of the CCAP and all related policies and
23 requirements, and implementations of identified public benefits known as "net gains."

24 n. Directed County staff to require aggregate mining vehicles and equipment
25 to be zero emission if feasible, as a component of the CCAP ten-year review of the program and
26 permits.

27 o. Directed County staff to make available an easy to use and understand
28 reporting of CCAP monitoring, including operator compliance with CCAP requirements and

1 implementation of net gains.

2 24. On January 12, 2022, Respondents filed a Notice of Determination with the Yolo
3 County Clerk and the Governor's Office of Planning and Research, State Clearinghouse (SCH
4 #2019089053) as provided by Public Resources Code section 21152.

5 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**
6 **AND INADEQUACY OF REMEDY**

7 25. Petitioners have performed any and all conditions precedent to filing the instant
8 action and has exhausted any and all available administrative remedies to the extent required by
9 law.

10 26. Petitioners have complied with the requirements of Public Resources Code, section
11 21167.5 by mailing written notice of this action to the Respondents. A copy of this written
12 notice and proof of service are attached as Exhibit A to this Petition for Writ of Mandate.

13 27. Petitioners have complied with Public Resources Code section 21167.6 by
14 concurrently filing a request concerning preparation of the record of administrative proceedings
15 relating to this action.

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

20 29. This action has been brought within 30 days of the filing of the Notice of
21 Determination as required by Public Resources Code section 21167(c).

22 **STANDING**

23 30. Petitioner Yolo Land and Water Defense, formed after Respondents approval of
24 the Project, has standing to assert the claims raised in this Petition because Petitioner's
25 aesthetic, environmental and property interests are directly and adversely affected by
26 Respondent's certification of the EIR and approval of the Project. (*See* Pub. Resources Code,
27 § 21177(c).)

28 31. Petitioner Sierra Club has standing to assert the claims raised in this Petition

1 because Petitioner's aesthetic, environmental and property interests are directly and adversely
2 affected by Respondent's certification of the EIR and approval of the Project. (See Pub.
3 Resources Code, § 21177(c).)

4 **ARBITRARY AND CAPRICIOUS ACTIONS**

5 32. Petitioners bring this action on the basis, among others, of Government Code
6 section 800, and other applicable laws, which award Petitioners' attorneys' fees in actions to
7 overturn agency decisions that are arbitrary and capricious, such as the decisions here in
8 question.

9 **PRIVATE ATTORNEY GENERAL DOCTRINE**

10 33. Petitioners bring this action as private attorneys general pursuant to Code of Civil
11 Procedure section 1021.5, and any other applicable legal theory, to enforce important rights
12 affecting the public interest. Issuance of the relief requested in this Petition will confer a
13 significant benefit on a large class of persons by ensuring that Respondents do not approve the
14 Project in the absence of lawful environmental review.

15 **CAUSE OF ACTION**

16 **(Violation of the California Environmental Quality Act,
Public Resources Code, § 21000 *et seq.*)**

17 34. Petitioners reallege and incorporate by reference Paragraphs 1 through 33,
18 inclusive, of this Petition, as if fully set forth below.

19 35. Respondents committed a prejudicial abuse of discretion and failed to proceed in
20 a manner required by law by relying on an EIR that fails to meet CEQA's requirements for
21 disclosure, analysis, and/or mitigation of significant project impacts.

22 36. In approving the Project as described herein, Respondents prejudicially abused
23 their discretion in violation of CEQA pursuant to Public Resources Code section 21168 and
24 Code of Civil Procedure section 1094.5, because the County certified an EIR that fails to
25 include information necessary for informed decision making and informed public participation,
26 including information necessary to reach informed conclusions regarding the significance of the
27 Project's environmental impacts, the effectiveness of mitigation measures to avoid the Project's
28 significant environmental impacts, or feasibility of mitigation measures to reduce the Project's

1 significant environmental impacts; and because the EIR fails to use the best available
2 information and/or accepted methodology for analyzing information.

3 37. The EIR fails to adequately address, analyze, disclose and mitigate the possibility
4 that the mined land will not be reclaimed back to its original agricultural quality. While the
5 EIR claims that the Yolo County Reclamation Ordinance requires that farmland will be
6 reclaimed to its original quality, the record demonstrates that reclaimed farmland may not be
7 the same quality as the original land. The EIR, however, fails to disclose and provide any such
8 analysis nor proposed mitigation measures to address the potential loss of agricultural land.

9 38. The EIR fails to adequately address, analyze, disclose and mitigate the Project's
10 potentially significant impacts to groundwater sub-basins adjacent to the mining site. The EIR
11 states that the Project will not have any material impacts on groundwater depths in nearby
12 wells. The EIR's analysis, however, is based on extremely limited analysis of data from wells
13 located on and within 1000 feet of the Project site and fails to take into account and disclose
14 that the entire area on which the Teichert Shifler mine is proposed in an area (the Plainfield
15 Ridge geological formation) in which naturally obstructed aquifer recharge has been noted in
16 recent years and for which "data gaps" exists according to the Yolo Sub basin Groundwater
17 Sustainability Plan.

18 39. The EIR fails to adequately address, analyze, disclose and mitigate the Project's
19 potentially significant impacts of the post-reclamation water impoundment that will create
20 favorable conditions for the formation of methyl mercury, a highly toxic neurotoxin that has
21 adverse effects on wildlife and human health. Methyl mercury may bio-accumulates in fish and
22 other wildlife to dangerous levels and thus may impact human health if such wildlife is
23 consumed.

24 40. The EIR fails to adequately disclose and analyze the environmental baseline with
25 respect to the Project's Priority Pollutants and greenhouse gas ("GHG") emissions. The EIR's
26 analysis relies upon the transfer of emissions from the Esparto Plant to inflate the baseline for
27 GHG emissions. The EIR, however, fails to adequately disclose and discuss that the emissions
28 will be curtailed upon the closing of the plant, thus impacting the baseline. Nothing in the

1 permits, agreements or entitlements for the existing Teichert Esparto plant allow for the transfer
2 of such emissions to the new Teichert-Shifler mining site.

3 41. The EIR fails to adequately address, analyze and disclose the VMT and associated
4 emissions generated by the Project. The EIR fails to adequately disclose and analyze that the
5 newly allocated tonnage processed may be transported to further points of sale (exported to
6 points outside of Yolo County) than analyzed under the "Baseline (Permitted Capacity)"
7 conditions and would thus have a larger average truck trip VMT and associated emissions than
8 those analyzed in the EIR.

9 **PRAYER FOR RELIEF**

10 **WHEREFORE**, Petitioner prays for judgment as follows:

11 1. That this Court issue a peremptory writ of mandate ordering Respondents to
12 vacate and set aside the following approvals and actions:

13 a. Resolution No. 22-07 certifying the Final Environmental Impact Report for
14 the Teichert Shifler Mining and Reclamation Project (SCH #2019089053) based on Findings of
15 Fact and a Statement of Overriding Considerations.

16 b. Resolution No. 22-08 approving a General Plan Amendment to extend the
17 Mineral Resources Overlay ("MRO") land use designation over an additional approximately
18 212 acres in order to cover the entire 319.3-acre project site.

19 c. approval of Zoning Ordinance No. 681.235 to add the Sand and Gravel
20 Overlay ("SG-O") over the entire 319.3-acre project site.

21 d. approval of the Off-Channel Surface Mining Permit;

22 e. approval of the Mining Tonnage Allocation Transfer from the Teichert
23 Schwarzgruber operation to the Teichert Shifler;

24 f. approval of the Mining Tonnage Allocation Transfer of 941,177 tons
25 mined (800,000 tons sold) annually from the Teichert Esparto operation to the Teichert Shifler
26 operation at completion of the Teichert Esparto operation.

1 g. approval of the Retired the Unallocated Mining Tonnage of 228,392 tons
2 mined (200,000 tons sold), previously assigned to the Teichert Esparto operation, to the Cache
3 Creek Area Plan at completion of the Teichert Esparto operation.

4 h. the authorization of mining in the Streamway Influence Zone within 700
5 feet of, but no closer than 250 feet to, the Cache Creek bank;

6 i. approval of the Reclamation Plan for the Project;

7 j. the Development Agreement (Agreement No. 22-16) between Yolo County,
8 Teichert, Inc., and LJ Shifler Family Trust;

9 2. That this Court issue a peremptory writ of mandate ordering Respondents to

10 a. withdraw the Notice of Determination for the Project;

11 b. prepare, circulate and consider a legally adequate EIR for the whole
12 project;

13 c. suspend approval of any and all construction of the Project until the
14 Respondents are in compliance with CEQA;

15 d. Suspend all activity that could result in any change or alteration to the
16 physical environment until Respondents have taken such actions as may be necessary to bring
17 their determination, findings or decision regarding the Project into compliance with CEQA;

18 3. Award Petitioners' costs associated with this action;

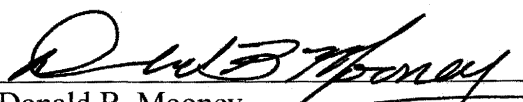
19 4. For an award of reasonable attorneys' fees pursuant to Code of Civil Procedure
20 section 1021.5; and

21 5. For such other and further relief as the Court may deem just and proper.

22 Dated: February 11, 2022

Respectfully submitted,

23 LAW OFFICE OF DONALD B. MOONEY

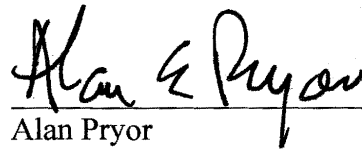
24
25 By 
26 Donald B. Mooney
27 Attorney for Petitioners Yolo Water and
28 Land Defense and Sierra Club

VERIFICATION

I, Alan Pryor, am a member of the Yolo Water and Land Defense, I am authorized to make this verification for and on behalf of Petitioner Yolo Water and Land Defense and I make this verification for that reason. I have read the foregoing Verified Petition for Writ of Mandate and know its contents. I am informed and believe, and on that ground allege, that the matters stated in the Verified Petition for Writ of Mandate are true.

I declare under penalty of perjury that the above is true and correct.

Executed this 11th day of February, 2022, at Davis, California.


Alan Pryor

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Executed this 11th day of February, 2022, at Davis, California.



Alan Pryor

EXHIBIT A

EXHIBIT A

LAW OFFICE OF DONALD B. MOONEY

417 Mace Boulevard, Suite J-334

Davis, CA 95618

530-758-2377

dbmooney@dcn.org

February 9, 2022

**VIA FEDERAL EXPRESS
AND ELECTRONIC MAIL**

clerkoftheboard@yolocounty.org

Clerk of the Board
County of Yolo
625 Court Street, Room 204
Woodland, CA 95695

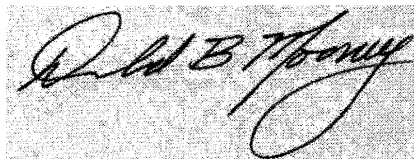
Re: Notice of Intent to File CEQA Petition

Dear Sir or Madam:

Please take notice that under Public Resources Code section 21167.5, that Petitioners Yolo Land and Water Defense and Sierra Club intend to file a Petition for Writ of Mandate in Yolo County Superior Court under the provisions of the California Environmental Quality Act, Public Resources Code section 21000 *et seq*, against the County of Yolo and the Yolo County Board of Supervisors. The Petition for Writ of Mandate will challenge the County's January 11, 2022 certification of the Final Environmental Impact Report ("EIR") for the Teichert Shifler Mining and Reclamation Project ("Project") and approval of the Project.

The Petition for Writ of Mandate will request that the court direct Respondents to vacate and rescind the certification of the Final EIR, along with all Project approvals. Additionally, the Petition will seek Petitioners' costs and attorney's fees associated with this action.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donald B. Mooney", is written over a light gray rectangular background.

Donald B. Mooney
Attorney

PROOF OF SERVICE

I am employed in the County of Yolo; my business address is 129 C Street, Suite 2 Davis, California; I am over the age of 18 years and not a party to the foregoing action. On February 9, 2022, I served a true and correct copy of as follows:

Notice of Intent to File CEQA Petition – Public Resources Code section 21167.5

___ (by mail) on all parties in said action listed below, in accordance with Code of Civil Procedure §1013a(3), by placing a true copy thereof enclosed in a sealed envelope in a United States mailbox in Davis, California.

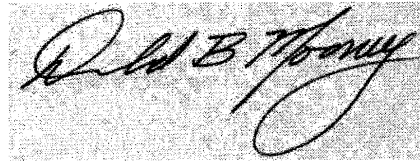
 X (by overnight delivery service) via Federal Express to the person at the address set forth below:

 X (by electronic mail) to the person at the address set forth below:

___ (by facsimile transmission) and to the person at the address and phone number set forth below:

Clerk of the Board
County of Yolo
625 Court Street, Room 204
Woodland, CA 95695
clerkoftheboard@yolocounty.org

I declare under penalty of perjury that the foregoing is true and correct. Executed February 9, 2022, at Davis, California.

A handwritten signature in black ink, appearing to read "Donald B. Mooney", is written over a light gray, textured rectangular background.

Donald B. Mooney