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**FILED**  
AUG 22 2024 *AMZ*

SHASTA COUNTY SUPERIOR COURT  
BY: N. PRESTON, DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SHASTA

ANDERSON / MILLVILLE RESIDENTS,  
an unincorporated association,  
Petitioner,  
vs.  
COUNTY OF SHASTA; SHASTA COUNTY  
BOARD OF SUPERVISORS and DOES 1-20,  
Respondents  
PATRICK JONES, and DOES 21-100  
Real Parties in Interest

Case No. 23CV-0203713  
**PATRICK JONES, REAL PARTY  
IN INTEREST, VERIFIED  
ANSWER.**  
Dept: 63  
Judge: The Hon. Benjamin Hanna  
Date Action Filed: 11-21-2023

Respondent, Patrick Jones, Real Party in Interest submits the ANSWER to Petitioner's  
November 21, 2023 Petition for Writ of Mandate:

1. By this Answer, Respondent Real Party in Interest Patrick Jones (hereinafter "RPI  
JONES"), submits that on October 24, 2023 the Shasta County Board of Supervisors (hereinafter  
"Board" lawfully and correctly did the following:

- a. approved the Mitigated Negative Declaration (hereinafter "MND") for the Zone  
Amendment 13-700 Project – High Plains Shooting Sports Center (hereinafter  
"Project");

1 b. adopted the required findings under the California Environmental Quality Control  
2 Act (hereinafter "CEQA") under the California Public Resources Code section  
3 21000 *et seq* and CEQA Guidelines (Title 14 California Code of Regulations  
4 section 15,000 *et seq*;

5 c. approved the "Project";

6 2. Contrary to Respondent's assertions, the Initial Study / MND for the Project  
7 absolutely provides more than adequate environmental review under CEQA. Indeed, the nearly  
8 six-thousand five-hundred (6,500) pages of the Administrative Record provides more than  
9 substantial evidence the environmental concerns and protections outlined in CEQA were  
10 satisfied by RPI JONES' studies and reports. Moreover, the High Plains Shooting Sports Center  
11 was the most intensely analyzed, scrutinized, and researched shooting project in the history of  
12 Shasta County;

13 3. RPI JONES requests the Court deny the Petition for Writ of Mandate and include  
14 findings that the actions of Shasta County and Shasta County Board of Supervisors (hereinafter  
15 "Board") were valid in approving the Project;

16 ///

17 **PARTIES**

18 4. RPI JONES agrees with Petitioner regarding the parties to this proceeding;

19 5. RPI JONES agrees that Shasta County is the lead agency in this matter. In fact,  
20 Shasta County Director of Resource Management, Paul Hillman, is the top environmental  
21 Officer for Shasta County. Mr. Hillman recommended the MND for the Board's approval on or  
22 about March 2, 2023 with a revision occurring on April 7, 2023, and revised again on October  
23 17, 2023. Mr. Hillman approved the revisions and made a final recommendation to the Board  
24 for adoption or approval of the MND;

25 6. RPI JONES agrees with Petitioner regarding this contention on the Writ of Mandate  
26 page 3, lines 10-14 (hereinafter p.3:1-14.). Of note, Petitioner acknowledges and appears to  
27 concede that the Board is the sole entity for regulating and controlling land use within the  
28 County;

1 7. RPI JONES takes no position regarding this item in the Writ of Mandate;

2 ////

3 8. RPI JONES is no longer Chair of the "Board." Further, there is no dispute regarding  
4 RPI JONES' lack of participation / vote on the Project;

5 ////

6 9. RPI JONES takes no position regarding additional potential "Does" other than to note  
7 that the Project does not adversely affect any of the material interests of Respondents. Further,  
8 neighboring property were timely notified and given opportunity in advance of the Project;

9 ////

10 **BACKGROUND FACTS**

11 10. RPI JONES does not disagree with paragraphs 10-16 on the Writ of Mandate pg.4:5-  
12 28, and p.5:1-6 other than to note that in Paragraph 16 Petitioner concedes the Project will be  
13 using long-standing "Best Practices" while operating the Project as defined in the Administrative  
14 Record (discussed *infra*);

15 ////

16 **APPROVAL OF THE PROJECT**

17 11. RPI JONES agrees that the Writ of Mandate (hereinafter "WM") paragraphs 17, 19,  
18 and 20 are accurate statements of the Proceedings;

19 12. RPI JONES agrees in part with Petitioner's claims in the WM Paragraphs 18 and 21  
20 that "there was no public review or comment" for the revised (April 7, 2023) and Second  
21 Revised (October 17, 2023) releases. However, Petitioner fails to acknowledge that under  
22 CEQA only major changes or revisions require further public review and comment. Here, only  
23 comments were made thereby obviating any need further public review or comment. Stated  
24 differently, no changes, major or minor, were made that would have required further public  
25 review or comments. Moreover, Paul Hillman, the Resource Manager, and the Board both  
26 concurred there was no need for further public review and comment.

27 13. RPI JONES agrees that the WM paragraphs 22 (parts a, b, and c) and 23 are accurate  
28 statements of the Proceedings;



1 19. Contrary to Petitioner's assertion in the WM paragraph 34, the Board did not need an  
2 Environmental Impact Report (hereinafter "EIR") as shown by the Administrative Record. On  
3 the contrary, the analysis and review of the Administrative Record shows the MND was more  
4 than sufficient to substantiate the Board's Approval of the Project.

5 20. Contrary to Petitioner's assertion in the WM paragraph 35, the Environmental Initial  
6 Study (hereinafter "EIS") shown in the Administrative Record obviated the need for an EIR. As  
7 a result, there is no "fair argument" regarding the nature of these proceedings because the "EIS"  
8 fully disclosed the PROJECTS "less than to no significant environmental effects" and, thus, the  
9 Board / decision makers and the public were fully and properly put on notice, informed, and had  
10 an opportunity to be heard BEFORE the Project was approved by the Board (Please see the  
11 "EIS" contained in the AR on pages 67-311);

12 21. The Administrative Record contains a multitude of environmental studies and reports  
13 demonstrating that Petitioner's claims regarding a "fair argument" are unfounded. Indeed, the  
14 AR is replete with numerous instances where experts opined there "less than significant, no  
15 impact, or less than significant with minor mitigation" and at no time was there ever any  
16 "potentially significant impact" rendering Petitioner's arguments in paragraph of 36 of the WM  
17 without merit or substance because there is no substantial evidence of a potential adverse  
18 environmental impact;

19 ///

20 **THE EVIDENCE SUPPORTS AN MND NOT AN EIR**

21 22. Contrary to Petitioner's assertion in Paragraph 37 of the WM, the only conclusion  
22 supported by the Administrative Record is that there is "no significant environmental impact"  
23 and, thus, there can be no "fair argument" here. The Board fully vetted, explored, analyzed,  
24 studied, and concluded the MND was the appropriate mechanism for the environmental impact  
25 review as the ultimate authority. Indeed, although not named an "EIR," the actual amount,  
26 quantity, thoroughness, and specificity of each of study / report, vastly exceeds any CEQA  
27 requirements. Armed with that information, the Board appropriately approved the Project and,  
28 as noted above, the Shasta County Board of Supervisors is the legislative body duly authorized

1 by the California Constitution and law to act on behalf of Shasta County and followed all  
2 necessary statutory requirements including CEQA.

3 ////

4 **BIOLOGICAL RESOURCES**

5 23. Contrary to Petitioner's assertions in WM paragraph 38, the Administrative Record  
6 absolutely disproves there is a "fair argument the Project may have significant environmental  
7 impacts to biological resources."

- 8 a. Petitioner erroneously relies upon a 2013 CDFW letter that made comments in  
9 support of his argument. However, this letter was done BEFORE any biological  
10 review. Upon close examination of the AR, Petitioner's argument is unfounded. In  
11 fact, once the biological review was completed, in a letter in 2017 the CDFW  
12 concurred with RPI JONES' water delineation and biological review (citations).  
13 Further, the U.S. Army Corps of Engineers issued a "preliminary jurisdictional  
14 determination" on June 16, 2017 and accompanied that determination with a section  
15 404 permit under the Clean Water Act (aka the Rivers and Harbors Act sections 9  
16 and 10) (Please see the Biological Review within the AR located on pgs.660-752.)
- 17 b. RPI JONES would direct the Court to the portions of the AR that show the Project  
18 would contribute in a significantly POSITIVE manner to the area. Specifically, the  
19 Impact Analysis contained within the AR shows that a "positive impact of recovery"  
20 from overgrazing will ensure that "rare, threatened, and endangered species will  
21 improve." Thus, the Project not only protects the current state of the environment  
22 but also contributes to the recovery and improved wetlands in the area for all species  
23 currently identified and / or potentially to appear in this area. (please see Impact  
24 Analysis located in the AR pgs. 4287-4290.)

25 24. RPI JONES disagrees with Petitioner's argument in WM paragraph 39. The truth is  
26 that Mr. Cashen never personally visited the property in the Project. Mr. Cashen's opinion was  
27 not predicated upon all the available materials. Rather, Mr. Cashen relied upon a sample of  
28 documents to form opinions in which he used sweeping broad strokes to claim the Project "may

1 have significant environmental impacts to biological resources.” However, the documents,  
2 studies, analysis, and reports contained within the AR demonstrates Mr. Cashen’s opinions are  
3 not well-taken and, simply put, invalid. The Court should note this Project has a total avoidance  
4 of all vernal pools, vernal swells, and ephemeral streams. This is of great importance since the  
5 Project actually creates safety / protected areas thereby enhancing and increasing the positive  
6 environmental impact.

7 25. Petitioner claims in paragraph 40 of the WM that “disagreement among expert  
8 opinions . . . satisfies the fair argument standard.” However, this claim is based on an erroneous  
9 comparison. Petitioner’s expert relied upon ONE incomplete study and from there formed broad  
10 conclusions and opinions citing *Clews Land & Livestock*. Whereas, RPI JONES included  
11 twelve (12) separate studies that demonstrated overgrazing creates soil erosion, loss of  
12 streambank stability, and declining water qualities. Limited livestock grazing can be beneficial  
13 to the environment under strict guidelines. The Project requires limited livestock which will not  
14 only prevent further degradation but also improve the environment. The Project will also be  
15 designated as a wildlife preserve. (please see the Impact Analysis contained within the AR on  
16 pages 4287-4290.)

17 26. RPI JONES disagrees with the allegations contained in paragraph 41 of the WM.  
18 Any testimony is based on sheer speculation, conjecture, and / or fantasy. This is not based on  
19 the actual science of the studies and analysis contained within the AR. The multitude of studies /  
20 reports / analysis in the AR more than demonstrate that the “fair argument” is inapplicable in this  
21 set of circumstances.

22 ////

23 **FAILURE TO ADDRESS SPECIAL STATUS & FULL PROTECTED SPECIES**

24 27. Petitioner’s Claims in Paragraph 42 of the WM are simply wrong. Petitioner fails to  
25 understand the “total avoidance” aspect of the Project. All vernal pools, vernal swells, and  
26 ephemeral streams are being avoided in the Project. Meaning, all species (special or not, present  
27 or not, currently identified or not or may inhabit the area later), not just individual species, are  
28 going to be protected. Further, the environment will be enhanced thereby encouraging more

1 wildlife to the area. The reliance upon an individual species, not identified in the studies, is  
2 misplaced. Additionally, Petitioner's argument regarding the ringtail is misplaced. Perhaps,  
3 unbeknownst to Petitioner, a ringtail cat's habitat is in and among woodlands not grasslands.  
4 Here, the Project involves grasslands. Lastly, there is no loss of habitat or degradation. Rather,  
5 the contrary is true as the Project will improve the overall environment for all species.

6         28. The Biological Review contained within the AR reveals Petitioner's Claims in  
7 Paragraph 43 of the WM are unfounded or not true. Instead, as noted above, there is only a  
8 positive impact on the environment. Furthermore, the Biological Review concludes there is "no  
9 impact or conflict with the provisions of an adopted habitat conservation plan, a natural  
10 community, conservation plan, or other approved local, regional, or state habitat conservation  
11 plan. Indeed, a review of the 2022 California Natural Diversity database inventory found "no  
12 species identified as a candidate, sensitive, or special status species in local or regional plans,  
13 policies, or regulations or by the California Department of Fish & Wildlife or the U.S. Fish and  
14 Wildlife Service. (Please see the Biological Review contained in the AR pgs. 660-752.)

15         29. Petitioner claims in Paragraph 44 of the WM that eBird is a "reliable source of data  
16 on avian species." This claim is dubious. As the saying goes, must be true because the  
17 information was on the internet. There is simply no factual data to support some person's eBird  
18 website database for reliability. To the point, Petitioner concedes the so-called "hotspots" are  
19 not located on the Project property.

20         30. Petitioner's Claims in paragraph 45 of the WM must likewise fail. Petitioner is  
21 simply taking the "shotgun approach" to this matter with baseless sweeping broad strokes.  
22 Assuming, arguendo, Petitioner's "chicken little sky is falling philosophy" comes to fruition and  
23 some species magically "appear", the AR is clear the environment is not only not being harmed  
24 but, actually, the environment is also being improved in the area as a result of a "total avoidance"  
25 philosophy / approach to all vernal pools, vernal swells, and ephemeral streams."

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**NOISE IMPACTS ON WILDLIFE**

31. Contrary to Petitioner's Claims in Paragraph 46 of the WM, there is no "fair argument" regarding an increase in ambient since the AR is clear on a number of points related to this issue:

- a. A neighbor, who would be affected by this Project, publicly commented that a shooting range already exists in this area;
- b. Many neighbors, potentially affected by this Project, publicly commented that the discharge of firearms (aka shooting) occurs on a regular basis throughout the Millville Plains;
- c. The presence of wildlife, as indicated in Petitioner's own claims, refutes any argument regarding shooting noise / levels that would cause a disruption or departure of wildlife from the area. In fact, the breeding pair of bald eagles present at Turtle Bay, just off Highway 44 bridge is a testament and proof that higher levels of noise do not affect wildlife patterns or habits adversely as reflected in the AR;
- d. The AR does not support Petitioner's Claim that "substantial evidence in the record supports a fair argument." Instead, the opposite is true as noted above. (please see the Noise Technical Report located in the AR pgs. 4144-4169.)

////

**IMPACT TO WETLANDS**

32. Petitioner's Claims in paragraph 47 of the WM are false. In fact, as noted above, the AR is clear that there is a "total avoidance of vernal pools, vernal swells, and ephemeral streams." Moreover, the Project will positively improve the hydrology in the area so, once again, the "fair argument" is inapplicable in this scenario. (please see the U.S. Army Corps of Engineers report in the AR pg. 4134; the Wetlands Delineation in the AR pgs. 4170-4267; and, the Biological Review in the AR pgs. 660-752.)

33. Petitioner's Claim in Paragraph 48 of the WM is dubious. As noted in the AR, specifically the maps, there is no noise barrier or berm by either portion of Vernal Swale-1 (VS-1). On the contrary, the noise barriers / berms are close to the designated protected vernal areas.





1 reconfigured from flat land to a mound / berm. Thus, in theory, this could slightly increase the  
2 amount of grassland coverage. Lastly, any claim about a functional loss of grassland due to  
3 gunfire and other human uses is belied by the fact that there currently exists human uses as well  
4 as gunfire in the area. (please see the Biological Review in the AR pgs. 660-752.)

5 ////

#### 6 **IMPACTS TO MOVEMENT CORRIDORS AND NURSERY SITES**

7 40. Substantial evidence does not support Petitioner's Claims in paragraph 58 of the WM.  
8 Rather, according to the IS, the "Project is not expected to interfere with any species nor impede  
9 the use of native wildlife sites. There are no wildlife nurseries present in the vicinity of the  
10 Project area and no observed wildlife migratory which would span the project site." (please see  
11 the Initial Study (IS) in the AR beginning on page 312.)

12 ////

#### 13 **THE IS / MND PROVIDES MORE THAN AN ADEQUATE SURVEY**

14 41. A review of the AR demonstrates that all of Petitioner's Claims in paragraph 59 of  
15 the WM are patently false. The entirety of the AR proves this Project and the Board's actions  
16 more than satisfy the CEQA requirements. In fact, this Project went far and above any CEQA  
17 requirement. Moreover, any person potentially impacted by this Project was given fair notice,  
18 well in advance of any hearing or decision, accompanied by an opportunity to be heard regarding  
19 any concerns or issues about the Project. Further, the nine (9) studies / reports / opinions /  
20 analysis contained within the AR more than demonstrate the rigorous process employed by the  
21 Project in order to vastly exceed any CEQA requirements.

22 ////

#### 23 **MITIGATION MEASURES**

24 42. The IS / MND demonstrate there is no significant habitat loss for birds. Indeed, the  
25 MND shows a likely increase of habitat. As noted above, the Project operated under the auspices  
26 of a "total avoidance of vernal swales, vernal pools, and ephemeral streams." As a result of this  
27 biological advantageous philosophy, there is no loss of habitat. So, Petitioner's claims to the  
28 contrary in paragraphs 60 and 61 of the WM are simply unfounded.

1 Further, any removal of any potential bat species would be done in accordance with  
2 CDFW regulations and occur outside the nesting and roosting season. And, any removal would  
3 require a survey. Of note, no bats or flightless pups or hibernating bats have been observed in  
4 the five (5) oak trees in question. Petitioner's claim is a broad sweeping stroke with absolutely  
5 no evidence regarding the presence of bats, pups, or hibernators. Lastly, the five (5) trees  
6 represents less than a two (2) percent loss of canopy and is considered less than significant.  
7 Thus, this argument must fail.

8 ////

9 **NOISE**

10 43. Contrary to Petitioner's assertions in paragraphs 62-64 of the WM, the MND more  
11 than sufficiently addresses any concerns regarding noise levels. Petitioner uses unfounded and  
12 unreliable claims from his hired "expert" to then fabricate the argument that somehow "there  
13 exists a disagreement among experts over the Project's significant impacts to noise [such that]  
14 the fair argument standard has been more than satisfied." However, this is a specious argument.  
15 Petitioner's expert is not actually an expert. Moreover, the so-called expert focused on the  
16 wrong data, misinterpreted the correct data, and then combined the two erroneous approaches to  
17 conclude there is a disagreement. (see Daroux resume in the AR beginning on page 4058.)

18 A quick review of the AR should lead the Court to conclude that Petitioner's expert was  
19 not operating on the same playing field as RPI JONES' noise experts. The RCH Group has been  
20 conducting noise studies for decades for clients including the California Public Utilities  
21 Commission, the California Energy Commission, and various private projects for numerous  
22 California cities and Counties. In fact, the RCH Group has studied and performed analysis on  
23 firearm noises vis a vis gun ranges for years. Conversely, Petitioner's expert, Mr. Daroux is a  
24 self-proclaimed expert in indoor noise studies. Indeed, Mr. Daroux's Curriculum Vitae, located  
25 in the AR, states that he is an expert in "architectural and building acoustics" which are  
26 obviously different than outdoor gun ranges. Moreover, Mr. Daroux has performed other  
27 acoustic work but only in the context of "industrial and rail transportation systems." Thus, the  
28 exact nature of any noise at issue in this context, namely, an outdoor shooting range, is outside

1 the scope, no pun intended, of the issues in this case. Quite frankly, Mr. Daroux has no  
2 experience in this field and Court should accord very little weight to his “expert” opinions.  
3 (please see Daroux resume in the AR pg. 4058; RCH Group report in the AR pgs. 420-445;

4 RCH Group conducted the NOISE study contained in the AR. RCH Group also authored  
5 a letter dated October 16, 2023 that addressed any alleged problems or deficiencies by Petitioner.  
6 A review of that portion of the AR amply demonstrates that an EIR was not needed and the  
7 MND is more than sufficient evidence of CEQA compliance. (see the AR pgs. 3636-3832.)

8 ////

9 **WATER QUALITY**

10 44. Petitioner’s claims in paragraph 65 of the WM are unfounded. Instead, the Project  
11 accounts for Water Quality analysis on a regular basis. Specifically, water will be collected and  
12 tested by a private firm with the results being delivered to the Water Quality Control Board with  
13 those results available to the public. Thus, the Project is ensuring complete transparency for  
14 anyone who may be interested in this matter. California has exceedingly high water quality  
15 requirements. The two gun ranges referred to in the AR have never exceeded State Particulate  
16 matter despite a period of fifty (50) years in operation. As such, there is no legitimate basis to  
17 conclude that the Project would ever violate any of California’s requirements. This is  
18 particularly true because the Project is employing the National Rifle Association’s Best Practices  
19 methodology ensuring that no environmental water violations. (see the Initial Study in the AR  
20 pgs. 67-311.)

21 ////

22 **PUBLIC SAFETY**

23 45. Petitioner’s claims in paragraph 66 of the WM must also fail. RPI JONES agrees that  
24 bullets fired up into the sky would, upon falling back to earth, “have sufficient velocity to  
25 penetrate the human skull when it falls to earth.” However, RPI JONES disagrees with  
26 Petitioner’s angle of fire. Rather, as indicated in the AR, the berms being constructed would be  
27 the highest backstops in California and greatly exceed even the “Best Practices” advanced by the  
28 NRA. Additionally, the ballistics calculations cited by the residents are supremely flawed.

1 Highway 44 is approximately 3.5 miles from the range and by comparison, the Record Range to  
2 Highway 299 is approximately 0.8 miles with no issues over a fifty (50) year period. As any gun  
3 aficionado or even well-research person would know, only a .50 BMG round has the capability  
4 to travel 3.5 miles. To be clear, the Project will not allow that caliber at the Range. The AR also  
5 reflects images of RPI JONES shooting a .50 BMG at the Redding Gun Range with no issues.  
6 (see Best Practice in the AR pgs. 5801-6264.)

7 ////

8 **WILDFIRES**

9 46. Petitioner's Claim in paragraph 67 of the WM is categorially incorrect. The AR  
10 reflects two avenues (Leopard Drive and Impala Drive) for ingress / egress into the Project not  
11 just one as claimed by Petitioner. The fair argument is inapplicable as Petitioner is citing  
12 erroneous information. The Fire Marshal affirmed both the Leopard Drive and Impala Drive as  
13 access roads. (see Property Deed in the AR pgs. 5794-5796.)

14 ////

15 **PRAYER FOR RELIEF**

16 **WHEREFORE**, RPI JONES prays for Judgment as follows:

- 17 1. Petitioner's Writ of Mandate be denied and / or dismissed with prejudice in its  
18 entirety;
- 19 2. For RPI JONES's costs associated in responding to this litigation;
- 20 3. For an award of reasonable attorney's fees.

21  
22 Dated: August 22, 2024

Respectfully submitted,

23  
24  
25 By: 

SHON NORTHAM  
Attorney for Respondent / Real Party  
in Interest Patrick Jones

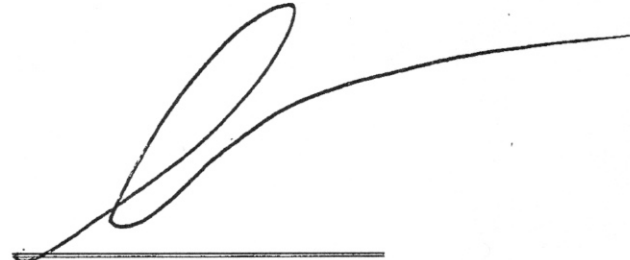
**VERIFICATION**

I am the attorney for Respondent Real Party in Interest Patrick Jones. My office is located in here in Shasta County. I have read the Answer to the Petition for Writ of Mandate and know the contents therein. The matters stated in the Answer are true and correct based on my knowledge except as to the matters that are stated therein on "information and belief as to those matters, I believe them to be true.

I declare under penalty of perjury that the above is true and correct. Executed this 22<sup>nd</sup> day of August 2024 at Redding, California.

Dated: August 22, 2024

By:



SHON NORTHAM  
Attorney for Respondent / Real Party  
in Interest Patrick Jones

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