

FILED

NOV 21 2023

**CLERK OF THE SUPERIOR COURT
BY: K. MIRANDA, DEPUTY CLERK**

LAW OFFICE OF DONALD B. MOONEY
DONALD B. MOONEY (SBN 153721)
417 Mace Boulevard, Suite J-334
Davis, California 95618
Telephone: (530) 758-2377
Facsimile: (530) 212-7120
Email: dbmooney@dcn.org

Attorney for Petitioner
Anderson/Millville Residents

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

ANDERSON/MILLVILLE RESIDENTS,)
an unincorporated association)

Petitioner)

v.)

COUNTY OF SHASTA; SHASTA)
COUNTY BOARD OF SUPERVISORS)
and DOES 1-20;)

Respondents)

PATRICK JONES, and DOES 21-100)

Real Parties in Interest)

203713

Case No. _____

**VERIFIED PETITION FOR WRIT
OF MANDATE**

**[California Environmental Quality
Act, Pub. Resources Code, § 21000 et seq.]**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Project. Petitioner and its members also participated in the Planning Commission's and Board
2 of Supervisors' respective hearings regarding the Project. Accordingly, Petitioner has standing
3 to sue.

4 5. Respondent County of Shasta is a political subdivision of the State of California, a
5 body corporate and politic exercising local government power. Shasta County is the CEQA
6 "lead agency" for the Project. As lead agency for the Project, Shasta County is responsible for
7 preparation of an environmental document that describes the Project and its impacts, and, if
8 necessary evaluates mitigation measures and/or alternatives to lessen or avoid any significant
9 environmental impacts.

10 6. Respondent Shasta County Board of Supervisors is a legislative body duly
11 authorized under the California Constitution and the laws of the State of California to act on
12 behalf of the County of Shasta. Respondent Shasta County Board of Supervisors are responsible
13 for regulating and controlling land use within the County including, but not limited to,
14 implementing and complying with the provisions of CEQA and the CEQA Guidelines.

15 7. Petitioner is unaware of the true names and capacities of Respondents identified as
16 Does 1-20. Petitioner is informed and believes, and on that basis alleges, that Respondents Does
17 1-20, inclusive, are individuals, entities or agencies with material interests affected by the
18 Project with respect to the Project or by the County's actions with respect to the Project. When
19 the true identities and capacities of these Respondents have been determined, Petitioner will,
20 with leave of Court if necessary, amend this Petition to insert such identities and capacities.

21 8. Real Party in Interest Patrick Jones is the Chair of the Shasta County Board of
22 Supervisors and the recipient of the Project approval. Mr. Jones' address is 1600 East Cypress
23 Avenue, Suite 2, Redding, California 96002. Mr. Jones is the party identified in the County of
24 Shasta's October 27, 2023 Notice of Determination as carrying out the Project.

25 9. Petitioner is unaware of the true names and capacities of Real Parties in Interest
26 identified as Does 21-100. Petitioner is informed and believes, and on that basis alleges, that
27 Real Parties in Interest Does 21-100, inclusive, are individuals, entities or agencies with
28 material interests affected by the Project or by the County's actions with respect to the Project.

1 When the true identities and capacities of these Real Parties in Interest have been determined,
2 Petitioner will, with leave of Court if necessary, amend this Petition to insert such identities and
3 capacities.

4 BACKGROUND FACTS

5 10. The Project, commonly known as the High Plains Shooting Sports Center Project,
6 consists of 151.78-acre project site located at the northeast end of Leopard Drive,
7 approximately 0.5-miles north of the Dersch Road and Leopard Drive intersection, Anderson,
8 CA 96007 (Assessor's Parcel Number 060-010-016).

9 11. The Project consists of rezoning the Project site from Limited-Residential
10 combined with Mobile Home and Building Site 40-Acre Minimum Lot Area (R-L-T-BA-40)
11 zone district to the Commercial Recreation (C-R) zone district and adoption of a conceptual
12 development plan for an outdoor gun range complex, gun club, long-rifle firing lines, handgun
13 bays with berms to serve as backstops, clay target trap and skeet shooting ranges, a 4,975-
14 square-foot primary clubhouse with a 3,272-square-foot attached covered patio area, a 1,025-
15 square-foot attached caretaker's residence, and a 699-square-foot law enforcement clubhouse
16 with a 270-square-foot attached covered patio.

17 12. Power for the facility would be provided primarily by roof-mounted solar arrays
18 with diesel generators housed in generator buildings to augment energy needs.

19 13. The Project also consists of two clubhouses and a caretaker's residence to be served
20 with on-site wastewater treatment systems, potable water and fire suppression water from on-site
21 wells.

22 14. The shooting range would be open five days a week from 8:00 a.m. until dark but
23 in no case later than 8:00 p.m.

24 15. The Project includes large events to be held intermittently with the largest events
25 attracting up to 500 people. Additional shooting sports events would attract between 30 and 200
26 people, and large shooting events include RV overnight dry camping in a designated parking
27 area.

28 16. The Project approvals require that certain long-range rifle targets only be in use for

1 events and that all ranges must be managed by a Range Officer for safety during operation. The
2 Project approvals also require that the site be managed to prevent the spread of wildfire based on
3 weather conditions by closing during red flag warning days; maintaining fuels and vegetation in
4 accordance with recommendations and requirements for defensible space; and that debris, bullet
5 shells, fragment, casings, and clay targets, etc., must regularly collected and disposed of
6 properly.

7 **B. APPROVAL OF THE PROJECT**

8 17. On March 2, 2023, the County of Shasta released the IS/MND (SCH 2023030114)
9 for public review and comment.

10 18. On April 7, 2023, the County of Shasta released a revised IS/MND. There was no
11 public review and comment period associated with the revised IS/MND.

12 19. On April 13, 2023 the Shasta County Planning Commission held a public hearing
13 on the proposed Project and IS/MND. By a 4-0 vote, the Planning Commission approved
14 Resolution No. 2023-010 recommending that the Shasta County Board of Supervisors approve
15 Zone Amendment 13-007.

16 20. On May 16, 2023, the Shasta County Board of Supervisors held a public hearing
17 on the proposed Project and IS/MND. After receiving numerous letters and receipt of public
18 testimony the Board of Supervisors continued the matter to a date uncertain in order to provide
19 staff time to evaluate and address the public comments and testimony.

20 21. On October 17, 2023, the County of Shasta released a second revised IS/MND.
21 There was no public review and comment period associated with the second revised IS/MND.

22 22. On October 24, 2023, the Board of Supervisors held a second public hearing on
23 the proposed Project and the Second Revised IS/MND. By a vote of 3-1, the Board of
24 Supervisors took the following actions:

25 a) approved the 2nd Revised Environmental Initial Study & Mitigated Negative
26 Declaration for the Project;

27 b) adopted the recommended findings listed in the Planning Commission's April
28 13, 2023 Resolution 2023-010;

1 c) enacted Ordinance No. 378-2074 amending the Shasta County Zoning Plan
2 identified as Zone Amendment 13-007 for a 151.78 acre project site changing the zoning from
3 Limited-Residential combined with Mobile Home and Building Site 40-Acre Minimum Lot
4 Area (R-L-T-BA-40) zone district to the Commercial Recreation (C-R) zone district for the
5 development of an outdoor gun range complex and gun club. The Board of Supervisors also
6 waived the second reading of the ordinance.

7 23. On October 27, 2023 the County of Shasta filed a Notice of Determination with
8 Shasta County Clerk and the Office of Planning and Research.

9 **JURISDICTION AND VENUE**

10 24. This Court has jurisdiction over the matters alleged in this Petition pursuant to
11 Code of Civil Procedure section 1094.5, and Public Resources Code section 21168. In the
12 alternative, this Court has jurisdiction pursuant to Code of Civil Procedure section 1085 and
13 Public Resources Code section 21168.5.

14 25. Pursuant to Code of Civil Procedure section 394(a), venue is proper in this Court
15 because the Project is located in Shasta County.

16 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**
17 **AND INADEQUACY OF REMEDY**

18 26. Petitioner has performed any and all conditions precedent to filing the instant action
19 and has exhausted any and all available administrative remedies to the extent required by law.

20 27. Petitioner has complied with the requirements of Public Resources Code, section
21 21167.5 by sending via electronic and Federal Express written notice of this action to the
22 Respondents. A copy of this written notice and proof of service are attached as Exhibit A to this
23 Petition for Writ of Mandate.

24 28. Petitioner has complied with Public Resources Code section 21167.6 by
25 concurrently filing a request concerning preparation of the record of administrative proceedings
26 relating to this action.

27 29. Petitioner has no plain, speedy or adequate remedy in the course of ordinary law
28 unless this Court grants the requested writ of mandate requiring Respondents to set aside their

1 approval of the Project and approval of the Second Revised IS/MND. In the absence of such
2 remedies, Respondents' approval will remain in effect in violation of State law.

3 30. This action has been brought within 30 days of the County of Shasta filing of the
4 Notice of Determination as required by Public Resources Code section 21167(c).

5 **STANDING**

6 31. Petitioner has standing to assert the claims raised in this Petition because Petitioner
7 and its members' aesthetic and environmental interests are directly and adversely affected by
8 Respondents' approval of the Project.

9 **CAUSE OF ACTION**

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

11 32. Petitioner realleges and incorporate by reference Paragraphs 1 through 31,
12 inclusive, of this Petition, as if fully set forth below.

13 33. Respondents committed a prejudicial abuse of discretion and failed to proceed in
14 a manner required by law by relying on an IS/MND that fails to meet CEQA's requirements
15 for disclosure, analysis, and/or mitigation of significant project impacts.

16 34. Respondents' action in adopting the IS/MND violates CEQA in that Respondents
17 failed to proceed in the manner required by law and their decision not to prepare an
18 environmental impact report ("EIR") is not supported by substantial evidence.

19 35. Approval of the Project, based on an MND instead of an EIR violates CEQA as
20 substantial evidence supports a fair argument that the Project may have potentially significant
21 impacts. CEQA requires full disclosure of a project's significant environmental effects so that
22 decision makers and the public are informed of consequences *before* a project is approved, to
23 ensure that government officials are held accountable for these consequences. (*Laurel Heights*
24 *Improvement Ass'n of San Francisco v. Regents of the University of California* ("*Laurel Heights*
25 *I*") (1988) 47 Cal.3d 376, 392.)

26 36. An agency must prepare an EIR instead of an MND whenever a proposed project
27 may have a significant impact on the environment. (Pub. Resources Code, § 21082.2(d) ["If
28 there is substantial evidence, in light of the whole record before the lead agency, that a project

1 may have a significant effect on the environment, an environmental impact report shall be
2 prepared.”]) An agency’s decision not to prepare an EIR is judged by the “fair argument”
3 standard of review. Under this standard, an EIR must be prepared “whenever it can be fairly
4 argued on the basis of substantial evidence that the project *may* have significant environmental
5 impact.” (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, emphasis added; *Laurel*
6 *Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123.)

7 **A. SUBSTANTIAL EVIDENCE SUPPORTS A FAIR ARGUMENT THE PROJECT MAY HAVE**
8 **SIGNIFICANT ENVIRONMENTAL IMPACTS.**

9 37. Substantial evidence in the administrative record supports a “fair argument” that
10 the Project may result in significant impacts to biological resources, noise, water quality, public
11 safety and wildfire.

12 **1. BIOLOGICAL RESOURCES**

13 38. The record before the County supports a fair argument that the Project may have
14 significant environmental impacts to biological resources. The record contains comments from
15 California Department of Fish and Wildlife (“CDFW”), which is the trustee agency for
16 California’s fish and wildlife resources. Fish and Game Code section 1802 requires that CDFW
17 consult with lead and responsible agencies and provide, as available, the required biological
18 expertise to review and comment on environmental documents and impacts arising from a
19 proposed project’s activities. (See *Center for Biological Diversity v. Department of Forestry &*
20 *Fire Protection* (2014) 232 Cal.App.4th 931, 953.) As such, CDFW’s expert comments
21 constitute substantial evidence supporting a fair argument that the Project may have significant
22 environmental impacts to biological resources.

23 39. The record also contains expert opinion from Scott Cashen, an environmental
24 biologist, that the Project may have significant environmental impacts to biological resources.
25 As such, Mr. Cashen’s expert comments constitute substantial evidence supporting a fair
26 argument that the Project may have significant environmental impacts to biological resources.

27 40. Disagreement among expert opinions over the Project’s significant impacts to
28 biological resources satisfies the fair argument standard mandating that the County prepare an

1 EIR prior to approval of the Project. (CEQA Guidelines, § 15064(g) see also *Clews Land &*
2 *Livestock, LLC, supra*, 19 Cal.App.5th at 192.)

3 41. The administrative record contains the lay testimony of numerous residents of the
4 area where the Project is located. This lay testimony, which consists of personal observations
5 and personal knowledge, constitutes substantial evidence supporting a fair argument that the
6 Project may have significant environmental impacts. (*Ocean View Estates Homeowner's Assn.,*
7 *Inc. v. Montecito Water District* (2004) 116 Cal.App.4th 396, 402; *Citizens Ass'n for Sensible*
8 *Development of Bishop v. County of Inyo* (1985) 172 Cal.App.3d 151, 173.)

9 **a. Failure to Address Special-Status and Fully Protected Species**

10 42. The IS/MND failed to analyze impacts to numerous special-status species that may
11 occur at the Project site. The Biological Review for the IS/MND states the following about the
12 annual grassland habitat at the Project site: “[b]ird species common to the area include ... short-
13 eared owl ... northern harrier.” The Biological Review also lists the ringtail cat, a Fully
14 Protected species under California Fish and Game Code section 4700(b)(5), as a “common
15 species typical of the woodlands” at the Project site. The short-eared owl and northern harrier
16 are California Species of Special Concern. Habitat loss and degradation are primary threats to
17 these species.

18 43. Although the Biological Review indicates the short-eared owl, northern harrier,
19 and ringtail cat could occur at the Project site, the IS/MND provides no analysis of or
20 mitigation for impacts to these three species.

21 44. The eBird database provides data on birds detected at various “hotspots.” A
22 hotspot is defined as a “public birding location where checklists are aggregated and you can
23 view data summaries.” The Leopard Dr.—Millville Plains Hotspot is located approximately
24 400 feet from the Project site, and thus, a reliable source of data on avian species that are likely
25 to occur at the Project site. Of the ten special-status species that have been detected at the
26 Leopard Dr.—Millville Plains Hotspot, none were addressed in the IS/MND, and only four of
27 the species were subsequently addressed by in a response to comments prepared by Mr. Jones’
28 biologist.

1 45. The IS/MND’s failure to disclose and analyze the special status and fully protected
2 species in the Project area that could reasonably occur at the Project site results in an inadequate
3 discussion and analysis of the Project’s impacts to biological resources.

4 **b. Noise Impacts on Wildlife**

5 46. The IS/MND failed to address the Project’s noise impacts to wildlife, including
6 birds and bats. The Project will generate a permanent substantial increase in ambient noise
7 levels and the IS/MND fails to provide an assessment or avoidance and minimization measures
8 for potential impacts to nesting birds due to substantial increase in ambient noise levels
9 throughout the life of the Project. Moreover, substantial evidence in the record supports a fair
10 argument that the Project’s substantial increase in ambient noise levels may have significant
11 impacts on bats, birds, and wildlife.

12 **c. Impacts to Wetlands**

13 47. The Project site contains approximately 11.75 acres of vernal swales, 0.428 acres
14 of vernal pools, and 2.221 acres of intermittent and ephemeral streams. Substantial evidence in
15 the administrative record supports a fair argument that the Project may have direct and indirect
16 significant impacts to vernal swales and ephemeral streams. Moreover, substantial evidence in
17 the administrative record demonstrates that the Project will significantly alter the hydrology
18 which may result in significant impacts to vernal pool communities.

19 48. The IS/MND also fails to disclose, analyze or mitigate the potentially significant
20 impacts associated with Mitigation Measure XII.a.1 that requires installation of noise barriers at
21 two locations. The installation of a noise barrier behind the rifle firing positions along the
22 southern property boundary may result in a significant environmental impact to Vernal Swale-1
23 (“VS-1”).

24 **d. Impacts to Vernal Pool Crustaceans**

25 49. The IS/MND indicates that the firing positions for the 300-, 500- and 600-yard
26 targets would impact a large vernal swale. The IS/MND, however, fails to disclose and analyze
27 the impacts to the vernal pool fairy shrimp and vernal pool tadpole shrimp resulting from these
28 firing positions. The record supports a fair argument that the impacts to the vernal pool fairy

1 shrimp and vernal pool tadpole shrimp are potentially significant.

2 **e. Impacts to Western Spadefoot Toad**

3 50. The Project site provides habitat for the western spadefoot toad, a California
4 Species of Special Concern. The IS/MND contains an inadequate analysis as it fails to consider
5 the Project's impact to terrestrial habitat for the western spadefoot toad. Moreover, substantial
6 evidence in the record supports a fair argument that the Project may have significant
7 environmental impacts to the terrestrial habitat for the western spadefoot toad.

8 **f. The IS/MND Fails to Address Potential Impacts to the Gray Wolf**

9 51. Gray wolves are listed as endangered under the both the California and federal
10 Endangered Species Acts (Fish & Game Code, § 2050 *et seq*; 16 U.S.C., § 1631 *et seq.*) and
11 also listed as a Species of Greatest Conservation Need in the State Wildlife Action Plan. (See
12 State Wildlife Action Plan at 2-6, 5.2-16, 5.4-23.)

13 52. Although the second revised IS/MND disputes the presence of gray wolves,
14 substantial evidence in the record supports the determination that gray wolves have been
15 spotted on the Millville Plain since 2018, including several times at the Project site.

16 **g. The IS/MND Fails to Address Potential Impacts to Bald Eagles
17 and Golden Eagles**

18 53. The IS/MND states that a review of the 2022 California Natural Diversity Database
19 ("CNDDDB") inventory found that no species identified as a candidate, sensitive, or special-status
20 have been known to occur at the Project site. (IS/MND at 10.) The evidence in the record,
21 however, indicates that bald eagles, which are listed as endangered under the California
22 Endangered Species Act, are present in the project vicinity. The IS/MND, however, contains no
23 assessment and/or discussion regarding the Project's potential impacts to bald eagles.

24 54. Golden eagles are present in the project vicinity. While not a listed species, along
25 with bald eagles they are protected under the federal Bald and Golden Eagle Protection Act (16
26 U.S.C., § 666-668d), the Migratory Bird Treaty Act (16 U.S.C. § 703-712), and the Lacey Act
27 (16 U.S.C. § 3371 *et seq.*)

28 55. Given the presence of golden eagles and bald eagles in the vicinity, including

1 nests, substantial evidence supports a fair argument that the Project may have potentially
2 significant environmental impacts to these two species. The IS/MND's determination that the
3 impacts to eagle nests would be less-than-significant is not supported by substantial evidence.

4 **h. Oak Trees**

5 56. The Project includes the removal of seven oak trees which provide important tree
6 canopy for the blue oak woodland habitat and riparian habitat. Oak woodlands have the richest
7 wildlife species abundance of any habitat in California, with over 330 species of birds,
8 mammals, reptiles, and amphibians depending on them at some stage in their life cycles. The
9 IS/MND concludes since the canopy loss amounts to roughly 2% in the Project area the impact
10 is considered less than significant on blue oak woodland habitat and riparian habitat. Based
11 upon expert opinion, however, there has been a significant decline throughout the state of blue
12 oak woodland habitat and the incremental loss blue oak woodland habitat resulting from the
13 Project constitutes a potentially significant environmental impact. Thus, the administrative
14 record contains substantial evidence supporting a fair argument that the Project may have
15 significant environmental impacts to blue oak woodlands.

16 **i. Impacts to Grassland Habitat**

17 57. The IS/MND's determination regarding impacts to grassland habitat relies upon
18 incorrect calculations regarding the amount of grasslands and the amount of grasslands
19 impacted by the Project and omits numerous areas of the Project that will impact the grassland
20 habitat. The IS/MND and supporting documents also fail to consider the functional loss of
21 habitat due to gunfire and other human disturbance. Substantial evidence in the record
22 supports a fair argument that the Project may have significant environmental impacts to
23 grassland habitat.

24 **j. Impacts to Movement Corridors and Nursery Sites**

25 58. The Project will interrupt essential feeding, resting, and reproductive behaviors and
26 will most likely result in functional loss of water bird habitat at the Project site and adjacent
27 areas. These impacts would be significant to migratory birds, special-status plants and animal
28 species as waterfowl and shorebirds play an important role in the transport and dispersal of plant

1 propagules and branchiod cysts among vernal pool complexes. Substantial evidence in the
2 record supports a fair argument that the Project will interfere with wildlife corridors and nursery
3 sites.

4 **k. The IS/MND Relies Upon an Inadequate Biological Survey of**
5 **the Project Site and the Adjacent Area**

6 59. The IS/MND's reliance upon an inadequate Biological Survey which serves the
7 basis for the IS/MND's discussion and analysis violates CEQA. (See *Sierra Club v. County of*
8 *Fresno* (2018) 6 Cal.5th 502.) The Biological Survey failed to follow CDFW's guidelines and
9 protocols for identifying protected plant species. A "sufficient discussion of significant impacts
10 requires not merely a determination of whether an impact is significant, but some effort to
11 explain the nature and magnitude of the impact. (*Id.*, citing *Cleveland National Forest*
12 *Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497, 514-515.)
13 Substantial evidence supports a fair argument that the IS/MND failed to provide a timely and
14 adequate biological survey and thus, failed to provide the requisite information for informed
15 decision making, including an analysis of the Project's impacts to biological resources.

16 **l. The IS/MND's Mitigation Measures for Biological Resources Fail to**
17 **Reduce the Project's Impacts to Less than Significant**

18 60. The IS/MND includes Mitigation Measure IV.a.1 to minimize Project impacts on
19 nesting birds through compliance with the Migratory Bird Treaty Act and California Fish and
20 Game Code Section 3503, it does not prevent significant impacts to special-status birds because
21 the primary threat to special-status birds that could occur at the Project site is habitat loss and
22 degradation—not loss of an active nests. Substantial evidence supports a fair argument that the
23 Project will result in the habitat loss and degradation of habitat for special-status birds. As a
24 result, the Project's impacts on special-status birds remain significant.

25 61. Mitigation Measure IV.a.2.b provides for the humane removal of roosting bats
26 prior to removal of the trees that are potentially suitable for bat roosting. Substantial evidence
27 in the record supports a fair argument that the mitigation measure, which provides for a two-
28 day tree removal technique, would not prevent significant impacts to flightless pups and
hibernating bats.

1 **2. Noise**

2 62. The record before the County supports a fair argument that the Project may have
3 significant environmental impacts to noise. The record contains expert opinion from Pablo
4 Daroux, an expert in acoustics environmental biologist, that the Project may significant
5 environmental impacts to noise. As set forth in Mr. Daroux's expert opinion, the noise study
6 relied upon by the IS/MND contains significant flaws. For example, the noise report ignores
7 atmospheric effects because it provides no consideration to wind or temperature inversion
8 effects.

9 63. The noise study relies upon a simplistic prediction methodology which lead to
10 significant errors in the analysis and significantly under predicts noise levels. The noise report
11 also relies upon inaccurate and incomplete measurements, underestimates the number of rounds
12 that could be fired each hour, and relies upon outdated references. Additionally, the noise
13 report relies upon outdated references and information.

14 64. Mr. Daroux's expert comments constitute substantial evidence supporting a fair
15 argument that the Project may have a significant environmental impacts to noise. As there
16 exists a disagreement among experts over the Project's significant impacts to noise the fair
17 argument standard has been more than satisfied. Thus, CEQA mandates that the County
18 prepare an EIR prior to approval of the Project. (CEQA Guidelines, § 15064(g) see also *Clews*
19 *Land & Livestock, LLC, supra*, 19 Cal.App.5th at 192.) The County's failure to prepare an EIR
20 constitutes a prejudicial abuse of discretion and is contrary to law.

21 **3. Water Quality**

22 65. The IS/MND fails to adequately disclose, discuss, and mitigate the Project's
23 impacts to water quality. The IS/MND relies upon Mitigation Measure X.a.1 to address
24 potential impacts associated with non-lead bullets, which provides for the preparation of a
25 Water Quality Control Plan. The IS/MND, however, fails to identify the original
26 measurements that will be used to track water quality. Thus, the public is precluded from
27 being able to assess the adequacy of the measurements in identifying the Project's water
28 quality impacts. The deferral of the measurements and thresholds for acceptable pH levels

1 (and other water quality parameters) constitutes deferred mitigation without performance
2 standards in violation of CEQA. (See CEQA Guidelines, § 15126.4(a)(1)(B); *Communities for*
3 *a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 95.)

4 **5. Public Safety**

5 66. Substantial evidence in the record supports a fair argument that the shooting
6 range may have significant environmental impacts to public safety. For example, the
7 downrange berms are not sufficient to prevent overshoot given the distance of the berms from
8 the shooting location. Additionally, the shooting range poses a risk to those travelling on
9 California Highway 44. Moreover, the record demonstrates that any large-caliber bullet that
10 travels outside the shooting complex will have sufficient velocity to penetrate the human skull
11 when it falls to earth.

12 **6. Wildfire**

13 67. The Project site is located in the High Wildland Fire Severity Hazard Zone. As
14 approved, the Project only provides for one ingress/egress for evacuation for event goers and
15 residents in the event of a wildfire. Substantial evidence in the administrative record supports
16 a fair argument that the Project may have significant impacts to wildfire and evacuation routes
17 in the event of a wildfire at or near the Project site.

18 **PRAYER FOR RELIEF**

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

- 20 1. That this Court issue a peremptory writ of mandate ordering Respondents to:
- 21 (a) vacate and set aside approval of the Initial Study/Mitigated Negative
22 Declaration for the Project on the grounds that it violates the California Environmental Quality
23 Act, Public Resources Code section 21000 *et seq* and CEQA Guidelines, Title 14 California
24 Code of Regulations, section 15000 *et seq*.
- 25 (b) vacate and set aside approval/adoption of the Planning Commission's
26 Resolution 2023-010.
- 27 (c) vacate and set aside the Board of Supervisors' enactment of Ordinance
28 378-2074 on the grounds that it violates the California Environmental Quality Act, Public

1 Resources Code section 21000 *et seq.*

2 (d) withdraw the Notice of Determination for the Project;

3 (e) prepare, circulate and consider a legally adequate EIR for the whole
4 project;

5 (f) suspend approval of any and all construction of the Project until the
6 Respondents are in compliance with CEQA;

7 (g) suspend all activity that could result in any change or alteration to the
8 physical environment until Respondents have taken such actions as may be necessary to bring
9 their determination, findings and/or decision regarding the Project into compliance with
10 CEQA;

11 2. For a stay of the Project and/or a temporary restraining order/preliminary
12 injunction prior to the Court's final judgment regarding this Petition for Writ of Mandate;

13 3. For Petitioner's costs associated with this action;

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

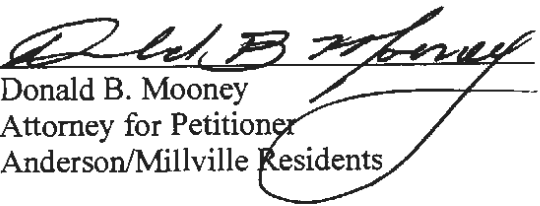
16 5. For such other and further relief as the Court may deem just and proper.

17 Dated: November 20, 2023

Respectfully submitted,

18 LAW OFFICE OF DONALD B. MOONEY

19
20 By


21 Donald B. Mooney
22 Attorney for Petitioner
23 Anderson/Millville Residents
24
25
26
27
28

VERIFICATION

1
2 I am the attorney for Petitioner Anderson/Millville Residents. Petitioner is located outside
3 the County of Yolo, State of California, where I have my office. For that reason, I make this
4 verification for and on Petitioner's behalf pursuant to California Code of Civil Procedure
5 section 446. I have read the Petition for Writ of Mandate and know its contents. The matters
6 stated in it are true and correct based on my knowledge, except as to the matters that are stated
7 therein on information and belief and as to those matters, I believe them to be true.

8 I declare under penalty of perjury that the above is true and correct. Executed this 20th
9 day of November, 2023, at Davis, California.

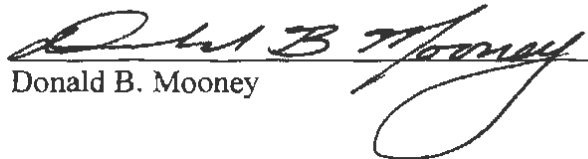
10
11 
12 Donald B. Mooney
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

EXHIBIT A

LAW OFFICE OF DONALD B. MOONEY

417 Mace Boulevard, Suite J-334

Davis, CA 95618

530-304-2424

dbmooney@dcn.org

November 20, 2023

VIA FEDERAL EXPRESS

AND ELECTRONIC MAIL

clerkoftheboard@co.shasta.ca.us

David J. Rickert
Executive Officer/Clerk of the Board
Board of Supervisors
County of Shasta
1450 Court Street, Suite 308B
Redding, CA 96001-1673

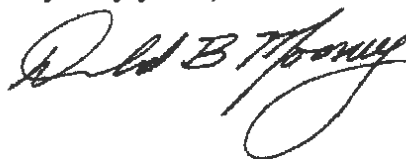
Re: NOTICE OF INTENT TO FILE CEQA PETITION

Dear Mr. Rickert:

Please take notice that under Public Resources Code section 21167.5, that Petitioner Anderson/Millville Residents intends to file a petition for Writ of Mandate in Shasta County Superior Court under the provisions of the California Environmental Quality Act, Public Resources Code section 21000 *et seq.*, against the County of Shasta and the Shasta County Board of Supervisors. The Petition for Writ of Mandate challenges the following: 1) approval of the 2nd Revised Environmental Initial Study & Mitigated Negative Declaration for the Zone Amendment 13-007 Project; 2) adoption of the recommended findings listed in the Planning Commission's April 13, 2023 Resolution 2023-010; and 3) enactment of Ordinance No. 378-2074 amending the Shasta County Zoning Plan identified as Zone Amendment 13-007 for a 151.78 acre project site changing the zoning from Limited-Residential combined with Mobile Home and Building Site 40-Acre Minimum Lot Area (R-L-T-BA-40) zone district to the Commercial Recreation (C-R) zone district for the development of an outdoor gun range complex and gun club.

The Petition for Writ of Mandate will request that the court direct Respondents to vacate and rescind approval of the IS/MND, Resolution 2023-010, and Ordinance 378-2074. Additionally, the Petition will seek Petitioner's costs and attorney's fees associated with this action.

Very truly yours,



Donald B. Mooney
Attorney for Petitioner
Anderson/Millville Residents

PROOF OF SERVICE

I am employed in the County of Yolo; my business address is 417 Mace Blvd, Suite J-334, Davis, California; I am over the age of 18 years and not a party to the foregoing action. On November 20, 2023, I served a true and correct copy of as follows:

NOTICE OF INTENT LETTER DATED NOVEMBER 20, 2023

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

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

David J. Rickert
Executive Officer/Clerk of the Board
Board of Supervisors
County of Shasta
1450 Court Street, Suite 308B
Redding, CA 96001-1673
clerkoftheboard@co.shasta.ca.us

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 20, 2023 at Davis, California.



Donald B. Mooney