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19 Center for Food Safety

20 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

21 **COUNTY OF KERN**

22 CENTER FOR BIOLOGICAL
23 DIVERSITY and CENTER FOR FOOD
24 SAFETY,

25 Petitioners,

26 v.

27 COUNTY OF KERN, KERN COUNTY
28 BOARD OF SUPERVISORS; and DOES
1 through 20, inclusive,

Respondents.

TEJON RANCHCORP; TEJON RANCH
COMPANY; and DOES 21 through 40,
inclusive,

Real Parties in Interest.

Case No. BCV-17-100030

**VERIFIED PETITION FOR WRIT OF
MANDATE**

[Pub. Res. Code § 21000, *et seq.*
(California Environmental Quality Act)]

INTRODUCTION

1
2 1. This action challenges the decision of Kern County and its Board of Supervisors
3 (“Respondents”) to approve the Environmental Impact Report (“EIR”) for the Grapevine
4 Specific and Community Plan (the “Project”). The Project will include 12,000 dwelling units,
5 up to 5.1 million square feet of commercial land uses, and a development footprint of 4,643
6 acres.

7 2. Petitioners CENTER FOR BIOLOGICAL DIVERSITY and CENTER FOR
8 FOOD SAFETY (collectively, “Petitioners”) demonstrated throughout the administrative
9 process that the Project will have significant impacts on air quality, greenhouse gases (“GHGs”),
10 special status species, water supplies, and traffic, among other impacts. Yet the EIR fails to
11 disclose or adequately evaluate these environmental impacts or identify effective mitigation
12 measures for adoption, rendering the document inadequate under the California Environmental
13 Quality Act (“CEQA”), Public Resources Code sections 21000 *et seq.*

14 3. The Project will further impair air quality in Kern County. The residents of Kern
15 County already suffer from some of the worst air pollution in the United States. Air pollution is
16 known to cause premature death, developmental harm, asthma, and cardiovascular disease.
17 Nonetheless, Respondents greenlighted the Project – which will generate over one *billion*
18 vehicle miles travelled (“VMT”) per year – further adding to Kern County’s air pollution
19 burden. Incredibly, Respondents did not require any meaningful mitigation measures to reduce
20 this pollution burden. Instead, Respondents merely required the developer to issue payments to
21 the local air quality district in the hope that the air quality district would reduce the emissions of
22 third parties. This scheme also does little to address the out-sized GHG impacts of the Project.

23 4. The Project will destroy or disrupt 4,643 acres of open space land, which currently
24 are home to approximately 17 species of imperiled plants and animals, including the endangered
25 San Joaquin kit fox, California condor, and blunt-nosed leopard lizard. Yet, the EIR does not
26 inform the public of the true extent of the impacts on rare and endangered plants and animals,
27 and unsuccessfully attempts to “mitigate” these impacts by setting aside other lands which allow
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23 DIVERSITY AND CENTER FOR FOOD
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21 the local air quality district in the hope that the air quality district would reduce the emissions of
22 third parties. This scheme also does little to address the out-sized GHG impacts of the Project.

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24 are home to approximately 17 species of imperiled plants and animals, including the endangered
25 San Joaquin kit fox, California condor, and blunt-nosed leopard lizard. Yet, the EIR does not
26 inform the public of the true extent of the impacts on rare and endangered plants and animals,
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28

1 oil and gas extraction and hunting. The EIR also adopts a simplistic “one-size fits all”
2 mitigation strategy which discounts the specific habitat needs of imperiled wildlife and plant
3 species.

4 5. Even while Kern County’s residents, wildlife, and farmers and struggle to make do
5 with less water, the EIR inaccurately claims that sufficient water supplies exist to develop a city
6 of 44,000 people in the extremely arid southern region of the County. The EIR also fails to
7 adequately analyze the impacts on wildlife and farmers of taking up to 3.25 billion gallons
8 (10,000 acre feet) of water per year from the Kern River.

9 **THE PARTIES**

10 6. Petitioner CENTER FOR BIOLOGICAL DIVERSITY (the “Center”) is a non-
11 profit conservation organization dedicated to the protection of native species and their habitats
12 through science, policy, and environmental law. The Center has approximately 48,000 members
13 worldwide, including residents of Kern County and within the local communities in the vicinity
14 of Tejon Ranch. The Center has worked for many years to protect imperiled plants and wildlife,
15 open space, air and water quality, and the overall quality of life for people in the south end of
16 the San Joaquin Valley where the Project is proposed. Members of the Center objected to the
17 approval and construction of the Project and will be directly and adversely affected by the
18 Project.

19 7. Petitioner CENTER FOR FOOD SAFETY (“CFS”) is a nonprofit, public interest
20 advocacy organization dedicated to protecting human health and the environment by curbing the
21 proliferation of harmful food production technologies and promoting sustainable agriculture,
22 including reducing impacts to water resources. In furtherance of this mission, CFS uses legal
23 actions, groundbreaking scientific and policy reports, books and other educational materials, and
24 grassroots campaigns on behalf of its 750,000 farmer and consumer members across the
25 country. Members of CFS objected to the approval and construction of the Project and will be
26 directly and adversely affected by the Project.

1 8. Members of the Center and CFS have environmental, educational, recreational,
2 scientific, and aesthetic interests in the Project area and its plants and wildlife. These interests
3 will be directly and adversely affected by the Project, which violates provisions of law as set
4 forth in this Petition and which would cause irreversible harm to the natural environment and its
5 recreational assets. The Center and CFS and their members have a direct and beneficial interest
6 in Respondents' compliance with CEQA and California Code of Regulations, title 14, section
7 15000 *et seq.* ("CEQA Guidelines"). The maintenance and prosecution of this action will confer
8 a substantial benefit on the public by protecting the public from the environmental and other
9 harms alleged herein.

10 9. Respondent KERN COUNTY (the "County"), a political subdivision of the State
11 of California, is responsible for regulating and controlling land use in the unincorporated
12 territory of the County, including implementing and complying with the provisions of CEQA.
13 The County is the "lead agency" for the purposes of Public Resources Code Section 21067, with
14 principal responsibility for conducting environmental review of the proposed actions. The
15 County has a duty to comply with CEQA and other state laws.

16 10. Respondent KERN COUNTY BOARD OF SUPERVISORS (the "Board") is the
17 duly elected decisionmaking body of the County. As the decisionmaking body, the Board is
18 charged with the responsibilities under CEQA for conducting a proper review of the proposed
19 action's environmental impacts and granting the various approvals necessary for the Project.

20 11. Petitioners are informed and believe Real Party in Interest TEJON RANCHCORP
21 ("Tejon") is the Project applicant and developer, is incorporated in the State of California and
22 does business in the State of California, and is an applicant for approval of the Project.

23 12. Petitioners are informed and believe Real Party in Interest TEJON RANCH
24 COMPANY wholly owns and controls Tejon Ranchcorp, is incorporated in the State of
25 Delaware, and does business in California.

26 13. Petitioners do not know the true names and capacities, whether individual,
27 corporate, associate, or otherwise, of respondents DOES 1 through 20, inclusive, and therefore
28

1 sue said respondents under fictitious names. Petitioners will amend this Petition to show their
2 true names and capacities when the same have been ascertained. Each of the respondents is the
3 agent and/or employee of Respondents, and each performed acts on which this action is based
4 within the course and scope of such Respondents' agency and/or employment.

5 14. Petitioners do not know the true names and capacities, whether individual,
6 corporate, associate, or otherwise, of real parties in interest DOES 21 through 40, inclusive, and
7 therefore sue said real parties in interest under fictitious names. Petitioners will amend this
8 Petition to show their true names and capacities when the same have been ascertained.

9 JURISDICTION AND VENUE

10 15. This Court has jurisdiction to issue a Writ of Mandate to set aside Respondents'
11 decision to approve the Project under California Code of Civil Procedure section 1094.5
12 (alternatively section 1085) and Public Resources Code sections 21168.5 (alternatively 21168)
13 and 21168.9.

14 16. Venue for this action properly lies in the Kern County Superior Court because
15 Respondents and the proposed site of the Project are located in the County. Many of the
16 significant environmental impacts of the Project that are the subject of this lawsuit would occur
17 in Kern County, and the Project would impact the interests of Kern County residents.

18 17. Petitioners have complied with the requirements of Public Resources Code section
19 21167.5 by serving a written notice of Petitioner's intention to commence this action on
20 Respondents on January 4, 2017. A copy of the written notice and proof of service is attached
21 hereto as Exhibit A.

22 18. Petitioners have complied with the requirements of Public Resources Code section
23 21167.6 by concurrently notifying Respondents of Petitioners' request to prepare the record of
24 administrative proceedings relating to this action.

25 19. Petitioners have complied with the requirements of Public Resources Code section
26 21167.7 by sending a copy of this Petition to the California Attorney General on January 5,
27 2017. A copy of the letter transmitting this Petition is attached hereto as Exhibit B.

1 26. The Project is a master-planned, mixed-used residential and commercial
2 development which would create a new town of 12,000 dwelling units, up to 5.1 million square
3 feet of commercial development, and over 44,000 people. The Project’s residential and
4 commercial development footprint would cover 4,643 acres.

5 27. The Project comprises multiple components including a specific plan, general plan
6 amendments, zoning changes, tentative tract maps, and a development agreement.

7 28. The Project contains six “phasing areas” which each would take two to four years
8 to develop, with the first phase set to commence in 2018.

9 **Petitioners’ Comments on the Draft EIR**

10 29. On or about April 1, 2014, the County issued a Notice of Preparation for the
11 Project, in which it notified public agencies and interested individuals that, as a lead agency, it
12 would be preparing a Draft EIR to analyze the Project’s potentially significant environmental
13 impacts.

14 30. On or about May 31, 2016, Respondents completed the Draft EIR and circulated
15 the document for public comment.

16 31. Members of the public submitted comments pointing out the serious deficiencies
17 in the Draft EIR. Commenters, including Petitioners, explained the Project would significantly
18 worsen air quality, traffic, public health and hydrologic conditions, and that it would have severe
19 impacts on endangered and threatened biological resources, and the region’s ability to meet its
20 climate change goals. Commenters noted that the Draft EIR failed to adequately disclose or
21 analyze the Project’s significant air quality and climate change impacts, and failed to establish
22 an accurate baseline for determining such impacts; failed to identify or consider adequate
23 measures to mitigate the Project’s significant impacts on air quality and public health, including
24 cumulative impacts; failed to adequately disclose, analyze or mitigate the Project’s significant
25 impacts related to climate change; and failed to adequately analyze a reasonable range of
26 alternatives that would substantially lessen the Project’s significant environmental effects.

1 32. In a letter to the County on July 14, 2016, Petitioners jointly commented that the
2 Draft EIR failed to comply with CEQA in the following respects:

- 3 a. The Draft EIR failed to adequately disclose and/or analyze the Project’s
4 significant impacts on air quality and public health. The Draft EIR failed to
5 establish an accurate baseline for determining the Project’s air quality and public
6 health impacts, and failed to identify or consider adequate measures to mitigate
7 such impacts. The Draft EIR inaccurately concludes that the Project would not
8 violate air quality standards, and the mitigation measures proposed to reduce air
9 quality impacts are vague, deferred, and/or unenforceable.
- 10 b. The Draft EIR failed to adequately disclose, analyze or mitigate the Project’s
11 significant impacts related to GHGs. The Draft EIR failed to establish an accurate
12 and factually-supported baseline and threshold of significance for determining the
13 Project’s GHG impacts.
- 14 c. The Draft EIR failed to adequately disclose and/or analyze the Project’s
15 significant impacts on biological resources, including endangered and other
16 special status species, and failed to identify or consider adequate measures to
17 mitigate the Project’s significant impacts on such species.
- 18 d. The Draft EIR failed to adequately disclose, analyze or mitigate the Project’s
19 significant impacts to traffic, and proposed mitigation measures to allegedly
20 reduce such impacts are vague, deferred, and/or unenforceable.
- 21 e. The Draft EIR failed to adequately disclose, analyze or mitigate the Project’s
22 significant cumulative impacts, including cumulative impacts to biological
23 resources, air quality, GHG emissions, and traffic.
- 24 f. The Draft EIR’s analysis of water supply fails to adequately consider all potential
25 significant impacts, improperly bases its conclusions on a “public” water district
26 that is wholly-controlled by Tejon, and improperly accepts the conclusions of a
27 water transfer contract between a water agency and a private party.

1 **Petitioners' Comments on the Final EIR**

2 33. On or about October 13, 2016, the County released its Final EIR, which included
3 text changes to the Draft EIR and Respondents' responses to public comments on the Draft EIR.
4 The County's failure to disclose or analyze the Project's impacts, as summarized above and
5 explained in comments from Petitioners and other commenters, persisted in the Final EIR. For
6 example, the Final EIR's discussions of the Project's air quality and climate change impacts
7 were not revised to address the deficiencies raised in comments on the Draft EIR.

8 34. On October 27, 2016, the Kern County Planning Commission conducted a public
9 hearing on the Project. During the hearing, Petitioners presented oral comments on the
10 deficiencies of the Project and the Final EIR,

11 35. In a letter on December 2, 2016, Petitioners further explained the ongoing
12 deficiencies of the Final EIR, commenting that the Final EIR failed to comply with CEQA in the
13 following respects:

- 14 a. The Final EIR's description of the Project is vague and incomplete, resulting in a
15 failure to analyze and/or mitigate the full range of significant impacts from the
16 Project.
- 17 b. The Final EIR failed to adequately disclose and/or analyze the Project's significant
18 impacts on air quality and public health, and failed to identify or consider adequate
19 measures to mitigate such impacts.
- 20 c. The Final EIR failed to adequately disclose and/or analyze the Project's significant
21 impacts on biological resources, including endangered and other special status
22 species, and failed to identify or consider adequate measures to mitigate the
23 Project's significant impacts on such species.
- 24 d. The Final EIR failed to adequately disclose, analyze, and mitigate the Project's
25 significant impacts related to GHGs, and failed to properly analyze the Project's
26 potential to undercut the State's climate goals.
- 27
28

- 1 e. The Final EIR failed to adequately disclose and/or analyze the Project's growth-
2 inducing impacts, and failed to identify or consider adequate measures to mitigate
3 the Project's significant growth-inducing impacts.
- 4 f. The Final EIR failed to adequately identify and/or analyze adequate alternatives,
5 and did not provide an adequate comparison of the impacts of the alternatives to
6 the Project. The Final EIR also contained an unreasonably narrow range of
7 alternatives.
- 8 g. The Final EIR failed to adequately disclose, analyze or mitigate the Project's
9 significant cumulative impacts, including cumulative impacts to biological
10 resources, and air quality.
- 11 h. The Final EIR failed to accurately establish the baseline conditions by neglecting
12 to include adequate surveys for biological resources.
- 13 i. The Final EIR did not adequately respond to the Petitioners' comments regarding
14 water supply.

15 **Respondents' Approval of the EIR**

16 36. On December 6, 2016, Respondents conducted a public hearing on the proposed
17 Project and Final EIR to determine whether to certify the Final EIR and approve the Project in
18 accordance with the recommendation of the Planning Commission. Members of the public,
19 including Petitioners, attended the public hearing and opposed the certification of the Final EIR
20 and approval of the Project.

21 37. On December 6, 2016, the County adopted the Planning Commission's
22 recommendation, certified the Final EIR, and approved the Project.

23 **CAUSE OF ACTION**

24 **VIOLATION OF CEQA (Public Resources Code § 21000, *et seq.*)**

25 38. Petitioners hereby reallege and incorporate the allegations contained in paragraphs
26 1 through 37, inclusive.

1 39. CEQA is designed to ensure that long-term protection of the environment be the
2 guiding criterion in public decisions. CEQA requires the lead agency for a project with the
3 potential to cause significant environmental impacts to prepare an EIR that complies with the
4 requirements of the statute, including, but not limited to, the requirement to analyze the project's
5 potentially significant environmental impacts. The EIR must provide sufficient environmental
6 analysis such that the decisionmakers can intelligently consider environmental consequences
7 when acting on the proposed project. Such analysis must include and rely upon thresholds of
8 significance that are based on substantial evidence before the decisionmakers. Additionally, the
9 EIR must analyze feasible mitigation measures and a reasonable range of alternatives to the
10 project.

11 40. CEQA also mandates that the lead agency adopt feasible and enforceable
12 mitigation measures that would reduce or avoid any of a project's significant environmental
13 impacts. If any of the project's significant impacts cannot be mitigated to a less than significant
14 level, then CEQA bars the lead agency from approving a project if a feasible alternative is
15 available that would meet the project's objectives while avoiding or reducing its significant
16 environmental impacts.

17 41. CEQA requires that substantial evidence in the administrative record support all of
18 the EIR and agency's findings and conclusions, and that the agency explain how the evidence in
19 the record supports the conclusions the agency has reached.

20 42. Respondents committed a prejudicial abuse of discretion and failed to proceed in a
21 manner required by law by relying on an EIR that fails to meet the requirements of CEQA for
22 disclosure, analysis, and/or mitigation of significant project impacts on air quality, GHGs,
23 biological resources, water supplies, traffic, aesthetics, agriculture and forestry resources, noise,
24 and population and housing.

25 43. **Findings of Fact and Statement of Overriding Considerations.** Respondents'
26 Findings of Fact and Statement of Overriding Considerations violate the requirements of the
27 CEQA Guidelines. The Findings fail to identify the changes or alterations that are required to
28

1 avoid or substantially lessen the project's significant environmental effects (CEQA Guidelines §
2 15091(a)(1). The purported benefits of the Project cited in the Statement of Overriding
3 Considerations do not outweigh the substantial costs of the Project on public health and the
4 environment. The Findings and Statement of Overriding Considerations are not supported by
5 substantial evidence. (CEQA Guidelines, § 15091(b).)

6 44. **Environmental Setting.** The EIR fails to comply with CEQA's requirements to
7 provide an adequate and accurate description of the environmental setting of the Project area.
8 (CEQA Guidelines § 15125.) The EIR's description of the environmental setting is inadequate
9 because, but not limited to, its failure to:

- 10 a. adequately disclose the Project area's importance as a habitat corridor and linkage
- 11 for special status wildlife;
- 12 b. establish that protocol-level surveys were performed on all appropriate species;
- 13 and,
- 14 c. disclose the results of all biological surveys conducted on the Project site.

15 45. **Project Description.** The EIR does not contain a legally adequate Project
16 description because, *inter alia*, the EIR:

- 17 a. fails to provide a sufficient description of where roads and interchanges will be
- 18 sited;
- 19 b. defers actual decision-making on land uses until immediately before each phase of
- 20 the Project is developed; and,
- 21 c. allows Tejon to avoid building the commercial/industrial portions of the Project if
- 22 it determines such components are not profitable in light of "market conditions."

23 46. **Air Quality.** The EIR fails to adequately disclose, analyze and/or mitigate the
24 Project's significant and cumulative impacts to air quality. The Project will have significant and
25 long-term air quality impacts on residents of the Project, people in the San Joaquin Valley, and
26 sensitive wildlife and their habitat. While the EIR acknowledges the Project with result in
27 significant air quality impacts, it fails to adopt all feasible mitigation measures and consider
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1 alternatives that would reduce impacts. The EIR's analysis of air quality impacts is inadequate
2 because, but not limited to, its failure to:

- 3 a. accurately estimate the VMTs generated per year by the Project;
- 4 b. analyze the Project's cumulative air quality impacts in conjunction with other
5 large-scale projects in the area; and,
- 6 c. adequately mitigate air quality impacts of the Project through the "Voluntary
7 Emissions Reduction Agreement" (the "VERA") with the San Joaquin Valley
8 Unified Air Pollution District (the "District");

9 47. **Greenhouse Gases.** The EIR fails to adequately disclose, analyze and/or mitigate
10 the Project's significant and cumulative GHG impacts. The EIR relies upon an improper
11 significance threshold when determining the significance of the Project's GHG emissions. In
12 addition, the EIR's GHG mitigation measures are vague, deferred, and/or unenforceable, and fail
13 to set forth specific numerical reductions in GHG emissions these measures will achieve.

14 48. **Biological Resources.** The EIR fails to adequately disclose, analyze and/or
15 mitigate the Project's significant and cumulative impacts to biological resources, including
16 numerous animal and plant species affected by the Project. Those species include: the San
17 Joaquin kit fox, blunt-nosed leopard lizard, California condor, golden eagle, bald eagle, white-
18 tailed kite, ringtail, badger, San Joaquin coachwhip, burrowing owl, Northern harrier, tricolored
19 blackbird, and loggerhead shrike, calico monkeyflower, Piute Mountains navarettia, and Tejon
20 poppy. The EIR's biological resources analysis is inadequate because, *inter alia*:

- 21 a. The EIR's mitigation measures are vague, deferred, and/or unenforceable;
- 22 b. The EIR proposes off-site mitigation lands with high edge-to-area ratios and/or
23 which allow oil and gas extraction and hunting activities; and,
- 24 c. The EIR attempts to "nest" all mitigation of species impacts to mitigation
25 proposed for the San Joaquin kit fox.

1 49. **Traffic.** The EIR fails to adequately disclose, analyze and/or mitigate the
2 Project's significant and cumulative traffic impacts. The EIR's analysis of traffic impacts is
3 inadequate because, but not limited to, its failure to:

- 4 a. articulate specific plans for alternative transportation that would meaningfully
5 mitigate the enormous traffic impacts of the Project; and,
- 6 b. mitigate the traffic-related noise impacts to sensitive receptors.

7 50. **Water Supplies.** The EIR does not adequately disclose, analyze and/or mitigate
8 the Project's significant impacts to water supplies because, *inter alia*, the EIR:

- 9 a. fails to base its analysis on a credible Water Supply Assessment prepared by a
10 neutral third party;
- 11 b. incorrectly assumes that the Project's water supply is reliable merely because a
12 third-party water transfer contract promises to provide adequate water supplies;
- 13 c. does not analyze the environmental impacts on people, wildlife, farmers, and the
14 local aquifer of using Nickel Water taken from the Kern River for the Project; and,
- 15 d. improperly relies on outdated environmental review of the Project's water supply
16 and fails to update or supplement that analysis to consider changed conditions or
17 circumstances, including new evidence regarding climate change, the health of the
18 Bay-Delta ecosystem, and increased dependency on and use of regional water
19 supplies.

20 51. **Growth-inducing impacts.** The EIR does not adequately disclose, analyze and/or
21 mitigate the Project's significant growth-inducing impacts because, *inter alia*, the EIR contains
22 only a few pages of discussion on the growth-inducing impacts of installing a city in a remote
23 location and the EIR fails to acknowledge that the Project will induce future growth.

24 52. **Alternatives.** The EIR fails to provide a selection and discussion of alternatives
25 that foster informed decision-making and informed public participation. The alternatives
26 analysis in the EIR does not meet the requirement of a reasonable range of alternatives that
27 lessen the Project's significant environmental impacts, and does not focus on alternatives that
28

1 either eliminate adverse impacts or reduce them to insignificance, even if they would to some
2 degree impede the Project's objectives, as required by CEQA. The EIR's analysis of
3 alternatives is inadequate because, *inter alia*:

- 4 a. the EIR improperly relies upon a narrow statement of purpose and does not
5 support its conclusion that no alternative sites exist for the Project;
- 6 b. the EIR fails to include quantitative and/or meaningful comparisons of the
7 Project's impacts and the proposed alternatives; and,
- 8 c. the EIR misrepresents the physical conditions of the Project site in the discussion
9 of alternatives.

10 53. **Responses to Comments.** The responses to comments in the Final EIR fail to
11 meet CEQA's requirements in that they neither adequately dispose of all the issues raised, nor
12 provide specific rationale for rejecting suggested Project changes, mitigation measures, or
13 alternatives. CEQA requires that the lead agency evaluate and respond to all environmental
14 comments on the Draft EIR that it receives during the public review period. The responses must
15 describe the disposition of the issues raised and must specifically explain reasons for rejecting
16 suggestions and for proceeding without incorporating the suggestions. The Final EIR's
17 responses to comments fail to satisfy the requirements of law.

18 54. **CEQA Findings.** Where mitigation measures and alternatives to a project are not
19 adopted, the CEQA findings must identify specific economic, legal, social and technological and
20 other considerations that make infeasible the adoption of mitigation measures or alternatives.
21 All CEQA findings must be supported by substantial evidence in the record and must disclose
22 the analytical route by which approval of the Project is justified. The findings regarding the
23 impacts, mitigation measures, and alternatives relied upon by Respondents' approval of the
24 Project are not supported by substantial evidence in the record, and the links between evidence
25 and conclusions are not satisfactorily provided.

26 55. Based upon each of the foregoing reasons, the EIR is legally defective under
27 CEQA. Respondents prejudicially abused their discretion in violation of CEQA in approving
28

1 the Project. As such, the Court should issue a writ of mandate directing Respondents to set
2 aside the certification of the EIR and approval of the Project.

3 WHEREFORE, Petitioners pray for judgment as follows:

4 **PRAYER FOR RELIEF**

5 1. For a temporary stay, temporary restraining order, and preliminary and permanent
6 injunctions restraining Respondents and Tejon and their agents, servants, and employees, and all
7 others acting in concert with them or on their behalf, from taking any action to implement, fund
8 or construct any portion or aspect of the Project, pending full compliance with the requirements
9 of CEQA and the CEQA Guidelines;

10 2. For alternative and peremptory writs of mandate directing Respondents to vacate
11 and set aside certification of the EIR and approval of the Project;

12 3. For alternative and peremptory writs of mandate directing Respondents to comply
13 with CEQA and the CEQA Guidelines and take any other action as required by Public
14 Resources Code section 21168.9;

15 4. For a declaration that Respondents' actions in certifying the EIR and approving
16 the Project violated CEQA and the CEQA Guidelines, and that the certification and approvals
17 are invalid and of no force or effect;

18 5. For costs of the suit;

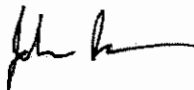
19 6. For attorney's fees as authorized by Code of Civil Procedure section 1021.5 and
20 other provisions of law; and,

21 7. For such other and future relief as the Court deems just and proper.

22 \\\

1 DATED: January 5, 2017

CENTER FOR BIOLOGICAL DIVERSITY

2
3 By: 

4 _____
5 John Buse
6 Aruna Prabhala
7 John Rose

8 Attorneys for Petitioners CENTER FOR
9 BIOLOGICAL DIVERSITY and CENTER FOR
10 FOOD SAFETY
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1 **VERIFICATION**

2 I am a Senior Scientist for the Center for Biological Diversity, which is a party to this
3 action. I am authorized to make this verification for and on its behalf, and I make this
4 verification for that reason. I have read the foregoing document and know its contents. The
5 matters stated in it are true of my own knowledge except as to those matters that are stated on
6 information and belief, and as to those matters I believe them to be true.
7

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct. Executed this 5th day of January, 2017, in Los Angeles, California.

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12 _____
13 Ilene Anderson
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