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13 Attorneys for Plaintiffs  
14 CALIFORNIA RIVER WATCH and  
15 COAST ACTION GROUP

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA

18 CALIFORNIA RIVER WATCH, an IRC  
19 Section 501(c)(3), non-profit, public  
20 benefit corporation; COAST ACTION  
21 GROUP, a private organization;

CASE NO. 3:17-cv-05874

**COMPLAINT FOR DECLARATORY  
RELIEF, INJUNCTIVE RELIEF AND  
REMEDICATION**

Plaintiffs,

v.

**[Environmental - Endangered Species Act -  
16 U.S.C. § 1531 *et seq.*]**

22 PACIFIC GAS AND ELECTRIC  
23 COMPANY,

Defendant.

24 \_\_\_\_\_/  
25 NOW COME Plaintiffs CALIFORNIA RIVER WATCH, an Internal Revenue Code  
26 Section 501(c)(3), non-profit, public benefit corporation, and COAST ACTION GROUP, a  
27 private organization (collectively hereafter “Plaintiffs”) by and through their attorneys, and for  
28 their Complaint against Defendant PACIFIC GAS AND ELECTRIC COMPANY (“PG&E”),  
state as follows:

**I. INTRODUCTION**

1. The United States Oceanic and Atmospheric Administration, National Marine Fisheries

1 Service (“NMFS”) declared the following fish species inhabiting the Eel River watershed in  
2 Sonoma and Mendocino Counties as threatened or endangered under the Endangered Species  
3 Act, and have designated critical habitat for these species and/or Distinct Population Segments  
4 (“DPS”) or Evolutionary Significant Units (“ESU”) of these species:

- 5 • The California Coastal Chinook salmon (*Oncorhynchus tshawytscha*) ESU, which  
6 includes the Eel River and Van Duzen River, was recognized as threatened under  
7 the ESA in 1999 and critical habitat was designated in 2005.
- 8 • The Coho salmon (*Oncorhynchus kisutch*) was federally listed under the ESA in  
9 2005 and by NMFS as an endangered species in California. This listing included  
10 Final Listing Determinations for 16 ESU’s of West Coast salmon, and Final  
11 Protective Regulations for Threatened Salmonid ESU’s.
- 12 • The Northern California Steelhead (*Oncorhynchus mykiss*) was federally listed  
13 under the ESA as a threatened species in California in 2006. Critical habitat was  
14 designated in 2005 and a Recovery Plan was published in 2011.

15 The above-identified three species are collectively referred to hereafter as “the  
16 SPECIES”.

17 2. This is a civil action brought by Plaintiffs under the federal Endangered Species Act  
18 (“ESA”) 16 U.S.C. § 1531, *et seq.*, to prevent PG&E from ongoing violations of the ESA and  
19 regulations pertaining to the SPECIES. Plaintiffs contends PG&E is violating ESA § 9, 16  
20 U.S.C. § 1538, in its operation of the Potter Valley Project, an interbasin water transfer project  
21 located on the Eel River in Mendocino County, California (“Project”), the components of which  
22 include 1) Scott Dam, 2) Lake Pillsbury, 3) Cape Horn Dam, 4) Van Arsdale Reservoir, and 5)  
23 the East Fork Russian tunnel and powerhouse. The action area for the Project includes the entire  
24 main stem of the Eel River below Scott Dam to the Pacific Ocean, and the East Branch Russian  
25 River below the Potter Valley Project powerhouse to its confluence with the main stem Russian  
26 River, and below this confluence to the Pacific Ocean at Jenner.

27 3. Plaintiffs seek declaratory relief and injunctive relief to prohibit future violations and any  
28 other relief for PG&E’s violations of the ESA allowed under law.

**II. JURISDICTIONAL ALLEGATIONS**

1  
2 4. Subject matter jurisdiction is conferred upon this Court by ESA § 11(g)(1)(A), 16 U.S.C.  
3 § 1540(g)(1)(A), which states in part,

4 “any person may commence a civil suit on his own behalf . . . (A) to enjoin any  
5 person, including the United States and any other governmental instrumentality  
6 or agency (to the extent permitted by the eleventh amendment to the  
7 Constitution), who is alleged to be in violation of any provision of this Act or  
8 regulation issued under the authority thereof. . .”

9 5. The district courts shall have jurisdiction, without regard to the amount in controversy or  
10 the citizenship of the parties, to enforce any such provision or regulation, or to order the  
11 Secretary to perform such act or duty, as the case may be. Under the ESA, “the term ‘person’  
12 means an individual, corporation, partnership, trust, association, or any other private entity; or  
13 any officer, employee, agent, department, or instrumentality of the Federal Government, of any  
14 State, municipality, or political subdivision of a State, or of any foreign government; any State,  
15 municipality, or political subdivision of a State; or any other entity subject to the jurisdiction of  
16 the United States.” ESA § 3(13), 16 U.S.C. § 1532(13).

17 6. Plaintiffs’ members rely on PG&E to comply fully with the ESA § 9’s “take” prohibitions  
18 which ensure that citizens do not contribute to the harm or take of species listed as endangered  
19 or threatened with extinction such as the SPECIES. Said members derive scientific, recreational,  
20 conservation, spiritual, and aesthetic benefits from the preservation and protection of these  
21 threatened and endangered species including the SPECIES. Said members have spent, and plan  
22 to further spend, time in the habitat of the SPECIES hoping to observe them. The interests of  
23 Plaintiffs’ members are adversely affected by PG&E’s actions as set forth in this Complaint.  
24 Said interests have been, are being, and unless the requested relief is granted, will continue to  
25 be adversely affected and injured by PG&E’s failure to comply with the ESA § 7. On or about  
26 April 17, 2017, Plaintiffs’ served a Notice of Violations of the ESA and of their intent to file  
27 suit, on PG&E and the United States Secretary of the Commerce as required by the ESA. A copy  
28 of said Notice of Violations is attached to this Complaint as **EXHIBIT A**.

1 7. The United States is not currently prosecuting any criminal action to redress PG&E's  
2 violations as alleged in this Complaint, nor have the Secretaries of the Interior or Commerce  
3 acted to impose a penalty pursuant 16 U.S.C. § 1540(a). Therefore this action may be  
4 commenced in accord with ESA § 11(g)(2)(A); 16 U.S.C. § 1540 (g)(2)(A).

5 **III. INTRADISTRICT ASSIGNMENT**

6 8. The basis for assignment of this case to the Northern District of California, pursuant to  
7 16 U.S.C. § 1540(g)(3)(A), is that the violations of ESA complained of herein are located within  
8 this District; and, pursuant to 28 U.S.C. § 1391(b), PG&E is located in and conducts business  
9 within this District.

10 **IV. PARTIES TO THE ACTION**

11 9. Plaintiff CALIFORNIA RIVER WATCH is an Internal Revenue Code Section 501(c)(3)  
12 nonprofit, public benefit corporation duly organized under the laws of the State of California,  
13 with headquarters located in Sebastopol, California and mailing address at 290 North Main  
14 Street, #817, Sebastopol, California. CALIFORNIA RIVER WATCH is dedicated to protecting,  
15 enhancing and helping to restore the aquatic environs of California and the biota dependent upon  
16 these environs, as well as educating the public concerning the threats to these environs from  
17 activities such as those complained of herein.

18 10. Plaintiff COAST ACTION GROUP is an organization dedicated to the protection of  
19 fishery and water quality resources on the north coast of California. COAST ACTION GROUP  
20 has a history of actions supporting the protection of fish, forest, and water quality resources  
21 dating back to 1990. COAST ACTION GROUP exists in order to protect fish and wildlife  
22 through state and federal water laws. It comments on issues of statewide concern in order to  
23 protect in-stream flows and water quality. It is currently participating in meetings and on a task  
24 force attempting to deal with important issues which affect listed species of coho and steelhead.  
25 COAST ACTION GROUP is located at 126 Steiner Street, Santa Rosa, CA 95404.

26 11. Plaintiffs are informed and believe, and on said information and belief allege, that  
27 Defendant PACIFIC GAS AND ELECTRIC COMPANY is now, and was at all times relevant  
28 to this Complaint, a corporation organized and existing under the laws of the State of California,

1 with its principal place of business in San Francisco, California, and having and ownership  
2 interest in the Project, and operating the Project pursuant to a license issued to PG&E by the  
3 Federal Energy Regulatory Commission (“FERC”) identified as PG&E Project Number 77-110  
4 (“FERC License”).

## 5 V. STATUTORY BACKGROUND

6 12. The ESA is designed to “provide a means whereby the ecosystems upon which  
7 endangered species and threatened species depend may be conserved, to provide a program for  
8 the conservation of such endangered species and threatened species.” 16 U.S.C. § 1531(b).  
9 Principal among the ESA’s system of species protection is the Section 9 prohibition rendering  
10 it illegal for any “person” to “take” any species listed as endangered. 16 U.S.C. § 1538(a)(1)(B).  
11 “Take is defined in the broadest possible manner to include every conceivable way in which a  
12 person can ‘take’ or attempt to ‘take’ any fish or wildlife.” *Defenders of Wildlife v.*  
13 *Administrator, EPA*, 882 F.2d 1294, 1300 (8<sup>th</sup> Cir. 1989). The term “take” is defined as “to  
14 harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage  
15 in any such conduct.” 16 U.S.C. § 1532(19). Harm or harassment includes significant habitat  
16 modification or degradation. 50 C.F.R. § 17.3; *Palila v. Hawaii Department of Land and Natural*  
17 *Resources*, 639 F.2d 495 (9<sup>th</sup> Cir. 1981); *see also Palila v. Hawaii Department of Land and*  
18 *Natural Resources*, 852 F.2d 1106 (9<sup>th</sup> Cir. 1988). “Take includes direct as well as indirect harm  
19 and need not be purposeful.” *Babbitt v. Sweet Home Chapter of Communities for a Great*  
20 *Oregon*, 515 U.S. 687, 704 (1995). A take may even be the result of an accident. *See National*  
21 *Wildlife Federation v. Burlington Northern Railroad*, 23 F.3d 1508, 1512 (9<sup>th</sup> Cir. 1994).

22 13. Killing or injuring threatened and/or endangered species is a “take” under ESA § 9, 16  
23 U.S.C. § 1538(a)(1)(B). According to the California Natural Diversity Database and Federal  
24 agency maps describing listing designations, the property on the Project was the site of, or is  
25 currently within close proximity to sightings and/or breeding sites of the SPECIES. There is a  
26 high likelihood that numbers of the SPECIES were present during PG&E’s operations on the  
27 Project. Due to the limited acres of habitat remaining in the area, as verified by studies taken  
28 by regulatory agencies, any of the SPECIES present during said Project operations were likely

1 killed or harmed by those activities carried out by PG&E or on PG&E's behalf.

2 14. Critical habitat is a habitat area essential to the conservation of a listed species though the  
3 area need not actually be occupied by the species at the time it is designated. DPSs and ESUs  
4 denote particular populations or sub-populations of a species meriting specific scrutiny and  
5 protection. These are specific terms and designations within the ESA. To cause or contribute to  
6 the significant modification or destruction of critical habitat or damage to a DPS or ESU, or to  
7 otherwise degrade such critical habitat is to "take" that species regardless of whether the actions  
8 result in actual injury or death. Modification of critical habitat such as occurred on the Project  
9 property as herein described, including Project operations, are practices which harm and harass  
10 the SPECIES and fall within the ESA's "take" prohibition. Plaintiffs further contend that  
11 PG&E's operations on the Project interfere with the SPECIES' feeding and reproduction  
12 activities, by damaging habitat, eliminating food sources, and interfering with natural shelter  
13 from predators. PG&E's continued operations on the Project harm and harass the SPECIES by  
14 eliminating their habitat or creating a more hostile environment.

## 15 VI. THE SPECIES

16 15. The California Coastal Chinook salmon (*Oncorhynchus tshawytscha*) ESU, which  
17 includes the Eel River and Van Duzen River, was recognized as threatened under the ESA on  
18 September 16, 1999 (64 Fed. Reg. 50394). Critical habitat was designated on September 2, 2005  
19 (70 Fed. Reg. 52487). Water quality and quantity associated with discharged flows from dams  
20 on the Eel River pose a critical threat to the survival and recovery of ESA-listed salmonids. Poor  
21 water years can result in an unreliable water supply and extremely low reservoir storage  
22 elevations potentially leading to adverse water quality and quantity conditions for downstream  
23 rearing juvenile steelhead and upstream migrating adult Chinook salmon. (*See*, NMFS, West  
24 Coast Region, 5 Year Review: Summary & Evaluation of California Coastal Chinook Salmon  
25 and Northern California Steelhead, April 2016.) The blockage of passage for spawning salmonid  
26 by man-made structures or natural impediments caused by natural events like volcanic eruptions  
27 can cause populations to disperse to adjacent areas with viable habitat which are still accessible.

28 16. The Coho salmon (*Oncorhynchus kisutch*) was federally listed under the ESA on June 28,

1 2005 (70 Fed. Reg. 37160) and by NOAA fisheries as an endangered species in California. This  
2 listing included Final Listing Determinations for 16 ESUs of West Coast Salmon, and Final  
3 Protective Regulations for Threatened Salmonid ESUs. (*See also* May 5, 1999 critical habitat  
4 designation of ESU for Coho Salmon - 64 Fed. Reg. 24059.) The September 2012 Recovery  
5 Plan for the species is currently being implemented by the NOAA fisheries. The Eel River  
6 Watershed lies within the Central California Coast Coho Salmon ESU. Coho Salmon need  
7 riverine habitats that include cool clean water, appropriate water depth and flow velocities,  
8 riparian vegetation to stabilize soil and provide shade, clean gravel for spawning and egg-  
9 rearing, large woody debris to provide resting and hiding places, adequate food, and varied  
10 channel forms. Logging, agriculture, mining, urbanization, stream channelization, dams,  
11 wetland loss, water withdrawals, and unscreened diversions for irrigation contribute to the  
12 decline of the Central Coast Coho Salmon ESU. Land use activities associated with logging,  
13 road construction, urban development, mining, agriculture, and recreation have significantly  
14 altered the quantity and quality of its habitat. (61 Fed. Reg. 56138.)

15 17. The Steelhead trout (*Oncorhynchus mykiss*) is federally listed under the ESA as a  
16 threatened species in California (55 Fed. Reg. 26114, January 5, 2006, updated on April 14,  
17 2014, 70 Fed. Reg. 834). The June 28, 2011 Recovery Plan is currently being implemented by  
18 NOAA Fisheries. It is also State-listed as threatened in California. Critical habitat for ten (10)  
19 west coast Steelhead DPS was designated on September 2, 2005 (70 Fed. Reg. 52488, 52630).  
20 Critical habitat was designated for the Gualala River and two (2) tributaries within the biological  
21 assessment area of the Project. Steelhead thrive best where dissolved oxygen concentration is  
22 at least 7 parts per million. In streams, deep low-velocity pools are important wintering habitats.  
23 Spawning habitat consists of gravel substrates free of excessive silt. Threats to Steelhead are  
24 attributed to historic and current effects of intensive logging practices on the availability of in-  
25 stream large wood, reduced habitat complexity and shelter, and sediment generated from  
26 poor road construction throughout the northern coastal forests. (*See* NOAA Fisheries, Coastal  
27 Multi-species Recovery Plan, October 2015.)  
28

## VII. STATEMENT OF FACTS

1  
2 18. In 1998, pursuant to Article 39 of the FERC License, PG&E, in consultation with other  
3 federal agencies, prepared a recommendation to FERC for modifications to the Project - Article  
4 39 Joint Recommendation, Developed by Pacific Gas and Electric Company, California  
5 Department of Fish and Game, U.S. Fish and Wildlife Service and National Marine Fisheries  
6 Service, PG&E, March 30, 1998 (“Joint Recommendations”). In conjunction with the Joint  
7 Recommendations, in 2001-2002, PG&E prepared an Environmental Impact Statement  
8 proposing physical modifications to the Project as modified by the Potter Valley Irrigation  
9 District. Details of PG&E’s proposal are described in the Proposed Changes in Minimum Flow  
10 Requirements at the Potter Valley Project, Final Environmental Impact Statement, (FERC 2000).

11 19. As required by the ESA, NMFS issued a Biological Opinion regarding the FERC License  
12 (Biological Opinion for the proposed license amendment for the Potter Valley Project (Federal  
13 Energy Regulatory Commission Project Number 77-110), November 26, 2002; Biological  
14 Opinion Water Supply, Flood Control Operations, and Channel Maintenance conducted by the  
15 U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County  
16 Russian River Flood Control and Water Conservation Improvement District in the Russian River  
17 watershed, September 24, 2008 (“2008 BO”).

18 20. The 2008 BO determined that PG&E’s proposed management of the Project would result  
19 in jeopardy for endangered species near the Project site including the SPECIES, and provided  
20 for a Reasonably Prudent Alternative (“RPA”) that PG&E agreed to implement under the ESA  
21 with respect to the SPECIES. NMFS determined that incidental take of listed species may be  
22 measured through successful compliance with the reasonable and prudent alternative. NMFS  
23 determined, “any action that is not in compliance with the reasonable and prudent alternative  
24 will be considered to have exceeded anticipated take levels” (2008 BO, at p. 105). In addition,  
25 reinitiation of the NMFS BO and ESA compliance process would be triggered if information  
26 indicated that the Project is not providing the conditions anticipated to result from the RPA or  
27 despite compliance with the RPA. Ibid.

28 21. The 2008 BO required PG&E to carry out management measures and engage in adaptive



1 management of these measures with regard to suppression of the Sacramento pike minnow and  
2 the rebound of Chinook and steelhead to reduce a “take” of the SPECIES. However, such  
3 management has not been put into place despite the Project’s impacts to the SPECIES since  
4 licensing, and there is no indication that appropriate action implied by use of the term has been  
5 implemented by PG&E. As a result, habitat for the SPECIES has been modified in violation of  
6 the 2008 BO and the RPA. Due to PG&E’s violation of several of the adaptive management  
7 requirements set out in the 2008 BO, PG&E is committing a “take” of the SPECIES by  
8 modifying their habitat.

9 22. The 2008 BO also found that the Project may affect listed species in a manner or to an  
10 extent not analyzed or anticipated, such that reports and changes to the 2008 BO and RPA must  
11 be made in order to avoid a “take” of the SPECIES. “After ten years of monitoring, the summer  
12 flow component of the RPA will be re-evaluated based on results provided in the annual reports.  
13 If NMFS determines that the summer flow component of the RPA is not providing the  
14 anticipated benefits to salmonids, then NMFS will re-evaluate this component of the RPA to  
15 determine if additional measures or changes in flows are necessary” (2008 BO at p. 110). While  
16 PG&E has initiated a re-licensing procedure, no such reevaluation as required under the ESA  
17 and 2008 BO has taken place.

18 23. Eel River salmon populations are nearly exhausted and may be irretrievably and  
19 irreversibly lost in the near future due to lack of prompt action. The Project water diversions  
20 have reduced flows and increased water temperatures in various parts of the Eel River, in  
21 addition to altering important environmental cues that, for example, tell fish when to spawn or  
22 begin their outmigration.

23 24. Current low flows provided for in the RPA often produce temperatures lethal to listed fish  
24 species in the Eel River and beneficial to predatory Sacramento pike minnow, resulting in a  
25 compounding adverse effect on the SPECIES.

26 25. Due to PG&E’s operation of the Project for power supply and water diversions, Chinook  
27 salmon and steelhead are failing to recovering, flows under the RPA are not improving, and  
28 habitat for the SPECIES has collapsed in certain parts of the Eel River Watershed vital for

1 recovery of salmonids. These water diversions have also depleted much needed flows and  
2 replenishment of critical spawning and rearing aggregates below Cape Horn Dam resulting in  
3 high water temperatures, lower dissolved oxygen levels, and increased predation of protected  
4 species by warm water fish species such as the Sacramento pike minnow.

5 26. Thus, in clear violation of the 2008 BO, PG&E's actions at the Project are not providing  
6 anticipated benefits to the SPECIES in compliance with the RPA and have exceeded anticipated  
7 "take" levels.

#### 8 **VIII. GENERAL ALLEGATIONS**

9 27. Plaintiffs allege that the operations of the Project by PG&E as identified in this Complaint  
10 were carried out during 2017 and will continue into 2018, and that continued maintenance of the  
11 current conditions of the Project site and activities carried out by and/or conducted under the  
12 direction of PG&E at the Project, have modified and degraded the habitat of the SPECIES and  
13 thus harmed and/or harassed the SPECIES. The high likelihood that the SPECIES were present  
14 on the Project site and/or historically utilized the Project site during the above-described  
15 operations and activities, is based upon the proximity of the Project to, and the Project itself  
16 having been determined to be a known feeding, breeding, and migratory site for the SPECIES.

17 28. Plaintiffs allege PG&E destroyed critical habitat and ESU of the SPECIES in 2017  
18 resulting in a modification of creek and riverine habitat in the Eel River Watershed, upon which  
19 the SPECIES depend for survival.

20 29. Plaintiffs allege that PG&E, as owner and operator of the Project, modified habitat,  
21 including critical habitat of the SPECIES, resulting in the harm and/or harassment of the  
22 SPECIES due to interference with feeding, migration, breeding and/or sheltering. As a result  
23 PG&E is liable for a "take" under both the definitions of "harm" and "harassment", ESA §  
24 9(a)(1)(B), 16 U.S.C. § 1538(a)(1)(B). This harm and harassment is continuing as operations  
25 on the Project site have permanently destroyed critical habitat essential to the survival of the  
26 SPECIES.

27 30. Today, there remain fragile populations of the SPECIES. A certain critical mass is  
28 necessary to insure survival. Every loss of critical habitat and ESU as well as a member of the

1 SPECIES is cumulative, and if not abated, will certainly lead to their extinction. Plaintiffs allege  
2 that due to PG&E's actions and activities as alleged in this Complaint, the SPECIES' critical  
3 habitat has been substantially modified and degraded, such that extinction will follow if  
4 violations of the ESA, such as that of PG&E as set forth in this Complaint, are not addressed.

5 **IX. CLAIM FOR RELIEF**

6 **(ESA § 9, 16 U.S.C. § 1538)**

7 **The "Take" of an Endangered Species**

8 31. Plaintiffs incorporate the allegations set forth in Paragraphs 1 through 30 above as though  
9 fully set forth herein, and alleges as follows:

10 32. PG&E has violated ESA § 9 and its implementing regulations by causing a direct and/or  
11 indirect "take" of protected species by substantially modifying, degrading and/or destroying  
12 critical habitat of the SPECIES and/or by killing and/or harming the SPECIES when conducting  
13 operations on the Project. 16 U.S.C. § 1538; 50 C.F.R. § 17.31.

14 33. Due to the failure to mitigate the "take," as well as PG&E's continued management  
15 practices at the Project, Plaintiffs allege PG&E's violations of the ESA as set forth in this  
16 Complaint are ongoing and will continue after the filing of this Complaint. Plaintiffs allege  
17 herein all violations which may have occurred or will occur prior to trial, but for which data may  
18 not have been available to Plaintiffs prior to the filing of this Complaint. Plaintiffs will amend  
19 the pleadings as necessary to address further violations of the ESA by PG&E which may occur  
20 after the filing of this Complaint.

21 34. Plaintiffs are informed and believe, and on such information and belief allege, that  
22 without the imposition of appropriate equitable relief, PG&E will continue to violate the ESA  
23 with respect to the SPECIES. Plaintiffs are further informed and believe, and on such  
24 information and belief allege, that the relief requested in this Complaint will redress the injury  
25 to Plaintiffs including the SPECIES, prevent future injury and protect the interests of Plaintiffs'  
26 members whose interests are, or may be, adversely affected by PG&E's violations of the ESA  
27 as set forth in this Complaint.

28 //

**X. PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray this Court grant the following relief:

35. Declare PG&E to have violated and to be in violation of ESA § 9 by conducting operations and management activities at the Project that modify, degrade and destroy critical habitat of the SPECIES thereby causing an illegal “take”;

36. Issue an order for PG&E to mitigate the harm to the SPECIES and their habitat caused by the activities of PG&E as alleged herein;

37. Issue an injunctive order enjoining PG&E from continuing to conduct operations at the Project that constitute a “take”;

38. Issue an injunctive order requiring PG&E to mitigate the harm caused to the SPECIES by the previous destruction of critical habitat;


39. Issue an injunctive order requiring PG&E to fully cooperate with resource agencies with responsibility over wildlife;

40. Order PG&E to pay Plaintiffs’ reasonable attorneys’ fees and costs (including expert witness fees), as provided by 16 U.S.C. § 1540 (g)(3)(A)(4) and applicable California law; and,

41. Grant such other and further relief as may be just and proper.

DATED: October 11, 2017

LAW OFFICE OF EDWARD E. YATES

By: 

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CALIFORNIA RIVER WATCH

LAW OFFICE OF JACK SILVER

By:   
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