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**ENDORSED
FILED**

JAN 06 2011

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA**

10 IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SONOMA

12 RUSSIAN RIVERKEEPER and REDWOOD
13 EMPIRE CHAPTER OF TROUT UNLIMITED,
14 non-profit organizations,

15 Petitioners and Plaintiffs,

16 vs.

17 COUNTY OF SONOMA and SONOMA COUNTY
18 BOARD OF SUPERVISORS,

19 Respondents and Defendants,

20 and

21 SYAR INDUSTRIES, INC. and DOES 1 through 5,

22 Real Parties in Interest.

Case No.: *SCV* 248899

VERIFIED PETITION FOR
WRIT OF MANDATE AND
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

23 **INTRODUCTION**

24 1. This lawsuit challenges the Syar Alexander Valley Instream Mining Project and
25 Sonoma County ARM Plan Amendments (the "Syar Project"), approved by respondents and
26 defendants (collectively, the "County") on December 7, 2010. The County's decision permits real
27 party in interest Syar Industries, Inc. ("Syar") to mine up to 350,000 tons of gravel from a 6.5-mile
28 stretch of the Russian River in the lower Alexander Valley – every summer for 15 years.

2. The County's decision to approve the Syar Project is entirely inconsistent with efforts
to restore the Russian River watershed and recover imperiled salmon and steelhead. The County's
decision also violates the California Environmental Quality Act ("CEQA"). As set forth below, the

1 environmental impact report (“EIR”) certified by the County for the Syar Project fails to analyze
2 adequately the project’s significant environmental effects, fails to set forth adequate mitigation
3 measures, and is otherwise deficient as a matter of law.

4 3. Petitioners and plaintiffs Russian Riverkeeper and Redwood Empire Chapter of Trout
5 Unlimited (collectively, “Petitioners”) ask the Court to issue a writ of mandate directing the County
6 to set aside its approval of the Syar Project and for additional relief specified below.

7 **JURISDICTION AND VENUE**

8 4. This Court has jurisdiction to review the County’s decision to approve the Syar
9 Project under Public Resources Code sections 21167-21168.7 and Code of Civil Procedure sections
10 1085 and/or 1094.5. The Court has jurisdiction to issue declaratory relief pursuant to Code of Civil
11 Procedure § 1060 and injunctive relief pursuant to Code of Civil Procedure § 525 *et seq.*

12 5. Venue is proper in this Court under Code of Civil Procedure sections 393 and 394.

13 6. Pursuant to Public Resources Code section 21167, subdivisions (b) and (c),
14 Petitioners filed this action within 30 days after the County filed its Notice of Determination.

15 7. Pursuant to Public Resources Code section 21167.5, Petitioners have provided written
16 notice of their intention to file this petition to the County and are including the notice and proof of
17 service as Exhibit A to this petition.

18 8. Pursuant to Public Resources Code section 21167.7, Petitioners have served the
19 Attorney General with a copy of this petition, along with a notice of its filing, and are including the
20 notice as Exhibit B to this petition.

21 9. Petitioners will comply with the requirements of Public Resources Code section
22 21167.6 by filing concurrently with this petition and complaint a notice of their election to prepare
23 the record of administrative proceedings relating to this action.

24 10. Petitioners participated in the administrative process that culminated in the County’s
25 decision to approve and certify the EIR for the Syar Project through written and oral comments.
26 Petitioners have exhausted all of their administrative remedies prior to filing this action.

27 11. Petitioners have no plain, speedy or adequate remedy in the course of ordinary law.
28 Petitioners will suffer irreparable harm unless the Court grants the relief requested herein.

1 **PARTIES**

2 12. Petitioner and plaintiff RUSSIAN RIVERKEEPER is a non-profit public benefit
3 corporation organized under the laws of the State of California with its main office in Healdsburg,
4 California. Riverkeeper’s mission is to work with the community to advocate, educate and uphold
5 our environmental laws to ensure the protection and restoration of the Russian River and its
6 tributaries. Since 1993, Riverkeeper and its predecessor, Friends of the Russian River, has worked
7 to restore habitat, monitor and protect water quality, and eliminate the adverse impacts of gravel
8 mining. Riverkeeper has approximately 1,550 members, many of whom live near and recreate in
9 and around the Russian River and its tributaries.

10 13. Petitioner and plaintiff REDWOOD EMPIRE CHAPTER OF TROUT UNLIMITED
11 is the local Sonoma County chapter of Trout Unlimited, the nation’s oldest coldwater fisheries
12 conservation organization. Trout Unlimited has approximately 140,000 members nationwide,
13 organized into more than 350 chapters that work to protect, reconnect, restore, and sustain America’s
14 trout and salmon resources. Trout Unlimited has approximately 10,400 active members in
15 California. Trout Unlimited’s Redwood Empire Chapter has been instrumental in numerous aspects
16 of salmonid recovery in the Russian River and its tributaries, including but not limited to, habitat
17 restoration, instream flow management, and fish passage at Healdsburg Dam. The Redwood Empire
18 Chapter is involved in numerous community-based education and conservation projects, often
19 working collaboratively with landowners, water users, and businesses throughout the area.

20 14. Respondent and defendant COUNTY OF SONOMA is the lead agency charged with
21 certifying the EIR for the Syar Project in accordance with CEQA.

22 15. Respondent and defendant SONOMA COUNTY BOARD OF SUPERVISORS is the
23 governing body that voted to approve the Syar Project and certify the EIR on December 7, 2010.

24 16. Real party in interest SYAR INDUSTRIES, INC. is a private company and the
25 project applicant under CEQA. Syar and its paid consultants prepared the EIR for the Syar Project.

26 17. The true names and capacities of real party Does 1 through 5 are not presently known
27 to petitioners. Petitioners may amend this Petition to add the true names and capacities of real party
28 Does at such time as they are discovered.

FACTUAL BACKGROUND

The Russian River

18. With a watershed of almost 1,500 square miles, the Russian River is one of the principal waterways in California's north coast. From its headwaters in the Redwood and Potter Valleys north of Ukiah, the Russian River flows south into the Alexander Valley near Cloverdale. Below Alexander Valley's Jimtown Bridge, the river enters a confined bedrock canyon, from which it emerges near Healdsburg. The river continues south from Healdsburg to the Wohler Bridge, and then west through the communities of Rio Nido, Guerneville and Duncan Mills. It empties into the Pacific Ocean at Jenner, about 20 miles west of Santa Rosa.

19. The Russian River supports Central California Coast coho salmon, California Coastal Chinook salmon, and Central California Coast steelhead, all of which are listed under the federal Endangered Species Act. According to the National Marine Fisheries Service, the continued viability of these three distinct salmonid populations is dependent upon the species' survival and recovery in the Russian.

20. Commercial gravel mining has occurred in the Russian River since the early 1900s. The rate of mining increased substantially from 1940 to 1980. Between 1981 and 1993, industry mined an average of 680,000 tons of gravel every year from the Alexander Valley reach of the Russian River, with rates peaking at over 900,000 tons in some years.

21. According to the EIR for the Syar Project, gravel mining "can result in a variety of adverse impacts, including downcutting of the channel, bank erosion and associated secondary effects (e.g., loss of streamside agricultural soils, increased sedimentation, loss of riparian vegetation, loss of riffle and pool fish habitat, loss of aquatic habitat and flooding), scour downstream of the mining area, and creation of a wide and shallow low flow channel that can elevate water temperatures, reduce groundwater resources and quality, and diminish water quality."

22. Gravel mining has contributed to the precipitous decline of salmon and steelhead in the Russian River. The Syar Project EIR states that "[p]ast instream gravel extraction, especially when mining occurred in or immediately adjacent to the active channel, has contributed to cumulative fishery impacts where high quality habitat was degraded through increased water

1 turbidity, blocked fish passage, removed streamside vegetation, accelerated bank erosion, or removal
2 of spawning gravels.”

3 23. Erosion is prevalent along the banks of the Russian River, particularly in the lower
4 Alexander Valley. The Syar Project EIR states that “[t]here are at least 21 sections of riverbank
5 experiencing moderate or high erosion rates that range in length from 500 to over 2,000 feet in
6 length.” Erosion has claimed many acres of mature riparian forest and some agricultural land
7 adjacent to the Russian River, and has undercut roadways, foundations, and bridge footings.

8 24. In an effort to prevent further erosion and stem the decline of salmon and steelhead in
9 the Russian River, the County adopted an Aggregate Resources Management (“ARM”) Plan in 1994
10 that placed restrictions on instream gravel mining. Instream mining decreased substantially
11 following the adoption of the ARM Plan. Between 1994 to 2001, industry mined only 123,000 tons
12 of gravel per year from the Alexander Valley. Since 2001, no mining at all has occurred in the lower
13 Alexander Valley, and very little mining has occurred in the upper Alexander Valley.

14 **The Syar Project**

15 25. The Syar Project will mine up to 350,000 tons of gravel from the Russian River every
16 year for a period of 15 years. The mining will take place on a 6.5-mile stretch of river located in the
17 lower Alexander Valley near the town of Geyserville. The Syar Project will be the first instream
18 gravel mining project to occur in the lower Alexander Valley in over a decade.

19 26. The Syar Project is inconsistent with various aspects of the 1994 ARM plan. Among
20 other things, the Syar Project involves mining methods that are not allowed under the ARM Plan and
21 includes a longer permit term than would be allowed. (The ARM Plan limits mining permits to 10-
22 year terms, whereas the Syar Project includes a 15-year permit.) The Syar Project includes
23 amendments to the ARM Plan that are intended to address these inconsistencies.

24 27. To access the lower Alexander Valley stretch of the Russian River, Syar will use a
25 combination of public and private roads that lead from Highway 101 to the river’s west side. From
26 these roads, Syar will bulldoze earthen ramps into the riverbed and construct temporary bridges
27 across the river channel as necessary to reach gravel bars that are located upstream or downstream
28 from the access ramps. These bridges will be at least 20 feet long and will provide a minimum

1 clearance of 4 feet above the summer low-flow channel. Construction of the bridges will require
2 Syar to place fill on either side of the channel above the natural grade to form the abutment for the
3 bridge. Bridges will be in place from June 15 to October 15.

4 28. Prior to mining, Syar will strip the bars of native riparian vegetation. Syar will then
5 use earthmoving equipment to skim gravel from the gravel bars and push it into temporary piles.
6 Syar will load the gravel into haul trucks for transport to its processing plant in Healdsburg.

7 29. Multiple haul trucks will be in operation simultaneously, so that different trucks could
8 be offloading at the processing plant, loading at the mining site, and transporting on the haul routes
9 at the same time. Each truck can transport a load of approximately 25 tons. The Syar Project EIR
10 estimates that the project could result in 480 truck trips every day during the mining season.

11 30. The mining season will run from June 1 to November 1, except for bars requiring
12 access via temporary bridges, which will be mined from June 15 to October 15 only. Syar will
13 conduct mining operations Monday through Friday, starting as early as 6:00 a.m. and ending as late
14 as 9:30 p.m., as daylight allows.

15 **STATUTORY BACKGROUND**

16 31. The California Environmental Quality Act (“CEQA”) is a comprehensive statute
17 designed to provide long-term protection to the environment. In enacting CEQA, the Legislature
18 declared its intention that all public agencies responsible for regulating activities affecting the
19 environment give prime consideration to preventing environmental damage when carrying out their
20 duties. (Pub. Res. Code § 21000, subd. (g).) The term “public agency” is defined to include any
21 county. (Pub. Res. Code § 21063.)

22 32. CEQA directs lead agencies to certify an EIR for “any project which they propose to
23 carry out or approve which may have a significant effect on the environment.” (Pub. Res. Code
24 § 21151, subd. (a).) The term “lead agency” means “the public agency which has the principal
25 responsibility for carrying out or approving a project.” (Pub. Res. Code § 21067.) An EIR is a
26 “detailed statement” setting forth, among other things, “all significant effects on the environment of
27 the proposed project,” “mitigation measures proposed to minimize significant effects on the
28 environment,” and “alternatives to the proposed project.” (Pub. Res. Code § 21100, subd. (b).)

1 39. The draft EIR also proposed to mitigate many of the impacts associated with mining
2 through an adaptive management strategy (“AMS”). According to the draft EIR, “[t]he AMS
3 provides a framework for adjusting management decisions depending on the prevailing physical and
4 biological conditions before the start of the mining season, and for allowing the lessons learned from
5 earlier phases of mining to be incorporated into subsequent phases.”

6 40. The draft EIR concludes that “[t]he AMS and supplemental mitigation measures
7 would ensure that hydrological impacts (e.g., bank erosion, alteration of the natural geomorphic
8 characteristics of the channel, etc.) would be less than significant.” Along the same lines, the draft
9 EIR states that the Syar Project’s “incremental contribution to potentially significant cumulative
10 fisheries impacts would be less than considerable with the implementation of the AMS and
11 supplemental mitigation measures.”

12 41. The draft EIR concluded that the Syar Project would result in several significant
13 adverse environmental impacts that could not be avoided or mitigated. Specifically, the draft EIR
14 determined that the Syar Project would result in significant and unavoidable impacts to traffic, air
15 quality, noise, and aesthetics.

16 42. The draft EIR identified four alternatives to the Syar Project, including a “no-project”
17 alternative. “Alternative 4” involved implementing the Syar Project as proposed, but with a lower
18 maximum annual extraction volume – up to 132,000 tons per year, instead of up to 350,000 tons per
19 year as proposed. The draft EIR identified Alternative 4 to be the “environmentally superior” action
20 alternative. According to the draft EIR, Alternative 4 “would . . . meet most of the objectives of the
21 proposed project, but would not achieve Syar’s target of aggregate production.”

22 43. The County received numerous comments on the draft EIR for the Syar Project. For
23 example, the California Department of Fish and Game urged the County to consider an alternative
24 that would include a lower extraction volume and a 10-year permit term. Petitioners also submitted
25 extensive comments on the draft EIR. Among other things, Petitioners urged the County to consider
26 significant adverse impacts that would occur downstream from the proposed mining, as downstream
27 were not analyzed adequately in the draft EIR. Petitioners also requested that the County cite and
28

1 make available the data and analysis underlying several of the mitigation measures in the EIR,
2 including the purported baseline elevations and annual recharge rate.

3 44. The County issued its written response to comments on the draft EIR in September
4 2010. In an effort to reduce significant air quality, noise, and traffic impacts, the County proposed to
5 eliminate two of the seven access roads (identified as haul routes 2 and 5 in the draft EIR) from the
6 project description. Eliminating haul routes 2 and 5 increases substantially the distance that vehicles
7 must travel within the river bed itself and will require many additional stream crossings.

8 45. The County voted to approve the Syar Project and certify the final EIR on December
9 7, 2010. Findings adopted by the County concluded that the Syar Project will have a significant
10 adverse impact on the environment. The County nevertheless determined that alternatives to the
11 Syar Project are infeasible, and that the benefits of the project outweigh the significant effects on the
12 environment.

13 46. The County filed a notice of determination for the Syar Project on December 7, 2010.

14 **FIRST CAUSE OF ACTION**

15 **(Violation of CEQA: Failure to Describe Significant Environmental Effects)**

16 47. Petitioners re-allege, as if fully set forth herein, each and every allegation contained
17 in the preceding paragraphs.

18 48. An EIR must “describe all significant effects on the environment of the proposed
19 project.” (Pub. Res. Code § 21100, subd. (b)(1).) Guidelines promulgated by the Secretary of
20 Resources for implementing CEQA (the “CEQA Guidelines”) explain:

21 Direct and indirect significant effects of the project on the environment shall be clearly
22 identified and described, giving due consideration to both the short-term and long-term
23 effects. The discussion should include relevant specifics of the area, the resources
involved, physical changes, alterations to ecological systems . . . and other aspects of the
resource base such as water, historical resources, scenic quality, and public services.

24 (Cal. Code Regs., tit. 14, § 15126.2, subd. (a).)

25 49. In violation of CEQA, the EIR for the Syar Project fails to analyze and describe
26 adequately the project’s significant environmental effects. Among other things, the analysis of
27 environmental effects is limited to impacts that will occur within the project reach and neglects to
28 consider impacts that will occur downstream.

1 **SECOND CAUSE OF ACTION**

2 **(Violation of CEQA: Failure to Cite and Make Available Data)**

3 50. Petitioners re-allege, as if fully set forth herein, each and every allegation contained
4 in the preceding paragraphs.

5 51. CEQA provides that “information or data which is relevant to [an EIR] and is a
6 matter of public record or is generally available to the public need not be repeated in its entirety in
7 [the EIR], but may be specifically cited as the source for conclusions stated therein; . . . provided
8 . . . that such information or data shall be briefly described, that its relationship to the environmental
9 impact report shall be indicated, and that the source of thereof shall be reasonable available for
10 inspection at a public place or public building.” (Pub. Res. Code § 21061.)

11 52. In violation of CEQA, the EIR for the Syar Project fails to cite, describe, and make
12 available to the public data and analysis that is fundamental to the evaluation of environmental
13 effects and the efficacy of the mitigation measures. For example, the EIR fails to cite and/or make
14 available the data and analysis underlying the estimations of the annual gravel recharge rate and
15 baseline elevations for the Alexander Valley reach set forth in the EIR.

16 **THIRD CAUSE OF ACTION**

17 **(Violation of CEQA: Inadequate Mitigation Measures)**

18 53. Petitioners re-allege, as if fully set forth herein, each and every allegation contained
19 in the preceding paragraphs.

20 54. An EIR must set forth “mitigation measures proposed to minimize significant effects
21 on the environment.” (Pub. Res. Code § 21100, subd. (b)(3).) “Formulation of mitigation measures
22 should not be deferred until some future time.” (Cal. Code Regs., tit. 14, § 15126.4, subd. (a)(1)(b).)
23 Moreover, “[m]itigation measures must be fully enforceable through permit conditions, agreements,
24 or other legally binding instruments.” (*Ibid.*, subd. (a)(2).)

25 55. In violation of CEQA, several of the key mitigation measures set forth in the EIR for
26 the Syar Project are unlawfully deferred, unenforceable, or otherwise inadequate. For example, the
27 EIR relies on an adaptive management strategy (“AMS”) to mitigate many of the Syar Project’s
28 significant adverse impacts, including impacts to salmonids and river hydrology. The AMS

1 specifies performance criteria, but fails to identify enforceable, concrete, or otherwise adequate
2 measures that will be adopted if the performance criteria are exceeded. Thus, for example, the AMS
3 states that “[i]f any of the performance criteria for riffle or pool habitat are exceeded in any given
4 year . . . the operator shall hire a qualified fisheries biologist to conduct an investigation and provide
5 a report including proposed remediation measures.”

6 56. Courts have held that “[d]eferral of the specifics of mitigation is permissible where
7 the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and
8 possibly incorporated in the mitigation plan. [Citation.] On the other hand, an agency goes too far
9 when it simply requires a project applicant to obtain a biological report and then comply with any
10 recommendations that may be made in the report.” (*Endangered Habitats League Inc. v. County of*
11 *Orange* (2005) 131 Cal.App.4th 777, 793.)

12 57. The Syar Project’s failure to set forth, and the County’s failure to adopt, adequate
13 mitigation measures violates CEQA.

14 **FOURTH CAUSE OF ACTION**

15 **(Violation of CEQA: Inadequate Response to Comments)**

16 58. Petitioners re-allege, as if fully set forth herein, each and every allegation contained
17 in the preceding paragraphs.

18 59. CEQA requires agencies to evaluate comments received on a draft EIR and to prepare
19 a written response that describes the disposition of each significant environmental issue that is
20 raised. (Pub. Res. Code § 21091, subd. (d).) The CEQA Guidelines explain that “there must be a
21 good faith, reasoned analysis in response . . . [c]onclusory statements unsupported by factual
22 information will not suffice.” (Cal. Code Regs., tit. 14, § 15088, subd. (c).)

23 60. In violation of CEQA, the County failed to provide an adequate written response to
24 significant environmental issues raised in comments it received on the draft EIR. For example, the
25 County failed to respond adequately to comments demonstrating that the Syar Project will result in
26 significant adverse environmental impacts downstream from the project reach. The County likewise
27 failed to respond adequately to comments demonstrating that the data and analysis underlying many
28 of the key findings in the EIR – including, but not limited to, data relating to local aggregate demand

1 and the annual gravel replenishment rate – are flawed, unsupported by substantial evidence, or
2 otherwise inadequate.

3 **FIFTH CAUSE OF ACTION**

4 **(Violation of CEQA: Failure to Adopt Feasible Alternatives)**

5 61. Petitioners re-allege, as if fully set forth herein, each and every allegation contained
6 in the preceding paragraphs.

7 62. CEQA directs public agencies to “mitigate or avoid the significant effects on the
8 environment of projects that it carries out or approves whenever it is feasible to do so.” (Pub. Res.
9 Code § 21002.1, subd. (b).) If a project will cause a significant adverse effect on the environment,
10 CEQA prohibits the agency from approving the project unless the agency finds (1) that “[s]pecific
11 economic, legal, social, technological, or other considerations . . . make infeasible the mitigation
12 measures or alternatives identified in the [EIR]” and (2) that “specific overriding economic, legal,
13 social, technological, or other benefits of the project outweigh the significant effects on the
14 environment.” (Pub. Res. Code § 21081.)

15 63. The EIR for the Syar Project concludes that the proposed mining will have significant
16 adverse effects on the environment. In its findings approving the Syar Project, the County
17 nevertheless concluded that alternatives to the Syar Project as proposed – including Alternative 4,
18 the reduced volume alternative – were infeasible.

19 64. The County’s finding that Alternative 4 is infeasible is arbitrary, capricious, and
20 unsupported by substantial evidence in the record. Indeed, the draft EIR acknowledged that
21 Alternative 4 “would . . . meet most of the objectives of the proposed project.” The County’s
22 approval of the Syar Project therefore violates CEQA.

23 **SIXTH CAUSE OF ACTION**

24 **(Violation of CEQA: Failure to Re-circulate EIR)**

25 65. Petitioners re-allege, as if fully set forth herein, each and every allegation contained
26 in the preceding paragraphs.

27 66. When significant new information is added to an EIR after the close of the public
28 comment period, but prior to certification of the EIR, CEQA requires the agency to re-circulate the

1 EIR for public review and comment. (Pub. Res. Code § 21092.1.) Consistent with this statutory
2 provision, CEQA Guidelines provide that an EIR must be re-circulated when a “new significant
3 environmental impact would result from . . . a new mitigation measure proposed to be
4 implemented.” (Cal. Code Regs., tit. 14, § 15088.5, § 15088.5, subd. (a)(1).)

5 67. After the close of the public comment period on the draft EIR for the Syar Project, the
6 County proposed to implement new mitigation measures that will have a significant environmental
7 impact. Specifically, the County proposed to eliminate haul routes 2 and 5 from the project
8 description.

9 68. Eliminating haul routes 2 and 5 increases substantially the amount of vehicle and
10 heavy equipment traffic within the riverbed and will require additional stream crossings and will
11 result in significant new environmental impacts. The County’s failure to re-circulate the EIR for
12 public review and comment therefore violated CEQA.

13 **SEVENTH CAUSE OF ACTION**

14 **(Declaratory and Injunctive Relief)**

15 69. Petitioners re-allege, as if fully set forth herein, each and every allegation contained
16 in the preceding paragraphs.

17 70. Petitioners have no plain, speedy, or adequate remedy at law. Unless enjoined, the
18 County will implement the Syar Project despite the violations of CEQA alleged herein. Petitioners
19 will suffer irreparable harm by the County’s failure to take the required steps to protect the
20 environment. Declaratory relief is appropriate under Code of Civil Procedure § 1060, injunctive
21 relief is appropriate under Code of Civil Procedure § 525 *et seq.* and a writ of mandate is appropriate
22 under Code of Civil Procedure § 1085 *et seq.* and 1094.5 *et seq.* and under Public Resources Code
23 § 21168.9, to prevent irreparable harm to the environment.

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1 **REQUEST FOR RELIEF**


2 Wherefore, Petitioners respectfully request relief as follows:

- 3 1. For a stay of the County's decisions certifying the EIR and approving the Syar Project
4 pending trial;
- 5 2. For a temporary restraining order and preliminary injunction restraining the County
6 and Syar from taking any action to carry out the Syar Project, in whole or in part, pending trial;
- 7 3. For a peremptory writ of mandate, permanent injunction and declaratory relief:
- 8 a. directing the County to vacate and set aside its certification of the EIR for the
9 Syar Project and its approval of the Syar Project.
- 10 b. directing the County and Syar to suspend all activity under the certification of
11 the EIR and approval of the Syar Project that could result in any change or
12 alteration to the physical environment until the County has taken actions
13 necessary to bring the Syar Project into compliance with CEQA;
- 14 c. directing the County to prepare, circulate, and consider a new and legally
15 adequate EIR and to otherwise comply with CEQA in any subsequent action
16 taken to approve the Syar Project.
- 17 4. For costs incurred herein, including reasonable attorney's fees; and
- 18 5. For all such other equitable or legal relief that the Court considers just and proper.

19 Respectfully submitted,

20 TRENT W. ORR, State Bar No. 77656

21 Dated: January 6, 2011


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Counsel for Petitioners and Plaintiffs

1 **VERIFICATION**

2 I, Don McEnhill, hereby declare:

3 I am the Executive Director of and Riverkeeper for petitioner and plaintiff Russian
4 Riverkeeper. The facts alleged in the above petition for writ of mandate and complaint for
5 declaratory and injunctive relief are true to my personal knowledge and belief.

6 I declare under penalty of perjury under the laws of the State of California that the above is
7 true and correct and that this verification is executed on this 6th day of January, 2011 at Healdsburg,
8 California.

9
10 
11 Don McEnhill