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7 California Rifle & Pistol Association, Incorporated;
8 California Bowmen Hunters/State Archery Association;
9 HOWL for Wildlife, Inc.; California Deer Association;
10 and Coalition to Save Catalina Island Deer

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

11 SAFARI CLUB INTERNATIONAL;
12 CALIFORNIA RIFLE & PISTOL
13 ASSOCIATION, INCORPORATED;
14 CALIFORNIA BOWMEN
15 HUNTERS/STATE ARCHERY
16 ASSOCIATION; HOWL FOR WILDLIFE,
17 INC.; CALIFORNIA DEER
18 ASSOCIATION; and COALITION TO
19 SAVE CATALINA ISLAND DEER,

16 Plaintiffs-Petitioners,

17 v.

18 CALIFORNIA DEPARTMENT OF FISH
19 AND WILDLIFE; CALIFORNIA
20 DEPARTMENT OF FISH AND
21 WILDLIFE, SOUTH COAST REGION;
22 and DOES 1-10,

21 Defendants-Respondents.

22 CATALINA ISLAND CONSERVANCY,
23 Real Party in Interest

Case No.: 26STCP00987

**VERIFIED PETITION FOR WRIT OF
MANDATE OR OTHER APPROPRIATE
RELIEF**

(California Environmental Quality Act, Pub.
Resources Code, § 21168.5; Code of Civ. Proc.,
§ 1085)

CEQA CASE

1 Section 21080.56. Finally, the Project either requires, permits, or is indifferent to violations of
2 applicable local, state, and federal law, which Section 21080.56 forbids.

3 4. As a result, the CEQA exemption is invalid, rendering the resulting RMP also invalid, at
4 least with respect to the deer eradication/management component. Respondents' unlawful and improper
5 approval of a CEQA exemption for the Project and issuance of the RMP is prejudicial to Petitioners, as
6 they have an interest in maintaining a deer herd on Catalina Island because Petitioners' members and
7 supporters use, enjoy, study, photograph, advocate for, and derive benefit from Santa Catalina Island
8 and its wildlife, including mule deer, which they would no longer be able to do if the RMP stands.

9 5. Because Respondents abused their discretion in exempting the Project from CEQA
10 review, thereby prejudicing Petitioners, Petitioners respectfully request that this Court issue a writ of
11 mandate vacating the RMP and Project authorization entirely, or, alternatively, at least with respect to
12 the deer eradication/management component.

13 PARTIES

14 6. Petitioner SAFARI CLUB INTERNATIONAL ("SCI") is a nonprofit membership
15 organization founded in Los Angeles in 1972, with members and chapters throughout the United States
16 and beyond. SCI's purposes include advocating for hunters, promoting wildlife conservation, defending
17 sustainable use of wildlife resources, and supporting hunter education and outdoor traditions. SCI and
18 its members have interests in the conservation, maintenance, and lawful, scientifically based
19 management of mule deer as a wildlife resource, including for wildlife observation, education, hunting,
20 and lawful harvest for food. SCI's members and supporters include persons who visit, use, and enjoy
21 Santa Catalina Island and who value the continued existence of the Island's deer herd, and who support
22 its sustainable management through regulated hunting. Respondents' unlawful approval of the Project
23 and authorization of deer eradication on Catalina Island injure those interests.

24 7. Petitioner CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED
25 ("CRPA") is a nonprofit membership organization incorporated under the laws of California, with
26 headquarters in Fullerton, California. Among its purposes, CRPA advocates for the rights and interests
27 of California firearm owners, hunters, and sportsmen, and promotes lawful, responsible firearm use,
28 safety, education, and outdoor traditions. CRPA and its members have interests in the lawful,

1 scientifically based management of California wildlife resources, including mule deer, and in
2 preserving opportunities for the beneficial use and enjoyment of those resources, including hunting,
3 outdoor recreation, and related education and advocacy. CRPA’s members and supporters include
4 people who visit, use, and enjoy Santa Catalina Island and who value the continued existence and
5 lawful management of the Island’s deer herd. Respondents’ unlawful approval of the Project and
6 authorization of deer eradication on Catalina Island injure those interests.

7 8. Petitioner CALIFORNIA BOWMEN HUNTERS/STATE ARCHERY ASSOCIATION
8 (“CBH/SAA”) is a nonprofit organization established in 1964 to promote and defend the interests of
9 target archers and bowhunters throughout California. CBH/SAA provides education, information,
10 advocacy, and support concerning archery, bowhunting, wildlife conservation, and hunting laws and
11 regulations in California. CBH/SAA and its members have interests in the conservation, maintenance,
12 and lawful, scientifically based management of mule deer as a California wildlife resource, including
13 for outdoor recreation, education, wildlife observation, hunting, and lawful harvest for food.
14 CBH/SAA’s members and supporters include people who visit, use, and enjoy Santa Catalina Island
15 and who value the continued existence and lawful management of the Island’s deer herd. Respondents’
16 unlawful approval of the Project and authorization of deer eradication on Catalina Island injure those
17 interests.

18 9. Petitioner HOWL FOR WILDLIFE, INC. (“HOWL”) is a nonprofit, member
19 organization with headquarters in Pacifica, California. Its mission is to bridge the gap between the
20 public, policymakers, and wildlife biologists—ensuring that important decisions remain rooted in
21 sound research. To that end, Howl advocates for wildlife conservation, hunting, and the rights of
22 sportsmen and women, and educates and mobilizes its members and supporters on issues of wildlife
23 management and outdoor policy. Howl and its members have interests in the lawful, transparent, and
24 scientifically based management of California wildlife resources, including mule deer, and in
25 preserving opportunities for wildlife observation, outdoor recreation, hunting, and related advocacy.
26 Howl’s members and supporters include people who visit, use, and enjoy Santa Catalina Island and
27 who value the continued existence and lawful management of the Island’s deer herd. Respondents’
28 unlawful approval of the Project and authorization of deer eradication on Catalina Island injure those

1 interests.

2 10. Petitioner CALIFORNIA DEER ASSOCIATION (“CDA”) is a nonprofit organization
3 with chapters and members throughout California. CDA is devoted to the conservation and
4 stewardship of deer, deer habitat, and California’s hunting and wildlife heritage, and it envisions a
5 diverse and healthy landscape where deer and other wildlife thrive. CDA works to ensure that science-
6 based wildlife management remains at the heart of California’s policy decisions. CDA and its
7 members have direct interests in the conservation, maintenance, and lawful, scientifically based
8 management of mule deer as a California wildlife resource, including for ecological, educational,
9 aesthetic, recreational, and hunting purposes. CDA’s members and supporters include people who
10 visit, use, and enjoy Santa Catalina Island and who value the continued existence and lawful
11 management of the Island’s deer herd. Respondents’ unlawful approval of the Project and
12 authorization of deer eradication on Catalina Island injure those interests.

13 11. Petitioner COALITION TO SAVE CATALINA ISLAND DEER is an unincorporated
14 association of diverse individuals, including current and former Catalina Island residents, Catalina
15 Island business and property owners, and people who regularly visit Catalina Island and support its
16 tourism-based economy. The Coalition was formed to protect Catalina Island’s mule deer and the
17 Island’s associated cultural, community, environmental, and economic values, and to promote lawful
18 and transparent agency decision-making. The Coalition and its members use, visit, enjoy, and advocate
19 for Santa Catalina Island and its wildlife, including the Island’s deer herd, and are directly aggrieved by
20 Respondents’ unlawful approval of the Project and authorization of deer eradication. The Coalition sues
21 in the name by which it is known under Code of Civil Procedure section 369.5.

22 12. Respondent CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (“CDFW”) is
23 an agency of the state of California. It is CDFW’s mission and responsibility to “manage California’s
24 diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological
25 values and for their use and enjoyment by the public.”¹ CDFW is thus charged with the administration
26 and enforcement of California’s fish and wildlife laws and with the conservation, management, and
27

28 ¹ (State of Cal., Dept. of Fish & Wildlife, <<https://wildlife.ca.gov/>> [as of Mar. 9, 2026].)

1 protection of the State’s wildlife resources. CDFW, acting through its officers, employees, divisions,
2 and regions, participated in and approved the challenged exemption determination and related Project
3 approvals at issue in this action.

4 13. Respondent CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, SOUTH
5 COAST REGION (“Lead Agency”) is a regional division of CDFW and, on information and belief, the
6 CDFW entity that acted as the Lead Agency for purposes of the challenged statutory exemption
7 determination under Public Resources Code section 21080.56, and that approved and issued the CEQA
8 exemption and RMP challenged here. It is responsible, in whole or in part, for the decisions, actions,
9 and omissions alleged herein.

10 14. Real Party in Interest CATALINA ISLAND CONSERVANCY (“Conservancy”) is a
11 501(c)(3) non-profit public benefit corporation with its principal place of business in Long Beach,
12 California. The Conservancy is the applicant for, beneficiary of, and holder of the RMP challenged
13 here. The Conservancy proposed the Project, sought the statutory exemption and related approvals at
14 issue, and claims an interest in the validity of those approvals adverse to Petitioners.

15 15. Petitioners are unaware and genuinely ignorant of the true identities of DOES 1 through
16 10. Doe Respondents are fictitiously named. The true names and capacities, whether an individual,
17 corporation, heirs, assigns, successor in interest, or otherwise, of any Doe Respondents, are unknown to
18 Petitioners at the time of filing of this petition. Petitioners will amend this petition to show the true
19 names and capacities of these Doe Respondents when the same have been ascertained. Petitioners are
20 informed and believe, and on that basis allege, that at all times herein mentioned, Respondents
21 fictitiously designated, and each of them, were the agents, servants, employees, representatives, or other
22 persons or entities acting or purporting to act on Respondents CDFW’s or Lead Agency’s behalf or
23 over whom Respondents exercise management and control, and were at all times herein mentioned
24 within the course and scope of such agency and/or employment Petitioners are informed, and believe,
25 and on that basis allege, that each of the Respondents named as DOES 1 through 10 were in some
26 manner acting unlawfully or otherwise responsible for the events and happenings hereinafter alleged.

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1 **JURISDICTION AND VENUE**

2 16. This Court has jurisdiction under Code of Civil Procedure section 1085 and Public
3 Resources Code section 21168.5.

4 17. Venue for this action is proper because the Project and its associated impacts are
5 authorized to occur in the County of Los Angeles. (Code Civ. Proc., § 393, subd. (b).)

6 18. Respondents have taken final agency actions by approving the Project pursuant to a
7 statutory CEQA exemption found in Public Resources Code section 21080.56. Respondents have a duty
8 to comply with applicable state laws in exercising their discretion to approve the Project at issue in this
9 lawsuit, which duty they have failed to carry out.

10 19. Petitioners have complied with the requirements of Public Resources Code section
11 21167.5 by serving via U.S. Mail a written notice of Petitioners' intention to commence this action on
12 Respondent on March 4, 2026. Attached hereto as **Exhibit A** is a true and correct copy of the written
13 notice and proof of its service.

14 20. Before serving that written notice of their intention to commence this action, Petitioners
15 also notified Respondents of their objections to the Project's approval in a letter submitted by electronic
16 mail (e-mail) to Respondents' representatives, Meghan Hertel and Erinn Wilson-Olgin, on February 11,
17 2026. Attached hereto as **Exhibit B** is a true and correct copy of the letter, including its attachments.

18 21. Petitioners have complied with the requirements of Public Resources Code section
19 21167.6 by concurrently notifying Respondents of Petitioners' request to prepare the record of
20 administrative proceedings relating to this action. Attached hereto as **Exhibit C** is a true and correct
21 copy of the Petitioners' Election to Prepare Administrative Record of Proceedings.

22 22. Petitioners have performed any and all conditions required of them to file this action.
23 Petitioners were not required to exhaust administrative remedies under Public Resources Code section
24 2117² because "there was no public hearing or other opportunity for members of the public to raise []
25 objections orally or in writing before the approval of the [P]roject" (Pub. Resources Code § 21177,
26 subd. (e).) "While Public Resources Code section 21080.56 does not include a public comment

27 _____
28 ² Section 21177 generally provides that an action alleging noncompliance with CEQA may not
be maintained unless the alleged grounds for noncompliance were presented to the public agency during
any public comment period or public hearing on the project. (Pub. Resources Code, § 21177, subd. (a).)

1 requirement, CDFW encourages and supports lead agency efforts to meet and confer with interested
2 parties, neighbors, public officials, and California Native American tribes prior to submittal of a SERP
3 concurrence request to CDFW.³ For some reason, Respondents here dismissed their own advice.
4 Instead, they privately proceeded with approval of the Project on the premise that the Project was
5 exempt from CEQA. To be sure, the record lists various “public engagement” activities that the
6 *Conservancy* supposedly engaged in with the public, which Petitioners contend are misleading. Attached
7 hereto as **Exhibit E** is a true and correct copy of the First Notice of Exemption. Attached hereto as
8 **Exhibit F** is a true and correct copy of the Second Notice of Exemption. (See Exhibit E [First NOE],
9 attach. 1, pp. 4-6, and Exhibit F [Second NOE], attach. 1, pp. 4-6.) But what is glaringly absent from the
10 record is *Respondents’* engagement with the public on the Project. That is because there was virtually
11 none.

12 23. The Conservancy supposedly submitted its application for the RMP at issue in this matter
13 in September 2025. (Exhibit E, [First NOE], attach 1., p. 5; Exhibit F [Second NOE], attach. 1, p. 5.)
14 The Lead Agency then submitted its concurrence request to exempt the Project from CEQA review on
15 January 12, 2026; a CDFW official (not the Director) purported to issue a concurrence on January 26,
16 2026; the Lead Agency determined the Project exempt on January 28, 2026, and filed a Notice of
17 Exemption that same day; the RMP was issued to the Conservancy on January 30, 2026; and CDFW
18 filed a second Notice of Exemption on February 2, 2026. Respondents did not provide public notice to
19 review or address any of these steps. Respondents thus did not provide a CEQA-compliant public
20 comment period, public hearing, or any meaningful opportunity for members of the public, including
21 Petitioners, to raise objections to Respondents’ reliance on a statutory exemption, the adequacy of the
22 Project’s scientific support, the Project’s compliance with Public Resources Code section 21080.56, or
23 the Project’s compliance with other applicable federal, state, and local law. As a result, Petitioners were
24 not required to exhaust administrative remedies under Public Resources Code section 21177. (Pub.
25 Resources Code, § 21177, subd. (e).)

27 ³ (State of Cal., Dept. of Fish & Wildlife, *SERP Questions and Answers*
28 <[https://wildlife.ca.gov/Conservation/Cutting-Green-Tape/SERP/QA#570063372-will-the-public-
haveopportunities-to-comment-on-a-project-that-is-utilizing-the-serp-process](https://wildlife.ca.gov/Conservation/Cutting-Green-Tape/SERP/QA#570063372-will-the-public-haveopportunities-to-comment-on-a-project-that-is-utilizing-the-serp-process)> [as of Mar. 9, 2026].)

1 24. The Conservancy’s supposed “public engagement” activities do not change that
2 conclusion. First, none of those events constitutes a CEQA-compliant noticed public hearing before the
3 actual decisionmaker (CDFW) on the approvals at issue here, let alone one with a public comment
4 period; they are thus irrelevant under Public Resources Code section 21177. Additionally, virtually none
5 of them was directly related to the specific Project being challenged here. Rather, they concerned the
6 Conservancy’s previous efforts to eradicate mule deer on Santa Catalina Island. The Conservancy has
7 pursued efforts to reduce, remove, or eliminate Catalina’s mule deer through various legal and
8 administrative mechanisms over many years before its most recent RMP application. As early as 2000, a
9 deer-management report prepared for the Conservancy identified an eradication objective. (Exhibit M,
10 [pp. 2, 10-11, 15-16].) On information and belief, after Catalina’s 2007 “Island Fire,” the Conservancy
11 sought extraordinary deer-removal authority from CDFW, representing that the herd needed to be
12 substantially reduced. On information and belief, CDFW denied those requests. In 2016, the
13 Conservancy submitted to CDFW a Scientific Collecting Permit (“SCP”) proposal under Fish and Game
14 Code sections 1002, 1002.5, 1003, which would have allowed for the eradication of deer on Catalina.
15 (Exhibit L.)⁴ CDFW rejected that proposal. (*Ibid.*) In August 2023, the Conservancy tried again by
16 submitting another SCP application to CDFW seeking deer-removal authority, including via aerial
17 gunning and other methods. (Exhibit M.)⁵ That application generated intense public controversy. As the
18 Lead Agency explains, the Conservancy ultimately withdrew its SCP application in September 2025 but
19 followed up almost immediately with its application for the RMP, which is challenged in this matter and
20 includes changes from the previous effort and operates under a wholly separate regulatory regime.
21 (Exhibit F [Second NOE], attach. 1, p. 5.) In sum, because the Conservancy was pursuing a different
22 type of project, albeit one that included the eradication of deer, until September 2025, all of its purported
23 public engagement efforts before then concerned previous, now abandoned project, not the one at issue
24 here. Petitioners thus had no meaningful way to review or comment on the Project before it was
25

26 ⁴ **Exhibit L** is a true and correct copy of the 2016 SCP proposal and denial produced in response
27 to a request for public records submitted to CDFW pursuant to the Public Records Act, Government
28 Code, §7920.000 et seq.

⁵ **Exhibit M** is a true and correct copy of the Conservancy’s August 2023 Scientific Collecting
Permit, Specific Use – Application to CDFW.

1 proposed or authorized.

2 25. To the extent Petitioners were required to exhaust administrative remedies under any
3 applicable law or doctrine, they have certainly done so with their actions both before and after
4 Respondents' approval of the Project. As explained above, the current Project was initiated only after
5 the Conservancy's previous efforts to eradicate deer did not bear fruit. Responding to those previous
6 efforts, Petitioners and other members of the public continuously and extensively weighed in with
7 objections to the Conservancy's longstanding attempts to eradicate deer from Catalina, as explained in
8 detail below in the Standing section. In sum, the public, including Petitioners, had limited opportunities
9 to provide input on Respondents' approval of the Project but undeniably attempted to put Respondents
10 and the Conservancy on notice that there were meaningful objections to the Project.

11 26. On March 10, 2026, Petitioners will comply with Public Resources Code section 21167.7
12 and Code of Civil Procedure section 388 by furnishing the Attorney General of the State of California
13 with a copy of the Petition. A true and correct copy of Petitioners' letter transmitting the Petition to the
14 Attorney General is attached as **Exhibit D**.

15 27. This Petition is timely filed in accordance with Title 14 of the Code of Regulations
16 (CEQA Guidelines) section 15062(d).

17 **PRIVATE ATTORNEY GENERAL DOCTRINE**

18 28. Petitioners bring this action as private attorneys general under California Code of Civil
19 Procedure section 1021.5, and any other applicable legal theory, to enforce important rights affecting the
20 public interest. Issuance of the relief requested in this petition will confer significant benefits on the
21 general public by, among other things, preventing the unlawful eradication of a public resource, thereby
22 allowing the public to continue to enjoy it, and protecting the public from environmental and other
23 harms as alleged herein. Issuance of the relief requested in this Petition will result in the enforcement of
24 important rights affecting the public interest by, among other things, compelling Respondents to comply
25 with applicable laws in managing public resources and vindicating the public's right under CEQA to
26 have a voice in projects that impact the environment and public resources.

1 members and supporters. The interests Petitioners seek to protect are germane to their organizational
2 purposes, and neither the claims asserted nor the relief requested require the participation of individual
3 members or supporters.

4 34. Petitioner Coalition to Save Catalina Island Deer is an unincorporated association
5 comprised of individuals including current and former Catalina Island residents, business and property
6 owners, and persons who regularly visit Catalina Island and support its tourism-based economy. The
7 Coalition was formed for the common purposes of protecting Catalina Island's mule deer and the
8 Island's associated cultural, community, environmental, and economic values, and of promoting lawful
9 and transparent agency decision-making. The Coalition and its members are beneficially interested in
10 this proceeding and are directly aggrieved by the Project for the reasons alleged herein. The Coalition
11 sues in the name by which it is known pursuant to Code of Civil Procedure section 369.5.

12 35. Petitioners took substantial steps to protect their interests long before Respondents
13 approved the Project. After the Conservancy's deer-eradication plans became public in October 2023,
14 Petitioners and their members and supporters organized sustained opposition. They formed the Coalition
15 to Save Catalina Island Deer; launched a public petition opposing deer eradication that now has more
16 than 24,000 signatures; organized letter-writing campaigns to CDFW and the Conservancy; submitted
17 objection letters to CDFW; submitted questions in advance of the Conservancy's January 31, 2024
18 community forum, which were not selected for response; met directly with CDFW officials, including at
19 least one meeting with CDFW's Deputy Director on November 27, 2023, and a separate meeting
20 between HOWL representatives and CDFW leadership on October 20, 2023; provided public comment
21 at the October 17, 2023 Avalon City Council meeting, the December 13, 2023 Fish and Game
22 Commission meeting, and the November 18, 2025 Avalon City Council meeting; protested peacefully
23 outside the Conservancy's Avalon office on October 17, 2023, at the ferry dock near the Conservancy's
24 office on October 20, 2023, and at the 2024 Conservancy Ball; and submitted written objections to
25 CDFW on November 18, 2025 opposing deer eradication. (See Exhibit B.)

26 36. Through these efforts, Petitioners repeatedly attempted to place their concerns before
27 decision-makers and to oppose the eradication of Catalina's mule deer through available public
28 channels, despite the absence of any CEQA-compliant public process for the Project itself.

1 41. Under Fish and Game Code section 1672, CDFW may, subject to conditions, issue a
2 restoration management permit, authorizing otherwise restricted take of or impacts on wildlife by its
3 holder, if undertaken in association with a qualifying restoration project.

4 42. On a date unknown to Petitioners because it was not made public by CDFW, but
5 apparently in September 2025, the Conservancy submitted to Respondent Lead Agency an application
6 for a restoration management permit under Fish and Game Code section 1672. (Exhibit F [Second
7 NOE], attach. 1, p. 5.) That application sought authorization to, among other actions, eradicate mule
8 deer from Santa Catalina Island via baiting, aerial trapping with nets, and shooting with air guns and
9 rifles. (*Id.* at p. 6.)

10 43. In response, on January 12, 2026, the Lead Agency submitted to Respondent CDFW a
11 “CEQA Statutory Exemption for Restoration Projects Concurrence Request” seeking the Director’s
12 concurrence with the Lead Agency that the Project meets the eligibility requirements of subdivisions (a)
13 through (d) of Public Resources Code section 21080.56. (Exhibit F [Second NOE], attach. 1, pp. 1-12).
14 This submission was not made publicly, so Petitioners, like the rest of the public, were unaware of it at
15 the time.

16 44. The Lead Agency’s January 12, 2026, request for CDFW’s concurrence states that its
17 determination “is based on the information provided by the Conservancy in the attached RMP
18 Application Package.” (Exhibit F [Second NOE], attach. 1, p. 6.) The request describes the contents of
19 that “Application Package” as consisting of the following four documents: “the RMP application,
20 Catalina Island Restoration Project 10-Year Workplan (Workplan), Island Restoration Scientific
21 Assessment (IRSA), and Habitat Restoration and Monitoring Plan (HRMP).” (*Id.* at attach. 1, p. 2.)
22 Despite stating that those four documents are attached to and incorporated by the concurrence request,
23 none of them is. (*Ibid.*) Petitioners have located what they believe to be the documents and attached true
24 and correct copies of the documents hereto. (**Exhibit G** [a true and correct copy of what is believed to be
25 the RMP Application]; **Exhibit H** [a true and correct copy of what is believed to be the Catalina Island
26 Restoration Project 10-Year Workplan (“Workplan”)]; **Exhibit I** [a true and correct copy of what is
27 believed to be the Island Restoration Scientific Assessment (“IRSA”)]; and **Exhibit J** [a true and
28 correct copy of what is believed to be the Habitat Restoration and Monitoring Plan (“HRMP”).])

1 52. CEQA declares that it is the policy of California to “[p]revent the elimination of fish or
2 wildlife species due to man’s activities, ensure that fish and wildlife populations do not drop below self-
3 perpetuating levels, and preserve for future generations representations of all plant and animal
4 communities and examples of the major periods of California history.” (Pub. Resources Code, § 21001.)

5 53. To that end, CEQA mandates public agencies “to avoid or minimize environmental
6 damage where feasible.” (Cal. Code Regs., tit. 14, § 15021.) They must “give major consideration to
7 preventing environmental damage” and “should not approve a project as proposed if there are feasible
8 alternatives or mitigation measures available that would substantially lessen any significant effects that
9 the project would have on the environment.” (*Ibid.*; see also Pub. Resources Code, § 21002.)

10 54. To achieve the objectives of CEQA, “state and local agencies [are required] to disclose
11 and require mitigation of the potentially significant environmental impacts of ‘discretionary’ projects
12 that they may approve.” (*California Environmental Quality Act* Informational Flyer
13 <<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=202608&inline>> [as of March 4, 2026].)

14 55. To identify environmental impacts and the means to mitigate them, CEQA requires
15 various sorts of public notice and/or comment periods, notifying and soliciting input and participation
16 from key stakeholders and the general public. This includes, inter alia:

17 a. If the Lead Agency determines that a Negative Declaration (“ND”) or Mitigated
18 Negative Declaration (“MND”) will be used for the project, filing of the Notice of Intent to
19 Adopt ND/MND and notice to relevant agencies and interested organizations and members of
20 the public, (Cal. Code Regs., tit. 14, § 15072, subds. (a)-(b));

21 b. Public comment period for the ND/MND of at least 20 days, or 30 days if a
22 proposed ND/MND is submitted to the State Clearinghouse for review by state agencies, (Pub.
23 Resources Code, § 21091, subd. (b));

24 c. Notice of Preparation (“NOP”) to Responsible Agencies, trustee agencies, the
25 Office of Planning and Research, relevant federal agencies, and the public that the Lead Agency
26 plans to prepare an Environmental Impact Report (“EIR”) for the project, (Cal. Code Regs.,
27 tit. 14, § 15082);

1 d. Comment and engagement period for NOP of 30 days, (Cal. Code Regs., tit. 14,
2 §§ 15082-15083);

3 e. Notice of Availability (“NOA”) to the public that a Draft EIR is available for
4 review and public comment, (Cal. Code Regs., tit. 14, § 15087, subd. (a));

5 f. Public comment period for Draft EIR of 30-90 days, and response to every
6 comment submitted for the Draft EIR, (Pub. Resources Code, § 21091, subds. (a) & (d); Cal.
7 Code Regs., tit. 14, § 15088).

8 56. Public Resources Code Section 21080.56 provides a Statutory Exemption for Restoration
9 Projects (SERP), creating a streamlined process that avoids CEQA review (and the process for public
10 review and comment described above) for projects that are found to be “exclusively” either “(1) A
11 project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and
12 wildlife, and the habitat upon which they depend”; or “(2) A project to restore or provide habitat for
13 California native fish and wildlife.” (Pub. Resources Code, § 21080.56, subd. (a)(1)-(2).)

14 57. To qualify for a SERP under section 21080.56, the project must “[r]esult[] in long-term
15 net benefits to climate resiliency, biodiversity, and sensitive species recovery,” *and* “[i]nclude[]
16 procedures and ongoing management for the protection of the environment.” (Pub. Resources Code,
17 § 21080.56, subd. (c)(1)-(2).)

18 58. “Both the CEQA Lead Agency and the California Department of Fish and Wildlife
19 (CDFW) have specific roles under SERP. For a project to qualify, the CEQA Lead Agency must first
20 make its own independent determination that the statutory exemption applies. Once the CEQA Lead
21 Agency has done so, it must then seek concurrence from the CDFW *Director* that the project meets the
22 qualifying criteria.... The *Director’s concurrence* must be based on substantial evidence and best
23 available science.” (*CEQA Statutory Exemption for Restoration Projects (SERP)*)

24 <[https://wildlife.ca.gov/Conservation/Cutting-Green-Tape/SERP#569973311-things-to-know-before-
25 requesting](https://wildlife.ca.gov/Conservation/Cutting-Green-Tape/SERP#569973311-things-to-know-before-
25 requesting)> [as of Mar. 4, 2026], italics added; Pub. Resources Code, § 21080.56, subd. (e).)

26 59. Finally, even if a project otherwise qualifies for a SERP, the project remains “subject to
27 all other applicable federal, state, and local laws and regulations, and shall not weaken or violate any
28 applicable environmental or public health standards.” (Pub. Resources Code, § 21080.56, subd. (f).)

1 60. CDFW is tasked with managing California’s natural resources, *including deer*. Indeed, it
2 is the express policy of the State “to encourage the conservation, restoration, maintenance, and
3 utilization of California’s wild deer populations.” (Fish & G. Code, § 450; see also *id.* § 1801 [“It is
4 hereby declared to be the policy of the state to encourage the preservation, conservation, and
5 maintenance of wildlife resources under the jurisdiction and influence of the state.”].)

6 61. Specifically, California aims, among other things:

7 (a) To maintain sufficient populations of all species of wildlife
8 and the habitat necessary to achieve the objectives stated in
9 subdivisions (b), (c), and (d).”

10 (b) To provide for the beneficial use and enjoyment of wildlife by
11 all citizens of the state.

12 (c) To perpetuate all species of wildlife for their intrinsic and
13 ecological values, as well as for their direct benefits to all
14 persons.

15 (d) To provide for aesthetic, educational, and nonappropriative
16 uses of the various wildlife species.

17 (e) To maintain diversified recreational uses of wildlife,
18 including the sport of hunting, as proper uses of certain
19 designated species of wildlife, subject to regulations consistent
20 with the maintenance of healthy, viable wildlife resources, the
21 public safety, and a quality outdoor experience.

22 (Fish & G. Code, § 1801, subds. (a)-(e).)

23 62. Petitioners contend, as the City of Avalon stated in its written protest to the Project, that
24 “the mass elimination of deer . . . would violate the Department’s mandate to preserve and protect these
25 animals for the benefit and enjoyment of the people.” (Exhibit N.) Such a drastic endeavor, coupled with
26 the intrusive and unlawful methods that Respondents authorized to carry it out, is precisely the type of
27 project that warrants CEQA review. Rather than adhere to CEQA’s mandates, however, Respondents
28 allowed the Conservancy to bypass them by authorizing the SERP for the Project. Petitioners challenge
that decision.

 63. “In any action or proceeding, other than an action or proceeding under Section 21168, to
attack, review, set aside, void or annul a determination, finding, or decision of a public agency on the
grounds of noncompliance with this division, the inquiry shall extend only to whether there was a
prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in a

1 manner required by law or if the determination or decision is not supported by substantial evidence.”
2 (Pub. Resources Code, § 21168.5.) Section 21168 does not apply here because this is not an action to
3 review an agency’s decision under CEQA, but to challenge an exemption from CEQA review.

4 **FIRST CAUSE OF ACTION**
5 **Writ of Mandate**
6 **(Violation of CEQA – Invalid CEQA Exemption)**

7 64. Petitioners reallege Paragraphs 1 through 63 and incorporate them as though fully set
8 forth herein.

9 65. As stated *supra*, and as articulated in Petitioners’ and other persons’ and organizations’
10 comments on the Project, issuance of the SERP and RMP was unlawful for the following reasons.

11 **A. The SERP Lacks Required CDFW Director’s Concurrence and Documentation**

12 66. The SERP fails out of the gate because Respondents did not comply with Public
13 Resources Code section 21080.56’s procedural mandates. Subdivision (e) of section 21080.56 requires
14 the Lead Agency to “obtain the concurrence of the *Director* of Fish and Wildlife for the determinations
15 required pursuant to subdivisions (a) to (d), inclusive.” Yet, the purported concurrence for the SERP was
16 issued by Joshua Grover, Deputy Director of CDFW’s Ecosystem Conservation Division, not the
17 *Director*. (Exhibit F [Second NOE], attach. 2.) The NOE describes Mr. Grover as the “Director’s
18 *designee*.” (*Id.* at attach. 2, p. 2.) The NOE cites no law, regulation, or rule that authorizes a “designee”
19 of the Director to satisfy this requirement. Petitioners are unaware of any such law, regulation, or rule.
20 Nor does the Concurrence from the supposed “designee” explain the source of his authority or how the
21 Director conferred such authority on him, assuming that would even be legal. Tellingly, every other
22 SERP concurrence issued by CDFW since the exemption took effect (over 85 in total) has been
23 authorized by the actual Director. Because this one was not, it is invalid.

24 67. Because there was no concurrence from “the Director,” “the Director” necessarily did not
25 “document the director’s concurrence using substantial evidence and best available science,” as Section
26 21080.56(e) demands.

27 68. Because the Lead Agency has failed to obtain “the concurrence of the *Director*” or the
28 Director’s required documentation of the SERP concurrence, Respondents have not satisfied the

1 mandates of Section 21080.56. Respondents have therefore abused their discretion by not proceeding in
2 a manner required by law in deciding to approve the SERP and resulting RMP. That alone dooms both.

3 **B. The Project Does Not Qualify for SERP**

4 69. Even had Respondents satisfied Public Resources Code section 21080.56,
5 subdivision (e)'s procedural mandates, the Project does not qualify for an exemption under section
6 21080.56 in the first place. That exemption is only available to “a project that is exclusively one of the
7 following: (1) A project to conserve, restore, protect, or enhance, and assist in the recovery of California
8 native fish and wildlife, and the habitat upon which they depend; (2) A project to restore or provide
9 habitat for California native fish and wildlife.” (Pub. Resources Code, § 21080.56, subd. (a).) The
10 Project does not meet that standard.

11 70. The Conservancy has demonstrated its desire to eradicate deer from Catalina, separate
12 from the overall scope of the Project, for many years, as explained above. (See paragraph 24 *supra*.) The
13 Conservancy seeks to bootstrap that separate policy aim into the camouflage of this vast Project. That
14 ulterior motive disqualifies the Project, at least the deer eradication component, from being “*exclusively*”
15 for assisting or providing habitat for California native wildlife.

16 71. In any event, a project like the one challenged here that purports to eradicate an entire
17 species of California native wildlife (mule deer) from an environment cannot be said to meet that
18 standard in the first place. Respondents tacitly acknowledge this dilemma by declaring the mule deer on
19 Catalina to be “non-native” and “invasive” because those deer supposedly only arrived on the island 100
20 years ago with help from man. (Exhibit F [Second NOE], attach. 2, p. 2.) Even if that account of the
21 deer’s arrival were true, which Petitioners dispute as not having been scientifically confirmed, the
22 Project documents do not cite any authority that support declaring these specific deer to be “non-native”
23 or “invasive”—because there is none. To the contrary, mule deer are a California native species, as
24 recognized by California law. (Fish & G. Code, § 450 [“It is hereby declared to be the policy of the
25 Legislature to encourage the conservation, restoration, maintenance, and utilization of California’s wild
26 deer populations ...”].) Indeed, far from being “invasive,” mule deer have been statutorily declared to be
27 a “game mammal” in the state. (*Id.* § 3950.) That designation confirms that deer are not some legally
28 alien organism under California law, but a wildlife resource that the State affirmatively classifies,

1 regulates, and manages for conservation, use, and enjoyment by the public, which entitles it to various,
2 significant protections. (See *id.* §§ 450-462.) That dynamic eviscerates the entire premise of the
3 Project’s (mis)treatment of these mule deer.

4 72. Tellingly, neither Respondents nor the Conservancy consulted the Invasive Species
5 Council of California on this Project, the sole purpose of which is to help coordinate and advise state
6 agencies on the best practices for controlling invasive species. (Food & Ag. Code § 7700.) That is
7 because they know mule deer are not invasive. The real reason that the Conservancy tried to affix the
8 “invasive” label to the Catalina deer was a pretext in hopes to finally achieve its longstanding goal of
9 eradicating them after the years of failed efforts to do so. If the Conservancy was genuinely concerned
10 about “invasive species” on the Island that harm plants, the Project would address the buffalo on the
11 island. The buffalo’s omission from the RMP confirms it is not serious about removing invasive species,
12 but just wants the deer removed.

13 73. At bottom, the complete eradication of a species from an ecosystem—particularly a
14 legally and socially venerated species like deer on a uniquely venerated ecosystem like Santa Catalina
15 Island—does not qualify as the type of project that is exempt from CEQA review under Section
16 21080.56, subdivision (a). In any event, the Conservancy’s longstanding efforts to eradicate Catalina
17 mule deer separate from this Project (discussed *supra*) reinforce that the Project is not “exclusively” for
18 the purposes that Section 21080.56, subdivision (a) sanctions. As a result, the Project requires CEQA
19 review. Indeed, not long ago, just before the adoption of Section 21080.56, the Conservancy itself
20 acknowledged that its efforts to eradicate the deer would require CEQA review. (Attached hereto as
21 **Exhibit P** is a true and correct copy of Catalina Island Climate Resiliency & Restoration Strategy, co-
22 authored by the Project Proponent, Lauren Dennhardt, dated December 28, 2022 [p. 8].) To hold
23 otherwise would mean that CDFW has authority to eradicate entire herds of California native species
24 using whatever methods, without the environmental oversight and public input that CEQA demands.

25 **C. The SERP Is Not Based on the Best Available Science**

26 74. Even assuming the eradication of an entire California native species from an ecosystem is
27 a project contemplated by Public Resources Code section 21080.56, subdivision (a) for exemption from
28 CEQA review, Respondents’ (already invalid) Concurrence cannot be said to be based on “the best

1 available science,” as it must be under section 21080.56, subdivision (e). It lacked robust scientific rigor
2 and scrutiny from public participation, comments, and hearings associated with CEQA review.

3 75. The Lead Agency’s request for CDFW’s concurrence with the SERP for the Project
4 states that its determination “is based on the information provided by the Conservancy in the attached
5 RMP Application Package.” (Exhibit F [Second NOE], attach. 1, p. 6.) Petitioners dispute or question
6 many of the findings in those documents, as explained below. But Respondents’ reliance on supposed
7 evidence provided solely by the Conservancy, without affording meaningful opportunity to Petitioners
8 and others to provide evidence that Respondents knew or should have known those parties possessed
9 based on their objections to various aspects of the science made to Respondents (see Standing section
10 above), necessarily means that Respondents cannot confirm that the SERP relies on the best available
11 science.

12 76. **Supposed Wildfire Risk Mitigation:** Respondents accepted the Conservancy’s
13 representation that the Project would reduce wildfire risk by promoting recovery of native vegetation
14 and reducing conversion to invasive annual grasslands. (Exhibit F [Second NOE], attach. 1, pp. 3, 6-7.)
15 But the record does not reflect the reasoned use of the best available science on that question. To the
16 contrary, the lead public official responsible for fire management on Catalina, Los Angeles County Fire
17 Chief Anthony Marrone, advised before the RMP’s approval that complete removal of mule deer from
18 Catalina would *increase* wildfire risk there, not reduce it. (Attached hereto as **Exhibit O** is a true and
19 correct copy of Anthony C. Marrone, Fire Chief, Los Angeles County Fire Department, memorandum to
20 Supervisor Janice Hahn re: Mule Deer Management on Catalina Island (Jan. 7, 2026).) The SERP
21 documentation does not meaningfully acknowledge, analyze, or reconcile that contrary expert view. On
22 a claimed Project benefit as consequential as wildfire mitigation, Respondents’ failure to grapple with
23 directly conflicting expert input undermines any claim of reliance on the best available science and
24 underscores the importance of CEQA review here.

25 77. That omission is especially significant because wildfire risk is a site-specific fuels and
26 vegetation management question, not a matter that can be resolved by a generalized assumption that
27 browse reduction will necessarily decrease fire danger. California’s wildfire-resilience and fuels-
28 reduction programs emphasize strategic vegetation management, prescribed fire, thinning, clearance,

1 and fuel breaks to alter fire behavior and protect communities. (See CAL FIRE, *Fuels Reduction*
2 <<https://www.fire.ca.gov/what-we-do/natural-resource-management/fuels-reduction>> [as of Mar. 9,
3 2026]; Cal. Dept. of Water Resources, *California’s Wildfire and Forest Resilience Action Plan* (Jan.
4 2021) <[https://wildfiretaskforce.org/wp-](https://wildfiretaskforce.org/wp-content/uploads/2023/04/californiawildfireandforestresilienceactionplan.pdf)
5 [content/uploads/2023/04/californiawildfireandforestresilienceactionplan.pdf](https://wildfiretaskforce.org/wp-content/uploads/2023/04/californiawildfireandforestresilienceactionplan.pdf)>⁶.) Respondents therefore
6 had no reasonable basis to accept the Conservancy’s asserted wildfire benefit at face value without
7 meaningfully addressing the site-specific contrary opinion from the official charged with managing fire
8 risk on Catalina.

9 78. In light of this conflicting expert input regarding wildfire effects, and the Project’s
10 acknowledgment that Catalina’s vegetation conditions are shaped by multiple interacting factors,
11 Respondents’ conclusory acceptance of wildfire-mitigation benefits cannot be said to be supported by
12 substantial evidence, let alone the best available science. (Exhibit F [Second NOE], attach. 1, pp. 3, 6-
13 7.)

14 79. **Deer Population Numbers:** The Project’s premise with respect to deer is, at least in part,
15 that their population is excessive. SERP documents claims that the Island’s mule deer population
16 numbers around 2,000. (Exhibit K [RMP], p. 4 [noting that the population “quickly grew to a herd of
17 over 2,000”]; *id.* at pp. 14-15 [Table 1 listing estimated deer population numbers at 1,771 in 2021; 1,800
18 in 2024; and 2,040 in 2025].) But outdated survey methods and extrapolations were used to reach that
19 figure, which likely overestimates the Island’s mule deer population. Indeed, on information and belief,
20 the last peer-reviewed deer count available to Respondents was conducted in 2021, using spotlight
21 counting methods. (Stapp, et al., *Status of the Introduced Mule Deer Population on Catalina Island,*
22 *California, Based on Annual Spotlight Counts*, Proceedings of the Vertebrate Pest Conference (2022)
23 <<https://escholarship.org/uc/item/847923z8>> [as of Mar. 9, 2026].) That data is insufficient to support
24 the SERP exemption. The record does not explain why stale population data, supplemented by
25 unexplained later estimates, constitute the “best available science” for purposes of approving a Project
26 premised in substantial part on deer abundance and its alleged ecological consequences. Nor does the
27

28 ⁶ CDFW has this very plan linked on its website. (State of Cal., Dept. of Fish & Wildlife,
Wildfire Resiliency Initiative, <<https://wildlife.ca.gov/Lands/Wildfire>> [as of Mar. 8, 2026].)

1 record explain why Respondents relied on spotlight-based counting methods when thermal-drone
2 surveys, which have been offered by Petitioner HOWL without charge, are generally better suited to
3 steep, rugged, and hard-to-access terrain like Catalina.

4 80. The record’s reliance on AVMA “depopulation” guidance further undermines any claim
5 that the SERP was based on the best available science. (Exhibit K [RMP], p. 9). The AVMA’s
6 Depopulation Guidelines are expressly directed to urgent circumstances requiring the rapid destruction
7 of animal populations, such as disease outbreaks, disasters, or immediate public health and safety
8 emergencies, <[https://www.avma.org/sites/default/files/resources/AVMA-Guidelines-for-the-
9 Depopulation-of-Animals.pdf](https://www.avma.org/sites/default/files/resources/AVMA-Guidelines-for-the-Depopulation-of-Animals.pdf)>. They are not applicable to a planned, multi-year wildlife-removal
10 program like the one authorized here. Thus, invoking those guidelines does not strengthen the Project’s
11 scientific foundation; it instead suggests that Respondents and the Conservancy borrowed the language
12 of professional guidance without doing the necessary, threshold analytical work to determine whether
13 that guidance was actually applicable to the project as proposed.

14 81. What’s more, Respondents have failed to consider the scientific value of maintaining a
15 mule deer herd that is isolated from other California herds for the purposes of studying and responding
16 to disease, including Chronic Wasting Disease (“CWD”). According to CDFW itself, CWD is a concern
17 and has been detected in multiple counties in California, including Madera and Inyo. (State of Cal.,
18 Dept. of Fish & Wildlife, *Chronic Wasting Disease Surveillance*
19 <<https://wildlife.ca.gov/Conservation/Laboratories/Wildlife-Health/Monitoring/CWD>> [as of Mar. 8,
20 2026].) As CWD looms, maintaining a disease-free herd for research and other purposes, such as
21 supplementing affected herds with disease-free deer, becomes increasingly important. The SERP
22 documents do not contemplate this issue.

23 82. In all events, the RMP’s treatment of deer is based on an abandonment of the
24 scientifically based North American Management Model of Wildlife Conservation. (J.F. Organ et al.,
25 *The North American Model of Wildlife Conservation*, The Wildlife Society Technical Review 12-04, at
26 viii, 2 (2012); Testimony of Dan Ashe, Director, U.S. Fish and Wildlife Service, “How Hunting Assists
27 Species Conservation and Management,” before the House Comm. on Sci., Space, and Tech., Subcomm.
28 on Investigations and Oversight (June 19, 2012).) That time-tested model considers hunting a critical

1 tool for maintaining healthy wildlife populations and their habitats. (See e.g., U.S. Fish & Wildlife
2 Service, *Hunting as a Tool for Wildlife Management* <available at [https://www.fws.gov/story/hunting-
3 tool-wildlife-management](https://www.fws.gov/story/hunting-tool-wildlife-management)> [as of Mar. 9, 2026].) The Conservancy claims that evidence shows that
4 hunting is insufficient to address grazing concerns with Catalina deer. (Exhibit J [HRMP], p. 98.) Even
5 assuming the Conservancy’s data is correct, which Petitioners dispute, that is not a science-related
6 problem, but a logistical one, which has been exacerbated by the Conservancy. Indeed, the Conservancy
7 appears to have put its thumb on the scale by erecting barriers to hunters, such as limiting tags, forcing
8 hunters to surrender mainland tags to hunt on Catalina, restricting hunter accommodations, etc. (Exhibit
9 B, pp. 93-96.) No scientific evidence shows that increased hunting opportunities are unable to address
10 the issues raised by the RMP with respect to deer. The problem is that the Conservancy will not allow
11 the conditions for proper deer management via hunting in the first place. It cannot restrict hunting and
12 then complain that hunting does not work; particularly when it has been proven to work throughout the
13 country. (See e.g., Assn. of Fish and Wildlife Agencies, *Methods for Managing Deer in Populated*
14 *Areas*, Human Wildlife Conflicts Working Group Technical Report 41-42 (2018)
15 <[https://www.fishwildlife.org/application/files/7315/3745/9637/AFWA_Deer_Mngmt_Pop_Areas_Aug
16 ust_31_2018_version.pdf](https://www.fishwildlife.org/application/files/7315/3745/9637/AFWA_Deer_Mngmt_Pop_Areas_August_31_2018_version.pdf)> [as of Mar. 9, 2025] [“Regulated public hunting is the most economical
17 option for managing deer within an urban area and is the primary option used for overall deer
18 management by state/provincial game/wildlife agencies throughout North America. ... The use of
19 regulated public hunting is strongly supported by the North American model of wildlife conservation
20 that has successfully guided deer management in the modern era.” “Perhaps the best option for
21 managing overabundant deer is to allow regulated public hunting where hunters follow regulations set
22 by the wildlife/game agency.”]).

23 83. The sidelining from the SERP “process” of Petitioners, the Invasive Species Council, and
24 other organizations and individuals who are known to have valuable input on this issue, despite efforts
25 by many of them to engage Respondents, coupled with the biased documentation relied on and the
26 rushed approval of the RMP, shows that this “process” was not based on evidence and science, but a
27 special interest agenda unmoored from real science that did not account for the public interest in the
28 affected resources.

1 **D. The Project Is Ineligible for SERP Because the Record Fails to Demonstrate**
2 **Compliance with Other Applicable Laws.**

3 84. There is an express limitation on Section 21080.56’s statutory exemption for projects:
4 “The project shall remain subject to all other applicable federal, state, and local laws and regulations,
5 and shall not weaken or violate any applicable environmental or public health standards.” (Pub.
6 Resources Code, § 21080.56, subd. (f).) Yet, the record shows that implementation of this Project would
7 necessarily violate various such laws and standards and thus fails this condition.

8 **1. The RMP Violates Local Ordinances**

9 85. The record shows that the Project authorizes and contemplates activities inside Avalon
10 city limits that: (1) necessarily implicate non-preempted municipal police-power regulation concerning
11 wildlife feeding, luring, and public safety; and (2) are expressly conditioned on municipal permitting
12 requirements that the record does not show were obtained. As a result, the Project cannot satisfy section
13 21080.56, subdivision (f), and the SERP exemption is unavailable.

14 86. The RMP states that “mule deer removal work in Avalon will consist of using bait to
15 attract mule deer,” followed by capture and shooting with tranquilizer darts and subsequent sterilization
16 or euthanasia. (Exhibit K [RMP], p. 8.) The RMP also provides that Avalon operations will include “air
17 rifles” firing “tranquilizer darts” to capture deer. (*id.* at p. 8.) Yet, Avalon Municipal Code prohibits
18 feeding wild animals and luring wildlife within the City. (Avalon Mun. Code, § 6-1.128, subs. (d), (f).)
19 It also prohibits unpermitted discharge of weapons, including air guns. (Avalon Mun. Code, § 4-5.101.)

20 87. These provisions are classic exercises of local police power intended to reduce human-
21 wildlife conflict, protect pedestrians and traffic safety, and prevent nuisance conditions—matters
22 traditionally within municipal authority even where the State regulates wildlife take. (See *People v.*
23 *Mueller* (1970) 8 Cal.App.3d 949, 954.) That the Project expressly depends on baiting deer within
24 Avalon city limits, (Exhibit K [RMP], p. 8), confirms SERP ineligibility.

25 88. Likewise, while the RMP specifies that a permittee “shall not use any Shooting Device⁷
26 in Avalon unless” the Permittee “has obtained any applicable and legally required permit from the City

27 _____
28 ⁷ The RMP defines “Shooting Device” to include “any firearm, air rifle, dart gun, or any other
device that shoots a bullet, dart, or any other projectile through the air.” (Exhibit K [RMP], p. 29.)

1 of Avalon” and has provided a copy to CDFW at least thirty days before use, and complies with all
2 restrictions included in that City permit, (Exhibit K [RMP], p. 29), such permits do not appear in the
3 record. To the contrary, the City of Avalon reported that no such permits had been obtained and that
4 neither CDFW nor the Conservancy provided City officials any notice regarding planned operations
5 within City limits. (Attached hereto as **Exhibit N** is a true and correct copy of Scott Haskell Campbell
6 Letter to Christian Romberger, Cal. Dept. of Fish & Wildlife (Feb. 6, 2026)].) Based on the City of
7 Avalon’s letter to the Conservancy, the Conservancy is unlikely to obtain such permits. Section
8 21080.56, subdivision (f) requires the Project to remain subject to all applicable local law. The Project is
9 not SERP-eligible unless the record demonstrates that required municipal authorizations and restrictions
10 exist and will be complied with.

11 89. The RMP asserts that, “[t]o the extent City of Avalon Code section 6-1.128 purports to
12 prohibit” components of the Project as authorized by CDFW, “CDFW’s authorization ... controls over
13 any conflicting ... prohibitions.” (Exhibit K [RMP], p. 29, fn. 11.) CDFW’s position that the RMP
14 “controls over” Avalon Municipal Code provisions underscores the RMP’s defect under section
15 21080.56, subdivision (f), rather than curing it. Section 21080.56, subdivision (f), does not authorize
16 SERP based on CDFW’s unsupported claim of supremacy over local law. To the contrary, it expressly
17 requires the Project to “remain subject to” all applicable local law and not violate applicable standards.
18 Here, the record demonstrates that the Project includes baiting of and tranquilizer-dart discharge to
19 capture deer in Avalon in violation of Avalon Municipal Code. The use of shooting devices in Avalon is
20 expressly conditioned on municipal permitting and the Conservancy has obtained no such permit. As a
21 result, the Project is not eligible for SERP under section 21080.56, subdivision (f).

22 **2. The RMP Violates State and Federal Water Standards by Authorizing Intensive**
23 **Herbicide Applications on Top-of-Watershed Locations Linked to Avalon’s**
24 **Freshwater Supply**

25 90. The record establishes that herbicide use for the Project is not incidental but a core
26 restoration method. (Exhibit F [Second NOE], attach. 1, p. 10.) It authorizes repeated broadcast
27 herbicide applications over multiple years and contemplates escalation to broad-spectrum and broadleaf-
28 specific herbicides. It authorizes broadcast application of Poast® (sethoxydim) and oil adjuvants by

1 “UTV-mounted boom sprayer,” with “two or three applications per growing season ... for three
2 consecutive years,” and further authorizes the potential use of “a broad-spectrum herbicide, such as
3 glyphosate,” or “a broadleaf specific herbicide, such as triclopyr,” depending on post-treatment
4 dynamics. (Exhibit H [Workplan], pp. 5-8, 15 [Herbicide Methodology].) The RMP further states that
5 herbicide application for larger restoration sites “may include helicopter-based application,” with
6 consultation with the Los Angeles County Agricultural Commissioner and additional applicator
7 certifications. (Exhibit K [RMP], p. 6.)

8 91. Despite identifying “increased groundwater replenishment, benefiting Avalon’s
9 freshwater supply” as an anticipated incidental public benefit of the Project, (Exhibit F [Second NOE],
10 attach. 1, p. 7), the record establishes that herbicide use is not incidental but a core restoration method.
11 The initial herbicide site was deliberately selected because it is a “high priority top of a watershed
12 location” expected to affect restoration conditions “both downstream and Island-wide.” (Exhibit H
13 [Workplan], pp. 5-6.) It also authorizes repeated broadcast herbicide applications, including Poast® in
14 the initial phase and, if invasive forbs establish dominance, potential use of glyphosate or triclopyr. The
15 Project materials further contemplate helicopter-based herbicide application at larger restoration sites.
16 (*Id.* at pp. 5-6, 15; Exhibit K [RMP], p. 6.) Those features directly implicate concrete water-quality and
17 public-health compliance questions under Public Resources Code section 21080.56, subdivision (f),
18 including whether herbicide applications in top-of-watershed areas affecting downstream resources and
19 Avalon’s freshwater supply are covered by, and will comply with, California’s Porter-Cologne Water
20 Quality Control Act, which requires reporting and waste discharge requirements for discharges that
21 could affect waters of the state (Wat. Code, § 13260, subd. (a), § 13263, subd. (a), § 13264, subd. (a)),
22 and, where applicable, the federal Clean Water Act’s NPDES permitting regime (33 U.S.C. § 1342). Yet
23 the SERP Concurrence Request offers only generalized assurances that herbicide use will comply with
24 California Department of Pesticide Regulation rules and product labels and that erosion will be
25 minimized. (Exhibit F [Second NOE], attach. 1, p. 10.) Section 21080.56, subdivision (f) requires more
26 than generalized assurances. It requires a demonstrated compliance pathway demonstrating that the
27 Project will remain subject to, and not violate, other applicable environmental and public health laws.
28 On this record, Respondents did not make that showing.

1 **3. The Project allows for unlawful take, harm, harassment, or disturbance of**
2 **federally protected species and/or their habitat**

3 92. Public Resources Code section 21080.56, subdivision (f) requires that the Project remain
4 subject to all other applicable federal laws and regulations. The Project fails this condition. It
5 contemplates and authorizes methods that foreseeably implicate federal wildlife protections, including
6 the Endangered Species Act’s prohibition on unlawful “take” of listed species (16 U.S.C. §
7 1538(a)(1)(B)); the Migratory Bird Treaty Act’s protections for migratory birds, nests, and eggs (16
8 U.S.C. § 703(a)); and, where applicable, the Bald and Golden Eagle Protection Act’s prohibitions on
9 take and disturbance of eagles (16 U.S.C. § 668(a)). Yet the record does not identify, attach, or
10 otherwise demonstrate the authorizations, consultations, approvals, or other compliance pathways
11 necessary to lawfully implement the Project under those federal laws.

12 93. The SERP Concurrence Request Form states that mule deer removal will involve
13 “aerial/ground net capture,” “dogs for locating invasive Mule deer,” “ground shooting during the day
14 and night,” “shooting from a ground vehicle,” “baiting,” “thermal detection,” and “euthanasia.” (Exhibit
15 F [Second NOE], attach. 1, p. 3.) The RMP Application similarly describes dispatch of deer “via
16 shooting on foot or from a land vehicle[,] ... baiting[,] ... and both daytime and nighttime dispatch,”
17 together with thermal imagery, detection dogs, aerial detection, and capture using nets from air and
18 ground. (Exhibit G [RMP Application], p. 11.) These methods create foreseeable pathways for harm,
19 harassment, disturbance, and, where protected species are affected, unlawful take—particularly for
20 nesting birds and other wildlife occupying the same landscape during implementation.

21 94. The HRMP materials confirm that these risks are neither speculative nor remote. The
22 record itself recites the broad federal concept of “take” and recognizes protections extending to
23 migratory birds, including nests and eggs. (Exhibit J [HRMP], p. 728.) The record also includes a
24 Nesting Bird Management Plan with surveys, buffers, and related measures, underscoring that nesting-
25 bird impacts are foreseeable during implementation. (*Id.* at pp. 5, 731.) Despite these acknowledged
26 risks from broad, repeated, and intensive ground and aerial operations over a large landscape footprint,
27 the record does not identify the federal compliance pathway or pathways necessary to ensure the Project
28 remains subject to and compliant with applicable federal law.

1 95. That omission is legally significant. If implementation may affect federally listed species,
2 the record should identify the applicable ESA compliance pathway, including whether any section 7
3 consultation is required if federal agency action is involved, or whether any section 10 authorization is
4 required if otherwise prohibited take may occur. (See 16 U.S.C. §§ 1536, 1539.) If implementation may
5 disturb or take migratory birds, active nests, or eggs, the record should identify how the Project will
6 remain compliant with the MBTA. (16 U.S.C. § 703(a).) If eagle disturbance or take is implicated, the
7 record should identify the applicable BGEPA compliance path. (16 U.S.C. §§ 668(a), 668a; see also 50
8 C.F.R. pt. 22.) Instead, the record leaves these material federal compliance questions unanswered and
9 undocumented. (Exhibit E [First NOE], attach. 1, pp. 3-4; Exhibit G [RMP Application], p. 11; Exhibit J
10 [HRMP], p. 728.)

11 96. The RMP Application references United States Fish and Wildlife Service Permit No. ES-
12 090990-3 in connection with monitoring and reporting requirements related to planned activities
13 involving the Catalina Island fox. (Exhibit G [RMP Application], p. 11.) The Workplan likewise admits
14 that federal permitting is a prerequisite, stating: “The Conservancy will only conduct monitoring if
15 federal permits through USFWS and CDFW are active.” (Exhibit H [Workplan], p. 19.) In addition,
16 USFWS’s amendment correspondence for Permit No. 090990, an ESA section 10(a)(1)(A) recovery
17 permit, states: “In order for your permit to be valid, you must have all other applicable State and Federal
18 permits in place prior to the commencement of activities authorized by this permit.” (USFWS Permit
19 090990 Amendment Letter, p. 1.)

20 97. These admissions establish that any fox-related federal authority is narrow, activity-
21 specific, and conditioned. Even assuming a valid USFWS recovery permit exists for fox monitoring,
22 handling, and care activities the Conservancy is already conducting, the record does not demonstrate that
23 such fox-specific authority extends to, authorizes, or otherwise accounts for the distinct take and
24 disturbance risks created by the Project’s broader, multi-year implementation footprint and methods,
25 including island-wide night operations, dog-assisted locating and net capture of deer, vehicle-associated
26 activity, widespread herbicide application, and extensive ground disturbance. Absent that showing, the
27 Project fails section 21080.56, subdivision (f)’s requirement that it remain demonstrably subject to and
28

1 compliant with applicable federal law, and the SERP exemption is unavailable. (Exhibit H [Workplan],
2 p. 19; USFWS Permit 090990 Amendment Letter, p. 1; Exhibit J [HRMP], p. 728.)

3 **4. The Project Violates California’s Restriction on Wanton Waste of Wildlife**

4 98. California law expressly provides that “No person shall through carelessness or
5 neglect leave any game mammal, exotic game mammal, or game bird that is in that person's possession,
6 or any of the flesh of that animal usually eaten by humans, to go needlessly to waste.” (Fish & G. Code
7 § 4304, subd. (b).) Mule deer are a “game mammal.” (*Id.* § 3950.) The Project contemplates mass lethal
8 take of an entire herd of mule deer, yet the record does not demonstrate an enforceable plan to prevent
9 wanton waste or ensure retrieval, salvage, or lawful disposition of carcasses across the Island. It
10 indicates that deer taken near Avalon will be removed and potentially used to feed condors. But it does
11 not establish any comparable retrieval or disposition plan for the remainder of the deer expected to be
12 taken elsewhere.

13 99. The record does not demonstrate any enforceable, project-wide plan to prevent wanton
14 waste of the mule deer carcasses generated by this mass-removal program. Instead, the record reflects
15 shifting, qualified, and internally inconsistent descriptions of carcass handling. In the RMP, CDFW
16 states: “Carcass handling: remove near roads/trails/public areas; freezer storage; ship off-island; CWD
17 test before leaving; possible provision of meat to condor program/tribal partners.” (Exhibit K [RMP], p.
18 20.) The Conservancy’s application materials are similarly equivocal. In one place, the Conservancy
19 states under “Carcas [sic] Utilization” that only “[a] subset” of deer carcasses will be gathered and
20 donated to support the Condor Recovery Program. (Exhibit I [IRSA], p. 12.) Elsewhere, the
21 Conservancy states only that meat “may be recovered and used for the California Condor recovery
22 program, depending on funding.” (Exhibit K [RMP], p. 20.) The Workplan likewise indicates that
23 carcass recovery for condor use is contingent and partial, explaining that early carcass harvesting for the
24 condor project is “pending funding,” and that, “[a]s the Project progresses and the work becomes more
25 challenging, carcasses will be moved away from locations visible to the public and left to naturally
26 recycle nutrients back into the environment.” (Exhibit H [Workplan], p. 19.)

27 100. Public statements by CDFW are to the same effect. At the February 11, 2026 Fish and
28 Game Commission meeting, Interim Director Valerie Termini stated: “And then the animal waste

1 component, the meat that will be harvested will be used for the condor recovery program when
2 feasible.” These shifting and qualified descriptions do not establish a concrete retrieval, salvage, or
3 lawful-disposition plan for the many carcasses expected to result from island-wide, multi-year lethal
4 removal. To the contrary, they indicate that carcass use is partial, discretionary, and funding-dependent,
5 and that many carcasses will simply be abandoned on the landscape once operations become more
6 difficult. Far from establishing compliance with Fish and Game Code section 4304, the record suggests
7 that avoidance of waste is optional, opportunistic, and subordinate to cost and logistics. While an RMP
8 may authorize the take of a mule deer, it does not authorize the wanton waste of their carcasses. On this
9 record, Respondents have not demonstrated compliance with Fish and Game Code section 4304, and
10 SERP is therefore unavailable under Public Resources Code section 21080.56, subdivision (f).

11 * * * *

12 101. Because Public Resources Code section 21080.56, subdivision (f) is an express condition
13 of SERP eligibility, these unresolved and inadequately documented conflicts with other applicable local,
14 state, and federal laws independently preclude Respondents’ reliance on the statutory exemption. The
15 record does not demonstrate that the Project will remain subject to, and compliant with, those laws and
16 standards. Respondents therefore failed to proceed in the manner required by law, and their approval of
17 the SERP exemption and issuance of the RMP constitutes a prejudicial abuse of discretion.

18 **D. The Exemption Is Not Based on Substantial Evidence**

19 102. Assuming this Court finds that Respondents have “proceeded in a manner required by
20 law” in approving the SERP under Public Resources Code section 21080.56, despite the points made
21 above, Respondents’ approval of the SERP exemption and issuance of the RMP is still an abuse of
22 discretion because their “decision is not supported by substantial evidence,” as it must be. (Pub.
23 Resources Code, § 21168.5.)

24 103. CEQA guidelines provide the following:

25 (a) “Substantial evidence” as used in these guidelines means
26 enough relevant information and reasonable inferences from this
27 information that a fair argument can be made to support a
28 conclusion, even though other conclusions might also be reached.
Whether a fair argument can be made that the project may have a
significant effect on the environment is to be determined by
examining the whole record before the lead agency. Argument,

1 speculation, unsubstantiated opinion or narrative, evidence which
2 is clearly erroneous or inaccurate, or evidence of social or
3 economic impacts which do not contribute to or are not caused by
4 physical impacts on the environment does not constitute
5 substantial evidence.

6 (b) Substantial evidence shall include facts, reasonable
7 assumptions predicated upon facts, and expert opinion supported
8 by facts.

9 (Cal. Code Regs., tit. 14, § 15384.)

10 104. Respondents do not meet this standard. Petitioners do not merely assert that different
11 conclusions from those of Respondents, as reflected in the SERP documents, could have been reached.
12 Rather, Petitioners contend that the Lead Agency did not have enough relevant information before it to
13 be able to conclude, as it did, that the Project does not require CEQA review where it allows: (1) the
14 eradication of an entire herd of a California native species (mule deer), which is an otherwise protected
15 game mammal, via use of tracking dogs, helicopter-netting, and sharp-shooters; (2) the incidental take of
16 or disturbance pathways for federally protected species; and (3) extensive use of herbicides intentionally
17 directed at water-tables that are the source of drinking water for the population of Catalina, as explained
18 above.

19 105. Indeed, the documentation that the Lead Agency relied on in granting the RMP is the
20 product of a biased, closed-off “process” that did not afford a meaningful opportunity to known
21 interested parties like Petitioners and others to raise valid concerns about scientific, environmental,
22 social, and economic impacts associated with eradicating an entire species from an ecosystem. Despite
23 Petitioners best efforts to convey their concerns, the SERP documents show that they were ignored.
24 Without this input, the information in the SERP documents cannot be considered “enough” to support
25 Respondents’ radical decision.

26 **E. The Project’s Unlawful Approval Is Prejudicial to Petitioners**

27 106. Respondents’ approval of the Project is prejudicial to Petitioners because Petitioners’
28 members and supporters have an interest in the use and enjoyment of the mule deer on Catalina and in
perpetuating wildlife management policy that is based on sound science and the policies of California to
hold wildlife, including mule deer, in trust for the benefit of the public. Respondents’ improper issuance
of the RMP deprives Petitioners and the public of those aims permanently and irreversibly.

1 Dated: March 9, 2026

MICHEL & ASSOCIATES, P.C.


2
3 /s/ C.D. Michel
4 C.D. Michel
5 Attorneys for Petitioners Safari Club
6 International; California Rifle & Pistol
7 Association, Incorporated; California
8 Bowmen Hunters/State Archery Association;
9 HOWL for Wildlife, Inc.; California Deer
10 Association; and Coalition to Save Catalina
11 Island Deer
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1 VERIFICATION

2 I, Chris Hall, am the Chief Executive Officer of California Deer Association, a petitioner in this
3 action, and I am authorized to make this Verification for and on its behalf and I make this Verification
4 for that reason. I have read the VERIFIED PETITION FOR WRIT OF MANDATE OR OTHER
5 APPROPRIATE RELIEF (California Environmental Quality Act, Pub. Resources Code § 21168.5;
6 Code of Civil Procedure § 1085), and know its contents. The matters stated in it are true of my
7 knowledge except as to those matters which are stated on information and belief and as to those matters
8 I believe them to be true.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is
10 true and correct.

11 Executed on March 9, 2026, within the United States of America.

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15 Chris Hall, Chief Executive Officer
16 California Deer Association
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VERIFICATION

I, Amanda Duchardt, am the Legislative Director for California Bowmen Hunters and State Archery Association, Inc., a petitioner in this action, and I am authorized to make this Verification for and on its behalf and I make this Verification for that reason. I have read the VERIFIED PETITION FOR WRIT OF MANDATE OR OTHER APPROPRIATE RELIEF (California Environmental Quality Act, Pub. Resources Code § 21168.5; Code of Civil Procedure § 1085), and know its contents. The matters stated in it are true of my knowledge except as to those matters which are stated on information and belief and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 9, 2026, within the United States of America.

Amanda Duchardt

Amanda Duchardt, Legislative Director
California Bowmen Hunters and
State Archery Association, Inc.

1 **VERIFICATION**

2 I, Charles Whitwam, am the Founder of HOWL for Wildlife, Inc., a petitioner in this action, and
3 I am authorized to make this Verification for and on its behalf and I make this Verification for that
4 reason. I have read the VERIFIED PETITION FOR WRIT OF MANDATE OR OTHER
5 APPROPRIATE RELIEF (California Environmental Quality Act, Pub. Resources Code § 21168.5;
6 Code of Civil Procedure § 1085), and know its contents. The matters stated in it are true of my
7 knowledge except as to those matters which are stated on information and belief and as to those matters
8 I believe them to be true.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is
10 true and correct.

11 Executed on March 9, 2026, within the United States of America.

12
13 *Charles Whitwam*

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15 Charles Whitwam, Founder
16 HOWL for Wildlife, Inc.
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1 **VERIFICATION**

2 I, Pastor Lopez, am the Founder of Coalition to Save Catalina Island Deer, a petitioner in this
3 action, and I am authorized to make this Verification for and on its behalf and I make this Verification
4 for that reason. I have read the VERIFIED PETITION FOR WRIT OF MANDATE OR OTHER
5 APPROPRIATE RELIEF (California Environmental Quality Act, Pub. Resources Code § 21168.5;
6 Code of Civil Procedure § 1085), and know its contents. The matters stated in it are true of my
7 knowledge except as to those matters which are stated on information and belief and as to those matters
8 I believe them to be true.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is
10 true and correct.

11 Executed on March 9, 2026, within the United States of America.

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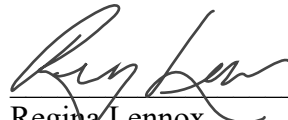
14 _____
15 Pastor Lopez, Founder
16 Coalition to Save Catalina Island Deer
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1 **VERIFICATION**

2 I, Regina Lennox, am Sr. Litigation Counsel for Safari Club International, a petitioner to this
3 action, and I am authorized to make this Verification for and on its behalf and I make this Verification
4 for that reason. I have read the VERIFIED PETITION FOR WRIT OF MANDATE OR OTHER
5 APPROPRIATE RELIEF (California Environmental Quality Act, Pub. Resources Code § 21168.5;
6 Code of Civil Procedure § 1085), and know its contents. The matters stated in it are true of my
7 knowledge except as to those matters which are stated on information and belief and as to those matters,
8 I believe them to be true.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is
10 true and correct.

11 Executed on March 9, 2026, within the United States of America.

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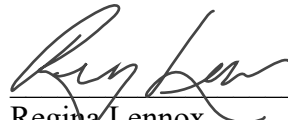
14 Regina Lennox
15 Sr. Litigation Counsel
16 Safari Club International
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1 **VERIFICATION**

2 I, Regina Lennox, am Sr. Litigation Counsel for Safari Club International, a petitioner to this
3 action, and I am authorized to make this Verification for and on its behalf and I make this Verification
4 for that reason. I have read the VERIFIED PETITION FOR WRIT OF MANDATE OR OTHER
5 APPROPRIATE RELIEF (California Environmental Quality Act, Pub. Resources Code § 21168.5;
6 Code of Civil Procedure § 1085), and know its contents. The matters stated in it are true of my
7 knowledge except as to those matters which are stated on information and belief and as to those matters,
8 I believe them to be true.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is
10 true and correct.

11 Executed on March 9, 2026, within the United States of America.

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14 Regina Lennox
15 Sr. Litigation Counsel
16 Safari Club International
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1 **VERIFICATION**

2 I, Richard Minnich, am an officer and the Treasurer for California Rifle & Pistol Association,
3 Incorporated, a petitioner in this action, and I am authorized to make this Verification for and on its
4 behalf and I make this Verification for that reason. I have read the VERIFIED PETITION FOR WRIT
5 OF MANDATE OR OTHER APPROPRIATE RELIEF (California Environmental Quality Act, Pub.
6 Resources Code § 21168.5; Code of Civil Procedure § 1085), and know its contents. The matters stated
7 in it are true of my knowledge except as to those matters which are stated on information and belief and
8 as to those matters I believe them to be true.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is
10 true and correct.

11 Executed on March 9, 2026, within the United States of America.

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14 _____
15 Richard Minnich, Treasurer
16 California Rifle & Pistol Association, Incorporated
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