

1 Plaintiffs-Petitioners Safari Club International; California Rifle & Pistol Association,
2 Incorporated; California Bowmen Hunters/State Archery Association; HOWL for Wildlife, Inc.;
3 California Deer Association; and Coalition to Save Catalina Island Deer (“Plaintiffs-Petitioners”), bring
4 this action for writ of mandate and equitable relief under Code of Civil Procedure section 1085, the
5 California Environmental Quality Act (“CEQA”), Public Resources Code sections 21000 et seq., Fish
6 and Game Code sections 711.7 and 1600-1616, and California public nuisance law, on behalf of
7 Plaintiffs-Petitioners’ interested members and supporters, residents, and the public interest, and allege as
8 follows.

9 INTRODUCTION

10 1. This is an action for a writ of mandate and declaratory and injunctive relief brought
11 pursuant to CEQA by conservation and hunting non-profit organizations to challenge Defendants-
12 Respondents CDFW and Catalina Island Conservancy’s unlawful approval and authorization of the
13 Catalina Island Restoration Project (“Project”), including the issuance of a Restoration Management
14 Permit (“RMP”) and related exemption and concurrence determinations authorizing the eradication of
15 mule deer from Santa Catalina Island and related activities. Plaintiffs-Petitioners challenge Defendants-
16 Respondents’ actions under CEQA, Fish and Game Code sections 711.7, 1600-1616, public nuisance
17 law, and Code of Civil Procedure section 1085.

18 2. Respondent California Department of Fish and Wildlife (“CDFW”) and its South Coast
19 Region purported to exempt the Project from CEQA review pursuant to Public Resources Code section
20 21080.56, also known as the Statutory Exemption for Restoration Projects (“SERP”), and subsequently
21 approved Respondent Catalina Island Conservancy’s (“Conservancy”) Project and issued the challenged
22 RMP.

23 3. The Project authorizes a broad range of activities on Catalina Island, including
24 experimental vegetation treatments, herbicide use, fencing, wildlife monitoring, and biosecurity
25 measures. Most significantly, however, the Project authorizes the complete eradication of Catalina’s
26 mule deer population through methods including aerial and ground net capture, use of dogs to locate
27 deer, daytime and nighttime shooting, shooting from vehicles, baiting, thermal detection, and euthanasia.

28 4. Defendants-Respondents’ exemption determination, concurrence, and approval of the

1 Project were unlawful for several independent reasons. Defendants-Respondents failed to comply with
2 CEQA and the mandatory requirements of Public Resources Code section 21080.56. They failed to
3 lawfully obtain and document the CDFW director’s concurrence required for SERP approval.
4 Defendant-Respondent CDFW violated its obligations to California wildlife resources held in public
5 trust under Fish and Game Code section 711.7. Defendants-Respondents approved and authorized
6 conduct constituting or facilitating a public nuisance. And Defendant-Respondent CDFW acted in
7 excess of its lawful authority by characterizing or treating Catalina mule deer as invasive wildlife for
8 purposes of eradication.

9 5. As a result, the challenged exemption determination, concurrence, and resulting RMP are
10 invalid and invite irreversible and irreparable harm upon Plaintiffs-Petitioners, whose members and
11 supporters use, enjoy, study, advocate for, hunt, and derive benefits from the wildlife resources on
12 Catalina Island, including the mule deer population.

13 6. Plaintiffs-Petitioners therefore request that this Court issue appropriate writ, declaratory,
14 injunctive, and equitable relief vacating and setting aside the challenged approvals and enjoining
15 implementation of the Project unless and until Respondents comply with CEQA and all other applicable
16 laws.

17 **PARTIES**

18 7. Plaintiff-Petitioner SAFARI CLUB INTERNATIONAL (“SCI”) is a nonprofit
19 organization incorporated in the State of Arizona, operating under section 501(c)(4) of the Internal
20 Revenue Code. Its principal offices are located in Washington, DC. SCI was founded in Los Angeles in
21 1972, with members and chapters throughout the United States and beyond. SCI’s purposes include
22 advocating for hunters, promoting wildlife conservation, defending sustainable use of wildlife
23 resources, and supporting hunter education and outdoor traditions. SCI and its members have interests
24 in the conservation, maintenance, and lawful, scientifically based management of mule deer as a
25 wildlife resource, including for wildlife observation, education, hunting, and lawful harvest for food.
26 SCI’s members and supporters include persons who visit, use, and enjoy Santa Catalina Island and who
27 value the continued existence of the Island’s deer herd, and who support its sustainable management
28 through regulated hunting. Defendants-Respondents’ unlawful approval of the Project and authorization

1 of deer eradication on Catalina Island injure those interests.

2 8. Plaintiff-Petitioner CALIFORNIA RIFLE & PISTOL ASSOCIATION,
3 INCORPORATED (“CRPA”) is a nonprofit membership organization incorporated under the laws of
4 California, with headquarters in Fullerton, California. Among its purposes, CRPA advocates for the
5 rights and interests of California firearm owners, hunters, and sportsmen, and promotes lawful,
6 responsible firearm use, safety, education, and outdoor traditions. CRPA and its members have interests
7 in the lawful, scientifically based management of California wildlife resources, including mule deer,
8 and in preserving opportunities for the beneficial use and enjoyment of those resources, including
9 hunting, outdoor recreation, and related education and advocacy. CRPA’s members and supporters
10 include people who visit, use, and enjoy Santa Catalina Island and who value the continued existence
11 and lawful management of the Island’s deer herd. Defendants-Respondents’ unlawful approval of the
12 Project and authorization of deer eradication on Catalina Island injure those interests.

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

24 10. Plaintiff-Petitioner HOWL FOR WILDLIFE, INC. (“HOWL”) is a nonprofit, member
25 organization with headquarters in Pacifica, California. Its mission is to bridge the gap between the
26 public, policymakers, and wildlife biologists—ensuring that important decisions remain rooted in
27 sound research. To that end, Howl advocates for wildlife conservation, hunting, and the rights of
28 sportsmen and women, and educates and mobilizes its members and supporters on issues of wildlife

1 management and outdoor policy. Howl and its members have interests in the lawful, transparent, and
2 scientifically based management of California wildlife resources, including mule deer, and in
3 preserving opportunities for wildlife observation, outdoor recreation, hunting, and related advocacy.
4 Howl's members and supporters include people who visit, use, and enjoy Santa Catalina Island and
5 who value the continued existence and lawful management of the Island's deer herd. Defendants-
6 Respondents' unlawful approval of the Project and authorization of deer eradication on Catalina Island
7 injure those interests.

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

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

1 13. Defendant-Respondent CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
2 (“CDFW”) is an agency of the state of California. It is CDFW’s mission and responsibility to “manage
3 California’s diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for
4 their ecological values and for their use and enjoyment by the public.”¹ CDFW is thus charged with the
5 administration and enforcement of California’s fish and wildlife laws and with the conservation,
6 management, and protection of the State’s wildlife resources. CDFW, acting through its officers,
7 employees, divisions, and regions, participated in and approved the challenged exemption
8 determination and related Project approvals at issue in this action.

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

14 15. Plaintiffs-Petitioners are unaware and genuinely ignorant of the true identities of DOES 1
15 through 10. Doe Defendants-Respondents are fictitiously named. The true names and capacities,
16 whether an individual, corporation, heirs, assigns, successor in interest, or otherwise, of any Doe
17 Defendants-Respondents, are unknown to Plaintiffs-Petitioners at the time of filing of this petition.
18 Plaintiffs-Petitioners will amend this petition to show the true names and capacities of these Doe
19 Defendants-Respondents when the same have been ascertained. Plaintiffs-Petitioners are informed and
20 believe, and on that basis allege, that at all times herein mentioned, Defendants-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 Defendants-Respondents CDFW’s behalf or over
23 whom Defendants-Respondents exercise management and control, and were at all times herein
24 mentioned within the course and scope of such agency and/or employment Plaintiffs-Petitioners are
25 informed, and believe, and on that basis allege, that each of the Defendants-Respondents named as
26 DOES 1 through 10 were in some manner acting unlawfully or otherwise responsible for the events and
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28 ¹ (State of Cal., Dept. of Fish & Wildlife, <<https://wildlife.ca.gov/>> [as of Mar. 9, 2026].)

1 happenings hereinafter alleged.

2 **JURISDICTION AND VENUE**

3 16. This Court has jurisdiction under Code of Civil Procedure section 1085, Public Resources
4 Code section 21168.5, and California Civil Code sections 3490, et seq.

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

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

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

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

20 21. Plaintiffs-Petitioners have complied with the requirements of Public Resources Code
21 section 21167.6 by concurrently notifying Defendants-Respondents of Plaintiffs-Petitioners' request to
22 prepare the record of administrative proceedings relating to this action. Attached hereto as **Exhibit C** is
23 a true and correct copy of the Plaintiffs-Petitioners' Election to Prepare Administrative Record of
24 Proceedings. On or about March 17, 2026, counsel for Defendant-Respondent CDFW served Plaintiffs-
25 Petitioners with a Notice of Denial of Petitioners' Election to Prepare Administrative Record.

26 22. Plaintiffs-Petitioners have performed any and all conditions required of them to file this
27 action. Plaintiffs-Petitioners were not required to exhaust administrative remedies under Public
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1 Resources Code section 21177² because “there was no public hearing or other opportunity for members
2 of the public to raise [] objections orally or in writing before the approval of the [P]roject . . .” (Pub.
3 Resources Code § 21177, subd. (e).) “While Public Resources Code section 21080.56 does not include a
4 public comment requirement, CDFW encourages and supports lead agency efforts to meet and confer
5 with interested parties, neighbors, public officials, and California Native American tribes prior to
6 submittal of a SERP concurrence request to CDFW.³ For some reason, Defendants-Respondents here
7 dismissed their own advice. Instead, they privately proceeded with approval of the Project on the
8 premise that the Project was exempt from CEQA. To be sure, the record lists various “public
9 engagement” activities that the *Conservancy* supposedly engaged in with the public, which Plaintiffs-
10 Petitioners contend are misleading. Attached hereto as **Exhibit E** is a true and correct copy of the First
11 Notice of Exemption. Attached hereto as **Exhibit F** is a true and correct copy of the Second Notice of
12 Exemption. (See Exhibit E [First NOE], attach. 1, pp. 4-6, and Exhibit F [Second NOE], attach. 1, pp. 4-
13 6.) But what is glaringly absent from the record is *Defendants-Respondents*’ engagement with the public
14 on the Project. That is because there was virtually none.

15 23. The Conservancy supposedly submitted its application for the RMP at issue in this matter
16 in September 2025. (Exhibit E, [First NOE], attach 1., p. 5; Exhibit F [Second NOE], attach. 1, p. 5.)
17 The South Coast Region of Defendant-Respondent CDFW, identified as the Lead Agency, then
18 submitted its concurrence request to exempt the Project from CEQA review on January 12, 2026; a
19 CDFW official (not the Director) purported to issue a concurrence on January 26, 2026; the South Coast
20 Region of Defendant-Respondent CDFW determined the Project exempt on January 28, 2026, and filed
21 a Notice of Exemption that same day; the RMP was issued to the Conservancy on January 30, 2026; and
22 CDFW filed a second Notice of Exemption on February 2, 2026. Defendants-Respondents did not
23 provide public notice to review or address any of these steps. Defendants-Respondents thus did not
24 provide a CEQA-compliant public comment period, public hearing, or any meaningful opportunity for
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26 ² Section 21177 generally provides that an action alleging noncompliance with CEQA may not
27 be maintained unless the alleged grounds for noncompliance were presented to the public agency during
28 any public comment period or public hearing on the project. (Pub. Resources Code, § 21177, subd. (a).)

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 members of the public, including Plaintiffs-Petitioners, to raise objections to Defendants-Respondents'
2 reliance on a statutory exemption, the adequacy of the Project's scientific support, the Project's
3 compliance with Public Resources Code section 21080.56, or the Project's compliance with other
4 applicable federal, state, and local law. As a result, Plaintiffs-Petitioners were not required to exhaust
5 administrative remedies under Public Resources Code section 21177. (Pub. Resources Code, § 21177,
6 subd. (e).)

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

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

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

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

24 **PRIVATE ATTORNEY GENERAL DOCTRINE**

25 28. Plaintiffs-Petitioners bring this action as private attorneys general under California Code
26 of Civil Procedure section 1021.5, and any other applicable legal theory, to enforce important rights
27 affecting the public interest. Issuance of the relief requested in this petition will confer significant
28 benefits on the general public by, among other things, preventing the unlawful eradication of a public

1 resource, thereby allowing the public to continue to enjoy it, and protecting the public from
2 environmental and other harms as alleged herein. Issuance of the relief requested in this Petition will
3 result in the enforcement of important rights affecting the public interest by, among other things,
4 compelling Defendants-Respondents to comply with applicable laws in managing public resources and
5 vindicating the public's right under CEQA to have a voice in projects that impact the environment and
6 public resources.

7 29. The necessity and financial burden of enforcement are such as to make an award of
8 attorneys' fees under California Code of Civil Procedure section 1021.5 appropriate in this proceeding.
9 Absent enforcement by Plaintiffs-Petitioners, the Project might otherwise move forward, despite it being
10 unlawful.

11 **STANDING**

12 30. Plaintiffs-Petitioners have standing to bring this action because they are aggrieved by
13 Defendants-Respondents' unlawful approval of the Project and issuance of the RMP. Plaintiffs-
14 Petitioners' members and supporters include persons having concrete recreational, aesthetic,
15 educational, conservation, wildlife-viewing, scientific, organizational, cultural, or economic interests in
16 Santa Catalina Island, including its mule deer, and in lawful, scientifically-based wildlife management,
17 all of which are directly affected by the Project's authorization of deer eradication and related
18 implementation activities.

19 31. Plaintiffs-Petitioners' members and supporters include persons who use, visit, enjoy,
20 study, photograph, advocate for, and derive benefit from Santa Catalina Island and its wildlife, including
21 mule deer. Plaintiffs-Petitioners also have direct interests in the conservation, maintenance, and lawful
22 management of mule deer as a California wildlife resource; in the continued existence of the Catalina
23 deer herd; in opportunities for wildlife observation, and education; and, for some members, in the lawful
24 hunting, harvest and consumption of deer as a source of food. Defendants-Respondents' approval of an
25 island-wide, multi-year deer-eradication program injures those interests by threatening the existence of
26 the deer herd, impairing Plaintiffs-Petitioners' ability to view, study, enjoy, use, and advocate for those
27 animals, foreclosing lawful harvest opportunities, and undermining Plaintiffs-Petitioners' interests in
28 lawful and scientifically grounded wildlife management.

1 32. Plaintiffs-Petitioners' members and supporters include persons who regularly reside on,
2 visit, recreate on, study, photograph, hunt, and maintain longstanding personal, recreational, educational,
3 conservation, and/or economic relationships with Catalina Island and its wildlife resources. The Project
4 directly impairs those concrete uses and relationships through the permanent elimination of the mule
5 deer population and resulting alteration of wildlife resources and opportunities regularly used and
6 enjoyed by Plaintiffs-Petitioners' members and supporters.

7 33. California wildlife resources are held in trust for the people of the State. Plaintiffs-
8 Petitioners and their members and supporters are among the beneficiaries of that public trust and possess
9 beneficial interests in the lawful stewardship, management, continued existence, and public enjoyment
10 of wildlife resources affected by the Project.

11 34. Plaintiffs-Petitioners also suffered injury as a result of Defendants-Respondents' lack of
12 public process in authorizing the Project. By proceeding unlawfully under a statutory exemption and
13 without the environmental review and public process required by CEQA, Defendants-Respondents
14 deprived Plaintiffs-Petitioners of a meaningful opportunity to evaluate the Project's impacts, test its
15 asserted scientific basis, assess alternatives and mitigation, and participate in a legally adequate
16 decision-making process before approval of a project that undeniably has drastic, irreversible
17 consequences on Catalina's wildlife and ecosystem. Plaintiffs-Petitioners SCI, CRPA, CBH/SSA,
18 HOWL, and CDA bring this action on behalf of those members and supporters. The interests Plaintiffs-
19 Petitioners seek to protect are germane to their organizational purposes, and neither the claims asserted
20 nor the relief requested require the participation of individual members or supporters.

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

1 36. Plaintiffs-Petitioners took substantial steps to protect their interests long before
2 Defendants-Respondents approved the Project. After the Conservancy’s deer-eradication plans became
3 public in October 2023, Plaintiffs-Petitioners and their members and supporters organized sustained
4 opposition. They formed the Coalition to Save Catalina Island Deer; launched a public petition opposing
5 deer eradication that now has more than 31,000 signatures; organized letter-writing campaigns to CDFW
6 and the Conservancy; submitted objection letters to CDFW; submitted questions in advance of the
7 Conservancy’s January 31, 2024 community forum, which were not selected for response; met directly
8 with CDFW officials, including at least one meeting with CDFW’s Deputy Director on November 27,
9 2023, and a separate meeting between HOWL representatives and CDFW leadership on October 20,
10 2023; provided public comment at the October 17, 2023 Avalon City Council meeting, the December
11 13, 2023 Fish and Game Commission meeting, and the November 18, 2025 Avalon City Council
12 meeting; protested peacefully outside the Conservancy’s Avalon office on October 17, 2023, at the ferry
13 dock near the Conservancy’s office on October 20, 2023, and at the 2024 Conservancy Ball; and
14 submitted written objections to CDFW on November 18, 2025 opposing deer eradication. (See Exhibit
15 B.)

16 37. Through these efforts, Plaintiffs-Petitioners repeatedly attempted to place their concerns
17 before decision-makers and to oppose the eradication of Catalina’s mule deer through available public
18 channels, despite the absence of any CEQA-compliant public process for the Project itself.

19 38. Additionally, from December 2022 through February 2026, representatives of Plaintiff-
20 Petitioner SCI regularly met with interested officials, including Fish and Game Commissioners Darius
21 Anderson, Eric Sklar, Samantha Murray, and Erika Zavaleta, County Supervisor Janice Hahn, State
22 Senators Lena Gonzalez and Ben Allen, and Senator Allen’s Chief of Staff. SCI representatives also
23 testified under the CDFW Director’s report at the Fish and Game Commission meeting on February 11,
24 2026.

25 39. Plaintiff-Petitioner HOWL sent multiple emails, petitions, and public feedback to CDFW
26 and the Fish and Game Commission from 2023 through 2026. Through its online action center, HOWL
27 submitted thousands of sign-on actions from members of the public. Representatives from HOWL also
28 participated in at least two meetings with CDFW Wildlife & Fisheries Division Deputy Director Chad

1 Dibble and Branch Chief Scott Gardner. Finally, in 2026, HOWL offered to work with CDFW and the
2 Conservancy to conduct an island-wide thermal drone survey—at HOWL’s expense—to better inform
3 the agency of the size and impact of the mule deer population on the Island. The Conservancy rejected
4 the offer.

5 40. In December 2023, representatives from Plaintiff-Petitioner CRPA spoke at the
6 California Game Commission meeting in San Diego, opposing the proposed plan to eradicate the
7 Island’s mule deer population. From April 2024 through December 2025, representatives of Plaintiff-
8 Petitioner CRPA met regularly with interested officials, including State Senator Brian Jones and County
9 Supervisor Hahn, as well as staff from the offices of State Senators Lena Gonzalez and Josh Lowenthal.
10 On September 16, 2024, CRPA representatives met with then-Director Bonham and other organizations.
11 CRPA has also made substantial efforts to educate the public about the plans to eradicate the Island’s
12 beloved deer.

13 41. Plaintiffs-Petitioners’ injuries are caused by Defendants-Respondents’ challenged actions
14 and would be redressed by the relief requested herein. Vacating and setting aside the challenged SERP
15 concurrence, CEQA-exemption determination, RMP approval, and related unlawful actions, and
16 enjoining implementation of the Project unless and until Defendants-Respondents comply with all
17 applicable laws would protect Plaintiffs-Petitioners’ procedural and substantive interests and prevent or
18 lessen the injuries alleged in herein.

19 **FACTUAL BACKGROUND**

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

23 43. On a date unknown to Plaintiffs-Petitioners because it was not made public by CDFW,
24 but apparently in September 2025, the Conservancy submitted to Respondent CDFW, South Coast
25 Region, an application for a restoration management permit under Fish and Game Code section 1672.
26 (Exhibit F [Second NOE], attach. 1, p. 5.) That application sought authorization for an Island-wide,
27 multi-year project involving various ecosystem restoration and other activities across Catalina Island.
28 (*Id.* at pp. 2, 5.)

1 44. Among other things, the application sought authorization to eradicate mule deer from the
2 Island via various activities, including baiting, aerial trapping with nets, shooting with air guns and
3 rifles, sterilization and release of sentinel deer, and euthanasia. (Exhibit F [Second NOE], p. 6; Exhibit
4 K [RMP], pp. 6-8.) The application also sought authorization for extensive vegetation-management
5 activities, including fencing, invasive vegetation removal, native seed collection and reseeding, and
6 experimental herbicide treatment and monitoring involving monocot-specific, broad-spectrum, and
7 broadleaf-specific herbicides, including possible use of glyphosate and triclopyr. (Exhibit H [Workplan],
8 pp. 5-8, 15; Exhibit K [RMP], pp. 4-6.) The Project also included biosecurity and wildlife-management
9 measures, including island fox monitoring, infectious disease surveillance, vaccination and mortality
10 tracking, as well as island-wide biological monitoring and documentation involving birds, Lepidoptera,
11 shrews, small mammals, reptiles, amphibians, and vegetation. (Exhibit H [Workplan], pp. 21-33; Exhibit
12 K [RMP], pp. 12-15.) In response, on January 12, 2026, the South Coast Region of Defendant-
13 Respondent CDFW, identified as the Lead Agency, submitted to Defendant-Respondent CDFW a
14 “CEQA Statutory Exemption for Restoration Projects Concurrence Request” seeking the Director’s
15 concurrence that the Project meets the eligibility requirements of subdivisions (a) through (d) of Public
16 Resources Code section 21080.56. (Exhibit F [Second NOE], attach. 1, pp. 1-12). This submission was
17 not made publicly, so Plaintiffs-Petitioners, like the rest of the public, were unaware of it at the time.

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

1 correct copy of what is believed to be the Island Restoration Scientific Assessment (“IRSA”)]; and
2 **Exhibit J** [a true and correct copy of what is believed to be the Habitat Restoration and Monitoring Plan
3 (“HRMP”)].)

4 46. On January 26, 2026, Joshua Grover, Deputy Director of CDFW’s Ecosystem
5 Conservation Division, purported to issue a concurrence decision to exempt the Project under Section
6 21080.56, subdivision (e) (“Concurrence”). (Exhibit F [Second NOE, attach. 2.]) While it appears that
7 CDFW posted this Concurrence online when it was issued, there was no public outreach to Plaintiffs-
8 Petitioners or otherwise about its posting.

9 47. On January 28, 2026, the South Coast Region of Defendant-Respondent CDFW filed a
10 Notice of Exemption (“NOE”) that the Project is exempt from CEQA under Section 21080.56,
11 subdivision (g), notifying the public for the first time of its decision (“NOE #1”). (See Exhibit E [First
12 NOE].) According to NOE #1, the South Coast Region considered the Concurrence to be from “the
13 Director’s designee” and apparently sufficient to satisfy Section 21080.56, subdivision (e)’s requirement
14 that “the director” provide a concurrence. (*Id.* at p. 2.) It does not cite to any law or rule that allows for a
15 supposed “designee” to satisfy that requirement.

16 48. On January 30, 2026, the South Coast Region of Defendant-Respondent CDFW approved
17 the RMP, which authorized the eradication of mule deer from Catalina, and issued it to the Conservancy
18 that same day. (Attached hereto as **Exhibit K** is a true and correct copy of the final, approved RMP for
19 the Project.)

20 49. On February 2, 2026, the South Coast Region of Defendant-Respondent CDFW,
21 identified as the Lead Agency, filed a second Notice of Exemption (NOE #2) for the purported purpose
22 of complying with CEQA Guidelines section 15062 (Cal. Code Regs., tit. 14, § 15062), which requires
23 the Lead Agency to file a NOE within five days after a project’s approval.

24 50. The attachments to both NOE #1 and NOE #2 appear to be identical, or essentially
25 identical.

26 51. As a result of the RMP’s issuance, the Conservancy is currently permitted to act under
27 the RMP and, on information and belief, is currently taking action under the RMP that Plaintiffs-
28 Petitioners seek to prevent.

1 **LEGAL BACKGROUND**

2 **I. California Environmental Quality Act**

3 52. CEQA is a comprehensive legal regime designed to provide long-term protection of the
4 environment. (Pub. Resources Code, §§ 21000-21189.) CEQA exists to, among other things, “[i]nform
5 decision makers and the public about the potential, significant environmental effects of proposed
6 activities.” (Cal. Code Regs., tit. 14, § 15002(a)(1).)

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

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

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

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

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

27 b. Public comment period for the ND/MND of at least 20 days, or 30 days if a
28 proposed ND/MND is submitted to the State Clearinghouse for review by state agencies, (Pub.

1 Resources Code, § 21091, subd. (b));

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

6 d. Comment and engagement period for NOP of 30 days, (Cal. Code Regs., tit. 14,
7 §§ 15082-15083);

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

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

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

19 58. To qualify for a SERP under section 21080.56, the project must “[r]esult[] in long-term
20 net benefits to climate resiliency, biodiversity, and sensitive species recovery,” *and* “[i]nclude[]
21 procedures and ongoing management for the protection of the environment.” (Pub. Resources Code,
22 § 21080.56, subd. (c)(1)-(2).)

23 59. Section 21080.56, subdivision (e), provides that a lead agency seeking to rely upon SERP
24 “shall obtain the concurrence of the *Director* of Fish and Wildlife” regarding the statutory
25 determinations required by that section. It further provides that “the director shall document the
26 director’s concurrence using substantial evidence and best available science.” (Pub. Resources Code, §
27 21080.56, subd. (e).) Neither section 21080.56 nor any other provision of law authorizes issuance of
28 SERP concurrence by a “Director’s Designee” or other delegatee.

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

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

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

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

17 63. Specifically, California aims, among other things:

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

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

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

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

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

28 (Fish & G. Code, § 1801, subs. (a)-(e).)

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

8 65. “In any action or proceeding, other than an action or proceeding under Section 21168, to
9 attack, review, set aside, void or annul a determination, finding, or decision of a public agency on the
10 grounds of noncompliance with this division, the inquiry shall extend only to whether there was a
11 prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in a
12 manner required by law or if the determination or decision is not supported by substantial evidence.”
13 (Pub. Resources Code, § 21168.5.) Section 21168 does not apply here because this is not an action to
14 review an agency’s decision under CEQA, but to challenge an exemption from CEQA review.

15 **II. Wildlife Public Trust and Defendants-Respondents’ Duties Under the Fish & Game**
16 **Code**

17 66. California’s fish and wildlife are the common property of all Californians. (Cal. Fish &
18 Game Code, § 1600 (“Fish and wildlife are the property of the people.”).)

19 67. These resources are held in trust for the benefit of the people of the state of California.
20 CDFW is the trustee of California’s wildlife resources and is charged with conserving, protecting, and
21 managing those resources for present and future generations. (Cal. Fish & Game Code, § 711.7, subd.
22 (a) (“The fish and wildlife resources are held in trust for the people of the state by and through the
23 department [of Fish and Game].”))

24 68. CDFW must exercise its discretion concerning wildlife resources in a manner consistent
25 with its statutory obligations as trustee and the conservation purposes of the Fish and Game Code. In
26 exercising authority affecting wildlife resources, CDFW must meaningfully consider its trustee
27 obligations and comply with mandatory legal requirements governing wildlife and habitat protection.

28 69. Fish and Game Code sections 1600 through 1616 establish mandatory duties governing

1 activities that may substantially divert or obstruct the natural flow of, or substantially change or use
2 material from, rivers, streams, lakes, or associated riparian habitat and wildlife resources. (Fish & G.
3 Code, § 1602, subd. (a).) Under section 1672, subdivision (f), where a qualifying restoration project
4 includes activities involving substantial diversion, obstruction, or change to rivers, streams, or lakes and
5 may substantially adversely affect fish or wildlife resources, Defendant-Respondent CDFW may
6 authorize such activities through an RMP but must determine whether such effects may occur and
7 include reasonable measures necessary to protect affected resources.

8 70. Catalina mule deer constitute wildlife resources within the meaning of Fish and Game
9 Code section 711.7. They are thus resources held in trust for the people of the state through CDFW.

10 71. Any member of the general public, including both individuals and organizations, may
11 raise a claim of harm to the public trust and seek protection of wildlife resources held in trust for the
12 people of California. CDFW, as trustee under section 711.7, is obligated to exercise its authority
13 consistently with those trust duties. Plaintiffs-Petitioners therefore possess standing to challenge
14 CDFW's concurrence facilitating injury to public trust wildlife resources.

15 **III. Public Nuisance**

16 72. At common law, public nuisances are ““offenses against, or interferences with, the
17 exercise of *rights common to the public*,’ such as public health, safety, peace, comfort, or convenience.”
18 (*Citizens for Odor Nuisance Abatement v. City of San Diego* (“*Citizens for Odor Nuisance Abatement*”)
19 (2017) 8 Cal.App.5th 350, 358, quoting *People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1103.)

20 73. Civil Code section 3479 defines a nuisance as “anything which is injurious to health,
21 including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the
22 senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of
23 life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any
24 navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway.”
25 Relatedly, under Civil Code section 3480, a public nuisance as “one which affects at the same time an
26 entire community or neighborhood, or any considerable number of persons, although the extent of the
27 annoyance or damage inflicted upon individuals may be unequal.”

28 74. To qualify as public nuisance, the interference with the rights of the public must be both

1 “substantial” and “unreasonable.” (*Citizens for Odor Nuisance Abatement, supra*, 8 Cal.App.5th at p.
2 358.) A substantial interference is one involving real and appreciable harm to public rights, public
3 resources, or the public’s use and enjoyment thereof.

4 75. California law recognizes that fish and wildlife resources are public property held for the
5 benefit of the people and that interference with those resources may constitute an actionable public
6 nuisance. (See *People v. Truckee Lumber Co.* (“*Truckee Lumber*”) (1897) 116 Cal. 397, 399-400
7 [holding that conduct interfering with public rights in fish constituted a public nuisance subject to
8 injunction]; *id.* at p. 399 [recognizing that “an obstruction to the free use of property so as to interfere
9 with the comfortable enjoyment of life or property by an entire community or neighborhood, or any
10 considerable number of persons,” is a public nuisance].)

11 76. California’s fish and wildlife resources are held in trust for the people of California, and
12 the State possesses sovereign authority and responsibility to protect and preserve those resources. (Fish
13 & G. Code, §§ 711.7, 1600.) The Fish and Game Code further recognizes the importance of maintaining
14 populations of all wildlife and their habitat sufficient “[t]o provide for the beneficial use and enjoyment
15 of wildlife by all citizens of the state,” “[t]o perpetuate all species of wildlife for their intrinsic and
16 ecological values, as well as for their direct benefits to all persons,” and “[t]o provide for aesthetic,
17 educational, and nonappropriative uses of the various wildlife species.” (Fish & G. Code, § 1801, subs.
18 (a)-(d).)

19 **IV. Wildlife Classification, Agency Authority, and Ultra Vires Action**

20 77. California administrative agencies, including CDFW, possess only those powers
21 expressly conferred by statute or necessarily implied from statutory authority. Agencies may not enlarge
22 or extend their authority through administrative practice or policy preference.

23 78. Wildlife management in California is governed by the California Constitution, the Fish
24 and Game Code, and duly enacted statutes and regulations adopted by the California Fish and Game
25 Commission and administered by Defendant-Respondent CDFW. (Cal. Const., art. IV, § 20; Fish & G.
26 Code, §§ 200 et seq., 711.7)

27 79. California law recognizes deer, including mule deer (*Odocoileus hemionus*), as wildlife
28 resources and “game mammals” subject to conservation, management, and regulated take. (Fish & G.

1 Code, §§ 450-462, 3950, subd. (a) [identifying “deer (genus *Odocoileus*)” as “game mammals”].) The
2 Legislature has expressly declared that it is the policy of this State “to encourage the conservation,
3 restoration, maintenance, and utilization of California’s wild deer populations.” (*Id.*, § 450.)

4 80. As “game mammals,” the management of California deer herds occur pursuant to statutes
5 and regulations governing hunting seasons, lawful take, license and tag requirements, depredation
6 authority, and deer herd management plans established the California Fish and Game Commission and
7 administered by Defendant-Respondent CDFW. (See, e.g., Fish & G. Code, §§ 450-462, 4301-4371;
8 Cal. Code Regs., tit. 14, §§ 350, 360 [identifying zones where deer may be taken].) Santa Catalina Island
9 is designated within Deer Zone D-15. (Cal. Code Regs., tit. 14, § 360, subd. (a)(4).) The Legislature has
10 directed that deer herd management pursue the dual objectives of “the *restoration and maintenance of*
11 *healthy deer herds* in the wild state” and “provid[ing] for high quality and diversified use of deer in
12 California.” (Fish & G. Code, § 453, italics added.)

13 81. California law separately maintains legal frameworks governing nonnative, restricted,
14 and invasive species. Those frameworks are distinct from the laws governing “game mammals” and
15 authorize species-specific management and take only pursuant to statutes or regulations adopted for that
16 purpose. (See, e.g., Fish & G. Code, § 2189 [regulating the importation, transportation, and possession
17 of nonnative wild animals, which are defined as “any nonnative animal species, or hybrid thereof, that is
18 not normally domesticated pursuant to this code or regulations adopted pursuant thereto *and that is not*
19 *designated* as a furbearing, *game*, nongame, threatened, or endangered animal”], italics added; *id.*, §
20 3950 [designating deer as “game mammals”]; *id.*, §§ 4301-4371 [wildlife management and harvest
21 statutes for deer]; *id.*, § 4181.5 [regulating and requiring a permit to kill deer that have damaged or
22 destroyed or threaten to damage or destroy private property”).

23 82. Fish and Game Code section 2189 defines “nonnative wild animal” for purposes of
24 California wildlife regulation and expressly excludes animals designated as game, nongame, threatened,
25 endangered, or furbearing species. Deer, by contrast, are expressly designated by California law as game
26 mammals. (Fish & G. Code, §§ 2189, 3950.)

27 83. This is materially different from how California treats truly “invasive” species. Indeed,
28 California maintains a legal framework governing “invasive” or “nonnative” species that is separate

1 from the laws governing “game mammals.” (See, e.g., Fish & G. Code, § ; The legal status and
2 management of wildlife resources are matters governed by statutes adopted or amended by the
3 Legislature or by regulation adopted by the California Fish and Game Commission, not informal
4 characterization by CDFW in connection with a policy preference or any individual RMP.

5 84. Neither Public Resources Code section 21080.56 nor the Restoration Management Permit
6 Act (Fish & G. Code, §§ 1670 et seq.) nor any other provision of law grants Defendant-Respondent
7 CDFW authority to reclassify or otherwise alter the legal status of wildlife resources or game mammals,
8 including mule deer, established under California law.

9 85. A statutory exemption from CEQA and issuance of an RMP may authorize certain
10 project activities if otherwise lawful, but neither creates substantive authority that an agency otherwise
11 lacks nor expands CDFW’s delegated powers under California law.

12 **FIRST CAUSE OF ACTION**
13 **Against All Defendants-Respondents**
14 **Writ of Mandate (Code of Civ. Proc., § 1085)**
15 **(Violation of CEQA – Invalid CEQA Exemption)**

16 86. Plaintiffs-Petitioners reallege Paragraphs 1 through 85 and incorporate them as though
17 fully set forth herein.

18 87. As stated *supra*, and as articulated in Plaintiffs-Petitioners’ and other persons’ and
19 organizations’ comments on the Project, issuance of the SERP and RMP was unlawful for the following
20 reasons.

21 **I. The SERP Lacks Required CDFW Director’s Concurrence and Documentation**

22 88. The SERP fails out of the gate because Defendants-Respondents did not comply with
23 Public Resources Code section 21080.56’s procedural mandates. Subdivision (e) of section 21080.56
24 requires the Lead Agency to “obtain the concurrence of the *Director* of Fish and Wildlife for the
25 determinations required pursuant to subdivisions (a) to (d), inclusive.” Yet, the purported concurrence
26 for the SERP was issued by Joshua Grover, Deputy Director of CDFW’s Ecosystem Conservation
27 Division, not the *Director*. (Exhibit F [Second NOE], attach. 2.) The NOE describes Mr. Grover as the
28 “Director’s *designee*.” (*Id.* at attach. 2, p. 2.) The NOE cites no law, regulation, or rule that authorizes a
“designee” of the Director to satisfy this requirement. Plaintiffs-Petitioners are unaware of any such law,

1 regulation, or rule. Nor does the Concurrence from the supposed “designee” explain the source of his
2 authority or how the Director conferred such authority on him, assuming that would even be legal.
3 Tellingly, every other SERP concurrence issued by CDFW since the exemption took effect (over 85 in
4 total) has been authorized by the actual Director. Because this one was not, it is invalid.

5 89. Because there was no concurrence from “the Director,” “the Director” necessarily did not
6 “document the director’s concurrence using substantial evidence and best available science,” as Section
7 21080.56(e) demands.

8 90. Because the South Coast Region of Defendant-Respondent CDFW, identified as the Lead
9 Agency, failed to obtain “the concurrence of the *Director*” or the Director’s required documentation of
10 the SERP concurrence, Defendant-Respondent CDFW has not satisfied the mandates of Section
11 21080.56. Defendant-Respondent CDFW has therefore abused their discretion by not proceeding in a
12 manner required by law in deciding to approve the SERP and resulting RMP. That alone dooms both.

13 **II. The Project Does Not Qualify for the Narrow Statutory Exemption Under Section**
14 **21080.56 Because It Is Not “Exclusively” a Restoration Project**

15 91. Even had Defendant-Respondent CDFW had satisfied the procedural mandates of Public
16 Resources Code section 21080.56, subdivision (e), the Project does not qualify for an exemption under
17 section 21080.56 in the first place. That exemption is only available to “a project that is exclusively one
18 of” two narrowly defined categories: “(1) A project to conserve, restore, protect, or enhance, and assist
19 in the recovery of California native fish and wildlife, and the habitat upon which they depend; [or] (2) A
20 project to restore or provide habitat for California native fish and wildlife.” (Pub. Resources Code, §
21 21080.56, subd. (a).) The Project does not meet that standard.

22 92. The Project’s own governing documents establish that it is not “exclusively” a restoration
23 or habitat-provision project. Rather, the RMP and supporting Workplan describe a broad, multi-
24 component island-management program involving not merely restoration activities, but also wildlife
25 removal and depopulation, biosecurity programs, wildlife capture and disease surveillance, experimental
26 herbicide testing, landscape-scale monitoring and documentation, public outreach and workforce
27 development, and operational and public-safety measures. (Exhibit K [RMP], pp. 1-2, 13-15; Exhibit H
28 [Workplan], table of contents, pp. 1-3, 21-33.)

1 93. The Project itself distinguishes restoration activities from other categories of work. The
2 RMP separately identifies “active restoration” activities and “biosecurity programs,” the latter including
3 mule deer removal and island fox monitoring and infectious-disease surveillance. (Exhibit K [RMP], pp.
4 1-2.) Likewise, the Workplan separately categorizes “Landscape-Level Active Restoration,”
5 “Biosecurity Measures in Place to Reduce Threats to Ecosystem,” “Monitoring and Documentation,”
6 and “Outreach, Education, Engagement, and Workforce Development.” (Exhibit H [Workplan], pp. 1-
7 3.) These documents thus acknowledge that the Project encompasses activities distinct from restoration
8 itself.

9 94. The deer-eradication component itself confirms that the Project is not “exclusively”
10 restoration. The Workplan expressly states that “[f]inally, invasive Mule deer will be removed from the
11 landscape to allow for Island-wide passive restoration and active habitat restoration to occur.” (Exhibit
12 H [Workplan], p. 4.) By the Project’s own terms, deer removal is not restoration but a separate
13 management activity intended to facilitate future restoration.

14 95. That deer-removal program itself is a years-long wildlife-management and depopulation
15 operation extending across nearly the entire Island. The RMP authorizes mule deer removal “across the
16 island over multiple years” (Exhibit K [RMP], p. 6) through methods including professional shooting,
17 nocturnal ground shooting with drone support, aerial net capture, ground shooting with helicopter
18 support and detection dogs, baiting, sterilization, GPS-collared sentinel deer, euthanasia, carcass
19 handling and shipment, and separate operational protocols for Avalon and non-Avalon areas. (Exhibit K
20 [RMP], pp. 6-8.)

21 96. The Project further includes broad biological monitoring and biosecurity measures
22 unrelated to restoration itself, including: Catalina Island fox disease surveillance, vaccination, mortality
23 tracking, and threat detection (Exhibit H [Workplan], p. 2; Exhibit K [RMP] pp. 1, 12-13), Lepidoptera
24 monitoring, bird acoustic surveys, and small-mammal and herpetofauna surveys, and adaptive
25 management based on monitoring results (Exhibit H [Workplan], p. 21-31; Exhibit K [RMP] pp. 1, 13-
26 15), volunteer programming, workforce development, and public outreach and education. (Exhibit H
27 [Workplan], pp. 32-33). It also includes experimental herbicide testing involving randomized plot
28 design, repeated treatment and monitoring over multiple years, and possible use of glyphosate, triclopyr,

1 and helicopter-based application. (Exhibit H [Workplan], pp. 4-7; Exhibit K [RMP], pp. 4-6.) These
2 activities confirm that the Project is an expansive Island-management program containing numerous
3 components beyond restoration or habitat provision.

4 97. Further, the Conservancy has demonstrated its desire to eradicate deer from Catalina,
5 separate from the overall scope of the Project, for many years. The Conservancy seeks to bootstrap that
6 separate policy aim into the camouflage of this vast, multi-faceted Project. That ulterior motive
7 independently disqualifies the Project, at least the deer eradication component, from being “*exclusively*”
8 for assisting or providing habitat for California native wildlife.

9 98. Defendants-Respondents attempt to justify eradication by characterizing Catalina mule
10 deer as “non-native” and “invasive.” (Exhibit F [Second NOE], attach. 2, p. 2.) Plaintiffs-Petitioners
11 dispute that characterization, and the Project record cites no authority supporting claims that the mule
12 deer are a “non-native” or “invasive” species—because there is none. On the contrary, mule deer are a
13 California native species whose conservation and management are expressly recognized by California
14 law. (Fish & G. Code, § 450 [“It is hereby declared to be the policy of the Legislature to encourage the
15 conservation, restoration, maintenance, and utilization of California’s wild deer populations ...”]; *id.* at
16 § 3950 [declaring mule deer to be a “game mammal” in California].) Their designation as a “game
17 mammal” confirms that the deer are not some legally alien organism under California law, but a wildlife
18 resource that the State affirmatively classifies, regulates, and manages for conservation, use, and
19 enjoyment by the public, which entitles them to various, significant protections. (See *id.* §§ 450-462.)
20 That dynamic eviscerates the entire premise of the Project’s (mis)treatment of these mule deer.

21 99. Tellingly, neither Defendants-Respondents nor the Conservancy consulted the Invasive
22 Species Council of California on this Project, the sole purpose of which is to help coordinate and advise
23 state agencies on the best practices for controlling invasive species. (Food & Ag. Code § 7700.) That is
24 because they know mule deer are not invasive. The real reason that the Conservancy tried to affix the
25 “invasive” label to the Catalina deer was a pretext in hopes to finally achieve its longstanding goal of
26 eradicating them after the years of failed efforts to do so. If the Conservancy was genuinely concerned
27 about “invasive species” on the Island that harm plants, the Project would address the bison on the
28 island. The bison’s omission from the RMP confirms it is not serious about removing invasive species,

1 but just wants the deer removed.

2 100. At bottom, the complete eradication of a species from an ecosystem—particularly a
3 legally and socially venerated species like deer on a uniquely venerated ecosystem like Santa Catalina
4 Island—does not qualify as the type of project that is exempt from CEQA review under Section
5 21080.56, subdivision (a). In any event, the Conservancy’s longstanding efforts to eradicate Catalina
6 mule deer separate from this Project (discussed *supra*) reinforce that the Project is not “exclusively” for
7 the purposes that Section 21080.56, subdivision (a) sanctions. As a result, the Project requires CEQA
8 review. Indeed, not long ago, just before the adoption of Section 21080.56, the Conservancy itself
9 acknowledged that its efforts to eradicate the deer would require CEQA review. (Attached hereto as
10 **Exhibit P** is a true and correct copy of Catalina Island Climate Resiliency & Restoration Strategy, co-
11 authored by the Project Proponent, Lauren Dennhardt, dated December 28, 2022 [p. 8].) To hold
12 otherwise would mean that CDFW has authority to eradicate entire herds of California native species
13 using whatever methods, without the environmental oversight and public input that CEQA demands.

14 **III. The Exemption Determination and Concurrence Are Not Supported by Substantial**
15 **Evidence and Best Available Science**

16 101. Even assuming the eradication of an entire California native species from an ecosystem is
17 a project contemplated by Public Resources Code section 21080.56, subdivision (a), for exemption from
18 CEQA review, Defendant-Respondent CDFW’s (already invalid) concurrence cannot be said to be
19 based on “substantial evidence” or “best available science,” as it must be under section 21080.56,
20 subdivision (e). Similarly, approval of the SERP exemption and issuance of the RMP constitutes a
21 “prejudicial abuse of discretion” because the “decision is not supported by substantial evidence,” as it
22 must be. (Pub. Resources Code, § 21168.5.)

23 102. The South Coast Region’s request for Defendant-Respondent CDFW’s concurrence with
24 the SERP for the Project states that its exemption determination “is based on the information provided
25 by the Conservancy in the attached RMP Application Package.” (Exhibit F [Second NOE], attach. 1, p.
26 6.) Defendant-Respondent CDFW’s purported concurrence was likewise based on “CDFW’s
27 administrative record of proceedings for the Project,” as well as “the proposed Project as described by
28 the Lead Agency Determination and the Request.” (Exhibit F [Second NOE], attach. 2, pp. 4, 8.)

1 103. Plaintiffs-Petitioners do not merely claim that different conclusions from those of
2 Defendants-Respondents, as reflected in the SERP documents, could have been reached. Rather,
3 Plaintiffs-Petitioners contend that the Defendant-Respondent CDFW did not have enough relevant
4 information before it to concur in the exemption determination where it allows: (1) the eradication of an
5 entire herd of a California native species (mule deer), which is an otherwise protected game mammal,
6 via use of tracking dogs, helicopter-netting, and sharp-shooters; (2) the incidental take of or disturbance
7 pathways for federally protected species; and (3) extensive use of herbicides intentionally directed at
8 water-tables that are the source of drinking water for the population of Catalina, as explained above.

9 104. Indeed, the record supporting the RMP is the product of a biased, closed-off “process”
10 that did not afford a meaningful opportunity to known interested parties like Plaintiffs-Petitioners and
11 others to raise valid concerns about scientific, environmental, social, and economic impacts associated
12 with eradicating an entire species from an ecosystem. Despite Plaintiffs-Petitioners best efforts to
13 convey their concerns, the SERP documents show that they were ignored. Without this input, the
14 information in the SERP documents cannot be considered “enough” to support Defendants-
15 Respondents’ radical decision.

16 105. In short, the exemption determination and purported concurrence were not supported by
17 “substantial evidence” or the best available science.” The evidence on the record lacks robust scientific
18 rigor and the scrutiny from public participation, comments, and hearings associated with CEQA review.

19 106. **Supposed Wildfire Risk Mitigation:** Defendants-Respondents accepted the
20 Conservancy’s representation that the Project would reduce wildfire risk by promoting recovery of
21 native vegetation and reducing conversion to invasive annual grasslands. (Exhibit F [Second NOE],
22 attach. 1, pp. 3, 6-7.) But the record does not reflect the reasoned use of the best available science on
23 that question. To the contrary, the lead public official responsible for fire management on Catalina, Los
24 Angeles County Fire Chief Anthony Marrone, advised before the RMP’s approval that complete
25 removal of mule deer from Catalina would *increase* wildfire risk there, not reduce it. (Attached hereto as
26 **Exhibit O** is a true and correct copy of Anthony C. Marrone, Fire Chief, Los Angeles County Fire
27 Department, memorandum to Supervisor Janice Hahn re: Mule Deer Management on Catalina Island
28 (Jan. 7, 2026).) Chief Marrone, who also serves as Los Angeles County Forester and Fire Warden,

1 concluded that complete removal of mule deer “presents operational concerns” from a wildfire risk
2 perspective (*id.* at p. 2); that “[i]n the absence of herbivory, chaparral fuel loads would increase,
3 resulting in higher tons per acre and elevated ERC [Energy Release Component] values” (*ibid.*); that
4 “fuel age classes exceeding 25 years are extremely difficult to manage during wildfire incidents”(*ibid.*);
5 that complete removal of mule deer “would elevate wildfire risk to developed areas, particularly in
6 Avalon” (*ibid.*); and that “active population management represents a lower-cost alternative with
7 measurable fire risk reduction benefits” (*ibid.*). The SERP documentation does not meaningfully
8 acknowledge, analyze, or reconcile that contrary expert view. On a claimed Project benefit as
9 consequential as wildfire mitigation, Defendants-Respondents’ failure to grapple with directly
10 conflicting expert input undermines any claim of reliance on the best available science and underscores
11 the importance of CEQA review here.

12 107. That omission is especially significant because wildfire risk is a site-specific fuels and
13 vegetation management question, not a matter that can be resolved by a generalized assumption that
14 browse reduction will necessarily decrease fire danger. California’s wildfire-resilience and fuels-
15 reduction programs emphasize strategic vegetation management, prescribed fire, thinning, clearance,
16 and fuel breaks to alter fire behavior and protect communities. (See CAL FIRE, *Fuels Reduction*
17 <<https://www.fire.ca.gov/what-we-do/natural-resource-management/fuels-reduction>> [as of Mar. 9,
18 2026]; Cal. Dept. of Water Resources, *California’s Wildfire and Forest Resilience Action Plan* (Jan.
19 2021) <[https://wildfiretaskforce.org/wp-](https://wildfiretaskforce.org/wp-content/uploads/2023/04/californiawildfireandforestresilienceactionplan.pdf)
20 <[content/uploads/2023/04/californiawildfireandforestresilienceactionplan.pdf](https://wildfiretaskforce.org/wp-content/uploads/2023/04/californiawildfireandforestresilienceactionplan.pdf)>⁶.) Defendants-
21 Respondents therefore had no reasonable basis to accept the Conservancy’s asserted wildfire benefit at
22 face value without meaningfully addressing the site-specific contrary opinion from the official charged
23 with managing fire risk on Catalina.

24 108. What’s more, the materials that Proponents rely on to support the Project’s deer-removal
25 as supposedly mitigating wildfire risk support no such thing. Those materials say that the fire cycle
26 driving plant-type conversion (from native chaparral to invasive grassland) is caused by fire frequency
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 (Exhibit J [HRMP], p. 125, citing Keeley, *Native American Impacts on Fire Regimes in California*
2 *Coastal Ranges*, J. of Biogeography (2002)), and that fire frequency is driven by wind and human
3 ignition—not by vegetation conditions deer removal would change. (*Id.*, citing Keeley & Syphard,
4 *Different Historical Fire-climate Patterns in California* (2017) 26 Intl. J. Wildland Fire 253; Moritz et
5 al., *Relationship Between Topographic Heterogeneity and Vegetation Patters in a Californian Salt*
6 *Marsh* (2010) 15 J. Vegetation Sci. 253; Syphard and Keeley, *Location, Timing and Extent of Wildfire*
7 *Vary by Cause of Ignition* (2015) 24 Intl. J. Wildland Fire 37; Keeley 2004 [sic].) Proponents’ own
8 planning document thus does not support its narrative presenting deer as a primary driver of plant-type
9 conversion that increases wildfire risk.

10 109. In light of this conflicting expert input regarding wildfire effects, and the Project’s
11 acknowledgment that Catalina’s vegetation conditions are shaped by multiple interacting factors,
12 Defendants-Respondents’ conclusory acceptance of wildfire-mitigation benefits cannot be said to be
13 supported by substantial evidence, let alone the best available science. (Exhibit F [Second NOE], attach.
14 1, pp. 3, 6-7.)

15 110. **Deer Population Numbers:** The Project’s premise with respect to deer is, at least in part,
16 that their population is excessive. SERP documents claims that the Island’s mule deer population
17 numbers around 2,000. (Exhibit K [RMP], p. 4 [noting that the population “quickly grew to a herd of
18 over 2,000”]; *id.* at pp. 14-15 [Table 1 listing estimated deer population numbers at 1,771 in 2021; 1,800
19 in 2024; and 2,040 in 2025].) But outdated survey methods and extrapolations were used to reach that
20 figure, which likely overestimates the Island’s mule deer population. Indeed, on information and belief,
21 the last peer-reviewed deer count available to Defendants-Respondents was conducted in 2021, using
22 spotlight counting methods. (Stapp, et al., *Status of the Introduced Mule Deer Population on Catalina*
23 *Island, California, Based on Annual Spotlight Counts*, Proceedings of the Vertebrate Pest Conference
24 (2022) <<https://escholarship.org/uc/item/847923z8>> [as of Mar. 9, 2026].) That data is insufficient to
25 support the SERP exemption. The record does not explain why stale population data, supplemented by
26 unexplained later estimates, constitute the “best available science” for purposes of approving a Project
27 premised in substantial part on deer abundance and its alleged ecological consequences.

1 111. The record also fails to explain why Defendants-Respondents relied on spotlight-based
2 counting methods when thermal-drone surveys, which have been offered by Plaintiff-Petitioner HOWL
3 without charge, are generally better suited to steep, rugged, and hard-to-access terrain like Catalina.
4 Indeed, Proponents' own Workplan acknowledges thermal drone survey as a superior methodology for
5 assessing deer population status. (Exhibit H [Workplan], pp. 29-30.) The Workplan contemplates using
6 thermal sensing technology, including drones, to locate deer during night shooting operations (Exhibit H
7 [Workplan], pp. 26, 29, 34), and the Final RMP states that deer will continue to be monitored using
8 spotlighting and drone thermal cameras to assess Project success, bait-station efficacy, demographic
9 change, and population distribution (Exhibit K [RMP], p. 7, citing Exhibit H [Workplan], p. 28).
10 Proponents' failure to rely on that admittedly superior detection tool to establish whether deer numbers
11 actually support their theory of ecosystem harm, while embracing it once the goal shifts to locating
12 animals for removal, is revealing. (Exhibit H [Workplan], pp. 26, 29). It directly shows the record does
13 not reflect the best available science on population count.

14 112. **Unsupported Catalina Deer Dietary Assumptions:** The record describes Catalina deer
15 diet in two separate sections citing eight studies. (Exhibit J [HRMP], p. 96; Exhibit I [IRSA], p. 23.) The
16 cited sources include a statewide California deer herd population survey not focused on diet (Longhurst
17 et al., *A Survey of California Deer Herds: Their Ranges and Management Problems* (1952) Cal. Dept. of
18 Fish & Game Bulletin No. 6); a study of tame, free-ranging deer and elk on northern Utah summer range
19 in quaking aspen and lodgepole pine habitat with limited relevance to Catalina's chaparral (Collins &
20 Urness, *Feeding Behavior and Habitat Selection of Mule Deer and Elk on Northern Utah Summer*
21 *Range* (1983) 47 J. Wildlife Mgmt. 646); a study of dietary shifts in white-tailed deer during acorn
22 abundance and scarcity, involving a different species from Catalina mule deer (Harlow et al., *Deer*
23 *Foods During Years of Oak Mast Abundance and Scarcity* (1975) 39 J. Wildlife Mgmt. 330); a
24 California Department of Fish and Game report involving black-tailed deer rather than Catalina mule
25 deer (Pine and Mansfield, *Competition Between Deer and Livestock in Central Coastal California*, Cal.
26 Dept. of Fish & Wildlife Report (1980)); a general book chapter on mule and black-tailed deer diet in
27 desert and chaparral habitats across North America (Urness, *Desert and Chaparral Habitats: Food*
28 *Habits and Nutrition*, in *Mule and Black-tailed Deer of North America* (U. Neb. Press, 1981); a

1 California chaparral postfire food resource study not specific to Catalina (Cronemiller, & Bartholomew,
2 *The California Mule Deer in Chaparral Forests* (1950) 36 California Fish and Game 343); and
3 additional mainland California and general deer studies. The record characterizes what Catalina mule
4 deer specifically eat and which endemic island plants they preferentially target while relying on diet
5 literature spanning different species, different subspecies, different habitats, and different geographies—
6 none of it specific to Catalina Island mule deer. No evidence of actual Catalina mule deer dietary
7 behavior appears anywhere in the record. The record contains no fecal DNA analysis, micro-histological
8 fecal analysis, rumen content study, stable isotope dietary study, or field dietary observation specific to
9 Catalina Island mule deer.

10 113. The only study cited in the record as supporting the claim that Catalina deer prefer
11 browsing on native plants says no such thing. The IRSA states: “In a forage palatability trial comparing
12 plants from 10 matched taxonomic groups comprising samples from the mainland and Catalina, deer
13 decisively favored browsing on the Island plants.” (Exhibit I [IRSA], p. 23, citing Salladay & Ramirez,
14 *Reduced Defenses and Increased Herbivore Preference of Island Chaparral Shrubs Compared to*
15 *Mainland Relatives* (2018) 78(4) W. N. Am. Naturalist 768.) That statement is factually incorrect. The
16 feeding preference trials were conducted using domesticated goats (*Capra hircus*) at a commercial
17 facility in Orinda, California. (Salladay & Ramirez, *supra*, p. 771.) The word “deer” appears twice in the
18 paper, both times in passing contextual references. It does not appear in the methods, results, or findings.
19 This misrepresentation matters because it is the supposed scientific authority that the RMP relies on to
20 conclude that deer favor native plants for forage, a primary basis used by the Project’s proponents to
21 justify deer eradication. Indeed, the paper serves as principal empirical support for the deer-driven plant
22 decline narrative. Respondent CDFW accepted a document materially characterizing a goat-feeding
23 study as evidence of Catalina mule deer browsing behavior while finding the Project to be supported by
24 the “best available science” standard under Public Resources Code section 21080.56(e). That it was not.

25 114. **Lack of Scientifically Supported Connection Between Deer and Vegetation:** Many of
26 the areas the IRSA characterizes as degraded by deer browse have always looked the way they look
27 now—not because deer have altered them, but because south-facing slopes and sun-exposed ridgelines
28 on Catalina do not support dense chaparral regardless of what animals are present. The published

1 potential natural vegetation model for Catalina, using the Island’s own topographic and solar radiation
2 data including elevation, aspect, hillshade, slope, and topographic wetness index, maps chaparral as
3 confined to north-facing and moister aspects, with open coastal sage scrub or grassland on south-facing
4 slopes and sun-exposed ridgelines. (Longcore et al., *Landscape Modeling of the Potential Natural*
5 *Vegetation of Santa Catalina Island (California)* (2018) 78(4) W. N. Am. Naturalist 617.) The record
6 contains no analysis distinguishing areas of genuine deer-driven change from areas where open
7 vegetation is the naturally expected condition given the Island’s topography and sun exposure. Without
8 that analysis, the extent of actual deer-driven harm to plant communities is unknown, the type
9 conversion narrative is overstated, and the fire-risk reduction claim built on that narrative cannot be
10 evaluated against the substantial evidence standard.

11 a. **Catalina Island Mountain Mahogany:** The Catalina Island mountain mahogany
12 (Cercocarpus traskiae, FE/CE) was already rare when first discovered: Approximately 40-to-50
13 plants were counted in 1897–98, before deer were introduced in 1928. (USFWS, *Cercocarpus*
14 *traskiae 5-Year Review: Summary and Evaluation* (Sept. 2007)
15 <https://ecos.fws.gov/docs/tess/species_nonpublish/1113.pdf> [as of May 27, 2026].) By federal
16 listing in 1996, only six mature plants remained. The IRSA acknowledges the species “is nearly
17 extinct in the wild with only six known individuals remaining” and that “goats, pigs, and deer
18 have all contributed to its decline.” (Exhibit I [IRSA], p. 27.) A fence installed by Defendant-
19 Respondent Conservancy in 1999 has protected the population from deer for 25 years. The
20 population has not recovered. The USFWS Five-Year Review identifies remaining primary
21 threats as hybridization with *C. betuloides*, inbreeding depression, fire, and historical soil
22 degradation, none of which deer removal addresses. The IRSA’s implication that deer removal
23 will support recovery of this species is contradicted by 25 years of the Conservancy’s own data
24 and the USFWS’s assessment of the species’ trajectory.

25 b. **Malva Rosa:** The southern island mallow (*Lavatera assurgentiflora* ssp. *glabra*,
26 CESA), referred to in the record as malva rosa, is listed among the species the project “aims to
27 aid in the recovery of.” (Exhibit J [HRMP], p. 115.) The record simultaneously establishes two
28 facts that directly undermine that claim. First, the record states explicitly that “malva rosa only

1 exists naturally on Bird and Indian Rock where it is protected from browsing,” confirming that
2 the species’ entire natural population of fewer than 200 plants is confined to two rocky islets deer
3 cannot access. (Exhibit J [HRMP], p. 10; Exhibit I [IRSA], p. 27.) This islet confinement is not a
4 recent development caused by deer. The historical botanical record reviewed to date documents
5 this species on Catalina’s rocky islets in every survey of wild populations conducted before deer
6 were introduced. Blanche Trask’s 1897 field notes describe the species growing “in a
7 depauperate condition on Bird Island,” where there was “hardly any soil,” with a second
8 occurrence on a nearby offshore rock, and state that “there are no other islets about Catalina,”
9 indicating the wild population was confined to two islets before deer were introduced. (Trask,
10 *Field Notes from Santa Catalina Island*, Erythea: A Journal of Botany, West American and
11 General 7:135-143, 1899, at 140.) No historical botanical survey reviewed to date documents a
12 naturally occurring wild population of this species on the main island of Catalina. Second,
13 Defendant-Respondent Conservancy installed 100 nursery-propagated malva rosa specimens in
14 the Little Harbor Enclosure in 2022 specifically because the species has been “nearly extirpated
15 from Catalina” and no longer exists naturally on the main island. (Exhibit J [HRMP], p. 10.) The
16 plants are entirely nursery-grown, not naturally recruited. The record contains no analysis of
17 whether deer removal alone, without continued nursery propagation and planting, would allow
18 natural reestablishment on the main island. The record’s recovery claim rests on an assumption
19 that the species’ documented historical distribution and the Conservancy’s own management
20 history do not support.

21 c. **Lyon’s Pygmydaisy:** The Lyon’s pygmydaisy (*Pentachaeta lyonii*, FE/CE) is
22 identified in the record as a species whose endemics are “expected to recover the most once deer
23 are removed” and that “will remain on the Endangered Species List if the threats of deer are still
24 present on Catalina.” (Exhibit G [RMP Application], p. 3; Exhibit I [IRSA], p. 39.) The record
25 contains no population count, no location description, no microhabitat analysis, and no species-
26 specific recovery analysis supporting those claims. External sources establish that the entire
27 Catalina presence consists of a single rediscovery of 112 individuals on one ridgeline near Two
28 Harbors, presumed extirpated for decades before 2011. (California Native Plant Society, *CNPS*

1 *Rare Plant Inventory, Pentachaeta lyonii*

2 <<https://rareplants.cnps.org/Plants/Details/?taxon=Pentachaeta+lyonii>> [as of May 27, 2026];

3 U.S. Fish & Wildlife Service, *Species Profile for Lyon's pentachaeta (Pentachaeta lyonii)*

4 <<https://ecos.fws.gov/ecp/species/4699>> [as of May 27, 2026].) Its documented threats include

5 invasive grasses, increased fire frequency, and dependence on specific rocky or clay soils with

6 microbiotic crust, none of which deer removal addresses, and none of which are analyzed in the

7 record. The record's assertion that this species will recover once deer are removed appears

8 unsupported by species-specific analysis in the record.

9 d. **Island Scrub Oak:** The record describes island scrub oak (*Quercus pacifica*) as
10 having declined 31% since 1943, stating the dieback "is driven by several factors, but ongoing
11 acorn predation and browse on new growth by deer, as seen in Figure 713, is likely among the
12 more significant impacts." (Exhibit I [IRSA], p. 27, citing Manuwal & Sweitzer, *Browse Impacts*
13 *of Introduced Mule Deer to Island Scrub Oak Habitats on Santa Catalina Island, California*,
14 Catalina Island Conservancy (2007)

15 <<https://commons.und.edu/cgi/viewcontent.cgi?article=6608&context=theses>> [as of May 27,

16 2026].) The record's own evidence undermines that characterization on three independent

17 grounds.

18 i. **First**, Figure 713, the sole visual evidence cited for deer-driven decline, is
19 a single photograph from 2003 at one unspecified location showing suppressed oak
20 resprouts. (See Exhibit I [ISRA], p. 29, fig. 713.) The photograph contains no deer, deer
21 tracks, or deer sign. (*Ibid.*) A single 22-year-old photograph at one unspecified location
22 containing no trace of the target species cannot establish Island-wide causal attribution.
23 Further, the Manuwal and Sweitzer paper the ISRA cites is not a peer-reviewed journal
24 article but an internal Conservancy workshop report not independently reviewed.

25 ii. **Second**, the IRSA attributes "ongoing acorn predation" to deer while the
26 Catalina ground squirrel (*Otospermophilus beecheyi nesioticus*), a distinct endemic
27 subspecies present on the island for over 1,300 years, is one of the most documented
28 acorn predators in California oak systems. (Compare Exhibit I [ISRA], p. 27, with Rick et

1 al., *Enhancing Biodiversity: Historical Ecology and Biogeography of the Santa Catalina*
2 *Island Ground Squirrel*, R. Soc. Open Sci. (2024)
3 <[https://royalsocietypublishing.org/rsos/article/11/11/240726/92413/Enhancing-](https://royalsocietypublishing.org/rsos/article/11/11/240726/92413/Enhancing-biodiversity-historical-ecology-and)
4 [biodiversity-historical-ecology-and](https://royalsocietypublishing.org/rsos/article/11/11/240726/92413/Enhancing-biodiversity-historical-ecology-and)> [as of May 27, 2026].) The record contains no
5 analysis of ground squirrel acorn predation rates on Catalina and no enclosure study
6 distinguishing deer impacts from squirrel impacts on oak regeneration. More
7 significantly, the HRMP’s own plant protection protocol prescribes specific below-
8 ground root guards to protect restoration oak plantings against “root herbivory and
9 damage” from “gophers and ground squirrels,” treating that damage as a sufficiently
10 serious expected threat to require hardware mitigation. (Exhibit J [HRMP], § 7.5.2.) The
11 applicant’s restoration planning document thus anticipates managing ground squirrel
12 impacts on oak regeneration while the scientific document justifying the project presents
13 deer as the significant driver without any comparative analysis.

14 iii. **Third**, a documented independent cause of large-scale woody plant
15 dieback on Catalina since at least 1995 is entirely absent from the record’s analysis. A
16 USDA Forest Service study documents a large-scale oak die-off noted by Conservancy
17 personnel as early as 1995, with *Armillaria* root rot fungus found across the Island, the
18 trees “most likely infected for decades,” and a call for future research to investigate
19 contributing environmental stressors. (Knapp, *The Status of Island Scrub Oak (Quercus*
20 *pacific)* on Catalina Island, California, in Standiford, et al., tech. eds., *Proceedings of*
21 *the Fifth Symposium on Oak Woodlands: Oaks in California’s Challenging Landscape*,
22 USDA Forest Service General Technical Report PSW-GTR-184 (2002)
23 <<https://research.fs.usda.gov/download/treesearch/26180.pdf>> [as of May 27, 2026].)⁷
24 *Armillaria mellea* has a broad host range affecting thousands of woody plants with no
25 specificity for oaks. (UC Statewide Integrated Pest Management Program, University of
26 California, *Agriculture: Citrus Pest Management Guidelines - Armillaria Root Rot*,

27 ⁷ Notably, Denise Knapp, the paper’s author, was a Vegetation Specialist at the Conservancy at
28 the time of writing, making this a Conservancy-generated finding. Yet this research is absent from the
record.

1 <<https://ipm.ucanr.edu/agriculture/citrus/armillaria-root-rot/#gsc.tab=0>> [as of May 27,
2 2026].) The record contains no Island-wide Armillaria survey and no analysis
3 distinguishing fungal-driven dieback from deer-driven dieback across the project area.

4 115. **Additional Concerns:** The record’s reliance on AVMA “depopulation” guidance further
5 undermines any claim that the SERP was based on the best available science. (Exhibit K [RMP], p. 9).
6 The AVMA’s Depopulation Guidelines are expressly directed to urgent circumstances requiring the
7 rapid destruction of animal populations, such as disease outbreaks, disasters, or immediate public health
8 and safety emergencies, <[https://www.avma.org/sites/default/files/resources/AVMA-Guidelines-for-](https://www.avma.org/sites/default/files/resources/AVMA-Guidelines-for-the-Depopulation-of-Animals.pdf)
9 [the-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 Defendants-Respondents and the Conservancy borrowed
12 the language of professional guidance without doing the necessary, threshold analytical work to
13 determine whether that guidance was actually applicable to the project as proposed.

14 116. What’s more, Defendants-Respondents have failed to consider the scientific value of
15 maintaining a mule deer herd that is isolated from other California herds for the purposes of studying
16 and responding to disease, including Chronic Wasting Disease (“CWD”). According to CDFW itself,
17 CWD is a concern and has been detected in multiple counties in California, including Madera and Inyo.
18 (State of Cal., 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.

23 117. 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.,
28 Subcomm. on Investigations and Oversight (June 19, 2012).) That time-tested model considers hunting

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

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

1 for the public interest in the affected resources.

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

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

9 **A. The RMP Violates Local Ordinances**

10 120. The record shows that the Project authorizes and contemplates activities inside Avalon
11 city limits that: (1) necessarily implicate non-preempted municipal police-power regulation concerning
12 wildlife feeding, luring, and public safety; and (2) are expressly conditioned on municipal permitting
13 requirements that the record does not show were obtained. As a result, the Project cannot satisfy section
14 21080.56, subdivision (f), and the SERP exemption is unavailable.

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

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

26 123. Likewise, while the RMP specifies that a permittee “shall not use any Shooting Device⁸
27

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

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

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

26 125. The record establishes that herbicide use for the Project is not incidental but a core
27 restoration method. (Exhibit F [Second NOE], attach. 1, p. 10.) It authorizes repeated broadcast
28 herbicide applications over multiple years and contemplates escalation to broad-spectrum and broadleaf-
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.)

8 126. 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, Defendants-Respondents did not make that showing.

1 **C. The Project Allows for Unlawful Take, Harm, Harassment, or Disturbance of**
2 **Federally Protected Species and/or Their Habitat**

3 127. 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.

12 128. 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.”
15 (Exhibit F [Second NOE], attach. 1, p. 3.) The RMP Application similarly describes dispatch of deer
16 “via shooting on foot or from a land vehicle[,] ... baiting[,] ... and both daytime and nighttime
17 dispatch,” together with thermal imagery, detection dogs, aerial detection, and capture using nets from
18 air and ground. (Exhibit G [RMP Application], p. 11.) These methods create foreseeable pathways for
19 harm, harassment, disturbance, and, where protected species are affected, unlawful take—particularly
20 for nesting birds and other wildlife occupying the same landscape during implementation.

21 129. 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
28 Project remains subject to and compliant with applicable federal law.

 130. That omission is legally significant. If implementation may affect federally listed species,

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

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

19 132. These admissions establish that any fox-related federal authority is narrow, activity-
20 specific, and conditioned. Even assuming a valid USFWS recovery permit exists for fox monitoring,
21 handling, and care activities the Conservancy is already conducting, the record does not demonstrate
22 that such fox-specific authority extends to, authorizes, or otherwise accounts for the distinct take and
23 disturbance risks created by the Project’s broader, multi-year implementation footprint and methods,
24 including island-wide night operations, dog-assisted locating and net capture of deer, vehicle-associated
25 activity, widespread herbicide application, and extensive ground disturbance. Absent that showing, the
26 Project fails section 21080.56, subdivision (f)’s requirement that it remain demonstrably subject to and
27 compliant with applicable federal law, and the SERP exemption is unavailable. (Exhibit H [Workplan],
28 p. 19; USFWS Permit 090990 Amendment Letter, p. 1; Exhibit J [HRMP], p. 728.)

1 **D. The Project Violates California’s Restriction on Wanton Waste of Wildlife**

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

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

25 135. Public statements by CDFW are to the same effect. At the February 11, 2026 Fish and
26 Game Commission meeting, Interim Director Valerie Termini stated: “And then the animal waste
27 component, the meat that will be harvested will be used for the condor recovery program when
28 feasible.” These shifting and qualified descriptions do not establish a concrete retrieval, salvage, or

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

9 * * * *

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

17 **V. The Project's Unlawful Approval Is Prejudicial to Plaintiffs-Petitioners**

18 137. Defendants-Respondents' approval of the Project is prejudicial to Plaintiffs-Petitioners
19 because Plaintiffs-Petitioners' members and supporters have an interest in the use and enjoyment of the
20 mule deer on Catalina and in perpetuating wildlife management policy that is based on sound science
21 and the policies of California to hold wildlife, including mule deer, in trust for the benefit of the public.
22 Defendants-Respondents' improper issuance of the RMP deprives Plaintiffs-Petitioners and the public of
23 those aims permanently and irreversibly.

24 138. Why the SERP and RMP were rushed through has not been explained and does not
25 appear to have any reasonable justification typically found in a replete administrative record under
26 CEQA; particularly when known interested parties were excluded from the process.

27 139. California law, including CEQA and the Fish and Game Code, calls for thoughtful and
28 accountable decision-making to ensure that irreversible decisions regarding wildlife are made with the

1 highest level of public accountability and biological integrity. Rubber-stamping the Conservancy’s
2 application displays a troubling disregard for how so-called “invasive” species—species actually native
3 to California—are being characterized, and it risks normalizing lethal removal as a default response to
4 ecological challenges without scientific scrutiny.

5 **SECOND CAUSE OF ACTION**
6 **Against Defendant-Respondent CDFW**
7 **Writ of Mandate (Code of Civ. Proc., § 1085)**
8 **(Violation of Wildlife Public Trust – Fish & Game Code, §§ 711.7, 1600-1616)**

9 140. Plaintiffs-Petitioners reallege Paragraphs 1 through 139 and incorporate them as though
10 fully set forth herein.

11 141. Code of Civil Procedure section 1085 authorizes issuance of a writ of mandate to compel
12 a public agency to perform duties required by law and to correct an abuse of discretion.

13 142. Under Fish and Game Code section 711.7, CDFW serves as trustee of California’s
14 wildlife resources and is obligated to exercise its authority concerning wildlife resources consistently
15 with its statutory obligations as trustee, the conservation purposes of the Fish and Game Code, and all
16 applicable laws.

17 143. CDFW issued a concurrence facilitating approval of the RMP, the objective and desired
18 result of which is not merely to manage or reduce the Catalina mule deer population, but to permanently
19 eradicate it from the Island through, among other activities, aerial and ground net capture, use of dogs to
20 locate deer, daytime and nighttime shooting, shooting from vehicles, baiting, thermal detection, and
21 euthanasia. The Project also includes activities like herbicide application, vegetation treatment, fencing,
22 and wildlife-management measures that may adversely affect additional wildlife resources, including
23 protected bird species.

24 144. Plaintiffs-Petitioners are informed and believe, and on that basis allege, that CDFW
25 violated and failed to discharge its trustee obligations under Fish and Game Code section 711.7 and
26 failed to proceed in the manner required by law in multiple respects.

27 145. First, Plaintiffs-Petitioners are informed and believe, and on that basis allege, that CDFW
28 issued its concurrence without adequately evaluating or discharging its trustee obligations concerning
wildlife resources, including by concurring in a Project whose objective and desired result is the

1 permanent eradication of a managed wildlife population and by failing to meaningfully consider the
2 impacts on public-trust interest in wildlife resources.

3 146. Second, Public Resources Code section 21080.56 establishes mandatory requirements
4 governing SERP concurrence determinations. Among those mandatory requirements, subdivision (e)
5 expressly requires concurrence by the Director of CDFW and further requires that the Director
6 document such concurrence using substantial evidence and best available science. CDFW's concurrence
7 was not issued by the Director of CDFW (or by an Acting Director lawfully exercising the Director's
8 authority). Nor was the purported concurrence based on substantial evidence and the best available
9 science, as described in paragraphs 101 through 118. Defendant-Respondent CDFW thus failed to
10 comply with the mandatory requirements of subdivision (e) in issuing the concurrence underlying
11 approval of the RMP and therefore failed to proceed according to law in exercising trustee authority
12 over wildlife resources.

13 147. Third, Fish and Game Code sections 1600 through 1616 establish mandatory duties
14 governing activities that may substantially divert or obstruct natural watercourses or substantially affect
15 any river, stream, or lake, and their associated wildlife resources. The Project's authorized activities,
16 including intensive herbicide applications expected to influence conditions downstream and Island-wide,
17 as described in paragraphs 125 through 126, implicate duties arising under sections 1600 through 1616
18 and 1672, requiring Defendant-Respondent CDFW to meaningfully evaluate potential impacts on the
19 Island's waterways and associated wildlife resources. Plaintiffs-Petitioners are informed and believe,
20 and on that basis allege, that Defendant-Respondent CDFW failed to adequately evaluate whether
21 Project activities implicated duties arising under sections 1600-1616 and section 1672(f), and failed to
22 ensure the RMP included the determinations and reasonable protective measures required by law.

23 148. For these reasons, including (1) failure to adequately evaluate impacts upon wildlife
24 resources; (2) failure to comply with mandatory legal requirements governing concurrence; and (3)
25 failure to meaningfully assess duties arising under Fish and Game Code sections 1600 through 1616,
26 Defendant-Respondent CDFW's concurrence and related actions constituted a prejudicial abuse of
27 discretion and failure to proceed in the manner required by law in violation of its obligations concerning
28 wildlife resources held in trust for the people of California.

1 are implementing an RMP pursuant to the SERP that will result in the complete eradication of the
2 Catalina mule deer population. The eradication program includes, inter alia, aerial and ground net
3 capture, use of dogs to locate deer, daytime and nighttime ground shooting, shooting from ground
4 vehicles, baiting, thermal detection, capture, and euthanasia, as well as associated habitat modification
5 and management activities.

6 157. Plaintiffs-Petitioners are informed and believe, and on that basis allege, that the Project
7 further authorizes extensive habitat and vegetation manipulation, including fencing, invasive vegetation
8 treatment, repeated herbicide application, and associated Island-wide activities. The Project also
9 includes wildlife monitoring, disease surveillance, and related biosecurity measures affecting additional
10 wildlife resources and ecological conditions on Catalina Island.

11 158. The Project constitutes a public nuisance because it results in an irreversible, substantial,
12 and unreasonable interference with public rights in wildlife resources held in trust for the people of
13 California, including but not limited to the public's ability to observe, study, hunt, and otherwise enjoy
14 Catalina wildlife and habitats, and because it threatens continuing and irreversible injury to resources
15 held in common for the benefit of the people of California.

16 159. Plaintiffs-Petitioners are further informed and believe, and on that basis allege, that the
17 injuries alleged herein affect a considerable number of persons, including residents of Catalina Island,
18 visitors to the Island, tourism-dependent businesses, conservation and hunting groups, and members of
19 the public who use, enjoy, and derive benefit from Catalina Island and California wildlife resources.

20 160. Defendant-Respondent CDFW's purported concurrence was a substantial factor in
21 creating and facilitating the nuisance conditions alleged herein because the Project and associated
22 activities could not lawfully proceed absent such concurrence.

23 161. Plaintiffs-Petitioners have no adequate remedy at law.

24 162. Unless restrained by this Court, Defendants-Respondents' implementation of the RMP
25 will proceed, resulting in irreparable injury, including the eradication of the Catalina mule deer
26 population. The public nuisance will thus inflict irreversible injury upon public wildlife resources and
27 the public's use and enjoyment of those resources.

28

1 6. Issue preliminary and permanent injunctive relief abating and preventing the public
2 nuisance alleged herein and prohibiting implementation of Project activities constituting or facilitating
3 such nuisance unless and until authorized in accordance with law;

4 7. Issue a declaration that Respondent CDFW acted in excess of its lawful authority and
5 failed to proceed according to law by characterizing, treating, or concurring in treatment of Catalina
6 mule deer as “invasive” or “non-native” wildlife for purposes of eradication;

7 8. Issue a peremptory writ of mandate enjoining Defendant-Respondent CDFW from
8 characterizing, treating, or concurring in treatment of Catalina mule deer as “invasive” or “non-native”
9 wildlife unless and until the Legislature and/or the California Fish and Game Commission formally act
10 to reclassify Catalina mule deer pursuant to applicable law;

11 9. For an award of reasonable costs of suit and attorney’s fees under Code of Civil
12 Procedure section 1021.5 and under any other state law for which such fees and costs are provided; and

13 10. For such other relief as may be just and proper.

14
15 Dated: May 27, 2026

MICHEL & ASSOCIATES, P.C.



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Attorneys for Plaintiffs-Petitioners Safari Club
International; California Rifle & Pistol
Association, Incorporated; California
Bowmen Hunters/State Archery Association;
HOWL for Wildlife, Inc.; California Deer
Association; and Coalition to Save Catalina
Island Deer

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Laura Fera, am employed in the City of Long Beach, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

On May 27, 2026, I served the foregoing document(s) described as

VERIFIED FIRST AMENDED COMPLAINT & PETITION FOR WRIT OF MANDATE OR OTHER APPROPRIATE RELIEF

on the interested parties in this action by placing

[] the original

[X] a true and correct copy

thereof by the following means, addressed as follows:

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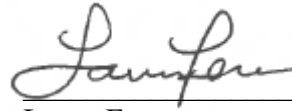
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(BY MAIL) As follows: I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit.

(BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic transmission pursuant to CCP 1010.6. Said transmission was reported and completed without error.

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

Executed May 27, 2026, at Long Beach, California.



Laura Fera

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