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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUN 12 2015

R. Alessandro

6 Attorneys for Colorado River Indian Tribes

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF RIVERSIDE**

10
11 COLORADO RIVER INDIAN TRIBES,

12 Petitioner,

13 v.

14 COUNTY OF RIVERSIDE and COUNTY
15 OF RIVERSIDE BOARD OF
SUPERVISORS,

16 Respondents.

17 RENEWABLE RESOURCES GROUP,

18 Real Party in Interest.
19

Case No.

RLC1507116

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

[CCP § 1085 (1094.5); California
Environmental Quality Act ("CEQA");
Public Resources Code § 21100]

BY FAX

Introduction

1. This action challenges the May 12, 2015 decision of the Respondents Riverside County and its Board of Supervisors (“County” or “Respondents”) to approve the Blythe Mesa Solar Energy Project (“Project”) proposed by Real Party in Interest Renewable Resources Group. (“RRG”). As approved, the Project would include a 485-megawatt photovoltaic electrical generating facility and an 8.8-mile transmission line on a total footprint of 3,660 acres in the Palo Verde Valley area of eastern Riverside County. Because a portion of the transmission line would be constructed on land managed by the federal Bureau of Land Management (“BLM”), the County and BLM collaborated on the environmental review of this Project. Respondents certified a joint Final Environmental Impact Report/Final Environmental Assessment (“FEIR/FEA”) and approved a Conditional Use Permit (No. 3685), a Public Use Permit (No. 913), a Change of Zone Application (No. 7831), and a Development Agreement (No. 79) in violation of the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 et seq., and the CEQA Guidelines, title 14, California Code of Regulations, § 15000 et seq.

2. The Project is located in the ancestral homelands of Petitioner Colorado River Indian Tribes’ (“CRIT” or “Tribes”) Mohave and Chemehuevi members, in a region that is rich in cultural resources and trails that have been in use since time immemorial. These resources are held sacred by CRIT’s members as they provide a physical link to the Tribes’ past and a testament to their ancestors’ perseverance. These resources have remained intact for millennia, but are now threatened by ever increasing pressure to develop the Mohave desert with utility-scale solar facilities. The Project is just the latest in a string of similar facilities that are radically transforming this landscaping, disturbing buried resources, and severing the Tribes’ link to its past, culture, and religion.

3. Respondents approved the Project despite its significant adverse impacts and despite the insufficient analysis of these impacts in the FEIR/FEA. As detailed further in this Verified Petition and Complaint for Injunctive Relief, the Project will involve

grading and construction that could irrevocably damage buried cultural resources and spiritually significant trails, and could attract birds to the Project site, posing risks to those birds and to aircraft in the vicinity. The FEIR/FEA contains an inadequate analysis and mitigation of these risks. The FEIR/FEA also glosses over the Project's environmental justice and water supply impacts, and the document performs a woefully inadequate cumulative impacts analysis. Finally, the FEIR/FEA relies upon an improper baseline and an inaccurate description of the no-project alternative, which downplays the Project's impacts.

4. Allowing this Project to proceed without a thorough review and analysis of its environmental impacts was an abuse of the Respondents' discretion. Accordingly, Respondents' certification of the FEIR/FEA and approval of the Conditional Use Permit, Public Use Permit, Change of Zone, and Development Agreement for the Project must be set aside.

Parties

5. Petitioner Colorado River Indian Tribes ("CRIT" or "Tribes") is a federally recognized Indian tribe with a governing body recognized by the Secretary of the Interior. The lands and resources of the Colorado River Indian Reservation were reserved to the Tribes by an Act of Congress in 1865 (Act of March 3, 1865, 13 Stat. 559). Subsequent Executive Orders and Congressional Acts clarified the Reservation's boundaries.

6. The Tribes and its members have a direct and beneficial interest in Respondents' compliance with laws bearing upon approval of the Project. CRIT's religion and culture are deeply intertwined with the landscape in the Project vicinity. These interests will be directly and adversely affected by the Project, which violates provisions of law as set forth in this Petition, and which would cause substantial harm to the natural environment and the quality of life in the surrounding community. The maintenance and prosecution of this action will confer a substantial benefit on the public by protecting the public from environmental and other harms alleged herein. The Tribes submitted extensive comments to Respondents objecting to approval of the Project and

1 certification of the FEIR/FEA.

2 7. Respondent County of Riverside (“County”) is the lead agency for the
3 Project for purposes of Public Resource Code section 21067, and has principal
4 responsibility for conducting environmental review for the Project and taking other
5 actions necessary to comply with CEQA. The County also has principle responsibility
6 for determining whether projects within the County’s jurisdiction are consistent with the
7 County’s Land Use Ordinance and other applicable law.

8 8. Respondent Board of Supervisors of the County of Riverside (“Board”) is
9 the governing body of the County and is ultimately responsible for reviewing and
10 approving or denying the Project. The Board and its members are sued here in their
11 official capacities.

12 9. Respondents Riverside County and the Riverside County Board of
13 Supervisors are referred to herein as “County” or “Respondents.”

14 10. CRIT is informed and on that basis believes that Real Party in Interest
15 Renewable Resources Group (“RRG”) is a privately held company headquartered in Los
16 Angeles, California. As the Project applicant, Renewable Resources Group is a recipient
17 of the approvals granted by Respondents as part of the Project, and thus is a real party in
18 interest within the meaning of Public Resources Code section 21167.6.5.

19 11. Petitioner does not know the true names and capacities, whether individual,
20 corporate, associate, or otherwise, of Respondents Doe 1 through Doe 20, inclusive, and
21 therefore sues said Respondents under fictitious names. Petitioner will amend this
22 Petition to show their true names and capacities when the same have been ascertained.
23 Each of the Respondents is the agent and/or employee of each other Respondent, and
24 each performed acts on which this action is based within the course and scope of such
25 Respondent’s agency and/or employment.

26 12. Petitioner does not know the true names and capacities, whether individual,
27 corporate, associate, or otherwise, of Real Parties in interest Doe 21 through Doe 40,
28 inclusive, and therefore sues said real parties in interest under fictitious names. Petitioner

1 will amend this Petition to show their true names and capacities when the same have been
2 ascertained. Each of the real parties in interest is the agent and/or employee of each other
3 real party in interest, and each performed acts on which this action is based within the
4 course and scope of such real party in interest's agency and/or employment.

5 **Jurisdiction and Venue**

6 13. Pursuant to California Code of Civil Procedure section 1094.5 and Public
7 Resources Code sections 21168 and 21168.9, this Court has jurisdiction to issue a writ of
8 mandate to set aside Respondents' decision to certify the FEIR/FEA and approve the
9 Project.

10 14. Venue is proper in this Court because this action challenges acts done by
11 public officers by virtue of their offices, and the causes of action alleged in this Petition
12 arose in the County of Riverside. Venue also is proper in this Court because all of the
13 Respondents reside within the County of Riverside.

14 15. Petitioner has complied with the requirements of Public Resources Code
15 section 21167.5 by serving a written notice of Petitioner's intention to commence this
16 action on the County on June 11, 2015. A copy of the written notice and proof of service
17 is attached hereto as Exhibit A.

18 16. Petitioner will comply with the requirements of Public Resources Code
19 section 21167.6 by concurrently filing a notice of its election to prepare the record of
20 administrative proceedings relating to this action.

21 17. Petitioner has complied with the requirements of Public Resources Code
22 section 21167.7 by sending a copy of this Petition to the California Attorney General on
23 June 12, 2015. A copy of the letter transmitting this Petition is attached hereto as Exhibit
24 B.

25 18. Petitioner has performed any and all conditions precedent to filing this
26 instant action and has exhausted any and all available administrative remedies to the
27 extent required by law.

28 19. Petitioner has no plain, speedy or adequate remedy in the course of ordinary

1 law unless this Court grants the requested writ of mandate to require Respondents to set
2 aside their certification of the FEIR/FEA and approval of the Project. In the absence of
3 such remedies, Respondents' decisions will remain in effect in violation of state and
4 federal law.

5 Statement of Facts

6 The Project Site

7 20. In 2011, RRG filed an Application for Land Use and Development with the
8 Riverside County Planning Department seeking a Conditional Use Permit, Public Use
9 Permit, Change of Zone, and approval of a development agreement with the County to
10 develop and operate the Blythe Mesa Solar Project.

11 21. The Project would include the construction, operation, maintenance, and
12 eventual decommissioning of an array of photovoltaic solar panels, up to three electrical
13 substations, up to two operations and maintenance buildings, inverters, transformers, and
14 associated equipment. Approximately 334 acres of the 3,660 acre site are located within
15 the City of Blythe, while the remaining acreage is in unincorporated Riverside County.
16 The FEIR/FEA lists the City of Blythe as a responsible agency for purposes of CEQA.
17 As approved, the Project would also include an 8.8 mile long transmission line or
18 "generation-tie" line of which 3.6 miles lie within the Project area and the remaining 5.2
19 miles are located on a BLM right of way between the Project site and a nearby electrical
20 substation.

21 CRIT's Interests

22 22. CRIT is a federally recognized Indian tribe whose members include Mohave
23 (Aha Macav), Chemehuevi, Hopi and Navajo peoples. The Tribes' ancestral homelands
24 cover the Mohave Desert, including the Project site. CRIT's present-day Reservation
25 was established by Congress in 1865. The Project site lies approximately 8 miles from
26 the Reservation's border.

27 23. The ancestors of CRIT's Mohave and Chemehuevi members have occupied
28 the Mohave Desert since time immemorial, using trails that pass by the Project site and

1 leaving behind the burial grounds, grindstones, hammerstones, and petroglyphs that have
2 been found in the Project vicinity.

3 24. The religion and culture of CRIT's members are strongly connected to the
4 physical environment of the area. Mohave and Chemehuevi members sing Bird Songs
5 and Salt Songs, which guide the singer literally and spiritually along the trails that pass
6 through sacred landscapes, some of which skirt the Project site. The physical objects that
7 were left in the area by their ancestors provide CRIT members with a link to their past.
8 In addition, CRIT's Mohave members strongly associate these artifacts with the ancestors
9 who used them. Disturbing them is taboo and CRIT's Mohave members experience
10 significant spiritual harm when such resources are dug up, relocated or damaged.

11 25. With the exception of Interstate 10 and some small, rural outposts like the
12 town of Blythe, the remains of CRIT's ancestors and the spiritual and cultural landscape
13 of the Mohave Desert were left undisturbed until recently.

14 Neighboring Utility-Scale Solar Developments and Cultural Resource Impacts

15 26. In the early 2000s, California and the United States enacted legislation that
16 incentivized the development of utility-scale renewable energy projects in the California
17 desert. California adopted a Renewables Portfolio Standard ("RPS") that requires
18 utilities and other electric service providers to buy at least 33 percent of their electricity
19 from eligible renewable energy resources (including solar) by 2020. A few years later,
20 Congress passed the American Recovery and Reinvestment Act ("ARRA"), which
21 provided \$18 billion in loans and credit subsidies for development of utility-scale
22 renewable projects, with the majority allocated to utility-scale solar. Federal tax benefits,
23 starting in 2006, have also created significant financial incentives. The Obama
24 Administration also adopted an "All of the Above" energy strategy and a "fast-track"
25 program for renewable energy projects designed to get renewable projects approved
26 within the funding deadlines set out in the ARRA and the federal tax code.

27 27. As a result of these strategies, BLM has approved or is still actively
28 considering 10 utility-scale solar energy projects within 50 miles of the CRIT

Reservation since 2009. Together, these projects cover over 35,000 acres of CRIT's ancestral homeland. Dozens of additional applications in this area are still pending. Additional solar projects have been approved by or are pending before Riverside County and San Bernardino County.

28. Construction of new transmission lines for other solar projects in the area have also disturbed a number of burial sites and inadvertently destroyed a known sacred rock circle.

29. According to the FEIR/FEA, the Blythe Mesa Project site contains several identified cultural resources, including a prehistoric ceramic scatter (P-33-020001).

Blythe Mesa Project Approval

30. Because a portion of the Project would cross land owned by the BLM, the County and BLM prepared a joint EIR/EA for the Project pursuant to CEQA and the National Environmental Policy Act ("NEPA").

31. As lead agency, the County issued a Notice of Preparation ("NOP") of a joint EIR/EA for the Project on November 16, 2011.

32. On June 17, 2014, the County released a Draft EIR/EA ("DEIR/DEA") for public comment. The DEIR identified several significant environmental impacts that would be caused by the Project, but concluded that each of those significant impacts would be mitigated to a less than significant level.

33. Due to a delay in publishing notice of the DEIR/DEA's availability, the County extended the deadline for public comments to August 5, 2014. The County also accepted public comments at a July 10, 2014 public information meeting.

34. On August 4, 2014, CRIT submitted a comment letter detailing numerous deficiencies in the DEIR/DEA. CRIT explained that the Blythe Mesa Project is one of dozens of renewable energy projects that has been approved or is being considered in this area. The collective impact of the transformation of the desert landscape has had a considerable adverse impact on the Tribes and the cultural, spiritual, and religious practices of its members. Specifically, CRIT commented on the DEIR/DEA's inadequate

1 discussion and analysis of the Project's impacts to cultural resources. Despite maps
2 showing the presence of numerous prehistoric trails in the Project vicinity, the
3 DEIR/DEA incorrectly concluded that no trails were present. CRIT also objected to the
4 County's reliance on an archeological field survey to determine the existence of buried
5 cultural resources. Instead, CRIT urged the County to conduct an Ethnographic
6 Assessment specific to the Project area, consult with tribal elders regarding the location
7 of buried cultural resources, and perform geomorphic studies to determine the likelihood
8 of buried cultural resources in the Project site. CRIT also commented on inadequate
9 analysis of a prehistoric Ceramic Scatter at the site.

10 35. Relatedly, CRIT commented that the DEIR/DEA used an improper baseline
11 and no-project alternative that artificially inflated the impacts expected in the absence of
12 the Project, and simultaneously minimized the impacts associated with the Project.
13 Without substantial evidence, the DEIR/DEA speculated that if the Project approvals
14 were denied, agricultural operations on the site would resume and that a similar project
15 with similar impacts would be built elsewhere.

16 36. CRIT also commented on the DEIR/DEA's inadequate discussion of the
17 disproportionate environmental justice impacts on the Tribes. Rather than analyze the
18 cultural impact of renewable resource development in landscapes considered sacred by
19 CRIT and other tribes, the DEIR/DEA arbitrarily limits its environmental justice analysis
20 to air and water pollution within a tight geographic radius. In a similar oversight, the
21 DEIR/DEA failed to properly analyze the cumulative impacts of the many projects that
22 are approved or planned in the vicinity. CRIT pointed out these oversights and asked the
23 County to revise the cumulative impacts section to account for these impacts.

24 37. CRIT's comment letter also pointed out the DEIR/DEA's failure to consider
25 the risk to birds posed by the Project. Large installations of photovoltaic panels can
26 reflect light in a manner similar to a large body of water, creating a "lake effect" that has
27 the potential to attract migrating birds who mistake the installation for water. This effect
28 has the potential to harm birds who crash into the panels or become disoriented.

Moreover, the increased presence of birds in the area poses a risk to planes at the nearby Blythe Airport.

38. Finally, CRIT commented on the improperly deferred and inadequate mitigation of impacts to cultural resources and insufficient consultation with the Tribe.

39. The County released a Final EIR/EA (“FEIR/FEA”) with written responses to comments on or about March 27, 2015. With only minor changes, the FEIR/FEA remained legally insufficient. The FEIR/FEA continued to identify potentially significant impacts, but maintained that those impacts could be mitigated to a less than significant level by the Mitigation Measures in the Mitigation Monitoring and Reporting Program described in the FEIR/FEA.

40. On April 10, 2015, CRIT submitted a comment letter in response to the FEIR/FEA. CRIT commented to the County that the FEIR/FEA had failed to remedy the flaws identified in CRIT’s earlier letter. The County continued to rely on an inadequate analysis of the Project’s effect on cultural resources, an inadequate analysis of the environmental justice impacts to CRIT and other tribes, a cumulative impacts analysis that improperly focused only on the Project’s *direct* impacts, inaccurate and vague descriptions of the baseline and no project alternative, inadequate and improperly deferred mitigation, inadequate consultation, and inadequate analysis of impacts to avian species and risks to air traffic. Furthermore, the FEIR/FEA included new information about the Project’s groundwater use without any analysis of the effects of this use on the local water supply. CRIT requested that the County correct these deficiencies and recirculate the FEIR/FEA.

41. On April 14, 2015, the County held a public hearing on the FEIR/FEA.

42. On May 12, 2015, the Board of Supervisors voted to certify the FEIR/FEA, approve the Change of Zone Application, Conditional Use Permit, Public Use Permit, and Development Agreement. The Board also voted to adopt Alternative 3 (the Northern Alternative) rather than the Project’s Alternative 1.

43. The County filed a Notice of Determination on May 15, 2015 reflecting the

Board's approvals and certification.

First Cause of Action

(Violations of CEQA; EIR Does Not Comply with CEQA)

44. Petitioner hereby realleges and incorporates paragraphs 1 through 43, inclusive.

45. CEQA requires the lead agency for a project with the potential to cause significant environmental impacts to prepare an EIR that complies with the requirements of the statute, including, but not limited to, the requirement to analyze the project's potentially significant environmental impacts. The EIR must provide sufficient environmental analysis such that the decision makers can intelligently consider environmental consequences when acting on the proposed project. Additionally, the EIR must identify feasible mitigation measures to reduce or avoid the project's significant environmental impacts, as well as analyze a reasonable range of alternatives to the project.

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

47. CEQA further mandates that a lead agency may approve a project that would have significant, unavoidable environmental impacts only if the agency finds that the project's benefits would outweigh its unavoidable impacts.

48. Under CEQA, all the findings required for an agency's approval of a project must be legally adequate and supported by substantial evidence in the administrative record, and CEQA further requires that an agency provide an explanation of how the evidence in the record supports the conclusions the agency has reached.

49. Respondents failed to proceed in the manner required by law and violated

CEQA by certifying an EIR that is inadequate and fails to comply with the requirements of CEQA and the CEQA Guidelines. The inadequacies in the County's analysis include, but are not limited to, the following:

a. Failure to adequately disclose, analyze, or mitigate impacts to cultural resources by, for example, failing to adequately analyze visual, scenic, and cultural impacts to nearby trail networks with spiritual and cultural significance to Petitioners and failing to consult an adequate range of sources in conducting an analysis of cultural resources at the Project site;

b. Failure to adequately disclose, analyze, or mitigate the Project's significant impacts to groundwater supply;

c. Failure to adequately disclose, analyze, or mitigate the environmental justice impacts of cultural resource destruction on Petitioners and other tribes;

d. Failure to adequately disclose, analyze, or mitigate the cumulative impacts of this Project and other past, present, and reasonably foreseeable projects that could generate similar impacts by, for example, determining that there would be no cumulatively considerable impacts related to the Project and failing to analyze the direct and indirect impacts to landscapes and cultural resources that Petitioners consider sacred;

e. Failure to adequately analyze, disclose, or mitigate impacts to avian species by, for example, failing to evaluate whether a "lake effect" would result in death, disorientation, or other adverse impacts on birds;

f. Failure to adequately analyze, disclose, or mitigate impacts to air traffic in the region by, for example, failing to analyze the relationship between the Project, increased bird activity, and the risks to aircraft using the nearby Blythe Airport;

g. Failure to adequately analyze, disclose, or mitigate impacts to cultural resources due to improper use of a baseline that did not disclose the extent of previous disturbance or make it possible for the public and decisionmakers to evaluate whether that disturbance likely destroyed any buried cultural resources; and

h. Failure to adequately analyze, disclose, or mitigate impacts to cultural

resources due to improper description of a no project alternative based on the speculation that agricultural use of the Project site would continue if the Project were denied.

50. Respondents violated CEQA and the CEQA Guidelines because they did not identify and adopt feasible mitigation measures that would adequately reduce or avoid the Project's significant environmental impacts, including, but not limited to, the following:

a. Failure to properly mitigate for impacts to cultural resources, for example, by improperly deferring the development of a Cultural Resources Mitigation Plan until after Project approval; and

b. Failure to mitigate for cumulative impacts arising from similar projects in the region. The FEIR/FEA fails to consider these cumulative impacts, and thus fails to identify any mitigation measures to reduce or avoid these impacts.

51. Respondents violated CEQA by adopting findings that are inadequate as a matter of law in that they are not supported by substantial evidence in the record, including, but not limited to, the following findings:

a. The determination that the Project's impacts to cultural resources will be less than significant after mitigation;

b. The determination that the Project's impacts to hydrology and water quality—including, for example, impacts to water supply—will be less than significant after mitigation;

c. The determination that the Project's impacts to biological resources will be less than significant after mitigation;

d. The determination that the Project's impacts to hazards and public safety will be less than significant after mitigation;

e. The failure to make any finding regarding the significance of environmental justice impacts; and

f. The determination that the Project will not result in any unavoidable impacts that cannot be avoided or mitigated.

52. As a result of the foregoing defects, Respondents prejudicially abused their

1 discretion and failed to proceed in the manner required by law by certifying an
2 FEIR/FEA, making findings, and taking related actions that do not comply with the
3 requirements of CEQA. As such, Respondents' certification of the FEIR/FEA and
4 approval of the Project must be set aside.

5 **Prayer for Relief**

6 WHEREFORE, Petitioner prays for judgment as follows:

7 53. For alternative and peremptory writs of mandate directing Respondents to
8 vacate and set aside the certification of the EIR and Project approvals;

9 54. For alternative and peremptory writs of mandate directing Respondents to
10 comply with CEQA and the CEQA Guidelines, and to take any other action as required
11 by the Public Resources Code section 21168.9;

12 55. For a temporary stay, temporary restraining order, and preliminary and
13 permanent injunctions restraining Respondents and their agents, servants, and employees,
14 and all others acting in concert with Respondents on their behalf, from taking any action
15 to implement the Project, pending full compliance with the requirements of CEQA, the
16 CEQA Guidelines, and any other applicable laws;

17 56. For a temporary stay, temporary restraining order, and preliminary and
18 permanent injunctions restraining Real Parties in Interest and their agents, servants, and
19 employees, and all others acting in concert with Real Party in Interest on their behalf,
20 from taking any action to implement the Project, pending full compliance with the
21 requirements of CEQA, the CEQA Guidelines, and any other applicable laws;

22 57. For costs of the suit;

23 58. For attorneys' fees as authorized by Code of Civil Procedure section 1021.5
24 and other provisions of law; and

25 59. For such other and future relief as the Court deems just and proper.
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27
28

1 DATED: June 12, 2015

SHUTE, MIHALY & WEINBERGER LLP

2
3
4 By:



WINTER KING

BENJAMIN J. BRYSACZ

Attorneys for Colorado River Indian Tribes

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am the Chairman of Colorado River Indian Tribes, petitioner in this action. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR INJUNCTIVE RELIEF and know its contents.

The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

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

Executed on June 10, 2015, at Parker Arizona.

Dennis Patch

Print Name of Signatory



Signature

EXHIBIT A

SHUTE, MIHALY
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June 11, 2015

Via Email and U.S. Mail

Chairman Ashley and Members of the
Riverside County Board of Supervisors
4080 Lemon Street
Riverside, CA 92501

Re: Blythe Mesa Solar Energy Project

Dear Chairman Ashley and Members of the Board of Supervisors:

Please take notice that the Colorado River Indian Tribes will file suit challenging the County's approval of the Blythe Mesa Solar Energy Project for failure to comply with the California Environmental Quality Act. This notice is given pursuant to Public Resources Code section 21167.5.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in blue ink, appearing to read 'Winter King', is written over the printed name.

Winter King

PROOF OF SERVICE

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the City and County of San Francisco, State of California. My business address is 396 Hayes Street, San Francisco, CA 94102.

On June 11, 2015, I served true copies of the following document(s) described as:

NOTICE OF PENDING CEQA LITIGATION

on the parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Shute, Mihaly & Weinberger LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address Mulligan@smwlaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on June 11, 2015, at San Francisco, California.


Sean P. Mulligan

SERVICE LIST

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EXHIBIT B

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WINTER KING
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June 12, 2015

Via U.S. Mail

Kamala D. Harris
Attorney General
California Department of Justice
1300 I Street
Sacramento, CA 95814

Re: Notice of Filing CEQA Litigation
Colorado River Indian Tribes v. County of Riverside, et al.

Dear Attorney General Harris:

Enclosed please find a copy of the Verified Petition for Writ of Mandate and Complaint for Injunctive Relief in the above-entitled action. The petition is provided to you in compliance with Public Resources Code section 21167.7 and Code of Civil Procedure section 388. Please acknowledge receipt in the enclosed prepaid, self-addressed envelope. Thank you.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Winter King

Enclosure: Verified Petition for Writ of Mandate