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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF PLACER

LEAGUE TO SAVE LAKE TAHOE and SIERRA WATCH, Petitioners, v. PLACER COUNTY; PLACER COUNTY BOARD OF SUPERVISORS; and DOES 1-20, Respondents. ALTERRA MTN CO REAL ESTATE DEVELOPMENT INC.; PALISADES TAHOE REAL ESTATE, LLC; and DOES 21-40, Real Parties in Interest.	Case No. **VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR INJUNCTIVE RELIEF** **[Code Civ. Proc. § 1094.5 (alternatively, § 1085); California Environmental Quality Act, Pub. Resources Code, §§ 21000 et seq.]**

INTRODUCTION

1. This action challenges the decision of Placer County and the Placer County Board of Supervisors (collectively "the County" or "Respondents") to adopt the Village at Palisades Tahoe Specific Plan ("Specific Plan") and associated resolutions and ordinances (collectively, "the Project") and to certify the environmental impact report ("EIR"), which consists of the Draft and Final Environmental Impact Report prepared in 2016 ("2016 EIR") as well as the more recently prepared Draft and Final Partially Revised EIR ("Revised EIR"), for the Project. The Village at Palisades Tahoe is located in the North Lake Tahoe region of California's Sierra Nevada. The Project site is in a narrow alpine valley at the base of the Palisades Tahoe (formerly Squaw Valley) ski resort, adjacent to the Tahoe National Forest and close to one of California's most treasured resources, the Lake Tahoe Basin. The proposed Project would remake the region with massive new development, including 850 new hotel, time share, and residential units in a series of tall high-rises, as well as nearly 300,000 square feet of commercial uses, including a 90,000 square foot indoor entertainment and recreation center. Twenty-one timeshare units would be built at the mouth of Shirley Canyon, a stunning and popular hiking destination. The Project would result in severe, irreversible impacts on the Project site and surrounding North Tahoe region, including gridlock conditions on State Route 89 and into the Tahoe Basin, destruction of natural resources, urbanization of a rural mountain valley, and degradation of Lake Tahoe and its famed clarity.

2. In 2016, the County approved an almost identical project based on the 2016 EIR. Petitioner Sierra Watch successfully challenged the County's approval. In 2021, the Third District Court of Appeal issued an Opinion holding that the 2016 EIR violated the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 *et seq,* and directing the Superior Court to issue a writ of mandate forbidding the County from re-approving the Project until it prepared an adequate environmental analysis. *See Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 86. ("Appellate Opinion"). Because that writ is still outstanding, this Petition refers to the initial case as the "Ongoing

Action." In a separate opinion, the Court of Appeal held that the County also violated the Brown Act in its 2016 approval of the project. *See Sierra Watch v. Placer County* (2021) 69 Cal.App.5th 1.

3. On November 19, 2024, the County certified the EIR for the Project that purports to remedy the deficiencies identified by the Appellate Opinion. However, the County failed entirely to comply with the dictates of the Appellate Opinion, CEQA, and the CEQA Guidelines, California Code of Regulations, title 14, section 15000 *et seq*. Among other flaws, the County failed to adequately assess the Project's impacts on the clarity of Lake Tahoe. The Revised EIR contravenes clear direction in the Appellate Opinion by failing to adequately assess the Project's compliance with applicable standards and relying on misleading, incomplete data to conclude the Project would not significantly adversely impact regional air quality or Lake Tahoe's water quality and clarity. The County downplays these adverse impacts, but it also admits the Project applicant has agreed to pay a $2 million "voluntary mitigation" fee to offset them—effectively conceding the Project's air and water quality impacts would be significant. The County also failed to adequately analyze the Project's threat to public safety, proposing major development at the end of a long dead-end road in an area designated as a Very High Fire Hazard Severity Zone. Despite concluding that the Project would increase the time it takes all vehicles to evacuate Olympic Valley (just to State Route 89) to *11.1 hours*, the Revised EIR asserts *no safety risks exist* because emergency personnel would be on hand to implement an evacuation, repeating the same error the Appellate Opinion identified in the 2016 EIR. The Revised EIR's analyses of the Project's significant transit and noise impacts and mitigation are similarly deficient.

4. Additionally, the Revised EIR violates CEQA in limiting its analysis exclusively to the inadequacies identified in the Appellate Opinion. Since the certification of the 2016 EIR eight years ago, the Project setting has undergone significant changes and significant new information has come to light that requires the County to reevaluate the Project's impacts. These changes include, but are not limited to, a drastic increase in the

risk and potential impacts of a severe wildfire in Olympic Valley, major regional population shifts as a result of the pandemic, significant changes related to water supply and transportation, the construction of a gondola to form the third largest ski resort in the United States, as well as regulatory and legal changes that have significant implications for the Project. CEQA requires the County to either recirculate the EIR or prepare a subsequent EIR in order to address *all* of the Project's impacts—not just the errors called out in the Appellate Opinion—in light of the changed circumstances and new information since 2016.

5. As a result of these numerous defects, the EIR fails as an informational document, its conclusions are unsupported by substantial evidence, and it cannot support a meaningful public process or informed decisions about the Project by Placer County.

6. Finally, the County's findings of fact and statement of overriding considerations ("Findings"), adopted in connection with the Project are invalid because they are based on a flawed analysis of Project impacts and mitigation and alternatives, and are unsupported by substantial evidence.

7. Accordingly, this court should (a) direct the County to set aside its approval of the Project, certification of the EIR, and adoption of the Findings, and (b) decline to discharge the writ of mandate in the Ongoing Action until such time as the court concludes that the County has fully complied with CEQA.

PARTIES

8. Petitioner League to Save Lake Tahoe (the "League") is the leading environmental organization advocating for the protection and restoration of Lake Tahoe, most notably through its campaign to Keep Tahoe Blue. The League is a private nonprofit organization with thousands of supporters from throughout the United States. Since 1957, the League has worked to protect the public interest in the restoration and preservation of Lake Tahoe and the Lake Tahoe Basin, an area surrounding the Lake and designated for protection under state and federal law. Supporters of the organization use and enjoy the natural, recreational and scenic resources of Placer County, including Olympic Valley, and

Lake Tahoe and the Lake Tahoe Basin. The interests that the League seeks to further in this action are within the purposes and goals of the organization. The League and its supporters have a direct and beneficial interest in the County's compliance with CEQA and the CEQA Guidelines. These interests will be directly and adversely affected by the Project, approval of which violates provisions of law as set forth in this Petition and which would cause substantial and irreversible harm to the natural environment. The maintenance and prosecution of this action will confer a substantial benefit on the public by protecting the public from the environmental and other harms alleged herein. The League submitted comments to the County objecting to and commenting on the Project and the EIR.

9. Petitioner Sierra Watch is a community-based organization working to secure conservation outcomes to protect the natural resources, mountain communities, and timeless values of the Tahoe Sierra, including Olympic Valley, and is organized as a California nonprofit public benefit corporation. Sierra Watch was formed to assist Sierra-based groups and individuals with education and information so that they can participate effectively in local planning processes. Supporters of Sierra Watch use and enjoy the natural and scenic resources of Olympic Valley, where the Project would be developed, and use and enjoy the recreation opportunities offered in Olympic Valley. Supporters of Sierra Watch include residents and taxpayers of Placer County who would be negatively affected by the Project's adverse environmental impacts and improper land use approvals. The interests that Sierra Watch seeks to further in this action are within the purposes and goals of the organization. Sierra Watch and its supporters have a direct and beneficial interest in the County's compliance with CEQA and the CEQA Guidelines. These interests would be directly and adversely affected by the Project, approval of which violates provisions of law as set forth in this Petition and which would cause substantial and irreversible harm to the natural environment. The maintenance and prosecution of this action will confer a substantial benefit on the public by protecting the public from the environmental and other harms alleged herein. Sierra Watch's successful challenge to Placer County's 2016 approval of this Project led to the preparation of the Revised EIR at

issue here. Sierra Watch submitted comments to the County objecting to and commenting on the Project and the EIR.

10. Respondent Placer County, a political subdivision of the State of California, is responsible for regulating and controlling land use in the unincorporated territory of the County, including, but not limited to, implementing and complying with the provisions of CEQA. Respondent Placer County is the "lead agency" for purposes of Public Resources Code section 21067, with principal responsibility for conducting environmental review and approving the Project.

11. Respondent Board of Supervisors is the duly elected legislative body for Placer County. As the decision-making body, the Board of Supervisors is charged with the responsibilities under CEQA for conducting a proper review of the proposed action's environmental impacts and granting the various approvals necessary for the Project.

12. Petitioners do not know the true names and capacities, whether individual, corporate, associate, or otherwise, of Respondents Doe 1 through Doe 20, inclusive, and therefore sue said Respondents under fictional names. Petitioners allege, upon information and belief, that each fictionally named Respondent is responsible in some manner for committing the acts upon which this action is based. Petitioners will amend this Petition to show their true names and capacities if and when the same have been ascertained.

13. Real Party in Interest Alterra MTN CO Real Estate Development Inc. ("Alterra") is listed as "Project Applicant/Owner" on the Notice of Determination for the EIR for the Project filed and posted by the County Clerk of Placer County on or around November 21, 2024. Petitioners are informed, and on that basis allege, that Alterra is a company incorporated in the State of Delaware and doing business in the State of California.

14. Real Party in Interest Palisades Tahoe Real Estate, LLC ("Palisades Tahoe LLC"; collectively with Alterra, "Real Parties") is listed as "Project Applicant/Owner" on the Notice of Determination for the EIR for the Project filed and posted by the County Clerk of Placer County on or around November 21, 2024. Petitioners are informed, and on

that basis allege, that Palisades Tahoe LLC is a company incorporated in the State of Delaware and doing business in the State of California.

15. Petitioners do not know the true names and capacities, whether individual, corporate, associate, or otherwise, of Real Parties in Interest Doe 21 through Doe 40, inclusive, and therefore sue said Real Parties in Interest under fictional names. Petitioners allege, upon information and belief, that each fictionally named Real Party in Interest is responsible in some manner for committing the acts upon which this action is based or has material interests affected by the Project or by the County's actions with respect to the Project. Petitioners will amend this Petition to show their true names and capacities if and when the same have been ascertained.

JURISDICTION

16. Pursuant to California Code of Civil Procedure sections 526, 527, 1085 (alternatively section 1094.5), and 1087; and Public Resources Code sections 21168.5 (alternatively section 21168) and 21168.9, this Court has jurisdiction to issue a writ of mandate to set aside Respondents' decision to certify the EIR and approve the Project.

17. Venue is proper in this Court because the causes of action alleged in this Petition arose in Placer County where the proposed Project takes place.

18. Petitioners have complied with the requirements of Public Resources Code section 21167.5 by serving a written notice of Petitioners' intention to commence this action on the County on December 3, 2024. A copy of the written notice and proof of service is attached hereto as Exhibit A.

19. Petitioners will comply with the requirements of Public Resources Code section 21167.6 by concurrently filing a notice of their election to prepare the record of administrative proceedings relating to this action.

20. Petitioners have complied with the requirements of Public Resources Code section 21167.7 by sending a copy of this Petition to the California Attorney General on December 4, 2024. A copy of the letter transmitting this Petition is attached hereto as Exhibit B.

21. Petitioners have performed any and all conditions precedent to filing this instant action and have exhausted any and all available administrative remedies to the extent required by law.

22. Petitioners have no plain, speedy, or adequate remedy in the course of ordinary law unless this Court grants the requested writ of mandate to require Respondents to set aside their certification of the EIR and approval of the Project. In the absence of such remedies, Respondents' approval will remain in effect in violation of state law and the writ of mandate in the Ongoing Action.

STATEMENT OF FACTS

Project Location and Background

23. Palisades Tahoe is the third largest ski resort in the United States, with 6,000 skiable acres located partially in and adjacent to the Lake Tahoe Basin along the crest of the Sierra Nevada just west of State Route 89 between Truckee and Tahoe City. Palisades Tahoe (formerly named Squaw Valley Alpine Meadows) spans two mountains with base operations at Palisades (in Olympic [formerly Squaw] Valley) and Alpine Meadows. The two mountains are connected by a $65 million gondola, which was recently constructed. Hailed as the #1 ski resort in the United States by the Wall Street Journal, Palisades Tahoe is an internationally famous resort known for hosting the 1960 Winter Olympics (in Olympic Valley) and for the challenging ski terrain that has inspired generations of innovation in the world of skiing. The proposed Project does not involve any improvements to ski terrain or lifts, but consists of residential and commercial development in and around the village at the base of Palisades.

24. The proposed Project—consisting of the Village at Palisades Tahoe Specific Plan and associated entitlements to implement it—is located in Olympic Valley, a small alpine valley approximately two miles long and half a mile wide. The Project site is split into an 84.5 acre parcel adjacent to the ski operations at Palisades (the "Village Parcel") and an additional 8.8 acre parcel approximately 1.3 miles east of the Village Parcel and 0.3 miles west of the intersection of Olympic Valley Road and State Route 89 (the "East

Parcel"). The Project site is subject to the Olympic Valley General Plan and Land Use Ordinance ("OVGP"), a component of the Placer County General Plan.

25. Zoning on the Village Parcel, established in 1983, consists of Village Commercial, Heavy Commercial, High Density Residential, Forest Recreation, and Conservation Preserve designations. The East Parcel contains Entrance Commercial, High Density Residential, and Conservation Preserve zoning. Land uses on the Village Parcel are currently characterized by large surface parking lots; buildings, including historic structures from the 1960 Olympics, containing commercial, meeting, and event space; and undisturbed forest lands at the western edge where Olympic Valley meets Shirley Canyon. The East Parcel is roughly split between an unpaved gravel parking area and undisturbed forest and riparian land adjoining Washeshu Creek.

26. The 2024 Project proposes the same general land uses on the same footprint as the County approved in 2016 and would allow the same unprecedented and transformational level of development in Tahoe's Olympic Valley. The Project proposes approximately 51 acres of development on a 93.3-acre site. It would rezone the area for Village Core, Village Neighborhood, Heavy Commercial, and Entrance Commercial to allow far more intensive retail, residential, and resort industrial uses. The proposed development would include buildings ranging in height from 35 to 96 feet, roughly nine acres of 20-foot tall parking structures, and an equipment yard and timeshare units near Washeshu Creek and the mouth of Shirley Canyon, a popular hiking spot. Existing roadways cover another eight acres of the Project area. Nearly all of the remaining acreage, roughly 33 acres, is either within Washeshu Creek and associated riparian areas, wetlands, too steep to build on, within an avalanche hazard zone, or some combination thereof. This essentially unbuildable acreage would be zoned for Forest Recreation and Conservation Preserve.

27. On the Village Parcel, the Project calls for 1,493 new bedrooms concentrated in the proposed condo hotel high-rises and approximately 298,000 square feet of new commercial space. Also planned for the Village Parcel is a 96-foot tall, 90,000 square foot

indoor entertainment and recreational facility dubbed the "Mountain Adventure Camp." Planned uses for the commercial facility include: a movie theater, arcades, swimming pools, 30 bowling lanes, miniature golf, trampoline/jump centers, rock/boulder climbing, ropes course, zip line, and more. In response to public outcry, the Project applicant decided not to include various water park features, such as water slides and indoor water skiing, in the Mountain Adventure Camp, but did not reduce the size, height, or impacts of the proposed building. The Project also includes a 30,000 gallon propane "tank farm," which would serve as the resort's gas supply. Approximately 92,000 square feet of commercial space, largely contained within the historic Olympic buildings, would be demolished. The Applicant seeks rights on the East Parcel for up to 300 bedrooms of dormitory style employee housing, another parking structure, and 20,000 feet of commercial space containing a market and a shipping and receiving center.

28. In 2010 and 2011, KSL Capital Partners, LLC purchased controlling interests in the Squaw Valley (now Palisades) and Alpine Meadows ski resorts. Palisades Tahoe LLC and Alterra, which is primarily owned by KSL, are collectively the Project applicant and the Real Parties in this matter.

29. In 2012, the Applicant submitted the first in a series of draft specific plans seeking entitlements that would dramatically intensify resort development in the North Tahoe region. Over the following years, the project plan underwent revisions, culminating in the Village at Squaw Valley (now Palisades) Specific Plan submitted in 2014, which is nearly identical to the plan at issue in this action.

30. On November 15, 2016, the Board of Supervisors adopted the Village at Squaw Valley (now Palisades) Specific Plan ("2016 Project") and associated ordinances, resolutions, and entitlements, and certified the 2016 EIR.

Sierra Watch's Successful Challenge to the 2016 EIR and Project Approvals

31. On December 15, 2016, Sierra Watch filed in the Superior Court of Placer County a Verified Petition for Writ of Mandate and Complaint for Injunctive Relief ("Petition") against Placer County and the Placer County Board of Supervisors

(collectively, "the County"), naming Squaw Valley Real Estate, LLC as a Real Party in Interest (Case No. SCV0038777). The Petition alleged the County violated CEQA in its November 15, 2016 approvals for the 2016 Project. This Ongoing Action is currently pending in Placer County Superior Court.

32. In a separate lawsuit filed on January 13, 2017 (amended June 20, 2017), Sierra Watch challenged the County's approvals for the 2016 Project based on two violations of the State's open meeting law, the Ralph M. Brown Act.

33. On May 24, 2018, the Superior Court conducted a writ hearing in the CEQA case. On or about August 13, 2018, the Superior Court issued its ruling in the CEQA matter, denying Sierra Watch's Petition. On or about June 6, 2018, the Superior Court entered a Statement of Decision denying Sierra Watch's Brown Act Claims, and on July 6, 2018, it entered a judgment against Sierra Watch in that matter. On or about September 12, 2018, the Superior Court issued a judgment stating Sierra Watch's CEQA Petition was denied in its entirety.

34. On or about August 31, 2018, Sierra Watch filed a notice of appeal of the Superior Court's judgment in the Brown Act matter. And on or around October 11, 2018, Sierra Watch filed a notice of appeal from the Superior Court's judgment in the CEQA case.

35. On or about August 24, 2021, the Court of Appeal unanimously reversed the trial court's judgment in the Brown Act case, finding the County twice violated the open meeting law. First, the court found that the County's agenda for the approvals was misleading because it did not reveal that the Board of Supervisors would be considering approval of a development agreement that included a last-minute agreement with the Attorney General. The agreement was a compromise whereby the developer would pay a fee to purportedly mitigate the project's impacts on Lake Tahoe and the Attorney General would not sue the County for failing to adequately disclose the Project's impacts on Lake Tahoe, even though the Attorney General believed such CEQA violation occurred. Second, the court held that the County violated the Act by failing to make the settlement agreement

and County counsel's analysis of it available to the public at the same time it was provided to the Board of Supervisors.

36. Also on or about August 24, 2021, the Court of Appeal issued a unanimous 51-page decision, reversing in part the Superior Court's judgment in the CEQA matter. A brief summary of the appellate court's ruling for Sierra Watch is as follows:

a. The 2016 EIR's description of the environmental setting was deficient because it "never discussed the importance of Lake Tahoe," a unique and sensitive regional resource meriting special attention under CEQA, or "its current condition." *Sierra Watch*, 69 Cal.App.5th at 97.

b. The 2016 EIR failed to meaningfully assess the project's potentially significant impacts on Lake Tahoe and the Tahoe Basin's air quality because:

i. The 2016 EIR failed to determine whether the project's impacts on Lake Tahoe and the Basin were potentially significant, and instead simply declared that the Tahoe Regional Planning Agency's standards did not apply to the project.

ii. The 2016 EIR underestimated expected cumulative impacts on Lake Tahoe's water quality and clarity and on air quality in the Tahoe Basin.

iii. The County's post-EIR discussion of cumulative vehicle miles travelled ("VMT") and the admitted link between VMT and water and air quality could not legally cure the deficient analysis in the draft and final 2016 EIR.

c. The 2016 EIR failed to adequately analyze the project's impacts on wildfire evacuation because the 2016 EIR underestimated the amount of time it would take to evacuate the Project and such error was prejudicial.

d. The 2016 EIR's analysis of construction noise was inadequate because it was limited to sensitive receptors lying within 50 feet of expected construction activity, which the court of appeal characterized as "arbitrary line drawing." *Sierra Watch*, 69 Cal.App.5th at 107.

e. The 2016 EIR's construction noise mitigation was insufficient because it relied on a vague mitigation measure simply requiring quiet procedures to be

used "where feasible," thus improperly deferring the determination of which construction procedures can feasibly be changed and how these procedures can be modified to be quieter.

f. The 2016 EIR's transit impact mitigation was deficient because it relied on the payment of "fair share funding" which would be calculated on an engineer's report to be prepared in the future.

37. The Court of Appeal instructed the trial court to enter, consistent with its opinion, "a new judgment granting the petition for writ of mandate and specifying those actions the County must take to comply with CEQA." *Sierra Watch*, 69 Cal.App.5th at 111.

38. The appellate court's opinion became final on or about November 23, 2021, and the remittitur issued on or about November 23, 2021.

39. On or around July 28, 2022, the Superior Court entered a Judgment Following Appeal decreeing that the County committed a prejudicial abuse of discretion by failing to comply with CEQA when it approved the Project and certified the 2016 EIR. The Court also ordered the issuance of a peremptory writ of mandate directing the County to set aside its approvals for the 2016 Project and certification of the 2016 EIR, and directing the County, the project proponent, and their respective agents to suspend all project activities that could result in any change or alteration to the physical environment. The Judgment provided that the "County shall not readopt the [2016] Project Approvals or certify a revised EIR unless and until the County complies with CEQA by correcting the deficiencies in the EIR found by the Court of Appeal" and directed the County to file supplemental returns to the writ "if there are any modifications or readoptions of the Project Approvals or as otherwise directed by this Court until it has fully complied with" the writ. This Court retained jurisdiction over the County's proceedings until it determined that the County has complied with the Judgment.

40. On or around August 9, 2022, the Peremptory Writ of Mandate issued.

41. On or around November 8, 2022, the County decertified the 2016 EIR and

rescinded all of its November 15, 2016 approvals for the project including, *inter alia*, the specific plan and development agreement.

The County's Revision and Recirculation of the 2016 EIR.

42. Following the Court of Appeal's issuance of its 2021 decision and the trial court's issuance of the writ of mandate in the Ongoing Action, the applicant asked for a new set of entitlements from the County for the same plan they had submitted in 2014. The County decided to reconsider approval of the Project based on revised environmental analysis. On or around November 30, 2022, the County released a Partially Revised Draft Environmental Impact Report ("RDEIR") for the Project. The RDEIR states that no changes to the project description have occurred since the project was approved in November 2016 other than the change of the project name to the Village at Palisades Tahoe Specific Plan. The RDEIR does not include a full project description and refers readers to the project description in the 2016 EIR.

43. The County did not revise and circulate the entire 2016 EIR. Rather, the RDEIR only purports to address a limited set of issues that it claims were found deficient in the Appellate Opinion, in the following areas: transportation and circulation, air quality, noise, hydrology and water quality, and hazardous materials and hazards (wildfire). The County asserted that this very circumscribed analysis was justified by *res judicata* and other legal principles.

44. Agencies, organizations, and individuals submitted *over 2,700 comment letters* on the RDEIR. Over 99 percent of the comments expressed concerns about the Project's impacts and opposition to the Project. The League and Sierra Watch were among those submitting extensive comments criticizing the RDEIR's environmental analysis and the County's failure to comply with CEQA and the Appellate Opinion. Sierra Watch also submitted expert reports supporting its comments. Those reports were prepared by: Neal Liddicoat, Griffin Cove Transportation Consulting; Greg Kamman, Hydrogeologist with CBEC Eco Engineering; Dr. Joseph Zicherman, Berkeley Engineering and Research; Patrick Sutton, Principal Environmental Engineer with Baseline Environmental

Consulting; Jeremy Decker, Professional Engineer with Charles M. Salter Associates.

45. Sierra Watch and the League documented that the Project setting has undergone significant changes since the County certified the 2016 EIR and that new information shows that the Project has potentially significant impacts that were not previously analyzed. They also explained that *res judicata* prevents the re-litigation only of matters arising from the same material facts and thus does not permit the County to ignore new information or limit its RDEIR only to issues identified in the Appellate Opinion. Changes to the Project setting and new information include, *inter alia*: (a) a substantial population increase in the Sierra region driven by the COVID-19 pandemic and shifts in employment practices and demographics; (b) significant changes in the understanding of how climate change will impact the region; (c) a prolonged drought that began in 2016; (d) a drastic intensification in the manner in which fires burn, with fires now travelling over the crest of the Sierra to threaten residential communities, as well as heightened fire risk designations for areas on and surrounding the Project site; and (e) the installation of a base-to-base gondola that connects two major ski mountains (Alpine Meadows and Palisades Tahoe/Olympic Valley), resulting in the creation of the third-largest ski resort in the United States.

46. Sierra Watch and the League also explained that the RDEIR fails to comply with CEQA and the Appellate Opinion with regard to the impacts that it purports to address. For example, the RDEIR fails to provide adequate environmental and regulatory setting information for Lake Tahoe. It also fails to sufficiently analyze and mitigate the Project's individual and cumulative impacts on Lake Tahoe's water quality and clarity. Among other flaws, the RDEIR: (a) improperly limits its analysis of the Project's impacts on Lake Tahoe to in-basin VMT; (b) provides misleading, inaccurate, and incomplete information about the role that mobile sources play in impacting Lake Tahoe's water quality and clarity; (c) improperly alters VMT data to exclude peak period data and exclude data from recent years; (d) improperly dismisses emerging science showing that wildfires, climate change, and microplastics present significant threats to Lake Tahoe

water quality and clarity; (e) does not adequately assess the Project's consistency with the 2020 Regional Transportation Plan & Sustainable Communities Strategy with respect to atmospheric nitrogen deposition in the Lake; (f) fails to substantiate its conclusions that there is a limited correlation between VMT in the Tahoe Basin and adverse effects on lake water quality and clarity and that the Project would result in less than significant impacts on Lake Tahoe water quality and clarity; and (g) fails to adequately analyze the Project's cumulative impacts in combination with other area projects.

47. Additionally, Sierra Watch and the League objected to the RDEIR's analysis and mitigation of the Project's air quality impacts on the Tahoe Basin. Among other flaws, the RDEIR: (a) dismisses, without justification, the controlling standard of significance adopted by the Tahoe Regional Planning Agency; (b) improperly limits the analysis of air quality impacts to only those resulting from in-basin VMT; (c) improperly relies on annual average daily VMT, instead of peak daily VMT, to estimate criteria pollutant emissions from Project-related VMT; (d) fails to properly evaluate feasible mitigation for the Project's air quality impacts; and (e) fails to adequately analyze the Project's cumulative air quality impacts on the Tahoe Basin.

48. Sierra Watch and the League also criticized the RDEIR for failing to identify enhanced mitigation for the Project's significant construction noise impacts, despite disclosing far more severe impacts than those disclosed in the 2016 EIR. Sierra Watch submitted an expert report that delineated sixteen additional feasible mitigation measures that could reduce the Project's construction noise impacts. Sierra Watch and the League also took issue with the RDEIR for failing to analyze how the far more severe construction noise impacts disclosed in the RDEIR will impact wildlife, including sensitive species within riparian and forest areas.

49. Sierra Watch and the League further explained that the RDEIR's analysis of, and mitigation for, the Project's transit impacts was deficient. Among other flaws, the RDEIR: (a) underestimates the Project's impact on transit service because it omits the increase in transit demand from the Project's visitors and guests, concluding the Project

would generate a mere 30 transit riders; (b) fails to identify transit demand during the peak summer months and mitigate any significant impacts on transit during summer; and (c) does not support its conclusion that the mitigation measure requiring the establishment of a public entity to fund transit capacity expansion—which is not guaranteed to be completed before Project operation—will reduce transit impacts to a less than significant level.

50. Sierra Watch and the League also criticized the RDEIR's analysis of, and mitigation for, the Project's wildfire and emergency evacuation impacts. Despite concluding that the Project would make an already dangerous situation worse by increasing the time it projects it would take all vehicles to evacuate the Olympic Valley from 10.7 (in the 2016 EIR) to 11.1 hours, the RDEIR asserts no safety risks exist because emergency personnel will be on hand to implement an evacuation—the exact reasoning the Court of Appeal rejected. *Sierra Watch*, 69 Cal.App.5th at 104. Additionally, the RDEIR: (a) fails to provide an accurate description of the area wildfire setting, relying on a plan from 2016 and ignoring recent plans and guidance that reflect the current severity of wildfire conditions in the region; (b) contains no thresholds of significance regarding what constitutes an acceptable evacuation time; (c) substantially underestimates the amount of time needed to evacuate the Project vicinity by relying on inaccurate capacity assumptions for State Route 89; (d) fails to include a distance component in its calculation of evacuation times; (e) excludes crucial evacuation tasks, including public notification and mobilization, from its determination of evacuation times; (f) relies on "shelter-in-place" locations in the event evacuating the Valley via Olympic Valley Road or SR 89 is impossible, but fails to explain how "shelter-in-place" would be implemented or support the RDEIR's claim it would be effective; (g) fails to analyze impacts on emergency evacuation during Project construction, even though the 2016 EIR acknowledged that the majority of the Project's construction activities would occur during peak fire season; (h) relies on a mitigation measure requiring the preparation of a Construction Traffic Management Plan, but never provides the Plan or explains how it would facilitate emergency evacuation during construction.

51. Sierra Watch and the League also explained that significant new information has come to light since the certification of the 2016 EIR that requires revision and recirculation of its analysis pursuant to CEQA Guidelines §§ 15088.5, 15162. This new information includes, without limitation: (a) a 2019 amendment to the CEQA Guidelines altering how transportation impacts must be measured; (b) new transportation planning documents adopted by the County and Tahoe Regional Planning Agency; (c) information documenting changes related to climate change that impact the availability of groundwater for the Project and render the 2015 water supply assessment relied on in the 2016 EIR deficient; (d) information regarding climate change and drought in the region that would result in the Project having new or increased significant effects on biological resources in the area; (e) new information/scientific reports, a new Scoping Plan, and other significant climate change regulation indicating that global temperatures are reaching a dangerous tipping point much faster than initially anticipated and directing agencies to take action to address this fact; (f) dramatic changes to wildfire conditions in Olympic Valley, as documented in a 2022 plan showing the Valley has a very high exposure to catastrophic wildfire losses, which include fires burning across the crest of the Sierra for the first time in recorded history; (g) updated CEQA requirements requiring agencies to address the effects of new projects creating or exacerbating wildfire risks; (h) a significant increase in population in the region, driven by the COVID-19 pandemic, which has exacerbated workforce housing shortages and various environmental impacts.

52. Multiple public agencies also submitted comments on the RDEIR. The California Highway Patrol recommended the County adopt further traffic mitigation measures to ensure increased traffic does not impact emergency services, which are already stretched thin. The California Department of Transportation requested that a VMT-Focused Transportation Impact Study be conducted for the Project, and took issue with the RDEIR's failure to provide trip generation information for the land uses that are proposed with the Project. The California Attorney General advocated for the RDEIR to comport with Best Practices on analyzing wildfire impacts, including consulting with local fire

officials to ensure that assumptions and conclusions regarding evacuation risk are substantiated with sound facts, emphasizing that emergency conditions may not allow for ideal evacuation scenarios. The Lahontan Regional Water Quality Control Board ("LRWQCB") objected to the RDEIR's analysis of, and mitigation for, the Project's impacts on biological resources caused by increases in groundwater pumping for Project purposes. The LRWQCB criticized the proposed mitigation for the biological impacts associated with groundwater pumping on the grounds that purchasing offsite mitigation credits to offset the loss of aquatic resources directly conflicts with the agency's Climate Change Mitigation and Adaptation Strategy. The Olympic Valley Public Service District ("OVPSD") advocated for the County to supplement the 2015 Water Supply Assessment with climate change modeling that incorporates the datasets and technical guidance issued by the Department of Water Resources in 2018. The OVPSD submitted a work plan proposal for preparation of climate change modeling to supplement the 2015 WSA, that was created by McGinley & Associates, Inc. The OVPSD also emphasized that the agency, contrary to 2016, is now of the opinion that Olympic Valley is at risk of catastrophic wildfire, recommending the Applicant make numerous roadway improvements to make evacuation easier.

53. On or about August 9, 2024, the County released its responses to comments on the RDEIR and issued the Final Partially Revised Environmental Impact Report ("RFEIR") for the Project. Dozens of agencies, organizations, and individuals commented on the RFEIR. Sierra Watch and the League again submitted extensive comments detailing how the RFEIR did not correct the inadequacies of the RDEIR. The League and Sierra Watch also, once again, submitted expert reports explaining that the RFEIR failed to remedy the flawed analysis in the RDEIR. These expert reports were prepared by: Greg Kamman, Hydrogeologist with CBEC Eco Engineering; Patrick Sutton, Principal Environmental Engineer with Baseline Environmental Consulting; and Jeremy Decker, Professional Engineer with Charles M. Salter Associates.

54. As Sierra Watch and the League explained, the RFEIR failed to remedy the

flaws in the RDEIR's description of the Project's Lake Tahoe setting as part of the Project baseline, as well as the RDEIR's deficient analysis of the Project's water and air quality impacts on Lake Tahoe and the Lake Tahoe Basin. While the RFEIR skirts this necessary information and analysis, it states that the Applicant will pay the Tahoe Regional Planning Agency $2 million as "voluntary mitigation" to offset the Project's VMT, a number purportedly based on the mitigation fees that would be required if the Project was located in the Lake Tahoe Basin. As Sierra Watch and the League commented, such payment demonstrates that the Project would have significant impacts on the Lake and air quality in the Basin; yet, the RFEIR concludes no such significant impacts exist. Moreover, Sierra Watch and the League explained that such a fee, which amounts to only $80,000 per year during Project *construction*, would not nearly mitigate the Project's potential impacts on the Lake and Basin over the life of the Project.

55. Additionally, Sierra Watch and the League commented that, among other flaws, the RFEIR: (a) fails entirely to justify the RDEIR's omission of an adequate analysis of the Project's potentially significant impacts on Lake Tahoe from wildfire smoke and microplastics; (b) dismisses substantial evidence regarding changes in the Project setting since 2016 that would substantially increase the severity of wildfire and how a wildfire would behave in Olympic Valley; (c) continues to ignore substantial new information that requires revised analysis of and mitigation for several of the Project's significant environmental impacts; and (d) fails to adequately respond to comments, including those from agencies requesting additional information and analysis.

56. Among the agencies commenting on the RFEIR, the LRWQCB (a) urged the County to reconsider Project impacts that have intensified since 2016 due to changed hydrological conditions, and (b) expressed the agency's concerns that Project mitigation would not ensure protection of biological and water resources.

57. The County has stated that the EIR for the Project consists of the 2016 EIR, the Revised EIR, the existing written responses to comments on the 2016 EIR, comments and written responses to comments on the RDEIR, and any text changes to the Revised

EIR.

Approval of the Project

58. On or about August 17, 2024, Placer County's Olympic Valley Municipal Advisory Council ("MAC") considered the Project. Approximately 250 people attended the meeting, with about 47 people speaking. Of those who spoke, all but a few opposed the Project. After seven hours of discussion, the MAC unanimously approved the following motion:

> To deny the [P]roject with a message to Placer County and the applicant that:
>
> 1) the community is overwhelmingly against this plan
>
> 2) the County and applicant are encouraged to evaluate a different, reduced-sized project than originally submitted with a reduced-sized Mountain Activity Center
>
> 3) the community wants collaborative input on the revised plan.

59. On or about September 5, 2024, the Placer County Planning Commission held a public hearing on the Project. Dozens of people, including concerned residents and representatives from Sierra Watch, the League, and other conservation groups, provided public testimony in opposition to the Project due to its scale and its serious environmental threats to North Tahoe and the Lake Tahoe Basin, as well as the County's failure to adequately disclose and analyze these threats or find ways to reduce them. Despite the detailed information provided to them by Sierra Watch, the League, and others, and the vast public opposition to the Project, the Planning Commission voted to recommend to the Board of Supervisors approval of the Village at Palisades Tahoe Specific Plan and associated resolutions and ordinances, certification of the EIR, and adoption of the Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program. One Commissioner who voted against the Project noted her concerns about the Project's significant environmental impacts and the overwhelming public opposition to the Project.

60. On or around November 8, 2024, the County issued a notice for a public hearing to occur on November 19, 2024 for the Project. On around November 13, 2024,

the County issued its agenda for the hearing, which was substantially similar to the public notice, as well as a staff report. The staff report attached a supplemental response to comments. It also stated for the first time that the Project could not comply with State minimum fire safety regulations as its main road greatly exceeds the maximum allowed length for dead-end roads (Cal. Code Regs., tit. 14, §§ 1270-1276.05) and that the Applicant had therefore requested an exception to the minimum fire safe regulations ("Exception"). The notice and agenda falsely and misleadingly stated that the Planning Commission had recommended approval of the Exception; in fact, the Exception request came after the Planning Commission hearing and was thus never considered by the Planning Commission.

61. On or around November 14, 2024, Placer County's North Tahoe Regional Advisory Council ("NTRAC") heard and discussed community opposition to the Project and voted to send a letter to Placer County expressing the "Council's concerns and opposition to the development of the Village at Palisades Tahoe as currently proposed."

62. On or around November 15, 2024, Sierra Watch and the League submitted a joint letter to the Board of Supervisors advocating that the Board deny the Project as proposed. The letter reiterated and incorporated the concerns raised in Sierra Watch's and the League's prior comments on the RDEIR and RFEIR. The League and Sierra Watch supplemented their prior comments with additional information that had come to light since the publication of the RFEIR, and also included new expert reports from Christopher A. Dicus, Ph.D., Professor, Wildland Fire & Fuels Management, California Polytechnic State University; Tom Brohard, Transportation Engineer with Tom Brohard & Associates; and Greg Kamman, Hydrogeologist with CBEC Eco Engineering. Further, the letter informed the Board of Supervisors that it could not lawfully approve the proposed Findings for the Project because they improperly relied on the EIR's faulty analysis and mitigation and were not supported by substantial evidence.

63. Sierra Watch and the League's letter also informed the Board of Supervisors that the notice and agenda's inclusion of the Applicant's request for the Exception, as well

as their false assertion that the Exception had been recommended by the Planning Commission, violated the Brown Act, the Government Code, and County Code's provisions for proper notice and consideration of such a planning item. The letter additionally explained, as supported by expert opinion from Dr. Dicus, that the requirements for the Exception could not be met by the Project and that granting the Exception would put the public's safety at risk.

64. On or around November 19, 2024, the Placer County Board of Supervisors held a public hearing on the Project. At the beginning of the hearing, County staff announced that the requests for a Large-Lot Vesting Tentative Subdivision Map and the Exception were being removed from the agenda and would be brought back for consideration at a later date. The hearing room was packed with hundreds of concerned residents and representatives from conservation and other groups. The hearing lasted over nine hours. According to eyewitness accounts, more than 100 people testified, with a majority asking the Board of Supervisors to reject the Project or adopt a less-intensive alternative, and many noting the inadequacy of the environmental review.

65. Representatives from Sierra Watch and the League testified in opposition to the Project noting that, *inter alia*, (1) the approval of the Project *without* the necessary fire safe regulation Exception, and deferral of the Exception to a later time, constituted improper segmentation of the Project, (2) Project mitigation, policies, and Findings all relied upon compliance with minimum fire safe regulations, when it was now clear that the Project would violate these regulations, (3) the EIR failed to adequately disclose numerous Project impacts, including impacts to Lake Tahoe, and (4) the community had clearly voiced its concerns about the many negative impacts and dangers this Project poses and wished to work cooperatively with the County and the Applicant to create a better solution for redevelopment of the area.

66. At its hearing on November 19, 2024, the Board voted to adopt or approve the following with respect to the Project:

a. A Resolution to certify the Village at Palisades Tahoe Specific Plan

Environmental Impact Report (SCH# 2012102023) consisting of the 2016 Draft and Final Environmental Impact Report and the 2024 Draft and Final Partially Revised Environmental Impact Report, and adopt the Findings of Fact and Statement of Overriding Considerations, and adopt the Mitigation Monitoring and Reporting program.

b. A Resolution to approve the Village at Palisades Tahoe Specific Plan.

c. An Ordinance to approve the Village at Palisades Tahoe Specific Plan Development Standards and Design Guidelines.

d. A Resolution to amend the Olympic Valley General Plan and Land Use Ordinance (formerly the Squaw Valley General Plan and Land Use Ordinance) to (a) incorporate the Village at Palisades Tahoe Specific Plan land use designation and (b) to add Section VI(E)(7) related to emergency preparedness.

e. An Ordinance to rezone all acreage in the Village at Palisades Tahoe Specific Plan area from the current zoning designations to SPL-VPTSP (Specific Plan – Village at Palisades Tahoe Specific Plan).

f. An Ordinance to approve the Development Agreement relative to the Village at Palisades Tahoe Specific Plan, amended to include Section 3.23 (Transportation Technical Review Advisory Committee).

g. A Resolution to approve the Water Supply Assessment.

67. The County filed its Notice of Determination for the Project's EIR on or about November 21, 2024.

FIRST CAUSE OF ACTION

(Violations of CEQA, Public Resources Code §§ 21000 *et seq*. and CEQA Guidelines; Failure to Comply with Appellate Opinion and Peremptory Writ of Mandate)

68. Sierra Watch and the League hereby reallege and incorporate the allegations contained in paragraphs 1 to 67, inclusive.

69. CEQA is designed to ensure that the long-term protection of the environment is the guiding criterion in public decisions. CEQA requires the lead agency for a project with the potential to cause environmental harm to prepare an EIR that fully analyzes the

project's potentially significant impacts on the environment and public services. Pub. Resources Code §§ 21002.1(a), 21080(d). The EIR must provide sufficient facts and analysis to ensure that the decision-makers can intelligently consider environmental consequences when acting on the proposed project. *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 405.

70. CEQA also mandates that the lead agency identify feasible mitigation measures that will reduce or avoid a project's environmental impacts. Pub. Resources Code §§ 21002, 21002.1(b). Even where a public agency cannot entirely eliminate an impact, CEQA requires that it nonetheless reduce the impact to the extent feasible. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 524-25. An EIR must respond to comments making specific suggestions for mitigating a significant impact unless the suggested mitigation is "facially infeasible." *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029. If an agency rejects a suggested measure as infeasible, the rejection must be supported by substantial evidence and free of legal error. Pub. Resources Code § 21168.5.

71. The County violated CEQA, the Appellate Opinion, and the Peremptory Writ of Mandate by failing to adequately describe the environmental setting for the Project and failing to adequately disclose, analyze, and mitigate the potentially significant environmental impacts that the Revised EIR purported to address, including, without limitation:

a. the Project's significant impacts on Lake Tahoe's water quality and clarity and on air quality in the Lake Tahoe Basin;

b. the Project's significant impacts on wildfire and emergency evacuation;

c. the Project's significant transit impacts; and

d. the Project's significant noise impacts.

72. The County violated CEQA by failing to revise and recirculate the EIR to address, and allow public comment regarding, new information and changed circumstances

since the preparation of the 2016 EIR. None of the legal authority relied on by the County to justify its failure to revise and recirculate the EIR, including Public Resources Code sections 21167.2 and 21166 or the principles of *res judicata*, support its decision to limit public review and comment to a few narrow issues.

73. The County violated CEQA by failing to either recirculate the EIR or prepare a subsequent or supplemental EIR. Revised analysis is required in light of substantial changes that have occurred with respect to the circumstances under which the Project is being undertaken which will require major revisions in the 2016 EIR, as well as new information that has become available regarding the Project's significant environmental impacts or better mitigation or alternatives. *See* Pub. Resources Code, § 21166; CEQA Guidelines § 15162(a)(2-3) (standard for a subsequent EIR); *see also id*. at § 15088.5(a) (analogous standard for recirculation). These changes and new information include, without limitation:

a. Substantial new information regarding transportation and transit, including but not limited to information regarding traffic and VMT, transportation planning documents, CEQA requirements for measuring transportation impacts, and standards governing the measurement of VMT.

b. Substantial new information regarding the effect of climate change on groundwater supply and how Project groundwater pumping will impact Washeshu Creek.

c. Substantial new information regarding the adverse impacts of climate change and drought on sensitive species that rely on surface and groundwater.

d. Substantial new information demonstrating the tipping point for greenhouse gas ("GHG") emissions may be reached far sooner than expected when the EIR was certified, as well as changes in the regulatory and legal framework by which agencies in California address climate change—including the publication of the California Air Resources Board's 2022 Scoping Plan—that render inadequate the 2016 EIR's discussion of, and mitigation for, climate change.

e. Significant changes related to wildfire conditions, including more

severe drought, instances of fires burning across the crest of the Sierra for the first time, new or updated local fire planning documents, and increased fire hazard severity designations in the Project area.

f. A significant increase in population in the Sierra region, driven by the COVID-19 pandemic and other factors, that results in potentially significant environmental impacts, including but not limited to impacts from the Project's contribution to the worsening workforce housing crisis in the region, that were not, and could not have been, considered in the 2016 EIR.

g. New information regarding feasible alternatives that could achieve Project objectives with fewer environmental consequences.

74. The County also violated CEQA by failing to adequately respond to comments from the public and agencies in the final Revised EIR.

75. The County violated CEQA by improperly segmenting review of the required Exception from the minimum fire safe regulations from the remainder of the Project, and by approving the Project without considering the Exception, thereby minimizing the full range of impacts; rendering Project mitigation inadequate and misleading; improperly relying on infeasible mitigation; and rendering the Project description inadequate and incomplete.

76. As a result of these actions, the County prejudicially abused its discretion by failing to proceed in the manner required by law, failing to support its determinations with substantial evidence, and depriving the public and decision-makers of the information mandated by CEQA. *People ex rel. Bonta v. County of Lake* (Cal. Ct. App., Oct. 23, 2024, No. A165677) 2024 WL 4553306, at *5 (an "inadequate or conclusory discussion of a potentially substantial adverse change in the environment deprives the public of information necessary for informed self-government and constitutes a prejudicial abuse of discretion").

77. The County violated CEQA and the CEQA Guidelines by adopting findings of fact and a statement of overriding consideration (collectively, "Findings") in connection

with the Project that are invalid. The Findings are legally inadequate because they are based on a flawed analysis of Project impacts and mitigation, as described in the preceding paragraphs, fail to adopt all feasible mitigation or a feasible alternative to reduce significant Project impacts, and are unsupported by substantial evidence. The County cannot simply "override" environmental impacts where, as here, (a) the EIR understates the true scope of Project impacts; (b) the County failed to properly assess the efficacy of its adopted mitigation and therefore never determined the Project's true impact; and (c) the County failed to consider or adopt feasible mitigation measures or alternatives proposed to reduce the Project's significant impacts.

PRAYER FOR RELIEF

WHEREFORE, Sierra Watch and the League pray for judgment as follows:

1. For alternative and peremptory writs of mandate directing the County to vacate and set aside its approval of the Project, certification of the EIR, and adoption of findings of fact and a statement of overriding considerations in connection with their approval of the Project, adoption of an Ordinance to approve the Village at Palisades Tahoe Specific Plan Development Standards and Design Guidelines, adoption of a Resolution to amend the Olympic General Plan, adoption of an Ordinance to rezone all acreage in the Village at Palisades Tahoe Specific Plan area, adoption of an Ordinance to approve the Development Agreement, and adoption of a Resolution to approve the Water Supply Assessment;

2. For alternative and peremptory writs of mandate directing the County to comply with CEQA and CEQA Guidelines, and to take any other action as required by Public Resources Code section 21168.9 or otherwise required by law;

3. For a temporary stay, temporary restraining order, and preliminary and permanent injunctions restraining the County and its agents, servants, and employees, and all others acting in concert with the County on its behalf, from taking any action to implement the Project;

4. For a stay, preliminary and/or permanent injunction, or other appropriate

order restraining Real Party in Interest and its agents, employees, officers, and representatives from undertaking any activity that would cause a physical change in the environment or implementing the Project in any way until this Court determines that the County has complied fully with the requirements of the writ of mandate, CEQA and the CEQA Guidelines;

5. For an order denying any request by the County or Real Parties or others to discharge the Peremptory Writ of Mandate issued on or around August 9, 2022 in the Ongoing Action, pending a determination by this Court that the County has complied with the requirements of CEQA and the CEQA Guidelines with respect to the Project;

6. For costs of the suit;

7. For attorney's fees as authorized by Code of Civil Procedure section 1021.5 and/or other provisions of law; and

8. For such other and future relief as the Court deems just and proper.

DATED: December 4. 2024

SHUTE. MIHALY & WEINBERGER LLP

By: Amy J. Bricker

AMY J. BRICKER

Attorneys for LEAGUE TO SAVE LAKE TAHOE and SIERRA WATCH

1853877.2

VERIFICATION

I, Darcie Goodman Collins, declare as follows:

I am the Chief Executive Officer of the League to Save Lake Tahoe, one of the Petitioners in this action, and am authorized to execute this verification on Petitioners' behalf. I have read the foregoing Petition for Writ of Mandate and Complaint for Injunctive Relief ("Petition") and know its contents.

The facts alleged in the above Petition, not otherwise supported by exhibits or other documents, are true of my own knowledge, except as to matters 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 _____November 26_____, 2024, at South Lake Tahoe, California.

Darcie Goodman Collins

1853285.2

VERIFICATION

I, Tom Mooers, declare as follows:

I am the Executive Director of Sierra Watch, one of the Petitioners in this action, and am authorized to execute this verification on Petitioners' behalf. I have read the foregoing Petition for Writ of Mandate and Complaint for Injunctive Relief ("Petition") and know its contents.

The facts alleged in the above Petition, not otherwise supported by exhibits or other documents, are true of my own knowledge, except as to matters 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 November 26, 2024, at Nevada City, California.

Tom Mooers

1853274.2

EXHIBIT A

SHUTE, MIHALY & WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

AMY J. BRICKER
Attorney
Bricker@smwlaw.com

December 3, 2024

Via E-Mail and U.S. Mail

Placer County Board of Supervisors
c/o Clerk of the Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603
boardclerk@placer.ca.gov
mwood@placer.ca.gov

Re: Notice of Intent to Sue Re Village at Palisades Tahoe Specific Plan

Dear Chair Jones and Honorable Supervisors:

This letter is to notify you that the League to Save Lake Tahoe and Sierra Watch will file suit against Placer County and Placer County Board of Supervisors for failure to observe the requirements of the California Environmental Quality Act, Public Resources Code section 21000 *et seq*., in the administrative process that culminated in the County's decision to approve the Village at Palisades Tahoe Specific Plan, certify the Environmental Impact Report, and adopt or approve related resolutions and ordinances on November 19, 2024. This notice is given pursuant to Public Resources Code section 21167.5.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Amy J. Bricker

Amy J. Bricker

1851434.1

PROOF OF SERVICE

Sierra Watch et al. v. Placer County et al.

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, California 94102.

On December 3, 2024, I served true copies of the following document(s) described as:

NOTICE OF INTENT TO SUE RE VILLAGE AT PALISADES TAHOE SPECIFIC PLAN

on the parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address Larkin@smwlaw.com to the person(s) at the e-mail address(es) 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.

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the address(es) 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.

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

Executed on December 3, 2024, at San Francisco, California.

Patricia Larkin

SERVICE LIST

Sierra Watch et al. v. Placer County et al.

Placer County Board of Supervisors
c/o Clerk of the Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603
boardclerk@placer.ca.gov
mwood@placer.ca.gov

1851981.1

EXHIBIT B

SHUTE, MIHALY & WEINBERGER LLP

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T: (415) 552-7272 F: (415) 552-5816
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AMY J. BRICKER
Attorney
Bricker@smwlaw.com

December 4, 2024

Via U.S. Mail

Robert Bonta
Attorney General
California Department of Justice
1300 I Street
Sacramento, CA 95814-2919

Re: Notice of Filing CEQA Litigation (*League to Save Lake Tahoe et al. v. Placer County et al.*)

Dear Attorney General Bonta:

Enclosed please find a copy of the Verified Petition for Writ of Mandate and Complaint for Injunctive Relief ("Petition") in the above-titled 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.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Amy J. Bricker

Amy J. Bricker

Encls.

1851453.1