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7	FOR CALIFORNIA!, and GRASS VALLEY NEIGHBORS			
8				
9	SUPERIOR COURT OF	THE STATE OF CALIF	ORNIA	
10	COUNTY OF SACRAMENTO			
11	CITIZENS FOR A BETTER WAY, a	Case No. 34-2013-800	001419	
12	California non-profit public benefit corporation; STAND UP FOR		ETITION FOR WRIT OF	
13	CALIFORNIA!, a California non-profit public benefit corporation; and GRASS	MANDATE AND COMPLAINT		
14	VALLEY NEIGHBORS, a community environmental organization,	[Assigned to the Hono for All Purposes]	orable Eugene L. Balonon	
15	Petitioners and Plaintiffs,	Date Action Filed:	February 25, 2013	
16	v.	Department:	14	
17	EDMUND G. BROWN JR., in his official			
18	capacity as Governor of the State of California; and DOES 1 through 50,			
19	inclusive,			
20	Respondents and Defendants.	'		
21	YUBA COUNTY ENTERTAINMENT,			
22	LLC, a Delaware limited liability Company; DEPARTMENT OF THE			
23	INTERIOR; KENNETH SALAZAR, in his official capacity as Secretary of the			
24	Interior; ENTERPRISE RANCHERIA OF MAIDU INDIANS OF CALIFORNIA,			
25	Real Parties in Interest			
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FIRST AMENDED PETITION FOR WRIT OF MANDATE AND COMPLAINT

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INTRODUCTION

- 1. This action challenges the August 30, 2012, decision of Respondent and Defendant Edmund G. Brown Jr., Governor of the State of California ("Governor"), to concur, without constitutional or legislative authority, in a finding made by the Secretary of the U.S. Department of the Interior regarding the proposal of a group of individuals who identify themselves as the Enterprise Rancheria of Maidu Indians of California ("Enterprise") to have land removed from the jurisdiction of the State of California and placed in federal trust for the purpose of developing a large off-reservation casino and hotel resort complex on a currently undeveloped 40-acre site in unincorporated Yuba County (the "Yuba Site"). This action also challenges the Governor's failure to comply with the requirements of the California Environmental Quality Act ("CEQA"), California Public Resources Code §§ 21000 et seq., in rendering that concurrence.
- 2. The Governor has powers derived both from the California State Constitution and from statutes enacted by the California Legislature. The Governor can exercise only such powers as are expressly or by implication conferred by the Constitution and laws of this State. The separation of powers doctrine is expressly provided by the California Constitution, which vests "legislative, executive, and judicial" power separately and provides that "[p]ersons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution." Cal. Const., art. III, § 3. "The legislative power of this State is vested in the California Legislature which consists of the Senate and Assembly ...," id., art. IV, § 1, while "[t]he supreme executive power of this State is vested in the Governor." Id., art. V, § 1. "The Governor shall see that the law is faithfully executed." Id. Nothing in the California Constitution nor any law of the State authorizes the Governor unilaterally to concur in a federal determination, the consequence of which concurrence is the removal of land from the jurisdiction of the State and the authorization of gaming that is otherwise in violation of law.
- 3. CEQA is the California law designed to ensure that state and local governmental officials identify, disclose, evaluate and mitigate the environmental impacts of proposed projects before approving them. By requiring governmental officials to conduct a full and fair environmental analysis of a project that is proposed for state or local approval, CEQA enables the

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decision-maker and the public to weigh the project's adverse effects with its purported benefits, thereby fulfilling the Legislature's goal of promoting informed decision-making and public participation. CEQA's goal has been fully thwarted in this case, as the Governor failed to conduct the required environmental review before issuing his approval.

4. Petitioners and Plaintiffs Citizens for a Better Way ("Citizens"), Stand up for California! ("Stand Up"), and Grass Valley Neighbors ("Grass Valley") bring this action to require the Governor to set aside his concurrence, to seek preliminary and permanent injunctive relief to halt implementation of Enterprise's casino and hotel resort project and any and all state and local actions taken in furtherance of that project, and to compel full compliance with CEQA.

PARTIES

- 5. Petitioner and Plaintiff Citizens for a Better Way is registered with the California Secretary of State as a non-profit public benefit corporation. Citizens was formed in 2002, after a July 2, 2002, Yuba County Board of Supervisors hearing, during which Enterprise proposed to build a casino at the Yuba Site. Citizens is composed of farmers, ranchers, local residents, business proprietors, pastors, school board members and elected officials at the local and state level, who recognize the profoundly negative impacts that development of Enterprise's casino and hotel resort complex would have on their quality of life and the environment of Yuba County.
- 6. Petitioner and Plaintiff Stand Up For California! is registered with the California Secretary of State as a non-profit public benefit corporation. Stand Up is a statewide community watchdog group that focuses on gambling issues affecting California, including tribal gaming, card clubs, horse racing, satellite wagering, charitable gaming and the state lottery. Stand Up has supporters throughout California and in the community near the Yuba Site. If the Yuba Site is acquired in trust and developed for gaming, Stand Up and its supporters will suffer environmental and other harms caused by increased traffic and air pollution, degradation of water resources, and increased urbanization degrading the region's quality of life. Stand Up has a strong and direct interest in minimizing the negative consequences from increased gaming developments, including adverse impacts on the environment and on local communities.

- 7. Petitioner and Plaintiff Grass Valley Neighbors is an environmental group located just "up the hill" from Yuba County in Grass Valley, California. Director Steve Enos formed the group, which consists of Grass Valley area residents who share a common interest in issues of land use, development and the environment that have the potential to impact residents of Grass Valley, Nevada County and the region. Grass Valley is especially concerned about air quality impacts. Grass Valley is designated "non-attainment" for ozone and most of Grass Valley's ozone is "transported" from the northern Sacramento valley. In addition to ozone, particulate matter and other toxic air pollutants are transported from the Sacramento valley area. Ozone has many negative health impacts, including reducing lung elasticity, causing breathing problems, burning eyes, sore throats and headaches. Because nearly half of California's ozone is from car and truck exhaust, increases in traffic that will result from development of Enterprise's casino and hotel resort complex will harm Grass Valley and its members.
- 8. Respondent and Defendant Edmund G. Brown Jr. is Governor of the State of California. He is sued in his official capacity only.
- 9. Real Party in Interest Yuba County Entertainment, LLC ("YCE") is a Delaware Limited Liability Company and is the current owner of the property for the proposed casino and hotel resort complex, which property has been approved for placement into the federal trust for Enterprise. Real party in Interest YCE and Enterprise have entered into a Gaming Development and Management Agreement in furtherance of the proposed casino and hotel resort complex.
- 10. Real Party in Interest Kenneth Salazar is the Secretary of the Interior. He is included as a real party in interest in his official capacity only. The Bureau of Indian Affairs, under the Secretary's direction, requested that the Governor issue the concurrence that is the subject of this proceeding.
- 11. Real Party in Interest Enterprise is headquartered in Oroville, California. Enterprise could be impacted by the relief this action seeks.
- 12. By alleging that the foregoing parties are Real Parties in Interest, Plaintiffs and Petitioners do not concede that any of them are necessary and indispensable parties.

13. Petitioners are ignorant of the true names and capacities of respondents and defendants sued as Does 1 through 50, inclusive, and therefore sue these respondents and defendants by fictitious names. Petitioners are informed and believe the respondents and defendants sued as Does 1 through 50 were responsible in some manner for the violations of law alleged herein.

JURISDICTION AND VENUE

- 14. This Court has jurisdiction over this action pursuant to its general subject matter jurisdiction. This Court also has jurisdiction over this action under Section 1085 of the California Code of Civil Procedure and Section 21168.5 of the California Public Resources Code.
- 15. Venue is proper in this court because the injuries and unlawful acts alleged herein have occurred, and continue to occur, in the County of Sacramento. The Governor's decision effectively cedes sovereignty over the site proposed for the casino and hotel resort complex, which sovereignty is exercised in Sacramento County. Further, the Governor resides in Sacramento.
- 16. Petitioners have performed any and all conditions precedent for filing the instant action and have exhausted their administrative remedies to the extent required by law. The action was timely filed on February 25, 2013.
- 17. Pursuant to Section 21167.5 of the California Public Resources Code, prior to filing this action, Petitioners served the Governor by mail and facsimile on February 22, 2013, with a written notice of the commencement of this action. The notice to the Governor and the accompanying proof of service are attached as Exhibit A.
- 18. Pursuant to Section 21167.7 of the California Public Resources Code and Section 388 of the California Code of Civil Procedure, Petitioners provided notice to the Attorney General of this action, along with a copy of the original Petition and Complaint. The notice to the Attorney General is attached as Exhibit B. Petitioners are also providing to the Attorney General, concurrently with this filing, a copy of the First Amended Petition and Complaint.

- 19. Pursuant to Section 21167.6 of the California Public Resources Code, Petitioners have filed a request in this action that the Governor prepare the record of proceedings. A copy of this filed written request is attached as Exhibit C.
- 20. Petitioners have no plain, speedy or adequate remedy in the ordinary course of the law unless this Court grants the requested writ of mandate to set aside the Governor's concurrence and approval and to require the Governor to comply with his duties under CEQA. In the absence of these requested remedies, the siting, construction and operation of the proposed casino and hotel resort complex at the Yuba Site will occur in violation of state law.
- 21. If the Governor's concurrence and approval are not set aside, Petitioners will suffer irreparable harm from which there is no adequate remedy at law, in that, contrary to the requirements of state law, Enterprise will be able to proceed with construction and operation of its casino and hotel resort complex at the Yuba Site without the required environmental review under CEQA, thereby defeating CEQA's important legislative goals of promoting informed governmental decision-making and public participation.

FACTUAL BACKGROUND

- 22. Enterprise seeks to develop a casino and hotel resort complex on approximately 40 acres of off-reservation land in unincorporated Yuba County (the "Yuba Site"). The complex would consist of a 207,000-square foot gaming and entertainment facility, open 24 hours a day, 7 days a week, with food and beverage services including a 250-seat buffet, a 90-seat restaurant, and a 175-seat coffee shop; a multi-story, 107,000-square foot hotel with 170 guest rooms; a multi-level parking structure with 2,750 parking spaces; and ancillary retail and administrative space.
- 23. Enterprise's casino and hotel resort complex would be located on land that currently is undeveloped and would result in numerous adverse impacts on the environment. No state or local agency conducted an environmental review of the proposal and its impacts, as required by CEQA.

24. The Yuba Site is within the State of California and is under the State's and Yuba County's jurisdiction. The proposed development has not been authorized under state law and the proposed use – Las Vegas-style gaming – is illegal under state and local law.

The Federal Approval Process

- 25. Under federal law, an Indian tribe seeking to have the federal government place land into trust for the tribe for the purpose of developing a casino must comply with the requirements imposed by the Indian Reorganization Act ("IRA"), 25 U.S.C. § 465, and its implementing regulations at 25 C.F.R. Part 151, as well as the requirements imposed by the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. §§ 2701 et seq.
- 26. The IRA authorizes the Secretary of the Interior to acquire and hold lands in trust for Indian tribes in the name of the United States.
- 27. The IGRA provides a statutory basis for the operation of gaming facilities by Indian tribes. Under Section 20 of the IGRA, 25 U.S.C. § 2179, tribes are prohibited from engaging in any gaming activities on land acquired after October 17, 1988, unless the land qualifies under an exception. A casino complex at the Yuba Site can proceed under federal law only if it satisfies what is commonly referred as the "two-part determination," which requires the Secretary of the Interior, before taking the land into trust for the Indian tribe, to determine (1) that it would be in the best interest of the tribe to establish gaming on such land, and (2) that the establishment of gaming on such land would not be detrimental to the surrounding community. 25 U.S.C. § 2719(b)(1)(A).
- 28. In addition to requiring a favorable two-part determination by the Secretary of the Interior, Section 20 of the IGRA also requires that the Governor of the state in which the land is located "concur" with the Secretary's determination. If the Governor fails to concur, gaming is not permissible and, if the application also involves a trust request, the land will not be acquired by the Secretary in trust.
- 29. Nothing in the IGRA grants the Governor any authority beyond what the California Constitution and laws authorize. Accordingly, the Governor may only grant a concurrence if the California Constitution or statues authorize him to do so.

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- 30. Nothing in federal or California law authorizes the Governor, when issuing a concurrence under the IGRA, to avoid, ignore, or otherwise abdicate the applicable state law procedural and substantive requirements.
- 31. Pursuant to the requirements of federal law, the Department of the Interior prepared an Environmental Impact Statement ("EIS") evaluating the casino and hotel resort complex under the National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 4321 et seq. The Department of Interior issued the Draft EIS on March 21, 2008 and the Final EIS on August 6, 2010.

The Governor's Approval Process

- 32. By letter dated September 1, 2011, Larry Echo Hawk, Assistant Secretary for Indian Affairs, informed the Governor that he had made a favorable two-part determination under the IGRA on behalf of the Secretary of the Interior, and requested the Governor to approve, by the Governor's concurrence, the siting and development of the proposed casino and hotel resort complex at the Yuba Site.
- 33. By letter dated September 23, 2011, Senator Diane Feinstein wrote to the Governor to urge him to reject the proposal. The letter noted the adverse environmental and other detrimental effects of casinos on local communities. The letter also explained that of the 21 local officials polled by the Department of Interior on the proposal to build a casino and hotel resort complex on the Yuba Site, only one official had supported the project. The letter further explained the opposition of local voters, which had voted in 2005 to oppose the development of a casino by a 52%-48% vote.
- Additional letters of opposition were submitted with respect to the proposal, including one that directly asked the Governor what environmental document meeting state standards under CEQA would be used to make a final decision on whether to concur with the favorable federal determination on the proposal.
- 35. On August 30, 2012, a year after the Department of the Interior made its favorable two-part determination under the IGRA, the Governor issued a one-page letter to the Secretary of the Interior concurring in that determination.

36. The Governor did not identify the source of any state law authority to concur in the Secretary's determination, seek ratification of his concurrence by the California Legislature, or otherwise follow any intelligible standards in issuing his concurrence.

- 37. The Governor did not follow the requirements of CEQA before issuing his concurrence. No CEQA study was prepared for Enterprise's proposed casino and hotel resort complex, no CEQA findings were made, and there was no CEQA review and comment process for the public to provide input to the Governor on the project's significant impacts, alternatives to the proposal, and relevant mitigation measures.
- 38. The preparation of an EIS by the Department of Interior under NEPA is not a substitute for compliance with CEQA. The California legal requirement that state and local governmental officials conduct an environmental review of their proposed actions under CEQA, is separate and independent from the federal law requirement that federal governmental officials conduct an environmental review of their proposed actions under NEPA. In cases where both NEPA and CEQA apply, the federal and state governments may prepare a joint environmental review document that addresses the distinct requirements of both statutes. Alternatively, the federal and state governments may decide to prepare two separate environmental review documents, a federal document to comply with NEPA and a state document to comply with CEQA. Here, the Governor did not choose either of these paths and instead ignored CEQA's requirements altogether.

FIRST CAUSE OF ACTION

Violation of California Constitution - Separation of Powers

39. The Governor's powers are derived both from the California Constitution and from statutes enacted by the California Legislature. The Constitution circumscribes the Governor's executive power. "The supreme executive power of this State is vested in the Governor," whose job is to "see that the law is faithfully executed." Cal. Const., art. V, § 1. The "executive power" includes the power of appointment, removal, supervision, and management, and the responsibility to faithfully execute the law.

- 40. While the Governor's powers are circumscribed, the California legislature has plenary authority. "The legislative power of this State is vested in the California Legislature which consists of the Senate and Assembly . . . " Cal. Const., art. IV, § 1. The Legislature is charged with "mak[ing] law . . . by statute." *Id.*, art. IV, § 8(b). It is the Legislature's role to weigh competing interests and determine social policy, including making decisions regarding how tribal gaming will be operated in the State. The core functions of the legislative branch include passing laws, levying taxes, making appropriations, and determining and formulating legislative policy. The Legislature also controls the establishment and operation of political subdivisions, the declaration of public purposes and ways and means for the accomplishment thereof, the granting of state lands, and the examination, licensing, and regulation of businesses and professions, among other things.
- 41. The California Constitution vests "legislative, executive, and judicial" power separately and prohibits the Governor from usurping or improperly interfering with the essential operations of either the Legislature or the judiciary. "Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution." Cal. Const., art. III, § 3.
- 42. This separation of powers doctrine prohibits the Governor from exercising legislative powers except as provided by the Constitution. The doctrine also prohibits the Governor from taking an action that is not within his or her constitutional or statutory authority. If the Governor attempts to exercise powers not given by the constitution or by statute, or to exercise them in a different mode, his or her act is wholly ineffective and void for any purpose.
- 43. The separation of powers doctrine includes an implied private right of action and individuals are able to rely upon and enforce the doctrine in otherwise justiciable cases.
- 44. While the IGRA makes gaming under the two-part determination contingent on gubernatorial concurrence, it does not itself create statutory or constitutional authority for the Governor to issue a concurrence decision allowing land to be stripped from California's jurisdiction and approving class III gaming. 25 U.S.C. § 2719(b)(1)(A).

- 45. The Governor violated the separation of powers doctrine and exceeded his constitutional and statutory authority in concurring with the Department of the Interior's two-part determination pursuant to the IGRA, the consequence of which concurrence was to allow the federal government to remove land from the State's jurisdiction and authorize Las Vegas-style gaming, otherwise prohibited under California law. No California constitutional or statutory provision confers upon the Governor the power to remove land from state jurisdiction, authorize a class III gaming facility to be built and operated on that land, or determine that gaming on the proposed site would be in the interest of the surrounding community. To the contrary, such functions which involve formulating social policy, adjusting the tax base, controlling the establishment and operation of political subdivisions, granting and relinquishment of lands within state jurisdiction, and the licensing of business are core legislative functions.
- 46. The Governor's concurrence therefore is ultra vires and in violation of separation of powers and must be set aside

SECOND CAUSE OF ACTION

Violation of CEQA - Public Resources Code §§ 21000 et seq.

- 47. CEQA was enacted to ensure that the long-term protection of the environment "shall be the guiding criterion in public decisions." Pub. Res. Code § 21001(d). Pursuant to CEQA, the State's policy is to "require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality" and "to consider alternatives to proposed actions affecting the environment." Pub. Res. Code §§ 21001(f), (g).
- 48. In addition to protecting the environment, CEQA is designed to promote informed governmental decision-making and public participation, by fully and fairly disclosing and evaluating the impacts of projects proposed for governmental approval.
- 49. In approving the siting and development of Enterprise's proposed casino and hotel resort complex at the Yuba Site, the Governor was required to comply with CEQA. The Governor's office was not exempt from CEQA's requirements.
- 50. When California courts address the question of whether CEQA applies to a particular decision or action by a governmental agency or official, the California Supreme Court

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long ago declared that CEQA must be interpreted so as to afford "the fullest possible protection to the environment within the reasonable scope of the statutory language." The Supreme Court has further declared that CEQA's purpose is to "compel government at all levels to make decisions with environmental consequences in mind."

- 51. CEQA applies when there is an "approval" of a "project" that may affect the physical environment. The CEQA Guidelines define "approval" as a "decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any person." CEQA Guidelines § 15352(a). The Governor's determination here is an "approval" under CEQA because it officially commits the State government to a definite course of action - i.e., it allows the federal government to take the Yuba Site into trust, such that the State loses its control over that land, for the purpose of developing Enterprise's proposed casino and hotel resort complex on the site.
- 52. CEQA defines "project" as "an activity which may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment." Pub. Res. Code § 21065. The CEQA Guidelines further explain that "project" means "the whole of the action," and "refers to the activity that is being approved and that may be subject to several discretionary approvals by governmental agencies." CEQA Guidelines §§ 15378(a), (c). Here, the siting and development a large casino and hotel resort complex is clearly a "project" that, if allowed to proceed, would have direct and indirect impacts on the environment, including impacts to traffic and transportation, air quality, and water quality.
- 53. CEQA's broad reach covers the Governor's determination in this case. Until the Governor complies with CEOA, his determination allowing development of the casino and hotel resort complex on the Yuba Site is void.
- 54. In addition, any further actions by the Governor, or by any other state or local governmental officials, to permit, approve or otherwise authorize the siting, construction or operation of Enterprise's proposed casino and hotel resort complex, or of any improvements, infrastructure or utilities related to it, without first complying with CEQA, are likewise void for violating state law.

1 PRAYER FOR RELIEF WHEREFORE, Petitioners pray for relief as follows: 2 3 1. That this Court enter a declaration that the Governor's concurrence decision was ultra vires and in violation of the separation of powers doctrine and thus void for all purposes. 4 5 2. That this Court issue a writ of mandate ordering the Governor to set aside his August 30, 2012 concurrence and mandating that the Governor comply with CEQA before 6 7 making any further decisions regarding Enterprise's proposed casino and hotel resort complex at the Yuba Site. 8 9 3. That the Court issue a temporary and permanent injunction prohibiting future 10 approvals or actions by the Governor authorizing any activities relating to the siting, construction, or operation of Enterprise's proposed casino and hotel resort complex at Yuba County, or taking 11 12 actions in support of such activities, until CEQA compliance has been fully achieved. 13 4. That the Court grant Petitioners their costs of suit and reasonable attorneys' fees, 14 including out-of-pocket disbursements. 15 5. That the Court grant such other and further relief as it deems just and proper. 16 17 PERKINS COIE LLP DATED: February 28, 2013 18 19 mbruner@perkinscoie.com 20 Attorneys for Petitioners and Plaintiffs 21 CITIZENS FOR A BETTER WAY, STAND UP FOR CALIFORNIA!, and GRASS 22 VALLEY NEIGHBORS 23 24 25 26 27 28

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6	Attorneys for Petitioners and Plaintiffs		
7	CITIZENS FOR A BETTER WAY, STAND FOR CALIFORNIA!, GRASS VALLEY	UP	
8	NEIGHBORS, JAMES M. GALLAGHER, A VASQUEZ, DAN LOGUE, and ROBERTO		
9	RESTAURANT RESTAURANT		
10	SUPERIOR COURT OF	THE STATE OF CALIFORNIA	
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11	COUNTY	or one characteristics	
12.	CITIZENS FOR A BETTER WAY, a California non-profit public benefit	Case No.	
13	corporation; STAND UP FOR CALIFORNIA!, a California non-profit		
14	public benefit corporation; GRASS VALLEY NEIGHBORS, a community	NOTICE OF COMMENCEMENT OF	
15	environmental organization; ROBERTO'S	PROCEEDING UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT	
16	RESTAURANT, a business located in Wheatland, California; and JAMES M.		
17	GALLAGHER, ANDY VASQUEZ, DAN LOGUE, all residents of Yuba County;		
18	Petitioners and		
19	Plaintiffs,		
20	V.		
21	EDMUND G. BROWN JR., in his official capacity as Governor of the State of		
22	California; and DOES 1 through 50, inclusive,	*	
23	Respondents and		
24	Defendants.		
25	YUBA COUNTY ENTERTAINMENT,		
26	LLC, a Delaware limited liability company		
27	Real Party in Interest		
28			
-	NOTICE OF COMMENCEMENT OF CEQA PROCE	CEDING	
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TO: THE GOVERNOR OF THE STATE OF CALIFORNIA

PLEASE TAKE NOTICE, under Public Resources Code Section 21167.5, that Petitioners and Plaintiffs, CITIZENS FOR A BETTER WAY, STAND UP FOR CALIFORNIA!, GRASS VALLEY NEIGHBORS, JAMES M. GALLAGHER, ANDY VASQUEZ, DAN LOGUE, and ROBERTO'S RESTAURANT, intend to file a Petition for Writ of Mandate, under the provisions of the California Environmental Quality Act, against the Governor of the State of California. The petition will allege that the Governor violated CEQA by issuing his official concurrence approving the proposal to take a currently undeveloped 40-acre site in rural, unincorporated Yuba County into trust for a group of individuals who identify themselves as the Enterprise Rancheria of Maidu Indians of California to develop a large off-reservation casino and hotel resort, without conducting any environmental review of the proposal.

12 DATED: Folyon

DATED: February 22, 2013

PERKINS COIE LLP

Marc R. Bruner mbruner@perkinscoie.com

Attorneys for Petitioners and Plaintiffs CITIZENS FOR A BETTER WAY, STAND UP FOR CALIFORNIA!, GRASS VALLEY NEIGHBORS, JAMES M. GALLAGHER, ANDY VASQUEZ, DAN LOGUE, and ROBERTO'S RESTAURANT

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5	twelti@perkinscoie.com	
6	Attorneys for Petitioners and Plaintiffs CITIZENS FOR A BETTER WAY, STAND	UP
7	FOR CALIFORNIA!, GRASS VALLEY NEIGHBORS, JAMES M. GALLAGHER, A	
8	VASQUEZ, DAN LOGUE, and ROBERTO' RESTAURANT	
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10	SUPERIOR COURT OF	THE STATE OF CALIFORNIA
11	COUNTY	OF SACRAMENTO
12	CITIZENS FOR A BETTER WAY, a	Case No.
13	California non-profit public benefit corporation; STAND UP FOR	PROOF OF SERVICE
14	CALIFORNIA!, a California non-profit public benefit corporation; GRASS	
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24	Defendants.	
25	YUBA COUNTY ENTERTAINMENT,	
26	LLC, a Delaware limited liability company	
27	Real Party in Interest	
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PROOF OF SERVICE

PROOF OF SERVICE

I, Sherrye Andrews, declare:

I am a citizen of the United States and employed in the County of San Francisco, State of California. I am over the age of eighteen years and not a party to the within action. My business address is Four Embarcadero Center, Suite 2400, San Francisco, California 94111-4131. I am personally familiar with the business practice of Perkins Coie LLP. On February 22, 2013, I served a copy of the Notice of Commencement of Proceedings Under the California Environmental Quality Act on the following party by transmitting the Notice via facsimile to the fax number set forth below and by placing the Notice in a sealed envelope, with postage fully prepaid, in the United States mail at San Francisco, California, addressed as set forth below:

Edmund G. Brown, Jr. Governor State of California c/o State Capitol, Suite 1173 Sacramento, CA 95814 Fax: (916) 558-3160

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on February 22, 2013, at San Francisco, California.

Skerrye andrews

Facsimile Cover Sheet

Marc R. Bruner

Confidential and Privileged



(415) 344-7171

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Four Embarcadero Center, Suite 2400 San Francisco, CA 94111-4131

(415) 344-7371

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Sender:			Telephone:	Facsimile:
RETURN TO: (NAME)	Sherrye S. Andrews	(EXT.) 7116 (Rooм No.) 129В	
CLIENT NUMBER:				www.perkinscole.co
Date: February	22, 2013	COVER SHEET &	4 PAGES	FAX: 415.344.705 www.perkinscoie.co
				PHONE: 415.344.700

Recipient:	Company:	Telephone:	Facsimile:
Edmund G. Brown, Jr., Governor	State of California	1 1	(916) 558-3160

Re: Citizens for a Better Way, et al. v. Edmund G. Brown Jr., et al.

This Fax contains confidential, privileged information intended only for the intended addressee. Do not read, copy or disseminate it unless you are the intended addressee. If you have received this Fax in error, please email it back to the sender at perkinscoie.com and delete it from your system or call us (collect) immediately at 415.344.7000, and mail the original Fax to Perkins Coie LLP, Four Embarcadero Center, Suite 2400, San Francisco, CA 94111-4131.

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Date: February 22, 2013

COVER SHEET & FAGES

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Recipient:	Company:	Telephone;	Facsimile:
Edmund G. Brown, Jr., Governor	State of California		(918) 558-3160

Re: Citizens for a Better Way, et al. v. Edmund G. Brown Jr., et al.

		E .
1 2	PERKINS COIE LLP Marc R. Bruner (SBN 212344) Tyler Welti (SBN 257993)	
3	Four Embarcadero Center, Suite 2400 San Francisco, CA 94111-4131	
4	Telephone: 415-344-7000 Facsimile: 414-344-7050 Email: mbruner@perkinscoie.com	
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6	Attorneys for Petitioners and Plaintiffs CITIZENS FOR A BETTER WAY, STAND) Lib
7	FOR CALIFORNIA!, and GRASS VALLEY NEIGHBORS	
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9	SUPERIOR COURT OF	THE STATE OF CALIFORNIA
10	COUNTY	OF SACRAMENTO
11	CITIZENS FOR A BETTER WAY, a	Case No.
12	California non-profit public benefit corporation; STAND UP FOR	
13	CALIFORNIA!, a California non-profit public benefit corporation; and GRASS	NOTICE TO ATTORNEY GENERAL OF
14	VALLEY NEIGHBORS;	PROCEEDING UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, Public
15	Petitioners and Plaintiffs,	Resources Code §§ 21000 et seq.
16	v.	
17	EDMUND G. BROWN JR., in his official capacity as Governor of the State of	
18 19	California; and DOES 1 through 50, inclusive,	
20	Respondents and Defendants.	
21	VIIDA COI DECLE ENERDIZA DE LA CINE	·
22	YUBA COUNTY ENTERTAINMENT, LLC, a Delaware limited liability	
23	Company; DEPARTMENT OF THE INTERIOR; KENNETH SALAZAR, in his	
24	official capacity as Secretary of the Interior; ENTERPRISE RANCHERIA OF MAIDU INDIANS OF CALIFORNIA.	
25	Real Parties	
26	in Interest	
27		
28		

1	PLEASE TAKE NOTICE, under Public Resources Code Section 21167.7 and Code of
2	Civil Procedure Section 388, that on February 25, 2013, Petitioners and Plaintiffs, CITIZENS
3	FOR A BETTER WAY, STAND UP FOR CALIFORNIA!, and GRASS VALLEY
4	NEIGHBORS, filed a Petition for Writ of Mandate and Complaint in Sacramento County
5	Superior Court against the Governor of the State of California. The Petition and Complaint
6	alleges that the Governor violated the California Environmental Quality Act, among other
7	California legal requirements, by issuing his official concurrence approving the proposal to take a
8	currently undeveloped 40-acre site in rural, unincorporated Yuba County into trust for a group of
9	individuals who identify themselves as the Enterprise Rancheria of Maidu Indians of California to
10	develop a large off-reservation casino and hotel resort complex. A copy of the Petition and
11	Complaint is attached to this Notice.
12	DATED: February 25, 2013 PERKINS COIE LLP
13	Du Mars P Burns
14	By: Marc R. Bruner Marc R. Bruner
15	mbruner@perkinscoie.com
16	Attorneys for Petitioners and Plaintiffs CITIZENS FOR A BETTER WAY, STAND
17	UP FOR CALIFORNIA!, and GRASS VALLEY NEIGHBORS
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Page I NOTICE TO ATTORNEY GENERAL OF CEQA PROCEEDING

FILED Superior Court Of California. 1 PERKINS COIE LLP Sacramento Marc R. Bruner (SBN 212344) Tyler Welti (SBN 257993) 02/25/2013 2 Four Embarcadero Center, Suite 2400 San Francisco, CA 94111-4131 emuniz 3 87 Telephone: 415-344-7000 _____ Deputy Facsimile: Case Number: 4 414-344-7050 mbruner@ocrkinscoic.com Email: 34-2013-20001419 5 twelti@perkinscoie.com Attorneys for Petitioners and Plaintiff's 6 CITIZENS FOR A BETTER WAY, STAND UP FOR CALIFORNIA!, and GRASS VALLEY 7 **NEIGHBORS** 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA 9 COUNTY OF SACRAMENTO 10 11 CITIZENS FOR A BETTER WAY, a Case No. California non-profit public benefit 12 corporation; STAND UP FOR CALIFORNIA!, a California non-profit 13 public benefit corporation; and GRASS REQUEST FOR PREPARATION OF VALLEY NEIGHBORS, a community RECORD OF PROCEEDINGS UNDER THE 14 CALIFORNIA ENVIRONMENTAL environmental organization; QUALITY ACT, Public Resources Code 15 Petitioners and §§ 21000 et seq. Plaintiffs. 16 BY FAX ٧. 17 EDMUND G. BROWN JR., in his official 18 capacity as Governor of the State of California; and DOES 1 through 50, 19 inclusive. 20 Respondents and Defendants. 21 22 YUBA COUNTY ENTERTAINMENT. LLC, a Delaware limited liability 23 Company; DEPARTMENT OF THE INTERIOR; KENNETH SALAZAR, in his 24 capacity as Secretary of the Interior; ENTERPRISE RANCHERIA OF MAIDU 25 INDIANS OF CALIFORNIA, Real Parties 26 in Interest 27 28

Under Public Resources Code Section 21167.6, Petitioners and Plaintiffs, CITIZENS I FOR A BETTER WAY, STAND UP FOR CALIFORNIA!, and GRASS VALLEY NEIGHBORS request that the Governor of the State of California prepare the record of proceedings in this action. PERKINS COIE LLP DATED: February 25, 2013 Marc R. Bruner Marc R. Bruner mbruner@perkinscoie.com Attorneys for Petitioners and Plaintiffs CITIZENS FOR A BETTER WAY, STAND UP FOR CALIFORNIA!, and GRASS **VALLEY NEIGHBORS**