SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 834

25STCP01671 June 12, 2026
UNITED WATER CONSERVATION DISTRICT vs 8:50 AM
CALIFORNIA FISH AND GAME COMMISSION, A CALIFORNIA PUBLIC AGENCY

Judge: Honorable Tiana J. Murillo CSR: None
Judicial Assistant: Diana Castro-Martinez ERM: None
Courtroom Assistant: None Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Ruling on Submitted Matter (FINAL ORDER ON PETITION FOR WRIT OF MANDATE)

The Court, having taken the matter under submission on 06/11/2026 for Hearing on Petition for Writ of Mandate, now rules as follows:

The Petition for Writ of Mandate filed by United Water Conservation District on 05/06/2025 is Denied.

Petitioner United Water Conservation District ("Petitioner") petitions for a writ of mandate against respondent California Fish and Game Commission ("Respondent"), directing it to set aside its decision to approve Intervenor California Trout's ("CalTrout") petition for listing under the California Endangered Species Act (Fish & G. Code §§ 2050 *et seq.*) ("CESA") and to designate *Oncorhynchus mykiss* ("Southern California Steelhead" or "SCS") as an endangered species ("Decision"). The Center for Biological Diversity, Wishtoyo Foundation, and CalTrout (collectively, "Intervenors") intervene.

The petition for writ of mandate is denied.

I. Background

1. California Endangered Species Act

Any "interested person" may petition Respondent to list a species or subspecies as endangered under CESA. (Fish & G. Code §§ 2070-2075.5.) A listing petition must include information regarding the population trend, range, distribution, abundance, and life history of a species, the habitat necessary for survival, the factors affecting the ability of the population to survive and

reproduce, the degree and immediacy of the threat, the impact of existing management efforts, suggestions for future management, the availability and sources of information, and a detailed distribution map. (Fish & G. Code § 2072.3; 14 Cal. Code Regs. ["CCR"] § 670.1(d).)

In an initial review phase ("Stage 1"), Respondent accepts or rejects the petition based on whether it has sufficient information to indicate that the petitioned action may be warranted. (Fish & G. Code § 2073.5(a).) If accepted, Respondent then holds a public hearing at which any interested party may submit additional evidence. (Fish & G. Code §§ 2074, 2074.2(a).) Then, Respondent again evaluates whether the petition provides sufficient information to indicate that the petitioned action may be warranted, accepting or rejecting the petition. (Fish & G. Code § 2074.2(e).) If the petition is approved at this stage, Respondent lists the petitioned species as a candidate species. (Fish & G. Code § 2074.2(e).)

In a final review phase ("Stage 2"), the California Department of Fish and Wildlife ("Department") prepares a peer-reviewed report based on the best scientific information available. (Fish & G. Code § 2074.6.) Respondent then holds a hearing to determine whether the petitioned action is warranted or if listing the petitioned species at a different status than requested by the petitioner is warranted. (Fish & G. Code §§ 2075.5(e)(1)-(2).)

2. Factual History

On June 11, 2021, CalTrout submitted a petition to Respondent to list SCS as an endangered species under CESA. (AR 1820-48.) SCS has two life histories, including resident SCS which live in freshwater rivers for their entire life, and anadromous SCS, which migrate to the ocean then return to freshwater rivers to spawn. (AR 284-99.)

In Stage 1 CESA review, Respondent and the Department determined that listing may be warranted, declaring SCS a candidate species under CESA. (AR 1, 4313.)

On July 18, 2022, Petitioner filed a petition challenging the Stage 1 candidacy decision (case no. 22STCP02661, "Prior Action"). On October 24, 2023, the court denied the petition in the Prior Action.

On January 18, 2024, the Department submitted its Stage 2 Status Review to Respondent, recommending listing of SCS as an endangered species. (AR 279.) Respondent held its Listing Hearing on April 18, 2024, and voted to list SCS as an endangered species under CESA. (AR 4570, 4622.) On February 28, 2025, Respondent published its findings in the California Regulatory Notice Register. (AR 4312.)

II. Procedural History

On May 6, 2025, Petitioner filed its petition. A proof of service filed May 15, 2025 shows Petitioner served Respondent with the summons and petition by substituted service on May 13, 2025.

On July 1, 2025, the court found this action and the Prior Action to be related within the meaning of California Rules of Court, rule 3.300(a).

On February 4, 2026, Respondent and Intervenors filed their answers to the petition.

On February 27, 2026, Petitioner filed its opening brief. On April 21, 2026, Intervenors filed their joint opposition, and Respondent filed its opposition. On May 26, 2026, Petitioner filed its reply.

On June 11, 2026, this matter came on for hearing. After considering the parties' papers, evidence, and matters of record, and the arguments of the parties' and intervenors' counsel, the court now issues this order.

III. Standard of Review

Code of Civil Procedure section 1094.5 is the administrative mandamus provision that structures the procedure for judicial review of adjudicatory decisions rendered by administrative agencies. (*Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 514-15 ["*Topanga*"]).) Section 1094.5 does not specify which cases are subject to independent review, leaving that issue to the courts. (*Fukuda v. City of Angels* (1999) 20 Cal.4th 805, 811). In cases reviewing decisions that affect a vested, fundamental right, the trial court exercises independent judgment on the evidence. (*Bixby v. Pierno* (1971) 4 Cal.3d 130,

143; *see* CCP § 1094.5(c).)

An agency is presumed to have regularly performed its official duties (Evid. Code § 664), and the petitioner therefore has the burden of proof on mandamus. (*Steele v. Los Angeles County Civil Service Commission* (1958) 166 Cal.App.2d 129, 137.) "[T]he burden of proof falls upon the party attacking the administrative decision to demonstrate wherein the proceedings were unfair, in excess of jurisdiction or showed prejudicial abuse of discretion." (*Alford v. Pierno* (1972) 27 Cal.App.3d 682, 691.)

IV. Analysis

Petitioner contends that Respondent improperly granted CalTrout's petition to list the SCS under CESA on two grounds. First, Petitioner asserts that the Decision is not supported by substantial evidence. Second, Petitioner argues that Respondent unreasonably delayed issuing the Decision.

1. The Decision is Supported by Substantial Evidence

Petitioner argues the Decision was not supported by substantial evidence because Respondent ignored the best available science and relied upon incomplete and flawed data while ignoring better scientific evidence. In opposition, Respondent contends it had discretion to evaluate which models and data were the most reliable and pertinent, including what constitutes the best available science, and that substantial evidence supports its evaluations.

"Substantial evidence" is relevant evidence that a reasonable mind might accept as adequate to support a conclusion (*California Youth Authority v. State Personnel Board* (2002) 104 Cal.App.4th 575, 585 ["*California Youth Authority*"]) or evidence of ponderable legal significance, which is reasonable in nature, credible and of solid value (*Mohilef v. Janovici* (1996) 51 Cal.App.4th 267, 305, n. 28). Substantial evidence can be the opinion of a single expert (*Coastal Southwest Dev. Corp. v. Coastal Zone Conservation Comm'n* (1976) 55 Cal.App.3d 525, 532), or opinions in a staff report (*Griffin Dev. Co. v. City of Oxnard* (1985) 39 Cal.3d 256, 261).

The court considers all evidence in the administrative record, including evidence that detracts from evidence supporting the agency's decision. (*California Youth Authority*, *supra*, 104 Cal.App.4th at p. 585.) The court must uphold the decision unless it concludes, based on the

evidence before the agency, a reasonable person could not reach the conclusion reached by the administrative agency.(*Harris v. City of Costa Mesa*(1994) 25 Cal.App.4th 963, 969 [“*Harris*”].) Where “reasonable persons may differ,” the courts will not disturb the judgment of the administrative agency. (*Breakzone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205, 1246.) The court does not weigh evidence or decide who has the better argument and must resolve reasonable doubts in favor of the findings and decision. (*Topanga*, *supra*, 11 Cal.3d at p. 514.)

The court affords special deference where a regulatory body, such as Respondent or the Department, exercises its particular expertise. “Where the Commission has made a determination on matters that are technical or obscure, and over which the Commission, through the department's staff of scientists, has ‘“a comparative interpretive advantage over the courts[,]”’ we defer to the Commission's determination on those matters.” (*Central Coast Forest Assn. v. Fish & Game Com.* (2018) 18 Cal.App.5th 1191, 1198, quoting *Yamaha Corp. of America v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 12.) “We will not arbitrate between scientists and we will not intrude on the public agencies’ duties to make policy and protect the species.” (*Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018.)

Respondent determined that sufficient scientific information supports designating the SCS as an endangered species under CESA. (AR 4320.) In reaching this conclusion, Respondent found that the SCS is endangered due to (a) present or threatened habitat modification or destruction, and (b) other natural occurrences or human-related activities. (AR 4318-19.)

With respect to habitat impacts, Respondent found that urbanization (including construction of transportation infrastructure), agriculture, water development (including dams, diversions, and other barriers), and other human activities have degraded aquatic habitat conditions across the species’ range, particularly in the lower and middle reaches of most watersheds, leading to widespread population decline. (AR 4318.) Respondent also found that invasive species have contributed to these declines. (AR 4318-19.)

As to other factors, Respondent found that broad-scale climatic factors conditions, including summer air temperatures, annual precipitation, and winter storm severity, affect the suitability of SCS habitat, and these factors are expected to intensify due to global climate change. (AR 4319.)

Petitioner disputes the existence of any long-term SCS population decline. (*See* Pet. Op. Br. at 16; Reply at 10.)

a. Cramer Model

First, Petitioner argues that Respondent gave only cursory consideration to the Cramer Life-Cycle Model ("Cramer Model"), developed by independent Cramer Fish Sciences to address the issues raised in the listing petition. Petitioner contends that the Cramer Model provides the best available science regarding the 100-year extinction risk for SCS.[1]

Intervenors respond that Respondent did analyze the Cramer Model and reasonably determined it was not the best available science, identifying specific flaws in the model's approach.

In reply, Petitioner asserts that the concerns with the Cramer Model are unfounded and further claims it provided full access to the code underlying the graphical user interface. However, Petitioner's citation to the record does not demonstrate that it provided the code. (*See* AR 2489.)

The court finds that Respondent had substantial evidence to support its Decision.

In an April 16, 2024 Department memorandum, subject "Update on Supplemental Information for southern California steelhead (*Oncorhynchus mykiss*)," the Department evaluated the Cramer Model. (AR 1327-28.) Department staff expressed concerns including that (a) the model assumes resident SCS above-barrier populations can contribute to below-barrier resident populations in "wet years" without defining that term; (b) the Cramer Model uses parameters based on data from other locations and decades-old studies; and (c) the Cramer Model appears to show "unrealistic levels of resilience." (AR 1328.) The memorandum also discussed concerns with the Cramer Model raised by third parties, including that certain important variables are fixed within the model, and other variables with considerable uncertainty have large impacts on model results. (AR 1328.) Finally, Department staff noted they did not receive the mathematical structures for the Cramer Model or the source code for the graphical user interface provided, and analysis of the model was therefore fundamentally limited. (AR 1328.)

At hearing, Department staff noted that they lacked the mathematical basis for the Cramer Model and thus could not meaningfully analyze it. (AR 4561-62.) Respondent staff enumerated and commented on the issues raised in the April 16, 2024 Department memorandum, further noting that above-barrier populations can be effectively eliminated by various events, and then cease to act as a population source. (AR 4608-12.) Respondent staff also noted that the model was highly deterministic, making it less valuable for prediction than a more stochastic model. (AR 4608.) Commissioners also discussed the Cramer Model at the hearing, referring to staff analysis and expressing that the model's assumptions and output were suspect, and noting that actual observed population trends were downward and threats were increasing. (AR 4617-18.)

Ultimately, Petitioner asks the court to evaluate the scientific validity of the Cramer Model and override Respondent's assessment of the validity of this model. Even if the court had the underlying mathematical structure (which, at the very least, Petitioner has not identified within the record), the court would not disturb Respondent's decision unless there was no substantial evidentiary basis to support it. (*Harris*, *supra*, 25 Cal.App.4th at 969.) As noted, substantial evidence can be the opinion of a single expert (*Coastal Southwest Dev. Corp. v. Coastal Zone Conservation Comm'n* (1976) 55 Cal.App.3d 525, 532), or opinions in a staff report (*Griffin Dev. Co. v. City of Oxnard* (1985) 39 Cal.3d 256, 261). The record clearly shows Respondent had staff and expert opinion showing the Cramer Model was not useful for its analysis.

Accordingly, Respondent considered the Cramer Model, and its determination not to afford it significant weight is supported by substantial evidence, and does not render the Decision entirely lacking in substantial evidentiary support.

b. Data Chosen as Basis for Analysis

Second, Petitioner argues Respondent ignored better scientific evidence, relying on incomplete and unclear data. The Department's Status Review ostensibly omits survey data for SCS which directly contradicts the Status Review's conclusions on the abundance trends. Petitioner also contends that the Status Review's trend analysis is flawed because its data sources do not provide consistent, comparable results, as they are based on third-party monitoring programs which changed methodologies over time and generally did not meet standards for evidence collection. Finally, Petitioner argues the Status Review fails to account for the resident

component of SCS and ignores "more recent, comprehensive, and accurate" studies. (Pet. Op. Br. at 15-16.)

In opposition, Intervenors argue Respondent did analyze the resident component of SCS, did not improperly omit any data, found the data it chose to rely on to be more consistent and reliable than other data, and that found other data Petitioner supplied was outside the scope of the listing petition.

In the April 16, 2024 memorandum, Department staff discussed the 35 potential "literature and data sources" they evaluated. (AR 1325-26.) Initially, staff determined not to consider above-barrier population trends as above-barrier populations are outside the scope of the listing petition. (AR 1326.) The memorandum then goes on to explain that the Status Review included analysis of trapping data for the Santa Ynez River Southern SCS population but did not analyze snorkel survey data. (AR 1326.) Department staff chose to consider the trapping data but not the snorkel data because, after evaluating, Department staff determined the snorkel data was subject to greater variability under different seasonal timing and further subject to misidentification, double-counting, and poor visibility. (AR 1326.) However, Department staff concluded the snorkel data led to the same conclusion, supported by a 2022 National Oceanic and Atmospheric Administration Fisheries Viability Assessment which analyzed 20 years of snorkel survey data. (AR 1326.)

In reply, Petitioner reiterates that Respondent ignored data contrary to its Decision and focused on data supporting its decision. Specifically, Petitioner notes that the dataset Respondent chose ends "in the middle of a historic drought," while other data shows a post-drought rebound.

Petitioner's letters to Respondent, considered by Respondent, show other data sources, e.g. a 2022 Cachuma Operation and Maintenance Board study, which demonstrate a post-drought rebound. (*E.g.* AR 3381.) Even so, the Status Review acknowledges that "[t]he past few years have seen numbers rebound somewhat in response to wetter conditions" in the Santa Ynez River but also notes that the post-drought population still reflects an overall decline in certain areas. (AR 316, 346.) The Status Review concluded, "[i]t appears that few populations have rebounded from the drought as current abundance estimates remain low relative to pre-drought conditions." (AR 353.) At hearing, Department staff similarly stated that "the most recent post-drought data indicates that most populations have not significantly rebounded." (AR 4564.)

To the extent Petitioner identifies data submitted after the close of the administrative record under Fish and Game Code section 2075.5(b), such submissions were untimely, and the statute expressly prohibits the submission (or acceptance) of further information once the hearing is closed, absent circumstances not present here.[2] That Department staff nevertheless acknowledged receipt of or reviewed certain late submissions does not obligate Respondent to treat those materials as part of the evidentiary record. If anything, Respondent's review of the late materials was to Petitioner's benefit, because the agency was not allowed to do so. Respondent acted within its discretion in relying solely on the information properly before it at the close of the Listing Hearing, and the late submissions do not undermine the substantial evidence supporting the Decision.

While Petitioner and others submitted evidence to Respondent showing disagreement with the Department's interpretation of SCS population trends, the presence of conflicting evidence does not permit the court to reweigh scientific judgments, substitute its own evaluation for that of the agency, or otherwise evaluate the evidence *de novo*. The relevant question is not whether other evidence could support a different conclusion, but whether substantial evidence supports the conclusion the agency reached. The court must uphold the decision unless it determines, based on the evidence before the agency, that a reasonable person could not reach the conclusion reached by the agency.(*Harris*, *supra*, 25 Cal.App.4th at 969.)

Again, based on the record, the court finds Respondent's decision was supported by substantial evidence.

At hearing on this matter, Petitioner primarily relied upon *Topanga*, *supra*, 11 Cal.3d 506 for the proposition that the Commission was required, and failed, to bridge the analytic gap between the evidence and its findings. The record does not support that assertion. The findings incorporate and rely on the Department's Status Review, which explains the scientific basis for concluding that below-barrier *O. mykiss* populations face long term decline. *Topanga* does not authorize the court to reweigh competing scientific interpretations or to require the Commission to adopt the evidence Petitioner views as more persuasive. Petitioner's oral argument largely rested on asserted evidence of resident *O. mykiss* abundance, or on disagreements with the agency's scientific judgments given that it and others "aware of the reality" have a different view than the

agency and submitted evidence to support it. Such disagreements fall squarely within the agency's technical expertise and do not undermine the substantial evidence supporting the Decision.

2. Unreasonable Delay

Finally, Petitioner argues Respondent unreasonably delayed the Decision. Specifically, Petitioner contends CESA contemplates candidate species receiving protection before final listing for around 12 to 18 months, but here Respondent delayed for nearly three years. As part of this purported unreasonable delay, Respondent stated on April 18, 2024 that it would issue findings at a future meeting. CESA contemplates 90-days' further contemplation and deliberation. Petitioner argues this delay constitutes an abuse of discretion.

In opposition, Respondent and Intervenors argue there is no remedy the court may grant except to compel action, which Respondent has already taken. (Resp. Opp. at 19, citing *Kaiser Foundation Hospitals v. Superior Court* (2005) 128 Cal.App.4th 85, 105-06; Int. Opp. at 15, citing *Wright v. State of California* (2004) 122 Cal.App.4th 659, 667.)

Petitioner does not address this in the reply.

"'Unless the Legislature clearly expresses a contrary intent, time limits are typically deemed directory.'" (*People v. Lara* (2010) 48 Cal.4th 216 at 225 ["*Lara*"], quoting *People v. Allen* (2007) 42 Cal.4th 91, 102.) Where a statutory provision is directory, failure to follow the provision does not invalidate the subsequent action. (*Lara* at 225.) Nothing in the time limits cited suggests failure to meet the time limits would invalidate subsequent action (*e.g.* by deeming a petitioner denied by operation of law after expiration of the time to consider). (Fish & G. Code §§ 2073, 2074, 2074.6.)

Accordingly, because Respondent has fulfilled the relevant duties, albeit untimely, Petitioner has no further remedy.

V. Conclusion

Respondent's Decision is supported by substantial evidence, and there is no remedy for untimely

decision-making now that Respondent has issued its decision. The petition for administrative mandamus is DENIED.

Pursuant to Local Rule 3.231(n), Respondent shall prepare, serve, and ultimately file a proposed judgment.

Date: June 12, 2026

HON. TIANA J. MURILLO

[1] Petitioner also argues that this court, in the October 24, 2023 hearing on Prior Action's petition, "made clear that an evaluation of resident *O. mykiss* population and abundance, of the interchange between resident and anadromous forms both below and above barriers, and the ability of resident *O. mykiss* to produce smolts would be required to support a final listing decision." (Pet. Op. Br., pp. 7-8.) Petitioner does not provide a transcript of the hearing, but itself quotes the court as saying "*it may be true* that an evaluation" of those issues "is required before SCS can be the subject of stage 2 protection as an endangered species." (Pet. Op. Br., p. 7.) The court did not hold that such analysis was required. Even assuming the court's Stage 1 comments could be read to require subjects at Stage 2, the administrative record demonstrates that the Department and Respondent did evaluate resident population abundance (AR 309-54), genetic interchange (AR 284-308), and the relationship between above- and below-barrier populations (AR 299-302, 353). Thus, even under Petitioner's interpretation, the agency satisfied any such obligation.

[2] There is no evidence in the record that the Commission invoked the exception in Fish and Game Code section 2075.5(b)(2). The Commission did not determine on the record that it required further information, did not ask for additional submissions, and did not reopen the

administrative record for any limited purpose. Petitioner's June, August and December 2024 submissions were therefore untimely, and Respondent was not required or permitted to consider them in making its decision. (See AR002690-002700; AR 2611; AR002805-002808; AR003869-003878; AR 3784.)

The Administrative Record is ordered return forthwith to the party who lodged it, to be preserved unaltered until a final judgment is rendered in this case and is to be forwarded to the Court of Appeal in the event of an appeal. The Administrative record is to be picked up directly from Department 834 within ten days from the date of this order.

Judicial assistant is directed to give notice.

Certificate of Service is attached.