

1 Mark Baker
1520 E. Covell Blvd. Suite 5 - 467
2 Davis, CA 95616
mbaker@moonlightadvocacy.org
3 (503) 272-1188
Pro Se

4 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
5
6 YOLO COUNTY

7 MARK BAKER,

8 Petitioner,

9 vs.

10 YOLO COUNTY AND DOES 1-20

11 Respondents.
12

Case No.: CV2025-0917

NOTICE OF MOTION AND MOTION TO
COMPEL CERTIFICATION OF
ADMINISTRATIVE RECORD

DATE: April 23, 2026
TIME: 9:00AM
DEPT.: 11
JUDGE: TBD

COMPLAINT FILED: MARCH 26, 2025
TRIAL DATE: TBD

14 YOLO LAND & CATTLE CO., A
15 CALIFORNIA LIMITED PARTNERSHIP,
16 ZIPLINE INTERNATIONAL, INC., AND
17 DOES 21-40
18 Real Parties in Interest.

19
20 **NOTICE OF MOTION AND MOTION TO COMPEL CERTIFICATION**
21 **OF ADMINISTRATIVE RECORD**
22

23 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

1 **PLEASE TAKE NOTICE** that on **April 23** at **9:00AM** in Department 11 of the Yolo County
2 Superior Court, Plaintiff **MARK BAKER** will move the court for an order compelling
3 Defendant **YOLO COUNTY** to provide a Certified Administrative Record containing all written
4 evidence or correspondence with respect to the Zipline Nest Z project (Project) and all written
5 materials relevant to the Yolo County's compliance with the California Environmental Quality
6 Act (CEQA). (Pub. Res. Code § 21167.6.)

7 This motion is based on this Notice of Motion and Motion, the Plaintiff's Separate
8 Statement in Support of Motion to Compel Administrative Record, the accompanying
9 Memorandum of Points and Authorities, the accompanying Declaration of Mark Baker, and any
10 other evidence or argument that may be presented at the hearing.

Table of Contents

NOTICE OF MOTION AND MOTION TO COMPEL CERTIFICATION OF ADMINISTRATIVE RECORD	1
MEMORANDUM OF POINTS AND AUTHORITIES.....	5
I. INTRODUCTION	5
II. ITEMS TO BE INCLUDED IN THE RECORD.....	5
III. STATEMENT OF FACTS	7
IV. LEGAL ARGUMENT.....	7
V. CONCLUSION.....	9
DECLARATION OF MARK BAKER.....	10

Table of Authorities

State Cases

<i>Consolidated Irrigation Dist. v. Superior Court</i> (2012) 205 Cal.App.4th 697	9
<i>Golden Door Properties, LLC v. Superior Court</i> (2020) 53 Cal.App.5th 733	8, 9

Statutes

PRC § 21167.6.....	5
PRC § 21167.6(e)	8
Pub. Res. Code § 21167.6(b)(1)	8
Pub. Res. Code § 21167.6(e)(10).....	8
Pub. Res. Code § 21167.6(e)(7).....	8

Regulations

Cal. Code Regs. Tit. 14, § 15060(a)	5
---	---

1	Cal. Code Regs. Tit. 14, § 15060(b)	5
2	Cal. Code Regs. Tit. 14, § 15060(b)(1)	5
3	Cal. Code Regs. Tit. 14, § 15060(b)(2)	6
4	Cal. Code Regs. Tit. 14, § 15060(b)(3)	6
5	Cal. Code Regs. Tit. 14, § 15061(1)	6
6	Cal. Code Regs. Tit. 14, § 15061(2)	6
7	Cal. Code Regs. Tit. 14, § 15061(3)	6
8	Cal. Code Regs. Tit. 14, § 15061(4)	6
9	Cal. Code Regs. Tit. 14, § 15061(5)	6
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The March 26, 2026 Yolo County Grand Jury Report titled “Esparto Fireworks Explosion: Officials Knew, None Acted” (Request for Judicial Notice, EXHIBIT 1) underscores the systemic nature of Yolo County Officials’ conscious decisions to allow companies to avoid compliance with permitting requirements.

Petitioner Mark Baker moves this Court for an order compelling Respondent Yolo County (“County”) to prepare and certify the Administrative Record (“AR”) in this CEQA action. Although this action was filed on March 26, 2025, it has now been one year, and the County still has failed to certify a record that complies with the mandatory requirements of Public Resources Code section 21167.6.

Under California law, the County’s duty is ministerial and mandatory. The County does not get to curate the record; it must record the proceedings as they actually occurred.

II. ITEMS TO BE INCLUDED IN THE RECORD

Pursuant to PRC § 21167.6, Petitioner requests the Court compel the inclusion of the following records, or an entry in the Index showing that no such document exists:

1. Under Cal. Code Regs. Tit. 14, § 15060(a) - Preliminary Review, the CEQA Project Application package.
2. Under Cal. Code Regs. Tit. 14, § 15060(b), the "environmental evaluation" documents.
3. Under Cal. Code Regs. Tit. 14, § 15060(b)(1) - Discretion - The determination document showing that the project does not involve any discretionary powers.
4. Under Cal. Code Regs. Tit. 14, § 15060(b)(2) - Environmental Determination - The

1 determination document showing that the project will not result in a foreseeable change in the
2 environment.

3 5. Under Cal. Code Regs. Tit. 14, § 15060(b)(3), Project - The determination document
4 that the project does not qualify as a Project.

5 6. Under Cal. Code Regs. Tit. 14, § 15061(1), the determination document that shows
6 that the project is exempt from CEQA per statute.

7 7. Under Cal. Code Regs. Tit. 14, § 15061(2), the determination document that shows
8 that the project is exempt due to Categorical Exemption.

9 8. Under Cal. Code Regs. Tit. 14, § 15061(3), the determination document that shows
10 that the project is exempt by common sense.

11 9. Under Cal. Code Regs. Tit. 14, § 15061(4), the determination document that shows
12 that the project was rejected by Yolo County.

13 11. Under Cal. Code Regs. Tit. 14, § 15061(5), the determination document that shows
14 that the project is exempt for other reasons.

15 12. Under Cal. Code Regs. Tit. 14, § 15062, the signed and dated project approval
16 document.

17 13. All Federal Aviation Administration permit applications, waivers, issued permits, and
18 communications for the Zipline Nest Z Project.

19 14. All California Department of Transportation (Caltrans) Aeronautical permit
20 applications, waivers, issued permits, and communications for the Zipline Nest Z airport.

21 15. All Site Plan Review documents, including the Site Plan Review application, the Site
22 Plan Review approval, all Planning Commission materials, and all internal communications.

23 16. The filed Notice of Exemption.

1 17. All documents provided by Plaintiff to Yolo County for certification on September 6,
2 2025.

3 18. All internal County emails, memos, and draft reports regarding the project's
4 classification and environmental impacts.

5 19. The March 26, 2026 Yolo County Grand Jury Report titled "Esparto Fireworks
6 Explosion: Officials Knew, None Acted."

7 8 **III. STATEMENT OF FACTS**

9 Petitioner initially requested to prepare the AR on March 29, 2025. However, as a result
10 of this litigation, Yolo County embarked on a process that is entirely separate from CEQA called
11 Site Plan Review. This Site Plan Review process was ongoing from approximately April 17,
12 2025 through February 6, 2026. Because of this ongoing Site Plan Review process, Petitioner
13 concluded that it was not feasible to be continuously updating the AR with new records, and thus
14 on September 6, 2025, Petitioner submitted the AR to Yolo County for certification.

15 Upon receipt of the uncertified AR from the Petitioner, Yolo County Deputy Counsel
16 Eric May proceed to delete critical index records from the uncertified AR. Plaintiff objected to
17 these deletions. Mr. May then never certified the AR.

18 One year has passed since the filing of the initial claim. The County has not sought an
19 extension from this Court, nor has it complied with the statutory deadline.

20 21 **IV. LEGAL ARGUMENT**

22 **A. The County has a Mandatory Duty to Prepare the Record Within 60 Days**

23 Under Public Resources Code § 21167.6(b)(1), the Lead Agency shall certify the record

1 of proceedings not later than 60 days after the date of the request. Since the filing of this claim
2 was March 26, 2025, the certified AR was due on May 26, 2025.

3 **B. The AR Must Include All Records "Relating to" the Project, Regardless of Source**

4 PRC § 21167.6(e) provides an expansive list of what must be included, specifically:

- 5 • **Subsection (e)(7):** "All written evidence or correspondence submitted to, or transferred
6 from, the respondent public agency with respect to compliance with [CEQA] or with
7 respect to the project."
- 8 • **Subsection (e)(10):** "Any other written materials relevant to the respondent public
9 agency's compliance with [CEQA] or to its decision on the merits of the project."

10 **C. *Golden Door* Mandates an Inclusive Record**

11 In *Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733, the court
12 made it clear that an agency's duty to maintain and provide a record is broad. The court noted
13 that Section 21167.6 means that the record of proceedings shall include "pretty much everything
14 that ever came near a proposed development."

15 The Zipline NestZ project is a massive Unmanned Aircraft Systems (UAS) airport with
16 up to 2,500 flights per day, sometimes carrying hazardous payloads. Zipline has already applied
17 for and received multiple Federal Aviation Administration (FAA) waivers but has not yet applied
18 to the California Department of Transportation (Caltrans) Aeronautical for the required airport
19 permit. The project has also included significant Yolo County staff resources during the Site
20 Plan Review process. The Project has been operating since 2017 without CEQA review.
21 Therefore, there is an extensive volume of records for this Project. All these records must be
22 included in the AR.

23 **D. Constructive Possession Applies to Mandatory Project Records**

1 Under *Consolidated Irrigation Dist. v. Superior Court* (2012) 205 Cal.App.4th 697, the
2 term “submitted” includes documents “made readily available” to the agency. Here, Real Party
3 Zipline sought an entitlement (ZF 2025-009) that is legally tethered to federal and state flight
4 authorizations.

5 Furthermore, *Golden Door Properties* mandates that the record include everything
6 "relevant to the agency's compliance with CEQA." The County’s finding that 2,500 daily drone
7 flights are "incidental to agriculture" is a merit-based determination. The County cannot legally
8 reach that conclusion while simultaneously suppressing the FAA and Caltrans Aeronautical
9 records that define the scale, safety, and nature of those flights. Because these records were
10 relied upon, at least in substance, to justify the Ministerial exemption, they are part of the
11 "proceedings" and must be produced.

12 13 **V. CONCLUSION**

14 The County is not the gatekeeper of what the Court is allowed to see. It is a reporter of what
15 occurred. Because the County has failed to certify a complete record within the statutory 60-day
16 window and seeks to improperly omit mandatory categories of documents, Petitioner respectfully
17 requests that this Court:

- 18 1. **ORDER** the County to certify the full Administrative Record within 15 days;
- 19 2. **DIRECT** the inclusion of all Site Plan Review, FAA and Caltrans Aeronautics-related
20 correspondence and internal staff communications per PRC § 21167.6(e).

1 **DECLARATION OF MARK BAKER**

2
3 I, Mark Baker, declare:

- 4 1. I am the Plaintiff in this action, appearing Pro Se.
- 5 2. I filed the original complaint on March 23, 2025.
- 6 3. I submitted the uncertified Administrative Record to Yolo County Deputy County
- 7 Counsel Eric May on September 6, 2025.
- 8 4. On March 21, 2026, I notified Yolo County Deputy Counsel Eric May that I intended to
- 9 file a Motion to Compel and wished to Meet and Confer. Mr. May responded on
- 10 March 23, 2026 that he was not available and that the County was still “working” on
- 11 certifying the Administrative Record.

12
13 I declare under penalty of perjury under the laws of the State of California that the

14 foregoing is true and correct.

15
16 Dated: March 26, 2026

17 Respectfully Submitted,

18 *Mark Baker*

19 By: /s/ Mark Baker

20 In Pro Per

21

22

23

PROOF OF SERVICE

Mark Baker v. Yolo County, et al.

Superior Court of the State of California – County of Yolo

Case Number: CV2025-0917

Electronic Service in accordance with California Code of Civil Procedure Section § 1010.6.

At the time of service, I was over 18 years of age. My residence or business address is 1520 E. Covell Blvd. Suite 5 - 467, Davis, CA 95616.

On March 27, 2026, I electronically served a true copy of the following documents described as:

- 1. NOTICE OF MOTION AND MOTION TO COMPEL CERTIFICATION OF ADMINISTRATIVE RECORD**
- 2. PETITIONER’S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO COMPEL**
- 3. [PROPOSED] ORDER GRANTING PETITIONER’S MOTION TO COMPEL CERTIFICATION OF THE ADMINISTRATIVE RECORD**

on the parties in this action as follows:

Eric May, Senior Deputy County Counsel
Yolo County
eric.may@yolocounty.gov
625 Court Street
Woodland, CA 95695

Ryan Pinkston, Counsel for Real Parties in Interest
Ashley Arnett, Counsel for Real Parties in Interest
Seyfarth Shaw
rpinkston@seyfarth.com

aarnett@seyfarth.com

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document to be sent from the e-mail address mbaker@moonlightadvocacy.org to the persons at the email addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on March 27, 2026.

Mark Baker

Mark Baker