

**CERTIFIED FOR PARTIAL PUBLICATION\***

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

**ENVIRONMENTAL PROTECTION  
INFORMATION CENTER et al.,**

**Plaintiffs and Respondents,**

**v.**

**CALIFORNIA DEPARTMENT OF  
FORESTRY AND FIRE PROTECTION  
et al.,**

**Defendants and Appellants.**

**UNITED STEELWORKERS OF  
AMERICA et al.,**

**Plaintiffs and Respondents,**

**v.**

**CALIFORNIA DEPARTMENT OF  
FORESTRY AND FIRE  
PROTECTION,**

**Defendant and Appellant.**

**A108410**

**(Humboldt County  
Super. Ct. No. CV990445)**

**ORDER MODIFYING OPINION  
AND DENYING REHEARING  
[NO CHANGE IN JUDGMENT]**

**A108478**

**(Humboldt County  
Super. Ct. No. CV990452)**

THE COURT:

It is ordered that the opinion filed herein on November 19, 2010, be modified as follows:

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\* Pursuant to California Rules of Court, rules 8.1105(b) and 8.1110, this opinion is certified for publication with the exception of parts I., II.A., II.C.1., III.B., III.D., III.E., and III.F.

On page 22, the first full paragraph, replace the second sentence “We disagree.” with the following sentence:

We disagree that a party’s exhaustion of its administrative remedies will necessarily satisfy prelitigation settlement requirements in every case.

so that the paragraph reads:

EPIC claims it satisfied any prelitigation settlement requirements because it exhausted its administrative remedies. We disagree that a party’s exhaustion of its administrative remedies will necessarily satisfy prelitigation settlement requirements in every case. The purpose of the doctrine of exhaustion of administrative remedies is to give the administrative agency the opportunity to decide matters within its area of expertise prior to judicial review. (E.g., *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 616.) The doctrine is premised on the notion that the agency “is entitled to learn the contentions of interested parties before litigation is instituted.” (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 267.) Informing the agency of these contentions gives the agency “its opportunity to act and to render litigation unnecessary,” if it chooses to do so. (*Ibid.*)

There is no change in the judgment.

Respondent’s petition for rehearing is denied.

Dated: \_\_\_\_\_, P.J.