

Lawsuits related to the management and operation of Oceano Dunes State Vehicular Recreation Area

1. Friends of Oceano Dunes v. California Coastal Commission, California Department of Parks and Recreation, et al., San Luis Obispo Superior Court Case Number 20CV-0402; Filed July 28, 2020

In this matter, Friends of Oceano Dunes (“Friends”) challenges the approval by the California Coastal Commission (“Coastal Commission”) of California Department of Parks and Recreation’s (“State Parks”) Coastal Development Permit for dust mitigation projects at Oceano Dunes State Vehicular Recreation Area (“Oceano Dunes”) required by the San Luis Obispo Air Pollution Control District (“SLO APCD”) citing allegations of violation of the California Environmental Quality Act (“CEQA”). Friends also challenges, under CEQA, the California Endangered Species Act (“CESA”), and the California Coastal Act, the Consent Executive Director Cease and Desist Order 20-CD-01, signed by the Coastal Commission and State Parks regarding the closure of a portion of Oceano Dunes for protection of the Western snowy plover, which expanded their nesting habitat during the Covid-19 Pandemic. Trial is set for February 2, 2022.

2. Friends of Oceano Dunes v. California Coastal Commission, et al. (Department of Parks and Recreation named as a Real Party in Interest), San Luis Obispo Superior Court Case Number 21CV-0214; Filed April 12, 2021

In this matter, under the California Environmental Quality Act (“CEQA”), Friends of Oceano Dunes (“Friends”) challenges the California Coastal Commission’s (“Coastal Commission”) decision on March 18, 2021 that placed new conditions on the California Department of Parks and Recreation’s (“State Parks”) 1982 Coastal Development Permit 4-82-300 for Oceano Dunes State Vehicular Recreational Area (“Oceano Dunes”). State Parks has hired the law firm of Nossaman, LLP, as outside litigation counsel. At the July 19, 2021 Case Management Conference, the parties agreed to consolidate this case and the Cases 21CV-0246 and 21CV-0219 reported below. The parties are in the process of reviewing the Coastal Commission’s documents to begin preparing the Administrative Record.

3. Friends of Oceano Dunes v. California Coastal Commission, et al. (Department of Parks and Recreation named as a Real Party in Interest), San Luis Obispo Superior Court Case Number 21CV-0246; Filed April 29, 2021

In this matter, Friends of Oceano Dunes (“Friends”) argues that the California Coastal Commission (“Coastal Commission”) exceeded its authority under the California Coastal Act when it issued its decision on March 18, 2021 that placed new conditions

the California Department of Parks and Recreation's ("State Parks") 1982 Coastal Development Permit 4-82-300 for Oceano Dunes State Vehicular Recreational Area ("Oceano Dunes"). State Parks has hired the law firm of Nossaman, LLP, as outside litigation counsel. At the July 19, 2021 Case Management Conference, the parties agreed to consolidate Cases 21CV-0214 and 21CV-0219 reported herein. The parties are in the process of reviewing the Coastal Commission's documents to begin preparing the Administrative Record.

4. Friends of Oceano Dunes v. California Department of Parks and Recreation, et al., San Luis Obispo Superior Court Case Number 21-CV-0275; Filed May 12, 2021

In this matter, Friends of Oceano Dunes ("Friends") seeks to quiet title at Oceano Dunes State Vehicular Recreation Area ("Oceano Dunes") based on a theory of an implied dedication to the public for off-highway vehicle use at Oceano Dunes. This lawsuit arises out of and relates to the California Coastal Commission's ("Coastal Commission") March 18, 2021 decision that placed new conditions on the California Department of Parks and Recreation's ("State Parks") 1982 Coastal Development Permit 4-82-300 for Oceano Dunes, including a cessation of OHV use at Oceano Dunes in three years. State Parks has hired the law firm of Nossaman, LLP as outside litigation counsel. On July 16, 2021, State Parks filed an Answer generally and specifically denying the majority (and the substantive) allegations based on lack of sufficient information and belief. The Attorney General's Office representing the Coastal Commission, the Department of General Services, and the State of California filed a Demurrer. The hearing on the Demurrer is set for January 5, 2022.

5. Ecologic Partners, Inc., et al. v. California Coastal Commission, et al., (California Department of Parks and Recreation is named as a Real Party in Interest), San Luis Obispo Superior Court Case Number 21CV-0219; Filed April 20, 2021

In this matter, Ecological Partners, Inc. ("Ecological") argues that the California Coastal Commission ("Coastal Commission") exceeded its authority under the California Coastal Act when it issued its decision on March 18, 2021 that placed new conditions California Department of Parks and Recreation's ("State Parks") 1982 Coastal Development Permit 4-82-300 for Oceano Dunes State Vehicular Recreational Area ("Oceano Dunes"). Ecological also argues that the Coastal Commission's decision violates the California Environmental Quality Act ("CEQA"). State Parks has hired the law firm of Nossaman, LLP, as outside litigation counsel. At the July 19, 2021 Case Management Conference, the parties agreed to consolidate this case and the Cases 21CV-0214 and 21CV-0246 and 21CV-0219 reported herein. The parties are in the process of reviewing the Coastal Commission's documents to begin preparing the Administrative Record.

6. Center for Biological Diversity v. Armando Quintero, Director of California Department of Parks and Recreation, and Wade Crowfoot, Secretary for Natural Resources Agency, United States District Court, Center Division of California, Western Division, Case Number 2:20-cv-09965; Filed October 29, 2020

The Center for Biological Diversity (“CBD”) filed a Complaint for Declaratory and Injunctive Relief related to California Department of Parks and Recreation’s (“State Parks”) phased reopening of Oceano Dunes State Vehicular Recreation Area (“Oceano Dunes”) which began on October 30, 2020. Oceano Dunes was closed due to COVID-19 and a Consent Executive Director Cease and Desist Order (“Order”) signed between the California Coastal Commission (“Coastal Commission”) and State Parks to protect the Western snowy plover habitat that expanded during the closure of the park. The Order expired by its terms on October 5, 2020 and Oceano Dunes is being reopened on a limited and phased basis to vehicle travel. Beach camping and off-highway motor vehicle use will be phased in. CBD alleges that the reopening of Oceano Dunes will result in take of listed species under the Endangered Species Act. On December 22, 2020, CBD dismissed Wade Crowfoot from the lawsuit based on Eleventh Amendment immunity. On February 4, 2021, an Answer was filed on behalf of Armando Quintero.