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25 *Attorneys for Petitioner/Plaintiff Northern Chumash Tribal Council*

26 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
27 FOR THE COUNTY OF SACRAMENTO

28 CENTER FOR BIOLOGICAL DIVERSITY,  
and NORTHERN CHUMASH TRIBAL  
COUNCIL,

Petitioners and Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF PARKS  
AND RECREATION, and DOES 1–20,  
inclusive.

Respondents and Defendants.

Case No.:

**VERIFIED PETITION FOR WRIT OF  
MANDATE AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

**CEQA CASE**

[Pub. Res. Code § 21000 *et seq.* (CEQA);  
Pub. Res. Code § 30000 *et seq.* (Coastal Act);  
Pub. Res. Code §§ 5002.2, 5002.3; Fish &  
Game Code § 3511; Code of Civ. Proc.  
§§ 1085, 1094.5]



1           5.       The FEIR also rests on an unlawful No Project Alternative. State Parks described  
2 the No Project Alternative as continued current park operations, continued implementation of its  
3 existing conservation program, and continued unresolved federal ESA violations. That description  
4 was no longer accurate when State Parks certified the FEIR and approved the HCP. Prior to  
5 approval, a federal court had already held that State Parks’ authorization of motorized vehicle use  
6 at Oceano Dunes caused unlawful “take” of western snowy plover, and then enjoined off highway  
7 vehicle (“OHV”) operations until federal incidental take authorization was fully permitted. State  
8 Parks nevertheless failed to revise and recirculate the EIR to disclose and analyze how those  
9 changed circumstances altered the Project baseline, the No Project Alternative, and the comparison  
10 among alternatives.

11           6.       State Parks’ alternatives analysis repeats the same error. The FEIR rejects  
12 alternatives that would retain existing protective exclosures for nesting birds, reduce vehicle use,  
13 restrict riding times, or seasonally close areas to motorized recreation even though those  
14 alternatives would reduce take, protect habitat, and improve non-motorized recreation. Instead,  
15 State Parks elevated motorized recreation and motorized beach-camping access over the Project’s  
16 conservation objectives and rejected multiple reduced-impact alternatives without the analysis  
17 CEQA requires.

18           7.       State Parks has failed to complete meaningful consultation with the Tribe in  
19 connection with the FEIR, as required by CEQA. Pursuant to Public Resources Code section  
20 21080.31, the Tribe timely requested consultation on the Project and participated in one telephonic  
21 conversation with State Parks, which indicated its intention to engage in further consultation. In  
22 follow-up written correspondence on the draft EIR and HCP, the Tribe requested that State Parks  
23 expand exclosures and limit OHV operations, as forms of feasible mitigation for impacts to cultural  
24 resources and imperiled species. State Parks did not implement any such measures or engage in any  
25 further consultation.

26           8.       State Parks’ approval also violates independent limits imposed by California law.  
27 The HCP authorizes new and expanded uses in areas recognized as environmentally sensitive  
28 habitat under the California Coastal Act. It also authorizes activities that State Parks admits will

1 take California least tern, a fully protected bird, even though State Parks has not obtained  
2 authorization for such take under California law through a Natural Communities Conservation Plan.  
3 Additionally, the HCP functions as a park-management plan amendment but was adopted without  
4 the State Park and Recreation Commission approval and public hearing process required by Public  
5 Resources Code sections 5002.2 and 5002.3.

6 9. State Parks' approval of the Project and certification of the FEIR violates CEQA  
7 and its implementing Guidelines, the California Coastal Act, Public Resources Code sections  
8 5002.2 and 5002.3, and Fish and Game Code section 3511. This Court should issue a writ directing  
9 State Parks to set aside its certification of the FEIR and approval of the HCP, and to refrain from  
10 implementing the Project unless and until State Parks complies with California law.

#### 11 **PARTIES**

12 10. Petitioner/Plaintiff Center for Biological Diversity (the "Center") is a non-profit,  
13 public-interest conservation organization dedicated to the protection of native species and their  
14 habitats through science, policy, and environmental law. The Center has over 101,600 members  
15 worldwide, including members who reside in Sacramento and San Luis Obispo Counties. The  
16 Center has worked for many years to protect imperiled plants and wildlife, open space, air and  
17 water quality, coastal resources, and the overall quality of life for people in California.

18 11. The Center and its members are directly and adversely affected by the approval and  
19 implementation of the Project. Moreover, the Center is a "beneficially interested" party within the  
20 meaning of Code of Civil Procedure section 1086 and is entitled to relief in mandamus because this  
21 action involves a public right and the object of the action is to procure enforcement of a public duty.

22 12. Petitioner/Plaintiff Northern Chumash Tribal Council (the "Tribe") is a tribe with  
23 over 10,000 years of history at Oceano Dunes, which is sacred to the Tribe and central to its cultural  
24 practices and traditions. The Tribe has, for several decades, engaged with local, state, and federal  
25 agencies to protect the cultural and natural resources, including wildlife, at Oceano Dunes. The  
26 Tribe's larger mission is to guide the San Luis Obispo region toward a sustainable future by  
27 incorporating traditional Indigenous knowledge in land use decision making.

28 13. The Tribe and its members are directly and adversely affected by the approval and

1 implementation of the Project. Oceano Dunes holds deep significance for the Tribe, and Chumash  
2 ancestors historically acted as stewards of these lands and the adjacent waters to preserve their  
3 cultural and natural heritage for present and futures generations. State Parks’ decision to allow, and  
4 potentially expand, OHV use denigrates the sacred lands of Oceano Dunes and irreparably harms  
5 the Tribe and its members.

6 14. Respondent/Defendant California Department of Parks and Recreation (“State  
7 Parks”) is a department of the California Natural Resources Agency. State Parks approved the  
8 Oceano Dunes District Habitat Conservation Plan, certified the Final Environmental Impact Report,  
9 and filed the Notice of Determination for the Project. State Parks is the “lead agency” under CEQA.

10 15. Petitioners/Plaintiffs do not know the true names and capacities, whether individual,  
11 corporate, associate, or otherwise, of Respondents/Defendants Does 1 through 20, inclusive, and  
12 therefore sues those respondents and defendants under fictitious names. Petitioners/Plaintiffs will  
13 amend this Petition and Complaint to show their true names and capacities when the same have  
14 been ascertained.

#### 15 **JURISDICTION AND VENUE**

16 16. This Court has jurisdiction over this action under California Code of Civil Procedure  
17 sections 1085, 1094.5, and 1060, and Public Resources Code sections 21168, 21168.5, 21168.9,  
18 and 30803.

19 17. Venue is proper in Sacramento County Superior Court pursuant to Code of Civil  
20 Procedure sections 393, 394, and 401 because State Parks is a state agency headquartered in  
21 Sacramento County, the challenged approval was issued by a state agency, and this action seeks  
22 writ, declaratory, and injunctive relief against that agency.

#### 23 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

24 18. The Center has satisfied the exhaustion of administrative remedies requirement set  
25 forth in Public Resources Code section 21177 by timely raising the issues presented in this Petition  
26 during State Parks’ administrative process for the Project. The Center most recently submitted  
27 written comments on January 23, 2026 (recirculated draft EIR). The Center provided additional  
28 written comments on March 12, 2018 (scoping) and June 1, 2020 (draft EIR). The Northern

1 Chumash Tribal Council submitted comments on January 23, 2026 (recirculated draft EIR) and  
2 engaged in the limited and inadequate consultation that State Parks offered. These comments  
3 sufficiently alerted Defendant/Respondent State Parks to the legal and factual bases for Petitioners'  
4 CEQA claims, thereby satisfying the requirements of Public Resources Code section 21177.

5 19. Petitioners/Plaintiffs have complied with Public Resources Code section 21167.5 by  
6 prior service of a notice upon the Respondents/Defendants indicating their intent to file this  
7 Petition. Proof of Service of this notification, with the notification, is attached as Exhibit A to this  
8 Petition.

9 20. Petitioners/Plaintiffs have elected to prepare the record of proceeding in the above-  
10 captioned proceeding or to pursue an alternative method of record preparation pursuant to Public  
11 Resources Code section 21167.6, subdivision (b)(2). A true and correct copy of the Notice of  
12 Election to Prepare the Administrative Record is attached as Exhibit B to this Petition.

13 21. Petitioners/Plaintiffs have complied with Public Resources Code section 21167.7  
14 and Code of Civil Procedure section 388 by emailing the Attorney General of the State of California  
15 a copy of the Petition on June 18, 2026. Attached hereto as Exhibit C is the true and correct copy  
16 of the letter transmitting the Petition to the Attorney General.

17 22. Respondent/Defendant State Parks filed a Notice of Determination on May 20,  
18 2026. This petition is timely filed in accordance with Public Resources Code section 21167 and  
19 CEQA Guidelines section 15112, subdivision (c)(1).

## 20 **FACTUAL BACKGROUND**

### 21 **A. The Project and Oceano Dunes District Habitat Conservation Plan**

22 23. The Project challenged in this action is State Parks' approval and implementation of  
23 the Oceano Dunes District Habitat Conservation Plan ("HCP") and certification of the Final  
24 Environmental Impact Report ("FEIR") prepared for that approval. State Parks approved the HCP  
25 on May 20, 2026. The HCP supports State Parks' application to the U.S. Fish and Wildlife Service  
26 (the "USFWS") for a federal Endangered Species Act incidental take permit ("ITP") for activities  
27 within park units managed by the Oceano Dunes District.

28 24. The HCP area encompasses approximately 5,005 acres in Pismo State Beach and

1 Oceano Dunes State Vehicular Recreation Area (“Oceano Dunes SVRA”) on the central coast of  
2 California in San Luis Obispo County.

3 25. The HCP addresses take and conservation of several covered species, including the  
4 western snowy plover, California least tern, tidewater goby, and California red-legged frog. The  
5 FEIR states that the Project objectives include avoiding, minimizing, and mitigating the effects of  
6 take of covered species; implementing biological goals and objectives for covered species;  
7 obtaining a USFWS permit to authorize incidental take and ensure federal ESA compliance;  
8 operating the covered park units for public use and enjoyment while conserving park resources;  
9 preserving, managing, and expanding, as appropriate, motorized and non-motorized recreational  
10 opportunities; managing, maintaining, and maximizing, as appropriate, access to unique coastal  
11 camping and recreational amenities in the HCP area; and facilitating implementation of permit,  
12 settlement, and judicial or quasi-judicial obligations applicable to Pismo State Beach and/or Oceano  
13 Dunes SVRA. FEIR at 2-10.

14 26. Although the FEIR identifies Project objectives related to both conservation and  
15 recreation, including the objective to “[p]reserve, manage, and expand, as appropriate, motorized  
16 and non-motorized recreational opportunities,” its recreation analysis focuses primarily on  
17 motorized recreation and beach camping. FEIR at 2-10. The FEIR does not separately analyze  
18 existing non-motorized recreation in areas where OHV use is authorized or how proposed changes  
19 near Oso Flaco—including reduction of the Boneyard Enclosure and additional motorized access  
20 in the area—would affect existing non-motorized uses near Oso Flaco Lake, the adjacent stream,  
21 or the bench. *See* FEIR at 2-16-2-17. Alternative 2, the only alternative analyzed in detail that would  
22 maintain the Boneyard Enclosure, was rejected without a meaningful discussion of how additional  
23 motorized access to Oso Flaco would affect non-motorized recreation.

### 23 **B. Oceano Dunes State Vehicular Recreation Area**

24 27. The Oceano Dunes SVRA in San Luis Obispo County is a 3,490-acre unit of the  
25 California State Parks system and is contiguous with Pismo State Beach. FEIR at 2-2. State Parks  
26 manages vehicle operations at Pismo State Beach and Oceano Dunes SVRA as an SVRA, with  
27 motorized access from Grand Avenue and Pier Avenue. FEIR at 2-2. Between the two park units,  
28 approximately 1,138 acres are set aside for OHV use in the “open riding area,” where open-area

1 riding and camping in non-designated spaces are allowed, subject to restrictions including seasonal  
2 exclosures for western snowy plover and California least tern nesting habitat. FEIR at 2-2 to 2-4.

3 **C. The FEIR's Description of Covered Activities and Baseline**

4 28. The FEIR describes itself as a Project EIR intended to evaluate the direct and  
5 indirect environmental effects associated with implementing the HCP. The FEIR states that it is not  
6 intended to evaluate existing authorized uses, the parameters of park operations, or regulatory  
7 permit conditions, and that its impact analysis is limited to activities proposed by State Parks that  
8 would result in physical change to the environment. FEIR at 1-2.

9 29. The FEIR divides HCP covered activities into three categories: existing covered  
10 activities, proposed new covered activities, and potential future covered activities. FEIR at 2-20 to  
11 2-22. The FEIR states that existing covered activities are activities already occurring in the park,  
12 that no changes to those activities are proposed by the HCP, and that those activities are considered  
13 the environmental baseline in the EIR analysis. FEIR at 2-22. Proposed new activities are treated  
14 as new project actions subject to full environmental review, while potential future activities will be  
15 assessed later to determine the need for further CEQA review. FEIR at 2-22.

16 30. The FEIR identifies eight proposed new covered activities for project-level CEQA  
17 review: western snowy plover/California least tern chick and egg capture for captive rearing if  
18 observed to be threatened by recreational activities and other non-covered species management  
19 activities; stranded tidewater goby salvage; southwestern pond turtle and western spadefoot  
20 monitoring; dune slack restoration; invasive aquatic species predator control; mechanical trash  
21 removal through beach raking or grooming; reduction of the Boneyard Exclosure and 6 Exclosure;  
22 and State Parks' use of unmanned aircraft systems for park activities. FEIR at 2-20 to 2-22.

23 31. The FEIR also identifies potential future activities, including a Pismo Creek estuary  
24 seasonal bridge, limited trail riding, replacement of the Safety and Education Center, new backdune  
25 planting areas and new Pier Avenue track-out control associated with dust control activities,  
26 replacement of the Oso Flaco Lake boardwalk, and special projects. FEIR at 2-20 to 2-22. The  
27 FEIR states that inclusion of future projects in the HCP as covered activities allows State Parks to  
28 address existing and reasonably anticipated future park operations through one federal permit

1 review process. FEIR at 1-2. The FEIR also states that issuance of the federal ITP “does not entitle  
2 these future projects to the subsequent approvals necessary from [State Parks] or other agencies or  
3 obviate future environmental review of these projects pursuant to CEQA.” *Id.* At the same time,  
4 the HCP approved by State Parks identifies potential future activities as covered activities within  
5 the HCP framework and describes them as part of the long-term management, operations, and  
6 resource-management program and plan for the covered park units.

7 32. Appendix D to Volume 3 of the FEIR addresses biological effects of existing  
8 covered activities. Appendix D states that existing covered activities are ongoing visitor use or  
9 other park operation activities occurring within the HCP area, that no changes to those activities  
10 are proposed by the HCP, and that effects on special-status animal species from those activities are  
11 part of existing baseline environmental conditions in the HCP area. FEIR Vol. 3, App. D at D-1.

12 33. Appendix D further states that many existing covered activities have known effects  
13 on biological resources within the park units and classifies those effects into four categories:  
14 mortality or injury, disturbance, habitat effects, and beneficial effects. FEIR Vol. 3, App. D at D-  
15 1. Appendix D describes mortality or injury as including species being struck by vehicles or stepped  
16 on by pedestrians, and describes habitat effects as including reduction in habitat quality from  
17 motorized vehicle recreation or permanent loss of habitat from covered activities. FEIR Vol. 3,  
18 App. D at D-1.

#### 19 **D. The No Project Alternative and Federal ESA Proceedings**

20 34. The FEIR evaluates a No Project Alternative (Alternative 1). Under that alternative,  
21 the USFWS would not issue an ITP for Oceano Dunes District parklands, and incidental take of  
22 covered species from visitor uses and park operations, whether occurring presently or in the future,  
23 would be unauthorized. FEIR at 9-8 to 9-9. The FEIR states that under the No Project Alternative,  
24 State Parks would maintain its current park operations and continue implementation of its current  
25 conservation program, including its annual strategy to avoid take. FEIR at 9-9.

26 35. The FEIR states that under the No Project Alternative, the eight proposed new  
27 covered activities would not occur. FEIR at 9-9. The FEIR further states that potential future  
28 activities identified in the HCP and Table 2-4 would require individual review and permitting by

1 the USFWS rather than occurring in one comprehensive review under the proposed HCP. FEIR at  
2 9-9.

3 36. The FEIR concludes that the No Project Alternative would not resolve unauthorized  
4 take of federally listed species by visitor use and park operations, would not bring park operations  
5 into compliance with the federal ESA, and would not meet basic project objectives related to federal  
6 ESA compliance and recreation management. FEIR at S-13; 9-10 to 9-11.

7 37. On November 20, 2025, before the FEIR was certified, the United States District  
8 Court for the Central District of California held in *Center for Biological Diversity v. Quintero et*  
9 *al.*, Case No. 2:20-cv-09965-AH, that State Parks' authorization of motorized vehicle use at Oceano  
10 Dunes SVRA resulted in take of western snowy plover in violation of the federal ESA. Order  
11 Granting Pl.'s Mot. for Summ. J., Dkt. No. 64.

12 38. On April 9, 2026, before the FEIR was completed and certified on May 20, 2026,  
13 the District Court issued an injunction against OHV operations at Oceano Dunes SVRA absent  
14 issuance of an ITP by the USFWS. Order Granting Request for Permanent Injunction and  
15 Declaratory Relief, *Center for Biological Diversity v. Quintero et al.*, Case No. 2:20-cv-09965-AH,  
16 Dkt. No. 81 (C.D. Cal., April 9, 2026). On April 13, 2026, Oceano Dunes SVRA was closed to  
17 OHV uses. These changed circumstances were not reflected in the FEIR, including in the No  
18 Project alternative.

### 19 **E. Alternatives Evaluated or Rejected in the FEIR**

20 39. The FEIR evaluates four alternatives: Alternative 1, the No Project Alternative  
21 described above; Alternative 2, Reduced Disturbance in Dust Emission Areas; Alternative 3,  
22 Permanent Year-Round Exlosures; and Alternative 4, Reduced Vehicle Use Limits. FEIR at S-13  
23 to S-15; *id.* 9-8 to 9-18.

24 40. All three action alternatives considered in the EIR were rejected for multiple reasons  
25 but all include a similar, nearly identical basis—the project objective to “preserve, manage, and  
26 expand recreation opportunities and to manage, maintain, and maximize access to unique coastal  
27 camping and recreation amenities.” FEIR at S-14 to S-15.

28

1           41.       Alternative 2 would eliminate the proposed reduction of the Southern Exclosure  
2 identified in CA-50. Under this alternative, the 6 Exclosure and East Boneyard Exclosure would  
3 remain part of the Southern Exclosure and would continue to be closed during the nesting season  
4 and open during the winter season. FEIR at S-13 to S-14; *id.* 9-11 to 9-13. Alternative 2 was rejected  
5 because of a consent decree, although that decree by its own terms ends once State Parks obtains  
6 the ITP, and because the “alternative conflicts with project objectives to preserve, manage, and  
7 expand recreation opportunities and to manage, maintain, and maximize access to unique coastal  
8 camping and recreation amenities.” FEIR at S-14.

9           42.       Alternative 3 would permanently modify “the riding area boundary” “to provide  
10 year-round closure of all or part of the Southern Exclosure for wintering bird protection (including  
11 [western snowy plover]) and to reduce dust emissions associated with the recreational use of the  
12 riding area.” FEIR at S-14. The FEIR claims that “Given the success of the current conservation  
13 program using the existing seasonal exclosure size, establishing permanent year-round exclosures  
14 is unnecessary to achieve project biological objectives.” FEIR at S-14. The FEIR discounts the  
15 benefits of a year-round exclosure and fails to acknowledge that the Southern Exclosure has  
16 previously been maintained year-round, providing protections for birds while also reducing dust  
17 emissions. Alternative 3 is rejected both because additional protections for the listed birds are  
18 considered “unnecessary” and because the “alternative conflicts with project objectives to balance  
19 conservation and recreation demands, particularly to preserve, manage, and expand recreational  
20 opportunities and to manage, maintain, and maximize unique coastal camping and recreational  
21 amenities.” FEIR at S-14.

22           43.       Alternative 4 assumes that all of the proposed HCP’s increased activities would go  
23 forward (e.g. opening Boneyard and Exclosure 6 to ORV riding), but that State Parks would reduce  
24 maximum daily vehicle limits. The FEIR admits that this alternative could reduce the impacts to  
25 birds and improve congestion for camping during peak visitation, but still rejects this alternative  
26 because it “conflicts with project objectives to balance conservation and recreation demands,  
27 particularly to preserve, manage, and expand recreational opportunities and to manage, maintain,  
28

1 and maximize unique coastal camping and recreational amenities.” FEIR at S-14 to S-15; *id.* at 9-  
2 15 to 9-18.

3 44. The FEIR also identifies five alternatives considered but rejected without detailed  
4 analysis: No Take Park Operations; Off-site Mitigation in lieu of Nesting Exclosures; Changes in  
5 Oceano Dunes SVRA Access; Restricted Riding Times; and Increased Vehicle Use Limits. FEIR  
6 at S-13; *id.* at 9-1 to 9-7.

7 45. The FEIR describes the Restricted Riding Times alternative as including two sub-  
8 alternatives: 1) restrictions on night riding; and 2) seasonal restrictions on all motorized recreation.  
9 FEIR at 9-5 to 9-6. The FEIR states that seasonal closure to motorized recreation would close large  
10 portions or all of the SVRA to motorized recreation and camping during either the March 1 through  
11 September 30 breeding season or the October 1 through February 28 non-breeding season, and that  
12 the purpose of the alternative would be to reduce the activity generating the highest risk of take to  
13 covered species. FEIR at 9-6.

14 46. Several of the rejected alternatives are feasible and would fulfill a large number of  
15 the Project objectives. Specifically, rejected alternatives “1) No Take Park Operations” and “4)  
16 Restricted Riding Times” (including the 2 sub-alternatives) would improve habitat and species  
17 protections for nesting birds, tidewater goby, and for public trust resources of Arroyo Grande  
18 Creek, and they would all expand opportunities for non-motorized recreation at the Oceano Dunes.

#### 19 **F. Coastal Resources and ESHA**

20 47. Oceano Dunes SVRA, which includes coastal dune and beach habitat, has been  
21 designated Environmentally Sensitive Habitat Areas (“ESHA”) under the Coastal Act and is  
22 recognized as ESHA in the Local Coastal Programs (“LCPs”).

23 48. The HCP will cause new impacts to ESHA at Oceano Dunes SVRA by, among other  
24 things: reducing the Boneyard exclosure and the 6 Exclosure, which will open up more dune ESHA  
25 to year-round OHV activity [CA-50]; opening up Limited Riding Areas [CA-42] in ESHA near  
26 Oso Flaco Lake to OHV activity; and through mechanical trash removal through beach raking or  
27 grooming [CA-21]. FEIR at 2-20 to 2-22. Each of these activities, as well as others authorized in  
28 the HCP, will cause significant disruption of the habitat values of the ESHA including by: directly

1 impacting native, listed, and rare plants and plant seed banks; reducing vegetative cover; creating  
2 noise and dust that degrades habitat values for western snowy plover and California least tern  
3 including disrupting breeding, feeding and nesting; removing habitat components critical to support  
4 invertebrate prey food sources for western snowy plover in the wrack through mechanical beach  
5 grooming and trash removal; and reducing habitat protections in a manner that increases the risk of  
6 fatal OHV encounters.

7 49. The FEIR suggests that ESHA values are lacking in many of the affected areas. *See,*  
8 *e.g.*, FEIR at 4-23. But the Coastal Commission and the applicable certified LCPs already identify  
9 and map these dune resources as ESHA. The FEIR therefore cannot diminish those protections by  
10 revisiting or discounting established ESHA designations.

11 50. State Parks also claims that OHV riding is a coastal-dependent use to support its  
12 continued authorization and expansion of such use in ESHA. *See, e.g.*, FEIR at 4-22 to 4-24.  
13 However, OHV riding is not coastal resource dependent use—it is a development type and use that  
14 can be (and is) accomplished in non-coastal areas as well. The Coastal Commission previously  
15 found that OHV riding is not a coastal-dependent use at the OD SVRA. *See* FEIR Vol. II at 277.

### 16 **G. California Least Tern: Fully Protected Species**

17 51. The California least tern (“CLTE”) is a fully protected species under California law.  
(Fish & Game Code, § 3511(b)(4).)

18 52. The HCP and FEIR admit that California least tern will be taken by the activities  
19 approved under the HCP, estimating take of 15 adults and/or juveniles, 15 chicks, and 22 eggs over  
20 each 5-year period. HCP at 4-112 (Table 4-5 summary); FEIR at 6-53 (Table 6-7 summary).

21 53. In addition, the FEIR admits that there will be increased take of least terns from  
22 activities authorized under the HCP as compared to the status quo: “*Increased CLTE Take from*  
23 *HCP Potential Future Activities*[:] CLTE take numbers quantified in the HCP include incidental  
24 take from existing, proposed new, and potential future covered activities and include mortality,  
25 injury, capture, abandonment, and eggs or chicks in the open riding area at risk or being struck by  
26 a vehicle.” FEIR at 6-95.

27 54. State Parks has not obtained take authorization for the ongoing take of California  
28 least tern pursuant to a Natural Communities Conservation Plan (“NCCP”) as provided by Fish &

1 Game Code § 2835. State Parks is not subject to any other exception to the prohibition on take of  
2 this fully protected bird—the California least tern—for the recreational activities and other  
3 management activities it authorizes in the Oceano Dunes SVRA.

4 55. The FEIR states that, in “a related but separate action, CDPR anticipates preparing  
5 an application to [California Department of Fish and Wildlife] for approval of a NCCP and issuance  
6 of an ITP for take of CLTE, which is a state-listed endangered species and a state fully protected  
7 species under California Fish and Game Code. The NCCP is in an early stage of development . . .”  
8 FEIR at 2-32.

9 56. At the time State Parks approved the HCP and certified the FEIR, State Parks had  
10 not obtained take authorization for California least tern through an approved NCCP, and no public  
11 notice was provided to show that a completed NCCP application was ever submitted by State Parks.

## 12 LEGAL BACKGROUND

### 13 A. California Environmental Quality Act (CEQA)

14 57. CEQA (Pub. Res. Code, § 21000 *et seq.*) is a comprehensive statute established to  
15 “[e]nsure that the long-term protection of the environment . . . shall be the guiding criterion in  
16 public decisions.” (Pub. Res. Code, § 21001, subd. (d).) In enacting CEQA, the Legislature declared  
17 its intention that all governmental agencies that “regulate activities . . . which are found to affect the  
18 quality of the environment” do so in such a way “that major consideration is given to preventing  
19 environmental damage.” (*Id.* at § 21000, subd. (g).)

20 58. To accomplish this goal, CEQA requires agencies to prepare an EIR for every  
21 project that may have significant environmental effects. (CEQA Guidelines, § 15002, subd. (f)(1).)  
22 The purpose of an EIR is not only to inform the public and decisionmakers about the potential  
23 significant environmental effects of proposed activities, but also to “[i]dentify ways that  
24 environmental damage can be avoided or significantly reduced.” (*Id.* at § 15002, subd. (a)(2).)

25 59. CEQA’s mandate is not merely procedural or informational: CEQA requires public  
26 agencies, whenever feasible, to avoid or significantly reduce environmental effects by  
27 implementing project alternatives and/or mitigation measures. (*See* Pub. Res. Code, § 21001, subd.  
28 (g); CEQA Guidelines, § 15002, subd. (a)(3).)

60. Under CEQA, a lead agency may not approve a project if there are feasible

1 alternatives that would avoid or lessen its significant environmental effects. (Pub. Res. Code,  
2 §§ 21002, 21002.1, subd. (b).) To this end, an EIR is required to consider a range of potentially  
3 feasible alternatives to a project, or to the location of a project, that would feasibly attain the  
4 project's basic objectives while avoiding or substantially lessening any of the project's significant  
5 environmental impacts. A feasible alternative is one that is "capable of being accomplished in a  
6 successful manner within a reasonable period of time, taking into account economic,  
7 environmental, social, and technological factors." (Pub. Res. Code, § 21061.1; *see also* CEQA  
8 Guidelines, § 15021, subd. (b).) "An EIR shall describe feasible measures which could minimize  
9 significant adverse impacts, including where relevant, inefficient and unnecessary consumption of  
10 energy." (CEQA Guidelines, § 15126.4, subd. (a)(1).)

11 61. The EIR must consider a range of alternatives, not only those that would achieve all  
12 of the project proponent's objectives. "An EIR shall describe a range of reasonable alternatives to  
13 the project, or to the location of the project, which would feasibly attain most of the basic objectives  
14 of the project but would avoid or substantially lessen any of the significant effects of the project,  
15 and evaluate the comparative merits of the alternatives." (CEQA Guidelines, § 15126.6, subd. (a).)  
16 "[T]he discussion of alternatives shall focus on alternatives to the project or its location which are  
17 capable of avoiding or substantially lessening any significant effects of the project, even if these  
18 alternatives would impede to some degree the attainment of the project objectives, or would be  
19 more costly." (CEQA Guidelines, § 15126.6, subd. (b).) A potentially feasible alternative that might  
20 avoid a significant impact must be discussed and analyzed in an EIR so as to provide information  
21 to the decision makers about the alternative's potential for reducing environmental impacts.

22 62. In designing alternatives and the range of alternatives that must be considered in an  
23 EIR, the Project Objectives are a guide but cannot be used to limit feasible alternatives that will  
24 accomplish some of the Project Objectives. The baseline/environmental setting and description of  
25 the No Project Alternative act as the measure for significant impacts that must be addressed.  
26 Because an inaccurate or inflated baseline will lead to an inaccurate assessment of significant  
27 impacts, it will also undermine consideration of feasible alternatives and a fair analysis of whether  
28 the proposed alternatives can avoid significant impacts.

1           63.     An EIR must include a “no project” alternative. “The purpose of describing and  
2 analyzing a no project alternative is to allow decisionmakers to compare the impacts of approving  
3 the proposed project with the impacts of not approving the proposed project.” (CEQA Guidelines,  
4 § 15126.6, subd. (e)(1).)

5           64.     While the no project alternative often describes the status quo, in some cases it must  
6 address whether failure to approve the project would preserve existing environmental conditions or  
7 instead would lead to other changes to the environment. (CEQA Guidelines, § 15126.6, subd.  
8 (e)(2).) The no project alternative must accurately describe consequences of disapproving the  
9 project. (CEQA Guidelines, § 15126.6, subd. (e).) In some cases, rejection of the project will not  
10 preserve the existing baseline, and the no project alternative will be different from the  
11 environmental setting.

12           65.     Under CEQA, significant new information and changed circumstances that  
13 fundamentally change the baseline/environmental setting and No Project Alternative are required  
14 to be considered by the lead agency in a revised EIR recirculated to the public before the decision  
15 is made. (*See* CEQA Guidelines, § 15088.5, subd. (a) (“the term ‘information’ can include changes  
16 in the project or environmental setting as well as additional data or other information.”).)

17           66.     If a project or the surrounding circumstances change before a final EIR is prepared,  
18 the change should be reflected in the final EIR, and, depending on the extent of the changes, the  
19 agency must consider whether recirculation is required under Public Resources Code section  
20 21092.1 and CEQA Guidelines section 15088.5. Before certifying an EIR, an agency must  
21 recirculate significant new information by giving notice again pursuant to section 21092 and  
22 consulting with responsible agencies pursuant to sections 21104 and 21153. (*See* Pub. Res. Code,  
23 § 21092.1.)

24           67.     Prior to the release of an EIR for a project, the lead agency must begin consultation  
25 with any California Native American tribe that is traditionally and culturally affiliated with the  
26 geographic area of the proposed project when the tribe requests consultation. (Pub. Res. Code,  
27 § 21080.3.1.) As part of engaging in meaningful consultation, the lead agency must consider  
28 alternatives and mitigation measures capable of avoiding or substantially lessening potential

1 significant impacts to a tribal cultural resources. (Pub. Res. Code, § 21080.3.2.) Consultation is  
2 considered concluded when the parties agree to measures that will mitigate or avoid significant  
3 effects or the lead agency, acting in good faith and after reasonable effort, concludes that mutual  
4 agreement cannot be reached. (*Id.*)

5 68. CEQA requires that, when feasible, public agencies shall avoid any damaging  
6 effects to tribal cultural resources. (Pub. Res. Code, § 21084.3.) As part of this obligation, public  
7 agencies must undertake planning for parks and other open spaces that incorporates culturally  
8 appropriate protection and management criteria to avoid harm to cultural resources and protect the  
9 cultural and natural context for those resources. (*Id.*) The public agency must treat such resources  
10 with culturally appropriate dignity by taking cultural values into account, including by protecting,  
11 among other things, the cultural character and integrity of the resource and the traditional use of  
12 the resource. (*Id.*) Agencies must also consider permanent conservation easements or other property  
13 mechanisms to preserve and protect culturally significant resources and places. (*Id.*)

14 69. Tribal cultural resources include sites, features, places, cultural landscapes, sacred  
15 places, and objects with cultural value to a California Native American tribe. (Pub. Res. Code,  
16 § 21074.) In carrying out its obligations to protect and preserve such tribal cultural resources, a lead  
17 agency must apply the criteria set forth in Public Resources Code section 5024.1(c) to determine  
18 whether an identified tribal cultural resource is eligible for listing on the California Register of  
19 Historical Resources, taking into consideration the significance of the resource to a California  
20 Native American tribe. (*Id.*)

21 **B. The Coastal Act: Environmentally Sensitive Habitat Areas**

22 70. The Coastal Act mandates protections for Environmentally Sensitive Habitat Areas  
23 (“ESHA”). Specifically, the Coastal Act provides:

24 a. Environmentally sensitive habitat areas shall be protected against any  
25 significant disruption of habitat values, and only uses dependent on those resources  
shall be allowed within those areas.

26 b. Development in areas adjacent to environmentally sensitive habitat areas and  
27 parks and recreation areas shall be sited and designed to prevent impacts which  
28 would significantly degrade those areas, and shall be compatible with the  
continuance of those habitat and recreation areas.

1 (Pub. Res. Code, § 30240 (emphasis added).)

2 71. Under the Coastal Act, “Coastal-dependent development or use” means “any  
3 development or use which requires a site on, or adjacent to, the sea to be able to function at all.”  
4 (Pub. Res. Code, § 30101).

5 **C. California Fish and Game Code: Fully Protected Birds**

6 72. The California least tern is a fully protected species under California law. (Fish &  
7 Game Code, § 3511, subd. (b)(4).)

8 73. California law prohibits any take of fully protected birds such as the California least  
9 tern with few exceptions. (Fish & Game Code § 3511(a)(1).) As relevant here, take of a fully  
10 protected species can be authorized by the California Department of Fish and Wildlife as part of a  
11 Natural Communities Conservation Plan (“NCCP”) as provided by Fish & Game Code section  
12 2835. (See Fish & Game Code, §§ 2835, 3511, subd. (a)(1).)

13 74. Authorizing activities that cause take of fully protected birds is a violation of Fish  
14 & Game Code section 3511, subdivision (a)(1).

15 **FIRST CAUSE OF ACTION**

16 **(Pub. Res. Code, § 21000 *et seq.*)**

17 **Violation of CEQA – Failure to Define and Apply a Proper Baseline**

18 **(By Petitioners/Plaintiffs Against All Respondents/Defendants)**

19 75. Petitioners/Plaintiffs hereby re-alleges the allegations in the preceding paragraphs.

20 76. The heart of any EIR is the selection of an appropriate baseline as the point of  
21 departure when measuring the significance of a project’s impacts. (See CEQA Guidelines, § 15125,  
22 subd. (a).)

23 77. An EIR must describe the existing physical environmental conditions in the vicinity  
24 of the project and use those conditions as the baseline for determining whether the project’s  
25 environmental effects are significant. (CEQA Guidelines, §§ 15125, subd. (a), 15126.2, subd. (a).)  
26 The baseline must provide the public and decisionmakers with the most accurate picture practically  
27 possible of the project’s impacts. Although existing operations may be included in a CEQA  
28 baseline, the baseline must reflect actual physical conditions, not merely broad categories of  
previously authorized or permitted activities.

1           78. Respondents/Defendants violated CEQA by failing to define and apply a proper  
2 baseline for the HCP approval. The FEIR states that it is a Project EIR intended to evaluate the  
3 environmental effects associated with implementing the HCP. FEIR at 1-2. But the FEIR also states  
4 that it is not intended to evaluate existing authorized uses, the parameters of park operations, or  
5 regulatory permit conditions, and that its impact analysis is limited to activities proposed by State  
6 Parks that would result in a physical change to the environment. FEIR at 1-2.

7           79. The FEIR then uses that limitation to narrow project-level CEQA review primarily  
8 to eight proposed new covered activities. FEIR at 2-20 to 2-22. The FEIR treats existing State Parks  
9 operations, and the biological effects of those operations, as part of the environmental baseline  
10 rather than as impacts of approving a 25-year HCP/ITP framework. FEIR at 2-22; FEIR Vol. 3,  
11 App. D at D-1.

12           80. FEIR Appendix D confirms that many existing covered activities have known  
13 biological effects, including mortality or injury, disturbance, and habitat effects. FEIR Vol. 3, App.  
14 D at D-1. The FEIR also confirms that existing covered activities have caused such effects in the  
15 past or have the potential to do so within the HCP permit term. FEIR Vol. 3, App. D at D-1. Those  
16 effects are therefore central to understanding the environmental consequences of approving long-  
17 term HCP/ITP coverage.

18           81. Respondents/Defendants approved the HCP to support federal incidental take  
19 authorization and to manage, minimize, and mitigate take of covered species, including the western  
20 snowy plover and California least tern. Yet the FEIR does not use actual physical conditions,  
21 established levels of operation, actual use and disturbance, habitat conditions, or take patterns as  
22 the operative benchmark for evaluating the consequences of approving 25 years of HCP/ITP  
23 coverage. Instead, the FEIR uses broad categories of “existing” or previously authorized activities,  
24 obscuring the Project approval’s actual effect: the adoption of a long-term framework for ongoing,  
25 modified, and potential future activities that may perpetuate or increase take and habitat disturbance  
26 over the permit term.

27           82. By equating ongoing activities with the maximum uses ever authorized and  
28 including their worst-case biological effects as baseline conditions, rather than using actual physical

1 conditions as the benchmark for impact analysis, the FEIR inflates the baseline, understates the  
2 environmental consequences of the HCP approval and masks the extent to which continued,  
3 modified, or future covered activities may perpetuate or increase take and habitat disturbance over  
4 the permit term.

5 83. The FEIR's baseline is also defective because it assumes continuation of current  
6 park operations even though, before State Parks certified the FEIR and approved the HCP, a federal  
7 court had held that State Parks' authorization of motorized vehicle use at Oceano Dunes resulted  
8 in unlawful take of western snowy plover and later enjoined recreational OHV operations absent  
9 federal incidental take authorization. Those circumstances directly affected the conditions against  
10 which the HCP approval's impacts should have been evaluated.

11 84. By defining the baseline around broad categories of existing covered activities rather  
12 than applying actual physical conditions and established operational levels as the benchmark for  
13 analysis, the FEIR understates the environmental consequences of the HCP approval. The baseline  
14 error also affects the FEIR's analysis of biological impacts, the No Project Alternative, and  
15 alternatives that would reduce or avoid take and habitat disturbance.

16 85. Because Respondents/Defendants certified the FEIR and approved the HCP without  
17 defining and applying a legally adequate baseline, State Parks failed to proceed in the manner  
18 required by CEQA and committed a prejudicial abuse of discretion. Respondents/Defendants'  
19 certification of the FEIR and approval of the HCP must therefore be set aside.

## 20 **SECOND CAUSE OF ACTION**

21 **(Pub. Res. Code, § 21000 *et seq.*)**

### 22 **Violation of CEQA – Improper No Project Alternative; Failure to Revise and Recirculate** 23 **EIR in Light of New Information and Changed Circumstances** 24 **(By Petitioners/Plaintiffs Against All Respondents/Defendants)**

25 86. Petitioners/Plaintiffs hereby re-alleges the allegations in the preceding paragraphs.

26 87. An EIR must include a “no project” alternative. The purpose of a no project  
27 alternative is to allow a comparison of the environmental impacts of approving the proposed project  
28 with the effects of not approving it. (CEQA Guidelines, § 15126.6, subd. (e)(1).) The no project  
alternative must accurately describe consequences of disapproving the project. (CEQA Guidelines,

1 § 15126.6, subd. (e).)

2 88. Although the no project alternative often describes the status quo, it must also  
3 address whether failure to approve the project would preserve existing environmental conditions or  
4 instead lead to other changes to the environment. (CEQA Guidelines, § 15126.6, subd. (e)(2).) That  
5 is the case here. Before Respondents/Defendants certified the FEIR, a federal court issued an  
6 injunction prohibiting OHV operations at Oceano Dunes SVRA absent issuance of an ITP by  
7 USFWS. *See* Order Granting Request for Permanent Injunction and Declaratory Relief, *Center for*  
8 *Biological Diversity v. Quintero et al.*, Case No. 2:20-cv-09965-AH, Dkt. No. 81 (C.D. Cal., April  
9 9, 2026). The injunction fundamentally changed what would occur if an ITP were not issued and  
10 therefore directly affected the FEIR’s description of the No Project Alternative.

11 89. Because the new information and changed circumstances were known to State Parks  
12 before the FEIR was completed, and because they significantly changed the No Project Alternative  
13 and the basis for State Parks’ rejection of that alternative, State Parks was required to incorporate  
14 that information into a revised EIR and recirculate it before certification by providing notice under  
15 section 21092 and consulting again with responsible agencies pursuant to sections 21104 and  
16 21153. (Pub. Res. Code, § 21092.1; CEQA Guidelines, § 15088.5.)

17 90. Respondents/Defendants violated CEQA by providing an inaccurate No Project  
18 Alternative in the recirculated DEIR and FEIR. The 2025 recirculated DEIR described Alternative  
19 1/No Project Alternative as a circumstance where “no changes would be made to current park  
20 operations” “leaving the violation of [the federal] [ ]ESA unresolved.” On that basis, the EIR  
21 declared that the No Project Alternative would not meet the basic project objectives of federal ESA  
22 compliance and recreation management. But by the time Respondents/Defendants certified the  
23 FEIR, that description no longer reflected the consequences of disapproving the Project.

24 91. Specifically, before certification, the federal district court had held that State Parks’  
25 authorization of motorized vehicle use at Oceano Dunes SVRA resulted in unauthorized take of  
26 western snowy plover in violation of the federal Endangered Species Act. *See* Order Granting Pl.’s  
27 Mot. for Summ. J., *Center for Biological Diversity v. Quintero et al.*, Case No. 2:20-cv-09965-AH,  
28 Dkt. No. 64 (C.D. Cal. Nov. 20, 2025). The court later enjoined OHV operations absent issuance

1 of an ITP by USFWS, and Oceano Dunes SVRA was closed to OHV uses on April 13, 2026. Order  
2 Granting Request for Permanent Injunction and Declaratory Relief, *Center for Biological Diversity*  
3 *v. Quintero et al.*, Case No. 2:20-cv-09965-AH, Dkt. No. 81 (C.D. Cal. April 9, 2026).

4 92. These changed circumstances required Respondents/Defendants to revise the No  
5 Project Alternative. The FEIR could not continue to assume that, without the Project, current park  
6 operations would continue with unresolved federal ESA violations. Instead, the FEIR was required  
7 to disclose and analyze the consequences of the federal injunction and OHV closure, including how  
8 those circumstances affected the comparison between the proposed Project, the No Project  
9 Alternative, and other alternatives

10 93. Because Respondents/Defendants failed to revise and recirculate the EIR in light of  
11 this significant new information and changed circumstances, the FEIR does not contain a valid No  
12 Project Alternative. Respondents/Defendants therefore failed to proceed in the manner required by  
13 CEQA and prejudicially abused its discretion.

### 14 **THIRD CAUSE OF ACTION**

15 **(Pub. Res. Code, § 21000 *et seq.*)**

#### 16 **Violation of CEQA – Failure to Consider a Reasonable Range of Alternatives and Improper 17 Rejection of Feasible Alternatives**

18 **(By Petitioners/Plaintiffs Against All Respondents/Defendants)**

19 94. Petitioners/Plaintiffs hereby re-alleges the allegations in the preceding paragraphs.

20 95. CEQA requires that an EIR consider a reasonable range of alternatives to the  
21 proposed project. The alternatives must be designed to meet the project objectives and lessen or  
22 avoid significant environmental impacts but need not meet all project objectives. (CEQA  
23 Guidelines, § 15126.6, subd. (a), (b).)

24 96. A lead agency may not approve a project for which there are significant  
25 environmental impacts unless it makes findings supported by substantial evidence that alternatives  
26 that lessen or avoid those impacts are infeasible. (CEQA Guidelines, § 15091, subd. (a)(3).) The  
27 discussion of alternatives must provide “sufficient information about each alternative to allow  
28 meaningful evaluation, analysis, and comparison with the proposed project.” (CEQA Guidelines,  
§ 15126.6 subd. (d).)

1           97. Respondents/Defendants violated CEQA by failing to consider and evaluate a  
2 reasonable range of alternatives to the Project designed to meet the basic Project’s objectives and  
3 lessen the significant impacts of the Project. Respondents/Defendants’ EIR analyzes only three  
4 Project alternatives, none of which meaningfully address avoiding the significant impacts of the  
5 Proposed Project to resources including, but not limited to, the western snowy plover and California  
6 least tern, and to non-motorized recreation.

7           98. Respondents/Defendants violated CEQA by rejecting several potentially feasible  
8 alternatives without full consideration, sufficient explanation, or substantial evidence supporting  
9 infeasibility. Specifically, rejected alternatives “1) No Take Park Operations” and “4) Restricted  
10 Riding Times” (including both limiting night riding and/or seasonal closures) are feasible and  
11 would fulfill a large number of the Project objectives. The No Take Park Operations alternative  
12 would significantly improve habitat and species protections and non-motorized recreation at  
13 Oceano Dunes. The “Restricted Riding Times” would also avoid significant impacts. Limits on  
14 night riding were rejected without considering how such limitations could be designed to reduce  
15 impacts—for example, by reducing or prohibiting recreational night OHV riding while still  
16 allowing needed access (ingress and egress) for campers after dark. Seasonal closures were likewise  
17 rejected without full consideration of impacts that could be avoided and the benefits to species,  
18 habitats, and non-motorized recreation during those periods.

19           99. Respondents/Defendants violated CEQA by approving the Project without  
20 sufficient findings, supported by substantial evidence, that the Project alternatives rejected without  
21 consideration were infeasible or failed to meet most if not all of the Project objectives.

22           100. Respondents/Defendants’ actions in failing to consider and evaluate a reasonable  
23 range of alternatives to allow meaningful evaluation, analysis, and comparison, and failing to  
24 approve the environmentally superior alternative are arbitrary and capricious, lacking in substantial  
25 evidence, a prejudicial abuse of discretion, and/or not in accordance with law. Accordingly,  
26 Respondents/Defendants’ approvals of the project must be set aside under Code of Civil Procedure  
27 section 1094.5 and Public Resources Code section 21168.9.  
28

1 **FOURTH CAUSE OF ACTION**

2 **(Pub. Res. Code, § 21000 *et seq.*)**

3 **Violation of CEQA – Failure to Complete Meaningful Tribal Consultation and to Properly**  
4 **Evaluate Feasible Measures that Would Protect and Preserve Tribal Cultural Resources**

5 **(By Petitioner/Plaintiff Tribe Against All Respondents/Defendants)**

6 101. Petitioner/Plaintiff Tribe hereby realleges the allegations in the preceding  
7 paragraphs.

8 102. CEQA requires that a lead agency engage in meaningful consultation with  
9 California Native American tribes that considers alternatives and mitigation measures capable of  
10 avoiding or substantially lessening potential significant impacts to a tribal cultural resources. (Pub.  
11 Res. Code, §§ 21080.31 and 21080.3.2.) In carrying out this consultation duty and completing its  
12 CEQA obligations, the lead agency must identify tribal cultural resources, including cultural  
13 landscapes and sacred places that are considered significant by a California Native American tribe  
14 (Pub. Res. Code, § 21074), and must take into account feasible measures that avoid damaging  
15 effects to tribal cultural resources, including measures that protect the cultural character, cultural  
16 integrity, culturally appropriate dignity, and traditional uses of those tribal cultural resources (Pub.  
17 Res. Code, § 21084.3.) Consultation is properly concluded only when the parties agree to measures  
18 that will mitigate or avoid adverse effects on tribal cultural resources or where the parties, acting  
19 in good faith and after reasonable effort, conclude that mutual agreement cannot be reached. (Pub.  
20 Res. Code, § 21080.3.2.)

21 103. On July 15, 2025, State Parks provided written notice of the draft HCP to the Tribe,  
22 and on July 16, 2025, the Tribe provided written notice to State Parks of its request for consultation  
23 under Public Resources Code section 21080.3.1.

24 104. Consultation began on September 25, 2025, with an initial conversation between  
25 State Parks and the Tribe. During that conversation, the Tribe indicated the deep cultural and  
26 historic significance of Oceano Dunes to the Tribe and its members and expressed concerns about  
27 protection of this sacred land and its cultural and natural resources from OHV use. State Parks  
28 expressed an intent to undertake restoration projects at Oceano Dunes.



1 modifications of features of the dunes and shoreline for human use. For example, the HCP  
2 authorizes new development and uses in the East Boneyard and Enclosure 6 (HCP, CA-50:  
3 Reduction of the Boneyard and 6 Enclosures); provides specific management actions related to  
4 creek crossings that modify natural features for human use (HCP, CA-40: Motorized vehicle  
5 crossing of Pismo/Carpenter, Arroyo Grande, and Oso Flaco creeks); allows installation of new  
6 trails in the area now closed near Oso Flaco Lake (HCP, CA-42: Limited Trail Riding Area); and  
7 includes a general category of “special projects” (HCP, CA-49), including “[n]ew facilities that are  
8 consistent with existing facilities, not to exceed 35 acres over the permit term.” Because the HCP  
9 includes proposals to develop new facilities in a park unit, the Department was required to revise  
10 the existing general plan *before* adopting the HCP.

11 110. The adoption of the management prescriptions in the HCP also acts as an  
12 amendment to the existing general plan, requiring State Park and Recreation Commission approval.  
13 Public Resources Code section 5002.2, subdivision (a)(2) requires that all park units have general  
14 plans that shall “consist of elements that will evaluate and define the proposed land uses, facilities,  
15 concessions, operation of the unit, any environmental impacts, and the management of resources,  
16 and shall serve as a guide for the future development, management, and operation of the unit.” The  
17 HCP acts as an amendment to the general plan because in addition to addressing “covered species  
18 management” (HCP at 2.2.2.1), the HCP includes a wide array of “covered activities” affecting  
19 land uses, facilities, operation of the unit, and management of resources within the Oceano Dunes  
20 SVRA, which are all elements of a park general plan. *See, e.g.*, Final HCP at 2.2.2 (Natural  
21 Resources Management); 2.2.3 (Park Maintenance); 2.2.5.1 (Motorized Vehicle Crossing of  
22 Pismo/Carpenter, Arroyo Grande, and Oso Flaco Creeks); 2.2.5.13 CDPR UAS [unmanned aircraft  
23 systems] Use for Park Activities (CA-52).

24 111. Public Resources Code section 5002.2, subdivision (a)(3) requires that the “general  
25 plan for a unit” “be submitted by the department [of parks and recreation] to the State Park and  
26 Recreation Commission for approval.” (Pub. Res. Code, § 5002.2, subd. (a)(3).)<sup>1</sup>

27  
28 <sup>1</sup> The Commission was created by statute and has limited duties. (*See* Pub. Res. Code, § 530.)

1 112. Public Resources Code section 5002.3 requires a public hearing to consider a  
2 general plan or amendment. (Pub. Res. Code, § 5002.3 (“A public hearing shall be scheduled by  
3 the State Park and Recreation Commission to consider each matter of classification or  
4 reclassification of a unit and of approval of the department’s general plan for a unit”).) Notice must  
5 be provided by posting and publication. (*Id.*) The hearing must be not less than 30 days, nor more  
6 than 60 days after the publication of the notice. (*Id.*)

7 113. The HCP was approved by Respondents/Defendants without being submitted to the  
8 Commission as required by Public Resources Code, 5002.2, subdivision (a)(3). *See* May 20, 2026,  
9 Notice of Determination for SCH# 2018011012 (“CDPR has approved an HCP”).

10 114. Because Public Resources Code sections 5002.2 and 5002.3 require State Park and  
11 Recreation Commission approval of General Plan amendments after a noticed hearing, and because  
12 the HCP is an amendment to the General Plan but was approved without that required process, the  
13 HCP approval is invalid.

14 115. As a result of the foregoing defects, Respondents/Defendants did not proceed in the  
15 manner required by law, and the Court should issue a writ of mandate directing  
16 Respondents/Defendants to set aside State Parks approval of the HCP and any other project  
17 approvals.

18 **SIXTH CAUSE OF ACTION**

19 **(Pub. Res. Code, § 30240, 30803)**

20 **Violation of the Coastal Act – Environmentally Sensitive Habitat Areas**

21 **(By Petitioners/Plaintiffs Against All Respondents/Defendants)**

22 116. Petitioner/Plaintiff Center hereby re-alleges the allegations in the preceding  
23 paragraphs.

24 117. The Coastal Act limits development and uses in environmentally sensitive habitat  
25 areas (“ESHA”) to coastal-dependent development and uses, and mandates that ESHA “be  
26 protected against any significant disruption of habitat values.” (Pub. Res. Code, § 30240, subd. (a).)

27 118. The Coastal Act defines “Coastal-dependent development or use” as development  
28 or use that requires “a site on, or adjacent to, the sea to be able to function at all.” (Pub. Res. Code,

1 § 30101.) Simply adding the term “coastal” or “beach” before a use does not make it “coastal-  
2 dependent.”

3 119. OHV riding is authorized in many areas across the state and can be accomplished  
4 without being sited on or adjacent to the sea.

5 120. The HCP authorizes new development and uses in ESHA, which are not coastal-  
6 dependent development or uses, that will significantly disrupt habitat values including, but not  
7 limited to: expansion of OHV riding into additional ESHA in the Boneyard and southern Enclosure  
8 areas (CA-50); expanding OHV riding to access across the dunes to the Oso Flaco Lake area (CA-  
9 42); and additional mechanical trash removal activities through beach raking or grooming to  
10 support motorized beach camping and OHV riding (CA-21).

11 121. Respondents/Defendants’ adoption of the HCP violates the Coastal Act requirement  
12 that ESHA be protected against significant disruption of habitat values and the prohibitions against  
13 non-coastal-dependent development and uses in ESHA that will cause significant disruption of  
14 those habitat values.

15 122. Respondents/Defendants’ continued authorization of ongoing OHV riding that will  
16 significantly disrupt habitat values in ESHA violates the Coastal Act because that use is not coastal-  
17 dependent use.

18 123. As a result of the foregoing defects, Respondents/Defendants did not proceed in the  
19 manner required by law, and their decision to approve the Project was not supported by substantial  
20 evidence.

21 124. By approving a project inconsistent with the Coastal Act, Respondents/Defendants  
22 prejudicially abused their discretion and violated provisions of the Coastal Act. As such, the Court  
23 should issue a writ of mandate directing Respondents/Defendants to set aside their approval of the  
24 HCP and any other project approvals.

25 **SEVENTH CAUSE OF ACTION**

26 **(Fish & Game Code, § 3511)**

27 **Violation of Fully Protected Bird Statute**

28 **(By Petitioners/Plaintiffs Against All Respondents/Defendants)**

125. Petitioners/Plaintiffs hereby re-alleges the allegations in the preceding paragraphs.

1           126. The California least tern is a fully protected species under California law. Fish &  
2 Game Code § 3511(b)(4). California law prohibits any take of fully protected birds such as the  
3 California least tern with few exceptions. (Fish & Game Code, § 3511, subd. (a)(1).) As relevant  
4 here, take of a fully protected species can be authorized by the Department of Fish and Wildlife as  
5 part of a Natural Communities Conservation Plan (“NCCP”) as provided by Fish & Game Code  
6 section 2835. (See Fish & Game Code, §§ 2835, 3511, subd. (a)(1).)

7           127. Respondents/Defendants admit that California least tern will be taken by the  
8 activities they authorize and included as covered activities within their HCP. Specifically, the HCP  
9 estimated take of 15 adults and/or juveniles, 15 chicks, and 22 eggs over each 5-year period. HCP  
10 at 4-112 (Table 4-5 summary); FEIR at 6-53 (Table 6-7 summary). In addition, the FEIR admits  
11 that there will be increased take of least terns from future covered activities included in the HCP as  
12 compared to the status quo: “*Increased CLTE Take from HCP Potential Future Activities CLTE*  
13 *take numbers quantified in the HCP include incidental take from existing, proposed new, and*  
14 *potential future covered activities and include mortality, injury, capture, abandonment, and eggs or*  
15 *chicks in the open riding area at risk or being struck by a vehicle.” FEIR at 6-95.*

16           128. Respondents/Defendants have not obtained take authorization for the California  
17 least tern pursuant to a NCCP as provided by Fish & Game Code section 2835.  
18 Respondents/Defendants are not subject to any other exception to the prohibition on take of fully  
19 protected bird—the California least tern—for the recreational activities they authorize in the  
20 Oceano Dunes SVRA.

21           129. Because Respondents/Defendants have authorized and continues to authorize  
22 recreational activities that cause take of fully protected birds without an NCCP, State Parks is in  
23 violation of Fish & Game Code section 3511, subdivision (a)(1).

24           130. As a result of the foregoing defects, State Parks did not proceed in the manner  
25 required by law, and its decision to approve the Project was not supported by substantial evidence.

26           131. By authorizing activities inconsistent with Fish & Game Code section 3511,  
27 subdivision (a)(1), State Parks prejudicially abused its discretion. As such, the Court should issue  
28 a writ of mandate directing State Parks to set aside its approval of the HCP and any other  
authorizations of activities that violate Fish & Game Code section 3511, subdivision (a)(1).

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Petitioners/Plaintiffs respectfully request relief as follows:

3 1. For the Court to issue a writ of mandate directing Respondents/Defendants to set  
4 aside and vacate their certification of the May 20, 2026, EIR and approval of the Project, and refrain  
5 from granting any further approvals for the Project unless and until Respondents/Defendants fully  
6 comply with the requirements of CEQA;

7 2. For declaratory judgment that Respondents/Defendants violated CEQA in certifying  
8 the EIR and approving the Project;

9 3. For permanent injunctive relief to protect Petitioners'/Plaintiffs' rights under  
10 CEQA;

11 4. For alternative and peremptory writs of mandate directing Respondents/Defendants  
12 to comply with Public Resources Code sections 30240, 5002.2, 5002.3, and Fish & Game Code  
13 section 3511;

14 5. For alternative and peremptory writs of mandate and injunctive relief directing  
15 Respondents/Defendants to cease authorization of all activities that violate Fish & Game Code  
16 section 3511 until and unless Respondents/Defendants comply with Fish & Game Code section  
17 2835 and a Natural Communities Conservation Plan is issued by California Department of Fish and  
18 Wildlife;

19 6. For declaratory and equitable relief under Public Resources Code section 30803  
20 restraining violations of the Coastal Act, including violations of Public Resources Code section  
21 30240;

22 7. For a declaration that Respondents/Defendants' actions in approving the Project  
23 violated the Public Resources Code sections 30240, 5002.2, 5002.3, and Fish & Game Code section  
24 3511, and that the certification and all project approvals are invalid and of no force or effect;

25 8. For costs in this suit, including attorney's fees pursuant to California Code of Civil  
26 Procedure section 1021.5; and

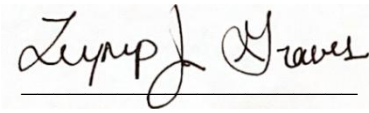
27 9. For any other and further relief as this Court may deem just and proper.

28 //

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1 Dated: June 18, 2026

Respectfully Submitted,

2  
3 

4 Zeynep J. Graves (SBN 298533)

5 Lisa T. Belenky (SBN 203225)

6 John Buse (SBN 163156)

7 Center for Biological Diversity

8 2100 Franklin St., Suite 375

9 Oakland, CA 94612

10 510.844.7160

11 zgraves@biologicaldiversity.org

12 lbelenky@biologicaldiversity.org

13 jbuse@biologicaldiversity.org

14 *Attorneys for Petitioner/Plaintiff Center for*  
15 *Biological Diversity*

16 Deborah A. Sivas (CA Bar No. 135446)

17 Matthew J. Sanders (CA Bar No. 222575)

18 Amanda D. Zerbe (CA Bar No. 352565)

19 ENVIRONMENTAL LAW CLINIC

20 Mills Legal Clinic at Stanford Law School

21 Crown Quadrangle

22 559 Nathan Abbott Way

23 Stanford, California 94305-8610

24 Tel: (650) 725.8571

25 Fax: (650) 723.4426

26 dsivas@stanford.edu

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28 azerbe@standford.edu

*Attorneys for Petitioner/Plaintiff Northern*  
*Chumash Tribal Council*

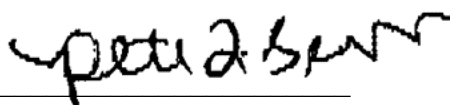
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**VERIFICATION**

I, Peter Galvin, am the Director of Programs for Petitioner/Plaintiff Center for Biological Diversity and am authorized to execute this verification on the Petitioner's behalf. I have read the Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief and am familiar with its contents. The facts recited in the Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief are true of my personal knowledge except as to those matters that are stated on information and belief, and as to those matters, I believe them to be true.

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

Executed on June 18, 2026 in Shelter Cove, California.



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Peter Galvin, Director of Programs


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**VERIFICATION**

I, Violet Sage Walker, am the chairwoman of Petitioner/Plaintiff Northern Chumash Tribal Council and am authorized to execute this verification on the Petitioner's behalf. I have read the Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief and am familiar with its contents. The facts recited in the Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief are true of my personal knowledge except as to those matters that are stated on information and belief, and as to those matters, I believe them to be true.

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

Executed on June 18, 2026 in Guadalupe, California.



\_\_\_\_\_  
Violet Sage Walker

# **Exhibit A**



***Via FedEx and Email***

June 18, 2026

Armando Quintero, Director  
California Department of Parks and Recreation  
715 P Street  
Sacramento, CA 95814  
[Armando.Quintero@parks.ca.gov](mailto:Armando.Quintero@parks.ca.gov)

**Re: Notice of Commencement of Legal Action Pursuant to the California Environmental Quality Act**

Dear Director Quintero,

The Center for Biological Diversity and Northern Chumash Tribal Council (“Petitioners”) intend to commence an action for writ of mandate to vacate and set aside the decision of the California Department of Parks and Recreation (the “Department”) approving the Oceano Dunes district Habitat Conservation Plan (“HCP” or “Project”) and certifying a Final Environmental Impact Report for the Project. The Department will be named as a Respondent in this action. Petitioners submit this notice pursuant to Public Resources Code section 21167.5.

The action will commence on June 18, 2026 and will be based upon on Respondent’s failure to comply with the California Environmental Quality Act (Public Resources Code § 21000, et seq.) in adopting the Environmental Impact Report and approving the Project, among other grounds.

Sincerely,

Zeynep J. Graves  
Center for Biological Diversity  
2100 Franklin St., Suite 375.  
Oakland, CA 94612  
510.844.7160  
[zgraves@biologicaldiversity.org](mailto:zgraves@biologicaldiversity.org)

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ALAMEDA

3 I am employed in Oakland, California. I am over the age of 18 and not a party to the foregoing  
4 action. My business address is Center for Biological Diversity, 2100 Franklin Street, Suite 375,  
5 Oakland, California 94612. My email address is [trettinghouse@biologicaldiversity.org](mailto:trettinghouse@biologicaldiversity.org).

6 On June 18, 2026, I served a true and correct copy of the following document(s):

7 **Notice of Commencement of Legal Action Pursuant to CEQA**

8  BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through  
9 Center for Biological Diversity's electronic mail system to the email address(s) shown below.

10  BY FEDERAL EXPRESS: By placing a true and correct copy thereof in sealed envelope(s).  
11 Such envelope(s) were addressed as shown below. Such envelope(s) were deposited for  
12 collection and mailing following ordinary business practices with which I am readily familiar.

13  
14 Armando Quintero,  
15 Director Department of Parks and Recreation  
16 715 P Street  
17 Sacramento, CA 95814  
18 [Armando.Quintero@parks.ca.gov](mailto:Armando.Quintero@parks.ca.gov)

19  STATE: I declare under penalty of perjury under the law of California that the foregoing  
20 is true and correct.

21 Executed on June 18, 2026 at Alameda, California.

22 

23 Theresa Rettinghouse

# **Exhibit B**

1 John Buse (SBN 163156)  
2 Lisa T. Belenky (SBN 203225)  
3 Zeynep J. Graves (SBN 298533)  
4 CENTER FOR BIOLOGICAL DIVERSITY  
5 2100 Franklin St., Suite 375  
6 Oakland, CA 94612  
7 Tel: 510.844.7160  
8 Fax: 520.623.9797  
9 jbuse@biologicaldiversity.org  
10 lbelenky@biologicaldiversity.org  
11 zgraves@biologicaldiversity.org

12 *Attorneys for Petitioner/Plaintiff Center for Biological Diversity*

13 Deborah A. Sivas (CA Bar No. 135446)  
14 Matthew J. Sanders (CA Bar No. 222575)  
15 Amanda D. Zerbe (CA Bar No. 352565)  
16 ENVIRONMENTAL LAW CLINIC  
17 Mills Legal Clinic at Stanford Law School  
18 Crown Quadrangle, 559 Nathan Abbott Way  
19 Stanford, California 94305-8610  
20 Tel: 650.725.8571  
21 Fax: 650.723.4426  
22 dsivas@stanford.edu  
23 matthewjsanders@stanford.edu  
24 azerbe@standford.edu

25 *Attorneys for Petitioner/Plaintiff Northern Chumash Tribal Council*

26 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
27 FOR THE COUNTY OF SACRAMENTO

28 CENTER FOR BIOLOGICAL DIVERSITY,  
and NORTHERN CHUMASH TRIBAL  
COUNCIL,

Petitioners and Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF PARKS  
AND RECREATION, and DOES 1–20,  
inclusive.

Respondents and Defendants.

Case No.:

**PETITIONERS' NOTICE OF ELECTION  
TO PREPARE THE ADMINISTRATIVE  
RECORD**

1 **TO RESPONDENT CALIFORNIA DEPARTMENT OF PARKS AND RECREATION:**

2 In the above-captioned action, Center for Biological Diversity and Northern Chumash  
3 Tribal Council (“Petitioners”) petition this Court for a Writ of Mandate directed to the California  
4 Department of Parks And Recreation and Does 1–20, inclusive (“Respondents”). Petitioners  
5 challenge Respondents’ May 20, 2026 approval of the Oceano Dunes District Habitat Conservation  
6 Plan (“HCP” or “Project”) and certification of the Final Environmental Impact Report (“FEIR”)  
7 prepared for that approval. Petitioners seek a determination that the Respondents’ approval was  
8 inconsistent with, among other things, the requirements of the California Environmental Quality  
9 Act (“CEQA”), Public Resources Code, section 21000 *et seq.*, and the CEQA Guidelines, Title 14,  
10 California Code of Regulations, section 15000 *et seq.*

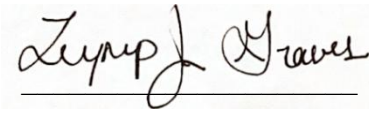
11 Pursuant to Public Resources Code, section, 21167.6(b)(2), Petitioners hereby elect to  
12 prepare the record of proceedings for this action. The record will be organized chronologically,  
13 paginated consecutively, and indexed so that each document may be clearly identified as to its  
14 contents and source, in form and format consistent with California Rules of Court, Rule 3.2205.

15 Petitioners will include in the record of proceedings all documents, including transcripts,  
16 minutes of meetings, notices, correspondences, reports, studies, proposed decisions, final drafts,  
17 and any other documents or records relating to respondent’s approval of the Project and certification  
18 of the Environmental Impact Report.

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1 Dated: June 18, 2026

Respectfully Submitted,

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4 Zeynep J. Graves (SBN 298533)  
5 Lisa T. Belenky (SBN 203225)  
6 John Buse (SBN 163156)  
7 Center for Biological Diversity  
8 2100 Franklin St., Suite 375  
9 Oakland, CA 94612  
10 510.844.7160  
11 zgraves@biologicaldiversity.org  
12 lbelenky@biologicaldiversity.org  
13 jbuse@biologicaldiversity.org

*Attorneys for Petitioner/Plaintiff Center for  
Biological Diversity*

13 Deborah A. Sivas (CA Bar No. 135446)  
14 Matthew J. Sanders (CA Bar No. 222575)  
15 Amanda D. Zerbe (CA Bar No. 352565)  
16 ENVIRONMENTAL LAW CLINIC  
17 Mills Legal Clinic at Stanford Law School  
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22 Fax: (650) 723.4426  
23 dsivas@stanford.edu  
24 matthewjsanders@stanford.edu  
25 azerbe@standford.edu

*Attorneys for Petitioner/Plaintiff Northern  
Chumash Tribal Council*

# **Exhibit C**



*Via Email*

June 18, 2026

Rob Bonta, Attorney General  
Office of the Attorney General  
Attn: Environmental/CEQA Filing  
1300 I Street  
Sacramento, CA 95814-2919  
CEQA@doj.ca.gov

**Re: Notice of Commencement of Legal Action Alleging Environmental Harm**

Dear Attorney General Bonta:

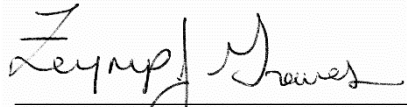
The attached Petition for Writ of Mandate in *Center for Biodiversity, et al. v. California Department of Parks and Recreation, et al.* (Sacramento County Superior Court), is submitted to your office pursuant to Code of Civil Procedure section 388 and Public Resources Code 21167.7.

Petitioners in this case challenge the California Department of Parks and Recreation’s (“State Parks”) approval of the Oceano Dunes district Habitat Conservation Plan (“HCP” or “Project”) and certification of the May 2026 Final Environmental Impact Report (“FEIR”) for the HCP. Petitioners’ allege environmental harms that could affect the public generally and the natural resources of the state. The HCP supports state Parks’ application for a federal Endangered Species Act incidental take permit (“ITP”) authorizing take of federally-protected species from activities within the 5,005-acre HCP area, including public use and recreation, resource, and park management.

Petitioners are specifically concerned that State Parks failed to complete meaningful consultation with the Northern Chumash Tribal Council, that the FEIR uses an improper baseline that understates the Project’s impacts, and that the FEIR fails to consider a reasonable range of feasible alternatives that would reduce take, habitat disturbance, and conflicts with non-motorized recreation. Petitioners are further concerned that, as a result, the FEIR fails to adequately analyze and disclose the Project’s significant environmental impacts on, among other things, biological resources—including western snowy plover, California least tern, tidewater goby, California red-legged frog, rare plants, dune habitat, and Environmentally Sensitive Habitat Areas—non-motorized recreation and public access near Oso Flaco Lake and adjacent beach and stream areas, and sensitive coastal resources affected by expanded OHV use, beach driving, mechanical trash removal through beach raking or grooming, enclosure reductions, and other covered activities authorized in the HCP.

Please acknowledge receipt. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "Zeynep J. Graves". The signature is written in a cursive style with a horizontal line underneath.

Zeynep J. Graves  
Center for Biological Diversity  
2100 Franklin St., Suite 375.  
Oakland, CA 94612  
510.844.7160  
[zgraves@biologicaldiversity.org](mailto:zgraves@biologicaldiversity.org)

Attachment: Verified Petition for Writ of Mandate