

FILED
ALAMEDA COUNTY



DEC - 8 2009

CLERK OF THE SUPERIOR COURT

By Vicki Daybell ✓

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE, a non-
profit corporation; PUBLIC
EMPLOYEES FOR
ENVIRONMENTAL
RESPONSIBILITY, a non-profit
corporation,

Petitioners

vs.

CALIFORNIA DEPARTMENT OF
PARKS AND RECREATION, an
agency of the State of California;
DIVISION OF OFF-HIGHWAY
MOTOR VEHICLE
RECREATION, a division of the
California Department of Parks and
Recreation; RUTH COLEMAN, an
individual in her official capacity;
DAPHNE GREENE, an individual
in her official capacity; ROBERT
WILLIAMSON, an individual in
his official capacity

Respondents

Case No. RG09-474549

ORDER OVERRULING
DEMURRER AND
GRANTING PETITION FOR
ALTERNATIVE WRIT OF
MANDATE

The matter came on regularly before the Court on December 4, 2009. Appearing for The Peititioners was Michael Lozeau, Esq., and appearing for Petitioners was Christiana Tiedemann, Esq. The matter was argued and submitted and the Court took the matter under submission.

Before the Court are two matters: 1) the matter of the Demurrer filed by Respondents and 2) the matter of the Petition for Alternate Writ of Mandate.

Upon careful consideration of the pleadings and papers filed by the parties and the argument of counsel, and good cause appearing, it is ORDERED as follows:

1) The demurrer is overruled.

2) The Petition for Writ of Mandate is GRANTED.

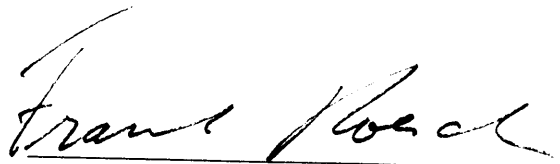
Petitioners shall prepare a form of Order and a form of Writ commanding Respondents to:

1) Submit a Report of Waste Discharge ("RWD") for water pollution associated with the Carnegie State Vehicular Recreation Area ("Carnegie SVRA") to the Central Valley Regional Water Quality Control Board pursuant to the Porter-Cologne Water Quality Control Act, Water Code Section 13260.

2) Suspend all off-highway motor vehicle activity at the Carnegie SVRA, including vehicles driving in Corral Hollow Creek as it flows through the Carnegie SVRA, until you have submitted an RWD and received Waste Discharge Requirements ("WDRs") or received a waiver of such WDRs from the Regional Board.

The written return to this writ shall be filed and served by Respondents on or before 150 days of service of the writ upon them.

Date: December 7, 2009



Frank Roesch
JUDGE OF THE SUPERIOR COURT

CLERK'S DECLARATION OF MAILING

I certify that I am not a party to this cause and that on the date stated below I caused a true copy of the foregoing ORDER OVERRULING DEMURRER AND GRANTING PETITION FOR ALTERNATIVE WRIT OF MANDATE to be mailed first class, postage pre paid, in a sealed envelope to the persons hereto, addressed as follows:

Michael R. Lozeau, Esq.
1516 Oak Street, Suite 216
Alameda, CA 94501

Christiana Tiedemann, Deputy Attorney General
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 946120550

I declare under penalty of perjury that the same is true and correct.
Executed on December 8, 2009.

By: Vicki Daybell
Vicki Daybell, Deputy Clerk
Department 31