

**Environmental Protection Information Center • Friends of Del Norte**

October 29, 2009

VIA ELECTRONIC TRANSMISSION AND U.S. MAIL  
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Ruth Coleman  
Director  
California Department of Parks and Recreation  
PO Box 942896  
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Donald Koch  
Director  
California Dept. of Fish & Game  
1416 9th Street  
Sacramento, CA 95814

**RE: Proposed Transfer of Lands from Tolowa Dunes State Park**

Dear Director Coleman:

Friends of Del Norte, the Environmental Protection Information Center (EPIC) and the Center for Biological Diversity are gravely concerned by the information we have received regarding a pending transfer of interest in approximately 1200 acres of the Tolowa Dunes State Park by the California Department of Parks and Recreation ("Parks") to the California Department of Fish and Game ("DFG") (hereinafter referred to as "proposed transfer"), apparently for the purpose of allowing hunting on this portion of the State Park land. Hunting is, of course, not a legally permissible use of State Parks land.

It is our present understanding that this proposed transfer of State Park land is imminent, and that Parks intends to proceed with this transfer without public review, without compliance with the environmental regulations pursuant to the California Environmental Quality Act ("CEQA"), without application for a Coastal Development Permit pursuant to the Coastal Act, and without regard to the terms and conditions which apply for management of State Parks, including the Tolowa Dunes State Park. We further understand that this proposed action is being taken because Parks refuses to enforce the law which prohibits hunting in Tolowa Dunes State Parks, and that rather than be bothered with enforcement, Parks is poised to transfer the land so as to allow hunting, all in violation of the law, including those laws mentioned herein.

We also understand that not only is Parks prepared to act in violation of the law without any public process, but that the proposed transfer is politically motivated in that Parks senior management are apparently trying to appease Governor Schwarzenegger, who is in turn apparently attempting to appease hunters who wish to use State Parks lands for hunting. If this is

true, and we believe it is, the transfer would represent an attempt is a major betrayal of the public trust as well as a violation of other laws. You are charged with protection of our parks as public resources. It is particularly disturbing in view of the resource constraints on Parks imposed at the hand of the Governor. It is widely understood that the people of California want our State Parks to be protected, accessible, and adequately funded. The notion that you would undertake to give away public State Parks land to appease the Governor's political interest is outrageous.

Our concern here is not about the pros and cons of hunting, either in general or in the Lake Earl area. We are concerned about the principle and precedent involved in such an action: California's public agencies should not ever contemplate a change in the status of State Parks land without public process, especially not a change as drastic as a transfer in ownership interest that would result in significant changes in management. The current decision-making appears to be happening behind closed doors. In this particular proposed giveaway, the dune ponds which are the focus of the proposed transfer are a unique cultural and biological resource being held in trust for all Californians, and their values should be carefully considered. The area provides habitat for several imperiled species including the western snowy plover, California brown pelican, and tidewater goby. In addition, there are numerous popular trails that loop in and out and around the ponds; this part of the Park is a favorite spot with hikers, bicyclists, horseback riders, birdwatchers, naturalists and others. All public uses must be considered before a decision to transfer interest in such lands could properly be undertaken.

This letter is a request that Parks not proceed with the proposed transfer, and that Parks comply with all laws before it would consider the possibility of any such transfer. Only through the public process afforded by laws such as CEQA and the Coastal Act is Parks in a position to determine whether such a transfer is even appropriate. We believe the proposed transfer is ill-advised in any event, particularly since it is politically motivated.

Friends of Del Norte has previously emailed you a Public Records Act request. We ask that this request be expedited and responded to immediately, and the documents requested be provided.

In the meantime, we request that Parks not proceed with this proposed transfer or any portion of it, or transfer of any lands within Tolowa Dunes State Park. We also expect Parks to enforce the law which prohibits hunting in all of the land encompassed by the Tolowa Dunes State Park, and including on the approximately 1200 acres which is the proposed transfer.

Moreover, if Parks chooses to proceed in any fashion, without following the law including CEQA and the Coastal Act, litigation may be necessary to stop Park's illegal action. In such a case, Friends of Del Norte and, EPIC, Center for Biological Diversity, and/or other groups, would be forced to file suit to stop this illegal action. Should that be required, please be aware that such a case will be prosecuted vigorously in the public interest. Based upon what we understand is proposed, we are confident we would prevail in such a challenge, in which case we would seek attorneys fees and costs for our attorneys, pursuant to the Code of Civil Procedure section 1021.5, to be paid by the State of California and Parks. An award of these fees would be justified because the public is forced to act in the public interest when our State government fails to do so.

This letter constitutes an offer to resolve this conflict without litigation, and thereby protect public resources as well as avoid Parks having to pay attorneys' fees and costs pursuant to Code of Civil Procedure section 1021.5 or any other applicable provision for an award of fees and costs. In order for there to be any settlement, Parks must immediately agree it will not transfer any interest in land within Tolowa Dunes State Park to DFG or any other entity, without first properly complying with all applicable laws, including CEQA and the Coastal Act. To do anything less is a disservice to the people of the State of California.

We request a written response from you by close of business on Friday, October 30, 2009 as to your decision about proceeding with the proposed transfer of land in Tolowa Dunes State Park to DFG. Specifically, please advise in writing whether the proposed transfer, or any transfer of land from Tolowa Dunes State Park to DFG, is to occur, and under what terms and timing. Please also provide in writing a response to the Public Records Act request submitted by the Friends of Del Norte, and provide copies of all relevant documents to the proposed transfer of land. Lastly, please advise whether Parks will agree to sit down and discuss this matter, for the purpose of avoiding litigation, should Parks be intent upon proceeding with the proposed transfer without complying with the law.

Thank you for your prompt attention to this urgent matter.

Very truly yours,

/s/

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/s/

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/s/

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