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Attorneys for Petitioner
California State Park Rangers
Association

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

CALIFORNIA STATE PARKS RANGERS)
ASSOCIATION)

Petitioner)

v.)

CALIFORNIA DEPARTMENT OF PARKS)
AND RECREATION, and DOES 1 through 20)

Respondents)

VALLEY OF THE MOON NATURAL)
HISTORY ASSOCIATION;)
TRANSCENDENCE THEATER COMPANY,)
And DOES 21 through 40,)

Real Parties in Interest)

Case No. 34-2019-80003224

**FIRST AMENDED
VERIFIED PETITION FOR
WRIT OF MANDATE**

1. Petitioner California State Parks Rangers Association petitions this Court for a Writ of Mandate, directed to Respondent California Department of Parks and Recreation ("Respondent" or "Parks"). Petitioner challenges Respondent's August 12, 2019 approval of the Transcendence Theater Company Summer Theater Festival 2020-2024 Seasons ("Project"). The Project is the grant of a five-year renewal of a Special Events Permit to the Transcendence Theater Company to stage performances in the Old Winery Ruins at Jack London Historic Park. The permit allows up to 4 annual theatrical productions (up to 30 performances in total) with up to 860 attendees at each performance.

2. Petitioner also challenges Respondent's September 17, 2019 approval of a five-year Operating Agreement with Real Party in Interest Valley of the Moon Natural History Association ("VMNHA"). The Project is the grant of a five-year Operating Agreement with VMNHA for up to 30 theater performances in the Old Winery Ruins at Jack London Historic Park, each summer season for up to 5 years. Petitioner contends that Respondent's approval for the Special Events Permit and Operations Agreement based upon Notices of Exemption violates the California Environmental Quality Act (CEQA), Public Resources Code section 21000 *et seq.* ("CEQA"), and State Planning and Zoning Law, Government Code §§ 65300 *et seq.* Petitioner also contends that the approval of the Special Events Permits and Operating Agreement violates Public Resources Code, sections 5001.9(b); 5001.96; 5019.53; 5019.59; and 5080.03. Petitioner alleges as follows:

PARTIES

3. Petitioner California State Parks Rangers Association ("CSPRA" or "Petitioner") is an organization of active and retired State Park professionals dedicated to advancement of the highest principles of public service, established to support and preserve California State Parks for present and future generations. For over 50 Years, CSPRA has been the professional organization that truly cares first about protecting and preserving the values of California's State Park System. CSPRA provides exchange of professional thought; defends State Park System integrity; supports quality Department effort; sponsors professional training; comments and makes recommendations on California park management issues. CSPRA has a direct and substantial beneficial interest in ensuring that Respondent complies with the laws relating to environmental protection, particularly CEQA. CSPRA is affected by Respondent's failure to comply with CEQA. CSPRA and its members' environmental, aesthetic and property interests will be severely injured if the adoption of the Project is not set aside pending full compliance with CEQA and all other laws. CSPRA brings this petition on behalf of all others similarly situated who are too numerous to be named and brought before this Court as petitioners. CSPRA is within the class of persons and entities beneficially interested in, and aggrieved by, the acts of Respondent as alleged below. Accordingly, CSPRA has standing to sue.

1 4. Respondent DEPARTMENT OF PARKS AND RECREATION is a
2 governmental agency and political subdivision of the State of California charged with the
3 authority to regulate and administer state parks throughout California. Parks is subject at all
4 times to the obligations and limitations of all applicable state, federal, and other laws,
5 including CEQA and the CEQA Guidelines, and the State Planning and Zoning Laws.

6 5. Real Party in Interest Valley of the Moon Natural History Association is a
7 California Non-profit corporation located in Glen Ellen, California. VMNHA is a party to the
8 five-year Operating Agreement with the State Parks.

9 6. Real Party in Interest Transcendence Theater Company ("TTC") is 501(c)3
10 nonprofit regional theatre company incorporated in the State of Delaware and registered to do
11 business in the State of California. TTC is the recipient of the Special Events Permit. TTC is
12 the entity that will be putting on the theater performances that are the subject of the Operating
13 Agreement.

14 7. Petitioner is unaware of the true names and identities of DOES 1 through 20 and 21
15 through 40, inclusive, and sue such unnamed Respondents and Real Parties in Interest
16 respectively, by their fictitious names. Petitioner is informed and believes, and based thereon
17 alleges, that fictitiously named Respondents and Real Parties in Interest are responsible for all
18 acts and omissions described above. When the true identities and capacities of Respondents and
19 Real Parties in Interest have been determined, Petitioner will, with leave of Court if necessary,
20 amend this Petition to include such identities and capacities.

21 **JURISDICTION AND VENUE**

22 8. This Court has jurisdiction over the matters alleged in this Petition pursuant to
23 Code of Civil Procedure section 1094.5, and Public Resources Code section 21168. In the
24 alternative, this Court has jurisdiction pursuant to Code of Civil Procedure section 1085 and
25 Public Resources Code section 21168.5.

26 9. Venue for this action properly lies in the Superior Court for the State of
27 California in and for the County of Sacramento pursuant to sections 393 and 395 of the Code
28 of Civil Procedure.

BACKGROUND FACTS

10. Jack London State Historic Park, located in the County of Sonoma, is a listed National Historic Landmark. The stone masonry Winery Ruins are part of the Jack London State Historic Park and are interpreted by the public as part of the ranch compound. The Winery Ruins are a contributing feature of the National Register listed Cultural Landscape at the park and protected by state and federal law.

11. TTC produced summer theater festivals at Jack London State Historic Park since 2012, within the open-air confines of the Winery Ruins on the grounds of Jack London's Beauty Ranch. Parks initially approved the production for one-year periods in the 2012 and 2013 seasons, and approved for a 5-year production run from 2014 to 2019.

12. On August 12, 2019, Respondent approved a five-year Special Events Permit to the TTC to stage performances in the Old Winery Ruins at Jack London Historic Park. The Permit allows up to 4 annual theatrical productions (up to 30 performances in total) with up to 860 attendees at each performance. The Permit provides for TTC to erect a portable stage and 860 chairs within the ruins and remove them after each production. The Beauty Ranch meadow serves as an area for group assembly, picnicking and entertainment with associated food and wine sales.

13. The Permit provides for TTC to produce a minimum of four productions with up to a maximum of 30 main stage performances during every summer festival. The pre-show picnic begins at 5 p.m.; the main stage show begins at 7:30 p.m. and concludes at approximately 9:30 p.m. with all guests exiting park by 10 p.m. Venue clean up takes place between 10 p.m. and 10:30 p.m. with all remaining staff exiting the park by 11 p.m. TTC will return to the park on days following the performances should additional cleanup be required as a result of both the 11 p.m. curfew and lack of light.

14. The Project includes an additional 20 tech-rehearsals. Each tech rehearsal ends at 10 p.m. All nontechnical production rehearsals must take place off site. There may be alterations to this schedule due to technical or weather related issues beyond the reasonable

1 control of Transcendence Theater Company. Under such circumstances, both parties will
2 determine rescheduled dates with respect to priorities of the park.

3 15. The Permit provide TTC exclusive use of a large part of the historic area on all
4 contracted dates. TTC will be given exclusive access to the winery ruins, Beauty Ranch
5 Meadow, upper and lower parking lots, picnicking areas within Beauty Ranch, backstage area
6 between Winery Ruins and vineyards, and all areas in between.

7 16. Festival dates will vary from year to year, but will fall within the general timeframe
8 of June through September .

9 17. On September 16, 2019, Petitioner filed a Petition for Writ of Mandate challenging
10 Respondent's approval of the Special Events Permit to TTC and approval of the August 13,
11 2019 Notice of Exemption.

12 18. On September 17, 2019, Respondents filed a "corrected" Notice of Exemption that
13 superseded the August 13, 2019 Notice of Exemption for the five-year Special Events Permit to
14 TTC to stage performances in the Old Winery Ruins at Jack London Historic Park. The
15 September 17, 2019 Notice of Exemption, however, does not state that Respondent rescinded
16 and/or vacated the approval of and issuance of the Special Events Permit was rescinded and/or
17 vacated.

18 19. The September 17, 2019, Notice of Exemption provided for the five-year Operating
19 Agreement with VMNHA for up to 30 theater performances in the Old Winery Ruins at Jack
20 London Historic Park, each summer season. The Operating Agreement provides for the same or
21 similar activities as the Special Events Permit with TTC. Based upon information and belief,
22 Petitioner alleges that TTC will be the production company under the Operating Agreement.

23 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**
24 **AND INADEQUACY OF REMEDY**

25 20. Petitioner has performed any and all conditions precedent to filing the instant
26 action and have exhausted any and all available administrative remedies to the extent required
27 by law.
28

1 21. Petitioner has complied with the requirements of Public Resources Code, section
2 21167.5 by mailing written notice of this action to the Respondents. A copy of this written
3 notice and proof of service for the August 13, 2019 Notice of Exemption is attached as Exhibit
4 A to this Petition for Writ of Mandate. A copy of the written notice and proof of service for the
5 September 17, 2019 Notice of Exemption is attached as Exhibit B to this Petition for Writ of
6 Mandate.

7 22. Petitioner complied with Public Resources Code section 21167.6 by filing a
8 request concerning preparation of the record of administrative proceedings relating to this
9 action. Petitioner has also filed an Amended Notice of Preparation of Record of Proceedings
10 related to this First Amended Petition for Writ of Mandate.

11 23. Petitioner has no plain, speedy or adequate remedy in the course of ordinary law
12 unless this Court grants the requested writ of mandate to require respondents to set aside their
13 approval of the Project(s) and approval of the Notice of Exemption. In the absence of such
14 remedies, the Respondent's approval will remain in effect in violation of State law.

15 24. This action has been brought within 35 days of the filing of the Notice of
16 Exemption dated August 13, 2019. This First Amended Petition for Writ of Mandate has been
17 filed within 35 days of the Notice of Exemption September 17, 2019.

18 **STANDING**

19 25. Petitioner has standing to assert the claims raised in this Petition because
20 Petitioner's aesthetic, environmental and property interests are directly and adversely affected by
21 Respondent's approval of the Project.

22 **ARBITRARY AND CAPRICIOUS ACTIONS**

23 26. Petitioner brings this action on the basis, among others, of Government Code
24 section 800, and other applicable laws, which award Petitioner's attorneys' fees in actions to
25 overturn agency decisions that are arbitrary and capricious, such as the decisions in question in
26 this action.

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28 //

1 **CAUSES OF ACTION**

2 **FIRST CAUSE OF ACTION**

3 **Abuse of Discretion**

4 **Violation of CEQA, Public Resources Code, § 21000 et seq.**

5 27. Petitioner realleges and incorporates herein, as if set forth in full, each and every
6 allegation contained in paragraphs 1 through 26.

7 28. Respondent's action in determining the Project is categorically exempt constitutes a
8 violation of CEQA in that Respondent failed to proceed in a manner required by law and their
9 decision to approve the Project based upon a categorical exemption is not supported by
10 substantial evidence. Based upon substantial evidence in the record the Project may have a
11 significant impact on the environment.

12 29. CEQA Guidelines section 15301 provides for a categorical exemption for existing
13 facilities that involve negligible or no expansion of use beyond that existing at the time of the
14 lead agency's determination. The Project does not qualify for "existing facilities" exemption due
15 to the expansion of this same project over the last seven years now 30 performances (and an
16 additional use for 30 rehearsals) with 860 persons which is 33% over this current year of 22
17 performances (and additional use for 22 rehearsals) and over three-fold from 2012 for 14
18 performances of 500 persons this project is hardly negligible or no expansion.

19 30. CEQA Guidelines section 15305 provides for a categorical exemption for minor
20 alterations in land use limitations in areas with an average slope of less than 20%, which do not
21 result in any changes in land use or density, including but not limited to: (a) Minor lot line
22 adjustments, side yard, and set back variances not resulting in the creation of any new parcel; (b)
23 Issuance of minor encroachment permits; (c) Reversion to acreage in accordance with the
24 Subdivision Map Act. Due to the number of performances and rehearsals this is a major land use
25 and density that has changed from an historic winery into a Broadway musical entertainment
26 venue (potential significant impacts to increased traffic and congestion during peak hours, and
27 neighbors, and contribute to greenhouse gasses, noise and light pollution.
28

1 31. CEQA Guidelines section 15311 provides a categorical exemption for
2 construction, or placement of minor structures accessory to (appurtenant to) existing commercial,
3 industrial, or institutional facilities, including but not limited to: (a) On-premise signs; (b) Small
4 parking lots; (c) Placement of seasonal or temporary use items such as lifeguard towers, mobile
5 food units, portable restrooms, or similar items in generally the same locations from time to time
6 in publicly owned parks, stadiums, or other facilities designed for public use. The Project does
7 not constitute a temporary uses as it is a five year contract during peak season with year round
8 storage; and installing entertainment venue marketing signs for theatrical venue in the beauty
9 ranch area is not permissible due to a deed restriction (significant impact).

10 32. The Project also does not qualify for a categorical exemption as the Project is
11 inconsistent with the General Plan governing Jack London State Historic Park. Parks' Project
12 Evaluation Form for the Project acknowledges that the Project is inconsistent with the
13 applicable General Plan.

14 The General Plan identifies a Primary Historic Zone and page 71 of the General
15 Plan specifically states: An analysis of public intent has indicated a desire to keep
16 activities in this particular part of the park "low key." Based on this statement,
17 the performances are not consistent with the goal of the General Plan to
18 "encourage low-impact activities that culturally support and historically
19 compliment the interpretive topics [identified in the General Plan]. While the
20 event is not "low key," the General Plan was written prior to a time when the park
21 was managed by an association and prior to the expansion of the concept of how
22 parks are managed. The performances have also been ongoing since 2012 and the
23 public and surrounding community fully support these events so the public intent
24 for the park has changed. These performances also provide exposure of the
25 historic park to others who would not necessarily have been interested in visiting
26 it.

27 33. None of these form the basis for approving a Project that is inconsistent with the
28 General Plan nor does the argument address the potential impacts resulting from the
inconsistency with the General Plan.

 34. Neither the Project Evaluation Form nor the Notice of Exemption address the
impacts or disruption issue of visitor's ability to freely view, enter, photograph or tour the
winery ruins and adjacent historic area.

 35. The PEF also indicates that the Project is inconsistent with Parks' Cultural
Resource Management Directives.

1 36. CEQA provides that if there is "reasonable possibility" that an activity will have a
2 significant effect on the environment due to "unusual circumstances," an agency may not find
3 the activity to be categorically exempt from CEQA. (CEQA Guidelines, § 15300.2(c). The
4 unusual circumstances exception applies when both unusual circumstances and a significant
5 impact as a result of those unusual circumstances are shown. (*Berkeley Hillside Preservation v*
6 *City of Berkeley* (2015) 60 C4th 1086, 1104.)

7 37. In the present case, unusual circumstances exist such as the Project's inconsistency
8 with the General Plan, inconsistency with Public Resources Code sections 5001.9(b); 5001.96;
9 50019.53; 5019.59; 5080.03.

10 38. As the Project does not qualify for a categorical exemption under CEQA, approval
11 of the Project constitutes a prejudicial abuse of discretion and is contrary to law.

12 **SECOND CAUSE OF ACTION**
13 **(Violation of General Plan Laws - Government Code §§ 65300 *et seq.*;**
14 **Code of Civil Procedure § 1094.5)**

15 39. Petitioner realleges and incorporates by reference paragraphs 1 through 38.

16 40. The State Planning and Zoning Law prohibits the agency from approving the
17 Project if it conflicts with its General Plan and other applicable land use plans. Local land use
18 and development decisions must be consistent with the applicable general plan. (*Families*
19 *Unafraid to Uphold Rural etc. County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332,
20 1336 (*FUTURE*)). "A project is consistent with the general plan 'if, considering all its
21 aspects, it will further the objectives and policies of the general plan and not obstruct their
22 attainment.'" [Citation.] A given project need not be in perfect conformity with each and
23 every general plan policy. [Citation.] To be consistent, a project must be 'compatible with' the
24 objectives, policies, general land uses and programs specified in the general plan." (*Ibid.*)

25 41. As discussed above, Parks acknowledges that the Project is inconsistent with the
26 General Plan. Instead of amending the General Plan, which is a public process, Parks argues
27 that the General Plan was written prior to a time when the park was managed by an association
28 and prior to the expansion of the concept of how parks are managed. If that is the case, then the

1 process is for Parks to update the General Plan, not approve projects/events that are inconsistent
2 with the General Plan and then argue that the General Plan is out-dated.

3 42. As the Project conflicts with the General Plan and the General Plan, approval of
4 the Project constitutes a prejudicial abuse of discretion and is contrary to law.

5 **THIRD CAUSE OF ACTION**
6 **(Violation of Public Resources Code, § 5001.9(b);**
7 **Code of Civil Procedure §§ 1094.5 & 1085)**

8 43. Petitioner realleges and incorporates by reference paragraphs 1 through 42.

9 44. Public Resources Code section 5001.9(b) provides that: "No new facility may be
10 developed in any unit of the state park system unless it is compatible with the classification of
11 the unit."

12 45. In the present matter, the theatrical entertainment venue constitutes a new facility
13 due to its excessive use and physical presence during peak season and the construction and use
14 of the stage and chairs being set up during regular park hours and for several weeks each season.
15 The development of a facility for theatrical performances is not compatible with the
16 classification of Jack London State Historic Park.

17 46. As the Project conflicts with the section 5001.9(b), approval of the Project
18 constitutes a prejudicial abuse of discretion and is contrary to law.

19 **FOURTH CAUSE OF ACTION**
20 **(Violation of Public Resources Code, § 5001.96;**
21 **Code of Civil Procedure §§ 1094.5 & 1085)**

22 47. Petitioner realleges and incorporates by reference paragraphs 1 through 46.

23 48. Public Resources Code section 5001.96 provides that attendance at state park
24 system units shall be held within limits established by carrying capacity determined in
25 accordance with Section 5019.5. Section 5019.5 provides that "Before any park or recreational
26 area developmental plan is made, the department shall cause to be made a land carrying capacity
27 survey of the proposed park or recreational area, including in such survey such factors as soil,
28 moisture, and natural cover."

49. Parks made no evaluation or determination that the Project will be within the
carrying capacity determined in accordance with section 5019.5.

1 50. As the Project conflicts with the section 5001.9(b), approval of the Project
2 constitutes a prejudicial abuse of discretion and is contrary to law.

3 **FIFTH CAUSE OF ACTION**
4 **(Violation of Public Resources Code, § 5019.53;**
 Code of Civil Procedure §§ 1094.5 & 1085)

5 51. Petitioner realleges and incorporates by reference paragraphs 1 through 50.

6 52. Public Resources Code section 5019.53 provides in relevant part:

7 Each state park shall be managed as a composite whole in order to restore, protect,
8 and maintain its native environmental complexes to the extent compatible with the
9 primary purpose for which the park was established. *Improvements undertaken*
10 *within state parks shall be for the purpose of making the areas available for public*
11 *enjoyment and education in a manner consistent with the preservation of natural,*
12 *scenic, cultural, and ecological values for present and future generations.*

13 Improvements may be undertaken to provide for recreational activities including,
14 but not limited to, camping, picnicking, sightseeing, nature study, hiking, and
15 horseback riding, so long as those improvements involve no major modification of
16 lands, forests, or waters. Improvements that do not directly enhance the public's
17 enjoyment of the natural, scenic, cultural, or ecological values of the resource,
18 which are attractions in themselves, or which are otherwise available to the public
19 within a reasonable distance outside the park, shall not be undertaken within state
20 parks. (Emphasis added.)

21 53. Parks made no finding or determination that the Project is consistent with Public
22 Resources Code section 5019.53. Moreover, in contradiction of section 5019.53, the Project
23 becomes a facility for non-park purposes that constitutes an attraction onto itself.

24 54. As the Project conflicts with the section 5019.53, approval of the Project constitutes
25 a prejudicial abuse of discretion and is contrary to law.

26 **SIXTH CAUSE OF ACTION**
27 **(Violation of Public Resources Code, § 5019.59;**
28 **Code of Civil Procedure §§ 1094.5 & 1085)**

1 55. Petitioner realleges and incorporates by reference paragraphs 1 through 54.

2 56. Public Resources Code section 5019.59 provides:

3 Historical units, to be named appropriately and individually, consist of nonmarine
4 areas established primarily to preserve objects of historical, archaeological, and
5 scientific interest, and archaeological sites and places commemorating important
6 persons or historic events. The areas should be of sufficient size, where possible,
7 to encompass a significant proportion of the landscape associated with the
8 historical objects. The only facilities that may be provided are those required for
9 the safety, comfort, and enjoyment of the visitors, such as access, parking, water,
10 sanitation, interpretation, and picnicking. Upon approval by the commission,
11 lands outside the primary historic zone may be selected or acquired, developed, or

operated to provide camping facilities within appropriate historical units. Upon approval by the State Park and Recreation Commission, an area outside the primary historic zone may be designated as a recreation zone to provide limited recreational opportunities that will supplement the public's enjoyment of the unit. Certain agricultural, mercantile, or other commercial activities may be permitted if those activities are a part of the history of the individual unit and any developments retain or restore historical authenticity. Historical units shall be named to perpetuate the primary historical theme of the individual units.

57. Under section 5019.59 only interpretative venues should take place in Jack London State Historic Park historic Beauty Ranch. Approval of theatrical performance is not consistent with the limitations of section 5019.59.

58. As the Project conflicts with the section 5019.59, approval of the Project constitutes a prejudicial abuse of discretion and is contrary to law.

SEVENTH CAUSE OF ACTION
(Violation of Public Resources Code, § 5080.03;
Code of Civil Procedure §§ 1094.5 & 1085)

59. Petitioner realleges and incorporates by reference paragraphs 1 through 58.

60. Public Resources Code section 5080.03 provides that:

(a) The department may enter into contracts with natural persons, corporations, partnerships, and associations for the construction, maintenance, and operation of concessions within units of the state park system for the safety and convenience of the general public in the use and enjoyment of, and the enhancement of recreational and educational experiences at, units of the state park system.

(b) Concessions shall not be entered into solely for their revenue producing potential.

(c) With respect to any unit of the state park system for which a general development plan has been approved by the commission, any proposed concession at that unit shall be compatible with that plan.

61. The permit/concession is not consistent with the park classification or is not compatible with the General Plan.

62. As the Project conflicts with the section 5080.03, approval of the Project constitutes a prejudicial abuse of discretion and is contrary to law.

PRAYER

Wherefore, Petitioner respectfully requests the following relief and entry of judgment as follows:

- 1 1. That this Court issue a peremptory writ of mandate ordering Respondent to:
- 2 (a) vacate and set aside Respondent's approval of the Project on the grounds
- 3 that it violates the California Environmental Quality Act, Public Resources Code section 21000
- 4 *et seq.*
- 5 (b) vacate and set aside Respondent's approval of the Project on the grounds
- 6 that it violates the General Plan for the Park and Government Code, section 65300 *et seq.*
- 7 (c) vacate and set aside Respondent's approval of the Project on the grounds
- 8 that it violates the requirements of the Public Resources Code, as set forth above, regarding the
- 9 operation of the Park;
- 10 (d) suspend all activity that could result in any change or alteration to the
- 11 physical environment until Respondents have taken such actions as may be necessary to bring
- 12 their determination, findings or decision regarding the Project into compliance with CEQA; the
- 13 State Planning and Planning Law, Government Code, section 65300 *et seq.*, and the applicable
- 14 provisions of the Public Resources Code, as set forth above.
- 15 2. For a stay, preliminary injunction and permanent injunction restraining Parks and
- 16 Real Parties in Interest and their respective agents, employees, officers and representatives from
- 17 undertaking any activity to implement the Project in any way pending full compliance with
- 18 CEQA, the CEQA Guidelines, the State Planning and Zoning Law, and the applicable provisions
- 19 of Public Resources Code;
- 20 3. For Petitioner's costs associated with this action;
- 21 4. For an award of reasonable attorneys' fees pursuant to Code of Civil Procedure
- 22 section 1021.5; and
- 23 5. For such other and further relief as the Court may deem just and proper.

24 DATED: October 18, 2019

LAW OFFICE OF DONALD B. MOONEY

25 By

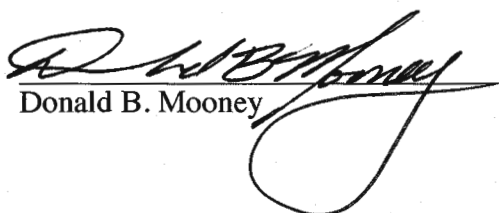
26 Donald B. Mooney
27 Attorney for Petitioner California
28 State Parks Rangers Association

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VERIFICATION

I am the attorney for California State Parks Rangers Association, which is located outside the County of Yolo, State of California, where I have my office. For that reason, I make this verification for and on their behalf pursuant to the California Code of Civil Procedure section 446. I have read the foregoing First Amended Verified Petition for Writ of Mandate and know its contents. The matters stated in this Verified Petition for Writ of Mandate are true of my own knowledge except those matters stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the above is true and correct. Executed this 18th day of October 2019, at Davis, California.


Donald B. Mooney

PROOF OF SERVICE

I am employed in the County of Yolo; my business address is 417 Mace Boulevard, Suite J-334, Davis, California; I am over the age of 18 years and not a party to the foregoing action. On October 19, 2019, I served a true and correct copy of

FIRST AMENDED PETITION FOR WRIT OF MANDATE

____ (by mail) on all parties in said action listed below, in accordance with Code of Civil Procedure §1013a(3), by placing a true copy thereof enclosed in a sealed envelope in a United States mailbox in the City of Davis, California.

X (by overnight delivery service) via Federal Express to the person at the address set forth below:

____ (by personal delivery) by personally delivering a true copy thereof to the person and at the address set forth below:

____ (by electronic mail) by delivering a true copy thereof to the person at the electronic mail address set forth below:

Nicole U. Rinke
Deputy Attorney General
1300 I Street, Suite 125
Sacramento, CA 95814

*Representing Respondent California
Department of Parks and Recreation*

Brad Surosky
Transcendence Theater Company
19201 Sonoma Highway, #214
Sonoma, CA 95476

*Agent for Service of Process
Transcendence Theater Company*

Tjiska Van Wyk
Valley of the Moon Natural History
Association
15234 Arnold Drive
Sonoma, CA 95476

*Agent for Service of Process
Valley of the Moon Natural History
Association*

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 19, 2019 at Davis, California.

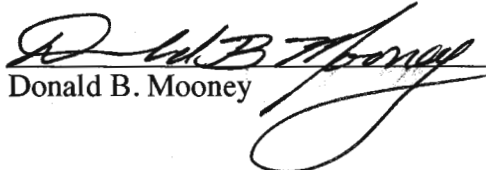

Donald B. Mooney

EXHIBIT A

EXHIBIT A

LAW OFFICE OF DONALD B. MOONEY

417 Mace Boulevard, Suite J-334

Davis, CA 95618

530-758-2377

dbmooney@dcn.org

**VIA ELECTRONIC MAIL
AND FEDERAL EXPRESS**

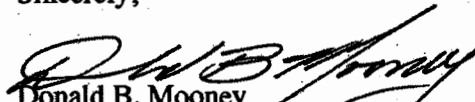
Lisa Mangat, Director,
Dept. of Parks and Recreation
1416 9th Street
Sacramento, CA 95814

Re: Notice of Intent to File CEQA Petition

Dear Ms. Mangat:

Please take notice that under Public Resources Code section 21167.5, that Petitioner California State Parks Rangers Association intends to file a Petition for Writ of Mandate in Sacramento County Superior Court under the provisions of the California Environmental Quality Act, Public Resources Code, section 21000 *et seq.*, against the California Department of Parks and Recreation challenging the Notice of Exemption for the Transcendence Theater Company's permit for Jack London Historic State Park and the approval of the permit. The Petition for Writ of Mandate will request that the court direct the Department of Parks and Recreation to vacate and rescind the Notice of Exemption and approval of the permit on the grounds that they violate the requirements of the California Environmental Quality Act. Additionally, the petition will seek Petitioner's costs and attorney's fees associated with this action.

Sincerely,


Donald B. Mooney
Attorney for Petitioner California
State Parks Rangers Association

PROOF OF SERVICE

I am employed in the County of Yolo; my business address is 417 Mace Boulevard, Suite J-334 Davis, California; I am over the age of 18 years and not a party to the foregoing action. On September 16, 2019, I served a true and correct copy of as follows:

NOTICE OF INTENT TO FILE CEQA PETITION PUBLIC RESOURCES CODE SECTION 21167.5

____ (by mail) on all parties in said action listed below, in accordance with Code of Civil Procedure §1013a(3), by placing a true copy thereof enclosed in a sealed envelope in a United States mailbox in Davis, California.

 X (by electronic mail) to the person at the email address set forth below:

 X (by overnight mail) via Federal Express to the person at the address set forth below

____ (by facsimile transmission) to the person at the address and phone number set forth below:

Lisa Mangat, Director,
Dept. of Parks and Recreation
1416 9th Street
Sacramento, CA 95814
Lisa.Mangat@parks.ca.gov

I declare under penalty of perjury that the foregoing is true and correct. Executed September 16, 2019, at Davis, California.

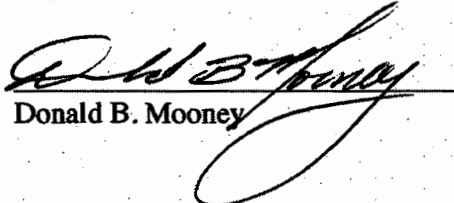

Donald B. Mooney

EXHIBIT B

EXHIBIT B

LAW OFFICE OF DONALD B. MOONEY

417 Mace Boulevard, Suite J-334

Davis, CA 95618

530-758-2377

dbmooney@dcn.org

**VIA ELECTRONIC MAIL
AND FEDERAL EXPRESS**

Lisa Mangat, Director,
Department of Parks and Recreation
1416 9th Street
Sacramento, CA 95814

Re: Notice of Intent to File CEQA Petition

Dear Ms. Mangat:

Please take notice that under Public Resources Code section 21167.5, Petitioner California State Parks Rangers Association intends to file a Petition for Writ of Mandate in Sacramento County Superior Court under the provisions of the California Environmental Quality Act, Public Resources Code, section 21000 *et seq.*, against the California Department of Parks and Recreation challenging the September 17, 2019 Notice of Exemption for the Operating Agreement with the Valley of the Moon Natural History Association. The Petition for Writ of Mandate will request that the court direct the Department of Parks and Recreation to vacate and rescind the Notice of Exemption and approval of the Operating Agreement on the grounds that they violate the requirements of the California Environmental Quality Act. Additionally, the Petition will seek Petitioner's costs and attorney's fees associated with this action.

Sincerely,



Donald B. Mooney
Attorney for Petitioner California
State Parks Rangers Association

cc: Nicole Rinke
Deputy Attorney General

PROOF OF SERVICE

I am employed in the County of Yolo; my business address is 417 Mace Boulevard, Suite J-334 Davis, California; I am over the age of 18 years and not a party to the foregoing action. On October 18, 2019, I served a true and correct copy of as follows:

NOTICE OF INTENT TO FILE CEQA PETITION PUBLIC RESOURCES CODE SECTION 21167.5

_____ (by mail) on all parties in said action listed below, in accordance with Code of Civil Procedure §1013a(3), by placing a true copy thereof enclosed in a sealed envelope in a United States mailbox in Davis, California.

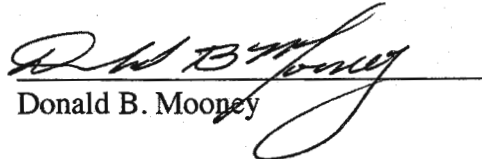
 X (by electronic mail) to the person at the email address set forth below:

 X (by overnight mail) via Federal Express to the person at the address set forth below

_____ (by facsimile transmission) to the person at the address and phone number set forth below:

Lisa Mangat, Director,
Dept. of Parks and Recreation
1416 9th Street
Sacramento, CA 95814
Lisa.Mangat@parks.ca.gov

I declare under penalty of perjury that the foregoing is true and correct. Executed October 18, 2019, at Davis, California.


Donald B. Mooney