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October 21, 2019

**VIA REGULAR MAIL AND
FACSIMILE (916) 653-1819**

Legal Office
California Department of Parks & Recreation
1416 9th Street, Room 1404-6
Sacramento, California 95814

Re: Public Records Act Request

Dear Sir or Madam:

On behalf of our client, California State Parks Rangers Association, we filed a Petition for Writ of Mandate in Sacramento County Superior Court challenging the California Department Parks and Recreation's ("Parks") Notice of Exemption for Park's August 12, 2019 approval of a Special Events Permit for Transcendence Theater Company Summer Theater Festival 2020-2024 Seasons on the grounds that such approvals violate the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code, section 21000 *et seq.*

California State Parks Rangers Association also filed a First Amended Petition for Writ of Mandate challenging Park'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 approval is for a 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. In addition to filing the Petition for Writ of Mandate and First Amended Petition for Writ of Mandate, Petitioner California State Parks Rangers Association elected to prepare the administrative record in this matter pursuant to CEQA.¹

Pursuant to California's Public Records Act ("PRA"), and in light of our client's intention to prepare the administrative record, through this letter we formally request the opportunity to inspect the public records that comprise Parks' record of proceedings for the Project(s) and approval of the Notice of Determination.² Specifically we request access to the following documents, as specifically enumerated by CEQA in Public Resources Code section 21167.6, subdivision (e), as follows:

The record of proceedings shall include, but is not limited to, all of the following items:

- (1) All project application materials.
- (2) All staff reports and related documents prepared by the respondent public agency with respect to its compliance with the substantive and procedural requirements of this division and with respect to the action on the project.

¹ Pub. Resources Code, § 21167.6, subd. (b)(2).

² Govt. Code, § 6253, subd. (a).

- (3) All staff reports and related documents prepared by the respondent public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the respondent agency pursuant to this division.
- (4) Any transcript or minutes of the proceedings at which the decisionmaking body of the respondent public agency heard testimony on, or considered any environmental document on, the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decisionmaking body prior to action on the environmental documents or on the project.
- (5) All notices issued by the respondent public agency to comply with this division or with any other law governing the processing and approval of the project.
- (6) All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation.
- (7) All written evidence or correspondence submitted to, or transferred from, the respondent public agency with respect to compliance with this division or with respect to the project.
- (8) Any proposed decisions or findings submitted to the decisionmaking body of the respondent public agency by its staff, or the project proponent, project opponents, or other persons.
- (9) The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to this division.
- (10) Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division.
- (11) The full written record before any inferior administrative decisionmaking body whose decision was appealed to a superior administrative decisionmaking body prior to the filing of litigation.

In complying with this PRA request, I strongly urge Parks to consider the appellate court's admonition to both CEQA petitioners and respondent agencies in

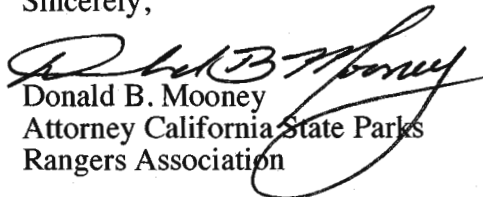
Protect Our Water v. County of Merced.³ To the extent that Parks can comply with this PRA request by presenting the requested documents in a timely, complete and well-organized fashion, our ability to efficiently carry out our client's statutory election by preparing an administrative record that is acceptable to the Court will be greatly enhanced.

To the extent that an index or indexes of the requested records may already exist or be available, we would appreciate the opportunity to review this index.⁴ We also request that you notify us of the existence of any and all records fitting this request that may be available in electronic format.⁵

With regard to any documents that may be withheld by Parks we request the Parks' full and fair compliance with Government Code section 6255 by providing a written reply 1) identifying the type or nature of the record, or portion thereof, being withheld, and 2) demonstrating that the record in question is exempt under the express provisions of the PRA, or that, on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Finally, before taking any action that might result in charges for reimbursement (*i.e.*, fees established by statute or the "direct cost" of copying of documents or electronic formatted data), we request that you provide an estimate of the costs involved. We will not accept liability for any costs incurred by Parks taken in complying with this PRA request – especially in light of our clients' sole, statutory right to supervise and control all aspects of preparation of the administrative record in this action – unless such costs are 1) authorized in the first instance by the PRA, and 2) disclosed to and approved by our office *before* Parks incurs such costs.⁶

Sincerely,


Donald B. Mooney
Attorney California State Parks
Rangers Association

cc: Nicole Rinke

³ *Protect Our Water v. County of Merced* (2003) 110 Cal.App.4th 362.

⁴ Govt. Code, § 6253.1, subd. (d)(1).

⁵ Govt. Code, § 6253.9.

⁶ Govt. Code, § 6253, subd. (b); *North County Parents Organization For Children With Special Needs v. Department of Education* (1994) 23 Cal.App.4th 144, 146-148 (holding that charges under PRA are statutorily limited to fees established by statute, and "direct cost" of providing requested copies, and that no charge may be levied under PRA for any other purpose).