



Resolution 01-2021
Rescission of Resolution 03-2016
(Certifying the Carnegie SVRA Final Environmental Impact Report)
and
Resolution 04-2016
(Approving the Carnegie SVRA General Plan)

WHEREAS, on October 21, 2016, the Commission adopted Resolution 03-2016 certifying the Carnegie State Vehicular Recreation Area Final Environmental Impact Report (“EIR”) and Resolution 04-2016 approving the Carnegie State Vehicular Recreation Area General Plan;

WHEREAS, the Department of Parks and Recreation, the Off-Highway Motor Vehicle Recreation Division, and the Off-Highway Motor Vehicle Recreation Commission (“Commission”) were named as “Respondents” in the three lawsuits challenging the Commission’s October 21, 2016, actions:

County of Alameda v. California Department of Parks and Recreation, et al.,
Sacramento Superior Court No. 34-2016-80002496;

Connolly Ranch, Inc. v. State of California, Department of Parks and Recreation, et al.,
Sacramento Superior Court No. 34-2016-80002495;

Friends of Tesla Park, et al., v. Department of Parks and Recreation, et al., Sacramento
Superior Court No. 34-2016-80002494;

WHEREAS, the Court issued orders in each case finding that Resolutions 03-2016 and 04-2016 failed to comply with the California Environmental Quality Act (“CEQA”) on specified grounds, and granting peremptory writs of mandate on that basis;

WHEREAS, Respondents were served with the peremptory writs of mandate in these three lawsuits on February 26, 2021 (*County of Alameda* case); June 9, 2021 (*Connolly Ranch, Inc.* case); and June 25, 2021 (*Friends of Tesla Park, et al.*, case);

WHEREAS, each peremptory writ of mandate requires that Resolution 03-2016 and Resolution 04-2016 be rescinded and set aside;

WHEREAS, each peremptory writ of mandate further requires:

“Respondents are further ordered to suspend all activity associated with implementation of Resolution 04-2016 that could result in any change or alteration to the physical environment until Respondents have brought the Approval of the General Plan for Carnegie State Vehicular Recreation Area into compliance with CEQA.”

WHEREAS, the Commission seeks to comply with the peremptory writs of mandate served in the three lawsuits, consistent with the scope of its statutory authority;

NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission rescinds and sets aside Resolution 03-2016.
2. The Commission rescinds and sets aside Resolution 04-2016.

3. The Commission acknowledges that the peremptory writs of mandate require the Department of Parks and Recreation and the Off-Highway Motor Vehicle Recreation Division, which have authority over the day-to-day operations and management at Carnegie State Vehicular Recreation Area, “to suspend all activity associated with implementation of Resolution 04-2016 that could result in any change or alteration to the physical environment until Respondents have brought the Approval of the General Plan for Carnegie State Vehicular Recreation Area into compliance with CEQA.”

Attest: This Resolution was duly adopted by the Off-Highway Motor Vehicle Recreation Commission on August 27, 2021, at the Commission’s duly noticed public meeting.

By: _____ Date: August 27, 2021
Vicki Perez, Administrative Assistant II
Off-Highway Motor Vehicle Recreation Division
For Armando Quintero, Director
California State Parks
Secretary to the Commission