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R. Allen Baylis,
Director, Naturist Action Committee
4050 Katella Ave., Suite 204
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Jay Galloway
Auburn Sector Superintendent
California State Parks
501 El Dorado
Auburn, CA 95604

Dear Superintendent Galloway,

I am a Director of the Naturist Action Committee (NAC), a national political action organization dedicated to advancing and protecting the rights of naturists throughout North America. NAC is affiliated with The Naturist Society (TNS), a national organization with over 28,000 members. Other organizations in California that are affiliated with TNS include The River Dippers, based in Sacramento, Bay Area Naturists in San Francisco, Tahoe Area Naturists, Friends of San Onofre Beach and the Blacks's Beach Bares. All of these organizations support the clothing optional use of various areas within several California State Parks and State Recreation Areas.

NAC has received information indicating that you intended to eliminate clothing optional use of certain areas along the American River within the Auburn State Recreation Area. Please be aware that naturists from across the nation are opposed to this action. Clothing optional use has a longstanding tradition, of more than 30 years, along the American River. It has become part of the cultural heritage of the area. It is well known among naturists and the general public as a serene place where one may enjoy the natural surroundings in a peaceful and relaxing atmosphere in man's natural state.

While we understand the provisions of California Code of Regulations Title 14, § 4322, this section cannot be fully understood without consideration of the longstanding policies of the California Department of Parks and Recreation and the judicial opinion interpreting them. As I'm sure you are aware, in 1988 the Appellate Division of the Placer County Superior Court interpreted the "Cahill Policy" in *People v. Eric John Bost*. The Department acquiesced in that decision as indicated by then Deputy Director for Operations Jack V. Harrison. This is the law in the State of California, and certainly the Court's opinion in *People v. Bost* is binding precedent in Placer County. Naturists who enjoy clothing optional use of the American River, and the many other traditional clothing optional sites within the jurisdiction of the California Department of Parks and Recreation are operating within the law. It should also be noted that § 4322 specifically includes a provision authorizing the Department to set areas aside for clothing optional use.

The law as it stands today, and the policy of the State Parks Department, does not allow for local park management to take prophylactic measures to avoid complaints that it assumes might occur. In fact, there is little to suggest that allowing rafters to continue further downstream past the traditional clothing optional areas will generate complaints at all. A national Roper poll conducted in 2000 concluded that 80% of Americans feel that clothing optional sunbathers should be allowed to do so in areas set aside for that purpose. The same poll also concluded that 48% of Americans feel that places should be set aside for clothing optional sunbathing. The Department may find that many rafters will enjoy stopping in the area for a refreshing skinnydip.

The key to avoiding user conflict is to provide informational signage indicating that clothing optional sunbathers may be encountered in the area. This would allow park users to make informed decisions as to where best to enjoy the State Parks and Recreation Areas. Posting of the standard signs stating, "Nudity is Prohibited in the State Park System" in a traditional clothing optional use area is likely to only increase complaints, not reduce them.

Citizens are currently legally enjoying a traditional clothing optional use area, and perhaps requesting that the area be specifically set-aside for that purpose. These people must be considered stakeholders in the process of determining future use of Auburn State Recreation Area. To do otherwise would violate their right to be heard and make short shrift of any semblance of due process.

Thank you for your thoughtful consideration. I will gladly discuss any of these issues with you or any Department personnel.

Sincerely,



R. Allen Baylis, Esq.
Director, Nativist Action Committee

cc:

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