



News Release

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Friends of Oceano Dunes wins another court victory!

Yesterday, the San Luis Obispo County Superior Court ordered the San Luis Obispo County Air Pollution Control District (“Air District”) to pay Friends of Oceano Dunes (“Friends”) \$118,000 dollars in attorney’s fees and \$3,241.50 for costs incurred by Friends in its successful lawsuit voiding a dust control agreement between the Air District and the California Department of Parks and Recreation (“State Parks”).

The agreement states it is the method for implementing Rule 1001, an Air District regulation that imposed dust control requirements on State Parks’ operation of Oceano Dune State Vehicular Recreation Area (“SVRA”). But the agreement did more than implement Rule 1001. It also tried to change it.

The Court ruled that the agreement is void and against public policy because it effectively changed Rule 1001’s “performance standard,” by making it tougher on State Parks without subjecting the change to a public hearing without public notice as required by the state’s air quality statutes. Instead, the Air District Board adopted the agreement in “closed session” out of view of the public and without public input.

The Court also ruled that the Air District staff didn’t have authority to change the mechanism for determining compliance deadlines for Rule 1001’s requirements. That, too, must be presented to the full Board of Directors of the Air District.

The ruling throws into question certain aspects of dust control at Oceano Dunes and allows the public to ask the Air District to reimburse the State of California for monies expended under the void agreement.

Friends of Oceano Dunes is a 501(C)(3) California not-for-profit corporation expressly created in 2001 to preserve camping and off-highway vehicle recreation at the Oceano Dunes State Vehicle Recreation Area (ODSVRA). Friends is a grass root volunteer organization which represents approximately 28,000 members and users of the Oceano Dunes SVRA. www.oceanodunes.org

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