



## The CMDA Salutes Oceano Dunes OHV Activists & Off-Roaders for a Big Win!

VENTURA, Calif. (CN) March 14, 2025 — A panel of three California Court of Appeal judges ruled on Monday that the California Coastal Commission overstepped its authority banning off-road vehicles from driving through Oceano Dunes.

The commission — the state agency tasked with protecting the California coastline and ensuring everyone has access to it — argued that it's legally obligated to protect environmentally sensitive areas, like the dunes and the threatened Western Snowy Plover bird's habitat in them, from off-roading vehicles. However, the ultimate power to outright ban them comes from the San Luis Obispo County government and a coastal planning policy process called local coastal programs, or LCPs, the judges ruled.

"The LCP states that one of its goals is to 'maximize public recreational opportunities' — including OHV use — at Oceano Dunes," Second Appellate District Associate Justice Hernaldo J. Baltodano wrote in the court's unanimous opinion. In 2021, the commission unanimously voted to prohibit off-roading vehicle use at Central California's Oceano Dunes State Vehicular Recreation Area by 2024, citing a local Indigenous group's concerns that its land was being destroyed by off-roaders, air pollution and other problems.

Friends of Oceano Dunes, a group that describes itself as "citizens and business representatives who enjoy the benefits of public access and usage of the Oceano Dunes State Vehicle Recreation Area," sued the commission in San Luis Obispo Superior Court.

In 2023, a judge agreed with the group and ruled that the commission improperly modified a coastal development permit held by California State Parks. The commission appealed the ruling the same year.

LCPs are ground rules that different municipal governments across California's coastal areas create to protect the state's beaches, wildlife and coastal habitats and to ensure public access. The commission works with municipalities to come up with their LCPs and advises if they're in line with state laws.

The commission can recommend local governments

change the LCP if it thinks it's not in line with state law once it's written and passed and even push for "legislative intervention," but it can't amend the LCP itself, Baltodano found.

Friends of Oceano Dunes noted that the commission never objected to allowing off-roading in the area during the LCP process. The group also cited a recent study that claims Oceano Dunes' visitors from outside San Luis Obispo County generate more than \$500 million annually. "Closure would devastate the south County economy for years," Friends of Oceano Dunes said in a statement.

The coastal development permit included a provision known as adaptive management, where the area is studied and policies are adapted to meet the changing requirements to best protect the environment, the commission argued. The LCP's provisions allows it to adapt if there's new evidence the area is being harmed, it added.

At a hearing last month in Ventura, William J. White of Shute, Mihaly and Weinberger, the commission's attorney, argued that there is new evidence that Oceano Dunes' habitat is being harmed. However, Baltodano maintained that an outright ban on off-roading would still conflict with the LCP.

The LCP tries to balance the interests of protecting the dunes and flora and fauna habitats in it with off-roaders' rights by restricting where in the area vehicles can go while preventing "significant disruptions" to environmentally sensitive habitat areas, so banning off-roading altogether wouldn't make any sense, Baltodano wrote.

"This is not to say that the commission's unchallenged finding that OHV use significantly disrupts ESHAs is wrong; it is just not consistent with the LCP as currently written," he added. Associate Justice Kenneth R. Yegan and Presiding Justice Arthur Gilbert rounded out the Second Appellate District panel.

The commission declined to comment on the ruling. ♦

*Courtesy of Courthouse News Service*

