

CERTIFIED FOR PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

FRIENDS OF OCEANO DUNES, INC.,

Plaintiff and Appellant,

v.

SAN LUIS OBISPO COUNTY AIR
POLLUTION CONTROL DISTRICT et
al.,

Defendants and Respondents.

2d Civil No. B248814
(Super. Ct. No. CV120013)
(San Luis Obispo County)
MODIFICATION OF OPINION AND
DENIAL OF REHEARING
No Change in Judgment

COURT OF APPEAL – SECOND DIST.

FILED

Apr 23, 2015

JOSEPH A. LANE, Clerk

psilva Deputy Clerk

THE COURT:

It is ordered that the opinion filed herein on April 6, 2015, be modified as follows:

1. On page 3 of the first full paragraph delete the words "regulate the operation of" appearing at the end of the first sentence and insert the words "require a permit for."

The sentence will then read: At issue is whether District is statutorily authorized to require a permit for the operation of the Oceano Dunes State Vehicular Recreational Area

2. On page 6, line one of the third paragraph, delete the words "precluded from regulating" and insert therein "not statutorily authorized to impose a permit system." The sentence will then read: Because air pollution control districts are not statutorily authorized to impose a permit system on indirect sources

3. On page 7, line 4 delete the words "then any local air pollution district" and insert the words "by a permit system, then any local air pollution control district

The sentence will then read: "If off-road recreational vehicles cause or exacerbate PM10 emissions and District can regulate them by a permit system, then any local air pollution control district could control any recreational activity

The Petition for Rehearing is denied.

No change in judgment.

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