

Mr. JD Shaw speaks to AQ on the Nipomo Mesa.

6 HEARING BOARD BUSINESS

7 Approval of November 18, 2019 APCD Hearing Board Minutes.

Thereafter, on motion of Mr. Robert Carr, seconded by Mr. Paul Ready and on the following roll call vote:

AYES: Mr. Robert Carr, Mr. Paul Ready, Dr. Robert Lapidus, Mr. Jim Anderson

NOES: None

ABSENT: Mr. William Johnson

Motion to approve the November 18, 2019 APCD Hearing Board Minutes, approved.

8 Progress report on activities called out in Stipulated Order of Abatement (Case No.17-01): In the Matter of California Department of Parks and Recreation - Off-Highway Motor Vehicle Recreation Division - Oceano Dunes State Recreation Area. No action required. Includes review and workshop addressing Provisionally Approved Annual Report and Work Plan and Advisory Group Recommendations.

9 This is the time set for an introduction to a progress report on activities called out in Stipulated Order of Abatement #17-01 by the SLO County APCO.

Mr. Gary Willey provides the Board and the public with an informational update on Stipulated Order of Abatement #17-01. **Mr. Willey** informs the Board and the public that following collaboration between State Parks and the Scientific Advisory Group (SAG), State Parks' Annual Report and Work Plan has been provisionally approved. **Mr. Willey** also reports there is new leadership at State Parks. On August 18, 2020, Governor Newsom appointed **Mr. Armando Quintero** as the new Director for State Parks and prior to that in July 2020, the Governor appointed **Ms. Sarah Miggins** as the Deputy Director of the OHV Division of State Parks. **Mr. Willey** introduces **Mr. Jon O'Brien** set to provide a presentation on the Annual Report and Work Plan.

Mr. Tim McNulty, Hearing Board Counsel, informs the Board of received concerns for a conflict of interest with **Mr. Jim Anderson**. **Mr. McNulty** recommends the Board discuss this concern and provides the definition of a conflict of interest as it pertains to this Board. **Mr. McNulty** provides some guidance directly to **Mr. Anderson** about obtaining the FPPC opinion on a potential conflict of interest, with the decision to obtain such opinion being **Mr. Anderson's**.

10 This is the time set for a presentation by California State Parks on the 2020 Annual Report and Work Plan.

Ms. Sarah Miggins and **Mr. Jon O'Brien** provide the Board and the public with a presentation on the 2020 Annual Report and Work Plan and respond to Board Member questions and comments.

11 This is the time set for a presentation on the collaborative efforts of the Scientific Advisory Group.

Dr. Jack Gillies provides the Board and the public with a report on the Scientific Advisory Group's collaboration efforts with State Parks and responds to Board Member comments and questions.

12 This is the time set for a presentation on the effects of the dust control projects and the basis for the provisional approval of Parks Annual Report and Work Plan.

Mr. Karl Tupper provides the Board and the public with a presentation on the effects of the dust control projects and the basis for the provisional approval of Parks Annual Report and Work Plan and responds to Board Member comments and questions.

13 This is the time set for members of the public to address the Board on activities called out in Stipulated Order of Abatement #17-01.

[Richard Wishner Written Public Comment 10-14-2020](#)

[Chris Sorensen Written Public Comment 10-18-2020](#)

[Janice Reid Written Public Comment 10-19-2020](#)

[Concerned Citizens for Clean Air Written Public Comment 10-20-2020](#)

[Martin Akel Written Public Comment 10-20-2020](#)

[Dorothy Modafferi Written Public Comment 10-20-2020](#)

[Linda Reynolds Written Public Comment 10-20-2020](#)

[Rosemary Nelson Written Public Comment 10-20-2020](#)

[Sheila Miller Written Public Comment 10-20-2020](#)

[Ed Harris Written Public Comment 10-20-2020](#)

[Dorothy Hines Written Public Comment 10-20-2020](#)

[Dorothy Hines Written Public Comment #2 10-20-2020](#)

[Michael Normoyle Written Public Comment 10-21-2020](#)

[Friends of Oceano Dunes Written Public Comment 10-21-2020](#)

[Friends of Oceano Dunes Supplemental Documents Part 1a - 10-21-2020](#)

[Friends of Oceano Dunes Supplemental Documents Part 1b - 10-21-2020](#)

[Friends of Oceano Dunes Supplemental Documents Part 1c - 10-21-2020](#)

[Gail Applegate Written Public Comment 10-21-2020](#)

[David Moore Written Public Comment 10-21-2020](#)

The Clerk of the APCD Hearing Board administers the oath to all members of the public wishing to provide public testimony.

Chairperson Johnson opens the floor to public comment and the following public members speak after providing the oath: **Ron Perry, Rachelle Toti, Chris Sorensen, April Moulton, David Jett, Danny Hensley, Tom Roth, Casey Thorn, Amar Powar, Arlene Versaw, Jarod McCleod, James Shaw, Michael Normoyle, Leah Rigo Hensley, Amy Granat, Dorothy Hines, Jennifer Andrade, and Gina McMahon.**

Chairperson Johnson requests **Counsel McNulty** to open the floor for Board Members to disclose any ex parte communication, with **Mr. Jim Anderson** disclosing he met with **Ms. Dora Drexler, Mr. Gary Willey** and **Mr. Karl Tupper** a few weeks prior to the hearing via Zoom meeting to be brought up to speed in order to be prepared for this hearing. **Mr. Paul Ready** disclosed he has had a few general conversations with **Mr. Gary Willey** on the status of the efforts on the Dunes over the last several months as well as a very brief conversation with **Counsel McNulty** regarding the date and time the hearing was scheduled.

Mr. Paul Ready requests an opinion from APCD District Counsel **Mr. Jeff Minnery** regarding comments made on the legal right to abate nuisances associated with natural conditions, with **Mr. Minnery** responding that due to numerous active litigation matters involving Friends of the Oceano Dunes and the SVRA, he would be extremely hesitant to make any comments at this time.

14 This is the time set for the Hearing Board to set the next scheduling meeting to receive an update of progress on activities called out in the Stipulated Order of Abatement (Case No. 17-01).

Board Members discuss the next feasible time frame for the next hearing.

Thereafter, on motion of Mr. Robert Carr, seconded by Mr. Jim Anderson and on the following roll call vote:

AYES: **Mr. Robert Carr, Mr. Jim Anderson, Dr. Robert Lapidus, Mr. William Johnson, Mr. Paul Ready**

NOES: **None**

ABSENT: **None**

Motion to schedule the next Hearing Board Hearing to receive a progress report on activities called out in Stipulated Order of Abatement (Case No. 17-01) in late March or early April 2021, approved.

15 ADJOURN

The meeting is adjourned at 12:06 p.m.

There being no other business, on motion duly made and unanimously carried, the meeting is adjourned.

Chairperson

ATTEST:

ALYSSA R. ROSLAN,
Clerk of the APCD Hearing Board