

Summary of Pierson Activities

August 30, 2001 – Resource Conservation District (RCD) reviewed project and prepared comments as to grading and drainage impacts. Project is described as "sub-dividing 675 acres of land into 5 separate parcels, and constructing an all season road to access them." The RCD report concludes that "The site's geographic location above Huer Huero Creek (a blue line creek on the quadrangle sheets), the erodible soils and steep slopes of the project site dictate that, if the applicant is approved to sub-divide the property, extreme care be taken to insure that proper erosion and sediment control measures are employed, in the design, installation, and maintenance, of roads and building sites."

Aug. 23, 2002 – Mitigated Negative Declaration filed with SLO Co. parcel size 635 ac to be subdivided to 3 parcels of 160 acres. Entire focus of Neg. Dec. is building pads on new parcels, road widening, and well water source to serve six residences. Rural Lands category "does not support agricultural activities due to steep slopes and poor quality soils." High concerns, substantiated by RCD report, of highly erodible soils and critical need to implement proper erosion and sediment controls. Conditions placed on project to implement BMPs and seeding for erosion control. Warnings that sediment would drain to Huer Huero Creek.

Oct. 10, 2002 – RWQCB issues NOV, 13267 Request for Erosion and Sediment Control Report to be submitted by Oct. 21, 2002.

Oct. 17, 2002 – Correction letter requesting above report by Oct. 25, 2002.

Oct. 21, 2002 – SWPPP submitted along with NOI for Construction Permit.

Oct. 24, 2002 – Letter to Sara Christie, citizen, from Art Trinidad, SLO Co. Code Enforcement that indicates County Code considers the land disturbance as grubbing because there were no changes in land contours, and that County Code believed there was agricultural-related soil disturbance, stating that "property is zoned Rural Land so agricultural grading for crop cultivating is allowed...".

Nov. 4, 2004 – SLO Co Building and Planning recommended the Subdivision Review Bd. Adopt the Neg. Dec. for the subdivision. No mention of ag. operations.

Nov. 5, 2002 – NOI and SWPPP received. Total size 635 ac. Total area to be disturbed 39 ac. "cleared & grubbed only". Type of construction checked is "Other" with "Agriculture – olives and grazing" written in. Ryan Lodge analyzed SWPPP and concluded "erosion control seems inadequate. Early substantial rain will cause problems on site."

Nov. 25, 2002 – NOV sent for erosion and lack of BMPs

Jan. 23, 2003 – CAO issued based on Storm Water Permit, including section A.2. Registered mail was returned marked "unclaimed" by post office. CAO required by Jan. 31, 2003: 1. updated SWPPP including description of immediate actions taken to prevent sediment and erosion, 2. submit site inspection checklists from Oct. 1, 2002 – Dec 31, 2002, 3. place BMPs on disturbed slopes and stockpiles, 4. stabilize all access roads.

Jan. 29, 2003 – Revised SWPPP submitted by EDA in response to Jan. 23, 2003 "letter" and a Jan. 27, 2003 on-site meeting with Ryan Lodge. SWPPP not adequate for Permit compliance.

Jan. 31, 2003 – Inspection and Maintenance forms received, as required by CAO.

Feb. 12, 2003 – Revised SWPPP submitted by EDA

Feb. 18, 2003 – Ryan Lodge reviews Feb. 12 SWPPP. Comments, "SWPPP focuses primarily on erosion and sediment control measures. The document is not signed and lacks schedules for implementation."

Feb 21, 2003 – NOV for CAO violations. 1. SWPPP unsigned, 2. erosion control BMPs not on all bare areas, 3. roadways still subject to erosion

Feb 25, 2003 – Response letter from EDA. Claims SLO Co. Planning and Building Dpt. will require a permit for proposed BMPs for roadway erosion control. EDA is waiting on SLO Co. Dpt. to implement BMPs

March 5, 2003 – CAO resent to site owner.

March 7, 2003 – RWQCB letter disagreeing with EDA statements that there was no erosion from hillsides to Huer Huero Creek, and that the access road should not be part of the Construction site area, and therefore subject to Permit requirements.

March 11, 2003 – NOV for failing to submit a signed SWPPP, and failing to implement the erosion controls of SWPPP.

March 12, 2003 – letter from EDA disagreeing with RWQCB letter of March 7, 2003.

July 15, 2003 – Annual Compliance Status Report request.

August 12, 2003 – letter transmitting second CAO, and NOT for Storm Water Permit and rescinding original CAO. Second CAO is based on Water Code Sections 13304, and 13050. CAO requires Erosion and Sediment Control Plan (Aug. 20, 2003), Road Plan (Aug. 29, 2003), prevention of erosion by covering all disturbed soils (Oct. 15, 2003), stabilize roads (Oct. 15, 2003), submit a letter verifying all areas are stabilized (Oct. 15, 2003).

Aug. 20, 2003 – letter from EDA of planned activities

Aug. 27, 2003 – SWPPP submitted. Cover page states Road Management Plan also included, but not found in RWQCB file.

Sept. 19, 2003 site conditions – Ryan Lodge and Donette Dunaway inspected the Pierson site on September 19, 2003. The site looked well vegetated, with only small areas requiring additional seeding. The site did not appear to be have a potential erosion threat. Sediment that had eroded

to Huer Huero Creek and its tributaries had not been removed. It is staff's opinion that removal of the sediment would be more detrimental than beneficial at this time.

Oct. 13, 2003 – Letter from EDA certifying SWPPP and Road Mgmt. Plan fully implemented and soils are stabilized.

Nov. 26, 2003 – letter from RWQCB responding to Mr. Pierson's attorney, William Walter requesting evidence of agricultural or construction intent.

Dec. 1, 2003 – Donette Dunaway spoke with Jeff Emrick, EDA, regarding both Kelegian and Pierson sites. Emrick stated there were currently 40 head of cattle at the Kelegian site. Pierson had plans for olive planting, and olives were on order, but prices had dropped and they had cancelled the order. There were no new plans yet as to what to do with the land, Pierson was planning to subdivide to 160 acre parcels for his children. Dunaway summarized in the phone conversation, that the only evidence RWQCB has to date, is the CEQA Mit. Neg. Dec., which is solely for subdividing for construction purposes, and RDA's report for the same purpose. Emrick countered that the cleared area is only a small percentage of the entire site, and is not necessarily indicative of a home site.

Dec. 12, 2003 – letter from EDA providing proposal from Alegre Agricultural Consulting, Inc for purchase of Olive trees. Proposal dated Aug. 2, 2003.

Jan. 8, 2004 - Donette Dunaway called Mindy Alegre with Alegre Ag. Consulting. Ms. Alegre stated that Pierson's rep. (David Williams) wanted "huge spaces" between the olive trees because the trees were desired for aesthetics, rather than olive oil production. She understood the land was intended to be subdivided for development. Ms. Alegre provided a cost estimate for trees and planting. No water or soil samples were taken by her, or submitted to her. Ms. Alegre told the proponents she could go no further with irrigation estimates because the owner had only one well on the site, and did not know about its safe yield. The site owner did not pursue growing olive trees with her any further. Ms. Alegre also stated that Garrison Wine Company had leased a small portion of the site for cattle grazing (apparently this is the Kelegian site she is referring to, if Emrick was correct in his statement on Dec. 1, 2003). This claim was verified by an earlier phone call