



# VOICE

B8 THE TRIBUNE

SAN LUIS OBISPO COUNTY, CALIF.

MONDAY, MARCH 3, 2003

## VIEWPOINT

# Hillside grading and politics

Supervisor Mike Ryan wants you to believe that everything is just fine out in Creston. Nowhere in his Feb. 20 letter (Hillside grading not to blame for muddy Highway 58) does he mention that the grading activities he defends as "brush clearance" have resulted in the biggest Clean Water Act violation in the history of San Luis Obispo County. Specifically, several hundred acres of extremely steep hillsides on two contiguous properties along Highway 58 have been scraped bare of all native vegetation and the shallow soil pulverized to the consistency of talcum powder. The Huer Huero Creek runs through these properties, (owned by Dave Pierson and Haig Kelegian, developers from the San Diego area), as do several blue line streams.

Predictably, when the rains came, giant crevasses opened up and entire hillsides slumped down into the drainages. While the slopes don't drain directly onto Highway 58 (the developers wisely elected to do their dirty work outside of the public view) the resulting erosion dumped significant amounts of mud into Huer Huero Creek and its drainages, which definitely contributed to the flooding of Highway 58 and neighboring properties.

Cumulatively, these types of activities are contributing to the irrevocable loss of topsoil in this country, the loss of estuaries and wetlands, and the filling in of reservoirs and bays, which much be dredged or replaced at public expense. But even though the Regional Water Quality Control Board is considering fines of up to \$10,000 per day for this mess, Mike Ryan "cannot condone arbitrarily changing

lands, and the filling in of reservoirs and bays, which much be dredged or replaced at public expense. But even though the Regional Water Quality Control Board is considering fines of up to \$10,000 per day for this mess, Mike Ryan "cannot condone arbitrarily changing land use policy on a case by case basis."

Translation: the county will continue to condone grading practices that put property owners in direct conflict with state and federal law.

Coincidentally, these violations took place at the same time the community was updating its general plan. The El Pomar Estrella Area Plan update process is the appropriate vehicle for implementing policies and standards that would prevent this kind of abuse in the future. But there is no mention of these issues anywhere in the document. Ryan even tried to keep the plan from being reviewed by the Santa Margarita Area Advisory Council, the body that has been the most concerned with these violations. Attempting an end-run around the locally elected advisory council stifles public participation and is an outright affront to democracy. Fortunately, the public demanded a local hearing, and as a result, SMAAC will get to hold exactly one meeting on the entire general plan update. Compare this with advisory councils on the coast who take as much as a year to review and rework their general plans.

While Ryan claims that he treats all of his constituents equally, he does not mention that he personally requested and received a special, project-specific general plan amendment for another parcel owned by the same developer. Pierson wants to build a home on the Eagles Nest Ranch in Creston, but didn't want to wait for the rezoning through the update process, like the rest of us peasants. So thanks to Mike Ryan, we the taxpayers are coughing up \$4,000 so Mr. Pierson can start building his house in March, instead of June. Project-specific general plan amendments are usually paid for by the property owner, but in this case, we are footing the bill. We should all be so lucky as to receive such "equal" treatment!

*Sarah Christie lives in Creston and has been working with the county and state agencies to resolve the grading violations on Highway 58.*

BY PETER ZOTOVI

The combined choirs of Bay High School and San Luis Obispo High School, under the direction of Gary Lamprecht, took to the stage by storm last week. Only eight high school choirs participated for the American Choir Directors Association in New York City. The choir received standing ovations at the Riverside Hotel and the Theater Hall at Lincoln Center. The performance also gathered at Ground Zero for an impromptu performance that was very moving.

The last performance was at Saint Luke African Episcopal Church in Harlem. An emotional cultural exchange of joyous music that was performed rattled the timbers of this

## Educational

The storm of education continues. The Tribune is commended for doing a stellar job of reporting the news, but I challenge you to go further.

How about some investing? How much of our money goes toward the "investing complex" that spit out voluted data, such as that last week on the API test?

In theory, testing kids is a good idea. It used to be called "prescriptive teaching, and it made sense. Find out where students are weak and give teachers suggestions to bring kids back to health.

Test feedback is useful and provides specific direction for the classroom teacher. Sadly, we no longer

# The voice of the people *can* make a difference

BY ANDREW CHRISTIE

**T**wo years ago, David Pierson and Halg Kelegian apparently thought they could do whatever they wanted in San Luis Obispo County. The business partners bought more than a thousand acres of grassland near Creston and proceeded to grade it without benefit of permits. "Grubbing" is the gentle, land-use professional term for what they did to the land. What had been rolling hills and California oaks became denuded moonscape and dead, silt-choked streams.

It was the largest and most egregious environmental violation of its type in the history of the county. It was strategically hidden from public view by the hilly topography along Highway 58, but the bulldozers threw up so much dust that CDF fire spotters originally called it in as a wildfire. Neighbors hiked over to see what was going on and were horrified. They called a community meeting, and when the county refused to respond, my sister Sarah reported Pierson and Kelegian to the Regional Water Quality Control Board.

Sarah is a resident of Creston and a member of the Executive Committee of the Sierra Club's Santa Lucia chapter. For the next two years, she attended every meeting on the matter at the water board, along with many of her neighbors whose land had been damaged by the two landowners, both of whom repeatedly failed to heed the instructions of RWQCB and Environmental Protection Agency staff, or to meet their obligations of restoration and mitigation or otherwise make sufficient amends for the destruction they had wrought on the Central Coast.

Finally, last July, the board drew up a formal complaint with a long list of violations and affixed a fine: \$25,500 each — simple reimbursement for estimated staff hours devoted to the issue over the last two years. The maximum civil penalty the water board could have assessed for the full duration of all violations was more than \$1.8 million. Kelegian owns three Southern California casinos, one of which pays \$8 million a year in taxes, comprising 30 percent of the annual budget of the city of Bell Gardens.

Naturally, the property owners eagerly agreed to waive their right to a hearing and pay the fine, the equivalent of a parking ticket. They sent in their checks, and the water board prepared to sign the forms accepting payment and closing the case. But before that could happen, the board had to hear public comment.

Fifth District Supervisor-elect Jim Patterson wrote the board a letter urging them to press for higher penalties, pointing out that the fine did not fit the crime. Representatives of the Sierra Club and Environmental Center of San Luis Obispo showed up at the board's Dec. 2 meeting. As ECOSLO's pictures of Pierson and Kelegian's devastation flashed across the screen via overhead projector, environmentalists and neighbors pointed out that the owners' promised "agricultural" project — the reason given for the grading — had never appeared, and that Mr. Pierson is now instead seeking to subdivide. We underscored the point that the board had made no connection between the listed violations and the pitiful fine.

Board members were corrected in their mistaken beliefs that some of the damage to the property and surrounding land might have been done by previous owners, or that their staff, in assessing the fines, had calculated for any factor other than simple reimbursement of staff time. And we mentioned that, in a time of scarce funding for projects seeking to improve water quality, restore habitat and conduct forestation projects in the county, making up that shortfall by collecting significant fines from the kind of gross malefactors who made such projects necessary seems like an obvious way to go.

One by one, the board members agreed: The fine was too low. The done deal was undone. The checks were returned. The complaint will be reissued and fines reassessed. There will be a full hearing, probably in March. Justice, it is now much more likely, will be done — so long as the people continue to speak, and are heard.

*Andrew Christie is chapter coordinator for the Santa Lucia chapter of the Sierra Club.*



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### VIEWPOINT

# Clearing falsehoods on grading

By MIKE RYAN

**S**arah Christie's Viewpoint, "Hillside grading and politics," March 3, is nearly totally false. The writer says brush clearing in Creston resulted in the biggest Clean Water Act violation in the history of San Luis Obispo County. A call to the Regional Water Quality Control Board revealed that they never said this and don't believe it to be true. They are the enforcement agency for the Clean Water Act.



Mike Ryan is Fifth District Supervisor

The writer states that two contiguous properties along Highway 58 have been scraped bare of all native vegetation. One parcel is more than 400 acres and the other is 640 acres. The 640-acre parcel has had less than 30 acres cleared. More than 600 acres of that parcel remain with all-native vegetation.

The writer states the owners are from San Diego. The writer comes here from Hawaii, and I arrived here from Ireland. What is the point?

The writer states that the clearing of brush on this property resulted in erosion causing mud to flow into Huer Huero Creek, and eventually onto Highway 58. False. This cleared property does drain into Huer Huero Creek, but not Highway 58. It has not and will not cause flooding on Highway 58.

The county does not condone grading practices that put property owners in direct conflict with state and federal law, as the writer states. Acceptable countywide grading practices are best addressed in the grading ordinance, rather than the El Pomar/Estrella Area Plan Update.

The writer states that I kept the Santa Margarita Area Advisory Council from reviewing the El Pomar/Estrella Area Plan. That is totally false. I invited them to join in the process of updating the plan for more than two years. Some members did participate. I have encouraged them to review it and respond.

The writer states that I approved a General Plan Amendment for the Eagle's Nest Ranch in Creston. The General Plan Amendment was approved by a majority of the Board of Supervisors, not one person. It wasn't a zone change. It changed a stipulation on his property that wouldn't allow him to build one house on 1,500 acres. Staff estimated the cost as being significantly less than \$4,000, as the writer states.

This writer brought forth so much misinformation, I am surprised it was printed.

Mike Ryan - Fifth District Supervisor